

20-2798510
Magnolia West

ORDINANCE NO. O-05-2005

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, STATE OF FLORIDA, ESTABLISHING THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2004); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Magnolia West, LLC ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, petitioned the City Council of the City of Green Cove Springs (the "City") to adopt an ordinance establishing the Magnolia West Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2004); and

WHEREAS, Petitioner is a Florida limited liability corporation, authorized to conduct business in the State of Florida; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on March 15, 2005; and

WHEREAS, upon consideration of the record established at that hearing, the City determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the 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, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute 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 COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA:

Section 1. The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

Section 2. AUTHORITY. This ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2004).

3
I hereby certify this document consisting of 3 pages and further identified as Ordinance O-05-2005 to be a true and correct copy of the original instrument of the City of Green Cove Springs, Clay County, Florida, on this 12th day of April, 2005.
By: Marjorie Robertson City Clerk
(Not valid without City Seal)

Section 3. DISTRICT NAME. There is hereby established a Community Development District situated entirely within the City of Green Cove Springs, Florida, which District shall be known as the "Magnolia West Community Development District".

Section 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall parcel containing 156.51 acres, more or less. There are no out parcels excluded within the external boundaries.

Section 5. FUNCTIONS AND POWERS. The general powers and functions of the District are described in Chapter 190, Florida Statutes. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses, as authorized and described in Section 190.012(2)(a), Florida Statutes (2004).

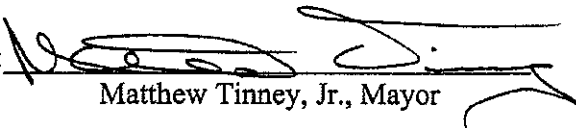
Section 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Mark A. Knowles, Beverly J. Holland, Curtis L. Hart, Ron Pinholster, and William Eugene Bundy. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof is finally determined by court of competent jurisdiction to be illegal, invalid or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid or unenforceable provision is not material to the logical and intended interpretation of this ordinance.


Section 8. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

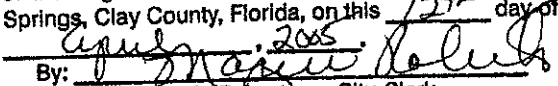
INTRODUCED AND PASSED AS TO FORM ONLY ON FIRST READING BY THE
CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ON THIS
15th DAY OF March, 2005.

CITY OF GREEN COVE SPRINGS, FLORIDA

BY: 
Matthew Tinney, Jr., Mayor

ATTEST:


Marjorie Robertson, City Clerk

I hereby certify this document consisting of 3
page(s) and further identified as Ordinance 05-2005
Page 2 to be a true and correct copy
of the original instrument of the City of Green Cove
Springs, Clay County, Florida, on this 12th day of
April, 2005.
By: 
Marjorie Robertson, City Clerk
(Not valid without City Seal)

PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF THE
CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 12th DAY OF April,
2005.

CITY OF GREEN COVE SPRINGS, FLORIDA

BY: [Signature]
Matthew Tinney, Jr., Mayor

ATTEST:

[Signature]
Marjorie Robertson, City Clerk

I hereby certify this document consisting of 3
page(s) and further identified as Ordinance 0-05-2005
page 3 to be a true and correct copy
of the original instrument of the City of Green Cove
Springs, Clay County, Florida, on this 12th day of
April, 2005.
By: [Signature]
Marjorie Robertson, City Clerk
(Not valid without City Seal)

BEFORE THE CITY OF GREEN COVE SPRINGS

IN RE: An Ordinance to Establish)
the Magnolia West)
Community Development District)
)
_____)

**PETITION TO ESTABLISH THE MAGNOLIA WEST COMMUNITY
DEVELOPMENT DISTRICT**

Petitioner, Magnolia West, LLC (hereinafter "Petitioner"), hereby petitions the City of Green Cove Springs (the "City"), Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("CDD" or "District") with respect to the land described herein. In support of this Petition, Petitioner states as follows:

1. Location and Size. The proposed CDD is located entirely within the City of Green Cove Springs and contains approximately 156.51 acres. Exhibit 1 depicts the general location of the project. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2.
2. Excluded Parcels. There are no out-parcels located within the external boundaries of the proposed District which are to be excluded from the District.
3. Landowner Consent. Petitioner either owns and has written consent to establish the District from 100% of the Landowners within the District. Documentation of ownership and consent to the establishment of a community development district by 100% of the Landowners is contained in Exhibit 3.

4. Name. The proposed name of the District to be established is the Magnolia West Community Development District.

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

Name: Mark A. Knowles
Address: 1443 Mallard Landing Blvd.
Jacksonville, Florida 32259

Name: Beverly J. Holland
Address: 2613 Canyon Falls Drive
Jacksonville, Florida 32224

Name: Curtis L. Hart
Address: 8051 Tara Lane
Jacksonville, Florida 32216

Name: Ron Pinholster
Address: 2955 Arapahoe Avenue
Jacksonville, FL 32210

Name: William Eugene Bundy
Address: 5426 South Bend Circle
Jacksonville, Florida 32207

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

6. Future Land Uses. The future general distribution, location and extent of the public and private land uses proposed within and adjacent to the District are shown on Exhibit 4. These proposed land uses are consistent with the effective local comprehensive plan.

7. Major Water, Wastewater and Drainage Facilities. There are no existing on-site major trunk mains or sewer interceptors. Exhibit 5 shows existing drainage outfalls for the lands within the District.

8. District Facilities and Services. The Petitioner presently intends for the District to participate in the acquisition and construction of certain infrastructure improvements which are described in Exhibit 6. These improvements are expected to be made from 2005 through 2008. 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.

9. Statement of Estimated Regulatory Costs. Exhibit 7 is the statement of estimated regulatory costs ("SERC"). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The authorized agent for the Petitioner is: See Exhibit 8 - Authorization of Agent. Copies of all correspondence and official notices should also be sent to:

Jonathan T. Johnson
HOPPING GREEN & SAMS, P.A.
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314

11. Petitioner has submitted the required filing fee of \$15,000 to the City of Green Cove Springs at time of submission of this Petition.

12. This petition to establish the Magnolia West Community Development District should be granted for the following reasons:

a. 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 effective State Comprehensive Plan or the local Comprehensive Plan.

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

c. The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The 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 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 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 District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District 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 to:

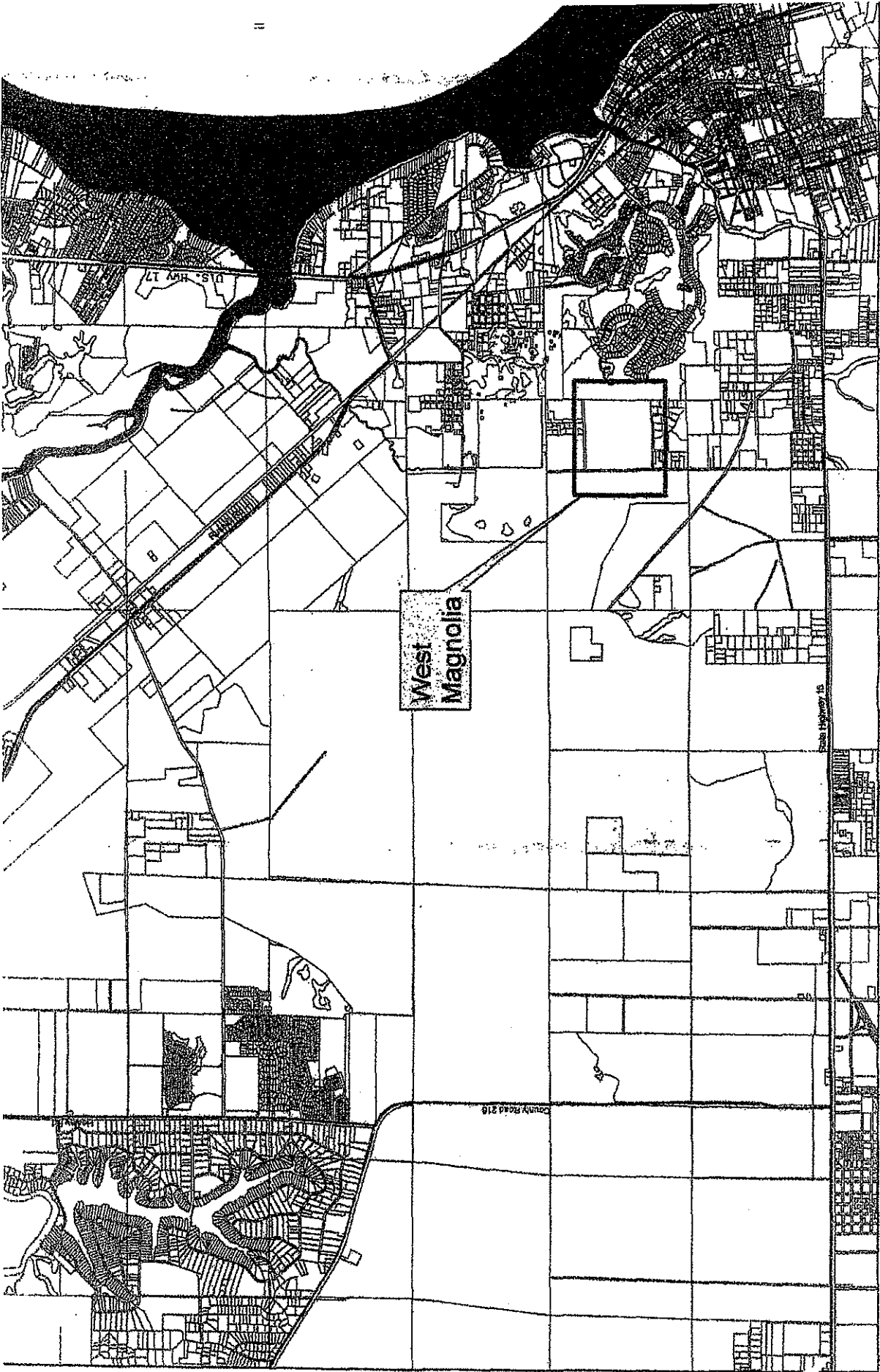
- A. Review the petition and hold a public hearing as required by Section 190.005, F.S.;
- B. Adopt an ordinance pursuant to Chapters 190, Florida Statutes, granting this Petition and establishing the Magnolia West Community Development District.

RESPECTFULLY SUBMITTED, this 28 day of January, 2005.

HOPPING GREEN & SAMS, P.A.

BY: 

Jonathan T. Johnson
Florida Bar No. 986460
123 South Calhoun Street
Post Office Box 6526
Tallahassee, FL 32314
(850) 222-7500 (telephone)
(850) 224-8551 (facsimile)
Attorneys for Petitioner



LEGAL DESCRIPTION

PARCEL 1

A PORTION OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE QUARTER, TOGETHER WITH A PORTION OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO C-315 (AN 80 FOOT RIGHT-OF-WAY PER RIGHT-OF-WAY MAP SECTION 71507-2601, CLARY RIGHT-OF-WAY MAP NUMBER 743), AND THE SOUTHERLY LINE OF SAID NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 5; THENCE NORTH $00^{\circ}24'23''$ WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1587.45 FEET; THENCE NORTH $89^{\circ}53'23''$ EAST, 2625.53 FEET TO THE EASTERLY LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 5; THENCE SOUTH $00^{\circ}19'31''$ EAST, ALONG LAST SAID LINE, AND ALONG THE EASTERLY LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 5, A DISTANCE OF 1587.44 FEET TO THE AFORESAID SOUTHERLY LINE OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 5; THENCE SOUTH $89^{\circ}53'23''$ WEST, ALONG LAST SAID LINE, 2623.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 95.64 ACRES, MORE OR LESS.

PARCEL 3

A PORTION OF THE SOUTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SECTION 5, TOWNSHIP 6 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 60.87 ACRES, MORE OR LESS.

Consent and Joinder of Landowners
for Establishment of Magnolia West Community Development District

The undersigned understands and acknowledges that Petitioner submitted a petition to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As an owner of lands that are intended to constitute the Magnolia West 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 Magnolia West Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Magnolia West Community Development District. A description of the lands owned by the undersigned and intended to be included in the Community Development District is more fully described in Exhibit "A" attached hereto and made a part hereof (the "Property").

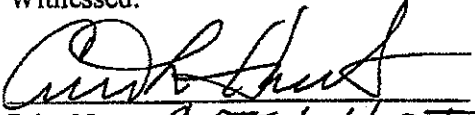
The undersigned hereby consents to the establishment of a Community Development District that will include the Property within the lands to be a part of the Magnolia West Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Magnolia West Community Development District.

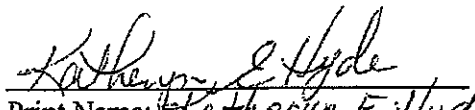
The undersigned acknowledges that the consent will remain in full force and effect until the Magnolia West Community Development District is established or three years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to establishment of the Magnolia West Community Development District in substantially this form.

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

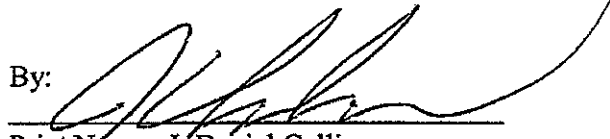
Executed this 27 day of December, 2004.

Witnessed:


Print Name: CARLOS L. HART


Print Name: Kathryn E. Hyde

By:


Print Name: J. Daniel Collins
As President of The Collins Group, Inc. as
Manager of Magnolia west LLC

STATE OF Florida
COUNTY OF Duval

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared J. Daniel Collins, President of The Collins Group, Inc., who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Duval and State of Florida
this 27 day of December, 2004.



Kathryn E Hyde
My Commission DD131784
Expires July 05, 2006

Kathryn E Hyde
Notary Public

Personally known: ☒
Produced Identification: _____
Type of Identification: _____

LEGAL DESCRIPTION

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Consent and Joinder of Landowners
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The undersigned understands and acknowledges that Petitioner submitted a petition to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As an owner of lands that are intended to constitute the Magnolia West 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 Magnolia West Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Magnolia West Community Development District. A description of the lands owned by the undersigned and intended to be included in the Community Development District is more fully described in Exhibit "A" attached hereto and made a part hereof (the "Property").

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 Magnolia West 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 Magnolia West Community Development District.


The undersigned acknowledges that the consent will remain in full force and effect until the Magnolia West Community Development District is established or three years from the date hereof, which ever shall first occur. 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 Petitioner, consent to establishment of the Magnolia West Community Development District in substantially this form.


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

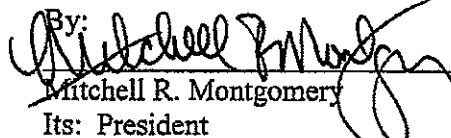
Executed this 30th day of December, 2004.

Witnessed:

Green Cove Springs Enterprises, LLC
By: Crestwood 315, Inc.
Its: Managing Member


Print Name: Christina E. Parrish


Print Name: Patsy A. Hite

By: 
Mitchell R. Montgomery
Its: President

STATE OF Florida
COUNTY OF Duval

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Mitchell R. Montgomery,
President of Crestwood 315, Inc., who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Duval and State of Florida
this 30th day of December, 2004.

CE Parrish
Notary Public

Personally known: ☒
Produced Identification: _____
Type of Identification: _____



LEGAL DESCRIPTION

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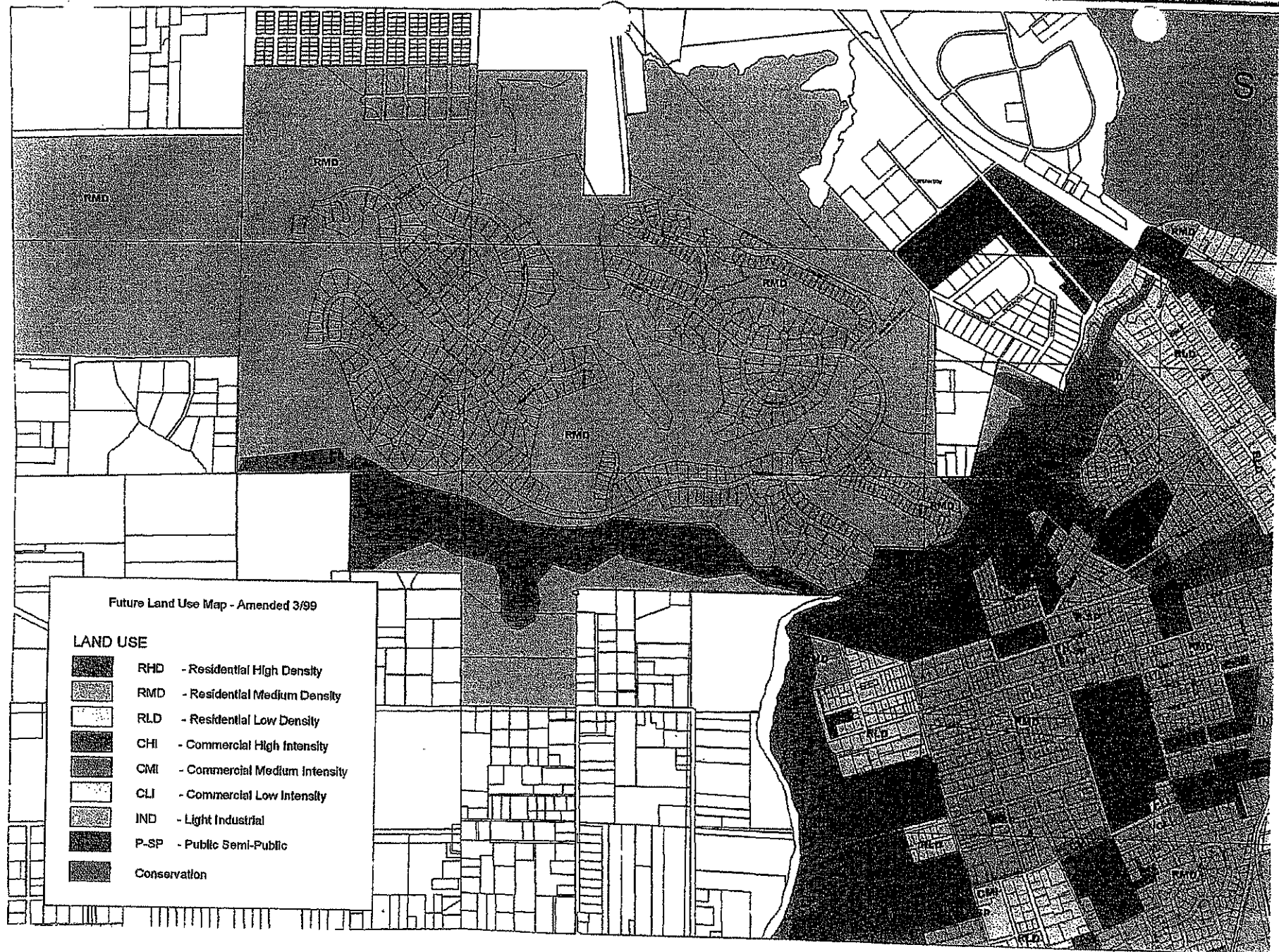
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CONTAINING 60.87 ACRES, MORE OR LESS.



MAGNOLIA WEST
Community Development District

Cost Estimate Sheet

Facility	Construction Cost	Ownership and Maintenance	Capital Financing
Roadways	3,938,594	City of Green Cove Springs	Special Assessment Bonds
Utilities	5,029,749	Clay County	Special Assessment Bonds
Amenity Center	1,500,000	CDD	Special Assessment Bonds

EXHIBIT "7"

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to form the **Magnolia West Community Development District** ("District"). The proposed District will comprise approximately 156.51 acres of land located within the City of Green Cove Springs in Clay County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002 (2) (d), F.S. (governing District formation or alteration) as follows:

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

1.2 Overview of the Magnolia West Community Development District

The proposed District will comprise of approximately 156.51 acres within the City of Green Cove Springs in Clay County, Florida. The District is designed to provide infrastructure, services, and facilities along with certain ongoing operations and maintenance of the Magnolia West development (the "Development"). The Development is planned for approximately 520 residential units.

A Community Development District ("CDD") is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD's provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure 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 police powers possessed by general purpose governments. A community development district is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as Magnolia West. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541 (2), F.S. (2004), defines the elements a statement of estimated regulatory costs must contain:

- (a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.
- (b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.
- (c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.
- (d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (The City of Green Cove Springs is not defined as a small city for purposes of this requirement.)
- (e) Any additional information that the agency determines may be useful.
- (f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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

As noted above, the Development is designed for up to approximately 520 residential units. Formation of the District would provide water and wastewater utilities, roadways including stormwater drainage, and an amenity center benefiting all of these residences through the proposed District facilities. It is not anticipated that anyone outside the Development would be affected by the rule creating the District, although the State of Florida and the County would be required to comply with the rule.

3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, or in the case of Districts under 1000 acres, an ordinance of the general purpose government establishing the District, and any anticipated effect on state and local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The District as proposed will encompass under 1,000 acres, therefore the City of Green Cove Springs is the establishing entity under 190.005 (1) F.S. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are 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 189.412, F.S., the proposed district must pay an annual fee to the State of Florida Department of Community Affairs, which offsets such costs.

City of Green Cove Springs

The proposed land for the District is located within the City of Green Cove Springs in Clay County, Florida and consists of less than 1,000 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. The costs to review the record of the local hearing, the transcript of the hearing, and the resolutions adopted by the local general-purpose government will be offset by the filing fee of \$15,000.00 required under 190.005 (1), F.S.

These costs to the County are modest for a number of reasons. First, according to Chapter 190, F.S., review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides the information needed for a staff review. Third, local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by the required filing fee. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the City, because of the establishment of the District, are also very small. The proposed 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.

3.2 Impact on State and Local Revenues

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

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

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. The water and wastewater utilities, roadways, stormwater drainage, and an amenity center will be funded by the District. The District funded water distribution and wastewater collection system to be owned and maintained by the Clay County. The District will also fund an amenity center required for the development of this community.

**Table 1. Magnolia West Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED BY	O&M	OWNERSHIP
Utilities	CDD	COUNTY	COUNTY
Roadways	CDD	CITY	CITY
Stormwater Management System	CDD	CITY	CITY
Amenity Center	CDD	CDD	CDD

CDD=Magnolia West Community Development District; COUNTY=Clay County;
CITY = City of Green Cove Springs

The petitioner has estimated the design and development costs for providing the capital facilities as outlined in Table 1. The cost estimates are shown in Table 2 below. Total design and development costs for these facilities are estimated to be approximately \$10,468,343. The District may issue special assessment or other revenue bonds to fund the development of these facilities. These bonds would be repaid through non ad valorem assessments levied on all properties in the District that may benefit from the District's capital improvement program as outlined in Table 2.

Prospective future landowners in the Development may be required to pay non ad valorem assessments levied by the District to secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments 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, locating in the District by new residents is completely voluntary. So, ultimately, all owners and users 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 seller to all prospective purchasers of property within the District.

Table 2. Cost Estimate for District Facilities

CATEGORY	COST
Roadways	\$ 3,938,594
Utilities	\$ 5,029,749
Amenity Center	<u>\$ 1,500,000</u>
Total Estimated Infrastructure Costs	\$10,468,343

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

There will be little impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid all of its contracts. This affords small businesses the opportunity to bid on District work.

The City of Green Cove Springs has an estimated population greater than 25,000 according to the most recent decennial census. Therefore the City is not defined as a "small" city according to Section 120.52, F.S.

6.0 Any additional useful information.

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

Prepared by: Rhonda K. Archer
Severn Trent Environmental Services, Inc.
January 27, 2005

APPENDIX A

**REPORTING REQUIREMENTS FOR
SPECIAL DISTRICTS**

AUDITOR GENERAL, LOCAL GOVERNMENT SECTION

Room 401, Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida 32399-1450

<p>Annual Financial Audit Report</p>	<p>Section 218.39, F.S. Chapter 10.550, Rules of the Auditor General. Handbook Section 2 - 4</p>	<p>All special districts with either revenues or expenditures of more than \$100,000.</p> <p>All special districts with revenues or expenditures/expenses between \$50,000 and \$100,000 that have not been subjected to a financial audit for the two preceding years.</p> <p>A dependent special district that is a component unit of a county or municipality may provide for an annual financial audit by being included in the audit of that county or municipality. In such instances, that audit report must clearly state that the special district is a component unit of the county or municipality.</p>	<p>Annually within 45 days after delivery of the audit report to the governmental entity, but no later than 12 months after fiscal year end. Two copies of the annual financial audit report must be submitted to the Auditor General.</p>
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Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
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DEPARTMENT OF COMMUNITY AFFAIRS, SPECIAL DISTRICT INFORMATION PROGRAM
2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Creation Documents and Amendments, including Codified Act, if applicable	Section 189.418, F.S. Handbook Section 1-4	All special districts.	Within 30 days after adoption/approval.
Dissolution Documents	Section 189.4042, F.S. Handbook Section 1-4	All special districts.	Within 30 days of the dissolution effective date.
Merger Documents	Section 189.418, F.S. Section 189.4042, F.S. Handbook Section 1-4	All special districts.	Within 30 days of the merger's effective date.
Special District Map and Amendments	Section 189.418, F.S. Handbook Section 1-4	All special districts.	Within 30 days after adoption/approval.
Special District Fee Invoice (\$175.00) and Update Form	Section 189.427, F.S. Rule 9B-50.003, F.A.C. Handbook Section 1-3	All special districts.	Annually, by the due date on the Form (sent to all special districts around October 1).
Registered Agent and Office Initial Designation	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1-4	All special districts.	Within 30 days after the first governing board meeting.
Registered Agent and Office Changes	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1-4	All special districts.	Upon making the change.
Disclosure of Public Financing	Section 190.009, F.S.	All Community Development Districts	At all times public financing is imposed.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<p align="center">DEPARTMENT OF FINANCIAL SERVICES, BUREAU OF ACCOUNTING 200 East Gaines Street, Tallahassee, Florida 32399-0354</p>			
Annual Financial Report with a copy of the Annual Financial Audit Report attached, if required	Section 189.418, F.S. Section 218.31, F.S. Section 218.32, F.S. Handbook Section 2-3	All independent special districts, All dependent special districts that are not component units of a local governmental entity.	Annually within 12 months of fiscal year end (9/30) and 45 days of audit completion. If no audit is required, file by April 30.
<p align="center">DEPARTMENT OF FINANCIAL SERVICES, BUREAU OF COLLATERAL MANAGEMENT 200 East Gaines Street, Tallahassee, Florida 32399-0345</p>			
Public Depositor Annual Report to the Chief Financial Officer (Form DI4-1009)	Section 280.17, F.S. Section 4C-2.032, F.A.C. Handbook Section 3-5	All special districts.	Annually by November 30.
Proof of Authority to Execute Form DI4-1009	Section 4C-2.032, F.A.C. Handbook Section 3-5	All special districts.	Annually by November 30, attached to above report.
Public Deposit Identification and Acknowledgement Form (Form DI4-1295)	Section 4C-2.032, F.A.C. Handbook Section 3-5	All special districts.	Execute at the time of opening the account and keep on file. Submit only in case of default of the qualified public depository.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
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<p align="center">DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF RETIREMENT Bureau of Local Retirement Systems, Cedars Executive Center, Building C, 2639-C North Monroe Street, Tallahassee, Florida 32399-1560</p>			
Actuarial Impact Statement for Proposed Plan Amendments	Section 112.63, F.S. Rule Chapter 60T-1.001, F.A.C. Handbook Section 2-6	Any special district proposing benefit changes to its defined benefit retirement plan.	When considering plan changes.
Defined Contribution Report	Section 112.63, F.S. Rule Chapter 60T-1.004, F.A.C. Handbook Section 2-6	Special districts with defined contribution plans.	Within 60 days of the reporting period's ending date.
Actuarial Valuation Report	Section 112.63, F.S. Rule Chapter 60T-1, F.A.C. Handbook Section 2-6	Special districts with defined benefit retirement plans.	At least every three years, within 60 days of completion.
<p align="center">DEPARTMENT OF REVENUE, PROPERTY TAX ADMINISTRATION PROGRAM, TRIM COMPLIANCE SECTION P.O. Box 3000, Tallahassee, Florida 32315-3000</p>			
Truth-in-Millage Form DR421	Section 200.068, F.S. Handbook Section 3-3	Special districts that can levy taxes but will not do so during the year.	Annually by November 1.
Truth-in-Millage Compliance Package Report	Section 200.068, F.S. Handbook Section 3-3	Special districts levying property taxes.	No later than 30 days following the adoption of the property tax levy ordinance/resolution.
<p align="center">DEPARTMENT OF STATE Division of Elections, Room L66, Collins Building, 107 West Gaines Street Tallahassee, Florida 32399-0250</p>			
Quarterly Gift Disclosure (Form 9)	112.3148, F.A. Handbook Section 3-1	Everyone required to file Form 1, receiving a gift worth over \$100, unless the person did not receive any gifts during the calendar quarter.	By the last date of the calendar quarter following any calendar quarter in which a reportable gift was received.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
<p align="center">LEGISLATIVE PRESIDENT OF THE SENATE (Florida Capitol, Suite 409, Tallahassee, Florida 32399-1100) SPEAKER OF THE HOUSE OF REPRESENTATIVES (Florida Capitol, Suite 420, Tallahassee, Florida 32399-1300) and <i>Each Appropriate Standing Committee of the Legislature</i></p>			
Agency Rule Report	Section 120.74, F.S. Handbook Section 1-4	Certain Special Districts with adopted rules (see Handbook Section 1-4).	Initial by October 1, 1997, then by October 1 of every year thereafter.
<p align="center">SPECIAL DISTRICT'S FINANCIAL RECORDS If requested, provide a copy to the Department of Financial Services, the Auditor General, and/or the Legislative Auditing Committee.</p>			
Annual Financial Statements	Section 218.321, F.S. Handbook Section 2-2	All special districts that are not component units of a municipality or county.	Complete before completing the audit. If no audit is required, complete within 12 months after the end of the fiscal year.
<p align="center">SPECIAL DISTRICT'S GOVERNING BOARD MEETING MINUTE RECORDER</p>			
Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers (Form 8B)	Section 112.3134, F.S. Handbook Section 3-1	Special District Local Officers with Voting Conflicts.	Within 15 days after the vote occurs.
<p align="center">SPECIAL DISTRICT'S GOVERNING BOARD MEMBERS (EACH MEMBER)</p>			
Actuarial Valuation	See Department of Management Services, Division of Retirement.		
Annual Financial Audit Report	See Auditor General, Local Government Section.		

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
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SPECIAL DISTRICT'S LOCAL GENERAL-PURPOSE GOVERNMENTS (PLANNING DEPARTMENT) Each one in which the Special District is Located			
Public Facilities Initial Report	Section 163.3191, F.S. Section 189.415(2), F.S. Rule Chapter 9J-33, F.A.C. Handbook Section 1-6	Independent special districts (See Handbook Section 1-6).	Within one year of the special district's creation.
Public Facilities Annual Notice of Any Changes	Section 163.3191, F.S. Section 189.415(2), F.S. Rule Chapter 9J-33, F.A.C. Handbook Section 1-6	Independent special districts (See Handbook Section 1-6)	Annually. Contact each local general-purpose government for the due date.
Public Facilities Updated Report	Section 189.415(2)(a), F.S. Rule Chapter 9J-33, F.A.C. Handbook 1-6 Appendix B	Independent special districts (See Handbook Section 1-6).	Every five years, at least 12 months before the due date that each local general-purpose government must submit its Report to the Department of Community Affairs. See Appendix B.
SPECIAL DISTRICT'S LOCAL GOVERNING AUTHORITY(IES) (If municipality, file at the place they designate; if county(ies), file with the (each) clerk of the board of county commissioners)			
Budget or Tax Levy	Section 189.418, F.S. Handbook Section 2-2	All special districts.	If requested, provide to the local governing authority within the district's boundaries.
Proposed Annual Budget	Section 190.008, F.S.	All Community Development Districts	At least 60 days prior to adoption.
Registered Agent and Office Initial Designation	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1-4	All special districts.	Within 30 days after the first governing board meeting.
Registered Agent and Office Changes	Section 189.416, F.S. Section 189.418, F.S. Handbook Section 1-4	All special districts.	Upon making the change.
Regular Public Meeting Schedule	Section 189.417, F.S. Section 189.418, F.S. Handbook Section 3-2	All special districts.	Quarterly, semiannually, or annually.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
SPECIAL DISTRICT'S LOCAL LEGISLATIVE DELEGATION			
Draft Codified Charter as a Local Bill	Section 189.429, F.S. Handbook Section 1-4	All special districts with more than one Special Act.	December 1, 2004
SPECIAL DISTRICT'S RESIDENTS AND PROSPECTIVE RESIDENTS AND RESIDENTIAL DEVELOPERS (GIVE SUFFICIENT NUMBER OF COPIES TO THE DEVELOPERS FOR DISTRIBUTION TO EACH PROSPECTIVE INITIAL PURCHASER OF PROPERTY)			
Disclosure of Public Financing	Section 190.009, F.S.	All Community Development Districts	At all times public financing is imposed.
STATE BOARD OF ADMINISTRATION, FINANCIAL OPERATIONS 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308			
Investment Pool Systems Input Documentation	Handbook Section 3-6	All special districts investing funds with the State Board of Administration or Local Government Trust Fund.	At the time of making any changes or updates to the account.
Resolution for Investment of Surplus Funds	Section 218.407, F.S. Handbook Section 3-6	All special districts investing funds with the State Board of Administration or Local Government Surplus Funds Trust Fund.	At the time of investing surplus funds.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
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STATE BOARD OF ADMINISTRATION, DIVISION OF BOND FINANCE 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308			
Advance Notice of Bond Sale	Section 218.38, F.S. Handbook Section 2-5	All special districts as applicable.	Before selling certain general obligation bonds & revenue bonds or closing on any similar long-term debt instruments.
Bond Information Form/Bond Disclosure Form (BF2003/2004A&B)	Section 189.418, F.S. Section 218.38, F.S. Handbook Section 2-5	All special districts as applicable. New bond issues only.	Within 120 days after delivery of general obligation bonds and revenue bonds.
Bond Verification Form (BF2005)	Handbook Section 2-5	All special districts as applicable.	Within 45 days of the Division of Bond Finance's request.
Complaint for Validation of Bonds	Section 75.05(3), F.S. Handbook Section 2-5	All independent special districts.	At time court issues validation order.
Final Official Statement (Bonds)	Section 218.38, F.S. Handbook Section 2-5	All special districts as applicable.	Within 120 days after delivery of the bonds, if prepared.
IRS Form 8038 (Bonds)	Section 159.345(1), F.S. Section 159.475(1), F.S. Section 159.7055, F.S. Handbook Section 2-5	Special districts issuing Industrial Development or Research and Development Bonds.	Submit with the Bond Information Form & Official Statement, if any is published.

Submission Requirement	Statutory / Rule Reference	Applicable Special Districts	Due Date
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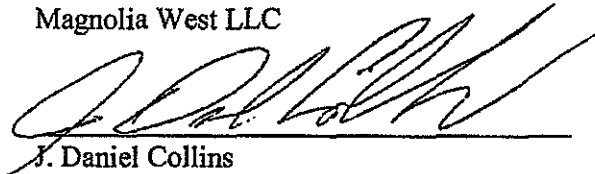
SUPERVISOR OF ELECTIONS (LOCAL) In the County of the Reporting Person's Permanent Residence			
Statement of Financial Interests (Form 1)	Section 112.3145, F.S. Handbook Section 3-1	All "special district local officers" appointed to a special district or special district's board.	Within 30 days of accepting the appointment, then every year thereafter by July 1.
Statement of Financial Interests (Form 1)	Section 112.3145, F.S. Handbook Section 3-1	All "special district local officers" elected to a special district's board.	During the qualifying period, then every year thereafter by July 1.
Final Statement of Financial Interests (Form 1F)	Section 112.3145, F.S. Handbook Section 3-1	All "special district local officers" who are required to file Form 1 and are leaving a position.	Within 60 days of leaving public position.
Quarterly Client Disclosure (Form 2)	Section 112.3145(4), F.S. Handbook Section 3-1	Certain special district local officers, depending upon their position, business or interests (See Handbook Section 3-1).	No later than the last day of the calendar quarter following the calendar quarter during which the representation was made.
Annual Disclosure of Gifts from Governmental Entities and Direct Support Organization and Honorarium Event Related Expenses (Form 10)	Section 112.3148, F.S. Section 112.3149, F.S. Handbook Section 3-1	All special districts local officers who file Form 1 and who receive a reportable gift or expense.	Annually by July 1.
Interest in Competitive Bid for Public Business (Form 3A)	Section 112.313(12)(3), F.S. Handbook Section 3-1	Certain special districts local officers (See Handbook Section 3-1).	Before or at the time of the submission of the bid.

Authorization of Agent

This letter shall serve as a designation of J. Daniel Collins to act as agent for Magnolia West LLC, with regard to any and all matters pertaining to the Petition to the City of Green Cove Springs, Florida to establish a Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

Magnolia West LLC

DATE: 12/27/04



J. Daniel Collins
As President of The Collins Group, Inc. as
Manager of Magnolia West LLC

STATE OF Florida

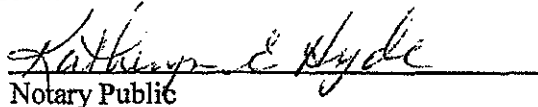
COUNTY OF Duval

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared J. Daniel Collins, As President of The Collins Group, Inc who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of Duval and State of Florida this 27 day of December, 2004.



Kathryn E Hyde
My Commission DD131784
Expires July 05, 2008


Notary Public

Personally known: ✓
Produced Identification: _____
Type of Identification: _____