

BEFORE THE BOARD OF COUNTY COMMISSIONERS,
POLK COUNTY, FLORIDA

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

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF Hillsborough

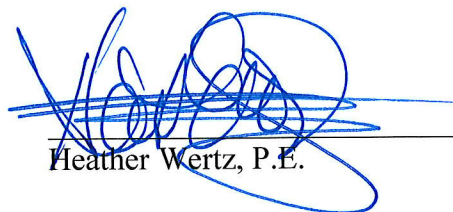
I, Heather Wertz (“Affiant”), Owner and Principal of Absolute Engineering, Inc.,
being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Heather Wertz, P.E., and my business address is 1000 N.
Ashley Drive, Suite 925, Tampa, Florida 33602.
3. The prepared written, pre-filed testimony consisting of ten (10) pages,
submitted under my name to the Polk County Board of County Commissioners, Polk
County, Florida relating to the Petition to Amend the Boundary of the North Powerline
Road 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 North Powerline 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.

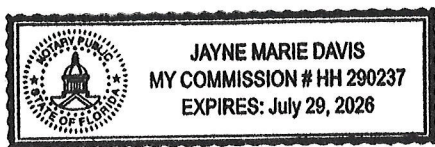
6. No corrections or amendments to my pre-filed testimony or the petition are required.

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 23rd day of April, 2025.


Heather Wertz, P.E.

SWORN TO and SUBSCRIBED before me by the Affiant, by means of ☒ physical presence or ☐ online notarization, on this 23rd day of April, 2025.




Notary Public State of Florida

Name

Personally Known ✓
Type of identification produced _____

1 **TESTIMONY OF HEATHER WERTZ, P.E., FOR THE**
2 **NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT**
3 **BOUNDARY AMENDMENT**
4

5 **1. Please state your name and business address.**
6

7 My name is Heather Wertz and my business address is 1000 N. Ashley Drive, Suite 925,
8 Tampa, Florida 33602.
9

10 **2. By whom are you employed and in what capacity?**
11

12 I am owner and principal of Absolute Engineering, Inc.
13

14 **3. How long have you been in the engineering field?**
15

16 28 years.
17

18 **4. Does your firm, Absolute Engineering, Inc., represent the North Powerline Road**
19 **Community Development District?**
20

21 Yes. My firm serves as District Engineer.
22

23 **5. Please give your educational background, with degrees earned, major areas of study**
24 **and institutions attended.**
25

26 Bachelor of Science in Civil Engineering from University of South Florida, and
27 Master of Business Administration from University of South Florida.
28

29 **6. Do you have any professional licenses, registrations, or certifications?**
30

31 Florida Registered Professional Engineer and LEED Accredited Professional.
32

33 **7. Are you a member of any professional associations?**
34

35 American Society of Professional Engineers.
36

37 **8. Have you been involved in any developments of the type and nature contemplated**
38 **within the amended North Powerline Road Community Development District**
39 **("District")?**
40

41 Yes. I have been involved in several developments that contain similar necessary public
42 infrastructure facilities utilizing my expertise in the design, permitting, and construction
43 of similar systems.

- 1
2 **9. Please summarize your previous experience as it relates to public facility design,**
3 **construction and land development.**
4

5 I have over 28 years of Civil Engineering experience. I am a project manager for large
6 master planned communities, large and small residential developments, commercial and
7 office developments, municipal roadways and recreation projects.
8

- 9 **10. Are you familiar with the *Petition to Amend the Boundary of North Powerline Road***
10 ***Community Development District* (the “Petition”), filed by the District with the Board**
11 **of County Commissioners of Polk County, Florida (the “County”), on or around**
12 **February 20, 2025, seeking to amend its boundary?**
13

14 Yes. I assisted the District with the preparation of some of the exhibits filed with the
15 Petition.
16

- 17 **11. Are you familiar with the 43.350 acres of land, more or less, proposed to be included**
18 **within the District that are located within the City of Haines City (the “Expansion**
19 **Parcels”), and the 26.526 acres of land, more or less, proposed to be removed from**
20 **the District, and located within the City of Davenport (the “Contraction Parcels”**
21 **and together with the Expansion Parcels, the “Boundary Amendment Parcels”)?**
22

23 Yes, I am.
24

- 25 **12. Are you generally familiar with the geographical area, type, and scope of**
26 **development and the available services and facilities in the vicinity of the District?**
27

28 Yes, I am.
29

- 30 **13. Which documents did you prepare or have others prepare under your supervision?**
31

32 Composite Exhibits 1-6 and Composite Exhibits 8-10.
33

- 34 **14. Do any of those exhibits require any change or correction?**
35

36 Yes. The County requested changes to the sketches and metes and bounds legal
37 descriptions described in Composite Exhibits 2 and 5. The Composite Exhibits were
38 revised accordingly and provided to the County on April 25, 2025.
39

- 40 **15. Are Composite Exhibits 1-6 and Composite Exhibits 8-10 to the Petition true and**
41 **correct?**
42

43 Yes, to the best of my knowledge.

1
2 **16. In general, what do Composite Exhibits 1-6, and Composite Exhibits 8-10 to the**
3 **Petition demonstrate?**

4
5 These exhibits demonstrate the general location and nature of the proposed
6 improvements, as well as legal descriptions of the Boundary Amendment Parcels and the
7 proposed District boundaries after expansion and contraction. They also describe the
8 types of facilities, future ownership, operation and maintenance, a proposed construction
9 timeline, and the estimated costs of construction.

10
11 **17. What capital facilities are presently planned or constructed by the District?**
12

13 At present, the District is expected to provide recreational facilities, landscaping and
14 entry monumentation along with the required roadways, stormwater, potable water and
15 wastewater infrastructure. Presently, there are existing recreational facilities, collector
16 and local roadways, water and wastewater infrastructure including a pump station,
17 stormwater facilities, and landscaping, irrigation and entry monumentation.

18
19 **18. Based upon your training and experience as an engineer, do you have an opinion as**
20 **to whether the District will remain of sufficient compactness, and sufficient**
21 **contiguity to be developed as a functional interrelated community after expansion?**
22

23 Yes. Based on my experience, the District will remain of sufficient size, compactness and
24 contiguity to be developed as a one functional interrelated community.

25
26 **19. What is the basis for your opinion?**
27

28 For many reasons the District facilities can be provided in an efficient, functional and
29 integrated manner.

30
31 First, there are sufficient, significant infrastructure needs for the area within the District
32 to allow development as a functionally interrelated community.

33
34 Second, the specific design of the community allows infrastructure to be provided to the
35 expansion area in a cost effective manner. The land already included within the District is
36 contiguous, which facilitates an efficient and effective planned development.

37
38 Third, the provision of services and facilities through the use of one development plan
39 provides a contiguous and homogenous method of providing services to lands throughout
40 the District.

41
42 **20. In your opinion, you said the District will remain sufficiently compact and**
43 **contiguous to be developable as a functionally interrelated community. Would you**

1 **please explain what you mean when stating that the amended District is of sufficient**
2 **compactness?**

3
4 The District will encompass approximately 446.852 acres after expansion and
5 contraction, and will provide a range of residential and residential-support land uses that
6 require the necessary elements of infrastructure including roadways, potable water
7 systems, wastewater systems, surface water management systems, landscape and entry
8 monumentation, recreational facilities and other improvements described in the Petition.
9 The District will have sufficient overall residential density to require all the above-
10 mentioned necessary elements of infrastructure of a comprehensive community. These
11 facilities and services require planning, design, financing, construction, and maintenance
12 to provide the community with appropriate infrastructure. The preferred method of
13 developing land, especially for higher density residential uses, is for the development to
14 be spatially compact. This augments the District's ability to construct and maintain
15 improvements, and provide services, in a cost efficient manner.
16

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

20 Yes. A good example would be a stormwater management system. Both a CDD and a
21 homeowner association are permitted to operate and maintain such systems under
22 applicable Southwest Florida Water Management District ("SWFWMD"), City (defined
23 herein), and/or County rules. However, SWFWMD rules generally require homeowners'
24 associations to provide significantly more information and documentation before the
25 SWFWMD, City and/or County will accept them as an operation and maintenance entity.
26 This additional information is required to ensure that the association has the financial,
27 legal and administrative capability to provide for long-term maintenance of the
28 stormwater management system. Such documentation generally must (1) indicate that the
29 association has the power to levy assessments; (2) mandate that the association will
30 operate and maintain such systems; and (3) provide that the association cannot be
31 dissolved until another entity is found to maintain the system.
32

33 In comparison, a CDD is a perpetual local government unit, which by law has the
34 requisite assessment authority, including the ability to collect such assessments on the
35 county tax roll. Thus, a CDD generally must simply provide a letter to the SWFWMD
36 stating that the CDD will accept operation and maintenance responsibility. All things
37 being equal, a CDD is preferred over a homeowners' or property owners' association for
38 operation and maintenance of a stormwater management system.
39

40 In this instance, the SWFWMD requirements have already been contemplated in the
41 District's design and permitting.
42

1 **22. Does the expansion and contraction of the District obviate the need for local land**
2 **development regulations, ordinances or plans?**

3
4 No. Section 190.004 of the Florida Statutes explicitly provides that the establishment of
5 a CDD does not in any way impact or change the applicability of any governmental
6 planning, environmental and land development laws, regulations, and ordinances. A CDD
7 cannot take any action that is inconsistent with the comprehensive plan, code of
8 ordinances or regulations of the city or county within which it is located. Adding
9 additional lands to the District will not change this.

10
11 **23. Based on your experience, do you have an opinion as to whether the services and**
12 **facilities to be provided by the District, will be incompatible with the capacities and**
13 **uses of existing local and regional community facilities and services?**

14
15 Yes. It is my opinion that the proposed services and facilities of the District will not be
16 incompatible with the capacity and uses of existing local or regional community
17 development services and facilities, and will complement the current services and
18 facilities.

19
20 **24. What is the basis for your opinion?**

21
22 Currently, none of the planned infrastructure improvements that the District plans to
23 provide in the Boundary Amendment Parcels exist on the subject property in a manner
24 which is useful to the overall development. Each of the elements of infrastructure for the
25 necessary services and facilities will connect into the existing, surrounding systems
26 according to criteria, review and approval of the existing operational entity of the City of
27 Davenport and the City of Haines City (together, the "City"); there will be no
28 incompatibility issues.

29
30 **25. Based on your experience, do you have an opinion as to whether the area to be**
31 **included within the amended District is amenable to being served by a separate**
32 **special district government?**

33
34 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
35 amenable to being served by a separate special district government.

36
37 **26. What is the basis for your opinion?**

38
39 The District is limited in purpose and the infrastructure improvements to be provided by
40 the District are limited in scope. This infrastructure is expected to directly benefit the
41 development and may be adequately served by a special district government. In addition,
42 special district governance provides a mechanism whereby long-term maintenance
43 obligations can be satisfied by the persons primarily using the facilities and services.

1
2 **27. Do you have an opinion, as someone experienced in land planning, as to whether the**
3 **District, as amended, is a viable alternative for delivering community services and**
4 **facilities to the areas that will be served by the amended District?**
5

6 Yes. It is my opinion that the District is the best alternative for providing the proposed
7 services and facilities to the land to be included within the District.
8

9 **28. What are the alternatives contemplated in rendering this opinion?**
10

11 There would be two alternatives to the expansion of the District. First, to facilitate
12 economic development, accommodate new growth, and provide new services, the City
13 and/or County could perhaps provide the selected facilities. The second alternative would
14 be for the developer or a homeowner's association or property owners association (POA)
15 mentioned above to provide the infrastructure using private financing.
16

17 **29. How does the District compare to these alternatives?**
18

19 By comparison of the alternatives referenced above, from a planning perspective, the
20 proposed District is the best alternative available to provide the necessary infrastructure
21 improvements. As a special-purpose "local government," the District is a stable, long-
22 term public entity capable of constructing, maintaining and managing the proposed
23 elements of infrastructure of the necessary facilities and services. The limited purpose
24 and scope of the District, combined with the statutory safeguards in place, such as notice
25 of public hearings and access to district records, would ensure that the District is
26 responsive to the infrastructure needs of the District. The District would be able to obtain
27 low-cost financing to provide the necessary improvements and then impose special or
28 non-ad valorem assessments upon the property owners within the District to fund the
29 infrastructure.
30

31 Only a CDD allows for the independent financing, administration, operations and
32 maintenance of the land within the District. Only a CDD allows district property owners,
33 and eventually residents, to completely control the district board and, therefore, the
34 timing and extent of infrastructure improvement and maintenance. Knowing when, where
35 and how infrastructure will be needed to service the projected population of an area
36 allows for the smooth delivery of those facilities. The District exceeds other available
37 alternatives at focusing attention to when and where and how the next system of
38 infrastructure will be required for this specific area. This results in a full utilization of
39 existing facilities before new facilities are constructed. It reduces the delivered cost to
40 the citizens being served. All other alternatives do not have these characteristics.
41

42 **30. In the course of your work in Florida, have you had an opportunity to work with the**
43 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

1
2 Yes. In the course of producing planning documents for private development proposals, I
3 have often referred to the State Comprehensive Plan.
4

5 **31. In the course of your work in Florida, have you had an opportunity to review local**
6 **government comprehensive plans?**
7

8 Yes. In fact, I have reviewed the City of Davenport Comprehensive Plan, the City of
9 Haines City Comprehensive Plan, and the Polk County Comprehensive Plan in the course
10 of my work.
11

12 **32. At this point, I will ask you to address certain matters that are related to land use**
13 **and comprehensive planning. Are you familiar with the development approvals that**
14 **have been obtained or are being sought by the Petitioner to govern the lands within**
15 **the proposed District?**
16

17 Yes, I am.
18

19 **33. Based upon your training and experience as a land development engineer, do you**
20 **have an opinion as to whether the proposed District is inconsistent with any portion**
21 **or element of the State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**
22

23 Yes, I do have an opinion.
24

25 **34. What is that opinion?**
26

27 In my professional opinion, expansion and contraction of the District is not inconsistent
28 with the applicable provisions of Chapter 187, *Florida Statutes*.
29

30 **35. What is the basis for your opinion?**
31

32 I have reviewed, from a planning perspective, applicable portions of the State
33 Comprehensive Plan which relate to CDDs. The State Comprehensive Plan “provides
34 long-range policy guidance for the orderly social, economic, and physical growth of the
35 state.” The State Comprehensive Plan provides twenty-five (25) subjects, and numerous
36 goals and policies. Three subjects are particularly relevant, from a planning perspective,
37 to the establishment of CDDs: No. 15 - Land Use, No. 17 – Public Facilities, and No. 25 -
38 Plan Implementation. Several of the policies and goals are particularly supportive of the
39 expansion of the District.
40

41 **36. Why is subject No. 15 in the State Comprehensive Plan relevant to the expansion**
42 **and contraction of the District?**
43

1 This goal recognizes the importance of enhancing the quality of life in the State of
2 Florida and attempts to do so by ensuring that development is located in areas that have
3 fiscal abilities and service capacity to accommodate growth. CDDs are designed to
4 provide services and facilities in a fiscally responsible manner to areas which can
5 accommodate development. The District is consistent with this goal because it will
6 continue to have the fiscal capability to provide a range of services and facilities to a
7 population in a designated growth area.
8

9 **37. Are any of the policies under subject No. 15 relevant?**

10
11 Yes. Policy 1 promotes efficient development activities in areas which will have the
12 capacity to service new populations and commerce. The District will be a vehicle to
13 provide high quality services in an efficient and focused manner over the long term.
14

15 **38. What is Subject 17 and why is it relevant?**

16
17 Subject 17 addresses public facilities. The goal is to finance new facilities in a timely,
18 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
19 facilities should be allocated to existing and future residents on the basis of the benefits
20 received. Policy 6 also encourages the identification and implementation of innovative
21 but fiscally sound and cost-effective techniques for financing public facilities. Expansion
22 and contraction of the District will further this goal and related policies.
23

24 **39. Why is subject No. 25, the other subject you mentioned, relevant to the expansion
25 and contraction of the District?**

26
27 Subject No. 25 addresses Plan Implementation. This goal requires that systematic
28 planning capabilities be integrated into all levels of government throughout the state, with
29 particular emphasis on improving inter-governmental coordination and maximizing
30 citizen involvement. The proposed District will operate through a separate and distinct
31 Board of Supervisors who will systematically plan the construction, operation and
32 maintenance of public improvements and community facilities authorized under Chapter
33 190, *Florida Statutes*, subject to and not inconsistent with the local government
34 comprehensive plan and land development regulations. Further, meetings held by the
35 Board of Supervisors are publicly advertised and open to the public.
36

37 **40. Are there any relevant policies in this portion of the State Comprehensive Plan?**

38
39 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
40 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
41 establishment of a CDD, and after two hundred and fifty (250) electors reside in the
42 CDD, the election of the Board of Supervisors begins to transition from a landowner-
43 elected Board to a resident-elected Board. Regardless of whether the board is elected by

1 the landowners or the residents, the District must convene its meetings in accordance
2 with government in the sunshine provisions set forth in Chapter 286, *Florida Statutes*.
3 This encourages citizen participation in the planning and operational activities of the
4 District.

- 5
6 **41. Based upon your training and experience as a land development engineer, do you**
7 **have an opinion as to whether expansion and contraction of the District is**
8 **inconsistent with any portion or element of the City's Comprehensive Plan or the**
9 **County's Comprehensive Plan?**

10
11 Yes, I do.

- 12
13 **42. What is that opinion?**

14
15 In my professional opinion, the expansion and contraction of the District is not
16 inconsistent with any applicable provisions of City's Comprehensive Plan or the
17 County's Comprehensive Plan.

- 18
19 **43. What is the basis for that opinion?**

20
21 Since Chapter 190, *Florida Statutes*, prohibits any community development district from
22 acting in a way inconsistent with the local government's comprehensive plan, the
23 exercising of any power must be done with the comprehensive plan in mind. In addition,
24 the following elements of City's and County's Comprehensive Plans generally relate to
25 and are consistent with expansion of the proposed District. The following policies and
26 elements specifically support my opinion:

27
28 Development Policies

- 29
 - Future Land Use - Development Areas
 - Conservation - Surface Water and Development Regulations

30
31
32
33 Public Facilities Policies – The District will have both the funding source
34 and the authority to provide needed infrastructure and services to this
35 compact, urban growth including:

- 36
 - Infrastructure Element - Sanitary Sewers, Storm-water Management, Potable water
 - Recreation and Open Space Element

37
38
39
40 Implementation Policies

- 41
 - Intergovernmental Coordination Element
 - Capital Improvement Element

1 It is my opinion, therefore, that with respect to the expansion and contraction of the
2 District, the expansion and contraction will not be inconsistent with any applicable
3 element or portion of the City's and County's Comprehensive Plan.
4

5 **44. Does this conclude your testimony?**
6

7 Yes, it does.