

ORDINANCE NO. 15- 077

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "CHAMPION'S RESERVE COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR NO COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (hereinafter, 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 1,000 acres be filed by the petitioner with the County Commission of the county 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 Board of County Commissioners of Polk County (the "Board"); and

WHEREAS, Gudmar Champion, LLC (the "Petitioner") is the sole owner of one hundred percent (100%) of the real property to be included in the District and has petitioned Polk County (the "County") to establish the Champion's Reserve Community Development District (the "District") pursuant to the Act; and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 3905 National Drive, Burtonsville, Maryland 20866; and

WHEREAS, the Petition submitted on September 29, 2015 (the "Petition") to the County 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 were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on November 17, 2015; and

WHEREAS, on November 17, 2015 the Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act and has determined to grant the Petition for Establishment of the Champion's Reserve Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services to the subject land.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

SECTION 1: AUTHORITY

This ordinance is adopted in compliance with and pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes.

SECTION 2: ESTABLISHMENT AND DISTRICT NAME

The Petition is hereby granted and there is hereby established a community development district situated entirely within unincorporated Polk County, Florida, which District shall be known as the "Champion's Reserve Community Development District."

SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT

The external boundaries of the District are legally described in Exhibit "A," attached hereto and incorporated herein by this reference, the overall parcel containing 81.98 acres, more or less. No real property within the external boundaries of the District is to be excluded.

SECTION 4: FINDINGS OF FACT

The Board hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before it 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 Polk County Comprehensive Plan.
- c. The area of land within the District, described in Exhibit A, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one

functional interrelated community.

- d. The District provides the best alternative available for delivering community development services and facilities to the area to 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.
- f. The area to be served by the proposed District is amenable to separate special-district government.

SECTION 5: FUNCTIONS AND POWERS

The District shall have all powers and functions granted by the Act, as amended from time to time. In addition, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(1) and 190.012(2)(a) and (d), Florida Statutes and any amendments thereof. This Ordinance does not, and shall not be construed to, expand, modify, or delete any provisions of the Uniform Community Development District Act of 1980 as set forth in Chapter 190, Florida Statutes.

SECTION 6: BOARD OF SUPERVISORS

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

Name:	Jeb Bittner
Address:	246 Holly Road, Vero Beach, Florida 32963
Name:	Brian Howell
Address:	5680 West Cypress Street, Suite A, Tampa, Florida 33607
Name:	Brian Lamb
Address:	5680 West Cypress Street, Suite A, Tampa, Florida 33607
Name:	Eric Davidson
Address:	5680 West Cypress Street, Suite A, Tampa, Florida 33607
Name:	James Paleveda
Address:	5680 West Cypress Street, Suite A, Tampa, Florida 33607

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America and shall serve until their successors are chosen and qualified, as

provided in Section 190.006 of the Act.

SECTION 7: COMPLIANCE WITH LAWS AND ORDINANCES

The District shall comply with the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes, rules and regulations, including the Polk County Comprehensive Plan and all applicable provisions of the Polk County Land Development Code.

SECTION 8: NO POLK COUNTY OBLIGATIONS

No debt, obligation or duty of the District shall constitute a debt, obligation, duty or burden of or on Polk County.

SECTION 9: NO LIMITATION ON POLK COUNTY POWERS

Establishment of the District in no way limits the County in the exercise of its powers or authority as provided for in the Constitution, Chapter 125, Florida Statutes and other Florida statutes, or the Florida Administrative Code, upon the property within the District, as described in Exhibit "A".

SECTION 10: REQUIRED DISCLOSURES

The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in Section 190.009 and Section 190.048 of the Act, as amended from time to time.

SECTION 11: SEVERABILITY

If any provision of this Ordinance, is held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining sections or portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, POLK
COUNTY, FLORIDA this 17th day of November, 2015.

Exhibit A

OVERALL LAND DESCRIPTION – CHAMPION’S RESERVE CDD

(AS PER OFFICIAL RECORD BOOK 3796, PAGE 824)

THOSE PARTS OF THE NW-1/4 AND THE N-1/2 OF SW-1/4 LYING SOUTH OF COUNTY ROAD S-54 (SOMETIMES REFERRED TO AS DEAN STILL ROAD OR LOUGHMAN ROAD), IN SECTION 4, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, LESS THE EAST 40 FEET OF THAT PART OF THE NE-1/4 OF SW-1/4 OF SAID SECTION 4 LYING SOUTH OF COUNTY ROAD S-54 AND LESS THE RIGHT-OF-WAY FOR STATE ROAD 400 (INTERSTATE HIGHWAY 4) AND LESS THAT PART LYING NORTH AND WEST OF SAID STATE ROAD 400 AND LESS POLK COUNTY (STORM WATER RETENTION AREA), OFFICIAL RECORD BOOK 7118, PAGES 272-275, AS RECORDED IN OFFICIAL RECORD BOOK 7118 , PAGES 272-275 OF THE PUBLIC RECORDS OF POLK COUNTY , FLORIDA. SUBJECT TO EASEMENTS OF RECORD.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(AS CREATED PER METES AND BOUNDS) COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4 , TOWNSHIP 26 SOUTH , RANGE 27 EAST , ALSO SAID POINT BEING THE POINT OF BEGINNING ; THENCE DEPARTING SAID SOUTHWEST CORNER , RUN N.00°25'18"W. ALONG THE WEST LINE OF SAID SECTION 4 , A DISTANCE OF 965.27 FEET TO A POINT OF INTERSECT OF SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 400 , ALSO KNOWN AS INTERSTATE HIGHWAY 4 (I-4) , AS PER FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY MAPPING (16320-2425) ; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY , RUN N.50°06'54"E. , A DISTANCE OF 1,415.24 FEET TO THE INTERSECTION OF SAID STATE ROAD 400 - INTERSTATE HIGHWAY 4 (I-4) AND RONALD REAGAN PARKWAY (COUNTY ROAD #54) , AS PER STATE OF FLORIDA - STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP (SECTION 1673 - 150) ; THENCE RUN ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID RONALD REAGAN PARKWAY (COUNTY ROAD #54) THE FOLLOWING SEVEN (7) COURSES : (1) S.57°26'00"E. , A DISTANCE OF 128.64 FEET ; (2) S.61°06'58"E. , A DISTANCE OF 404.05 FEET ; (3) S.64°47'58"E. , A DISTANCE OF 242.72 FEET ; (4) S.61°06'59"E. , A DISTANCE OF 388.36 FEET ; (5) S.57°26'00"E. , A DISTANCE OF 162.38 FEET ; (6) N.32°34'09"E. , A DISTANCE OF 11.02 FEET ; (7) S.57°25'53"E. , A DISTANCE OF 431.00 FEET TO A POINT OF INTERSECT WITH A POLK COUNTY - ACCESS WAY , AS RECORDED IN OFFICIAL RECORD BOOK 7063 , PAGES 587-590 OF THE PUBLIC RECORDS OF POLK COUNTY , FLORIDA ; THENCE RUN ALONG THE WEST RIGHT-OF-WAY OF SAID POLK COUNTY - ACCESS WAY S.00°29'12"E. , A DISTANCE OF 794.01 FEET TO THE NORTHEAST CORNER OF POLK COUNTY (STORM WATER RETENTION AREA) , AS RECORDED IN OFFICIAL RECORD BOOK 7118 , PAGES 272-275 OF THE PUBLIC RECORDS OF POLK COUNTY , FLORIDA ; THENCE RUN ALONG THE NORTH BOUNDARY OF SAID POLK COUNTY (STORM WATER RETENTION AREA) S.88°43'35"W. , A DISTANCE OF 837.40 FEET ; THENCE RUN S.01°13'31"E. , A DISTANCE OF 153.02 FEET ; THENCE RUN S.89°36'57"W. , A DISTANCE OF 136.06 FEET ; THENCE RUN S.00°23'02"E. , A DISTANCE OF 30.00 FEET TO A POINT OF INTERSECT WITH THE SOUTH BOUNDARY OF THE NORTH HALF OF THE SOUTHWEST 1/4 OF SAID SECTION 4 ; THENCE RUN S.89°37'27"W. ALONG SAID SOUTH BOUNDARY , A DISTANCE OF 1,643.73 FEET TO THE POINT OF BEGINNING.

CONTAINING A GROSS AREA OF 3,570,996 SQUARE FEET OR 81.98 ACRES , MORE OR LESS .

STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.15-077 adopted by the Board on November 17, 2015.

WITNESS my hand and official seal on this 20th day of November, 2015.

STACY M. BUTTERFIELD, CLERK

By:

Erin Valle

Erin Valle
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 20, 2015

Ms. Erin Valle
Supervisor, Clerk to BOCC & VAB
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Valle:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2015-077, which was filed in this office on November 20, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

