

ORDINANCE NO. 24-2065

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA ESTABLISHING THE WHITE CLAY 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 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, CH Dev, LLC ("Petitioner"), having obtained written consent to the establishment of the White Clay 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* (2023); 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 346 E. Central Avenue, Winter Haven, Florida 33880; and

WHEREAS, the Second Amended Petition to establish White Clay Community Development District ("Petition"), which was submitted to the City on November 21, 2023 and amended on December 4, 2023, and January 17, 2023, has been determined to contain the requisite information as mandated by Section 190.005 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 February 1, 2024; and

WHEREAS, on February 1, 2024, the City considered the record of the public hearing and the Actors set forth in Section 190.005 of the Act, and upon such review, has determined that granting the Petition 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 Act. 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 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 "White Clay 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 approximately 169 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS. The powers and functions of the District are described in Chapter 190, *Florida Statutes* including those additional powers set forth in Section 190.012(2)(a) and (d).

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as

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

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

Name: Jessica Petrucci
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Daniel Arnette
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Lindsey Roden
Address: 346 East Central Avenue
Winter Haven, Florida 33880

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

SECTION 10. 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 11. 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 1st day of February 2024.

ATTEST:

APPROVED:

By: _____
Sharon Lauther, MMC
City Clerk

Roy Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

ADOPTED AND ENACTED ON SECOND AND FINAL READING by the City Commission of the City of Haines City, Florida, at regular session this 1st day of February, 2024.

ATTEST:

By: _____
Sharon Lauther, MMC
City Clerk

APPROVED:

Roy Tyler, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

EXHIBIT A
Legal Description

A PORTION OF SECTIONS 10 AND 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE N89.32'12"E, ALONG THE NORTH LINE OF SECTION 10, A DISTANCE OF 1326.43 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10; THENCE S0028'07"E, ALONG SAID WEST LINE, A DISTANCE OF 1325.47 TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10 AND ALSO THE POINT OF BEGINNING; THENCE N89'18'03"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1326.39 FEET TO A POINT ON THE EAST LINE OF SECTION 10; THENCE S0028'00"E, ALONG SAID EAST LINE, A DISTANCE OF 1320.01 FEET TO A POINT ON THE NORTH LINE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE N89.44'10"E, ALONG SAID NORTH LINE, A DISTANCE OF 606.12 FEET, THENCE DEPARTING SAID NORTH LINE, RUN S00'18'15"E, A DISTANCE OF 55.83 FEET, THENCE S00'32'08"E, A DISTANCE OF 697.95 FEET, THENCE N8927'52"E, A DISTANCE OF 212.66 FEET, THENCE S48.37'48"E, A DISTANCE OF 253.80 FEET, THENCE N6122'10"E, A DISTANCE OF 349.91 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE S00'14'07"E, ALONG SAID EAST LINE, A DISTANCE OF 1887.87 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE S89.35'29"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, A DISTANCE OF 1316.44 FEET TO THE SOUTHEAST CORNER OF SECTION 10; THENCE S89.12'40"W, ALONG SAID SOUTH LINE, A DISTANCE OF 661.37 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE N0021'13"W, ALONG SAID WEST LINE, A DISTANCE OF 1322.31 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE S89.08'16"W, ALONG SAID SOUTH LINE, A DISTANCE OF 662.28 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THENCE N0023'34"W, ALONG SAID WEST LINE, A DISTANCE OF 1321.46 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10; THENCE N0028'07"W, ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 10, A DISTANCE OF 1325.47 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PORTION OF SECTION 11, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER CORNER OF THE OF SAID SECTION 11; THENCE S89'44'10"W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, A DISTANCE OF 1320.09 FEET TO A POINT IN THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11 AND ALSO THE POINT OF BEGINNING; THENCE S00'14'07"E, ALONG SAID EAST LINE, A DISTANCE OF 332.33 FEET, THENCE DEPARTING SAID EAST LINE, RUN S89'33'03"W, A DISTANCE OF 150.07 FEET, THENCE N00'18'15"W, A DISTANCE OF 332.39 FEET TO A POINT ON THE NORTH LINE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11; THENCE N89.44'10"E, ALONG SAID NORTH LINE, A DISTANCE OF 150.47 FEET TO THE POINT OF BEGINNING.

LESS ALL RECORDED INTERIOR ROAD RIGHT OF WAYS CONTAINING 169 ACRES MORE OR LESS.