

SECOND AMENDED
PETITION TO ESTABLISH
WHITE CLAY
COMMUNITY
DEVELOPMENT
DISTRICT

Submitted by:
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Florida Bar No. 69367
Jennifer@cddlawyers.com
Kilinski | Van Wyk, PLLC
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Tallahassee, Florida 32314
(850) 508-2335 (telephone)

Attorney for Petitioner

**SECOND AMENDED PETITION FOR ESTABLISHMENT OF THE
WHITE CLAY COMMUNITY DEVELOPMENT DISTRICT**

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BEFORE THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA

**SECOND AMENDED PETITION TO ESTABLISH
WHITE CLAY COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, CH Dev, LLC, a Florida limited liability company (hereafter "Petitioner"), hereby petitions the City Commission of the City of Haines City pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2023), to establish a Community Development District (hereafter "District"), with respect to the land described herein. In support of this amended petition, Petitioner states:

1. Location and Size. The proposed District will be located entirely within the City of Haines City, Florida (hereafter "City"). **Exhibit 1** depicts the general location of the lands comprising the proposed District. The proposed District covers approximately 169 acres of land, more or less. The legal description of the external boundaries of the lands that form 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 District. Documentation of consents to the establishment of the District is contained in **Composite 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: Warren K. (Rennie) Heath II
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lauren Schwenk
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Jessica Petrucci
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Daniel Arnette
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lindsey Roden
Address: 346 East Central Avenue
Winter Haven, Florida 33880

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 White Clay Community Development District.

5. Existing and Future Land Uses. **Exhibit 4** shows the existing use for the lands contained in the proposed District and surrounding areas. The distribution, location, and extent of the public and private land uses proposed for the District by the future land use plan element of the City's Future Land Use Plan are depicted in **Exhibit 5**. The proposed land uses for lands contained within the proposed District are consistent with the approved City's Future Land Use Plan.

6. Major Water and Wastewater Facilities. **Composite Exhibit 6** indicates the location of major outfall canals and drainage basins for the lands within the proposed District as well as the location of existing major trunk water mains, reuse water mains and wastewater interceptors within the currently undeveloped lands proposed to be included within the District.

7. District Facilities and Services. The District is presently expected to finance, construct, and install improvements and facilities to benefit the lands within the District in two (2) phases over an estimated two (2) year period from 2024 through 2026. **Composite Exhibit 7**

describes the construction timetable and the types of facilities the District presently expects to finance, construct, and install, as well as the entities anticipated for future ownership, operation, and maintenance. The estimated costs of construction are also identified in **Composite Exhibit 7**. 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* (2023). 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 the State of Florida. The authorized agent for the Petitioner is Jennifer Kilinski (see **Exhibit 9** - Authorization of Agent.) Copies of all correspondence and official notices should also be sent to:

Jennifer Kilinski
Kilinski | Van Wyk PLLC
517 E. College Avenue
Tallahassee, Florida 32301

10. This petition to establish the White Clay 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 or the City 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 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 for the City Commission for the City of Haines City, Florida, to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), *Florida Statutes* (2023);

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2023) ; 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* (2023).

RESPECTFULLY SUBMITTED, this 16th day of January, 2024.

KILINSKI | VAN WYK, PLLC

/s/ Jennifer L. Kilinski
Jennifer L. Kilinski
Florida Bar No. 69367
jennifer@cddlattorneys.com
Kilinski | Van Wyk PLLC
517 E. College Avenue
Tallahassee, Florida 32301
(877) 350-0372 (telephone)
Attorneys for Petitioner

1

WHITE CLAY CDD BOUNDARY

White Clay Pit Road

Hughes Road

County Rd 546 E

438

439

334

318

313

345

337

336

335

346

Legend

White Clay CDD



Parcels



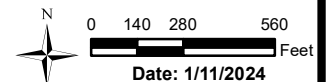
MAP ID

PARCEL ID

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334	272810-000000-012040
335	272810-000000-022020
336	272810-000000-022030
337	272810-000000-022050
345	272811-000000-043010
346	272811-000000-044020
438	272810-000000-012030
439	272810-000000-012020

S 10 & 11, T 28S, R 27E
POLK COUNTY, FL

EXHIBIT 1 - BOUNDARY MAP WHITE CLAY CDD



2

Drawing name: C:\Users\wsamalo1\AppData\Local\Temp\AcPublish_37616 (50156285)-sursketch_White Clay_CDD.dwg DEW desc. & sketch Sheet 2 Jan 11, 2024 7:45am by: wsamalo1

LEGAL DESCRIPTION:

A PORTION OF SECTIONS 10 AND 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE N89°32'12"E, ALONG THE NORTH LINE OF SECTION 10, A DISTANCE OF 1326.43 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10; THENCE S00°28'07"E, ALONG SAID WEST LINE, A DISTANCE OF 1325.47 TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10 AND ALSO THE POINT OF BEGINNING; THENCE N89°18'03"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1326.39 FEET TO A POINT ON THE EAST LINE OF SECTION 10; THENCE S00°28'00"E, ALONG SAID EAST LINE, A DISTANCE OF 1320.01 FEET TO A POINT ON THE NORTH LINE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE N89°44'10"E, ALONG SAID NORTH LINE, A DISTANCE OF 606.12 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S00°18'15"E, A DISTANCE OF 55.83 FEET; THENCE S00°32'08"E, A DISTANCE OF 697.95 FEET; THENCE N89°27'52"E, A DISTANCE OF 212.66 FEET; THENCE S48°37'48"E, A DISTANCE OF 253.80 FEET; THENCE N61°22'10"E, A DISTANCE OF 349.91 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE S00°14'07"E, ALONG SAID EAST LINE, A DISTANCE OF 1887.87 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE S89°35'29"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE S89°12'40"W, ALONG SAID SOUTH LINE, A DISTANCE OF 661.37 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE N00°21'13"W, ALONG SAID WEST LINE, A DISTANCE OF 1322.31 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE S89°08'16"W, ALONG SAID SOUTH LINE, A DISTANCE OF 662.28 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE N00°23'34"W, ALONG SAID WEST LINE, A DISTANCE OF 1321.46 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10; THENCE N00°28'07"W, ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, A DISTANCE OF 1325.47 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PORTION OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER CORNER OF THE OF SAID SECTION 11; THENCE S89°44'10"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, A DISTANCE OF 1320.09 FEET TO A POINT IN THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11 AND ALSO THE POINT OF BEGINNING; THENCE S00°14'07"E, ALONG SAID EAST LINE, A DISTANCE OF 332.33 FEET; THENCE DEPARTING SAID EAST LINE, RUN S89°33'03"W, A DISTANCE OF 150.07 FEET; THENCE N00°18'15"W, A DISTANCE OF 332.39 FEET TO A POINT ON THE NORTH LINE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE N89°44'10"E, ALONG SAID NORTH LINE, A DISTANCE OF 150.47 FEET TO THE POINT OF BEGINNING.

LESS ALL RECORDED INTERIOR ROAD RIGHT OF WAYS

CONTAINING 169 ACRES MORE OR LESS.

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

—OF—

WHITE CLAY CDD

SECTIONS 10 & 11, TOWNSHIP 28 SOUTH,
RANGE 27 EAST

POLK COUNTY

FLORIDA



131 WEST KALEY STREET
ORLANDO, FLORIDA 32806

PHONE: 321.354.9826 FAX: 407.648.9104
WWW.DEWBERRY.COM

CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:

CH DEV LLC

DATE: 08/23/2023
REV DATE: 01/10/24
SCALE 1" = N/A

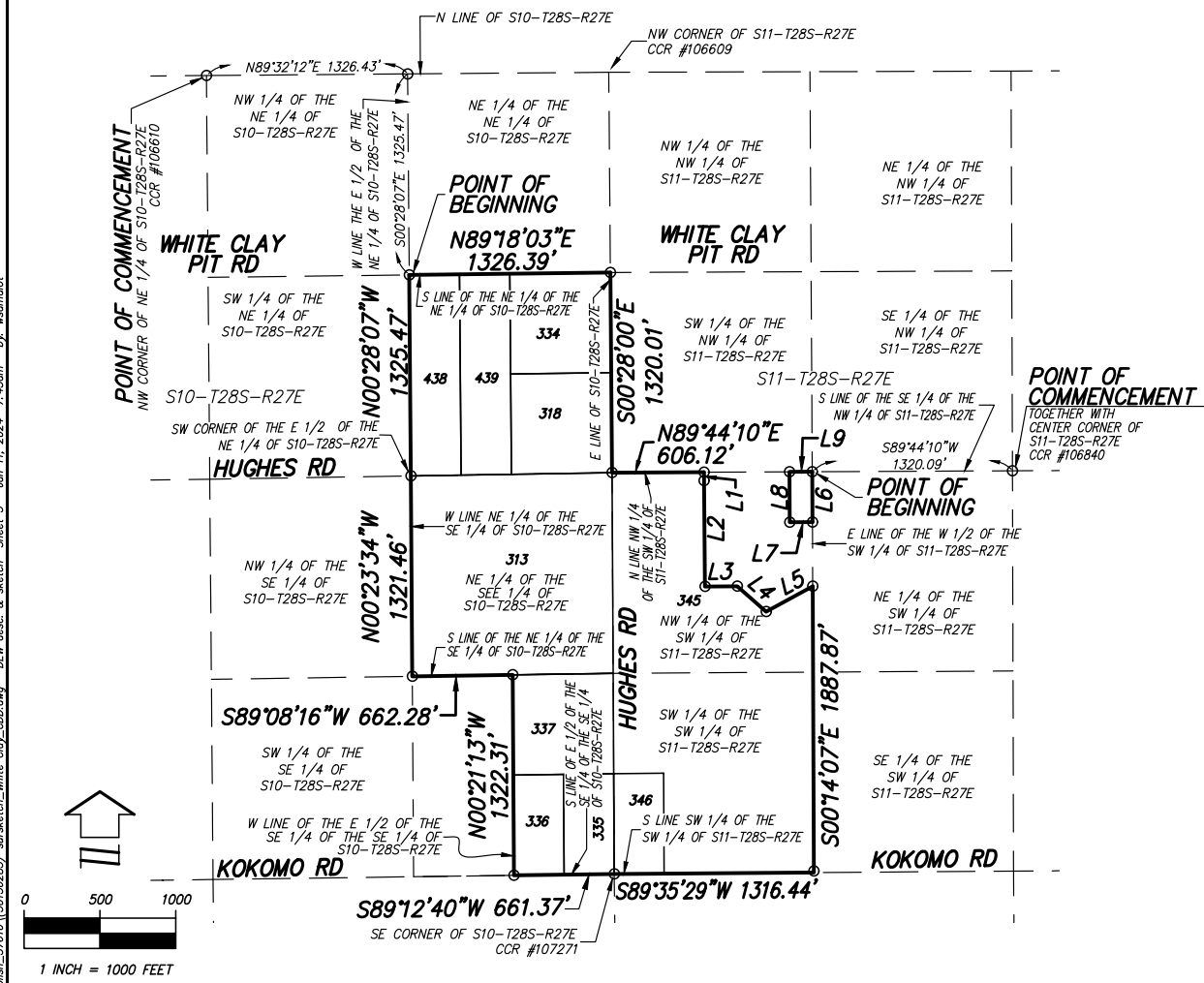
PROJ: 50156285
DRAWN BY: WS
CHECKED BY: WPH

**EXHIBIT 2B
LEGAL DESCRIPTION
WHITE CLAY CDD**



LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°18'15"E	55.83'
L2	S00°32'08"E	697.95'
L3	N89°27'52"E	212.66'
L4	S48°37'48"E	253.80'
L5	N61°22'10"E	349.91'

LINE TABLE		
LINE	BEARING	LENGTH
L6	S00°14'07"E	332.33'
L7	S89°33'03"W	150.07'
L8	N00°18'15"W	332.39'
L9	N89°44'10"E	150.47'



Drawing name: C:\Users\wesmalot\AppData\Local\Temp\AsPublish..._3761e\..._sketch\White Clay_CDD.dwg DEW desc. & sketch Sheet 3 Jan 11, 2024 7:45am by wesmalot

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

<p style="text-align: center;">SKETCH OF DESCRIPTION</p> <p style="text-align: center;">-OF-</p> <p style="text-align: center;">WHITE CLAY CDD</p> <p style="text-align: center;">SECTIONS 10 & 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST</p> <p style="text-align: center;">POLK COUNTY FLORIDA</p>	<p>Dewberry</p> <p>131 WEST KALEY STREET ORLANDO, FLORIDA 32806 PHONE: 321.354.9826 FAX: 407.648.9104 WWW.DEWBERRY.COM CERTIFICATE OF AUTHORIZATION No. LB 8011</p>	<p style="text-align: center;">PREPARED FOR:</p> <p style="text-align: center;">CH DEV LLC</p> <p>DATE: 08/23/2023 PROJ: 50156285 REV DATE: 01/10/24 DRAWN BY: WS SCALE 1" = 1000' CHECKED BY: WPH</p>
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3

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WHITE CLAY COMMUNITY DEVELOPMENT DISTRICT**

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

The undersigned understands and acknowledges that CH DEV, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

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

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

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 person executing this instrument.

[signatures on following page]

Executed this 8th day of November 2023.

WITNESSES:

CH DEV, LLC, a Florida limited liability company

Jessica Petrucci
Print Name: Jessica Petrucci

Albert B. Cassidy
By: Albert B. Cassidy
Its: Manager

Jessica Kowalski
Print Name: Jessica Kowalski

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of November 2023, by Albert B. Cassidy, as Manager of CH Dev, LLC, , who is personally known to me or who has produced _____ as identification.

[notary seal]

Jessica Kowalski
Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

Parcel ID No. 272810-000000-022020

THE EAST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS KOKOMO ROAD RIGHT OF WAY.

Parcel ID No. 272811-000000-044020

THE WEST 1/2 OF THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS KOKOMO ROAD RIGHT OF WAY.

Parcel ID No. 272810-000000-012040

THE NORTHEAST 1/4 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS RIGHT OF WAY ALONG NORTHERLY BOUNDARY.

Parcel ID No. 272811-000000-043010

THE WEST 1/2 OF THE SE 1/4 OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS THE WEST 1/2 OF THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 AND LESS KOKOMO ROAD RIGHT OF WAY.

Parcel ID No. 272810-000000-022030

THE WEST 1/2 OF THE SE 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS KOKOMO ROAD RIGHT OF WAY.

Parcel ID No. 272810-000000-022050

THE NORTHEAST 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS ROADWAY RIGHT OF WAY ON EAST SIDE.

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WHITE CLAY COMMUNITY DEVELOPMENT DISTRICT**

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

The undersigned understands and acknowledges that CH DEV, LLC ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

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

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District's external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.


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 person executing this instrument.


[signatures on following page]


Executed this 8th day of November 2023.

WITNESSES:

LAKE HAMILTON HOLDINGS, LLC, a
Florida limited liability company


Print Name: Jessica Petrucci


By: Albert S. Cassidy
Its: Manager


Print Name: Jessica Kowalski

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization this 8th day of November 2023, by Albert S. Cassidy, as Manager of
Lake Hamilton Holdings, LLC, , who is personally known to me or who has produced _____
_____ as identification.

[notary seal]



Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

Parcel ID No. 272810-000000-012020

THE WEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS ROADWAY RIGHT OF WAY ON NORTH AND SOUTH SIDES.

Parcel ID No. 272810-000000-012030

EAST 1/2 OF THE WEST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA LESS ROADWAY RIGHT OF WAY ON NORTH AND SOUTH SIDES.

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN THE WHITE CLAY COMMUNITY DEVELOPMENT DISTRICT**

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

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The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the District’s external boundaries are amended or three years from the date hereof, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

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 person executing this instrument.

[signatures on following page]

Executed this 8th day of November 2023.

WITNESSES:

CASSIDY HOLDINGS, LLC, a Florida limited liability company

By: ABCMM, LLC
Its: Manager

[Signature]
Print Name: Jessica Petrucci

[Signature]
By: Albert B. Cassidy
Its: Manager

[Signature]
Print Name: Jessica Kowalski

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of November 2023, by Albert B. Cassidy, as Manager of ABCMM, LLC, Manager of Cassidy Holdings, LLC, who is personally known to me or who has produced _____ as identification.

[notary seal]

[Signature]
Print Name: Jessica Kowalski
Notary Public, State of Florida



Exhibit A:
LEGAL DESCRIPTION

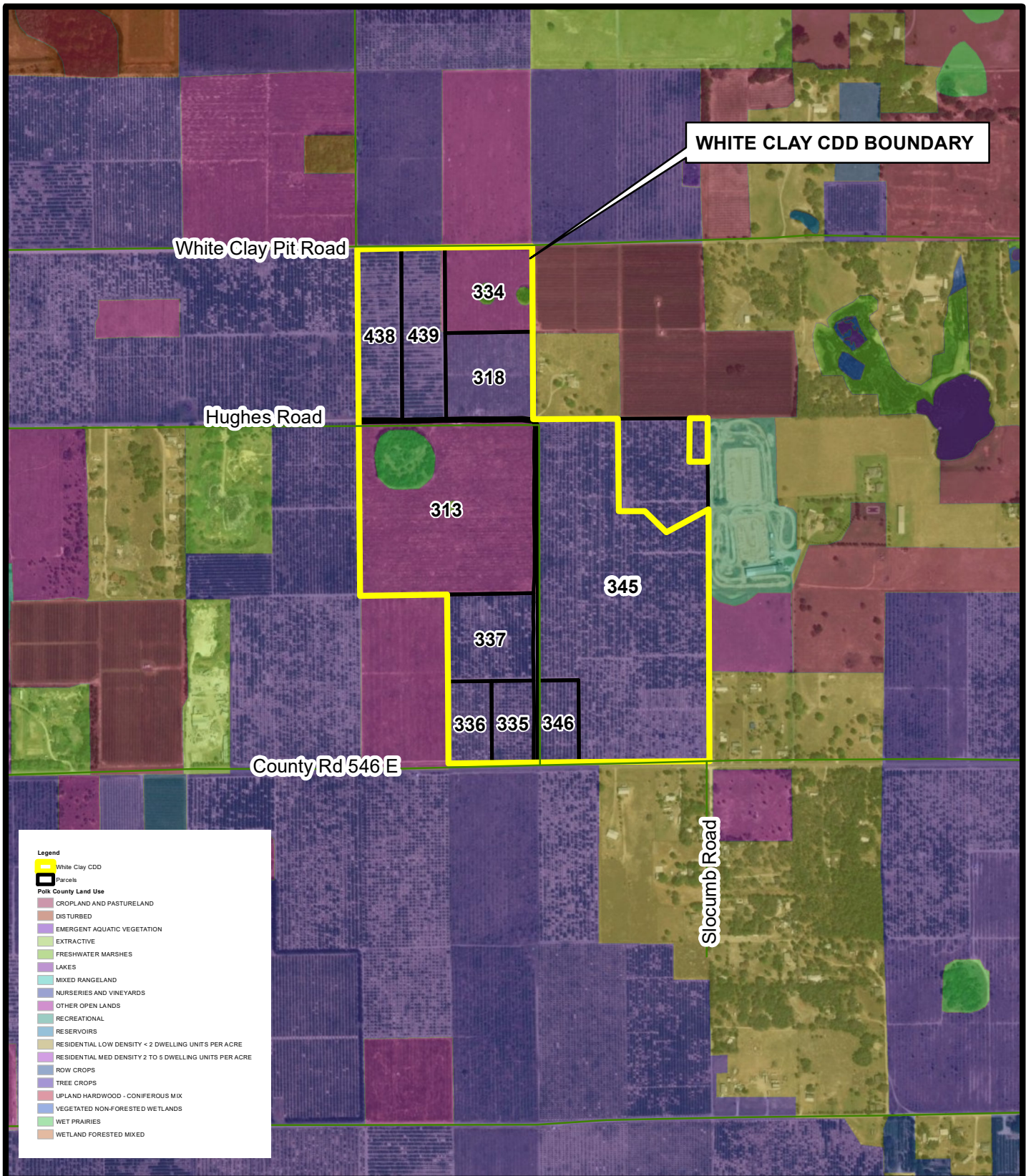
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SE1/4 OF SE1/4 OF NE1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY FLORIDA
LESS ROADWAY R/W ON S SIDE

Parcel ID No. 272810-000000-021000

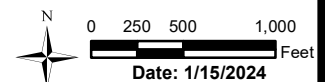
NE 1/4 of SE 1/4 OF SECTION 10, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY FLORIDA LESS
ROADWAY R/W ON N & E SIDE

4



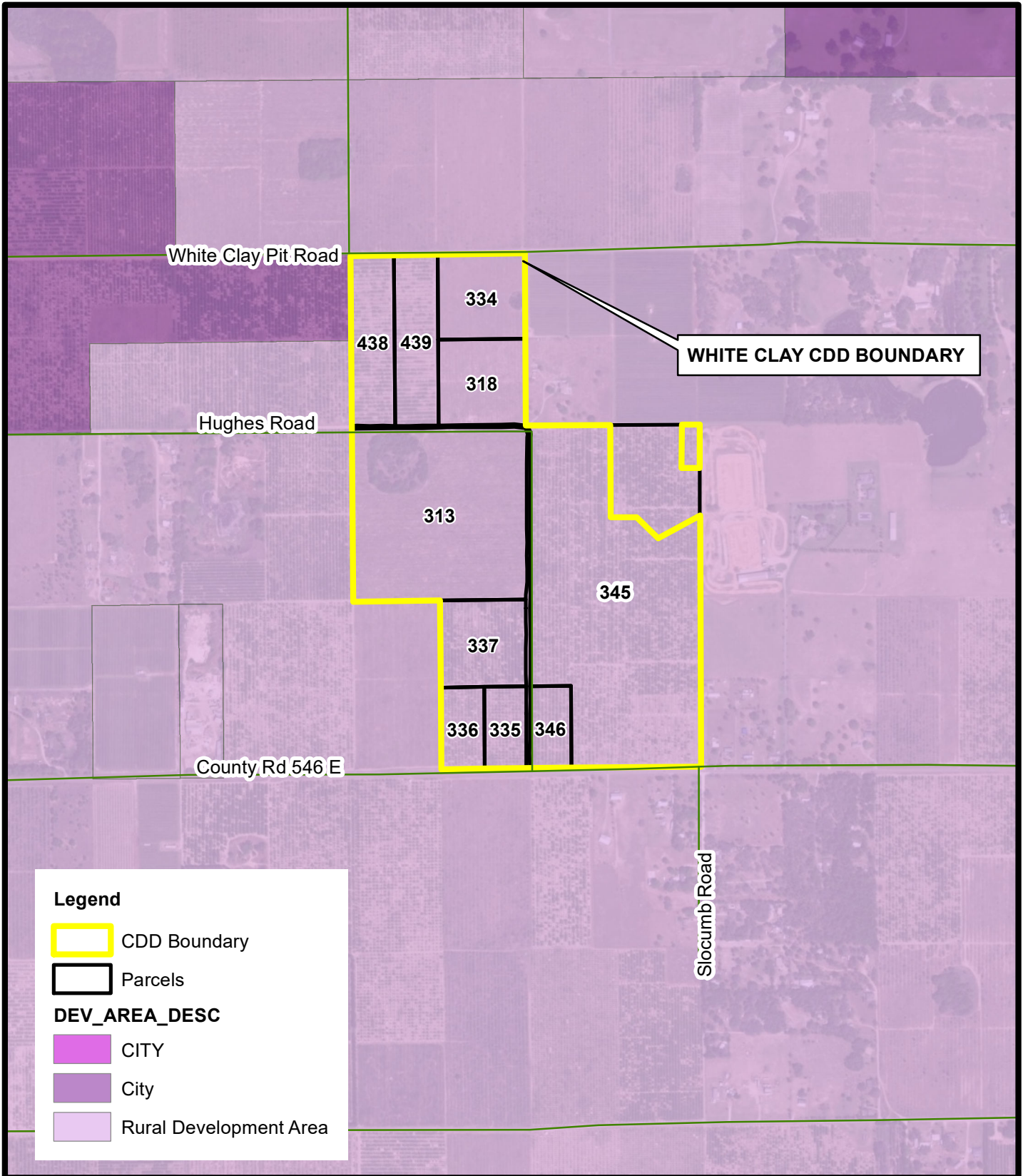
S 10 & 11, T 28S, R 27E
POLK COUNTY, FL

EXHIBIT 4 - ZONING MAP WHITE CLAY CDD



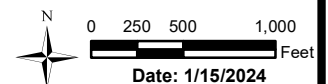
Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

5



S 10 & 11, T 28S, R 27E
POLK COUNTY, FL

EXHIBITS 5 - FUTURE LAND USE MAP WHITE CLAY CDD



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

6

Utilities to be coordinated with Haines City

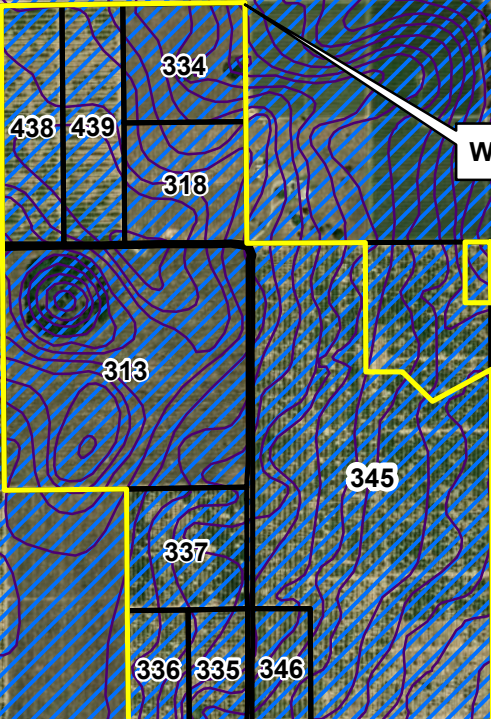
White Clay Pit Road

WHITE CLAY CDD BOUNDARY

Hughes Road

County Rd 546 E

Stocumb Road



Legend

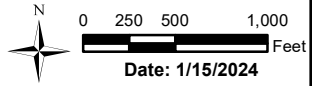
- White Clay CDD
- Parcels
- USGS 5-ft Contours

Flood Zone

- A
- AE
- X

S 10 & 11, T 28S, R 27E
POLK COUNTY, FL

EXHIBIT 6- DRAINAGE & UTILITIES WHITE CLAY CDD



Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Composite Exhibit 7

White Clay CDD
 Composite Exhibit 7A - Summary of Proposed District Facilities

District Infrastructure	Construction	Ownership	Capital Financing*	Operation and Maintenance
Stormwater Facilities	District	District	District Bonds	District
Lift Stations/Water/Sewer	District	Haines City	District Bonds	Haines City
Street Lighting	District	District	District Bonds	District/Duke Energy
Onsite Road Construction	District	District	District Bonds	District
Offsite Road Construction	District	Polk County	District Bonds	Polk County
Entry Feature & Signage	District	District	District Bonds	District
Recreation Facilities/Amenities	District	District	District Bonds	District

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

**Composite Exhibit 7B - Cost Estimate
White Clay CDD**

Facility	Phase 1 2023-2024 403 Lots	Phase 2 2024-2025 400 Lots	Total Lots (803 Lots)
Earthwork	\$ 1,270,256	\$ 1,260,800	\$ 2,531,056
Roadway	\$ 2,444,195	\$ 2,426,000	\$ 4,870,195
Stormwater System	\$ 1,875,965	\$ 1,862,000	\$ 3,737,965
Wastewater System	\$ 1,933,594	\$ 1,919,200	\$ 3,852,794
Potable Water Distribution System	\$ 1,094,951	\$ 1,086,800	\$ 2,181,751
Reclaimed Water Distribution System	\$ 700,011	\$ 694,800	\$ 1,394,811
Electrical Undergrounding	\$ 957,528	\$ 950,400	\$ 1,907,928
Landscape & Hardscape	\$ 1,172,730	\$ 1,164,000	\$ 2,336,730
Amenities (Cabana, Tot Lots, and Recreation Areas)	\$ 930,000	\$ 930,000	\$ 1,860,000
Offsite Improvements	\$ 4,491,589	\$ -	\$ 4,491,589
Subtotal	\$ 16,870,819	\$ 12,294,000	\$ 29,164,819
Professional Fees (10%)			\$ 2,916,482
Subtotal			\$ 32,081,301
Contingency (10%)			\$ 3,208,130
Total			\$ 35,289,431

Notes:

1. Infrastructure consists of public roadway improvements, Stormwater management facilities, master sanitary sewer lift station and utilities, entry feature, landscaping and signage, and public neighborhood parks, all of which will be located on land owned by or subject to a permanent easement in favor of the District or another governmental entity.
2. Excludes grading of each lot in conjunction with home construction, which will be provided by home builder.
3. Includes Stormwater pond excavation. Does not include the cost of transportation of fill for use of private lots.
4. Includes sub-grade, base, asphalt paving, curbing, and civil/site engineering.
5. Includes subdivision infrastructure and civil/site engineering.
6. Stormwater does not include grading associated with building pads.
7. Estimates are based on 2023 cost.
8. Includes entry features, signage, hardscape, landscape, irrigation and fencing.
9. CDD will enter into a Lighting Agreement with Duke Energy for the street light poles and lighting service. Includes only the incremental cost of undergrounding.
10. Estimates based on 803 lots.
11. The costs associated with the infrastructure are a master cost and is effectively shared by the entire project (All phases).

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STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **White Clay Community Development District** (the “District”). The proposed District comprises approximately 169 acres of land located within the City of Haines City, Florida (hereafter “City”). The project is planned for approximately 803 residential units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

“That the process of establishing such a district pursuant to uniform general law shall 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.”

1.2 Overview of the White Clay Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District. The District will encompass approximately 169 acres.

The development plan for the proposed lands within the District includes approximately 803 residential units to be constructed in two phases. Such uses are authorized for inclusion within the District. A community development district (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” See Section 190.002(1)(a), Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the City/County in which the CDD lies. A CDD does not have the permitting, zoning or general police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as White Clay. The scope of this SERC is limited to evaluating the consequences of approving the petition to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

According to Section 120.541(2), Florida Statutes, a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly: 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; 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 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 agency¹, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, “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, and 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 Section 288.703, Florida Statutes, and an analysis of the impact on small counties defined by Section 120.52, Florida Statutes. 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.

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

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 Adverse impact on economic growth, business competitiveness or increased regulatory costs, in excess of \$1 million.

The creation of the District will not meet any of the triggers in Section 120.541(2)(a), Florida Statutes. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 of this SERC.

3.0 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.

As noted above, the White Clay Community Development District is a community that is proposed to include approximately 803 residential units. Formation of the District would put all of these units under the jurisdiction of the District. Prior to sale of any units, all of the land owned by the developer and any other landowner will also be under the jurisdiction of the District. Such owners purchase property within the District willingly and with knowledge and advance notice they are subject to the District’s jurisdiction, including notice recorded in the public records, in title and through purchase and sale agreements.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

¹ For the purposes of this SERC, the term “agency” means City of Haines City and the term “rule” means the ordinance(s) which the City of Haines City will enact in connection with the creation of the District.

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The proposed District will encompass under 2500 acres; therefore, the County is the establishing entity under sections 190.005(2), (2)(e), Florida Statutes. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District's reports are very small, 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 189.018, Florida Statutes, the proposed District must pay an annual fee to the Florida Department of Economic Opportunity, which offsets such costs.

City of Haines City

The City and its staff will process and analyze the petition, conduct a public hearing with respect to the petition, and vote upon the petition to establish the District. These activities will absorb some resources. However, the City charges the petitioner a filing fee to cover the cost of staff review of the petition.

These costs to the City are 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 much of the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new or additional staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning charges 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 minimal. The proposed 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. Furthermore, the City will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from the City and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

4.2 Impact on State and Local Revenues

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

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the City. In accordance with Florida law, debts of the District are strictly the District's own responsibility.

5.0 A good faith estimate of the transactional costs that are likely to be incurred by individuals

and 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. It is anticipated that the entry feature and signage; master stormwater management system; sewer and water systems; street lighting/conduit; roadway improvements; parks & recreational facilities; and offsite improvements will be financed by the District.

**Table 1.
White Clay CDD Proposed Facilities and Services**

District Infrastructure	Construction	Ownership	Capital Financing*	Operation and Maintenance
Stormwater Facilities	District	District	District Bonds	District
Lift Stations/Water/Sewer	District	Haines City	District Bonds	Haines City
Street Lighting	District	District	District Bonds	District/Duke Energy
Onsite Road Construction	District	District	District Bonds	District
Offsite Road Construction	District	Polk County	District Bonds	Polk County
Entry Feature & Signage	District	District	District Bonds	District
Recreation Facilities/Amenities	District	District	District Bonds	District

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

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are shown in Table 2 below. Total development costs for these facilities are estimated to be approximately \$35,289,431. The District may issue special assessment bonds or other revenue bonds to fund the construction and/or acquisition of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties in the District that benefit from the District’s capital improvement program.

Table 2. Cost Estimate for District Facilities

Facility	Phase 1 2023-2024 403 Lots	Phase 2 2024-2025 400 Lots	Total Lots (803 Lots)
Earthwork	\$1,270,256	\$1,260,800	\$2,531,056
Roadway	\$2,444,195	\$2,426,000	\$4,870,195
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Subtotal	\$32,081,301
Contingency (10%)	\$3,208,130
<hr/>	
Total	\$35,289,431

Landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose non-ad valorem assessments to fund the operation and maintenance of the District and its facilities and services.

It is important to recognize that buying property in the District is completely voluntary. Ultimately, all owners and users of property within the District choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A CDD provides property owners with the option of having a higher level of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community facilities and services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, or through developer equity and/or bank loans.

In considering these costs it shall be noted that the lands to be included within the District will receive four major classes of benefits.

First, the property in the District will receive a higher level of public services sooner than would otherwise be the case.

Second, the proposed District is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. 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, the proposed District is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the County’s overall requirements.

Fourth, the proposed District has the ability to maintain infrastructure better than a Homeowners’ Association (“HOA”) because it is able to offer a more secure funding source for maintenance and repair costs through assessments collected on the county tax bill pursuant to section 197.3632, Florida Statutes.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section

120.52, Florida Statutes.

There will be no adverse impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts, affording small businesses the opportunity to bid on District work, and may also result in a need for additional retail and commercial services that afford small businesses and opportunity for growth.

The City has an estimated un-incarcerated population that is greater than 10,000 according to the 2020 U.S. Census. Therefore, the City is not defined as a “small city” according to section 120.52(19), Florida Statutes.

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.

8.0 In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency as described in section 120.541(1)(a), Florida Statutes.

Prepared by:

Governmental Management Services - Central Florida, LLC

November 14, 2023, revised December 4, 2023 and January 11, 2024

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Authorization of Agent

This letter shall serve as a designation of Jennifer Kilinski, Esq., whose address is Kilinski | Van Wyk PLLC, 517 E. College Avenue, Tallahassee, Florida 32301, to act as agent for CH Dev, LLC, a Florida limited liability company, with regard to any and all matters pertaining to the petition to the City Commission of the City of Haines City to establish a community development district pursuant to Chapter 190, *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

DATE: 11/08/2023

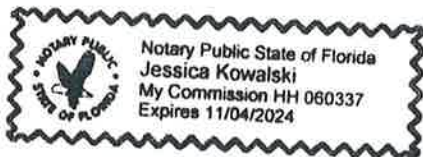
CH DEV, LLC


a Florida limited liability company


By: Albert B. Cassidy
Its: Manager

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of November 2023, by Albert B. Cassidy, as Manager of CH DEV, LLC, on behalf of the company.




(Official Notary Signature & Seal)
Name: Jessica Kowalski
Personally Known
OR Produced Identification _____
Type of Identification _____