

## ORDINANCE NO.1711

AN ORDINANCE OF THE CITY OF AUBURNDALE FLORIDA, ESTABLISHING THE LAKE MATTIE PRESERVE 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 NOTICE OF REQUIREMENTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (General Location: The area covered by this request is generally located north of Lake Mattie Road and east of County Road 559 in Auburndale, Florida. The area covered by this request is 234.157± acres.)

WHEREAS, DLD Development LLC ("Petitioner"), having obtained written consent to the establishment of the Lake Mattie Preserve Community Development District (the "District") by owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Commission ("Commission") of Auburndale, 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 400 E. Eagle Lake Loop Road, Winter Haven, Florida 33884; 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 August 15, 2022; 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 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.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF AUBURNDALE, FLORIDA, AS FOLLOWS:

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.
2. District Name. There is hereby established a community development district situated entirely within the City of Auburndale, Florida, which shall be known as the "Lake Mattie Preserve Community Development District" and which shall be referred to in this ordinance as the "District."
3. District External Boundaries. The external boundaries of the District are described in Exhibit "A" attached hereto, said boundaries encompassing 234.157 acres, more or less.
4. District Powers and Functions. The Lake Mattie Preserve 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), Florida Statutes. Consent is hereby given to the District to exercise those powers relating to parks and facilities for indoor and outdoor recreational, cultural, and educational uses contained in Section 190.012(2)(a) and security, including, but not limited to, guardhouses, fences and gates, electronic detection systems, and patrol cars, as set forth in Section 190.012(2)(d), Florida Statutes. Notwithstanding the foregoing, the adoption and passage of this Ordinance approving the Petition for the establishment of Lake Mattie Preserve Community Development District ("District") shall not be construed to delegate, authorize, or in any way consent to the 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 reuse water services, or provide garbage services and/or any other municipal services absent the express written consent and/or agreement of the City.



5. Termination of District. In the event that the District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or 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.
6. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are: Les Dunson, Wes Donley, Tom Franklin, Lee Moore and Duane "Rocky" Owen.
7. Notice Requirements. The District shall provide public notice of all meetings pursuant to law.
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.
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 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.
10. The correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.
11. This ordinance shall not be codified, but the City Clerk shall retain this ordinance as a permanent record of action taken by the City Commission.
12. All ordinances in conflict herewith are hereby repealed.
13. This ordinance shall take effect immediately upon passage at second reading.



INTRODUCED FOR CONSIDERATION ON FIRST READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 1<sup>st</sup> day of August, 2022.


CITY OF AUBURNDALE, FLORIDA

By:   
Dorothea Taylor Bogert, Mayor

ATTEST:

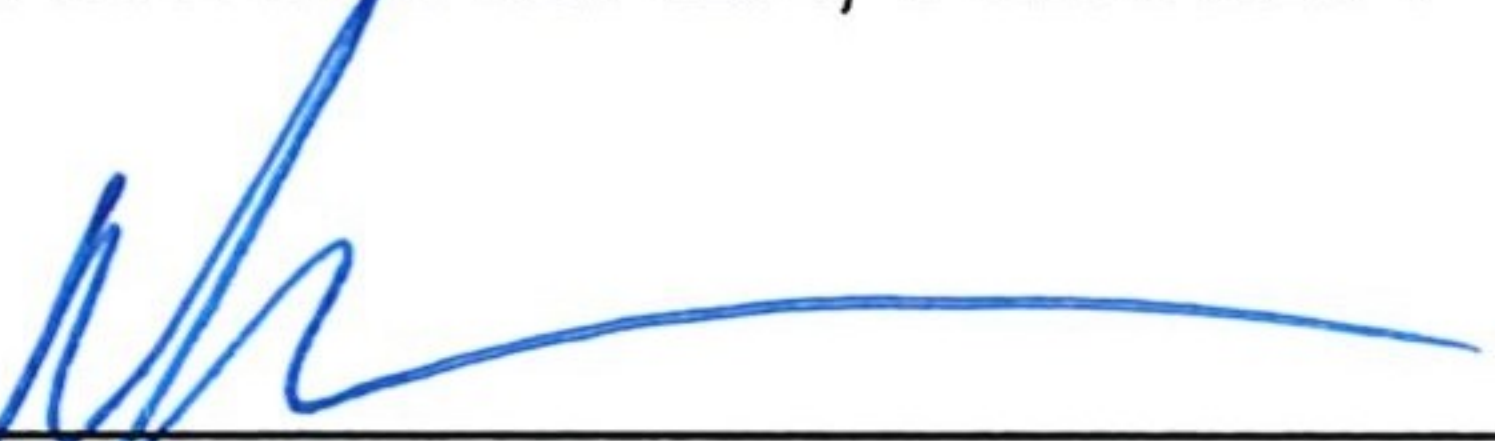
By:   
Brandon Henry, City Clerk

LEGAL IN FORM AND VALID IF ENACTED

By:   
Frederick J. Murphy, Jr., City Attorney

PASSED AND DULY ADOPTED ON SECOND AND FINAL READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 8<sup>th</sup> day of September, 2022.

CITY COMMISSION  
OF AUBURNDALE, FLORIDA

By:   
Dorothea Taylor Bogert, Mayor

ATTEST:

By:   
Brandon Henry, City Clerk



## Exhibit "A"

## Ordinance # 1711

### LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 27 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 27 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA; THENCE N 89°46'56" E ALONG THE NORTH LINE OF SAID SECTION, 36.19 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF CONE ROAD AND THE POINT OF BEGINNING; THENCE CONTINUE N 89°46'56" E ALONG SAID SECTION LINE, 1733.04 FEET TO REFERENCE POINT A; THENCE CONTINUE ALONG SAID SECTION LINE N 89°46'56" E, 64 FEET, MORE OR LESS, TO THE SHORELINE OF LAKE MATTIE; THENCE SOUTHEASTERLY ALONG THE SHORELINE OF LAKE MATTIE A DISTANCE OF 1494 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 23; THENCE S 00°24'07" E ALONG THE EAST LINE OF SAID NORTHWEST 1/4, 73 FEET, MORE OR LESS TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF SAID NORTHWEST 1/4 AND REFERENCE POINT B, SAID REFERENCE POINT B LYING S 33°21'41" E, 1589.84 FEET FROM THE AFOREMENTIONED REFERENCE POINT A; THENCE N 89°52'14" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, 72 FEET, MORE OR LESS, TO A POINT ON THE SHORELINE OF LAKE MATTIE; THENCE SOUTHEASTERLY ALONG THE SHORELINE OF LAKE MATTIE A DISTANCE OF 282 FEET, MORE OR LESS TO A POINT ON THE EAST LINE OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23; THENCE S 00°23'53" E ALONG THE EAST LINE OF THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, 27 FEET, MORE OR LESS, TO REFERENCE POINT C, SAID REFERENCE POINT C LYING S 68°12'20" E, 359.02 FEET FROM THE AFOREMENTIONED REFERENCE POINT B; THENCE CONTINUE S 00°23'53" E ALONG SAID EAST LINE THE WEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, 1197.64 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE N 89°57'32" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, 931.75 FEET TO A POINT ON THE WEST LINE OF THE EAST 65 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23; THENCE S 00°22'54" E ALONG THE WEST LINE OF SAID EAST 65 FEET, 1294.50 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE MATTIE ROAD PER MAP THEREOF AS SHOWN IN POLK COUNTY MAP BOOK 2, PAGE 288 OF THE OFFICIAL PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE ALONG THE NORTH RIGHT OF WAY LINE OF LAKE MATTIE ROAD THE FOLLOWING 21 CALLS: (1) S 89°54'39" W, 304.41 FEET; (2) S 89°19'17" W, 100.00 FEET; (3) S 87°02'08" W, 40.11 FEET; (4) S 89°34'39" W, 60.00 FEET; (5) N 89°50'58" W, 100.00 FEET; (6) S 89°00'17" W, 100.00 FEET; (7) S 89°34'39" W, 300.00 FEET; (8) N 89°50'58" W, 200.01 FEET; (9) S 88°49'31" W, 202.16 FEET; (10) N 89°50'30" W, 99.95 FEET; (11) S 89°35'07" W, 199.88 FEET; (12) S 87°17'35" W, 100.02 FEET; (13) S 89°00'42" W, 99.95 FEET; (14) N 89°47'58" W, 107.87 FEET; (15) N 89°16'05" W, 92.04 FEET; (16) N 87°33'03" W, 100.07 FEET; (17) N 89°50'30" W, 99.95 FEET; (18) S 89°00'42" W, 99.95 FEET; (19) S 86°43'22" W, 60.07 FEET; (20) S 84°02'22" W, 41.06 FEET; (21) S 84°33'38" W, 76.80 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23; THENCE N 00°11'08" W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23, 1319.95 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23; THENCE S 89°45'06" W ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 23, 1293.76 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 559, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 16160-2510; THENCE N 00°25'29" W ALONG SAID EAST RIGHT OF WAY LINE OF COUNTY ROAD 559, 1664.06 FEET; THENCE N 89°48'53" E ALONG SAID EAST RIGHT OF WAY LINE OF COUNTY ROAD 559 PER RIGHT OF WAY TAKING RECORDED IN OFFICIAL RECORDS BOOK 3455, PAGE 1774 OF THE OFFICIAL PUBLIC RECORDS OF POLK COUNTY, FLORIDA, 35.00 FEET; THENCE N 00°11'07" W ALONG SAID EAST RIGHT OF WAY LINE OF COUNTY ROAD 559, 305.53 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 754.49 FEET, BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 08°56'43" W, 229.81 FEET; THENCE ALONG AND AROUND THE ARC OF SAID CURVE AND EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 559 230.71 FEET TO A POINT; THENCE N 00°54'22" W ALONG THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 559, 192.88 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF CONE ROAD; THENCE N 01°54'13" E ALONG THE EAST RIGHT OF WAY LINE OF CONE ROAD, 271.98 FEET TO THE POINT OF BEGINNING, CONTAINING 234.157 ACRES.

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