

**Petition to Establish**

**EMERALD CREEK**

**Community Development District**

**September 12, 2023**

**Submitted by:**  
**John M. Vericker, Esq.**  
**STRALEY ROBIN VERICKER**  
**Attorneys at Law**  
**1510 W. Cleveland Street**  
**Tampa, Florida 33606**  
**Telephone: 813-223-9400**

# **Petition to Establish Emerald Creek Community Development District**

Petitioner, Northwest Land LLC, a Florida limited liability company, (herein referred to as "**Petitioner**"), petitions the Board of County Commissioners of Hernando County, Florida pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to adopt an ordinance establishing a community development district, to be known as the Emerald Creek Community Development District (the "**District**"), and designating the land area for which the District would manage and finance the delivery of basic services, and states as follows:

1. **Petitioner and Contact Information.** Petitioner is Northwest Land LLC, a Florida limited liability company, having a mailing address is 18125 Wayne Road, Odessa, Florida 33556.
2. **Location and Aerial Maps.** The land area to be served by the District is a parcel of unimproved real property containing approximately 146.82 acres. All of the land in the proposed District is in the unincorporated portion of Hernando County. A map showing the general location of the project and an aerial photograph is attached as **Composite Exhibit A**.
3. **Legal Description.** A metes and bounds legal description of the external boundaries of the District and a survey and description sketch are attached as **Exhibit B**. There are no parcels within the proposed external boundaries of the District which are to be excluded. Section 190.005(1)(a)1, Florida Statutes.
4. **Landowners Consent.** The written consent to the establishment of the District by the landowners, as defined in section 190.003(14), Florida Statutes, of 100% of the real property to be included in and served by the District, are attached as **Exhibit C**. Section 190.005(1)(a)2, Florida Statutes.
5. **Initial Board of Supervisors.** The five persons designated to serve as the initial members of the board of supervisors of the District are identified in **Exhibit D** attached hereto. These initial supervisors shall serve on the board until replaced by elected members as provided by Section 190.006, Florida Statutes. All of the initial supervisors are residents of the State of Florida and citizens of the United States of America. Section 190.005(1)(a)3, Florida Statutes.
6. **Name of the District.** The proposed name of the District is the **Emerald Creek Community Development District** (hereinafter in the attached exhibits referred to as "**Emerald Creek CDD**"). Section 190.005(1)(a)4, Florida Statutes.
7. **Existing Utilities.** The major trunk water mains, sewer interceptors and outfalls currently in existence on the property to be served by the District are identified in **Exhibit E** attached hereto. Section 190.005(1)(a)5, Florida Statutes.

8. **Proposed Timetables/Estimated Costs and Proposed Infrastructure Plan.** The proposed timetables and related estimates of cost to construct District services and facilities, and proposed infrastructure plan based upon available data, are attached as **Composite Exhibit F.** Section 190.005(1)(a)6, Florida Statutes.

9. **Statement of Estimated Regulatory Costs.** The statement of estimated regulatory costs of the granting of this petition and the establishment of the District pursuant thereto together with an analysis of alternatives for delivering community development services and facilities, is attached as **Exhibit G.** Section 190.005(1)(a)8, Florida Statutes.

10. **Future Land Use Map.** The future general distribution, location, and extent of public and private uses of land proposed for the area within the District have been incorporated into the adopted and approved Hernando County Comprehensive Plan Land Use Element. The proposed land uses are consistent with the local government comprehensive plan. A copy of the pertinent portion of the Hernando County Land Use Element is attached as **Exhibit H.** Section 190.005(1)(a)7, Florida Statutes.

Consistent with the Hernando County 2040 Comprehensive Plan, development of the District will provide a new residential neighborhood for the County, offering quality growth and additional housing needs and choices to residents while providing for a variety of housing types and flexible development options.

In accordance with Objective 1.04B, Strategy 1.04B(2), of the County Comprehensive Plan, future residential development should be located where the Residential Category predominates the Future Land Use Map. The future land use designation for the area that will comprise the District is “Residential”. All services and facilities intended for the District, specifically the roads, street lighting, water/wastewater, recreational facilities, surface water management, and landscape/hardscape, are services and facilities that will support a residential subdivision.

Consistent with Goal 4.01, Strategy 4.01A(2), of the County Comprehensive Plan, development of this subdivision will ensure the availability of new, quality housing options conveniently located to meet the needs of existing and expected County residents.

Consistent with Goal 7.01, Strategy 7.01A(6), of the County Comprehensive Plan, petitioner is requesting additional special powers to provide parks and recreational services, in order to develop neighborhood parks and other like amenities for the District’s residents.

11. The property within the proposed District is amenable to operation as an independent special district for the following reasons:

(a) Establishment of the District and all land uses and services planned within the proposed District are consistent with applicable elements or portions of the State

Comprehensive Plan and all elements of the adopted and approved Hernando County Comprehensive Plan.

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

(c) The District provides the best mechanism for delivering community development services and facilities to the proposed community. The Petitioner expects that the establishment of the proposed District will promote development of the land within the District by providing for a more efficient use of resources. That development will in turn benefit Hernando County and its residents outside the District by increasing the ad valorem tax base of Hernando County and generating water and wastewater impact fees which will assist Hernando County to meet its obligations to repay certain bonded indebtedness and transportation and other impact fees as well.

(d) The community development services and facilities of the District will be compatible with the capacity and use of existing local and regional community development services and facilities. In addition, the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

12. The Petitioner is also requesting Hernando County to grant the District the following special powers under section 190.012(2), Florida Statutes: (1) Parks and Recreation powers in accordance with section 190.012(2)(a), Florida Statutes and (2) Security Powers in accordance with section 190.012(2)(d), Florida Statutes.

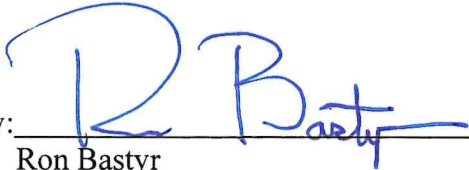
As mentioned above, in its plan for development of the District, Petitioner proposes to develop recreational facilities within the area served by the District. Recreational facilities, such as parks and other like amenities, will be perpetually maintained by a District maintenance assessment.

Regarding the requested security powers, Petitioner anticipates including fencing in its development. Additionally, while the District will not exercise any police power, in the future the District may choose to contract with the appropriate local governmental agency to provide enhanced security services within the District's boundaries. To do this, the District will need the Board of County Commissioners to grant security powers in the ordinance establishing the District.

I hereby certify that, to my knowledge, the facts contained in this Petition to Establish Emerald Creek Community Development District are true and correct.

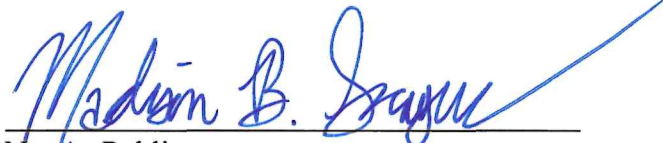
Respectfully submitted this 12th day of September, 2023.

**Northwest Land LLC,**  
A Florida limited liability company

By:   
Ron Bastyr  
Manager

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11th date of September, 2023 by Ron Bastyr as Manager of Northwest Land LLC, a Florida limited liability company, on behalf of the company, who is  personally known to me or  has produced \_\_\_\_\_ as identification.

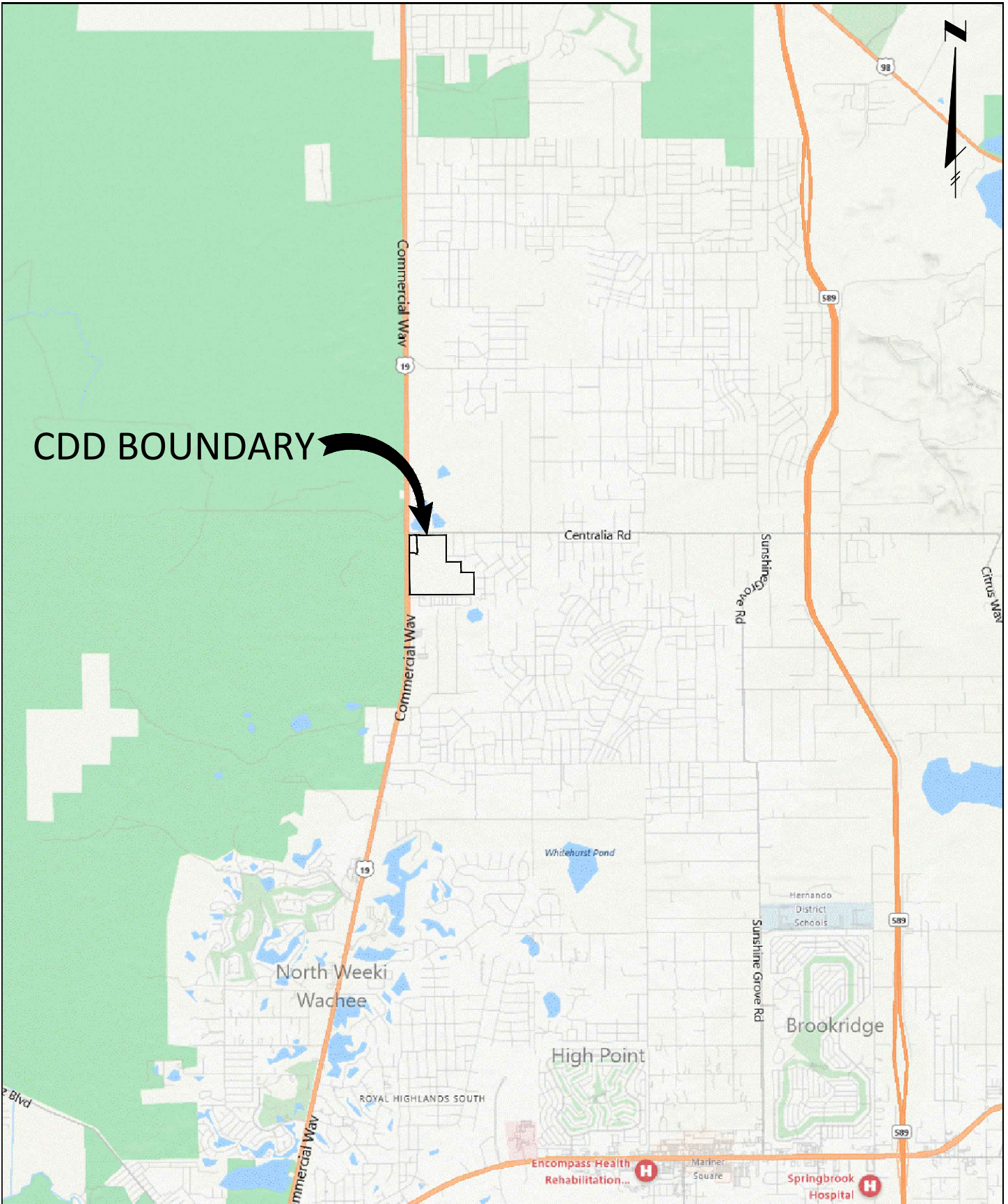
  
Notary Public

[Notary Seal]

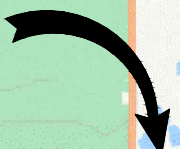


Madison B. Sprague  
Name typed, printed or stamped  
My Commission Expires: 2/22/2026

**Composite Exhibit A  
Location Map and Aerial Map**



**CDD BOUNDARY**



**Coastal**  
 Engineering  
 Planning  
 Surveying  
 Environmental  
 Traffic  
 Transportation  
 Construction Management  
 engineering associates, inc.

966 Candlelight Boulevard - Brooksville - Florida 34601  
 (352) 796-9423 - Fax (352) 799-8359  
 EB-0000142

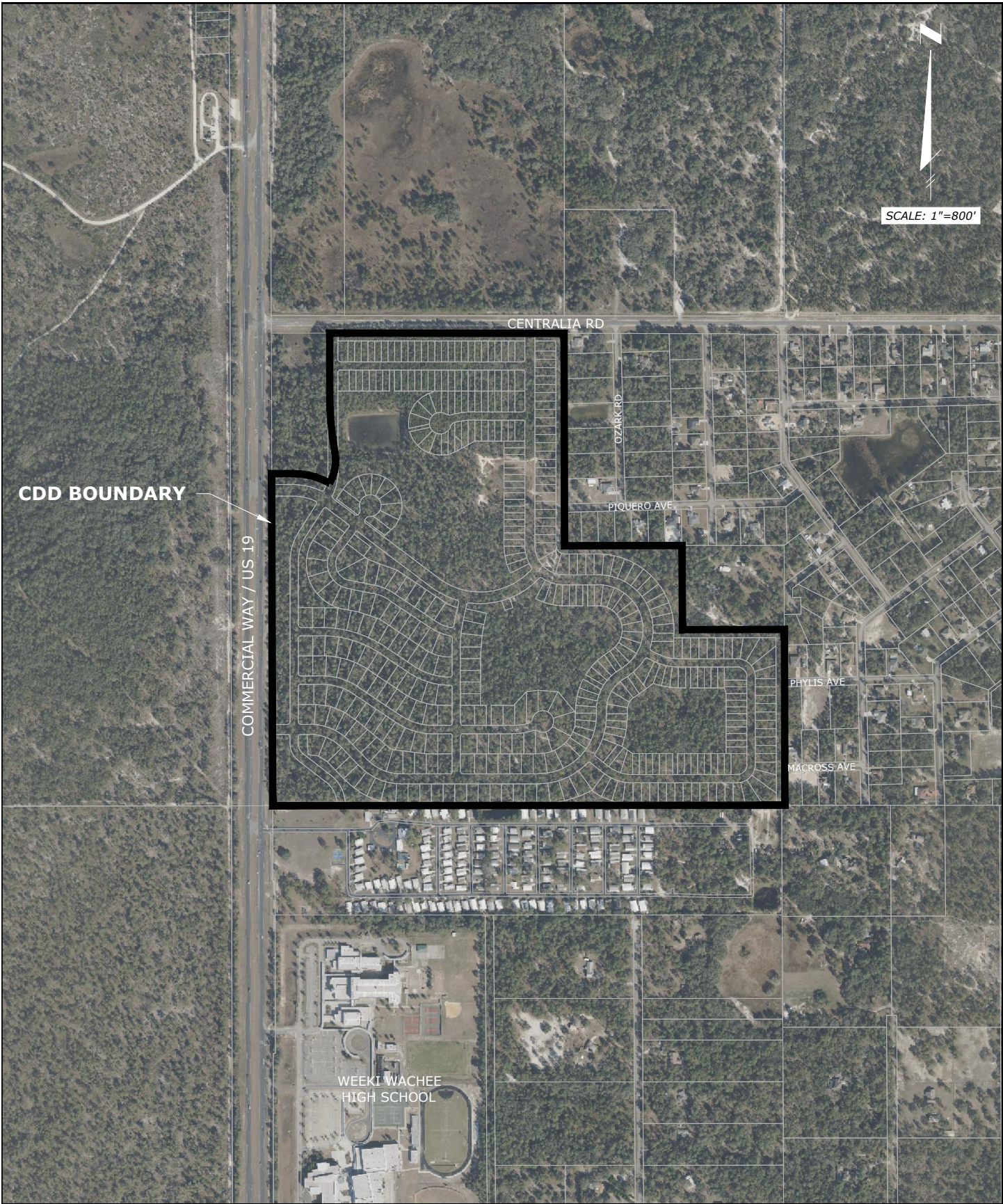
**Composite Exhibit A - Location Map**

**EMERALD CREEK CDD BOUNDARY**

DATE  
7/26/23

23043

**EX-2**



CDD BOUNDARY

COMMERCIAL WAY / US 19

CENTRALIA RD

OZARK RD

PIQUERO AVE

PHYLLIS AVE

MACROSS AVE

WEEKI WACHEE  
HIGH SCHOOL

SCALE: 1"=800'

**Coastal**

Engineering  
Planning  
Surveying  
Environmental  
Traffic  
Transportation  
Construction Management  
engineering associates, inc.

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EB-0000142

Composite Exhibit A - Aerial Map

EMERALD CREEK CDD BOUNDARY AERIAL

DATE  
07/26/23

23043

EX-3



**Exhibit B**  
**Legal Description and Sketch**

# LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST, HERNANDO COUNTY FLORIDA, AND THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE WEST BOUNDARY LINE OF SAID SOUTHWEST 1/4, RUN S00°02'52"W, 54.87 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRALIA ROAD, AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF CENTRALIA ROAD, RUN S89°56'57"E, 1314.64 FEET TO THE WEST BOUNDARY LINE OF ROYAL HIGHLANDS, UNIT-6 AS RECORDED IN PLAT BOOK 12, PAGES 67-79 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN S00°05'03"E, 1271.43 FEET; THENCE ALONG THE SOUTH LINE OF SAID ROYAL HIGHLANDS UNIT 6, BLOCK 377, RUN N89°55'18"E, 704.92 FEET TO THE WEST BOUNDARY LINE OF PARCEL 7.0 AS RECORDED IN OFFICIAL RECORDS BOOK 3326, PAGE 850 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN S00°10'57"E, 503.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 7.0; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 7.0, RUN N89°54'32"E, 610.64 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG SAID EAST LINE, RUN S00°09'36"E, 1054.04 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31, RUN S89°57'07"W, 1327.25 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, RUN S89°57'22"W, 1305.88 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, RUN S89°55'50"W, 434.89 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #19; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, RUN N00°10'10"W, 1989.76 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, RUN N90°00'00"E, 128.06 FEET THE PC OF A CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 29°10'49", AND A CHORD BEARING AND DISTANCE OF S75°24'35"E, 226.71 FEET; THENCE ALONG THE ARC OF SAID CURVE 229.18 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE WEST, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 39°42'12", AND A CHORD BEARING AND DISTANCE OF N09°40'09"E, 186.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 190.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO EAST, HAVING A RADIUS OF 2025.00 FEET, A CENTRAL ANGLE OF 10°10'57", AND A CHORD BEARING AND DISTANCE OF N05°05'28"W, 359.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 359.88 FEET; THENCE N00°00'00"E, 356.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRALIA ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, RUN S89°56'37"E, 90.37 TO THE POINT OF BEGINNING.

CONTAINING 146.82 ACRES, MORE OR LESS.

LEGAL DESCRIPTION

LEGAL DESCRIPTION AND SKETCH AS PROVIDED BY COASTAL ENGINEERING ASSOCIATES, DATED 3/29/23, BY: SCOTT OSBOURNE, PSM



Engineering  
Planning  
Surveying  
Environmental  
Traffic  
Transportation  
Construction Management

engineering associates, inc.

966 Candlelight Boulevard - Brooksville - Florida 34601  
(352) 796-9423 - Fax (352) 799-8359  
EB-0000142

Exhibit B - Metes and Bound Legal

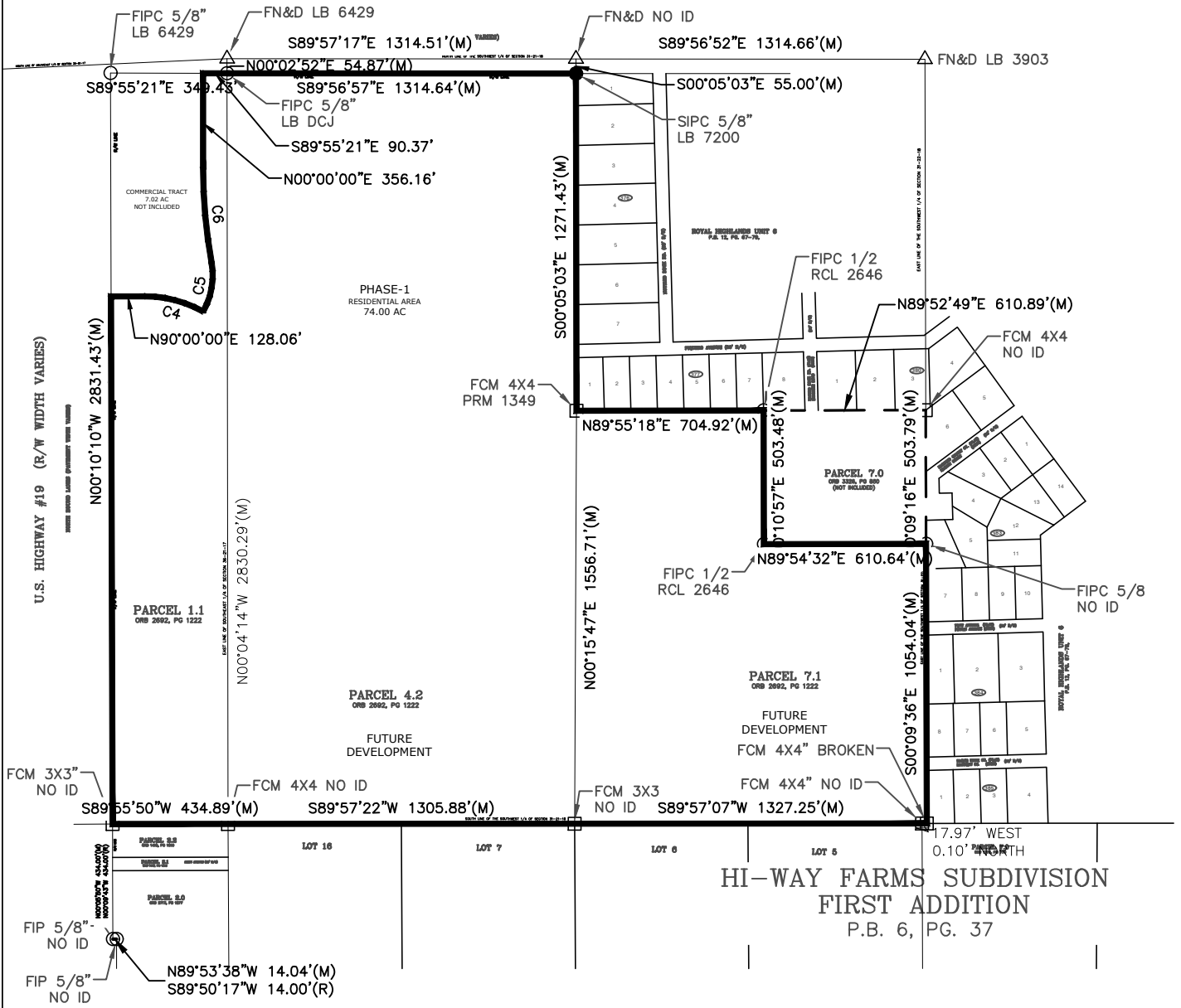
EMERALD CREEK CDD LEGAL  
DESCRIPTION

DATE  
7/26/23

23043

EX-1.1

SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST &  
SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST  
HERNANDO COUNTY, FLORIDA



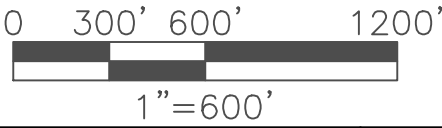
**LEGEND AND ABBREVIATIONS**

- C1 = SEE CURVE TABLE
- L1 = SEE LINE TABLE
- (C) = CALCULATED
- (P) = PLAT OR MAP
- (M) = FIELD MEASURED
- (R) = RECORD OR DEED
- O.R. = OFFICIAL RECORD
- P.B. = PLAT BOOK
- PG. = PAGE
- R/W = RIGHT-OF-WAY
- SEC = SECTION
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- ▲ = DESCRIPTIVE POINT
- \*\*\* = BASIS for BEARINGS

**SURVEY NOTES:**

1. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), 2011 ADJUSTMENT AND ARE GRID BEARINGS.
2. BASIS FOR SURVEY IS DESCRIPTION, RECORD PLAT, AND MONUMENTATION FOUND IN PLACE.
3. ADDITIONS, DELETIONS REPRODUCTION OF SURVEY DRAWINGS BY OTHER THAN THE SIGNED PARTY OR PARTIES IS PROHIBITED BY LAW WITHOUT WRITTEN CONSENT OF THE SIGNED PARTY OR PARTIES.
4. THIS SURVEY MAP IS VALID ONLY TO THOSE PERSONS OR ENTITIES NAMED HEREON. COASTAL ENGINEERING ASSOCIATES, INC. WILL ASSUME NO RESPONSIBILITY FOR THE UNAUTHORIZED REPRODUCTION AND/OR REDISTRIBUTION OF THIS SURVEY MAP.
5. THIS PROPERTY IS SUBJECT TO ANY DEDICATION, LIMITATIONS, RESERVATIONS, RESTRICTIONS, AND/OR EASEMENTS OF RECORD AND NOT OF RECORD.
6. THE PROPERTY DESCRIBED HEREON APPEARS TO BE IN FLOOD ZONE X (AREA DETERMINED TO FALL OUTSIDE OF THE 0.2% CHANCE ANNUAL FLOODPLAIN) AS SCALED FROM THE FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 120110, MAP NUMBER 12053C, PANEL NUMBER 0156-E, EFFECTIVE DATE 01/15/2021.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C4	229.18'	450.00'	291°0'49"	S75°24'35"E	226.71'
C5	190.56'	275.00'	39°42'12"	N09°40'09"E	186.77'
C6	359.88'	2025.00'	101°0'57"	N05°05'28"W	359.41'



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(352) 796-9423 - Fax (352) 799-8359  
EB-0000142

Exhibit B - Metes and Bound Sketch  
EMERALD CREEK CDD LEGAL SKETCH

DATE  
7/26/23  
23043  
EX-1

**Exhibit C**  
**Consent and Joinder of Landowner**

**CONSENT AND JOINDER OF LANDOWNERS TO ESTABLISHMENT OF THE  
EMERALD CREEK COMMUNITY DEVELOPMENT DISTRICT**

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

The undersigned understands and acknowledges that Northwest Land LLC, a Florida limited liability company, (the "Petitioner"), intends to submit a petition to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

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

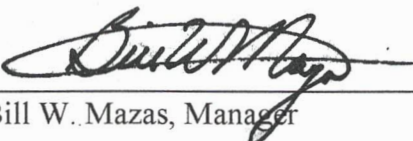
The undersigned hereby consents to the establishment of a community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during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

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the Petitioner, a consent to establishment of the community development district in substantially this form.

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

Executed this 3<sup>rd</sup> day of August, 2023.

**MAZAS HERNANDO HOLDINGS, L.L.C.,**  
a Florida limited liability company

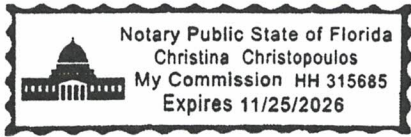
By:   
Bill W. Mazas, Manager

STATE OF FLORIDA  
COUNTY OF Pinellas

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 3<sup>rd</sup> date of August, 2023 by Bill W. Mazas as Manager of Mazas Hernando Holdings, L.L.C., a Florida limited liability company, on behalf of the company, who is  personally known to me or  has produced \_\_\_\_\_ as identification.

[Notary Seal]

Christina Christopoulos  
Notary Public



Christina Christopoulos  
Name typed, printed or stamped  
My Commission Expires: 11-25-2026

10/15

EXHIBIT "A"

2009056397  
LORINDA 2692/1222

OFFICIAL RECORDS  
BK: 2692 PG: 1222

This Instrument Prepared by  
and Return To:



LT1-2-2009056397-1

GASSMAN, BATES & ASSOCIATES, P.A.  
ALAN S. GASSMAN, ESQUIRE  
1245 Court Street, Suite 102  
Clearwater, FL 33756



LT2-2692-1222-5

R-ENV

Property Appraiser's Parcel I.D. Number(s):  
R31 421 18 0000 0040 0020  
R36 421 17 0000 0010 0010  
R31 421 18 0000 0070 0010

**THIS WARRANTY DEED**, made the 15<sup>th</sup> day of OCTOBER, A.D. 2009, by THOMAS B. MAZAS, as to an undivided one-third interest, SOPHIA VASILAROS f/k/a SOPHIA MAZAS, as to an undivided one-third interest, and BILL W. MAZAS, as to an undivided one-third interest, hereinafter called the Grantors, to MAZAS HERNANDO HOLDINGS, L.L.C., a Florida limited liability company formed 09/30/2009, hereinafter called the Grantee. The Grantee's post office address is 2551 Drew Street, Suite 301, Clearwater, FL 33765.

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH**, That the Grantors, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, receipt whereof is hereby acknowledged, hereby grant, bargain, sell, alien, remise, release and convey and confirm unto the Grantee all that certain land situate in HERNANDO County, State of Florida, and more fully described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO.**

The Grantors hereby represents and warrants that the above-referenced property **IS NOT** the homestead property of the Grantors.

This deed was prepared without the benefit of a title search of the subject property and the preparer of this conveyance does not guarantee merchantability or marketability of title.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

**And** the Grantors hereby covenant with said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

WARRANTY DEED

RECORDING FEES  
MISCELLANEOUS FEES \$ 44.00  
DEED DOC STAMP \$ 1.00  
10/20/2009 \$ 0.70  
Deputy CLK

PAGE 1

10/20/2009 10:02AM # Pages 5  
Filed & Recorded in Official Records of  
HERNANDO COUNTY CLERK OF COURT  
KAREN NICOLAI

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten Signature]  
Witness Signature

[Handwritten Signature]  
THOMAS B. MAZAS

Tom W. Mazas  
Printed Witness Signature

606 East Chapman, Lutz, FL 33549  
Grantor's Address

[Handwritten Signature]  
Witness Signature

Sophia Vasilaros  
Printed Witness Signature

OFFICIAL RECORDS  
BK: 2692 PG: 1223

STATE OF FLORIDA )  
COUNTY OF Pinellas )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared THOMAS B. MAZAS, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed this Deed, or that I relied upon the following forms of identification of the above-named person: \_\_\_\_\_

WITNESS, my official hand and seal this 15<sup>th</sup> day of OCTOBER, 2009.

(SEAL)



Mary Ruppitz  
Commission #DD492945  
Expires: NOV 21, 2009  
www.flarenotary.com

[Handwritten Signature]  
Notary Public Signature  
Mary Ruppitz  
Printed Notary Signature



[Signature]  
Witness Signature

[Signature]  
SOPHIA VASILAROS f/k/a SOPHIA MAZAS

Eric W. Mazas  
Printed Witness Signature

111 Bayside Drive, Clearwater, FL 33767  
Grantor's Address

[Signature]  
Witness Signature

Thomas W. Mazas  
Printed Witness Signature

STATE OF FLORIDA )  
COUNTY OF Pinellas )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared SOPHIA VASILAROS f/k/a SOPHIA MAZAS, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed this Deed, or that I relied upon the following forms of identification of the above-named person: \_\_\_\_\_.

WITNESS, my official hand and seal this 15<sup>th</sup> day of OCTOBER, 2009.

(SEAL)



Mary Ruppitz  
Commission #DD492945  
Expires: NOV 21, 2009  
www.AARONNOTARY.com

[Signature]  
Notary Public Signature  
Mary Ruppitz  
Printed Notary Signature

OFFICIAL RECORDS  
BK: 2692 PG: 1224

[Handwritten Signature]  
Witness Signature

[Handwritten Signature]  
BILL W. MAZAS

Sophia Vasiliaris  
Printed Witness Signature

152 Devon Drive, Clearwater, FL 33767  
Grantor's Address

[Handwritten Signature]  
Witness Signature

Thomas W. Mazas  
Printed Witness Signature

OFFICIAL RECORDS  
BK: 2692 PG: 1225

STATE OF FLORIDA )  
COUNTY OF Pinellas )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared BILL W. MAZAS, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed this Deed, or that I relied upon the following forms of identification of the above-named person: \_\_\_\_\_.

WITNESS, my official hand and seal this 15<sup>th</sup> day of OCTOBER, 2009.

(SEAL) 

Mary Ruppitz  
Commission #DD492945  
Expires: NOV 21, 2009  
www.floridajudicialbranch.com

[Handwritten Signature]  
Notary Public Signature  
Mary Ruppitz  
Printed Notary Signature

J:\M\MAZAS\Mazas Hernando Holdings, L.L.C\Warranty Deed. Hernando Parcels.l.d.wpd  
jas \*ms\*kh 9/30/09

**EXHIBIT "A"**

As to Parcels R31 421 18 0000 0040 0020 and R36 421 17 0000 0010 0010:

All that part of the Southeast One-Quarter (SE-1/4) of Section 36, Township 21 South, Range 17 East, Hernando County, Florida, lying East of U. S. Highway 19.

**AND**

The Southwest One-Quarter (SW-1/4) of the Southwest One-Quarter (SW-1/4) and the Northwest One-Quarter (NW-1/4) of the Southwest One-Quarter (SW-1/4) of Section 31, Township 21 South, Range 18 East, Hernando County, Florida.

**SUBJECT TO THE FOLLOWING:**

1. Reservation contained in deed dated March 3, 1910, recorded in Deed Book 20, Page 662, Public Records of Hernando County, Florida, given by the Trustees of the Internal Improvement Fund of the State of Florida, to H. D. Havana Company, a corporation, which reads: Saving and reserving to the said Trustees and their successors the right at any time to enter upon the said lands and make, or cause to be made and constructed thereon, such canals, cuts, sluice-ways, dikes and other works as may, in the judgment of said Trustees or their successors, be necessary and needful for the drainage and reclamation of any of the lands granted to the State of Florida by Act of Congress, approved September 28, 1850, and to take from the said lands herein conveyed and to use such gravel, stone or earth as may, in the judgment of said Trustees or their successors, be necessary to use in the making and construction of said canals, sluice-ways, cuts, dikes and other works upon said lands for the purpose aforesaid. This exception applies only to those lands lying within the E 1/2 of the Southeast One-Quarter (SE-1/4) of Section 36, Township 21 South, Range 17 East.

2. Rights of the State of Florida concerning burrow pits and outfall and drainage ditches as contained in a deed to said State dated December 19, 1933, recorded in Deed Book 67, Page 447, and in a deed dated December 17, 1934, recorded in Deed Book 68, Page 105, Public Records of Hernando County, Florida, describing portions of Section 36, Township 21 South, Range 17 East, Section 24, Township 22 South, Range 17 East, and Sections 20 and 30, Township 23 South, Range 17 East.

As to Parcel R31 421 18 0000 0070 0010:

The Southeast One-Quarter (SE-1/4) of the Southwest One-Quarter (SW-1/4) Fractional of Section 31, Township 21 South, Range 18 East, Hernando County, Florida, LESS and EXCEPT the North 503.64 feet of the East 610.85 feet thereof.

OFFICIAL RECORDS  
BK: 2692 PG: 1226

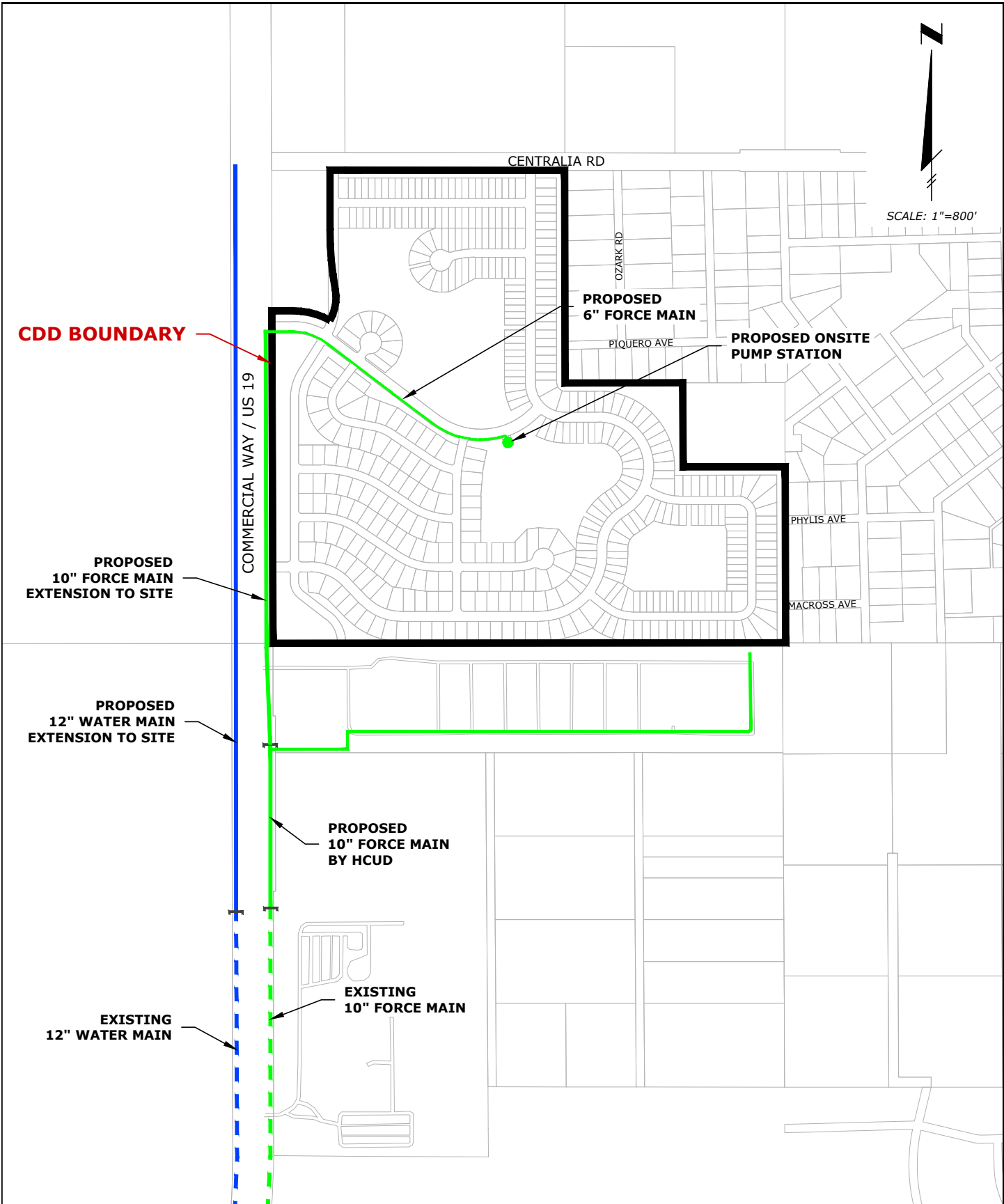
**Exhibit D**  
**Initial Board of Supervisors**

**Emerald Creek  
Community Development District**

**Initial Board of Supervisors**

1. Ron Bastyr – 1825 Wayne Rd, Odessa, FL 33556
2. Shane O’Neil – 454 1<sup>st</sup> Street West, Tierra Verde, FL 33715
3. Cheryl O’Neil – 454 1<sup>st</sup> Street West, Tierra Verde, FL 33715
4. Cole Bastyr – 1825 Wayne Rd, Odessa, FL 33556
5. Lynette Bastyr – 1825 Wayne Rd, Odessa, FL 33556

**Exhibit E**  
**Existing Utilities Map**



**CDD BOUNDARY**

SCALE: 1"=800'

CENTRALIA RD

OZARK RD

**PROPOSED 6" FORCE MAIN**

PIQUERO AVE

**PROPOSED ONSITE PUMP STATION**

PHYLIS AVE

MACROSS AVE

COMMERCIAL WAY / US 19

**PROPOSED 10" FORCE MAIN EXTENSION TO SITE**

**PROPOSED 12" WATER MAIN EXTENSION TO SITE**

**PROPOSED 10" FORCE MAIN BY HCUD**

**EXISTING 12" WATER MAIN**

**EXISTING 10" FORCE MAIN**



966 Candlelight Boulevard - Brooksville - Florida 34601  
 (352) 796-9423 - Fax (352) 799-8359  
 EB-0000142

**Exhibit E - Existing Utilities Map**

EMERALD CREEK CDD EXISTING UTILITIES

DATE  
07/26/23

23043

EX-6

**Composite Exhibit F**  
**Estimated Construction Costs and Timetable**  
**and Proposed Infrastructure Plan**



# Emerald Creek Community Development District

## Estimated Construction Costs and Proposed Timetable for Construction

Description	Phase 1 2023-2025	Phase 2 2024-2025	Total Estimated Budget
Roadways	\$2,325,600	\$3,830,400	\$6,156,000
Stormwater Management	\$1,282,600	\$2,112,400	\$3,395,000
Utilities (Water, Sewer)	\$1,551,600	\$2,555,400	\$4,107,000
Hardscape/Landscape/Irrigation	\$1,341,900	\$2,210,100	\$3,552,000
Undergrounding of Conduit	\$221,000	\$364,000	\$585,000
Recreational Amenities	\$1,998,000	\$0	\$1,998,000
Conservation/Mitigation	\$160,000	\$0	\$160,000
Off-Site Improvements -Roadways -Utilities	\$1,178,000	\$450,000	\$1,628,000
Professional Services	\$708,400	\$1,166,600	\$1,875,000
<b>Subtotal</b>	\$10,767,100	\$12,688,900	\$23,456,000
<b>Contingency @ 10%</b>	\$881,800	\$1,452,200	\$2,334,000
<b>Total</b>	\$11,648,900	\$14,141,100	\$25,790,000

**EMERALD CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

**Proposed Infrastructure Plan**

<u>Facility</u>	<u>Construction Funded By</u>	<u>Ownership</u>	<u>Capital Financing</u>	<u>Operation and Maintenance</u>
Storm Water Management	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Roads	CDD	County	Capital Improvement Revenue Bonds	County
Water Facilities	CDD	County	Capital Improvement Revenue Bonds	County
Sewer and Wastewater	CDD	County	Capital Improvement Revenue Bonds	County
Recreational Amenities	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Landscaping/Hardscaping/ Irrigation	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Conservation/Mitigation	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Undergrounding of Conduit	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Professional Services	CDD	CDD	Capital Improvement Revenue Bonds	CDD
Off-Site Improvements	CDD	County/FDOT	Capital Improvement Revenue Bonds	County/FDOT

**Exhibit G**  
**Statement of Estimated Regulatory Costs**



Rizzetta & Company



# STATEMENT OF ESTIMATED REGULATORY COSTS

FOR

## THE PETITION TO ESTABLISH EMERALD CREEK COMMUNITY DEVELOPMENT DISTRICT

August 23, 2023

EMERALD CREEK COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF ESTIMATED REGULATORY COSTS

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## I. INTRODUCTION

### 1. PURPOSE AND SCOPE

This Statement of Estimated Regulatory Costs has been prepared as a component of the petition filed with the Board of County Commissioners of Hernando County, Florida, to establish the Emerald Creek Community Development District ("District") in accordance with Chapter 190.005, Florida Statutes ("F.S."). Specifically, Section 190.005(1)(a)8., F.S., requires that, as part of the petition, a Statement of Estimated Regulatory Costs be prepared pursuant to Section 120.541, F.S.

A community development district ("CDD") is established under the Uniform Community Development District Act of 1980, Chapter 190 of the Florida Statutes, as amended (the "Act"). A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of planning, financing, constructing and maintaining certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., the county or the city) whose boundaries include the CDD.

However, a CDD cannot regulate land use or issue development orders; those powers reside with the local general-purpose government. The Legislature has, in Section 190.004(3), F.S., made this clear by stating:

*The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.*



In addition, the parameters for the review and evaluation of community development district petitions are clearly set forth in Section 190.002(2)(d), F.S., 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.*

Therefore, the scope of this Statement of Estimated Regulatory Costs is limited to an evaluation of those factors pertinent to the establishment of a CDD as defined by the Legislature and outlined in Section 120.541(2), F.S.

The purpose of Chapter 190, F.S., is to provide another tool to government and private landowners in their efforts to comply with comprehensive plans which require adequate public facilities and services as pre-conditions for future development.

The CDD is a special purpose unit of local government that is established for the purpose of providing an alternative mechanism for financing the construction of public infrastructure. A CDD must be structured to be financially independent as intended by the Legislature. The cost of any additional public improvements to be constructed or any additional services to be provided by Hernando County (the "County") as a result of this development will be incurred whether the infrastructure is financed through a CDD or any other alternative financing method. The annual operations and administrative costs of the District will be borne entirely by the District and will not require any subsidy from the State of Florida or the County, nor will it place any additional economic burden on those persons not residing within the District.

## **2. EMERALD CREEK COMMUNITY DEVELOPMENT DISTRICT**

The proposed District will encompass approximately 146.82 +/- acres on which Northwest Land, LLC (the "Petitioner") plans to develop a project ("Project"), which currently contemplates approximately 585 residential units. The Petitioner is seeking authority, as outlined in Section 190.012, F.S., to establish the District in order to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that includes, but is not limited to: roadways, stormwater management, utilities (water & sewer), landscaping,



hardscaping, irrigation, undergrounding of electrical conduit, recreational amenities, conservation/mitigation, off-site improvements (roadways, utilities), engineering, permitting, surveying, testing or any other project, within or outside the boundaries of the District, required by a development order issued by a local government or the subject of an agreement between the District and a governmental entity.

If approved, the District will be authorized to finance these types of infrastructure improvements through special assessment revenue bonds. Repayment of these bonds will be through non-ad valorem assessments levied against all benefited properties within the District. Ongoing operation and maintenance for District-owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District.

## II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2022), in pertinent part, provides that the elements a Statement of Estimated Regulatory Costs must contain the following:

*(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.*

(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.*

The estimated regulatory impact of establishing the District is summarized below. Statutory requirements are **SHOWN IN BOLD CAPS**.



**1. AN ECONOMIC ANALYSIS SHOWING WHETHER THE ORDINANCE DIRECTLY OR INDIRECTLY:**

**A. 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;**

Practically, the District, as a “special purpose” entity, does not have the legal authority or operational ability to adversely impact economic growth, job creation, or investment. The Project and its related permits and entitlements exist independently of the proposed District. The improvements and services proposed to be provided by the District will be required for successful implementation of the Project regardless of whether or not the District is established. However, it is expected that any economic impact would be positive in nature, particularly in the short term. Establishment of the District will enable the anticipated construction of public infrastructure improvements, which will yield a demand for construction labor and professional consultants. Additionally, the District may choose to finance improvements by the issue of special assessment revenue bonds, which may be an attractive investment for investors. Furthermore, establishment would be expected to have a positive impact on property values and local real estate sales. See generally Sections 3(b) and 5 below. Thus, there will be no adverse impact on economic growth, private sector job creation or employment, or private sector investment as a result of the establishment of the District.

**B. 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;**

Any impact on overall business competitiveness and/or innovation resulting from District establishment will presumably be positive in nature. All professional contributors to creation of the District and anticipated resulting developmental efforts are expected to be either locally or state-based. Once complete, the Project would likely create opportunities for the local real estate industry. Thus, there will be no adverse impact on business competitiveness because of the formation of the proposed District. See generally Section 5 below.



**C. OR IS LIKELY TO INCREASE REGULATORY COSTS, INCLUDING ANY TRANSACTIONAL COSTS, IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE.**

A dramatic increase in overall regulatory or transactional costs is highly unlikely. As will be stated in further detail below, the County may incur incidental administrative costs in reviewing the documents germane to the establishment of the District, although these will be recouped by the establishment fee paid to the County.

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 CDD's 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.

See generally Sections 3 and 4 below.

**2. A GOOD FAITH ESTIMATE OF THE NUMBER OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE ORDINANCE, TOGETHER WITH A GENERAL DESCRIPTION OF THE TYPES OF INDIVIDUALS LIKELY TO BE AFFECTED BY THE ORDINANCE:**

The individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) the County 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 in Section 3.a.2. below. 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. Hernando County

The County 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 in Section 3.a.1. below. 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 County 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.



**3. A GOOD FAITH ESTIMATE OF THE COST TO THE AGENCY, AND TO ANY OTHER STATE AND LOCAL ENTITIES, OF IMPLEMENTING AND ENFORCING THE PROPOSED ORDINANCE, AND ANY ANTICIPATED EFFECT ON STATE AND LOCAL REVENUES:**

a. Costs to Governmental Agencies of Implementing and Enforcing the Ordinance

1. Hernando County ("Agency")

Because the District encompasses less than 2,500 acres, this petition is being submitted to Hernando County (i.e., the "Agency" under Section 120.541(2), F.S.) for approval in accordance with Section 190.005(2), F.S. The Agency may incur certain one-time administrative costs involved with the review of this petition, although this will be offset by the Petitioner's payment of a one-time filing fee.

Once the District has been established, the County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the CDD operates independently from the County and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District. The District will submit, for informational purposes, its annual budget, financial report, audit and public financing disclosures to the County. Since there are no legislative requirements for review or action, the County should not incur any costs. The Agency may, however, choose to review these documents.

2. State of Florida

Once the District has been established, the State of Florida will incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190 and 189, F.S. These reports include the annual financial report, annual audit and public financing disclosures. To offset these costs, the Legislature has established a maximum fee of \$175 per District per year to pay the costs incurred by the Department of Economic Opportunity to administer the reporting requirements of Chapter 189, F.S. This amount would be funded by District revenues. Because the District, as defined in Chapter 190, F.S., is designed to function as a self-sufficient special-purpose



governmental entity, it is responsible for its own management. Therefore, except for the reporting requirements outlined above, or later established by law, no additional burden is placed on the State once the District has been established.

### 3. The District

The District will incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments levied against all properties within the District benefiting from its facilities and its services.

#### b. Impact on State and Local Revenues

It is anticipated that approval of this petition will not have any negative effect on state or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Project. It has its own sources of revenue. No State or local subsidies are required or expected. There is however, the potential for an increase in State sales tax revenue resulting from a stimulated economy although it is not possible to estimate this increase with any degree of certainty. In addition, local ad valorem tax revenues may be increased due to long-lasting increases in property values resulting from the District's construction of infrastructure and on-going maintenance services. Similarly, private development within the District, which will be facilitated by the District's activities, should have a positive impact on property values and therefore ad valorem taxes.

In addition, impact fee and development permit revenue is expected to be generated by private development within the District and, accordingly, should also increase local revenues.

Lastly, some express a concern that a CDD obligation could become a State, County or City obligation thereby negatively affecting State or local revenues. This cannot occur, as Chapter 190 specifically addresses this issue and expressly states: "It is further the purpose and intent of the Legislature that no debt or obligation of a district constitutes a burden on any local general-purpose government without its consent." Section 190.002(3), F.S. "A default on the bonds or obligations of a



district shall not constitute a debt or obligation of a local general-purpose government or the state." Section 190.016(15), F.S.

In summary, establishing the District will not create any significant economic costs for the State of Florida or for the County.

**4. 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:**

The transactional costs associated with adoption of an ordinance to establish the District are primarily related to the financing of infrastructure improvements. The District will determine what infrastructure it considers prudent to finance through the sale of bonds. The District plans to provide various community facilities and services to serve the properties within the District. An estimate of these facilities and services, along with their estimated costs, are provided below.

**Summary of Estimated Construction Costs for District Public Infrastructure Improvements**

<b>Description</b>	<b>Estimated Costs</b>
Roadways	\$6,156,000
Stormwater Management	\$3,395,000
Utilities (Water & Sewer)	\$4,107,000
Hardscape / Landscape / Irrigation	\$3,552,000
Undergrounding of Conduit	\$585,000
Recreational Amenities	\$1,998,000
Conservation / Mitigation	\$160,000
Off-Site Improvements (Roadways & Utilities)	\$1,628,000
Professional Services	\$1,875,000
Subtotal	\$23,456,000
Contingency @ 10%	\$2,334,000
<b>Total</b>	<b>\$25,790,000</b>

It is important to note that the various costs are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing estimates for the infrastructure. These costs are not in addition to normal Project costs.

Once the decision is made to issue bonds, it is expected that assessments will be levied against benefited property owners within the proposed District.



The revenue generated by payment of these assessments will be used to repay the bonds. The obligation to pay the assessments will "run with the land" and will be transferred to new property owners upon sale of any portions of the property. It should be noted that the District may not fund all of its planned public infrastructure improvements via the issuance of long-term bonds.

To fund the cost of maintaining infrastructure that the District maintains, operation and maintenance assessments may be imposed on the District property owners. As with the special assessments for infrastructure acquisition and construction, the property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned.

All persons choosing to acquire property in the District will be responsible for such assessments in addition to the taxes or assessments imposed by the County or other taxing authorities.

In exchange for the payment of these special assessments, there are potential benefits to be derived by the future property owners. Specifically, these persons can expect to receive a higher level of services because they, the property owners, will elect the members of the District's Board of Supervisors. Further, the District is limited in jurisdiction and responsibility to this single project. Therefore, the District should be extremely responsive to the needs of the property owners within the District.

**5. 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:**

Establishing the District should not have any negative impact on small businesses. Any business, large or small, has the option of locating itself in a CDD provided the local governmental authority has issued the appropriate land use approvals. Those that choose this option will be subject to the financial obligations imposed by the District and will accrue the benefits resulting from being in the District.

Furthermore, the District must operate according to Florida's "Sunshine" laws and must follow certain competitive bidding requirements for certain goods and services it will purchase. As a result, small businesses should be better able to compete for District business serving the lands to be included within the District.





A CDD does not discriminate in terms of the size of businesses that can be located within the boundaries or transact business with the CDD.

Establishment of the District should have a positive impact on the small businesses of the local economy. As outlined above, success of the Project should generate increased employment and stimulate economic activity in the area through increased construction expenditures related to infrastructure and private development, thus providing enhanced opportunity for small businesses.

Hernando County is not defined as a small county, for purposes of this requirement.

In addition, establishment of a District should not have a negative impact on small cities or counties, because the cost to construct the infrastructure is borne entirely by the property owners within the District.

**6. ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL:**

Certain data utilized in this report was provided by the Petitioner and represents the best information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other CDD's in various stages of existence.

Finally, it is useful to reflect upon the question of whether the proposed formation of the District is the best alternative to provide community facilities and services to the Project. As an alternative to the District, the County could finance the public infrastructure improvements, either directly or through the use of a County-controlled special taxing or assessment district. However, the County undertaking the implementation of the improvements would naturally have an impact on the finances of the County. Unlike the District, this alternative would require the County to continue 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. Additionally, the financing of the Project through the issuance of debt by a County-created district could impact the County's credit rating.

Another alternative to the District would be for the developer to provide the infrastructure and to use a homeowners association ("HOA") for operations and maintenance of community facilities and services. A District is superior to a HOA for a variety of reasons. First, unlike a HOA, a District can impose



and collect its assessments in the same manner as ad valorem property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a HOA. Second, the proposed District is a unit of local government and so must operate pursuant to Florida's Government-in-the-Sunshine laws and other regulations applicable to public entities. Finally, the District has the ability to issue tax exempt municipal-grade bonds to finance the construction of infrastructure improvements providing for a mechanism to lower the impact of costs

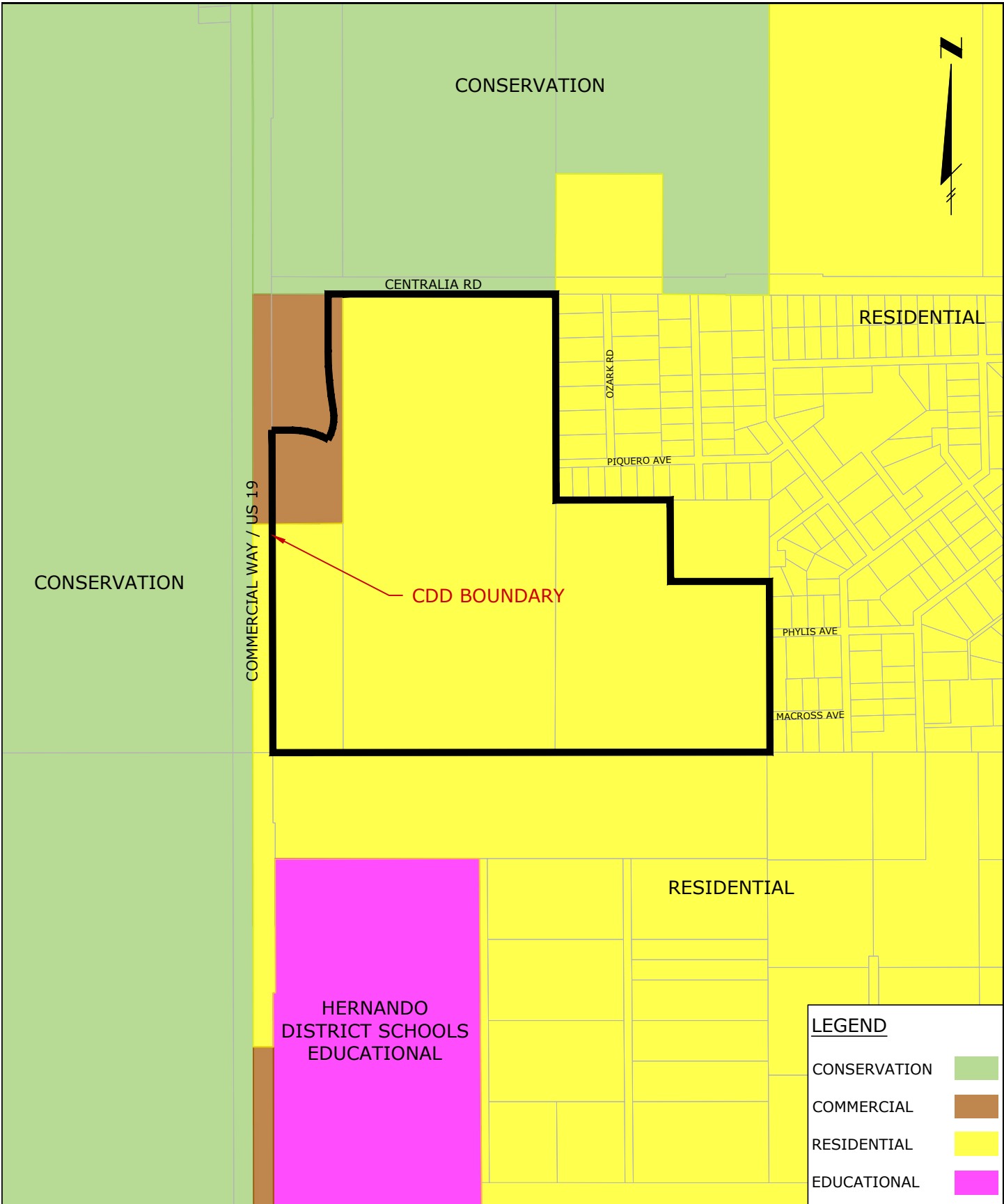
A District also is preferable to these alternatives from a government accountability perspective. With a District as proposed, property owners within the District would have a focused unit of government under their direct control. The District can then be more responsive to property owner needs without disrupting other County responsibilities.

**7. A DESCRIPTION OF ANY REGULATORY ALTERNATIVES SUBMITTED AND A STATEMENT ADOPTING THE ALTERNATIVE OR A STATEMENT OF THE REASONS FOR REJECTING THE ALTERNATIVE IN FAVOR OF THE PROPOSED RULE:**

For the above-stated reasons, the alternatives should be rejected and the ordinance establishing the District should be adopted.



**Exhibit H**  
**Future Land Use Map**



LEGEND	
CONSERVATION	
COMMERCIAL	
RESIDENTIAL	
EDUCATIONAL	

**Coastal**  
 Engineering  
 Planning  
 Surveying  
 Environmental  
 Traffic  
 Transportation  
 Construction Management  
 engineering associates, inc.  
 966 Candlelight Boulevard - Brooksville - Florida 34601  
 (352) 796-9423 - Fax (352) 799-8359  
 EB-0000142

**Exhibit H - Future Land Use Map**

**EMERALD CREEK CDD FUTURE LAND USE**

DATE	07/26/23
	23043
	<b>EX-5</b>

# Draft Ordinance

**ORDINANCE NO. : 2023-\_\_**

AN ORDINANCE ESTABLISHING THE EMERALD CREEK 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 FOR SEVERABILITY; PROVIDING FOR INCLUSION IN ARTICLE II, CHAPTER 10.5, OF THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Northwest Land LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with Hernando County requesting that the Board of County Commissioners of Hernando County ("County") adopt an ordinance establishing the Emerald Creek Community Development District pursuant to Chapter 190, Fla. Stat. ("District"), and designating the real property described in Exhibit A, 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 Exhibit A, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management, and financing needs

for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Fla. Stat.; and

WHEREAS, the County 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 BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

**Section 1 Findings of Fact.** The County 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 County'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 County 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 Emerald Creek 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) and (d) 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) and (d) and (3), Fla. Stat.

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

1. Ron Bastyr
2. Shane O’Neil
3. Cheryl O’Neil
4. Cole Bastyr
5. Lynette Bastyr

**Section 5. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision, of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

**Section 6. Inclusion in the Code.** It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of



this Ordinance shall become and be made a part of Article II, Chapter 10.5, of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

**Section 7. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 8. Effective Date.** This Ordinance shall take effect upon receipt of acknowledgment from the Florida Secretary of State of this Ordinance’s filing with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY** in Regular Session this \_\_\_\_ day of \_\_\_\_\_, 2023.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: \_\_\_\_\_  
DOUG CHORVAT, JR.  
Clerk

By: \_\_\_\_\_  
Chairman

Approved for Form and Legal Sufficiency

\_\_\_\_\_  
Acting County Attorney

**Exhibit "A"**

**EMERALD CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

**LEGAL DESCRIPTION**

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST, HERNANDO COUNTY FLORIDA, AND THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE WEST BOUNDARY LINE OF SAID SOUTHWEST 1/4, RUN  $00^{\circ}02'52''$ W, 54.87 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRAILIA ROAD, AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF CENTRAILIA ROAD, RUN  $S89^{\circ}56'57''$ E, 1314.64 FEET TO THE WEST BOUNDARY LINE OF ROYAL HIGHLANDS, UNIT-6 AS RECORDED IN PLAT BOOK 12, PAGES 67-79 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN  $00^{\circ}05'03''$ E, 1271.43 FEET; THENCE ALONG THE SOUTH LINE OF SAID ROYAL HIGHLANDS UNIT 6, BLOCK 377, RUN  $N89^{\circ}55'18''$ E, 704.92 FEET TO THE WEST BOUNDARY LINE OF PARCEL 7.0 AS RECORDED IN OFFICIAL RECORDS BOOK 3326, PAGE 850 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN  $00^{\circ}10'57''$ E, 503.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 7.0; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 7.0, RUN  $N89^{\circ}54'32''$ E, 610.64 FEET TO THE EAST LINE OF THE SOUTHWEST 1 / 4 OF SAID SECTION 31; THENCE ALONG SAID EAST LINE, RUN  $00^{\circ}09'36''$ E, 1054.04 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31, RUN  $S89^{\circ}57'07''$ W, 1327.25 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, RUN  $S89^{\circ}57'22''$ W, 1305.88 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, RUN  $S89^{\circ}55'50''$ W, 434.89 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #19; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, RUN  $00^{\circ}10'10''$ W, 1989.76 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, RUN  $N90^{\circ}00'00''$ E, 128.06 FEET THE PC OF A CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF  $29^{\circ}10'49''$ , AND A CHORD BEARING AND DISTANCE OF  $S75^{\circ}24'35''$ E, 226.71 FEET; THENCE ALONG THE ARC OF SAID CURVE 229.18 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE WEST, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF  $39^{\circ}42'12''$ , AND A CHORD BEARING AND DISTANCE OF  $N09^{\circ}40'09''$ E, 186.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 190.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO EAST, HAVING A RADIUS OF 2025.00 FEET, A

CENTRAL ANGEL OF 10'10'57", AND A CHORD BEARING AND DISTANCE OF NO5'O5'28"W, 359.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 359.88 FEET; THENCE NOO'OO'OO"E, 356.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRAILIA ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, RUN S89'56'37"E, 90.37 TO THE POINT OF BEGINNING.

CONTAINING 146.82 ACRES, MORE OR LESS.

# **Draft Hearing Notice**

# NOTICE OF PUBLIC HEARING

Hernando County Board of County Commissioners  
To Consider the  
Establishment of the Emerald Creek Community Development District

**DATE:** \_\_\_\_\_, 2023

**TIME:** 9:00 a.m.

**LOCATION:** John Law Ayers County Commission Chambers  
20 North Main Street, Room 160  
Brooksville, Florida 34601

**LOCATION MAP HERE**

## NOTICE OF PUBLIC HEARING

In compliance with the provisions of Chapter 125 and Chapter 190, Florida Statutes, a public hearing will be held by the Hernando County Board of County Commissioners beginning at 9:00 a.m., or shortly thereafter, on Tuesday, \_\_\_\_\_, 2023, in the John Law Ayers County Commission Chambers, 20 North Main Street, Room 160, Brooksville, Florida 34601, to consider an Ordinance to grant a petition to establish the Emerald Creek Community Development District. The title of the proposed Ordinance is as follows:

AN ORDINANCE ESTABLISHING THE EMERALD CREEK 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 FOR SEVERABILITY; PROVIDING FOR INCLUSION IN ARTICLE II, CHAPTER 10.5, OF THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Emerald Creek Community Development District is comprised of approximately 146.82 acres, located in unincorporated Hernando County, east of US 19/Commercial Way and south of Centralia Road (CR-476). The petitioner has proposed to establish the Emerald Creek Community Development District to plan, finance, acquire, construct, operate and maintain all infrastructure and community facilities, which may be authorized by such districts under Florida law, including but not limited to water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, parks and recreational facilities, security facilities, and certain other projects when expressly approved or required by a local government and any other facilities in accordance with Section 190.012(1), (2)(a) and (d) and (3), Florida Statutes. The legal description of the proposed Emerald Creek Community Development District is as follows:

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST, HERNANDO COUNTY FLORIDA, AND THE SOUTHEAST 1 /4 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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1989.76 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, RUN N90°00'00"E, 128.06 FEET THE PC OF A CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 29°10'49", AND A CHORD BEARING AND DISTANCE OF S75°24'35"E, 226.71 FEET; THENCE ALONG THE ARC OF SAID CURVE 229.18 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE WEST, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 39°42'12", AND A CHORD BEARING AND DISTANCE OF N09°40'09"E, 186.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 190.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO EAST, HAVING A RADIUS OF 2025.00 FEET, A CENTRAL ANGLE OF 10°10'57", AND A CHORD BEARING AND DISTANCE OF N05°05'28"W, 359.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 359.88 FEET; THENCE N00°00'00"E, 356.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRALIA ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, RUN S89°56'37"E, 90.37 TO THE POINT OF BEGINNING.

CONTAINING 146.82 ACRES, MORE OR LESS.

Copies of the petition, the proposed Ordinance and department reports are open to public inspection at the Hernando County Planning Department, Hernando County Government Center, 20 North Main Street, Room 262, Brooksville, Florida 34601, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, legal holidays excepted. Documentation may be viewed prior to the meeting via the County's website at [www.hernandocounty.us](http://www.hernandocounty.us) – follow the Board Agenda and Minutes link to the specified public hearing. For further information, please contact Ron Pianta, Director of Planning and Zoning Services, Hernando County Planning Department, at 352-754-4057 or by email at [rpianta@hernandocounty.us](mailto:rpianta@hernandocounty.us).

All interested persons and affected units of general-purpose local government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition and the proposed Ordinance. Any person or affected unit of general-purpose local government, who wishes to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose, the person or unit of general-purpose local government will need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in this meeting, and those seeking an interpreter, should contact Jessica Wright, Hernando County Administration, 15470 Flight Path Drive, Brooksville, Florida 34604, 352-540-6452 no later than three (3) days prior to the proceedings. If hearing impaired, please call 1-800-676-3777 for assistance. If hearing/speech impaired, please call TTY Service at 711.

*Publish 4 successive weeks:*