

BEFORE THE TOWN COMMISSION OF THE
TOWN OF DUNDEE, FLORIDA

IN RE: PETITION TO AMEND THE BOUNDARY)
 OF THE WEIBERG ROAD)
 COMMUNITY DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ORANGE


I, Reinardo (Rey) Malave, 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 Reinardo (Rey) Malave, P.E., and I am employed by Dewberry Engineers Inc., 800 N. Magnolia Avenue, Orlando, Florida 32803, as a Civil Engineer.
3. The prepared written pre-filed testimony consisting of five (5) pages, submitted under my name to the Town Commission of the Town of Dundee, Florida, relating to Petition to Amend the Boundaries of the Weiberg Road Community Development District, as supplemented (“Petition”), and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Weiberg Road Community Development District boundary amendment 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. My pre-filed testimony generally addresses the nature of the proposed development plan of public infrastructure of the Weiberg Road Community Development District.

7. No corrections or amendments to my pre-filed testimony or the Petition and its exhibits 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 8
day of January 2024.

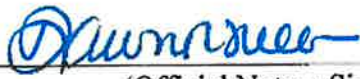

Rey Malave, P.E. 1/8/24

STATE OF FLORIDA
COUNTY OF Orange

SWORN TO and SUBSCRIBED before me by the Affiant, by means of physical presence or
 online notarization, on this 8th day of January 2024, by Rey Malave, P.E.



DAWN R. QUEEN
Notary Public
State of Florida
Comm# HH294293
Expires 9/25/2026



(Official Notary Signature)
Name: Rey Malave
Personally Known X
OR Produced Identification _____
Type of Identification _____

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**TESTIMONY OF REINARDO MALAVE, P.E., FOR THE
WEIBERG ROAD COMMUNITY DEVELOPMENT DISTRICT
BOUNDARY AMENDMENT**

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

Reinardo (Rey) Malave, 800 N. Magnolia Avenue, Orlando, Florida 32803.

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

I am Associate Vice President and Department Manager, Municipal Engineering of Dewberry Engineers Inc.

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

43 years.

4. **Does your firm, Dewberry Engineers Inc., represent the Weiberg Road Community Development District?**

Yes. My firm serves as District Engineer.

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

BSCE – University of Puerto Rico 1978
MBA -- Keller School of Management – DeVry University

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

Florida Professional Engineer.

7. **Have you been involved in any developments of the type and nature contemplated within the amended Weiberg Road Community Development District (“District”)?**

Yes, I am the District Engineer for similar districts in the Town of Dundee, as well as the current engineer for this special District.

8. **Are you familiar with the *Petition to Amend the Boundaries of Weiberg Road Community Development District*, filed by the District with the Town of Dundee (“Town”), on or about November 11, 2022, and supplemented October 6, 2023 (together, the “Petition”), seeking to amend its boundary?**

Yes. I assisted the District with the preparation of some of the exhibits filed with the Petition.

1 **9. Are you generally familiar with the geographical area, type, and scope of development**
2 **and the available services and facilities in the vicinity of the District?**

3
4 Yes, I am.

5
6 **10. Which documents did you prepare or have others prepare under your supervision?**

7
8 Exhibits 1-5 and Exhibits 8-10.

9
10 **11. Do any of those exhibits require any change or correction?**

11
12 No.

13
14 **12. Are Exhibits 1-5 and Exhibits 8-10 to the Petition true and correct?**

15
16 Yes, to the best of my knowledge.

17
18 **13. In general, what do Exhibits 1-5, and Exhibits 8-10 to the Petition demonstrate?**

19
20 These exhibits demonstrate the general location and nature of the proposed improvements,
21 as well as the metes and bounds legal descriptions and sketches of the current District,
22 lands to be contracted from the District (together, the "Contraction Parcels"), and lands to
23 be added to the District (together, the "Expansion Parcels" and together with the
24 Contraction Parcel, the "Boundary Amendment Parcels"). They also indicate the future
25 general distribution, location and the extent of the public and private land uses proposed
26 for the area to be contracted from and added to the District by the future land use plan
27 element of the Town of Dundee Comprehensive Plan.

28
29 **14. What is the reason for the boundary amendment from an engineering and**
30 **development standpoint?**

31
32 The amendment will conform the boundaries of the District to the expected project. The
33 amendment will also function to provide an interrelated development plan for the lands.

34
35 **15. What capital facilities are presently planned or constructed by the District?**

36
37 At present, the District is expected to provide recreational facilities, landscaping and entry
38 monumentation along with the required roadways, stormwater, potable water and
39 wastewater infrastructure and recreational improvements. Presently, there are existing
40 collector and local roadways, water and wastewater infrastructure including stormwater
41 facilities, and landscaping, irrigation and entry monumentation.

42
43 **16. Based upon your training and experience as an engineer, do you have an opinion as**
44 **to whether the District, as amended ("Amended District"), will continue to remain of**
45 **sufficient compactness, and sufficient contiguity to be developed as a functional**
46 **interrelated community after contraction?**

1
2 Yes. Based on my experience, the Amended District will remain of sufficient size,
3 compactness, and contiguity to be developed as a one functional interrelated community.
4

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

7 For many reasons the District facilities can be provided in an efficient, functional, and
8 integrated manner.
9

10 First, there are sufficient, significant infrastructure needs for the lands to allow
11 development as a functionally interrelated community. There will be no need for services
12 to the Contraction Parcels. The amendment will not affect the ability of the Amended
13 District to function as an interrelated community.
14

15 Second, the specific design of the community allows infrastructure to be provided in a cost-
16 effective manner to the Expansion Parcels. The Amended District, as proposed, will
17 remain of sufficient size, compactness, and contiguity.
18

19 Third, the Expansion Parcels within the Amended District are more conducive for
20 development within the District. The provision of services and facilities through the use
21 of one development plan provides a contiguous and homogenous method of providing
22 services to lands throughout the District. There are currently no improvements constructed
23 or contemplated for the Contraction Parcels.
24

25 **18. In your opinion, will the Amended District continue to remain sufficiently compact**
26 **and contiguous to be developable as a functionally interrelated community. Would**
27 **you please explain what you mean when stating that the Amended District is of**
28 **sufficient compactness?**
29

30 The Amended District will encompass approximately 346 acres and will continue to
31 provide a range of residential and residential-support land uses that require the necessary
32 elements of infrastructure including roadways, potable water systems, wastewater systems,
33 surface water management systems, landscape, and entry monumentation, recreational
34 facilities and other improvements described in the Petition. After the boundary amendment,
35 the Amended District will continue to have sufficient overall residential density to require
36 all the above-mentioned necessary elements of infrastructure of a comprehensive
37 community. These facilities and services require planning, design, financing, construction,
38 and maintenance to provide the community with appropriate infrastructure. The preferred
39 method of developing land, especially for higher density residential uses, is for the
40 development to be spatially compact. This augments the Amended District's ability to
41 construct and maintain improvements, and provide services, in a cost-efficient manner.
42

43 **19. Does the amendment of the District obviate the need for local land development**
44 **regulations, ordinances or plans?**
45

46 No. Section 190.004 of the Florida Statutes explicitly provides that the establishment of a

1 community development district (“CDD”) does not in any way impact or change the
2 applicability of any governmental planning, environmental and land development laws,
3 regulations, and ordinances. A CDD cannot take any action that is inconsistent with the
4 comprehensive plan, code of ordinances or regulations of the city, town, or county within
5 which it is located. Adding additional land to the District will not change this.
6

- 7 **20. Based on your experience, do you have an opinion as to whether the services and**
8 **facilities to be provided by the District, will be incompatible with the capacities and**
9 **uses of existing local and regional community facilities and services?**

10
11 Yes. It is my opinion that the proposed services and facilities to the Amended District will
12 not be incompatible with the capacity and uses of existing local or regional community
13 development services and facilities and will complement the current services and facilities.
14 The District has been providing services and facilities since its establishment and will
15 continue to do so. None of the infrastructure improvements that the District has previously
16 provided or plans to provide exist on the Contraction Parcels in a manner which is
17 beneficial to the proposed development.
18

- 19 **21. Based on your experience, do you have an opinion as to whether the area to be**
20 **included within the Amended District is amenable to being served by a separate**
21 **special district government?**

22
23 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
24 amenable to being served by a separate special district government.
25

- 26 **22. What is the basis for your opinion?**

27
28 The District is limited in purpose and the infrastructure improvements to be provided by
29 the District are limited in scope. This infrastructure is expected to directly benefit the
30 development and may be adequately served by a special district government. In addition,
31 special district governance provides a mechanism whereby long-term maintenance
32 obligations can be satisfied by the persons primarily using the facilities and services.
33

- 34 **23. Do you have an opinion, as someone experienced in land planning, as to whether the**
35 **District, as amended, is a viable alternative for delivering community services and**
36 **facilities to the areas that will be served by the Amended District?**

37
38 Yes. It is my opinion that the Amended District remains the best alternative for providing
39 the existing services and facilities as compared to the Town, the County or a property
40 owners association.
41

42 From a planning perspective, the proposed Amended District is the best alternative
43 available to provide the necessary infrastructure improvements. As a special-purpose local
44 government, the District is a stable, long-term public entity capable of constructing,
45 maintaining and managing the proposed elements of infrastructure of the necessary
46 facilities and services. The limited purpose and scope of the District, combined with the

1 statutory safeguards in place, such as notice of public hearings and access to district
2 records, would ensure that the District is responsive to the infrastructure needs of the
3 District. The District would be able to obtain low-cost financing to provide the necessary
4 improvements and then impose special or non-ad valorem assessments upon the property
5 owners within the District to fund the infrastructure thus limiting costs to the general
6 public.

7
8 Only a CDD allows for the independent financing, administration, operations and
9 maintenance of the land within the District. Only a CDD allows district property owners,
10 and eventually residents, to completely control the district board and, therefore, the timing
11 and extent of infrastructure improvement and maintenance. Knowing when, where and how
12 infrastructure will be needed to service the projected population of an area allows for the
13 smooth delivery of those facilities. The District exceeds other available alternatives at
14 focusing attention to when and where and how the next system of infrastructure will be
15 required for this specific area. This results in the full utilization of existing facilities before
16 new facilities are constructed. It reduces the delivery cost to the citizens being served. All
17 other alternatives do not have these characteristics.

18
19 **24. In the course of your work in Florida, have you had an opportunity to work with the**
20 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

21
22 Yes. In the course of producing planning documents for private development proposals, I
23 have often referred to the State Comprehensive Plan.

24
25 **25. In the course of your work in Florida, have you had an opportunity to review local**
26 **government comprehensive plans?**

27
28 Yes. In fact, I have reviewed the Town of Dundee Comprehensive Plan many times in the
29 course of my work.

30
31 **26. Based upon your training and experience as a land development engineer, do you**
32 **have an opinion as to whether the boundary amendment of the District is inconsistent**
33 **with any portion or element of the Comprehensive Plan of the State or the Town?**

34
35 Yes, I do.

36
37 **27. What is that opinion?**

38
39 In my professional opinion, the proposed boundary amendment of the District is not
40 inconsistent with any applicable provisions of the State or Town Comprehensive Plan.

41
42 **28. Does this conclude your testimony?**

43
44 Yes, it does.