

**BEFORE THE COUNTY COMMISSION
POLK COUNTY, FLORIDA**

IN RE: A Petition to Establish the Grenelefe)
 Community Development District)
_____)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

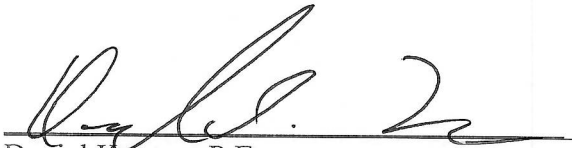
STATE OF FLORIDA
COUNTY OF _____

I, Daniel Kovacs, P.E., of Tract 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 Daniel Kovacs, and I am a Manager (and principal) of Tract Engineering, LLC.
3. The prepared written, pre-filed testimony submitted under my name to the Polk County, relating to the establishment of the Grenelefe Community Development District ("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 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 30 day of December, 2024.


Daniel Kovacs, P.E.

SWORN TO and SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 30 day of December, 2024 by the Affiant.




(Official Notary Signature)
Name: SHELEE M. MEEKER
Personally Known ☒
OR Produced Identification
Type of Identification

**TESTIMONY OF DANIEL KOVACS, P.E., FOR ESTABLISHMENT OF
GRENELEFE COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Daniel Kovacs and my business address is 5137 S. Lakeland Drive, Suite 3, Lakeland, Florida 34343.

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

I am a Manager, and principal, of Tract Engineering, LLC. Tract Engineering, LLC, was formed on August 2023. Prior to this, I held the position of President of Terravest Global Engineering, LLC.

3. How long have you held that position?

I have held this position for six years.

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

I have a bachelor's degree in civil engineering from the University of South Florida.

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

I am a licensed Profession Engineer in the State of Florida with a Registration Number 84168.

6. Are you a member of any professional associations?

I am a member of Florida Engineering Society, National Society of Professional Engineering and the American Society of Civil Engineers.

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

I have designed and permitted 2,500 lots over the last 15 years.

8. Have you been involved in any developments of the type and nature contemplated within the proposed Grenelefe Community Development District ("Proposed District")?

Yes.

9. Are you familiar with the *Petition to Establish the Grenelefe Community Development*

District (“Petition”) filed by Grenelefe Resort Development, LLC (“Petitioner”), seeking the establishment of the Proposed District?

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

10. Are you generally familiar with the geographical area, type, and scope of development and the available services and facilities in the vicinity of the Proposed District?

Yes, I am.

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

Exhibits 1, 4, 5, and 6.

12. Do any of those exhibits require any change or correction?

No.

13. To the best of your knowledge, are Exhibits 1, 4, 5, and 6 to the Petition accurate?

Yes, to the best of my knowledge.

14. In general, what do Exhibits 1, 4, 5, and 6 to the Petition demonstrate?

Exhibit 1 is a map showing the general location in which the Proposed District is located.

Exhibit 4 contains a map showing existing and proposed major trunk water mains and wastewater interceptors within the currently undeveloped lands located within and near the Proposed District.

Exhibit 5 provides a list of facilities the Proposed District anticipates it will provide, identifying the anticipated owner and entity responsible for ultimate maintenance and a summary of the estimated costs for construction of the Proposed District improvements.

Exhibit 6 contains a map depicting the future general distribution, location and extent of the public and private land uses within the Proposed District by the land use plan element.

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

Based on information provided by Petitioner and as more fully described in Petition Exhibit 5, it is presently expected that the Proposed District will construct or acquire

1 stormwater management facilities, roadways, hardscape/landscape/irrigation,
2 streetlighting and undergrounding of electric, and offsite improvements.
3

- 4 **16. Based upon your training and experience as an engineer, do you have an opinion as**
5 **to whether the Proposed District is of sufficient size, sufficient compactness, and**
6 **sufficient contiguity to be developed as a functional interrelated community?**
7

8 Yes. Based on my experience, the Proposed District is of sufficient size, compactness and
9 contiguity to be developed as a one functional interrelated community.
10

- 11 **17. What is the basis for your opinion?**
12

13 For many reasons, the Proposed District facilities can be provided in an efficient,
14 functional and integrated manner.
15

16 First, there are sufficient, significant infrastructure needs for the area within the Proposed
17 District to allow development as a functionally interrelated community.
18

19 Second, the specific design of the community allows infrastructure to be provided in a
20 cost-effective manner. The land included within the Proposed District area is contiguous,
21 which facilitates an efficient and effective planned development.
22

23 Third, the provision of services and facilities through the use of one development plan
24 provides a contiguous and homogenous method of providing services to lands throughout
25 the Proposed District.
26

- 27 **18. In your opinion, you said the Proposed District is sufficiently compact and**
28 **contiguous to be developable as a functionally interrelated community. Would you**
29 **please explain what you mean when stating that the Proposed District is of sufficient**
30 **compactness?**
31

32 The Proposed District will provide a range of residential and residential-support land uses
33 that require the necessary elements of infrastructure. The Proposed District will have
34 sufficient overall residential density to require all the above-mentioned necessary
35 elements of infrastructure of a comprehensive community. These facilities and services
36 require adequate planning, design, financing, construction, and maintenance to provide
37 the community with appropriate infrastructure. The preferred method of developing land,
38 especially for higher density residential uses, is for the development to be spatially
39 compact. This augments the Proposed District's ability to construct and maintain
40 improvements and provide services, in a cost-efficient manner.
41

- 42 **19. Can you provide an example of a service or facility and explain why a CDD is a**
43 **preferred alternative for long-term operation and maintenance?**
44

45 Yes. A good example would be a storm water management system. Both a CDD and a

homeowner's association are permitted to operate and maintain such systems under applicable Southwest Florida Water Management District ("SWFWMD") and Polk County rules. However, SWFWMD rules generally require homeowner's associations to provide significantly more information and documentation before the SWFWMD will accept them as an operation and maintenance entity. This additional information is required to ensure the association has the financial, legal and administrative capability to provide for long-term maintenance of the storm water management system. Such documentation generally must: (1) indicate that the association has the power to levy assessments; (2) mandate the association will operate and maintain such systems; and (3) provide that the association cannot be dissolved until another entity is found to maintain the storm water management system.

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

20. Does the establishment of the Proposed District obviate the need for local land development regulations, ordinances or plans?

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

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

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

22. What is the basis for your opinion?

Currently, none of the planned infrastructure improvements the Proposed District plans to provide exist on the subject property in a manner which is useful to the proposed development. Each of the elements of infrastructure for the necessary services and facilities will connect into the existing, surrounding systems according to criteria, review and approval of the existing operational entity. The proposed master infrastructure roadway improvements will interconnect with and extend the County's roadway system. There will be no incompatibility issues.

1
2 **23. Based on your experience, do you have an opinion as to whether the area to be**
3 **included within the Proposed District is amenable to being served by a separate**
4 **special district government?**

5
6 Yes. Based on the information provided to me, in my opinion, and to the best of my
7 knowledge, the area identified in the Petition is amenable to being served by a separate
8 special district government.
9

10 **24. What is the basis for your opinion?**

11
12 Based on the information provided to me, the Proposed District is limited in purpose and
13 the infrastructure improvements to be provided by the Proposed District are limited in
14 scope. This infrastructure is expected to directly benefit the development and may be
15 adequately served by a special district government. In addition, special district
16 governance provides a mechanism whereby long-term maintenance obligations can be
17 satisfied by the persons primarily using the facilities and services.
18

19 **25. Do you have an opinion, as someone experienced in land planning, as to whether the**
20 **Proposed District is the best alternative for delivering community services and**
21 **facilities to the areas that will be served by the Proposed District?**

22
23 Yes. Based on the information provided to me, it is my opinion that the Proposed District
24 is a viable and best alternative for providing the proposed services and facilities to the
25 land to be included within the Proposed District.
26

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

28
29 There would be two alternatives to the establishment of the Proposed District. First, to
30 facilitate economic development, accommodate new growth, and provide new services,
31 the County could perhaps provide the selected facilities. The second alternative would be
32 for the developer or homeowner's association (HOA) to provide the infrastructure using
33 private financing.
34

35 **27. How does the Proposed District compare to these alternatives?**

36
37 By comparison of the alternatives referenced above, from a planning perspective, the
38 Proposed District is the best alternative available to provide the necessary infrastructure
39 improvements. As a special-purpose "local government," the Proposed District is a
40 stable, long-term public entity capable of constructing, maintaining and managing the
41 proposed elements of infrastructure of the necessary facilities and services. The limited
42 purpose and scope of the Proposed District, combined with the statutory safeguards in
43 place, such as notice of public hearings and access to district records, would ensure that
44 the Proposed District is responsive to the infrastructure needs of the Proposed District.
45 The Proposed District would be able to obtain low-cost financing to provide the

1 necessary improvements and then impose special or non-ad valorem assessments upon
2 the property owners within the Proposed District to fund the infrastructure.

3
4 Only a CDD allows for an independent financing, administration, operations and
5 maintenance of the land within the Proposed District. A CDD further allows property
6 owners, and eventually residents, to completely control the CDD board faster than a
7 property owners' association ("POA") and, therefore, the timing and extent of
8 infrastructure improvement and maintenance is better. Knowing when, where and how
9 infrastructure will be needed to service the projected population of an area allows for the
10 smooth delivery of those facilities. The Proposed District exceeds other available
11 alternatives at focusing attention to when and where and how the next system of
12 infrastructure will be required for this specific area. This results in a full utilization of
13 existing facilities before new facilities are constructed. It reduces the delivered cost to
14 the citizens being served. All other alternatives do not have these characteristics.

15
16 **28. In the course of your work in Florida, have you had an opportunity to work with the**
17 **State Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

18
19 Yes. In the course of producing planning documents for private development proposals, I
20 have often referred to the State Comprehensive Plan.

21
22 **29. In the course of your work in Florida, have you had an opportunity to review local**
23 **government comprehensive plans?**

24
25 Yes. In fact, I have reviewed the Polk County Comprehensive Plan in the course of my
26 work.

27
28 **30. At this point, I will ask you to address certain matters that are related to land use**
29 **and comprehensive planning. Are you familiar with the development approvals that**
30 **have been obtained or are being sought by the Petitioner to govern the lands within**
31 **the Proposed District?**

32
33 Yes, I am.

34
35 **31. Based upon your experience with planning, do you have an opinion as to whether**
36 **the Proposed District is inconsistent with any portion or element of the State**
37 **Comprehensive Plan found in Chapter 187, *Florida Statutes*?**

38
39 Yes, I do have an opinion.

40
41 **32. What is that opinion?**

42
43 In my opinion, the Proposed District is not inconsistent with the applicable provisions of
44 Chapter 187, *Florida Statutes*.

1 **33. What is the basis for your opinion?**

2
3 I have reviewed, from a planning perspective, applicable portions of the State
4 Comprehensive Plan which relate to community development districts. The State
5 Comprehensive Plan “provide[s] long-range policy guidance for the orderly social,
6 economic, and physical growth of the state.” The State Comprehensive Plan provides
7 twenty-five (25) subjects, and numerous goals and policies. Three subjects are
8 particularly relevant, from a planning perspective, to the establishment of the CDDs: No.
9 15 - Land Use, No. 17 – Public Facilities, and No. 25 - Plan Implementation. Several of
10 the policies and goals are particularly supportive of the establishment of the Proposed
11 District.
12

13 **34. Why is subject No. 15 in the State Comprehensive Plan relevant to the establishment**
14 **of the Proposed District?**

15
16 This subject – Land Use – recognizes the importance of enhancing the quality of life in
17 the State of Florida and attempts to do so by ensuring that development is located in areas
18 that have fiscal abilities and service capacity to accommodate growth. CDDs are
19 designed to provide services and facilities in a fiscally responsible manner to areas which
20 can accommodate development. The Proposed District is consistent with this goal
21 because it will continue to have the fiscal capability to provide a range of services and
22 facilities to a population in a designated growth area.
23

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

25
26 Yes. Policy 1 promotes efficient development activities in areas which will have the
27 capacity to service new populations and commerce. The Proposed District will be a
28 vehicle to provide high quality services in an efficient and focused manner over the long
29 term.
30

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

32
33 Subject 17 addresses Public Facilities. The goal is to finance new facilities in a timely,
34 orderly and efficient manner. In particular, Policy 3 states that the cost of new public
35 facilities should be allocated to existing and future residents on the basis of the benefits
36 received. Policy 6 also encourages the identification and implementation of innovative
37 but fiscally sound and cost-effective techniques for financing public facilities.
38 Establishment of the Proposed District will further this goal and related policies.
39

40 **37. Why is subject No. 25, the other subject you mentioned, relevant to the**
41 **establishment of the Proposed District?**

42
43 Subject No. 25 addresses Plan Implementation. This goal requires that systematic
44 planning capabilities be integrated into all levels of government throughout the state, with
45 particular emphasis on improving inter-governmental coordination and maximizing

1 citizen involvement. The Proposed District will operate through a separate and distinct
2 Board of Supervisors who will systematically plan the construction, operation and
3 maintenance of public improvements and community facilities authorized under Chapter
4 190, *Florida Statutes*, subject to and not inconsistent with the local government
5 comprehensive plan and land development regulations. Further, meetings held by the
6 Board of Supervisors are publicly advertised and open to the public.
7

8 **38. Are there any relevant policies in Subject 25 of the State Comprehensive Plan?**
9

10 Yes. Policy 6 encourages public citizen participation at all levels of policy development,
11 planning and operations. Under Chapter 190, *Florida Statutes*, six (6) years after the
12 establishment of a CDD, and after two hundred and fifty (250) electors reside in the
13 CDD, the election of the Board of Supervisors begins to transition from a landowner-
14 elected Board to a resident-elected Board. Regardless of whether the board is elected by
15 the landowners or the residents, the Proposed District must convene its meetings in
16 accordance with government in the sunshine provisions set forth in Chapter 286, *Florida*
17 *Statutes*. This encourages citizen participation in the planning and operational activities
18 of the district.
19

20 **39. Based upon your experience with planning, do you have an opinion as to whether**
21 **establishment of the Proposed District is inconsistent with any portion or element of**
22 **the Polk County Comprehensive Plan?**
23

24 Yes, I do.
25

26 **40. What is that opinion?**
27

28 In my opinion, the establishment of the Proposed District is not inconsistent with any
29 applicable provisions of the Polk County Comprehensive Plan.
30

31 **41. What is the basis for that opinion?**
32

33 My opinion is based upon years of experience reviewing comprehensive plans (including
34 for purposes of this project the current Polk County Comprehensive Plan) and there not
35 being any provisions that would render a CDD inconsistent. Furthermore, Chapter 190,
36 *Florida Statutes*, prohibits any CDD from acting in a way that is inconsistent with the
37 local government's comprehensive plan, the exercising of any power must be done with
38 the comprehensive plan in mind.
39

40 It is my opinion, therefore, that with respect to the establishment of the Proposed District,
41 the Proposed District will not be inconsistent with any applicable element or portion of
42 the Polk County Comprehensive Plan.
43

44 **42. Does this conclude your testimony?**
45

1 Yes, it does.