

BEFORE THE CITY COUNCIL OF THE
CITY OF COCOA, FLORIDA

IN RE: PETITION TO ESTABLISH)
 LAKES AT COCOA GROVE COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Brevard

I, Hassan Kamal, P.E., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Hassan Kamal, P.E., and I am employed by BSE Consultants, Inc, as
a Civil Engineer.
3. The prepared written pre-filed testimony consisting of five (5) pages, submitted
under my name to the City Council of the City of Cocoa, Florida relating to the Petition to Establish
Lakes at Cocoa Grove Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Lakes
at Cocoa Grove Community Development District establishment hearing, my oral answers would
be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications concerning land development and
the construction of public infrastructure as a professional engineer and related matters are
accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the nature of the proposed development
plan of public infrastructure of the Lakes at Cocoa Grove Community Development District.

7. No corrections or amendments to my pre-filed testimony or the Petition and its exhibits are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

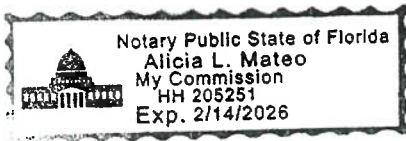
Executed this 13th day of November, 2023.


Hassan Kamal, P.E.

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13th of NOVEMBER, 2023, by Hassan Kamal, P.E., who is personally known to me or who has produced _____ as identification.


(Official Notary Signature & Seal)



Name: ALICIA L. MATEO

Personally Known ✓

OR Produced Identification _____

Type of Identification _____

1 **TESTIMONY OF HASSAN KAMAL, P.E., FOR ESTABLISHMENT OF**
2 **LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**

5
6 My name is Hassan Kamal, P.E., and my business address is 312 S. Harbor City Boulevard,
7 Melbourne, Florida 32901.
8

9 **2. By whom are you employed and in what capacity?**

10
11 I am a Professional Engineer employed by BSE Consultants, Inc.
12

13 **3. Please describe your duties with your employer.**

14
15 I am responsible for management and completion of various Civil Engineering projects
16 for public sector and private clients.
17

18 **4. Prior to your current employment, by whom were you employed and what were your**
19 **duties and responsibilities in those positions?**
20

21 I was previously employed by Hole Montes & Associates, a Civil Engineering Consulting
22 firm in Naples, Florida as a Project Engineer. Prior to that, I worked for the US Forest
23 Service as an Engineer I.
24

25 **5. Please give your educational background, with degrees earned, major areas of study**
26 **and institutions attended.**
27

28 I received a Bachelor of Science degree in Civil Engineering from The University of
29 Tennessee in 1983.
30

31 **6. Do you have any professional licenses, registrations, or certifications?**

32
33 I hold a license as a Professional Engineer in the State of Florida (#41951).
34

35 **7. Please summarize your previous experience as it relates to public facility design and**
36 **construction and land development and planning.**
37

38 I have over 39 years of experience in civil engineering design work. My experience
39 includes completion of civil engineering projects including site plans, residential
40 subdivisions, public infrastructure projects, roadway improvements projects and parks
41 projects.
42

43 My permitting experience includes project permitting through local, state and federal
44 agencies for hundreds of local projects.
45

46 **8. Are you familiar with the Petition (“Petition”) filed by Mountain Cove Homes at**

1 **Lakes at Cocoa Grove, LLC (“Petitioner”) on June 14, 2023, seeking the**
2 **establishment of the proposed District?**

3
4 Yes. I assisted the Petitioner with the preparation of some of the exhibits filed with the
5 Petition and reviewed others.

6
7 9. **Have you reviewed the Petition and approved its contents?**

8
9 Yes, I have.

10
11 10. **What has been your role with respect to the proposed District’s establishment**
12 **proceeding?**

13
14 I reviewed the overall cost estimates prepared by our firm under my direction and the
15 various engineering exhibits that were required for submittal.

16
17 11. **Did you prepare, or have others prepare under your supervision prepare, any of the**
18 **exhibits attached to the Petition?**

19
20 Yes, Exhibit 7 were prepared by BSE Consultants. I reviewed Exhibits 1, 2, 4, 5, 6.

21
22 12. **Do any of those exhibits require any change or correction?**

23
24 No changes or corrections are required.

25
26 13. **To the best of your knowledge, are Exhibits 1, 2, 4, 5, 6, and 7 to the Petition true and**
27 **correct?**

28
29 Yes, to the best of my knowledge.

30
31 14. **In general, what do Exhibits 1, 2, 4, 5, 6, and 7 to the Petition demonstrate?**

32 Exhibit 1 is the map showing the general location of the proposed District.

33 Exhibit 2 is the metes and bounds description of the external boundary of the proposed
34 District.

35 Exhibit 4 contains a map depicting the future general distribution, location and extent of
36 the public and private land uses within the proposed District by the land use plan element.

37
38 Exhibit 5 contains maps identifying existing and proposed major trunk water mains and
39 sewer connections serving the lands within and around the proposed District.

40
41 Exhibit 6 contains a list of the facilities and services the proposed District is expected to
42 finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible
43 for the ownership and maintenance thereof.
44
45
46

Exhibit 7 contains the estimated costs of construction of the infrastructure serving the land within the proposed District.

15. Would you generally describe the services and facilities that the proposed District is expected to provide?

The Petitioner presently intends for the proposed District to participate in the acquisition or construction of a stormwater management system, roadway improvements, water and sewer systems, and landscaping improvements, along with other public improvements.

16. Are the construction cost estimates for the proposed facilities, as identified in Exhibit 7 for the Proposed District reasonable?

Yes, I have reviewed the construction cost estimates and, to the best of my knowledge, information and belief and based on the information available, the construction cost estimates for the proposed District improvements are reasonable based on my experience and knowledge of the local construction industry.

17. Based upon your training and experience as a professional engineer, do you have an opinion as to whether the proposed District is of sufficient size, sufficient compactness, and sufficient contiguity to be developed as a functional interrelated community?

Yes, I do have an opinion.

18. What is your opinion?

My opinion is that it meets the indicated requirements to be a functional interrelated community because it has sufficient size, sufficient compactness and sufficient contiguity.

19. What is the basis for your opinion?

For many reasons, the proposed District facilities can be provided in an efficient, functional and integrated manner. First, the lands to be included within the proposed District have sufficient significant infrastructure needs to be developable as a functionally interrelated community. Second, this necessary infrastructure can be provided by the proposed District in a cost effective manner based upon the specific design of the community. Furthermore, the use of one development plan whose infrastructure is implemented by a community development district ("CDD") to provide the community services and facilities will ensure that the proposed improvements are provided and maintained in an efficient, functional and integrated manner.

20. As a professional engineer, do you have an opinion as to whether the services and facilities to be provided by the proposed District will be incompatible with the

capacities and uses of existing local and regional community development facilities and services?

My opinion is that the proposed District will not be incompatible with the capacities and uses of existing local and regional community facilities and services.

21. What is the basis for your opinion?

There is no duplication or overlap of facilities or services because no other entity or unit of government is presently funding or providing the improvements proposed by the proposed District. Therefore, the proposed District will be an efficient entity to participate in the construction and maintenance of the necessary infrastructure improvements.

22. As a professional engineer, do you have an opinion as to whether the area to be included within the proposed District is amenable to being served by separate special district government?

Yes. The proposed District encompasses approximately 246.43 acres. First, a project of this size is large enough to support its own community with individual facility and service needs. Second, although maintenance of improvements is also a concern, the proposed District can be utilized as an efficient long-term mechanism to ensure that the residents of the proposed District pay for and receive proper and required maintenance. Therefore, my opinion is that the area within the proposed District is amenable to separate special district government.

23. As a professional engineer, do you have an opinion as to whether the proposed District is the best alternative to provide the proposed community development services and facilities to the area that will be served?

Yes.

24. What is your opinion?

It is my opinion that the proposed District is the best alternative to provide the proposed services and facilities within the proposed District.

25. What is the basis of your opinion?

The proposed District is a long-term, stable, perpetual entity capable of funding, constructing and, in some cases, maintaining the facilities over the lifetime of the facilities because the proposed District has the advantage of being a unit of local government, which has access to the tax exempt bond market. Neither a property owners' nor homeowners' association (POA/HOA) has the ability to finance infrastructure of the nature and scope contemplated here, or manage the construction, acquisition or maintenance of the public infrastructure. Neither is authorized to place a first lien on property if the owner does not pay its maintenance assessments. Overall, the proposed District would be a more timely,

1 reliable and cost-efficient mechanism to deliver and maintain the needed community
2 improvements.
3

4 **26. Can you provide an example of a service or facility and explain why a CDD is a**
5 **preferred alternative for long-term operation and maintenance?**
6

7 Yes. An example would be a stormwater management system. By statute, CDDs and
8 property owners' associations are permitted to operate and maintain these systems.
9 However, homeowners' associations are generally required by typical water management
10 district rules to provide significantly more information and documentation before they are
11 authorized to operate and maintain a stormwater management system. Such documentation
12 generally must (i) indicate that the association has the required financial capabilities, (ii)
13 mandate that the association will operate and maintain such systems and (iii) provide that
14 the association cannot be dissolved until another entity is found to maintain the system.
15

16 A CDD, which is generally considered to be a more secure financial, legal and
17 administrative entity, generally must simply provide a letter to the water management
18 district committing that the district will accept operation and maintenance responsibility.
19 All things being equal, a CDD is preferred over a homeowners' or property owners'
20 association for operation and maintenance of a stormwater management system.
21

22 **27. Does this conclude your testimony?**
23

24 Yes, it does.