

This instrument prepared by (and return to)

Daniel B. Harrell  
Gonano & Harrell  
2100 S.E. Ocean Blvd., Ste 205  
Stuart, Florida 34996  
(772) 464-1032 Ext. 1010 (Voice)  
(772) 464-0282 (Facsimile)

NOTICE OF ESTABLISHMENT OF THE SOUTHERN GROVE  
COMMUNITY DEVELOPMENT DISTRICT NO. 3

This Notice is recorded pursuant to the requirements of Section 190.0485, Florida Statutes, as amended. The Southern Grove Community Development District No. 3 was established by Ordinance No. 07-35, enacted April 9, 2007, by the City Council of the City of Port St. Lucie, Florida. The legal description of the Southern Grove Community Development District No. 3 is attached as Exhibit A and is incorporated into this Notice.

THE SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 3 MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS AS PROVIDED FOR BY LAW.

Dated this 21<sup>st</sup> day of May, 2007.

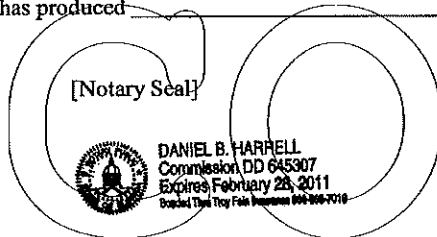
PETITIONER TO ESTABLISH  
SOUTHERN GROVE COMMUNITY  
DEVELOPMENT DISTRICT NO. 3:

HORIZONS ACQUISITION 5, LLC

By: [Signature]  
James H. Anderson  
Executive Vice-President

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of May, 2007, by James H. Anderson, Executive Vice-President of Horizons Acquisition 5, LLC, as Petitioner to Establish the Southern Grove Community Development District No. 3. He ☒ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification and ☐ did not take an oath.




Notary Public - State of Florida  
Print Name DANIEL B. HARRELL  
My commission expires: Feb. 28, 2011

COPY

SOG 1882001 Notice\_Estab District No.3-V2.wpd 5/8/2007

COPY

**EXHIBIT A****LEGAL DESCRIPTION**

	
<b>ENGINEERS • PLANNERS • SURVEYORS</b> 590 HWY 190, Suite 9, Port St. Lucie, FL 34986 (772) 878-1700 • Fax: (772) 878-1802 • Web: www.azm-inc.com West Palm Beach • Port St. Lucie • Orlando • Vero Beach EN 7017 / LS 7018	
<b>DESCRIPTION TO ACCOMPANY SKETCH</b>	
DESCRIPTION C.O.D. NO. 3	
A PARCEL OF LAND LYING IN SECTIONS 27, 34 AND 35, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:	
COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 166, PAGE 168 WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 577, PAGE 676, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°05'34" EAST AS A BASIS OF BEARINGS ALONG SAID EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 577, PAGE 676, A DISTANCE OF 2348.81 FEET TO THE POINT OF BEGINNING OF SAID PARCEL OF LAND; THENCE CONTINUE NORTH 00°05'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 3882.64 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED E/W 4 RIGHT-OF-WAY; THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING SIX (6) COURSES;	
1. SOUTH 90°00'00" EAST DEPARTING SAID EAST LINE OF LANDS DESCRIBED OFFICIAL RECORD BOOK 577, PAGE 676, A DISTANCE OF 898.88 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2925.00 FEET; 2. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1355.70 FEET TO A POINT OF TANGENCY WITH A LINE; 3. SOUTH 63°26'39" EAST ALONG SAID LINE, A DISTANCE OF 1195.33 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 3075.00 FEET; 4. SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1425.22 FEET TO A POINT OF TANGENCY WITH A LINE; 5. SOUTH 90°00'00" EAST ALONG SAID LINE, A DISTANCE OF 895.98 FEET; 6. SOUTH 89°59'48" EAST, A DISTANCE OF 4382.57 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 6690.74 FEET (THE RADIUS POINT OF WHICH BEARS SOUTH 84°40'12" WEST FROM THIS POINT); SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE WESTERLY LINE OF LANDS DESCRIBED IN ORDER OF TAKING OFFICIAL RECORDS BOOK 311, PAGES 2946-2952.	
NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon. NOTE: Lands shown hereon were not obstructed for right-of-way and/or easements of record.	
JULIAN D. MORRIS, PROFESSIONAL SURVEYOR AND MAPPER, FLORIDA REGISTRATION NO. 4731	
9-26-06	
REVISED 9-26-06 JDM	
SET 3-EXHIBITS 3 AND 4 OF 4 FOR SKETCH P:\1708-799\8737\CD\84\8737-CD3-3201.dwg 8/28/2006 12:36:56 PM EST	
JOB No. 8737	DRAWN: JDM
CHECKED: MTK	DESIGN: ARCADIS
DATE: 10-28-03	SHEET 1 OF 4

FTL1576694:3

A-1



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 West Palm Beach • Port St. Lucie • Orlando • Vero Beach  
 IN TYP / LB 7002

### DESCRIPTION TO ACCOMPANY SKETCH

THENCE TRAVERSING SAID WESTERLY LINE BY THE FOLLOWING FOUR (4) COURSES;

1. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $0^{\circ}54'35''$ , AN ARC DISTANCE OF 110.99 FEET TO A POINT OF TANGENCY WITH A LINE;
2. SOUTH  $04^{\circ}25'12''$  EAST ALONG SAID LINE, A DISTANCE OF 1751.36 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 24381.33 FEET;
3. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $04^{\circ}30'14''$ , AN ARC DISTANCE OF 1916.56 FEET TO A POINT OF TANGENCY WITH A LINE;
4. SOUTH  $00^{\circ}05'02''$  WEST ALONG SAID LINE, A DISTANCE OF 161.98 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED BECKER ROAD;

THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING FIVE (5) COURSES;

1. SOUTH  $89^{\circ}57'55''$  WEST, A DISTANCE OF 2640.39 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 5075.00 FEET;
2. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $17^{\circ}42'45''$ , AN ARC DISTANCE OF 1568.89 FEET TO THE POINT OF TANGENCY WITH A LINE;
3. NORTH  $72^{\circ}19'20''$  WEST ALONG SAID LINE, A DISTANCE OF 2451.74 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4925.00 FEET;
4. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $17^{\circ}35'06''$ , AN ARC DISTANCE OF 1511.55 FEET TO A POINT OF TANGENCY WITH A LINE;
5. NORTH  $89^{\circ}54'26''$  WEST ALONG SAID LINE, A DISTANCE OF 2123.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 848.053 ACRES, MORE OR LESS.

REVISED 9-26-05 (JDM)

SEE SHEETS 3 AND 4 OF 4 FOR SKETCH

A1700-299-18737-C038-18737-C003-S001d-g 9/26/2005 1:27:51 PM C01

SHEET 2 OF 4

JOB No. 8737

DRAWN: JDM

CHECKED: MTK

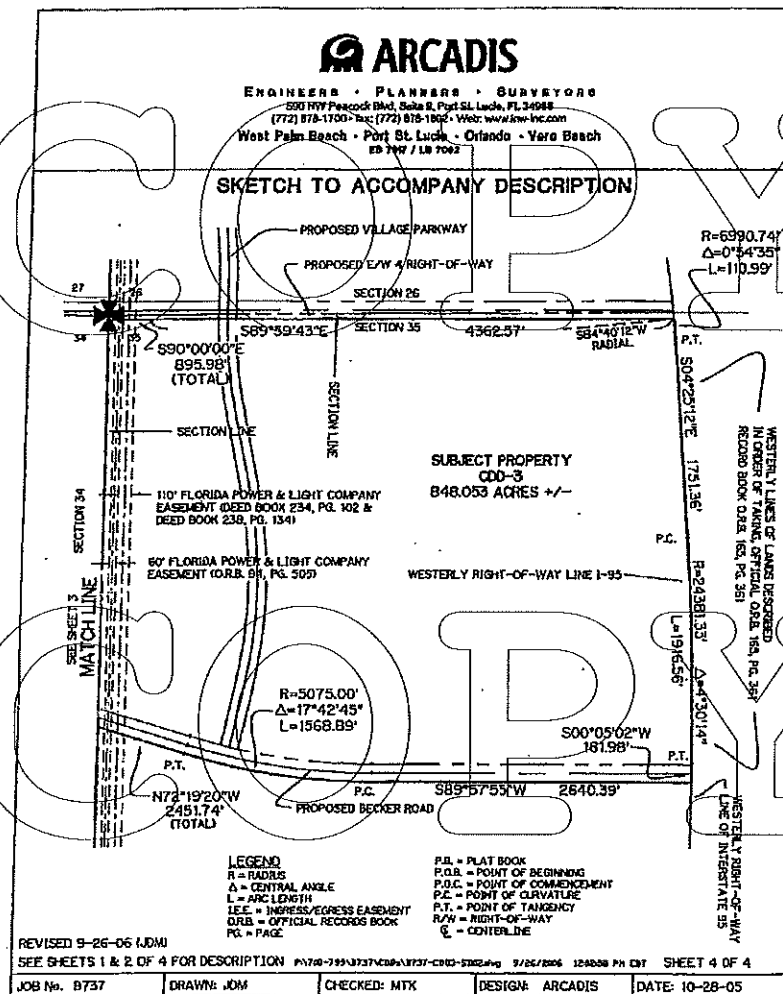
DESIGN: ARCADIS

DATE: 10-28-05

FILE: 1576694.3

A-2





FL-1576694.3

A-4

**CITY OF PORT ST. LUCIE, FLORIDA**

**ORDINANCE NO. 07-35**

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA ESTABLISHING THE SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 3; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR CERTAIN SPECIAL POWERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:**

**SECTION 1. AUTHORITY FOR THIS ORDINANCE.** The City of Port St. Lucie, Florida (the "City") is authorized to adopt this ordinance under the authority granted by the provisions of Chapter 166, Florida Statutes, as amended, and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby found and determined that:

A. Horizons Acquisition 5, LLC, a Florida limited liability company (the "Petitioner"), the owner of 100% of certain real property (the "Property") within the proposed District (hereinafter defined) (other than the portion of the Property, if any, previously conveyed to the City for right-of-way and utility purposes), has petitioned the City to form a community development district for the Property within the meaning of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act") as a reasonable and appropriate method of providing the infrastructure to serve residents of the Property. The District would be known as the "Southern Grove Community Development District No. 3" (the "District") and the boundaries of the District would be coterminous with the boundaries of the Property.

B. The City has conducted a public hearing on the Petition in accordance with the requirements of section 190.005(1)(d) and has considered the record of the public hearing and the factors set forth in section 190.005(1)(e) of the Act, among other factors, and hereby finds that:

1. All statements in the Petition have been found to be true and correct;

ORDINANCE 07-35

2. The creation of the District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;

3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;

4. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

6. The area that will be served by the District is amenable to separate special-district government.

C. The City now desires to grant the Petition and to establish the District, as more fully set forth herein.

**SECTION 3. ESTABLISHMENT OF DISTRICT; NAME.** The City hereby grants the Petition and establishes the District as a community development district within the meaning of the Act and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Southern Grove Community Development District No. 3."

**SECTION 4. EXTERNAL BOUNDARIES.** The external boundaries of the District shall be as set forth on Exhibit A hereto.

**SECTION 5. INITIAL MEMBERS OF BOARD OF SUPERVISORS.** The five persons to be the initial members of the Board of Supervisors of the District, each of whom is designated in the Petition, are as follows:

- (a) Dan Richey
- (b) James H. Anderson
- (c) Jane Rowley
- (d) Shawn Reilly
- (e) Tom Babcock



**SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS.**

A. Pursuant to Section 190.012(2)(a) of the Act, the City hereby consents to the exercise of the powers set forth in Section 190.012(2) (a), (b), (c), and (d) of the Act, thereby enabling the District to plan, establish, acquire, construct or 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; (2) fire prevention and control, including water mains and plugs, fire stations, fire trucks and other vehicles and equipment; (3) school buildings and related structures, which may be leased, sold or donated to the school district, for use in its educational system, when authorized by the district school board; and (4) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. Notwithstanding anything to the contrary set forth herein, the District shall not operate or maintain any water and sewer facilities within its boundaries and all of such facilities shall be dedicated to and/or owned by the City.

B. The City further consents to the exercise by the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the City (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District.

C. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed District is entitled to exercise pursuant to the Act.

D. As permitted by the Act, the City hereby approves the District's exercise, outside of its boundaries, of the powers granted in the Act and herein, subject to the terms hereof, for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District.

**SECTION 7. SEVERABILITY AND INVALID PROVISIONS.** If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, but not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way effect the validity of the other provisions hereof.

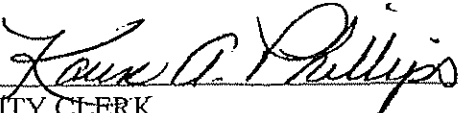
ORDINANCE 07-35


**SECTION 8. ORDINANCE EFFECTIVE.** This ordinance shall take effect immediately upon its second reading.

PASSED ON FIRST READING: 3-12-07  
PASSED ON SECOND READING: 4-9-07

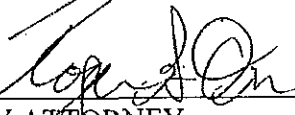
**CITY OF PORT ST. LUCIE, FLORIDA**

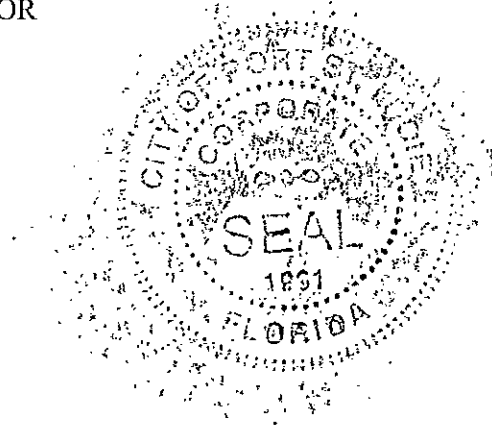
**ATTEST:**

  
CITY CLERK

  
MAYOR

I HEREBY CERTIFY that I have approved  
this ORDINANCE as to form

  
CITY ATTORNEY



ORDINANCE 07-35

EXHIBIT A

EXTERNAL BOUNDARIES OF THE DISTRICT



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ES 7917 / LB 7082

DESCRIPTION TO ACCOMPANY SKETCH

DESCRIPTION: C.D.D. NO. 3

A PARCEL OF LAND LYING IN SECTIONS 27, 34 AND 35, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 166, PAGE 168 WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 577, PAGE 676, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°05'34" EAST AS A BASIS OF BEARINGS ALONG SAID EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 577, PAGE 676, A DISTANCE OF 2348.81 FEET TO THE POINT OF BEGINNING OF SAID PARCEL OF LAND; THENCE CONTINUE NORTH 00°05'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 3882.64 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED EXW 4 RIGHT-OF-WAY; THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING SIX (6) COURSES;

1. SOUTH 90°00'00" EAST DEPARTING SAID EAST LINE OF LANDS DESCRIBED OFFICIAL RECORD BOOK 577, PAGE 676, A DISTANCE OF 898.88 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2925.00 FEET;
2. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1355.70 FEET TO A POINT OF TANGENCY WITH A LINE;
3. SOUTH 63°26'39" EAST ALONG SAID LINE, A DISTANCE OF 1195.33 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 3075.00 FEET;
4. SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1425.22 FEET TO A POINT OF TANGENCY WITH A LINE;
5. SOUTH 90°00'00" EAST ALONG SAID LINE, A DISTANCE OF 895.98 FEET;
6. SOUTH 89°59'43" EAST, A DISTANCE OF 4362.57 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 6690.74 FEET (THE RADIUS POINT OF WHICH BEARS SOUTH 84°40'12" WEST FROM THIS POINT); SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE WESTERLY LINE OF LANDS DESCRIBED IN ORDER OF TAKING, OFFICIAL RECORDS BOOK 311, PAGES 2946-2952;

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon.

NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.

*Julian D. Morris*  
JULIAN D. MORRIS, PROFESSIONAL SURVEYOR  
AND MAPPER, FLORIDA REGISTRATION NO. 4731

9-26-06

DATE OF SIGNATURE

REVISED 9-26-06 (JDM)

SEE SHEETS 3 AND 4 OF 4 FOR SKETCH P:\700-799\B737\CDDs\B737-CDD3-SD31.dwg 9/26/2006 1:36:56 PM EDT

SHEET 1 OF 4

JOB No. B737

DRAWN: JDM

CHECKED: MTK

DESIGN: ARCADIS

DATE: 10-28-05



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EB 7917 / LB 7092

## DESCRIPTION TO ACCOMPANY SKETCH

THENCE TRAVERSING SAID WESTERLY LINE BY THE FOLLOWING FOUR (4) COURSES;

1. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 0°54'35", AN ARC DISTANCE OF 110.99 FEET TO A POINT OF TANGENCY WITH A LINE;
2. SOUTH 04°25'12" EAST ALONG SAID LINE, A DISTANCE OF 1751.36 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 24381.33 FEET;
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THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF WAY LINE BY THE FOLLOWING FIVE (5) COURSES;

1. SOUTH 89°57'55" WEST, A DISTANCE OF 2640.39 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 5075.00 FEET;
2. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 17°42'45", AN ARC DISTANCE OF 1568.89 FEET TO THE POINT OF TANGENCY WITH A LINE;
3. NORTH 72°19'20" WEST ALONG SAID LINE, A DISTANCE OF 2451.74 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4925.00 FEET;
4. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 17°35'06", AN ARC DISTANCE OF 1511.55 FEET TO A POINT OF TANGENCY WITH A LINE;
5. NORTH 89°54'26" WEST ALONG SAID LINE, A DISTANCE OF 2123.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 848.053 ACRES, MORE OR LESS.

REVISED 9-26-06 (JDM)

SEE SHEETS 3 AND 4 OF 4 FOR SKETCH

P:\730-799\B737\CDDs\B737-CDD3-SD01.dwg 9/26/2006 1:27:51 PM EDT

SHEET 2 OF 4

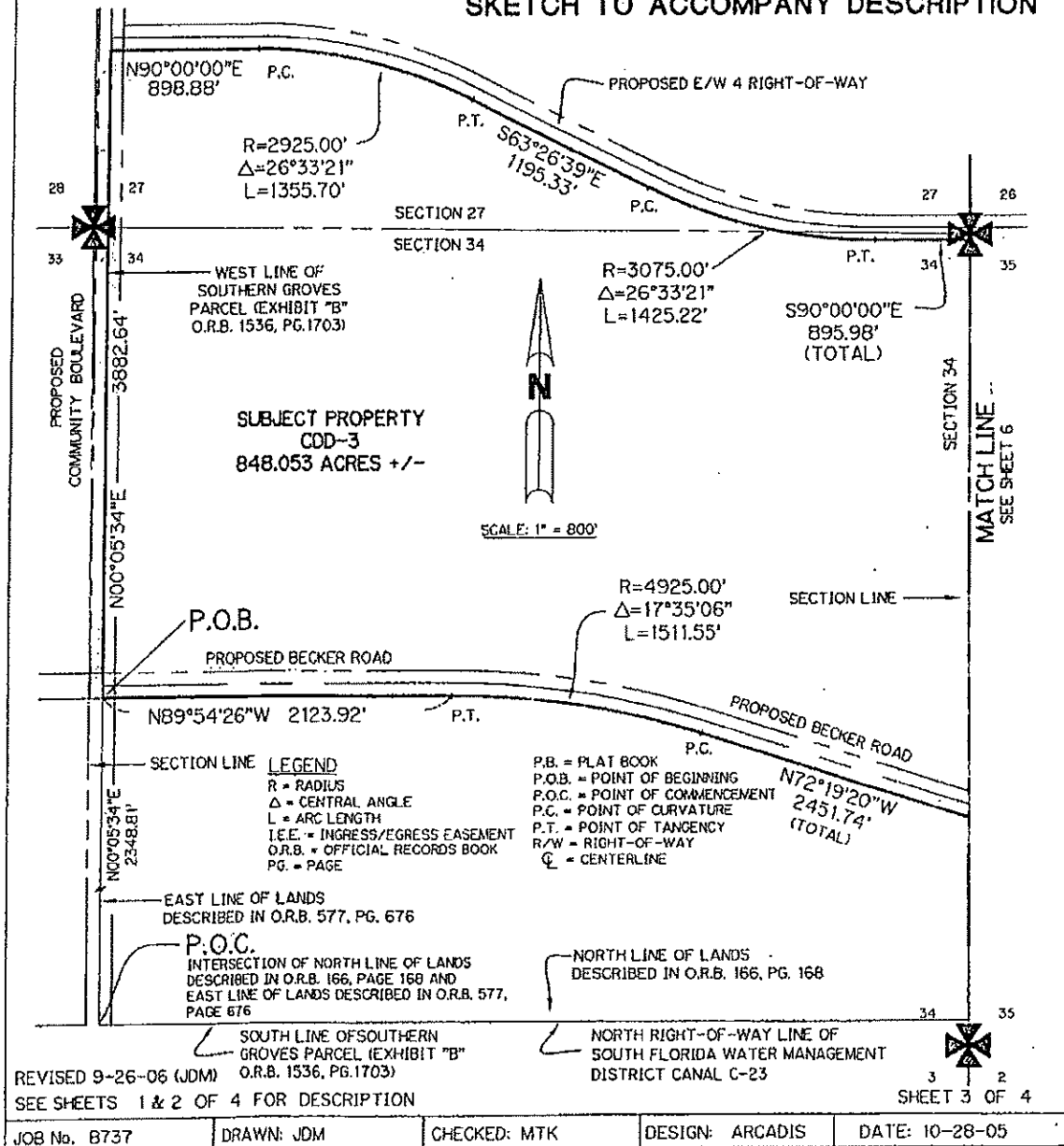
JOB No. B737	DRAWN: JDM	CHECKED: MTK	DESIGN: ARCADIS	DATE: 10-28-05
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EB 7917 / LB 7062

SKETCH TO ACCOMPANY DESCRIPTION



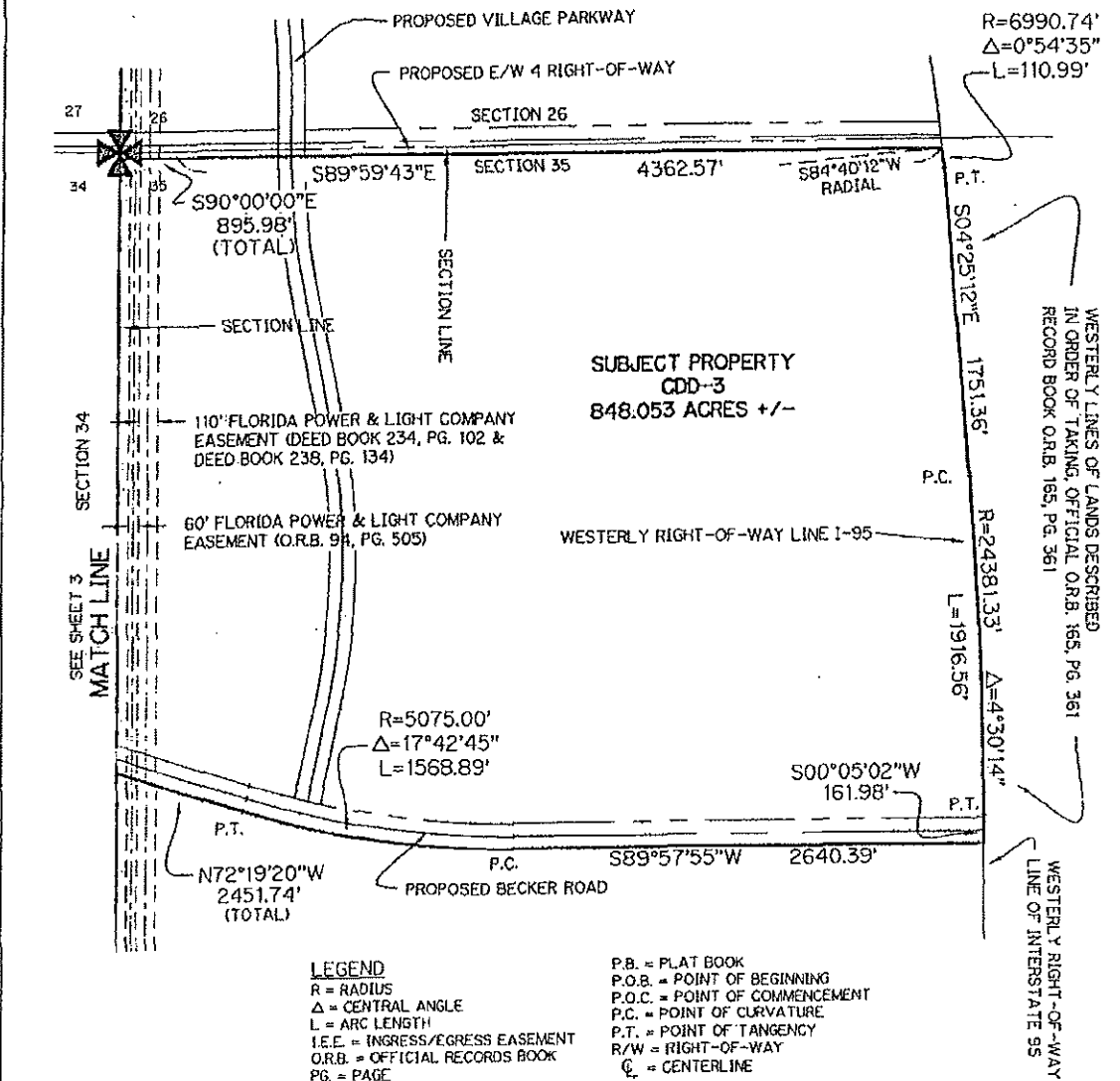


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EQ 7917 / LB 7002

# SKETCH TO ACCOMPANY DESCRIPTION



REVISOR: JDM

DATE: 9/26/2006 12:02:58 PM EDT

SHEET 4 OF 4

JOB No. B737	DRAWN: JDM	CHECKED: MTK	DESIGN: ARCADIS	DATE: 10-28-05
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# MEMORANDUM

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TO: DONALD B. COOPER, CITY MANAGER  
THRU: ROGER G. ORR, CITY ATTORNEY  
FROM: PAM E. HAKIM, ASSISTANT CITY ATTORNEY  
DATE: MARCH 5, 2007  
SUBJECT: PETITION FOR THE ESTABLISHMENT OF SOUTHERN GROVE  
COMMUNITY DEVELOPMENT DISTRICT (CDD #3)

RECEIVED

MAR 07 2007

City Manager's Office

Attached please find a letter and petition from Paul Fanning, Esq. of Core Communities, requesting the establishment of six community development districts ("CDD") within the Southern Grove Development of Regional Impact ("DRI"). Each petition and ordinance are under separate memo. This memo corresponds to the Southern Grove Community Development District #3. The petition for this CDD includes the property owners' consent, the location and size of the property, the Board members, water, sewer, irrigation and drainage plans. The CDD is requesting all powers granted under Florida Statutes Chapter 190.

The petition includes a statement of estimated regulatory costs ("SERC") as required by statute. This provides the land uses and distribution proposed for the CDD. The justification statement for the establishment of the CDD and its ability to provide services to the district consistent with the City of Port St. Lucie's Comprehensive Plan is included within the SERC report.

Based upon the review of the information submitted and the Florida Statutes Chapter 190, the applicant meets the criteria set forth for the establishment of a Community Development District. Based upon the foregoing, I request that this item be placed on the City Council's agenda for consideration of the Community Development District #3 for the Southern Grove DRI. Should you have any questions or need any additional information, please do not hesitate to contact me at 871.5255.

PBH/dmf  
Attachment

c: Roger G. Orr, City Attorney  
Cheryl S. Friend, Director, Planning & Zoning (w/attachments)  
Karen Phillips, City Clerk

clp  
3/7

**CITY COUNCIL**

**PORT ST. LUCIE, FLORIDA**

**IN RE: PETITION FOR PROPOSED ORDINANCE  
PURSUANT TO SECTION 190.005(2), FLORIDA  
STATUTES, TO ESTABLISH SOUTHERN GROVE  
COMMUNITY DEVELOPMENT DISTRICT NO. 3**

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**PETITION FOR ESTABLISHMENT  
OF A COMMUNITY DEVELOPMENT DISTRICT**

Horizons Acquisition 5, LLC, a Florida limited liability company (the "Petitioner"), being the owner of one hundred percent (100%) of the property (the "Property") legally described on Exhibit A annexed hereto and made a part hereof, located in the City of Port St. Lucie, Florida (the "City") (other than the portion of the Property, if any previously conveyed to the City for right-of-way and utility purposes), hereby petitions the **CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA** (the "Council") in accordance with Section 190.005(2) of the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the "Act") to establish a community development district comprising the Property (the "District") pursuant to the Act and other applicable law, and in support thereof, hereby attests as follows:

1. That the Petitioner is a Florida limited liability company with its principal place of business at 10521 SW Village Center Drive, Suite 201, Port St. Lucie, Florida 34987.

2. That the land area to be served by the proposed District comprises approximately 848.053 acres. All lands in the proposed area are located wholly within the jurisdictional boundaries of the City.

3. That annexed hereto as Exhibit A and made a part hereof is a metes and bounds description of the external boundaries of the proposed District. No real property within the external boundaries of the proposed District is to be excluded therefrom.

4. That annexed hereto as Exhibit B and made a part hereof is evidence of the written consent to the establishment of the proposed District by the owners of one hundred percent (100%) of the real property to be included in the District.

5. That the following five (5) persons shall be the initial members of the Board of Supervisors of the proposed District, each of whom is a resident of the State of Florida and a



citizen of the United States, and each of whom shall serve in that office until replaced by elected members as provided in Section 190.006 of the Act:

- (a) Dan Richey
- (b) James H. Anderson
- (c) Jane Rowley
- (d) Shawn Reilly
- (e) Tom Babcock

6. That the name of the proposed District is "Southern Grove Community Development District No. 3."

7. That annexed hereto as Exhibit C and made a part hereof is a map of the proposed District showing current major trunk water mains and sewer interceptors and outfalls.

8. That annexed hereto as Exhibit D and made a part hereof, based upon available data, is a good faith estimate of the timetable for construction of the proposed District's systems, services and facilities and the estimated cost of constructing the same, both of which estimates are subject to change.

9. That annexed hereto as Exhibit E and made a part hereof is a designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the proposed District by the future land use plan element of the effective local government comprehensive plan.

10. That annexed hereto as Exhibit F and made a part hereof is a statement of estimated regulatory costs in accordance with the requirements of Section 120.541, Florida Statutes.

11. That the creation of the proposed District is not inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

12. That the Property to comprise the proposed District is of sufficient size, compactness, and contiguity to be developable as one functional interrelated community.

13. That the creation of the proposed District presents the best alternative available for delivering the community development facilities and services to the Property that will be served by the proposed District.

14. That the community development facilities and services of the proposed District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

15. That the Property to comprise the proposed District is amenable to separate special-purpose government.

16. That Petitioner requests the Council to consent to the District's exercise of one or more of the powers set forth in Section 190.012(2) (a), (b), (c), and (d) of the Act, thereby enabling the District to plan, establish, acquire, construct or 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; (2) fire prevention and control, including water mains and plugs, fire stations, fire trucks and other vehicles and equipment; (3) school buildings and related structures, which may be leased, sold or donated to the school district, for use in its educational system, when authorized by the district school board; (4) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries; and (5) that the Council further consent to the exercise by the District of the right and power of eminent domain, pursuant to Chapter 73, Florida Statutes and Chapter 74, Florida Statutes, over any property outside the boundaries of the District and within the City (except municipal, county, state and federal property) for the uses and purposes of the District relating solely to water, sewer, District roads, and water management, specifically including, without limitation, the power of eminent domain for the taking of easements for the drainage of the land of one person over and through the land of another; provided, however, that the District shall exercise the eminent domain power only for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District. The foregoing powers shall be in addition, and supplemental, to the powers which the proposed District is entitled to exercise pursuant to the Act. Notwithstanding anything to the contrary set forth herein, the District shall not operate or maintain any water and sewer facilities within its boundaries and all of such facilities shall be dedicated to and/or owned by the City.

17. That Petitioner requests the Council to approve the exercise by the District of its powers outside its boundaries for uses and purposes contemplated by, consistent with or in furtherance of the requirements of approved development permits or development orders relating to the real property within the District.

18. That all statements contained within this Petition are true and correct.

**WHEREFORE**, Petitioner hereby respectfully requests the Council to:

A. Direct its staff to notice, as soon as practicable, a local public non-emergency hearing pursuant to the requirements of Section 190.005(2)(b), (c) and (e) of the Act to consider whether to grant the petition for the establishment of the proposed District and to enact an ordinance establishing the proposed District.

B. Grant the petition and enact an ordinance pursuant to the Act and other applicable law establishing a community development district comprised of the Property to be known as the "Southern Grove Community Development District No. 3."

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of November, 2006.

**HORIZONS ACQUISITION 5, LLC**

By: [Signature], EVP  
Name: James H. Anderson  
Title: Executive Vice President

STATE OF FLORIDA       )  
                                      ) SS:  
COUNTY OF St. Lucie )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by James H. Anderson, the E.V.P. of HORIZONS ACQUISITION 5, LLC, a Florida limited liability company. He is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 28<sup>th</sup> day of November, 2006.



Mary Christine Moore  
Notary Public  
**Mary Christine Moore**  
Typed, printed or stamped name of Notary Public

My Council Expires:

## EXHIBIT A

### LEGAL DESCRIPTION



ENGINEERS • PLANNERS • SURVEYORS

590 NW Peacock Blvd, Suite 9, Port St. Lucie, FL 34986  
(772) 878-1700 • fax: (772) 878-1802 • Web: www.lnw-inc.com

West Palm Beach • Port St. Lucie • Orlando • Vero Beach  
EB 7917 / LB 7002

### DESCRIPTION TO ACCOMPANY SKETCH

DESCRIPTION: C.D.D. NO. 3

A PARCEL OF LAND LYING IN SECTIONS 27, 34 AND 35, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 166, PAGE 168 WITH THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 577, PAGE 676, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°05'34" EAST AS A BASIS OF BEARINGS ALONG SAID EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 577, PAGE 676, A DISTANCE OF 2348.81 FEET TO THE POINT OF BEGINNING OF SAID PARCEL OF LAND; THENCE CONTINUE NORTH 00°05'34" EAST ALONG SAID EAST LINE, A DISTANCE OF 3882.64 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED E/W 4 RIGHT-OF-WAY; THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF-WAY LINE BY THE FOLLOWING SIX (6) COURSES;

1. SOUTH 90°00'00" EAST DEPARTING SAID EAST LINE OF LANDS DESCRIBED OFFICIAL RECORD BOOK 577, PAGE 676, A DISTANCE OF 898.88 FEET TO THE POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2925.00 FEET;
2. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1355.70 FEET TO A POINT OF TANGENCY WITH A LINE;
3. SOUTH 63°26'39" EAST ALONG SAID LINE, A DISTANCE OF 1195.33 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 3075.00 FEET;
4. SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 26°33'21", AN ARC DISTANCE OF 1425.22 FEET TO A POINT OF TANGENCY WITH A LINE;
5. SOUTH 90°00'00" EAST ALONG SAID LINE, A DISTANCE OF 895.98 FEET;
6. SOUTH 89°59'43" EAST, A DISTANCE OF 4362.57 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 6690.74 FEET (THE RADIUS POINT OF WHICH BEARS SOUTH 84°40'12" WEST FROM THIS POINT); SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE WESTERLY LINE OF LANDS DESCRIBED IN ORDER OF TAKING, OFFICIAL RECORDS BOOK 311, PAGES 2946-2952;

NOTE: THIS IS NOT A SKETCH OF SURVEY, but only a graphic depiction of the description shown hereon. There has been no field work, viewing of the subject property or monuments set in connection with the preparation of the information shown hereon.

NOTE: Lands shown hereon were not abstracted for right-of-way and/or easements of record.

*Julian D. Morris*  
JULIAN D. MORRIS, PROFESSIONAL SURVEYOR  
AND MAPPER, FLORIDA REGISTRATION NO. 4731

9-26-06  
DATE OF SIGNATURE

REVISED 9-26-06 (JDM)

SEE SHEETS 3 AND 4 OF 4 FOR SKETCH

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SHEET 1 OF 4

JOB No. B737	DRAWN: JDM	CHECKED: MTK	DESIGN: ARCADIS	DATE: 10-28-05
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EB 7917 / LB 7062

## DESCRIPTION TO ACCOMPANY SKETCH

THENCE TRAVERSING SAID WESTERLY LINE BY THE FOLLOWING FOUR (4) COURSES;

1. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $0^{\circ}54'35''$ , AN ARC DISTANCE OF 110.99 FEET TO A POINT OF TANGENCY WITH A LINE;
2. SOUTH  $04^{\circ}25'12''$  EAST ALONG SAID LINE, A DISTANCE OF 1751.36 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 24381.33 FEET;
3. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $04^{\circ}30'14''$ , AN ARC DISTANCE OF 1916.56 FEET TO A POINT OF TANGENCY WITH A LINE;
4. SOUTH  $00^{\circ}05'02''$  WEST ALONG SAID LINE, A DISTANCE OF 161.98 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF PROPOSED BECKER ROAD;

THENCE TRAVERSING SAID SOUTHERLY RIGHT-OF WAY LINE BY THE FOLLOWING FIVE (5) COURSES;

1. SOUTH  $89^{\circ}57'55''$  WEST, A DISTANCE OF 2640.39 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 5075.00 FEET;
2. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $17^{\circ}42'45''$ , AN ARC DISTANCE OF 1568.89 FEET TO THE POINT OF TANGENCY WITH A LINE;
3. NORTH  $72^{\circ}19'20''$  WEST ALONG SAID LINE, A DISTANCE OF 2451.74 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4925.00 FEET;
4. NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF  $17^{\circ}35'06''$ , AN ARC DISTANCE OF 1511.55 FEET TO A POINT OF TANGENCY WITH A LINE;
5. NORTH  $89^{\circ}54'26''$  WEST ALONG SAID LINE, A DISTANCE OF 2123.92 FEET TO THE POINT OF BEGINNING.

CONTAINING 848.053 ACRES, MORE OR LESS.

REVISED 9-26-06 (JDM)

SEE SHEETS 3 AND 4 OF 4 FOR SKETCH

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SHEET 2 OF 4

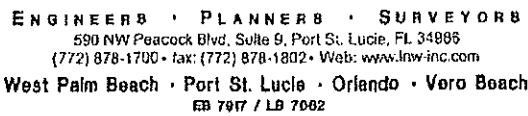
JOB No. B737

DRAWN: JDM

CHECKED: MTK

DESIGN: ARCADIS

DATE: 10-28-05

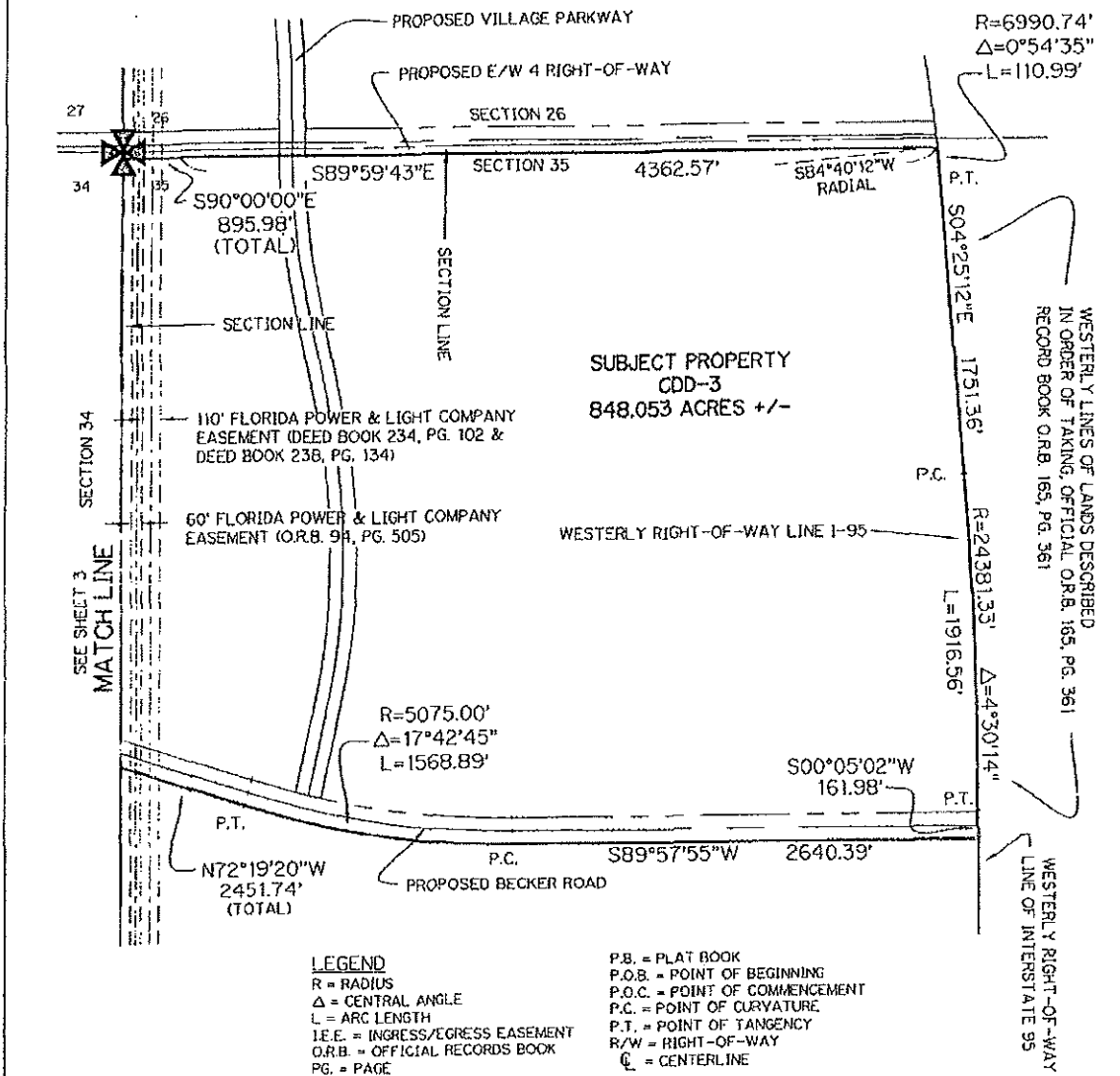


REVISD 9-26-06 (WDM)  
SEE SHEETS 1 & 2 OF 4 FOR DESCRIPTION



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## SKETCH TO ACCOMPANY DESCRIPTION



REVISED 9-26-06 (JDM)

SEE SHEETS 1 & 2 OF 4 FOR DESCRIPTION

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SHEET 4 OF 4

JOB No. 8737

DRAWN: JDM

CHECKED: MTK

DESIGN: ARCADIS

DATE: 10-28-05

**EXHIBIT B**

**EVIDENCE OF WRITTEN CONSENT OF  
OWNER'S CONSENT TO ESTABLISHMENT OF  
SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 3**

Horizons Acquisition 5, LLC, a Florida limited liability company (the "Owner"), hereby certifies that it is the owner of approximately 848.053 acres of certain real property (the "Property") located in Port St. Lucie, Florida (the "City") as such Property is legally described in the petition to which this consent is attached (other than the portion of the Property, if any, previously conveyed to the City for right-of-way and utility purposes). By signing below, the Owner hereby gives its full consent to the establishment by the City Council of the City of the **SOUTHERN GROVE COMMUNITY DEVELOPMENT DISTRICT NO. 3** (the "District") in accordance with Section 190.005, Florida Statutes, and to the inclusion of the Property owned by it within the boundaries of the proposed District. The Property comprises 100% of the property to be included within the boundaries of the proposed District and is more fully described in the petition to which this consent is attached.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this 28<sup>th</sup> day of November, 2006.

**HORIZONS ACQUISITION 5, LLC**

By: [Signature]

Name: James H. Anderson

Title: Executive Vice President

STATE OF FLORIDA       )  
                                      ) SS:  
COUNTY OF St. Lucie    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by James H. Anderson the E.V.P. of HORIZONS ACQUISITION 5, LLC, a Florida limited liability company. He is personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 28<sup>th</sup> day of November, 2006.



Mary Christine Moore  
Notary Public  
**Mary Christine Moore**

Typed, printed or stamped name of Notary Public

My Council Expires:



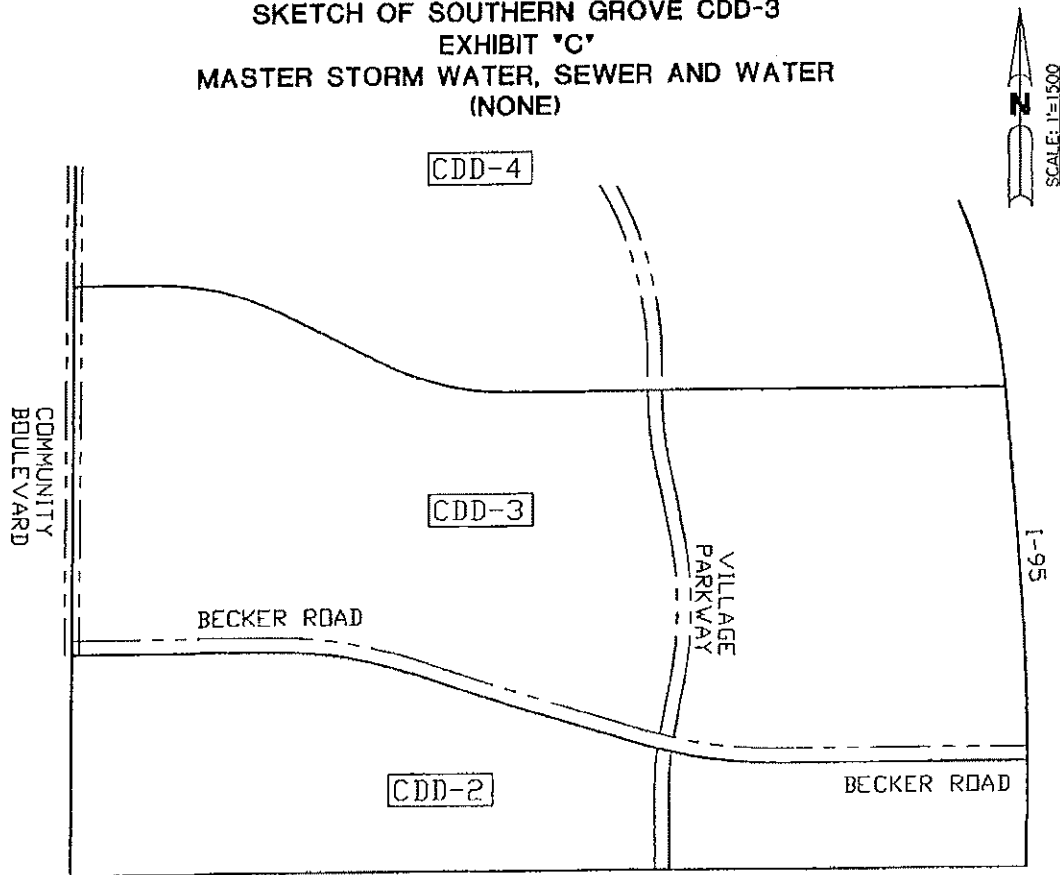
## EXHIBIT C

### MAP OF PROPOSED DISTRICT



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EO 3432 / LR 0074

#### SKETCH OF SOUTHERN GROVE CDD-3 EXHIBIT "C" MASTER STORM WATER, SEWER AND WATER (NONE)



#### LEGEND

AC. = ACRES  
CDD = COMMUNITY DEVELOPMENT DISTRICT  
M.P.U.D. = MASTER PLANNED UNIT DEVELOPMENT  
N.C.D. = NEW COMMUNITY DISTRICT

#### CDD-3

ACRES = 848.05  
LAND USE: N.C.D.  
ZONING: TBD

REVISED 9-26-06 (JDM)

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SHEET 1 OF 1

JOB No. B737	DRAWN: CTL	CHECKED: MTK	DESIGN: ARCADIS	DATE: 1-6-06
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## Exhibit D

### Good Faith Estimate and Timetable for Construction of the Proposed District's Systems, Services and Facilities

Category	2006-10	2011-15	2016-20	2021-2025	Total
Community Infrastructure					
Major Roadways and appurtenances	\$20,180,954	\$24,584,364	\$6,762,632	\$3,117,994	\$54,645,944
Annexation Roadways/interchanges	\$83,768,699	\$0	\$0	\$0	\$83,768,699
Exactions for other improvements	\$8,755,385	\$0	\$0	\$0	\$8,755,385
Other Community Infrastructure	\$69,004,143	\$49,288,674	\$49,288,674	\$29,573,204	\$197,154,696
	=====	=====	=====	=====	=====
Total Community Infrastructure	\$181,709,181	\$73,873,037	\$56,051,305	\$32,691,199	\$344,324,722
District Infrastructure Costs					
CDD#1	\$922,369	\$658,835	\$658,835	\$395,301	\$2,635,340
CDD#2	\$12,723,567	\$9,088,262	\$9,088,262	\$5,452,957	\$36,353,048
CDD#3	\$22,788,105	\$16,277,218	\$16,277,218	\$9,766,331	\$65,108,872
CDD#4	\$24,520,118	\$17,514,370	\$17,514,370	\$10,508,622	\$70,057,480
CDD#5A	\$9,862,201	\$7,044,429	\$7,044,429	\$4,226,657	\$28,177,716
CDD#6	\$30,248,506	\$21,606,076	\$21,606,076	\$12,963,646	\$86,424,304
	=====	=====	=====	=====	=====
Total District Infrastructure	\$101,064,866	\$72,189,190	\$72,189,190	\$43,313,514	\$288,756,760
	=====	=====	=====	=====	=====
Grand Total Community and District	\$282,774,047	\$146,062,227	\$128,240,495	\$76,004,713	\$633,081,482

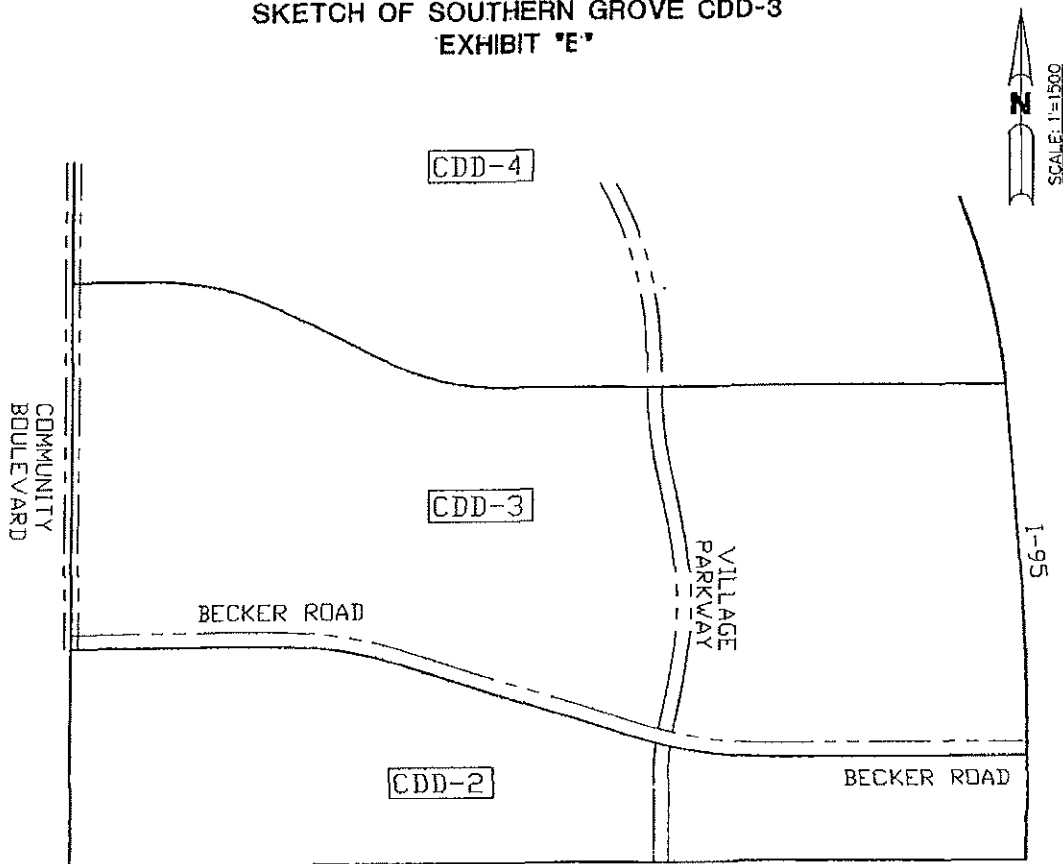
## EXHIBIT E

### DESIGNATION OF THE FUTURE GENERAL DISTRIBUTION, LOCATION AND EXTENT OF PUBLIC AND PRIVATE USES OF LAND PROPOSED FOR THE AREA WITHIN THE PROPOSED DISTRICT



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EB 3432 / LB 8874

#### SKETCH OF SOUTHERN GROVE CDD-3 EXHIBIT "E"



#### LEGEND

AC. = ACRES  
CDD = COMMUNITY DEVELOPMENT DISTRICT  
M.P.U.D. = MASTER PLANNED UNIT DEVELOPMENT  
N.C.D. = NEW COMMUNITY DISTRICT

#### CDD-3

ACRES = 848.05  
LAND USE: N.C.D.  
ZONING: TBD

REVISED 9-26-06 (JDM)

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SHEET 1 OF 1

JOB No. B737

DRAWN: CTL

CHECKED: MTK

DESIGN: ARCADIS

DATE: 1-6-06

## **Exhibit F**

### **Statement of Estimated Regulatory Cost**

# **STATEMENT OF ESTIMATED REGULATORY COSTS**

## **Southern Grove Community Development District No. 3**

### **1.0 Introduction**

#### **1.1 Purpose and Scope**

This statement of estimated regulatory costs ("SERC") supports the petition to form the Southern Grove Community Development District No. 3 ("District" or "CDD"). The proposed District comprises approximately 848.053 acres of land on which Core Communities ("Developer") plans to develop a portion of its Southern Grove project ("Development") as described below. The District is one of a family of six CDDs proposed to provide community infrastructure and services to the Development. As discussed below, this structure of six CDDs provides the most efficient means of planning, financing, constructing, operating and maintaining the infrastructure and services necessary to support the Development.

The Development is a large-scale, mixed-use, community comprising approximately 3,605 total acres. The Development plans include 5,833 single-family homes, 1,555 multifamily homes, and 2,164,061 square feet of commercial/retail space, 2,073,238 square feet of offices, 500 hotel rooms, and 1,999,405 square feet of warehouse/industrial space. To support this development program the six Districts would fund, in the aggregate approximately \$633,000,000 for CDD infrastructure by issuing approximately \$785,000,000 in total debt funding. The District proposes to provide infrastructure and community services to a portion of the Development as described more fully below.

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing District formation or alteration) as follows:

"That the process of establishing such a district pursuant to uniform general law shall 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."

#### **1.2 Overview of the proposed Community Development District**

As noted above, the proposed District would provide community infrastructure, services, and facilities along with their operations and maintenance, to a portion of the Development. The Development plans for the 3,605 acres are summarized in Table 1. These are preliminary plans and are subject to change.

Table 1. Planned Land Uses in the Southern Grove Development

Land Uses	Units/Square Feet/Rooms
Single-family homes	5,833
Multifamily homes	1,555
Commercial/retail (square feet)	2,164,061
Office (square feet)	2,073,238
Hotel (rooms)	500
Warehouse/Industrial (square feet)	1,999,405

Source: Developer preliminary subject to change

### 1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2002), defines the elements a statement of estimated regulatory costs must contain:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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., the City of Port St. Lucie is not defined as a small City for purposes of this requirement.
- (e) Any additional information that the agency determines may be useful.
- (f) 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 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 noted above, the proposed District will provide infrastructure and community services to a portion of the Development comprising approximately 7,300 dwelling units along with more than 6,500,000 square feet of commercial, retail, office, warehouse, industrial, and hotel space planned for approximately 3,605 acres. All of the ultimate property owners in the District will be required to comply with District rules and their properties will be encumbered with District obligations to pay for infrastructure and operations and maintenance expenses incurred by the District. Of course prior to the sell out of the real estate all of the undeveloped land owned by the Developer and any other landowner will also be under the jurisdiction of the District.

**3.0 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.**

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

**State Governmental Entities**

There is no cost to State entities to review or to enforce the proposed ordinance. Since the District comprises less than 1,000 acres, the City of Port St. Lucie is the reviewing agency for the petition.

There are only modest additional ongoing costs to various State entities to implement and enforce the proposed ordinance. If approved, the District will be special purpose unit of local government. The District is required to file various reports to the State of Florida, the Department of Community Affairs and other agencies of the State. The filing requirements are outlined in Appendix A. The cost to the State and its various departments to process additional reports filed by the District will be very small since the State already collects these reports from numerous other units of government. The addition of one more set of reports will have very little cost impact. Finally, the District must pay a small annual filing fee to the Department of Community Affairs to help offset the costs to the State from the additional paperwork.

**City of Port St. Lucie**

The City of Port St. Lucie ("City") will receive the petition to form the proposed District. The City will review and act upon the petition. These activities will absorb some time and resources of the City staff and City Council. However, these costs are very modest at most for the following reasons.

First, the review of this petition to form the District does not include an analysis of the Development itself. In fact, such a review of the Project is prohibited by statute. Second, the petition contains all of the information necessary for its review. Third, the City already has all of the staff necessary to review the petition. Fourth, no capital costs are involved in the review. Fifth, the City is familiar with CDDs, a number of which already exist in the City. Sixth, the City routinely processes similar requests that are far more complicated than this petition to form the District. Finally, the filing fee will offset these costs.

The City will incur only a small additional annual cost if this petition is approved. The proposed District would be 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 City with its budget each year, but no City action is required.

### **3.2 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 community facilities and services to serve the development. It has its own sources of revenue. No State or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any unit of local government. By State law debts of the District are strictly its own responsibility.

### **4.0 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**

As noted above, the District is one of a family of six CDDs proposed to plan, fund, construct, operate and maintain community facilities and services both within the boundaries of the various Districts and offsite as well. The Development comprises some 3,605 acres planned for a large-scale, mixed-use development project comprising more than 7,300 dwelling units and over 6,500,000 square feet of commercial, retail, office, hotel, warehouse, and industrial space. A development program of this scale and magnitude requires a very large investment in infrastructure estimated to cost over \$633,000,000 in real 2006 dollars (without inflation). To fund this infrastructure program the Districts would issue approximately \$785,000,000 in bonds.



As described below, a portion of this infrastructure is for offsite improvements for major roadways and other infrastructure systems connecting the Development to surrounding developments and to the City. These facilities serve all six of the Districts and benefit property within all of the Districts. These facilities will be termed Community Infrastructure. In addition, there are significant onsite improvements within each of the six Districts that primarily benefit properties located exclusively within each of the six Districts. These facilities will be termed District Infrastructure. The most efficient manner to plan, fund, construct, operate and maintain the Community Infrastructure and the District Infrastructure is to set up six Districts to serve the entire Development. The Districts will enter into a series of Interlocal Agreements with each other whereby the Districts can coordinate the planning, funding, construction, operations and maintenance of the Community Infrastructure while at the same time retaining the ability to plan, fund, construct, operate and maintain District Infrastructure needed to support development within their particular District. Since the land uses vary across the six Districts in material ways, this structure is very efficient. This the same structure used successfully at Tradition with its family of Districts.

The Districts plan to provide various community facilities and as outlined in Table 2. The Districts plans to fund all of the facilities outlined in Table 2. The roadways will be dedicated to the City, County or State of Florida depending upon the roadway. The parks and recreational facilities, stormwater management system, water and sewer lines, lift stations and appurtenances will be dedicated to the City. The Districts will retain ownership of the landscape, streetscape and signage and the Districts (or one of the Districts to which authority has been delegated by the other Districts) will maintain these facilities.

**Table 2. Proposed Facilities and Services**

FACILITY	FUNDED BY*	O&M BY	OWNERSHIP
Public Roads on and offsite	CDD	City/County/ State	City/County/ State
Storm water management	CDD	City/CDD	City/CDD
Water and sewer utilities	CDD	City	City
Parks and recreational facilities	CDD	City/CDD	City/CDD
Landscape, streetscape, signage	CDD	CDD	CDD

\*Portions of the facilities may be funded by a special assessment district formed by City.

The petitioner has estimated the costs for providing the capital facilities outlined in Table 2, and these are shown in Table 3 below. Total costs for these facilities are estimated to be approximately \$633,000,000. To fund this construction program the Districts (or one of the Districts to which authority has been delegated by the other Districts) may issue special assessment or other revenue bonds in phases with an estimated total cost of \$785,000,000. These would be repaid through non-ad valorem assessments levied on all properties in the

Districts that may benefit from the capital improvement program as outlined in Table 2.

**Table 3. Summary of Estimated Capital Costs for Community and District Infrastructure Southern Grove Community Development Districts**

Category	2006-10	2011-15	2016-20	2021-2025	Total
<b>Community Infrastructure</b>					
Major Roadways and appurtenances	\$20,180,954	\$24,584,364	\$6,762,632	\$3,117,994	\$54,645,944
Annexation Roadways/interchanges	\$83,768,699	\$0	\$0	\$0	\$83,768,699
Exactions for other improvements	\$8,755,385	\$0	\$0	\$0	\$8,755,385
Other Community Infrastructure	\$69,004,143	\$49,288,674	\$49,288,674	\$29,573,204	\$197,154,696
	=====	=====	=====	=====	=====
Total Community Infrastructure	\$181,709,181	\$73,873,037	\$56,051,305	\$32,691,199	\$344,324,722
<b>District Infrastructure Costs</b>					
CDD#1	\$922,369	\$658,835	\$658,835	\$395,301	\$2,635,340
CDD#2	\$12,723,567	\$9,088,262	\$9,088,262	\$5,452,957	\$36,353,048
CDD#3	\$22,788,105	\$16,277,218	\$16,277,218	\$9,766,331	\$65,108,872
CDD#4	\$24,520,118	\$17,514,370	\$17,514,370	\$10,508,622	\$70,057,480
CDD#5A	\$9,862,201	\$7,044,429	\$7,044,429	\$4,226,657	\$28,177,716
CDD#6	\$30,248,506	\$21,606,076	\$21,606,076	\$12,963,646	\$86,424,304
	=====	=====	=====	=====	=====
Total District Infrastructure	\$101,064,866	\$72,189,190	\$72,189,190	\$43,313,514	\$288,756,760
	=====	=====	=====	=====	=====
Grand Total Community and District	\$282,774,047	\$146,062,227	\$128,240,495	\$76,004,713	\$633,081,482

Source: Developer and Fishkind and Associates, Inc.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

It is important to note that the various costs outlined in Table 3 are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the Districts' financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the Districts are substituting in part for developer-provided infrastructure and facilities. Along these same lines, District-imposed assessments for operations and maintenance costs are similar to what would be charged in any event by a property owner's association common to most master planned developments.

Real estate markets are quite efficient, because buyers and renters evaluate all of the costs and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, City provision (directly or via a dependent special district), or through developer-bank loans.

**5.0 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 development is located in the City of Port St. Lucie. As of the latest Census date, the 2000 Census, the City has a population of more than 50,000. Therefore, the proposed District is not located in a City defined as a "small" according to Section 120.52, F.S.

**6.0 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 Developer's Engineer and other professionals associated with the Developer.

Finally, it is useful to reflect upon the question of whether the proposed formation of the District is the best alternative to provide community facilities and services to the Development. As an alternative to the District, the City could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 170, F.S. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, each of these alternatives is inferior to the District. Unlike the District the alternatives would require the City to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. In addition, administering a project of the size and scale contemplated herein would make little sense for the City.

A District also is preferable from a government accountability perspective. With a District as proposed, residents and renters in the District would have a focused unit of government under their direct control. The District can then be more responsive to resident needs without disrupting other City responsibilities.

Another alternative to the District would be for the developer to provide the infrastructure and 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 along with other property taxes. Therefore, the District is far more assured of obtaining its needed 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.

Fishkind & Associates certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.

We have developed over 50 SERCs. Below is a listing of some of these.

- Tradition Community Development Districts 6-10
- Moritage Community Development Districts 1-6
- SpringHills Community Development District
- Urban Orlando Community Development District
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Meditera Community Development District
- Brooks Community Development District
- Pelican Marsh Community Development District
- Pelican Landing Community Development District
- Fiddler's Creek Community Development Districts 1 and 2

**APPENDIX A  
LIST OF REPORTING REQUIREMENTS**

STATUTE REPORT	FLORIDA	
	CITE	DATE
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after

NOTICE OF HEARING

Notice is hereby given that a hearing will be held on the \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ p.m. in the City Council Chambers, 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida, before the City Council of the City of Port St. Lucie, Florida, to consider the elements of a petition filed to establish a uniform community development district to be known as Southern Grove Community Development District No. 3 as authorized and provided for in Chapter 190, Florida Statutes. The information presented at this hearing will also be used to afford the petitioner, any affected units of local government, and the general public, a fair and adequate opportunity to appear and present oral and written comments regarding the establishment of the district.

The specific legal authority for the establishment of the district is Sections 190.004 and 190.005, Florida Statutes.

The land area to be served by the district is located in Port St. Lucie, Florida and comprises approximately 848.053 contiguous acres. The boundaries of the properties to be serviced by the proposed Southern Grove Community Development District No. 3 are outlined in the map depicted in this notice. There is no real property within the boundaries of the district which will be excluded from the district.

If adopted, the ordinance will establish a uniform community development district and designate the land to be serviced by the district. A community development district government is a mechanism to ensure the provision of infrastructure subject to state and local regulatory requirements governing the lawful use and development of the property. Creation and establishment of a district pursuant to Chapter 190, Florida Statutes, is not a development order under Chapter 380, Florida Statutes. All planning, permitting and other regulatory requirements pertaining to development within the land area will be in accordance with general and special law and applicable ordinances.

The City Council complies with Section 190.005(2), Florida Statutes, in conducting this public hearing. The purpose of this hearing is to consider the relationship of the petition as submitted to the six factors listed in Section 190.005(1)(e), Florida Statutes. These six factors are as follows:

1. All statements in the petition have been found to be true and correct;
2. The creation of the district is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;
3. The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;
4. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district;
5. The community development services and facilities of the district will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
6. The area that will be served by the district is amenable to separate special-district government.

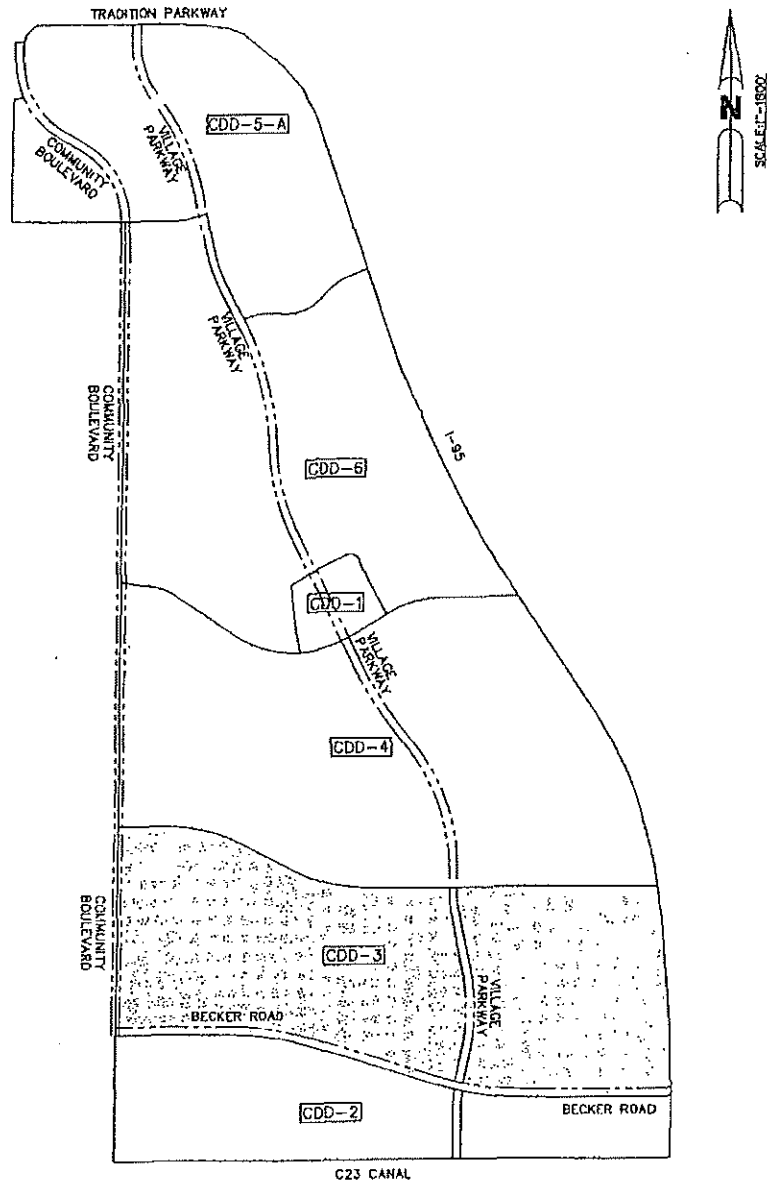
An independent economic impact analysis prepared by Fishkind & Associates, Inc. has determined the categories of persons who may be affected by the economic consequences of the proposed district's establishment: the State of Florida and its citizens, the City of Port St. Lucie and its citizens; the petitioner, present and future owners of property within the areas to be serviced by the district. The economic impact analysis anticipates the costs and benefits derived from the district's establishment and operation and describes the costs and benefits in detail.

A copy of the full text of the Southern Grove Community Development District No. 3 economic impact statement along with a copy of the full text of the petition and its documentation, is available for review at the office of the City Clerk, 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida.

CITY OF PORT ST. LUCIE, FLORIDA



## LOCATION MAP FOR SOUTHERN GROVE CDD-3



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