

POLK COUNTY ORDINANCE NO. 19-067

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE SADDLE CREEK PRESERVE OF POLK COUNTY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2019); 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, Brooklane Development, LLC, a Florida limited liability company (the "Petitioner"), has filed a *Petition to Establish the Saddle Creek Preserve of Polk County 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 Saddle Creek Preserve of Polk County Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2019); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 301 West Platt Street, Suite 671, Tampa, Florida 33606; 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, 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 Commission on November 19, 2019, 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* (2019); 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 Saddle Creek Preserve of Polk County 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 Saddle Creek Preserve of Polk County 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 “Saddle Creek Preserve of Polk County 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 Saddle Creek Preserve of Polk County Community Development District is hereby granted and there is hereby created a community development district, which is situated within unincorporated Polk County, Florida, which District shall be known as the “Saddle Creek Preserve of Polk County 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 141.80 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: Scott Shapiro, Michele Shapiro, Mike Seney, Andy Mason, and Debbie Mason. 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 19th day of November, 2019.

EXHIBIT A
LEGAL DESCRIPTION

ALL THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4; AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, LESS THE SOUTH 413.70 FEET OF THE EAST 271.00 FEET THEREOF, AND THE NORTH 894.00 FEET OF THE WEST 460.00 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING AND BEING IN SECTION 1, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, AND THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, LESS THE EAST 271.00 FEET THEREOF, LYING AND BEING IN SECTION 12, TOWNSHIP 28 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 1, THE SAME ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 12; THENCE NORTH 00°26'44" WEST ALONG THE WEST BOUNDARY OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1, A DISTANCE OF 1277.76 FEET TO THE SOUTH RIGHT-OF-WAY OF SADDLE CREEK ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 684, PAGE 796 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY, THE FOLLOWING FIVE (5) COURSES: 1.) NORTH 89°49'53" EAST, 1373.57 FEET; THENCE 2.) SOUTH 00°10'07" EAST, 10.00 FEET; THENCE 3.) NORTH 89°49'53" EAST, 1100.00 FEET; THENCE 4.) NORTH 00°10'07" WEST, 10.00 FEET; THENCE 5.) NORTH 89°49'53" EAST, 678.82 FEET TO THE EAST LINE OF THE WEST 460.00 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE SOUTH 00°02'00" EAST, ALONG SAID EAST LINE, A DISTANCE OF 844.70 FEET TO THE SOUTH LINE OF THE NORTH 894.00 FEET OF THE WEST 460.00 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE NORTH 89°46'21" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 460.15 FEET TO THE WEST BOUNDARY OF SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 89°20'52" WEST, ALONG THE NORTH LINE OF THE SOUTH 413.70 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1, A DISTANCE OF 271.00 FEET TO THE WEST LINE OF THE EAST 271.00 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH 00°00'10" WEST, ALONG SAID WEST LINE, A DISTANCE OF 413.70 FEET TO THE SOUTH BOUNDARY OF SAID SECTION 1 AND THE NORTH BOUNDARY OF THE AFOREMENTIONED SECTION 12; THENCE SOUTH 00°32'04" EAST, ALONG THE WEST LINE OF THE EAST 271.00 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 12, A DISTANCE OF 668.50 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 12; THENCE SOUTH 89°23'32" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1071.37 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 12; THENCE SOUTH 00°21'17" EAST, ALONG SAID EAST LINE, A DISTANCE OF 671.20 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 12; THENCE SOUTH 89°39'49" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1343.15 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE NORTH 00°20'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1331.59 FEET TO THE POINT OF BEGINNING.

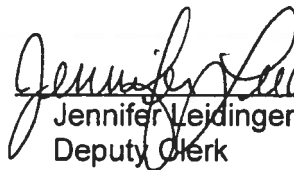
THE ABOVE DESCRIBED LANDS CONTAIN 141.80 ACRES, MORE OR LESS.

STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.19-067 adopted by the Board on November 19, 2019.

WITNESS my hand and official seal on this 20th day of November, 2019.

STACY M. BUTTERFIELD, CLERK

By: 
Jennifer Leiding
Deputy Clerk



STATE OF FLORIDA DEPARTMENT OF STATE

I, Laurel M. Lee, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Executive Order Number 19-067, filed in this office on November 20, 2019, 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
22nd day of November, A.D., 2019.**

Laurel M. Lee
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.