

BEFORE THE CITY COMMISSION  
CITY OF EUSTIS, FLORIDA

IN RE:            PETITION TO ESTABLISH THE            )  
                      HICKS DITCH COMMUNITY            )  
                      DEVELOPMENT DISTRICT            )

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

**STATE OF FLORIDA**  
**COUNTY OF ORANGE**


I, Major Stacy, P.E., of Appian Engineering, LLC, 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 Major Stacy, and I am a Principal of Appian Engineering, LLC.
3. The prepared written, pre-filed testimony consisting of nine (9) pages, submitted under my name to the City of Eustis, Florida, relating to the establishment of the Hicks Ditch 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 District 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 my work with land development projects as a professional engineer are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the nature of the services and facilities anticipated by the proposed Hicks Ditch Community Development District.

7. 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 3 day of October 2022.

  
\_\_\_\_\_  
Major Stacy, P.E.

SWORN TO and SUBSCRIBED before me by means of  physical presence or  online notarization, this 3<sup>rd</sup> day of October 2022 by the Affiant.



[notary seal]

  
\_\_\_\_\_  
(Official Notary Signature)

Name: Laura Zuluaga  
Personally Known ✓  
OR Produced Identification N/A  
Type of Identification N/A

1                   **TESTIMONY OF MAJOR STACY, P.E., FOR ESTABLISHMENT OF**  
2                   **LAKE HARRIS COMMUNITY DEVELOPMENT DISTRICT**

3  
4   **1. Please state your name and business address.**

5  
6           My name is Major Stacy and my business address is 2221 Lee Road, Suite 27, Winter  
7           Park, Florida 32789.

8  
9   **2. By whom are you employed and in what capacity?**

10  
11          I am a Principal with Appian Engineering.

12  
13   **3. How long have you held that position?**

14  
15          I have held this position for 12 years.

16  
17   **4. Please give your educational background, with degrees earned, major areas of study**  
18   **and institutions attended.**

19  
20          I graduated from the University of Central Florida in 2004 with a Bachelor of Science in  
21          Civil Engineering.

22  
23   **5. Do you have any professional licenses, registrations, or certifications?**

24  
25          Yes, my Florida Board of Professional Engineers License Number is 70249

26  
27   **6. Are you a member of any professional associations?**

28  
29          In addition to being a member of the FBOPE, I am also a member of GOBA.

30  
31   **7. Please summarize your previous experience as it relates to public facility design and**  
32   **construction and land development and planning.**

33  
34          As an engineer I have been the engineer of record for various municipal projects  
35          including transportation, stormwater, utilities and any ancillary items that would fall  
36          within a proposed scope. I have familiarity with the rules and regulations of all agencies  
37          having jurisdiction to ensure regulatory compliance.

38  
39   **8. Have you been involved in any developments of the type and nature contemplated**  
40   **within the proposed Hicks Ditch Community Development District (“District”)?**

41  
42          Yes, I have. For example, I serve as the engineer of record for the Dovera CDD as well as  
43          extensive coordination with the Enterprise CDD.

44  
45   **9. Are you familiar with the Petition (“Petition”) filed by TLC Pine Meadows, LLC**

1           **(“Petitioner”) on August 12, 2022, seeking the establishment of the proposed**  
2           **District?**

3  
4           Yes. I assisted the Petitioner with the preparation of some of the exhibits filed with the  
5           Petition and reviewed others.  
6

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

10           Yes, I am.

11  
12  
13   **11. Which documents did you prepare or have others prepare under your supervision?**

14           Exhibits 1, 2, 4, 5, 6, and 7.

15  
16  
17   **12. Do any of those exhibits require any change or correction?**

18           No.

19  
20  
21   **13. To the best of your knowledge, are Exhibits 1, 2, 4, 5, 6, and 7 to the Petition**  
22   **accurate?**

23           Yes, to the best of my knowledge.

24  
25  
26   **14. In general, what do Exhibits 1, 2, 4, 5, 6, and 7 to the Petition demonstrate?**

27           Exhibit 1 is a map showing the general location of the proposed District.

28           Exhibit 2 is the metes and bounds description of the external boundary of the proposed  
29           District.

30           Exhibit 4 contains a map depicting the future general distribution, location, and extent of  
31           the public and private land uses within the proposed District by the land use plan element.

32           Exhibit 5 contains a map identifying existing and proposed major trunk water mains and  
33           sewer interceptors and outfalls within and around the proposed District.

34           Exhibit 6 contains a list of the facilities and services the proposed District is expected to  
35           finance, fund, construct, acquire and/or install, as well as the anticipated entity  
36           responsible for the ownership and maintenance thereof.

37           Exhibit 7 contains the estimated costs and timetable of construction the infrastructure  
38           serving the land within the proposed District.  
39  
40  
41  
42  
43  
44  
45

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

2  
3 Based on information provided by Petitioner and as more fully described in Petition  
4 Exhibit 6, it is presently expected that the District will construct and/or acquire onsite and  
5 offsite sanitary sewer, reuse water, water distribution improvements, stormwater  
6 management improvements, electrical service system, conservation and mitigation areas,  
7 onsite and offsite roadway improvements and landscape, hardscape and irrigation  
8 improvements.  
9

10 **16. Based upon your training and experience as an engineer, do you have an opinion as**  
11 **to whether the proposed District is of sufficient size, sufficient compactness, and**  
12 **sufficient contiguity to be developed as a functional interrelated community?**  
13

14 Yes. Based on my experience, the proposed District is of sufficient size, compactness and  
15 contiguity to be developed as a one functional interrelated community.  
16

17 **17. What is the basis for your opinion?**  
18

19 For many reasons, the proposed District facilities can be provided in an efficient,  
20 functional and integrated manner.  
21

22 First, there are sufficient, significant infrastructure needs for the area within the proposed  
23 District to allow development as a functionally interrelated community.  
24

25 Second, the specific design of the community allows infrastructure to be provided in a  
26 cost-effective manner. The land included within the proposed District area is contiguous,  
27 which facilitates an efficient and effective planned development.  
28

29 Third, the provision of services and facilities through the use of one development plan  
30 provides a contiguous and homogenous method of providing services to lands throughout  
31 the District.  
32

33 **18. In your opinion, you said the proposed District is sufficiently compact and**  
34 **contiguous to be developable as a functionally interrelated community. Would you**  
35 **please explain what you mean when stating that the proposed District is of sufficient**  
36 **compactness?**  
37

38 The District will encompass approximately 244.043 acres and will provide a range of  
39 residential and residential-support land uses that require the necessary elements of  
40 infrastructure including onsite and offsite sanitary sewer, reuse water, water distribution,  
41 stormwater management system, electrical service, conservation and mitigation areas,  
42 onsite and offsite roadway improvements, among other improvements. The proposed  
43 District will have sufficient overall residential density to require all the above-mentioned  
44 necessary elements of infrastructure of a comprehensive community. These facilities and  
45 services require adequate planning, design, financing, construction, and maintenance to

1 provide the community with appropriate infrastructure. The preferred method of  
2 developing land, especially for higher density residential uses, is for the development to  
3 be spatially compact. This augments the District's ability to construct and maintain  
4 improvements and provide services, in a cost-efficient manner.  
5

6 **19. Can you provide an example of a service or facility and explain why a CDD is a**  
7 **preferred alternative for long-term operation and maintenance?**  
8

9 Yes. A good example would be a storm water management system. Both a CDD and a  
10 homeowner's association are permitted to operate and maintain such systems under  
11 applicable St. Johns River Water Management District ("SJRWMD") and City of Eustis  
12 rules. However, SJRWMD rules generally require homeowner's associations to provide  
13 significantly more information and documentation before the SJRWMD will accept them  
14 as an operation and maintenance entity. This additional information is required to ensure  
15 the association has the financial, legal and administrative capability to provide for long-  
16 term maintenance of the storm water management system. Such documentation generally  
17 must: (1) indicate that the association has the power to levy assessments; (2) mandate the  
18 association will operate and maintain such systems; and (3) provide that the association  
19 cannot be dissolved until another entity is found to maintain the storm water management  
20 system.  
21

22 In comparison, a CDD is a perpetual local government unit, which by law has the  
23 requisite assessment authority, including the ability to collect such assessments on the  
24 county tax roll. Thus, a CDD generally must simply provide a letter to the SJRWMD  
25 stating that the CDD will accept operation and maintenance responsibility. All things  
26 being equal, a CDD is preferred over a homeowner's or property owner's association for  
27 operation and maintenance of a storm water management system.  
28

29 **20. Does the establishment of the District obviate the need for local land development**  
30 **regulations, ordinances or plans?**  
31

32 No. Section 190.004, *Florida Statutes*, explicitly provides the establishment of a CDD  
33 does not in any way impact or change the applicability of any governmental planning,  
34 environmental and land development laws, regulations, and ordinances. A CDD cannot  
35 take any action that is inconsistent with the comprehensive plan, code of ordinances or  
36 regulations of the city or county within which it is located.  
37

38 **21. Based on your experience, do you have an opinion as to whether the services and**  
39 **facilities to be provided by the proposed District will be incompatible with the**  
40 **capacities and uses of existing local and regional community facilities and services?**  
41

42 Yes. Based on the information provided to me, it is my opinion that the proposed services  
43 and facilities of the proposed District will not be incompatible with the capacity and uses  
44 of existing local or regional community development services and facilities.  
45

1 **22. What is the basis for your opinion?**  
2

3 Currently, none of the planned infrastructure improvements the proposed District plans to  
4 provide exist on the subject property in a manner which is useful to the proposed  
5 development. Each of the elements of infrastructure for the necessary services and  
6 facilities will connect into the existing, surrounding systems according to criteria, review  
7 and approval of the existing operational entity. The proposed master infrastructure  
8 roadway improvements will interconnect with and extend the City's roadway system.  
9 The proposed water and sewer systems will extend the existing utility systems currently  
10 operated by the City of Eustis. There will be no incompatibility issues.  
11

12 **23. Based on your experience, do you have an opinion as to whether the area to be**  
13 **included within the proposed District is amenable to being served by a separate**  
14 **special district government?**  
15

16 Yes. Based on the information provided to me, in my opinion, and to the best of my  
17 knowledge, the area identified in the Petition is amenable to being served by a separate  
18 special district government.  
19

20 **24. What is the basis for your opinion?**  
21

22 Based on the information provided to me, the proposed District is limited in purpose and  
23 the infrastructure improvements to be provided by the proposed District are limited in  
24 scope. This infrastructure is expected to directly benefit the development and may be  
25 adequately served by a special district government. In addition, special district  
26 governance provides a mechanism whereby long-term maintenance obligations can be  
27 satisfied by the persons primarily using the facilities and services.  
28

29 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**  
30 **proposed District is the best alternative for delivering community services and**  
31 **facilities to the areas that will be served by the proposed District?**  
32

33 Yes. Based on the information provided to me, it is my opinion that the proposed District  
34 is the best alternative for providing the proposed services and facilities to the land to be  
35 included within the proposed District.  
36

37 **26. What are the alternatives contemplated in rendering this opinion?**  
38

39 There would be two alternatives to the establishment of the proposed District. First, to  
40 facilitate economic development, accommodate new growth, and provide new services,  
41 the City could perhaps provide the selected facilities. The second alternative would be  
42 for the developer or homeowner's association (HOA) to provide the infrastructure using  
43 private financing.  
44

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

1  
2 By comparison of the alternatives referenced above, from a planning perspective, the  
3 proposed District is the best alternative available to provide the necessary infrastructure  
4 improvements. As a special-purpose “local government,” the proposed District is a  
5 stable, long-term public entity capable of constructing, maintaining and managing the  
6 proposed elements of infrastructure of the necessary facilities and services. The limited  
7 purpose and scope of the District, combined with the statutory safeguards in place, such  
8 as notice of public hearings and access to district records, would ensure that the proposed  
9 District is responsive to the infrastructure needs of the proposed District. The proposed  
10 District would be able to obtain low-cost financing to provide the necessary  
11 improvements and then impose special or non-ad valorem assessments upon the property  
12 owners within the District to fund the infrastructure.  
13

14 Only a CDD allows for the independent financing, administration, operations and  
15 maintenance of the land within the District. Only a CDD allows property owners, and  
16 eventually residents, to completely control the CDD board and, therefore, the timing and  
17 extent of infrastructure improvement and maintenance. Knowing when, where and how  
18 infrastructure will be needed to service the projected population of an area allows for the  
19 smooth delivery of those facilities. The proposed District exceeds other available  
20 alternatives at focusing attention to when and where and how the next system of  
21 infrastructure will be required for this specific area. This results in a full utilization of  
22 existing facilities before new facilities are constructed. It reduces the delivered cost to  
23 the citizens being served. All other alternatives do not have these characteristics.  
24

25 **28. In the course of your work in Florida, have you had an opportunity to work with the**  
26 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**  
27

28 Yes. In the course of producing planning documents for private development proposals, I  
29 have often referred to the State Comprehensive Plan.  
30

31 **29. In the course of your work in Florida, have you had an opportunity to review local**  
32 **government comprehensive plans?**  
33

34 Yes. In fact, I have reviewed the City of Eustis Comprehensive Plan in the course of my  
35 work.  
36

37 **30. At this point, I will ask you to address certain matters that are related to land use**  
38 **and comprehensive planning. Are you familiar with the development approvals that**  
39 **have been obtained or are being sought by the Petitioner to govern the lands within**  
40 **the proposed District?**  
41

42 Yes, I am.  
43

44 **31. Based upon your experience with planning, do you have an opinion as to whether**  
45 **the proposed District is inconsistent with any portion or element of the State**



1           **Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

2  
3           Yes, I do have an opinion.

4  
5   **32.    What is that opinion?**

6  
7           In my opinion, the proposed District is not inconsistent with the applicable provisions of  
8           Chapter 187, *Florida Statutes*.

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

11  
12           I have reviewed, from a planning perspective, applicable portions of the State  
13           Comprehensive Plan which relate to community development districts. The State  
14           Comprehensive Plan “provides long-range policy guidance for the orderly, social,  
15           economic, and physical growth of the state.” The State Comprehensive Plan provides  
16           twenty-five (25) subjects, and numerous goals and policies. Three subjects are  
17           particularly relevant, from a planning perspective, to the establishment of the CDDs: No.  
18           15 - Land Use, No. 17 – Public Facilities, and No. 25 - Plan Implementation. Several of  
19           the policies and goals are particularly supportive of the establishment of the proposed  
20           District.

21  
22   **34.   Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**  
23   **of the proposed District?**

24  
25           This goal recognizes the importance of enhancing the quality of life in the State of  
26           Florida and attempts to do so by ensuring that development is located in areas that have  
27           fiscal abilities and service capacity to accommodate growth. CDDs are designed to  
28           provide services and facilities in a fiscally responsible manner to areas which can  
29           accommodate development. The proposed District is consistent with this goal because it  
30           will continue to have the fiscal capability to provide a range of services and facilities to a  
31           population in a designated growth area.

32  
33   **35.   Are any of the policies under subject No. 15 relevant?**

34  
35           Yes. Policy 1 promotes efficient development activities in areas which will have the  
36           capacity to service new populations and commerce. The proposed District will be a  
37           vehicle to provide high quality services in an efficient and focused manner over the long  
38           term.

39  
40   **36.   What is Subject 17 and why is it relevant?**

41  
42           Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,  
43           orderly and efficient manner. In particular, Policy 3 states that the cost of new public  
44           facilities should be allocated to existing and future residents on the basis of the benefits  
45           received. Policy 6 also encourages the identification and implementation of innovative

1 but fiscally sound and cost-effective techniques for financing public facilities.  
2 Establishment of the proposed District will further this goal and related policies.  
3

4 **37. Why is subject No. 25, the other subject you mentioned, relevant to the**  
5 **establishment of the proposed district?**  
6

7 Subject No. 25 addresses Plan Implementation. This goal requires that systematic  
8 planning capabilities be integrated into all levels of government throughout the state, with  
9 particular emphasis on improving inter-governmental coordination and maximizing  
10 citizen involvement. The proposed District will operate through a separate and distinct  
11 Board of Supervisors who will systematically plan the construction, operation and  
12 maintenance of public improvements and community facilities authorized under Chapter  
13 190, *Florida Statutes*, subject to and not inconsistent with the local government  
14 comprehensive plan and land development regulations. Further, meetings held by the  
15 Board of Supervisors are publicly advertised and open to the public.  
16

17 **38. Are there any relevant policies in this portion of the State Comprehensive Plan?**  
18

19 Yes. Policy 6 encourages public citizen participation at all levels of policy development,  
20 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the  
21 establishment of a CDD, and after two hundred and fifty (250) electors reside in the  
22 CDD, the election of the Board of Supervisors begins to transition from a landowner-  
23 elected Board to a resident-elected Board. Regardless of whether the board is elected by  
24 the landowners or the residents, the proposed District must convene its meetings in  
25 accordance with government in the sunshine provisions set forth in Chapter 286, *Florida*  
26 *Statutes*. This encourages citizen participation in the planning and operational activities  
27 of the district.  
28

29 **39. Based upon your experience with planning, do you have an opinion as to whether**  
30 **establishment of the proposed District is inconsistent with any portion or element of**  
31 **the City of Eustis Comprehensive Plan?**  
32

33 Yes, I do.  
34

35 **40. What is that opinion?**  
36

37 In my opinion, the establishment of the proposed District is not inconsistent with any  
38 applicable provisions of the City of Eustis Comprehensive Plan.  
39

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

42 The proposed District is consistent with the current Future Land Use / Comprehensive  
43 Plan designation, as this information was utilized during the annexation of the lands  
44 comprising the District, City Comprehensive Plan and planned development approvals  
45 recently acquired and approved by the City.

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

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

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

Yes, it does.