

ORDINANCE NO. 22-2011

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA ESTABLISHING THE BRADBURY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACTS; 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; PROVIDING FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT; 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 Haines City, Florida (“City”); and

WHEREAS, Cascara II, LLC (“Petitioner”), having obtained written consent to the establishment of the Bradbury 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* (2021); and

WHEREAS, the Petitioner is a Florida limited liability company 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 to Establish Bradbury Community Development District which was submitted to the City on March 30, 2022, as amended and resubmitted on June 6, 2022 (together, the “Petition”), 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 August 18, 2022; and

WHEREAS, on August 18, 2022, 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 is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to replace or amend any City or County land development approvals governing the land area to be included within the District; and

WHEREAS, all District roads, including any improvements to existing roads, shall be constructed to equal or exceed the applicable construction specifications of the City or the County; 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 Haines City, 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(1)(e) 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 Haines City 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 Haines City, Florida, which District shall be known as the “Bradbury 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 approximately 210.491 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS.

The powers and functions of the District shall be as described in Chapter 190, *Florida Statutes* and include those additional powers set forth in Section 190.012(2)(a) and (d).

SECTION 7. BOARD OF SUPERVISORS.

The five persons designated to serve as initial members of the Board of Supervisors of the District as are follows:

Name: Warren K. Heath
Address: 346 East Central Avenue
Winter Haven, Florida 33880

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

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

Name: Daniel Arnette
Address: 346 East Central Avenue
Winter Haven, Florida 33880

Name: Chuck Cavaretta
Address: 346 East Central Avenue
Winter Haven, Florida 33880

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. REPEAL OF ORDINANCE IN CONFLICT. All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 11. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

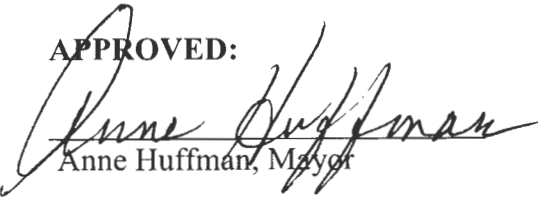
SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect immediately upon it being read and approved in two meetings of the City Commission of the City of Haines City.

INTRODUCED AND PASSED in regular session of the City Commission of the City of Haines City, this 4th day of August 2022.

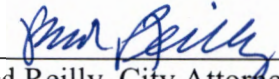
ATTEST:

By: 
Erica Sanchez, Interim City Clerk

APPROVED:


Anne Huffman, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: 
Fred Reilly, City Attorney

ADOPTED ON SECOND AND FINAL READING by the City Commission of the
City of Haines City, Florida, at regular session this 18th day of August 2022

ATTEST:

By: _____
Erica Sanchez, Interim City Clerk

APPROVED:

Anne Huffman, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

ATTEST:

APPROVED:

By: _____
Erica Anderson, CMC
City Clerk

Anne Huffman, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

ADOPTED ON SECOND AND FINAL READING by the City Commission of the
City of Haines City, Florida, at regular session this 18th day of August 2022

ATTEST:

APPROVED:

By: _____
~~Erica Anderson, CMC~~
City Clerk *Erica Sanchez*
Interim City Clerk

Anne Huffman, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: _____
Fred Reilly, City Attorney

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land lying in the South 1/2 of Section 26, Township 27 South, Range 27 East, Polk County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 26, run thence along the East line of the Northeast 1/4 of said Section 26, S 00°22'49" E, a distance of 2650.58 feet to the East 1/4 corner of said Section 26; thence along the East line of the Southeast 1/4 of said Section 26, S 00°26'32" E, a distance of 1323.79 feet to the POINT OF BEGINNING; thence continue along said East line, S 00°26'32" E, a distance of 887.79 feet to the North line of the South 436.00 feet of said Southeast 1/4; thence along said North line, S 89°41'33" W, a distance of 1661.58 feet to the West line of the East 1/4 of the Southwest 1/4 of said Southeast 1/4; thence along said West line, S 00°21'28" E, a distance of 424.79 feet to the Northerly Maintained Right of Way of Bradbury Road, according to said Map Book 5, Pages 223 through 229; thence along said Northerly Maintained Right of Way the following ten (10) courses: 1) N 89°44'05" W, a distance of 78.93 feet; 2) S 89°41'33" W, a distance of 100.00 feet; 3) N 89°44'05" W, a distance of 100.00 feet; 4) S 89°07'10" W, a distance of 100.00 feet; 5) N 89°44'05" W, a distance of 100.00 feet; 6) S 89°41'33" W, a distance of 100.00 feet; 7) S 89°07'10" W, a distance of 100.00 feet; 8) S 89°41'33" W, a distance of 100.00 feet; 9) N 89°44'05" W, a distance of 100.00 feet; 10) S 89°41'33" W, a distance of 50.00 feet; thence departing said Northerly Maintained Right of Way and traversing across said Bradbury Road into the Southwest 1/4 of said Section 26, S 84°53'40" W, a distance of 108.79 feet to the Northerly Maintained Right of Way of East Robinson Drive, according to the Polk County Maintained Right of Way Map of East Robinson Drive, recorded in Map Book 1, Page 218 of said Public Records; thence along said Northerly Maintained Right of Way the following eight (8) courses: 1) S 85°50'06" W, a distance of 37.44 feet; 2) N 89°11'44" W, a distance of 100.02 feet; 3) N 89°46'07" W, a distance of 100.00 feet; 4) S 89°05'08" W, a distance of 100.00 feet; 5) S 89°39'31" W, a distance of 100.00 feet; 6) N 89°11'44" W, a distance of 100.02 feet; 7) N 88°03'03" W, a distance of 100.08 feet; 8) Westerly, 126.81 feet along the arc of a non-tangent curve to the right having a radius of 131.53 feet and a central angle of 55°14'16" (chord bearing N 79°26'43" W, 121.95 feet) to the East line of the West 529.63 feet of the Southeast 1/4 of said Southwest 1/4; thence along said East line, thence N 00°18'10" W, a distance of 841.64 feet to the North line of the South 875.63 feet of the Southeast 1/4 of said Southwest 1/4; thence along said North line, S 89°33'00" W, a distance of 529.63 feet to the West line of the Southeast 1/4 of said Southwest 1/4; thence along said West line, S 00°18'10" E, a distance of 875.63 feet to the South line of said Southwest 1/4; thence along said South line, S 89°33'00" W, a distance of 1326.78 feet to the Southwest corner of said Section 26; thence along the West line of said Southwest 1/4, N 00°17'55" W, a distance of 2616.51 feet to the Southerly Right of Way of Hinson Avenue, according to Official Records Book 936, Page 374 of said Public Records; thence along said Southerly Right of Way the following three (3) courses: 1) along a line 35.00 feet South of and parallel with the North line of said Southwest 1/4, N 89°40'02" E, a distance of 1156.58 feet to a line 170.00 feet West of and parallel with the East line of the Northwest 1/4 of said Southwest 1/4; 2) along said parallel line, N 00°18'10" W, a distance of 10.00 feet to a line 25.00 feet South of and parallel with said North line; 3) along said parallel line, N 89°40'02" E, a distance of 170.00 feet to said East line of the Northwest 1/4 of said Southwest 1/4; thence departing said South Right of Way and along said East line, S 00°18'10" E, a distance of 455.00 feet to a line 480.00 feet South of and parallel with said North line; thence along said parallel line, N 89°40'02" E, a distance of 800.00 feet to a

line 800.00 feet East of and parallel with said East line; thence along said parallel line, N 00°18'10" W, a distance of 400.00 feet to the Southerly Right of Way of Hinson Avenue, according to Official Records Book 902, Page 134 of said Public Records; thence along said Southerly Right of Way, being 80.00 feet South of and parallel with said North line, N 89°40'02" E, a distance of 52.08 feet to a line 474.50 feet West of and parallel with the East line of said Southwest 1/4; thence along said parallel line, S 00°18'25" E, a distance of 345.00 feet to a line 425.00 feet South of and parallel with said North line; thence along said parallel line, N 89°40'02" E, a distance of 49.50 feet to a line 425.00 feet West of and parallel with said East line; thence along said parallel line, S 00°18'25" E, a distance of 898.47 feet to the South line of the North 1/2 of said Southwest 1/4; thence N 89°36'31" E, a distance of 425.00 feet to said East line; thence along the South line of the North 1/2 of aforesaid Southeast 1/4, N 89°39'30" E, a distance of 17.41 feet to the Easterly Maintained Right of Way of Bradbury Road, according to said Map Book 5, Pages 223 through 229; thence along said Easterly Maintained Right of Way the following eleven (11) courses: 1) N 00°15'57" E, a distance of 58.91 feet; 2) N 00°18'25" W, a distance of 200.00 feet; 3) N 00°52'48" W, a distance of 100.00 feet; 4) N 00°18'25" W, a distance of 100.00 feet; 5) N 00°52'48" W, a distance of 200.01 feet; 6) N 00°18'25" W, a distance of 100.00 feet; 7) N 00°52'48" W, a distance of 100.00 feet; 8) N 00°18'25" W, a distance of 100.00 feet; 9) N 00°52'48" W, a distance of 100.00 feet; 10) N 00°18'25" W, a distance of 100.00 feet; 11) N 00°45'55" W, a distance of 144.13 feet to the South Right of Way of Hinson Avenue, according to Official Records Book 1434, Page 257; thence along said South Right of Way, being a line 20.00 feet South of and parallel with the North line of said Southeast 1/4, N 89°39'37" E, a distance of 651.49 feet to the East line of the West 1/2 of the Northwest 1/4 of said Southeast 1/4; thence along said East line, S 00°20'27" E, a distance of 1303.23 feet to aforesaid South line of the North 1/2 of the Southeast 1/4 of Section 26; thence along said South line, N 89°40'35" E, a distance of 1992.32 feet to the POINT OF BEGINNING.

LESS AND EXCEPT existing road rights-of-way.

Altogether containing 210.491± acres.