

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
CLAY COUNTY, FLORIDA

IN RE:            PETITION TO ESTABLISH            )  
                     LAKES AT BELLA LAGO COMMUNITY    )  
                     DEVELOPMENT DISTRICT            )

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**AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY**

STATE OF FLORIDA  
COUNTY OF St. Johns

I, Garrett Cone, being first duly sworn, do hereby state for my affidavit as follows:

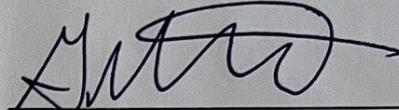
1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Garrett Cone, and I am Division President of Meritage Homes of Florida, LLC and representative for the Petitioner, Mattamy Homes Jacksonville, LLC.
3. The prepared written, pre-filed testimony consisting of six (6) pages, submitted under my name to the Board of County Commissioners of Clay County, Florida relating to the Petition to Establish Lakes at Bella Lago Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Lakes at Bella Lago Community Development District establishment hearing, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications concerning the Petition to Establish Lakes at Bella Lago Community Development District, its exhibits and the reasons for establishing the District are accurately set forth in my pre-filed testimony.

6. My pre-filed testimony addresses the various statutory requirements and an overview of the proposed development within the proposed Lakes at Bella Lago Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

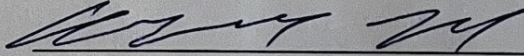
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

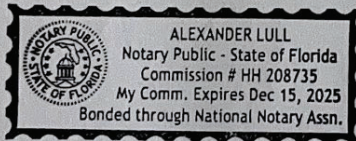
Executed this 12 day of January, 2023.

  
\_\_\_\_\_  
Garrett Cone

STATE OF FLORIDA  
COUNTY OF Saint Johns

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 12 day of January, 2023, by Garrett Cone, Division President of Meritage Homes of Florida, LLC, as Representative for Petitioner, Mattamy Homes Jacksonville, LLC, who is personally known to me or who has produced Drivers License identification.

  
\_\_\_\_\_  
(Official Notary Signature & Seal)



Name: Alexander Lull  
Personally Known \_\_\_\_\_  
OR Produced Identification X  
Type of Identification DRIVERS LICENSE

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**TESTIMONY OF GARRETT CONE FOR THE  
LAKES AT BELLA LAGO COMMUNITY DEVELOPMENT DISTRICT  
ESTABLISHMENT**

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

My name is Garrett Cone. My business address is 4745 Sutton Park Court, Suite 501, Jacksonville, Florida 32224.

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

I am Division President of Meritage Homes of Florida, Inc., and I am the designated representative of the Petitioner.

**3. Briefly summarize your duties and responsibilities.**

I am responsible for overseeing land development, entitlement and related work for my organization as well as overseeing day to day operations.

**4. Who is the Petitioner in this proceeding?**

The Petitioner is Mattamy Homes Jacksonville LLC (“Petitioner”).

**5. Are you familiar with the Petition (“Petition”) filed by Petitioner with the Clay County Board of County Commissioners (“County”) on or around December 9, 2022, seeking the establishment of the proposed District?**

Yes.

**6. What is the proposed name of the District?**

The proposed name is the Lakes at Bella Lago Community Development District (“District”).

**7. Have you reviewed the contents of the Petition and approved its findings?**

Yes, I have.

**8. Are there any changes or corrections to the Petition at this time?**

No.

1 **9. Are there any changes or corrections to any of the exhibits submitted to the County**  
2 **at this time?**

3  
4 No.

5  
6 **10. Please generally describe each of the exhibits attached to the Petition.**

7  
8 Exhibit 1 is the map showing the general location of the proposed District.

9  
10 Exhibit 2 is the metes and bounds description of the external boundary of the proposed  
11 District.

12  
13 Composite Exhibit 3 is the Consent of Landowner to the establishment of the proposed  
14 District, executed by Mattamy Jacksonville, LLC, and Meritage Homes of Florida, Inc.,  
15 which represents the consent of one hundred percent (100%) of the owner of the lands to  
16 be included within the District.

17  
18 Exhibit 4 shows the existing use for the lands contained in the proposed District and  
19 surrounding areas.

20  
21 Exhibit 5 contains a map depicting the future land use plan element of the County's Future  
22 Land Use Plan.

23  
24 Composite Exhibit 6 indicates the location of existing and proposed major trunk water  
25 mains and sewer connections serving the lands within and around the proposed District.

26  
27 Exhibit 7 contains the estimated costs of construction of the infrastructure serving the land  
28 within the proposed District and a list of the facilities and services the proposed District is  
29 expected to finance, fund, construct, acquire and/or install, as well as the anticipated entity  
30 responsible for the ownership and maintenance thereof.

31  
32 Exhibit 8 is the Statement of Estimated Regulatory Costs ("SERC"), required by statute.

33  
34 Exhibit 9 is the authorization of agent form, which authorizes Jennifer Kilinski, Esq., of  
35 KE Law Group, PLLC, to act as agent for the Petitioner.

36  
37 Exhibit 10 contains warranty deeds for the lands to be included within the proposed  
38 District.

39  
40 **11. Were these exhibits prepared by you or under your supervision?**

41  
42 Yes, the Petitioner engaged a consultant team and directed the preparation of the exhibits

1 to the Petition. I reviewed the Petition and exhibits prior to its filing.  
2

3 **12. Are the contents of the Petition and the Exhibits attached to it and referenced above**  
4 **true and correct to the best of your knowledge?**

5  
6 Yes.

7  
8 **13. Are you familiar with the area that is proposed to be included within the District?**

9  
10 Yes, I am familiar with the general area and the site specifically.

11  
12 **14. Approximately how large is the proposed District in acres?**

13  
14 The proposed District covers approximately 254.16 acres, more or less, of land.

15  
16 **15. What steps were taken with respect to filing the Petition with the County?**

17  
18 On or around December 9, 2022, the Petitioner filed the original Petition with the County.  
19 The Petitioner paid the filing fees, in accordance with the County's fee schedule  
20 requirements.

21  
22 **16. Has notice of the hearing been provided in accordance with Section 190.005, *Florida***  
23 ***Statutes*?**

24  
25 Yes. The Notice of Public Hearing was or will be published in the *Clay Today*, a newspaper  
26 of general circulation in Clay County and of general interest and readership in the  
27 community, as a display ad on the following dates: December 29, 2022, January 5, 2023,  
28 January 12, 2023 and January 19, 2023. Proof of publication has been or will be requested  
29 and will be available by the time of the establishment hearing.

30  
31 **17. Who are the five persons designated in the Petition to serve as the initial Board of**  
32 **Supervisors?**

33  
34 The five persons include DJ Smith, Drew Ingoldsby, Martha Schiffer, Megan Germino and  
35 Rose Bock.

36  
37 **18. Do you know each of these persons personally?**

38  
39 Yes, I do.

40  
41 **19. Are each of the persons designated to serve as the initial Board of Supervisors**  
42 **residents of the State of Florida and citizens of the United States?**

1 Yes, they are.  
2

3 **20. Are there residential units planned for development within the proposed District?**  
4

5 Yes. There are approximately 526 single-family dwelling residential units planned for  
6 development within the proposed District.  
7

8 **21. Are there residents currently living within the areas to be included within the District,  
9 and, if so, have they been notified about the creation of the District?**  
10

11 No. As of this date, there are no residents currently living in any of the areas proposed to  
12 be included within the boundaries of the proposed District.  
13

14 **22. Would you please describe the proposed timetable for development of land within the  
15 proposed District?**  
16

17 The proposed timetable for the construction of infrastructure to develop the land is  
18 expected to occur during the period running from 2023 to 2026.  
19

20 **23. Would you generally describe the services and facilities you currently expect the  
21 proposed District to provide?**  
22

23 The Petitioner presently intends for the District to be involved in providing the following  
24 services and facilities: stormwater management system, roadway improvements, water and  
25 sanitary sewer systems, landscape and hardscape, amenities and related improvements.  
26 Capital costs of these improvements, including associated contingencies and professional  
27 fees, will be borne by the District. Petitioner's good faith expectation of the costs  
28 associated with the acquisition or construction of such improvements is itemized in Exhibit  
29 7 of the Petition.  
30

31 **24. Are these costs expected to include the cost of acquiring land from the developer?**  
32

33 No.  
34

35 **25. Do you have an opinion, as someone experienced in development, as to whether the  
36 area of land to be included within the proposed District is of sufficient size, is  
37 sufficiently compact, and is sufficiently contiguous to be developable as one functional  
38 interrelated community?**  
39

40 Yes.  
41

42 **26. What is your opinion?**

1 The proposed District has sufficient land area, and is sufficiently compact and contiguous  
2 to be developed, with the roadway, drainage, water and sewer, and other infrastructure  
3 systems, facilities and services contemplated. The District will operate as one functionally  
4 interrelated community.  
5

6 **27. What is the basis for your opinion?**  
7

8 The size of the proposed District is approximately 254.16 acres of land, more or less. Based  
9 on my previous experience, the proposed District is of sufficient size, compactness, and  
10 contiguity to be developed as a functional interrelated community.  
11

12 The qualities of compactness, contiguity, and size relate directly to whether an area can  
13 become one functional interrelated community. From the standpoint of the provision,  
14 management and operation of the community infrastructure expected to be provided by the  
15 District, the acres contemplated for inclusion within the District is sufficiently compact,  
16 contiguous and of sufficient size to maximize the successful delivery of these infrastructure  
17 improvements to these lands. The delivery of services and facilities to the lands within the  
18 District will not be hampered by insurmountable barriers or spatial problems. The area  
19 within the District is suitably configured to maximize the benefits available from the  
20 District services and facilities to be provided.  
21

22 **28. In general, what financing methods does Petitioner propose that the proposed District  
23 use to pay for the anticipated facilities and services?**  
24

25 Petitioner presently expects that the District will finance certain services and improvements  
26 through the issuance of tax-exempt bonds. The debt issued by the proposed District is  
27 expected to be retired by funds from landowners in the form of “non-ad valorem” or  
28 “special” assessments on benefitted property within the proposed District. Ongoing  
29 maintenance and operational activities are expected to be funded by maintenance special  
30 assessments. At present, the Petitioner expects that the proposed District may issue both  
31 long- and short-term bonds that will pay a portion of the cost of these facilities. The short-  
32 term bonds, and any facilities not financed with a bond issue, will be funded by the  
33 developer through conventional bank financing.  
34

35 **29. Who will be responsible for paying the proposed District’s assessments?**  
36

37 Only those property owners, including the developer, within the proposed District will be  
38 responsible for paying District assessments.  
39

40 **30. Will these debts of the proposed District be an obligation of the County or the State  
41 of Florida?**  
42

1 No. Florida law provides that community development district debt cannot become the  
2 obligation of a city, a county, or the state without the consent of that government.

3  
4 **31. Why is the Petitioner seeking to have a community development district established**  
5 **for this area?**

6  
7 Districts are an efficient, effective way to provide infrastructure and have become accepted  
8 in the marketplace by home buyers.

9  
10 From our perspective, the establishment of a District is logical for this project. It is a long-  
11 term, stable, financially secure entity. The District is a structured, formal entity, with the  
12 legal ability to respond to current and future changes in the circumstances and desires of  
13 its residents. This project requires that the landowners within the development must  
14 provide for the ownership and maintenance of the roadways and stormwater management  
15 system. A District is the best mechanism for the perpetual maintenance and operation of  
16 such improvements. Under Florida law, the District has access to the county tax collection  
17 mechanisms, which helps ensure that assessments will be collected and that the facilities  
18 will be maintained. In that sense, to us, it is preferable to a property owners' association.

19  
20 In addition, the District has the financial capability to assist in the provision of necessary  
21 capital improvements sooner than might otherwise be the case. The County, developers,  
22 builders and residents will all benefit from these improvements in terms of access, traffic  
23 flow, safety, and general property value enhancement.

24  
25 **32. Does this conclude your testimony?**

26 Yes.  
27