

ORDINANCE NO. 2021-02

AN ORDINANCE BY THE CITY OF LAKE WALES, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS LEOMAS LANDING COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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, Leomas Landing, LLC, a Florida limited liability company ("Petitioner") has filed a Petition with the City of Lake Wales, Florida requesting that the City Commission of the City of Lake Wales, Florida ("City") adopt an ordinance establishing the Leomas Landing Community Development District pursuant to Chapter 190, Fla. Stat. ("District"), and designating the real property described in **Exhibit "A"**, attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in **Exhibit "A"**, which the City is not able to provide at a level and quality needed to service the District, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers; and

WHEREAS, the City has held a public hearing on the Petition on _____, 2021, to consider oral and written comments on the Petition, in accordance with the requirements and procedures of Section 190.005(1)(d), Fla. Stat.; and

WHEREAS, the City has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA:

SECTION 1. FINDINGS OF FACT. The City hereby finds and states that:

1. the "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;

2. all statements contained in the Petition are true and correct;
3. the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City's Comprehensive Plan;
4. the area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
5. the creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
6. the proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
7. the area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by Chapter 190, Fla. Stat.;
2. The City has jurisdiction pursuant to Section 190.005(2), Fla. Stat.; and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat.

SECTION 3. CREATION, BOUNDARIES AND POWERS. There is hereby created the **Leomas Landing Community Development District** for the area of land described in **Exhibit "A,"** attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a) and (d), and (3), Fla. Stat., and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Fla. Stat., including the special powers provided under Section 190.012(1), (2)(a) and (d), and (3), Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors:

1. Michael Lawson
2. Doug Draper
3. Lori Price
4. Sonia Valentin
5. Christie Ray

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Read and approved upon first reading this ____ day of _____, 2021.

ATTEST:

CITY OF LAKE WALES, FLORIDA

By: _____
Jennifer Nanek, City Clerk

By: _____
Eugene Fultz, Mayor

Read and continued to a date certain on _____ day of _____, 2021 and approved following public hearing this ____ day of _____, 2021.

ATTEST:

CITY OF LAKE WALES, FLORIDA

By: _____
Jennifer Nanek, City Clerk

By: _____
Name: _____
Eugene Fultz, Mayor

Approved as to legal form and content

By: _____
Name: _____
City Attorney

Exhibit "A"

**LEOMAS LANDING
COMMUNITY DEVELOPMENT DISTRICT
Legal Description**

Tract 1:

Begin at the Northeast corner of the Northwest $\frac{1}{4}$ of Section 15, Township 29 South, Range 27 East, Polk County, Florida; thence West along the North line of said Section 15, 2213.82 feet to the East right of way line of Atlantic Coast Line Railroad; thence South $21^{\circ}25'$ East along said right of way line 1428.20 feet to the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence South $89^{\circ}50'$ East along the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, 361.76 feet to the Southeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence South $0^{\circ}38'$ West along the West line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, 896.25 feet to the East right of way line of the Atlantic Coast Line Railroad; thence South $21^{\circ}25'$ East along said East right of way line 561.45 feet; thence North $87^{\circ}45'$ East 440.00 feet; thence North $1^{\circ}10'$ West 687.00 feet; thence North $25^{\circ}10'$ West 433.82 feet; thence North $9^{\circ}26'$ East 224.20 feet; thence North $34^{\circ}01'$ East 317.48 feet; thence North $27^{\circ}32'$ East 252.00 feet; thence North $88^{\circ}32'$ East 430.00 feet; thence North $12^{\circ}25'$ East 622.34 feet; thence North $0^{\circ}27'$ East 260.00 feet to the point of beginning.

AND

Commencing at a point 93 feet South of the South boundary of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 15, Township 29 South, Range 27 East, Polk County, Florida, measured along the Easterly boundary of the Atlantic Coast Line Railroad, to the point of beginning; thence South $21^{\circ}25'$ East along the Easterly boundary of the Atlantic Coast Line Railroad 104.7 feet; thence in an Easterly direction along the North boundary of State Road 17-A, 115 feet; thence 90° to the right in a Southerly direction 10 feet; thence 90° to the left in an Easterly direction along the North boundary of State Road 17-A, 132 feet, point being 40 feet from the centerline of State Road 17-A; thence South $87^{\circ}45'$ West 259.5 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING:

Begin at the Northeast corner of the Northwest $\frac{1}{4}$ of Section 15, Township 29 South, Range 27 East, Polk County, Florida, and run West along the North line of said Northwest $\frac{1}{4}$ a distance of 796.95 feet; thence South $04^{\circ}24'$ East 730.85 feet; thence South $89^{\circ}05'$ East 633.48 feet; thence North $12^{\circ}25'$ East 490.28 feet; thence North $0^{\circ}27'$ East 260.00 feet to the point of beginning.

ALSO LESS AND EXCEPT THE FOLLOWING:

Commence at the Northeast corner of the Northwest $\frac{1}{4}$ of Section 15, Township 29 South, Range 27 East, Polk County, Florida, and run West along the North line of said Northwest $\frac{1}{4}$, 796.95 feet to the point of beginning; thence continue West along said North line 100.00 feet; thence South $04^{\circ}24'00''$ East 729.24 feet; thence South $89^{\circ}05'00''$ East 100.14 feet; thence North $04^{\circ}24'00''$ West 730.85 feet to the point of beginning.

Exhibit "A"

ALSO LESS AND EXCEPT THAT PART LYING WITHIN THE FOLLOWING:

Commence at the Northeast corner of the Northwest $\frac{1}{4}$ of Section 15, Township 29 South, Range 27 East, Polk County, Florida, and assuming the North line of said Northwest $\frac{1}{4}$ to be on a bearing of East, run thence South $00^{\circ}27'00''$ West 736.23 feet to the point of beginning; thence continue South $00^{\circ}27'00''$ West 128.27 feet; thence South $88^{\circ}32'00''$ West 459.11 feet; thence North $01^{\circ}28'00''$ West 147.49 feet; thence South $89^{\circ}05'00''$ East 463.80 feet, returning to the point of beginning.

AND

Tract 2:

LEGAL DESCRIPTION:

A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (CENTER OF SECTION) OF SAID SECTION 15. SAID POINT ALSO LOCATED ON THE NORTH RIGHT-OF-WAY OF STATE ROAD S-17-A; THENCE NORTH $00^{\circ}13'20''$ EAST AND ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION, 666.35 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, SAID POINT LOCATED ON THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION; THENCE NORTH $00^{\circ}13'20''$ EAST ALONG SAID LINE 834.00 FEET TO A POINT LOCATED ON THE EXISTING SHORELINE OF DINNER LAKE; THENCE IN A NORTHWESTERLY DIRECTION MEANDERING ALONG SAID LINE, 320 FEET MORE OR LESS, SAID LINE HAVING A CONTROL BEARING OF NORTH $20^{\circ}57'52''$ WEST, FOR 315.56 FEET; THENCE SOUTH $88^{\circ}18'20''$ WEST, 445.00 FEET; THENCE SOUTH $27^{\circ}18'20''$ WEST, 252.00 FEET; THENCE SOUTH $33^{\circ}47'20''$ WEST, 317.48 FEET; THENCE SOUTH $09^{\circ}12'20''$ WEST, 224.20 FEET; THENCE SOUTH $25^{\circ}23'40''$ EAST, 433.82 FEET; THENCE SOUTH $01^{\circ}23'40''$ EAST, 701.13 FEET TO A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD S-17-A, SAID POINT ALSO LYING ON AN ARC OF CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 858.51 FEET AND A CENTRAL ANGLE OF $12^{\circ}52'33''$; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID RIGHT-OF-WAY AND SAID CURVE, 192.93 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH $84^{\circ}10'41''$ EAST, FOR 192.53 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID POINT ALSO LOCATED ON THE EAST-WEST QUARTER SECTION LINE; THENCE NORTH $89^{\circ}56'12''$ EAST AND ALONG SAID EAST-WEST QUARTER SECTION LINE AND STILL ALONG SAID RIGHT-OF-WAY, 485.28 FEET TO THE POINT OF BEGINNING.

Exhibit "A"

TOTAL PROJECT AREA ACREAGE: 94.11 ACRES