

ORDINANCE NO. 2024-23

AN ORDINANCE GRANTING THE PETITION OF ORMOND CROSSING WEST, LLC, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; CREATING AND ESTABLISHING THE ORMOND CROSSINGS WEST COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS, AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Ormond Crossing West, LLC, a Florida limited liability company (“Applicant”) owns approximately 1,847.32 acres of land generally located north of Durrance Lane, south of U.S. Highway 1, and west of Interstate 95 (“Subject Property”), and

WHEREAS, Ormond Crossing West, LLC, a Florida limited liability company has petitioned the City of Ormond Beach for establishment of a community development district, to be known as “Ormond Crossings West Community Development District” (the “District”), the boundaries of which would include the Subject Property, and

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

WHEREAS, on February 16, 2010, by Ordinance 2010-07, the City Commission approved a development agreement known as “Ormond Crossings” for the purpose of developing

a 2,924 mixed-use development which is recorded in Official Records Book 6449, Pages 2154 through 2222, inclusive, of the Public Records of Volusia County, Florida.

WHEREAS, the Ormond Crossings development agreement envisioned the use of community development districts within Ormond Crossings, and

WHEREAS, on July 25, 2017, by Ordinance 2017-14, the City Commission approved the first amended Ormond Crossings development agreement which is recorded in Official Records Book 7437, Pages 3892 through 3968, inclusive, of the Public Records of Volusia County, Florida.

WHEREAS, the City Commission, after proper published notice, has conducted a public hearing on the petition, in accordance with the requirements and procedures of Section 190.005(2), Florida Statutes, and

WHEREAS, the City Commission has determined that the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services with the Property, providing a mechanism for the delivery of public capital infrastructure therein without overburdening residents not residing within the proposed District, based upon the information provided in the petition; and

WHEREAS, the City Commission finds that the petition for the District is complete and meets the requirements of Section 190.005(1)(e), Florida Statutes; and

WHEREAS, the City Commission find the statements contained within the petition for the community development district to be true and correct; and

WHEREAS, the creation of the district is not inconsistent with any applicable element or portion of the State's comprehensive plan or the Ormond Beach Comprehensive Plan; and

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

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

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

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

WHEREAS, the City shall retain construction review, permitting, and inspection responsibilities regarding improvements within the District, and

WHEREAS, no bond, debt, or other obligation of the Ormond Crossings West Community Development District, nor default thereon, shall constitute a debt or obligation of the city, and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of land within a community development district. Community development districts do not have the power of local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. The District shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government, and

WHEREAS, the City Commission finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, as set, and that it is in the public interest of the citizens of Ormond Beach that the District have powers; now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The foregoing recitals are incorporated herein as the findings of the City Commission.

SECTION TWO. The petition to establish the Ormond Crossings West Community Development District, as attached hereto and incorporated herein as Exhibit A, is

hereby granted.

SECTION THREE. The boundaries of the Ormond Crossings West Community Development District are depicted as attached hereto and incorporated herein as Exhibits 1 and 2 within Exhibit A.

SECTION FOUR. The initial members of the Board of Supervisors of the Ormond Crossings West Community Development District shall be as follows:

Name: Clint Smith
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Frankie Green
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Bill Livingston
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Lee Susewitt
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Greg Ulmer
Address: 8 Ocean Place
Highland Beach, FL 33487

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION FIVE. The name of the District shall be the “Ormond Crossings West Community Development District”.

SECTION SIX. The Ormond Crossings West Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes.

SECTION SEVEN. Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Ormond Crossings West Community Development District shall be Sections 190.006 through 190.041, Florida Statutes, as amended.

SECTION EIGHT. The City Commission grants to the Ormond Crossings West Community Development District all powers authorized pursuant to Sections 190.011 and 190.012(1)(a) -(h), 2(a), and (3), Florida Statutes, and hereby finds it is in the public interest of all citizens of the city to grant such general and special powers.

SECTION NINE. All bonds issued by the Ormond Crossings West Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

SECTION TEN. No bond, debt, or other obligation of the Ormond Crossings West Community Development District, nor any default thereon, shall constitute a debt or obligation to the city.

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

SECTION TWELVE. This ordinance shall become effective immediately upon its adoption.

PASSED UPON at the first reading of the City Commission this 6th day of August, 2024.

PASSED UPON at the second and final reading of the City Commission this 20th day of August, 2024.


BILL PARTINGTON
Mayor

ATTEST:


SUSAN CARROLL DAUDERIS
City Clerk



**BEFORE THE CITY COMMISSION
CITY OF ORMOND BEACH, FLORIDA**

**PETITION TO ESTABLISH ORMOND CROSSINGS WEST
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Ormond Crossing West, LLC (hereafter "Petitioner"), hereby petitions the City Commission of the City of Ormond Beach pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, to establish a Community Development District with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Ormond Beach, Florida. **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 1,847.32 acres of land, generally located north of Durrance Lane, south of U.S. Highway 1, and west of Interstate 95. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There is no land within the external boundaries of the proposed District, which is to be excluded from the District.

3. 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*. Documentation of ownership and consent to the establishment of a community development district is contained in **Exhibit 3**.

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

Name:	Clint Smith
Address:	8 Ocean Place Highland Beach, FL 33487

Name: Frankie Green
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Bill Livingston
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Lee Susewitt
Address: 8 Ocean Place
Highland Beach, FL 33487

Name: Greg Ulmer
Address: 8 Ocean Place
Highland Beach, FL 33487

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Ormond Crossings West Community Development District.

6. Future Land Uses. The future general distribution, location, and extent of the land uses proposed for the District by future land use plan element of the applicable Future Land Use Plan is identified on **Exhibit 4**. The proposed land uses for lands contained within the proposed District are consistent with the City's approved Future Land Use Plan.

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. **Exhibit 5** shows the proposed major trunk water mains, sewer connections, and reclaimed water mains serving the lands within and around the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or

install, as well as the anticipated entity responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. At present, these improvements are estimated to be made, constructed and installed over the time period from 2025 through 2035. 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 8** is the statement of estimated regulatory costs (“SERC”) prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The authorized agent for the Petitioner is Jonathan T. Johnson. **See Exhibit 9**. Copies of all correspondence and official notices should also be sent to:

Jonathan T. Johnson
Jonathan.johnson@kutakrock.com
Kutak Rock LLP
107 West Collage Avenue
Tallahassee, Florida 32301

11. This petition to establish Ormond Crossings West Community Development District should be granted 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 State Comprehensive Plan or the local Comprehensive Plan.

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

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

d. The community development services and facilities of the 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 District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District 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 City Commission of the City of Ormond Beach fto:

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

- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;
- c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Sections 190.012(2)(a) and (d), *Florida Statutes*, and
- c. grant such other relief as appropriate.

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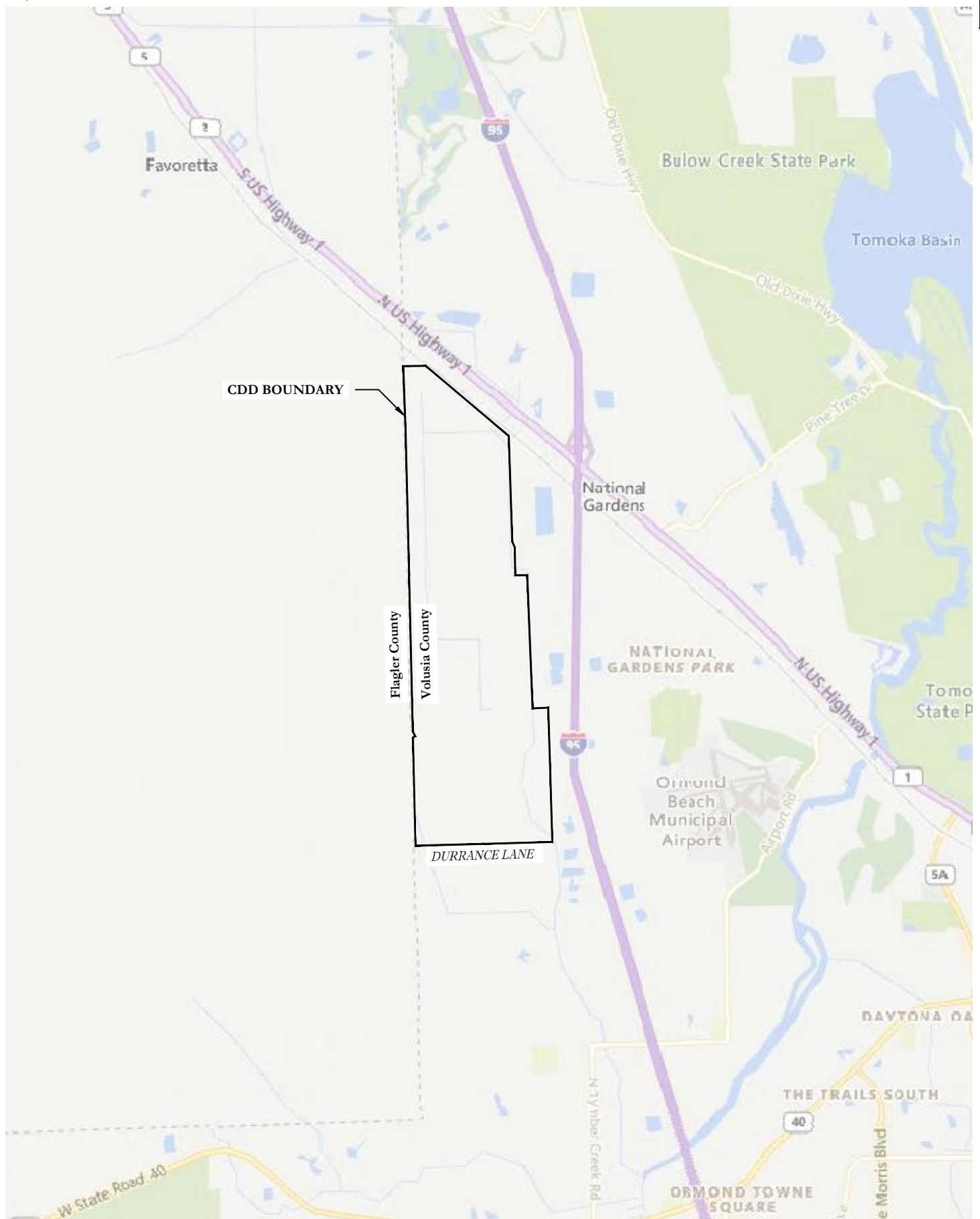
RESPECTFULLY SUBMITTED, this 23rd day of May, 2024.

KUTAK ROCK LLP



Jonathan T. Johnson
Jonathan.Johnson@kutakrock.com
Florida Bar No. 986460
107 West College Avenue
Tallahassee, Florida 32301
(850) 692-7300 (telephone)
(850) 692-7319 (facsimile)
Attorney for Petitioner

EXHIBIT 1



Location Map

Ormond Crossings West CDD

April 23, 2024
P & B Job No.: 23-091

2602 E. Livingston St.
Orlando, Florida 32803-407.487.2594

POULOS & BENNETT

www.poulosandbennett.com
Certificate of Authorization No. 28567

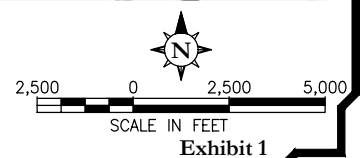


EXHIBIT 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 13 SOUTH, RANGE 31 EAST, AND SECTIONS 2 AND 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT T4 E 404 T4 E4T CO4 NE4 OF 4AID 4ECTION 11; T4 ENCE 4 N NO4T4 4 01°20'26" WEST ALONG THE WEST LINE OF SAID SECTION 11 FOR A DISTANCE OF 100.00 FEET TO A POINT LYING ON THE NORTH RIGHT OF WAY LINE OF DURRANCE LANE, ACCORDING TO OFFICIAL RECORDS BOOK 6920, PAGE 2744 OF THE PUBLIC RECORDS OF VOL4 IA CO4 NTY, FLO4IDA AND T4 E POINT OF BEGINNING; T4 ENCE CONTIN4 E NO4T4 4 01°20'26" 4 E4T ALONG 4AID 4 E4T LINE FO4 A DI4TANCE OF 4203.02 FEET; T4 ENCE 4 DEPARTING SAID WEST LINE RUN NORTH 56°44'53" EAST FOR A DISTANCE OF 102.37 FEET; 4 THENCE RUN NORTH 25°15'04" WEST FOR A DISTANCE OF 214.40 FEET TO THE WEST LINE OF 4AID 4ECTION 11; T4 ENCE 4 N NO4T4 01°20'26" 4 E4T ALONG 4AID 4 E4T LINE AND 4 THE WEST LINE OF SAID SECTION 2 FOR A DISTANCE OF 6072.36 FEET TO THE SOUTHWEST CORNER OF 4AID 4ECTION 35; T4 ENCE 4 N NO4T4 01°23'28" 4 E4T ALONG 4 THE WEST LINE OF SAID SECTION 35 FOR A DISTANCE OF 5462.16 FEET TO THE 04 T4 E4T CO4 NE4 OF 4AID 4ECTION 26; T4 ENCE 4 N NO4T4 02°04'24" 4 E4T ALONG 4 THE WEST LINE OF SAID SECTION 26 FOR A DISTANCE OF 2657.36 FEET TO THE WEST 1/4 CO4 NE4 OF 4AID 4ECTION 26; T4 ENCE 4 N NO4T4 89°28'21" EA4T ALONG T4 E NO4T4 4 LINE OF THE SOUTH 1/2 OF SAID SECTION 26 FOR A DISTANCE OF 877.85 FEET TO THE 04 T4 E4TE4LY 4IG4 T OF 4 AY LINE OF T4 E FLO4IDA EA4T COA4T 4AIL4 OAD; 4 THENCE RUN SOUTH 49°43'49" EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FO4 A DI4TANCE OF 4225.25 FEET; T4 ENCE DEPA4TING 4AID 4O4 T4 E4TE4LY 4IG4 T OF 4 AY LINE 4 N 4O4 T4 01°52'31" EA4T FO4 A DI4TANCE OF 4093.77 FEET; T4 ENCE 4 N 4 SOUTH 23°34'02" EAST FOR A DISTANCE OF 262.40 FEET; T4 ENCE 4 N 4O4 T4 00°46'58" 4 EA4T FO4 A DI4TANCE OF 1073.82 FEET; T4 ENCE 4 N NO4T4 89°55'22" EA4T FO4 A 4 DI4TANCE OF 463.73 FEET; T4 ENCE 4 N 4O4 T4 02°20'43" EA4T FO4 A DI4TANCE OF 5175.26 4 FEET; T4 ENCE 4 N NO4T4 87°39'43" EA4T FO4 A DI4TANCE OF 610.79 FEET TO THE EAST LINE OF T4 E NO4T4 EA4T 1/4 OF 4AID 4ECTION 11; T4 ENCE 4 N 4O4 T4 01°42'07" EA4T 4 ALONG SAID EAST LINE FOR A DISTANCE OF 2662.56 FEET TO THE NORTHEAST CORNER OF T4 E 4O4 T4 EA4T 1/4 OF 4AID 4ECTION 11; T4 ENCE 4 N 4O4 T4 01°43'08" EA4T ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 FOR A DISTANCE OF 2562.50 FEET TO THE NORTH IG4 T OF 4 AY LINE OF 4AID D4 ANCE LANE; T4 ENCE 4 N ALONG 4AID NO4T4 4IG4 T 4 OF WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 88°27'31" WEST FOR A DISTANCE OF 2662.94 FEET; T4 ENCE 4 N 4O4 T4 88°29'20" 4 E4T FO4 A DI4TANCE OF 4 2660.95 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1847.32 ACRES, MORE OR LESS

District Boundary Map & Legal Description

- [illegible]

EXHIBIT 3

**CONSENT AND JOINDER TO ESTABLISHMENT
OF A COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Petitioner intends to submit a petition to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute all or a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form.

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 person executing this instrument.


[signatures on following page]

Executed this 1 day of May, 2024.

WITNESSES:

ORMOND CROSSING WEST, LLC, a Florida
limited liability company


Name: JOANNE T. DEE


Name: Bradford Kline
Title: MANAGER


Name: Cameron M. Vugli

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 1 day of May, 2024, by BRADFORD KLINE as MANAGER of FOL KU50077542270 who is ☐ personally known to me or ☒ produced FOL KU50077542270 as identification.


(Official Notary Signature & Seal)

Print Name: JOANNE T. DEE
Notary Public, State of Florida



Exhibit A: Property Description

Exhibit A

LEGAL DESCRIPTION:

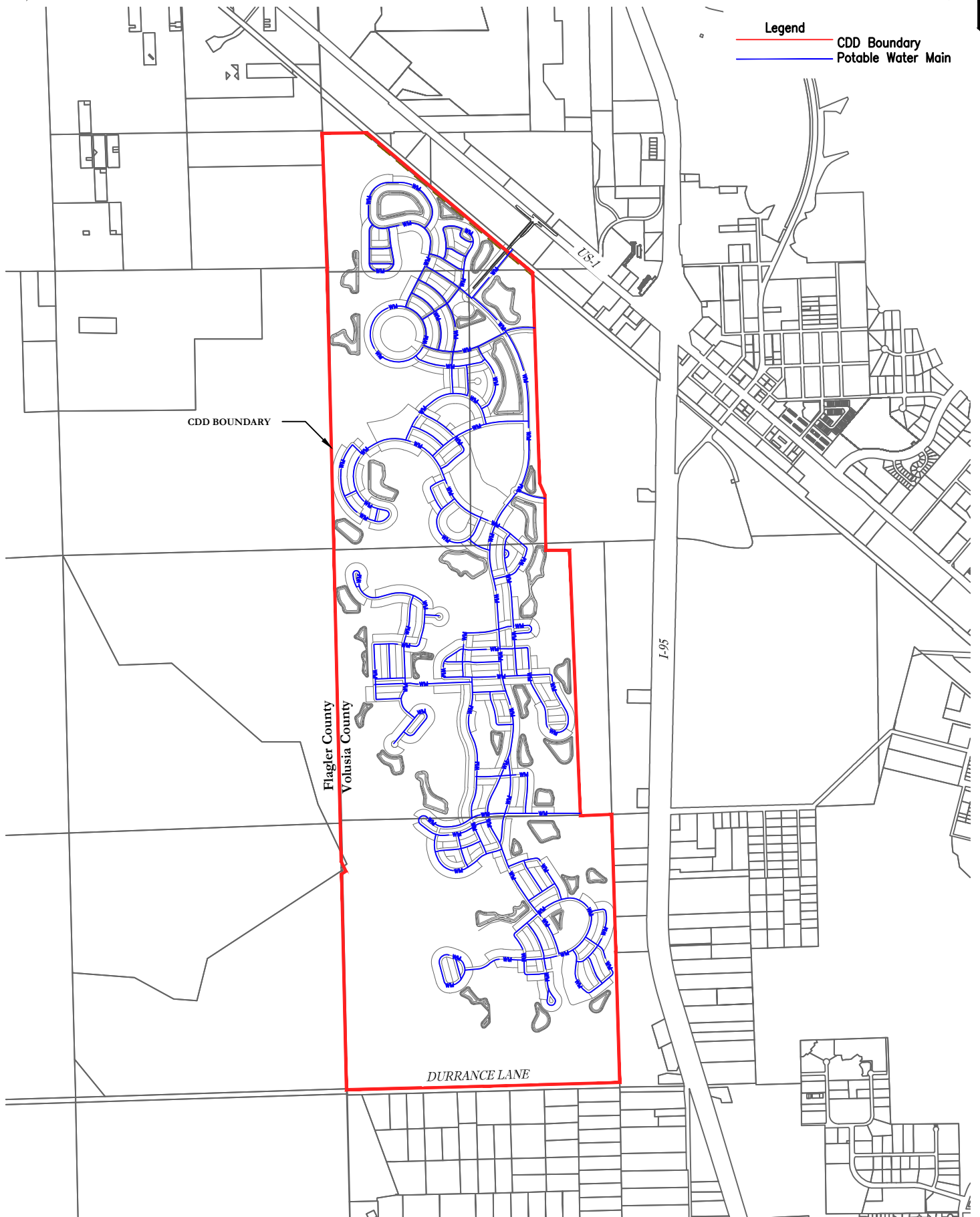
A PARCEL OF LAND LYING IN SECTIONS 26 AND 35, TOWNSHIP 13 SOUTH, RANGE 31 EAST, AND SECTIONS 2 AND 11, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE RUN NORTH 01°20'26" WEST ALONG THE WEST LINE OF SAID SECTION 11 FOR A DISTANCE OF 100.00 FEET TO A POINT LYING ON THE NORTH RIGHT OF WAY LINE OF DURRANCE LANE, ACCORDING TO OFFICIAL RECORDS BOOK 6920, PAGE 2744 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°20'26" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 4203.02 FEET; THENCE DEPARTING SAID WEST LINE RUN NORTH 56°44'53" EAST FOR A DISTANCE OF 102.37 FEET; THENCE RUN NORTH 25°15'04" WEST FOR A DISTANCE OF 214.40 FEET TO THE WEST LINE OF SAID SECTION 11; THENCE RUN NORTH 01°20'26" WEST ALONG SAID WEST LINE AND THE WEST LINE OF SAID SECTION 2 FOR A DISTANCE OF 6072.36 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE RUN NORTH 01°23'28" WEST ALONG THE WEST LINE OF SAID SECTION 35 FOR A DISTANCE OF 5462.16 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE RUN NORTH 02°04'24" WEST ALONG THE WEST LINE OF SAID SECTION 26 FOR A DISTANCE OF 2657.36 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 26; THENCE RUN NORTH 89°28'21" EAST ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 26 FOR A DISTANCE OF 877.85 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE RUN SOUTH 49°43'49" EAST ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 4225.25 FEET; THENCE DEPARTING SAID SOUTHWESTERLY RIGHT OF WAY LINE RUN SOUTH 01°52'31" EAST FOR A DISTANCE OF 4093.77 FEET; THENCE RUN SOUTH 23°34'02" EAST FOR A DISTANCE OF 262.40 FEET; THENCE RUN SOUTH 00°46'58" EAST FOR A DISTANCE OF 1073.82 FEET; THENCE RUN NORTH 89°55'22" EAST FOR A DISTANCE OF 463.73 FEET; THENCE RUN SOUTH 02°20'43" EAST FOR A DISTANCE OF 5175.26 FEET; THENCE RUN NORTH 87°39'43" EAST FOR A DISTANCE OF 610.79 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE RUN SOUTH 01°42'07" EAST ALONG SAID EAST LINE FOR A DISTANCE OF 2662.56 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE RUN SOUTH 01°43'08" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 FOR A DISTANCE OF 2562.50 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID DURRANCE LANE; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 88°27'31" WEST FOR A DISTANCE OF 2662.94 FEET; THENCE RUN SOUTH 88°29'20" WEST FOR A DISTANCE OF 2660.95 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1847.32 ACRES, MORE OR LESS

EXHIBIT 4

EXHIBIT 5



CDD BOUNDARY

Flagler County
Volusia County

DURRANCE LANE

Potable Water Map

Ormond Crossings West CDD

April 23, 2024
P & B Job No.: 23-091

2602 E. Livingston St.
Orlando, Florida 32803-407.487.2594

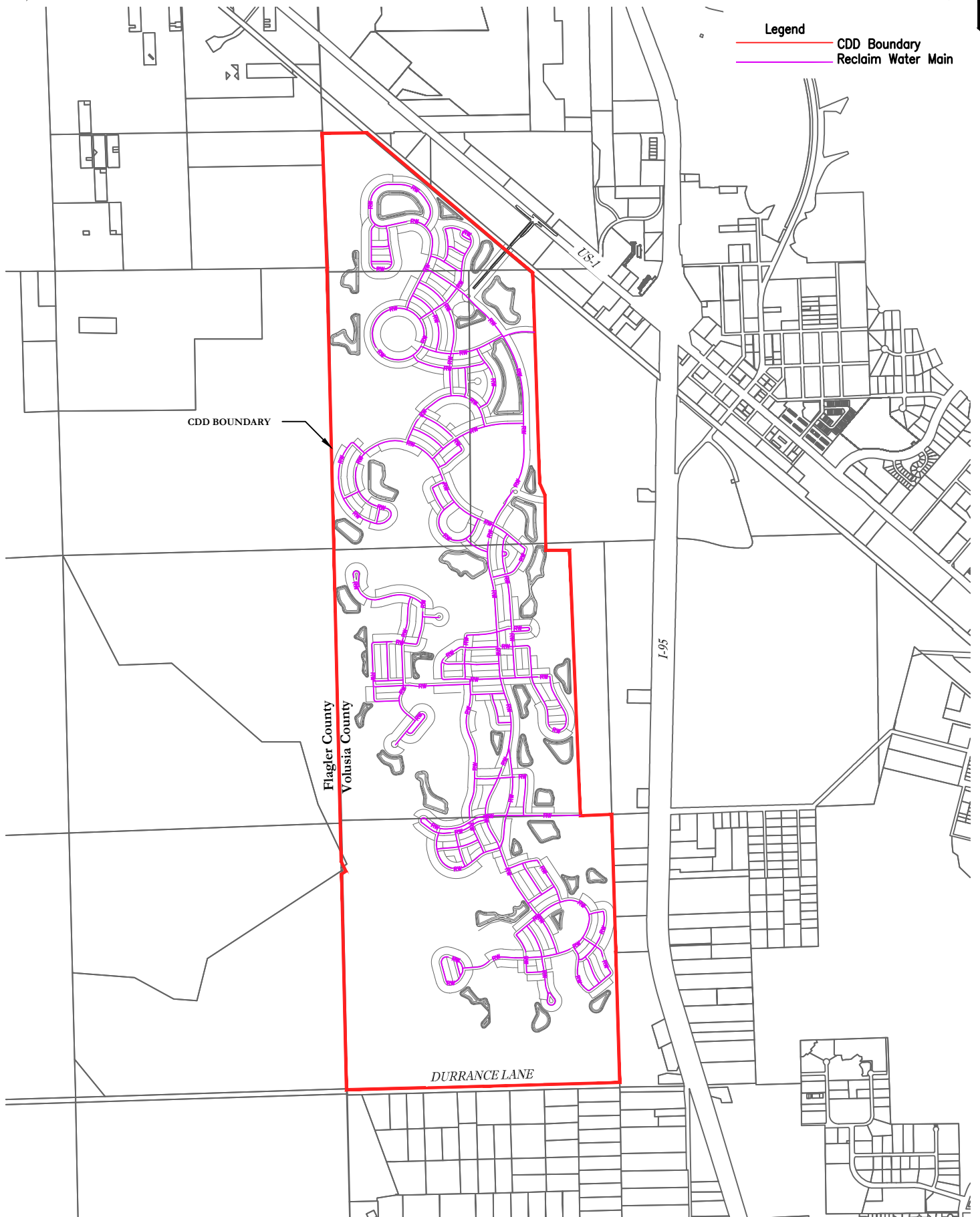
POULOS & BENNETT

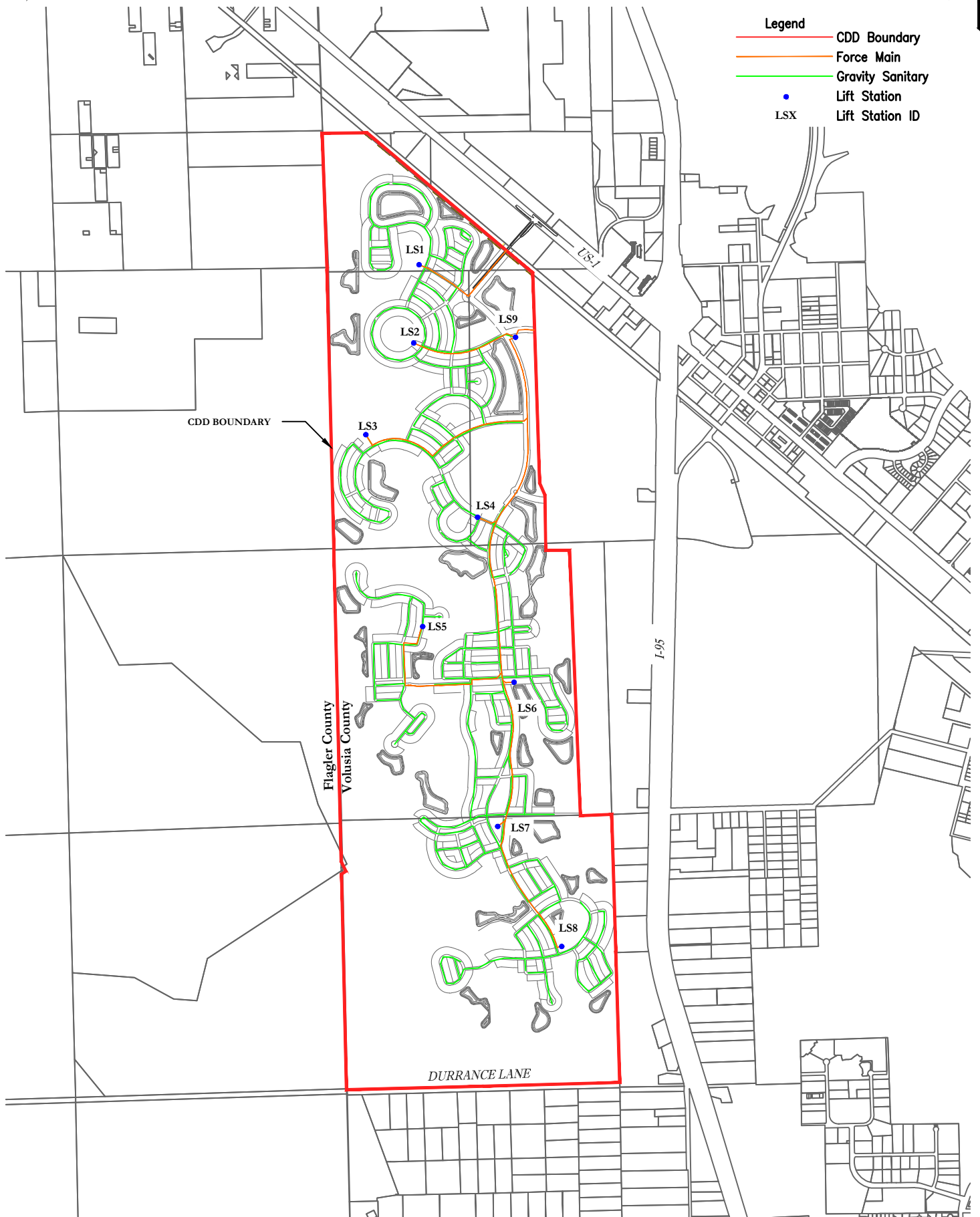
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SCALE IN FEET

Exhibit 5A





Wastewater System Map

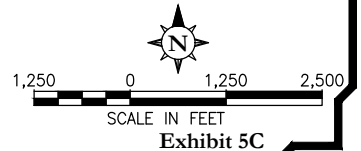
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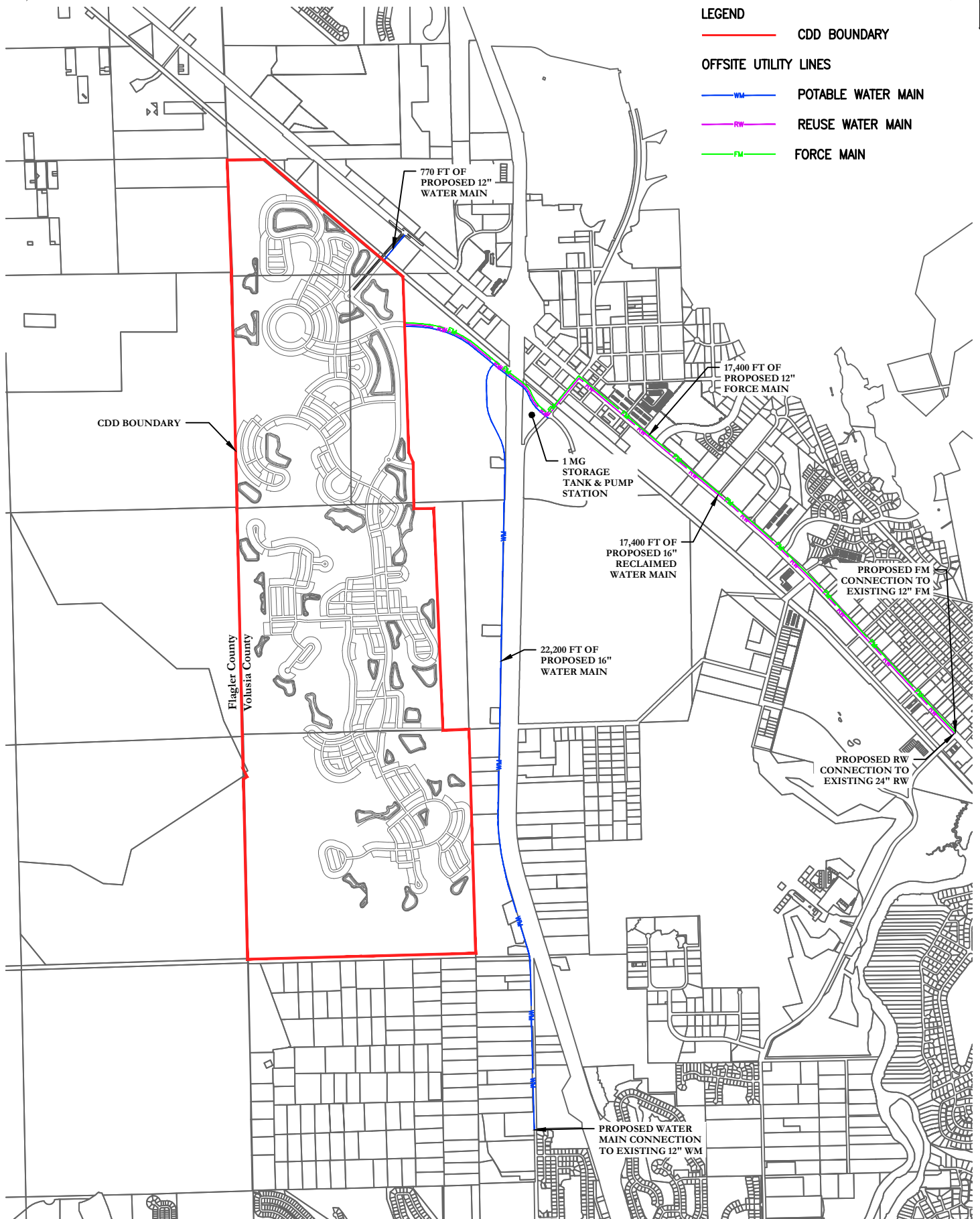
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LEGEND

- CDD BOUNDARY
- OFFSITE UTILITY LINES
 - WM POTABLE WATER MAIN
 - RW REUSE WATER MAIN
 - FM FORCE MAIN



Offsite Utilities Map

Ormond Crossings West CDD

April 23, 2024
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2602 E. Livingston St.
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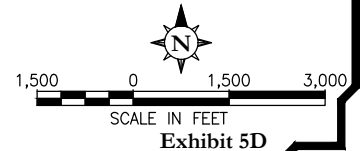


EXHIBIT 6

Ormond Crossings West CDD – Proposed Facilities

Infrastructure Ownership & Maintenance

Improvement Category	Ownership	Operation & Maintenance
Water Distribution System	City	City
Reclaimed Water System	City	City
Sanitary Sewer System	City	City
Offsite Utilities (Water, Reclaimed, & Sanitary Sewer)	City	City
Stormwater Management System	CDD	CDD
Roadways Improvements* & Sidewalk	City/County	City/County
Earthwork	CDD	CDD
US-1 Turn Lane Improvements & Signalization	FDOT	FDOT
FEC Railroad Flyover/Bridge	County	County
1 MG Storage Tank & Pump Station	City	City
Public Spaces/Landscape/Hardscape	CDD	CDD
Environmental/Mitigation	CDD	CDD

*The installation and maintenance of landscaping in the medians and the lateral rights of way will be provided by the CDD.

EXHIBIT 7

Ormond Crossings West CDD

Estimated Cost and Timeline

Improvement	Total
Water Distribution System	\$12,364,950.00
Reclaimed Water System	\$6,604,500.00
Sanitary Sewer System	\$21,904,650.00
Offsite Utilities (Water, Reclaimed, & Sanitary Sewer)	\$14,034,505.00
Stormwater Management System	\$32,619,600.00
Roadways Improvements & Sidewalk	\$27,088,650.00
Earthwork	\$20,400,000.00
US-1 Turn Lane Improvements & Signalization	\$600,000.00
FEC Railroad Flyover/Bridge	\$5,000,000.00
1 MG Storage Tank & Pump Station	\$5,000,000.00
Public Spaces/Landscape/Hardscape	\$15,421,000.00
Environmental/Mitigation	\$1,000,000.00
Soft Cost & Fees	\$7,701,300.00
Subtotal	\$169,739,155.00
Contingency (10%)	\$16,973,915.50
Total	\$186,713,070.50

Construction Timeline Estimate: 2025-2035

EXHIBIT 8

Ormond Crossings West COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

May 1, 2024



Provided by

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: www.whhassociates.com

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 Ormond Crossings West Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 1,847.32 +/- acres of land located within the City of Ormond Beach, Volusia County, Florida (the "City") and is projected to contain approximately 2,550 residential dwelling units, which will make up the Ormond Crossings West development ("Project"). The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing the District establishment) 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 (emphasis added)."

1.2 Overview of the Ormond Crossings West Community Development District

The District is designed to provide public infrastructure, services, and facilities, along with operation and maintenance of the same, to a master planned residential development currently anticipated to contain a total of approximately 2,550 residential dwelling units. Tables 1 and 2 under Section 5.0 detail the improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

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

A CDD is not a substitute for the local, general purpose government unit, i.e., the city or county in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Ormond Crossings West.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., 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 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 rule. 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.

(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 City of Ormond Beach, according to Census 2020, has a population of 43,080; therefore, it is not defined as a small city for the purposes of this requirement.)

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

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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), F.S.

- 2.0 An economic analysis showing whether the ordinance 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 ordinance;**
 - 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 ordinance; 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 ordinance.**

The ordinance establishing the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

2.1 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 ordinance.

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 1,847.32 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 2,550 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private

sector employment, and private sector investments.

2.2 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 ordinance.

When assessing the question of whether the establishment of the District is likely to directly or indirectly 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, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will ensure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The establishment of the District will not increase any regulatory costs of the State by virtue that the District will be one of many already existing similar districts within the State. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the City to offset any expenses that the City may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the enhanced service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, amenity operation and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five-year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will

be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of CDD debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District nor can the District debt be a debt of the City or the State.

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 individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) The City of Ormond Beach and its residents, 3) current property owners, and 4) future property owners.

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 and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. The City of Ormond Beach, Florida

The City and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the City. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the City as a result of this development will be incurred whether the infrastructure is financed through the District or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 1,847.32 +/- acre master planned residential development currently anticipated to contain a total of approximately 2,550

residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 8,925 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The City, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

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 ordinance, and any anticipated effect on state or local revenues.

The City is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

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

State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of The City of Ormond Beach. Therefore, the City (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The 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 minimal 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 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

City of Ormond Beach, Florida

The proposed land for the District is located within The City of Ormond Beach, Florida and consists of less than 2,500 acres. The City and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the City will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, 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. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the City may incur in the processing of this petition. Finally, the City already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the City, 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 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 governmental entities.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. A CDD 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.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government, including the City. By Florida 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, including local government entities, required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$186,713,070.50. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.

Table 1

**ORMOND CROSSINGS WEST COMMUNITY
DEVELOPMENT DISTRICT
Proposed Facilities and Services**

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Water Distribution System	CDD	City	City
Reclaimed Water System	CDD	City	City
Sanitary Sewer System	CDD	City	City
Offsite Utilities (Water, Reclaimed, & Sanitary Sewer)	CDD	City	City
Stormwater Management System	CDD	CDD	CDD
Roadways Improvements* & Sidewalk	CDD	City/ County	City/ County
Earthwork	CDD	CDD	CDD
US-1 Turn Lane Improvements & Signalization	CDD	FDOT	FDOT
FEC Railroad Flyover/ Bridge	CDD	County	County
1 MG Storage Tank & Pump Station	CDD	City	City
Public Space/ Landscape/ Hardscape	CDD	CDD	CDD
Environmental/ Mitigation	CDD	CDD	CDD

* The installation and maintenance of landscaping in the medians and the lateral rights of way will be provided by the CDD.

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, the City or its dependent districts, or city management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

Table 2

**ORMOND CROSSINGS WEST COMMUNITY
DEVELOPMENT DISTRICT
Estimated Costs of Construction**

CATEGORY	COST
Water Distribution System	\$12,364,950.00
Reclaimed Water System	\$6,604,500.00
Sanitary Sewer System	\$21,904,650.00
Offsite Utilities (Water, Reclaimed, & Sanitary Sewer)	\$14,034,505.00
Stormwater Management System	\$32,619,600.00
Roadways Improvements & Sidewalk	\$27,088,650.00
Earthwork	\$20,400,000.00
US-1 Turn Lane Improvements & Signalization	\$600,000.00
FEC Railroad Flyover/ Bridge	\$5,000,000.00
1 MG Storage Tank & Pump Station	\$5,000,000.00
Public Space/ Landscape/ Hardscape	\$15,421,000.00
Environmental/ Mitigation	\$1,000,000.00
Soft Costs & Fees	\$7,701,300.00
Contingency (10%)	\$16,973,915.50
Total	\$186,713,070.50

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as counties, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. 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 local governance which is specifically established to provide CDD landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

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.

There will be little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

The City of Ormond Beach has a population of 43,080 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" city according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Ormond Crossings West development will not produce any marginal effects that would be different from those that would have occurred if the Ormond Crossings West development was developed without a community development district established by the City.

7.0 Any additional useful information.

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

In relation to the question of whether the proposed Ormond Crossings West Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the City could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the Ormond Crossings West development. First, unlike a CDD, this alternative would require the City to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and

complexity of the development program anticipated for the Ormond Crossings West development is a significant and expensive undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other city responsibilities. By contrast, if the City were to establish and administer a dependent special district, then the residents and landowners of the Ormond Crossings West development would take their grievances and desires to the City Commission meetings.

Third, any debt of an independent CDD is strictly that CDD's responsibility. While it may be technically true that the debt of a city-established, dependent special district is not strictly the City's responsibility, any financial problems that a dependent special district may have may reflect on the City. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low-cost financing from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the City's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Ormond Crossings West Community Development District.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUE CITATION	DATE
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
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 Interest	112.3145	within 30 days of accepting 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	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the City after financing

EXHIBIT 9

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jonathan T. Johnson of Kutak Rock LLP, whose address is 107 West College Avenue, Tallahassee, Florida 32301, to act as agent for Ormond Crossing West, LLC with regard to all matters regarding the petition to establish a community development district to the City Commission of the City of Ormond Beach, Florida, pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

WITNESSES:

ORMOND CROSSING WEST, LLC, a Florida
limited liability company

Name: Jonathan T. Johnson

Name: Bradford Kline

Title: Manager

Name: Conner M. Vance

STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 1 day of MAY, 2024, by BRADFORD KLINE, as MANAGER of

Ormond Crossing West, LLC, who is ☐ personally known to me or ☒ produced FDLK/50 077-54-227-0 as identification.

(Official Notary Signature & Seal)

Print Name: JOANNE T. DEE

Notary Public, State of Florida

