



CITY OF DAVENPORT

Gateway to the Ridge

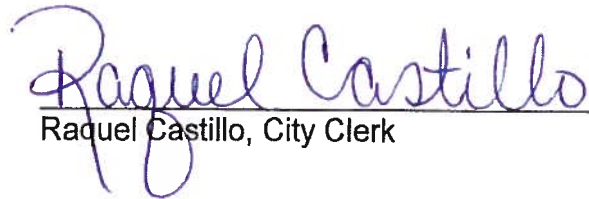
CLERK'S CERTIFICATE

I, Raquel Castillo, the undersigned City Clerk of the City of Davenport, Florida (the "City"), DO HEREBY CERTIFY that:

(1) Ordinance No. 802 was read and approved on first reading by the City Commission in Regular Session at a meeting duly noticed and called and held on November 14, 2016 in the Commission Chambers at 1 South Allapaha Avenue, Davenport, Florida, at which a quorum of the following Commission was present and acting throughout: Mayor Darlene Bradley, Vice-Mayor Bobby Lynch, HB Robinson, Tom Fellows, and Crystal Williams. The motion for approval was made by Commissioner Williams and seconded by Commissioner Fellows and carried.

(2) Ordinance No. 802 was duly enacted on second and final reading by the City Commission in Regular Session at a meeting duly noticed and called and held on December 12, 2016 in the Commission Chambers at 1 South Allapaha Avenue, Davenport, Florida, at which a quorum of the following Commission was present and acting throughout: Mayor Darlene Bradley, Vice-Mayor Bobby Lynch, HB Robinson, Tom Fellows, and Crystal Williams. The motion for approval was made by Commissioner Fellows and seconded by Vice-Mayor Lynch and carried.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City this 14th day of December, 2016.


Raquel Castillo, City Clerk



ORDINANCE NO. 802

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA ESTABLISHING THE DAVENPORT ROAD SOUTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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 AND 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 1000 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(1)(a) 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 Davenport, Florida ("City"); and

WHEREAS, Cassidy Holdings Group, Inc. ("Petitioner"), having obtained written consent to the establishment of the Davenport Road South 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* (2016); and

WHEREAS, the Petitioner is a Florida corporation authorized to conduct business in the State of Florida and whose principal place of business is 346 East Central Avenue, Winter Haven, Florida 33880; and

WHEREAS, the Petition which was submitted to the City on September 26, 2016, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) 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 December 12, 2016; and

WHEREAS, on December 12, 2016, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the ACT, and upon such review, has determined that granting the Petition to establish the Davenport Road South Community Development District is in the best interest of the City; 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, 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 Davenport, 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(2) 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 Davenport 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 Davenport, Florida, which District shall be known as the “Davenport Road South 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 73 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS.

The powers and functions of the District are described in Chapter 190, *Florida Statutes*. The District shall have all powers and functions granted by the ACT pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, consent is hereby given to the District’s Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses. Further, the District shall also have the authority to construct and to maintain a perimeter wall/fence for the District so long as the construction and specifications of the wall/fence are first approved by the City. The District shall have all further powers to establish additional systems and facilities as specified in the remaining subsections of Section 190.012(2), *Florida Statutes*, so long as said improvements and each of their specifications are first approved by the City. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land.

Bonds to be issued by the District shall not constitute a debt, liability or general

obligation of the District, the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any provisions of the Uniform Community Development District Act of 1980, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

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

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

Name: Phillip Allende
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Andrew Rhinehart
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Scott Shapiro
Address: 4901 Oak Fair Boulevard
Tampa, Florida 33610

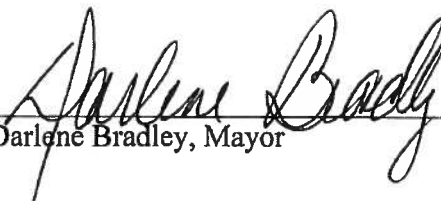
SECTION 8. SEVERABILITY.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.

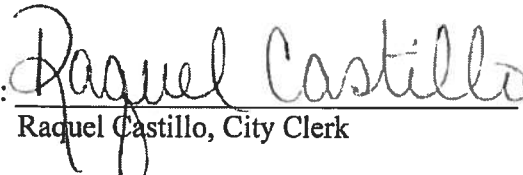
SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Davenport, Florida, meeting in Regular Season this 14th day of November, 2016

CITY COMMISSION
OF DAVENPORT, FLORIDA

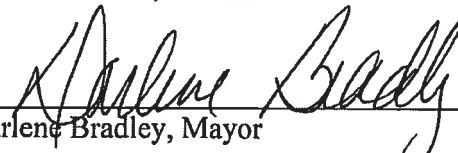
By: 
Darlene Bradley, Mayor

ATTEST:

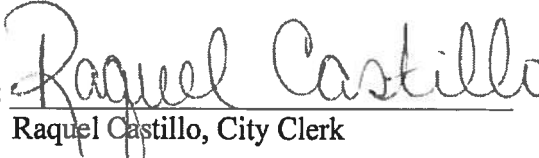
By: 
Raquel Castillo, City Clerk

INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING by the City Commission of the City of Davenport, Florida, meeting in Regular Season this 12th day of December, 2016

CITY COMMISSION
OF DAVENPORT, FLORIDA

By: 
Darlene Bradley, Mayor

ATTEST:

By: 
Raquel Castillo, City Clerk

APPROVED AS TO FORM AND CONTENT:

By: 
Kirk S. Warren, City Attorney

ORDINANCE NUMBER: 802

EXHIBIT A
LEGAL DESCRIPTION

TRACTS 1 THROUGH 6 INCLUSIVE IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF FLORIDA DEVELOPMENT COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. LESS ROAD RIGHTS-OF-WAY.

AND

TRACTS 11 THROUGH 16 INCLUSIVE IN THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF FLORIDA DEVELOPMENT COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. LESS ROAD RIGHTS-OF-WAY.

AND

TRACTS 9 THROUGH 12 INCLUSIVE IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF FLORIDA DEVELOPMENT COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. LESS ROAD RIGHTS-OF-WAY.