

LEGISLATIVE #

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Hopping Green & Sams

Attorneys and Counselors

Finley Woods CDD **July 2019 Establishment Hearing**

Jere Earlywine

Finley Woods CDD

- In June the Commission discussed, as an informational item, Finley Woods CDD and proposed elements to make it exemplary or unique, such as solar power, Florida Friendly Landscaping, and items creating immediate value for residents and the City of Gainesville; and
- In response, the Petitioner has voluntarily proposed specific Deed Restrictions upon the property, which will:
 - Provide for Net-Zero Solar Power through- out the subdivision;
 - Employ Florida-Friendly landscaping on residential lots and in common areas; and
 - Include additional non-deed restriction requirements to be enforced through the Home Owners Association (HOA) and Architectural Review Committee (ARC).

This instrument prepared by:

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JMT - FW Master*

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FINLEY WOODS PLANNED DEVELOPMENT

THIS AMENDMENT (the "Amendment") to the Declaration of Covenants, Conditions and Restrictions for Finley Woods Planned Development (the "Declaration") was made this ____ day of _____, 2019, by **Finley Woods Development LLC**, a Florida limited liability company (the "Developer"), and states the following:

WITNESSETH

WHEREAS, Developer made and signed into the Declaration, recorded on the 2nd day of December, 2014, in **O.R. Book 4316, Page 2162** of the Public Records of Alachua County, Florida;

WHEREAS, in accordance with Article IX, Section 5 of the Declaration, the Developer intends to amend the affirmative and restrictive covenants of the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Article II shall have a new Paragraph 25:

25. The following covenant shall apply to Finley Woods, Phase 2 and Phase 3 only: The use of solar panels as an independent electrical power system for an individual Lot shall be referred to herein as a Lot's "Solar Power System". A Solar Power System may be designed and installed during the building construction process of any residence on a Lot, subject to the following conditions

CDD Benefits

■ PROJECT BENEFITS

- CDD can issue tax-exempt bonds for initial construction and future refurbishment of public improvements – reduces overall costs thereby saving residents money

■ RESIDENT BENEFITS

- In addition to financial benefits, residents benefit because:
 - CDDs are more transparent than HOAs due to Sunshine Laws, Public Records laws, and government reporting requirements;
 - CDDs may be eligible for FEMA funding (HOAs are NOT);
 - CDDs have professional management (unlike many HOAs);
 - CDDs have sovereign immunity protection;
 - CDDs have stable collection method using the tax roll (unlike HOAs);
 - CDDs typically turnover to resident control earlier than an HOA; and
 - Property values are better maintained, which protects homeowners' investment.

■ CITY of GAINESVILLE BENEFITS

- The City will have an increased tax base, which is constructed more quickly;
- The City is not responsible for CDD debt;
- The City retains all Land Use, Zoning, and development authority; and
- Petitioner agrees to develop the project as a solar net-zero "green community".

Establishment Criteria

In determining whether to grant the CDD establishment, the City must specifically consider Florida Statutes criteria, as to whether:

- 1. All statements contained within the petition have been found to be true and correct.*
- 2. The establishment of the district is inconsistent with any applicable element or portion of the state and local comprehensive plan.*
- 3. The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.*
- 4. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.*
- 5. The community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.*
- 6. The area that will be served by the district is amenable to separate special-district government.*