

ORDINANCE NO. 23-2042

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA AMENDING ORDINANCE NO. 21-1741 AND CONTRACTING THE BOUNDARY OF THE SCENIC TERRACE NORTH 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 AMENDMENT OF DISTRICT BOUNDARIES; PROVIDING FOR THE LEGAL DESCRIPTION OF THE AMENDED BOUNDARIES OF THE DISTRICT; 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 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, on August 19, 2021, the Board of City Commissioners of City of Haines City, Florida (the “City”) pursuant to Section 190.005(2)(a), *Florida Statutes*, adopted Ordinance No. 21-1741 that established the Scenic Terrace North Community Development District (the “District” or “Petitioner”); and

WHEREAS, the Petitioner, having obtained written consent to contract its boundaries by the owner of one hundred percent (100%) of the real property to be removed from the District, submitted its Petition to Contract the Boundaries of the Scenic Terrace North Community Development District (the “Petition”) to the City, petitioning to adopt an ordinance approving the contraction of the boundaries of the District pursuant to Chapter 190, *Florida Statutes*; 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 Polk County (the “County”); and

WHEREAS, pursuant to the information stated above, the City has decided to grant the District’s Petition; 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 June 1, 2023; and,

WHEREAS, the contraction of the District boundaries shall not act to amend any land development approvals and/or regulations governing the land area remaining in the District or those to be removed; and

WHEREAS, the contraction of the District boundaries will continue to result in 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 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 Florida Statutes, 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. All land uses and services planned within the District as amended 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 as will continue to be of a sufficient size, sufficiently compact and sufficiently contiguous to be developed as one functional interrelated community.

D. The District as amended will continue to be 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 as amended 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 as amended will continue to be amenable to separate special-district government.

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT.

Section 5, External Boundaries of the District, Exhibit “A” of Ordinance No. 21-1741, is hereby replaced in its entirety with a new Exhibit “A”, which is attached hereto and incorporated herein by this reference. The District boundaries as amended shall encompass approximately 103.731 acres, more or less.

SECTION 5. 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 successive weeks immediately prior to such hearing in compliance with the provisions of Sections 190.005(1)(d) and 190.046(1), *Florida Statutes*.

SECTION 6. 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 contraction of the District boundaries.

SECTION 7. ALL OTHER CONDITIONS TO REMAIN UNCHANGED. All other terms and conditions of Ordinance No. 21-1741, as amended, shall remain unchanged and enforceable in accordance with the terms expressed therein.

SECTION 8. 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 9. 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 May 2023.

ATTEST:

By: _____

Sharon Lautner
Sharon Lautner, CMC, City Clerk

APPROVED:

Ray Allen
Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

By: _____

Fred Reilly
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 1st day of June 2023.

ATTEST:

By: _____

Sharon Lautner
Sharon Lautner, CMC, City Clerk

APPROVED:

Ray Allen
Mayor-Commissioner

APPROVED AS TO FORM AND CORRECTNESS:

By: _____

Fred Reilly
Fred Reilly, City Attorney



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A PORTION OF LAND LYING IN SECTION 9, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 9, THENCE RUN SOUTH 89°43'08" WEST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 FOR A DISTANCE OF 43.74 FEET; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°13'50" EAST FOR A DISTANCE OF 22.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°33'34" EAST ALONG THE WEST RIGHT OF WAY LINE OF STATE ROAD 17, ALSO KNOWN AS SCENIC HIGHWAY, AS RECORDED IN OFFICIAL RECORDS BOOK 646, PAGE 443, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, FOR A DISTANCE OF 644.11 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE RUN SOUTH 89°59'05" EAST ALONG SAID NORTH LINE AND THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR A DISTANCE OF 705.84 FEET TO THE NORTH EAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE RUN SOUTH 00°36'22" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR A DISTANCE OF 667.03 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTH WEST 1/4 OF THE NORTHEAST 1/4; THENCE RUN NORTH 89°55'13" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR A DISTANCE OF 689.39 FEET TO A POINT ON THE AFORESAID WEST RIGHT OF WAY LINE OF STATE ROAD 17 AS SHOWN ON FDOT RIGHT OF WAY MAP SECTION NO. 5029— RD (8), THENCE RUN SOUTH 00°33'34" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 1318.91 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF HUGHES ROAD, AS RECORDED IN MAP BOOK 9, PAGE 12 THROUGH 30, AFORESAID PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID NORTH RIGHT OF WAY LINE: NORTH 89°27'06" WEST, 126.48 FEET; NORTH 88°35'52" WEST, 100.01 FEET; NORTH 88°52'43" WEST, 100.00 FEET; NORTH 89°27'06" WEST, 100.00 FEET; NORTH 89°23'39" WEST, 100.00 FEET; NORTH 89°37'24" WEST, 100.00 FEET; NORTH 00°39'47" EAST, 3.50 FEET; SOUTH 89°58'32" WEST, 200.01 FEET; SOUTH 89°31'02" WEST, 100.02 FEET; NORTH 89°20'13" WEST, 100.00 FEET; NORTH 89°54'36" WEST, 200.01 FEET; SOUTH 00°39'47" WEST, 5.00 FEET; THENCE RUN NORTH 89°20'13" WEST FOR A DISTANCE OF 29.89 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF PALMERROY ROAD, AS RECORDED IN MAP BOOK 8, PAGE 99 THROUGH 100, AFORESAID PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID EAST RIGHT OF WAY LINE: NORTH 23°51'25" WEST, 44.92 FEET; NORTH 05°21'16" WEST, 49.28 FEET; NORTH 00°29'16" WEST, 100.00 FEET; NORTH 01°03'39" WEST, 100.00 FEET; NORTH 00°29'16" WEST FOR A DISTANCE OF 100.00 FEET; NORTH 00°05'07" EAST, 200.01 FEET; NORTH 01°38'01" WEST, 200.04 FEET; NORTH 00°39'29" EAST, 100.02 FEET; NORTH 00°29'16" WEST, 100.00 FEET; NORTH 01°03'39" WEST, 100.00 FEET; NORTH 00°05'07" EAST, 200.01 FEET; THENCE RUN NORTH 00°29'16" WEST, 20.16 FEET TO A POINT ON THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE RUN SOUTH 89°57'35" WEST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE EAST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 1029.22 FEET TO THE SOUTHWEST CORNER OF SAID EAST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN NORTH 00°32'44" WEST ALONG THE WEST LINE OF SAID EAST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 661.46 FEET TO THE NORTHWEST CORNER OF SAID EAST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN NORTH 89°50'22" EAST ALONG THE NORTH LINE OF THE EAST 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 333.31 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN NORTH 00°33'19" WEST ALONG THE

WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 662.16 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN NORTH 89°43'08" EAST ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 666.38 FEET TO THE NORTHEAST CORNER OF THE SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN SOUTH 00°34'31 " EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 FOR A DISTANCE OF 31.81 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF FLOYD ROAD, AS RECORDED IN MAP BOOK 8, PAGE 106, AFORESAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID SOUTH RIGHT OF WAY LINE: NORTH 86°38'31" EAST, 37.56 FEET; NORTH 86°38'21" EAST, 16.64 FEET; NORTH 87°32'49" EAST, 100.02 FEET; NORTH 89°15'56" EAST, 300.01 FEET; NORTH 88°41'34" EAST, 100.00 FEET; NORTH 89°50'19" EAST, 100.02 FEET; NORTH 88°41'34" EAST, 100.00 FEET; NORTH 88°07'11" EAST, 100.00 FEET; SOUTH 89°35'20" EAST, 100.04 FEET; NORTH 89°50'19" EAST, 100.02 FEET; SOUTH 89°35'20" EAST, 100.04 FEET; SOUTH 89°01'00" EAST, 100.08 FEET; THENCE RUN SOUTH 89°01'55" EAST A DISTANCE OF 34.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 113.29 ACRES, MORE OR LESS.

LESS OUT:

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, LYING EAST OF SCENIC HIGHWAY (STATE ROAD 17) ACCORDING TO THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP, PROJ. 5209-RD. (8), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 9, RUN THENCE ALONG THE WEST BOUNDARY OF SAID NORTHEAST 1/4, S.00°36'53"E., A DISTANCE OF 1332.66 FEET TO THE SOUTH BOUNDARY OF AFORESAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG SAID SOUTH BOUNDARY, S.89°55'02"E., A DISTANCE OF 36.65 FEET TO THE EASTERLY RIGHT OF WAY OF SAID SCENIC HIGHWAY (STATE ROAD 17) FOR A POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT OF WAY, N.00°36'33"W., A DISTANCE OF 666.37 FEET TO THE NORTH BOUNDARY OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG SAID NORTH BOUNDARY, S.89°58'33"E., A DISTANCE OF 624.63 FEET TO THE EASTERLY BOUNDARY THEREOF; THENCE ALONG SAID EASTERLY BOUNDARY, S.00°36'20"E., A DISTANCE OF 667.01 FEET TO AFORESAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG SAID SOUTH BOUNDARY, N.89°55'02"W., A DISTANCE OF 624.59 FEET TO THE POINT OF BEGINNING.

ALTOGETHER CONTAINING 103.731 ACRES, MORE OR LESS.