MEMORANDUM

Agenda Item No. 4(Q)

(Public Hearing 1-20-04)

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

DATE: December 16, 2003

FROM: George M. Burgess
County Manager

SUBJECT: Ordinance Creating the Islands at Doral (NE) Community Development District

RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Islands at Doral (NE) Community Development District (CDD) in the City of Doral, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes, subject to acceptance of the declaration of restrictive covenants running with the lands within the jurisdiction of the CDD. The City of Doral has approved the creation of the Islands at Doral (NE) by Resolution No. 03-32.

BACKGROUND

Century Homebuilders, L.L.C., owner of the Islands at Doral (NE) development, has filed an application to create the Islands at Doral (NE) CDD in connection with said development. Islands at Doral (NE) is a proposed 68.01-acre mixed residential development lying wholly within the City of Doral, in an area bounded by NW 107 Avenue on the east, NW 82 Street on the south, NW 112 Avenue on the west and NW 86 Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure, facilities and services, along with certain ongoing operations and maintenance for the Islands at Doral (NE) development. The development plan for the lands within the proposed CDD include construction of 66 single family units, 125 town homes, and 340 condominiums, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately $7.424 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by Century Homebuilders, L.L.C. In accordance with Florida Statute 190, Century Homebuilders, L.L.C. has paid a filing fee of $15,000 to the County.

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

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

This development includes a mixture of public and private roads, the latter to be maintained by the CDD. With the City's approval a special taxing district may be created to maintain this development's infrastructure such as private roadways, private area storm drainage and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. The special taxing district will remain dormant until such time as the City of Doral requests Miami-Dade County to activate the it.

FISCAL IMPACT

The creation of the Islands at Doral (NE) Community Development District will have no fiscal impact on Miami-Dade County.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(Q)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(Q)
1-20-04

ORDINANCE NO. _____

ORDINANCE GRANTING PETITION OF CENTURY HOMEBUILDERS, L.L.C., ("CENTURY" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

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

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

WHEREAS, Century Homebuilders, L.L.C., ("Century" or "Petitioner") has petitioned for the establishment of the Islands at Doral (NE) Community Development District (the "District"); and

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

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

WHEREAS, the Board of County Commissioners finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the Miami-Dade County Comprehensive Development Master Plan; and

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

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

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

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

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

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

WHEREAS, because the proposed District is located wholly within the municipal boundaries of the City of Doral, the City is in a position to be well informed regarding the merits of this District; and

WHEREAS, The City of Doral has consented to the creation of the District within the municipal boundaries; and the Board of County Commissioners desires to establish the District; and

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

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

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

Section 2. The Petition to establish the Islands at Doral (NE) Community Development District over the real property described in Exhibit A attached hereto, which was filed by Century Homebuilders, L.L.C., a Florida limited liability company, on June 5, 2003, and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein, together with a portion of the Petition's exhibits (Exhibit B).

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

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

Cesareo E. Llano

Brandon Immerman

Thomas Iglesias, Sr.

Keyla Alba-Reilly

Reinaldo Sanchez

Section 5. The name of the District shall be the "Islands at Doral (NE) Community Development District."

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

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Islands at Doral (NE) Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

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

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

Section 10. All bonds issued by the Islands at Doral (NE) Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Islands at Doral (NE) Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Islands at Doral (NE) Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges,

permitting fees, impact fees, connection fees, or similar County rates, fees or charges, or special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

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

Section 14. This Board hereby accepts that Declaration of Restrictive Covenants proffered by the owners of the lands within the jurisdiction of the Islands at Doral (NE) Community Development District, in connection with the petition submitted by Century Homebuilders, L.L.C. and approved herein.

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

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

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

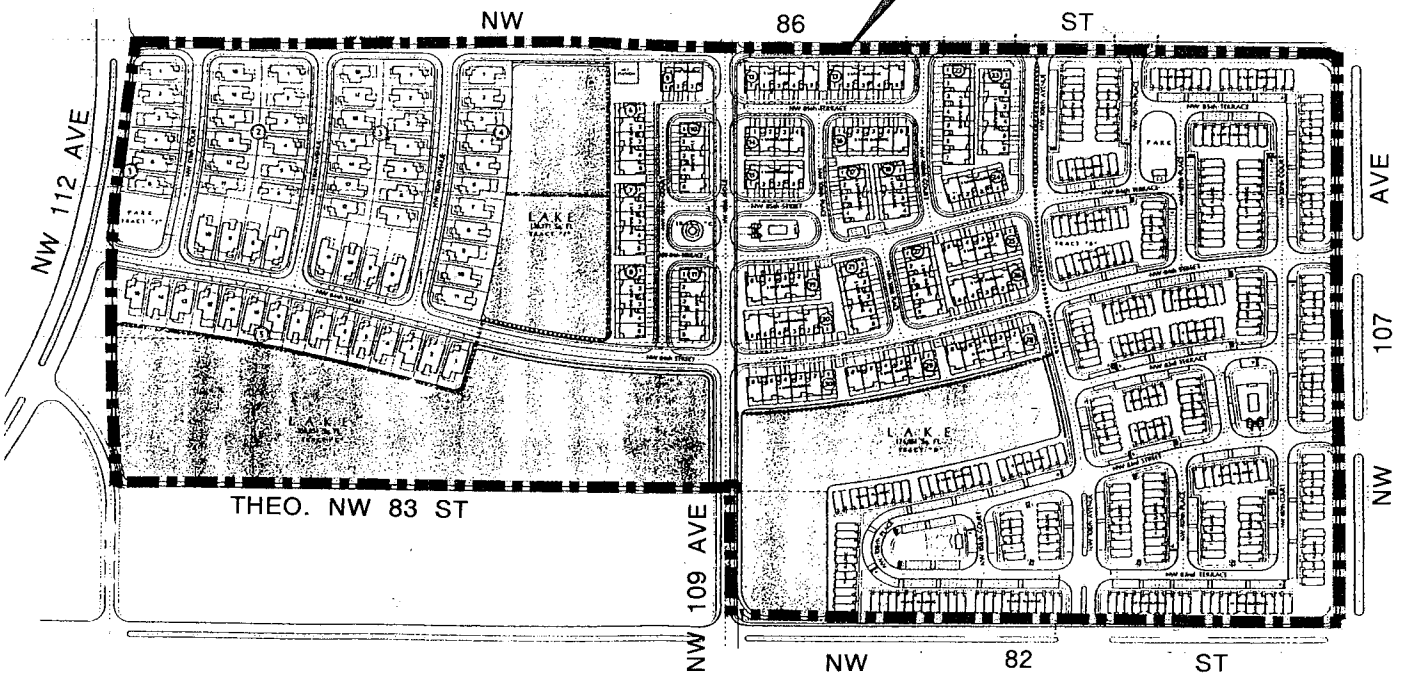
PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Joni Armstrong Coffey

DISTRICT BOUNDARIES



ISLANDS AT DORAL (NE)

COMMUNITY DEVELOPMENT DISTRICT

N

(COMM. 0012)

SECTION: 7-53-40

EXHIBIT "C"

EXHIBIT A

ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT

Tracts 5 through 8 and 10 through 12, less the East 35.00 feet of Tracts 5 and 6 and the West 35.00 feet of Tract 11, of the "Florida Fruit Land's Company's Subdivision" in Section 7, Township 53 South, Range 40 East, according to the plat thereof, as recored in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida

EXHIBIT B

IN RE: AN ORDINANCE TO ESTABLISH)
THE ISLANDS AT DORAL (NE))
COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Petitioner, Century Homebuilders, LLC, ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately **68.01 acres** of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the internal boundaries of the proposed District, which is to be excluded from the District.

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

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

Cesareo E. Llano	743 Sistina Avenue	Coral Gables, Florida 33146
Brandon Immerman	12474 S.W. 121st Lane	Miami, Florida 33186
Thomas Iglesias, Sr.	12351 S.W. 75th Street	Miami, Florida 33183
Keyla Alba-Reilly	5490 N.W. 113 Court	Miami, Florida 33178
Reinaldo Sanchez	10400 S.W. 19th Street	Miami, Florida 33165

4. The proposed name of the District to be established is ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT ("IAD (NE) CDD").

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

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

7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are 66 single family

dwelling units, **125** townhouse units and **340** condominiums. The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

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

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

10. The Petitioner is **Century Homebuilders, LLC**. whose address is **7270 N.W. 12th Street, Suite 410, Miami, Florida, 33126.**

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

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

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

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

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

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

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

1. Hold a public hearing as required by Section 190.005(2)(b), Florida Statutes to consider the establishment of the ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT and;

a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT.

Respectfully submitted this 30 day of June, 2003.

Century Homebuilders, L.L.C.

By: **Sergio Pino, Manager**
7270 N.W. 12th Street, Suite 401
Miami, Florida 33126

EXHIBIT 3

CONSENT AND JOINDER
TO CREATION OF A COMMUNITY DEVELOPMENT DISTRICT

THE UNDERSIGNED is the owner of certain lands located in Miami-Dade County, Florida, and more fully described as follows:

See Exhibit "A" attached hereto and incorporated herein.

The above-described land is hereinafter referred to as the "Property."

The undersigned understands and acknowledges that Century Homebuilders, LLC ("Petitioner") intend to submit an application to create a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statues.

As an owner of lands which are intended to constitute a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005(1)(a)(2), Florida Statutes, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the Owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the creation of a Community Development District which will include the Property within the lands to be 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 creation of the Community Development District.

The undersigned hereby acknowledges and agrees that the foregoing consent and obligation to execute additional documentation is and shall be a covenant running with the land which shall bind the undersigned's heirs, personal representatives, administrators, successors-in-title and assigns and shall remain in full force and effect three (3) years from the date hereof.

Executed this 8th day of June, 2003.

CENTURY HOMEBUILDERS, L.L.C.

By: _____

Printed Name Sergio Pino

Title Manager

EXHIBIT 2

LEGAL DESCRIPTION

ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT

Tracts 5 through 8 and 10 through 12, less the East 35.00 feet of Tracts 5 and 6 and the West 35.00 feet of Tract 11, of the "Florida Fruit Land's Company's Subdivision" in Section 7, Township 53 South, Range 40 East, according to the plat thereof, as recored in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida

TABLE 1

ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE

ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT

IMPROVEMENT	START DATE	COMPLETE DATE
ROADS	July 2003	March 2004
WASTEWATER SYSTEM	April 2003	February 2004
WATER SUPPLY SYSTEM	May 2003	November 2003
SURFACE WATER MGMT	June 2003	December 2003

TABLE 2

CONSTRUCTION COSTS ESTIMATES

ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT

ROADS	$ 2,867,291
WASTE WATER SYSTEM	$ 1,065,934
WATER SUPPLY SYSTEM	$ 1,030,432
SURFACE WATER MANAGEMENT	$ 2,460,358
SUBTOTAL	**$ 7,424,015**

EXHIBIT 6

ISLANDS AT DORAL(NE)
Community Development District

Statement of Estimated Regulatory Costs

June 5th, 2003

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33400

561-630-4922 – Tele
877-737-4922 – Toll Free
561-630-4923 – Fax

1.0 INTRODUCTION

1.1 Purpose and Scope

This statement of estimated regulatory costs supports the Century Homebuilders, LLC (Petitioner") petition to establish a community development district to be known as ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT (the "CDD"). The CDD will own, operate and maintain a portion of the community infrastructure for the development to be known as Islands at Doral, located in the unincorporated area of Miami-Dade County, Florida.

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

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

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

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

The scope of this statement of estimated regulatory costs is statutorily limited to evaluating the consequences of creating the ISLANDS AT DORAL (NE) CDD. The policy of the State regarding the scope of the CDD establishment process is explicitly set out in Section 190.002 (2) (d), F.S. as follows:

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

Therefore, the only relevant concern is whether ISLANDS AT DORAL (NE) CDD will be a financially visible entity.

1.2 ISLANDS AT DORAL (NE) Development

The proposed Islands at Doral development is located in the unincorporated area of Miami-Dade County, Florida. The sole landowner and developer is Century Homebuilders, LLC (the "Developer"). The proposed development is designed as a master planned residential development, serving south Florida markets. This phase of the Islands at Doral (which encompasses the CDD), offers **66 single family** dwelling units, **125 town home** units and **340 condominiums** designed to service a wide variety of buyers.

This phase of Islands at Doral development is located in the unincorporated area of Miami-Dade County, Florida, **between NW 82nd Street and NW 86th Street and between NW 107th Avenue and NW 112th Avenue** and is planned as a self-sustaining mixed residential community. Projected build-out of this phase of the project is 3 to 5 years.

1.3 ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT (CDD)

The Petitioner proposes to establish the ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT to acquire, construct, operate and/or maintain some of the infrastructure and community facilities in the Islands at Doral development. Table 1 outlines the proposed development plan timetable and the schedule for completion of the various projects.

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

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

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

The CDD will own the surface water management system and will have a long term maintenance agreement with the Homeowners Association to operate and maintain this system . To defray the costs of operating and maintaining the infrastructure, the HOA will make use of HOA maintenance assessments levied on all assessable property in the district.

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

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

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

The CDD will own a portion of the internal roadway system and will have a long term maintenance agreement with the Homeowners Association to operate and maintain the private roads. . To defray the costs of operating and maintaining a portion of the roads, the HOA will make use of HOA maintenance assessments levied on the portion of the property with private roads.

. The remainder of the internal roadway system will be conveyed to Miami-Dade County who will maintain these public roads.

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

2.0 COSTS AND BENEFITS OF ESTABLISHING THE ISLANDS AT DORAL (NE) COMMUNITY DEVELOPMENT DISTRICT

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

Chapter 190.005 (2), F.S. mandates that the exclusive and uniform method for the establishment of a community development district of less than 1000 acres in size shall be by an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located.

The one-time cost of reviewing the CDD petition is minimal. The County has its own in-house staff to process petitions filed for other reasons. Therefore, the marginal addition of one more petition to review results in little, if any, additional cost. Review of the proposed development will not be necessary since the project was previously approved through the Public Hearing process. Considerable fees were paid by the Petitioner for that review.

Beyond the minimal administrative costs outlined above, there will be only inconsequential costs to Miami-Dade County and the general citizenry because of the establishment of the ISLANDS AT DORAL (NE) CDD. The CDD is designed to serve the needs of its property owners by financing, constructing, operating and maintaining the infrastructure and other services needed by district residents. The CDD will not require subsidies from Miami-Dade County.

Finally, the CDD will pay its own election costs and will pay substantial fees for other urban services, such as tax assessment and collection. Thus, the net costs to Miami-Dade County and its citizens due to establishment of the ISLANDS AT DORAL (NE) CDD are negligible.

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

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

2.2 Benefits to Miami-Dade County and Its Citizens

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

> "(1) The Legislature finds that: (a) there is a need for uniform, focused and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation and duration of independent districts to manage and finance basic community development services; and that, based upon a proper and fair determination of applicable facts, an efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002, F. S.

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

> "It is in the public interest that long range planning, management, and financing and long-term maintenance, upkeep, and operation of basic

services for community development districts be under one coordinated entity." Section 190.002-(1) (c), F. S.

By enacting the Act, the Legislature recognized that substantial public benefits accrue from well-planned community developments in Florida. ISLANDS AT DORAL (NE) CDD is just the type of planned development envisioned in Chapter 190, F. S.

It is most difficult to place a dollar value on these indirect benefits; however, they are certainly substantial. Furthermore, given the minimal costs incurred by Miami-Dade County if the CDD is approved, the benefits clearly overwhelm any such costs, yielding significant net benefits to Miami-Dade County and its citizens.

ISLANDS AT DORAL (NE) CDD will provide a number of direct economic benefits to Miami-Dade County and its citizens. First, the CDD is the best means of assuring that CDD residents receive the services they need, while at the same time restricting the cost to only those who receive the services. This financial structure binds those who receive the CDD services to the obligation to pay for those services. At the same time, this structure also allows future CDD residents to control the entity, which provides the services and levies the assessments to pay for those services. Miami-Dade County and its citizens are not involved in any way in the financial obligations, operation or maintenance of the district.

A second economic benefit which accrues to Miami-Dade County and its citizens is that establishment of the CDD frees the County of responsibilities and costs of the management and administrative burden of the CDD. Thus, it will be possible for the County Commission to continue to focus on those areas of the county that require more immediate attention.

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

The CDD is an independent governmental unit, it has its own independent board and budget, and it must see to its own administration. This arrangement for governing and administering the district means a considerable cost saving to the County over other types of arrangements. Any other form of government or financial structure would result in the County being at least partially responsible for the community's services.

Third, approval of the proposed CDD would minimize some increases in the cost of County funded services. As new development occurs in any community, residents of the new area demand increased levels of services over and above those provided before development. The costs of providing these services are spread to the remaining taxpayers in the jurisdiction of the local government(s) providing the services. If this were to happen, taxing and spending levels would increase, and costs would be passed on, at least in part, to surrounding residents. The result would further strain the County budget.

Without the CDD, development of ISLANDS AT DORAL (NE) could possibly increase the demands on Miami-Dade County to extend and improve services to the community.

Fourth, the CDD proposes to construct the water distribution system and the wastewater collection and transmission facilities and to deed same to Miami-Dade County WASD at no cost. The estimated cost to the CDD to construct these facilities is expected to exceed **$2,096,366.** In addition to this donation, Miami-Dade County WASD's customer base will increase by approximately **531** households.

The proposed CDD will serve the needs of its residents. The board of supervisors of the CDD will determine the level and quality of the community services the residents want and are willing to pay for. The CDD will provide the residents of ISLANDS AT DORAL (NE) CDD with a mechanism for satisfying these needs without recourse to the County Commission.

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

2.3 Costs to the Petitioner

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

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

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

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

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

2.4 Benefits to the Petitioner

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

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

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

2.5 Costs to the Consumers

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

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

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

2.6 Benefits to the Consumers

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

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

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

It is clear that the formation and operation of the ISLANDS AT DORAL (NE) CDD will benefit its homeowners. The CDD will be controlled by CDD property owners, and will be operated for their benefit. Finally, the CDD will help ensure that the high standards the Petitioner has set for the development will be maintained for the benefit of CDD property owners.

3.0 COMPETITIVE EFFECTS

Approval of the ISLANDS AT DORAL (NE) CDD will have an effect on competition in the market for housing in Miami-Dade County and in those areas where there are projects similar to the Islands at Doral. To understand the nature of these competitive effects, it is important to recognize the type of project envisioned at ISLANDS AT DORAL (NE) CDD. The development in the CDD is designed as a mixed residential community currently consisting of **531** residential units. As such, it competes with other developments serving this same market niche. In addition, the granting of a community development district for the first phase of the Islands at Doral does not provide a competitive advantage, which others could not obtain.

4.0 IMPACT OF SMALL BUSINESS

Approval of the ISLANDS AT DORAL (NE) CDD will have a positive impact on small business as defined in Chapter 288.703 (1), F. S. Many types of neighborhood services will be required by the residents of the CDD. These services can be provided by the small businesses that currently serve the general area. Additional opportunities will

also be created for new businesses to be formed or relocate to the area. No negative impacts have been identified for small businesses as defined.

5.0 DATA AND METHODOLOGY

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

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

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

7.0 CONCLUSION

The question is whether having a CDD provide the community services is more financially viable, efficient and responsive to the needs of the homeowners than any other form of service provider. After careful review and analysis, the process of elimination suggests that the CDD is, in fact, the most financially viable, efficient and responsive way to provide the community services required for this project.

The estimated budget for the CDD indicates that the various charges to prospective home buyers will be moderate, and well within the ranges typical for Florida communities with strong tax bases. As noted in Table 2, the estimated cost to provide the CDD infrastructure is **$7,424,015**

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

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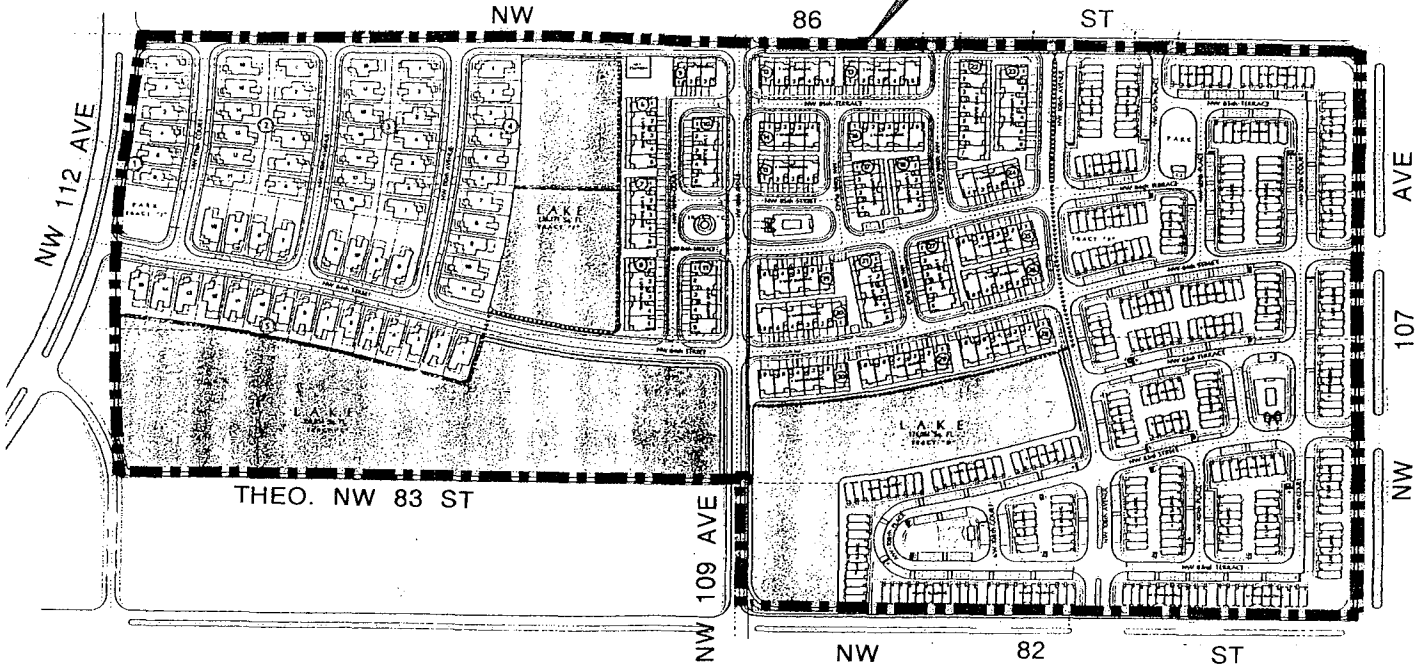
DISTRICT BOUNDARIES



ISLANDS AT DORAL (NE)

COMMUNITY DEVELOPMENT DISTRICT

N

(COMM. 0012)

SECTION: 7-53-40

EXHIBIT "C"