

**BEFORE THE  
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

IN RE: Petition to Amend the Boundary of            )  
Six Mile Creek Community Development District    )  
\_\_\_\_\_)

**PETITION TO AMEND THE BOUNDARY OF THE SIX MILE CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

Six Mile Creek Community Development District, a local unit of special-purpose government established pursuant to Florida Land and Water Adjudicatory Commission (“FLWAC”) Rule No. 42GGG-1, Florida Administrative Code, and to the provisions of Chapter 190, Florida Statutes, and located in St. Johns County (hereafter “District”) hereby petitions FLWAC, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes, and specifically Section 190.046(1), Florida Statutes, to amend FLWAC Rule No. 42GGG-1.002, to add approximately 70.99 acres to the District’s boundaries. In support of this Petition, the Petitioner states:

1.     Location and Size. The District is located within unincorporated St. Johns County, Florida. **Exhibit 1** depicts the general location of the existing District. The District currently covers approximately 1,288.95 acres of land. The current metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**. The Petitioner proposes to add approximately 70.99 acres in total size (the “Expansion Parcel”). The metes and bounds description and general location of the Expansion Parcel is set forth in **Exhibit 3**. After expansion, the District will encompass a total of approximately 1,358.95 acres. The metes and bounds

description of the District boundary, as amended, is set forth in **Exhibit 4** (the “Amended District”). A general location map of the Amended District is attached at **Exhibit 5**.

2. Excluded Parcel. There are no parcels located within the external boundary of the District, as amended, which are to be excluded from the Amended District.

3. Landowner Consent. Petitioner has obtained written consent to amend the boundaries of the District from, Six Mile Creek Investment Group, LLC, the owners of one-hundred (100%) percent of the lands comprising the Expansion Parcel. Documentation of this consent is contained in **Exhibit 6**. The favorable action of the Board of Supervisors of the District also constitutes consent for all of the lands within the District, as is evidenced by the District’s Resolution 2021-14, attached hereto as **Exhibit 7**, and submission of this Petition.

4. Future Land Uses. Amendment of the District in the manner proposed is consistent with the adopted St. Johns County Comprehensive Plan. The designation of future general distribution, location, and extent of the public and private land uses proposed for the Amended District by the future land use plan element of the St. Johns County Comprehensive Plan are shown in **Exhibit 8**.

5. District Facilities and Services. The proposed timetable for construction for any District service to the Expansion Parcel, as well as estimated costs of construction for such services are identified in **Exhibit 9**. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates, and market conditions.

6. Statement of Estimated Regulatory Costs. **Exhibit 10** is the statement of estimated regulatory costs (“SERC”) prepared in accordance with the requirements of Section 120.541,

Florida Statutes. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

7. Authorized Agent. The authorized agent for the District is Wesley S. Haber of Hopping Green & Sams, P.A. The Authorization of Agent is attached hereto as **Exhibit 11**.

Copies of all correspondence should be sent to the following address:

Wesley S. Haber  
[wesh@hgslaw.com](mailto:wesh@hgslaw.com)  
HOPPING GREEN & SAMS, P.A.  
119 South Monroe Street, Suite 300 (32301)  
Post Office Box 6526  
Tallahassee, Florida 32314

8. Filing Fee. Prior to the filing of this Petition, the Petitioner submitted a copy of this Petition and a \$1,558 filing fee to St. Johns County as required by Section 190.046(1)(d)2, Florida Statutes.

9. This Petition to amend the Six Mile Creek Community Development District should be granted for the following reasons:

a. Amendment of the District and all land uses and services planned within the District, as amended, are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the St. Johns County Comprehensive Plan.

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

c. The District, as amended, continues to be the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government.

d. The community development services and facilities of the District, as amended, will not be incompatible with the capacity and use of existing local and regional community development services and facilities.

e. The area to be served by the District, as amended, continues to be amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the Florida Land and Water Adjudicatory Commission to:

a. refer this Petition to the District's Board of Supervisors to conduct a local public hearing;

b. consider the entire record of the local public hearing in accordance with the requirements of Section 190.005(1)(e), Florida Statutes;

c. grant this Petition and amend FLWAC Rule No. 42GGG-1.002, Florida Administrative Code, to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes.

[SIGNATURE ON NEXT PAGE]

RESPECTFULLY SUBMITTED, this 19<sup>th</sup> day of August, 2021.

HOPPING GREEN & SAMS, P.A.



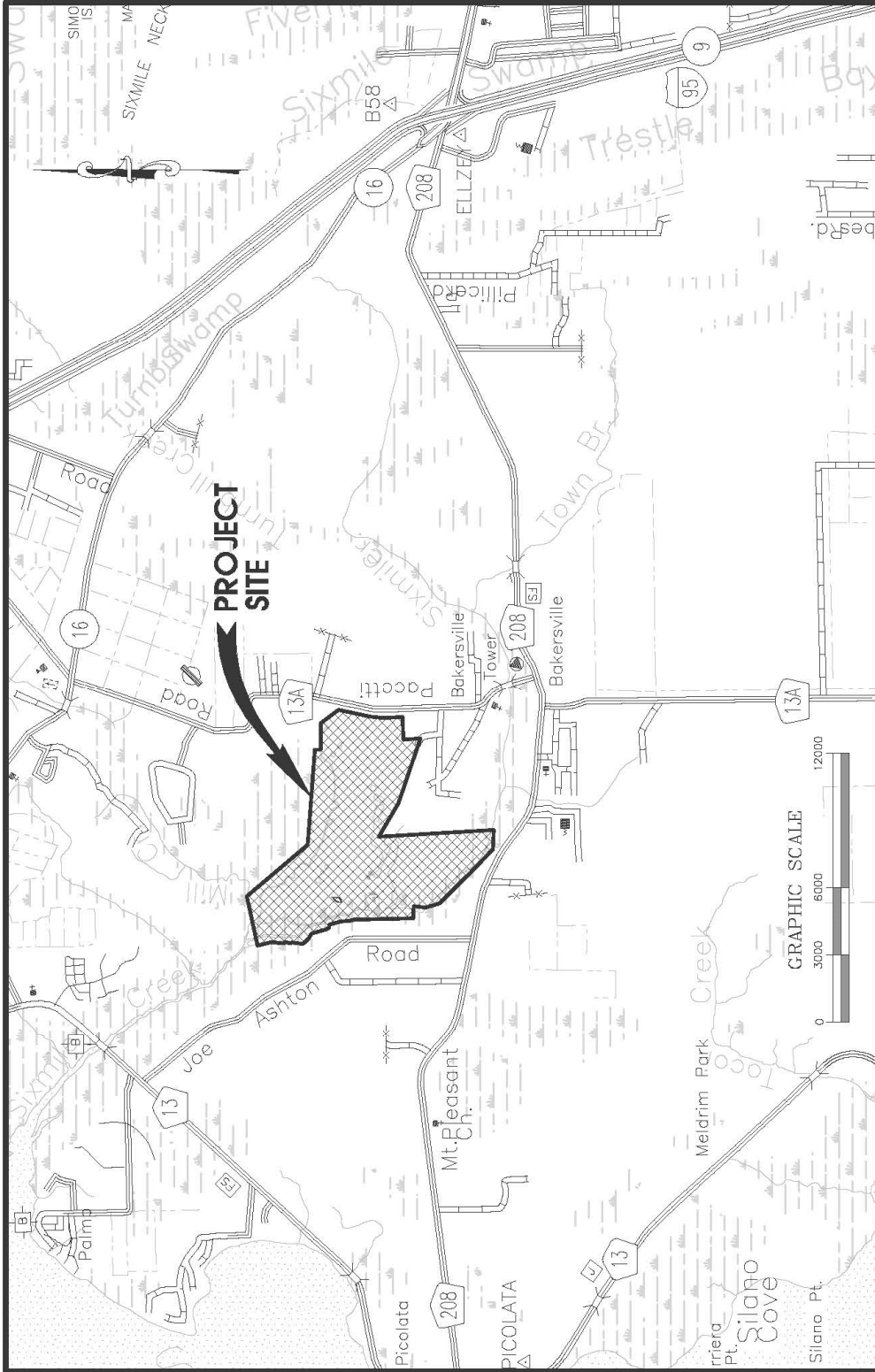
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Wesley S. Haber  
Florida Bar No. 420069  
[wesh@hgslaw.com](mailto:wesh@hgslaw.com)  
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119 South Monroe Street, Suite 300  
Post Office Box 6526  
Tallahassee, FL 32314  
(850) 222-7500 (telephone)  
(850) 224-8551 (facsimile)

Attorneys for Six Mile Creek Community  
Development District

# **EXHIBIT 1**

**Exhibit 1 – General Location of Current District**



ETM. NO. 20-227
DATE: OCTOBER 2020
SCALE: 1" = 6,000'
EXHIBIT 5

**LOCATION MAP**

**SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT**

**England-Thims & Miller, Inc.**  
 ENGINEERS, PLANNERS, SURVEYORS - LANDSCAPE ARCHITECTS  
 14775 St. Augustine Road  
 Jacksonville, Florida 32225  
 Certificate of Authorization No.: 2584  
 Phone No. (904) 642-8990  
 Fax No. (904) 646-3485

# **EXHIBIT 2**



## Exhibit 2 – Current District Legal Description

### Six Mile Creek Community Development District

A part of Sections 31 and 38, Township 6 South, Range 28 East, together with a part of Sections 6, 38 and 41, Township 7 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: for a Point of Reference, commence at the intersection of the Southerly line of said section 41, Township 7 South, Range 28 East, with the Westerly right-of-way line of County road no. 13a (a 100.00 foot right-of-way as now established); thence North 71°03'40" West, along the said South line of section 41, a distance of 1065.59 feet to the Point of Beginning; thence continue North 71°03'40" West, along the Southerly line of said section 41, a distance of 3030.75 feet; thence North 60°13'49" West, continuing along said section line, a distance of 1734.02 feet to the common corner to Sections 41, 5 and 6; thence South 03°24'47" East, along the Easterly line of said section 6, a distance of 3052.10 feet; thence South 03°20'35" East, along the Easterly line of said section 38, a distance of 2086.25 feet; thence North 86°59'59" West, a distance of 863.15 feet to the waters of Six Mile Creek; thence North 46°05'12" West, along the waters of said Six Mile Creek, a distance of 1430.00 feet; thence North 45°06'48" West, along the waters of Six Mile Creek, a distance of 1973.08 feet; thence North 15°52'42" West, along the waters of said Six Mile Creek, a distance of 639.84 feet; thence North 07°08'17" East, a distance of 540.00 feet to a point in the division line between section 6 and 38; thence North 89°07'35" West, along said division line, a distance of 540.00 feet; thence North 01°20'11" West, along the Westerly line of the North 28 acres of the Northeast one quarter and Northwest one quarter of said section Six, a distance of 2665.80 feet to a point in said Six Mile Creek; thence with the waters of said Six Mile Creek, the following fourteen (14) courses: course no. 1) North 21°46'57" West, a distance of 115.71 feet; course no. 2) North 04°03'00" West, a distance of 471.70 feet; course no. 3) North 15°30'16" West, a distance of 530.00 feet; course no. 4) North 74°15'52" West, a distance of 160.00 feet; course no. 5) North 31°54'28" West, a distance of 147.65 feet; course no. 6) North 14°54'52" West, a distance of 655.70 feet; course no. 7) North 58°35'33" West, a distance of 336.17 feet; course no. 8) North 38°53'09" West, a distance of 291.63 feet; course no. 9) North 07°47'32" East, a distance of 480.55 feet; course no. 10) North 31°04'47" West, a distance of 88.74 feet; course no. 11) North 20°38'46" East, a distance of 219.13 feet; course no. 12) North 32°56'28" West, a distance of 141.49 feet; course no. 13) North 08°25'22" East, a distance of 515.92 feet; course no. 14) North 15°06'25" West, a distance of 651.10 feet; thence North 77°45'24" East, leaving the waters of Six Mile Creek, a distance of 2251.55 feet; thence South 40°06'20" East, a distance of 3560.03 feet; thence South 85°45'56" East, a distance of 4260.63 feet to a point in the division line between said section 38 and section 37; thence South 01°06'48" East, along said Westerly line of section 37, a distance of 258.39 feet to the Southwest corner of said section 37; thence South 89°40'57" East, along the South line of said section 37, a distance of 1179.79 feet to the Northwest corner of a 30.00 foot wide drainage easement, as recorded in deed book 182, page 133; thence South 37°05'42" East, a distance of 930.18 feet; thence South 12°23'05" West, along a line parallel with and lying 50.00 foot Westerly of when measured at right angles to the Westerly right-of-way line of state road no. 13a (a 100.00 foot right-of-way as now established), a distance of 1482.90 feet to the point of curve, concave Easterly, having a radius of 2392.01 feet; thence Southwesterly, continuing along said parallel line and along the arc of said curve, an

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arc distance of 604.31 feet, said arc being subtended by a chord bearing of South 05°08'51" West and a chord distance of 602.70 feet to the point of tangency of said curve; thence South 02°05'24" East, continuing along said parallel line, a distance of 868.99 feet; thence South 87°54'35" West, leaving said parallel line, a distance of 944.62 feet; thence South 02°05'25" East, a distance of 759.38 feet to the Point of Beginning.

Containing 1288.95 acres more or less.

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# **EXHIBIT 3**

## Exhibit 3 Legal Description and General Location of Expansion Parcel

### 70.99 ACRES ± (TOTAL SURVEYED AREA)

**P.I.D. # 029400 0040**

PARCEL I: A PARCEL OF LAND IN GOVERNMENT LOT 3 AND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 5; THENCE SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST, ON THE SOUTH LINE OF GOVERNMENT LOTS 1 AND 2 AND ON A WESTERLY EXTENSION OF THAT LINE, 4161.26 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND; THENCE CONTINUING SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST 568.79 FEET; THENCE NORTH 02 DEGREES 29 MINUTES 50 SECONDS WEST 2722.83 FEET TO THE NORTH LINE OF SAID SECTION 5; THENCE SOUTH 59 DEGREES 17 MINUTES 10 SECONDS EAST ON SAID NORTH LINE OF SECTION 5, A DISTANCE OF 777.64 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES EAST 2320.58 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PROPERTY.

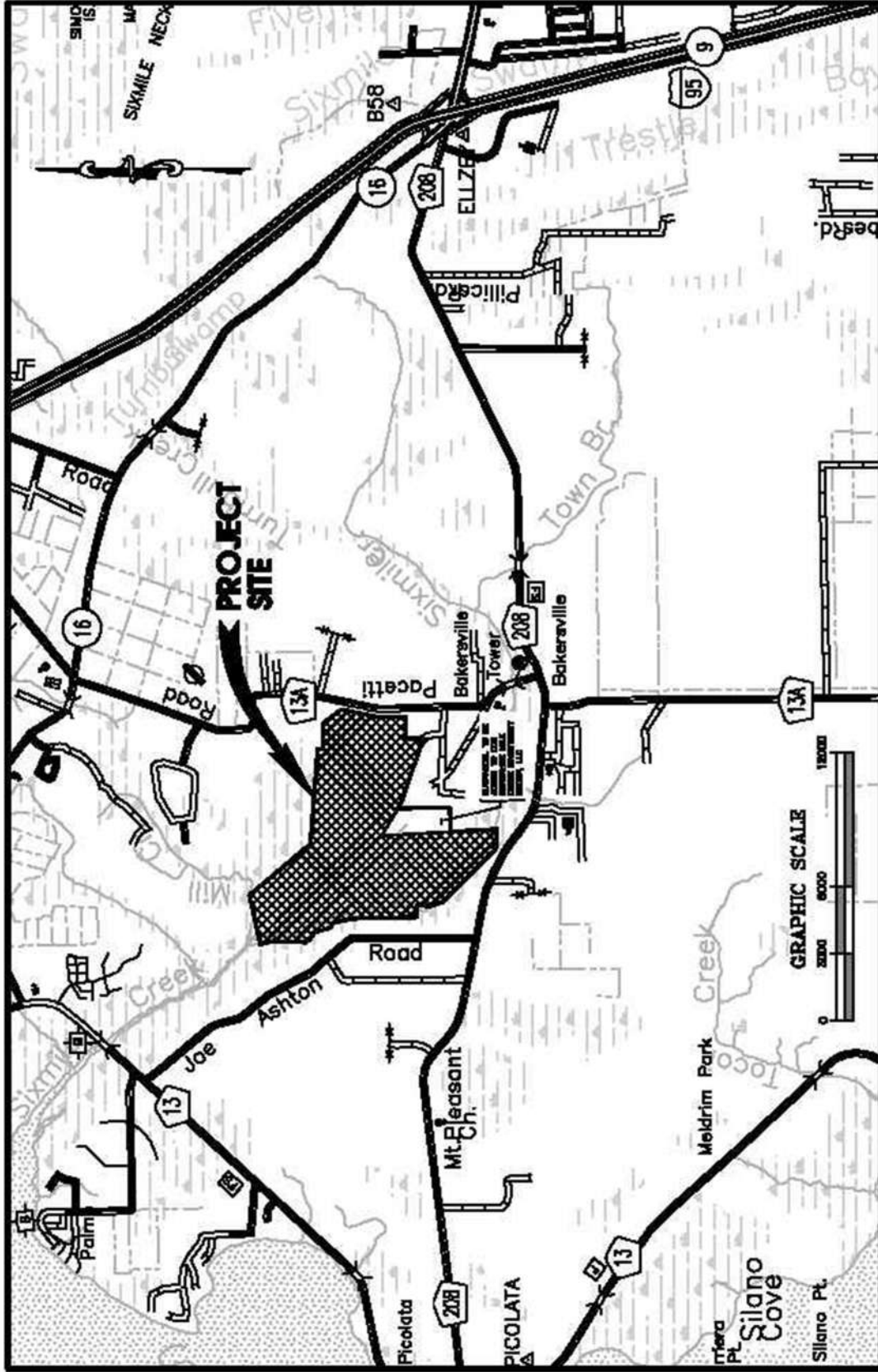
**P.I.D. # 029400 0040**

PARCEL II: A PARCEL OF LAND IN GOVERNMENT LOT 3 AND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 5; THENCE SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST, ON THE SOUTH LINE OF GOVERNMENT LOTS 1 AND 2 AND ON A WESTERLY EXTENSION OF THAT LINE, 4730.05 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND; THENCE CONTINUING SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST 535.50 FEET TO THE WEST LINE OF SAID SECTION 5; THENCE NORTH 02 DEGREES 29 MINUTES 50 SECONDS WEST 3052.11 FEET TO THE NORTHWEST CORNER OF SAID SECTION 5; THENCE SOUTH 59 DEGREES 17 MINUTES 10 SECONDS EAST, ON THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 639.56 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 50 SECONDS EAST, 2722.83 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PROPERTY.

PARCEL III: THE SOUTH 60 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 28 EAST, EXCEPTING THEREFROM THE EAST 1560.46 FEET OF NORTH HALF (N 1/2) OF SAID SECTION 5, AS FOUND IN OFFICIAL RECORDS BOOK 391, PAGE 489 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.



**England-Thoms & Miller, Inc.**  
 ARCHITECTS  
 1470 N. W. 10th St., Suite 200  
 Fort Lauderdale, FL 33304  
 Phone: (954) 463-1100  
 Fax: (954) 463-1100

## LOCATION MAP

**SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT**

ETM. NO. 21-226
DATE: JUNE 2021
SCALE: 1" = 6,000'
EXHIBIT 5

# **EXHIBIT 4**

## Exhibit 4 – Legal Description of Amended District

West, along a line parallel with and lying 50.00 foot Westerly of when measured at right angles to the Westerly right-of-way line of state road no. 13a (a 100.00 foot right-of-way as now established), a distance of 1482.90 feet to the point of curves, concave Easterly, having a radius of 2392.01 feet, thence Southwesterly, continuing along said parallel line and along the arc of said curve, an arc distance of 604.31 feet, said arc being subtended by a chord bearing of South 05°08'51" West and a chord distance of 602.70 feet to the point of tangency of said curve; thence South 02°05'24" East, continuing along said parallel line, a distance of 868.99 feet; thence South 87°54'35" West, leaving said parallel line, a distance of 944.62 feet; thence South 02°05'25" East, a distance of 759.38 feet to the Point of Beginning.

Together with the following described lands:

Parcel "B"

A portion of Section 5, Township 7 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the Northwesterly corner of Section 6, Township 7 South, Range 28 East, also being the Northwesterly corner of said Section 5, said corner lying on the Southwesterly line of Section 41 of the Antonio Huertas Grant, Township 7 South, Range 28 East; thence South 60°13'49" East, along said Southwesterly line of Section 41, a distance of 1417.28 feet to the Northwesterly corner of those lands described and recorded in Official Records Book 5121, page 710, of the Public Records of said county; thence South 01°22'46" East, departing said Southwesterly line and along the Westerly line of last said lands, 2320.32 feet to the Southwesterly corner thereof, also being the Southwesterly corner of those lands described and recorded in Official Records Book 3781, page 1556 of said Public Records; thence South 88°46'30" West, along the Southwesterly line of last said lands, 1104.63 feet to a point lying on the Easterly line of Section 38 of the Jose Pagy Grant, Township 7 South, Range 28 East; thence North 03°20'35" West, along said Easterly line, 0.28 feet, thence North 03°24'47" West, continuing along said Easterly line and along the Easterly line of said Section 6, a distance of 3052.10 feet to the Point of Beginning.

Subject to an easement for ingress and egress over and across the South 60 feet of the above described property, (as to Parcel "B"), per Official Records Book 3781, page 1556, of the Public Records of said county.

Containing 1359.93 acres, more or less.

<b>LEGAL DESCRIPTION - DISTRICT BOUNDARY</b>	ETM. NO. 21-226
<b>SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT</b>	DATE: JUNE 2021
	SCALE: N/A
	EXHIBIT 4

**Six Mile Creek Community Development District**

**Parcel "A"**

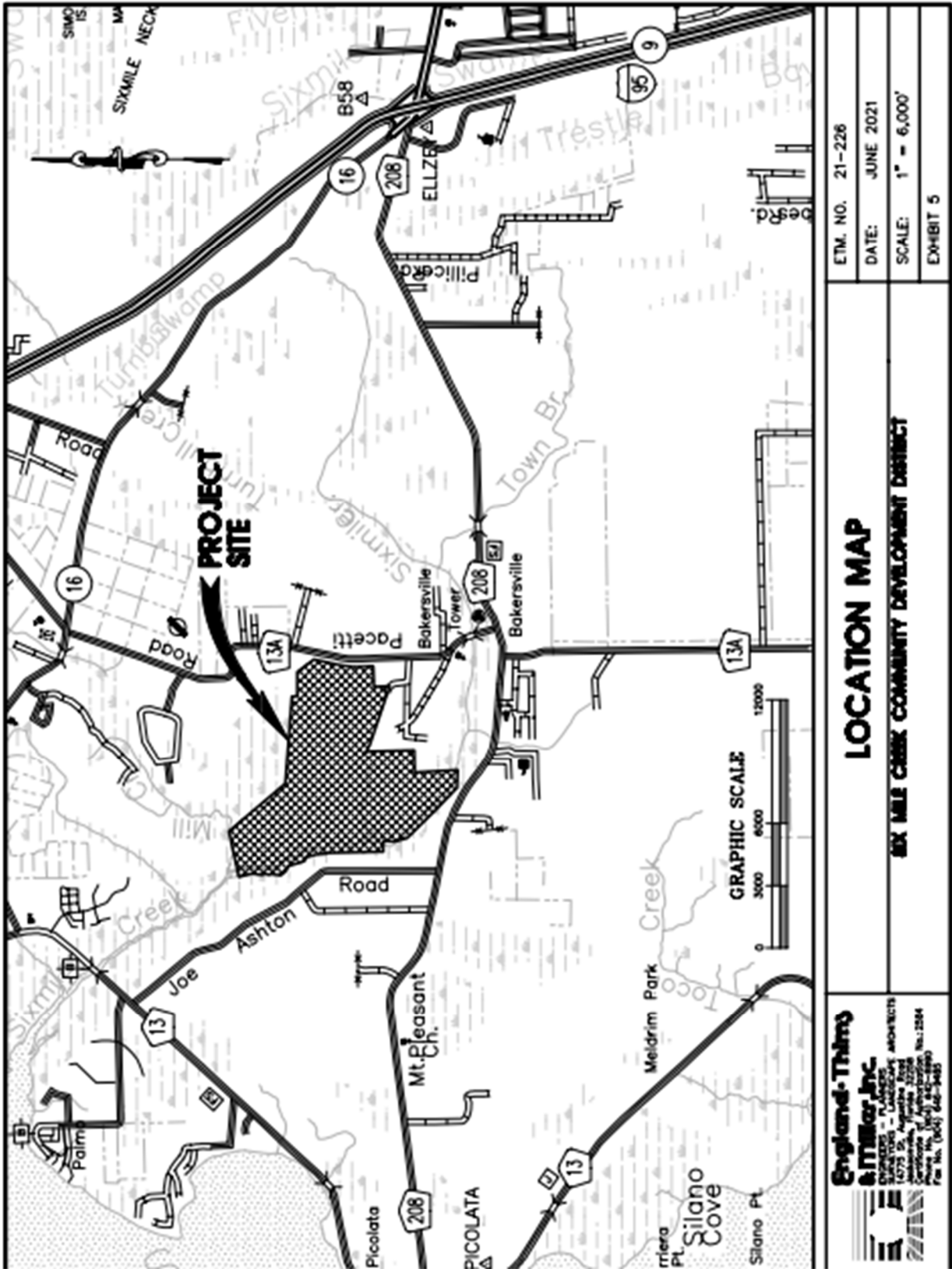
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# **EXHIBIT 5**



Exhibit 5 - General Location of Amended District



# **EXHIBIT 6**

**Exhibit 6 – Landowner Consent**

**Consent and Joinder of Landowner  
For the Amendment of the Boundary of the  
Six Mile Creek Community Development District**

The undersigned is the owner of certain lands of which are more fully described as on **Exhibit A** attached hereto and made a part hereof (the "Property"). The undersigned understands and acknowledges that the Board of Supervisors of the Six Mile Creek Community Development District ("Petitioner"), intends to submit a petition amending the boundary of the Six Mile Creek Commerce Community Development District ("District") in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands that are intended to constitute lands to be added to the District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005 and Section 190.046, Florida Statutes, Petitioner is required to include the written consent to the amendment of the boundaries of the District of one hundred percent (100%) of the owners of the lands to be added to the District.

The undersigned hereby requests and consents to addition of the Property to the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the petition process for the amendment of the boundaries of the District. The undersigned further acknowledges that the consent will remain in full force and effect for three years from the date hereof. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to amendment of the boundaries of the District in substantially this form.

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

*[signatures on following page]*

Executed this 17<sup>th</sup> day of AUGUST, 2021.

Witnessed:

**Six Mile Creek Investment Group, LLC**  
a Delaware limited liability company

[Signature]

Print Name: JRELL KERN

[Signature]

By: Gregory Minton

Its: V.P.

[Signature]

Print Name: Joe Cornelison

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 17<sup>th</sup> day of August, 2021, by Gregory Minton, as Vice president of Six Mile Creek Investment Group, LLC, for and on behalf of the company, who is  is personally known to me or  produced \_\_\_\_\_ as identification.

[Signature]

Print Name: Karine Rodrigues Santos da Silva  
Notary Public, State of Florida

Exhibit A: Property Description



## Exhibit A

### 70.99 ACRES ± (TOTAL SURVEYED AREA)

**P.L.D. # 029400 0040**

PARCEL I: A PARCEL OF LAND IN GOVERNMENT LOT 3 AND IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 5; THENCE SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST, ON THE SOUTH LINE OF GOVERNMENT LOTS 1 AND 2 AND ON A WESTERLY EXTENSION OF THAT LINE, 4161.26 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND; THENCE CONTINUING SOUTH 89 DEGREES 45 MINUTES 10 SECONDS WEST 568.79 FEET; THENCE NORTH 02 DEGREES 29 MINUTES 50 SECONDS WEST 2722.83 FEET TO THE NORTH LINE OF SAID SECTION 5; THENCE SOUTH 59 DEGREES 17 MINUTES 10 SECONDS EAST ON SAID NORTH LINE OF SECTION 5, A DISTANCE OF 777.64 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES EAST 2320.58 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PROPERTY.

**P.L.D. # 029400 0040**

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SUBJECT TO EASEMENT OF INGRESS AND EGRESS OVER AND ACROSS THE SOUTH 60 FEET OF THE ABOVE DESCRIBED PROPERTY.

PARCEL III: THE SOUTH 60 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 7 SOUTH, RANGE 28 EAST, EXCEPTING THEREFROM THE EAST 1560.48 FEET OF NORTH HALF (N 1/2) OF SAID SECTION 5, AS FOUND IN OFFICIAL RECORDS BOOK 391, PAGE 489 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

# **EXHIBIT 7**

**Exhibit 7 – Resolution 2021-14**



**RESOLUTION NO. 2021-14**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO FILE A PETITION WITH THE 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 Six Mile Creek Community Development District ("District") is a unit of special-purpose government located in St. Johns County and established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* ("Uniform Act"), and Rule 42GGG-1 (the "Rule") adopted by the Florida Land and Water Adjudicatory Commission ("FLWAC"); and

**WHEREAS**, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services including, but not limited to, roadways, stormwater facilities, water and sewer facilities, landscaping and hardscaping, recreation, security, and other infrastructure; and

**WHEREAS**, the District presently consists of approximately 1,282.15 acres of land, more or less, as more fully described in the Rule; and

**WHEREAS**, the District previously approved a boundary amendment adding approximately 6.8 acres to the District, resulting in a total number of 1,288.95 acres, which is pending finalization by the Florida Land and Water Adjudicatory Commission (the "Pending Boundary Amendment");

**WHEREAS**, Six Mile Creek Investment Group, LLC ("Landowner"), is the owner of certain real properties within and adjacent to the District; and

**WHEREAS**, the Landowner has approached the District and requested the District petition to amend its boundaries to include such property as more particularly described in the attached **Exhibit A** ("Annexed Lands"), which Annexed Lands consist of approximately 70 acres more or less; and

**WHEREAS**, the amendment of the boundaries to include the Annexed Lands will not impact the development of the overall lands remaining in the District as a functionally interrelated community and said lands will remain sufficient for the compact and economic development of the lands within the District; 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 Annexed Lands 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 is 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**, it is possible that the Pending Boundary Amendment may not be finalized by the time the District files a petition to add the Annexed Lands and the District hereby confirms that the findings set forth herein apply regardless of the status of the Pending Boundary Amendment; 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 (the "Board"); and

**WHEREAS**, the Landowner has agreed to provide sufficient funds to the District to reimburse the District for any expenditures including, but not limited to, legal, engineering and other consultant fees, filing fees, administrative, and other expenses, if any; 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 SIX MILE CREEK 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 FLWAC to seek the amendment of the District's boundaries to add the Annexed Lands, 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 District Counsel 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.

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

**PASSED AND ADOPTED** this 14<sup>th</sup> day of July, 2021.

ATTEST:



Assistant Secretary

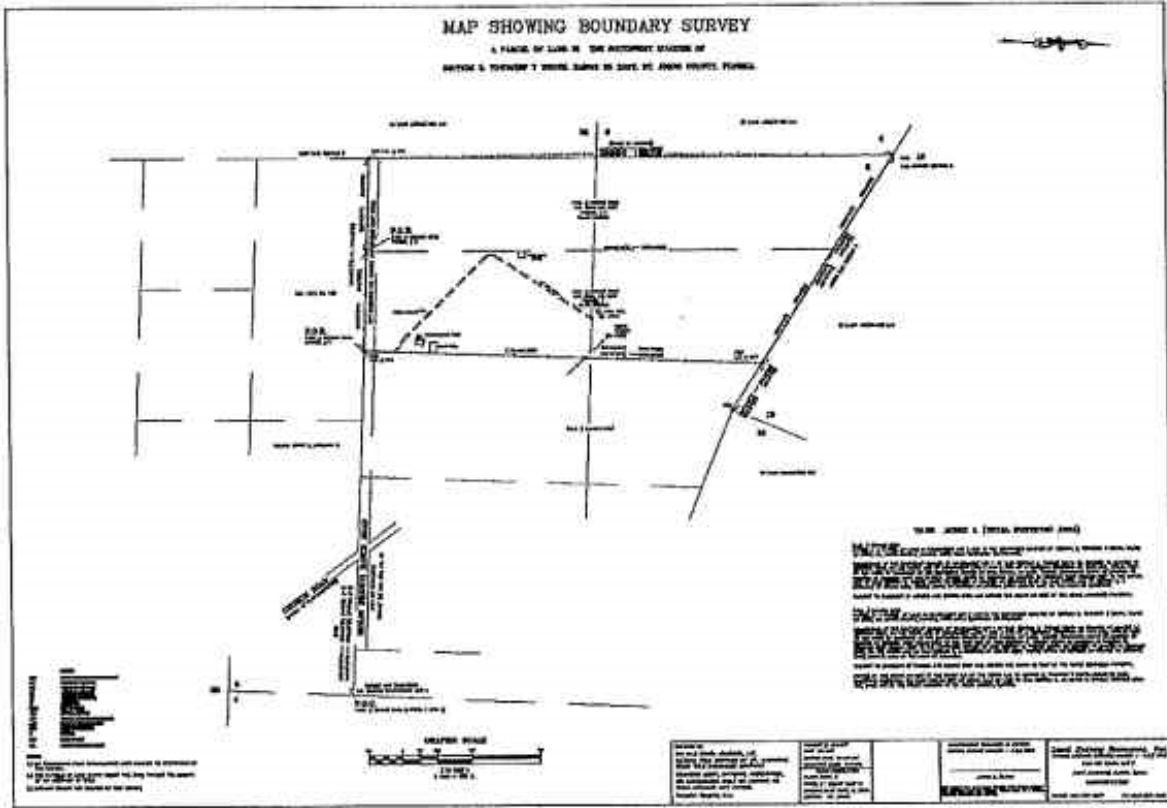
**SIX MILE CREEK COMMUNITY  
DEVELOPMENT DISTRICT**



Chairman/Vice-Chairman, Board of Supervisors

**Exhibit A:** Description of Annexed Lands

# EXHIBIT A



# **EXHIBIT 8**



# **EXHIBIT 9**

## Exhibit 9 – Construction Costs and Timetable

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

Infrastructure Improvements*	Estimated Costs (2021– 2022)	Estimated Costs (2022– 2023)
Stormwater System	\$ 110,745	\$ 550,840
Roadway Improvements	\$ 570,400	\$ 2,837,120
Water and Sewer Systems	\$ 239,200	\$ 1,789,760
<b>Total Estimated Cost</b>	<b>\$ 920,345</b>	<b>\$ 5,177,20</b>

*\*All proposed improvements associated with the area added to the amended district boundaries are intended to be constructed in two (2) phases within the 2021-2022 and 2022-2023 fiscal years.*

**Table II. Ownership and Maintenance Entities**

Infrastructure Improvements	Constructed/Acquired By	Owner and Maintenance Entity
Stormwater System	CDD	CDD
Roadway Improvements	CDD	St. Johns County
Water and Sewer Systems	CDD	St. Johns County Utility Department



# **EXHIBIT 10**

**Exhibit 10 – Statement of Estimated Regulatory Costs**

**STATEMENT OF ESTIMATED REGULATORY COSTS**

**FOR**

**SIX MILE CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

**EXPANSION OF DISTRICT BOUNDARIES**

**PREPARED BY:**

**Governmental Management Services, LLC**

475 West Town Place

Suite 114

St Augustine, Florida 32092

(904) 940-5850

August 19, 2021

**SIX MILE CREEK  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF ESTIMATED REGULATORY COSTS**

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## I. INTRODUCTION

### 1. PURPOSE AND SCOPE

This Statement of Estimated Regulatory Costs has been prepared as a component of the petition filed with the Florida Land and Water Adjudicatory Commission ("FLWAC") to expand the boundaries of the Six Mile Creek Community Development District ("District") in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (the "Act"), and specifically section 190.046(1), *Florida Statutes* ("F.S."). As part of the petition, a Statement of Estimated Regulatory Costs prepared pursuant to section 120.541, F.S., is required to be submitted.

A community development district ("CDD") is established pursuant to the Act. A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of the planning, financing, constructing and maintaining of certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., the county or the city) within whose boundaries the CDD was established.

However, a CDD cannot regulate land use or issue development orders; those powers reside with the local general-purpose government. The Florida Legislature ("Legislature") has, in section 190.004(3), F.S., made this clear by stating:

*The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. 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 Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.*

In addition, the parameters for the review and evaluation of CDD petitions are clearly set forth in section 190.002(2)(d), F.S., as follows:

*That the process of establishing such a district pursuant to uniform general law 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.*

Therefore, the scope of this Statement of Estimated Regulatory Costs is limited to an evaluation of those factors pertinent to the establishment (or expansion) of a CDD as defined by the Legislature and outlined in section 120.541(2), F.S.

The purpose of the Act is to provide another tool to government and private landowners in their efforts to comply with comprehensive plans that require adequate public facilities and services as a pre-condition for future development. See section 163.3177(10)(h), F.S. (the "concurrency" requirement).

A CDD is a special purpose unit of local government that is established for the purpose of providing an alternative mechanism for financing the construction of public infrastructure. A CDD must be structured to be financially independent as intended by the Legislature. The cost of any additional public improvements to be constructed or any additional services to be provided by the city or county as a result of this development will be incurred whether the infrastructure is financed through a CDD or any other alternative financing method. These costs have already been evaluated by all appropriate agencies during the approval process for the development. The annual administrative costs of the CDD, as well as the costs of operating CDD infrastructure, will be borne entirely by the CDD and its landowners, and will not require any subsidy from the State of Florida or the county, nor will it place any additional economic burden on those persons not residing within the CDD or not benefitting from the improvements therein. While some CDD improvements may eventually be dedicated to the county for ownership/control and maintenance, this is a common mechanism associated with development, and the limited impact to county revenues would likely occur even if the CDD did not exist, and alternative financing was used.

## **2. SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT")**

The District was established on March 7, 2007 by FLWAC, Rule 42GGG-1.001. The District boundaries currently encompass approximately 1,288.95 acres (the "Existing District") located within St. Johns County, Florida.

The District is seeking authority to expand the boundaries of the Existing District (the "Petition"). The net result of the boundary amendment will be the addition of approximately 70.99 acres of land ("Expansion Area") to the Existing District, for

a revised total of approximately 1,359.94 acres (“Modified District”).

Within the Modified District, the District will continue to exercise the powers outlined in section 190.012, F.S., to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that includes, but is not limited to: water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, parks and recreational facilities, or any other project, within or without the boundaries of the District, legally authorized, required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

The District has financed infrastructure improvements through capital improvement revenue bonds. Repayment of these bonds is through non-ad valorem special assessments levied against all benefited properties within the District. Ongoing operation and maintenance for District-owned facilities is funded through operation and maintenance assessments levied against all benefited properties. Upon approval of this Petition, there will be no current District special assessments levied on the lands within the Expansion Area.

## II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2015), in pertinent part, defines the elements a Statement of Estimated Regulatory Costs must contain, as follows:

(g) *An economic analysis showing whether the rule directly or indirectly:*

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;*
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or*
- 3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.*

(b) *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.*

(c) *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 or local revenues.*

(d) *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 requirements of the rule. As used in this section, "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, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.*

(e) *An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.*

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

(g) *In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.*

The estimated regulatory impacts of the expansion of the boundaries of the District are summarized below. Statutory requirements are **SHOWN IN BOLD CAPS**.

1. **AN ECONOMIC ANALYSIS SHOWING WHETHER THE RULE DIRECTLY OR INDIRECTLY:**
  - A. **IS LIKELY TO HAVE AN ADVERSE IMPACT ON ECONOMIC GROWTH, PRIVATE SECTOR JOB CREATION OR EMPLOYMENT, OR PRIVATE SECTOR INVESTMENT IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE;**



Expansion of the District boundaries is not expected to have any material economic impact. Currently permitted District land uses are either developed or will be developed within the Modified District. In fact, the development units originally contemplated at the time of establishment will continue with the lands within and outside of the Modified District. As such, there is no expected loss of development activity beyond what was planned for the Existing District. Therefore, there likely will be no significant economic gain or loss.

**B. IS LIKELY TO HAVE AN ADVERSE IMPACT ON BUSINESS COMPETITIVENESS, INCLUDING THE ABILITY OF PERSONS DOING BUSINESS IN THE STATE TO COMPETE WITH PERSONS DOING BUSINESS IN OTHER STATES OR DOMESTIC MARKETS, PRODUCTIVITY, OR INNOVATION IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE;**

Any impact on overall business competitiveness and/or innovation resulting from the District expansion will be negligible, if any, for similar reasons outlined in subparagraph a. above.

**C. OR IS LIKELY TO INCREASE REGULATORY COSTS, INCLUDING ANY TRANSACTIONAL COSTS, IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE.**

A dramatic increase in overall regulatory or transaction costs is highly unlikely. As will be stated in further detail below, FLWAC and St. Johns County may incur incidental administrative costs in reviewing the documents germane to the Petition, but it is expected that these costs will be offset by the required filing fees for the Petition.

**2. 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:**

The individuals and entities likely to be required to comply with the rule or affected by the proposed action (i.e., adoption of the rule) can be categorized, as follows: 1) The State of Florida and its residents, 2) St. Johns County and its residents, 3) current property owners in the Modified District, 4) current property owners in the Expansion Area and 5) future property owners.

a. State Governmental Entities

The State of Florida and its residents and general population will not incur any compliance costs related to the expansion of the District boundaries and on-going administration of the District and will only be affected to the extent that the State incurs those nominal administrative costs outlined in Section 3(a)(2) below.

b. St. Johns County

St. Johns County and its residents not residing within the boundaries of the Existing District will not incur any compliance costs related to the expansion of the District boundaries other than any one-time administrative costs outlined in Section 3(a)(1) below. Once the District is expanded, these residents will not be affected by adoption of the Rule.

c. Current Property Owners – Modified District

The current property owners of the lands within the boundaries of the Modified District are not expected to realize a significant impact from the addition of the Expansion Area. While there is more property and projected units on which to spread costs of development, there is a corresponding increase in development activity expected to occur to support additional units. The property owner(s) of land added to the District boundaries will be impacted because they will be responsible for debt used to construct infrastructure, additionally they will be responsible for operation and maintenance costs.

d. Current Property Owner and Future Property Owners –Expansion Area

The current property owner and future property owners of the lands within the Expansion Area will be affected by the expansion of the District boundaries to the extent that they will be located within the District and will be subject to District special assessments.

**2. A GOOD FAITH ESTIMATE OF THE COST TO THE AGENCY, AND TO ANY OTHER STATE AND LOCAL ENTITIES, OF IMPLEMENTING AND ENFORCING THE PROPOSED RULE, AND ANY ANTICIPATED EFFECT ON STATE AND LOCAL REVENUES:**

a. Costs to Governmental Agencies of Implementing and Enforcing the Rule

1. St. Johns County

Because the District encompasses more than 1,000 acres and was established by Rule of FLWAC, this petition is being submitted to FLWAC, with a copy to St. Johns County. The County has the option under section 190.046(1)(d)3., to hold a public hearing; however, such a hearing is limited to consideration of the contents of the Petition and whether the Petition should be supported by the County. The County may incur certain one-time administrative costs involved with the review of this Petition, although this will be offset by the District's payment of a one-time filing fee.

Upon approval of this Petition, St. Johns County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from St. Johns County and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

2. State Government Entities

The cost to State entities to review or enforce the proposed rule amendment will be very modest. FLWAC is the reviewing agency for the petition. FLWAC will review the District's hearing record, transcripts and resolutions in conjunction with its review of the Petition. These activities will absorb the time of the FLWAC staff. However, these costs are estimated to be modest. There are no additional ongoing costs to either FLWAC or any other State entities to implement and enforce the proposed rule amendment. 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.

Once the District boundaries have been expanded, the State of Florida will continue to incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190 and 189, F.S. These are not additional costs but rather costs already incurred. These reports include the annual financial report, annual audit and public financing disclosures. To offset these costs, the Legislature has established a maximum fee of \$175 per District per year to pay the costs incurred by the Special Districts Information Program to administer the reporting requirements of Chapter

189, F.S. This amount is currently being paid by the District and will not change if the District boundaries are contracted. Because the District, as defined in Chapter 190, F.S., is designed to function as a self-sufficient special-purpose governmental entity, it is responsible for its own management. Therefore, except for the reporting requirements outlined above, or later established by law, no additional burden is placed on the State once the District has been established, and there will be no impact as a result of the expansion.

**3. The District**

The District will also continue to incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments against all properties within the Modified District benefiting from its facilities and its services. The Fiscal Year 2020-2021 Operations and Maintenance Budget is already in place and the Fiscal Year 2021-2022 adopted budget will start on October 1, 2021.

**b. Impact on State and Local Revenues**

It is anticipated that approval of this Petition will not have any negative effect on state revenues, primarily for the reasons stated in Section 1(A) above.

In summary, contracting the boundaries of the District will not create any significant economic costs for the State of Florida or for St. Johns County.

**4. 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 REQUIREMENTS OF THE RULE:**

There are no anticipated additional transaction costs associated with modifying the District boundaries to add the Expansion Area. Landowners within the Expansion Area will be subject to same state and local governmental taxes and fees as they were previously.

**5. AN ANALYSIS OF THE IMPACT ON SMALL BUSINESSES AS DEFINED BY S. 288.703, AND AN ANALYSIS OF THE IMPACT ON SMALL COUNTIES AND SMALL CITIES AS DEFINED IN S. 120.52:**

Amending the boundaries of the District should not have any negative impact on

small businesses, primarily for the reasons outlined in Section I(A) above.

**6. ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL:**

Certain data utilized in this report was provided by the District and its primary developer and represents the best information available at this time. Other data was provided by Governmental Management Services, LLC and the District Engineer and was based on observations, analysis and experience with private development and other CDDs in various stages of existence.

**7. A DESCRIPTION OF ANY REGULATORY ALTERNATIVES SUBMITTED AND A STATEMENT ADOPTING THE ALTERNATIVE OR A STATEMENT OF THE REASONS FOR REJECTING THE ALTERNATIVE IN FAVOR OF THE PROPOSED RULE:**

Not applicable.

# **EXHIBIT 11**

**Exhibit 11 – Authorization of Agent**

**BEFORE THE  
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

IN RE: Petition to Amend the Boundary of            )  
Six Mile Creek Community Development District    )  
\_\_\_\_\_)

**AFFIDAVIT OF PETITION AND AUTHORIZATION OF AGENT**

STATE OF FLORIDA  
COUNTY OF DUVAL

I, Gregg Kern, Chairman of the Six Mile Creek Community Development District (the "District"), 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 Gregg Kern and I am the Chairman of the District.
3. Pursuant to Resolutions 2021-14 of the Board of Supervisors of the District, I am authorized to act on behalf of the Board to take all action necessary in relation to the Petition to Amend the Boundary of the District.
4. In my capacity as Chairman, I have reviewed the contents of the Petition to Amend the Boundary of the District, and its exhibits, and find it to be true and correct.
5. Wesley S. Haber, Hopping Green & Sams, 119 South Monroe Street, Suite 300, Post Office Box 6526, Tallahassee, Florida 32314 is designated to act as agent for the District with regard to any and all matters pertaining to the Petition to Amend the Boundary of the District before the Florida Land and Water Adjudicatory Commission pursuant to Chapter 190, Florida Statutes. This authorization shall remain in effect until revoked in writing.



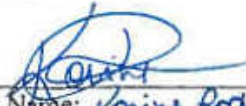
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 17<sup>th</sup> day of AUGUST, 2021.

  
Gregg Kern  
Chairman

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 17<sup>th</sup> day of August, 2021, by Gregg Kern, as Chairman of the Board of Supervisors of the Six Mile Creek Community Development District, for and on behalf of the District, who is  is personally known to me or  produced \_\_\_\_\_ as identification.

  
Print Name: Korine Rodrigues Santos da Silva  
Notary Public, State of Florida

