



August 6, 2026 - Land Use Meeting

Subject

Ordinance No. 26-27 f/k/a Ordinance No. 18-32 Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District Contraction of Boundaries-Legislative- Laura Gonzalez, Principal Planner - District 1 – TO BE CONTINUED TO AUGUST 25, 2026

An Ordinance Of Manatee County, Florida, Relating To The Aviary At Rutland Ranch Community Development District; Providing Legislative Findings; Specifying Authority; Specifying Intent And Purpose; Contracting The Boundaries Of The District Pursuant To Subsection 190.046(1), Florida Statutes, By Removing Approximately 227.56 Acres Of Land; Amending Section 2-8-68 Of The Manatee County Code Of Ordinances Describing The Amended Boundaries Of The District As Contracted; Providing For Reliance Upon Representations; Providing For Codification; Providing For Severability; And Providing An Effective Date.

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Presenter: Laura Gonzalez, Principal Planner, 941-748-4501 x3891,
Laura.Gonzalez@mymanatee.org

Contact: Abigail Bonds, Planning and Zoning Tech III, 941-748-4501 x3927,
Abigail.bonds@mymanatee.org

Action Requested

ALTERNATIVE MOTION(S)

MOTION TO CONTINUE:

I move to continue the public hearing for Ordinance 26-27 to August 25, 2026, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administration Building, 1112 Manatee Avenue West, 1st Floor, Patricia M. Glass Chambers, Bradenton.

APPROVAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries

pursuant to Chapter 190, Florida Statutes, I move to APPROVE the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to ADOPT Ordinance No. 26-27.

DENIAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries pursuant to Chapter 190, Florida Statutes, I move to DENY the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to DENY adoption of Ordinance No. 26-27.

Enabling/Regulating Authority

Manatee County Comprehensive Plan
Manatee County Land Development Code

Applicable Advisory Board

N/A

Background Discussion

- **Request**

A petition to amend Ordinance No. 18-32 boundaries by removing approximately 227.56 acres from the District's total acreage of approximately 628.36 acres.

- **General Information**

- Location:

- South of State Road Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Road in Parrish (Manatee County).

- Acreage of Project:

- 628.36 acres (Total CDD)

- Density/Intensity of Project:

- N/A

- **Neighborhood Workshop**

NA

- **Affordable Housing**

NA

- **Future Land Use Category**

Primarily UF-3 with a small portion of the contraction parcel designated AG-R.

- **Zoning District**

A (General Agriculture) – contraction parcel, and PDR (Planned Development Residential) -remaining area.

- **Land Use History**

- On August 22 2, 2018, the BCC adopted Manatee County Ordinance No. 18-32 establishing the boundaries of the CDD.
- The District consists of an approved single-family residential development in different phases. No entitlements were assigned to the contraction parcel.
- A petition was submitted by the CDD Board of Supervisors to remove approximately 227.56 acres from the previously established District, pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, specifically sections 190.046 and 190.005, Florida Statutes.

- **Surrounding Area**

SR 62 is located north of the contraction parcel, and the residential uses associated with the Aviary at Rutland Ranch development lie to the south. The remaining surrounding area consists of agricultural land.

- **Conclusion**

- The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

Attorney Review

Other (Requires explanation in field below) Soto

Camilo Soto reviewed and responded by email to Matter # FY25/26-0320 on May 27,2026.

Instructions to Board Records

Ensure that the Chairperson signs page 4 of the Ordinance. Please forward a copy of the executed document to bobbi.roy@mymanatee.org and Laura.Gonzalez@mymanatee.org.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



August 6, 2026 - Land Use Meeting

Subject

Updates to Agenda

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated August 3, 2026) for the meeting of 8/6/2026 9:00 AM - August 6, 2026 - Land Use Meeting

CONSENT:

Community and Veteran Services

13. Deferred to August 25, 2026 - Authorize the Chair of the Board of County Commissioners to execute an Assignment and Assumption of Promissory Note, Mortgage and Land Use Restriction Agreement to facilitate the re-recording of the document with the appropriate County signature authority. Deborah Ash, Community and Veterans Services Department - District 4

This item is deferred to August 25, 2026

ADVERTISED PUBLIC HEARINGS - LEGISLATIVE

1. Ordinance No. 26- 34 Establishment of West Manatee District Community Development District - Legislative - Laura Gonzalez, Principal Planner - District 5 - Revised Motion to be

continued to September 3, 2026 at 9:00 a.m., or as soon thereafter as same may be heard.

2. Ordinance No. 26-27 f/k/a Ordinance No. 18-32 Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District Contraction of Boundaries- Legislative- Laura Gonzalez, Principal Planner - District 1 - Revised Motion to be continued to August 25, 20206 at 9:00 a.m., or as soon thereafter as same may be heard.

3. PA-25-13 / Ordinance 26-01 County Initiated Comprehensive Plan Text Amendment 5-1 Series - PLN2510-0080 - Legislative - Elizabeth Shulman, Senior Planner - Countywide - Revised motion to be continued to no date set and to be readvertised.

4. 9:00 A.M. TIME CERTAIN Ordinance No. 26-19 / PA-25-03 Comprehensive Plan Rewrite County-Initiated Comprehensive Plan Text Amendment-PLN2506-0044 - Legislative-Kimley-Horn & Associates, CONSULTANT and Rachel Layton, Division Manager - Revised motion to be continued to no date set and to be readvertised. Item moved to Presentations upon request.

ADVERTISED PUBLIC HEARINGS - QUASI-JUDICIAL

6. Ordinance 26-29 / PA-25-08 – Vineyard Creek CPA – Small-Scale Comprehensive Plan Map Amendment – PLN2508-0053- Legislative-Elizabeth Shulman, Senior Planner-District 2 - APPLICANT REQUEST CONTINUANCE TO SEPTEMBER 3, 2026 - Revised motion to continue to incorporate Ordinance number in motion.

12. R-26-081- PLN2511-0146-2104 53rd Avenue East, Bradenton, FL 34203 (“Property”)- Quasi-Judicial - James J. McDevitt III, MURP, Development Services Team Leader-District 2 - Revised motion to be continued to August 25, 2026, at 9:00 a.m., or as soon thereafter as same may be heard. This item was moved to Presentation Upon Request.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



August 6, 2026 - Land Use Meeting

Subject

Ordinance No. 26-27 f/k/a Ordinance No. 18-32 Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District Contraction of Boundaries-Legislative- Laura Gonzalez, Principal Planner - District 1

An Ordinance Of Manatee County, Florida, Relating To The Aviary At Rutland Ranch Community Development District; Providing Legislative Findings; Specifying Authority; Specifying Intent And Purpose; Contracting The Boundaries Of The District Pursuant To Subsection 190.046(1), Florida Statutes, By Removing Approximately 227.56 Acres Of Land; Amending Section 2-8-68 Of The Manatee County Code Of Ordinances Describing The Amended Boundaries Of The District As Contracted; Providing For Reliance Upon Representations; Providing For Codification; Providing For Severability; And Providing An Effective Date.

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Briefing Provided Upon Request

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Contact: Abigail Bonds, Planning and Zoning Tech III, 941-748-4501 x3927,
Abigail.bonds@mymanatee.org

Action Requested

ALTERNATIVE MOTION(S)

APPROVAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries pursuant to Chapter 190, Florida Statutes, I move to APPROVE the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to ADOPT Ordinance No. 26-27.

DENIAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries pursuant to Chapter 190, Florida Statutes, I move to DENY the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to DENY adoption of Ordinance No. 26-27.

Enabling/Regulating Authority

Manatee County Comprehensive Plan
Manatee County Land Development Code

Applicable Advisory Board

N/A

Background Discussion

- **Request**

A petition to amend Ordinance No. 18-32 boundaries by removing approximately 227.56 acres from the District's total acreage of approximately 628.36 acres.

- **General Information**

- Location:

South of State Road Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Road in Parrish (Manatee County).

- Acreage of Project:

628.36 acres (Total CDD)

- Density/Intensity of Project:

N/A

- **Neighborhood Workshop**

NA

- **Affordable Housing**

NA

- **Future Land Use Category**

Primarily UF-3 with a small portion of the contraction parcel designated AG-R.

- **Zoning District**

A (General Agriculture) – contraction parcel, and PDR (Planned Development Residential) -remaining area.

- **Land Use History**

- On August 22 2, 2018, the BCC adopted Manatee County Ordinance No. 18-32 establishing the boundaries of the CDD.
- The District consists of an approved single-family residential development in different phases. No entitlements were assigned to the contraction parcel.
- A petition was submitted by the CDD Board of Supervisors to remove approximately 227.56 acres from the previously established District, pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, specifically sections 190.046 and 190.005, Florida Statutes.

- **Surrounding Area**

SR 62 is located north of the contraction parcel, and the residential uses associated with the Aviary at Rutland Ranch development lie to the south. The remaining surrounding area consists of agricultural land.

- **Conclusion**

- The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

Attorney Review

Other (Requires explanation in field below) Soto

Camilo Soto reviewed and responded by email to Matter # FY25/26-0320 on May 27, 2026.

Instructions to Board Records

Ensure that the Chairperson signs page 4 of the Ordinance. Please forward a copy of the executed document to bobb.roy@mymanatee.org and Laura.Gonzalez@mymanatee.org.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

August 3, 2026

VIA ELECTRONIC MAIL

Laura Gonzalez, MBA| Principal Planner
Manatee County Government
Development Services
9000 Town Center Pkwy
Lakewood Ranch, FL 34202

Re: *PLN2601-0098: Petition to Amend the Boundaries of the Aviary at Rutland Ranch CDD*

Dear Ms. Gonzalez:

We are currently scheduled to have the boundary amendment hearing in the above-referenced Petition on Thursday, August 6. Unfortunately, I am unable to make that hearing due to a scheduling conflict. We kindly ask that the boundary amendment hearing be moved to August 25, 2026.

Thank you in advance for your assistance. If you have any questions, please do not hesitate to contact me at (850) 692-7300.

Sincerely,



Jere Earlywine

Ordinance No. 26-27
f/k/a Ordinance No.
18-32 Petition to
Amend the
Boundaries of the
Aviary at Rutland Ranch Community Development District
Contraction of Boundaries

Request:

Adoption of Ordinance No. 26-27

ORDINANCE NO. 26-27

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CONTRACTING THE BOUNDARIES OF THE DISTRICT PURSUANT TO SUBSECTION 190.046(1), FLORIDA STATUTES, BY REMOVING APPROXIMATELY 227.56 ACRES OF LAND; AMENDING SECTION 2-8-68 OF THE MANATEE COUNTY CODE OF ORDINANCES DESCRIBING THE AMENDED BOUNDARIES OF THE DISTRICT AS CONTRACTED; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ALTERNATIVE MOTION(S)

APPROVAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries pursuant to Chapter 190, Florida Statutes, I move to APPROVE the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to ADOPT Ordinance No. 26-27.

DENIAL

Based on the record of the public hearing, public testimony provided therein, and having evaluated the criteria for the amendment of a community development district's boundaries pursuant to Chapter 190, Florida Statutes, I move to DENY the petition requesting the contraction of boundaries of the Aviary at Rutland Ranch Community Development District and to DENY adoption of Ordinance No. 26-27.

Petition to Amend
The Boundaries of the
Aviary at Rutland Ranch Community Development District
Staff Review Report

1. Request

The Board of Supervisors of the Aviary at Rutland Ranch Community Development District (the “Petitioner”) has petitioned requesting that the Manatee County Board of County Commissioners amend the existing boundaries of the Aviary at Rutland Ranch Community Development District (the “District”) by deleting approximately 227.56 acres from the District’s total acreage of approximately 628.36 acres, contracting the District down to approximately 400.81 acres. Approval of this petition would only amend the District’s boundaries and not have any effect upon the special powers already granted to the District.

2. Background

On August 22, 2018, the Board of County Commissioners adopted Manatee County Ordinance No. 18-32 establishing the District. The ordinance described the District’s boundaries and named the initial members of the Board of Supervisors. Chapter 190, Florida Statutes, authorized the establishment of the District and continues to control changes to the District’s boundaries.

The District is located in unincorporated Manatee County and is generally located south of State Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Canal in Parrish (Manatee County). The approximate location of the District is shown on the Location Map, Exhibit “1” of the Petition.

3. Discussion

The Petitioner seeks to delete approximately 227.56 acres of land from the existing District boundaries. After the contraction, the revised District boundaries will total approximately 400.81 acres of land. The legal description with more detailed maps of the contraction parcel and the proposed amended District boundaries appear as exhibits to the Petition and Ordinance 26-27.

The Manatee County Comprehensive Plan assigns the UF-3 Future Land Use Category to approximately 147.1 acres of the contraction parcel and the Ag-R Future Land Use Category to approximately 80.5 acres. The remaining district is assigned

to the UF-3 Future Land Use Category.

The District is presently characterized by a residential development and ongoing infrastructure construction associated with the approved single-family residential development. Phases IA, IB, IIA, IIB & IIIA are complete with Certificate of Completion approval. Phase IIIB is under construction and Phase IV was approved in October 2025.

The petition to establish the Community Development District (the “CDD”) approved in 2018 indicated that the contraction parcel had no entitlements and was intended to serve as the future Phase 5 and Phase 6 development areas.

Pursuant to subsection 190.046(1)(d)(4), Florida Statutes, the Board of Supervisors of Aviary at Rutland Ranch Community Development District held a public hearing on May 28th, 2025 and approved Resolution 2025-05 to amend the District in accordance with the Petition.

Pursuant to subsection 190.046(1), Florida Statutes, the Petitioner submitted the petition to contract the District boundaries. Section 190.046(1)(e), Florida Statutes, provides that the filing of a petition for contraction by a CDD’s District Board of Supervisors shall constitute consent of the landowners within the existing District. The petition further contains written consents of the owners of the contracted parcel proposed for removal from the District, as required by Section 190.046(1)(e).

The District Chairperson and the District’s Legal Counsel affirm and certify that the facts contained in the petition are accurate. The District also attests that lands being removed from the District are not subject to assessments that secure any outstanding bonds.

Any action on the petition does not set a precedent for future requests in the District. All petitions submitted to Manatee County dealing with Community Development Districts are reviewed on a case-by-case basis in accordance with the criteria specified in Section 190.005(1)(e), Florida Statutes.

4. Review Factors

Sections 190.046(1)(b) and 190.005(1)(e) Florida Statutes, require the Board of County Commissioners to hold a public hearing on the petition to contract the District’s boundaries, thereby amending prior ordinances. These statutes further require the Board of County Commissioners to consider the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes, in making its determination to grant or deny the petition for ordinance amendment. A description of the factors listed in Section 190.005(1)(e), Florida Statutes, and analyses for the factors are below:

1. "Whether all statements contained within the petition [to amend] have been found to be true and correct."

Analysis:

The petition states true and correct references to Chapter 190, Florida Statutes.

The petition states the true and correct date of approval, approval authority, ordinance number, and size of the existing District.

The contents of the petition correspond correctly to the subject requirements of Sections 190.046(1) and 190.005(1)(a), Florida Statutes.

The petition includes the legal descriptions of the District, as it exists currently, the contraction area, and the District as contracted. The boundary descriptions follow courses and distances that return to their points of beginning, i.e., they close during calculations. The expressed size of the District appears the same as sizes calculated using the metes and bounds descriptions. The sketch and description bears the signature of a Florida-licensed professional surveyor and mapper. The seal and signature of the surveyor attests to and proves the description as true and correct.

Information from the Manatee County Property Appraiser also confirms the ownership of the contraction area and the District as contracted, and this is consistent with what is described in the Petition.

The Petitioner submitted a Consent of the Property Owner document that is executed by the manager of the company owning the contraction area. The official signatures and notary acknowledgement attest to the signatories being true and correct. A Florida licensed attorney has also signed and submitted the Petition. The Petition includes statements signed by in the Petitioner and the attorney certifying the Petition is true and correct.

2. "Whether the [contraction] of the District is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan."

Analysis:

Amendment of the District boundaries and all land uses and services planned within the District as amended are consistent with applicable

elements or portions of the adopted State Comprehensive Plan or the Manatee County Comprehensive Plan.

3. "Whether the area of land within the proposed [contracted] District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community."

Analysis:

The land within the District as amended is part of a planned community. The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.

4. "Whether the District . . . [as contracted remains] the best alternative available for delivering community development services and facilities to the area that will be served by the District."

Analysis:

The District does not currently provide services or facilities to the contracted area; therefore, community development services and facilities of the District, as amended, provide for a greater enhancement of the District without causing any undue hardship or burdens upon the contracted area. The Amended District remains the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government.

5. "Whether 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."

Analysis:

The community development services and facilities of the District as amended will be compatible with the capacity and use of existing local and regional community development services and facilities.

6. "Whether the area that will be served by the District is amenable to separate special-district government."

Analysis:

The area to be served by the District, as amended, continues to be amenable to separate special-district government.

5. Estimated Regulatory Costs

The petition includes a Statement of Estimated Regulatory Costs (SERC) as required by Section 190.005(1)(a)8 and Section 120.541, Florida Statutes. The statement provided with the petition includes an adequate analysis as required by state law.

The amendment of the District's boundaries will not increase any regulatory costs on the State or the County by virtue that the District has already been established and amending its size does not change the regulatory requirements that the District will be subject to after the initial review and possible approval of the petition to amend its boundaries by the County. The District will pay a filing fee to the County to offset any expenses that the County incurs in the processing of this petition to amend the District's boundaries.

Amending the District's boundaries will not materially increase regulatory costs to the landowners within the Amended District. Such increases in regulatory costs, principally the anticipated increases in transactional costs because of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the Amended District. While the approximately 227.56 acres being removed from the District will not pay assessments to the Amended District, and the Amended District will not incur costs for the construction on, and maintenance of, the contracted area. Property ownership in the District is completely voluntary, and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District. As to the anticipated amount of the transactional costs in the aggregate within 5 years, they are anticipated not to exceed \$5,000,000.

6. Exercise of Special Powers

The amendment of the District shall result in no change to the general and special powers relating to public improvements and community facilities. Pursuant to Sections 190.012(1), 190.012(2)(a) and 190.012(2)(d) Florida Statutes, all the special powers were granted by the Board of County Commissioners upon the adoption of Ordinance No. 18-32.

These special powers will remain in effect allowing the District to plan, amend, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses; security including but not limited to guardhouses, fences and

gates, electronic intrusion systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

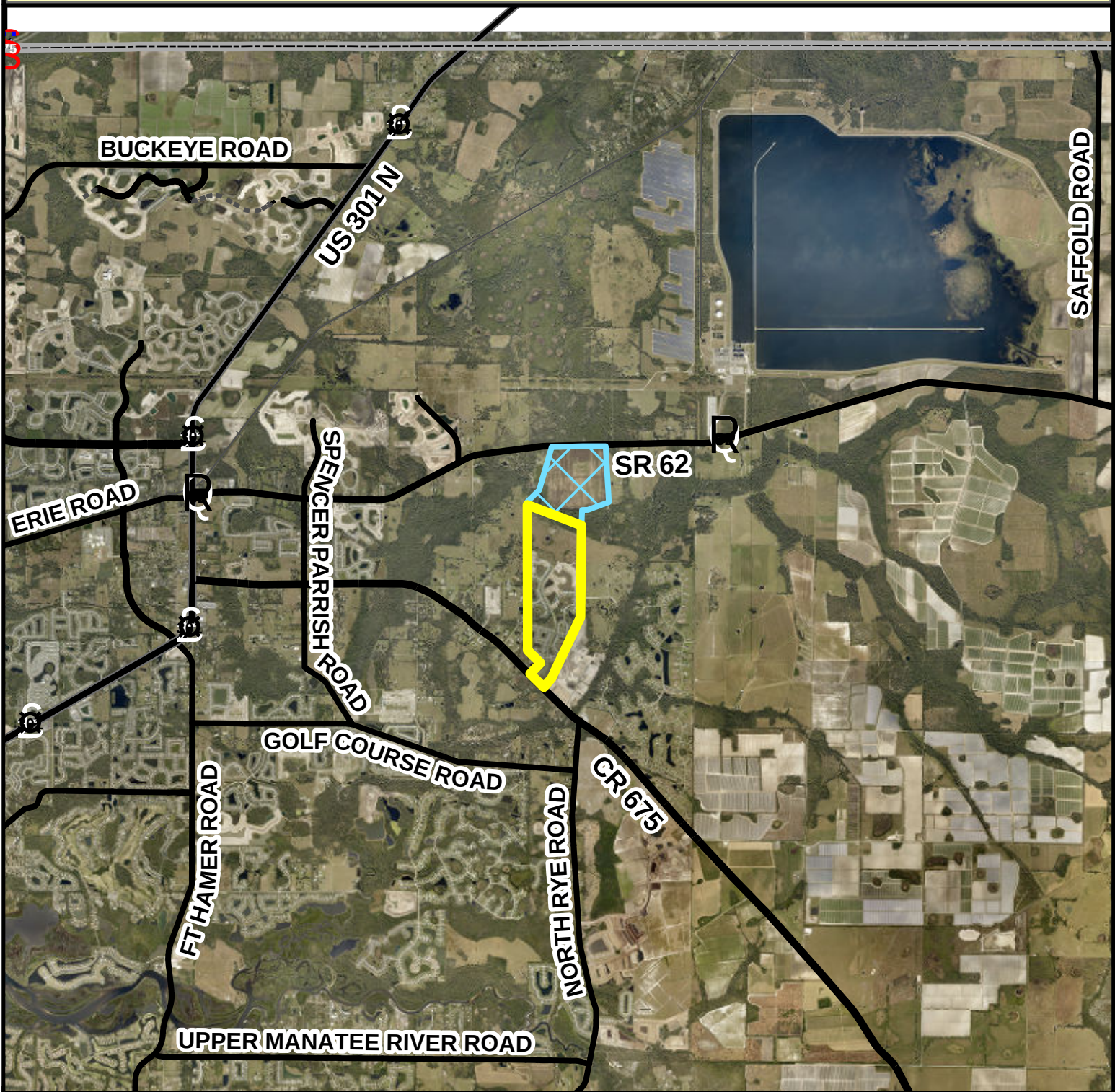
7. Compliance With Review Standards

Staff finds that the proposed application and the attached Ordinance No. 26-27 requesting contraction of the Aviary at Rutland Ranch Community Development District can be found to comply with the applicable standards of review as detailed in Florida Statutes.

Attachments:

- Petition to Amend District Boundaries with Exhibits
- Ordinance 26-27
- Notice of Public Hearing
- Map depicting the District location and Amended Boundary

AERIAL



Parcel ID #(s) Multiple

Project Name: Petition to Amend the Boundaries of the Aviary at Rutland Ranch CDD

Project #: CDD-26-01

Accela #: PLN2601-0098

S/T/R: 33 34S 18E

Acreage: 400.00

Existing Zoning: RSF-4.5

Existing FLU: UF-3

Overlays: NONE

Special Areas: NONE

CHH: N

Watershed: NONE

Drainage Basin: GAMBLE CREEK SINK

Commissioner: Vacant

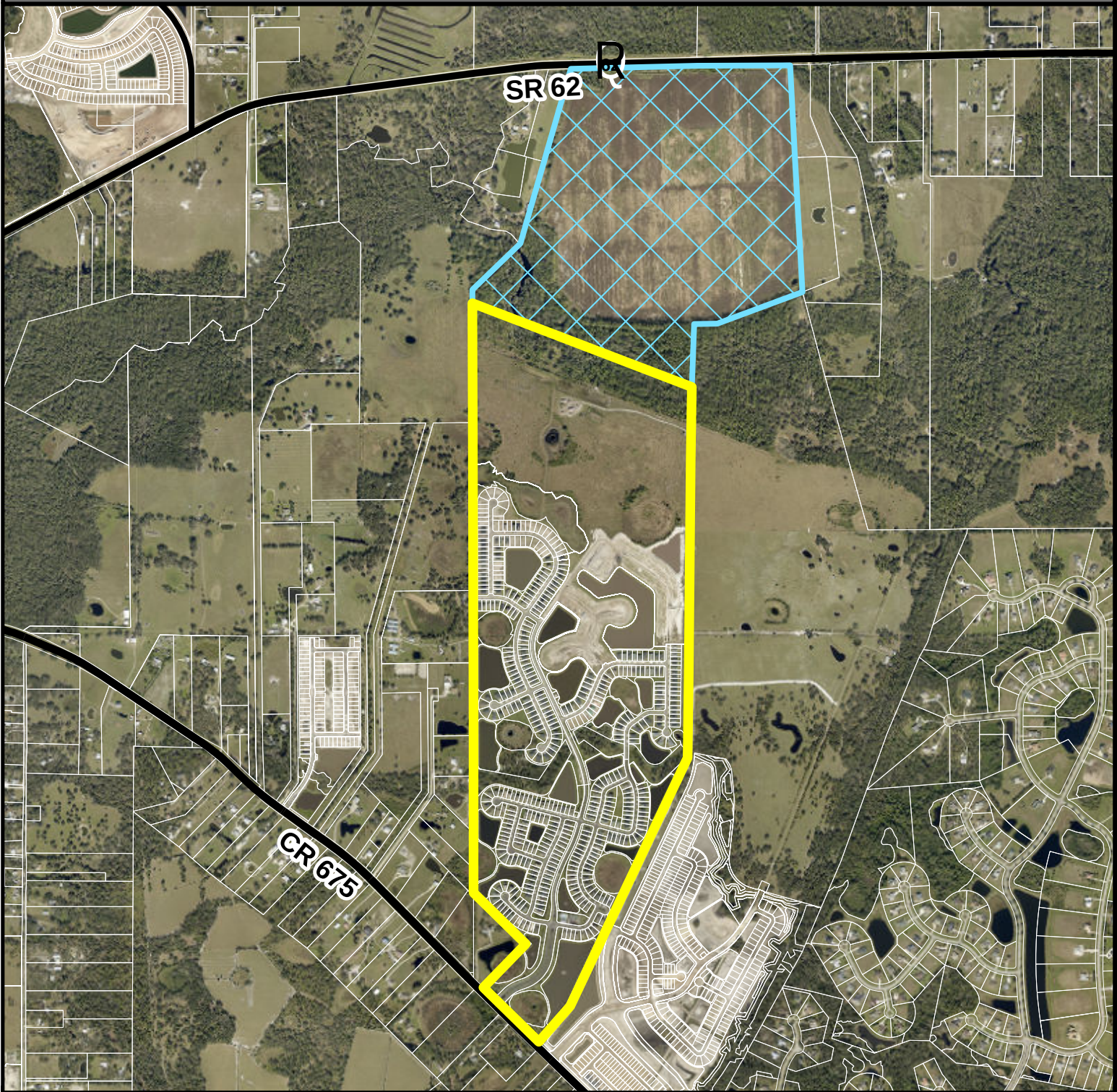


Contraction Parcel

Manatee County
Staff Report Map
Map Prepared 4 / 2026

Feet
0 3,750 7,500

AERIAL



Parcel ID #(s) Multiple

Project Name: Petition to Amend the Boundaries of the Aviary at Rutland Ranch CDD

Project #: CDD-26-01

Accela #: PLN2601-0098

S/T/R: 33 34S 18E

Acreage: 400.00

Existing Zoning: RSF-4.5

Existing FLU: UF-3

Overlays: NONE

Special Areas: NONE

CHH: N

Watershed: NONE

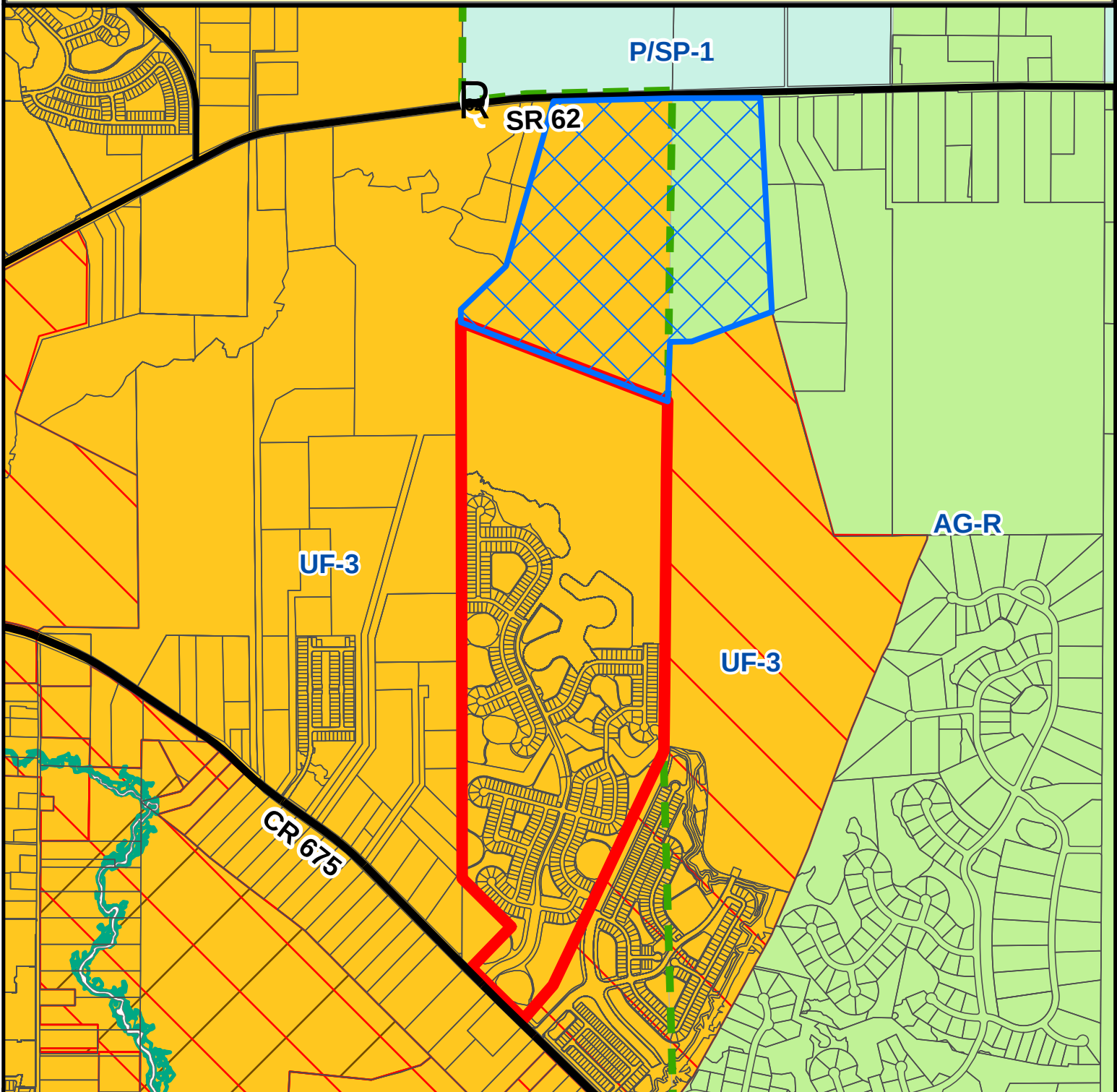
Drainage Basin: GAMBLE CREEK SINK

Commissioner: Vacant



Contraction Parcel

FUTURE LAND USE



Parcel ID #(s) Multiple

Project Name: Petition to Amend the Boundaries of the Aviary at Rutland Ranch CDD

Project #: CDD-26-01

Accela #: PLN2601-0098

S/T/R: 33 34S 18E

Acreage: 400.00

Existing Zoning: RSF-4.5

Existing FLU: UF-3

Overlays: NONE

Special Areas: NONE

CHH: N

Watershed: NONE

Drainage Basin: GAMBLE CREEK SINK

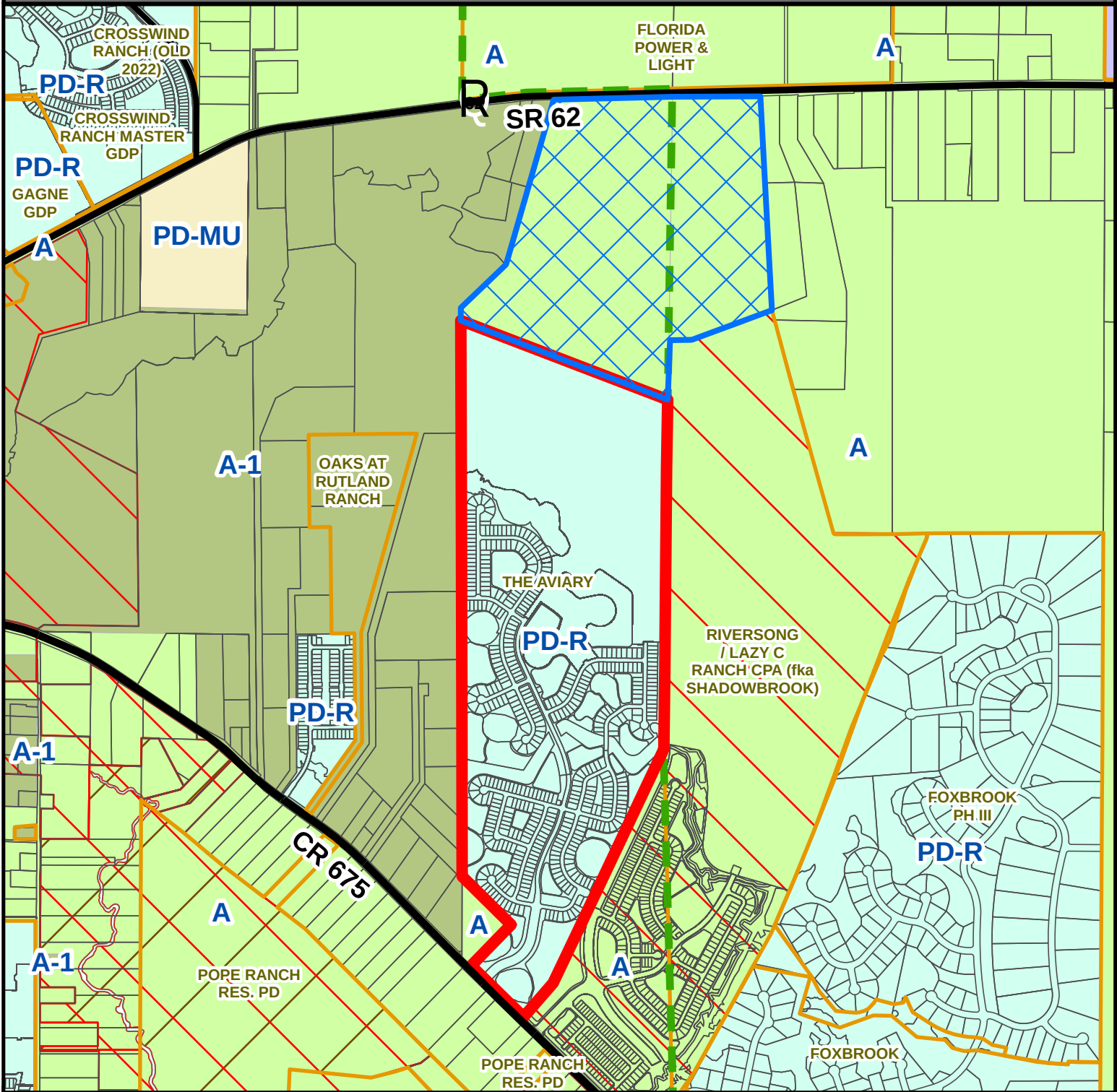
Commissioner: Vacant



Contraction Parcel

FDAB

ZONING



Parcel ID #(s) Multiple

Project Name: Petition to Amend the Boundaries of the Aviary at Rutland Ranch CDD

Project #: CDD-26-01

Accela #: PLN2601-0098



Contraction Parcel

FDAB

S/T/R: 33 34S 18E

Acreage: 400.00

Existing Zoning: RSF-4.5

Existing FLU: UF-3

Overlays: NONE

Special Areas: NONE

CHH: N

Watershed: NONE

Drainage Basin: GAMBLE CREEK SINK

Commissioner: Vacant

Manatee County
Staff Report Map
Map Prepared 4 / 2026

Feet
0 975 1,950

ORDINANCE NO. 26-27

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CONTRACTING THE BOUNDARIES OF THE DISTRICT PURSUANT TO SUBSECTION 190.046(1), FLORIDA STATUTES, BY REMOVING APPROXIMATELY 227.56 ACRES OF LAND; AMENDING SECTION 2-8-68 OF THE MANATEE COUNTY CODE OF ORDINANCES DESCRIBING THE AMENDED BOUNDARIES OF THE DISTRICT AS CONTRACTED; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

WHEREAS, subsection 190.046(1), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the contraction of a community development district's boundaries that were established by county ordinance; and

WHEREAS, Aviary at Rutland Ranch Community Development District (the "District") has been created by law and established pursuant to Manatee County Ordinance No. 18-32, adopted on August 22, 2022, effective as filed with the Secretary of State of Florida on February 8, 2022; and

WHEREAS, Ordinance No. 18-32 described the boundaries of the District, which included approximately 628.36 acres of land; and

WHEREAS, based on the information provided by the District board of supervisors (the "Petitioner"), the District is active and in good legal standing, and the Board of County Commissioners of Manatee County, Florida (the "Board"), has relied thereon in adopting this Ordinance; and

WHEREAS, the Petitioner has filed a petition with the Board to adopt an ordinance amending the boundaries of the District pursuant to subsection 190.046(1), Florida Statutes, by contraction; and

WHEREAS, the petition designated approximately 227.56 acres of land to be removed from the District, as described therein; and

WHEREAS, pursuant to sections 190.046(1)(g) and 125.66, Florida Statutes, as amended, the filing of the petition for the boundary amendment by the Petitioner constitutes consent of the landowners within the District, other than those landowners whose land is proposed to be removed from the District; and

WHEREAS, Rowe Ventures LLC, a Florida limited liability company, is the record owner of approximately 227.56 acres of land proposed to be removed from the District and has consented in writing to the removal of said land from the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of sections 190.046(1)(b) and 125.66, Florida Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in subsection 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for ordinance amendment contracting the boundaries of the District; and

WHEREAS, the Board has relied upon the representations made in the petition and other documents attached thereto as exhibits in adopting this Ordinance; and

WHEREAS, the District established under Ordinance No. 18-32, as amended by this ordinance, as an independent special district and a local unit of special purpose government and shall continue to be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws within the amended boundaries described and depicted in **Exhibit “A,”** attached hereto and incorporated herein; and

WHEREAS, amendment of the boundaries of the District will protect, promote, and enhance the public health, safety, and welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the “WHEREAS” clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to sections 190.046(1)(b) and 125.66, Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and purpose. It is the intent and purpose of this Ordinance to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Contracting of boundaries. The boundaries of the District are hereby contracted pursuant to subsection 190.046(1), Florida Statutes, by removing approximately 227.56 acres of land from the geographic boundaries and control of the District and contracting the boundaries of the District to a total of approximately 400.81 acres of land, are described and depicted in **Exhibit “A.”**

Section 5. Amending Section 2-8-68 of the Manatee County Code of Ordinances. Section 2-8-68 of the Manatee County Code of Ordinances is hereby amended to read as follows:

Sec. 2-8-68. Aviary at Rutland Ranch Community Development District.

...

(b) *Boundaries.* The boundaries of the district are described in the metes and bounds description attached to Ordinance No. 26-27 as **Exhibit “A”**.

...

Section 6. Reliance upon representations. The contraction of the boundaries of the District is specifically based upon the representations made in the Petition to Amend Manatee County Ordinance 26-27 to amend the external boundaries of the District through the contraction request dated May 28, 2025, signed by Stephen J. Cerven, chairperson of the District, which was filed with Manatee County, Florida, and is attached hereto as **Composite Exhibit “B.”**

Section 7. Codification. The publisher of the County’s Code, Civic Plus, is directed to incorporate the amendments in Section 5 of this Ordinance into the Code.

Section 8. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 9. Effective date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to section 125.66, Florida Statutes.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this ____ day of _____, 2026.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

EXHIBIT A

A.1

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

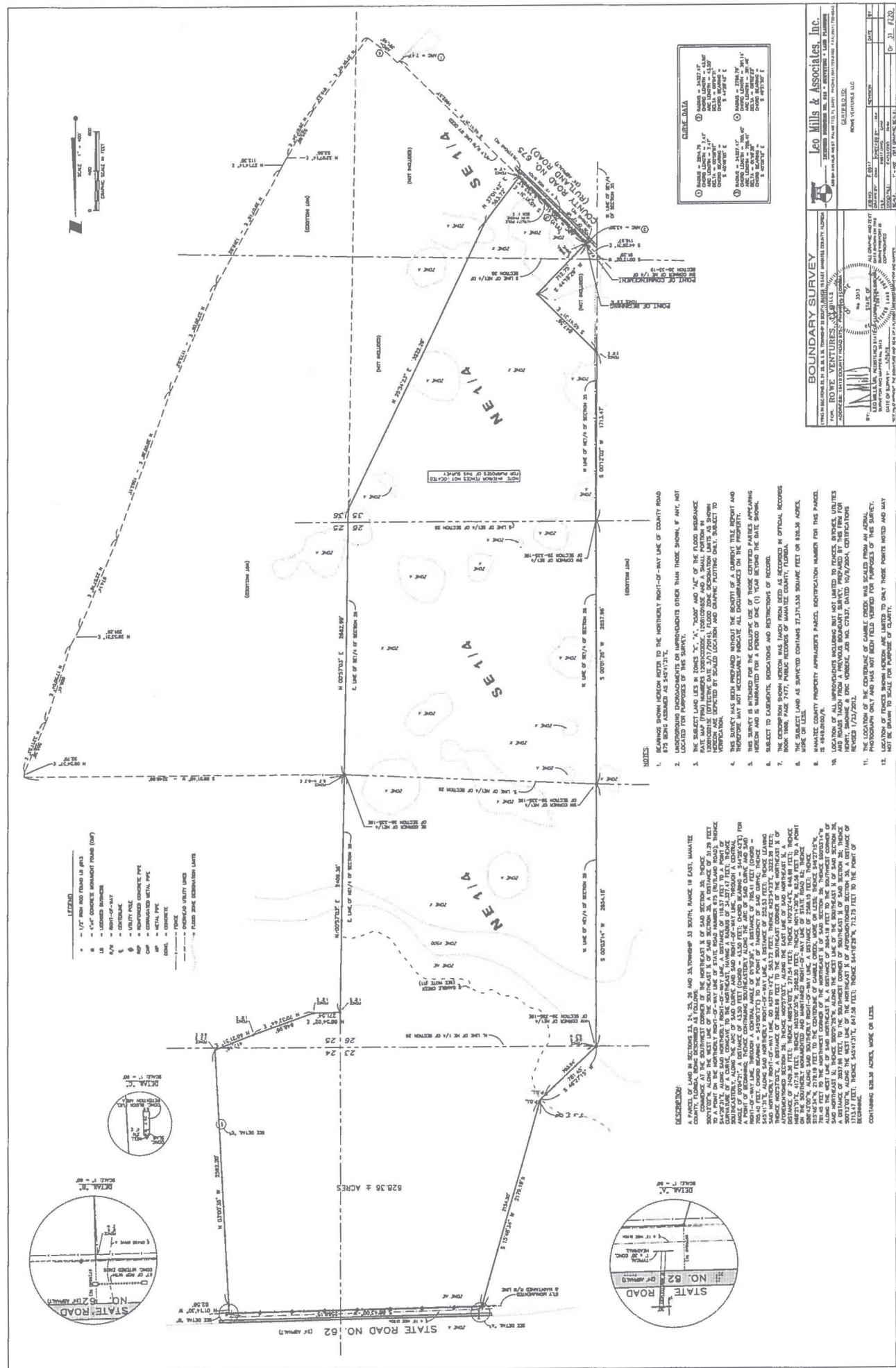


EXHIBIT A

A.2

CONTRACTION PARCEL LEGAL DESCRIPTION

A parcel of land lying in Sections 23, 24, 25, and 26, Township 33 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast quarter of Section 26, Township 33 South, Range 19 East, Manatee County, Florida; thence along the East line of said Northeast quarter the following two (2) courses: (1) N00°47'28"E, 1,762.82 feet to the POINT OF BEGINNING; (2) continue N00°47'28"E along said East line, 646.54 feet; thence N88°44'27"E, 271.54 feet; thence N70°23'09"E, 648.96 feet; thence N68°12'16"E, 417.16 feet; thence N03°10'10"W, 2,592.20 feet; thence N01°24'05"W, 82.56 feet to a point on the Southerly maintained right-of-way of State Road 62; thence along said right-of-way S88°33'25"W, 2,568.15 feet; thence S15°38'59"W, 2,179.19 feet more or less to the centerline of Gamble Creek; thence S46°17'40"W, 781.45 feet to the Northwest corner of the aforementioned Northeast quarter; thence along the west line of said Northeast quarter S00°06'21"E, 178.96 feet; thence S72°31'44"E, 2,711.13 feet to the POINT OF BEGINNING.

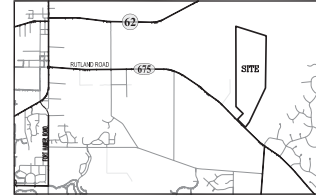
Containing 9,912,298 square feet or 227.56 acres, more or less.

EXHIBIT A

A.3



VICINITY MAP



DESCRIPTION

A PARCEL OF LAND IN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 500°02'27"W, A DISTANCE OF 51.29 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 544°35'45"E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 0°04'21", A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET, CHORD BEARING = 544°30'52"E) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°10'39", A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING = 545°15'52"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE 545°50'52"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N02°52'07"E, A DISTANCE OF 563.88 FEET; THENCE N02°24'48"E, A DISTANCE OF 3222.26 FEET; THENCE N02°47'28"E, A DISTANCE OF 2682.89 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 26; THENCE N04°47'28"E, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1762.82 FEET; THENCE N72°31'44"W, A DISTANCE OF 2711.13 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S00°08'21"E ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2475.22 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°08'09"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2657.86 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S00°02'27"W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°10'06"E, A DISTANCE OF 847.56 FEET; THENCE S44°08'54"W, A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 400.81 ACRES, MORE OR LESS.

NOTES

- BEARINGS AND COORDINATES ARE RELATED TO THE FLORIDA STATE COORDINATE SYSTEM NAD 83/2011 AND ARE DERIVED FROM FDOT PERMANENT REFERENCE NETWORK CORPS STATION "MANATEE-CSP" (PD 048763) BASED ON THE CONTROL. THE BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 BEING N45°05'27"E. THE PUBLISHED VALUES OF "POLY" (PD 004940) AND "SHARD" (PD 005087), WERE USED TO VALIDATE THE PROJECT COORDINATES.
- THE PROPERTY LIES WITHIN FLOOD ZONES "X", "X-1", "X-2" (0.2% ANNUAL CHANCE FLOOD HAZARD) & "AE", AS SCALED FROM MANATEE COUNTY FLOOD INSURANCE RATE MAP, PANEL NO. 1208010202E, 1208010203E, & 1208010202E DATED MARCH 17, 2014.
- PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R8 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK CORPS STATION "MANATEE-CSP". REDUNDANCY WAS ACHIEVED BY MULTIPLE OCCUPATIONS OF POINTS USING VARYING SATELLITE CONFIGURATIONS. OBSERVATIONS WERE MADE DURING THE PERIOD WHEN FIVE OR MORE SATELLITES WERE AVAILABLE AND A PROOF OF LESS THAN FOUR WAS IN EFFECT.
- THERE MAY BE PORTIONS OF THIS PROPERTY WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE.
- BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

LEGEND

MONUMENTS

- CONCRETE MON. SET
- CONCRETE MON. FOUND
- IRON REBAR SET (LB 6982)

ABBREVIATIONS

- A DELTA (CENTRAL ANGLE)
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- R/W RIGHT-OF-WAY
- O.R.B. OFFICIAL RECORDS BOOK
- P PAGE
- (D) DEED DATA
- (F) FIELD DATA
- LB LICENSED BUSINESS
- FKA FORMERLY KNOWN AS

ORIGINAL BOUNDARY SURVEY
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477
LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 6107-4, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. _____ DATE OF CERTIFICATION 08/03/2018 BY _____ DATE OF FIELD SURVEY 08/02/2018



ZNS ENGINEERING

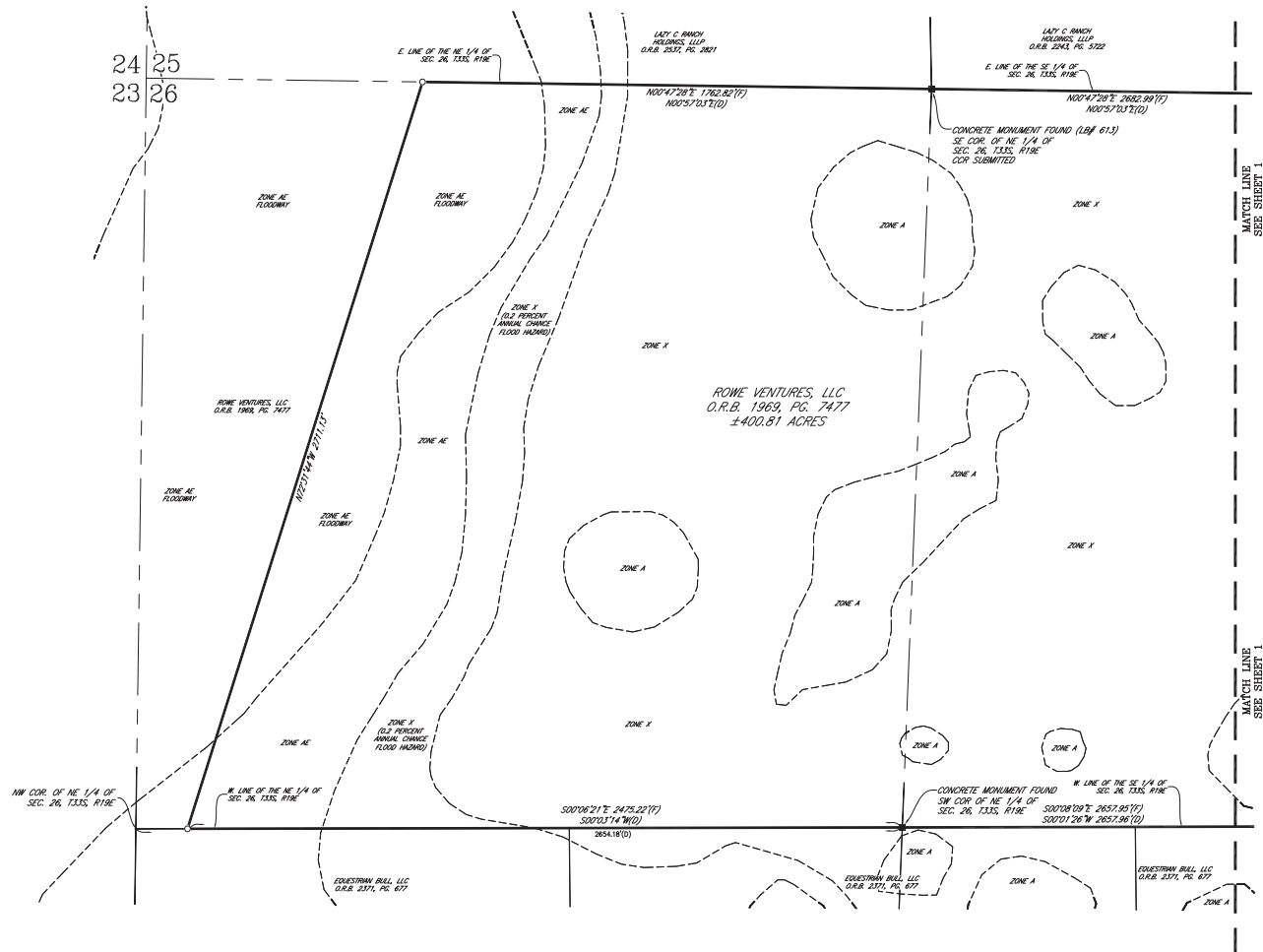
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

1001 OCEAN BLVD. SUITE 1000 | 33706-1000 | 305-465-0000 | FAX 305-465-0001
SALE: 2008000000000000 | TELEPHONE 305-465-0000 | FAX 305-465-0001

T:\Utility\Boundary Survey\Utility_85.dwg

DRAWING: _____ DATE 08/21/2018 SCALE _____
DRAWN BY: _____ JOB NO. 00-44807 FIELD BOOK PAGE _____ SHEET 1 OF 2

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- LEGEND**
- MONUMENTS**
- CONCRETE MON. SET
 - CONCRETE MON. FOUND
 - IRON REBAR SET (LB 6982)
- ABBREVIATIONS**
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CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA, CHAPTER 6101-4, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. _____ DATE OF CERTIFICATION 08/03/2018 BY _____ DATE OF FIELD SURVEY 08/03/2018



ZNS ENGINEERING

ENGINEERS PLANNERS SURVEYORS
LANDSCAPE ARCHITECTS ENVIRONMENTAL CONSULTANTS
OFFICE: 101 AVENUE B, SUITE 100, MANATEE COUNTY, FLORIDA 34460
PHONE: (813) 746-8800 FAX: (813) 746-8801

T:\Utility\Boundary Survey\Utility 85.dwg

DRAWING: _____ DATE 08/21/2018 SCALE _____
DRAWN BY _____ JOB NO. 00-44807 FIELD BOOK _____ PAGE _____ SHEET 2 OF 2

Exhibit B

PETITION TO AMEND THE BOUNDARIES OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT

Submitted by:

Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

**PETITION TO AMEND THE BOUNDARIES OF
THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT**

TABLE OF CONTENTS

Manatee County Application

Development Status

Certification of Attorney

Certification of Petitioner

Petition to Amend the Boundary of the Aviary at Rutland Ranch Community Development District

Exhibit 1: General Location Map

Exhibit 2: Metes and Bounds Description- Current District

Exhibit 3: Metes and Bounds Description- Contraction Parcel

Exhibit 4: Metes and Bounds Description- Amended District

Exhibit 5: Landowner Consent

Exhibit 6: District Resolution 2025-05, Authorizing Boundary Amendment

Exhibit 7: Future Land Uses

Exhibit 8: Utilities Map

Exhibit 9: Statement of Estimated Regulatory Costs

Exhibit 10: Authorization of Agent

Submitted by: Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
LAND DEVELOPMENT APPLICATION**

FOR STAFF USE ONLY

Date: _____

File Number: _____

File Name: _____

This application shall be used for all land development
rezone or comprehensive plan amendment request.

Please attach appropriate standards or supplementary information, as applicable.

NAME OF THE PROJECT: AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT

TYPE OF APPROVAL DESIRED: BOUNDARY AMENDMENT OF A COMMUNITY DEVELOPMENT
DISTRICT (CONTRACTION)

LIST CASE NUMBERS OF PREVIOUS APPROVALS: N/A

A. Property Information

1. Legal Description: See attached Exhibit A
2. D. P. Number(s): 494901169
3. Section: 26 Township: 33 South Range: 19 East
4. Subdivision Name (if Platted): _____
5. Lot: N/A 6. Block: N/A
7. Address or Location of Property (See Address Coordinator, if physical address is needed): The
Contraction Parcel is located in the northern area of the current District.
8. Present Zoning Classification: A (Agriculture) and PD-R (Residential)
9. (If Rezone) Proposed Zoning Classification: _____
10. (If Comprehensive Plan Map Amendment) Proposed Future Land Use Category: N/A
11. Future Land Use Category: UF-3
12. Flood Zone Category: Zone A, AE, Map/Panel Numbers: 12081C02185E & 12081C0205E
13. Property Size (to the nearest tenth of acre or sq. ft.): 227.56 acres (Contraction Parcel)
14. Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.): Vacant
15. Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):
a. North: Vacant c. East: Vacant
b. South: Residential d. West: Vacant
16. Description of Proposed Activity or Use (Attach separate Sheet if Necessary):
The CDD desires to remove approximately 227.56 acres of undeveloped land ("Contraction
Parcel") from its boundary pursuant to Chapter 190, F.S.

B. Names/Addresses

List all person(s) having ownership in subject property

1. Name of Property Owner (Contraction Parcel): **Rowe Ventures LLC**
Address: **35100 SR 64 E, Myakka City, Florida**
Zip: **34251** Telephone: _____ Fax: _____
Email Address: **scerven@falknergroupp.com**

2. Name of Agent: **Jere Earlywine, Kutak Rock, LLP**
Address: **107 West College Avenue, Tallahassee, Florida**
Zip: **32301** Telephone: **(850) 528-6152** Fax: _____
Email Address: **Jere.Earlywine@kutakrock.com**

3. Name of Engineer: **Jeb Mulock, P.E., and Shaara Johnson, P.E., ZNS Engineering**
Address: **1023 Manatee Avenue West, 7th Floor, Bradenton**
Zip: **34205** Telephone: **(941) 748-8080** Fax: _____
Email Address: **jebm@znseng.com; ShaaraJ@znseng.com**

4. Name of Architect: **N/A**
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

5. Name of Landscape Architect: **N/A**
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

NOTE: UNLESS OTHERWISE NOTED, ALL WRITTEN CORRESPONDENCE WILL BE SENT TO THE AGENT. IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER.

C. Signature

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving Building Permits and/or Final Development Approval.

By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedures.



(Signature of Property Owner or Agent)

Additional Information

CONTACT:

Planning Department
1112 Manatee Avenue West, Fourth Floor 34205
P. O. Box 1000, Bradenton, FL 34206

Telephone: (941) 748-4501, Extension 6871

Fax Number: (941) 708-6152

<http://www.mymanatee.org>

EXHIBIT A

Legal Description of Current District Boundary

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

AVIARY AT RUTLAND RANCH - PDR-12-03 - CLOS 15-002 (Exp 12/23/2028)

PHASE OR PARCEL ID	DEVELOPMENT TYPE/NAME	APPROVED USES/TOTALS	SUBMITTED FSP UNITS	APPROVED FSP UNITS	PLATTED UNITS	CO's CUMULATIVE THROUGH 5/5/2025	REMAINING UNITS
	SINGLE FAMILY DETACHED	784					784
IA, IB	FSP-16-27(R), PLN1805-0122			214	214	214	
IIA, IIB	FSP-20-64, PLN2006-0057			185	185	182	
IIIA, IIIB	FSP-21-102, PLN2108-0012			166	166	68	
IV	FSP-24-39, PLN2403-0123			189			
	TOTALS	784	0	754	565	464	30

ATTORNEY CERTIFICATION

I HEREBY CERTIFY THAT, TO MY KNOWLEDGE, THE FACTS CONTAINED IN THE *PETITION TO AMEND THE BOUNDARIES OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT* ARE TRUE AND CORRECT, AND THAT SUCH PETITION COMPLIES WITH STATE LAW.



Jere Earlywine

Florida Bar No.155527

Jere.Earlywine@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

PETITIONER CERTIFICATION

I HEREBY CERTIFY THAT, TO MY KNOWLEDGE, THE FACTS CONTAINED IN THE *PETITION TO AMEND THE BOUNDARIES OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT* ARE TRUE AND CORRECT.

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**

A handwritten signature in blue ink, appearing to read "Steve Cerven", is written over a horizontal line.

Steve Cerven, Chairman

On behalf of the Petitioner,
Aviary at Rutland Ranch Community
Development District

**BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**PETITION TO AMEND THE BOUNDARIES OF THE
AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Aviary at Rutland Ranch Community Development District (“**Petitioner**” or “**District**”), hereby petitions the Manatee County Board of County Commissioners, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, *Florida Statutes*, and specifically Section 190.046(1), *Florida Statutes*, to adopt an amendment to Manatee County Ordinance No. 18-32 to remove approximately 227.56 acres from the District. In support of this petition, the District states:

1. History of the District. Pursuant to Chapter 190, *Florida Statutes*, the Board of County Commissioners of Manatee County, Florida, adopted Manatee County Ordinance No. 18-32 and established the District, which was effective on August 22, 2018. The District is a special purpose unit of local government established under the provisions of Chapter 190, *Florida Statutes*, for the purposes of financing, acquiring, constructing, operating and maintaining public infrastructure improvements.

2. Location and Size. The District is located entirely within unincorporated Manatee County, Florida, and currently covers approximately 628.36 acres of land. **Exhibit 1** depicts the general location of the existing District and the location of the proposed Contraction Parcel (defined below). The District is located south of State Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Canal. The current metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**. The metes and bounds description of the lands to be removed from the District, which comprise approximately 227.56 acres (“**Contraction Parcel**”), are set forth in **Exhibit 3**. Subsequent to the amendment of the District’s boundary, the District will encompass approximately 400.81 acres in total. **Exhibit 4** contains the metes and bounds description of the District boundary, as amended (“**Amended District**”).

3. Excluded Parcels. There are no parcels within the external boundary of the Amended District which are to be excluded.

4. Landowner and District Consent. Petitioner has obtained consent of one hundred (100%) percent of the owners of the lands comprising the Contraction Parcel to amend the boundary of the District as set forth in this Petition. The owner of the Contraction Parcel are Rowe Ventures LLC. Documentation of this consent is attached hereto as **Exhibit 5**. The favorable action of the Board of Supervisors of the District constitutes consent for all of the lands within the District pursuant to Section 190.046(1)(e), *Florida Statutes*, as is evidenced by the District’s Resolution 2025-06 and submission of this Petition. A copy of the Resolution is attached hereto as **Exhibit 6**.

5. District Facilities and Services. There are no services and facilities currently provided by the District to the Contraction Parcel.

6. Future Land Uses. Contraction of the District in the manner proposed is consistent with the adopted Manatee County Comprehensive Plan. The designation of future general distribution, location, and extent of the public and private land uses proposed for the Contraction Parcel and the Amended District by the future land use plan elements of the Manatee County Comprehensive Plan are shown on **Exhibit 7**.

7. Major Water and Wastewater Facilities. **Exhibit 8** shows existing and proposed major water, sewer, and drainage infrastructure within the District, as amended.

8. Statement of Estimated Regulatory Costs. **Exhibit 9** is the Statement of Estimated Regulatory Costs (“**SERC**”) prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Authorization of Agent. **Exhibit 10** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

10. This Petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District should be granted for the following reasons:

- a. Amendment of the District boundaries and all land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the Manatee County Comprehensive Plan.
- b. The area of land within the District, as amended, is part of a planned community. The Amended District will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.
- c. The District currently does not provide services or facilities for the Contraction Parcel. Therefore, community development services and facilities of the Amended District provide for greater enhancement of the District without causing any undue hardship or burdens upon the land.

- d. The Amended District remains the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government.
- e. The community development services and facilities of the Amended District will not be incompatible with the capacity and use of existing local and regional community development services and facilities.
- f. The area to be served by the Amended District is still amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the County Commission of Manatee County, Florida to:

- A. Schedule a public hearing in accordance with the requirements of Section 190.046(1)(b), *Florida Statutes*; and
- B. Grant this Petition and amend Manatee Ordinance No. 18-32 to amend the boundary of the District pursuant to Chapter 190, *Florida Statutes*.

[CONTINUED ON FOLLOWING PAGE]

RESPECTFULLY SUBMITTED, this 22 day of January, 2025.

KUTAK ROCK, LLP



Jere Earlywine

Florida Bar No.155527

Jere.Earlywine@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1

VICINITY MAP

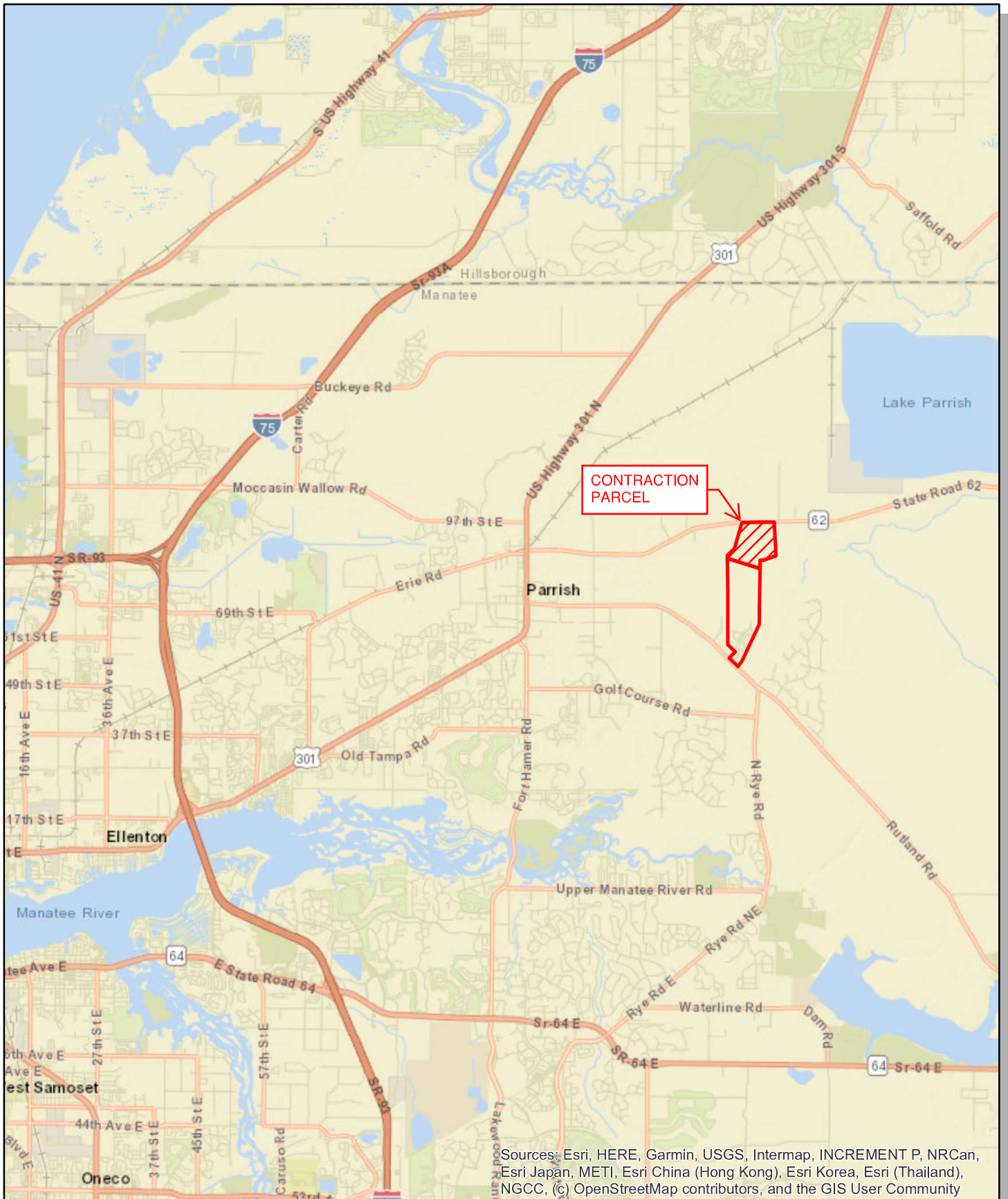


EXHIBIT 2

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

EXHIBIT 3

CONTRACTION PARCEL LEGAL DESCRIPTION

A parcel of land lying in Sections 23, 24, 25, and 26, Township 33 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast quarter of Section 26, Township 33 South, Range 19 East, Manatee County, Florida; thence along the East line of said Northeast quarter the following two (2) courses: (1) N00°47'28"E, 1,762.82 feet to the POINT OF BEGINNING; (2) continue N00°47'28"E along said East line, 646.54 feet; thence N88°44'27"E, 271.54 feet; thence N70°23'09"E, 648.96 feet; thence N68°12'16"E, 417.16 feet; thence N03°10'10"W, 2,592.20 feet; thence N01°24'05"W, 82.56 feet to a point on the Southerly maintained right-of-way of State Road 62; thence along said right-of-way S88°33'25"W, 2,568.15 feet; thence S15°38'59"W, 2,179.19 feet more or less to the centerline of Gamble Creek; thence S46°17'40"W, 781.45 feet to the Northwest corner of the aforementioned Northeast quarter; thence along the west line of said Northeast quarter S00°06'21"E, 178.96 feet; thence S72°31'44"E, 2,711.13 feet to the POINT OF BEGINNING.

Containing 9,912,298 square feet or 227.56 acres, more or less.

EXHIBIT 4

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 S00°02'27"W, A DISTANCE OF 51.29 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE S44°35'45"E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 0°04'21", A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET; CHORD BEARING = S44°38'02"E) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°10'39", A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING = S45°15'32"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°50'52"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N36°52'07"E, A DISTANCE OF 563.88 FEET; THENCE N25°24'48"E, A DISTANCE OF 3222.26 FEET; THENCE N00°47'28"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 26; THENCE N00°47'28"E, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1762.82 FEET; THENCE N72°31'44"W, A DISTANCE OF 2711.13 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S00°06'21"E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2475.22 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°08'09"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2857.96 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S00°02'27"W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°51'06"E, A DISTANCE OF 847.56 FEET; THENCE S44°08'54"W, A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING

CONTAINING 400.81 ACRES, MORE OR LESS.

NOTES

- BEARINGS AND COORDINATES ARE RELATED TO THE FLORIDA STATE COORDINATE SYSTEM NAD 83/2011 AND ARE DERIVED FROM FDOT PERMANENT REFERENCE NETWORK CORRS STATION "MANATEE-GSPS" (PID DL6781). BASED ON THE CONTROL, THE BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 BEING N45°50'52"W. THE PUBLISHED VALUES OF: "POLK" (PID D04900) AND "MARION" (PID D05097), WERE USED TO VALIDATE THE PROJECT COORDINATES.
- THE PROPERTY LIES WITHIN FLOOD ZONES "X", "A", "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) & "AE", AS SCALED FROM MANATEE COUNTY FLOOD INSURANCE RATE MAP, PANEL No. 12081C0205E, 12081C0185E, & 12081C0215E DATED MARCH 17, 2014.
- PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R8 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK SITE "MANATEE G. STROOP CORRS". REDUNDANCY WAS ACHIEVED BY MULTIPLE OCCUPATIONS OF POINTS USING VARYING SATELLITE CONFIGURATIONS. OBSERVATIONS WERE MADE DURING TIME PERIOD WHEN FIVE OR MORE SATELLITES WERE AVAILABLE AND A PDOP OF LESS THAN FOUR WAS IN EFFECT.
- THERE MAY BE PORTIONS OF THIS PROPERTY WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE.
- BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

LEGEND

MONUMENTS

- CONCRETE MON. SET
- CONCRETE MON. FOUND
- IRON REBAR SET (LB 6982)

ABBREVIATIONS

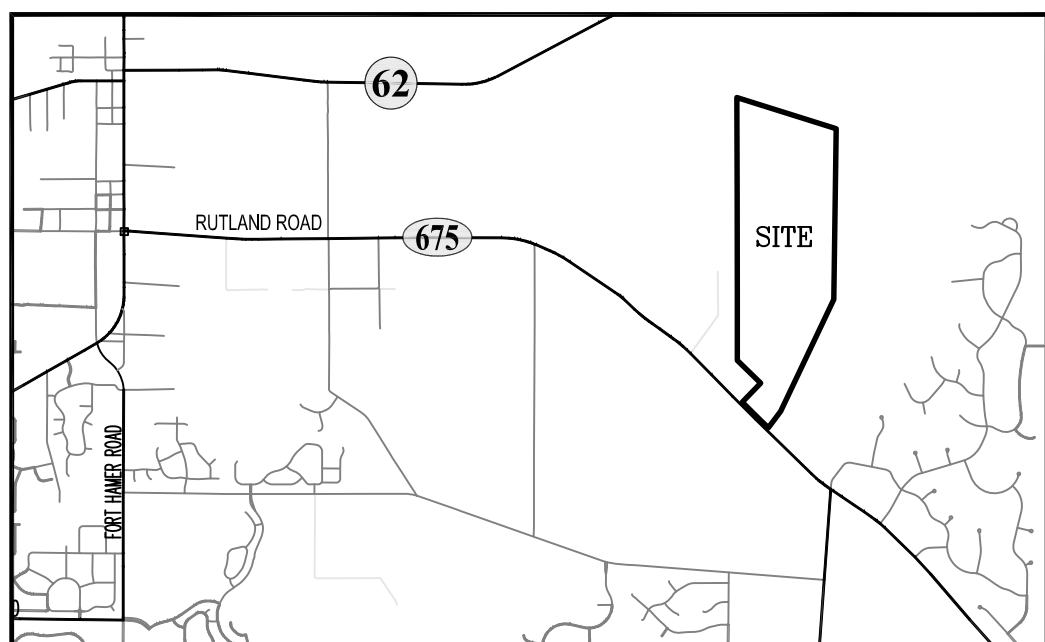
- Δ DELTA (CENTRAL ANGLE)
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- R/W RIGHT-OF-WAY
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- (D) DEED DATA
- (F) FIELD DATA
- LB LICENSED BUSINESS
- FXA FORMERLY KNOWN AS

ORIGINAL BOUNDARY SURVEY

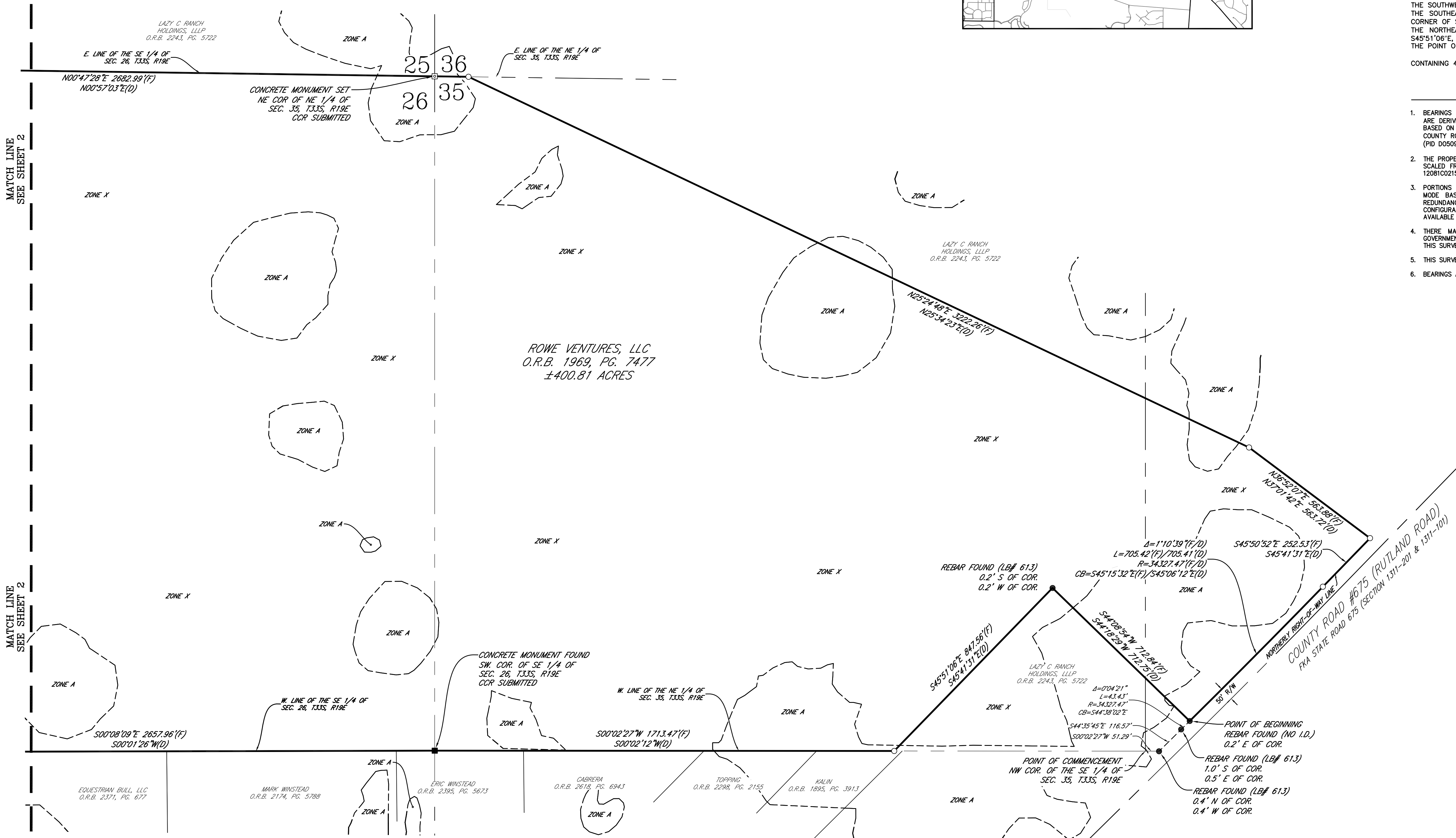
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477

LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

VICINITY MAP



SCALE 1"=200'



NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

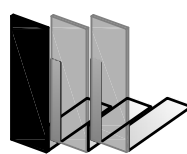
CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-6, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. 09/03/2018
DATE OF CERTIFICATION 09/03/2018
DATE OF FIELD SURVEY 09/03/2018

BY:

REVISION	BY	DATE



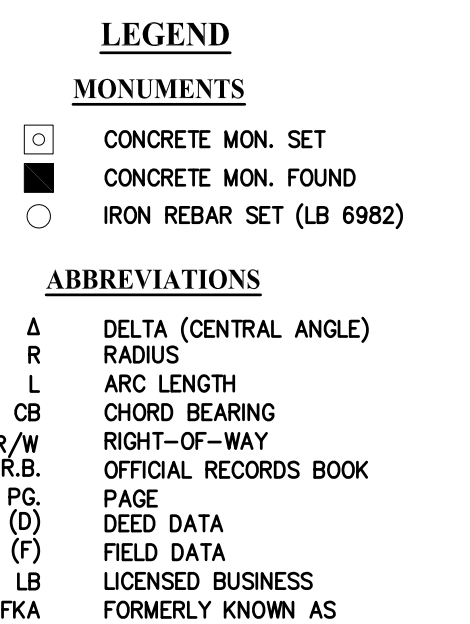
ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS

LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

POST OFFICE BOX 9448 BRADENTON, FL 34205 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENGINEERING.COM | TELEPHONE (941) 748-8080 | FAX (941) 748-3316

DRAWING: DATE 08/31/2018 SCALE
DRAWN BY JOB NO. 00-44607 FIELD BOOK PAGE SHEET 1 OF 2



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EXHIBIT 5

This instrument was prepared by:

Jere Earlywine, Esq.
KUTAK ROCK LLP
107 West College Avenue
Tallahassee, Florida 32301

**CONSENT AND JOINDER OF LANDOWNER FOR THE
AMENDMENT OF THE BOUNDARIES OF THE
AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
[CONTRACTION PARCEL]**

The undersigned is the owner of certain lands which are more fully described as the "Contraction Parcel" in **Exhibit A** attached hereto and made a part hereof ("Property"). The undersigned understands and acknowledges that the Board of Supervisors of the Aviary at Rutland Ranch Community Development District ("Petitioner" or "District") intends to submit a petition amending the boundaries of the District in accordance with the provisions of Chapter 190, Florida Statutes.

As the owner of lands that are intended to constitute lands to be removed from the District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005 and Section 190.046, Florida Statutes, Petitioner is required to include the written consent to the amendment of the boundaries of the District of one hundred percent (100%) of the owners of the lands to be removed from the District.

The undersigned hereby requests and consents to removal of the Property from the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the petition process for the amendment of the boundaries of the District. The undersigned further acknowledges that the consent will remain in full force and effect for three years from the date hereof. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to amendment of the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[signatures on following page]

Executed this 16th day of January, 2026.

WITNESS

ROWE VENTURES, LLC

By: Rosa Ovalle
Name: Rosa Ovalle

By: John Falkner
Name: John Falkner

By: Alexandra G. Rincon
Name: Alexandra G. Rincon

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 16th day of January, 2026, by John Falkner, as
Manager of Rowe Ventures, LLC,
on its behalf. He ☒ is personally known to me or ☐ produced
n/a as identification.

Patricia Jones Wilson
Notary Public, State of Florida

EXHIBIT A: Legal Description



PATRICIA JONES WILSON
Notary Public
State of Florida
Comm# HH187418
Expires 1/29/2026

EXHIBIT A:
Legal Description

A parcel of land lying in Sections 23, 24, 25, and 26, Township 33 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast quarter of Section 26, Township 33 South, Range 19 East, Manatee County, Florida; thence along the East line of said Northeast quarter the following two (2) courses: (1) N00°47'28"E, 1,762.82 feet to the POINT OF BEGINNING; (2) continue N00°47'28"E along said East line, 646.54 feet; thence N88°44'27"E, 271.54 feet; thence N70°23'09"E, 648.96 feet; thence N68°12'16"E, 417.16 feet; thence N03°10'10"W, 2,592.20 feet; thence N01°24'05"W, 82.56 feet to a point on the Southerly maintained right-of-way of State Road 62; thence along said right-of-way S88°33'25"W, 2,568.15 feet; thence S15°38'59"W, 2,179.19 feet more or less to the centerline of Gamble Creek; thence S46°17'40"W, 781.45 feet to the Northwest corner of the aforementioned Northeast quarter; thence along the west line of said Northeast quarter S00°06'21"E, 178.96 feet; thence S72°31'44"E, 2,711.13 feet to the POINT OF BEGINNING.
Containing 9,912,298 square feet or 227.56 acres, more or less.

EXHIBIT 6

RESOLUTION 2025-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO REQUEST THE PASSAGE OF AN ORDINANCE BY THE COUNTY COMMISSION OF MANATEE COUNTY, FLORIDA, AMENDING THE DISTRICT'S BOUNDARIES, AND AUTHORIZING SUCH OTHER ACTIONS AS ARE NECESSARY IN FURTHERANCE OF THAT PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Aviary at Rutland Ranch Community Development District ("**District**") is a unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* ("**Uniform Act**"); and

WHEREAS, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services; and

WHEREAS, the District desires to amend its boundaries to be consistent with the legal description set forth in **Exhibit A** ("**Boundary Amendment**"); and

WHEREAS, the Boundary Amendment is in the best interest of the District, and the area of land within the amended boundaries of the District will continue to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functionally related community; and

WHEREAS, the Boundary Amendment of the District's boundaries will allow the District to continue to be the best alternative available for delivering community development services and facilities to the lands within the District, as amended; and

WHEREAS, Boundary Amendment is not inconsistent with either the State or local comprehensive plan and will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area of land that will lie in the amended boundaries of the District will continue to be amenable to separate special district government; and

WHEREAS, in order to seek a Boundary Amendment ordinance pursuant to Chapter 190, *Florida Statutes*, the District desires to authorize District staff, including but not limited to legal, engineering, and managerial staff, to provide such services as are necessary throughout the pendency of the process; and

WHEREAS, the retention of any necessary consultants and the work to be performed by District staff may require the expenditure of certain fees, costs, and other expenses by the District as authorized by the District's Board of Supervisors ("**Board**"); and

WHEREAS, the Developer has agreed to provide sufficient funds to the District to reimburse the District for any expenditures including, but not limited to, legal, engineering and other consultant fees, filing fees, administrative, and other expenses, if any; and

WHEREAS, the District hereby desires to request a Boundary Amendment in accordance with Chapter 190, *Florida Statutes*, by taking such actions as are necessary in furtherance of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT:

1. RECITALS. The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

2. AUTHORIZATION FOR BOUNDARY AMENDMENT. Pursuant to Chapter 190, *Florida Statutes*, the Board hereby authorizes the Chairman and District Staff to proceed in an expeditious manner with the preparation and filing of any documentation necessary to seek the amendment of the District's boundaries as described in **Exhibit A**. The Board further authorizes the prosecution of the procedural requirements detailed in Chapter 190, *Florida Statutes*, for the Boundary Amendment.

3. AUTHORIZATION FOR AGENT. The Board hereby authorizes the District Chairman, District Manager and District Counsel to act as agents of the District with regard to any and all matters pertaining to the petition to amend the boundaries of the District. District Staff, in consultation with the District Chairman, is further authorized to revise **Exhibit A** in order to address any further boundary adjustments as may be identified by the District Engineer. The District Manager shall ensure that the final versions of **Exhibit A** as confirmed by the Chairman are attached hereto.

4. EFFECTIVE DATE. This Resolution shall become effective upon its passage.

[CONTINUED ON NEXT PAGE]

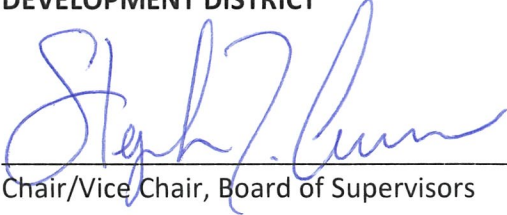
PASSED AND ADOPTED this 28th day of May, 2025.

ATTEST:

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**



Secretary/Assistant Secretary



Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description of District Boundaries, as Amended

Exhibit A:
Legal Description of District Boundaries, as Amended

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 S00°02'27"W, A DISTANCE OF 51.29 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE S44°35'45"E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 0°04'21", A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET; CHORD BEARING = S44°38'02"E) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°10'39", A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING = S45°15'32"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°50'52"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N36°52'07"E, A DISTANCE OF 563.88 FEET; THENCE N25°24'48"E, A DISTANCE OF 3222.26 FEET; THENCE N00°47'28"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 26; THENCE N00°47'28"E, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1762.82 FEET; THENCE N72°31'44"W, A DISTANCE OF 2711.13 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S00°06'21"E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2475.22 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°08'09"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2857.96 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S00°02'27"W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°51'06"E, A DISTANCE OF 847.56 FEET; THENCE S44°08'54"W, A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING

CONTAINING 400.81 ACRES, MORE OR LESS.

NOTES

- BEARINGS AND COORDINATES ARE RELATED TO THE FLORIDA STATE COORDINATE SYSTEM NAD 83/2011 AND ARE DERIVED FROM FDOT PERMANENT REFERENCE NETWORK CORRS STATION "MANATEE-GSPS" (PID DL6781). BASED ON THE CONTROL, THE BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 BEING N45°50'52"W. THE PUBLISHED VALUES OF: "POLK" (PID D04900) AND "MARION" (PID D05097), WERE USED TO VALIDATE THE PROJECT COORDINATES.
- THE PROPERTY LIES WITHIN FLOOD ZONES "X", "A", "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) & "AE", AS SCALED FROM MANATEE COUNTY FLOOD INSURANCE RATE MAP, PANEL No. 12081C0205E, 12081C0185E, & 12081C0215E DATED MARCH 17, 2014.
- PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R8 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK SITE "MANATEE G. STROOP CORRS". REDUNDANCY WAS ACHIEVED BY MULTIPLE OCCUPATIONS OF POINTS USING VARYING SATELLITE CONFIGURATIONS. OBSERVATIONS WERE MADE DURING TIME PERIOD WHEN FIVE OR MORE SATELLITES WERE AVAILABLE AND A PDOP OF LESS THAN FOUR WAS IN EFFECT.
- THERE MAY BE PORTIONS OF THIS PROPERTY WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE.
- BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

LEGEND

MONUMENTS

- CONCRETE MON. SET
- CONCRETE MON. FOUND
- IRON REBAR SET (LB 6982)

ABBREVIATIONS

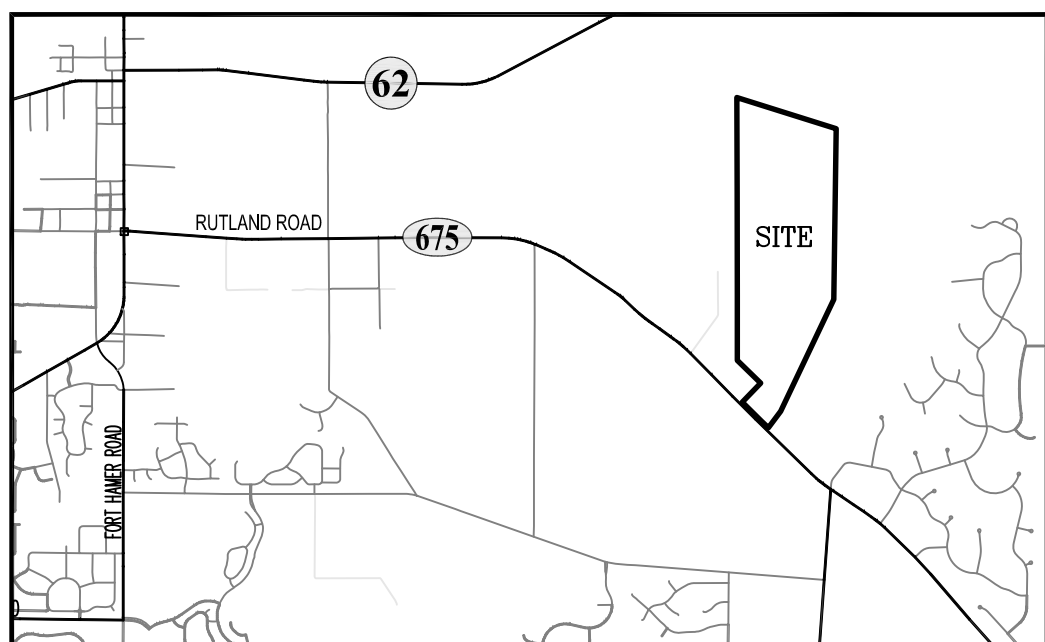
- Δ DELTA (CENTRAL ANGLE)
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- R/W RIGHT-OF-WAY
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- (D) DEED DATA
- (F) FIELD DATA
- LB LICENSED BUSINESS
- FXA FORMERLY KNOWN AS

ORIGINAL BOUNDARY SURVEY

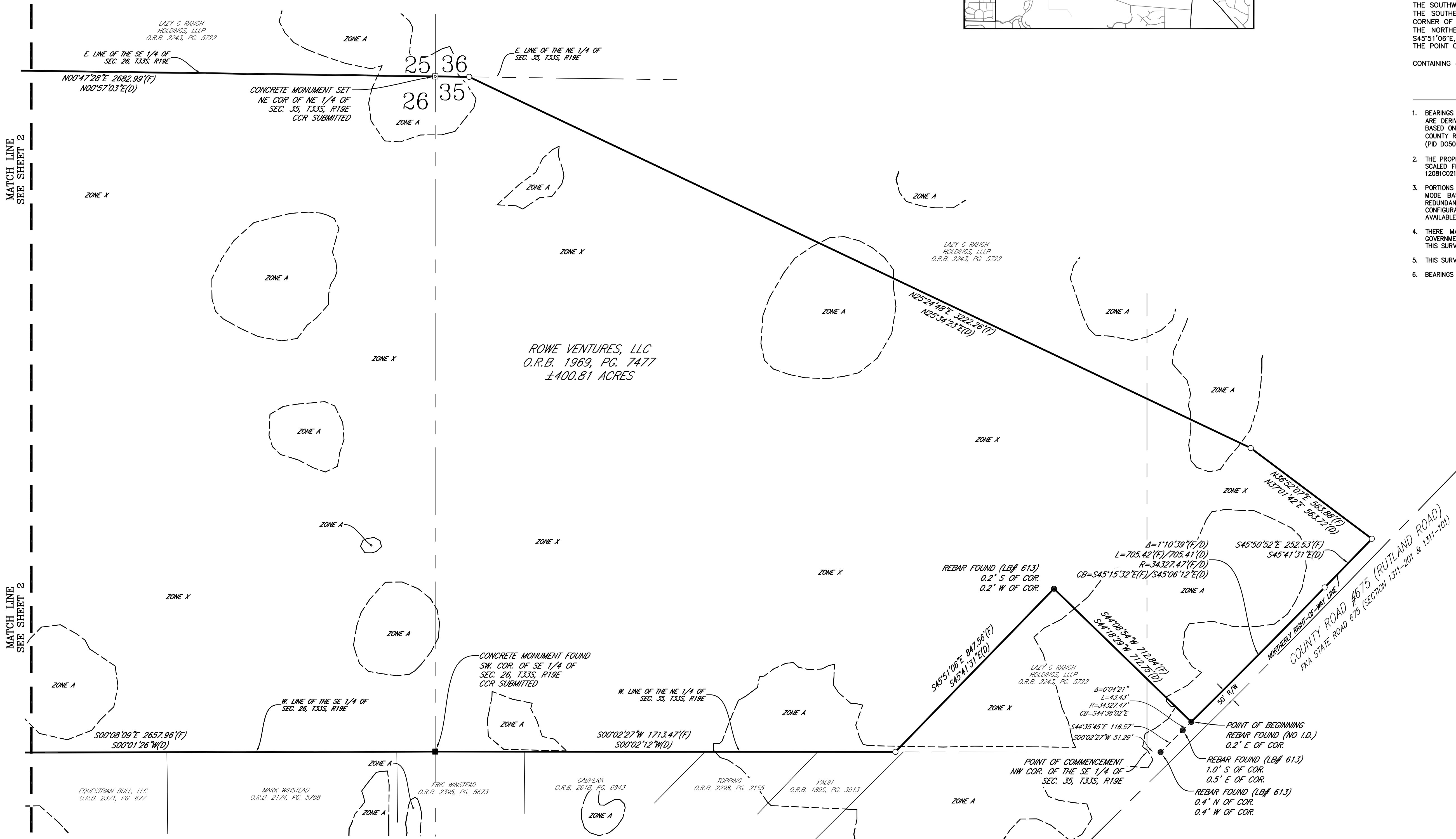
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477

LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

VICINITY MAP



SCALE 1"=200'

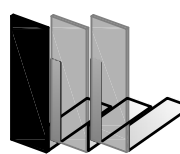


NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-6, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. _____ BY: _____
DATE OF CERTIFICATION 09/03/2018
DATE OF FIELD SURVEY 09/03/2018



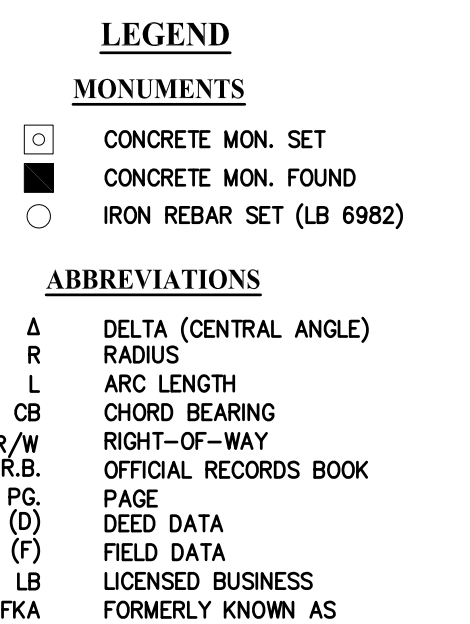
ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS

LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

POST OFFICE BOX 9448 BRADENTON, FL 34205 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENGINEERING.COM | TELEPHONE (941) 748-8080 | FAX (941) 748-3316

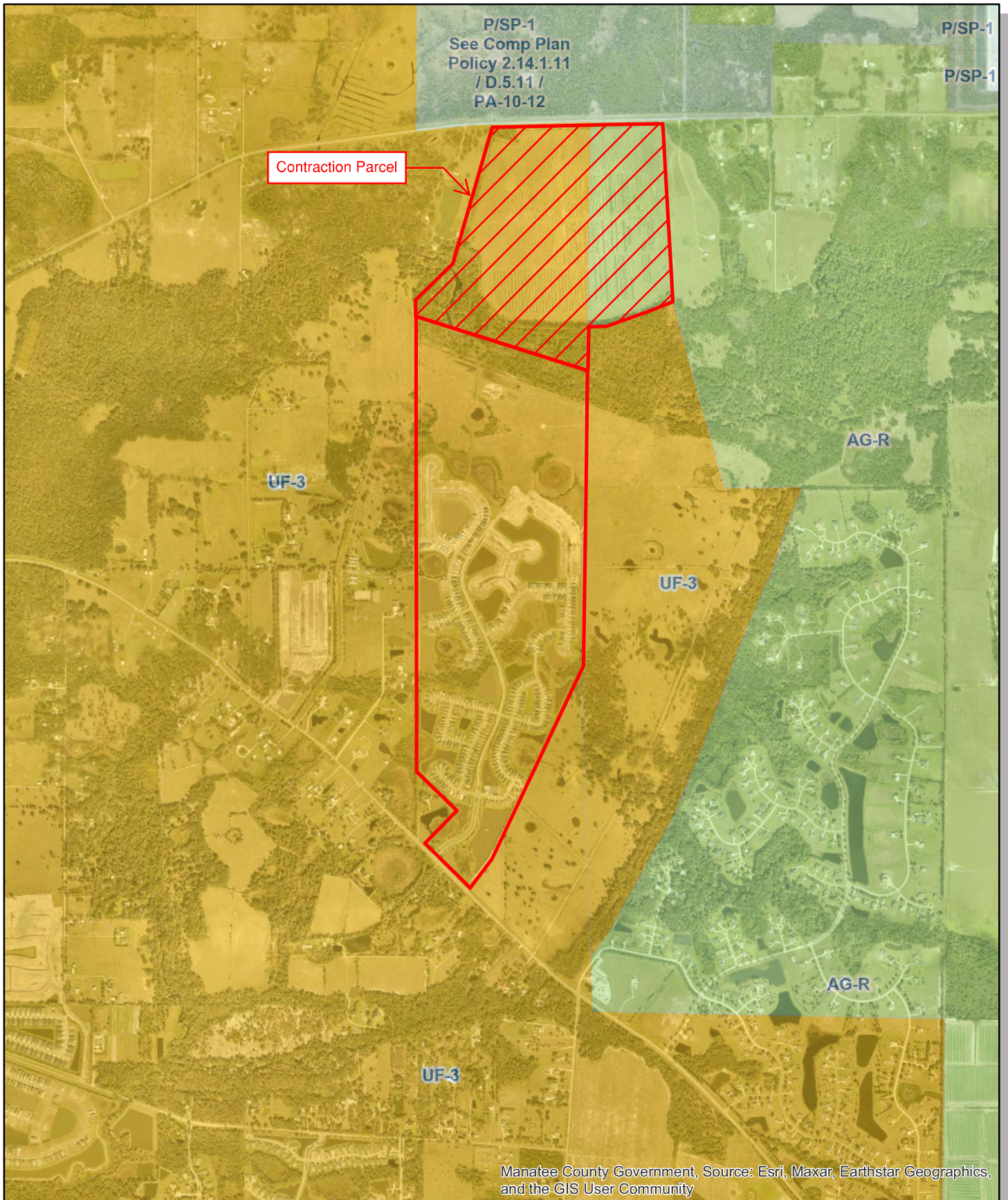
DRAWING: _____ DATE: 08/31/2018 SCALE: _____
DRAWN BY: _____ JOB NO.: 00-44607 FIELD BOOK: _____ PAGE: _____ SHEET: 1 OF 2



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EXHIBIT 7

FUTURE LAND USE MAP



FILE PATH:



1023 MANATEE AVE WEST, BRADENTON, FL 34205
TELEPHONE 941.748.8080

AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAST
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST

SCALE: 1"= 2,000 FT



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION
AND GENERAL REFERENCE ONLY. THE DATA CONTAINED
HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

EXHIBIT 8

UTILITY MAP



EXHIBIT 9

Aviary at Rutland Ranch

COMMUNITY DEVELOPMENT DISTRICT

Statement
of
Estimated Regulatory Costs

September 24, 2025



Provided by

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Phone: 561-571-0010
Fax: 561-571-0013
Website: www.whhassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District ("District"). The District was established by Ordinance No. 18-32, passed by the Board of County Commissioners of Manatee County, Florida on August 21, 2018. The current size of the District is approximately 628.36 +/- acres and the District is located entirely within the Manatee County, Florida (the "County"). The petition to amend the boundaries of the District seeks to subtract approximately 227.56 +/- acres located in the County to the District ("Amendment Area"). After the amendment, the District will be projected to contain approximately 400.81 +/- acres and is planned to be developed with a total of 784 residential dwelling units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of the Aviary at Rutland Ranch Community Development District

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 784 residential dwelling units following the amendment of the District's boundaries.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the City or County in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Aviary at Rutland Ranch.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment,

or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any Transactional Costs (as defined herein), in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the Transactional Costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this SERC, "Transactional Costs" are direct costs that are readily ascertainable by the County based upon standard business practices, and may include:

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative costs and other overhead.
16. Reduced sales or other revenue.
17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Manatee County, according to the Census 2020, has a population of 399,710; therefore, it is not defined as a small County for the purposes of this requirement.)

(f) In evaluating the impacts described in paragraphs (a) and (e), the County must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.

4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

(g) Any additional information that the agency determines may be useful.

(h) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

2.0 An economic analysis showing whether the ordinance directly or indirectly:

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
- 3. Is likely to increase regulatory costs, including any Transactional Costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance amending the boundaries of the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in Transactional Costs as a result of imposition of special assessments by the District on the Amended Area will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

Further, the ordinance amending the boundaries of the District is not likely to result in market impacts such as customer charges, changes to the market value of goods or services produced, provided or sold, changes to costs resulting from the purchase of substitute or alternative goods or services or incur additional time be spent by State of Florida or Manatee County governments staff to understand and comply with the proposed ordinance, including, but not limited to, time to be spent completing requiring education, training, or testing, as the proposed District will be one of many already existing CDDs in Florida and Manatee County and the marginal impact of one more CDD will be negligible if any.

2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The sole reason for the amending of the District's boundaries is to provide public facilities and services

to support the development of a new, master planned residential development. The development of the smaller, approximately 400.81 +/- acres, parcel will promote local economic activity, create local value, lead to local private sector investment and is likely, at least in the short term, to support local private sector employment and/or lead to local new job creation to a degree likely similar to that of a larger, pre-amendment, approximately 628.36 +/- acre, parcel contained within the existing District boundaries.

Amending the boundaries of the District will allow it to plan, fund, implement, operate and maintain, for the benefit of the landowners within the amended and smaller District, various public facilities and services for a smaller-sized development. Such facilities and services, as further described in Section 5, will allow for the development of the land within the amended District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the amended and smaller District. The private developer of the land in the amended and smaller District will use its private funds to conduct the private land development and construction of an anticipated approximately 784 residential dwelling units the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved without amending the District's boundaries by the private sector alone, the fact that the amendment of the District's boundaries is initiated by the private developer means that the private developer considers the amendment of the District's boundaries and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the amended and smaller District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

When assessing the question of whether the amending of the boundaries of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the amended District boundaries in the development. When the question is phrased in this manner, it can be surmised that the amendment of the District's boundaries is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the amended and smaller District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the amendment of the District's boundaries for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was a smaller District. The amended and smaller District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

2.3 Likelihood of an increase in regulatory costs, including any Transactional Costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The amendment of the District's boundaries will not increase any regulatory costs of the State or the County by virtue that the District has already been established and amending its size does not change the regulatory requirements that the District will be subject to after the initial review of the petition to amend its boundaries by the County and approval of such petition by the County. As described in more detail in Section 4, the District will pay a one-time filing fee to the County to offset any expenses that the County may incur in the processing of this petition to amend the District's boundaries.

Amending the District's boundaries will not materially increase regulatory costs to the landowners within the Amended District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the Amended District. While the 227.56 acres being removed from the District will not pay assessments to the Amended District, the Amended District will also not incur costs for the construction on, and maintenance of, this 227.56 acres. Property ownership in the District is completely voluntary and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District. As to the anticipated amount of the transactional costs in the aggregate within 5 years, they are anticipated not to exceed \$5,000,000.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The proposed amended District will serve land that comprises an approximately 400.81 +/- acre master planned residential development currently anticipated to contain a total of approximately 784 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed amended District at build out would be approximately 2,744 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County and certain state agencies will not be affected by or required to comply with the ordinance as more fully discussed hereafter.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project and there is no anticipated effect of the ordinance amending the District's boundaries on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the result of adopting the ordinance is the amendment of the boundaries of an existing independent local special purpose government, there will be no additional enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified

with their costs herein.

State Governmental Entities

Amending the boundaries of an already existing independent local special purpose government will result in no costs to any State governmental entities to implement and enforce the proposed amended and smaller District.

Manatee County, Florida

The existing District as well as the Amendment Area are both located within Manatee County, Florida. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to amend the boundaries of the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, the County approved ordinance establishing the District in 2018 and that petition possessed much information about the District and County staff should be generally familiar with the District. Second, review of the petition to amend the boundaries of the District does not include analysis of the project itself. Third, the petition itself provides much of the information needed for a staff review. Fourth, the County already possesses the staff needed to conduct the review without the need for new staff. Fifth, there is no capital required to review the petition. Sixth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to amend the boundaries of a community development district.

Further, there will be no increase in the very small annual costs to County, because of the amendment of the District's boundaries. The District is an independent unit of local government. The only annual costs the County faces, which will not change with the amendment of the District's boundaries, are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it maintains a monitoring program for this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the Transactional Costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.

The review of the petition to amend the boundaries of the District will be funded by a payment of an application fee to the County. This payment will be made voluntarily by the Petitioner, who is the same

as/affiliated with the owners of land proposed to be included within the boundaries of the District and subject to the ordinance amending the boundaries of the District. Once the filing fee is paid, an annual Special District fee of \$175 will also be paid by the District to the State per provisions of Section 189.018, Florida Statutes.

The landowner and future residents of the small parcel being removed from the CDD will not be required to comply with the proposed ordinance, and therefore will not incur transaction costs for continuing compliance with the ordinance.

The landowner and future residents of the amended CDD will be required to comply with the ordinance, but due to the small nature of the area being contracted, these transaction costs are not significantly different than if the boundaries were not amended and the ordinance was not adopted.

The County will be required to comply with the ordinance, but will not incur any additional transaction costs not funded through the required filing fee. The County's review of annual reporting information will take the same effort and incur the same transaction costs because the CDD will still exist.

The State of Florida will be required to comply with the ordinance, but will not incur any additional transaction costs. Review of annual reporting information will take the same effort and incur the same transaction costs because the CDD will still exist.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses because of the amendment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Further, the ordinance amending the boundaries of the District is not likely to result in market impacts such as customer charges, changes to the market value of goods or services produced, provided or sold, changes to costs resulting from the purchase of substitute or alternative goods or services or incur additional time be spent by owners, officers, operators, and managers of small businesses to understand and comply with the proposed ordinance, including, but not limited to, time to be spent completing requiring education, training, or testing, as the proposed District will be one of many already existing CDDs in Florida and Manatee County and small businesses will be able to bid on District work, not unlike bidding on work for communities which are not CDDs, thus making the marginal impact negligible if any.

Manatee County has a population of 399,710 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" County according to Section 120.52, F.S.

7.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an

alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District.

EXHIBIT 10

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Kutak Rock, LLP, to act as agent for Petitioner, Aviary at Rutland Ranch Community Development District, with regard to any and all matters pertaining to the Petition to the County Commissioners of Manatee County, Florida, to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

WITNESSES:

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT


Name: Jay Dee Ortega

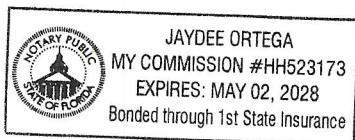

By: Stephen J. Cerven
Chairman, Board of Supervisors

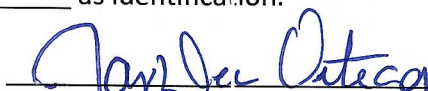

Name: Roger A. Arman

Date: January 19, 2026

STATE OF FLORIDA COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19th day of January, 2026, by Stephen J. Cerven, as Chairman of the Board of Supervisors of the Aviary at Rutland Ranch Community Development District, who appeared before me this day in person, and who is either personally known to me, or produced N/A as identification.




NOTARY PUBLIC, STATE OF FLORIDA

Name: Jay Dee Ortega
(Name of Notary Public, Printed, Stamped or
Typed as Commissioned)

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
AFFIDAVIT OF DISTRICT MANAGER REGARDING CONTRACTION PARCEL

STATE OF FLORIDA

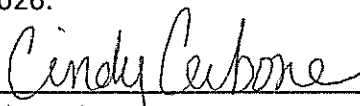
COUNTY OF Palm Beach

I, Cindy Cerbone ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. My name is Cindy Cerbone and I am the District Manager of the Aviary at Rutland Ranch Community Development District ("District").
2. I have reviewed, and am familiar with, the District's *Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District*, filed on January 22, 2026.
3. I am familiar with the parcel the District seeks to remove from its boundaries ("Contraction Parcel").
4. The District has not been providing facilities or services to the Contraction Parcel.
5. Removing the Contraction Parcel from the boundaries of the District will not affect the continued and efficient provision of facilities and services to the lands within the District, as amended.
6. The District, as amended, remains the best alternative to provide the facilities and services to the lands within its boundaries.

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 3 day of March, 2026.


Cindy Cerbone

STATE OF FLORIDA

COUNTY OF Palm Beach

SWORN TO and SUBSCRIBED before me by the Affiant, by means of ☒ physical presence or ☐ online notarization, who is ☒ personally known to me or ☐ provided _____ as identification, on this 3 day of March, 2026.


Notary Public State of Florida



CHRISTOPHER DAVID CONYI
Notary Public
State of Florida
Comm# HH613025
Expires 11/14/2028

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
AFFIDAVIT OF DISTRICT ENGINEER REGARDING CONTRACTION PARCEL

STATE OF FLORIDA
COUNTY OF Manatee

I, Jeb Mulock ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. My name is Jeb Mulock and I am the District Engineer of the Aviary at Rutland Ranch Community Development District ("District").
2. I have reviewed, and am familiar with, the District's *Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District*, filed on January 22, 2026 ("Petition").
3. I am familiar with the parcel the District seeks to remove from its boundaries ("Contraction Parcel").
4. The District has not installed any improvements or facilities within the Contraction Parcel and the Contraction Parcel is not part of the District's capital improvement plan.
5. Removing the Contraction Parcel from the boundaries of the District will not affect the continued and efficient provision of facilities and services to the lands within the District, as amended.
6. The District, as amended, remains the best alternative to provide the facilities and services to the lands within its boundaries.
7. I understand that the District is relying on this Certificate in making certifications to Manatee County in support of the Petition.

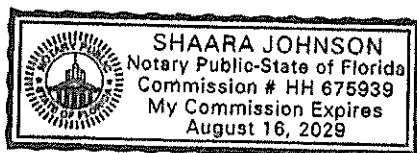
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 3 day of March 2026.

By: [Signature] Jeb Mulock
Its: District Engineer

STATE OF FLORIDA
COUNTY OF Manatee

SWORN TO and SUBSCRIBED before me by the Affiant, by means of ☒ physical presence or ☐ online notarization, who is ☒ personally known to me or ☐ provided _____ as identification, on this 3 day of March, 2026.



[Signature]
Notary Public State of Florida

UPDATED
**PETITION TO AMEND THE
BOUNDARIES OF THE
AVIARY AT RUTLAND
RANCH COMMUNITY
DEVELOPMENT DISTRICT**

Submitted by:

Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

**PETITION TO AMEND THE BOUNDARIES OF
THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT**

TABLE OF CONTENTS

Manatee County Application

Development Status

Certification of Attorney

Certification of Petitioner

Petition to Amend the Boundary of the Aviary at Rutland Ranch Community Development District

Exhibit 1: General Location Map

Exhibit 2: Metes and Bounds Description- Current District

Exhibit 3: Metes and Bounds Description- Contraction Parcel

Exhibit 4: Metes and Bounds Description- Amended District

Exhibit 5: Landowner Consent

Exhibit 6: District Resolution 2025-05, Authorizing Boundary Amendment

Exhibit 7: Future Land Uses

Exhibit 8: Utilities Map

Exhibit 9: Statement of Estimated Regulatory Costs

Exhibit 10: Authorization of Agent

Submitted by: Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

**MANATEE COUNTY GOVERNMENT
PLANNING DEPARTMENT
LAND DEVELOPMENT APPLICATION**

FOR STAFF USE ONLY

Date: _____

File Number: _____

File Name: _____

This application shall be used for all land development
rezone or comprehensive plan amendment request.

Please attach appropriate standards or supplementary information, as applicable.

NAME OF THE PROJECT: AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT

TYPE OF APPROVAL DESIRED: BOUNDARY AMENDMENT OF A COMMUNITY DEVELOPMENT
DISTRICT (CONTRACTION)

LIST CASE NUMBERS OF PREVIOUS APPROVALS: N/A

A. Property Information

1. Legal Description: See attached Exhibit A
2. D. P. Number(s): 494901169
3. Section: 26 Township: 33 South Range: 19 East
4. Subdivision Name (if Platted): _____
5. Lot: N/A 6. Block: N/A
7. Address or Location of Property (See Address Coordinator, if physical address is needed): The
Contraction Parcel is located in the northern area of the current District.
8. Present Zoning Classification: A (Agriculture) and PD-R (Residential)
9. (If Rezone) Proposed Zoning Classification: _____
10. (If Comprehensive Plan Map Amendment) Proposed Future Land Use Category: N/A
11. Future Land Use Category: UF-3
12. Flood Zone Category: Zone A, AE, Map/Panel Numbers: 12081C02185E & 12081C0205E
13. Property Size (to the nearest tenth of acre or sq. ft.): 227.56 acres (Contraction Parcel)
14. Existing Use(s) of Subject Property (i.e.: vacant, residence, commercial, etc.): Vacant
15. Surrounding Land Use(s) (i.e.: vacant, residence, commercial, etc.):
a. North: Vacant c. East: Vacant
b. South: Residential d. West: Vacant
16. Description of Proposed Activity or Use (Attach separate Sheet if Necessary):
The CDD desires to remove approximately 227.56 acres of undeveloped land ("Contraction
Parcel") from its boundary pursuant to Chapter 190, F.S.

B. Names/Addresses

List all person(s) having ownership in subject property

1. Name of Property Owner (Contraction Parcel): **Rowe Ventures LLC**
Address: **35100 SR 64 E, Myakka City, Florida**
Zip: **34251** Telephone: _____ Fax: _____
Email Address: **scerven@falknergroupp.com**
2. Name of Agent: **Jere Earlywine, Kutak Rock, LLP**
Address: **107 West College Avenue, Tallahassee, Florida**
Zip: **32301** Telephone: **(850) 528-6152** Fax: _____
Email Address: **Jere.Earlywine@kutakrock.com**
3. Name of Engineer: **Jeb Mulock, P.E., and Shaara Johnson, P.E., ZNS Engineering**
Address: **1023 Manatee Avenue West, 7th Floor, Bradenton**
Zip: **34205** Telephone: **(941) 748-8080** Fax: _____
Email Address: **jebm@znseng.com; ShaaraJ@znseng.com**
4. Name of Architect: **N/A**
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____
5. Name of Landscape Architect: **N/A**
Address: _____
Zip: _____ Telephone: _____ Fax: _____
Email Address: _____

NOTE: UNLESS OTHERWISE NOTED, ALL WRITTEN CORRESPONDENCE WILL BE SENT TO THE AGENT. IF THERE IS NO AGENT, COMMENTS WILL BE SENT TO THE PROPERTY OWNER.

C. Signature

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving Building Permits and/or Final Development Approval.

By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedures.



(Signature of Property Owner or Agent)

Additional Information

CONTACT:

Planning Department
1112 Manatee Avenue West, Fourth Floor 34205
P. O. Box 1000, Bradenton, FL 34206

Telephone: (941) 748-4501, Extension 6871

Fax Number: (941) 708-6152

<http://www.mymanatee.org>

EXHIBIT A

Legal Description of Current District Boundary

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

AVIARY AT RUTLAND RANCH - PDR-12-03 - CLOS 15-002 (Exp 12/23/2028)

PHASE OR PARCEL ID	DEVELOPMENT TYPE/NAME	APPROVED USES/TOTALS	SUBMITTED FSP UNITS	APPROVED FSP UNITS	PLATTED UNITS	CO's CUMULATIVE THROUGH 5/5/2025	REMAINING UNITS
	SINGLE FAMILY DETACHED	784					784
IA, IB	FSP-16-27(R), PLN1805-0122			214	214	214	
IIA, IIB	FSP-20-64, PLN2006-0057			185	185	182	
IIIA, IIIB	FSP-21-102, PLN2108-0012			166	166	68	
IV	FSP-24-39, PLN2403-0123			189			
	TOTALS	784	0	754	565	464	30

ATTORNEY CERTIFICATION

I HEREBY CERTIFY THAT, TO MY KNOWLEDGE, THE FACTS CONTAINED IN THE *PETITION TO AMEND THE BOUNDARIES OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT* ARE TRUE AND CORRECT, AND THAT SUCH PETITION COMPLIES WITH STATE LAW.



Jere Earlywine

Florida Bar No.155527

Jere.Earlywine@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

PETITIONER CERTIFICATION

I HEREBY CERTIFY THAT, TO MY KNOWLEDGE, THE FACTS CONTAINED IN THE *PETITION TO AMEND THE BOUNDARIES OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT* ARE TRUE AND CORRECT.

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**

A handwritten signature in blue ink, appearing to read "Steve Cerven", is written over a horizontal line.

Steve Cerven, Chairman

On behalf of the Petitioner,
Aviary at Rutland Ranch Community
Development District

**BEFORE THE MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS**

**PETITION TO AMEND THE BOUNDARIES OF THE
AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Aviary at Rutland Ranch Community Development District (“**Petitioner**” or “**District**”), hereby petitions the Manatee County Board of County Commissioners, pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, *Florida Statutes*, and specifically Section 190.046(1), *Florida Statutes*, to adopt an amendment to Manatee County Ordinance No. 18-32 to remove approximately 227.56 acres from the District. In support of this petition, the District states:

1. History of the District. Pursuant to Chapter 190, *Florida Statutes*, the Board of County Commissioners of Manatee County, Florida, adopted Manatee County Ordinance No. 18-32 and established the District, which was effective on August 22, 2018. The District is a special purpose unit of local government established under the provisions of Chapter 190, *Florida Statutes*, for the purposes of financing, acquiring, constructing, operating and maintaining public infrastructure improvements.

2. Location and Size. The District is located entirely within unincorporated Manatee County, Florida, and currently covers approximately 628.36 acres of land. **Exhibit 1** depicts the general location of the existing District and the location of the proposed Contraction Parcel (defined below). The District is located south of State Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Canal. The current metes and bounds description of the external boundaries of the District is set forth in **Exhibit 2**. The metes and bounds description of the lands to be removed from the District, which comprise approximately 227.56 acres (“**Contraction Parcel**”), are set forth in **Exhibit 3**. Subsequent to the amendment of the District’s boundary, the District will encompass approximately 400.81 acres in total. **Exhibit 4** contains the metes and bounds description of the District boundary, as amended (“**Amended District**”).

3. Excluded Parcels. There are no parcels within the external boundary of the Amended District which are to be excluded.

4. Landowner and District Consent. Petitioner has obtained consent of one hundred (100%) percent of the owners of the lands comprising the Contraction Parcel to amend the boundary of the District as set forth in this Petition. The owner of the Contraction Parcel are Rowe Ventures LLC. Documentation of this consent is attached hereto as **Exhibit 5**. The favorable action of the Board of Supervisors of the District constitutes consent for all of the lands within the District pursuant to Section 190.046(1)(e), *Florida Statutes*, as is evidenced by the District’s Resolution 2025-06 and submission of this Petition. A copy of the Resolution is attached hereto as **Exhibit 6**.

5. District Facilities and Services. There are no services and facilities currently provided by the District to the Contraction Parcel.

6. Future Land Uses. Contraction of the District in the manner proposed is consistent with the adopted Manatee County Comprehensive Plan. The designation of future general distribution, location, and extent of the public and private land uses proposed for the Contraction Parcel and the Amended District by the future land use plan elements of the Manatee County Comprehensive Plan are shown on **Exhibit 7**.

7. Major Water and Wastewater Facilities. **Exhibit 8** shows existing and proposed major water, sewer, and drainage infrastructure within the District, as amended.

8. Statement of Estimated Regulatory Costs. **Exhibit 9** is the Statement of Estimated Regulatory Costs (“**SERC**”) prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

9. Authorization of Agent. **Exhibit 10** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Jere Earlywine
Florida Bar No.155527
Jere.Earlywine@kutakrock.com
KUTAK ROCK, LLP
107 West College Avenue
Tallahassee, Florida 32301
(850) 528-6152 (telephone)

10. This Petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District should be granted for the following reasons:

- a. Amendment of the District boundaries and all land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the Manatee County Comprehensive Plan.
- b. The area of land within the District, as amended, is part of a planned community. The Amended District will continue to be of sufficient size and sufficiently compact and contiguous to be developed as one functional and interrelated community.
- c. The District currently does not provide services or facilities for the Contraction Parcel. Therefore, community development services and facilities of the Amended District provide for greater enhancement of the District without causing any undue hardship or burdens upon the land.

- d. The Amended District remains the best alternative for delivering community development services and facilities without imposing an additional burden on the general population of the local general-purpose government.
- e. The community development services and facilities of the Amended District will not be incompatible with the capacity and use of existing local and regional community development services and facilities.
- f. The area to be served by the Amended District is still amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the County Commission of Manatee County, Florida to:

- A. Schedule a public hearing in accordance with the requirements of Section 190.046(1)(b), *Florida Statutes*; and
- B. Grant this Petition and amend Manatee Ordinance No. 18-32 to amend the boundary of the District pursuant to Chapter 190, *Florida Statutes*.

[CONTINUED ON FOLLOWING PAGE]

RESPECTFULLY SUBMITTED, this 22 day of January, 2025.

KUTAK ROCK, LLP



Jere Earlywine

Florida Bar No.155527

Jere.Earlywine@kutakrock.com

KUTAK ROCK, LLP

107 West College Avenue

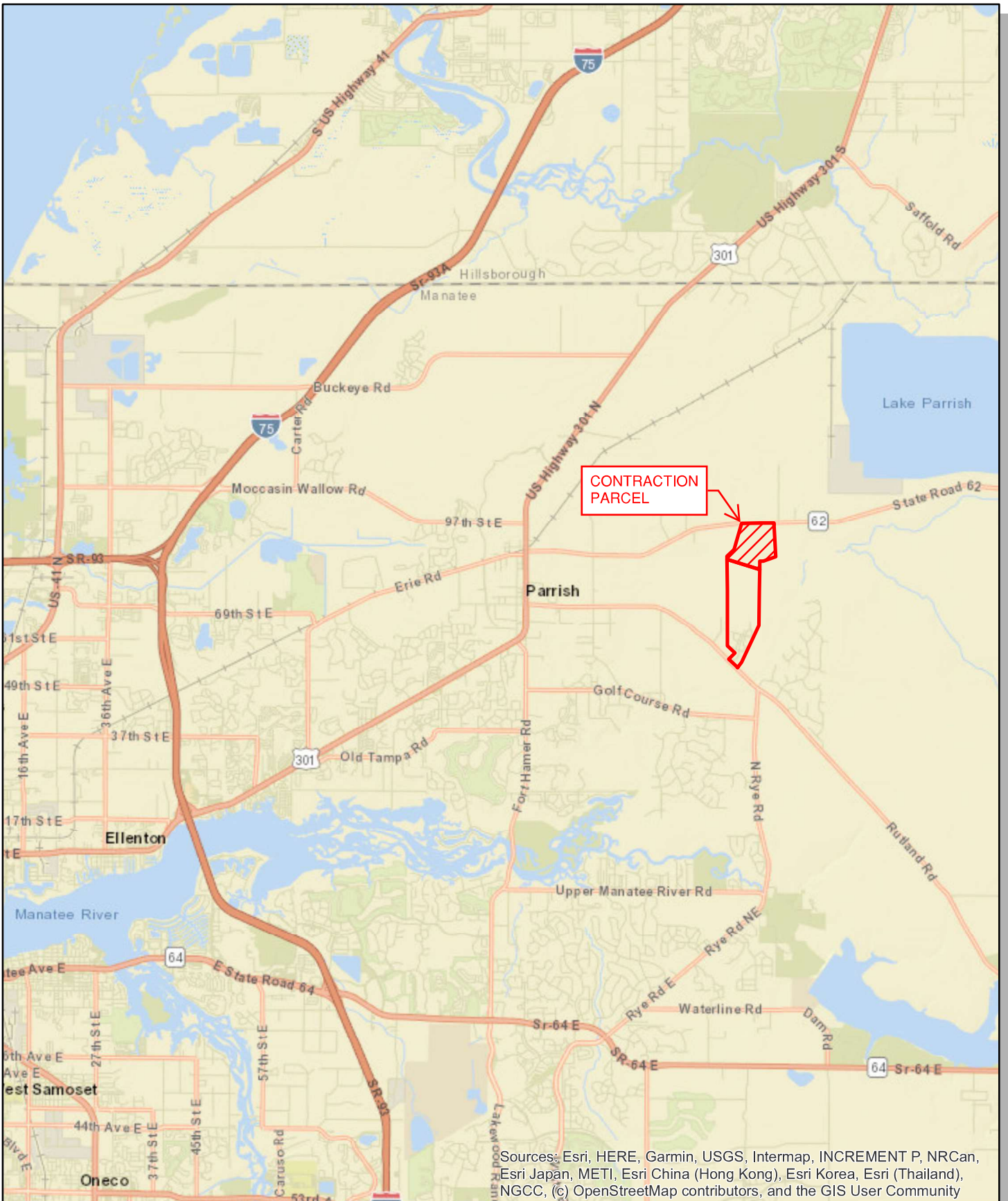
Tallahassee, Florida 32301

(850) 528-6152 (telephone)

Attorneys for Petitioner

EXHIBIT 1

VICINITY MAP



FILE PATH:



EXHIBIT 2

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.

EXHIBIT 3

CONTRACTION PARCEL LEGAL DESCRIPTION

A parcel of land lying in Sections 23, 24, 25, and 26, Township 33 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast quarter of Section 26, Township 33 South, Range 19 East, Manatee County, Florida; thence along the East line of said Northeast quarter the following two (2) courses: (1) N00°47'28"E, 1,762.82 feet to the POINT OF BEGINNING; (2) continue N00°47'28"E along said East line, 646.54 feet; thence N88°44'27"E, 271.54 feet; thence N70°23'09"E, 648.96 feet; thence N68°12'16"E, 417.16 feet; thence N03°10'10"W, 2,592.20 feet; thence N01°24'05"W, 82.56 feet to a point on the Southerly maintained right-of-way of State Road 62; thence along said right-of-way S88°33'25"W, 2,568.15 feet; thence S15°38'59"W, 2,179.19 feet more or less to the centerline of Gamble Creek; thence S46°17'40"W, 781.45 feet to the Northwest corner of the aforementioned Northeast quarter; thence along the west line of said Northeast quarter S00°06'21"E, 178.96 feet; thence S72°31'44"E, 2,711.13 feet to the POINT OF BEGINNING.

Containing 9,912,298 square feet or 227.56 acres, more or less.

EXHIBIT 4

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 S00°02'27"W, A DISTANCE OF 51.29 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE S44°35'45"E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 0°04'21", A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET; CHORD BEARING = S44°38'02"E) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°10'39", A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING = S45°15'32"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°50'52"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N36°52'07"E, A DISTANCE OF 563.88 FEET; THENCE N25°24'48"E, A DISTANCE OF 3222.26 FEET; THENCE N00°47'28"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 26; THENCE N00°47'28"E, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1762.82 FEET; THENCE N72°31'44"W, A DISTANCE OF 2711.13 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S00°06'21"E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2475.22 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°08'09"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2857.96 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S00°02'27"W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°51'06"E, A DISTANCE OF 847.56 FEET; THENCE S44°08'54"W, A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING

CONTAINING 400.81 ACRES, MORE OR LESS.

NOTES

- BEARINGS AND COORDINATES ARE RELATED TO THE FLORIDA STATE COORDINATE SYSTEM NAD 83/2011 AND ARE DERIVED FROM FDOT PERMANENT REFERENCE NETWORK CORS STATION "MANATEE-GSPS" (PID D6781). BASED ON THE CONTROL, THE BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 BEING N45°50'52"W. THE PUBLISHED VALUES OF: "POLK" (PID D04900) AND "MARION" (PID D05097), WERE USED TO VALIDATE THE PROJECT COORDINATES.
- THE PROPERTY LIES WITHIN FLOOD ZONES "X", "A", "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) & "AE", AS SCALED FROM MANATEE COUNTY FLOOD INSURANCE RATE MAP, PANEL No. 12081C0205E, 12081C0185E, & 12081C0215E DATED MARCH 17, 2014.
- PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R8 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK SITE "MANATEE G. STROOP CORS". REDUNDANCY WAS ACHIEVED BY MULTIPLE OCCUPATIONS OF POINTS USING VARYING SATELLITE CONFIGURATIONS. OBSERVATIONS WERE MADE DURING TIME PERIOD WHEN FIVE OR MORE SATELLITES WERE AVAILABLE AND A PDOP OF LESS THAN FOUR WAS IN EFFECT.
- THERE MAY BE PORTIONS OF THIS PROPERTY WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE.
- BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

LEGEND

MONUMENTS

- CONCRETE MON. SET
- CONCRETE MON. FOUND
- IRON REBAR SET (LB 6982)

ABBREVIATIONS

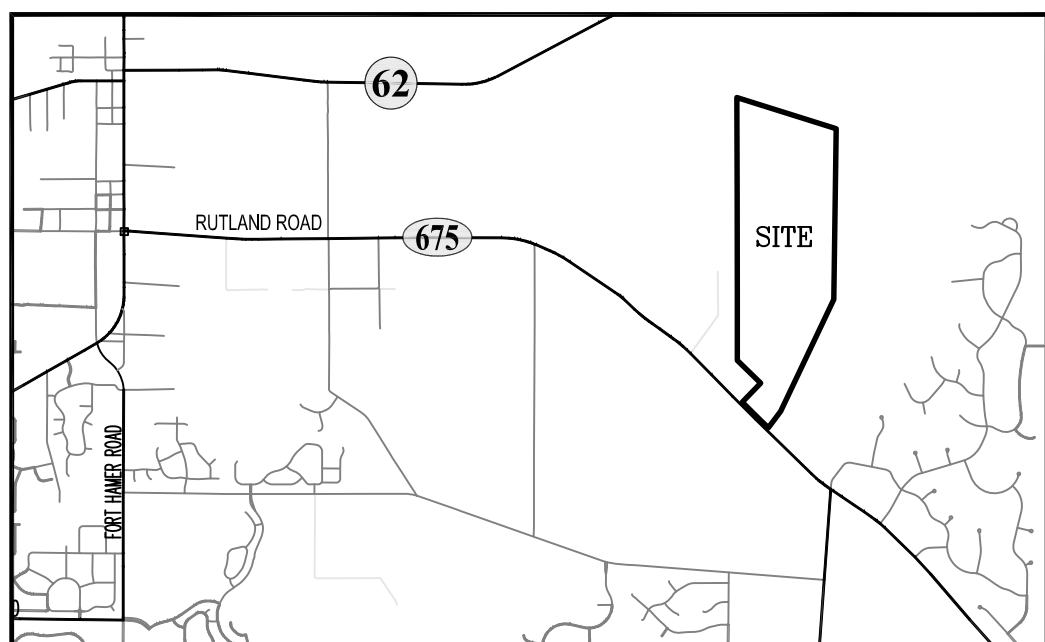
- Δ DELTA (CENTRAL ANGLE)
- R RADIUS
- L ARC LENGTH
- CB CHORD BEARING
- R/W RIGHT-OF-WAY
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- (D) DEED DATA
- (F) FIELD DATA
- LB LICENSED BUSINESS
- FXA FORMERLY KNOWN AS

ORIGINAL BOUNDARY SURVEY

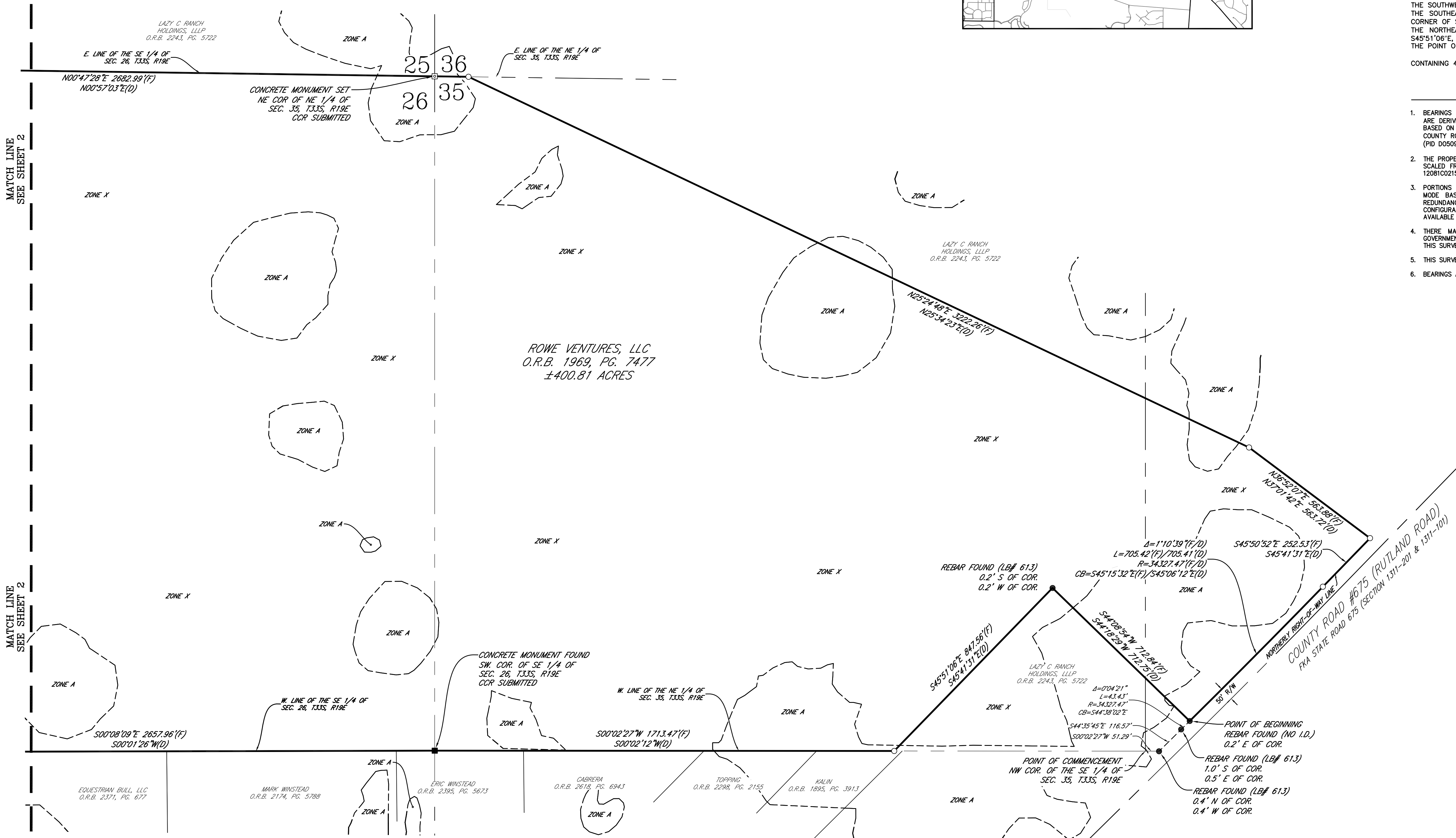
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477

LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

VICINITY MAP



SCALE 1"=200'



NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

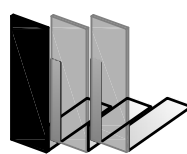
CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-6, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. 09/03/2018
DATE OF CERTIFICATION 09/03/2018
DATE OF FIELD SURVEY 09/03/2018

BY:

REVISION	BY	DATE



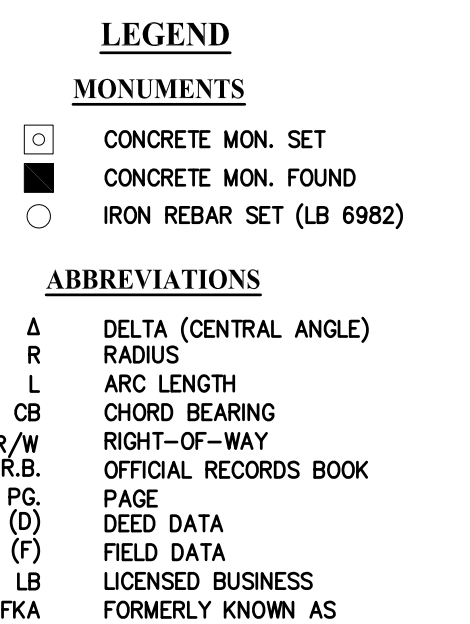
ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS

LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

POST OFFICE BOX 9448 BRADENTON, FL 34205 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENGINEERING.COM | TELEPHONE (941) 748-8080 | FAX (941) 748-3316

DRAWING: DATE 08/31/2018 SCALE
DRAWN BY JOB NO. 00-44607 FIELD BOOK PAGE SHEET 1 OF 2



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EXHIBIT 5

This instrument was prepared by:

Jere Earlywine, Esq.
KUTAK ROCK LLP
107 West College Avenue
Tallahassee, Florida 32301

**CONSENT AND JOINDER OF LANDOWNER FOR THE
AMENDMENT OF THE BOUNDARIES OF THE
AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
[CONTRACTION PARCEL]**

The undersigned is the owner of certain lands which are more fully described as the "Contraction Parcel" in **Exhibit A** attached hereto and made a part hereof ("Property"). The undersigned understands and acknowledges that the Board of Supervisors of the Aviary at Rutland Ranch Community Development District ("Petitioner" or "District") intends to submit a petition amending the boundaries of the District in accordance with the provisions of Chapter 190, Florida Statutes.

As the owner of lands that are intended to constitute lands to be removed from the District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005 and Section 190.046, Florida Statutes, Petitioner is required to include the written consent to the amendment of the boundaries of the District of one hundred percent (100%) of the owners of the lands to be removed from the District.

The undersigned hereby requests and consents to removal of the Property from the District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the petition process for the amendment of the boundaries of the District. The undersigned further acknowledges that the consent will remain in full force and effect for three years from the date hereof. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, consent to amendment of the boundaries of the District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

[signatures on following page]

Executed this 16th day of January, 2026.

WITNESS

ROWE VENTURES, LLC

By: Rosa Ovalle
Name: Rosa Ovalle

By: John Falkner
Name: John Falkner

By: Alexandra G. Rincon
Name: Alexandra G. Rincon

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 16th day of January, 2026, by John Falkner, as
Manager of Rowe Ventures, LLC,
on its behalf. He ☒ is personally known to me or ☐ produced
n/a as identification.

Patricia Jones Wilson
Notary Public, State of Florida

EXHIBIT A: Legal Description



PATRICIA JONES WILSON
Notary Public
State of Florida
Comm# HH187418
Expires 1/29/2026

EXHIBIT A:
Legal Description

A parcel of land lying in Sections 23, 24, 25, and 26, Township 33 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

COMMENCE at the Southeast corner of the Northeast quarter of Section 26, Township 33 South, Range 19 East, Manatee County, Florida; thence along the East line of said Northeast quarter the following two (2) courses: (1) N00°47'28"E, 1,762.82 feet to the POINT OF BEGINNING; (2) continue N00°47'28"E along said East line, 646.54 feet; thence N88°44'27"E, 271.54 feet; thence N70°23'09"E, 648.96 feet; thence N68°12'16"E, 417.16 feet; thence N03°10'10"W, 2,592.20 feet; thence N01°24'05"W, 82.56 feet to a point on the Southerly maintained right-of-way of State Road 62; thence along said right-of-way S88°33'25"W, 2,568.15 feet; thence S15°38'59"W, 2,179.19 feet more or less to the centerline of Gamble Creek; thence S46°17'40"W, 781.45 feet to the Northwest corner of the aforementioned Northeast quarter; thence along the west line of said Northeast quarter S00°06'21"E, 178.96 feet; thence S72°31'44"E, 2,711.13 feet to the POINT OF BEGINNING.
Containing 9,912,298 square feet or 227.56 acres, more or less.

EXHIBIT 6

RESOLUTION 2025-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO REQUEST THE PASSAGE OF AN ORDINANCE BY THE COUNTY COMMISSION OF MANATEE COUNTY, FLORIDA, AMENDING THE DISTRICT'S BOUNDARIES, AND AUTHORIZING SUCH OTHER ACTIONS AS ARE NECESSARY IN FURTHERANCE OF THAT PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Aviary at Rutland Ranch Community Development District ("**District**") is a unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes* ("**Uniform Act**"); and

WHEREAS, pursuant to the Uniform Act, the District is authorized to construct, acquire, and maintain infrastructure improvements and services; and

WHEREAS, the District desires to amend its boundaries to be consistent with the legal description set forth in **Exhibit A** ("**Boundary Amendment**"); and

WHEREAS, the Boundary Amendment is in the best interest of the District, and the area of land within the amended boundaries of the District will continue to be of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functionally related community; and

WHEREAS, the Boundary Amendment of the District's boundaries will allow the District to continue to be the best alternative available for delivering community development services and facilities to the lands within the District, as amended; and

WHEREAS, Boundary Amendment is not inconsistent with either the State or local comprehensive plan and will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area of land that will lie in the amended boundaries of the District will continue to be amenable to separate special district government; and

WHEREAS, in order to seek a Boundary Amendment ordinance pursuant to Chapter 190, *Florida Statutes*, the District desires to authorize District staff, including but not limited to legal, engineering, and managerial staff, to provide such services as are necessary throughout the pendency of the process; and

WHEREAS, the retention of any necessary consultants and the work to be performed by District staff may require the expenditure of certain fees, costs, and other expenses by the District as authorized by the District's Board of Supervisors ("**Board**"); and

WHEREAS, the Developer has agreed to provide sufficient funds to the District to reimburse the District for any expenditures including, but not limited to, legal, engineering and other consultant fees, filing fees, administrative, and other expenses, if any; and

WHEREAS, the District hereby desires to request a Boundary Amendment in accordance with Chapter 190, *Florida Statutes*, by taking such actions as are necessary in furtherance of the same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT:

1. RECITALS. The recitals as stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

2. AUTHORIZATION FOR BOUNDARY AMENDMENT. Pursuant to Chapter 190, *Florida Statutes*, the Board hereby authorizes the Chairman and District Staff to proceed in an expeditious manner with the preparation and filing of any documentation necessary to seek the amendment of the District's boundaries as described in **Exhibit A**. The Board further authorizes the prosecution of the procedural requirements detailed in Chapter 190, *Florida Statutes*, for the Boundary Amendment.

3. AUTHORIZATION FOR AGENT. The Board hereby authorizes the District Chairman, District Manager and District Counsel to act as agents of the District with regard to any and all matters pertaining to the petition to amend the boundaries of the District. District Staff, in consultation with the District Chairman, is further authorized to revise **Exhibit A** in order to address any further boundary adjustments as may be identified by the District Engineer. The District Manager shall ensure that the final versions of **Exhibit A** as confirmed by the Chairman are attached hereto.

4. EFFECTIVE DATE. This Resolution shall become effective upon its passage.

[CONTINUED ON NEXT PAGE]

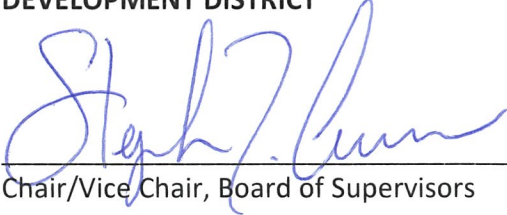
PASSED AND ADOPTED this 28th day of May, 2025.

ATTEST:

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**



Secretary/Assistant Secretary



Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description of District Boundaries, as Amended

Exhibit A:
Legal Description of District Boundaries, as Amended

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 S00°02'27"W, A DISTANCE OF 51.29 FEET A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 675 (RUTLAND ROAD); THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE S44°35'45"E, A DISTANCE OF 116.57 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 0°04'21", A DISTANCE OF 43.43 FEET (CHORD = 43.43 FEET; CHORD BEARING = S44°38'02"E) FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°10'39", A DISTANCE OF 705.42 FEET (CHORD = 705.41 FEET, CHORD BEARING = S45°15'32"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°50'52"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N36°52'07"E, A DISTANCE OF 563.88 FEET; THENCE N25°24'48"E, A DISTANCE OF 3222.26 FEET; THENCE N00°47'28"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 26; THENCE N00°47'28"E, ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1762.82 FEET; THENCE N72°31'44"W, A DISTANCE OF 2711.13 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE S00°06'21"E, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2475.22 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°08'09"E, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2857.96 FEET TO THE SOUTHWEST CORNER OF SOUTHEAST 1/4 OF SAID SECTION 26; THENCE S00°02'27"W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°51'06"E, A DISTANCE OF 847.56 FEET; THENCE S44°08'54"W, A DISTANCE OF 712.84 FEET TO THE POINT OF BEGINNING

CONTAINING 400.81 ACRES, MORE OR LESS.

NOTES

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- THE PROPERTY LIES WITHIN FLOOD ZONES "X", "A", "X" (0.2% ANNUAL CHANCE FLOOD HAZARD) & "AE", AS SCALED FROM MANATEE COUNTY FLOOD INSURANCE RATE MAP, PANEL No. 12081C0205E, 12081C0185E, & 12081C0215E DATED MARCH 17, 2014.
- PORTIONS OF THIS SURVEY WERE UNDERTAKEN USING A TRIMBLE R8 GPS SYSTEM IN REAL TIME KINEMATIC MODE BASED ON THE FLORIDA PERMANENT REFERENCE NETWORK SITE "MANATEE G. STROOP CORRS". REDUNDANCY WAS ACHIEVED BY MULTIPLE OCCUPATIONS OF POINTS USING VARYING SATELLITE CONFIGURATIONS. OBSERVATIONS WERE MADE DURING TIME PERIOD WHEN FIVE OR MORE SATELLITES WERE AVAILABLE AND A PDOP OF LESS THAN FOUR WAS IN EFFECT.
- THERE MAY BE PORTIONS OF THIS PROPERTY WHICH MAY BE TERMED JURISDICTIONAL BY VARIOUS GOVERNMENT AGENCIES. THESE POSSIBLE JURISDICTIONAL AREAS HAVE NOT BEEN DEALT WITH AS PART OF THIS SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE.
- BEARINGS AND DISTANCES ARE FIELD MEASUREMENTS UNLESS NOTED OTHERWISE.

LEGEND

MONUMENTS

- CONCRETE MON. SET
- CONCRETE MON. FOUND
- IRON REBAR SET (LB 6982)

ABBREVIATIONS

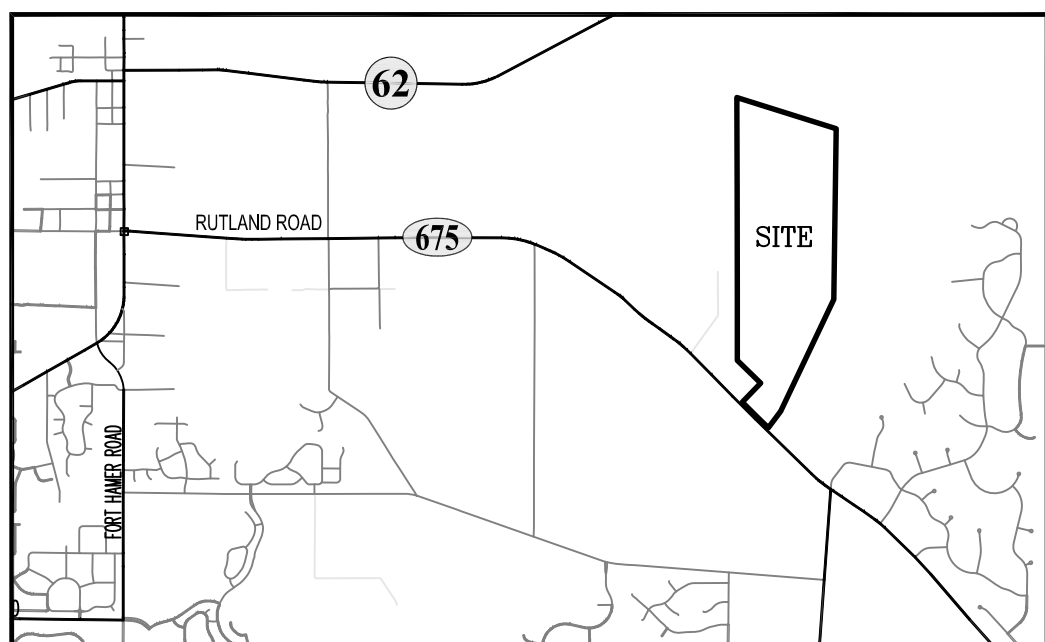
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- R/W RIGHT-OF-WAY
- O.R.B. OFFICIAL RECORDS BOOK
- PG. PAGE
- (D) DEED DATA
- (F) FIELD DATA
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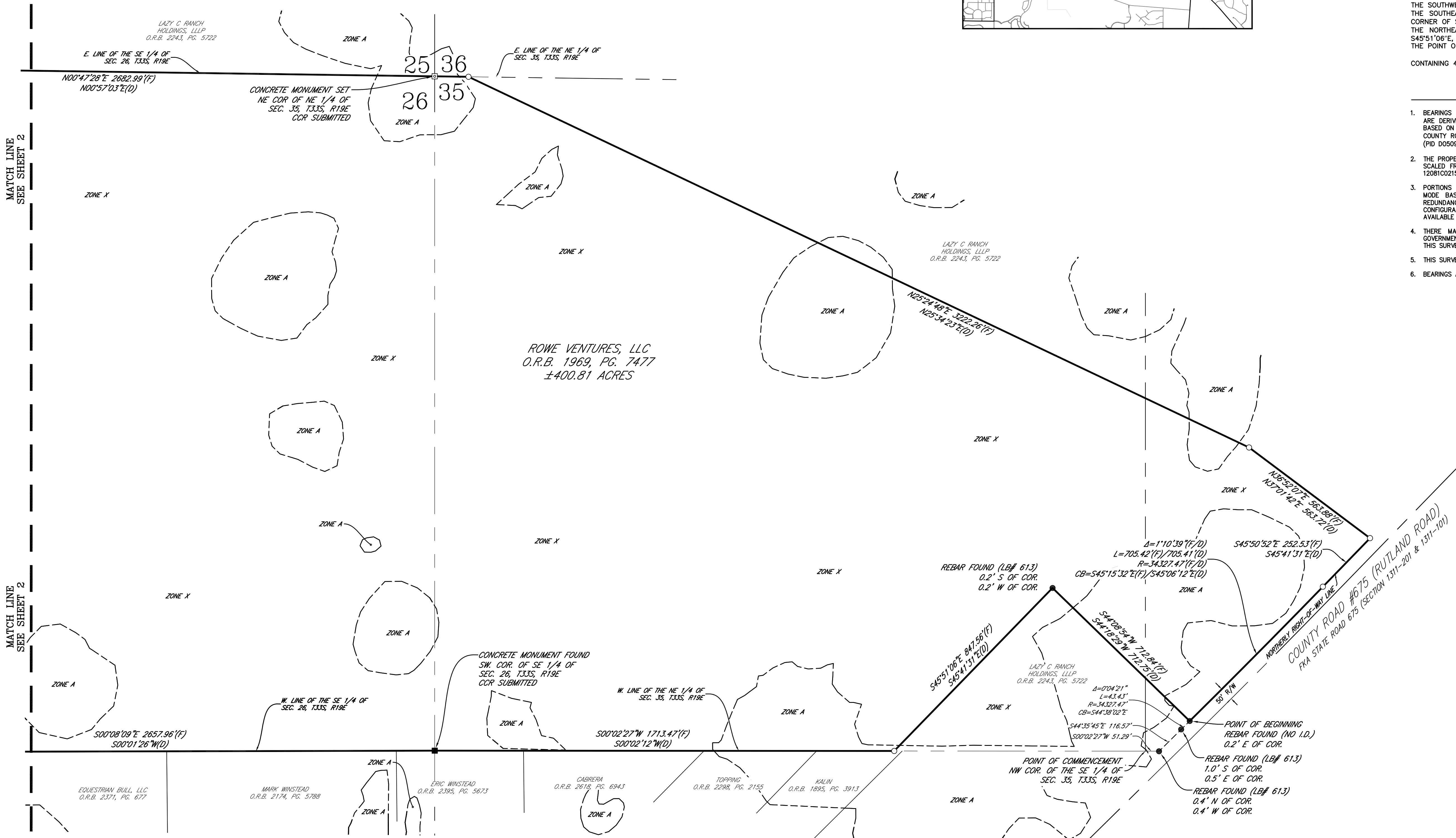
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477

LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA

VICINITY MAP



SCALE 1"=200'



NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

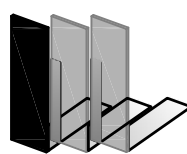
CERTIFICATE OF SURVEYOR

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-6, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. 09/03/2018
DATE OF CERTIFICATION 09/03/2018
DATE OF FIELD SURVEY 09/03/2018

BY:

REVISION	BY	DATE



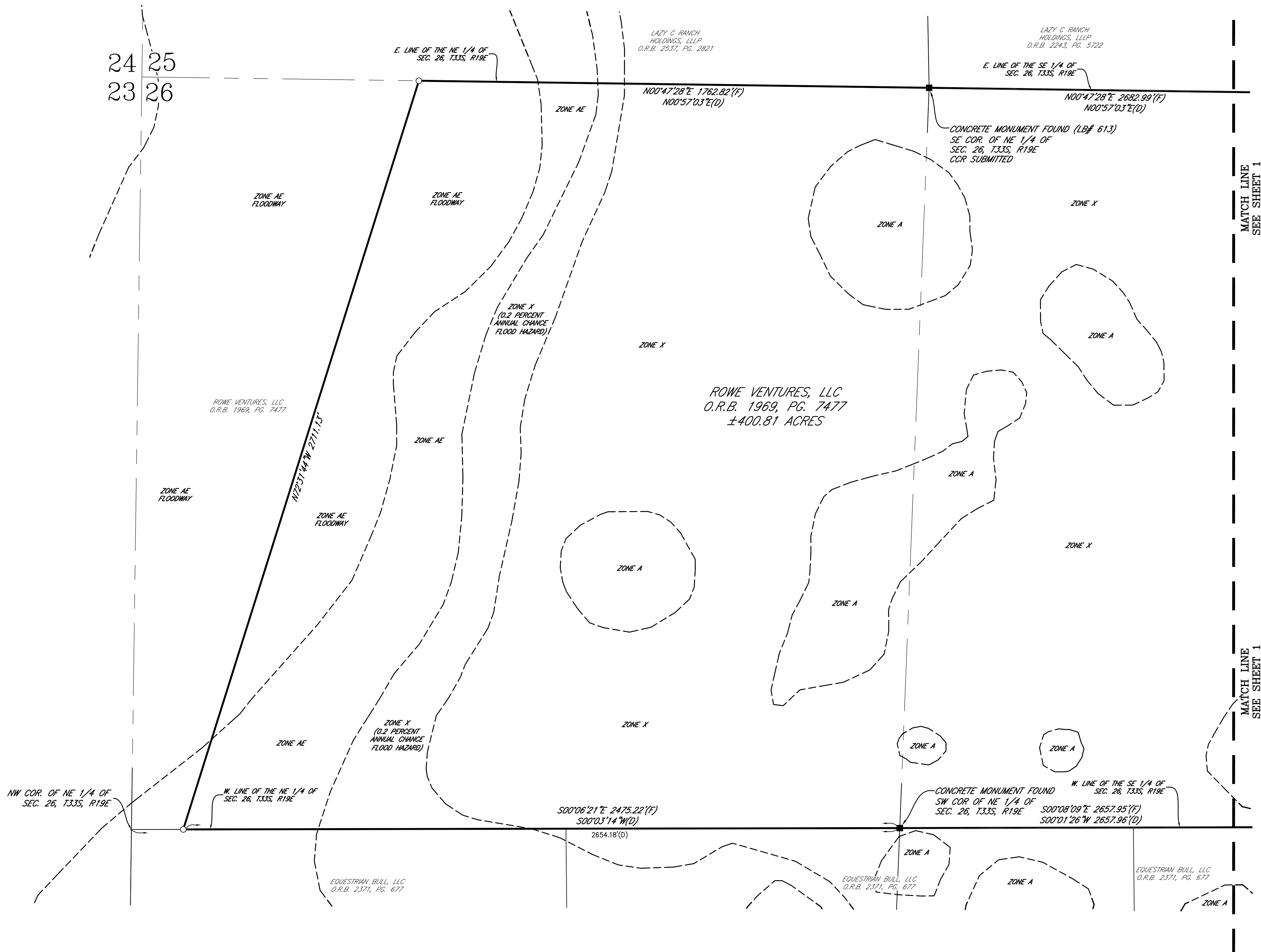
ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS

LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS

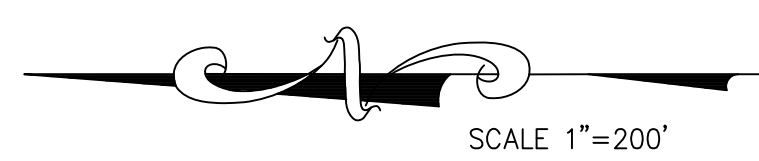
POST OFFICE BOX 9448 BRADENTON, FL 34205 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENGINEERING.COM | TELEPHONE (941) 748-8080 | FAX (941) 748-3316

DRAWING: DATE 08/31/2018 SCALE
DRAWN BY JOB NO. 00-44607 FIELD BOOK PAGE SHEET 1 OF 2



- LEGEND**
- MONUMENTS**
- CONCRETE MON. SET
 - CONCRETE MON. FOUND
 - IRON REBAR SET (LB 6982)
- ABBREVIATIONS**
- A DELTA (CENTRAL ANGLE)
 - R RADIUS
 - L ARC LENGTH
 - CB CHORD BEARING
 - R/W RIGHT-OF-WAY
 - O.R.B. OFFICIAL RECORDS BOOK
 - PG. PAGE
 - (D) DEED DATA
 - (F) FIELD DATA
 - LB LICENSED BUSINESS
 - FXA FORMERLY KNOWN AS

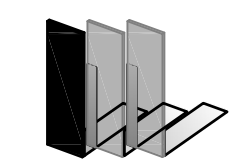
ORIGINAL BOUNDARY SURVEY
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477
LOCATED IN
SECTION 26 & 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST
MANATEE COUNTY, FLORIDA



NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFICATE OF SURVEYOR		
I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-6, OF THE FLORIDA ADMINISTRATIVE CODE.		
FLORIDA CERTIFICATE No.	09/03/2018	BY: _____
DATE OF CERTIFICATION	09/03/2018	
DATE OF FIELD SURVEY	09/03/2018	

REVISION	BY	DATE



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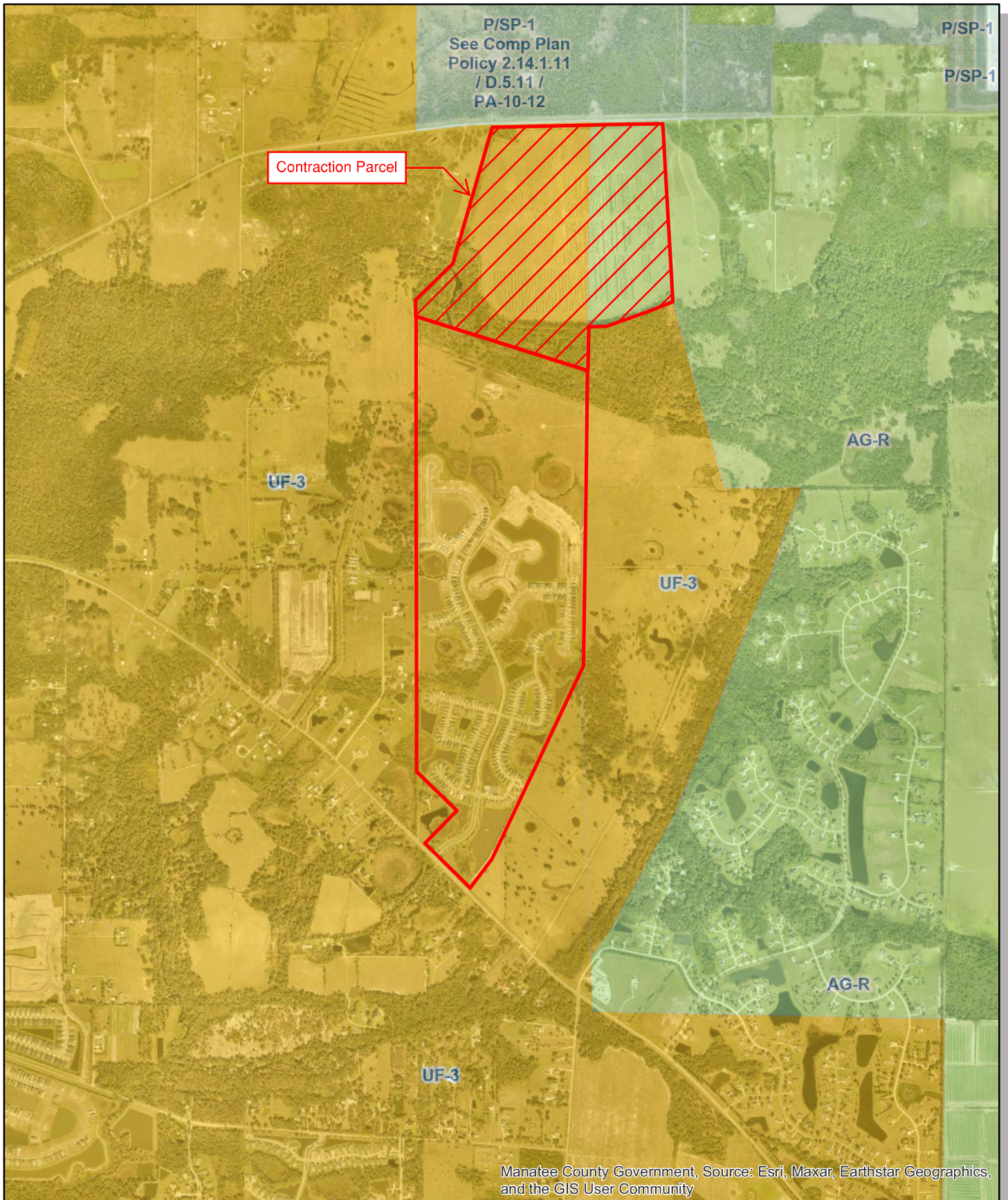
ENGINEERS | PLANNERS | SURVEYORS
LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
POST OFFICE BOX 9448 BRADENTON, FL 34205 | 201 5th AVENUE DRIVE EAST BRADENTON, FL 34208
E-MAIL: ZNS@ZNSENG.COM | TELEPHONE (941) 748-8080 | FAX (941) 748-3316

DRAWING: _____	DATE: 08/31/2018	SCALE: _____
DRAWN BY: _____	JOB NO. 00-44607	PAGE _____
FIELD BOOK _____		SHEET 2 OF 2

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EXHIBIT 7

FUTURE LAND USE MAP



FILE PATH:



1023 MANATEE AVE WEST, BRADENTON, FL 34205
TELEPHONE 941.748.8080

AVIARY

SECTION 26, TOWNSHIP 33 SOUTH, RANGE 19 EAST
SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST

SCALE: 1"= 2,000 FT



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION
AND GENERAL REFERENCE ONLY. THE DATA CONTAINED
HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

EXHIBIT 8

UTILITY MAP



EXHIBIT 9

Aviary at Rutland Ranch

COMMUNITY DEVELOPMENT DISTRICT

Statement
of
Estimated Regulatory Costs

September 24, 2025



Provided by

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431
Phone: 561-571-0010
Fax: 561-571-0013
Website: www.whhassociates.com

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District ("District"). The District was established by Ordinance No. 18-32, passed by the Board of County Commissioners of Manatee County, Florida on August 21, 2018. The current size of the District is approximately 628.36 +/- acres and the District is located entirely within the Manatee County, Florida (the "County"). The petition to amend the boundaries of the District seeks to subtract approximately 227.56 +/- acres located in the County to the District ("Amendment Area"). After the amendment, the District will be projected to contain approximately 400.81 +/- acres and is planned to be developed with a total of 784 residential dwelling units. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), Florida Statutes ("F.S.") (governing District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of the Aviary at Rutland Ranch Community Development District

The District is designed to provide public infrastructure, services, and facilities along with operation and maintenance of the same to a master planned residential development currently anticipated to contain a total of approximately 784 residential dwelling units following the amendment of the District's boundaries.

A community development district ("CDD") is an independent unit of special purpose local government authorized by the Act to plan, finance, construct, operate and maintain community-wide infrastructure in planned community developments. CDDs provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers." Section 190.002(1)(a), F.S.

A CDD is not a substitute for the local, general purpose government unit, i.e., the City or County in which the CDD lies. A CDD does not have the permitting, zoning or policing powers possessed by general purpose governments. A CDD is an alternative means of financing, constructing, operating and maintaining public infrastructure for developments, such as Aviary at Rutland Ranch.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment,

or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including any Transactional Costs (as defined herein), in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the Transactional Costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this SERC, "Transactional Costs" are direct costs that are readily ascertainable by the County based upon standard business practices, and may include:

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative costs and other overhead.
16. Reduced sales or other revenue.
17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses. (Manatee County, according to the Census 2020, has a population of 399,710; therefore, it is not defined as a small County for the purposes of this requirement.)

(f) In evaluating the impacts described in paragraphs (a) and (e), the County must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.

4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

(g) Any additional information that the agency determines may be useful.

(h) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2)(a), F.S.

2.0 An economic analysis showing whether the ordinance directly or indirectly:

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance;**
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance; or**
- 3. Is likely to increase regulatory costs, including any Transactional Costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.**

The ordinance amending the boundaries of the District is not anticipated to have any direct or indirect adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation. Any increases in regulatory costs, principally the anticipated increases in Transactional Costs as a result of imposition of special assessments by the District on the Amended Area will be the direct result of facilities and services provided by the District to the landowners within the Amendment Area. However, as property ownership in the District is voluntary and all additional costs will be disclosed to prospective buyers prior to sale, such increases should be considered voluntary, self-imposed and offset by benefits received from the infrastructure and services provided by the District.

Further, the ordinance amending the boundaries of the District is not likely to result in market impacts such as customer charges, changes to the market value of goods or services produced, provided or sold, changes to costs resulting from the purchase of substitute or alternative goods or services or incur additional time be spent by State of Florida or Manatee County governments staff to understand and comply with the proposed ordinance, including, but not limited to, time to be spent completing requiring education, training, or testing, as the proposed District will be one of many already existing CDDs in Florida and Manatee County and the marginal impact of one more CDD will be negligible if any.

2.1 Impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The sole reason for the amending of the District's boundaries is to provide public facilities and services

to support the development of a new, master planned residential development. The development of the smaller, approximately 400.81 +/- acres, parcel will promote local economic activity, create local value, lead to local private sector investment and is likely, at least in the short term, to support local private sector employment and/or lead to local new job creation to a degree likely similar to that of a larger, pre-amendment, approximately 628.36 +/- acre, parcel contained within the existing District boundaries.

Amending the boundaries of the District will allow it to plan, fund, implement, operate and maintain, for the benefit of the landowners within the amended and smaller District, various public facilities and services for a smaller-sized development. Such facilities and services, as further described in Section 5, will allow for the development of the land within the amended District. The provision of District's infrastructure and the subsequent development of land will generate private economic activity, economic growth, investment and employment, and job creation. The District intends to use proceeds of indebtedness to fund construction of public infrastructure, which will be constructed by private firms, and once constructed, is likely to use private firms to operate and maintain such infrastructure and provide services to the landowners and residents of the amended and smaller District. The private developer of the land in the amended and smaller District will use its private funds to conduct the private land development and construction of an anticipated approximately 784 residential dwelling units the construction, sale, and continued use/maintenance of which will involve private firms. While similar economic growth, private sector job creation or employment, or private sector investment could be achieved without amending the District's boundaries by the private sector alone, the fact that the amendment of the District's boundaries is initiated by the private developer means that the private developer considers the amendment of the District's boundaries and continued operation of the District as beneficial to the process of land development and the future economic activity taking place within the amended and smaller District, which in turn will lead directly or indirectly to economic growth, likely private sector job growth and/or support private sector employment, and private sector investments.

2.2 Impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

When assessing the question of whether the amending of the boundaries of the District is likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation, one has to compare these factors in the presence and in the absence of the amended District boundaries in the development. When the question is phrased in this manner, it can be surmised that the amendment of the District's boundaries is likely to not have a direct or indirect adverse impact on business competitiveness, productivity, or innovation versus that same development without the amended and smaller District. Similar to a purely private solution, District contracts will be bid competitively as to achieve the lowest cost/best value for the particular infrastructure or services desired by the landowners, which will insure that contractors wishing to bid for such contracts will have to demonstrate to the District the most optimal mix of cost, productivity and innovation. Additionally, the amendment of the District's boundaries for the development is not likely to cause the award of the contracts to favor non-local providers any more than if there was a smaller District. The amended and smaller District, in its purchasing decisions, will not vary from the same principles of cost, productivity and innovation that guide private enterprise.

2.3 Likelihood of an increase in regulatory costs, including any Transactional Costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the ordinance.

The amendment of the District's boundaries will not increase any regulatory costs of the State or the County by virtue that the District has already been established and amending its size does not change the regulatory requirements that the District will be subject to after the initial review of the petition to amend its boundaries by the County and approval of such petition by the County. As described in more detail in Section 4, the District will pay a one-time filing fee to the County to offset any expenses that the County may incur in the processing of this petition to amend the District's boundaries.

Amending the District's boundaries will not materially increase regulatory costs to the landowners within the Amended District. Such increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the Amended District. While the 227.56 acres being removed from the District will not pay assessments to the Amended District, the Amended District will also not incur costs for the construction on, and maintenance of, this 227.56 acres. Property ownership in the District is completely voluntary and all initial prospective buyers will have such additional transaction costs disclosed to them prior to sale, as required by State law. Such costs, however, should be considered voluntary, self-imposed, and as a tradeoff for the service and facilities provided by the District. As to the anticipated amount of the transactional costs in the aggregate within 5 years, they are anticipated not to exceed \$5,000,000.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The proposed amended District will serve land that comprises an approximately 400.81 +/- acre master planned residential development currently anticipated to contain a total of approximately 784 residential dwelling units, although the development plan can change. Assuming an average density of 3.5 persons per residential dwelling unit, the estimated residential population of the proposed amended District at build out would be approximately 2,744 +/- and all of these residents as well as the landowners within the District will be affected by the ordinance. The County and certain state agencies will not be affected by or required to comply with the ordinance as more fully discussed hereafter.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state or local revenues.

There is no state agency promulgating any rule relating to this project and there is no anticipated effect of the ordinance amending the District's boundaries on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

Because the result of adopting the ordinance is the amendment of the boundaries of an existing independent local special purpose government, there will be no additional enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified

with their costs herein.

State Governmental Entities

Amending the boundaries of an already existing independent local special purpose government will result in no costs to any State governmental entities to implement and enforce the proposed amended and smaller District.

Manatee County, Florida

The existing District as well as the Amendment Area are both located within Manatee County, Florida. The County and its staff may process, analyze, conduct a public hearing, and vote upon the petition to amend the boundaries of the District. These activities will absorb some resources; however, these costs incurred by the County will be modest for a number of reasons. First, the County approved ordinance establishing the District in 2018 and that petition possessed much information about the District and County staff should be generally familiar with the District. Second, review of the petition to amend the boundaries of the District does not include analysis of the project itself. Third, the petition itself provides much of the information needed for a staff review. Fourth, the County already possesses the staff needed to conduct the review without the need for new staff. Fifth, there is no capital required to review the petition. Sixth, the potential costs are offset by a filing fee included with the petition to offset any expenses the County may incur in the processing of this petition. Finally, the County already processes similar petitions, though for entirely different subjects, for land uses and zoning changes that are far more complex than the petition to amend the boundaries of a community development district.

Further, there will be no increase in the very small annual costs to County, because of the amendment of the District's boundaries. The District is an independent unit of local government. The only annual costs the County faces, which will not change with the amendment of the District's boundaries, are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the County, or any monitoring expenses the County may incur if it maintains a monitoring program for this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

Any non-ad valorem assessments levied by the District will not count against any millage caps imposed on other taxing authorities providing services to the lands within the District. It is also important to note that any debt obligations the District may incur are not debts of the State of Florida or any other unit of local government. By Florida law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the Transactional Costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the ordinance.

The review of the petition to amend the boundaries of the District will be funded by a payment of an application fee to the County. This payment will be made voluntarily by the Petitioner, who is the same

as/affiliated with the owners of land proposed to be included within the boundaries of the District and subject to the ordinance amending the boundaries of the District. Once the filing fee is paid, an annual Special District fee of \$175 will also be paid by the District to the State per provisions of Section 189.018, Florida Statutes.

The landowner and future residents of the small parcel being removed from the CDD will not be required to comply with the proposed ordinance, and therefore will not incur transaction costs for continuing compliance with the ordinance.

The landowner and future residents of the amended CDD will be required to comply with the ordinance, but due to the small nature of the area being contracted, these transaction costs are not significantly different than if the boundaries were not amended and the ordinance was not adopted.

The County will be required to comply with the ordinance, but will not incur any additional transaction costs not funded through the required filing fee. The County's review of annual reporting information will take the same effort and incur the same transaction costs because the CDD will still exist.

The State of Florida will be required to comply with the ordinance, but will not incur any additional transaction costs. Review of annual reporting information will take the same effort and incur the same transaction costs because the CDD will still exist.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be little impact on small businesses because of the amendment of the District. If anything, the impact may be positive because the District must competitively bid all of its contracts and competitively negotiate all of its contracts with consultants over statutory thresholds. This affords small businesses the opportunity to bid on District work.

Further, the ordinance amending the boundaries of the District is not likely to result in market impacts such as customer charges, changes to the market value of goods or services produced, provided or sold, changes to costs resulting from the purchase of substitute or alternative goods or services or incur additional time be spent by owners, officers, operators, and managers of small businesses to understand and comply with the proposed ordinance, including, but not limited to, time to be spent completing requiring education, training, or testing, as the proposed District will be one of many already existing CDDs in Florida and Manatee County and small businesses will be able to bid on District work, not unlike bidding on work for communities which are not CDDs, thus making the marginal impact negligible if any.

Manatee County has a population of 399,710 according to the Census 2020 conducted by the United States Census Bureau and is therefore not defined as a "small" County according to Section 120.52, F.S.

7.0 A description of any regulatory alternatives submitted under section 120.541(1)(a), F.S., and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

No written proposal, statement adopting an alternative or statement of the reasons for rejecting an

alternative have been submitted.

Based upon the information provided herein, this Statement of Estimated Regulatory Costs supports the petition to amend the boundaries of the Aviary at Rutland Ranch Community Development District.

EXHIBIT 10

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Jere Earlywine of Kutak Rock, LLP, to act as agent for Petitioner, Aviary at Rutland Ranch Community Development District, with regard to any and all matters pertaining to the Petition to the County Commissioners of Manatee County, Florida, to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, Section 190.156(1), *Florida Statutes*. This authorization shall remain in effect until revoked in writing.

WITNESSES:

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT


Name: Jay Dee Ortega

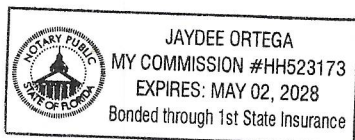

By: Stephen J. Cerven
Chairman, Board of Supervisors

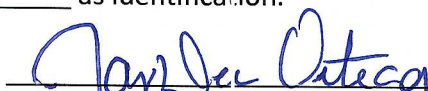

Name: Roger A. Arman

Date: January 19, 2026

STATE OF FLORIDA COUNTY OF MANATEE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19th day of January, 2026, by Stephen J. Cerven, as Chairman of the Board of Supervisors of the Aviary at Rutland Ranch Community Development District, who appeared before me this day in person, and who is either personally known to me, or produced N/A as identification.




NOTARY PUBLIC, STATE OF FLORIDA

Name: Jay Dee Ortega
(Name of Notary Public, Printed, Stamped or
Typed as Commissioned)

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
AFFIDAVIT OF DISTRICT MANAGER REGARDING CONTRACTION PARCEL

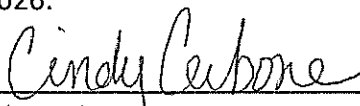
STATE OF FLORIDA
COUNTY OF Palm Beach

I, Cindy Cerbone ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. My name is Cindy Cerbone and I am the District Manager of the Aviary at Rutland Ranch Community Development District ("District").
2. I have reviewed, and am familiar with, the District's *Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District*, filed on January 22, 2026.
3. I am familiar with the parcel the District seeks to remove from its boundaries ("Contraction Parcel").
4. The District has not been providing facilities or services to the Contraction Parcel.
5. Removing the Contraction Parcel from the boundaries of the District will not affect the continued and efficient provision of facilities and services to the lands within the District, as amended.
6. The District, as amended, remains the best alternative to provide the facilities and services to the lands within its boundaries.

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 3 day of March, 2026.


Cindy Cerbone

STATE OF FLORIDA
COUNTY OF Palm Beach

SWORN TO and SUBSCRIBED before me by the Affiant, by means of ☒ physical presence or ☐ online notarization, who is ☒ personally known to me or ☐ provided _____ as identification, on this 3 day of March, 2026.


Notary Public State of Florida



CHRISTOPHER DAVID CONYI
Notary Public
State of Florida
Comm# HH613025
Expires 11/14/2028

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT
AFFIDAVIT OF DISTRICT ENGINEER REGARDING CONTRACTION PARCEL

STATE OF FLORIDA
COUNTY OF Manatee

I, Jeb Mulock ("Affiant"), being first duly sworn, do hereby state for my affidavit as follows:

1. My name is Jeb Mulock and I am the District Engineer of the Aviary at Rutland Ranch Community Development District ("District").
2. I have reviewed, and am familiar with, the District's *Petition to Amend the Boundaries of the Aviary at Rutland Ranch Community Development District*, filed on January 22, 2026 ("Petition").
3. I am familiar with the parcel the District seeks to remove from its boundaries ("Contraction Parcel").
4. The District has not installed any improvements or facilities within the Contraction Parcel and the Contraction Parcel is not part of the District's capital improvement plan.
5. Removing the Contraction Parcel from the boundaries of the District will not affect the continued and efficient provision of facilities and services to the lands within the District, as amended.
6. The District, as amended, remains the best alternative to provide the facilities and services to the lands within its boundaries.
7. I understand that the District is relying on this Certificate in making certifications to Manatee County in support of the Petition.

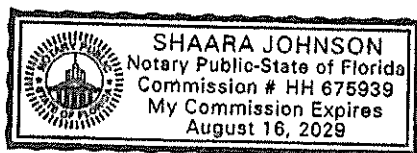
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 3 day of March 2026.

By: [Signature] Jeb Mulock
Its: District Engineer

STATE OF FLORIDA
COUNTY OF Manatee

SWORN TO and SUBSCRIBED before me by the Affiant, by means of ☒ physical presence or ☐ online notarization, who is ☒ personally known to me or ☐ provided _____ as identification, on this 3 day of March, 2026.



[Signature]
Notary Public State of Florida

ORDINANCE NO. 18-32

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-68 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, TO DESCRIBE THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND TO CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

WHEREAS, Subsection 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the establishment of a community development district of less than 2,500 acres in size; and

WHEREAS, Rowe Ventures, LLC (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Aviary at Rutland Ranch Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 628.36 acres of real property proposed for inclusion within the District and has consented in writing to the establishment of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with

the requirements and procedures of Paragraphs 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in Paragraphs 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for the establishment of the community development district; and

WHEREAS, the District established under this Ordinance, as an independent special district and a local unit of special purpose government, shall be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws; and

WHEREAS, the establishment of the District will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District; and

WHEREAS, Section 190.012, Florida Statutes, as amended, authorizes the District to exercise numerous special powers listed in Subsection 190.012(1), Florida Statutes; and

WHEREAS, Section 190.012, Florida Statutes, as amended, provides that the local general-purpose government must consent to the exercise by the District board of supervisors of those additional special powers listed in Subsection 190.012(2), Florida Statutes; and

WHEREAS, Paragraph 190.005(2)(d), Florida Statutes, as amended, provides that in an ordinance establishing a community development district, the Board may consent to any of the optional special powers under Subsection 190.012(2), Florida Statutes, as amended, at the request of the Petitioner; and

WHEREAS, the petition submitted by the Petitioner requests that the Board consent to the exercise by the District board of supervisors of the additional special powers listed in Paragraph 190.012(2)(a)&(d), Florida Statutes, as amended; and

WHEREAS, the exercise of such additional special powers by the District board of supervisors shall be governed by Chapter 190, Florida Statutes, as amended, and all other applicable federal, state, and local laws; and

WHEREAS, the Board desires to consent to the exercise by the District board of supervisors of such additional special powers; and

WHEREAS, the Board's consent to the exercise by the District board of supervisors of such additional special powers will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Subsection 190.005(2), Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and Purpose. It is the intent and purpose of this Ordinance to establish the Aviary at Rutland Ranch Community Development District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws. It is further the intent and purpose of this Ordinance to grant the consent of the Board to the exercise by the District board of supervisors of certain additional special powers pursuant to Subsection 190.012(2), Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Creation of Section 2-8-68 of Manatee County Code of Ordinances. Section of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:

Sec. 2-8-68. Aviary at Rutland Ranch Community Development District.

(a) Establishment. Aviary at Rutland Ranch Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.

(b) Boundaries. The boundaries of the District are described in the metes and bounds Description attached hereon as Exhibit "2."

(c) Initial board of supervisors. The names of five (5) persons designated as the initial members of the board of supervisors for the District are as follows:

(1) Roy Cohn

(2) A. John Falkner

(3) Scott Falkner

(4) Jeff Cerven

(5) Stephen J. Cerven

(d) Special powers. Pursuant to Paragraph 190.005(2)(d) and Subsection 190.012(2). Florida Statutes, as amended. The Board of County Commissioners hereby consents to the exercise by the District board of supervisors of the following special powers listed in Paragraph 190.012(2)(a)&(d), Florida Statutes.

Specifically, the District shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and,
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

Section 5. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 4 of this Ordinance into the Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 2nd day of August, 2018.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Priscilla Trace
Priscilla Trace, Chairman

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Robin Roth, DC
Deputy Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Chapter 190, Florida Statutes, that the Manatee County Board of County Commissioners will hold a Public Hearing on August 21, 2018 at 9:00 a.m. (or as soon thereafter as may be heard) in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider and act upon the following request made by Rowe Ventures, LLC (Petitioner):

ORDINANCE NO. 18-32

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-68 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, TO DESCRIBE THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND TO CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed Aviary at Rutland Ranch Bay Community Development District, comprising of approximately 628.36 acres, is located North of County Road No. 675 (Rutland Road), South of State Road 62, and East of 161st Avenue East in Manatee County. The site is currently a combination of vacant and/or agricultural land. The Southern 400 acres of the site have been approved for a maximum of 784 residential units. The Northern portion of the site, approximately 228 acres is unentitled.



All interested parties are invited to appear at this hearing and be heard, subject to the proper rules of conduct. Additionally, any comments filed with the Director of the Building and Development Services Department will be considered by the Board of County Commissioners and entered into the record. Copies of the proposed ordinance, the petition and other information regarding the petition are available for public inspection from 8:00 a.m. to 5:00 p.m. Monday through Friday at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida. Interested parties may obtain assistance regarding this matter by calling (941)749-3070 during normal business hours.

In accordance with Section 286.0105, Florida Statutes, if any person decides to appeal any decision made with respect to any matters considered at such meeting or hearing, that person will need a record of the proceedings, and, for such purpose, that person may need to assure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA should contact Kaycee Ellis at (941)742-5800; TDD ONLY (941)742-5802 and wait 60 seconds; or FAX (941)745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Building and Development Services Department



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 23, 2018

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Robin Toth

Dear Ms. Colonnese:

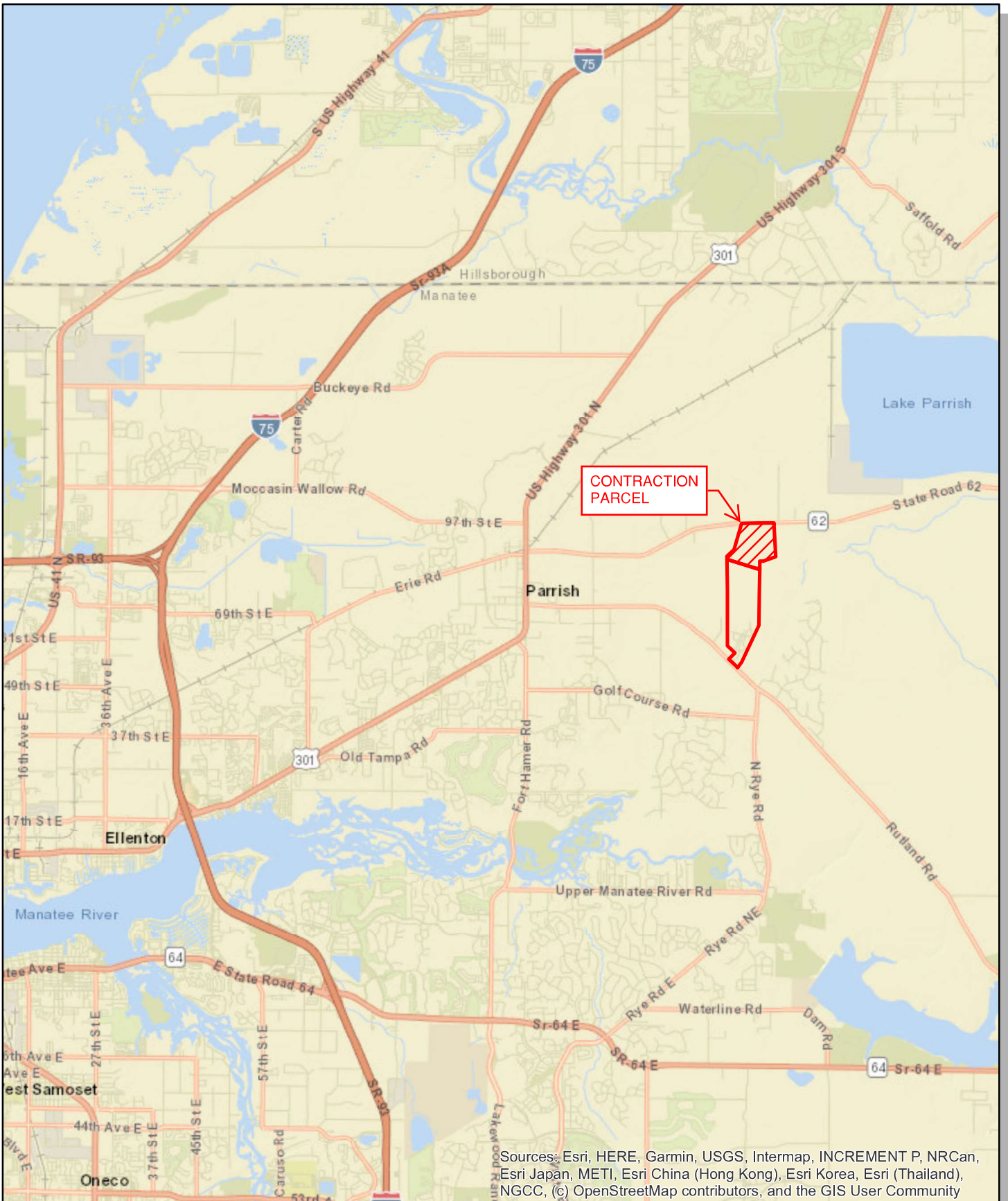
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance 18-32, which was filed in this office on August 22, 2018.**

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

VICINITY MAP



FILE PATH:





REQUEST FOR LEGAL SERVICES Submission Form

Subject/Title: Petition to Contract the Boundaries of the Aviary at Rutland Ranch Community Development District

Department/Division: Development Services / Planning **Account Key:** 107-0006402

Contact Person: Laura Gonzalez **Ext.:** 3891

Department Director: Nicole Knapp

Signature (if required):

☐

Legal guidance on public records request* (if checked, attach request, hand-deliver documents)

* Public Records Dept. only

Legal question and factual background (2,000 character limit, attach additional page, if needed):

The Board of Supervisors of the Aviary at Rutland Ranch Community Development District (Petitioner) has submitted the attached petition requesting that the Board of County Commissioners amend the boundaries of the existing Aviary Community Development District (District) with the proposal to remove approximately 227.56 acres. The District is comprised of approximately of 628.36 acres and with the amendment it will total 400.81 acres.

On August 22 2, 2018, the Board of County Commissioners adopted Manatee County Ordinance No. 18-32 establishing the boundaries of the District. The ordinance described the District's boundaries and named the initial members of the Board of Supervisors.

Chapter 190, Florida Statutes, authorized the establishment and the current boundary amendment of the District and continues to control changes to the District's boundaries.

The existing Aviary Community Development District is generally located south of the State Road 62, northeast of CR 675 (Rutland Road) and northwest of Rye Road in Parrish (Manatee County).

Services requested (check all that apply):

☐

Attend meeting

Date of meeting (if scheduled):

8/06/2026

☐

Draft document

☐

Other (provide explanation below):

☐

Review document

☒

Written response

Time considerations (check one): ☐ Critical/urgent*

☒ Not urgent

***Department Director signature required**

Date of Board meeting (if planned/required to be presented): 8/06/2026

Advertising deadline, if applicable: 6/30/2026

☐

Business Impact Estimate required (for proposed ordinances only)

Date when RLS response is needed: 7/10/2026

**Explanation of
deadline requested
for RLS response:**

Per Agenda Tracking Schedule

Relevant governing authorities:

List any code provisions, laws, ordinances, policies, procedures, regulations, resolutions, rules, or statutes which may be pertinent or worthy of consultation/consideration.

List of supporting documents:

Documents must be scanned and attached individually to the RLS submission. Failure to comply may result in rejection of RLS submission.

0. Staff Report
1. Staff Report Maps
2. Petition to Amend with Exhibits
3. Draft Ordinance
4. Original CDD Approval - Ordinance No. 22-23
5. Draft Notice of Hearing

Related prior legal assistance from CAO and related prior RLS numbers (if applicable):

The Aviary at Rutland Ranch CDD Establishment
RLS number not available

Related prior Board action (if applicable):

The Aviary at Rutland Ranch CDD Establishment
CDD-18-04

Additional required items (if applicable, check or complete all that apply):

☐

Capital Improvement Project number:

☐

Code enforcement litigation checklist completed and attached

☐

Flash drive provided to CAO

Has purchase agreement/contract been reviewed by Procurement Division? ☐ Yes ☐ No

If not subject to the Procurement Code, identify specific exclusion as defined by the Code:

**Name and contact information for other parties and their counsel, if represented,
and/or relevant Department contact if RLS is submitted by Procurement:**

Copies of RLS response to:

Nicole Knapp
Denise Greer
Rob Wenzel
James Rigo
Rachel Layton
Marcy Krum Tinsley
Laura Gonzalez
Bobbi Roy
Celeste McDuffie