

ORDINANCE 2003 - 46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, ESTABLISHING, ON THE PROPOSED PROPERTY KNOWN AS THE STEVENS PLANTATION AND FURTHER DESCRIBED HEREIN, AND RECOGNIZING, THE COMMUNITY DEVELOPMENT DISTRICT, CREATED AND CHARTERED BY UNIFORM GENERAL LAW, THE UNIFORM COMMUNITY DEVELOPMENT DISTRICT ACT OF FLORIDA, CHAPTER 190, FLORIDA STATUTES (2001 AND HEREAFTER); ACKNOWLEDGING THE UNIFORM DISTRICT CHARTER EXPRESSED IN SECTIONS 190.006-190.041, FLORIDA STATUTES, AND AS REFERENCED AND PROVIDED BY SECTION 190.004(4), FLORIDA STATUTES, AND CONFIRMED BY SECTION 189.4031(2), FLORIDA STATUTES; ESTABLISHING THE DISTRICT (ON THE PROPERTY PROPOSED IN THIS PETITION) AND DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; AND, DESIGNATING THE PROPOSED LAND AREA WITHIN WHICH THE DISTRICT MAY MANAGE AND FINANCE ITS BASIC INFRASTRUCTURE, SYSTEMS, FACILITIES, SERVICES, IMPROVEMENTS AND PROJECTS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of St. Cloud, Florida has received notice of intent to file a petition for Establishment of a Community Development District, herein after the "District", as provided pursuant to Chapter 190, Florida Statutes from the entities, owners and prospective owners of the property described in Exhibit A, attached hereto and collectively referred to as the Stevens Plantation; and

WHEREAS, the decision of the City Council to establish the District is a quasi-legislative decision authorized by Chapter 190, F.S. and the City of St. Cloud's home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City of St. Cloud has reviewed factors as required by Chapter 190, F.S. and will consider such factors prior to the final adoption of the subject ordinance, and upon such review has determined that the establishment of the District is in the best interest of the City of St. Cloud, for the orderly growth of the City in an efficient manner for their existing and future health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, IN LAWFUL SESSION ASSEMBLED, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT AND CONSIDERATIONS. The City of St.

Cloud has reviewed the petition and the following considerations and makes the following

Findings of Fact:

- a. The Statements contained with petition of August 14, 2003, are true and correct.
 - b. The petition is consistent with the City's comprehensive plan.
 - c. The area of land within the District is of sufficient size, sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community.
 - d. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
-
- e. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.
 - f. The area to be served by the District is amenable to separate special special-district government.

SECTION 2. ESTABLISHMENT OF DISTRICT. Based on the above findings and consideration, the City Council of the City of St. Cloud does hereby establish the Stevens Plantation Community Development District, hereinafter the "District" for all purposes consistent with, and as authorized by Chapter 190, F.S. and all other applicable law. The City does further hereby acknowledge the uniform district charter set forth in Chapter 190, F.S.

SECTION 3. ESTABLISHMENT OF DISTRICT BOUNDARY. The boundary for the District shall include and incorporate all property as more particularly described in Exhibit A, attached hereto and incorporated herein. all such being located within the municipal boundaries of the City of St. Cloud.

SECTION 4. APPOINTMENT OF INITIAL BOARD OF SUPERVISORS.

The City Council does hereby appoint the following individuals as the initial Board of Supervisors to serve for a period not to exceed Ninety (90) days after the creation of the District upon which a new Board of Supervisors will be elected as provided by law. The initial Board of Supervisors shall be:

- a. Paul G. Kaskey
- b. Tom Hurt
- c. Michael Turner
- d. David Nearing
- e. Daniel F. Mantzaris

SECTION 5. CHARTER. The District shall be governed by the provisions of Chapter 190, Florida Statutes (2003) as amended. The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included in the Petition and Chapter 1900, Florida Statutes, any or all of the special powers set forth in Section 190.0012(1), Florida Statutes.

In addition, the City Council of the City of St. Cloud hereby consent to the District Board exercising the following special powers specified in Section 1900.0012(2), Florida Statutes. To plan, establish, acquire, construct and reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses.

SECTION 6. CITY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The District shall be governed by the development and construction standards of

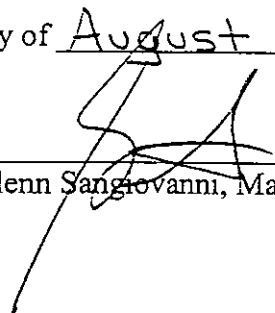
the City of St. Cloud Comprehensive Plan and the City of St. Cloud Land Development Code on its construction as if it were a developer.

SECTION 7. SEVERABILITY AND REPEAL. All ordinances, agreements, or resolutions and parts thereof in conflict herewith to the extent of such conflicts are hereby repealed. If any phrase, clause, sentence, paragraph, section or subsection of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.


SECTION 9. RECORDING. A certified copy of the ordinance may be filed with the Clerk of the Circuit Court of Osceola County, Florida, and duly recorded among the Public Records of Osceola County, Florida.

PASSED and ADOPTED this 21st day of August, 2003.

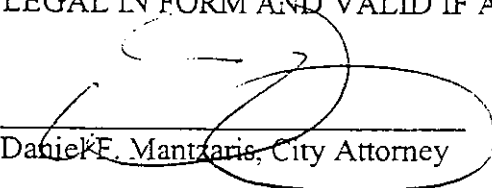


Glenn Sangiovanni, Mayor

ATTEST:


Lori D. McCorkle, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED



Daniel F. Mantzaris, City Attorney

Exhibit 'A' to Ordinance 2003-46

GERTRUDE STEVENS PROPERTY

Lots 112, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 10, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 1, of the Public Records of Osceola County, Florida;

Lots 67 and 78, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 15, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

Including any and all adjacent Rights of Way.

BILL STEVENS PROPERTY

Lot 84, The Seminole Land & Investment Company's (Incorporated) Subdivision of Section 15, Township 26 S, Range 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

Including any and all adjacent Rights of Way.

MILLER PROPERTY

Lots 69 and 76, Seminole Land & Investment Company's (Incorporated) Subdivision of Section 15, Township 26 S, Range 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

Including any and all adjacent Rights of Way.

MARY A. STEVENS CORPORATION PROPERTY

Lots 52, 61, 62, 67, 68, 77, 78, 83, 84, 93, 94, 97, 98, 99, 100, 109, 110, 111, 113, 114, 115, 116, 125, 126, 127 and 128, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 10, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 1, of the Public Records of Osceola County, Florida;

Lots 1, 2, 3, 5, 9, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 66, 68, 70, 71, 72, 73, 74, 75, 77, 79, 80, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 98, 99, 100, 101, 102, and 103, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 15, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

LESS AND EXCEPT: That portion of Lots 5, 9, 10, 11 and 12, conveyed to the City of St. Cloud, Florida, pursuant to Corporate Warranty Deed recorded in Official Records Book 1317, Page 861, of the Public Records of Osceola County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of Section 15, Township 26 South, Range 30 East; run thence S. 89E59'41"E., 2221.56 feet, along the North line of said Section 15; run thence S.00E25'18"E., 400.00 feet; run thence N.89E59'41"W. 2221.56 feet, to a point on the West line of said Section 15; run thence N.00E25'18"W., 400.00 feet, along the West line of said Section 15 to the Point of Beginning;

Including any and all adjacent Rights of Way.

HALL/ESTES PROPERTY

Lot 48, of Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East, as filed and recorded in Plat Book B, Page 6, of the Public Records of Osceola County, Florida; LESS the East 30.00 feet thereof for road right of way.

AND

All of Lots 34,47.50, of aforesaid Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East;

AND

Lot 63, of said Seminole Land and Investment Company's Survey of Section 15, Township 26 South, Range 30 East; LESS AND EXCEPT that portion of Lot 63, described as follows: Beginning at the Southwest corner of said lot 63, run East on the South line of said Lot, 128.65 feet; run thence North, parallel with the East line of said Lot 63, approximately 316 feet, to the North line of said Lot 63; run thence West 128.65 feet, to the West line of Lot 63; run thence South, approximately 316 feet, to the point of beginning.

Including any and all adjacent Rights of Way.

**CITY COUNCIL
ST. CLOUD, FLORIDA**

RE: PROPOSED ORDINANCE PURSUANT
TO SECTION 190.005(2), FLORIDA
STATUTES TO ESTABLISH ON
PROPERTY PROPOSED IN THE
PETITION THE STEVENS
PLANTATION COMMUNITY
DEVELOPMENT DISTRICT:

**PETITION FOR ESTABLISHMENT BY CITY
ORDINANCE OF A COMMUNITY DEVELOPMENT DISTRICT
ON PROPERTY PROPOSED IN THE PETITION**

Petitioner, CITY OF ST, CLOUD, by and through its undersigned City Manager, petitions the CITY COUNCIL OF ST. CLOUD, FLORIDA (the "Council"), to adopt an ordinance: establishing, on the property hereinafter described the community development district ("District"), created and chartered by Uniform General Law, the Uniform Community Development District Act of Florida, Chapter 190, Florida Statutes (2003 and hereafter); acknowledging the uniform district charter expressed in Sections 190.006-190.041, Florida Statutes, and as referenced and provided by Section 190.004(4), Florida Statutes; establishing the District (on the property proposed in this petition) and designating the initial members of the district Board of Supervisors; and, designating the proposed land area within which the District may manage and finance its basic infrastructure, systems, facilities, services, improvements and projects. In support whereof Petitioner submits:

1. Petitioner is Paul G. Kaskey, City Manager, on behalf of the CITY OF ST. CLOUD, a municipal corporation of the State of Florida, which has its principal place of business at 1300 Ninth Street, St. Cloud, Florida.

2. The land area to be included within the District is located wholly within the boundaries of St. Cloud, Florida. The land area is bounded on the north by a canal and residential property; the east by Canoe Creek Road; the south by improved residential property; and, on the west by improved residential property, and comprises approximately 590 contiguous acres, more or less. A map showing the location of the land area proposed to be serviced by the District is attached as Exhibit "1."

3. A metes and bounds legal description of the proposed external boundaries of the District is attached as Exhibit "2." There is no real property within the proposed boundaries of the District that is to be excluded from the jurisdiction of the District.

4. Attached as Exhibit "3" is documentation constituting written consent to the establishment of the District by the owners of one hundred percent (100%) of the real property to be included in the land area proposed to be serviced by the District.

5. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, who are citizens of the United States, residents of the State of Florida and who shall serve in that office until replaced by elected members as provided in Section 190.006, Florida Statutes, are:

- (1) Paul G. Kaskey
- (2) Tom Hurt
- (3) Michael Turner
- (4) David Nearing
- (5) Daniel F. Mantzaris

6. The proposed name of the District is the "Stevens Plantation Community Development District."

7. A map of the land area proposed for the District, showing current major trunk water mains, sewer interceptors, utilities and outfalls, if any, is attached as Exhibit "4".

8. The proposed timetable and the estimated related costs of construction and provision of District systems, facilities and services (which are contemplated by Petitioner to be proposed to the District Board of Supervisors, if the District is established), and based upon available data which are subject to change, is attached as Exhibit "5".

9. Osceola County and the City of St. Cloud have adopted all mandatory elements of their respective Local Government Comprehensive Plans ("Plans") in accordance with requirements of Chapter 163, Florida Statutes, and Osceola County and the City of St. Cloud have completed their revised plan for minimum criterion review pursuant to *Chapter 9J-5, Florida Administrative Code*.

Attached as Exhibit "6-A" is a copy of the suburban designation as set forth in the text of the Future Land Use Element of the 2002 Plan. Attached as Exhibit "6-B" is a copy of the Future Land Use map showing the future general distribution, location and extent of public and private uses of land contemplated by the local government comprehensive plan of Osceola County for the land area proposed to be serviced by the District. Additionally, a copy of the entire 2002 Plan, as amended, is on file with the staff of the Council for its review and consideration. Exhibit "6-C" is a copy of a letter from the Florida Department of Community Affairs reflecting that the 2002 Plan is in compliance. Exhibit "6-D" is in the State Notice of Intent. The proposed public and private uses for the lands within the proposed District are in compliance with, and not inconsistent with, the applicable comprehensive plans.

10. A Statement of Estimated Regulatory Costs (“SERC”) of the Council’s granting this Petition, and the establishment by City Council ordinance on the property proposed in the petition of the state uniform and exclusive created and chartered District pursuant thereto, in accordance and in compliance with sections 190.005(1)(a)(8) and 120.541, Florida Statutes, is attached as Exhibit “7.”

11. Petitioner attaches, as Exhibit “8” to this Petition, discussions by qualified professionals providing information for use by the Council and its staff in consideration of the six factors for establishment of the District on the proposed property:

A. The Petition hereby affirms that all of the statements contained herein are true and correct, in compliance with Sections 190.005(2)(a), Florida Statutes, 190.005(1)(e)1., Florida Statutes (See Exhibit “8”).

B. As according to the Future Land Use element of the Plan, the future land use designation for the land area proposed to be included in the District is mixed use as specified in Exhibit “6”. The District, if established on the proposed property, would not be inconsistent (and in fact, is consistent) with the policies under the suburban future land use category of the Plan, and specifically Policies. For a further discussion on these matters and related applicable Plan matters and also the State Comprehensive Plan, please reference Exhibit “8”. See §190.005(2)(a), Florida Statutes; §190.005(1)(e)2., Florida Statutes.

C. The land area proposed to be included within the District is comprised of approximately 590 contiguous acres which are of sufficient size, sufficiently compact and contiguous sufficiently to be developable as one functional, interrelated community as discussed in Exhibit “8”. See §190.005(2)(a), Florida Statutes; §190.005(1)(e)3., Florida Statutes.

D. The District is the best alternative available for delivering community development services, systems, and facilities to the entities to be served by the District. §190.005(1)(e)4., Florida Statutes

E. The community development systems, facilities and services to be provided by the District on the proposed property will supplement, and will not in any way be incompatible with, existing roads and other local and regional community development systems, facilities and services on the proposed property. This matter is described further in Exhibit "8". See § 190.005(2)(a), Florida Statutes ; §190.005(1)(e)5., Florida Statutes.

F. The area proposed to be served by the District is amenable to separate special district government in the light of the information to be considered regarding the other factors. This matter is described further in Exhibit "8". See §190.005(2)(a), Florida Statutes; §190.005(1)(e)6, Florida Statutes.

G. Because the information in the Petition is true and correct; because establishment is not inconsistent with applicable local or state comprehensive plans; because the land area is of sufficient size and compactness, and is contiguous sufficiently, to be developable as one functional interrelated community; because the systems, facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development systems, facilities and services; because the land area proposed to be served by the District is amenable to separate special district government; and because, if established on the proposed property, following the procedures in Section 190.005(2), Florida Statutes, the District will constitute under Section 190.002(1)(b). Florida Statutes, a mechanism for timely, efficient, effective, responsive and economic delivery of its systems, facilities and

services; the District is, therefore, the best alternative available for delivering these systems, facilities and services to the proposed property in light of the services, systems and facilities which would be provided otherwise as discussed in more detail in Exhibit "8". See § 190.005(2)(a), Florida Statutes; § 190.005(1)(e)4, Florida Statutes.

WHEREFORE, Petitioner requests respectfully the Council to:


A. Direct staff to notice, as soon as practicable, a local, public, non-emergency and information-gathering ordinance hearing pursuant to the requirements of Section 190.005(2)(c), Florida Statutes, on the subject of whether to grant this Petition for the establishment on the proposed land area of the Stevens Plantation Community Development District and to enact the ordinance establishing the District on the proposed property.

B. Grant this Petition and adopt the ordinance to establish the District in conformity herewith: to designate expressly in the establishing ordinance the land area to be served by the District, the name of the District and the initial members of the Board of Supervisors of the District and to recognize expressly in the ordinance, by statutory citation, that the uniform and exclusive general law charter of the District was created by the Florida Legislature in Sections 190.006-190.041, Florida Statutes, as provided also in Section 190.004(4), Florida Statutes, and confirmed and provided further in Section 189.4031(2), Florida Statutes. Providing finally that with regard to any future specific consent by the city to the exercise by the District of any of such special granted powers in its general law charter, the legal existence and authority of the District, as created by state law and as established on the proposed property by this ordinance, shall have been decided upon its establishment.

RESPECTFULLY SUBMITTED this 14th day of AUGUST, 2003.



~~PETITIONER~~



~~DANIEL F. MANTZARIS~~
Florida Bar Number 562327
BART R. VALDES
Florida Bar number 0323380
de Beaubien, Knight, Simmons,
Mantzaris & Neal, L.L.P.
332 North Magnolia Avenue
Orlando, Florida 32802-0087
Tel: (407) 422-2454/Fax: (407) 992-3541
Attorneys for Petitioner



PROPERTY EXHIBIT
STEVENS PLANTATION

NORTH PARCEL - 159.893 ACRES %
SOUTH PARCEL - 425.701 ACRES %
TOTAL OVERALL - 585.594 ACRES %

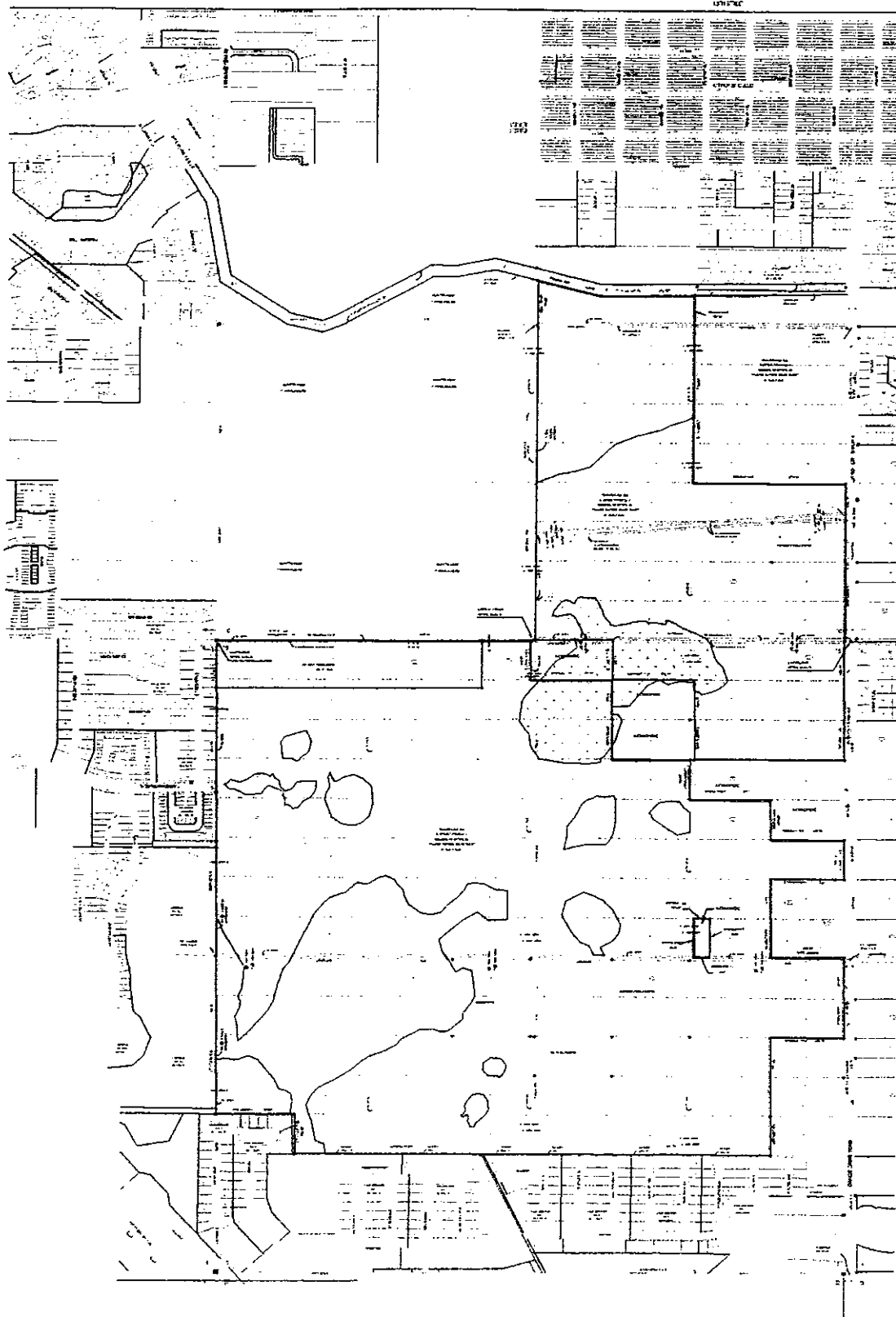


Exhibit 2
Petition for CDD

GERTRUDE STEVENS PROPERTY

Lots 112, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 10, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 1, of the Public Records of Osceola County, Florida;

Lots 67 and 78, THE SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 15, TOWNSHIP 26 S, RANGE 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

Including any and all adjacent Rights of Way.

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Including any and all adjacent Rights of Way.

MARY A. STEVENS CORPORATION PROPERTY

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LESS AND EXCEPT: That portion of Lots 5, 9, 10, 11 and 12, conveyed to the City of St. Cloud, Florida, pursuant to Corporate Warranty Deed recorded in Official Records Book 1317, Page 861, of the Public Records of Osceola County, Florida, being more particularly described as follows;

Beginning at the Northwest corner of Section 15, Township 26 South, Range 30 East; run thence S. 89E59'41"E., 2221.56 feet, along the North line of said Section 15; run thence S.00E25'18"E., 400.00 feet; run thence N.89E59'41"W. 2221.56 feet, to a point on the West line of said Section 15; run thence N.00E25'18"W., 400.00 feet, along the West line of said Section 15 to the Point of Beginning;

Including any and all adjacent Rights of Way.

HALL/ESTES PROPERTY

Lot 48, of Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East, as filed and recorded in Plat Book B, Page 6, of the Public Records of Osceola County, Florida; LESS the East 30.00 feet thereof for road right of way.

AND

All of Lots 34,47.50, of aforesaid Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East;

AND

Lot 63, of said Seminole Land and Investment Company's Survey of Section 15, Township 26 South, Range 30 East; LESS AND EXCEPT that portion of Lot 63, described as follows: Beginning at the Southwest corner of said lot 63, run East on the South line of said Lot, 128.65 feet; run thence North, parallel with the East line of said Lot 63, approximately 316 feet, to the North line of said Lot 63; run thence West 128.65 feet, to the West line of Lot 63; run thence South, approximately 316 feet, to the point of beginning.

Including any and all adjacent Rights of Way.

**NOTICE OF CONSENT TO SUBMIT
PROPERTY TO STEVENS PLANTATION
COMMUNITY DEVELOPMENT DISTRICT**

THIS INSTRUMENT, is made this 14th day of August 2003, by the undersigned on behalf of the CITY OF ST. CLOUD, FLORIDA, A Municipal Corporation:

WITNESSETH, NOTICE is hereby given that the CITY OF ST. CLOUD as owner of the property described herein does hereby consent to the inclusion of the subject property in the proposed Stevens Plantation Community District, or its successor, and that said property shall be subject to all of the obligations and entitled to all of the rights thereof;

Legal Description of Property to be included:

Lots 69 and 76, Seminole Land & Investment Company's (Incorporated) Subdivision of Section 15, Township 26 S, Range 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;


Lot 84, The Seminole Land & Investment Company's (Incorporated) Subdivision of Section 15, Township 26 S, Range 30 E, according to the plat thereof, as recorded in Plat Book "B", Page 6, of the Public Records of Osceola County, Florida;

Including any and all adjacent Rights of Way.

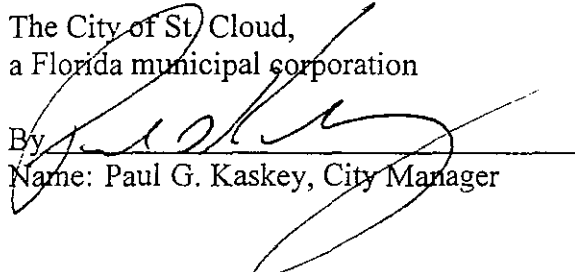
IN WITNESS THEREOF, OWNER's undersigned representative has hereunto set his hand the day and year first above written.

Attest:

The City of St. Cloud,
a Florida municipal corporation

By: 
Name: Loti L. McCorkle, City Clerk

Date: 8-14-03

By: 
Name: Paul G. Kaskey, City Manager

**NOTICE OF CONSENT TO SUBMIT
PROPERTY TO STEVENS PLANTATION
COMMUNITY DEVELOPMENT DISTRICT**

THIS INSTRUMENT, Is Made this 21st day of August 2003, by the undersigned representative of TBH Development, LLC:

WITNESSETH, NOTICE is hereby given that TBH Development LLC ("TBH") as owner of the property described herein does hereby consent to the inclusion of the subject property in the proposed Stevens Plantation Community District ("CDD"), or its successor, and that said property shall be subject to all of the obligations and entitled to all of the rights thereof;

Legal Description of Property to be included:

Lot 48, of Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East, as filed and recorded in Plat Book B, Page 6, of the Public Records of Osceola County, Florida; LESS the East 30.00 feet thereof for road right of way. AND All of Lots 34,47.50, of aforesaid Seminole Land and Investment Company's Plat and Survey of Section 15, Township 26 South, Range 30 East; AND Lot 63, of said Seminole Land and Investment Company's Survey of Section 15, Township 26 South, Range 30 East; LESS AND EXCEPT that portion of Lot 63, described as follows: Beginning at the Southwest corner of said lot 63, run East on the South line of said Lot, 128.65 feet; run thence North, parallel with the East line of said Lot 63, approximately 316 feet, to the North line of said Lot 63; run thence West 128.65 feet, to the West line of Lot 63; run thence South, approximately 316 feet, to the point of beginning. Including any and all adjacent Rights of Way.

Notwithstanding the above, at any time prior to the expiration of TBH's due diligence period in its Contract for Purchase and Sale with the City of St. Cloud ("Agreement") to purchase additional property in the CDD and TBH's election to not go forward with that Agreement, TBH shall have the right to remove the subject property from the CDD and shall be relieved of any obligations or entitlements of the CDD.


IN WITNESS THEREOF, OWNER has hereunto set its hand and seal the day and year first above written.

PROPERTY OWNER(S):

Attest:

By: 
Name: Corporate Secretary

TBH Development, LLC

By: 
Title: managing member

**THIRD ADDENDUM TO CONTRACT FOR SALE AND PURCHASE BETWEEN
CITY OF ST. CLOUD AND MARY A. STEVENS CORPORATION**

This Addendum is to that certain Contract for Sale and Purchase dated November 14, 2002, as previously amended by (i) that certain First Addendum to Contract for Sale and Purchase dated November 27, 2002, and (ii) that certain Second Addendum to Contract for Purchase and Sale dated effective as of June 26, 2003 (collectively, the "Agreement"), between THE CITY OF ST. CLOUD, FLORIDA, hereinafter referred to as "Buyer" and MARY A. STEVENS CORPORATION, hereinafter referred to as "Seller". The parties, in consideration of the mutual covenants contained herein and in the Agreement, agree as follows:

1. This Addendum expressly modifies the Agreement, and in the event of a conflict, the terms and conditions of this Addendum shall prevail.

2. **Creation of Community Development District and Dependent Special District.**

Seller does hereby consent to and agrees and authorizes Buyer to pursue and complete on Seller's behalf and at Buyer's sole expense creation of a Community Development District pursuant to Chapter 190, Florida Statutes and a Dependent Special District pursuant to Chapter 189, Florida Statutes (together, the "Districts") to incorporate and include the subject Property (as defined in the Agreement). Seller agrees to cooperate with Buyer, at no cost to Seller, to accomplish said creation of the Districts, including the execution of all documents reasonably necessary to complete the creation of the Districts. Seller's consent herein is expressly conditioned upon the understanding that (i) no assessments will be placed on the Property until after of the consummation of the sale of the Property contemplated by the Agreement (the "Closing") and (ii) the Districts shall make no improvements to or affecting the Property until after Closing.

3. **Dissolution of Districts.** Buyer agrees that in the event the Districts have been annexed into the City and the sale contemplated in the Agreement is not completed due to Buyer's failure to perform or Buyer's termination, then Buyer will, at its expense within six months after the termination of the Agreement, initiate and complete the dissolution of the Districts. In conjunction therewith and as a condition precedent to Buyer's obligation hereunder, Seller shall cooperate with Buyer, at no cost to Seller, to accomplish said contraction, including execution of all documents reasonably necessary to complete such dissolution.

4. **Escrow Deposit.** To ensure compliance with the obligations set forth in Section 3 above, and as Seller's sole and exclusive remedy in the event that Buyer fails to perform, the conditions set forth in paragraph 4 of the First Addendum to the Agreement shall be applicable to this Addendum, including but not limited to the terms of the Escrow Agreement dated November 27, 2002, by and among Buyer, Seller and the law firm of DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP (the "Escrow Agreement"), and the Escrow Agreement is hereby amended to provided that in the event that the Districts have been organized and Buyer has terminated the Agreement or a default by Buyer thereunder has resulted in Seller's termination of the Agreement, and Buyer has failed to timely act as set forth in paragraph 3 above, that Escrow Agent shall release

the funds held pursuant to the Escrow Agreement to Seller; provided, however, that any such release of the escrowed funds shall not relieve Buyer of its obligation to complete dissolution of the Districts.

5. **Lease.** The Lease is hereby amended to add the following to paragraph 6 thereof: "Notwithstanding the foregoing, in no event shall Lessee's obligation to pay taxes and assessments, including without limitation any and all assessments of any Community Development District organized pursuant to Chapter 190, Florida Statutes, or any Dependent Special District organized pursuant to Chapter 189, Florida Statutes, exceed the amount of taxes and assessments levied against the Premises for 2003."

6. All other terms and conditions set forth in the Agreement shall remain in full force and effect and unchanged as agreed to by the parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum for the purposes herein expressed on the dates set forth below.

Attest:

The City of St. Cloud,
a Florida municipal corporation

By: *Lori L. McCorkle*
Name: Lori L. McCorkle, City Clerk
Date: 8-21-03

By: *Paul G. Kasky*
Name: Paul G. Kasky, City Manager
Date: 8-21-03

Attest:

MARY A. STEVENS CORPORATION,
a Florida corporation

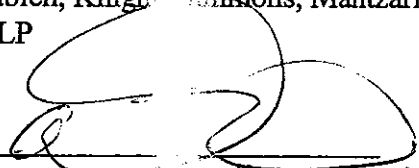
By: *Gertrude Stevens*
Name: Gertrude Stevens
Title: Secretary

By: *William A. Stevens*
Name: William A. Stevens
Title: President

JOINDER OF ESCROW AGENT

DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP, hereby joins in to the foregoing Third Addendum for the purpose of consenting to the amendment to the Escrow Agreement, as provided in paragraph 4 above.

DeBeaubien, Knight, Simmons, Mantzaris &
Neal, LLP

By: 
Name: Daniel Mantzaris
Title: Partner

**THIRD ADDENDUM TO CONTRACT FOR SALE AND PURCHASE BETWEEN
CITY OF ST. CLOUD AND GERTRUDE STEVENS**

This Addendum is to that certain Contract for Sale and Purchase dated November 14, 2002, as previously amended by (i) that certain First Addendum to Contract for Sale and Purchase dated November 27, 2002, and (ii) that certain Second Addendum to Contract for Purchase and Sale dated effective as of June 26, 2003 (collectively, the "Agreement"), between THE CITY OF ST. CLOUD, FLORIDA, hereinafter referred to as "Buyer" and GERTRUDE STEVENS, hereinafter referred to as "Seller". The parties, in consideration of the mutual covenants contained herein and in the Agreement, agree as follows:

1. This Addendum expressly modifies the Agreement, and in the event of a conflict, the terms and conditions of this Addendum shall prevail.

2. **Creation of Community Development District and Dependent Special District.**

Seller does hereby consent to and agrees and authorizes Buyer to pursue and complete on Seller's behalf and at Buyer's sole expense creation of a Community Development District pursuant to Chapter 190, Florida Statutes and a Dependent Special District pursuant to Chapter 189, Florida Statutes (together, the "Districts") to incorporate and include the subject Property (as defined in the Agreement). Seller agrees to cooperate with Buyer, at no cost to Seller, to accomplish said creation of the Districts, including the execution of all documents reasonably necessary to complete the creation of the Districts. Seller's consent herein is expressly conditioned upon the understanding that (i) no assessments will be placed on the Property until after of the consummation of the sale of the Property contemplated by the Agreement (the "Closing") and (ii) the Districts shall make no improvements to or affecting the Property until after Closing.

3. **Dissolution of Districts.** Buyer agrees that in the event the Districts have been annexed into the City and the sale contemplated in the Agreement is not completed due to Buyer's failure to perform or Buyer's termination, then Buyer will, at its expense within six months after the termination of the Agreement, initiate and complete the dissolution of the Districts. In conjunction therewith and as a condition precedent to Buyer's obligation hereunder, Seller shall cooperate with Buyer, at no cost to Seller, to accomplish said contraction, including execution of all documents reasonably necessary to complete such dissolution.

4. **Escrow Deposit.** To ensure compliance with the obligations set forth in Section 3 above, and as Seller's sole and exclusive remedy in the event that Buyer fails to perform, the conditions set forth in paragraph 4 of the First Addendum to the Agreement shall be applicable to this Addendum, including but not limited to the terms of the Escrow Agreement dated November 27, 2002, by and among Buyer, Seller and the law firm of DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP (the "Escrow Agreement"), and the Escrow Agreement is hereby amended to provided that in the event that the Districts have been organized and Buyer has terminated the Agreement or a default by Buyer thereunder has resulted in Seller's termination of the Agreement, and Buyer has failed to timely act as set forth in paragraph 3 above, that Escrow Agent shall release

the funds held pursuant to the Escrow Agreement to Seller; provided, however, that any such release of the escrowed funds shall not relieve Buyer of its obligation to complete dissolution of the Districts.

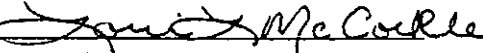
5. **Lease.** The Lease is hereby amended to add the following to paragraph 6 thereof: "Notwithstanding the foregoing, in no event shall Lessee's obligation to pay taxes and assessments, including without limitation any and all assessments of any Community Development District organized pursuant to Chapter 190, Florida Statutes, or any Dependent Special District organized pursuant to Chapter 189, Florida Statutes, exceed the amount of taxes and assessments levied against the Premises for 2003."

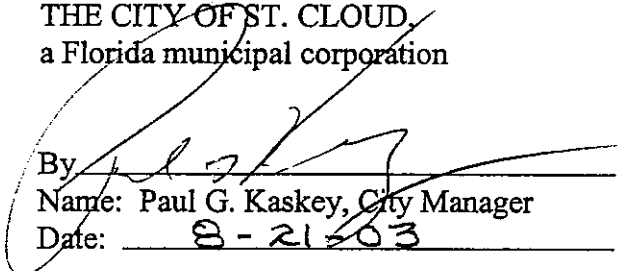
6. All other terms and conditions set forth in the Agreement shall remain in full force and effect and unchanged as agreed to by the parties.

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum for the purposes herein expressed on the dates set forth below.

Attest:

THE CITY OF ST. CLOUD,
a Florida municipal corporation

By: 
Name: Lori L. McCorkle, City Clerk
Date: 8-21-03

By: 
Name: Paul G. Kaskey, City Manager
Date: 8-21-03


GERTRUDE STEVENS

JOINDER OF ESCROW AGENT

DeBeaubien, Knight, Simmons, Mantzaris & Neal, LLP, hereby joins in to the foregoing Third Addendum for the purpose of consenting to the amendment to the Escrow Agreement, as provided in paragraph 4 above.

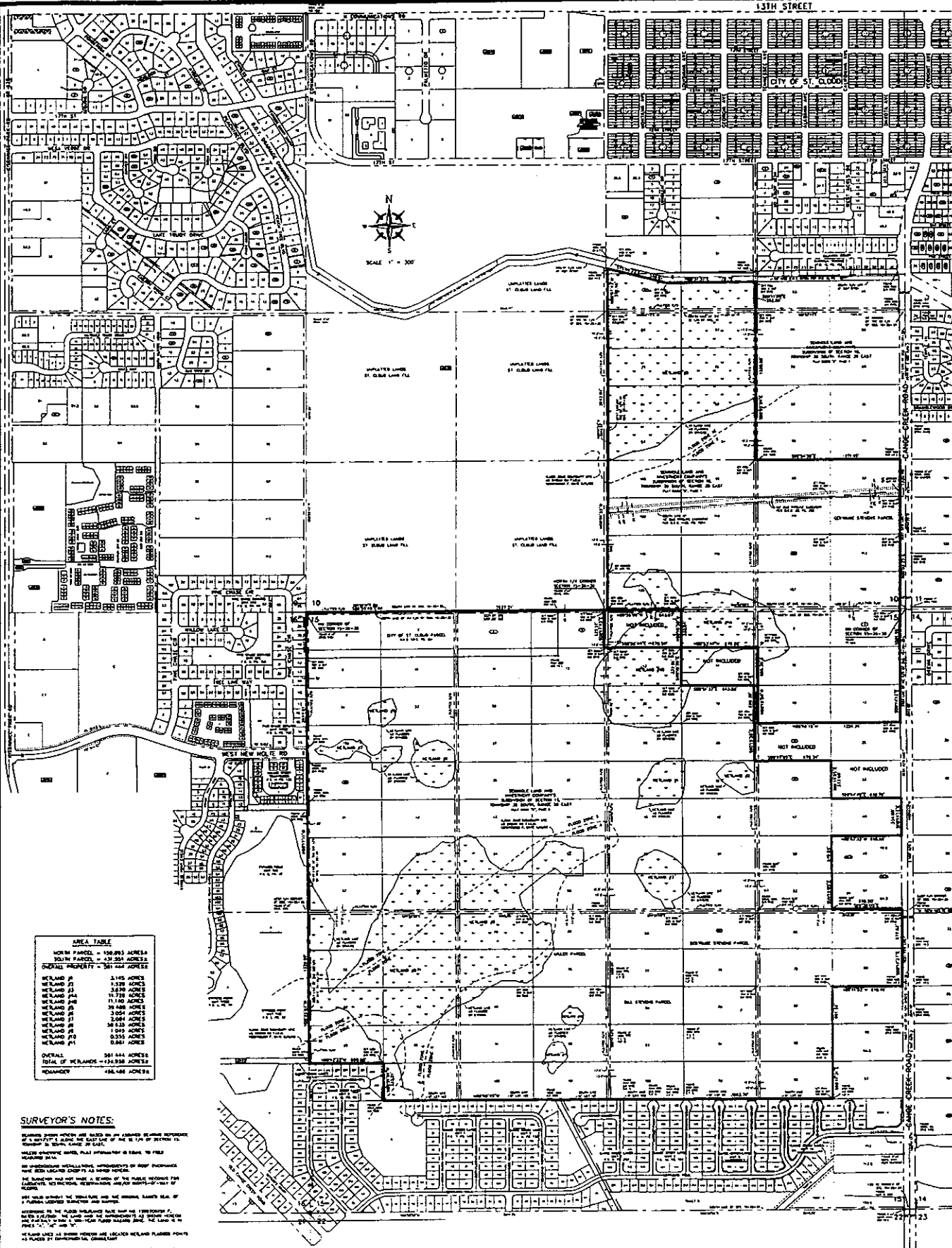
DeBeaubien, Knight, Simmons, Mantzaris &
Neal, LLP

By: 

Name: Daniel F. Mantzaris

Title: Partner

13TH STREET



SCALE 1" = 200'

AREA TABLE	
NORTH PARCELS	106,893 ACRES
SOUTH PARCELS	431,381 ACRES
TOTAL UNPLATED	538,274 ACRES
WETLANDS	
WETLAND 10	3,145 ACRES
WETLAND 11	1,379 ACRES
WETLAND 12	2,978 ACRES
WETLAND 13	11,720 ACRES
WETLAND 14	11,400 ACRES
WETLAND 15	30,186 ACRES
WETLAND 16	2,004 ACRES
WETLAND 17	2,081 ACRES
WETLAND 18	34,833 ACRES
WETLAND 19	1,095 ACRES
WETLAND 20	0,555 ACRES
WETLAND 21	0,881 ACRES
OVERALL	201,844 ACRES
TOTAL OF WETLANDS	134,938 ACRES
ROADWAY	456,486 ACRES

SURVEYOR'S NOTES:

BOUNDARY POINTS ARE BASED ON THE ADJACENT PLATTED RECORDS OF A SURVEY OF 1908 AND THE EAST LINE OF THE TOWN OF DEWEY, IN DEWEY TOWNSHIP, COUNTY OF LAKE, STATE OF IOWA.

WETLANDS WERE DETERMINED BY VISUAL INSPECTION AND PHOTOGRAPHY AND ARE SHOWN BY SHADING AND DOTTING.

NO REPRESENTATION IS MADE BY THIS SURVEY AS TO THE ACCURACY OF THE BOUNDARY POINTS OR THE AREA OF THE WETLANDS OR THE AREA OF THE ROADWAY.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

THE SURVEYOR HAS NOT BEEN ADVISED BY ANY OTHER PARTY THAT ANY OF THE WETLANDS ARE SUBJECT TO ANY RIGHTS OF OTHER PARTIES.

CERTIFICATION:

I, JOHN STONING, JR.,

Surveyor

of the State of Iowa,

do hereby certify that the foregoing is a true and correct copy of the original survey records on file in my office.

JOHN STONING, JR.

200 Third Street, Des Moines, Iowa 50319-0803

(515) 281-7270 FAX (515) 281-7270

PROJECT AREA EXHIBIT

STEVENS PLANTATION

JOHN STONING, JR. SURVEYING INC.

200 Third Street, Des Moines, Iowa 50319-0803

(515) 281-7270 FAX (515) 281-7270

SHEET # 4

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Montpelier Office

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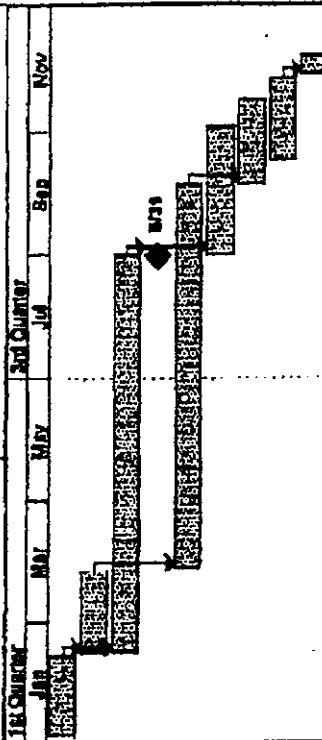
DH SARASOTA 941 366 1922

NO.424

P.2/2

**Stevens Plantation
Projected Construction Timetable**

ID	Task Name	Duration	Start	Finish
1	Mobilization	30 days	Mon 1/5/04	Fri 2/13/04
2	Excavation, Embankment, Mass Grading	30 days	Mon 2/16/04	Fri 3/26/04
3	Utilities Construction	142 days	Mon 2/16/04	Tue 8/5/04
4	North Pod Utilities Available	0 days	Tue 8/5/04	Tue 8/5/04
5	Roadway(s) Construction	137 days	Mon 8/23/04	Tue 10/5/04
6	Final Grading	45 days	Wed 9/1/04	Tue 11/2/04
7	Paint Striping, Signs	30 days	Wed 10/6/04	Tue 11/16/04
8	Revised Drawings	30 days	Mon 10/18/04	Fri 11/26/04
9	Certifications of Completion	7 days	Mon 11/29/04	Tue 12/7/04



Task

Spill

Progress

Milestones

Summary

Project Summary

External Tasks

External Milestones

Deadlines

Project: Sp drill consti schedule 03-0
Date: Wed 8/20/03

A. EXISTING LAND USE DATA AND INVENTORY

The City's existing land uses are presented on the City of St. Cloud Existing Land Use Map, **Map I-2**. **Map I-2** shows the location and distribution of land uses that have developed as of December 31, 2000.

1. Existing Land Use Categories

The following inventory details the specific existing land uses within the City:

- Agriculture/Rural land use includes those lands used for cultivation of crops; the raising, grazing, breeding, and boarding of farm animals; and horticulture activities. This land use is considered a holding category until adequate public facilities become available for more intense development.
- Low Density Residential land use includes those areas of the City where single family detached structures and residential subdivision development has occurred with four or less units per gross acre.
- Medium Density Residential land use includes those areas of the City where single-family dwellings, duplexes, mobile homes, townhouses and condominium development has occurred at densities between 4.1 and 10 units per gross acre.
- High Density Residential land use is site specific to those areas where existing residential uses exceed a density of ten (10) dwelling units per gross acre. This designation shall only be applied to those properties currently within the City which have this designation, and developed properties which are annexed but do not meet the density limitations of the Medium Density Residential land use designation. This land use designations shall not be applied to any property currently in the City with a different land use designation.
- Commercial land use includes those areas of the City where commercial development has occurred. Commercial land uses are those that provide for retail sale of items and services to the general public such as shopping centers, retail stores, restaurants, automobile service facilities, and similar uses. Also allowed in the commercial land use designation are areas for offices and the provision of services.
- Industrial land use includes those areas of the City where light and heavy industrial development has occurred.
- Public/Institutional land use includes publicly owned lands, such as schools, civic and cultural sites, utility plants, and transportation facilities. This category also includes quasi-public lands such as franchise utility facilities, hospitals, churches, schools, institutions, etc.
- Private/Institutional land use includes those areas of the City which consist of general, professional and medical office uses, including those services generally provided in an office park campus. Also included in this land use are places of worship.
- Park/Open Space land use includes park and recreation facilities and lands deemed worthy of preservation for passive open space, such as common open space areas and significant buffers.

St. Cloud Village Apartment Complex. High density residential units make up .99% (60 acres) of St. Cloud land area.

A small percentage of the City's housing stock is located in downtown areas which are zoned Highway Business or CBD. Commercially zoned areas of the City contain 8% (508 units) of the housing stock of St. Cloud. A number of these units are located within the city blocks zoned Highway Business which abut 13th Street along the U.S. 192-441 corridor. Houses which existed within the district in 1987, are considered "grandfathered" uses in the Highway Business District. As such, no new structures for residential use may be constructed within these Highway Business areas and existing structures are considered conditional uses. Of the housing units which exist within the Central Business Districts, a majority of the units are apartments and rooming houses which are allowable uses in the CBD zoning districts.

The remaining one percent (1%) of housing stock within St. Cloud is located within Public/Institutional and Private/Institutional land uses. These housing units are specific to the particular use of the property, such as rectories for churches and ground's keepers for school properties.

b. Commercial Uses

Currently, 370 acres or 5% of the City's land area is commercial. Areas designated for Commercial land use are generally located adjacent to major arterial roadways. The Central Business District is an exception, but the intensity of the uses allowed within the District does not activate any major access problems. Low intensity commercial uses are also located on collector roads within the various neighborhoods throughout the City.

The Central Business District (downtown) is approximately 36 acres in area, located north of U.S. 192-441 between Massachusetts and Florida Avenues. **Map I-3** identifies the location of the CBD. Uses found within the CBD include motels, restaurants, professional offices, governmental offices, retail shops, banks, etc. On street parking and zero lot line buildings characterize the core of the CBD. To provide for future development of the CBD, the City will maintain a second Central Business zoning district, CBD-2. This secondary district takes into account the need for off street parking and increased building setbacks just outside the central core. Future development of the CBD is essential to the preservation of the City's downtown and a prime element of the City's proposed historic preservation efforts. The maximum density allowed in the downtown CBD is a floor area ratio of 4.0 FAR. However, in general, the average FAR is approximately .9.

The majority of commercial activity within St. Cloud occurs along the U.S. 192-441 roadway corridor from the C-31 Canal to C.R. 15. Uses along this corridor include restaurants, convenience stores, strip commercial centers, retail stores, banks, warehousing, etc. Residential uses within this corridor are limited, as mentioned earlier. Commercial land uses, located outside the Central Business District, are assigned a zoning classification of Highway Business (HB), Neighborhood Business (NB) or Business Commercial (BC). Maximum density in these districts is thirty percent (30%), based on lot coverage.

c. Industrial Use

Existing industrial land uses account for only one percent (1%) or 61 acres of total St. Cloud land area. Active industrial sites within the City include Mercury Marine, Comtech Industries, St. Cloud Commerce Park, and the Industrial Commerce Park. Through the

- Conservation land use includes public lands that have been acquired or privately owned lands that have been reserved by mutual agreement with the property owner for the preservation and protection of St. Cloud's natural resources. These lands are typically identified as wetlands, environmentally sensitive lands, and other lands deemed necessary for natural preservation and flood control.
- Conservation Overlay is shown on the existing and future land use maps to protect areas that may potentially contain protected wildlife habitat areas, hydric soils/wetlands, freshwater marshes, and special vegetative communities. Included within the Conservation Overlay definition are areas within a public water well radii of 500 feet, within the 100-year floodplain, and other areas subject to environmental or topographic constraints. The area designated as conservation overlay on the FLUM is not intended to prevent development, but rather identify sensitive areas that need to be reviewed carefully during the review process to determine whether development should be permitted or if some form of mitigation may be necessary. If the areas are determined not to be sensitive, than the underlying land use development density and/or intensity will be applicable.
- Vacant land use includes all lands that have not yet been developed or built upon. In situations where subdivision development orders have been approved, but a building permit has not been issued, the land was considered vacant.

2. Existing Land Use Inventory

The City's existing land uses are summarized in Table I-1. An inventory of the existing land use designations is presented below.

a. Residential Uses

Residential areas of the City consist mainly of medium-density, single-family detached structures. The remainder of the residential dwellings are a mix of mobile homes, duplex, triplex, multi-family condominiums, townhouses and rental apartment units. Residential land uses account for 33% (2,012 acres) of the total land area of St. Cloud. To ensure proper infrastructure delivery and compatible structure types in various areas of the City, residential land uses are subdivided into density classifications of low, medium and high.

Low density residential areas are clustered mainly within the north central and northeastern portions of the grid. Low density subdivisions are also located to the south and west of the central grid. These low density residential areas are composed of single family detached units at densities of 1.0 – 4.0 units per gross acre. Residential units located within the low density land use areas of the City comprise 11.7% (709 acres) of St. Cloud land area.

Medium density residential areas are dispersed evenly throughout the City, both within and outside the downtown. Medium density residential areas include single family, duplex, mobile homes, townhouses and condominiums. Densities are set at 4.1 – 10 units per gross acre. Housing units located within the medium density residential land use category comprise 20.5% (1,243 acres) of St. Cloud land area.

High density residential areas exist in diverse patterns throughout the City. By virtue of definition, high densities are set at 10.1 – 18 units per gross acre. There are only four areas of high density residential in the City. These areas are the Mark Mobile Home Park, the Heather Hall Condominiums, some mobile home sites within St. Cloud Trailer Park, and the

application of zoning districts, industrial land uses are subdivided by intensity of use. These districts include Light Industrial (I-I) for research and technology, Industrial II (I-II) for customarily industrial enterprises, and Industrial Park Planned Unit Developments (I-III) for flexible negotiated industrial development design. Maximum density in these districts is fifty percent (50%), based on lot coverage.

d. Public/Institutional Use

Public/Institutional land uses account for 15% (782 acres) of total land area within St. Cloud. Maximum density in this land use district is thirty percent (30%), based on lot coverage. Large tracts of Public/Institutional lands include the City's golf course and sprayfield, the City Landfill, the City Municipal Services Complex, the Recreation/Aquatic Center and the Michigan Avenue school sites.

e. Private/Institutional Use

The Private/Institutional land use classification accounts for 2 percent (107 acres) of total land area within St. Cloud. This land use provides for low intensity professional and private uses and can act as a buffer between residential uses and more intense commercial development. Maximum density in this land use category is thirty percent (30%), based on lot coverage.

f. Conservation Use

Conservation land uses account for 1% (90 acres) of the total land area within St. Cloud. Conservation land areas include the East Lake Tohopekaliga lakefront and wetland areas located south of the grid. This district is provided to ensure the ecological stability of natural systems and to provide flood control for the safety of St. Cloud residents.

g. Conservation Overlay

The Conservation Overlay shown on the Existing Land Use Map identifies habitats within the City of St. Cloud that could provide significant environmental functions. The intent of the overlay is not to prevent all development within the overlay area, but to identify areas that require site specific assessments by qualified professionals in order to determine whether the lands designated support wetlands that are potentially jurisdictional to the U.S. Army Corp of Engineers or the South Florida Water Management District, or contain State and Federally listed plant and animal species. Additionally, the Conservation Overlay includes lands that are estimated to fall within the 100-year floodplain as indicated by the Federal Emergency Management Agency. A qualifying habitat is considered viable provided it has not been drained, dredged, filled, converted to an otherwise approved land use, or is dominated by exotic plants to the extent that its functions have been eliminated.

h. Agricultural Use

Agricultural land uses account for 4% (234 acres) of total land area within St. Cloud. The major existing parcels of agricultural land are the Battaglia Fruit Company groves and pasture land located south of U.S. 192-441, west of Kissimmee Park Road, and the Dirt Five property groves located south of U.S. 192-441, west of Hickory Tree Road.

i. Vacant Use

Vacant land uses account for 25% (1380 acres) of total land area within St. Cloud. The majority of the vacant land within the City is south of 13th Street. Large tracts of vacant land

include the Dr. Phillips property east of Hickory Tree Road, residentially and commercially zoned properties east of the C-31 Canal, recently annexed lands and unimproved rangeland extending from the South Michigan Acres subdivision to the City Sprayfield. Further discussion of vacant lands is found within the analysis of this Element detailing soil condition, topography, natural resources, and historic resources present.

Analysis of Vacant Land

Vacant Sites

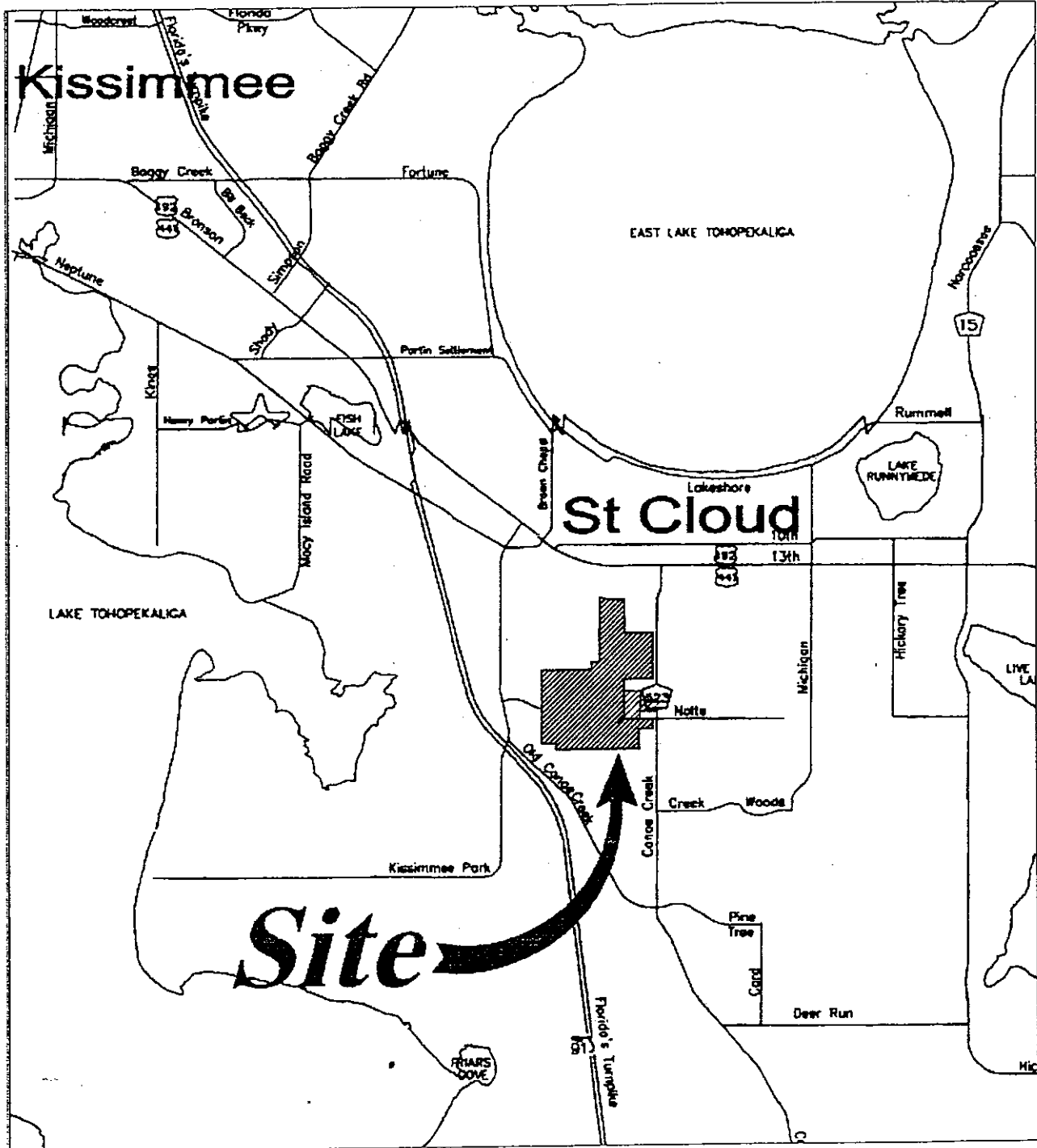
The following is an analysis of existing vacant lands in order to determine their suitability for future use. Soil determinations were made based upon U.S. Department of Agriculture Soil Conservation Service's Soil Survey of Osceola County Area and the map that identifies soils that are suitable for development, **Map I-4**. Topographical information was obtained from United States Geographical Survey (USGS) Quadrangle Map Series, **Map IV-C-1**. Natural resources have all been identified and mapped within the Conservation Element of this Comprehensive Plan. References to generalized natural resources have been made within this analysis. No historic resources exist within the vacant property analyzed. **Map I-2** displays those lands which remain vacant on the Existing Land Use Map.

The City currently has over 1,380 acres of vacant land. The majority of the vacant land is located south of 13th Street surrounding the large County enclave. This vacant land is anticipated to develop mostly as low density residential in the future, as shown on the Future Land use Map, **Map I-5**.

Additionally, there are a few large parcels of vacant land north of 13th Street and west of the downtown grid. These parcels are planned to develop as commercial and medium to high density residential uses.

Along 13th Street to the east of the downtown grid, several large vacant parcels are identified as industrial and commercial on the Future Land Use Map. These vacant parcels surround some of the City's only existing developed industrial uses.

There are conservation overlay areas over the vacant lands, in particular south of 13th Street, which accounts for potential wetlands and potential floodplain areas. Additional review of parcels and potential restrictions will be required before development can occur on parcels with conservation overlay designations.



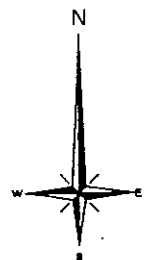
DH

Dufresne-Henry, Inc.

301 N. Cattlemen Road, Sarasota, Florida 34236-5984
 Tel. (941) 365-5500 Fax (941) 366-1922
 Email: sarasota@dufresne-henry.com

STEVENS PLANTATION
 SECTIONS 10 & 15, TOWNSHIP 26S, RANGE 30E
 DH NO. 9528888

EXHIBIT A



SCALE: NTS



CC-COUNCIL
Nearing
12-11-02 09:07 RCVD Dan

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

December 10, 2002

The Honorable Glenn Sangiovanni
Mayor, City of St. Cloud
2901 Seventeenth St.
St. Cloud, Florida 34769

Dear Mayor Sangiovanni:

The Department has completed its review of the adopted Comprehensive Plan Amendments (DCA 02-1ER) for the City of St. Cloud, as adopted by Ordinance 2002-41, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b). The Department is issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the *Osceola Sentinel* for publication on December 11, 2002.

Please note that a copy of the adopted City of St. Cloud Comprehensive Plan Amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the St. Cloud City Hall, 2901 Seventeenth St. St. Cloud, Florida 34769.

The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the notice of intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for development, dependent on the amendment may be issued or commence before the plan amendment takes effect.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administration law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

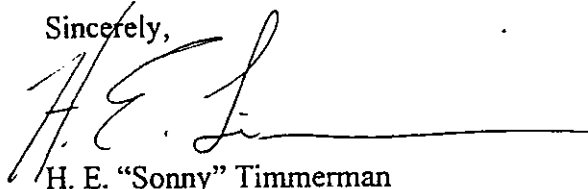
EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

Mayor Glenn Sangiovanni
December 10, 2002
Page Two

Please contact Marina Pennington, Regional Planning Administrator, or Daniel Lucas, Planner, at (850) 487-4545 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. E. Timmerman', with a long horizontal line extending to the right.

H. E. "Sonny" Timmerman
Director, Division of Community Planning

HET/dl

cc: Ms. Lisa-Ann Walsh, Planner, City of St. Cloud
Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF ST. CLOUD
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 02-1ER-NOI-4903-(A)-(I)


The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of St. Cloud, adopted by Ordinance No. 2002-41 on September 26, 2002, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of St. Cloud Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of St. Cloud Planning and Zoning Department, 2901 17th Street, St. Cloud, Florida 34769.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the City of St. Cloud Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.


Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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 Stevens Plantation Community Development District (“District”). The District comprises approximately 590 +/- acres of land within the City of St. Cloud, Florida on which approximately 806 dwelling units, 250,000 square feet of commercial space, and 1,000,000 square feet of office space are planned for development. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing District establishment or alteration) 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 (emphasis added).”

1.2 Overview of the Stevens Plantation Community Development District

The District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance.

The development plan for the proposed lands within the District includes the construction of approximately 806 dwelling units, 250,000 square feet of commercial space, and 1,000,000 square feet of office space are planned.

1.3 Requirements for the Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

“(a) 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.

(b) 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 and local revenues.

(c) 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.

(d) 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. The City of St. Cloud is not defined as a small City for purposes of this requirement.

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

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) 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 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.

As noted above, this community is a designed for approximately 806 residential units, 250,000 square feet of commercial space, and 1,000,000 square feet of office space. Establishment of the District would put all of the households and businesses that locate within the community under the jurisdiction of the District. Of course, the decision to locate within the District is voluntary.

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

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

State Governmental Entities

The District consists of fewer than 1,000 acres, therefore the City of St. Cloud is the establishing entity under 190.005 (2), F.S. There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District.

The modest costs to various State entities to implement and enforce the proposed ordinance 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. Appendix A lists the reporting requirements. 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 several hundred governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is de minimis. Additionally, pursuant to section 189.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs to offset such costs.

City of St. Cloud

The land within the District is within the incorporated municipality of St. Cloud and consists of fewer than 1,000 acres. The St. Cloud City Council and its staff will process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources.

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 staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the City of St. Cloud, because of the establishment of the District, are also very small and within control of the City. The proposed District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and to the extent it wishes, reviewing the various reports that the District may be asked to provide to the City.

3.2 Impact on State and City Revenues

Adoption of the proposed ordinance will have no negative impact on State or City revenues. The District is an independent unit of local government with limited powers. It is designed by law to provide community facilities and services to serve the Stevens Plantation community. It has its own sources of revenue. No State or City subsidies are required or expected.

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

4.0 A good faith estimate of the transactional costs 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. The District plans to fund, own, operate and maintain the community's stormwater management system. The District also plans to finance and construct water and waste water utilities, irrigation lines, and roadways. The utilities, irrigation facilities, and roads will be conveyed to the City of St. Cloud for operations and maintenance.

**Table 1. Stevens Plantation Community Development District
Proposed Facilities and Services**

Facility	Funded/ Constructed	Operations & Maintenance	Ownership
Storm Water Drainage	CDD	CDD	CDD
Water Utilities	CDD	City of St. Cloud	City of St. Cloud
Irrigation	CDD	City of St. Cloud	City of St. Cloud
Waste Water Utilities	CDD	City of St. Cloud	City of St. Cloud
Roadways	CDD	City of St. Cloud	City of St. Cloud

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for these facilities are estimated to be approximately \$21,389,246. To fund this construction program the District may issue special assessment or other revenue bonds estimated to total approximately \$27,500,000. These would be repaid through non-ad valorem assessments levied on all properties within the District that specially benefit from the District's capital improvement program as outlined in Table 1.

**Table 2. Summary of Estimated Capital Costs
Stevens Plantation Community Development District**

Category	Construction Estimate
Storm Water Drainage	\$2,313,238
Water Utilities	\$1,967,542
Irrigation	\$2,849,388
Waste Water Utilities	\$2,027,727
Roadways	<u>\$12,231,351</u>
Total	\$21,389,246

Prospective future 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 a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

It is important to note that the various costs outlined in Table 2 are typical for developments of the type contemplated. There is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. District imposed assessments for operations and maintenance costs are similar to what would be

charged by a property owners association common to most mixed-use developments except they are government enforced first liens.

Real estate markets are quite efficient, because buyers and renters evaluate all of the costs and benefits associated with various alternative locations. Therefore, market forces preclude developers from marking up the prices of their products beyond what the competition allows. To remain competitive the operations and maintenance charges must also be in line with the competition.

Furthermore, the decision to locate within the District is completely voluntary. These potential residents are given full disclosure of the existence of the district and the level of anticipated assessments. So ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides.

A Community Development District ("CDD") provides residents with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive and often less expensive than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, city provision (directly or via a dependent special district), or through developer equity and/or bank loans.

It should be noted that occupants of the lands within the District will receive three major classes of benefits.

First, those residents and businesses in the District will receive a higher level of public services and amenities sooner than would otherwise be the case.

Second, a CDD 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, a CDD 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 District services they receive, provided they meet the City's overall requirements.

5.0 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 no impact on small businesses because of the establishment of the District. If anything, the impact may be positive. This is because the District must competitively

bid certain contracts. This affords small businesses the opportunity to bid on District work.

The City of St. Cloud has an estimated population (not incarcerated) in 2000 that is greater than 10,000. Therefore the City is not defined as a "small" city according to Section 120.52, F.S.

6.0 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 developer's engineer and other professionals associated with the developer.

Finally, it is useful to reflect upon the question of whether the proposed District is the best alternative to provide community facilities and services to the project. As an alternative to the District, the City of St. Cloud could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 125, F.S. Either of these alternatives could finance the improvements contemplated in Table 1 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 community facilities and services to the Stevens Plantation CDD. First, unlike the District, the alternatives would require the City of St. Cloud to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. Administering a project of the size and complexity of the development program anticipated for the Stevens Plantation CDD is a significant and expensive undertaking.

Second, a District is preferable from a government accountability perspective. With a District, residents in the District would have a focused unit of government ultimately under their direct control. The District can then be more responsive to resident needs without disrupting other City responsibilities. By contrast, if the City of St. Cloud were to establish dependent districts, then the residents of the Stevens Plantation CDD would take their grievances and desires to the City Council meetings.

Third, any debt of a District is strictly the 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 the special district may have will inevitably entangle the City. This will not be the case if a District is established.

Another alternative to the District would be for a property owner's association to provide the infrastructure, operations, and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA a District can obtain low cost funds from the municipal capital markets. Second, the District can impose and collect its assessments along with other property taxes. Therefore, the

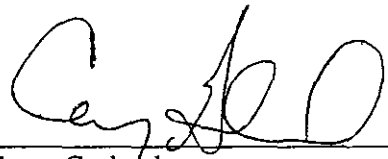
District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of oversight and accountability.

Fishkind & Associates certifies that this SERC meets the requirements for a Statement of Estimated Regulatory Costs as set out in Chapter 120.541, F.S.

We have developed over 25 SERCs. Below is a listing of five of these.

- Urban Orlando Community Development District
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Meditera Community Development District
- Brooks Community Development District

Prepared by:



Carey Garland
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**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after