

ORDINANCE NO. O-06-84

AN ORDINANCE OF THE CITY OF WINTER HAVEN, FLORIDA, ESTABLISHING THE LAKESIDE LANDINGS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2005); 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 NOTICE REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Highland Cassidy, LLC, ("Petitioner"), having obtained written consent to the establishment of the Lakeside Landings Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Commission ("Commission") of Winter Haven, Florida, to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida with a mailing address of 250 Avenue K South West, Suite 100, Winter Haven, Florida 33880; 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 Commission on July 24, 2006; and,

WHEREAS, upon consideration of the record established at that hearing, the Commission determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size; is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that 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 that the area that will be served by the District is amenable to separate special-district governance; and,

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

District; and

WHEREAS, the 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

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA as follows:

Section 1. Authority. This ordinance is adopted 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 2. District Name. There is hereby created a community development district situated entirely within a portion of the City of Winter Haven, Florida, which shall be known as the “Lakeside Landings Community Development District”, and which shall be referred to in this ordinance as the “District”.

Section 3. District External Boundaries. The external boundaries of the District are described in Exhibit A attached hereto, said boundaries encompassing 348 acres, more or less.

Section 4. District Powers and Functions. The Lakeside Landings Community Development District shall have all those general powers granted pursuant to Section 190.011, and those special powers granted pursuant to Section 190.012 (1) and (3). Consent is hereby given to the District to exercise those powers relating to Recreation and Security contained in Section 190.012 (2)(a) and (d). Notwithstanding the foregoing, the adoption and passage of this Ordinance approving the Petition for the establishment of a Community Development District shall not be construed to delegate, authorize, or in any way consent to the Community Development District (District) established hereunder to engage in the ownership and operation of a water and/or wastewater facility(s) which would allow the District to engage in the wholesale or retail sale of water, wastewater and/or, re-use water services, or provide garbage services and/or any other municipal services absent the express written consent and/or agreement of the City.

Section 5. Termination of District. In the event that the Community Development District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or the maintenance responsibility for the road rights of way, stormwater management and drainage systems and street lighting that are necessary for the development in the District without the City’s express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

Section 6. Board of Supervisors. The five persons designated to serve as initial

members of the District's Board of Supervisors are Rennie Heath, Lauren Oakley, Kevin Chinoy, Joel Adams and George Lindsey.

Section 7. Notice Requirements. The District shall provide public notice of all meetings pursuant to law.

Section 8. Special Assessments. Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary, as such boundary may be amended, and in accordance with Chapter 190, Florida Statutes.

Section 9. Severability. If any provision of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue 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.

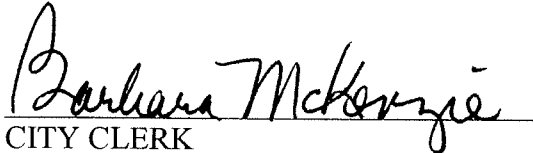
Section 10. Effective Date. This ordinance shall take effect immediately upon passage at the second reading.

INTRODUCED AND PASSED on first reading this 24th day of July, 2006.

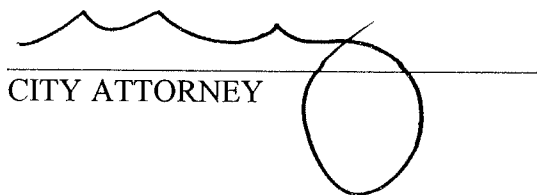
PASSED on second reading this 14th day of August, 2006.

CITY OF WINTER HAVEN, FLORIDA
BY: 
MAYOR-COMMISSIONER

ATTEST:


CITY CLERK

Approved as to form:


CITY ATTORNEY

City of Winter Haven
CERTIFIED TO BE A TRUE COPY

City Clerk
BY: 