



THE SUNRISE CITY  
CITY CLERK'S OFFICE

# FORT PIERCE

Florida

TO : Nick Mimms, City Manager  
Jenn Hofmeister, Planning Director  
John R. Andrews, City Engineer  
Paul Thomas, Building Director  
Peggy Arraiz, Code Compliance Director  
Mike Reals, Public Works Director  
Javier Cisneros, FPUA

FROM : Linda W. Cox, City Clerk *LWC*

RE : Establishment of Community Development District

DATE : September 1, 2021

The Fort Pierce City Commission has received a petition to establish the Preserve at Savannah Lakes Community Development District (CDD). This is currently being reviewed by the City Attorney's office and is being distributed for your information. I have attached a copy of the petition, public notice and draft ordinance; this item will go before the City Commission for a public hearing on October 18, 2021 as the first reading of the ordinance. Following the establishment of the CDD, the project will proceed through the standard review and approval process.

If you have any comments, although not required at this time, please feel free to share them with me and/or Tanya Earley, Interim City Attorney.

# Hopping Green & Sams

Attorneys and Counselors

July 13, 2021

Via Overnight Delivery

Linda Hudson  
Mayor  
City of Fort Pierce  
100 N U.S. Highway 1  
Fort Pierce, FL 34950

Jeremiah Johnson  
City Commissioner, District 2  
City of Fort Pierce  
100 N U.S. Highway 1  
Fort Pierce, FL 34950

Rufus J. Alexander, III  
City Commissioner, District 1  
City of Fort Pierce  
100 N U.S. Highway 1  
Fort Pierce, FL 34950

Thomas K. Perona  
City Commissioner, District 2  
City of Fort Pierce  
100 N U.S. Highway 1  
Fort Pierce, FL 34950

Curtis Johnson, Jr.  
City Commissioner, District 1  
City of Fort Pierce  
100 N U.S. Highway 1  
Fort Pierce, FL 34950

Re: *Petition to Establish the Preserve at Savannah Lakes Community Development District*

Dear Mayor & City Commissioners:

We are writing on behalf of the petitioners ("**Petitioners**") for the establishment of the Preserve at Savannah Lakes Community Development District ("**District**"), and to provide some background information regarding the potential District, and to address how the District will be advantageous for both the City of Fort Pierce and the landowners of the future District. A copy of the *Petition to Establish the Preserve at Savannah Lakes Community Development District* ("**Petition**") and certain presentation materials relating to the project are enclosed.

By way of background, the Petitioners seek to establish a community development district in connection with the development of the Preserve at Savannah Lakes project. The project is located just east of Highway 5, north of Midway Road and south of Edwards Road, and is intended to be developed as a single-family or multi-family residential development. The public infrastructure for the project is estimated to cost approximately \$17,457,000. Consistent with the Florida Legislature's intent expressed in Section 190.002, *Florida Statutes*, the District would be the most timely, efficient, effective, responsive and economic way to deliver basic community development services for the development without overburdening other governments and taxpayers.

The future District would have numerous benefits to the City and District landowners:

- The project would increase the City's tax base, and help revitalize the area of Fort Pierce between Midway Road and Edwards Road. The District will assist with the financing of the millions of dollars in public infrastructure that is necessary to develop the project, which once developed, will help revitalize businesses in the area.
- The District, because it has access to tax-exempt municipal financing, is the least expensive means by which to finance and deliver the substantial improvements referenced above. Using the District to finance these improvements will mean that the public infrastructure will simply cost less for everyone. This will result in lower home prices, and savings for all future landowners of the District both now and in the future.
- Moreover, the project would be developed in an environmentally sensitive manner, preserving approximately 40 acres of on-site wetlands including a 38-acre environmentally healthy, contiguous wetland ecosystem.
- The project includes integrated sidewalks and trails, with a connection to the larger East Coast Greenway trail system. Also, the project is designed to include a community amenity, with a pool and tot-lot.
- Because the District will fund the infrastructure, the project will not overburden the City, County or other taxpayers, and instead will allow growth to pay for itself.
- The District's bond issuances will result in construction dollars being held in a qualified, trustee bank, where the proceeds can only be accessed through a strict requisition process. As such, there will be monies on hand to develop the project, and in the unlikely event of an economic downturn and default, such monies may be used to continue construction, pay foreclosure fees, and/or maintain the property until it can be placed back into productive use.
- As compared to a traditional property owner's association or homeowner's association, the District is a superior long-term maintenance entity, and the District:
  - Will save landowners money, both when the project is first built as well as when the infrastructure is later refurbished or replaced after years of use;
  - Will be a more accountable and transparent entity, due to the fact that the District is subject to Florida's Sunshine Laws and Public Records laws, and due to the District's numerous disclosure and reporting requirements;
  - Will enjoy sovereign immunity protection against frivolous lawsuits;
  - Will have a more stable revenue stream, due to its ability to collect assessments on the tax roll;
  - Will have a relatively faster turnover to control by end-users due to its statutorily-required time-frames for elections;
  - Is more likely to have access to FEMA and other emergency funding;
  - Will serve as a superior long-term maintenance entity, resulting in higher, and more stable, property values.

- As stated in Chapter 190, Florida Statutes, no debt or obligation of the District will be a burden on the City, or any other local general-purpose government.

We welcome your input and thoughts about the petition and would appreciate the opportunity to discuss the petition with you further. If you have any questions or concerns in the meantime, please do not hesitate to contact me at: 850-528-6152, or 850-222-7500. We look forward to working with you, and appreciate your attention to this matter.

Sincerely,



Jere Earlywine

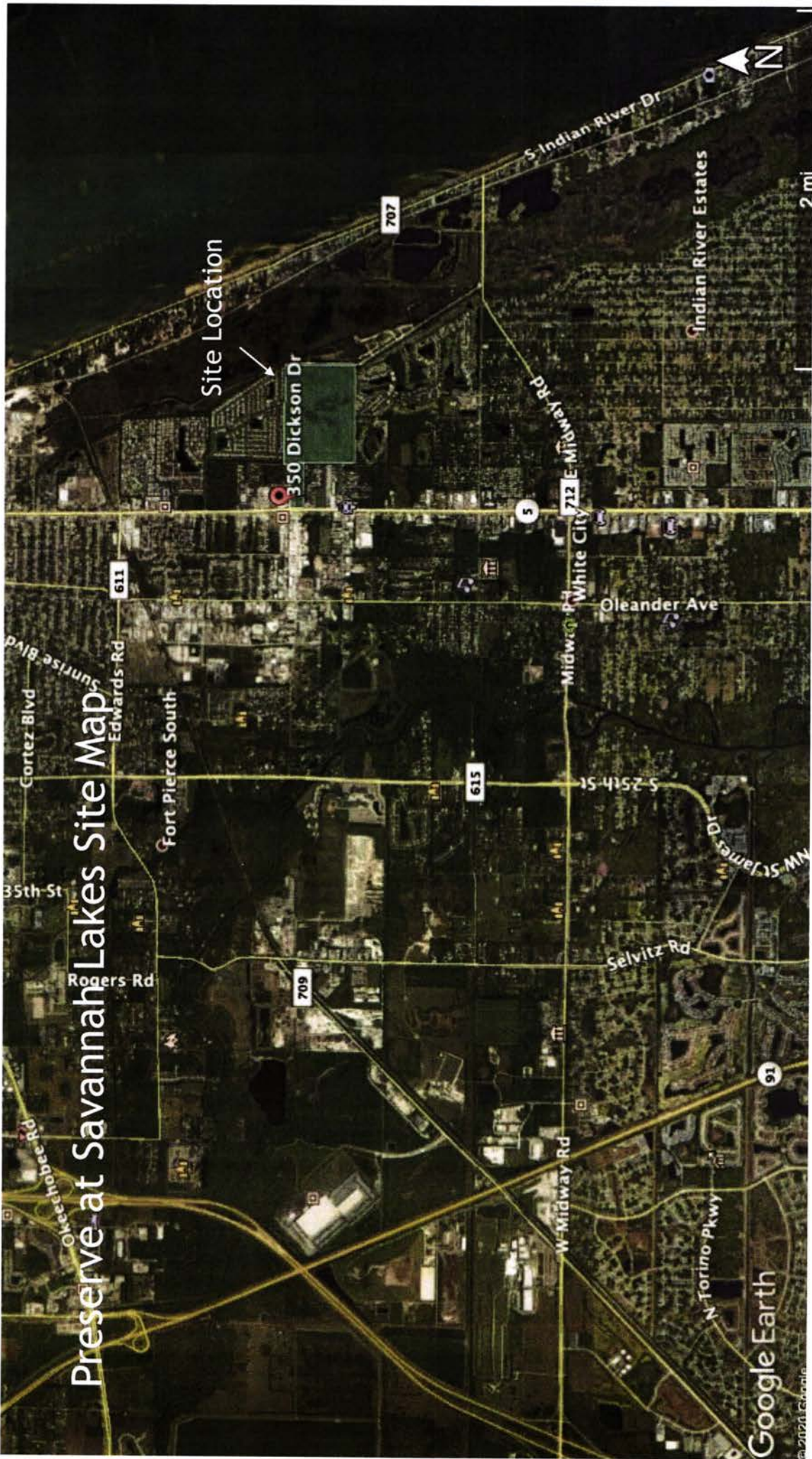
Enclosures



# Preserve at Savannah Lakes

June 2021

**KOLTERLAND**



# Preserve at Savannah Lakes Site Map

Site Location

350 Dickson Dr

Google Earth

© 2021 Google

# Project - At a Glance

- Planned for an appx. 120 +/- acre parcel of land
- Located east of Highway 5
- Single or multi-family, non-age restricted residential project
- Expanded tax base and should help revitalize area between Edwards Road and Midway Road



# Environmental Conservation & Amenities



# Community Development District

## Cost Savings

- Use CDD to finance improvements to public infrastructure - creates cost savings.
- Due to ability to access tax-exempt bond market and spread costs over time.
- Results in...
  - Lower home prices.
  - Lower costs for commercial and industrial landowners.
  - Savings for all future landowners.

## Long-Term Stability

- Compared to HOA/POA, CDD is a superior long-term maintenance entity because...
- Cost savings passed through.
- Sovereign Immunity.
- More stable revenue stream -- collect revenues on tax roll.
- More likely to have access to FEMA and emergency funding.

## CDD Benefits

### Default Protection

- Bond issuances result in construction dollars being held in qualified, trustee bank, where proceeds can only be accessed through requisition process.
- In event of economic downturn and default, money is safe and may be used to...
  - Continue construction.
  - Pay foreclosure fees.
  - Maintain property until it can be placed back into productive use.

### Transparency

- CDD must record a disclosure of public financing and maintenance improvements as well as maintain and distribute official records to government agencies.
- Disclosure information required to be provided to the buyer.
- Assessment lien is filed in public records.
- CDD must comply with Chapter 170, 190, 197 F.S. regarding noticing and holding public meetings, approving budgets, and levying special assessments.

# CDD is Limited / City Retains Its Powers

A CDD is a limited purpose unit of special government, with limited powers.

- Cannot act inconsistent with comprehensive plans, ordinances, and regulations.
- City retains all zoning and permitting authority.
- No current or future resident outside the CDD boundaries will ever be assessed by the CDD.

A CDD benefits the city financials.

- CDD debt is never disclosed in the city's financial statements
  - Unlike Tax Increment Financing
- No administrative costs to the city
- No debt of the CDD can be a debt of the city.
- Assessments do not impact millage caps.



# Process / Questions?

- Family friendly, non-age restricted community, which should revitalize an area of Fort Pierce and increase City tax base
  - Environmentally sensitive development plan
- CDD Benefits include: (1) financial, (2) default protection, (3) numerous ancillary benefits
- Process:
  - Technical Review Committee
  - Planning Committee
  - First Reading on Ordinance
  - Public Hearing on Ordinance

# **PETITION TO ESTABLISH PRESERVE AT SAVANNAH LAKES COMMUNITY DEVELOPMENT DISTRICT**

Submitted by:

Jere Earlywine  
Florida Bar No.155527  
[jeree@hgslaw.com](mailto: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)

**BEFORE THE CITY COMMISSION FOR THE  
CITY OF FORT PIERCE, FLORIDA**

**PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Kolter Group Acquisitions LLC ("Petitioner"), hereby petitions the City Commission for the City of Fort Pierce, Florida pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2020), 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 the City of Fort Pierce, Florida, and covers approximately 125.52 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located east of US Highway 1, south of High Pointe, west of Savanna's Preserve (County Park) and north of Gator Trace PUD. 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 (2020). 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: Michael Caputo  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: Tim Smith  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: Jon Seifel  
Address: 14025 Riveredge Drive, Suite 175  
Tampa, Florida 33637

Name: Greg Meath  
Address: 14025 Riveredge Drive, Suite 175  
Tampa, Florida 33637

Name: Candice Smith  
Address: 14025 Riveredge Drive, Suite 175  
Tampa, Florida 33637

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 Preserve at Savannah Lakes 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 2022-2025. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Existing and Future Land Uses. The existing land use is vacant land. 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 applicable local 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 (2020). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in Florida. **Exhibit 8** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should 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 Preserve at Savannah Lakes 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 applicable local 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 the City 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 City Commission of the City of Fort Pierce, 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]

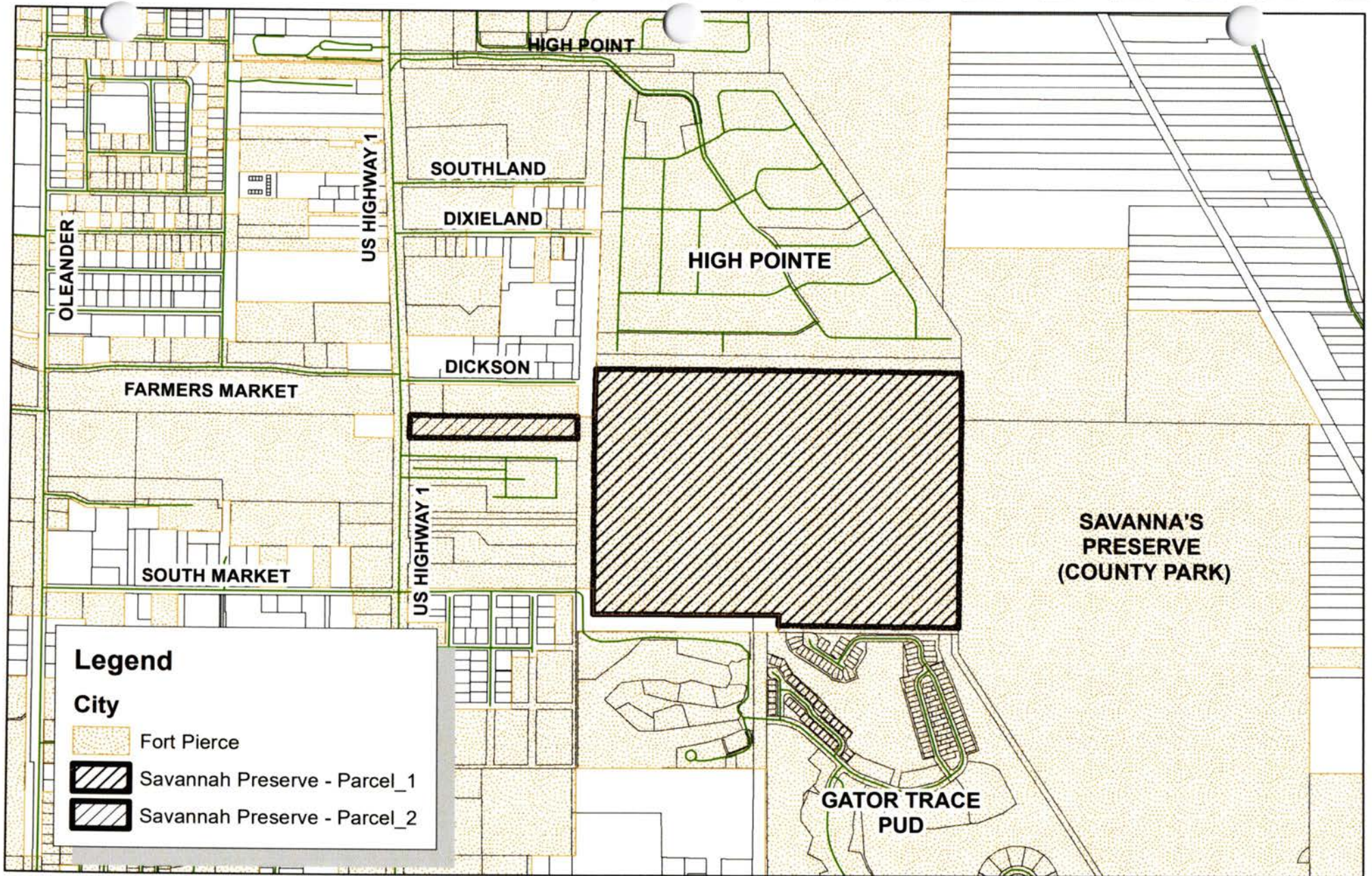
RESPECTFULLY SUBMITTED, this 6th day of July, 2021.

HOPPING GREEN & SAMS, P.A.



---

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



**Legend**

**City**

- Fort Pierce
- Savannah Preserve - Parcel\_1
- Savannah Preserve - Parcel\_2

**AREA  
LOCATION  
MAP**

**SAVANNAH PRESERVE  
COMMUNITY DEV. DISTRICT**

N  
W E  
S  
1 in = 1,000 ft

**EXHIBIT** \_

**CULPEPPER &  
TERPENING INC**  
CONSULTING ENGINEERS | LAND SURVEYORS

# DESCRIPTION

AutoCAD SHX Text

%%UDESCRIPTION

Parcel 1:

The subject property is a parcel of land lying in Sections 26, 27, 34, and 35, Township 35 South, Range 40 East, St. Lucie County, Florida, containing approximately 120 acres of land, being more particularly described as follows:

From the Northwest corner of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 27, run South  $89^{\circ}15'56''$  East a distance of 130 feet; thence run South  $2^{\circ}4'47''$  West parallel to the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 27 2,276.62 feet to the POINT OF BEGINNING; thence, continue South  $2^{\circ}4'47''$  West a distance of 373.59 feet to the South line of said Section 27; thence run South  $0^{\circ}35'43''$  West in Section 34 a distance of 1,500.94 feet; thence run South  $89^{\circ}27'30''$  East a distance of 1,206.73 feet to the East line of said Section 34; thence continue South  $89^{\circ}27'30''$  East into Section 35 a distance of 175 feet; thence run South  $0^{\circ}28'$  West a distance of 80 feet; thence run South  $89^{\circ}27'30''$  East a distance of 1,369.20 feet to the West line of the property owned by the City of Ft. Pierce; thence run North  $0^{\circ}40'$  East along said City property line a distance of 1,580.6 feet to the North line of said Section 35; thence continue North  $0^{\circ}40'$  East into Section 26 a distance of 364.16 feet; thence run North  $89^{\circ}15'56''$  West, a distance of 2,743.75 feet to the POINT OF BEGINNING.

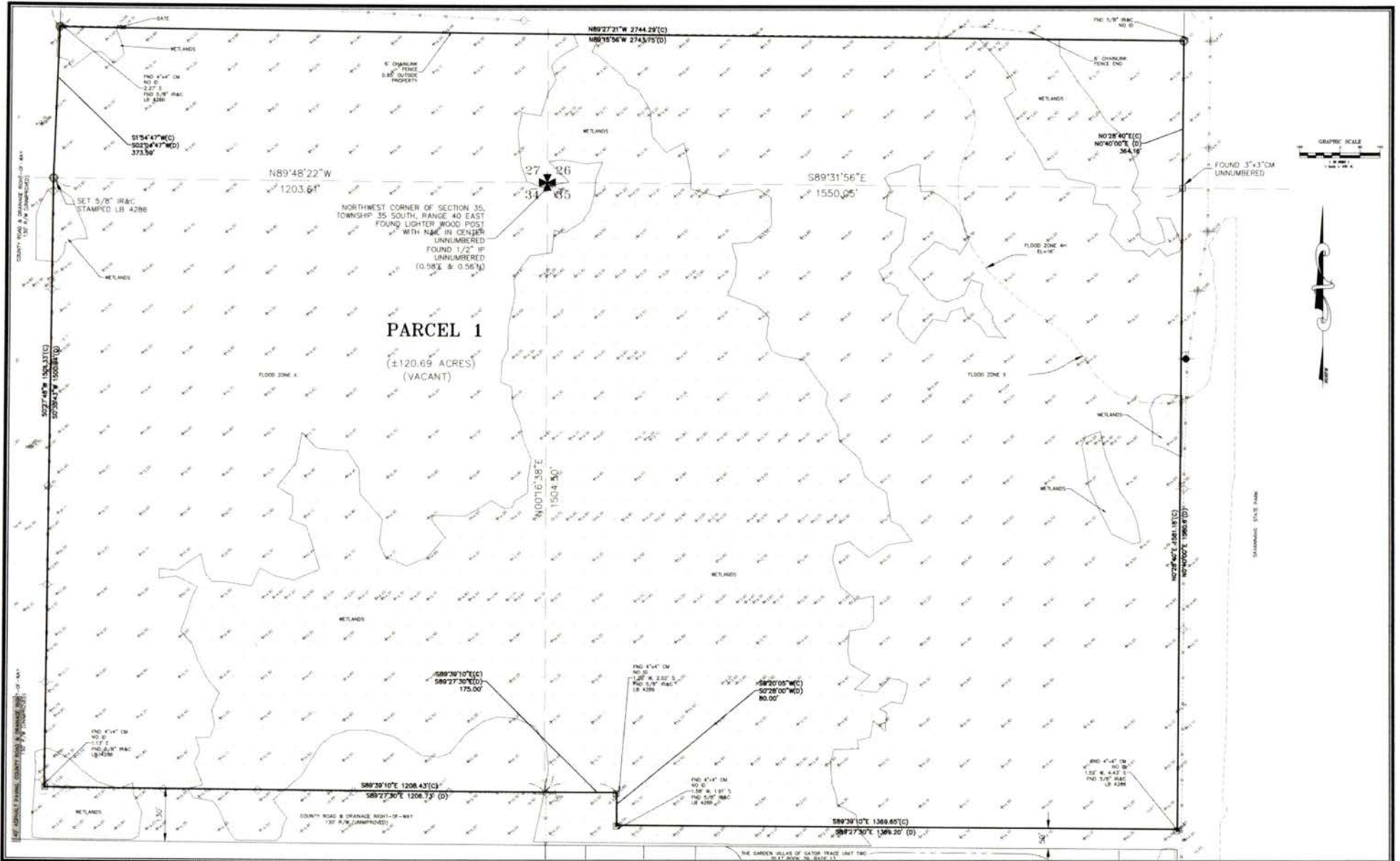
Parcel 2:

The North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , in Section 34, Township 35 South, Range 40 East, St. Lucie County, Florida; less right-of-way for U.S. No. 1.

Overall parcel 1 contains 120.69 Acres and parcel 2 contains 4.83 acres, more or less.









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

HOPPING GREEN & SAMS, P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301

---

**Consent and Joinder of Landowner  
to the Establishment of a Community Development District**

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

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

The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.

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

[SIGNATURE PAGE TO FOLLOW]

Executed this 28 day of June, 2021.

Witnessed:

[Signature]

[Signature]  
Print Name: SEVAI AITINOK

[Signature]  
BY: MUSTAFA AITINOK  
ITS: \_\_\_\_\_

[Signature]  
Print Name: [Signature]

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 28 day of June, 2021, by MUSTAFA AITINOK, who appeared before me this day in person, and who is either personally known to me, or produced FI/DL as identification.



[Signature]  
NOTARY PUBLIC, STATE OF Florida  
Name: Lathresha McLeod  
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Legal Description

# EXHIBIT A

## DESCRIPTION

AutoCAD SHX Text  
%%UDESCRIPTION

Parcel 1:

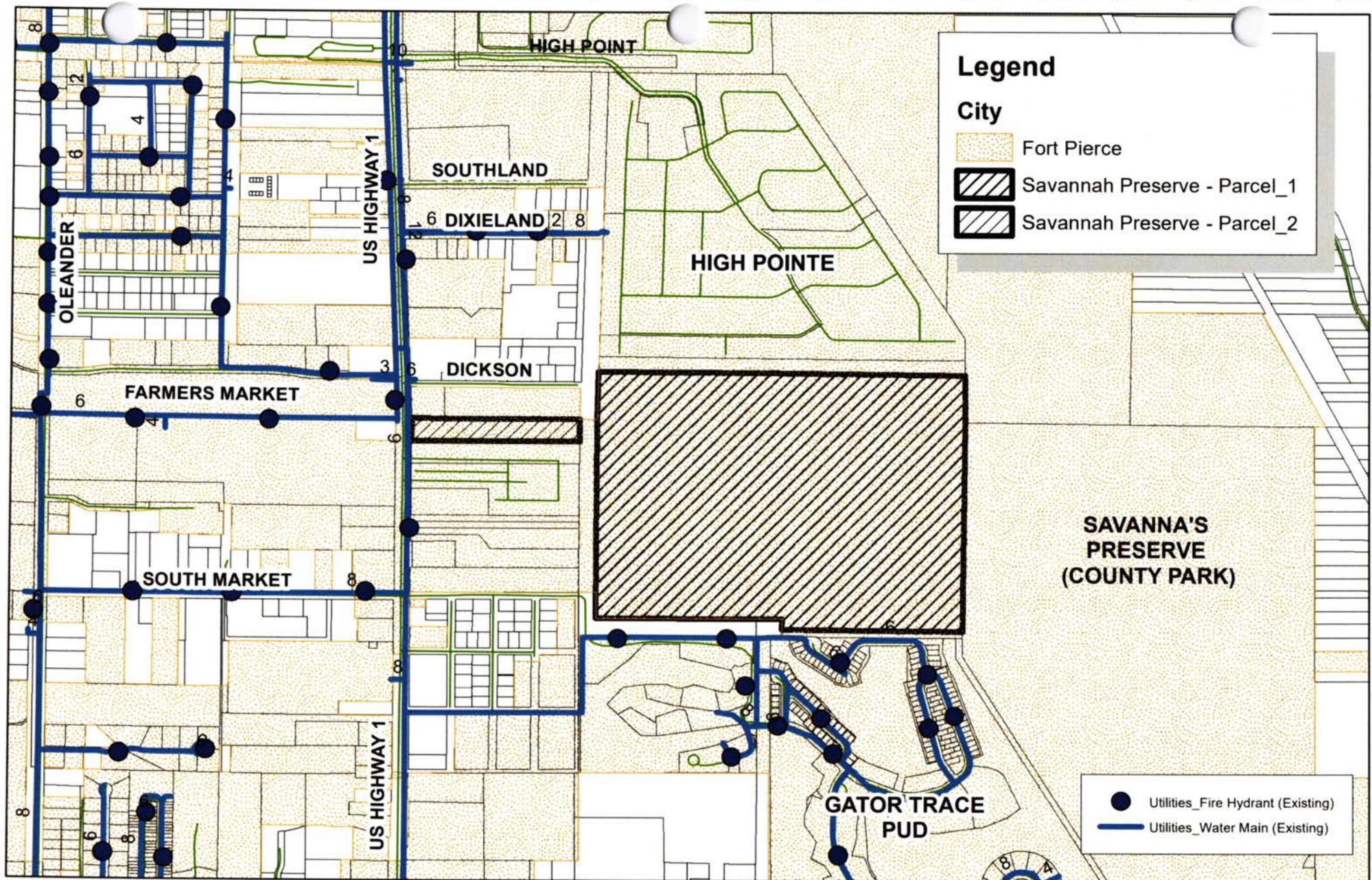
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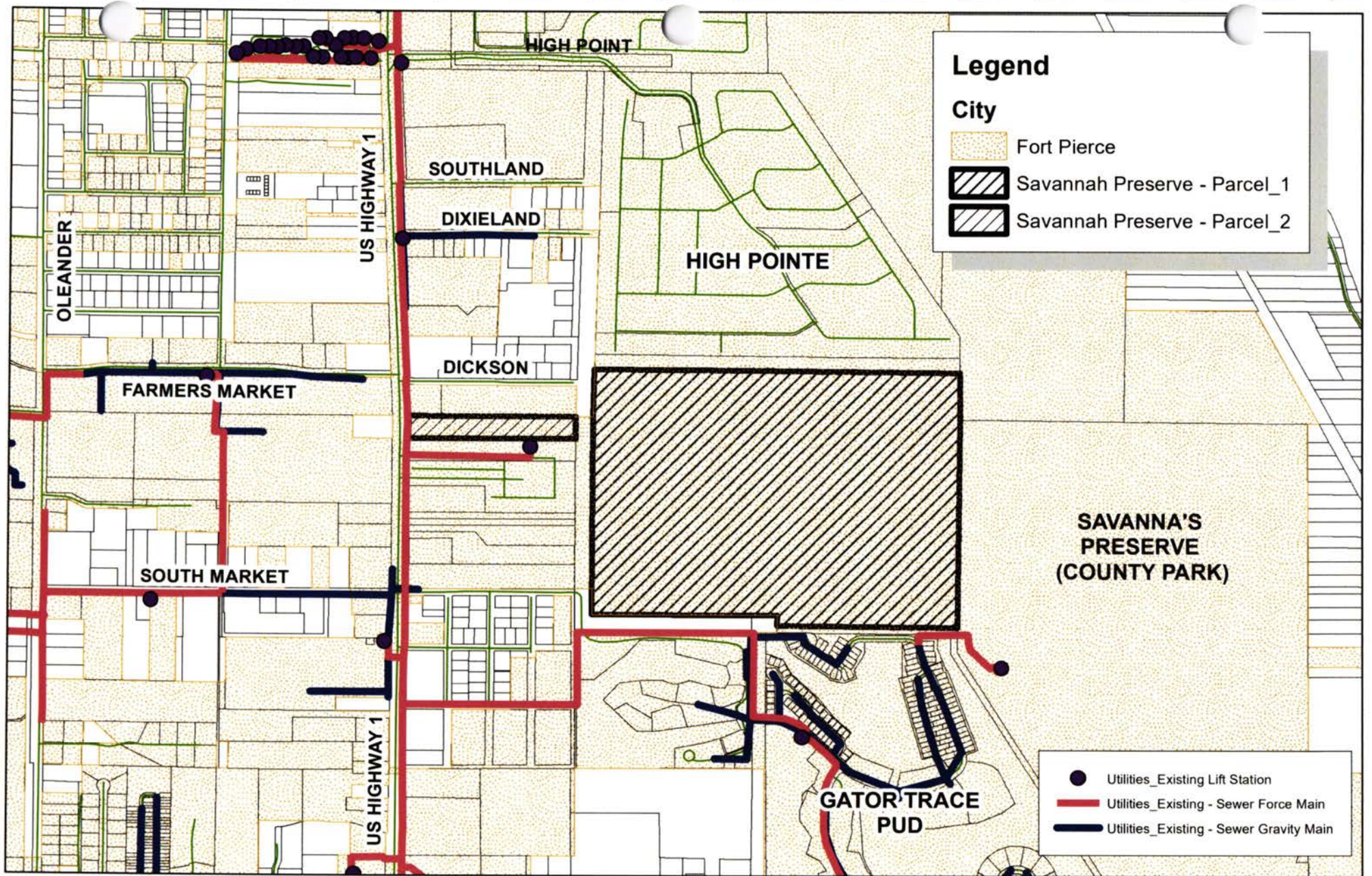
**EXISTING UTILITY SERVICE MAP**

**SAVANNAH PRESERVE COMMUNITY DEV. DISTRICT**



**EXHIBIT** \_\_\_\_\_

**CULPEPPER & TERPENING INC**  
CONSULTING ENGINEERS | LAND SURVEYORS



**Legend**


**City**

- Fort Pierce
- Savannah Preserve - Parcel\_1
- Savannah Preserve - Parcel\_2

- Utilities\_Existing Lift Station
- Utilities\_Existing - Sewer Force Main
- Utilities\_Existing - Sewer Gravity Main

**EXISTING UTILITY  
SERVICE MAP**

**SAVANNAH PRESERVE  
COMMUNITY DEV. DISTRICT**

  
 1 in = 1,000 ft

**EXHIBIT**     


**CULPEPPER &  
TERPENING INC**  
CONSULTING ENGINEERS | LAND SURVEYORS

**PRESERVE at SAVANNAH LAKES  
CDD ESTIMATE OF COSTS**

<b>Improvement</b>	<b>Estimated Cost</b>
Clearing/Grading of Public Lands	\$ 6,580,000.00
Stormwater Management System	\$ 680,000.00
Roadways	\$ 1,980,000.00
Water & Wastewater Systems	\$ 3,560,000.00
Undergrounding of Conduit	\$ 180,000.00
Hardscaping, Landscape, Irrigation	\$ 330,000.00
Amenities	\$ 1,300,000.00
Conservation Areas	\$ 750,000.00
Offsite Improvements*	\$ 70,000.00
Professional Services	\$ 1,100,000.00
10% Contingency	\$ 927,000.00
<b>TOTAL</b>	<b>\$ 17,457,000.00</b>

<b>Improvement</b>	<b>Financing Entity</b>	<b>Ownership and Operations Entity</b>
Stormwater Management System	CDD	CDD
Roadways	CDD	CDD
Water & Wastewater Systems	CDD	City
Undergrounding of Conduit	CDD	City
Hardscaping, Landscape, Irrigation	CDD	CDD
Amenities	CDD	CDD
Conservation Areas	CDD	CDD
Offsite Improvements*	CDD	City/County
Professional Services	CDD	CDD

NOTE: The cost estimates, financing and operations information are based on good faith projections, but are subject to change.



Preserve at Savannah  
Lakes  
COMMUNITY DEVELOPMENT DISTRICT

Statement  
of  
Estimated Regulatory Costs

June 28, 2021



Provided by

***Wrathell, Hunt and Associates, LLC***  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431  
Phone: 561-571-0010  
Fax: 561-571-0013  
Website: [www.whhassociates.com](http://www.whhassociates.com)

# STATEMENT OF ESTIMATED REGULATORY COSTS

## 1.0 Introduction

### 1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Preserve at Savannah Lakes 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 125.52 +/- acres of land located within the City of Fort Pierce, Florida (the "City") and is projected to contain approximately 590 residential dwelling units, which will make up the Preserve at Savannah Lakes development. 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 Preserve at Savannah Lakes 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 590 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 Preserve at Savannah Lakes.

### 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. (City of Fort Pierce, according to the Census 2020, has a population of 46,437; therefore, it is not defined as a small City 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 125.52 +/- 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 550 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 City by virtue that the District will be one of many already existing similar districts within the State and also one of a many already existing similar districts in the City. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the City to offset any expenses that the City 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 City of Fort Pierce 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. City of Fort Pierce

The City 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 City. 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 City 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 125.52 +/- acre master planned residential development currently anticipated to contain a total of approximately 590 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 2,065 +/- and all of these residents as well as the residential and non-residential landowners within the District will be affected by the ordinance. The City, 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 City of Fort Pierce. Therefore, the City (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.

## City of Fort Pierce, Florida

The proposed land for the District is located within the City of Fort Pierce, Florida and consists of less than 2,500 acres. The City 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 City 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 City 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 City may incur in the processing of this petition. Finally, the City 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 City, 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 City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City 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 \$17,457,000. 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**

**PRESERVE AT SAVANNAH LAKES COMMUNITY  
DEVELOPMENT DISTRICT  
Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater Management System	CDD	CDD	CDD
Roadways	CDD	CDD	CDD
Water & Wastewater Systems	CDD	City	City
Undergrounding of Electric Conduit	CDD	City	City
Hardscape, Landscape, Irrigation	CDD	CDD	CDD
Amenities	CDD	CDD	CDD
Conservation Areas	CDD	CDD	CDD
Offsite Improvements	CDD	City/County	City/County

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, City or its dependent districts, or City 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.

**Table 2**

**PRESERVE AT SAVANNAH LAKES COMMUNITY  
DEVELOPMENT DISTRICT  
Estimated Costs of Construction**

<b>CATEGORY</b>	<b>COST</b>
Clearing/Grading of Public Lands	\$6,580,000
Stormwater Management System	\$680,000
Roadways	\$1,980,000
Water & Wastewater Systems	\$3,560,000
Undergrounding of Electric Conduit	\$180,000
Hardscape, Landscape, Irrigation	\$330,000
Amenities	\$1,300,000
Conservation Areas	\$750,000
Offsite Improvements	\$70,000
Professional Services	\$1,100,000
Contingency	\$927,000
<b>Total</b>	<b>\$17,457,000</b>

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.

City of Fort Pierce has a population of 46,437 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" City according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Preserve at Savannah Lakes development will not produce any marginal effects that would be different from those that would have occurred if the Preserve at Savannah Lakes development was developed without a community development district established for it by the City.

**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 Preserve at Savannah Lakes 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 City 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 Preserve at Savannah Lakes development. First, unlike a CDD, this alternative would require the City 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 Preserve at Savannah Lakes 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 City responsibilities. By contrast, if the City were to establish and administer a dependent Special District, then the residents and landowners of the Preserve at Savannah Lakes development would take their grievances and desires to the City 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 City-established, dependent Special District is not strictly the City's responsibility, any financial problems that a dependent Special District may have may reflect on the City. 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 Preserve at Savannah Lakes Community Development District.

**APPENDIX A**  
**LIST OF REPORTING REQUIREMENTS**

<b>REPORT</b>	<b>FL. STATUE CITATION</b>	<b>DATE</b>
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 Petitioner, **Kolter Group Acquisitions LLC**, with regard to any and all matters pertaining to the Petition to the Board of City Council of the City of Fort Pierce, Florida, to Establish the Preserve at Savannah Lakes Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

**KOLTER GROUP ACQUISITIONS LLC**

**Witnessed:**

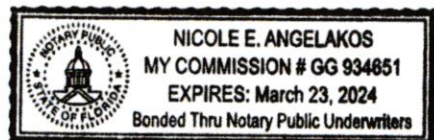
Nicole E. Angelakos  
Print Name: Nicole E. Angelakos  
Christian J. Salgado  
Print Name: Christian J. Salgado

[Signature]  
By: Ryan Mosher  
Its: Manager

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 6 day of July, 2021, by Ryan Mosher, as Manager of Kolter Group Acquisitions LLC on its behalf. He  is personally known to me or  produced as identification.

Nicole E. Angelakos  
Notary Public, State of Florida



**NOTICE OF PUBLIC HEARING**  
**by the City Commission for the City of Fort Pierce, Florida,**  
**to Consider a Petition to Establish the**  
**Preserve at Savannah Lakes Community Development District**

**DATE:**                   **October 18, 2021**

**TIME:**                   **4:30 p.m.**

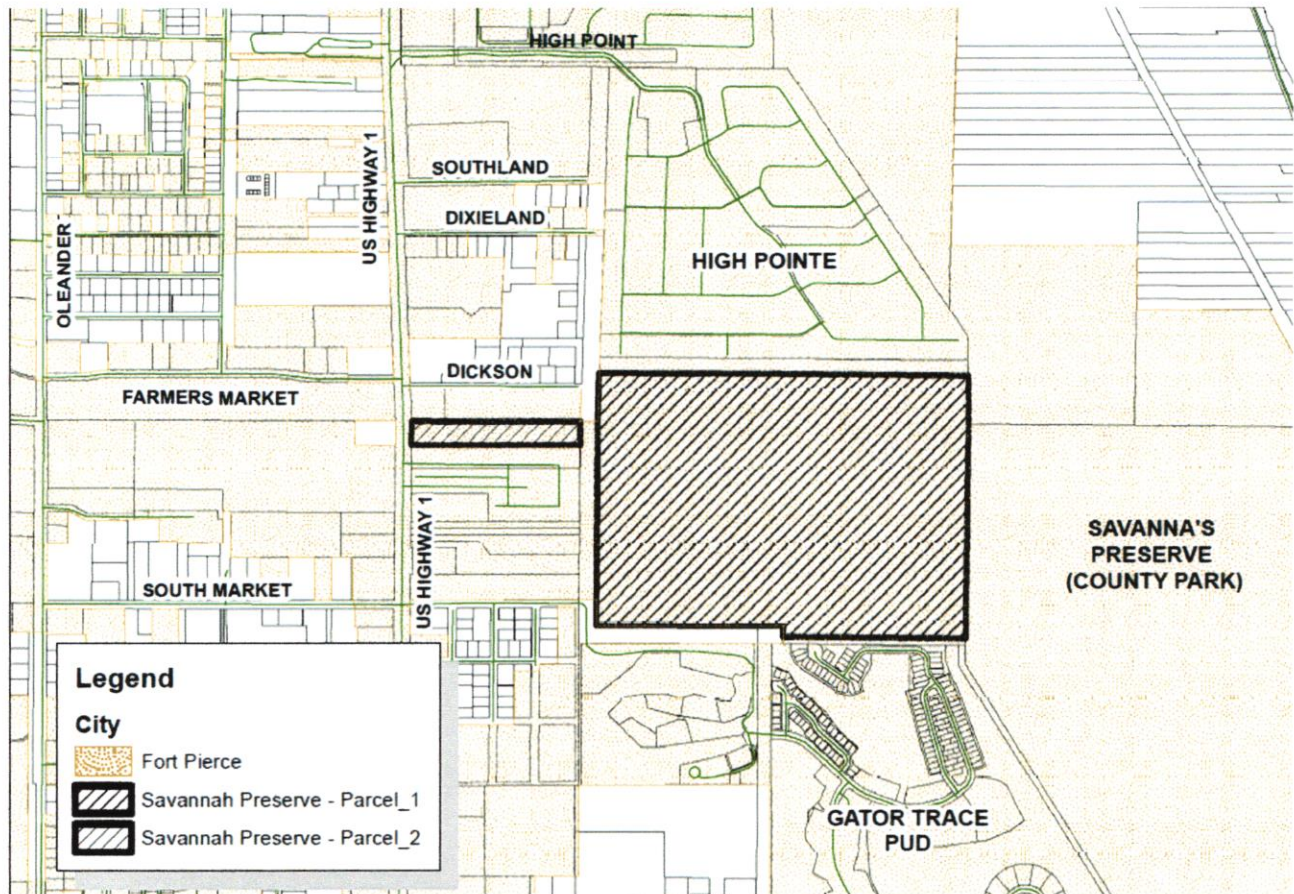
**LOCATION:**               **City of Fort Pierce**  
**City Hall**  
**City Commission Chambers**  
**100 N. US Highway 1**  
**Fort Pierce, FL 34950**

In compliance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the City Commission for the City of Fort Pierce, to consider an ordinance to grant a petition to establish the Preserve at Savannah Lakes Community Development District ("District"). The proposed District is comprised of approximately 125.52 acres, generally located east of US Highway 1, south of High Pointe, west of Savanna's Preserve (County Park) and north of Gator Trace PUD. The petitioner has proposed to establish the District to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities which may be authorized by such District under Florida law, including but not limited to, clearing/grading of public lands, stormwater management system, roadways, water and wastewater systems, undergrounding of conduit, hardscaping, landscape and irrigation, amenities, conservation areas, offsite improvements and other infrastructure.

Copies of the petition and the proposed ordinance are open to public inspection at the City Clerk's Office, 100 North US Highway 1, Fort Pierce, Florida 34950, during regular business hours. For more information, call (772) 467-3065.

All interested persons and affected units of general-purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general-purpose local government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose, the person or unit of general-purpose local government may need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Within five working days of receipt of this notice, please contact the City's ADA Coordinator, at (772) 467-3766 or at 100 North US Highway 1, Fort Pierce, Florida 34950.



PUBLISH: September 24, October 1, October 8 and October 15

PUBLICATION REQUIREMENT UNDER S. 190.005(1)(d), F.S.: "The petitioner shall cause a notice of the hearing to be published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing."

ORDINANCE NO. 21-\_\_

**AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE PRESERVE AT SAVANNAH LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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 NOTICE OF REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Kolter Group Acquisitions LLC ("**Petitioner**"), having obtained written consent to the establishment of the Preserve at Savannah Lakes Community Development District ("**District**") by owners of one hundred percent (100%) of the real property to be included in the District, has petitioned the City Commission ("**Commission**") of the City of Fort Pierce, Florida, to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

**WHEREAS**, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida with a local mailing address of 105 NW 1<sup>st</sup> Street, Delray Beach, Florida 33444; 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 Commission on October 18, 2021; and,

**WHEREAS**, upon consideration of the record established at that hearing, the Commission determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size; is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that 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 that the area that will be served by the District is amenable to separate special-district governance; and,

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

**WHEREAS**, the 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.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, AS FOLLOWS:**

**SECTION 1. Authority.** This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

**SECTION 2. District Name.** There is hereby established a community development district situated entirely within a portion of the City of Fort Pierce, Florida, which shall be known as the "Preserve at Savannah Lakes Community Development District," and which shall be referred to in this ordinance as the "District."

**SECTION 3. District External Boundaries.** The external boundaries of the District are described in **Exhibit "A"** attached hereto, said boundaries encompassing 125.52 acres, more or less.

**SECTION 4. District Powers and Functions.** The District shall have all of the powers and authority set forth in Chapter 190, Florida Statutes. Further, consent is hereby given to the District to exercise those powers relating to parks and facilities for indoor and outdoor recreational, cultural, and educational uses contained in Section 190.012(2)(a), and to exercise those powers related to security contained in Section 190.012(2)(d), provided however that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

**SECTION 5. Termination of District.** In the event that the District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for the road rights of way, stormwater management and drainage systems, street lighting or other improvements that are necessary for the development in the District without the City's express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

**SECTION 6. Board of Supervisors.** The five persons designated to serve as initial members of the District's Board of Supervisors are: Michael Caputo, Tim Smith, Jon Seifel, Greg Meath and Candice Smith.

**SECTION 7. Notice Requirements.** The District shall provide public notice of all meetings pursuant to law.

**SECTION 8. Special Assessments.** Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary, as such boundary may be amended, and in accordance with Chapter 190, Florida Statutes.

**SECTION 9. Severability.** If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue 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 10. Administrative Correction of Scrivener's Errors.** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION 11. No Codification.** This ordinance shall not be codified, but the City Clerk shall retain this Ordinance as a permanent record of action taken by the City Commission.

**SECTION 12. Conflicts.** All ordinances in conflict herewith are hereby repealed.

**SECTION 13. Effective Date.** This Ordinance shall take effect immediately upon passage at second reading/public hearing.

**APPROVED AS TO FORM &  
CORRECTNESS:**

\_\_\_\_\_  
\_\_\_\_\_  
City Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 21-\_\_\_\_ was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on \_\_\_\_\_, 2021; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on September 20, 2021; and was duly introduced, read by title only, and passed on second and final reading October 18, 2021, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this October 18, 2021.

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Linda Hudson  
Mayor Commissioner

ATTEST:

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Linda W. Cox  
City Clerk

**(CITY SEAL)**

## EXHIBIT A LEGAL DESCRIPTION

Parcel 1:

The subject property is a parcel of land lying in Sections 26, 27, 34, and 35, Township 35 South, Range 40 East, St. Lucie County, Florida, containing approximately 120 acres of land, being more particularly described as follows:

From the Northwest corner of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 27, run South 89°15'56" East a distance of 130 feet; thence run South 2°4'47" West parallel to the West line of the East  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 27 2,276.62 feet to the POINT OF BEGINNING; thence, continue South 2°4'47" West a distance of 373.59 feet to the South line of said Section 27; thence run South 0°35'43" West in Section 34 a distance of 1,500.94 feet; thence run South 89°27'30" East a distance of 1,206.73 feet to the East line of said Section 34; thence continue South 89°27'30" East into Section 35 a distance of 175 feet; thence run South 0°28' West a distance of 80 feet; thence run South 89°27'30" East a distance of 1,369.20 feet to the West line of the property owned by the City of Ft. Pierce; thence run North 0°40' East along said City property line a distance of 1,580.6 feet to the North line of said Section 35; thence continue North 0°40' East into Section 26 a distance of 364.16 feet; thence run North 89°15'56" West, a distance of 2,743.75 feet to the POINT OF BEGINNING.

Parcel 2:

The North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , in Section 34, Township 35 South, Range 40 East, St. Lucie County, Florida; less right-of-way for U.S. No. 1.