

ORDINANCE NO. 23-2062

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA AMENDING ORDINANCE NO. 21-1742 AND CONTRACTING THE BOUNDARY OF THE CROSSWINDS WEST 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 AMENDMENT OF DISTRICT BOUNDARIES; PROVIDING FOR THE LEGAL DESCRIPTION OF THE AMENDED BOUNDARIES OF THE DISTRICT; 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, on August 19, 2021, the Board of City Commissioners of City of Haines City, Florida (the “City”) pursuant to Section 190.005(2)(a), *Florida Statutes*, adopted Ordinance No. 21-1742, that established the Crosswinds West Community Development District (the “District” or “Petitioner”); and

WHEREAS, the Petitioner, having obtained written consent to contract its boundaries by the owner of one hundred percent (100%) of the real property to be removed from the District, submitted its Petition to Contract the Boundaries of the Crosswinds West Community Development District (the “Petition”) to the City, petitioning to adopt an ordinance approving the contraction of the boundaries of the District pursuant to Chapter 190, *Florida Statutes*; 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 Polk County (the “County”); and

WHEREAS, pursuant to the information stated above, the City has decided to grant the District’s Petition; 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 City on January 4, 2024; and,

WHEREAS, the contraction of the District boundaries shall not act to amend any land development approvals and/or regulations governing the land area remaining in the District or those to be removed; and

WHEREAS, the contraction of the District boundaries will continue to result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition.

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(1)(e) of the Florida Statutes, 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. All land uses and services planned within the District as amended are not inconsistent with applicable elements or portions of the State Comprehensive Plan, the Polk County Comprehensive Plan, or the City of Haines City Comprehensive Plan.
- C. The area of land within the District as will continue to be of a sufficient size, sufficiently compact and sufficiently contiguous to be developed as one functional interrelated community.
- D. The District as amended will continue to be 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 as amended 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 as amended will continue to be amenable to separate special-district government.

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT.

Section 5, External Boundaries of the District, Exhibit “A” of Ordinance No. 21-1742, is hereby replaced in its entirety with a new Exhibit “A”, which is attached hereto and incorporated herein by this reference. The District boundaries as amended shall encompass approximately 376 acres¹, more or less.

SECTION 5. 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 successive weeks immediately prior to such hearing in compliance with the provisions of Sections 190.005(1)(d) and 190.046(1), *Florida Statutes*.

SECTION 6. 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 contraction of the District boundaries.

SECTION 7. ALL OTHER CONDITIONS TO REMAIN UNCHANGED. All other terms and conditions of Ordinance No. 21-1742, as amended, shall remain unchanged and enforceable in accordance with the terms expressed therein.

SECTION 8. 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 9. 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.

¹ The total acreage of the District was previously estimated to be 414.7 acres, more or less, per Polk County Property Appraiser. As a result of a recent survey and preparation of the metes and bounds legal description of the surveyed lands, the total acreage of the District after amendment will be 376 acres, more or less.

INTRODUCED AND PASSED in regular session of the City Commission of the City of Haines City, this 7th day of December 2023.

ATTEST:

APPROVED:

By: _____
Sharon Lauther, MMC, City Clerk

By: _____
H. L. Roy Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
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 4th day of January 2024.

ATTEST:

APPROVED:

By: _____
Sharon Lauther, MMC, City Clerk

By: _____
H. L. Roy Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF SECTIONS 15, 21 AND 22, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST 1/4 CORNER OF SAID SECTION 15; THENCE S00°00'03"E, ALONG THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 1306.49 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE S89°39'31"W, ALONG SAID SOUTH LINE, A DISTANCE OF 2640.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE S00°00'03"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1313.24 FEET TO A POINT ON THE NORTH 1/4 CORNER OF SAID SECTION 22; THENCE S00°05'35"E, ALONG THE EAST LINE OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22, A DISTANCE OF 659.88 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S89°30'34"W, ALONG SAID NORTH LINE, A DISTANCE OF 1320.84 FEET TO A POINT ON THE WEST LINE OF SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S00°01'14"E, ALONG SAID WEST LINE, A DISTANCE OF 659.94 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S00°00'07"E, ALONG SAID WEST LINE, A DISTANCE OF 1320.14 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S89°30'49"W, ALONG SAID SOUTH LINE, A DISTANCE OF 661.46 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°01'30"E, ALONG THE SAID WEST LINE, A DISTANCE OF 393.31 FEET; THENCE DEPARTING SAID WEST LINE, RUN S89°30'48"W, A DISTANCE OF 661.27 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°03'07"E, ALONG SAID WEST LINE, A DISTANCE OF 926.69 FEET TO A POINT ON THE SOUTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N89°56'11"W, ALONG SAID SOUTH LINE, A DISTANCE OF 666.81 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE N00°00'59"E, ALONG SAID WEST LINE, A DISTANCE OF 1321.44 FEET TO A POINT ON THE NORTH LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE S89°48'46"E, ALONG THE NORTH LINE, A DISTANCE OF 667.63 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 15 THENCE N00°00'10"W, ALONG SAID WEST LINE, A DISTANCE OF 660.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE N89°34'44"E, ALONG SAID SOUTH LINE, A DISTANCE OF 295.01 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N00°00'10"W, A DISTANCE OF 322.28 FEET; THENCE N89°37'19"E, A DISTANCE OF 698.74 FEET; THENCE N00°00'08"W, A DISTANCE OF 336.86 FEET TO A POINT ON THE SOUTH LINE OF THE E 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE S89°39'31"W,

ALONG SAID SOUTH LINE, A DISTANCE OF 191.22 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N00°00'04"W, A DISTANCE OF 194.52 FEET; THENCE S89°30'43"W, A DISTANCE OF 142.54 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25; THENCE N00°00'10"W, ALONG SAID WEST LINE, A DISTANCE OF 1124.45 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE N89°46'47"E, ALONG SAID SOUTH LINE, A DISTANCE OF 660.02 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N00°05'16"W, A DISTANCE OF 15.00 FEET; THENCE N89°46'47"E, A DISTANCE OF 834.19 FEET; THENCE N00°00'00"E, A DISTANCE OF 74.90 FEET; THENCE N90°00'00"E, A DISTANCE OF 177.37 FEET; THENCE N53°58'17"E, A DISTANCE OF 16.21 FEET; THENCE N76°37'31"E, A DISTANCE OF 174.10 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 355.00 FEET, A CENTRAL ANGLE OF 42°38'32", A CHORD BEARING OF N37°02'23"W AND A CHORD DISTANCE OF 258.15 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 264.21 FEET TO THE END OF SAID CURVE; THENCE N66°05'14"E, A DISTANCE OF 130.66 FEET; THENCE S55°25'14"E, A DISTANCE OF 86.34 FEET; THENCE S29°49'44"E, A DISTANCE OF 72.12 FEET; THENCE S56°49'02"E, A DISTANCE OF 7.93 FEET; THENCE S40°08'18"E, A DISTANCE OF 52.51 FEET; THENCE N00°03'49"W, A DISTANCE OF 430.47 FEET; THENCE N89°52'18"E, A DISTANCE OF 1987.55 FEET; THENCE N00°00'15"W, A DISTANCE OF 640.20 FEET; THENCE N89°56'23"E, A DISTANCE OF 667.51 FEET TO A POINT ON THE EAST LINE OF SECTION 15; THENCE S00°00'03"E, ALONG SAID WEST LINE, A DISTANCE OF 1308.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 376 ACRES MORE OR LESS.