

Memorandum

MIAMI-DADE
COUNTY

(Public Hearing 08-23-05)

Date: July 7, 2005
To: Honorable Chairperson Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 5(F)

From: George M. Burgess
County Manager



OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Subject: Ordinance Creating the
Landmark at Doral
Community Development District

05-153

RECOMMENDATION

It is recommended that the Board adopt the attached Ordinance creating the Landmark at Doral Community Development District (CDD) in the City of Doral, Florida, 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, subject to acceptance of the declaration of restrictive covenants running with the lands within the jurisdiction of the CDD. The City of Doral adopted Resolution No. Z05-03 approving the creation of the Landmark at Doral CDD.

BACKGROUND

Landmark at Doral East, LLC, Landmark at Doral South, LLC, Landmark Club at Doral, LLC, Landmark at Doral Developers, LLC, and Town Center at Doral, LLC; has filed an application to create the Landmark at Doral CDD in connection with said development. Landmark at Doral is a proposed 118±/acre residential condominium and townhomes development with retail and office space lying wholly within the City of Doral, in an area bounded by NW 102 Avenue on the east, NW 58 Street on the south, NW 107 Avenue on the west and theoretical NW 67 Street on the north. The CDD is designed to provide a financing mechanism for community infrastructure, facilities and services, along with certain ongoing operations and maintenance for the Landmark at Doral development. The development plan for the lands within the proposed CDD include construction of 807 condominium, 302 townhomes, and 280,000 square feet of retail and office space with associated roadway, earthwork, storm drainage and water and sewer facilities estimated to cost approximately \$32.436 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 Landmark at Doral. In accordance with Florida Statute 190, Landmark at Doral, has paid a filing fee of \$15,000 to the County.

A declaration of restrictive covenants will be proffered at public hearing by the owner of the lands within the CDD jurisdiction, providing for notice in the public records of the projected taxes and assessments to be levied by the CDD, and providing for individual prior notice to the initial purchaser of a residential lot or unit within the development. The document shall also include provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.

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.

The roads within this development will be a combination of public and private and are to be maintained by Miami-Dade County, the City of Doral or the CDD. A special taxing district will be created to maintain this development's infrastructure such as private roadways, private area storm drainage and landscape tracts should the CDD be dissolved or fail to fulfill its maintenance obligations. The special taxing district will remain dormant until such time as the City of Doral requests Miami-Dade County to activate it.

FISCAL IMPACT

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




Deputy County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** August 23, 2005
and Members, Board of County Commissioners

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(F)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) 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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agency Item No. 5(F)
08-23-05

ORDINANCE NO. 05-153

ORDINANCE GRANTING PETITION OF LANDMARK AT DORAL EAST, LLC, LANDMARK AT DORAL SOUTH, LLC, LANDMARK CLUB AT DORAL, LLC, LANDMARK AT DORAL DEVELOPERS, LLC AND TOWN CENTER AT DORAL, LLC; ("LANDMARK" OR "PETITIONERS") FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT"); PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY; EXCLUSION FROM 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

05-153

WHEREAS, Landmark at Doral East, LLC, Landmark at Doral South, LLC, Landmark Club at Doral, LLC, Landmark at Doral Developers, LLC, and Town Center at Doral, LLC; (“Landmark” or “Petitioners”) has petitioned for the establishment of the Landmark at Doral 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 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 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 owner of the property that is to be developed and served by the community development services and facilities to be provided by the District has submitted an executed declaration of restrictive covenants pledging among other things to provide initial purchasers of individual residential units with notice of liens and assessments applicable to such parcels, with certain remedial rights vesting in the purchasers of such parcels if such notice is not provided in a timely and accurate manner; 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 Section 1.01(A)(21) of the Miami-Dade County Home Rule Charter in the manner provided by Chapter 190, Florida Statutes; and

WHEREAS, because the proposed District is located wholly within the municipal boundaries of the City of Doral, the City is in a position to be well informed regarding the merits of this District; and

WHEREAS, The City of Doral has consented to the creation of the District within the municipal boundaries subject to certain conditions that the petitioner shall have to satisfy; and the Board of County Commissioners desires to establish the District; and

WHEREAS, based on the written consent of the City of Doral, 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 Landmark at Doral Community Development District over the real property described in Exhibit A attached hereto, which was filed by Landmark at Doral East, LLC, Landmark at Doral South, LLC, Landmark Club at Doral, LLC; Landmark at Doral Developers, LLC and Town Center at Doral, LLC, ("Landmark" or "Petitioners"), on March 23, 2005, 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 and incorporated herein (Exhibit B).

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

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

- Daniel Kaskel
- Richard Schueger
- Suzanne Pavlik
- Michael Scheiner
- John Markey



Section 5. The name of the District shall be the "Landmark at Doral Community Development District."

Section 6. The Landmark at Doral 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 Landmark at Doral 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 Landmark at Doral 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 Landmark at Doral Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2) (a) (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; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners in connection with the petition.

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

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Section 11. No bond, debt or other obligation of the Landmark at Doral 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 Landmark at Doral 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, or 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 Landmark at Doral 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. This Board hereby accepts that Declaration of Restrictive Covenants proffered by the owners of the lands within the jurisdiction of the Landmark at Doral Community Development District, in connection with the petition submitted by Landmark and approved herein.


Section 15. 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 16. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

Section 17. 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.

PASSED AND ADOPTED: AUG 23 2005

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Gerald T. Heffernan

Exhibit A

LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Tracts 24, 25, 33, 34, 35, 36, 45, 46, 47 AND 48 of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1", Section 17, Township 53 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida. Less all road Right-of-Way of records.

And:

The West 739.33 feet of Tracts 41, 42, 43 and 44 of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO.1", Section 17, Township 53 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida. Less all road Right-of-Way of record, and Less that portion of Tracts 41, 42, 43, 44 and 45 deeded to Lennar Homes, Inc by Special Warranty deed dated August 23, 1998, and recorded in O.R. Book 17336, Page 0459, being more particularly described in said deed as follows:

Commence at the Southwest corner of the said Section 17; thence $N01^{\circ}43'10''W$ along the West line of said Section 17 for 35.01 feet to a point on a line that is 35.00 feet North of, and parallel with the South line of said Section 17; thence $N89^{\circ}40'51''E$ along said line that is 35.00 feet North of, and parallel with, the South line of Section 17 for 35.01 feet to a point on a line that is 35.00 feet East of, and parallel with, the said West line of Section 17, said point being the intersection of the existing North Right-of-Way line of NW 58 Street and the existing East Right-of-Way line of NW 107th Avenue, said point also being THE POINT OF BEGINNING of the additional Right-of-way herein described; thence from the above established Point of Beginning run $N01^{\circ}43'10''W$ along the said line that is 35.00 feet East of and parallel with the West line of Section 17 and along the said East existing Right-of-Way line of NW 107th Avenue for 294.91 feet to its intersection with the north line of said Tract 41; thence $S89^{\circ}40'46''W$ along the said North line of Tract 41 for 20.01 feet to the Northwest corner of said Tract 41, said point lying on the East line of the 15 foot wide Right-of-way, as said Right-of-way is shown on said plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1"; thence $N01^{\circ}43'10''W$ along the said East line of the 15 foot wide Right-of-way for 329.92 feet to the Northeast corner of said Tract 42; thence $N89^{\circ}40'40''E$

along the North line of said Tract 42 for 20.01 feet to a point on said line that is 35.00 feet East of, and parallel with, the West line of Section 17, said line also being the existing East Right-of-Way line of NW 107th Avenue; thence $N01^{\circ}43'10''W$ along said line that is 35.00 feet East of, and parallel with, the West line of Section 17 and along the said East existing Right-of-Way line of NW 107th Avenue for 329.92 feet to its intersection with the North line of said Tract 43; thence $S89^{\circ}40'35''W$ along the said North line of Tract 43 for 20.01 feet to the Northwest corner of said Tract 43, said point lying on the said East line of the 15 foot wide Right-of-Way; thence $N01^{\circ}43'10''W$ along the said East line of the 15 foot wide Right-of-Way for 639.84 feet to the Northwest corner of said Tract 45; thence $N89^{\circ}40'25''E$ along the North line of said Tract 45 for 25.01 feet to a point on a line that is 40.00 feet East of, and parallel with, the said West line of Section 17; thence $S01^{\circ}43'10''E$ along said line that is 40.00 feet East of, and parallel with, the West line of Section 17 for 1,545.19 feet to a point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 25.00 feet and a central angle of $88^{\circ}36'00''$ for an arc distance of 38.86 feet to the point of tangency; thence $N89^{\circ}40'51''E$ for 18.20 feet to a point of curvature of a circular curve to the right; thence to the right along said curve having for its elements a radius of 1,175.92 feet and a central angle of $9^{\circ}44'41''$ for an arc distance of 200.00 feet to the point of tangency; thence $S80^{\circ}34'25''E$ for 100.00 feet to a point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 789.43 feet and a central angle of $05^{\circ}19'41''$ for an arc distance of 71.55 feet to a point on a line that is 450.00 feet East of and parallel with, the said West line of Section 17; thence $S01^{\circ}43'08''E$ along the said line that is 450.00 feet East of and parallel with the West line of Section 17 for 2.29 feet to a point on the aforesaid line that is 35.00 feet North of, and parallel with, the South line of Section 17, said line also being the existing North Right-of-Way line of NW 58th Street; thence $S89^{\circ}40'51''W$ along the said line that is 35.00 feet North of, and parallel with, the South line of Section 17 and along the said existing North Right-of-Way line of NW 58th Street for 415.12 feet to THE POINT OF BEGINNING.

The above described parcel contains 5,137,528.98 square feet and/or 117.94 Acres more or less.

EXHIBIT "B"

PETITION FOR ORDINANCE

FOR

**LANDMARK AT DORAL
Community Development District**

March 23, 2005

Prepared by

Special District Services, Inc.

11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

561-630-4922 – Telephone

877-737-4922 – Toll Free

561-630-4923 – Fax

IN RE: AN ORDINANCE TO ESTABLISH)
THE LANDMARK AT DORAL)
COMMUNITY DEVELOPMENT DISTRICT)

PETITION

Petitioner, Landmark at Doral East, LLC, Landmark at Doral South, LLC, Landmark Club at Doral, LLC; Landmark at Doral Developers, LLC and Town Center at Doral, LLC, hereby petition 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 incorporated area of the City of Doral, Miami-Dade County, Florida. Exhibit 1 depicts the general location of the project. The proposed District covers approximately 117.94 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 external 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 owners 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:

1. Daniel Kaskel
2. Richard Schueger
3. Suzanne Pavlik
4. Michael Scheiner
5. John Markey

4. The proposed name of the District to be established is Landmark at Doral Community Development District ("LMDCDD").

5. There are no existing major trunk water mains, sewer interceptors or outfalls currently existing on the site.

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

7. Petitioner is in the process of developing the project as a mixed-use community. The proposed uses for the land within the District are planned for a maximum of **1,109 dwelling units** (consisting of 807 condominium units and 302

townhome units), **approximately 100,000 square feet of retail space, and approximately 180,000 square feet of office space.** The proposed uses for the land included within the proposed District are in compliance with Miami-Dade County and City of Doral Future Land Use Element. The County Master Plan and Future Land Use Element designate the land contained within the proposed District as medium density residential, commercial and industrial. 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. Exhibit 7 is the proposed boundaries of the Community Development District.

10. Exhibit 8 is the approved and executed Resolution from the City of Doral To Miami-Dade County.

11. The District is seeking and hereby requests the right to exercise all powers provided for in Section 190.06 through 190.041, Florida Statutes.

12. The Petitioner, consisting of five (5) Florida limited liability companies, are managed by the same individual as managing member, whose address is 7284 West Palmetto Park Road, # 108, Boca Raton, Florida 33433

13. 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 and the City of Doral Comprehensive Development Master Plan.

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

c. The community development facilities the District proposes to finance 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 infrastructure to the area to be served because the District provides a governmental entity for delivering the infrastructure in a manner that does not financially impact persons residing outside the District.

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

1. Hold a public hearing as required by Section 190.005(2)(b), of the Florida Statutes to consider the establishment of the Landmark at Doral Community Development District, and;
2. Adopt an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the Landmark at Doral Community Development District.

Respectfully submitted this 9th day of March, 2005.


Town Center at Doral, LLC
a Florida limited liability company

Landmark at Doral East, LLC
a Florida limited liability company

Landmark at Doral South, LLC
a Florida limited liability company

Landmark Club at Doral, LLC
a Florida limited liability company

Landmark at Doral Developers, LLC
a Florida limited liability company


By: **Elie Berdugo, Managing Member**
of each of the following entities

7284 West Palmetto Park Road
Suite 106
Boca Raton, Florida 33433

EXHIBIT 3


**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF THE
LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

On this 23rd day of March, 2005, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Elie Berdugo** who after being duly sworn, deposes and says:

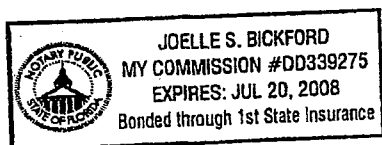
1. Affiant **Elie Berdugo**, and individual, is the Managing Member of the following companies, all of which are Florida limited liability companies: Landmark at Doral, LLC, Landmark at Doral East, LLC, Landmark at Doral South, LLC, Landmark at Doral Developers, LLC, and Landmark Club at Doral, LLC. The foregoing entities shall hereinafter be collectively referred to as the "Companies".
2. The Companies are collectively the owners of real property situated in Miami-Dade County, Florida, which properties have the following folio numbers: Tract 24: Folio 35-3017-0240, Tract 25: Folio 35-3017-001-0250, Tract 33: Folio 35-3017-001-0330, Tract 34: Folio 35-3017-001-0340, Tract 35: Folio 35-3017-001-0350, Tract 45: Folio 35-3017-001-0351, Tract 41: Folio 35-3017-001-0362, Tract 42: Folio 35-3017-001-0362, Tract 43: Folio 35-3017-001-0362, and Tract 48: Folio 35-3017-001-0480. Each Tract is a reference to a Tract as appearing in the Florida Fruit Lands Company's Subdivision No. 1, of Section 17, Township 53 South, Range 40 East, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida.
3. Affiant, **Elie Berdugo**, hereby represents that he has full authority to execute all documents and instruments on behalf of the Companies, as sole Managing Member of each of the Companies, including the Petition before the Board of County Commissioners of Miami-Dade County, Florida, to enact an ordinance to establish the Landmark at Doral Community Development District (the "Proposed CDD").
4. The property listed in this Affidavit represents all the real property to be included in the Proposed CDD, and the Companies collectively own all of the real property to be included within the Proposed CDD
5. Affiant, **Elie Berdugo**, on behalf of the Companies, the sole member and owner of the Companies, hereby consents to the establishment of the proposed CDD.

FURTHER, AFFIANT SAYETH NOT.



Elie Berdugo

Subscribed and sworn to before me this 23rd day of March 2005, by Elie Berdugo, who personally appeared before me, and is personally known.



Notary: Joelle S. Bickford
Print Name: Joelle S. Bickford
Notary Public, State of Florida

EXHIBIT 4B

**CONSTRUCTION COSTS ESTIMATES
LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT**

Mitigation	\$	464,000
Earthwork	\$	8,515,312
Wastewater System	\$	763,686
Water Supply System	\$	1,363,725
Surface Water Management	\$	2,181,942
Roads, Paving, and Landscaping	\$	18,704,812
Lift Station and Force Main	\$	303,050
Survey	\$	139,403
TOTAL ESTIMATED PROJECT COSTS	\$	32,435,930

EXHIBIT 6

LANDMARK AT DORAL
COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

March 23, 2005

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

(561) 630-4922-Tele
(877) 737-4922-Toll Fee
(561) 630-4923-Fax

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Landmark at Doral Community Development District ("District"). The District comprises approximately 117.94 acres of land located in the incorporated area of the City of Doral in Miami-Dade County, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. (governing District establishment) as follows:

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

1.2 Overview of Landmark at Doral Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to a master planned residential development containing a currently planned, for a maximum of, 1,109 residential dwelling units, approximately 100,000 square feet of retail space, and approximately 180,000 square feet of office space within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), 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 ordinance. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed

or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. Miami-Dade County is not defined as a small County for purposes of this requirement.

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

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

“Note: the references to “rule” in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an “ordinance” under section 190.005(2) (a), Florida Statutes.”

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.

The Landmark at Doral Community Development District serves land that comprises a 117.94 mixed-use development currently planned to be made up for a maximum of 1,109 residential units, approximately 100,000 square feet of retail space and approximately 180,000 square feet of office space. The estimated population of the residential portion of the District is 2218 +/- comprised of individuals and families.

3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project that is anticipated to effect state or local revenues.

3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the results of adopting the ordinance is the establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 1,000 acres, therefore, Miami-Dade County is the establishing entity under section 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the 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 many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs which offsets such costs.

Miami-Dade County and the City of Doral

There will be only modest costs to the County and the City 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 County already possesses the staff needed to conduct the review without the need for new staff and they have an agreement to review the petition for the City. Fourth, there is no capital required to review the petition. Finally, the County routinely processes similar petitions though for entirely different subjects, 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 Miami-Dade County, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the County faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it establishes a monitoring program for this District. However, the Petitioner has included a payment of \$15,000 to offset any expenses the County may incur in the processing of this Petition, or in the monitoring of this District. The Petitioner has paid an additional \$15,000 to the City of Doral for their expenses.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and 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 of local government. In accordance with State law, debts of the District are strictly its own responsibility.

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

Table 1 provides an outline of the various facilities and services the proposed District may provide.

Table 1

LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT

Proposed Facilities and Services

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
Mitigation	CDD	NA	CDD
Earthwork	CDD	N/A	N/A
Waste Water System	CDD	WASD	WASD
Water Supply System	CDD	WASD	WASD
Surface Water Management	CDD	CDD	CDD
Roads and Paving	CDD	CDD	CDD
Lift Station and Force Main	CDD	WASD	WASD

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 those facilities, which may be provided, are estimated to be approximately \$32,435,930. The District may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Table 2

LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT

Cost Estimate for District Facilities

Mitigation	\$	464,000
Earthwork	\$	8,515,312
Wastewater System	\$	763,686
Water Supply System	\$	1,363,725
Surface Water Management	\$	2,181,942
Roads, Paving, and Landscaping	\$	18,704,812
Lift Station and Force Main	\$	303,050
Survey	\$	139,403
TOTAL ESTIMATED PROJECT COSTS	\$	32,435,930

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Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non ad valorem special assessments by various names for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, County provision, or through developer equity and/or bank loans.

In considering these costs it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits.

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring 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, to determine the type, quality and expense of District services they receive, provided they meet the County's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the 'high quality infrastructure provided by the District is likely to be fairly low.

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

There will be no impact on small businesses because of the establishment of the District. Miami-Dade County has an estimated population that is greater than 75,000; therefore the County is not defined as a "small" County according to Section 120.52, F.S, and there will accordingly be no impact on a small County because of the formation of the District. The City of Doral was recently incorporated; therefore, there is no census data available.

6.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

**APPENDIX A
LIST OF REPORTING REQUIREMENTS**

REPORT	FL. STATUE CITATION	DUE DATE
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial Interests	112.3145	within 30 days of accepting the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/30

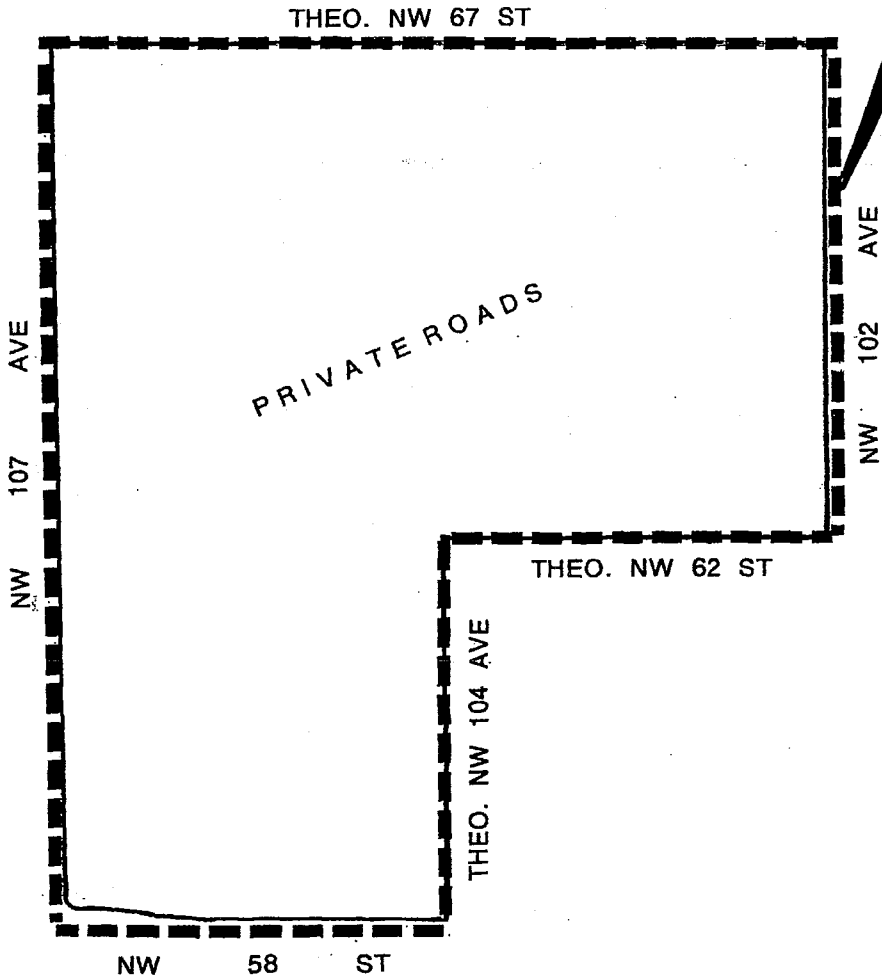
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EXHIBIT 4A

**ESTIMATED INFRASTRUCTURE CONSTRUCTION TIME TABLE
LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT**

<u>IMPROVEMENT</u>	<u>START DATE</u>	<u>COMPLETION DATE</u>
MITIGATION	APRIL 2005	DECEMBER 2006
EARTHWORK	APRIL 2005	DECEMBER 2006
WASTEWATER SYSTEM	FEBRUARY 2006	AUGUST 2006
WATER SUPPLY SYSTEM	APRIL 2006	OCTOBER 2006
SURFACE WATER MANAGEMENT	JUNE 2005	DECEMBER 2006
ROADS, PAVING AND LANDSCAPING	OCTOBER 2006	APRIL 2007
LIFT STATION AND FORCE MAIN	FEBRUARY 2006	AUGUST 2006
SURVEY	APRIL 2005	APRIL 2007

DISTRICT BOUNDARIES



LANDMARK AT DORAL COMMUNITY DEVELOPMENT DISTRICT

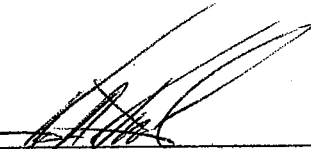
STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

SS:

I, **HARVEY RUVIN**, Clerk of the Circuit Court 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 No. 05-153 adopted by said board of County Commissioners at its meeting held on August 23, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 15th day of September, A.D. 2005.

HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By  _____
Deputy Clerk



Board of County Commissioners
Miami-Dade County, Florida