

ORDINANCE O-22-06

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA ESTABLISHING THE HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, GLK Real Estate, LLC, a Florida limited liability company ("Petitioner") has filed a Petition to Establish the Hamilton Bluff Community Development District (the "Petition") with the Town Council of the Town of Lake Hamilton (the "Town Council") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Hamilton Bluff Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 346 East Central Ave, Winter Haven, Florida 33880; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; 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 Town Council on March 1, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the Town Council has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the Town Council, pursuant to the information contained within the Petition and based on an investigation conducted by staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- 1) The statements within the Petition are true and correct; and
- 2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes* (2021); and
- 3) The appropriate Town of Lake Hamilton staff have reviewed the Petition for establishment of the District on the proposed land and have advised the Town

Council that said Petition is complete and sufficient; and

- 4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Town Comprehensive Plan; and
- 5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- 6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- 7) 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
- 8) The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the Town Council has decided to grant the Petition to establish the Hamilton Bluff Community Development District; and

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

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

WHEREAS, upon the effective date of this establishing Ordinance, the Hamilton Bluff Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

NOW THEREFORE BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. TITLE.

This Ordinance shall be known and may be cited as the "Hamilton Bluff Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS.

The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

SECTION 3. AUTHORITY.

This Ordinance is adopted in compliance with and pursuant to the Uniform Community

Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME.

The Petition filed to create the Hamilton Bluff Community Development District is hereby granted and there is hereby created a community development district, which is situated within the Town of Lake Hamilton, Florida, which District shall be known as the "Hamilton Bluff Community Development District."

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.

The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall boundaries encompassing 259.72 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS.

The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Town of Lake Hamilton ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general purpose government.

SECTION 7. BOARD OF SUPERVISORS.

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Warren K. Heath, Justin Frye, Christine Aviles, Bobbie Henley, and Lauren O. Schwenk. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon adoption.

INTRODUCED and PASSED on first reading this 1st day of February 2022.

PASSED and ADOPTED on second reading this 1st day of March 2022.

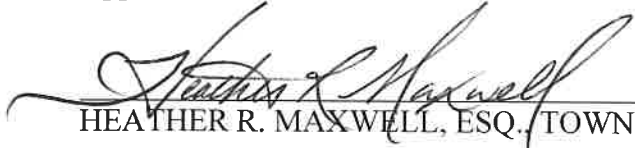
TOWN OF LAKE HAMILTON, FLORIDA


MICHAEL KEHOE, MAYOR

ATTEST:


BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:


HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

Record of Vote	Yes	No
Roberson	✓	
Tomlinson	✓	
O'Neill	✓	
Wagner	✓	
Kehoe	✓	

EXHIBIT A
LEGAL DESCRIPTION

Legal Description

HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT

A parcel of land lying in Section 15, Township 28 South, Range 27 East, Polk County, Florida, and a part of MAP OF LAKE HAMILTON, according to the map or plat thereof, recorded in Plat Book 3, Page 34, of the Public Records of Polk County, Florida, lying in Section 16, Township 28 South, Range 27 East, Polk

County, Florida, hereinafter referred to as "HAMILTON BLUFF CDD AREA 1", together with all rights of way; TOGETHER WITH a parcel of land lying in Section 21, Township 28 South, Range 27 East, Polk County, Florida, hereinafter referred to as "HAMILTON BLUFF CDD AREA 2", together with all rights of way, and being more particularly described as follows:

HAMILTON BLUFF CDD AREA 1:

COMMENCE at the Southeast corner of said Section 16; run thence along the South line of the Southeast 1/4 of said Section 16, N.89°58'56"W., a distance of 659.44 feet to the West line of the East 1/2 of the Southeast 1/4 of said Southeast 1/4, also being the West boundary of Lots 1 and 4, Block 35 and the Southerly extension thereof, of said MAP OF LAKE HAMILTON; thence along the West line of the East 1/2 of the Southeast 1/4 of said Southeast 1/4, N.00°35'28"W., a distance of 35.00 feet to the North Right of Way of Lake Hatchineha Road (County Road 542), and the POINT OF BEGINNING; thence continue along said West line, N.00°35'28"W., a distance of 1285.14 feet to the South line of the Northeast 1/4 of said Southeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the South line of the Northeast 1/4 of said Southeast 1/4, N.89°56'42"W., a distance of 659.68 feet to the West line of the Northeast 1/4 of said Southeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the West line of the Northeast 1/4 of said Southeast 1/4, N.00°34'15"W., a distance of 1320.57 feet to the South line of the Northeast 1/4 of said Section 16; thence along the South line of said Northeast 1/4, N.89°54'27"W., a distance of 1156.81 feet to the Southwesterly extension of the East boundary of Parcel 27-28-16-823000-040034, as described in Official Records Book 10524, Page 1578 of said Public Records; thence along said East boundary and Southwesterly extension thereof, N.02°57'51"E., a distance of 128.08 feet to the North boundary of said parcel; thence along said North boundary, S.89°45'25"W., a distance of 154.29 feet to the Easterly Right of Way of Scenic Highway (State Road 17), according to the State of Florida State Road Department Right-of-Way Map, Proj. 5209-Rd. (8), with a date drawn of 05/04/40; thence along said Easterly Right of Way the following three (3) courses: 1) Northerly, 145.19 feet along the arc of a non-tangent curve to the left having a radius of 1687.02 feet and a central angle of 04°55'52" (chord bearing N.08°24'27"E., 145.14 feet); 2) Along a radial line, N.84°03'29"W., a distance of 17.00 feet; 3) Northerly, 31.67 feet along the arc of a non-tangent curve to the left having a radius of 1670.02 feet and a central angle of 01°05'12" (chord bearing N.05°23'55"E., 31.67 feet) to the South boundary of Parcel 27-28-16-823000-040034, as described in Official Records Book 6529, Page 1275 of said Public Records; thence along said South boundary, N.89°24'39"E., a distance of 124.57 feet to the East boundary of said described parcel; thence along said East boundary, and the East boundaries of Parcel 27-28-16-823000-040033 and Parcel 27-28-16-823000-040032, as described in Official Records Book 7560, Page 2085 and Official Records Book 8476, Page 2278, respectively, of said Public

Records, N.00°35'21"W., a distance of 180.00 feet to the North boundary of said Parcel 27-28-16-823000-040032; thence along said North boundary S.89°24'39"W., a distance of 117.00 feet to said Easterly Right of Way of Scenic Highway (State Road 17); thence along said Easterly Right of Way N.00°35'21"W., a distance of 175.00 feet to the South boundary of Lot 2, Block 40, of said MAP OF LAKE HAMILTON; thence along said South boundary of Lot 2, S.89°54'28"E., a distance of 175.01 feet to the East line of the West 175 feet of said Lot 2; thence along said East line, N.00°35'21"W., a distance of 322.50 feet to the North line of the South 1/2 of Lot 1 and said Lot

2, Block 40, of said MAP OF LAKE HAMILTON; thence along the North line of said South 1/2, S.89°54'28"E., a distance of 1111.77 feet to the West line of the Southeast 1/4 of said Northeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the West line of the Southeast 1/4 of said Northeast 1/4, N.00°34'18"W., a distance of 338.48 feet to the South line of the Northeast 1/4 of said Northeast 1/4, also being the centerline of a 30' platted Right of Way of said MAP OF LAKE HAMILTON; thence along the South line of the Northeast 1/4 of said Northeast 1/4, S.89°54'28"E., a distance of 659.95 feet to the Southerly extension of the West boundary of Lot 4, Block 38, of said MAP OF LAKE HAMILTON; thence along the West boundary of said Lot 4, Block 38, and the Southerly extension thereof, N.00°33'47"W., a distance of 683.67 feet to the North boundary of said Lot 4, Block 38; thence along said North boundary of Lot 4 and the Easterly extension thereof, S.89°47'41"E., a distance of 660.07 feet to the East line of said Northeast 1/4; thence along the East line of said Northeast 1/4, N.00°31'47"W., a distance of 642.60 feet to the Westerly extension of the South Right of Way of Kokomo Road (County Road 546E); thence along said South Right of Way, and Westerly extension thereof,

N.89°12'47"E., a distance of 1655.21 feet to the East line of the West 1/4 of the North 1/4 of the Northwest 1/4 of aforesaid Section 15; thence along the East line of the West 1/4 of the North 1/4 of said Northwest 1/4, S.00°33'41"E., a distance of 1331.39 feet to the South line of the Northeast 1/4 of said Northwest 1/4; thence along the South line of the Northeast 1/4 of said Northwest 1/4, and the South line of the Northwest 1/4 of said Northwest 1/4, S.89°24'02"W., a distance of 661.46 feet to the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Northwest 1/4, S.00°33'31"E., a distance of 660.00 feet to the North line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the North line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4, N.89°24'03"E., a distance of 330.75 feet to the East line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4; thence along the East line of the Southeast 1/4 of the Southwest 1/4 of said Northwest 1/4, S.00°33'36"E., a distance of 658.88 feet to the North line of the Southwest 1/4 of said Section 15; thence along the North line of said Southwest 1/4, S.89°23'44"W., a distance of 663.15 feet to the East line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4; thence along the East line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4, S.00°34'10"E., a distance of 1319.55 feet to the South line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4; thence along the South line of the West 1/2 of the Northwest 1/4 of said Southwest 1/4, S.89°22'53"W., a distance of 661.81 feet to the West line of said Southwest 1/4; thence along the West line of said Southwest 1/4, S.00°34'24"E., a distance of 1269.71 feet to the Easterly extension of the North Right of Way of aforesaid Lake Hatchineha Road (County Road 542); thence along said North Right of Way and Easterly extension thereof, the following five (5) courses: 1) N.89°58'56"W., a distance of 40.00 feet; 2) S.00°34'24"E., a distance of 10.00 feet; 3)

N.89°58'56"W., a distance of 60.00 feet; 4) S.00°34'24"E., a distance of 5.00 feet; 5) N.89°58'56"W., a distance of 559.44 feet to the POINT OF BEGINNING. Less and Except Parcel 27-28-16-823000-037032, as described in Official Records Book 4716, Page 1659 of said Public Records, being more particularly described as follows:

The South 300 feet of the East 250 feet of Lot 3, Block 37, MAP OF LAKE HAMILTON, as recorded in Plat Book 3, Page 34 of the public Records of Polk County, Florida. Containing 240.531 acres, more or less.

TOGETHER WITH
HAMILTON BLUFF CDD AREA 2

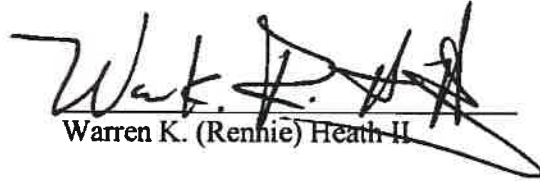
COMMENCE at the Northeast corner of aforesaid Section 21; run thence along the North line of the Northeast 1/4 of said Section 21, N.89°58'56"W., a distance of 659.44 feet to the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4; thence along the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, S.00°24'57"E., a distance of 35.00 feet to the South Right of Way of said Lake Hatchineha Road (County Road 542), and the POINT OF BEGINNING; thence continue along the East line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, S.00°24'57"E., a distance of 632.34 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4; thence along the South line of the Northwest 1/4 of the Northeast 1/4 of said Northeast 1/4, and the South line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4, S.89°55'31"W., a distance of 1319.14 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4; thence along the West line of the Northeast 1/4 of the Northwest 1/4 of said Northeast 1/4, N.00°29'00"W., a distance of 634.48 feet to said South Right of Way of Lake Hatchineha Road (County Road 542); thence along said South Right of Way, S.89°58'56"E., a distance of 1319.90 feet to the POINT OF BEGINNING. Containing 19.187 acres, more or less.

Approximately 259.72 acres of land, more or less.

7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 15 day of February, 2022.


Warren K. (Rennie) Heath II

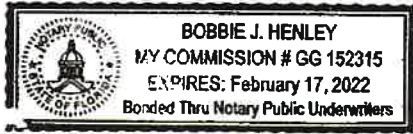
STATE OF FLORIDA
COUNTY OF Polk

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization this 15 day of February 2022, by Warren K. (Rennie) Heath II, for _____, who is personally known to me or has provided _____ as identification, and who did or did not take an oath.

NOTARY PUBLIC



Print Name: Bobbie Henley
Notary Public, State of Florida
Commission No.: GG152315
My Commission Expires: 02/17/2022



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**TESTIMONY OF WARREN K. (RENNIE) HEATH, II
FOR ESTABLISHMENT OF HAMILTON BLUFF COMMUNITY DEVELOPMENT
DISTRICT**

1. Please state your name and business address.

My name is Warren K. "Rennie" Heath. My business address is 346 East Central Avenue, Winter Haven, Florida 33880.

2. By whom are you employed and in what capacity?

I am Director of Development for Heath Construction and Management, LLC. I have been employed in my current position for over 30 years.

3. Briefly summarize your duties and responsibilities.

I am responsible for the overall management of permitting, design, land use and entitlements for all of the developments for the above entity.

4. Briefly describe your educational background.

I hold a Bachelor of Arts Degree in Business with a minor in Economics from the University of South Florida.

5. Who is the Petitioner in this proceeding?

The Petitioner is GLK Real Estate, LLC ("Petitioner"), which is the business entity that is developing the area covered in the Petition, herein defined.

6. Are you familiar with the *Petition to Establish Hamilton Bluff Community Development District* ("Petition"), filed by the Petitioner with the Town Council of the Town of Lake Hamilton, Florida ("Town"), on or around December 3, 2021, seeking to establish the proposed District?

Yes.

7. Are you familiar with those parcels of land proposed to be included in the proposed Hamilton Bluff Community Development District ("District") that are located within the Town?

Yes, I am familiar with the parcels located within the Town, as identified in Exhibits 1 and 2 of the Petition and have been part of the process with the development team regarding the establishment of the proposed District.

8. What is the proposed name of the District?

1 The "Hamilton Bluff Community Development District"

2
3 **9. Have you reviewed the contents of the Petition and approved its findings?**

4
5 Yes, I have.

6
7 **10. Are there any changes or corrections to the Petition at this time?**

8
9 No.

10
11 **11. Are there any other changes or corrections to any of the documents attached to the**
12 **Petition at this time?**

13
14 No.

15
16 **12. Please generally describe each of the documents attached to the Petition ("Exhibits").**

17
18 Exhibit 1 is a map showing the general area in which the District is located.

19
20 Exhibit 2 is a legal description of the boundaries of the District that was prepared at the
21 direction of Petitioner.

22
23 Composite Exhibit 3 consists of a landowners' consent to the establishment executed by
24 the owners of the lands to be included within the proposed District. Petitioner has provided
25 written consent of 100% of the fee owners of the lands to be included in the District.

26
27 Exhibit 4 depicts the existing use for the lands contained in the District and surrounding
28 areas.

29
30 Exhibit 5 depicts the distribution, location, and extent of the public and private land uses
31 proposed for the District by the future land use plan element of the Town's Future Land
32 Use Plan.

33
34 Exhibit 6 depicts the major outfall canals and drainage basins for the lands within the
35 proposed District, as well as the location of existing major trunk water mains, reuse water
36 mains and wastewater interceptors within the currently undeveloped lands proposed to be
37 included within the District.

38
39 Exhibit 7 is a chart indicating the types of improvements and facilities the District expects
40 to finance, construct and install, the future ownership, operation and maintenance, and the
41 estimated costs of construction.

42
43 Exhibit 8 is the Statement of Estimated Regulatory Costs prepared by Ms. Jillian Burns of
44 Governmental Management Services – Central Florida.
45

1 Exhibit 9 is an authorization of agent form that designates Roy Van Wyk as the authorized
2 agent of the Petitioner.
3

4 **13. Were these Exhibits attached to the Petition prepared by you or under your**
5 **supervision?**
6

7 Yes.
8

9 **14. Are the contents of the Petition and the Exhibits, attached to it and referenced above,**
10 **true and correct to the best of your knowledge?**
11

12 Yes.
13

14 **15. Are you familiar with the area that is proposed to be included within the proposed**
15 **District?**
16

17 Yes, I am familiar with the general area and the site specifically.
18

19 **16. Approximately how large is the proposed District in acres?**
20

21 The proposed District covers approximately 259.72 acres of land.
22

23 **17. What steps were taken with respect to filing the Petition with the Town?**
24

25 On or around December 3, 2021, the District formally filed the Petition with the Town.
26 The District paid a statutory filing fee of \$15,000.00 to the Town, in accordance with
27 Section 190.005(1)(b)1, *Florida Statutes*.
28

29 **18. Has Notice of the Public Hearing been provided in accordance with Section 190.005,**
30 **Florida Statutes?**
31

32 The Notice of Public Hearing will be published in the Ledger on the following dates in
33 2022: February 2, February 9, February 16 and February 23.
34

35 **19. Is the Ledger a newspaper of general circulation in Polk County, Florida?**
36

37 Yes, it is.
38

39 **20. And do you have proof of publication of those notices?**
40

41 Not at this time, but as soon as we receive the proof of publication at the conclusion of the
42 notice run, we will provide this documentation to the Town staff and submit an original
43 proof of publication at the public hearing to establish the proposed District.
44

45 **21. Who are the five persons designated in the Petition to serve as the initial Board of**
46 **Supervisors?**

1
2 The five persons are Warren K. Heath, Lauren Schwenk, Bobbie Henley, Justin Frye and
3 Christine Aviles.
4

5 **22. Do you know each of these persons personally?**

6
7 Yes, I do.
8

9 **23. Are each of the persons designated to serve as the initial Board of Supervisors**
10 **residents of the State of Florida and citizens of the United States?**

11
12 Yes, they are.
13

14 **24. Are there residential units planned for development within the proposed District?**

15
16 Yes. There are approximately 1275 residential units planned for development within the
17 proposed District.
18

19 **25. Are there residents currently living within the areas to be included within the**
20 **proposed District, and, if so, have they been notified about the creation of the District?**

21
22 No. As of this date, there are no residents living in any of the areas proposed to be included
23 within the boundaries of the proposed District.
24

25 **26. Would you please describe the proposed timetable for development of land within the**
26 **proposed District?**

27
28 The proposed timetable for the construction of infrastructure to develop the land is
29 expected to occur during the period running from 2021 through 2024.
30

31 **27. Would you generally describe the services and facilities you currently expect the**
32 **proposed District to provide?**

33
34 Petitioner presently intends for the District to participate in the acquisition and/or
35 construction of earthwork, roadway, stormwater system, wastewater system, potable water
36 distribution systems, reclaimed water distribution system, electrical undergrounding,
37 landscape and hardscape, amenity and offsite improvements. Capital costs of these
38 improvements, including associated contingencies and professional fees, will be borne by
39 the District. Petitioner's good faith expectation of the costs associated with the acquisition
40 or construction of such improvements is itemized in Exhibit 7 to the Petition.
41

42 **28. Are these costs expected to include the cost of acquiring land from the developer?**

43
44 No
45

46 **29. Do you have an opinion, as someone experienced in development, as to whether the**

1 area of land to be included within the proposed District is of sufficient size, is
2 sufficiently compact, and is sufficiently contiguous to be developable as one functional
3 interrelated community?
4

5 Yes.
6

7 **30. What is your opinion?**
8

9 The proposed District has sufficient land area and is sufficiently compact and contiguous
10 to be developed with the infrastructure systems, facilities and services contemplated. The
11 District will operate as one functionally interrelated community.
12

13 **31. What is the basis for your opinion?**
14

15 The size of the proposed District is approximately 259.72 acres of land, more or less. Based
16 on my previous experience, the proposed District is of sufficient size, compactness, and
17 contiguity to be developed as a functional interrelated community.
18

19 The qualities of compactness, contiguity, and size relate directly to whether an area can
20 become one functional interrelated community. From the standpoint of the provision,
21 management and operation of the community infrastructure expected to be provided by the
22 District, the acres contemplated for inclusion within the District is sufficiently compact,
23 contiguous and of sufficient size to maximize the successful delivery of these infrastructure
24 improvements to these lands. The delivery of services and facilities to the lands within the
25 District will not be hampered by insurmountable barriers or spatial problems. The area
26 within the District is suitably configured to maximize the benefits available from the
27 District services and facilities to be provided.
28

29 **32. In general, what financing methods does Petitioner propose that the proposed District**
30 **use to pay for the anticipated facilities and services?**
31

32 Petitioner presently expects that the District will finance certain services and improvements
33 through the issuance of tax-exempt bonds. The debt issued by the proposed District is
34 expected to be retired by funds from landowners in the form of "non-ad valorem" or
35 "special" assessments on benefitted property within the proposed District. Ongoing
36 maintenance and operational activities are expected to be funded by maintenance special
37 assessments. At present, the Petitioner expects that the proposed District may issue both
38 long- and short-term bonds that will pay a portion of the cost of these facilities. The short-
39 term bonds, and any facilities not financed with a bond issue, will be funded by the
40 developer through conventional bank financing.
41

42 **33. Who will be responsible for paying the proposed District's assessments?**
43

44 Only those property owners, including the developer, within the proposed District will be
45 responsible for paying District assessments.
46

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

34. Will these debts of the proposed District be an obligation of the city, county or the State of Florida?

No. Florida law provides that community development district debt cannot become the obligation of a city, a county, or the state without the consent of that government.

35. Why is the Petitioner seeking to have a community development district established for this area?

Districts are an efficient, effective way to provide infrastructure and have become accepted in the marketplace by home buyers.

From our perspective, the establishment of a District is logical for this project. It is a long-term, stable, financially secure entity. The District is a structured, formal entity, with the legal ability to respond to current and future changes in the circumstances and desires of its residents. This project requires that the landowners within the development must provide for the ownership and maintenance of the roadways and stormwater management system. A District is the best mechanism for the perpetual maintenance and operation of such improvements. Under Florida law, the District has access to the county tax collection mechanisms, which helps ensure that assessments will be collected and that the facilities will be maintained. In that sense, to us, it is preferable to a property owners' association.

In addition, the District has the financial capability to assist in the provision of necessary capital improvements sooner than might otherwise be the case. The developers, builders and residents will all benefit from these improvements in terms of access, traffic flow, safety, and general property value enhancement.

36. Does this conclude your testimony?

Yes.

BEFORE THE TOWN COUNCIL
OF THE TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HAMILTON BLUFF COMMUNITY)
 DEVELOPMENT DISTRICT)
_____)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Orange

I, Rey Malave, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.

2. My name is Rey Malave and I am Associate Vice President and Department
Manager, Municipal Engineering, of Dewberry Engineers Inc.

3. The prepared written, pre-filed testimony consisting of nine (9) pages, submitted
under my name to the Town Council of the Town of Lake Hamilton, Florida, relating to the
Petition to Establish the Hamilton Bluff Community Development District ("Petition") and
attached hereto, is true and correct.


4. If I were asked the questions contained in the pre-filed testimony orally at the
establishment hearing, my oral answers would be the same as the written answers presented in my
pre-filed testimony.

5. My credentials, experience and qualifications concerning land development and the
construction of public infrastructure as a professional engineer and related matters are accurately
set forth in my pre-filed testimony.

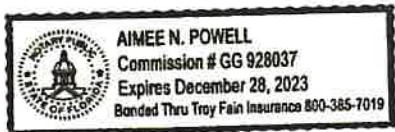
6. No corrections or amendments to my pre-filed testimony are required.

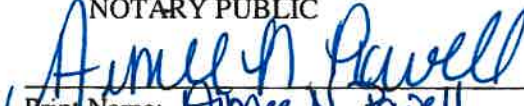
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are
true and correct to the best of my knowledge and belief.

Executed this 15th day of February, 2022.


REY MALAVE

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization this 15th day of February 2022, by Rey Malave, for Dewberry Engineers, Inc., who is personally known to me or has provided _____ as identification, and who did or did not take an oath.



NOTARY PUBLIC

Print Name: Aimee N. Powell
Notary Public, State of Florida
Commission No.: 66928037
My Commission Expires: 12/28/2023

1 **TESTIMONY OF REY MALAVE, P.E. FOR ESTABLISHMENT OF**
2 **HAMILTON BLUFF COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**
5

6 My name is Rey Malave, and my business address is 800 N. Magnolia Avenue, Suite 1000,
7 Orlando, Florida 32803.
8

9 **2. By whom are you employed and in what capacity?**
10

11 I am an Associate Vice President and Department Manager, Municipal Engineering of
12 Dewberry Engineers Inc.
13

14 **3. How long have you been in the engineering field?**
15

16 43 years
17

18 **4. Does your firm, Dewberry Engineers Inc. represent GLK Real Estate, LLC?**
19

20 Yes. My firm serves as Consulting Engineer.
21

22 **5. Please give your educational background, with degrees earned, major areas of study**
23 **and institutions attended.**
24

25 BSCE – University of Puerto Rico 1978
26 MBA – Keller School of Management – DeVry University
27

28 **6. Do you have any professional licenses, registrations, or certifications?**
29

30 Florida PE
31

32 **7. Are you a member of any professional associations?**
33

34 FES, ASCE, NSPE, FL AWWA.
35

36 **8. Please summarize your previous experience as it relates to public facility design,**
37 **construction and land development.**
38

39 I have over 40 years of Civil Engineering experience. I am a project manager for large
40 master planned communities, large and small residential developments, commercial and
41 office developments, municipal roadways and recreation projects. I have assisted in the
42 development of over 10 community development districts (“CDDs”) as well as manage
43 numerous projects throughout Florida.
44

45 **9. Have you been involved in any developments of the type and nature similar to those**
46 **in the proposed Hamilton Bluff Community Development District (“District”)?**

1
2 Yes. I have been involved in several developments that contain similar necessary public
3 infrastructure facilities utilizing my expertise in the design, permitting, and construction of
4 similar systems.
5

- 6 **10. Are you familiar with the *Petition to Establish Hamilton Bluff Community***
7 ***Development District* (“Petition”), filed by GLK Real Estate, LLC (“Petitioner”) with**
8 **the Town Council of the Town of Lake Hamilton, Florida (“Town”) on or around**
9 **December 3, 2021, seeking the establishment of the proposed District?**

10
11 Yes. My firm assisted the Petitioner with the preparation of some of the exhibits filed with
12 the Petition.
13

- 14 **11. Are you familiar with those parcels of land proposed to be included in the District**
15 **that are located within the Town?**

16
17 Yes, I am.
18

- 19 **12. Are you generally familiar with the geographical area, type, and scope of development**
20 **and the available services and facilities in the vicinity of the proposed District?**

21
22 Yes, I am.
23

- 24 **13. Which documents (“Exhibits”) did you prepare or have others prepare under your**
25 **supervision?**

26
27 Exhibits 1, 2, 4, 5, 6 and 7
28

- 29 **14. Do any of those exhibits require any change or correction?**

30
31 Not to my knowledge.
32

- 33 **15. Are Exhibits 1, 2, 4, 5, 6 and 7 to the Petition, true and correct?**

34
35 Yes, to the best of my knowledge.
36

- 37 **16. In general, what do Exhibits 1, 2, 4, 5, 6 and 7 to the Petition demonstrate?**

38
39 Exhibit 1 is a map showing the general area in which the District is located.
40

41 Exhibit 2 is a legal description of the boundaries of the District that was prepared at the
42 direction of Petitioner.
43

44 Exhibit 4 depicts the existing use for the lands contained in the District and surrounding
45 areas.

1 Exhibit 5 depicts the distribution, location, and extent of the public and private land uses
2 proposed for the District by the future land use plan element of the Town's Future Land
3 Use Plan.
4

5 Exhibit 6 depicts the major outfall canals and drainage basins for the lands within the
6 proposed District, as well as the location of existing major trunk water mains, reuse water
7 mains and wastewater interceptors within the currently undeveloped lands proposed to be
8 included within the District.
9

10 Exhibit 7 is a chart indicating the types of improvements and facilities the District expects
11 to finance, construct, and install, the future ownership, operation and maintenance, and the
12 estimated costs of construction.
13

14 **17. What capital facilities are presently expected to be provided by the District?**
15

16 At present, the District is expected to provide earthwork, roadway, stormwater system,
17 wastewater system, potable water distribution systems, reclaimed water distribution
18 system, electrical undergrounding, landscape and hardscape, amenity, and offsite
19 improvements.
20

21 **18. Based upon your training and experience as an engineer, do you have an opinion as
22 to whether the proposed District is of sufficient size, compactness, and sufficient
23 contiguity to be developed as a functional interrelated community?**
24

25 Yes. Based on my experience, the proposed District is of sufficient size, compactness and
26 contiguity to be developed as a one functional interrelated community.
27

28 **19. What is the basis for your opinion?**
29

30 For many reasons the proposed District facilities can be provided in an efficient, functional
31 and integrated manner.
32

33 First, there are sufficient, significant infrastructure needs for the area within the proposed
34 District to allow development as a functionally interrelated community.
35

36 Second, the specific design of the community allows infrastructure to be provided in a cost-
37 effective manner. The land included within the proposed District area is contiguous, which
38 facilitates an efficient and effective planned development.
39

40 Third, the provision of services and facilities through the use of one development plan
41 provides a contiguous and homogenous method of providing services to lands throughout
42 the District.
43

44 **20. In your opinion, you said the proposed District is sufficiently compact and contiguous
45 to be developable as a functionally interrelated community. Would you please explain
46 what you mean when stating that the proposed District is of sufficient compactness?**

1
2 The District will encompass approximately 259.72 acres, more or less, and will provide a
3 range of residential and residential-support land uses that require the necessary elements
4 of infrastructure including earthwork, roadway, stormwater system, wastewater system,
5 potable water distribution systems, reclaimed water distribution system, electrical
6 undergrounding, landscape and hardscape, amenity, offsite improvements and other
7 improvements described in the Petition. The proposed District will have sufficient overall
8 residential density to require all the above-mentioned necessary elements of infrastructure
9 of a comprehensive community. These facilities and services require adequate planning,
10 design, financing, construction, and maintenance to provide the community with
11 appropriate infrastructure. The preferred method of developing land, especially for higher
12 density residential uses, is for the development to be spatially compact. This augments the
13 District's ability to construct and maintain improvements, and provide services, in a cost-
14 efficient manner.
15

16 **21. Can you provide an example of a service or facility and explain why a CDD is a**
17 **preferred alternative for long-term operation and maintenance?**
18

19 Yes. A good example would be a stormwater management system. Both a CDD and a
20 homeowner association are permitted to operate and maintain such systems under
21 applicable Southwest Florida Water Management District ("SWFWMD") rules. However,
22 SWFWMD rules generally require homeowners' associations to provide significantly more
23 information and documentation before the SWFWMD. This additional information is
24 required to ensure that the association has the financial, legal and administrative capability
25 to provide for long-term maintenance of the stormwater management system. Such
26 documentation generally must (1) indicate that the association has the power to levy
27 assessments; (2) mandate that the association will operate and maintain such systems; and
28 (3) provide that the association cannot be dissolved until another entity is found to maintain
29 the system.
30

31 In comparison, a CDD is a perpetual local government unit, which by law has the requisite
32 assessment authority, including the ability to collect such assessments on the county tax
33 roll. Thus, a CDD generally must simply provide a letter to the SWFWMD stating that the
34 CDD will accept operation and maintenance responsibility. All things being equal, a CDD
35 is preferred over a homeowners' or property owners' association for operation and
36 maintenance of a stormwater management system.
37

38 **22. Does the establishment of the District obviate the need for local land development**
39 **regulations, ordinances or plans?**
40

41 No. Section 190.004, *Florida Statutes*, explicitly provides that the establishment of a CDD
42 does not in any way impact or change the applicability of any governmental planning,
43 environmental and land development laws, regulations, and ordinances. A CDD cannot
44 take any action that is inconsistent with the comprehensive plan, code of ordinances or
45 regulations of the city or county within which it is located.
46

1 **23. Based on your experience, do you have an opinion as to whether the services and**
2 **facilities to be provided by the proposed District will be incompatible with the**
3 **capacities and uses of existing local and regional community facilities and services?**
4

5 Yes. It is my opinion that the proposed services and facilities of the proposed District will
6 not be incompatible with the capacity and uses of existing local or regional community
7 development services and facilities.
8

9 **24. What is the basis for your opinion?**
10

11 Currently, none of the planned infrastructure improvements that the proposed District plans
12 to provide exist on the subject property in a manner which is useful to the proposed
13 development. Each of the elements of infrastructure for the necessary services and facilities
14 will connect into the existing, surrounding systems according to criteria, review and
15 approval of the existing operational entity; there will be no incompatibility issues.
16

17 **25. Based on your experience, do you have an opinion as to whether the area to be**
18 **included within the proposed District is amenable to being served by a separate**
19 **special district government?**
20

21 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
22 amenable to being served by a separate special district government.
23

24 **26. What is the basis for your opinion?**
25

26 The proposed District is limited in purpose and the infrastructure improvements to be
27 provided by the proposed District are limited in scope. This infrastructure is expected to
28 directly benefit the development and may be adequately served by a special district
29 government. In addition, special district governance provides a mechanism whereby long-
30 term maintenance obligations can be satisfied by the persons primarily using the facilities
31 and services.
32

33 **27. Do you have an opinion, as someone experienced in land planning, as to whether the**
34 **proposed District is a viable alternative for delivering community services and**
35 **facilities to the areas that will be served by the proposed District?**
36

37 Yes. It is my opinion that the proposed District is a viable alternative for providing the
38 proposed services and facilities to the land to be included within the proposed District.
39

40 **28. What are the alternatives contemplated in rendering this opinion?**
41

42 There would be two alternatives to the establishment of the proposed District. First, to
43 facilitate economic development, accommodate new growth, and provide new services, the
44 Town could perhaps provide the selected facilities. The second alternative would be for
45 the developer or property owners' association ("POA") to provide the infrastructure using
46 private financing.

1
2 **29. How does the proposed District compare to these alternatives?**
3

4 By comparison of the alternatives referenced above, from a planning perspective, the
5 proposed District is the best alternative available to provide the necessary infrastructure
6 improvements. As a special-purpose "local government," the proposed District is a stable,
7 long-term public entity capable of constructing, maintaining and managing the proposed
8 elements of infrastructure of the necessary facilities and services. The limited purpose and
9 scope of the District, combined with the statutory safeguards in place, such as notice of
10 public hearings and access to district records, would ensure that the proposed District is
11 responsive to the infrastructure needs of the proposed District. The proposed District
12 would be able to obtain low-cost financing to provide the necessary improvements and then
13 impose special or non-ad valorem assessments upon the property owners within the District
14 to fund the infrastructure.
15

16 Only a CDD allows for the independent financing, administration, operations and
17 maintenance of the land within the District. Only a CDD allows district property owners,
18 and eventually residents, to completely control the district board and, therefore, the timing
19 and extent of infrastructure improvement and maintenance. Knowing when, where and how
20 infrastructure will be needed to service the projected population of an area allows for the
21 smooth delivery of those facilities. The proposed District exceeds other available
22 alternatives at focusing attention to when and where and how the next system of
23 infrastructure will be required for this specific area. This results in a full utilization of
24 existing facilities before new facilities are constructed. It reduces the delivered cost to the
25 citizens being served. All other alternatives do not have these characteristics.
26

27 **30. In the course of your work in Florida, have you had an opportunity to work with the**
28 **State Comprehensive Plan found in Chapter 187, Florida Statutes?**
29

30 Yes. In the course of producing planning documents for private development proposals, I
31 have often referred to the State Comprehensive Plan.
32

33 **31. In the course of your work in Florida, have you had an opportunity to review local**
34 **government comprehensive plans?**
35

36 Yes. In fact, I have reviewed the Town of Lake Hamilton Comprehensive Plan in the
37 course of my work.
38

39 **32. At this point, I will ask you to address certain matters that are related to land use and**
40 **comprehensive planning. Are you familiar with the development approvals that have**
41 **been obtained or are being sought by the Petitioner to govern the lands within the**
42 **proposed District?**
43

44 Yes, I am.
45

46 **33. Based upon your training and experience as a civil engineer specializing in land**

1 development, do you have an opinion as to whether the proposed District is
2 inconsistent with any portion or element of the State Comprehensive Plan found in
3 Chapter 187, *Florida Statutes*?

4
5 Yes.

6
7 **34. What is that opinion?**

8
9 In my professional opinion, the proposed District is not inconsistent with the applicable
10 provisions of Chapter 187, *Florida Statutes*.

11
12 **35. What is the basis for your opinion?**

13
14 I have reviewed, from a planning perspective, applicable portions of the State
15 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides
16 long-range policy guidance for the orderly social, economic, and physical growth of the
17 state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous
18 goals and policies. Three subjects are particularly relevant, from a planning perspective to
19 the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 -
20 Plan Implementation. Several of the policies and goals are particularly supportive of the
21 establishment of the proposed District.

22
23 **36. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
24 **of the proposed District?**

25
26 This goal recognizes the importance of enhancing the quality of life in the State of Florida
27 and attempts to do so by ensuring that development is located in areas that have fiscal
28 abilities and service capacity to accommodate growth. CDDs are designed to provide
29 services and facilities in a fiscally responsible manner to areas which can accommodate
30 development. The proposed District is consistent with this goal because it will continue to
31 have the fiscal capability to provide a range of services and facilities to a population in a
32 designated growth area.

33
34 **37. Are any of the policies under subject No. 15 relevant?**

35
36 Yes. Policy 1 promotes efficient development activities in areas which will have the
37 capacity to service new populations and commerce. The proposed District will be a vehicle
38 to provide high quality services in an efficient and focused manner over the long term.

39
40 **38. What is Subject 17 and why is it relevant?**

41
42 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
43 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
44 facilities should be allocated to existing and future residents on the basis of the benefits
45 received. Policy 6 also encourages the identification and implementation of innovative but

1 fiscally sound and cost-effective techniques for financing public facilities. Establishment
2 of the proposed District will further this goal and related policies.
3

4 **39. Why is subject No. 25, the other subject you mentioned, relevant to the establishment**
5 **of the proposed district?**
6

7 Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning
8 capabilities be integrated into all levels of government throughout the state, with particular
9 emphasis on improving inter-governmental coordination and maximizing citizen
10 involvement. The proposed District will operate through a separate and distinct Board of
11 Supervisors who will systematically plan the construction, operation and maintenance of
12 public improvements and community facilities authorized under Chapter 190, *Florida*
13 *Statutes*, subject to and not inconsistent with the local government comprehensive plan and
14 land development regulations. Further, meetings held by the Board of Supervisors are
15 publicly advertised and open to the public.
16

17 **40. Are there any relevant policies in this portion of the State Comprehensive Plan?**
18

19 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
20 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
21 establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD,
22 the election of the Board of Supervisors begins to transition from a landowner-elected
23 Board to a resident-elected Board. Regardless of whether the board is elected by the
24 landowners or the residents, the District must convene its meetings in accordance with
25 government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This
26 encourages citizen participation in the planning and operational activities of the District.
27

28 **41. Based upon your training and experience as a land development engineer, do you**
29 **have an opinion as to whether establishment of the proposed District is inconsistent**
30 **with any portion or element of the Comprehensive Plan of the Town?**
31

32 Yes, I do.
33

34 **42. What is that opinion?**
35

36 In my professional opinion, the establishment of the proposed District is not inconsistent
37 with any applicable provisions of the Town's Comprehensive Plans.
38

39 **43. What is the basis for that opinion?**
40

41 Since Chapter 190, *Florida Statutes*, prohibits any community development district from
42 acting in a way inconsistent with the local government's comprehensive plan, the
43 exercising of any power must be done with the comprehensive plan in mind. In addition,
44 the following elements of the Town's Comprehensive Plan generally relate to and are
45 consistent with establishment of the proposed District. The following policies, objectives,
46 and elements specifically support my opinion:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Development Policies

- Future Land Use – Goals, Objectives, and Policies.

Public Facilities Policies – The District will have both the funding source and the authority to provide needed infrastructure and services to this compact, urban growth including:

- Infrastructure Element.
 - Goal 1-Sanitary Sewer
 - Goal 3-Achieve and Maintain an Effective Drainage System.
 - Establish Level of Service Standards.
 - Goal 5-Achieve and Maintain Cost-Effective Potable Water Distribution.
- Recreation and Open Space Element.
 - Achieve and Maintain a Comprehensive System of Recreation Facilities and Open Space Areas.
 - Objective 3 Coordination.
 - Objective 5 Provide for Ease of Public Access.
 - Objective 6 Provide a Process for Provision of Public and Private Open Space.

It is my opinion, therefore, that with respect to the establishment of the District, the establishment will not be inconsistent with any applicable element or portion of the Town’s Comprehensive Plan.

44. Does this conclude your testimony?

Yes, it does.

BEFORE THE TOWN COUNCIL
OF THE TOWN OF LAKE HAMILTON, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 HAMILTON BLUFF COMMUNITY)
 DEVELOPMENT DISTRICT)
_____)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE

I, Jillian Burns, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Jillian Burns and I am employed by Governmental Management Services-Central Florida, LLC. I currently serve as District Manager and assessment administrator for community development districts.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages, submitted under my name to the Town Council of the Town of Lake Hamilton, Florida, relating to the *Petition to Establish the Hamilton Bluff Community Development District* ("Petition") and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the establishment hearing, my oral answers would be substantially the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning my work are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various managerial, operational and financial aspects related to the Petition.

7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.


Executed this 15th day of February, 2022.


JILLIAN BURNS

SWORN AND SUBSCRIBED before me by means of physical presence or online notarization this 15th day of February, 2022, by Jillian Burns, for Hamilton Bluff Corp, who is personally known to me or has provided _____ as identification, and who did or did not take an oath.



NOTARY PUBLIC


Print Name: Jill Burns
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

1 **TESTIMONY OF JILLIAN BURNS FOR THE ESTABLISHMENT OF HAMILTON**
2 **BLUFF COMMUNITY DEVELOPMENT DISTRICT**

3
4 **1. Please state your name and business address.**

5
6 My name is Jillian Burns. My business address is 219 E. Livingston St.
7 Orlando, Florida 32801.

8
9 **2. By whom are you employed and in what capacity?**

10
11 I am employed with Governmental Management Services-Central Florida, LLC (“GMS”)
12 and serve as District Manager and assessment administrator for community development
13 districts.

14
15 **3. Please briefly summarize your duties and responsibilities.**

16
17 GMS provides management consulting services to community development districts and
18 the real estate industry, including general management, accounting, recording, secretarial
19 services, field services and assessment administration. GMS currently serves as the district
20 manager for over one hundred and fifty (150) community development districts (“CDDs”)
21 in the State of Florida.

22
23 **4. Do you work with both public and private sector clients?**

24
25 GMS primarily works for public entities providing district management services.
26 However, we are retained, from time to time, by private entities to consult on the creation
27 of special districts as well as the viability of certain proposed developments.

28
29 **5. Prior to your current employment, by whom were you employed and what were your**
30 **responsibilities in those positions?**

31
32 I have twelve (12) years of experience in providing management to special districts in the
33 State of Florida. I worked for Fishkind & Associates as a District Manager for over 10 years
34 prior to my employment at GMS. I have extensive knowledge of special districts,
35 governmental budgeting and finance issues, and the development process.

36
37 **6. Will your firm represent the Hamilton Bluff Community Development District**
38 **(“District”)?**

39
40 Yes. GMS will serve as District Manager, and Financial and Economic Advisor.

41
42 **7. Please describe your educational background.**

43
44 I have a bachelor’s degree from University of Central Florida.

45
46 **8. Please describe your work with CDDs in Florida.**

1
2 Through GMS, the clients I serve are both resident-elected and landowner-elected CDDs,
3 depending on the stage in the life of the development. I assist the various Boards of
4 Supervisors and residents by managing the accounting, official recordkeeping, and
5 operations and management of the assets acquired or constructed by the CDD. I have
6 provided management services to over thirty (30) active CDDs across Florida.
7

- 8 **9. Are any of these CDDs that you have worked with about the same size as the proposed**
9 **District in the Town Council of the Town of Lake Hamilton, Florida (“Town”)?**

10
11 Yes.

- 12
13 **10. What has been your role with respect to the proposed District establishment**
14 **proceeding?**

15
16 I serve as a financial, economic, and management consultant relating to the establishment of
17 the proposed District.
18

19 **DISTRICT MANAGEMENT**

- 20
21 **11. At this point, I will ask you to address certain matters that are related to CDD**
22 **management. Please describe the general manner in which a community development**
23 **district actually operates.**

24
25 CDDs are governed by a five-member board of supervisors (“Board”). These Board
26 members are initially appointed by the establishment entity in its ordinance. Within 90 days
27 of the establishment of the district, a new Board is elected by the landowners in the district.
28 The Board is the governing body of the district. The Board employs a district manager, who
29 supervises the district’s services, facilities, and administrative functions. The Board annually
30 considers and, after public notice and hearing, adopts a budget. The district submits a copy
31 of the proposed budget to the applicable local general-purpose government for review and
32 for optional comment prior to its adoption each year.
33

- 34 **12. Are there requirements, such as the open meetings and public records laws, imposed**
35 **upon CDDs in order to safeguard the public that are similar to those imposed upon**
36 **other general purpose local governments?**

37
38 Yes, there are.
39

- 40 **13. Please describe these requirements and safeguards.**

41
42 First, it is important to note that the establishment of a CDD does not change any
43 requirements for local general purpose governmental approval of construction within the
44 district. Any land development requirements and all state and local development regulations
45 still apply.
46

1 Second, members of the Board must be residents of Florida and citizens of the United States.
2 After the Board shifts to being elected by the resident electors of the district the supervisors
3 must also be residents and electors of the district. Board members must annually file the
4 same financial disclosure forms required by other local officials. All meetings of the Board
5 of Supervisors are open to the public and are subject to the government in the sunshine
6 requirements of Chapter 286, *Florida Statutes*. Furthermore, the District's records must be
7 open for public inspection in accordance with the Florida law governing public records.
8

9 Next, the district must provide financial reports to the state in the same form and manner as
10 is required of all other political subdivisions. The CDD is annually audited by an
11 independent certified public accountant. As I said before, the CDD budget is adopted
12 annually by the board after a public hearing. All rates, fees, and charges imposed by the
13 district must be adopted pursuant to Chapter 120, *Florida Statutes*.
14

15 Finally, to impose special or non-ad valorem assessments under Chapter 170, 190 and 197,
16 *Florida Statutes*, a CDD must provide published and mailed notice to those who are assessed
17 providing them opportunity to appear before the Board of Supervisors and have an
18 opportunity to comment on the advisability of the assessments. That assessment process
19 entails preparation of an assessment methodology that fairly and equitably allocates the cost
20 of the district's projects.
21

22 **14. Please describe in general terms how a CDD operates financially, both on a day-to-day**
23 **and a long-term basis.**
24

25 In the early stages, particularly when a CDD is first formed, the CDD's operating funds may
26 be funded by a "Funding Agreement" between the CDD and the landowner/developer in lieu
27 of assessments that the CDD might have imposed on property within the CDD.
28

29 In order to provide long term financing of capital projects, CDDs often issue bonds. All
30 bonds issued by CDDs must be secured by a trust agreement, and any bond maturing over a
31 period of more than five years must be validated and confirmed by court decree pursuant to
32 Chapter 75, *Florida Statutes*. The district also may borrow funds on a long or short-term
33 basis.
34

35 Debt may be retired by the District through non ad valorem or special assessments imposed
36 on benefited properties, or rates, fees, and charges imposed on users of district facilities and
37 services. By law, debt of the District cannot become debt of any other government (city,
38 county or state), without that government's consent.
39

40 **15. What alternatives, other than CDDs, are you familiar with that might be available to**
41 **provide community infrastructure for the lands within the proposed District?**
42

43 In my opinion there are two alternatives that might provide community infrastructure such as
44 the roads, utilities, drainage, recreation and other improvements contemplated for the
45 proposed district. First, the general-purpose local government could finance the
46 improvements utilizing special assessments and/or general funds. Alternatively, the

1 developer could provide infrastructure through private means, including private financing if
2 available. As discussed later in my testimony, neither of these alternatives is preferable to
3 use of the CDD concept.
4

5 **16. What has been your role with respect to the *Petition to Establish the Hamilton Bluff***
6 ***Community Development District* (“Petition”)?**
7

8 I have worked closely with GLK Real Estate, LLC (“Petitioner”) and its consultants in
9 determining if a CDD is appropriate for this project. I also supervised the preparation of
10 Exhibit 8 of the Petition, the Statement of Estimated Regulatory Costs (“SERC”).
11

12 **17. Do you have an opinion, as someone experienced in district management and**
13 **operations, as to whether the proposed District is the best available alternative for**
14 **delivering community services and facilities to the areas that will be served by the**
15 **District?**
16

17 Yes. For this project, the proposed District is the best alternative available for delivering the
18 proposed services and facilities to the area that will be served. These improvements include,
19 but are not limited to, earthwork, roadway, stormwater system, wastewater system, potable
20 water distribution systems, reclaimed water distribution system, electrical undergrounding,
21 landscape and hardscape, amenity and offsite improvements.
22

23 **18. What is the basis for your opinion?**
24

25 Looking at the alternatives, the Town could finance and manage the improvements utilizing
26 special assessments or general funds. The developer and/or a property owner’s association
27 (“POA”) could provide these facilities as well through private financing.
28

29 In evaluating the alternatives, it is important to consider whether the alternative can provide
30 the best focus, can effectively and efficiently manage and maintain the facilities, and whether
31 the alternative can secure low cost, long term public financing. The Town clearly provides
32 the long-term perspective and is a stable and relatively low-cost source of financing and
33 provider of services at sustained levels. However, the Town has substantial demands over a
34 broad geographical area that places a heavy management delivery load on its staff. In
35 addition, if dependent district financing were used, the Town would be responsible for all
36 administrative aspects of the dependent district. The Town would have to make time and
37 meetings available for the monthly matters pertaining to the dependent district. By using a
38 dependent district mechanism, the Town would be increasing its responsibility and hence
39 liability for the variety of actions that will take place in the Hamilton Bluff development.
40 The Town, through the dependent district, would also be the contracting party for all
41 construction contracts, would have to deal with bid issues, enforce performance bonds, and
42 participate in construction arbitration or litigation if necessary. They would deal with delay
43 claims and budget management and all the other challenges that come with being the owner
44 in a public construction project. A district can be created to provide focused attention to a
45 specific area in a cost-effective manner. It also allows the Town to focus staff time, finances,
46 and other resources elsewhere and does not burden the general body of taxpayers in the

1 Town with the debt associated with this growth.

2
3 The other alternative is the use of private means either through a POA or through the
4 developer, or both in combination. This combination can clearly satisfy the high demand for
5 focused service and facilities and managed delivery. However, only a public entity can
6 assure a long-term perspective, act as a stable provider of services and facilities, qualify as a
7 lower cost source of financing, and pay for services at sustained levels. POAs lack the
8 ability to effectively finance the improvements. Their ability to assure adequate funds for
9 sustained high levels of maintenance is less than with a CDD.

10
11 Furthermore, neither the developer nor a POA would be required to conduct all actions
12 relating to the provision of these improvements in the “sunshine” as a CDD must, or abide
13 by other public access requirements that are incumbent upon a CDD and its Board of
14 Supervisors. Also, provision and long-term operation and maintenance of these
15 improvements, particularly the recreation roadway and drainage activities, by a CDD ensures
16 that residents have guaranteed access to the body or entity making decisions about these
17 facilities, and in fact will one day sit as the five-member board making the decisions that
18 impact their community directly.

19
20 A CDD is an independent special purpose unit of local government designed to focus its
21 attention on providing the best long-term service to its specifically benefited properties and
22 residents. It has limited power and a limited area of jurisdiction. The CDD will be governed
23 by its own board and managed by those whose sole purpose is to provide the district long
24 term planning, management, and financing of these services and facilities. This long-term
25 management capability extends to the operation and maintenance of the facilities owned by
26 the CDD. Further, the sources for funding and manner of collection of funds will assure that
27 the CDD facilities will be managed at the sustained levels of quality desired by residents
28 well into the future.

29
30 **19. Do you have an opinion, as someone experienced in district management and**
31 **operations, as to whether the area of land to be included within the proposed District is**
32 **of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable**
33 **as one functional interrelated community?**

34
35 Yes.

36
37 **20. What is your opinion?**

38
39 The proposed CDD has sufficient land area, and is sufficiently compact and contiguous to be
40 developed, with the earthwork, roadway, stormwater system, wastewater system, potable
41 water distribution systems, reclaimed water distribution system, electrical undergrounding,
42 landscape and hardscape, amenity, offsite improvements and other infrastructure systems,
43 facilities and services contemplated. The District will operate as one functionally interrelated
44 community.

45
46 **21. What is the basis for your opinion?**

1
2 The size of the proposed District is approximately 259.72 acres, more or less. Based on my
3 previous experience, the proposed District is of sufficient size, compactness, and contiguity
4 to be developed as a functional interrelated community.
5

6 The qualities of compactness, contiguity, and size relate directly to whether an area can
7 become one functional interrelated community. From the standpoint of the provision,
8 management and operation of the community infrastructure expected to be provided by the
9 District, the acres contemplated for inclusion within the District is sufficiently compact,
10 contiguous and of sufficient size to maximize the successful delivery of these infrastructure
11 improvements to these lands. The delivery of services and facilities to the lands within the
12 District will not be hampered by insurmountable barriers or spatial problems. The area
13 within the District is suitably configured to maximize the benefits available from the District
14 services and facilities to be provided.
15

16 **22. Do you have an opinion, as someone experienced in district management and**
17 **operations, as to whether the area that will be served by the proposed District is**
18 **amenable to separate special district government?**
19

20 Yes.
21

22 **23. What is your opinion?**
23

24 The District is of sufficient size, compactness, and contiguity. Therefore, the area to be
25 served by the proposed District is clearly amenable to separate special district governance.
26 The configuration of the District is not unlike other CDDs with which I have worked over
27 time.
28

29 **24. What is the basis for your opinion?**
30

31 Two criteria are needed to evaluate a land area as amenable to separate special district
32 government. One, does the land area have need for the facility and services and will its
33 owners and residents benefit from facilities that the special district could provide? Two, is
34 the land area of sufficient size, sufficient compactness, and sufficiently contiguous to be the
35 basis for a functional interrelated community?
36

37 Under both criteria, the CDD is a planned community of sufficient size with a need for the
38 facilities and improvements that are presently expected to be provided by the CDD. As
39 described in the Petition, the District will construct and maintain certain identified needed
40 facilities and services. In particular, this District will have significant responsibilities for a
41 relatively large amount of drainage and stormwater management to serve the community.
42 Water and sewer improvements constructed by the CDD will be transferred to the Town and
43 roadway improvements within the proposed District will be owned and maintained by the
44 CDD. Based on my experience, districts of this size are large enough to effectively provide
45 and manage these services. From a management and operations perspective, the land area is
46 well suited to the provision of the proposed services and facilities.

1
2 **25. Do you have an opinion, as someone experienced in district management and**
3 **operations, as to whether the community development services and facilities of the**
4 **proposed District will be incompatible with the capacity and use of existing local and**
5 **regional community development services and facilities?**

6
7 Yes.

8
9 **26. What is your opinion?**

10
11 The proposed services and facilities of the proposed District are not incompatible with the
12 capacity and uses of existing local or regional community development services and
13 facilities.

14
15 **27. What is the basis for your opinion?**

16
17 Petitioner presently expects the proposed District to finance and construct certain earthwork,
18 roadway, stormwater system, wastewater system, potable water distribution systems,
19 reclaimed water distribution system, electrical undergrounding, landscape and hardscape,
20 amenity and offsite improvements. None of the facilities expected to be provided by the
21 District presently exist. Ultimately, a district may own and maintain certain of those
22 improvements, such as the recreation improvements and roadways, and the Town, or other
23 governmental entities, may own and maintain others. There will be no overlap or
24 incompatibility because the facilities and improvements expected to be provided by the
25 proposed District do not exist today.

26
27 **ECONOMICS AND FINANCING**

28
29 **28. You stated earlier that you are you familiar with the Petition, and its Exhibits, filed by**
30 **the Petitioner, to establish the proposed District. Are you particularly familiar with**
31 **Exhibit 8 to the Petition?**

32
33 Yes, Exhibit 8 is the Statement of Estimated Regulatory Costs ("SERC"), a requirement of
34 Chapter 190, *Florida Statutes*, and was prepared by me.

35
36 **29. Are there any updates that need to be made to Exhibit 8 of the Petition, the SERC, at**
37 **this time?**

38
39 No.

40
41 **30. What exactly is a "SERC"?**

42
43 The SERC is actually a requirement under Section 120.541(2), *Florida Statutes*, which has
44 been incorporated into the law on establishment of community development districts.

45
46 **31. In general terms, please summarize the economic analyses presented in the SERC.**

1
2 An understanding of the SERC requires the recognition of the scope of review and
3 evaluation for the establishment of a community development district as set out in Chapter
4 190. Section 190.002(2)(d), *Florida Statutes*, states “[t]hat the process of establishing such a
5 district pursuant to uniform general law [must] be fair and based only on factors material to
6 managing and financing the service-delivery function of the district, so that any matter
7 concerning permitting or planning of the development is not material or relevant.” Thus, the
8 scope of the economic analysis included in the SERC addresses only the establishment of the
9 proposed District, and not the planning or development of the property itself.

10
11 The economic analysis sets out the assumptions about the development within the proposed
12 district and the anticipated infrastructure to be provided by it. The analysis addresses each of
13 the potentially affected parties defined in Chapter 120, *Florida Statutes*, and evaluates the
14 impact of the proposed district on each such group.

15
16 The proposed District is a specialized unit of local government. It is a special purpose unit
17 of local government with a single objective: the provision of infrastructure and services for a
18 planned new community. Its economic benefits exceed its economic cost to the Petitioner,
19 the Town and to all subsequent purchasers and landowners of the community - in short, to all
20 affected parties.

21
22 Once the proposed District is established, there are no direct costs to the Town. While the
23 proposed District will provide certain reports and budgets to the Town for its discretionary
24 review, there are no requirements that either incur any obligations or expense associated with
25 its review. In addition, to the extent the proposed District utilizes the services of the Property
26 Appraiser or Tax Collector under the provisions of Chapter 197, *Florida Statutes*, to collect
27 its assessments, the proposed District must pay the costs associated with those services.

28
29 It is important to note that under Chapter 190, the debt of the proposed District cannot
30 become the debt of the Town, or the State of Florida. Since the proposed District will be an
31 independent unit of government and issue its own bonds, the proposed District will not have
32 any effect on the bonding capacity of the Town, or the State of Florida.

33
34 **32. Please briefly describe the data and methodology used in preparing the SERC and**
35 **related analyses.**

36
37 The data for the analysis came from the landowner, other experts working on the Petition,
38 and from the Petition itself. The methodology is standard economic impact assessment.

39
40 **33. As an economic and financial advisor, do you have an opinion regarding the financial**
41 **viability and feasibility of the proposed District?**

42
43 Yes, I do.

44
45 **34. What is that opinion?**
46

1 In my opinion, based on my experience with other districts, the proposed District is expected
2 to be financially viable and feasible.
3

4 **35. Are you familiar with the State Comprehensive Plan found in Chapter 187, *Florida***
5 ***Statutes*?**
6

7 Yes.
8

9 **36. As a financial and economic advisor, do you have an opinion as to whether the**
10 **proposed District is inconsistent with the State Comprehensive Plan from an economic**
11 **perspective?**
12

13 Yes.
14

15 **37. What is that opinion?**
16

17 It is my opinion the proposed District is not inconsistent with any applicable element or
18 portion of the state comprehensive plan.
19

20 **38. What is the basis for your opinion?**
21

22 I have reviewed, from an economic and financial perspective, the State Comprehensive Plan,
23 particularly those portions that relate to community development districts. The State of
24 Florida Comprehensive Plan (Chapter 187, *Florida Statutes*) “provides long-range policy
25 guidance for the orderly social, economic, and physical growth of the state.” From an
26 economic and financial perspective, four subjects, subjects 15, 17, 20, and 25 of the State
27 Comprehensive Plan are relevant to the establishment of a CDD.
28

29 Subject 15, titled Land Use, recognizes the importance of locating development in areas that
30 have the fiscal abilities and service capacity to accommodate growth. It is relevant because
31 CDDs are designed to provide infrastructure services and facilities in a fiscally responsible
32 manner to the areas that can accommodate development. The establishment of the District
33 will not be inconsistent with this goal because the District will have the fiscal capability to
34 provide the specified services and facilities within its boundaries.
35

36 Subject 17, titled Public Facilities, relates to (i) protecting investments in existing public
37 facilities; (ii) providing financing for new facilities, (iii) allocating the costs of new public
38 facilities on the basis of the benefits received by future residents; (iv) implementing
39 innovative but fiscally sound techniques for financing public facilities; and (v) identifying
40 and using stable revenue sources for financing public facilities. The establishment of the
41 District will further these State Comprehensive Plan Goals and Policies.
42

43 Subject 20, titled Governmental Efficiency, provides that governments shall economically
44 and efficiently provide the amount and quality of services required by the public. The
45 proposed District will be consistent with this element because the proposed District will
46 continue to:
47

- 1 (i) cooperate with other levels of Florida government;
2
3 (ii) be established under uniform general law standards as specified in Chapter
4 190, *Florida Statutes*;
5
6 (iii) be professionally managed, financed, and governed by those whose property
7 directly receives the benefits;
8
9 (iv) not burden the general taxpayer with costs for services or facilities inside the
10 Hamilton Bluff Community Development District; and
11
12 (v) plan and implement cost efficient solutions for the required public
13 infrastructure and assure delivery of selected services to residents.
14

15 Subject 25, titled Plan Implementation, calls for systematic planning capabilities to be
16 integrated into all levels of government throughout the state, with particular emphasis on
17 improving intergovernmental coordination and maximizing citizen involvement. The
18 proposed District is consistent with this element of the State Comprehensive Plan.
19

20 **39. Based on your work with districts and from an economic and financial perspective, do**
21 **you have an opinion as to whether the area of land that is proposed to be included**
22 **within the proposed District is of sufficient size, sufficient compactness, and sufficient**
23 **contiguity to be developable as one functional interrelated community?**

24
25 Yes.

26
27 **40. What is your opinion?**

28
29 Based on my previous experience, the proposed District is of sufficient size, compactness,
30 and contiguity to be developed as a functional interrelated community.
31

32 **41. What is the basis for your opinion?**

33
34 The project is compact with land use typical of a planned community. The development of
35 the land has been planned to be a functional interrelated community making the most
36 efficient use of public funds available.
37

38 **42. As an economic and financial advisor, do you have an opinion as to whether the**
39 **proposed District is the best alternative available for providing the proposed**
40 **community development services and facilities to the area to be served?**

41
42 Yes.

43
44 **43. What is your opinion?**

45
46 The proposed District is the best alternative to provide community development facilities to
47 the area to be served. This is true for the landowners and the governmental entities for the

1 following reasons.
2

3 From the perspective of current and future property owners within the District, the District is
4 the best alternative for providing community facilities, infrastructure, and services. The land
5 development envisioned for the area within the District boundaries will require substantial
6 provision of infrastructure, facilities and services. The CDD is an alternative method to
7 provide these necessary services. The CDD can access the tax-exempt public capital markets
8 and thereby fund these facilities and services at a lower cost than the alternative of developer
9 funding. Furthermore, unlike a property owners association (“POA”) the CDD has the
10 power to assess property and collect those assessments along with other property taxes.
11 Therefore, a CDD can fund large capital improvement programs that a POA cannot.
12

13 With regard to the operations and maintenance of community facilities and services the CDD
14 is also the best alternative. The CDD is preferable to a POA to future landowners for the
15 following reasons. First, unlike a POA, the CDD collects funds for operations and
16 maintenance directly from assessments collected along with all other property taxes, which is
17 a more assured income stream. Unlike a POA, a CDD is a unit of local government, and it
18 must hold its meetings in the sunshine and bid out its contracts where required by law. A
19 CDD provides control to the landowners much sooner in time than a POA. A CDD is
20 focused on providing the community with services, facilities, and their maintenance in a way
21 the general-purpose government, with its competing interests and broad responsibilities, is
22 not. This level of local control serves the best interests of property owners in the CDD.
23

24 From the perspective of the State of Florida, the Town, and the Water Management District,
25 a CDD is the best alternative for providing community facilities and their operations and
26 maintenance for a variety of reasons. First, as noted above, compared to a POA the CDD is
27 a more powerful and more responsive organization for providing and maintaining
28 infrastructure and services. Second, without a CDD the Town may have to assume greater
29 responsibility for construction, operations, and maintenance of community facilities and
30 services. Even if the Town formed a dependent district to provide community facilities and
31 services to the area to be served by the CDD, and charged appropriately for these services,
32 the Town would be enmeshed in the responsibilities and in the management of those
33 facilities. Furthermore, without a CDD the Town cannot be assured that only residents of the
34 area to be served by the CDD would bear the full costs of the needed facilities and services.
35

36 **44. As an economic and financial advisor, do you have an opinion as to whether the**
37 **services and facilities to be provided by the proposed District will be incompatible with**
38 **the uses and existing local and regional facilities and services?**
39

40 Yes.
41

42 **45. What is your opinion?**
43

44 The proposed District covers approximately 259.72 acres of land, more or less. The
45 configuration of the land is sufficiently compact and contiguous. As such, it will not create
46 any economic disincentives to the provision of the infrastructure facilities contemplated in

1 this case.
2

3 Given the scope and expected cost of facilities to be provided, 259.72 acres for a residential
4 development provides a sufficient economic base to absorb the debt costs and annual
5 operating costs for district administration and to efficiently apportion the cost of
6 improvements.
7

8 **46. From an economic and financial perspective, do you have an opinion as to whether the**
9 **area that will be served by the proposed District is amenable to separate special district**
10 **government?**

11 Yes.
12

13
14 **47. What is your opinion and its basis?**
15

16 It is my opinion that the area within the boundaries of the proposed District is amendable to a
17 separate special district government. The lands within the proposed District's boundaries
18 have the need for basic infrastructure.
19

20 The land is of sufficient size, compactness, and contiguity and meets those tests. Therefore,
21 from an economic and financial perspective, the area to be served by the proposed District is
22 clearly amendable to separate special district governance.
23

24 **48. Does this conclude your testimony?**
25

26 Yes, it does.
27