



KILINSKI | VAN WYK

June 14, 2023

Via Electronic Mail

Anthony Garganese, Esq.
111 N. Orange Ave., Suite 2000
P.O. Box 2873
Orlando, Florida 32802-2873
agarganese@orlandolaw.net

Re: Petition to Establish Lakes at Cocoa Grove Community Development District

Mr. Garganese:

I am writing on behalf of the petitioner, Mountain Cove Homes at Lakes at Cocoa Grove, LLC, (“Petitioner”) in support of the attached Petition to Establish the Lakes at Cocoa Grove Community Development District (“District”). The Lakes at Cocoa Grove project is located at the northeast corner of the State Road 528 and I-95 Interchange. Development of the 246 acres will take three years and when complete, the project will contain around 350 residential dwelling units. The public infrastructure for the project is expected to cost approximately \$26,014,639.65.

We believe that, consistent with Section 190.002, *Florida Statutes*, a community development district (“CDD”) would be the most timely, efficient, effective, responsive, and economic way to develop this community without overburdening other governments and taxpayers. Consequently, I would like to expand upon my previous letter and specifically demonstrate how the proposed District meets the statutory requirements outlined in Section 190.005, *Florida Statutes*. As you know, the factors for establishment are limited to six statutory factors:

1. Whether all statements contained within the petition have been found to be true and correct.

Prior to the establishment hearing before the City Council, we will provide affidavits and testimony (“Testimony”) from the Petitioner’s representative, the District Engineer, and the District Financial Advisor, each of whom will certify the truth of the statements within the petition and elaborate upon the remaining five factors.

2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

We believe that the establishment of the District is not inconsistent with any applicable element or portion of the City of Cocoa’s or the State’s Comprehensive Plan. Petitioner’s consultants have reviewed the applicable portions of both comprehensive plans which relate to the establishment of a CDD and have not noted any inconsistencies.

Importantly, while a CDD is a unit of special-purpose government, it does not have the authority to make zoning or development permitting decisions that are inconsistent with the comprehensive plan of a unit of general-purpose government, such as the City. The District will still be required to undergo review and approval for all permitting and construction to ensure its plans are not inconsistent with the local government comprehensive plan and land development regulations. Please note that the Testimony will provide additional detail.

3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

The qualities of compactness, contiguity, and size relate directly to whether an area can become one functional interrelated community. Based on my experience, the acreage contemplated for inclusion within the District is sufficiently compact, contiguous and of sufficient size to maximize the successful delivery of these infrastructure improvements to these lands.

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

There are two alternatives to a CDD that could provide the same services and community infrastructure. First, the City of Cocoa could finance the improvements utilizing special assessments or general funds. In the alternative, the developer or a homeowner's or property owner's association ("HOA/POA") could provide the infrastructure through private financing. In evaluating these three options, it is important to consider which option can provide the best focused, effective, and efficient management and maintenance of the facilities while securing low cost, long-term public financing.

As compared to a traditional HOA or POA, a CDD is the superior long-term maintenance entity. Because of its unique design, the District:

- Will save landowners money, both when the project is first built as well as when the infrastructure is later refurbished or replaced after years of use;
- Will be a more accountable and transparent entity, due to the fact that the District is subject to Florida's Sunshine Laws and Public Records laws, and due to the District's numerous disclosure and reporting requirements;
- Will enjoy sovereign immunity protection against frivolous lawsuits;
- Will have a more stable revenue stream, due to its ability to collect assessments on the tax roll;
- Will have a relatively faster turnover to control by end-users due to its statutorily-required time-frames for elections;
- Is more likely to have access to FEMA and other emergency funding;
- Will serve as a superior long-term maintenance entity, resulting in higher, and more stable, property values.

The City clearly provides the long-term perspective and is a stable and relatively low-cost source of financing and provider of services at sustained levels. However, the City already has substantial demands that place a heavy management delivery load on its staff. The creation of a CDD allows the City to focus staff time, finances, and other resources elsewhere and does not burden the general body of taxpayers in the City with the debt associated with this growth. Said another way, growth pays for itself.

5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

The Petitioner expects the District to finance and construct certain sanitary sewer collection systems, water distribution systems, reuse water systems, stormwater management systems, and roadway improvements. Since none of the facilities expected to be provided by the District presently exist, there will be no overlap or incompatibility with the capacity and uses of existing local or regional services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

Based on my experience, the configuration of this District is not unlike other successful CDDs in Florida. The District encompasses approximately 246 acres, which is large enough to support its own community. Additionally, the land area is well suited to the provision of the proposed services and facilities.

We believe the establishment of a CDD is logical for this project. To facilitate the establishment process, the Petitioner has offered to fund the costs associated with City staff's review of the petition and the advertisement of the public hearing. I am also attaching draft forms of an establishment ordinance and notice of public hearing and welcome your input and thoughts on the attachments. If you have any questions or concerns, please do not hesitate to contact me at (850) 508-2335 or jennifer@cddl原因ers.com. I look forward to working with you and appreciate your attention to this matter.

Sincerely,

/s/ Jennifer Kilinski

Jennifer Kilinski
Kilinski Van Wyk, PLLC

Enclosures

PETITION TO ESTABLISH LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT

Submitted by:
Kilinski | Van Wyk PLLC
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2016 Delta Boulevard, Suite 101
Tallahassee, FL 32303
(850) 508-2335 (telephone)
Attorneys for Petitioner

BEFORE THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA
PETITION TO ESTABLISH THE LAKES AT COCOA GROVE
COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Mountain Cove Homes at Lakes at Cocoa Grove, LLC, a Florida limited liability company authorized to transact business in the state of Florida (hereafter “Petitioner”), hereby petitions the City Council of the City of Cocoa pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, *Florida Statutes*, to establish a community development district (hereafter “District”) with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Cocoa, Florida. **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 246.43 acres of land. The site is generally located north of State Road 528 and State Road 9 Interchange (I-95). The metes and bounds description of the proposed external boundaries of the District is set forth in **Exhibit 2**.

2. Landowner Consent. Petitioner has obtained written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the boundaries of the proposed District, in accordance with Section 190.005, *Florida Statutes*. Documentation of this consent is contained in **Exhibit 3**.

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

Name: Ana Laura Robayna
Address: 4872 SW 74th Ct.
 Miami, Florida 33155

Name: Omar Mesa
Address: 4872 SW 74th Ct.
 Miami, Florida 33155

Name: Rafael Nunez
Address: 4872 SW 74th Ct.
Miami, Florida 33155

Name: Brian Dominguez
Address: 4872 SW 74th Ct.
Miami, Florida 33155

Name: Alicia Quinones
Address: 4872 SW 74th Ct.
Miami, Florida 33155

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

4. Name. The proposed name of the District is the Lakes at Cocoa Grove Community Development District.

5. Future Land Uses. The general distribution, location, and extent of the public and private future land uses proposed for the District, in accordance with the future land use plan element of the City's Future Land Use Plan, is identified in **Composite Exhibit 4**, which also includes a map of the master development plan. The proposed land uses for lands contained within the proposed District are consistent with the approved City of Cocoa Future Land Use Plan.

6. Major Water and Wastewater Facilities. **Exhibit 5** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entity responsible for ownership and maintenance. In the event the District is unable or unwilling to continue as the owner and entity responsible for the

maintenance of the facilities described in Exhibit 6, a property owners' association will assume such rights and obligations. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. The District is presently expected to finance, construct, and install improvements and facilities to benefit the lands within the District in one or more phases over an estimated two (2) year period from 2023 through 2025. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Authorized Agent. The Petitioner is authorized to do business in Florida. **Exhibit 9** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Jennifer Kilinski, Esq.
Meredith Hammock, Esq.
Jennifer@cddlawyers.com
Meredith@cddlawyers.com
Kilinski | Van Wyk, PLLC
2016 Delta Boulevard, Suite 101
Tallahassee, Florida 32303

11. This petition to establish the Lakes at Cocoa Grove Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan, Brevard County or the City of Cocoa Comprehensive Plan.

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

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

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the City of Cocoa, Florida, City Council to:

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

b. Grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*; and

c. Consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, enlarge or extend, equip, operate, and maintain systems and facilities for: parks and facilities for indoor and outdoor recreation, cultural, and educational uses and for security, including, but not limited to walls, fences and electronic intrusion detection all as authorized and described by Section 190.012(2)(a) and (d), *Florida Statutes*; and

d. Grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 14th day of June 2023.

Kilinski | Van Wyk PLLC

BY: /s/ Jennifer L. Kilinski
Jennifer L. Kilinski
Florida Bar No. 69367
Meredith Hammock
Florida Bar No. 119975
2016 Delta Boulevard, Suite 101
Tallahassee, FL 32303
(850) 508-2335 (telephone)
Attorney for Petitioner

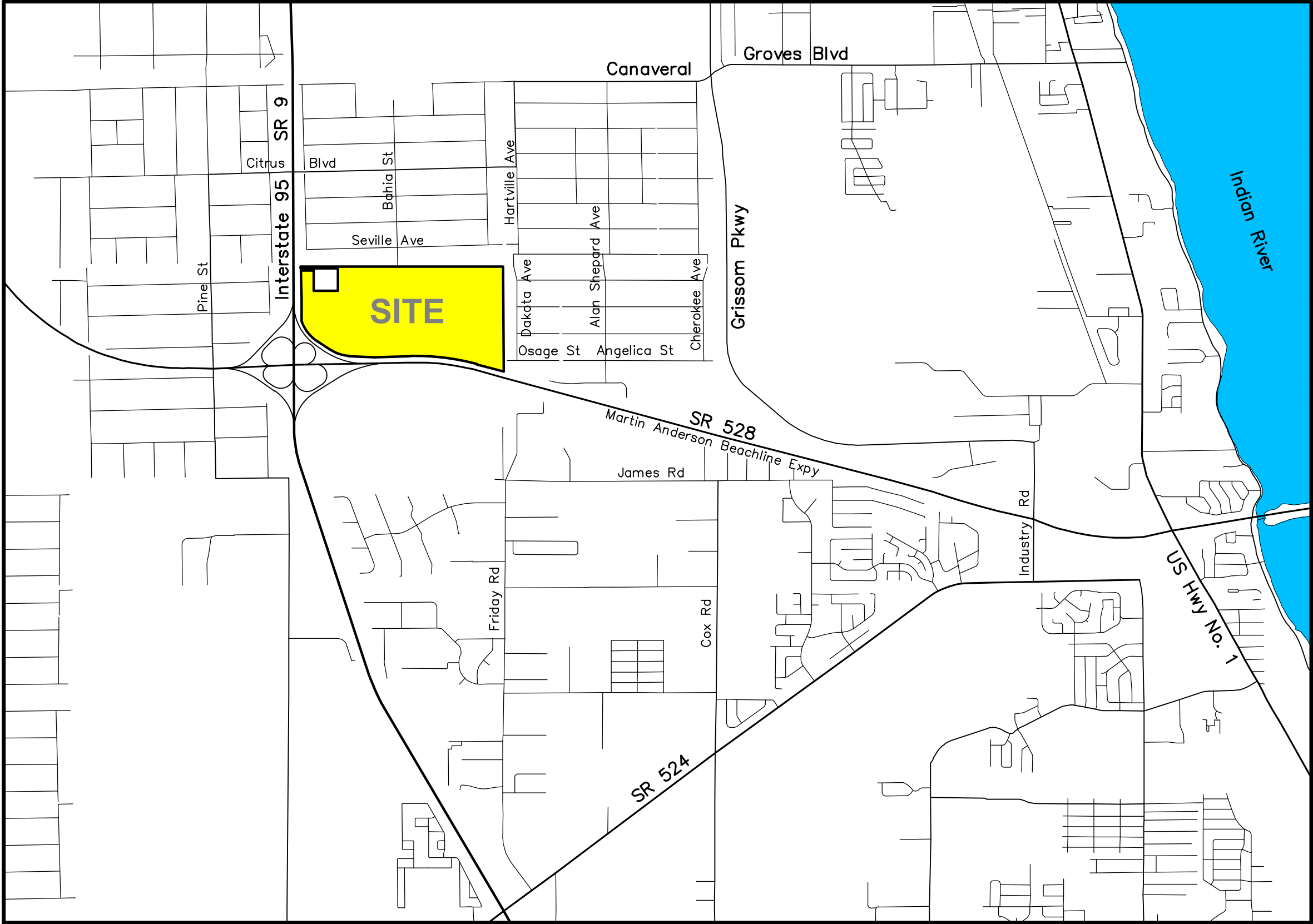
**PETITION FOR ESTABLISHMENT OF THE
LAKES AT COCOA GROVE
COMMUNITY DEVELOPMENT DISTRICT**

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Exhibit 1
Location Map



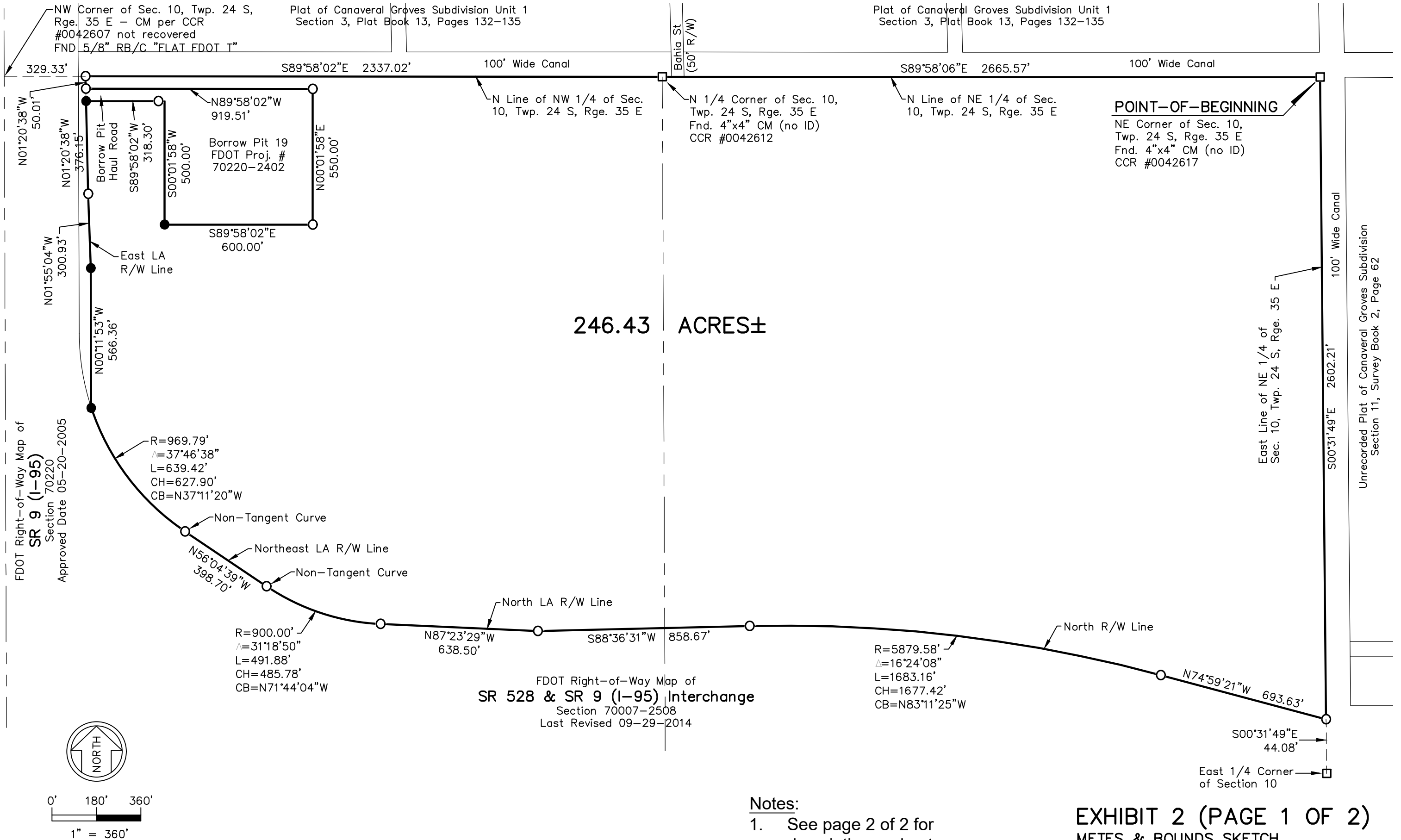
0 1/4 1/2
1" = 1/2 Mile



EXHIBIT 1
LOCATION MAP

DRMP Project #21-0569.000 March 2023

Exhibit 2
Legal Description



Description:

A parcel of land as described in O.R. Book 8563 Page 760 of the public Records of Brevard County, Florida and lying in Section 10, Township 24 South, Range 35 East and being more particularly described as follows;

Begin at the northeast corner of said Section 10; thence S. 00°31'49" E., along the east line of the northeast corner of said Section 10, a distance of 2602.21 feet to a point lying 44.08 feet N. 00°31'49" E. of the east quarter corner of said Section 10, said point also being on the northerly right-of-way line of State Road No. 528 as shown on Section Map 70007-2508; thence N. 74°59'21" W., along said north right-of-way line, a distance of 693.63 feet to the Point-of-Curvature of a 5879.58 foot radius circular curve concave southerly; thence easterly, along the arc of said curve, through a central angle of 16°24'08" a distance of 1683.16 ft. said curve having a chord bearing of N. 83°11'25" W. and a chord distance of 1677.42 ft.; thence S. 88°36'31" W., along said northerly right-of-way line, a distance of 858.67 feet; thence N. 87°23'29" W., along said northerly right-of-way line, a distance of 638.50 feet to the Point-of-Curvature of a 900.00 foot radius circular curve concave northeasterly, said curve also being the northeasterly right-of-way line of the State Road No. 528 and I-95 interchange; thence northwest along the arc of said curve, through a central angle of 31°18'50" a distance of 491.88 feet said curve having a chord bearing of N. 71°44'04" W. and a chord distance of 485.78 feet; thence N. 56°04'39" W., along said State Road 528/I-95 right-of-way line, a distance of 398.70 feet to a non-tangent point on a 969.79 foot radius circular curve concave northeasterly; thence northwesterly, along the arc of said curve, through a central angle of 37°46'38" a distance of 639.42 feet said curve having a chord bearing of N. 37°11'20" W. and a chord distance of 627.90 feet to a point on the easterly right-of-way line of I-95 per FDOT Map Section 70220; thence N. 00°11'53" W., along said easterly right-of-way line, a distance of 566.36 feet; thence N. 01°55'04" W., along said easterly right-of-way line, a distance of 300.93 feet; thence N. 01°21'38" W., along said easterly right-of-way line, a distance of 376.15 feet to a point on the south line of a borrow pit No. 19 Haul Road; thence N. 89°58'02" E., along said south line, a distance of 318.30 feet to a point on the west line of borrow pit No. 19 per FDOT Project No. 70220-2402; thence along the west, south, east and north lines of said borrow pit, the following four courses; S. 00°01'58" W. a distance of 500.00 feet; thence S. 89°58'02" E. a distance of 600.00 feet; thence N. 00°01'58" E. a distance of 550.00 feet; thence N. 89°58'02" W. a distance of 919.51 feet to a point on the aforesaid easterly right-of-way line of I-95; thence N. 01°20'38" W., along said easterly right-of-way line, a distance of 50.01 feet to a point on the north line of the northwest ¼ of said Section 10; thence S. 89°58'02" E., along said north line, a distance of 2337.02 feet to the north quarter corner of said Section 10; thence S. 89°58'06" E., along the north line of the northeast ¼ of said Section 10, a distance of 2665.57 feet to the Point-of-Beginning.

Containing 246.43 acres more or less and being subject to any easements and/or rights-of-ways of record.

Notes:

1. This is not a boundary survey.
2. Bearings based on state plane coordinates.
3. See page 1 of 2 for sketch.

Exhibit 3
Landowner's Consent

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

KE LAW GROUP, PLLC
2800 S. Adams Street
Tallahassee, Florida 32301-6386

CONSENT OF LANDOWNER TO CDD ESTABLISHMENT

The undersigned hereby represents that he/she is the 100% fee simple owner of the property more fully described in **Exhibit A** attached hereto and made a part hereof ("**Property**"), or, alternatively, represents that he/she has authority to bind **Mountain Cove Homes at Lakes at Cocoa Grove, LLC**, a Florida limited liability company, as the 100% fee simple owner of the Property with respect to the matters set forth herein (in either case, "**Landowner**").

The Landowner understands and acknowledges that a petition to establish a community development district ("**CDD**") is intended to be submitted in accordance with the provisions of Chapter 190, *Florida Statutes*. As the owner of lands which are intended to be included in the CDD, the Landowner understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the petitioner is required to include the written consent of one hundred percent (100%) of the owners of the lands to be included in the CDD.

The Landowner hereby consents to the inclusion of the Property as a part of the CDD. The Landowner agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the CDD establishment. The Landowner further agrees to the recording of this document, which shall be deemed to run with the Property and be binding upon all successors in interest.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the Landowner.

[signatures on following page]

This Consent of Landowner to CDD Establishment, as detailed more fully on the preceding page, is executed this 3 day of August, 2021.

Witnessed:

**MOUNTAIN COVE HOMES AT LAKES
AT COCOA GROVE, LLC**

[Signature]
Print Name: mark Cabrales

[Signature]
Print Name: ROSALBA CUBRIA.

[Signature]
By: VICTOR F. SOLORZANO
Its: MANAGER

**STATE OF FLORIDA
COUNTY OF Miami Dade**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of August, 2021, by Victor F. Solorzano, as Manager of Mountain Cove Homes at Lakes at Cocoa Grove, LLC, on its behalf. He/She [☒] is personally known to me or [☐] produced _____ as identification.

[Signature]
Notary Public, State of Florida

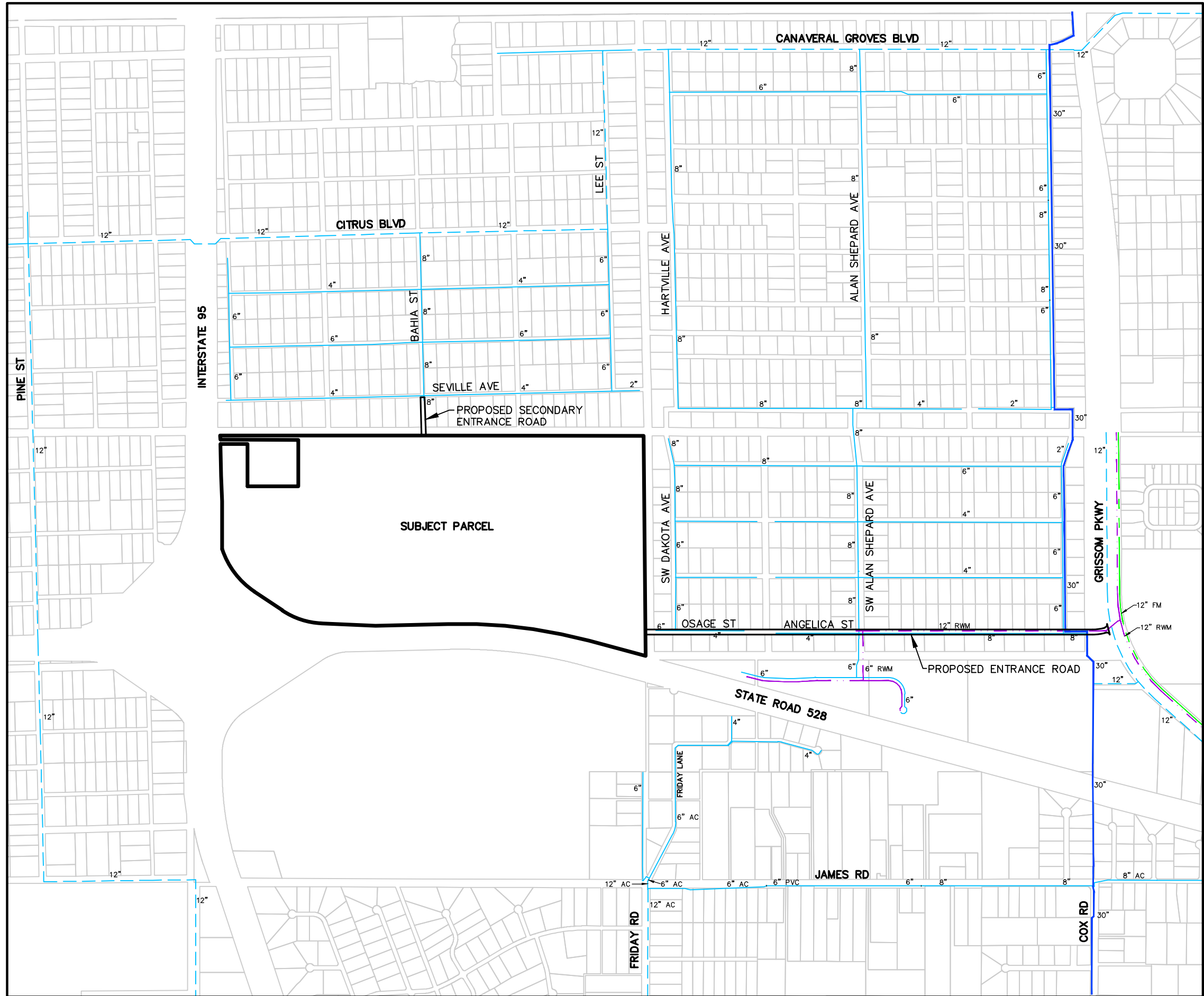


Alicia E. Quinones
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG169747
Expires 2/5/2022

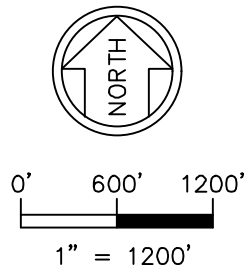
Exhibit 4
Future Land Use Map

Exhibit 5

Maps of the District showing Existing and Proposed Utilities

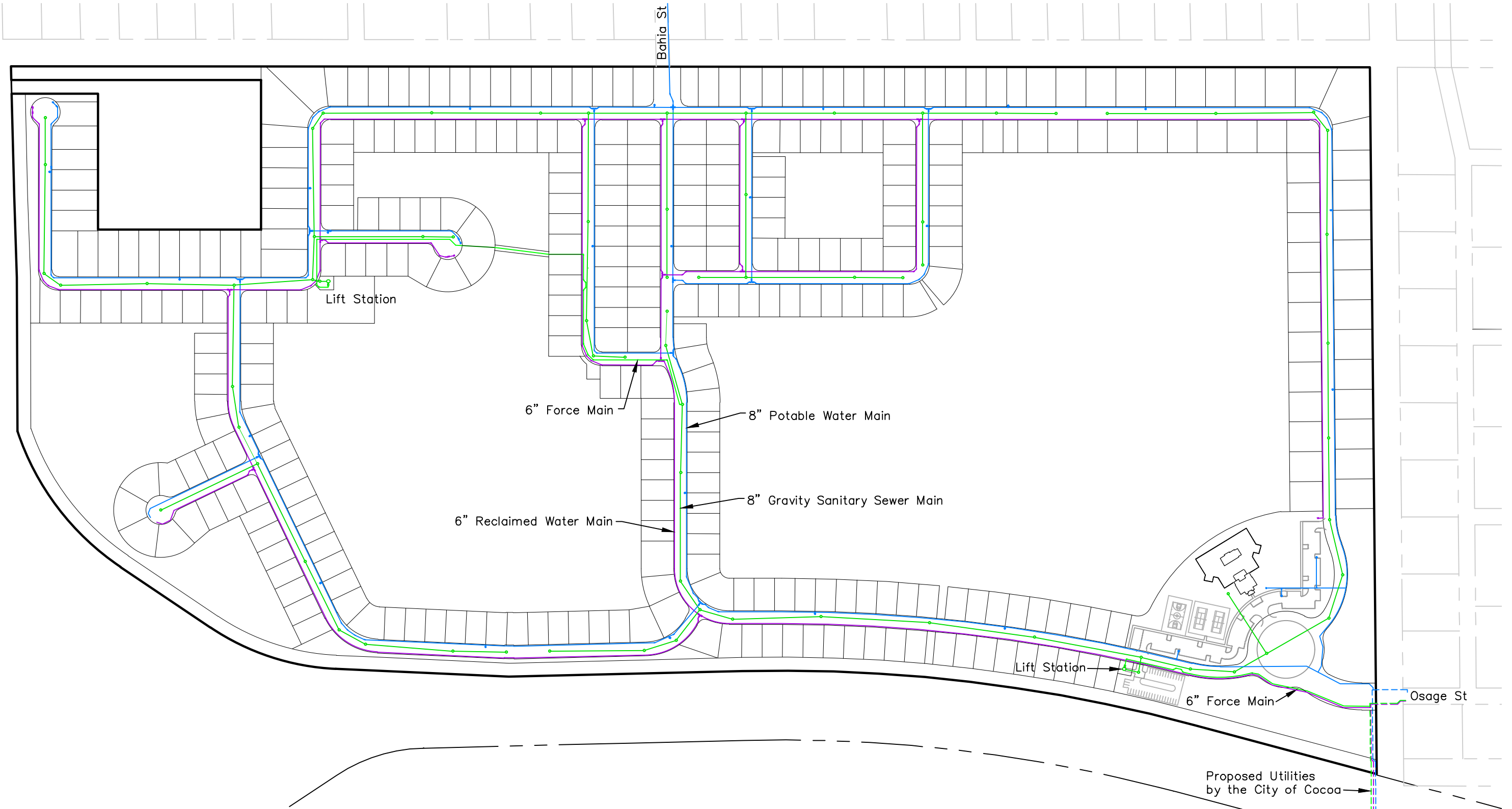


- NOTES:
1. Location of all existing utilities shown is approximate only, and was provided by City of Cocoa Utilities Dept.
 2. All pipe material is PVC, unless denoted otherwise.

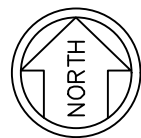
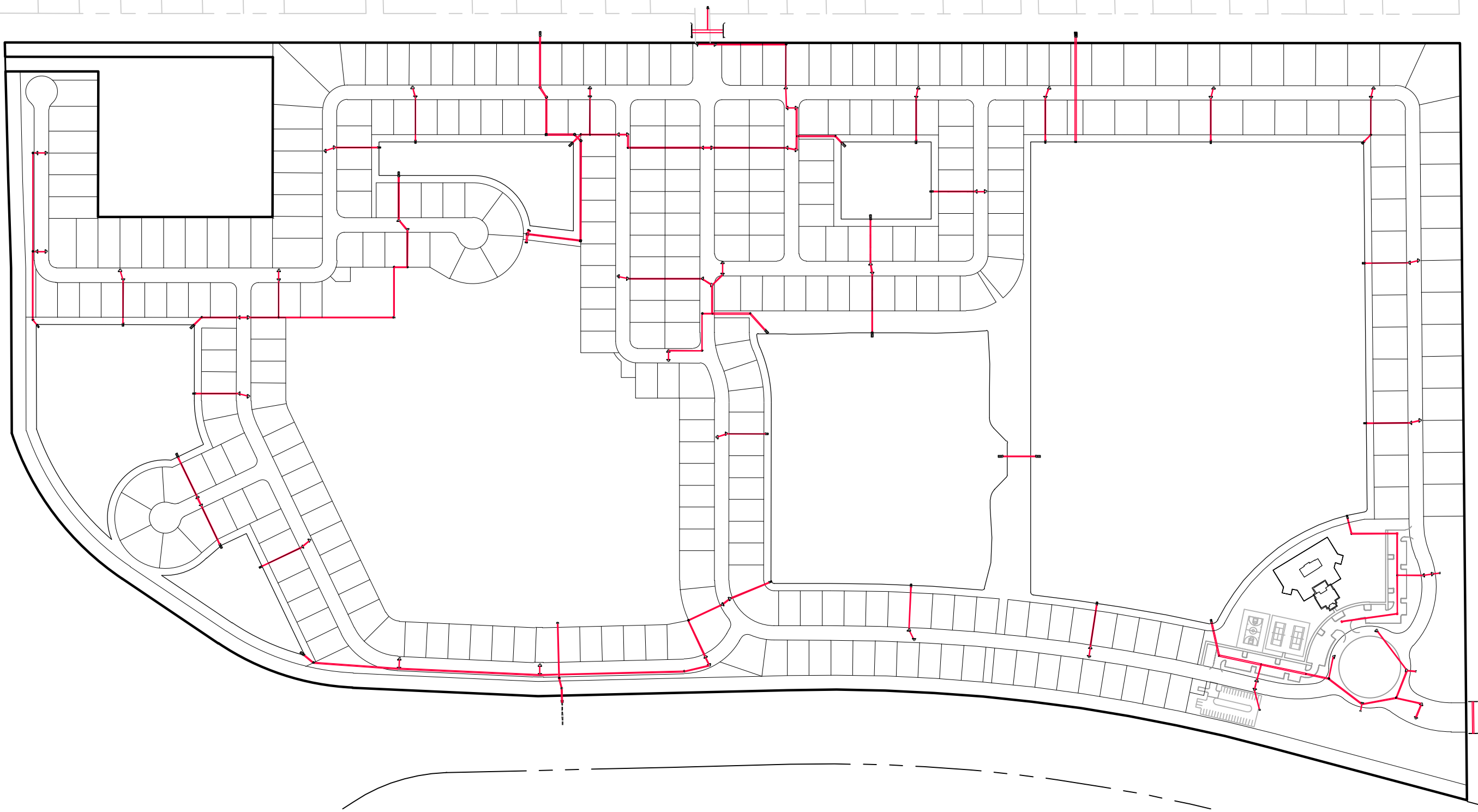


LEGEND

- 8" —— Water main & size
- - - 12" - - - 12" Water main
- 30" —— 30" Concrete water main
- - - 12" RWM - - - Reclaimed water main
- 12" FM —— Force main



0' 180' 360'
1" = 360'



0' 180' 360'
1" = 360'

Exhibit 6
Proposed Facilities and Services

Exhibit 6
Lakes at Cocoa Grove Community Development District
Summary of Proposed District Facilities

<u>District Infrastructure</u>	<u>Construction</u>	<u>Ownership</u>	<u>Capital Financing*</u>	<u>Operation and Maintenance</u>
Offsite Improvements – Connector Road, Associated Drainage Improvements, Intersection Improvements and Landscaping	District	City of Cocoa/Brevard County	District Bonds	City of Cocoa/Brevard County
Wetlands Environmental Mitigation	District	District	District Bonds	District
Utilities and Sanitary Sewer System	District	City of Cocoa	District Bonds	City of Cocoa
Street Curb/Gutter/Stormwater/Storm Drains	District	District	District Bonds	District
Water Distribution System	District	City of Cocoa	District Bonds	District
Landscape/Perimeter Buffer	District	District	District Bonds	District

*Costs not funded by bonds will be funded by the developer.

Exhibit 7
Estimated Costs and Timetable

**COMPOSITE EXHIBIT 7
SUMMARY OF ESTIMATED COSTS**

LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT

CATEGORY	COST
Engineering - Fee allowance	\$595,000.00
Wetlands Environmental Mitigation	\$1,943,605.00
Street Curb & Gutter, Subgrade and Base ¹	\$2,474,360.75
Utilities and Sanitary Sewer System	\$5,723,715.00
Storm Drains	\$5,816,825.00
Water Distribution System (Potable Water)	\$2,493,688.73
Landscaping - Perimeter Buffer	\$600,000.00
Connector Road: Osage / Angelica ²	\$2,100,000.00
Roadway Drainage Improvements: Osage / Angelica	\$535,305.00
Connector Road Miscellaneous (mailbox relocation, ROW restoration)	\$225,000.00
Intersection Improvement @ Grissom - Allowance	\$500,000.00
Landscaping - Allowance	\$60,000.00
Contingency	\$4,613,499.90
Total	\$27,680,999.38

General Notes:

- 1) These cost estimates are preliminary and subject to final design and permitting.
- 2) These cost estimates do not include the costs for permitting fees, irrigation, and the testing of water and sewer pipes.
- 3) These cost estimates do not include costs for the installation of water and sewer connector pipes along Osage Angelica
- 4) The above pricing is based on Civil Engineering Drawings by DRMP dated 9/8/2022 (REV2).
Engineering Drawings are pending final approval from the City of Cocoa.
- 5) The HOA will be responsible for the maintenance of the asphalt on the on-site subdivision roadways.
- 6) The Reuse Water System is to be replaced with an Irrigation System at the recommendation of the SJRWMD to use a Storm Water Harvesting System. This is not included in the CDD improvement costs.
Note: (The Storm Harvesting System has not yet been approved by The City of Cocoa)
- 7) Due to the volatile nature of the market, the cost of material and fuel cannot be guaranteed.
- 8) On-Site lighting is not included in the CDD improvement costs.

¹ The HOA will be responsible for the maintenance of the asphalt on all on-site roadways. Cost includes for Curb and Gutter, Subbase and Grade.

² The City will be installing the Water and Sewer Mains along the Connector Road to the Site. (Osage / Angelica)

Exhibit 8
Statement of Estimated Regulatory Costs

Lakes at Cocoa Groves

COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

June 9, 2023



Provided by

Wrathell, Hunt and Associates, LLC

2300 Glades Road, Suite 410W

Boca Raton, FL 33431

Phone: 561-571-0010

Fax: 561-571-0013

Website: www.whhassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Lakes at Cocoa Groves Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 246.43 +/- acres of land located within the City of Cocoa, Florida (the "City") and is projected to contain approximately 350 residential dwelling units, which will make up the Lakes at Cocoa Groves development. The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

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

1.2 Overview of the Lakes at Cocoa Groves Community Development District

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 350 residential dwelling units, all within the boundaries of the District. Tables 1 and 2 under Section 5.0 detail the anticipated improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

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

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

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

- (a) An economic analysis showing whether the rule directly or indirectly:
 - 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment,

or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (City of Cocoa, according to the Census 2020, has a population of 19,041; therefore, it is not defined as a small City for the purposes of this requirement.)

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

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

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

- 2.0 An economic analysis showing whether the ordinance directly or indirectly:**
- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
 - 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
 - 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

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

2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 246.43 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

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

lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

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

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

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

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

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance

and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of their debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

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

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. City of Cocoa

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

c. Current Property Owners

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

d. Future Property Owners

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

The proposed District will serve land that comprises an approximately 246.43 +/- acre master planned residential development currently anticipated to contain a total of approximately 350 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 1,225 +/- and all of these residents as well as the residential and non-residential landowners within the District will be affected by the ordinance. The City, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.

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

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

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

State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of the City of Cocoa. Therefore, the City (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The costs to various state entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those state agencies that will receive and process the District's reports are minimal because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

City of Cocoa, Florida

The proposed land for the District is located within the City of Cocoa, Florida and consists of less than 2,500 acres. The City and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the City will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review

the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the City may incur in the processing of this petition. Finally, the City already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the City, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City may incur if it establishes a monitoring program for this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.

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

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$27,680,999.38. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

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

Table 1

**LAKES AT COCOA GROVES COMMUNITY
DEVELOPMENT DISTRICT
Proposed Facilities and Services**

FACILITY	FUNDED	OWNED BY	MAINTAINED BY
Offsite Improvements – Connector Road, Associated Drainage Improvements, Intersection Improvements and Landscaping	CDD	City of Cocoa/Brevard County	City of Cocoa/Brevard County
Wetlands Environmental Mitigation	CDD	CDD	CDD
Utilities and Sanitary Sewer System	CDD	City of Cocoa	City of Cocoa
Street Curb/Gutter/Stormwater/Storm Drains	CDD	CDD	CDD
Water Distribution System	CDD	City of Cocoa	CDD
Landscape/Perimeter Buffer	CDD	CDD	CDD

Table 2

**LAKES AT COCOA GROVES COMMUNITY
DEVELOPMENT DISTRICT
Estimated Costs of Construction**

CATEGORY	COST
Engineering - Fee allowance	\$595,000.00
Wetlands Environmental Mitigation	\$1,943,605.00
Street Curb & Gutter, Subgrade and Base	\$2,474,360.75
Utilities and Sanitary Sewer System	\$5,723,715.00
Storm Drains	\$5,816,825.00
Water Distribution System (Potable Water)	\$2,493,688.73
Landscaping - Perimeter Buffer	\$600,000.00
Connector Road: Osage / Angelica	\$2,100,000.00
Roadway Drainage Improvements: Osage / Angelica	\$535,305.00
Connector Road Miscellaneous (mailbox relocation, ROW restoration)	\$225,000.00
Intersection Improvement @ Grissom - Allowance	\$500,000.00
Landscaping - Allowance	\$60,000.00
Contingency	\$4,613,499.90
Total	\$27,680,999.38

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special

districts, City or its dependent districts, or City management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

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

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

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

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

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

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of local governance which is specifically established to provide District landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

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

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

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

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

City of Cocoa has a population of 19,041 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" City according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Lakes at Cocoa Groves development will not produce any marginal effects that would be different from those that would have occurred if the Lakes at Cocoa Groves development was developed without a community development district established for it by the City.

7.0 Any additional useful information.

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

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

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the Lakes at Cocoa Groves development. First, unlike a CDD, this alternative would require the City to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the Lakes at Cocoa Groves development is a significant and expensive undertaking.

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

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

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is

superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low cost funds from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

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

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

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Lakes at Cocoa Groves Community Development District.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUE CITATION	DATE
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1 - Statement of Financial Interest	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the county after financing

Exhibit 9
Authorization of Agent

Authorization of Agent

This letter shall serve as a designation of Jennifer Kilinski, Esq., with an address c/o Kilinski | Van Wyk PLLC, 2016 Delta Boulevard, Suite 101, Tallahassee, Florida 32303, to act as agent for Mountain Cove Homes at Lakes at Cocoa Grove, LLC, with regard to any and all matters pertaining to the petition to the City of Cocoa, Florida to establish a proposed community development district pursuant to Chapter 190, *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

MOUNTAIN COVE HOMES AT LAKES AT COCOA GROVE, LLC

DATE: 3/23/2023

By: Victor F. Solorzano
Its: Manager

STATE OF FLORIDA
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of March, 2023, by Victor F. Solorzano as Manager of Mountain Cove Homes at Lakes at Cocoa Grove, LLC, on behalf of the corporation.



ALICIA E. QUINONES
Notary Public
State of Florida
Comm# HH193748
Expires 2/5/2026

Alicia E. Quinones

(Official Notary Signature & Seal)

Name: Alicia E. Quinones
Personally Known X
OR Produced Identification _____
Type of Identification _____