

ORDINANCE 15-15

COUNCIL ITEM 8A
DATE 4/13/15

COUNCIL ITEM 10A
DATE 3/23/15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA ESTABLISHING THE VERANDA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING BOUNDARIES; DESIGNATING INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING POWERS; PROVIDING FOR NOTICE OF SPECIAL ASSESSMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR EXCEPTIONS AND INTERLOCAL AGREEMENTS WITH THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port St. Lucie (the "City") has determined that it is authorized pursuant to Section 190.005, Florida Statutes, to establish community development districts that are less than 1,000 acres in size and located within the corporate boundaries of the City; and

WHEREAS, DiVosta Homes, L.P., a Delaware Limited Partnership (the "Petitioner"), has petitioned the City to grant the establishment of the Veranda Community Development District (the "District"), which petition contains the information required by sections 190.005(1)(a) and 190.05(2)(a), Florida Statutes; and

WHEREAS, a public hearing has been conducted by the City Council in accordance with the requirements and procedures of section 190.005(1)(d), Florida Statutes; and

WHEREAS, the City Council has taken testimony and considered the record of the public hearings and the factors set forth in Section 190.005(1)(e), Florida Statutes; and

WHEREAS, all statements contained in the petition have been found to be true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan and the Port St. Lucie Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, 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 services and facilities to the area that will be served by the District; and

ORDINANCE 15-15

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

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

WHEREAS, the District desires to levy special assessments on purchasers of benefited land within the District to pay for infrastructure constructed and/or acquired by the District; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the City Council finds that the District shall have the general powers described in section 190.011, Florida Statutes, and the special powers described in sections 190.012(1), (2)(a) and (b), Florida Statutes; and

WHEREAS, the exercise by the District of any powers other than the powers set forth in sections 190.011 and 190.012(1), (2)(a), (b) and (d), Florida Statutes, shall require consent by the City Council by ordinance or resolution; and

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Establishment; Name.

The Veranda Community Development District (the "District") is hereby established.

Section 2. Boundaries.

The external boundaries of the District are set forth in the legal description contained in the attached Exhibit "A" and incorporated by reference.

Section 3. Initial Board of Supervisors. The following five persons are designated as the initial members of the Board of Supervisors of the District: Tony Palumbo; Pierre DeAmezola; David Kanarek; Patrick Gonzalez; and Adam Garon. All of the above-named persons are residents of the State of Florida and citizens of the United States.

Section 4. District General and Special Powers. The District shall have all the power and authority to construct, operate and maintain District facilities and services as authorized by Chapter 190, Florida Statutes, as amended from time to time. The City consents to the Board's exercise of special powers set forth in sections 190.012(1), (2)(a), (b) and (d), Florida Statutes, which includes the power to plan, establish, acquire, construct

ORDINANCE 15-15

or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and, for fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment; and security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries.. Said powers shall be discharged in accord with Chapter 190 of the Florida Statutes.

Section 5. Pursuant to section 190.004(4), Florida Statutes, the charter for the District shall be sections 190.006 through 190.041, Florida Statutes, including the special powers provided by sections 190.012(1), (2)(a), (b) and (d), Florida Statutes. The exercise by the District of powers set forth in sections 190.012(2)(c), (e) and (f), Florida Statutes, shall require consent by the City Council. Such consent shall only be provided by resolution or ordinance after specific petition to the City Council.

Section 6. Notice of Special Assessments. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries. The Petitioner, its successors and assigns shall provide notice of said special assessments to all prospective purchasers of said property.

- (a) The Petitioner, its successors and assignees shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale and in every recorded deed from the Petitioner. The District shall record a notice of assessments in the Public Records both before and after any bond sale;
- (b) The Petitioner, its successors and assignees shall disclose the fact that the development is located in a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the District. This information shall be in bold type in any sale brochures, in any sales

ORDINANCE 15-15

information, and on the front page of the Declaration of Restrictive Covenants creating the Property Owners Association or Homeowners Association;

- (c) The Petitioner, its successors and assigns shall provide all the disclosure statements required in this section in a separate page as part of the contract for purchase and sale of property within the District. The potential purchaser must sign this page;
- (d) An affidavit of compliance shall be submitted annually to the City of Port St. Lucie beginning on April 1, 2015 until all units have been sold, outlining the number of units sold, providing samples of the documents used in the closing process and certifying compliance with the disclosure requirements contained in this ordinance. The City shall have the right to audit the records of the Petitioner, its successors and assignees upon 10 days written notice to verify the compliance with the disclosure requirements in this ordinance. Failure to comply with the disclosure requirements in this ordinance shall be a violation of a City Ordinance and shall be punishable as provided by law, including but not limited to enforcement procedures established in the City's Land Development Code.

Section 7. Conditions. The District shall be subject to the following conditions:

- (a) The Petitioner and all future property owners and persons within the District shall be subject to all City ordinances including, but not limited to, site plan approval, all permitting and review requirements and processes;
- (b) All construction shall be subject to City inspections and requirements;
- (c) The construction of all utility infrastructure relating to ponds, landscaping, hardscaping and walls, sanitary sewer, stormwater management (including ponds and retention and transmission facilities), roads and paving, sidewalks and water supply and distribution shall be built to City standards;

Section 8. Exceptions and Interlocal Agreements. The District shall have all of the authority and power contained with Chapter 190, Florida Statutes, as set forth above, except that the District may construct, but will not operate, potable water or wastewater facilities unless, pursuant to Chapter 163, Florida Statutes, an interlocal agreement is promulgated between the City and the District. Provided, however, that following construction, the District will dedicate such facilities to the City.

ORDINANCE 15-15

Section 9. Conflicting Provisions. In the event this Ordinance conflicts with any other ordinance of the City of Port St. Lucie, this Ordinance shall govern and the conflicting ordinance shall be repealed to the extent of such conflict.

Section 10. Severability. If any portion of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance.

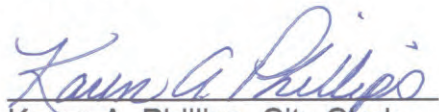
Section 11. Department of State. The Clerk is hereby directed to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

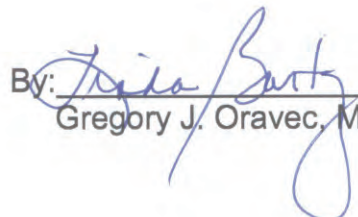
Section 12. Effective Date. This Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 13th day of April, 2015.

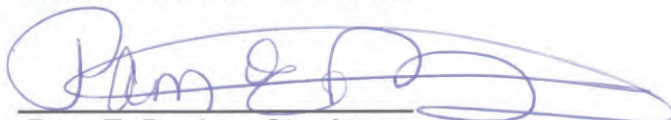
CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:


Karen A. Phillips, City Clerk

By: 
Gregory J. Oravec, Mayor

APPROVED AS TO FORM:


Pam E. Booker, City Attorney



ORDINANCE EXHIBIT "A"
LEGAL DESCRIPTION

Veranda Gardens West – Phase 1 – Legal Description

Veranda Plat No. 3 Veranda Gardens West Phase 1, being more particularly described as follows;

Being all of Parcel 6 of the plat of VERANDA PLAT NO. 2, as recorded in Plat Book 68, Page 29, and a portion of Section 34, and 35, Township 37 South, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida, being more particularly described as follows;

Commence at the Southwest corner of Tract A of said VERANDA PLAT NO. 1; thence North 89°54'36" West, a distance of 2,627.74 feet to the POINT OF BEGINNING of the following described parcel;

Thence N23°31'20"W, a distance of 310.34 feet; thence N66°28'40"E, a distance of 189.33 feet; thence S89°53'02"E, a distance of 361.68 feet to a point of curve to the left having a radius of 100.00 feet and a central angle of 114°25'15"; thence northeasterly along the arc a distance of 199.70 feet; thence N24°18'18"W, a distance of 1,328.89 feet; thence N87°44'23"W, a distance of 111.80 feet; thence S65°41'42"W, a distance of 278.30 feet; thence N24°18'18"W, a distance of 20.02 feet to a point of curve to the right having a radius of 32.00 feet and a central angle of 52°09'39"; thence northerly along the arc a distance of 29.13 feet to a point of reverse curve to the left having a radius of 87.00 feet and a central angle of 75°56'58"; thence northerly along the arc, a distance of 115.32 feet to the intersection with a non tangent curve concave to the South, having a radius of 32.00 feet, a chord bearing of S81°11'57"E, 34.96 feet; thence easterly along the arc, through a central angle of 66°12'41", a distance of 36.98 feet; thence N65°41'42"E, a distance of 111.11 feet; thence N24°18'18"W, a distance of 152.59 feet to the intersection with a non tangent curve concave to the East, having a radius of 280.00 feet, a chord bearing of N03°16'13"E, 259.23 feet; thence northerly along the arc, through a central angle of 55°09'00", a distance of 269.51 feet to the Southerly right-of-way of Becker Road; thence, along Southerly right-of-way of Becker Road the following 4 courses; thence N24°18'18"W, a distance of 30.00 feet; thence N65°41'42"E, a distance of 212.38 feet to a point of curve to the right having a radius of 2,925.00 feet and a central angle of 44°15'00"; thence easterly along the arc a distance of 2,259.00 feet; thence S70°03'18"E, a distance of 600.89 feet; thence, departing said Southerly right-of-way, S19°56'42"W, a distance of 240.59 feet to the intersection with a non tangent curve concave to the East having a radius of 70.00 feet, a chord bearing of N19°56'42"E, 97.98 feet; thence southerly along the arc, through a central angle of 88°49'50", a distance of 108.53 feet; thence S19°56'42"W, a distance of 21.01 feet; thence S70°03'18"E, a distance of 175.19 feet to a point of curve to the right having a radius of 50.00 feet and a central angle of 90°00'00"; thence southeasterly along the arc a distance of 78.54 feet; thence S70°03'18"E, a distance of 100.00 feet; thence S19°56'42"W, a distance of 393.00 feet to a point of curve to the right having a radius of 150.00 feet and a central angle of 90°00'00"; thence southwesterly along the arc a distance of 235.62 feet; thence N70°03'18"W, a distance of 179.81 feet; thence S19°56'42"W, a distance of 780.72 feet to a point of curve to the left having a radius of 50.00 feet and a central angle of 107°31'44"; thence southeasterly along the arc a distance of 93.84 feet to a point of reverse curve to the right having a radius of 164.26 feet and a central angle of 35°09'50"; thence easterly along the arc, a distance of 100.81 feet; thence S00°08'54"W, a distance of 460.52 feet; thence N89°51'06"W, a distance of 460.53 feet; thence N89°51'53"W, a distance of 355.34 feet; thence N89°54'36"W, a distance of 1,325.29 feet to the POINT OF BEGINNING.

Containing 131.251 acres, more or less.

Prepared By:



Thomas P. Kiernan
Professional Surveyor & Mapper
Florida Certificate No. 6199



"A City for All Ages"

CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE

.....

A CITY FOR ALL AGES

April 17, 2015

Bureau of Administrative Code & Laws
Department of State
The Capital
Tallahassee, FL 32304

Re: Ordinance 15-15

On April 11, 2015, the City Council of the City of Port St. Lucie, Florida, passed and approved the enclosed Ordinance 15-15 establishing the Veranda Community Development District. This certified copy is being sent for filing with your office.

Sincerely,

Karen A. Phillips, CMC
City Clerk

Enclosure

PETITION BY
DI VOSTA HOMES, LP

For The Passing Of
An Ordinance
To Establish The

VERANDA
COMMUNITY DEVELOPMENT DISTRICT

CITY OF PORT ST. LUCIE, FLORIDA



FEBRUARY 4, 2015

**VERANDA
COMMUNITY DEVELOPMENT DISTRICT**

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**PETITION FOR ORDINANCE
FOR
VERANDA
COMMUNITY DEVELOPMENT DISTRICT**

February 4, 2015

Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, Florida 33410
561-630-4922 Telephone
877-737-4922 Toll Free
561-630-4923 Facsimile

IN RE: AN ORDINANCE TO ESTABLISH)
THE VERANDACOMMUNITY)
DEVELOPMENT DISTRICT)

PETITION

Petitioner, DiVosta Homes, LP, ("Petitioner"), hereby petitions the City of Port St. Lucie 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 incorporated area of the City of Port St. Lucie, Florida. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 131.251 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 external 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 owner 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) Tony Palumbo
 - 2) Pierre DeAmezola
 - 3) David Kanarek
 - 4) Patrick Gonzalez
 - 5) Adam Garon
4. The proposed name of the District to be established is Veranda Community Development District ("VCDD").
5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing 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. These are good faith estimates but are not binding on the Petitioner or the District and are 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 estimated to be 358 single family residential units. The proposed uses for the land included within the proposed District are

in compliance with the City of Port St. Lucie Future Land Use Element. The City Master Plan and Future Land Use Element designate the land contained within the proposed District for Residential Golf Course. 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. Exhibits 7A, 7B and 7C show the existing Water, Sewer and Drainage Utilities, respectively.
10. Exhibit 8 is the Existing Re-Use Main.
11. Exhibit 9 is the proposed boundaries of the Community Development District.
12. Petitioner hereby requests that the proposed District be granted the right to exercise all powers provided for in Sections 190.012(1), 2(a) and 2(b), Florida Statutes.
13. The Petitioner is DiVosta Homes, LP, 24311 Walden Center Drive, Suite 300, Bonita Springs, Florida 34134.
14. 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 City of Port St. Lucie 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 approved by the City of Port St. Lucie. The land encompassing the proposed District is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.
 - c. The community development facilities the District proposes to finance 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 infrastructure to the area to be served because the District provides a governmental entity for delivering the infrastructure in a manner that does not financially impact persons residing outside the District.
 - e. The District proposes to enter into a maintenance agreement with the City to maintain the backbone stormwater facilities for the development.

WHEREFORE, Petitioner respectfully requests the City of Port St. Lucie Commission to:

1. Hold a public hearing as required by Section 190.005(2) (b), Florida Statutes to consider the establishment of the Veranda Community Development District and;
2. Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the Veranda Community Development District.

Respectfully submitted this 9TH day of October, 2014

DiVosta Homes, LP



By: Brian Yonaley
Vice President - Finance

EXHIBIT 1

LOCATION MAP
VERANDA COMMUNITY DEVELOPMENT DISTRICT

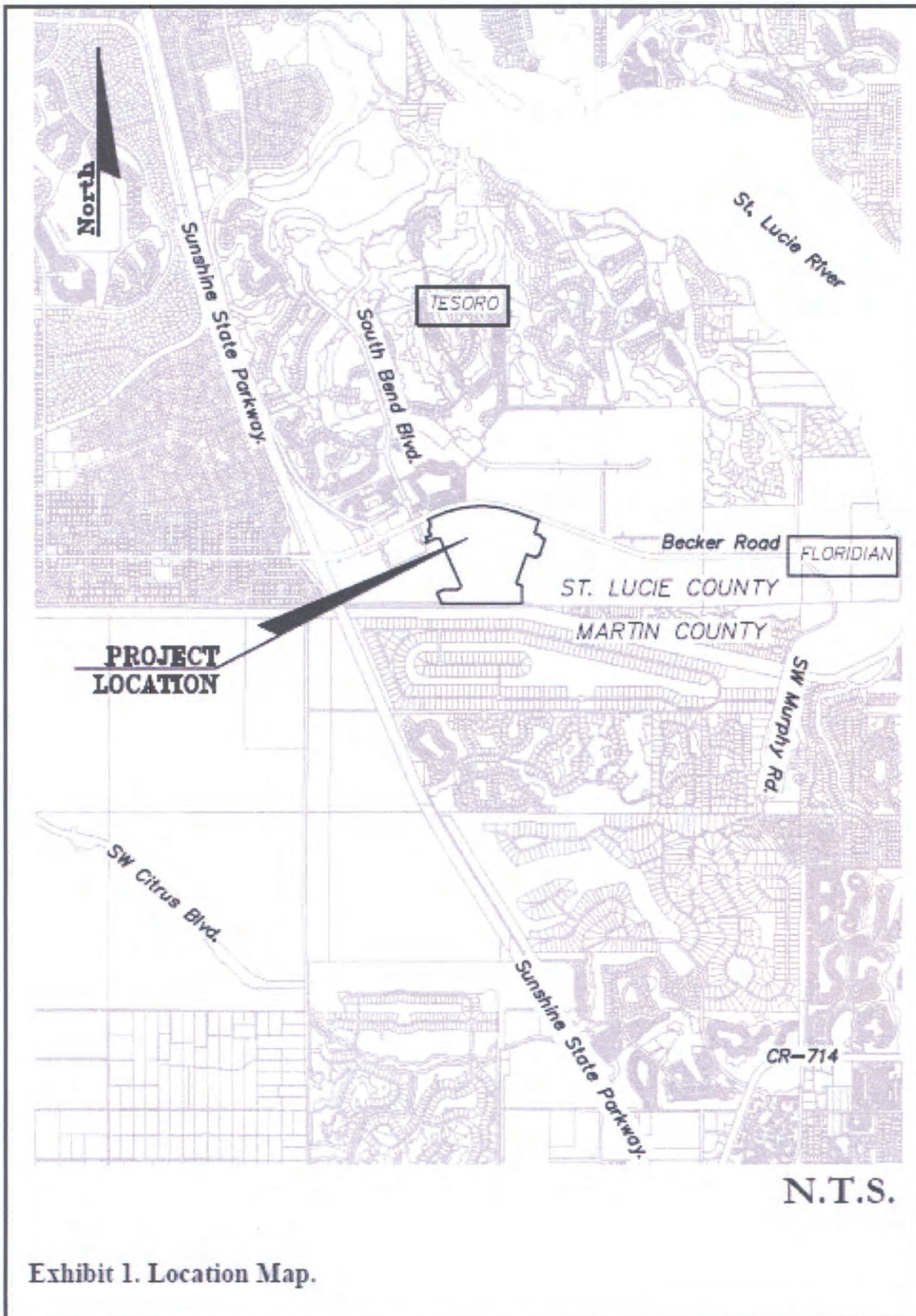


Exhibit 1. Location Map.

EXHIBIT 2

**LEGAL DESCRIPTION
VERANDA COMMUNITY DEVELOPMENT DISTRICT**

Veranda Gardens West – Phase 1 – Legal Description

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Containing 131.251 acres, more or less.

Prepared By:


Thomas P. Kiernan
Professional Surveyor & Mapper
Florida Certificate No. 6199

EXHIBIT 3

**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF THE
VERANDA COMMUNITY DEVELOPMENT DISTRICT**

On this 9TH day of OCTOBER 2014, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Brian Yonaley who, after being duly sworn, deposes and says:

1. Affiant, Brian Yonaley, an individual, is the Vice President - Finance of DiVosta Homes, LP;
2. DiVosta Homes, LP is the owner of the following described property, to wit:
 - See Exhibit "A" attached hereto (the "Property")
3. Affiant, Brian Yonaley hereby represents that he has full authority to execute all documents and instruments on behalf of the DiVosta Homes, LP, 24311 Walden Center Drive, Suite 300, Bonita Springs, Florida to enact an ordinance to establish the Veranda Community Development District (the "Proposed CDD").
4. The property represents all of the real property to be included in the Proposed CDD.
5. Affiant, Brian Yonaley, on behalf of DiVosta Homes, LP, sole owner of the property in the capacity described above, hereby consents to the establishment of the proposed Veranda Community Development District.

FURTHER, AFFIANT SAYETH NOT.



Subscribed and sworn to before me this 9th day of October, 2014, Brian Yonaley, who personally appeared before me, and is personally known.



Notary: Kathryn A. Bowes
Print Name: _____
Notary Public, State of Florida

EXHIBIT 4A

**ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE
VERANDA COMMUNITY DEVELOPMENT DISTRICT**

IMPROVEMENT	START DATE	COMPLETION DATE
EARTHWORK	5/1/2014	8/1/2017
WASTEWATER SYSTEM	5/1/2014	8/1/2017
WATER SUPPLY SYSTEM	5/1/2014	8/1/2017
SURFACE WATER MGMT	5/1/2014	8/1/2016
ROADS AND PAVING	8/1/2014	8/1/2017
LANDSCAPING & IRRIGATION	8/1/2014	8/1/2017
ENTRANCE FEATURES	8/1/2014	8/1/2017
FENCES & GATES	8/1/2014	8/1/2017
OTHER (SIDEWALKS)	8/1/2014	8/1/2017

EXHIBIT 4B

**CONSTRUCTION COSTS ESTIMATES
VERANDA COMMUNITY DEVELOPMENT DISTRICT**

EARTHWORK	\$780,000
WASTEWATER SYSTEM	\$1,600,000
WATER SUPPLY SYSTEM	\$587,000
SURFACE WATER MANAGEMENT	\$956,000
ROADS AND PAVING	\$2,140,000
OFFSITE IMPROVEMENTS (SIDEWALKS)	\$70,000
LANDSCAPING & IRRIGATION	\$2,487,000
ENTRANCE FEATURES	\$186,700
FENCES AND GATES	\$161,483
OTHER (ON-SITE SIDEWALKS)	\$269,000
SOFT COSTS (ENGINEERING, ETC.) @ 10%	\$923,718
CONTINGENCY @ 10%	\$923,718
TOTAL ESTIMATED PROJECT COSTS	\$11,084,619

EXHIBIT 5

PUBLIC AND PRIVATE USE MAP VERANDA COMMUNITY DEVELOPMENT DISTRICT



- | | |
|--------------------------------------|-----------------------------|
| SLC AGRICULTURAL | INSTITUTIONAL |
| RESIDENTIAL (RL)(RGC) | RECREATION OPEN SPACE |
| RESIDENTIAL (RM)(RH) | NEW COMMUNITY DEVELOPMENT |
| RESIDENTIAL - OFFICE - INSTITUTIONAL | PRESERVATION |
| COMMERCIAL LIMITED (CL)(CG) | UTILITY |
| COMMERCIAL SERVICE (CS)(CH) | SLC RESIDENTIAL URBAN ZONED |
| INDUSTRIAL (HI)(LI) | SLC COMMERCIAL |
| CRA Limits | City Limits |
| | Urban Service Boundary |



EXHIBIT 6

**VERANDA
COMMUNITY DEVELOPMENT DISTRICT**

Statement of Estimated Regulatory Costs

February 4, 2015

Prepared by

Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, Florida 33410

(561) 630-4922

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Veranda Community Development District ("District"). The District comprises approximately 131.251 acres of land located in the incorporated area of City of Port St. Lucie, Florida (the "City"). The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. governing District establishment as follows:

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

1.2 Overview of Veranda Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to a master planned residential development containing approximately 358 single family residential dwelling units within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2014), defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly (1) is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; (2) is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after 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 and local revenues;

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

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

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

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

"Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2) (a), Florida Statutes."

2.0 An economic analysis of potential impacts on growth, business competitiveness or increased regulatory costs, in excess of \$1 million within the next 5 years.

It is unlikely the establishment of the District will meet any of the adverse triggers referenced in Section 120.541(2)(a). The basis for this determination is that this Petition to establish the District is for the sole purpose of providing public infrastructure for the development of the Veranda Project which has already been vetted by the City during the review process and subsequently approved by the City Council. Additional support of this determination is provided in the discussions in Section 3.0 through Section 6.0 herein.

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

The Veranda Community Development District serves land that comprises a 131.251 acre residential development to be made up of an estimated 358 residential homes. The estimated population of the District is 900 +/- . The property owners in the District will

be individuals that may operate industrial, manufacturing and other retail and non-retail related businesses outside the boundaries of the District.

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

There is no state agency promulgating any rule relating to this project that is anticipated to affect state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the results of adopting the ordinance is establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 1,000 acres, therefore, the City of Port St. Lucie is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Economic Development, which offsets such costs.

City of Port St. Lucie

There will be only modest costs to the City for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the City routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the City of Port St. Lucie, because of the establishment of the District, are also very small. The District is an independent unit of local government.

The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City may incur if it establishes a monitoring program for this District. However, the Petitioner has included a payment of \$15,000 to offset any expenses the City may incur in the processing of this Petition, or in the monitoring of this District.

4.2 Impact on State and Local Revenues

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

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other units of local government. In accordance with State law, debts of the District are strictly its own responsibility.

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

The petitioner has estimated the costs for providing the capital facilities to be approximately \$11,084,619. The District may issue special assessment bonds to fund all or a portion of the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program.

Table 1 provides an outline of the various facilities and services the proposed District may provide.

Table 1

VERANDA COMMUNITY DEVELOPMENT DISTRICT Proposed Facilities and Services

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
INTERIOR ROADS	CDD/Developer	CDD/POA*	CDD/POA*
DRAINAGE	CDD/Developer	CDD	CDD
UTILITIES	CDD/Developer	City	City

* Property Owner's Association

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of

the District and its facilities and services. Table 2 provides an estimation of those non-ad valorem assessments.

Table 2

**VERANDA COMMUNITY DEVELOPMENT DISTRICT
Estimated Annual Debt Service and O&M Assessments**

LOT TYPE	ANNUAL DEBT SERVICE*	ANNUAL OPERATION & MAINTENANCE*	TOTAL ANNUAL ASSESSMENT*
52'	\$ 839.13	\$ 169.57	\$ 1,008.70
66'	\$ 1,065.22	\$ 169.57	\$ 1,234.78

*Adjusted to include 4% collection fee of the County Tax Collector and County Property Appraiser, and 4% discount for early payment of taxes.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District (“CDD”) provides property owners with the option of having higher levels of facilities and services financed through self-imposed assessments. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, City provision, or through developer equity and/or bank loans.

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

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

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

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 management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

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

Approval of the Veranda CDD will have positive impacts on small business as defined in Chapter 288.703 (1), F. S. These positive impacts will result because the additional population in the District will require goods and services from small businesses. 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.

The City has an estimated population in 2003 that is greater than 10,000; therefore the City is not defined as a "*small*" City according to Section 120.52, F.S, and there will accordingly be no impact on a small City because of the formation of the District.

7.0 Any additional useful information.

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

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FL. STATUE CITATION	DUE DATE
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/30

EXHIBIT 7A

**EXISTING UTILITIES (WATER)
VERANDA COMMUNITY DEVELOPMENT DISTRICT**



VERANDA CDD

Existing Utilities (Water)

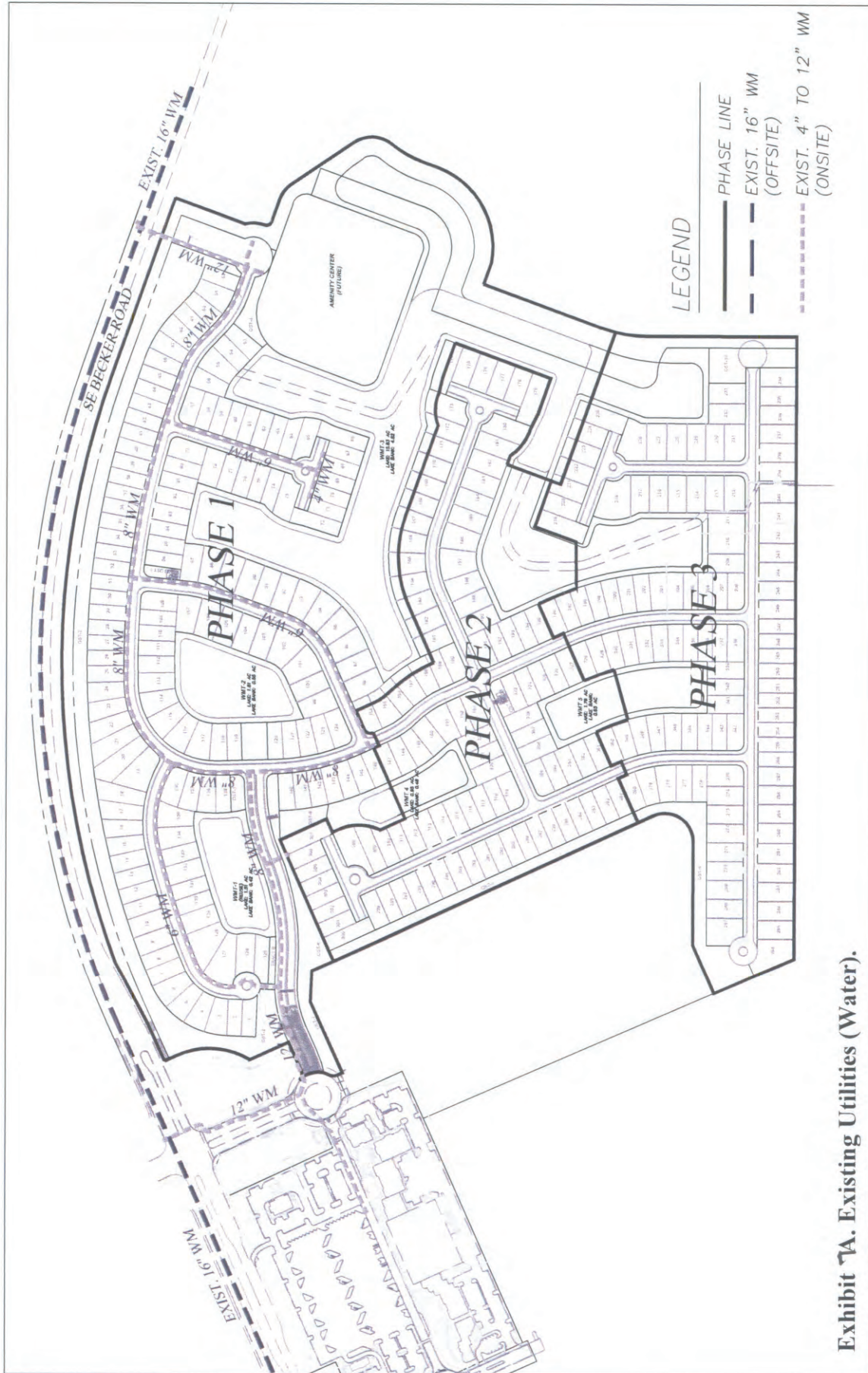


Exhibit 1A. Existing Utilities (Water).

EXHIBIT 7B

**EXISTING UTILITIES (SEWER)
VERANDA COMMUNITY DEVELOPMENT DISTRICT**



VERANDA CDD

Existing Utilities (Sewer)

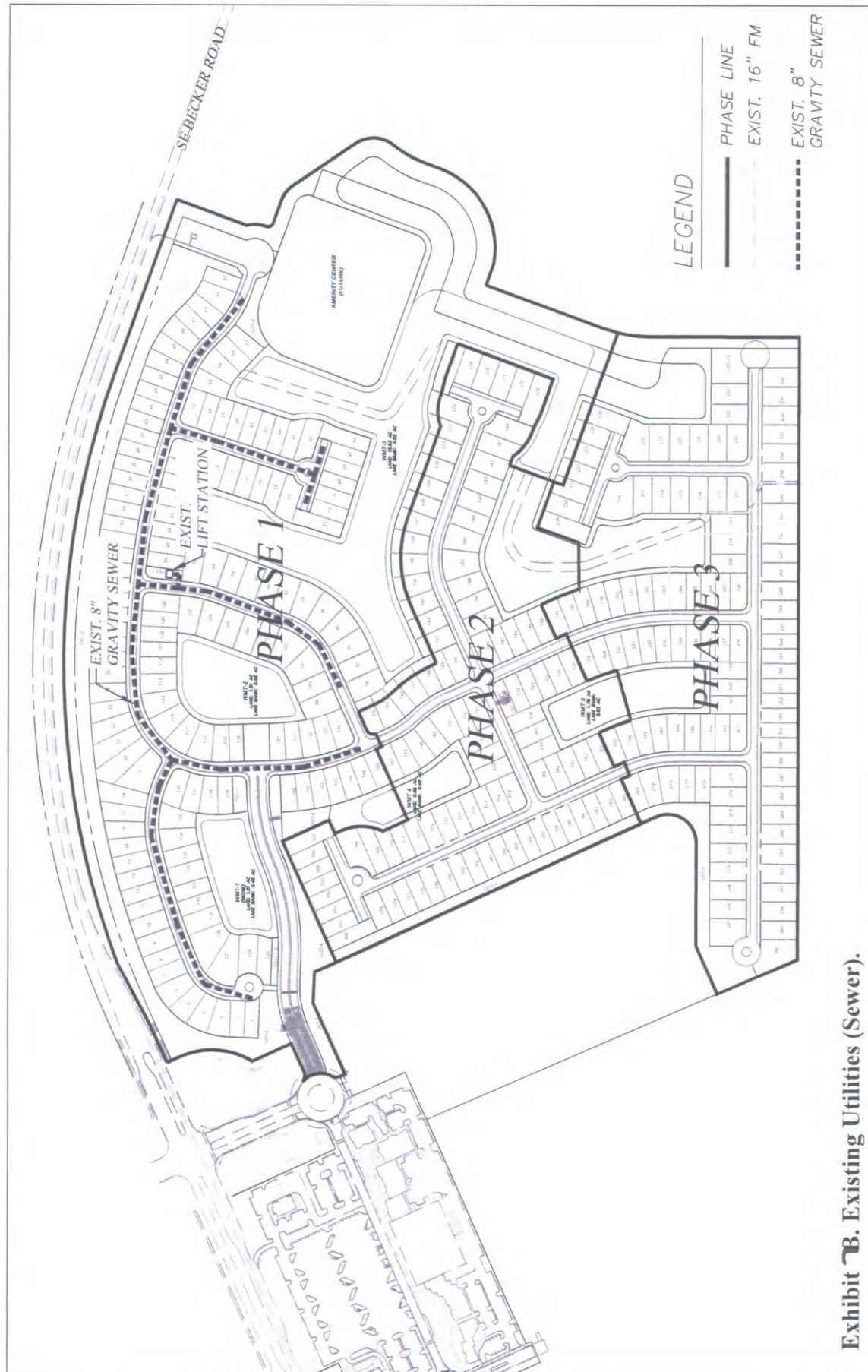


Exhibit B. Existing Utilities (Sewer).

EXISTING UTILITIES (DRAINAGE SYSTEM)
VERANDA COMMUNITY DEVELOPMENT DISTRICT



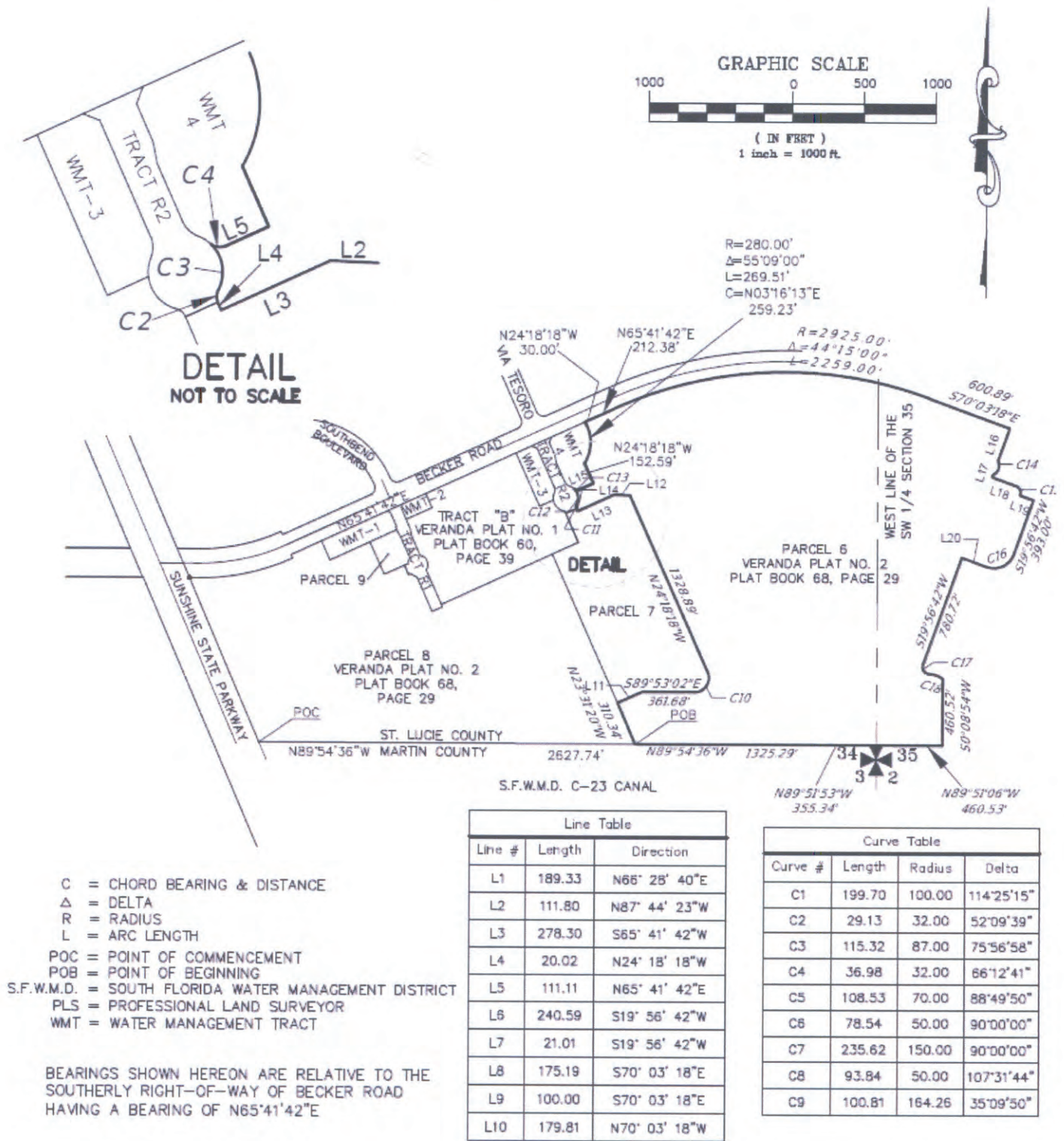
EXHIBIT 8

**EXISTING RE-USE MAIN
VERANDA COMMUNITY DEVELOPMENT DISTRICT**



EXHIBIT 9

DISTRICT BOUNDARIES MAP VERANDA COMMUNITY DEVELOPMENT DISTRICT

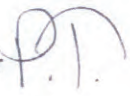


CITY OF PORT ST. LUCIE
Planning and Zoning Department
121 S.W. Port St. Lucie Blvd., Building B
Port St. Lucie, FL 34984-5099
www.cityofpsl.com



MEMORANDUM

TO: Brennan Keeler, Staff Attorney

FROM: Patricia A. Tobin, Interim Planning & Zoning Director 

DATE: January 21, 2015

RE: Veranda CDD Petition (P15-006)

Informational Background: The Veranda development is located on the north and south sides of Becker Road generally between Florida's Turnpike and Gilson Road. The development is 1,122 acres and zoned PUD (Planned Unit Development). Future land use designations include Commercial General (CG), Residential, Office & Institutional (ROI) and Residential Golf Course (RGC). The development includes a mix of uses and includes the existing Veranda Falls shopping center.

This CDD application is for 131.251 acres or part of the PUD. The Veranda Plat No. 3 – Veranda Gardens West Phase 1 has been approved and currently encompasses 146 lots. Tracts were also platted in the subdivision and 212 more lots will be ultimately included in this CDD. That is a total of 358 lots on 131.251 acres.

Department's Opinion on Planning Attachments (No. 2 of Your Memo) – The Petitioner's attachments, including all location, comprehensive plan and zoning maps, legal descriptions, construction cost estimates, plats and/or surveys appear to be adequately true and correct.

Utility Systems Department's Opinion on Utility Attachments (No. 4 of your Memo) – Public Works and Utility Systems departments have assisted me in the determination that the construction cost estimates and exhibits appear to be adequate and true, based on the information provided in the petition.

No. 5(a) of your Memo (§190.005(1)2, F.S.) - The establishment of the district is consistent with the City's Comprehensive Plan. The City has permitted other non-NCD projects to establish CDDs; projects such as St. Lucie West, Verano PUD and Villa Viscaya.

No. 5(b) of your Memo (§190.005(1)3, F.S.) - The property is sufficiently sized, sufficiently compact and sufficiently contiguous to be developed as one functional community.

No. 5(c) of your Memo (§190.005(1)(e)5, F.S.) – The community development services to be provided by the CDD are not incompatible with the capacity and uses of existing local and regional community development services and facilities.

If you have any questions please feel free to contact me.

c: Todd Wodraska, Special Services (via email)
Jim Angstadt, City Engineer (via email)
Roxanne Chesser (via email)
Laney Southerly (via email)



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10A

Meeting Date: 3-23-15

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager 

THRU: Pam Booker, City Attorney 

FROM: Brennan Keeler, Staff Attorney 

Agenda Item: Ordinance: Petition to Establish – Veranda Community Development District

Submittal Date: 2/20/2015

STRATEGIC PLAN LINK:

- "Quality of Life" – Regulate land uses and development quality.
- "Community Add On's" – Stimulate economic growth/create a positive climate for business investments.
- Goal 2 – Growing Local Economy: Increase major retail business in Port St. Lucie.

BACKGROUND:

A Community Development District ("CDD") is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers." § 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government in which it lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments (i.e. City of Port St. Lucie). A CDD is

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City Manager's Office

an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments.

The exclusive and uniform method for the establishment of a CDD less than 1,000 acres in size shall be pursuant to an ordinance adopted by the local government in whose jurisdiction the CDD is located. DiVosta Homes, L.P. ("Petitioner"), a Delaware Limited Partnership, has submitted a Petition to the City of Port St. Lucie requesting the adoption of an ordinance establishing the Veranda Community Development District ("District"). The proposed District covers approximately 131.251 acres of land to be made up of approximately 385 residential homes with an estimated population of roughly 900 people. The boundaries of the proposed District are described in the Petition and Legal Description attached to this Memorandum as Exhibit "A".

All internal infrastructure, including streets, water, sanitary sewer, stormwater, landscaping, hardscaping, walls, and ponds will be constructed and maintained by the District, with the exception that maintenance of water and sanitary sewer lines will be the responsibility of the City of Port St. Lucie. All internal infrastructure, including streets, stormwater and sanitary sewer and potable water will be constructed to City standards.

ANALYSIS:

Before the Petition can be considered for review, a determination must be made as to whether or not the requirements of section 190.005, Florida Statutes, have been satisfied. The Legal Department reviewed the Petition and found it to be in compliance with the statutory requirements, thus the Petition can be considered for approval or denial by City Council.

In making a determination of whether to grant or deny the Petition establishing the District, City Council is to consider the six (6) factors established in section 190.005(1)(e), Florida Statutes. The City of Port St. Lucie's Planning and Zoning, Public Works, Utility Systems, and Legal Departments applied the six (6) statutory criteria to the information provided in the Petition, which were:

1. Whether all statements contained within the Petition have been found to be true and correct.

Staff has reviewed the Petition and finds all statements within the Petition to be true and correct (see Petition Exhibit 10).

2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

Staff has found the establishment of the proposed District to be consistent with the City of Port St. Lucie's Comprehensive Plan (see Petition Exhibit 10).

3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

Staff has found the area of land within the proposed District to be sufficiently sized, sufficiently compact, and sufficiently contiguous to be developed as one functional community (see Petition Exhibit 10).

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

The Petitioner has provided an analysis of alternatives that demonstrates that the proposed District is favorable to other alternatives.

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

The community development services to be provided by the proposed District are not incompatible with the capacity and uses of existing local and regional community services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

The area that will be served by the proposed District is amenable to special-district government based on consideration of the above criteria.

FINANCIAL INFORMATION:

The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City.

Developer's estimated project costs of constructing the services, based on available data, are shown in the below table.

**CONSTRUCTION COSTS ESTIMATES
VERANDA COMMUNITY DEVELOPMENT DISTRICT**

EARTHWORK	\$780,000
WASTEWATER SYSTEM	\$1,600,000
WATER SUPPLY SYSTEM	\$587,000
SURFACE WATER MANAGEMENT	\$956,000
ROADS AND PAVING	\$2,140,000
OFFSITE IMPROVEMENTS (SIDEWALKS)	\$70,000
LANDSCAPING & IRRIGATION	\$2,487,000
ENTRANCE FEATURES	\$186,700
FENCES AND GATES	\$161,483
OTHER (ON-SITE SIDEWALKS)	\$269,000
SOFT COSTS (ENGINEERING, ETC.) @ 10%	\$923,718
CONTINGENCY @ 10%	\$923,718
TOTAL ESTIMATED PROJECT COSTS	\$11,084,619

Any debt obligations incurred by the proposed District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

LEGAL INFORMATION:

Approved by Staff Attorney Brennan Keeler on 1/26/2015 as to form.

STAFF RECOMMENDATION:

The Petition meets the statutory criteria for formation of a CDD. It is recommended that the City Council approve the Petition. It is recommended that the City Council consider the Petition and, if granted, that the ordinance forming the District be subject to requirements that potable water and wastewater facilities be dedicated to the City upon completion of construction and operated only pursuant to an interlocal agreement with the City.

SPECIAL CONSIDERATION:

The Petitioner has requested that the City of Port St. Lucie authorize the proposed District to exercise several special powers. Notably, Petitioner requests the proposed District have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- Parks and facilities for indoor and outdoor recreational, cultural, and educational uses. § 190.012(2)(a), F.S.; and

- Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment. § 190.012(2)(b), F.S.; and
- Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. § 190.012(2)(d), F.S.

Pursuant to section 190.021(1), Florida Statutes, "[a]n ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general-purpose government to exercise one or more powers specified in s. 190.012(2) may levy an additional 2 mills for operating purposes, exclusive of debt service on bonds." Ultimately, by authorizing the exercise of the above powers, the proposed District will be able to levy an additional 2 mills for the sole purpose of operations.

The City has granted such Petitions in the past, with the exception that following construction, potable water and wastewater facilities be dedicated to the City of Port St. Lucie, and that authorization to operate potable water and waste water facilities requires an interlocal agreement between the District and the City.

PRESENTATION INFORMATION:

Petitioner requires ten (10) minutes to present the item.

REQUESTED MEETING DATE:

3/23/2015

LOCATION OF PROJECT:

See Petition Exhibit 1.

ATTACHMENTS:

1. Ordinance 15-15
2. Ordinance Exhibit "A" – Legal Description
3. Petition to Establish Veranda CDD
4. Petition Exhibit 1 – Location Map
5. Petition Exhibit 2 – Legal Description
6. Petition Exhibit 3 – Consent & Joinder
7. Petition Exhibit 4A – Estimated Construction Timetable

8. Petition Exhibit 4B – Construction Cost Estimates
9. Petition Exhibit 5 – Public & Private Use Map
10. Petition Exhibit 6 – Statement of Estimated Regulatory Costs
11. Petition Exhibit 7A – Existing Utilities (Water)
12. Petition Exhibit 7B – Existing Utilities (Sewer)
13. Petition Exhibit 7C – Existing Utilities (Drainage System)
14. Petition Exhibit 8 – Existing Re-Use Main
15. Petition Exhibit 9 – District Boundaries Map
16. Petition Exhibit 10 – Memorandum re: Veranda CDD Establishment Petition from Patricia A. Tobin, Interim Planning & Zoning Director, dated January 21, 2015