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ORDINANCE

NUMBER 2019-023

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, AMENDING CHAPTER 4-3. MUNICIPAL SERVICE DISTRICTS BY CREATING NEW ARTICLE XI: WEST PORT COMMUNITY DEVELOPMENT DISTRICT (CDD); PROVIDING FOR NEW SECTION 4-3.5-126, AUTHORITY; PROVIDING FOR NEW SECTION 4-3.5-127, DISTRICT NAME; PROVIDING FOR NEW SECTION 4-3.5-128, DISTRICT EXTERNAL BOUNDARIES; PROVIDING FOR NEW SECTION 4-3.5-129, DISTRICT POWERS AND FUNCTIONS; PROVIDING FOR NEW SECTION 4-3.5-130, BOARD OF SUPERVISORS; PROVIDING FOR ADDITIONAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, Murdock Fund, LLC (the "Petitioner"), having obtained written consent to the establishment of the West Port Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners (the "Board") of Charlotte County, Florida (the "County"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a limited liability company/corporation authorized to conduct business in the State of Florida whose address is 12800 University Drive, Suite 275, Fort Myers, FL 33907; and,

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the Board on October 22, 2019; and,

WHEREAS, upon consideration of the record established at that hearing, the

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

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

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

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

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

55 **Section 1.** Charlotte County Code Chapter 4-3, Article XI titled "WEST PORT
56 COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-126 is hereby created by adding the
57 underlined language to provide as follows:

58 **Sec. 4-3.5-126. Authority.**

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

63 **Section 2.** Charlotte County Code Chapter 4-3, Article XI titled "WEST PORT
64 COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-127 is hereby created by adding the
65 underlined language to provide as follows:

66 **Sec. 4-3.5-127. – District Name.**

67 There is hereby created a community development district situated entirely within
68 a portion of the unincorporated area of Charlotte County, Florida, which shall be known
69 as the "West Port Community Development District," and which shall be referred to in this
70 ordinance as the "District".

71 **Section 3.** Charlotte County Code Chapter 4-3, Article XI titled "WEST PORT
72 COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-128 is hereby created by adding the
73 underlined language to provide as follows:

74 **Sec. 4-3.5-128. – District External Boundaries.**

75 The external boundaries of the District are described in **Appendix A** attached
76 hereto, said boundaries encompassing 434.677 acres, more or less.

77 **Section 4.** Charlotte County Code Chapter 4-3, Article XI titled "WEST PORT
78 COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-129 is hereby created by adding the
79 underlined language to provide as follows:

80 **Sec. 4-3.5-129. District Powers and Functions.**

81 The powers and functions of the District are described in Chapter 190, Florida
82 Statutes. Consent is hereby given to the District's Board of Supervisors to finance, fund,
83 plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and
84 maintain systems and facilities for parks and facilities for indoor and outdoor recreational,
85 cultural, and educational uses, and for security, all as authorized and described by
86 Sections 190.012(2)(a) and (2)(d), Florida Statutes (2018).

87 **Section 5.** Charlotte County Code Chapter 4-3, Article XI titled "WEST PORT
88 COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-130 is hereby created by adding the
89 underlined language to provide as follows:

90 **Sec. 4-3.5-130. Board of Supervisors.**

91 The five persons designated to serve as initial members of the District's Board of
92 Supervisors are as follows:

93 Name: Jim Harvey
94 Address: 105 NE 1st Street
95 Delray Beach, Florida 33444

96
97 Name: Paul Martin
98 Address: 105 NE 1st Street
99 Delray Beach, Florida 33444

100
101
102 Name: Dave Truxton
103 Address: 105 NE 1st Street
104 Delray Beach, Florida 33444

105
106 Name: Donald Schrotenboer
107 Address: 12800 University Drive, Suite 275
108 Fort Myers, Florida 33907

109
110 Name: Troy Simpson
111 Address: 105 NE 1st Street
112 Delray Beach, Florida 33444
113

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

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

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

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

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

133 **Section 11.** Codification. It is the intention of the Board, and it is hereby ordained,
134 that the provisions of this Ordinance shall become and be made a part of the Code and
135 Laws and Ordinances of Charlotte County, Florida ("Code"), and the sections of this
136 Ordinance may be renumbered to accomplish such intention. In the event this Ordinance

137 conflicts with any provisions of the Code, the provisions of this Ordinance shall control to
138 the extent of any such conflict.

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

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

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PASSED AND DULY ADOPTED this 22nd day of October, 2019.

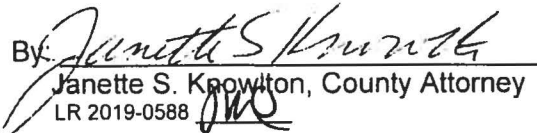

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Kenneth W. Doherty, Chairman

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

By: 
Michelle S. Bernardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 
Janette S. Knowlton, County Attorney
LR 2019-0588 

Appendix A [Second Restated Petition]

SECOND RESTATED
PETITION TO ESTABLISH
THE WEST PORT
COMMUNITY
DEVELOPMENT DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No.155527
jeree@hgslaw.com
HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Tallahassee, Florida 32301
(850) 222-7500 (telephone)
(850) 224-8551 (facsimile)

APPENDIX A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA

SECOND RESTATED PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Murdock Fund, LLC, ("Petitioner"), hereby petitions the Charlotte County Board of County Commissioners pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2018), 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 434.67 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of Tamiami Trail, north of El Jobean Road, east of Cornelius Boulevard and west of the area known as Murdock. The metes and bounds description 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 (2018). 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 as follows:

Name: Jim Harvey
Address: 105 NE 1st Street
Delray Beach, Florida 33444

Name: Paul Martin
Address: 105 NE 1st Street
Delray Beach, Florida 33444

Name: Dave Truxton
Address: 105 NE 1st Street
Delray Beach, Florida 33444

Name: Donald Schrotenboer
Address: 12800 University Drive, Suite 275
Fort Myers, Florida 33907

Name: Troy Simpson
Address: 105 NE 1st Street
Delray Beach, Florida 33444

All of the above-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 West Port Community Development District.

6. Major Water and Wastewater Facilities. The existing major trunk water mains and wastewater interceptors within the proposed lands to be included within the District, if any, are reflected in **Exhibit 4**. **Exhibit 4** also demonstrates the planned water, wastewater and drainage plan for the lands to be included within the 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. The estimated costs of construction are also shown in **Exhibit 5**. At present, these improvements are estimated to be made, acquired, constructed and installed from 2020 to 2024. 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. As indicated in **Exhibit 5**, either the District or a homeowner's association ("HOA") will own and maintain the roadways, unless the County and the District later agree that the County would accept the roadways for ownership and maintenance purposes.

NOTE: The County's establishment of the District is NOT intended to change, and shall not be construed as changing, the terms of the February 26, 2019 Memorandum of Understanding ("MOU") between Private Equity Group, L.L.C. and the County, and the District's proposed facilities and services, as described in **Exhibit 5**, do NOT include any of the Public Infrastructure Improvements, as defined in the MOU. Further, pursuant to Florida law, any County-owned lands within the District will not be subject to any District special assessments.

8. Existing and Future Land Uses. The existing land use within the proposed District is partially developed residential. 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 (2018). The SERC is based upon presently available data. The data and methodology used

in preparing the SERC accompany it.

10. Authorized Agents. The Petitioner is authorized to do business in Florida. **Exhibit 8** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should also be sent to:

Jere Earlywine, Esq.
HOPPING GREEN & SAMS, P.A.
119 S. Monroe Street, Suite 300
Tallahassee, FL 32301

11. This petition to establish the West Port 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 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.

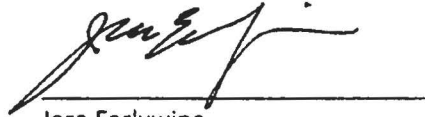
WHEREFORE, Petitioner respectfully requests the County Commission of Charlotte County, Florida to:

-
- 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, both as authorized and described by Section 190.012(2), Florida Statutes; and
 - d. grant such other relief as may be necessary or appropriate.

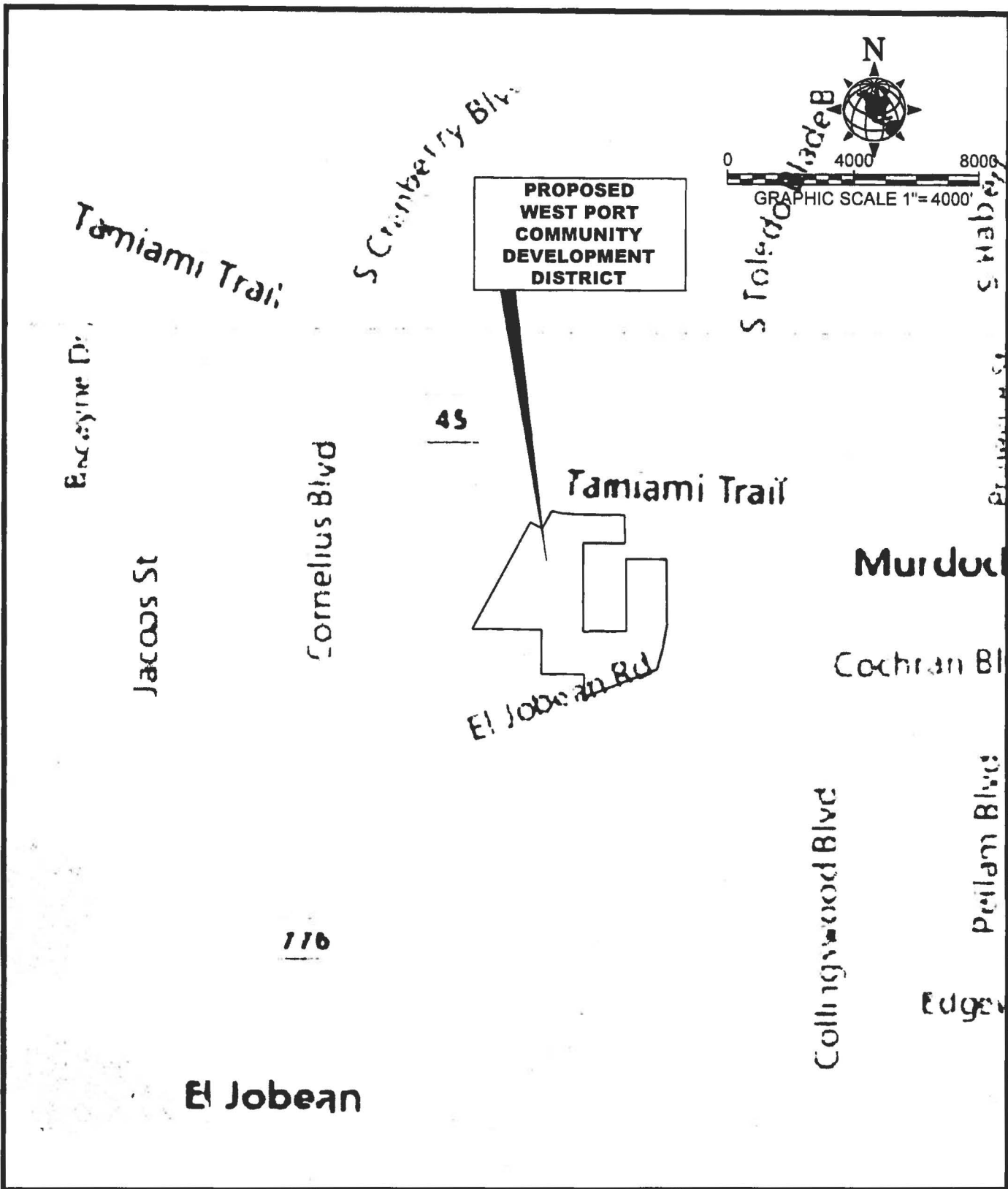
[CONTINUED ON NEXT PAGE]

RESPECTFULLY SUBMITTED, this 30th day of August, 2019.

HOPPING GREEN & SAMS, P.A.

A handwritten signature in black ink, appearing to read "Jere Earlywine", written over a horizontal line.

Jere Earlywine
Florida Bar No. 155527
HOPPING GREEN & SAMS, P.A.
119 S. Monroe Street, Suite 300
Tallahassee, Florida 32301
(850) 222-7500 Telephone
(850) 224-8551 Facsimile



M MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting
 2004 1/2nd Avenue East Bradenton, Florida 34201 C.A. 28780 941-328-4729 www.morrisengineering.com

DATE	PROJECT
PROJECT	NO.
DATE	BY
DATE	BY

Location Map
WEST PORT CDD
 Sumter County, Florida

SCALE	
1" = 4000'	
SHEET	OF
1	1

PARCEL 1:

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 10, 11, AND 14, TOWNSHIP 40 SOUTH, RANGE 21 EAST, WHICH TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, THENCE $N00^{\circ}29'34''W$ ALONG THE EAST SECTION LINE OF SAID SECTION 11 A DISTANCE OF 273.88 FEET TO A POINT INTERSECTING THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 776 (EL JOBEAN ROAD); THENCE $S69^{\circ}10'05''W$ ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 408.28 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE $S69^{\circ}10'05''W$ A DISTANCE OF 2471.54 FEET; THENCE $N00^{\circ}23'26''E$ A DISTANCE OF 722.47 FEET; THENCE $N89^{\circ}31'55''W$ A DISTANCE OF 1344.56 FEET; THENCE $N00^{\circ}03'10''W$ A DISTANCE OF 1398.83 FEET; THENCE $N89^{\circ}25'56''W$ A DISTANCE OF 1341.43 FEET; THENCE $N89^{\circ}51'49''W$ A DISTANCE OF 833.89 FEET; THENCE $N28^{\circ}21'55''E$ A DISTANCE OF 3827.13 FEET; THENCE $S61^{\circ}38'05''E$ A DISTANCE OF 423.01 FEET; THENCE $N28^{\circ}21'55''E$ A DISTANCE OF 617.50 FEET TO THE SOUTH RIGHT OF WAY LINE OF FRANKLIN AVENUE (50 FOOT PUBLIC RIGHT OF WAY) AND TO A POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE FOR A LENGTH OF 740.64 FEET, HAVING A RADIUS OF 3241.113 FEET (DELTA/CENTRAL ANGLE $13^{\circ}05'34''$) (CHORD BEARING OF $S82^{\circ}39'25''E$) (CHORD LENGTH OF 738.03 FEET) TO A POINT OF TANGENCY, THENCE $S89^{\circ}12'12''E$ ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1581.87 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF O'DONNELL BOULEVARD (70 FOOT PUBLIC RIGHT OF WAY); THENCE $S00^{\circ}20'51''E$ ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 894.20 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF MACADAM AVENUE (50 FOOT PUBLIC RIGHT OF WAY); THENCE $N89^{\circ}16'58''W$ ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1325.20 FEET; THENCE $S00^{\circ}20'37''E$ TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID MACADAM AVENUE A DISTANCE OF 49.99 FEET ALSO BEING THE NORTHWEST CORNER OF THE NORTH CHARLOTTE REGIONAL PARK; THENCE ALONG SAID NORTH CHARLOTTE REGIONAL PARK BOUNDARY THE NEXT SIX COURSES: 1) $S00^{\circ}20'37''E$, 2743.15 FEET; 2) $S89^{\circ}26'25''E$, 175.00 FEET; 3) $N00^{\circ}09'56''E$, 24.73 FEET; 4) $S89^{\circ}27'08''E$, 1185.09 FEET; 5) $N00^{\circ}20'51''W$, 2275.62 FEET; 6) $S89^{\circ}27'00''E$, 1285.98 FEET; THENCE $S00^{\circ}30'25''E$ LEAVING SAID BOUNDARY A DISTANCE OF 2002.10 FEET TO A POINT OF CURVATURE, THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT FOR A LENGTH OF 74.84 FEET, HAVING A RADIUS OF 400.00 FEET, (DELTA/CENTRAL ANGLE OF $10^{\circ}43'12''$) (CHORD BEARING OF $S04^{\circ}51'11''W$) (CHORD LENGTH OF 74.73 FEET) TO A POINT OF TANGENCY, THENCE $S10^{\circ}12'47''W$ A DISTANCE OF 775.34 FEET; THENCE $S15^{\circ}49'23''W$ A DISTANCE 650.60 FEET TO A POINT ON SAID RIGHT OF WAY LINE OF STATE ROAD 776 AND THE POINT OF BEGINNING.

This space reserved for use by
the Clerk of the Circuit Court

This instrument was prepared by and
upon recording should be returned to:

HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Post Office Box 6526
Tallahassee, Florida 32314

CONSENT OF LANDOWNER TO CDD ESTABLISHMENT

The undersigned hereby represents that he/she is the 100% fee simple owner of the property more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**"), or, alternatively, represents that he/she has authority to bind Murdock Fund, LLC, a Florida limited liability company, as the 100% fee simple owner of the Property with respect to the matters set forth herein (in either case, "**Landowner**").

The Landowner understands and acknowledges that a petition to establish a community development district ("**CDD**") is intended to be submitted in accordance with the provisions of Chapter 190, *Florida Statutes*. As the owner of lands which are intended to be included in the CDD, the Landowner understands and acknowledges that pursuant to the provisions of Section 190.046 and 190.005, *Florida Statutes*, the petitioner is required to include the written consent of one hundred percent (100%) of the owners of the lands to be included in the CDD.

The Landowner hereby consents to the inclusion of the Property as a part of the CDD. The Landowner agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the CDD establishment. The Landowner further agrees to the recording of this document, which shall be deemed to run with the Property and be binding upon all successors in interest.

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 Landowner.

[signatures on following page]

This Consent of Landowner to CDD Establishment, as detailed more fully on the preceding page, is executed as of the date written below.

WITNESSES:

MURDOCK FUND, LLC

G. A. Mee
Name: GREG MEATH

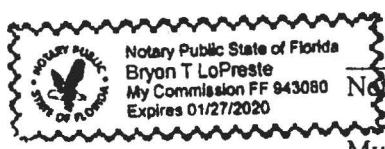
J. L. Lyberty
Name: JAMES LYBERTY

By: [Signature]
Name: JAMES P. HARVEY
Its: AUTHORIZED SIGNATORY
Date: AUGUST 28, 2019

STATE OF FLORIDA,
COUNTY OF HILLSBOROUGH,

On this 28th of AUGUST, 2019, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JAMES P. HARVEY the AUTH. SIGNATORY of Murdock Fund, LLC, a Florida limited liability company, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.



[Signature]
Notary Public
My commission expires: 01/27/20

EXHIBIT A

PARCEL 1:

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 10, 11, AND 14, TOWNSHIP 40 SOUTH, RANGE 21 EAST, WHICH TRACT OR PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 11, THENCE N00°29'34"W ALONG THE EAST SECTION LINE OF SAID SECTION 11 A DISTANCE OF 273.88 FEET TO A POINT INTERSECTING THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 776 (EL JOBEAN ROAD); THENCE S69°10'05"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 408.28 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING, THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE S69°10'05"W A DISTANCE OF 2471.54 FEET; THENCE N00°23'26"E A DISTANCE OF 722.47 FEET; THENCE N89°31'55"W A DISTANCE OF 1344.56 FEET; THENCE N00°03'10"W A DISTANCE OF 1398.83 FEET; THENCE N89°25'56"W A DISTANCE OF 1341.43 FEET; THENCE N89°51'49"W A DISTANCE OF 833.89 FEET; THENCE N28°21'55"E A DISTANCE OF 3827.13 FEET; THENCE S61°38'05"E A DISTANCE OF 425.01 FEET; THENCE N28°21'55"E A DISTANCE OF 617.50 FEET TO THE SOUTH RIGHT OF WAY LINE OF FRANKLIN AVENUE (50 FOOT PUBLIC RIGHT OF WAY) AND TO A POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE FOR A LENGTH OF 740.64 FEET, HAVING A RADIUS OF 3241.113 FEET (DELTA/CENTRAL ANGLE 13°05'34") (CHORD BEARING OF S82°39'25"E) (CHORD LENGTH OF 739.03 FEET) TO A POINT OF TANGENCY, THENCE S89°12'12"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1581.87 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF O'DONNELL BOULEVARD (70 FOOT PUBLIC RIGHT OF WAY); THENCE S00°20'51"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 894.20 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF MCADAM AVENUE (50 FOOT PUBLIC RIGHT OF WAY); THENCE N89°16'58"W ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1325.20 FEET; THENCE S00°20'37"E TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID MCADAM AVENUE A DISTANCE OF 49.99 FEET ALSO BEING THE NORTHWEST CORNER OF THE NORTH CHARLOTTE REGIONAL PARK; THENCE ALONG SAID NORTH CHARLOTTE REGIONAL PARK BOUNDARY THE NEXT SIX COURSES: 1) S00°20'37"E, 2743.15 FEET; 2) S89°26'25"E, 175.00 FEET; 3) N00°09'56"E, 24.73 FEET; 4) S89°27'08"E, 1185.09 FEET; 5) N00°20'51"W, 2275.62 FEET; 6) S89°27'00"E, 1285.98 FEET; THENCE S00°30'25"E LEAVING SAID BOUNDARY A DISTANCE OF 2002.10 FEET TO A POINT OF CURVATURE, THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT FOR A LENGTH OF 74.84 FEET, HAVING A RADIUS OF 400.00 FEET, (DELTA/CENTRAL ANGLE OF 10°43'12") (CHORD BEARING OF S04°51'11"W) (CHORD LENGTH OF 74.73 FEET) TO A POINT OF TANGENCY, THENCE S10°12'47"W A DISTANCE OF 775.34 FEET; THENCE S15°49'23"W A DISTANCE 650.60 FEET TO A POINT ON SAID RIGHT OF WAY LINE OF STATE ROAD 776 AND THE POINT OF BEGINNING.

[CONTINUED ON FOLLOWING PAGE]

LESS AND EXCEPT:

(PARCEL 1)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 11 AND 14, TOWNSHIP 40 SOUTH, RANGE 21 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 40 SOUTH, RANGE 21 EAST; THENCE N.00°29'34"W. ALONG THE EAST LINE OF SAID SECTION 11 FOR 273.88 FEET TO A POINT INTERSECTING THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776 (EL JOBEAN ROAD); THENCE S.69°10'05"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776 FOR 408.28 FEET TO THE POINT OF BEGINNING;

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BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK SITE CODE "PNTA", IN U.S. FEET WHEREIN THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776 BEARS S.69°10'05"W.

AND

(PARCEL 2)

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This instrument was prepared by and
upon recording should be returned to:

HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Post Office Box 6526
Tallahassee, Florida 32314

CONSENT OF LANDOWNER TO CDD ESTABLISHMENT

The undersigned hereby represents that he/she is the 100% fee simple owner of the property more fully described in **Exhibit A** attached hereto and made a part hereof ("Property"), or, alternatively, represents that he/she has authority to bind Westport Fund, LLC, a Florida limited liability company, as the 100% fee simple owner of the Property with respect to the matters set forth herein (in either case, "Landowner").

The Landowner understands and acknowledges that a petition to establish a community development district ("CDD") is intended to be submitted in accordance with the provisions of Chapter 190, *Florida Statutes*. As the owner of lands which are intended to be included in the CDD, the Landowner understands and acknowledges that pursuant to the provisions of Section 190.046 and 190.005, *Florida Statutes*, the petitioner is required to include the written consent of one hundred percent (100%) of the owners of the lands to be included in the CDD.

The Landowner hereby consents to the inclusion of the Property as a part of the CDD. The Landowner agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the CDD establishment. The Landowner further agrees to the recording of this document, which shall be deemed to run with the Property and be binding upon all successors in interest.

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 Landowner.

[signatures on following page]

This Consent of Landowner to CDD Establishment, as detailed more fully on the preceding page, is executed as of the date written below.

WITNESSES:

WESTPORT FUND, LLC

Angela M. Baggett
Name: Angela M. Baggett

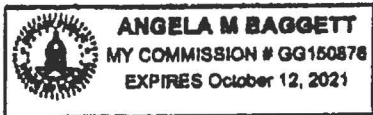
By: [Signature]
Name: Donald R. Schrotenboer
Its: President

[Signature]
Name: Dianne Garzarelli

STATE OF Florida
COUNTY OF Lee

On this 29th of August, 2019, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Don Schrotenboer, President of Westport Fund, LLC, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.



Angela M Baggett
Notary Public

My commission expires: 10-12-21

EXHIBIT A

(PARCEL 1)

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AND

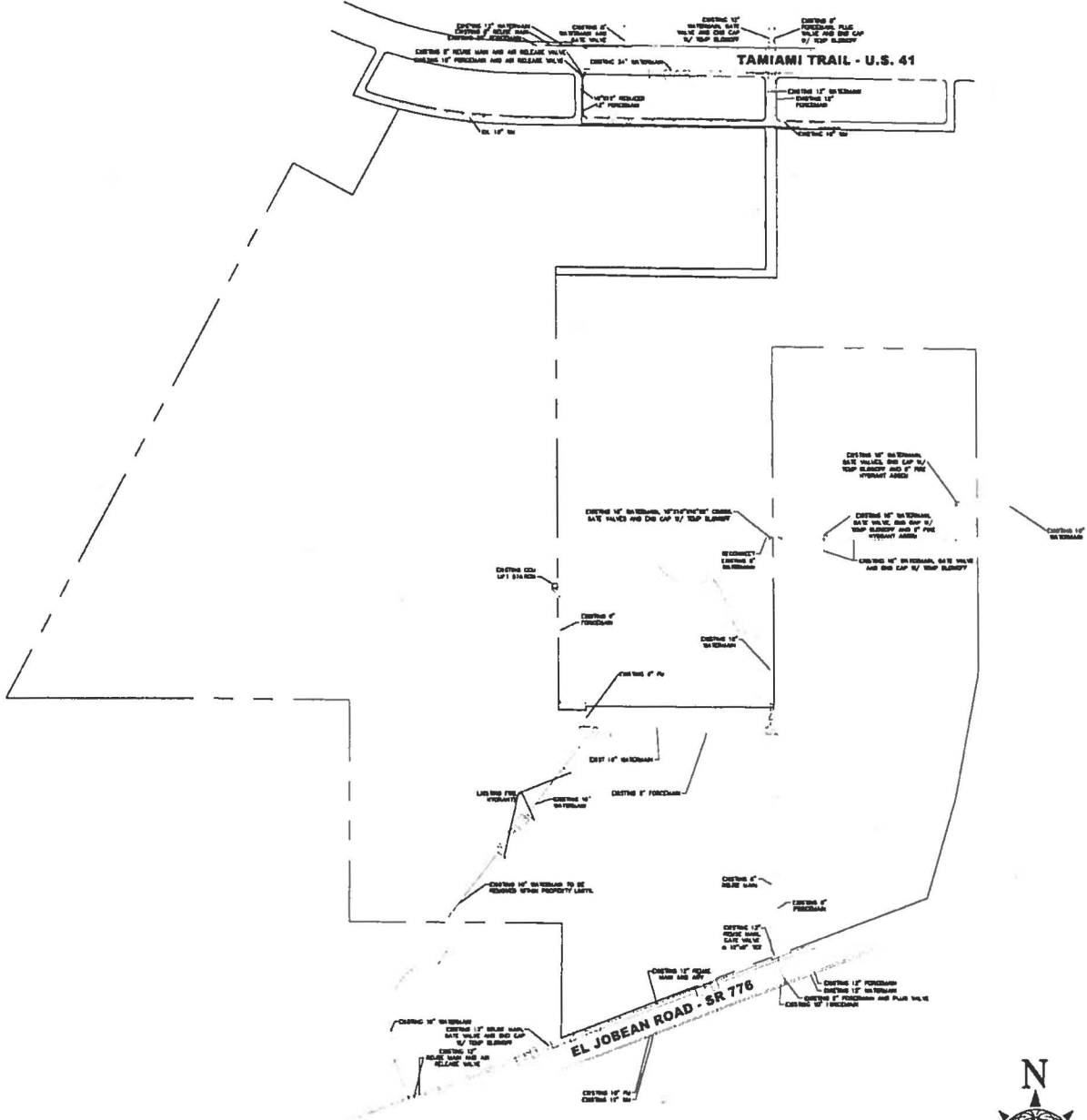
(PARCEL 2)

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MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting
 21st 1/2 Mile Avenue East, Bradenton, Florida 34211 C.A. 28728 888-322-6726 www.morriseng.com

DATE	8/16/18
PROJECT	WV
DRAWING	UTL-EX
DRAWN	JAM
CHECKED	SLM

Existing Utilities
WEST PORT CDD
 Sumter County, Florida

SCALE 1"=1000'	
SEC. - TSP - RING 11-405-211	
SHEET	OF
1	1

West Port Community Development District

Proposed Infrastructure Plan

Facility	Construction Funded By	Ownership	Operation and Maintenance
Roadways*	CDD or Developer	CDD or HOA	CDD or HOA
Stormwater Management	CDD	CDD	CDD
Utilities (Water & Sewer)	CDD	County	County
Offsite Improvements	CDD or Developer	County	County
Amenity	CDD or Developer	CDD or HOA	CDD or HOA
Hardscaping/Landscaping/ Irrigation/ Lighting	CDD or Developer	CDD or HOA	CDD or HOA

Portions of the lands within the Proposed District may be developed with "hard gates." For those areas, the HOA would own, operate and maintain the roadways, landscaping, irrigation, hardscaping and lighting.

*As indicated in the chart above, either the CDD or HOA will own and maintain the roadways, unless the County and CDD later agree that the County would accept the roadways for ownership and maintenance purposes.

West Port Community Development District

Construction Cost Estimate

<u>Facility Description</u>	<u>Estimated Cost</u>
Roadways*	\$ 5,500,000.00
Stormwater Management	\$ 7,800,000.00
Utilities (Water, Sewer)**	\$ 12,800,000.00
Offsite Improvements***	\$ 750,000.00
Landscaping/Hardscape/ Irrigation/Lighting	\$ 3,600,000.00
Amenity (Parks)	\$ 1,200,000.00
Professional Services	\$ 2,200,000.00
Contingency (10%)	\$ 3,200,000.00
TOTAL	\$ 37,050,000.00

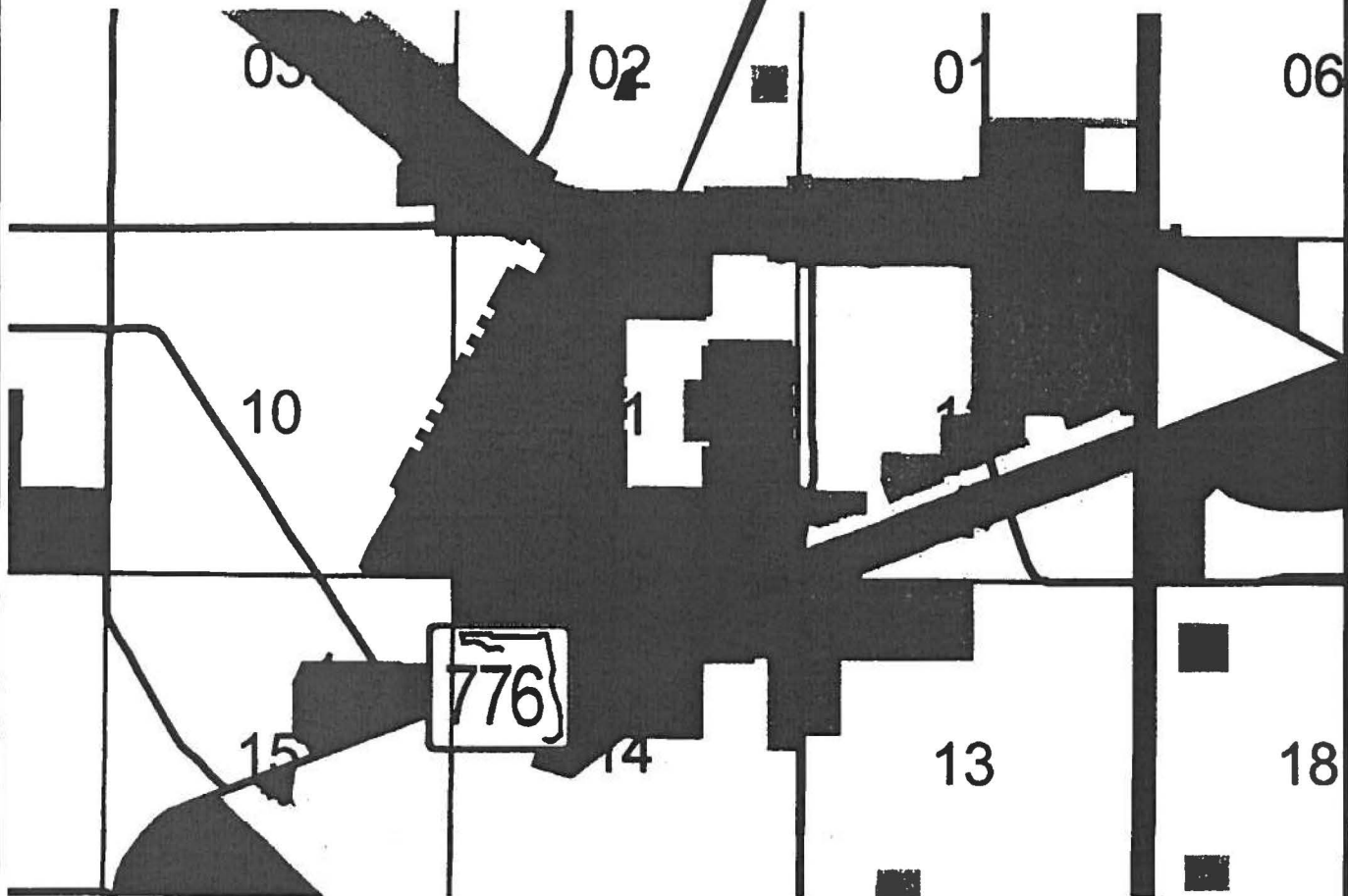
* No Public Infrastructure Improvements that are part of the Murdock Village Development Agreement are included within this estimate

** Includes Prepaid Utility Line Fees

***The District may also fund offsite improvements required by the Development Order based on the availability of funds and the terms of the financing.



**PROPOSED
WEST PORT
COMMUNITY
DEVELOPMENT
DISTRICT**



LEGEND



Open Space & Rural	MSF 1	RMF 7.5	R&D	MC1	CR3.9
AG	RSF 2	RMF 10	RVP	OM1	BOZD
ES	RSF 3.5	MMF 10	MI	Industrial	CR4U
MES	MSF 7.5	HMP 12	Commercial	ECAP	CR4BR
FM	RSF 5	MMF 12	CG	IC	PD
Residential	MSF 5	RMF 15	MCG	New Zoning	PWR
MHC	RMF 3.5	RMF 7	CH	Mixed Use	
MHP	HMP 5	HE1	CT	CR4W	

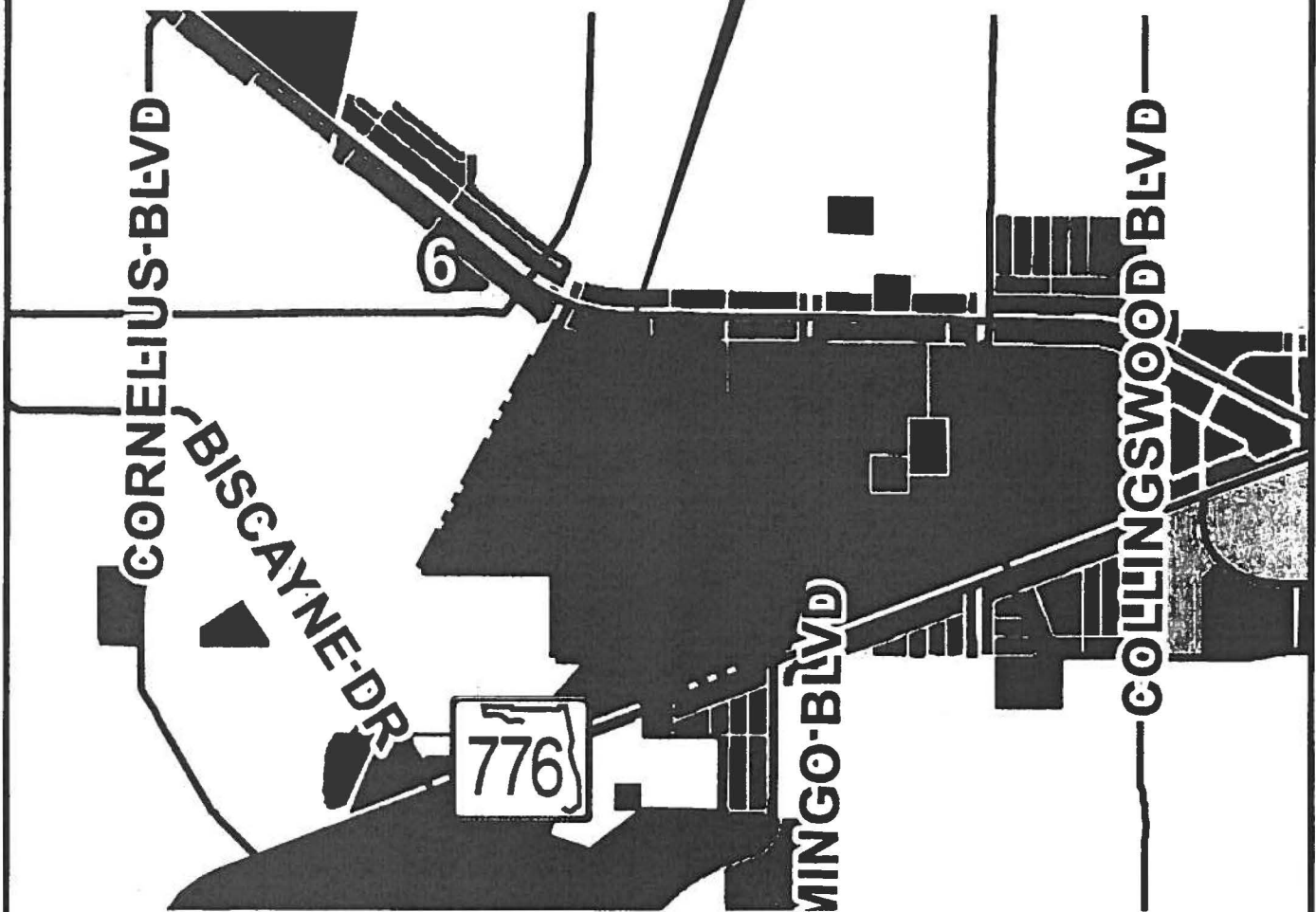
M MORRIS ENGINEERING AND CONSULTING, LLC
Civil Engineering and Land Development Consulting
2014 5th Avenue East, Bradenton, Florida 34211 C.A. 23780 941.228.4329 www.morrisengineering.com

DATE	2/11/16
PROJECT	WV
DRAWN	WMP
CHECKED	WMP

Current Land Use Map
WEST PORT CDD
Sumter County, Florida

SCALE	1"=1/2mi
SECTION	1
PAGE	1

**PROPOSED
WEST PORT
COMMUNITY
DEVELOPMENT
DISTRICT**



LEGEND

Conservation Overlay	Office & Residential	High Intensity Industrial	Resource Conservation	Charlotte Harbor Neighborhood Business/Residential
Agriculture	Enterprise Charlotte Airport Park	Murdock Village Mixed Use	Rural Community Mixed Use	Charlotte Harbor Industrial (inactive)
Babcock Mixed Use	Mineral Resource Extraction	DRI Mixed Use	US 41 Mixed Use	Recreational Vehicle Park (inactive)
Burnt Store Limited Development	Low Density Residential	Compact Growth Mixed Use	Charlotte Harbor Coastal Residential	Coastal Residential (inactive)
Burnt Store Village Residential	Medium Density Residential	Parks & Recreation	Charlotte Harbor Tourist	Rural Estate Residential (inactive)
City	High Density Residential	Preservation	Charlotte Harbor Mixed Use	##s See Related Map Appendix for Conditions
Commercial	Low Intensity Industrial	Public Lands & Facilities	Charlotte Harbor Commercial	

M MORRIS ENGINEERING AND CONSULTING, LLC
 Civil Engineering and Land Development Consulting
 2044 1st Avenue East Bradenton, Florida 34201 C.A. 28760 941-228-4729 www.morriseng.com

TITLE	DATE
PROJECT	BY
DRAWN	CHECKED
DATE	DATE

Future Land Use Map
 WEST PORT CDD
 Sumter County, Florida

SCALE	1" = 1/2 mile
SHEET	OF
1	1

WEST PORT
COMMUNITY DEVELOPMENT DISTRICT

Statement
of
Estimated Regulatory Costs

September 24, 2019



Provided by

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Phone: 561-571-0010
Fax: 561-571-0013
Website: www.whassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the West Port Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 434.67 +/- acres of land located within the unincorporated Charlotte County (the "County") and is projected to contain approximately 1,688 residential dwelling units. The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

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

1.2 Overview of the West Port Community Development District

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 1,688 residential dwelling units, all within the boundaries of the District. Tables 1 and 2 under Section 5.0 detail the anticipated improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

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

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

1.3 Requirements for Statement of Estimated Regulatory Costs

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

-
- (a) An economic analysis showing whether the rule directly or indirectly:
1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Charlotte County, according to Census 2010, has a population of 159,978; therefore, it is not defined as a "small" county for the purposes of this requirement.)
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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

-
- 2.0 An economic analysis showing whether the ordinance directly or indirectly:
1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;
 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or
 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

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

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

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 434.67 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 1,688 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the

private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

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

When assessing the question of whether the establishment of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

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

The establishment of the District will not increase any regulatory costs of the State or the County by virtue that the District will be one of many already existing similar districts within the State and also one of a few existing similar districts in the County. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the County to offset any expenses that the County may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service

and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of their debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside 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.

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) the County and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. Charlotte County

The County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the County. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the County as a result of this development will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 434.67 +/- acre master planned residential development currently anticipated to contain residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 5,908 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

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

The City is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

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

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, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The costs to various state entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those state agencies that will receive and process the District's reports are minimal because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

Charlotte County

The proposed land for the District is located within the Charlotte County and consists of less than 2,500 acres. The County and its staff may process, analyze, conduct a public hearing, and vote upon

the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the County already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for this District.

4.2 Impact on State and Local Revenues

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

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

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

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

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$37,050,000. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

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

property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

Table 1

**WEST PORT COMMUNITY DEVELOPMENT DISTRICT
Proposed Facilities and Services**

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Roadways*	CDD or Developer	CDD or HOA	CDD or HOA
Stormwater Management	CDD	CDD	CDD
Utilities (Water & Sewer)	CDD	County	County
Offsite Improvements	CDD or Developer	County	County
Landscaping/Hardscaping/ Irrigation/Lighting	CDD or Developer	CDD or HOA	CDD or HOA
Amenity/Parks	CDD or Developer	CDD or HOA	CDD or HOA

Note: Portions of the lands within the Proposed District may be developed with "hard gates". For those areas, HOA would own, operate and maintain the roadways, landscaping, hardscaping, irrigation and lighting

* As indicated in the chart above, either the CDD or HOA will own and maintain the roadways, unless the County and CDD later agree that the County would accept the roadways for ownership and maintenance purposes

Table 2

**WEST PORT COMMUNITY DEVELOPMENT DISTRICT
Estimated Costs of Construction**

CATEGORY	COST
Roadways*	\$5,500,000
Stormwater Management	\$7,800,000
Utilities (Water & Sewer)**	\$12,800,000
Offsite Improvements***	\$750,000
Landscaping/Hardscaping/ Irrigation/Lighting	\$3,600,000
Amenity/Parks	\$1,200,000
Professional Services	\$2,200,000
Contingency	\$3,200,000
Total Estimated Project Costs	\$37,050,000

* No Public Infrastructure Improvements that are part of the Murdock Village Development Agreement are included within this estimate

** Includes Prepaid Utility Line Fees

*** The Proposed District may also fund offsite improvements required by the Development Order based on the availability of funds and terms of the financing

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

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

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

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

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

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

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

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

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

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District

management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

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

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

Charlotte County, according to Census 2010, has a population of 159,978; therefore, it is not defined as a "small" county according to Section 120.52, F.S.

7.0 Any additional useful information.

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

In relation to the question of whether the proposed West Port Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the County could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the West Port development. First, unlike a CDD, this alternative would require the County to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the West Port development is a significant and expensive undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other County responsibilities. By contrast, if the County were to establish and administer a dependent Special District, then the residents and landowners of the West Port development would take their grievances and desires to the County Commission meetings.

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

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low cost funds from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

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

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

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the West Port Community Development District.

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FL. STATUE CITATION	DATE
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1 - Statement of Financial Interest	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the county after financing

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Hopping Green & Sams, P.A., to act as agent for Murdock Fund, LLC with regard to any and all matters pertaining to the Petition to the Charlotte County Board of County Commissioners to establish the West Port Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

WITNESSES:

MURDOCK FUND, LLC

Jameo
Name: GREG REATH

Jared
Name: JARED L. OSBORN

By: [Signature]
Name: JAMES P. HARVEY
Its: AUTHORIZED SIGNATORY
Date: AUGUST 28, 2019

STATE OF FLORIDA,
COUNTY OF HILLSBOROUGH,

On this 28th of AUGUST, 2019, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JAMES P. HARVEY the AUTH. SIGNATORY of Murdock Fund, LLC, a Florida limited liability company, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.



[Signature]
Notary Public
My commission expires: 01-27-20

STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Charlotte County Ordinance No. 2019-023, which was filed in this office on October 23, 2019, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
28th day of October, A.D., 2019.

Laurel M. Lee
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document.