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ORDINANCE NO. 2924

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, GRANTING THE PETITION OF G & B DEVELOPMENT SERVICES, LLC, ESTABLISHING AND NAMING THE KELLY PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE EXTERNAL BOUNDARIES, THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, G & B Development, LLC (“Petitioner”), petitioned the City Council of the City of Apopka, Florida (“City”) to enact an ordinance establishing the Kelly Park Community Development District (“District”) pursuant to Chapter 190, Florida Statutes, over the real property described in Exhibit 2 of the Petition to Establish a Community Development District, attached hereto and incorporated herein as Exhibit A;

WHEREAS, Petitioner currently owns all of the property located within the boundaries of the proposed District and has provided written consent to the establishment of the District as the entity owning one hundred (100%) percent of the real property to be included in the District;

WHEREAS, public hearings have been conducted by the City on April 6, 2022 and May 4, 2022, in accordance with the requirements and procedures of Section 190.005(2)(b), Florida Statutes, and the applicable requirements of the City’s Charter and Code of Ordinances; all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at said duly noticed public hearing;

WHEREAS, upon consideration of the record established at that hearing, the City Council determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City’s comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:

1
2 **SECTION I. AUTHORITY.** This Ordinance is enacted in compliance with and pursuant to the
3 Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended from
4 time to time.

5
6 **SECTION II. FINDINGS.** The foregoing recitals and findings are true and correct and are
7 incorporated herein, adopted, and made a part hereof.

8
9 **SECTION III. GRANT OF PETITION.** The Petition, which was filed with the Community
10 Development Department of the City on February 16, 2022, and a copy of which is attached hereto as
11 Exhibit A and incorporated herein, is hereby granted.

12
13 **SECTION IV. DISTRICT NAME.** There is hereby created a community development district
14 situated within the incorporated boundaries of the City of Apopka, Florida named “Kelly Park Community
15 Development District.”

16
17 **SECTION V. EXTERNAL BOUNDARIES OF THE DISTRICT.** The external boundaries of the
18 District are described in Exhibit 2 of the Petition, attached hereto and incorporated herein as Exhibit A.
19 The District, overall, contains 213.409 acres, more or less.

20
21 **SECTION VI. FUNCTIONS AND POWERS.** The powers and functions of the District are
22 described in Sections 190.011, 190.012(1), 190.012(2)(a), 190.012(2)(d), 190.012(2)(f), and 190.012(3),
23 Florida Statutes.

24
25 **SECTION VII. BOARD OF SUPERVISORS.** The five persons designed to serve as initial
26 members of the District’s Board of Supervisors are as follows:

27

<u>Name</u>	<u>Address</u>
28 Seth Bennett	13639 Tortona Lane, Apt. 2323
29	Windermere, Florida 34786
30	
31 Quint Noordstar	735 Arlington Avenue, Suite 211
32	Saint Petersburg, Florida 33701
33	
34 Taryn Galvin	121 Snell Isle Boulevard, Northeast
35	Saint Petersburg, Florida 33704
36	
37 Lou Avelli	10192 Dowden Road
38	Orlando, Florida 32832
39	
40 Dan Edwards	8529 Southpark Circle, Suite 130
41	Orlando, Florida 32819
42	
43	
44	

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

47
48 **SECTION VIII. OBLIGATIONS OF THE DISTRICT.** No bond, debt, or other obligation of the
49 District, nor any default thereon, shall constitute a debt or obligation or burden of the City.

50
51 **SECTION IX. SEVERABILITY.** Should any word, phrase, sentence, subsection or section be held

1 by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word,
2 phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases,
3 sentences, subsections, or sections shall remain in full force and effect.
4

5 **SECTION X. CONFLICTING ORDINANCES.** All ordinances or part thereof, in conflict
6 herewith are, to the extent of such conflict, repealed.
7

8 **SECTION XI: EFFECTIVE DATE.** That this ordinance and the rules, regulations, provisions,
9 requirements, orders and matters established and adopted hereby shall take effect and be in full force and
10 effect immediately upon its passage and adoption.
11

12 **PASSED UPON** at the first reading of the City Council, this 6th day of April, 2022.
13

14 **PASSED UPON** at the second and final reading of the City Council, this 18th day of May, 2022.
15

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20 **ATTEST:**

21 
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24 SUSAN M. BONE
25 City Clerk
26

27
28 
29 BRYAN NELSON
30 Mayor
31

32 APPROVED as to legal sufficiency and form:

33 
34 MICHAEL A. RODRÍGUEZ
35 City Attorney
36

37 DULY ADVERTISED FOR PUBLIC HEARING: April 6, April 13, April 20, and April 27, 2022 as per
38 Section 190.005, F.S.
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PETITION TO ESTABLISH KELLY PARK COMMUNITY DEVELOPMENT DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No.155527
jere@kelawgroup.com
KE LAW GROUP, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303
(850) 528-6152 (telephone)

BEFORE THE CITY COUNCIL FOR THE CITY OF APOPKA, FLORIDA
PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, G & B Development Services, LLC ("Petitioner"), hereby petitions, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2021), to establish a Community Development District ("District") with respect to the land described herein.

Background Statement

By way of background, the Petitioners seek to establish a community development district in connection with the development of The Kelly Park project, which is a project planned for an approximately 213.409 +/- acre parcel of land located south of Ondich Road, east of Round Lake Road, north of West Kelly Park Road, and west of Effie Drive. A location map is shown in the attached draft petition. The development is planned for up to 675 residential dwelling units. Consistent with the Florida Legislature's intent expressed in Section 190.002, *Florida Statutes*, the District would be the most timely, efficient, effective, responsive and economic way to deliver basic community development services for the development without overburdening other governments and taxpayers.

The future District would have numerous benefits to the City and District landowners:

- The District will assist with the financing for a portion of the \$38,775,126.48 in public infrastructure that is necessary for the development of the property. The use of the District will result in a higher quality development.
- The District will be constructing a trail system that runs along the main spine/loop road and connects Kelly Park Road to Ondich Road. Ultimately, it will connect to Effie Drive in the future development. The trail system will be similar to that of Baldwin Park. The total proposed trail system is approximately 2 miles, with the potential for future expansion, and will have benches, shade trees, lighting, etc. The District will also have 32 acres of preserve comprised of open space and stormwater areas with approximately a 0.84 mile walking trail through it.
- The District will provide enhanced landscaping along the spine road and around the loop round along the trail. Petitioners have budgeted \$675,000 for enhancing the landscape and \$500,000 for entry monuments for the entrances.
- The District will provide roughly 1.75 mile main spine and loop road connecting Kelly Park Road to Ondich Road, serving the community. The District will provide amenity improvements throughout the community including a clubhouse, large pool, splash pad, fitness center, event lawn, dog park and walking areas with benches and enhanced landscape/planting beds.
- The District will also provide enhanced entry monumentation improvements that will include a water feature.
- The District will construct the intersection improvements which include turn lanes on both Ondich Road and West Kelly Park Road and future signalization, if

required, at the West Kelly Park Road intersection.

- Because the District will fund the infrastructure, the project will not overburden the City, County of other taxpayers, and instead will allow growth to pay for itself.
- The District's bond issuances will result in construction dollars being held in a qualified, trustee bank, where the proceeds can only be accessed through a strict requisition process. As such, there will be monies on hand to develop the project, and in the unlikely event of an economic downturn and default, such monies may be used to continue construction, pay foreclosure fees, and/or maintain the property until it can be placed back into productive use.
- As compared to a traditional property owner's association or homeowner's association, the District is a superior long-term maintenance entity, and the District:
 - Will save landowners money, both when the project is first built as well as when the infrastructure is later refurbished or replaced after years of use;
 - Will be a more accountable and transparent entity, due to the fact that the District is subject to Florida's sunshine Laws and Public Records laws, and due to the District's numerous disclosure and reporting requirements;
 - Will enjoy sovereign immunity protection against frivolous lawsuits'
 - Will have a more stable revenue stream, due to its ability to collect assessments on the tax roll;
 - Will have a relatively faster turnover to control by end-users due to its statutorily-required time-frames for elections;
 - Is more likely to have access to FEMA and other emergency funding;
 - Will serve as a superior long-term maintenance entity, resulting in higher, and more stable, property values.
- As stated in Chapter 190, Florida Statutes, no debt or obligation of the District will be a burden on the City, or any other local general-purpose government.

Petition Elements

Not only will the District provide numerous benefits for the City and District landowners, but also this Petition includes all of the information necessary for the City Council to determine that the statutory requirements for establishment have been met under Chapter 190 of the Florida Statutes. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Apopka, Florida, and covers approximately 213.409 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of Ondich Road, east of Round Lake Road, north of West Kelly Park Road, and west of Effie Drive. The metes and bounds description of the external boundary of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consents. 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 (2021). Consent to the establishment of a community development district is contained in **Exhibit 3**.

4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Seth Bennett
13639 Tortona Lane, Apt. 2323
Windermere, FL 34786

Quint Noordstar
735 Arlington Ave., Suite 211
St. Petersburg, FL 33701

Taryn Galvin
121 Snell Isle Blvd. NE
St. Petersburg, FL 33704

Lou Avelli
10192 Dowden Road
Orlando, FL 32832

Dan Edwards
8529 Southpark Circle, Suite 130
Orlando, FL 32819

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

5. Name. The proposed name of the District is the Kelly Park Community Development District.

6. Major Water and Wastewater Facilities. The existing major trunk water mains and wastewater interceptors within the proposed lands to be included within the District, if any, are reflected in **Exhibit 4**.

7. District Facilities and Services. **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install. The estimated costs of construction are also shown in **Exhibit 5**. At present, these improvements are estimated to be made, acquired, constructed and installed in two phases from 2022 to 2023. 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. **Exhibit 5** also lists the entities anticipated to be responsible for the ownership, operation and maintenance of the facilities that the Petitioner expects the District to fund and/or construct.

8. Existing and Future Land Uses. The existing land use is agricultural. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the City of Apopka Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2021). 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 Florida. **Exhibit 8** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should also be sent to:

Jere Earlywine
jere@kelawgroup.com
KE LAW GROUP, PLLC
P.O. Box 6386
Tallahassee, Florida 32314
(850) 528-6152 (telephone)

11. Future Boundary Amendments. Pursuant to Section 190.046(1)(h), Florida Statutes, the Petitioner is identifying the parcels described in **Exhibit 9** and below as parcels that will be included in the District's boundaries through one or more future boundary amendments:

<u>Parcel Identification Number</u>	<u>Owner</u>	<u>Acreage</u>	<u>Current Zoning</u>
11-20-27-0000-00-037	Nathan Stark Cindy Stark	20.44	Agricultural/Grazing
12-20-27-0000-00-001	PM S-1 Reo, LLC	18.83	Agricultural/Grazing
27-20-12-0000-00-048	PM S-1 Reo, LLC	7.34	Manufactured Homes
12-20-27-0000-00-046	PM S-1 Reo, LLC	7.22	Vacant Residential

At least 14 days prior to the hearing required under Section 190.005(2)(b), the Petitioner will give the current owner notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. The boundary amendment parcels will not be added into the District's boundaries without the landowner's consent.

12. This petition to establish the Kelly Park Community Development District should be granted for the following reasons:

- a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the City of Apopka Comprehensive Plan.
- b. The area of land within the proposed District is part of a planned community. It is of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.
- c. The establishment of the proposed District will prevent the general body of taxpayers in the City of Apopka and Orange County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.
- d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.
- e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests that the City Council for the City of Apopka, Florida to:

- 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 exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol

- cars, both as authorized and described by Section 190.012(2), Florida Statutes; and
- d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 16th day of February, 2022.

KE LAW GROUP, PLLC

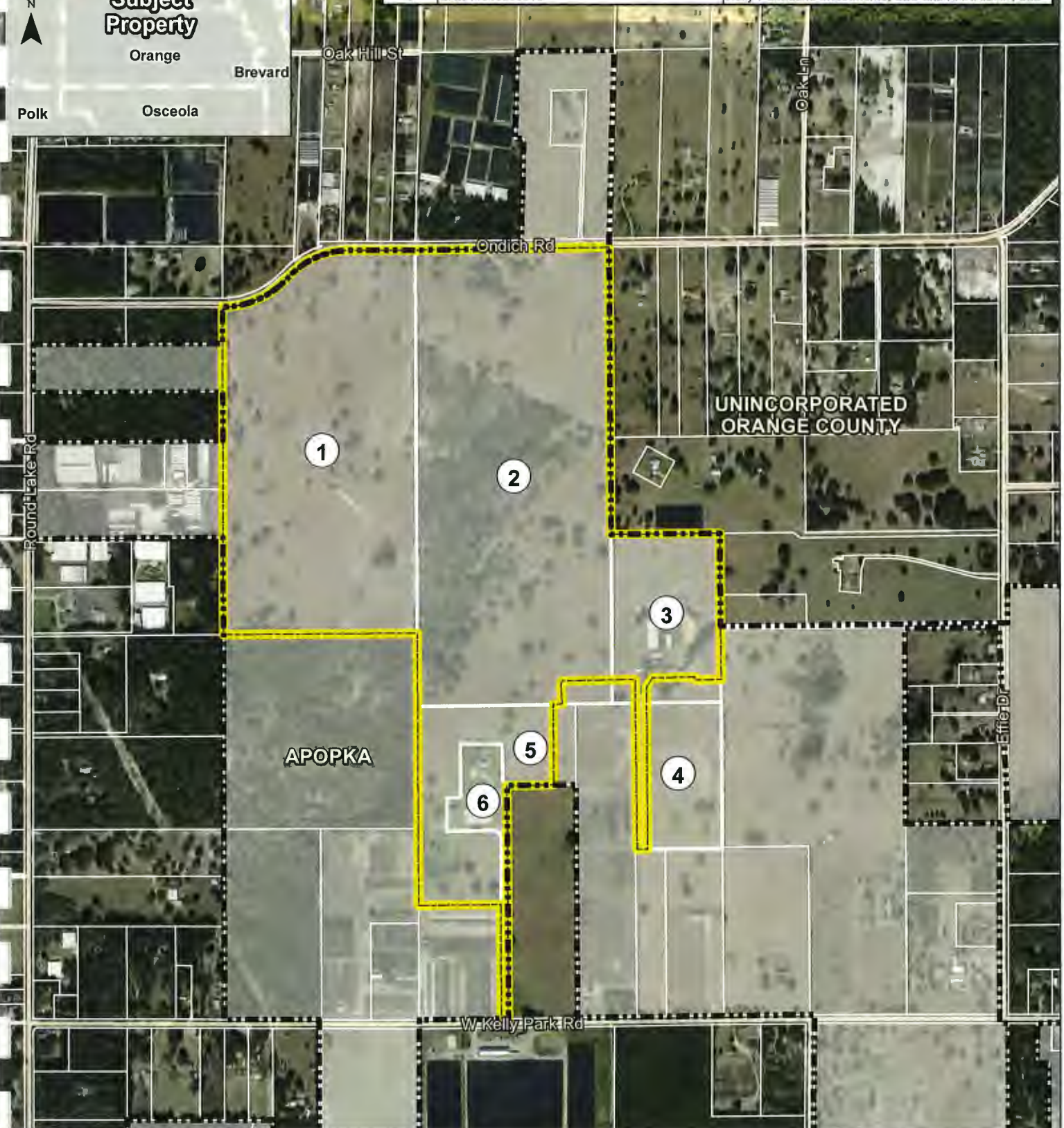


Jere Earlywine
Florida Bar No.155527
jere@kelawgroup.com
KE LAW GROUP, PLLC
P.O. Box 6386
Tallahassee, Florida 32314
(850) 528-6152 (telephone)

EXHIBIT 1



MAP ID	PARCEL ID	OWNER NAME
1	272011000000003	Kelly Park Land Investments LLC
2	272011000000013 (Portion Of)	Galvin Land Services
3	272011000000036 (Portion Of)	Kelly Park Land Investments LLC
4	272011000000057 (Portion Of)	Kelly Park Land Investments, LLC and HARRISKP, LLC
5	272011613500013 (Portion Of)	Kelly Park Land Investments, LLC and HARRISKP, LLC
6	272011613500010	Kelly Park Land Investments, LLC and HARRISKP, LLC



Map Source: Ustra, Orange County

- Subject Property
- Municipal Boundary

Location Map

KELLY PARK PROPERTY

POULOS & BENNETT

3/31/2022
& B Job No.: 21-027

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

www.poulosandbennett.com
Certificate of Authorization No. 28567



EXHIBIT 2

That part of Section 11, Township 20 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of Section 11, Township 20 South, Range 27 East, Orange County, Florida; thence run North $89^{\circ}30'00''$ East along the South line of said Northwest 1/4 of Section 11, a distance of 1330.40 feet to the Southwest corner of the Southeast 1/4 of said Northwest 1/4 for the POINT OF BEGINNING; thence North $00^{\circ}07'37''$ West along the West line of the East 1/2 of said Northwest 1/4, a distance of 2240.16 feet to the South right of way line of Ondich Road as described in Deed Book 948, Page 314, Public Records of Orange County, Florida, said point also being on a non-tangent curve concave Northerly having a radius of 603.70 feet, a chord bearing of North $67^{\circ}23'18''$ East, a chord length of 462.04 feet; thence run along said South right of way line and the arc of said curve through a central angle of $44^{\circ}59'57''$ an arc length of 474.14 feet to a point of tangency; thence continue along said South right of way line North $44^{\circ}53'19''$ East, 69.23 feet to the beginning of a tangent curve concave Southerly having a radius of 543.70 feet, a chord bearing of North $67^{\circ}23'19''$ East, a chord length of 416.13 feet; thence run along the arc of said curve through a central angle of $45^{\circ}00'00''$ an arc length of 427.02 feet to a point lying 30.00 feet South of the North line of said Northwest 1/4 of Section 11; thence North $89^{\circ}53'15''$ East parallel with and 30.00 feet South of said Northwest 1/4, a distance of 462.83 feet to the West line of the Northeast 1/4 of said Section 11; thence continue along the South right of way line of Ondich Road North $89^{\circ}08'46''$ East parallel with and 30.00 feet south of said Northeast 1/4, 1328.87 feet to the East line of the West 1/2 of said Northeast 1/4; thence South $00^{\circ}22'32''$ East along said East line, 1960.50 feet to the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of said Section 11; thence North $89^{\circ}24'58''$ East along the South line of the North 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 11, a distance of 742.86 feet to a point 589.09 feet West of the Southeast corner of said North 1/2 of the Southeast 1/4 of the Northeast 1/4; thence South $00^{\circ}27'59''$ East parallel with the East line of the Northeast 1/4 of said Section 11, a distance of 664.66 feet to the South line of the Northeast 1/4 of said Section 11; thence South $00^{\circ}27'57''$ East parallel with the East line of the Southeast 1/4 of said Section 11, a distance of 335.81 feet; thence South $89^{\circ}37'22''$ West, 136.57 feet; thence North $00^{\circ}22'38''$ West, 12.60 feet; thence South $89^{\circ}37'22''$ West, 271.43 feet to the beginning of a tangent curve concave Southerly a radius of 471.50 feet, a chord bearing of South $88^{\circ}02'43''$ West, a chord length of 25.96 feet; thence run along the arc of said curve through a central angel of $03^{\circ}09'17''$, an arc length of 25.96 feet; thence South $44^{\circ}37'22''$ West, 109.74 feet; thence South $00^{\circ}22'38''$ East, 90.79 feet to the North line of the South 2174.38 feet of Southeast 1/4 of said Section 11; thence South $00^{\circ}21'14''$ East, 993.41 feet to the South line of the North 993.38 feet of the South 2174.38 feet of Southeast 1/4 of said Section 11; thence South $89^{\circ}12'15''$ West along said South line, 80.00 feet to a point lying 1182.82 feet West of the East line of the Southeast 1/4 of said Section 11; thence North $00^{\circ}27'57''$ West parallel with and 1182.82 feet West of the said East line of the Southeast 1/4, a distance of 993.40 feet to the North line of the South 2174.38 feet of Southeast 1/4 of said Section 11; thence North $89^{\circ}12'15''$ East along said North line, 11.94 feet; thence North $00^{\circ}22'38''$ West, 69.89 feet; thence

North $45^{\circ}22'38''$ West, 93.99 feet to the beginning of a non-tangent curve concave Northerly a radius of 528.50 feet, a chord bearing of South $87^{\circ}00'22''$ West, a chord length of 41.32 feet; thence run along the arc of said curve through a central angel of $04^{\circ}28'49''$, an arc length of 41.33 feet to a point of tangency; thence South $89^{\circ}14'46''$ West, 377.38 feet to the beginning of a tangent curve concave Southeasterly a radius of 25.00 feet, a chord bearing of South $44^{\circ}14'46''$ West, a chord length of 35.36 feet; thence run along the arc of said curve through a central angel of $90^{\circ}00'00''$, an arc length of 39.27 feet to a point of tangency; thence South $00^{\circ}45'14''$ East, 110.14 feet to the North line of Lot 1, OCB ACRES, as recorded in Plat Book 58, Page 38, Public Records of Orange County, Florida; thence South $89^{\circ}15'34''$ West along said North line, 987.49 feet to the Northwest corner of said Lot 1; thence North $00^{\circ}17'03''$ West, 496.88 feet to a 4"x4" concrete monument being the monumented Southeast corner of Northwest 1/4 of said Section 11; thence South $89^{\circ}32'00''$ West along the South line of said Northwest 1/4, a distance of 1330.41 feet to the POINT OF BEGINNING.

Containing 189.339 acres, more or less.

LEGAL DESCRIPTION

(THIS IS NOT A SURVEY)

TOGETHER WITH:

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SAID SECTION 11 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°17'05" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 30.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KELLY PARK ROAD (60' WIDE COUNTY RIGHT-OF-WAY); THENCE RUN NORTH 89°12'25" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 560.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, RUN NORTH 00°23'15" WEST, 780.35 FEET; THENCE RUN SOUTH 89°12'25" WEST, 558.59 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°17'05" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1365.46 FEET; THENCE DEPARTING SAID WEST LINE, RUN NORTH 89°15'33" EAST, 930.37 FEET; THENCE RUN SOUTH 00°44'27" EAST, 553.23 FEET; THENCE RUN SOUTH 89°13'13" WEST, 327.64 FEET; THENCE RUN SOUTH 00°23'15" EAST, 1591.78 FEET TO THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE OF KELLY PARK ROAD; THENCE SOUTH 89°12'25" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 50.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND, LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 24.070 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 27 EAST, BEING NORTH 00°17'05" WEST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.

Digitally signed
by David A
White
Date:
2022.02.09
15:43:52 -05'00'



SHEET 1 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION 11, TOWNSHIP 20 SOUTH, RANGE 27 EAST

DATE: FEBRUARY 8, 2022

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 22-019

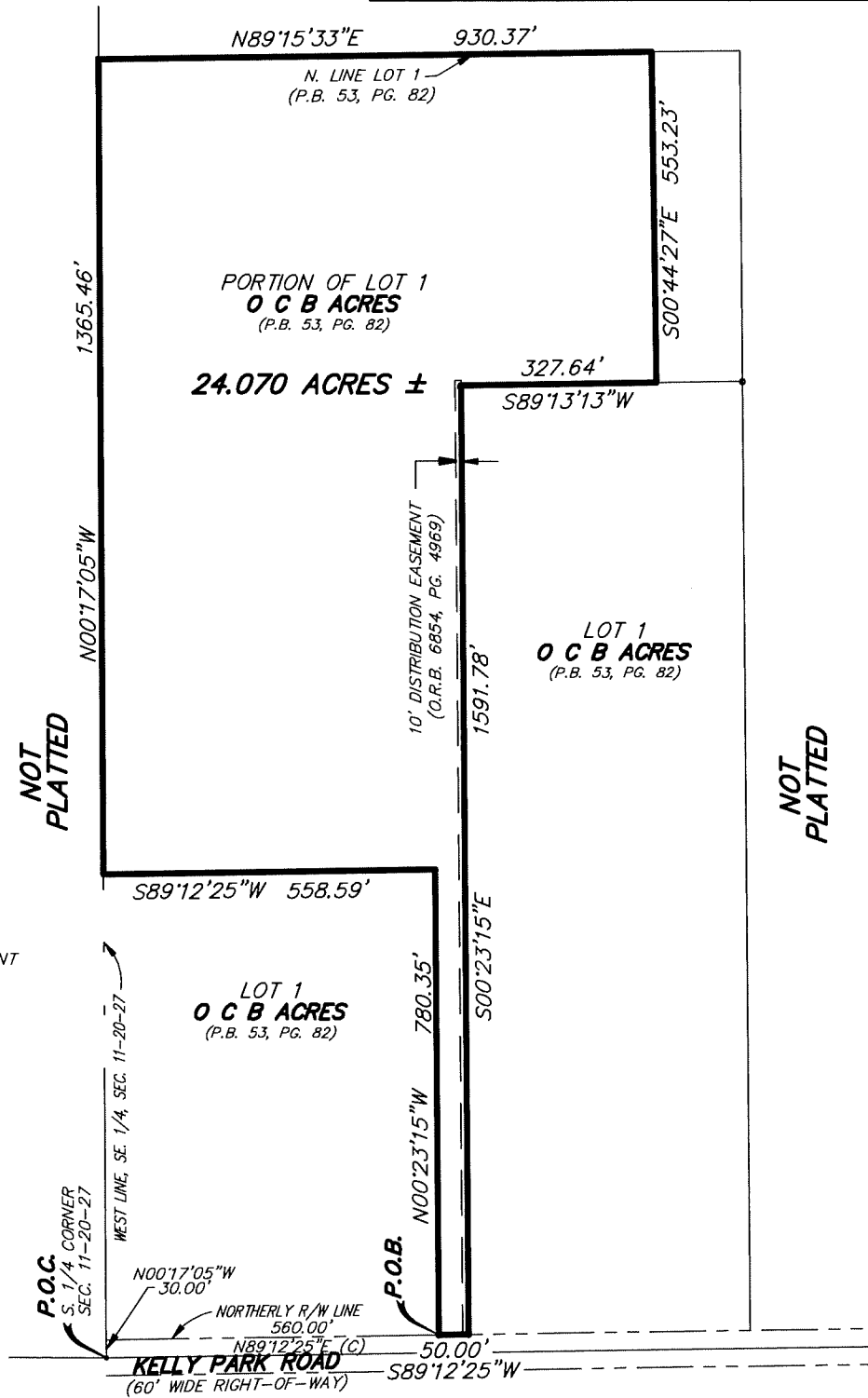
O:\22-019 Kelly Park Land Description\22-019 KELLY PARK DESC.dwg Feb 09, 2022 - 3:41pm

LEGAL DESCRIPTION

(THIS IS NOT A SURVEY)



SCALE
1" = 300'



LEGEND

- P.O.C.....POINT OF COMMENCEMENT
- P.O.B.....POINT OF BEGINNING
- R/W.....RIGHT-OF-WAY
- P.B.....PLAT BOOK
- PG.....PAGE

SHEET 2 OF 2

PEC

SURVEYING AND MAPPING, LLC

CERTIFICATE OF AUTHORIZATION NUMBER LB 7808

2100 Alafaya Trail, Suite 203 • Oviedo, Florida 32765 • 407-542-4967

WWW.PECONLINE.COM

SECTION II, TOWNSHIP 20 SOUTH, RANGE 27 EAST

DATE: FEBRUARY 8, 2022

PREP BY: J.L.M.

DRAWN BY: J.L.M.

JOB #: 22-019

O: 22-019 Kelly Park Land Description | 22-019 KELLY PARK DESC.dwg Feb 09, 2022 - 3:35pm

EXHIBIT 3

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

KE LAW GROUP, PLLC
P.O. Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District**

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

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 a Community Development District that 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 three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.


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 officer executing this instrument.


[SIGNATURE PAGE TO FOLLOW]

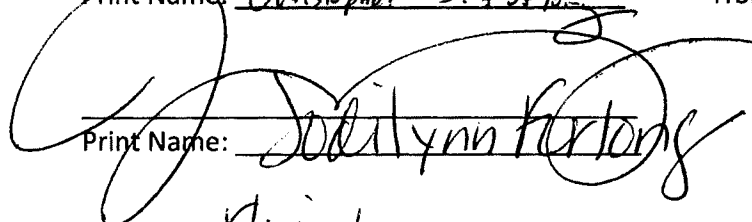
Executed this 24 day of September, 2021.

Witnessed:

GALVIN LAND SERVICES, LLC

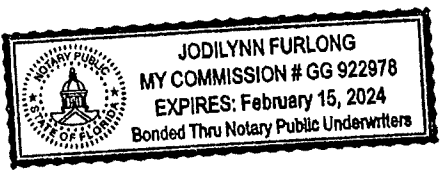

Print Name: Christopher S. Furlong

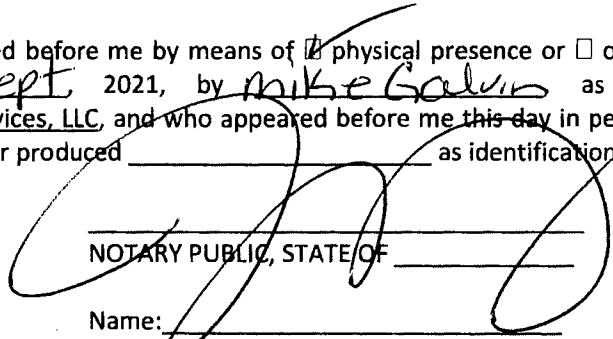

BY: MIKE GALVIN
ITS: MANAGER


Print Name: Jodylynn Furlong

STATE OF Florida
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 24 day of Sept, 2021, by Mike Galvin as the manager of Galvin Land Services, LLC, and who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.




NOTARY PUBLIC, STATE OF _____

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

Exhibit A: Legal Description

EXHIBIT A

A portion of the West half of the East half of Section 11, Township 20 South, Range 27 East, lying in Orange County, Florida, being more particularly described as follows:

Commence at the North quarter corner of said Section 11, being a 6"x6" concrete monument; thence go South 00°12'00" East along the Westerly line of said West half of the East half of said Section 11 a distance of 30.00 feet to a round concrete monument bearing the license number 1916 and being the point of beginning; thence North 89°11'16" East along the Southerly right-of-way line of Ondich Road, a 60 foot right-of-way a distance of 1328.54 feet, thence South 00°18'17" East along the Easterly line of the aforementioned West half of the East half of said Section 11 a distance of 2626.42 feet to an iron rod monument with license 3763 said rod being on the Southerly line of the Northeast quarter of said Section 11; thence South 00°24'28" East a distance of 490.38 feet to a concrete monument; thence South 89°19'44" West a distance of 1333.50 feet to a concrete monument with license 3763 said monument being on the aforementioned Westerly line of the West half of the East half of said Section 11; thence North 00°12'32" West a distance of 496.88 feet to a 4"x4" concrete monument said point being on the South line of the Northeast quarter of said Section 11; thence North 00°12'00" West along the Westerly line of said West half of the East half of said Section 11 a distance of 2617.03 feet to the point of beginning.

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

KE LAW GROUP, PLLC
P.O. Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District**

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

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 a Community Development District that 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 three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.


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 officer executing this instrument.


[SIGNATURE PAGE TO FOLLOW]

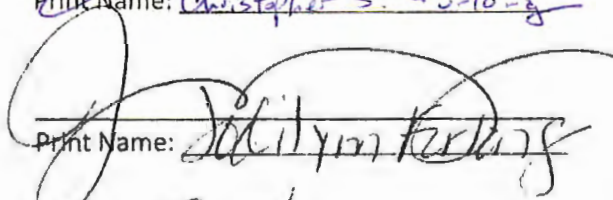
Executed this 28 day of September 2021.

Witnessed:

**KELLY PARK LAND INVESTMENTS, LLC, a
Florida limited liability company**


Print Name: Christopher S. Furlong


BY: MIKE GALVIN
ITS: MANAGER


Print Name: Jodilynn Furlong

STATE OF Florida
COUNTY OF panetta

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 28 day of Sept 2021, by MIKE GALVIN who is the manager of Kelly Park Land Investments, LLC, a Florida limited liability company, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



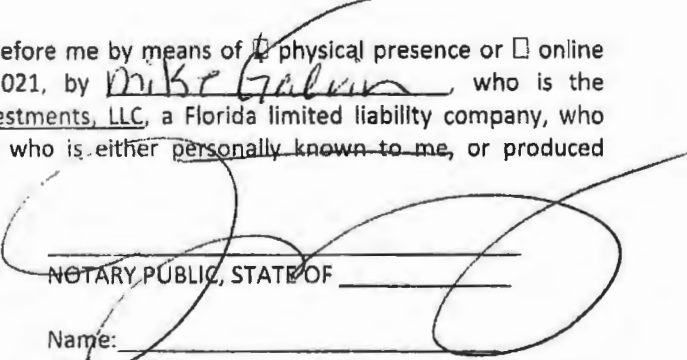

NOTARY PUBLIC, STATE OF _____
Name: _____
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

Exhibit A: Legal Description

EXHIBIT A

PARCEL 1:

That part of the Northeast Quarter of the Northwest Quarter of Section 11, Township 20 South, Range 27 East, Orange County, Florida, lying South and East of Ondich Road.

AND

The Southeast Quarter of the Northwest Quarter of Section 11, Township 20 South, Range 27 East, Orange County, Florida.

PARCEL 2:

From the East 1/4 corner of Section 11, Township 20 South, Range 27 East, Orange County, Florida, run thence South 00°22'00" East, 150.00 feet along the East line of the Southeast Quarter of said Section 11, thence South 89°36'26" West, 589.09 feet parallel to the North line of the Southeast Quarter for a point of beginning; run thence South 00°22'00" East, 338.52 feet to a point 2174.38 feet North of the South line of said Southeast Quarter; thence South 89°18'07" West, 744.89 feet parallel to the South line of said Southeast Quarter to the West line of the East Half of said Southeast Quarter; run thence North 00°06'47" West, 492.48 feet to the Northwest corner of said East Half of the Southeast Quarter; run thence North 00°16'44" West, 663.59 feet, more or less to the Southwest corner of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of said Section 11, thence East along the South line of the North Half of the Southeast Quarter of the Northeast Quarter of Section 11 to a point 589.09 feet West of the Southeast corner thereof; run thence South to the point of beginning.

AND

The North 15 feet of the South 30 feet of the East 589.09 feet of the Southeast Quarter of the Northeast Quarter of Section 11, Township 20 South, Range 27 East, Orange County, Florida.

AND

The North 15 feet of the South 30 feet of the South Half of the Southwest Quarter of the Northwest Quarter of Section 12, Township 20 South, Range 27 East, Orange County, Florida (less the Easterly 30 feet thereof for Effie Road).

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

KE LAW GROUP, PLLC
PO Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Kelly Park Community Development District]**

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

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 a Community Development District that 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 three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.

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 officer executing this instrument.

[SIGNATURE PAGE TO FOLLOW]

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed _____ Community Development District]

Executed this 2nd day of February, 2022.

Witnessed:

KELLY PARK LAND INVESTMENTS, LLC
LANDOWNER

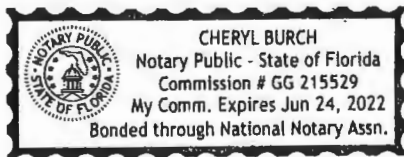
Serh Bennett
Print Name: Serh Bennett

Mike Galvin
BY: Mike Galvin
ITS: MANAGER

Lane Bennett
Print Name: Lane Bennett

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 2nd day of February, 2022, by Mike Galvin, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



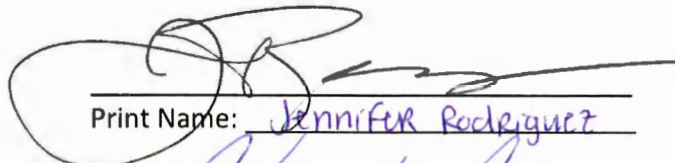
Cheryl Burch
NOTARY PUBLIC, STATE OF Florida
Name: Cheryl Burch
(Name of Notary Public, Printed, Stamped or Typed as Commissioned)

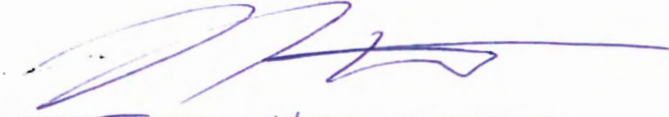
[CONTINUED ON FOLLOWING PAGE]

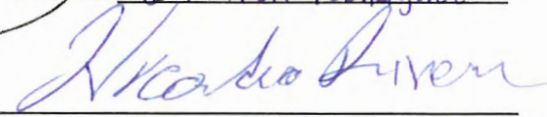
Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed _____ Community Development District]

Witnessed:

HARRIS KP, LLC
LANDOWNER

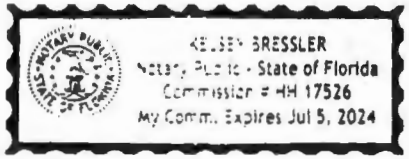

Print Name: Jennifer Rodriguez

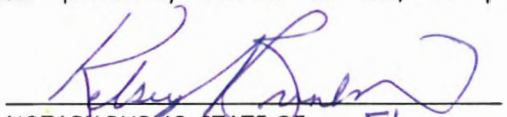

BY: Thomas Harris
ITS: Manager


Print Name: Nicolas Rincon

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 7th day of Feb, 2022, by Thomas Harris, who appeared before me this day in person, and who is either personally known to me, or produced DL as identification.




NOTARY PUBLIC, STATE OF FL

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

Exhibit A: Legal Description

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed _____ Community Development District]

Exhibit A:
Legal Description

A parcel of land in the Southeast 1/4 of Section 11, Township 20 South, Range 27 East, Orange County, Florida, being more particularly described as follows:

Commence at the South 1/4 corner of said Section 11; thence go N 00 degrees 12'53" W, along the west line of the Southeast 1/4 of said Section 11, a distance of 30.00 feet to the Northerly right of way line of Kelly Park Road (60' wide county maintained right of way); thence go N 89 degrees 16'55" E, along the said Northerly right of way line a distance of 560.00 feet to the Point of Beginning of the herein described parcel; thence go N 00 degrees 18'45" W, a distance of 780.35 feet; thence S 89 degrees 16'55" W, a distance of 558.67 feet to the West line of the Southeast 1/4 of said Section 11; thence N 00 degrees 12'53" W, along the West line of the Southeast 1/4 of said Section 11 a distance of 1365.45 feet; thence N 89 degrees 19'44" E, a distance of 1078.81 feet; thence S 00 degrees 18'45" E, a distance of 553.14 feet; thence S 89 degrees 16'55" W, a distance of 472.47 feet; thence S 00 degrees 18'45" E, a distance of 1591.77 feet to the aforesaid Northerly right of way line of Kelly Park Road; thence S 89 degrees 16'55" W, along said right of way line a distance of 50.00 feet to the Point of Beginning.

Tax Parcel ID Nos. 11-20-27-6135-00-010 and 11-20-27-6135-00-013

AND

PARCEL 1:

The North 993.38 feet of:

Go to a point 589.09 feet West of the Southeast corner of the Southeast Quarter of Section 11, Township 20 South, Range 27 East, Orange County, Florida for a Point of Beginning. Then proceed North 2174.38 feet, thence West 1000 feet, thence South 2174.38 feet to Section line, thence East 1000 feet to Point of Beginning.

LESS the West 406.27 feet thereof; LESS the East 390.73 feet thereof; AND LESS Road Right-of-Way on South.

PARCEL 2:

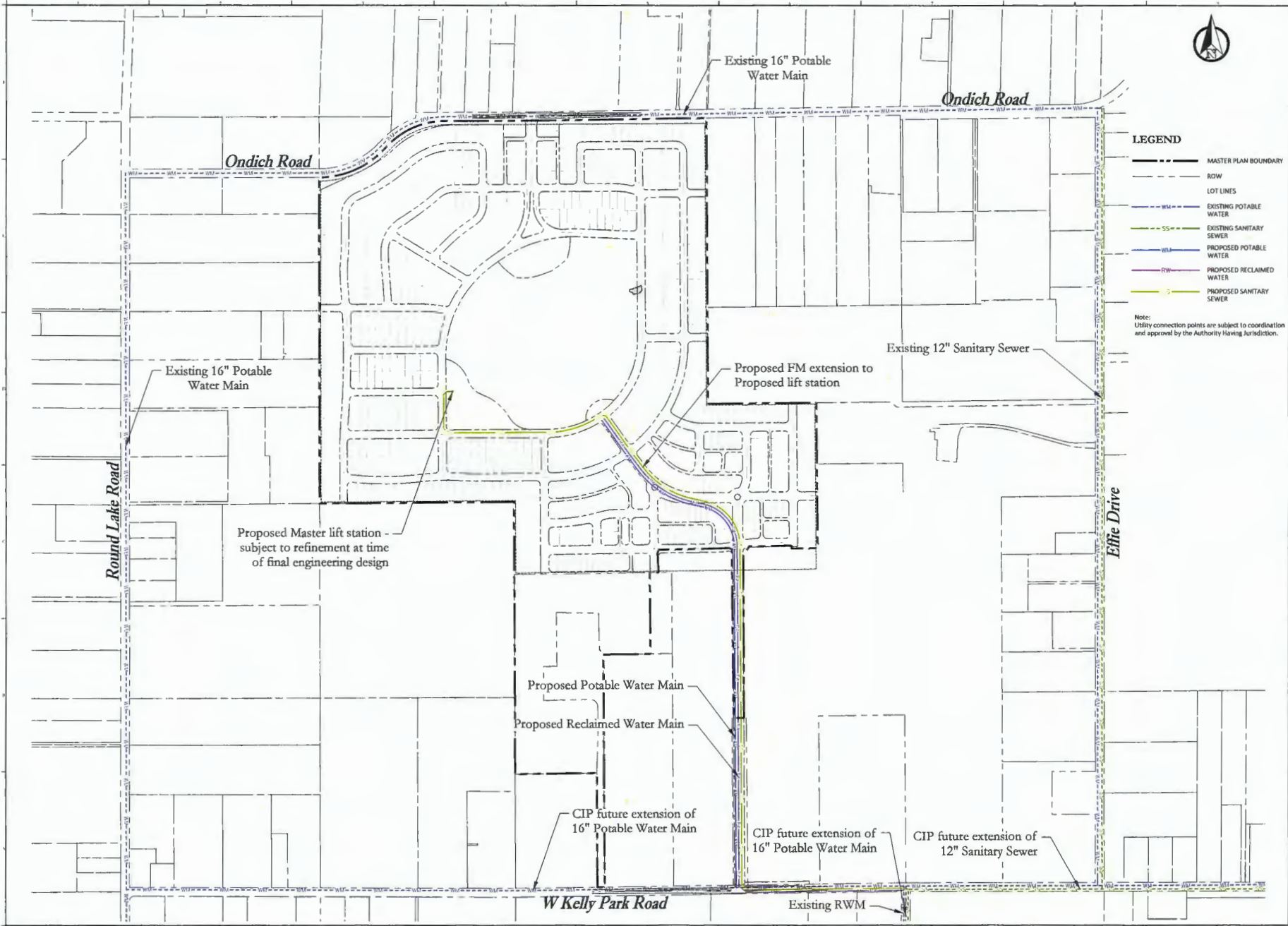
The North 993.38 feet of:

Go to a point 589.09 feet West of the Southeast corner of the Southeast Quarter of Section 11, Township 20 South, Range 27 East, Orange County, Florida for a Point of Beginning. Then proceed North 2174.38 feet, thence West 1000 feet, thence South 2174.38 feet to Section line, thence East 1000 feet to Point of Beginning.

LESS the West 609.27 feet thereof; AND LESS Road Right-of-Way on South.

Tax Parcel ID No. 11-20-27-0000-00-070

EXHIBIT 4



LEGEND

- MASTER PLAN BOUNDARY
- - - ROW
- - - LOT LINES
- WU --- EXISTING POTABLE WATER
- SS --- EXISTING SANITARY SEWER
- WPA --- PROPOSED POTABLE WATER
- RW --- PROPOSED RECLAIMED WATER
- S --- PROPOSED SANITARY SEWER

Note: Utility connection points are subject to coordination and approved by the Authority Having Jurisdiction.

Consultant:

07/07/22	Submit to City of Apopka
08/02/22	Submit to City of Apopka
05/05/22	Submit to City of Apopka
04/12/21	Submit to City of Apopka
03/10/21	Revised Second Submittal to the City of Apopka
02/10/21	Submit to City of Apopka
01/07/21	Submit to City of Apopka

NO. DATE DISCUSSIONS SUBMISSIONS/REVISIONS

VERTICAL DATUM:	NAVD 88
JOB NO.:	21-027
DESIGNED BY:	EG
DRAWN BY:	EG
CHECKED BY:	KH
APPROVED BY:	KH
SCALE IN FEET:	As Shown

Kelly Park Property Master Plan

Submittal To: City of Apopka, FL

Sheet Title: **Utility Plan**

Sheet No.: **C7.00**

DATE: January 31, 2022



Poulos & Bennett, LLC
 2042 E. Livingston St., Orlando, FL 32803
 Tel. 407.442.2591 www.poulosandbennett.com
 Proj. No. 20247

E:\2021\1-31-22\DWG - KELLY PARK - PROPOSED UTILITY PLAN\1-31-22-UP-01

EXHIBIT 5

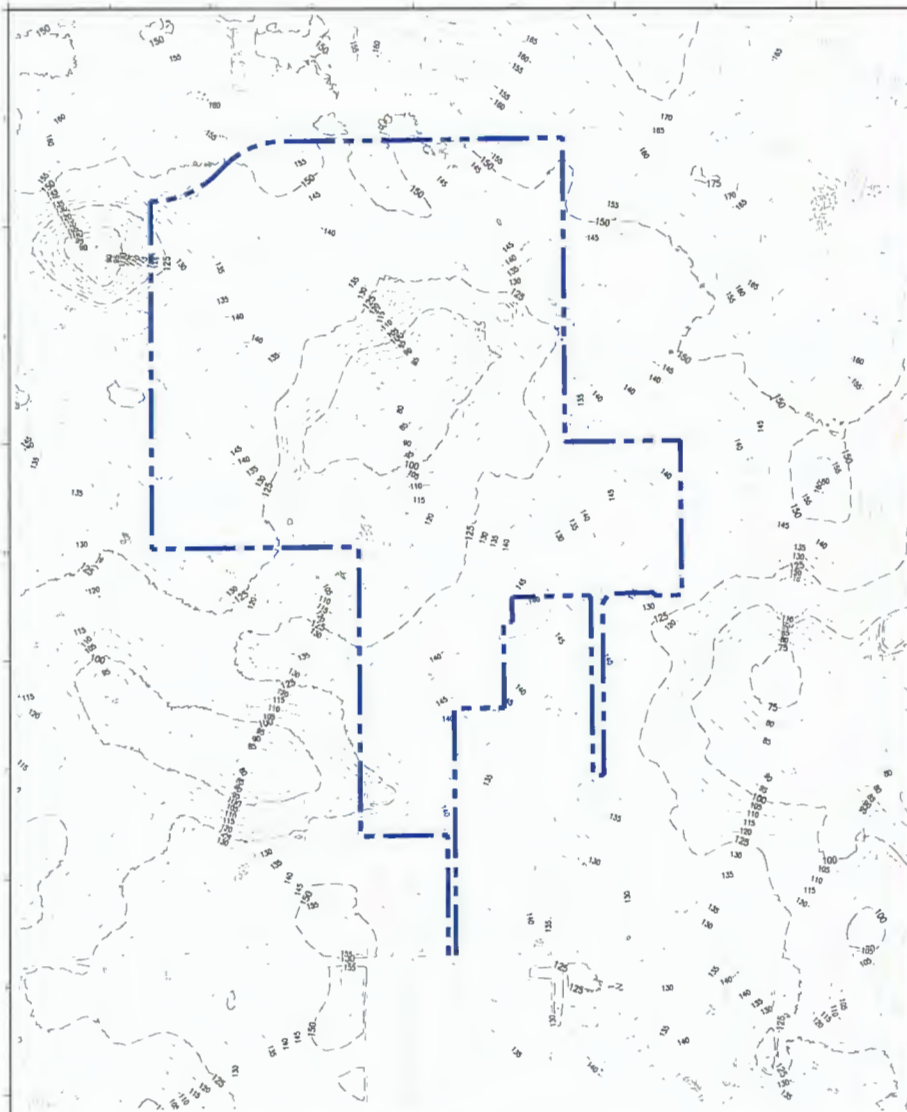
KELLY PARK COMMUNITY DEVELOPMENT DISTRICT

Proposed Facilities & Estimated Costs

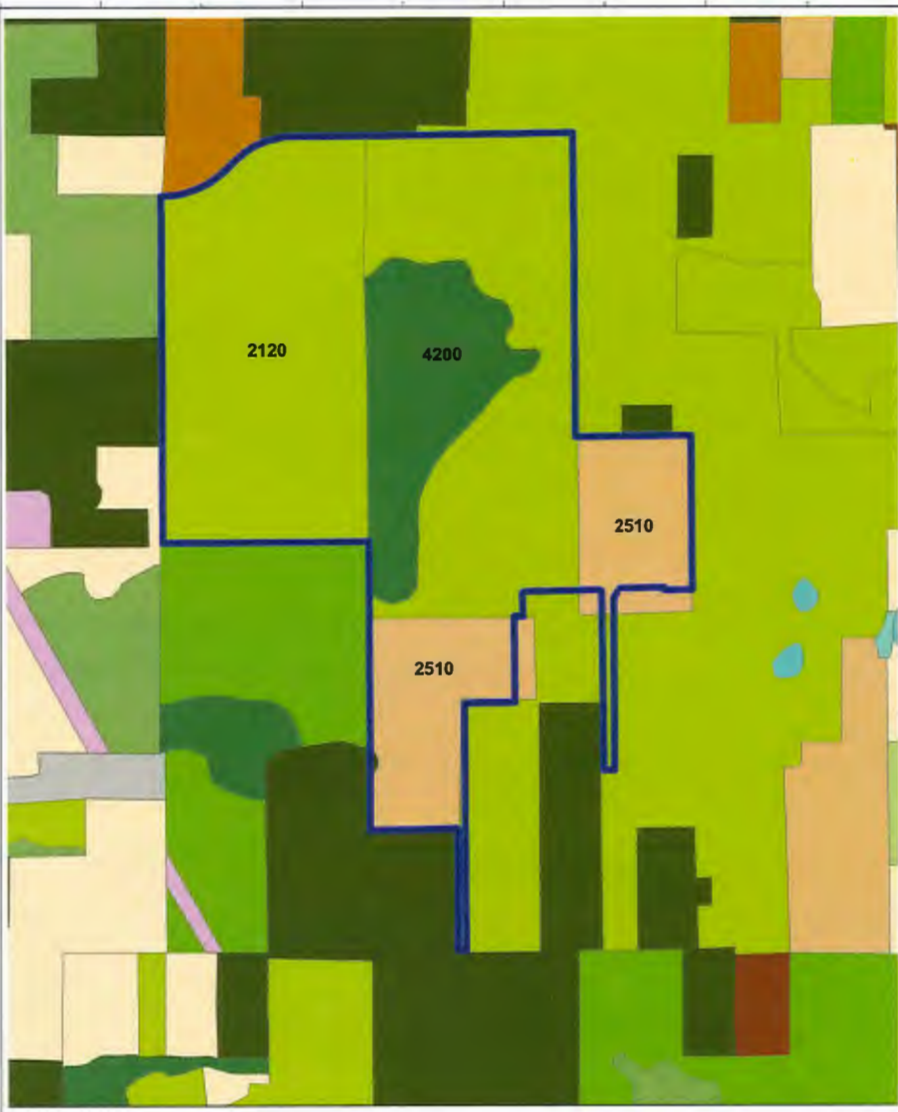
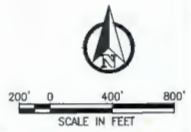
Infrastructure Costs	Total Cost	Construction Entity	Final Owner	Maintenance Entity
Offsite Utility Extensions (Potable Water, Reclaim Water and Forcemain) extension from Golden Gem	\$275,000.00	CDD	City	City
Master Earthwork related to roads/public improvements	\$1,305,000.00	CDD	CDD/City	CDD/City
Intersection Improvements				
Kelly Park Rd Signal	\$500,000.00	CDD	City	City
Kelly Park Rd turn lanes	\$250,000.00	CDD	City	City
Onich Rd turn lanes	\$250,000.00	CDD	City/County	City/County
6' Wall Along Ondich Road	\$207,750.00	CDD/Developer	CDD/HOA	CDD/HOA
Enhanced Landscaping Along Ondich Road	\$207,750.00	CDD/Developer	CDD/HOA	CDD/HOA
Enhanced Landscaping (Spine Rd)	\$675,000.00	CDD/Developer	CDD/HOA	CDD/HOA
Onsite Lift Station	\$400,000.00	CDD	City	City
Entry Monuments	\$500,000.00	CDD/Developer	CDD/HOA	CDD/HOA
Main Amenity*	\$2,000,000.00	CDD/Developer	CDD/HOA	CDD/HOA
Parks	\$450,846.40	CDD/Developer	CDD/HOA	CDD/HOA
Onsite Roads (Spine Road and Neighborhood Roads)	\$15,679,450.00	CDD	CDD/City	CDD/City
Onsite Utilities	\$7,951,477.50	CDD	CDD/City	CDD/City
Soft Costs	\$3,065,227.39			
Contingency (15%)	\$5,057,625.19			
Master Infrastructure Costs	\$38,775,126.48			

- 1 This Order of Magnitude Cost Opinion has been put together using the Kelly Park master plan dated December 2021
- 2 Cost to include contractor mobilization, layout, survey, asbuilts and associated costs with starting, progressing and finalizing the project. Nominal wetland mitigation costs are included. No remediation costs are included. No bridges are anticipated or included.
- 3 *Development costs to include Storm Water Collection System, Ponds, Road Construction (Sub-base, Base & Asphalt) and Multi-Use Paths / Sidewalks, gravity sewer, potable water and reclaimed water
- 4 Cost opinion based on pricing from projects of similar size and configuration.
- 5 The Spine Road has been priced using a 70' ROW (10' Multi Purpose Path / 7' Green Space / 2' Curb / 7.5' Parallel Parking / 22' Travel Lanes / 2' Curb / 14.5' Green Space / 5' Sidewalk)
- 6 No retaining walls or stems walls have been added to this cost opinion. It is assumed stem walls and retaining walls will be needed, Engineering will need to be completed to determine this scope of work and extents.
- 7 This Cost Opinion does not include any relocation or mitigation of any species
- 8 This Cost Opinion does not include any impacts fees or similar
- 9 Any item not specifically labeled has been excluded, please contact Poulos & Bennett for any further clarifications and / or exclusions
- 10 The Onsite Roads cost includes pavement, curbs, sidewalks, curb inlets and drainage pipes. It does not include utility lines.
- 11 Onsite Utilities includes: potable water, reclaimed water and sanitary sewer.
- 12 Landscaping Budget includes Irrigation.

EXHIBIT 6



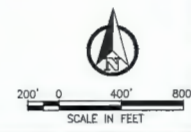
TOPOGRAPHY MAP (1"=400')
TOPOGRAPHY SOURCE: USGS Topo Quad



FLUCCS PLAN (1"=400')

FLUCCS Classification	
FLUCCS #	FLUCCS Name
1180	Residential Rural
2110	Improved Pastures
2120	Unimproved Pastures
2510	Horse Farms
4200	Upland Hardwood Forests

Source: SFMWD 2011 - FLUCCS-007 1999



Consultant:

07/07/20	Submitted to City of Apopka
06/07/20	Submitted to City of Apopka
05/08/20	Submitted to City of Apopka
04/12/20	Submitted to City of Apopka
03/09/20	Revised Second Submitted to the City of Apopka
02/09/20	Submitted to City of Apopka
01/07/20	Submitted to City of Apopka
NO. DATE	DESCRIPTION
SUBMISSIONS/REVISIONS	
VERTICAL DATUM	NAVD 88
JOB NO.	21-027
DESIGNED BY:	DC
DRAWN BY:	DC
CHECKED BY:	KJI
APPROVED BY:	KJI
SCALE IN FEET:	AS SHOWN

Project Name:
**Kelly Park Property
Master Plan**

Submittal To:
City of Apopka, FL

Sheet Title:
Existing Conditions

Sheet No.:

C1.00

DATE: January 31, 2022



Poulos & Bennett, LLC
3902 E. Longshore St., Orlando, FL 32817
Tel. 407.487.2011 www.poulosandbennett.com
Eng. Lic. No. 28347

L:\2021\1-1027 Master Plan - Kelly Park Properties\GIS\REVISIONS\MAPS\1-1027-01-01.dwg

EXHIBIT 7

KELLY PARK COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

February 10, 2022



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 Kelly Park 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 213.409 +/- acres of land located within the City of Apopka, Florida (the "City") and is projected to contain approximately 675 residential dwelling units, which will make up the Kelly Park development. The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing 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 Kelly Park 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 675 residential dwelling units, all within the boundaries of the District. Tables 1 and 2 under Section 5.0 detail the anticipated 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 Kelly Park.

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. (City of Apopka, according to Census 2020, has a population of 54,873; 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 213.409 +/- 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 675 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 insure 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 or the City by virtue that the District will be one of many already existing similar districts within the State and also one of a many already existing similar districts in the City. 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 service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, 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 their 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.

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 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. City of Apopka

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 a CDD 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 213.409+/- acre master planned residential development currently anticipated to contain a total of approximately 675 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 2,363 +/- 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. 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 Apopka, Florida

The proposed land for the District is located within City of Apopka, 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 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.

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.

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. 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 \$38,775,126.48. 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

**KELLY PARK COMMUNITY DEVELOPMENT DISTRICT
Proposed Facilities and Services**

FACILITY	FUNDED BY	OWNED BY	MAINTAINED BY
Offsite Utility Extensions (Potable Water, Reclaim Water and Forcemain) extension from Golden Gem	CDD	City	City
Master Earthwork related to roads/public improvements	CDD	CDD/City	CDD/City
Intersection Improvements			
Kelly Park Rd Signal	CDD	City	City
Kelly Park Rd turn lanes	CDD	City	City
Onich Rd turn lanes	CDD	City/County	City/County
6' Wall Along Ondich Road	CDD/ Developer	CDD/HOA	CDD/HOA
Enhanced Landscaping Along Ondich Road	CDD/ Developer	CDD/HOA	CDD/HOA
Enhanced Landscaping (Spine Rd)	CDD/ Developer	CDD/HOA	CDD/HOA
Onsite Lift Station	CDD	City	City
Entry Monuments	CDD/ Developer	CDD/HOA	CDD/HOA
Main Amenity	CDD/ Developer	CDD/HOA	CDD/HOA
Parks	CDD/ Developer	CDD/HOA	CDD/HOA
Onsite Roads (Spine Road and Neighborhood Roads)	CDD	CDD/City	CDD/City
Onsite Utilities	CDD	CDD/City	CDD/City

Table 2

**KELLY PARK COMMUNITY DEVELOPMENT DISTRICT
Estimated Costs of Construction**

CATEGORY	COST
Offsite Utility Extensions (Potable Water, Reclaim Water and Forcemain) extension from Golden Gem	\$275,000.00
Master Earthwork related to roads/public improvements	\$1,305,000.00
Intersection Improvements	
Kelly Park Rd Signal	\$500,000.00
Kelly Park Rd turn lanes	\$250,000.00
Onich Rd turn lanes	\$250,000.00
6' Wall Along Ondich Road	\$207,750.00
Enhanced Landscaping Along Ondich Road	\$207,750.00
Enhanced Landscaping (Spine Rd)	\$675,000.00
Onsite Lift Station	\$400,000.00
Entry Monuments	\$500,000.00
Main Amenity	\$2,000,000.00
Parks	\$450,846.40
Onsite Roads (Spine Road and Neighborhood Roads)	\$15,679,450.00
Onsite Utilities	\$7,951,477.50
Soft Costs	\$3,065,227.39
Contingency (15%)	\$5,057,625.19
Total Estimated Project Costs	\$38,775,126.48

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, 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.

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 cities, 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 District 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.

City of Apopka has a population of 54,873 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.

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 Kelly Park 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 Kelly Park 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 Kelly Park 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 Kelly Park development would take their grievances and desires to the City Commission meetings.

Third, any debt of an independent CDD is strictly that District'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 funds 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 County'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 Kelly Park 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 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of KE Law Group, PLLC to act as agent for Petitioner, G & B Development Services, LLC, with regard to any and all matters pertaining to the Petition to the City Council of the City of Apopka, Florida, to Establish the Kelly Park Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, Section 190.156(1), Florida Statutes. This authorization shall remain in effect until revoked in writing.

**G & B DEVELOPMENT SERVICES, LLC
PETITIONER**

Witnessed:

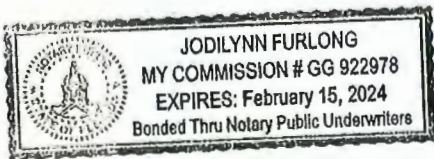
Print Name: Christopher S. Furlong

Print Name: Jodilynn Furlong

Mike Galvin
By: MIKE GALVIN
Its: MANAGER

STATE OF Florida
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20 day of January, 2022, by Mike Galvin, as manager of G & B Development Services, LLC, on its behalf. He is personally known to me or produced _____ as identification.



[Signature]
Notary Public, State of Florida

EXHIBIT 9

KELLY PARK COMMUNITY DEVELOPMENT DISTRICT

Future Expansion Parcels

3744 Ondich Rd 12-20-27-0000-00-046

Name(s): Pm S-1 Reo LLC	Physical Street Address: 3744 Ondich Rd	Property Use: 0001 - Vacant Residential
Mailing Address On File: 400 N Ashley Dr Ste 700 Tampa, FL 33602-4331	Postal City and Zip: Apopka, FL 32712	Municipality: Un-incorporated

From the Northwest corner of the Northwest 1/4 of Section 12, Township 20 South, Range 27 East, Orange County, Florida, run South 00 Degrees 00 Minutes 35 Seconds East along the West line of said Northwest 1/4 a distance of 60.00 feet to a point on the South right of way line of Ondich Road; thence run North 89 Degrees 46 Minutes 42 Seconds East along said right of way line 525.91 feet to the Point of Beginning; thence continue North 89 Degrees 46 Minutes 42 Seconds East along said right of way 495.91 feet to a point on the East line of the West 3/4 of the Northwest 1/4 of the Northwest 1/4 of Section 12, thence run South 00 Degrees 18 Minutes 05 Seconds West along said East line 635.13 feet; thence South 89 Degrees 44 Minutes 57 Seconds West 494.10 feet; thence North 00 Degrees 08 Minutes 45 Seconds East 635.37 feet to the Point of Beginning.

3800 Ondich Rd 12-20-27-0000-00-048

Name(s): Pm S-1 Reo LLC	Physical Street Address: 3800 Ondich Rd	Property Use: 0200 - Manufactured Home
Mailing Address On File: 3314 Jean Cir Tampa, FL 33629-5224 Incorrect Mailing Address?	Postal City and Zip: Apopka, FL 32712	Municipality: Un-incorporated

From the Northwest corner of the Northwest quarter of Section 12, Township 20 South, Range 27 East, Orange County, Florida, run South 00°00'25" East along the west line of said Northwest quarter, a distance of 60.00 feet to a point on the South right of way line of Ondich Road; thence run North 89°46'42" East along said right of way line 510.91 feet to the point of beginning; thence continue North 89°46'42" East along said right of way line 15.00 feet; thence run south 00°08'45" West 635.37 feet; thence North 89°44'57" East 494.19 feet to a point on the East line of the West three quarters of the Northwest quarter of the Northwest quarter of Section 12; thence run South 00°18'05" West along said East line 610.18 feet to the Northeast corner of the South 24.96 feet of the East 468.32 feet of aforesaid West three quarters of the Northwest quarter of the Northwest quarter of Section 12; thence run South 89°43'13" West 468.32 feet; thence run South 00°18'05" West 24.96 feet to a point on the South line of aforesaid Northwest quarter of the Northwest quarter of Section 12; thence run South 89°43'13" West along said line 39.14 feet; thence run North 00°08'45" East 1270.75 feet to the point of beginning.

[CONTINUED ON FOLLOWING PAGE]

5600 Effie Dr 11-20-27-0000-00-037

Name(s): Stark Nathan Stark Cindy	Physical Street Address: 5600 Effie Dr	Property Use: 6100 - Ag Grazing Im Pastur
Mailing Address On File: 5580 Effie Dr Apopka, FL 32712-5114	Postal City and Zip: Apopka, FL 32712	Municipality: Un-incorporated

Parcel I. D. No. 11-20-27-0000-00-037

A parcel of land lying in Section 11, Township 20 South, Range 27 East, being more particularly described as follows:

Commence at the SE corner of the NE 1/4 of Section 11, Township 20 South, Range 27 East; thence along the East line of said NE 1/4 North 00 degrees 27 minutes 57 seconds West, for a distance of 629.57 feet; thence run South 89 degrees 27 minutes 21 seconds West, for a distance of 38.26 feet; thence run North 52 degrees 38 minutes 21 seconds West, for a distance of 56.97 feet to the POINT OF BEGINNING, said point being on the South line of Parcel 1, as described in O.R. Book 3168, Page 1277; thence along said South line South 89 degrees 27 minutes 21 seconds West, for a distance of 1248.73 feet to a point on the Westerly line of the North 1/2 of the SE 1/4 of the NE 1/4 of said Section 11; thence North 00 degrees 22 minutes 31 seconds West, along said West line for a distance of 663.44 feet to a point on the North line of Parcel 1 as described in O. R. Book 3168, Page 1277, thence along said North line North 89 degrees 19 minutes 23 seconds East, for a distance of 440.00 feet; thence leaving said line South 00 degrees 22 minutes 31 seconds East for a distance of 454.00 feet; thence run North 89 degrees 27 minutes 21 seconds East, for a distance of 210.00 feet; thence run South 00 degrees 22 minutes 31 seconds East for a distance of 190.46 feet; thence run North 89 degrees 27 minutes 21 seconds East, for distance of 616.96 feet ; thence run South 45 degrees 30 minutes 16 seconds East, for a

distance of 28.26 feet; thence run South 89 degrees 27 minutes 21 seconds West for a distance of 38.26 feet to the POINT OF BEGINNING.

AND

All of first party's right, title and interest in a non-exclusive, contiguous 18 foot easement for ingress and egress to Ondich Road, lying 9 feet on either side of a center line described as follows: From the SW corner of the North 1/2 of the SW 1/4 of the NE 1/4 of Section 11, Township 20 South, Range 28 East, run West on the South line of the North 1/2 of the SW 1/4 of the NE 1/4, 9 feet to the Point of Beginning, and run thence North 0 degrees 16 minutes 44 seconds West 1991.41 feet more or less to the North section line of Section 11, Township 20 South, Range 27 East, all in Orange County, Florida. This is identified as Parcel One on that certain Warranty Deed recorded in O.R. Book 3168 page 1277, public records of Orange County, Florida.

[CONTINUED ON FOLLOWING PAGE]

5712 Effie Dr 12-20-27-0000-00-001

Name(s):

Pm S-1 Reo LLC

Physical Street Address:

5712 Effie Dr

Property Use:

6100 - Ag Grazing Im Pastur

Mailing Address On File:

400 N Ashley Dr Ste 700
Tampa, FL 33602-4331

Postal City and Zip:

Apopka, FL 32712

Municipality:

Un-incorporated

PARCEL NO. 1: Beginning at a point 14.15 Chains North of Quarter Section Post on West boundary of Section 12, Township 20 South, Range 27 East, running East 16.49 Chains, North 6.38 Chains, West 16.49 Chains, South 6.38 Chains, Less 568.00 feet on the West End, Orange County, Florida.

Less that portion as described in O.R. Book 8006, Page 757, of the public records of Orange County, Florida.

and

Less that portion of Parcel 3 and that portion of Parcel 5 as described in O.R. Book 5075, Page 1578, of the public records of Orange County, Florida

PARCEL NO 2: Beginning 26.16 chains South of Northwest corner, run South 4.15 chains, East 15.35 chains, North 4.15 chains, West 15.35 chains, Section 12, Township 20 South, Range 27 East, Orange County, Florida.

Together with an easement for the purposes of ingress and egress and transporting groove care equipment and machinery, over the North 8.00 feet of land conveyed to Bill J. Osborne by Warranty Deed from Nancy E. New, recorded January 5, 1971 in Official Records Book 2019, Page 478, of the Public Records of Orange County, Florida, said easement beginning on the East at Effie Road and running Westerly to the Section Line, in accordance with the Final Judgment dated October 10, 1975 and filed October 13, 1975 in Official Records Book 2652, Page 235, of the Public Records of Orange County, Florida, in Civil Action No. CI 754645, in the Circuit Court of the Ninth Judicial Court in and for Orange County, Florida, wherein Garrett I. Gilliam and Annie D. Gilliam, his wife, were plaintiffs and Billy J. Osborne and Harry Smith, et al, were defendants.

PARCEL NO. 3: From the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, Township 20 South, Range 27 East, Orange County, Florida, run South 00° 24' 20" West, along the East line of said Northwest 1/4 of the Northwest 1/4 of Section 12, a distance of 1220.95 feet; thence South 89°43'17" West, 30.00 feet to a point on the West Right of Way line of Effie Road; thence run South 00° 24' 20" West, along said Right of Way line 371.99 feet to the Point of Beginning; thence continue South 00° 24' 20" West, along said Right of Way line 30.00 feet; thence run South 89° 42' 28" West, 307.80 feet more or less, to a point on the West line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 12; thence run North 00° 18' 05" East, along said West line 30.00 feet; thence North 89° 42' 28" East, 307.80 feet more or less to the Point of Beginning, LESS the Westerly 40.00 feet thereof.

PARCEL NO. 4: From the quarter corner post on the West side of Section 12, Township 20 South, Range 27 East, run North along Section line 933.90 feet for a Point of Beginning; thence run East 568.00 feet, thence run North 396.10 feet, more or less to the North line of Southwest 1/4 of the Northwest 1/4 of said Section; thence run West along said forty line 568.00 feet to the Northwest corner of said Southwest 1/4 of the Northwest 1/4; thence run South along Section line 396.10 feet for the Point of Beginning.

PARCEL NO. 5: From the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 12, Township 20 South, Range 27 East, Orange County, Florida, run South 00° 24' 20" West, along the East line of said Northwest 1/4 of the Northwest 1/4 of Section 12, a distance of 1220.95 feet; thence South 89° 43' 17" West, 30.00 feet to a point on the West Right of Way line of Effie Road; thence run South 00° 24' 20" West, along said Right of Way line 401.99 feet to the Point of Beginning; thence continue South 00° 24' 20" West, along said Right of Way line 371.99 feet to a point on the South line of the East 1/2 of the Northeast 1/4 of the Southwest 1/4 of said Northwest 1/4 of Section 12; thence run South 89° 41' 26" West, along said South line 307.10 feet to the Southwest corner of aforesaid East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 12; thence run North 00° 18' 05" East, along the West line of said East 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 12, a distance of 372.08 feet; thence North 89° 42' 28" East, 307.80 feet, more or less, to the Point of Beginning.

LESS portion of Parcel 3 as described in Official Records Book 5075, Page 1578, if any, of the Public Records of Orange County, Florida.