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MEMORANDUM

DATE: April 7, 2020

TO: City Council

FROM: R. David Jackson, Assistant City Attorney

THROUGH: Kelly M. Fernandez, City Attorney

SUBJECT: Establishment of Laurel Road Community Development District – City of Venice Ordinance No. 2020-13

The City of Venice has received a petition from Border Road Investments, LLC (the "Petitioner"), owners of approximately 299.286 contiguous acres of land generally located to the northeast of Interstate 75, to the south of Laurel Road East, and to the north of Border Road (the "Property"), to establish the Laurel Road Community Development District (the "CDD"), pursuant to the Uniform Community Development District Act of 1980, and Chapter 190, Florida Statutes. As discussed herein, the original name proposed for the CDD, as set forth in the amended and restated petition, was the "Gulf Coast Community Development District;" however, the Petitioner has subsequently requested to change the name of the proposed district to the "Laurel Road Community Development District." The amended and restated petition filed by the Petitioner to establish the CDD, as supplemented by the Petitioner (the "Petition"), is attached as Exhibit "A" to proposed Ordinance No. 2020-13, establishing the CDD. Establishment of the CDD will require two readings of proposed Ordinance No. 2020-13.

Under the Uniform Community Development District Act of 1980, a community development district is defined as:

> a local unit of special-purpose government which is created pursuant to this act and limited to the performance of those specialized functions authorized by this act; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.
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> Section 190.003(6), Florida Statutes (F.S).

Pursuant to Section 190.005(2)(e), F.S., the City Council shall conduct a public hearing on a petition to establish a community development district and consider the record of the public hearing and the following factors in making its determination whether to grant or deny the petition:

> 1. Whether all statements contained within the petition have been found to be true and correct.
> 2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
> 3. Whether 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.
> 4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
> 5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
> 6. Whether the area that will be served by the district is amenable to separate special-district government.
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> Section 190.005(1)(e), F.S.

The Property for the proposed CDD is located entirely within the limits of the City of Venice. The specific boundaries of the Property to comprise the proposed CDD are shown in Exhibit "1" to the Petition (Project Location Map) and Exhibit "2" to the Petition (Metes and Bounds Legal Description.

The Petitioner is the only owner of the Property for the proposed CDD and the Petitioner has further provided written consent to establish the proposed CDD. In addition, the Petitioner has designated the five persons to serve as the proposed CDD's initial members of the CDD's Board of Supervisors. The Petition also includes an existing utility and outfall map, a proposed infrastructure construction cost estimate and timetable, a copy of the comprehensive plan future land use map for the Property, and a statement of estimated regulatory costs/economic impact statement, as required pursuant to Section 190.005, Florida Statutes, for a petition to establish a community development district.

Originally, the Petitioner requested to name the proposed community development district the Gulf Coast Community Development District; however, the Gulf Coast Community Foundation raised concerns related to the proposed name. Accordingly, the Petitioner submitted supplemental documentation (included as part of the Petition) to formally request that the name of the proposed CDD be changed to the Laurel Road Community Development District. The proposed ordinance reflects the name change to the Laurel Road Community Development District, as requested.

The Petition to establish the Laurel Road Community Development District satisfies all statutory requirements. Further, City staff has reviewed the Petition and there are no outstanding technical or legal issues that would prevent City Council from taking action on the Petition as set forth in proposed Ordinance No. 2020-13.