

December 10, 2024

## ORDINANCE

NUMBER 2024-041

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, AMENDING PART IV, MUNICIPAL SERVICE BENEFIT AND TAXING UNITS, CHAPTER 4-3.5 MUNICIPAL SERVICE DISTRICTS, BY CREATING NEW ARTICLE XXI: WEST PORT EAST COMMUNITY DEVELOPMENT DISTRICT (CDD); PROVIDING FOR NEW SECTION 4-3.5-260, AUTHORITY; PROVIDING FOR NEW SECTION 4-3.5-261, DISTRICT NAME; PROVIDING FOR NEW SECTION 4-3.5-262, DISTRICT EXTERNAL BOUNDARIES; PROVIDING FOR NEW SECTION 4-3.5-263, DISTRICT POWERS AND FUNCTIONS; PROVIDING FOR NEW SECTION 4-3.5-264, BOARD OF SUPERVISORS; PROVIDING FOR ADDITIONAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, KL Westport Expansion LLC (the "Petitioner"), having obtained written consent to the establishment of the West Port East Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners (the "Board") of Charlotte County, Florida (the "County"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a Florida corporation authorized to conduct business in the State of Florida, and whose address is 105 NE 1<sup>st</sup> Street, Delray Beach, Florida 33444; and,

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed public hearing conducted by the Board on December 10, 2024; and,

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF  
CIRCUIT COURT

# PAGE: 63

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Rec. Fee: RECORDING \$537.00

35 WHEREAS, upon consideration of the record established at that hearing, the  
36 Board determined that the statements within the Petition are true and correct, that the  
37 establishment of the District is not inconsistent with any applicable element or portion of  
38 the state comprehensive plan or the County's comprehensive plan, that the land within  
39 the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to  
40 be developable as a functionally interrelated community, that the District is the best  
41 alternative available for delivering community development services and facilities to the  
42 area that will be served by the District, that the community development services and  
43 facilities of the District will not be incompatible with the capacity and uses of existing  
44 local and regional community development services and facilities, and that the area that  
45 will be served by the District is amenable to separate special-district governance; and,

46 WHEREAS, the establishment of the District shall not act to amend any land  
47 development approvals governing the land area to be included within the District; and

48 WHEREAS, the establishment of the District will constitute a timely, efficient,  
49 effective, responsive and economic way to deliver community development services in  
50 the area described in the Petition; and

51 WHEREAS, the Board has determined that the initial members of the District's  
52 Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of  
53 Florida and citizens of the United States of America.

54 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
55 of Charlotte County, Florida:

56 **Section 1.** Charlotte County Code Chapter 4-3.5, Article XXI titled "WEST  
57 PORT EAST COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-260 is hereby created

by adding the underlined language to provide as follows:

**Sec. 4-3.5-260. Authority.**

This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

**Section 2.** Charlotte County Code Chapter 4-3.5, Article XXI titled "WEST PORT EAST COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-261 is hereby created by adding the underlined language to provide as follows:

**Sec. 4-3.5.-261. – District Name.**

There is hereby created a community development district situated entirely within a portion of the unincorporated area of Charlotte County, Florida, which shall be known as the "West Port East Community Development District," and which shall be referred to in this ordinance as the "District".

**Section 3.** Charlotte County Code Chapter 4-3.5, Article XXI titled "WEST PORT EAST COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-262 is hereby created by adding the underlined language to provide as follows:

**Sec. 4-3.5-262. – District External Boundaries.**

The external boundaries of the District are described in **Appendix A** attached hereto, said boundaries encompassing 175.877 acres, more or less.

**Section 4.** Charlotte County Code Chapter 4-3.5, Article XXI titled "WEST PORT EAST COMMUNITY DEVELOPMENT DISTRICT," § 4-3.5-263 is hereby created by adding the underlined language to provide as follows:

**Sec. 4-3.5-263. District Powers and Functions.**

The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and (2)(d), Florida Statutes (2023).

**Section 5.** Charlotte County Code Chapter 4-3.5, Article XXI titled "WEST PORT EAST DEVELOPMENT DISTRICT," § 4-3.5-264 is hereby created by adding the underlined language to provide as follows:

**Sec. 4-3.5-264. Board of Supervisors.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Paul Martin  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: William Fife  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: Landon Thomas  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: John Buzzy  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

Name: Logan Carter  
Address: 105 NE 1<sup>st</sup> Street  
Delray Beach, Florida 33444

**Section 6.** Bond Validation. All bonds issued by the District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

**Section 7.** Bond Default. No bond debt or other obligation of the District, nor any default thereon, shall constitute a debt or obligation of Charlotte County, except upon the express approval and agreement of the Board.

**Section 8.** County Rates, Fees and Charges. Notwithstanding any power granted to the District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the District shall 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 charges or fees, or similar County rates, fees or charges, and special taxing district assessments existing at the time of adoption of this Ordinance or by subsequent action of the Board.

**Section 9.** Eminent Domain Power Limited. Notwithstanding any power granted to the 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.

**Section 10.** Notwithstanding any provision to the contrary contained in the Petition, no Proposed Facilities and Services may be funded, transferred to, owned or maintained by the County without prior written approval from the Board.

**Section 11.** Codification. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), and the sections of this Ordinance may be renumbered to accomplish such intention. In the event this Ordinance conflicts with any provisions of the Code, the provisions of this Ordinance shall control to the extent of any such conflict.

**Section 12.** Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

**Section 13.** Effective Date. This ordinance shall take effect upon adoption by the Board.

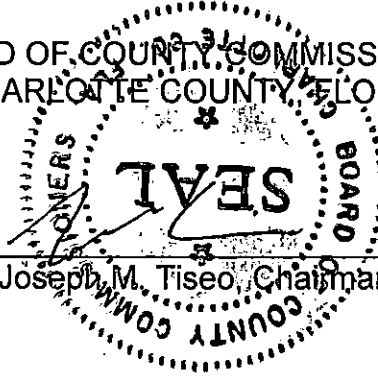
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PASSED AND DULY ADOPTED this 10<sup>th</sup> day of December, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_

Joseph M. Tiseo, Chairman



ATTEST:

Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk of the  
Board of County Commissioners

By: \_\_\_\_\_

Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_

Janette S. Knowlton, County Attorney  
LR24-0964

know

Appendix A [Petition]

**UPDATED**  
**PETITION TO ESTABLISH**  
**WEST PORT EAST**  
**COMMUNITY**  
**DEVELOPMENT DISTRICT**

Submitted by: Jere Earlywine, Esq.  
Florida Bar No. 155527  
[Jere.Earlywine@KutakRock.com](mailto:Jere.Earlywine@KutakRock.com)  
KUTAK ROCK LLP  
107 West College Avenue  
Tallahassee, Florida 32301  
Ph: (850) 528-6152

\*Updated October 7, 2024



**BEFORE THE COUNTY COMMISSION OF CHARLOTTE COUNTY, FLORIDA**  
**PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, KL WESTPORT EXPANSION LLC ("Petitioner"), hereby petitions the Board of County Commissioners of Charlotte County, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the Charlotte County, Florida, and covers approximately 175.877 acres of land, more or less. **Exhibit 1** depicts the general location of the project. The site is generally located south of Tamiami Trail, north of El Jobean Road and east of the West Port Community Development District. The sketch and metes and bounds descriptions of the external boundary of the proposed District is set forth in **Exhibit 2**.

2. Excluded Parcels. There are approximately 60.933 acres within the internal boundaries of the District that will be excluded ("Excluded Parcels"). The metes and bounds description of each Excluded Parcel is set forth in Exhibit 3. The Excluded Parcels are owned as follows:

Owner	Address
Slavic Church of Evangelical Christian Baptists Inc.	1255 Kingsland Street Port Charlotte, Florida 33953
Eben-Ezer Haitian Baptist Church of Port Charlotte, Inc.	17195 Oakleaf Avenue Port Charlotte, Florida 33953
Charlotte County, Florida	17180 Walenda Avenue Port Charlotte, Florida 33953
Charlotte County School Board	1081 Buena Vista Circle Port Charlotte, Florida 33953
KL Westport Expansion LLC	1033 Buena Vista Circle Port Charlotte, Florida 33953

There is no intent on behalf of the District for any District facilities or services to be installed and/or constructed on the Excluded Parcels. Moreover, no special assessments will be imposed on the Excluded Parcels. Excluding the Excluded Parcels from the boundaries of the District will not have an impact on the development of either the District or the Excluded Parcel.

3. Landowner Consents. Petitioner has obtained written consent to establish the proposed District from the owners of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, Florida Statutes. Consent to the establishment of a community development district is contained in **Exhibit 4**.

4. Initial Board Members. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows: Paul Martin, William Fife, Landon Thomas, John Buzzy and Logan Carter. All of the listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is the West Port East Community Development District.

6. Major Water and Wastewater Facilities. **Exhibit 5** shows the existing and proposed major trunk water mains and sewer connections serving the lands within and around the proposed District.

7. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and install, as well as the estimated costs of construction. At present, these improvements are estimated to be made, acquired, constructed and installed in three (3) phase(s) over an estimated four (4) year period from 2024 - 2028. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

8. Future Land Uses. The future general distribution, location and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are shown in **Exhibit 7**. These proposed land uses are consistent with the Charlotte County Comprehensive Plan.

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

10. Authorized Agents. The Petitioner is authorized to do business in the State of Florida. The Petitioner has designated Jere Earlywine of Kutak Rock, LLP, as its authorized agent. See **Exhibit 9** - Authorization of Agent. Copies of all correspondence and official notices should be sent to:

Jere Earlywine, Esq.  
[Jere.Earlywine@KutakRock.com](mailto:Jere.Earlywine@KutakRock.com)  
KUTAK ROCK LLP  
107 West College Avenue  
Tallahassee, Florida 32301  
Ph: (850) 528-6152

11. This petition to establish the West Port East Community Development District should be granted for the following reasons:

a. Establishment of the proposed District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the Charlotte County Comprehensive Plan.

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

c. The establishment of the proposed District will prevent the general body of taxpayers in Charlotte County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the proposed District. The proposed District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the proposed District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the proposed District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the proposed District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the proposed District's services and facilities.

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

WHEREFORE, Petitioner respectfully requests the Board of County Commissioners of Charlotte County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

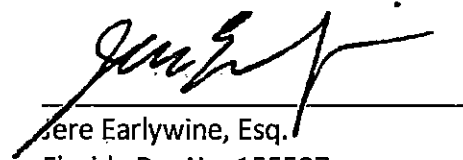
b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, each as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 10<sup>th</sup> day of July, 2024, as updated on the 8<sup>th</sup> day of October, 2024.

KUTAK ROCK LLP

A handwritten signature in black ink, appearing to read "Jere Earlywine", is written over a horizontal line.

Jere Earlywine, Esq.

Florida Bar No. 155527

[Jere.Earlywine@KutakRock.com](mailto:Jere.Earlywine@KutakRock.com)

KUTAK ROCK LLP

107 West College Avenue

Tallahassee, Florida 32301

Ph: (850) 528-6152

# EXHIBIT 1

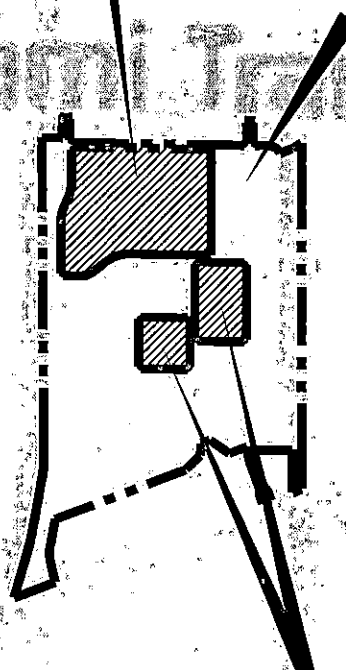


0 2000 4000

GRAPHIC SCALE 1"=2000'

**SCHOOL BOARD  
PROPERTY  
(NOT INCLUDED)**

**PROPOSED  
WEST PORT EAST  
COMMUNITY  
DEVELOPMENT  
DISTRICT**



**NOT INCLUDED**



**MORRIS ENGINEERING AND CONSULTING, LLC**  
Civil Engineering and Land Development Consulting  
2004 53rd Avenue East, Bradenton, Florida 34203 C.A. 28780 941-228-4729 www.morrisengineering.net

DATE	7/15/2024
PROJECT	WV
DRAWING	LOCATION MAPS
DRAWN	JAM
CHECKED	MJM

Location Map  
**WEST PORT EAST CDD**  
Charlotte County, Florida

SCALE	1"=2,000'
SEC - TSP - RING	11-AOS-21E
SHEET	OF
1	1

# EXHIBIT 2

# Description Sketch

(Not A Survey)

## CDD DESCRIPTION:

A parcel of land lying in Sections 11 & 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the Northwest corner said Section 12, run thence along the West boundary of Section 12, S.00°29'33"E., a distance of 75.03 feet to a point on the Southerly Right-of-Way of State Road 45 Tamiami Trail (U.S. Highway 41), a 200.00 foot Right-of-Way, thence along said Right-of-Way, S.89°11'32"E., a distance of 149.11 feet for a **POINT OF BEGINNING**; thence continuing along said Southerly Right-of-Way, S.89°11'32"E., a distance of 130.03 feet; thence departing said Right-of-Way, Southwesterly, 39.85 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of 91°19'18" (chord bearing S.45°08'48"W., 35.76 feet); thence S.00°30'51"E., a distance of 226.35 feet to a point on the Northerly Right-of-Way of North Buena Vista Circle, PORT CHARLOTTE SUBDIVISION, according to the plat thereof, as recorded in Plat Book 5, Pages 51A through 51K, of the Public Records of Charlotte County, Florida; thence along said Northerly Right-of-Way, Southeasterly, 38.70 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 88°41'33" (chord bearing S.44°51'37"E., 34.95 feet) to a point hereafter known as Point "A"; thence continuing along said Northerly Right-of-Way S.89°12'23"E., a distance of 1862.87 feet; thence Northeasterly, 39.68 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 90°55'45" (chord bearing N.45°19'45"E., 35.64 feet), to a point on the Westerly Right-of-Way of West Como Street, Recorded in the said PORT CHARLOTTE SUBDIVISION Plat; thence along said Westerly Right-of-Way, N.00°08'02"W., a distance of 225.88 feet; thence Northwesterly, 38.86 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of 89°03'25" (chord bearing N.44°39'50"W., 35.06 feet) to a point on the aforementioned Southerly Right-of-Way of State Road 45 Tamiami Trail (U.S. Highway 41), S.89°11'32"E., a distance of 120.02 feet to a point on the Easterly Right-of-Way of said West Como Street; thence Southwesterly, 39.68 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 90°56'35" (chord bearing S.45°20'10"W., 35.65 feet); thence S.00°08'08"E., a distance of 225.83 feet to point on the aforementioned Northern Right-of-Way of North Buena Vista Circle; thence along said Northerly Right-of-Way the following three (3) courses: (1) Southeasterly, 38.86 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 89°04'15" (chord bearing S.44°40'15"E., 35.07 feet); (2) S.89°12'23"E., a distance of 152.34 feet; (3) Southeasterly, 148.19 feet along the arc of a tangent curve to the right having a radius of 125.00 feet and a central angle of 67°55'35" (chord bearing S.55°14'35"E., 139.67 feet); thence departing said Northerly Right-of-way, N.68°43'12"E., a distance of 144.06 feet; thence N.58°58'33"E., a distance of 116.55 feet to a point on the Eastern boundary of the Como Waterway, vacated by Resolution 2008-015, recorded in Official Records Book 3321, Page 634 of said Public Records; thence along said Eastern boundary, S.00°07'15"E., a distance of 3706.60 feet to a point on the Northerly Right-of-Way of State Road 776, a 200.00 foot Right-of-Way; thence along said Northerly Right-of-Way, S.69°10'05"W., a distance of 106.91 feet; thence departing said Northerly Right-of-Way, N.00°07'15"W., a distance of 461.19 feet; thence Westerly, 91.85 feet along the arc of a non-tangent curve to the right having a radius of 525.00 feet and a central angle of 10°01'27" (chord bearing S.84°59'16"W., 91.73 feet); thence S.90°00'00"W., a distance of 315.38 feet; thence Southwesterly, 42.30 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 96°56'17" (chord bearing S.41°31'52"W., 37.43 feet);

Continued on Sheet 2

## Certified To:

- KL Westport Expansion LLC; a Florida limited liability company

## SURVEYOR'S NOTES:

1. Bearings shown hereon are based on the West boundary of Section 12, Township 40 South, Range 21 East Charlotte County, Florida, having a Grid bearing of S.00°29'33"E. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North American Horizontal Datum of 1983 (NAD 83-2011 Adjustment) for the West Zone of Florida.
2. I do hereby certify that this sketch & description was made under my supervision and meets the standards of practice set forth by the Florida Board of Professional Surveyors & Mappers stated in rules 5J-17.051, 5J-17.052, and 5J-17-053, Florida administrative code, pursuant to Section 472.027, Florida statutes.

PROJECT: West Port

Prepared For: KOLTER GROUP AQUISITIONS LLC

PHASE: West Port Expansion KOLTER REMAINDER

DRAWN: SWM DATE: 03/20/24 CHECKED BY: MHC

### REVISIONS

DATE	DESCRIPTION	DRAWN BY
4/17/2024	REVISE BOUNDARY & DESC.	SWM
6/10/2024	REVISE BOUNDARY & DESC.	JMW
6/12/2024	REVISE BOUNDARY & DESC.	JMW

David W. Maxwell

FLORIDA PROFESSIONAL  
SURVEYOR & MAPPER NO. **LS7311**

213 Hobbs Street  
Tampa, Florida 33619  
Phone: (813) 248-8888  
Licensed Business No.: LB 7768

**GeoPoint**  
Surveying, Inc.



# Description Sketch

## (Not A Survey)

Continued from Sheet 1

thence Southerly, 115.18 feet along the arc of a compound curve to the left having a radius of 475.00 feet and a central angle of 13°53'38" (chord bearing S.13°53'06"E., 114.90 feet); thence S.20°49'55"E., a distance of 261.79 feet; thence Southeasterly, 21.69 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of 24°51'02" (chord bearing S.33°15'26"E., 21.52 feet); thence Southeasterly, 95.42 feet along the arc of a reverse curve to the right having a radius of 220.00 feet and a central angle of 24°51'02" (chord bearing S.33°15'26"E., 94.67 feet); thence S.20°49'55"E., a distance of 61.87 feet to a point on the aforementioned Northerly Right-of-Way of State Road 776; thence along said Northerly Right-of-Way, S.69°10'05"W., a distance of 100.00 feet; thence departing said Northerly Right-of-Way, N.20°49'55"W., a distance of 61.87 feet thence Northerly, 95.42 feet along the arc of a tangent curve to the right having a radius of 220.00 feet and a central angle of 24°51'02" (chord bearing N.08°24'24"W., 94.67 feet); thence Northerly, 21.69 feet along the arc of a reverse curve to the left having a radius of 50.00 feet and a central angle of 24°51'02" (chord bearing N.08°24'24"W., 21.52 feet); thence N.20°49'55"W., a distance of 261.79 feet; thence Northerly, 189.64 feet along the arc of a tangent curve to the right having a radius of 525.00 feet and a central angle of 20°41'47" (chord bearing N.10°29'01"W., 188.61 feet); thence N.00°08'08"W., a distance of 12.11 feet; thence S.69°10'05"W., a distance of 213.72 feet; thence N.55°01'03"W., a distance of 256.30 feet; thence S.69°10'05"W., a distance of 101.16 feet; thence S.04°19'13"W., a distance of 136.68 feet; thence S.45°02'37"W., a distance of 216.04 feet; thence S.69°10'05"W., a distance of 1514.46 feet; thence S.10°12'47"W., a distance of 290.58 feet; thence Southerly, 183.04 feet along the arc of a tangent curve to the left having a radius of 439.00 feet and a central angle of 23°53'20" (chord bearing S.01°43'53"E., 181.71 feet); thence S.13°40'33"E., a distance of 215.01 feet to a point on the aforementioned Northerly Right-of-Way of State Road 776; thence along said Northerly Right-of-Way, S.69°10'05"W., a distance of 477.67 feet to a point on the West boundary of the Flamingo Waterway, vacated by Resolution 2008-015, recorded in Official Records Book 3321, Page 634; thence along said West boundary the following four (4) courses: (1) N.15°49'23"E., a distance of 650.57 feet; (2) N.10°12'47"E., a distance of 775.34 feet; (3) Northerly, 74.84 feet along the arc of a tangent curve to the left having a radius of 400.00 feet and a central angle of 10°43'12" (chord bearing N.04°51'11"E., 74.73 feet); (4) N.00°30'25"W., a distance of 3474.66 feet; thence departing said West Boundary, S.89°11'34"E., a distance of 223.56 feet; thence N.00°30'51"W., a distance of 205.57 feet; thence Northwesterly, 38.69 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 88°40'42" (chord bearing N.44°51'12"W., 34.95 feet) to the **POINT OF BEGINNING**.

Containing 236.810 acres, more or less.

### LESS AND EXCEPT THE FOLLOWING

#### DESCRIPTION: "SCHOOL BOARD PROPERTY"

A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid Point "A"; thence S.01°49'41"E., a distance of 50.03 feet; thence S.89°12'23"E., a distance of 20.01 feet to a point on the Southerly Right-of-Way of North Buena Vista Circle, of said PORT CHARLOTTE SUBDIVISION, said point also being the **POINT OF BEGINNING**; thence along said Southerly Right-of-Way, S.89°12'23"E., a distance of 1483.20 feet; thence departing said Southerly Right-of-Way, S.00°08'08"E., a distance of 1126.35 feet to a point on the proposed North Right-of-Way of West Port Crossings (To be constructed), said point hereafter known as Point "B"; thence along said proposed North Right-of-Way the following five (5) courses: (1) N.89°19'44"W., a distance of 886.16 feet; (2) Westerly, 277.30 feet along the arc of a tangent curve to the left having a radius of 417.00 feet and a central angle of 38°06'04" (chord bearing S.71°37'14"W., 272.22 feet); (3) S.52°34'12"W., a distance of 180.37 feet; (4) Westerly, 132.33 feet along the arc of a tangent curve to the right having a radius of 200.00 feet and a central angle of 37°54'31" (chord bearing S.71°31'27"W., 129.93 feet); (5) N.89°31'17"W., a distance of 187.25 feet to a point on the proposed Easterly Right-of-Way of Flamingo Boulevard; thence along said Easterly Right-of-Way the following six (6) courses: (1) Northwesterly, 38.84 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°00'53" (chord bearing N.45°00'51"W., 35.05 feet); (2) N.00°30'25"W., a distance of 534.77 feet; (3) Northerly, 228.79 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 28°29'50" (chord bearing N.13°44'30"E., 226.44 feet); (4) Northerly, 278.60 feet along the arc of a reverse curve to the left having a radius of 560.00 feet and a central angle of 28°30'15" (chord bearing N.13°44'17"E., 275.73 feet); (5) N.00°30'51"W., a distance of 299.05 feet; (6) Northeasterly, 39.84 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 91°18'46" (chord bearing N.45°08'14"E., 35.75 feet) to the **POINT OF BEGINNING**.

Containing 43.008 acres, more or less.

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
SEE SHEET NO. 8 FOR SKETCH  
SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
Tampa, Florida 33619  
Phone: (813) 248-8888  
Licensed Business No.: LB 7768



# Description Sketch

(Not A Survey)

## LESS AND EXCEPT THE FOLLOWING

### DESCRIPTION: "OUTPARCEL 1"

A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid Point "B"; thence S 00°47'57" W, a distance of 73.98 feet to a point on the South right-of-way line of Oakleaf Avenue, also being the **POINT OF BEGINNING**; thence along said South line, S 89°12'03" E, a distance of 360.20 feet; thence southeasterly, 38.86 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°03'55" (chord bearing S 44°40'05" E, 35.07 feet) to a point on the West right-of-way line of Como Street; thence along said West line, S 00°08'08" E, a distance of 800.11 feet; thence southwesterly, 39.68 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°56'05" (chord bearing S 45°19'55" W, 35.64 feet) to a point on the North right-of-way line of Walenda Avenue; thence along said North line, N 89°12'03" W, a distance of 510.24 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'54" (chord bearing N 44°39'36" W, 35.07 feet) to a point on the East right-of-way line of Kingsland Street, said point hereafter known as "Point C"; thence along said East line, N 00°07'09" W, a distance of 800.10 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'06" (chord bearing N 45°20'24" E, 35.64 feet) to a point on the South right-of-way line of said Oakleaf Avenue; thence along said South line, S 89°12'03" E, a distance of 149.82 feet; to the **POINT OF BEGINNING**.

Containing 10.918 acres, more or less.

AND

### DESCRIPTION: "OUTPARCEL 2"

A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid Point "C"; thence S 89°52'51" W, a distance of 50.00 feet to a point on the West right-of-way line of Kingsland Street, same also being the **POINT OF BEGINNING**; thence along said West line; S 00°07'09" E, a distance of 298.42 feet; thence southwesterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°54'54" (chord bearing S 45°20'18" W, 35.64 feet) to a point on the North right-of-way line of Cumberland Avenue; thence along said North line, N 89°12'15" W, a distance of 505.95 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'27" (chord bearing N 44°40'02" W, 35.07 feet) to a point on the East right-of-way line of Carrol Street; thence along said East line, N 00°07'48" W, a distance of 499.98 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'17" (chord bearing N 45°19'50" E, 35.64 feet) to a point on the South right-of-way line of Odin Avenue; thence along said South line, S 89°12'31" E, a distance of 506.05 feet; thence southeasterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°05'22" (chord bearing S 44°39'50" E, 35.07 feet) to a point on the West right-of-way line of said Kingsland Street; thence along said West line, S 00°07'09" E, a distance of 201.60 feet; to the **POINT OF BEGINNING**.

Containing 7.007 acres, more or less.

Overall parcel containing 175.877 acres, more or less.

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
SEE SHEET NO. 8 FOR SKETCH  
SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
Tampa, Florida 33619  
Phone: (813) 248-8888  
Licensed Business No.: LB 7768

  
**GeoPoint**  
Surveying, Inc.

# Description Sketch

(Not A Survey)

Line Data Table		
No.	Bearing	Length
L1	S00°29'33"E	75.03'
L2	S89°11'32"E	149.11'
L3	S89°11'32"E	130.03'
L4	S00°30'51"E	226.35'
L5	S89°12'23"E	1862.87'
L6	N00°08'02"W	225.88'
L7	S89°11'32"E	120.02'
L8	S00°08'08"E	225.83'
L9	S89°12'23"E	152.34'
L10	N68°43'12"E	144.06'
L11	N58°58'33"E	116.55'
L12	S00°07'15"E	3706.60'
L13	S69°10'05"W	106.91'
L14	N00°07'15"W	461.19'
L15	N90°00'00"W	315.38'
L16	S20°49'55"E	261.79'
L17	S20°49'55"E	61.87'
L18	S69°10'05"W	100.00'

Line Data Table		
No.	Bearing	Length
L19	N20°49'55"W	61.87'
L20	N20°49'55"W	261.79'
L21	N00°08'08"W	12.11'
L22	S69°10'05"W	213.72'
L23	N55°01'03"W	256.30'
L24	S69°10'05"W	101.16'
L25	S04°19'13"W	136.68'
L26	S45°02'37"W	216.04'
L27	S69°10'05"W	1514.46'
L28	S10°12'47"W	290.58'
L29	S13°40'33"E	215.01'
L30	S69°10'05"W	477.67'
L31	N15°49'23"E	650.57'
L32	N10°12'47"E	775.34'
L33	N00°30'25"W	3474.66'
L34	S89°11'34"E	223.56'
L35	N00°30'51"W	205.57'

Line Data for CDD Boundary

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
 SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
 SEE SHEET NO. 8 FOR SKETCH  
 SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
 Tampa, Florida 33619  
 Phone: (813) 248-8888  
 Licensed Business No.: LB 7768



# Description Sketch

(Not A Survey)

Curve Data Table					
No.	Radius	Arc	Delta	Bearing	Chord
C1	25.00'	39.85'	91°19'18"	S45°08'48"W	35.76'
C2	25.00'	38.70'	88°41'33"	S44°51'37"E	34.95'
C3	25.00'	39.68'	90°55'45"	N45°19'45"E	35.64'
C4	25.00'	38.86'	89°03'25"	N44°39'50"W	35.06'
C5	25.00'	39.68'	90°56'35"	S45°20'10"W	35.65'
C6	25.00'	38.86'	89°04'15"	S44°40'15"E	35.07'
C7	125.00'	148.19'	67°55'35"	S55°14'35"E	139.67'
C8	525.00'	91.85'	10°01'27"	S84°59'16"W	91.73'
C9	25.00'	42.30'	96°56'17"	S41°31'52"W	37.43'
C10	475.00'	115.18'	13°53'38"	S13°53'06"E	114.90'
C11	50.00'	21.69'	24°51'02"	S33°15'26"E	21.52'
C12	220.00'	95.42'	24°51'02"	S33°15'26"E	94.67'
C13	220.00'	95.42'	24°51'02"	N08°24'24"W	94.67'
C14	50.00'	21.69'	24°51'02"	N08°24'24"W	21.52'
C15	525.00'	189.64'	20°41'47"	N10°29'01"W	188.61'
C16	439.00'	183.04'	23°53'20"	S01°43'53"E	181.71'
C17	400.00'	74.84'	10°43'12"	N04°51'11"E	74.73'
C18	25.00'	38.69'	88°40'42"	N44°51'12"W	34.95'

## Curve Data for CDD Boundary

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
 SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
 SEE SHEET NO. 8 FOR SKETCH  
 SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
 Tampa, Florida 33619  
 Phone: (813) 248-8888  
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# Description Sketch

(Not A Survey)

Line Data Table		
No.	Bearing	Length
L50	S01°49'41"E	50.03'
L51	S89°12'23"E	20.01'
L52	S89°12'23"E	1483.20'
L53	S00°08'08"E	1126.35'
L54	N89°19'44"W	886.16'
L55	S52°34'12"W	180.37'
L56	N89°31'17"W	187.25'
L57	N00°30'25"W	534.77'
L58	N00°30'51"W	299.05'

Curve Data Table					
No.	Radius	Arc	Delta	Bearing	Chord
C50	417.00'	277.30'	38°06'04"	S71°37'14"W	272.22'
C51	200.00'	132.33'	37°54'31"	S71°31'27"W	129.93'
C52	25.00'	38.84'	89°00'53"	N45°00'51"W	35.05'
C53	460.00'	228.79'	28°29'50"	N13°44'30"E	226.44'
C54	560.00'	278.60'	28°30'15"	N13°44'17"E	275.73'
C55	25.00'	39.84'	91°18'46"	N45°08'14"E	35.75'

Line & Curve Data for School Board Property

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
 SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
 SEE SHEET NO. 8 FOR SKETCH  
 SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
 Tampa, Florida 33619  
 Phone: (813) 248-8888  
 Licensed Business No.: LB 7768



# Description Sketch

(Not A Survey)

Line Data Table

No.	Bearing	Length
L60	S00°47'57"W	73.98'
L61	S89°12'03"E	360.20'
L62	S00°08'08"E	800.11'
L63	N89°12'03"W	510.24'
L64	N00°07'09"W	800.10'
L65	S89°12'03"E	149.82'
L66	S89°52'51"W	50.00'
L67	S00°07'09"E	298.42'
L68	N89°12'15"W	505.95'
L69	N00°07'48"W	499.98'
L70	S89°12'31"E	506.05'
L71	S00°07'09"E	201.60'

Curve Data Table

No.	Radius	Arc	Delta	Bearing	Chord
C60	25.00'	38.86'	89°03'55"	S44°40'05"E	35.07'
C61	25.00'	39.68'	90°56'05"	S45°19'55"W	35.64'
C62	25.00'	38.87'	89°04'54"	N44°39'36"W	35.07'
C63	25.00'	39.67'	90°55'06"	N45°20'24"E	35.64'
C64	25.00'	39.67'	90°54'54"	S45°20'18"W	35.64'
C65	25.00'	38.87'	89°04'27"	N44°40'02"W	35.07'
C66	25.00'	39.67'	90°55'17"	N45°19'50"E	35.64'
C67	25.00'	38.87'	89°05'22"	S44°39'50"E	35.07'

Line & Curve Data for Out Parcels 1 & 2

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
 SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
 SEE SHEET NO. 8 FOR SKETCH  
 SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

213 Hobbs Street  
 Tampa, Florida 33619  
 Phone: (813) 248-8888  
 Licensed Business No.: LB 7768



**P.O.C.**

Northwest corner of  
Section 12, Township 40  
South, Range 21 East

# Description Sketch (Not A Survey)

SE 1/4  
SEC 2

**S.R. 45 TAMiami TRAIL**

**P.O.B.**

(U.S. HIGHWAY 41)

(200.00' RIGHT-OF-WAY)

Southerly Right-of-Way of  
S.R. 45 Tamiami Trail

POINT "A"

FDOT Stormwater Easement  
O.R.B. 3843, Pg. 1724  
KL WESTPORT EXPANSION LLC  
O.R.I. 3417183

Charlotte County  
School Board  
(ORB 4127, Pg. 1004)

NOT INCLUDED

NW 1/4  
SEC 12

Charlotte County  
School Board  
(INS# 3417188)

NOT INCLUDED

POINT "B"

SEE DETAIL "A"  
SHEET 9 OF 10

SEE DETAIL "B"  
SHEET 10 OF 10

Out Parcel  
1

POINT "C"

Out Parcel  
2

**SUBJECT PROPERTY**  
±175.877Acres

North boundary of  
the Southwest 1/4  
Section 12

Eastern boundary of The  
Como Waterway (Vacated  
in O.R.B. 3321, Pg. 634)

Western boundary of The  
Flamingo Waterway (Vacated  
in O.R.B. 3321, Pg. 634)

L24

L25

L23

L21

L15

C8

L22

C9

L14

C15

L16

C10

C14

L17

C11

C13

L18

C12

L26

L20

L19

L13

L27

L18

L17

L13

SW 1/4  
SEC 12

Northerly R/W line  
of State Road 776

**STATE ROAD 776**  
(200.00' RIGHT-OF-WAY)

Sembler Parcel

C16

L29

SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
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SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

**PORT CHARLOTTE  
SUBDIVISION**  
PB. 5, Pg. 51A-51K

**TOLEDO  
BLADE-SECTION ONE**  
P.B. 23, Pg. 18A-18B

**TOLEDO  
BLADE-SECTION ONE**  
P.B. 23, Pg. 18A-18B

## LEGEND

O.R.B.	Official Records Book
P.B.	Plat Book
Pg(s)	Page(s)
R/W	Right-of-Way
P.O.B.	Point of Beginning
P.O.C.	Point of Commencement
SEC	Section

213 Hobbs Street  
Tampa, Florida 33619  
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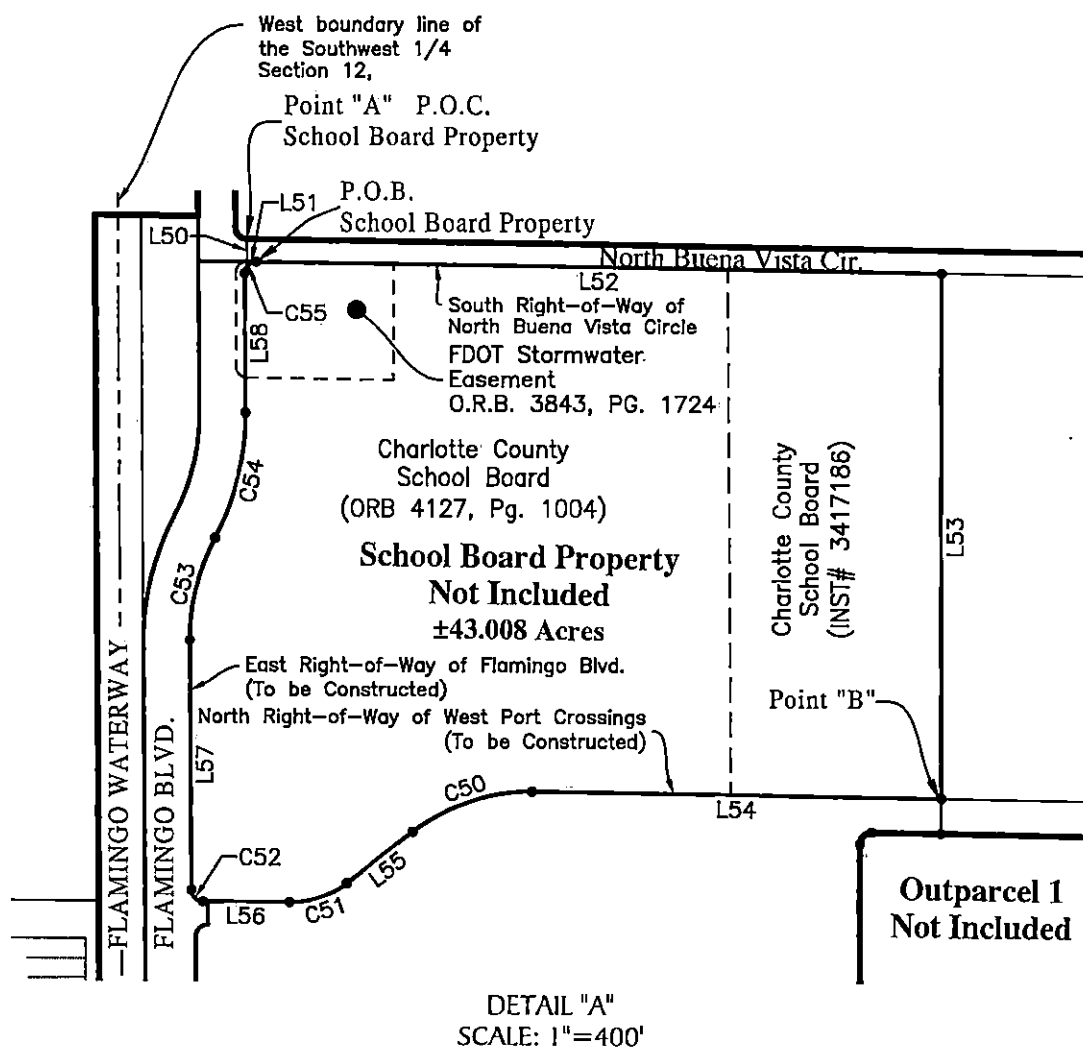
**GeoPoint**  
Surveying, Inc.



SCALE: 1" = 600'

# Detail Sheet

(Not A Survey)



SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
SEE SHEET NO. 4, 5, 6 & 7 FOR DATA TABLES  
SEE SHEET NO. 8 FOR SKETCH  
SEE SHEET NO. 9 & 10 FOR DETAIL SKETCHES

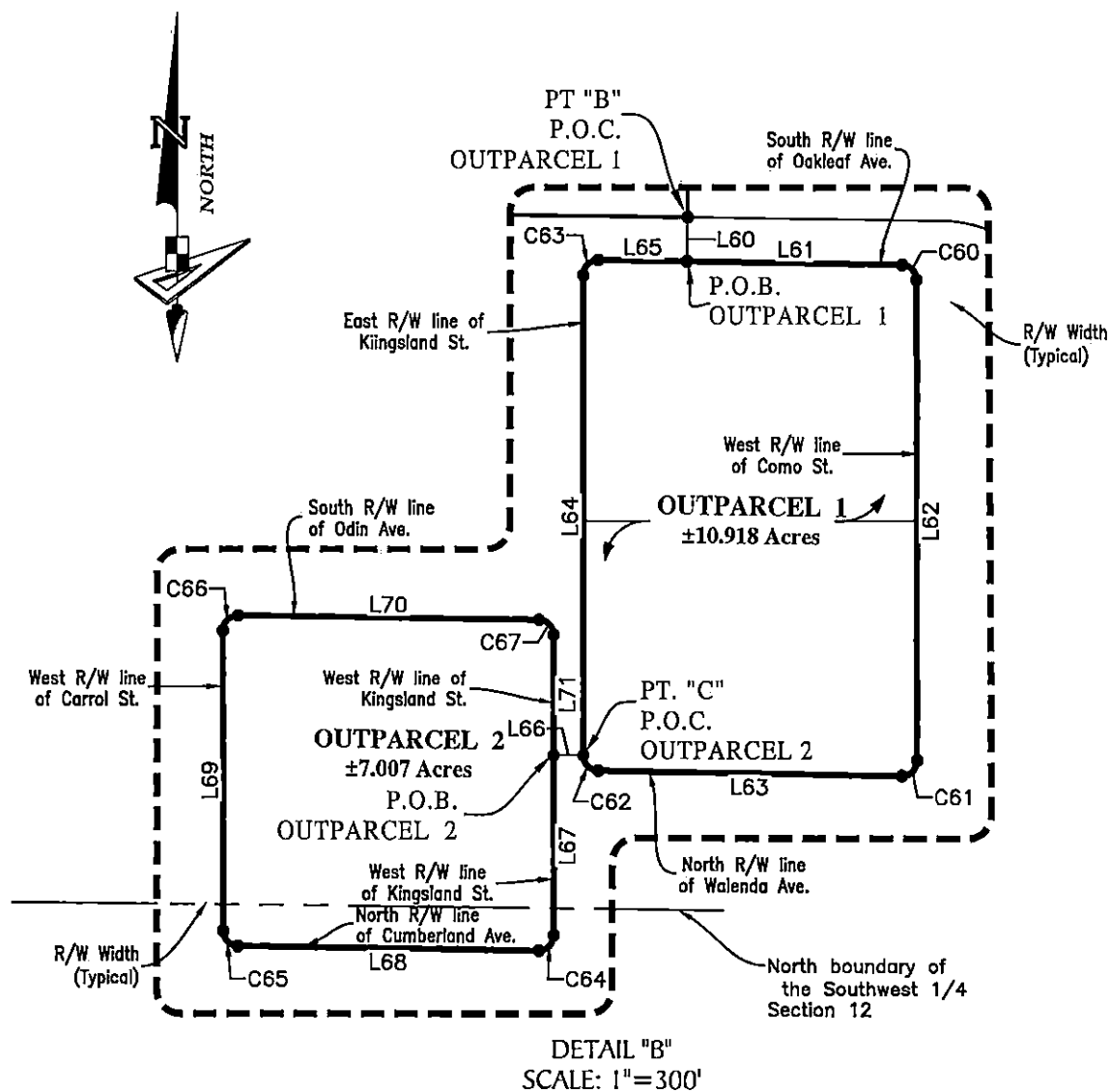
213 Hobbs Street  
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**GeoPoint**  
Surveying, Inc.



# Detail Sheet

(Not A Survey)



SEE SHEET NO. 1, 2 & 3 FOR CDD BOUNDARY DESCRIPTION  
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**GeoPoint**  
Surveying, Inc.

# EXHIBIT 3

## EXCLUDED PARCELS

### DESCRIPTION:

**"OUTPARCEL 1"** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at POINT "A"; thence S 00°47'57" E, a distance of 73.95 feet to a point on the South right-of-way line of Oakleaf Avenue, same also being the **POINT OF BEGINNING**; thence along said South line, S 89°12'03" E, a distance of 360.20 feet; thence southeasterly, 38.86 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°03'55" (chord bearing S 44°40'05" E, 35.07 feet) to a point of the West right-of-way line of Como Street; thence along said West line, S 00°08'08" E, a distance of 800.11 feet; thence southwesterly, 39.68 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°56'05" (chord bearing S 45°19'55" W, 35.64 feet) to a point on the North right-of-way line of Walenda Avenue; thence along said North line, N 89°12'03" W, a distance of 510.24 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'54" (chord bearing N 44°39'36" W, 35.07 feet) to a point to be hereinafter referred to as **POINT "B"**, same also being a point on the East right-of-way line of Kingsland Street; thence along said East line, N 00°07'09" W, a distance of 800.10 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'06" (chord bearing N 45°20'24" E, 35.64 feet) to a point on the South right-of-way line of said Oakleaf Avenue; thence along said South line, S 89°12'03" E, a distance of 149.82 feet; to the **POINT OF BEGINNING**.

Containing 10.918 acres, more or less.

### DESCRIPTION:

**"OUTPARCEL 2"** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at POINT "B"; thence S 89°52'51" W, a distance of 50.00 feet to a point on the West right-of-way line of Kingsland Street, same also being the **POINT OF BEGINNING**; thence along said West line; S 00°07'09" E, a distance of 298.42 feet; thence southwesterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°54'54" (chord bearing S 45°20'18" W, 35.64 feet) to a point on the North right-of-way line of Cumberland Avenue; thence along said North line, N 89°12'15" W, a distance of 505.95 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'27" (chord bearing N 44°40'02" W, 35.07 feet) to a point on the East right-of-way line of Carrol Street; thence along said East line, N 00°07'48" W, a distance of 499.98 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'17" (chord bearing N 45°19'50" E, 35.64 feet) to a point on the South right-of-way line of Odin Avenue; thence along said South line, S 89°12'31" E, a distance of 506.05 feet; thence southeasterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°05'22" (chord bearing S 44°39'50" E, 35.07 feet) to a point on the West right-of-way line of said Kingsland Street; thence along said West line, S 00°07'09" E, a distance of 201.60 feet; to the **POINT OF BEGINNING**.

Containing 7.007 acres, more or less.

**DESCRIPTION: "SCHOOL BOARD PROPERTY"**

A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid Point "A"; thence S.01°49'41"E., a distance of 50.03 feet; thence S.89°12'23"E., a distance of 20.01 feet to a point on the Southerly Right-of-Way of North Buena Vista Circle, of said PORT CHARLOTTE SUBDIVISION, said point also being the **POINT OF BEGINNING**; thence along said Southerly Right-of-Way, S.89°12'23"E., a distance of 1483.20 feet; thence departing said Southerly Right-of-Way, S.00°08'08"E., a distance of 1126.35 feet to a point on the proposed North Right-of-Way of West Port Crossings (To be constructed); thence along said proposed North Right-of-Way the following five (5) courses: (1) N.89°19'44"W., a distance of 886.16 feet; (2) Westerly, 277.30 feet along the arc of a tangent curve to the left having a radius of 417.00 feet and a central angle of 38°06'04" (chord bearing S.71°37'14"W., 272.22 feet); (3) S.52°34'12"W., a distance of 180.37 feet; (4) Westerly, 132.33 feet along the arc of a tangent curve to the right having a radius of 200.00 feet and a central angle of 37°54'31" (chord bearing S.71°31'27"W., 129.93 feet); (5) N.89°31'17"W., a distance of 187.25 feet to appoint on the proposed Easterly Right-of-Way of Flamingo Boulevard; thence along said Easterly Right-of-Way the following six (6) courses: (1) Northwesterly, 38.84 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°00'53" (chord bearing N.45°00'51"W., 35.05 feet); (2) N.00°30'25"W., a distance of 534.77 feet; (3) Northerly, 228.79 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 28°29'50" (chord bearing N.13°44'30"E., 226.44 feet); (4) Northerly, 278.60 feet along the arc of a reverse curve to the left having a radius of 560.00 feet and a central angle of 28°30'15" (chord bearing N.13°44'17"E., 275.73 feet); (5) N.00°30'51"W., a distance of 299.05 feet; (6) Northeasterly, 39.84 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 91°18'46" (chord bearing N.45°08'14"E., 35.75 feet) to the **POINT OF BEGINNING**.

Containing 43.008 acres, more or less.

# EXHIBIT 4

This instrument was prepared by and  
upon recording should be returned to:

Jere Earlywine, Esq.  
Kutak Rock, LLP  
107 West College Avenue  
Tallahassee, Florida 32301

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**Consent and Authorization of Landowner  
to the Establishment of a Community Development District  
[*Proposed West Port East Community Development District*]**

The undersigned is the owner of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 establishment of a Community Development District that will include the Property within the lands to be a 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 establishment of the Community Development District. The undersigned acknowledges that the petitioner has the right by contract for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

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

[SIGNATURE PAGE TO FOLLOW]

Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[Proposed West Port East Community Development District]

Executed this 14<sup>th</sup> day of June, 2024.

Witnessed:

CRE-JDG DRIFTWOOD BAY OWNER, LLC  
LANDOWNER

[Signature]  
Print Name: Ethan Bullock  
Address: 444 Seabreeze Blvd. Suite 805  
Daytona Beach, FL 32118

[Signature]  
BY: Anand Jobalia  
ITS: Manager

[Signature]  
Print Name: Alex Han  
Address: 444 Seabreeze Blvd. Suite 805  
Daytona Beach, FL 32118

STATE OF Florida  
COUNTY OF Volusia

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14<sup>th</sup> day of June, 2024, by Anand Jobalia as Manager of CRE-JDG DRIFTWOOD BAY OWNER, LLC, who appeared before me this day in person, and who is either personally known to me, or produced [Signature] as identification.

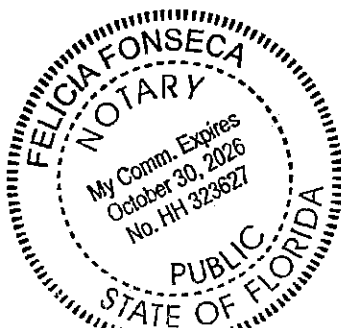


Exhibit A: Legal Description

[Signature]  
NOTARY PUBLIC, STATE OF Florida  
Name: Felicia Fonseca  
(Name of Notary Public, Printed, Stamped or  
Typed as Commissioned)

Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[*Proposed West Port East Community Development District*]

**Exhibit A:**  
Legal Description



**DESCRIPTION:** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the Southwest corner of said Section 12; run thence along the West boundary thereof, N.00°29'33"W., a distance of 978.35 feet; thence departing aforesaid West boundary, N.89°30'27"E., a distance of 45.47 feet to the **POINT OF BEGINNING**; thence N.10°12'47"E., a distance of 355.63 feet; thence N.70°19'06"E., a distance of 40.98 feet; thence Easterly, 128.45 feet along the arc of a non-tangent curve to the left having a radius of 54.09 feet and a central angle of 136°04'07" (chord bearing N.77°39'23"E., 100.32 feet); thence Northeasterly, 25.98 feet along the arc of a reverse curve to the right having a radius of 25.00 feet and a central angle of 59°31'54" (chord bearing N.39°23'16"E., 24.82 feet); thence N.69°09'13"E., a distance of 286.58 feet; thence Northerly, 108.52 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of 124°21'00" (chord bearing N.06°58'44"E., 88.44 feet); thence Northwesterly, 806.56 feet along the arc of a reverse curve to the right having a radius of 845.00 feet and a central angle of 54°41'21" (chord bearing N.27°51'06"W., 776.29 feet); thence N.00°30'25"W., a distance of 1284.39 feet; thence S.89°31'17"E., a distance of 95.44 feet; thence Southeasterly, 38.84 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°00'52" (chord bearing S.45°00'51"E., 35.05 feet); thence S.89°51'50"E., a distance of 54.00 feet; thence S.00°30'25"E., a distance of 92.20 feet; thence Southeasterly, 40.69 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 93°14'38" (chord bearing S.47°07'44"E., 36.34 feet); thence S.06°38'22"W., a distance of 50.74 feet; thence Southwesterly, 38.37 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of 87°56'33" (chord bearing S.43°27'51"W., 34.71 feet); thence S.00°30'25"E., a distance of 95.24 feet; thence Easterly, 120.53 feet along the arc of a non-tangent curve to the left having a radius of 562.00 feet and a central angle of 12°17'16" (chord bearing N.84°11'19"E., 120.30 feet); thence S.51°56'56"E., a distance of 14.22 feet; thence Northeasterly, 33.73 feet along the arc of a non-tangent curve to the right having a radius of 50.00 feet and a central angle of 38°39'05" (chord bearing N.57°22'36"E., 33.09 feet); thence N.76°42'09"E., a distance of 65.45 feet; thence Southeasterly, 90.45 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 103°38'27" (chord bearing S.51°57'02"E., 78.61 feet); thence S.00°07'48"E., a distance of 437.20 feet; thence Southwesterly, 79.35 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 90°55'33" (chord bearing S.45°19'58"W., 71.28 feet); thence N.89°12'15"W., a distance of 61.37 feet; thence Northwesterly, 46.62 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 53°25'32" (chord bearing N.62°29'29"W., 44.95 feet); thence S.54°13'16"W., a distance of 18.68 feet; thence S.89°29'35"W., a distance of 113.93 feet; thence S.00°30'25"E., a distance of 102.08 feet; thence Southeasterly, 38.70 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 88°41'50" (chord bearing S.44°51'20"E., 34.95 feet); thence S.01°48'31"E., a distance of 50.05 feet; thence Southwesterly, 39.84 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of 91°18'10" (chord bearing S.45°08'40"W., 35.76 feet); thence S.00°30'25"E., a distance of 94.46 feet; thence S.89°12'15"E., a distance of 110.53 feet; thence S.49°42'03"E., a distance of 28.60 feet; thence Northeasterly, 44.07 feet along the arc of a non-tangent curve to the right having a radius of

50.00 feet and a central angle of  $50^{\circ}29'48''$  (chord bearing  $N.65^{\circ}32'51''E.$ , 42.65 feet); thence  $S.89^{\circ}12'15''E.$ , a distance of 58.81 feet; thence Southeasterly, 43.26 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of  $49^{\circ}34'31''$  (chord bearing  $S.64^{\circ}25'00''E.$ , 41.93 feet); thence  $N.49^{\circ}44'17''E.$ , a distance of 26.76 feet; thence  $S.89^{\circ}12'15''E.$ , a distance of 277.10 feet; thence  $S.46^{\circ}46'53''E.$ , a distance of 24.12 feet; thence Northeasterly, 41.52 feet along the arc of a non-tangent curve to the right having a radius of 50.00 feet and a central angle of  $47^{\circ}34'37''$  (chord bearing  $N.67^{\circ}00'26''E.$ , 40.34 feet); thence  $S.89^{\circ}12'15''E.$ , a distance of 273.51 feet; thence Easterly, 39.21 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of  $44^{\circ}56'09''$  (chord bearing  $S.66^{\circ}44'10''E.$ , 38.22 feet); thence  $N.45^{\circ}43'54''E.$ , a distance of 20.63 feet; thence  $S.89^{\circ}12'15''E.$ , a distance of 283.18 feet; thence  $S.47^{\circ}54'44''E.$ , a distance of 25.77 feet; thence Southerly, 36.15 feet along the arc of a non-tangent curve to the left having a radius of 50.00 feet and a central angle of  $41^{\circ}25'12''$  (chord bearing  $S.21^{\circ}22'40''W.$ , 35.36 feet); thence  $S.00^{\circ}40'04''W.$ , a distance of 571.07 feet; thence Southerly, 164.02 feet along the arc of a tangent curve to the right having a radius of 345.00 feet and a central angle of  $27^{\circ}14'22''$  (chord bearing  $S.14^{\circ}17'14''W.$ , 162.48 feet); thence Southerly, 76.15 feet along the arc of a reverse curve to the left having a radius of 50.00 feet and a central angle of  $87^{\circ}15'44''$  (chord bearing  $S.15^{\circ}43'26''E.$ , 69.00 feet); thence  $S.45^{\circ}02'37''W.$ , a distance of 96.41 feet; thence  $S.69^{\circ}10'05''W.$ , a distance of 1514.46 feet; thence  $N.79^{\circ}47'13''W.$ , a distance of 21.00 feet; to the **POINT OF BEGINNING**.

Containing 42.127 acres, more or less.

This instrument was prepared by and  
upon recording should be returned to:

Jere Earlywine, Esq.  
Kutak Rock, LLP  
107 West College Avenue  
Tallahassee, Florida 32301

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**Consent and Authorization of Landowner  
to the Establishment of a Community Development District  
[Proposed West Port East Community Development District]**

The undersigned is the owner of certain lands more fully described on Exhibit A attached hereto and made a part hereof ("Property").

As an owner of lands that are intended to constitute all or a part of the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, 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 establishment of a Community Development District that will include the Property within the lands to be a 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 establishment of the Community Development District. The undersigned acknowledges that the petitioner has the right by contract for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or three years from the date hereof, whichever shall first occur. The undersigned further agrees that this consent shall be binding upon the owner and its successors and assigns as to the Property or portions thereof for the entirety of such three year term.

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


[SIGNATURE PAGE TO FOLLOW]

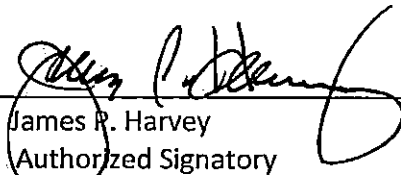
Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[Proposed West Port East Community Development District]

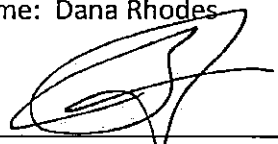
Executed this 8th day of July, 2024.

Witnessed:

KL WESTPORT EXPANSION LLC  
LANDOWNER

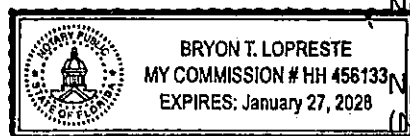
  
\_\_\_\_\_  
Print Name: Dana Rhodes

  
\_\_\_\_\_  
BY: James P. Harvey  
ITS: Authorized Signatory

  
\_\_\_\_\_  
Print Name: Bryon T. LoPreste

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8<sup>th</sup> day of July, 2024, by James P. Harvey, as Authorized Signatory of KL WESTPORT EXPANSION LLC, who appeared before me this day in person, and who is either ☒ personally known to me, or produced \_\_\_\_\_ as identification.



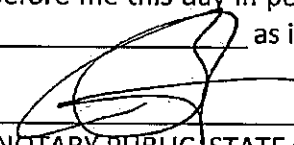
  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA  
Name: Bryon T. LoPreste  
(Name of Notary Public, Printed, Stamped or  
Typed as Commissioned)

Exhibit A: Legal Description

Consent and Joinder of Landowner  
to the Establishment of a Community Development District  
[*Proposed West Port East Community Development District*]

**Exhibit A:**  
Legal Description

**DESCRIPTION:** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the Southwest corner of the Southwest 1/4 of said Section 12, run thence along the West boundary of Section 12, N.00°29'33"W., a distance of 273.78 feet to the North right-of-way of State Road 776, a 200 foot public right-of-way, and the **POINT OF BEGINNING**; thence along said North right-of-way, S.69°10'05"W., a distance of 283.63 feet to the Eastern boundary of the Flamingo Waterway, vacated by Resolution 2008-015, recorded in Official Records Book 3321, Page 634 of said Public Records; thence along said Eastern boundary the following four (4) courses: 1) thence N.15°49'23"E., a distance of 581.08 feet; 2) thence N.10°12'47"E., a distance of 780.24 feet; 3) thence Northerly, 93.55 feet along the arc of a tangent curve to the left having a radius of 500.00 feet and a central angle of 10°43'12" (chord bearing N.04°51'11"E., 93.41 feet); 4) thence N.00°30'25"W., a distance of 3472.37 feet; thence S.89°11'34"E., a distance of 123.56 feet; thence S.00°30'51"E., a distance of 96.40 feet; thence S.89°12'23"E., a distance of 422.21 feet; thence S.00°01'25"E., a distance of 250.03 feet; thence N.89°12'23"W., a distance of 300.03 feet; thence S.00°30'51"E., a distance of 20.58 feet; thence Southerly, 44.82 feet along the arc of a tangent curve to the right having a radius of 200.00 feet and a central angle of 12°50'19" (chord bearing S.05°54'19"W., 44.72 feet); thence Southerly, 44.82 feet along the arc of a reverse curve to the left having a radius of 200.00 feet and a central angle of 12°50'19" (chord bearing S.05°54'19"W., 44.72 feet); thence S.00°30'51"E., a distance of 111.12 feet; thence Southerly, 224.55 feet along the arc of a tangent curve to the right having a radius of 300.00 feet and a central angle of 42°53'08" (chord bearing S.20°55'43"W., 219.34 feet); thence Southerly, 149.67 feet along the arc of a reverse curve to the left having a radius of 200.00 feet and a central angle of 42°52'43" (chord bearing S.20°55'56"W., 146.21 feet); thence S.00°30'25"E., a distance of 534.77 feet; thence Southeasterly, 38.84 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 89°00'52" (chord bearing S.45°00'51"E., 35.05 feet); thence S.89°31'17"E., a distance of 187.25 feet; thence Easterly, 132.33 feet along the arc of a tangent curve to the left having a radius of 200.00 feet and a central angle of 37°54'31" (chord bearing N.71°31'27"E., 129.93 feet); thence N.52°34'12"E., a distance of 180.37 feet; thence Easterly, 277.30 feet along the arc of a tangent curve to the right having a radius of 417.00 feet and a central angle of 38°06'04" (chord bearing N.71°37'14"E., 272.22 feet); thence S.89°19'44"E., a distance of 886.16 feet; thence N.00°08'08"W., a distance of 1126.35 feet; thence S.89°12'26"E., a distance of 629.73 feet; thence Southeasterly, 88.92 feet along the arc of a tangent curve to the right having a radius of 75.00 feet and a central angle of 67°55'40" (chord bearing S.55°14'35"E., 83.80 feet); thence N.68°43'12"E., a distance of 194.06 feet; thence S.00°07'15"E., a distance of 3223.36 feet; thence Westerly, 91.85 feet along the arc of a non-tangent curve to the right having a radius of 525.00 feet and a central angle of 10°01'27" (chord bearing S.84°59'16"W., 91.73 feet); thence S.90°00'00"W., a distance of 315.38 feet; thence Southwesterly, 42.30 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 96°56'17" (chord bearing S.41°31'52"W., 37.43 feet); thence Southerly, 115.18 feet along the arc of a compound curve to the left having a radius of 475.00 feet and a central angle of 13°53'38" (chord bearing S.13°53'06"E., 114.90 feet); thence S.20°49'55"E., a distance of 261.79 feet; thence Southeasterly, 21.69 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of 24°51'02" (chord bearing S.33°15'26"E., 21.52 feet); thence Southeasterly, 95.42 feet along the arc of a reverse curve to the right having a radius of 220.00 feet and a central angle of 24°51'02" (chord bearing S.33°15'26"E., 94.67 feet); thence S.20°49'55"E., a distance of 61.87 feet; thence S.69°10'05"W., a distance of 100.00 feet; thence N.20°49'55"W., a distance of 61.87 feet; thence Northerly, 95.42 feet along the arc of a tangent curve to the right having a radius of 220.00 feet and a central angle of 24°51'02" (chord bearing N.08°24'24"W., 94.67 feet); thence

Northerly, 21.69 feet along the arc of a reverse curve to the left having a radius of 50.00 feet and a central angle of  $24^{\circ}51'02''$  (chord bearing  $N.08^{\circ}24'24''W.$ , 21.52 feet); thence  $N.20^{\circ}49'55''W.$ , a distance of 261.79 feet; thence Northerly, 189.64 feet along the arc of a tangent curve to the right having a radius of 525.00 feet and a central angle of  $20^{\circ}41'47''$  (chord bearing  $N.10^{\circ}29'01''W.$ , 188.61 feet); thence  $N.00^{\circ}08'08''W.$ , a distance of 12.11 feet; thence  $S.69^{\circ}10'05''W.$ , a distance of 213.72 feet; thence  $N.55^{\circ}01'03''W.$ , a distance of 256.30 feet; thence  $S.69^{\circ}10'05''W.$ , a distance of 101.16 feet; thence  $S.04^{\circ}19'13''W.$ , a distance of 136.68 feet; thence  $S.45^{\circ}02'37''W.$ , a distance of 119.63 feet; thence Northerly, 76.15 feet along the arc of a non-tangent curve to the right having a radius of 50.00 feet and a central angle of  $87^{\circ}15'44''$  (chord bearing  $N.15^{\circ}43'26''W.$ , 69.00 feet); thence Northerly, 164.02 feet along the arc of a reverse curve to the left having a radius of 345.00 feet and a central angle of  $27^{\circ}14'22''$  (chord bearing  $N.14^{\circ}17'14''E.$ , 162.48 feet); thence  $N.00^{\circ}40'04''E.$ , a distance of 571.07 feet; thence Northerly, 36.15 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of  $41^{\circ}25'12''$  (chord bearing  $N.21^{\circ}22'40''E.$ , 35.36 feet); thence  $N.47^{\circ}54'44''W.$ , a distance of 25.77 feet; thence  $N.89^{\circ}12'15''W.$ , a distance of 283.18 feet; thence  $S.45^{\circ}43'54''W.$ , a distance of 20.63 feet; thence Westerly, 39.21 feet along the arc of a non-tangent curve to the left having a radius of 50.00 feet and a central angle of  $44^{\circ}56'09''$  (chord bearing  $N.66^{\circ}44'10''W.$ , 38.22 feet); thence  $N.89^{\circ}12'15''W.$ , a distance of 273.51 feet; thence Southwesterly, 41.52 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of  $47^{\circ}34'37''$  (chord bearing  $S.67^{\circ}00'26''W.$ , 40.34 feet); thence  $N.46^{\circ}46'53''W.$ , a distance of 24.12 feet; thence  $N.89^{\circ}12'15''W.$ , a distance of 277.10 feet; thence  $S.49^{\circ}44'17''W.$ , a distance of 26.76 feet; thence Northwesterly, 43.26 feet along the arc of a non-tangent curve to the left having a radius of 50.00 feet and a central angle of  $49^{\circ}34'31''$  (chord bearing  $N.64^{\circ}25'00''W.$ , 41.93 feet); thence  $N.89^{\circ}12'15''W.$ , a distance of 58.81 feet; thence Southwesterly, 44.07 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of  $50^{\circ}29'48''$  (chord bearing  $S.65^{\circ}32'51''W.$ , 42.65 feet); thence  $N.49^{\circ}42'03''W.$ , a distance of 28.60 feet; thence  $N.89^{\circ}12'15''W.$ , a distance of 110.53 feet; thence  $N.00^{\circ}30'25''W.$ , a distance of 94.46 feet; thence Northeasterly, 39.84 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of  $91^{\circ}18'10''$  (chord bearing  $N.45^{\circ}08'40''E.$ , 35.76 feet); thence  $N.01^{\circ}48'31''W.$ , a distance of 50.05 feet; thence Northwesterly, 38.70 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of  $88^{\circ}41'50''$  (chord bearing  $N.44^{\circ}51'20''W.$ , 34.95 feet); thence  $N.00^{\circ}30'25''W.$ , a distance of 102.08 feet; thence  $N.89^{\circ}29'35''E.$ , a distance of 113.93 feet; thence  $N.54^{\circ}13'16''E.$ , a distance of 18.68 feet; thence Southeasterly, 46.62 feet along the arc of a non-tangent curve to the left having a radius of 50.00 feet and a central angle of  $53^{\circ}25'32''$  (chord bearing  $S.62^{\circ}29'29''E.$ , 44.95 feet); thence  $S.89^{\circ}12'15''E.$ , a distance of 61.37 feet; thence Northeasterly, 79.35 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of  $90^{\circ}55'33''$  (chord bearing  $N.45^{\circ}19'58''E.$ , 71.28 feet); thence  $N.00^{\circ}07'48''W.$ , a distance of 437.20 feet; thence Northwesterly, 90.45 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of  $103^{\circ}38'27''$  (chord bearing  $N.51^{\circ}57'02''W.$ , 78.61 feet); thence  $S.76^{\circ}42'09''W.$ , a distance of 65.45 feet; thence Southwesterly, 33.73 feet along the arc of a tangent curve to the left having a radius of 50.00 feet and a central angle of  $38^{\circ}39'05''$  (chord bearing  $S.57^{\circ}22'36''W.$ , 33.09 feet); thence  $N.51^{\circ}56'56''W.$ , a distance of 14.22 feet; thence Westerly, 120.53 feet along the arc of a non-tangent curve to the right having a radius of 562.00 feet and a central angle of  $12^{\circ}17'16''$  (chord bearing  $S.84^{\circ}11'19''W.$ , 120.30 feet); thence  $N.00^{\circ}30'25''W.$ , a distance of 95.24 feet; thence Northeasterly, 38.37 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of  $87^{\circ}56'33''$  (chord bearing  $N.43^{\circ}27'51''E.$ , 34.71 feet); thence  $N.06^{\circ}38'22''E.$ , a distance of 50.74 feet; thence Northwesterly, 40.69 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of  $93^{\circ}14'38''$  (chord bearing  $N.47^{\circ}07'44''W.$ , 36.34 feet); thence  $N.00^{\circ}30'25''W.$ , a distance of 92.20 feet; thence

N.89°51'50"W., a distance of 54.00 feet; thence Northwesterly, 38.84 feet along the arc of a non-tangent curve to the left having a radius of 25.00 feet and a central angle of 89°00'52" (chord bearing N.45°00'51"W., 35.05 feet); thence N.89°31'17"W., a distance of 95.44 feet; thence S.00°30'25"E., a distance of 1284.39 feet; thence Southeasterly, 806.56 feet along the arc of a tangent curve to the left having a radius of 845.00 feet and a central angle of 54°41'21" (chord bearing S.27°51'06"E., 776.29 feet); thence Southerly, 108.52 feet along the arc of a reverse curve to the right having a radius of 50.00 feet and a central angle of 124°21'00" (chord bearing S.06°58'44"W., 88.44 feet); thence S.69°09'13"W., a distance of 286.58 feet; thence Southwesterly, 25.98 feet along the arc of a tangent curve to the left having a radius of 25.00 feet and a central angle of 59°31'54" (chord bearing S.39°23'16"W., 24.82 feet); thence Westerly, 128.45 feet along the arc of a reverse curve to the right having a radius of 54.09 feet and a central angle of 136°04'07" (chord bearing S.77°39'23"W., 100.32 feet); thence S.70°19'06"W., a distance of 40.98 feet; thence S.10°12'47"W., a distance of 355.63 feet; thence S.79°47'13"E., a distance of 21.00 feet; thence N.69°10'05"E., a distance of 831.19 feet; thence S.20°49'55"E., a distance of 634.00 feet; thence S.69°10'05"W., a distance of 1136.71 feet; to the **POINT OF BEGINNING**.

Containing 144.667 acres, more or less.

#### **LESS AND EXCEPT THE FOLLOWING THREE PARCELS:**

**DESCRIPTION: "OUTPARCEL 1"** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid **Point "A"**; thence S 00°47'57" W, a distance of 73.98 feet to a point on the South right-of-way line of Oakleaf Avenue, also being the **POINT OF BEGINNING**; thence along said South line, S 89°12'03" E, a distance of 360.20 feet; thence southeasterly, 38.86 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°03'55" (chord bearing S 44°40'05" E, 35.07 feet) to a point on the West right-of-way line of Como Street; thence along said West line, S 00°08'08" E, a distance of 800.11 feet; thence southwesterly, 39.68 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°56'05" (chord bearing S 45°19'55" W, 35.64 feet) to a point on the North right-of-way line of Walenda Avenue; thence along said North line, N 89°12'03" W, a distance of 510.24 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'54" (chord bearing N 44°39'36" W, 35.07 feet) to a point on the East right-of-way line of Kingsland Street, said point hereafter known as "Point B"; thence along said East line, N 00°07'09" W, a distance of 800.10 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'06" (chord bearing N 45°20'24" E, 35.64 feet) to a point on the South right-of-way line of said Oakleaf Avenue; thence along said South line, S 89°12'03" E, a distance of 149.82 feet; to the **POINT OF BEGINNING**.

Containing 10.918 acres, more or less.

**DESCRIPTION: "OUTPARCEL 2"** A parcel of land lying in Section 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the aforesaid **Point "B"**; thence S 89°52'51" W, a distance of 50.00 feet to a point on the West right-of-way line of Kingsland Street, same also being the **POINT OF BEGINNING**; thence along said West line; S 00°07'09" E, a distance of 298.42 feet; thence southwesterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00



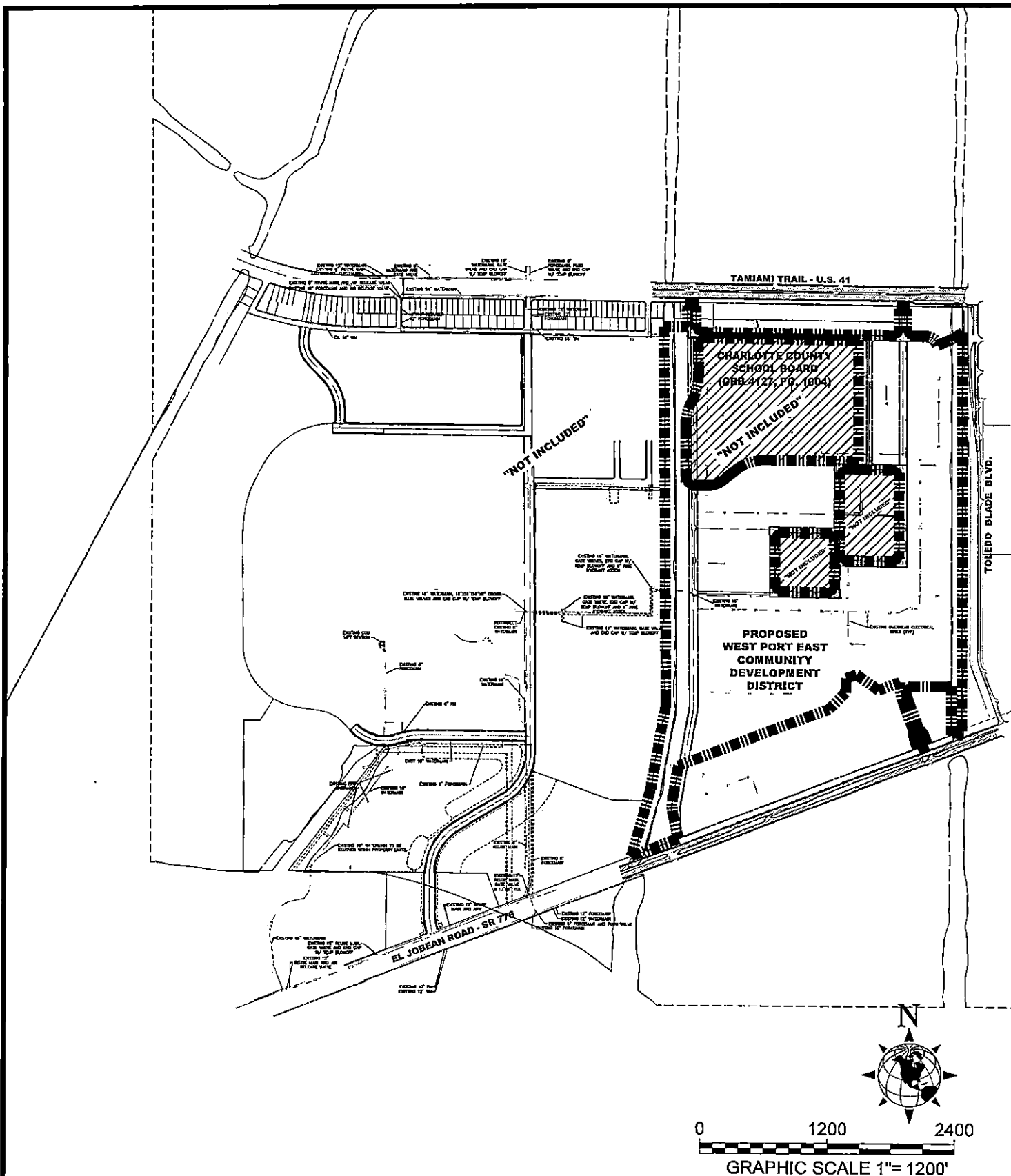
feet and a central angle of 90°54'54" (chord bearing S 45°20'18" W, 35.64 feet) to a point on the North right-of-way line of Cumberland Avenue; thence along said North line, N 89°12'15" W, a distance of 505.95 feet; thence northwesterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°04'27" (chord bearing N 44°40'02" W, 35.07 feet) to a point on the East right-of-way line of Carrol Street; thence along said East line, N 00°07'48" W, a distance of 499.98 feet; thence northeasterly, 39.67 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°55'17" (chord bearing N 45°19'50" E, 35.64 feet) to a point on the South right-of-way line of Odin Avenue; thence along said South line, S 89°12'31" E, a distance of 506.05 feet; thence southeasterly, 38.87 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 89°05'22" (chord bearing S 44°39'50" E, 35.07 feet) to a point on the West right-of-way line of said Kingsland Street; thence along said West line, S 00°07'09" E, a distance of 201.60 feet; to the **POINT OF BEGINNING**.

Containing 7.007 acres, more or less.

**DESCRIPTION:** ("COMMERCIAL PARCEL") A parcel of land lying in Sections 11 & 12, Township 40 South, Range 21 East, Charlotte County, Florida, and being more particularly described as follows:

**COMMENCE** at the Southwest corner of said Section 12; run thence along the West boundary of said Section 12, N 00°29'33" W, a distance of 273.78 feet to the North right-of-way of State Road 776, a 200.00 foot right-of-way; thence Easterly along said Northern right-of-way, N 69°10'05" E, a distance of 69.42 feet to the Easterly right-of-way of Flamingo Boulevard and the **POINT OF BEGINNING**; thence along said Easterly right-of-way, N 13°40'33" W, a distance of 215.01; thence Northwesterly, 183.04 feet along the arc of a tangent curve to the right having a radius of 439.00 feet and a central angle of 23°53'20" (chord bearing N 01°43'53" W, 181.71 feet); thence N 10°12'47" E, a distance of 290.58 feet; thence departing said Easterly right-of-way, N 69°10'05" E, a distance of 831.19 feet; thence S 20°49'55" E, a distance of 634.00 feet to the Northerly right-of-way of State Road 776; thence Westerly along said Northern right-of-way, S 69°10'05" W, 1067.29 feet to the **POINT OF BEGINNING**.

# EXHIBIT 5



# EXHIBIT 6

## West Port East CDD

### Construction Cost Estimate

<u>Facility Description</u>	<u>Estimated Cost</u>	<u>Construction Entity</u>	<u>Final Owner</u>	<u>Maintenance Entity</u>
Stormwater Management System	\$ 8,000,000.00	CDD	CDD	CDD
Roadways	\$ 6,000,000.00	CDD	CDD/County	CDD/County
Water & Wastewater Systems	\$ 12,000,000.00	CDD	County	County
Undergrounding of Conduit	\$ 500,000.00	CDD	CDD	CDD
Landscaping/Hardscape/Lighting	\$ 2,750,000.00	CDD	CDD	CDD
Amenity (Parks)	\$ 750,000.00	CDD	CDD	CDD
Offsite Improvements	\$ 1,250,000.00	CDD	County/FDOT	County/FDOT
Professional Services	\$ 2,000,000.00	N/A	N/A	N/A
Contingency (10%)	\$ 3,325,000.00	N/A	N/A	N/A
<b>TOTAL</b>	<b>\$ 36,575,000.00</b>			

Construction Timetable - The Expansion Parcel Improvements are estimated to be made, acquired, constructed and installed in three (3) phases over an estimated four (4) year period from 2024-2028.

The Developer may alternatively elect to privately finance certain of the improvements above, and have an HOA own and operate such improvements instead of the District.

# EXHIBIT 7



SCHOOL BOARD  
PROPERTY  
(NOT INCLUDED)

PROPOSED  
WEST PORT EAST  
COMMUNITY  
DEVELOPMENT  
DISTRICT

NOT INCLUDED

CORNELIUS-BLVD

BISCAYNE DR

6

776

WINGO-BLVD

COLLINGSWOOD BLVD



MORRIS ENGINEERING AND CONSULTING, LLC  
Civil Engineering and Land Development Consulting  
2004 53rd Avenue East, Bradenton, Florida 34203 C.A. 28780 941-228-4729 www.morrisengineering.net

DATE	7/15/2024
PROJECT	MV
DRAWING	FLUMAP
DRAWN	JAM
CHECKED	MJM

Future Land Use Map  
WEST PORT EAST CDD  
Charlotte County, Florida

SCALE	1"=1/2mile
SEC -TSP -PNO	11-AOS-21E
SHEET	OF
1	1

# EXHIBIT 8



# West Port East COMMUNITY DEVELOPMENT DISTRICT

## Statement of Estimated Regulatory Costs

July 8, 2024



Provided by

***Wrathell, Hunt and Associates, LLC***  
2300 Glades Road, Suite 410W  
Boca Raton, FL 33431 Phone: 561-571-0010  
Fax: 561-571-0013  
Website: [www.whhassociates.com](http://www.whhassociates.com)

## **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 West Port East Community Development District ("District") in accordance with the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (the "Act"). The proposed District will comprise approximately 175.877 +/- acres of land located within Charlotte County, Florida (the "County") and is projected to contain approximately 664 residential dwelling units, which will make up the West Port East development ("Project"). The limitations on the scope of this SERC are explicitly set forth in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing the District establishment) as follows:

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

#### **1.2 Overview of the West Port East Community Development District**

The District is designed to provide public infrastructure, services, and facilities, along with operation and maintenance of the same, to a master planned residential development currently anticipated to contain a total of approximately 664 residential dwelling units. Tables 1 and 2 under Section 5.0 detail the improvements and ownership/maintenance responsibilities the proposed District is anticipated to construct, operate and maintain.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide 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.

A CDD is not a substitute for the local, general purpose government unit, i.e., the city or county in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as West Port East.

#### **1.3 Requirements for Statement of Estimated Regulatory Costs**

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

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

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the

implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

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

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Charlotte County, according to Census 2020, has a population of 186,825; therefore, it is not defined as a small county for the purposes of this requirement.)

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

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

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), F.S.

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

The ordinance establishing the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in transactional costs as a result of imposition of special assessments by the District will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

**2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The purpose for establishment of the District is to provide public facilities and services to support the development of a new, master planned residential development. The development of the approximately 175.877 +/- acres anticipated to be within the District will promote local economic activity, create local value, lead to local private sector investment and is likely to result in local private sector employment and/or local job creation.

Establishment of the District will allow a systematic method to plan, fund, implement, operate and maintain, for the benefit of the landowners within the District, various public facilities and services. Such facilities and services, as further described in Section 5, will allow for the development of the land within the District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the District. The private developer of the land in the District will use its private funds to conduct the private land development and construction of an anticipated approximately 664 residential dwelling units, the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved in absence of the District by the private sector alone, the fact that the establishment of the District is initiated by the private developer means that the private developer considers the establishment and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private

sector employment, and private sector investments.

**2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

When assessing the question of whether the establishment of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the District in the development. When the question is phrased in this manner, it can be surmised that the establishment of the District is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will ensure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the establishment of the District for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was no District. The District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

**2.3 Likelihood of an increase in regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The establishment of the District will not increase any regulatory costs of the State by virtue that the District will be one of many already existing similar districts within the State. As described in more detail in Section 4, the proposed District will pay a one-time filing fee to the County to offset any expenses that the County may incur in holding a local public hearing on the petition. Similarly, the proposed District will pay annually the required Special District Filing Fee, which fee is meant to offset any State costs related to its oversight of all special districts in the State.

The establishment of the District will, however, directly increase regulatory costs to the landowners within the District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District. However, as property ownership in the District is completely voluntary, all current property owners must consent to the establishment of the District and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the enhanced service and facilities provided by the District.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, amenity operation and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five-year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will

be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to CDDs, due to the tax-exempt nature of CDD debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District nor can the District debt be a debt of the County or the State.

**3.0 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 individuals and entities likely to be required to comply with the ordinance or affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) Charlotte County and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined herein. The cost of any additional administrative services provided by the State as a result of this project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. Charlotte County, Florida

The County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the District other than any one-time administrative costs outlined herein, which will be offset by the filing fee submitted to the County. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the County as a result of this development will be incurred whether the infrastructure is financed through the District or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in the proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

The proposed District will serve land that comprises an approximately 175.877 +/- acre master planned residential development currently anticipated to contain a total of approximately 664

residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed District at build out would be approximately 2,324 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County, the proposed District and certain state agencies will also be affected by or required to comply with the ordinance as more fully discussed hereafter.

**4.0 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 ordinance, and any anticipated effect on state or local revenues.**

The County is establishing the District by ordinance in accordance with the Act and, therefore, there is no anticipated effect on state or local revenues.

**4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

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

State Governmental Entities

The cost to state entities to review or enforce the proposed ordinance will be very modest. The District comprises less than 2,500 acres and is located within the boundaries of Charlotte County. Therefore, the County (and not the Florida Land and Water Adjudicatory Commission) will review and act upon the Petition to establish the District, in accordance with Section 190.005(2), F.S. There are minimal additional ongoing costs to various state entities to implement and enforce the proposed ordinance. The 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 minimal 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 189.064, F.S., the District must pay an annual fee to the State of Florida Department of Economic Opportunity which offsets such costs.

Charlotte County, Florida

The proposed land for the District is located within Charlotte County, Florida and consists of less than 2,500 acres. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to establish the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides most, if not all, 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. Fourth, there is no capital required to review the petition. Fifth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to establish a community development district.

The annual costs to the 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 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 governmental entities.

#### **4.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance will have no negative impact on state or local revenues. A CDD 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.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government, including the County. By Florida law, debts of the District are strictly its own responsibility.

#### **5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.**

Table 1 provides an outline of the various facilities and services the proposed District may provide. Financing for these facilities is projected to be provided by the District.

Table 2 illustrates the estimated costs of construction of the capital facilities, outlined in Table 1. Total costs of construction for those facilities that may be provided are estimated to be approximately \$36,575,000.00. The District may levy non-ad valorem special assessments (by a variety of names) and 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 developable properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the proposed District may be required to pay non-ad valorem special assessments levied by the District to provide for facilities and secure any debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments which may be used for debt service, the District may also levy a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. However, purchasing a property within the District or locating in the District by new residents is completely voluntary, so, ultimately, all landowners and residents of the affected property choose to accept the non-ad valorem assessments as a tradeoff for the services and facilities that the District will provide. In addition, state law requires all assessments levied by the District to be disclosed by the initial seller to all prospective purchasers of property within the District.



**Table 1**  
**WEST PORT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Proposed Facilities and Services**

<b>FACILITY</b>	<b>FUNDED BY</b>	<b>OWNED BY</b>	<b>MAINTAINED BY</b>
Stormwater Management System	CDD	CDD	CDD
Roadways	CDD	CDD/County	CDD/County
Water & Wastewater Systems	CDD	County	County
Undergrounding of Conduit	CDD	CDD	CDD
Landscaping/Hardscape/Lighting	CDD	CDD	CDD
Amenity (Parks)	CDD	CDD	CDD
Offsite Improvements	CDD	County/FDOT	County/FDOT
Professional Services	N/A	N/A	N/A
Contingency	N/A	N/A	N/A

A CDD provides the property owners with an alternative mechanism of providing public services; however, special assessments and other impositions levied by the District and collected by law represent the transactional costs incurred by landowners as a result of the establishment of the District. Such transactional costs should be considered in terms of costs likely to be incurred under alternative public and private mechanisms of service provision, such as other independent special districts, County or its dependent districts, or County management but financing with municipal service benefit units and municipal service taxing units, or private entities, all of which can be grouped into three major categories: public district, public other, and private.

**Table 2**  
**WEST PORT EAST**  
**COMMUNITY DEVELOPMENT DISTRICT**  
**Estimated Costs of Construction**

<b>CATEGORY</b>	<b>COST</b>
Stormwater Management System	\$8,000,000.00
Roadways	\$6,000,000.00
Water & Wastewater Systems	\$12,000,000.00
Undergrounding of Conduit	\$500,000.00
Landscaping/Hardscape/Lighting	\$2,750,000.00
Amenity (Parks)	\$750,000.00
Offsite Improvements	\$1,250,000.00
Professional Services	\$2,000,000.00
Contingency	\$3,325,000.00
<b>Total</b>	<b>\$36,575,000.00</b>

With regard to the public services delivery, dependent and other independent special districts can be used to manage the provision of infrastructure and services, however, they are limited in the types of services they can provide, and likely it would be necessary to employ more than one district to provide all services needed by the development.

Other public entities, such as counties, are also capable of providing services, however, their costs in connection with the new services and infrastructure required by the new development and, transaction costs, would be borne by all taxpayers, unduly burdening existing taxpayers. Additionally, other public entities providing services would also be inconsistent with the State's policy of "growth paying for growth".

Lastly, services and improvements could be provided by private entities. However, their interests are primarily to earn short-term profits and there is no public accountability. The marginal benefits of tax-exempt financing utilizing CDDs would cause the CDD to utilize its lower transactional costs to enhance the quality of infrastructure and services.

In considering transactional costs of CDDs, it shall be noted that occupants of the lands to be included within the District will receive three major classes of benefits.

First, those residents in the District will receive a higher level of public services which in most instances will be sustained over longer periods of time than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the public services will be completed concurrently with development of lands within the development. 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 local governance which is specifically established to provide CDD landowners with planning, construction, implementation and short and long-term maintenance of public infrastructure at sustained levels of service.

The cost impact on the ultimate landowners in the development is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above, if applicable, what the landowners would have paid to install infrastructure via an alternative financing mechanism.

Consequently, a 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 of infrastructure and services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of various public and private sources.

#### **6.0 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 little impact on small businesses because of the establishment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Charlotte County has a population of 186,825 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" county according to Section 120.52, F.S. It can be reasonably expected that the establishment of community development district for the West Port East development will not produce any marginal effects that would be different from those that would have occurred if the West Port East development was developed without a community development district established by the County.

#### **7.0 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.

In relation to the question of whether the proposed West Port East Community Development District is the best possible alternative to provide public facilities and services to the project, there are several additional factors which bear importance. As an alternative to an independent district, the County could establish a dependent district for the area or establish an MSBU or MSTU. Either of these alternatives could finance the improvements contemplated in Tables 1 and 2 in a fashion similar to the proposed District.

There are a number of reasons why a dependent district is not the best alternative for providing public facilities and services to the West Port East development. First, unlike a CDD, this alternative would require the County to administer the project and its facilities and services. As a result, the costs for these services and facilities would not be directly and wholly attributed to the land directly benefiting from them, as the case would be with a CDD. Administering a project of the size and complexity of the development program anticipated for the West Port East development is a significant and expensive undertaking.

Second, a CDD is preferable from a government accountability perspective. With a CDD, residents and landowners in the District would have a focused unit of government ultimately under their direct control. The CDD can then be more responsive to resident needs without disrupting other County responsibilities. By contrast, if the County were to establish and administer a dependent special district, then the residents and landowners of the West Port East development would take their grievances and desires to the County Commission meetings.

Third, any debt of an independent CDD is strictly that CDD's responsibility. While it may be technically true that the debt of a County-established, dependent special district is not strictly the County's responsibility, any financial problems that a dependent special district may have may reflect on the County. This will not be the case if a CDD is established.

Another alternative to a CDD would be for a Property Owners' Association (POA) to provide the infrastructure as well as operations and maintenance of public facilities and services. A CDD is superior to a POA for a variety of reasons. First, unlike a POA, a CDD can obtain low-cost financing from the municipal capital market. Second, as a government entity a CDD can impose and collect its assessments along with other property taxes on the County's real estate tax bill. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Third, the proposed District is a unit of local government. This provides a higher level of transparency, oversight and accountability and the CDD has the ability to enter into interlocal agreements with other units of government.

**8.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.**

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to establish the West Port East Community Development District.

**APPENDIX A**  
**LIST OF REPORTING REQUIREMENTS**

<b>REPORT</b>	<b>FL. STATUTE CITATION</b>	<b>DATE</b>
Annual Financial Audit	190.008/218.39	9 months after end of Fiscal Year
Annual Financial Report	190.008/218.32	45 days after the completion of the Annual Financial Audit but no more than 9 months after end of Fiscal Year
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 Interest	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	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	when issued; within 120 days after delivery of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by June 15
Adopted Budget	190.008	annually by October 1
Public Depositor Report	280.17	annually by November 30
Notice of Establishment	190.0485	within 30 days after the effective date of an ordinance establishing the District
Notice of Public Financing	190.009	file disclosure documents in the property records of the county after financing

# EXHIBIT 9

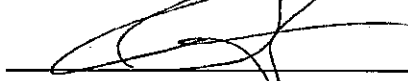
### AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Kutak Rock LLP, to act as agent for Petitioner, **KL WESTPORT EXPANSION LLC**, with regard to any and all matters pertaining to the Petition to the Board of Commissioners of Charlotte County, Florida, to Establish the West Port East Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

Witnessed:



Print Name: Dana Rhodes



Print Name: Bryon T. LoPreste

**KL WESTPORT EXPANSION LLC**  
**PETITIONER**

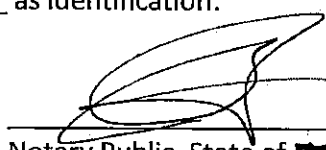


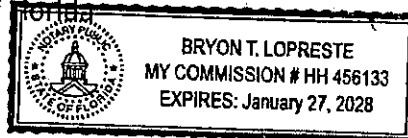
By: James P. Harvey

Its: Authorized Signatory

**STATE OF FLORIDA**  
**COUNTY OF HILLSBOROUGH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2<sup>nd</sup> day of June, 2024, by James P. Harvey, as Authorized Signatory of KL Westport Expansion LLC, on its behalf. He ☒ is personally known to me or ☐ produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public, State of Florida





## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

December 10, 2024

Roger D. Eaton  
Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2024-041, which was filed in this office on December 10, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL





Ticket# 3945284-1  
BCC 12.10  
5 x 14  
Submitted by: Heather Bennett  
Publish: 11/25/24  
163352 3945286

**PUBLISHER'S AFFIDAVIT OF  
PUBLICATION STATE OF FLORIDA COUNTY  
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/25/24

as well as being posted online at [www.yoursun.com](http://www.yoursun.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com).

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 25th day of  
November, 2024

(Signature of Notary Public)



Personally known  X  OR      Produced Identification

# Game show host Woolery dies at 83

MARK KENNEDY  
Associated Press

NEW YORK — Chuck

Woolery, the affable, smooth-talking game show host of "Wheel of Fortune," "Love Connection"

and "Scrabble" who later became a podcaster, accusing the government of lying about COVID-19, has died.

He was 83.

Mark Young, Woolery's podcast co-host and friend, said in an email early Sunday that Woolery died at his home in Texas with his wife, Kristen, present.

Woolery was inducted into the American TV Game Show Hall of Fame in 2007.

In 1983, Woolery began an 11-year run as host of TV's "Love Connection," which aired long before the dawn of dating apps, had a premise that featured either a single man or a single woman who would watch audition tapes of three potential mates and then pick one for a date.

A couple of weeks after the date, the guest would sit with Woolery in front of a studio audience and tell everybody about the date. The audience would vote on the three contestants, and if the audience agreed with the guest's choice, "Love Connection" would offer to pay for a second date.

Woolery became the



ASSOCIATED PRESS

Chuck Woolery hosts a special premiere of the "\$250,000 Game Show Spectacular" at the Las Vegas Hilton Saturday, Oct. 13, 2007, in Las Vegas.

subject of the Game Show Network's first attempt at a reality show, "Chuck Woolery: Naturally Stoned," which premiered in 2003.

Woolery began his TV career at a show that has become a mainstay. Although most associated with Pat Sajak and Vanna White, "Wheel of Fortune" debuted Jan. 6, 1975, on NBC with Woolery welcoming contestants and the audience. Woolery, then 33, was trying to make it in Nashville as a singer.

After Woolery appeared on "The Merv Griffin Show" singing "Delta Dawn," Merv Griffin asked him to host the new show with Susan Stafford.

"I had an interview that stretched to 15, 20 minutes," Woolery told The New York

Times in 2003. "After the show, when Merv asked if I wanted to do a game show, I thought, 'Great, a guy with a bad jacket and an equally bad mustache who doesn't care what you have to say — that's the guy I want to be.'"

Born in Ashland, Kentucky, Woolery served in the U.S. Navy before attending college. He played double bass in a folk trio, then formed the psychedelic rock duo The Avant-Garde in 1967 while working as a truck driver to support himself as a musician.

After his TV career ended, Woolery went into podcasting. In an interview with The New York Times, he called himself a gun-rights activist and described himself as a conservative libertarian and constitutionalist. He said he hadn't revealed his politics in liberal Hollywood for fear of retribution.

He teamed up with Mark Young in 2014 for the podcast "Blunt Force Truth" and soon became a full supporter of Donald Trump while arguing minorities don't need civil rights and causing a firestorm by tweeting an antisemitic comment linking Soviet Communists to Judaism.

During the early stages of the pandemic, Woolery initially accused medical professionals and Democrats of lying about the virus in an effort to hurt the economy and Trump's chances for reelection to the presidency.

In addition to his wife, Woolery is survived by his sons Michael and Sean and his daughter Melissa, Young said.

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Good News! Florida residents over the age of 3 with verified hearing loss or speech disabilities are automatically eligible for telephone amplification equipment at no cost, thanks to the Telecommunications Access Systems Act of 1991.

Learn more:  
Apply Online: [www.ftlri.org/free](http://www.ftlri.org/free)  
Chat on our website: 9am to 4pm, M-F  
Email Us: [customer@ftlri.org](mailto:customer@ftlri.org)

**Florida Telecommunications Relay, Inc.**  
800-222-3448  
[www.ftlri.org](http://www.ftlri.org)

## NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, DECEMBER 10, 2024, AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 118, FIRST FLOOR BUILDING, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/boards-commissioners/planning-zoning-board/agenda.html>.

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK; TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

### PETITIONS

#### LAND USE CONSENT AGENDA

##### CSZ-24-07

Quasi-Judicial Commission District IV  
A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for two parcels located at 13165 and 13201 Eleanor Avenue, in the Mid-County Area, containing 6.842 acres, for calculation and severance of 18 density units, pursuant to Section 3-9-150(d)(1) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-07; Applicant: Valve Express, LLC; providing an effective date.

##### CSZ-24-08

Quasi-Judicial Commission District IV  
A Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone for four parcels located at 12477, 12497, 12507, and 12525 Eisenhower Drive, in the Mid-County Area, containing 31.126 acres, for calculation and severance of 101 density units, pursuant to Section 3-9-150(d)(1) (Transfer of Density Units) of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-24-08; Applicant: Charlotte's Web Ventures LLC; providing an effective date.

#### Construction and Maintenance Agreement Template

Legislative Countywide  
A Resolution of the Board of County Commissioners of Charlotte County, Florida, to establish a template for the Construction and Maintenance Agreement, which is an agreement between the County and the developer of a subdivision to provide the required financial assurances for the construction of the improvements pursuant to the provisions of Section 3-7-32, 3-7-34, and 3-7-65 of the Charlotte County Code of Laws and Ordinances. Applicant: Charlotte County Board of County Commissioners.

#### LAND USE REGULAR AGENDA

##### PP-24-05

Quasi-Judicial Commission District III  
Lennar Homes, LLC is requesting Preliminary Plat approval for a subdivision to be named, Willow Townhomes, being a replat of Tract F-3 of Tuckers Pointe Phase 1, as recorded in Plat Book 27, Pages 3A through 32D, of the Public Records of Charlotte County, Florida. The proposed subdivision consists of 360 residential lots and 20 tracts. This site contains 31.416 acres and is generally located north of Tuckers Grade, east of Tamiar Trail, south of Cloverly Lane, and west of Willowleaf Boulevard, within the South County area, and in Commission District II.

##### PD-24-12

Quasi-Judicial Commission District I  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD. This is a major modification to the existing PD Ordinance Number 2021-049, by amending the adopted PD conditions "G," "J," and "K" to increase the maximum height for the rear wall of the covered storage from 14 feet to 24 feet in order to allow for proper clearance for stored vehicles for the subject property located at 25505 Old Landfill Road, in the Port Charlotte area, containing 20.973 acres; Commission District I; Petition No. PD-24-12; Applicant: Sini Engineering Group; Amjad Sini, P.E.; providing an effective date.

##### Z-24-14

Quasi-Judicial Commission District II  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate I (RE-I) to Commercial General (CG) in order to correct an inconsistency between the Future Land Use Map designation and the zoning district for property generally located north of Jones Loop Road, southwest of I-75 and east of Mac Drive, in the Punta Gorda area, containing 4.814 acres; Commission District II; Petition No. Z-24-14; Applicant: McBroasPG, LLC; providing an effective date.

##### PAS-23-00002

Legislative Commission District IV  
Pursuant to Section 163.3187, Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County PLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDI) to Commercial (COM), for property containing 15 planned lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pineclade Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinson Avenue, in the West County area, containing 3.524 acres; Commission District IV; Petition No. PAS-23-00002; Applicant: Casio JBCC Hwy 70 LLC; providing an effective date.

##### PD-24-10

Quasi-Judicial Commission District IV  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-Family 3.5 (RSF-3.5) to Planned Development (PD), and adopting its associated General PD Concept Plan, in order to allow for commercial development, for property containing 15 planned lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 S Access Road, 6937 Pineclade Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinson Avenue, in the West County area, containing 3.524 acres; Commission District IV; Application No. PD-24-10; Applicant: Casio JBCC Hwy 70 LLC; providing an effective date.

##### CDD-24-02

Legislative Commission District IV  
An ordinance of the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 190, Florida Statutes, amending Part IV, Municipal Service Benefit and Training Units, Chapter 4-3.5 Municipal Service Districts, by creating new Article XXI, West Port East Community Development District (CDD); providing for new Section 4-3.5-26a, Authority; providing for new Section 4-3.5-261, District Name; providing for new Section 4-3.5-262, District External Boundaries; providing for new Section 4-3.5-263, District Powers and Functions; providing for new Section 4-3.5-264, Board of Supervisors; providing for additional requirements; and providing for severability; Petition No. CDD-24-02; Applicant: KJ, Westport Expansion LLC; providing for an effective date. The proposed CDD is generally located south of Franklin Avenue, north of E Jobson Road (SR 776), east of the Crestview Waterway, and west of Toledo Blade Boulevard, in the Port Charlotte area, within the Murdock Village Community Redevelopment Area (CRA), and in Commission District IV. The site contains 175.877 acres.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Port Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.764.4191, TDD/TTY 941.743.1234, or by email to [Davis.L@charlottecountyfl.gov](mailto:Davis.L@charlottecountyfl.gov).

Publish: November 25, 2024



## CRIME

### Sorority, fraternity members face charges

ASSOCIATED PRESS

HANOVER, N.H. — A sorority at Dartmouth College and two members of a fraternity are facing charges related to the death of a student who drowned after attending an off-campus party this summer.

Wen Jang, 20, of Middletown, Delaware, had been reported missing in July after the party. State and local emergency responders searched the Connecticut River and found his body.

On Friday, police in Hanover, New Hampshire announced Alpha Phi has been charged with one count of facilitating an underage alcohol house. Two members of the Beta Alpha Omega were charged with providing alcohol to a person under 21.

The party was hosted by Alpha Phi sorority and alcohol was provided by Beta Alpha Omega. At the end of the party, police said several attendees decided to swim in the river. While at the river, a heavy rainstorm hit and most people left. Jang, whose family told authorities he could not swim, was left behind.

Jang was a member of Beta Alpha Omega.