



## MEMORANDUM

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA  
Agenda Item No. 4(I)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: (Public Hearing 4-23-02)  
April 9, 2002

FROM: Steve Stryker  
County Manager

SUBJECT: Ordinance Creating the  
Pentathlon Community  
Development District

02:58

### RECOMMENDATION

It is recommended that the Board adopt the attached ordinance creating the Pentathlon Community Development District (CDD) in unincorporated Miami-Dade County, pursuant to the authority granted by the Miami-Dade County Home Rule Charter for the purposes set forth in Chapter 190 of the Florida Statutes.

### BACKGROUND

The Pentathlon Group, LLC., owner of the Pentathlon Development, has filed an application to create the Pentathlon CDD in connection with said development. Pentathlon is a 95.12-acre residential development lying wholly within Unincorporated Miami-Dade County, in the area bounded by S.W. 157 Avenue on the east, S.W. 158 Path on the west, theoretical S.W. 148 Street on the south and Seaboard Airline Railroad Right-of-Way on the north. The CDD is designed to provide a financing mechanism for community infrastructure, services and facilities, along with certain ongoing operations and maintenance for the Pentathlon development. The development plan for the lands within the proposed CDD include construction of approximately 514 single family units, with associated roadway, storm drainage and water and sewer facilities estimated to cost approximately \$5.482 million. A detailed summary of CDD elements, as well as their cost and anticipated lack of fiscal impacts to government agencies, is presented in the attached application submitted by Pentathlon Group, LLC. In accordance with Florida Statute 190, the Pentathlon Group, LLC., has paid a filing fee of \$15,000 to the County.

This Board is authorized by the Florida Constitution and the Miami-Dade County Home Rule Charter to establish governmental units such as the CDD within Miami-Dade County and to prescribe such government's jurisdiction and powers.

### FISCAL IMPACT

The creation of the Pentathlon Community Development District will have no fiscal impact on Miami-Dade County.

CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA



# MEMORANDUM

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: April 23, 2002

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 4(1)

02-58-1

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" (Applicable if raised)

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Statement of private business sector impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ "Sunset" provision required

\_\_\_\_\_ Legislative findings necessary

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(I)  
4-23-02

ORDINANCE NO.

02-58

ORDINANCE GRANTING PETITION OF PENTATHLON GROUP, LLC., ("PENTATHLON" OR "PETITIONER") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING PENTATHLON COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE 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, Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter grants the Miami-Dade County Board of County Commissioners the authority to exercise all powers and privileges granted to municipalities and counties by the laws of this State; and

WHEREAS, Article VIII, section 6(1) of the Florida Constitution provides for exclusive County Charter authority to establish all governmental units within Miami-Dade County and to provide for their government and prescribe their jurisdiction and powers; and

WHEREAS, Pentathlon Group, LLC., ("Pentathlon" or "Petitioner") has petitioned for the establishment of the Pentathlon Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Miami-Dade County Board of County Commissioners in accordance with the requirements and procedures of

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Section 190.005(2)(b), Florida Statutes, and the applicable requirements and procedures of the Miami-Dade County Home Rule Charter and Code; 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 County's planning, management and financing needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the Board of County Commissioners 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 Miami-Dade County Comprehensive Development Master 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 community; and

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

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

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

WHEREAS, having made the foregoing findings, after a public hearing, the Miami-Dade County Board of County Commissioners wishes to exercise the powers bestowed upon it by

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Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

WHEREAS, the Miami-Dade County Board of County Commissioners 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 Miami-Dade County that the District have such powers,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, 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 Pentathlon Community Development District over the real property described in Exhibit A attached hereto, which was filed by Pentathlon Group, LLC., a Florida limited liability company, on February 28, 2002 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached in its entirety and incorporated herein (Exhibit C).

Section 3. The external boundaries of the District shall be as 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:

Michael Latterner

Wayne Rosen

Carlos Martinez

Page Latterner

Patrick Gleber

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Section 5. The name of the District shall be the "Pentathlon Community Development District."

Section 6. The Pentathlon Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Pentathlon Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

Section 8. The Miami-Dade County Board of County Commissioners hereby grants to the Pentathlon Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

Section 9. The Miami-Dade County Board of County Commissioners hereby grants to the Pentathlon Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

Section 10. All bonds issued by the Pentathlon Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 11. No bond, debt or other obligation of the Pentathlon Community Development District, nor any default thereon, shall constitute a debt or obligation of

Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

Section 12. Notwithstanding any power granted to the Pentathlon Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

Section 13. Notwithstanding any power granted to the Pentathlon Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

Section 14. 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 15. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this ordinance shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 hereof, having provisions in substantially the following form:

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(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developer/s, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such application/s;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Pentathlon Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Pentathlon Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Pentathlon Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.



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(d) The Pentathlon Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Pentathlon Development District shall provide for the election of a member to its Board of Supervisors who is ~~deputed~~ by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Pentathlon Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Pentathlon Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

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**Section 16.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 17.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: APR 23 2002

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Joni Armstrong Coffey

RAG

JAC

02:58

EXHIBIT A

LEGAL DESCRIPTION

PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

A portion of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 20, Township 55 South, Range 39 East, Miami-Dade County, Florida in accordance with that survey prepared by Schwebke-Shiskin & Associates, Inc. Under File No. SD-136 A. J. and based on that certain "AGREED FINAL JUDGMENT" as recorded in Official Records Book 15074 at Page 1044 of the Public Records of Dade County, Florida and being more particularly described as follows:

Bounded on the East by the East line of said Section 20; Bounded on the South by the North Boundary Line of A.D.G. SUBDIVISION, according to the plat thereof as Recorded in Plat Book 147 at page 91 of the Public Records of Dade County, Florida; Bounded on the West by the West Line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said Section 20 based on aforesaid "AGREED FINAL JUDGMENT"; and Bounded on the North by the South line of a 100.00 foot Right-of-Way for the Seaboard Airline Railroad, asbuilt and in place.

LESS AND EXCEPT (SCHOOL SITE)

A portion of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 20, Township 55 South, Range 39 East, Miami-Dade County, Florida, in accordance with that survey prepared by Schwebke-Shiskin & Associates, Inc. Under File No. SD-136 A. J. and based on that certain "AGREED FINAL JUDGMENT" as recorded in Official Records Book 15074 at Page 1044 of the Public Records of Dade County, Florida and being more particularly described as follows:

COMMENCE at the agreed East  $\frac{1}{4}$  Corner of said Section 20; thence S86deg21min57secW, along the agreed South Line of the North  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said Section 20, for 673.33 feet; thence N02deg27min12secW for 35.01 feet to the POINT OF BEGINNING of the hereinafter described Parce of Land; thence continue N02deg27min12sec for 946.45 feet; thence N88deg08min59secE for 627.71 feet; thence S02deg29min02secE, along a line 45.00 feet West of and parallel with the East Line of said Section 20 of 902.40 feet to a point of curvature of a circular curve to the right, concave to the Northwest; thence Southerly, Southwesterly and Westerly along the arc of said curve, having for its elements a radius of 25.00 feet, through a central angle of 88deg50min59sec for an arc distance of 38.77 feet to a point of tangency; thence S86deg21min57secW, along a line 35.00 feet North of and parallel with the agreed South Line of the North  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 20 for 603.80 feet to the POINT OF BEGINNING.

Containing of 4,134,638.34 Square Feet and/or 95.12 Acres more or less.

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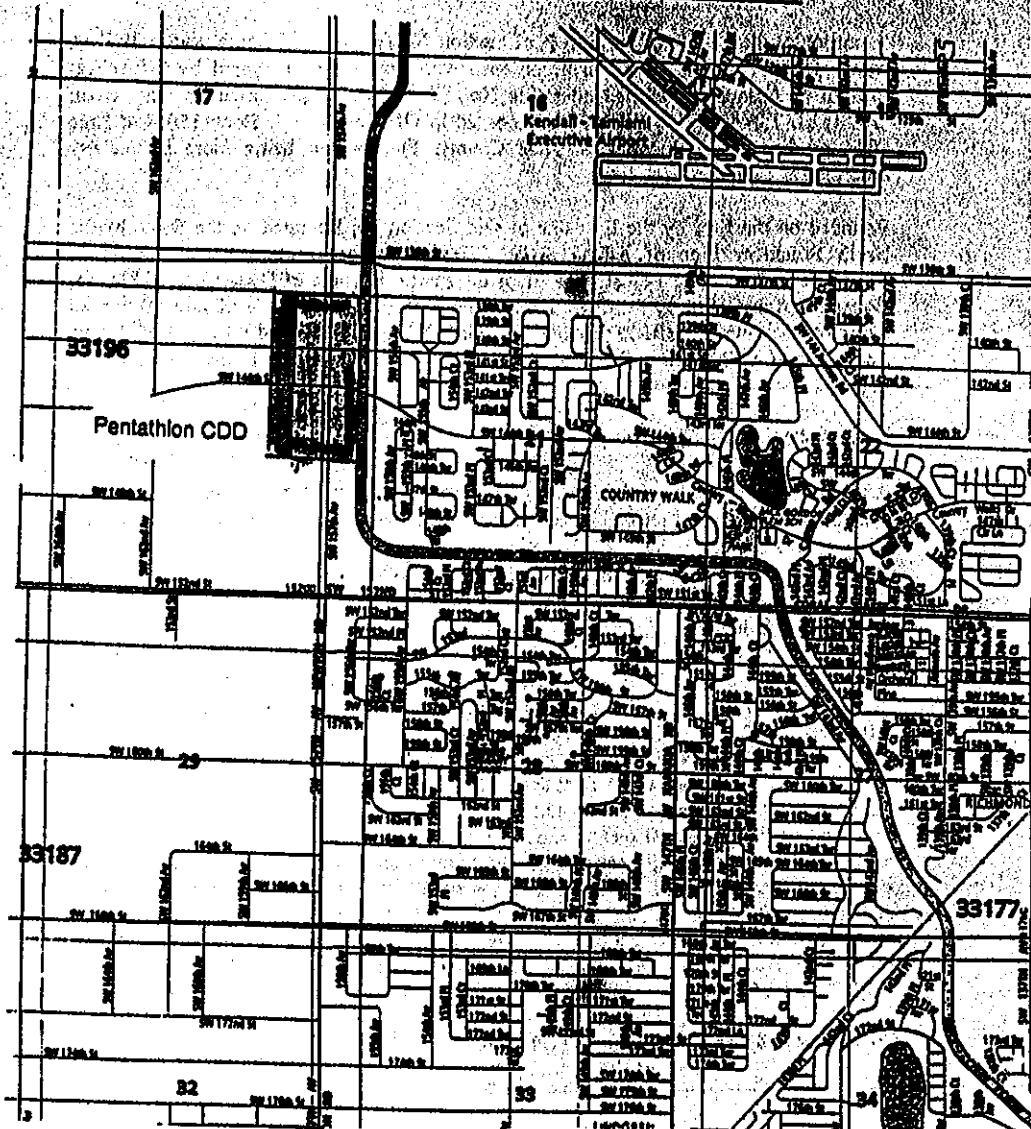
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EXHIBIT B

PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

GENERAL LOCATION OF THE PROJECT



7-44-2000-0000 Pentathlon CDD All Rights Reserved

Section - Exhibit 1

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Exhibit C

IN RE: AN ORDINANCE TO ESTABLISH  
THE PENTATHLON  
COMMUNITY DEVELOPMENT DISTRICT

### PETITION

Petitioner, The Pentathlon Group, LLC a Florida Limited Liability Company, ("Petitioner"), hereby petitions the Miami-Dade County Commission to establish a Community Development District ("District") with respect to the land described herein and in support of the Petition, Petitioner states:

1. The proposed District is located within the unincorporated area of Miami-Dade County. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 25.12 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Exhibit 2. There is no real property within the internal boundaries of the proposed District which is to be excluded from the District.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District by the owner of 100% of the real property to be included in the District.

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

Michael Latterner	1717 North Bayshore Drive #2246	Miami, FL 33132
Wayne Rosen	441 Valencia Avenue #703	Coral Gables, FL 33134
Carlos Martinez	5754 S.W. 100 <sup>th</sup> Street	Miami, FL 33256
Page Latterner	2845 Fairways Drive	Homestead, FL 33035
Patrick Gleber	1717 North Bayshore Drive #1134	Miami, FL 33132

4. The proposed name of the District to be established is Pentathlon Community Development District ("PCDD").

5. There are no existing major trunk water mains, sewer interceptors or outfalls.

6. The proposed timetable for the construction of District services and the estimated cost of constructing the services, based on available data, are shown on Exhibits 4A and 4B. These are good faith estimates but is not binding on the Petitioner and the District and is subject to change.

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7. Petitioner is in the process of developing the project as a residential community. The proposed uses for the land within the District are 514 residential units. The proposed uses for the land included within the proposed District are consistent with the Miami-Dade County Comprehensive Development Master Plan and the Miami-Dade County Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District for low density residential. The future general distribution, location and extent of public and private uses of land proposed for the area within the District are shown on Exhibit 5.

8. Exhibit 6 is a Statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes (except for powers regarding waste disposal or collection of any waste other than commercial or industrial), Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

10. The Petitioner is The Pentathlon Group, LLC a Florida Limited Liability Company, whose address is 13 S.W. 7<sup>th</sup> Street, Miami, Florida 33130.

11. The property within the proposed District is amenable to operating as an independent special district for the following reasons:

a. 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 Miami-Dade County Comprehensive Development Master Plan, as amended.

b. The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Miami-Dade County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and continuous to be developed as one functional inter-related community.

c. The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

d. The proposed District will be the best alternative available for delivering community development services to the area to be served because the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District and provides a responsible perpetual entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities in the future.

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WHEREFORE, Petitioner respectfully requests the Miami-Dade County Commission to:

1. Hold a public hearing as required by Section 190.005(2)(b), Florida Statutes to consider the establishment of the Pentathlon Community Development District and;

a) Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the Pentathlon Community Development District.


Respectfully submitted this 28th day of February, 2002.

THE PENTATHLON GROUP, LLC



By: Michael Lattner,  
Managing Member  
13 S.W. 7<sup>th</sup> Street  
Miami, Florida 33130

THE PENTATHLON GROUP, LLC



By: Carlos E. Martinez,  
Managing Member  
13 S.W. 7<sup>th</sup> Street  
Miami, Florida 33130

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02-58120

EXHIBIT 1

PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

GENERAL LOCATION OF THE PROJECT

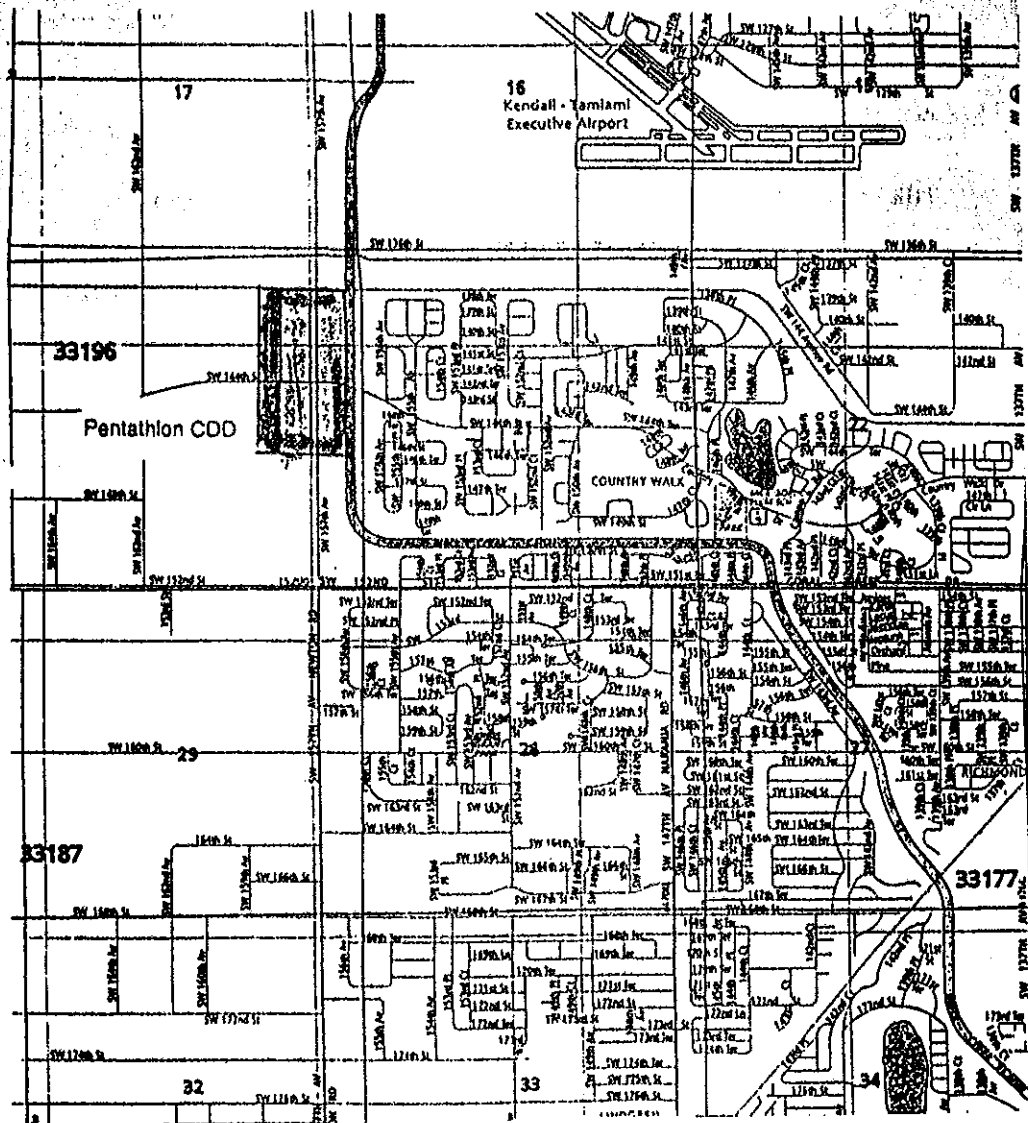




EXHIBIT 2

## LEGAL DESCRIPTION

## PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

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Bounded on the East by the East line of said Section 20; Bounded on the South by the North Boundary Line of A.D.G. SUBDIVISION, according to the plat thereof as Recorded in Plat Book 147 at page 91 of the Public Records of Dade County, Florida; Bounded on the West by the West Line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said Section 20 based on aforesaid "AGREED FINAL JUDGMENT"; and Bounded on the North by the South line of a 100.00 foot Right-of-Way for the Seaboard Airline Railroad, asbuilt and in place.

## LESS AND EXCEPT (SCHOOL SITE)

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Containing of 4,134,638.34 Square Feet and/or 95.12 Acres more or less.

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EXHIBIT 3

CONSENT AND JOINDER  
TO CREATION OF A COMMUNITY DEVELOPMENT DISTRICT

THE UNDERSIGNED is the owner of certain lands located in Miami-Dade County, Florida, and more fully described as follows:

See Exhibit "A" attached hereto and incorporated herein.

The above-described land is hereinafter referred to as the "Property."

The undersigned understands and acknowledges that The Pentathlon Group, LLC, a Florida limited liability company ("Petitioner") intend to submit an application to create a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.


As an owner of lands which are intended to constitute a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005(1)(a)(2), Florida Statutes, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the Owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the creation of a Community Development District which will include the Property within the lands to be part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the creation of the Community Development District.

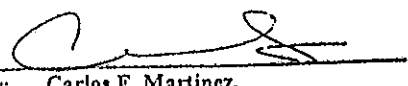
The undersigned hereby acknowledges and agrees that the foregoing consent and obligation to execute additional documentation is and shall be a covenant running with the land which shall bind the undersigned's heirs, personal representatives, administrators, successors-in-title and assigns and shall remain in full force and effect three (3) years from the date hereof.

Executed this 28th day of February, 2002.

THE PENTATHLON GROUP, LLC

By:   
Michael Lattecher,  
Managing Member  
13 S.W. 7<sup>th</sup> Street  
Miami, Florida 33130

THE PENTATHLON GROUP, LLC

By:   
Carlos E. Martinez,  
Managing Member  
13 S.W. 7<sup>th</sup> Street  
Miami, Florida 33130

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## EXHIBIT 4A

PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

## ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE

<u>IMPROVEMENT</u>	<u>START DATE</u>	<u>COMPLETE DATE</u>
<u>PHASE I</u>		
EARTHWORK	February 2002	April 2002
OFF-SITE	February 2002	June 2002
SIGNS & MARKINGS	June 2002	July 2002
CONCRETE AND PAVING	May 2002	July 2002
STORM DRAINAGE	March 2002	May 2002
WATER	March 2002	April 2002
SANITARY SEWER	April 2002	June 2002
<u>PHASE II</u>		
EARTHWORK	December 2002	August 2003
OFF-SITE	March 2002	September 2003
SIGNS & MARKINGS	June 2002	September 2003
CONCRETE AND PAVING	May 2002	August 2003
STORM DRAINAGE	March 2003	October 2003
WATER	February 2003	September 2003
SANITARY SEWER	May 2003	December 2003

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## PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

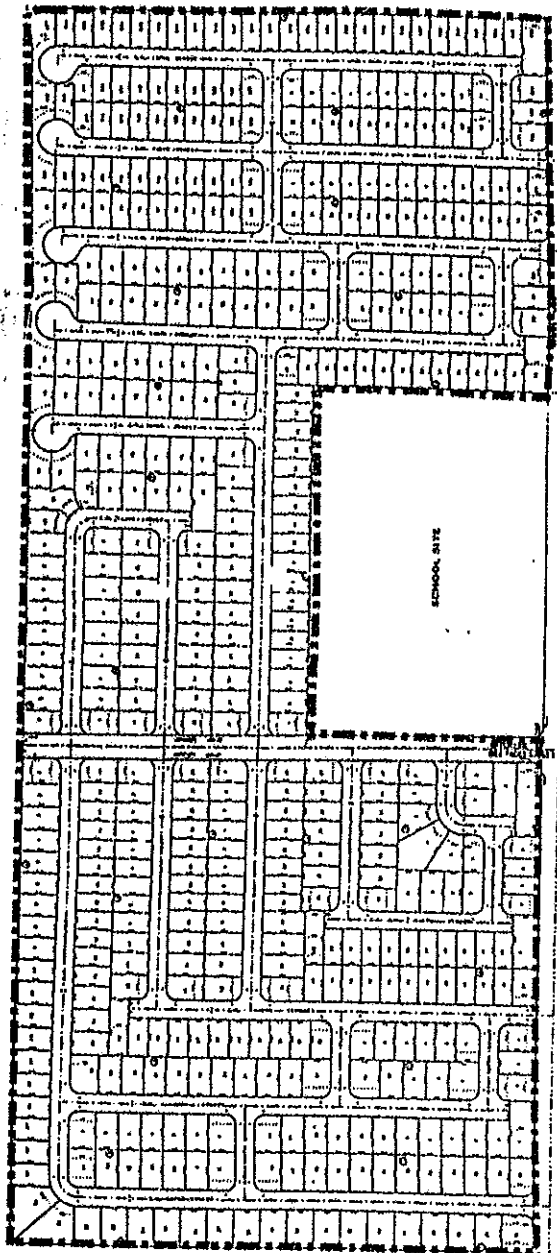
### CONSTRUCTION COSTS ESTIMATES

ITEM	TOTAL PHASE 2
EARTHWORK	\$660,117.15
OFF SITE	\$276,071.59
SIGNS & MARKINGS	\$4,243.50
CONCRETE & PAVING	\$50,228.25
STORM DRAINAGE	\$113,240.50
WATER	\$185,795.28
SANITARY SEWER	\$177,980.90
<b>TOTALS PHASE II</b>	<b>\$1,467,677.17</b>
<b>GRAND TOTALS</b>	<b>\$5,482,028.02</b>

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EXHIBIT 5  
MAP OF DISTRICT



City of Denver CO Planning Department 10/10/10 10:10:10 AM 10/10/10 10:10:10 AM

Petition - Exhibit 5

82-50

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EXHIBIT 6

Pentathlon  
Community Development District

**Statement of Estimated Regulatory Costs**

February 28, 2002

Prepared by

*Special District Services, Inc.*  
4600 East Park Drive, Suite 201  
Palm Beach Gardens, Florida 33410  
Tele: 561-630-4922  
Toll Free: 877-737-4922

## 1.0 INTRODUCTION

### 1.1 Purpose and Scope

This statement of estimated regulatory costs supports the Pentathlon Group, LLC, a Florida limited liability company, ("Petitioner") petition to establish a community development district to be known as Pentathlon Community Development District (the "CDD"). The CDD will own, operate and maintain a portion of the community infrastructure for a development to be known as Pentathlon, located in the unincorporated area of Miami-Dade County, Florida.

A community development district is an independent special taxing district authorized by Chapter 190, F.S. (the "Act") to plan, finance, construct, operate and maintain community infrastructure in planned community developments. As stated in the Act, a CDD provides:

"...a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers". Section 190.002 (1) (a), F.S.

Pentathlon CDD is not a substitute for Miami-Dade County, which is the local general-purpose governmental unit having jurisdiction over the CDD. The reason is the CDD does not have the planning, zoning and regulatory powers granted to Miami-Dade County. As a result, all development undertaken within the CDD must be consistent with all requirements of Miami-Dade County.

A CDD's powers are strictly limited to planning, financing, constructing, operating and maintaining community infrastructure.

The scope of this statement of estimated regulatory costs is statutorily limited to evaluating the consequences of creating the Pentathlon CDD. The policy of the State regarding the scope of the CDD establishment process is explicitly set out 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 shall not be material or relevant."

Therefore, the only relevant concern is whether Pentathlon CDD will be a financially visible entity.

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### 1.2 Pentathlon Development

The proposed Pentathlon Development is located within Miami-Dade County, Florida. The sole landowner and developer ("Developer") is The Pentathlon Group, LLC, Florida limited liability company. The proposed Development is designed as a master planned residential development, serving south Florida markets with 514 dwelling units designed to service a variety of buyers.

Pentathlon Development is located in the unincorporated area of Miami-Dade County, Florida, between S.W. 136<sup>th</sup> Street and S.W. 152<sup>nd</sup> Street (Coral Reef Drive) and is bounded on the north by the Seaboard Airline Railroad right of way, on the south by the AGD Subdivision, on the east by S.W. 157<sup>th</sup> Avenue and on the west by existing developments. Pentathlon is planned as a self-sustaining residential community. Projected build-out of the project is 3 to 5 years.

### 1.3 Pentathlon Community Development District (CDD)

The Petitioner proposes to establish the Pentathlon Community Development District to acquire, construct, operate and/or maintain some of the infrastructure and community facilities in the Pentathlon development. Table 1 outlines the proposed development plan timetable and the schedule for completion of the various projects.

Table 2 shows the infrastructure that is proposed to be constructed by the CDD and the estimated costs.

The financial design of Pentathlon CDD was carefully formulated to help assure that the CDD will be strong, stable, and able to stand alone throughout its lifetime. A detailed cash-flow analysis has been developed for the proposed range of potential future economic conditions in which the proposed district might have to operate. In all cases, the proposed financial structure allowed the CDD to remain financially strong and capable of carrying out its obligations. The important features of the financial design for proposed CDD are discussed below.

As outlined in Table 2, Pentathlon CDD is projected to finance the construction of the surface water management system. The bonds used to finance the surface water management system will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The CDD will own, operate and maintain the surface water management system in the CDD. To defray the costs of operating and maintaining the infrastructure, the CDD will make use of non-ad valorem maintenance assessments levied on all assessable property in the district.

The CDD is projected to finance the construction of the water distribution system and the wastewater collection and transmission facilities. The bonds used to finance such



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infrastructure will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The water distribution system and the wastewater collection and transmission facilities will be conveyed to Miami-Dade County Utilities Department. Thus, the operation and maintenance of these facilities will be the responsibility of the Utilities' Department.

The CDD is projected to finance the construction of the internal roadway system and certain offsite roadway improvements. The bonds used to finance such infrastructure will be retired through the use of non-ad valorem assessments levied on all property owners in the district.

The CDD will own, operate and maintain the internal roadway system in the CDD. To defray the costs of operating and maintaining the infrastructure, the CDD will make use of non-ad valorem maintenance assessments levied on all assessable property in the district. The offsite roads will be owned, operated and maintained by the CDD or another governmental agency.

Finally, the Petitioner has no plans for the CDD to issue general obligation debt or to levy ad valorem taxes. The financial structure of the District is such that there is no need to use ad valorem taxation.

**2.0 COSTS AND BENEFITS OF ESTABLISHING THE PENTATHLON COMMUNITY DEVELOPMENT DISTRICT**

**2.1 Costs to Miami-Dade County to Implement the Proposed Community Development District**

Chapter 190.005 (2), F.S. mandates that the exclusive and uniform method for the establishment of a community development district of less than 1000 acres in size shall be by an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located.

The one-time cost of reviewing the CDD petition is minimal. The County has its own in-house staff to process petitions filed for other reasons. Therefore, the marginal addition of one more petition to review results in little, if any, additional cost. Review of the proposed development will not be necessary since the project was previously approved through the PUD process. Considerable fees were paid by the Petitioner for that review.

Beyond the minimal administrative costs outlined above, there will be only inconsequential costs to Miami-Dade County and the general citizenry because of the establishment of the Pentathlon CDD. The CDD is designed to serve the needs of its property owners by financing, constructing, operating and maintaining the infrastructure

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and other services needed by district residents. The CDD will not require subsidies from Miami-Dade County.

Finally, the CDD will pay its own election costs and will pay substantial fees for other urban services, such as tax assessment and collection. Thus, the net costs to Miami-Dade County and its citizens due to establishment of the Pentathlon CDD are negligible.

Concern that district obligations, particularly debt payments, could become state or county obligations is without foundation. This point was made explicitly clear by the Legislature when it adopted Section 190.002 (3) F. S.

"...It is further the purpose and intent of the Legislature that no debt or obligations of a district constitute a burden on any local general purpose government without its consent." Section 190.002 (3) F. S.

## 2.2 Benefits to Miami-Dade County and Its Citizens

There are several types of benefits (both indirect and direct) which will flow to Miami-Dade County and its citizens if the CDD is established. First, with regard to the indirect benefits, approval of the CDD satisfies the intent of the Act by providing a solution to the planning, management and financing of capital infrastructure to service projected growth without overburdening Miami-Dade County and its taxpayers. Section 190.002 of the Act is quoted as follows:

"(1) The Legislature finds that: (a) there is a need for uniform, focused and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation and duration of independent districts to manage and finance basic community development services; and that, based upon a proper and fair determination of applicable facts, an efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002, F. S.

A second indirect benefit which Miami-Dade County and its citizens receive is the improved level of planning and coordination which the CDD will provide. This benefit will minimize any potential negative impacts to other citizens and jurisdictions.

"It is in the public interest that long range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services for community development districts be under one coordinated entity." Section 190.002-(1) (c), F. S.

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By enacting the Act, the Legislature recognized that substantial public benefits accrue from well-planned community developments in Florida. Pentathlon CDD is just the type of planned development envisioned in Chapter 190, F. S.

It is most difficult to place a dollar value on these indirect benefits; however, they are certainly substantial. Furthermore, given the minimal costs incurred by Miami-Dade County if the CDD is approved, the benefits clearly overwhelm any such costs, yielding significant net benefits to Miami-Dade County and its citizens.

Pentathlon CDD will provide a number of direct economic benefits to Miami-Dade County and its citizens. First, the CDD is the best means of assuring that CDD residents receive the services they need, while at the same time restricting the cost to only those who receive the services. This financial structure binds those who receive the CDD services to the obligation to pay for those services. At the same time, this structure also allows future CDD residents to control the entity which provides the services and levies the assessments to pay for those services. Miami-Dade County and its citizens are not involved in any way in the financial obligations, operation or maintenance of the district.

A second economic benefit which accrues to Miami-Dade County and its citizens is that establishment of the CDD frees the County of responsibilities and costs of the management and administrative burden of the CDD. Thus, it will be possible for the County Commission to continue to focus on those areas of the county that require more immediate attention.

Conversely, residents of the CDD will be able to address their concerns about infrastructure to the Board of Supervisors of the CDD. This focus will lighten the burden on the County Commission compared with what would likely occur without the CDD.

The CDD is an independent governmental unit, it has its own independent board and budget, and it must see to its own administration. This arrangement for governing and administering the district means a considerable cost saving to the County over other types of arrangements. Any other form of government or financial structure would result in the County being at least partially responsible for the community's services.

Third, approval of the proposed CDD would minimize some increases in the cost of County funded services. As new development occurs in any community, residents of the new area demand increased levels of services over and above those provided before development. The costs of providing these services are spread to the remaining taxpayers in the jurisdiction of the local government(s) providing the services. If this were to happen, taxing and spending levels would increase, and costs would be passed on, at least in part, to surrounding residents. The result would further strain the County budget. Without the CDD, development of Pentathlon could possibly increase the demands on Miami-Dade County to extend and improve services to the community.

Fourth, the CDD proposes to construct the water distribution system and the wastewater collection and transmission facilities and to deed same to Miami-Dade

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County at no cost. The estimated cost to the CDD to construct these facilities is expected not to exceed \$1,939,313. In addition to this donation, Miami-Dade County Utilities Department's customer base will increase by approximately 514 households.

The proposed CDD will serve the needs of its residents. The board of supervisors of the CDD will determine the level and quality of the community services the residents want and are willing to pay for. The CDD will provide the residents of Pentathlon CDD with a mechanism for satisfying these needs without recourse to the County Commission.

All of these benefits have substantial value. The financial benefits to the County and its citizens include the avoided costs of administering public services for the community. In addition, there are significant, if only intangible, benefits which result from having a district to ensure that CDD residents get the services they need. The CDD also ensures that its property owners, and only its property owners, pay for the services they receive.

### 2.3 Costs to the Petitioner

The petitioner will incur substantial costs if the CDD is approved. These costs can be grouped into four categories: (1) planning and applying for the CDD; (2) contributions for management and technical assistance; (3) payment of CDD taxes; and (4) donation of capital facilities.

It is costly and time consuming to plan and apply for a CDD of the size and complexity proposed for Pentathlon CDD. First, the Petitioner has secured a team of professionals including attorneys, engineers, investment bankers, planners, economists and special district experts to insure that the CDD will perform as provided by the Act.

Second, the CDD will need financial support from the Petitioner to secure managerial and technical assistance, especially in the early years of its operation.

Third, the Petitioner will pay substantial CDD assessments and fees over the life of the project. During the first several years of the project, the Petitioner will be the CDD's largest taxpayer.

Fourth, the Petitioner assumes considerable risk in establishing the CDD and allowing the advance funding of the infrastructure. As the sole landowner in the initial stages of development, the Petitioner assumes the sole liability for all the debt incurred by the CDD until the land is developed and sold to individual homeowners.

### 2.4 Benefits to the Petitioner

The CDD will also provide the Petitioner with several benefits. First, the CDD will provide access to financing for a portion of the community's infrastructure. While this particular benefit to the petitioner is obvious, it is not the most significant one. In

fact, the importance of this benefit, while significant, would not be enough by itself to entice the Petitioner to establish the CDD.

The value to the Petitioner of financing a portion of the infrastructure through the CDD amounts to an annual financing cost difference in today's market which results in a cost saving. As a result, the potential gross savings will accrue to the future homeowners in the CDD and does not represent a net cost saving to the Petitioner. As noted above, with the establishment of the CDD, the Petitioner will be obligated to pay substantial assessments and fees to the CDD.

Other benefits for the Petitioner in establishing the CDD exist beyond the financing of a portion of the community's infrastructure. Most important among these is that the proposed CDD is a mechanism for providing long term, on-going maintenance and operation of CDD facilities. Ultimately, the CDD will be controlled and operated by the CDD homeowners for their own benefit. This helps assure that the high standard which the Petitioner has set for the CDD will be preserved throughout the life of the project.

#### 2.5 Costs to the Consumers

Consumers are people who will purchase land and residences in the Pentathlon CDD. Should the CDD be established, district homeowners will be required to pay CDD assessments over and above their County taxes. CDD assessments do not affect or offset County taxes. It is this increment of expenses which is the cost of the CDD to the consumers.

As noted above, the CDD plans to finance, construct, operate and maintain a variety of infrastructure and community services for the benefit of its homeowners. Currently, homeowners in unincorporated Miami-Dade County are subject to a number of different ad valorem and non-ad valorem taxes. All of these taxes will continue to exist regardless of whether the CDD is approved. Homeowners of the CDD will continue to pay County taxes notwithstanding the existence of the CDD. Thus, these costs cannot properly be viewed as taxes that arise from the CDD itself, even though district homeowners would pay such taxes. The point is that homeowners will pay these costs in any event. If the CDD is not created, the cost of the infrastructure will be included in the price of the property sold to future homeowners rather than paid over time as a special assessment on the tax bill.

All prospective purchasers will be informed of the existence of the CDD. Chapter 190.048, F. S. requires each contract for the sale of real estate within a CDD include a specific disclosure statement in boldfaced and conspicuous type immediately prior to the space reserved in the contract for the signature of the purchases.

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## 2.6 Benefits to the Consumers

CDD residents will receive three major classes of benefits. First, CDD residents will receive a higher level of public services and amenities than would otherwise be the case. Pentathlon is designed as a mixed residential project with high service demands. To be successful, the Petitioner feels that a mechanism is needed to help ensure a high level of public services consistent with the project goals. The CDD is the best vehicle for this purpose.

Second, the CDD is a mechanism for assuring that the community services and amenities are maintained at a high level throughout the life of the project. This mechanism protects the substantial investment purchasers will make in their homes at Pentathlon.

Finally, the CDD is the sole form of governance that allows district property owners to totally control the type, quality and expense of services provided by the CDD.

It is clear that the formation and operation of the Pentathlon CDD will benefit its homeowners. The CDD will be controlled by CDD property owners, and will be operated for their benefit. Finally, the CDD will help ensure that the high standards the Petitioner has set for the development will be maintained for the benefit of CDD property owners.

## 3.0 COMPETITIVE EFFECTS

Approval of the Pentathlon CDD will have an effect on competition in the market for housing in Miami-Dade County and in those areas where there are projects similar to the Pentathlon. To understand the nature of these competitive effects, it is important to recognize the type of project envisioned at Pentathlon. The development is designed as a residential community currently consisting of 514 residential units. As such, it competes with other developments serving this same market niche. In addition, the granting of a community development district for Pentathlon does not provide a competitive advantage which others could not obtain.

## 4.0 IMPACT OF SMALL BUSINESS

Approval of the Pentathlon CDD will have a positive impact on small business as defined in Chapter 288.703 (1), F. S. Many types of neighborhood services will be required by the residents of the CDD. These services can be provided by the small businesses that currently serve the general area. Additional opportunities will also be created for new businesses to be formed or relocate to the area. No negative impacts have been identified for small businesses as defined.

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## 5.0 DATA AND METHODOLOGY

The data used in this analysis, in particular the build-out schedule and average home values, were developed and submitted with the initial application for the Pentathlon and updated for the petition for the CDD. Table 2 outlines the capital infrastructure proposed to be constructed by or for the CDD and reflects the best estimates of costs and timing at this juncture.

## 6.0 PROBABILITY OF A GOOD FAITH WRITTEN PROPOSAL CHAPTER 120.541 (1) (A), F. S.

Since the Petitioner represents the sole landowner of the property encompassing the proposed CDD, Petitioner is the only substantially affected party who could have standing to submit a good faith written proposal for a lower regulatory cost alternative to the creation of the CDD as provided for in Chapter 120.541 (1) (a), F. S. Petitioner has already explored all feasible alternatives to lower costs, including the alternative of not forming the CDD, and has concluded that creation of the CDD is the best alternative.

## 7.0 CONCLUSION

The question is whether having a CDD provide the community services is more financially viable, efficient and responsive to the needs of the homeowners than any other form of service provider. After careful review and analysis, the process of elimination suggests that the CDD is, in fact, the most financially viable, efficient and responsive way to provide the community services required for this project.

The estimated budget for the CDD indicates that the various charges to prospective home buyers will be moderate, and well within the ranges typical for Florida communities with strong tax bases. As noted in Table 2, the estimated cost to provide the CDD infrastructure is \$5,482,082.

Finally, it is emphasized that the CDD is the only governmental agency responsible for the financial obligations of the district. Florida State law (Section 190.002 (3), F. S.) protects the State of Florida, Miami-Dade County and all other governmental agencies from all obligations of the CDD, whether they are financial, administrative or operational.

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TABLE 1

## PENTATHLON COMMUNITY DEVELOPMENT DISTRICT

ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE

<u>IMPROVEMENT</u>	<u>START DATE</u>	<u>COMPLETE DATE</u>
<b><u>PHASE I</u></b>		
EARTHWORK	February 2002	April 2002
OFF-SITE	February 2002	June 2002
SIGNS & MARKINGS	June 2002	July 2002
CONCRETE AND PAVING	May 2002	July 2002
STORM DRAINAGE	March 2002	May 2002
WATER	March 2002	April 2002
SANITARY SEWER	April 2002	June 2002
<b><u>PHASE II</u></b>		
EARTHWORK	December 2002	August 2003
OFF-SITE	March 2002	September 2003
SIGNS & MARKINGS	June 2002	September 2003
CONCRETE AND PAVING	May 2002	August 2003
STORM DRAINAGE	March 2003	October 2003
WATER	February 2003	September 2003
SANITARY SEWER	May 2003	December 2003



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TABLE 2

PENTATHLON COMMUNITY DEVELOPMENT DISTRICT  
CONSTRUCTION COSTS ESTIMATES

ITEM	TOTAL PHASE 1
EARTHWORK	\$427,504.44
OFF SITE	\$838,802.66
SIGNS & MARKINGS	\$31,981.70
CONCRETE & PAVING	\$310,627.80
STORM DRAINAGE	\$829,897.50
WATER	\$812,496.80
SANITARY SEWER	\$763,039.95

TOTALS PHASE 1	\$4,014,350.85
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ITEM	TOTAL PHASE 2
EARTHWORK	\$660,117.15
OFF SITE	\$276,071.59
SIGNS & MARKINGS	\$4,243.50
CONCRETE & PAVING	\$50,228.25
STORM DRAINAGE	\$113,240.50
WATER	\$185,795.28
SANITARY SEWER	\$177,980.90

TOTALS PHASE II	\$1,467,677.17
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GRAND TOTALS	\$5,482,028.02
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STATE OF FLORIDA )  
 ) SS:  
COUNTY OF MIAMI-DADE )

I, HARVEY RUVIN, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said county, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance 02-58 , adopted by the said Board of County Commissioners at its meeting held on April 23, 2002 , as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this  
25th day of April, A.D., 2008.



**HARVEY RUVIN**, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By: [Signature]  
Deputy Clerk

**Board of County Commissioners  
Miami-Dade County, Florida**