

# Exhibit 6

**RESOLUTION NO. 2017-09**

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

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

**WHEREAS**, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services; and

**WHEREAS**, the District presently consists of 13,388.45 acres, more or less, as more fully described in the Rule; and

**WHEREAS**, HyDry Company, LLC, a Delaware limited liability company ("Landowner") has approached the District and requested the District petition to amend its boundaries to add approximately 79.34 acres of land as more particularly described in the attached **Exhibit A** ("Property"); and

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

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

**WHEREAS**, addition of the land depicted in **Exhibit A** to the District is not inconsistent with either the State or local comprehensive plan; and

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

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

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

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

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

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

**SECTION 2.** The Board hereby directs the Chairman and District staff to proceed in an expeditious manner with the preparation and filing of a petition and related materials with the Florida Land and Water Adjudicatory Commission, to seek the amendment of the District's boundaries to add the lands depicted in **Exhibit A**, pursuant to Chapter 190, Florida Statutes, and authorizes the prosecution of the procedural requirements detailed in Chapter 190, Florida Statutes, for the amendment of the District's boundaries.

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

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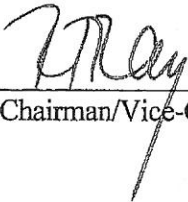
SECTION 4. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 27th day of September, 2017.

ATTEST:

TOLOMATO COMMUNITY  
DEVELOPMENT DISTRICT

  
Assistant Secretary

  
Chairman/Vice-Chairman, Board of Supervisors

**EXHIBIT A**

September 25, 2017  
Twenty Mile at Nocatee Phase 5C

Work Order No. 17-052.00  
File No. 124A-01.00B

**Parcel 5C Annex**

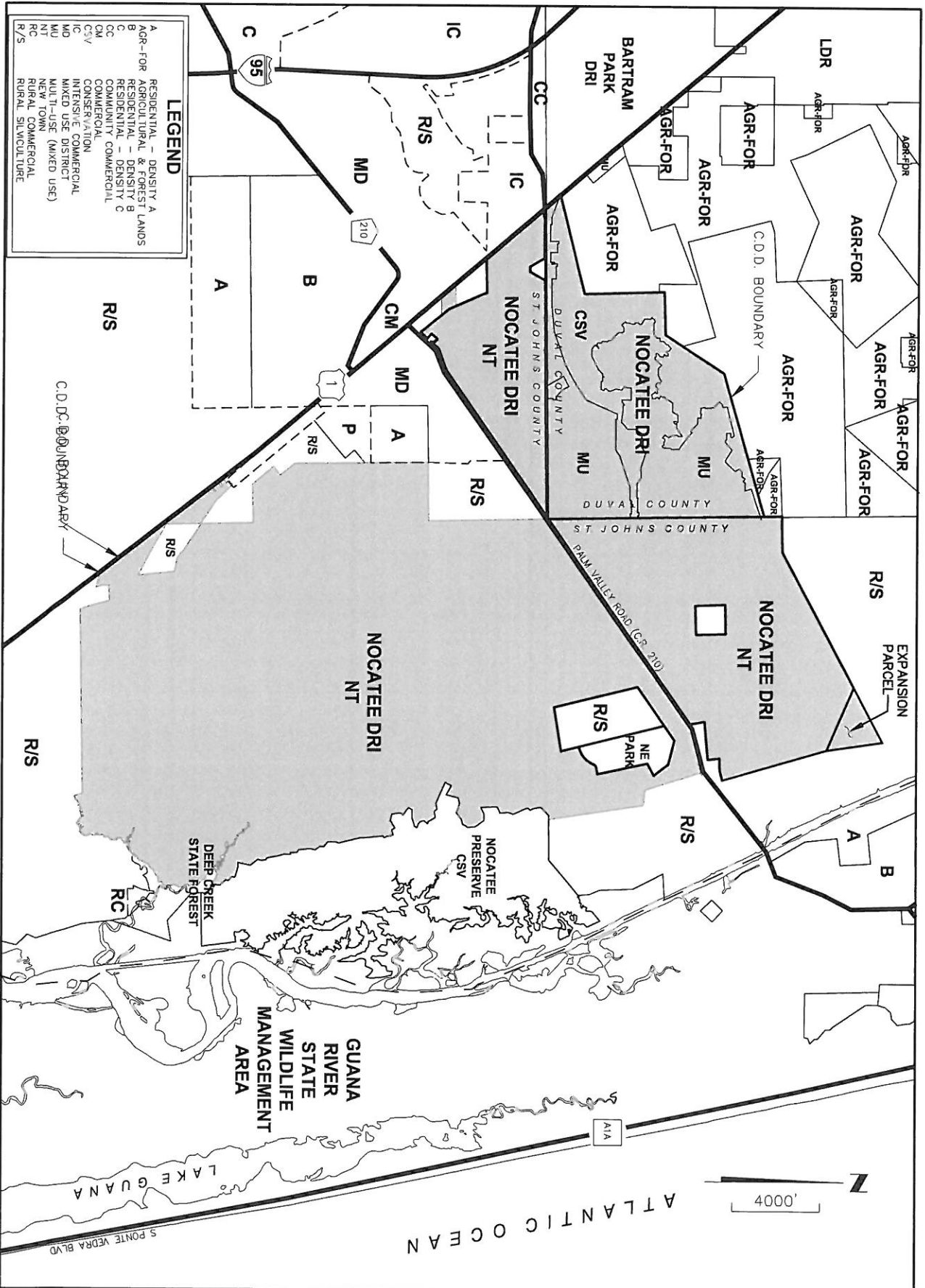
A portion of Section 20, together with portions of Section 41 of the Francis X. Sanchez Grant, Section 49 of the Pedro R. DeCala Grant, Section 66 of the Paul Sabate Grant, Section 67 of the Pedro R. DeCala Grant and Section 68 of the Sabate or F.X. Sanchez Grant, all lying within Township 4 South, Range 29 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 1462, page 695, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Northeasterly corner of Tract "E" as depicted on Twenty Mile at Nocatee Phase 3B, a plat recorded in Map Book 82, pages 68 through 78 of said Public Records; thence North  $62^{\circ}04'32''$  East, along the Northerly line of those lands described and recorded in Official Records Book 3321 page 603 of said Public Records, 111.29 feet to the Point of Beginning.

From said Point of Beginning, thence continue North  $62^{\circ}04'32''$  East, along the Northerly line of said Official Records Book 1462, page 695, a distance of 2824.47 feet; thence South  $08^{\circ}24'39''$  East, departing said Northerly line, 2596.39 feet to a point lying on said Northerly line of Official Records Book 3321 page 603; thence North  $66^{\circ}34'32''$  West, along said Northerly line, 3133.65 feet to the Point of Beginning.

Containing 79.34 acres, more or less.

# Exhibit 7



**LEGEND**

A	RESIDENTIAL - DENSITY A
AGR-FOR	AGRICULTURAL & FOREST LANDS
B	RESIDENTIAL - DENSITY B
C	RESIDENTIAL - DENSITY C
CC	COMMUNITY COMMERCIAL
CM	COMMERCIAL CONSERVATION
IC	INTENSIVE COMMERCIAL
MD	MIXED USE DISTRICT
MU	MULTI-USE (MIXED USE)
NT	NEW TOWN
RC	RURAL COMMERCIAL
R/S	RURAL SILVICULTURE

**England-Thimby & Miller, Inc.**  
 ENGINEERS - PLANNERS - SURVEYORS - LANDSCAPE ARCHITECTS  
 14775 OLD ST. AUGUSTINE ROAD JACKSONVILLE, FLORIDA 32258  
 CERTIFICATE OF AUTHORIZATION NUMBER: 2584  
 PHONE NUMBER (904) 642-8890 FAX NUMBER (904) 646-8485

**EXISTING AND FUTURE LAND USE DESIGNATIONS**  
**TOLOMATO CDD BOUNDARY AMENDMENT**  
**ST. JOHNS COUNTY AND DUVAL COUNTY, FLORIDA**

ETM. NO. 08-027-93  
 APRIL 2008 -  
 DRAWN BY: T.B.W.  
 DESIGNED BY: T.B.W.  
 CHECKED BY: T.B.W.  
 DATE: JULY 19, 2012

REVISIONS:  
 APRIL 2008 -  
 ADDED "MU" LANDUSE TO LEGEND.  
 ADDED "NOCATEE DRI NT" LABEL IN ST. JOHNS COUNTY.  
 REMOVED CROSS HATCH FROM NOCATEE PRESERVE.  
 9/8/17 ADDED HYDRY PARCEL.

# Exhibit 8



**Exhibit 8**

**Petition to Amend the Boundary of the Tolomato Community Development District  
November 17, 2017**

**Table I. Estimate of Costs and Timetable of Construction**

<b>Infrastructure Improvements</b>	<b>Phase I 2017-2018</b>	<b>Total Cost</b>
<b>Stormwater System</b>	\$1,634,000	<b>\$1,634,000</b>
<b>Roadway Improvements</b>	\$1,167,000	<b>\$1,167,000</b>
<b>Water and Sewer Systems</b>	\$936,000	<b>\$936,000</b>
<b>Total Cost</b>		<b>\$3,737,000</b>

**Table II. Ownership and Maintenance Entities**

<b>Infrastructure Improvements</b>	<b>Constructed/ Acquired By</b>	<b>Owner and Maintenance Entity</b>
<b>Stormwater System</b>	CDD	CDD
<b>Roadway Improvements</b>	CDD	St. Johns County
<b>Water and Sewer Systems</b>	CDD	JEA

# Exhibit 9



# **STATEMENT OF ESTIMATED REGULATORY COSTS FOR PROPOSED BOUNDARY AMENDMENT**

## **TOLOMATO COMMUNITY DEVELOPMENT DISTRICT**

**November 17, 2017**

**Prepared for:**

**The Board of Supervisors,  
Tolomato Community Development District**

**Prepared by:**

**Fishkind & Associates, Inc.  
12051 Corporate Blvd.  
Orlando, Florida 32817**

**STATEMENT OF ESTIMATED REGULATORY COSTS  
Proposed Boundary Amendments  
Tolomato Community Development District**

**November 17, 2017**

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**1.0 Introduction**

**1.1 Purpose and Scope**

This statement of estimated regulatory costs (“SERC”) supports the Tolomato Community Development District’s (“District’s”) petition to alter the boundaries of the existing District. The District includes within its boundaries the Nocatee Development of Regional Impact (“Nocatee” or “Development”). The District currently includes within its boundaries a total of 13,388 acres. SONOC Company, LLC (“Developer”) is the developer of Nocatee.

The Developer has recently revised the land use plan for the Development. As part of the updating of the development program for Nocatee, the Developer desires to alter the boundaries of the District to accommodate the updated plan. The boundary amendment involves the addition of 79.34 acres of land (the “Expansion Parcel”) located within St. Johns County (the “County”). The total acres within the District following the expansion will increase to 13,467.79.

The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing District formation or alteration) as follows:

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

1.2 Overview of the Tolomato District

The District provides community infrastructure, services, and facilities along with their operation and maintenance, to the Development. The land marked for development is currently planned for the land uses shown in Table 1. The balance of the land within the District will be used for roadways, storm drainage, amenities, a golf course, and open spaces. These are preliminary plans and are subject to change.

**Table 1. Planned District Land Uses**

<u>Category</u>	<u>Count</u>	<u>Type</u>
Single-Family	8,620	Residence
Multiple-Family	3,125	Residence
Retail	1,010,000	Sq. Ft.
Office	2,416,000	Sq. Ft.
Hotel	120	Rooms
Church	350,000	Sq. Ft.
Clubhouse	19,000	Sq. Ft.
School	14,000	Sq. Ft.

1.3 Requirements for a Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2012), read in conjunction with Chapter 190, F.S. 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 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 and 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 governmental entities, required to

comply with the requirements of the ordinance. 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 ordinance, 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. However, the County is not defined as a “small” county and so an analysis of the proposed change on small counties is not required.

(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 proposed ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

The owners of the Expansion Parcels and the District will primarily be affected by the inclusion of the Expansion Parcels within the District. The Expansion Parcel will now benefit from the improvements and services provided by the District. The owners of the Expansion Parcels will be subject to assessments to secure the financing of the public infrastructure improvements implemented by the District and to fund the operations and maintenance costs of the improvements over time. The Expansion Parcels will also be subject to District rules and regulations.

The impacts on the State of Florida (“State”) and St. Johns County as a result of approval of the proposed Ordinance will be modest, as outlined in more detail in Section 3.1 below.

**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 Florida Land and Water Adjudicatory Commission (“FLWAC”) is the reviewing agency for the petition. FLWAC may hold a public hearing to discuss the proposed ordinance and to take public input. These activities will absorb the time of the FLWAC staff. However, these costs are very modest at most for the following reasons. There are no additional ongoing costs to either FLWAC or any other State entities to implement and enforce the proposed ordinance. The District already exists and is in good standing with the State. The State’s limited involvement with the District will continue to include the review of the reports outlined in the attached Appendix.

St. Johns County and City of Jacksonville

Although FLWAC is the reviewing agency for the petition, St. Johns County and/or the City of Jacksonville may hold public hearings to discuss the proposed ordinance and to take public input. These activities would absorb the time of the St. Johns County and City of Jacksonville staff and Commissioners. However, these costs are optional would be very modest for the following reasons. First, as noted above, the review of this petition to modify the boundaries of the District does not include an analysis of the Development itself. Second, the petition contains all of the information necessary for its review. Third, St. Johns County and the City of Jacksonville currently employ all of the staff necessary to review the petition. Fourth, no capital costs are involved in the review. Fifth, St. Johns County and the City of Jacksonville routinely processes similar petitions for land use and zoning changes that are far more complicated than this petition to alter the boundaries of an existing District. Finally, St. Johns County and the City of Jacksonville will not incur any additional annual costs if this petition is approved.

Tolomato Community Development District

The District may incur additional annual expenses associated with the operation and maintenance of its public infrastructure. However, these increased operation and maintenance expenses will likely be offset by the collection of operations and maintenance assessments from the property owners within the Expansion Parcel.

### 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 already exists. It 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.

### 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 landowners within its boundaries. The District plans to fund the public road construction, storm water management improvements, and recreation facilities. Non-ad valorem assessments to fund the District's CIP costs and its ongoing operations and maintenance expenses will be spread over all lands within both the District and the Expansion Parcels that receive a special benefit from those improvements. Table 2 below provides an estimate of the non-ad valorem assessments that will be levied on the single-family lots ultimately planned to be developed within the Expansion Parcel.



**Table 2. Estimated Maximum District Non-Ad Valorem Assessments Assigned to Expansion Parcel**

<u>Type</u>	<u>Count</u>	<u>O&amp;M Assmt. per Lot (1)</u>	<u>O&amp;M Assmt., all Lots</u>	<u>Bond Assmt. per Lot (1)</u>	<u>Bond Assmt., all Lots</u>	<u>Total Assmt. per Lot (1)</u>	<u>Total Assmt., all Lots</u>
60' SF Lots	23	\$609	\$14,016	\$2,181	\$50,160	\$2,790	\$64,175
70' SF Lots	81	\$665	\$53,847	\$2,340	\$189,569	\$3,005	\$243,416
Total	104		\$67,863		\$239,729		\$307,592

(1) Estimated maximum assessments based on the maximum assessments for similar lots located elsewhere within the District.

Thus, Expansion Parcel property owners will be subject to non-ad valorem assessments funding infrastructure improvements and the District's operations and maintenance activities. However, locating within 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.

**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 proposed modifications to the District's boundaries. 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 Expansion Parcel is located within St. Johns County. As of the latest Census date, the County has a population of more than 75,000. Therefore, the District is not located within a City or County defined as "small" according to Section 120.52, Florida Statutes.

**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 District's Engineer and other professionals associated with the District.

Finally, it is useful to reflect upon the question of whether a District and the structure it provides is the best method to provide community facilities and services to the land proposed to be included within the District. Alternatives to community development districts such as Tolomato include dependent special districts, 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 3 in a fashion similar to the District.

However, each of these alternatives is inferior to the District. Unlike the District the alternatives would require the Counties 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. In addition, administering a project of the size and scale contemplated herein would make little sense for the Counties.

The District also is preferable from a government accountability perspective. With a District such as the Tolomato District, residents within the District will 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. The District is superior to a POA for a variety of reasons. First, unlike a POA the District can impose and collect its assessments on the tax roll along with other property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Second, the District is a unit of local government. Therefore, unlike the POA the District must abide by all rules and regulations applicable to local government.

Fishkind & Associates, Inc. employees have developed over 100 SERCs. Below is a listing of special districts similar to the District for which we have prepared SERCs.

- Lakewood Ranch Stewardship District in Manatee County
- Highland Meadows II Community Development District in Davenport
- Towne Park Community Development District in Lakeland
- The Lake Nona “family” of Improvement Districts in Orlando
- Urban Orlando Community Development District in Orlando
- Winter Garden Village at Fowler Groves Community Development District in Winter Garden
- Highlands Community Development District in Hillsborough County
- New Port Tampa Bay Community Development District in Tampa
- The Tradition “Family” of Community Development Districts in Port St. Lucie

## APPENDIX

### LIST OF DISTRICT REPORTING REQUIREMENTS

REPORT	FLORIDA STATUTE SECTION	DATE
Annual Financial Audit	218.39	9 months after end of fiscal year
Annual Financial Report (AFR)	218.32	Within 45 days after delivery of audit
Financial Disclosure Form 1	112.3145	By July 1
Public Depositor	280.17	By November 30
Proposed Budget	190.008	By June 15
Adopted Budget	190.008	By October 1
Public Facilities Report	189.015	Initial report within 1 year of creation, updates every 5 years
Public Meetings Schedule	189.017	Beginning of fiscal year
Notice of Bond Issuance	218.38	Within 120 days after delivery
Registered Agent	189.016	30 days after first Board Meeting
Notice of Establishment	190.0485	30 days after formation
Creation Documents	189.018	30 days after adoption
Notice of Public Finance	190.009	After financing

# Exhibit 10

**Authorization of Agent**

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

Executed this 18 day of September, 2017.

**TOLOMATO COMMUNITY DEVELOPMENT DISTRICT**

By: R. Ray  
Richard Ray  
Chairman, Board of Supervisors

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 18 day of September, 2017, by Richard Ray, Chairman of the Tolomato Community Development District. He is known to me and did take an oath.

Tina E Miller  
Notary Public

