

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"**.

...

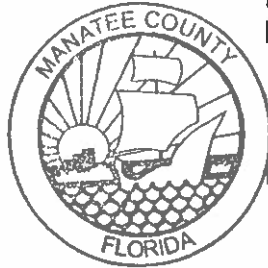
Section 6. Reliance upon representations. The contraction of the boundaries of the District is specifically based upon the representations made in the Petition to Amend Manatee County Ordinance 26-27 to amend the external boundaries of the District through the contraction request dated May 28, 2025, 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 25th day of August, 2026.



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

By: Tue
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: Robin Pitts DC
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

[illegible][illegible]

ZNS ENGINEERING
Engineering Support Services
UNIVERSITY MICROFILMS INTERNATIONAL
300 North Zeeb Road
Ann Arbor, MI 48106-1500
Tel: (313) 963-6200
Fax: (313) 963-6201
E-mail: zns@umich.edu
Web: <http://www.zns.com>

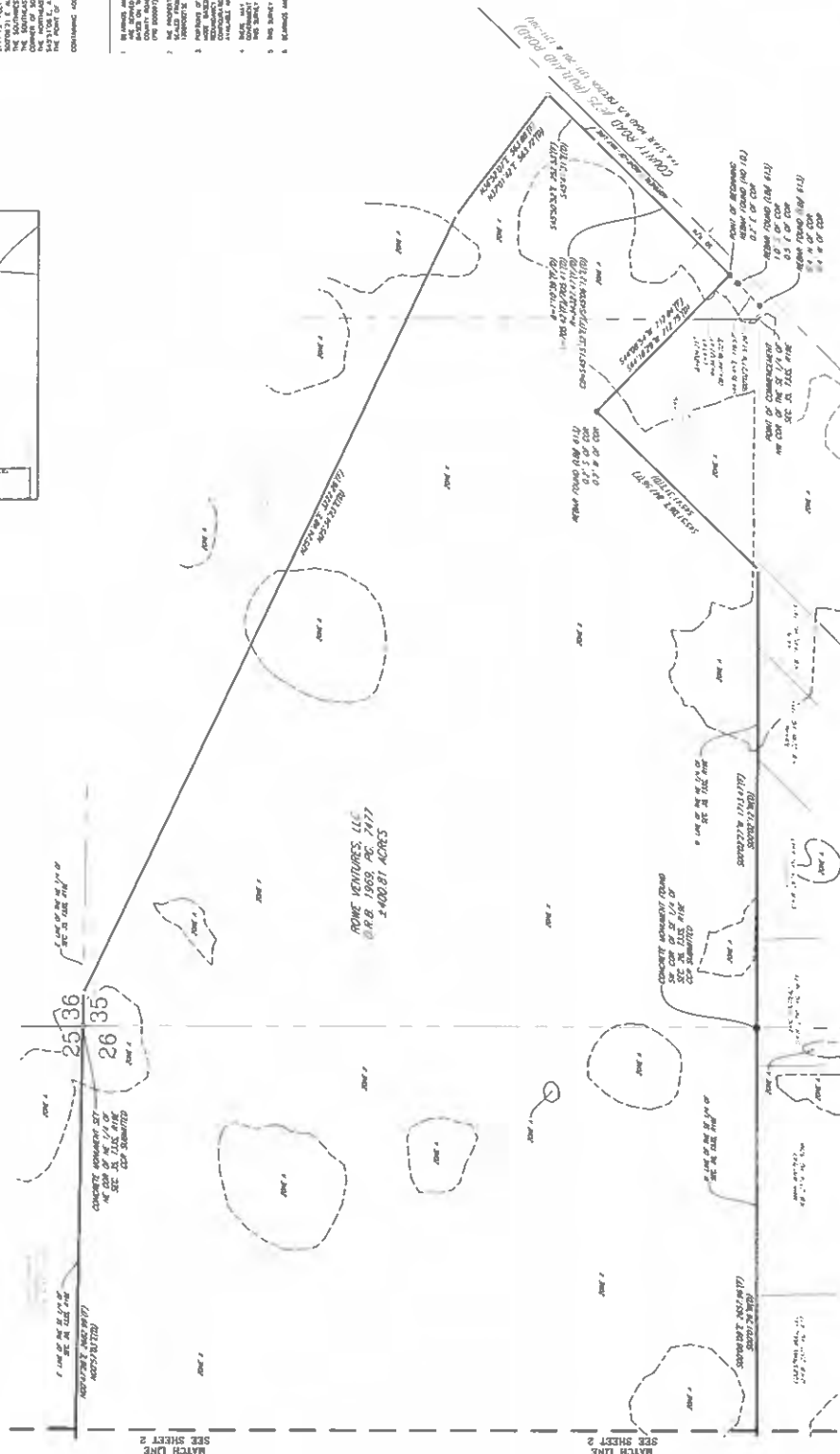
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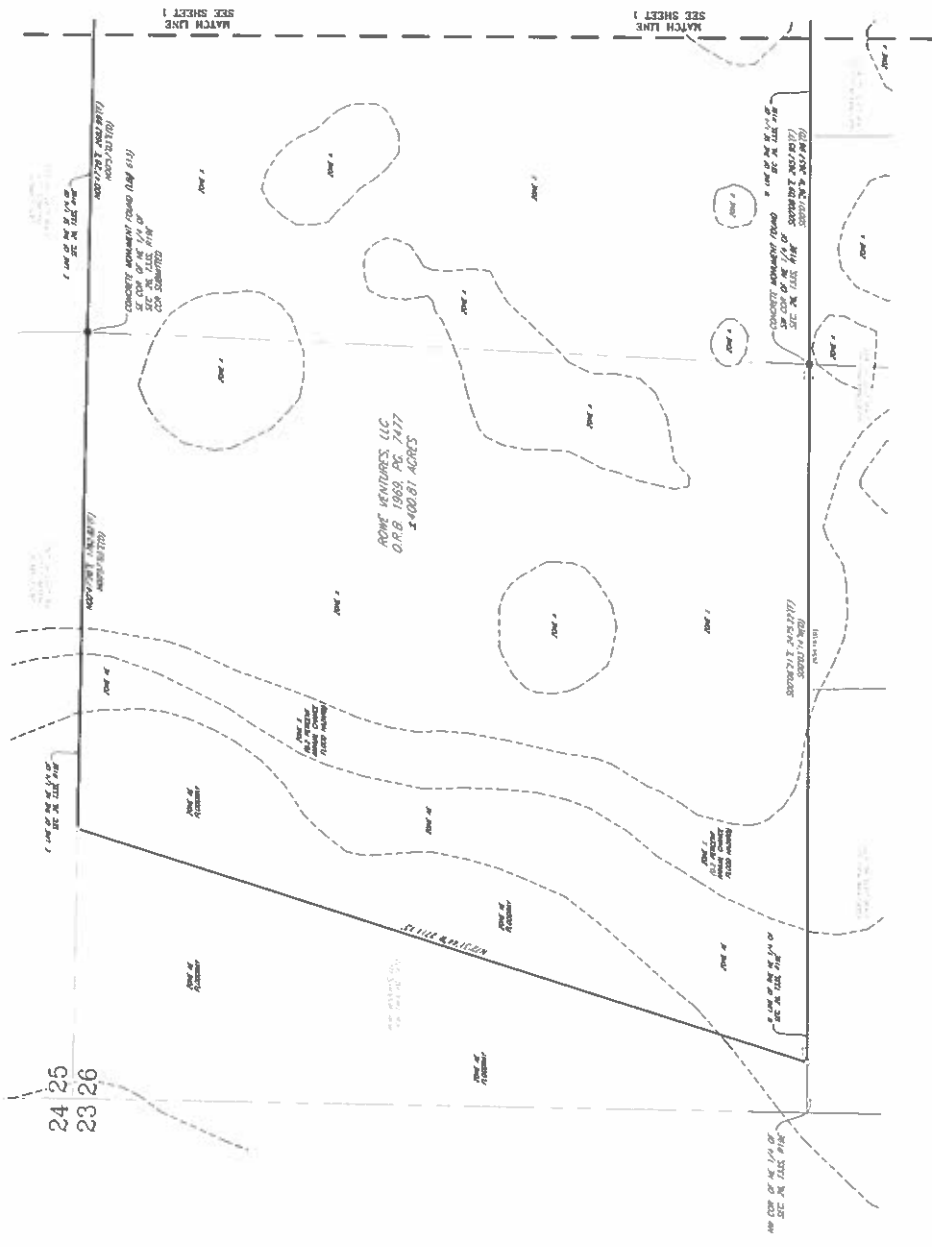
Table 1

THE UNDERSTOOD MEANING OF THE ABOVE QUOTE IS THAT THE GOVERNMENT OF CANADA DOES NOT WANT TO BE CONSIDERED AS A "COUNTRY THAT IS THE BEST OF ITS KIND," BUT RATHER AS A "COUNTRY THAT IS THE BEST OF ITS KIND IN THE WORLD." THE GOVERNMENT OF CANADA DOES NOT WANT TO BE CONSIDERED AS A "COUNTRY THAT IS THE BEST OF ITS KIND," BUT RATHER AS A "COUNTRY THAT IS THE BEST OF ITS KIND IN THE WORLD."

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

1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE MANATEE COUNTY CLERK'S OFFICE AND HAS DETERMINED THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. AND THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B.

NO.	DATE	REMARKS
1	01/15/2025	ORIGINAL BOUNDARY SURVEY

2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE MANATEE COUNTY CLERK'S OFFICE AND HAS DETERMINED THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. AND THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B.

NO.	DATE	REMARKS
2	01/15/2025	ORIGINAL BOUNDARY SURVEY

3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE MANATEE COUNTY CLERK'S OFFICE AND HAS DETERMINED THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. AND THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B.

NO.	DATE	REMARKS
3	01/15/2025	ORIGINAL BOUNDARY SURVEY

4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE MANATEE COUNTY CLERK'S OFFICE AND HAS DETERMINED THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. AND THAT THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B. IS THE SAME AS THE PARCEL DESCRIBED IN THE ABOVE-REFERENCED O.R.B.

NO.	DATE	REMARKS
4	01/15/2025	ORIGINAL BOUNDARY SURVEY

ZNS ENGINEERING
ENGINEERING SURVEYORS
1. Survey/Mapping Services/Asst. S. Eng. DATE 01/15/2025 SCALE 1" = 40' SHEET 1 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**

Date: _____	FOR STAFF USE ONLY
	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

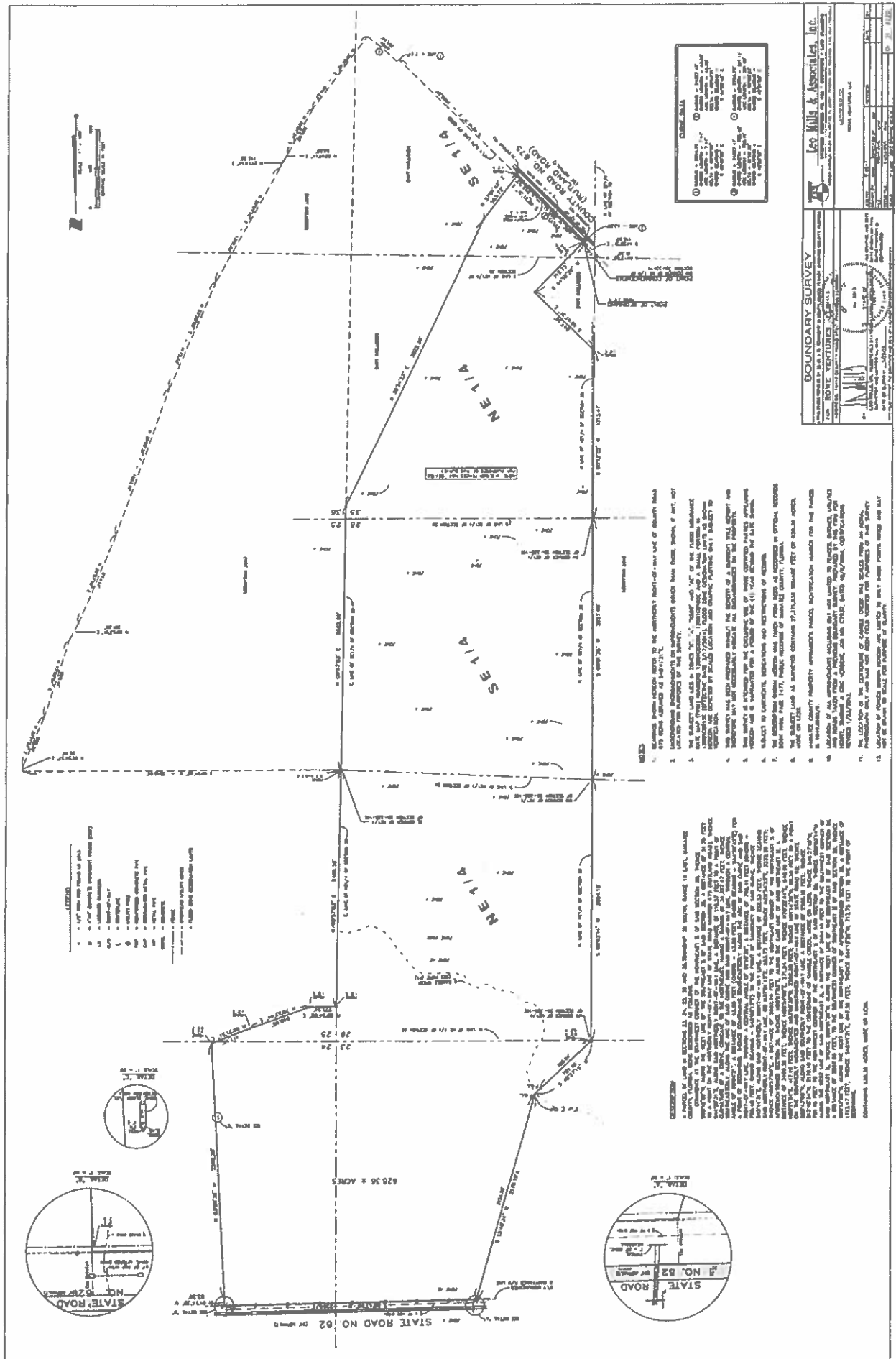
Legal Description of Current District Boundary

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 ¼ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST ¼ 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 ¼ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST ¼, 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 ¼ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST ¼, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ¼; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST ¼ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST ¼ 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.



BOUNDARY SURVEY	
THIS SURVEY WAS MADE BY	
FOR	
DATE	
BY	
CHECKED BY	
APPROVED BY	
NOTED BY	
REMARKS	

Leo M. Kelly & Associates, Inc.
R. M. Kelly
10/1/77
10/1/78

THIS SURVEY WAS MADE BY
FOR
DATE
BY
CHECKED BY
APPROVED BY
NOTED BY
REMARKS

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**



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

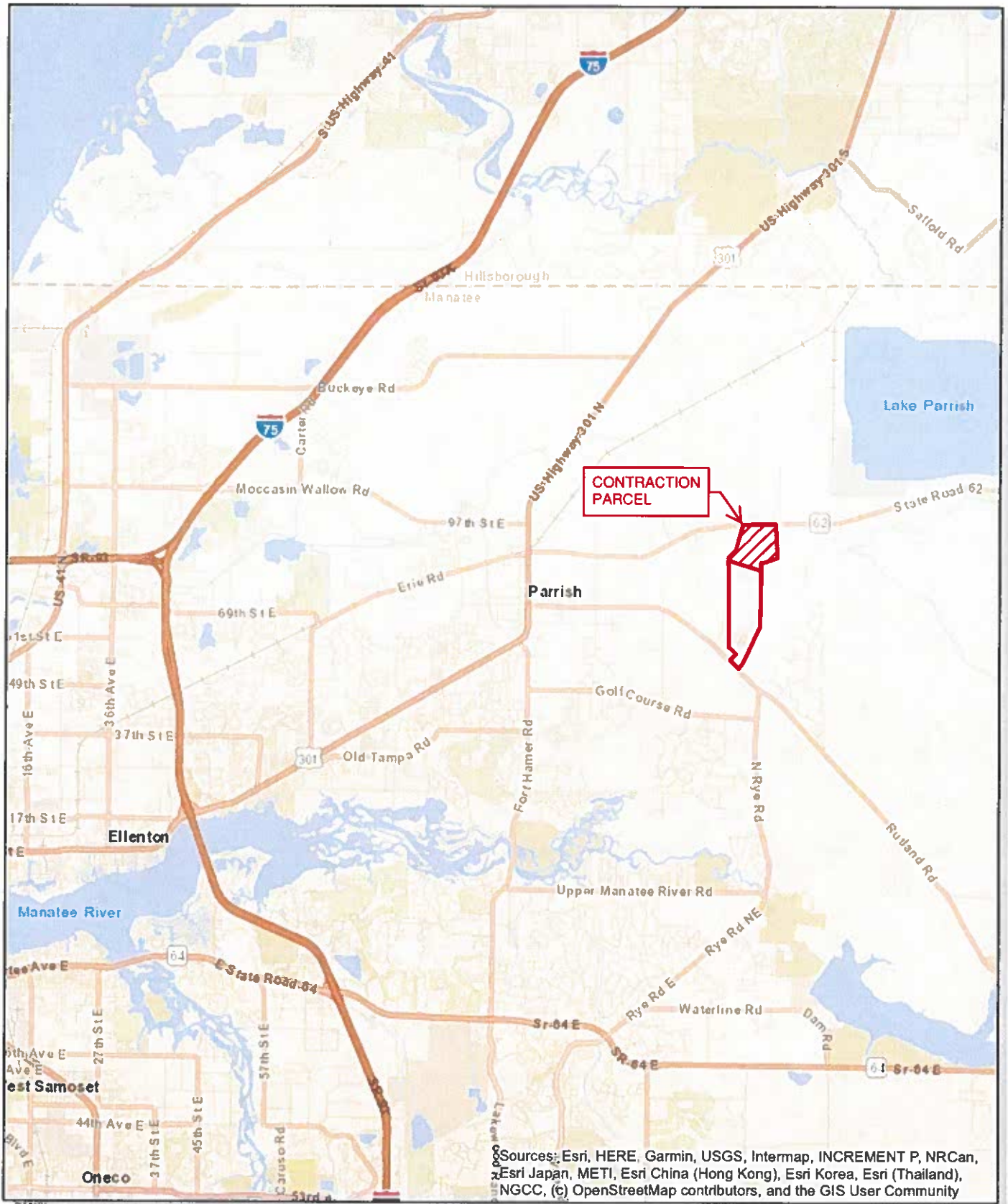


EXHIBIT 2

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

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.

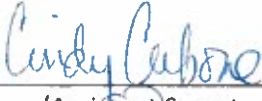
4. EFFECTIVE DATE. This Resolution shall become effective upon its passage.

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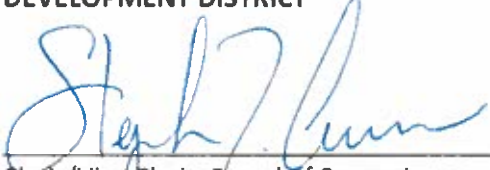
PASSED AND ADOPTED this 28th day of May, 2025.

ATTEST:

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**



Secretary/Assistant Secretary

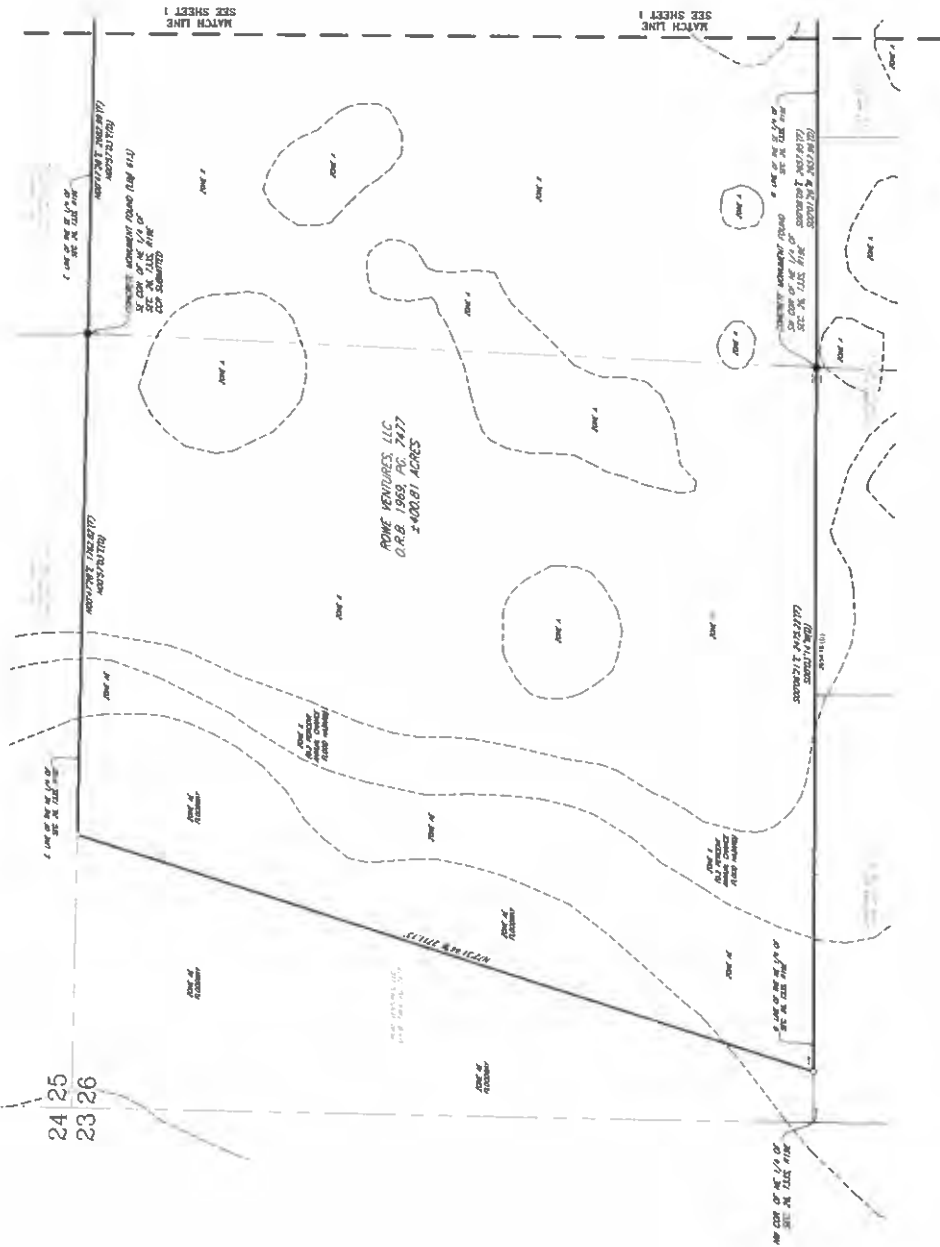


Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description of District Boundaries, as Amended

Exhibit A:
Legal Description of District Boundaries, as Amended

24 25
23 26



- LEGEND
- MATCH LINE
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ORIGINAL BOUNDARY SURVEY
OF
A PORTION OF A PARCEL
DESCRIBED IN O.R.B. 1969, PG. 7477
LOCATION
SECTION 26 & 15 TOWNSHIP 15 NORTH, RANGE 19 EAST
MANASSA COUNTY, FLORIDA

ZNS ENGINEERING
Professional Surveyors
10000 N. US Highway 1, Suite 100, Manassas, VA 20108
(703) 791-1111
www.zns-engineering.com

STATE OF FLORIDA
COUNTY OF MANASSA
I, the undersigned, being a duly qualified and licensed Professional Surveyor in the State of Florida, do hereby certify that I am the author of the foregoing survey and that I am a duly qualified and licensed Professional Surveyor in the State of Florida.

DATE OF SURVEY
DATE OF PREPAREDNESS
DATE OF RECORDING

MANASSA COUNTY, FLORIDA
RECORDED
DATE OF RECORDING

MANASSA COUNTY, FLORIDA
RECORDED
DATE OF RECORDING

MANASSA COUNTY, FLORIDA
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MANASSA COUNTY, FLORIDA
RECORDED
DATE OF RECORDING

EXHIBIT 7

FUTURE LAND USE MAP

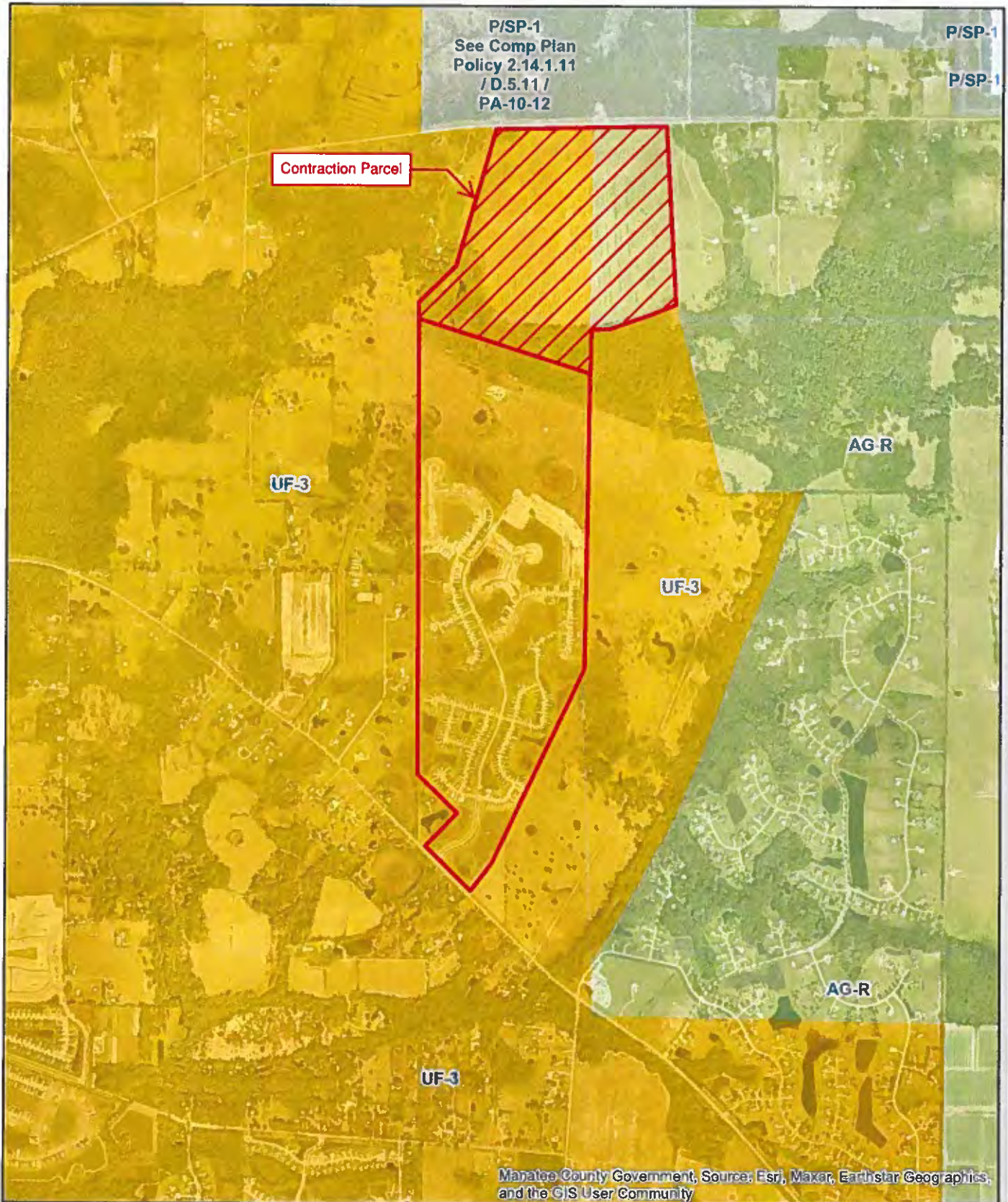


EXHIBIT 8

UTILITY MAP



- Legend**
- Potable Water Main
 - Reclaim Water Main
 - Sanitary Force Main
 - Sanitary Gravity Main
 - Aviary Boundary
 - Contraction Parcel

ZNS ENGINEERING
 201 34th Ave SE, Suite 100, Grand Rapids, MI 49508
 TEL: 616.221.1234 FAX: 616.221.1235
 WWW.ZNS-ENGINEERING.COM

AVIARY AT RUTLAND RANCH SECTION 26 & 27, TOWNSHIP 33 SOUTH, RANGE 19 EAST

SCALE 1" = 400'



THIS MAP IS PREPARED FOR THE AVIARY AT RUTLAND RANCH, SECTION 26 & 27, TOWNSHIP 33 SOUTH, RANGE 19 EAST, GRAND RAPIDS, MI. THE MAP IS BASED ON AERIAL PHOTOGRAPHY AND FIELD SURVEY DATA. THE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF ZNS ENGINEERING.

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

Jay Dee Ortega
Name: Jay Dee Ortega

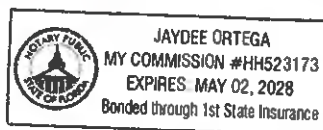
Stephen J. Cerven
By: Stephen J. Cerven
Chairman, Board of Supervisors

Ray A. Arman
Name: Ray 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.



Jay Dee Ortega
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

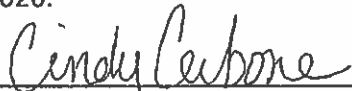
STATE OF FLORIDA
COUNTY OF Palm Beach

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.

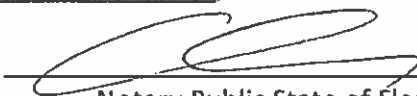
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

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 CONITI
Notary Public
State of Florida
Comm# HH631275
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.

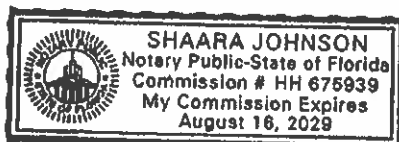
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

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



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 27, 2026

Angelina Colonnese
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of **Manatee County Ordinance No. 26-27**, which was filed in this office on August 27, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp