

**PETITION TO  
AMEND THE BOUNDARY  
OF THE TOMOKA  
COMMUNITY  
DEVELOPMENT DISTRICT**

Submitted by: HOPPING GREEN & SAMS, P.A.

Katie S. Buchanan

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District Counsel for Petitioner



intended to remain excluded from the District's boundaries. The legal description incorrectly references Plat Book 29, Page 49 instead of Plat Book 27, Page 49. This correction will ensure that the Plantation Bay School Site remains excluded from the District's boundaries as intended.

(b) Additionally, the District proposes to add Expansion Parcel 1 and Expansion Parcel 2, as identified in **Exhibit 3**, together totaling approximately 80 acres of land ("Expansion Parcels"). At the establishment of the District, the Expansion Parcels were not included within the Plantation Bay Development of Regional Impact Development Orders and were excluded from the District.<sup>1</sup> Please note that the Petitioner is undergoing rezoning on the Expansion Parcels concurrently with this request for boundary amendment. A sketch and metes and bounds description for the Expansion Parcels are set forth in **Exhibit 3**. The proposed amendment will result in a cumulative net total greater than 50 percent (50%) of the District.<sup>2</sup> Therefore, the addition of the Expansion Parcels triggers the expanded review process of Section 190.046(1)(f), Florida Statutes.

3. After expansion, the District will encompass a total of approximately 2,048 acres. The metes and bounds description of the District boundary, as amended, is set forth in **Exhibit 4**.

4. Landowner Consent. Petitioner has written consent to amend the boundaries of the District from the owners of one hundred percent (100%) of the lands comprising the Expansion Parcels. Documentation of this consent is contained in **Exhibit 5**. The favorable

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<sup>1</sup> The metes and bounds description adopted with the 2006 Boundary Amendment (defined herein) inadvertently included Expansion Parcel 1. It was not the intent of the 2006 Boundary Amendment to include Expansion Parcel 1. The 2006 Boundary Amendment petition did not include landowner consent for the inclusion of Expansion Parcel 1, and the petition exhibits excluded Expansion Parcel 1 from the District's boundaries. The District now requests that those lands be added to the District through this Petition.

<sup>2</sup> In 2003, the District was established to include 846 acres. In 2006, the District underwent a boundary amendment resulting in the addition of 1,122 acres ("2006 Boundary Amendment"). Prior boundary amendments and the proposed boundary amendment will result in a cumulative net total 2,048 acres, or approximately 142% of the District's original acreage.

action of the Board of Supervisors of the District also constitutes consent for all of the lands within the District, as is evidenced by the District’s Resolution 2021-05 and submission of this Petition. Resolution 2021-05 is attached to as **Exhibit 6**.

5. The Petitioner and the owner of the Expansion Parcels (“Landowner”) agree that it is in the best interest of the Petitioner to amend its boundaries to add the Expansion Parcels. Because the Expansion Parcels are already surrounded by lands within the District’s boundaries, including the Expansion Parcels within the District will allow all residents of the neighborhood to share in the same benefits offered by the District’s facilities and services, as well as share in the cost associated with the same.

6. Future Land Uses. The general distribution, location, and extent of the public and private future land uses proposed for the Expansion Parcels, in accordance with the future land use plan element of the County’s Future Land Use Plan is identified in **Exhibit 7**. Expansion of the District in the manner proposed is consistent with the adopted Flagler County Comprehensive Plan.

7. Major Water and Wastewater Facilities. The existing major trunk water mains and wastewater interceptors and outfalls, if any, within the District, as amended, are reflected in **Exhibit 8**.

7. District Facilities and Services. **Composite Exhibit 9** describes the types of facilities the District presently expects to finance, fund, construct, acquire, and/or install, as well as the anticipated entity for future ownership and maintenance. The estimated costs of construction are also identified in **Composite Exhibit 9**. At present, these improvements are estimated to be made, acquired, constructed and/or installed from 2022 to 2024. Actual construction timetables and expenditures will likely vary, due in part to the effects of future

changes in the economic conditions upon costs such as labor, services, materials, interest rates, and market conditions.

8. Statement of Estimated Regulatory Costs. **Exhibit 10** 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.

9. Authorized Agent. The authorized agent for the Petitioner is Katie S. Buchanan. See **Exhibit 11** - Authorization of Agent. Copies of all correspondence should be sent to the following address:

Katie S. Buchanan, Esq.  
[katieb@hgslaw.com](mailto:katieb@hgslaw.com)  
HOPPING GREEN & SAMS, P.A.  
119 South Monroe Street, Suite 300 (32301)  
Post Office Box 6526  
Tallahassee, Florida 32314

10. Filing Fee. The District has submitted the Petition and a \$1,500 filing fee in conjunction with this Petition to Flagler County.

11. Accordingly, this petition to amend the boundaries of the District should be granted for the following reasons:

a. Amendment of the District and all land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the local Comprehensive Plan.

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

c. The District, as amended, remains the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government.

d. The community development services and facilities of the District, as amended, will not be incompatible with the capacity and use of existing local and regional community development services and facilities.

e. The area to be served by the District, as amended, will continue to be amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests FLWAC to:

a. refer this Petition to the Division of Administrative Hearings in order to conduct a local public hearing;

b. consider the entire record of the local public hearing in accordance with the requirements of Section 190.046(d)4., Florida Statutes;

c. grant the Petition and amend FLWAC Rule No. 42LL-1, Florida Administrative Code, to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes.

*[Remainder of page left intentionally blank]*

RESPECTFULLY SUBMITTED, this 21<sup>st</sup> day of June, 2021.

HOPPING GREEN & SAMS, P.A.

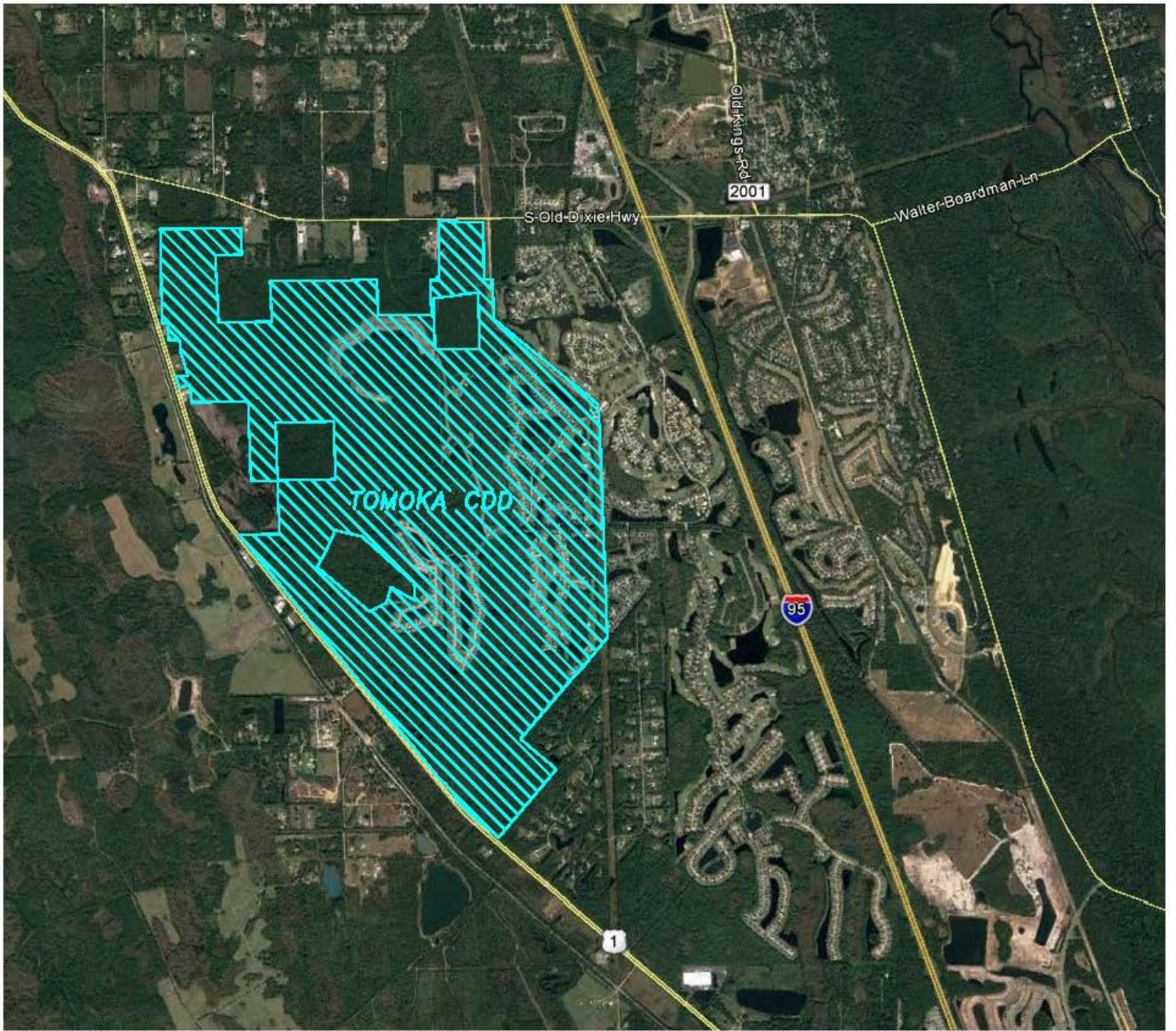


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Florida Bar No. 14196  
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Phone (850) 222-7500  
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District Counsel for Petitioner

# EXHIBIT 1





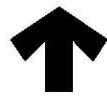
## GENERAL LOCATION MAP

# TOMOKA COMMUNITY DEVELOPMENT DISTRICT

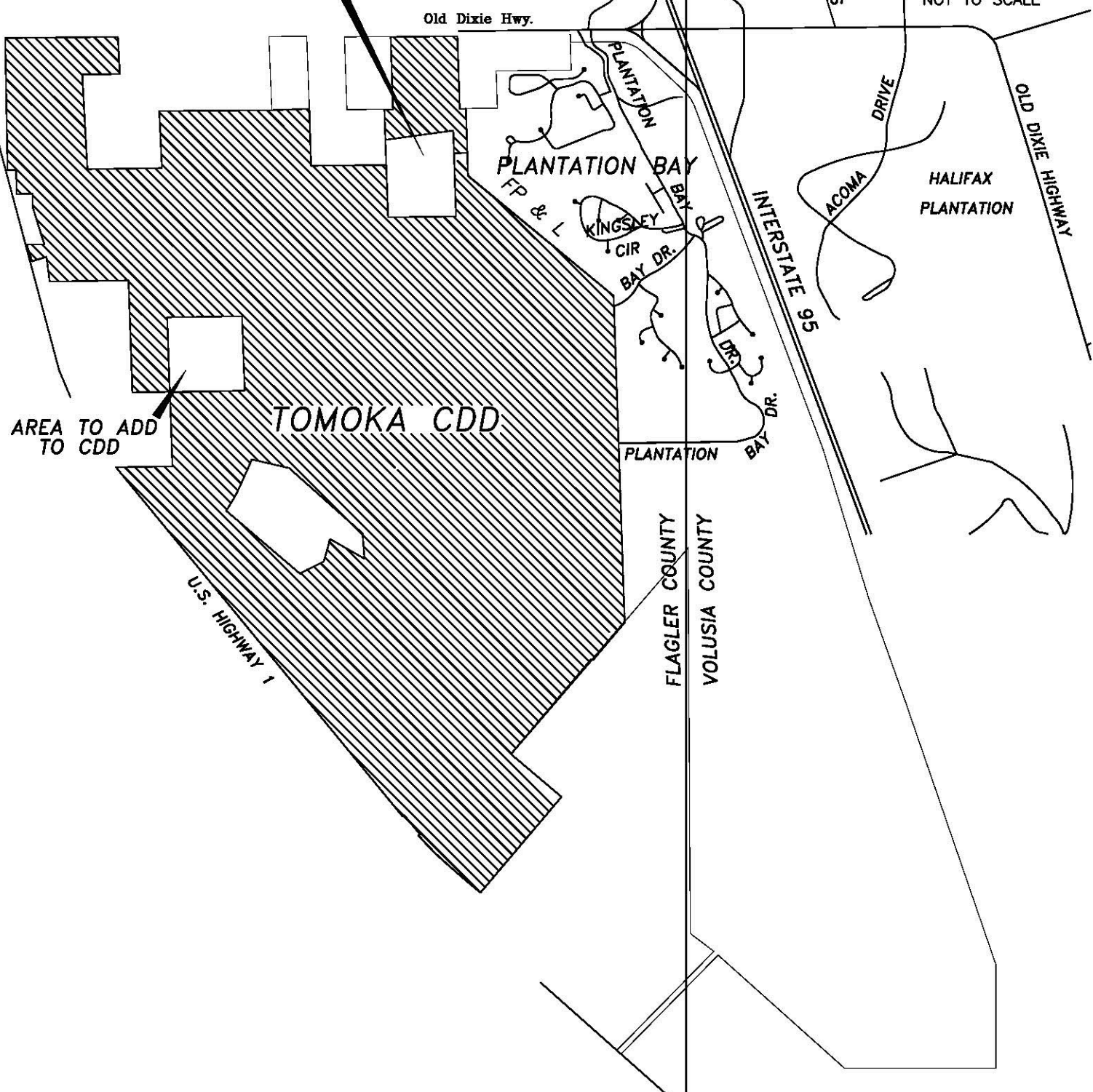
## BOUNDARY AMENDMENT 2021

AREA TO ADD TO CDD

THIS AREA IS CONTAINED IN CURRENT CDD LEGAL DESCRIPTION BUT NOT SHOWN ON CURRENT MAP



NOT TO SCALE



# TOMOKA COMMUNITY DEVELOPMENT DISTRICT

CURRENT DISTRICT BOUNDARY WITH AREA TO BE ADDED - 2021

# EXHIBIT 2

#### **42LL-1.002 Boundary.**

The boundaries of the district are as follows:

A portion of sections 3, 4, 5, 8, 9, 10, 15, 16, 21 and 22, Township 13 south, range 31 east, Flagler County, Florida, and a portion of Bunnell Development Company Subdivision, as recorded in plat book 1, page 1, of the Public Records of Flagler County, Florida, more particularly described as follows:

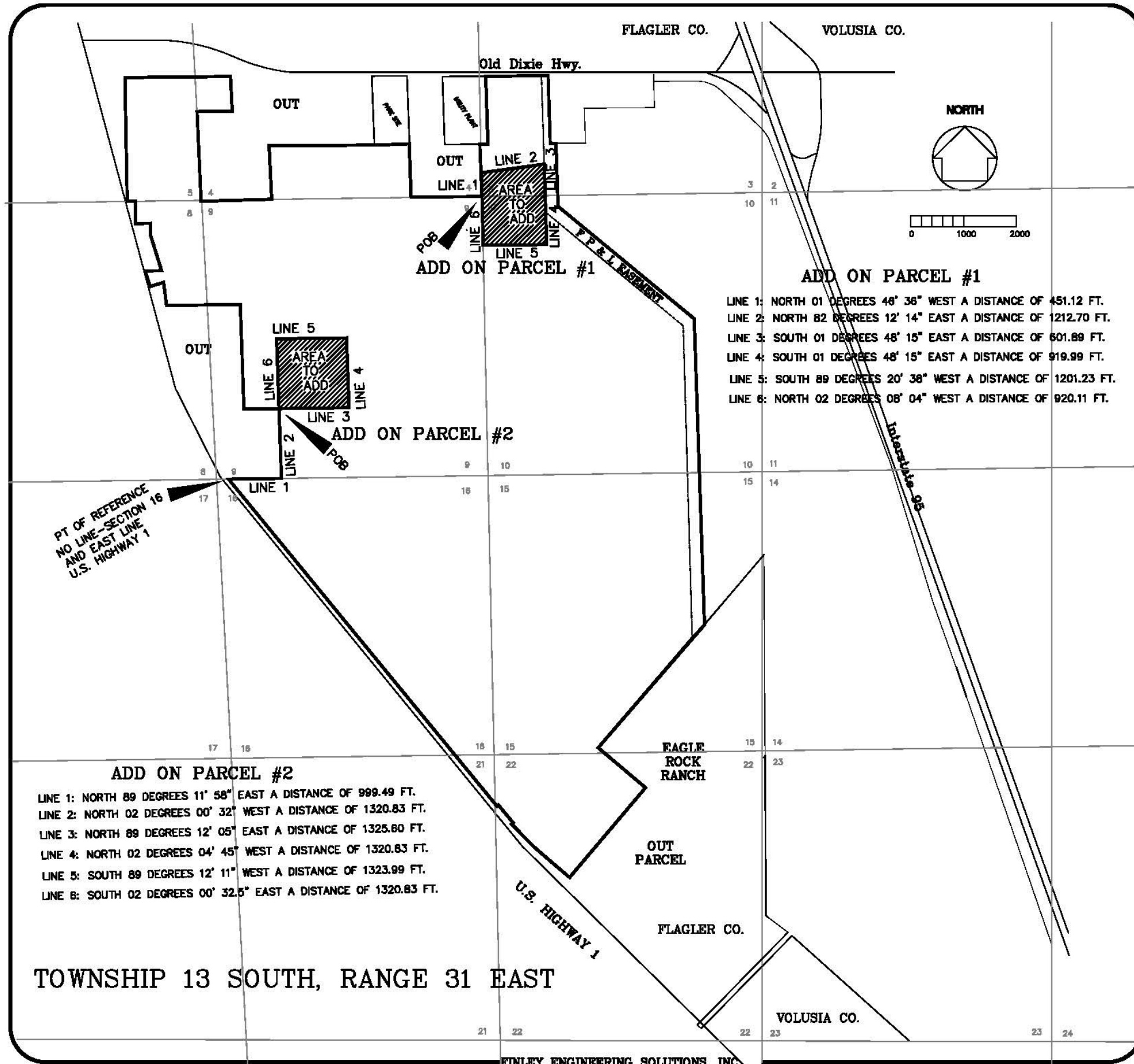
From a Point of Beginning being the southwest corner of Section 3, Township 13 South, Range 31 East; thence, proceeding North 01 degrees, 46 minutes, 36 seconds West along the west line of said Section 3, a distance of 986.85 feet; thence, departing said westerly line of Section 3, North 89 degrees, 27 minutes, 53 seconds East, a distance of 150.00 feet; thence, North 01 degrees, 46 minutes, 33 seconds West a distance of 1,287.05 feet to the southerly right-of-way line of Old Dixie Highway, a 66 foot wide right-of-way; thence North 89 degrees, 28 minutes, 05 seconds East, along said southerly right-of-way line, a distance of 1,181.54 feet; thence departing said right-of-way line, run South 01 degrees, 48 minutes, 15 seconds East along the east line of Lot 4, Block C, Section 3, of said Bunnell Development Company subdivision, a distance of 1,287.00 feet; thence, North 89 degrees, 28 minutes, 22 seconds East a distance of 110.00 feet to a point on the easterly line of the 236 foot wide Florida Power and Light Company easement recorded in O.R. Book 11, Page 493 and O.R. Book 34, Page 124 of the Public Records of Flagler County, Florida; thence South 01 degrees, 48 minutes, 15 seconds East, along the easterly line of said Florida Power and Light easement, a distance of 1,182.92 feet; thence, continuing along said easterly line of said Florida Power and Light easement, South 50 degrees, 26 minutes, 59 seconds East a distance of 3,340.24 feet; thence, South 01 degrees, 56 minutes, 33 seconds East a distance of 5,789.89 feet more or less to a point on the northerly line of Eagle Rock Ranch Subdivision, as recorded in Plat Book 26, Pages 51-52 of the Public Records of Flagler County, Florida; thence, departing said easterly line of the Florida Power and Light Easement, South 40 degrees, 11 minutes, 55 seconds West, along said northerly line of Eagle Rock Ranch, a distance of 856.60 feet; thence continuing along said northerly line of Eagle Rock Ranch South 88 degrees, 27 minutes, 37 seconds West a distance of 45.18 feet; thence, South 40 degrees, 11 minutes, 55 seconds West a distance of 2,189.93 feet; thence, South 49 degrees, 47 minutes, 54 seconds East a distance of 1,171.20 feet; thence, South 40 degrees, 14 minutes, 04 seconds West a distance of 2,222.60 feet to a point on the easterly line of U.S. Highway 1, a 160 foot wide right-of-way; thence departing said northerly line of Eagle Rock Ranch subdivision, proceed northerly along said U.S. Highway 1 right-of-way North 49 degrees, 47 minutes, 21 seconds West a distance of 637.20 feet to the start of a curve concave northeasterly having a radius of 5,619.59 feet; thence, run along the arc of said curve, through a central angle of 08 degrees, 42 minutes, 33 seconds a distance of 854.17 feet; thence, North 48 degrees, 55 minutes, 11 seconds East a distance of 35.00 feet to the start of a curve concave northeasterly having a radius of 5,584.59 feet; thence, run along the arc of said curve, through a central angle of 1 degrees, 40 minutes, 40 seconds a distance of 163.53 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 276.47 feet; thence South 50 degrees, 35 minutes, 51 seconds West a distance of 35.00 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 7,995.87 feet to a point on the north line of Section 16, Township 13 South, Range 31 East; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1,320.83 feet; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1,325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1,320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1,323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1,320.83 feet; thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 662.80 feet; thence, North 01 degrees, 58 minutes, 26 seconds West a distance of 1,981.25 feet; thence, South 89 degrees, 12 minutes, 14 seconds West a distance of 1,396.16 feet; thence, North 07 degrees, 21 minutes, 09.5 seconds West a distance of 442.07 feet; thence, South 72 degrees, 34 minutes, 37 seconds West a distance of 267.61 feet; thence, North 17 degrees, 23 minutes, 09 seconds West a distance of 311.39 feet; thence, North 89 degrees, 14 minutes, 31 seconds East a distance of 310.90 feet; thence, North 17 degrees, 18 minutes, 16 seconds West a distance of 690.36 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 235.10 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 280.00 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 425.00 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 152.45 feet; thence, North 01 degrees, 02 minutes, 20 seconds West a distance of 2,338.83 feet; thence, North 89 degrees, 18 minutes, 57 seconds East a distance of 1,328.19 feet; thence, North 89 degrees, 33 minutes, 19 seconds East a distance of 668.21 feet; thence, South 02 degrees, 54 minutes, 51 seconds East a distance of 660.00 feet; thence, South 89 degrees, 33 minutes, 49 seconds West a distance of 666.05 feet; thence, South 03 degrees, 06 minutes, 06 seconds East a distance of 1,680.93 feet to the northwest corner of Section 9, Township 13 South, Range 31 East; thence, along the north line of said Section 9, North 89 degrees, 09 minutes, 34 seconds East a distance of 1,320.73 feet; thence,

departing said northerly line of said Section 9, North 02 degrees, 43 minutes, 34 seconds West a distance of 1,011.14 feet; thence, North 89 degrees, 33 minutes, 56 seconds East a distance of 2,657.49 feet; thence, South 02 degrees, 04 minutes, 00 seconds East a distance of 994.19 feet; thence, North 89 degrees, 15 minutes, 13 seconds East a distance of 1,324.71 feet to the Point of Beginning, Less and Except the Plantation Bay School Site recorded in Plat Book 29, Page 49 of the Public Records of Flagler County, Florida and excepting the following Park Site:

A portion of Sections 9 and 16, Township 13 South, Range 31 East, Flagler County, Florida, commencing as a point of reference being the northeast corner of said Section 16, run South 89 degrees, 11 minutes, 58 seconds West along the north line of said section 16, a distance of 4,981.16 feet more or less to the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, South 39 degrees, 24, minutes, 09 seconds East, along said right-of-way, a distance of 1,525.00 feet; to the point of curvature of a curve concave northerly, having a radius of 25.00 feet and a central angle of 90 degrees, 00 minutes, 00 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.27 feet; thence, North 50, degrees, 35 minutes, 51 seconds East a distance of 353.91 feet to the point of curvature of a curve concave southeasterly, having a radius of 425.24 feet and a central angle of 37 degrees, 57 minutes 36, seconds and a chord bearing of North 69 degrees, 34 minutes, 39 seconds East; thence run easterly along the arc of said curve a distance of 281.73 feet to the point of reverse curve of a curve concave northerly, having a radius of 390.67 feet and a central angle of 54 degrees, 14 minutes, 32 seconds and a chord bearing of North 61 degrees, 26 minutes, 12 seconds East; thence run easterly along the arc of said curve a distance of 369.85 feet to the point of compound curve of a curve concave northerly, having a radius of 2,818.85 feet and a central angle of 02 degrees, 04 minutes, 29 seconds and a chord bearing of North 33 degrees, 16 minutes, 41 seconds East; thence run easterly along the arc of said curve a distance of 102.08 feet; thence, South 59 degrees, 28 minutes, 19 seconds East a distance of 120.05 feet to the point of curvature of a curve concave northwesterly, having a radius of 2,938.85 feet and a central angle of 08 degrees, 19 minutes, 23 seconds; thence run northeasterly along the arc of said curve a distance of 426.91 feet; thence, North 23 degrees, 50 minutes, 51 seconds East a distance of 125.00 feet to the point of beginning; thence, continue North 23 degrees, 50 minutes, 51 seconds East a distance of 350.00 feet; thence, South 76 degrees, 52 minutes, 06 seconds East a distance of 679.42 feet; thence, South 48 degrees, 20 minutes, 31 seconds East a distance of 1,737.34 feet; thence, South 04 degrees, 12 minutes, 29 seconds East a distance of 450.94 feet; thence, North 60 degrees, 12 minutes, 29 seconds West a distance of 698.75 feet; thence, North 79 degrees, 12 minutes, 29 seconds West a distance of 393.78 feet; thence, North 31 degrees, 58 minutes, 16 seconds West a distance of 463.90 feet; thence, North 64 degrees, 20 minutes, 47 seconds West a distance of 474.24 feet; thence, North 48 degrees, 09 minutes, 28 seconds West a distance of 628.10 feet to the point of beginning.

*Rulemaking Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 10-2-03, Amended 12-19-06.*

# EXHIBIT 3



**TOMOKA  
COMMUNITY DEVELOPMENT  
DISTRICT**

**DISTRICT BOUNDARY AMENDMENT  
2021  
SKETCH OF AREA TO BE ADDED**

**ADD ON PARCEL #1**

LINE 1: NORTH 01 DEGREES 48' 36" WEST A DISTANCE OF 451.12 FT.  
 LINE 2: NORTH 82 DEGREES 12' 14" EAST A DISTANCE OF 1212.70 FT.  
 LINE 3: SOUTH 01 DEGREES 48' 15" EAST A DISTANCE OF 601.89 FT.  
 LINE 4: SOUTH 01 DEGREES 48' 15" EAST A DISTANCE OF 919.99 FT.  
 LINE 5: SOUTH 89 DEGREES 20' 38" WEST A DISTANCE OF 1201.23 FT.  
 LINE 6: NORTH 02 DEGREES 08' 04" WEST A DISTANCE OF 920.11 FT.

PT OF REFERENCE  
NO LINE-SECTION 16  
AND EAST LINE  
U.S. HIGHWAY 1

**ADD ON PARCEL #2**

LINE 1: NORTH 89 DEGREES 11' 58" EAST A DISTANCE OF 999.49 FT.  
 LINE 2: NORTH 02 DEGREES 00' 32" WEST A DISTANCE OF 1320.83 FT.  
 LINE 3: NORTH 89 DEGREES 12' 05" EAST A DISTANCE OF 1325.60 FT.  
 LINE 4: NORTH 02 DEGREES 04' 45" WEST A DISTANCE OF 1320.83 FT.  
 LINE 5: SOUTH 89 DEGREES 12' 11" WEST A DISTANCE OF 1323.99 FT.  
 LINE 6: SOUTH 02 DEGREES 00' 32.5" EAST A DISTANCE OF 1320.83 FT.

**DESCRIPTION: ADD ON PARCEL #1**  
 A PORTION OF SECTIONS 3 AND 10, TOWNSHIP 13 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 3, RUN NORTH 01 DEGREES 46 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 3 A DISTANCE OF 451.12 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 82 DEGREES 12 MINUTES 14 SECONDS EAST A DISTANCE OF 1212.70 FEET TO THE WEST LINE OF A FLORIDA POWER & LIGHT COMPANY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 34, PAGE 124, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 601.89 FEET TO THE NORTH LINE OF SAID SECTION 10; THENCE CONTINUE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE AND THE SOUTHERLY PROJECTION THEREOF A DISTANCE OF 919.99 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 1201.23 FEET TO THE WEST LINE OF SAID SECTION 10; THENCE NORTH 02 DEGREES 08 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 920.11 FEET TO THE POINT OF BEGINNING. **CONTAINING 40.0 ACRES MORE OR LESS**

**ADD ON PARCEL #2**  
 Add-On Cook Property

A portion of Section 9, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

Commencing as a Point of Reference, being the intersection of the north line of Section 16, Township 13 South, Range 31 East with the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, departing said U.S. Highway 1 right-of-way, proceed North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet to the Point of Beginning of this description; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1320.83 feet to the point of beginning.

**CONTAINING 40.0 ACRES MORE OR LESS**

**TOWNSHIP 13 SOUTH, RANGE 31 EAST**

## **DESCRIPTION: ADD ON PARCEL #1**

A PORTION OF SECTIONS 3 AND 10, TOWNSHIP 13 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 3, RUN NORTH 01 DEGREES 46 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 3 A DISTANCE OF 451.12 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 82 DEGREES 12 MINUTES 14 SECONDS EAST A DISTANCE OF 1212.70 FEET TO THE WEST LINE OF A FLORIDA POWER & LIGHT COMPANY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 34, PAGE 124, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 601.89 FEET TO THE NORTH LINE OF SAID SECTION 10; THENCE CONTINUE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE AND THE SOUTHERLY PROJECTION THEREOF A DISTANCE OF 919.99 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 1201.23 FEET TO THE WEST LINE OF SAID SECTION 10; THENCE NORTH 02 DEGREES 08 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 920.11 FEET TO THE POINT OF BEGINNING. **CONTAINING 40.0 ACRES MORE OR LESS**

## **ADD ON PARCEL #2**

Add-On Cook Property

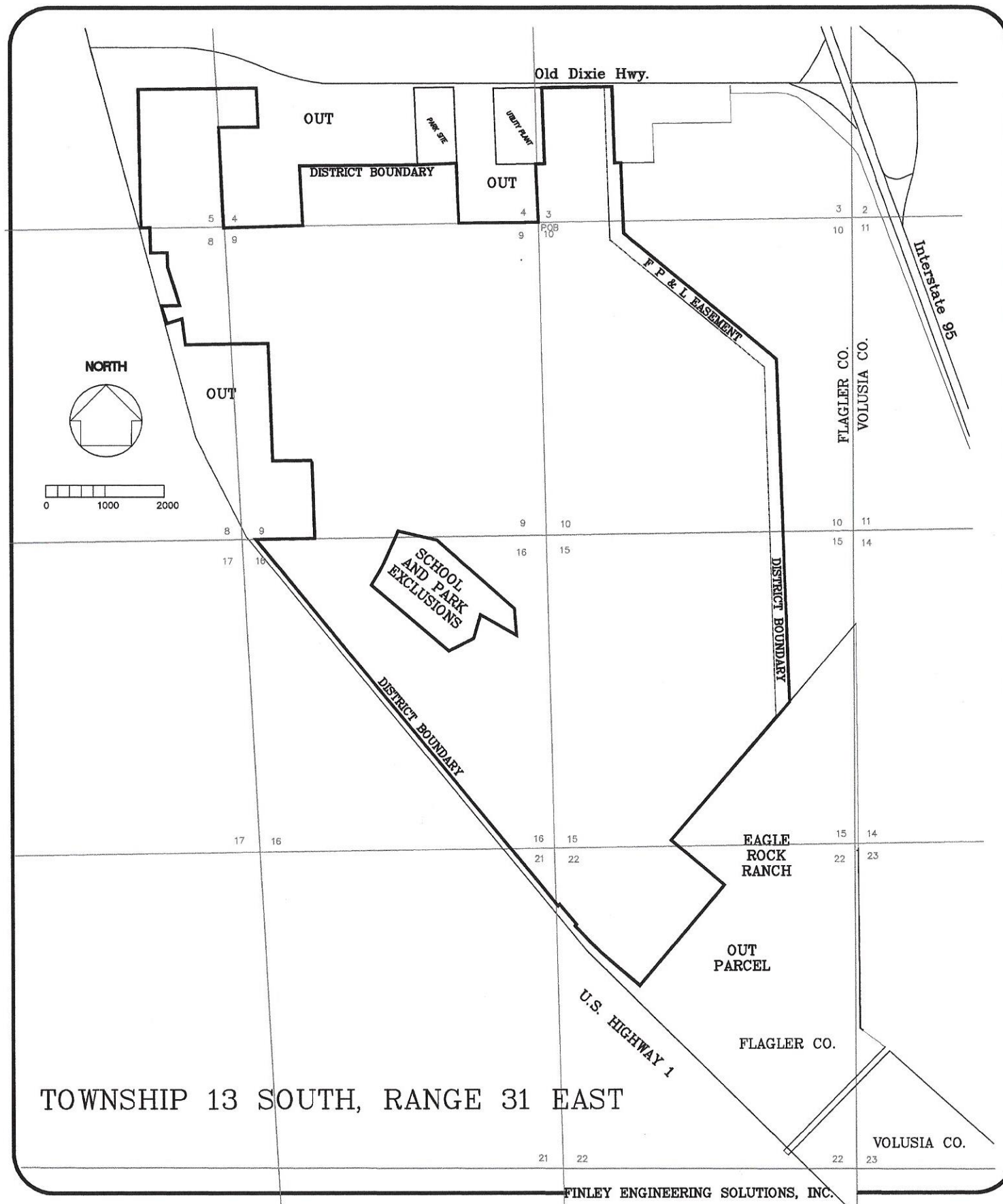
A portion of Section 9, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

Commencing as a Point of Reference being the intersection of the north line of Section 16, Township 13 South, Range 31 East with the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet to the Point of Beginning of this description; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1320.83 feet to the point of beginning.

**CONTAINING 40.0 ACRES MORE OR LESS**



# EXHIBIT 4



# TOMOKA COMMUNITY DEVELOPMENT DISTRICT DISTRICT BOUNDARY AMENDMENT 2021 AMENDED BOUNDARY

2021

The Amended Boundaries of the District shall be as follows:

A portion of Sections 3, 4, 5, 8, 9, 10, 15, 16, 21 and 22, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

From a Point of Beginning being the southwest corner of Section 3, Township 13 South, Range 31 East; thence, proceeding, North 01 degrees, 46 minutes, 36 seconds West along the west line of said Section 3, a distance of 986.85 feet; thence, departing said westerly line of Section 3, North 89 degrees, 27 minutes, 53 seconds East, a distance of 150.00 feet; thence, North 01 degrees, 46 minutes, 33 seconds West a distance of 1287.05 feet to the southerly right-of-way line of Old Dixie Highway, a 66 foot wide right-of-way; thence North 89 degrees, 28 minutes, 05 seconds East, along said southerly right-of-way line, a distance of 1181.54 feet; thence, departing said right-of-way line, run South 01 degrees, 48 minutes, 15 seconds East along the east line of Lot 4, Block C, Section 3, of said Bunnell Development Company subdivision, a distance of 1287.00 feet; thence, North 89 degrees, 28 minutes, 22 seconds East a distance of 110.00 feet to a point on the easterly line of the 236 foot wide Florida Power and Light Company easement recorded in O.R. Book 11, Page 493 and O.R. Book 34, Page 124 of the Public Records of Flagler County, Florida; thence South 01 degrees, 48 minutes, 15 seconds East, along the easterly line of said Florida Power and Light easement, a distance of 1182.92 feet; thence, continuing along said easterly line of said Florida Power and Light easement, South 50 degrees, 26 minutes, 59 seconds East a distance of 2340.24 feet; thence, South 01 degrees, 56 minutes, 33 seconds East a distance of 5789.89 feet more or less to a point on the northerly line of Eagle Rock Ranch Subdivision, as recorded in Plat Book 26, Pages 51-52 of the Public Records of Flagler County, Florida; thence, departing said easterly line of the Florida Power and Light Easement, South 40 degrees, 11 minutes, 35 seconds West, along said northerly line of Eagle Rock Ranch, a distance of 856.60 feet; thence continuing along said northerly line of Eagle Rock Ranch, South 88 degrees, 27 minutes, 37 seconds West a distance of 451.8 feet; thence, South 40 degrees, 11 minutes, 55 seconds West a distance of 2189.93 feet; thence, South 49 degrees, 47 minutes, 54 seconds East a distance of 1171.30 feet; thence, South 40 degrees, 14 minutes, 04 seconds West a distance of 2222.60 feet to a point on the easterly line of U.S. Highway 1, a 160 foot wide right-of-way; thence departing said northerly line of Eagle Rock Ranch subdivision, proceed northerly along said U.S. Highway 1 right-of-way, North 49 degrees, 47 minutes, 21 seconds West a distance of 637.20 feet to the start of a curve concave northeasterly having a radius of 5619.59 feet; thence, run along the arc of said curve, through a central angle of 8 degrees, 42 minutes, 33 seconds a distance of 854.17 feet; thence, North 48 degrees, 35 minutes, 11 seconds East a distance of 35.00 feet to the start of a curve concave northeasterly having a radius of 5584.59 feet; thence, run along the arc of said curve, through a central angle of 1 degree, 40 minutes, 40 seconds a distance of 163.53 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 276.47 feet; thence, South 50 degrees, 35 minutes, 51 seconds West a distance of 35.00 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 7995.87 feet to a point on the north line of Section 16, Township 13 South, Range 31 East; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89

degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 662.80 feet; thence, North 01 degrees, 58 minutes, 26 seconds West a distance of 1981.25 feet; thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 1396.16 feet; thence, North 07 degrees, 21 minutes, 09 seconds West a distance of 442.07 feet; thence, South 77 degrees, 34 minutes, 37 seconds West a distance of 267.61 feet; thence, North 17 degrees, 23 minutes, 09 seconds West a distance of 311.39 feet; thence, North 89 degrees, 14 minutes, 31 seconds East a distance of 310.50 feet; thence, North 17 degrees, 18 minutes, 16 seconds West a distance of 690.36 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 235.10 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 280.00 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 425.00 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 152.45 feet; thence, North 01 degrees, 02 minutes, 20 seconds West a distance of 2338.83 feet; thence, North 89 degrees, 18 minutes, 37 seconds East a distance of 1328.19 feet; thence, North 89 degrees, 33 minutes, 19 seconds East a distance of 668.21 feet; thence, South 02 degrees, 54 minutes, 51 seconds East a distance of 660.00 feet; thence, South 89 degrees, 33 minutes, 49 seconds West a distance of 666.05 feet; thence, South 03 degrees, 06 minutes, 06 seconds East a distance of 1680.93 feet to the northwest corner of Section 9, Township 13 South, Range 31 East; thence, along the north line of said Section 9, North 89 degrees, 09 minutes, 34 seconds East a distance of 1320.73 feet; thence, departing said northerly line of said Section 9, North 02 degrees, 43 minutes, 34 seconds West a distance of 1011.14 feet; thence, North 89 degrees, 33 minutes, 55 seconds East a distance of 2637.49 feet; thence, South 02 degrees, 04 minutes, 00 seconds East a distance of 994.19 feet; thence, North 89 degrees, 15 minutes, 13 seconds East a distance of 1324.71 feet to the Point of Beginning.

Less and Except the Plantation Bay School Site recorded in Plat Book 27, Page 49 of the Public Records of Flagler County, Florida, and excepting the following Park Site:

A portion of Sections 9 and 16, Township 13 South, Range 31 East, Flagler County, Florida, commencing as a point of reference being the northeast corner of said Section 16, run South 89 degrees 11 minutes, 58 seconds West along the north line of said section 16, a distance of 4981.16 feet more or less to the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, South 39 degrees 24 minutes, 09 seconds East, along said right-of-way, a distance of 1525.00 feet; to the point of curvature of a curve concave northerly, having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.27 feet; thence, North 50 degrees 35 minutes, 51 seconds East a distance of 353.91 feet to the point of curvature of a curve concave southeasterly, having a radius of 425.24 feet and a central angle of 37 degrees 57 minutes 36 seconds and a chord bearing of North 69 degrees 34 minutes 39 seconds East; thence run easterly along the arc of said curve a distance of 281.73 feet to the point of reverse curve of a curve concave northerly, having a radius of 390.67 feet and a central angle of 54 degrees 14 minutes 32 seconds and a chord bearing of North 61 degrees 26 minutes 12 seconds East; thence run easterly along the arc of said curve a distance of 369.83 feet to the point of compound curve of a curve concave northerly, having a radius of 2818.85 feet and a central angle of 02 degrees 04 minutes 29 seconds and a chord bearing of North 33 degrees 16 minutes 41 seconds East;

thence run easterly along the arc of said curve a distance of 102.08 feet; thence, South 59 degrees 28 minutes, 19 seconds East a distance of 120.05 feet to the point of curvature of a curve concave northwesterly, having a radius of 2938.85 feet and a central angle of 08 degrees 19 minutes 23 seconds; thence run northeasterly along the arc of said curve a distance of 426.91 feet; thence, North 23 degrees 50 minutes 51 seconds East a distance of 125.00 feet to the point of beginning; thence, continue North 23 degrees 50 minutes 51 seconds East a distance of 350.00 feet; thence, South 76 degrees 52 minutes, 06 seconds East a distance of 679.42 feet; thence, North 48 degrees 20 minutes 31 seconds East a distance of 1737.34 feet; thence, South 04 degrees 12 minutes 29 seconds East a distance of 450.94 feet; thence, North 60 degrees 12 minutes 29 seconds West a distance of 698.75 feet; thence, North 79 degrees 12 minutes 29 seconds West a distance of 393.78 feet; thence, North 31 degrees 58 minutes 16 seconds West a distance of 463.90 feet; thence, North 64 degrees 20 minutes, 47 seconds West a distance of 474.24 feet; thence, North 48 degrees 09 minutes, 28 seconds West a distance of 628.10 feet to the point of beginning.

## EXHIBIT 4

2021

The Amended Boundaries of the District shall be as follows:

A portion of Sections 3, 4, 5, 8, 9, 10, 15, 16, 21, and 22, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

From a Point of Beginning being the southwest corner of Section 3, Township 13 South, Range 31 East; thence, proceeding North 01 degrees, 46 minutes, 36 seconds West along the west line of said Section 3, a distance of 986.85 feet; thence, departing said westerly line of Section 3, North 89 degrees, 27 minutes, 53 seconds East, a distance of 150.00 feet; thence, North 01 degrees, 46 minutes, 33 seconds West a distance of 1287.05 feet to the southerly right-of-way line of Old Dixie Highway, a 66 foot wide right-of-way; thence North 89 degrees, 28 minutes, 05 seconds East, along said southerly right-of-way line, a distance of 1181.54 feet; thence departing said right-of-way line, run South 01 degrees, 48 minutes, 15 seconds East along the east line of Lot 4, Block C, Section 3, of said Bunnell Development Company subdivision, a distance of 1287.00 feet; thence, North 89 degrees, 28 minutes, 22 seconds East a distance of 110.00 feet to a point on the easterly line of the 236 foot wide Florida Power and Light Company easement recorded in O.R. Book 11, Page 493 and O.R. Book 34, Page 124 of the Public Records of Flagler County, Florida; thence South 01 degrees, 48 minutes, 15 seconds East, along the easterly line of said Florida Power and Light easement, a distance of 1182.92 feet; thence, continuing along said easterly line of said Florida Power and Light easement, South 50 degrees, 26 minutes, 59 seconds East a distance of 3340.24 feet; thence, South 01 degrees, 56 minutes, 33 seconds East a distance of 5789.89 feet more or less to a point on the northerly line of Eagle Rock Ranch Subdivision, as recorded in Plat Book 26, Pages 51-52 of the Public Records of Flagler County, Florida; thence, departing said easterly line of the Florida Power and Light Easement, South 40 degrees, 11 minutes, 55 seconds West, along said northerly line of Eagle Rock Ranch, a distance of 856.60 feet; thence continuing along said northerly line of Eagle Rock Ranch South 88 degrees, 27 minutes, 37 seconds West a distance of 45.18 feet; thence, South 40 degrees, 11 minutes, 55 seconds West a distance of 2189.93 feet; thence, South 49 degrees, 47 minutes, 54 seconds East a distance of 1171.20 feet; thence, South 40 degrees, 14 minutes, 04 seconds West a distance of 2222.60 feet to a point on the easterly line of U.S. Highway 1, a 160 foot wide right-of-way ; thence departing said northerly line of Eagle Rock Ranch subdivision, proceed northerly along said U.S. Highway 1 right-of-way North 49 degrees, 47 minutes, 21 seconds West a distance of 637.20 feet to the start of a curve concave northeasterly having a radius of 5619.59 feet; thence, run along the arc of said curve, through a central angle of 8 degrees, 42 minutes, 33 seconds a distance of 854.17 feet; thence, North 48 degrees, 55 minutes, 11 seconds East a distance of 35.00 feet to the start of a curve concave northeasterly having a radius of 5584.59 feet; thence, run along the arc of said curve, through a central angle of 1 degrees, 40 minutes, 40 seconds a distance of 163.53 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 276.47 feet; thence South 50 degrees, 35 minutes, 51 seconds West a distance of 35.00 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 7995.87 feet to a point on the north line of Section 16, Township 13 South, Range 31 East; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89

degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 662.80 feet; thence, North 01 degrees, 58 minutes, 26 seconds West a distance of 1981.25 feet; thence, South 89 degrees, 12 minutes, 14 seconds West a distance of 1396.16 feet; thence, North 07 degrees, 21 minutes, 09.5 seconds West a distance of 442.07 feet; thence, South 72 degrees, 34 minutes, 37 seconds West a distance of 267.61 feet; thence, North 17 degrees, 23 minutes, 09 seconds West a distance of 311.39 feet; thence, North 89 degrees, 14 minutes, 31 seconds East a distance of 310.90 feet; thence, North 17 degrees, 18 minutes, 16 seconds West a distance of 690.36 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 235.10 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 280.00 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 425.00 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 152.45 feet; thence, North 01 degrees, 02 minutes, 20 seconds West a distance of 2338.83 feet; thence, North 89 degrees, 18 minutes, 57 seconds East a distance of 1328.19 feet; thence, North 89 degrees, 33 minutes, 19 seconds East a distance of 668.21 feet; thence, South 02 degrees, 54 minutes, 51 seconds East a distance of 660.00 feet; thence, South 89 degrees, 33 minutes, 49 seconds West a distance of 666.05 feet; thence, South 03 degrees, 06 minutes, 06 seconds East a distance of 1680.93 feet to the northwest corner of Section 9, Township 13 South, Range 31 East; thence, along the north line of said Section 9, North 89 degrees, 09 minutes, 34 seconds East a distance of 1320.73 feet; thence, departing said northerly line of said Section 9, North 02 degrees, 43 minutes, 34 seconds West a distance of 1011.14 feet; thence, North 89 degrees, 33 minutes, 56 seconds East a distance of 2657.49 feet; thence, South 02 degrees, 04 minutes, 00 seconds East a distance of 994.19 feet; thence, North 89 degrees, 15 minutes, 13 seconds East a distance of 1324.71 feet to the Point of Beginning.

Less and Except the Plantation Bay School Site recorded in Plat Book 27, Page 49 of the Public Records of Flagler County, Florida and excepting the following Park Site:

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thence run easterly along the arc of said curve a distance of 102.08 feet; thence, South 59 degrees 28 minutes, 19 seconds East a distance of 120.05 feet to the point of curvature of a curve concave northwesterly, having a radius of 2938.85 feet and a central angle of 08 degrees 19 minutes 23 seconds; thence run northeasterly along the arc of said curve a distance of 426.91 feet; thence, North 23 degrees 50 minutes 51 seconds East a distance of 125.00 feet to the point of beginning; thence, continue North 23 degrees 50 minutes 51 seconds East a distance of 350.00 feet; thence, South 76 degrees 52 minutes, 06 seconds East a distance of 679.42 feet; thence, South 48 degrees 20 minutes 31 seconds East a distance of 1737.34 feet; thence, South 04 degrees 12 minutes 29 seconds East a distance of 450.94 feet; thence, North 60 degrees 12 minutes 29 seconds West a distance of 698.75 feet; thence, North 79 degrees 12 minutes 29 seconds West a distance of 393.78 feet; thence, North 31 degrees 58 minutes 16 seconds West a distance of 463.90 feet; thence, North 64 degrees 20 minutes, 47 seconds West a distance of 474.24 feet; thence, North 48 degrees 09 minutes, 28 seconds West a distance of 628.10 feet to the point of beginning.

# EXHIBIT 5

This Instrument Prepared by  
and return to:

Katie S. Buchanan, Esq.  
HOPPING GREEN & SAMS, P.A.  
119 S. Monroe Street, Suite 300 (32301)  
Post Office Box 6526  
Tallahassee, Florida 32314

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**CONSENT AND JOINDER TO INCLUDE LANDS**

The undersigned is the owner of all or a portion of certain lands (“Property”) more fully described in the attached **Exhibit A**. The undersigned understands and acknowledges that the Tomoka Community Development District, (“District”) intends to submit a petition to amend its boundaries in accordance with the provisions of Chapter 190, Florida Statutes. As a landowner, as defined by Chapter 190, Florida Statutes, of lands which are intended to be added to the District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.046, Florida Statutes, the District is required to include the written consent of one hundred percent (100%) of the owners of the lands to be added to the District.

The undersigned hereby consents to the inclusion of all or portions of the Property to which it has an ownership interest at the time of execution in the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the amendment of the boundaries of the District. The undersigned acknowledges that the consent will remain in full force and effect until the boundaries of the District are amended; provided that the undersigned shall have the right to withdraw this consent by delivering written notice to the District and FLWAC prior to final approval of the petition. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by District, the same consent in substantially this form. The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument. The undersigned further agrees to the recording of this document.

[CONTINUED ON NEXT PAGE]

Executed this 2<sup>ND</sup> day of JUNE, 2021.

Witnessed:

WL RESIDENTIAL LAND, LLC

Nicole Keeley  
Print Name: NICOLE KEELEY

Joanne Schmieler  
Print Name: JOANNE SCHMIEDER

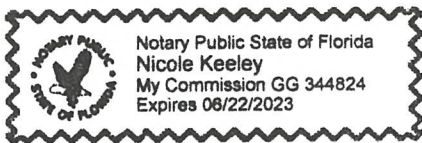
BC KCS RAW  
By: \_\_\_\_\_  
Its: PRESIDENT

STATE OF FLORIDA )  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 02<sup>nd</sup> day of June, 2021, by MORTEZA HOSSEINI KARGAR, as PRESIDENT for WL RESIDENTIAL LAND, LLC/He  is personally known to me or  produced \_\_\_\_\_ as identification.

(Official Notary Seal)

Nicole Keeley  
Name: NICOLE KEELEY





## EXHIBIT A

### **DESCRIPTION: ADD ON PARCEL #1**

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A PORTION OF SECTIONS 3 AND 10, TOWNSHIP 13 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 3, RUN NORTH 01 DEGREES 46 MINUTES 36 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 3 A DISTANCE OF 451.12 FEET; THENCE DEPARTING SAID LINE, RUN NORTH 82 DEGREES 12 MINUTES 14 SECONDS EAST A DISTANCE OF 1212.70 FEET TO THE WEST LINE OF A FLORIDA POWER & LIGHT COMPANY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 34, PAGE 124, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 601.89 FEET TO THE NORTH LINE OF SAID SECTION 10; THENCE CONTINUE SOUTH 01 DEGREES 48 MINUTES 15 SECONDS EAST ALONG SAID WEST LINE AND THE SOUTHERLY PROJECTION THEREOF A DISTANCE OF 919.99 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 1201.23 FEET TO THE WEST LINE OF SAID SECTION 10; THENCE NORTH 02 DEGREES 08 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 920.11 FEET TO THE POINT OF BEGINNING. **CONTAINING 40.0 ACRES MORE OR LESS**

### **ADD ON PARCEL #2**

Add-On Cook Property

A portion of Section 9, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

Commencing as a Point of Reference being the intersection of the north line of Section 16, Township 13 South, Range 31 East with the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet to the Point of Beginning of this description; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1320.83 feet to the point of beginning.

**CONTAINING 40.0 ACRES MORE OR LESS**

# EXHIBIT 6

**RESOLUTION 2021-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO FILE A PETITION WITH FLORIDA LAND AND WATER ADJUDICATORY COMMISSION REQUESTING THE ADOPTION OF A RULE AMENDING THE DISTRICT'S BOUNDARIES, AND AUTHORIZING SUCH OTHER ACTIONS AS ARE NECESSARY IN FURTHERANCE OF THE BOUNDARY AMENDMENT PROCESS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Tomoka Community Development District ("District") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, as established by Rule 42LL-1, Florida Administrative Code, as amended ("Rule"), adopted by the Florida Land and Water Adjudicatory Commission ("FLWAC"), and being situated in Flagler County, Florida; and

**WHEREAS**, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services including, but not limited to, master stormwater system, water and sewer system, roadway improvements, master utilities, landscape and hardscape improvements, recreation improvements, and other infrastructure; and

**WHEREAS**, the District presently consists of 1,968 acres, more or less, as more fully described in the Rule; and

**WHEREAS**, the District desires to amend its boundaries to include certain property which is generally depicted in **Exhibit 1 and 2** attached hereto and incorporated herein by reference ("Expansion Area") and upon which property the District intends to construct, acquire, and maintain infrastructure improvements and services; and

**WHEREAS**, the District will obtain written consent to the expansion of the District by the landowners of the lands included in the Expansion Area; and

**WHEREAS**, the proposed boundary amendment is in the best interests of the District and the area of land within the proposed amended boundaries of the District will continue to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functionally related community; and

**WHEREAS**, for the area of land within the amended boundaries of the District, the District is the best alternative available for delivering community development services and facilities; and

**WHEREAS**, the expansion of land to the District in the Expansion Area is not inconsistent with either the State or local comprehensive plan; and

**WHEREAS**, the area of land that will lie in the amended boundaries of the District is amenable to separate special district government; and

**WHEREAS**, in order to seek a boundary amendment pursuant to Chapter 190, Florida Statutes, the District desires to authorize District staff, including but not limited to legal, engineering, and managerial staff, to provide such services as are necessary throughout the pendency of the boundary amendment process; and

**WHEREAS**, the retention of any necessary consultants and the work to be performed by District staff may require the expenditure of certain fees, costs, and other expenses by the District as authorized by the District's Board of Supervisors ("Board"); and

**WHEREAS**, the District desires to petition to amend its boundaries in accordance with the procedures and processes described in Chapter 190, Florida Statutes, which processes include the preparation of a petition to FLWAC, and such other actions as are necessary in furtherance of the boundary amendment process.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**SECTION 2.** The Board hereby directs the Chairperson and District staff to proceed in an expeditious manner with the preparation and filing of a petition and related materials with FLWAC to seek the amendment of the District's boundaries to include the lands within the Expansion Area, pursuant to Chapter 190, Florida Statutes, and authorizes the prosecution of the procedural requirements detailed in Chapter 190, Florida Statutes, for the amendment of the District's boundaries.

**SECTION 3.** The Board hereby authorizes the District Chairperson and Katie S. Buchanan to act as agents of the District with regard to any and all matters pertaining to the petition to amend the boundaries of the District.

**SECTION 4.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of April, 2021.

ATTEST:

Venessa Popee  
Assistant Secretary

**TOMOKA COMMUNITY  
DEVELOPMENT DISTRICT**

Kelley White  
Chairperson, Board of Supervisors

**Exhibit A:** Depiction of Expansion Area

## EXHIBIT 1

### REVISED LEGAL DESCRIPTION OF PROPOSED DISTRICT

The Boundaries of the District are as follows:

A portion of Sections 3, 4, 5, 8, 9, 10, 15, 16, 21, and 22, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

From a Point of Beginning being the southwest corner of Section 3, Township 13 South, Range 31 East; thence, proceeding North 01 degrees, 46 minutes, 36 seconds West along the west line of said Section 3, a distance of 986.85 feet; thence, departing said westerly line of Section 3, North 89 degrees, 27 minutes, 53 seconds East, a distance of 150.00 feet; thence, North 01 degrees, 46 minutes, 33 seconds West a distance of 1287.05 feet to the southerly right-of-way line of Old Dixie Highway, a 66 foot wide right-of-way; thence North 89 degrees, 28 minutes, 05 seconds East, along said southerly right-of-way line, a distance of 1181.54 feet; thence departing said right-of-way line, run South 01 degrees, 48 minutes, 15 seconds East along the east line of Lot 4, Block C, Section 3, of said Bunnell Development Company subdivision, a distance of 1287.00 feet; thence, North 89 degrees, 28 minutes, 22 seconds East a distance of 110.00 feet to a point on the easterly line of the 236 foot wide Florida Power and Light Company easement recorded in O.R. Book 11, Page 493 and O.R. Book 34, Page 124 of the Public Records of Flagler County, Florida; thence South 01 degrees, 48 minutes, 15 seconds East, along the easterly line of said Florida Power and Light easement, a distance of 1182.92 feet; thence, continuing along said easterly line of said Florida Power and Light easement, South 50 degrees, 26 minutes, 59 seconds East a distance of 3340.24 feet; thence, South 01 degrees, 56 minutes, 33 seconds East a distance of 5789.89 feet more or less to a point on the northerly line of Eagle Rock Ranch Subdivision, as recorded in Plat Book 26, Pages 51-52 of the Public Records of Flagler County, Florida; thence, departing said easterly line of the Florida Power and Light Easement, South 40 degrees, 11 minutes, 55 seconds West, along said northerly line of Eagle Rock Ranch, a distance of 856.60 feet; thence continuing along said northerly line of Eagle Rock Ranch South 88 degrees, 27 minutes, 37 seconds West a distance of 45.18 feet; thence, South 40 degrees, 11 minutes, 55 seconds West a distance of 2189.93 feet; thence, South 49 degrees, 47 minutes, 54 seconds East a distance of 1171.20 feet; thence, South 40 degrees, 14 minutes, 04 seconds West a distance of 2222.60 feet to a point on the easterly line of U.S. Highway 1, a 160 foot wide right-of-way; thence departing said northerly line of Eagle Rock Ranch subdivision, proceed northerly along said U.S. Highway 1 right-of-way North 49 degrees, 47 minutes, 21 seconds West a distance of 637.20 feet to the start of a curve concave northeasterly having a radius of 5619.59 feet; thence, run along the arc of said curve, through a central angle of 8 degrees, 42 minutes, 33 seconds a distance of 854.17 feet; thence, North 48 degrees, 55 minutes, 11 seconds East a distance of 35.00 feet to the start of a curve concave northeasterly having a radius of 5584.59 feet; thence, run along the arc of said curve, through a central angle of 1 degree, 40 minutes, 40 seconds a distance of 163.53 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 276.47 feet; thence South 50 degrees, 35 minutes, 51 seconds West a distance

of 35.00 feet; thence, North 39 degrees, 24 minutes, 09 seconds West a distance of 7995.87 feet to a point on the north line of Section 16, Township 13 South, Range 31 East; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet; ←COOK EXCEPTION DELETED-→thence, South 89 degrees, 12 minutes, 05 seconds West a distance of 662.80 feet; thence, North 01 degrees, 58 minutes, 26 seconds West a distance of 1981.25 feet; thence, South 89 degrees, 12 minutes, 14 seconds West a distance of 1396.16 feet; thence, North 07 degrees, 21 minutes, 09.5 seconds West a distance of 442.07 feet; thence, South 72 degrees, 34 minutes, 37 seconds West a distance of 267.61 feet; thence, North 17 degrees, 23 minutes, 09 seconds West a distance of 311.39 feet; thence, North 89 degrees, 14 minutes, 31 seconds East a distance of 310.90 feet; thence, North 17 degrees, 18 minutes, 16 seconds West a distance of 690.36 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 235.10 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 280.00 feet; thence, North 01 degrees, 07 minutes, 55 seconds West a distance of 425.00 feet; thence, South 89 degrees, 19 minutes, 05 seconds West a distance of 152.45 feet; thence, North 01 degrees, 02 minutes, 20 seconds West a distance of 2338.83 feet; thence, North 89 degrees, 18 minutes, 57 seconds East a distance of 1328.19 feet; thence, North 89 degrees, 33 minutes, 19 seconds East a distance of 668.21 feet; thence, South 02 degrees, 54 minutes, 51 seconds East a distance of 660.00 feet; thence, South 89 degrees, 33 minutes, 49 seconds West a distance of 666.05 feet; thence, South 03 degrees, 06 minutes, 06 seconds East a distance of 1680.93 feet to the northwest corner of Section 9, Township 13 South, Range 31 East; thence, along the north line of said Section 9, North 89 degrees, 09 minutes, 34 seconds East a distance of 1320.73 feet; thence, departing said northerly line of said Section 9, North 02 degrees, 43 minutes, 34 seconds West a distance of 1011.14 feet; thence, North 89 degrees, 33 minutes, 56 seconds East a distance of 2657.49 feet; thence, South 02 degrees, 04 minutes, 00 seconds East a distance of 994.19 feet; thence, North 89 degrees, 15 minutes, 13 seconds East a distance of 1324.71 feet to the Point of Beginning.

Less and Except the Plantation Bay School Site recorded in Plat Book 27, Page 49 of the Public Records of Flagler County, Florida and excepting the following Park Site:

A portion of Sections 9 and 16, Township 13 South, Range 31 East, Flagler County, Florida, commencing as a point of reference being the northeast corner of said Section 16, run South 89 degrees 11 minutes, 58 seconds West along the north line of said section 16, a distance of 4981.16 feet more or less to the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, South 39 degrees 24 minutes, 09 seconds East, along said right-of-way, a distance of 1525.00 feet; to the point of curvature of a curve concave northerly, having a radius of 25.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence departing said right-of-way line, run easterly along the arc of said curve a distance of 39.27 feet; thence, North 50 degrees 35 minutes, 51 seconds East a distance of 353.91 feet to the point of curvature of a curve concave southeasterly, having a radius of 425.24 feet and a central angle of 37 degrees 57 minutes 36 seconds and a chord bearing of North 69 degrees 34 minutes 39 seconds East; thence run easterly along the arc of said curve a distance of 281.73 feet to the point of reverse curve of a curve concave northerly, having a radius of 390.67 feet and a central angle of 54 degrees 14 minutes 32 seconds and a chord bearing of

North 61 degrees 26 minutes 12 seconds East; thence run easterly along the arc of said curve a distance of 369.85 feet to the point of compound curve of a curve concave northerly, having a radius of 2818.85 feet and a central angle of 02 degrees 04 minutes 29 seconds and a chord bearing of North 33 degrees 16 minutes 41 seconds East; thence run easterly along the arc of said curve a distance of 102.08 feet; thence, South 59 degrees 28 minutes, 19 seconds East a distance of 120.05 feet to the point of curvature of a curve concave northwesterly, having a radius of 2938.85 feet and a central angle of 08 degrees 19 minutes 23 seconds; thence run northeasterly along the arc of said curve a distance of 426.91 feet; thence, North 23 degrees 50 minutes 51 seconds East a distance of 125.00 feet to the point of beginning; thence, continue North 23 degrees 50 minutes 51 seconds East a distance of 350.00 feet; thence, South 76 degrees 52 minutes, 06 seconds East a distance of 679.42 feet; thence, South 48 degrees 20 minutes 31 seconds East a distance of 1737.34 feet; thence, South 04 degrees 12 minutes 29 seconds East a distance of 450.94 feet; thence, North 60 degrees 12 minutes 29 seconds West a distance of 698.75 feet; thence, North 79 degrees 12 minutes 29 seconds West a distance of 393.78 feet; thence, North 31 degrees 58 minutes 16 seconds West a distance of 463.90 feet; thence, North 64 degrees 20 minutes, 47 seconds West a distance of 474.24 feet; thence, North 48 degrees 09 minutes, 28 seconds West a distance of 628.10 feet to the point of beginning.

#### Add-On Cook Property

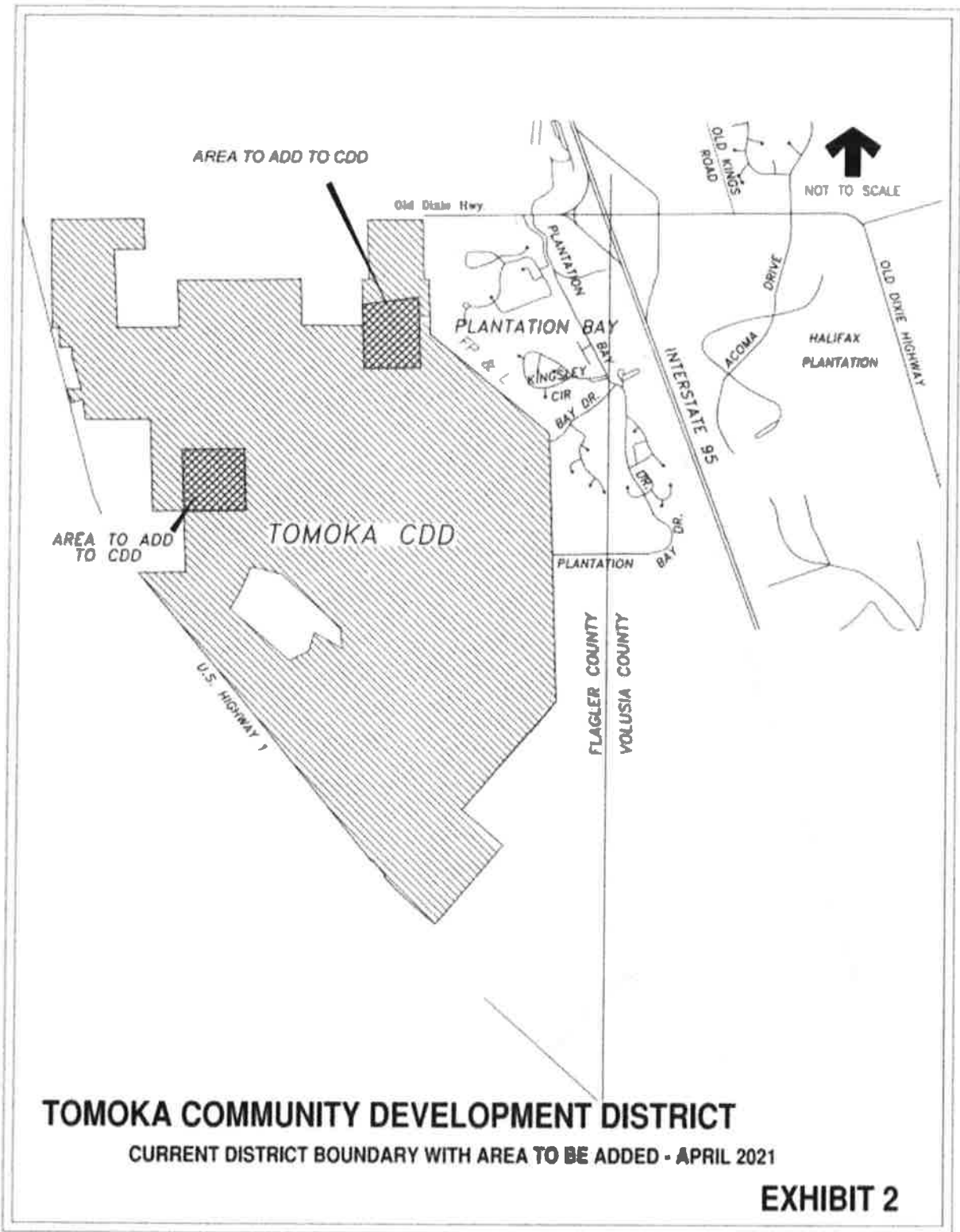
A portion of Section 9, Township 13 South, Range 31 East, Flagler County, Florida and a portion of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1 of the Public Records of Flagler County, Florida, more particularly described as follows:

Commencing as a Point of Reference being the intersection of the north line of Section 16, Township 13 South, Range 31 East with the easterly right-of-way line of U.S. Highway 1, a 160 foot wide right-of-way; thence, departing said U.S. Highway 1 right-of-way, proceed, North 89 degrees, 11 minutes, 58 seconds East, along the north line of said Section 16, a distance of 999.49 feet; thence, departing said north line of Section 16, North 02 degrees, 00 minutes, 32 seconds West a distance of 1320.83 feet to the Point of Beginning of this description; thence, North 89 degrees, 12 minutes, 05 seconds East a distance of 1325.60 feet; thence, North 02 degrees, 04 minutes, 45 seconds West a distance of 1320.83 feet; thence, South 89 degrees, 12 minutes, 11 seconds West a distance of 1323.99 feet; thence, South 02 degrees, 00 minutes, 32.5 seconds East a distance of 1320.83 feet to the point of beginning.



**EXHIBIT 2**

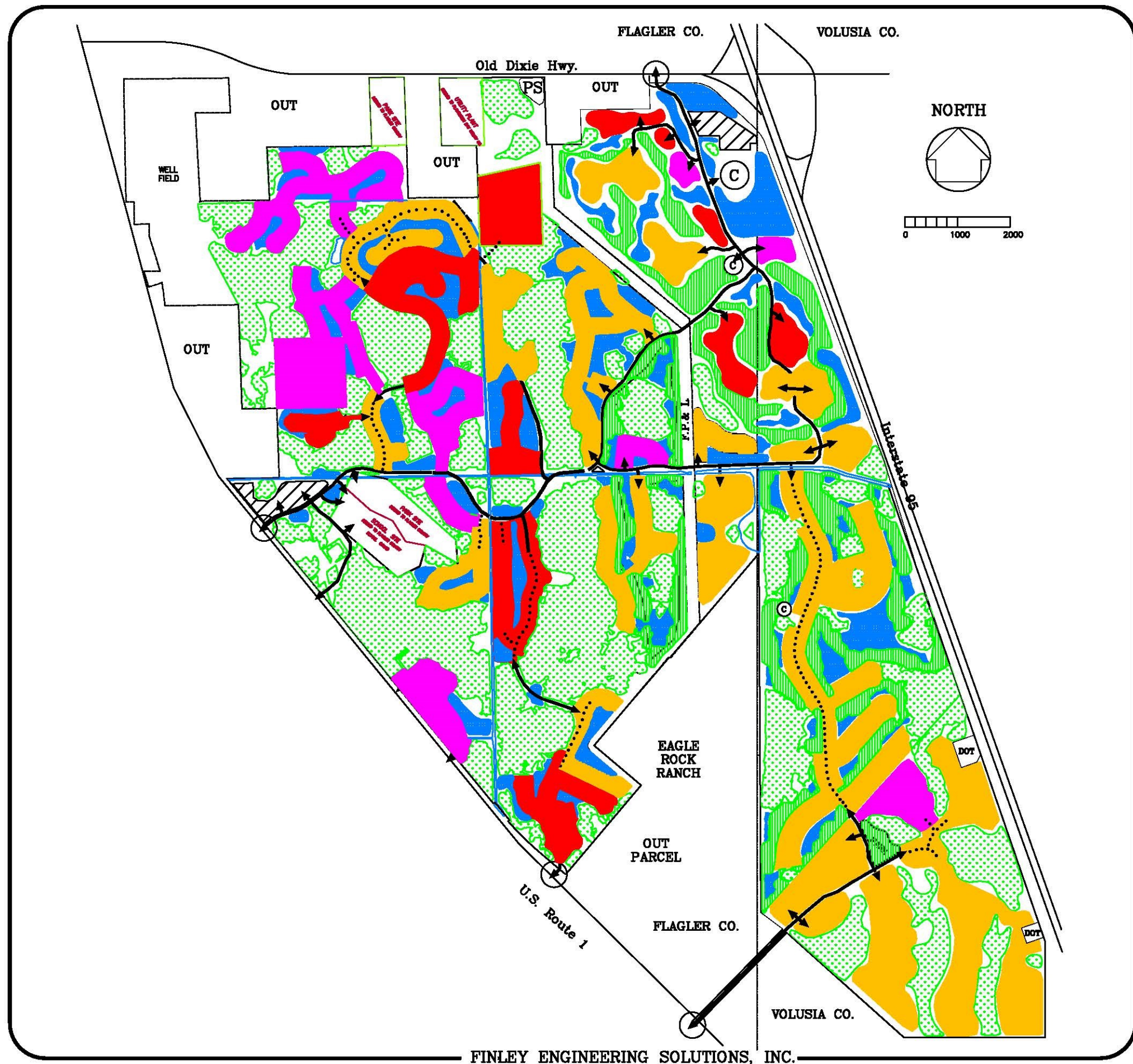
**PROPOSED EXPANSION PARCELS**



# EXHIBIT 7

# TOMOKA COMMUNITY DEVELOPMENT DISTRICT

## DISTRICT BOUNDARY AMENDMENT 2021 GENERAL LAND USE MAP



- LEGEND:**
- Plantation Bay Property Line
  - Flagler/Volusia County Line
  - Florida Power & Light Electrical Easement
  - Single Family Residential (1-4du/ac)
  - Low Density Residential (4-6du/ac)
  - Medium Density Residential (6-8du/ac)
  - Commercial
  - Golf Course / Recreation
  - Water
  - Environmentally Significant Area
  - Open Space
  - Clubs (Golf, Tennis)
  - Public Safety (Police, Fire)
  - Land Taken by FDOT for I-95 Widening
  - Collector Road Access Point
  - Collector Road
  - Subdivision Street





# EXHIBIT 8

DISTRICT BOUNDARY

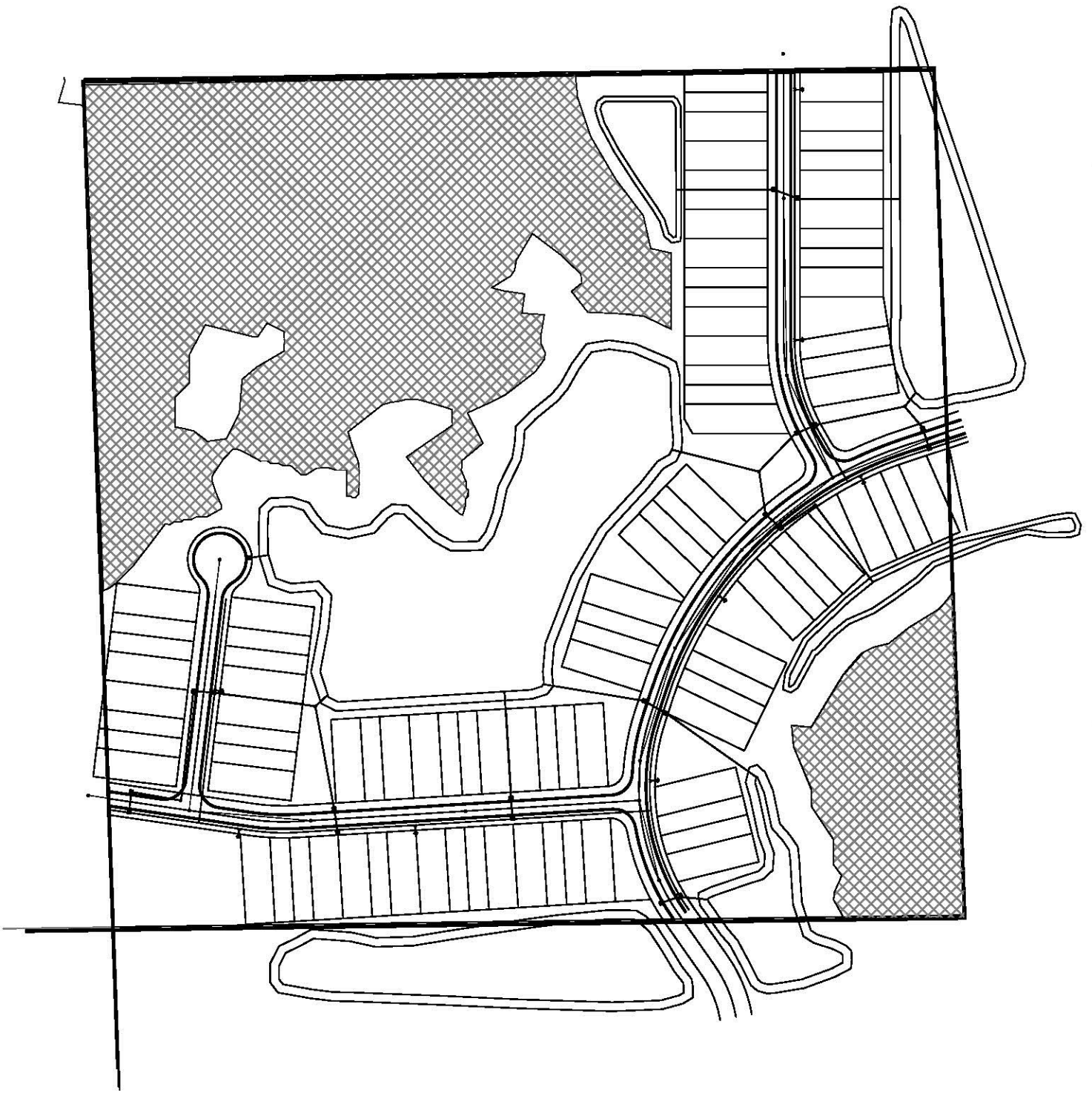
4



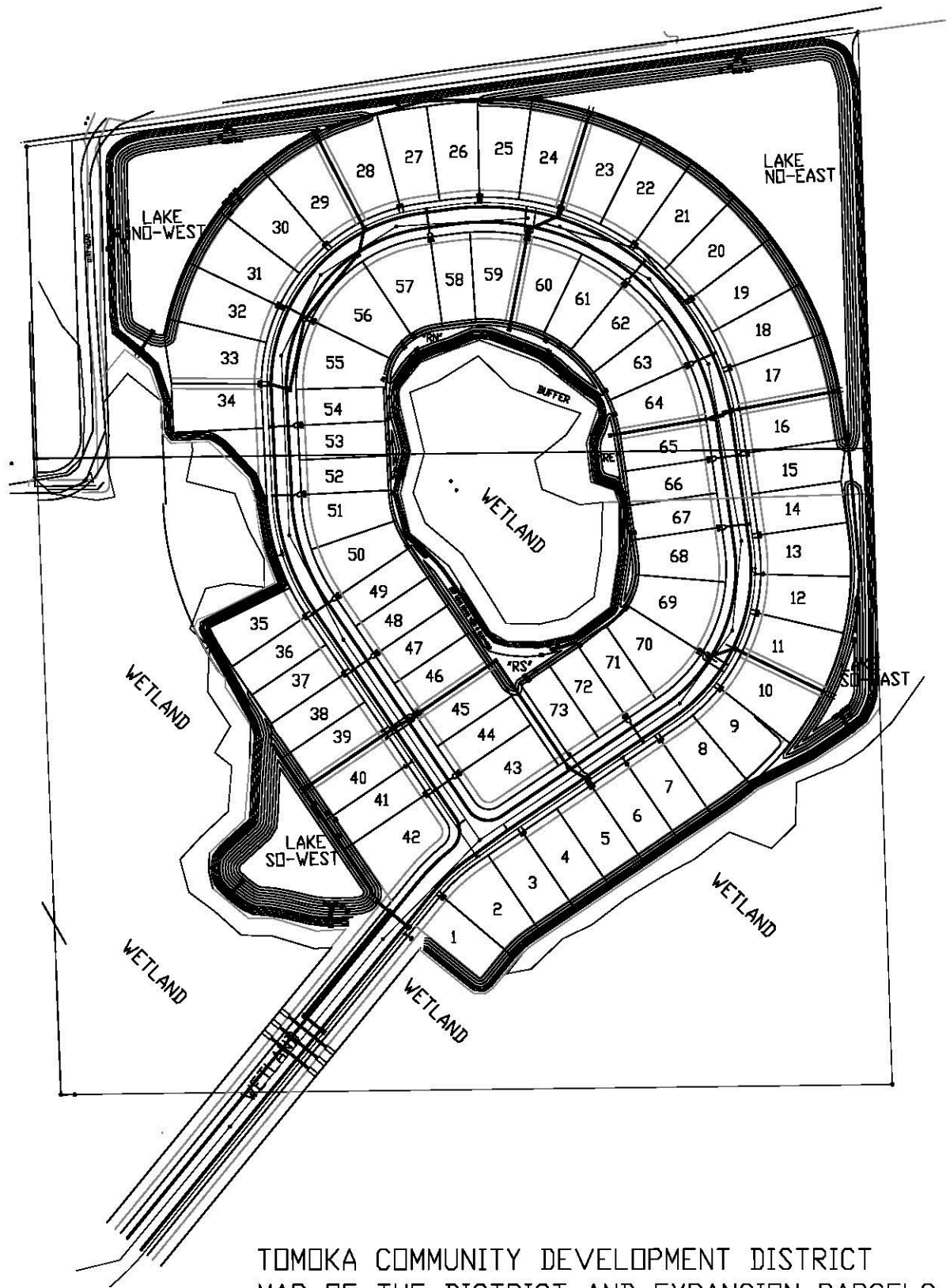
LEGEND

-  UNIT NUMBER - COMPLETED
-  UNIT NUMBER - UNDER CONSTRUCTION
-  FUTURE UNIT CONSTRUCTION TO ACCESS EXPANSION PARCEL
-  EXPANSION PARCEL IMPROVEMENTS

TOMOKA COMMUNITY DEVELOPMENT DISTRICT  
MAP OF THE DISTRICT AND EXPANSION PARCELS  
2021



TOMOKA COMMUNITY DEVELOPMENT DISTRICT  
MAP OF THE DISTRICT AND EXPANSION PARCELS  
2021  
EXPANSION PARCEL LAYOUT



TOMOKA COMMUNITY DEVELOPMENT DISTRICT  
 MAP OF THE DISTRICT AND EXPANSION PARCELS  
 2021  
 EXPANSION PARCEL LAYOUT



# EXHIBIT 9

TOMOKA COMMUNITY DEVELOPMENT DISTRICT  
DISTRICT BOUNDARY AMENDMENT  
2021

EXHIBIT 9

DESCRIPTION OF THE SERVICES AND FACILITIES TO BE PROVIDED

The Tomoka Community Development District will provide the following services within the expansion parcels:

1. Water Distribution
2. Sanitary Sewage Collection
3. Storm Drainage
4. Stormwater Retention Treatment
5. Street Lighting

Finley Engineering Solutions, Inc.  
3959 So. Nova Road, Suite B-34  
Port Orange, Florida 32127  
(386)756-8676

**TOMOKA COMMUNITY DEVELOPMENT DISTRICT - EXPANSION PARCEL #1**  
**IMPROVEMENT PLAN - ENGINEER'S ESTIMATE**

ITEM NO.	DESCRIPTION	PLANNED QUANTITY	UNIT	UNIT PRICE	CONTRACT AMOUNT
01	<b>ENGINEERING &amp; PERMITTING</b>	6.00			\$ 215,000.00
10	Environmental Consultant	1.00	.LS	\$ 25,000.00	\$ 25,000.00
20	Surveying	1.00	.LS	\$ 50,000.00	\$ 50,000.00
25	Land Planning	1.00	.LS	\$ 20,000.00	\$ 20,000.00
30	Engineering	1.00	.LS	\$ 50,000.00	\$ 50,000.00
40	Permits	1.00	.LS	\$ 30,000.00	\$ 30,000.00
50	Inspections and Testing	1.00	.LS	\$ 40,000.00	\$ 40,000.00
02	<b>STORMWATER MANAGEMENT</b>	1,055,896.00			\$ 1,842,000.00
100	Clearing & Disposal	26.00	AC	\$ 6,000.00	\$ 156,000.00
105	Lake/Pond Excavation	44,000.00	CY	\$ 4.00	\$ 176,000.00
110	Imported Fill	56,000.00	CY	\$ 10.00	\$ 560,000.00
120	Storm Drain System	1.00	LS	\$ 385,000.00	\$ 385,000.00
130	Subgrade & Base Construction	1.00	LS	\$ 360,000.00	\$ 360,000.00
135	Seed & Mulch R/W and Easements	1.00	LS	\$ 25,000.00	\$ 25,000.00
140	Sod Lake Slopes	15,000.00	SY	\$ 4.00	\$ 60,000.00
145	Landscape	1.00	LS	\$ 20,000.00	\$ 20,000.00
150	Lake Fountains	2.00	EA	\$ 50,000.00	\$ 100,000.00
03	<b>UTILITIES</b>	7,820.00			\$ 940,000.00
210	Sewer Collection System	1.00	LS	\$ 440,000.00	\$ 440,000.00
220	Sewer Lift Station	-	EA	\$ 250,000.00	\$ -
230	Sewer Forcemain	-	LF	\$ 35.00	\$ -
240	Water Distribution System	1.00	LS	\$ 300,000.00	\$ 300,000.00
250	Master Irrigation	1.00	LS	\$ 200,000.00	\$ 200,000.00

TOTAL COST

\$ 2,997,000.00

Jerry K. Finley, P.E. # 29909

**TOMOKA COMMUNITY DEVELOPMENT DISTRICT - EXPANSION PARCEL #2**  
**IMPROVEMENT PLAN - ENGINEER'S ESTIMATE**

ITEM NO.	DESCRIPTION	PLANNED QUANTITY	UNIT	UNIT PRICE	CONTRACT AMOUNT
01	<b>ENGINEERING &amp; PERMITTING</b>	6.00			\$ 200,000.00
10	Environmental Consultant	1.00	.LS	\$ 20,000.00	\$ 20,000.00
20	Surveying	1.00	.LS	\$ 50,000.00	\$ 50,000.00
25	Land Planning	1.00	.LS	\$ 20,000.00	\$ 20,000.00
30	Engineering	1.00	.LS	\$ 50,000.00	\$ 50,000.00
40	Permits (NOI Only)	1.00	.LS	\$ 20,000.00	\$ 20,000.00
50	Inspections and Testing	1.00	.LS	\$ 40,000.00	\$ 40,000.00
02	<b>STORMWATER MANAGEMENT</b>	1,055,896.00			\$ 1,555,000.00
100	Clearing & Disposal	25.00	AC	\$ 6,000.00	\$ 150,000.00
105	Lake/Pond Excavation	70,000.00	CY	\$ 4.00	\$ 280,000.00
110	Imported Fill	30,000.00	CY	\$ 10.00	\$ 300,000.00
120	Storm Drain System	1.00	LS	\$ 330,000.00	\$ 330,000.00
130	Subgrade & Base Construction	1.00	LS	\$ 360,000.00	\$ 360,000.00
135	Seed & Mulch R/W and Easements	1.00	LS	\$ 25,000.00	\$ 25,000.00
140	Sod Lake Slopes	10,000.00	SY	\$ 4.00	\$ 40,000.00
145	Landscape	1.00	LS	\$ 20,000.00	\$ 20,000.00
150	Lake Fountains	1.00	EA	\$ 50,000.00	\$ 50,000.00
03	<b>UTILITIES</b>	7,820.00			\$ 935,000.00
210	Sewer Collection System	1.00	LS	\$ 410,000.00	\$ 410,000.00
220	Sewer Lift Station	-	EA	\$ 250,000.00	\$ -
230	Sewer Forcemain	-	LF	\$ 35.00	\$ -
240	Water Distribution System	1.00	LS	\$ 325,000.00	\$ 325,000.00
250	Master Irrigation	1.00	LS	\$ 200,000.00	\$ 200,000.00

TOTAL COST

\$ 2,690,000.00

Jerry K. Finley, P.E. # 29909

# EXHIBIT 10



# STATEMENT OF ESTIMATED REGULATORY COSTS ACCOMPANYING THE PETITION TO AMEND THE BOUNDARY OF THE TOMOKA COMMUNITY DEVELOPMENT DISTRICT

June 2021

Prepared on June 8, 2021

**PFM Financial Advisors LLC**  
12051 Corporate Boulevard  
Orlando, FL 32817



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## STATEMENT OF ESTIMATED REGULATORY COSTS

### Tomoka Community Development District

June 8, 2021

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#### 1.0 Introduction

##### 1.1 Purpose

This statement of estimated regulatory costs ("SERC") supports the petition to amend the boundaries of the Tomoka Community Development District (the "District") located entirely within unincorporated Flagler County. The District intends on adding Parcel 1 ("Parcel 1") and its approximately 40 acres as well as Parcel 2 ("Parcel 2") and its approximately 40 acres to the District, collectively referred to as the ("Addition Parcels"). Thus, the District's Board of Supervisors desires the inclusion of the Addition Parcels to the District's current boundaries. The addition of these parcels would increase the District's size from 1,968+/- acres to 2,048+/- acres.

As of this date, the District has funded public infrastructure improvements via multiple bond issuances, with the latest issuance including a refunding of the District's \$8,250,000 in 2004A Bonds in the form of its current Series 2017 Bonds which were issued in the amount of \$14,675,000. The Addition Parcels will be allocated a portion of the District's remaining assessment debt. The proposed boundary amendment will generally have little, if any, impact on the day-to-day activities of the District or its property owners.

##### 1.2 Scope of the Analysis

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes (governing Community Development District formation or alteration) 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).



### 1.3 Overview of the Amended District

If the Addition Parcels are added to the District, the District would retain the ability to provide public infrastructure, services, and facilities, along with their operations and maintenance, to the properties within the boundaries of the District. The resulting District will contain 2,048+/- acres of land planned to contain residential development.

### 1.4 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. defines the elements that 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 implantation 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 and local revenues.
- d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- e) 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.





- f) Any additional information that the agency determines may be useful.
- g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

**2.0 An economic analysis showing whether the establishment of the proposed District directly or indirectly will have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness or regulatory costs**

Florida Statutes 120.541(2)(a) requires an economic analysis showing whether the proposed amendment to the District's boundaries will directly or indirectly have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs exceeding \$1 million in the aggregate within 5 years after the boundary amendment occurs. The simple answer is that the proposed amendment to the District's boundaries will not have an adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs. The District already exists and the proposed boundary amendment will not affect these activities.

**3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule amending the District's boundaries, together with a general description of the types of individuals likely to be affected by the rule.**

If the boundary amendment is approved, the owners and future residents within the Addition Parcels will be subject to the District's jurisdiction and potential assessments.

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

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

State Government Entities

There will be modest costs to various Florida ("State") governmental entities due to the amendment of the District's boundaries. The District currently consists of more than 1,000 acres; therefore, the Florida Land and Water Adjudicatory Commission ("FLWAC") is the government having jurisdiction over the proposed boundary amendment, pursuant to Florida Statutes Section 190.005(2). State staff will



process, analyze, and conduct public hearing(s) on the petition to amend the District's boundaries. The State will incur modest costs in reviewing the petition to amend the District's boundaries.

The ongoing costs to various State entities to implement and enforce the District's boundary amendment will be minimal, if any. The required annual reports the District must file with the State are outlined in the attached Appendix. However, the District must already file all of these reports. Thus, there will be no additional reporting or monitoring costs on the part of the State related to the District's boundary amendment. The District is only one of many governmental subdivisions required to submit various reports to the State. Additionally, pursuant to Section 189.064 of the Florida Statutes, the District will pay an annual fee to the State Department of Economic Opportunity to offset such processing costs.

### Flagler County

There will be modest costs to County staff due to the amendment of the District's boundaries. These costs to the County are likely to be minimal for a number of reasons. First, review of the petition (if necessary) does not include analysis of the development to be served by the District. Second, the petition itself provides most of the information needed for County staff's review. Third, the County currently employs the staff needed to conduct the review of the petition. Fourth, no capital expenditure is required to review the petition. Fifth, the petitioner's filing fee will compensate the County for any advertising expense incurred (if necessary) and for the time County staff spends analyzing the petition. Finally, local governments routinely process similar petitions for land use and zoning changes that are more complex than is the petition to amend the District's boundaries.

The annual costs to the County, related to the continued existence of the District, are also minimal and within the control of the County. The District will be an independent unit of local government. The only annual costs incurred by the County on behalf of the District will be the minimal costs of receiving and, to the extent desired, reviewing the various reports that the District is required to provide to the County. However, as noted above, the District already exists and no new reporting activity will be required as a result of the District's boundary amendment.

## 4.2 Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State or County revenues. The District is an independent unit of local government. The District is designed to provide community facilities and services to serve the Project.

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 State 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 required to comply with the requirements of the rule amending the District’s boundaries.**

The CIP supported the installation of both master and neighborhood infrastructure. The District provided various community facilities and services to the property that will remain within the District, as outlined in Table 1 below. The Series 2004A Bonds, Series 2017 Bonds and developer funding supported development of a portion of the total improvement plan within the District.

**Table 1. District Facilities and Services\***

<u>District Infrastructure</u>	<u>Ownership</u>	<u>Operation and Maintenance</u>
Stormwater Facilities	District	District
Entrances and Entrance Landscaping	District (1)	District
Wetland (Environmental) Compliance/Mitigation	District	District
Offsite Improvements	District (2)	District (2)
Utilities	District (3)	District (3)

- (1) Florida Department of Transportation and District
- (2) County and District
- (3) Governmental Provider and District

\*Source: Greenhorne & O'Mara, Inc.; Tomoka Community Development District Improvement Plan, dated October 2003

Table 2 summarizes the completed and proposed infrastructure costs necessary to provide the capital improvements and facilities outlined in Table 1 to the lands that will remain within the District following the boundary amendment.



**Table 2. Summary of Capital Improvement Plan Costs\***

<b><u>Original Project*</u></b>	
<u>Improvement Category</u>	<u>Cost</u>
Stormwater Management Facilities	\$24,993,500
Entrances and Landscaping	\$825,000
Wetland (Environmental) Compliance/Mitigation	\$2,576,000
Offsite Improvements	\$250,000
Utilities	\$5,550,000
Engineering and Permitting	<u>\$1,375,500</u>
<b>Total</b>	<b>\$35,570,000</b>
*source: Greenhorne & O'Mara, Inc.; Tomoka Community Development District Improvement Plan, dated October 2003	
<b><u>Parcel 1**</u></b>	
<u>Improvement Category</u>	<u>Cost</u>
Engineering & Permitting	\$215,000
Stormwater Management	\$1,842,000
Utilities	<u>\$940,000</u>
<b>Total (Parcel 1)</b>	<b>\$2,997,000</b>
**source: Finley Engineering Solutions, Inc.	
<b><u>Parcel 2**</u></b>	
<u>Improvement Category</u>	<u>Cost</u>
Engineering & Permitting	\$200,000
Stormwater Management	\$1,555,000
Utilities	<u>\$935,000</u>
<b>Total (Parcel 2)</b>	<b>\$2,690,000</b>
**source: Finley Engineering Solutions, Inc.	
<b>TOTAL</b>	<b>\$41,257,000</b>

\*Source: Greenhorne & O'Mara, Inc.; Tomoka Community Development District Improvement Plan, dated October 2003 (original project) and Finley Engineering Solutions, Inc. (Parcels 1 & 2)

To fund these improvements, the District issued capital improvement revenue bonds in the form of its Series 2004A Bonds, which were subsequently refinanced with its capital improvement and refunding revenue bonds in the form of the Series 2017 Bonds. Infrastructure costs that were not paid for with District bonds were funded by the developer of the project. The District's existing bonds will be repaid through non-ad valorem assessments levied on all properties located within the boundaries of the District that benefit from these improvements. Estimated infrastructure costs for Parcel 1 and Parcel 2 are also provided. The estimated costs have been or will be funded by any available proceeds of the Series 2017 Bonds, future bond issuance(s) and/or the landowner.



Landowners within the revised boundaries of the District will be required to pay non-ad valorem assessments levied by the District to secure the repayment of the District's bond debt. In addition to the levy of non-ad valorem assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

It is important to note that the various costs outlined in Table 2 are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. Instead, the facilities and services provided by the District are substituting in part for developer provided infrastructure and facilities. Along these same lines, District imposed assessments for operations and maintenance cost are similar to what would be charged in any event by a property owner's association common to most master planned developments.

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

Furthermore, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the District's costs in tradeoff for the benefits that the District provides. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal services taxing unit (MSTU), a neighborhood association, County provision (directly or via a dependent special district), or through developer-bank loans.

**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 no impact on small businesses because of the formation of the proposed District. If anything, the impact may be positive. This is because the District must competitively bid certain of its contracts. This affords small businesses the opportunity to bid on District work.

The District is not located within a county with a population of less than 75,000 or within a city with a population of less than 10,000. Therefore, the proposed District is not located in either a county or city that is defined as "small" by Florida Statute § 120.52.



## 7.0 Any additional useful information.

It is useful to reflect upon the question of whether the proposed amendment of the District is the best alternative for providing community facilities and services to the Project. As one alternative to the District, the County could approve an ad valorem assessment area for services. However, this alternative is inferior to the District. Unlike the District, it would require the County to continue to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be fully sequestered to the land directly benefiting from them, as the case would be with the District.

Another alternative to the amended District would be for the developer to use a property owners association ("POA") for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA, a District can impose and collect its assessments along in the same manner as ad valorem property taxes. Therefore, the District, as amended, is far more assured of obtaining its needed operational funds than is a POA. Second, the amended District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations, including government-in-the-sunshine requirements.

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

PFM Financial Advisors LLC certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.

PFM Financial Advisors LLC (formerly Fishkind and Associates, Inc.) has developed over 100 SERCs for various clients. Below is a listing of some of the other community development district clients for which PFM has prepared SERCs.

- The Lake Nona "Family" of Community Development Districts in Orlando
- Urban Orlando (Baldwin Park) Community Development District in Orlando
- The Villages "Family" of Community Development Districts in Lake, Sumter, and Marion Counties
- Winter Garden Village at Fowler Groves Community Development District in Winter Garden
- Highlands Community Development District in Tampa
- The Tradition "Family" of Community Development Districts in Port St. Lucie



## APPENDIX

### LIST OF DISTRICT REPORTING REQUIREMENTS

REPORT	FLORIDA STATUTE SECTION	DATE
Annual Financial Audit	218.39	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	Within 45 days after delivery of audit
Financial Disclosure Form 1	112.3145	By July 1
Public Depositor	280.17	By November 30
Proposed Budget	190.008	By June 15
Adopted Budget	190.008	By October 1
Public Facilities Report	189.08	Initial report within 1 year of creation, updates every 7 years
Public Meetings Schedule	189.015	Beginning of fiscal year
Notice of Bond Issuance	218.38	Within 120 days after delivery
Registered Agent	189.014	30 days after first Board Meeting
Notice of Establishment	190.0485	30 days after formation
Creation Documents	189.016	30 days after adoption
Notice of Public Finance	190.009	After financing

# EXHIBIT 11



**Authorization of Agent**

This shall serve as a designation of Katie S. Buchanan to act as agents for the Tomoka Community Development District, a local unit of special-purpose government created pursuant to Chapter 190, Florida Statutes, ("Petitioner"), with regard to any and all matters pertaining to the Petition to the Florida Land and Water Adjudicatory Commission to amend the boundary of the Tomoka Community Development District pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2020.

**TOMOKA COMMUNITY DEVELOPMENT DISTRICT**

By: Kelly White *Kaw*  
**Kelly White**  
Chairman, Board of Supervisors

STATE OF FLORIDA.        )  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 02<sup>nd</sup> day of June, 2021, by Kelly White, as Chair for Tomoka CDD. S/He  is personally known to me or  produced \_\_\_\_\_ as identification.

(Official Notary Seal)

Nicole Keeley  
Name: \_\_\_\_\_  
**NICOLE KEELEY**

