



**BLACK CREEK
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING
& PUBLIC HEARING
JUNE 19, 2024
10:30 A.M.**

Special District Services, Inc.
8785 SW 165th Avenue, Suite 200
Miami, FL 33193
786.313.3661 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
Lennar Homes, LLC
5505 Blue Lagoon Drive
Miami, Florida 33126
REGULAR BOARD MEETING & PUBLIC HEARING
June 19, 2024
10:30 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
 - 1. May 21, 2024 Special Board Meeting.....Page 2
- G. **Public Hearing – Uniform Method**
 - 1. Proof of Publication.....Page 6
 - 2. Receive Public Comments on the Use of the Uniform Method of Collection
 - 3. Consider Resolution No. 2024-07 – Intent Adopting the Uniform Method of Collection of Non-Ad Valorem Assessments Pursuant to Chapter 197, F.S.....Page 7
- H. **Public Hearing – Levy of Non-Ad Assessments**
 - 1. Proof of Publication.....Page 10
 - 2. Receive Public Comments Regarding Intent to Levy Special Assessments
 - 3. Consider Approval of the Project and Levying of Non-Ad Valorem Special Assessments Based on Comments from the Public
 - 4. Consider Adjusting and Equalizing of Non-Ad Valorem Special Assessments Based on Comments from the Public
 - 5. Consider Resolution No. 2024-08 – Authorizes the Project, the Intent to Levy Non-Ad Valorem Assessments; Intent to Utilize Chapter 197, F.S. for the Levy, Collection and the Enforcement of Non-Ad Valorem Assessments; and the Adoption of a Final Assessment Roll, Pursuant to Chapters 170 and 190, F.S.....Page 11
- I. Old Business
- J. New Business
 - 1. Discussion Regarding Expansion Area (Powerline) Fill Contract
- K. Administrative & Operational Matters
- L. Board Member & Staff Closing Comments
- M. Adjourn

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, of Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT -
FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

in the XXXX Court,
was published in a newspaper by print in the issues of Miami
Daily Business Review f/k/a Miami Review on

10/06/2023

Affiant further says that the newspaper complies with all
legal requirements for publication in chapter 50, Florida
Statutes.

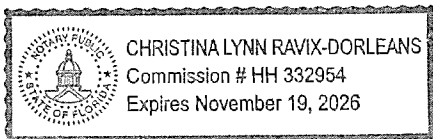
Guillermo Garcia

Sworn to and subscribed before me this
6 day of OCTOBER, A.D. 2023

Christina Lynn Ravix-Dorleans

(SEAL)

GUILLERMO GARCIA personally known to me



BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the "Board") of the Black Creek Community Development District (the "District") will hold Regular Meetings at Lennar Homes, LLC located at 5505 Waterford District Drive, Miami, Florida 33126 at 10:30 a.m. on the following dates:

October 18, 2023
November 15, 2023
March 20, 2024
April 17, 2024
June 19, 2024
July 17, 2024
September 18, 2024

The purpose of the meetings is for the Board to consider any District business which may lawfully and properly come before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law for community development districts. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922, prior to the date of the particular meeting.

From time to time one or two Board members may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Board members may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 786-313-3661 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time with no advertised notice.

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT

www.blackcreekcdd.org

10/6

23-48/0000686879M

**KEYS EDGE COMMUNITY DEVELOPMENT DISTRICT
SPECIAL BOARD MEETING
MAY 21, 2024**

A. CALL TO ORDER

District Manager Nancy Nguyen called the May 21, 2024, Special Board Meeting of Keys Edge Community Development District (the “District”) to order at 10:01 a.m. in the Conference Room located at 1200 NW 4th Street, Homestead, Florida 33030.

B. PROOF OF PUBLICATION

Ms. Nguyen presented proof of publication that notice of the Special Board Meeting had been published in the *Miami Herald* on May 13, 2024, *as legally required*.

C. ESTABLISH A QUORUM

Ms. Nguyen determined that the attendance of Chairman Ronald Fields, Vice Chairwoman Alicia Ale, and Supervisors Miriam Lopez and Jose Iglesias (who arrived at 10:06 a.m.) constituted a quorum and it was in order to proceed with the meeting.

Staff in attendance included: District Managers Nancy Nguyen and Armando Silva of Special District Services, Inc.; and General Counsel Ginger Wald (via conference call) of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

Also in attendance was: Yadira Cabus of ONX Homes.

D. CONSIDER RESIGNATION (FERNANDO ARANGO/SEAT 1; EFF. 9/15/23) AND APPOINTMENT TO VACANT SEAT

Ms. Nguyen stated that Fernando Arango’s resignation was never officially accepted by the Board of Supervisors (the “Board”) and it would be in order to accept it at this time. Ms. Nguyen presented a resignation letter from Fernando Arango with an effective date of September 15, 2023.

A **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed to accept the resignation of Fernando Arango, effective September 15, 2023.

Ms. Nguyen stated that there was now a vacancy in Seat 1 which term expires in November 2025.

Ms. Nguyen explained that Ms. Yadira Cabus would like the opportunity to serve on the District Board.

A **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed appointing Ms. Cabus to the unexpired 4-year term of office in Seat 1 and such term of office will expire in November 2025.

E. ADMINISTER OATH OF OFFICE AND REVIEW NEW BOARD MEMBER DUTIES AND RESPONSIBILITIES

Ms. Nguyen, Notary Public in the State of Florida, administered the Oath of Office to Ms. Cabus. In addition, following the meeting, Ms. Nguyen will review the duties and responsibilities as a Board member with emphasis on the Sunshine Law, Financial Disclosure for Public Officials (2023 Form 1 must be completed electronically through the Florida Commission on Ethics Electronic Financial Disclosure Management System within thirty (30) days of appointment) and the Code of Ethics for Public Officials.

F. ELECTION OF OFFICERS

As a result of the changes to the Board of the District, Ms. Nguyen recommended that re-election of the District's Officers take place. She provided the following slate of names for election:

- Chairman – Ronald Fields
- Vice Chairwoman – Alicia Ale
- Secretary/Treasurer – Nancy Nguyen
- Assistant Secretaries – Miriam Lopez, Jose Iglesias, Yadira Cabus, Armando Silva, and Gloria Perez

A **motion** was made by Mr. Fields, seconded by Ms. Ale and passed unanimously electing the District's Officers, as listed above.

G. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

H. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

I. APPROVAL OF MINUTES

1. April 29, 2024, Special Board Meeting

Ms. Nguyen presented the minutes of the April 29, 2024, Special Board Meeting and asked if there were any changes and/or corrections.

There being no changes, a **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed approving the minutes of the April 29, 2024, Special Board Meeting, *as presented*.

J. OLD BUSINESS

1. Staff Report, as Required

There was no old business to discuss at this time.

K. NEW BUSINESS

1. Consider Resolution No. 2024-05 – Approving Term Extensions

Ms. Nguyen presented Resolution No. 2024-05 entitled:

RESOLUTION NO. 2024-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KEYS EDGE COMMUNITY DEVELOPMENT DISTRICT ADJUSTING THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD OF SUPERVISORS IN ACCORDANCE WITH SECTION 190.006(3)(a)2.c., FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Nguyen explained that Florida Statutes requires that all elections of qualified electors of a community development district be held at a general election in November (on even years) and authorizes the District's Board of Supervisors to adopt a resolution extending the terms of office in order to implement this requirement. A discussion ensued after which:

A **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed to approve and adopt Resolution No. 2024-05, *as presented*; thereby adjusting the terms of office, pursuant to Section 190.006(3)(a)2c, Florida Statutes, of the Board of Supervisors of the District. Seats 1, 2, and 4, which terms were scheduled to expire in November 2025, are hereby extended so that their terms of office expire in November 2026; and Seats 3 and 5, which terms were scheduled to expire in November 2027, are hereby extended so that their terms of office expire in November 2028.

2. Consider Resolution No. 2024-06 – Adopting A Fiscal Year 2024/2025 Proposed Budget

Ms. Nguyen presented Resolution No. 2024-06, entitled:

RESOLUTION NO. 2024-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KEYS EDGE COMMUNITY DEVELOPMENT DISTRICT APPROVING AND ADOPTING A PROPOSED BUDGET AND NON-AD VALOREM ASSESSMENTS FOR THE FISCAL YEAR 2024/2025; AND PROVIDING AN EFFECTIVE DATE.

Ms. Nguyen explained that it is anticipated that the platted lots of the Aurora and Alba subdivisions will be assessed through the property tax collector; however, the developer will continue to be direct billed. Furthermore, Ms. Nguyen stated as part of Resolution No. 2024-06, the Board must set a date for the public hearing to adopt the fiscal year 2024/2025 final budget and assessment roll. A discussion ensued after which:

A **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed to approve and adopt Resolution No. 2024-06, *as presented*, setting the public hearing to adopt the fiscal year 2024/2025 final budget and assessments for July 24, 2024, at 3:00 p.m. in the Conference Room located at 1200 NW 4th Street, Homestead, Florida 33030; and further authorizes publication/notice of the budget public hearing, as required by law.

L. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Staff Report, as Required

There were no administrative or operational matter to discuss at this time.

M. BOARD MEMBER & STAFF CLOSING COMMENTS

There were no further Board Member comments. Ms. Nguyen reminded the Board of the Public Hearing scheduled for June 6, 2024 at 10:30 a.m. in the Hampton Inn & Suites, First Floor Board Room (Reef I Board Room), located at 2855 NE 9th Street, Homestead, Florida 33030.

N. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Mr. Fields, seconded by Ms. Ale and unanimously passed adjourning the Special Board Meeting at approximately 10:16 a.m.

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

PUBLIC NOTICE BY THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT OF THE INTENT TO USE THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS

Notice is hereby given to all owners of lands located within the Second Expansion Area of the Black Creek Community Development District (the “District”), that the District’s Board of Supervisors (the “Board”) intends to use the uniform method for the levy, collection and enforcement of non-ad valorem assessments as set forth in Section 197.3632, *Florida Statutes*, for such non-ad valorem assessments as may be levied by the District.

The District’s Board will hold a Public Hearing on June 19th, 2024 at 10:30 a.m. in the Lennar Homes Conference Room located at 5505 Waterford District Drive, Miami, FL 33126, the purpose of which is to consider the adoption of a Resolution authorizing the District to use the uniform method for the levy, collection and enforcement of non-ad valorem assessments as set forth in Section 197.3632, *Florida Statutes*, for such non-ad valorem assessments as may be levied by the District. Such non-ad valorem assessments will be collected by the Miami-Dade County tax collector. Said Public Hearing may be continued, if necessary, to a time and date as specified on the record.

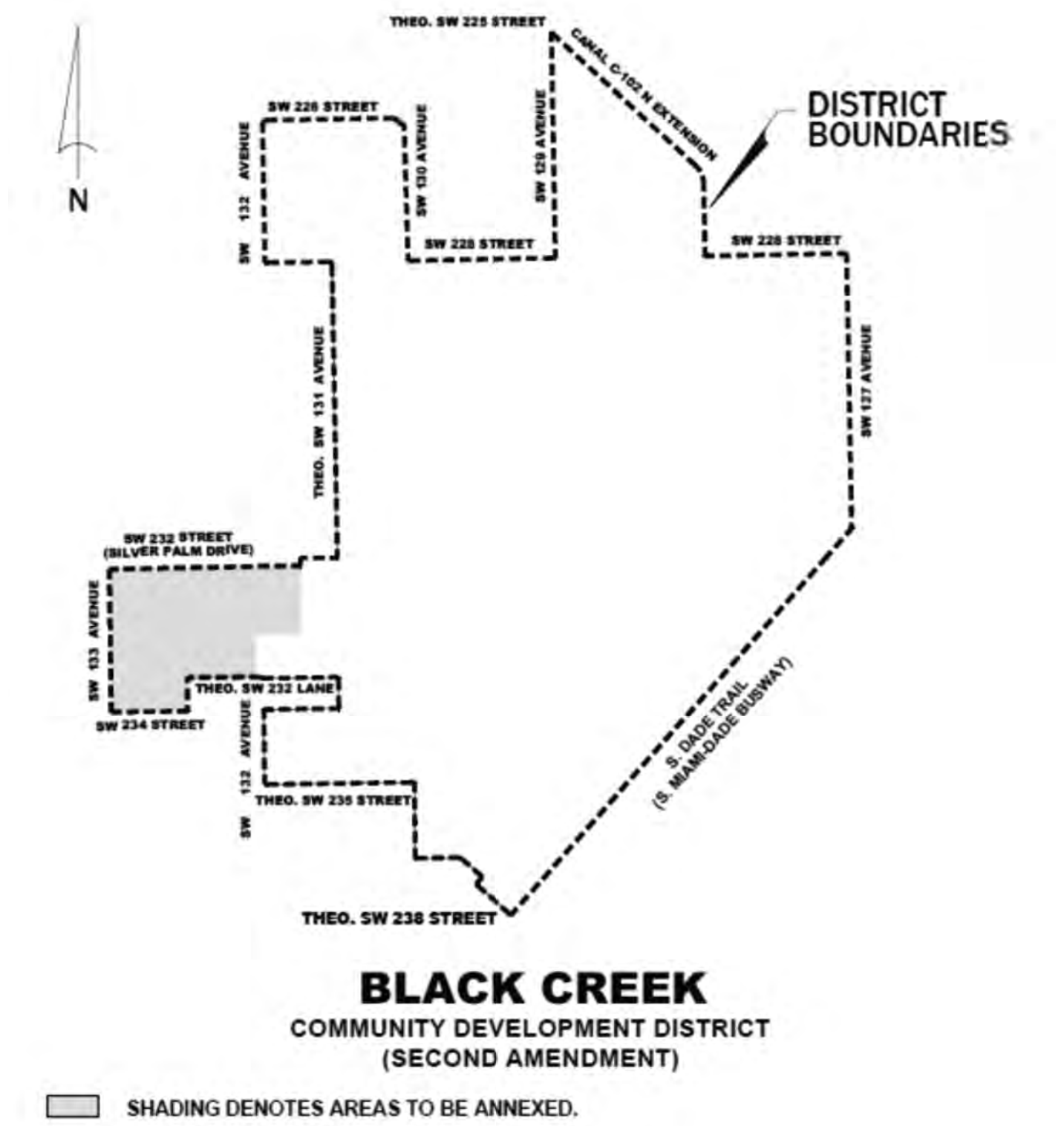
The non-ad valorem assessments anticipated to be levied commencing with the District’s fiscal year 2024/2025 is estimated to be in the annual amounts of \$1,210 for single family units and \$1,110 for townhome units, for the purpose of payment of long term bond indebtedness, which amounts, due to amortization may change from year to year, but levied for no more than thirty (30) years; and additionally in the annual amount of approximately \$390 per dwelling unit for the purpose of annual operation and maintenance and other lawful obligations to run and operate the District. You are entitled to a 4% discount if you pay your annual real estate property tax bill in November.

All affected property owners have the right to appear at the Public Hearing to be heard regarding the District’s use of the uniform method for the levy, collection and enforcement of non-ad valorem assessments as set forth in Section 197.3632, *Florida Statutes*, for such non-ad valorem assessments as may be levied by the District. All affected property owners have the right to file written objections with the District’s Manager, Special District Services, Inc., 8785 SW 165 Avenue, Suite 200, Miami, Florida 33193, within 20 days of the first publication of this notice.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this Public Hearing, such person will need a record of the proceedings, and that, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, at their own expense, which record includes the testimony and evidence on which the appeal is based.

In accordance with Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the District Manager by calling 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the proceeding.

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
BOUNDARY MAP



BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT

www.blackcreekcdd.org

PUBLISH: MIAMI HERALD: 5/21/2024, 5/28/2024, 6/4/2024, 6/11/2024

RESOLUTION NO. 2024-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE USE OF THE UNIFORM METHOD FOR THE LEVY, COLLECTION AND ENFORCEMENT OF NON-AD VALOREM ASSESSMENTS, PERMITTED BY SECTION 197.3632, *FLORIDA STATUTES*; EXPRESSING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS AND SETTING FORTH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WITHIN THE SECOND EXPANSION AREA OF THE DISTRICT'S JURISDICTIONAL BOUNDARIES THAT MAY OR SHALL BE SUBJECT TO THE LEVY OF DISTRICT NON-AD VALOREM ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 197, *Florida Statutes*, provides for the usage by the Black Creek Community Development District (the "District") of a uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

WHEREAS, Chapter 197, *Florida Statutes*, sets forth certain requirements and procedures which have been implemented by the District in order to use said uniform method of levying, collecting and enforcing its non-ad valorem assessments; and

WHEREAS, the Board of Supervisors (the "Board") of the District, have determined that it is in the best interest of the District, for the District, to elect to use the uniform method for levying, collecting and enforcing non-ad valorem assessments as provided in Section 197.3632, *Florida Statutes*.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT, THAT:

1. The above recitals are hereby incorporated and adopted as the findings of fact of the Board.
2. That the uniform method for levying, collecting and enforcing non-ad valorem assessments as authorized by Section 197.3632, *Florida Statutes*, is hereby adopted for usage by the District.
3. That non-ad valorem assessments will in the future be required to be assessed and levied by the District in order to provide necessary funds for one or more of the following reasons:
 - (a) Satisfying the lawful debt obligations of the District, and/or
 - (b) Financing, constructing, maintaining and servicing the Improvements within the District, and/or
 - (c) The administrative operation of the District, and/or
 - (d) Such other lawful purposes which the District is empowered to provide as authorized by law.

4. That the uniform method for the levying, collecting and enforcing of non-ad valorem assessments now and in the future, shall, to the extent authorized by law, apply to all assessable lands within the Second Expansion Area of the District, and said boundaries of the District are described in attached **Exhibit "A"** which is incorporated herein and made a part hereof.

5. This resolution shall take effect immediately upon its adoption.

THIS RESOLUTION PASSED AND WAS ADOPTED this 19th day of June, 2024.

ATTEST:

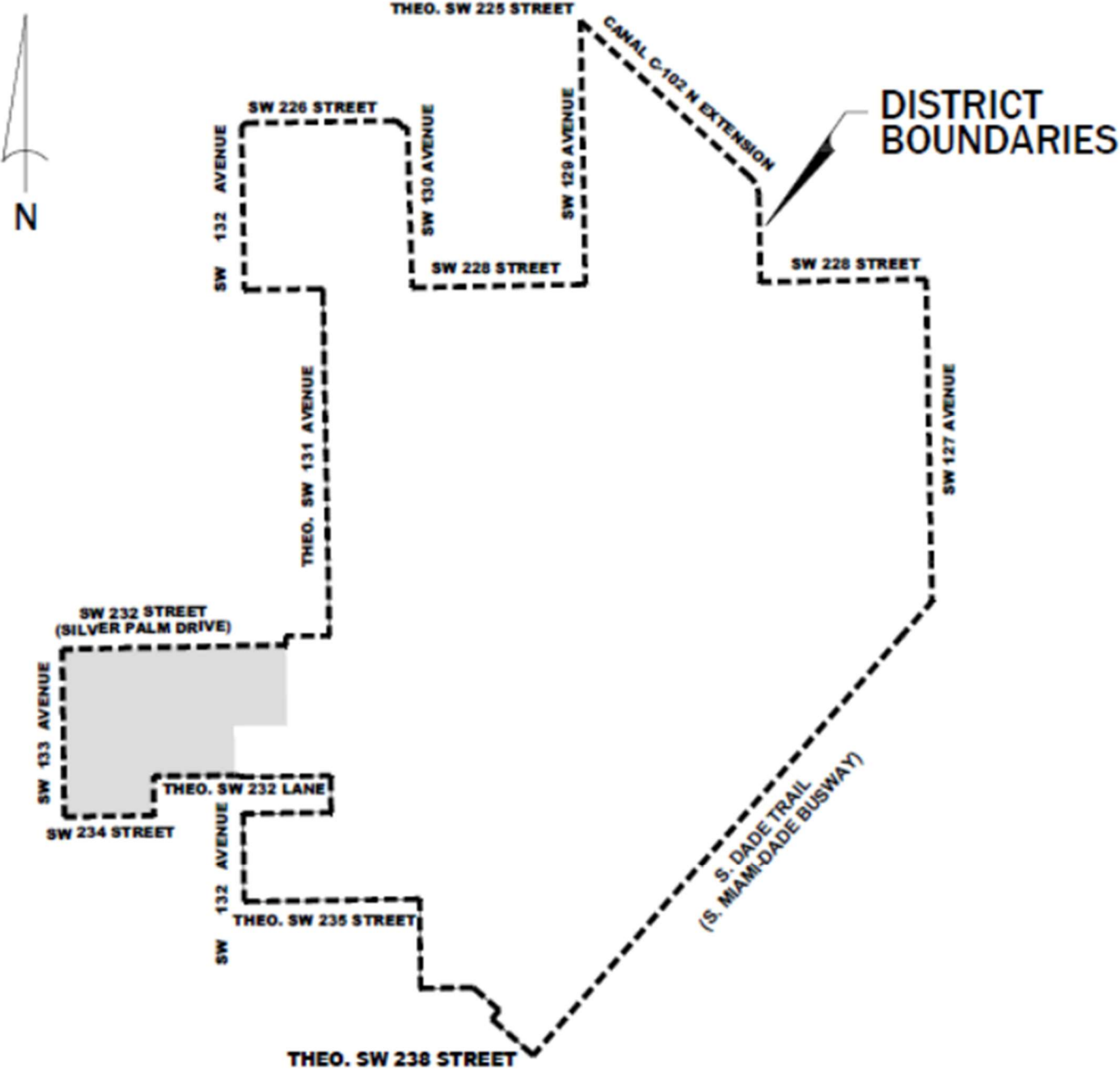
**BLACK CREEK
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

EXHIBIT A
BOUNDARIES

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
BOUNDARY MAP



BLACK CREEK

COMMUNITY DEVELOPMENT DISTRICT
(SECOND AMENDMENT)

 SHADING DENOTES AREAS TO BE ANNEXED.

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT NOTICE OF PUBLIC HEARING TO LEVY AND PROVIDE
FOR THE COLLECTION AND ENFORCEMENT OF NON-AD VALOREM SPECIAL
ASSESSMENTS AND NOTICE OF REGULAR BOARD MEETING

Notice is hereby given that the Board of Supervisors (the "Board") of the Black Creek Community Development District (the "District"), located within Miami-Dade County, Florida, will conduct a Public Hearing to consider adoption of an assessment roll and the imposition of special assessments against certain properties within the boundaries of the District. The general location of the area where proposed public infrastructure improvements to be improved and assessed is located within parcels of land in the District consisting of approximately 9.43+/- gross acres in an area bounded on the west by SW 133rd Avenue, on the north by SW 232nd Street, on the east by the District, and on the south by SW 234th Street and the District.

The purpose of the special assessments is to fund the cost of certain infrastructure improvements to certain properties within the area described above. The nature of the proposed improvements generally consists of, but are not necessarily limited to, onsite and offsite roadway improvements including the payment by the District of road impact fees, stormwater management system, water distribution system including the payment by the District of connection charges relating thereto, sanitary sewer system including the payment by the District of connection charges relating thereto and other related improvements, all as described more particularly in the Second Supplemental Engineer's Report dated and accepted May 15, 2024, as may be further revised, prepared by Ford Engineers, Inc. (the "Engineer's Report"), and the plans and specifications on file in the offices of Special District Services, Inc., 8785 SW 165 Avenue, Suite 200, Miami, Florida 33193 or 2501A Burns Road, Palm Beach Gardens, Florida 33410 (the "District Offices"). A description of each property to be assessed and the amount to be assessed to each piece or parcel of assessable property is set forth in the Master Special Assessment Methodology Report and Second Supplemental Special Assessment Methodology Report, dated and accepted May 15, 2024, as may be further revised, prepared by Special District Services, Inc., (the "Methodology Reports") on file in the District Offices.

A Public Hearing to receive comments from affected property owners as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment thereof; and as to the amount thereof to be assessed against each parcel will be held in conjunction with the Regular Board Meeting on June 19th, 2024 at 10:30 a.m. in the Lennar Homes Conference Room located at 5505 Waterford District Drive, Miami, FL 33126.

All affected property owners have a right to appear at the Public Hearing and the right to file written objections with the District within twenty (20) days of the publication of this Notice.

If any person decides to appeal any decision made with respect to any matter considered at this Public Hearing, such persons will need a record of the proceedings and for such purpose said person may need to ensure that a verbatim record of the proceeding is made at their own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the Americans with Disabilities Act, this document may be requested in an alternative format. Auxiliary aids or services will also be provided upon request with at least five (5) days notice prior to the proceeding. Please contact the District Manager at 561-630-4922 and/or toll free at 1-877-737-4922 for assistance. If hearing impaired, telephone the Florida Relay Service (800) 955-8771 (TDD) for assistance. Meetings may be cancelled from time to time without advertised notice.

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT

www.blackcreekcdd.org

W00000000

Publication Dates

RESOLUTION NO. 2024-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT SYSTEMS, FACILITIES, SERVICES AND RELATED INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, IMPOSING AND LEVYING CERTAIN NON-AD VALOREM SPECIAL ASSESSMENTS ON CERTAIN LANDS WITHIN THE EXPANSION AREA OF THE DISTRICT SPECIALLY BENEFITTED BY SUCH IMPROVEMENTS, TO PAY A PORTION OF THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHOD PROVIDED FOR BY CHAPTERS 170 AND 197, *FLORIDA STATUTES*; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT BONDS; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

BE IT RESOLVED BY THE Board of Supervisors (the "Board") of the Black Creek Community Development District (the "District") as follows:

Section 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to Chapters 170, 190 and 197, *Florida Statutes*.

Section 2. FINDINGS ASCERTAINMENTS AND DETERMINATIONS The Board of the District hereby finds and determines as follows:

1. The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 190, *Florida Statutes*, of the State of Florida ("State"), and was established by Ordinance of Miami-Dade County, Florida; and
2. The boundaries of the District were expanded by an amendment to the Creation Ordinance; such expanded area herein called the "Second Expansion Area"; and
3. The District is authorized by Chapter 190, *Florida Statutes*, to construct onsite and offsite roadway improvements, irrigation systems, landscaping, hardscapes, water management and control facilities for flood protection, potable water and waste water systems, and other infrastructure improvements to serve lands within the Second Expansion Area of the District (the "Improvements"); and
4. The District is authorized by Chapters 170 and 190, *Florida Statutes*, to levy non-ad valorem special assessments to pay all or any part of the cost of such improvements, and to issue special assessment bonds payable from such non-ad valorem special assessments as provided in Chapters 170 and 190, *Florida Statutes* (the "Special Assessment Bonds"); and
5. It is necessary to the public health, safety and welfare, and in the best interest of the District, that: (i) the District provide the Improvements, the nature and location of which are described in the "Engineer's Report" (as hereinafter defined) and in the plans and specifications on file at the offices of the District Manager located at 8785 SW 165 Avenue, Suite 200, Miami, Florida 33193, and The Oaks Center, 2501A Burns Road, Palm Beach Gardens, Florida 33410 (the "District Offices"); (ii) all or a portion of the cost of the Improvements be

assessed against the lands within the Second Expansion Area of the District specially benefited by the Improvements; and (iii) the District issue special assessment bonds to provide funds for such purposes; and

6. The provision of the Improvements, the levying of such non-ad valorem special assessments and issuance of Special Assessment Bonds serve a proper, essential and valid public purpose; and
7. As set forth in Resolution No. 2024-02, adopted by the Board on May 15th, 2024, it is the Board's intention to defray all or a portion of the cost of the Improvements by levying non-ad valorem special assessments on the specially benefited properties located within the Second Expansion Area of the District; and
8. In order to provide funds to pay the costs of the Improvements, which are to be assessed against the specially benefited properties within the Second Expansion Area of the District, it is necessary for the District to sell and issue its Special Assessment Bonds, in one or more series (the "Bonds"); and
9. The Board has expressed its intention to issue Bonds in order to provide the funds needed for the Improvements prior to the collection of such non-ad valorem special assessments; and
10. Resolution No. 2024-02 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to its adoption, the requirements of Section 170.04, *Florida Statutes*, had been complied with; and
11. Resolution No. 2024-02 was published as required by Section 170.05, *Florida Statutes*. A copy of the affidavit of publication is on file with the Secretary of the Board (i.e., the District Manager) at the District Offices provided in paragraph 4, above; and
12. A preliminary assessment roll was prepared and filed with the Board as required by Section 170.06, *Florida Statutes*; and
13. Pursuant to Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution No. 2024-03, providing the time and place for a public hearing where owners of the properties to be assessed and other persons interested therein may appear before the Board and be heard as to (i) the propriety and advisability of making the Improvements; (ii) the cost of the Improvements; (iii) the manner of payment; (iv) the assessment methodology; (v) the amount to be assessed against each parcel of specially benefited property within the Second Expansion Area of the District. Resolution No. 2024-02 further provided for notice of the public hearing to be provided by publication and mail; and
14. Notice of the public hearing has been given by publication and by mail as required by Section 170.07, *Florida Statutes*, and affidavits attesting as to such publication and mailing are on file at the office of the Secretary of the Board at the District Offices; and

15. At the time and place specified in Resolution No. 2024-03 the Board met as an “Equalization Board”, conducted such public hearing and heard and considered all comments and complaints as to the matters described in paragraph 12 above, and based thereon, has made such modifications in the preliminary assessment roll as it deems necessary, in the making of the final assessment roll; and
16. Having considered the costs of the Improvements, revised estimates of financing costs, the assessment methodology, and all comments, complaints and evidence presented at the public hearing, the Board specifically finds, ascertains and determines:
 - i. that the estimated costs of the Improvements is as specified in the District’s Engineer’s Report, for the Second Expansion Area, accepted May 15, 2024, as may be revised (the “Engineer’s Report”), a copy of which is attached hereto and incorporated herein as Exhibit “A”, and that the amount of such costs is reasonable and proper;
 - ii. it is reasonable, proper, just and right to assess a portion of the cost of the Improvements, together with certain additional costs relating to the cost of issuance of the Bonds, against the properties within the Second Expansion Area of the District specially benefited thereby, using the method determined by the Board, which is set forth in the Master Special Assessment Methodology Report and Second Supplemental Special Assessment Methodology Report dated May 15, 2024, a copy of which is attached hereto and incorporated herein as Exhibit “B”, which will result in the levy of non-ad valorem special assessments to be set forth on the final assessment roll;
 - iii. it is hereby found, determined and declared that the Improvements will constitute and result in special benefits to all parcels of real property to be listed on the final assessment roll within the Second Expansion Area of the District, a copy of which is attached hereto and incorporated herein as Exhibit “C”, and that such special benefits, in the case of each such parcel, will be equal to or in excess of the amount of the non-ad valorem special assessment thereon;
 - iv. the non-ad valorem special assessments are apportioned fairly and reasonably; and,
 - v. it is desirable that the non-ad valorem special assessments be paid and collected as herein provided.

Section 3. AUTHORIZATION OF DISTRICT IMPROVEMENTS. The Improvements are hereby authorized and approved and the proper officers, employees and agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the Improvements to be made following the issuance of the Bonds.

Section 4. ESTIMATED COST OF IMPROVEMENTS. The total estimated costs of the Improvements and the costs to be paid by non-ad valorem special assessments on all specially benefited properties within the District are set forth in Exhibits “A” and “B”, respectively, hereto.

Section 5. APPROVAL AND CONFIRMATION OF ASSESSMENT METHODOLOGY. The Master Report is hereby approved and confirmed. The non-ad valorem special assessment or assessments against each respective parcel shown on the final assessment roll, a copy of which is attached hereto and incorporated herein as Exhibit “C”, are hereby equalized, approved, confirmed and levied, and together with interest and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on each such parcel until paid. Such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental ad valorem taxes and superior in dignity to all other liens, titles and claims as provided in Section 190.021(9), *Florida Statutes*.

Section 6. FINALIZATION OF NON-AD VALOREM SPECIAL ASSESSMENTS. When all of the Improvements have been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs, including financing costs thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. The District shall credit to each non-ad valorem special assessment for the Improvements, the difference between the non-ad valorem special assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Improvements, as finally determined upon completion thereof, but, in no event shall the final amount of any such non-ad valorem special assessment exceed the amount of the benefits originally fixed, determined, ascertained, levied, imposed and assessed hereunder. In making such credits, no discount shall be granted nor credit given for any part of the payee’s proportionate share of any actual bond financing costs, such as capitalized interest, funded reserves, and bond discounts included in the estimated cost of any such Improvements. Subject to the foregoing, such credits shall be entered in the “Improvement Lien Book.” Once the final amount of non-ad valorem special assessments for all of the Improvements has been determined, the terms “special assessment”, “non-ad valorem assessment” or “non-ad valorem special assessment” shall, with respect to each parcel, mean the sum of the costs of the Improvements.

Section 7. PAYMENT OF NON-AD VALOREM SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.

1. All non-ad valorem special assessments shall be payable in no more than (30) annual installments, such installments to include principal and interest and be payable at the same time and in the same manner as are ad valorem taxes as prescribed in Chapter 197, *Florida Statutes*.
2. The District hereby elects, under its charter and Section 197.3631, *Florida Statutes*, to use the method of collecting special assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes*. The District has timely taken, or will timely take, all necessary actions to comply with the provisions of Sections 197.3632 and 197.3635, *Florida Statutes*, and any applicable rules adopted pursuant thereto; and, on or prior to the date the Bonds are issued, sold and delivered, the District shall enter into a written agreement with the Property Appraiser and Tax Collector of Miami-Dade County. Such non-ad valorem special assessments shall be subject to all of the collection provisions of Chapter 197, *Florida Statutes*.
3. Notwithstanding the foregoing, the District reserves the right under Section 197.3631, *Florida Statutes*, to collect its non-ad valorem special assessments pursuant to Chapter 170, *Florida Statutes*, and to foreclose its non-ad valorem special assessment lien as provided for by law.

4. All special assessments may be prepaid, in whole or in part at any time, by payment in an amount equal to the principal amount of such prepayment, plus applicable interest accrued to that next interest payment date for the Bonds, which is more than forty-five (45) days after the date of such prepayment. All special assessments are also subject to prepayment in the amounts and at the times set forth in Chapter 170, *Florida Statutes*, provided, however, that the owner of land subject to the Special Assessments may elect to waive such statutory right of prepayment.

Section 8. **SEVERABILITY.** If any section or part of a section of this resolution is declared invalid or unconstitutional by a court of competent jurisdiction, the validity, force and effect of any other section or part of a section of this resolution shall not thereby be affected or impaired unless such other section or part of a section of this resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

Section 9. **CONFLICTS.** All resolutions or parts thereof in conflict herewith are, only to the extent of such conflict, superseded, amended or repealed as the circumstances may require.

PASSED, ADOPTED and EFFECTIVE this 19th day of June, 2024.

ATTEST:

**BLACK CREEK
COMMUNITY DEVELOPMENT DISTRICT**

By: _____
Secretary/Assistant Secretary

By: _____
Chairperson/Vice Chairperson

Attachments:

Exhibit “A” – Engineer’s Report

Exhibit “B” – Master Special Assessment Methodology Report &
Second Supplemental Special Assessment Methodology Report

Exhibit “C” – Final Assessment Roll