

ORDINANCE NO. 01-45

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2001 AUG 31 PM 12:55

FILED

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and,

WHEREAS, Petitioner Harbourvest, L.L.C., a Limited Liability Corporation, (Petitioner), through its operating member USHHH, Inc., a Florida corporation, has petitioned the Manatee County Board of County Commissioners (County) to adopt an ordinance establishing Heritage Harbour South Community Development District (District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, Petitioner is the owner of the 980.79 acre more or less, area proposed for inclusion within the District; and,

WHEREAS, a public hearing has been conducted by the Manatee County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended and supplemented; and,

WHEREAS, based on the information provided by the Petitioner, the County finds all statements contained in the petition are true and correct and has relied thereon in adopting this Ordinance; and,

WHEREAS, the establishing of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local comprehensive plan; and,

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

WHEREAS, the establishing of the District is found to be the best alternative available for delivering the community development services and facilities to the area that will be served by the District, as provided herein; and,

WHEREAS, the proposed services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and,

WHEREAS, the area that will be served by the District is amenable to separate special-district government; and,

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Establishment

WHEREAS, the establishing of the District as an independent special district and a local unit of special purpose government pursuant to Chapter 190, Florida Statutes, and the exercise by the District's Board of Supervisors of its powers under the Act will further the objectives and public purposes of the Act; will constitute a timely, efficient, effective, responsive and economic way to deliver basic community development services and to plan, manage and finance needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers; and is in the public interest and the best interest of the state and the County and their inhabitants; and,

WHEREAS, as provided in Chapter 190, Florida Statutes, the establishing of the District and exercise of its powers under the Act will serve a governmental and public purpose in that the District will perform essential governmental functions which would otherwise have to be performed by other state and local governments or agencies by, inter alia, providing systems and facilities for the use and enjoyment of the general public, including roads, water distribution, sewer and waste water collection systems and facilities, water management and control systems and facilities, including bridges and culverts, parks and facilities for indoor and outdoor recreational, cultural and educational uses, and security systems and facilities; and,

WHEREAS, the acquisition, construction, financing and operation of such systems and facilities as set forth in the Petition will protect, promote and enhance the public health, safety and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, Be It Ordained by the Board of County Commissioners of Manatee County, Florida, as follows:

SECTION 1. Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact in support of this Ordinance.

SECTION 2. Authority. This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION 3. Establishment. There is hereby established the Heritage Harbour South Community Development District which shall be governed by the uniform community development district charter as set forth in ss190.006 through 190.041, Florida Statutes, to perform the functions contained in the Petition, attached hereto and made a part of this Ordinance as Exhibit A.

SECTION 4. Boundaries. The boundaries of the Heritage Harbour South Community Development District are those described in the metes and bounds description, attached hereto and made a part of this Ordinance as Exhibit B.

SECTION 5. Initial Board of Supervisors. The following five persons are designated as the initial members of the Board of Supervisors for the Heritage Harbour South Community Development District :

(1) Charles A. Danna, Jr.
337 Interstate Boulevard
Sarasota, Florida 34240

(2) Constantine Benetis
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

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Establishment

(3) Anthony J. Squitieri
325 Interstate Boulevard
Sarasota, Florida 34240

(4) W. David Key
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

(5) Carolyn F. Jeffries
337 Interstate Boulevard
Sarasota, Florida 34240

SECTION 6. Charter. The Heritage Harbour South Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically Sections 190.006 - 190.041, Florida Statutes (2000) as amended. The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the Petition and Chapter 190, Florida Statutes, any or all of the special powers set forth in Section 190.012(1), Florida Statutes.

SECTION 7. County Comprehensive Plan and County Land Development Code Compliance. The Heritage Harbour South Community Development District shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects in the same manner as a private developer.

SECTION 8. County Rights of Termination, Contraction, Expansion, and Limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the District as set forth in Section 190.046, Florida Statutes, are hereby specifically preserved.

SECTION 9. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but remain in full force and effect.

SECTION 10. Effective Date. This Ordinance shall be effective immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

SECTION 11. Petitioner Acknowledgment. Petitioner acknowledges and agrees to the statements and provisions contained herein and evidences such by execution of the acknowledgment provided below.

ADOPTED, with a quorum present and voting, this 28th day of August, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Joe McClash

Joe McClash, Chairman

ATTEST: R. B. Shore
Clerk of the Circuit Court

By: Susan B. Louie



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Establishment

ACKNOWLEDGMENT

The undersigned Petitioner, Harbourvest, L.L.C. a Limited Liability Corporation, does hereby acknowledge and agree to the statements and provisions contained herein.

Witnesses:

Marianne Zepate

Diane E Vollmer

Harbourvest, L.L.C., a Limited Liability
Corporation.

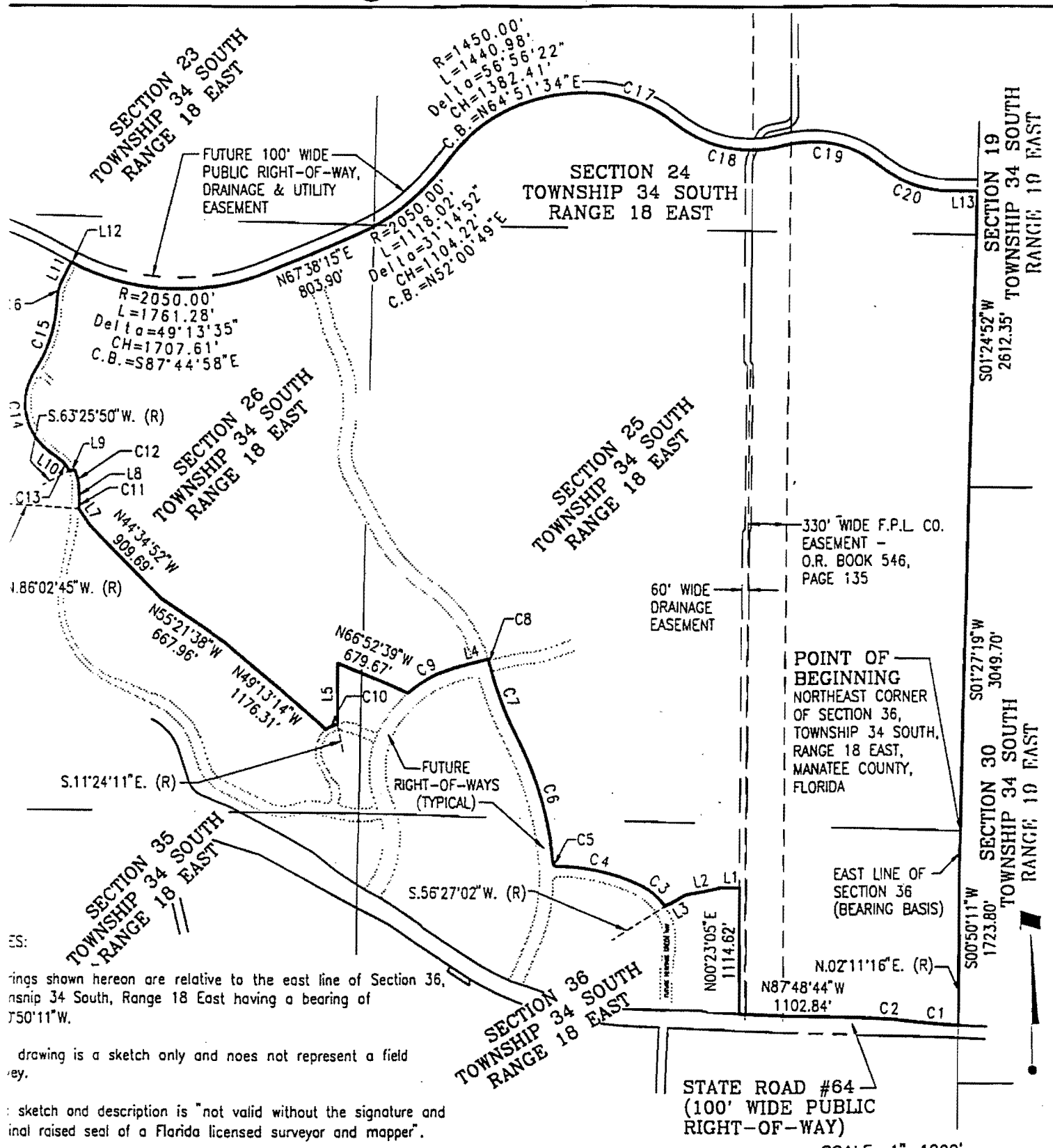
By: 

Anthony J. Squitieri, Vice President
USHHH, Inc., a Florida Corporation,
Operating Member of Harbourvest
L.L.C.

In conclusion, I find that the proposed Heritage Harbour South Community Development District is the most appropriate means of providing community development systems, services and facilities because it is functionally involved in the overall physical master planning of the development, equitably distributes the costs and responsibilities to the users of the systems, services and facilities, provides for long term maintenance, and provides a greater assurance that the residents of the Heritage Harbour South Community Development District will have a sustained quality of life.

ORDINANCE 01-45
EXHIBIT B
(4 Pages)

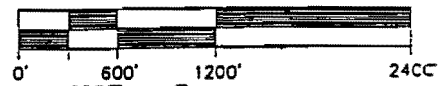
Heritage Harbour South Community Development District
Metes and Bounds Legal Description



John H. Fisher, Professional Surveyor & Mapper
Florida License No. 4769

HARBOURVEST, LLC

Date: _____



TCH & DESCRIPTION OF
D BOUNDARY, HERITAGE HARBOUR SOUTH
CTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

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CODE: GCCD0	DRAWN BY: HJG	CHECKED BY: JHF	CAD FILE: 294081SK	PROJECT NO: 2940-302-000	SHEET 1 OF 3	DRAWING INDEX NO: A2940-302-081*	REV:
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LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°36'55"W	161.25'
L2	S78°20'59"W	323.41'
L3	S59°28'05"W	206.36'
L4	S76°14'47"W	248.87'
L5	S00°17'50"W	536.54'
L7	N34°34'52"W	172.76'
L8	N02°03'22"W	113.38'
L9	S85°13'58"W	53.20'
L10	N55°02'00"W	118.00'
L11	N26°51'50"E	181.27'
L12	S63°08'10"E	25.00'
L13	S89°45'12"E	253.23'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BRG. -
C1	4175.00'	405.19'	05°33'38"	405.03'	N85°01'55"W
C2	4325.00'	419.75'	05°33'38"	419.59'	N85°01'55"W
C3	545.00'	298.10'	31°20'22"	294.40'	N49°13'09"W
C4	1710.00'	721.94'	24°11'23"	716.59'	N76°59'01"W
C5	35.00'	51.43'	84°12'00"	46.93'	N46°58'42"W
C6	3060.00'	1169.13'	21°53'28"	1162.04'	N15°49'26"W
C7	2940.00'	667.88'	13°00'57"	666.44'	N20°15'42"W
C8	1260.00'	62.53'	02°50'36"	62.52'	N15°10'31"W
C9	1162.50'	544.11'	26°49'03"	539.16'	S62°50'15"W
C10	250.00'	116.06'	26°35'54"	115.02'	S65°17'53"W
C11	2043.00'	63.53'	01°46'54"	63.53'	N03°03'48"E
C12	460.00'	168.82'	21°01'39"	167.87'	N12°34'11"W
C13	275.00'	136.62'	28°27'51"	135.22'	N40°48'05"W
C14	525.00'	810.23'	88°25'29"	732.19'	N10°49'16"W
C15	1225.00'	660.49'	30°53'33"	652.52'	N17°56'42"E
C16	425.00'	180.73'	24°21'54"	179.37'	N14°40'53"E
C17	1250.00'	768.10'	35°12'25"	756.07'	S69°04'02"E
C18	1050.00'	990.01'	54°01'21"	953.75'	S78°28'30"E
C19	950.00'	889.97'	53°40'30"	857.78'	S78°38'55"E
C20	1050.00'	695.33'	37°56'32"	682.69'	S70°46'56"E

This is NOT a Survey.

DR: HARBOURVEST, LLC

TCH & DESCRIPTION OF
 OD BOUNDARY, HERITAGE HARBOUR SOUTH
 ECTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
 IANATEE COUNTY, FLORIDA

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X CODE: GCCOD	DRAWN BY: HJG	CHECKED BY: JHF	CAD FILE: 294081SK	PROJECT NO: 2940-302-000	SHEET 2 OF 3	DRAWING INDEX NO: A2940-302-081*	REV:
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DESCRIPTION (Prepared by certifying surveyor)

tract of land lying in Sections 24, 25, 26, & 36, Township 34 South, Range 18 East, Manatee County, Florida and more particularly described follows:

Commence at the northeast corner of said Section 36; thence S.00°50'11"W. along the east line of Section 36, a distance of 1,723.80 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.02°11'16"E., a radial distance of 4,175.00 feet; said point being on the northerly right-of-way line of State Road 64; (the following three courses being along the northerly right-of-way line of State Road 64) thence westerly along the arc of said curve, through a central angle of 05°33'38", an arc length of 405.19 feet to the point of reverse curvature of a curve to the left having a radius of 4,325.00 feet and a central angle of 05°33'38"; thence westerly along the arc of said curve, a distance of 419.75 feet; thence N.87°48'44"W., a distance of 1,102.84 feet; thence N.00°23'05"E., a distance of 1,114.62 feet; thence N.89°36'55"W., a distance of 161.25 feet; thence S.78°20'59"W., a distance of 323.41 feet; thence S.59°28'05"W., a distance of 206.36 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.56°27'02"W., a radial distance of 545.00 feet; thence northwesterly along the arc of said curve, through a central angle of 31°20'22", an arc length of 298.10 feet to the point of compound curvature of a curve to the left having a radius of 1,710.00 feet and a central angle of 24°11'23"; thence westerly along the arc of said curve, an arc length of 721.94 feet to the point of reverse curvature of a curve to the right having a radius of 35.00 feet and a central angle of 34°12'00"; thence northwesterly along the arc of said curve, a distance of 51.43 feet to the point of reverse curvature of a curve to the left having a radius of 3,060.00 feet and a central angle of 21°53'28"; thence northerly along the arc of said curve, a distance of 1,169.13 feet to the point of reverse curvature of a curve to the right having a radius of 2,940.00 feet and a central angle of 13°00'57"; thence northerly along the arc of said curve, a distance of 667.88 feet to the point of reverse curvature of a curve to the left having a radius of 1,260.00 feet and a central angle of 02°50'36"; thence northerly along the arc of said curve, a distance of 62.53 feet; thence S.76°14'47"W., a distance of 248.87 feet to the point of curvature of a curve to the left having a radius of 1,162.50 feet and a central angle of 26°49'03"; thence southwesterly along the arc of said curve, an arc length of 544.11 feet; thence N.66°52'39"W., a distance of 679.67 feet; thence S.00°17'50"W., a distance of 536.54 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.11°24'11"E., a radial distance of 250.00 feet; thence southwesterly along the arc of said curve, through a central angle of 26°35'54", an arc length of 116.06 feet; thence N.49°13'14"W., a distance of 1,176.31 feet; thence N.55°21'38"W., a distance of 667.96 feet; thence N.44°34'52"W., a distance of 909.69 feet; thence N.34°34'52"W., a distance of 172.76 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.86°02'45"W., a radial distance of 2,043.00 feet; thence northerly along the arc of said curve, through a central angle of 01°46'54", an arc length of 63.53 feet; thence N.02°03'22"W., a distance of 113.38 feet to the point of curvature of a curve to the left having a radius of 460.00 feet and a central angle of 21°01'39"; thence northerly along the arc of said curve, an arc length of 168.82 feet; thence S.85°13'58"W., a distance of 53.20 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.63°25'50"W., a radial distance of 275.00 feet; thence northwesterly along the arc of said curve, through a central angle of 28°27'51", an arc length of 136.62 feet; thence N.55°02'00"W., a distance of 118.00 feet to the point of curvature of a curve to the right having a radius of 525.00 feet and a central angle of 88°25'29"; thence northerly along the arc of said curve, an arc length of 810.23 feet to the point of reverse curvature of a curve to the left having a radius of 1,225.00 feet and a central angle of 30°53'33"; thence northerly along the arc of said curve, a distance of 660.49 feet to the point of reverse curvature of a curve to the right having a radius of 425.00 feet and a central angle of 24°21'54"; thence northerly along the arc of said curve, a distance of 180.73 feet; thence N.26°51'50"E., a distance of 181.27 feet; thence S.63°08'10"E., a distance of 25.00 feet to the point of curvature of a curve to the left having a radius of 2,050.00 feet and a central angle of 49°13'35"; thence easterly along the arc of said curve, an arc length of 1,761.28 feet; thence N.67°38'15"E., a distance of 803.90 feet to the point of curvature of a curve to the left having a radius of 2,050.00 feet and a central angle of 31°14'52"; thence northeasterly along the arc of said curve, an arc length of 1,118.02 feet to the point of reverse curvature of a curve to the right having a radius of 1,450.00 feet and a central angle of 56°56'22"; thence northeasterly along the arc of said curve, a distance of 1,440.98 feet to the point of compound curvature of a curve to the right having a radius of 1,250.00 feet and a central angle of 35°12'25"; thence easterly along the arc of said curve, an arc length of 768.10 feet to the point of reverse curvature of a curve to the left having a radius of 1,050.00 feet and a central angle of 54°01'21"; thence easterly along the arc of said curve, a distance of 990.01 feet to the point of reverse curvature of a curve to the right having a radius of 950.00 feet and a central angle of 53°40'30"; thence easterly along the arc of said curve, a distance of 889.97 feet to the point of reverse curvature of a curve to the left having a radius of 1,050.00 feet and a central angle of 37°56'32"; thence easterly along the arc of said curve, a distance of 595.33 feet; thence S.89°45'12"E., a distance of 253.23 feet to the east line of aforementioned Section 24; thence S.01°24'52"W., along the east line of Sections 24 and 25 a distance of 2,612.35 feet to the southeast corner of Section 19, Township 34 S., Range 19 E.; thence S.01°27'19"W., along the east line of Section 25 a distance of 3,049.70 feet to the POINT OF BEGINNING.

Tract contains 42,723,209.51 square feet or 980.7899 acres, more or less.

R: HARBOURVEST, LLC

This is NOT a Survey.

ATCH & DESCRIPTION OF
JD BOUNDARY, HERITAGE HARBOUR SOUTH
CTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
ANATEE COUNTY, FLORIDA

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CODE: GCCDD	DRAWN BY: HJG	CHECKED BY: JHF	CAD FILE: 294081SK	PROJECT NO: 2940-302-000	SHEET 3 OF 3	DRAWING INDEX NO: A2940-302-081*	REV:
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STATE OF FLORIDA DEPARTMENT OF STATE

Division of Elections

I, KATHERINE HARRIS, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Manatee County Ordinance No. 01-45, which was filed in this office on August 31, 2001, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
31st., day of August, A.D., 2001.



Katherine Harris

Secretary of State

DSDE 99 (1-99)

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

RE: PROPOSED ORDINANCE PURSUANT TO
SECTION 190.005(2), FLORIDA STATUTES,
TO ESTABLISH THE HERITAGE HARBOUR
SOUTH COMMUNITY DEVELOPMENT
DISTRICT

**PETITION FOR ESTABLISHMENT OF
THE HERITAGE HARBOUR SOUTH
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, HARBOURVEST, L.L.C., ("Petitioner"), by and through its undersigned attorney, petitions the BOARD OF MANATEE COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ("Commission") to adopt an ordinance establishing on the property proposed in this petition, the Heritage Harbour South Community Development District, as created and chartered by uniform general law, the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes, (1999), as amended, and to designate the proposed land area within which the statutory District may manage and finance its basic infrastructure systems, facilities and services, pursuant to and as limited by its general law charter, Sections 190.006 - 190.041, Florida Statutes.

In support thereof, Petitioner submits:

1. Petitioner is Harbourvest, L.L.C., with its principal place of business at 10481 Six Mile Cypress Parkway, Ft. Myers, Florida 33912 and the Vice President of USHHH, Inc., operating member of Harbourvest, L.L.C., is Anthony J. Squitieri. This petition commences a legislative process for adoption of a county non-emergency ordinance proceeding under the uniform requirements of section 190.005(2), Fla. Stat., and is accordingly not an application for any land use or development license, permit, order, plan amendment, zoning or any other land use or development approval proceeding.

2. The land area proposed to be served by the District is in Manatee County. The land area is bounded on the north by other Heritage Harbour properties of the DRI; the south by State Road 64; on the east "Waterlefe", Moore's Dairy, "Greenfield Plantation"; and the west by other Heritage Harbour properties of the DRI; and comprises approximately 980.79 contiguous acres. A map showing the location of the land area to be serviced by the District is attached as Exhibit "1."

3. A metes and bounds legal description of the external boundaries of the District is attached as Exhibit "2", pursuant to section 190.005(1)(a), Fla. Stat. There is no real property within the boundaries of the District which is to be excluded from the jurisdiction of the District.

4. Attached as Exhibit "3" is documentation constituting written consent to the establishment of the District by the owners of 100% of the real property to be included in the land to be serviced by the District, pursuant to section 190.005(1)(a)2, Fla. Stat.

5. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, who are citizens of the United States and residents of the State of Florida, and who shall serve in that office until replaced by elected members, as provided in section 190.006, Florida Statutes, are:

- | | |
|--|---|
| (1) Charles A. Danna, Jr.
337 Interstate Boulevard
Sarasota, Florida 34240 | (4) W. David Key
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912 |
| (2) Constantine Benetis
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912 | (5) Carolyn F. Jeffries
337 Interstate Boulevard
Sarasota, Florida 34240 |
| (3) Anthony J. Squitieri
325 Interstate Boulevard
Sarasota, Florida 34240 | |

6. The name of the District is the Heritage Harbour South Community Development District.
The District charter is a uniform charter created expressly in uniform general law by sections

190.006 through 190.041, Fla. Stat., as provided also in section 190.004(4), Fla. Stat., and as referenced in section 189.4031(2), Fla. Stat., by which the District will function when established on the proposed property by Manatee County ordinance.

7. A map of the land area proposed for the state-created and county-established District, showing current major trunk water mains, sewer interceptors, utilities and outfalls, if any, is attached as Exhibit "4", as provided in section 190.005(1)(a)5, Fla. Stat.

8. The good faith non binding disclosure of proposed timetables and related estimate of costs of construction and provision of District systems, facilities and services which are contemplated by Petitioner and which may be proposed by petitioner to the District Board of Supervisors, when established, and based upon available data, which are subject to change, is attached as Exhibit "5", as required by section 190.005(1)(a)6, Fla. Stat.

9. Manatee County has adopted all mandatory elements of its Local Government Comprehensive Plan known as the Manatee County Comprehensive Plan, found in Manatee County Ordinance No. "89-01", as amended, in accordance with requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as amended in 1986, and 9J-5, *Florida Administrative Code*, as amended, currently in effect. Ordinance No. "89-01", and all applicable amendments, including the future land use maps, depicts and designates the land use for the proposed land area to be serviced by the District and, as such, the pertinent future land use maps are attached as Exhibit "6-A." A copy of the entire Manatee County Comprehensive Plan, as amended, is within the possession of Manatee County and its staff so that accordingly a copy of only the appropriate pages and provisions are attached as Exhibit "6-B." Background compliance documentation is attached and incorporated herein as Exhibit "6-C", as required by section 190.005(1)(a)7, Fla. Stat.

10. A Statement of Estimated Regulatory Costs of the granting by the Commission of this

Petition, and the establishment on the proposed land of the District as created by uniform general law pursuant thereto, in accordance with section 190.005(2), Florida Statutes, is attached as Exhibit "7", as required by section 190.005(1)(a)8, Fla. Stat.

11. Petitioner contemplates that the District Board of Supervisors, once the District is established, will seek to exercise certain additional special powers that are granted in the state created charter for the District but which may not be exercised absent consent from the Board of County Commissioners as obtained by the Board of Supervisors of the District under section 190.012(2), Fla. Stat. Petitioner requests the Board of County Commissioners of Manatee County to ensure expressly that the Board of Supervisors of the District will have county consent to exercise those special powers provided in Section 190.012(2)(a) and (d), Fla. Stat., upon the effective date of the ordinance establishing the District, on the condition subsequent that the District Board of Supervisors, at its initial and organizational meeting, send a letter from it's Chair to the Chair of the Board of County Commissioners confirming the obtaining by the District Board of the consent of the County to exercise these special powers.

12. Petitioner attaches, as Composite Exhibit 8 to this Petition, discussions by qualified engineers and planners providing information for use by the County in considering the six factors for establishment of the District on the proposed property, in support of the County granting this Petition, and as additional materials in support of the statements in this Petition, as follows:

A. The Petition hereby affirms that all of the statements contained herein are true and correct, section 190.005(1)(e)1, Fla. Stat. (See Composite Exhibit 8).

B. Pursuant of the Future Land Use Element of Manatee County Comprehensive Plan, future land use designation for the land area proposed to be included in the District is MU (Mixed Use), UF-3 (Urban Fringe, 3 du's/acre) and PSP-1 (Public Semi-Public). (See Composite Exhibit 8)

C. The District, if established on the proposed property, would not be inconsistent (and in fact is consistent) with the policies under the Mixed Use U-3 PSP-1 future land use category of the Manatee County Comprehensive Plan, Policies 2.2.1.21 through 2.2.1.21.4; and Policies 2.2.1.11.1 through 2.2.1.11.4 and Policies 2.2.1.22.1 through 2.2.1.22.2 of the Manatee County Comprehensive Future Land Use Element. For a further discussion on these matters and related applicable County Comprehensive Plan matters and also the State Comprehensive Plan as well, see Petition Composite Exhibit 8. Section 190.005(1)(e)2, Fla. Stat.

D. The land area proposed to be included within the state created and chartered District is comprised of approximately 980.79 contiguous acres which are of sufficient size, and are sufficiently compact and sufficiently contiguous to be developable as one functional related community as discussed in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)3, Fla. Stat.

E. The District, if established on the proposed property with its State created and uniform exclusive charter, will constitute a mechanism for timely, efficient, effective, responsive and economic delivery of various community development systems, facilities and services; the proposed property is amenable to governance by this District with its state created statutory uniform charter; so that the District, as established on the proposed property, is the best alternative available for delivering community development systems, facilities and services to the proposed land area in excess of the level of such services, systems and facilities which would be provided otherwise, as discussed in more detail in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)4, Fla. Stat.

F. The community development systems, facilities and services to be provided by the District on the proposed property will supplement, and will not any way, be incompatible with, existing road local and regional community development systems, facilities and services on the proposed property. This matter is described further in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)5, Fla. Stat.

G. The area proposed to be included within, and to be serviced by the State created and County established District is being developed as a functional interrelated community by the land owners and developers, subject to, in compliance with and not inconsistent with Manatee County entitlements and land development laws and policies; under county permitting and planning requirements the developers are responsible for providing community development systems, facilities and services; because the proposed land area is sufficiently contiguous, is sufficiently compact and is of sufficient size, and because it is the best alternative, and because it is not incompatible with any existing capacity or uses of local or regional facilities, systems and services, it is amenable to separate special district governance as would be provided on the proposed land by the District. (See Composite Exhibit 8).

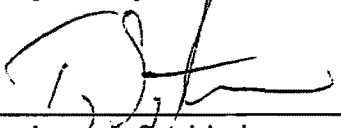
WHEREFORE, Petitioner requests respectfully the Board of Manatee County Commissioners of Manatee County to:

A. Direct its staff to notice, as soon as practicable, a local, public, non-emergency and information-gathering ordinance legislative hearing pursuant to the requirements of section 190.005(2)(c), Florida Statutes, on the subject of whether to grant the petition for the establishment on the proposed land of the state created Heritage Harbour South Community Development District and to enact the ordinance to establish the proposed District.

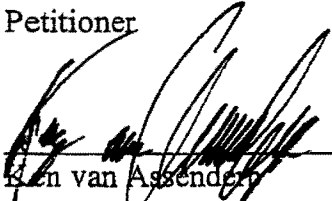
B. Grant the petition and adopt the ordinance to establish the District. Designate in the ordinance the proposed land area to be the land area served by the District; designate in the ordinance the name of the District; designate in the ordinance the initial board of supervisors of the District; recognize in the ordinance, by designating the statutory citation, that the uniform general law charter of the District was created by the Florida Legislature in sections 190.006 through

190.041, Fla. Stat. as also provided expressly in section 190.004(4), Fla. Stat.; recognize the impending petition to allow the District to exercise powers under section 190.012(2), Florida Statutes; and that such potential exercise has been reviewed and assessed to the date of the ordinance; and finally provide that, with regard to any future specific consent by Manatee County to the exercise by the District of any other special powers granted expressly in its general law charter, the legal existence and authority of the District as created by state law and as established by this ordinance shall have thereby been decided.

Respectfully submitted this 7th day of MAY, 2001.



Anthony J. Squitieri
Vice President
USHHH, Inc., Operating Member of Harbourvest, L.L.C.
325 Interstate Boulevard
Sarasota, Florida 34240
Phone: 941-377-1222
Petitioner



Ken van Assenderp
Young, van Assenderp, Varnadoe
& Anderson, P.A.
225 S. Adams Street, Suite 200
Tallahassee, Florida 32301
(850) 222-7206
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing was furnished this 9th day of May, 2001, to **Jeff Steinsnyder**, Chief Assistant Manatee County Attorney, Manatee County Attorney's Office, P.O. Box 1000, Bradenton, Florida 32406.


KENZA VAN ASSENDERP

Young, van Assenderp, Varnadoe &
Anderson, P.A.

225 S. Adams Street, Suite 200

Tallahassee, Florida 32301

(850) 222-7206

Fla. Bar No. 158829

Attorney for Petitioner

YOUNG, VAN ASSENDERP, VARNADOE & ANDERSON, P. A.

ATTORNEYS AT LAW

REPLY TO:

R. BRUCE ANDERSON
CLAY C. BROOKER
TASHA O. BUFORD
DANIEL H. COX
TIMOTHY S. FRANKLIN
DAVID P. HOPSTETTER*
C. LAURENCE KEESEY
KENZA VAN ASSENDERP
GEORGE L. VARNADOE
ROY C. YOUNG

*BOARD CERTIFIED REAL ESTATE LAWYER

OF COUNSEL

DAVID B. ERWIN
A.J. JIM SPALLA

Tallahassee

2 July 2001

Leon Kotecki, Principal Planner
Comprehensive Planning Division
Manatee County Government, Planning Department
1112 Manatee Avenue West
Bradenton, FL 34205

Subject: Heritage Harbour South Community Development District: Establishment Petition
and Related Matters

Dear Mr. Kotecki:

Thank you for your memorandum of 8 June regarding comments on the Petition to Establish the Heritage Harbour South Community Development District as to which we will make the changes on the replacement pages for your six copies already in hand and provide four additional complete copies of the Petition and as to which we have responded already to the Honorable Chips Shore with whom we had visited a few weeks ago (our response is attached for your files). We note respectfully that some of your policies are new from prior District establishment by your County and we point out those differences in this response to make sure we are responding correctly. We appreciate your helpful letter.

As to your points, please note:

1. Regarding page 1, Item 1 of the Petition, you are correct and we will insert the term "and the."

2. Regarding Item 11 at page 4 of the Petition, thank you for explaining to me the policy of your County to ensure that the Board of Supervisors of the District will be able to exercise the additional necessary powers granted by the uniform statutory charter to the District without having to process another Petition with the County in order to get its consent. We appreciate this opportunity to save the time and costs for both the County and the Petitioner.

GALLIE'S HALL
225 SOUTH ADAMS STREET
SUITE 200
POST OFFICE BOX 1833 (ZIP 32302-1833)
TALLAHASSEE, FLORIDA 32301
TELEPHONE (850) 222-7206
TELECOPIER (850) 561-6834

SUNTRUST BUILDING
801 LAUREL OAK DRIVE
SUITE 300
POST OFFICE BOX 7907 (ZIP 34101-7907)
NAPLES, FLORIDA 34108
TELEPHONE (941) 597-2814
TELECOPIER (941) 597-1060

However, the reason we have not asked in our Petition for consent to exercise the Parks and Recreation Facilities special charter power and the Security special charter power is because Section 190.012(2), Fla. Stat., requires, expressly and unequivocally, that those special powers granted to the District by law may not be exercised absent consent from the Board of County Commissioners "obtained" by the "board" (the Board of Supervisors of the District). Because the District, with its state charter created by law, is not yet established on the property, it has no board.

Normally (even in Manatee County on earlier petitions), we wait until the District is established and, as one of its first courses of business, file the petition for consent to exercise these optional granted powers in the statute filed immediately. This distinction in the law is important. We don't want people later in time to challenge whether consent has been given properly (when there was no District board), especially when the District seeks to issue bonds and levy first-lien revenue to amortize the bonds. This matter is important also in Circuit Court validation matters to document that consent to exercise additional charter special powers was obtained by the Board of Supervisors of the District as required by law.

However, in order to comply with your new County policy (for which again we are grateful because it saves time and money for both the County and the Petitioner), may I suggest respectfully that paragraph 11 be reworded to reflect a slightly different procedure that still complies with both your approach and complies also with the law, as follows:

11. Petitioner contemplates that the District Board of Supervisors, once the District is established, will seek to exercise certain additional special powers that are granted in the state created charter for the District but which may not be exercised absent consent from the Board of County Commissioners as obtained by the Board of Supervisors of the District under section 190.012(2), Fla. Stat. Petitioner requests the Board of County Commissioners of Manatee County to ensure expressly that the Board of Supervisors of the District will have county consent to exercise those special powers provided in Section 190.012(2)(a) and (d), Fla. Stat., upon the effective date of the ordinance establishing the District, on the condition subsequent that the District Board of Supervisors, at its initial and organizational meeting, send a letter from it's Chair to the Chair of the Board of County Commissioners confirming the obtaining by the District Board of the consent of the County to exercise these special powers.

3. Regarding your suggestion for a new item number 12, please note that section 190.005(2), Fla. Stat., does not require any information in the Petition addressing the consideration by the Board of County Commissioners of the six factors which are set forth in section 190.005(1)(e), Fla. Stat. The Petition by law is simply a triggering document. That is why the white papers, supplied by the engineer and the planner of the Petitioner, are for your review; it has been those white papers that provide information to be considered regarding those six factors.

However, in view of the interest in efficiencies that you have suggested on behalf of Manatee County, which we very much appreciate, we will add a new paragraph 12 to our Petition, if you approve, as follows:

12. Petitioner attaches, as Composite Exhibit 8 to this Petition, discussions by qualified engineers and planners providing information for use by the County in considering the six factors for establishment of the District on the proposed property, in support of the County granting this Petition, and as additional materials in support of the statements in this Petition, as follows:

- A. The Petition hereby affirms that all of the statements contained herein are true and correct, section 190.005(1)(e)1, Fla. Stat. (See Composite Exhibit 8).
- B. Pursuant of the Future Land Use Element of Manatee County Comprehensive Plan, future land use designation for the land area proposed to be included in the District is MU (Mixed Use), UF-3 (Urban Fringe, 3 du's/acre) and PSP-1 (Public Semi-Public). (See Composite Exhibit 8)

The District, if established on the proposed property, would not be inconsistent (and in fact is consistent) with the policies under the Mixed Use U-3 PSP-1 future land use category of the Manatee County Comprehensive Plan, Policies 2.2.1.21 through 2.2.1.21.4; and Policies 2.2.1.11.1 through 2.2.1.11.4 and Policies 2.2.1.22.1 through 2.2.1.22.2 of the Manatee County Comprehensive Future Land Use Element. For a further discussion on these matters and related applicable County Comprehensive Plan matters and also the State Comprehensive Plan as well, see Petition Composite Exhibit 8. Section 190.005(1)(e)2, Fla. Stat.

- C. The land area proposed to be included within the state created and chartered District is comprised of approximately 980.79 contiguous acres which are of sufficient size,

and are sufficiently compact and sufficiently contiguous to be developable as one functional related community as discussed in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)3, Fla. Stat.

- D. The District, if established on the proposed property with it's State created and uniform exclusive charter, will constitute a mechanism for timely, efficient, effective, responsive and economic delivery of various community development systems, facilities and services; the proposed property is amenable to governess by this District with its state created statutory uniform charter; so that the District, as established on the proposed property, is the best alternative available for delivering community development systems, facilities and services to the proposed land area in excess of the level of such services, systems and facilities which would be provided otherwise, as discussed in more detail in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)4, Fla. Stat.
- E. The community development systems, facilities and services to be provided by the District on the proposed property will supplement, and will not any way, be incompatible with, existing road local and regional community development systems, facilities and services on the proposed property. This matter is described further in Petitioner's Composite Exhibit 8. Section 190.005(1)(e)5, Fla. Stat.
- F. The area proposed to be in included within, and to be serviced by the State created and County established District is being developed as a functional interrelated community by the land owners and developers, subject to, in compliance with and not inconsistent with Manatee County entitlements and land development laws and policies; under county permitting and planning requirements the

developers are responsible for providing community development systems, facilities and services; because the proposed land area is sufficiently contiguous, is sufficiently compact and is of sufficient size, and because it is the best alternative, and because it is not incompatible with any existing capacity or uses of local or regional facilities, systems and services, it is amenable to separate special district governance as would be provided on the proposed land by the District. (See Composite Exhibit 8).

We'll include this language and its related attachments, adjusted to reflect technical statutory terminology important to validation proceedings in all copies of the Petition in compliance with your new approach.

4. Regarding Exhibit Section 5, we have revised footnote two to state:

Currently it is anticipated water and sewer service will be provided by Manatee County. Infrastructure construction will be by the CDD.

5. Regarding Exhibit Section 6, we will provide an additional copy of the land use map of the County and superimpose upon it boundary lines to show the proposed land area on which the District will be established by the county ordinance. (See Exhibit 1 provided in the Petition for the location map).

6. Regarding Exhibit Section 6, thank you for the staff modification regarding Exhibit 6B to eliminate the reference.

7. Regarding Exhibit Section 6, the policies from the wastewater, potable water and capital improvements elements of the Manatee County Comprehensive Plan have been included because they support the concept of recapturing the costs of the provision of services by users who benefit from such services, including the recovery of operating, maintenance, renewal and replacement costs. Therefore, these policies have been included because they support the concept of recapturing the costs of the provision of services by users who benefit from such services, including the recovery of operating, maintenance, renewal and replacement costs. Therefore, these policies support the petition to establish the District to demonstrate that the Petition and the District, as established, are not inconsistent with the Manatee Comprehensive Plan, in implementation of section 190.005(1)(e)(2), Fla. Stat.

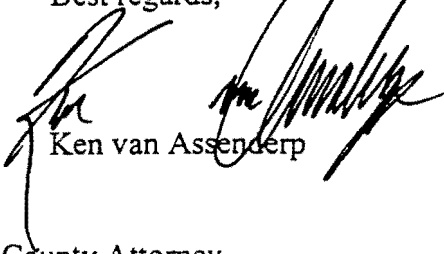
8. Regarding petition Exhibit Section 7, in item 4.0, at page 5, in the table, the operation and ownership of roadways and lighting involve either or both the District and the County. This matter is clarified by Art Diamond with a set of comments in the footnotes and by direct reference to the

engineer's Exhibit 5 for transactional costs (showing estimates of costs of District systems, facilities and services to be provided on the proposed property). Note that the costs are used, but not determined, by Dr. Diamond so that the Statement of Estimated Regulatory Costs references the engineer's Exhibit 5.

If Manatee County is able to provide the budgeted annual unit price (per mile or linear foot) amount for Operation and Maintenance (OM) for a four lane divided roadway with underground utilities and a local roadway (50 foot right-of-way) with underground utilities, then our engineers and planners will be glad and able to calculate what the estimated O & M costs for future facilities that will be owned and operated by Manatee County will be. Even though this information is not required by law in the Petition, we understand that it would be helpful but have not yet been able to find the correct staff in your County to get us this information.

Mr. Kotecki, thank you so much for such a timely, comprehensive and helpful review of the Petition so that we can learn your changed Manatee County procedures better. We hope that this memorandum and the attached updated and adjusted Petition meet with your approval.

Best regards,


Ken van Assenderp

KvA/kdr/kmf

cc: Jeff Steinsnyder, Deputy Chief Assistant County Attorney
Maureen Sikora, Senior Assistant County Attorney
Christie Keller-Coles
Anthony J. Squitieri
Michael Bell
Betsy Benac
Dr. Art Diamond

FAUSERS\KFOLDEN\US HOMES\Heritage Harbor\Kotecki memo.wpd

Thank You - Rec.# 5252929 - 5252929
 Case No: -
 Bk./Pg./Doc.# -
 05/09/2001 15:57:15
 PSBCC BCC PERMITTING CASH BOOK
 BCC 1085 7,000.00
 CHECK/MONEY
 ORDER
 Total 7,000.00
 Receipt(s) Amount 7,000.00
 Change 0.00

MANATEE COUNTY

Page 1 of 1

MISCELLANEOUS INVOICE

INVOICE # : 252929 PRINT DATE : 05/09/2001
 INVOICE DATE : 05/09/2001 PRINT TIME : 15:57:02
 OPERATOR : stevea
 COPY # : 1

RECEIVED BY : stevea CASH DRAWER: CASHIER
 REC'D. FROM : HARBOURVEST, LLC
 IDF 106.1 :
 IDF 106.2 :

NOTES : COMMUNITY DEVELOPMENT DISTRICT HERITAGE HARBOUR SOUTH

EE ID	AMOUNT	THIS RCPT	BALANCE
ISC	7000.00	7000.00	0.00
TOTALS:	7000.00	7000.00	0.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	7000.00	1085
TOTAL INVOICE :	7000.00	

HARBOURVEST, LLC

May 9, 2001

Mr. Leon Kotecki
Manatee County
Planning Department
1112 Manatee Avenue
Bradenton, FL 34205

RE: Heritage Harbour South Community Development District – Petition for
Establishment

Dear Mr. Kotecki:

Enclosed please find one (1) original and four (4) copies of the petition for the establishment of the Heritage Harbour South Community Development District.

Also enclosed is a copy of a check in the amount of \$7,000.00 made payable to Manatee County Board of County Commissioners. Please provide our office with a receipt of the filing.

Should you have any questions, please do not hesitate to contact me at (941) 377-1222. I look forward to meeting with you this afternoon.

Sincerely,



Christie Keller Coles
VP/USHHH, Inc.
Operating Member of
Harbourvest, LLC

CC: Ken van Assenderp, Young, van Assenderp, et al (w/ copy of enclosure)
Jeff Steinsnyder (w/copy of enclosure)
Tony Squitieri, USHHH, Inc.

HARBOURVEST, L.L.C.

CHECK NO. 1085

OPER. ENTITY	ACCOUNT	INVENTORY JOB# - UNIT	COST CODE	DESCRIPTION	INVOICE DATE	INVOICE REFERENCE	AMOUNT
1400		1400-9990	121	HRTG HARBOUR CDD	12/28/00		7000.00
4891 MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS							
TOTAL PAID							7,000.00

HARBOURVEST, L.L.C.

04-93

1085

C/O U.S. HOME
SOUTH FLORIDA LAND DIVISION
10481 BEN C. PRATT
6 MILE CYPRESS PARKWAY
FT. MYERS, FL 33912

AMSOUTH BANK
FORT MYERS, FLORIDA
63-466/631

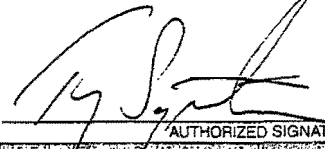
7000 DOLLARS 00 CTS

PAY
TO THE
ORDER
OF:

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

DATE TO
JANUARY 08, 2001

AMOUNT
7,000.00


AUTHORIZED SIGNATURE

MP

⑈001085⑈ ⑆063104668⑆ 4600681040⑈

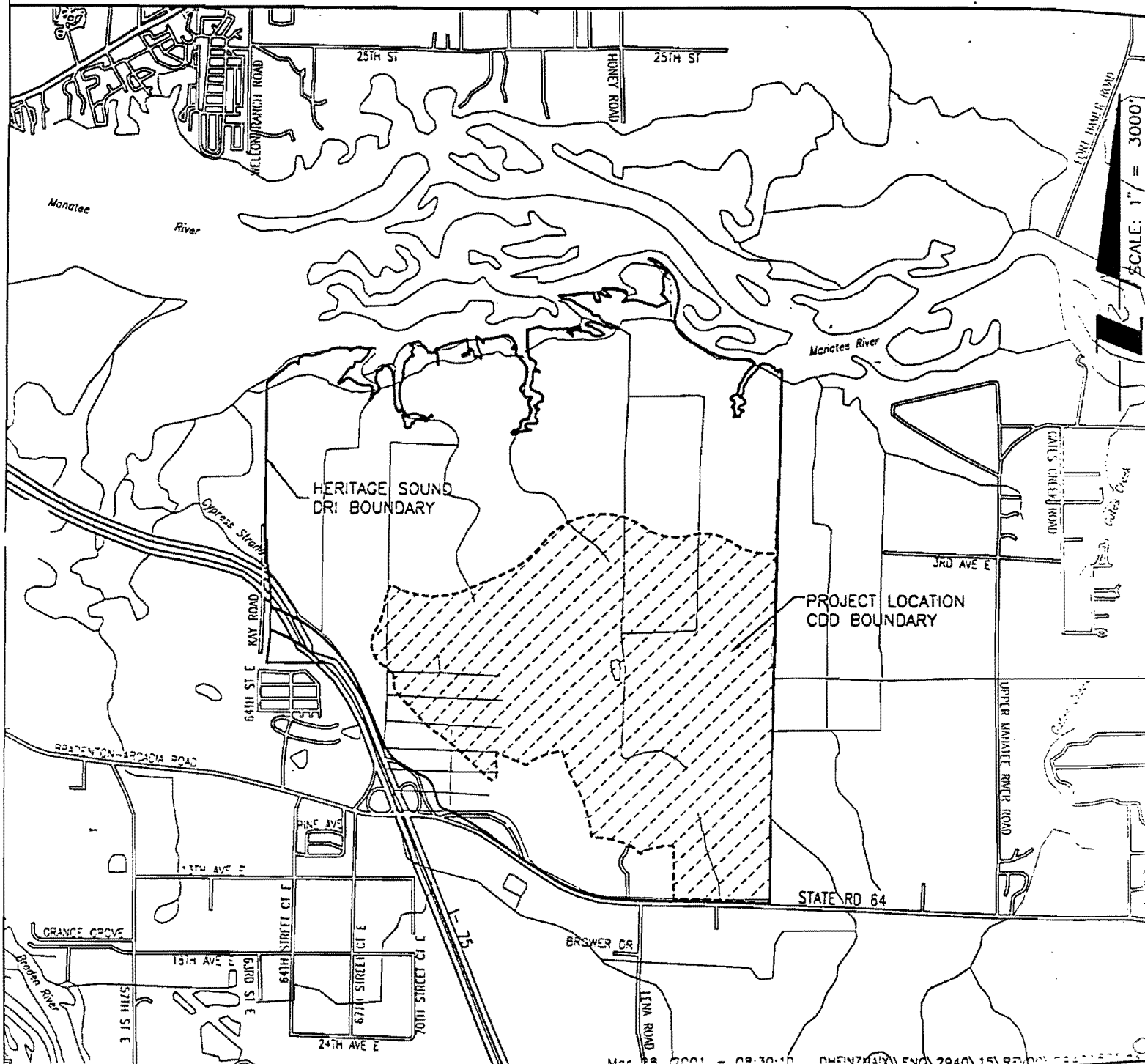
EXHIBIT "1"

Location of Land Area to be Serviced

PROJECT LOCATION MAP

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

EXHIBIT 1



PROJECT: HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

LICANT: HARBOURVEST, LLC

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-6414 • Phone 941-907-6900 • Fax 941-907-6910 • Web-Site www.wilsonmiller.com

COUNTY:	MANATEE	DATE:	01/04/01
SEC:	TWP:	RGE:	REV NO
13,14,23-26,35,36	34S	18E	
PROJECT NO.	INDEX NO		
02940-302-000 GCCDD	A-02940-302-00000		
DRAWN BY/EWP NO.	SHEET NO		
USU/1750	1		

EXHIBIT "2"

Metes and Bounds Legal Description

SECTION 23
TOWNSHIP 34 SOUTH
RANGE 18 EAST

FUTURE 100' WIDE
PUBLIC RIGHT-OF-WAY,
DRAINAGE & UTILITY
EASEMENT

SECTION 24
TOWNSHIP 34 SOUTH
RANGE 18 EAST

SECTION 19
TOWNSHIP 34 SOUTH
RANGE 19 EAST

$R=2050.00'$
 $L=1761.28'$
 $\Delta\alpha=49^\circ13'35''$
 $CH=1707.61'$
 $C.B.=S87^\circ44'58''E$

SECTION 26
TOWNSHIP 34 SOUTH
RANGE 18 EAST

SECTION 25
TOWNSHIP 34 SOUTH
RANGE 18 EAST

330' WIDE F.P.L. CO.
EASEMENT -
O.R. BOOK 546,
PAGE 135

60' WIDE
DRAINAGE
EASEMENT

POINT OF
BEGINNING
NORTHEAST CORNER
OF SECTION 36,
TOWNSHIP 34 SOUTH,
RANGE 18 EAST,
MANATEE COUNTY,
FLORIDA

EAST LINE OF
SECTION 36
(BEARING BASIS)

SECTION 30
TOWNSHIP 34 SOUTH
RANGE 19 EAST

$S.11^\circ24'11''E. (R)$

FUTURE
RIGHT-OF-WAYS
(TYPICAL)

SECTION 35
TOWNSHIP 34 SOUTH
RANGE 18 EAST

SECTION 36
TOWNSHIP 34 SOUTH
RANGE 18 EAST

STATE ROAD #64
(100' WIDE PUBLIC
RIGHT-OF-WAY)

SCALE: 1"=1200'

NOTES:

Bearings shown hereon are relative to the east line of Section 36,
Township 34 South, Range 18 East having a bearing of
 $S.00^\circ50'11''W$.

This drawing is a sketch only and does not represent a field
survey.

This sketch and description is "not valid without the signature and
original raised seal of a Florida licensed surveyor and mapper".

By: John H. Fisher, Professional Surveyor & Mapper
Florida License No. 4769
HARBOURVEST, LLC

Date: _____



This is NOT a Survey.

Mar 28, 2001 - 09:36:39 HGENCEAIX:\SUR\02940\300\Sketches\cddsketch\294081.sk.dwg

ETCH & DESCRIPTION OF
CDD BOUNDARY, HERITAGE HARBOUR SOUTH
SECTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee

6800 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-4441 • Phone 941-557-8800 • Fax 941-557-8910 • Web Site www.wilsonmiller.com

TASK CODE: GCCDD	DRAWN BY: HJG	CHECKED BY: JHF	CAD FILE: 294081SK	PROJECT NO: 2940-302-000	SHEET 1 OF 3	DRAWING INDEX NO: A2940-302-081	REV:
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LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°36'55"W	161.25'
L2	S78°20'59"W	323.41'
L3	S59°28'05"W	206.36'
L4	S76°14'47"W	248.87'
L5	S00°17'50"W	536.54'
L7	N34°34'52"W	172.76'
L8	N02°03'22"W	113.38'
L9	S85°13'58"W	53.20'
L10	N55°02'00"W	118.00'
L11	N26°51'50"E	181.27'
L12	S63°08'10"E	25.00'
L13	S89°45'12"E	253.23'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHORD BRG.
C1	4175.00'	405.19'	05°33'38"	405.03'	N85°01'55"W
C2	4325.00'	419.75'	05°33'38"	419.59'	N85°01'55"W
C3	545.00'	298.10'	31°20'22"	294.40'	N49°13'09"W
C4	1710.00'	721.94'	24°11'23"	716.59'	N76°59'01"W
C5	35.00'	51.43'	84°12'00"	46.93'	N46°58'42"W
C6	3060.00'	1169.13'	21°53'28"	1162.04'	N15°49'26"W
C7	2940.00'	667.88'	13°00'57"	666.44'	N20°15'42"W
C8	1260.00'	62.53'	02°50'36"	62.52'	N15°10'31"W
C9	1162.50'	544.11'	26°49'03"	539.16'	S62°50'15"W
C10	250.00'	116.06'	26°35'54"	115.02'	S65°17'53"W
C11	2043.00'	63.53'	01°46'54"	63.53'	N03°03'48"E
C12	460.00'	168.82'	21°01'39"	167.87'	N12°34'11"W
C13	275.00'	136.62'	28°27'51"	135.22'	N40°48'05"W
C14	525.00'	810.23'	88°25'29"	732.19'	N10°49'16"W
C15	1225.00'	660.49'	30°53'33"	652.52'	N17°56'42"E
C16	425.00'	180.73'	24°21'54"	179.37'	N14°40'53"E
C17	1250.00'	768.10'	35°12'25"	756.07'	S69°04'02"E
C18	1050.00'	990.01'	54°01'21"	953.75'	S78°28'30"E
C19	950.00'	889.97'	53°40'30"	857.78'	S78°38'55"E
C20	1050.00'	695.33'	37°56'32"	682.69'	S70°46'56"E

: HARBOURVEST, LLC

This is NOT a Survey.

ETCH & DESCRIPTION OF
CDD BOUNDARY, HERITAGE HARBOUR SOUTH
SECTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

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8000 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-4461 • Phone 941-937-6900 • Fax 941-937-6910 • Web Site www.wilsonmiller.com

TASK CODE: GCCDD	DRAWN BY: HJC	CHECKED BY: JHF	CAD FILE: 294081SK	PROJECT NO: 2940-302-000	SHEET 2 OF 3	DRAWING INDEX NO: A2940-302-081•	REV:
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DESCRIPTION (Prepared by certifying surveyor)

tract of land lying in Sections 24, 25, 26, & 36, Township 34 South, Range 18 East, Manatee County, Florida and more particularly described as follows:

Commence at the northeast corner of said Section 36; thence S.00°50'11"W. along the east line of Section 36, a distance of 1,723.80 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.02°11'16"E., a radial distance of 4,175.00 feet; said point being on the northerly right-of-way line of State Road 64; (the following three courses being along the northerly right-of-way line of State Road 64) thence westerly along the arc of said curve, through a central angle of 05°33'38", an arc length of 405.19 feet to the point of reverse curvature of a curve to the left having a radius of 4,325.00 feet and a central angle of 05°33'38"; thence westerly along the arc of said curve, a distance of 419.75 feet; thence N.87°48'44"W., a distance of 1,102.84 feet; thence N.00°23'05"E., a distance of 1,114.62 feet; thence N.89°36'55"W., a distance of 161.25 feet; thence S.78°20'59"W., a distance of 323.41 feet; thence S.59°28'03"W., a distance of 206.36 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.56°27'02"W., a radial distance of 545.00 feet; thence northwesterly along the arc of said curve, through a central angle of 31°20'22", an arc length of 298.10 feet to the point of compound curvature of a curve to the left having a radius of 1,710.00 feet and a central angle of 24°11'23"; thence westerly along the arc of said curve, an arc length of 721.94 feet to the point of reverse curvature of a curve to the right having a radius of 35.00 feet and a central angle of 84°12'00"; thence northwesterly along the arc of said curve, a distance of 51.43 feet to the point of reverse curvature of a curve to the left having a radius of 3,060.00 feet and a central angle of 21°53'28"; thence northerly along the arc of said curve, a distance of 1,169.13 feet to the point of reverse curvature of a curve to the right having a radius of 2,940.00 feet and a central angle of 13°00'57"; thence northerly along the arc of said curve, a distance of 667.88 feet to the point of reverse curvature of a curve to the left having a radius of 1,260.00 feet and a central angle of 02°50'36"; thence northerly along the arc of said curve, a distance of 62.53 feet; thence S.76°14'47"W., a distance of 248.87 feet to the point of curvature of a curve to the left having a radius of 1,162.50 feet and a central angle of 25°43'03"; thence southwesterly along the arc of said curve, an arc length of 544.11 feet; thence N.66°52'39"W., a distance of 679.67 feet; thence S.00°17'50"W., a distance of 536.54 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.11°24'H"E., a radial distance of 250.00 feet; thence southwesterly along the arc of said curve, through a central angle of 26°35'54", an arc length of 116.06 feet; thence N.49°13'14"W., a distance of 1,176.31 feet; thence N.55°21'38"W., a distance of 667.96 feet; thence N.44°34'52"W., a distance of 909.69 feet; thence N.34°34'52"W., a distance of 172.76 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies N.86°02'45"W., a radial distance of 2,043.00 feet; thence northerly along the arc of said curve, through a central angle of 01°46'54", an arc length of 63.53 feet; thence N.02°03'22"W., a distance of 113.38 feet to the point of curvature of a curve to the left having a radius of 460.00 feet and a central angle of 21°01'39"; thence northerly along the arc of said curve, an arc length of 168.82 feet; thence S.85°13'56"W., a distance of 53.20 feet to the point of curvature of a non-tangent curve to the left, of which the radius point lies S.63°25'50"W., a radial distance of 275.00 feet; thence northwesterly along the arc of said curve, through a central angle of 28°27'51", an arc length of 136.62 feet; thence N.55°02'00"W., a distance of 118.00 feet to the point of curvature of a curve to the right having a radius of 525.00 feet and a central angle of 88°25'29"; thence northerly along the arc of said curve, an arc length of 810.23 feet to the point of reverse curvature of a curve to the left having a radius of 1,225.00 feet and a central angle of 30°53'33"; thence northerly along the arc of said curve, a distance of 660.49 feet to the point of reverse curvature of a curve to the right having a radius of 425.00 feet and a central angle of 24°21'54"; thence northerly along the arc of said curve, a distance of 180.73 feet; thence N.26°51'50"E., a distance of 181.27 feet; thence S.63°08'10"E., a distance of 25.00 feet to the point of curvature of a curve to the left having a radius of 2,050.00 feet and a central angle of 49°13'35"; thence easterly along the arc of said curve, an arc length of 1,761.28 feet; thence N.67°38'15"E., a distance of 803.90 feet to the point of curvature of a curve to the left having a radius of 2,050.00 feet and a central angle of 31°14'52"; thence northeasterly along the arc of said curve, an arc length of 1,118.02 feet to the point of reverse curvature of a curve to the right having a radius of 1,450.00 feet and a central angle of 56°56'22"; thence northeasterly along the arc of said curve, a distance of 1,440.98 feet to the point of compound curvature of a curve to the right having a radius of 1,250.00 feet and a central angle of 35°12'25"; thence easterly along the arc of said curve, an arc length of 768.10 feet to the point of reverse curvature of a curve to the left having a radius of 1,050.00 feet and a central angle of 54°01'21"; thence easterly along the arc of said curve, a distance of 990.01 feet to the point of reverse curvature of a curve to the right having a radius of 950.00 feet and a central angle of 53°40'30"; thence easterly along the arc of said curve, a distance of 889.97 feet to the point of reverse curvature of a curve to the left having a radius of 1,050.00 feet and a central angle of 37°56'32"; thence easterly along the arc of said curve, a distance of 695.33 feet; thence S.89°45'12"E., a distance of 253.23 feet to the east line of aforementioned Section 24; thence S.01°24'52"W., along the east line of Sections 24 and 25 a distance of 2,612.35 feet to the southeast corner of Section 19, Township 34 S., Range 19 E.; thence S.01°27'19"W., along the east line of Section 25 a distance of 3,049.70 feet to the POINT OF BEGINNING.

Tract contains 42,723,209.51 square feet or 980.7899 acres, more or less.

HARBOURVEST, LLC

This is NOT a Survey.

ETCH & DESCRIPTION OF
CDD BOUNDARY, HERITAGE HARBOUR SOUTH
SECTIONS 24, 25, 26, & 36, TOWNSHIP 34 S., RANGE 18 E.
MANATEE COUNTY, FLORIDA

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TASK CODE:	DRAWN BY:	CHECKED BY:	CAD FILE:	PROJECT NO:	SHEET	DRAWING INDEX NO:	REV:
GCCDD	HJG	JHF	294081SK	2940-302-000	3 OF 3	A2940-302-081*	

EXHIBIT "3"

Documentation of Consent of 100% of Landowners
To Establishment of District

Exhibit "3"

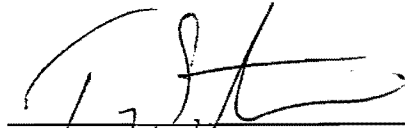
LANDOWNER'S CONSENT TO ESTABLISHMENT OF DISTRICT

Harbourvest, L.L.C., by and through its authorized representative, Anthony J. Squitieri, Vice President, USHHH, Inc., Operating Member, hereby certifies that Harbourvest, L.L.C., with its principal place of business at 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33912, is the owner or controller of certain property located in Manatee County and more particularly described as follows:

See Exhibits "1" & "2" of the "Petition to Establish the Heritage Harbour South Community Development District" incorporated herein by reference.

By signing below Anthony J. Squitieri, as owner, or controller of 100% of the proposed land to be included in the HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT ("District"), as evidenced in the deed records of Manatee County and/or as evidenced by documentation attached hereto and incorporated herein by reference, hereby gives full consent to the establishment of the District by Manatee County ordinance in accordance with section 190.005, Florida Statutes, and consents to the inclusion of its property within the proposed boundaries of said District.

IN WITNESS WHEREOF, I hereunto set my hand on this 9th day of May, 2001.

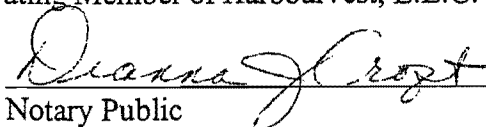


Anthony J. Squitieri
Vice President/USHHH, Inc.
Operating Member of Harbourvest L.L.C.

FLORIDA
MANATEE COUNTY

The foregoing instrument was acknowledged before me this 9th day of May, 2001, by Anthony J. Squitieri, Vice President/USHHH, Inc., Operating Member of Harbourvest, L.L.C.

Personally known ✓
Produced Identification _____
Type of Identification Produced _____



Notary Public
Deanna J. Craft

My commission expires:



"OFFICIAL SEAL"
Deanna J. Craft
My Commission Expires 7/20/2001
Commission #CC 665102

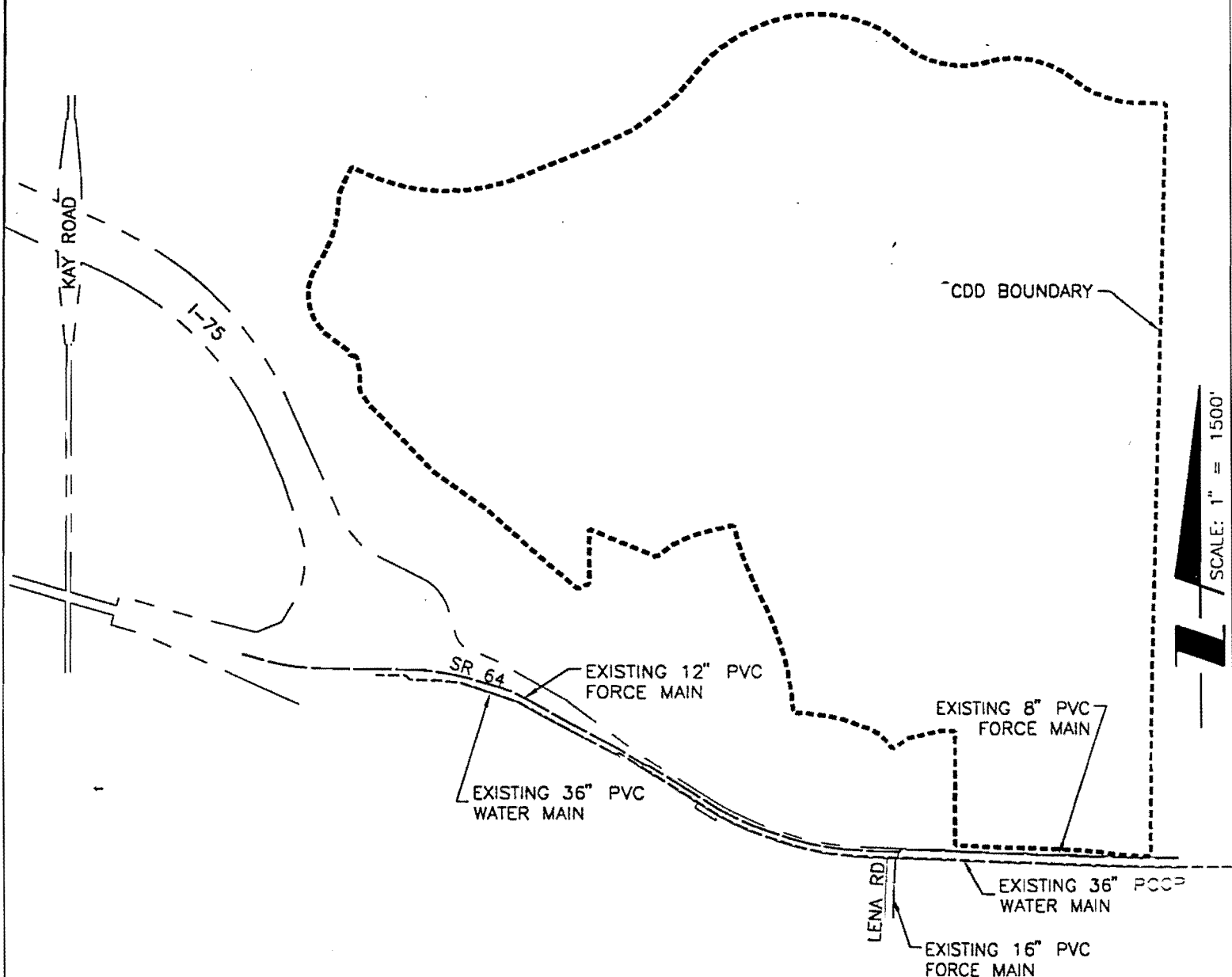
(Printed Name of Notary Public)

EXHIBIT "4"

Location Map of Water Mains, Sewer Interceptors, Utilities and Outfalls, if any

EXISTING UTILITY MAP

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT
EXHIBIT 4A



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PROJECT: HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

APPLICANT: HARBOURVEST, LLC

WilsonMiller

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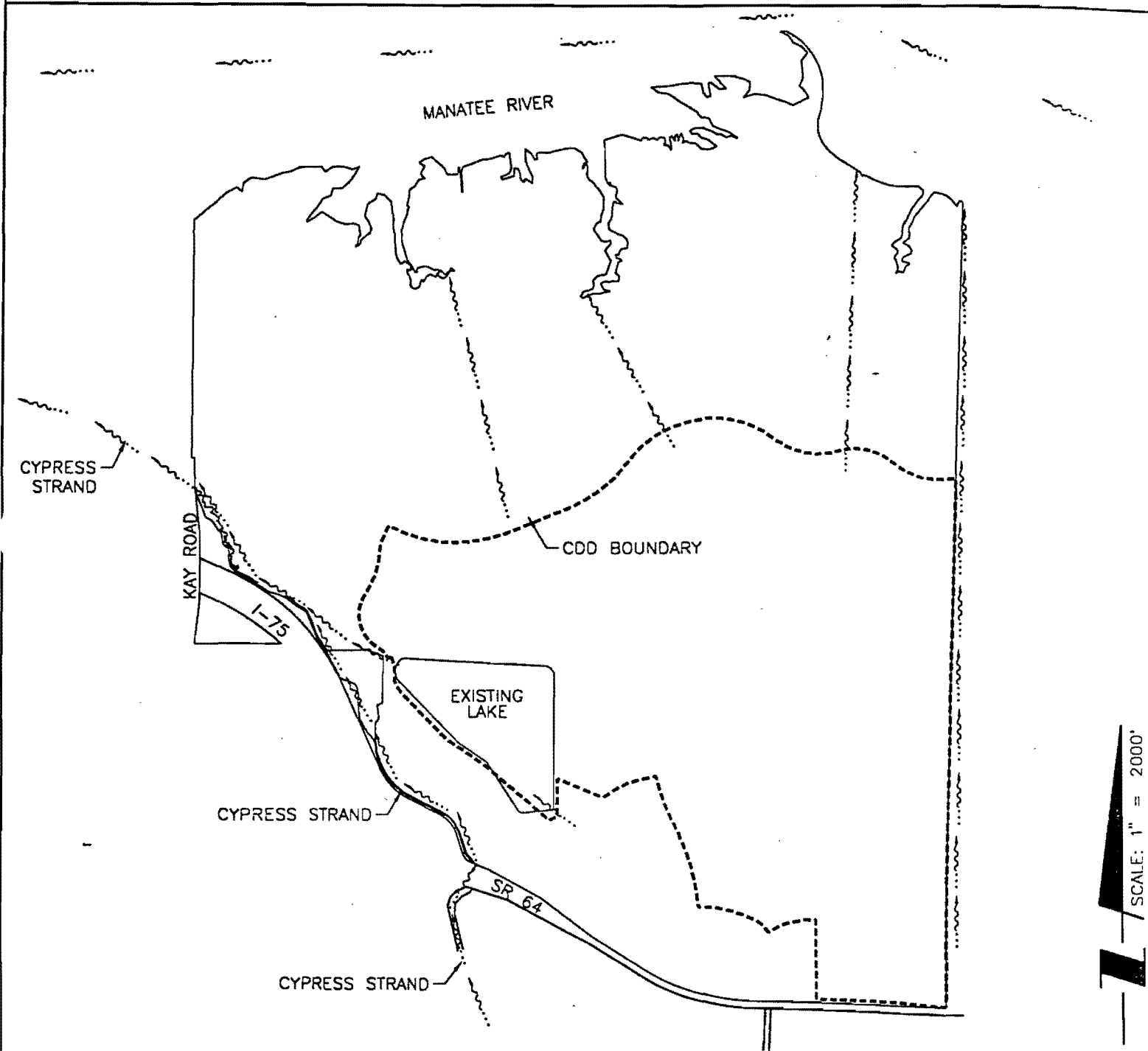
6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-8414 • Phone 941-907-6900 • Fax 941-907-6910 • Web-Site www.wilsonmiller.com

WilsonMiller, Inc. • R. L. L. C. 0000179

COUNTY:	MANATEE	DATE:	01/04/01
SEC:	TWP:	RGE:	REV NO:
13,14,23-26,35,36	34S	18E	
PROJECT NO.	02940-302-000 GCCDD	INDEX NO:	A-02940-302-000003
DRWN BY/EMP NO.	MSM/1350	SHEET NO:	2 of 3

OUTFALL MAP

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT
EXHIBIT 4B



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PROJECT: HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

PLICANT: HARBOURVEST, LLC

WilsonMiller

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COUNTY:	MANATEE	DATE:	01/04/01
SEC:	13,14,23-26,35,36	TWP:	34S 18E
PROJECT NO:	02940-302-000 GCCDD	INDEX NO:	A-02940-302-000CC
DRWN BY/EMP NO:	MSM/1350	SHEET NO:	3 of 3

EXHIBIT "5"

Documentation of Proposed Timetables for
Construction of District Services and Estimated
Cost of Constructing the Proposed Services

Heritage Harbour South Community Development District

Summary of Opinion of Probable Cost and Estimated Timetable:

Infrastructure* (cost in thousands of dollars)		
	Year 2001/2002	Year 2003/2004
Water Management (includes wetland mitigation)	5,000	—
Earthwork	2,600	—
Roadway/Drainage	12,431	2,574
Off-site Roadway Improvements	7,575	1,200
Potable Water**	2,688	614
Sanitary Sewer**	5,564	890
Landscape/Irrigation	5,526	1,674
Lighting	1,228	372
Security	300	—
Professional Fees/Permitting	6,392	1,099
Subtotal	49,304	8,423
10% Contingency (of above)	4,930	842
TOTAL	\$54,234	\$9,265

* Estimated costs of construction are for those special powers permitted under 190.012(1), Florida Statutes (1999 and hereafter) only. No estimates are provided for powers available under Section 190.012(2), since the authority to use such powers is determined by the local general purpose government within whose jurisdiction such powers are to be exercised, in this instance, Manatee County. Until such determination is or may be made, upon petition of the Board of Supervisors of the District, no estimate of such costs will be prepared.

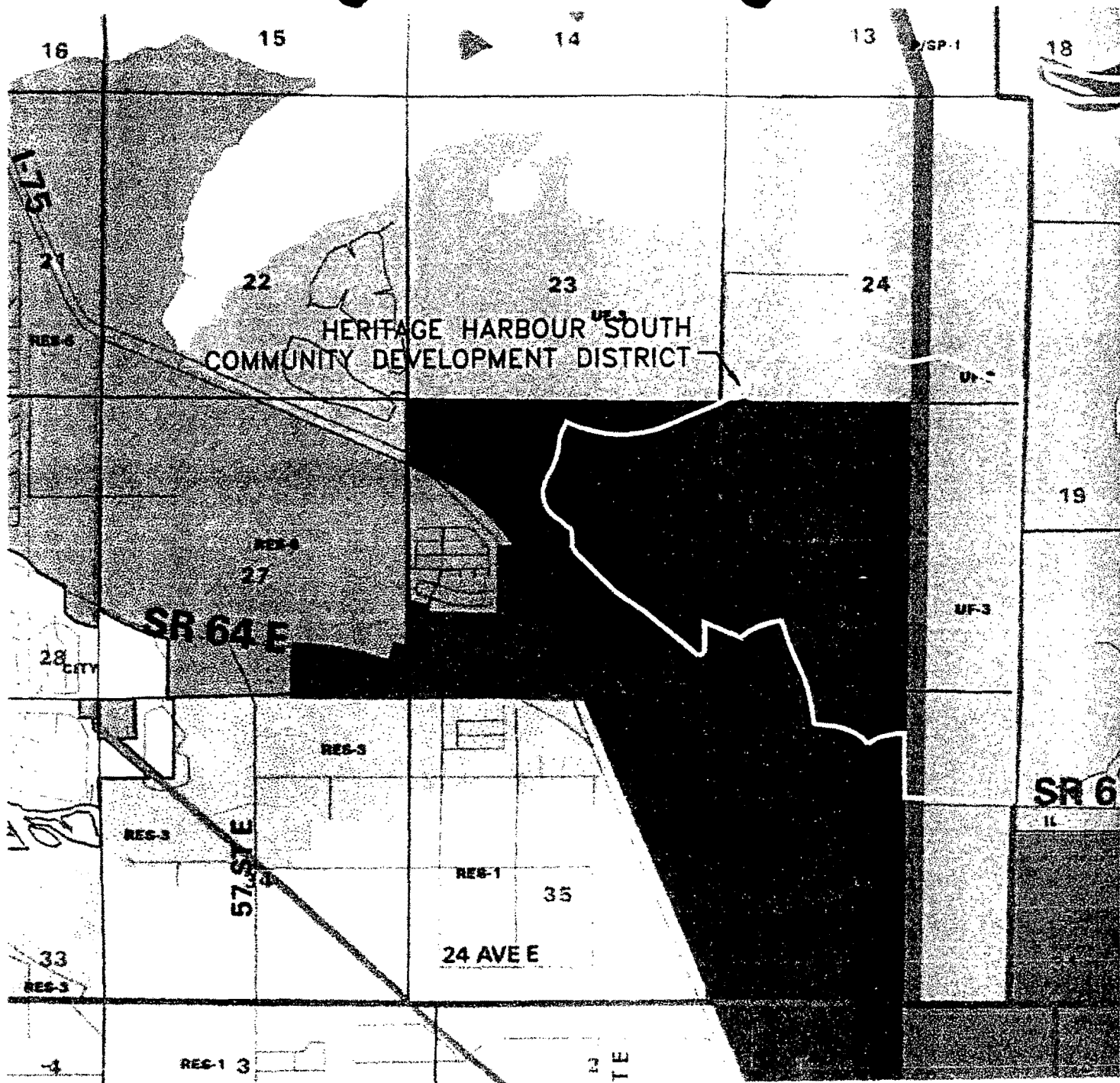
* The estimates for all basic infrastructures is set forth in Section 190.012(1).

** Currently it is anticipated water and sewer service will be provided by Manatee County. Infrastructure construction will be by the CDD.

* The probable costs estimated herein do not include anticipated capital carrying cost, interest, reserves or other applicable CDD expenditures that may be incurred.

EXHIBIT "6"

- 6-A-1 Future Land Use Map
- 6-A-2 Future Land Use Map Superimposed Boundary Lines
- 6-B Manatee County Comprehensive Plan
- 6-C DCA Letter Certifying Compliance



Manatee County Future Land Use Map Series

CON	RES-6	IL	P/SP-2
AG-R	RES-9	IH	AT
RES-1	RES-16	IU	R-OS
UF-3	OL	MU	CITY
RES-3	ROR	P/SP-1	

36 Section Numbers

Township/Range
34 N 3 SE

Historical Overlay

Watershed Overlay



1 inch = 2000'



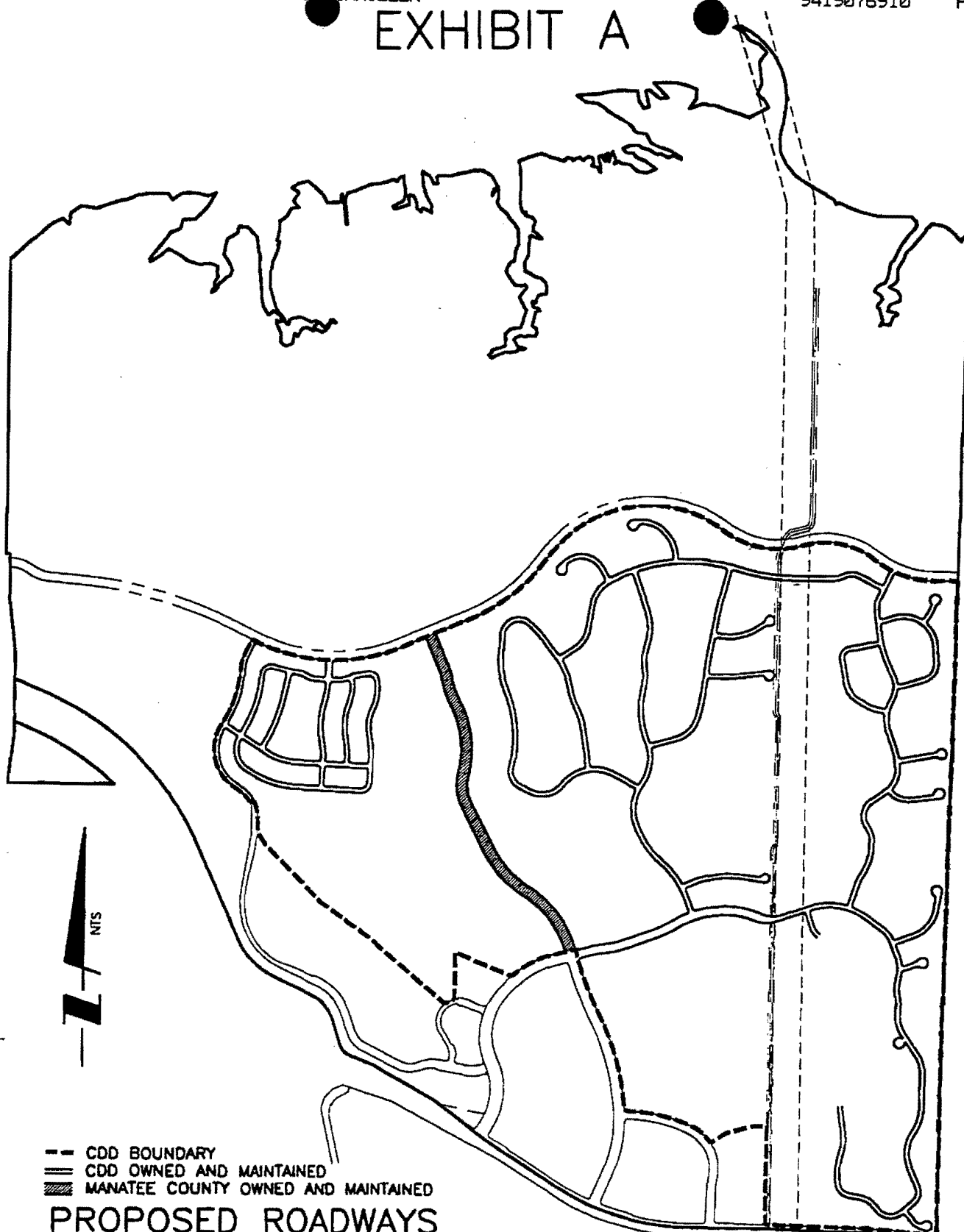
Site Map



Map 17 of 29

Map Printed June 12, 2000

EXHIBIT A



-- CDD BOUNDARY
 == CDD OWNED AND MAINTAINED
 /// MANATEE COUNTY OWNED AND MAINTAINED

PROPOSED ROADWAYS

JUN 20, 2001 - 11:00:05 D:\P\Z\MA\A\ENG\2940\15\REV00\294015x2.cwg

PROJECT: HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

APPLICANT: HARBOURVEST, LLC

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COUNTY:	MANATEE	DATE:	06/19/01
SEC:	TWP:	RGE:	REV NO:
13,14,23-26,35,36	34S	18E	8/1/00,9/5/00,10/26/00
PROJECT NO:	GCCDD	INDEX NO:	A-02940-302-000002
02940-302-000			
DRAWN BY/EVP NO:	DFH/953	SHEET NO:	1 of 1

uses, and appropriate water-dependent/water-related/water enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.10.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
3 dwelling units per acre

Maximum Net Residential Density:
6 dwelling units per acre
(except within the WO or CSVA Overlay
Districts, pursuant to Policies 2.3.1.5 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23 (0.35 for mini-warehouse uses only)

Policy: 2.2.1.10.4

Other Information:

- (a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- (b) All projects for which gross density exceeds 2.0 dwelling units per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval.
- (c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

Policy: 2.2.1.11

UF-3: Establish the Urban Fringe - 3 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.11.1

Intent: To identify, textually, in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas limited to the urban fringe within which future growth (and growth beyond the long term planning period) is projected to occur at

the appropriate time in a responsible manner. The development of these lands shall follow a logical expansion of the urban environment, typically growing from the west to the east, consistent with the availability of services. At a minimum, the nature, extent, location of development, and availability of services will be reviewed to ensure the transitioning of these lands is conducted consistent with the intent of this policy. These UF-3 areas are those which are established for a low density urban, or clustered low-moderate density urban, residential environment, generally developed through the planned unit development concept. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban environments.

Policy: 2.2.1.11.2

Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban density planned residential development with integrated residential support uses as part of such developments, medium retail and office commercial uses, short-term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.11.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
3 dwelling units per acre

Maximum Net Residential Density:
9 dwelling units per acre
(except within the WO or CSVA Overlay Districts pursuant to Policies 2.3.1.5 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23
(0.35 for mini-warehouse uses only)

Policy: 2.2.1.11.4

Other Information:

- (a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- (b) All projects for which gross residential density exceeds 1 dwelling unit per acre, or in which any net residential density exceeds 3 dwelling units per acre, shall require special approval.
- (c) Any nonresidential project exceeding 30,000 square feet shall require special approval.

Policy: 2.2.1.12

RES-6: Establish the Residential-6 Dwelling Units/Gross Acre future land use category as follows:

Policy: 2.2.1.12.1

Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density urban, or a clustered low-moderate density urban, residential environment. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these low or low-moderate density urban areas.

Policy: 2.2.1.12.2

Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, small or medium retail and office commercial uses, short-term agricultural uses other than special agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).

Policy: 2.2.1.12.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
6 dwelling units per acre

Maximum Net Residential Density:
12 dwelling units per acre
(except within the WO or CSVA Overlay Districts
pursuant to Policies 2.3.1.4 and 4.3.1.5)

Maximum Floor Area Ratio:
0.23
(0.35 for mini-warehouse uses only)

Policy: 2.2.1.12.4

Other Information:

- (a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.
- (b) All projects for which gross residential density exceeds 4.5 dwelling units per acre, or in which any net residential density exceeds 6 dwelling units per acre shall require special approval.
- (c) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.
- (d) Small commercial (professional) office uses not exceeding 3,000 square feet in gross floor area within this category may be exempted from compliance with any locational criteria specified under Policies 2.10.4.1 and 2.10.4.2, and detailed in the Land Use Operative Provisions Section E (1) provided such office is located on a roadway classified as a minor or principal arterial, however, not including interstates and shall still be consistent with other commercial development standards and with other goals, objectives, and policies in this Comprehensive Plan (see also 2.10.4.2).

Policy: 2.2.1.20.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Light industrial uses, heavy industrial uses, small retail commercial uses, recreational uses, and public or semi-public uses.

Policy: 2.2.1.20.3 Range of Potential Intensity:
Maximum Floor Area Ratio:
1.25

Policy: 2.2.1.20.4 Other Information:
(a) Any expansion proposed to any area designated as IU on the Future Land Use Map through the plan amendment process shall require special approval at time of rezoning.

Policy: 2.2.1.21 MU: Establish the Mixed-Use future land use category as follows:

Policy: 2.2.1.21.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Map, areas which are established as major centers of suburban/urban activity and are limited to areas with a high level of public facility availability along expressways. Also, to provide incentives for, encourage, or require the horizontal or vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture, and the development of a high quality environment for living, working, or visiting.

Policy: 2.2.1.21.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Small, medium and large retail, wholesale, office uses, light industrial uses, research/corporate uses, warehouse/ distribution, suburban or urban residential uses, lodging places, recreational uses, public or semi-public uses, schools, hospitals, short-term agricultural uses, other than special agricultural uses.

agriculturally-compatible residential uses, and water-dependent uses.

Policy: 2.2.1.21.3

Range of Potential Density/Intensity:

Maximum Gross Residential Density:
9 dwelling units per acre

Maximum Net Residential Density:
20 dwelling units per acre

Maximum Floor Area Ratio:
1.0

Policy: 2.2.1.21.4

Other Information:

(a) All projects require special approval and are subject to the criteria within b, c, d below, unless all the following are applicable:

1. The proposed project consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use, and
2. The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.

(b) Non-Residential uses exceeding 150,000 square feet of gross building area (large commercial uses) are subject to requirements for such uses described in Objective 2.10.4, and in the Operative Provision of this element.

(c) Development in each area designated with the Mixed Use category shall:

contain the minimum percentage of at least three of the following general categories of land uses;

- 10 % Residential,
- 10 % Commercial / Professional,
- 10 % Light Industrial / Distribution.
- 5 % Recreation / Open Space,
- 3 % Public / Semi Public,

(d) Access between these uses shall be provided by roads other than those shown on the Major Thoroughfare Map Series of this Comprehensive Plan or alternative vehicular and pedestrian access methods acceptable to the County:

Policy: 2.2.1.22 P/SP (1): Establish the Public/Semi-Public (1) future land use category as follows:

Policy: 2.2.1.22.1 Intent: To recognize major existing and programmed public/quasi-public facilities, primarily those facilities associated with public or private utilities, including electrical transmission corridors occupied by transmission lines of 240KV or more. Also, to recognize, and provide a unique designation within the Future Land Use Element, for those public or semi-public facilities which have adverse aesthetic or health, safety, or welfare impacts on adjacent property or residents. Additional areas under this category may be recognized by amendments to the Future Land Use Map, if appropriate, and why such uses are programmed.

Policy: 2.2.1.22.2

General Range of Potential Uses: Recreational uses, sanitary landfills, permanent water and wastewater treatment/storage/disposal facilities and other major public facilities including, but not limited to, airports owned or operated by a public entity, major maintenance facilities, solid waste transfer stations, major utility transmission corridors. Also, when the P/SP (1) designation is an easement on privately-held property, other uses consistent with the adjacent future land use category or categories, where consistent with the purpose of the easement and consistent with all other goals, objectives, and policies of this Comprehensive Plan, may also be considered.

Policy: 2.2.1.22.3

Range of potential Density/Intensity:

Maximum Net Residential Density:

0 dwelling units per acre

except where the area designated as P/SP (1) is utility easement on property owned by applicants for a proposed project. Under this exception, property designated as P/SP (1) shall, during the development review process, be counted toward gross residential acreage, as defined herein, and the limits on gross density associated with the category adjacent to the P/SP (1) designation shall be applied to the area shown as P/SP (1). When there are different future land use categories designated adjacent to the P/SP (1) category, the area shown on the Future Land Use Map as P/SP (1) shall be reviewed as being designated under both adjacent future land use categories, with the centerline of the easement utilized as the line separating both adjacent categories.

Maximum Net Residential Density:

0 dwelling units per acre

Maximum Floor Area Ratio:

0 FAR

(except for structures reasonably related to the operation of the public or quasi-public facilities)

However, where P/SP (1) is an easement on privately-held property, the property designated as P/SP (1) shall be counted toward gross non-residential acreage, as defined herein, and the Maximum Floor Area Ratio associated with adjacent category or categories shall be applied to the area designated as P/SP (1), and included in the definition of Gross Non-residential Acreage.

Policy: 2.2.1.22.4

Other Information:

- (a) Recognizing that the relocation of any utility transmission corridor may occur to the benefit of current and future Manatee County residents, or visitors, any such relocation within the boundaries of a proposed project site may be considered without the approval of a plan amendment, as defined in § 1631.31.87, F.S., only if such relocation is determined, during the review of a proposed project through the special approval process, to reduce any adverse impact of such corridor on adjacent existing and future land uses. Where such proposed relocation generates an increased adverse impact on adjacent land uses, a plan amendment would be required unless mitigation of such increase in adverse impact is successfully accomplished through the special approval process.

Policy: 2.2.1.23

P/SP (2): Establish the Public/Semi-Public (2) future land use category as follows:

Policy: 2.2.1.23.1

Intent: To recognize major existing and programmed public/quasi-public facilities, primarily those associated with frequent or regular use by residents of the community, particularly major health care and educational facilities. Facilities located under this category exclude those with significant adverse impact to adjacent property or residents. Also, to establish a means of distinguishing major public or private facilities generally recognized as having an essential purpose for

Policy: 9.1.3.3 Complete design, prior to 2010, of additional treatment capacity at the North and Southeast Regional wastewater treatment plants, and bring such additional capacity on-line when needed to ensure sufficient treatment capacity to meet user needs in 2015.

Objective: 9.1.4 **Capital and Recurrent Costs:** Recapture the costs of establishing wastewater service to existing developed areas from users benefitting from such retrofit projects and recover all operating, maintenance, and other recurring costs from wastewater system users.

Policy: 9.1.4.1 Require that extension of local wastewater collection lines into existing developed areas be funded through either special assessments, or other approved charges, on properties benefitting from such public capital expenditures, whenever such improvements are determined to be financially feasible by Manatee County. These charges or assessments shall be established as needed to recover public costs within a reasonable time frame, as determined by Manatee County.

Policy: 9.1.4.2 Assess a fair share of recurrent operating, maintenance, and renewal and replacement costs associated with the wastewater disposal, treatment, and collection system through recurrent user charges.

Policy: 9.1.4.3 Seek funds to assist in the extension of Manatee County's central sanitary sewer system to existing developed areas within the existing urban core, and the developing urban core, currently not served. (See also, policies 3.2.1.7, 3.2.2.5, 6.1.4.1, 6.1.4.2, Residential Infill Map - Housing Element)

Objective: 9.1.5 **Reclaimed Water Use:** Expand the practice of using reclaimed water for irrigation of agricultural, recreational, industrial, and urban land uses and establish a multi-modal, regional approach to ensure that changes in climactic, or other, conditions not limit

Manatee County's ability to meet current disposal needs and to reduce the use of potable water sources and groundwater for irrigation purposes.

Policy: 9.1.5.1 Encourage long-term agreements with local growers to provide recovered water for irrigation of horticultural or agricultural uses near the Southwest wastewater treatment plant and near the Southeast and North County sub-regional treatment plants.

Policy: 9.1.5.2 Require the use of reclaimed water to irrigate agricultural land, recreational lands, replenish the groundwater aquifer, and to irrigate landscaping in current, and future, urban areas.

Policy: 9.1.5.3 Pursue a regional approach, whenever feasible, to the use of reclaimed water through development of interlocal agreements with local governments and surrounding jurisdictions.

Implementation Mechanism:

- (a) Public Works Department planning and coordination with other jurisdictions to ensure compliance with this policy.

Policy: 9.1.5.4 Require the construction of an on-site distribution system for the transmission of reclaimed water or other alternative sources for projects that meet the following criteria:

1. The proposed project is outside of the WO Overlay Districts, and
2. The proposed project is located in an area within which Manatee County has installed a distribution system for the reuse of reclaimed water, or has programmed the installation of such a system.

-
- (2) The proposed use consists of a single family dwelling unit located on a lot of record which is not subject to any change in property boundary lines during the development of the proposed land use.
 - (3) The proposed project is to be developed without generating a requirement for either subdivision review, or final site or development plan review, or equivalent development order review.

Objective: 9.2.2

Evers Reservoir Watershed Protection: Connect all new development located in the urban portion of the Evers Reservoir Watershed that produces wastewater to the Manatee County sanitary sewer system.

Policy: 9.2.2.1

Continue to require connection to the Manatee County sanitary sewer system for all new commercial and residential structures in the Evers Reservoir portion of the WO District when located within one mile of a sanitary sewer system, except for structures located on single family lots of record for which it has been determined by Manatee County that such connection is not economically feasible.

Policy: 9.2.2.2

Prohibit the use of septic tanks in the Evers Reservoir portion of the WO except for isolated single family dwelling units meeting the exceptions identified in Policy 9.2.1.4.

Implementation Mechanism:

- (a) Public Works and Planning Departments coordination with the Health Department to facilitate review of any septic tank permit within the Evers Reservoir Watershed for compliance with this policy.

Objective: 9.2.3

Growth-Induced Capital Costs: Assess new growth a fair share of capital costs associated with the County's wastewater system.

Policy: 9.2.3.1

Continue to require that new growth pay its full share of needed capital facilities, through payment of facilities investment fees (or other such fees) to fund necessary expansion of wastewater disposal, treatment, and major collection systems associated with this growth. This requirement will also apply to any increase in wholesale customer commitments.

Implementation Mechanism:

- (a) Wholesale and retail facility investment fees, or other fees, assessed by the Department of Public Works in a manner consistent with this policy for application directly to cost of expansion or for coverage of associated debt service.

Policy: 9.2.3.2

Require that new development pay for the full cost of installation of all wastewater collection system components which are needed on and off the development site to provide wastewater service to the site, and to meet adopted level of service standards, and policy 9.1.2.3.

Policy: 9.2.3.3

Participate in, and require where needed, oversizing of the wastewater collection system to efficiently transport wastewater from development. Where Manatee County requires the oversizing of any component of the wastewater collection system for purposes of increasing system capacity to greater than that required by a proposed project, Manatee County shall pay for the cost of additional materials necessary for oversizing. Manatee County shall not pay for labor costs associated with installation of the oversized distribution system, unless substantial differences in pipe diameters (or other infrastructure parameters) significantly increase labor costs.

Policy: 9.5.3.2

Continue to investigate, as necessary, other potential surface and groundwater supply sources and recharge/recovery technologies to provide for the greatest number of financially-feasible water supply options.

Implementation Mechanism:

- (a) Continued study, as necessary, by the Manatee County Public Works Department of alternative water supplies.

Policy: 9.5.3.3

Develop and maintain sufficient reserve treatment capacity for both ground- and surface-water supplies to guarantee the capability of Manatee County to provide treated water in amounts required to meet projected 2010 demand.

Implementation Mechanism:

- (a) Capital expenditures by the Manatee County Public Works Department to achieve compliance with this policy.

Policy: 9.5.3.4

Provide water to the beach communities of Anna Maria, Holmes Beach, Bradenton Beach, and Longboat Key and the jurisdictions of Palmetto and Sarasota County on a wholesale or retail basis consistent with applicable, valid interlocal or franchise agreements.

Policy: 9.5.3.5

Protect all public supply wells from incompatible uses. (See Objective 2.6.1 and associated policies)

Implementation Mechanism(s):

- (a) Public supply potable water wells to be mapped on the Future Land Use Map.
- (b) Inclusion of policies for the siting of development near public supply wells in the Land Development Code consistent with this policy.

Objective: 9.5.4

Potable Water Distribution: Construct a potable water distribution system based on the potable water distribution plan to meet projected need for water storage tanks and distribution mains, capable of meeting fire flow performance standards in areas where potable water is used for fire protection, and capable of providing back up distribution systems to address failure of major system components.

Policy: 9.5.4.1

Maintain a computerized water distribution model based on population projections from the Planning Department to determine future demand for potable water.

Policy: 9.5.4.2

Develop major water distribution mains with diameters of sixteen (16) inches or greater and storage facilities throughout the retail service area to balance fluctuation in water demand, safeguard supply in case of plant or water main breakdown, and to maintain required fire flow.

Objective: 9.5.5

Recurrent and Retrofit Capital Costs: Establish fair and equitable cost recovery methods for capital and operating expenditures associated with the public potable water system.

Policy: 9.5.5.1

Require the extension of local water distribution lines into existing developed areas be funded through line extension service charges or special assessments on properties benefitting from such extension whenever such improvements are determined by Manatee County to be financially-feasible. These charges or assessments shall be established as needed to recover public costs within a reasonable time frame.

Implementation Mechanism:

- (a) Manatee County Public Works Department, Project Management Department, and Office of Management and Budget recommendations to the Board of County Commissioners on financing of retrofit projects.

Policy 9.5.5.2 Utilize a peak factor of 1.5 for retail customers, and 1.25 for wholesale customers, which shall be multiplied times the average daily flow to determine the required treatment capacity for Manatee County's potable water system.

Policy: 9.5.5.3 Assess a fair share of recurrent operating, maintenance, and renewal and replacement costs associated with the potable water supply, treatment, and distribution system through recurrent user charges.

Implementation Mechanism:

- (a) Public Works Department collection of adequate and appropriate fees from the potable water customer base to offset operation and maintenance costs.

Policy: 9.5.5.4 Annually designate a portion of the operational and capital improvements budgets to be used for the identification and correction of existing deficiencies in the potable water distribution network.

Implementation Mechanism:

- (a) Capital and operating expenditures by the Public Works Department to identify and correct existing deficiencies.

GOAL: 9.6 New Development to Provide Infrastructure to Connect to the Manatee County Potable Water System and to Conserve Potable Water Supplies Through Available Technologies.

Objective: 9.6.1

Development Requirements: Require that new development provide adequate potable water and fire flow capacity and that potable water conservation is practiced to conserve water supplies for future residents.

Policy: 9.6.1.1

Require new development to connect to the County potable water system when water supply and service are reasonably available, except for single family homes on lots of record.

Implementation Mechanism(s):

- (a) Public Works, Planning, and Building Departments coordination to ensure policy compliance.
- (b) Revision of the Land Development Code and other appropriate regulatory documents to define reasonably available as substantially similar to language contained in 10D-6.042.

Policy: 9.6.1.2

Issue a Certificate of Level of Service Compliance for potable water only where compliance with Policy 9.5.1.1 and all of the policies under Objective 9.6.1 are achieved.

Implementation Mechanism:

- (a) Manatee County Planning Department and Fire District review, and conditioning as necessary, of proposed developments during review for issuance of a Certificate of Level of Service Compliance.

Policy: 9.6.1.3

Prohibit the use of potable water for landscape irrigation in new development unless the following criteria apply:

-
- Policy: 10.1.2.2 Promote rehabilitation and reuse of existing facilities, structures, and buildings as the preferred alternative to new construction.
- Policy: 10.1.2.3 Encourage efficient provision of capital improvements by minimizing public expenditures that subsidize development in Coastal Planning Area (see Objective 4.3.2).
- Policy: 10.1.2.4 Identify capital improvements so that public facility needs are funded, or are provided, at the least public cost per unit of capacity over the life cycle of the facility.
- Policy: 10.1.2.5 Minimize the period of time for the implementation of any capital project or project component by following, to the maximum degree feasible, the schedule of expenditures for all capital projects, such schedule defined at time of initial inclusion of the project or project component in Table 10-1 of this element.
- Policy: 10.1.2.6 Consider capital improvement project commitments by the Southwest Florida Water Management District and by State agencies/departments in prioritizing locally funded improvements to complement these improvements where appropriate and to avoid duplication.
- Policy: 10.1.2.7 Achieve compliance with the following referenced policies (adopted level of service standards) by the expenditure of capital project funding on projects designed to achieve and maintain these standards:
- (a) Traffic Circulation: Refer to Table 5-1, Manatee County Peak Hour Level of Service Standards, and Policies 5.1.2.1, 5.1.2.2, 5.1.2.3, 5.1.2.4, and 5.1.2.5, and 5.1.2.6.

- (b) Transit: Refer to Policies 5.6.1.1, 5.6.1.2, 5.6.1.3, 5.6.1.4, 5.6.2.1, 5.6.2.2, 5.6.2.3, and 5.6.2.4.
- (c) Parks: Refer to Table 8-1. Park Facility Infrastructure Standards and Objective 8.1.1 and associated policies, and Policy 8.1.2.4.
- (d) Wastewater Treatment: Refer to Policies 9.1.1.1, 9.1.1.2, and 9.1.3.1.
- (e) Solid Waste: Refer to Policies 9.3.1.1 and 9.3.1.2.
- (f) Drainage: Refer to Policies 9.4.1.1, 9.4.1.2, 9.4.1.3, 9.4.1.4, and 9.4.1.5.
- (g) Potable Water: Refer to Policies 9.5.1.1, 9.5.1.2, 9.5.5.2, and 9.6.1.4.

Objective: 10.1.3

Non Ad Valorem Funding Sources: Maximum utilization of user fees, intergovernmental transfers, and other funding sources to limit reliance on local ad valorem revenues for funding capital improvements.

Policy: 10.1.3.1

Use impact fees as a means of establishing and paying for future development's proportionate cost of capital improvements for public facilities necessary to maintain adopted levels of service, where there is demonstrated nexus between impact of the future development and the capital facilities needed to address any such impact.

Policy: 10.1.3.2

Discuss the required impact fee annual report, and consider possible changes to the adopted impact fee ordinance, as part of the annual Growth Management public meeting process required by Policy 10.1.5.1:

Policy: 10.1.3.3

Establish and utilize other appropriate funding sources for capital projects to minimize reliance on ad valorem revenues for capital expenditures.

Objective: 10.1.8

Development Orders: Maintain adopted Level of Service Standards by ensuring that the impacts of previously issued development orders can be accommodated.

Policy: 10.1.8.1

Implement policies 2.4.1.1 and 2.4.1.2, and implement the Capital Projects List (Table 10-1) so as to ensure that the public facility impacts associated with development conducted pursuant to previously issued development orders do not cause violation of adopted Level of Service Standards.

Objective: 10.1.9

Coastal Infrastructure: Limiting public investments in the Coastal Storm Vulnerability Area to those necessary or those designed to minimize loss of public investment.

Policy: 10.1.9.1

Limit expenditures of public funds in the Coastal Storm Vulnerability Area, using Objective 4.3.2 and related policies to guide decision-making on public investment within the Coastal Storm Vulnerability Area.

Objective: 10.1.10

Funding of Needs Related to New Growth: Utilize funding derived directly from growth to offset costs for provision of public facilities to serve this new growth where a nexus between both is established.

Policy: 10.1.10.1

Establish or facilitate, and re-evaluate needs as necessary, for impact fees, user fees, special assessments, community development districts or other revenue sources designed to recapture the costs of providing facilities and services to new growth. The Board of County Commissioners shall, at least once annually in the annual Growth Management meeting or at other public hearings, determine which revenue sources of this kind are appropriate and may adjust existing fees.

Manatee County has fiscal responsibility for the capital improvements contained in this element. The capital projects summarized in Table 10-1 will remain abreast of replacements, reduce existing deficiencies, and meet future demand for public facilities. Table 10-1 contains a brief description of each project, the Construction Districts in which projects are located (see Manatee County Land Development Code Ordinance No. 90-01, Chapter 8, Impact Fees for a description of Construction Districts, shown in Figure 10-1), the funding source for the project, and the annual capital expenditure.

Project dates contained in Table 10-1 shall be considered as the year in which project construction, or activities related to project construction, are anticipated and are required.

State roadway projects shown in this list are not indicated as projects which must be funded by Manatee County. The list is provided to reflect needs that may be funded by the State, or partially/completely funded by other means (including funding by Manatee County or other sources pursuant to policy 5.2.2.7).

The State's Comprehensive Planning legislation (Ch. 163, F.S.) allows local governments to make some changes to the information in Table 10-1 without going through the plan amendment process. The Board of County Commissioners may change Table 10-1 for corrections, updates, and modifications concerning: (a) costs, (b) revenue sources, (c) acceptance of facilities pursuant to dedications which are consistent with the plan, and (d) the date of construction of any facility enumerated in the CIE. For example, the year of construction of any item in the list can be changed by local ordinance of the Board of County Commissioners. Therefore, the prioritization of capital projects is flexible enough to respond to changing conditions in Manatee County. An example of this scenario may result from the unanticipated dedication of land to Manatee County for use as a district park. If the need for this park were already identified in the CIE, the County could shift funds set aside for land acquisition into

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REVISING, AND REPLACING IN ITS ENTIRETY THE COMPREHENSIVE PLAN OF MANATEE COUNTY, FLORIDA, WHICH WILL CONTROL FUTURE LAND USE, PUBLIC FACILITIES, AND NATURAL RESOURCES PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (PART II OF CHAPTER 163, FLORIDA STATUTES), INCLUDING GENERAL INFORMATION AND DEFINITIONS, FUTURE LAND USE; CONSERVATION, COASTAL MANAGEMENT, TRAFFIC CIRCULATION, MASS TRANSIT, AVIATION, PORT, HOUSING, RECREATION AND OPEN SPACE, PUBLIC FACILITIES, CAPITAL IMPROVEMENTS, INTRAGOVERNMENTAL AND INTERGOVERNMENTAL COORDINATION, AND PLAN MONITORING AND EVALUATION ELEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MANATEE, FLORIDA:

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, titled the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners of the County of Manatee (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, the Manatee County Planning Commission has been established pursuant to Manatee County Ordinance 81-04; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Board of County Commissioners of the County of Manatee by Ordinance 81-04 duly designated said Planning Commission as the Local Planning Agency for the unincorporated area of Manatee County; and

WHEREAS, the Manatee County Planning Commission has undertaken and prepared an Evaluation and Appraisal Report, as specified in Section 163.3191, Florida Statutes, setting forth an assessment and evaluation of The Manatee Plan, adopted November 14, 1980, and subsequently amended; and recommended, by adoption of Resolution R-88-185 on August 22, 1988, said Evaluation and Appraisal Report to the Board of County Commissioners of the County of Manatee for adoption; and

WHEREAS, Citizens and Technical Advisory committees assisted in formulating policies for the revised comprehensive plan; and

WHEREAS, a Technical Support Document was prepared as background and justification for the revised comprehensive plan's goals, objectives, and policies; and

WHEREAS, the Manatee County Planning Commission, empowered by the above cited laws and ordinances, and by Sections 163.3161 through 163.3215, Florida Statutes, prepared an amendment to the above cited Manatee Plan, altering it in its entirety to more adequately address and prepare for Manatee County's future development and growth; and

ORDINANCE NO. 89-01

WHEREAS, the Manatee County Planning Commission has in the preparation of the amended version of the Manatee County comprehensive plan caused the performance of necessary studies and surveys, the collection of appropriate data, the holding of numerous public hearings, public workshops, and public meetings, and has effectively provided for full public participation, notice to real property owners, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, and consideration and response to public and official comments; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Manatee County Planning Commission as Local Planning Agency held several public hearings on said amended version of the Manatee County Comprehensive Plan with due public notice having been provided, and having reviewed and considered all comments received during said public hearings and provided for necessary revisions, on August 22, 1988, by adoption of Resolution R-88-185, recommended said amended version of the Manatee County Comprehensive Plan to the Board of County Commissioners for approval; and

WHEREAS, pursuant to Section 163.3191, the aforesaid Evaluation and Appraisal Report recommended by the Manatee County Planning Commission, was approved on November 16, 1988, by adoption of Resolution R-88-237 by the Board of County Commissioners of the County of Manatee; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of the County of Manatee held several public work sessions and public meetings, and several public hearings on the amended version of the comprehensive plan, with due public notice having been provided, to obtain public comment, and having considered all written and oral comments received during said work sessions and public hearings, including the Technical Support Document and recommendations of the Planning Commission, and provided for necessary revisions, on November 16, 1988, by adoption of Resolution R-88-249, approved the comprehensive plan as amended in its entirety for transmittal to the State Land Planning Agency (Department of Community Affairs) for review and comment; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of the County of Manatee on November 30, 1988, transmitted ten (10) copies of said amended version of the comprehensive plan to the State Land Planning Agency for written comment, and transmitted one (1) copy to each of the local government or governmental agencies in the State having filed with the Board of County Commissioners a request for a copy of said amended version of the comprehensive plan; and

WHEREAS, the State Land Planning Agency by letter dated March 13, 1989, transmitted their comments and objections on said amended version of the comprehensive plan; and

WHEREAS, the said amended version of the comprehensive plan was revised in view of comments and objections by the State Land Planning Agency; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on May 4, 1989, the Board of County Commissioners of the County of Manatee held another public hearing, with due public notice having been provided on said amended version of the comprehensive plan, and with written advance notice of such public hearing having been provided to the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, including the Technical Support Document, the

ORDINANCE NO. 89-01

recommendations of the Planning Commission, and objections, recommendations and comments of the State Land Planning Agency; and

WHEREAS, in exercise of said authority the Board of County Commissioners of the County of Manatee has determined it necessary and desirable to adopt said amended version of the comprehensive plan to preserve and enhance present advantages; encourage the most appropriate use of land, water and resources; consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within Manatee County,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Manatee, Florida, as follows:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215 Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Title of Comprehensive Plan. The amended version of the comprehensive plan for the County of Manatee, Florida, shall be entitled "The Manatee County Comprehensive Plan".

Section 3. Adoption of Comprehensive Plan. The Manatee County Comprehensive Plan consisting of one volume is hereby adopted as the comprehensive plan for the County of Manatee, Florida, and is incorporated herein by reference in its entirety as if fully set forth in all its chapters, sections, subsections, paragraphs, and terms within this ordinance.

Section 4. Applicability and Effect. The applicability and effect of the Manatee County Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning And Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance.

Section 5. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Copy on File.

- a. A certified copy of this Ordinance, as may be amended from time to time, shall be filed in the office of the Director of the Planning and Development Department of the County of Manatee. The Planning Director shall also make copies available to the public for a reasonable publication charge.
- b. For the purpose of publication of The Manatee County Comprehensive Plan, a certified copy of the enacting Ordinance and any amendments thereto shall be hereafter filed in The Manatee County Comprehensive Plan in the location indicated therein. Amendments to any other portions of The Manatee County Comprehensive Plan shall be incorporated within the specific text of The Manatee County Comprehensive Plan amended.

Section 7. Effective Date. This Ordinance shall be filed with the Office of the Secretary of State of Florida and shall take effect upon receipt of official acknowledgment from the Secretary of State that said ordinance has been filed with that office.

ORDINANCE NO. 89-01

PASSED AND DULY ADOPTED, with a quorum present and voting,
by the Board of County Commissioners of the County of Manatee,
Florida, this 11th day of May, 1989.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Blair
CHAIRMAN

Attest: R.B. Shore
Clerk of the Circuit Court
By: R. B. SHORE

BY: Richard L. Ashley
RICHARD L. ASHLEY, CHIEF DEPUTY CLERK

STATE OF FLORIDA
COUNTY OF MANATEE

FILED
JUN 18 PM 3:36
CLERK OF CIRCUIT COURT
MANATEE, FLORIDA

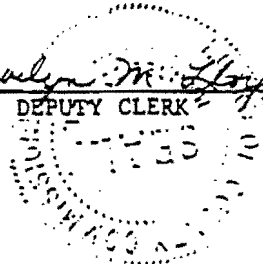
I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 11th day of May, 1989.

SUBJECT: ORDINANCE NO. 89-01:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REVISING, AND REPLACING IN ITS ENTIRETY THE COMPREHENSIVE PLAN OF MANATEE COUNTY, FLORIDA, WHICH WILL CONTROL FUTURE LAND USE, PUBLIC FACILITIES, AND NATURAL RESOURCES PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (PART II OF CHAPTER 163, FLORIDA STATUTES), INCLUDING GENERAL INFORMATION AND DEFINITIONS, FUTURE LAND USE, CONSERVATION, COASTAL MANAGEMENT, TRAFFIC CIRCULATION, MASS TRANSIT, AVIATION, PORT, HOUSING, RECREATION AND OPEN SPACE, PUBLIC FACILITIES, CAPITAL IMPROVEMENTS, INTRAGOVERNMENTAL COORDINATION, AND INTERGOVERNMENTAL COORDINATION, AND PLAN MONITORING AND EVALUATION ELEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 15th day of May, 1989, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida

Evelyn M. Lloyd
BY: DEPUTY CLERK



RECEIVED

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BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY

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Charlie



Michael

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

January 12, 2001

The Honorable Joe McClash
Chairman, Manatee County
Board of County Commissioners
1112 Manatee Avenue West
Bradenton, Florida 34025

Dear Chairman McClash:

The Department of Community Affairs (Department) has completed its review of the adopted Comprehensive Plan Amendment adopted by (Ordinance Nos. 00-18; 00-33; 00-34; 00-36; 00-37 and 00-41; DCA No. 00-2) adopted on November 28, 2000 for Manatee County, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the plan amendment, In Compliance. The Notice of Intent has been sent to the Bradenton Herald for publication on January 15, 2001.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for a development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

Please note that a copy of the adopted Manatee County Comprehensive Plan Amendment, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Manatee County Planning Department, 1112 Manatee Avenue West, Fourth Floor, Bradenton, Florida 34206-1000.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Tallahassee, FL 32309

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

The Honorable Joe McClash
January 12, 2001
Page Two

If you have any questions, please contact Mark Neuse, Planner IV, at (850) 487-4545.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Sherman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael F. Sherman, AICP
Growth Management Administrator

MFS/mns

Enclosure: Notice of Intent

cc: Mr. Manuel Pumariega, Executive Director, Tampa Bay Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
MANATEE COUNTY
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE
DOCKET NO. 00-2-NOI-4101-(A)-(I)


The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for Manatee County adopted by Ordinance Nos. 00-18, 00-33, 00-34, 00-36, 00-37 and 00-41 on November 28, 2000, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Manatee County Comprehensive Plan Amendments and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Manatee County Planning Department, 1112 Manatee Avenue West, Fourth Floor, Bradenton, Florida 34206-1000.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendments to Manatee County's Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.


Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Printed 1/15/2001

adoption: 11/28/2000
ad Published 01/15/01

EXHIBIT "7"

Statement of Estimated Regulatory Costs

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT

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 Heritage Harbour South Community Development District ("Heritage Harbour South" or "District"). As a new community development district ("CDD"), the limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing CDDs) as follows:

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

1.2 Heritage Harbour South Community Development District

The proposed District comprises approximately 980+/- acres within Manatee County, Florida ("County"). The current development plan for the community includes approximately 1,321 single family and multi-family residential units, an eighteen-hole championship golf course, a clubhouse and other amenities.

A Community Development District is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD's provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure 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 County in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A community development district is an alternative means of financing, constructing, operating and maintaining community infrastructure for planned developments, such as Heritage Harbour South. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the Heritage Harbour South Community Development District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs for rules must contain, which also apply, because of Chapter 190, F.S., to this ordinance:

"(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (Manatee County is not defined as a small county for purposes of this requirement).

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule."

2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the ordinance.

The principal entities that are likely to be required to comply with the ordinance include the District, the State of Florida, and Manatee County. In addition, future landowners in Heritage Harbour South will also be affected by the establishment of the proposed District. As noted above, Heritage Harbour South is currently designed to include an estimated 1,321 housing units.

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

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

There will be minimal costs to State and local governments to implement the ordinance establishing the Heritage Harbour South Community Development District. Since Heritage Harbour South is under 1,000 acres and lies within the County, it is the County alone that must evaluate and decide upon the proposed ordinance. The State has no role in evaluating the proposed ordinance. However, the State will have some modest implementation costs relating to the various reports the CDD must file. These are described below.

Since Heritage Harbour South lies entirely within the County, the County will examine the petition to establish the District and decide upon the proposed ordinance. There will be staff costs for the review, the costs of a public hearing, and costs to the County Commission to consider the proposed ordinance.

These costs are modest for a number of reasons. First, review of the petition to establish the CDD is limited by statute to the financial and operational aspects of the District, and they do not include analysis of the Heritage Harbour South development project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a CDD.

Furthermore, these should be fully offset by the filing fee allowed under State law. Thus, the net cost to the County to review the proposed ordinance is very small, if it exists at all.

As units of local government, CDDs must file all reports required by units of local government in Florida. These include, but are not necessarily limited to the following:

- (a) copies of each annual financial report for the previous year must be filed with the County and the Department of Banking and Finance no later than March 31 of each year;
- (b) budgets for the upcoming fiscal year are the subject of public hearing, after proper newspaper notice, and are subject to review and optional comments by the County within which the CDD is located;
- (c) within twelve months of the close of each fiscal year, a CDD must file certified copies of its audited financial statements with the County;

(d) each year a CDD must file with the County and the Division of Bond Finance of the State Board of Administration a complete description of all of its outstanding bonds (Chapter 218.38, F.S.);

(e) each year a CDD must file with the County a schedule of time, date and location of all regular meetings of the Board of Supervisors (Chapter 189, F.S.);

(f.) each year a CDD must file a public facilities report pursuant to the requirements of Chapter 189.415, F. S.;

(g.) certain certifications to the Department of Community Affairs Special District Information Program concerning bond sales and the character of the bond issue to the effect that either:

(1) the bonds were rated in one of the highest four categories by a nationally recognized rating service;

(2) the bonds were privately placed with or otherwise sold to accredited investors;

(3) the bonds were backed by credit enhancement; or

(4) the bonds were accompanied by an independent financial advisory opinion stating the estimates of debt service coverage and probability of repayment as reasonable; and

(h) the obligation to notify the Governor and the Legislative Auditing Committee of any impending or existing financial emergency of the CDD (Chapter 189.049, F.S.).

In addition, CDDs are governed by the provisions of Chapter 189.412 and must participate in the Special District Information Program conducted by the Department of Community Affairs. The Department charges a fee of \$175 per year to each CDD to offset the Department's costs.

The review and collation of all of these reports absorbs some resources of the State and its various agencies. However, the incremental cost of one additional set of local governmental reports is minimal. The same is true for the County which will also receive various reports from the CDD for informational purposes. However, no ongoing action is required from either the State or the local governments. The CDD is an independent unit of local government with its own budget and its own staff.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance to approve the establishment of the Heritage Harbour South Community Development District will have no adverse impact on State and local revenues. As noted above, the District's sole functions are outlined in Chapter 190, F.S. and relate strictly to the planning, financing, constructing, operating and maintaining community infrastructure and services to serve the Heritage Harbour South community.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Transactional costs to the State and local agencies in reviewing the petition to establish the District have been discussed above. Beyond those administrative costs, there will be no cost incurred by the State of Florida, any of its agencies, or local governments.

Heritage Harbour South Community Development District is designed by law to plan, finance, operate, and maintain community infrastructure and services to serve the Heritage Harbour South community. The District will levy non-ad valorem special assessments on properties within its boundaries to finance the infrastructure the District funds and to defray the costs of operating and maintaining that infrastructure and associated community facilities. The table below describes the facilities and services the District plans to provide.

HERITAGE HARBOUR SOUTH COMMUNITY DEVELOPMENT DISTRICT SUMMARY OF FACILITIES AND SERVICES

FACILITY OR SERVICE	FUNDED BY CDD	OPERATED BY CDD OR COUNTY	OWNERSHIP
Roadways and Lighting	Yes	CDD/County *	CDD/County *
Water and Wastewater	Yes	County	County
Drainage	Yes	CDD	CDD
Landscaping & Irrigation	Yes	CDD	CDD
Security	Yes	CDD	CDD

- * Non-County roadways and lighting will be owned and maintained by the CDD. All others (County Roadways) will be owned and maintained by the County (the Developer's current roadway plan is delineated in Exhibit A following Section 6.0 of this SERC).

Based on construction costs as detailed in the Engineer's Report, the total estimated construction cost (including engineering and construction contingency) for these facilities is approximately \$63,499,000. Also, various financing reserves

must be provided for, such as a Debt Service Reserve (approximately \$7,042,625), 24 months of capitalized interest (approximately \$11,207,897), and estimated costs of bond issuance of approximately \$1,400,478. In total, the District plans to issue approximately \$83,150,000 in special assessment revenue bonds to fund the above costs.

Prospective future land owners in the District would be required to pay off the special assessment revenue bonds over 30 years in the form of non-ad valorem special assessments levied by the District and collected by the Manatee County Tax Collector (the Tax Collector and Property Appraiser are reimbursed for their expenses).

In addition to the levy of non-ad valorem special assessments for debt service, the petitioner for the District also plans an annual levy for operations and maintenance of the District.

In considering the costs that must be paid by those affected by the proposed ordinance to establish the Heritage Harbour South Community Development District, two points are important. First, unlike most other situations, 100% of the costs that would be funded by the District would have to be incurred in any event. These costs are not peculiar to the establishment of the District. If the District does not provide these facilities and services, the Developer would borrow money, construct the facilities, and raise the prices for its real estate products to cover these extra costs. If the District does not operate and maintain these facilities, a homeowners association (or similar entity) would have to assess its members to pay for this service. The point is that these costs exist in any event.

Second, State law requires that prospective property owners be notified that these District levies exist. Anyone purchasing property subject to the District's levies does so voluntarily and with full information. Thus, those who are subject to the transactional costs of the proposed ordinance choose, voluntarily, to be governed by the District so far as infrastructure provision is concerned.

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

Approval of the petition to establish the Heritage Harbour South Community Development District will have only incidental impact on small businesses, and it is positive. The District must operate according to Florida's "sunshine" laws, and the District must take bids for the goods and services it will purchase. As a result, small businesses will be better able to compete for District business serving the lands to be included within the District.

The approval of the District will not have any impact on small counties and cities as defined in Section 120.52, F.S. The County is not a small county as defined.

6.0 Any additional useful information.

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

(Exhibit A follows on next page)

EXHIBIT "8"

8-A Engineering Considerations

8-B Planning Considerations

This document addresses the engineering aspects of not only the information in the Petition and its exhibits, but also the information related to consideration of the six statutory factors. I have reviewed the engineering consequences of establishing this District with the assumption, for the edification of the County staff and elected officials, that the District would exercise all of the systems, facilities, and services it is empowered to provide as basic infrastructure to the Community development under both subsection (c) and (2) of Section 190.012, Florida Statutes.

After reviewing the Petition and its exhibits, I used the six factors as a guide for my engineering analysis in order to determine whether a particular problem specific to Manatee County and the District is identified. I have also anticipated questions and concerns oriented specifically toward Manatee County near the end of this document.

FACTOR ONE

Regarding establishment of the District, my duties were to inspect the proposed site within Manatee County where the District is to be established. I also helped prepare the Petition and its attachments from an engineering perspective.

In my opinion, as an engineer, the Petition and its attached exhibits are true and correct.

Special Problems

No special engineering problems were evident during my review.

FACTOR TWO

Although not directly my responsibility because I am not a planner, I have reviewed the State Comprehensive Plan from an engineering perspective. I have found nothing in the State Comprehensive Plan with which establishment of the District would be inconsistent.

Furthermore, I have reviewed the Manatee County Comprehensive Plan and have determined there is nothing with which establishment of this District would be inconsistent.

For the purpose of my analysis, I have assumed that the District, on this proposed property in Manatee County, will exercise any and all of its special powers, as set forth in its charter, Section 190.006 - 190.041, Florida Statutes. I have also used the six factors in Section 190.005(1)(e) 1- 6, Florida Statutes, in the light of all the District's special powers, to determine whether any specialized problems presently exist on this proposed property in Manatee County, or will evolve from the establishment of the Heritage Harbour South Community Development District.

Currently, the Petitioner proposes to ask the Board of Supervisors of the District, once established, to provide certain specialized systems, facilities and services as basic infrastructure to the community development including, but not limited to, roads, bridges, lakes and drainage facilities for stormwater management, potable water distribution systems, wastewater (sewage) collection systems, landscaping, irrigation, right-of-way lighting, security, parks and recreation, fire control and maintenance of wetland and upland preserves. However, once again, I have reviewed establishment of this District, from an engineering perspective, on the assumption that the district will exercise all of its powers under Section 190.012 (1) and (2), Florida Statutes.

Preliminary to all of my work, I have reviewed the actual physical property proposed to be included within the District. Regarding enclaves, I note that none exists or are proposed in the legal description of the proposed District.

Special Problems:

No special engineering problems were evident during my review.

FACTOR THREE

Having reviewed the property, in the light of the special powers available to the District, I then considered statutory Factor Three, which deals with whether the area of proposed land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

From an engineering perspective, a "community" is a residential, commercial or industrial community, or a community made up of a combination of uses. It has an infrastructure system which has certain engineering functions. All of these infrastructure systems must be designed and constructed so that their operation does not conflict with other services. These services also interrelate because they are necessary in combination to provide for the health, welfare, benefit, and enjoyment to the service users within the community.

The term "functionally interrelated community," from an engineering perspective, means a community which provides systems, facilities and services in a consistent, reliable, and cost effective manner.

The infrastructure systems have certain engineering functions which are essential to the community which they serve. For example, providing access via roads and bridges, stormwater management, potable water and fire protection, sanitary sewage collection, parks and recreation and the maintenance of wetland and upland preserve areas as well as common area landscaping. These infrastructure systems are interrelated because each individual system is dependent upon one or several other systems to function. For example, the roads and rights-of-way provide the conduit in which other systems such as stormwater management, potable water, sewage collection, electric, cable television, telephone and security can be provided

throughout the community. In turn, the road system needs the stormwater management system, electric and street lighting to function, sewer needs water and electric service to function and landscaping needs irrigation to function. These infrastructure systems also need to be designed and constructed so that the operation and maintenance of an individual system does not conflict or interrupt other infrastructure systems. All of these systems must operate efficiently in order to protect the health, welfare and safety of the public, as well as the members of the community.

The size of the land area is important in order to determine whether the proposed community development can functionally interrelate, from an engineering viewpoint. Having reviewed the size of the land area in question, I have determined that it is 981 acres, more or less. This acreage, in my professional opinion, is of sufficient size to provide for a functionally interrelated community development, which could be serviced by a Community Development District.

From an engineering viewpoint, the word "compactness" means the lands within the community are situated such that the systems, facilities, and services can be provided in a functional and cost effective manner. In reviewing the land area for the proposed community development, I have determined that it is sufficiently compact because, based on my experience with similar development, the community systems, facilities and services can be provided in a functional and cost effective manner.

As an engineer, I understand the term "contiguous" to mean adjacent and abutting. No community can have its various functions interrelate in a proper and efficient way if the land area is not sufficiently contiguous. The development parcels within the community must be close enough in proximity to each other or a road right-of-way so that the infrastructure systems can be economically constructed, operated and maintained. After analyzing the proposed layout

of the community, it is my opinion that the proposed land area of the District is sufficiently contiguous to have its systems functionally interrelate in an economical manner.

In addition, the zoning and permitting approved by the County to the property proposed for the establishment of the District is further evidence that the land development is deemed by the County a functionally interrelated community or otherwise it would not have been permitted or zoned for development.

In my opinion, reviewing the land area involved, I determine that it is of sufficient size, is sufficiently compact and is sufficiently contiguous to function as an interrelated community development itself.

Special Problems:

No special engineering problems were evident during my review.

FACTOR SIX

Factor Six is addressed next. It deals with whether the land area proposed to be serviced by the District is amenable to special district governance.

Having determined, by applying the information relevant and material to Factor Three, that the land area is of sufficient size, sufficiently compact and sufficiently contiguous to be a functional interrelated community development, the question now arises whether the proposed land area and its community development are serviceable by the Community Development District. The Statute uses the term "amenable." From an engineering perspective, this term means the area can be adequately and economically served by the District provided systems, facilities or services. The key factor is to determine if there are economies of scale by providing the required and desired services through a Community Development District. Is the land area too small to obtain the benefits of a District even though it is not too small to be permitted as a new community? The answer is that since the land area, based on the proposed layout of the

community, is sufficiently compact and contiguous to efficiently provide services, its size does not limit or render it incapable of providing significant economies of scale when governed by a special district. In my opinion the land area in the proposed District is amenable because of its size and the proposed layout of the community. Also, there are no existing or proposed land features, facilities, encumbrances or restrictions that would make the services and special capabilities of the District difficult or inefficient to provide.

Special Problems:

No special engineering problems were evident during my review

FACTOR FIVE

Factor Five should be considered next. It deals with whether the District would be incompatible with any community development systems, facilities or services, either existing or authorized.

From an engineering perspective, I understand the term "community development services or facilities" to mean those infrastructure providing use, benefit, and enjoyment to the users of the services or facilities. In reviewing the site, I have determined 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 facilities.

Regarding the District proposed facilities, systems and services, I view the term "compatibility," as an engineer, to mean the District provide facilities, systems, and services can be integrated into adjacent existing facilities, systems, and services without significant loss of function or economy.

In my opinion, establishment of the District and its proposed systems and facilities will not be incompatible with all of the existing or future authorized local and regional systems, facilities and services. There will not be an overlap or duplication of services. The services provided by the District will augment and improve those provided by Manatee County and its special districts.

Special Problems

No special engineering problems were evident during my review

FACTOR FOUR

It is now necessary to review Factor Four. To determine if the District is warranted, it must be considered if it will be the best alternative to provide the required and desired services and facilities to the land area on which the District is to exist. There are three major public and private alternatives for the provisions of infrastructure systems, facilities, and services to proposed functionally interrelated community developments. Purely private alternatives include a developer and a homeowner's association. The first public alternative is a Community Development District. The other public alternative would include the County itself or with County management with financing by a Municipal Service Taxing or Benefit Unit (MSTU or MSBU), County dependent special districts, and other regional and local independent districts.

From an engineering perspective, there are several potential disadvantages when a private developer and homeowners or property owners association are the selected alternative to provide community infrastructure systems, facilities and services. The disadvantages include:

- 1.) Private developers and home or property owners association may allow cost to control decisions regarding systems, facilities and services and would, therefore, often opt for the cheapest alternative rather than the best or most efficient alternative. Often private developers do not have long term maintenance obligations for infrastructure

improvements, where a Community Development District always considers long term maintenance cost when selecting infrastructure alternatives.

- 2.) It would be expected that long range planning with a single governing board would be superior to that which would be provided by the collective agreements in planning with a private developer and a home or property owners association. At times a private developer and the home or property owners association are at odds with each other. Therefore, long range planning is often a compromise between the parties.
- 3.) Private developers may have a greater likelihood of having cash flow problems than a Community Development District. This may result in incomplete communities or other developers acquiring the project and changing the scheme of the community leaving existing residents or business with a different community than they were seeking.
- 4.) The cost of financing by a private developer is typically higher than that which could be obtained by a Community Development District. These lower costs would benefit the ultimate consumer in higher quality better maintained infrastructure.

It would not be typical for the County to provide any infrastructure improvements to future communities in the hopes that customers would come into the County and that the County would recoup these costs over time through an increased tax base. Therefore, the County would only consider establishing a Municipal Service Taxing or Benefit Unit (MSTU or MSBU) to provide roads, water, sewer, drainage and irrigation systems through dependent district. It is my opinion that this is not the best alternative to provide these systems, facilities and services for the following reasons:

- 1.) It would typically be expected that financing County management of community systems, facilities and services through a County-initiated Municipal Service Taxing or Benefit Unit (MSTU or MSBU) would incur additional overhead management cost which would be greater than that which would occur with a Community Development District.

- 2.) Due to the high demand on the County to provide other infrastructure to existing communities within the County, it would be expected that the timeliness of the infrastructure improvements provided by the County, to a new community would be erratic and undependable.

I am an engineer who has completed numerous projects where the systems, facilities and services were provided by private developers and homeowners' associations. It is my professional opinion that the best alternative for this property is to provide the infrastructure systems, facilities and services is the Heritage Harbour South Community Development District.

Special Problems

No special engineering problems were evident during my review

HERITAGE HARBOUR COMMUNITY DEVELOPMENT DISTRICT

BETSY BENAC, PLANNER

Planning Considerations

Establishment of Heritage Harbour South Community Development District

My name is Betsy Benac. By profession I am an urban planner. I am a Senior Associate with WilsonMiller, and have 18 years of experience in governmental relations relating to land development activities, including Community Development Districts, Developments of Regional Impact, comprehensive plan amendments, and zoning amendments. I have a Bachelors Degree in Environmental Psychology from the University of Michigan, with graduate course work in urban planning completed at Florida State University. Attached is my resume.

I have been qualified as an expert in urban planning and in local, regional, and state growth management planning in numerous hearings including Florida Administrative Hearings, and in front of various County Commissions. I was the expert planner for Case No. 00-3950, Lakewood Ranch Community Development District 5 (Manatee County, Florida) which established said district.

Work Experience:

Based on my experience and training, I have addressed the planning aspects and consequences of establishing the Heritage Harbour South Community Development District on the proposed property. In addition, I have assisted in the preparation of the Petition, its required exhibits and additional information pertinent to the planning consequences of establishing the District on the proposed property. This paper constitutes a summary of the planning consequences of establishing the state chartered Heritage Harbour Community Development District on the proposed community development property in Manatee County.

The Community Development Project Which The Community Development District Will Serve

Heritage Harbour is a master planned community to be developed on a 2,495.8± acre parcel of land located at the northeast intersection of I-75 and State Road 65, extending northward to the Manatee River in Manatee County. Heritage Harbour will include up to 5,000 residential dwelling units, 797,000 square feet of retail and service area, 170,000 square feet of office, 300 hotel rooms, a 600-bed group care facility, a 162-slip marina and a 300-slip boat livery. It will also provide 8.2 acres of residential support and public community use, which may include a broad range of facilities such as community association meeting space, educational and training facilities, community developer sales and administrative offices, clubhouse and similar types of uses. Heritage Harbour will include a variety of associated and accessory uses customarily found in a master planned community, including recreational facilities, golf courses, lakes, conservation

areas, and open space. This paper relates to establishment of a community development district over 981 of those acres.

Heritage Harbour will consist of several neighborhoods, each serving a different market segment. A unified community framework which accommodates a variety of housing opportunities will be provided. Design guidelines and an integrated plan for landscaping, signage, utility service, stormwater management, and community services will tie the neighborhoods together, creating a viable community structure while providing for individual neighborhood identity.

The Six Statutory Factors: Section 190.005(1)(e)1-6, F.S.

The uniform nature of the general law mandates redundancy in the documentation material to the establishment of a Chapter 190, F.S. District.

There are practical and legal reasons for redundancy in the materials supportive of the establishment of a Community Development District. From a legal aspect, should an action of a District be challenged, the first avenue of investigation is to determine if the District was established using the authority contained in the Florida Statutes. Thorough documentation supporting the petition to establish the District, with all its redundancy, minimizes the exposure of the District under this avenue of investigation. From a practical standpoint, an exhaustive analysis of the statutory factors and procedures for the establishment of a District tends to identify problem areas which can be addressed by the District Board of Supervisors after establishment of the District, or by the District review team during the petition process.

Factor One.

In my professional opinion from a planning perspective, the Petition and its attached exhibits satisfy the requirements of the statute and contain information that is both true and correct. Therefore, factor one in my opinion is satisfied from a planning perspective.

Local Specialized problem: None.

Factor Two.

Regarding factor number two, I have done a considerable amount of analysis of both the State Comprehensive Plan and the Manatee County Comprehensive Plan because this factor seeks information on whether establishment of the District is consistent with any applicable element or portion of the State Comprehensive Plan or the Manatee County Comprehensive Plan.

Discussion: The State Plan

The State Comprehensive Plan is set forth in Chapter 187, Florida Statutes. I have analyzed this State Plan upon the assumption that the District will exercise all of its systems, facilities and services and related specialized powers set forth in the uniform charter of the District, Sections 190.006 through 190.041, Florida Statutes.

As to methodology, I looked at all 26 subjects, 26 goals and several related policies under each goal in the State Plan from this perspective. First, I eliminated all subjects, goals and policies of the State Plan that related neither to the development itself, nor the creation and establishment of the District to serve the development. Further, I rejected any goals, subjects and policies that related only to the development and land use project. As a result, I was able to identify certain remaining subjects, goals and policies, and to review and to evaluate them, as they related, in my opinion, to the creation and establishment of a Community Development District.

Using this methodology, I have determined that four goals and related policies actually apply to the subject of this petition, the establishment of the Heritage Harbour South Community Development District. I have analyzed each subject and goal and then identified various specific policies under each of them which related to the District, once again, applying all of these factors to the assumption that the District would exercise on the particular property in Manatee County all of its specialized powers in subsections (1) and (2) of Section 190.012, Florida Statutes.

Subject and Goal 16

(16) LAND USE.-

(a) Goal.- In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

- First, Subject Number 16 and its related goal apply because the subject of development being directed to areas having, or programmed to have funded land and water resources, and service capacity to serve growth in an environmentally responsible manner relates directly to the District purpose of fiscal responsibility and adequate service supply through District provided infrastructure improvements. I determined that establishment of the District would not be inconsistent with this goal and subject because Chapter 190, F.S., found that services provided by a District can be "...a timely, effective, responsive and economic..." means of accommodating development demands "...without overburdening other governments and their taxpayers." Therefore, establishment of the District will allow for the provision of service to accommodate growth in an environmentally acceptable manner.

Local Specialized Problem: None.

Policy 16(b)1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

The establishment of the District is not inconsistent because Chapter 190, F.S., requires efficiency and responsibility in the utilization of District powers in providing services to supply development demand.

Local Specialized Problem: None.

Policy 16(b)2. Develop a system of incentives and disincentives which encourage separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

Regarding policy 16(b)2, a District is a program which, when established, is required by law to provide service capacity in areas designated for urban services, and to provide such services in an environmentally sensitive manner. The District is not inconsistent with policy 16(b)2 of Chapter 187, F.S.

Local Specialized Problem: None.

Policy 16(b)5. Encourage and assist local governments in establishing comprehensive impact-review procedures to evaluate the effects of significant development activities in their jurisdictions.

Based on the fact that the District, when established, must report annually for such facilities using comprehensive impact review procedures set forth in Section 189.415, F.S., it is not inconsistent with Policy 16(b)5 of Chapter 187, F.S.

Local Specialized Problem: None.

- Subject and Goal 18

(18) PUBLIC FACILITIES.-

(a) Goal.- Florida shall protect the substantial investments in public facilities that already exist and shall plan and provide for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

I determined that Subject 18 and its related Goal would be directly implemented through the establishment of the District through the responsible provision of services and facilities when needed. Based on that determination, the District would not be inconsistent with this subject and goal.

Local Specialized Problem: None.

Policy 18(b)3. Allocate the costs of new public facilities on the basis of the benefits received by the existing and future residents.

Through an understanding of the principle behind the establishment of a District, where facilities and services provided by the District are paid for by those whose property benefits from those facilities and services through assessments and/or user fees, I find that the District will implement Policy 18(b)3, and therefore, is not inconsistent with the policy.

Local Specialized Problem: None.

Policy 18(b)4. Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.

In regard to Policy 18(b)4, the District is a partnership between State government, local government, and the private sector, given that a District's charge is to utilize its statutory powers for the provision of infrastructure only in conformance with local and state regulations. Thus, establishment of the proposed District is not inconsistent with this policy.

Local Specialized Problem: None.

Policy 18(b)5. Encourage local government financial self-sufficiency in providing public facilities.

In regard to Policy 18(b)5, the District, if established, would be a single and special purpose local government, and would be self-sufficient in the provision of infrastructure systems, services and facilities, given that it would not draw upon other County resources for the funding of said infrastructure. Therefore, the establishment of the District would not be inconsistent with this policy.

Local Specialized Problem: None.

Policy 18(b)6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.

The establishment of the District is consistent with the intent of Policy 18(b)6 because the District provides for an innovative means of providing fiscally sound and cost effective service and facility improvements. Further, the District, when established, being a special purpose local government, would have limited powers to design, fund and construct services and facilities necessary to accommodate the project's facility and service demand, and through coordination with Manatee County, the connection to its capital facilities. The proposed District is therefore, not inconsistent with this policy.

Local Specialized Problem: None.

Policy 18(b)7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.

Given that the District, when established, is subject to the reporting provisions of Section 189.415, Florida Statutes, which in paragraph (6) states, "For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a district public facilities report may be used and relied upon by the local general purpose government or governments within which the special district is located," the District will implement this policy statement, and is therefore consistent.

Local Specialized Problem: None.

Subject and Goal 21

(21) GOVERNMENTAL EFFICIENCY-

(a) Goal.- Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

Subject 21 deals with Government Efficiency and it, along with its goal applies because of the statutory finding that a District is a means to deliver services and facilities in a timely, efficient and cost effective manner. The District is not inconsistent with Goal 21(a) from Chapter 187, Florida Statutes.

Local Specialized Problem: None.

Policy 21(b)1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

The Heritage Harbour South Community Development District when established, becomes a separate special purpose local government with the authority to provide public services and facilities within a limited land area. As a local government, the District has the ability to enter into inter-local agreements with mutual participation for the benefits to the land and residents within the District, and the rest of the County. Given that any action on the part of the District cannot be inconsistent with any portion of Manatee County's Comprehensive Plan, including the Intergovernmental Coordination Element, both governments will be operating within the parameters of the Comprehensive Plan. This leads to close communication and coordination between the levels of government which provide a mutual benefit for both the County and District. The District, in my opinion, will implement this policy and is therefore consistent.

Local Specialized Problem: None.

Policy 21(b)2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.

Policy 21(b)2, captures the intent of why Community Development Districts are an important and integral component in the management and financing of community development facilities and services. A Community Development District has uniform general law standards as specified by the Statute which created its uniform charter and authorized its establishment. It obtains funding through the sale of bonds which are repaid by the people who directly receive the benefits of the services and facilities the District provides, and does not burden the general taxpayer with obligations to pay for services and facilities inside the District boundaries.

Given that all Chapter 190, F.S., Districts are created by and established pursuant to the specific general laws and its factors required to be considered as specified by the law, the establishment of this type of District is consistent with the policy not to allow the proliferation of independent taxing districts which do not have those specific general law factors and standards. The District would serve to implement this policy, and in my opinion, can be considered consistent.

Local Specialized Problem: None.

Policy 21(b)5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

A District is statutorily required to report as to operation and demand on its facilities pursuant to Section 189.415, F.S., which Manatee County may utilize in its Evaluation and Appraisal Report pursuant to its Comprehensive Plan. This, along with a District's charge to operate in conformance with local, regional and state growth management requirements, including the State mandated Intergovernmental Coordination Element's interlocal agreements, demonstrates that the District would not be inconsistent with Policy 21(b)5.

Local Specialized Problem: None.

Policy 21(b)9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.

Information and records analysis and management are an operational requirement of Chapter 190, F.S., through record keeping, disclosure, and government-in-the-sunshine. This effectively implements the call for efficiency in government set forth in Policy 21(b)9, thereby making a District consistent with that policy.

Local Specialized Problem: None.

Subject and Goal 26

(26) PLAN IMPLEMENTATION-

(a) Goal.- Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

Subject No. 26 addresses plan implementation. Its related goal sets forth that systematic planning capabilities shall be integrated into all levels of government in Florida, with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement. As stated previously, a District has a statutory mandate to report information concerning District operations. Further, a District being a special purpose government must advertise its regularly scheduled meetings, ensuring public commenting opportunity. The District, if established, in my opinion, is consistent with this goal and would implement it.

Local Specialized Problem: None.

Policy 26(b)2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.

By virtue of the fact that a District established pursuant to Chapter 190, Florida Statutes, must not be inconsistent with any applicable portion of the State Comprehensive Plan, a District is granted the operational authority to implement policies of the Plan. The District, when established will implement with Policy 26(b)2.

Local Specialized Problem: None.

Policy 26(b)3. Establish effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met.

Policy 26(b)3 calls for measures to assure that regulatory programs are adhered to. A District is not exempted from any applicable local, regional or state growth management regulatory programs, thus the Heritage Harbour South Community Development District is not inconsistent with this policy.

Local Specialized Problem: None.

Policy 26(b)8. Encourage the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth.

The District is required to operate in the sunshine, encouraging public participation, and as stated previously, reporting of the District's facilities and services status to the County government provides a mechanism for cooperation between the general purpose and special purpose

governments. Therefore, a District not only is consistent with Policy 26(b)8, it provides a mechanism to implement the policy.

Local Specialized Problem: None.

In conclusion, I have also reviewed all the subjects, goals and policies which I have determined do not apply to the proposed District, and it is my professional opinion that establishment of the District is not inconsistent with any of those subjects, goals and related policies.

From the perspective of planning (as to management and financing of all the basic infrastructure systems, facilities and services which the District by law is authorized to provide), my opinion is that the establishment of the District is not inconsistent with any subject, goal and policy of the State Comprehensive Plan, as amended.

Manatee County Local Government Comprehensive Plan

The Manatee County Comprehensive Plan (Plan) has been adopted as Manatee County Ordinance No. 89-01, as amended. This Plan is currently in force and effective in Manatee County.

Under the Florida Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, part II, Florida Statutes, as amended, the Plan consists of various components, elements and other designations. By way of methodology, I applied each special power available to the Community Development District under all of Section 190.012, Florida Statutes, in the light of every element, component, section and other aspect of the Manatee County Comprehensive Plan. As a planner, I have reviewed the plan in order to determine whether there is any particular inconsistency with the Plan from creation and establishment of the proposed District.

The detailed methodology I used to make this determination is similar to that I outlined with regard to the State Plan. First, I eliminated certain goals, objectives, policies, elements, components, sections and portions which do not address establishing the District. These identified portions of the Plan are irrelevant to the establishment of the District. After eliminating these matters, I identified and evaluated the remaining parts of the Plan as to whether establishment of the District, exercising any and all of its special powers, would be inconsistent.

As to these goals, policies, components, elements, sections and other aspects of the Plan which relate to establishment of the District, I noted two for the purposes of this planning analysis.

The establishment of the Heritage Harbour South Community Development District to provide the necessary governmental services for the development fully compiles with the applicable goals, objectives and policies of the Manatee Plan. It is also specifically consistent with Objective 10.1.10 of the Manatee County Comprehensive Plan Capital Improvements Element. This objective requires the County to utilize funding derived from growth to offset costs for provision of public facilities which serve new growth. Policy 10.1.10.1 of the Manatee County Comprehensive Plan specifically references the establishment of community development districts

as a funding mechanism to recapture the costs for providing facilities and services to new growth. In addition, the comprehensive plan specifically encourages recapturing costs for operation, maintenance and other recurring costs from wastewater and potable water systems users (Objectives 9.14 and 9.55 of the Public Facilities Element).

In addition, having thoroughly reviewed the Plan of Manatee County, I found that the establishment of the District is not inconsistent with goals, objectives, policies, sections or portions which were found not to be applicable to the creation and establishment of a District, pursuant to Chapter 190, Florida Statutes

Based upon the aforementioned findings, the creation and establishment of the District would not be inconsistent with any goals, policies, sections or portions of the Plan, even if it were to exercise any and all of its statutory powers. In fact, the District would further the Plan in general, and many of its specific components.

Factor Three

Factor three deals with whether the area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

Key terms and words need to be defined or put in proper context from a planning perspective as related to the factor and infrastructure delivery. A "community" may be defined as a unified body of individuals living in a particular area linked by common, social, political or economic interest. Community governments provide people with those facilities and services desired to live in the community. These may include water, sewer, police, fire protection, roads, parks libraries and some social services such as child care, affordable housing assistance and health care.

From the planning perspective the term "functionally interrelated community" means that the functions of a community must be integrated into a long-range plan to analyze the future needs of the community. Each function requires a funding source and an understanding of the size of the community's needs so as to handle the growth and development of the community. Additionally, the land area of a community must be of sufficient size to accommodate the permitted land uses and the required, interrelated infrastructural facilities and services. "Functional interrelation" means that each community function has mutual relationship to the other. Each function must be designed to contribute to the development or maintenance of the larger whole, or as used here, the community.

Under this factor, using the understanding I outlined above of a functional interrelated community, I can determine whether the proposed actual physical area within Manatee County (on which the District would function to provide infrastructure to the proposed community development) is property which raises any particular problems as to size, compactness or contiguity.

The size of the land area for the subject Community Development District is 981 acres, more or less. In my opinion, the size of the area is sufficient to operate as a community because it

has been master planned to be efficient in land utilization and to provide for all land uses necessary to be physically and socially self sustaining.

"Compactness" relates to closeness in distance between the lands within the development. It is a spatial term used to describe property that is close together. Having reviewed the Heritage Harbour South Community Development District proposed land area, I find that its boundaries form a community which is sufficiently compact with no obstacles separating the land uses, and the property is not irregular in shape. The property is not divided and the land area is such that there can be both physical and social functions. In my opinion, therefore, the land area within the proposed community development which would be serviced by the District is sufficiently compact to be a functional interrelated community.

"Contiguity" is another spatial term which can describe lands which are adjacent, where all parts of a project are either in actual contact or are separated by no more than a road or street or a small separation. The properties must be close enough to allow the cost effective and efficient use of infrastructure, services and design. The actual touching of property lines is not required for property to be sufficiently contiguous for planning purposes. In reviewing the proposed land area which will be serviced by the Heritage Harbour South Community Development District, I believe that the land is sufficiently contiguous to be a functional interrelated community because it is spatially close together, it is either completely contiguous or it is connected by a roadway, and it is large enough in land area to allow for the efficient provision of infrastructural systems, facilities and services. Manatee County has issued a Development Order for the entirety of the Heritage Harbour District's proposed land area and has approved a Planned Development Mixed Use (PDMU) zoning category for the site, providing further evidence that the site is of sufficient size and sufficiency contiguous to constitute a functional interrelated community.

Local Specialized Problem: None

Factor Six.

This factor, dealing with the land area, is more appropriately analyzed out of numerical order so as to be associated with the preceding factors which also deal with land area issues. Factor six deals with whether the area that will be serviced by the District is amendable to separate special-district government. I have reviewed information about the proposed District from this perspective. In order to do so, I have determined that the terminology "separate special district governance" means governance, established by law through petition or vote by the Board of County Commissioners, with limited special functions and powers to levy taxes or special assessments within a legally defined geographical area. The proposed District, if established, would be a special district government.

The term "amenable" can be defined to be an appropriateness for accountability, or to be responsive. Having determined that the land area is of sufficient size, is sufficiently compact and is sufficiently contiguous to be functional as an inter-related community, I now as a planner must determine whether that land area is also amenable to being governed by the Community Development District as set forth in its uniform charter in Section 190.006 through 190.041, Florida Statutes. I have reviewed this subject from the potential exercise by the District of any and all of its special powers in that charter.

In my opinion the land area for the District is amenable to special district governance because the land area proposed to be established as a District has the need for the services and would benefit from the facilities that the special district would provide, and through my previous findings, the land area is of sufficient size, is sufficiently compact and is sufficiently contiguous to be a functional interrelated community.

Local Specialized Problem: None.

Factor Five

Factor five which should also be taken out of numerical order, deals with whether the community development services and facilities of the District will be incompatible with the capacity and uses of existing local and regional community development services and facilities designed to serve the proposed land area.

By legislative mandate, all actions and implementation of any or all of the District powers are governed by and must not be inconsistent with Manatee County's Plan. This insures compliance with County land development regulations and concurrency requirements. Further, as previously stated, Manatee County has already adopted a Development Order for the Heritage Harbour Development of Regional Impact, so all of the services and facilities to be provided by the District have been found to be compatible and in compliance with the Manatee County Comprehensive Plan.

I have reviewed the proposed land area on which the District will be established to determine if there are any regional systems, services or facilities which through their existence may be problematic related to District functions, and found no such facilities. Therefore, no problems would be created.

Local Specialized Problem: None.

Factor Four

Factor four deals with alternatives, essentially requiring the Board of County Commissioners to use relevant material and pertinent information as to the various alternative ways to provide basic systems, facilities and services to the community development to determine whether the District is the best alternative available for the delivery of such services and facilities.

From a planning perspective there are three alternative ways to provide basic systems, facilities and services to the community development on this property in Manatee County. The first way is through private developer managed improvements, including either separate private infrastructural contractors, a private utility company, or a homeowners association, or any combination of these private means of providing community development services and facilities along with related financing powers. The second alternative would be public, either through the County itself or by County management while financed through the use of County Municipal Service Taxing Units (MSTU), or County Municipal Service Benefit Units (MSBU) or "dependent

districts". The third alternative would also be public but through the specialized but limited and single purpose Community Development District created by Chapter 190, Florida Statutes, which coincides with both public and private interests and capabilities.

Planning considerations needed to determine the best alternative to deliver basic infrastructure to community developments include: whether the alternative was able to provide a higher quality of services and facilities; whether the alternative was capable to deliver the facilities and services in a timely manner when the community development service and facility demand occurs; whether the alternative had a means of management to be responsive to the community development over the long term; and whether the alternative could obtain and maintain long-term financing to facilitate the management benefits.

In addition, the supply of infrastructure in advance of the impacts of the actual development, concurrency, is an important consideration. In this regard, it is vital to have an understanding of the community development infrastructure commitments during the master planning process to properly and efficiently phase the construction of the community development facilities. This allows a full utilization of constructed facilities before new branches of those facilities are constructed. Further, the statutory District reporting mandates described previously can be utilized by Manatee County as a concurrency management mechanism to implement applicable provisions (i.e., Future Land use Element, Capital Improvement Element, etc.), of its Growth Management Plan. Only the Community Development District alternative means of providing community development systems, facilities and services allows for a cooperative concurrency management program between the County general purpose government and the District special purpose local government.

Long term and sustained adequacy and efficiency of infrastructure are important, and I note that among the three alternatives, the proposed District would more closely and efficiently manage services and facilities given the District's sole responsibility is the community development's infrastructural needs, both immediate and in the long term. Further, a District can be more responsive to the residents of the community development and other affected parties, than can be provided by the alternatives which may either have a broader public accountability, or narrowed interests.

Regarding the important planning principle of long term implementation and maintenance, I find that among the three alternatives the District's unique operational and management role can provide the community development residents greater assurance of the maintenance of the community development services and facilities which might not be otherwise provided for at a high level of quality, particularly in the long term. Manatee County could supply the community development infrastructure, but it does not have the opportunity for phasing flexibility, nor does it have focused attention for monitoring and maintenance as would a District. This is again due to Manatee County's general purpose, where it must be responsive to multiple community developments and other special interests, whereas a District created and established pursuant to Chapter 190, Florida Statutes, has a singular special interest of the community development that it serves. The private installation of community development infrastructure, while providing quality systems, services and facilities may not have the management and maintenance longevity, particularly when the community development is "built-out" and turned over to homeowners and/or condominium associations which traditionally are only interested in their individual association matters.

In conclusion, I find that the proposed Heritage Harbour South Community Development District is the most appropriate means of providing community development systems, services and facilities because it is functionally involved in the overall physical master planning of the development, equitably distributes the costs and responsibilities to the users of the systems, services and facilities, provides for long term maintenance, and provides a greater assurance that the residents of the Heritage Harbour South Community Development District will have a sustained quality of life.

MICHAEL A. KENNEDY, P.E.
SENIOR VICE PRESIDENT

Mr. Kennedy has over 19 years of experience as a civil engineer within the southeast U.S., the last 14 being in Florida. He is currently a Senior Vice President of WilsonMiller, as well as Principal-in-Charge of the firm's Sarasota and Bradenton offices. Mr. Kennedy has managed over 50 projects ranging from large-scale mixed use developments (up to 5,000 acres) to smaller water and sewer projects. He is also experienced in the formation and operation of Community Development Districts, currently serving as District Engineer for three Districts.

PROFESSIONAL EXPERIENCE

1989 to Present: WilsonMiller, Inc.
1986-1989: Project Manager/Associate, Hole, Montes & Associates, Inc.,
Naples, Florida
1981-1986: Project Engineer/Manager, BCM Engineers, Mobile, Alabama

PROJECT EXPERIENCE

Master Planned Communities

Heritage Harbour, Manatee County, Florida - principal-in-charge for this 2,700-acre mixed use development that includes 5,000 residential units, 45 holes of golf, 797,000 square feet of commercial space, and a 462 slip marina.

Lakewood Ranch, Manatee County, Florida - principal-in-charge/CDD district engineer for this 4,500-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. The mixed use development includes 45 holes of golf, five distinct villages, a hotel, and over 8,000 living units.

Lely Resort Community, Collier County, Florida - project manager/CDD district engineer for the design and permitting of all utilities, water management, roadways and golf courses for this 2,200-acre mixed use development that includes commercial facilities, three golf courses, a hotel, and single/multi-family housing.

Key Marco, Collier County, Florida - project manager/CDD engineer for infrastructure design, including roads, utilities and water management for this 174-acre upscale single-family development on Horr's Island off Marco Island.

Heron Creek, Sarasota County, Florida - principal-in-charge for 831 acres in the City of North Port. The development includes 27 holes of golf, 1,900 residential dwelling units, 500,000 retail/service gross square feet, and 250,000 office gross square feet. Focal point of the community is the Town Center, which provides a central location for services and facilities oriented toward the community's residents recreation, medical and retail needs.

Community Development Districts

Lakewood Ranch, Manatee County, Florida - District Engineer for this 4,213-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. This mixed use development includes 54 holes of golf, 5 distinct villages, a hotel and 8,638 living units.

Lely Resort Community, Collier County, Florida - District Engineer for the design and permitting of all utilities, water management, roadways and golf courses for this mixed use development that includes commercial facilities, three golf courses, a hotel, and single/multi-family housing.

Key Marco, Collier County, Florida - District Engineer for the infrastructure design, including roads, utilities and water management for this 174-acre upscale, single-family development on Horr's Island off Marco Island.

Water/Wastewater/Irrigation

Lakewood Ranch, Manatee County, Florida - principal-in-charge for this 4,213-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. Facilities include master water, sewer and irrigation system to serve 54 holes of golf, 5 distinct villages, a hotel and 8,638 living units.

South County Wastewater Master Plan Update, Collier County, Florida - updated wastewater master plan for the Collier County Utilities Division.

Lely Resort Community, Collier County, Florida - project management, design and permitting responsibilities of all utilities, water management, roadways and golf courses for this mixed use development that includes commercial facilities, three golf courses, a hotel, and single/multi-family housing.

Key Marco, Collier County, Florida - project management and infrastructure design responsibilities of roads, utilities and water management for this 174-acre upscale, single-family development on Horr's Island off Marco Island.

East and South Naples Sewage Collection System, Collier County, Florida - preparation of assessment roll for Collier County Utilities Division. Project cost totaled \$26 million.

Seagate Sewer and Drainage Study, Collier County, Florida - preparation of sewer and drainage study for the City of Naples.

Florida Keys Aqueduct Authority, Key West, Florida - preparation of engineering report for bond issue.

Collier County Utilities, Florida - project management and well field expansion design. Design consisted of 11 wells, three control buildings, and 12,000 feet of raw water line. Other projects consisted of engineering design of 11 master wastewater pump stations/control buildings, 50 miles of force main/effluent lines, six effluent force main/effluent storage tanks, 70 miles of 8" gravity sewer, and 55 pump stations.

General Site Work

GulfCoast Corporate Park, Manatee County, Florida - principal-in-charge for the design and permitting strategy of high quality 140-acre commercial development. Optimum buildout potential was analyzed, lots sized and positioned, and roads and amenities were designed for high image tenants. Partnering approach with local and regional authorities allowed meeting internal construction deadlines while giving the park its first facility.

- **Vineyards Commercial Tract D, Collier County, Florida** - project management responsibilities for infrastructure design, permitting and construction services of a 17-acre shopping center.

Immokalee Health Clinic, Phases I and II, Collier County, Florida - project manager for infrastructure design, permitting and construction services of a 15-acre hospital and health clinic.

EDUCATION

Bachelor of Science in Civil Engineering, Auburn University, 1981
Course work toward Master of Business Administration

PROFESSIONAL STATUS

Professional Engineer, Florida #38120, 1987
Professional Engineer, Alabama #15585, 1986

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers
Florida Engineering Society
National Society of Professional Engineers

COMMUNITY ACTIVITIES

Board of Governors, Manatee County Economic Development Council (Year 2000 Chairman)
Board Member, Manatee County YMCA
Board Member, Manatee Chamber of Commerce

AWARDS/RECOGNITIONS

Young Engineer of the Year, Florida Engineering Society, Calusa Chapter, 1992-1993
Manatee Chamber of Commerce, Leadership Manatee Graduate, 1996-1997

**THE HERITAGE HARBOUR UNIFORM
COMMUNITY DEVELOPMENT DISTRICT**

TESTIMONY OF

MICHAEL A. KENNEDY, P.E.

ENGINEER

1. Q: Please state your name and business address.

A: Michael A. Kennedy
6900 Professional Parkway East, Suite 100
Sarasota, FL 34240-8414

2. Q: What is your occupation and place of employment?

A: I'm a civil engineer and I work for WilsonMiller, Inc. in Sarasota, Florida.

3. Q: What work does your engineering consulting firm do?

A: Civil engineering (water, sewer, roads, water management), planning, environmental permitting, surveying, construction management and landscape architecture.

4. Q: Please summarize your formal education and experience as an engineer.

A: I received a Bachelor of Science Degree in Civil Engineering in 1981 from Auburn University and I am a licensed Professional Engineer (No. 38120) in the State of Florida (1987). I have been employed by WilsonMiller, Inc. since 1989 as a project manager and principal engineer. I am currently Senior Vice President and Principal in charge of the Sarasota and Bradenton offices. My engineering experience includes planning, design, permitting and construction observation of water, wastewater, drainage, paving and earthwork, infrastructure for over 100 projects ranging in size from one acre to 5,500 acres. I am also Engineer of Record for four Community Development Districts in Manatee County.

5. Q: Please summarize your experience specifically regarding the provision of basic services to land development in this area of Florida.

A: I have served as project manager and/or principal in charge for the following major projects:

- Lely Resort (water, sewer, roads, water management), 3,000 acres
- Lakewood Ranch (water, sewer, roads, water management), 5,500 acres
- Heritage Harbour (water, sewer, roads, water management), 2,400 acres
- Heron Creek ((water, sewer, roads, water management), 850 acres

Engineer of record (past or present) for:

- Lely Community Development District in Collier County, Florida
- Key Marco Community Development District in Collier County, Florida
- Lakewood Ranch Community Development Districts 1, 2 and 3 in Manatee County, Florida

6. Q: Have you heard of the term "growth management"?

A: Yes

7. Q: As an engineer, what does "growth management" mean to you?

A: Providing infrastructure and services consistent with population growth.

8. Q: Please summarize your specific professional experience in engineering community development basic infrastructure, including systems facilities, services, works and improvements.

A: I am currently or have been the engineer of record for the following:

- Lely Community Development District in Collier County, Florida
- Key Marco Community Development District in Collier County, Florida
- Lakewood Ranch Community Development Districts 1, 2 and 3 in Manatee County, Florida

9. Q: What are the various considerations utilized by an engineer in providing professional services required to set up, create or establish and provide both short-term and long-term management and financing for such basic infrastructure?

A: Area to be served, type of use and types of services to be provided.

10. Q: Have you been qualified in any other proceeding as the engineering expert.

A: Yes, establishment of Lely, Key Marco and Lakewood Ranch Community Development Districts.

TENDER AS A BOARD CERTIFIED PROFESSIONAL ENGINEER QUALIFIED TO RENDER EXPERIENCE AND EXPERT TESTIMONY IN CIVIL ENGINEERING AND PARTICULAR FOR THE PROVISION OF BASIC INFRASTRUCTURE OR COMMUNITY DEVELOPMENTS IN SOUTHWEST FLORIDA.

11. Q: Are you part of Heritage Harbour Uniform Community Development District team as an engineer?

A: Yes.

12. Q: Are you familiar with the development to be reviewed by the district?
- A: Yes.
13. Q: Are you familiar with the status of development approvals and any related land development permits for the development?
- A: Yes.
14. Q: What is that status as of today?
- A: The development is an approved Development of Regional Impact with Mixed Use Planned Development zoning. The SWFWMD and USCOE master plan permits have been submitted for approval. Other development approvals and development permits necessary for infrastructure construction are under review by various regulatory agencies.
15. Q: Have you reviewed Chapter 187, Fla. Stat., the State Plan?
- A: Yes.
16. Q: Have you reviewed and used the Manatee County Comprehensive Plan?
- A: Yes.
17. Q: Are you familiar with and have you used Chapter 190, Fla. Stat., as amended, the Florida Uniform Community Development District Act?
- A: Yes.
18. Q: Were you involved in the preparation of the petition to establish a community development district for Heritage Harbour Uniform Community Development District?
- A: Yes.
19. Q: Are you familiar with and have you read Chapter 189, F.S., the District Accountability Act?
- A: Yes.
20. Q: What factors and steps are involved in engineering the provision of basic systems, facilities and services for community developments?
- A: Steps to determine systems, facilities and services needed:
- a. Determine the size of area to be served (so many acres).
 - b. Determine the uses within the area (number DU's per acre or SF/acre).

- c. Determine the demand per unit of use (gallons per DU or SF) (trips per DU or SF).
- d. Determine the quality of the demand (strength of raw sewage) (cars vs. trucks in traffic stream).
- e. Design systems and facilities (collection, distributions, treatment).

Factors:

Compliance with local, state and federal rules and regulations.

21. Q: Do these factors and steps differ substantially if you are doing the work for a public or private entity?

A: No.

22. Q: Do these factors and steps differ between whether you are doing your engineering for a county government or for an independent special district government?

A: No. However, as an engineer I know there is a higher probability for long-term sustained quality and maintenance by the special district.

23. Q: Were you involved in doing any engineering work for the development itself?

A: Our firm is.

24. Q: As a professional member of the team to establish the district, what were your duties?

A: To perform engineering services for establishing the District.

25. Q: Have you inspected the site where the district will be established?

A: Yes.

26. Q: Have you read and used from time to time the six (6) factors in §190.005(1)(e)1 - 6, Fla. Stat., which are to be considered by the hearing officer, Governor and Cabinet in deciding to establish the district?

A: Yes.

27. Q: Have you reviewed the petition and its attachments, from your perspective as a professional engineer, in the light of those six (6) factors.

A: Yes.

28. Q: From your perspective as an engineer, are the petition and its attachments true and correct?

A: Yes.

29. Q: From your perspective as an engineer is there anything in the petition or its attachments that is inconsistent with any engineering considerations raised by the State Plan? If so, please elaborate.

A: No. In fact, the district and its establishment are very much consistent with the State Plan.

30. Q: From your perspective as an engineer is there anything in the petition or its attachments that is inconsistent with any engineering considerations raised by the Manatee County Comprehensive Plan? If so, please elaborate.

A: No.

31. Q: Before asking questions with regard to those six (6) factors, let us discuss the special powers; that is, the proposed and contemplated systems, facilities, and services to be provided by the district, from an engineering perspective. Are you familiar with those systems, facilities, and services as proposed in the petition, which; if the district is established, petitioner propose to ask the Board of Supervisors of the district to provide?

A: Yes.

32. Q: What are they?

A: The details and specifics of such facilities have not yet been determined; however, it is anticipated that water management, utilities, roads, landscaping and street lighting will be proposed.

33. Q: Do you know if the petitioner has decided to ask the district when established to exercise any of the remaining powers in §190.012(1), F.S.?

A: I do not know.

34. Q: As an engineer are you aware of the fact that the district may petition the County to exercise additional powers in §190.012(2), F.S.?

A: Yes.

35. Q: Do you know whether the petitioner has yet decided to ask the district, when established, to petition the County to exercise any of these powers? If so, please explain.

A: I do not know.

36. Q: In any event, are your answers to the remaining questions in this testimony based upon the potential that the district may exercise any and all of the special powers authorized in all of §190.012, F.S.?

A: Yes.

37. Q: Are you aware of any physical factors on the property affecting the engineering of infrastructure by the district for the community development? If so, please identify, describe or explain.

A: No.

38. Q: Concerning the proposed exercise by the Board of Supervisors of the district, if established, of its special powers, what other person or entity could manage and finance the provision of these systems, facilities, and services if they were not to be provided by the proposed district?

A: County and private entities.

39. Q: Is there any special matter? If so, please explain.

A: No.

40. Q: Since you testified you are familiar with the factors to be considered, as required by Chapter 190, Florida Statutes, do you remember factor three (3) concerning whether the land are for the proposed development to be serviced by the proposed district is sufficient from various viewpoints so that the land area can be a functionally interrelated community?

A: Yes.

41. Q: From an engineering perspective only, what is a "community"?

A: An aggregation of mutually related individuals in a given location. This could be a residential community, a commercial community, an industrial community or a community that includes two or more of these plus others.

42. Q: What are some of the engineering functions which attend or are part of a community?

A: In the sense of a community as we know it in Florida, it would include the provision of potable water, sanitary sewers, water management, roadways, roadway lighting and landscaping.

43. Q: From an engineering viewpoint, do these functions you have identified relate to each other; that is, if these are engineering functions that are essential to a community, how do they interrelate to produce a community from an engineering perspective?

A: Yes. They are necessary to provide the basics for the health, safety and welfare of the members of the community.

44. Q: Then, from an engineering perspective, what is a "functionally interrelated community"?

A: A community that contains water, sewer, road, lighting and landscaping facilities.

45. Q: When you, as an engineer, look at raw land upon which to construct and operate a brand-new community, is the size of the land area appropriate to study?

A: Yes.

46. Q: Why?

A: The land size is the primary factor that determines the quantity of and type of activities that can occur.

47. Q: How does the size of the land area for a proposed community, from an engineering perspective, relate to your ability to render an opinion whether the community can function?

A: If the land area is too small, it may be impossible to provide the needed facilities.

48. Q: Have you reviewed the size of the land area to be serviced by the proposed Heritage Harbour Uniform Community Development District?

A: Yes.

49. Q: What is the size?

A: 981 acres, more or less.

50. Q: Does the size present any sufficiency problems?

A: No.

51. Q: In your opinion, is the size of the land area to be serviced by the proposed district sufficient to be developable as one functional interrelated community?

A: Yes.

52. Q: What is compactness of land, from your perspective as an engineer?

A: The concentration of the land in one general location.

53. Q: When you look at raw land on which a new community development is proposed, is it important, from your perspective as an engineer, to determine the compactness of that land?

A: Yes.

54. Q: Why?

A: To determine that the parts are concentrated sufficiently to create manageable infrastructure systems but not so small as to restrict the systems.

55. Q: Have you reviewed the proposed land area for the proposed Heritage Harbour Uniform Community Development District development to determine the degree to which the land is compact? Have you derived an opinion?

A: Yes.

56. Q: What is your opinion?

A: It is sufficiently compact enough to create manageable infrastructure systems yet large enough to pose no restrictions.

57. Q: As a professional engineer, considering the special powers to be exercised by the proposed district with regard to this land, have you formed an opinion of whether the land area is sufficiently compact to be developable as one functionally interrelated community. If so, what is your opinion?

A: Yes, it is.

58. Q: From an engineering perspective, and based upon your experience in providing infrastructure for new communities, what does the term "contiguous" mean to you?

A: Touching or uninterrupted to the extent that it would permit infrastructure development.

- 59. Q: How does one determine whether a land area is sufficiently contiguous in order to be developed as a functionally interrelated community?

A: If the infrastructure systems can be connected to function as one in an economical manner, the land would be sufficiently contiguous.

60. Q: As a professional engineer, considering the special powers to be exercised by the proposed district, have you formed an opinion whether the land area is sufficiently contiguous. If so, what is your opinion?

A: Yes. It is sufficiently contiguous.

61. Q: In your professional opinion, is the land area for the proposed Heritage Harbour Uniform Community Development District of sufficient size, sufficient compactness, and sufficient contiguity to be developable as one functionally interrelated community?

A: Yes, it is.

62. Q: Is your answer the same when related to potential use of all special powers?

A: Yes.

63. Q: Have you read factor number 6 in Chapter 190, Fla. Stat., which deals with whether the land area to be serviced by the proposed district is amenable to district governance?

A: Yes.

64. Q: From an engineering perspective, how would one determine whether a land area for a proposed development is amenable to having systems, facilities, and services managed and financed by a district government?

A: By determining if the district area is compact, contiguous and of sufficient size to be developed as a functional community.

65. Q: Have you formed an opinion whether the land are for the proposed district is amenable to separate district governance? If so, what is your opinion?

A: Yes. My opinion is that the land area is amenable because there were no land features or facilities making the special benefits of pinpointed, focused and special capabilities of the District hard to provide.

66. Q: Are you familiar with factor number 5 in the Community Development District Act dealing with whether the proposed district would be incompatible with community development services or facilities, either existing or authorized, on the site?

A: Yes.

67. Q: From an engineering perspective, what are "community development services or facilities"?

A: Water and sewer facilities, water management, roads, roadway lighting and landscaping.

68. Q: Have you determined whether any such facilities are on site?

A: Yes.

69. Q: What are they?

- A: There are no "community development services or facilities" on site.
70. Q: From your perspective as an engineer and with regard to the second factor have you reviewed the District Petition and related attachments, exhibits and information in the light of the State plan and also the Manatee County local government comprehensive plan to determine whether creation and establishment of the proposed Heritage Harbour District would in anyway be inconsistent with those plans, and, if so, what have you determined?
- A: The District would not be inconsistent with those plans.
71. Q: From an engineering perspective, have you reviewed the Petition, its attachments and all related information and exhibits to determine whether to the best of your knowledge the information is true and correct, and, if so, what have you determined?
- A: To the best of my knowledge, the information is true and correct.
72. Q: With regard to factor 4 and based upon your work in assisting in the processing of this Petition and on your testimony in this proceeding, have you identified and reviewed various other public or private alternatives available to the Petitioner for the management and financing of basic infrastructure to the proposed Development?
- A: Yes.
73. Q: Please tell us the alternatives you consider, both public and private.
- A: Manatee County and private.
74. Q: Have you determined which alternative is the best for the proposed Heritage Harbour Community Development in Manatee County, and, if so, please explain why.
- A: Heritage Harbour Uniform Community Development District is the best alternative because it provides long term management of the systems, facilities and services by the most local available entity with statutory powers to be focused, pinpointed and unaffected by extraneous matters. Manatee County will provide potable water and sanitary sewer services to the lands within the district.
75. Q: Have you learned anything about establishing a community development district on the referenced property in Manatee County that would undermine or modify your answer?
- A: No.
76. Q: How would you determine whether the proposed or potential systems, facilities, or services to be exercised by the district, under its special powers, would be incompatible or compatible with any existing or authorized local, regional, or state community development services or facilities?

A: Compare the proposed to the existing or authorized to determine if the proposed system, facility or service were a duplication or in conflict with an existing or authorized system, facility or service.

77. Q: Have you made such a determination?

A: Yes.

78. Q: Have you formed a professional opinion whether the establishment of the proposed Heritage Harbour Uniform Community Development District is incompatible with the community development services or facilities existing or authorized on the site?

A: Yes.

79. Q: What is that opinion?

A: It is not because none exist, nor are any authorized.

80. Q: Have you read factor 4 in Chapter 190, Fla. Stat., dealing with the determination of what is the best alternative to provide services and facilities to the land area on which the proposed district is to exist?

A: Yes.

81. Q: Have you considered that factor from your perspective as a professional engineer with regard to the proposed site?

A: Yes.

82. Q: Are there other alternatives to the use of the special purpose district local government to manage and finance the delivery of the special systems, facilities, and services to Heritage Harbour Uniform Community Development District land area. If so, what are they?

A: Yes, County and private.

83. Q: What are some of the things you would consider, in your review as a professional engineer, to determine which of these alternatives might be the best alternative available for Heritage Harbour Uniform Community Development District land area?

A: Availability of services, cost of services, long term level of management and maintenance of systems, facilities and services.

84. Q: Have you used these considerations in your review of the proposed Heritage Harbour Uniform Community Development District?

A: Yes.

85. Q: From an engineering perspective, is having these facilities provided purely by the County the best alternative? Please explain.

A: No. The County, though well staffed, has other infrastructure issues with which to contend, all legitimate, to be as focused as the District on a long term basis.

86. Q: From your engineering perspective, is having these special facilities, systems and services provided by the private developer or private associations and companies the best alternative? Please explain.

A: No. Developers have no duty to equate profit with long term quality and staying power.

87. Q: Do you have an opinion whether the proposed Heritage Harbour Uniform Community Development District is or is not the best alternative available to deliver the community development systems, facilities and services to the proposed Heritage Harbour Uniform Community Development land area?

A: Yes.

88. Q: What is that opinion?

A: Heritage Harbour Uniform Community Development District is the best alternative because it provides long term management of the systems, facilities and services by the most local available entity with statutory powers to be focused, pinpointed and unaffected by extraneous matters.

8989. Q: From an engineering perspective, how would you determine whether the establishment and functioning of a community development district would, in any way, overburden the county government?

A: Determine if the district would place any administrative or financial burden on the County government.

- 90. Q: Have you applied that determination approach to the proposed Heritage Harbour Uniform Community Development District in relationship to the potential for any overburdening of Manatee County government?

A: Yes.

91. Q: Have you formed an opinion, after using this approach, whether the establishment and functioning of the proposed Heritage Harbour Uniform Community Development District would, in any way, overburden Manatee County government?

A: Yes.

92. Q: What is that opinion?

A: It will not overburden Manatee County government because the administration and operation of the district is paid for by the owners of lands within the district.

93. Q: From an engineering perspective, how would you determine whether the establishment and functioning of a community development district would, in any way, overburden the taxpayers of the county?

A: Determine if the district would place any administrative or financial burden on the County government.

94. Q: Have you formed an opinion?

A: Yes.

95. Q: What is that opinion?

A: It would not place a burden on the County government.

96. Q: From your perspective as a professional engineer qualified in the planning, implementation, and maintenance of infrastructure systems for community developments, what is "proliferation" of local governments, systems, facilities, and services in the county?

A: Proliferation is growing in numbers.

97. Q: How would you determine whether there is needless or unacceptable proliferation of local government, systems, facilities and services, as a professional engineer?

A: Determine if the systems, facilities and services are of appropriate size to provide reasonably economical service to the consumer.

98. Q: How would the six factors help in a professional determination of whether there is needless or unacceptable proliferation?

A: They constitute the logical tests of consistency, size, compactness, contiguity, compatibility and amenability.

99. Q: Have you formed an opinion whether the establishment of the proposed Heritage Harbour Uniform Community Development District would constitute, pursuant to the general law standards by which this process is governed, needless or unacceptable proliferation of local government infrastructure, systems, facilities and services?

A: Yes.

100. Q: What is that opinion?

A: It would not.

101. Q: Have you discovered, or are you aware, of any special situations which need to be resolved or which have been resolved?

A: No.

102. Q: In your professional opinion, is the establishment of Heritage Harbour Community Development District as proposed in this proceeding the best alternative available?

A: Yes.

MICHAEL KENNEDY, P.E.
Manager Sarasota & Bradenton/Sr. Vice President

PROFILE

EDUCATION

Bachelor of Science
Civil Engineering
Auburn University

**PROFESSIONAL
REGISTRATION**

Professional Engineer, Florida
Professional Engineer, Alabama

**PROFESSIONAL
AFFILIATIONS**

American Society of Civil
Engineers;
Florida Engineering Society;
National Society of Professional
Engineers.

**AWARDS AND
RECOGNITIONS**

Young Engineer of the Year,
Florida Engineering Society,
Calusa Chapter, 1992-1993;
Manatee Chamber of Commerce,
Leadership Manatee Graduate,
1996-1997.

COMMUNITY ACTIVITIES

Board of Governors, Manatee
County Economic Development
Council (Year 2000 Chairman);
Board Member, Manatee County
YMCA;
Board Member, Manatee Chamber
of Commerce.

Mr. Kennedy has over 18 years of experience as a civil engineer within the southeast U.S., the last 13 being in Florida. He is currently a Senior Vice President of WilsonMiller, as well as Principal-in-Charge of the firm's Sarasota and Bradenton offices. Mr. Kennedy has managed over 50 projects ranging from large-scale mixed use developments (up to 5,000 acres) to smaller water and sewer projects. He is also experienced in the formation and operation of Community Development Districts, currently serving as District Engineer for three Districts.

PROJECT EXPERIENCE

Master Planned Communities

Heritage Harbour, Manatee County, Florida - principal-in-charge for this 2,700-acre mixed use development that includes 5,000 residential units, 45 holes of golf, 797,000 square feet of commercial space, and a 462 slip marina.

Lakewood Ranch, Manatee County, Florida - principal-in-charge/CDD district engineer for this 4,500-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. The mixed use development includes 45 holes of golf, five distinct villages, a hotel, and over 8,000 living units.

Lely Resort Community, Collier County, Florida - project manager/CDD district engineer for the design and permitting of all utilities, water management, roadways and golf courses for this 2,200-acre mixed use development that includes commercial facilities, three golf courses, a hotel, and single/multi-family housing.

Key Marco, Collier County, Florida - project manager/CDD engineer for infrastructure design, including roads, utilities and water management for this 174-acre upscale single-family development on Horr's Island off Marco Island.

Heron Creek, Sarasota County, Florida - principal-in-charge for 831 acres in the City of North Port. The development includes 27 holes of golf, 1,900 residential dwelling units, 500,000 retail/service gross square feet, and 250,000 office gross square feet. Focal point of the community is the Town Center, which provides a central location for services and facilities oriented toward the community's residents recreation, medical and retail needs.

Community Development Districts

Lakewood Ranch, Manatee County, Florida - District Engineer for this 4,213-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. This mixed use development includes 54 holes of golf, 5 distinct villages, a hotel and 8,638 living units.

MICHAEL KENNEDY, P.E.
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Key Marco, Collier County, Florida - District Engineer for the infrastructure design, including roads, utilities and water management for this 174-acre upscale, single-family development on Horr's Island off Marco Island.

Water/Wastewater/Irrigation

Lakewood Ranch, Manatee County, Florida - principal-in-charge for this 4,213-acre premier residential development and destination resort in the Sarasota/Bradenton metropolitan area. Facilities include master water, sewer and irrigation system to serve 54 holes of golf, 5 distinct villages, a hotel and 8,638 living units.

South County Wastewater Master Plan Update, Collier County, Florida - updated wastewater master plan for the Collier County Utilities Division.

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General Site Work

MICHAEL KENNEDY, P.E.
Manager Sarasota & Bradenton/Sr. Vice President

GulfCoast Corporate Park, Manatee County, Florida -

principal-in-charge for the design and permitting strategy of high quality 140-acre commercial development. Optimum buildout potential was analyzed, lots sized and positioned, and roads and amenities were designed for high image tenants. Partnering approach with local and regional authorities allowed meeting internal construction deadlines while giving the park its first facility.

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project management responsibilities for infrastructure design, permitting and construction services of a 17-acre shopping center.

Immokalee Health Clinic, Phases I and II, Collier County,

Florida - project manager for infrastructure design, permitting and construction services of a 15-acre hospital and health clinic.

HERITAGE HARBOUR COMMUNITY DEVELOPMENT DISTRICT
TESTIMONY OF BETSY BENAC, AICP

1. Q: Please state your name and business address.

A: Betsy Benac
6900 Professional Parkway East, Suite 100
Sarasota, FL 34240-8414

2. Q: What is your occupation and place of employment

A: Planner, WilsonMiller, Inc., Sarasota, Florida

3. Q: Please summarize your formal education as a planner. Have you ever been qualified as an expert in planning by a Hearing Officer?

A: Please see attached resume for my education and experience as a planner and for information on the number of times I have been qualified as an expert in planning and growth management.

4. Q: Have you ever had experience relating to planning, and financing infrastructure for community developments?

A: Yes.

5. Q: What is "infrastructure"?

A: Infrastructure are those physical systems of a community which provide necessary services to the community's population. Infrastructure includes the construction and maintenance of roads, water lines, water wells, sewage treatment plants, water management systems and irrigation systems, parks and street lighting. Infrastructure also includes all the facilities which make up these individual systems.

6. Q: Is planning for infrastructure delivery critical, especially for large-scale, long-term buildout developments?

A: Yes.

7. Q: What, from a planner's perspective, is "growth management"?

A: Growth management is a concept passed by the 1985 Florida Legislature to establish a top-down (state to local) planning system throughout the state. Growth management consists of a State Comprehensive Plan with issues, goals and policies; a regional comprehensive policy plan which is consistent with the State Plan; Rule 9J-5, F.A.C., which implements the State Comprehensive Plan; and finally, the local comprehensive plans which must be consistent with all of the above. The

local plans are adopted by the local government and approved by the State. These plans form the basis of land development regulations which, govern the future actions of the County. The key to growth management is the so-called "concurrency" provision which requires certain infrastructure to be in place concurrent with development. Counties are also required to show on a map what future land use will be allowed in the County.

In short, growth management is a tool adopted by the State Legislature to force local governments to analyze and plan for the design, funding, operating and maintenance of past growth and the future development of the State.

8. Q: Are you familiar with the terms "public sector planning" and "private sector planning"? That is, planning done for counties and cities, as well as the state, as opposed to planning done for land owners and developers?

A: Yes.

9. Q: Based upon your own experience and expertise, what is the difference between such public sector planning and private sector planning?

A: Public sector planning requires planning on a "macro" scale. Governments plan for the future growth of a community and for the delivery of basic services (water, sewer, roads, police, fire, schools) to a large population. Public sector plans cover areas as large as cities, counties regions or the entire state.

10. Q: What is "comprehensive planning"?

A: Comprehensive planning is the process of producing a plan to guide the growth and development of a community, region or state. It includes analysis, recommendations, goals objectives and policies for the community's economy, population growth, housing transportation, land use, environment, and fiscal makeup.

11. Q: Are you familiar with the State Plan in Chapter 187, Florida Statutes?

A: Yes.

12. Q: Are you familiar with the Regional Policy Plans authorized by law?

A: Yes.

13. Q: Please list any honors, civic or professional, or related awards, which you have received relating to your profession.

A: Past President of the Gulf Coast Chapter of the Florida Planning and Zoning Association; past member of Manatee County Board of Zoning Appeals; member of American Institute of Certified Planners.

14. Q: Were you part of Heritage Harbour DRI team, from a planning perspective?

A: Yes.

15. Q: Are you part of Heritage Harbour team who put together the petition to establish the proposed Heritage Harbour Community Development District?

A: Yes.

16. Q: Are you familiar with the Manatee County Comprehensive Plan?

A: Yes.

17. Q: Have you reviewed the Manatee County Comprehensive Plan and any related land development regulations as applicable to Heritage Harbour project?

A: Yes, Manatee County Comprehensive Plan, Heritage Harbour Development of Regional Impact ADA and Development Order, and Heritage Harbour Mixed Use Planned Development Zoning.

18. Q: Is there any difference between the planning work done for a Development of Regional Impact as opposed to the planning work done toward the establishment of the community development district?

A: Yes, there is a difference. Planning for development approval deals essentially with the density, intensity and uses of land and, ultimately, whether the land should be developed, essentially including the planning aspects of location, character and magnitude of the development. On the other hand, planning for district establishment addresses the basic question of whether and to what extent a new local government should exist, dealing with such matters as the amenability of the land area to district governments, unrelated to development considerations. This type of planning follows the basic principles of establishing a government. It is a given that the need for governmental services and facilities exist; therefore, the planner's task is to determine the best way to manage and finance the operation, maintenance and construction of these services and facilities.

19. Q: Are you familiar with Chapter 190, Florida Statutes, as amended, the Florida Uniform Community Development District law?

A: Yes.

20. Q: Are you familiar with Chapter 189, Florida Statutes, the Florida District Countability law?

A: Yes.

21. Q: Are you familiar with the State Plan in Chapter 187, Florida Statutes?

A: Yes.

22. Q: Have you reviewed the State Plan?

A: Yes.

23. Q: What is a comprehensive plan?

A: A Comprehensive Plan is a compendium of material in a descriptive form, written or graphic, which describes the existing resources and population as well as expected population growth and guides the future development of an area with principles, guidelines, policies, goals, objectives and standards. The plan provides for the orderly and balanced long-range future economic, social, physical environmental and fiscal development of an area.

24. Q: Have you read the Manatee County-Heritage Harbour Petition to establish Heritage Harbour Community Development District as completed and officially filed and reviewed its attachments?

A: Yes.

TENDER AS EXPERT! Planner, land use; capable of rendering opinion testimony as to:

- State Comprehensive Plan.
- Local comprehensive plan and land development regulations.
- Planning aspects of the management and financing of infrastructure systems facilities and services in general and as related to the Uniform Community Development District.

25. Q: Have you read and studied the six factors in Section 190.005(l)(e) 1 through 6, Florida Statutes, to be considered by the Hearing Officer and the Governor and Cabinet in determining whether to establish the proposed District?

A: Yes.

26. Q: As a planner, have you considered those six factors with regard to the proposed Heritage Harbour District?

A: Yes.

27. Q: In your opinion, from your planning perspective, are the Petition and its attachments true and correct?

A: Yes.

28. Q: Regarding the second factor of consideration, whether creation of the District is inconsistent with any applicable element or portion of the State Comprehensive Plan, or the Manatee County Comprehensive Plan, have you applied it in the light of the proposed Heritage Harbour District, in your capacity, as a professional planner?

A: Yes.

29. Q: Since you have read and are familiar with the State Plan, are you aware that it does not have "elements or portions", but rather, is organized into 25 subjects with 25 goals and several policies under each such goal?

A: Yes.

30. Q: Did you set out to determine as a planner whether the proposed District, if created and established, would be inconsistent with any applicable element or portion of the State Plan?

A: Yes.

31. Q: Please describe the methodology you used.

A: I reviewed 25 subject areas in the State Comprehensive Plan and inventoried those subjects, goals and policies which do not deal with development districts. These were eliminated. I then reviewed just those subjects, goals and policies which are applicable to the formation of local governments, developments or districts.

32. Q: Have you, therefore, determined which goals and subjects in the State Plan apply to developments as opposed to the specific question of governmental services and facilities through special districts?

A: Yes.

33. Q: Have you, therefore, also determined which goals and subjects of the State Plan apply only to governmental services through special districts?

A: Yes.

34. Q: Have you, therefore, also determined how these subjects and goals, and any of their applicable policies, apply to the proposed Heritage Harbour District?

A: Yes.

35. Q: What subjects do you believe have goals or policies, based upon your methodology, which apply to the subject of establishing the proposed Heritage Harbour District?

A: Based on my methodology, I found four subjects which apply. These are No. 16 Land Use, No. 18 Public Facilities, No. 21 Governmental Efficiency, and No. 26 Plan Implementation. Some of these subjects have goals and policies which apply, some have just policies which apply.

36. Q: Concerning subject No. 16 and its related goal, doesn't it deal with development matters? And, if so, is that not applicable to the establishment of the district?

A: Yes, it deals with development matters and yet it is applicable to the establishment of districts.

37. Q: Does goal No. 16 apply, and if so, why?

A: Goal 16 recognizes the importance of locating development in areas that have the fiscal abilities and service capacity to accommodate growth. Community development districts are designed to provide infrastructure and services in a fiscally responsible manner to areas which can accommodate the development.

38. Q: Is establishment of the proposed Heritage Harbour District inconsistent with this goal?

A: The establishment of the proposed Heritage Harbour District is not inconsistent with this goal, in fact, it is consistent because it will have the fiscal capability to provide a wide range of services to a population in a designated growth area.

39. Q: Is establishment of Heritage Harbour District inconsistent with any policy under this goal?

A: No.

40. Q: What does Policy 16(b)1 provide and how does it apply?

A: Policy 16(b)1 promotes efficient development activities in areas which will have the capacity to service new populations and commerce. Heritage Harbour CDD will be an efficient vehicle to provide an excellent quantity and range of services to the approved Heritage Harbour Community.

41. Q: What does Policy 16(b)2 provide and how does it apply?

A: Policy 16(b)2 encouraged the development of a system of incentives and disincentives in the State to help the separation of urban and rural land uses while protecting the State's environment. The Heritage Harbour District will provide infrastructure to development in an area of Manatee County that is rapidly urbanizing. This will help to eliminate sprawl in the County and will help separate urban from rural uses.

42. Q: Are there any other policies which apply?

A: No.

43. Q: Is creation and establishment of Heritage Harbour District inconsistent with Policy Nos. 16 B-1 and 16 B-2? Why?

A: No, the establishment of Heritage Harbour District is consistent because it is compatible with and furthers these policies.

44. Q: With regard to subject and goal No. 18 dealing with public facilities, the goal is that Florida shall protect the substantial investments and public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly and efficient manner. How does this goal apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed District be inconsistent with this subject and goal? Why?

A: The Heritage Harbour District is designed to provide services to the land area and population in the Heritage Harbour Community. The creation and establishment of the proposed District would not be inconsistent with this subject and goal, in fact, it would be consistent. By providing the infrastructure needed to serve Heritage Harbour community at no cost to the County, it allows County resources to be focused on the needs of the population of the County located outside the district. The District will contribute to the efficient provision of services to the County's residents.

45. Q: Concerning Policy (18)(b)3, which is to allocate the costs of new public facilities on the basis of benefits received by existing and future residents, how does that apply to the proposed District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with Policy (18)(b)3?

A: The proposed District is being established for the specific purpose of serving the future residents of Heritage Harbour. These residents will receive the benefits of the new public facilities and they will bear the costs associated with construction, operation and maintenance of the facilities. The creation and establishment of Heritage Harbour District would be entirely consistent with the Policy (18)(b)3.

46. Q: Policy No. (18)(b)4 provides for creating a partnership among state governments, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them. How does this policy apply to Heritage Harbour District? Would creation and establishment of Heritage Harbour District be inconsistent with this policy? Why?

A: Heritage Harbour District would, in fact, be a special form of local government. Heritage Harbour District acts in partnership with Manatee County to identify those public facilities which could be appropriately provided by the District. Those facilities determined to be appropriate for the District will be managed and funded by the methods available to the District. These services will then benefit those residents and landowners who have paid directly to the District. The creation and establishment of the Heritage Harbour District would be entirely consistent with this policy because it would be compatible with and further this policy.

47. Q: Policy No.(18)(b)5 provides for encouraging local government financial self-sufficiency and for providing public facilities. How does this policy apply to Heritage Harbour District? Would creation and establishment of Heritage Harbour District be inconsistent with this policy? Why?

A: Heritage Harbour District would be a special local government whose governmental management duties would be financed through assessment and taxes placed only on residents and property within the district. The creation of the district would provide all the necessary public facilities to service the population residing and property located in the district. This reliance on fees, assessments, and taxes from within the district allows for financial self-sufficiency in providing public facilities. Because of this, the creation and establishment of Heritage Harbour District is fully consistent with Policy (18)(b)5.

48. Q: Policy No. (18)(b)6 provides for the identification and implementation of innovative but fiscally sound and cost-effective techniques for financing public facilities. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed District be inconsistent with this policy?

A: The concept of a community development district would be considered an innovative concept for the management of the delivery of public services. Since these district governments bring the cost of managing financing services and facilities down to the closest level of government, i. e., those who pay for the services receive the services, it is a very efficient technique for financing the management of these public facilities. Heritage Harbour District would be unique to Manatee County and would provide an innovative alternative to the traditional tax structure for managing and funding public facilities within the district. The creation and establishment of Heritage Harbour District would be fully consistent with this policy.

49. Q: Policy No. (18)(b)7 encourages the development, use and coordination of capital improvement plans by all levels of government. How does this policy apply to Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: In its normal operating procedures Heritage Harbour District would have detailed capital improvement implementing plans for the provision of public facilities and services to the population within the District. These capital improvement plans would be coordinated with the development plans within the District and would be public documents which allow for review by the Manatee County government. These capital improvement implementing plans must be consistent with the County's Comprehensive Plan; therefore, the creation and establishment of the proposed Heritage Harbour District would be fully consistent with this policy.

50. Q: Concerning subject 21, Governmental Efficiency, how would its goal, that Florida governments shall economically and efficiently provide the amount and quality of services required by the public, apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this subject and goal?

A: The proposed Heritage Harbour District would be established to supply those public services and facilities needed by the people and the land within the district. The

board of directors of this district are required to use the assessments, taxes and fees generated from the district to provide a high quality and quantity of service to those who pay the fees, taxes or assessments. Since the land area that these services are being provided to is of sufficient size and is functionally unified into a plan of development and the population within the land area receives direct benefits of the fees, taxes and assessments paid, the ability to provide these services in an efficient and economical manner is enhanced. The Heritage Harbour District is fully consistent with this goal and subject.

51. Q: Policy No. (21)(b)I encourages greater cooperation between, among, and within all levels of Florida government through the use of appropriate inter-local agreements and mutual participation for mutual benefit. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: The Heritage Harbour District when created, becomes a separate local, government with the authority to provide public services and facilities within a limited land area. As a local government it has the ability to agree to inter- agreements and mutual participation for the benefits of the land and people within its district and the rest of the county. However, since any action of the district cannot be inconsistent with the Comprehensive Plan of the County, both governments will be working toward a compatible way to meet the Comprehensive Plan's requirements. In any event, the County's Comprehensive Plan controls. This leads to close communication and coordination between the levels of government which provide a mutual benefit for both parties. The creation and establishment of Heritage Harbour District is fully consistent with this policy.

52. Q: Policy No.(21)(b)2 provides for allowing the creation of independent special taxing districts, which have uniform general law standards and procedures, and do not overburden-other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: Policy No. (21)(b)2 speaks directly to the point of why community development districts are an important and integral part of the management and financing of a community. These CDDs have uniform general law standards as specified in Chapter 190, Florida Statutes. They are financed by those people who directly receive the benefits of the services and facilities they provide, and they do not burden the general taxpayer with paying for services and facilities inside the District's boundaries. Since all Chapter 190 community development districts are created pursuant to these specific general laws, factors and standards specified in the law, the establishment of this type of district is fully consistent with the policy not to allow the proliferation of independent taxing districts that do not have those specific general law factors and standards. The establishment of Heritage Harbour District would be the needless proliferation of any independent district only if the Governor and Cabinet did not review its establishment using the six factors specified in Chapter 190.005(1)e. Once the Governor and Cabinet reaches a

determination, based on professional testimony and analysis that all the requirements specified in law have been met, the establishment of a new district is fully consistent with this policy.

53. Q: Policy No. (21) (b)5 calls for elimination of needless duplication of, and promotes cooperation in, governmental activities between, among and within state, regional, county, city and other governmental units. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: The policy speaks specifically to the needless duplication of governmental activities. The establishment of Heritage Harbour District will be in accordance with the six factors in Chapter 190.005(1)e; therefore, no needless duplication can exist. Also, since the actions of the District shall not be inconsistent and shall be subject to the Manatee County Plan, are open for inspection by County personnel, and are taken in a public forum, cooperation between the governmental entities is enhanced. The creation and establishment of Heritage Harbour District would not be inconsistent with this policy, but would be consistent.

54. Q: Policy No. (21)(b)9 encourages greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management and evaluation procedures. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: The superior management capabilities inherent in an established community development district promotes effective records management, information management and evaluation procedures. Since Heritage Harbour CDD will be established for the sole purpose of providing facilities and services to the specially configured land area, it can focus all its efforts into monitoring how the provision of these facilities and services are progressing. Heritage Harbour District would not be inconsistent with this policy, in fact, it would be fully consistent.

55. Q: Subject No. 26 deals with plan implementation. Its goal is that systematic planning capabilities shall be integrated into all levels of government in Florida, with particular emphasis on improving intra-governmental coordination and maximizing citizen involvement. How do this subject and goal apply to the proposed Heritage Harbour District? Is the proposed Heritage Harbour District inconsistent with Goal (26)(a)?

A: Heritage Harbour District, once established, will be able to systematically plan for all aspects of the provision of public improvements and community facilities authorized in Chapter 190, Florida Statutes, subject to the Manatee County Plan and related land development regulations. The special powers provided in the statute, in terms of regulatory and permitting authority relating to the approval of public facilities and services, allows for the integration of planning, design, permitting, construction and long-term maintenance and management of all facilities. The crucial public infrastructure will be provided "concurrent" with or phased with the development of Heritage Harbour and will be coordinated with the County capital improvement

element. Since all of Heritage Harbour District meetings will be open to the public, all citizens within the district can be involved in the planning of the district land and the County can monitor early on the compliance with the Development Order for Heritage Harbour. This level of government is very close to the citizen that it serves. The proposed Heritage Harbour District is not inconsistent with Goal 26(a) and is, in fact, fully consistent with it.

56. Q: Policy No. (26)(b)2 ensures every level of government has the appropriate operational authority to implement the policy directive established in the plan. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed District be inconsistent with this policy?

A: Chapter 190, Florida Statutes, provides the necessary operational authority to a special purpose local government to implement those activities specified in their plan. These operational authorities are very specific and in no way interfere with the operational authority given to a general purpose local government.

The proposed Heritage Harbour District is fully consistent with this policy.

57. Q: Policy No.(26)(b)3 provides for establishing effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: Sections 190.002(2)(c) , and 190.004(3), Florida Statutes provides that all CDDs must comply with all applicable government laws, rules and regulations therefore, nothing the District does can conflict with this expressed intent and direct dispositive authority in the statute. The districts provide an effective way to monitor and enforce the compliance with all the regulatory programs. Heritage Harbour District must comply with the intent of the CDD statute and will be responsible for all regulatory compliance. The proposed district is fully consistent with this policy.

58. Q: Policy No. (26)(b)8 provides for encouraging the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth. How does this policy apply to the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with this policy?

A: The establishment of Heritage Harbour District would require that the District prepare an implementing plan, consistent with the County Comprehensive Plan, to guide the financing, design, construction and other management functions of the infrastructure within the District's boundary. This plan must describe the orderly, environmentally and economically sound provision of services and facilities to service the growth in Heritage Harbour District. The proposed Heritage Harbour District would not be inconsistent with this policy, and would, in fact, be fully consistent.

59. Q: Are there any policies in subject and goals 16, 18, 21 and 26, which we have not discussed, which in any way would apply to creation and establishment, of the proposed Heritage Harbour District? Would creation and establishment of the proposed Heritage Harbour District be inconsistent with any of these policies?

A: No, all policies which apply in subject and goals 16, 18, 21 and 26 have been discussed.

The proposed creation and establishment Heritage Harbour District would not be inconsistent with any of these state comprehensive plan areas and in fact, it is fully consistent with each one.

60. Q: Concerning the subjects, goals and policies under those subjects and goals, which you have found do not apply to the proposed District, would creation and establishment of a proposed Heritage Harbour District be any way inconsistent with these policies? Why?

A: No. Since these subjects, goals and policies do not apply to the District, nothing in them can be forced to relate to the general law creating the district concept. This is stated in Chapter 190, Florida Statutes.

61. Q: In your professional opinion as a planner expert in the management and financing of infrastructure systems, facilities, and services, would creation and establishment of the proposed Heritage Harbour District be inconsistent with the state plan and any of its subjects, goals or policies?

A: The creation and establishment of the proposed Heritage Harbour District is fully consistent with all parts of the State Comprehensive Plan.

62. Q: You testified earlier that you have read and reviewed the Manatee County Comprehensive Plan, Ordinance No. 96-19, as amended. What is the status of this plan? Is the plan currently in effect? Was the plan in effect upon the submission of a petition to the co-petitioning county and upon filing of the petition with the State? In preparing for the District petitioning process, in your capacity as professional planner, and in preparing for this hearing, have you analyzed the requirements of the Manatee County Comprehensive Plan as related to the special powers for infrastructure system facilities, and services of the proposed District (water and sewer, roads, street lights and related roadway landscaping)?

63.

A:

- **Manatee County has an approved plan by the Department of Community Affairs.**
- **The plan was in effect when Heritage Harbour CDD petitions to the County and State were submitted.**
- **Yes.**

64. Q: Have you analyzed each proposed special power in the light of the Manatee County Comprehensive Plan to determine whether creation and establishment of the proposed Heritage Harbour District to perform some or all of these proposed systems, facilities, and services would be inconsistent with the Manatee County Plan?

A: Yes.

65. Q: What methodology did you use to make such a determination?

A: By way of methodology, I applied each special power available to the Community Development District under all of Section 190.12, Florida Statutes, in light of every element, component, section and other and other aspect of the Manatee County Comprehensive Plan. I applied this Plan as a planner in order to determine whether there is any particular inconsistency with the Plan from creation and establishment of the proposed District.

The detailed methodology I used to make this determination is similar to that I outlined with regard to the State Plan. First, I eliminated certain goals, objectives, policies, elements, components, sections and portions which do not address creating and establishing the proposed District. I also rejected those which relate strictly to community developments. These subjects are irrelevant to the creation and establishment of the proposed District. After eliminating these matters, I identified and evaluated the remaining parts of the Plan as to whether creation and establishment of the proposed District, exercising any and all of its special powers, would be inconsistent

66. Q: What special powers are available to be exercised by the proposed Heritage Harbour District?

A: The district, operated by five supervisors, will have the power to contact and hire managers and staff, exercise eminent domain outside the district's boundaries subject to local government approval. The district can plan, implement, maintain and finance water management and control water supply, bridges and culverts, street lights, and roads and landscaping, parks and other necessary infrastructure. The district has the authority to finance these management functions by levying taxes, assessments and issuing bonds.

67. Q: In your review of the Manatee County Comprehensive Plan did you find anything in that plan related to the exercise of these powers by the proposed Heritage Harbour District? What did you find?

A: Yes. I noted two particular sections for the purposes of this planning analysis which relate to the exercise of these powers, Objective 10.1.10 and Policy 10.1.10.1 which deal specifically with the creation of a community development district.

Objective 10.1.10 and Policy 10.1.10.1 relate specifically to the establishment of a District pursuant to Chapter 190, Florida Statutes. The establishment of the Community Development District to provide the governmental services attendant to Heritage Harbour complies fully the goals, objectives and policies of the Manatee Plan. Furthermore, the petition is specifically consistent with Objective 10.1.10 of the Manatee County Comprehensive Plan Capital Improvements Element. This objective requires the County to utilize funding derived from growth to offset costs

for provision of public facilities which serve new growth. In addition, Policy 10.1.10.1 of the Manatee County Comprehensive Plan specifically references the establishment of community development districts as a funding mechanism to recapture the costs for providing facilities and services to new growth.

68. Q: Have you reviewed the development order for Heritage Harbour DRI? Under what circumstances does it relate to the exercise by the District of its special powers authorized under Section 190.012(l), Florida Statutes, and specifically, the proposed special powers of the petitioner, water and sewer, as well as roads, street lights and related roadway landscaping?

A: Yes, I have read the Development Order for Heritage Harbour DRI. The Development Order specifically addresses how water and sewer will be delivered to the project and by whom. Even though the District has the potential power to provide these services, the D.O. preempts this authority and requires the population of Heritage Harbour project to be water and sewer customers of Manatee County Utilities. The Development Order also addresses roads in Heritage Harbour project.

A provision in the D.O. requires the developer of Heritage Harbour to be responsible for all intersection improvements, including signalization, and turn lanes and deceleration lanes. Finally, the D.O. requires that all internal improvement capital cost relating to roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure be borne by Heritage Harbour. All of these infrastructure requirements are allowed under the powers of the special district.

69 Q: What if, upon creation and establishment, at a subsequent date, the Board of Supervisors of the proposed Heritage Harbour District petition the County, and the County grants, the exercise by the District of any of the optional special powers under Section 190.012(2), Florida Statutes? That is, would this possibility of future determination by the County and the District affect your current assessment on whether creation and establishment of a proposed District is inconsistent with the Manatee County Plan?

A: No, nothing in the Manatee County Plan precludes a district from exercising the optional special powers under Section 190.012(2).

70. Q: What if the Board of Supervisors of the District, at a subsequent date after establishment, lawfully chooses to exercise additional powers available to it automatically under section 190.012(l), Florida Statutes? That is, how has that eventuality affected your determination of whether creation and establishment of the proposed District is inconsistent with the Manatee County Comprehensive Plan?

A: Since Chapter 190, Florida Statutes, prohibits any community development district from acting in any way inconsistent with the local government's comprehensive plan, the exercising of any power must be done with the plan in mind. The activities of the district will require County review just like any other developer in the County. Therefore, the use of those powers granted to districts does not make it inconsistent with the Manatee County Plan.

71. Q: Based upon this testimony, have you formed an opinion whether establishment of the proposed Heritage Harbour Community Development District is or is not inconsistent with the Manatee county Comprehensive Plan. What is that opinion?

A: Chapter 190, Florida Statutes, requires that any action taken by a district be consistent with a County Plan, therefore, the establishment of Heritage Harbour District would clearly be consistent with the goals, objectives and policies of the Manatee County Plan.

72. Q: Since you have testified that you have read Chapter 190, Florida Statutes, that you are familiar with the six factors, do you recall factor No. 3 concerning whether the land area for the proposed development to be serviced by the District is sufficient as a matter of size, compactness and continuity, to be a functionally interrelated community?

A: Yes, I recall factor 3.

73. Q: From your perspective as a professional planner, what is a community? What are some of the functions of a community? From a planning perspective, how do these functions interrelate? What would the term "functional interrelation" mean?

A: A community is a unified body of individuals living in a particular area linked by common, social, political or economic interest. Community governments provide people with those facilities and services they desire to live in the community. These include water, sewer police, fire protection, roads, parks, libraries and some social services such as child cars, affordable housing assistance and health care.

From a planning perspective, the functions of a community must be integrated into a long-range plan to analyze the future needs of the community. Each function requires a funding source and an understanding of the size of the community's needs so as to handle the growth and development of the community. Functional interrelation means that each community function has mutual relationship to the other. Each function must be designed to contribute to the development or maintenance of the larger whole, or as used here, the community.

74. Q: Have you reviewed the size of the land area for the proposed Heritage Harbour District to service? What is its size? Is it, in your opinion, of sufficient size to function as a functionally interrelated community? Why?

A: Yes, I have reviewed the size of Heritage Harbour District. It is 981 acres, more or less. Yes, it is sufficient size to function as a functionally interrelated community. Heritage Harbour District will have sufficient population density and property size to require all the basic facilities and services of a community. These facilities and services require adequate planning, design, financing construction, and maintenance to provide the District with appropriate infrastructure. For example, knowing the layout of utilities before streets are paved saves time and expense to the community later. All of the functions can be accommodated in the 981-acre Heritage Harbour District.

75. Q: From a planning perspective, what is compactness?

A: Compactness relates to closeness in distance between the lands within a development. It is a spatial term used to describe property that is close together.

76. Q: Have you reviewed the land on which the proposed Heritage Harbour District is to be established to determine the degree to which the land is sufficiently compact? What have you determined?

A: Yes. I have determined that the 981 acres are compact since all of the property is part of one project, is close together and has no barriers separating it.

77. Q: As a planner, have you reviewed the land area to determine whether it is sufficiently compact to be developable as one functional interrelated community? What is your determination?

A: Yes. Heritage Harbour District is sufficiently compact to be developed as one functional interrelated community. In fact, from a planning perspective, the development of an integrated large scale development on this site is the preferred way to develop the land area.

78. Q: From a planning viewpoint, what does "sufficiently contiguous" mean?

A: The term contiguous means touching along a boundary or point. From a planning viewpoint, property is sufficiently contiguous when all parts of a project are either in actual contact or are separated by no more than a road or street or other small separation. The properties must be close enough however, to allow the efficient use of infrastructure and design.

79. Q: Must the land be physically connected in order to be functionally connected, especially when planning specialized governmental systems facilities and services for communities?

A: No, as I previously stated, the actual touching of property lines is not required for property to be sufficiently contiguous for planning purposes. The properties do, however, need to be spatially close so that these facilities and services provided for a community are cost effective and can be maintained with the minimum amount of difficulty.

80. Q: Have you reviewed the land upon which the proposed Heritage Harbour District will be established in order to determine whether its acreage is sufficiently contiguous? What have you determined and why?

A: Yes, In reviewing the land area which will be serviced by the proposed Heritage Harbour District, I believe that the land is sufficiently contiguous to be a functional interrelated community because it is spacially close together, it is either completely contiguous or is connected by an internal roadway, and it is large enough to allow the cost effective and efficient use of infrastructure, services and design. The actual

touching of property lines is not required for property to be sufficiently contiguous for planning purposes. In reviewing the land area which will be serviced by the proposed Heritage Harbour District, I believe that the land is sufficiently contiguous to be a functional interrelated community because it is spacially close together, it is either completely contiguous or it is connected by an internal roadway, and it is large enough in land area to allow for the efficient provision of infrastructure systems, facilities and services.

81. Q: Based upon your expertise and the determinations that you have just described, have you formed an opinion of whether the land area and acreage upon which the proposed Heritage Harbour Community Development District will be established to provide its systems, facilities and services, is it of sufficient size, sufficient compactness, and is sufficiently contiguous to be developable as one functionally interrelated community? What is your opinion?

A: I believe that Heritage Harbour CDD has sufficient acreage and land area is sufficiently compact and contiguous to be developed with infrastructure systems, facilities and services to act as one functionally interrelated community.

82. Q: Factor 6 deals with whether the land area in question is amenable to separate special district government. Do you recall reviewing this factor?

A: Yes.

83. Q: From your perspective as a planner, what is "separate special district government"? Further, from your perspective as a planner, if the proposed Heritage Harbour District is established as a community development district under Chapter 190, Florida Statutes, would it be a "separate special district government"?

A: A special district government is a government set up by law either through petition or a vote for a specific purpose and the power to levy taxes or assessments.

84. Q: To you as a planner, a would make any land area amenable to separate special district government?

A:

(1) If the land area has the need for the services and benefits from facilities that the special district could provide; and

(2) If the land area is of sufficient size, compactness and sufficient contiguity to be the basis for a functional interrelated community.

85. Q: Have you reviewed the land upon which the proposed Heritage Harbour Community Development District would be established from the viewpoint of whether it would or would not be amenable to separate special district government? Have you formed an opinion? What is this opinion?

A: Yes, the land upon which the proposed Heritage Harbour District would be established is extremely well suited for a separate special district government. Therefore, it is amenable.

86. Q: Have you reviewed the land area in question to determine if there are any existing local community development services and facilities or systems on the site? What did you find? Do these existing facilities present any problem from a planning perspective? Why?

A: Yes. There are no existing local community development services and facilities or systems on the site. Therefore, there are no problems created.

87. Q: Have you reviewed the land area on which the proposed Heritage Harbour Community Development District will be established to see if there are any regional systems, services or facilities on the site? If there are any, do they present any problems? Why?

A: Yes. There are no regional services or facilities on site. Therefore, there are no problems created.

88. Q: Under whose authority are any of these future local or regional systems, facilities, or services authorized? Regarding any existing or future authorized local or regional systems, facilities or services on the land on which the proposed community development district is to be established, is there any incapability from district establishment?

A:

(1) Manatee County Government.

(2) No, because Heritage Harbour DRI Development Order specifically requires Heritage Harbour to be part of the Manatee County Utilities water supply and central wastewater treatment systems.

89. Q: Therefore, are you aware of any community development district services and facilities which would be incompatible with the capacity and uses of existing local or regional community development services and facilities?

A: No.

90. Q: Have you read factor 4 in Chapter 190, Florida Statutes, dealing with determining what is the best alternative to provide services and facilities?

A: Yes.

91. Q: From a professional planning viewpoint, what are the alternatives available to this planned area for the provision of services and facilities?

A: There would be two basic alternatives to the CDD. One is either through County management and financing directly or indirectly through independent districts to manage and finance the facilities or through the use of County MSTU's or MSBU's to finance County management of the facilities. The second alternative would be through private means including the developer, separate private contractors, a

private utility company, a homeowners, association, or any combination of these private alternatives.

92. Q: Have you read factor 5 in Chapter 190, Florida Statutes? Do you know that it deals with whether community development, services and facilities would be incompatible with certain uses and capacities existing or authorized on the land area where the proposed district is to be established?

A: Yes to both questions.

93. Q: What are some considerations you as a planner would review to determine which of these alternatives might, in your opinion, be the best alternative for the land area? Have you used these considerations in the light of the three alternatives you have identified? What have you determined? Why?

A:

(1) Whether the alternative was able to provide the best service and facilities; whether the alternative had an entity to manage the delivery; whether the alternative was in for the long haul; whether the alternative was a stable provider of services and facilities; and whether the alternative would obtain and maintain long term financing to pay for all these management benefits.

(2) Yes.

(3) The best alternative for the land area is a community development district.

(4) The CDD is a district designed to focus its attention on providing the best services to Heritage Harbour District. It has limited powers and a limited area of jurisdiction. It will be managed by a board whose sole purpose is to provide long term planning, management, and financing of the services and facilities. This long term management capability extends to the operation and maintenance of the facilities it constructs. The board of directors for the CDD will be in existence as long as the need exists for the district. The funding sources for the CDD also assure that the services and facilities will be adequately financed well in the future.

94. Q: In your opinion as a professional planner, familiar with various public and private alternatives for the management and financing of infrastructure for community development, is the supply of infrastructure in advance of the impacts of the actual development, i.e. concurrency, important? Why? What is the relationship of creation and establishment of the proposed Heritage Harbour District, and its subsequent functioning, to this concept of advance infrastructure placement, or concurrency?

A: Yes, concurrency permits the citizens of a community to have adequate public facilities and not have a poor or reduced quality of life. The financing and construction of these facilities, concurrent with development in an area allows growth to pay for growth. The creation and establishment of Heritage Harbour District guides where growth will go by assisting in the design, construction, operation, maintenance and financing of infrastructure. The establishment of the

PROFILE

EDUCATION

Bachelor of Arts
Environmental Psychology
University of Michigan

Graduate Coursework
Urban/Regional Planning
Florida State University

PROFESSIONAL REGISTRATION

American Institute of Certified
Planners

PROFESSIONAL AFFILIATIONS

Florida Planning and Zoning
Association: Gulf Coast Chapter
Board of Directors,
1994 to Present;
American Planning Association;
Manatee County Board of Zoning
Appeals: Appointed to the BZA by
the Manatee County Board of County
Commissioners in 1995;
Chairman of the Future Land Use
Task Force, Greater Sarasota
Chamber of Commerce, 1994-1996;
Member of the Multi-Stakeholder
Group (MSG), recognized by the
Sarasota County Board of County
Commissioners as the citizen group
responsible for providing a vision
plan for East Sarasota County, 1996
to Present.

COMMUNITY ACTIVITIES

Leadership Manatee: Appointed to the
Board of Directors, 1997;
Member of Kiwanis Club of
Bradenton - Elected to Board of
Directors, 1999;
Greater Sarasota Chamber of
Commerce Government Review
Committee, 2000.

Ms. Benac offers over 20 years of experience as a land use planner. She manages projects that require development review and permitting, including Developments of Regional Impact, Comprehensive Plan Amendments, Planned Unit Developments, Rezoning, and Special Permits. Her previous experience includes working as the Assistant Director of the Manatee County Planning, Permitting and Inspections Department for which she administered both Comprehensive and Community Planning programs. Ms. Benac is also an experienced Housing and Community Development Planner and has facilitated extensive public participation efforts.

PROJECT EXPERIENCE

Residential Projects

Bay Oaks II, Sarasota County, Florida - provided expert testimony regarding compatibility issues for a rezoning application and a site plan approval for 170 homes. This project was approved despite substantial neighborhood and organized environmental group opposition.

East and West Glen, North Sarasota County, Florida - responsible for zoning and site plan approval for two adjacent parcels, managing opposition from adjacent neighborhoods, and working with wetland preservation and limited access/right-of-way issues. East Glen was approved for 490 multi-family units on 82 acres. West Glen was approved for 125 townhouse units on 32 acres.

Perico Island, Phase III, Manatee County, Florida - responsible for obtaining approval of a revised preliminary/final site plan for a 58-unit single-family subdivision.

Bayou Oaks, Sarasota County, Florida - site plan approval for an 80-unit low income senior housing development, located on 8 acres in the City of Sarasota. The project required expedited permitting to qualify for state issued tax credits and local SAIL funding.

Tower Condominiums, Sarasota County, Florida - co-applicant for rezoning and site plan approval for 76-unit condominium tower adjacent to the Ritz Carlton Hotel in downtown Sarasota. Provided expert testimony regarding code and comprehensive plan compliance, as well as plan compatibility.

Pine Island, Manatee County, Florida - applicant for rezoning and site plan approval for low density, cottage-style island development in Braden River. Provided expert testimony regarding comprehensive plan and zoning code compliance.

Mixed Use Projects

The Renaissance, Sarasota County, Florida - zoning and site plan approval for a 10-acre mixed use site located in the City of

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Manager of Planning/Senior Associate

Sarasota's central business district and community redevelopment area. The project includes 500 high rise apartments and condominiums, office and retail space, and a 100 room hotel. The City's community redevelopment agency was charged with approving the plan for the site, which was located on county-owned property.

The Ritz Carlton, Sarasota County, Florida - provided planning and project management services for the Comprehensive Plan amendment, rezone, site plan approval, and street vacation applications to permit the development of the Ritz Carlton Hotel, condominiums, and conference center located in Downtown Sarasota.

Siemen's Parcel, North Manatee County, Florida - applicant for a comprehensive plan amendment to allow redevelopment of a previously heavy industrial site for light industrial, commercial and residential development. Located on +/-188 acres on the north side of the Manatee River. Services included providing data and analysis in support of amendment, as well as researching annexation alternatives.

Commercial

SYSCO Food Services Warehouse/Distribution Facility, North Manatee County, Florida - coordination of site and development plan approval for a 210,000 square foot facility. Due to the designation of the planned industrial development as a rapid response project by County government, intense coordination efforts resulted in site plan approval by the County in a record nine days.

GulfCoast Corporate Park, Manatee County, Florida - project responsibilities included reinstating the planned development site plan approval for the 141.5-acre industrial/ commercial development. Project issues included compatibility, stormwater, and traffic concerns.

R.V. World, Sarasota County, Florida - applicant for a comprehensive plan amendment and rezoning request for expansion of existing R.V. sales and service operation. Project included extensive neighborhood coordination efforts and received unanimous approval of the Sarasota County Board of County Commissioners.

Bradenton Hotel, Manatee County, Florida - applicant for a site plan approval for a 116-room suites-style hotel located in the riverfront area of the City of Bradenton.

Master Planned Communities

Heron Creek, Sarasota County, Florida - coordination of the DRI and zoning approval for this residential golf and mixed use community in North Port. Also obtained preliminary development agreement for the first phase. Development consists of 1,930 residential units, 0.5 million square feet of commercial space, and

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250,000 square feet of office space.

Sabal Harbour, Manatee County, Florida - site plan approval for 583 mixed residential units on 194.5 acres. Project issues included substantial opposition from the neighboring golf course community and river front estate lots.

Kingsfield, North Manatee County, Florida - project responsibilities included obtaining rezone/site plan approval for 477 single-family units on a 173-acre site. Project issues involved overcoming substantial neighborhood opposition from adjacent golf course community and achieving the maximum density on the site.

Summer Cove Apartments, South Manatee County, Florida - responsible for a revised site and development plan approval for a 224-unit multi-family residential community on 27.2 acres. Project issues included reinstating vested rights, dealing with revised regulations, significant wetland issues, and maximizing tree preservation on the site.

Colonial Grande at Manatee, Southern Manatee County, Florida - obtained a rezoning and site plan approval for a mixed use development including 561 multi-family units and 168,000 square feet of office space. The project encountered substantial neighborhood opposition, but after successful negotiations, resulted in unanimous approval by the County Commission.

Foxbrook, North Manatee County, Florida - obtained rezoning and site plan approval for a large rural lot subdivision on 900 acres and 30,000 square feet of neighborhood commercial zoning. The site plan included 1-, 2- and 5-acre lots, significant recreational open space and stables.

Orangewood, South Manatee County, Florida - initiation of and assistance with the County in obtaining a Comprehensive Plan amendment, changing the designation of the site and surrounding area to Mixed Use from Light Industrial. The change maximized the development potential in terms of allowable uses and densities. Based on the new classification, a rezone and site plan application was presented to the County for approval of a mixed use community, including residential, commercial, and health care facilities on 38.9 acres.

Village Walk, Sarasota County, Florida - project applicant for a rezone and site plan approval for a 1,240-unit planned development including a 6,000 square foot "Town Center" to be constructed on 542 acres in the Palmer Ranch. The Application for Incremental Development Order (AIDA) and rezoning application were the first in Palmer Ranch to be submitted for an outside developer.

Debreken Partners, Sarasota County, Florida - co-applicant for a rezone and site plan approval for a 262-unit planned

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residential/golf course development located on +/-710 acres in east Sarasota County. Project issues include providing an environmentally sensitive golf course community, which will blend with the natural rural setting.

Miscellaneous Projects

Condemnation Assistance, City of Sarasota, Florida - worked with the Attorney for the City of Sarasota to establish the value of a parking easement, and the development potential for a 2-acre piece of property that the City has acquired to construct a parking garage serving the downtown central business and arts district.

Expert Witness Testimony, Sarasota and Manatee Counties, Florida - expert witness testimony in the establishment of Community Development Districts located in Manatee County, as well as providing expert witness testimony in zoning and land use matters to the City of Sarasota Board of Zoning Appeals.

Communications Antenna Facilities, Sarasota and Manatee counties, Florida - zoning and site plan approvals to facilitate the construction of communications antenna facilities at various sites throughout the two-county area; site selection and working with local governments to expedite the zoning approval process.

Bayshore High School, Manatee County, Florida - preparation of a feasibility study for the location of a new high school on the site of an existing middle school and Technical Institute for the School Board of Manatee County. The project included a review of planned development in the area and presenting a determination of adequate facilities including stormwater, roads, water, and sewer capacity. Based on the completed feasibility study, a site plan was approved by the County Commissioners to allow construction of the new high school. Significant issues included opposition from the adjacent retirement community and traffic concerns.

Manatee Technical Institute, Manatee County, Florida - zoning and site plan approval for a satellite medical classroom facility adjacent to Lakewood Ranch High School campus, in east Manatee County.

Sarasota Bradenton Airport Authority, Sarasota County, Florida - provision of planning services to secure local development approvals for an amendment to the Sarasota Bradenton Airport Planned Development Zoning approval and site plan for additional general aviation facilities and an expansion of the fire station. Project issues included noise impacts, compliance with the Comprehensive Plan, and proposed stipulations from staff. Other services provided to the airport included review of the Revised Comprehensive Plan Aviation Element.