

SCANNER'S MEMO:

Legibility of writing, typing or printing
unsatisfactory in this document when received

ORDINANCE NO. 1515-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE ALFRED, FLORIDA, ESTABLISHING THE LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT (CDD) PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR DUTIES OF THE DISTRICT AND TERMINATION OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the "Uniform Community Development Act of 1980", Chapter 190, *Florida Statutes* ("Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Lake Alfred, Florida ("City"); and

WHEREAS, Kolter Group Acquisitions LLC ("Petitioner"), an active Florida limited liability company authorized to transact business in the State of Florida, having obtained written consent to the establishment of the Lowery Hills Community Development District ("District") by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2022); and

WHEREAS, copies of the Petition To Establish the Lowery Hills Community Development District ("Petition") are attached hereto as Composite Exhibit "A" and made a part hereof by reference; and

WHEREAS, the Petitioner's principal place of business is 105 NE 1st Street, Delray Beach, Florida 33444; and

WHEREAS, the Petition which was submitted to the City on or around March 22, 2022 and resubmitted on or about March 17, 2023, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) and (e) of the Act; and

WHEREAS, on May 15, 2023, at a duly noticed public hearing conducted by the City, all interested persons and affected units of general-purpose local government have been afforded an opportunity to present oral and written comments on the Petition; and

WHEREAS, on May 15, 2023, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, and upon such review, has determined that granting the District is in the best interest of the City; and

WHEREAS, pursuant to the Act, the District does not have the power of a local government to adopt a comprehensive plan, building code, land development code, and/or take any action which is inconsistent with applicable comprehensive plans, ordinances, and/or regulations of the applicable local general-purpose government; and

WHEREAS, pursuant to the Act, all governmental planning, environmental, and land development law(s), regulation(s), and/or ordinances of the City of Lake Alfred, Florida, apply to all development(s) of the land(s) within the District which is located within the corporate limits of the City of Lake Alfred, Florida; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition.

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Lake Alfred, Florida as follows:

SECTION 1. RECITALS INCORPORATED. The aforementioned factual recitals (WHEREAS clauses) form a factual and material basis for this Ordinance and are hereby adopted and incorporated herein by the City Commission of the City of Lake Alfred, Florida.

SECTION 2. AUTHORITY. This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes* (the "Act"). Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS. The City Commission of the City of Lake Alfred, Florida hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented at the duly noticed public hearing held on May 15, 2023, and the record established at the said duly noticed public hearing, as follows:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Lake Alfred Comprehensive Plan.
- C. The area of land within the District, described in Composite Exhibit "A", which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.

E. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

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

SECTION 4. ESTABLISHMENT AND DISTRICT NAME. There is hereby created a community development district situated entirely within the incorporated limits of the City of Lake Alfred, Florida, which District shall be known as the "Lowery Hills Community Development District," and which shall be referred to in this Ordinance as the "District".

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit "A", and said boundaries encompass 217.5436 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS. The powers and functions of the District are described in Chapter 190 of the Florida Statutes, as follows:

A. The District may exercise powers and functions described in Sections 190.011 and 190.012(1) and (3), Florida Statutes.

B. Consent is hereby given to the District's Board of Supervisors to exercise additional powers to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and education uses as described and authorized by Section 190.012(2)(a), Florida Statutes and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), Florida Statutes.

C. Notwithstanding the foregoing, and while the District may finance, construct, install and/or acquire water and/or wastewater facility(s) for transfer to the City of Lake Alfred upon completion pursuant to Section 190.012(1), Florida Statutes and the City's approval requirements, the adoption and passage of this Ordinance approving the petition for the establishment of a community development district shall not be construed to delegate, authorize, or in any way consent to the District established hereunder to engage in the ownership and operation of a water and/or wastewater facility(s) which would allow the District to engage in the wholesale or retail sale of water, wastewater and/or, re-use water services, or provide garbage services absent an express written consent and agreement of the City of Lake Alfred, Florida.

D. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Lake Alfred ordinances and policies governing land planning and permitting of the development to be served by the District. Further the District shall not have the authority to adopt a comprehensive plan, land development code, or building code.

E. The District shall not have any zoning or permitting powers governing land development or the use of land.

F. The District shall have no eminent domain powers outside its boundaries without first obtaining the express written approval, via a duly adopted resolution, of the City Commission of the City of Lake Alfred, Florida.

G. Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the City of Lake Alfred, Florida, Polk County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

H. This Ordinance is not intended nor shall it be construed to expand, modify or delete any provision(s) of the Act, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements which include, but shall not be limited to, utility agreements entered into in accordance with the provisions of Chapters 163 and 180 of the *Florida Statutes*.

SECTION 7. BOARD OF SUPERVISORS. The five (5) persons designated to serve as initial members of the District's Board of Supervisors are Roger Aman, Greg Meath, Candice Smith, Bradley Walker and Troy Simpson (together, "Board").

SECTION 8. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four (4) successive weeks immediately prior to such public hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 9. DUTIES OF THE DISTRICT AND TERMINATION OF THE DISTRICT.

A. The District shall comply with the applicable provisions of Chapter 189, *Florida Statutes*, including, but not limited to, the requirement that a "Public Facilities Report" be made and submitted to the City.

B. The District shall comply with the applicable provisions of Chapter 190, *Florida Statutes*, including, but not limited to:

1. Provide financial reports to all applicable entities including the City.
2. The District shall fully disclose information concerning the financing and maintenance of real property improvements undertaken by the District. The District shall provide, at a minimum, a Disclosure of Public Finance and The Lowery Hills CDD Public Disclosure (collectively the "Disclosures"). Such information shall be made available to all existing and prospective residents of the District and the City. Copies of the Disclosures are attached hereto as Composite Exhibit "C" and made a part hereof by reference.
3. All contracts for the sale of real property and residential units within the District shall disclose to the buyer the existence of the District and the District's authority to levy taxes and assessments. Both the text and placement of the text in the contract of sale must appear as mandated by law.
4. All meetings of the District's Board of Supervisors ("Board") shall be held within the city-limits of the City of Lake Alfred, a minimum of four (4) times per year during evening hours, and must be open to the public and governed by the Government-in-the-Sunshine requirements of Chapter 286, *Florida Statutes*.

5. At the first meeting of the Board, the Board shall ratify and accept the assignment of the *Petitioner's Agreement Regarding The Lowery Hills Community Development District* (the "Petitioner's Agreement") which is attached hereto as Exhibit "B" and made a part hereof by reference.

6. At the first meeting of the Board, the Board shall memorialize its ratification and acceptance of the assignment of the Petitioner's Agreement by entering into the *Interlocal Agreement with The Lowery Hills Community Development District*.

C. In the event that the District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or the maintenance responsibility for the road rights of way, stormwater management and drainage systems and street lighting that are necessary for the development in the District without the City's express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law. No debt or obligation of the District shall constitute a burden on any local general-purpose government.

SECTION 10. SEVERABILITY. If any provision of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 11. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS. It is the intention of the City Commission of the City of Lake Alfred that sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of the City of Lake Alfred. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by Florida general law.

[CONTINUED ON FOLLOWING PAGE]

INTRODUCED, PASSED, AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Lake Alfred, Florida, meeting in Regular Session this 1st day of May 2023.

**CITY COMMISSION OF LAKE ALFRED,
FLORIDA**

By: Nancy Z. Daley
Nancy Z. Daley, Mayor

ATTEST:

By: Linda Bourgeois
Linda Bourgeois, BAS, MMC, City Clerk



INTRODUCED, PASSED, AND DULY ADOPTED ON SECOND READING, by the City Commission of the City of Lake Alfred, Florida, meeting in Regular Session this 15th day of May 2023.

**CITY COMMISSION OF LAKE ALFRED,
FLORIDA**

By: Nancy Z. Daley
Nancy Z. Daley, Mayor

ATTEST:

By: Linda Bourgeois
Linda Bourgeois, BAS, MMC, City Clerk

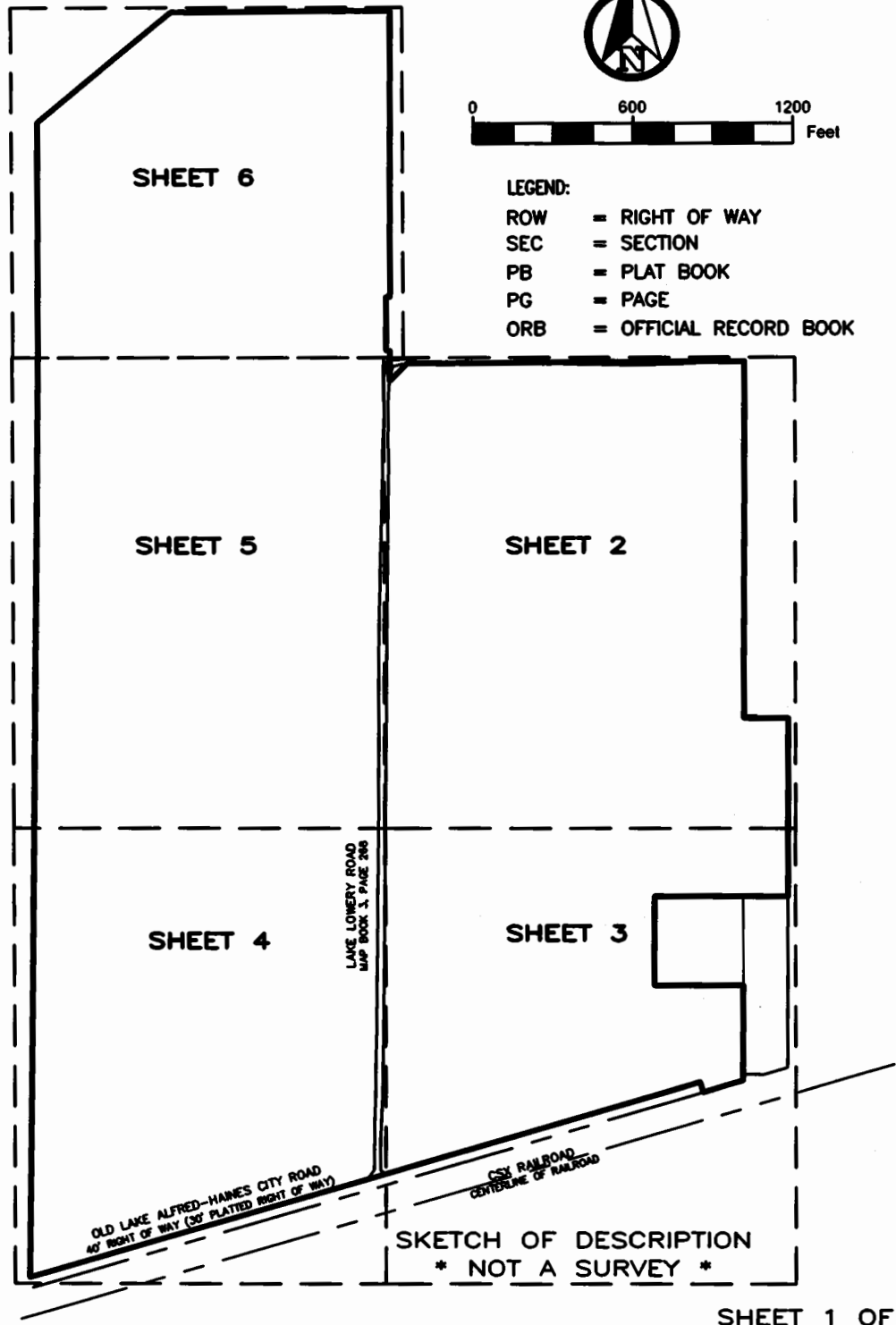
APPROVED AS TO FORM:

By: Frederick Murphy, Jr.
Frederick Murphy, Jr., City Attorney



SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"

KEY MAP



SHEET 1 OF 8

**ON POINT
SURVEYING, INC.**

FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319

ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

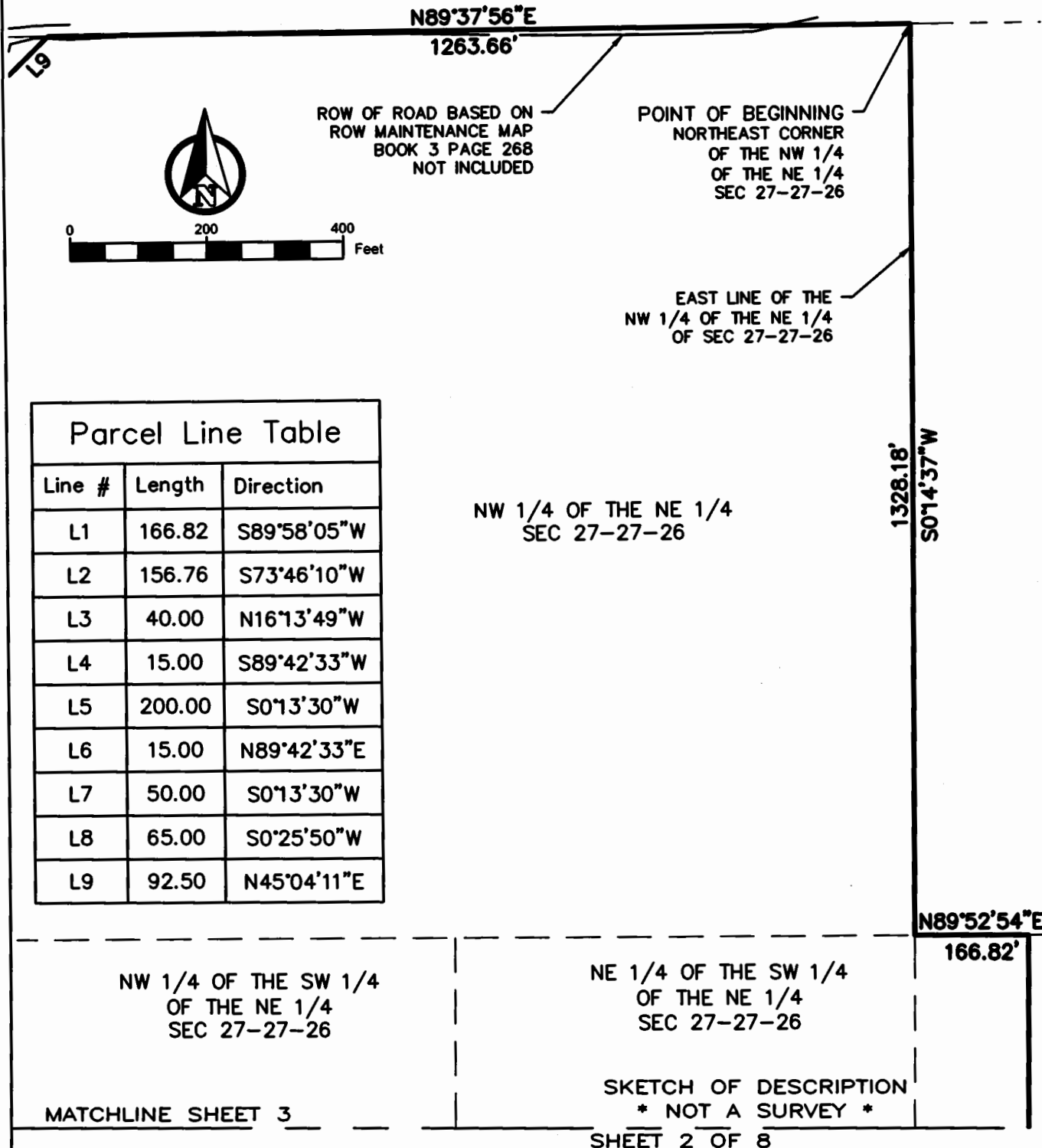
DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"



ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
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SKETCH OF DESCRIPTION PREPARED FOR AND CERTIFIED TO: KOLTER LAND LLC	DATE 2/3/23
	JOB NO. K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 2 EXHIBIT "A"

MATCHLINE SHEET 4

NW 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

NE 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

Parcel Line Table		
Line #	Length	Direction
L1	166.82	S89°58'05"W
L2	156.76	S73°46'10"W
L3	40.00	N16°13'49"W
L4	15.00	S89°42'33"W
L5	200.00	S0°13'30"W
L6	15.00	N89°42'33"E
L7	50.00	S0°13'30"W
L8	65.00	S0°25'50"W
L9	92.50	N45°04'11"E

SW 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

EAST LINE OF THE
NE 1/4 OF THE SW 1/4
OF THE NE 1/4
OF SEC 27-27-26

S89°58'05"W

333.35'

CEMETERY
NOT INCLUDED

333.39'

N89°58'05"E

SE 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

EAST LINE OF THE
NE 1/4 OF THE SW 1/4
OF THE NE 1/4
OF SEC 27-27-26

S0°14'37"W 662.36'

NOT INCLUDED

355.13'

S0°14'37"W

LOT 7
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

NORTH RIGHT OF WAY

OLD LAKE ALFRED-HAINES CITY ROAD
40' RIGHT OF WAY (30' PLATTED RIGHT OF WAY)

2616.52'
S73°46'10"W

40.0'

100.0'

NORTH RIGHT OF WAY
OF RAILROAD

CSX RAILROAD
CENTERLINE OF
RAILROAD



SKETCH OF DESCRIPTION
* NOT A SURVEY *

SHEET 3 OF 8



FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319

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2/3/23

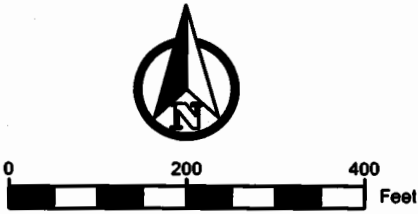
JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 5 EXHIBIT "A"

N0°35'25"E
2641.75'



SE 1/4 OF THE NW 1/4
SEC 27-27-26

LAKE LOWERY ROAD
MAP BOOK 3, PG 268

MATCHLINE SHEET 3

WEST LINE OF THE
E 1/2 OF THE NW 1/4
SEC 27-27-26

ROW OF ROAD BASED ON
ROW MAINTENANCE MAP
BOOK 3 PAGE 268
NOT INCLUDED

WEST LINE OF LOT 6
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

LOT 7
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

N0°35'25"E
756.63'

LOT 6
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

NORTH RIGHT OF WAY

OLD LAKE ALFRED-HAINES CITY ROAD
40' RIGHT OF WAY (30' PLATTED RIGHT OF WAY)

2616.52'
S73°46'10"W

CSX RAILROAD
CENTERLINE OF
RAILROAD

SHEET 4 OF 8

SKETCH OF DESCRIPTION
* NOT A SURVEY *

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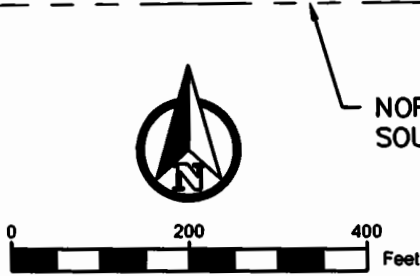
JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 6

EXHIBIT "A"



N89° 42' 33"E
BEARING BASIS

NORTH LINE OF SECTION 27
SOUTH LINE OF SECTION 22

WEST LINE OF THE
NW 1/4 OF THE NE 1/4
OF SEC 27-27-26

WEST LINE OF THE
E 1/2 OF THE NW 1/4
SEC 27-27-26

NE 1/4 OF THE NW 1/4
SEC 27-27-26

LAKE LOWERY ROAD
MAP BOOK 3, PG 268

Parcel Line Table		
Line #	Length	Direction
L1	166.82	S89°58'05"W
L2	156.76	S73°46'10"W
L3	40.00	N16°13'49"W
L4	15.00	S89°42'33"W
L5	200.00	S0°13'30"W
L6	15.00	N89°42'33"E
L7	50.00	S0°13'30"W
L8	65.00	S0°25'50"W
L9	92.50	N45°04'11"E

N0°35'25"E
2641.75'

ROW OF ROAD BASED ON
ROW MAINTENANCE MAP
BOOK 3 PAGE 268
NOT INCLUDED

SE 1/4 OF THE NW 1/4
SEC 27-27-26

SKETCH OF DESCRIPTION
* NOT A SURVEY *

MATCHLINE SHEET 4

SHEET 5 OF 8



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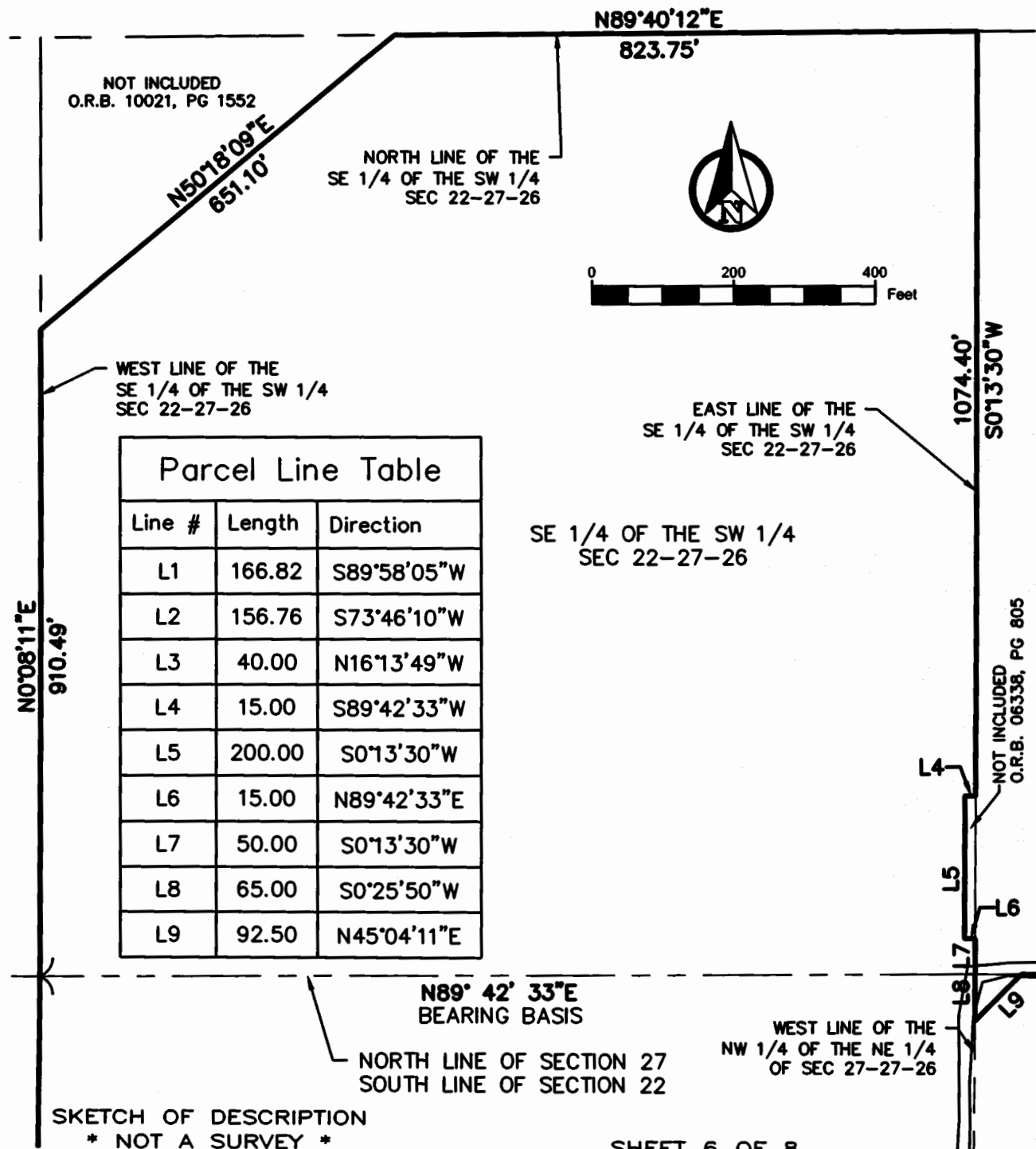
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SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"



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SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST POLK COUNTY, FLORIDA EXHIBIT "A"

PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN S00°14'37"W, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1,328.18 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN N89°52'54"E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27 A DISTANCE OF 166.82 FEET; THENCE RUN S00°14'37"W, A DISTANCE OF 662.36 FEET; THENCE RUN S89°58'05"W, A DISTANCE OF 166.82 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN S89°58'05"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 333.35 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN S00°15'00"W, ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 331.23 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN N89°58'05"E, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 333.39 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN S00°14'37"W, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 355.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE CSX RAILROAD (200 FEET RIGHT OF WAY), SAID LINE ALSO BEING THE SOUTH LINE OF LOT 7 OF H.S. RIGGINS SUBDIVISION AS RECORDED IN PLAT BOOK 3A, PAGE 38 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN S73°46'10"W, ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, A DISTANCE OF 156.76 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OLD LAKE ALFRED-HAINES CITY ROAD (40' RIGHT OF WAY) ALSO BEING THE SOUTH LINE OF SAID LOT 7; THENCE RUN N16°13'49"W, ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, A DISTANCE OF 40.00 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, S73°46'10"W, A DISTANCE OF 2616.52 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 6 H.S. RIGGINS SUBDIVISION AS RECORDED IN PLAT BOOK 3A, PAGE 38 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN N00°35'25"E, ALONG SAID WEST LINE A DISTANCE OF 756.63 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE CONTINUE N00°35'25"E, ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 2641.75 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE RUN N00°08'11"E, ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, A DISTANCE OF 910.49 FEET, TO A POINT ON THE SOUTH LINE OF CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 10021, PAGE 1552 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN N50°18'09"E, ALONG SAID SOUTH LINE, A DISTANCE OF 651.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN N89°40'12"E, ALONG SAID NORTH LINE, A DISTANCE OF 823.75 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN S00°13'30"W, ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 1074.40 FEET, TO A POINT ON THE NORTH LINE OF CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 06338, PAGE 805 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN S89°42'33"W, ALONG SAID NORTH LINE, A DISTANCE OF 15.00 FEET; THENCE RUN S00°13'30"W, ALONG THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 06338, PAGE 805, A DISTANCE OF 200.00 FEET; THENCE RUN N89°42'33"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN S00°13'30"W, ALONG SAID EAST LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 22; THENCE RUN S00°25'50"W, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, A DISTANCE OF 65.00 FEET; THENCE

CONTINUED IN SHEET 8

SKETCH OF DESCRIPTION

* NOT A SURVEY *

SHEET 7 OF 8

 FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319	ON POINT SURVEYING, INC. 2827 MIDDLETON CIRCLE KISSIMMEE, FLORIDA 34743 407-989-8102 WWW.ON-POINTSURVEYING.COM LICENSE BUSINESS NUMBER 8319	SKETCH OF DESCRIPTION PREPARED FOR AND CERTIFIED TO: KOLTER LAND LLC	DATE 2/3/23
			JOB NO. K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"

PROPERTY DESCRIPTION (CONTINUED):

RUN N45°04'11"W, A DISTANCE OF 92.50 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN N89°37'56"E, ALONG SAID NORTH LINE, A DISTANCE OF 1263.66 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY OF LAKE LOWERY ROAD PER THE RIGHT OF WAY MAINTENANCE MAP RECORDED IN MAP BOOK 3, PAGE 268 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CONTAINING 9,476,199.454 SQUARE FEET / 217.5436 ACRES MORE OR LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA SAID LINE BEING N 89°42'33" E (ASSUMED).
2. THIS SKETCH MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHT OF WAY AND OTHER MATTERS OF RECORD NOT SHOWN.
3. THIS DOCUMENT CONSISTS OF 8 SHEETS AND WOULD BE CONSIDERED INCOMPLETE IF OTHERWISE.

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

PRELIMINARY

DOUGLAS H. NEGRON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6901
DRAWING INVALID UNLESS SIGNED DATED
& SEALED BY REGISTERED PROFESSIONAL

SKETCH OF DESCRIPTION
* NOT A SURVEY *

SHEET 8 OF 8

 FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319	ON POINT SURVEYING, INC. 2827 MIDDLETON CIRCLE KISSIMMEE, FLORIDA 34743 407-989-8102 WWW.ON-POINTSURVEYING.COM LICENSE BUSINESS NUMBER 8319	SKETCH OF DESCRIPTION	DATE 2/3/23
		PREPARED FOR AND CERTIFIED TO: KOLTER LAND LLC	JOB NO. K004-01

PETITION TO ESTABLISH
LOWERY HILLS
COMMUNITY
DEVELOPMENT DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No. 155527
Jere.Earlywine@KutakRock.com
KUTAK ROCK LLP
(850) 528-6152 (telephone)

Filed on March 22, 2022 and resubmitted on March 17, 2023

**BEFORE THE CITY COMMISSION OF
THE CITY OF LAKE ALFRED, FLORIDA**

**PETITION TO ESTABLISH THE LOWERY HILLS
COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Kolter Group Acquisitions LLC ("Petitioner"), hereby petitions the City Commission of the City of Lake Alfred, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, 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 Lake Alfred, Florida, and covers approximately 217.5436 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of White Road, north of US 17 and bisected by Lake Lowery Road. The sketch and metes and bounds descriptions 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. 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:	Roger Aman
Name:	Greg Meath
Name:	Candice Smith
Name:	Bradley Walker
Name:	Troy Simpson

All of these 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 Lowery Hills Community Development District.

*NOTE: The Consents and Joinders of Landowners were executed when the project was intended to be named "Caribbean Lakes Community Development District." The Petitioner subsequently decided to change the name of the district to "Lowery Hills Community Development District." The name change does not change the substance of the Consents and Joinders of Landowners.

6. Major Water and Wastewater Facilities. Exhibit 4 shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. District Facilities and Services. Exhibit 5 describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed from 2023 – 2025. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Existing and Future Land Uses. The existing use of the lands within the proposed District is vacant lands. 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 City of Lake Alfred 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. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agents. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine as its authorized agent. See Exhibit 8 - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No. 155527
Jere.Earlywine@KutakRock.com
KUTAK ROCK LLP
407 W College Ave
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

11. This petition to establish the Lowery Hills 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 City of Lake Alfred 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 of Lake Alfred from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the 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 Lake Alfred, 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 electronic intrusion-detection systems, and patrol cars, each 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 22nd day of March, 2022, and resubmitted most recently on March 17, 2023.

KUTAK ROCK, LLP

A handwritten signature in black ink, appearing to read 'Jere Earlywine', is written over a horizontal line.

Jere Earlywine

Florida Bar No. 155527

jere.earlywine@kutakrock.com

KUTAK ROCK, LLP

407 W. College Avenue

Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1

Weber Cor

SITE

Auburndale Fruit

White Rd

Lake Lowery Rd

Lake Lowery Rd

Manjar Criollo FL

All American Window Tinting

Friendly Rv Park

Woodland lakes mobile park

Century Dr



SCALE: 1" = 1000'

LAKE ALFRED - KOLTER

OLD LAKE ALFRED - HANES CITY RD.
LAKE ALFRED, FL 33850

FIGURE 1

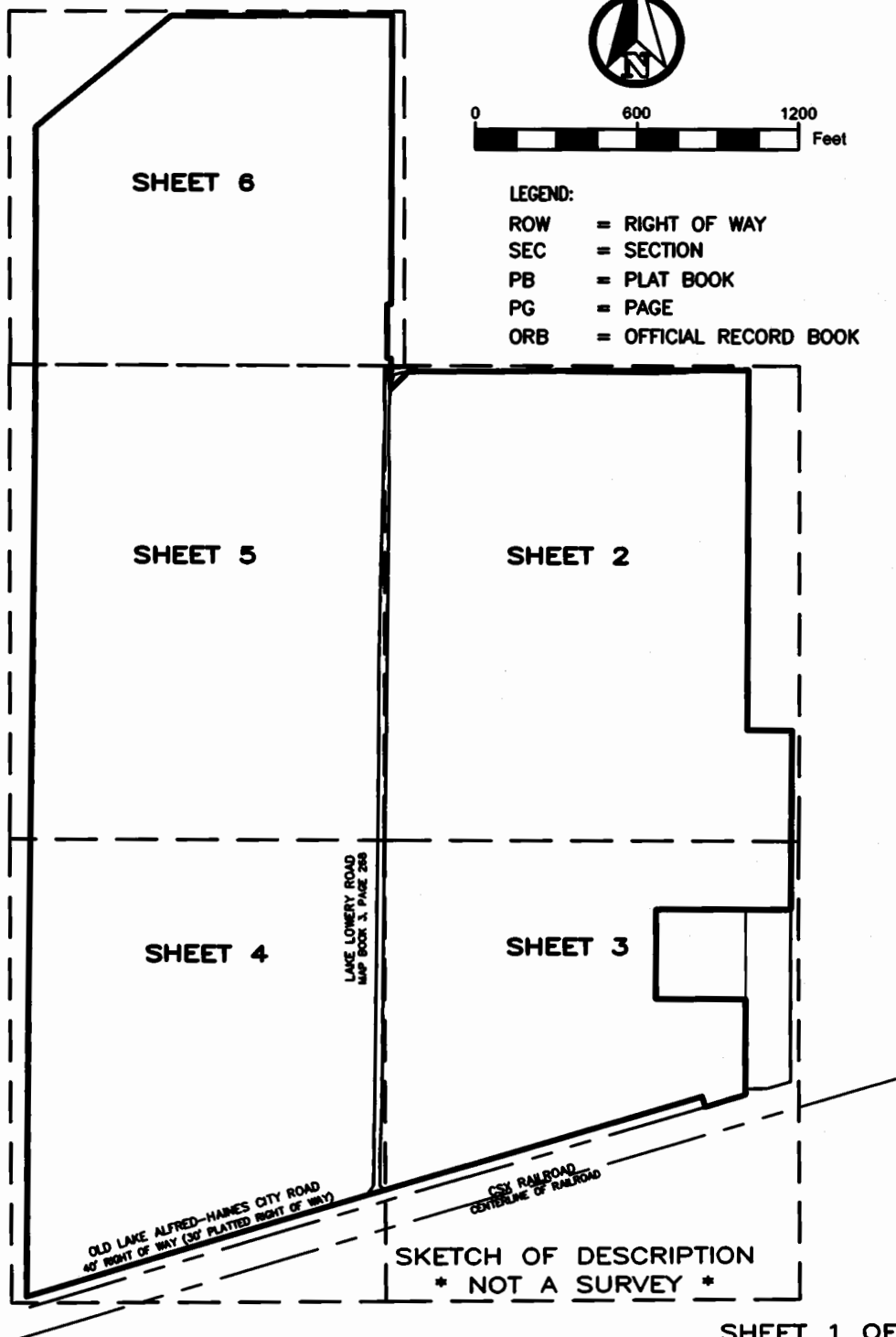
LOCATION MAP

SBE
Stephens Barrios
ENGINEERING
INCORPORATED
P.O. BOX 1000
LAKE ALFRED, FL 33850
TEL: 888-888-8888
WWW.SBE-ENGINEERING.COM

EXHIBIT 2

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"

KEY MAP



SHEET 1 OF 8

ON POINT
SURVEYING, INC.

FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319

ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"

N89°37'56"E

1263.66'

ROW OF ROAD BASED ON
ROW MAINTENANCE MAP
BOOK 3 PAGE 268
NOT INCLUDED

POINT OF BEGINNING
NORTHEAST CORNER
OF THE NW 1/4
OF THE NE 1/4
SEC 27-27-26



0 200 400 Feet

EAST LINE OF THE
NW 1/4 OF THE NE 1/4
OF SEC 27-27-26

Parcel Line Table

Line #	Length	Direction
L1	166.82	S89°58'05"W
L2	156.76	S73°46'10"W
L3	40.00	N16°13'49"W
L4	15.00	S89°42'33"W
L5	200.00	S0°13'30"W
L6	15.00	N89°42'33"E
L7	50.00	S0°13'30"W
L8	65.00	S0°25'50"W
L9	92.50	N45°04'11"E

NW 1/4 OF THE NE 1/4
SEC 27-27-26

1328.18'
S0°14'37"W

N89°52'54"E

166.82'

NW 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

NE 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

MATCHLINE SHEET 3

SKETCH OF DESCRIPTION
* NOT A SURVEY *

SHEET 2 OF 8



FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319

ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 2 EXHIBIT "A"

MATCHLINE SHEET 4

NW 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

NE 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

EAST LINE OF THE
NE 1/4 OF THE SW 1/4
OF THE NE 1/4
OF SEC 27-27-26

Parcel Line Table		
Line #	Length	Direction
L1	166.82	S89°58'05"W
L2	156.76	S73°46'10"W
L3	40.00	N16°13'49"W
L4	15.00	S89°42'33"W
L5	200.00	S0°13'30"W
L6	15.00	N89°42'33"E
L7	50.00	S0°13'30"W
L8	65.00	S0°25'50"W
L9	92.50	N45°04'11"E

SW 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

SE 1/4 OF THE SW 1/4
OF THE NE 1/4
SEC 27-27-26

EAST LINE OF THE
NE 1/4 OF THE SW 1/4
OF THE NE 1/4
OF SEC 27-27-26

S014°37'W 662.36'

NOT INCLUDED

S014°37'W 355.13'

LOT 7
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

NORTH RIGHT OF WAY

OLD LAKE ALFRED-HAINES CITY ROAD
40' RIGHT OF WAY (30' PLATTED RIGHT OF WAY)

NORTH RIGHT OF WAY
OF RAILROAD

CSX RAILROAD
CENTERLINE OF
RAILROAD



SKETCH OF DESCRIPTION
* NOT A SURVEY *

SHEET 3 OF 8



ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

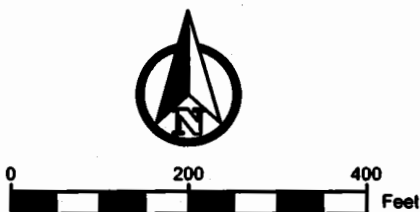
JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 5 EXHIBIT "A"

N0°35'25"E
2641.75'



SE 1/4 OF THE NW 1/4
SEC 27-27-26

LAKE LOWERY ROAD
MAP BOOK 3, PG 268

MATCHLINE SHEET 3

WEST LINE OF THE
E 1/2 OF THE NW 1/4
SEC 27-27-26

ROW OF ROAD BASED ON
ROW MAINTENANCE MAP
BOOK 3 PAGE 268
NOT INCLUDED

WEST LINE OF LOT 6
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

LOT 7
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

LOT 6
H.S. RIGGINS SUBDIVISION
PB 3A, PG 38

NORTH RIGHT OF WAY

N0°35'25"E
756.63'

OLD LAKE ALFRED-HAINES CITY ROAD
40' RIGHT OF WAY (30' FLATTED RIGHT OF WAY)

2616.52'
S73°46'10"W

CSX RAILROAD
CENTERLINE OF
RAILROAD

SHEET 4 OF 8 SKETCH OF DESCRIPTION
* NOT A SURVEY *



ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
KISSIMMEE, FLORIDA 34743
407-989-8102
WWW.ON-POINTSURVEYING.COM
LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA

MATCHLINE SHEET 6 EXHIBIT "A"



0 200 400
Feet

N89° 42' 33"E
BEARING BASIS

NORTH LINE OF SECTION 27
SOUTH LINE OF SECTION 22

WEST LINE OF THE
NW 1/4 OF THE NE 1/4
OF SEC 27-27-26

WEST LINE OF THE
E 1/2 OF THE NW 1/4
SEC 27-27-26

NE 1/4 OF THE NW 1/4
SEC 27-27-26

Parcel Line Table

Line #	Length	Direction
L1	166.82	S89°58'05"W
L2	156.76	S73°46'10"W
L3	40.00	N16°13'49"W
L4	15.00	S89°42'33"W
L5	200.00	S0°13'30"W
L6	15.00	N89°42'33"E
L7	50.00	S0°13'30"W
L8	65.00	S0°25'50"W
L9	92.50	N45°04'11"E

LAKE LOWERY ROAD
MAP BOOK 3, PG 268

ROW OF ROAD BASED ON
ROW MAINTENANCE MAP
BOOK 3 PAGE 268
NOT INCLUDED

SE 1/4 OF THE NW 1/4
SEC 27-27-26

SKETCH OF DESCRIPTION
* NOT A SURVEY *

MATCHLINE SHEET 4

SHEET 5 OF 8

ON POINT
SURVEYING, INC.

FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319

ON POINT SURVEYING, INC.
2827 MIDDLETON CIRCLE
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LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

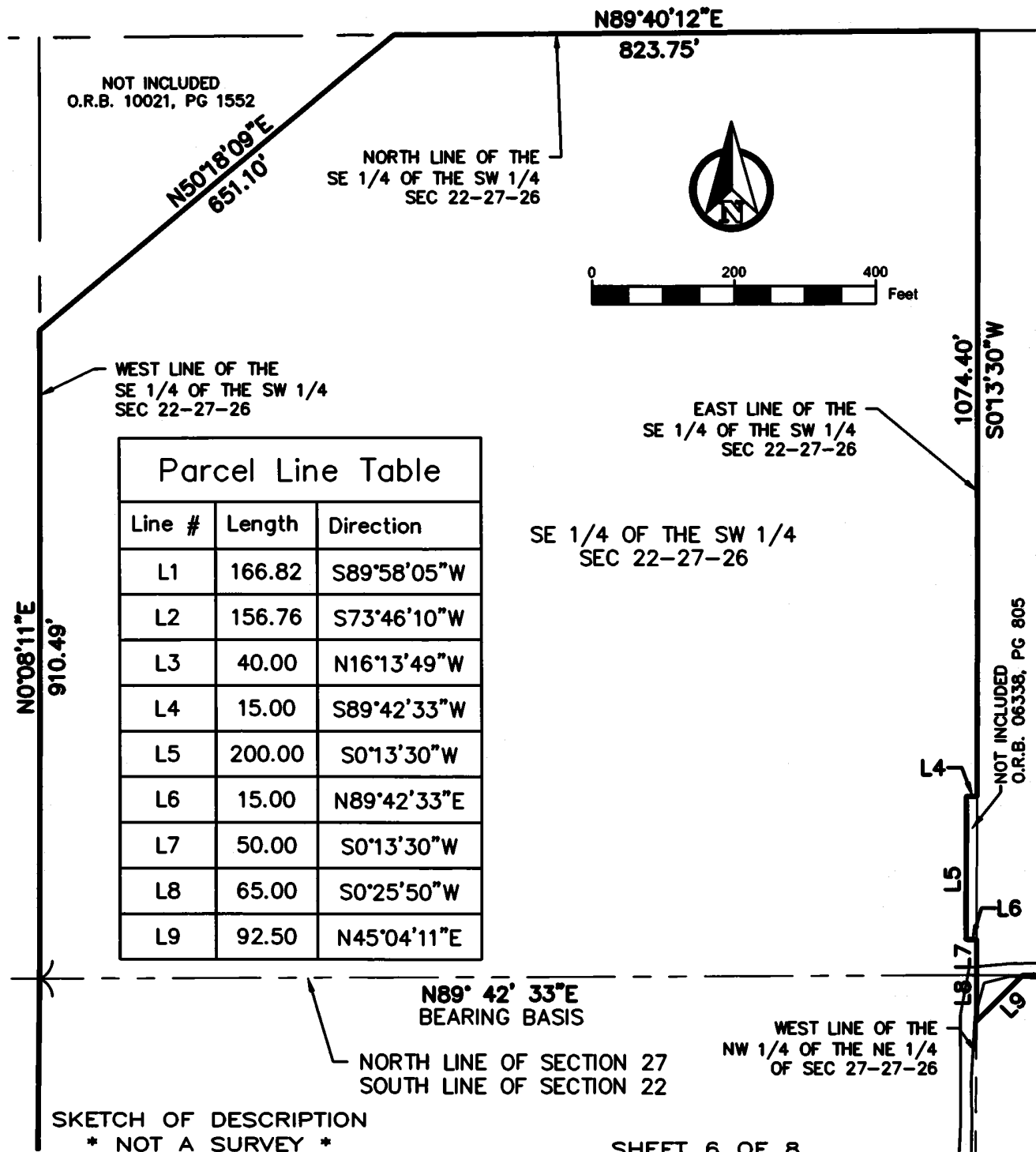
DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"



ON POINT SURVEYING, INC.
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LICENSE BUSINESS NUMBER 8319

SKETCH OF DESCRIPTION

PREPARED FOR AND CERTIFIED TO:
KOLTER LAND LLC

DATE

2/3/23

JOB NO.

K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST POLK COUNTY, FLORIDA EXHIBIT "A"

PROPERTY DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN S00°14'37"W, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 1,328.18 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN N89°52'54"E, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27 A DISTANCE OF 166.82 FEET; THENCE RUN S00°14'37"W, A DISTANCE OF 662.36 FEET; THENCE RUN S89°58'05"W, A DISTANCE OF 166.82 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN S89°58'05"W, ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 333.35 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN S00°15'00"W, ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 331.23 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN N89°58'05"E, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27, A DISTANCE OF 333.39 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27; THENCE RUN S00°14'37"W, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27, A DISTANCE OF 355.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE CSX RAILROAD (200 FEET RIGHT OF WAY), SAID LINE ALSO BEING THE SOUTH LINE OF LOT 7 OF H.S. RIGGINS SUBDIVISION AS RECORDED IN PLAT BOOK 3A, PAGE 38 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN S73°46'10"W, ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, A DISTANCE OF 156.76 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OLD LAKE ALFRED-HAINES CITY ROAD (40' RIGHT OF WAY) ALSO BEING THE SOUTH LINE OF SAID LOT 7; THENCE RUN N16°13'49"W, ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, A DISTANCE OF 40.00 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND SAID SOUTH LINE OF LOT 7, S73°46'10"W, A DISTANCE OF 2616.52 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 6 H.S. RIGGINS SUBDIVISION AS RECORDED IN PLAT BOOK 3A, PAGE 38 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN N00°35'25"E, ALONG SAID WEST LINE A DISTANCE OF 756.63 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE CONTINUE N00°35'25"E, ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 2641.75 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE RUN N00°08'11"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, A DISTANCE OF 910.49 FEET, TO A POINT ON THE SOUTH LINE OF CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 10021, PAGE 1552 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN N50°18'09"E, ALONG SAID SOUTH LINE, A DISTANCE OF 651.10 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN N89°40'12"E, ALONG SAID NORTH LINE, A DISTANCE OF 823.75 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN S00°13'30"W, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 1074.40 FEET, TO A POINT ON THE NORTH LINE OF CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 06338, PAGE 805 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN S89°42'33"W, ALONG SAID NORTH LINE, A DISTANCE OF 15.00 FEET; THENCE RUN S00°13'30"W, ALONG THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 06338, PAGE 805, A DISTANCE OF 200.00 FEET; THENCE RUN N89°42'33"E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 15.00 FEET TO A POINT ON THE EAST LINE OF THE AFOREMENTIONED SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN S00°13'30"W, ALONG SAID EAST LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 22; THENCE RUN S00°25'50"W, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, A DISTANCE OF 65.00 FEET; THENCE

CONTINUED IN SHEET 8

SKETCH OF DESCRIPTION

* NOT A SURVEY *

SHEET 7 OF 8

	ON POINT SURVEYING, INC. 2827 MIDDLETON CIRCLE KISSIMMEE, FLORIDA 34743 407-989-8102 WWW.ON-POINTSURVEYING.COM LICENSE BUSINESS NUMBER 8319	SKETCH OF DESCRIPTION	DATE 2/3/23
		PREPARED FOR AND CERTIFIED TO: KOLTER LAND LLC	JOB NO. K004-01

SECTIONS 22 & 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST
POLK COUNTY, FLORIDA
EXHIBIT "A"

PROPERTY DESCRIPTION (CONTINUED):

RUN N45°04'11"W, A DISTANCE OF 92.50 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE RUN N89°37'56"E, ALONG SAID NORTH LINE, A DISTANCE OF 1263.66 FEET TO THE POINT OF BEGINNING.

LESS THE RIGHT OF WAY OF LAKE LOWERY ROAD PER THE RIGHT OF WAY MAINTENANCE MAP RECORDED IN MAP BOOK 3, PAGE 268 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CONTAINING 9,476,199.454 SQUARE FEET / 217.5436 ACRES MORE OR LESS.

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2. THIS SKETCH MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHT OF WAY AND OTHER MATTERS OF RECORD NOT SHOWN.
3. THIS DOCUMENT CONSISTS OF 8 SHEETS AND WOULD BE CONSIDERED INCOMPLETE IF OTHERWISE.

CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

PRELIMINARY

DOUGLAS H. NEGRON
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 6901
DRAWING INVALID UNLESS SIGNED DATED
& SEALED BY REGISTERED PROFESSIONAL

SKETCH OF DESCRIPTION

* NOT A SURVEY *

SHEET 8 OF 8

 FLORIDA CERTIFICATE OF AUTHORIZATION NO. 8319	ON POINT SURVEYING, INC. 2827 MIDDLETON CIRCLE KISSIMMEE, FLORIDA 34743 407-989-8102 WWW.ON-POINTSURVEYING.COM LICENSE BUSINESS NUMBER 8319	SKETCH OF DESCRIPTION	DATE 2/3/23
		PREPARED FOR AND CERTIFIED TO: KOLTER LAND LLC	JOB NO. K004-01

EXHIBIT 3

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

KE LAW GROUP, PLLC
PO Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes 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 binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

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]

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes Community Development District]

Executed this 11 day of MARCH, 2022

Witnessed:

LANDOWNER: CARIBBEAN DISTILLERS LLC

Maritza Diaz
Print Name: Maritza Diaz

By: [Signature]
Jose Rivera
Assistant Secretary

Raymond Rodriguez
Print Name: Raymond Rodriguez

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of MARCH, 2022, by Jose Rivera, as Assistant Secretary of Caribbean Distillers LLC, a Florida limited liability company, on behalf of the company, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.



[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

Name: LATISHA D. GEORGE
(Name of Notary Public, Printed, Stamped or Typed
as Commissioned)

Exhibit A: Legal Description

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes Community Development District]

Exhibit A:
Legal Description

PROPERTY DESCRIPTION:

THE EAST 1/2 OF THE NW 1/4; THE WEST 1/2 OF THE NE 1/4; THAT PART OF THE NE 1/4 OF THE SW 1/4 LYING NORTH OF THE SEABOARD COASTLINE RAILROAD; THAT PART OF THE NW 1/4 OF THE SE 1/4 LYING NORTH OF THE SEABOARD COASTLINE RAILROAD AND THE WEST 166.82 FEET OF THE SE 1/4 OF THE NE 1/4, LESS AND EXCEPT THE NE 1/4 OF THE SE 1/4 OF THE SW 1/4 OF THE NE 1/4 AND THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1602, PAGE 319, (ASSUMING THE NORTH LINE OF THE NE 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST TO BE A DUE EAST-WEST LINE: BEGIN AT THE NW CORNER OF SAID NE 1/4 OF SAID SECTION 27; THENCE RUN EAST 65.00 FEET; THENCE SOUTH 46 DEGREES 48' 30" WEST 94.78 FEET; THENCE NORTH 03 DEGREES 37' EAST 65.00 FEET TO THE POINT OF BEGINNING) AND OLD LAKE ALFRED HAINES CITY ROAD AND SEABOARD COASTLINE RAILROAD RIGHT OF WAY AND SUBJECT TO THE ROAD RIGHT OF WAY FOR LAKE LOWERY ROAD. ALL LYING IN SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA.

NOTE: THAT PART OF THE ABOVE DESCRIBED PROPERTY LYING THE NE 1/4 OF THE SW 1/4 AND THE NW 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, NORTH OF THE SEABOARD COASTLINE RAILROAD IS PART OF LOTS 6 AND 7 OF H.S. RIGGINS SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

NOTE: THAT PART OF THE ABOVE DESCRIBED PROPERTY LYING IN THE SW 1/4 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 27 SOUTH, RANGE 26 EAST, IS THE REPLAT OF A REPLAT OF SUMMIT ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGE 6, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

Prepared By:
M. Cristina Moreno, Esq.
Cristina Moreno P.A.
2600 S. Douglas Road, Ste 304
Coral Gables, FL 33134

Limited Liability Company Affidavit

State of Florida

County of Miami-Dade

Before me, the undersigned authority, personally appeared Alberto J. Rivera ("Affiant"), who, being duly sworn according to law, deposes and says:

1. Affiant is a Manager and Senior Vice President of Caribbean Distillers LLC, a Florida limited liability company (the "LLC"). The LLC is Manager-Managed.

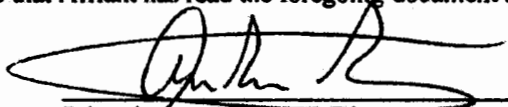
2. The LLC is currently in existence under valid Articles of Organization and has not been terminated or dissolved. The Certificate of Good Standing is attached as Exhibit "A".

3. The LLC is the owner of the following described real property:

SEE EXHIBIT "B" (the "Property")

4. The Managers of the Company have unanimously adopted the resolutions attached hereto as Exhibit "C", which Resolutions remain in full force and effect, without modification.

5. Under penalties of perjury, Affiant declares that Affiant has read the foregoing document and that the facts stated in it are true.


Printed name: Alberto J. Rivera

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization this 13 day of March 2023, by Alberto J. Rivera as Manager and Senior Vice President of Caribbean Distillers LLC, a Florida limited liability company, on behalf of the company, who (☒) is personally known to me or () produced the following identification: N/A


Notary Public, State of Florida

My commission expires:

(Notary Seal)

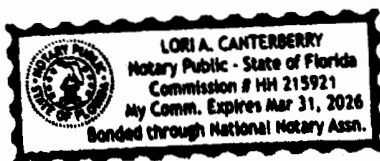


EXHIBIT A

CERTIFICATE OF GOOD STANDING

State of Florida

Department of State

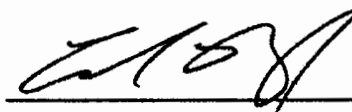
I certify from the records of this office that CARIBBEAN DISTILLERS LLC is a limited liability company organized under the laws of the State of Florida, filed on August 31, 2010, effective August 31, 2010.

The document number of this limited liability company is L10000091594.

I further certify that said limited liability company has paid all fees due this office through December 31, 2023, that its most recent annual report was filed on January 30, 2023, and that its status is active.

*Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this
the Thirteenth day of March, 2023*




Secretary of State

Tracking Number: 8087579227CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

EXHIBIT "B"

ADDITIONAL FARMLAND (ADAMS) PROPERTY:

The East 1/2 of the NW 1/4; the West 1/2 of the NE 1/4; that part of the NE 1/4 of the SW 1/4 lying North of the Seaboard Coastline Railroad; that part of the NW 1/4 of the SE 1/4 lying North of the Seaboard Coastline Railroad and the West 166.82 feet of the SE 1/4 of the NE 1/4, less and except the NE 1/4 of the SE 1/4 of the SW 1/4 of the NE 1/4 and that property described in Official Records Book 1602, Page 319, (ASSUMING THE North line of the NE 1/4 of Section 27, Township 27 South, Range 26 East to be a due East-West line: Begin at the NW corner of said NE 1/4 of said Section 27; thence run East 65.00 feet; thence South 46 degrees 48' 30" West 94.78 feet; thence North 03 degrees 37' East 65.00 feet to the Point of Beginning) and Old Lake Alfred Haines City Road and Seaboard Coastline Railroad right of way and subject to the road right of way for Lake Lowery Road. All lying in Section 27, Township 27 South, Range 26 East, Polk County, Florida.

NOTE: That part of the above described property lying the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 27, Township 27 South, Range 26 East, North of the Seaboard Coastline Railroad is part of Lots 6 and 7 of H.S. Riggins Subdivision according to the plat thereof recorded in Plat Book 3, Page 38, Public Records of Polk County, Florida.

NOTE: That part of the above described property lying in the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 27, Township 27 South, Range 26 East, is the Replat of a replat of Summit according to the plat thereof recorded in Plat Book 28, Page 6, Public Records of Polk County, Florida.

EXHIBIT C
RESOLUTIONS

**WRITTEN RESOLUTION OF THE MANAGERS OF
CARIBBEAN DISTILLERS LLC**

The undersigned being all of the managers of **Caribbean Distillers LLC** (the "Company"), hereby adopt the following resolutions by unanimous consent:

RESOLVED that all actions taken by the managers and/or officers of the Company to negotiate the terms of and execute and deliver that certain Purchase and Sale Agreement between the Company as Seller and Kolter Group Acquisitions LLC as Buyer, with an Effective Date of October 18, 2021, and the First, Second and Third Amendment thereto (collectively the "Agreement") for the sale of the property of the Company described in the Agreement (the "Property") and commonly referred to as the "Adams Farmland" are hereby ratified and approved; and

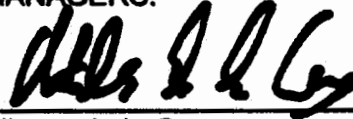
FURTHER RESOLVED that any of the officers of the Company, including without limitation, Alberto de la Cruz as President and any of Alberto J. Rivera, Omar Ginorio or Jose Rivera as Authorized Representatives of the Company, acting singly, are hereby authorized to negotiate the terms of and to execute and deliver any applications, consents or other documents in furtherance of the rezoning and development of the Property by the Buyer as contemplated by the Agreement, including without limitation for purposes of consenting to the rezoning of the Property for residential uses and the establishment of a community development district and to take all actions in relation thereto; and

FURTHER RESOLVED that any of the Authorized Representatives of the Company, acting singly, are hereby authorized to execute and deliver any conveyance documents, including the Deed and to review, approve and execute a Closing Statement setting forth the financial aspects of the sale and purchase pursuant to the Agreement and to take all actions in furtherance of the consummation of the sale and purchase on the terms of the Agreement.

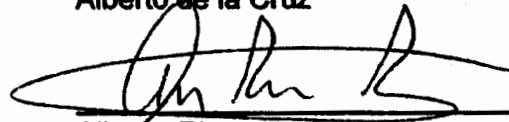
(SIGNATURES ON FOLLOWING PAGE)

These resolutions are adopted effective January 26, 2023. Facsimile or digital signatures on these Resolutions shall have the same effect as original signatures.

MANAGERS:



Alberto de la Cruz



Alberto Rivera

G:\data\WCM\Delecruz\Caribbean Distillers\Company Documents\Caribbean Distillers LLC\Resolution Sale of Adams Farmland 1-26-23.doc

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

KE LAW GROUP, PLLC
PO Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes 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.

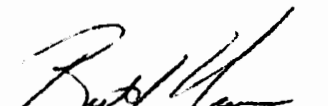
The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

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.

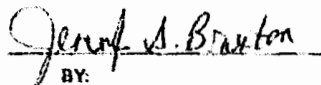
[SIGNATURE PAGE TO FOLLOW]

Executed this 16th day of March, 2022.

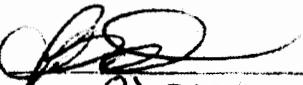
Witnessed: JENNIFER S. BROXTON
LANDOWNER


Brent Morse

Print Name: JENNIFER S. BROXTON


BY:

ITS: Landowner


Print Name: Christina Brantner

STATE OF FL
COUNTY OF Polk

The foregoing instrument was acknowledged before me by means of 0 physical presence or 0 online notarization, this 16 day of March, 2022, by Jennifer S. Broxton, who appeared before me this day in person, and who is either personally known to me, or produced an identification.



Jack R. Myers
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG349015
Expires 10/21/2023


NOTARY PUBLIC, STATE OF FL
Name: Jack R. Myers
(Name of Notary Public, Printed, Stamped or
Typed as Commissioned)

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes Community Development District]

Exhibit A:
Legal Description

Parcel I:

The East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida; LESS AND EXCEPT the West 125 feet thereof;

AND LESS AND EXCEPT the following described parcels

Begin at a Point 125.00 feet East of the West boundary line of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East on the South boundary line of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East; Proceed East 100.00 feet along said boundary line; thence due North, parallel to the West boundary line of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, a distance of 432.00 feet; thence due West along the line parallel to the South boundary line of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, a distance of 100.00 feet; thence due South 432.00 feet to a Point of Beginning, all lying in Section 22, Township 27 South, Range 26 East, Polk County, Florida;

AND

The East 100 feet of the West 325 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

AND

The East 100 feet of the West 425 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

AND

The East 100 feet of the West 525 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

AND

The East 100 feet of the West 625 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

AND LESS AND EXCEPT THE FOLLOWING PARCEL:

As a point of reference, start at the Southeast corner of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida, and proceed North along the East line of said Southwest 1/4, 50 feet to a point of beginning; thence proceed West 15 feet; thence North 200 feet parallel to the East line of said Southwest 1/4; thence East 15 feet; thence South 200 feet to the point of beginning

PARCEL II

The East 100 feet of the West 325 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

PARCEL III:

The East 100 feet of the West 425 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

PARCEL IV:

The East 100 feet of the West 525 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

PARCEL V:

The East 100 feet of the West 625 feet of the South 436 feet of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 22, Township 27 South, Range 26 East, Polk County, Florida;

TOGETHER WITH:

REG 125 FT E OF SW COR OF E1/2 OF SE1/4 OF SW1/4 CONT E 100 FT N 432 FT W 100 FT S 432 FT TO POB

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

KE LAW GROUP, PLLC
PO Box 6386
Tallahassee, Florida 32314

**Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes 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 in 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 binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

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 16th day of March, 2022.

Witnessed: **AUBURNDALE FRUIT CO INC.**

LANDOWNER

Brent Morse
BY: JENNIFER HELMS
Print Name: JENNIFER HELMS

JENNIFER HELMS
BY: JENNIFER HELMS
ITS: President/Owner

Christina Brentnart
Print Name: Christina Brentnart

STATE OF FL
COUNTY OF COLL

The foregoing instrument was acknowledged before me by means of (1) physical presence or (2) online notarization, this 16th day of March, 2022, by JENNIFER HELMS, who appeared before me this day in person, and who is either personally known to me, or produced as identification.



Jack R. Myers
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG349015
Expires 10/21/2023

Jack R. Myers
NOTARY PUBLIC, STATE OF FL
Name: Jack R. Myers
(Name of Notary Public, Printed, Stamped or
Typed as Commissioned)

Consent and Joinder of Landowner
to the Establishment of a Community Development District
[Proposed Caribbean Lakes Community Development District]

Exhibit A:
Legal Description

The West One Hundred Twenty-Five (125) feet of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) in Section 22, Township 27 South, Range 26 East. LESS AND EXCEPT: From the Southwest corner of the East half (E 1/2) of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 22, Township 27 South, Range 26 East, thence run East 125 feet along section line; thence run North 322 feet to the Point of Beginning. Thence run West 16 feet; thence run North 60 feet; thence run East 16 feet; thence run South 60 feet to the Point of Beginning. TOGETHER WITH THE PROPERTY DESCRIBED AS FOLLOWS: West half of Southeast quarter of the Southwest quarter (W 1/2 of SE 1/4 of SW 1/4), in Section 22, Township 27 South, Range 26 East, EXCEPT a tract in the Northeast corner described as follows: Begin at the Northwest corner of SE 1/4 of SW 1/4, run East 500 feet along the half-section line, thence Southwest to a point which is 413 feet South of the NW corner of said SE 1/4 of SW 1/4, thence North 413 feet along the West line of said Section 22 to the point of beginning, said tract containing 2-3/7 acres, more or less. Public Records of Polk County, Florida.

**CERTIFICATE OF OWNERSHIP, ORGANIZATIONAL DOCUMENTS, AMENDMENTS,
INCUMBENCY AND SPECIMEN SIGNATURES**

The undersigned, Jennifer B. Helms
 (check applicable box) ☐ the Secretary ☐ the Assistant Secretary ☐ a Member ☐ a Manager ☐ a general partner
☒ President of AUBURNDALE FRUIT CO INC
 (the "Company"), hereby certifies the following:

1. That Company has outstanding (check applicable box) ☒ 1000 shares of voting stock and _____ shares of nonvoting stock ☐ membership units ☐ general partnership units¹ and ☐ limited partnership units.² The following named persons, who constitute all of the owners of the Company, hold the number of shares, membership units or partnership units, as the case may be, stated opposite their names: ²(Up to 7 lines)

Name	Voting Shares Membership Units GP Units	Nonvoting Shares LP Units
<u>Jennifer B. Helms</u>	<u>1000</u>	

2. That there have been no amendments to the Company's (check applicable box) ☒ articles or certificate of incorporation and bylaws ☐ articles of association and operating agreement ☐ partnership agreement since copies were furnished to Farm Credit Of Central Florida, ACA named in the resolution on the reverse side of hereof (the "Association"), except as attached hereto. If none, so indicate NONE.

3. That the following person(s) (check applicable box) ☒ has/have been duly elected to the respective office(s) ☐ constitute the duly designated manager(s) ☐ constitute the member(s) ☐ constitute the general partner(s) of the Company, as stated after his/her/their respective name(s), who has/have been duly authorized in connection with the Company's transactions with the Association as set forth in the resolution on the front side hereof, and that said person(s) has/have the status so indicated as of the date hereof, and that the signature(s) appearing opposite his/her/their respective name(s) is/are true and correct specimen(s) of his/her/their respective signature(s).

Name: <u>Jennifer B. Helms</u>	
Signature: <u>Jerry B. Helms</u>	Title: <u>President</u>
Name: _____	
Signature: _____	Title: _____
Name: _____	
Signature: _____	Title: _____
Name: _____	
Signature: _____	Title: _____
Name: _____	
Signature: _____	Title: _____
Name: _____	
Signature: _____	Title: _____
Name: _____	
Signature: _____	Title: _____

Signed and sealed this April 14 2022

Jerry B. Helms
 Jennifer B. Helms

¹ For purposes of this certificate, one partnership unit equals a 1.0% interest in the partnership.
² If additional spaces are needed, add information on an addendum.

WRITTEN RESOLUTION OF THE MANAGERS OF AUBURNDALE FRUIT CO., INC

The undersigned being all the officers and/or managers of Auburndale Fruit Co., Inc (the "Company"), hereby adopt the following resolutions by unanimous consent:

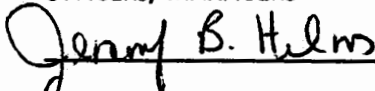
RESOLVED that all actions taken by the managers and/or officers of the Company to negotiate the terms of and execute and deliver certain Purchase and Sale Agreement between the Company as Seller and Kolter Group Acquisitions LLC as Buyer, with an effective Date of January 19th, 2022, (the "Agreement") for the sale of the property of the Company described in the Agreement (the "Property").

FURTHER RESOLVED that any of the officers of the Company, including without limitation, Jennifer Helms as President, and Stephen Helms as General Manager, Authorized Representatives of the Company, acting singly, are hereby authorized to negotiate the terms of and to execute and deliver any applications, consents or other documents in furtherance of the rezoning and development of the property the Buyer as contemplated by the Agreement, including without limitation for purposes of consenting to the rezoning of the Property for residential uses and the establishment of a community development district and to take all actions in relation thereto; and

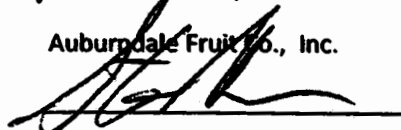
FUTHER RESOLVED that any of the Authorized Representatives of the company, acting singly, are hereby authorized to execute and deliver any conveyance documents, including the deed and to review, approve and execute a Closing statement setting forth the financial aspects of the sale and purchase pursuant to the Agreement and to take all actions in furtherance of the consummation of the sale and purchase on the terms of the Agreement.

These resolutions are adapted effective January 19th, 2022. Facsimile or digital signatures on these Resolutions shall have the same effect as original signatures.

OFFICERS/ MANAGERS


Jennifer B. Helms, President

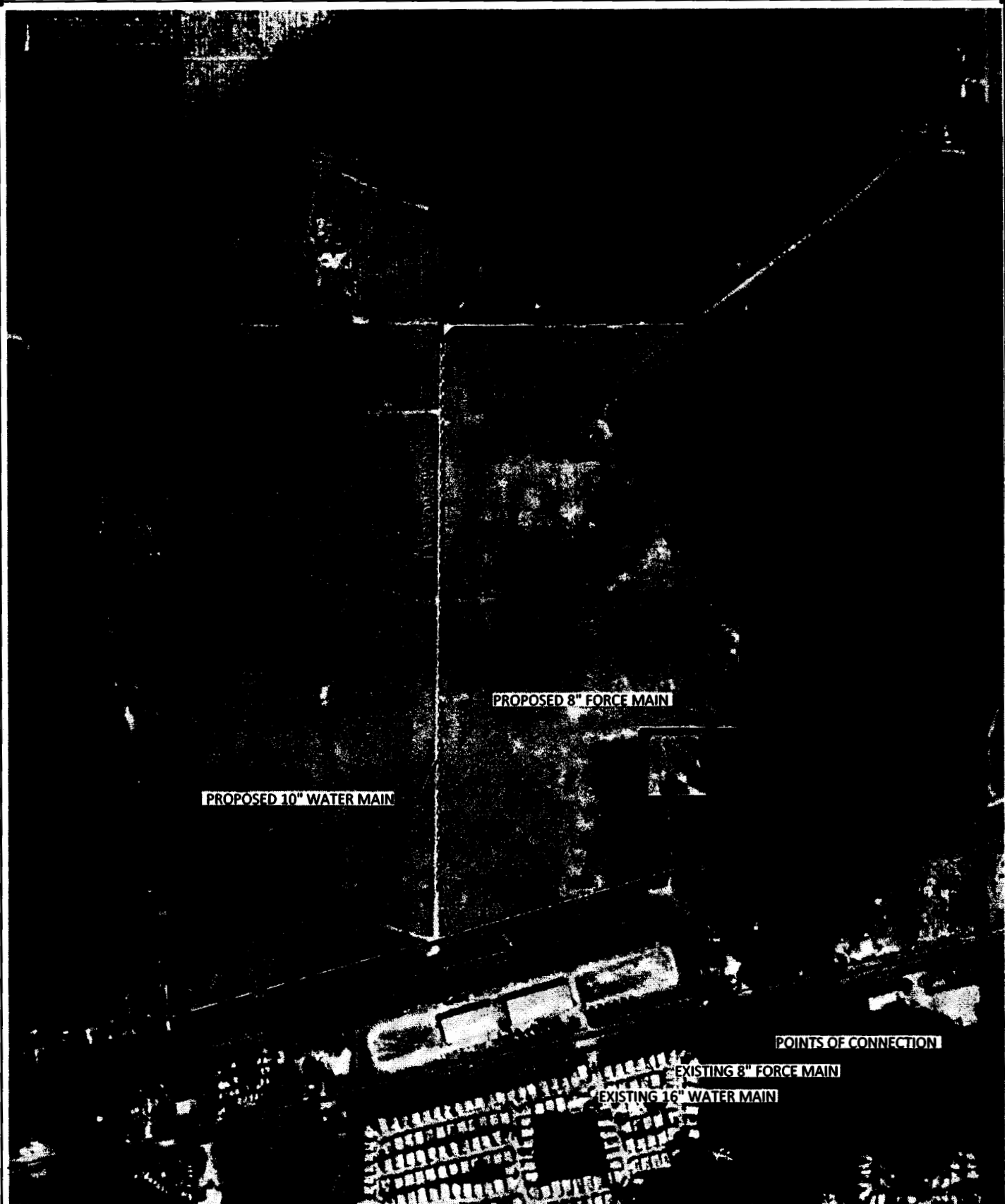
Auburndale Fruit Co., Inc.



Stephen T. Helms, General Manager



EXHIBIT 4



****BOTH 8" WATER MAIN AND 16" FORCE MAIN ARE ON THE NORTH SIDE OF 92. (SIZE AND LOCATION PER POLK COUNTY)**

 SCALE: N.T.S.	LAKE ALFRED - KOLTER	FIGURE 2	
	OLD LAKE ALFRED - HANES CITY RD. LAKE ALFRED, FL 33850	UTILITY MAP	



OWNER: DEBORAH A. BRYNE
 PROPERTY: 1988 HWY 17-92
 TAX ID: 26-27-27-490100-000201

SCALE: 1"=100'



UTILITY EASEMENT EXHIBIT EX		BRYNE UTILITY EASEMENT 1988 HWY 17-92 LAKE ALFRED, FL 33850	SEAL 	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV.	DATE	DESCRIPTION																															SBE SAVANNAH BRIDGE ENGINEERING Professional Engineer License No. 10000 State of Georgia
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EXHIBIT 5

LOWERYHILLS COST CHART

Project Component	2023	2024	2025	2026-2027 Estimated Cost	Financing Method	Responsible Agency
Turn Lanes at Old Haines City – Lake Alfred Road	\$ 451,500.00	\$ 193,500.00	\$ -	\$ 645,000.00	CDD	County
Improvements to Lake Lowery Road and Old Haines City – Lake Alfred Road (includes resurfacing and rebuilding shoulders, among other things)	\$ 1,172,850.00	\$ 502,650.00	\$ -	\$ 1,675,500.00	CDD	County
Internal Roadways	\$ 1,692,000.00	\$ 1,692,000.00	\$ 846,000.00	\$ 4,230,000.00	CDD	City
Water & Wastewater Systems(breakout below)	\$ 2,656,275.00	\$ 2,350,250.00	\$ 1,708,475.00	\$ 6,715,000.00	CDD	City
i) Water	\$ 730,950.00	\$ 852,775.00	\$ 852,775.00	\$ 2,436,500.00		
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Offsite Water and Sewer Extensions (distance may vary; breakout below)	\$ 776,000.00	\$194,000.00	\$ -	\$970,000.00	CDD	City
i) Water	\$ 468,000.00	\$117,000.00	\$ -	\$585,000.00	CDD	City
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Common Area Irrigation Systems (includes Irrigation Wells for Common Areas, breakout below)	\$ 201,250.00	\$ 278,200.00	\$ 178,200.00	\$ 657,650.00	CDD	CDD
(i) Irrigation Wells w/Controls (2)	\$ 100,000.00	\$ 100,000.00	\$ -	\$ 200,000.00	CDD	CDD
(ii) Zones, Crossings, Valve Assemblies, Heads, Controllers, Drip Lines, etc.	\$ 101,250.00	\$ 178,200.00	\$ 178,200.00	\$ 457,650.00	CDD	CDD
Utility Easement Acquisitions	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	CDD	City
Stormwater Management System	\$ 1,711,200.00	\$ 1,497,300.00	\$ 1,069,500.00	\$ 4,278,000.00	CDD	CDD
Undergrounding of Conduit*	\$ 360,000.00	\$ 280,000.00	\$ 160,000.00	\$ 800,000.00	CDD	CDD
Hardscaping (x4 Primary Entrances, and x2 Secondary Entrances, Perimeter Buffer Wall along Old Haines City – Lake Alfred Road)	\$ 455,000.00	\$ 195,000.00	\$ -	\$ 650,000.00	CDD	CDD
Landscaping (Extensive Landscaping at x4 Entrances)	\$ 1,085,000.00	\$ 465,000.00	\$ -	\$ 1,550,000.00	CDD	CDD
Amenities (Resort-style Pool, Clubhouse with Bathrooms/Kitchen, Tot Lot, Pocket Parks, etc.)	\$ 2,250,000.00	\$ 250,000.00	\$ -	\$ 2,500,000.00	CDD	CDD
Conservation Areas (Entire Perimeter includes Wetlands in Natural Condition)	\$ 105,000.00	\$ 45,000.00	\$ -	\$ 150,000.00	CDD	CDD
Professional Services	\$ 1,396,500.00	\$ 399,000.00	\$ 199,500.00	\$ 1,995,000.00	N/A	N/A
Contingency	\$ 1,291,607.50	\$ 794,290.00	\$ 396,217.50	\$ 2,482,115.00	N/A	N/A
TOTAL	\$ 15,654,182.50	\$ 9,136,190.00	\$ 4,557,892.50	\$ 29,348,265.00		

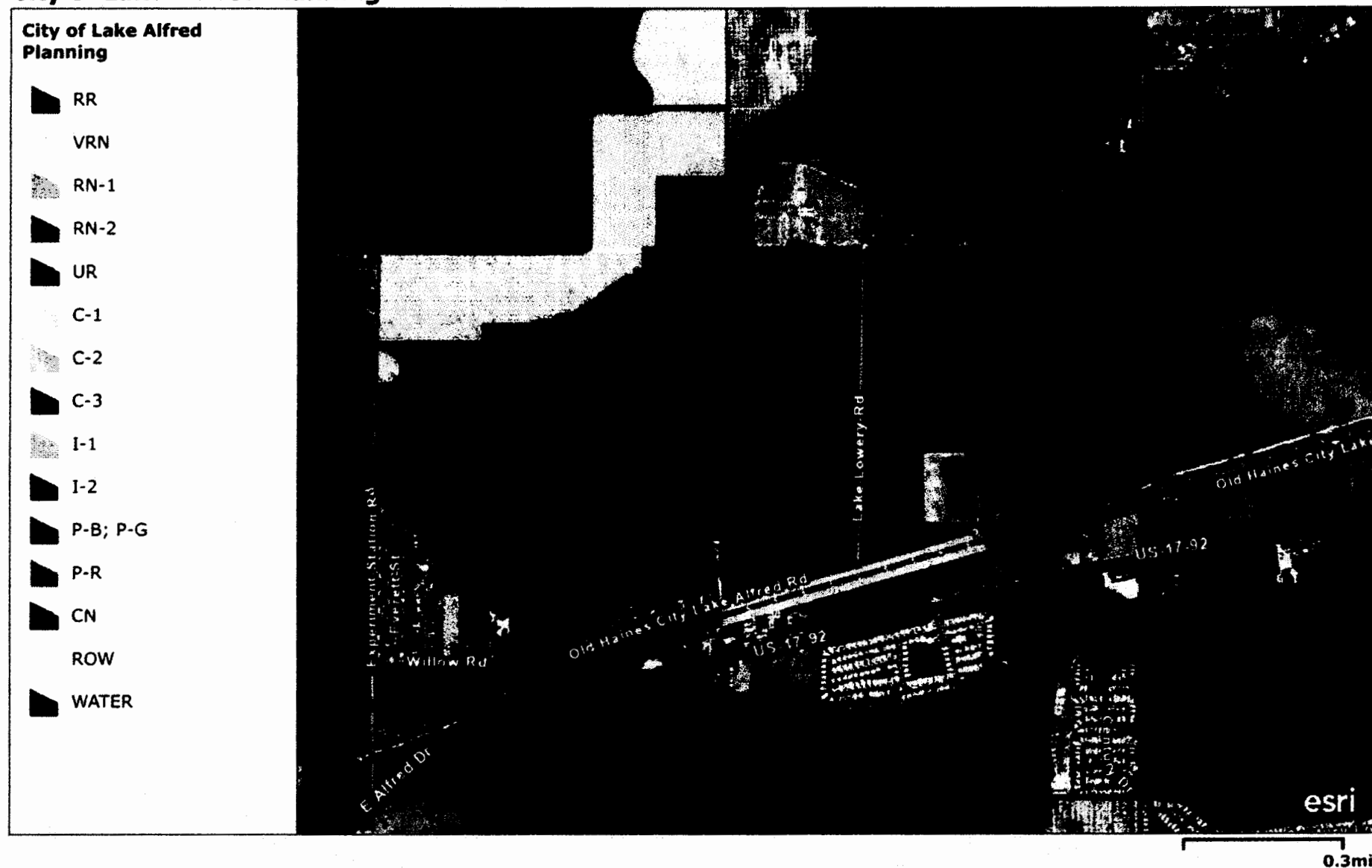
*Street lights are expected to be leased by the District and thus are not part of the capital costs.

**The City of Lake Alfred and its tax payers and utility rate payers outside of the District will not be responsible for any repayment of the initial capital expenditure to construct the infrastructure of the Lowery Hills development.

***In order to keep debt assessments within market rates, the CDD will finance only a portion of the planned infrastructure, and the Developer will fund the balance.

EXHIBIT 6

City of Lake Alfred Planning



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

EXHIBIT 7

LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

MARCH 18, 2022



Provided by

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Phone: 561-571-0010
Fax: 561-571-0013
Website: www.whhassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Lowery Hills 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 217.5436 +/- acres of land located within the City of Lake Alfred, Florida (the "City") and is projected to contain approximately 678 residential dwelling units, which will make up the Lowery Hills development ("Project"). 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 Lowery Hills 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 678 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 Lowery Hills.

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 Lake Alfred, according to Census 2020, has a population of 6,374; therefore, it is 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 217.544 +/- 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 678 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 many already existing similar districts in the City. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the City to offset any expenses that the City may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

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

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

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

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

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 217.544 +/- acre master planned residential development currently anticipated to contain a total of approximately 678 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 2,373 +/- 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. 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 Lake Alfred, Florida

The proposed land for the District is located within City of Lake Alfred, 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.

The table below 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.

The table also illustrates the estimated costs of construction of the capital facilities. 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 the table.

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.

LOWERYHILLS COST CHART

	2023	2024	2025	2026 Estimated Cost	Pay Class	Pay Period
Turn Lanes at Old Haines City – Lake Alfred Road	\$ 451,500.00	\$ 193,500.00	\$ -	\$ 645,000.00	CDD	County
Improvements to Lake Lowery Road and Old Haines City – Lake Alfred Road (includes resurfacing and rebuilding shoulders, among other things)	\$ 1,172,850.00	\$ 502,650.00	\$ -	\$ 1,675,500.00	CDD	County
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**The City of Lake Alfred and its tax payers and utility rate payers outside of the District will not be responsible for any repayment of the initial capital expenditure to construct the infrastructure of the Lowery Hills development.

***In order to keep debt assessments within market rates, the CDD will finance only a portion of the planned infrastructure, and the Developer will fund the balance.

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

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

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

growth".

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

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

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

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

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

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

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

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

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

City of Lake Alfred has a population of 6,374 according to the Census 2020 conducted by the United States Census Bureau and is therefore defined as a "small" City according to Section 120.52, F.S. It can be reasonably expected that the establishment of a community development district for the Lowery Hills development will not produce any marginal effects that would be different from those that would have occurred if the Lowery Hills 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 Lowery Hills 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 CDD improvements 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 Lowery Hills 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 Lowery Hills 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 Lowery Hills 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 Lowery Hills Community Development District.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

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

EXHIBIT 8

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Kutak Rock LLP to act as agent for Petitioner, Kolter Group Acquisitions LLC, with regard to any and all matters pertaining to the Petition to the City of Lake Alfred, Florida, to Establish the Lowery Hills 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.

Witnessed:

Print Name: ALYSSA LIVINGSTONE

Print Name: BRYON T. LOPRESTE

**KOLTER GROUP ACQUISITIONS LLC
PETITIONER**

By: James P. Harvey

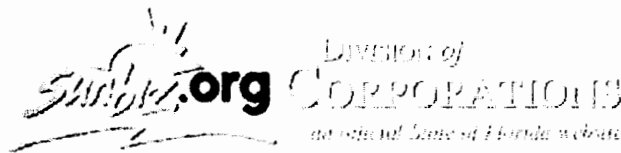
Its: Authorized Signatory

**STATE OF FLORIDA
COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15th day of February, 2023, by James P. Harvey, as Authorized Signatory of Kolter Group Acquisitions LLC, on its behalf. He ☒ is personally known to me or ☐ produced _____ as identification.

[Signature]
Notary Public, State of Florida





Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
THE KOLTER GROUP LLC

Filing Information

Document Number	L09000122320
FE/EIN Number	27-1556391
Date Filed	12/28/2009
State	FL
Status	ACTIVE
Last Event	LC NAME CHANGE
Event Date Filed	12/17/2010
Event Effective Date	01/01/2011

Principal Address

105 NE 1ST STREET
DELRAY BEACH, FL 33444

Changed: 07/16/2019

Mailing Address

105 NE 1st ST
Delray Beach, FL 33444

Changed: 01/29/2020

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

Authorized Person(s) Detail

Name & Address

Title MGR

ERBSTEIN, HOWARD
105 NE 1ST STREET
DELRAY BEACH, FL 33444

<https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=KOLTERG...> 1/3

Title MGR

JOHNSON, WILLIAM
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Title MGR

JULIEN, ROBERT
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Title MGR

Radkay, Devin
105 NE 1ST STREET
DELRAY BEACH, FL 33444

Annual Reports

Report Year	Filed Date
2021	01/13/2021
2021	10/20/2021
2022	02/02/2022

Document Images

02/02/2022 -- ANNUAL REPORT	View image in PDF format
10/20/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
01/13/2021 -- ANNUAL REPORT	View image in PDF format
02/19/2020 -- AMENDED ANNUAL REPORT	View image in PDF format
01/29/2020 -- ANNUAL REPORT	View image in PDF format
03/01/2019 -- ANNUAL REPORT	View image in PDF format
04/22/2018 -- ANNUAL REPORT	View image in PDF format
03/23/2017 -- ANNUAL REPORT	View image in PDF format
04/28/2016 -- ANNUAL REPORT	View image in PDF format
04/13/2015 -- ANNUAL REPORT	View image in PDF format
04/21/2014 -- ANNUAL REPORT	View image in PDF format
04/19/2013 -- ANNUAL REPORT	View image in PDF format
04/18/2012 -- ANNUAL REPORT	View image in PDF format
04/18/2011 -- ANNUAL REPORT	View image in PDF format
12/17/2010 -- LC Name Change	View image in PDF format
03/25/2010 -- ANNUAL REPORT	View image in PDF format
03/17/2010 -- Merger	View image in PDF format
12/28/2009 -- Florida Limited Liability	View image in PDF format

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Entity Search Results (Page 1 of 1)

**CERTIFICATE AS TO THE RESOLUTIONS OF
THE MANAGER OF KOLTER GROUP ACQUISITIONS LLC**

THE UNDERSIGNED, being the Manager of **KOLTER GROUP ACQUISITIONS LLC** (the "Company"), does hereby certify that the following is a true and complete copy of a Resolution adopted by the Manager of said Company which Resolution has not been revoked, rescinded, cancelled or modified and remains in full force and effect.

RESOLVED, that the Company shall execute all contracts, documents, purchase agreements, affidavits, deeds, settlement statements, agreements, instruments and all necessary papers and documents in connection with the leasing, acquisitions, development, and disposition of real property for sale; and

IT IS FURTHER RESOVLED, that the following individual acting on behalf of the Company is authorized, empowered and directed to do singly, all such further acts, and execute and deliver all such contracts, closing documents, settlement statements, purchase and sale agreements, papers, leases, documents, instruments, and agreements and otherwise take any action as may be necessary or appropriate in connection with the aforesaid resolution:

James Harvey

Authorized Signatory

AND BE IT FURTHER RESOLVED, that all actions heretofore taken by the foregoing person and all things done by this authority with respect to the foregoing resolution, and the actions contemplated thereby, are hereby agreed to, ratified, approved and adopted.

CERTIFIED that the Operating Agreement of the Company does not impair or restrict the Company's ability to execute and deliver the documents required to hereunder.

IN WITNESS WHEREOF, this written consent is made effective as of the 28th day of January, 2022.

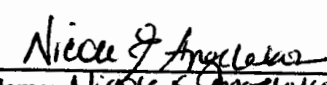
KOLTER GROUP ACQUISITIONS LLC

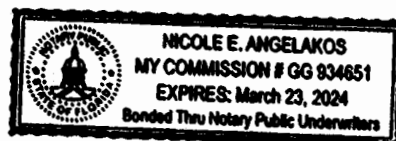
By: The Kolter Group LLC
Its: Manager

By: 
Howard Erbsstein
Manager

STATE OF FLORIDA)
COUNTY OF Palm Beach)

The foregoing instrument was acknowledged before me this 26 day of January, 2022, by Howard Erbsstein, who is personally known _____ OR has produced _____ as identification.


Name: Nicole E. Angelakos
My Commission Expires: 3/23/2024



MANAGER'S CERTIFICATE
OF
THE KOLTER GROUP LLC

Dated: December 6, 2021

The undersigned, the Manager of THE KOLTER GROUP LLC, a Florida limited liability company (the "Company"), in its official capacity and on behalf of the Company certifies as follows:

1. The undersigned previously provided a Manager's Certificate for the Company dated September 28, 2021 (the "Prior Manager's Certificate").
2. Attached to the Prior Manager's Certificate as Exhibit 1 is a true, complete, and correct copy of the Articles of Organization of the Company, together with all amendments thereto. No action has been taken to amend, modify or repeal such Articles of Organization, the same being in full force and effect on the date hereof.
3. Attached to the Prior Manager's Certificate as Exhibit 2 is a true, complete, and correct copy of the Operating Agreement of the Company, together with all amendments thereto. Such operating agreement and all amendments thereto are in full force and effect on the date hereof and have not in any manner whatsoever been further amended or modified.
4. There are no formation or governance documents of the Company other than the documents attached to the Prior Manager's Certificate as Exhibit 1 and Exhibit 2.
5. Attached hereto as Exhibit 3 is a true, complete and correct copy of the Enabling Resolution of the Manager of The Kolter Group LLC dated December __, 2021, and said resolutions are in full force and effect and have not in any manner whatsoever been amended or modified.
6. The following named persons have been duly elected as managers of the Company and hold the positions set forth opposite their respective names:

Office	Name	Term
Manager	Robert Julien	Perpetual
Manager	Howard Erbsstein	Perpetual
Manager	Ryan Mosher	Perpetual
Manager	William Johnson	Perpetual

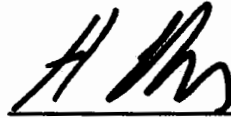
7. Attached hereto as Exhibit 4 is a Certificate of Good Standing of the Company, issued by the Delaware Secretary of State.

[Signature page follows.]

[SIGNATURE PAGE TO MANAGER'S CERTIFICATE]

IN WITNESS WHEREOF, the undersigned has executed this instrument dated as of the date first written above.

Manager:

A handwritten signature in black ink, appearing to read 'H Erbshtein', written over a horizontal line.

Howard Erbshtein, manager of The Kolter Group
LLC

EXHIBIT 1
ARTICLES OF ORGANIZATION

[See Prior Manager's Certificate]

EXHIBIT 2
OPERATING AGREEMENT

[See Prior Manager's Certificate]

EXHIBIT 3
RESOLUTIONS

[See Attached]

EXHIBIT 4
CERTIFICATE OF GOOD STANDING (FL)

[See Attached]

EXHIBIT 5
CERTIFICATE OF EXISTENCE (TN)

[See Attached]

INTRODUCTION

On behalf of the Board of Supervisors of the Lowery Hills Community Development District (the "District"), the following description of District activities and special assessments has been prepared so that each landowner and/or resident has a better understanding of the District. The District is here to serve certain needs of the community. Your participation in the District is encouraged. If the District can be of assistance to you, please do not hesitate to give us a call.

WHAT IS THE LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT?

The Lowery Hills Community Development District, also called the Lowery Hills CDD for short, is an independent, special-purpose local government established by Ordinance No. 202X-XX of the City Commission of the City of Lake Alfred, Florida, adopted on XXX XX, 202X. The District was established pursuant to Chapter 190, Florida Statutes, as amended, as an alternative method for managing and financing public infrastructure within master-planned community developments.

HOW DO WE FIND OUT IF OUR HOME IS PART OF THE CDD?

To verify if your property is part of the CDD, please contact the District at (561) 571-0010.

WHO GOVERNS THE CDD?

The CDD is governed by a Board of Supervisors consisting of five members. The members of the Board of Supervisors are initially elected by the property owners. After 6 years from the initial appointment of supervisors, and once there are at least 250 qualified electors residing in the district, the Board is elected by the majority vote of the electors within the District.

Elections for Supervisors of the District will be conducted in the same manner prescribed by law for holding general elections in the State of Florida.

WHAT IS THE FUNCTION OF THE CDD?

The CDD was established to plan, construct, acquire, operate and/or maintain systems and facilities related to stormwater management system, roadways, water and wastewater systems, undergrounding of conduit, landscape/hardscaping and irrigation, amenities and offsite improvements. The District's actual maintenance responsibilities may be limited because some of the District's facilities, such as the water and sewer utilities, will, ultimately, be conveyed to the City of Lake Alfred for operation and maintenance. The CDD may address any other responsibilities as directed by the Board of Supervisors as necessary and may decide to enter into operation and maintenance agreements with homeowner association(s).

RELATIONSHIP WITH HOMEOWNER'S ASSOCIATION

The CDD complements the responsibilities of community homeowner's associations (HOAs). The HOA is responsible for maintaining and enforcing all of the covenants, conditions, and restrictions related to the use of a homeowner's property within the community and has other duties that are outside of CDD's scope of responsibility, such as possibly maintaining certain recreational amenities and common areas. The CDD may contract with the HOA to perform maintenance functions.

WHAT IS THE COST OF THE CDD?

The cost to operate a CDD is borne by those who benefit from its services. The CDD assessments will appear on your tax bill, even

though they are not technically taxes. Landowners will pay non-ad valorem special assessments for the capital costs along with the operation and maintenance of District facilities and services.

This cost will be levied to pay debt service on the bonds issued by the District as well as to fund operation and maintenance. The cost is estimated to be as follows:

Lot Type	Annual DS ¹	Annual O&M ²	Total Annual
SF 40's			
SF 50's			

Notes:

1. DS – Preliminary Debt Service Assessment, the amount may change
2. O&M – Preliminary Operation & Maintenance Assessment, the amount may change
3. O&M Assessment varies and is based on the estimated annual adopted budget; the estimated O&M Assessment listed herein is based on the reasonably projected budget.
4. The debt assessment is a thirty (30) year fixed amount

WHAT BENEFITS MAY I EXPECT TO RECEIVE AS A RESULT OF MY INVESTMENT?

District landowners may expect to receive three major classes of benefits. First, the District provides landowners consistently high levels of public facilities and services managed and financed through self-imposed fees and assessments. Second, the District ensures that these community development facilities and services will be completed concurrently with other parts of the development. Third, District landowners and electors choose the Board of Supervisors and, through these representatives, are able to determine the type, quality and expense of District facilities and services.

CAN I PREPAY MY ASSESSMENT?

Yes, your Debt Service assessment can be prepaid at any time prior to the maturity of the Bonds used to fund the public infrastructure of the District.

Please remember: Prepaying will only eliminate your Annual DS assessment. You still must pay your annual Operation & Maintenance assessment to the District. For more details on prepaying your capital assessment, please contact the District at (561) 571-0010. Initial Debt Service assessment amounts/prepayment amounts are listed in the table below:

Lot Type	Initial Prepayment Amount*
SF 40's	\$xxx
SF 50's	\$xxx

* Please note that this is the prepayment amount for DS assessment as of Fiscal Year 2023. The prepayment amount will decrease each year as principal payments of the District's bonds are made, so please call (561) 571-0010 to obtain most up-to-date information.

HOW CAN I FIND OUT MORE ABOUT THE CDD?

If you would like more information about the Lowery Hills Community Development District, please feel free to contact the District at (561) 571-0010. We are here to help.

PURSUANT TO CHAPTER 190, FLORIDA STATUTES, THE LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT IMPOSES TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY THROUGH A SPECIAL TAXING DISTRICT. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.

WHAT YOU NEED TO KNOW ABOUT THE LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT



Lowery Hills Community Development District

District Administrative Office:
Wrathell, Hunt and Associates, LLC
Craig A. Wrathell, District Manager
2300 Glades Road, Suite 410W
Boca Raton, Florida 33431 Phone:
(561) 571-0010
Facsimile: (561) 571-0013
<http://xxxccd.net>

This instrument was prepared by:

DISCLOSURE OF PUBLIC FINANCE

The Lowery Hills Community Development CDD ("CDD") is a unit of special-purpose local government created pursuant to and existing under the provisions of Chapter 190, *Florida Statutes*. Under Florida law, community development districts are required to take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by such CDDs. This disclosure is intended to provide that information. For more information about the CDD, please visit: http://www._____.net/, or contact the CDD's Manager, at c/o _____ ("CDD Office").

1. **WHAT IS THE CDD?** As noted, the CDD is an independent, special-purpose local government established by Ordinance No. _____ of the City Commission of the City of Lake Alfred ("City"), Florida, which ordinance was adopted on _____, 2022. The CDD was established pursuant to Chapter 190, *Florida Statutes*, as amended, as an alternative method for managing and financing public infrastructure within residential and other developments. The legal description of the lands encompassed within the CDD is attached hereto as Exhibit A.

2. **HOW IS THE CDD GOVERNED?** The CDD is governed by a Board of Supervisors consisting of five members. The members of the Board of Supervisors are initially elected by the property owners every two years as part of a landowner's election, conducted on a one-acre per vote basis. After 6 years from the initial appointment of supervisors, and once there are at least 250 qualified electors residing in the CDD, the Board is elected by the majority vote of the qualified electors residing within the CDD. Elections for Supervisors of the CDD, for qualified electors, are conducted in the same manner prescribed by law for holding general elections in the State of Florida.

3. **WHAT SERVICES DOES THE CDD PROVIDE?** The CDD was established to plan, construct, acquire, operate and/or maintain systems and facilities related to, among other things, roads, landscaping, storm water management, utilities (water, sewer, natural gas), and undergrounding of electrical conduit. Some of the CDD's facilities, such as the water and sewer utilities, will be conveyed to the City for operation and maintenance. The CDD will address any other responsibilities as directed by the Board of Supervisors as necessary.

4. **HOW DOES THE CDD FUND ITS SERVICES?** The CDD funds capital and maintenance costs by the levy of special assessments, which come in two forms. "Debt Assessments" are levied and imposed to secure the CDD's obligation to repay tax exempt bonds, which fund capital costs. "Operations and Maintenance Assessments" (or "O&M Assessments") are levied and imposed to fund the CDD's annual operating services and expenses. These assessments are levied and imposed on benefitted property within the District, and, typically, are collected through the County tax collector. Generally speaking, Debt Assessments are fixed at the time of a bond issuance and don't change from year to year, while O&M Assessments vary from year to year based on the CDD's annual operating budget.

The CDD's Debt Assessments and O&M Assessments (for Fiscal Year 2022) are as follows:

Product Type	Units	Debt Assessments for Fiscal Year 2022	O&M Assessments for Fiscal Year 2022	Total Assessments for Fiscal Year 2022	Prepayment Amount (for Debt Assessments)
TOTAL					

Note that Debt Assessments may be prepaid, as referenced above, but such amounts decrease from year to year. Accordingly, please contact the CDD Office for up-to-date pay-off information.

2022 Bonds – The Debt Assessments secure the repayment of the CDD's \$ _____ Bonds, Series 20__ ("2022 Bonds"). The 2022 Bonds were issued to finance all or a portion of the CDD's "2022 Project," which is described in the *Engineer's Report*, dated _____ ("Engineer's Report"). As described in the Engineer's Report, the 2022 Project includes, among other things, roadways, utilities, stormwater ponds, landscaping, hardscaping, and other improvements for the entire development. The Debt Assessments are further described in the *Supplemental Assessment Report*, dated _____ ("Assessment Report").

5. **WHAT ARE THE BENEFITS OF THE CDD?** CDD landowners may expect to receive three major classes of benefits. First, the District provides landowners consistently high levels of public facilities and services managed and financed through self-imposed fees and assessments. Second, the District ensures that these community development facilities and services will be completed concurrently with other parts of the development. Third, District landowners and electors choose the Board of Supervisors and, through these representatives, are able to determine the type, quality and expense of District facilities and services.

A detailed description of all of the CDD's assessments, fees and charges, as well as copies of the Engineer's Report, Assessment Report, and other CDD records described herein, may be obtained from the registered agent of the CDD as designated to the Florida Department of Economic Opportunity in accordance with Section 189.014, *Florida Statutes*, or by contacting the CDD Office. Please note that changes to the CDD's capital improvement plans and financing plans may affect the information contained herein and all such information is subject to change at any time and without further notice.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the foregoing Disclosure of Public Finance has been executed to be effective as of the ____ day of _____, 20__.

WITNESS

LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT

By: _____
Name: _____

By: _____
Name: _____
Title: Chairperson

By: _____
Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 20__, by _____ as _____ of LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT, who appeared before me this day in person, and who is either personally known to me, or produced _____ as identification.

NOTARY PUBLIC, STATE OF _____

(NOTARY SEAL)

Name: _____
(Name of Notary Public, Printed, Stamped or Typed as
Commissioned)

EXHIBIT A: Legal Description of Boundaries of CDD

EXHIBIT A
Legal Description of Boundaries of CDD