

MANATEE COUNTY GOVERNMENT

BUILDING AND DEVELOPMENT SERVICES DEPARTMENT

B-37 Version Resubmittal Form

Version Number: _____

Project Name: _____

Records Number: _____

Documents included in this version submittal are as follows:

When naming your document please put the version number and a short description of the document (Example: V2 - Site Plan)

As the authorized agent, for the above mentioned project, I understand that by uploading this Version Resubmittal Form I am indicating all required documents have been uploaded and are ready for routing.

Agent: _____ Date: _____

**PETITION TO ESTABLISH
THE AVIARY AT
RUTLAND RANCH
COMMUNITY
DEVELOPMENT DISTRICT**

Submitted by:

Jere Earlywine
Florida Bar No.155527
jeree@hgslaw.com
HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Tallahassee, Florida 32301
(850) 222-7500 (telephone)
(850) 224-8551 (facsimile)

**PETITION TO ESTABLISH
THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT**

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Submitted by:

Jere Earlywine

Florida Bar No.155527

jeree@hgslaw.com

HOPPING GREEN & SAMS, P.A.

119 South Monroe Street, Suite 300

Tallahassee, Florida 32301

(850) 222-7500 (telephone)

(850) 224-8551 (facsimile)

**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
LAND DEVELOPMENT APPLICATION**

FOR STAFF USE ONLY

Date: _____

File Number: _____

File Name: _____

This application shall be used for all land development
rezone or comprehensive plan amendment request.
Please attach appropriate standards or supplementary information, as applicable.

NAME OF THE PROJECT: Aviary at Rutland Ranch

TYPE OF APPROVAL DESIRED: Establishment of a Community Development District

LIST CASE NUMBERS OF PREVIOUS APPROVALS: N/A

A. Property Information

1. Legal Description: See attached.
2. D. P. Number(s): 494901009
3. Section: 23, 24, 25, 26 & 35 Township: 33S Range: 19E
4. Subdivision Name (if Platted): _____
5. Lot: _____ 6. Block: _____
7. Address or Location of Property (See Address Coordinator, if physical address is needed):
16410 CR 675, Parrish, Florida 34219
8. Present Zoning Classification: A (Agriculture) and PD-R (Residential)
9. (If Rezone) Proposed Zoning Classification: _____
10. (If Comprehensive Plan Map Amendment) Proposed Future Land Use Category: _____
11. Future Land Use Category: UF-3, AG-R
12. Flood Zone Category: A, AE, 500 Year & Floodway Map/Panel Numbers: 12081C0185E & 12081C0205E
13. Property Size (to the nearest tenth of acre or sq. ft.): 628.36 acres
14. Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.): Vacant & Agricultural
15. Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):
 - a. North: Agricultural
 - b. South: Residential & Agricultural
 - c. East: Agricultural
 - d. West: Residential & Agricultural
16. Description of Proposed Activity or Use (Attach separate Sheet if Necessary):
Establishment of a community development district per Chapter 190, F.S., to serve as a financing vehicle for public infrastructure improvements.

B. Names/Addresses

List all person(s) having ownership in subject property

1. Name of Property Owner: Rowe Ventures, LLC
Address: 35100 SR 64E, Myakka City
Zip: 34251 Telephone: _____ Fax: _____
Email Address: scerven@falknergrouop.com

2. Name of Property Owner: _____
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

3. Name of Agent: Jere Earlywine, Hopping Green & Sams, PA
Address: 119 S. Monroe Street, Suite 300, Tallahassee, Florida 32301
Zip: 32301 Telephone: (850) 222-7500 Fax: (850) 224-8551
Email Address: jeree@hgslaw.com

4. Name of Engineer: Jeb Mulock, P.E., ZNS Engineering, L.C.
Address: 201 5th Avenue Drive East, Brandenton
Zip: 34208 Telephone: (941) 748-8080 Fax: _____
Email Address: JebM@znseng.com

5. Name of Architect: _____
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

6. Name of Landscape Architect: _____
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

**NOTE: UNLESS OTHERWISE NOTED, ALL WRITTEN CORRESPONDENCE WILL BE SENT TO THE AGENT.
IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER.**

C. Signature

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving Building Permits and/or Final Development Approval.

By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedures.



(Signature of Property Owner or Agent)

Additional Information

CONTACT:

Planning Department
1112 Manatee Avenue West, Fourth Floor 34205
P. O. Box 1000, Bradenton, FL 34206

Telephone: (941) 748-4501, Extension 6871
Fax Number: (941) 708-6152
<http://www.mymanatee.org>

DEVELOPMENT STATUS

Proposed Aviary at Rutland Ranch CDD

Dated: April 30, 2018

1. *Describe the status of the development*

The Aviary at Rutland Ranch Community Development District (“**District**”), as proposed, will be comprised of 628.36 acres, located north of County Road No. 675 (Rutland Road), south of State Road No. 62, and east of 161st Avenue East. The existing site is presently a combination of vacant and/or agricultural land. The project is expected to be developed as a residential community, completed in six phases from 2018 through 2024.

2. *Refer to any development applications submitted to the Manatee County Planning Department for development of the land in the district. The reference must list the approved plans and include the case names, case numbers assigned by the Planning Dept, the approval dates or expected approval dates, and the quantity of development units proposed to receive services, e.g., 450 single family dwelling units.*

The southern 400 acres of the site is subject to Manatee County Zoning Ordinance PDR-1203(Z)(G) (Rowe Ventures, LLC / The Aviary at Rutland Ranch, DTS#20120045), which became effective January 14, 2013 (“**Zoning Ordinance**”). Pursuant to the Zoning Ordinance, such lands are located in the Planned Development Residential Zoning District and are approved for a maximum of 784 residential units.

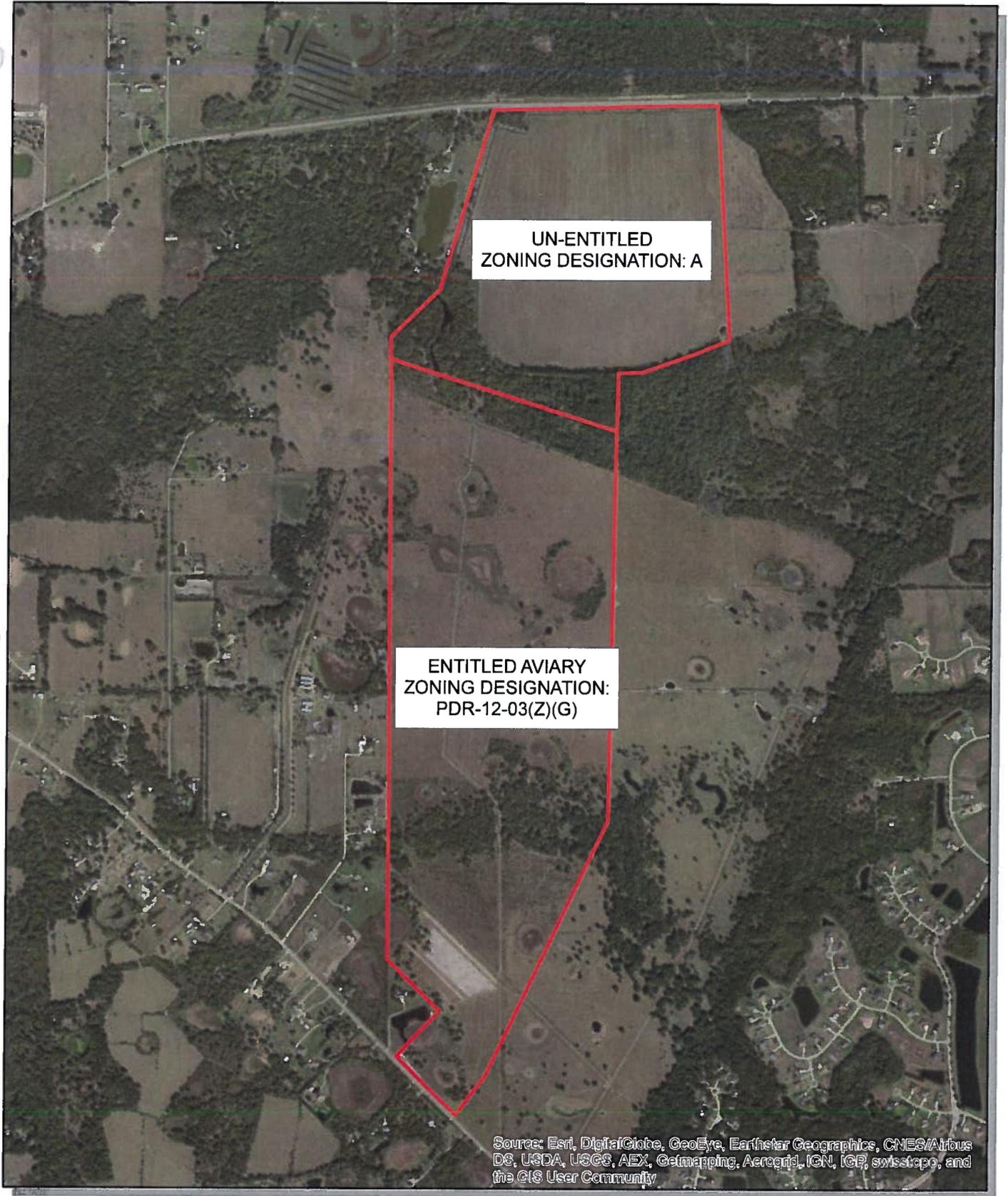
Also with respect to the southern 400 acres, the County and Rowe Ventures, LLC entered into a Local Development Agreement (LDA-14-03(R)) dated April 21, 2015, as recorded in OR Book 2565, Page 6714, of the Public Record of Manatee County, Florida. The agreement included terms related to wastewater connections, wastewater line capacity fees, and dedication of road right-of-way. The agreement was entered into in connection with a preliminary site plan approval, Application No. PDR-12-03(P)/14-S-71 to authorize the construction of residential units on the site. The Local Development Agreement is subject to a First Amendment to Local Development Agreement, which further addresses connection to the County wastewater system.

The northern portion of the site, approximately 228 acres, is unentitled at this time and is expected to be developed as phases 5 and 6 of the project.

3. *If the CDD area covers more than one development approval, then the map must reference the extent of each development application within the CDD map.*

See attached.

AVIARY DEVELOPMENT STATUS EXHIBIT



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

ZNS ENGINEERING
Land Planning Engineering Surveying Landscape Architecture

201 5th AVE DR EAST BRADENTON, FL 34208
PO BOX 9448 BRADENTON, FL 34206
TELEPHONE 941 748 8080 FAX 941 748 3316

AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAST
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST

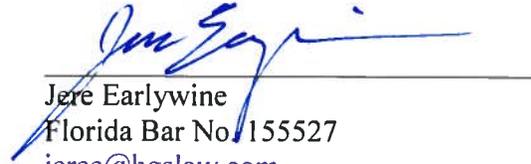
SCALE: 1" = 1,500 FT



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION AND GENERAL REFERENCE ONLY. THE DATA CONTAINED HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

ATTORNEY CERTIFICATION

I HEREBY CERTIFY THAT TO MY KNOWLEDGE THE FACTS CONTAINED IN THE PETITION TO ESTABLISH THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT ARE TRUE AND CORRECT, AND THAT SUCH PETITION COMPLIES WITH STATE LAW.



Jere Earlywine
Florida Bar No. 155527
jeree@hgslaw.com
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301
(850) 222-7500 (telephone)
(850) 224-8551 (facsimile)

PETITIONER CERTIFICATION

I HEREBY CERTIFY THAT, TO MY KNOWLEDGE, THE FACTS CONTAINED IN THE PETITION TO ESTABLISH THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT ARE TRUE AND CORRECT.

WITNESSES:

ROWE VENTURES, LLC

Stephen J. Cerven
Name: Stephen J. Cerven

Ana M Houston
Name: Ana M Houston

By: John Falkner
Name: John Falkner
Its: Manager
Date: 5/7/18

STATE OF Florida,
COUNTY OF Manatee,

On this 7 of May, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared John Falkner the manager of Rowe Ventures, LLC, a Florida limited liability company, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Patricia J. Wilson
Notary Public

My commission expires: 1/29/2022



PATRICIA JONES WILSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG180424
Expires 1/29/2022

**BEFORE THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

PETITION TO ESTABLISH COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Rowe Ventures, LLC ("**Petitioner**"), hereby petitions the Manatee County Board of County Commissioners pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2017), to establish a Community Development District ("**District**") with respect to the land described herein. In support of this petition, Petitioner states:

PETITION ELEMENTS

1. **NAME.** The proposed name of the District is the Aviary at Rutland Ranch Community Development District.

2. **LOCATION AND SIZE.** The proposed District is located entirely within Manatee County, Florida, and covers approximately 628.36 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of State Road 62, north of Rutland Road, east of US Highway 301 North and west of Tyre Creek. The metes and bounds description of the external boundary of the proposed District is set forth in **Exhibit 2**. A map matching the metes and bounds description of all lands to be included within the proposed District is also provided in **Exhibit 2**.

3. **EXCLUDED PARCELS.** There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

4. **LANDOWNER CONSENT.** Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes (2017). Consent to the establishment of a community development district is contained in **Exhibit 3**. The folio number is 494901009.

5. **INITIAL BOARD SUPERVISORS.** The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Roy Cohn
35100 State Road 64 E
Myakka City, FL 34251

A. John Falkner
35100 State Road 64 E
Myakka City, FL 34251

Scott Falkner
35100 State Road 64 E
Myakka City, FL 34251

Jeff Cerven
35100 State Road 64 E
Myakka City, FL 34251

Stephen J. Cerven
35100 State Road 64 E
Myakka City, FL 34251

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America. This list, along with the address, telephone and facsimile number of each Board member is provided in **Exhibit 4**.

6. **EXISTING AND FUTURE LAND USES.** The existing land use within the proposed District is vacant and/or agricultural. 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 5**. These proposed land uses are consistent with the Manatee County Comprehensive Plan.

7. **MAJOR WATER AND WASTEWATER FACILITIES.** The existing major trunk water mains and wastewater interceptors within the proposed lands to be included within the District, if any, are reflected in **Exhibit 6**.

8. **PROPOSED DISTRICT FACILITIES AND SERVICES.** **Exhibit 7** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the anticipated owner and entity responsible for the ongoing maintenance of the same. These facilities will serve the residential development within the District. The estimated costs of construction are also shown in **Exhibit 8**. At present, these improvements are estimated to be made, acquired, constructed and installed in accordance with the estimated construction timetable also identified in **Exhibit 8**. 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 9** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2017). 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 Florida. **Exhibit 10** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should also be sent to:

Jere Earlywine, Esq.
HOPPING GREEN & SAMS, P.A.
119 S. Monroe Street, Suite 300 (32301)
Post Office Box 6526
Tallahassee, FL 32314

11. **SURVEYOR, ENGINEER AND ASSESSMENT CONSULTANT AFFIDAVITS.** The Affidavit of the Surveyor relative to the Petition is attached hereto as **Exhibit 11.** The Affidavit of the Engineer relative to the Petition is attached hereto as **Exhibit 12.** The Affidavit of the Assessment Consultant relative to the Petition is attached hereto as **Exhibit 13.**

CONCLUSION

This petition to establish the Aviary at Rutland Ranch Community Development District should be granted for the following reasons:

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

b. 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.

c. The establishment of the proposed District will prevent the general body of taxpayers in Manatee 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.

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

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

WHEREFORE, Petitioner respectfully requests the County Commission of Manatee County, Florida to:

a. Schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2017);

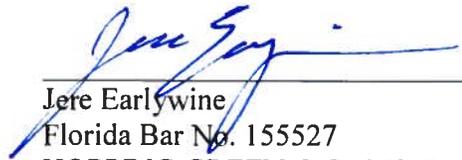
b. Grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes (2017);

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

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

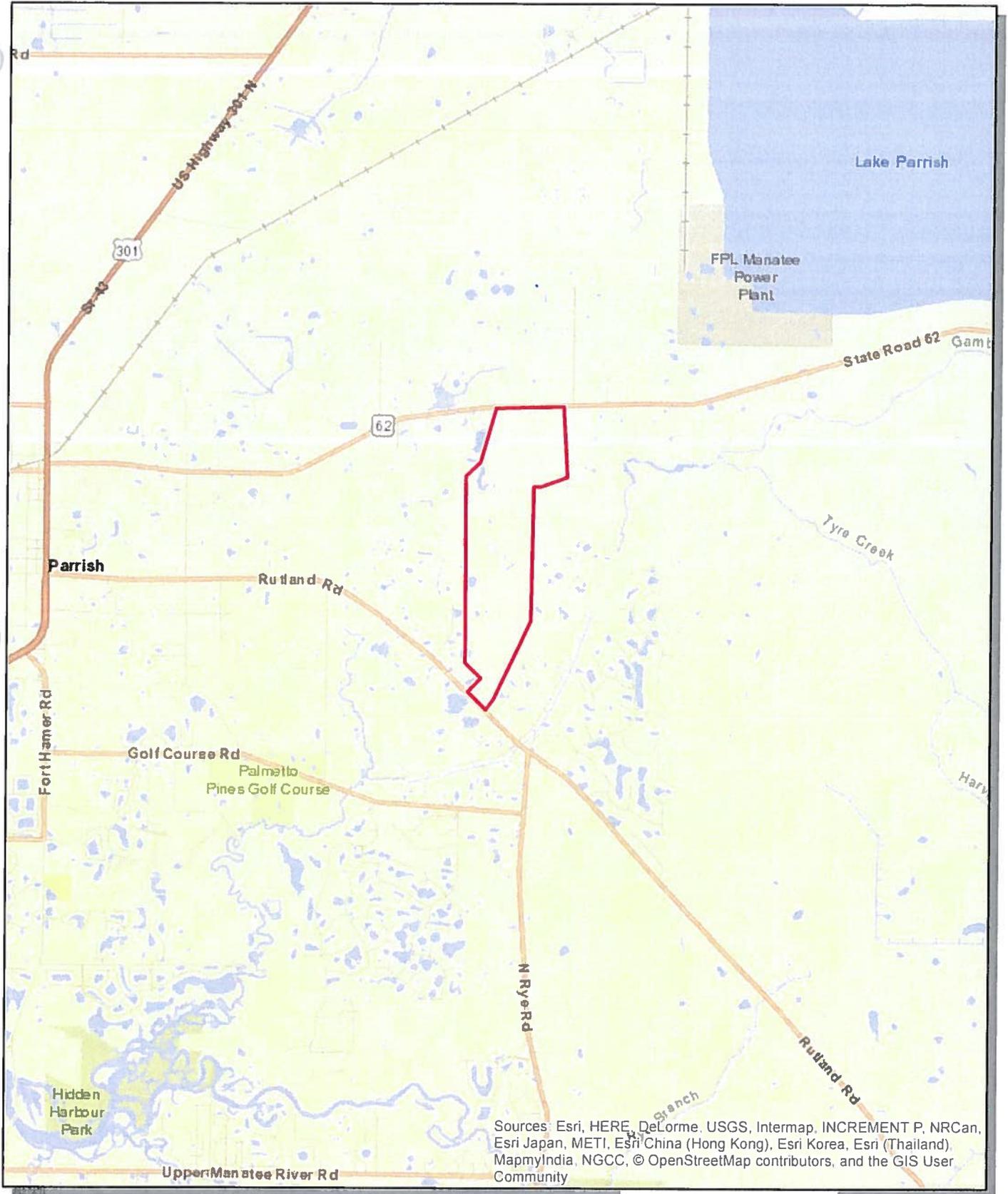
RESPECTFULLY SUBMITTED, this 9 day of May, 2018.

HOPPING GREEN & SAMS, P.A.



Jere Earlywine
Florida Bar No. 155527
HOPPING GREEN & SAMS, P.A.
119 S. Monroe Street, Suite 300
Tallahassee, Florida 32301
(850) 222-7500 Telephone
(850) 224-8551 Facsimile

VICINITY MAP



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

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AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAS
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAS.

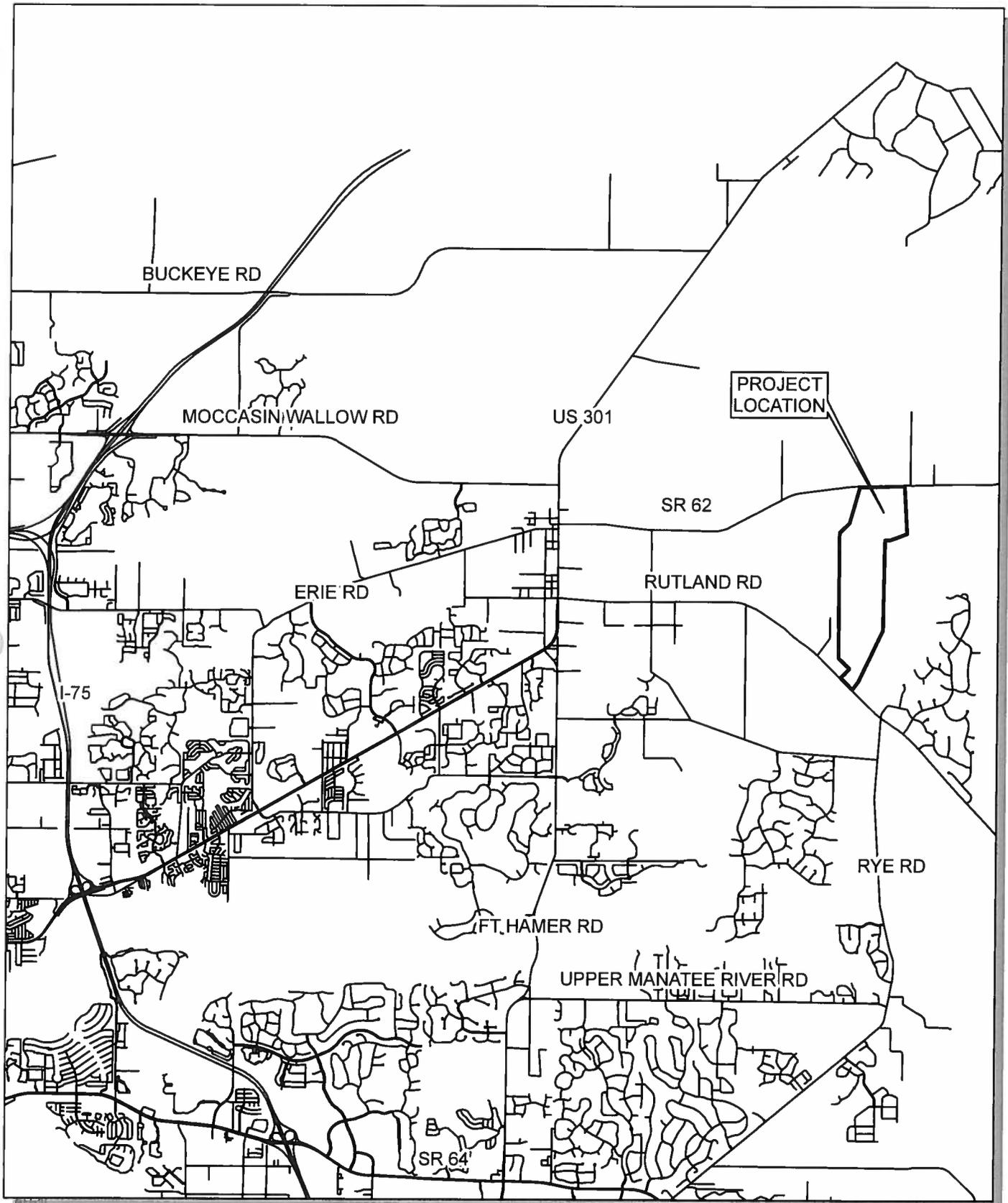
SCALE: 1" = 5,000 FT



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HEREIN IS

EXHIBIT 1

VICINITY MAP



ZNS ENGINEERING
Land Planning Engineering Surveying Landscape Architecture

201 5th AVE DR EAST BRADENTON, FL 34208
PO BOX 9448 BRADENTON, FL 34206
TELEPHONE 941 748 8080 FAX 941 748 3316

AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAST
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST

SCALE 1" = 5,000 FT



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Metes and Bounds Description

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

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

HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Post Office Box 6526
Tallahassee, Florida 32314

CONSENT OF LANDOWNER TO CDD ESTABLISHMENT

The undersigned hereby represents that he/she is the 100% fee simple owner of the property more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**"), or, alternatively, represents that he/she has authority to bind Rowe Ventures, LLC, a Florida limited liability company, as the 100% fee simple owner of the Property with respect to the matters set forth herein (in either case, "**Landowner**").

The Landowner understands and acknowledges that a petition to establish a community development district ("**CDD**") is intended to be submitted in accordance with the provisions of Chapter 190, *Florida Statutes*. As the owner of lands which are intended to be included in the CDD, the Landowner understands and acknowledges that pursuant to the provisions of Section 190.046 and 190.005, *Florida Statutes*, the petitioner is required to include the written consent of one hundred percent (100%) of the owners of the lands to be included in the CDD.

The Landowner hereby consents to the inclusion of the Property as a part of the CDD. The Landowner agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the CDD establishment. The Landowner further agrees to the recording of this document, which shall be deemed to run with the Property and be binding upon all successors in interest.

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

[signatures on following page]

CONSENT OF LANDOWNER TO CDD ESTABLISHMENT SIGNATURE PAGE

This Consent of Landowner to CDD Establishment, as detailed more fully on the preceding page, is executed as of the date written below.

WITNESSES:

ROWE VENTURES, LLC

Stephen J. Cerven
Name: Stephen J. Cerven

Ava M. Houston
Name: Ava M. Houston

By: John Falkner
Name: John Falkner
Its: Manager
Date: 5/7/18

STATE OF Florida,
COUNTY OF Manatee.

On this 7 of May, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared John Falkner the Manager of Rowe Ventures, LLC, a Florida limited liability company, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Patricia J. Wilson
Notary Public

My commission expires: 1/29/2022

 PATRICIA JONES WILSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG180424
Expires 1/29/2022

EXHIBIT A

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

INITIAL BOARD OF SUPERVISORS

Roy Cohn
35100 State Road 64 E
Myakka City, FL 34251
Phone Number: 941-322-2016
Fax Number: 941-322-6671

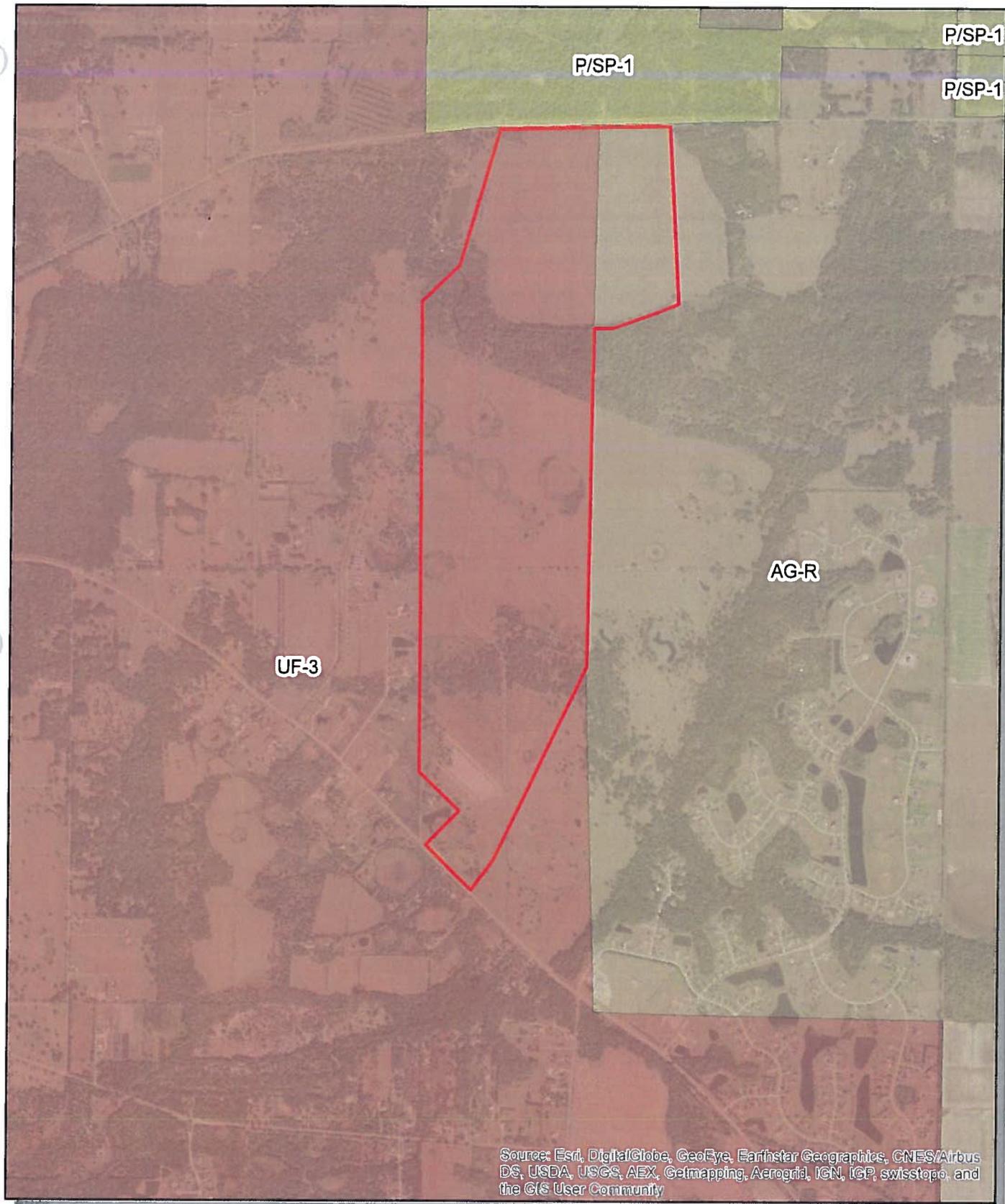
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FUTURE LAND USE MAP



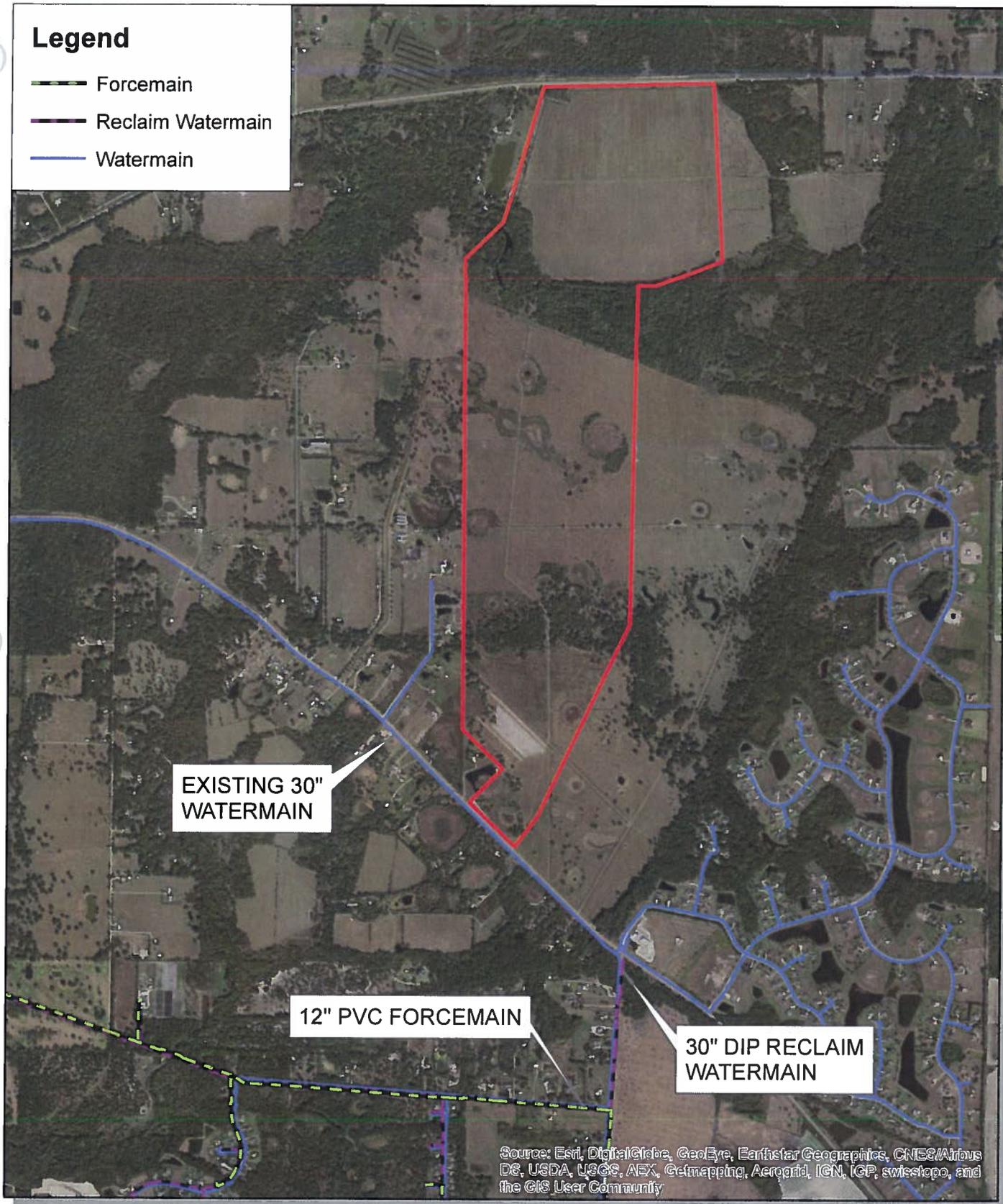
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



UTILITY MAP

Legend

- Forcemain
- Reclaim Watermain
- Watermain



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



201 5th AVE DR EAST BRADENTON, FL 34208
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AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAS
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAS

SCALE: 1" = 2,000 FT



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION
AND GENERAL INFORMATION ONLY. THE INFORMATION
HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

EXHIBIT 6

Proposed Infrastructure Plan

Improvement	Construction Funded By	Ownership	Operation and Maintenance	Estimated O&M	
Stormwater System	CDD	CDD	CDD	\$130,000	
Streets	CDD	County	County	\$36,000	/(a)
Water / Wastewater	CDD	County	County	\$706,723	/(b)
Landscaping / Irrigation	CDD	CDD	CDD	\$300,000	
Parks and Amenities	CDD	CDD	CDD	\$240,000	
Off-Site Roads and Utilities	CDD	County	County		/(c)

Footnotes:

(a) This is computed as: 10 miles of graded roads expected within CDD times \$3,588 per mile in operating and maintenance costs (O&M). Annual O&M costs based on County's Field Operations Program 2501 (\$9.68 million total uses of funds divided by 2,700 miles of Graded Roads equals \$3,588 per mile). See Manatee County FY 2018 Adopted Budget. Retrieved from '[https://www.mymanatee.org/dms/departments/financial-management/budget-office/fy18-fy19-budget-cip-decision-units/FY18-Adopted-Budget Book/FY18%20Adopted%20%26%20FY19%20Planned%20Budget%20Book.pdf](https://www.mymanatee.org/dms/departments/financial-management/budget-office/fy18-fy19-budget-cip-decision-units/FY18-Adopted-Budget%20Book/FY18%20Adopted%20%26%20FY19%20Planned%20Budget%20Book.pdf)'.

(b) This is computed as follows:

Utilities	Gallons per day per household	Gallons per year per household	Operating costs/gallon per year (O&M) /(d)	O&M per year per household	Expected Total Households	Total Annual O&M
Water	240	87,600	\$ 0.0015	\$ 128.77	1,527	\$ 196,635
Wastewater	255	93,075	\$ 0.0036	\$ 334.05	1,527	\$ 510,089
Total				\$ 462.82		\$ 706,723

(c) Included in Streets above.

(d) Annual O&M costs based on County's Potable Water System Program 2301 (\$1470 Total Costs/Millions Gallons) and County's Wastewater System Program 2302 (\$3589 Total Cost/Millions Gallons). See Manatee County FY 2018 Adopted Budget. Retrieved from '<https://www.mymanatee.org/dms/departments/financial-management/budget-office/fy18-fy19-budget-cip-decision-units/FY18-Adopted-Budget-Book/FY18%20Adopted%20%26%20FY19%20Planned%20Budget%20Book.pdf>'.

**Proposed Infrastructure Cost Estimate and Timetable
Aviary**

Item	Description	2018-2019 Phase 1	2019-2020 Phase 2	2020-2021 Phase 3	2021-2022 Phase 4	2022-2023 Phase 5	2023-2024 Phase 6	
1	Streets	\$ 1,833,600.00	\$ 1,100,160.00	\$ 1,100,160.00	\$ 1,100,160.00	\$ 1,100,160.00	\$ 1,100,160.00	
2	Site work, Drainage	\$ 5,867,520.00	\$ 2,933,760.00	\$ 1,466,880.00	\$ 1,466,880.00	\$ 1,466,880.00	\$ 1,466,880.00	
3	Water / Wastewater	\$ 3,911,680.00	\$ 1,173,504.00	\$ 1,173,504.00	\$ 1,173,504.00	\$ 1,173,504.00	\$ 1,173,504.00	
4	Landscaping / Irrigation	\$ 4,033,920.00	\$ 1,344,640.00	\$ 336,160.00	\$ 336,160.00	\$ 336,160.00	\$ 336,160.00	
5	Offsite Improvements	\$ 2,200,320.00	\$ 244,480.00	\$ -	\$ -	\$ -	\$ -	
6	Parks and Amenities	\$ 3,300,480.00	\$ 1,650,240.00	\$ 550,080.00	\$ -	\$ -	\$ -	
7	Professional & Permitting Fees	\$ 5,134,080.00	\$ 684,544.00	\$ 684,544.00	\$ 684,544.00	\$ 684,544.00	\$ 684,544.00	
8	Contingency	\$ 1,222,400.00	\$ 1,222,400.00	\$ 1,222,400.00	\$ 1,222,400.00	\$ 1,222,400.00	\$ -	
TOTAL		\$ 27,504,000.00	\$ 10,353,728.00	\$ 6,533,728.00	\$ 5,983,648.00	\$ 5,983,648.00	\$ 4,761,248.00	\$ 61,120,000.00

Year	2019	2020	2021	2022	2023	2024	
Infrastructure Costs	\$ 27,504,000.00	\$ 10,353,728.00	\$ 6,533,728.00	\$ 5,983,648.00	\$ 5,983,648.00	\$ 4,761,248.00	\$ 61,120,000.00

Note #1: Construction costs do not include cost of financing. Estimated costs are for those powers permitted under Section 190.012(1), Florida Statutes, as amended, and the additional powers requested in the Petition under Sections 190.012(2)(a) and (2)(d), Florida Statutes. This good faith estimate of costs and the time table of construction is provided pursuant to Section 190.005(2)(a) and (1)(a)6., Florida Statutes, and is subject to future changes in construction costs and timing based on engineering design and permitting.

**Statement of Estimated Regulatory Costs
For Establishment of the
Aviary at Rutland Ranch Community Development District**



April 23, 2018

Prepared by
DPFG Management and Consulting, LLC
15310 Amberly Drive, Suite 175
Tampa, Florida 33647
813-374-9105

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A. EXECUTIVE SUMMARY

The Petitioner, **Rowe Ventures LLC**, seeks to establish a community development district to be known as Aviary at Rutland Ranch Community Development District (the "**District**"). This Statement of Estimated Regulatory Costs (the "**SERC**") is a component of the petition filed with the Board of County Commissioners of Manatee County, Florida (the "**County**"), to establish the District in accordance with Chapter 190.005, Florida Statutes, and designating the land area for which the District would manage and finance the delivery of basic public services.

With respect to this establishment, this document determines that there are no adverse impacts on state and local revenues, and on small businesses, and there are no additional administrative costs and transactional costs associated with the establishment. Any one-time transactional or administrative expenses associated with this action will be covered by one-time fees paid by the Petitioner.

The establishment of the District will not create any significant economic costs overall for the State of Florida nor for the County. The proposed action of the District may facilitate private development and may result in positive fiscal impacts in the long run.

B. PURPOSE AND SCOPE

This SERC has been prepared as a component of the petition filed with the County to establish the boundaries of the District in accordance with Chapter 190.005, Florida Statutes, and to provide for the best alternative to deliver community development services and facilities to the proposed community.

Specifically, Section 190.005(1)(a)8, Florida Statutes requires, as part of the petition, a SERC being prepared pursuant to Section 120.541 Florida Statutes. A community development district ("CDD") is established under the Uniform Community Development District Act of 1980, Chapter 190 of the Florida Statutes, as amended (the "Act"). A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of the planning, financing, constructing and maintaining of certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., a county or city) whose boundaries include the CDD.

A CDD cannot regulate land use or issue development orders. Those powers reside with the local general-purpose government. According to Section 190.004(3), Florida Statutes, *"The establishment of an independent community development district as provided in this act is not a development order within the meaning of Chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government."*

In addition, the parameters for the review and evaluation of CDD petitions are set forth in Section 190.002(2)(d), Florida Statutes, as follows: *"That the process of establishing such a district pursuant to*

uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant."

Therefore, the scope of this SERC is limited to an evaluation of those factors pertinent to the establishment of a CDD as defined by the Legislature and outlined in Section 120.541(2), Florida Statutes. The purpose of Chapter 190, Florida Statutes, is to provide another tool to government and private landowners in their efforts to comply with comprehensive plans, which require adequate public facilities and services as a pre-condition for future development. Refer to Section 163.3177(6)(h), Florida Statutes (the "**Concurrency Requirement**") for details.

The CDD is a special purpose unit of local government that is established for the purpose of providing an alternative mechanism for financing the construction of public facilities and delivery of public services. A CDD must be structured to be financially independent as intended by the Legislature. The cost of any additional public improvements to be constructed or any additional services to be provided by the County as a result of this development will be incurred whether the infrastructure is financed through a CDD or any other alternative financing method. These costs have already been evaluated by all appropriate agencies during the approval process for the development. The annual operations and administrative costs of the CDD will be borne entirely by the District and will not require any subsidy from the State of Florida or the County, nor will it place any additional economic burden on those persons not residing within the District.

C. PROPOSED AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT

The Petitioner is seeking authority, as outlined in Section 190.012, Florida Statutes, to establish the District in order to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that may include, but are not limited to, water management and control, water supply, sewer, wastewater management, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, parks and recreational facilities, security, waste collection and disposal, or any other project, with or without the boundaries of the District, as required by the PUD issued by the County or subject of an agreement between the District and a governmental entity.

If approved, the District will be authorized to finance these types of public infrastructure improvements through special or non-ad valorem assessment revenue bonds. Repayment of these bonds will be through special or non-ad valorem assessments levied against all benefited properties within the District. On-going operation and maintenance for District owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District. Refer to **Exhibit A** for an overview of proposed public facilities and services related to the development of land within the District.

D. STATUTORY ELEMENTS

Section 120.541(2), Florida Statutes, provides that the SERC must contain the following:

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

¹ As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

The estimated regulatory impacts of the establishment of the District are summarized below.

(a) An economic analysis showing whether the rule directly or indirectly:

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;**
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or**
- 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.**

The establishment of the District is not likely to have an adverse impact on the items described in (a) 1, (a) 2, and (a) 3 above.

Economic Growth

Since the property is currently vacant and in raw land condition, favorable changes in public costs and revenues associated with the development will likely take place. The establishment of the District will likely have no adverse impact in excess of \$1 million. On the contrary, the District will likely induce economic growth over the next 5 years and rising costs of providing public infrastructure and services to the development will be matched by an essentially comparable increase in revenues – the relative relationship of costs and revenues will change little over time. The District is proposed to be structured on a “pay for itself” basis and has positive direct impact on economic growth.

In addition, the District provides a financing mechanism to (i) fund public infrastructure at a low cost of capital, and (ii) on a timely, “pay for itself” type basis. The District is being used to finance basic public infrastructure and services. Owners of the property within the District agree to a lien on their property, which is paid off over time through a special assessment. The assessment is used to pay debt service on bonds or annual infrastructure maintenance and district operating expenditure, which are secured further by the assessed property as collateral. Assessment liens are superior to private liens, such as construction or mortgage loans. This structure results in a lower cost of capital as otherwise is available to fund public infrastructure, and supports community development.

Although new development results in increased land value, a larger tax base, and more tax revenue for the community at large, it also creates immediate demand for new streets, water and sewer capacity, and other infrastructure. Consequently, a cash-flow mismatch exists between the upfront costs of public facilities and generation of tax revenue to pay for same. To fill this gap, the District is established to fund infrastructure directly, and developers can fund the public-use components of new neighborhoods before improvements are conveyed to the general purpose

government or municipality. The result is that new growth can “pay for itself” instead of burdening an entire community with its costs.

Job Creation

Compared to the property’s existing land use, establishment of the District and subsequent residential development would spur private job creation. In general, changes in the pace of home-building can have major ramifications for many other local industries. A jump in residential construction drives up demand for steel, wood, electricity, glass, plastic, wiring, piping and concrete. The need for skilled construction workers such as bricklayers, carpenters, and electricians soars as well. By one estimate, some 1,500 fulltime jobs for every 500 single-family homes under construction are created. In 2012, the National Association of Home Builders (NAHB) estimates that the impacts include the creation of 3 new jobs and \$23,000 in state and local taxes from building one average new single family home.²

Transactional Costs³

It is not likely that transactional costs in excess of \$1 million in the aggregate within 5 years after the establishment of the District occur. Any transaction costs are covered with one-time fees as described above.

Competitiveness

The establishment of the District is not 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. Home building increases the property tax base which generates revenue that supports local schools and community infrastructure, which leads to the creation of a more competitive County.

(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.

The individuals and entities likely to be required to comply with the ordinance, or affected by the proposed adoption of the establishment of the District are:

- a) THE STATE OF FLORIDA - The State of Florida and its residents and general population will not incur any compliance costs related to the establishment of the District and on-going

² NAHB (2008) “The Direct Impact of Homebuilding and Remodeling on the U.S. Economy”, Special Studies, October 7, 2008. Retrieved from www.housingeconomics.com, and NAHB (2012) “Economic Benefits of New Home Construction” Retrieved from website http://www.nahb.org/fileUpload_details.aspx?contentID=155811&fromGSA=1

³ As used in this section, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

administration of the District. They will only be affected to the extent that the State incurs those nominal administrative costs outlined in Section (c) below.

- b) COUNTY AND ITS RESIDENTS - The County and its residents not residing within the boundaries of the District will not incur any compliance costs, or ongoing administrative costs related to the establishment, other than any one-time administrative costs outlined in Section (c) below.
- c) CURRENT PROPERTY OWNERS - The current property owners of the lands subject to the establishment will be affected to the extent that the District allocates assessments and bonded indebtedness for the construction of public infrastructure and undertakes operation and maintenance responsibility for District infrastructure. Any assessments and bonded indebtedness will be based on special benefit and will be fairly and reasonably apportioned among the properties that receive the special benefit. It would require consent from the owners of land subject to the establishment. The Petitioner anticipates providing full landowner consent to be included as an exhibit to the petition to establish the District.
- d) FUTURE PROPERTY OWNERS – The District is a form of governance which allows 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 County’s overall requirements. For the imposition of special assessments to be valid, any assessments will be based on special benefit and will be fairly and reasonably apportioned among the properties that receive the special benefit from the public improvements and services provided by the District.

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

- a) THE COUNTY - The County will not incur any quantifiable on-going costs. The District is not transferring any maintenance or capital expenditures. As previously stated, the District operates independently from the County and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District. The District will submit, for informational purposes, its annual budget, financial report, audit and public financing disclosures to the County. Since there are no legislative requirements for review or action, the County should not incur any costs. The County may, however, choose to review these documents. To offset these one-time administrative costs, the petitioner will submit a petition filing fee for \$9,000 to the County.
- b) STATE - The State of Florida will not incur any additional administrative costs as a result of the establishment to review the periodic reports required pursuant to Chapters 190 and 189, Florida Statutes. These reports include the annual financial report, annual audit and public financing disclosures.

To offset these costs, the Legislature has established a maximum fee of \$175 per District per year to pay the costs incurred by the Special Districts Information Program to administer the reporting requirements of Chapter 189, Florida Statutes.

Because the District, as defined in Chapter 190, Florida Statutes, is designed to function as a self-sufficient special-purpose governmental entity, it is responsible for its own management. Therefore, except for the reporting requirements outlined above, or later established by law, no additional burden is placed on the State once the District has been established.

- c) DISTRICT - The District will incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments against all properties within the District benefiting from its facilities and its services.
- d) IMPACT ON STATE AND LOCAL REVENUES - It is anticipated that approval of this petition will not have any adverse effect on state and local revenues. There is potential for an increase in state sales tax revenue resulting from the establishment and subsequent development of the subject land. It is not possible to estimate this increase with unconditional certainty. In addition, local ad valorem tax revenues may be increased due to long-lasting increases in property values resulting from the District's construction of infrastructure and on-going maintenance services.

Similarly, private development within the District, which will be facilitated by the District's activities, should have a positive impact on property values and therefore ad valorem taxes. In addition, impact fee and development permit revenue is expected to be generated by private development within the District and, accordingly, should also increase local revenues.

Any concerns that a District obligation could become a state, city or county obligation cannot occur. Chapter 190 specifically addresses this issue as follows: *"It is further the purpose and intent of the Legislature that no debt or obligation of a district will constitute a burden on any local general-purpose government without its consent."* [Section 190.002(3), Florida Statutes]. Further, *"A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state."* [Section 190.016(15), Florida Statutes]. Therefore, approval of this petition will not have any adverse effect on state and local revenues.

In summary, the granting of an ordinance establishing the District will not create any significant economic costs for the State of Florida or for the County. It provides potential revenue generation opportunities for local general government. The District is fiscally neutral for the state and the County.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule

The transactional costs associated with adoption of an ordinance to establish the District are primarily related to the financing of infrastructure improvements. The District will determine what infrastructure it considers prudent to finance through the sale of bonds. Once the decision is made to issue bonds it is expected that assessments will be levied against benefited property owners within the proposed District. The revenue generated by payment of these assessments will be used to repay the bonds. The obligation to pay the assessments will "run with the land" and will be transferred to new property owners upon sale of any portions of the property.

To fund the cost of maintaining infrastructure that the District maintains, operation and maintenance assessments may be imposed on the District property owners. The property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned.

All persons choosing to acquire property in the District will be responsible for such assessments in addition to the taxes or assessments imposed by County and other taxing authorities.

In exchange for the payment of these special assessments, there are potential benefits to be derived by the future property owners. Specifically, these persons can expect to receive a higher level of services because they will elect the members of the District's Board of Supervisors. Further, the District is limited in jurisdiction and responsibility to this single development. Therefore, the District should be extremely responsive to the needs of the property owners within the District.

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 District as compared with viable alternatives, the cost impact to landowners is relatively small. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.

The establishment of the District should not have any negative impact on small businesses. Current land use plans provide for residential development. The District must operate according to Florida's Sunshine law and must follow certain competitive bidding requirements for certain goods and services it will purchase. As a result, small businesses should be better able to compete for District business serving the lands to be included within the District. A District does not discriminate in terms of the size of businesses that can be located within the boundaries or transact business with the District.

The County has an estimated population that is greater than 75,000; therefore the County is not defined as a small county according to Section 120.52(19), Florida Statute.

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

Certain data utilized in this report was provided by the developer/Petitioner and represents the best information available at this time. Other data was provided by the District Manager and was based on observations, analysis and experience with private development and other CDD communities in various stages of existence.

E. CONCLUSION

For the above stated reasons, the proposed Aviary at Rutland Ranch Community Development District will be a beneficial land development in the county and it will not have any material negative impacts to the state or county. This SERC Report provides supporting justification for granting the petition to establish this Community Development District.

Exhibit A: Proposed Infrastructure Plan

The following table presents the proposed infrastructure plan:

Proposed Infrastructure Plan

Improvement	Construction Funded By	Ownership	Operation and Maintenance	Estimated O&M	
Stormwater System	CDD	CDD	CDD	\$130,000	
Streets	CDD	County	County	\$36,000	/(a)
Water / Wastewater	CDD	County	County	\$706,723	/(b)
Landscaping / Irrigation	CDD	CDD	CDD	\$300,000	
Parks and Amenities	CDD	CDD	CDD	\$240,000	
Off-Site Roads and Utilities	CDD	County	County		/(c)

Footnotes:

(a) This is computed as: 10 miles of graded roads expected within CDD times \$3,588 per mile in operating and maintenance costs (O&M). Annual O&M costs based on County's Field Operations Program 2501 (\$9.68 million total uses of funds divided by 2,700 miles of Graded Roads equals \$3,588 per mile). See Manatee County FY 2018 Adopted Budget. Retrieved from <https://www.mymanatee.org/dms/departments/financial-management/budget-office/fy18-fy19-budget-cip-decision-units/FY18-Adopted-Budget-Book/FY18%20Adopted%20%26%20FY19%20Planned%20Budget%20Book.pdf>.

(b) This is computed as follows:

Utilities	Gallons per day per household	Gallons per year per household	Operating costs/gallon per year (O&M) /(d)	O&M per year per household	Expected Total Households	Total Annual O&M
Water	240	87,600	\$ 0.0015	\$ 128.77	1,527	\$ 196,635
Wastewater	255	93,075	\$ 0.0036	\$ 334.05	1,527	\$ 510,089
Total				\$ 462.82		\$ 706,723

(c) Included in Streets above.

(d) Annual O&M costs based on County's Potable Water System Program 2301 (\$1470 Total Costs/Millions Gallons) and County's Wastewater System Program 2302 (\$3589 Total Cost/Millions Gallons). See Manatee County FY 2018 Adopted Budget. Retrieved from <https://www.mymanatee.org/dms/departments/financial-management/budget-office/fy18-fy19-budget-cip-decision-units/FY18-Adopted-Budget-Book/FY18%20Adopted%20%26%20FY19%20Planned%20Budget%20Book.pdf>.

Source: The Petitioner

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Hopping Green & Sams, P.A., to act as agent for Rowe Ventures, LLC with regard to any and all matters pertaining to the Petition to the Manatee County Board of County Commissioners to establish the Aviary at Rutland Ranch Community Development District pursuant to Chapter 190, *Florida Statutes*. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

WITNESSES:

ROWE VENTURES, LLC

Stephen J. Cerven
Name: Stephen J. Cerven
Anna M Houston
Name: Anna M Houston

By: *John Falkner*
Name: John Falkner
Its: Manager
Date: 5/7/18

STATE OF Florida,
COUNTY OF Manatee,

On this 7 of May, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared John Falkner the Manager of Rowe Ventures, LLC, a Florida limited liability company, and he/she acknowledged the above instrument to be the act of said petitioner.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Patricia J Wilson
Notary Public

My commission expires: 1/29/2022



PATRICIA JONES WILSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG180424
Expires 1/29/2022

**BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS**

IN RE: PETITION TO ESTABLISH)
THE AVIARY AT RUTLAND RANCH)
COMMUNITY DEVELOPMENT DISTRICT)
_____)

AFFIDAVIT OF SURVEYOR

STATE OF FLORIDA
COUNTY OF MANATEE

I, Leo Mills, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Leo Mills, Jr., a Florida Registered Land Surveyor.
3. I have reviewed the legal descriptions attached to the Petition to Establish the Aviary at Rutland Ranch Community Development District ("District"), included at Exhibit 2 (legal description of proposed District boundaries), and Exhibit 3 (exhibit to landowner consent).
4. I hereby certify that the legal description included in Exhibit 2 of the above-referenced Exhibits to the Petition to Establish the Aviary at Rutland Ranch Community Development District correctly describes the District boundaries as shown on the map contained in Exhibit 2.
5. I hereby certify that the legal description included as an exhibit to the landowner consent found at Exhibit 3 contains the entirety of the lands intended to be included within the proposed District boundary, as shown at Exhibit 2.

AFFIDAVIT OF SURVEYOR SIGNATURE PAGE

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

Executed this 4th day of MAY, 2018.



Name: Leo Mills, Jr.
Florida RLS #3513

SWORN AND ASCRIBED before me this 4th day of May 2018, by LEO MILLS JR, for N/A, who is personally known to me or has provided _____ as identification, and who did / did not take an oath.



NOTARY PUBLIC



Print Name: REA SELLARS

Notary Public, State of Florida

Commission No.: FF934357

My Commission Expires: 1-21-2020

**BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS**

IN RE: PETITION TO ESTABLISH)
THE AVIARY AT RUTLAND RANCH)
COMMUNITY DEVELOPMENT)
DISTRICT)
_____)

AFFIDAVIT OF ENGINEER

STATE OF FLORIDA
COUNTY OF Manatee

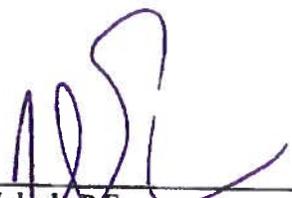
I, Jeb Mulock, P.E., being first duly sworn, do hereby state for my affidavit as follows:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein.
2. I have personal knowledge of the matters stated herein.
3. My name is Jeb Mulock, P.E., and I am President of ZNS Engineering, L.C., and a Florida Professional Engineer.
4. I hereby certify that i) the general location description of the District's boundaries depicted on Exhibit 1, ii) the future land use map relative to the proposed district depicted on Exhibit 5, iii) the water main, sewer interceptor and outfalls map depicted on Exhibit 6, iv) the list of improvements set forth in Exhibit 7, and v) the estimated construction costs and timetable depicted on Exhibit 8, each exhibits to the Petition to Establish the Aviary at Rutland Ranch Community Development District, are true and correct.
5. The construction cost estimates are true and correct. Additionally, the length of the roadways, and the number of residential units, used in the estimate of operations and maintenance expenses as set forth in Exhibit 7, are true and correct.

AFFIDAVIT OF ENGINEER SIGNATURE PAGE

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

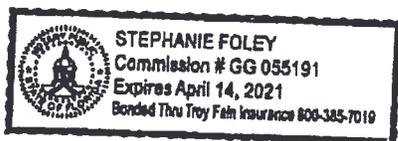
Executed this 8 day of May, 2018.



Jeb Mulock, P.E.
ZNS Engineering, L.C.

SWORN AND ASCRIBED before me this 8 day of may 2018, by Jeb Mulock, P.E., for ZNS Engineering, L.C., who is personally known to me or [] has provided _____ as identification, and who did ___ / did not take an oath.

NOTARY PUBLIC 



Print Name: Stephanie Foley
Notary Public, State of Florida
Commission No.: GG 055191
My Commission Expires: April 14, 2021

**BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS**

IN RE: PETITION TO ESTABLISH)
THE AVIARY AT RUTLAND RANCH)
COMMUNITY DEVELOPMENT)
DISTRICT)
_____)

AFFIDAVIT OF ASSESSMENT CONSULTANT

STATE OF FLORIDA
COUNTY OF Seminole

I, Maik Aagaard, being first duly sworn, do hereby state for my affidavit as follows:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein.
2. I have personal knowledge of the matters stated herein.
3. My name is Maik Aagaard, and I am employed by DPGF Management and Consulting, LLC as President.
4. I hereby certify that the list of improvements set forth in Exhibit 7 is true and correct, and that, based on the roadway lengths and proposed number of residential units, as provided by ZNS Engineering, L.C., and based on County budget and cost information as referenced in Exhibit 7, the cost estimates for the operation and maintenance of the improvements as set forth in Exhibit 7 are also true and correct.

AFFIDAVIT OF ASSESSMENT CONSULTANT SIGNATURE PAGE

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

Executed this 8 day of May, 2018.



Maik Aagaard
President of DPF

SWORN AND ASCRIBED before me this 8 day of May 2018, by Maik Aagaard, for DPF, who is [] personally known to me or [] has provided _____ as identification, and who did ___ / did not ___ take an oath.

NOTARY PUBLIC



Print Name: SARA COX
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

