

RESOLUTION 2017-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE POINCIANA COMMUNITY DEVELOPMENT DISTRICT DECLARING SPECIAL ASSESSMENTS TO BE LEVIED FOR THE FINANCING OF CERTAIN AMENITIES AND RELATED INFRASTRUCTURE IMPROVEMENTS TO BE ACQUIRED, RECONSTRUCTED AND CONSTRUCTED; INDICATING THE LOCATION, NATURE AND COST OF THOSE IMPROVEMENTS WHOSE COST IS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE PORTION OF THE COST OF THE IMPROVEMENTS TO BE DEFRAYED BY THE SPECIAL ASSESSMENTS; PROVIDING THE MANNER IN WHICH SUCH SPECIAL ASSESSMENTS SHALL BE MADE; PROVIDING WHEN SUCH SPECIAL ASSESSMENTS SHALL BE PAID; DESIGNATING LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR AN ASSESSMENT PLAT; ADOPTING A PRELIMINARY ASSESSMENT ROLL; AND PROVIDING FOR PUBLICATION OF THIS RESOLUTION.

WHEREAS, the Poinciana Community Development District (the “District”) is a local unit of special-purpose government located in Polk County, Florida (the “County”), and established pursuant to Chapter 190, *Florida Statutes*, (the “Act”) for the purposes of constructing, installing, acquiring, operating and/or maintaining public infrastructure improvements; and

WHEREAS, the District, together with the Poinciana West Community Development District (“PWCDD,” and together with the District, the “Districts”), serve the Solivita residential community; and

WHEREAS, the District previously issued its Poinciana Senior Special Assessment Refunding Bonds, Series 2012A-1, and Subordinate Special Assessment Refunding Bonds, Series 2012A-2, in the aggregate principal amount of \$22,000,000 to refund the District’s outstanding Special Assessment Bonds, Series 2000A, which funded a portion of the construction and/or acquisition of certain of the infrastructure improvements within the District including, but not limited to: roadways, stormwater management facilities, water distribution systems, wastewater collection systems and irrigation systems; and

WHEREAS, the Districts are presently contemplating the District’s: i) acquisition of certain amenity facilities for recreational, cultural and educational purposes and related improvements from the developer of the lands within Solivita; ii) construction of new amenity facilities for recreational, cultural and educational purposes and related improvements; and iii) reconstruction of certain existing amenity facilities for recreational, cultural and educational

purposes and related improvements (collectively, the "Amenity Improvements"), as more particularly described in that certain *Amenity Facility Engineering Report*, dated February 10, 2017, attached hereto as **Exhibit A** and incorporated herein by reference, and to operate and maintain the same for the benefit of all residents within Solivita; and

WHEREAS, the Districts accordingly desire to levy special assessments on benefited property within their respective boundaries representing their proportionate share of the costs of the acquisition, construction and/or reconstruction of the Amenity Improvements in order to secure the special assessment bonds to be issued by the District to fund the cost thereof (the "Amenity Bonds"); and

WHEREAS, pursuant to Resolution 2016-066 and Ordinance 16-034 of the Polk County Board of County Commissioners, the District and PWCDD, respectively, received the County's consent to the exercise of special powers to plan, establish, acquire, construct or reconstruct, enlarge or extent, equip, operate and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses, pursuant to Section 190.012(2)(a), *Florida Statutes*; and

WHEREAS, the Board of Supervisors of PWCDD, pursuant to its Resolution 2017-06 once adopted, will have determined to finance, undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate and/or maintain the Amenity Improvements; and

WHEREAS, the Board of Supervisors of the District (the "Board") hereby determines to finance, undertake, install, plan, establish, construct or reconstruct, enlarge or extend, equip, acquire, operate and/or maintain the Amenity Improvements; and

WHEREAS, pursuant to Section 163.01, *Florida Statutes*, the District may enter into an interlocal agreement with other governmental units in order to, among other things, address matters of mutual interest affecting the governmental entities; and

WHEREAS, the District and PWCDD accordingly have approved an interlocal agreement obligating PWCDD to, among other things: i) assess its residents for the proportionate share of the special assessments securing the Amenity Bonds; and ii) remit such monies to the District in a manner so as to allow the District to remit the debt service then-due relative to the Amenity Bonds; and

WHEREAS, it is in the best interest of the District to pay its portion of the cost of the Amenity Improvements by special assessments pursuant to Chapter 190, *Florida Statutes* (the "Amenity Assessments"); and

WHEREAS, the Districts are empowered by Chapter 190, the Uniform Community Development District Act, Chapter 170, Supplemental and Alternative Method of Making Local Municipal Improvements, and Chapter 197, the Uniform Method for the Levy, Collection and Enforcement of Non-Ad Valorem Assessments, *Florida Statutes*, to finance, fund, plan,

establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain the Amenity Improvements and to impose, levy and collect the Amenity Assessments; and

WHEREAS, the District hereby determines that benefits will accrue to the property improved, the amount of those benefits, and that special assessments will be made in proportion to the benefits received for lands within the District as set forth in the *Preliminary Master Assessment Methodology* dated February 10, 2017 (the “Master Assessment Methodology for Amenity Facilities”) attached hereto as **Exhibit B** and incorporated herein by reference a copy of which is on file at the District office at 210 North University Drive, Suite 702, Coral Springs, Florida 33071 and at 395 Village Drive, Suite C, Poinciana, Florida 34759 (collectively, the “District’s Records Office”); and

WHEREAS, the District hereby determines that the Amenity Assessments to be levied will not exceed the benefits to the property improved; and

WHEREAS, this Resolution shall serve as the “resolution required to declare special assessments” contemplated by Section 170.03, *Florida Statutes*, for the assessment lien(s) levied against the property as described in **Exhibit A** that secure the Amenity Assessments.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD
OF SUPERVISORS OF THE POINCIANA COMMUNITY
DEVELOPMENT DISTRICT:**

1. The Amenity Assessments shall be levied against the property described in **Exhibit B** to defray a portion of the cost of the Amenity Improvements.

2. The nature and general location of, and plans and specifications for, the Amenity Improvements are described in **Exhibit A**, and is on file at the District’s Records Office. **Exhibit B** is also on file and available for public inspection at the same location.

3. The total estimated cost of the Amenity Improvements is \$84,885,543 (the “Estimated Cost”). The portion of the Estimated Cost of the Amenity Improvements allocable to the District is \$59,852,272.90, while the portion of the Estimated Cost of the Amenity Improvements allocable to PWCCD is \$25,033,270.10.

4. The Amenity Assessments (after application of the Assessment Equalization Payment) will defray approximately \$91,895,000 of the Estimated Cost, which includes a portion of the costs of the Amenity Improvements including financing-related costs, capitalized interest, and debt service reserve, but exclusive of interest, penalties and collection costs.

5. The manner in which the Amenity Assessments shall be apportioned and paid is set forth in **Exhibit B**.

6. The Amenity Assessments shall be levied within the District on all lots and lands adjoining and contiguous or bounding and abutting upon such improvements or specially benefitted thereby and further designated by the assessment plat hereinafter provided for.

7. There is on file, at the District's Records Office, an assessment plat showing the area to be assessed, with certain plans and specifications describing the Amenity Improvements and the Estimated Cost of the Amenity Improvements, all of which shall be open to inspection by the public.

8. Commencing with the year in which the Amenity Assessments are certified for collection, the Amenity Assessments shall be paid with interest and in not more than (30) thirty annual installments of principal. The Amenity Assessments may be payable at the same time and in the same manner as are ad-valorem taxes and collected pursuant to Chapter 197, *Florida Statutes*, (the "Uniform Method"); provided, however, that in the event the Uniform Method of collecting the Amenity Assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Amenity Assessments may be collected as is otherwise permitted by law.

9. The District Manager has caused to be made a preliminary assessment roll in accordance with the Master Assessment Methodology for Amenity Facilities attached hereto as **Exhibit B**, which shows the lots and lands assessed, the amount of benefit to and the assessment against each lot or parcel of land and the number of annual installments into which the assessment may be divided, which is hereby adopted and approved as the District's preliminary assessment roll.

10. The Board shall adopt a subsequent resolution to fix a time and place at which the owners of property to be assessed or any other persons interested therein may appear before the Board and be heard as to the propriety and advisability of the Amenity Assessments or the making of the Amenity Improvements, the cost thereof, the manner of payment therefore, or the amount thereof to be assessed against each property as improved.

11. The District Manager is hereby directed to cause this Resolution to be published twice once a week for two (2) weeks in a newspaper of general circulation within Polk County and to provide such other notice as may be required by law or desired in the best interests of the District.

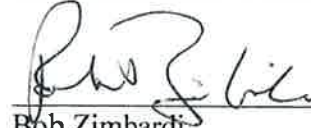
12. This Resolution shall become effective upon its passage.

PASSED AND ADOPTED this 10th day of February, 2017.

ATTEST:

**BOARD OF SUPERVISORS OF THE
POINCIANA COMMUNITY
DEVELOPMENT DISTRICT**


Secretary


Bob Zimbardi
Chairman, Board of Supervisors

- Exhibit A:** *Amenity Facility Engineering Report*, dated February 10, 2017
Exhibit B: Preliminary Master Assessment Methodology dated February 10, 2017