



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. 814 was read and approved on first reading by the City Commission in Regular Session at a meeting duly noticed and called and held on May 22, 2017 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 HB Robinson, Bobby Lynch, Tom Fellows, and Barbara Pierson. The motion for approval was made by Commissioner Tom Fellows and seconded by Commissioner Bobby Lynch and carried.

(2) Ordinance No. 814 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 July 10, 2017 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 HB Robinson, Bobby Lynch, Tom Fellows, and Barbara Pierson. The motion for approval was made by Mayor Darlene Bradley and seconded by Commissioner Tom Fellows and carried.

IN WITNESS WHEREOF, I have hereunto set my hand and affix the official seal of the City this 11th day of July, 2017.

A handwritten signature in blue ink that reads "Raquel Castillo". The signature is written in a cursive, flowing style.

Raquel Castillo
City Clerk

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA ESTABLISHING THE HOLLY HILL ROAD EAST 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 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(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 Holly Hill Road East 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 originally submitted to the City on March 15, 2017, and was subsequently amended and resubmitted on April 10, 2017, 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 May 22, 2017; and

WHEREAS, on July 10, 2017, 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 Holly Hill Road East 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 "Holly Hill Road East 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 96 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. 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 provisions of law necessary for the establishment of the District.

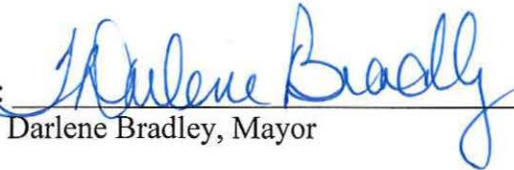
SECTION 10. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then

said holding shall in no way affect the validity of the remaining sections of this Ordinance.

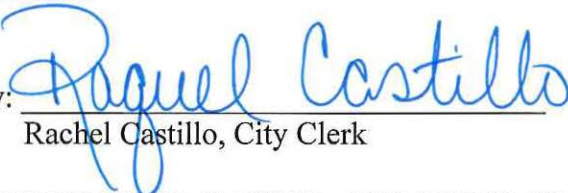
SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Davenport, Florida, meeting in Regular Season this 22nd day of May, 2017

CITY COMMISSION
OF DAVENPORT, FLORIDA


By: 
Darlene Bradley, Mayor

ATTEST:

By: 
Rachel 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 10th day of July, 2017

CITY COMMISSION
OF DAVENPORT, FLORIDA

By: 
Darlene Bradley, Mayor

ATTEST:

By: 
Rachel Castillo, City Clerk

APPROVED AS TO FORM AND CONTENT:


By: 
Andrew J. Hand, Interim City Attorney

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1 (272705-725500-010210)

LOT 21, HOLLY HILL GROVE AND FRUIT CO. SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 10, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHTS-OF-WAY.

PARCEL 2 (272705-725500-010230)

TRACT 23 IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST OF HOLLY HILL GROVE & FRUIT COMPANY SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 10, PUBLIC RECORDS OF POLK COUNTY, FLORIDA; BEING PART OF THE WEST ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST.

PARCEL 3 (272705-725500-010290)

LOT 29, HOLLY HILL GROVE AND FRUIT CO. SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 10, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHTS-OF-WAY.

PARCEL 4 (272705-725500-010280)

LOT 28, HOLLY HILL GROVE AND FRUIT CO. SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGE 10, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHTS-OF-WAY.

PARCEL 5 (272705-725500-010270)

TRACT 27 IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA ACCORDING TO THE PLAT OF HOLLY HILL GROVE & FRUIT COMPANY SUBDIVISION RECORDED IN PLAT BOOK 22, PAGE 10, POLK COUNTY, FLORIDA, BEING OTHERWISE DESCRIBED AS THE EAST ½ OF THE SOUTHWEST ¼ OF SOUTHEAST ¼ OF NORTHEAST ¼ OF SAID SECTION 5 SUBJECT TO ALLOWANCE FOR NORTH BOULEVARD ALONG THE SOUTH SIDE THEREOF.

PARCEL 6 (272705-725500-010260)

TRACT 26 IN THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF HOLLY HILL GROVE & FRUIT COMPANY SUBDIVISION, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 22 PAGE 10, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE SOUTH 25 FEET FOR COUNTY ROAD RIGHT OF WAY.

PARCEL 7 (272705-726000-020153)

THE NORTH ½ OF TRACTS 15 AND 16 IN SE ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF THE MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 8 (272705-726000-020151)

THE SOUTH ½ OF TRACTS 15 AND 16 IN SE ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF THE MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT THE PORTION OF SAID PROPERTY CONVEYED TO POLK COUNTY IN QUIT CLAIM DEED RECORDED IN O.R. BOOK 781, PAGE 715 PUBLIC RECORDS OF POLK COUNTY,

PARCEL 9 (272705-726000-020140)

TRACT 14 IN SE ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF THE MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 10 (272705-726000-020120)

TRACTS 12, 13, IN SE ¼ OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF THE MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY, FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 11 (272704-722000-040130)

LOTS 13 THRU 16 IN THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3 PAGES 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 12 (272704-722000-040170)

TRACTS 17, 18, 31, AND 32 IN THE SW ¼ OF SECTION 4, TOWNSHIP 27 SOUTH, RANGE 27 EAST, OF MAP OF FLORIDA DEVELOPMENT CO. TRACT LOCATED IN POLK COUNTY FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 60, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

PARCEL 13 (272704-722000-040190)

TRACT 19 OF FLORIDA DEVELOPMENT CO. SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGES 60 TO 63 INCLUSIVE, SAID PROPERTY BEING LOCATED IN SW1/4 OF SECTION 4, TOWNSHIP 27 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.