



35 WHEREAS, upon consideration of the record established at that hearing, the  
36 Board determined that the statements within the Petition are true and correct, that the  
37 establishment of the District is not inconsistent with any applicable element or portion of  
38 the state comprehensive plan or the County's comprehensive plan, that the land within  
39 the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to  
40 be developable as a functionally interrelated community, that the District is the best  
41 alternative available for delivering community development services and facilities to the  
42 area that will be served by the District, that the community development services and  
43 facilities of the District will not be incompatible with the capacity and uses of existing  
44 local and regional community development services and facilities, and that the area that  
45 will be served by the District is amenable to separate special-district governance; and,

46 WHEREAS, the establishment of the District shall not act to amend any land  
47 development approvals governing the land area to be included within the District; and

48 WHEREAS, the establishment of the District will constitute a timely, efficient,  
49 effective, responsive and economic way to deliver community development services in  
50 the area described in the Petition; and

51 WHEREAS, the Board has determined that the initial members of the District's  
52 Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of  
53 Florida and citizens of the United States of America.

54 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
55 of Charlotte County, Florida:

56 **Section 1.** Charlotte County Code Chapter 4-3.5, Article XVIII titled "EAGLE  
57 CREEK COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-230 is hereby created by

58 adding the underlined language to provide as follows:

59 **Sec. 4-3.5-230. Authority.**

60 This ordinance is adopted in compliance with and pursuant to the  
61 Uniform Community Development District Act of 1980 codified in Chapter  
62 190, Florida Statutes. Nothing contained herein shall constitute an  
63 amendment to any land development approvals for the land area included  
64 within the District.

65 **Section 2.** Charlotte County Code Chapter 4-3.5, Article XVIII titled “EAGLE  
66 CREEK COMMUNITY DEVELOPMENT DISTRICT,” § 4-3.5-231 is hereby created by  
67 adding the underlined language to provide as follows:

68 **Sec. 4-3.5.-231. – District Name.**

69 There is hereby created a community development district situated  
70 entirely within a portion of the unincorporated area of Charlotte County,  
71 Florida, which shall be known as the “Eagle Creek Community  
72 Development District,” and which shall be referred to in this ordinance as  
73 the “District”.

74 **Section 3.** Charlotte County Code Chapter 4-3, Article XVIII titled “EAGLE  
75 CREEK COMMUNITY DEVELOPMENT DISTRICT,” § 4-3.5-232 is hereby created by  
76 adding the underlined language to provide as follows:

77 **Sec. 4-3.5-232. – District External Boundaries.**

78 The external boundaries of the District are described in **Appendix**  
79 **A** attached hereto, said boundaries encompassing 314.19 acres, more or  
80 less.

81       **Section 4.** Charlotte County Code Chapter 4-3, Article XVIII titled “EAGLE  
82 CREEK COMMUNITY DEVELOPMENT DISTRICT,” § 4-3.5-233 is hereby created by  
83 adding the underlined language to provide as follows:

84       **Sec. 4-3.5-233. District Powers and Functions.**

85       The powers and functions of the District are described in Chapter 190,  
86 Florida Statutes. Consent is hereby given to the District’s Board of  
87 Supervisors to finance, fund, plan, establish, acquire, construct,  
88 reconstruct, enlarge or extend, equip, operate, and maintain systems and  
89 facilities for parks and facilities for indoor and outdoor recreational,  
90 cultural, and educational uses, and for security, all as authorized and  
91 described by Sections 190.012(2)(a) and (2)(d), Florida Statutes (2021).

92       **Section 5.** Charlotte County Code Chapter 4-3, Article XVIII titled “EAGLE  
93 CREEK DEVELOPMENT DISTRICT,” § 4-3.5-234 is hereby created by adding the  
94 underlined language to provide as follows:

95       **Sec. 4-3.5-234. Board of Supervisors.**

96       The five persons designated to serve as initial members of the  
97 District’s Board of Supervisors are as follows:

98       Name:       John Lienaweaver  
99       Address:    700 N.W. 107<sup>th</sup> Avenue, Suite 400  
100                     Miami, Florida 33172

101  
102       Name:       Dale Weidemiller  
103       Address:    700 N.W. 107<sup>th</sup> Avenue, Suite 400  
104                     Miami, Florida 33172

105  
106       Name:       Priscilla Heim  
107       Address:    700 N.W. 107<sup>th</sup> Avenue, Suite 400  
108                     Miami, Florida 33172  
109

Name: Kris Watts  
Address: 700 N.W. 107<sup>th</sup> Avenue, Suite 400  
Miami, Florida 33172

Name: Jennings DePriest  
Address: 700 N.W. 107<sup>th</sup> Avenue, Suite 400  
Miami, Florida 33172

**Section 6.** Bond Validation. All bonds issued by the District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

**Section 7.** Bond Default. No bond debt or other obligation of the District, nor any default thereon, shall constitute a debt or obligation of Charlotte County, except upon the express approval and agreement of the Board.

**Section 8.** County Rates, Fees and Charges. Notwithstanding any power granted to the District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the District shall by reason of the District's creation and existence be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection charges or fees, or similar County rates, fees or charges, and special taxing district assessments existing at the time of adoption of this Ordinance or by subsequent action of the Board.

**Section 9.** Eminent Domain Power Limited. Notwithstanding any power granted to the District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior, specific and express approval of the Board.

135       **Section 10.** Notwithstanding any provision to the contrary contained in the  
136       Petition, no Proposed Facilities and Services may be funded, transferred to, owned or  
137       maintained by the County without prior written approval from the Board.

138       **Section 11.** Codification. It is the intention of the Board, and it is hereby ordained  
139       that the provisions of this Ordinance shall become and be made a part of the Code of  
140       Laws and Ordinances of Charlotte County, Florida ("Code"), and the sections of this  
141       Ordinance may be renumbered to accomplish such intention. In the event this  
142       Ordinance conflicts with any provisions of the Code, the provisions of this Ordinance  
143       shall control to the extent of any such conflict.

144       **Section 12.** Severability. If any subsection, sentence, clause, phrase, or portion  
145       of this Ordinance is for any reason held invalid or unconstitutional by any court of  
146       competent jurisdiction, such portion shall be deemed a separate, distinct, and  
147       independent provision and such holding shall not affect the validity of the remainder of  
148       this Ordinance.

149       **Section 13.** Effective Date. This ordinance shall take effect upon adoption by the  
150       Board.

151  
152  
153  
154  
155  
156       --REMAINDER OF PAGE LEFT INTENTIONALLY BLANK--  
157

PASSED AND DULY ADOPTED this 28th day of March, 2023.


BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk of the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
LR 2023-0151 

Appendix A [Petition]

**PETITION TO ESTABLISH**  
**EAGLE CREEK**  
**COMMUNITY**  
**DEVELOPMENT DISTRICT**

Submitted by:

Jere Earlywine  
Florida Bar No. 155527  
[Jere@kelawgroup.com](mailto:Jere@kelawgroup.com)  
KE LAW GROUP, PLLC  
2016 Delta Boulevard, Suite 101  
Tallahassee, Florida 32303  
(850) 528-6152 (telephone)



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

PETITION TO ESTABLISH THE EAGLE CREEK  
COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Zemel Land Partners, LLC ("Petitioner"), hereby petitions the Board of County Commissioners of Charlotte County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within Charlotte County, Florida, and covers approximately 314.19 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located southeast of Burnt Store Road and north of Zemel Road. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consents. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes. Consent to the establishment of a community development district is contained in **Exhibit 3**.

4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are John Lienaweaver, Dale Weidemiller, Priscilla Heim, Kris Watts and Jennings DePriest. All of the listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is the Eagle Creek Community Development District.

6. Major Water and Wastewater Facilities. **Exhibit 4** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. District Facilities and Services. **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed in eight (8) phases over an estimated ten (10) year period from 2023 – 2033. 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.

8. Existing and Future Land Uses. The existing use of the lands within the proposed District is vacant. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the Charlotte County Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** 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.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See **Exhibit 8** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine  
Florida Bar No. 155527  
[Jere@kelawgroup.com](mailto:Jere@kelawgroup.com)  
KE LAW GROUP, PLLC  
2016 Delta Boulevard, Suite 101  
Tallahassee, Florida 32303  
(850) 528-6152 (telephone)

11. This petition to establish the Eagle Creek Community Development District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Charlotte County Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the proposed District will prevent the general body of taxpayers in Charlotte County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed

District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Board of Commissioners of Charlotte County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 9<sup>th</sup> day of January, 2023.

**KE LAW GROUP, PLLC**



Jere Earlywine

Florida Bar No. 155527

[Jere@kelawgroup.com](mailto:Jere@kelawgroup.com)

KE LAW GROUP, PLLC

2016 Delta Boulevard, Suite 101

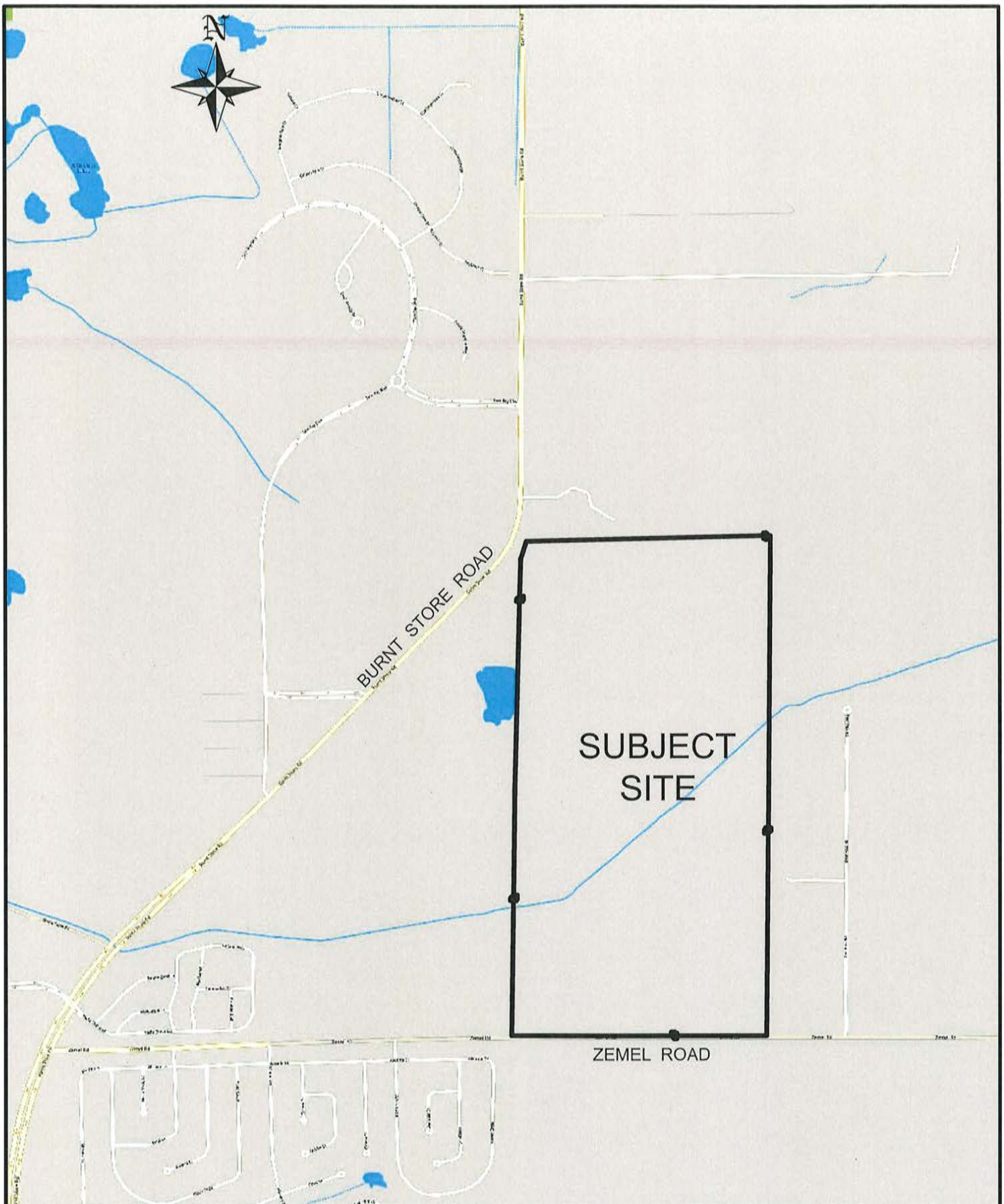
Tallahassee, Florida 32303

(850) 528-6152 (telephone)

Attorneys for Petitioner

# EXHIBIT 1





**BANKS**  
ENGINEERING

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

4101 TAMIAHI TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33955  
PHONE: (941) 625-1165 FAX: (941) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LD 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

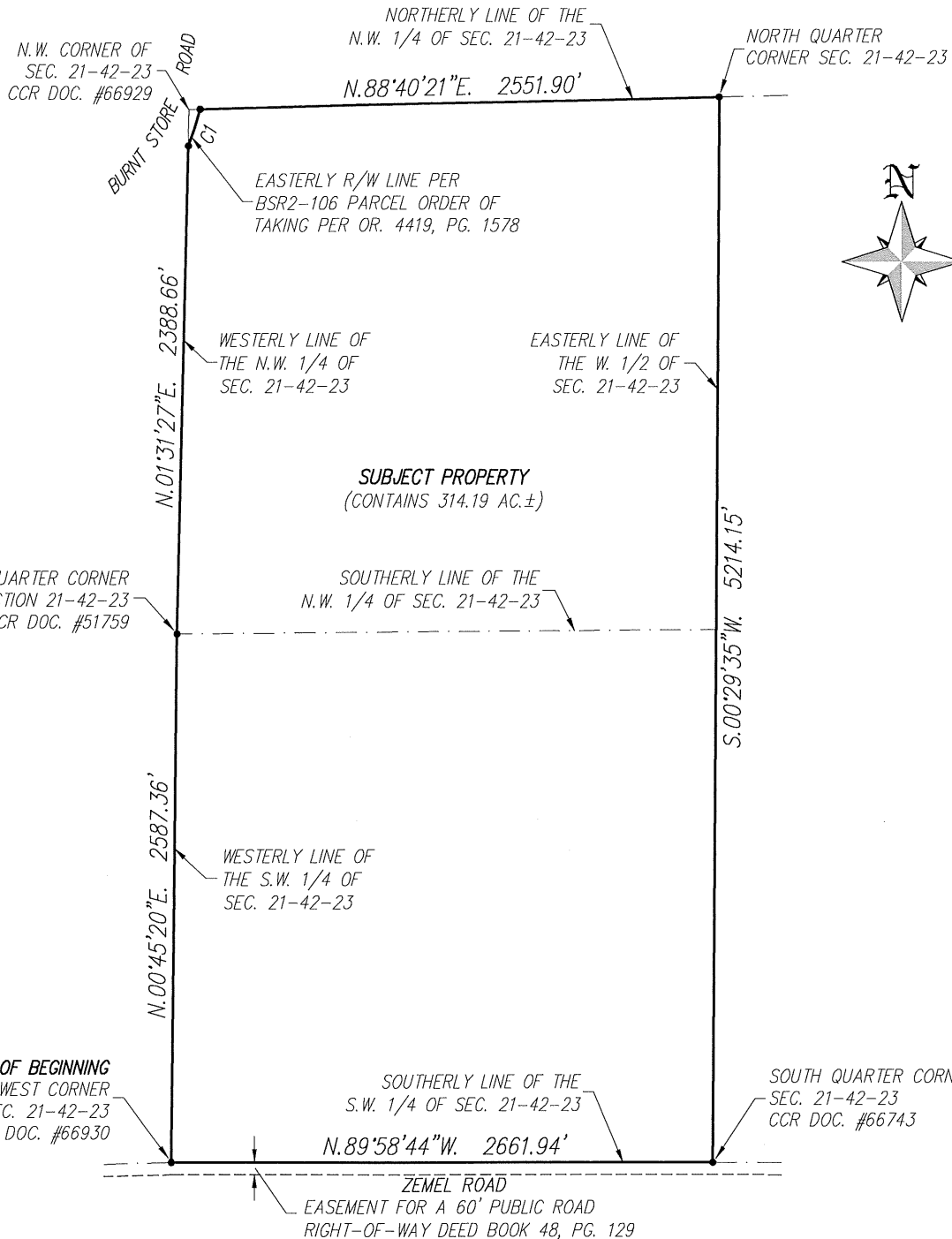


Date:  
2022.09.08  
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-04'00'

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

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



# 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

## 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"

THIS IS NOT A BOUNDARY SURVEY

SKETCH TO ACCOMPANY DESCRIPTION

CDD AREA

CHARLOTTE COUNTY, FLORIDA

**BANKS**  
**ENGINEERING**

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

4161 TAMAR TRAIL - BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33682  
PHONE: (813) 825-1185 FAX: (813) 825-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 8850  
WWW.BANKSENG.COM

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/30/22	4532	SK-OVERALL	JS	CDB	1"=800'	20F2	21-42-23



# EXHIBIT 3

**Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[Proposed Eagle Creek Community Development District]**

The undersigned is the owner of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District. The undersigned acknowledges that the petitioner has the right by contract for the establishment of the Community Development District, and Jere Earlywine of KE Law Group, PLLC is hereby authorized to file and prosecute the petition to establish the Community Development District.

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.

The undersigned may revoke this consent prior to the establishment of the CDD immediately upon written notice to the petitioner by sending an email to [jere@kewlawgroup.com](mailto:jere@kewlawgroup.com).

[SIGNATURE PAGE TO FOLLOW]

Executed this 16<sup>th</sup> day of November, 2022.

Witnessed:

ZEMEL LAND PARTNERS, LLC  
LANDOWNER

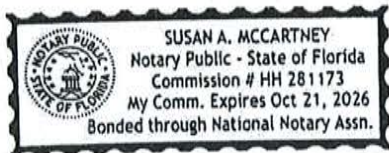
Monica Donley  
Print Name: Monica Donley

Kris Watts  
Print Name: Kris Watts

D. David Goben  
BY: D. David Goben  
ITS: Manager

STATE OF FLORIDA  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of November, 2022, by D. DAVID GOBEN, who appeared before me this day in person, and who is either personally known to me, or produced \_\_\_\_\_ as identification.



Susan A. McCartney  
NOTARY PUBLIC, STATE OF FLORIDA

Name: Susan A. McCartney  
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Legal Description

**Exhibit A:**  
**Legal Description**



Professional Engineers, Planners & Land Surveyors

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LYING IN SECTION 21, T-42-S, R-23-E,  
CHARLOTTE COUNTY, FLORIDA.

(CDD PARCEL)

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BANKS ENGINEERING  
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 8, 2022

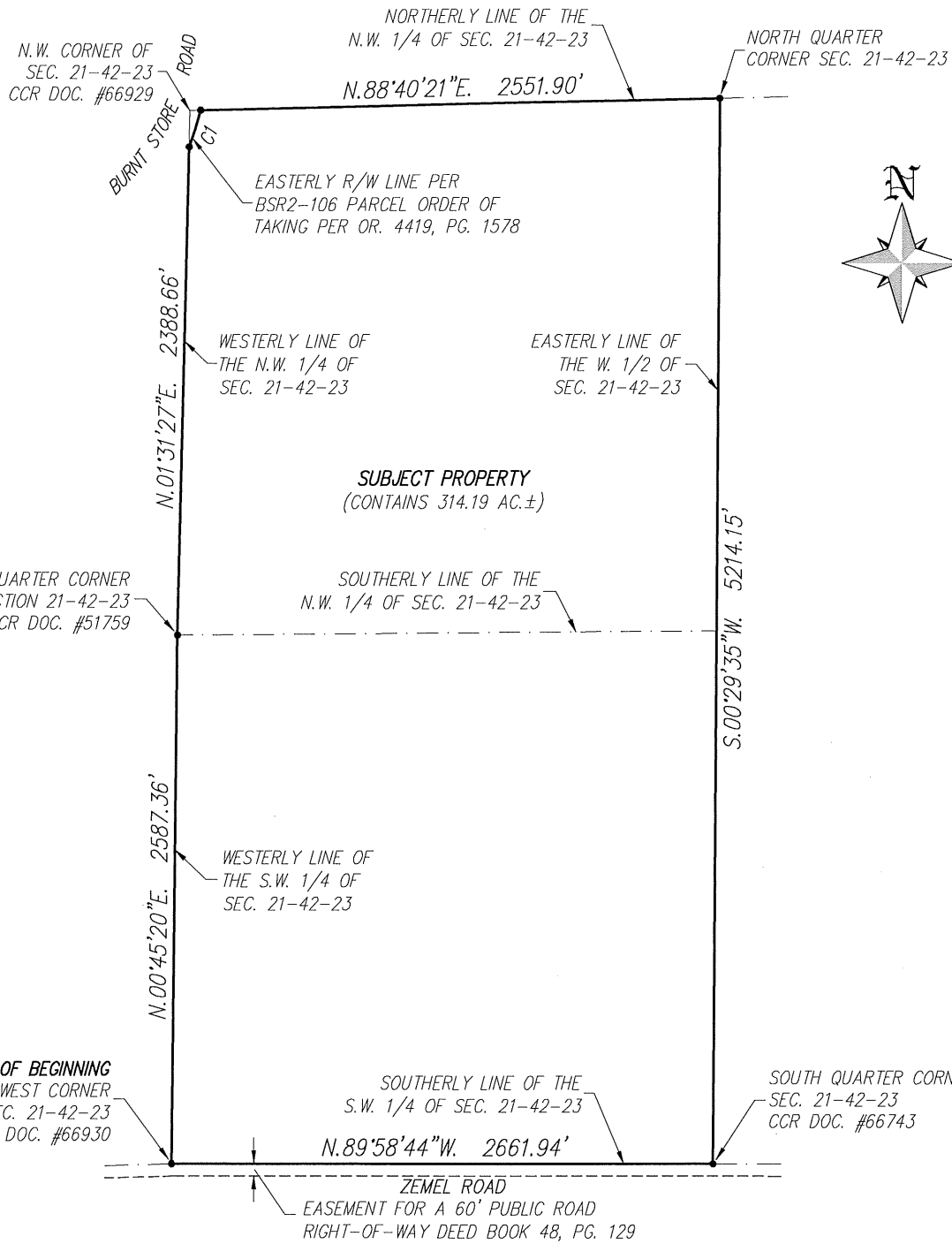
DIGITALLY SIGNED BY:  
C. DREW BRANCH



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

C. DREW BRANCH, P.S.M.  
PROFESSIONAL SURVEYOR & MAPPER  
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SHEET 1 OF 2  
SERVING THE STATE OF FLORIDA



# LEGEND

PG. PAGE  
R/W RIGHT OF WAY  
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SKETCH TO ACCOMPANY DESCRIPTION

**CDD AREA**

**CHARLOTTE COUNTY, FLORIDA**

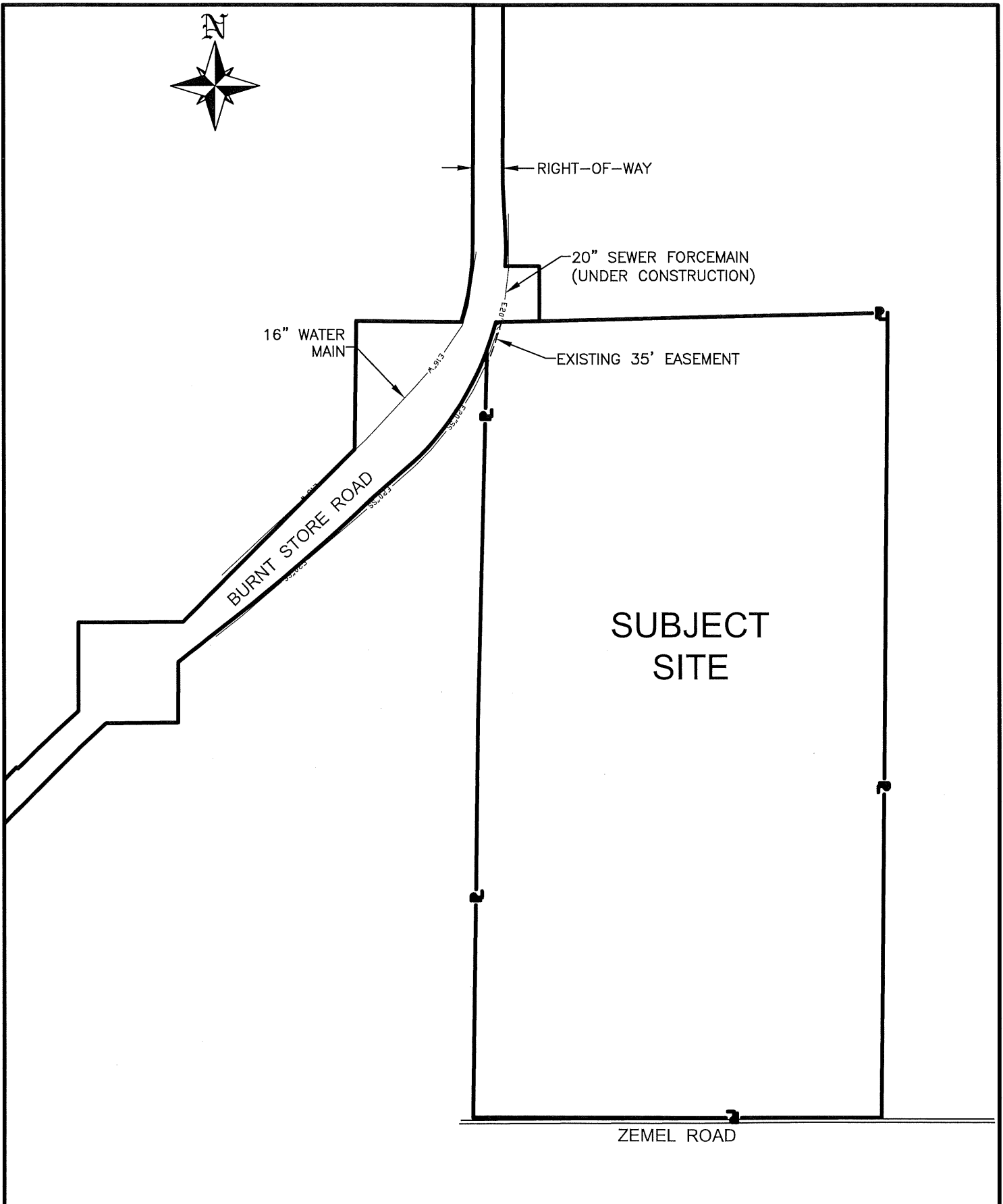
DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-F-R)
8/30/22	4532	SK-OVERALL	JS	CDB	1"=800'	20F2	21-42-23

**BANKS**  
**ENGINEERING**

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PHONE: (841) 625-1185 FAX: (841) 625-1149  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 8890  
WWW.BANKSENG.COM

# EXHIBIT 4



**BANKS**  
ENGINEERING

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

4161 TAMMAM TRAIL -- BLDG 5 UNIT 501  
PORT CHARLOTTE, FLORIDA 33952  
PHONE: (941) 825-1183 FAX: (941) 825-1149  
ENGINEERING LICENSE # EB 6489  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

EXISTING WATER AND SEWER FACILITIES

**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 5



<b>EAGLE CREEK CDD</b>			
Estimated Project Costs			
Improvement	Estimated Cost	Construction Entity	Final Owner
Stormwater Management System	\$ 8,500,000.00	CDD	CDD
Conservation Area	\$ 500,000.00	CDD	CDD
Public Roadways (Onsite)	\$ 8,100,000.00	CDD	CDD
Offsite Roadway	\$ 2,500,000.00	CDD	County
Water & Wastewater Systems	\$ 8,200,000.00	CDD	County
Hardscape/Landscape/Lighting and Irrigation	\$ 4,750,000.00	CDD	CDD
Amenities (Active & Passive)	\$ 9,500,000.00	CDD	CDD
Professional Services	\$ 2,100,000.00	CDD	CDD
10% Contingency	\$ 4,200,000.00	CDD	N/A
<b>Total:</b>	<b>\$ 48,350,000.00</b>		

As an alternative, the Developer may elect to finance any of the above-improvements and transfer them to a homeowner's association for ownership and operation.

# EXHIBIT 6

FUTURE LAND USE MAP  
EAGLE CREEK CDD  
Charlotte County, Florida  
September 15, 2022



# EXHIBIT 7





# **STATEMENT OF ESTIMATED REGULATORY COSTS ACCOMPANYING THE PETITION TO ESTABLISH THE EAGLE CREEK COMMUNITY DEVELOPMENT DISTRICT**

**December 2022**

**Prepared for:**

**Members of the County Commission,  
Charlotte County, Florida**

Prepared on December 22, 2022

**PFM Group Consulting LLC**  
3051 Quadrangle Boulevard, Ste 270  
Orlando, FL 32817



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## STATEMENT OF ESTIMATED REGULATORY COSTS

### Eagle Creek Community Development District

December 22, 2022

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#### 1.0 Introduction

##### 1.1 Purpose

This statement of estimated regulatory costs ("SERC") serves as an exhibit to the petition ("Petition") to establish the proposed Eagle Creek Community Development District ("District"). The District, upon establishment, will include approximately 314.19+/- acres of land on which Zemel Lands Partners, LLC ("Petitioner") plans to develop its residential development ("Project"). The District is currently planned to include 1,000 residential units within the District.

The lands within the District are located within the boundaries of Charlotte County, Florida ("County"). The District proposes to provide community services to the land uses planned for the District, as described in more detail below.

##### 1.2 Scope of the Analysis

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes (governing Community Development District formation or alteration) 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).



### 1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. defines the elements that 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 implantation 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 and local revenues.
- d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "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, and the cost of monitoring and reporting.
- e) 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.
- f) Any additional information that the agency determines may be useful.
- g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.





## **2.0 An economic analysis showing whether the establishment of the proposed District directly or indirectly will have an adverse impact on economic growth, private job creation or employment, private sector investment, business competitiveness or regulatory costs**

As outlined above, the proposed District will not have an adverse impact on economic growth, private job creation or employment, private sector investment, business competitiveness or regulatory costs. Rather, the District's establishment is likely to increase the overall economic development described herein. This is because the District will provide infrastructure improvements within and surrounding the District's boundaries, allowing for the development of the land within the District. This development is planned to include a diverse mix of uses which will require goods and services. This new demand created by the District's development will increase economic growth, private job creation and employment, private sector investment and business competitiveness in the areas surrounding the District

The District will have the ability to assess its property owners to pay for the installation, operation and maintenance of its infrastructure improvements. However, such costs will not be in addition to, or unique to the District. The infrastructure improvements to be funded by the District would be required to support development of the mixed-use project regardless of the District's existence. Community development districts such as the proposed District can fund their infrastructure improvements with long-term bond financing that typically carries more favorable terms than other sources of funding. Thus, the costs related to the installation of the public infrastructure serving the planned new development will not be increased due to the existence of the District.

## **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**

As outlined above, the proposed District is planned to include various types of commercial development with the potential for multiple property owners at build-out. It is the property owners within the District that will be served by, and therefore most affected by the District. All initial property owners within the District have consented to the formation of the District and those who choose to purchase property within the District will be aware of the District and will purchase property within the District on a voluntary basis.

The District will provide community services to the properties within its boundaries, as outlined in Table 1 below.



**Table 1. Proposed Facilities and Services\***

	<u>Ownership</u>	<u>Operation</u>	<u>Maintenance</u>
Stormwater Management System	District	District	District
Conservation Area	District	District	District
Public Roadways (Onsite)	District	District	District
Offsite Roadway	County	County	County
Water & Wastewater Systems	County	County	County
Hardscape/Landscape/Lighting and Irrigation	District	District	District
Amenities (Active & Passive)	District	District	District

Source: Banks Engineering \*Preliminary (subject to change based on further discussion with local municipality)

All of the property owners within the District will be subject to District rules related to the services provided by, and the facilities owned or operated by, the District. District property owners will also be responsible for paying District assessments to install the public infrastructure improvements listed above and to fund the District's operations and maintenance expenses incurred thereafter on an ongoing basis. Of course, all of the undeveloped land owned by the petitioner and any other landowner within the District will also be under the jurisdiction of the District and subject to funding their share of the District's operations and maintenance expenses.

#### **4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues**

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

###### State Governmental Entities

The cost to State entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of the County. Therefore, the County (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District.

There are minimal additional ongoing costs to various State entities to implement and enforce the proposed ordinance. The District is a special purpose unit of local government, and is required to file various reports with the State of Florida, the Department of Economic Opportunity and other agencies of the State. The District's filing requirements are outlined in the attached Appendix. However, the additional costs to the State and its various departments to process the additional filings from the District are very low, since the State routinely processes filings from many other similar districts. Additionally, the District will pay an annual special district fee to the Department of Economic Opportunity which largely





offsets any such costs.

#### Charlotte County, Florida

The Petition to establish the District will require the County to review the Petition and its supporting exhibits. In addition, the County will hold a public hearing to discuss the Petition and consider any public input on the establishment of the District. These activities will require the time of County staff members and of the County Commission. However, these costs will be modest at most for the following reasons. First, the review of the Petition to establish the District does not include an analysis of the project itself. In fact, such a review of the project is prohibited by statute. Second, the Petition contains all the information necessary for the County's review. Third, no capital costs are involved in the review. Fourth, there are significant economies of scale as it relates to comprehensive knowledge of the Project gained via the relevant Land Use Approvals for the Project.

The County will incur negligible continuing costs if the Petition is approved. The District is an independent unit of local government, so the District is responsible for its own budget, reporting, and the full conduct of its powers within its boundaries. The District will provide the County with its budget each year for the County's review and comment, but no County action on the budget is required. Table 2 below outlines the Petitioner's current good faith estimate of the capital facilities or services the District is planning on providing to the properties within the District.

#### 4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on State or County revenues. The District is an independent unit of local government. The District is designed to provide community facilities and services to serve the Project.

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 State 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 required to comply with the requirements of the ordinance**

The District may impose non-ad valorem assessments on the properties within its boundaries to fund the both the installation of its public infrastructure and for the ongoing operation and maintenance of this infrastructure. Community development districts are efficient providers of maintenance services as they are subject to government bidding requirements, professionally managed, and have the ability to place



non-ad valorem assessments on the County tax roll to fund these activities. A good faith estimate of the costs of the District's public infrastructure is found below in Table 2.

**Table 2. Proposed District Capital Improvements Cost Estimates**

<u>Improvement</u>	<u>Estimated Cost</u>
Stormwater Management System	\$ 8,500,000.00
Conservation Area	\$ 500,000.00
Public Roadways (Onsite)	\$ 8,100,000.00
Offsite Roadway	\$ 2,500,000.00
Water & Wastewater Systems	\$ 8,200,000.00
Hardscape/Landscape/Lighting and Irrigation	\$ 4,750,000.00
Amenities (Active & Passive)	\$ 9,500,000.00
Professional Services	\$ 2,100,000.00
10% Contingency	\$ 4,200,000.00
<b>Total:</b>	<b>\$ 48,350,000.00</b>

Source: Banks Engineering

The public improvements outlined above will likely be funded through the District's issuance of long-term bond debt. Repayment of the District's bond debt will be secured by assessments levied on all properties within the District in proportion to the relative benefit received by each property within the District. Thus, the properties located within the District will be the sole security for the repayment of any debt issued by the District.

It is important to note that the costs incurred by the District in providing its infrastructure and services are typical for development of the type contemplated here. In other words, there is nothing peculiar about the District's financing activities that would require additional funding over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Thus, District-imposed assessments for operations and maintenance costs will be similar to what would be charged in any event by a property owners' association common to most master planned commercial developments.

Real estate markets are generally efficient, because property owners evaluate all of the costs and benefits associated with various alternative locations. The operations and maintenance charges for property within the Project must be in line with the competition. Furthermore, the decision by new property owners to locate within the District is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in exchange for the benefits that the District provides.





## **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 no impact on small businesses because of the formation of the proposed District. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

The District is not located within a county with a population of less than 75,000 or within a City with a population of less than 10,000. Therefore, the proposed District is not located in either a county or City that is defined as "small" by Florida Statute § 120.52.

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

It is useful to reflect upon the question of whether the proposed formation of the District is the best alternative for providing community facilities and services to the Project. As one alternative to the District, the County could approve an ad valorem assessment area for services. However, this alternative is inferior to the District. Unlike the District, it would require the County to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be fully sequestered to the land directly benefiting from them, as the case would be with the District.

Another alternative to the District would be for the developer to use a property owners association ("POA") for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA, a District can impose and collect its assessments in the same manner as ad valorem property taxes. Therefore, the District is far more assured of obtaining its needed operational funds than is a POA. Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations, including government-in-the-sunshine requirements.

A District also is preferable to these alternatives from an accountability perspective. With a District as proposed, property owners within the District would have a focused unit of government under their direct control. The District can then be more responsive to property owner needs without disrupting other County responsibilities.

PFM Group Consulting LLC certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.



PFM Group Consulting LLC (formerly Fishkind and Associates, Inc.) has developed over 100 SERCs for various clients. Below is a listing of some of the other community development district clients for which we have prepared SERCs.

- The Lake Nona "Family" of Community Development Districts in Orlando
- Urban Orlando (Baldwin Park) Community Development District in Orlando
- The Villages "Family" of Community Development Districts in Lake, Sumter, and Marion Counties
- Winter Garden Village at Fowler Groves Community Development District in Winter Garden
- Highlands Community Development District in Tampa
- The Tradition "Family" of Community Development Districts in Port St. Lucie



## APPENDIX

### LIST OF DISTRICT REPORTING REQUIREMENTS

REPORT	FLORIDA STATUTE SECTION	DATE
Annual Financial Audit	218.39	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	Within 45 days after delivery of audit
Financial Disclosure Form 1	112.3145	By July 1
Public Depositor	280.17	By November 30
Proposed Budget	190.008	By June 15
Adopted Budget	190.008	By October 1
Public Facilities Report	189.08	Initial report w/in 1 year of creation, Updates every 7 years
Public Meetings Schedule	189.015	Beginning of fiscal year
Notice of Bond Issuance	218.38	Within 120 days after delivery
Registered Agent	189.014	30 days after first Board Meeting
Notice of Establishment	190.0485	30 days after formation
Creation Documents	189.016	30 days after adoption
Notice of Public Finance	190.009	After financing

# EXHIBIT 8



## AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of KE Law Group, PLLC to act as agent for Petitioner, Zemel Land Partners, LLC, with regard to any and all matters pertaining to the Petition to the Board of County Commissioners of Charlotte County, Florida, to Establish the Eagle Creek Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

Witnessed:

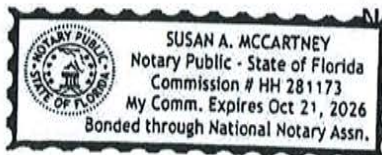
Monica Donley  
Print Name: Monica Donley  
Kris Watts  
Print Name: Kris Watts

ZEMEL LAND PARTNERS  
PETITIONER

D. David Goben  
By: D. David Goben  
Its: Manager

STATE OF FLORIDA  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of November, 2022, by D. DAVID GOBEN, as Manager of Zemel Land Partners, on its behalf. He ☒ is personally known to me or ☐ produced \_\_\_\_\_ as identification.



Susan A. McCartney  
Notary Public, State of FLORIDA