



MEMORANDUM

Agenda Item No.4(P)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 10-7-03)
September 9, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance Creating the
Tree Island Estates
Community Development
District

03 207

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Tree Island Estates Community Development District (CDD) in unincorporated Miami-Dade County, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes, subject to acceptance of the declaration of restrictive covenants running with the lands within the jurisdiction of the CDD.

BACKGROUND

Adrian Builders at Tamiami Trail, LTD., owner of the Tree Island Estates Development, has filed an application to create the Tree Island Estates CDD in connection with said development. The development is a 86.02-acre residential development lying wholly within unincorporated Miami-Dade County, in the area bounded by S.W. 152 Avenue on the east, S.W. 26 Street (Coral Way) on the south, S.W. 154 Avenue on the west and S.W. 18 Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure and facilities for the development. The development plan for the lands within the proposed CDD include construction of 178 single family units and 96 Town house units, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$6.215 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impact to government agencies, is presented in the attached application submitted by Adrian Builders at Tamiami Trail, LTD. In accordance with Florida Statute 190, Adrian Builders at Tamiami Trail, LTD has paid a filing fee of \$15,000 to the County.

A declaration of restrictive covenants will be proffered at public hearing by the owner of the lands within the CDD jurisdiction, providing for notice in the public records of the projected taxes and assessments to be levied by the CDD, and providing for individual prior notice to the initial purchaser of a residential lot or unit within the development. The document shall also include provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

Honorable Chairperson Members
Board of County Commissioners
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This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

The roads within this development are all public and are to be maintained by Miami-Dade County. A special taxing district has been created to maintain a lake, lake access tracts, preservation areas and certain landscape areas within or accessible from public roadways.

FISCAL IMPACT

The creation of the Tree Island Estates Community Development District will have no fiscal impact on Miami-Dade County other than the normal maintenance of the roads, drainage and water and sewer facilities dedicated to the County as well as the operation of the special taxing district.



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: October 7, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4 (P)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4 (P)
10-7-03

ORDINANCE NO. 08 207

ORDINANCE GRANTING PETITION OF ADRIAN BUILDERS AT TAMAMI TRAIL, LTD., ("ADRIAN BUILDERS" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, Article VIII, section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, Adrian Builders at Tamiami Trail, LTD., ("ADRIAN BUILDERS" or "Petitioner") has petitioned for the establishment of the Tree Island Estates Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; and

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

WHEREAS, the Board of County Commissioners 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 the Miami-Dade County Comprehensive Development Master 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 creation of the District is the best alternative available for delivering the community development facilities and future capital improvements to the area that will be served by the District; and

WHEREAS, the proposed facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities; and

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

WHEREAS, the owner of the property that is to be developed and served by the community development facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential parcels with notice of liens and assessments applicable to such parcels, with certain remedial rights vesting in the purchasers of such parcels if such notice is not provided in a timely and accurate manner; and

WHEREAS, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

WHEREAS, the Miami-Dade County Board of County Commissioners finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of Miami-Dade County that the District have such powers,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

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

Section 2. The Petition to establish the Tree Island Estates Community Development District over the real property described in Exhibit A attached hereto, which was filed by Adrian Builders at Tamiami Trail, LTD., a Florida limited liability company, on May 14, 2003 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein (Exhibit B).

Section 3. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Luis Torres

Maritza Torres

Alexander Ramirez

Juan Carrera

Glenda Cardoza

Section 5. The name of the District shall be the "Tree Island Estates Community Development District."

Section 6. The Tree Island Estates Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

03 201

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Tree Island Estates Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Tree Island Estates Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Miami-Dade County Board of County Commissioners hereby grants to the Tree Island Estates Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners on October 7, 2003, in connection with the petition.

Section 10. All bonds issued by the Tree Island Estates Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Tree Island Estates Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Tree Island Estates Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 13. Notwithstanding any power granted to the Tree Island Estates Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants proffered October 7, 2003 by the owners of the lands within the jurisdiction of the Tree Island Estates Community Development District, in connection with the petition submitted by Adrian Builders at Tamiami Trail, LTD., and approved herein.

Section 15. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

Section 17. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: OCT 0 7 2003

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey

EXHIBIT A
LEGAL DESCRIPTION
TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT

That portion of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 9, Township 54 South, Range 39 East, lying and being in Miami-Dade County, Florida, more particularly described as follows:

BEGIN at the Southeast corner of the SW $\frac{1}{4}$ of Section 9, Township 54 South, Range 39 East; thence run along the East line of the West $\frac{1}{2}$ of said Section 9, North $02^{\circ}15'19''$ West for a distance of 2,640.92 feet to the Southeast Corner of the NW $\frac{1}{4}$ of said Section 9; thence continue along the East line of the West $\frac{1}{2}$ of said Section 9 North $02^{\circ}15'19''$ West for a distance of 500.62 feet to a point on the East line of the West $\frac{1}{2}$ of said Section 9; thence run South $87^{\circ}44'41''$ West for a distance of 196.41 feet to a point of curvature; thence run northwesterly along a curve concave to the northeast and having for its elements a radius of 164.00 feet, a central angle of $23^{\circ}14'33''$, and an arc distance of 66.53 feet to a point on a curve whose radial bearing is North $20^{\circ}59'14''$ East; thence run South $47^{\circ}22'44''$ West for a distance of 54.29 feet to a point on a curve whose radial bearing is South $49^{\circ}42'57''$ East; thence run southwesterly along a curve concave to the southeast and having for its elements a radius of 639.34 feet, a central angle of $20^{\circ}17'38''$, and an arc distance of 226.45 feet to a point on a curve whose radial bearing is South $70^{\circ}00'35''$ East; thence run South $19^{\circ}14'00''$ West for a distance of 40.51 feet to a point; thence run South $02^{\circ}15'19''$ East for a distance of 157.72 feet to a point on a curve whose radial bearing is South $18^{\circ}29'34''$ West; thence run northwesterly along a curve concave to the south and having for its elements a radius of 635.00 feet, a central angle of $44^{\circ}13'43''$, and an arc distance of 490.18 feet to a point of reverse curvature; thence run southwesterly along a curve concave to the northwest and having for its elements a radius of 565.00 feet, a central angle of $23^{\circ}28'41''$, and an arc distance of 231.52 feet to a point of tangency, also being a point 35 feet north of and parallel to the South Line of the NW $\frac{1}{4}$ of said Section 9; thence run along a line 35 feet north of and parallel to the South Line of the NW $\frac{1}{4}$ of said Section 9, South $87^{\circ}44'32''$ West for a distance of 178.83 feet to a point on the West Line of the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 9; thence run along the West Line of the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 9, South $02^{\circ}15'38''$ East for a distance of 35 feet to a point, also being the Northwest Corner of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 9; thence run along the West Line of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 9; South $02^{\circ}15'38''$ East for a distance of 2,641.26 feet to a point on the South Line of said Section 9, also being the Southwest Corner of the East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 9; thence run along said South line of Section 9, North $87^{\circ}43'39''$ East for a distance of 1,319.66 feet to the POINT OF BEGINNING, all lying and being in Miami-Dade County, Florida, containing 86.40 acres, more or less.

EXHIBIT "B"

PETITION FOR ORDINANCE

FOR

**TREE ISLAND ESTATES
Community Development District**

April 10th, 2003

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, # 104
Palm Beach Gardens, Florida 33410

Tele: 561-630-4922

Toll: 877-737-4922

Fax: 561-630-4923

IN RE: AN ORDINANCE TO ESTABLISH)
THE TREE ISLAND ESTATES)
COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Petitioner, Adrian Builders at Tamiami Trail, LTD ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 86.02 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the internal boundaries of the proposed District, which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owners of 100% of the real property to be included in the District.

3. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

- | | | |
|----------------------|------------------------------------|-----------------|
| 1. LUIS TORRES | 13984 SW 25 th Terrace | Miami, Fl 33175 |
| 2. MARITZA TORRES | 13984 SW 25 th Terrace | Miami, Fl 33175 |
| 3. ALEXANDER RAMIREZ | 2922 W 72 nd Street | Miami, Fl 33016 |
| 4. JUAN CARRERA | 220 NW 87 th Ave, K202 | Miami, Fl 33172 |
| 5. GLENDA CARDOZA | 220 NW. 87 th Ave, K202 | Miami, Fl 33172 |

4. The proposed name of the District to be established is TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT ("TIECDD").

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently on the site.

6. The proposed timetable for the construction of District services is shown on Exhibit 4A and the estimated cost of constructing the services, based on available data, is shown on Exhibit 4B. This is a good faith estimate but is not binding on the Petitioner and the District and is subject to change.

7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are 178 single family dwelling units and 96 townhouse units, for a total of 274 units. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes (except for powers regarding waste disposal or collection of any waste other than commercial or industrial), Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

10. The Petitioner is AdrianBuilders at Tamiami Trail, Ltd., whose address is 2460 SW 137th Avenue, Suite 238, Miami, Florida 33175.

11. The property within the proposed District is amenable to operating as an independent special district for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective Miami-Dade County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

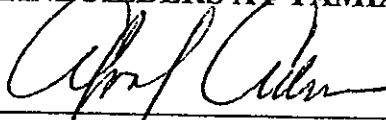
WHEREFORE, Petitioner respectfully requests the Miami-Dade County Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT.

a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT.

Respectfully submitted this 14th day of May 2003.

ADRIANBUILDERS AT TAMIAIMI TRAIL, LTD
By its sole corporate General Partner,
ADRIANBUILDERS AT TAMIAIMI TRAIL, INC.



ALVARO L. ADRIAN, PRESIDENT

EXHIBIT 6

TREE ISLAND ESTATES
COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

May 14th, 2003

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

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1.0 INTRODUCTION

1.1 Purpose and Scope

This statement of estimated regulatory costs supports the Adrian Builders at Tamiami Trail, Ltd. ("Petitioner") petition to establish a community development district to be known as Tree Island Estates Community Development district (the "CDD"). The CDD proposes to finance and acquire a portion of the community infrastructure for a development to be known as Tree Island Estates, located in the unincorporated area of Miami-Dade County, Florida.

A community development district is an independent special taxing district authorized by Chapter 190, F.S. (the "Act") to plan, finance, construct, operate and maintain community infrastructure in planned community developments. As stated in the Act, a CDD provides:

"...a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers". Section 190.002 (1) (a), F.S.

The CDD is not a substitute for Miami-Dade County, which is the local general-purpose governmental unit having jurisdiction over the CDD. The reason is the CDD does not have the planning, zoning and regulatory powers granted to Miami-Dade County. As a result, all development undertaken within the CDD must be consistent with all requirements of Miami-Dade County.

A CDD's powers are strictly limited to planning, financing, constructing, operating and maintaining community infrastructure.

The scope of this statement of estimated regulatory costs is statutorily limited to evaluating the consequences of creating the CDD. The policy of the State regarding the scope of the CDD establishment process is explicitly set out in Section 190.002 (2) (d), F.S. 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 shall not be material or relevant."

Therefore, the only relevant concern is whether the CDD will be a financially viable entity.

1.2 Tree Island Estates Development

The sole landowner and developer of Tree Island Estates is AdrianBuilders at Tamiami Trail, Ltd. (the "Developer"). The proposed development is designed as a master planned residential development, serving south Florida markets. Tree Island Estates offers 178 single family dwelling units, and 96 town home units, designed to service a wide variety of buyers.

Tree Island Estates development is located in the unincorporated area of Miami-Dade County, Florida, at Coral Way (SW 26th Street) between SW 152nd Avenue and SW 154 Avenue and is planned as a self-sustaining mixed residential community. Projected build-out of the project is 3 to 5 years.

1.3 TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT (CDD)

The Petitioner proposes to establish the Tree Island Estates Community Development District to finance and acquire some of the public infrastructure and community facilities in the Tree Island Estates development. Table 1 outlines the proposed development plan timetable and the schedule for completion of the various projects.

Table 2 shows the infrastructure that is proposed to be financed and/or acquired by the CDD and the estimated costs.

The financial design of the CDD was carefully formulated to help assure that the CDD will be strong, stable, and able to stand alone throughout its lifetime. A detailed cash-flow analysis has been developed for the proposed range of potential future economic conditions in which the proposed district might have to operate. In all cases, the proposed financial structure allowed the CDD to remain financially strong and capable of carrying out its obligations. The important features of the financial design for proposed CDD are discussed below.

As outlined in Table 2, the CDD is projected to finance the construction of the surface water management system. The bonds used to finance the surface water management system will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The CDD will dedicate the surface water management system to Miami-Dade County. Thus, the operation and maintenance of the surface water management system will be the responsibility of Miami-Dade County.

The CDD is projected to finance the construction of the water distribution system and the wastewater collection and transmission facilities. The bonds used to finance such infrastructure will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The water distribution system and the wastewater collection and transmission facilities will be conveyed to Miami-Dade County Water and Sewer Department ("WASD"). Thus, the operation and maintenance of these facilities will be the responsibility of WASD.

The CDD will finance the construction of the internal roadway system. The bonds used to finance such infrastructure will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The CDD will convey the internal roadway system to Miami-Dade County. Thus, the operation and maintenance of the internal roadway system will be the responsibility of Miami-Dade County.

Finally, the Petitioner has no plans for the CDD to issue general obligation debt or to levy ad valorem taxes. The financial structure of the District is such that there is no need to use ad valorem taxation.

2.0 COSTS AND BENEFITS OF ESTABLISHING THE TREE ISLAND ESTATES COMMUNITY DEVELOPMENT DISTRICT

2.1 Costs to Miami-Dade County to Implement the Proposed Community Development District

Chapter 190.005 (2), F.S. mandates that the exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size shall be by an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located.

The one-time cost of reviewing the CDD petition is minimal. The County has its own in-house staff to process petitions filed for other reasons. Therefore, the marginal addition of one more petition to review results in little, if any, additional cost. Review of the proposed development will not be necessary since the project was previously approved through the Public Hearing process. Additionally, the Petitioner has included a payment of \$15,000 to offset any expense the County may incur in the processing of this Petition.

The CDD will pay its own election costs and will pay substantial fees for other urban services, such as tax assessment and collection.

Concern that district obligations, particularly debt payments, could become state or county obligations is without foundation. This point was made explicitly clear by the Legislature when it adopted Section 190.002 (3) F. S.

"...It is further the purpose and intent of the Legislature that no debt or obligations of a district constitute a burden on any local general purpose government without its consent." Section 190.002 (3) F. S.

Obviously, if the County assumes ownership of the water and sewer system, the surface water management system and the internal roadway system, the County will also assume the obligation for maintenance of these facilities which is no different from any other County approved development with public roads.

2.2 Benefits to Miami-Dade County and Its Citizens

There are several types of benefits (both indirect and direct), which will flow to Miami-Dade County and its citizens if the CDD is established. First, with regard to the indirect benefits, approval of the CDD satisfies the intent of the Act by providing a solution to the planning, management and financing of capital infrastructure to service projected growth without overburdening Miami-Dade County and its taxpayers. Section 190.002 of the Act is quoted as follows:

"(1) The Legislature finds that: (a) there is a need for uniform, focused and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation and duration of independent districts to manage and finance basic community development services; and that, based upon a proper and fair determination of applicable facts, an efficient, effective, responsive, and economic way to deliver these basic services, thereby providing 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, F. S.

A second indirect benefit, which Miami-Dade County and its citizens receive, is the improved level of planning and coordination, which the CDD will provide. This benefit will minimize any potential negative impacts to other citizens and jurisdictions.

By enacting the Act, the Legislature recognized that substantial public benefits accrue from well-planned community developments in Florida. Tree Island Estates CDD is just the type of planned development envisioned in Chapter 190, F. S.

The Tree Island Estates CDD will provide a number of direct economic benefits to Miami-Dade County and its citizens. First, the CDD is the best means of assuring that CDD residents receive the services they need. At the same time, this structure also allows future CDD residents to control the entity, which has the authority to provide additional services beyond those contemplated herein and to levy assessments to pay for those services.

Second, residents of the CDD will be able to address their concerns about future infrastructure to the Board of Supervisors of the CDD. This focus will lighten the burden on the County Commission compared with what would likely occur without the CDD.

The CDD is an independent governmental unit, it has its own independent board and budget, and it must see to its own administration. This arrangement for governing and administering the district means a considerable cost saving to the County over other types of arrangements.

Third, approval of the proposed CDD would minimize some increases in the cost of County funded services. As new development occurs in any community, residents of the new area demand increased levels of services over and above those provided before development and as described herein. The costs of providing these services are spread to the remaining taxpayers in the jurisdiction of the local government(s) providing the services. If this were to happen, taxing and spending levels would increase, and costs would be passed on, at least in part, to surrounding residents. The result would further strain the County budget. Without the CDD, development of Tree Island Estates could possibly increase the demands on Miami-Dade County to extend and improve services to the community.

Fourth, the CDD proposes to finance and acquire the water distribution system and the wastewater collection and transmission facilities and to deed same to Miami-Dade County WASH at no cost. The estimated cost to the CDD to finance these facilities is estimated to be \$1,441,000. In addition to this donation, Miami-Dade County WASH's customer base will increase by approximately 274 households.

The proposed CDD will serve the needs of its residents. The board of supervisors of the CDD will determine the future level and quality of the community services the residents want and are willing to pay for. The CDD will provide the residents of Tree Island Estates with a mechanism for satisfying these future needs without recourse to the County.

All of these benefits have substantial value. The financial benefits to the County and its citizens include the avoided costs of administering public services for the community beyond those provided for herein. In addition, there are significant, if only intangible, benefits which result from having a district to ensure that CDD residents get the services they need. The CDD also ensures that its property owners, and only its property owners, pay for the services they receive in the future and beyond those provided for herein.

2.3 Costs to the Petitioner

The petitioner will incur substantial costs if the CDD is approved. These costs can be grouped into four categories: (1) planning and applying for the CDD; (2) contributions for management and technical assistance; (3) payment of CDD taxes; and (4) donation of capital facilities.

It is costly and time consuming to plan and apply for a CDD of the size and complexity proposed for Tree Island Estates CDD. First, the Petitioner has secured a team of professionals including attorneys, engineers, investment bankers, planners, economists and special district experts to insure that the CDD will perform as provided by the Act.

Second, the CDD will need financial support from the Petitioner to secure managerial and technical assistance, especially in the early years of its operation.

Third, the Petitioner will pay substantial CDD assessments and fees over the life of the project. During the first several years of the project, the Petitioner will be the CDD's largest taxpayer.

Fourth, the Petitioner undertakes considerable financial commitment in establishing the CDD and allowing the advance funding of the infrastructure. As the sole landowner in the initial stages of development, the Petitioner assumes the sole liability for all the debt incurred by the CDD until the land is developed and sold to individual homeowners.

2.4 Benefits to the Petitioner

The CDD will also provide the Petitioner with several benefits. First, the CDD will provide access to financing for a portion of the community's infrastructure. While this particular benefit to the petitioner is obvious, it is not the most significant one. In fact, the importance of this benefit, while significant, would not be enough by itself to entice the Petitioner to establish the CDD.

The value to the Petitioner of financing a portion of the infrastructure through the CDD amounts to an annual financing cost difference in today's market which results in a cost saving. As a result, the potential gross savings will accrue to the future homeowners in the CDD and does not represent a net cost saving to the Petitioner. As noted above, with the establishment of the CDD, the Petitioner will be obligated to pay substantial assessments and fees to the CDD.

Other benefits for the Petitioner in establishing the CDD exist beyond the financing of a portion of the community's infrastructure. Most important among these is that the proposed CDD is a mechanism for providing long term, on-going maintenance and operation of the public infrastructure. Ultimately, the CDD will be controlled and operated by the CDD homeowners for their own benefit. This helps assure that the high standard, which the Petitioner has set for the CDD, will be preserved throughout the life of the project.

2.5 Costs to the Consumers

Consumers are people who will purchase land and residences in the Tree Island Estates CDD. Should the CDD be established, district homeowners will be required to pay CDD assessments over and above their County taxes. CDD assessments do not affect or offset County taxes. It is this increment of expenses, which is the cost of the CDD to the consumers.

As noted above, the CDD plans to finance and acquire the public infrastructure for the benefit of its homeowners. Currently, homeowners in unincorporated Miami-Dade County are subject to a number of different ad valorem and non-ad valorem taxes. All of these taxes will continue to exist regardless of whether the CDD is approved. Homeowners of the CDD will continue to pay County taxes notwithstanding the existence of the CDD. Thus, these costs cannot properly be viewed as taxes that arise from the CDD itself, even though district homeowners would pay such taxes. The point is that homeowners will pay these costs in any event. If the CDD is not created, the cost of the infrastructure will be included in the price of the property sold to future homeowners rather than paid over time as a special assessment on the tax bill.

All prospective purchasers will be informed of the existence of the CDD. Chapter 190.048, F. S. requires each contract for the sale of real estate within a CDD include a specific disclosure statement in boldfaced and conspicuous type immediately prior to the space reserved in the contract for the signature of the purchases.

2.6 Benefits to the Consumers

CDD residents will receive three major classes of benefits. First, CDD residents will receive a higher level of public services and amenities than would otherwise be the case. Tree Island Estates is designed as a mixed residential project with high service demands. To be successful, the Petitioner feels that a mechanism is needed to help ensure a high level of public services consistent with the project goals. The CDD is the best vehicle for this purpose.

Second, the CDD is a mechanism for assuring that the community services and amenities are maintained at a high level throughout the life of the project. This mechanism protects the substantial investment purchasers will make in their homes at Tree Island Estates CDD.

Finally, the CDD is the sole form of governance that allows district property owners to totally control the type, quality and expense of services provided by the CDD in the future, beyond those provided for herein.

It is clear that the formation and operation of the Tree Island Estates CDD will benefit its homeowners. The CDD will be controlled by CDD property owners, and will be operated for their benefit. Finally, the CDD will help ensure that the high standards

the Petitioner has set for the development will be maintained for the benefit of CDD property owners.

3.0 COMPETITIVE EFFECTS

Approval of the Tree Island Estates CDD will have an effect on competition in the market for housing in Miami-Dade County and in those areas where there are projects similar to the Tree Island Estates. To understand the nature of these competitive effects, it is important to recognize the type of project envisioned at Tree Island Estates CDD. The development in the CDD is designed as a mixed residential community consisting of 178 single family dwelling units, and 96 town home units. As such, it competes with other developments serving this same market niche. In addition, the granting of a community development district for Tree Island Estates does not provide a competitive advantage, which others could not obtain.

4.0 IMPACT OF SMALL BUSINESS

Approval of the Tree Island Estates CDD will have a positive impact on small business as defined in Chapter 288.703 (1), F. S. Many types of neighborhood services will be required by the residents of the CDD. These services can be provided by the small businesses that currently serve the general area. Additional opportunities will also be created for new businesses to be formed or relocate to the area. No negative impacts have been identified for small businesses as defined.

5.0 DATA AND METHODOLOGY

The data used in this analysis, in particular the build-out schedule and average home values, were developed and submitted with the initial application for the Tree Island Estates and updated for the petition for the CDD. Table 2 outlines the capital infrastructure proposed to be financed by or for the CDD and reflects the best estimates of costs and timing at this juncture.

6.0 PROBABILITY OF A GOOD FAITH WRITTEN PROPOSAL CHAPTER 120.541 (1) (A), F. S.

Since the Petitioner represents the sole landowner of the property encompassing the proposed CDD, Petitioner is the only substantially affected party who could have standing to submit a good faith written proposal for a lower regulatory cost alternative to the creation of the CDD as provided for in Chapter 120.541 (1) (a), F. S. Petitioner has already explored all feasible alternatives to lower costs, including the alternative of not forming the CDD, and has concluded that creation of the CDD is the best alternative.

7.0 CONCLUSION

The question is whether having a CDD provide the community services is more financially viable, efficient and responsive to the needs of the homeowners than any other

form of service provider. After careful review and analysis, the process of elimination suggests that the CDD is, in fact, the most financially viable, efficient and responsive way to provide the community services required for this project.

The estimated budget for the CDD indicates that the various charges to prospective home buyers will be moderate, and well within the ranges typical for Florida communities with strong tax bases. As noted in Table 2, the estimated cost to provide the CDD infrastructure is \$6,215,304.

Finally, it is emphasized that the CDD is the only governmental agency responsible for the bonded financial obligations of the district. Florida State law (Section 190.002 (3), F. S.) protects the State of Florida, Miami-Dade County and all other governmental agencies from all bonded obligations of the CDD.

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