

CERTIFIED COPY

STATE OF FLORIDA
COUNTY OF POLK


On this 10th day of April, 2017, I attest that the attached document is a true, exact, complete, and unaltered photocopy made by me of Ordinance 17-1555.



(Official Notary Signature)

(NOTARY SEAL)

Mercedes Hammond



MERCEDES HAMMOND
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF025433
Expires 6/9/2017



ORDINANCE NO. 17-1555

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA ESTABLISHING THE NORTH BOULEVARD COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACTS; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS; PROVIDING FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the “Uniform Community Development Act of 1980”, Chapter 190, *Florida Statutes* (hereinafter referred to as the “ACT”), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the ACT requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the ACT requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Haines City, Florida (“City”); and

WHEREAS, HH CR 547 Investors I, LLC (“Petitioner”), having obtained written consent to the establishment of the North Boulevard Community Development District (the “District”), by the owners of one-hundred percent (100%) of the real property to be included in

the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes* (2016); and

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose principal place of business is 4901 Oak Fair Boulevard, Tampa, Florida 33610; and

WHEREAS, the Petition which was submitted to the City on December 27, 2016, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the ACT; and

WHEREAS, all interested persons and affected units of general-purpose local government will be or have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on April 6, 2017; and

WHEREAS, on April 6, 2017, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the ACT, and upon such review, has determined that granting the Petition to establish the North Boulevard Community Development District is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to replace or amend any City or County land development approvals governing the land area to be included within the District; and

WHEREAS, all District roads, including any improvements to existing roads, shall be constructed to equal or exceed the applicable construction specifications of the City or the County; and

WHEREAS, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in

the area described in the Petition; and

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Haines City, Florida as follows:

SECTION 1. RECITALS INCORPORATED.

The above recitals are true and correct and are incorporated herein.

SECTION 2. AUTHORITY.

This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes*. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS OF FACT.

The City hereby finds and determines, pursuant to Section 190.005(2) of the ACT, based on the testimony and evidence presented before the City, and the record established at the public hearing that:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the State Comprehensive Plan, or the City of Haines City Comprehensive Plan.
- C. The area of land within the District, described in Exhibit "A", which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.
- E. The community development services and facilities of the District will not

be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

F. The area to be served by the District is amenable to separate special-district government.

SECTION 4. ESTABLISHMENT AND DISTRICT NAME.

There is hereby created a community development district situated entirely within the incorporated limits of the City of Haines City, Florida, which District shall be known as the “North Boulevard Community Development District”, and which shall be referred to in this Ordinance as the “District”.

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.

The external boundaries of the District are described in Exhibit “A”, and said boundaries encompass 83 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS.

The powers and functions of the District are described in Chapter 190, *Florida Statutes*.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District’s Board of Supervisors are as follows:

Name: Warren (Rennie) Heath
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lauren Oakley Schwenk
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Phillip Allende
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Andrew Rhinehart
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Scott Shapiro
Address: 4901 Oak Fair Boulevard
Tampa, Florida 33610

SECTION 8. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four consecutive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), Florida Statutes.

SECTION 9. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW. Petitioner has complied with all remaining provisions of Chapter 190, Florida Statutes and other provisions of law necessary for the establishment of the District.

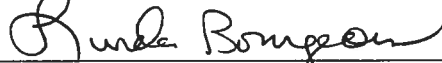
SECTION 10. REPEAL OF ORDINANCE IN CONFLICT. All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 11. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

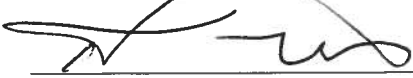
SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect immediately upon it being read and approved in two meetings of the City Commission of the City of Haines City.

INTRODUCED AND PASSED in regular session of the City Commission of the City of Haines City, this 16th day of March, 2017.

ATTEST:

By: 
Linda Bourgeois, BAS, MMC,
City Clerk

APPROVED:


Horace West, Mayor



APPROVED AS TO FORM AND CORRECTNESS:

By: *Fred Reilly*
Fred Reilly, City Attorney

ADOPTED ON SECOND AND FINAL READING by the City Commission of the
City of Haines City, Florida, at regular session this 6th day of April, 2017

ATTEST:

APPROVED:

By: *Linda Bourgeois*
Linda Bourgeois, BAS, MMC,
City Clerk

Horace West
Horace West, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: *Fred Reilly*
Fred Reilly, City Attorney



EXHIBIT A
LEGAL DESCRIPTION

Parcel 1 (272705-725500-030190)

TRACT 29 OF HOLLY HILL GROVE & FRUIT COMPANY, ACCORDING TO PLAT OF MAP THEREOF DESCRIBED IN PLAT BOOK 22, PAGE 11, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA

AND

TRACTS NINETEEN (19) AND THIRTY (30) IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 5, TOWNSHIP TWENTY-SEVEN SOUTH (27S), RANGE TWENTY-SEVEN EAST (27E), AS PER THE SUBDIVISION OF HOLLY HILL GROVE & FRUIT COMPANY, RECORDED IN PLAT BOOK 22, PAGE 11, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 2 (272705-725500-030200)

TRACT 20, IN THE NW ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, AS PER THE SUBDIVISION OF HOLLY HILL GROVE & FRUIT SUBDIVISION COMPANY; BEING THE E ½ OF NE ¼ OF SW ¼ OF NW ¼ OF SAID SECTION, TOWNSHIP, AND RANGE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 11, POLK COUNTY, FLORIDA.

PARCEL 3 (272705-725500-030210)

TRACTS 21 THROUGH 28, INCLUSIVE, IN THE SE ¼ OF THE NW ¼, HOLLY HILL GROVE AND FRUIT COMPANY SUBDIVISION, SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 11, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 4 (272705-726000-040030)

TRACTS 3 THROUGH 6 IN THE SW ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY FLORIDA, ACCORDING TO THE FLORIDA DEVELOPMENT CO. TRACT, RECORDED IN PLAT BOOK 3, PGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 5 (272705-726000-040070)

TRACTS 7 AND 8, IN THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY, FLORIDA, ACCORDING TO MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGES 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT THE PORTION OF SAID PROPERTY CONVEYED TO POLK COUNTY IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 781, PAGE 703 PUBLIC RECORDS OF POLK COUNTY, FLORIDA.