

**ORDINANCE NO. 5895**

**PROPOSED ORDINANCE NO. 21-041**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS THE HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Jere Earlywine of KE Law Group, PLLC, on behalf of Forestar (USA) Real Estate Group, Inc. ("Petitioner"), has filed a Petition with the City of Lakeland, Florida requesting that the City Commission of the City of Lakeland, Florida ("City") adopt an ordinance establishing the Hawthorne Mill North Community Development District pursuant to Chapter 190, Fla. Stat. ("District"), and designating the real property described in Exhibits "A" and "B", attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

**WHEREAS**, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibits "A" and "B", which the City is not able to provide at a level and quality needed to service the District, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers; and

**WHEREAS**, the City has held a public hearing on the Petition on September 20, 2021, which was continued until October 4, 2021, to consider oral and written comments on the Petition, in accordance with the requirements and procedures of Section 190.005(1)(d), Fla. Stat.; and

**WHEREAS**, the City has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Fla. Stat.;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:**

**SECTION 1. Findings of Fact.** The City hereby finds and states that:

1. the "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;
2. all statements contained in the Petition are true and correct;
3. the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City's Comprehensive Plan;
4. the area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
5. the creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

6. the proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

7. the area that will be served by the District is amenable to separate, special-district government.

**SECTION 2. Conclusions of Law.**

1. This proceeding is governed by Chapter 190, Fla. Stat.;

2. The City has jurisdiction pursuant to Section 190.005(2), Fla. Stat.; and

3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat.

**SECTION 3. Creation, Boundaries and Powers.** There is hereby created the **Hawthorne Mill North Community Development District** for the area of land described in Exhibit A, attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a), (d) & (f), and (3), Fla. Stat., and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Fla. Stat., including the special powers provided under Section 190.012(1), (2)(a), (d) and (f) and (3), Fla. Stat.

**SECTION 4. Initial Board.** The following five persons are designated as the initial members of the Board of Supervisors:

1. Mary Moulton
2. Alex Madison
3. Robyn Bronson

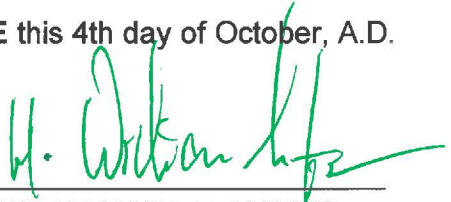
4. Tim Hultgreen

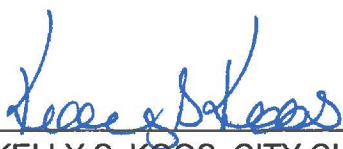
5. John Wiggins

**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon its passage.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

**PASSED AND CERTIFIED AS TO PASSAGE** this 4th day of October, A.D. 2021.

  
\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST:   
\_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
\_\_\_\_\_  
PALMER C. DAVIS  
CITY ATTORNEY

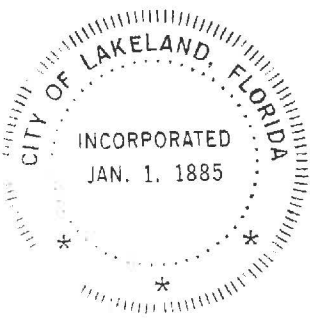


EXHIBIT "A"

**Legal Description:**

(HAWTHORNE MILL North CDD)

A PARCEL OF LAND LYING IN SECTIONS 7, 8 AND 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

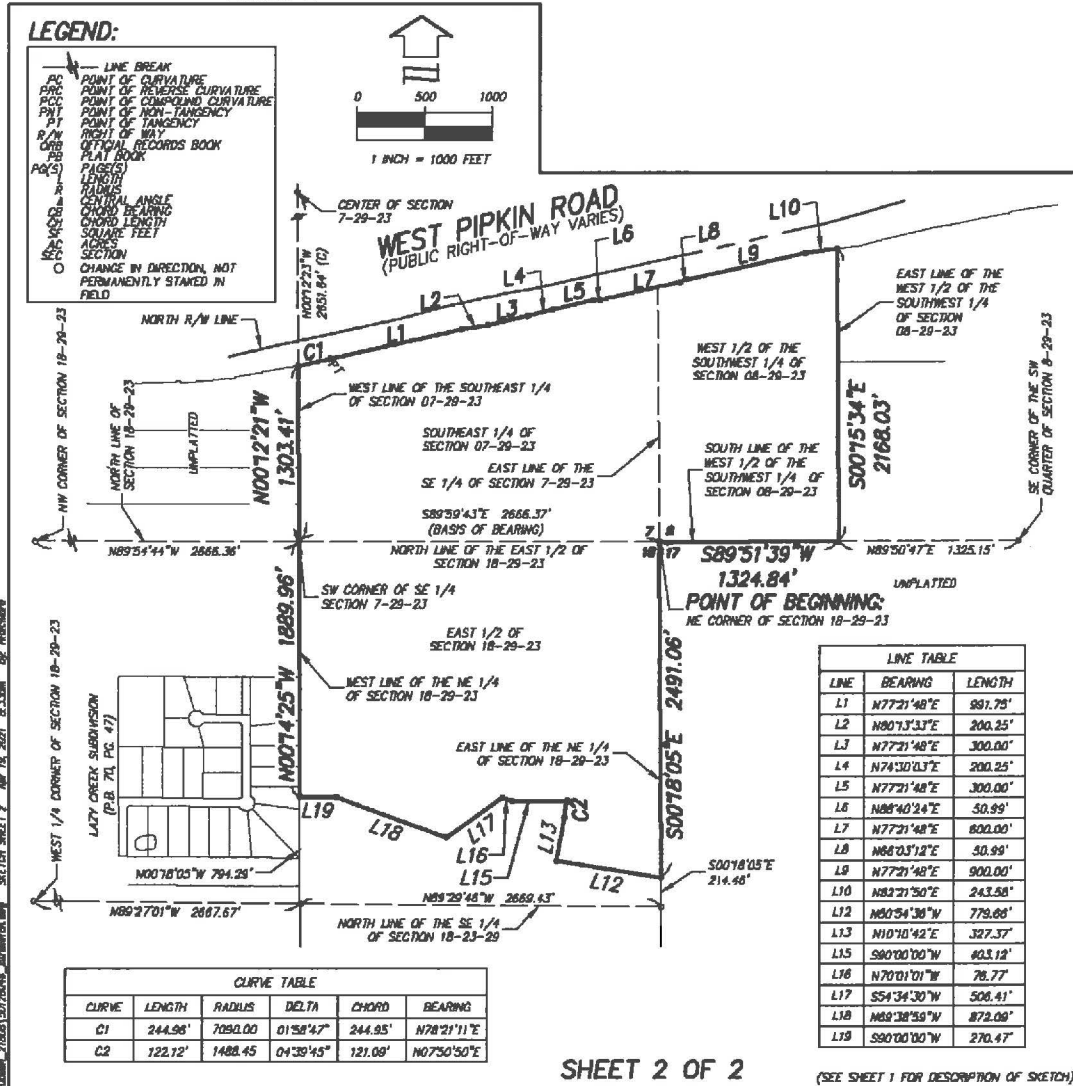
BEGIN AT THE NORTHEAST CORNER OF THE AFORESAID SECTION 18; THENCE RUN SOUTH 00°18'05" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18, A DISTANCE OF 2491.06 FEET; THENCE DEPARTING SAID EAST LINE RUN NORTH 80°54'38" WEST, A DISTANCE OF 779.68 FEET; THENCE RUN NORTH 10°10'42" WEST, A DISTANCE OF 327.37 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1488.45 FEET, A CENTRAL ANGLE OF 04°39'45", A CHORD BEARING NORTH 07°50'50" EAST AND A CHORD DISTANCE OF 121.08 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 122.12 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 90°00'00" WEST, A DISTANCE OF 403.12 FEET; THENCE RUN NORTH 70°01'01" WEST, A DISTANCE OF 76.77 FEET; THENCE RUN SOUTH 54°34'30" WEST, A DISTANCE OF 506.41 FEET; THENCE RUN NORTH 69°38'59" WEST, A DISTANCE OF 872.09 FEET; THENCE RUN SOUTH 90°00'00" WEST, A DISTANCE OF 270.47 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE RUN NORTH 00°14'25" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 18, A DISTANCE OF 1889.96 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE AFORESAID SECTION 7; THENCE RUN NORTH 00°12'21" WEST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 1303.41 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST PIPKIN ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 4374, PAGE 911, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 7090.00 FEET, A CENTRAL ANGLE OF 01°58'47", A CHORD BEARING NORTH 78°21'11" EAST AND A CHORD DISTANCE OF 244.95 FEET; THENCE RUN NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 244.96 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES: NORTH 77°21'48" EAST, 991.75 FEET; THENCE NORTH 80°13'33" EAST, 200.25 FEET; NORTH 77°21'48" EAST, 300.00 FEET; NORTH 74°30'03" EAST, 200.25 FEET; NORTH 77°21'48" EAST, 300.00 FEET; NORTH 88°40'24" EAST, 50.99 FEET; NORTH 77°21'48" EAST, 600.00 FEET; NORTH 66°03'12" EAST, 50.99 FEET; NORTH 77°21'48" EAST, 900.00 FEET; NORTH 82°21'50" EAST, 243.58 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 8; THENCE RUN SOUTH 00°15'34" EAST ALONG SAID EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, A DISTANCE OF 2168.03 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8; THENCE RUN SOUTH 89°51'39" WEST

ALONG THE SOUTH LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, A DISTANCE OF 1324.84 FEET TO THE POINT OF BEGINNING.

CONTAINING: 12591763.36 SQUARE FEET OR 289.07 ACRES MORE OR LESS.

EXHIBIT "A", continued

Legal Description Map:



SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION

-OF-

**HAWTHORNE MILL  
COMMUNITY DEVELOPMENT  
DISTRICT**

SECTION 7, 8, AND 18 TOWNSHIP 28 SOUTH,  
RANGE 23 EAST

POLK COUNTY

FLORIDA



131 WEST KALEY STREET  
ORLANDO, FLORIDA 32808  
PHONE: 321.354.9826 FAX: 407.648.9104  
WWW.DEWBERRY.COM  
CERTIFICATE OF AUTHORIZATION NO. LB 8011

PREPARED FOR:

**REAL ESTATE GROUP INC.**

DATE: 04/08/21  
REV DATE:  
SCALE 1" = 1000'

PROJ: 50138735  
DRAWN BY: MCD  
CHECKED BY: MDD

Drawing name: C:\Users\jmcintosh\OneDrive\Local\Temp\1469\Job\2116851\50138735.dwg SHEET 2 OF 2 Apr 19, 2021 @ 13:08 by: mcdshere

EXHIBIT "B"

Proposed Hawthorne Mill North CDD





# **PETITION TO ESTABLISH HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT**

Submitted by:

Jere Earlywine  
Florida Bar No.155527  
[jeree@hgslaw.com](mailto:jeree@hgslaw.com)  
HOPPING GREEN & SAMS, P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301  
(850) 222-7500 (telephone)  
(850) 224-8551 (facsimile)

**BEFORE THE CITY COMMISSION FOR THE  
CITY OF LAKELAND, FLORIDA**

**PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Forestar (USA) Real Estate Group, Inc. ("Petitioner"), hereby petitions the City Commission for the City of Lakeland, Florida pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (2020), to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Lakeland, Florida, and covers approximately 289.07 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located east of County Line Road, south of Pipkin Road West, west of undeveloped lands and north of undeveloped lands. The metes and bounds description of the external boundary of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consents. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes (2020). Consent to the establishment of a community development district is contained in **Exhibit 3**.

4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Mary Moulton  
Address: 4042 Park Oaks Blvd., Suite 200  
Tampa, Florida 33610

Name: Alex Madison  
Address: 4042 Park Oaks Blvd., Suite 200  
Tampa, Florida 33610

Name: Robyn Bronson  
Address: 4042 Park Oaks Blvd., Suite 200  
Tampa, Florida 33610

Name: Tim Hultgreen  
Address: 4042 Park Oaks Blvd., Suite 200  
Tampa, Florida 33610

Name: John Wiggins  
Address: 4042 Park Oaks Blvd., Suite 200  
Tampa, Florida 33610

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

5. Name. The proposed name of the District is the Hawthorne Mill North Community Development District.

6. Major Water and Wastewater Facilities. The existing major trunk water mains and wastewater interceptors within the proposed lands to be included within the District, if any, are reflected in **Exhibit 4**. **Exhibit 4** also demonstrates the planned water, wastewater and drainage plan for the lands to be included within the District.

7. District Facilities and Services. **Exhibit 5** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install. The estimated costs of construction are also shown in **Exhibit 5**. At present, these improvements are estimated to be made, acquired, constructed and installed in eight (8) phases from 2021 – 2026. 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. Existing and Future Land Uses. The existing land use is agricultural. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 6**. These proposed land uses are consistent with the applicable local Comprehensive Plan.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2020). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in Florida. **Exhibit 8** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Jere Earlywine, Esq.  
HOPPING GREEN & SAMS, P.A.  
119 S. Monroe Street, Suite 300  
Tallahassee, FL 32301

11. This petition to establish the Hawthorne Mill North Community Development District should be granted for the following reasons:

a. Establishment of the proposed 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 applicable local Comprehensive Plan.

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

c. The establishment of the proposed 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 proposed 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 proposed 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 proposed 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 proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

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

WHEREFORE, Petitioner respectfully requests the City Commission of the City of Lakeland, Florida to:

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

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

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), Florida Statutes; and

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

RESPECTFULLY SUBMITTED, this 21st day of June, 2021.

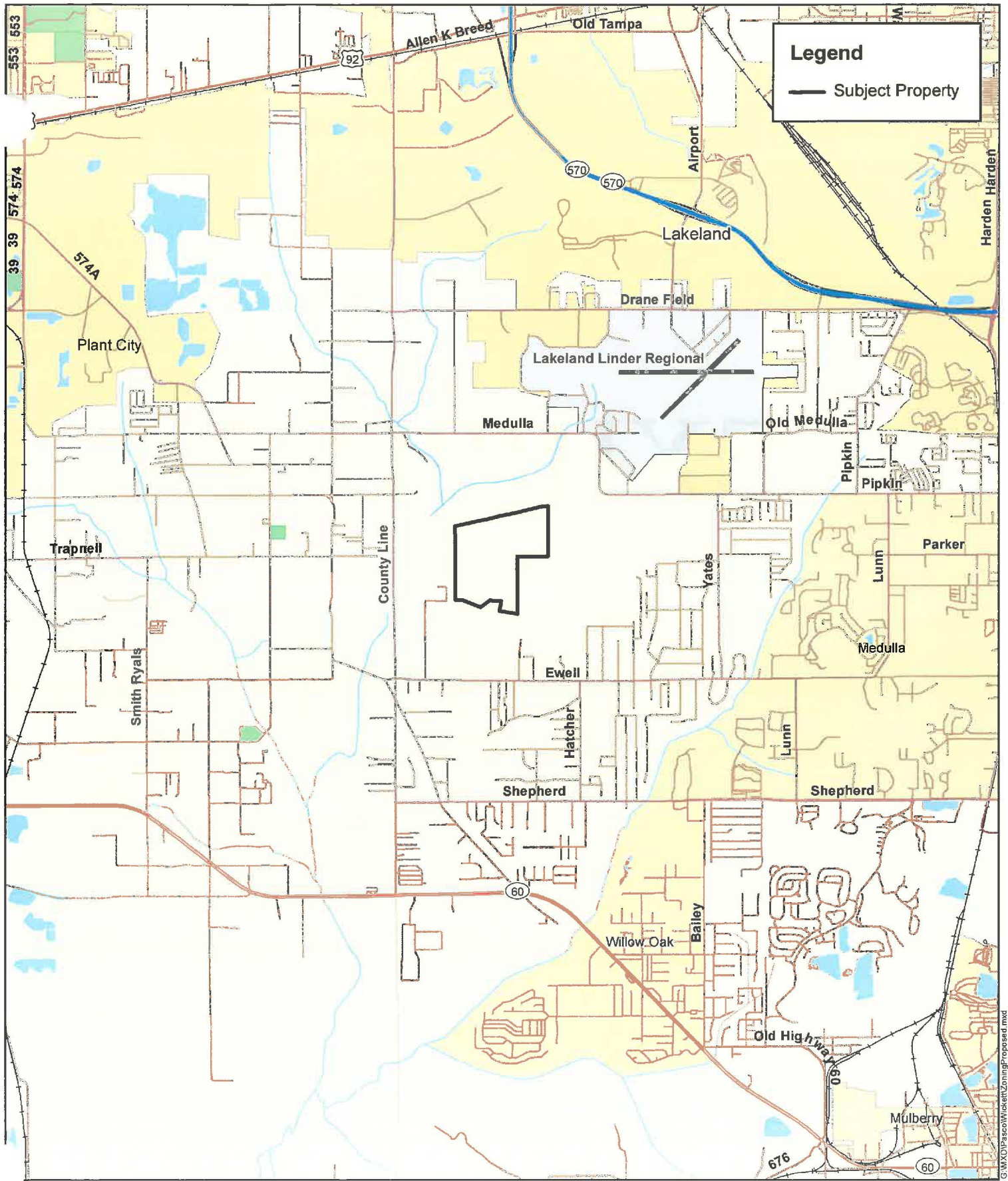
HOPPING GREEN & SAMS, P.A.

A handwritten signature in black ink, appearing to read "Jere Earlywine", written in a cursive style.

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Jere Earlywine  
Florida Bar No. 155527  
HOPPING GREEN & SAMS, P.A.  
119 S. Monroe Street, Suite 300  
Tallahassee, Florida 32301  
(850) 222-7500 Telephone  
(850) 224-8551 Facsimile

# EXHIBIT 1



# Hawthorne Mill North CDD

Exhibit 1. General Location Map

Data Source: PCPA  
Image Source: ESRI

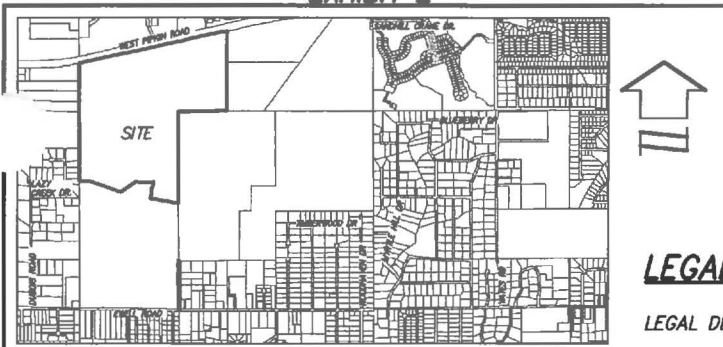


G:\MXD\Pasco\Wickett\Zoning\Proposed1.mxd

# EXHIBIT 2



**EXHIBIT 2**



**VICINITY MAP:**  
SCALE: 1"=5000'

**LEGAL DESCRIPTION:**

LEGAL DESCRIPTION: (HAWTHORNE MILL CDD)

A PARCEL OF LAND LYING IN SECTIONS 7, 8 AND 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING: 12591763.36 SQUARE FEET OR 289.07 ACRES MORE OR LESS.

**SHEET 1 OF 2**

(SEE SHEET 2 FOR SKETCH OF DESCRIPTION)

**SURVEY NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM WEST ZONE NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AND DERIVING A BEARING OF SOUTH 89°59'43" EAST ALONG THE NORTH LINE OF THE EAST 1/2 OF SECTION 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST.
2. LANDS SHOWN HEREON WERE ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE 5J17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
5. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM D. DONLEY, PSM 5381, ON 04/19/2021 PER FAC 5J-17.062(2).



WILLIAM D. DONLEY  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NUMBER LS 5381  
NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.**

**SKETCH OF DESCRIPTION**

-OF-

**HAWTHORNE MILL  
COMMUNITY DEVELOPMENT  
DISTRICT**

SECTION 7, 8, AND 18 TOWNSHIP 29 SOUTH,  
RANGE 23 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:

**REAL ESTATE GROUP INC.**

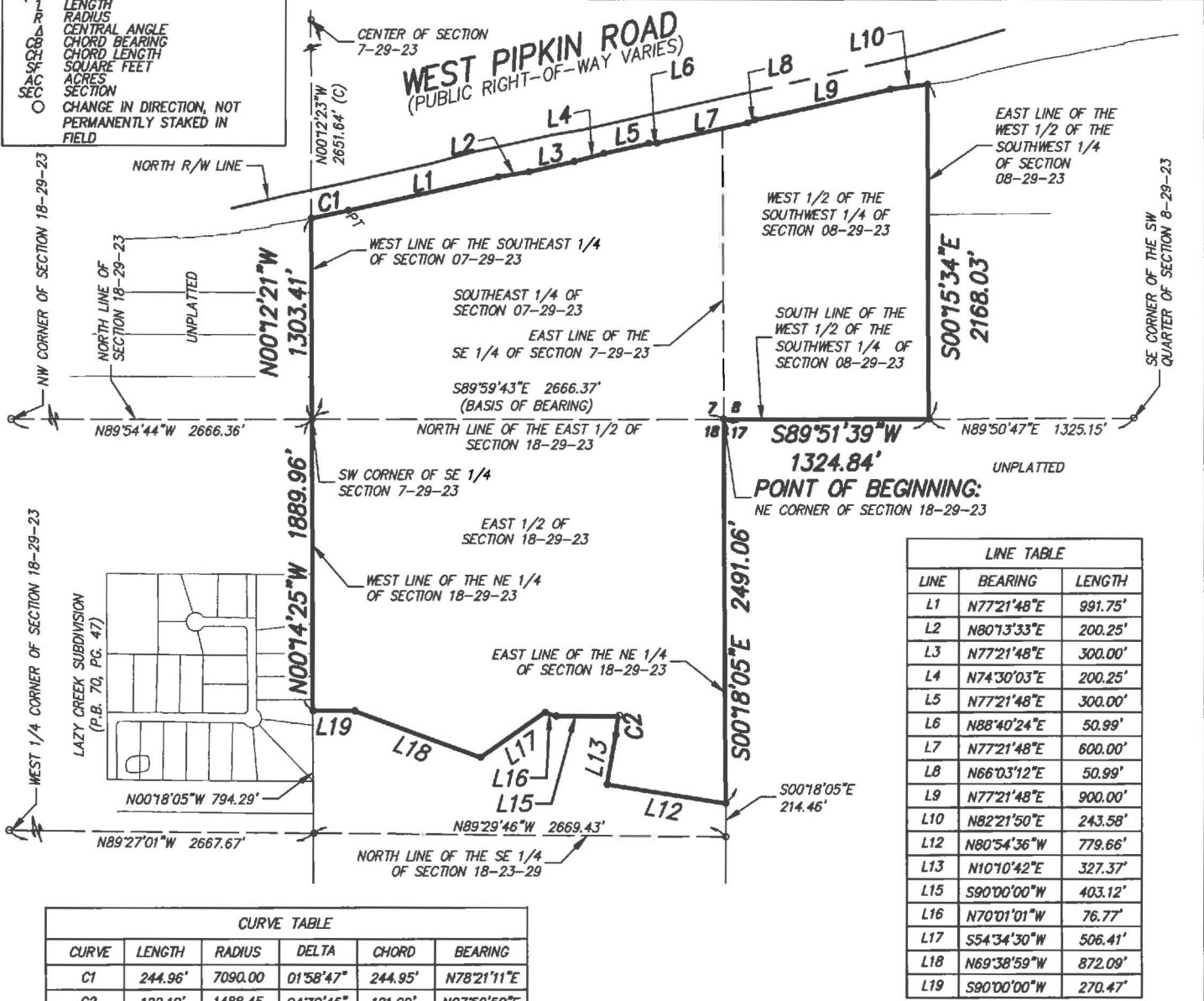
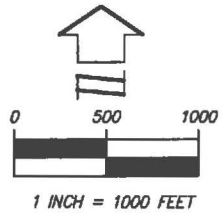
DATE: 04/06/21  
REV DATE:  
SCALE 1" = N/A

PROJ: 50138735  
DRAWN BY: MCD  
CHECKED BY: WDD

EXHIBIT 2

LEGEND:

- PC LINE BREAK
- PRC POINT OF CURVATURE
- PCC POINT OF REVERSE CURVATURE
- PNT POINT OF COMPOUND CURVATURE
- PT POINT OF NON-TANGENCY
- PT POINT OF TANGENCY
- R/W RIGHT OF WAY
- ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PG(S) PAGE(S)
- R LENGTH
- RA RADIUS
- CA CENTRAL ANGLE
- CB CHORD BEARING
- CL CHORD LENGTH
- SF SQUARE FEET
- AC ACRES
- SEC SECTION
- CHANGE IN DIRECTION, NOT PERMANENTLY STAKED IN FIELD



LINE TABLE		
LINE	BEARING	LENGTH
L1	N77°21'48"E	991.75'
L2	N80°13'33"E	200.25'
L3	N77°21'48"E	300.00'
L4	N74°30'03"E	200.25'
L5	N77°21'48"E	300.00'
L6	N88°40'24"E	50.99'
L7	N77°21'48"E	600.00'
L8	N66°03'12"E	50.99'
L9	N77°21'48"E	900.00'
L10	N82°21'50"E	243.58'
L12	N80°54'36"W	779.66'
L13	N10°10'42"E	327.37'
L15	S90°00'00"W	403.12'
L16	N70°01'01"W	76.77'
L17	S54°34'30"W	506.41'
L18	N69°38'59"W	872.08'
L19	S90°00'00"W	270.47'


CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	244.96'	7090.00	01°58'47"	244.95'	N78°21'11"E
C2	122.12'	1488.45	04°39'45"	121.09'	N07°50'50"E

SHEET 2 OF 2

(SEE SHEET 1 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION  
 -OF-  
**HAWTHORNE MILL  
 COMMUNITY DEVELOPMENT  
 DISTRICT**  
 SECTION 7, 8, AND 18 TOWNSHIP 29 SOUTH,  
 RANGE 23 EAST  
 POLK COUNTY FLORIDA



**Dewberry**  
 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:  
**REAL ESTATE GROUP INC.**  
 DATE: 04/06/21  
 REV DATE:  
 SCALE 1" = 1000'  
 PROJ: 50138735  
 DRAWN BY: MCD  
 CHECKED BY: WDD

Drawing name: C:\Users\mcdichiera\AppData\Local\Temp\MapPublish\_218081\50128046\_sursketch.dwg SKETCH SHEET 2 Apr 19, 2021 8:33am by: mcdichiera

# EXHIBIT 3

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

HOPPING GREEN & SAMS, P.A.  
119 South Monroe Street, Suite 300  
Tallahassee, Florida 32301

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**Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT]**

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

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 a Community Development District that 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 Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.

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 officer executing this instrument.

[SIGNATURE PAGE TO FOLLOW]

Executed this 3 day of May, 2021.

FORESTAR (USA) REAL ESTATE GROUP INC.

Witnessed:

[Signature]  
Print Name: Courtney Potter

[Signature]  
Print Name: Esperanza Mexon

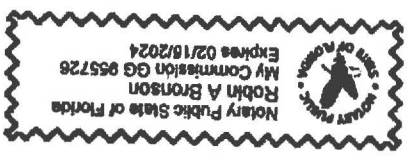
[Signature]  
By: Chris Turee  
Its: President

STATE OF FLORIDA  
COUNTY OF Seminole

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 3rd day of May, 2021, by Chris Turee, as President of Forestar, on its behalf. He  is personally known to me or  produced \_\_\_\_\_ as identification.

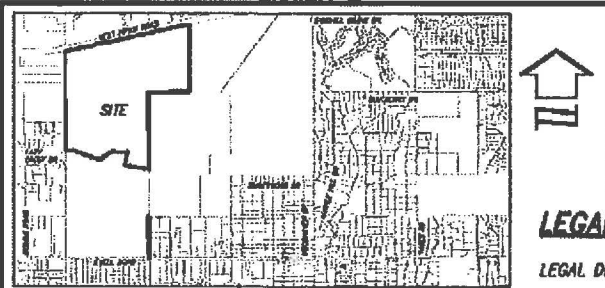
[Signature]  
Notary Public, State of \_\_\_\_\_

Exhibit A: Legal Description



**Exhibit A:  
Legal Description**

**EXHIBIT 2**



**MOUNITY MAP:  
SCALE: 1"=5000'**

**LEGAL DESCRIPTION:**

LEGAL DESCRIPTION: (HAWTHORNE MILL CDD)

A PARCEL OF LAND LYING IN SECTIONS 7, 8 AND 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE AFORESAID SECTION 18; THENCE RUN SOUTH 00°18'05" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18, A DISTANCE OF 2491.06 FEET; THENCE DEPARTING SAID EAST LINE RUN NORTH 80°54'38" WEST, A DISTANCE OF 778.88 FEET; THENCE RUN NORTH 10°10'42" WEST, A DISTANCE OF 327.37 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1488.45 FEET, A CENTRAL ANGLE OF 04°39'49"; A CHORD BEARING NORTH 07°50'50" EAST AND A CHORD DISTANCE OF 121.08 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 122.12 FEET TO THE END OF SAID CURVE; THENCE RUN SOUTH 90°00'00" WEST, A DISTANCE OF 403.12 FEET; THENCE RUN NORTH 70°01'01" WEST, A DISTANCE OF 76.77 FEET; THENCE RUN SOUTH 54°34'30" WEST, A DISTANCE OF 506.41 FEET; THENCE RUN NORTH 69°38'59" WEST, A DISTANCE OF 872.09 FEET; THENCE RUN SOUTH 90°00'00" WEST, A DISTANCE OF 270.47 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE RUN NORTH 00°14'25" WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 18, A DISTANCE OF 1889.96 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE AFORESAID SECTION 7; THENCE RUN NORTH 00°12'21" WEST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 1303.41 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WEST PIPION ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 4374, PAGE 911, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 7090.00 FEET, A CENTRAL ANGLE OF 01°58'47"; A CHORD BEARING NORTH 78°21'11" EAST AND A CHORD DISTANCE OF 244.95 FEET; THENCE RUN NORTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 244.95 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE EASTERLY ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES: NORTH 77°21'48" EAST, 991.75 FEET; THENCE NORTH 80°13'33" EAST, 200.25 FEET; NORTH 77°21'48" EAST, 300.00 FEET; NORTH 74°30'03" EAST, 200.25 FEET; NORTH 77°21'48" EAST, 300.00 FEET; NORTH 88°40'24" EAST, 50.99 FEET; NORTH 77°21'48" EAST, 600.00 FEET; NORTH 66°03'12" EAST, 50.99 FEET; NORTH 77°21'48" EAST, 800.00 FEET; NORTH 82°21'50" EAST, 243.58 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 8; THENCE RUN SOUTH 00°15'34" EAST ALONG SAID EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, A DISTANCE OF 2188.03 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8; THENCE RUN SOUTH 89°51'39" WEST ALONG THE SOUTH LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, A DISTANCE OF 1324.84 FEET TO THE POINT OF BEGINNING.

CONTAINING: 12391763.36 SQUARE FEET OR 289.07 ACRES MORE OR LESS.

**SURVEY NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM WEST ZONE NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AND DERIVING A BEARING OF SOUTH 89°59'43" EAST ALONG THE NORTH LINE OF THE EAST 1/2 OF SECTION 18, TOWNSHIP 29 SOUTH, RANGE 23 EAST.
2. LANDS SHOWN HEREON WERE ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.
3. THIS SKETCH MEETS THE APPLICABLE "STANDARDS OF PRACTICE" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN RULE SJ17.050-.052, FLORIDA ADMINISTRATIVE CODE.
4. THE ELECTRONIC SIGNATURE HEREON IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE (FAC) 5J-17.062(3)
5. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY WILLIAM D. DONLEY, PSM 5381, ON 04/19/2021 PER FAC 5J-17.062(2).

Drawing created by: William Donley, License No. 5381, 21501 50th Street, Suite 100, Jacksonville, FL 32217. 9/18/2021. 8:52am. B:2021.04.19

**William D Donley**  
Digitally signed by William D Donley  
Date: 2021.04.19 09:18:28 -0400'



**WILLIAM D. DONLEY**  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NUMBER LS 5381  
NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**SHEET 1 OF 2**

(SEE SHEET 2 FOR SKETCH OF DESCRIPTION)

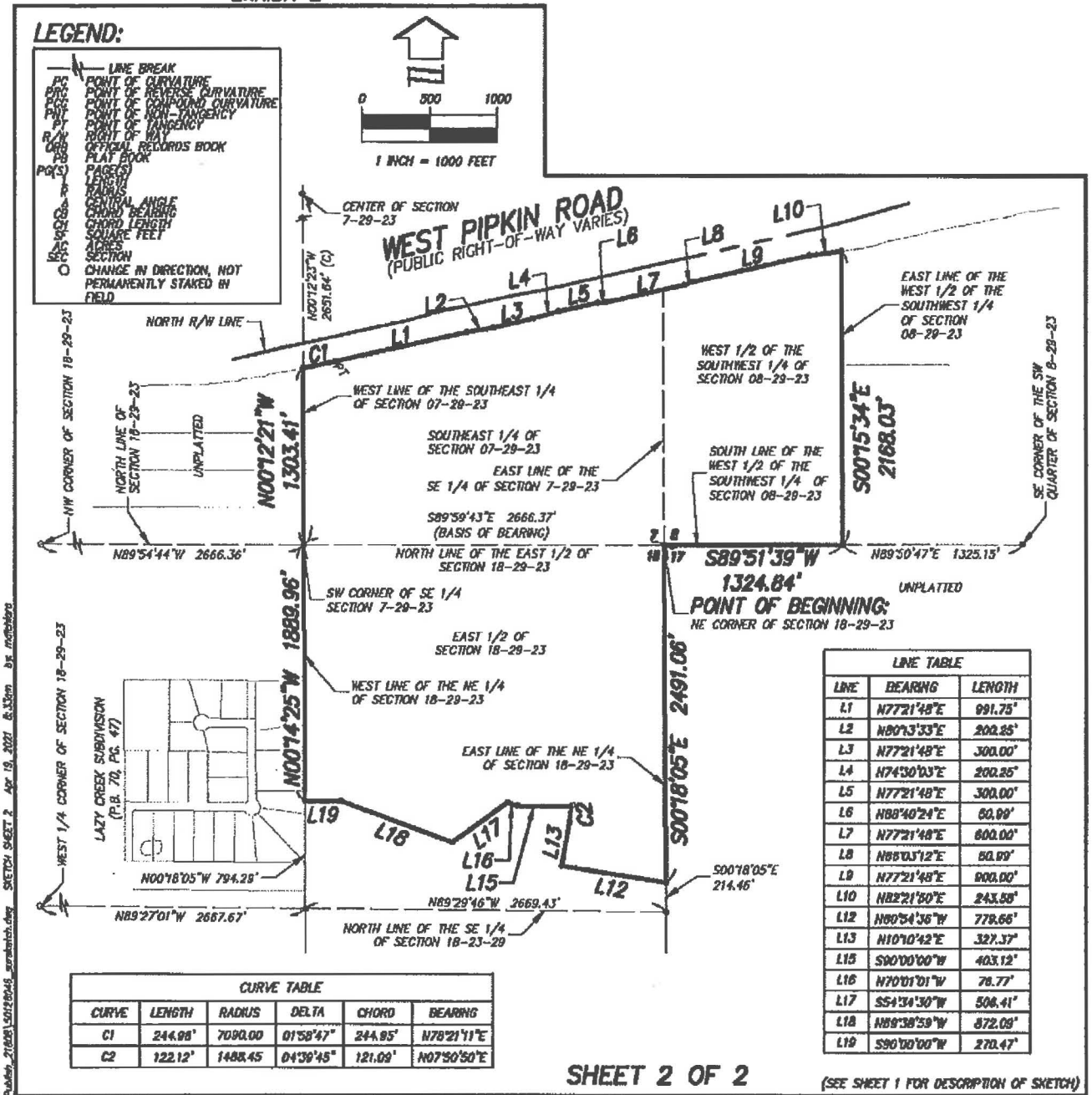
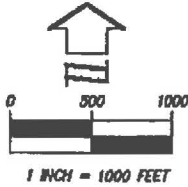
**SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.**

<p align="center"><b>SKETCH OF DESCRIPTION</b> —OF— <b>HAWTHORNE MILL COMMUNITY DEVELOPMENT DISTRICT</b>  SECTION 7, 8, AND 18 TOWNSHIP 29 SOUTH, RANGE 23 EAST  POLK COUNTY FLORIDA</p>	<p align="center">   <b>Dewberry</b>                    131 WEST KALEY STREET                  ORLANDO, FLORIDA 32806                  PHONE: 321.354.8828 FAX: 407.648.9104                  WWW.DEWBERRY.COM                  CERTIFICATE OF AUTHORIZATION No. LB 8011             </p>	<p align="center">                 PREPARED FOR:  <b>REAL ESTATE GROUP INC.</b>                    DATE: 04/06/21                  REV DATE:                  SCALE 1" = N/A                    PROJ: 50138735                  DRAWN BY: AGO                  CHECKED BY: WDD             </p>
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EXHIBIT 2

LEGEND:

LINE BREAK  
POINT OF CURVATURE  
POINT OF REVERSE CURVATURE  
POINT OF BEGINNING  
POINT OF TANGENCY  
POINT OF TANGENCY  
POINT OF TANGENCY  
RIGHT OF WAY  
OFFICIAL RECORDS BOOK  
PLAY BOOK  
PAGE(S)  
LENGTH  
BEARING  
CENTRAL ANGLE  
CHORD BEARING  
CHORD LENGTH  
SQUARE FEET  
ADJES  
SECTION  
CHANGE IN DIRECTION, NOT PERMANENTLY STAKED IN FIELD



CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	244.98'	7090.00	01'58'47"	244.95'	N78'21'11"E
C2	122.12'	1488.45	04'39'45"	121.09'	N07'50'50"E

LINE	BEARING	LENGTH
L1	N7721'48"E	991.75'
L2	N807'33"E	200.85'
L3	N7721'48"E	300.00'
L4	N74'30'03"E	200.85'
L5	N7721'48"E	300.00'
L6	N88'40'24"E	60.99'
L7	N7721'48"E	800.00'
L8	N68'03'12"E	50.99'
L9	N7721'48"E	800.00'
L10	N8221'50"E	243.58'
L12	N80'54'36"W	778.66'
L13	N10'10'42"E	327.37'
L15	S90'00'00"W	403.12'
L16	N70'01'01"W	78.77'
L17	S54'34'30"W	506.41'
L18	N89'38'59"W	872.08'
L19	S90'00'00"W	270.47'

Drawing name: C:\Users\jacob@ore\AppData\Local\Temp\AcTable\271600150128046\_sprsketch.dwg SKEETCH SHEET 2 Apr 19, 2021 8:43am by: mchabara

SHEET 2 OF 2 (SEE SHEET 1 FOR DESCRIPTION OF SKETCH)

SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

**SKETCH OF DESCRIPTION**  
—OF—  
**HAWTHORNE MILL COMMUNITY DEVELOPMENT DISTRICT**  
SECTION 7, 8, AND 18 TOWNSHIP 29 SOUTH, RANGE 23 EAST  
POLK COUNTY FLORIDA

**Dewberry**  
131 WEST KALEY STREET  
ORLANDO, FLORIDA 32808  
PHONE: 321.354.9828 FAX: 407.648.9104  
WWW.DEWBERRY.COM  
CERTIFICATE OF AUTHORIZATION No. LB 8011

PREPARED FOR:  
**REAL ESTATE GROUP INC.**

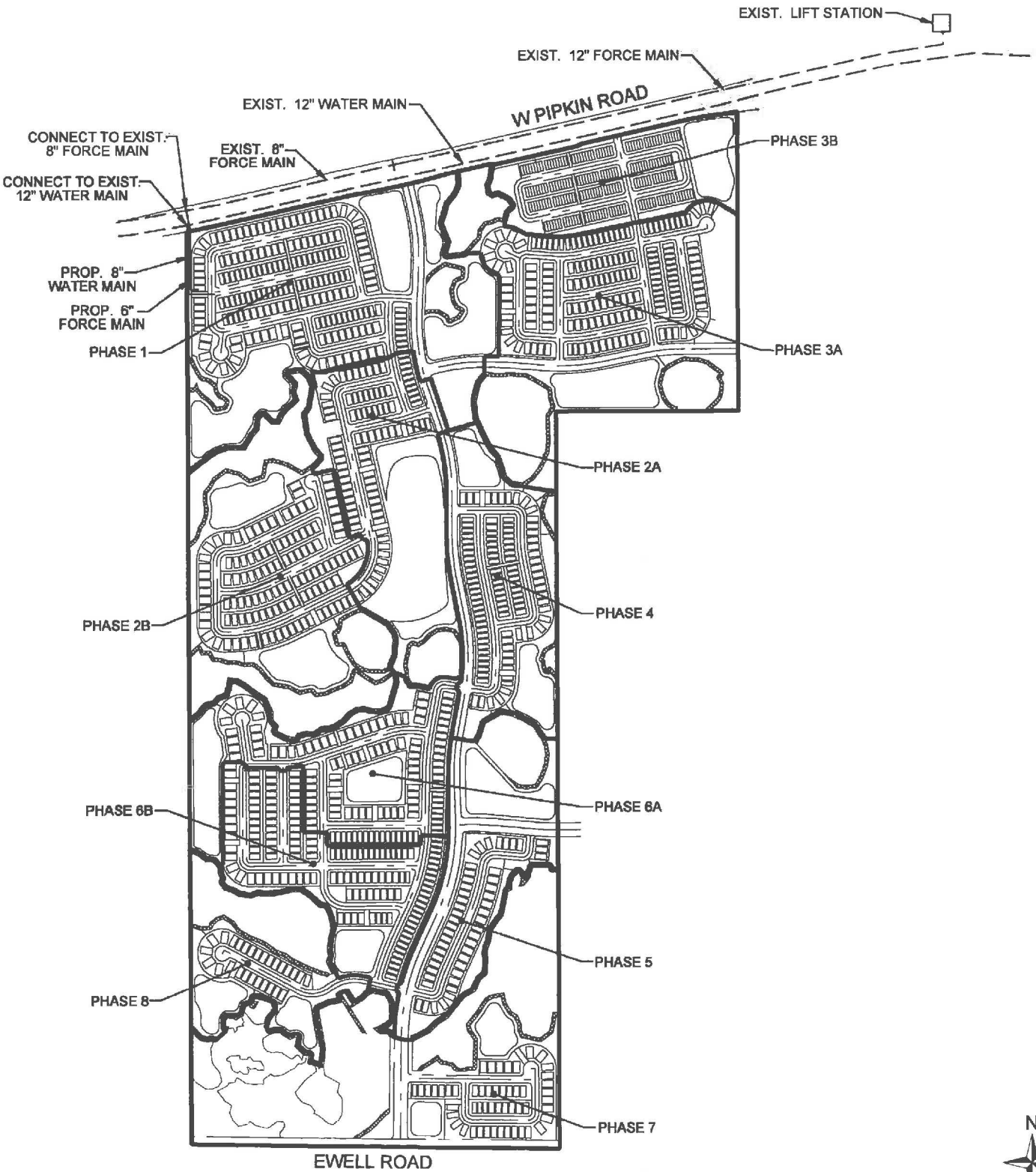
DATE: 04/06/21  
REV DATE:  
SCALE 1" = 1000'

PROJ: 50138735  
DRAWN BY: MCD  
CHECKED BY: WDD

# EXHIBIT 4



Q:\LNHECDD\_50138735\CAD\Civil\EXIST\PHASE CDD Utility.dgn



3.53.0.1



TYPE: EXHIBIT  
 DATE: APRIL 2021  
 PROJECT NO.: 50138735  
 DRAWN BY: SKH  
 CHECKED BY: NPS  
 SCALE: 1" = 1000'  
 SHEET: 1 OF 1

**HAWTHORNE MILL NORTH  
 COMMUNITY DEVELOPMENT  
 DISTRICT**

**EXISTING UTILITY  
 SYSTEM & PROPOSED  
 CONNECTIONS**

800 NORTH MAGNOLIA AVENUE - SUITE 1000 - ORLANDO, FLORIDA 32803  
 407-843-5120 - ENGINEERING BUSINESS - 8794

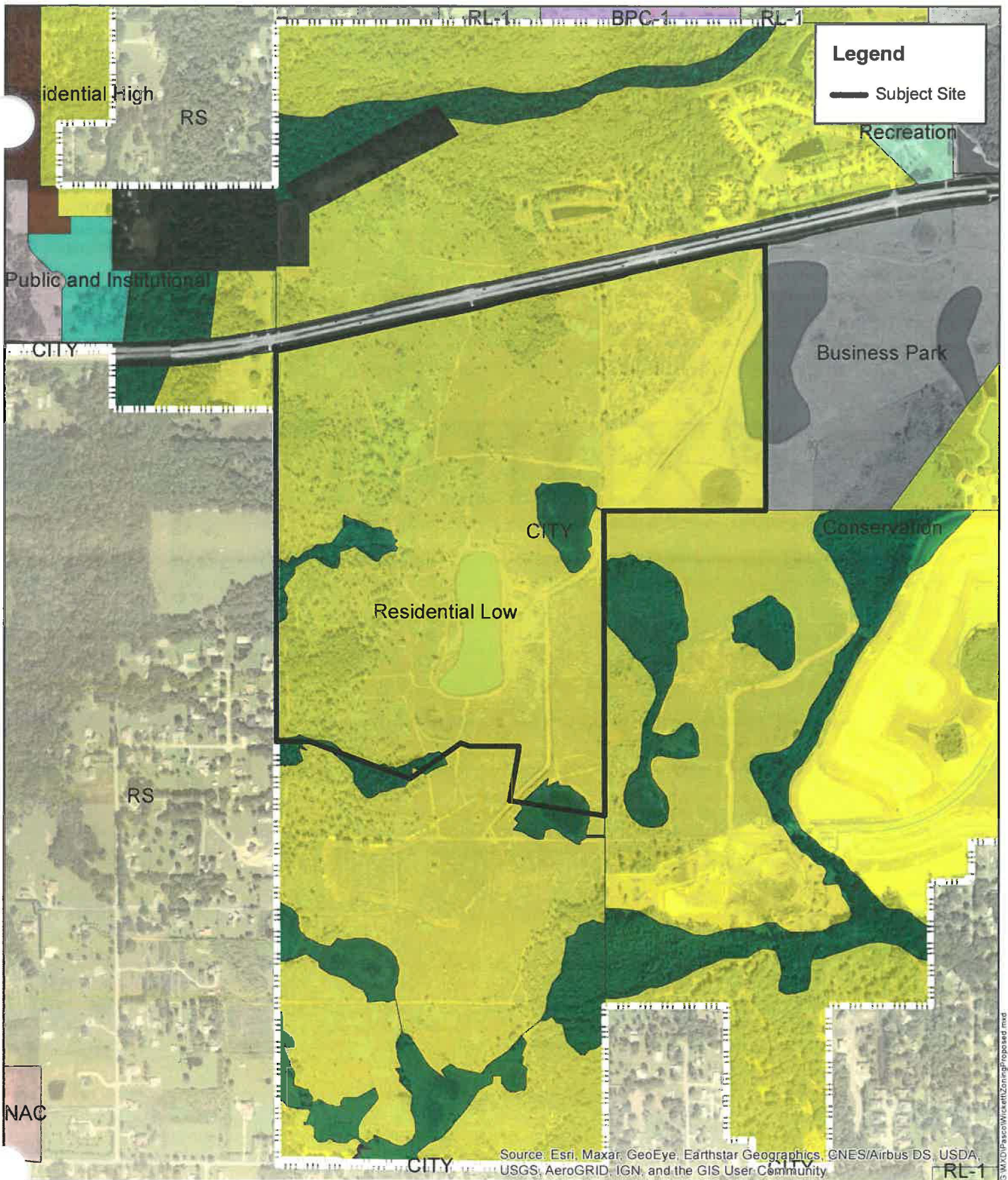
# EXHIBIT 5

## Proposed Facilities & Estimated Costs

Improvement	Financing Entity	Ownership & Operations Entity
Stormwater System	CDD	CDD
Sanitary Sewer & Water Distribution	CDD	City of Lakeland
Undergrounding of Electric	CDD	Polk County
Conservation/Mitigation	CDD	CDD
Landscape/ Hardscape/ Irrigation	CDD	CDD
On-Site Roadways	CDD	Polk County
Off-Site Roadways	CDD	Polk County

Improvement	Estimated Costs
Stormwater System	\$5,690,303
Sanitary Sewer	\$2,636,812
Water Distribution System	\$1,576,800
Electrical Conduit	\$727,429
Conservation Mitigation	\$571,429
Landscape/ Hardscape/Irrigation	\$1,287,917
On-Site Public Roadway Improvements	\$6,707,986
Off-Site Public Roadway/ Utility Improvements	\$643,435
Contingency 15%	\$2,976,325
<b>Total</b>	<b>\$19,842,165</b>
Consultant Fees	\$1,873,144
<b>Grand Total</b>	<b>\$21,715,309</b>
<i>Fine grading excluded</i>	

# EXHIBIT 6



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Hawthorne Mill North CDD

Exhibit 4. Future Land Use

N  
 Data Source: PCPA  
 Image Source: ESRI

0 500 1,000 Feet



# EXHIBIT 7

# HAWTHORNE MILL NORTH COMMUNITY DEVELOPMENT DISTRICT

## Statement of Estimated Regulatory Costs

May 17, 2021



Provided by

Wrathell, Hunt and Associates, LLC  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431  
Phone: 561-571-0010  
Fax: 561-571-0013  
Website: [www.whassociates.com](http://www.whassociates.com)

# STATEMENT OF ESTIMATED REGULATORY COSTS

## **1.0 Introduction**

### **1.1 Purpose and Scope**

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Hawthorne Mill North Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 289.07 +/- acres of land located within City of Lakeland, Polk County, Florida (the "City") and is projected to contain approximately 1,231 residential dwelling units, which will make up the Hawthorne Mill North development. The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

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

### **1.2 Overview of the Hawthorne Mill North Community Development District**

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 1,231 residential dwelling units, all within the boundaries of the District. Tables 1 and 2 under Section 5.0 detail the anticipated improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

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

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

### **1.3 Requirements for Statement of Estimated Regulatory Costs**

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



- (a) An economic analysis showing whether the rule directly or indirectly:
1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;
  2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or
  3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.
- (b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.
- (d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.
- (e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (City of Lakeland, according to Census 2010, has a population of 97,422; therefore, it is not defined as a small City for the purposes of this requirement.)
- (f) Any additional information that the agency determines may be useful.
- (g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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

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

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

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

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 289.07 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 1,231 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the

private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

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

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

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

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

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

and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of their debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District.

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

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

a. The State of Florida

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

b. City of Lakeland

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

c. Current Property Owners

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

d. Future Property Owners

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

The proposed District will serve land that comprises an approximately 289.07 +/- acre master planned residential development currently anticipated to contain a total of approximately 1,231 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 4,309 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The City, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

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

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

**4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

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

State Governmental Entities

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

## City of Lakeland, Florida

The proposed land for the District is located within the City of Lakeland, Polk County, Florida and consists of less than 2,500 acres. The City and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the City will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the City may incur in the processing of this petition. Finally, the City already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

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

### **4.2 Impact on State and Local Revenues**

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

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

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

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

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$21,715,309. The District may levy non-ad valorem special assessments (by a variety of names) and may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non-ad valorem special assessments levied on all developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

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

**Table 1**

**HAWTHORNE MILL NORTH COMMUNITY  
DEVELOPMENT DISTRICT  
Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater System	CDD	CDD	CDD
Sanitary Sewer and Water Distribution	CDD	City	City
Undergrounding of Electric Conduit	CDD	County	County
Conservation/Mitigation	CDD	CDD	CDD
Landscape/Hardscape/Irrigation	CDD	CDD	CDD
On-Site Roadways	CDD	County	County
Off-Site Roadways	CDD	County	County

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, City or its dependent districts, or City management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

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

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

Table 2

HAWTHORNE MILL NORTH COMMUNITY  
DEVELOPMENT DISTRICT  
Estimated Costs of Construction

CATEGORY	COST
Stormwater System	\$5,690,303
Sanitary Sewer	\$2,636,812
Water Distribution	\$1,576,800
Undergrounding of Electric Conduit	\$727,429
Conservation/Mitigation	\$571,429
Landscape/Hardscape/Irrigation	\$1,287,917
On-Site Roadways	\$6,707,986
Off-Site Roadways	\$643,435
Contingency	\$2,976,625
Professional Fees	\$1,873,144
<b>Total</b>	<b>\$21,715,309</b>

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

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

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

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

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

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

Consequently, a CDD provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage



necessary development of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

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

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

City of Lakeland has a population of 97,422 according to the Census 2010 conducted by the United States Census Bureau and is therefore not defined as a "small" City according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the Hawthorne Mill North development will not produce any marginal effects that would be different from those that would have occurred if the Hawthorne Mill North development was developed without a community development district established for it by the City.

**7.0 Any additional useful information.**

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

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

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

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

Third, any debt of an independent CDD is strictly that District's responsibility. While it may be

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

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

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

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

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the Hawthorne Mill North Community Development District.

**APPENDIX A  
LIST OF REPORTING REQUIREMENTS**

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

# EXHIBIT 8

**AUTHORIZATION OF AGENT**

This letter shall serve as a designation of Jere Earlywine of Hopping Green & Sams, P.A., to act as agent for Petitioner, Forestar (USA) Real Estate Group Inc., with regard to any and all matters pertaining to the Petition to the Board of City Commissioners of the City of Lakeland, Florida, to Establish the Hawthorne Mill North Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

**FORESTAR (USA) REAL ESTATE GROUP INC.**

Witnessed:


  
Print Name: Courtney Potter

  
Print Name: Esperanza Maxon

  
By: Chris Tyree  
Its: President

STATE OF Florida  
COUNTY OF Bernie

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 3rd day of May, 2021, by Chris Tyree, as President of Forestar, on its behalf. He  is personally known to me or  produced \_\_\_\_\_ as identification.

  
Notary Public, State of \_\_\_\_\_

