

AN ORDINANCE ESTABLISHING THE BAYTREE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1991); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Baytree Development Corporation, having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, has petitioned the Board of County Commissioners of Brevard County (the "County") to adopt an ordinance establishing the Baytree Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (1991), which Petition, dated May 14, 1992, is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, Baytree Development Corporation is a Florida corporation authorized to conduct business in the State of Florida whose corporate address is 1499 South Harbor City Boulevard, Suite 300, Melbourne, Florida 32901, and whose President is Coy A. Clark; and

WHEREAS, 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 a duly noticed public hearing conducted by the County this 22nd day of June 1992; and

WHEREAS, at the public hearing the County determined that the statements within the Petition were true and correct, that the creation of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government 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 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 amendable to separate special-district governance; and

Officially filed with
The Secretary of State
June 24, 1992

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (1991).

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within unincorporated Brevard County, Florida, which District shall be known as the "Baytree Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 473 acres, the external boundaries of the District are described as follows:

A parcel of land lying in Sections 14, 15, 22, and 23, Township 26 South, Range 36 East, all in Brevard County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 14 and run S00°59'57"E, along the West line of said Section 14 for a distance of 50.04 feet to the South right-of-way line of Wickham Road (100 feet wide) and the POINT of BEGINNING; thence N86°42'28"E, parallel with and 50 feet Southerly of the North line of said Section 14, a distance of 1.41 feet; thence N88°03'49"E, parallel with and 50 feet Southerly of the North line of said Section 14, a distance of 48.60 feet; thence S00°59'57"E, parallel with and 50 feet Easterly of the West line of said Section 14, a distance of 792.11 feet; thence N88°03'49"E, parallel with and 842 feet Southerly of the North line of said Section 14, a distance of 1272.17 feet to it's intersection with the East line of the West 1/4 of said Section 14; thence S01°07'50"E, along said East line of the West 1/4 of Section 14, said line also being the West line of Suntree Planned Unit Development, (Plat Book 30, Page 80; Plat Book 31, Page 52; Plat Book 31, Page 67; Plat Book 32, Page 51; Plat Book 33, Page 33 & 34; Plat Book 35 Pages 11 & 12, Public Records of Brevard County, Florida) a distance of 1935.07 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of said Section 14; thence S01°07'37"E, along said East line of the West 1/4 of Section 14 and the West line of said Suntree Planned Unit Development, a distance of 2640.91 feet to the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 14, said point also being the Northeast corner of the West 1/4 of aforesaid Section 23; thence S00°37'08"E along the East line of the West 1/4 of said Section 23, and the West line of said

Suntree Planned Unit Development, a distance of 3148.14 feet; thence departing said East line of the West 1/4 of Section 23, run N89°32'05"W a distance of 1140.20; thence S00°37'13"E a distance of 1034.94 feet; thence S89°22'47"W a distance of 1205.00 feet; thence N00°21'23"E a distance of 343.67 feet; thence N04°40'23"E a distance of 1108.66 feet; thence N22°39'17"W a distance of 428.08 feet; thence N49°50'54"W a distance of 254.23 feet to the proposed Easterly right-of-way line of proposed Murrell Road (150 feet wide right-of-way); thence N24°02'49"E, along said proposed Easterly right-of-way line of Murrell Road, a distance of 491.79 feet to the point of curvature of a curve concave to the West, having a radius of 1575.00 feet; thence run Northerly along the arc of said curve 1797.31 feet, through a central angle of 65°22'59", a chord bearing of N08°40'41"W, and a chord distance of 1701.37 feet; thence departing said proposed Easterly right-of-way of Murrell Road, run N02°49'11"W a distance of 839.50 feet; thence N40°08'56"E a distance of 789.32 feet; thence N01°44'51"E a distance of 590.02 feet; thence N88°37'42"W a distance of 324.11 feet; thence N44°29'11"W a distance of 385.39 feet; thence N12°54'51"E a distance of 312.93 feet; thence N20°50'26"W a distance of 492.16 feet; thence N41°52'53"W a distance of 350.83 feet; thence N01°01'11"W a distance of 1140.90 feet; thence N86°42'28"E, parallel with and 842 feet Southerly of the North line of the Northeast 1/4 of aforesaid Section 15, a distance of 1631.28 feet; thence N00°59'57"W, parallel with and 50 feet Westerly of the East line of the Northeast 1/4 of said Section 15, a distance of 792.63 feet to the Southerly right-of-way line of Wickham Road, a 100 foot right-of-way as now exists; thence N86°42'28"E, along said Southerly right-of-way line parallel with and 50 feet Southerly of said North line of the Northeast 1/4 of Section 15, a distance of 50.04 feet to the POINT OF BEGINNING; containing 474.34 Acres, more or less.

Less and except the following described parcel:

That portion of the West 1/4 of Section 14, and that portion of the East 1/4 of Section 15, all in Township 26 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section 14 and run S00°59'57"E, along the west line of said Section 14 for a distance of 50.04 feet to the south right-of-way line of Wickham Road (100 ft. right-of-way) as now exists; thence N86°42'28"E, parallel with and 50 feet southerly of the north line of said Sections 14 and 15, a distance of 1.41 feet; thence N88°03'49"E, parallel with and 50 feet southerly of the north line of said Section 14, a distance of 48.60 feet; thence run S00°59'57"E, parallel with and 50 feet easterly of the west line of said Section 14, a distance of 792.11 feet; thence N88°03'49"E, parallel with and 842 feet southerly of the north line of said Section 14, a distance of 40.13 feet to the Point of Beginning of the lands described herein; thence from said Point of Beginning, continue N88°03'49"E, parallel with and 842 feet southerly of said north line of Section 14, a distance of 771.04 feet; thence S77°52'02"W, a distance of 55.51 feet to the Point of Curvature of a curve concave to the north and having a radius of 200.00 feet; thence from said Point of Curvature, run westerly along the arc of said curve a distance of 63.23 feet through a central angle of 18°06'53" to the Point of Tangency thereof; thence N84°01'05"W, a distance of 47.43 feet to the Point of Curvature of a curve concave to the north and having a radius of 110.00 feet; thence from said Point of Curvature, run westerly along the arc of said curve a distance of 127.69 feet through a central angle of 66°30'28" to the Point of Tangency thereof; thence run S29°28'27"W, a distance of 54.48 feet to the Point of Curvature of a curve concave to the northwest and having a radius of 165.94 feet; thence from said Point of Curvature, run southwesterly and northwesterly along the arc of said curve a distance of 242.95 feet through a central angle of 83°53'13" to the Point of Compound Curvature of a curve concave to the northeast and having

a radius of 23,743.14 feet; thence from said Point of Compound Curvature, run northwesterly along the arc of said curve a distance of 95.26 feet through a central angle of $00^{\circ}13'47''$ to the Point of Compound Curvature of a curve concave to the northeast and having a radius of 40.00 feet; thence from said Point of Compound Curvature, run northwesterly along the arc of said curve a distance of 29.09 feet through a central angle of $41^{\circ}40'13''$ to the Point of Compound Curvature of a curve concave to the northeast and having a radius of 137.60 feet; thence from said Point of Compound Curvature, run northwesterly along the arc of said curve a distance of 36.30 feet through a central angle of $15^{\circ}06'48''$ to the Point of Reverse Curvature of a curve concave to the southwest and having a radius of 54.00 feet; thence from said Point of Reverse Curvature, run northerly and westerly along the arc of said curve a distance of 66.84 feet through a central angle of $70^{\circ}54'59''$ to the Point of Compound Curvature of a curve concave to the south and having a radius of 399.66 feet; thence from said Point of Compound Curvature, run westerly along the arc of said curve a distance of 61.70 feet through a central angle of $08^{\circ}50'43''$ to the Point of Reverse Curvature of a curve concave to the northeast and having a radius of 57.57 feet; thence from said Point of Reverse Curvature, run northwesterly along the arc of said curve a distance of 42.39 feet through a central angle of $42^{\circ}11'31''$ to the Point of Beginning, ending said curve with a radial bearing of $N42^{\circ}48'17''E$.

Containing 1.36 acres, more or less.

Overall parcel containing 472.98 acres, more or less.

SECTION 4. FUNCTIONS AND POWERS. The District is limited to the performance of those specialized functions described in Chapter 190, Florida Statutes. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing development. No debt or obligation of the District shall constitute a burden on any local general-purpose government without its consent. Consent is hereby given, pursuant to Section 190.012(2), Florida Statutes, to the District to exercise the following powers: parks and facilities for indoor and outdoor recreational, cultural, and educational uses; security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, except that the District may not exercise any police power, but may contract with the Brevard County Sheriff's Department for an increased level of such services within the district boundaries; and control and elimination of mosquitos and other arthropods of public health importance.

SECTION 5. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Coy A. Clark
500 River Cove Place
Indialantic, Florida 32903

C. R. Reed
150 Rocket Lane, #342
West Melbourne, Florida 32904

Michael G. Gaich
672 Candlewood Way
Melbourne, Florida 32935

W. Robert Anderson
3511 Samuel Place
West Melbourne, Florida 32904

Maury C. Dodson
2835 North A1A Hwy., #604
Indialantic, Florida 32903

SECTION 6. SEVERABILITY. If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect as soon as the Clerk of the Board of County Commissioners receives official acknowledgment from the Department of State that the Ordinance has been filed.

ADOPTED THIS 22nd DAY OF JUNE, 1992.

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

By: Thad Altman
Thad Altman, Chairman

ATTEST:

R.C. Winstead, Jr.
R.C. Winstead, Jr., Clerk

STATE OF FLORIDA
COUNTY OF BREVARD

(SEAL)

This is to certify that the foregoing is a
true & correct copy of Ordinance
10-92-17 witness my hand

and official seal this 26th day of

July 1992
R. C. WINSTEAD, JR.
Clerk Circuit Court

BY E. M. McElroy, Jr.

EXHIBIT A: PETITION TO ESTABLISH BAYTREE CDD

BEFORE THE BREVARD COUNTY COMMISSION

**PETITION TO ESTABLISH A
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Baytree Development Corp., a Florida corporation, hereby petitions the Brevard County Commission, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to adopt an ordinance to establish a Community Development District with respect to the land described herein. In support of the Petition, Baytree Development Corp. states:

1. The proposed District is located within the unincorporated area of Brevard County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 474 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 located within the external boundaries of the proposed District which is to be excluded from the District.

2. Petitioner has a contract to purchase the land within the District and has written consent to establish the District from the Owners of 100% of the real property located within the District. Documentation of Consent to the establishment of the District by Petitioner of the real property to be included within the District is contained in Exhibit 3.

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

Name: Coy A. Clark
Address: 500 River Cove Place
Indialantic FL 32903

Name: C. R. Reed
Address: 150 Rocket Lane, #342
West Melbourne FL 32904

Name: Michael G. Gaich
Address: 672 Candlewood Way
Melbourne FL 32935

Name: W. Robert Anderson
Address: 3511 Samuel Place
West Melbourne FL 32904

Name: Maury C. Dodson
Address: 2835 North A1A Hwy., #604
Indialantic FL 32903

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

4. The proposed name of the district to be established is Baytree Community Development District (Baytree CDD).

5. The existing land uses within and abutting the proposed District are depicted in Exhibit 4. The Baytree CDD site includes approximately 474 acres. The proposed land uses for land contained within the proposed District are consistent with the Brevard County Comprehensive Plan.

The planned development is consistent in all respects with Brevard County's duly adopted local comprehensive plan and development regulations. The proposed development plan for the lands within the District is shown in Exhibit 5.

The proposed development within the District contemplates the construction of 525 residential dwelling units and a golf course. Development is projected to occur in phases over a 7-year period. This development was approved by Brevard County as Suntree West PUD on January 22, 1990, and amended June 4, 1991. The proposed infrastructure has been engineered and permitted for construction by the following agencies:

- 1) Brevard County
- 2) St. John's River Water Management District
- 3) U. S. Army Corps of Engineers

The Brevard County Comprehensive Plan is included as Exhibit 8. This plan was adopted September 8, 1988.

6. Exhibit 6 shows the existing drainage basins and outfall canals, major trunk water mains and sewer interceptors.

Currently, a 12-inch water main runs east-west along Wickham Road that brings water to the developable areas along Wickham Road and is sized to provide water to the proposed development in the District. Water is supplied by the City of Cocoa.

There is an existing 24-inch sanitary sewer force main that runs east/west along Wickham Road that will provide capacity for this project to discharge to the County's wastewater treatment plant.

A 3.0 MGD wastewater treatment plant has been constructed by Brevard County on the west side of I-95, and will receive wastewater from the District.

There also exists a 14-inch sewage effluent main running east/west along Wickham Road that will provide treated sewage effluent for irrigation within the District.

7. The District intends to acquire and/or construct the following improvements:

- (a) surface water management system,
- (b) roads, street lighting, and culverts,
- (c) water and sewer facilities (collection & distribution),
- (d) landscaping,
- (e) parks and recreational facilities,
- (f) security facilities.
- (g) mosquito control

Capital costs of these improvements will be borne by the District (see Economic Impact Statement). District roadways will be constructed to Brevard County standards. Potable water facilities will be constructed to City of Cocoa standards and requirements, and will be turned over to the City for ownership, operation and maintenance. Wastewater facilities will be constructed to Brevard County standards and requirements and will be turned over to the County for ownership, operation and maintenance. As the land area and roadways are platted, the road rights-of-way will be dedicated to the District except for the 800 feet south of Wickham Road that provides access to the District will be dedicated to Brevard County. Based upon available data, the proposed timetable for the construction of the District's improvements and their estimated costs

are set forth in Exhibit 7. (The cost estimates are in 1992 dollars.) Actual construction timetables and expenditures may vary, due in part to the effects of future changes in economic conditions upon costs such as labor, services, materials, interest, and market conditions.

8. Exhibit 9 is an Economic Impact Statement prepared in accordance with the requirements of Section 120.54(2), Florida Statutes. The Economic Impact Statement is based upon available data. The data and methodology used in preparing the Economic Impact Statement accompany it.

9. The Petitioner is:

Baytree Development Corp.
1499 South Harbor City Boulevard
Suite 300
Melbourne, FL 32901

The authorized agent for Petitioner is:

Coy A. Clark, President

See Exhibit 10 - Authorization of Agent.

Copies of all correspondence and official notices should also be sent to:

Elizabeth C. Bowman and Cheryl Stuart
Hopping Boyd Green & Sams
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

10. Concurrently with the filing of this Petition, Baytree Development Corp. submitted a copy of this Petition and paid the necessary filing fee to the Brevard County Commission.

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 Brevard County Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community which has been zoned by the Brevard County Commission as a Planned Unit of Development and is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.

c. The District is the best alternative available for delivering community development services and facilities to the proposed community. Unlike a homeowners association, the District has the capacity to raise bond funds to finance district works, and the district has assessment authority to defease its bonds. Unlike provision by the county or through a county-created dependent district, the proposed CDD is an independent district. This relieves the county of the expense and the burden to manage the community development services and facilities required for the project. Establishment of a District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources as well as providing the opportunity for new growth to pay for itself.

d. The community development services and facilities of the District will be compatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will

provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities, such as is required by state regulations for new stormwater discharge facilities.

WHEREFORE, Petitioner respectfully requests Brevard County Commission to:

- a. Schedule a public hearing to consider this Petition after a notice of the hearing is published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing pursuant to the uniform procedures set forth in Section 190.005(2), Florida Statutes (1989).
- b. Grant the Petition and adopt an ordinance to establish the District.
- c. Consent to the District's exercise of certain additional special powers, as authorized by Section 190.012(2), Florida Statutes, for the purpose of providing facilities for parks and recreation, security, and mosquito control.

RESPECTFULLY SUBMITTED this ____ day of _____, 1992.

HOPPING BOYD GREEN & SAMS

By: _____

Cheryl G. Stuart
Elizabeth C. Bowman
Post Office Box 6526
Tallahassee, FL 32314
(904) 222-7500

Attorneys for BAYTREE DEVELOPMENT CORP.

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
1	General Location of Baytree Community Development District
2	Metes & Bounds Description
3	Documentation of Ownership
4	Existing Land Uses
5	Proposed Land Use Plan
6	Existing Drainage Basins and Outfall Canals; Major Trunk Water Mains and Sewer Interceptors
7	Proposed Timetable for Construction & Estimated Costs
8	Brevard County Comprehensive Plan
9	Economic Impact Statement
10	Authorization of Agent

METES & BOUNDS DESCRIPTION
OF BOUNDARY FOR BAYTREE CDD

A parcel of land lying in Sections 14, 15, 22, and 23, Township 26 South, Range 36 East, all in Brevard County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 14 and run S00°59'57"E, along the West line of said Section 14 for a distance of 50.04 feet to the South right-of-way line of Wickham Road (100 feet wide) and the POINT OF BEGINNING; thence N86°42'28"E, parallel with and 50 feet Southerly of the North line of said Section 14, a distance of 1.41 feet; thence N88°03'49"E, parallel with and 50 feet Southerly of the North line of said Section 14, a distance of 48.60 feet; thence S00°59'57"E, parallel with and 50 feet Easterly of the West line of said Section 14, a distance of 792.11 feet; thence N88°03'49"E, parallel with and 842 feet Southerly of the North line of said Section 14, a distance of 1272.17 feet to it's intersection with the East line of the West 1/4 of said Section 14; thence S01°07'50"E, along said East line of the West 1/4 of Section 14, said line also being the West line of Suntree Planned Unit Development, (Plat Book 30, Page 80; Plat Book 31, Page 52; Plat Book 31, Page 67; Plat Book 32, Page 51; Plat Book 33, Pages 33 & 34; Plat Book 35, Pages 11 & 12, Public Records of Brevard County, Florida) a distance of 1935.07 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of said Section 14; thence S01°07'37"E, along said East line of the West 1/4 of Section 14 and the West line of said Suntree Planned Unit Development, a distance of 2640.91 feet to the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 14, said point also being the Northeast corner of the West 1/4 of aforesaid Section 23; thence S00°37'08"E, along the East line of the West 1/4 of said Section 23, and the West line of said Suntree Planned Unit Development, a distance of 3148.14 feet; thence departing said East line of the West 1/4 of Section 23, run N89°32'05"W a distance of 1140.20; thence S00°37'13"E a distance of 1034.94 feet; thence S89°22'47"W a distance of 1205.00 feet; thence N00°21'23"E a distance of 343.67 feet; thence N04°40'23"E a distance of 1108.66 feet; thence N22°39'17"W a distance of 428.08 feet; thence N49°50'54"W a distance of 254.23 feet to the proposed Easterly right-of-way line of proposed Murrell Road (150 feet wide right-of-way); thence N24°02'49"E, along said proposed Easterly right-of-way line of Murrell Road, a distance of 491.79 feet to the point of curvature of a curve concave to the West, having a radius of 1575.00 feet; thence run Northerly along the arc of said curve 1797.31 feet, through a central angle of 65°22'59", a chord bearing of N08°38'41"W, and a chord distance of 1701.37 feet; thence departing said proposed Easterly right-of-way of Murrell Road, run N02°49'11"W a distance of 839.50 feet; thence N40°08'56"E a distance of 789.32 feet; thence N01°44'51"E a distance of 590.02 feet; thence N88°37'42"W a distance of 324.11 feet; thence N44°29'11"W a distance of 385.39 feet; thence N12°54'51"E a distance of 312.93 feet; thence N20°50'26"W a distance of 492.16 feet; thence N41°52'53"W a distance of 350.83 feet; thence N01°01'11"W a distance of 1140.90 feet; thence N86°42'28"E, parallel with and 842 feet Southerly of the North line of the Northeast 1/4 of aforesaid Section 15, a distance of 1631.28 feet; thence N00°59'57"W, parallel with and 50 feet Westerly of the East line of the Northeast 1/4 of said Section 15, a distance of 792.63 feet to the Southerly right-of-way line of Wickham Road, a 100 foot right-of-way as now exists; thence N86°42'28"E, along said Southerly right-of-way line parallel with and 50 feet Southerly of said North line of the Northeast 1/4 of Section 15, a distance of 50.04 feet to the POINT OF BEGINNING; containing 474.34 Acres, more or less.

**DOCUMENTATION OF OWNERSHIP AND OWNER'S CONSENT
TO ESTABLISH**

THE BAYTREE COMMUNITY DEVELOPMENT DISTRICT

WICKHAM ROAD

AGRICULTURAL
(PASTURE/CATTLE GRAZING)

AGRICULTURAL
(PASTURE/CATTLE GRAZING)

BREVARD
ZOO

MURRELL ROAD

SUNTREE PUD
(RESIDENTIAL)

AGRICULTURAL
(PASTURE/CATTLE GRAZING)

INT

STATE 95

(PASTURE, CATTLE GRAZING)

SUNTREE PUD
(RESIDENTIAL)

EXHIBIT 4
EXISTING LAND USES

PROJECT: 80-48	REVISIONS:
SHEET: 80-48-4	
SCALE: 1"=300'	
DRAWN BY: SGS	
DATE: 4-3-93	

BAYTREE
COMMUNITY DEVELOPMENT DISTRICT



B.S.E. CONSULTANTS, INC.
CONSULTING, ENGINEERING, LAND SURVEYING

312 S. Harbor City Blvd. Suite 4, Melbourne, Florida (407) 725-3674



SITE DATA

DEVELOPER: THE COTY A. CLARK COMPANY
1489 S. Harbor City Boulevard
Suite 300
Maitland, Florida 32801
(407)728-4200

ENGINEER: B.S.E. CONSULTANTS INC.
312 S. Harbor City Boulevard
Suite 4
Melbourne, Florida 32901
(407)725-3874

USE	ACRES	UNITS	DENSITY - UNITS/ACRE
SINGLE FAMILY	178.30	323	2.49 (1.1 GROSS)
ROAD R/W	40.20		
PARKS	2.92		
WETLANDS GOLF COURSE OPEN SPACE	252.72		
TOTAL	474.34		

EXISTING ZONING : PUD

TOTAL OPEN SPACE REQUIRED = $474.94 \times 0.25\% = 118.50$
 $118.50 \div 2 = 59.25$ 59.25 Ac. PASSIVE
 59.25 Ac. ACTIVE

PASSIVE - LAKES @ 0.35% - 23.28 Ac.
OPEN SPACE/WETLANDS - 38.03 Ac.

TOTAL PASSIVE OPEN SPACE PROVIDED = 58.29 Ac.

ACTIVE - GOLF COURSE ● BOX = 55.64 Ac.

RECREATION AREAS @ 100% = 2.82 Ac.
(Parts will have facilities to be determined
at the time of site development)

WALK/PEDESTRIAN/JOGGING SYSTEM • 100% = 1.28 Ac.

TOTAL ACTIVE OPEN SPACE PROVIDED = 59.84 Ac.

WATER MANAGEMENT PLAN CONCEPT

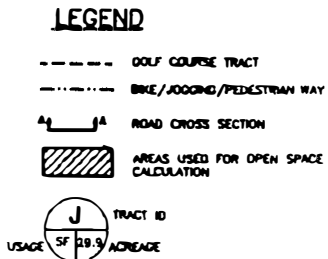
The project Water Management Plan consists of a system of man-made levees, natural wetlands, and dry detention areas, dry retention areas, earth and gutter and shallow grassed swales. Excess stormwater runoff will be directed into the detention/retention and lake system. The stored water will be released through weir controlled structures that will meet detention requirements and that will be designed so that the total development discharge rate will not exceed the predevelopment rate for the project. Discharge from the project will conform to the existing natural and improved drainage for the area.

Best Management Practices (BMP) to ensure water quality and enhancement of stormwater runoff will be incorporated into the final water management plan. The techniques which will provide BMP include: detention of stormwater runoff in the storage lakes, natural areas and dry detention and retention areas. This will reduce sedimentation as well as biochemical oxygen demand and nutrient uptake. Detaining stormwater for a period of time also provides an opportunity for groundwater recharge and reduces surface discharge.

LEGAL DESCRIPTION

A parcel of land lying in Sections 14, 15, 22, and 23, Township 20 North, Range 30 East, of St. Edward County, Florida, being more particularly described as follows:

Corner of the northeast corner of said Section 14 and run S66°47'37"E, along the West 1/4 of said Section 14 for a distance of 30.04 feet to the South right-of-way line of Mainway Road (100 feet wide) and the POINT OF BEGINNING, thence S66°47'37"E, parallel with the West 1/4 of said Section 14, a distance of 1.01 foot, thence S66°47'40"E, parallel with the South 1/4 of said Section 14, a distance of 50.00 feet to the corner of the North 1/4 of said Section 14, a distance of 46.00 feet, thence S66°47'37"E, parallel with the West 1/4 of said Section 14, a distance of 792.11 feet, thence S66°47'37"E, parallel with the East 1/4 of said Section 14, a distance of 100.00 feet, thence S66°47'37"E, parallel with the East 1/4 of said Section 14, a distance of 1272.17 feet to its intersection with the East line of the West 1/4 of said Section 14, thence



SF SINGLE FAMILY
P PARK
CH CLUBHOUSE

DEVELOPMENT

§

WICKHAM ROAD

BREVARD ZOO

BASIN J

BASIN I

SUNTREE PUD
(RESIDENTIAL)

BASIN II

BASIN III

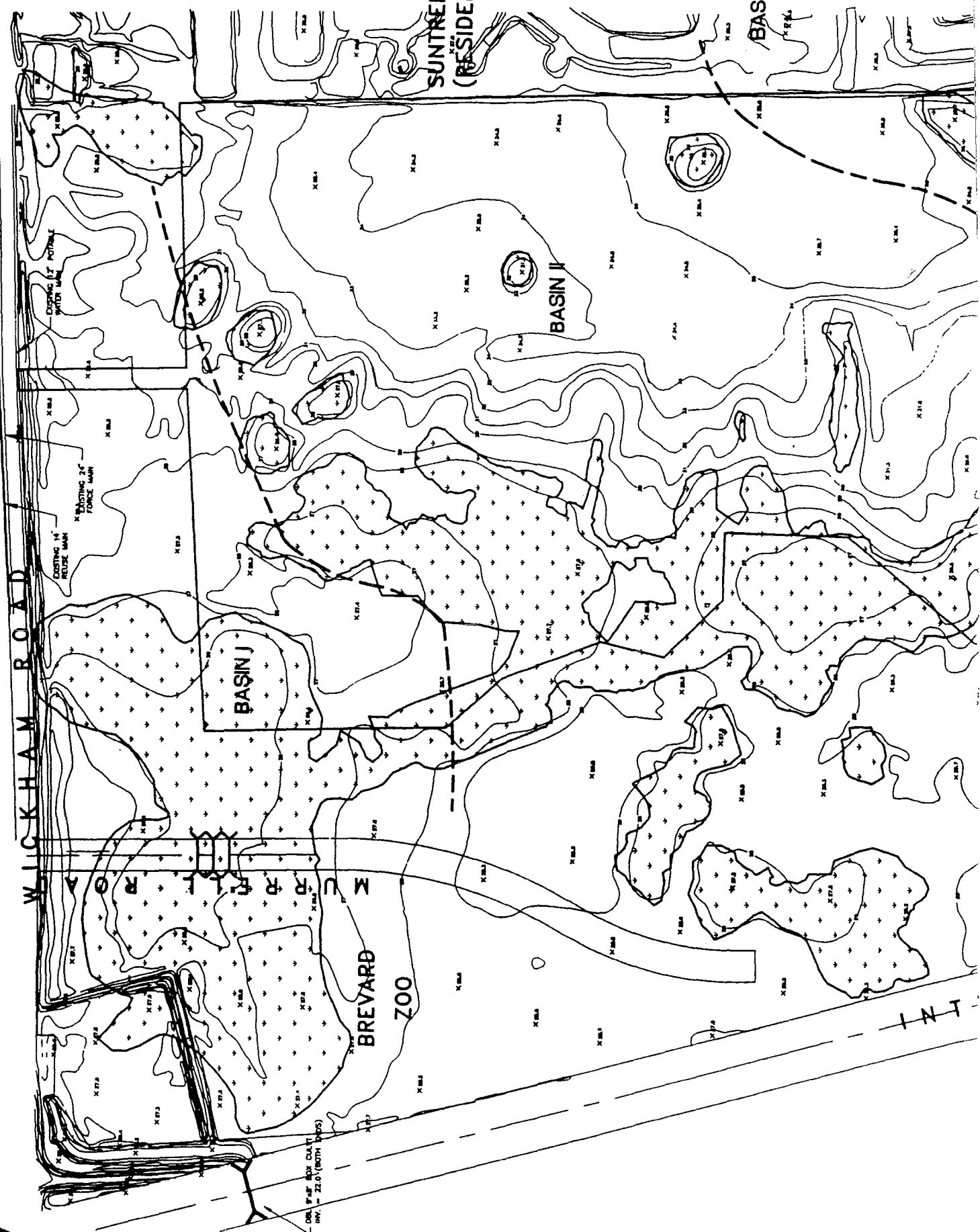
COURTNG 17 POTABLE
WATER MAIN

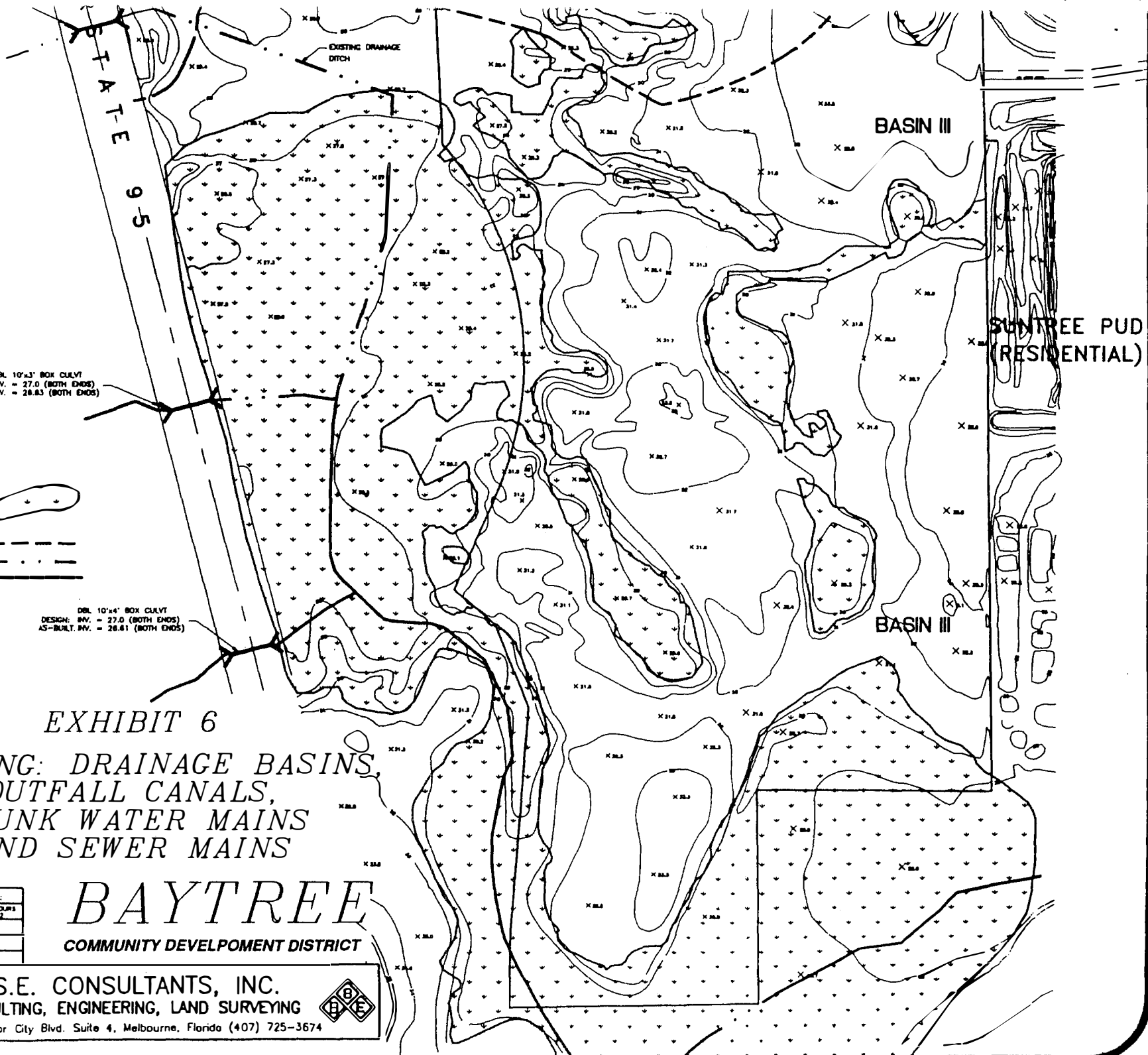
COURTNG 14"
REUSE MAIN

COURTNG 24"
FORCE MAIN

DEL. 10' DIA. BOX CULVERT
INT. - 21.0 (BOTH SIDES)

INT





DBL 10"x3' BOX CULVT
DESIGN: INV. = 27.0 (BOTH ENDS)
AS-BUILT: INV. = 26.83 (BOTH ENDS)

LEGEND

- EXISTING WETLAND
- EXISTING DRAINAGE BASIN BOUNDARY LINE
- EXISTING DRAINAGE CANAL
- PROPERTY BOUNDARY

DBL 10"x4' BOX CULVT
DESIGN: INV. = 27.0 (BOTH ENDS)
AS-BUILT: INV. = 26.81 (BOTH ENDS)

EXHIBIT 6

EXISTING: DRAINAGE BASINS
OUTFALL CANALS,
TRUNK WATER MAINS
AND SEWER MAINS

BAYTREE

COMMUNITY DEVELOPMENT DISTRICT

PROJECT: 90-48	REVISIONS:
SHEET: 9048D1-8	DOT CONTROLS 6/25/92
SCALE: 1"=300'	
DRAWN BY: SGS	
DATE: 6-3-92	



B.S.E. CONSULTANTS, INC.
CONSULTING, ENGINEERING, LAND SURVEYING

312 S. Harbor City Blvd. Suite 4, Melbourne, Florida (407) 725-3674



BAYTREE CDD: ESTIMATED INFRASTRUCTURE CONSTRUCTION SCHEDULE AND COST		
ITEM	ANTICIPATED SCHEDULE FOR CONSTRUCTION	ESTIMATED COST* (1992 DOLLARS)
WATER MANAGEMENT		
PHASE 1	1992-1995	2,795,000
PHASE 2	1996-1998	616,000
ROADWAYS & STREET LIGHTING		
PHASE 1	1992-1995	1,129,000
PHASE 2	1996-1998	830,000
WATER AND WASTEWATER		
PHASE 1	1992-1995	1,052,000
PHASE 2	1996-1998	811,000
LANDSCAPING		
PHASE 1	1992-1995	431,000
PARKS AND RECREATION		
PHASE 1	1992-1995	336,000
SECURITY FACILITIES		
PHASE 1	1992-1995	67,000
MOSQUITO CONTROL		
PHASE 1	1992-1995	56,000

* DOES NOT INCLUDE COST OF ANY BOND ISSUES

BREVARD COUNTY COMPREHENSIVE PLAN

ECONOMIC IMPACT STATEMENT

2

Exhibit 9

1.0 Introduction

1.1 Purpose and Scope

This economic impact statement, as required by Section 190.005(1)(a)8, F.S., is an exhibit attached to the petition to establish the Baytree Community Development District (the "Baytree CDD" or "District"). Among its special powers, the Baytree CDD will be empowered to manage and/or finance: (1) water management and control systems; (2) water and wastewater systems; (3) District roads, bridges and culverts; (4) landscaping; (5) other infrastructure as required by governmental agreement; and, (6) with the consent of Brevard County (the "County"), parks and recreational facilities, security facilities and mosquito control. The petitioner is Baytree Development Corporation, a Florida corporation ("Petitioner" or "Developer").

The principal landowner of the land within the proposed District at this time is A. Duda and Sons, a corporation whose principal office is located in Oviedo, Florida ("Duda"). The Petitioner has agreed to purchase lots within the District from Duda at minimum amounts and at stated intervals:

	<u>Year</u>	<u>Lot Takedown</u>
<u>Purchase</u>	<u>1</u>	<u>100 lots</u>
	<u>2</u>	<u>0</u>
<u>Option</u>	<u>3</u>	<u>50</u>
	<u>4</u>	<u>50</u>
	<u>5</u>	<u>50</u>
	<u>6</u>	<u>50</u>
	<u>7</u>	<u>151</u>
<u>Total</u>		<u>451 lots</u>

451 lots are the minimum number of lots required to be purchased by the agreement. However, the property is approved for 525 units.

A Community Development District is an independent special taxing District created and authorized by Chapter 190, F.S. to be established 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." 190.002(1)(a)(1991), Florida Statutes.

A CDD is not a substitute for the local, general purpose government unit, i.e., the county in which the CDD lies. A CDD as a limited, special purpose local government, has no permitting, zoning, police nor many of the other powers possessed by general purpose governments. A CDD's powers and functions are strictly limited to its special purpose of managing and financing infrastructure for community development.

The 1984 Florida Legislature revised Chapter 190, which governs community development districts, and made it very clear that approval of a community development district does not constitute a development order under Chapter 380, F.S. In addition, the 1984 Legislature decided that:

"Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government." (Ch. 84-360, S. 3, 1984 Fla. Sess. Law Serv. 701, 707 (codified at Fla. Stat. S. 190.004 (3) (1991)).

Thus, it is clear that a community development district is solely an alternative means of managing, financing, constructing, operating and maintaining community infrastructure for planned developments. As a result, the scope of this economic impact statement is also limited to evaluating the consequences of establishing Baytree CDD. The limitations on the scope of this economic impact statement for a proposed CDD are explicitly set out in Section 120.54(2), and further described 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 is not material or relevant (emphasis added)".

1.2 Baytree Community Development District

The proposed District covers approximately 474 acres. Land uses will consist of 525 residential dwelling units and an 18 hole golf course.

The Petitioner has proposed to establish Baytree CDD in order to have an alternative mechanism to manage, construct and/or acquire some of the infrastructure and community facilities which will be needed by property owners. Table 1 outlines a suggested plan for financing, ownership, operations and maintenance of the infrastructure by the proposed CDD.

As noted previously, as part of its special powers granted by statute, the District is empowered to own, operate and maintain: (1) water management and control systems, (2) water and wastewater systems, (3) District roads, bridges and culverts; (4) landscaping; (5) structure as required by the development order or by governmental agreement; and, (6) with the consent of the County, parks and recreational facilities, security facilities and mosquito control. Certain capital costs can be defrayed through the levy of non-ad valorem assessments (sometimes known as "special assessments", or "benefit assessments"). Expenses for operations and maintenance can also be paid through the levy of non-ad valorem assessments.

Table 2 shows a proposed timetable and estimated construction costs for the community facilities in the District. The estimates are in constant 1992 dollars.

It is expected that the District will issue revenue bonds to be used exclusively to provide the capital to construct and/or acquire the infrastructure mentioned earlier. The bonds can be repaid by non-ad valorem assessments levied on all benefited properties in the District, or by the pledge of certain rates, fees or charges. The uniform process for the notice, levy, roll preparation, collection and enforcement of non-ad valorem assessments has been established in Sections 197.3632 and 197.3635, F.S. and is recognized in Section 190.011(14), F.S.

Funds for District operations and maintenance of District facilities can be generated via such non-ad valorem assessments. In this way the property which receives the benefits of District services is the property which can be obligated to pay for those services.

1.3 Summary of Economic Impacts

Section 120.54(2)(b), F.S. defines the elements an economic impact statement must contain:

(1) An estimate of the cost to the agency of the implementation of the proposed action, including the estimated amount of paperwork; (2) An estimate of the cost or the economic benefit to all persons directly affected by the proposed action; (3) An estimate of the impact of the proposed action on competition and the open market for employment, if applicable; (4) A detailed statement of the data and method used in making each of the above estimates; and (5) An analysis of the impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985.

The economic impacts of the proposed Baytree CDD are summarized below.

2.0 Costs and Benefits of Establishing Baytree Community Development District

2.1 Agency Costs to Implement the Proposed Action

Because the Baytree CDD is smaller than 1,000 acres, it will not require establishment by the Florida Land and Water Adjudicatory Commission (the Governor and Cabinet). There will be two types of costs incurred by the County if the proposed District is established as requested by this petition.

First, the County will review this petition. This work will absorb staff time. To offset the costs for review of this application, a filing fee will be paid by the Petitioner to the County.

Second, the County may incur a small annual cost to review the CDD's budget when it is submitted for informational purposes each year.

If this CDD is established, there will be some annual costs to State agencies too. Baytree CDD will have to submit annual financial reports to the Bureau of Local Government Finance, Office of the Comptroller, just as all other units of government must do pursuant to Chapter 218, F.S. In fiscal year 1991-92, the Bureau of Local Government processed more than 1,000 budgets. The marginal cost of processing one additional report will be negligible.

In addition, the Uniform Special District Accountability Act of 1989 (the "Act") empowered the Department of Community Affairs to charge each district (including CDDs) a fee not to exceed \$175 annually for payment of part of the costs incurred by the Department of Community Affairs for work related to the administration of the Act. Finally, local government has the opportunity to annually review the public facilities plan of the District.

2.2 Costs and Benefits to All Directly Affected Persons

Section 120.54(2)(b), F.S. requires that all economic impact statements examine the costs and benefits to each person directly affected by the establishment of the Baytree CDD. From an economic perspective, the persons directly affected include: local and state governments, developers, landowners, consumers, and taxpayers.

2.2.1 The State of Florida and Its Citizens - Costs

Beyond the administrative costs outlined above, there will be no cost incurred by either the State of Florida or the general citizenry because of the establishment of Baytree CDD. The Baytree CDD will serve the needs of its landowners by managing, constructing and/or acquiring, financing, operating and maintaining the infrastructure and urban services needed by District landowners and residents. The District will require no subsidies from the State or its citizens.

2.2.2 The State of Florida and Its Citizens - Benefits

There are several types of benefits which will flow to the State and its citizens if the proposed District is established. First, establishment of this CDD satisfies the intent of the Legislature in Chapter 190, Florida Statutes, the law governing community development districts. Section 190.002 (1) (a), F.S., states:

"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 independent district can constitute a timely, 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".

A second benefit which the State and its citizens receive is that the CDD will be the mechanism by which substantial investment in roads, proper drainage, water and wastewater systems are provided, putting major infrastructure in place prior to or in accordance with proper development. This will help to assure that state and local requirements for concurrency will be satisfied.

Third, the CDD provides an improved level of planning and coordination, which is a benefit to the State and its citizens.

2.2.3 Brevard County and Its Citizens - Costs

As stated in Section 21, the County will review the petition to establish Baytree CDD. To offset these costs, the applicant will provide the County with a filing fee. This fee should offset the County's costs to review the application.

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 obligation of a district shall constitute a burden on any local general-purpose government without its consent." Fla. Stat. S. 190.002(3) (1991.)

The District can plan to issue revenue bonds to finance the construction and/or acquisition of District infrastructure including drainage, water and wastewater systems, bridges and culverts and roads, landscaping, and, with the permission of the County, parks and recreational facilities, security facilities and mosquito control. Payment of the debt service for these bonds can be provided by District property taxes, non-ad valorem assessments, or rates, fees or charges. At no time will the State or the County be legally obligated to pay the debt service on District obligations.

A non-ad valorem assessment will cover certain other District expenses for operating and maintaining District facilities. Should sales be slower than expected, the District's maintenance budget will not suffer. Instead, the principal landowner will be left holding land longer than expected, and it will pay a greater proportion of the non-ad valorem assessment than expected as a result. The District's revenues will not decrease because of this financial structure.

Finally, the District will contract with the Brevard County Tax Collector to collect its taxes and/or non-ad valorem assessments. The costs for this service will be defrayed through the fees charged by the tax collector. These costs will not be borne by the residents of Brevard County in general; instead these costs will be borne by landowners of the District.

There are additional legal buffers that serve to protect the citizens of Brevard County with regard to District obligations. Briefly, there are limitations on both the amount of millage the District can levy and the amount of general obligation debt it can issue. Specifically, Section 190.016(9)(a), F.S. states:

"The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district."

Furthermore, part of Section 190.021(1), F.S requires that:

"An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general-purpose government to exercise one or more powers specified in s. 190.012(2) may levy an additional 2 mills for operating purposes, exclusive of debt service on bonds."

In addition, notice of all meetings of the District's governing body must be publicly advertised in advance, and all members of the District's Board of Supervisors are subject to Florida's "government in the sunshine" rules. All members of the District's Board of Supervisors must also adhere to the same high standards of ethical conduct to which other public officials in the State are required to adhere. Also, the District must validate its issuance of bonds in Circuit Court, a process by which the District determines its authority to incur bonded debt and the legality of all proceedings in connection therewith. During this process, the citizens of Brevard County and the State of Florida have opportunity to express their opposition, if any.

2.2.4 Brevard County and Its Citizens - Benefits

The proposed Baytree CDD will provide a number of economic benefits to the County and its citizens. First, since residents of Brevard County are also citizens of the State, they receive the same benefits from planned developments as do other citizens. In fact, since the development is to occur in the County, its citizens benefit to a greater degree on this account than do other people living elsewhere in the State. The District structure lends itself to well-planned, well-managed and well-financed communities, and such well-planned and well-financed communities are attractive locations for new residents and new or expanding businesses. The availability of such communities enhances the quality of life and the economic development of the areas in which they are located.

Second, the proposed District is the best means of assuring that landowners of Baytree CDD receive the facilities and services they need, while at the same time restricting the costs to landowners who receive the services.

The District will be run by landowner-elected supervisors for no less than eight years following appointment of the initial board. In the sixth year, and after there are 250 qualified electors in the District, supervisors will begin to be elected by the District's qualified electors. This governance structure links those who receive District facilities and services to the obligation to pay for those services, creating an environment for efficient management of the District.

At the same time, this structure also allows Baytree CDD landowners to control the entity which provides the services and levies the funds to pay for those services. The County and its citizens are not involved in the management or finance of the District.

However, although the District has independent powers and functions, its activities are subject to both procedural and substantive limitations, such as complying with zoning, permitting and the County's Comprehensive Plan requirements. Should the County wish to take over any CDD provided function, there are provisions in Chapter 190, F.S. which provide for this capability. Thus, the County does not lose control over the use of the land, but by the same token, the County is not obligated in any way to pay debt of the District for the services and facilities it provides. The District's assessments do not affect the County's millage cap.

The third benefit which accrues to the County and its citizens is that a community development district is the sole mechanism by which the County is completely freed from the management or administrative burden of Baytree CDD. Since the District is an independent special purpose and limited form of local government, it has its own independent management board and budget mechanism accounting for its own administration. See Fla. Stat. 190.007-.008 (1991). This arrangement for governing and administering the District means a cost savings to the County over other types of arrangements. Every other form of government and financial structure would make the County at least partially responsible, or ultimately answerable for, the District's services.

Fourth, infrastructure provision and management by the District provides quality which enhances the intrinsic value of the property and development, creating a basis for future enhanced property tax revenue to the County.

In conclusion, establishing a CDD can be the best way to assure that growth pays for itself. The District mechanism provides for the land development process to take care of its own needs. It imposes the costs on those who benefit from the services provided.

2.2.5 Petitioner - Costs

The Developer as Petitioner will incur substantial costs if the proposed District is approved. These costs can be grouped into five categories: (1) planning and petitioning for the District; (2) contributions of management and technical assistance; (3) District taxes and assessments; (4) provision of required rights-of-way and easements; and (5) landowners' participation in the governmental process.

It is costly and time consuming to plan and petition for a CDD. The Petitioner's Baytree CDD Task Force includes economists, attorneys, investment bankers, engineers, planners and experienced district managers.

Second, the District will need managerial and technical assistance from the Developer from time to time, especially in the early years of its operation. The Developer stands ready to provide such assistance without charge.

Third, the landowners will pay substantial District taxes and assessments over the life of the project. Indeed, during the early years of this District, Duda and the Developer will be the District's largest taxpayers because they will be the District's major landowners.

Fourth, Duda and the Petitioner as the major initial landowners in the District will bear the largest portion of the donation of certain rights-of-ways and easements.

Finally, Duda and the Developer, by virtue of the District, must deal with governmental requirements which attend public noticed decisions. Without the District, the major landowners would not have such matters with which to cope.

2.2.6 Petitioner - Benefits

There are certain general economic benefits to the Petitioner through the exercise by the District of its management function. Although the initial ingredients of the District's management function (proper planning and design of the District's infrastructure) are being assumed by the Developer prior to the proposed establishment of Baytree CDD, it is to the Petitioner's benefit that the District structure allows for subsequent components of the management function to receive the completely focused attention of the District Board of Supervisors and its staff. Such subsequent components of the District's management function include the implementation and efficient operation of the District's infrastructure and the provision of a perpetual entity to operate and maintain the community's infrastructure. The economic benefit to the Petitioner is encompassed in a more efficient cost of management of the District's infrastructure, both up front and long term, and to sustained reliability of quality service delivery. These benefits free the Developer to meet the demands of the marketplace flexibly.

Baytree CDD can provide the Developer as Petitioner with three other economic benefits. First, Baytree CDD could provide access to tax exempt financing for a portion of the project's infrastructure.

The value to the Petitioner of tax exempt financing for infrastructure improvements amounts to an annual financing cost difference in today's market of approximately 25 percentage points.

Perhaps just as important as any cost savings is the fact that through District financing, the debt obligation does not appear on the balance sheet of the Petitioner. Such off-balance sheet financing is useful and valuable.

Finally, much of the benefit from the availability of tax exempt financing ultimately accrues to the benefit of the end user of the land within the CDD. Lower cost infrastructure, all things being equal, especially over the long term, may mean lower operations costs for users. In addition, the District will be operated for the benefit of Baytree CDD landowners, immediate and future. This helps assure that the high standards which the petitioner can set for Baytree CDD can be preserved through the life of the project and beyond, so long as the District government serves its legitimate functions, including management, even after the Developer is no longer involved.

Another benefit in establishing the CDD is that, through a District, the Developer as well as the County and State are better assured that necessary infrastructure will be in place when it is needed. This would help to satisfy growth management laws requiring concurrent availability of infrastructure.

2.2.7 Consumers - Costs

Consumers are people who will purchase land and/or housing in Baytree CDD. Should the proposed CDD be established, District landowners will be required to pay District taxes and assessments over and above their County taxes and assessments. District taxes and assessments do not affect or offset County taxes. It is this increment of expense on top of general County taxes and assessments which is the cost of the CDD to the consumers. These taxes and assessments do not count against the County's millage cap.

As noted above, the Petitioner plans to ask the District Board of Supervisors to manage and finance: (1) water management and control systems; (2) water and wastewater systems; (3) District roads, bridges and culverts; (4) landscaping; (5) other infrastructure as required by governmental agreement; and, (6) with the consent of the County, parks and recreational facilities, security facilities and mosquito control. The Petitioner's current plans identify four categories of expenses which District landowners will pay:

- (1) monthly utility service charges to defray operating and capital costs.
- (2) any taxes and/or non-ad valorem assessments collected by the County or School Board.
- (3) non-ad valorem special assessments to pay for the District's capital costs.
- (4) non-ad valorem special assessments to pay for operating and maintaining the District facilities and services.

The first two of these cost categories would exist regardless of whether Baytree CDD is established. The proposed development will require water and wastewater services, roads, and drainage; and landowners may pay County taxes and assessments notwithstanding the existence of a CDD. Thus, these costs cannot properly be viewed as costs which arise from the CDD itself, even though District landowners would pay such taxes and fees. The point is that the landowners would pay these taxes, assessments and fees in any event. A CDD provides landowners with the option of having higher levels of services managed and financed through the use of self-imposed taxes, charges and assessments. Thus, the District is an alternative means by which necessary community services are managed and financed. District management and financing is no more expensive, and often less expensive, than the alternatives of an MSTU, MSBU, neighborhood association, County provision, private utility, or through other private financing.

2.2.8 Consumers - Benefits

District landowners can receive three major classes of benefits if the CDD is established. First, those in the District may receive a higher level of public services and amenities than would otherwise be the case. The proposed development is designed as a residential-use project with high service demands. To be successful, the Petitioner believes that a mechanism is needed to help assure consistently high levels of public facilities and services. A CDD can be the best vehicle for this purpose. It results in potential income tax deduction and enhanced property values.

Second, the CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of the rest of the land. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on consumers.

Finally, a CDD is the sole form of governance which allows District landowners to totally determine the type, quality and expense of District facilities and services provided they meet the County's overall requirements, subject to the County plans and land development regulations.

It should be clear that, on net, the establishment of Baytree CDD will benefit its landowners. The District will be controlled by District landowners and electors, and it will be operated for the benefit of District landowners and electors. The CDD will help insure that the high standards the Petitioner has set for its development will be met for the benefit of District landowners.

3.0 Competitive Effects

Establishment of Baytree CDD will have a modest effect on competition in the market for housing in Brevard County and in those areas where there are development projects similar to the proposed development. To understand the nature of these competitive effects, it is important to recognize the type of project envisioned at Baytree CDD. The development is designed as a high quality residential community. As such, it competes with other developments serving this same market niche.

While establishment of Baytree CDD does provide some competitive advantage, this same advantage can be obtained by any other developer who decides to go through this same petition process. In other words, there is no unique competitive advantage conferred upon Baytree CDD which is not available to everyone else in the market competing in the niche Baytree CDD will serve.

While the CDD itself will not have a measurable impact on the open market for employment in Brevard County, certain construction activities carried out by the District will nonetheless have some positive effect on employment at the local level.

4.0 Small Business Impacts

Establishment of Baytree CDD will have no impact on small businesses.

The District must operate according to Florida's "sunshine" laws, and the District must take competitive bids for certain goods and services it will purchase. As a result, small businesses will be better able to compete for business in the development because of the District.

5.0 Data and Methodology

Some of the background data used in this analysis, in particular the proposed buildout schedule and timing and amount of infrastructure improvements, came from the Petitioner, and may represent what the Petitioner will ask the District to do. For example, Tables 1 and 2 outline the capital infrastructure, timetable for construction, and responsibilities for financing, owning and operating the various community infrastructure facilities. These data reflect estimates of costs and timing at this juncture.

From a methodological perspective, in that the quantification of costs and benefits to those directly affected by the proposed establishment of Baytree CDD is at this point in time premature, an analytical approach was adopted with which the costs and benefits were qualitatively examined. In addition, an examination of the underlying assumptions with regard to the proposed buildout schedule and timing and amount of infrastructure improvements was conducted.

6.0 Conclusion

Based upon the information and observations in this statement and upon an analysis and review of the land and related information, our assessment of the economic consequences from the establishment of the proposed District is that they will prove beneficial to the citizens of the County and the State.

BAYTREE

5/5/92

TABLE 1
BAYTREE COMMUNITY DEVELOPMENT DISTRICT
PROPOSED INFRASTRUCTURE PLAN

<u>Facility</u>	<u>Comments</u>	
Surface Water Management	Capital Costs: Ownership: Op/Maint: Financing:	District District District Non Ad Valorem Assessments
District Roads	Capital Costs: Ownership: Op/Maint: Financing:	District <u>District</u> <u>District</u> Non Ad Valorem Assessments
Water Distribution System	Capital Costs: Ownership: Op/Maint: Financing:	District District/City District/City Fees and Connection Charges <u>or Non Ad Valorem Assessments</u>
Wastewater System	Capital Costs: Ownership: Op/Maint: Financing:	District County County Fees and Connection Charges <u>or Non Ad Valorem Assessments</u>
Landscaping	Capital Costs: Ownership: Op/Maint: Financing:	District District District Non Ad Valorem Assessments
Parks & Recreation	Capital Costs: Ownership: Op/Maint: Financing:	District District District Non Ad Valorem Assessments
Security Facilities	Capital Costs: Ownership: Op/Maint: Financing:	District District District Non Ad Valorem Assessments
Mosquito Control	Capital Costs: Ownership: Op/Maint: Financing:	District District District Non Ad Valorem Assessments

TABLE 2

BAYTREE COMMUNITY DEVELOPMENT DISTRICT

PROPOSED INFRASTRUCTURE CONSTRUCTION

ESTIMATED COSTS AND TIMETABLE

<u>Item</u>	<u>Anticipated Schedule For Construction</u>	<u>Estimated Construction Cost* (1992 Dollars)</u>
<u>Water Management</u>		
Phase 1	1992-1995	\$2,795,000
Phase 2	1996-1998	\$616,000
<u>Roadways and Street Lighting</u>		
Phase 1	1992-1995	\$1,129,000
Phase 2	1996-1998	\$830,000
<u>Water and Wastewater</u>		
Phase 1	1992-1995	\$1,052,000
Phase 2	1996-1998	\$811,000
<u>Landscaping</u>		
Phase 1	1992-1995	\$431,000
<u>Parks and Recreation</u>		
Phase 1	1992-1995	\$336,000
<u>Security Facilities</u>		
Phase 1	1992-1995	\$67,000
<u>Mosquito Control</u>		
Phase 1	1992-1995	\$56,000

* Does not include cost of any bond issue.

AUTHORIZATION OF AGENT
FOR PETITION TO ESTABLISH BAYTREE
COMMUNITY DEVELOPMENT DISTRICT

This instrument shall serve as a designation of COY A. CLARK to act as agent for BAYTREE DEVELOPMENT CORPORATION with regard to any and all matters pertaining to the petition to Brevard County Commission to establish a Community Development District in Brevard County, Florida, pursuant to Chapter 190, Florida Statutes. Having obtained written consent to the establishment of the District by the owner of 100 per cent of the real property to be included in the District, I am signing this authorization in my capacity as President of Baytree Development Corporation which is the petitioner in this matter.

Dated: 5-14-92

Coey A. Clark
COY A. CLARK, as President
of Baytree Development Corp.

STATE OF FLORIDA

COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 14 day of May, 1992, by COY A. CLARK, President of BAYTREE DEVELOPMENT CORPORATION, a Florida corporation, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the county and state last aforesaid this 14 day of May, 1992.

(SEAL)

Margaret M. Carson
Signature of person taking acknowledgement

MARGORIS M. CARSON
Name of officer taking acknowledgement
(typed, printed or stamped)

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES DECEMBER 31, 1993
BONDED THRU HUCKLEBERRY & ASSOCIATES

Notary
Title or Rank Serial No., if any

Exhibit 10