

ORDINANCE NO. 08- 37

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING AND NAMING THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING STATUTORY PROVISIONS AND COMMITMENTS GOVERNING THE DISTRICT; PROVIDING FOR CONSENT TO SPECIAL POWERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Naples Reserve, LLC, has petitioned the Board of County Commissioners of Collier County, Florida, a political subdivision of the State of Florida, to establish the NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT (District); and

WHEREAS, the Board of County Commissioners, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete in that it meets the requirements of Sections 190.005, Florida Statutes; and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the local comprehensive plan of Collier County, known as the Collier County Growth Management Plan, or the State Comprehensive Plan.
3. 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. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

**SECTION ONE: AUTHORITY FOR ORDINANCE**

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION TWO: ESTABLISHMENT OF THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

The Naples Reserve Community Development District is hereby established within the boundaries of the real property described in Exhibit "A," attached hereto and incorporated by reference herein.

**SECTION THREE: DISTRICT NAME**

The community development district herein established shall henceforth be known as the "Naples Reserve Community Development District."

**SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS**

The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- |    |  |    |   |
|----|--|----|---|
| 1. | Anthony Salce<br>3292 Green Dolphin Lane<br>Naples, FL 34102 | 4. | Jay Malamphy<br>11521 Longshore Way W.<br>Naples, FL 34110        |
| 2. | Mark Lazar<br>489 Raven Way<br>Naples, FL 34110              | 5. | Tom Andrea<br>1190 26 <sup>th</sup> Avenue N.<br>Naples, FL 34103 |
| 3. | Don Mazarella<br>649 Bowline Drive<br>Naples, FL 34102       |    |   |

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT**

The Naples Reserve Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local law.

**SECTION SIX: CONSENT TO SPECIAL POWERS**

Upon the effective date of this Ordinance, the Naples Reserve Community Development District will be duly and legally authorized to exist and exercise all of its general powers as limited by law; and has the right to seek consent from the Collier County Board of County Commissioners for the grant of authority to exercise special powers in accordance with Section 190.012(2), Florida Statutes.

**SECTION SEVEN: PETITIONER'S COMMITMENTS**

The adoption of this Ordinance is predicated upon the following: that the Petitioner, its successors and assigns, shall (1) elect one resident of the District to the five member Board of Supervisors at such time as residents begin occupying homes in the District, and (2) record a Notice of Assessments containing the specific terms and conditions of any special assessments imposed to secure bonds issued by the District, which notice shall be recorded immediately after any such bond issuance. The Board shall retain any and all rights and remedies available at law and in equity to enforce Petitioner's Commitments against Petitioner, its successors and assigns.

**SECTION EIGHT: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION NINE: INCLUSION IN CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION TEN: EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 22<sup>nd</sup> day of July, 2008.

ATTEST, DWIGHT E. BROCK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: *Mitchell V. ...*  
Attest as to Chairman, Deputy Clerk  
Signature

By: *Tom Henning*  
TOM HENNING, Chairman

Approved as to form  
and legal sufficiency:

*Marjorie M. Student-Stirling*  
Marjorie Student-Stirling  
Assistant County Attorney

This ordinance filed with the  
Secretary of State's Office the  
29<sup>th</sup> day of July, 2008  
and acknowledgement of that  
filing received this 11<sup>th</sup> day  
of August, 2008  
By: *Chris Seizer*  
Deputy Clerk

Exhibit "A"

**LEGAL DESCRIPTION**  
(NAPLES RESERVE)

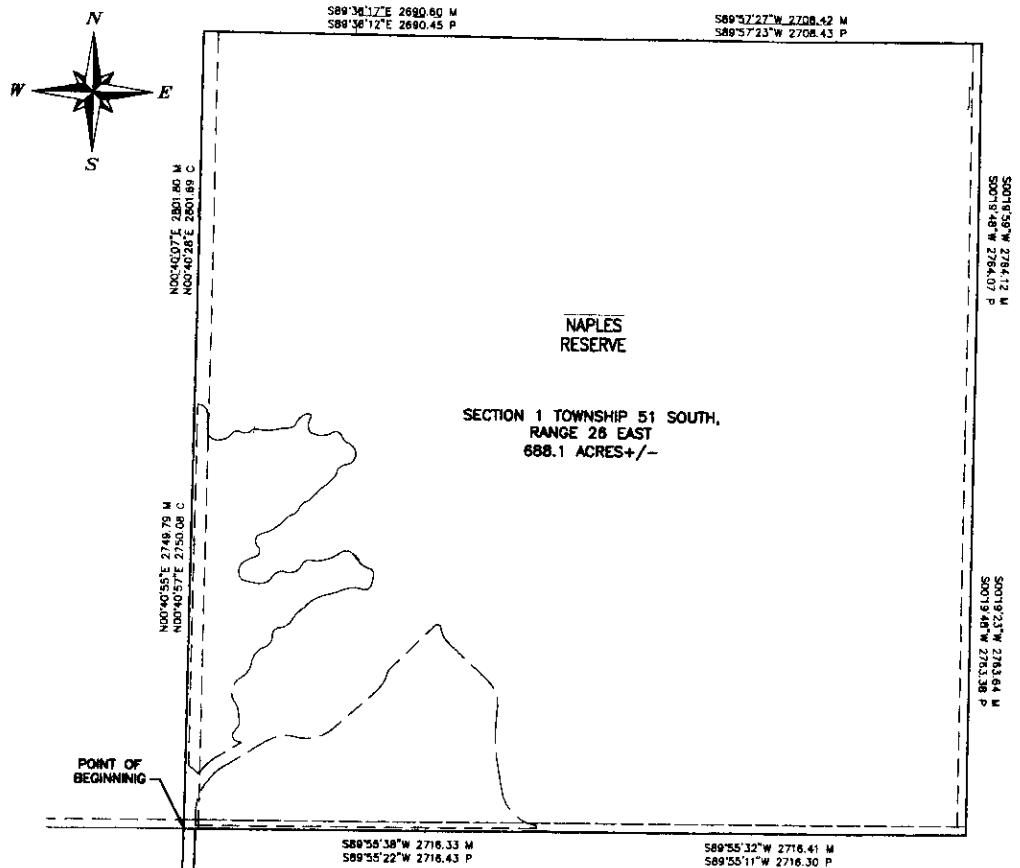
ALL OF SECTION 1, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA;  
 THENCE N.00°40'55"E. FOR 2,749.79 FEET TO THE WEST QUARTER (1/4) CORNER OF SAID SECTION 1;  
 THENCE N.00°40'07"E. FOR 2,801.80 FEET, TO THE NORTHWEST CORNER OF SAID SECTION 1;  
 THENCE S.89°36'17"E. FOR 2,890.60 FEET, TO THE NORTH QUARTER (1/4) CORNER OF SAID SECTION 1;  
 THENCE N.89°57'27"E. FOR 2,708.42 FEET, TO THE NORTH QUARTER (1/4) CORNER OF SAID SECTION 1;  
 THENCE S.00°19'59"W. FOR 2,764.12 FEET, TO THE EAST QUARTER (1/4) CORNER OF SAID SECTION 1;  
 THENCE S.00°19'23"W. FOR 2,763.64 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 1;  
 THENCE S.89°55'32"W. FOR 2,716.41 FEET, TO THE SOUTHWEST CORNER OF SAID SECTION 1;  
 THENCE S.89°55'38"W. FOR 2,716.33 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 29,971.643 SQUARE FEET OR 688.1 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 1 AS BEING S89°55'38"W, FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, (1999) ADJUSTMENT.



February 7, 2008 10:06 AM O:\2004\040125.00.06 Naples Reserve CDD\0002 CDD Establishment\40125X01.dwg

<p><b>DWA</b> INC.                  Planning                  Visualization                  Civil Engineering                  Surveying &amp; Mapping</p> <p>6610 Willow Park Drive, Suite 200                  Naples, Florida 34109                  Phone: (239) 597-0576                  FAX: (239) 597-0576</p>	DATE FEB. 2008	CLIENT: NAPLES RESERVE, LLC.		
	SCALE 1" = 1000'	TITLE: METES & BOUNDS LEGAL DESCRIPTION		
	DRAWN BY RY	PROJECT NUMBER: 040125.06	SHEET NUMBER: 1 OF 1	FILE NUMBER: 40125X01
	CHECKED BY D.N.	SEC TWP RGE : 51S 26E		

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

RE: PROPOSED ORDINANCE PURSUANT  
TO SECTION 190.005(2), FLORIDA  
STATUTES TO ESTABLISH THE  
NAPLES RESERVE COMMUNITY  
DEVELOPMENT DISTRICT

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PETITION FOR ESTABLISHMENT BY COUNTY  
ORDINANCE OF A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Naples Reserve, LLC, a Florida Limited Liability Company (the "Petitioner"), by and through its undersigned attorney, petitions the Board Of County Commissioners of Collier County, Florida (the "Commission"), to enact an ordinance establishing on the property proposed in this Petition the Naples Reserve Community Development District (the "District") as a community development district under and pursuant to the Uniform Community Development District Act of 1980, codified as Chapter 190 Florida Statutes, as amended and supplemented (the "Act"). In support of this Petition, Petitioner states as follows:

1. Petitioner's principal place of business is at 515 Terracina Way, Naples, Florida 34119.
2. The land area to be serviced by the proposed District is located wholly within the unincorporated area of Collier County. The land area of the proposed District is bounded by Picayune State Forest to the north, agricultural lands and the Walnut Lakes PUD to the south, agricultural and disturbed lands to the east, and an undeveloped portion of Winding Cypress PUD to the west. A map showing the location of the land area proposed to be serviced by the District is attached as Exhibit "1".

3. A metes and bounds legal description of the proposed external boundaries of the District is attached as Exhibit "2". There is no real property within the proposed boundaries of the District which is to be excluded from the jurisdiction of the District.

4. Written consent to the establishment of the District by the owners of one hundred percent (100%) of the real property to be included in the land area proposed to be serviced by the District is attached as Exhibit "3".

5. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, all of whom are citizens of the United States and residents of the State of Florida and who shall serve in that office until replaced by elected members as provided in the Act, are:

(1) Anthony Salce  
3292 Green Dolphin Lane  
Naples, FL 34102

(2) Mark Lazar  
489 Raven Way  
Naples, FL 34110

(3) Don Mazarella  
649 Bowline Drive  
Naples, FL 34102

(4) Jay Malamphy  
11521 Longshore Way W.  
Naples, FL 34119

(5) Tom Andrea  
1190 26<sup>th</sup> Avenue N.  
Naples, FL 34103

6. The proposed name of the District is "Naples Reserve Community Development District."

7. A map of the land area of the proposed District is attached as Exhibit "4". There are no major trunk water mains, sewer interceptors, utilities or stormwater outfalls on the property within the proposed District.

8. A good faith estimate of the proposed timetable for construction of the District systems, facilities and services and the estimated costs of constructing the same, based upon available data which are subject to change, is attached as Exhibit "5".

9. Collier County (the "County") has adopted its Local Government Comprehensive Plan (the "County Plan") in accordance with the requirements of Chapter 163, Florida Statutes. The Plan designates the land area proposed to be included in the District as Urban – Mixed Use District, Urban Residential Fringe Subdistrict (310.94 acres) and Agricultural/Rural – Rural Fringe Mixed Use District (RFMUD) (377.16 acres). A copy of the relevant FLUE map showing this classification, and also showing the future general distribution, location and extent of public and private uses of land contemplated by the Plan for the land area proposed to be serviced by the District is attached as Exhibit "6".

10. A Statement of Estimated Regulatory Costs (SERC") of the Commission's granting this Petition, in accordance and in compliance with sections 190.005 (1)(a)(8) and 120.541, FS., is attached as Exhibit "7".

11. The District, if established on the proposed property, would not be inconsistent (and in fact, is consistent) with the policies of any applicable element of the County Plan and also the State Comprehensive Plan.

12. The land area proposed to be included within the District is of sufficient size, compactness and contiguity to be developed as one functional, interrelated community and the District is planned to be developed as such.

13. The creation of the District represents the best alternative available for delivering the community development services and facilities to the property to be served by the proposed District.



14. The community development systems, facilities and services to be provided by the District on the proposed property will supplement, and will not in any way be incompatible with, existing roads and other local and regional community development systems, facilities and services on the proposed property..

15. The area proposed to be served by the District is amenable to separate special district government.

16. As required by the Act, Petitioner will provide full disclosure of information relating to the public financing of District facilities and the maintenance of District improvements.

17. In support of the factual assertions and conclusions set forth in this Petition, Petitioner has attached the written pre-filed testimony and affidavits of those professionals whose testimony is attached as Exhibit 8.

WHEREFORE, Petitioner respectfully requests the Commission to:

A. Determine this Petition is complete and in accordance with the requirements of the Act and direct its staff to notice, as soon as practicable, a local, public, non-emergency public hearing pursuant to the requirements of Section 190.005(2)(b) and (c) of the Act, on the subject of whether to grant this Petition for the establishment of the proposed District and whether to enact an ordinance establishing the proposed District;

B. Hold a public hearing in accordance with the Act to consider the Petition; and

C. Grant this Petition and enact an ordinance to establish the Naples Reserve Community Development District.

Respectfully submitted this 19<sup>th</sup> day of March, 2008.

By: Donald A. Pickworth

Donald A. Pickworth

Donald A. Pickworth, P.A.

5150 Tamiami Trail North

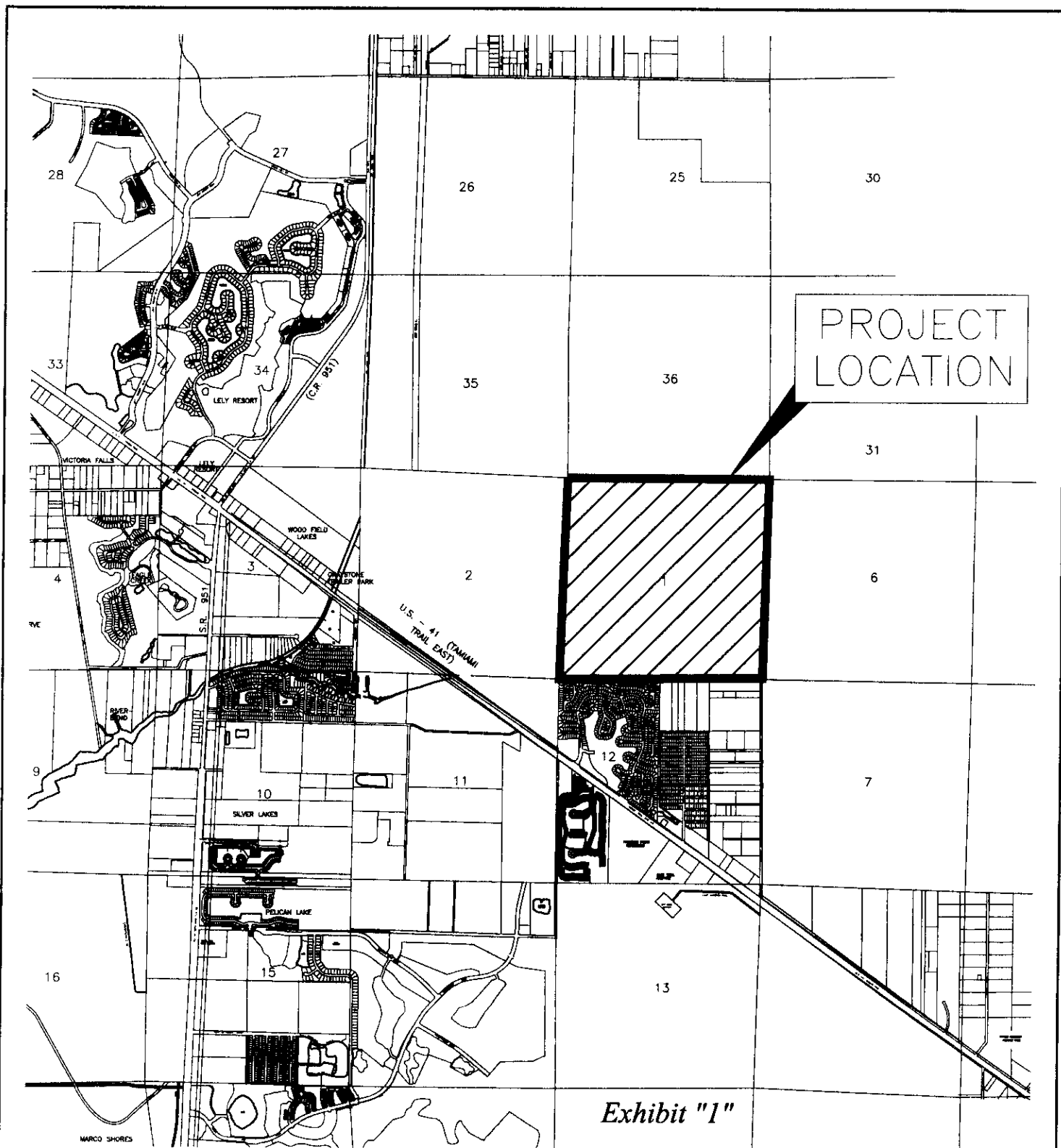
Suite 502

Naples, FL 34103

PH: 239-263-8060

Email: [picklaw@earthlink.net](mailto:picklaw@earthlink.net)

Attorney for Petitioner



*Exhibit "1"*

**RWA** INC.  
**CONSULTING**  
 Planning  
 Visualization  
 Civil Engineering  
 Surveying & Mapping

6610 Willow Park Drive, Suite 200  
 Naples, Florida 34109  
 Phone: (239) 597-0575  
 FAX: (239) 597-0576

DATE MAY, 2007	CLIENT: NAPLES RESERVE, LLC
SCALE N.T.S.	TITLE: NAPLES RESERVE RPUD VICINITY MAP
DESIGNED BY C.L.N.	
CHECKED BY D.H.N.	PROJECT NO. 04-0125.00
DATE PLOTTED 4/9/07 2E	PLANTING 1 of 1
	NO. 4012500X06

**LEGAL DESCRIPTION**  
(NAPLES RESERVE)

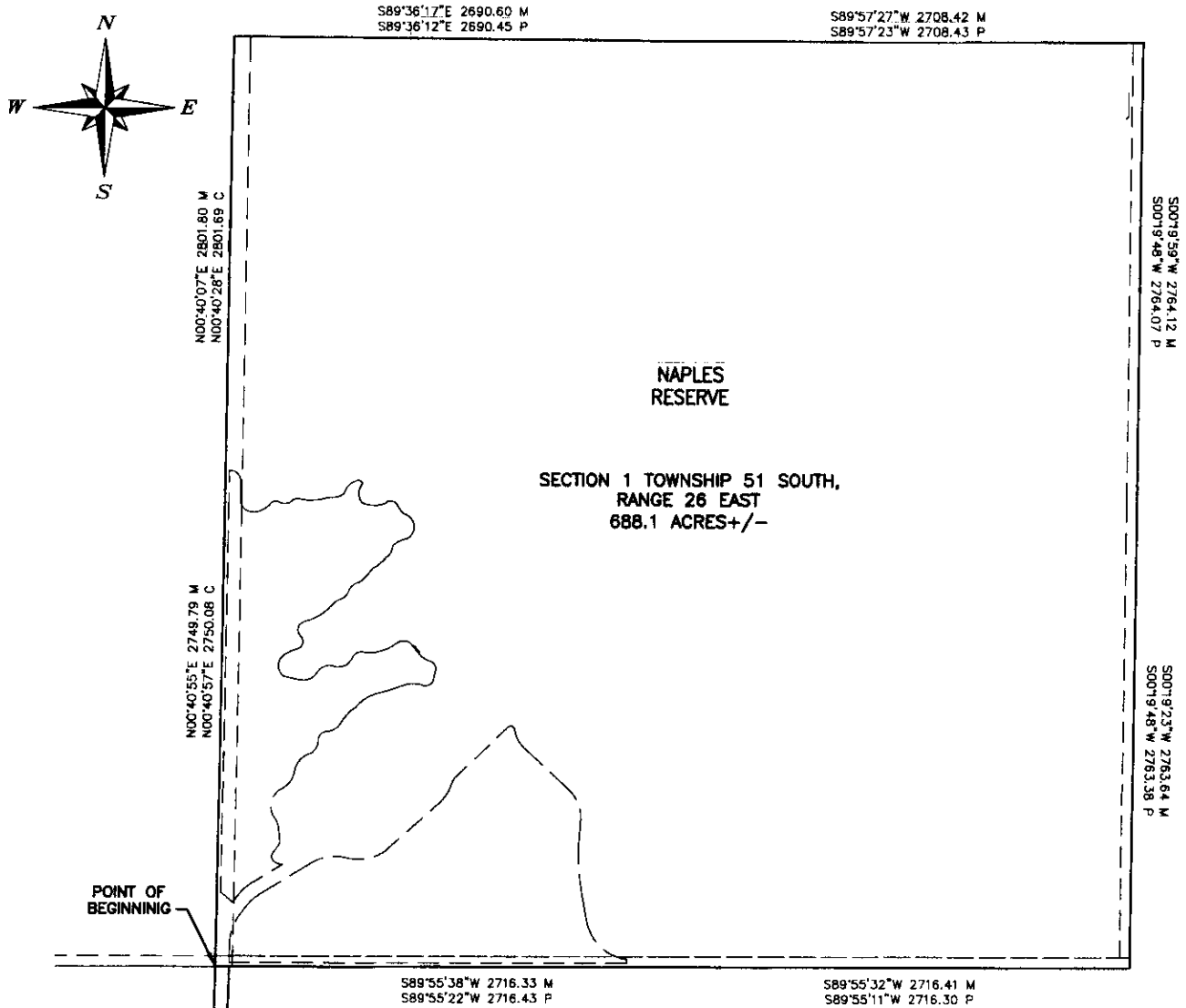
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February 7, 2008 10:06 AM C:\2004\040125.00.06 Naples Reserve CDD\0002 CDD Establishment\40125X01.dwg

**RWA INC.**  
**CONSULTING**  
 Planning  
 Visualization  
 Civil Engineering  
 Surveying & Mapping

6610 Willow Park Drive, Suite 200  
 Naples, Florida 34109  
 Phone: (238) 587-0575  
 FAX: (239) 587-0578

DATE:	FEB. 2008
SCALE:	1" = 1000'
DRAWN BY:	RY
CHECKED BY:	D.N.
SEC.:	1
TWP:	51S
RGE.:	26E

CLIENT:	NAPLES RESERVE, LLC.		
TITLE:	EXHIBIT "2"		
	METES & BOUNDS LEGAL DESCRIPTION		
PROJECT NUMBER:	040125.06	SHEET NUMBER:	1 OF 1
FILE NUMBER:	40125X01		

AFFIDAVIT OF OWNERSHIP AND CONSENT TO CREATION OF CDD

STATE OF FLORIDA )

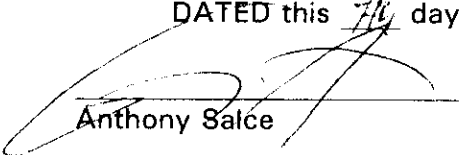
COUNTY OF COLLIER)

BEFORE ME, the undersigned authority, on this 7<sup>th</sup> day of March, 2008, personally appeared Anthony Salce, and having been sworn and under oath, deposes and states:

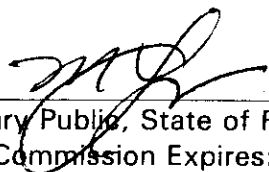
1. Affiant is over the age of twenty-one (21) years, is otherwise *sui juris*, and has personal knowledge of the facts asserted herein.
2. Affiant is the managing member of Naples Reserve LLC, a Florida limited liability company (the "LLC").
3. The LLC is the owner of 100% of that real property located in Collier County, Florida and described in Exhibit A attached hereto and made a part hereof (the "Property"). The Property constitutes all of the property to be included in the proposed Naples Reserve Community Development District and there are no other lands sought to be included in the District.
4. The Affiant has the authority to execute this Affidavit and the Petition for the establishment of the Naples Reserve Community Development District (the "District") and to consent to the inclusion of the Property in the District, and does by this Affidavit so consent.

**FURTHER AFFIANT SAYETH NAUGHT.**

DATED this 7<sup>th</sup> day of March, 2008.

  
Anthony Salce

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of March, 2008 by Anthony Salce, [who is personally known to me][~~who produced~~ \_\_\_\_\_ as identification].

  
Notary Public, State of Florida  
My Commission Expires:


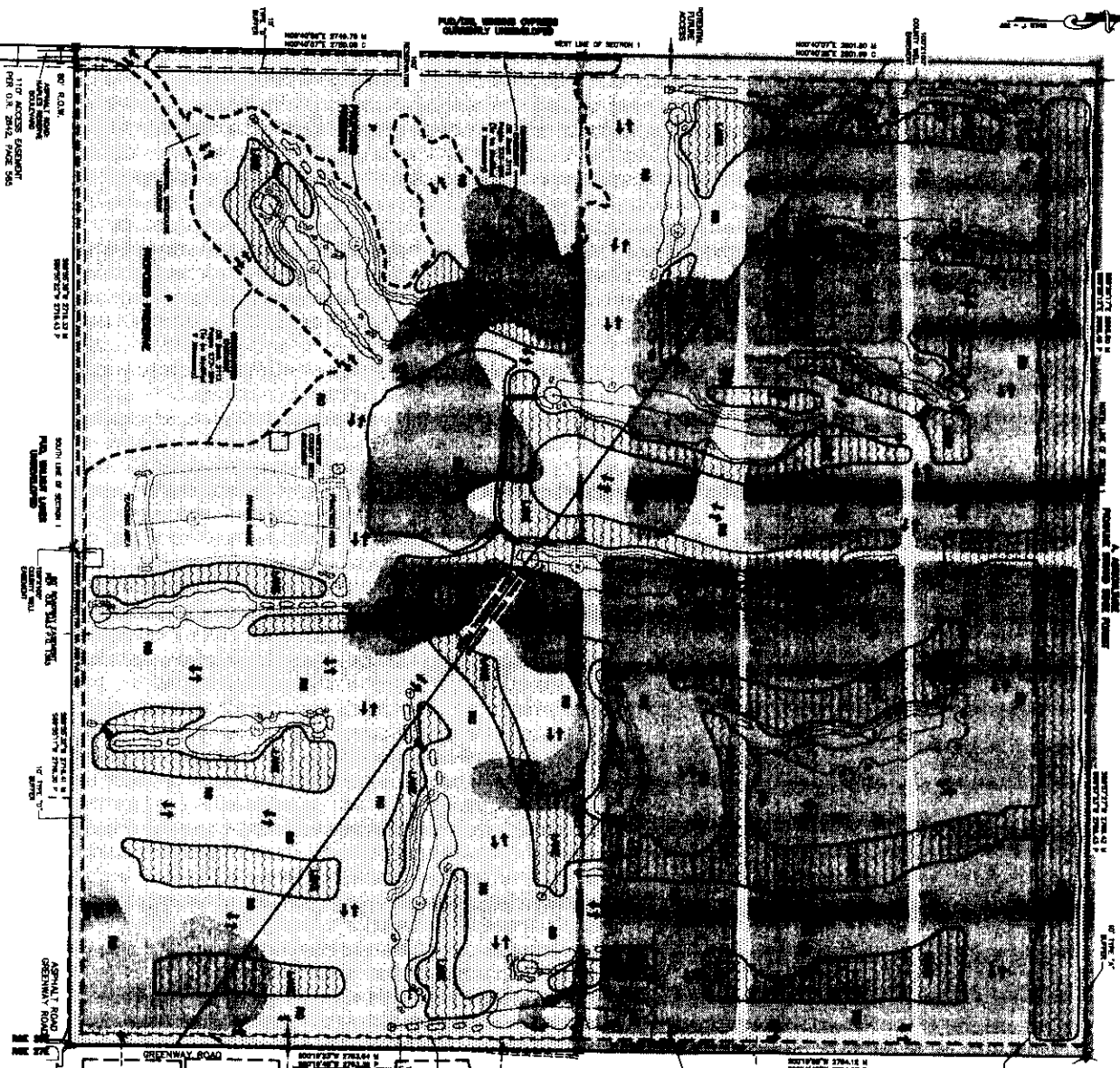
NOTARY PUBLIC-STATE OF FLORIDA  
 Mark A. Lazar  
Commission # DD440355  
Expires: JUNE 13, 2009  
Bonded Thru Atlantic Bonding Co., Inc.

EXHIBIT 3

# Naples Reserve RPUD MASTER PLAN

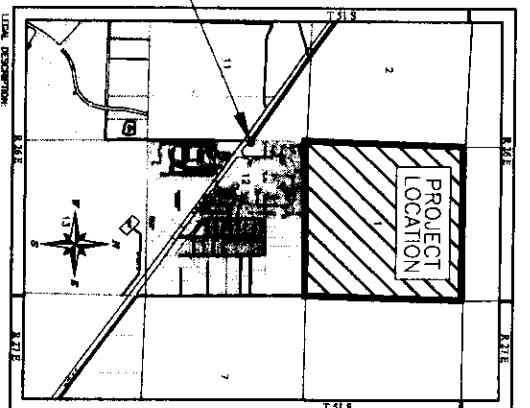


FLOOD ZONE "X"  
FLOOD ZONE "AE"  
EL. 6.3' NGVD 29

RURAL FRINGE RECEIVING LANDS  
= 377.16 ACRES. WITHIN THE  
RFR LANDS THERE ARE 293.63  
ACRES (77.8%) OF OPEN SPACE

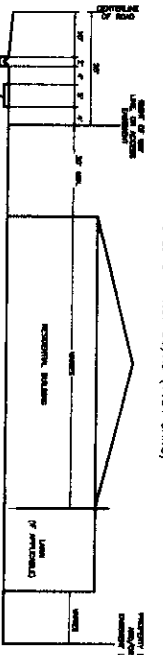
URBAN RESIDENTIAL FRINGE LANDS  
= 310.94 ACRES. WITHIN THE URF  
LANDS THERE ARE 265.69 ACRES  
(85.40%) OF OPEN SPACE.

THE LDC PROVISIONS FROM  
SECTION 5.06.02 A.G. ARE  
APPLICABLE FOR OFF-PREMISE  
SIGNAGE.

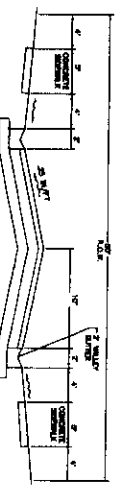


TRACT	LAND USE	ACRES
TRACT(S) "70"	RESIDENTIAL/ GOLF	692.2 +/- ACRES
TRACT "90"	RECREATIONAL AREA/CLUBHOUSE	13.2 +/- ACRES
TRACT "P"	PRESERVE	637.4 +/- ACRES
TOTAL (INCLUDES R.O.W.)		688.1 +/- ACRES

MAXIMUM DENSITY WITHOUT TDR CREDITS = 0.78 DU/AC (542 UNITS)  
MAXIMUM DENSITY WITH TDR CREDITS = 1.67 DU/AC (1154 UNITS)



TYPICAL RESIDENCE LOCATION CROSS SECTION  
TYPICAL STREET SECTION



LOCAL STREETS/ CUL-DE-SAC

### RPUD MASTER PLAN NOTES

1. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
2. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
3. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
4. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
5. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
6. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
7. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
8. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
9. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.
10. THE LDC PROVISIONS FROM SECTION 5.06.02 A.G. ARE APPLICABLE FOR OFF-PREMISE SIGNAGE.

Exhibit "4"

DATE	SEC. TYP. RUC.	CLIENT
AUGUST, 2007	1 515 20E	NAPLES RESERVE, LLC
PROJECT NO.	SCALE	TITLE
04-0125-00.00	1" = 300'	RPUD MASTER PLAN
DRAWN	CHECKED	
SR		
PROJECT NUMBER		
4012500102		

DATE	SEC. TYP. RUC.	CLIENT
AUGUST, 2007	1 515 20E	NAPLES RESERVE, LLC
PROJECT NO.	SCALE	TITLE
04-0125-00.00	1" = 300'	RPUD MASTER PLAN
DRAWN	CHECKED	
SR		
PROJECT NUMBER		
4012500102		

Naples Reserve  
RPUD

**RWA** INC.  
CONSULTING

Planning  
Visualization  
Civil Engineering  
Surveying & Mapping

4812 Wilton Park Drive, Suite 200, Naples, Florida 34108  
TEL: 239.438.8800 FAX: 239.438.8805  
WWW.RWA-CONSULTING.COM

Exhibit 5

Naples Reserve  
Community Development District

Summary of Opinion of Probable Costs and Estimated Timetable

Item	Infrastructure Description *	2009	2010	2011	2012	2013	2014	Total
1	Roadways & Lighting	\$2,880,000	\$2,400,000	\$1,440,000	\$1,440,000	\$960,000	\$480,000	\$9,600,000
2	Utilities	\$3,348,000	\$2,790,000	\$1,674,000	\$1,674,000	\$1,116,000	\$558,000	\$11,160,000
3	Water Management & Drainage	\$2,860,000	\$2,220,000	\$1,430,000	\$940,000	\$300,000	\$150,000	\$7,900,000
4	Earthwork	\$8,976,000	\$6,732,000	\$4,488,000	\$2,244,000	\$0	\$0	\$22,440,000
5	Perimeter Landscape Features	\$930,000	\$775,000	\$465,000	\$465,000	\$310,000	\$155,000	\$3,100,000
6	Land Acquisition	\$6,400,000	\$4,800,000	\$4,800,000	\$0	\$0	\$0	\$16,000,000
7	Professional Service Fees	\$2,310,000	\$1,050,000	\$210,000	\$210,000	\$210,000	\$210,000	\$4,200,000
8	Off-Site Improvements	\$12,750,000	\$10,765,000	\$1,185,000	\$0	\$0	\$0	\$24,700,000
9	Off-Site Professional Service Fees	\$2,210,000	\$850,000	\$340,000	\$0	\$0	\$0	\$3,400,000
	10% Contingency	\$4,266,400	\$3,238,200	\$1,603,200	\$697,300	\$289,600	\$155,300	\$10,250,000
<b>Total:</b>		<b>\$46,930,400</b>	<b>\$35,620,200</b>	<b>\$17,635,200</b>	<b>\$7,670,300</b>	<b>\$3,185,600</b>	<b>\$1,708,300</b>	<b>\$112,750,000</b>

\* Estimated costs of construction are for those special powers permitted under section 190.012(1), Florida Statutes (1999 and hereafter) only. Estimates are provided for security powers available under section 190.012(2) even through consent to use such power(s) is determined by the local general purpose government within whose jurisdiction such powers are to be exercised. In the instance Collier County, Florida, until such determination is or may be made, upon petition of the Board of Supervisors of the District, no further estimate of costs will be prepared.

\* The estimates for all basic infrastructures is set forth in subsections (1&2) of section 190.012.

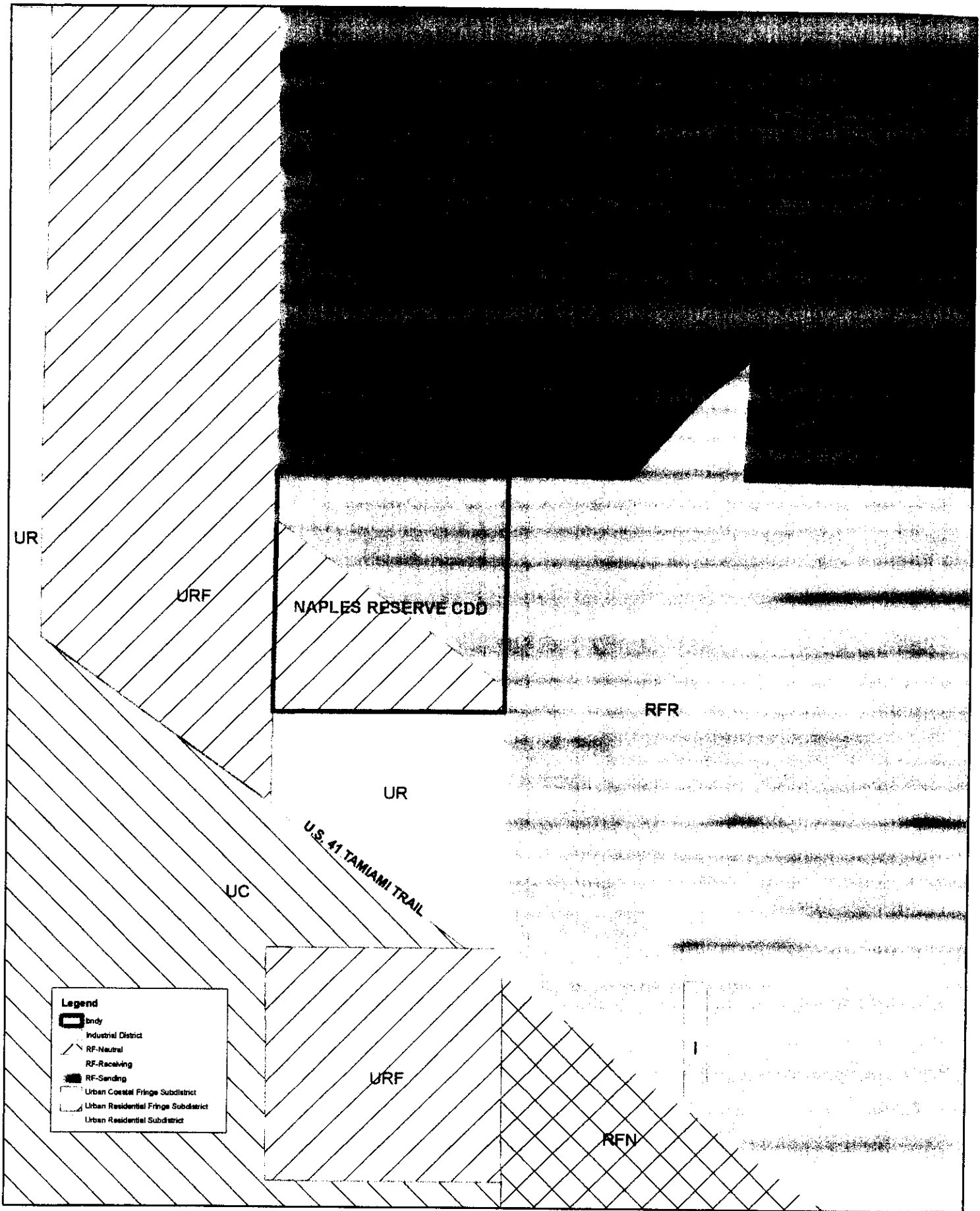
\* The probable costs estimated herein do not include anticipated capital carrying cost interest reserves or other applicable CDD expenditures that may be incurred.

Naples Reserve  
Community Development District

Summary of Opinion of Probable Costs and Estimated Timetable

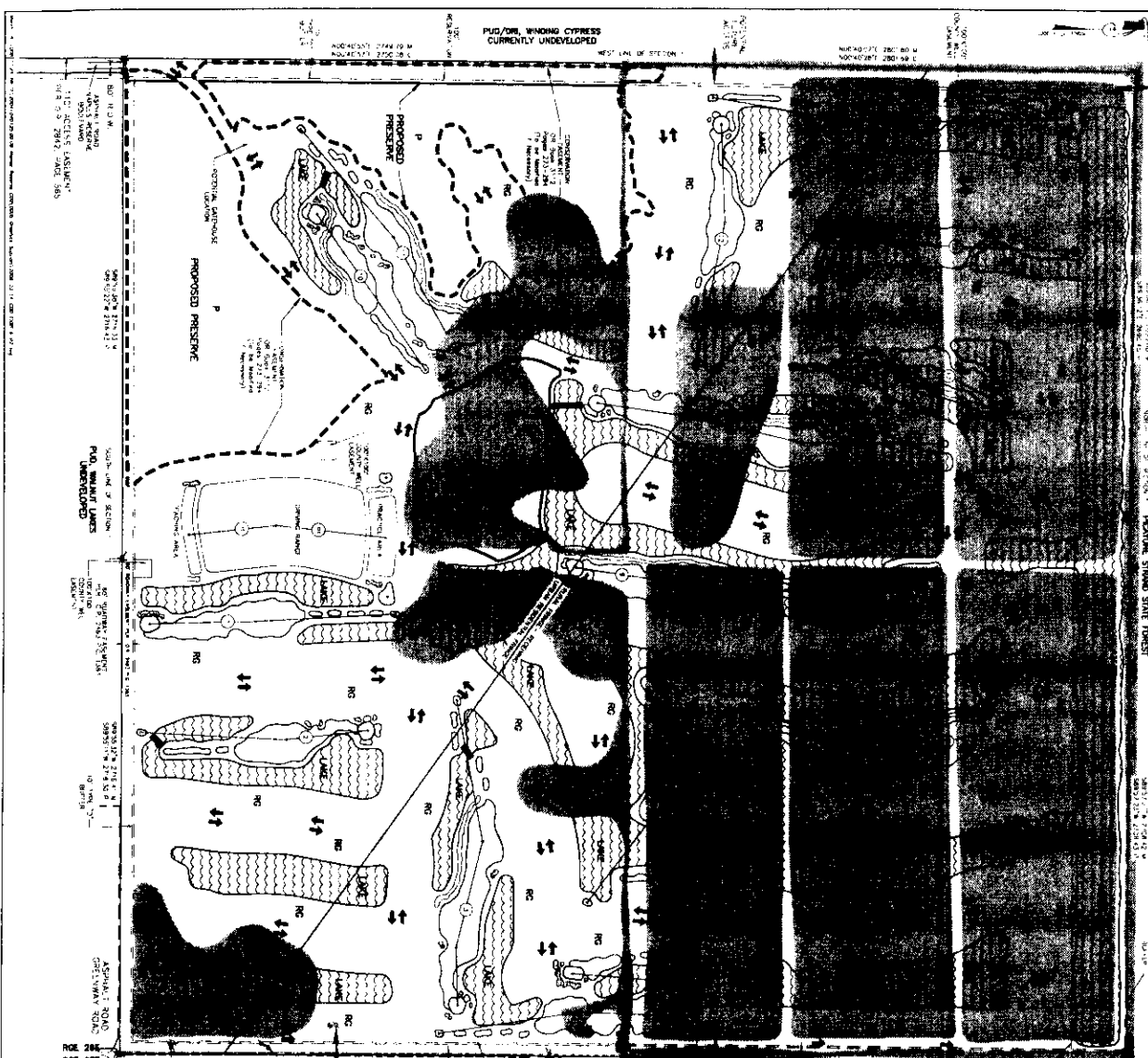
Item	Infrastructure Description *	Funded By	Operation and Maintenance By	Ownership By	2009	2010	2011	2012	2013	2014	Total	2009	2010	2011	2012	2013	2014	Total
1	Roadways	Developer	HOA	HOA	\$1,890,000	\$1,275,000	\$945,000	\$945,000	\$630,000	\$315,000	\$8,300,000	30%	25%	15%	15%	10%	5%	100%
2	Lighting	Developer	HOA	HOA	\$990,000	\$925,000	\$485,000	\$485,000	\$300,000	\$150,000	\$3,300,000	30%	25%	15%	15%	10%	5%	100%
3	Portable Waste	Developer & CDD	Collier County	Collier County	\$1,020,000	\$850,000	\$510,000	\$510,000	\$340,000	\$170,000	\$3,400,000	30%	25%	15%	15%	10%	5%	100%
4	Sanitary Sewer	Developer & CDD	Collier County	Collier County	\$1,518,000	\$1,265,000	\$755,000	\$755,000	\$500,000	\$250,000	\$5,000,000	30%	25%	15%	15%	10%	5%	100%
5	Irrigation	Developer & CDD	CDD	CDD	\$810,000	\$875,000	\$405,000	\$405,000	\$270,000	\$135,000	\$2,700,000	30%	25%	15%	15%	10%	5%	100%
6	Waste Management	Developer & CDD	CDD	CDD	\$1,990,000	\$1,470,000	\$890,000	\$490,000	\$0	\$0	\$4,900,000	40%	30%	20%	10%	0%	0%	100%
7	Drainage	Developer & CDD	HOA	HOA	\$900,000	\$750,000	\$450,000	\$450,000	\$300,000	\$150,000	\$3,000,000	30%	25%	15%	15%	10%	5%	100%
8	Earthwork	Developer & CDD	HOA	HOA	\$8,978,000	\$6,782,000	\$4,488,000	\$2,244,000	\$0	\$0	\$22,440,000	40%	30%	20%	10%	0%	0%	100%
9	Palmetto Landscaping Features	Developer & CDD	HOA	HOA	\$520,000	\$775,000	\$465,000	\$465,000	\$310,000	\$155,000	\$3,100,000	30%	25%	15%	15%	10%	5%	100%
10	Interior Landscaping Features	Developer	HOA	HOA	\$824,000	\$770,000	\$462,000	\$462,000	\$308,000	\$154,000	\$3,080,000	30%	25%	15%	15%	10%	5%	100%
11	Security	Developer	HOA	HOA	\$190,000	\$75,000	\$75,000	\$0	\$0	\$0	\$390,000	50%	25%	25%	0%	0%	0%	100%
12	Utilities	Developer	HOA	HOA	\$480,000	\$400,000	\$240,000	\$240,000	\$160,000	\$80,000	\$1,600,000	30%	25%	15%	15%	10%	5%	100%
13	Retention Areas	Developer	HOA	HOA	\$1,250,000	\$895,000	\$625,000	\$0	\$0	\$0	\$2,500,000	50%	25%	25%	0%	0%	0%	100%
14	Entry Features	Developer	HOA	HOA	\$200,000	\$200,000	\$0	\$0	\$0	\$0	\$400,000	50%	50%	0%	0%	0%	0%	100%
15	Environmental Contamination	N/A	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%	0%	0%	0%	0%	0%
16	Conservation	N/A	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%	0%	0%	0%	0%	0%
17	Mitigation	N/A	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%	0%	0%	0%	0%	0%
18	Waste Management	N/A	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%	0%	0%	0%	0%	0%
19	Land Acquisition (Conservation & Waste Management)	Developer & CDD	CDD	CDD	\$8,400,000	\$4,800,000	\$4,800,000	\$0	\$0	\$0	\$16,000,000	40%	30%	30%	0%	0%	0%	100%
20	Permitting Fees	N/A	N/A	N/A	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%	0%	0%	0%	0%	0%
21	Professional Services Fees	Developer & CDD	N/A	N/A	\$2,310,000	\$1,050,000	\$270,000	\$270,000	\$270,000	\$270,000	\$4,200,000	55%	25%	5%	5%	5%	5%	100%
22	Miscellaneous	Developer	HOA	HOA	\$480,000	\$400,000	\$240,000	\$240,000	\$160,000	\$80,000	\$1,600,000	30%	25%	15%	15%	10%	5%	100%
23	On-Site Roadway	Developer & CDD	FDOT	FDOT	\$11,000,000	\$9,900,000	\$1,100,000	\$0	\$0	\$0	\$22,000,000	50%	45%	5%	0%	0%	0%	100%
24	On-Site Utilities	Developer & CDD	Collier County	Collier County	\$550,000	\$485,000	\$290,000	\$0	\$0	\$0	\$1,100,000	50%	45%	5%	0%	0%	0%	100%
25	On-Site ROW Acquisition	Developer & CDD	FDOT	FDOT	\$800,000	\$100,000	\$0	\$0	\$0	\$0	\$1,000,000	80%	10%	0%	0%	0%	0%	100%
26	On-Site Miscellaneous	Developer & CDD	FDOT	FDOT	\$300,000	\$270,000	\$30,000	\$0	\$0	\$0	\$600,000	50%	45%	5%	0%	0%	0%	100%
27	On-Site Professional Services Fees	Developer & CDD	N/A	N/A	\$2,210,000	\$880,000	\$340,000	\$0	\$0	\$0	\$3,400,000	65%	25%	10%	0%	0%	0%	100%
Total:					\$48,148,000	\$34,882,000	\$17,874,000	\$7,918,000	\$3,554,000	\$7,187,000	\$111,980,000							





Naples Reserve CDD  
 Exhibit 6, Page 1  
 Future Land Use Map

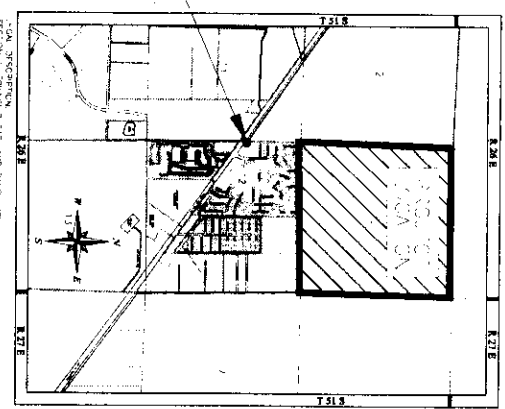
# Naples Reserve RPUD MASTER PLAN



AGRICULTURE  
AGRICULTURAL PRODUCTION

THE JDC PROPOSES A ZONING SECTION, 5,061.26 ACRES APPLICABLE FOR OPEN SPACE SIGNAGE.

LOCAL STREETS / CUL-DE-SAC



TRACT	LAND USE SUMMARY	ACRES
TRACT(S) "A"	AGRICULTURE	6.24
TRACT "B"	RESIDENTIAL	1.2
TRACT "C"	RECREATIONAL AREA/CLUB-HOUSE	6.3
TRACT "D"	PRESERVE	6.1
TOTAL (INCLUDES R.O.W.)		19.85

TYPICAL RESIDENCE LOCATION CROSS SECTION  
TYPICAL STREET SECTION



RPUD MASTER PLAN NOTES

1. THE PROPOSED AND UNPROPOSED AREAS SHOWN ON THIS MASTER PLAN SHALL BE CONSIDERED SEPARATELY.
2. THE PROPOSED AREAS SHOWN ON THIS MASTER PLAN SHALL BE CONSIDERED SEPARATELY.
3. THE PROPOSED AREAS SHOWN ON THIS MASTER PLAN SHALL BE CONSIDERED SEPARATELY.
4. THE PROPOSED AREAS SHOWN ON THIS MASTER PLAN SHALL BE CONSIDERED SEPARATELY.
5. THE PROPOSED AREAS SHOWN ON THIS MASTER PLAN SHALL BE CONSIDERED SEPARATELY.

Exhibit 6 Page 2

**STATEMENT OF ESTIMATED REGULATORY COSTS  
Naples Reserve Community Development District**

**1.0 Introduction**

**1.1 Purpose**

This statement of estimated regulatory costs ("SERC") supports the petition to establish the Naples Reserve Community Development District ("District" or "CDD").

The proposed District comprises approximately 688 acres all of which are in the County of Collier. The proposed District will provide community infrastructure and services to the Naples Reserve residential community ("Development") as described below.

The new District will provide community Infrastructure that will serve all, or a substantial portion of, the land in the proposed District. The District plans to provide localized infrastructure improvements and services ("District Infrastructure") to serve the land in the District and any offsite mitigation required by the Project's Development Order. The District may finance community Infrastructure by issuing bonds from time to time ("Bonds") secured by, among other things, proceeds of non-ad valorem special assessments (the "Assessments") levied on land within the District.

**1.2 Scope of the Analysis**

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)."

**1.3 Overview of the Development Plan for the Naples Reserve District**

As noted above, the Naples Reserve District will provide community infrastructure and district infrastructure, services, and facilities along with their operations and maintenance, to the Naples Reserve Development. The land contained in the District is currently planned for the land uses shown in Table 1. These are preliminary plans and are subject to change.

Naples Reserve is a master planned residential community in unincorporated Collier County being developed by Naples Reserve, L.L.C.. ("Developer"). The Naples Reserve Community Development District, if approved, will encompass a total of approximately 688 acres. Current plans envision approximately 500 single family detached homes, 240 4-plex (coach home) units, 270 6-plex units and 90 4-story multi-family units for a total of 1,100 residential units along with recreational facilities.

**Table 1. Naples Reserve CDD Currently Planned Land Uses**

<b>Category</b>	<b>Amount</b>
Total Gross Acres:	688.0
Single Family Homes:	500
Coach Homes:	240
Six Plex Homes:	270
Multi-Family Units:	90
Naples Reserve, L.L.C. ("Developer")	

**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. Collier County is not defined as a small County 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 ordinance, together with a general description of the types of individuals likely to be affected by the ordinance**

If this petition to establish the District is approved, the District will encompass approximately 688 acres. All of the ultimate property owners in the District will be required to comply with District rules and their properties will be encumbered with District obligations to pay for infrastructure and operations and maintenance expenses incurred by the District. Of course prior to the sell out of the real estate, all of the undeveloped land owned by the Developer and any other landowner will also be under the jurisdiction of the District.

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

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

State Governmental Entities

The cost to State entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 1,000 acres. Therefore, the County will review and act upon the petition to establish the District.

There are minimal additional ongoing costs to various State entities to implement and enforce the proposed ordinance. The District is a special purpose unit of local government, and it is required to file various reports to the State of Florida, the Department of Community Affairs and other agencies of the State. The filing requirements are outlined in Appendix A. However, the additional costs to the State and its various departments to process the additional filings from the District are very low, since the State routinely processes filings from over 100 similar districts. Finally, the filing fees paid by the District are designed to offset any additional costs to the State.

### Collier County

This petition to establish the District will require the County to review the petition and its supporting exhibits. In addition, the County will hold public hearings to discuss the petition and to take public input. These activities will absorb staff time and time of the County Commission.

However, these costs are very modest at most for the following reasons. First, the review of this petition to form the District does not include an analysis of the Development itself. In fact, such a review of the Project is prohibited by statute. Second, the petition contains all of the information necessary for its review. Third, the County already has all of the staff necessary to review the petition. Fourth, no capital costs are involved in the review. Fifth, the County routinely processes similar petitions for land use and zoning changes that are far more complicated than this petition to form the District. Finally, the \$15,000 filing fee is designed to offset these costs.

The County will incur only a small additional annual cost if this petition is approved. The proposed District is an independent unit of local government, so the District is responsible for its own budget, reporting, and the full conduct of its powers within its boundaries. The District will provide the County with its budget each year, but no County action is required.

### 3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on State or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. 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 or any unit of local government. By State law debts of the District are strictly its own responsibility.

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 or any unit of local government. By 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**

The District plans to provide various community facilities and services to the property in the District, as outlined in Table 2. The District plans to fund, construct, own and manage the water management system and the land acquisition. In conjunction with the Developer, the District will fund and construct the roadways and lighting, utilities, drainage system, earthwork, perimeter landscape features and offsite improvements required by the project's development order. The utilities will be owned and operated by the County while the roadways & lighting, drainage system, earthwork and perimeter landscape features will be owned and maintained by the project's property owners association ("POA"). The offsite improvements required by the Project's development order will be owned and maintained by the Florida Department of Transportation ("FDOT"). The District's costs may include acquisition of land on which the infrastructure will be constructed.

**Table 2. Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>O&amp;M BY</b>	<b>OWNERSHIP</b>
Roads & Lighting	Developer/CDD	POA	POA
Utilities	Developer/CDD	County	County
Water Management	Developer/CDD	CDD	CDD
Drainage	Developer/CDD	POA	POA
Earthwork	Developer/CDD	POA	POA
Perimeter Landscape Features	Developer/CDD	POA	POA
Land Acquisition	Developer/CDD	CDD	CDD
Offsite Improvements	Developer/CDD	FDOT	FDOT

The costs for providing the capital facilities outlined in Table 2 consist of District Infrastructure. Table 3 on the next page presents the District's share of costs associated with the Community Infrastructure and offsite mitigation along with a time table for its installation.

**Table 3. Summary of Estimated Capital Costs for  
Community Infrastructure for the District**

<b>Category</b>	<b>Estimated Cost</b>	<b>Estimated Commencement/Completion Date</b>
Roadways & Lighting	\$9,600,000	2009/2014
Utilities	\$11,160,000	2009/2014
Water Management & Drainage	\$7,900,000	2009/2014
Earthwork	\$22,440,000	2009/2012
Perimeter Landscape Features	\$3,100,000	2009/2014
Land Acquisition	\$16,000,000	2009/2011
Offsite Improvements	\$24,700,000	2009/2014
Professional Service Fees	\$7,600,000	2009/2014
10% Contingency	\$10,250,000	2009/2014
	=====	
<b>Total</b>	<b>\$112,750,000</b>	

Source: RWA, Inc., Engineers

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. 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 3 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 costs are similar to what would be charged in any event by a property owners' association common to most master planned developments.



Real estate markets are quite efficient, because buyers and renters evaluate all of the costs 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 service taxing unit (MSTU), a neighborhood association, County provision (directly or via a dependent special district), or through developer-bank loans.

**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 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 development is located in the County of Collier. As of the latest Census date, the 2000 Census, the County has a population of 251,377. Therefore, the proposed District is not located in a County defined as a "small" (75,000) 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 Developer's Engineer and other professionals associated with the Developer.

Finally, it is useful to reflect upon the question of whether the proposed formation of the District is the best alternative to provide community facilities and services to the Development. As an alternative to the District, the County could approve a dependent special district for the area, such as an MSBU or a special taxing district under Chapter 170, F.S. Either of these alternatives could finance the improvements contemplated in Table 2 in a fashion similar to the proposed District.

However, each of these alternatives is inferior to the District. Unlike the District, the alternatives 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 sequestered to the land directly benefiting from them, as the case would be with the District.

A District also is preferable from a government accountability perspective. With a District as proposed, residents and renters in the District would have a focused unit of government under their direct control. The District can then be more responsive to resident needs without disrupting other County responsibilities.

Another alternative to the District would be for the developer to provide the infrastructure and 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 with other property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Second, the proposed District is a unit of local government. Therefore, unlike the POA the District must abide by all governmental rules and regulations.

**(Rest of Page Left Intentionally Blank)**

Fishkind & Associates certifies that this SERC meets the requirements for a SERC as set out in Chapter 120.541, F.S.

We have developed over 40 SERCs. Below is a listing of some of these SERCs.

- Urban Orlando Community Development District
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Mediterra Community Development District
- Brooks Community Development District
- Pelican Marsh Community Development District
- Pelican Landing Community Development District
- Fiddler's Creek Community Development District 1
- Monterra Community Development District
- Quarry Community Development District
- Capital Region Community Development District
- Deerfield Preserve Community Development District
- Cypress Shadows Community Development District

**APPENDIX A  
LIST OF REPORTING REQUIREMENTS**

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	by March 31
TRIM Compliance Report	200.068	130 days after
Form 1 - Limited Financial Disclosure	112.3144	by July 1
Public Depositor	215	by November 15
Proposed Budget	218.34	by September 1
Public Facilities Report	189.415	March 1
Public Meetings Schedule	189.417	beginning of fiscal year
Bond Report	218.38	When issued
Registered Agent	189.417	30 Days after

**EXHIBIT 8**

**WRITTEN, PRE-FILED TESTIMONY OF:**

**G. RUSSELL WEYER  
ROBERT MULHERE, AICP  
CHRISTOPHER WRIGHT, P.E.**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA**

**STATE OF FLORIDA  
COUNTY OF COLLIER**

**IN RE:           PETITION TO ESTABLISH NAPLES RESERVE  
                  COMMUNITY DEVELOPMENT DISTRICT**

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

**STATE OF FLORIDA  
COUNTY OF COLLIER**


I, G. Russell Weyer, of Fishkind & Associates, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1.     I have personal knowledge of the matters set forth in this affidavit.
2.     My name is G. Russell Weyer, and I am employed by Fishkind & Associates, Inc.
3.     The prepared, written, pre-filed testimony, submitted under my name to Collier County relating to the establishment of Naples Reserve Community Development District, and attached hereto, is true and correct.
4.     If I were asked the questions contained in the pre-filed testimony orally at any hearing before the Board of County Commissioners relating to the Petition to establish Naples Reserve Community Development District, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5.     My pre-filed testimony generally addresses the truth and accuracy of the Petition to establish the proposed Naples Reserve Community Development District, the six factors that must be considered in a determination to establish a community development district, and the estimated regulatory costs associated with the establishment of a community development

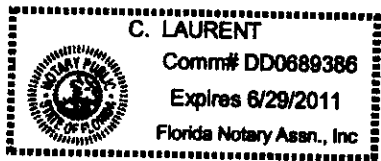
district.

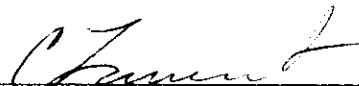
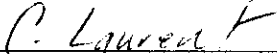
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 19<sup>th</sup> day of MARCH, 2008.

  
\_\_\_\_\_  
G. Russell Weyer

SWORN TO and SUBSCRIBED before me by the Affiant, on this 19 day of March, 2008.



  
\_\_\_\_\_  
  
\_\_\_\_\_  
Printed Name of Notary

Personally Known   
Type of identification produced \_\_\_\_\_

**TESTIMONY OF G. RUSSELL WEYER FOR THE ESTABLISHMENT OF  
NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

**1. Please state your name and business address.**

My name is Russell Weyer and my business address is 1415 Panther Lane, Suites 346/347, Naples, Florida 34109.

**2. By whom are you employed and in what capacity?**

I am a Senior Associate with Fishkind & Associates, Inc.

**3. Please briefly summarize your duties and responsibilities.**

As a Senior Associate for Fishkind & Associates, I am responsible for the day-to-day operations of the Naples branch of the company. My client services include fiscal and economic analysis for real estate development, local, regional, and state governments and serving as the financial analyst for nine community development districts in the State of Florida.

**4. Do you work with both public and private sector clients?**

Yes

**5. Please describe your educational background.**

I hold a Bachelor of Arts in Communication from Michigan State University, East Lansing, Michigan, and a Masters in Business Administration from the University of Miami, Coral Gables, Florida.

**6. Please describe your work with community development districts in Florida.**

As the Financial Advisor to a community development district, I advise the district on a variety of financial issues, including the development of the district's assessment methodology, assistance in the bond validation process including determination of the validation amount and expert witness testimony, calculation of the preliminary and final assessment rolls, performing true-up tests at their appropriate times and administering the assessment methodology during platting, lien book and release of liens at closing.

**7. Are any of the community development districts ("CDDs") of about the same size as the proposed Naples Reserve Community Development District?**

Yes

**8. What has been your role with respect to this Petition to establish the Naples Reserve Community Development District?**

My firm assisted the Petitioner in evaluating the feasibility of establishing a district for this land from a financial and economic perspective. Concluding a community development district was appropriate for this project, our firm



prepared the Statement of Estimated Regulatory Costs, attached to the Petition as Exhibit 7.

9. **We will begin by addressing portions of the Petition to establish the proposed District that relate to certain economic analysis matters and your related expert opinions. You stated that your firm prepared Petition Exhibit 7?**

That is correct. Exhibit 7 is the Statement of Estimated Regulatory Costs ("SERC") required by Chapters 120 and 190, Florida Statutes.

10. **Are there any changes or revisions to the SERC at this time?**

No

11. **In general terms, please summarize the economic analyses you have presented in the SERC.**

The SERC reviewed and evaluated four major categories of potential impacts as outlined in Section 120.541(2) (f), Florida Statutes.

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

(b) A good faith estimate of the cost to the agency, and to any other state or local government entities, of implementing and enforcing the proposed ordinance 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 government entities, required to comply with the requirement of the ordinance;

(d) An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes.

(e) Any additional information that the agency determines may be useful.

After reviewing these categories, we are of the opinion, as stated in the SERC, that there is no adverse impact on any affected person that would result from establishment of the proposed District.

12. **Please describe briefly the data and methodology you used in preparing the SERC and related analyses.**

The data used in preparing the SERC was compiled from the Petitioner and our expertise with other community development districts. The data was analyzed according to standard methodologies in our industry and consistent with the statutory elements of estimated regulatory costs defined in Section 120.541(2), Florida Statutes.

13. **Based on your training and experience in the financial aspect of community development districts, do you have an opinion regarding the financial viability and feasibility of the proposed District?**

Yes

14. **What is that opinion?**

My professional opinion is that the proposed Naples Reserve Community Development District will be financially viable and feasible.

15. **Do you have an opinion from an economic analysis perspective as to whether the proposed Naples Reserve Community Development District is of sufficient size, compactness and contiguity to be developable as a functionally interrelated community?**

Yes. I believe that the proposed Naples Reserve Community Development District encompasses enough area and is compact and contiguous such that it may be developed as a functional interrelated community.

16. **When you gave that opinion, what were you including within the term "functionally interrelated community"?**

It means that each functional need of a community must be planned to interrelate to facilitate the development and maintenance of the larger community. Roads, drainage, water, sewer, recreation, lighting and other community infrastructure needs and services must be incorporated into a long-range plan to effectively accommodate the needs of a community's development. Being functionally interrelated means that each of these infrastructure needs and services are planned in comprehensive and supporting relationship to one another.

17. **In your opinion, you said the proposed District is of sufficient size to be developable as one functionally interrelated community. Please explain this portion of your opinion.**

The District will cover 688 acres as proposed. This is certainly large enough to be developed as a functionally interrelated community. Certainly, there are many smaller community development Districts that have been developed as a functionally interrelated community. The District is also compact and contiguous enough to allow for the effective delivery of infrastructure services and facilities to the area within the District. The configuration of the proposed District will maximize the economies of scale benefits available from the services and facilities to be provided.

18. **You also opined that the proposed District is of sufficient compactness. Please explain this portion of your opinion.**

Compactness relates to the proposed District's ability to efficiently and effectively provide the anticipated community infrastructure improvements and services.

Compactness is a measure of the spatial relationship between the lands and land uses within a community. Sufficient compactness is present here, in my professional opinion.

- 19. You also opined that it was sufficiently contiguous. Would you please explain this portion of your opinion.**

Contiguity relates to the subject property to be included within the District being of such a shape to allow efficient design and use of infrastructure. Contiguity of the lands is present for efficient infrastructure design and use.

- 20. From an economic analysis perspective, do you have an opinion as to whether the proposed Naples Reserve Community Development District is the best alternative available for providing the proposed community development services and facilities to the area to be served?**

Yes. I believe the proposed District is the best alternative available to provide the proposed community development services and facilities to the lands anticipated to be included within the proposed District.

- 21. Why is that?**

These improvements could be provided by the purpose local government utilizing special assessments or general funds. Or, the developer and/or a property owners' association could provide these facilities through private financing.

There are several important criteria to consider in evaluating these alternatives, including which alternative provides the best focus, whether the alternative can effectively and efficiently manage and maintain the facilities on a long term basis, whether the alternative has the ability to secure future funding of operation and maintenance expenses, and whether the alternative can secure low cost, long-term public financing.

A general purpose local government provides the long term perspective and is a stable and relatively low cost source of financing and provider of services at sustained levels. However, regardless of the specific mechanism, the general purpose local government will incur costs associated with the financing and management of the construction. The source of the necessary construction funds would be the general purpose local government's general revenue fund or issuance of additional debt through a dependent taxing or assessing mechanism. If general revenue is use, these costs, along with annual maintenance costs, would be born by all residents of the general purpose local government, not just property owners within the proposed District. Financing improvements through a CDD would impact the general purpose local government's total bonding capacity and would have a number of management implications discussed later in my testimony. Dependent district financing would be on the balance sheet of the general purpose local government. Furthermore, this would require the general purpose local government to continually administer, operate and maintain the development

infrastructure. Thus, the general purpose local government would be increasing its responsibility and hence potential liability for the variety of actions that will take place in the development. For these reasons, general purpose local government responsibility for the development would divert economic resources that could be directed elsewhere.

The other alternative is the use of private means – either through a property owner’s association (“POA”) or through the developer, or both in combination. This combination can provide focused service and facilities and managed delivery. However, only a public entity can assure a long-term perspective, act as a stable provider of services and facilities, qualify as a lower cost source of financing and pay for services at sustained levels. The developer could try to obtain private financing, but it is difficult and, when available, is customarily more expensive. This may result in housing that is less affordable or a decrease in the level of services provided. Likewise, a POA also lacks the ability to effectively finance improvements. A POA will not likely have access to lower cost bank or third party financing in today’s market and would not be able to engage in the financing program necessary to provide the needed infrastructure because a POA is generally not considered, in its infancy, a “bankable entity.” In addition, annual maintenance would likely be delegated to a POA, which does not have the same legal backing as does a CDD to enforce assessments for operations and maintenance. Neither the developer nor a POA would be able to provide an as effective long-term financing of services and facilities as would a CDD.

A CDD is a special-purpose unit of local government designed to focus its attention and financial resources on providing the best long-term service to its specific benefited properties and residents. It has limited power and a limited area of jurisdiction, but the proposed District has the ability to obtain adequate funds for sustained levels of maintenance. In addition, the proposed District will incur the cost of issuing bonds or other indebtedness necessary to finance the construction of the necessary infrastructure and will oversee and manage all phases of construction. Further, the sources of funding and manner of collection of funds will assure that the CDD facilities will be managed at the sustained levels of quality desired by residents well into the future. All costs associated with these activities will be born only by property owners within the proposed District that benefit from the improvements. No general purpose local government funds will be used and no costs will be insured by any residents who do not own property within the District.

In sum, a CDD allows for the independent financing, administration, operations and maintenance of the land within the District. For these reasons, a CDD is the best alternative to provide these facilities and services to the Naples Reserve development.

- 22. Do you have an opinion from an economic analysis perspective as to whether the services and facilities to be provided by the proposed Naples Reserve Community Development District will be incompatible with the uses and existing local and regional facilities and services?**

Yes. My professional opinion is that the services and facilities anticipated to be provided by the District are compatible with the uses and existing local and regional facilities and services.

- 23. Why is that?**

Any services required of the proposed District are necessary to support new growth in the area. Further, a CDD, unlike a property owners' association, must adhere to higher governmental rules, procedures and standards because it operates like a government to ensure public oversight to avoid duplication or incompatibility. There are no incompatible use issues for the lands to be included within the proposed District.

In addition, Petitioner presently expects the proposed District to finance and construct and/or maintain roadways, entrance features, recreation improvements, storm water management system and other infrastructure. Ultimately, the District may own and maintain certain of those improvements and the applicable general purpose local government may own and maintain others. However, there will be no overlap or incompatibility because the facilities and improvements expected to be provided by the proposed District either do not exist or exist in a manner consistent with the development plan anticipated for the proposed District.

- 24. Does this conclude your testimony?**

Yes, it does.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA**

**STATE OF FLORIDA  
COUNTY OF COLLIER**

**IN RE:           PETITION TO ESTABLISH NAPLES RESERVE  
                  COMMUNITY DEVELOPMENT DISTRICT**

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

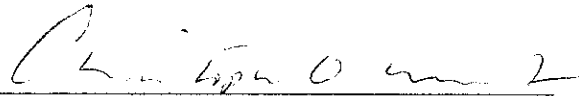
**STATE OF FLORIDA  
COUNTY OF COLLIER**

I, Christopher O. Wright, P.E., of RWA, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1.       I have personal knowledge of the matters set forth in this affidavit.
2.       My name is Christopher O. Wright, P.E., and I am employed by RWA, Inc.
3.       The prepared, written, pre-filed testimony, submitted under my name to Collier County relating to the establishment of Naples Reserve Community Development District, and attached hereto, is true and correct.
4.       If I were asked the questions contained in the pre-filed testimony orally at any hearing before the Board of County Commissioners relating to the Petition to establish Naples Reserve Community Development District, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5.       My pre-filed testimony generally addresses the truth and accuracy of the Petition to establish the proposed Naples Reserve Community Development District, the six factors that must be considered in a determination to establish a community development district.

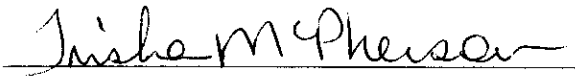
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 19 day of MARCH, 2008.

  
Christopher O. Wright, P.E.

SWORN TO and SUBSCRIBED before me by the Affiant, on this 19 day of MARCH, 2008.



  
TRISHA McPHERSON  
Printed Name of Notary

Personally Known   
Type of identification produced \_\_\_\_\_

**TESTIMONY OF CHRISTOPHER O. WRIGHT, P.E. FOR THE ESTABLISHMENT OF  
THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

**1. Please state your name and business address.**

My name is Christopher O. Wright. My business address is 6610 Willow Park Drive, Suite 200, Naples, Florida 34109.

**2. By whom are you employed and in what capacity?**

I am currently employed as a professional engineer with RWA, Inc. and I am the Chief Executive Officer of RWA, Inc.

**3. And what is the nature of your firm's business?**

RWA, Inc. provides civil engineering, land survey and mapping and land planning consulting and design services to private and public clients.

**4. Please describe your experience and credentials, including your current employment.**

I am a Registered Professional Engineer in the State of Florida with over 19 years of civil engineering and project management experience.

**5. Please describe your educational background, with degrees earned, major areas of study, year of degree, and institutions attended.**

I graduated from the University of Florida with a Bachelor of Science in Civil Engineering Degree (BSCE).

**6. Do you hold any professional designations or certifications?**

I am a Professional Engineer in the State of Florida, P.E. #47059.

**7. Are you a member of any professional associations?**

I am a member of the Florida Engineering Society, American Society of Civil Engineers, the National Society of Professional Engineers, and the Florida Institute of Consulting Engineers.

**8. Prior to your current employment, by whom were you employed and in what position?**

I was employed as a Professional Engineer for WilsonMiller, Inc. as a Senior Project Manager.

**9. Do you consider yourself an expert in civil engineering?**

Yes.



**TESTIMONY OF CHRISTOPHER O. WRIGHT, P.E. FOR THE ESTABLISHMENT OF  
THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

- 10. Please describe your experience with civil engineering relating to community development districts (“CDDs”) and special districts.**

I have provided civil engineering services to several CDDs throughout my career. I currently serve or have served as CDD Engineer for: Lely Resort, Pelican Marsh, Vasari, and Village Walk at Bonita Springs CDD’s

- 11. Do you consider yourself an expert in civil engineering, capable of rendering expert opinions on CDDs, and specifically on infrastructure for CDD services?**

Yes.

- 12. What has been your role with respect to the Petition to Establish (“Petition”) Naples Reserve Community Development District (“Naples Reserve CDD”)?**

My firm has provided civil engineering and consultation services to the proposed CDD.

- 13. Are you familiar with the Petition filed to establish Naples Reserve CDD?**

I have reviewed the Petition and its attachments, and I am familiar with the materials.

- 14. Have you reviewed the contents of the Petition and the exhibits attached to the Petition?**

Yes.

- 15. Are there any changes or corrections to the Petition or exhibits at this time?**

No.

- 16. To the best of your knowledge, based on your familiarity with the Naples Reserve CDD and CDD’s generally, is the Petition and its contents true and complete?**

Yes.

- 17. Are you generally familiar with the geographical areas, type, and scope of development and the available services and facilities within Naples Reserve CDD?**

Yes. I am familiar with the area within Naples Reserve CDD and I am also familiar with the services and facilities available within Naples Reserve CDD.

- 18. Please provide us with a brief description of Naples Reserve CDD boundaries and location?**

The proposed Naples Reserve CDD is 688± acres, as described in the legal description contained in Exhibit 2 and shown on the location map which is Exhibit 1, both prepared by our firm.

**TESTIMONY OF CHRISTOPHER O. WRIGHT, P.E. FOR THE ESTABLISHMENT OF  
THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

**19. Please describe Exhibit 4?**

Exhibit 4 is the PUD Master Plan for the CDD property, and shows generally how the property will be developed as a residential community. There are no existing stormwater sewer interceptors or outfalls, water mains or sewer force mains on the CDD property. Such facilities will be installed during the development of the property.

**20. Based on your experience, do you have an opinion as to whether the proposed Naples Reserve CDD is of sufficient size, sufficient compactness, and sufficient contiguity to be developed as a functionally interrelated community?**

Yes.

**21. What is your opinion?**

Based on my previous experience and review of the Petition and exhibits thereto, the proposed Naples Reserve CDD is of sufficient size, compactness and contiguity to be developed as a functional interrelated community and it has been master planned as such.

**22. What is the basis for your opinion?**

The project is compact with land use typical of a planned community. The development of the land has been planned to be a functional interrelated community.

**23. Based on your experience, do you have an opinion as to whether Naples Reserve CDD is the best alternative available to provide community development services and facilities to the area that will be served?**

Yes.

**24. What is your opinion and the basis for it?**

Given the locational and functional constraints of providing such services in the area of the CDD, Naples Reserve CDD is the best alternative to provide community development facilities to the area to be served.

**25. Based on your experience, do you have an opinion as to whether the services and facilities to be provided by Naples Reserve CDD will be compatible with the uses and existing local and regional facilities and services?**

Yes.

**26. What is your opinion and the basis for it?**

Naples Reserve CDD's facilities and services within its boundaries will not duplicate any available regional services or facilities within Naples Reserve CDD.

**TESTIMONY OF CHRISTOPHER O. WRIGHT, P.E. FOR THE ESTABLISHMENT OF  
THE NAPLES RESERVE COMMUNITY DEVELOPMENT DISTRICT**

- 27. Based on your experience, do you have an opinion as to whether the area to be included within Naples Reserve CDD is amenable to being served by a separate special district government?**

Yes, I do. It is my opinion that the area designated to be included in Naples Reserve CDD is amenable to continued existence as a separate special district government.

- 28. What is the basis for your opinions?**

It is clear that the lands in Naples Reserve CDD will continue to have the need for basic infrastructure.

The land area for Naples Reserve CDD has been evaluated for sufficiency of size, compactness, and contiguity and meets those tests. Therefore, from a professional engineering perspective, the area to be served by Naples Reserve CDD is clearly amenable to separate special-distinct governance.

The Naples Reserve CDD will have the ability to provide facilities and services to the benefit of its owners and residents, and the size and compactness of the area will not be inconsistent with Naples Reserve CDD's ability to provide those services.

- 29. Does this conclude your testimony?**

Yes.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA**

**STATE OF FLORIDA  
COUNTY OF COLLIER**

**IN RE:            PETITION TO ESTABLISH NAPLES RESERVE  
                      COMMUNITY DEVELOPMENT DISTRICT**

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

**STATE OF FLORIDA  
COUNTY OF COLLIER**

I, Robert Mulhere, of RWA, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1.        I have personal knowledge of the matters set forth in this affidavit.

2.        My name is Robert Mulhere, and I am employed by RWA, Inc.

3.        The prepared, written, pre-filed testimony, submitted under my name to Collier County relating to the establishment of Naples Reserve Community Development District, and attached hereto, is true and correct.

4.        If I were asked the questions contained in the pre-filed testimony orally at any hearing before the Board of County Commissioners relating to the Petition to establish Naples Reserve Community Development District, my oral answers would be the same as the written answers presented in my pre-filed testimony.

5.        My pre-filed testimony generally addresses the truth and accuracy of the Petition to establish the proposed Naples Reserve Community Development District, the six factors that must be considered in a determination to establish a community development district and the consistency of the proposed community development district with the state and local

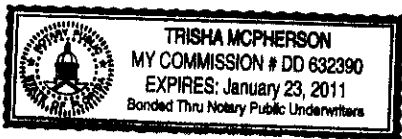
comprehensive plans.

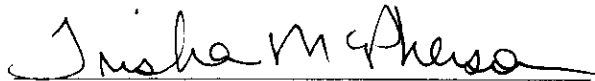
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 19 day of MARCH, 2008.

  
Robert Mulhere

SWORN TO and SUBSCRIBED before me by the Affiant, on this 19 day of MARCH, 2008.



  
TRISHA McPHERSON  
Printed Name of Notary

Personally Known   
Type of identification produced \_\_\_\_\_

**TESTIMONY OF ROBERT J. MULHERE, AICP, PLANNER, FOR THE  
ESTABLISHMENT OF THE NAPLES RESERVE COMMUNITY DEVELOPMENT  
DISTRICT**

**1. Please state your name, business, business address, and position and duties within your business.**

My name is Robert J. Mulhere, AICP. By profession I am an urban planner. I am a Senior Vice President and Director of Planning with RWA, Inc., whose address is 6610 Willow Park Drive, Naples Florida.

**2. Please describe your education, experience and credentials as a planner.**

I have 25 years of experience in planning and permitting related to land development activities, including: Developments of Regional Impacts, comprehensive plan amendments, property rezonings, land development code amendments, site development plans, feasibility studies, and assessing alternative ways to provide infrastructure to permitted and planned community developments. I have a BA Degree in Political Science from St. Michael's College and a Masters Degree in Public Administration from Florida Gulf Coast University. I am a Certified Planner with the designation of AICP from the American Institute of Certified Planners and member of the Urban Land Institute.

**3. Have you qualified and been accepted as an expert in planning matters.**

I have been qualified as an expert in urban planning and in local, regional, and state growth management planning in numerous hearings in front of various Zoning Boards, Local Planning Agencies, and County Commissions.

**4. What aspects of the Petition for the Establishment of the Naples Reserve Community Development District will you address in your testimony?**

Based on my experience and training, I will address planning aspects and consequences of the Naples Reserve Community Development District on the proposed property of the community development project. I have assessed from a planning perspective the management of the delivery or provision of basic infrastructure to community development districts and related financing. I have assisted in the preparation of the Petition, its required exhibits and additional information pertinent to the planning consequences of establishing the District.

**5. Could you describe the proposed Naples Reserve CDD**

Naples Reserve is located at 10097 Greenway Road in Section 1, Township 51 South, Range 26 East. Naples Reserve is an amenitized residential project encompassing approximately 688.1 acres, and is to include 1154 dwelling units in a mix of product type including single family detached, single family attached and multifamily dwellings amenitized by an 18 hole golf course and lake system. Naples Reserve will provide a unified community framework, which

accommodates a variety of housing opportunities. Design guidelines and an integrated plan for landscaping, signage, utility service, stormwater management, and community services will tie the neighborhood together, creating a viable community structure.

**6. Are you familiar with the statutory procedure for the establishment of a community development district and the six factors that must be considered in the establishment of a district and why these factors must be considered?**

The law requires that certain factors be addressed in the determination of the establishment of a CDD. In addition, a consideration of the statutory factors and procedures for the establishment of a District tends to identify problem areas which can be addressed by the District Board of Supervisors after establishment of the District, or by the staff and members of the Board of County Commissioners and the District review team during the petition process.

**7. Do you have an opinion with regard to Factor One, that the petition is true and correct?**

In my professional opinion from a planning perspective, the Petition and its attached exhibits satisfy the requirements of the statute and contain information that is both true and correct. Therefore, factor one in my opinion is satisfied from a planning perspective.

**8. Do you have an opinion with regard to Factor Two, that the establishment of the district is consistent with the State and Local Comprehensive Plan?**

Regarding factor number two, I have done a considerable amount of analysis of both the State Comprehensive Plan and the Collier County Comprehensive Plan because this factor seeks consideration of information on whether creation by law and establishment by county ordinance of the District is inconsistent with any applicable element or portion of the State Comprehensive Plan or the Collier County Comprehensive Plan.

The State Comprehensive Plan is set forth in Chapter 187, Florida Statutes. I have analyzed this State Plan upon the assumption that the District will exercise all of its systems, facilities and services and related specialized powers set forth in the uniform charter of the District, Sections 190.006 through 190.041, Florida Statutes.

As to methodology, I looked at all 26 subjects, 26 goals and several related policies under each goal in the State Plan from this perspective. First, I eliminated all subjects, goals and policies of the State Plan that related neither to the development itself, nor to the creation and establishment of the District to serve the development. Further, I rejected any goals, subjects and policies that related only to the development and land use project. As a result, I was able to identify certain remaining subjects, goals and policies, and to review, evaluate and consider them, as they related, in my opinion, to the creation and establishment of a Community Development District.

Using this methodology, I have determined that four goals and related policies actually

apply to the subject of this petition, the establishment of the Naples Reserve Community Development District. Because the Florida Legislature, consistent with section 187.20121)(b)2, FS., created the District by general law and provided that it should be established on the proposed property, I will focus on the establishment aspect in this testimony. I have analyzed each subject and goal and then identified various specific policies under each of them which related to the District, once again, applying all of these factors to the assumption that the District would exercise on the particular property in Collier County all of its specialized powers in subsections (1) and (2) of Section 190.012, Florida Statutes.

### **Subject and Goal 16**

#### **(16) LAND USE.-**

**(a) Goal.- In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.**

First, Subject Number 16 and its related goal apply because the subject of development being directed to areas having, or programmed to have funded land and water resources, and service capacity to serve growth in an environmentally responsible manner relates directly to the District purpose of fiscal responsibility and adequate service supply through District provided infrastructure improvements. I determined that establishment on the proposed property of the District would not be inconsistent with this goal and subject because the Legislature Chapter 190, F.S., has found already that services provided by a District can be "...a timely, effective, responsive and economic..." means of accommodating development demands "...without overburdening other governments and their taxpayers."

**Policy 16(b)1. Promote state programs, investments, and development and redevelopment activities, which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.**

Regarding policy 16(b)1, establishment of the District is not inconsistent because Chapter 190, F.S., requires efficiency and responsibility in the utilization of District powers in providing services to supply development demand and the requirements of county land use and development decisions.

**Policy 16(b)2. Develop a system of incentives and disincentives, which encourage separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.**

Regarding policy 16(b)2, a District, when established, is required by law to provide service capacity in areas designated for urban services, and to provide such services in an environmentally sensitive manner. The District is not inconsistent with policy 16(b)2 of Chapter 187, F.S.



**Policy 16(b)5. Encourage and assist local governments in establishing comprehensive impact-review procedures to evaluate the effects of significant development activities in their jurisdictions.**

Based on the fact that the District, when established, must report annually for such facilities using comprehensive review procedures set forth in Section 189.415, F.S., it is not inconsistent with Policy 16(b)5 of Chapter 187, F.S.

**Subject and Goal 18**

**(18) PUBLIC FACILITIES.-**

**(a) Goal.- Florida shall protect the substantial investments in public facilities that already exist and shall plan and provide for and finance new facilities to serve residents in a timely, orderly, and efficient manner.**

Next, I determined that Subject 18 and its related Goal would be directly implemented through the establishment of the District through the responsible provision of services and facilities when needed. Based on that determination, the District would not be inconsistent with this subject and goal.

**Policy 18(b)3. Allocate the costs of new public facilities on the basis of the benefits received by the existing and future residents.**

Through an understanding of the principle behind the establishment of a District, where facilities and services provided by the District are paid for by those whose property benefits from those facilities and services through ad valorem taxes, non-add valorem special assessments or user fees, I find that the District will implement policy 18(b)3, and therefore, in my opinion, is consistent with the policy.

**Policy 18(b)4. Create a partnership among state government, local governments, and the private sector, which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.**

In regard to Policy 18(b)4, the District is a partnership between and a coinciding of State government, other local government, and the private sector, given that a District's charge is to utilize its statutory powers for the provision of infrastructure only in conformance with local and state regulations as applied to the development and developer. Thus, establishment of the District is not inconsistent with this policy.

**Policy 18(b)5. Encourage local government financial self-sufficiency in providing public facilities.**

In regard to Policy 18(b)5, the District, if established, would be a single and special purpose local government, and would be self-sufficient in the provision of infrastructure systems,

services and facilities given that it would not draw upon other County resources. The establishment of the District on the proposed property would not be inconsistent with this policy.

**Policy 18(b)6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.**

The establishment of the District is the demonstration of Policy 18(b)6's intent, whereby the District is an innovative means of providing fiscally sound and cost effective service and facility improvements. Establishing the District is not inconsistent with this policy. Further, the District, when established, being a special purpose local government, would have limited powers to design, fund and construct services and facilities necessary to accommodate the project's facility and service demand. The long-term management of infrastructure, at sustained levels of quality, is both fiscally sound and cost effective as an infrastructure management tool, which then eliminates the need for excessive financing of the facilities. The District is not inconsistent with this policy.

**Policy 18(b)7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.**

Given that the District, when established, is subject to the reporting provisions of Section 189.415, Florida Statutes, which in paragraph (6) states, "For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a district public facilities report may be used and relied upon by the local general purpose government or governments within which the special district is located. The District, if established, will implement this policy statement, and is therefore consistent.

**Subject and Goal 21**

**(21) GOVERNMENTAL EFFICIENCY.-**

**(a) Goal.- Florida governments shall economically and efficiently provide the amount and quality of services required by the public.**

Subject 21 deals with Government Efficiency and it, along with its goal, applies because of the statutory finding that a District is a means to deliver services and facilities in a timely, efficient and cost effective manner. The District is not inconsistent with Goal 21.

**Policy 21(b)1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate inter-local agreements and mutual participation for mutual benefit.**

The Naples Reserve Community Development District, when established, becomes a separate special purpose local government with the authority to provide public services and facilities within a limited land area. As a local government, the District has the ability to enter into inter-local agreements with mutual participation for the benefits to the land and residents within the District, and the rest of the County. Given that any action on the part of the District

cannot be inconsistent with any portion of Collier County's Comprehensive Plan, including the Intergovernmental Coordination Element, both governments will be operating within the parameters of the Comprehensive Plan. This leads to close communication and coordination between the levels of government, which provide a mutual benefit for both the County and District. The District, in my opinion, implements this policy and is therefore consistent.

**Policy 21(b)2. Allow the creation of independent special taxing districts, which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts, which do not meet these standards.**

Policy 21(b)2, captures the intent of why Community Development Districts are an important and integral component in the management and financing of community development facilities and services. The District government, created by uniform general law, and established pursuant to that uniform general law on the proposed property, has the single and special purpose of providing infrastructure to the community development through the exercise of its management powers with related powers to fund that management function. Therefore, the District meets general law standards expressly. It may attain its funding in part to pay for its management functions through the sale of bonds. If so, bonds are repaid by the landowners who receive the special benefits of the systems, facilities and services provided by the District to property; therefore, the District does not burden the general taxpayer with obligations to pay for systems, facilities and services within the District boundaries.

Given that all Chapter 190, F.S., Districts are created by law and established by ordinance or rule pursuant to the specific general factors considered by the county and petitioner as specified by the law. The establishment of this type of District is consistent with the policy not to allow the needless fragmentation, duplication or proliferation of local government systems, facilities and services by independent taxing districts, which do not have those specific law factors and standards. The District would serve to implement this policy, and in my opinion, can be considered consistent.

**Policy 21(b)5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.**

As stated previously, a District is statutorily required to report as to operation and demand on its facilities pursuant to Section 189.415, F.S., which Collier County may utilize in its Annual Update and Inventory Report pursuant to its Comprehensive Plan. This, along with a District's charge to operate in conformance with local, regional and state growth management requirements, including the State mandated Intergovernmental Coordination Element's inter-local agreements, proves, in my opinion, that the District would not be inconsistent with Policy 21(b)5.

**Policy 21(b)9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.**

Information and records analysis and management are an operational requirement of Chapter 190, F.S., through record keeping, disclosure, and government-in-the-sunshine. This, in my opinion, effectively implements the call for efficiency in government set forth in Policy 21(b)9, thereby making a District consistent with that policy.

### **Subject and Goal 26**

#### **(26) PLAN IMPLEMENTATION.-**

**(a) Goal.- Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.**

Subject No.26 addresses plan implementation. Its related goal sets forth that systematic planning capabilities shall be integrated into all levels of government in Florida, with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement. As stated previously, a District has a statutory mandate to report information concerning District operations. Further, a District being a special purpose government must advertise its regularly scheduled meetings, ensuring the opportunity for public comment. The District, if established, in my opinion, is consistent with this goal and would implement it.

The Legislature provided for the establishment of a district by ordinance or rule on proposed property to coincide the best aspects of three different interests while eliminating the less desirable growth management aspects of those three alternatives so far as provision of infrastructure to community developments is concerned. First, the best interest or capabilities of the county involve planning and implementing public policy based on health, safety and welfare requirements and state and local comprehensive planning and related environmental and land use permitting and development orders. This set of county strengths is coincided with the expertise of a landowner-developer to market the development and to tie marketing to phasing and absorption rates and other matters involving the art, science and technology of high quality community development enhanced by county policies, regulations and requirements; these strengths are then coincided with the strength of the District to construct and maintain at sustained levels of high quality the basic infrastructure in a manner that is not inconsistent with the joint work product of the county and the landowner-developer. The permitting and planning process jointly exercised by the county and the landowner-developer adds value to the raw land and this intrinsic value is enhanced further as found by the Florida Legislature, through the use of the independent community development district. The reason is because the community development district has one single special purpose that it exercises through pinpointed and focused management accountable to the people and landowners closest to the District. The Florida Legislature created the District charter, and authorized its establishment by rule or ordinance, in order to provide this highly specialized single-purpose, efficient and accountable alternative to manage the delivery of infrastructure. The coinciding of these three interests then allows for collaboration through such mechanisms as interlocal government agreements under section 163.01, FS., and the provision of capital improvements with related financing tied to land-use phasing through sections 189.415(2) and (6), FS. This coinciding would not allow for

appropriate collaboration if it were not for the fact that the less desirable aspects of the county and the landowner-developer alternative were not eliminated through this approach. Such less desirable aspects for the county alternative are the fact that it has a plethora of legitimately countervailing economic, financial and political duties, responsibilities and goals and has substantial overhead, which raised serious questions in the Legislature about the efficacy of using the general purpose county government for the provision of certain specific and special purpose infrastructure phased out to a particular community development. The Legislature was also quite concerned that the county horizons for the exercise of its economic, political and legal imperatives were relatively short-term in thinking and approach (re-election cycles). The negatives for the landowner-developer alternative were its relative lack of accountability and the Legislature was in particular concerned about the even shorter time frames for political, economic and business imperatives because developers would be looking mostly to quarterly and annual profit statements as benchmarks, therefore putting into question seriously the long-term consistency and longevity of constructive developer involvement as a way to respond to the interests of the landowners and residents. Even private homeowner associations as determined by the Legislature are essentially private entities without the power of governmental enforcement and without professional management with expressed and focused attention, not just on common areas, but on the planning, construction, implementation and maintenance of basic infrastructure, short-term and long-term. Therefore, the coinciding as envisioned by chapter 190, FS., eliminates the negative and enhances the positives of the three basic alternatives to provision of infrastructure, which can be collaborated with more efficiency, accountability and fairness.

**Policy 26(b)2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.**

By virtue of the fact that the District, as created by and established on this proposed property pursuant to Chapter 190, Florida Statutes, must not be inconsistent with any applicable portion of the State Comprehensive Plan, a District is granted the operational authority to implement policies of the Plan. The District is not inconsistent with Policy 26(b)2.

**Policy 26(b)3. Establish effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met.**

Policy 26(b)3 calls for measures to assure that regulatory programs are adhered to. A District is not exempted from any applicable local, regional or state growth management regulatory programs, thus the Naples Reserve Community Development District is not inconsistent with this policy.

**Policy 26(b)8. Encourage the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth.**

The District is required to operate in the sunshine, encouraging public participation, and

as stated previously, reporting of the District's facilities and services status to the County government provides a mechanism for cooperation between the general purpose and special purpose governments. A District, in my opinion, not only is consistent with Policy 26(b)8, it implements it.

I have also reviewed all the subjects, goals and policies which I have determined do not apply to the District, and it is my professional opinion that establishment of the District is therefore, not inconsistent with any of those subjects, goals and related policies.

From a planning perspective, (as to management and financing of all the basic infrastructure systems, facilities and services which the District by law is chartered to provide), my opinion is that the creation by law and establishment by ordinance of the District is not inconsistent with any subject, goal and policy of the State Comprehensive Plan, as amended.

The Collier County Local Government Comprehensive Plan is set forth in Collier County Ordinance No. 89-05, as amended. This Plan is currently in force and effective in Collier County subject to general law. No county plan or ordinance, under charter home rule or non-charter home rule, may be inconsistent with the plan or any other general law. Therefore, the county plan may not be inconsistent with Chapter 190, Florida Statutes, the express general law by which the community development district was created and pursuant to which it is to be established by county ordinance on the proposed property.

Under the Florida Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, part II, Florida Statutes, as amended, the Plan consists of various components, elements and other designations. By way of methodology, I applied each special power available to the Community Development District under all of Section 190.012, Florida Statutes, to every element, component, section and other aspect of the Collier County Comprehensive Plan. I have applied this Plan as a planner in order to determine whether there is any particular inconsistency with the Plan from creation and establishment of the District.

The detailed methodology I used to make this determination is similar to that I outlined with regard to the State Plan. First, I eliminated certain goals, objectives, policies, elements, components, sections and portions, which do not address creating and establishing the District on the proposed property; I also rejected those which relate strictly to community developments. These subjects are irrelevant to the creation and establishment of the District. After eliminating these matters, I identified and evaluated the remaining parts of the Plan as to whether creation and establishment of the District, exercising any and all of its special powers, would be inconsistent.

As to these goals, policies, components, elements, sections and other aspects of the Plan which relate to creation and establishment of the District, I noted five for the purposes of this planning analysis.

The establishment of the Community Development District, whose purpose is to provide its governmental services attendant to Naples Reserve's basic infrastructure, complies fully with

the goals, objectives and policies of the Collier County Growth Management Plan.

## **CAPITAL IMPROVEMENTS ELEMENT**

**Objective 1.2: Financial Feasibility. Future development will bear a proportionate cost of facility improvements necessitated by growth. Future Developments payments may take the form of impact fees, dedication of land, provision of public facilities, and future payments of user fees, special assessments and taxes.**

Naples Reserve CDD will pay fees to the County, property taxes and non-ad valorem special assessments and fees and charges to the District.

## **PUBLIC FACILITIES ELEMENT--POTABLE WATER SUBELEMENT**

**Policy 1.2.6: Where Community Development Districts, or other similar special districts are established to provide a tool for developers to finance infrastructure or other purposes, wholly or partially within the Collier County Water-Sewer District, water service shall be connected to the regional system, and internal facilities shall be conveyed when acceptable to the Collier County Water-Sewer District for operation and ownership...**

Naples Reserve CDD will provide and maintain potable water infrastructure to support the proposed development, and will connect the system to Collier County consistent with the Collier County Utilities Ordinance. The District is consistent with this Policy.

## **RECREATION AND OPEN SPACE ELEMENT**

**Objective 1.4: Continue formal mechanism to improve and coordinate efforts among levels of government and the private sector in order to provide recreational opportunities.**

Naples Reserve CDD will provide extensive passive and active recreation and open space facilities throughout the project site. The project will include natural preserves, lakes, parks, and active recreation facilities such as tennis, swimming, and health club. Naples Reserve CDD, through its management and related financing of value enhancing improvements, is consistent with the Collier County Policy 1.4 in its commitment to provide on-site recreational facilities.

## **INTERGOVERNMENTAL COORDINATION ELEMENT**

**Goal 1 and Objective 1.1.: Provide for the continual exchange of information and the use of any intergovernmental coordination mechanisms to achieve compatible and coordinated plans.**

Naples Reserve has extensively coordinated with various public and private sector agencies in the delivery of services, such as Collier County and Florida Power and Light to insure that services are coordinated and non-duplicative.

Once established, the Naples Reserve CDD may enter into interlocal agreements such as, but not limited to, the Collier County Water-Sewer District, Collier County, or other Community Development Districts.

## **FUTURE LAND USE ELEMENT**

**Objective 5 and Policy 5.1: In order to promote sound planning, ensure compatibility of land uses and further the implementation of the Future Land Use Element. All rezonings must be consistent with the Collier County Growth Management Plan.**

Naples Reserve is a mixed use master planned community, which has utilized the Planned Unit Development zoning district alternative to establish the development program, and the establishment of the Community Development District to provide specialized local governmental infrastructure systems, facilities and services. The project site is located in the area designated Urban, Urban Residential Fringe Subdistrict of the Mixed Use District, and Receiving lands within the Rural Fringe Mixed Use District, of the Agricultural/Rural Designation, as depicted on the County Future Land Use Map. The project is consistent with the permitted land uses, densities and policies of the Future Land Use Element of the Collier County Growth Management Plan, and the Community Development District is consistent with these policies because the District plans, implements, constructs and maintains, both short-term and long-term, basic systems, facilities and services implementing to the county capital improvement element which is tied to the county future land use element.

Having thoroughly reviewed the Plan of Collier County as it may be related to the creation and establishment of a District pursuant to Chapter 190, Florida Statutes, I found that the District on the proposed property is not inconsistent with goals, objectives, policies, sections or portions which were found not to be applicable to the establishment of a District.

Based upon the aforementioned findings, the creation and establishment of the District on the proposed property would not be inconsistent with any goals, policies, sections or portions of the Plan, even if it were to exercise any and all of its statutory powers. In fact, the District would further the Plan in general, and many of its specific components.

Further, the creation and establishment of the District would not be inconsistent with those parts of the Plan which do not relate to the creation and establishment of a District.

### **9. Do you have an opinion as to Factor Three relating to size, compactness and contiguity?**

Factor three deals with whether the area of land proposed by the petitioner to be within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

Key terms and words need to be defined or put in proper context from a planning perspective as related to the factor and infrastructure delivery. A “community” is a unified body



of individuals living in a particular area linked by common, social, political or economic interest. Community governments provide people with those facilities and services they desire to live in the community. These include water, sewer, police, fire protection, roads, parks libraries and some social services such as childcare, affordable housing assistance and health care. From the planning perspective the term "functional interrelated community" means that the functions of a community must be integrated into a long-range plan to analyze the future needs of the community. Each function requires a funding source and an understanding of the size of the community's needs so as to handle the growth and development of the community. Additionally, the land area of a community must be of sufficient size to accommodate the permitted land uses and the required, interrelated infrastructure facilities and services. Functional interrelation means that each community function has mutual relationship to the other. Each function must be designed to contribute to the development or maintenance of the larger whole, or as used here, the community.

Under this factor, using the understanding I outlined of a functional interrelated community above, I can determine whether the actual physical area within Collier County on which the District would function to provide infrastructure to the proposed community development raises any particular problems as to size, compactness or contiguity.

The size of the land area for the Community Development District is approximately 688.1 acres. In my opinion, the size is sufficient to operate as a community because it has been master planned to be efficient in land utilization, to provide for all land uses necessary to be physically, and socially self sustaining.

Compactness relates to closeness in distance between the lands within the development. It is a spatial term used to describe property that is close together. Having reviewed the Naples Reserve Community Development District's land area, I find that its boundaries are sufficiently compact, have no major obstacles separating the land uses, and are not irregular in shape. It is not substantially divided and the land area is such that there can be both physical and social functions. In my opinion, therefore, the land area within the proposed community development, which would be serviced by the District, is sufficiently compact to be a functional interrelated community.

Contiguity is another spatial term, which can describe lands, which are adjacent, where all parts of a project are either in actual contact or are separated by no more than a road or street or a small separation. The properties must be close enough to allow the cost effective and efficient use of infrastructure, services and design. The actual touching of property lines is not required for property to be sufficiently contiguous for planning purposes. In reviewing the land area which will be serviced by the Naples Reserve Community Development District, I believe that the land is sufficiently contiguous to be a functional interrelated community because it is spatially close together, completely contiguous, and it is large enough in land area to allow for the efficient provision of infrastructure systems, facilities and services.

**10. Skipping to Factor Six, relating to the amenability of the development to special district governance, what is your professional opinion with regard to compliance with this**

**factor?**

This factor, dealing with land area, is more appropriately analyzed out of numerical order so as to be associated with the preceding factors, which also deal with land area issues. Factor six deals with whether the area that will be serviced by the District is amenable to separate special-district government. I have reviewed information about this proposed land area from the District governance perspective. In order to do so, I have determined that the terminology “separate special district-governance” means governance, created by law and established by law through petition and vote pursuant to the Board of County Commissioners, with **limited** special functions and powers to levy taxes or special assessments and non-liable charges and fees within a legally defined geographical area. The District, if established, would be a special district government with such capabilities.

The term “amenable” can be defined to be an appropriateness for accountability, or responsive.

Having determined that the land area is sufficient size, and is sufficiently compact and sufficiently contiguous to be functional as an inter-related community, I now, as a planner, must determine whether that land area is also amenable to being governed by the Community Development District as set forth in its uniform charter created by law as set forth expressly in Section 190.006 through 190.041, Florida Statutes. I have reviewed this subject from the potential exercise by the District of any and all of its special powers in that charter.

In my opinion the land area for the District is amenable to special district governance because the land area proposed to be established as a District has the need for the services and would benefit from the facilities that the special district would provide, and through my previous findings, the land area is of sufficient size, sufficiently compact and contiguous to be a functional interrelated community.

**11. Do you have a professional opinion as to Factor Five which relates to compatibility with existing services and facilities?**

Factor five deals with 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.

By legislative mandate, all actions and implementation of any or all of the District powers are governed by and must not be inconsistent with the Collier County Growth Management Plan. This insures compliance with County land development regulations and concurrency requirements.

I have reviewed the proposed property on which the state-created District will be established to determine if there are any regional systems, services or facilities, which through their existence may be problematic as to incompatibility, related to District functions, and found no such facilities. Therefore, no problems would be created.

**12. Finally, what is your opinion with regard to Factor Four relating to alternatives to providing services?**

Factor four must logically be taken out of numerical order. It deals with alternatives, essentially requiring the Board of County Commissioners to use relevant, material and pertinent information as to the various alternative ways to provide basic systems, facilities and services to the community development.

From a planning perspective there are three alternative ways to provide basic systems, facilities and services to the community development on this property in Collier County. The first is private, through developer managed improvements, separate private infrastructure contractors, a private utility company, a homeowners association, or any combination of these private means of providing community development services and facilities along with related financing powers. The second alternative would be local general purpose public, either through the County itself or by County management and financing through dependent districts, or county management but with financing through the use of County Municipal Service Taxing Units (MSTU), or County Municipal Service Benefit Units (MSBU). Finally, the third alternative would also be public, but through the specialized, limited and single purpose Community Development District provided for by Chapter 190, Florida Statutes, which coincides both public and private interests and capabilities.

As previously stated in response to Goal 26, the Legislature provided for the establishment of a district by ordinance or rule on proposed property to coincide the best aspects of three different interests while eliminating the less desirable growth management aspects of those three entities so far as provision of infrastructure to community developments is concerned. First, the best interest or capabilities of the county involve planning an implementing public policy based on health, safety and welfare requirements and state and local comprehensive planning and related environmental and land use permitting and development orders. This set of county strengths is coincided with the expertise of a landowner-developer to market the development and to tie marketing to phasing and absorption rates in other matters involving the art, science and technology of high quality community development enhanced by county policies, regulations and requirements; these strengths are then coincided with the strength of the District to construct and maintain at sustained levels of high quality the basic infrastructure in a manner that is not inconsistent with the joint work product of the county and the landowner-developer.

The permitting and planning process jointly exercised by the county and the landowner-developer adds value to the raw land and this intrinsic value is enhanced further by the intent of the Florida Legislature through the use of the independent community development district. The reason is because the community development district has one single special purpose that it exercises through pinpointed and focused management accountable to the people and landowners closest to the District. The Florida Legislature created the District charter, and authorized its establishment by rule or ordinance, in order to provide this highly specialized single purpose efficient and accountable alternative way to manage the delivery of infrastructure. The coinciding of these three interests then allows for collaboration through such mechanisms as

interlocal government agreements under section 163.01, FS., and the provision of capital improvements with related financing tied to land-use phasing through sections 189.415(2) and (6), FS. ~~This coinciding would not allow~~ for appropriate collaboration if it were not for the fact that the less desirable aspects of the county and the landowner-developer were not eliminated through this approach. Such less desirable aspects for the county are the fact that it has a plethora of legitimately countervailing economic financial and political duties, responsibilities and goals and has substantial overhead, which raised serious questions in the Legislature about the efficacy of using the county for the provision of certain specific infrastructure phased out to a particular community development. The Legislature was also quite concerned that the county horizons for the exercise of political and legal imperatives were relatively short-term in thinking and approach (re-election cycles). The negatives for the landowner-developer were lack of accountability and the Legislature was in particular concerned about the even shorter time frames for political economic and policy imperatives because developers would be looking mostly to quarterly and annual profit statements as benchmarks, therefore questioning seriously the long-term consistency and longevity of developer involvement as a way to respond to the interests of the landowners and residents. Even private homeowner associations as determined by the Legislature are essentially private entities without the power of governmental enforcement and without professional management with expressed and focused attention not just on common areas but on the planning, construction, implementation and maintenance of basic infrastructure, short-term and long-term. Therefore, the coinciding as envisioned by chapter 190, FS., eliminates the negative and enhances the positives, which can be collaborated with more efficiency, accountability and fairness.

Planning considerations needed to determine the best alternative to deliver basic infrastructure to community developers are whether the alternative was able to provide the highest quality services and facilities; whether the alternative was capable to deliver the facilities and services in a timely manner when the community development service and facility demand occurs; whether the alternative had a means of management to be responsive to the community development over the long term; and whether the alternative could obtain and maintain short-term and long-term financing to facilitate the management benefits.

Regarding the supply of infrastructure in advance of the impacts of the actual development, concurrency is an important consideration. In this regard, it is vital to have an understanding of the community development infrastructure commitments during the master planning process to properly and efficiently phase the construction of the community development facilities. This allows a full utilization of constructed facilities before new branches of those facilities are constructed. The statutory District reporting mandates described previously can be utilized by Collier County as a concurrency management mechanism to implement applicable provisions (i.e., Future Land use Element, Capital Improvement Element, etc.), of its Growth Management Plan. The Community Development District alternative means of providing community development systems, facilities and services allows for a cooperative concurrency management program between the County general purpose government and the District special purpose local government.

Long term and sustained adequacy and efficiency of infrastructure are important, and I

note that among the three alternatives, the District would more closely and efficiently manage services and facilities given the District's sole responsibility is the community development's infrastructure needs, both immediate and in the long term. Further, a District can be more responsive to the residents of the community development and other affected parties, than can be provided by the alternatives, which either have a broader public accountability, or narrowed interests.

Regarding the important planning principle of long term implementation and maintenance, I find that among the three alternatives the District's unique operational and management role would provide the community development residents greater assurance of the maintenance of the community development services and facilities which would not be otherwise be provided for by the alternatives at such a high level of quality, particularly in the long term. Collier County could supply the community development infrastructure, but it does not have the unfettered opportunity for phasing flexibility, nor does it have the luxury of sole focused attention for monitoring and maintenance as would a District. This is again due to Collier County's general purpose, where it must be responsive to multiple community developments and other special interests, whereas a District created by and established pursuant to Chapter 190, Florida Statutes, has a singular and special purpose of providing to the community development that it serves specific systems, facilities and services. The private installation of community development infrastructure, while it may provide, at least for the short-term, quality systems, services and facilities may not have the management and maintenance longevity, particularly when the community development is "built-out" and traditionally turned over to homeowners and/or condominium associations which traditionally are only interested in their individual association matters.

The establishment of the Naples Reserve Community Development District on the proposed property is the most appropriate means of providing community development systems, services and facilities because it is functionally involved in the overall physical master planning of the development, equitably distributes the costs and responsibilities to the users of the systems, services and facilities, provides for long term maintenance, and provides a greater assurance that the Naples Reserve Community Development District is the most appropriate means of providing community development systems, services and facilities because it is functionally involved in the overall physical master planning of the development, equitably distributes the costs and responsibilities to the users of the systems, services and facilities, provides for long term maintenance, and provides a greater assurance that the residents served by the Naples Reserve Community Development will have a sustained quality of life.

**13. Does this conclude your testimony?**

Yes, it does

STATE OF FLORIDA)

COUNTY OF COLLIER)

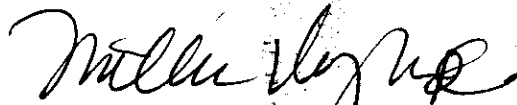
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2008-37**

Which was adopted by the Board of County Commissioners on the 22nd day of July, 2008, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 28th day of July, 2008.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



By: Martha Vergara,  
Deputy Clerk