

POLK COUNTY ORDINANCE NO. 20-023

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE SANDMINE ROAD 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, Pulte Home Company, LLC, a Michigan limited liability company (the "Petitioner"), has filed a *Petition to Establish the Sandmine Road 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 Sandmine Road Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2019); and

WHEREAS, Petitioner is a Michigan limited liability company authorized to conduct business in the State of Florida, whose address is 4901 Vineland Road, Suite 500, Orlando, Florida 32811; 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 April 7, 2020, 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 Sandmine Road 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 Sandmine Road 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 “Sandmine Road 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 Sandmine Road 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 “Sandmine Road 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 150.25 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*. 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: Douglas Hoffman, Aaron Struckmeyer, Amy Steiger, Wesley Hunt, and Eric Baker. 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 7th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

By:



Chairperson/Vice-Chairperson



ATTEST:
POLK COUNTY CLERK OF THE BOARD

By:



Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

April 7, 2020

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1 (NORTH PROPERTY):

THAT PART OF SECTION 13, TOWNSHIP 25 SOUTH, RANGE 26 EAST. POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE RUN S89°39'14"W ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 FOR A DISTANCE OF 2633.31 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE RUN S00°21'16"W ALONG THE WEST LINE OF SAID NORTHEAST 1/4 FOR A DISTANCE OF 1374.50 FEET TO THE NORTH LINE OF THE SOUTH 1266.00 FEET OF SAID NORTHEAST 1/4; THENCE RUN N89°55'04"E ALONG SAID NORTH LINE FOR A DISTANCE OF 360.01 FEET TO THE EAST LINE OF THE WEST 360.00 FEET OF SAID NORTHEAST 1/4; THENCE RUN S00°21'16"W ALONG SAID EAST LINE FOR A DISTANCE OF 606.02 FEET TO THE NORTH LINE OF THE SOUTH 660.00 FEET OF SAID NORTHEAST 1/4; THENCE RUN S89°55'04"W ALONG SAID NORTH LINE FOR A DISTANCE OF 91.39 FEET TO THE EAST LINE OF THE WEST 268.61 FEET OF SAID NORTHEAST 1/4; THENCE RUN S00°21'16"W ALONG SAID EAST LINE FOR A DISTANCE OF 660.02 FEET TO THE SOUTH LINE OF SAID NORTHEAST 1/4; THENCE RUN N89°55'04"E ALONG SAID SOUTH LINE FOR A DISTANCE OF 2383.69 FEET TO THE EAST LINE OF THE AFORESAID NORTHEAST 1/4 OF SECTION 13; THENCE RUN N00°03'31"W ALONG SAID EAST LINE FOR A DISTANCE OF 2652.58 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION OF THE PROPERTY LYING WITHIN THE FOLLOHJNG PROPERTY:

THE SOUTH 40.00 FEET OF THE EAST 356.39 FEET OF THE WEST 565.00 FEET OF THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 25 SOUTH, RANGE 26 EAST. POLK COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO POLK COUNTY BY DEED RECORDED IN O.R. BOOK 9568, PAGE 1486, PUBLIC RECORDS OF POLK COUNTY. FLORIDA, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 25 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 13 AND THE NORTHERLY PROJECTION OF THE EAST LINE OF SAND MINE PLAZA, AS RECORDED IN PLAT BOOK 154, PAGE 24, PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR THE POINT OF BEGINNING; THENCE NORTH 89°52'49" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 13, A DISTANCE OF 1080.00 FEET; THENCE NORTH 00°18'42" EAST; A DISTANCE OF 40.00 FEET TO A POINT ON A LINE 40.00 FEET NORTH OF AND PARALLEL WITH AFORESAID SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 13; THENCE SOUTH 89°52'49" WEST, ALONG SAID LINE BEING 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 13, A DISTANCE OF 1080.00 FEET TO THE AFORESAID NORTHERLY PROJECTION OF THE EAST LINE OF SAND MINE PLAZA, AS RECORDED IN PLAT BOOK 154, PAGE 24, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE SOUTH 00°18'42" WEST, ALONG SAID NORTHERLY PROJECTION, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2 (SIGNAGE PARCEL):

THAT PART OF SECTION 13, TOWNSHIP 25 SOUTH, RANCE 26 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 13; THENCE RUN S89°55'04"W ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 13 FOR A DISTANCE OF 619.73 FEET; THENCE DEPARTING

SAID SOUTH LINE RUN $N00^{\circ}04'56''W$ FOR A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE $N00^{\circ}04'56''W$ FOR A DISTANCE OF 20.00 FEET, THENCE RUN $S89^{\circ}55'04''W$ FOR A DISTANCE OF 24.29 FEET TO THE EAST RIGHT-OF-WAY LINE OF U. S. HIGHWAY 27; THENCE RUN $S19^{\circ}18'51''E$ ALONG SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 7.63 FEET, THENCE RUN $S08^{\circ}00'15''E$ ALONG SAID EAST RIGHT-OF-WAY LINE FOR A DISTANCE OF 12.92 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE RUN $N89^{\circ}55'04''E$ FOR A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 150.25 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. 2020-023 adopted by the Board on April 7, 2020.

WITNESS my hand and official seal on this 7th day of April, 2020.

STACY M. BUTTERFIELD, CLERK

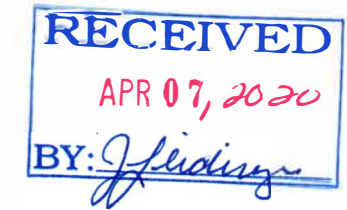
By: Erin Valle
Erin Valle
Deputy Clerk





FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor



LAUREL M. LEE
Secretary of State

April 7, 2020

Ms. Jennifer Leidinger, Deputy Clerk
Finance and Accounting
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Leidinger:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 20-023, which was filed in this office on April 7, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb