



**KILINSKI
VAN WYK**

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877-350-0372

April 27, 2026

Via Electronic Mail

Elizabeth Hertz (EHertz@CityofPSL.com)
Senior Deputy City Attorney
Russell Ward (RWard@CityofPSL.com)
Deputy City Attorney
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

RE: KVV Responses to City of Port St. Lucie Comments Provided Via Email on March 25th, March 26th, March 27th, and March 30th of 2026, regarding *Fourth Amended Petition to Establish McCarty's Choice Community Development District* (the "Fourth Amended Petition")

Dear Ms. Hertz and Mr. Ward:

On behalf of our client McCarty Town Development, LLC, please find in this email a link to the updated *Fourth Amended Petition to Establish McCarty's Choice Community Development District* ("**Fourth Amended Petition**"). Our responses to the City's comments provided on March 25th, March 26th, March 27th, and March 30th follow:

1. The Petition requests the ability to fund security improvements, as well as roads. Per the attached letter, all CDD, County, and City roads are open to the public and so any road that would be gated or otherwise restrict access would have to be funded in some other way. Please confirm this still remains the case. (*Email dated March 25, 2026*)

The Petitioner confirms that the proposed District will not fund any security improvements that would gate or otherwise restrict public access to any CDD, City, or County road. All roads within the District will remain open to the public to the extent required by federal and state law.

2. One additional development since initial submission has been a change to Section 120.541, Florida Statutes, regarding regulatory impact statements. There is not a direct requirement for inclusion of an additional section, but Ch. 2025-189 requires that:

In evaluating the impacts described in paragraphs (a) and (e), an agency must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

- Changes to customer charges for goods or services.
- Changes to the market value of goods or services produced, provided, or sold.
- Changes to costs resulting from the purchase of substitute or alternative goods or services.
- The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing required education, training, or testing.

I assume the consultant that prepared the statement considered these and determined them to not be applicable. Please confirm. (*Email dated March 25, 2026*)

The establishment of the District by City ordinance is not a rulemaking action, and the Statement of Estimated Regulatory Costs submitted with the Petition was prepared pursuant to Chapter 190, Florida Statutes, rather than Chapter 120. Accordingly, the amendments to Section 120.541 made by Ch. 2025-189 do not govern this SERC. In any event, the market impact factors enumerated in Ch. 2025-189 would not apply to the establishment of the District. The Petitioner is prepared to provide supplemental information regarding the basis for this determination upon request.

3. The City Surveyor has reviewed the exhibits and found that the legal descriptions provided within **Exhibits 2 and 8** do not close mathematically. Please have those exhibits double checked and make corrections as needed. If everything is confirmed right, let me know as well. *(Email dated March 26, 2026)*

The legal descriptions contained in Exhibits 2 and 8 of the Petition have been reviewed, revised, and corrected. The corrected legal description reflects the District boundary of 72.024 acres, more or less, situated in Section 9, Township 36 South, Range 39 East, St. Lucie County, Florida, as confirmed by the boundary survey prepared by Caulfield & Wheeler. Revised Exhibits 2 and 8 are provided herewith. We have also attached a closure report for verification.

4. Public Works would like to request clarification of intent regarding stormwater maintenance. Is the intention for the CDD to be responsible for the maintenance of all stormwater facilities related to the roadways to be maintained by the City or County or for that responsibility to be assumed by the party responsible for roadway maintenance? *(Email dated March 26, 2026)*

The District will own and be responsible for the maintenance of all stormwater facilities located within the District boundaries, including facilities related to roadways to be maintained by the City or County.

5. It appears that the boundaries of the CDD may not match the boundaries of the area from the annexation agreement. Please confirm that the CDD boundaries are correct and let me know if the intent is to be different from what was annexed. If the area for the CDD includes anything not annexed by the City, the CDD may not be able to be created by City ordinance. *(Email dated March 26, 2026)*

The Petitioner confirms that the District boundary, as reflected in the revised legal description and boundary survey comprises 72.024 acres, more or less. The Petitioner has confirmed with the landowner that the annexation agreement and associated PUD are being updated to reflect the same 72.024-acre boundary, such that the District boundary will be coextensive with the annexed area. A copy of the updated annexation agreement will be provided upon execution.

6. The City Utility Department has provided comments on your Water and Sewer Master Plans attached. *(Email dated March 26, 2026)*

The Petitioner has reviewed the comments provided by the City's Utility department and revised the Water and Sewer Master Plans accordingly. A revised Exhibit 5 incorporating those comments is provided herewith. The Petitioner is available to address any further questions the City's Utility department may have.

7. The City Public Works Department has provided comments pertaining to **Exhibits 4, 5, and 6** of the Petition:

- **Exhibit 6** - Table for improvement construction, ownership, and maintenance should be revised to specify internal roadways would be the CDD for construction, ownership and maintenance responsibilities. And then McCarty Rd and E/W 5 construction responsibility would be CDD with

maintenance/ownership being County/City.

- **Exhibits 4 and 5** - The CDD boundary is splitting the road ROWs in half for both McCarty Rd and E/W 5. This would make it difficult in the future, and the boundaries should include the entirety of the ROWs adjacent to the property or should not include the ROW.

More detailed comments are included on the attached document. (*Email dated March 30, 2026*)

The Petitioner has revised Exhibits 4, 5, and 6 of the Petition in response to the comments from the City's Public Works department. Specifically: (i) the improvement construction, ownership, and maintenance table in Exhibit 6 has been revised to reflect that internal roadways will be the responsibility of the District for construction, ownership, and maintenance, and that McCarty Road and East/West-5 Roadway will be the responsibility of the District for construction, with ownership and maintenance by the County (McCarty Road) and City (East/West-5 Roadway), respectively; and (ii) the District boundary depicted in Exhibits 4 and 5 has been revised to include the East/West-5 Roadway rights-of-way adjacent to the property, rather than bisecting those rights-of-way. Revised Exhibits 4, 5, and 6 are provided herewith. The Petitioner has also reviewed the additional detailed comments provided with the City's memorandum and has incorporated those revisions into the Fourth Amended Petition.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Kilinski".

Jennifer Kilinski, Esq.

Attachments (linked in email)

**FOURTH AMENDED
PETITION TO ESTABLISH
MCCARTY'S CHOICE
COMMUNITY
DEVELOPMENT DISTRICT**

Submitted by:
Kilinski | Van Wyk PLLC
Jennifer Kilinski
Florida Bar No. 69367
jennifer@cddlawyers.com
(877) 350-0372
517 E. College Avenue
Tallahassee, Florida 32301
Attorneys for Petitioner

**BEFORE THE CITY OF PORT ST. LUCIE CITY COUNCIL
FOURTH AMENDED PETITION TO ESTABLISH
MCCARTY’S CHOICE COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, McCarty Town Development, LLC, a Florida limited liability company (hereinafter "Petitioner"), hereby petitions the City of Port St. Lucie City Council pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a community development district (hereinafter "District"), with respect to the land described herein. In support of this Petition, Petitioner states:

1. Location and Size. The proposed District will be located entirely within the city limits of the City of Port St. Lucie, Florida (hereinafter the “City”). **Exhibit 1** depicts the general location of the lands comprising the proposed District. The proposed District covers approximately 72.024 acres of land, more or less. The legal description of the lands that form the external boundaries of the District is set forth in **Exhibit 2**.

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

3. Authorized Agent. The authorized agent for Petitioner is Kilinski | Van Wyk PLLC. The Authorization of Agent is attached to this petition as **Exhibit 3**. Copies of all correspondence and notices should be sent to:

Jennifer Kilinski
jennifer@cddlattorneys.com
Kilinski | Van Wyk PLLC
517 E. College Avenue
Tallahassee, Florida 32301
Attorneys for Petitioner

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

Name: Jack Berry

Address: 3801 PGA Blvd., Suite 806
Palm Beach Gardens, Florida 33410

Name: Bobbie Shockley
Address: 346 E. Central Avenue
Winter Haven, Florida 33880

Name: Jessica Kowalski
Address: 3801 PGA Blvd., Suite 806
Palm Beach Gardens, Florida 33410

Name: Justin Frye
Address: 3801 PGA Blvd., Suite 806
Palm Beach Gardens, Florida, Florida 33410

Name: Charleigh Berry
Address: 3801 PGA Blvd., Suite 806
Palm Beach Gardens, Florida 33410

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

5. Name. The name of the proposed District is McCarty's Choice Community Development District.

6. Future Land Use. **Exhibit 4** shows the distribution, location, and extent of the public and private land uses proposed for the District by the future land use plan element of the City's Future Land Use Plan. The proposed land uses for lands contained within the proposed District are consistent with the approved City's Future Land Use Plan.

7. Major Water and Wastewater Facilities. **Composite Exhibit 5** indicates the location of major outfall canals and drainage basins for the lands within the proposed District as well as the location of existing major trunk water mains, proposed storm drainage pipes, and wastewater interceptors within the currently undeveloped lands proposed to be included within the District.

8. District Facilities and Services. The District is presently expected to finance,

construct, and install improvements and facilities to benefit the lands within the District in two (2) phases from 2026 to 2032, with the first phase tentatively starting in 2026 and the second phase tentatively starting in 2027. Each phase will take approximately three (3) years to construct from inception. **Exhibit 6** describes the construction timetable and the types of facilities the District presently expects to finance, construct, and install, as well as the entities anticipated for future ownership, operation, and maintenance. The estimated costs of construction are also identified in **Exhibit 6**. 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.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** 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. Landowner Consent. Petitioner has obtained written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. Documentation of consents to the establishment of the District are contained in **Exhibit 8**.

11. This petition to establish McCarty's Choice Community Development District should be granted for the following reasons:

- a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the City Comprehensive Plan.
- b. The area of land within the proposed District is part of a planned

community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community and will be developed in that manner.

c. The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the 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 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 District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the 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 for the City of Port St. Lucie City Council 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's exercise of certain additional powers to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreation, cultural, and educational uses and for security, including, but not limited to walls, fences and electronic intrusion detection all as authorized and described by Section 190.012(2)(a) and (d), Florida Statutes; and
- d. Grant such other relief as may be necessary or appropriate.

RESPECTFULLY SUBMITTED, this 27th day of April 2026.

Kilinski | Van Wyk PLLC

By: /s/ Jennifer Kilinski
Jennifer Kilinski
Florida Bar No. 69367
jennifer@cddlawyers.com
(877) 350-0372
517 E. College Avenue
Tallahassee, Florida 32301
Attorneys for Petitioner

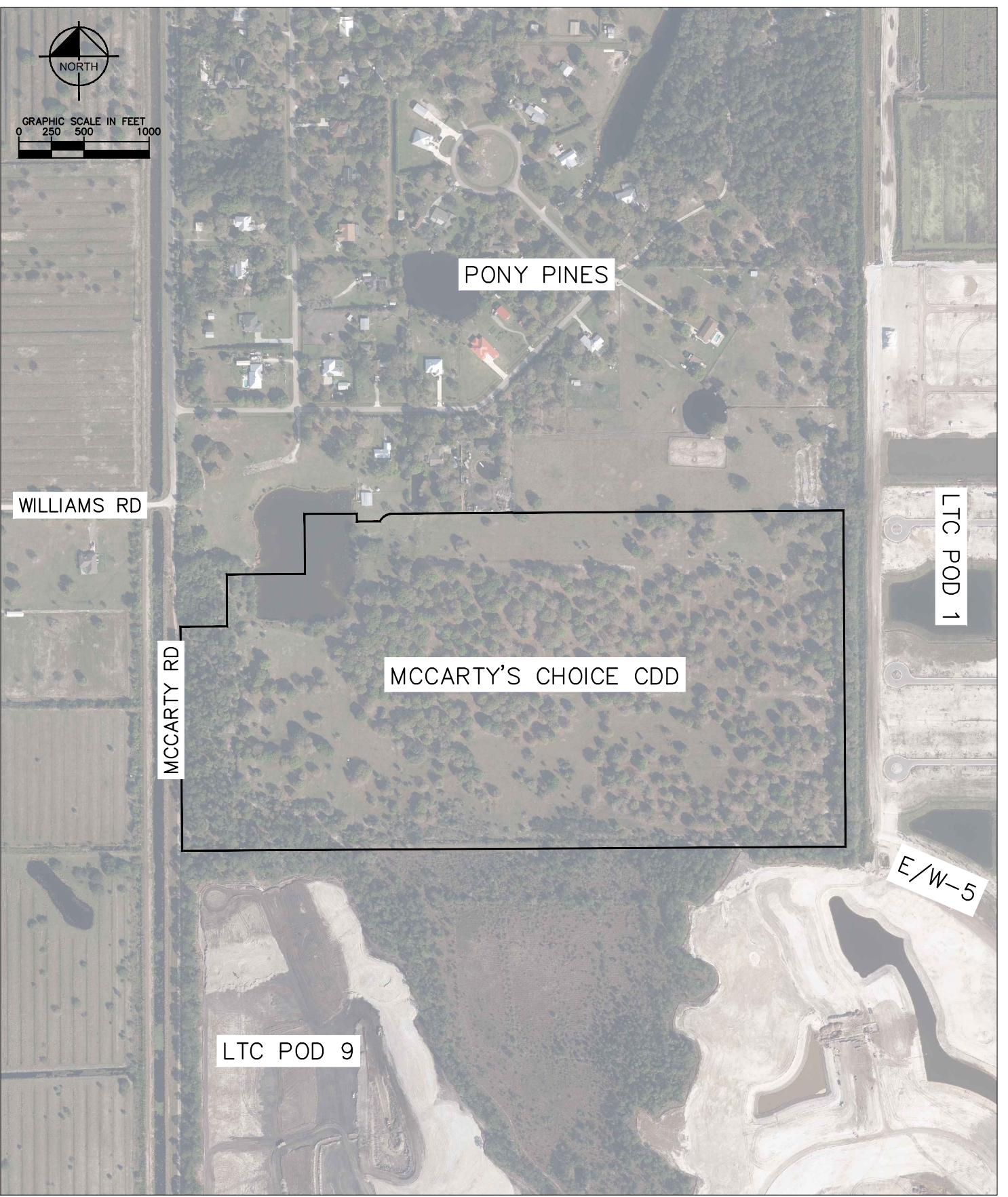
**PORT ST. LUCIE CITY COUNCIL
EXHIBITS TO PETITION TO ESTABLISH
MCCARTY'S CHOICE
COMMUNITY DEVELOPMENT DISTRICT**

Exhibit 1	Location Map
Exhibit 2	Legal Description of the District
Exhibit 3	Authorization of Agent
Exhibit 4	Future Land Use Map
Composite Exhibit 5	Map of the District showing Existing and Proposed Utilities; Existing Major Trunk Water Mains and Wastewater Drainage
Exhibit 6	Types of Facilities/Ownership of Facilities & Timetable and Estimated Costs
Exhibit 7	Statement of Estimated Regulatory Costs
Exhibit 8	Landowner Consent

EXHIBIT 1

Plotted By: Nicholas, Jacob Sheet Set: Kna Layout: Layout1 May 15, 2026 08:09:42am K:\VRB_LDEV\McCarthy PUD\CAD\Exhibits\Location Map\LocationMap-McCarthy.dwg

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



Kimley»Horn

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PHONE: 772-473-8575
WWW.KIMLEY-HORN.COM REGISTRY NO. 35106

MCCARTY'S CHOICE CDD

LOCATION MAP

SHEET NUMBER

A

EXHIBIT 2

DESCRIPTION:

THE SOUTH 1290.46 FEET OF THE SOUTHWEST ONE QUARTER LYING SOUTH OF PONY PINES-UNIT ONE, AS IN PLAT BOOK 17, PAGE 3, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS THE EAST 46 FOOT CANAL RIGHT OF WAY AND LESS THE WEST 98 FEET FOR ROAD AND CANAL RIGHT OF WAY, ST. LUCIE COUNTY, FLORIDA

ALL ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 9 TOWNSHIP 36 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, THENCE ALONG THE SOUTH LINE OF SAID SECTION 9, NORTH 89°39'17" EAST, A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING; THENCE, NORTH 00°26'11" WEST, A DISTANCE OF 860.13 FEET; THENCE, NORTH 89°36'30" EAST, A DISTANCE OF 178.61 FEET; THENCE, NORTH 00°17'45" WEST, A DISTANCE OF 200.03 FEET; THENCE, NORTH 89°44'22" EAST, A DISTANCE OF 300.22 FEET; THENCE, NORTH 00°19'38" WEST, A DISTANCE OF 230.60 FEET; THENCE, NORTH 89°39'17" EAST, A DISTANCE OF 200.14 FEET; THENCE, SOUTH 00°19'38" EAST, A DISTANCE OF 30.37 FEET; THENCE, NORTH 89°40'22" EAST, A DISTANCE OF 87.85 FEET TO A POINT OF A NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 59° 47' 32", HAVING A RADIUS OF 60.00 FEET, HAVING AN ARC DISTANCE OF 62.61 FEET, AND WHOSE LONG CHORD BEARS NORTH 59° 46' 36" EAST FOR A DISTANCE OF 59.81 FEET; THENCE, NORTH 89°40'22" EAST, A DISTANCE OF 461.28 FEET; THENCE, NORTH 00°19'38" WEST, A DISTANCE OF 0.75 FEET; THENCE, NORTH 89°39'17" EAST, A DISTANCE OF 1267.24 FEET; THENCE, SOUTH 00°21'14" EAST, A DISTANCE OF 1290.46 FEET; THENCE, SOUTH 89°39'17" WEST, A DISTANCE OF 2546.26 FEET TO THE POINT OF BEGINNING.


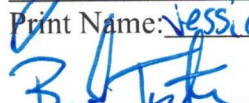
CONTAINING 3,137,359 SQUARE FEET OR 72.0238 ACRES, MORE OR LESS.


EXHIBIT 3

Authorization of Agent

This letter shall serve as a designation of Kilinski | Van Wyk PLLC, whose address is 517 E. College Avenue, Tallahassee, Florida 32301, to act as agent for Petitioner, McCarty Town Development, LLC with regard to any and all matters pertaining to establish a community development district pursuant to the "Uniform Community Development District Act of 1980," and Chapter 190, *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

MCCARTY TOWN DEVELOPMENT, LLC


Print Name: Jessica Kowalski

Print Name: Richard Toth


By: Jack M. Berry III
Its: Manager

STATE OF FLORIDA
COUNTY OF Polk

The foregoing instrument was acknowledged before me physical presence or online notarization this 7th day of July 2024, by Jack M. Berry III, as Manager of McCarty Town Development, LLC, who appeared before me on this day in person, and who is either personally known to me, or produced _____ as identification.

[notary seal]


Print Name: Jessica Kowalski
Notary Public, State of Florida

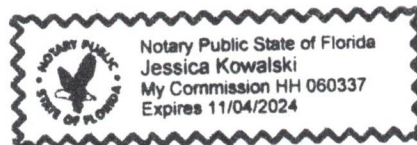


EXHIBIT 4

Plotted By: Nicholas, Jacob
Layout: McCarty PUD
April 15, 2026 05:11:53pm
K:\VRE_LDE\McCarty PUD\CAD\Exhibits\Access Dimension\FLU map.dwg

NO CURRENT FLU ZONING

NO CURRENT FLU ZONING

FLU: U

NO CURRENT FLU ZONING

FLU: RM

FLU: ROI

FLU: ROI

FLU: ROI

FLU: ROI

- LEGEND**
- RM: MEDIUM DENSITY RESIDENTIAL
 - ROI: RESIDENTIAL OFFICE INSTITUTIONAL
 - U: UTILITY

NSLRWCD C-90 CANAL

MCCARTY RD

CDD BOUNDARY

NSLRWCD C-91 CANAL

EW-5

WYLDER PKWY

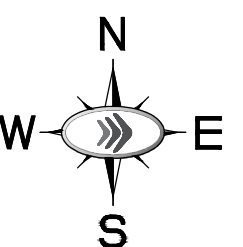
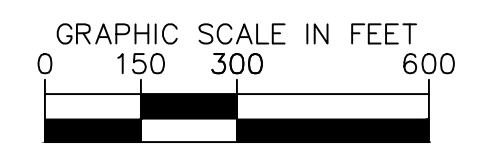
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MCCARTY'S CHOICE CDD

PORT ST. LUCIE

FUTURE LAND USE MAP

04/15/2026 - CONTACT: 321-225-0642

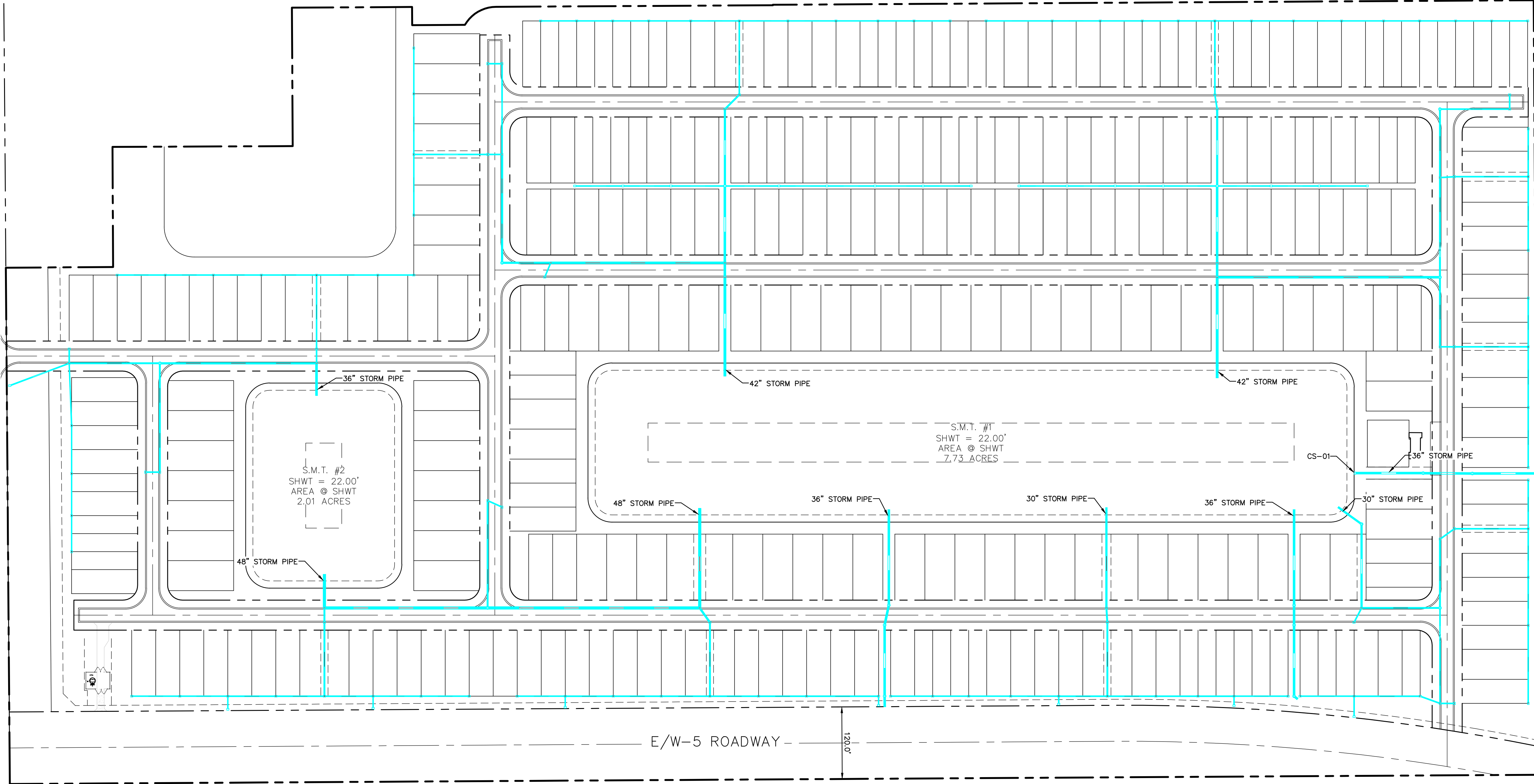


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COMPOSITE EXHIBIT 5

MCCARTY ROAD

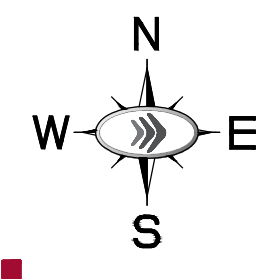
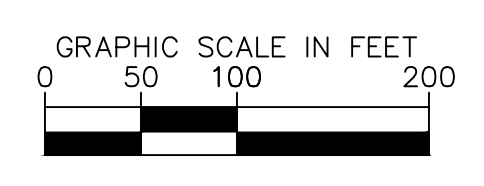
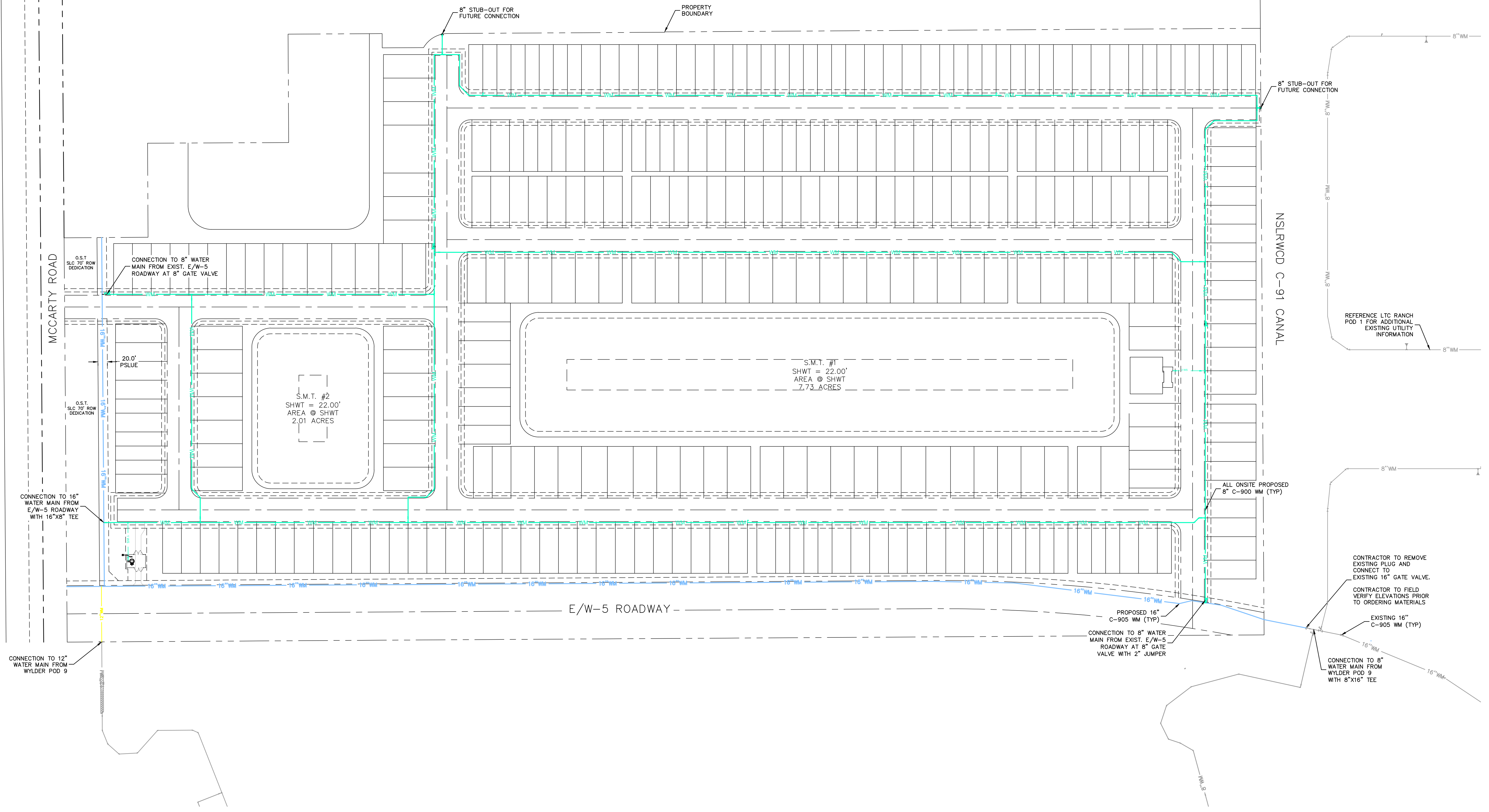
NSLRWCD C-91 CANAL



Plotted By: Nicholas, Jacob K:\VRB_LDE\McCarty_PUD\CAD\Exhibits\Conceptual Utility Grading and Drainage\2026-03-20\Water Main CDD.dwg

LEGEND

- 8" WM 8" ONSITE PROP. C-900 WM (9,282 LF)
- 16" WM 16" OFFSITE PROP. C-905 WM (3,389 LF)
- 12" WM 12" OFFSITE PROP. C-900 WM (118 LF)



This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

EXHIBIT 6

Exhibit 6

Facility Description*	Total Cost
Roadways	\$5,786,000.00
Stormwater Management	\$8,250,000.00
Utilities (Water/Sewer/Reclaim)	\$9,206,928.00
Hardscape/Landscape/Irrigation/Trails	\$8,415,800.00
Undergrounding of Conduit	\$1,950,000.00
Environmental Conservation/Mitigation	\$494,200.00
Professional Services	\$4,051,600.00
Recreational Improvements	\$1,500,000.00
Contingency (15%)	\$5,948,179.00
Total	\$45,602,707.00

*To be constructed in multiple phases from 2026 to 2032

Improvement Categories	Construction Entity	Ownership Entity	Maintenance Entity
Internal Roadways	CDD	CDD	CDD
McCarty Road	CDD	County	County
East/West-5 Roadway	CDD	City	City
Stormwater Management	CDD	CDD	CDD
Utilities (Water/Sewer/Reclaim)	CDD	City	City
Hardscape/Landscape/Irrigation/Trails	CDD	CDD	CDD
Undergrounding of Conduit	CDD	CDD	CDD
Environmental Conservation/Mitigation	CDD	CDD	CDD
Professional Services	CDD	CDD	CDD
Recreational Improvements	CDD	CDD	CDD

EXHIBIT 7

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs (“SERC”) supports the petition to form the **McCarty’s Choice Community Development District** (the “District”). The proposed District comprises approximately 72.024 acres of land located within the City of Port St. Lucie, Florida (hereafter “City”). The project is planned for approximately 321 residential units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes, as follows:

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

1.2 Overview of the McCarty’s Choice Community Development District

The District is designed to provide community infrastructure, services, and facilities along with operation and maintenance of such facilities and services to the lands within the District. The District will encompass approximately 72.024 acres.

The development plan for the proposed lands within the District includes approximately 321 residential units to be constructed in multiple phases. Such uses are authorized for inclusion within the District. A community development district (“CDD”) is an independent unit of special purpose local government authorized by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDD’s provide a “solution to the state’s planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers.” See Section 190.002(1)(a), Florida Statutes.

A CDD is not a substitute for the local, general purpose, government unit, e.g., the City/County in which the CDD lies. A CDD does not have the permitting, zoning or general police powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining community infrastructure for planned developments, such as McCarty’s Choice Community Development District. The scope of this SERC is limited to evaluating the consequences of approving the petition to establish the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

According to Section 120.541(2), Florida Statutes, a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly: 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; 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 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 agency¹, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

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

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

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

(g) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

2.0 Adverse impact on economic growth, business competitiveness or increased regulatory costs, in excess of \$1 million.

The creation of the District will not meet any of the triggers in Section 120.541(2)(a), Florida Statutes. The basis for this determination is provided in the discussions in Section 3.0 through Section 6.0 of this SERC.

3.0 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.

As noted above, the McCarty’s Choice Community Development District is a community that is proposed to include approximately 321 residential units. Formation of the District would put all of these units under the jurisdiction of the District. Prior to sale of any units, all of the land owned by the developer and any other landowner will also be under the jurisdiction of the District. Such owners purchase property within the District willingly and with knowledge and advance notice they are subject to the District’s jurisdiction, including notice recorded in the public records, in title and through purchase and sale agreements.

4.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

¹ For the purposes of this SERC, the term “agency” means City of Port St. Lucie and the term “rule” means the ordinance(s) which the City of Port St. Lucie will enact in connection with the creation of the District.

4.1 Costs of Governmental Agencies of Implementing and Enforcing Rule

State Government Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed formation of the District. The proposed District will encompass under 2500 acres, therefore the City is the establishing entity under sections 190.005(2), (2)(e), Florida Statutes. The modest costs to various State entities to implement and enforce the proposed rule relate strictly to the receipt and processing of various reports that the proposed District is required to file with the State and its various entities. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.018, Florida Statutes, the proposed District must pay an annual fee to the Florida Department of Economic Opportunity, which offsets such costs.

City of Port St. Lucie

The City and its staff will process and analyze the petition, conduct a public hearing with respect to the petition, and vote upon the petition to establish the District. These activities will absorb some resources. However, the City charges the petitioner a filing fee to cover the cost of staff review of the petition.

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

The annual costs to the City because of the establishment of the District are minimal. The proposed District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City. Furthermore, the City will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the District operates independently from the City and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District and its landowners.

4.2 Impact on State and Local Revenues

Adoption of the proposed rule will have no negative impact on State and local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the development. It has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct infrastructure or facilities, or for any other reason, are not debts of the State of Florida or the City. In accordance with Florida law, debts of the District are strictly the District's own responsibility.

5.0 A good faith estimate of the transactional costs that are likely to be incurred by individuals

and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. It is anticipated that the entry feature and signage; master stormwater management system; sewer and water systems; street lighting/conduit; roadway improvements; parks & recreational facilities; and offsite improvements will be financed by the District.

**Table 1.
McCarty’s Choice CDD Proposed Facilities and Services**

Improvement Categories	Construction Entity	Ownership Entity	Maintenance Entity
Roadways	CDD	County/City	County/City
Stormwater Management	CDD	CDD	CDD
Utilities (Water/Sewer/Reclaim)	CDD	City	City
Hardscape/Landscape/Irrigation/Trails	CDD	CDD	CDD
Undergrounding of Conduit	CDD	CDD	CDD
Environmental Conservation/Mitigation	CDD	CDD	CDD
Professional Services	CDD	CDD	CDD
Recreational Improvements	CDD	CDD	CDD

The petitioner has estimated the design and development costs for providing the capital facilities. The cost estimates are shown in Table 2 below. Total development costs for these facilities are estimated to be approximately \$45,602,707.00. The District may issue special assessment bonds or other revenue bonds to fund the construction and/or acquisition of these facilities. These bonds would be repaid through non-ad valorem assessments levied on all developable properties in the District that benefit from the District’s capital improvement program.

Table 2. Cost Estimate for District Facilities

Facility Description*	Total Cost
Roadways	\$5,786,000.00
Stormwater Management	\$8,250,000.00
Utilities (Water/Sewer/Reclaim)	\$9,206,928.00
Hardscape/Landscape/Irrigation/Trails	\$8,415,800.00
Undergrounding of Conduit	\$1,950,000.00
Environmental Conservation/Mitigation	\$494,200.00
Professional Services	\$4,051,600.00
Recreational Improvements	\$1,500,000.00
Contingency (15%)	\$5,948,179.00
Total	\$45,602,707.00

Landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem assessments for

debt service, the District may also impose non-ad valorem assessments to fund the operation and maintenance of the District and its facilities and services.

It is important to recognize that buying property in the District is completely voluntary. Ultimately, all owners and users of property within the District choose to accept the non-ad valorem assessments as a tradeoff for the numerous benefits and facilities that the District provides.

A CDD provides property owners with the option of having a higher level of facilities and services financed through self-imposed charges. The District is an alternative means to finance necessary community facilities and services. District financing is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a neighborhood association, or through developer equity and/or bank loans.

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

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

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

Third, the proposed District is the sole form of governance which allows District landowners, through landowner voting and ultimately electoral voting for resident elected boards, to determine the type, quality and expense of the District services they receive, provided they meet the County's overall requirements.

Fourth, the proposed District has the ability to maintain infrastructure better than a Homeowners' Association ("HOA") because it is able to offer a more secure funding source for maintenance and repair costs through assessments collected on the county tax bill pursuant to section 197.3632, Florida Statutes.

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

6.0 An analysis of the impact on small businesses as defined by Section 288.703, Florida Statutes, and an analysis of the impact on small counties and small cities as defined by Section 120.52, Florida Statutes.

There will be no adverse impact on small businesses because of the formation of the District. If anything, the impact may be positive. This is because the District must competitively bid many of its contracts, affording small businesses the opportunity to bid on District work, and may also result in a need for additional retail and commercial services that afford small businesses and opportunity for growth.

The City has an estimated un-incarcerated population that is greater than 10,000 according to the 2020 U.S. Census. Therefore, the City is not defined as a "small city" according to section 120.52(19),

Florida Statutes.

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.

8.0 In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under Section 120.541(1)(a), Florida Statutes, and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

There have been no good faith written proposals submitted to the agency as described in section 120.541(1)(a), Florida Statutes.

Prepared by:

Governmental Management Services - Central Florida, LLC

March 24, 2026

EXHIBIT 8

**CONSENT AND JOINDER OF LANDOWNER TO INCLUSION
IN PROPOSED COMMUNITY DEVELOPMENT DISTRICT**

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

The undersigned understands and acknowledges that McCarty Town Development, LLC (“Petitioner”) intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which 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 consent will remain in full force and effect until the District is established or for a period of twelve months, whichever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by the District, consent to inclusion of the Property within the boundaries of the District in substantially this form.

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

[signatures on following page]

Executed this 28th day of June, 2024.

McCarty Road LLC


Print Name: Ann Somers

W.K. Schickedanz
By: W.K. SCHICKEDANZ
Its: MGR. McCARTY RD. ASSOC. LTD.,
MGR McCARTY ROAD LLC

Vicki Hansbrough
Print Name: Vicki Hansbrough

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 28th day of JUNE, 2024, by WALDEMAR K. SCHICKEDANZ as MANAGER of McCARTY ROAD, LLC, who is personally known to me or who has produced _____ as identification.

[notary seal]

Paul Vera
Print Name: POLLAJAK VERAWETWATANA
Notary Public, State of Florida



POLLAJAK VERAWETWATANA
Commission # HH 296672
Expires August 3, 2026

Exhibit A:
PROPERTY DESCRIPTION

DESCRIPTION:

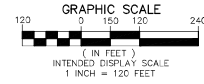
THE SOUTH 1290.46 FEET OF THE SOUTHWEST ONE QUARTER LYING SOUTH OF PONY PINES—UNIT ONE,
AS IN PLAT BOOK 17, PAGE 3, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS THE EAST 46 FOOT CANAL RIGHT OF WAY AND LESS THE WEST 98 FEET FOR ROAD AND CANAL
RIGHT OF WAY, ST. LUCIE COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 9, TOWNSHIP 36 SOUTH,
RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND CONTAIN
72.024 ACRES, MORE OR LESS.

BOUNDARY SURVEY

LAND LYING IN SECTION 9,
TOWNSHIP 36 SOUTH, RANGE 39 EAST,
ST. LUCIE COUNTY, FLORIDA,



LEGEND/ABBREVIATIONS

- CM - CONCRETE MONUMENT
- (D) - DEED
- (M) - MEASURED
- (C) - CALCULATED
- (P) - PLAT
- LB - LICENSED BUSINESS
- (F) - FOUND
- ORB - OFFICIAL RECORD BOOK
- PB - PLAT BOOK
- PG - PAGE
- R/W - RIGHT-OF-WAY
- - DENOTES CONCRETE MONUMENT
- - DENOTES IRON ROD
- ✱ - INDICATES SECTION CORNER

DESCRIPTION:

THE SOUTH 1290.46 FEET OF THE SOUTHWEST ONE QUARTER LYING SOUTH OF PONY PINES-UNIT ONE, AS IN PLAT BOOK 17, PAGE 3, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS THE EAST 46 FOOT CANAL RIGHT-OF-WAY AND LESS THE WEST 98 FEET FOR ROAD AND CANAL RIGHT OF WAY, ST. LUCIE COUNTY, FLORIDA.

SAD LANDS SITUATE IN SECTION 9, TOWNSHIP 36 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND CONTAIN 72.024 ACRES, MORE OR LESS.

SURVEY NOTES:

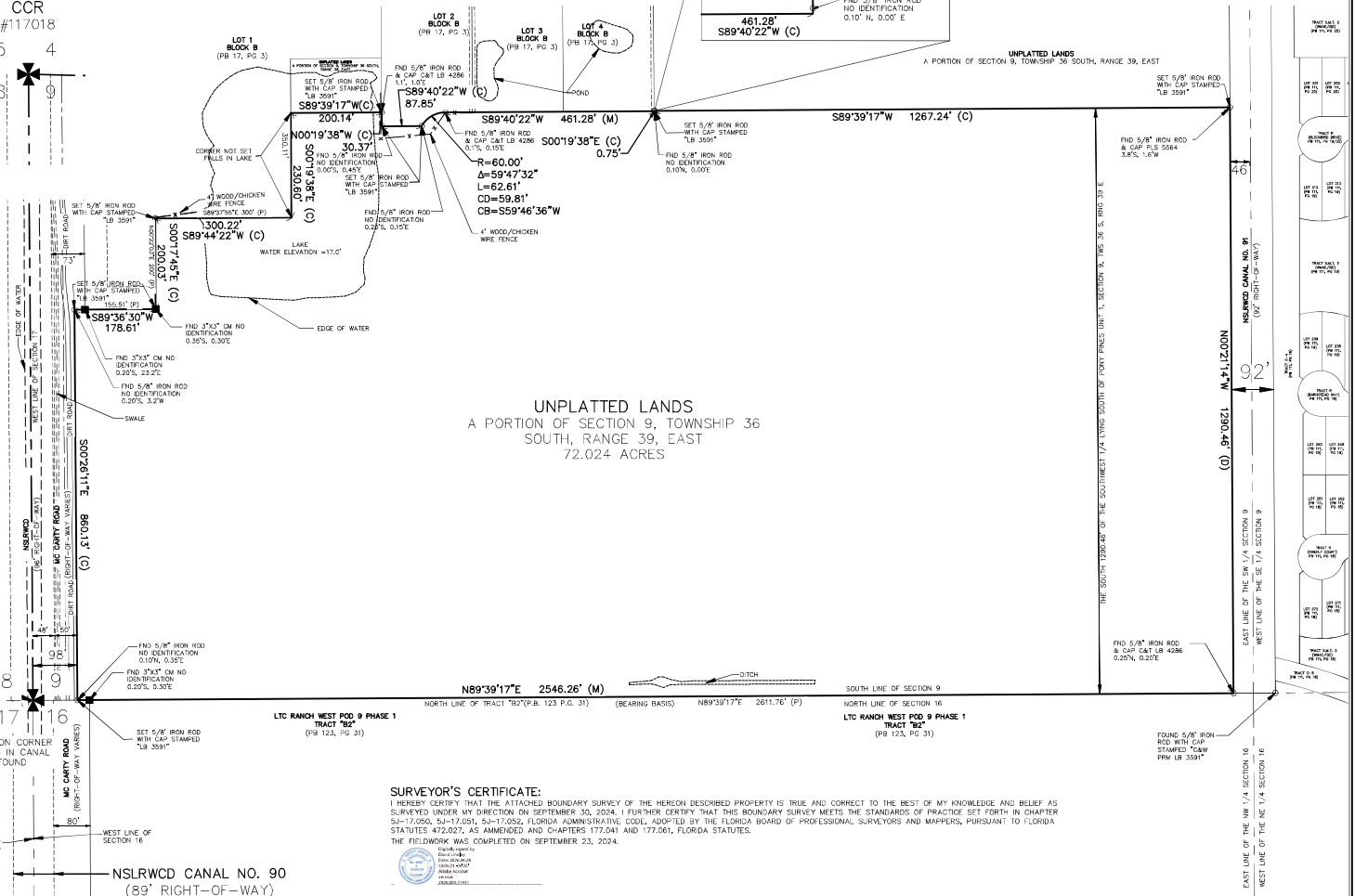
- LAST DATE OF FIELD DATA ACQUISITION FOR THIS SURVEY IS SEPTEMBER 23, 2024.
- THIS SURVEY IS CERTIFIED TO MCCARTHY ROAD LLC PROPERTY.
- THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ALL MEASUREMENTS ARE IN ACCORDANCE WITH THE UNITED STATES STANDARD SURVEY FEET. THE HORIZONTAL PROJECT DATUM IS THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/2011), AS ESTABLISHED USING REAL-TIME KINEMATIC GLOBAL POSITIONING SYSTEM ("RTK-GPS") SURVEY METHODS USING THE PRIVATE LENGTHMANN OF FLORIDA L-NET NETWORK OF FIXED BASE STATIONS, L-NET ALSO USES FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN), THE NATIONAL GEODETIC SURVEY (NGS) CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) TO PROVIDE RTK NETWORK SOLUTIONS. THE CORRECTED POSITIONS COMPUTED BY THESE NETWORKS WERE VERIFIED THROUGH A REDUNDANCY OF MEASUREMENTS ON LOCATED SURVEY CONTROL AS WELL AS CONSISTENT HORIZONTAL CHECKS TO ESTABLISHED CONTROL POINTS TO VERIFY THEIR ACCURACIES AND MEET OR EXCEED CLOSURE FOR LINEAR: 1 FOOT IN 5,000 FEET.
- THIS SURVEY MEETS OR EXCEEDS APPLICABLE ACCURACY REQUIREMENTS AND IS PREPARED ACCORDING TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA ADMINISTRATIVE CHAPTER 5J-17 AS CODE, ADOPTED BY THE BOARD OF PROFESSIONAL SURVEYOR AND MAPPERS, SUBURBAN: LINEAR: 1 FOOT IN 7,500 FEET.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- PURSUANT TO RULE 5J-17.052(5)(8), FLORIDA ADMINISTRATIVE CODE, THE FOLLOWING NOTE HAS BEEN PLACED ON THE MAP OF THIS SURVEY: "INTERIOR FIXED IMPROVEMENTS WERE NOT LOCATED AT THE REQUEST OF THE CLIENT". IN THE COURSE OF PREPARING THE SURVEY AND EXCEPT AS SHOWN HEREON, WE DID NOT UNCOVER ANY PHYSICAL USE BY OTHERS THAT IS NOT ALREADY ADDRESSED BY EASEMENTS OR AGREEMENTS. THIS SURVEY WAS CREATED TO SUPPORT THE PLAT OF MCCARTHY, A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 36 SOUTH, RANGE 39 EAST, CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA.
- BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF TRACT "B2" OF THE PLAT OF LTC RANCH WEST PHASE 1, AS IN PLAT BOOK 123, PAGE 3, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA HAVING A BEARING OF N89°39'17" EAST, AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
- SUBJECT PROPERTY FALLS WITHIN ZONE "X", ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM): FIRM PANEL NO. 121110252J UNINCORPORATED ST. LUCIE COUNTY, COMMUNITY NO. 120287, DATED FEBRUARY 16, 2012.
- THE APPARENT PHYSICAL USE OF THIS PROPERTY IS A PROPOSED HOUSING DEVELOPMENT.
- THE EXPECTED USE OF THIS SURVEY IS FOR DEVELOPMENT PURPOSES.
- THERE ARE NO GAPS, GORES OR HIATUSES, THE TRACTS ARE CONTIGUOUS ALONG THEIR BOUNDARIES.

TITLE SEARCH:

TITLE SEARCH PROVIDED BY MARK W. MANGEN, STRAUUGH & TURNER, P.A., ON APRIL 25, 2025. "SEARCH DOES NOT COVER MATTERS OTHER THAN THOSE RECORDED IN THE PUBLIC RECORDS OF SAINT LUCIE COUNTY. THE EFFECTIVE DATES OF THIS SEARCH ARE FROM THE EARLIEST PUBLIC RECORDS THROUGH AND INCLUDING APRIL 11, 2025, AT 11:00 PM."

THE ONLY LIENS, EASEMENTS, JUDGEMENTS, MORTGAGES, AND OTHER ENCUMBRANCES ON THE PROPERTY ARE LISTED BELOW:

- Mortgage to Cassidy Land Development, LLC, a Florida limited liability company, mortgage(s), recorded in O.R. Book 5283, Page 1648, Public Records of Saint Lucie County, Florida.
 - Annexation Agreement recorded in O.R. Book 2541, Page 1588, Public Records of Saint Lucie County, Florida.
 - Agreement for Contribution Toward Public School Land Acquisition and Facilities Construction recorded in O.R. Book 2562, Page 2184, Public Records of Saint Lucie County, Florida.
 - Ordinance 05-1991 re-Annexation recorded in O.R. Book 2512, Page 1991, Public Records of Saint Lucie County, Florida.
- AFFECTS - NOTHING TO PLAT



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON SEPTEMBER 30, 2024. I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17.050, 5J-17.051, 5J-17.052, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027, AS AMENDED AND CHAPTERS 172.041 AND 177.061, FLORIDA STATUTES.

THE FIELDWORK WAS COMPLETED ON SEPTEMBER 23, 2024.



DAVID P. LINDLEY
PROFESSIONAL LAND SURVEYOR #6505 STATE OF FLORIDA

CAULFIELD AND WHEELER, INC.
SURVEYORS - ENGINEERS - PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
CERTIFICATION OF AUTHORIZATION NO. LB 3591

REV. NO.	DATE	BY	DESCRIPTION
01	05/12/2025	BSP	ADOPTED TITLE SEARCH/ALIAS PER CITY COMMENTS

CAULFIELD & WHEELER, INC.
1000 NORTHERN AVENUE, SUITE 100
BOCA RATON, FLORIDA 33434
PHONE: (561) 992-1900 / FAX: (561) 992-1632

BOUNDARY SURVEY
UNPLATTED LANDS
SECTION 9, TOWNSHIP 36 SOUTH, RANGE 39 EAST

DATE	03/19/2025
DRAWN BY	BP
P.L./P.C. ELECT	
SCALE AS SHOWN	

JOB #	11044
SP. NO.	1
OF 1 SHEETS	