

ORDINANCE NO. 19-1664

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA ESTABLISHING THE CYPRESS PARK ESTATES 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 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, KRPC East Johnson, LLC ("Petitioner"), having obtained written consent to the establishment of the Cypress Park Estates 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* (2019); 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 121 Garfield Avenue, Winter Park, Florida 32789; and

WHEREAS, the Petition to Establish Cypress Park Estates Community Development District (“Petition”), which was submitted to the City on September 25, 2019, 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 December 5, 2019; and

WHEREAS, on December 5, 2019, 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 “Cypress Park Estates 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 157.32 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS.

The powers and functions of the District are described in Chapter 190, *Florida Statutes* including 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

Name: Scott Shapiro
Address: 301 W. Platt Street, Suite 671
Tampa, Florida 33606

Name: McKinzie Terrill
Address: 121 Garfield Avenue
Winter Park, Florida 32789

Name: Steve Rosser
Address: 121 Garfield Avenue
Winter Park, Florida 32789

Name: Allan Keen
Address: 121 Garfield Avenue
Winter Park, Florida 32789

Name: Hyzens Marc
Address: 164 Hope Street
Longwood, Florida 32750

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 7th day of November 2019.

ATTEST:

By: Linda Bourgeois
Linda Bourgeois, BAS, MMC,
City Clerk

APPROVED:

Morris L. West
Morris L. West, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: *Fred Reilly*
Fred Reilly, City Attorney

ADOPTED AND ENACTED ON SECOND AND FINAL READING by the City
Commission of the City of Haines City, Florida, at regular session this 5th day of December
2019.

ATTEST:

By: *Linda Bourgeois*
Linda Bourgeois, BAS, MMC,
City Clerk

APPROVED:

Morris L. West
Morris L. West, Mayor

APPROVED AS TO FORM AND CORRECTNESS:

By: *Fred Reilly*
Fred Reilly, City Attorney

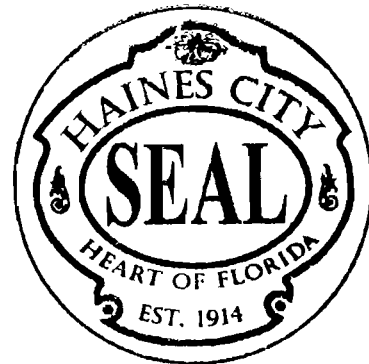


EXHIBIT A
LEGAL DESCRIPTION

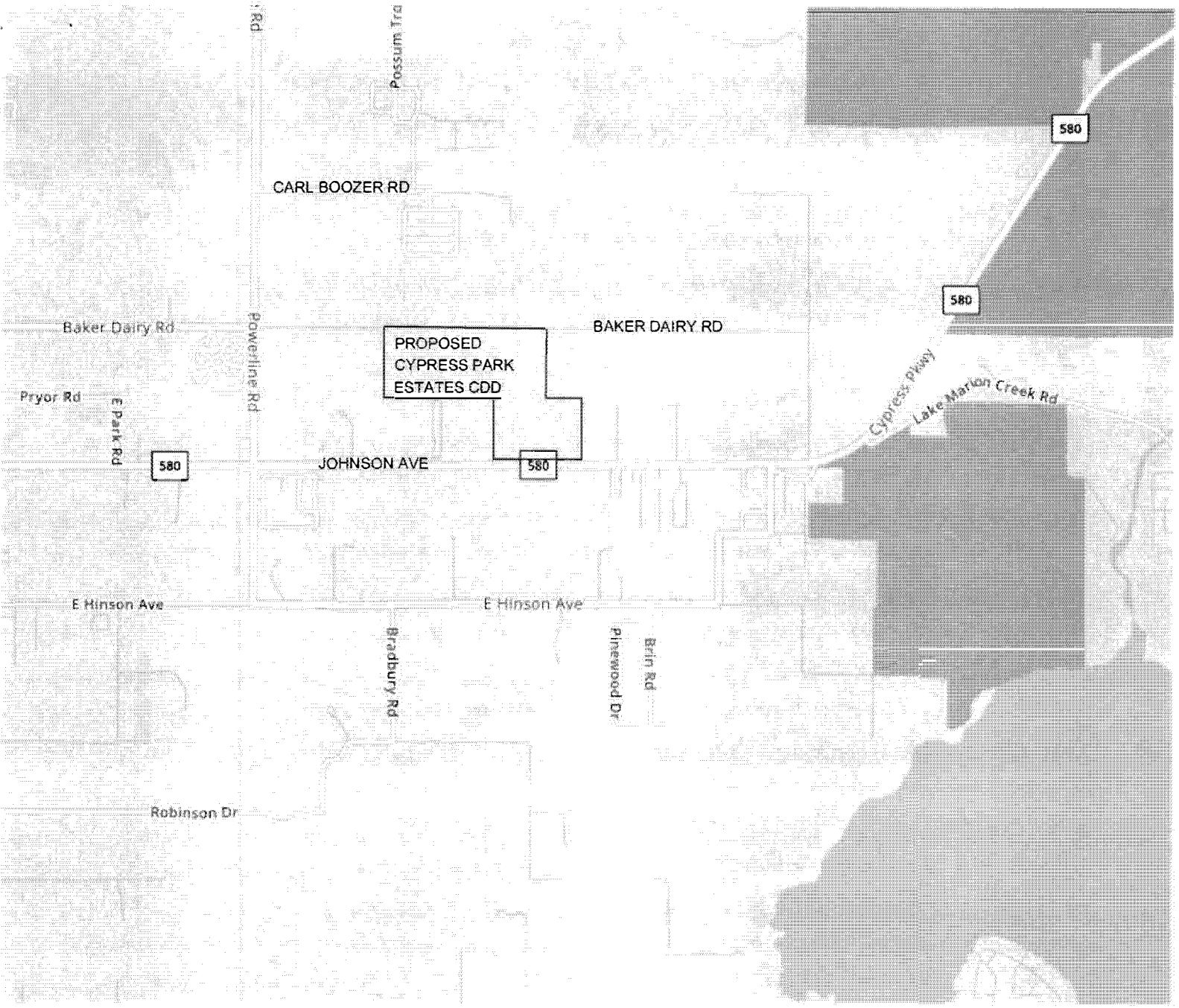
A portion of the Southwest 1/4 of Section 24, Township 27 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the southwest corner of said Section 24; thence North 00°09'36" East along the west line of said Section 24, a distance of 40.00 feet to a point on the northerly right-of-way line of County Road S-580 (Johnson Avenue) per Florida Department of Transportation right-of-way map section number 16840-2601 and the Point of Beginning; thence North 89°45'02" East along the said northerly right-of-way line, 659.37 feet to the east line of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; thence departing the said northerly right-of-way line North 00°07'25" East along said east line of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24, a distance of 1266.64 feet to the north line of said West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24; thence South 89°51'27" West along said north line of said West 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 24, a distance of 658.56 feet to aforesaid west line said Section 24; thence South 00°09'36" West along said west line of Section 24, a distance of 1267.87 feet to the Point of Beginning.

A portion of the Southwest 1/4 of Section 23 and the Southwest 1/4 of Section 24 all being in, Township 27 South, Range 27 East, Polk County, Florida, being described as follows:

Begin at the northwest corner of the Southeast 1/4 of said Section 23; thence South 90°00'00" East along the north line of the Southeast 1/4 of said Section 23, a distance of 232.51 feet to the southerly maintained right-of-way line of Baker Dairy Road as shown in County Map Book 18, Pages 6-21; thence along the said southerly right-of-way line the following three (3) courses and distances: (1) South 88°42'12" East, 62.50 feet; (2) North 89°44'58" East, 303.66 feet; (3) North 88°15'07" East, 2.82 feet to said north line of the Southeast 1/4 of Section 23; thence departing the said southerly right-of-way line South 90°00'00" East along said north line of the Southeast 1/4 of Section 23, a distance of 2057.58 feet to the northwest corner of the Southwest 1/4 of said Section 24; thence North 89°53'06" East along the north line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 24, a distance of 657.73 feet to the east line of said West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 24; thence South 00°07'25" West along the said east line of the West 1/2 of the Northwest 1/4 of the Southwest 1/4, a distance of 1307.55 feet to the northwest corner of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; thence North 89°51'27" East along the north line of said East 1/2 of the Southwest 1/4 of the Southwest 1/4, a distance of 658.56 feet to the east line of the Southwest 1/4 of the Southwest 1/4 of said Section 24; thence South 00°05'15" West along the said east line of the Southwest 1/4 of the Southwest 1/4, a distance of 1265.40 feet to the northerly right-of-way line of County Road S-580 (Johnson Avenue) per Florida Department of Transportation right-of-way map section number 16840-2601; thence South 89°45'02" West along the said northerly right-of-way line, 659.37 feet to the west line of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; thence North 00°07'25" East along the said west line of the East 1/2 of the Southwest 1/4 of the Southwest 1/4, a distance of 1266.64 feet to the said northwest corner of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; thence South 89°51'27" West along the north line of the West 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 24; a distance of 658.56 feet to the west line said Section 24; thence South 00°09'36" West along said west line of Section 24, a distance of 1267.87 feet said northerly right-of-way line; thence along said northerly right-of-way

line South 89°45'43" West, 662.57 feet to the west line of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 23; thence North 00°06'39" East along the said west line of the East 1/2 of the Southeast 1/4 of the Southeast 1/4, a distance of 1269.23 feet to the south line of the North 1/2 of the Southeast 1/4 of said Section 23; thence South 89°52'49" West along the said south line of the North 1/2 of the Southeast 1/4, a distance of 1990.94 feet to the west line of the Northwest 1/4 of the Southeast 1/4 of said Section 23; thence North 00°02'08" West along the said west line of the Northwest 1/4 of the Southeast 1/4, a distance of 1313.42 feet to the Point of Beginning.



CYPRESS PARK ESTATES COMMUNITY DEVELOPMENT DISTRICT
NOTICING MAP

NOTICE OF LOCAL PUBLIC HEARING
City Commission of the City of Haines City, Florida
to Consider the Creation of the
Cypress Park Estates Community Development District

DATE: December 5, 2019

TIME: 7:00 p.m.

LOCATION: City of Haines City
City Commission Chambers
620 E. Main Street
Haines City, Florida 33844

In accordance with the provisions of Chapter 190, *Florida Statutes*, a public hearing will be held by the City Commission of the City of Haines City beginning at 7:00 p.m., on December 5, 2019, in the Commission Chambers, 620 E. Main Street, Haines City, Florida 33844, to consider an ordinance granting a petition to establish a community development district which may be known as the "Cypress Park Estates Community Development District" (the "District"). The title of the proposed ordinance is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA ESTABLISHING THE CYPRESS PARK ESTATES 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 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

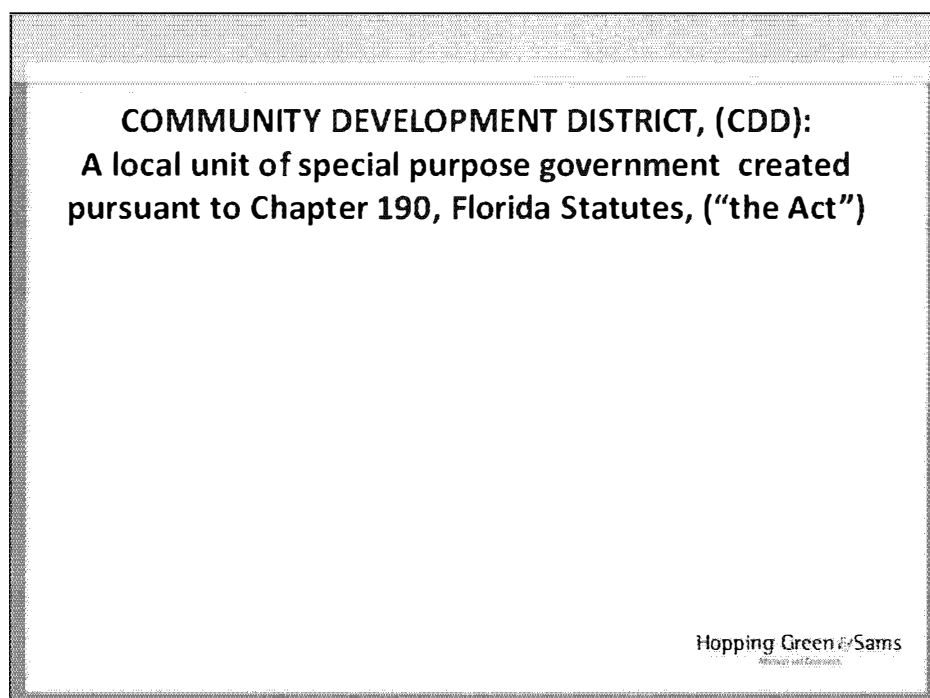
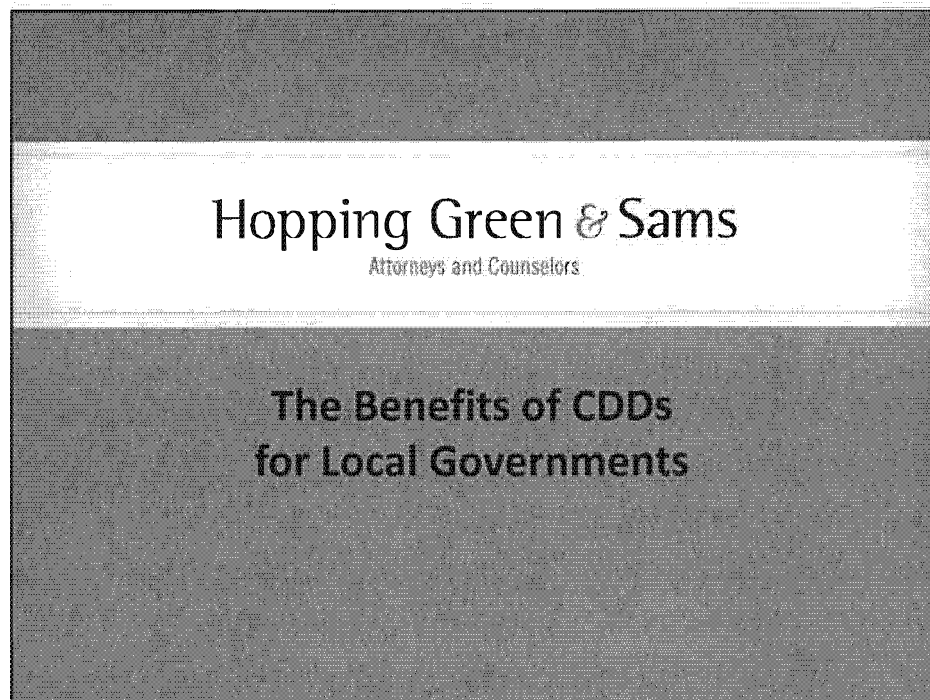
The proposed community development district is comprised of approximately 157.32 acres, more or less, generally located north of Johnson Avenue, south of Baker Dairy Road, and east of Powerline Road. The Petitioner has proposed to establish the Cypress Park Estates Community Development District to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities, which may be authorized by such districts under Florida law including but not limited to Chapter 190, *Florida Statutes*.

Copies of the petition, department reports and proposed ordinance are open to public inspection at the office of the City Clerk, City of Haines City, 620 E. Main Street, Haines City, Florida 33844.

All interested persons and affected units of general - purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general - purpose local government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose the person or unit of general - purpose local government may need to insure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statutes, section 286.26, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the office of the City Clerk at 620 E. Main Street, Haines City, Florida 33844, or by phone at (863) 421-9921, not less than forty-eight (48) hours before a hearing or meeting in order to make arrangements.

Run Dates: November 7th, November 14th, November 21st, and November 28th



What Can a Community Development District Do?

- A CDD's powers are derived from Sections 190.011 and 190.012, Florida Statutes
- The CDD can sell tax-exempt bonds to finance the acquisition and/or construction of certain improvements
- The CDD is authorized to dedicate to the City/County those facilities that the developer is required to dedicate by the project's development order.
- The CDD can assume the maintenance responsibilities for the financed improvements
- The CDD is also granted the power to levy non-ad valorem special assessments only upon properties within the CDD boundaries in order to repay bonds issued by the CDD and for the annual operation and maintenance of the CDD

Hopping Green & Sams

What Can a Community Development District Do?

- Pursuant to Section 190.012(1), a CDD can finance, construct and acquire the following improvements:
 - Stormwater management infrastructure
 - Water and wastewater infrastructure
 - Bridges and culverts
 - Roadways and street lighting
 - Investigation and remediation costs for clean-up of environmental contamination
 - Conservation areas, mitigation areas, and wildlife habitats
 - Any other project set forth in a development order for the development specifically approving or requiring the CDD to construct or fund the project or a project contemplated by an interlocal agreement between the CDD and a governmental entity

Hopping Green & Sams

What Can a Community Development District Do?

Hopping Green & Sams
Strategic and Financial Solutions

Benefits to the City

- Stable financing source for new public projects
- Allows new off-site public infrastructure to be built without the use of City funds or bonding capacity
- No financial burden on residents outside of the CDD
- Assures project is funded and completed because bond proceeds are provided up front and deposited into a trust account for that purpose
- Increased tax base for the City
- A stable maintenance entity that ensures service levels long after the developer is gone
- Ensures that growth pays for itself

Hopping Green & Sams
Strategic and Financial Solutions

Protections for the City

- CDD debt is never included in the City's financial statements (unlike Tax Increment Financing)
- City is never responsible for payment on bonds issued by the CDD unless consented to by the City
- City retains all its authority, including zoning, permitting and police functions
- No current or future resident outside the boundaries of the CDD will ever be assessed by the CDD
- No administrative costs to the City
- All assessments must be disclosed to prospective home buyers

Hopping Green & Sams
Attorneys at Law

Bond Issuance Process

CDDs use the procedures set forth in Chapters 170, 190 and 197, Florida Statutes to impose special assessments and issue bonds. The procedures include:

- Authorizing the issuance of bonds by resolution
- Petitioning the Circuit Court for Validation of the proposed bonds
- Declaring the need for improvements by Resolution
- Adopting an improvement plan indicating the public improvements to be financed by bonds
- Mailing and publishing notice of intent to impose special assessments and issue bonds
- Holding a public hearing on the imposition of special assessment

Hopping Green & Sams
Attorneys at Law

Summary...

- CDDs help ensure that growth pays for itself
- Takes burden off local government
- Increased tax base for the City
- No financial burden on residents outside of the CDD
- No cost to the City for operation of the CDD
- Excellent long-term maintenance entity as compared to HOAs
- Governmental accountability (open meetings, public records, etc.)

Hopping Green & Sams
Accounting and Consulting

AFFIDAVIT OF PUBLICATION THE LEDGER Lakeland, Polk County, Florida

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Rhonda Gentle, who on oath says that she is an Account Executive for Advertising at The Ledger, the owner of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

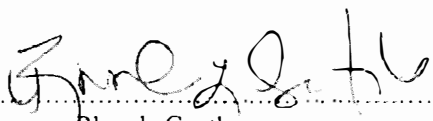
In the matter of CREATE A DISTRICT

Concerning CYPRESS PARK ESTATES CDD

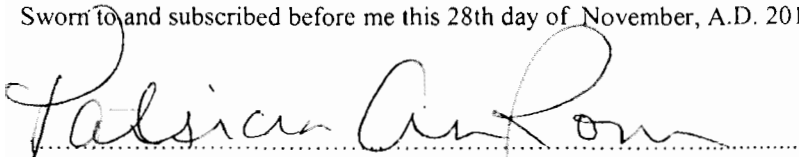
was published in said newspaper and on-line in the issues of

11-7, 11-14, 11-21, 11-28; 2019

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

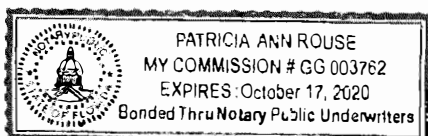
Signed: 
Rhonda Gentle
Advertising Account Executive
Who is personally known to me.

Sworn to and subscribed before me this 28th day of November, A.D. 2019



Notary Public

(Seal)

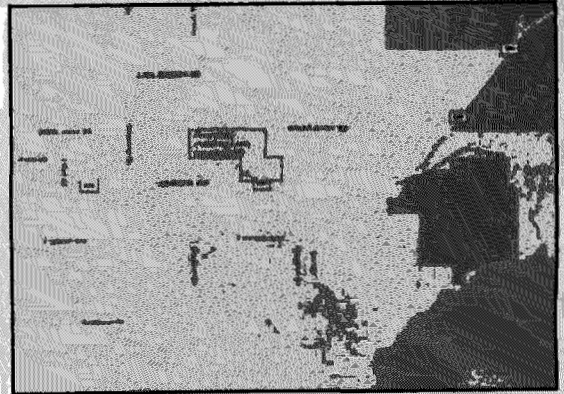


NOTICE OF LOCAL PUBLIC HEARING City Commission of the City of Haines City, Florida to Consider the Creation of the Cypress Park Estates Community Development District

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TIME: 7:00 p.m.

LOCATION: City of Haines City
City Commission Chambers
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LLH345423