

THE CITY OF WINTER GARDEN
CITY COMMISSION AGENDA ITEM

From: Mark Cechman, Planning Director

Via: City Manager Mike Bollhoefer 

Date: January 4, 2006

Meeting Date: January 12, 2006

Subject: Winter Garden Village at Fowler Groves - Approval of the Community Development District

Issue: First Reading of Ordinance 06-06; Granting the Petition for the Establishment of the Winter Garden Village at Fowler Groves Community Development District

Recommended action:

Motion to approve Ord. 06-06 with the second reading and public hearing to be held on January 26, 2006.

Attachments/References: Ord. 06-06, with attachments

CITY OF WINTER GARDEN

Engineering Department

251 West Plant Street - Winter Garden, Florida 34787-3011

(407) 841-4084 - FAX (407) 648-8763

MEMORANDUM

TO: MARK CECHMAN, CITY PLANNER

FROM: MARSHALL ROBERTSON, ASSISTANT CITY MANAGER
BOB SMITH, PUBLIC WORKS DIRECTOR
CHARLES TINCH, ASSISTANT UTILITIES DIRECTOR
ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

DATE: JANUARY 4, 2006

SUBJECT: WINTER GARDEN VILLAGE AT FOWLER GROVES
SEMBLER FLORIDA, INC. - REVIEW OF PETITION FOR CDD

Pursuant to your request, we have reviewed the petition requesting the City to approve a community development district (CDD) for the above referenced project.

Since this is primarily a financing arrangement and does not directly influence the engineering aspects of the project, our only comment was to exclude the residential portion of the project from the CDD. As depicted on the exhibits, the residential portion is being excluded as requested. We have no other comments at this time.

Please review this information and contact our office if you have any questions. Thank you.

END OF MEMORANDUM

ORDINANCE NO. 06-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, GRANTING PETITION OF SEMBLER FLORIDA, INC. FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Sembler Florida, Inc. has petitioned for the establishment of the Winter Garden Village at Fowler Groves Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the City Commission (the "Commission") of the City of Winter Garden, Florida (the "City") in accordance with the requirements and procedures of Section 190.005(2)(d), Florida Statutes, and the applicable requirements and procedures of the City's Charter and Code of Ordinances; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the City's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the City and its taxpayers; and

WHEREAS, the Commission finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the City's Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated development; and

WHEREAS, the creation of the District is the best alternative available for delivering community development facilities and services to the area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the Commission finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of the City that the District have such powers, now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to establish the Winter Garden Village at Fowler Groves Community Development District over the real property described in Exhibit 2 of the Petition, a copy of which is attached hereto, which was filed by the Petitioner, on December 14, 2005, and which Petition is on file at the Office of the Clerk of the Commission, is hereby granted. A copy of the Petition is attached and incorporated herein (Exhibit A).

Section 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibit B.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Tom Hareas
David Davis
Dan Dorris
Stephen H. Bekemeyer
Harold L. Bekemeyer, Sr.

Section 5. The name of the District shall be the "Winter Garden Village at Fowler Groves Community Development District."

Section 6. The Winter Garden Village at Fowler Groves Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Winter Garden Village at Fowler Groves Community Development District shall be Sections 190.006 through 190.041, Florida Statutes, as amended

Section 8. The Commission hereby grants to the Winter Garden Village at Fowler Groves Community Development District all powers authorized pursuant to Sections 190.011

and 190.012(1), (2)(a), (b), (d), (e) and (f) and (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of the City to grant such general powers.

Section 9. All bonds issued by the Winter Garden Village at Fowler Groves Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 10. No bond, debt or other obligation of the Winter Garden Village at Fowler Groves Community Development District, nor any default thereon, shall constitute a debt or obligation of the City.

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. It is the intention of the Commission, and it is hereby ordained that the provisions of this ordinance shall be excluded from the City's Code of Ordinances.

Section 13. This ordinance shall become effective ten (10) days after the date of enactment.

READ FIRST TIME: _____, 2006.

READ SECOND TIME AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

EXHIBIT "A"

PETITION

PETITION TO ESTABLISH

THE

WINTER GARDEN VILLAGE AT FOWLER GROVES

COMMUNITY DEVELOPMENT DISTRICT

Submitted By: Kenneth R. Artin
Florida Bar No. 804398
Bryant Miller & Olive P.A.
135 West Central Boulevard
Suite 700
Orlando, Florida 32801-2437
Phone: (407) 426-7001
Fax: (407) 426-7262

TABLE OF CONTENTS

Petition to Establish the Winter Garden Village at Fowler Groves Community Development District

Exhibit 1	General Location Map
Exhibit 2	Metes and Bounds Legal Description of the External boundaries of the Winter Garden Village at Fowler Groves Community Development District
Exhibit 3	Map of the proposed Winter Garden Village at Fowler Groves Community Development District
Exhibit 4	Consent and Joinder of Landowners
Exhibit 5	Winter Garden Comprehensive Plan -- Future Land Use Element
Exhibit 6	Existing Major Trunk Water Mains, Wastewater Interceptors and Indicates Major Outfall Canals and Drainage Basins for the Lands Within Proposed District
Exhibit 7	District Facilities and Estimated Costs
Exhibit 8	Statement of Estimated Regulatory Costs (SERC)

PETITION TO ESTABLISH THE WINTER GARDEN VILLAGE AT FOWLER GROVES
COMMUNITY DEVELOPMENT DISTRICT

The Petitioners, Sembler Florida, Inc., a Florida corporation (hereinafter "Petitioner"), hereby petition the City Commission pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District (hereafter "District") with respect to the land described herein. In support of this petition, Petitioners state:

1. Petitioner. Sembler Florida, Inc. is a company formed to engage in the business of land development with their offices located at 5858 Central Avenue, St. Petersburg, Florida 33707.

2. Location and Size. The proposed District is located entirely within the incorporated limits of the City of Winter Garden, Florida. **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 146.7 acres of land. The site is located east of C.R. 535 and north of S.R. 429. The metes and bounds legal description of the external boundaries of the District is set forth in **Exhibit 2** and a map of the proposed District is set forth in **Exhibit 3**.

3. Excluded Parcels. There are no parcels within the external boundaries of the proposed District that are to be excluded from the District.

4. Landowner Consent. Petitioners have obtained the written consent of the landowners to establish the District in accordance with Section 190.005, Florida Statutes, and a copy of which is contained in **Exhibit 4**.

5. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Tom Hareas
Address: 5858 Central Avenue
 St. Petersburg, FL 33707

Name: David Davis
Address: 5858 Central Avenue
 St. Petersburg, FL 33707

Name: Dan Dorris
Address: 5858 Central Avenue
 St. Petersburg, FL 33707

Name: Stephen H. Bekemeyer
Address: 1625 Highway 535
 Winter Garden, FL 34787

Name: Harold L. Bekemeyer, Sr.
Address: 136 N. Highland Avenue
Winter Garden, FL 34787

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

6. Name. The proposed name of the District is the Winter Garden Village at Fowler Groves Community Development District.

7. Future Land Uses. The future general distribution, location and extent of the public and private land uses proposed for the District by the Future Land Use Element of the Winter Garden Comprehensive Plan is identified on **Exhibit 5**. The proposed land uses for lands within the proposed District are consistent with the adopted applicable Comprehensive Plan.

8. Major Water and Wastewater Facilities. The existing major trunk water mains and wastewater interceptors and outfalls are shown on **Exhibit 6**.

9. District Facilities and Services. The Petitioners presently intend for the District to participate in the acquisition, construction and/or installation of certain systems, facilities and basic infrastructure within the ambit of Section 190.012, Florida Statutes. **Exhibit 7** describes the facilities that the Petitioners presently expects the District to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge, extend, equip, operate and/or maintain. The estimated cost of construction are also described in **Exhibit 7**. Actual 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 but it is expected that the construction of the improvements will be completed within 18 months following commencement of construction.

10. Statement of Estimated Recirculatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2002). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

11. Rationale and Basis for Establishment of District. This petition to establish the Winter Garden Village at Fowler Groves Community Development District addresses the factors set forth in Section 190.005(e), Florida Statute and in accordance therewith should be granted for the following reasons:

- (a) All statements contained in this Petition are true and correct.

(b) Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or local Comprehensive Plan.

(c) The area of land within the proposed District is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated development.

(d) The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed development without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District allows for a more efficient use of resources.

(e) The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities.

(f) The area to be served by the proposed District is amenable to separate special-district government.

[Remainder of page intentionally left blank]

WHEREFORE, Petitioners respectfully request the City Commission to:

(a) Schedule a public hearing in accordance with the requirements of Section 190.005, Florida Statutes, as amended; pursuant to Chapter 190, Florida Statutes.

RESPECTFULLY SUBMITTED, this 13th day of December, 2005.

BRYANT MILLER & OLIVE, P.A.

By: 

Kenneth R. Artin

Florida Bar No. 804398

Bryant Miller & Olive P.A.

135 West Central Boulevard

Suite 700

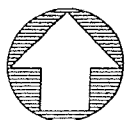
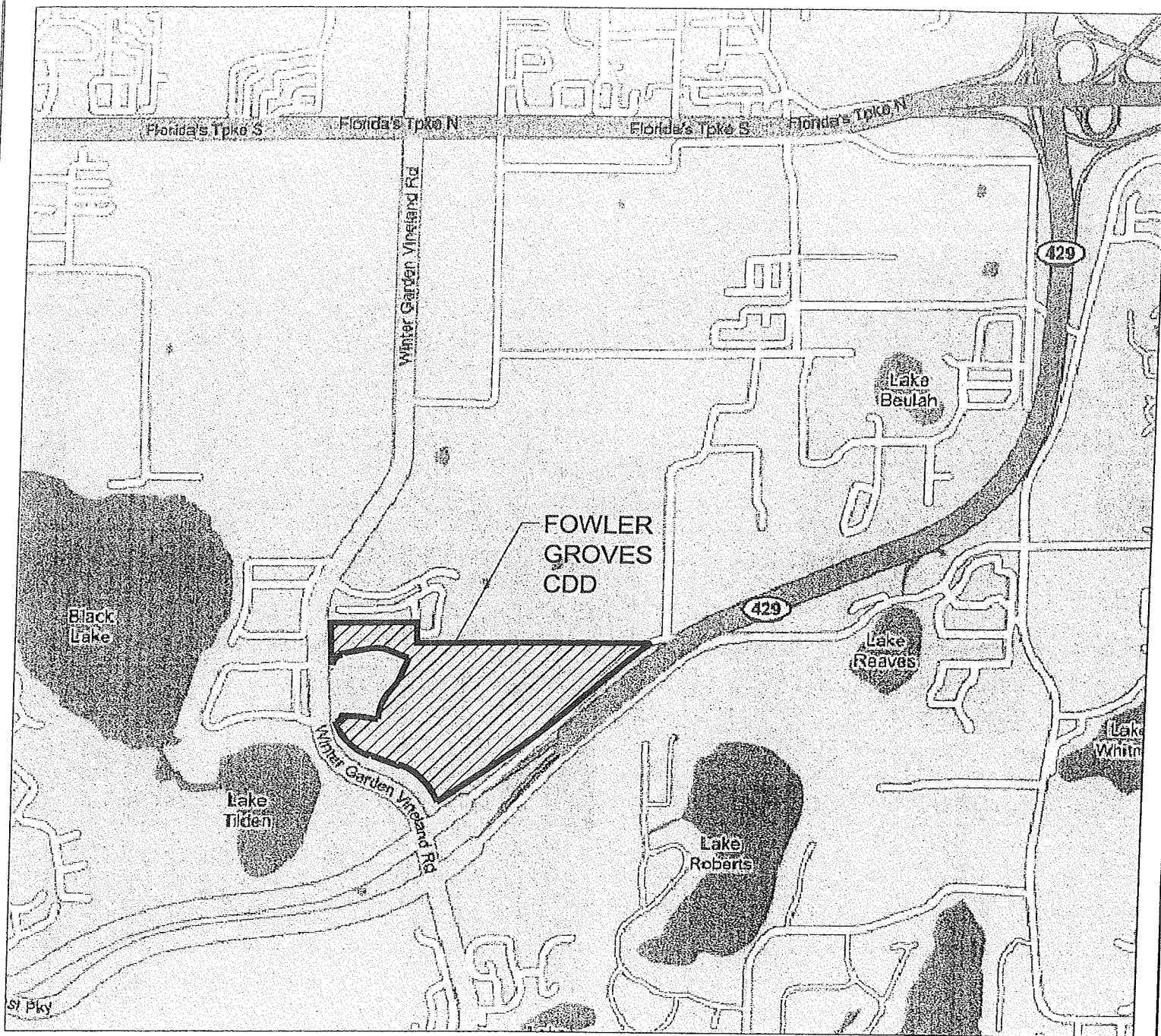
Orlando, Florida 32801-2437

Phone: (407) 426-7001

Fax: (407) 426-7262

Attorney for Petitioner

EXHIBIT 1
General Location Map



NORTH

EXHIBIT 1

LOCHRANE

ENGINEERS & SURVEYORS

201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803
 PH: (407) 89-3317 FAX: (407) 896-9167 EMAIL: WWW.LOCHRANE.COM

GENERAL LOCATION MAP
 WINTER GARDEN VILLAGE @
 FOWLER GROVES CDD
 FOR
 SEMBLER
 STATE ROAD 535 / STATE ROAD 429
 WINTER GARDEN, FLORIDA

JOB NO: 04100
 DATE: 03-10-05
 BY: FP
 SCALE: N.T.S.

EXHIBIT 2

Metes and Bounds Legal Description of the External Boundaries of the Winder Garden
Village at Fowler Groves Community Development District

SKETCH OF DESCRIPTION COMMUNITY DEVELOPMENT DISTRICT

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, AND SECTION 2, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE RUN S89°33'22"W, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 2675.25 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE DEPARTING SAID NORTH LINE RUN S00°48'16"E, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1335.93 FEET TO THE SOUTHEAST CORNER, OF THE NORTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN N89°36'09"E, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 AND THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHEAST 1/4 OF SAID SECTION 35 A DISTANCE OF 2197.98 FEET TO A POINT 5.00 FEET NORTHWESTERLY OF THE WESTERLY RIGHT OF WAY LINE OF RIGHT OF WAY "G", PER OFFICIAL RECORD BOOK 6084, PAGE 2829, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1082.45 FEET AND A CHORD BEARING OF S53°53'19"W; THENCE DEPARTING SAID NORTH LINE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 10°56'43", AN ARC DISTANCE OF 206.78 FEET TO THE POINT OF TANGENCY; THENCE RUN S48°24'58"W A DISTANCE OF 1459.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 11373.16 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 1°59'15", AN ARC DISTANCE OF 394.54 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE CONTINUE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 5°10'57", AN ARC DISTANCE OF 1028.70 FEET TO THE POINT OF TANGENCY; THENCE RUN S55°35'10"W A DISTANCE OF 959.56 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535, AS SHOWN ON SHEET 24 OF 31, OF THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP FOR THE WESTERN BELTWAY, STATE ROAD No. 429, PROJECT No. 75320-6420-654, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1034.93 FEET AND A CHORD BEARING OF N45°35'03"W; THENCE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 48°06'33" AN ARC DISTANCE OF 868.99 FEET; THENCE DEPARTING SAID CURVE RUN S20°38'17"W A DISTANCE OF 24.99 FEET; THENCE RUN N69°21'43"W A DISTANCE OF 460.59 FEET; THENCE RUN S20°38'17"W A DISTANCE OF 19.99 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 919.93 FEET AND A CHORD BEARING OF N48°16'56"W; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 41°31'22" AN ARC DISTANCE OF 666.68 TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE CONTINUE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 4°12'14", AN ARC DISTANCE OF 67.49 FEET TO A POINT ON SAID CURVE; THENCE DEPARTING SAID CURVE AND SAID PARALLEL LINE RUN THE FOLLOWING COURSES AND DISTANCES: THENCE RUN N68°54'11"E A DISTANCE OF 82.67 FEET; THENCE RUN N18°27'02"E A DISTANCE OF 80.40 FEET; THENCE RUN S86°43'34"E A DISTANCE OF 319.12 FEET; THENCE RUN S80°32'34"E A DISTANCE OF 234.77 FEET; THENCE RUN S88°51'31"E A DISTANCE OF 55.24 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 630.00 FEET; THENCE FROM A CHORD BEARING OF N17°43'41"E RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 51°49'56", AN ARC DISTANCE OF 569.93 TO THE POINT OF TANGENCY; THENCE RUN N43°38'40"E A DISTANCE OF 162.33 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 745.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 22°35'00", AN ARC DISTANCE OF 293.64 FEET TO THE END OF CURVE; THENCE RUN N06°29'09"E A DISTANCE OF 51.15 FEET; THENCE RUN N22°11'54"E A DISTANCE OF 119.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF TANGENCY; THENCE RUN N67°48'06"W A DISTANCE OF 176.57 FEET; THENCE RUN N52°31'09"W A DISTANCE OF 39.84 FEET; THENCE RUN N67°48'06"W A DISTANCE OF 111.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 580.50 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 32°31'05" AN ARC DISTANCE OF 329.46 FEET TO THE END OF SAID CURVE; THENCE RUN S79°44'03"W A DISTANCE OF 494.67 FEET; THENCE RUN S10°15'57"E A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 200.00 FEET; THENCE FROM A CHORD BEARING OF S42°05'26"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 75°17'14" AN ARC DISTANCE OF 262.80 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1009.50 FEET; THENCE FROM A CHORD BEARING OF S01°07'18"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 6°39'03" AN ARC DISTANCE OF 117.18 FEET TO THE END OF SAID CURVE; THENCE RUN S87°47'46"W A DISTANCE OF 8.58 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535; THENCE RUN N02°12'14"W ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 710.29 FEET TO A POINT 5.00 FEET EAST OF THE SOUTHWEST CORNER OF TRACT "B", OF THE PLAT GLYNWOOD, AS RECORDED IN PLAT BOOK 51, PAGE 32, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID PARALLEL LINE, RUN N89°37'58"E, ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 131.07 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE RUN S01°30'12"E, ALONG SAID EAST LINE, A DISTANCE OF 324.15 FEET TO THE NORTHWEST CORNER, OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE DEPARTING SAID EAST LINE RUN N89°37'58"E, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35, A DISTANCE OF 1342.12 FEET TO THE POINT OF BEGINNING.

CONTAINING: 146.692 ACRES (6,389,920 SQUARE FEET) MORE OR LESS.

SURVEYORS REPORT:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1990 ADJUSTMENT, AS ESTABLISHED FROM EXISTING CONTROL POINTS 75021013 THRU 75021022 AS PUBLISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, DERIVING A BEARING OF S89°33'22"W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST.

2. EXISTING RIGHT OF WAY SHOWN HEREON IS AS SHOWN ON THE RIGHT OF WAY MAP OF S.R. 429 (WESTERN BELTWAY), PER THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP PROJECT No. 75320-6460-654.

LEGEND:

CB	CHORD BEARING	PRC	POINT OF REVERSE CURVATURE
COR	CORNER	PCC	POINT OF COMPOUND CURVE
L	LENGTH	PT	POINT OF TANGENCY
O.R.B.	OFFICIAL RECORD BOOK	R	RADIUS
P.B.	PLAT BOOK	RGE.	RANGE
PC	POINT OF CURVATURE	R/W	RIGHT OF WAY
PCNT	POINT OF CURVATURE NON-TANGENT	SEC.	SECTION
PG	PAGE	TWP.	TOWNSHIP
		Δ	CENTRAL ANGLE

LOCHRANE ENGINEERING, INC.
L.B. No. 2856

CHRISTOPHER A. LaBERGE
P.S.M. No. 6014

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

LOCHRANE

Consulting Engineers • Surveyors

201 South Bumby Avenue, Orlando, Florida 32803 (407) 896-3317

PREPARED FOR: THE SEMBLER COMPANY

DATE: 10-26-2005

DRAWN BY: C.D.W.

REVISED: 11-2-2005

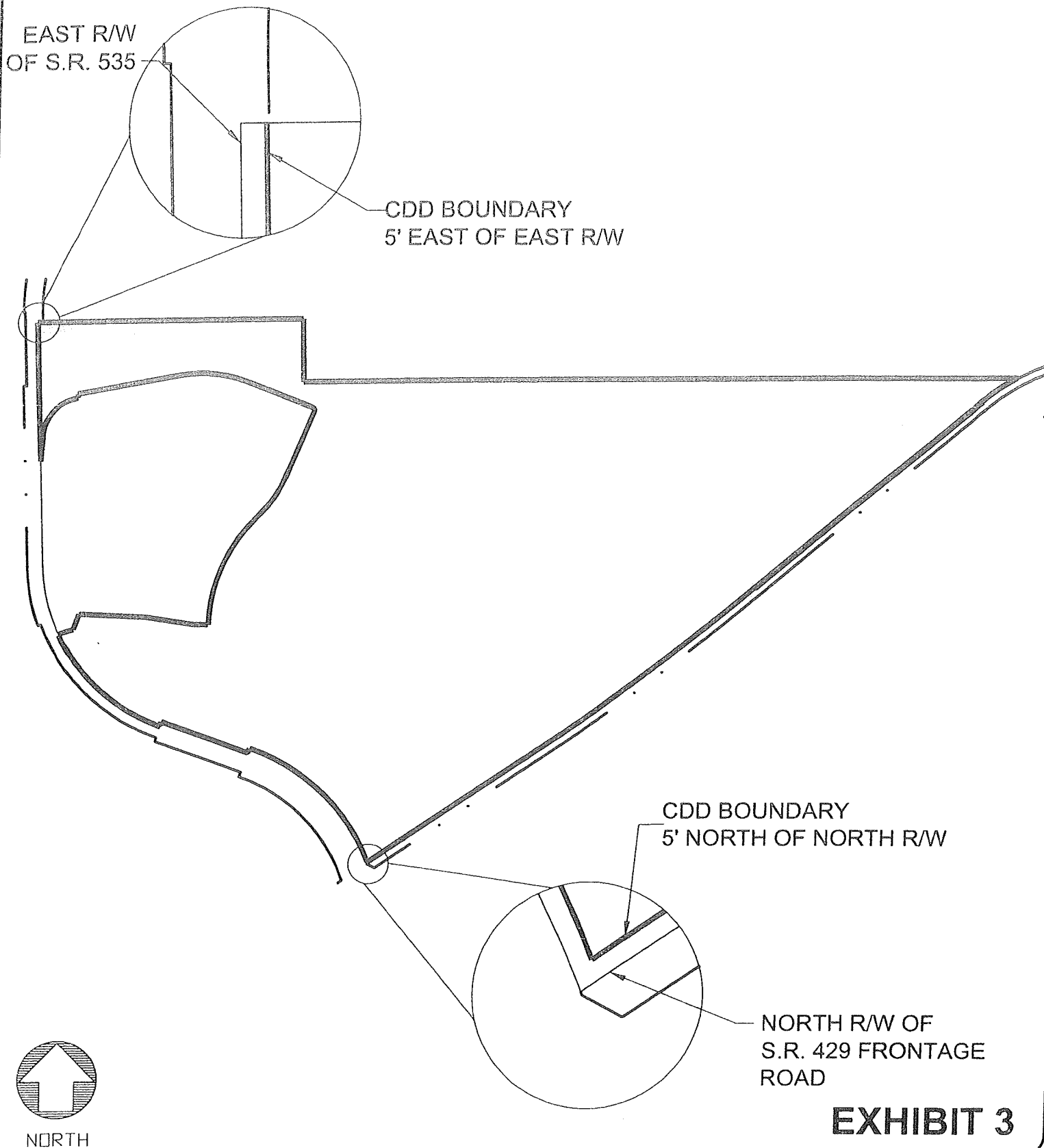
JOB No.: 04100.19

SCALE: N/A

SHEET 1 OF 2

EXHIBIT 3

Map of the Proposed Winter Garden Village at
Fowler Groves Community Development District



LOCHRANE
ENGINEERS & SURVEYORS

201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803
PH: (407) 89-3317 FAX: (407) 896-9167 EMAIL: WWW.LOCHRANE.COM

CDD BOUNDARY
WINTER GARDEN VILLAGE @
FOWLER GROVES CDD
FOR
SEMBLER
STATE ROAD 535 / STATE ROAD 429
WINTER GARDEN, FLORIDA

JOB NO: 04100
DATE: 03-10-05
BY: FP
SCALE: N.T.S.

EXHIBIT 4
Consent and Joinder of Landowners
for inclusion into Community Development District

**Consent and Joinder of Landowners
for inclusion into Community Development District**

The undersigned are the owners of certain lands ("Owners") which are more fully described on Exhibit A, attached hereto and made a part hereof ("Property").

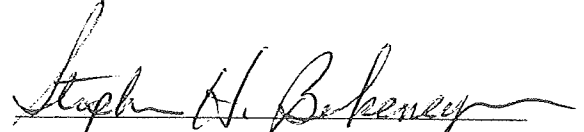
The undersigned Owners understand that Sembler Florida, Inc. intends to submit a petition to establish a Community Development District ("District") in accordance with the provisions of Chapter 190 of the Florida Statutes. The undersigned Owners hereby consent to the inclusion of the Property into the District and to establishment of the District and further agree to execute any documentation necessary or convenient to evidence this consent and joinder during the application process. This consent is expressly conditioned on the fact that no special assessment bonds or notes will be issued by the District while owned by the Owners

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

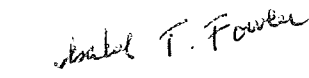
Executed this 8th day of December, 2005.

Fowler Groves Limited Partnership,
a Florida limited partnership

By: Isabel T. Fowler Inc.
its General Partner


Stephen H. Bekemeyer, President

Isabel T. Fowler (as to her life estate)



By: Isabel T. Fowler

EXHIBIT "A"

(Page 1 of 2)

Legal Description

A PORTION OF LAND LYING IN SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, AND SECTION 2, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE RUN $S89^{\circ}33'22''W$, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 2675.25 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE DEPARTING SAID NORTH LINE RUN $S00^{\circ}48'16''E$, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1335.93 FEET TO THE SOUTHEAST CORNER, OF THE NORTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN $N89^{\circ}36'09''E$, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 AND THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHEAST 1/4 OF SAID SECTION 35 A DISTANCE OF 2197.98 FEET TO A POINT 5.00 FEET NORTHWESTERLY OF THE WESTERLY RIGHT OF WAY LINE OF RIGHT OF WAY "G", PER OFFICIAL RECORD BOOK 6084, PAGE 2829, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1082.45 FEET AND A CHORD BEARING OF $S53^{\circ}53'19''W$; THENCE DEPARTING SAID NORTH LINE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $10^{\circ}56'43''$, AN ARC DISTANCE OF 206.78 FEET TO THE POINT OF TANGENCY; THENCE RUN $S48^{\circ}24'58''W$ A DISTANCE OF 1459.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 11373.16 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $1^{\circ}59'15''$, AN ARC DISTANCE OF 394.54 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE CONTINUE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF $5^{\circ}10'57''$, AN ARC DISTANCE OF 1028.70 FEET TO THE POINT OF TANGENCY; THENCE RUN $S55^{\circ}35'10''W$ A DISTANCE OF 959.56 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535, AS SHOWN ON SHEET 24 OF 31, OF THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP FOR THE WESTERN BELTWAY, STATE ROAD No. 429, PROJECT No. 75320-6420-654, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1034.93 FEET AND A CHORD BEARING OF $N45^{\circ}35'03''W$; THENCE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $48^{\circ}06'33''$ AN ARC DISTANCE OF 868.99 FEET; THENCE DEPARTING SAID CURVE RUN $S20^{\circ}38'17''W$ A DISTANCE OF 24.99 FEET; THENCE RUN $N69^{\circ}21'43''W$ A DISTANCE OF 460.59 FEET; THENCE RUN $S20^{\circ}38'17''W$ A DISTANCE OF 19.99 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 919.93 FEET AND A CHORD BEARING OF $N48^{\circ}16'56''W$; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $41^{\circ}31'22''$ AN ARC DISTANCE OF 666.68 TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE CONTINUE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $4^{\circ}12'14''$, AN ARC DISTANCE OF 67.49 FEET TO A POINT ON SAID CURVE; THENCE DEPARTING SAID CURVE AND SAID

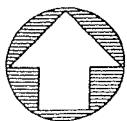
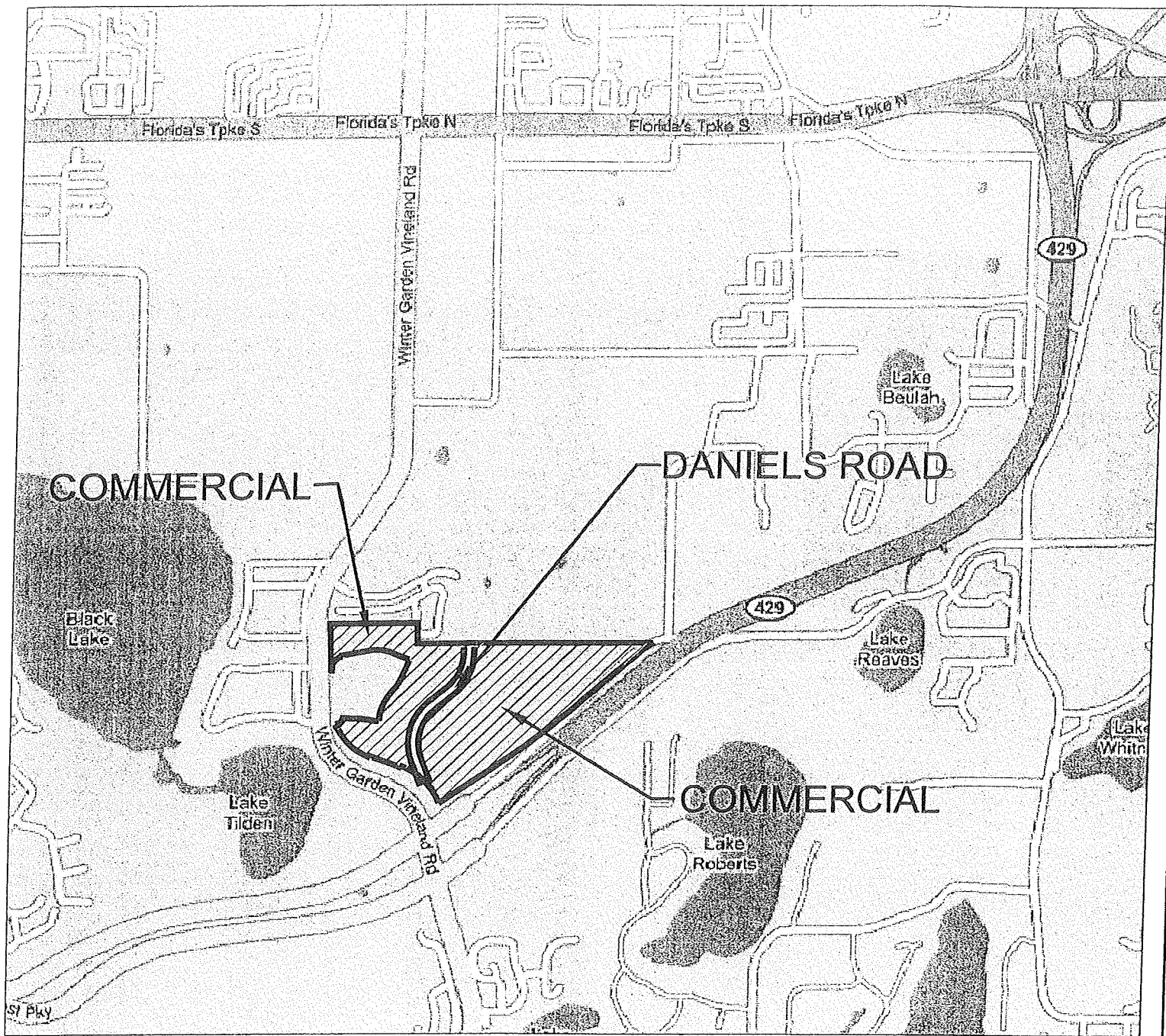
EXHIBIT "A"

(Page 2 of 2)

PARALLEL LINE RUN THE FOLLOWING COURSES AND DISTANCES: THENCE RUN $N68^{\circ}54'11''E$ A DISTANCE OF 82.67 FEET; THENCE RUN $N18^{\circ}27'02''E$ A DISTANCE OF 80.40 FEET; THENCE RUN $S86^{\circ}43'34''E$ A DISTANCE OF 319.12 FEET; THENCE RUN $S80^{\circ}32'34''E$ A DISTANCE OF 234.77 FEET; THENCE RUN $S88^{\circ}51'31''E$ A DISTANCE OF 55.24 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 630.00 FEET; THENCE FROM A CHORD BEARING OF $N17^{\circ}43'41''E$ RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $51^{\circ}49'56''$, AN ARC DISTANCE OF 569.93 TO THE POINT OF TANGENCY; THENCE RUN $N43^{\circ}38'40''E$ A DISTANCE OF 162.33 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 745.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $22^{\circ}35'00''$, AN ARC DISTANCE OF 293.64 FEET TO THE END OF SAID CURVE; THENCE RUN $N06^{\circ}29'09''E$ A DISTANCE OF 51.15 FEET; THENCE RUN $N22^{\circ}11'54''E$ A DISTANCE OF 119.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $90^{\circ}00'00''$, AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF TANGENCY; THENCE RUN $N67^{\circ}48'06''W$ A DISTANCE OF 176.57 FEET; THENCE RUN $N52^{\circ}31'09''W$ A DISTANCE OF 39.84 FEET; THENCE RUN $N67^{\circ}48'06''W$ A DISTANCE OF 111.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 580.50 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $32^{\circ}31'05''$ AN ARC DISTANCE OF 329.46 FEET TO THE END OF SAID CURVE; THENCE RUN $S79^{\circ}44'03''W$ A DISTANCE OF 494.67 FEET; THENCE RUN $S10^{\circ}15'57''E$ A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 200.00 FEET; THENCE FROM A CHORD BEARING OF $S42^{\circ}05'26''W$ RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $75^{\circ}17'14''$ AN ARC DISTANCE OF 262.80 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1009.50 FEET; THENCE FROM A CHORD BEARING OF $S01^{\circ}07'18''W$ RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF $6^{\circ}39'03''$ AN ARC DISTANCE OF 117.18 FEET TO THE END OF SAID CURVE; THENCE RUN $S87^{\circ}47'46''W$ A DISTANCE OF 8.58 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535; THENCE RUN $N02^{\circ}12'14''W$ ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 710.29 FEET TO A POINT 5.00 FEET EAST OF THE SOUTHWEST CORNER OF TRACT "B", OF THE PLAT GLYNWOOD, AS RECORDED IN PLAT BOOK 51, PAGE 32, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID PARALLEL LINE, RUN $N89^{\circ}37'58''E$, ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 1311.07 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE RUN $S01^{\circ}30'12''E$, ALONG SAID EAST LINE, A DISTANCE OF 324.15 FEET TO THE NORTHWEST CORNER, OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE DEPARTING SAID EAST LINE RUN $N89^{\circ}37'58''E$, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35, A DISTANCE OF 1342.12 FEET TO THE POINT OF BEGINNING.

CONTAINING: 146.692 ACRES (6,389,920 SQUARE FEET) MORE OR LESS.

EXHIBIT 5
Winter Garden Comprehensive Plan—Future Land Use Element



NORTH

EXHIBIT 5

LOCHRANE

ENGINEERS & SURVEYORS

201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803
PH: (407) 89-3317 FAX: (407) 896-9167 EMAIL: WWW.LOCHRANE.COM

COMPREHENSIVE PLAN
FUTURE LAND USE ELEMENT
WINTER GARDEN VILLAGE @
FOWLER GROVES CDD
FOR
SEMBLER
STATE ROAD 535 / STATE ROAD 429
WINTER GARDEN, FLORIDA

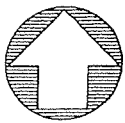
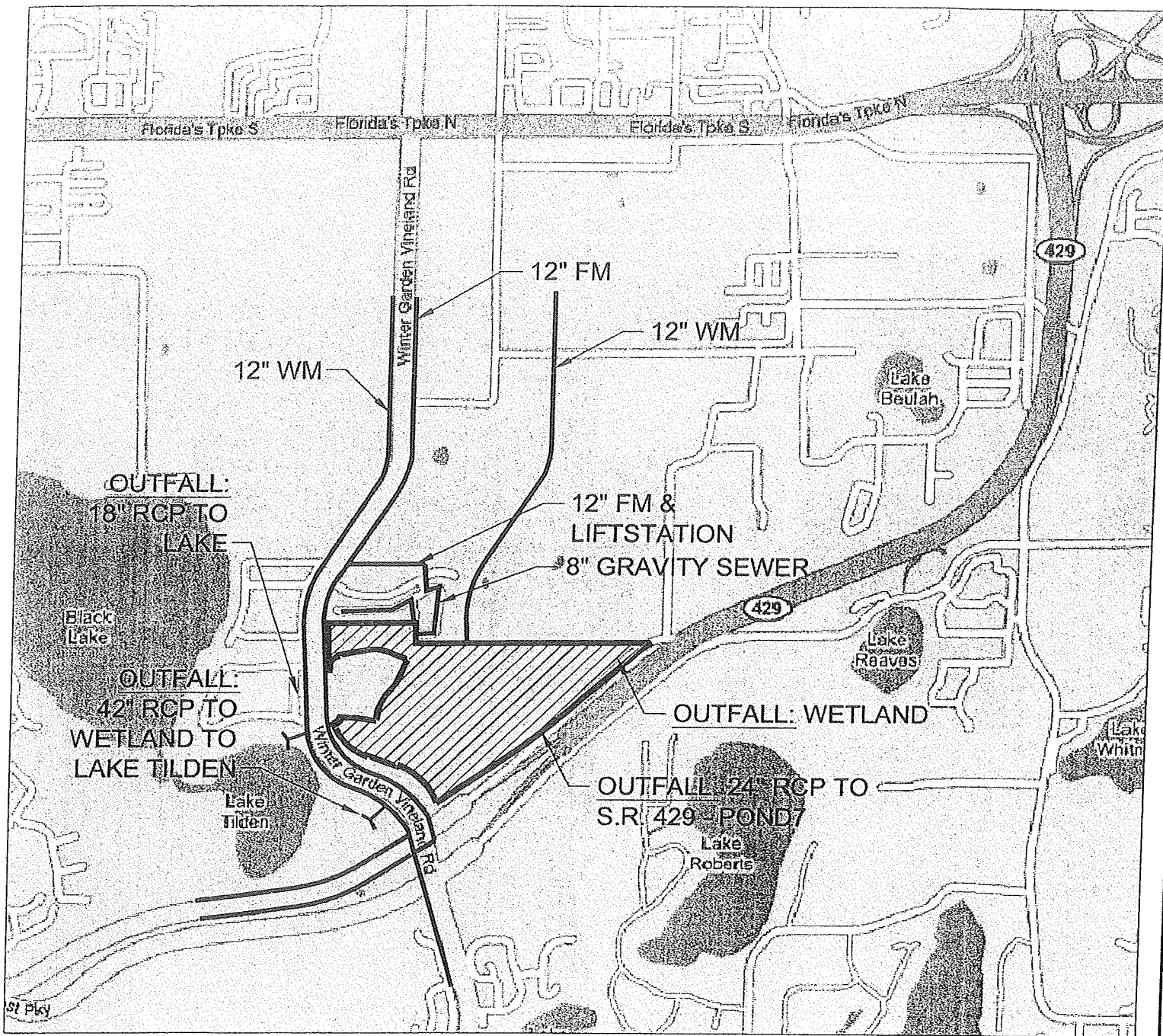
JOB NO: 04100
DATE: 03-10-05
BY: FP
SCALE: N.T.S.

Development Program

Use	Phase 1 (2007)	Total
Retail Service (GLA)	1,150,000	1,150,000

GLA - Gross Leaseable Area in square feet

EXHIBIT 6
Existing Major Trunk Water Mains, Wastewater Interceptors and
Indicates Major Outfall Canals and Drainage Basins for the Lands
Within Proposed District



NORTH

EXHIBIT 6

LOCHRANE

ENGINEERS & SURVEYORS

201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803
PH: (407) 89-3317 FAX: (407) 896-9167 EMAIL: WWW.LOCHRANE.COM

UTILITIES MAP
WINTER GARDEN VILLAGE @
FOWLER GROVES CDD
FOR
SEMBLER
STATE ROAD 535 / STATE ROAD 429
WINTER GARDEN, FLORIDA

JOB NO: 04100
DATE: 03-10-05
BY: FP
SCALE: N.T.S.

EXHIBIT 7
District Facilities and Estimated Costs

Revised: November 26, 2005

Winter Garden Village at Fowler Groves
Community Development District
List of Improvements

Description	Estimated Cost
Road Through Site (Daniels)	\$6,808,026
Traffic Signals (3)	825,000
Offsite Roads	20,776,267
Fire Safety Contribution to City	210,000
LYNX Bus System Contribution	250,000
City Park Contribution Payment	<u>400,000</u>
Total	\$29,269,293

Exhibit 8
Statement of Estimated Regulatory Costs (SERC)

STATEMENT OF ESTIMATED REGULATORY COSTS
Winter Garden Village at Fowler Groves Community Development District

1.0 Introduction

1.1 Purpose and Scope

This statement of estimated regulatory costs (“SERC”) supports the petition to establish the Winter Garden Village at Fowler Groves Community Development District (“District”). The District comprises approximately 146.7 +/- acres of land within City of Winter Garden, Florida on which approximately 1,150,000 square feet of retail space are planned for development. The limitations on the scope of this SERC are set out in Chapters 120 and 190 F.S. (2004) (specifically, Sections 190.005(1)(a)8, and 120.541(2)).

Moreover, Section 190.002(2)(d), F.S. (2004), provides “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 Winter Garden Village at Fowler Groves Community Development District

The District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance.

The development plan for the proposed lands within the District includes the construction of approximately 1,150,000 square feet of retail space.

1.3 Requirements for the Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (2004), 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. (2004), and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (2004). The City of Winter Garden is not defined as a small city for purposes of this requirement.

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

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

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.

As noted above, Winter Garden Village at Fowler Groves is designed for approximately 1,150,000 square feet of retail space. Establishment of the District would put all of the businesses that locate within the District under the jurisdiction of the District. Of course, the decision to locate within the District is a voluntary one.

3.0 A 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 Government Entities

The District consists of fewer than 1,000 acres; therefore the City of Winter Garden is the establishing entity under Section 190.005(2), F.S. (2004). There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District.

The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to receipt and processing of various reports that the proposed District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of several hundred governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is *de minimis*. Additionally, pursuant to Section 189.412, F.S. (2004), the proposed District must pay an annual fee to the State of Florida Department of Community Affairs to offset such costs.

City of Winter Garden

The land within the District is within the City limits of the City of Winter Garden and consists of fewer than 1,000 acres. The Winter Garden City Council and its staff will process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources.

These costs to the City are modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the City of Winter Garden already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, local governments routinely process similar petitions for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the City of Winter Garden, because of the establishment of the District, are also very small and within control of the City. The proposed District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and to the extent it wishes, reviewing the various reports that the District is required to provide to the City.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will not impact State or local revenues. The District is an independent unit of local government with limited powers. It is designed by law to provide community facilities and services to the lands that comprise the Winter Garden Village at Fowler Groves area. 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 other unit of local government. In accordance with State law, debts of the CDD are strictly its own responsibility.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. It is anticipated that the District will fund and construct certain on and offsite roadways and associated traffic signals. These facilities will be owned and operated by the City of Winter Garden, Orange County, and the Florida Department of Transportation. The District will also pay various “fair share contributions”.

**Table 1. Winter Garden Village at Fowler Groves Community Development District
Proposed Facilities and Services**

FACILITY	FUNDED/ CONSTRUCTED	O&M	OWNERSHIP
Roads & Signalization	CDD	City of Winter Garden	City of Winter Garden
Offsite Roads	CDD	Various*	Various*
Fair Share Contributions	CDD	Various *	Various *

*FDOT, Orange County, City of Winter Garden, and Lynx.

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for these facilities plus the fair share contributions are estimated to be approximately \$29,269,293. To fund this financing program the District may issue special assessments or other revenue bonds estimated to total \$36,600,000. These would be repaid through non-ad valorem special assessments levied on all developable property within the District that specially benefit from the District's capital improvement program as outlined in Table 2.

**Table 2. Summary of Estimated Capital Costs Winter Garden Village at Fowler
Groves Community Development District**

Category	Construction Estimate
Daniels Road	\$6,808,026
Traffic Signals	\$825,000
Offsite Roads	\$20,776,267
Fire Safety Contribution to City	\$210,000
LYNX Bus System Contribution	\$250,000
City Park Contribution	<u>\$400,000</u>
Total	\$29,269,293

Prospective future landowners in the District may be required to pay non-ad valorem special assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments for debt service, the District may also impose a non-ad valorem special 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 2 are typical for developments of the type contemplated. There is nothing peculiar about the District's financing program that requires additional infrastructure over and above what would normally be needed. Therefore, these costs are not in addition to normal development costs. District-imposed assessments for operations and maintenance costs are similar to what would be charged by a property owner's association common to most commercial developments except the District's assessments are government enforced first liens.

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 assessments must also be in line with the costs imposed by the competition.

Furthermore, the decision to locate within the District is completely voluntary. These potential business owners are given full disclosure of the existence of the district and level of anticipated assessments. So ultimately, all owners and users of the affected property chose to accept the District's costs in tradeoff for the benefits that the District provides. A Community Development District ("CDD") provides business owners with the option of having higher levels of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, City provision (directly or via a dependent special district), or through developer equity and/or bank loans.

It should be noted that occupants of the lands within the District will receive three major classes of benefits.

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

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

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

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S. (2004), and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (2004).

There will be no impact on small businesses because of the establishment of the District. If anything, the impact may be positive. This is because the District must competitively bid certain contracts. This affords small businesses the opportunity to bid on District work.

The City of Winter Garden has an estimated population (not incarcerated) in 2004 that is greater than 10,000. Therefore the City is not defined as a "small" city according to Section 120.52, F.S.

6.0 Any Additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Input was 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 District is the best alternative to provide community facilities and services to the project. As an alternative to the District, City of Winter Garden could approve a dependent special district for the area, such as an MSBU or a special taxing district. Either of these alternatives could finance the improvements contemplated in Table 1 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing community facilities and services to the Winter Garden Village at Fowler Groves area. First, unlike the District, the alternatives would require City of Winter Garden 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. Administering a project of the size and complexity of the development program anticipated for Winter Garden Village at Fowler Groves is a significant and expensive undertaking.

Second, a District is preferable from a government accountability perspective. With a District, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The District can then be more responsive to landowner needs without disrupting other City responsibilities. By contrast, if the City of Winter Garden was to establish a dependent district then the residents and landowners of Winter Garden Village at Fowler Groves would take their grievances and desires to the City Council meetings.

Third, any debt of a District is strictly the District's responsibility. While it may be technically true that the debt of a City-established dependent, special district is not strictly the City's responsibility, any financial problems that the special district may have will inevitably entangle the City. This will not be the case if a District is established.

Another alternative to the District would be for a property owner's association to provide the infrastructure, 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 obtain low cost funds from the municipal capital markets. Second, the 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. Third, the proposed District is a unit of local government. This provides a higher level of oversight and accountability.

Fishkind and Associates certifies that this SERC meets the requirements for a Statement of Estimated Regulatory Costs as set out in Section 120.541, F.S. (2004).

We have developed over 25 SERCs. Below is a list of five of these.

- Urban Orlando Community Development District
- Marshall Creek Community Development District
- Cedar Hammock Community Development District
- Meditera Community Development District
- Brooks Community Development District

Prepared by:

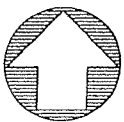
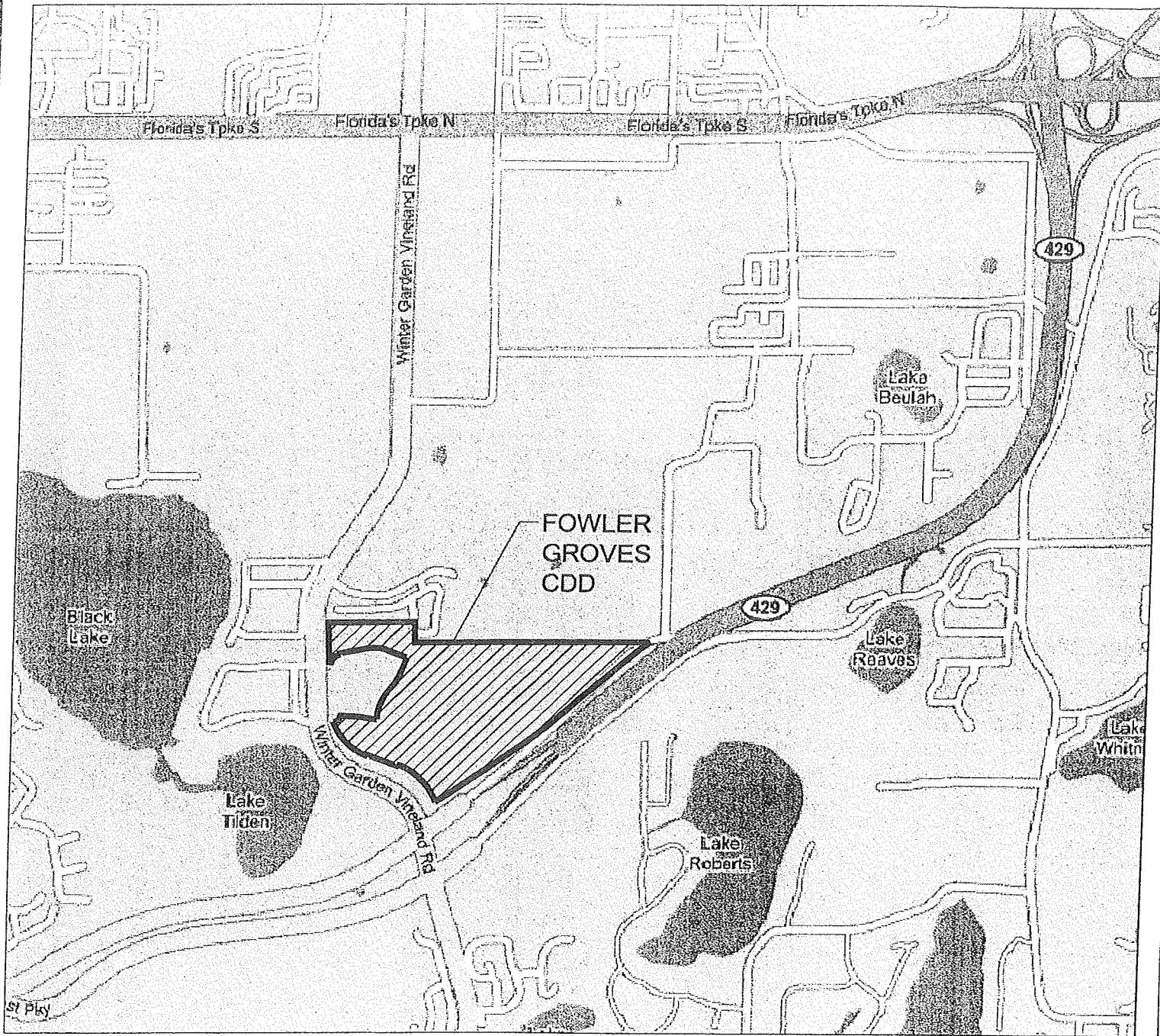
Carey Garland
Fishkind and Associates, Inc.

APPENDIX A LIST OF REPORTING REQUIREMENTS

REPORT	FLORIDA STATUTE CITE	DATE
Annual Financial Audit	11.45	within 9 months following end of fiscal year
	218.39	within 12 months after end of fiscal year
Annual Financial Report (AFR)	218.32	(d) no later than 12 months after end of fiscal year or (e) no later than April 30
TRIM Compliance Report	200.068	no later than 30 days after adoption of resolution establishing property tax levy
Form 1 – Limited Financial Disclosure	112.3144	by July 1
Public Depositor	280.17	by November 30
Proposed Budget	190.008	at least 60 days prior to adoption
Public Facilities Report	189.415	within one year of creation; annual updates thereafter
Public Meeting Schedule	189.417	quarterly, semiannually or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.416	30 days after first meeting

EXHIBIT "B"

DESCRIPTION OF EXTERNAL BOUNDARIES



NORTH

EXHIBIT 1

LOCHRANE

ENGINEERS & SURVEYORS

201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803
PH: (407) 89-3317 FAX: (407) 896-9167 EMAIL: WWW.LOCHRANE.COM

GENERAL LOCATION MAP
WINTER GARDEN VILLAGE @
FOWLER GROVES CDD
FOR
SEMBLER
STATE ROAD 535 / STATE ROAD 429
WINTER GARDEN, FLORIDA

JOB NO: 04100
DATE: 03-10-05
BY: FP
SCALE: N.T.S.

SKETCH OF DESCRIPTION COMMUNITY DEVELOPMENT DISTRICT

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST, AND SECTION 2, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST; THENCE RUN S89°33'22"W, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 2675.25 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE DEPARTING SAID NORTH LINE RUN S00°48'16"E, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 1335.93 FEET TO THE SOUTHEAST CORNER, OF THE NORTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35, FOR A POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE RUN N89°36'09"E, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 AND THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35 A DISTANCE OF 2197.98 FEET TO A POINT 5.00 FEET NORTHWESTERLY OF THE WESTERLY RIGHT OF WAY LINE OF RIGHT OF WAY "G", PER OFFICIAL RECORD BOOK 6084, PAGE 2829, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1082.45 FEET AND A CHORD BEARING OF S53°53'19"W; THENCE DEPARTING SAID NORTH LINE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 10°56'43", AN ARC DISTANCE OF 206.78 FEET TO THE POINT OF TANGENCY; THENCE RUN S48°24'58"W A DISTANCE OF 1459.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 11373.16 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 1°59'15", AN ARC DISTANCE OF 394.54 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE CONTINUE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 5°10'57", AN ARC DISTANCE OF 1028.70 FEET TO THE POINT OF TANGENCY; THENCE RUN S55°35'10"W A DISTANCE OF 959.56 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535, AS SHOWN ON SHEET 24 OF 31, OF THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP FOR THE WESTERN BELTWAY, STATE ROAD No. 429, PROJECT No. 75320-6420-654, SAID POINT ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1034.93 FEET AND A CHORD BEARING OF N45°35'03"W; THENCE RUN ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 48°06'33" AN ARC DISTANCE OF 868.99 FEET; THENCE DEPARTING SAID CURVE RUN S20°38'17"W A DISTANCE OF 24.99 FEET; THENCE RUN N69°21'43"W A DISTANCE OF 460.59 FEET; THENCE RUN S20°38'17"W A DISTANCE OF 19.99 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 919.93 FEET AND A CHORD BEARING OF N48°16'56"W; THENCE RUN ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 41°31'22" AN ARC DISTANCE OF 666.68 TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE CONTINUE ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 4°12'14", AN ARC DISTANCE OF 67.49 FEET TO A POINT ON SAID CURVE; THENCE DEPARTING SAID CURVE AND SAID PARALLEL LINE RUN THE FOLLOWING COURSES AND DISTANCES: THENCE RUN N68°54'11"E A DISTANCE OF 82.67 FEET; THENCE RUN N18°27'02"E A DISTANCE OF 80.40 FEET; THENCE RUN S86°43'34"E A DISTANCE OF 319.12 FEET; THENCE RUN S80°32'34"E A DISTANCE OF 234.77 FEET; THENCE RUN S88°51'31"E A DISTANCE OF 55.24 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 630.00 FEET; THENCE FROM A CHORD BEARING OF N17°43'41"E RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 51°49'56", AN ARC DISTANCE OF 569.93 TO THE POINT OF TANGENCY; THENCE RUN N43°38'40"E A DISTANCE OF 162.33 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 745.00 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 22°35'00", AN ARC DISTANCE OF 293.64 FEET TO THE END OF CURVE; THENCE RUN N06°29'09"E A DISTANCE OF 51.15 FEET; THENCE RUN N22°11'54"E A DISTANCE OF 119.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET TO THE POINT OF TANGENCY; THENCE RUN N67°48'06"W A DISTANCE OF 176.57 FEET; THENCE RUN N52°31'09"W A DISTANCE OF 39.84 FEET; THENCE RUN N67°48'06"W A DISTANCE OF 111.90 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 580.50 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 32°31'05" AN ARC DISTANCE OF 329.46 FEET TO THE END OF SAID CURVE; THENCE RUN S79°44'03"W A DISTANCE OF 494.67 FEET; THENCE RUN S10°15'57"E A DISTANCE OF 20.00 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 200.00 FEET; THENCE FROM A CHORD BEARING OF S42°05'26"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 75°17'14" AN ARC DISTANCE OF 262.80 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1009.50 FEET; THENCE FROM A CHORD BEARING OF S01°07'18"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A CENTRAL ANGLE OF 6°39'03" AN ARC DISTANCE OF 117.18 FEET TO THE END OF SAID CURVE; THENCE RUN S87°47'46"W A DISTANCE OF 8.58 FEET TO A POINT 5.00 FEET NORTHEASTERLY OF THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 535; THENCE RUN N02°12'14"W ALONG A LINE PARALLEL WITH AND 5.00 FEET PERPENDICULAR TO SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 710.29 FEET TO A POINT 5.00 FEET EAST OF THE SOUTHWEST CORNER OF TRACT "B", OF THE PLAT GLYNWOOD, AS RECORDED IN PLAT BOOK 51, PAGE 32, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID PARALLEL LINE, RUN N89°37'58"E, ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 1311.07 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35; THENCE RUN S01°30'12"E, ALONG SAID EAST LINE, A DISTANCE OF 324.15 FEET TO THE NORTHWEST CORNER, OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 35; THENCE DEPARTING SAID EAST LINE RUN N89°37'58"E, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, OF SAID SECTION 35, A DISTANCE OF 1342.12 FEET TO THE POINT OF BEGINNING.

CONTAINING: 146.692 ACRES (6,389,920 SQUARE FEET) MORE OR LESS.

SURVEYORS REPORT:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 1990 ADJUSTMENT, AS ESTABLISHED FROM EXISTING CONTROL POINTS 75021013 THRU 75021022 AS PUBLISHED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, DERIVING A BEARING OF S89°33'22"W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 27 EAST.

2. EXISTING RIGHT OF WAY SHOWN HEREON IS AS SHOWN ON THE RIGHT OF WAY MAP OF S.R. 429 (WESTERN BELTWAY), PER THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP PROJECT No. 75320-6460-654.

LEGEND:

CB CHORD BEARING

COR CORNER

L LENGTH

O.R.B. OFFICIAL RECORD BOOK

P.B. PLAT BOOK

PC POINT OF CURVATURE

PCNT POINT OF CURVATURE NON-TANGENT

PG PAGE

PRC POINT OF REVERSE CURVATURE

PCC POINT OF COMPOUND CURVE

PT POINT OF TANGENCY

R RADIUS

RGE. RANGE

R/W RIGHT OF WAY

SEC. SECTION

TWP. TOWNSHIP

Δ CENTRAL ANGLE

LOCHRANE ENGINEERING, INC.

L.B. No. 2856

CHRISTOPHER A. LaBERGE

P.S.M. No. 6014

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

THIS IS NOT A BOUNDARY SURVEY

LOCHRANE

Consulting Engineers • Surveyors

201 South Bumby Avenue, Orlando, Florida 32803 (407) 896-3317

PREPARED FOR: THE SEMBLER COMPANY

DATE: 10-26-2005

DRAWN BY: C.D.W.

REVISED: 11-2-2005

JOB No.: 04100.19

SCALE: N/A

SHEET 1 OF 2