

This is to certify that this is a true copy of Ordinance No. 1769 as passed by the City Commission 5/20/24 on _____

 _____
City Clerk

ORDINANCE NO. 1769

AN ORDINANCE OF THE CITY OF AUBURNDALE FLORIDA, ESTABLISHING THE AUBURN LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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 NOTICE OF REQUIREMENTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (General Location: The area covered by this request is generally located south of Old Dixie Road, east of Cochran Lane, and west of SR-570 in Auburndale, Florida. The area covered by this request is 255.05± acres.)

WHEREAS, Auburn Lakes, LLC ("Petitioner"), having obtained written consent to the establishment of the Auburn Lakes Community Development District (the "District") by owners of one hundred percent (100%) of the real property to be included in the District, petitioned the City Commission ("Commission") of the City of Auburndale, Florida, to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida with a mailing address of 5529 US 98N, Lakeland, Florida 33809; 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 Commission on May 20, 2024; and

WHEREAS, upon consideration of the record established at that hearing, the Commission determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that 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 that the area that will be served by the District is amenable to separate special-district governance; and

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

WHEREAS, the 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.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF AUBURNDALE, FLORIDA, AS FOLLOWS:

1. Authority. This Ordinance is adopted 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.
2. District Name. There is hereby established a community development district situated entirely within the City of Auburndale, Florida, which shall be known as the "Auburn Lakes Community Development District", and which shall be referred to in this ordinance as the "District."
3. District External Boundaries. The external boundaries of the District are described in Exhibit "A" attached hereto, said boundaries encompassing 255.05 acres, more or less.
4. District Powers and Functions. The Auburn Lakes Community Development District shall have all those general powers granted pursuant to Section 190.011, Florida Statutes and those special powers granted pursuant to Section 190.012(1), Florida Statutes. 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), Florida Statutes and security, including, but not limited to, guardhouses, fences and gates, electronic detection systems, and patrol cars, as set forth in Section 190.012(2)(d), Florida Statutes. Notwithstanding the foregoing, the adoption and passage of this Ordinance approving the Petition for the establishment of Auburn Lakes Community Development District ("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.
5. 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.
6. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are: Lee Saunders, Dan Lewis, Thomas Franklin, Sr., Lee Moore, and Duane "Rocky" Owen.
7. Notice Requirements. The District shall provide public notice of all meetings pursuant to law.
8. 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.
9. Severability. If any provision of this Ordinance, or the application thereof, is finally

determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue 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.


10. The correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.
11. This Ordinance shall not be codified, but the City Clerk shall retain this Ordinance as a permanent record of action taken by the City Commission.
12. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect.
13. This Ordinance shall take effect immediately upon passage at second reading.

(Signatures on Following Page)

INTRODUCED FOR CONSIDERATION ON FIRST READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 15th day of April, 2024.

CITY OF AUBURNDALE, FLORIDA

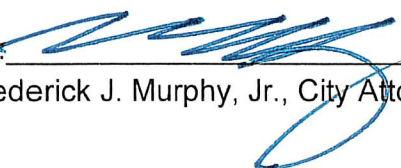
CITY OF AUBURNDALE, FLORIDA

By: 
Dorothea Taylor Bogert, Mayor

ATTEST:


By: 
Brandon Henry, City Clerk

LEGAL IN FORM AND VALID IF ENACTED


By: 
Frederick J. Murphy, Jr., City Attorney

PASSED AND DULY ADOPTED ON SECOND AND FINAL READING by the City Commission of the City of Auburndale, Florida, meeting in Regular Session this 20th day of May, 2024.

CITY COMMISSION
OF AUBURNDALE, FLORIDA

By: 
Dorothea Taylor Bogert, Mayor

ATTEST:

By: 
Brandon Henry, City Clerk

COMMENCE at the Southwest corner of said Section 8; thence N.00 degrees 10°44"W., on the West line of the Southwest 1/4 of said Section 8, a distance of 1662.81 feet to the POINT OF BEGINNING; thence N.00 degree 10°44"W., continuing on the West line of the Southwest 1/4 of said Section 8, a distance of 994.25 feet to the Northwest corner of the Southwest 1/4 of said Section 8; thence N.00 degrees 15°40"W., on the West line of the Southwest 1/4 of the Northwest 1/4 of said Section 8, a distance of 1323.76 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of said Section 8 also being the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 7; thence N.89 degrees 55°53"W., on the North line of the Southeast 1/4 of the Northeast 1/4 of said Section 7, a distance of 665.52 feet to the Southeast corner of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence N.89 degrees 55°53"W., a distance of 11.50 feet; thence N.00 degrees 15°50"E., a distance of 331.28 feet; thence S.89 degrees 55°53"E., a distance of 11.50 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence S.89 degrees 55°53"E., a distance of 11.50 feet; thence N.00 degrees 15°50"E., a distance of 331.28 feet; thence N.89 degrees 55°53"W., a distance of 11.50 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence N.00 degrees 15°50"E., on the West line of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7, a distance of 662.56 feet to the Northeast corner of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7; thence S.89 degrees 48°53"E., on the North line of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 7, a distance of 665.59 feet to the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 7 also being the Northwest corner of the Northwest 1/4 of said Section 8; thence S.89 degrees 54°30"E., on the North line of the Northwest 1/4 of the Northwest 1/4 of said Section 8, a distance of 1328.49 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 8 also being the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence N.00 degrees 04°45"W., on the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, a distance of 670.22 feet to the Northeast corner of the North 263.28 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence N.89 degrees 56°42"W., on the North line of the North 263.28 feet of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 5, a distance of 318.98 feet to a point on the East maintained right of way line of East Fussell Road (per Map Book 6 Page 192) ; thence on the East maintained right of way line of said East Fussell Road (per Map Book 6 Page 192) the following six (6) courses, (1) N.00 degrees 36°11"W., a distance of 73.15 feet, (2) N.00 degrees 18°59"W., a distance of 100.00 feet, (3) N.00 degrees 18°59"W., a distance of 100.00 feet, (4) N.00 degrees 18°59"W., a distance of 100.00 feet, (5) N.00 degrees 15°23"E., and distance of 100.00 feet and (6) N.00 degrees 18°59"W., a distance of 226.08 feet to a point on the South right of way line of Old Dixie Highway (County Road No. 546); thence on the South right of way line of said Old Dixie Highway (County Road No. 546) the following two (2) courses, (1) N.85 degrees 30°39"E., a distance of 208.46 feet and (2) S.89 degrees 46°48"E., a distance of 1392.11 feet to a point on the West right of way line of the Polk Parkway (State Road No. 570); thence on the West right of way line of said Polk Parkway (State Road No. 570) the following nine (9) courses, (1) S.27 degrees 17°58"E., a distance of 96.73 feet, (2) S.00 degrees 19°27"E., a distance of 257.84 feet, (3) S.05 degrees 31°03"W., a distance of 71.78 feet, (4) S.01 degrees 42°12"W., a distance of 156.26 feet, (5) S.02 degrees 06°39"E., a distance of 293.15 feet, (6) S.01 degrees 44°22"W., a distance of 567.29 feet, (7) N.87 degrees 48°43"W., a distance of 505.00 feet, (8) S.02 degrees 34°11"W., a distance of 525.00 feet and (9) S.87 degrees 48°43"E., a distance of 180.74 feet to a point on the West line of a Duke Energy

Easement; thence on the West line of said Duke Energy Easement, the following twelve (12) courses, (1) S.26 degrees 52°53"E., a distance of 341.18 feet, (2) S.06 degrees 25°03"W., a distance of 873.72 feet, (3) S.02 degrees 43°54"W., a distance of 602.93 feet, (4) N.82 degrees 26°13"W., a distance of 50.00 feet, (5) S.03 degrees 33°47°W., a distance of 50.00 feet, (6) S.82 degrees 26°13"E., a distance of 50.00 feet, (7) S.07 degrees 33°47"W., a distance of 74.56 feet, (8) on a curve to the left having a radius of 11679.16 feet, a central angle of 01 degrees 43°47°, a chord length of 352.55 feet and a chord bearing of S.06 degrees 41°54"W., thence on the arc of said curve, an arc length of 352.56 feet to the end of said curve, (9) N.84 degrees 09°59"W., a distance of 15.00 feet. (10) on a curve to the left having a radius of 11694.16 feet, a central angle of 00 degrees 39°41", a chord length of 135.00 feet and a chord bearing of S.05 degrees 30°10"W., thence on the arc of said curve, an arc length of 135.00 feet to the end of said curve, (11) S.84 degrees 49°41"E., a distance of 15.00 feet and (12) on a curve to the left having a radius of 11679.16 feet, a central angle of 02 degrees 41°24", a chord length of 548.27 feet and a chord bearing of S.03 degrees 49°38"W, thence on the arc of said curve, an arc length of 548.32 feet to a point on the North line of a Tampa Electric Company Easement; thence on the North line of said Tampa Electric Company Easement the following two (2) courses, (1) S.68 degrees 47°23"W., a distance of 130.33 feet and (2) N.90 degrees 00°00"W., a distance of 2070.27 feet to the POINT OF BEGINNING.

Parcel contains 255.05 acres, more or