

BEFORE THE CITY COUNCIL OF THE
CITY OF PORT ST. LUCIE, FLORIDA

IN RE: PETITION TO ESTABLISH THE)
 MCCARTY'S CHOICE COMMUNITY)
 DEVELOPMENT DISTRICT)
_____)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I, Kinan Husainy, P.E., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Kinan Husainy, and I am employed with Kimley-Horn and Associates, Inc.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the City Council of the City of Port St. Lucie, Florida, relating to the petition to establish McCarty's Choice Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning land development and the construction of public infrastructure as a professional engineer and related matters are accurately set forth in my pre-filed testimony.
6. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 29 day of May 2026.

[Handwritten Signature]

Kinan Husainy, P.E.

STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was sworn to and subscribed before me by means of physical presence or online notarization, this 29th of May 2026, by Kinan Husainy, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC

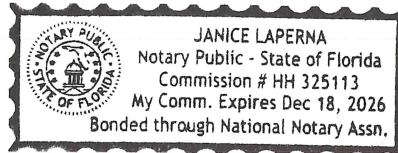
[Handwritten Signature]

Print Name: JT Laperna

Notary Public, State of Florida

Commission No.: HH 325113

My Commission Expires: 12/18/2026



1 **TESTIMONY OF KINAN HUSAINY, P.E., FOR ESTABLISHMENT OF**
2 **MCCARTY’S CHOICE COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**

5
6 My name is Kinan Husainy, and my business address is Kimley-Horn and Associates, Inc.,
7 7341 Office Park Place, Suite 102, Melbourne, FL 32940
8

9 **2. By whom are you employed and in what capacity?**

10
11 Kimley-Horn as a professional engineer.
12

13 **3. How long have you been in the engineering field?**

14
15 19 years.
16

17 **4. Does your firm represent McCarty Town Development, LLC, (“Petitioner”)?**

18
19 Yes. My firm serves as Project Engineer.
20

21 **5. Please give your educational background, with degrees earned, major areas of study**
22 **and institutions attended.**

23
24 Bachelor of Science in Civil Engineering from Florida State University.
25

26 **6. Do you have any professional licenses, registrations, or certifications?**

27
28 Professional Engineering License in the State of Florida (#75481).
29

30 **7. Have you been involved in any developments of the type and nature similar to those**
31 **in the proposed McCarty’s Choice Community Development District (“District”)?**

32
33 Yes. I have been involved in several developments in the area that contain similar necessary
34 public infrastructure facilities utilizing my expertise in the design, permitting, and
35 construction of similar systems..
36

37 **8. Are you familiar with the Fourth Amended Petition to Establish McCarty’s Choice**
38 **Community Development District (“Petition”) filed by the Petitioner with the City**
39 **Council of the City of Port St. Lucie, Florida (“City”), on or around May 15, 2026,**
40 **seeking the establishment of the proposed District?**

41
42 Yes. My firm assisted the Petitioner with the preparation of some of the exhibits filed with
43 the Petition.
44

45 **9. Are you familiar with those parcels of land proposed to be included in the District**
46 **that are located within the City?**

1
2 Yes, I am.
3

4 **10. Are you generally familiar with the geographical area, type, and scope of development**
5 **and the available services and facilities in the vicinity of the proposed District?**

6
7 Yes, I am.
8

9 **11. Which documents did you prepare or have others prepare under your supervision?**

10 Exhibits 1, 2, 4, 5, and 6.
11

12
13 **12. Do any of those exhibits require any additional changes or corrections?**

14 Not to my knowledge.
15

16
17 **13. Are Exhibits 1, 2, 4, 5, and 6 attached to the Petition true and correct?**

18 Yes, to the best of my knowledge.
19

20
21 **14. In general, what do Exhibits 1, 2, 4, 5, and 6 attached to the Petition demonstrate?**

22 Exhibit 1 is the map showing the general location of the proposed District.
23

24 Exhibit 2 is the metes and bounds legal description of the lands to be included within the
25 proposed District.
26

27 Exhibit 4 shows the distribution, location, and extent of the public and private land uses
28 proposed for the District by the future land use plan element of the City's Future Land Use
29 Plan.
30

31 Exhibit 5 indicates the location of major outfall canals and drainage basins for the lands
32 within the proposed District as well as the location of existing major trunk water mains and
33 wastewater interceptors within the currently undeveloped lands proposed to be included
34 within the District.
35

36 Exhibit 6 describes the types of facilities the District presently expects to finance, construct,
37 and install, as well as the entities anticipated for future ownership, operation, and
38 maintenance.
39

40
41 **15. What capital facilities are presently expected to be provided by the District?**

42 At present, the District is expected to provide stormwater management systems, water,
43 wastewater, and reclaim utility systems, roadway improvements, offsite roadway
44 improvements, hardscape including entry features and signage, landscape, irrigation,
45 environmental conservation, and recreational amenity improvements.
46

1
2 **16. Based upon your training and experience as an engineer, do you have an opinion as**
3 **to whether the proposed District is of sufficient size, compactness, and sufficient**
4 **contiguity to be developed as a functional interrelated community?**
5

6 Yes. Based on my experience, the proposed District is of sufficient size, compactness and
7 contiguity to be developed as a one functional interrelated community.
8

9 **17. What is the basis for your opinion?**
10

11 For many reasons the proposed District facilities can be provided in an efficient, functional
12 and integrated manner.
13

14 First, there are sufficient, significant infrastructure needs for the area within the proposed
15 District to allow development as a functionally interrelated community.
16

17 Second, the specific design of the community allows infrastructure to be provided in a cost
18 effective manner. The land included within the proposed District area is contiguous, which
19 facilitates an efficient and effective planned development.
20

21 Third, the provision of services and facilities through the use of one development plan
22 provides a contiguous and homogenous method of providing services to lands throughout
23 the District.
24

25 **18. In your opinion, the proposed District is sufficiently compact and contiguous to be**
26 **developable as a functionally interrelated community. Would you please explain what**
27 **you mean when stating that the proposed District is of sufficient compactness?**
28

29 The District will encompass approximately 72.024 acres and will provide a range of
30 residential and residential-support land uses that require the necessary elements of
31 infrastructure including the improvements described in the Petition. The proposed District
32 will have sufficient overall residential density to require all the above-mentioned necessary
33 elements of infrastructure of a comprehensive community. These facilities and services
34 require adequate planning, design, financing, construction, and maintenance to provide the
35 community with appropriate infrastructure. The preferred method of developing land,
36 especially for higher density residential uses, is for the development to be spatially
37 compact. This augments the District's ability to construct and maintain improvements, and
38 provide services, in a cost efficient manner. The lands within the proposed District will be
39 developed with a common overall design and functionality. Also, all the lands will share a
40 common recreational element(s).
41

42 **19. Can you provide an example of a service or facility and explain why a community**
43 **development district ("CDD") is a preferred alternative for long-term operation and**
44 **maintenance?**
45

46 Yes. A good example would be a stormwater management system. Both a CDD and a

1 homeowner association are permitted to operate and maintain such systems under
2 applicable Southwest Florida Water Management District (“SWFWMD”) rules. However,
3 SWFWMD rules generally require homeowners’ associations to provide significantly more
4 information and documentation before the SWFWMD permit can be issued. This
5 additional information is required to ensure that the association has the financial, legal and
6 administrative capability to provide for long-term maintenance of the stormwater
7 management system. Such documentation generally must (1) indicate that the association
8 has the power to levy assessments; (2) mandate that the association will operate and
9 maintain such systems; and (3) provide that the association cannot be dissolved until
10 another entity is found to maintain the system.

11
12 In comparison, a CDD is a perpetual local government unit, which by law has the requisite
13 assessment authority, including the ability to collect such assessments on the county tax
14 roll. Thus, a CDD generally must simply provide a letter to the SWFWMD stating that the
15 CDD will accept operation and maintenance responsibility. All things being equal, a CDD
16 is preferred over a homeowners’ or property owners’ association for operation and
17 maintenance of a stormwater management system.

18
19 **20. Does the establishment of the proposed District obviate the need for local land**
20 **development regulations, ordinances or plans?**

21
22 No. Section 190.004, *Florida Statutes*, explicitly provides that the establishment of a CDD
23 does not in any way impact or change the applicability of any governmental planning,
24 environmental and land development laws, regulations, and ordinances. A CDD cannot
25 take any action that is inconsistent with the comprehensive plan, code of ordinances or
26 regulations of the city or county within which it is located.

27
28 **21. Based on your experience, do you have an opinion as to whether the services and**
29 **facilities to be provided by the proposed District will be incompatible with the**
30 **capacities and uses of existing local and regional community facilities and services?**

31
32 Yes. It is my opinion that the proposed services and facilities of the proposed District will
33 not be incompatible with the capacity and uses of existing local or regional community
34 development services and facilities.

35
36 **22. What is the basis for your opinion?**

37
38 Currently, none of the planned infrastructure improvements that the proposed District plans
39 to provide exist on the subject property in a manner which is useful to the proposed
40 development. Each of the elements of infrastructure for the necessary services and facilities
41 will connect into the existing, surrounding systems according to criteria, review and
42 approval of the existing operational entity; there will be no incompatibility issues.

43
44 **23. Based on your experience, do you have an opinion as to whether the area to be**
45 **included within the proposed District is amenable to being served by a separate**
46 **special district government?**

1
2 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
3 amenable to being served by a separate special district government.
4

5 **24. What is the basis for your opinion?**
6

7 The proposed District is limited in purpose and the infrastructure improvements to be
8 provided by the proposed District are limited in scope. This infrastructure is expected to
9 directly benefit the development and may be adequately served by a special district
10 government. In addition, special district governance provides a mechanism whereby long-
11 term maintenance obligations can be satisfied by the persons primarily using the facilities
12 and services.
13

14 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**
15 **proposed District is a viable alternative for delivering community services and**
16 **facilities to the areas that will be served by the proposed District?**
17

18 Yes. It is my opinion that the proposed District is a viable alternative for providing the
19 proposed services and facilities to the land to be included within the proposed District.
20

21 **26. What are the alternatives contemplated in rendering this opinion?**
22

23 There would be two alternatives to the establishment of the proposed District. First, to
24 facilitate economic development, accommodate new growth, and provide new services, the
25 City could perhaps provide the selected facilities. The second alternative would be for the
26 developer or property owners association (“POA”) to provide the infrastructure using
27 private financing.
28

29 **27. How does the proposed District compare to these alternatives?**
30

31 By comparison of the alternatives referenced above, from a planning perspective, the
32 proposed District is the best alternative available to provide the necessary infrastructure
33 improvements. As a special-purpose “local government,” the proposed District is a stable,
34 long-term public entity capable of constructing, maintaining and managing the proposed
35 elements of infrastructure of the necessary facilities and services. The limited purpose and
36 scope of the District, combined with the statutory safeguards in place, such as notice of
37 public hearings and access to district records, would ensure that the proposed District is
38 responsive to the infrastructure needs of the proposed District. The proposed District would
39 be able to obtain low-cost financing to provide the necessary improvements and then
40 impose special or non-ad valorem assessments upon the property owners within the District
41 to fund the infrastructure.
42

43 Only a CDD allows for the independent financing, administration, operations and
44 maintenance of the land within the District. Only a CDD allows district property owners,
45 and eventually residents, to completely control the district board and, therefore, the timing
46 and extent of infrastructure improvement and maintenance. Knowing when, where and how

1 infrastructure will be needed to service the projected population of an area allows for the
2 smooth delivery of those facilities. The proposed District exceeds other available
3 alternatives at focusing attention to when and where and how the next system of
4 infrastructure will be required for this specific area. This results in a full utilization of
5 existing facilities before new facilities are constructed. It reduces the delivered cost to the
6 citizens being served. All other alternatives do not have these characteristics.
7

8 **28. In the course of your work in Florida, have you had an opportunity to work with the**
9 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

10
11 Yes. In the course of preparing planning documents for private development proposals, I
12 have often referred to the State Comprehensive Plan.
13

14 **29. In the course of your work in Florida, have you had an opportunity to review local**
15 **government comprehensive plans?**

16
17 Yes. In fact, I have reviewed the City of Port St. Lucie Comprehensive Plan in the course
18 of my work.
19

20 **30. At this point, I will ask you to address certain matters that are related to land use and**
21 **comprehensive planning. Are you familiar with the development approvals that have**
22 **been obtained or are being sought by the Petitioner to govern the lands within the**
23 **proposed District?**

24
25 Yes, I am.
26

27 **31. Based upon your training and experience as a civil engineer specializing in land**
28 **development, do you have an opinion as to whether the proposed District is**
29 **inconsistent with any portion or element of the State Comprehensive Plan found in**
30 **Chapter 187, *Florida Statutes*?**

31
32 Yes.
33

34 **32. What is that opinion?**

35
36 In my professional opinion, the proposed District is not inconsistent with the applicable
37 provisions of Chapter 187, *Florida Statutes*.
38

39 **33. What is the basis for your opinion?**

40
41 I have reviewed, from a planning perspective, applicable portions of the State
42 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides long-
43 range policy guidance for the orderly social, economic, and physical growth of the state.”
44 The State Comprehensive Plan provides twenty-five (25) subjects, and numerous goals and
45 policies. Three subjects are particularly relevant, from a planning perspective to the
46 establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 - Plan

1 Implementation. Several of the policies and goals are particularly supportive of the
2 establishment of the proposed District.
3

4 **34. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
5 **of the proposed District?**
6

7 This goal recognizes the importance of enhancing the quality of life in the State of Florida
8 and attempts to do so by ensuring that development is located in areas that have fiscal
9 abilities and service capacity to accommodate growth. CDDs are designed to provide
10 services and facilities in a fiscally responsible manner to areas which can accommodate
11 development. The proposed District is consistent with this goal because it will continue to
12 have the fiscal capability to provide a range of services and facilities to a population in a
13 designated growth area.
14

15 **35. Are any of the policies under subject No. 15 relevant?**
16

17 Yes. Policy 1 promotes efficient development activities in areas which will have the
18 capacity to service new populations and commerce. The proposed District will be a vehicle
19 to provide high quality services in an efficient and focused manner over the long term.
20

21 **36. What is Subject 17 and why is it relevant?**
22

23 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
24 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
25 facilities should be allocated to existing and future residents on the basis of the benefits
26 received. Policy 6 also encourages the identification and implementation of innovative but
27 fiscally sound and cost-effective techniques for financing public facilities. Establishment
28 of the proposed District will further this goal and related policies.
29

30 **37. Why is subject No. 25, the other subject you mentioned, relevant to the establishment**
31 **of the proposed district?**
32

33 Subject No. 25 addresses Plan Implementation. This goal requires that systematic planning
34 capabilities be integrated into all levels of government throughout the state, with particular
35 emphasis on improving inter-governmental coordination and maximizing citizen
36 involvement. The proposed District will operate through a separate and distinct Board of
37 Supervisors who will systematically plan the construction, operation and maintenance of
38 public improvements and community facilities authorized under Chapter 190, *Florida*
39 *Statutes*, subject to and not inconsistent with the local government comprehensive plan and
40 land development regulations. Further, meetings held by the Board of Supervisors are
41 publicly advertised and open to the public.
42

43 **38. Are there any relevant policies in this portion of the State Comprehensive Plan?**
44

45 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
46 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the

1 establishment of a CDD, and after two hundred and fifty (250) electors reside in the CDD,
2 the election of the Board of Supervisors begins to transition from a landowner-elected
3 Board to a resident-elected Board. Regardless of whether the board is elected by the
4 landowners or the residents, the District must convene its meetings in accordance with
5 government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*. This
6 encourages citizen participation in the planning and operational activities of the District.
7

8 **39. Based upon your training and experience as a land development engineer, do you**
9 **have an opinion as to whether establishment of the proposed District is inconsistent**
10 **with any portion or element of the Comprehensive Plans of the City?**

11 Yes, I do.
12

13
14 **40. What is that opinion?**

15
16 In my professional opinion, the establishment of the proposed District is not inconsistent
17 with any applicable provisions of the City's Comprehensive Plans.
18

19 **41. What is the basis for that opinion?**

20
21 My opinion is based upon years of experience reviewing comprehensive plans (including
22 for purposes of this project the current City's Comprehensive Plan) and there not being any
23 provisions that would render a CDD inconsistent. Furthermore, Chapter 190, *Florida*
24 *Statutes*, prohibits any CDD from acting in a way that is inconsistent with the local
25 government's comprehensive plan, the exercising of any power must be done with the
26 comprehensive plan in mind.
27

28 It is my opinion, therefore, that with respect to the establishment of the proposed District,
29 the proposed District will not be inconsistent with any applicable element or portion of the
30 City's Comprehensive Plan.
31

32 **42. Does this conclude your testimony?**

33 Yes, it does.
34