

**PETITION TO AMEND THE  
BOUNDARIES AND CHANGE  
THE NAME OF THE EAGLE  
CREEK  
COMMUNITY  
DEVELOPMENT DISTRICT**

Submitted By:

Jonathan T. Johnson  
Florida Bar No. 986460  
Jonathan.Johnson@KutakRock.com  
Kyle M. Magee  
Florida Bar No. 120117  
Kyle.Magee@KutakRock.com  
Kutak Rock LLP  
107 West College Avenue  
Tallahassee, Florida 32301  
(850) 692-7300 (telephone)  
(850) 692-7319 (facsimile)  
Attorneys for Petitioner

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY, FLORIDA**

**PETITION TO AMEND THE BOUNDARIES AND CHANGE THE NAME OF THE  
EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Eagle Creek Community Development District, a local unit of special-purpose government established pursuant to the provisions of Chapter 190, Florida Statutes, and Charlotte County Ordinance No. 2023-12, and located entirely within unincorporated Charlotte County, Florida (“District” or “Petitioner”), hereby petitions the Charlotte County Board of County Commissioners, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, and specifically Section 190.046(1), Florida Statutes, to adopt an amendment to Charlotte County Ordinance No. 2023-12 to add approximately 144.82 acres to the District and to change the name of the District from the “Eagle Creek Community Development District” to the “Firelight Community Development District”. In support of this Petition, Petitioner states as follows:

1.     Location and Size.     The District is located entirely within Charlotte County, Florida. **Exhibit 1** depicts the general location of the existing District. The District currently covers approximately 314.19 acres of land located southeast of Burnt Store Road and north of Zemel Road. The metes and bounds description is provided in **Exhibit 2**. The metes and bounds description, as well as a general location map, of the land proposed to be added to the District, encompassing approximately 144.82 acres (“Expansion Parcel”), is set forth in **Exhibit 3**. After expansion, the District will encompass a total of approximately 459.01 acres (“Amended District”). The metes and bounds description and general location of the Amended District is set forth in **Exhibit 4**.

2. Landowner Consent. Petitioner has written consent from the owner of the Expansion Parcel to amend the boundary of the District. Documentation of this consent is contained in **Exhibit 5**. The favorable action of the Board of Supervisors of the District also constitutes consent for all of the lands within the District pursuant to Section 190.046(1)(e), Florida Statutes, as is evidenced by the District's Resolution 2023-35 and submission of this Petition. The Resolution is attached as **Exhibit 6**.

3. Existing and Future Land Uses, Zoning Designation. The designation of future general distribution, location and extent of the public and private land uses for the Amended District by the future land use plan elements of the Charlotte County Comprehensive Plan are shown on **Exhibit 7**. Expansion of the District in the manner proposed is not inconsistent with the adopted Charlotte County Comprehensive Plan.

4. District Facilities and Services. **Exhibit 8** describes the type of facilities District presently expects to finance, construct, acquire and/or install, as well as the anticipated owner and entity responsible for maintenance. The estimated costs of constructing the infrastructure serving lands within the Amended District are also identified in **Exhibit 8**. Currently, these improvements are estimated to be made, acquired, constructed, and/or installed between 2024 and 2026. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

5. Statement of Estimated Regulatory Costs. **Exhibit 9** is the Statement of Estimated Regulatory Costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

6. Name Change. **Exhibit 10** is the District's Resolution 2023-34 which formally requests that Charlotte County Ordinance No. 2023-12 be amended change the name of the District from the "Eagle Creek Community Development District" to the "Firelight Community Development District." This change is in the best interest of the District as it will eliminate confusion should the development have a different name than the District.

7. Authorized Agents. Consistent with District Resolutions 2023-34 and 2023-35, and in accordance with the Authorization of Agent attached as **Exhibit 11**, the District's Chairperson and District staff, including District Counsel, Jonathan T. Johnson of Kutak Rock LLP, are authorized agents of the District. Copies of all correspondence and official notices should be sent to:

Jonathan T. Johnson  
Kutak Rock LLP  
107 West College Avenue  
Tallahassee, Florida 32301  
Jonathan.Johnson@kutakrock.com  
850-692-7300

8. This Petition should be granted for the following reasons:
- a. Amendment of the District's boundaries is not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the Charlotte County Comprehensive Plan (together, "Comprehensive Plans"). The land uses and services for the Amended District are not inconsistent with applicable elements or portions of the Comprehensive Plans.
  - b. The Amended District will be of a sufficient size and will be sufficiently compact and contiguous to be developed as one functional and interrelated community.
  - c. The Amended District is the best alternative available for delivering community development services and facilities to the Expansion Parcel.

d. The Amended District is not incompatible with the capacity and uses of existing local and regional community development services and facilities.

e. The area to be served by the Amended District is still amendable to separate special-district government.

f. The change of name is in the best interests of the District as it will eliminate confusion should the development have a different name than the District.

**WHEREFORE**, Petitioner respectfully requests the County Commission of Charlotte County, Florida to:

a. Schedule a public hearing in accordance with the requirements of Section 190.046(1)(b), Florida Statutes; and

b. Grant this Petition and amend Charlotte County Ordinance No. 2023-12 to expand the boundaries of the District pursuant to Chapter 190, Florida Statutes and to change the name of the District from the “Eagle Creek Community Development District” to the “Firelight Community Development District”.

*[Signature on following page]*

RESPECTFULLY SUBMITTED, this 20th day of December 2024.

**KUTAK ROCK LLP**

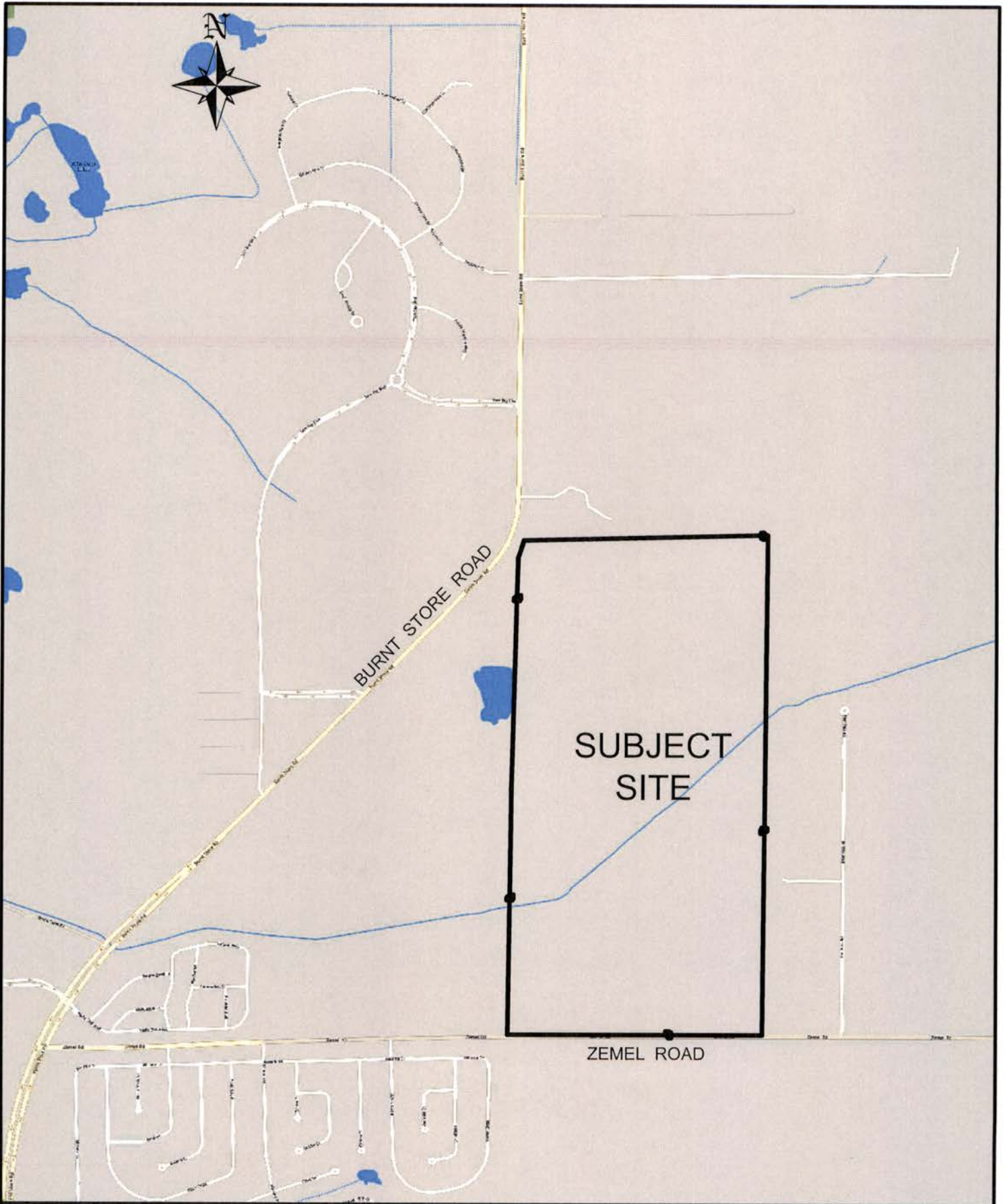


---

Jonathan T. Johnson  
Florida Bar No. 986460  
Jonathan.Johnson@Kutakrock.com  
Kyle M. Magee  
Florida Bar No. 120117  
Kyle.Magee@Kutakrock.com  
107 West College Avenue  
Tallahassee, Florida 32301  
850-692-7300

District Counsel for Petitioner

# **EXHIBIT 1**



**BANKS**  
ENGINEERING

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

4101 TAHAMAI TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33655  
PHONE: (941) 625-1165 FAX: (941) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

LOCATION MAP  
**EAGLE CREEK CDD**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9-12-22	4532CDD	SP	TRB	WA	TRB	NTS	1

# **EXHIBIT 2**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 21, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(CDD PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

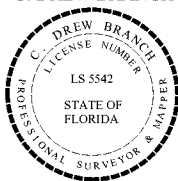
BEGINNING AT SOUTHWEST CORNER OF SAID SECTION 21, SAID POINT BEING RECORDED IN CERTIFIED CORNER RECORD DOCUMENT #66930; THENCE N.00°45'20"E. (FOR A BASIS OF BEARINGS) ALONG THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION FOR 2587.36 FEET TO THE WEST 1/4 CORNER OF SAID SECTION, AS RECORDED IN CERTIFIED CORNER RECORD DOCUMENT #51759; THENCE N.01°31'27"E. ALONG THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION FOR 2388.66 FEET; TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BURNT STORE ROAD PER BSR2-106 PARCEL ORDER OF TAKING PER OR. 4419, PG. 1578 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1955.00 FEET, A DELTA ANGLE OF 05°30'48", A CHORD BEARING OF N.17°56'59"E., AND A CHORD DISTANCE OF 188.05 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 188.12 FEET TO A POINT ON THE NORTHERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N.88°40'21"E. ALONG SAID NORTHERLY LINE FOR 2551.90 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S.00°29'35"W. ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SECTION FOR 5214.15 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N.89°58'44"W. ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, SAID LINE ALSO BEING THE NORTH LINE OF A 60 FEET WIDE PUBLIC ROAD RIGHT-OF-WAY, PER DEED BOOK 48, PAGE 129, CHARLOTTE COUNTY PUBLIC RECORDS FOR 2661.94 FEET TO THE POINT OF BEGINNING.

CONTAINS 314.19 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 8, 2022

DIGITALLY SIGNED BY:  
C. DREW BRANCH



Date:  
2022.09.08  
12:49:23  
-04'00'

C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA

# **EXHIBIT 3**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 28, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(AMENDMENT AREA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND (PARCEL 1.1)

THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS THE SOUTH 330 FEET THEREOF.

AND (PARCEL 1.2)

THE WEST ONE-HALF (W-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 2:

SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 3:

THE WEST ONE-HALF (W-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, TOGETHER WITH A ONE-HALF (1/2) INTEREST IN THE OIL, GAS, AND MINERAL RIGHTS, ROYALTIES, AND LEASES IN OR ON THE SUBJECT REAL PROPERTY.

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

PARCEL 4: (P4)

THE NORTH 75 FEET OF THE SOUTH 150 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) AND THE SOUTH 75 FEET OF THE NORTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 5:

THE NORTH ONE-HALF (N-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 6:

THE SOUTH 330 FEET OF THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 7:

THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 8:

THE EAST ONE-HALF (E-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 9: (P9)

THE SOUTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 11: (P11)

THE NORTH 75 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 12:

THE SOUTH ONE-HALF (S-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SHEET 2 OF 4

SERVING THE STATE OF FLORIDA

PARCEL 13:

THE NORTH ONE-HALF (N-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 14:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 15:

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO THE COUNTY OF CHARLOTTE IN OFFICIAL RECORDS BOOK 11, PAGE 373, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

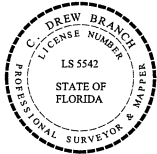
THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SAID PARCEL CONTAINS 144.82 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 10, 2023

DIGITALLY SIGNED BY:  
C. DREW BRANCH

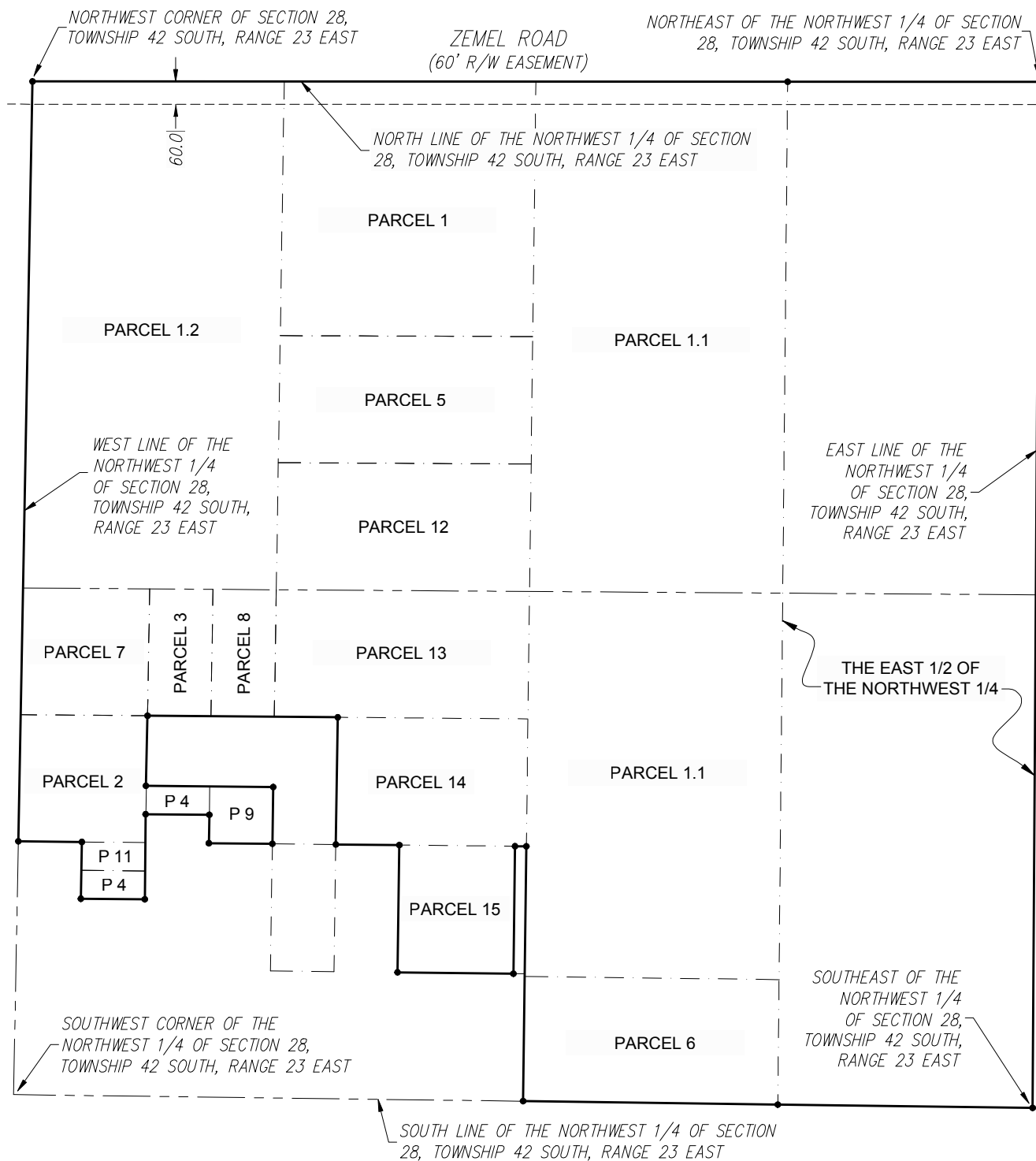


Date:  
2023.08.10  
12:54:44  
-04'00'

C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

SHEET 3 OF 4

SERVING THE STATE OF FLORIDA



LEGEND

R/W RIGHT OF WAY

THIS IS NOT A BOUNDARY SURVEY

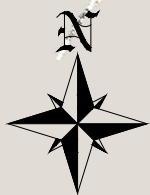
**BANKS**  
ENGINEERING

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

4161 TAMiami TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 625-1165 FAX: (941) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION  
**AMENDMENT AREA**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/10/23	4532CDD	SK-OVERALL	JS	CDB	1"=400'	40F4	28-42-23



BURNT STORE ROAD

ZEMEL ROAD

EXISTING  
DISTRICT  
BOUNDARY

EXPANSION  
AREA

**BANKS**  
ENGINEERING

4161 TAMiami TRAIL — BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 625-1165 FAX: (941) 625-1149

ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

LOCATION MAP

**EAGLE CREEK CDD**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8-14-2023	4532CDD	SP	TRR	TRR	TRR	NTS	1

# **EXHIBIT 4**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTIONS 21 & 28, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(OVERALL AMENDED CDD BOUNDARY)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND (PARCEL 1.1)

THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS THE SOUTH 330 FEET THEREOF.

AND (PARCEL 1.2)

THE WEST ONE-HALF (W-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 2: (P2)

SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 3: (P3)

THE WEST ONE-HALF (W-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, TOGETHER WITH A ONE-HALF (1/2) INTEREST IN THE OIL, GAS, AND MINERAL RIGHTS, ROYALTIES, AND LEASES IN OR ON THE SUBJECT REAL PROPERTY.

PARCEL 4: (P4)

THE NORTH 75 FEET OF THE SOUTH 150 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) AND THE SOUTH 75 FEET OF THE NORTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 5:

THE NORTH ONE-HALF (N-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

PARCEL 6:

THE SOUTH 330 FEET OF THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 7:

THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 8:

THE EAST ONE-HALF (E-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 9: (P9)

THE SOUTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 11: (P11)

THE NORTH 75 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 12:

THE SOUTH ONE-HALF (S-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 13:

THE NORTH ONE-HALF (N-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 14:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 15:

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO THE COUNTY OF CHARLOTTE IN OFFICIAL RECORDS BOOK 11, PAGE 373, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SHEET 2 OF 4

SERVING THE STATE OF FLORIDA

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

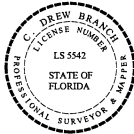
BEGINNING AT SOUTHWEST CORNER OF SAID SECTION 21, SAID POINT BEING RECORDED IN CERTIFIED CORNER RECORD DOCUMENT #66930; THENCE N.00°45'20"E. (FOR A BASIS OF BEARINGS) ALONG THE WESTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION FOR 2587.36 FEET TO THE WEST 1/4 CORNER OF SAID SECTION, AS RECORDED IN CERTIFIED CORNER RECORD DOCUMENT #51759; THENCE N.01°31'27"E. ALONG THE WESTERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION FOR 2388.66 FEET; TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF BURNT STORE ROAD PER BSR2-106 PARCEL ORDER OF TAKING PER OR. 4419, PG. 1578 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1955.00 FEET, A DELTA ANGLE OF 05°30'48", A CHORD BEARING OF N.17°56'59"E., AND A CHORD DISTANCE OF 188.05 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 188.12 FEET TO A POINT ON THE NORTHERLY LINE OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N.88°40'21"E. ALONG SAID NORTHERLY LINE FOR 2551.90 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S.00°29'35"W. ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SECTION FOR 5214.15 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N.89°58'44"W. ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, SAID LINE ALSO BEING THE NORTH LINE OF A 60 FEET WIDE PUBLIC ROAD RIGHT-OF-WAY, PER DEED BOOK 48, PAGE 129, CHARLOTTE COUNTY PUBLIC RECORDS FOR 2661.94 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 459.01 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 10, 2023

DIGITALLY SIGNED BY:  
C. DREW BRANCH

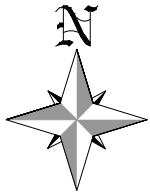


Date:  
2023.08.10  
12:55:51 -04'00'

C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

SHEET 3 OF 4

SERVING THE STATE OF FLORIDA

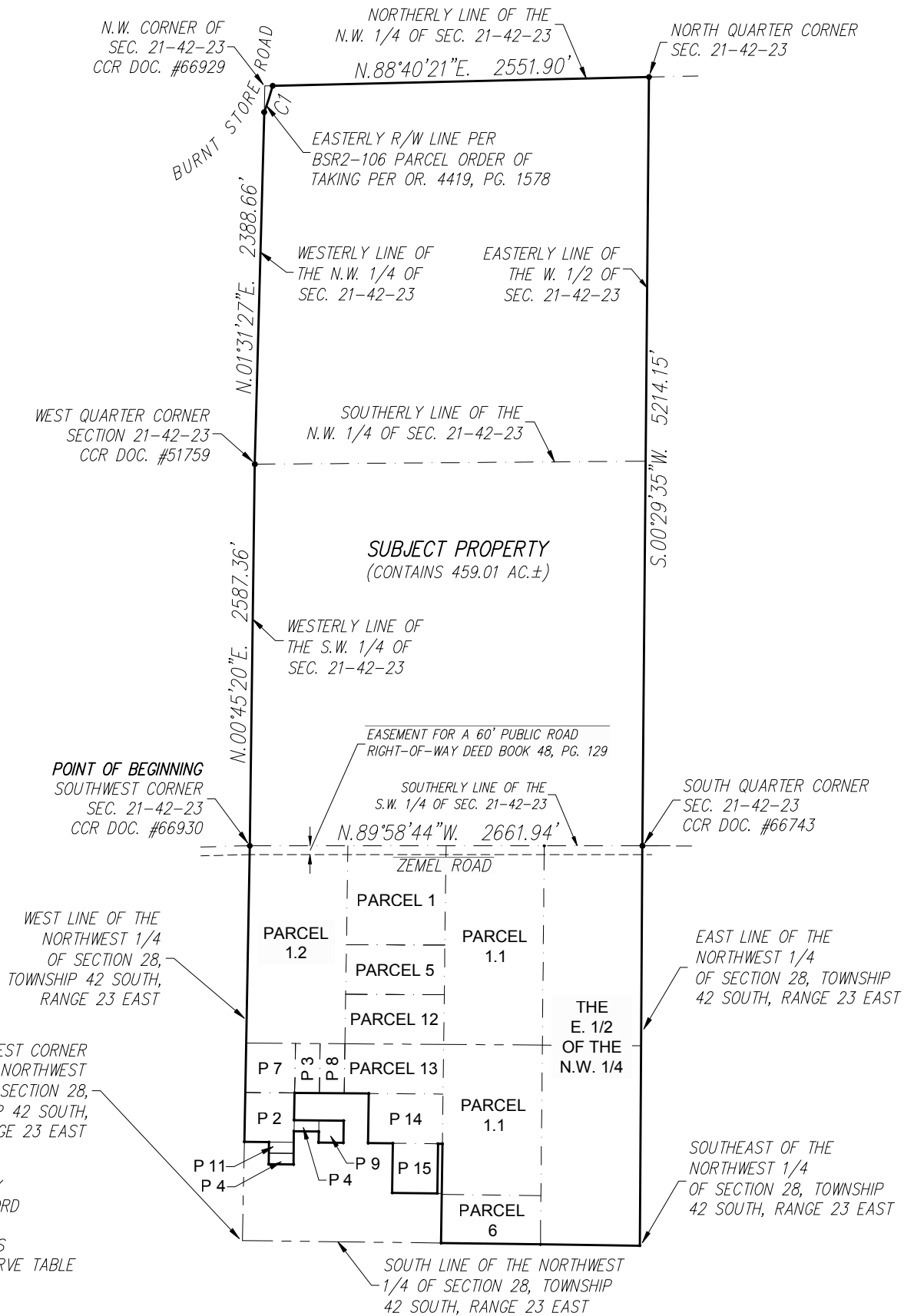


CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1955.00'	188.12'	188.05'	N.17°56'59"E.	5°30'48"

LEGEND

PG. PAGE  
R/W RIGHT OF WAY  
OR. OFFICIAL RECORD  
AC. ACRES  
± MORE OR LESS  
C1 LINE 1 OF CURVE TABLE  
SEC. SECTION  
DOC. DOCUMENT  
CCR CERTIFIED CORNER RECORD



THIS IS NOT A BOUNDARY SURVEY

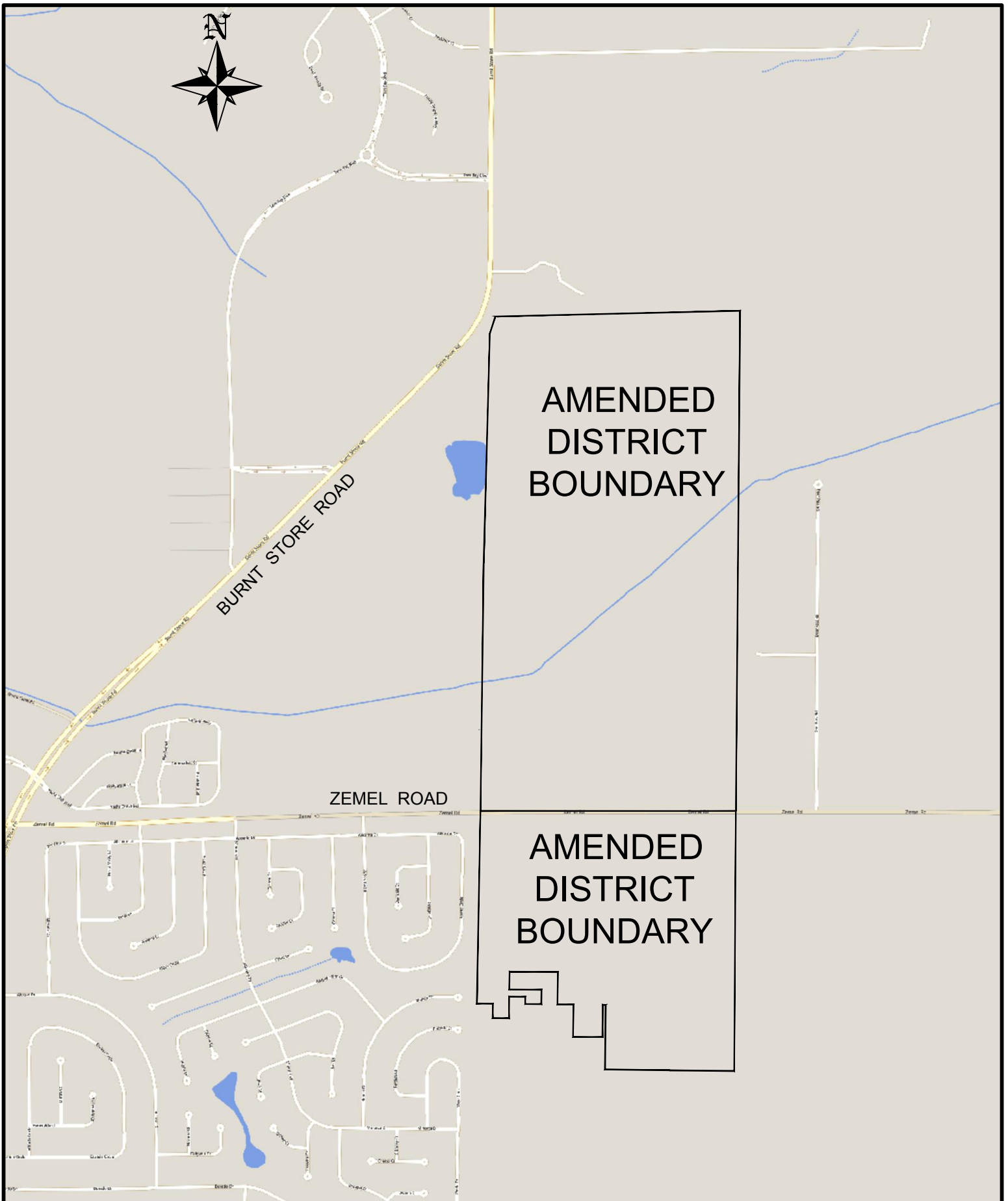
**BANKS**  
ENGINEERING

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

4161 TAMiami TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 625-1165 FAX: (941) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION  
**OVERALL AMENDED CDD BOUNDARY**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/10/23	4532CDD	SK-OVERALL	JS	CDB	1"=1000'	40F4	21&28-42-23



**BANKS**  
ENGINEERING

4161 TAMiami TRAIL — BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 625-1165 FAX: (941) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

LOCATION MAP

**EAGLE CREEK CDD**  
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8-14-2023	4532CDD	SP	TRR	TRR	TRR	NTS	1

# **EXHIBIT 5**

**Consent and Joinder of Landowner  
For the Amendment of the Boundary of  
Eagle Creek Community Development District**

The undersigned is the owner of certain lands of which are more fully described on **Exhibit A** attached hereto and made a part hereof (the "Property"). The undersigned understands and acknowledges that Board of Supervisors of the Eagle Creek Community Development District ("Petitioner"), intends to submit a petition amending the boundary of the Eagle Creek Community Development District (the "District") in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands that are intended to constitute lands to be added to the District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005 and Section 190.046, Florida Statutes, Petitioner is required to include the written consent to the amendment of the boundaries of the District of one hundred percent (100%) of the owners of the lands to be added to the District.

The undersigned hereby requests and consents to addition of the Property to the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the petition process for the amendment of the boundaries of the District. The undersigned further acknowledges that the consent will remain in full force and effect for three years from the date hereof. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to amendment of the boundaries of the District in substantially this form.

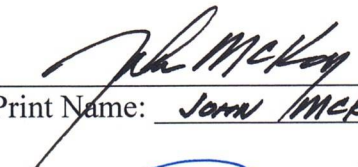
The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.


*[signatures on following page]*

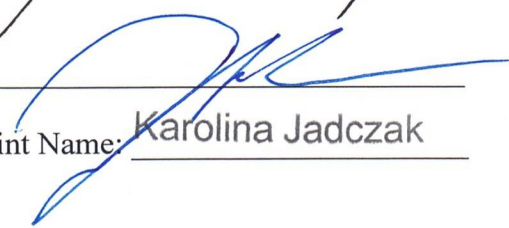
Executed this 13<sup>th</sup> day of SEPTEMBER, 2023.

Witnessed:

**Zemel Land Partners, LLC,**  
a Florida limited liability company

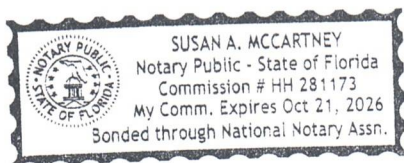
  
Print Name: Sam McKay

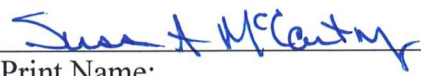
  
By: Michael Neal  
Its: Manager

  
Print Name: Karolina Jadczak

**STATE OF FLORIDA**  
**COUNTY OF SARASOTA**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13 day of SEPTEMBER, 2023, by MICHAEL NEAL, as MANAGER of Zemel Land Partners, LLC, for and on behalf of the company, who is ☒ personally known to me or ☐ produced \_\_\_\_\_ as identification.



  
Print Name: \_\_\_\_\_  
Notary Public, State of Florida

**Exhibit A: Property Description**



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 28, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(AMENDMENT AREA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND (PARCEL 1.1)

THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS THE SOUTH 330 FEET THEREOF.

AND (PARCEL 1.2)

THE WEST ONE-HALF (W-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 2:

SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 3:

THE WEST ONE-HALF (W-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, TOGETHER WITH A ONE-HALF (1/2) INTEREST IN THE OIL, GAS, AND MINERAL RIGHTS, ROYALTIES, AND LEASES IN OR ON THE SUBJECT REAL PROPERTY.

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

PARCEL 4: (P4)

THE NORTH 75 FEET OF THE SOUTH 150 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) AND THE SOUTH 75 FEET OF THE NORTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 5:

THE NORTH ONE-HALF (N-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 6:

THE SOUTH 330 FEET OF THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 7:

THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 8:

THE EAST ONE-HALF (E-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 9: (P9)

THE SOUTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 11: (P11)

THE NORTH 75 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 12:

THE SOUTH ONE-HALF (S-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SHEET 2 OF 4

SERVING THE STATE OF FLORIDA

PARCEL 13:

THE NORTH ONE-HALF (N-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 14:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 15:

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO THE COUNTY OF CHARLOTTE IN OFFICIAL RECORDS BOOK 11, PAGE 373, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

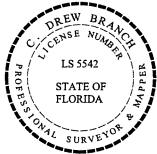
THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SAID PARCEL CONTAINS 144.82 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 10, 2023

DIGITALLY SIGNED BY:  
C. DREW BRANCH



Date:  
2023.08.10  
12:54:44  
-04'00'

C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

SHEET 3 OF 4

SERVING THE STATE OF FLORIDA

# **EXHIBIT 6**

## RESOLUTION 2023-35

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO REQUEST THE PASSAGE OF AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE DISTRICT'S BOUNDARIES, AND AUTHORIZING SUCH OTHER ACTIONS AS ARE NECESSARY IN FURTHERANCE OF THAT PROCESS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Eagle Creek Community Development District ("**District**") is a unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* ("**Uniform Act**"), and Charlotte County Ordinance No. 2023-012 ("**Ordinance**"); and

**WHEREAS**, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services; and

**WHEREAS**, the District presently consists of approximately 314.19 acres, more or less, as more fully described in the Ordinance; and

**WHEREAS**, the District desires to amend its boundaries to add certain lands ("**Expansion Parcel**"), as described in the attached **Exhibit A**, resulting in an amended boundary ("**Boundary Amendment**"); and

**WHEREAS**, the Boundary Amendment is in the best interest of the District, and the area of land within the amended boundaries of the District will continue to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functionally related community; and

**WHEREAS**, the Boundary Amendment of the District's boundaries will allow the District to continue to be the best alternative available for delivering community development services and facilities to the lands within the District, as amended; and

**WHEREAS**, Boundary Amendment is not inconsistent with either the State or local comprehensive plan and will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

**WHEREAS**, the area of land that will lie in the amended boundaries of the District will continue to be amenable to separate special district government; and

**WHEREAS**, in order to seek a Boundary Amendment ordinance pursuant to Chapter 190, *Florida Statutes*, the District desires to authorize District staff, including but not limited to legal, engineering, and managerial staff, to provide such services as are necessary throughout the pendency of the process; and

**WHEREAS**, the retention of any necessary consultants and the work to be performed by District staff may require the expenditure of certain fees, costs, and other expenses by the District as authorized by the District's Board of Supervisors ("**Board**"); and

**WHEREAS**, the Developer has agreed to provide sufficient funds to the District to reimburse the District for any expenditures including, but not limited to, legal, engineering and other consultant fees, filing fees, administrative, and other expenses, if any; and

**WHEREAS**, the District hereby desires to request a Boundary Amendment in accordance with Chapter 190, *Florida Statutes*, by taking such actions as are necessary in furtherance of the same.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF  
THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT:**

**1. RECITALS.** The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**2. AUTHORIZATION FOR BOUNDARY AMENDMENT.** Pursuant to Chapter 190, *Florida Statutes*, the Board hereby authorizes the Chairman and District Staff to proceed in an expeditious manner with the preparation and filing of any documentation with Charlotte County, Florida, as necessary to seek the amendment of the District's boundaries and to add those lands depicted in **Exhibit A**. The Board further authorizes the prosecution of the procedural requirements detailed in Chapter 190, *Florida Statutes*, for the Boundary Amendment.

**3. AUTHORIZATION FOR AGENT.** The Board hereby authorizes the District Chairman, District Manager and District Counsel to act as agents of the District with regard to any and all matters pertaining to the petition to Charlotte County, Florida, to amend the boundaries of the District. District Staff, in consultation with the District Chairman, is further authorized to revise **Exhibit A** in order to address any further boundary adjustments as may be identified by the District Engineer. The District Manager shall ensure that the final versions of **Exhibit A** as confirmed by the Chairman are attached hereto.

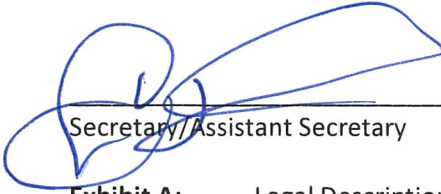
**4. EFFECTIVE DATE.** This Resolution shall become effective upon its passage.

[CONTINUED ON NEXT PAGE]

**PASSED AND ADOPTED** this 23rd day of August , 2023.

ATTEST:

**EAGLE CREEK COMMUNITY DEVELOPMENT  
DISTRICT**

  
\_\_\_\_\_  
Secretary/Assistant Secretary  
\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**Exhibit A:** Legal Description of Boundary Amendment Parcel

**Exhibit A:**  
Legal Description of Boundary Amendment Parcel



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND  
LYING IN SECTION 28, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(AMENDMENT AREA)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

AND (PARCEL 1.1)

THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS THE SOUTH 330 FEET THEREOF.

AND (PARCEL 1.2)

THE WEST ONE-HALF (W-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 2:

SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 3:

THE WEST ONE-HALF (W-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, TOGETHER WITH A ONE-HALF (1/2) INTEREST IN THE OIL, GAS, AND MINERAL RIGHTS, ROYALTIES, AND LEASES IN OR ON THE SUBJECT REAL PROPERTY.

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

---

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952  
(941) 625-1165 • Fax (941) 625-1149      [www.bankseng.com](http://www.bankseng.com)

PARCEL 4: (P4)

THE NORTH 75 FEET OF THE SOUTH 150 FEET OF THE WEST ONE-HALF (W-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) AND THE SOUTH 75 FEET OF THE NORTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 5:

THE NORTH ONE-HALF (N-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 6:

THE SOUTH 330 FEET OF THE WEST ONE-HALF (W-1/2) OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 7:

THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 8:

THE EAST ONE-HALF (E-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 9: (P9)

THE SOUTH 150 FEET OF THE EAST ONE-HALF (E-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 11: (P11)

THE NORTH 75 FEET OF THE EAST ONE-HALF (E-1/2) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 12:

THE SOUTH ONE-HALF (S-1/2) OF THE SOUTHEAST ONE-QUARTER (SE-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SHEET 2 OF 4

SERVING THE STATE OF FLORIDA

---

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952  
(941) 625-1165 • Fax (941) 625-1149      [www.bankseng.com](http://www.bankseng.com)

PARCEL 13:

THE NORTH ONE-HALF (N-1/2) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF THE SOUTHWEST ONE-QUARTER (SW-1/4) OF THE NORTHWEST ONE-QUARTER (NW-1/4) OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 14:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 AND ALL OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

PARCEL 15:

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO THE COUNTY OF CHARLOTTE IN OFFICIAL RECORDS BOOK 11, PAGE 373, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

SAID PARCEL CONTAINS 144.82 ACRES, MORE OR LESS.

BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 10, 2023

DIGITALLY SIGNED BY:  
C. DREW BRANCH



Date:  
2023.08.10  
12:54:44  
-04'00'

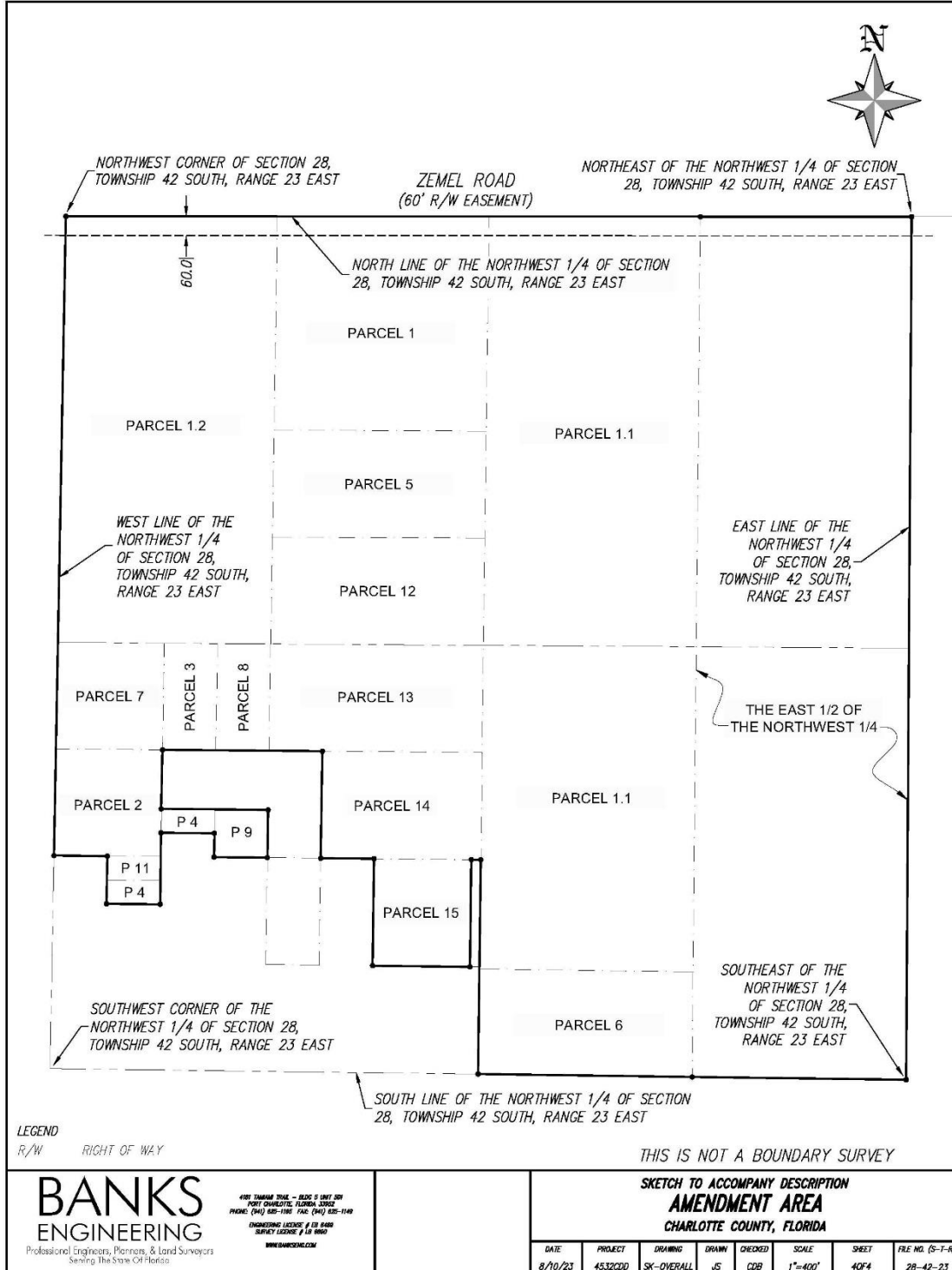
C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATION NO. 5542

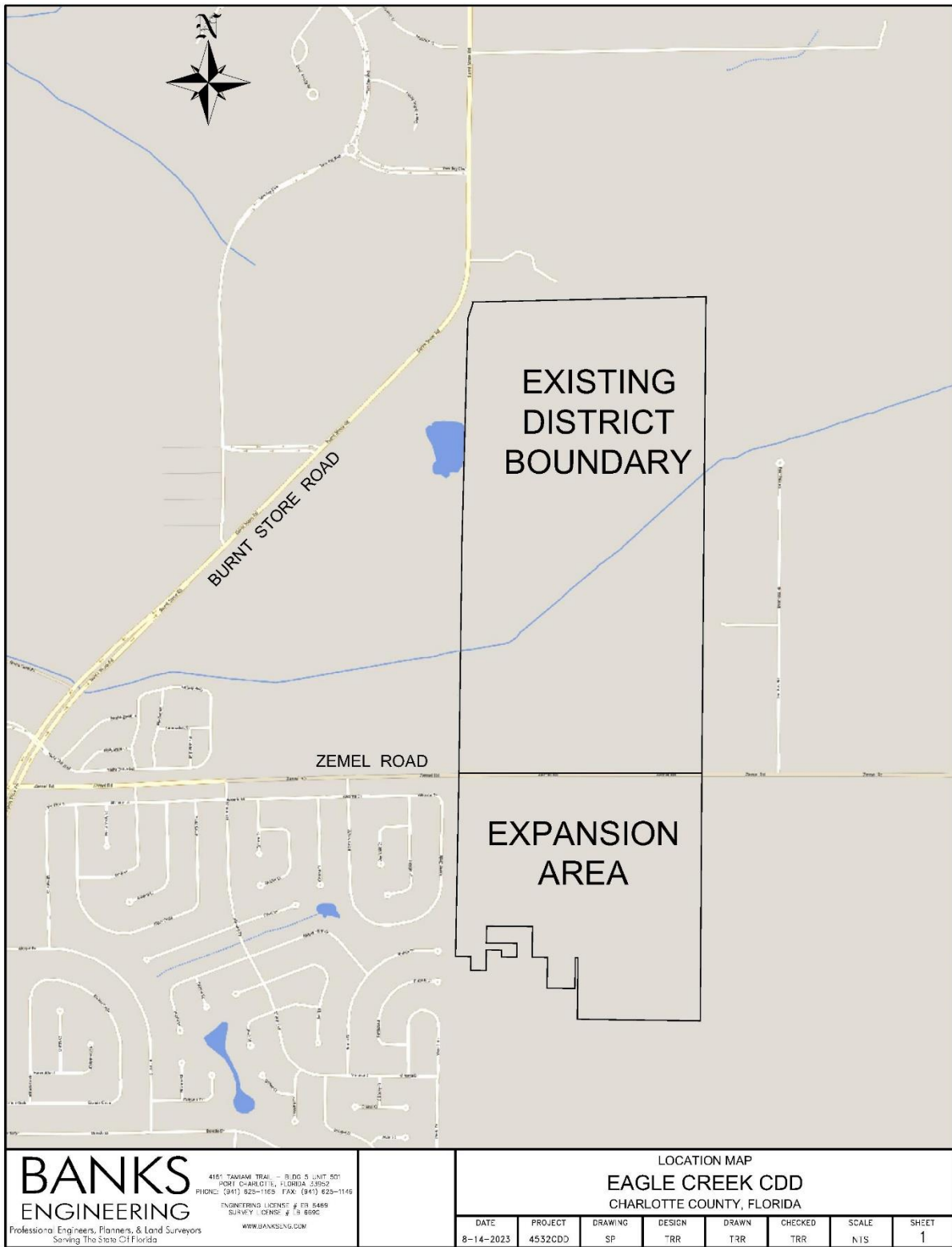
SHEET 3 OF 4

SERVING THE STATE OF FLORIDA

---

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952  
(941) 625-1165 • Fax (941) 625-1149      [www.bankseng.com](http://www.bankseng.com)





**BANKS**  
ENGINEERING

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

4185 TAMMAM TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 625-1159 FAX: (941) 625-1156  
ENGINEERING LICENSE # EB 8486  
SURVEY LICENSE # SB 8090  
WWW.BANKSENG.COM

LOCATION MAP							
EAGLE CREEK CDD							
CHARLOTTE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8-14-2023	4532CDD	SP	TRR	TRR	TRR	N/S	1

# **EXHIBIT 7**

# BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

## FUTURE LAND USE MAP EAGLE CREEK CDD Charlotte County, Florida August 14, 2023



**Legend:** BSLD= Burnt Store Limited Development, COM= Commercial, PRES= Preservation, RC= Resource Conservation

# **EXHIBIT 8**

# EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT

## Proposed Facilities and Services

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Stormwater Management Systems	CDD	CDD	CDD
Onsite Wetland Conservation/Migration	CDD	CDD	CDD
Public Roadways (Onsite)	CDD	CDD	CDD
Public Roadways (Offsite)	CDD	County	County
Water, Wastewater & Reclaim Utilities	CDD	County	County
Hardscape, Landscape & Irrigation	CDD	CDD	CDD
Streetlights/Undergrounding of Electrical Lines	CDD	CDD	CDD
Recreational Amenities	CDD	CDD	CDD

## Estimated Costs of Construction

CATEGORY	COST
Stormwater Management Systems	\$11,500,000
Onsite Wetland Conservation/Migration	\$2,000,000
Public Roadways (Onsite)	\$11,500,000
Public Roadways (Offsite)	\$8,800,000
Water, Wastewater & Reclaim Utilities	\$18,000,000
Hardscape, Landscape & Irrigation	\$7,500,000
Streetlights/Undergrounding of Electrical Lines	\$1,800,000
Recreational Amenities	\$14,000,000
Professional Services	\$3,000,000
Contingency	\$9,000,000
<b>Total</b>	<b>\$87,100,000</b>

# **EXHIBIT 9**

# Eagle Creek COMMUNITY DEVELOPMENT DISTRICT

## Statement of Estimated Regulatory Costs

December 12, 2024



Provided by

***Wrathell, Hunt and Associates, LLC***

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: [www.whhassociates.com](http://www.whhassociates.com)

# **STATEMENT OF ESTIMATED REGULATORY COSTS**

## **1.0 Introduction**

### **1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to amend the boundaries of the Eagle Creek Community Development District ("District"). The District was established by Ordinance No. 23-12, passed by the Board of County Commissioners of Charlotte County, Florida on March 28, 2023. The current size of the District is approximately 314.19 +/- acres and the District is located entirely within Charlotte County, Florida (the "County"). The petition to amend the boundaries of the District seeks to add approximately 144.82 +/- acres located in the County to the District ("Amendment Area"). After the amendment, the District will be projected to contain approximately 459.01 + / - acres and is planned to be developed with a total of 880 residential dwelling units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

*"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."*

### **1.2 Overview of the Eagle Creek Community Development District**

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned mix-use development currently anticipated to contain a total of approximately 880 residential dwelling units following the amendment of the District's boundaries.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the City or County in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Eagle Creek.

### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment,

or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Charlotte County, according to the Census 2020, has a population of 186,847; therefore, it is not defined as a small County for the purposes of this requirement.)

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

## **2.0 An economic analysis showing whether the ordinance directly or indirectly:**

**1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**

**2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**

**3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance amending the boundaries of the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District on the Amended Area will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

## **2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The sole reason for the amending of the District's boundaries is to provide public facilities and services to support the development of a new, master planned mix-use development. The development of the larger, approximately 459.01 +/- acres, parcel will promote local economic activity, create local value, lead to local private sector investment and is likely, at least in the short term, to support local private sector employment and/or lead to local new job creation to a degree likely similar to that of a slightly smaller, pre-amendment, approximately 314.19 +/- acre, parcel contained within the existing District boundaries.

Amending the boundaries of the District will allow it to plan, fund, implement, operate and maintain, for the benefit of the landowners within the amended and smaller District, various public facilities and services for a smaller-sized development. Such facilities and services, as further described in Section 5, will allow for the development of the land within the amended District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the amended and smaller District. The private developer of the land in the amended and larger District will use its private funds to conduct the private land development and construction of an anticipated approximately 880 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved without amending the District's boundaries by the private sector alone, the fact that the amendment of the District's boundaries is initiated by the private developer means that the private developer considers the amendment of the District's boundaries and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the amended and smaller District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

## **2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

When assessing the question of whether the amending of the boundaries of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the amended District boundaries in the development. When the question is phrased in this manner, it can be surmised that the amendment of the District's boundaries is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the amended and smaller District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the amendment of the District's boundaries for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was a slightly smaller District. The amended and smaller District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

### **2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The amendment of the District's boundaries will not increase any regulatory costs of the State or the County by virtue that the District has already been established and amending its size does not change the regulatory requirements that the District will be subject to after the initial review of the petition to amend its boundaries by the County and approval of such petition by the County. As described in more detail in Section 4, the District will pay a one-time filing fee to the County to offset any expenses that the County may incur in the processing of this petition to amend the District's boundaries.

The amending of the District's boundaries will, however, directly increase regulatory costs to the landowners within the Amendment Area. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is completely voluntary, all current property owners within the Amendment Area must consent to the amendment of the District's boundaries and the likelihood of additional transaction costs, and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District. As to the anticipated amount of the transactional costs in the aggregate within 5 years, they are anticipated to not exceed \$5,000,000.

### **3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

The proposed amended District will serve land that comprises an approximately 459.01 +/- acre master planned mix-use development currently anticipated to contain a total of approximately 880 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would

be approximately 3,080 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County and certain state agencies will not be affected by or required to comply with the ordinance as more fully discussed hereafter.

#### **4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.**

There is no state agency promulgating any rule relating to this project and there is no anticipated effect of the ordinance amending the District's boundaries on state or local revenues.

#### **4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

Because the result of adopting the ordinance is the amendment of the boundaries of an existing independent local special purpose government, there will be no additional enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

##### State Governmental Entities

Amending the boundaries of an already existing independent local special purpose government will result in no costs to any State governmental entities to implement and enforce the proposed amended and enlarged District.

##### Charlotte County, Florida

The existing District as well as the Amendment Area are both located within Charlotte County, Florida. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to amend the boundaries of the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, the County approved ordinance establishing the District in 2023 and that petition possessed much information about the District and County staff should be generally familiar with the District. Second, review of the petition to amend the boundaries of the District does not include analysis of the project itself. Third, the petition itself provides much of the information needed for a staff review. Fourth, the County already possesses the staff needed to conduct the review without the need for new staff. Fifth, there is no capital required to review the petition. Sixth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to amend the boundaries of a community development district.

Further, there will be no increase in the very small annual costs to the County, because of the amendment of the District's boundaries. The District is an independent unit of local government. The only annual costs the County faces, which will not change with the amendment of the District's boundaries, are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it maintains a monitoring program for this District.

## **4.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

## **5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$87,100,000. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

**Table 1**  
**EAGLE CREEK**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater Management Systems	CDD	CDD	CDD
Onsite Wetland Conservation/Migration	CDD	CDD	CDD
Public Roadways (Onsite)	CDD	CDD	CDD
Public Roadways (Offsite)	CDD	County	County
Water, Wastewater & Reclaim Utilities	CDD	County	County
Hardscape, Landscape & Irrigation	CDD	CDD	CDD
Streetlights/Undergrounding of Electrical Lines	CDD	CDD	CDD
Recreational Amenities	CDD	CDD	CDD

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, County or its dependent districts, or County management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

**Table 2**  
**EAGLE CREEK**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Estimated Costs of Construction**

<b>CATEGORY</b>	<b>COST</b>
Stormwater Management Systems	\$11,500,000
Onsite Wetland Conservation/Migration	\$2,000,000
Public Roadways (Onsite)	\$11,500,000
Public Roadways (Offsite)	\$8,800,000
Water, Wastewater & Reclaim Utilities	\$18,000,000
Hardscape, Landscape & Irrigation	\$7,500,000
Streetlights/Undergrounding of Electrical Lines	\$1,800,000
Recreational Amenities	\$14,000,000
Professional Services	\$3,000,000
Contingency	\$9,000,000
<b>Total</b>	<b>\$87,100,000</b>

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as counties, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of local governance which is specifically established to provide CDD landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

## **6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

There will be little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Charlotte County has a population of 186,847 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" County according to Section 120.52, F.S.

## **7.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

In relation to the question of whether the Eagle Creek Community Development District with amended boundaries is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the County could establish a dependent Special District for the Amendment Area or establish an MSBU or MSTU.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to Eagle Creek. First, an existing District that was established specifically to serve as the Eagle Creek development. It would be inefficient to have the existing Eagle Creek development provided with improvements and services by a dependent Special District, MSBU or MSTU.

Second, unlike a CDD, this alternative would require the County to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the Eagle Creek development is a significant and expensive undertaking.

Third, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other County responsibilities. By contrast, if the County were to establish and administer a dependent Special District, MSBU or MSTU for the Amendment Area, then the some of the residents and landowners of the Eagle Creek development would take their grievances and desires to the County Commission meetings, and some others to the CDD Board, leading to confusion as to the which party is responsible for what area.

Fourth, any debt of an independent CDD is strictly that District's responsibility. While it may be technically true that the debt of a County-established, dependent Special District is not strictly the County's responsibility, any financial problems that a dependent Special District may have may reflect on the County. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services for that portion of the Eagle Creek development that would not be within the CDD. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low cost funds from the municipal capital markets. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability. Finally, it would be inefficient to have the Eagle Creek development to change from getting the improvements and services by a CDD to a POA.

**8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.**

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to amend the boundaries of the Eagle Creek Community Development District.

# **EXHIBIT 10**

## **RESOLUTION NO. 2023-34**

### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT DIRECTING DISTRICT STAFF TO FILE A REQUEST WITH CHARLOTTE COUNTY TO CHANGE THE NAME OF THE DISTRICT, AND AUTHORIZING SUCH OTHER ACTIONS AS ARE NECESSARY IN FURTHERANCE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Eagle Creek Community Development District (“District”) is a unit of special-purpose government established March 29, 2023 pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes, by the Charlotte County Board of County Commissioners by passage of Ordinance 2023-012 (“Ordinance”); and

**WHEREAS**, Section 2 of the Ordinance provides that the name of the District shall be “Eagle Creek Community Development District”; and

**WHEREAS**, Zemel Land Partners, LLC a Florida limited liability company (“Developer”), is the owner of and is presently developing real property within the District; and

**WHEREAS**, the Developer has approached the District and requested the District seek to change its name to “Firelight Community Development District,” in an effort to facilitate the development of the overall lands and marketability of the same;

**WHEREAS**, the proposed name change request is in the best interests of the District as it will eliminate confusion should the development have a different name than the District; and

**WHEREAS**, in order to seek a change in the District’s name, the District desires to authorize District Staff, including legal and managerial staff, to provide such services as are necessary throughout the pendency of the name change process; and

**WHEREAS**, the District desires to formally request that the Charlotte County Board of County Commissioners consider as an agenda item during a regularly scheduled meeting changing the name of the District from the “Eagle Creek Community Development District” to the “Firelight Community Development District” and to effectuate the name change by amending the District’s establishment ordinance, County Ord. No. 2023-012, and such other actions as are necessary in furtherance of the name change process.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**SECTION 2.** The Board hereby directs District Staff to proceed in an expeditious manner with the transmittal of this Resolution to the County. This Resolution shall serve as the District's formal request to the County that the District's name be changed from the "Eagle Creek Community Development District" to the "Firelight Community Development District."

**SECTION 3.** The District further authorizes District Staff and Chairperson to take any additional action as may be required to effectuate the change in name of the District.

**SECTION 4.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this 23rd day of August, 2023.

ATTEST:

**EAGLE CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

  
Secretary/Assistant Secretary  
Chair/Vice Chair, Board of Supervisors

# **EXHIBIT 11**


## AUTHORIZATION OF AGENT

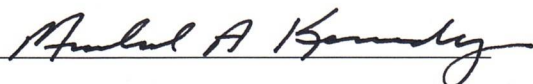
This letter shall serve as a designation of Jonathan T. Johnson of Kutak Rock LLP, whose address is 107 West College Avenue, Tallahassee, Florida 32301, to act as agent for Eagle Creek Community Development District with regard to any and all matters pertaining to the Petition to Amend the Boundaries and Change the Name of the Eagle Creek Community Development District submitted or to be submitted to the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

Witnessed:

**EAGLE CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

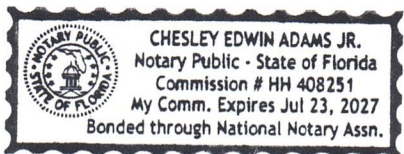
  
Print Name: JOHN MCKAY


  
By: John Lienaweaver  
Its: Chairman

  
Print Name: MICHAEL A. KENNEDY

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 13 day of SEPTEMBER, 2023, by John Lienaweaver, as Chairman of the Board of Supervisors of the Eagle Creek Community Development District.



  
(Official Notary Signature & Seal)  
Name: \_\_\_\_\_  
Personally Known x  
OR Produced Identification \_\_\_\_\_  
Type of Identification \_\_\_\_\_