

ORDINANCE NO. O-18-50

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA, ESTABLISHING THE LUCERNE PARK 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 A SEVERABILITY CLAUSE; AND FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: The area covered by this request is generally located south of Old Lucerne Park Road, approximately 350 feet east of Lucerne Loop Road. The area covered by this request is 102.81± acres.)

WHEREAS, Lucerne Park Investment, LLC (Petitioner), having obtained written consent to the establishment of the Lucerne Park Community Development District (The District) by owners of one-hundred percent (100%) of the real property to be included in the District, petitioned by the City Commission (Commission) of Winter Haven, 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 346 East Central Avenue, Winter Haven, FL 33880; 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 May 29, 2018: 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

City of Winter Haven, Florida

CERTIFIED TO BE A TRUE COPY

ATTEST: ^{Joy Townsend, MMC DEP} ~~Vanessa Castillo, MMC~~, City Clerk

Signed: Joy Townsend

Date: 06-13-2018

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 WINTER HAVEN, 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 a portion of the City of Winter Haven, Florida, which shall be known as the "Lucerne Park 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 102.81 acres, more or less.
4. District Powers and Functions. The Lucerne Park 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(2)(a) and (d), 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, when authorized by proper government agencies 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 a Community Development District shall not be construed to delegate, authorize, or in any way consent to the Community Development

City of Winter Haven, Florida

CERTIFIED TO BE A TRUE COPY

ATTEST: ^{Joy Townsend, MMC, DEP} Vanessa Castillo, MMC, City Clerk

Signed: Joy Townsend

Date: 06-13-2018

- District (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 Community Development 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: Warren K. (Rennie) Heath, Lauren Oakley Schwenk, Albert S. Cassidy, Andrew Rhinehart, and Matthew Cassidy.
 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.

City of Winter Haven, Florida
CERTIFIED TO BE A TRUE COPY
ATTEST: ^{Joy Townsend CMC DEP} Vanessa Castillo, MMC, City Clerk
Signed: Joy Townsend
Date: 06-13-2018

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 on first reading this 29th day of May, 2018.

PASSED on second reading this 11th day of June, 2018.



CITY OF WINTER HAVEN, FLORIDA

Matthew Rodriguez
MAYOR-COMMISSIONER

Joy Townsend
DEP CITY CLERK

Approved as to form:

[Signature]
CITY ATTORNEY

City of Winter Haven, Florida
CERTIFIED TO BE A TRUE COPY

ATTEST: *Joy Townsend CMC DEP*
Vanessa Castillo, MMC, City Clerk

Signed: *Joy Townsend*

Date: 06-13-2018

Exhibit "A"
Page 1 of 3

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 190 FEET OF THE EAST 210 FEET OF THE WEST 332 FEET OF LOT 187 OF LUCERNE PARK FRUIT ASSN., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 67, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS ROAD RIGHT OF WAY,

AND

THE WEST 332 FEET OF LOT 187, TOGETHER WITH THE EAST 1/2 OF CLOSED STREET LYING CONTIGUOUS TO THE WEST LINE OF SAID LOT 187, OF LUCERNE PARK FRUIT ASSN., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 67, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE NORTH 190 FEET OF THE EAST 210 FEET, LESS ROAD RIGHT OF WAY.

AND

COMMENCE AT THE SOUTHWEST CORNER OF LOT 187 OF LUCERNE PARK FRUIT ASSN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE(S) 67, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; RUN SOUTH 89°39' EAST, ALONG THE SOUTH LINE OF SAID LOT 187 A DISTANCE OF 332.0 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH A DISTANCE OF 635.0 FEET TO THE NORTH LINE OF SAID LOT 187; RUN THENCE SOUTH 89°39' EAST ALONG SAID NORTH LINE A DISTANCE OF 303.65 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 187; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 187, A DISTANCE OF 635.0 FEET TO THE SOUTHEAST CORNER OF SAID LOT 187; RUN THENCE NORTH 89°39' WEST ALONG THE SOUTH LINE OF SAID LOT 187 A DISTANCE OF 303.65 FEET, MORE OR LESS TO THE POINT OF BEGINNING, LESS ROAD RIGHT OF WAY.

AND

PARCEL 2:

LOTS 84-90, INCLUSIVE, LOTS 188, 189, 197, AND THE WEST 1/2 OF THE CLOSED STREET LYING EAST OF LOTS 188 AND 197, AND THE NORTH 1/2 OF THE CLOSED STREET LYING SOUTH OF LOTS 87-90, INCLUSIVE, AND THE NORTH 1/2 OF THE CLOSED STREET LYING SOUTH OF LOT 197; LOTS 91-109, INCLUSIVE, 211, 212, AND THE CLOSED STREET LYING WEST OF LOTS 97-101, INCLUSIVE AND EAST OF LOTS 102-105, INCLUSIVE, AND THE SOUTH 1/2 OF THE CLOSED STREET LYING NORTH OF LOTS 91-96, INCLUSIVE, AND THE SOUTH 1/2 OF THE CLOSED STREET LYING NORTH OF LOT 210; THE SOUTH 150 FEET OF THE WEST 75 FEET OF LOT 185, AND THE SOUTH 150 FEET OF LOT 186, AND THE SOUTH 150 FEET OF THE WEST 1/2 OF THE CLOSED STREET LYING EAST OF LOT 186 AND THE SOUTH 150 FEET OF THE EAST 1/2 OF THE CLOSED STREET LYING WEST OF LOT 185; LOT 198 AND THE EAST 1/2 OF THE CLOSED STREET LYING WEST OF LOT 198; LOT 199, AND THE WEST 1/2 OF THE CLOSED STREET LYING EAST OF LOT 199, THE WEST 75 FEET OF LOT 200, AND THE EAST 1/2 OF THE CLOSED STREET LYING WEST OF LOT 200; LOT 208, AND THE WEST 1/2 OF THE CLOSED STREET LYING EAST OF LOT 208, LOT 328, AND THE EAST 1/2 OF THE CLOSED STREET LYING WEST OF LOT 328; AND LOT 209, AND THE EAST 1/2 OF THE CLOSED STREET LYING WEST OF LOT 209 ALL AS SHOWN ON THE MAP OF THE PROPERTY OF LUCERNE PARK FRUIT ASSOCIATION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 67, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT: A PORTION OF LOT 109 OF SAID LUCERNE PARK FRUIT ASSOCIATION CONVEYED TO THE CITY OF WINTER HAVEN BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 4928, PAGE 1581, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF LOT 109 OF SAID LUCERNE PARK FRUIT ASSOCIATION FOR THE POINT OF BEGINNING FOR THIS DESCRIPTION, RUN THENCE SOUTH 35°23'10" EAST ALONG THE NORTHERLY LINE OF SAID LOT 109, ALSO BEING THE SOUTHWESTERLY RIGHT OF WAY LINE OF LAKE LUCERNE ROAD (AS LOCATED FEBRUARY 1, 2000), A DISTANCE OF 78.82 FEET, RUN THENCE SOUTH 89°51'27" WEST, A DISTANCE OF 45.48 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID LOT 109, ALSO BEING THE EAST RIGHT OF WAY LINE OF LUCERNE LOOP ROAD (AS LOCATED FEBRUARY 1, 2000), RUN THENCE NORTH 00°08'33" WEST ALONG THE WEST LINE OF SAID LOT 109 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 64.37 FEET TO THE POINT OF BEGINNING.

AND

THE NORTH 1/2 OF THE CLOSED STREET LYING SOUTH OF LOT 199 AND THE NORTH 1/2 OF THE CLOSED STREET LYING SOUTH OF THE WEST 75 FEET OF THE LOT 200 AND THE SOUTH 1/2 OF THE CLOSED STREET LYING NORTH OF LOTS 208 AND 328.

AND

Dennis
Wood
Engineering
LLC

OFFICE: (863) 940-2040
FAX: (863) 940-2044
CELL: (863) 662-0018

1925 BARTOW ROAD
LAKELAND, FL 33801

DENNIS WOOD, PROFESSIONAL ENGINEER
EMAIL: dennis@woodcivil.com

EXHIBIT 2

LUCERNE PARK COMMUNITY
DEVELOPMENT DISTRICT
LEGAL DESCRIPTION

Exhibit "A"
Page 2 of 3

LOT 210, AND THE WEST 1/2 OF THE CLOSED STREET LYING EAST OF LOT 210, OF LUCERNE PARK FRUIT ASSOCIATION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 67, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

LESS & EXCEPT the following:

THAT PART OF SECTION 02, TOWNSHIP 28 SOUTH, RANGE 26 EAST, POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT STANDING AT THE NORTHEAST CORNER OF SAID SECTION 02, AND RUN ALONG THE EAST LINE OF SAID SECTION 02, S-00°34'06"-E, 1328.67 FEET TO AN AXLE STANDING ON THE SOUTH LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 02; THENCE ALONG SAID SOUTH LINE, S-89°51'03"-W, 602.17 FEET; THENCE LEAVING SAID SOUTH LINE, S-00°08'57"-E, 25.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OLD LUCERNE PARK ROAD, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S-00°14'18"-E, 148.19 FEET; THENCE ALONG A RADIAL LINE, S-40°21'31"-E, 26.16 FEET TO A POINT OF CURVE CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 85.00 FEET, A CENTRAL ANGLE/Delta OF 27°42'57", A CHORD BEARING OF S-35°47'01"-W, A CHORD DISTANCE OF 40.72 FEET, FOR AN ARC LENGTH OF 41.12 FEET; THENCE ALONG A RADIAL LINE, N-68°04'27"-W, 14.72 FEET; THENCE ALONG A RADIAL LINE, S-79°34'55"-W, 110.06 FEET; THENCE S-10°40'40"-E, 184.25 FEET; THENCE S-02°33'06"-W, 267.52 FEET TO A POINT OF CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 1,700.00 FEET; A CENTRAL ANGLE/Delta OF 25°42'03", A CHORD BEARING OF S-17°36'20"-W, A CHORD DISTANCE OF 756.18 FEET, FOR AN ARC LENGTH OF 762.56 FEET; THENCE S-30°27'21"-W, 135.57 FEET TO A POINT OF CURVE CONCAVE TO THE NORTHWEST; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE/Delta OF 19°10'08", A CHORD BEARING OF S-40°02'25"-W, A CHORD DISTANCE OF 103.23 FEET, FOR AN ARC DISTANCE OF 103.71 FEET; THENCE S-49°37'29"-W, 142.33 FEET; THENCE S-57°57'00"-W, 116.46 FEET; THENCE S-40°22'31"-E, 281.33 FEET; THENCE S-25°09'48"-W, 18.26 FEET; THENCE S-89°59'14"-W, 1,510.11 FEET TO A 5/8" IRON ROD AND CAP "LB7001" STANDING ON THE EAST RIGHT-OF-WAY LINE OF LUCERNE LOOP ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, N-00°24'58"-W, 333.18 FEET TO A 5/8" IRON ROD AND CAP STANDING ON THE SOUTH RIGHT-OF-WAY LINE OF LAKE LUCERNE ROAD; THENCE ALONG THE SOUTHERLY AND EASTERLY RIGHT-OF-WAY LINE OF LAKE LUCERNE ROAD THE FOLLOWING TEN (10) COURSES: (1) N-89°51'27"-E, 45.41 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (2) S-72°58'12"-E, 533.85 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (3) N-83°47'30"-E, 537.07 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (4) N-57°57'00"-E, 315.04 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (5) N-49°37'29"-E, 162.06 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (6) N-30°27'21"-E, 289.60 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (7) N-17°50'26"-E, 310.14 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (8) N-07°15'23"-E, 509.98 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (9) N-10°54'15"-W, 211.19 FEET TO A 1/2" IRON ROD AND CAP "LB711"; THENCE (10) N-18°05'15"-W, 209.93 FEET TO A 1/2" IRON ROD AND CAP "LB711" STANDING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF LAKE LUCERNE ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF OLD LUCERNE PARK ROAD; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF OLD LUCERNE PARK ROAD, N-89°51'03"-E, 333.61 FEET TO THE **POINT OF BEGINNING**.

SUBJECT TO EASEMENTS OF RECORD.

CONTAINING 102.81 ACRES, MORE OR LESS.

Dennis Wood Engineering LLC
1925 BARTOW ROAD
LAKELAND, FL 33801
OFFICE: (863) 940-2040
FAX: (863) 940-2044
CELL: (863) 662-0018
DENNIS WOOD, PROFESSIONAL ENGINEER
EMAIL: dennis@woodcivil.com

EXHIBIT 2
LUCERNE PARK COMMUNITY
DEVELOPMENT DISTRICT
LEGAL DESCRIPTION

