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Upon Recording, Return to:  
City of Tampa  
Office of the City Clerk  
315 East Kennedy Blvd, 3<sup>rd</sup> Floor  
Tampa, FL 33602  
Tel: 813-274-8397

Hammocks CDD

ORDINANCE 2005- 112

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, ESTABLISHING THE HAMMOCKS COMMUNITY DEVELOPMENT DISTRICT (A COMMUNITY OF APPROXIMATELY 500 RESIDENTIAL UNITS) WITHIN A PARCEL OF LAND LYING IN SECTIONS 1 AND 2, TOWNSHIP 27 SOUTH, RANGE 19 EAST (COMPRISING 100.83 ACRES MORE OR LESS, GENERALLY LOCATED ONE MILE EAST OF I-75 ON COUNTY LINE ROAD, LYING EAST OF AND ABUTTING THE GRAND HAMPTON COMMUNITY DEVELOPMENT DISTRICT) ENTIRELY WITHIN THE BOUNDARIES OF THE CITY OF TAMPA, HILLSBOROUGH COUNTY, FLORIDA, THE SAME BEING MORE PARTICULARLY DESCRIBED IN SECTION 2 HEREOF) PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bruce B. Downs Partners, LLC, (the "Petitioner") has submitted a petition with the City Council of the City of Tampa, Florida (the "City") pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to adopt an ordinance to establish the Hammocks Community Development District ("CDD"), and designating the land area for which the CDD would manage and finance the delivery of basic infrastructure services; and

WHEREAS, pursuant to Chapter 190 Florida Statutes the City conducted a public hearing to consider oral and written comments on the petition; and

WHEREAS, the proposed District complies with the requirements of law, is in the best interest and promotes the health, safety and welfare of the citizens of the City of Tampa;

Certified as true  
and correct.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the recitals above are hereby incorporated as if fully set forth herein.

Section 2. That the Hammocks Community Development District is hereby authorized and established, the administration of which shall be subject to the provisions of Chapter 190 Florida Statutes, as amended from time to time; and, the boundaries of which are more particularly described in Exhibit "A" attached hereto.

Section 3. That the five (5) initial members of the Board of Supervisors are:  
(a) Jan Ickovic, Transeastern Homes, 3300 University Drive, Coral Springs, FL 33065  
(b) Robert Krieff, Transeastern Homes, 20104 Bluff Oak Blvd., Tampa, FL 33647  
(c) Neil Eisner, Transeastern Homes, 3300 University Drive, Coral Springs, FL 33065  
(d) Mark Newton, Transeastern Homes, 20529 Bruce B. Downs Blvd., Tampa, FL 33615  
(e) John Tyler, Transeastern Homes, 11500 Old Tampa Bay Drive, San Antonio, FL 33576

Section 4. That all statements contained within the petition have been found to be true and correct and that Petitioner's compliance with those statements summarized by Mrs. Susan Johnson in the memo of 2/16/2005 on file with the Land Development Coordination office of the City of Tampa titled "The Hammocks CDD Response to the City of Tampa", a copy of which is attached hereto, are hereby adopted as conditions of approval.

Section 5. That establishment of the District is consistent with the applicable elements and portions of the state comprehensive plan and the effective City of Tampa comprehensive plan.

Section 6. That the area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

Section 7. That the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

Section 8. That the community development services and facilities of the District will be compatible with the capacity and uses of existing local and regional community development services and facilities.

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Section 9. That the area that will be served by the district is amenable to separate special-district government.

Section 10. That if any section, subsection, sentence, clause, provision, or part of this ordinance shall be invalid for any reason, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 11. That the Petitioner shall file a certified copy of this Ordinance with the Secretary of State of the State of Florida and forward acknowledgement to the City Clerk that a copy of the Ordinance has been duly filed. Upon receipt of the acknowledgment from Petitioner, the City Clerk shall certify and record a copy of this Ordinance in the Office of the Clerk of the Circuit Court of Hillsborough County, Florida. This ordinance shall be effective immediately upon recording with the Clerk of the Circuit Court of Hillsborough County, Florida.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON APR 28 2005

ATTEST:

CITY COUNCIL:

*Shirley J. Knowles*

*Everdelyn M. Miller*

City Clerk

Chairperson/Chairperson Pro-Tem

PREPARED BY & APPROVED AS TO FORM

APPROVED by me on MAY 03 2005

*Rolando J. Santiago, Esq.*  
Assistant City Attorney

*Pam Iorio*  
Pam Iorio, Mayor

State of Florida  
County of Hillsborough  
This is to certify that the foregoing is a true and correct copy of Ordinance 2005-112 on file on my office  
Witness my hand and official seal this 4<sup>th</sup> day of May, 2005  
*Shirley J. Knowles*  
CITY CLERK / DEPUTY CITY CLERK

## The Hammocks CDD Response to The City of Tampa

### Comments by Susan Johnson, City of Tampa 2/16/05:

1. Why is there a separate CDD petition for the Hammocks when there is an existing Grand Hampton CDD in place?

**Petitioners Response:** The purchase agreement between Bruce B. Downs Partners and the developer of Grand Hampton specifically separates the two communities thereby denying the Hammocks residents of any use of the CDD facilities, amenities etc. in the Grand Hampton CDD. Additionally there is no vehicular or pedestrian access to Grand Hampton from the Hammocks. With this in mind a separate CDD is being created for the benefit of The Hammocks residents.

2. Royal Hampton Boulevard, which is the primary access for the Hammocks, is partially off site. Is this to be a CDD owned and maintained roadway? Can CDD funds be used to construct infrastructure outside of the CDD properties?

**Petitioners Response:** The offsite portion will be dedicated to Hillsborough County. The onsite portion will be dedicated to the City of Tampa. CDD funds may be used to construct infrastructure outside of the CDD boundaries pursuant to Section 190.012(1)(g), Fla. Statutes.

3. Will the CDD own and maintain all common infrastructure as well as common open space, including but not limited to, preserved upland habitat, forested wetland and wetland conservations areas?

**Petitioners Response:** The CDD will own and maintain preserved upland habitat, forested wetlands, wetland conservations areas and the stormwater ponds. All other common areas and amenities will be owned by the HOA.

4. Exhibit G, Sections 1.3 (D) has a reference to Leesburg. Pl. correct. See corrected copies of Statement of Estimated Regulatory Costs.

**Petitioners Response:** The reference has been deleted. See the Revised Statement of Estimated Regulatory Costs which is attached.

5. It appears that Royal Hampton Boulevard will serve residents other than Hammocks residents. Also, will Royal Hampton be extended southward to the adjoining site?

**Petitioners Response:** As noted above, Royal Hampton Blvd. will be a public road. It will at some point extend to the adjoining property south of The Hammocks.

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and correct copy

Table I depicts roadways, signage and sidewalks to be owned by the CDD, City and County. Please detail the ownership of specific facilities and the responsibilities of each.

**Petitioners Response:** See Table 1 in the Revised Statement of Estimated Regulatory Costs which is attached.

**Comments by Susan Johnson, City of Tampa 2/18/05:**

1. Specify what facilities will be CDD owned and maintained and whether Royal Hampton Blvd. will be among the CDD facilities. Specifically address whether the assessments for 500 units, what is the amount proposed, can adequately maintain the large amount of common area, roads, sidewalks and street lights as well as drainage ponds, conservation area's and upland habitat, as well as pay bondholders. What is the anticipated assessments per units, once infrastructure construction is completed while factoring in maintenance and administrative costs?

**Petitioners Response:** See Table 1 in the Revised Statement of Estimated Regulatory Costs which is attached. Maintenance assessments are estimated at \$325/year per unit on average. Long term capital assessments are estimated at \$500/year per unit on average. Both amounts are consistent with other town home communities in New Tampa.

**Comments by Mahdi Mansour, Chief Transportation Planning Engineer:**

1. The CDD document does not include streetlights installation and maintenance. This item should be the responsibility of the CDD. Also is the CDD responsible for the maintenance of the guardhouse/gate?

**Petitioners Response to Mahdi Mansour Comments:**

The CDD will lease street lights from TECO and include these expenses in the annual maintenance assessment to the residents. There are no guard houses planned for The Hammocks. The entry gates maintenance costs will be paid for by The Hammocks HOA.

**Comments by Ruben Flores, Urban Planner II, City of Tampa:**

1. The Hammocks Community Development District petition, submitted by Akerman-Senterfitt Attorneys at Law in representation of the petitioner Bruce B. Downs Partners, LLC, does not present changes in density, future land use designations, or level of service for public services. As a result, The Hammocks

Community Development District petition, as submitted by the petitioner to the City of Tampa, does not present compatibility issues with the City of Tampa Comprehensive Plan.

**Petitioners Response to Ruben Flores Comments:**

We concur with Mr. Flores comments.

**Comments by Manuel Zambrano:**

I have no comments for the proposal as presented. If any additional information is needed, please call me at 259-1785.

**Petitioners Response to Manuel Zambrano:**

None required.

**Comments by Charlie Lynch, The City of Tampa Wastewater Department:**

The Wastewater Department has reviewed the petition to establish a Community Development District for the Hammocks Development and has no objections.

**Petitioners Response to Charlie Lynch:**

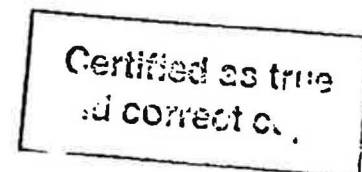
None required.

**Comments by S. M. Hodge, Inspector Tampa Fire/Rescue Fire Prevention Bureau:**

As a representative of the City of Tampa Fire Rescue, a review of this project brings up a problem with Fire protection for the areas. The State of Florida has mandated that the NFPA #1(2003) is the adopted code at this time. Chapter 15, Planned Building Groups, requires compliance with NFPA 1141, Standard for Fire Protection Planned Building Groups. Plans for the planned building groups shall be submitted to the City of Tampa Fire Rescue for review and approval.

**Petitioners Response to Comments by S. M. Hodge:**

This project shall be submitted for building separation review as part of the normal application process for new communities.





**Comments by Bill Ryan, Assistant Fire Marshal:**

Tampa Fire Rescue has had the opportunity to review the Hammocks CDD. The site where the development is falls within Tampa Fire Rescue's service delivery area. The fire station at Green Pine Lane and Cross Creek currently provides service to this area. Existing response time is high to this area due to distances from the station to the area. Access to the areas will be improved when the community to the south is completed and the roadways are contiguous.

Consideration in obtaining property in the northwest section of the New Tampa Area for a future fire station facility has been discussed.

**Petitioners Response to Comments by Bill Ryan:**

No additional fire infrastructure was required when The Hammocks project was submitted for review.

**Comments by Wanda Shay, City of Tampa Solid Waste Department:**

Per the review criteria noted on the letter dated 12/21/04 to you from Rolando Santiago I render on behalf of the Solid Water Departments "no objection" to the establishment of the Community Development District for The Hammocks.

**Petitioners Response to Comments by Wanda Shay:**

None required.

**Comments by Stevan Seachrist, City of Tampa Stormwater Department:**

The Stormwater Department has reviewed the Subject CDD petition in light of the CDD Review Criteria provide by Mr. Santiago.

Of course, several of these criteria do not directly apply to Stormwater Infrastructure. But given that the proposed stormwater drainage system is similar in nature to most of the New Tampa Area systems consisting of storm pipes draining to ponds and then wetlands and other natural systems, construction and maintenance experiences are well established and have been generally positive: 1.) The statements in the petition pertaining to Stormwater appear to be true and correct, 2.) The proposal is not inconsistent with the Stormwater comp plan element, 3.) The drainage system lends itself to maintenance by a CDD, 4.) the CDD is preferable to City maintenance, 5.) the CDD Stormwater Department cannot surmise whether the area will be amenable to separate special-district government, but the level of stormwater maintenance typically provided by CDD's is aesthetically more desirable.

**Petitioners Response to Comments by Stevan Seachrist:**

We concur with the comments.

**Comments by Karen Palus, Director Tampa Parks and Recreation Department:**

The subject petition has not specifically reference significant wildlife habitat (SWH) located within the CDD area, nor the maintenance and funding responsibility for the management plan. Please clarify intent of this document in relation to overall managing entity for SWH.

**Petitioners Response to Comments by Karen Palus:**

The CDD will own and maintain preserved upland habitat, forested wetlands, significant wildlife habitat (SWH), wetland conservations areas and stormwater retention ponds. All other common areas and amenities will be owned by the HOA.

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**EXHIBIT "G"****REVISED  
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 **Hammocks Community Development District ("District")**. The proposed District will comprise approximately 100.83 acres of land located within the municipal limits of the City of Tampa, in Hillsborough 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 Hammocks Community Development District**

The proposed District will comprise approximately 100.83 acres within the City of Tampa in Hillsborough County, Florida. The proposed District is designed to provide infrastructure, services, and facilities along with certain ongoing operations and maintenance to the Hammocks development (the "Development"). The Development is planned for approximately 500 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. CDDs 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, e.g., the city in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as The Hammocks. 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. (2002), 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. Tampa 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.

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**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 approved for up to 500 residential units and currently expects to develop approximately 500 residential units. Formation of the District would provide roadways, signage and sidewalks, landscaping and irrigation system, water, sewer and other public utilities, and a storm water management system to 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 City 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 the proposed formation of the District. The District as proposed will encompass under 1,000 acres, therefore, the City is the establishing entity under 190.005 (1) F.S. The modest costs to various State entities to implement 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 very small 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, the District has agreed to reimburse the City of Tampa for their reasonable legal fees and costs, which offsets such costs.

City of Tampa

The proposed land for the District is within the City of Tampa, Florida (the "City") and consists of less than 1,000 acres. The City and its staff will 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 required under 190.005 (1), F.S.

These costs to the City 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 Development itself. Second, the petition itself provides much of 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 previously referenced costs reimbursement agreement. 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 CDD.

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 ordinance creating the CDD 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 Hammocks 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 roadways, signage and sidewalks, landscaping and irrigation system, water, sewer and other public utilities, and a storm water management system, as described in Table 1, will be funded by the District.

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**Table 1. The Hammocks Community Development District  
Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>O&amp;M</b>	<b>OWNERSHIP</b>
Water & Sanitary Sewer Facilities	CDD	CITY	CITY
Collector Roadways	CDD	CDD, CITY & COUNTY	CDD, CITY & COUNTY
Internal Roadways	DEV	HOA	HOA
Conservation & Mitigation	CDD	CDD	CDD
Amenities & Recreation	DEV	HOA	HOA
Entry Road Landscaping & Irrigation	CDD	CDD	CITY & COUNTY
Interior Landscaping & Irrigation	DEV	HOA	HOA
Stormwater System	CDD	CDD	CDD

CDD = Community Development District; CITY = City of Tampa; COUNTY = Hillsborough County; DEV = Developer; HOA = Homeowners Association

The petitioner has estimated the design and development costs for providing the capital facilities to be provided by the District, 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 \$9,855,000. 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

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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.

A CDD provides the property owners with the option of having higher levels of facilities and services financed through self-imposed charges. 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 service taxing unit (MSTU), a neighborhood association, City/County provision, or through developer equity and/or bank loans.

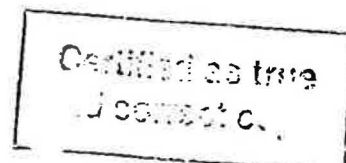
In considering these costs it shall be noted that occupants of the lands to be included within the Development will receive three major classes of benefits.

First, those residents and businesses in the Development will receive a higher level of public services sooner than would otherwise be the case.

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

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, as applicable, to determine the type, quality and expense of the District services they receive, provided they meet the City's overall requirements.

The cost impact on the ultimate landowners in the Development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative financing mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.





**Table 2. Cost Estimate for District Facilities**

CATEGORY	COST
Earthwork	\$1,900,000
Roadways, Signage & Sidewalks	\$2,325,000
Water, Sewer & Stormwater Utilities	\$2,550,000
Amenities & Recreation	\$ 900,000
Entry Walls, Common Areas, Landscaping	\$1,100,000
Other Public Utilities	\$ 250,000
Engineering, Permitting & Contingency	\$ 830,000
<b>GRAND TOTAL</b>	<b>\$9,855,000</b>

**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 has an estimated population that is greater than 10,000 according to the Hillsborough County Chamber of Commerce Website, 2000 U.S. 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:  
Severn Trent Services, Inc.  
October 6, 2004

Certified as true  
and correct copy

**APPENDIX A**

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and correct copy