

ORDINANCE NO. 25-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ESTABLISHING THE SYMPHONY LAKES COMMUNITY DEVELOPMENT DISTRICT** PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE NAME, POWERS, AND DUTIES; PROVIDING FOR DESCRIPTION AND BOUNDARIES; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING NOTICE OF REQUIREMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Petition to Symphony Lakes Community Development District ("District") was submitted by Selvitz I, LLC, Selvitz II, LLC and Selvitz III, LLC, to the City Commission of the City of Fort Pierce, Florida ("City") pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, attached hereto as Exhibit 1; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive, and economic method of delivering community development services, in the area described in Exhibit 1, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers; and

WHEREAS, the City finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or Comprehensive Plan of the City; 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 area that will be served by the District is amenable to separate special district government; and

WHEREAS, the creation of the District is the best alternative for delivering community development services and facilities to the area that will be served by the District; and

WHEREAS, 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

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

WHEREAS, the City has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes; and

WHEREAS, the City has considered the record of the public hearing and the factors set forth in Section 190.005(2)(c).

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

SECTION 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

SECTION 2. The "Symphony Lakes Community Development District" ("District") is hereby established for the area of land and with the external boundaries as described in Exhibit 2, attached hereto, said boundaries encompassing approximately 87 acres of land, pursuant to Section 190.005(2), Florida Statutes.

SECTION 3. The District is granted all general powers authorized pursuant to Section 190.011, Florida Statutes, and the special powers authorized pursuant to Section 190.012(1), Florida Statutes, Section 190.012(3), Florida Statutes, and Sections 190.012(2)(a) and (d), Florida Statutes.

SECTION 4. The five persons designated to serve as initial members of the District's Board of Supervisors are: Kimberly Sakuma, Diane Gallagher, Michael Shepherd, Garrett Alan Barnes, Jr., and Kasey Cardoso.

SECTION 5. Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary and in accordance with Chapter 190, Florida Statutes.

SECTION 6. The District shall provide public notice of all meetings pursuant to law.

SECTION 7. In the event that the District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for the road rights of way, stormwater management and drainage systems, street lighting or other improvements that are necessary for the development in the District without the City's express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

SECTION 8. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 9. All Ordinances or parts of Ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 10. This Ordinance is and the same shall become effective immediately upon final passage hereof.

APPROVED AS TO FORM
& CORRECTNESS:

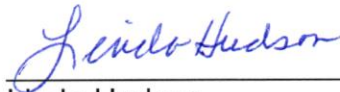


Sara K. Hedges, Esq.
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 25-006 was duly advertised in the St. Lucie News Tribune on Monday, January 20, 2025, Monday, January 27, 2025, Monday, February 3, 2025, Monday, February 10, 2025, Monday, February 17, 2025, and Monday, February 24, 2025; copy of said Ordinance and the Petition Exhibit was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on February 18, 2025; and was duly introduced, read by title only, and passed on second and final reading on March 3, 2025 by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HERewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 3rd day of March 2025.



Linda Hudson
Mayor Commissioner

ATTEST:



Linda W. Cox
City Clerk

(CITY SEAL)

Exhibit 1

Petition to Establish Symphony Lakes Community Development District
{TO BE ATTACHED}

PETITION TO ESTABLISH SYMPHONY LAKES COMMUNITY DEVELOPMENT DISTRICT

Submitted by: Jere Earlywine
Florida Bar No. 0155527
Jere.earlywine@kutakrock.com
KUTAK ROCK LLP
107 W. College Ave.
Tallahassee, Florida 32301
850-528-6152

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Selvitz I, LLC, Selvitz II, LLC and Selvitz III, LLC (“**Petitioner**”), hereby petitions the City Commission for the City of Fort Pierce, Florida, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, to establish a Community Development District (“**District**”) with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Fort Pierce, Florida, and is comprised of approximately 87 acres of land. **Exhibit 1** depicts the general location of the project. The site is generally located east of Selvitz Road, north of Devine Road, west of Street 25th Street, and south of Glades Cut Off Road. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.
2. Excluded Parcels. There are no excluded parcels within the boundaries of the District.
3. Landowner Consent and Authorization. Petitioner has provided the written consent of 100% of the landowners to establishment of the District. The consents are attached hereto as **Exhibit 3**.
4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows: Kimberly Sakuma, Diane Gallagher, Michael Shepherd, Garrett Alan Barnes Jr., and Kasey Cardoso, each with an address of c/o Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.
5. Name. The proposed name of the District is the Symphony Lakes Community Development District.
6. Existing and Future Land Uses. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 4**. These proposed land uses are consistent with the applicable local comprehensive plan.
6. Major Water and Wastewater Facilities. **Exhibit 5** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.
7. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed from 2025 through 2026. Actual construction timetables and

expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("**SERC**") prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agents. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See **Exhibit 3**. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 0155527
Jere.earlywine@kutakrock.com
KUTAK ROCK LLP
107 W. College Ave.
Tallahassee, Florida 32301
850-528-6152

11. This petition to establish the District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the applicable local comprehensive plan.

b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the proposed District will prevent the general body of taxpayers in the county from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests that:

a. a public hearing be scheduled in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

b. an ordinance be adopted establishing the District pursuant to Chapter 190, Florida Statutes;

c. the ordinance provide for the District to exercise certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

d. such other relief be granted as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 20 day of November, 2024.

Submitted by:


Jere Earlywine
Florida Bar No. 0155527
Jere.earlywine@kutakrock.com
KUTAK ROCK LLP
107 W. College Ave.
Tallahassee, Florida 32301
850-528-6152

EXHIBIT 1



EXHIBIT 2

Site Legal Description Symphony Lakes

LEGAL (PROPOSED SINGLE FAMILY & RECREATION TRACT)

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32: THENCE ALONG THE WEST **LINE** OF SAID SOUTHWEST QUARTER OF SECTION 32, NORTH 00°04'35" EAST, A DISTANCE OF 1327.48 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH **LINE**, NORTH 89°57'34" EAST, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SELVITZ ROAD AS RECORDED IN PLAT BOOK 21, PAGES 11 AND 11A, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID RIGHT-OF-WAY LINE BEING 50.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE CONTINUE ALONG SAID SOUTH LINE, NORTH 89°57'34" EAST, A DISTANCE OF 607.47 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32 AND TO THE POINT OF BEGINNING: THENCE DEPARTING SAID WEST LINE, NORTH 00°D2'26" WEST, A DISTANCE OF 75.95 FEET: THENCE SOUTH 89°56'18" EAST, A DISTANCE OF 657.50 FEET TO THE EAST **LINE** OF THE WEST HALF OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID EAST LINE, NORTH 00°01'02" WEST, A DISTANCE OF 1208.49 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 101, SAID RIGHT-OF-WAY LINE BEING 42.50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE: THENCE SOUTH 89°57'58" EAST, A DISTANCE OF 1287.83 FEET, TO THE WEST RIGHT-OF-WAY LINE CHRISTENSEN ROAD, SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID **WEST** RIGHT-OF-WAY **L** !NE, SOUTH 00°06' 41" EAST, A DISTANCE OF 2559. 70 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE NORTH ST. LUCIE RIVER **WATER** CONTROL DISTRICT CANAL NO. 102, SAID RIGHT-OF-WAY LINE BEING 46.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID NORTH RIGHT-OF-WAY **LINE**, SOUTH 89°53'07" WEST, A DISTANCE OF 1292.03 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID WEST **LINE**, NORTH 00°01'02" WEST, A DISTANCE OF 616.88 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH LINE, SOUTH 89°55'21" WEST, A DISTANCE OF 658.01 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID WEST LINE, NORTH 00°01'46" EAST, A DISTANCE OF 663.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 87.000 ACRES OR 3,789,686 SQUARE FEET MORE OR LESS.

EXHIBIT 3

Consent to Community Development District Establishment
[*Proposed Symphony Lakes Community Development District*]

The undersigned, on behalf of the landowners (together, "**Landowners**") identified below, represents that the Landowners (collectively) own 100% of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("**Property**").

Pursuant to Section 190.005, Florida Statutes, the Landowners hereby consent to the establishment of the Symphony Lakes Community Development District ("**CDD**") that will include the Property within the lands to be a part of the CDD and agree to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the CDD.

This document shall also serve as a designation of Jere Earlywine of Kutak Rock LLP, to act as agent for Petitioner with regard to any and all matters pertaining to the *Petition to Establish a Community Development District* pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*.

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

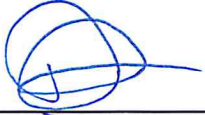
[SIGNATURE PAGE TO FOLLOW]

Consent to Community Development District Establishment
[Proposed Symphony Lakes Community Development District]

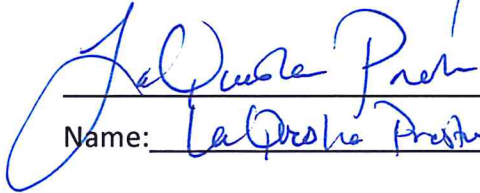
Executed this 8th day of October, 2024.

Witnessed:

SELVITZ I, LLC

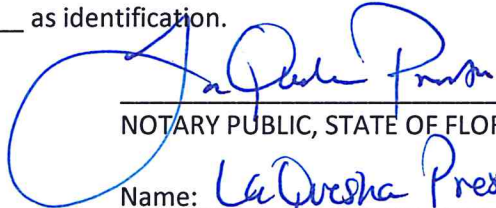

Name: Danielle Junkley


Donald Stevenson, Authorized Signatory


Name: La Quesha Preston

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of October, 2024, by Donald Stevenson, as an authorized representative of **SELVITZ I, LLC**, and who appeared before me this day in person, and who is either personally known to me, or produced driver license as identification.


NOTARY PUBLIC, STATE OF FLORIDA
Name: La Quesha Preston

(Name of Notary Public, Printed, Stamped or Typed
as Commissioned)



La Quesha Preston
Notary Public
State of Florida
My Commission Expires 05/02/2026
Commission No. HH 259956

Consent to Community Development District Establishment
[Proposed Symphony Lakes Community Development District]

Executed this 16 day of October, 2024.

Witnessed:

SELVITZ II, LLC

Name:

Danielle Junkley


Donald Stevenson, Authorized Signatory

Name:

LaQuesha Preston

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of October, 2024, by Donald Stevenson, as an authorized representative of **SELVITZ II, LLC**, and who appeared before me this day in person, and who is either personally known to me, or produced driver license as identification.


NOTARY PUBLIC, STATE OF FLORIDA

Name: LaQuesha Preston
(Name of Notary Public, Printed, Stamped or Typed
as Commissioned)



La Quesha Preston
Notary Public
State of Florida
My Commission Expires 05/02/2026
Commission No. HH 259956

Consent to Community Development District Establishment
[Proposed Symphony Lakes Community Development District]

Executed this 16 day of October, 2024.

Witnessed:

SELVITZ III, LLC

Name: Danielle Junkley

Donald Stevenson
Donald Stevenson, Authorized Signatory

Name: La Quesha Preston

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of October, 2024, by Donald Stevenson, as an authorized representative of **SELVITZ III, LLC**, and who appeared before me this day in person, and who is either personally known to me, or produced driver license as identification.

La Quesha Preston
NOTARY PUBLIC, STATE OF FLORIDA

Name: La Quesha Preston
(Name of Notary Public, Printed, Stamped or Typed
as Commissioned)



La Quesha Preston
Notary Public
State of Florida
My Commission Expires 05/02/2026
Commission No. HH 259956

Consent to Community Development District Establishment
[*Proposed Symphony Lakes Community Development District*]

Exhibit A:
Legal Description

Site Legal Description Symphony Lakes

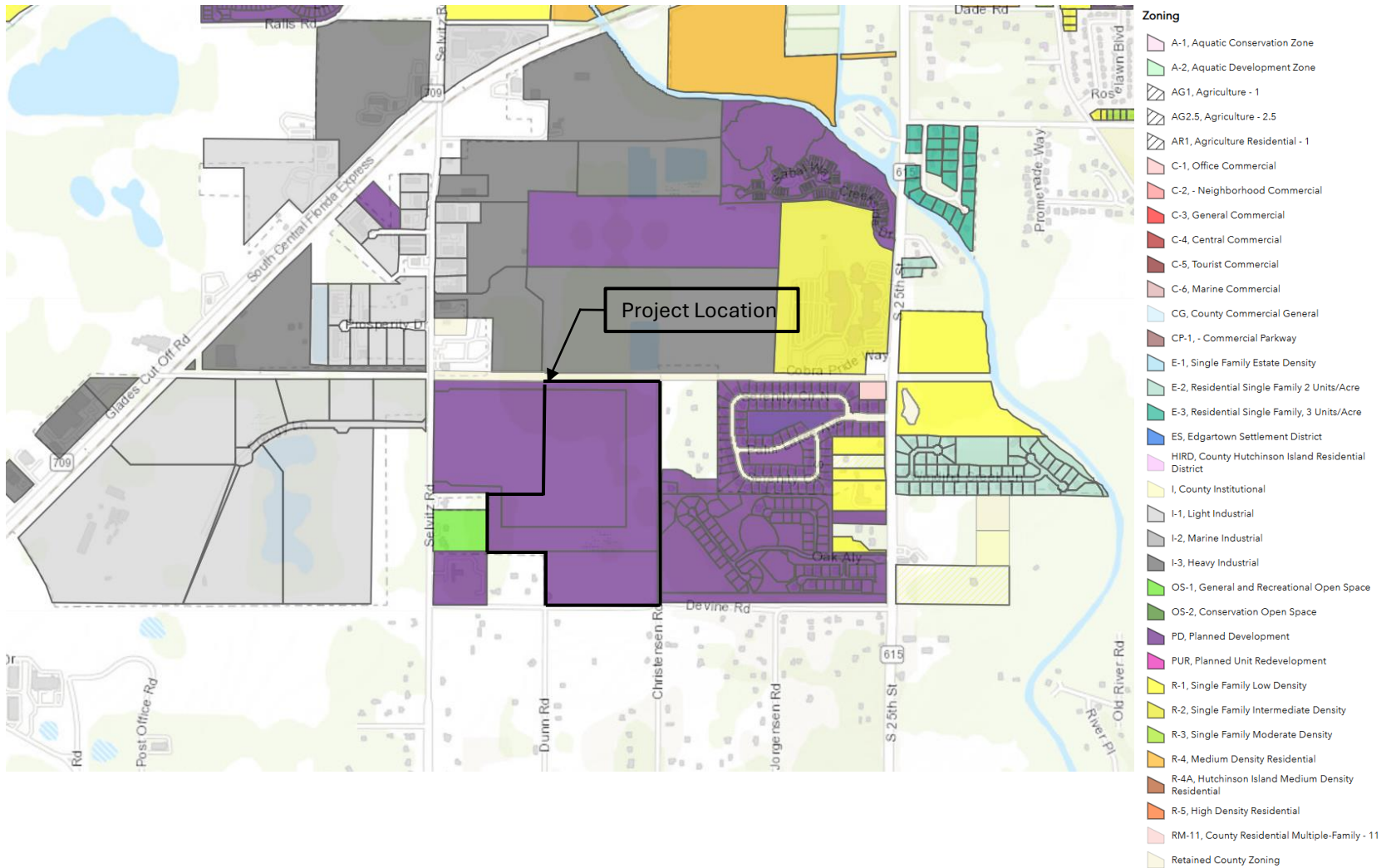
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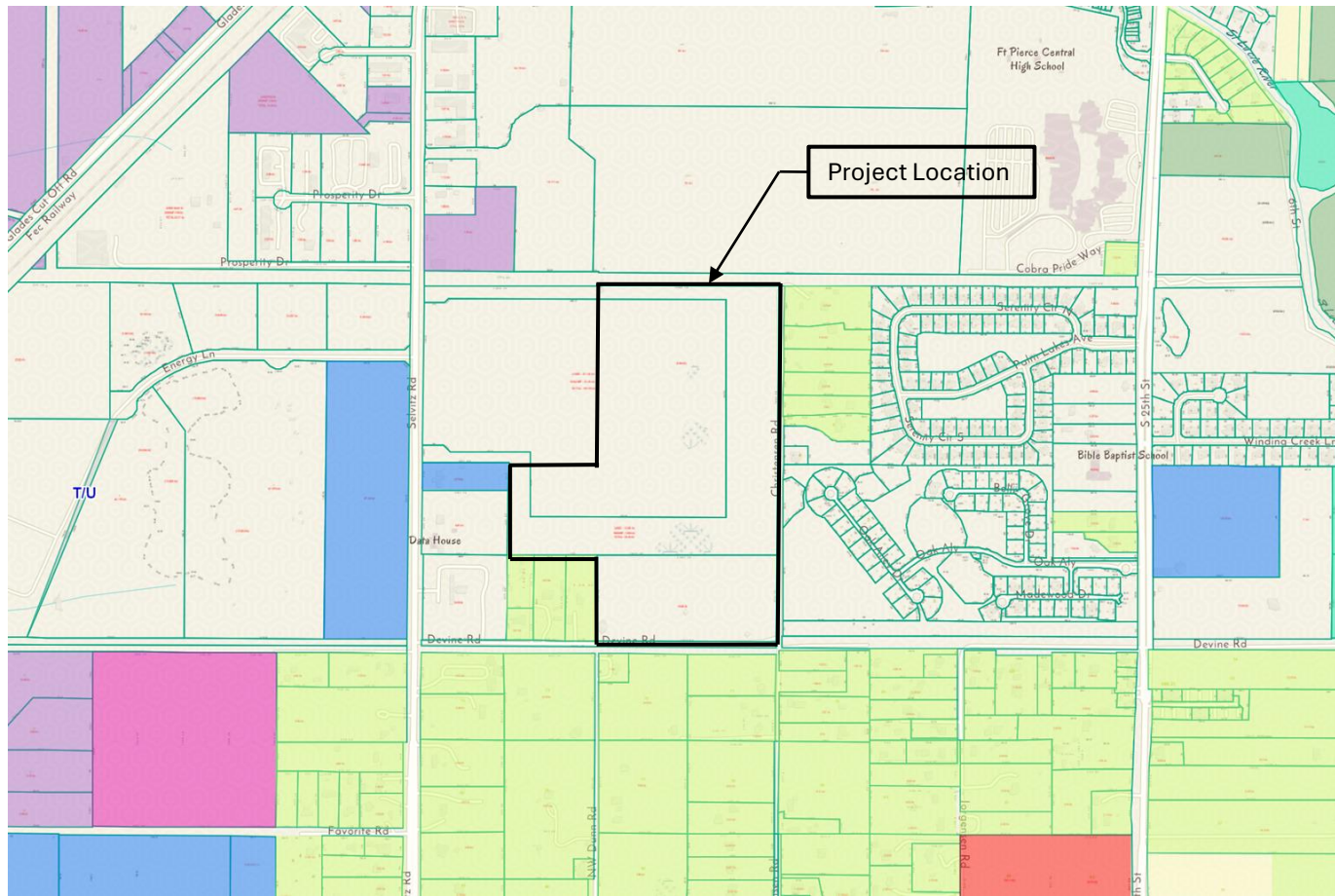
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CONTAINING 87.000 ACRES OR 3,789,686 SQUARE FEET MORE OR LESS.

EXHIBIT 4





- Future Land Use**
- AG-2.5, Agricultural, 1 du/2.5 ac
 - AG-5, Agricultural, 1 du/5 ac
 - COM, Commercial
 - CPUB, Conservation Public
 - P/F, Public Facilities
 - H, Historic
 - IND, Industrial
 - MXD, Mixed Use
 - R/C, Residential/Conservation, 1 du/5 ac
 - RE, Residential Estate, 1 du/ac
 - RS, Residential Suburban, 2 du/ac
 - RU, Residential Urban, 5 du/ac
 - RM, Residential Medium, 9 du/ac
 - RH, Residential High, 15 du/ac
 - ROW, Right of Way
 - SPIS, Spoil Island
 - SUBM, Submerged
 - SD, Special District
 - TVC, Towns, Villages & Countryside
 - T/U, Transportation/Utilities

EXHIBIT 5

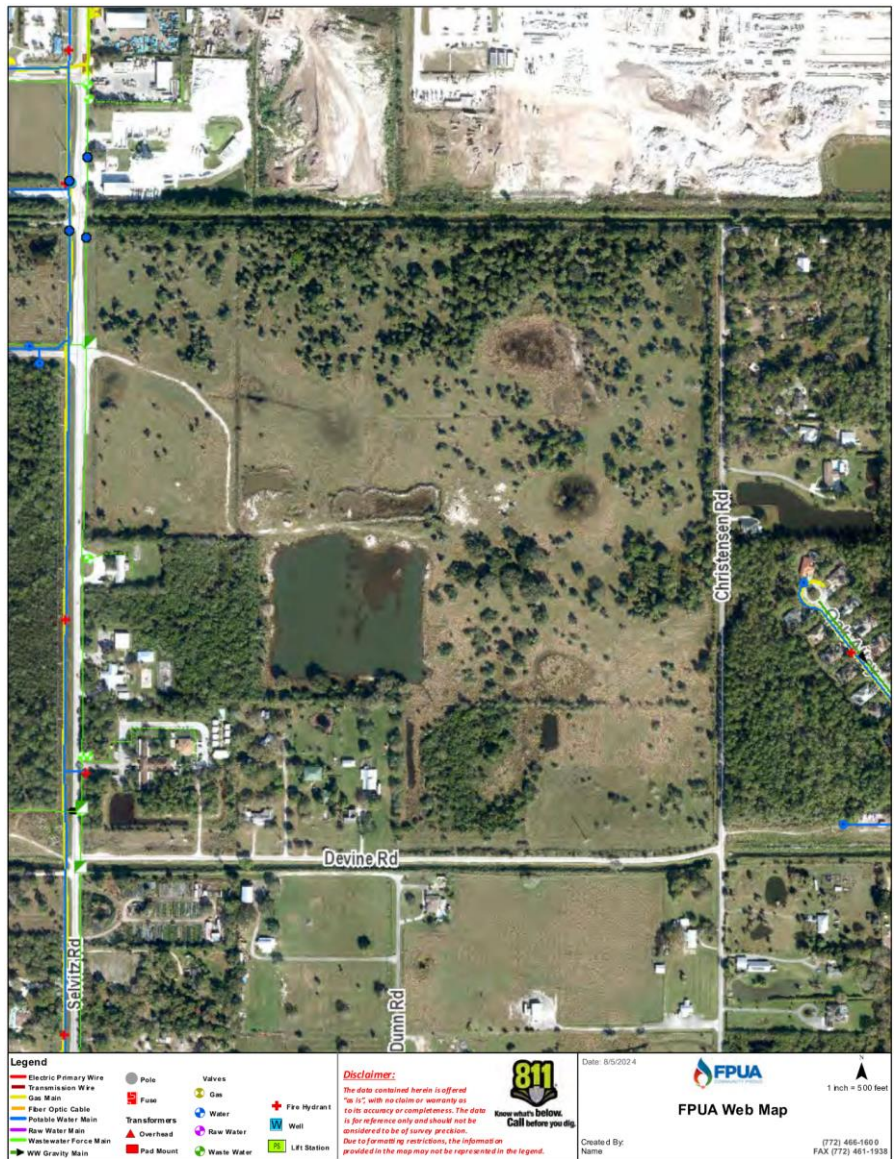


EXHIBIT 6

CDD Proposed Facilities and Services

Improvement	Estimated Cost	Final Owner/ Maintenance Entity
Stormwater Management System	\$3,015,427	CDD
Roadways	\$1,356,942	CDD
Water & Wastewater Systems	\$2,713,884	City
Undergrounding of Conduit	\$250,000	CDD
Hardscaping, Landscape, Irrigation	\$2,629,637	CDD
Amenities	\$1,000,000	CDD
Conservation Areas	\$500,000	CDD
Offsite Improvements	\$1,500,000	County
Professional Services	\$1,296,589	NA
Contingency	\$1,426,248	NA
Total	\$15,688,727	

NOTES:

1. The figures above are based on estimates only.
2. Also, the developer reserves the right to privately finance any of the above improvements and transfer them to a homeowners' association upon completion for ownership and maintenance.

EXHIBIT 7

EXHIBIT 7

(SERC)

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **Symphony Lakes Community Development District** (the “District”). The proposed District comprises approximately 87 acres of land located within the City of Fort Pierce, Florida (hereafter “City”). The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

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

1.2 Overview of the Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District.

The Development plan for the proposed lands within the District includes a residential community with up to the permitted allowable homes. Such uses are authorized for inclusion within the District. A Community Development District (“CDD”) 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 planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.” Section 190.002(1)(a), Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the City/County in which the CDD lies. A CDD does not have the permitting, zoning or general police powers possessed by general purpose governments. A CDD is an alternative means of financing,

constructing, operating, and maintaining community infrastructure for planned developments. The scope of this SERC is limited to evaluating the consequences of approving the petition to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

According to Section 120.541(2), Florida Statutes, a statement of estimated regulatory costs must contain:

- (a) An economic analysis showing whether the rule¹ directly or indirectly: is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- (d) 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, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities defined by Section 120.52, Florida Statutes. The impact analysis for small businesses must include the basis for the agency’s decision not to implement alternatives that would reduce adverse impacts on small businesses.

¹ For the purposes of this SERC, the term “agency” means the City, the term “state” or “State” means State of Florida and the term “rule” means the ordinance(s) which the City would enact in connection with the creation of the District.

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

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, 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 Adverse impact on economic growth, business competitiveness or increased regulatory costs, in excess of \$1 million.

The creation of the District will not meet any of the triggers in Section 120.541(2)(a), Florida Statutes. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 of this SERC.

3.0 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 rule.

Formation of the District would put all of the planned residential units under the jurisdiction of the District. Prior to sale of any units, all of the owners of land within the proposed boundaries will also be under the jurisdiction of the District. Initially, the project developer will be the primary developer and sole landowner of property within the proposed District boundaries.

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

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed will encompass under 2,500 acres, therefore the City is the establishing entity under sections 190.005(2), (2)(e), Florida Statutes. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit such reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.018, Florida Statutes, the proposed District must pay an annual fee to the State of Florida's Department of Economic Opportunity, which offsets such costs.

City

The City and its staff will process and analyze the petition, conduct a public hearing with respect to the petition, and vote upon the petition to establish the District. These activities will absorb

some resources. However, the filing fee required by Chapter 190, Florida Statutes, is anticipated to cover the costs for review of the petition for establishment.

These costs to the City are modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much 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 or additional staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning charges that are far more complex than the petition to establish a CDD.

The annual costs to the City because of the establishment of the District are minimal. The proposed District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City. Furthermore, the City will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from the City, and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

4.2 Impact on State and Local Revenues

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

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State or the City. In accordance with State law, debts of the District are strictly the District's own responsibility.

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

Table 1 provides an outline of the various facilities and services the proposed District may provide. It is anticipated that the potable water, sanitary sewer and reclaimed utility systems; master stormwater system; electrical undergrounding; gas; conservation/mitigation areas; and onsite and offsite roadway improvements may be financed by the District.

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are also shown in Table 1 below. The District may issue special assessments or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties in the District that may benefit from the District's capital improvement program.

Table 1.
CDD Proposed Facilities and Services

Improvement	Estimated Cost	Final Owner/ Maintenance Entity
Stormwater Management System	\$3,015,427	CDD
Roadways	\$1,356,942	CDD
Water & Wastewater Systems	\$2,713,884	City
Undergrounding of Conduit	\$250,000	CDD
Hardscaping, Landscape, Irrigation	\$2,629,637	CDD
Amenities	\$1,000,000	CDD
Conservation Areas	\$500,000	CDD
Offsite Improvements	\$1,500,000	County
Professional Services	\$1,296,589	NA
Contingency	\$1,426,248	NA
Total	\$15,688,727	

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

It is important to recognize that buying property in the District is completely voluntary. Ultimately, all owners and users of property within the District choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A CDD provides property owners with the option of having a higher level of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community facilities and services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, or through developer equity and/or bank loans.

In considering these costs it shall be noted that occupants of the lands to be included within the District will receive four major classes of benefits.

First, those property owners and businesses in the District will receive a higher level of public services sooner than would otherwise be the case.

Second, a District is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised

growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the City's overall requirements.

Fourth, the District has the ability to maintain infrastructure better than a Homeowners' Association because it is able to offer a more secure funding source for maintenance and repair costs through assessments collected on the county tax bill pursuant to section 197.3632, Florida Statutes.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

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

There will be no impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts, affording small businesses the opportunity to bid on District work, and may also result in a need for additional retail and commercial services that afford small businesses and opportunity for growth.

The City of Fort Pierce has an estimated un-incarcerated population that is greater than 10,000 according to the 2020 U.S. Census. Therefore, the City is not defined as a "small city" according to section 120.52(19), Florida Statutes. For the reasons expressed in the preceding paragraph, the City will not be negatively affected by the District, and instead the establishment of the District will help the City by, among other things, ensuring that the costs of the District's project are paid for by the landowners of the District, and not by the City. Further, as compared to an HOA, the District will be a much more reliable operation and maintenance entity, which will place less burden on the City.

7.0 Any additional useful information.

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

8.0 In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency.

Exhibit 2

Legal Description

LEGAL (PROPOSED SINGLE FAMILY & RECREATION TRACT)

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32: THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 32, NORTH 00°04'35" EAST, A DISTANCE OF 1327.48 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH LINE, NORTH 89°57'34" EAST, A DISTANCE OF 50.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF SELVITZ ROAD AS RECORDED IN PLAT BOOK 21, PAGES 11 AND 11A, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID RIGHT-OF-WAY LINE BEING 50.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE CONTINUE ALONG SAID SOUTH LINE, NORTH 89°57'34" EAST, A DISTANCE OF 607.47 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32 AND TO THE POINT OF BEGINNING: THENCE DEPARTING SAID WEST LINE, NORTH 00°D2'26" WEST, A DISTANCE OF 75.95 FEET: THENCE SOUTH 89°56'18" EAST, A DISTANCE OF 657.50 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID EAST LINE, NORTH 00°01'02" WEST, A DISTANCE OF 1208.49 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 101, SAID RIGHT-OF-WAY LINE BEING 42.50 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE: THENCE SOUTH 89°57'58" EAST, A DISTANCE OF 1287.83 FEET, TO THE WEST RIGHT-OF-WAY LINE CHRISTENSEN ROAD, SAID RIGHT-OF-WAY LINE BEING 25.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°06' 41" EAST, A DISTANCE OF 2559. 70 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 102, SAID RIGHT-OF-WAY LINE BEING 46.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89°53'07" WEST, A DISTANCE OF 1292.03 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID WEST LINE, NORTH 00°01'02" WEST, A DISTANCE OF 616.88 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID SOUTH LINE, SOUTH 89°55'21" WEST, A DISTANCE OF 658.01 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32: THENCE ALONG SAID WEST LINE, NORTH 00°01'46" EAST, A DISTANCE OF 663.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 87.000 ACRES OR 3,789,686 SQUARE FEET MORE OR LESS.

Exhibit 3

Map of Symphony Lakes Community Development District

