

**ORDINANCE NO. 1684**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); 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 FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Meritage Homes of Florida, Inc., a Florida corporation (“Petitioner”) has filed a Petition to Establish the Reserve at Van Oaks Community Development District (“Petition”) with the City Commission of the City of Auburndale (“City Commission”) pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Reserve at Van Oaks Community Development District (“District”) pursuant to Chapter 190, *Florida Statutes* (2021); 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 City on January 18, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

**WHEREAS**, upon consideration of the record established at that duly noticed hearing, the City 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 City Commission, pursuant to the information contained within the Petition and based on an investigation conducted by the City of Auburndale (“City”) 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* (2021); and
- (3) The appropriate City staff have reviewed the Petition for establishment of the District on the proposed land and have advised the City 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 City of Auburndale 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 City Commission has decided to grant the Petition; 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 Reserve at Van Oaks 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 and as may be set forth in this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA:**

**SECTION 1. TITLE.** This Ordinance shall be known and may be cited as the “Reserve at Van Oaks Community Development District Establishment Ordinance.”

**SECTION 2. CITY COMMISSION FINDINGS.** The City Commission 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 District is hereby granted and there is hereby created a community development district, which is situated entirely within the City of Auburndale, Florida, which District shall be known as the “Reserve at Van Oaks 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 119.757 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. DISTRICT FUNCTIONS AND POWERS.** The District shall have all those general powers granted pursuant to Section 190.011, and those special powers granted pursuant to Section 190.012(1), (2) and (3). 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 to exercise those powers related to security contained in Section 190.012(2)(d), provided however that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries. 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 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.

**SECTION 7. 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.

**SECTION 8. BOARD OF SUPERVISORS.** The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Chris Torres, Martha Schiffer, Garth Noble, Jerry Tomberlin and Edmon Rakipi. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

**SECTION 9. NOTICE REQUIREMENTS.** The District shall provide public notice of all meetings pursuant to law.

**SECTION 10. 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.

**SECTION 11. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS.** The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager, without need of public hearing.

**SECTION 12. 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 13. CONFLICTS.** All ordinances in conflict herewith are hereby repealed.

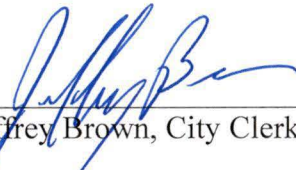
**SECTION 14. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage at second reading/public hearing.

**INTRODUCED AND PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA, MEETING IN REGULAR SESSION THIS 20<sup>TH</sup> DAY OF DECEMBER, 2021.**

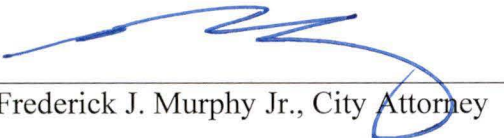
**CITY COMMISSION OF AUBURNDALE, FLORIDA**

By:   
Dorothea Taylor Bogert, Mayor

ATTEST:

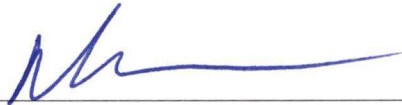
By:   
Jeffrey Brown, City Clerk

LEGAL IN FORM AND VALID IF ENACTED

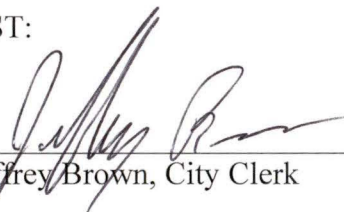
By:   
Frederick J. Murphy Jr., City Attorney

**INTRODUCED, PASSED AND DULY ADOPTED** ON SECOND AND FINAL READING/PUBLIC HEARING BY THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA, MEETING IN REGULAR SESSION THIS 18<sup>TH</sup> DAY OF JANUARY, 2022.

**CITY COMMISSION OF AUBURNDALE, FLORIDA**

By:   
Dorothea Taylor Bogert, Mayor

ATTEST:

By:   
Jeffrey Brown, City Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**DESCRIPTION:** (Phase 1)

A parcel of land lying within Section 26, Township 27 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF BEGINNING commence at the Northwest corner of LOT 12 WOODLAND MEADOWS, as per the map or plat thereof as recorded in Plat Book 103, Page 33 of the Public Records of Polk County, Florida, thence along the West boundary line of the Northeast 1/4 of the Southwest 1/4 of said Section 26, N.00°05'46"W., a distance of 178.12 feet; thence N.89°56'03"E., a distance of 100.31 feet; thence N.71°34'38"E., a distance of 25.00 feet; thence S.88°57'18"E., a distance of 71.18 feet; thence N.89°57'56"E., a distance of 14.88 feet; thence N.00°02'04"W., a distance of 120.00 feet; thence N.89°57'56"E., a distance of 490.07 feet; thence N.00°03'13"W., a distance of 170.00 feet; thence S.89°57'56"W., a distance of 120.04 feet; thence N.00°03'57"W., a distance of 370.86 feet; thence N.89°56'03"E., a distance of 120.00 feet; thence N.64°14'45"E., a distance of 55.48 feet; thence N.89°56'03"E., a distance of 169.74 feet; thence N.09°30'34"E., a distance of 23.87 feet to a proposed wetland setback line; thence along said setback line the following eight (8) courses: (1) thence N.14°43'35"W., a distance of 51.20 feet; (2) thence N.03°44'07"E., a distance of 61.52 feet; (3) thence N.04°10'20"W., a distance of 20.63 feet; (4) thence N.09°35'04"E., a distance of 187.25 feet; (5) thence N.04°57'10"W., a distance of 125.60 feet; (6) thence N.24°34'29"W., a distance of 47.66 feet; (7) thence N.40°03'15"W., a distance of 41.01 feet; (8) thence N.12°21'20"W., a distance of 215.74 feet to the South boundary line of lands described in Official Records Book 8848, Page 2025, of the Public Records of Polk County, Florida; thence along said South boundary and along the South boundary line of lands described in Official Records Book 6557, Page 127 of the Public Records of Polk County, Florida, N.89°53'34"E., a distance of 174.07 feet to the East boundary line of lands described in Official Records Book 6557, Page 127; thence along said East boundary line, N.00°22'02"E., a distance of 301.04 feet to the South right-of-way line of Jeans Road; thence along said South right-of-way line, N.89°45'36"E., a distance of 264.01 feet to the West right-of-way line of Lake Van Road; thence along said West right-of-way the following four (4) courses, (1) S.00°22'02"W., a distance of 301.77 feet; (2) thence N.89°55'05"E., a distance of 13.10 feet; (3) thence S.00°22'02"W., a distance of 320.10 feet; (4) thence N.89°44'29"E., a distance of 35.76 feet; thence S.89°39'44"E., a distance of 977.13 feet to the West boundary line of the East 10 acres of the Northwest 1/4 of the Southeast 1/4 of said Section 26; thence along said West boundary line, S.00°12'55"E., a distance of 1,294.75 feet to the South boundary line of the aforementioned East 10 acres; thence along said South boundary line, N.89°58'39"E., a distance of 336.95 feet to the West boundary of DIAMOND RIDGE per the map or plat thereof as recorded in Plat Book 107, Page 35; thence along said West boundary line, S.00°12'55"E., a distance of 1,281.21 feet to the North right-of-way line of Adams Road; thence along said North right-of-way line, N.89°14'46"W., a distance of 661.89 feet to the East boundary of INDIAN SPRINGS per the map or plat thereof as recorded in Plat Book 99, Page 25; thence along said East boundary, N.00°09'10"W., a distance of 595.12 feet to the North boundary of said INDIAN SPRINGS; thence along said North boundary line, S.89°58'45"W., a distance of 661.08 feet to the East boundary of INDIAN SPRINGS PHASE II as per the map or plat thereof as recorded in Plat Book 103, Page 11; thence along said East boundary, N.00°04'59"W., a distance of 677.09 feet to the North boundary of said INDIAN SPRINGS PHASE II; thence along the North boundary of said INDIAN SPRINGS PHASE II, EAGLE POINT as per the map or plat thereof as recorded in Plat Book 116, Page 46, and WOODLAND MEADOWS as per the map or plat thereof as recorded in Plat Book 103, Page 33, S.89°58'39"W., a distance of 1,323.41 feet to the POINT OF BEGINNING.  
Containing 85.409 acres, more or less.

TOGETHER WITH:

**DESCRIPTION:** (Phase 2)

A parcel of land lying within Section 26, Township 27 South, Range 25 East, Polk County, Florida, being more particularly described as follows:

For a POINT OF REFERENCE commence at the Northwest corner of LOT 12, WOODLAND MEADOWS, as per the map or plat thereof as recorded in Plat Book 103, Page 33 of the Public Records of Polk County, Florida; thence along the West boundary line of the Northeast 1/4 of the Southwest 1/4 of said Section 26, N.00°05'46"W., a distance of 178.12 feet for a POINT OF BEGINNING; thence continue along said West boundary line, N.00°05'46"W., a distance of 1,121.34 feet to the West Boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 26; thence along said West boundary line, N.00°03'35"W., a distance of 1,297.92 feet to the North Boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 26; thence along said North boundary line, N.89°48'47"E., a distance of 287.80 feet to the West boundary of lands described in Official Records Book 4278, Page 1688, of the Public Records of Polk County, Florida; thence along said West boundary line and the West boundary of lands described in Official Records Book 5617, Page 2132, of the Public Records of Polk County, Florida, S.00°06'56"W., a distance of 538.90 feet to the South boundary of said lands described in Official Records Book 5617, Page 2132; thence along said South boundary line, S.89°59'48"E., a distance of 174.83 feet to the West right-of-way line of Jeans Road; thence along said West right-of-way line, S.00°00'10"E., a distance of 439.96 feet; thence N.89°45'52"E., a distance of 30.43 feet; thence N.00°00'40"W., a distance of 300.69 feet to the South right-of-way line of Jeans Road; thence along said South right-of-way line, N.89°48'51"E., a distance of 264.44 feet to the West boundary line of lands described in Official Records Book 8848, Page 2025; thence along said West boundary line S.00°05'54"W., a distance of 300.66 feet to the South boundary line of lands described in Official Records Book 8848, Page 2025; thence along said South boundary line, N.89°53'34"E., a distance of 87.93 feet to a proposed wetland setback line; thence along said setback line the following eight (8) courses: (1) S.12°21'20"E., a distance of 215.74 feet; (2) thence S.40°03'15"E., a distance of 41.01 feet; (3) thence S.24°34'29"E., a distance of 47.66 feet; (4) thence S.04°57'10"E., a distance of 125.60 feet; (5) thence S.09°35'04"W., a distance of 187.25 feet; (6) thence S.04°10'20"E., a distance of 20.63 feet; (7) thence S.03°44'07"W., a distance of 61.52 feet; (8) thence S.14°43'35"E., a distance of 51.20 feet; thence S.09°30'34"W., a distance of 23.87 feet; thence S.89°56'03"W., a distance of 169.74 feet; thence S.64°14'45"W., a distance of 55.48 feet; thence S.89°56'03"W., a distance of 120.00 feet; thence S.00°03'57"E., a distance of 370.86 feet; thence N.89°57'56"E., a distance of 120.04 feet; thence S.00°03'13"E., a distance of 170.00 feet; thence S.89°57'56"W., a distance of 490.07 feet; thence S.00°02'04"E., a distance of 120.00 feet; thence S.89°57'56"W., a distance of 14.88 feet; thence N.88°57'18"W., a distance of 71.18 feet; thence S.71°34'38"W., a distance of 25.00 feet; thence S.89°56'03"W., a distance of 100.31 feet to the POINT OF BEGINNING.

Containing 34.348 acres, more or less.

FOR A TOTAL OF 119.757 ACRES.



Reserve At Van Oaks - Community Development District Boundary Map

