

POLK COUNTY ORDINANCE NO. 18-036

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA; ESTABLISHING THE NORTH POWERLINE ROAD COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2017); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Polk Urban Management Project, LLC, a Florida limited liability company (“Petitioner”), has filed a Petition to Establish the North Powerline Road Community Development District (the “Petition”) with the Board of County Commissioners of Polk County (the “County Commission”) pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the North Powerline Road Community Development District (the “District”) pursuant to Chapter 190, *Florida Statutes* (2017); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 346 E. Central Avenue, Winter Haven, Florida 33880; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; and

WHEREAS, pursuant to Section 190.005(2)(e), *Florida Statutes*, the City Commission of the City of Davenport adopted Resolution 387-18 on March 29, 2018, consenting to the establishment of the District by the Polk County Board of County Commissions; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on June 5, 2018, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the County Commission has considered the record of the public hearing and the statutory factors

set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the County Commission, pursuant to the information contained within the Petition and based on an investigation conducted by the Polk County (the “County”) staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- (1) The statements within the Petition are true and correct; and
- (2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes* (2017); and
- (3) The appropriate County staff have reviewed the Petition for establishment of the District on the proposed land and have advised the County Commission that said Petition is complete and sufficient; and
- (4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Polk County Comprehensive Plan; and
- (5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- (6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (7) 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
- (8) The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the County Commission has decided to grant the District’s Petition to establish the North Powerline Road Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

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

WHEREAS, upon the effective date of this establishing Ordinance, the North Powerline Road Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

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

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the “North Powerline Road Community Development District Establishment Ordinance.”

SECTION 2. BOARD FINDINGS. The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

SECTION 3. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME. The Petition filed to create the North Powerline Road Community Development District is hereby granted and there is hereby created a community development district, which is situated partially within unincorporated Polk County, Florida, and partially within the City of Davenport, Florida, which District shall be known as the “North Powerline Road Community Development District.”

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated by reference, the overall boundaries encompassing 190.56 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Polk County ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general purpose government.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Warren (Rennie) Heath, II, Lauren Schwenk, Andrew Rhinehart, Philip Allende, and Kevin Chinoy. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

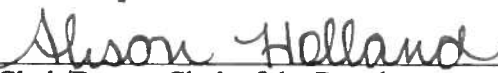
SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

DULY ADOPTED by the Polk County Board of County Commissioners with a quorum present and voting this 5th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

By: 
Chairman/Vice-Chairman

ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: 
Clerk/Deputy Clerk of the Board



As authorized for execution at the Board of
County Commissioners meeting of:

6/5/18

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1 (272634-000000-022030)

THE SE-1/4 of SE-1/4 OF SECTION 34, LESS THE SOUTH 933.34 FEET OF THE EAST 933.34 FEET THEREOF, SECTION 34, ALL IN TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 2 (272634-000000-022020)

THE SOUTH 933.34 FEET OF THE EAST 933.34 FEET OF THE SOUTHEAST ¼ OF SOUTHEAST ¼ OF SECTION 34, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 3 (272635-000000-044010)

THE SW-1/4 OF SW-1/4 OF SECTION 35, ALL IN TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 4 (272703-713500-010031)

PARCEL "A": FROM THE NE CORNER OF THE NW ¼ OF THE NE ¼ OF SECTION 3, TOWNSHIP 27S, RANGE 27E, POLK COUNTY, FLORIDA, RUN WEST, ALONG THE NORTH LINE OF SAID SECTION 3, 595.8 FT., TO THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 17 & 92; RUN THENCE S-12°46'30"-W, ALONG RIGHT-OF-WAY, 125.0 FT.; RUN THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION 3, 625.95 FT., TO A POINT ON THE EAST LINE OF SAID NW ¼ RUN THENCE NORTH, ALONG SAID EAST LINE, 121.91 FT., TO POINT OF BEGINNING.

SUBJECT TO ANY EXISTING DEDICATIONS OF ROAD RIGHT-OF-WAYS IN FLORIDA DEVELOPMENT COMPANY'S PLAT OF SAID SECTION 3. AND PARCEL "B" FROM THE NE CORNER OF THE NW ¼ OF THE NE ¼ OF SECTION 3 TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, RUN WEST, ALONG THE NORTH LINE OF SAID SECTION 3, 595.8 FT., TO THE EASTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 17 & 92; RUN THENCE S-12°46'30"-W, ALONG SAID RIGHT OF WAY LINE, 125.0 FT., TO THE POINT OF BEGINNING; RUN THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION 3, 625.95 FT., TO A POINT ON THE EAST LINE OF SAID NW ¼ OF NE 1/4; RUN THENCE SOUTH, ALONG SAID EAST LINE, 390.33 FT; RUN THENCE N-77°13'30"-W, 704.65 FT., TO THE EAST RIGHT-OF-WAY LINE OF SAID HIGHWAY; RUN THENCE N-12°46'30"-E, 241.4 FT., TO THE POINT OF BEGINNING.

PARCEL 5 (272703-000000-011000)

THE NE ¼ OF NE ¼ OF SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 6 (272703-713500-010200)

FLA DEVELOPMENT CO SUB PB 3 PGS 60 TO 63 TRACTS 20, 21 LESS N 15 FT FOR ROAD R/W ALL IN NE ¼ OF SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 7 (272703-713500-010294)

FLA DEVELOPMENT CO SUB PLAT BOOK 3, PAGES 60 TO 63, TRACT 29, NORTH ½ NORTH OF CLAY ROAD IN NE ¼ OF SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 8 (272703-713500-010282)

FLA DEVELOPMENT CO SUB PB 3 PGS 60 TO 63, SOUTH ½ TRACT 28 IN NE1/4 SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA.

PARCEL 9 (272703-713500-010220)

TRACT 22 LESS NORTH 15 FEET AND TRACT 27 LESS SOUTH 15 FEET IN FLORIDA DEVELOPMENT COMPANY'S SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 TO 63, IN SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 10 (272703-713500-010231)

LOT 23, LESS THE SOUTH 100 FEET OF THE WEST 84.74 THEREOF AND LESS THE NORTH 15 FEET THEREOF, LOT 24 LESS THE NORTH 15 FEET THEREOF; THE EAST $\frac{1}{4}$ OF LOT 26 AND ALL OF LOT 25, LESS THE SOUTH 15 FEET OF SAID LOTS, ALL LYING AND BEING IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING A PART OF FLORIDA DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGES 60-63, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, SUBJECT TO AN EASEMENT AS SHOWN ON PLAT 30 FEET IN WIDTH, 15 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST QUARTER OF SECTION 3, AND 15 FEET ALONG THE WEST BOUNDARY OF THE NORTHWEST QUARTER OF SECTION 2.

NOTE: SUBJECT TO AN EASEMENT TO FLORIDA POWER CO. FOR POWER LINE AS OF RECORD AND/OR IN USE.

PARCEL 11 (272702-713000-030172)

LOTS 17, 18 AND THE NORTH $\frac{1}{4}$ OF LOT 19, LESS THE NORTH 15 FEET OF SAID LOTS; LOT 32 AND THE WEST ONE HALF OF LOT 31, LESS THE SOUTH 15 FEET OF SAID LOTS, ALL LYING AND BEING IN THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING A PART OF THE FLORIDA DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGES 60 TO 63, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, SUBJECT TO AN EASEMENT AS SHOWN ON PLAT 30 FEET IN WIDTH, 15 FEET ALONG THE EAST BOUNDARY OF THE NORTHEAST QUARTER OF SECTION 3, AND 15 FEET ALONG THE WEST BOUNDARY OF THE NORTHWEST QUARTER OF SECTION 2.

NOTE: SUBJECT TO AN EASEMENT TO FLORIDA POWER CO. FOR POWER LINE AS OF RECORD AND/OR IN USE.

CONTAINING 190.56 ACRES MORE OR LESS.

STATE OF FLORIDA DEPARTMENT OF STATE

I, **KEN DETZNER**, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct
copy of Polk County Ordinance No. 18-036, which was filed in this
office on June 5, 2018, pursuant to the provisions of Section
125.66, Florida Statutes, as shown by the records of this office.

**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
8th day of June, A.D., 2018.**



Ken Detzner
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.