

ORDINANCE NO. 1274

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA; ESTABLISHING THE HORSESHOE CREEK 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 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 AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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 Davenport, Florida (the "City"); and,

WHEREAS, TLC Reedy Isle, LLC (the "Petitioner"), having obtained written consent to the establishment of the Horseshoe Creek 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 such documents, has petitioned (the "Petition") the City to adopt an ordinance establishing the District pursuant to the Act; 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 605 Commonwealth Avenue, Orlando, Florida 32803; and,

WHEREAS, the Petition which was submitted to the City on or around March 12, 2024, 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 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 June 3, 2024; and,

WHEREAS, on June 3, 2024, the City considered the record of the public hearing including testimony and evidence presented before the City and the factors set forth in Section 190.005(1)(e) of the Act, and, upon such review, determined that granting the Petition to establish the Horseshoe Creek Community Development District is in the best interest of the City, and the following in adoption of this Ordinance:

- (1) All statements within the Petition are true and correct,
- (2) Establishment of the District and all land uses and services planned within the District are not inconsistent with applicable elements or portions of the State Comprehensive Plan, or the City of Davenport Comprehensive Plan,
- (3) The area of land within the District described in Exhibit "A" (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,
- (4) 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,
- (5) 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,
- (6) The area to be served by the District is amenable to separate special-district government; and,

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

WHEREAS, the City has performed a business impact estimate pursuant to § 166.041(4)(c), and determined that adoption of this ordinance:

- (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City,
- (2) has no direct negative economic impact on private, for-profit businesses in the city,
- (3) will not result in direct compliance costs by businesses,
- (4) does not impose any new charge or fee on businesses for which businesses will be financially responsible,
- (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City; 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,

WHEREAS, all other procedural and notice requirements mandated by State law and the City's Charter and Code of Ordinances have been followed and satisfied.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAVENPORT, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the City Commission of the City of Davenport, Florida, and incorporated into this Ordinance.

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* (the "Act"). Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. ESTABLISHMENT AND DISTRICT NAME. There is hereby created a community development district situated entirely within the incorporated limits of the City of Davenport, Florida, which district shall be known as the "Horseshoe Creek Community Development District", and which shall be referred to as the "District" in this Ordinance.

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit "A", and said boundaries encompass 490.168 acres, more or less.

SECTION 5. DISTRICT POWERS AND FUNCTIONS. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. Specifically, the District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, pursuant to Section 190.012(2), *Florida Statutes*, the City's consent is hereby given to the District to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (ii) security, so long as such systems and facilities are in accordance with the code and land development regulations of the City and approved by the City, if required. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all City of Davenport ordinances and policies governing land development or the use of land. Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the District, the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the pledged revenues designated for the bonds. This ordinance is not intended nor shall it be construed to expand, modify, or delete any provision of the Act, nor shall it be intended to modify, restrict, or expand any current prospective development or utility agreements.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District Board of Supervisors are as follows: Anthony Iorio, Jason Lonas, Doug Beasley, Duane "Rocky" Owen, and Thomas Franklin, Senior. All initial

members of the District's Board of Supervisors are residents of the State of Florida and citizens of the United States of America.

SECTION 7. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper once a week for four successive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 8. 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 9. BUSINESS IMPACT ESTIMATE. Pursuant to Section 166.041(4), *Florida Statutes*, the City of Davenport is required to prepare a business impact estimate for certain proposed ordinances. This proposed ordinance creates a community development district upon those lands described in Exhibit "A" hereof within the City of Davenport. The creation of this community development district upon the lands described within the City (1) serves a public purpose by serving the public health, safety, morals, and welfare of the City, (2) has no direct negative economic impact on private, for-profit businesses in the city, (3) will not result in direct compliance costs by businesses, (4) does not impose any new charge or fee or businesses for which businesses will be financially responsible, and (5) does not create any additional municipal regulatory cost which is not recovered appropriately and lawfully by the City. Thus, it is estimated that neither residents nor any business will incur additional costs. The City does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected. The Business Impact Estimate form for this ordinance is on file with the City Clerk.

SECTION 10. 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 force and effect.

SECTION 11. CONFLICTS. That portion of any ordinance which may conflict with this Ordinance, if any, is hereby repealed with this adoption of this Ordinance.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

[The remainder of this page is left intentionally blank.]

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

CITY OF DAVENPORT, FLORIDA

(SEAL)

By: _____
Brynn Summerlin, Mayor

Attest:

Raquel Castillo, City Clerk

INTRODUCED, PASSED AND ENACTED ON SECOND READING by the City Commission of the City of Davenport, Florida, meeting in Regular Session, this 3rd day of June, 2024.

CITY OF DAVENPORT, FLORIDA

(SEAL)

By: _____
Brynn Summerlin, Mayor

Attest:

Raquel Castillo, City Clerk

Approved as to form and legality by:

Thomas Cloud, City Attorney

EXHIBIT "A"
HORSESHOE CREEK CDD
LEGAL DESCRIPTION

LEGAL DESCRIPTION

SOUTH PD

A TRACT OF LAND, BEING THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, ALSO THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 27 EAST, BEING TRACTS 23 THROUGH 26 IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 27 SOUTH, RANGE 27 EAST, ALSO TRACT 32 OF SECTION 12, TOWNSHIP 27 SOUTH, RANGE 27 EAST, MAP OF FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63 INCLUSIVE, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING LOTS 1 THROUGH 10 OF BLOCK 4, ALSO LOTS 1 THROUGH 10 OF BLOCK 5, TOGETHER WITH ADJACENT RIGHT-OF-WAYS, TERRACE PARK SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 39, PUBLIC RECORDS OF POLK COUNTY, FLORIDA ALSO TRACT 22, REPLAT OF PRINCE ORANGE MANOR, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGE 9, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE APPARENT RIGHT-OF-WAY OF HORSE SHOE CREEK ROAD, AND LOTS 1 THROUGH 6, AND THE EAST 35 FEET OF LOTS 7 THROUGH 12, BLOCK 18; ALL OF BLOCK 19, LOT 1 LESS THE SOUTH 50 FEET; LOT 2, LESS THE SOUTH 50 FEET OF THE WEST 15 FEET; ALL OF LOTS 3 THROUGH 26, AND THE EAST 35 FEET OF LOT 27, ALL IN BLOCK 20, PRINCE ORANGE MANOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21 PAGE 19, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 89°29'19" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 2648.88 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°05'31" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 15.00 FEET TO A POINT LYING ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF TRACT 25 OF SAID PLAT OF MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 89°30'30" WEST, ALONG THE SOUTH LINE OF SAID TRACT 25 AND TRACT 26 AND THE WESTERLY EXTENSION THEREOF, 968.31 FEET TO A POINT LYING ON THE CENTERLINE OF ERIE AVENUE, AS SHOWN ON THE PLAT OF TERRACE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 39 OF SAID PUBLIC RECORDS, THENCE RUN NORTH 00°06'34" WEST, ALONG THE CENTERLINE OF ERIE AVENUE 647.04 FEET TO A POINT LYING ON THE SOUTH LINE OF TRACT 22 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN ALONG THE SOUTH, WEST, NORTH AND EAST LINES OF SAID TRACT 22, THE FOLLOWING FOUR (4) COURSES: SOUTH 89°31'21" WEST, 22.99 FEET; THENCE RUN NORTH 00°07'07" WEST, 662.05 FEET; THENCE RUN NORTH 89°32'12" EAST, 430.61 FEET; THENCE RUN NORTH 00°06'34" WEST, 601.94 FEET; THENCE RUN SOUTH 89°33'44" WEST, 75.00 FEET TO A POINT LYING ON THE WEST LINE OF LOT 1, BLOCK 20 OF SAID PLAT OF PRINCE ORANGE MANOR; THENCE RUN NORTH 00°06'34" WEST, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 60.00 FEET TO A POINT LYING ON THE NORTH LINE OF SAID BLOCK 20, PRINCE ORANGE MANOR; THENCE RUN ALONG THE NORTH AND EAST LINES OF SAID BLOCK 20, THE FOLLOWING TWO (2) COURSES: NORTH 89°33'04" EAST, 636.40 FEET; THENCE RUN SOUTH 00°05'31" EAST, 661.81 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89°36'45" EAST, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1328.17 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 00°04'15" EAST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 1290.77 FEET TO A POINT LYING ON THE APPARENT SOUTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE DEPARTING SAID WEST LINE, RUN ALONG SAID APPARENT SOUTH RIGHT-OF-WAY LINE, THE FOLLOWING THREE (3) COURSES: NORTH 89°44'10" EAST, 1131.46 FEET; THENCE RUN NORTH 00°15'50" WEST, 15.00 FEET; THENCE RUN NORTH 89°44'10" EAST, 200.50 FEET TO A POINT LYING ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE RUN SOUTH 00°14'04" WEST, ALONG SAID EAST LINE, 1302.93 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE RUN ALONG THE NORTH, EAST AND SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, THE FOLLOWING THREE (3) COURSES: NORTH 89°45'25" EAST, 629.75 FEET; THENCE RUN SOUTH 00°16'18" WEST, 656.57 FEET; THENCE RUN SOUTH 89°32'54" WEST, 329.67 FEET TO THE NORTHEAST CORNER OF TRACT 32 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 00°15'11" WEST, ALONG THE EAST LINE OF SAID TRACT 32, A DISTANCE OF 642.77 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 32; THENCE RUN SOUTH 89°20'22" WEST, ALONG THE SOUTH LINE OF SAID TRACT 32 AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 329.48 FEET TO A POINT LYING ON AFORESAID EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12; THENCE RUN SOUTH 00°14'04" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND, LIES IN POLK COUNTY, FLORIDA AND CONTAINS 172.768 ACRES MORE OR LESS.

TOGETHER WITH THE FOLLOWING

LEGAL DESCRIPTION
NORTH PARCEL PD

A TRACT OF LAND, BEING THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, TRACTS 7, 8, 9, 10, 23, 24 AND A PORTION OF TRACTS 25, 26 AND 27, LYING IN THE SOUTHEAST QUARTER OF THE SECTION 2, TOWNSHIP 27 SOUTH, RANGE 27 EAST, TRACTS 1 THROUGH 4, 15 THROUGH 17, THE NORTH HALF OF TRACT 18 AND PORTION OF TRACT 32, LYING IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 27 SOUTH, RANGE 27 EAST OF MAP OF FLORIDA DEVELOPMENT CO. TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGES 60 THROUGH 63, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST QUARTER CORNER OF SECTION 1, TOWNSHIP 27 SOUTH, RANGE 27 EAST; THENCE RUN ALONG THE WEST, NORTH AND EAST LINES OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 1, THE FOLLOWING THREE (3) COURSES: NORTH 00°58'28" WEST, 1310.79 FEET; THENCE RUN NORTH 89°50'09" EAST, 1320.77 FEET; THENCE RUN SOUTH 00°41'06" EAST, 1313.07 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°56'19" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1, A DISTANCE OF 1314.17 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE PLAT OF FOREST HILLS UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 27, OF SAID PUBLIC RECORDS; THENCE RUN NORTH 89°57'16" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 2630.30 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE RUN SOUTH 00°18'20" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2641.25 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°51'12" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2589.48 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE RUN NORTH 01°11'42" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 89°56'37" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 1317.66 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE RUN NORTH 01°02'42" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 664.38 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 4; THENCE RUN SOUTH 89°40'02" WEST, ALONG THE SOUTH LINE OF TRACTS 4 AND 3, A DISTANCE OF 657.89 FEET TO THE NORTHEAST CORNER OF TRACT 15 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN SOUTH 00°58'12" EAST, ALONG THE EAST LINE OF TRACTS 15 AND 18, A DISTANCE OF 995.49 FEET TO A POINT LYING ON THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 18; THENCE DEPARTING SAID EAST LINE, RUN NORTH 89°54'52" WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 18, A DISTANCE OF 329.64 FEET TO A POINT LYING ON THE EAST LINE OF TRACT 17, THENCE RUN SOUTH 00°55'56" EAST, ALONG THE EAST LINE OF TRACTS 17 AND 32 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT, 956.26 FEET TO A POINT LYING ON THE APPARENT NORTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE RUN ALONG SAID APPARENT NORTH RIGHT-OF-WAY LINE, THE FOLLOWING SIX (6) COURSES: NORTH 89°49'36" WEST, 41.60 FEET; THENCE RUN SOUTH 89°36'02" WEST, 100.00 FEET; THENCE RUN NORTH 89°49'36" WEST, 100.00 FEET; THENCE RUN SOUTH 88°52'36" WEST, 88.37 FEET; THENCE RUN NORTH 02°03'50" WEST, 13.01 FEET; THENCE RUN SOUTH 89°44'10" WEST, 173.97 FEET TO A POINT LYING ON THE EAST LINE OF THE WEST HALF OF TRACT 25 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°51'35" WEST, ALONG SAID EAST LINE, 195.01 FEET; THENCE RUN SOUTH 89°44'10" WEST, 158.85 FEET TO A POINT LYING ON THE WEST LINE OF SAID TRACT 25; THENCE RUN SOUTH 00°49'29" EAST, ALONG SAID WEST LINE OF TRACT 25, A DISTANCE OF 195.01 FEET TO A POINT LYING ON AFORESAID APPARENT NORTH RIGHT-OF-WAY LINE OF HORSE SHOE CREEK ROAD; THENCE RUN SOUTH 89°44'10" WEST, ALONG SAID APPARENT NORTH RIGHT-OF-WAY LINE, 176.61 FEET; THENCE DEPARTING SAID APPARENT NORTH RIGHT-OF-WAY LINE, RUN NORTH 03°25'08" WEST, 336.46 FEET; THENCE RUN NORTH 79°53'11" WEST, 275.63 FEET TO A POINT LYING ON THE WEST LINE OF THE EAST 130.00 FEET OF TRACT 27 OF SAID MAP OF FLORIDA DEVELOPMENT CO. TRACT; THENCE RUN NORTH 00°45'17" WEST, ALONG SAID WEST LINE, 240.00 FEET TO A POINT LYING ON THE NORTH LINE OF SAID TRACT 27; THENCE RUN NORTH 89°44'44" EAST, ALONG SAID NORTH LINE OF TRACT 27, A DISTANCE OF 130.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 23; THENCE RUN NORTH 00°45'17" WEST, ALONG THE WEST LINE OF TRACTS 23, 10 AND 7, A DISTANCE OF 1951.77 FEET TO THE NORTHWEST CORNER OF SAID TRACT 7; THENCE RUN NORTH 89°46'27" EAST, ALONG THE NORTH LINE OF TRACTS 7 AND 8, A DISTANCE OF 659.60 FEET; THENCE RUN NORTH 00°53'40" WEST, 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN POLK COUNTY, FLORIDA AND CONTAINS 317.400 ACRES MORE OR LESS.

FOR A TOTAL OF 490.168 ACRES, MORE OR LESS



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Davenport's website by the time notice of the proposed ordinance is published.

AN ORDINANCE OF THE CITY OF DAVENPORT, FLORIDA; ESTABLISHING THE HORSESHOE CREEK 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 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 AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Davenport is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Davenport is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Davenport hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This proposed ordinance will provide City services for the applicant and will expand the City boundaries, thus serving the public health safety, morals and welfare.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Davenport, if any:
 - (a) An estimate of direct compliance costs that businesses may reasonably incur;
 - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
 - (c) An estimate of the City of Davenport's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Annexation does not lessen or remove any private resident or commercial business. Thus, it is estimated that neither residents nor any business will incur additional costs. The city does not seek to impose any additional user or regulatory fees or charges, nor are any direct compliance costs expected.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: *Zero (0)*

4. Additional information the governing body deems useful (if any):

City of Davenport staff solicited comments from businesses and residents in the City of Davenport as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of Davenport's website, public workshop, etc. The proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect residents or businesses.

Boundary Petition Cover Letter:

**BEFORE THE CITY COMMISSION OF
THE CITY OF DAVENPORT, FLORIDA**

PETITION TO ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT

Petitioner, TLC Reedy Isle, LLC (hereafter "**Petitioner**"), hereby petitions the City Commission of the City of Davenport pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, *Florida Statutes*, to establish a Community Development District (hereafter "**District**") with respect to the land described herein. In support of this petition ("**Petition**"), Petitioner states:

1. **Location and Size.** The proposed District is located entirely within the City of Davenport, Florida ("**City**"). **Exhibit 1** depicts the general location of the proposed District. The proposed District covers approximately 490.168 acres of land, generally located north and south of Horseshoe Creek Road, west of Lake Marion Wildlife Management Area and east of U.S. Highways 17 and 92. The metes and bounds description of the external boundaries of the proposed District is set forth in **Exhibit 2**.

2. **Excluded Parcels.** There are no parcels within the external boundary of the proposed District that are to be excluded from the proposed District.

3. **Landowner Consent.** Petitioner has obtained written consent to establish the proposed District from the owner(s) of one hundred percent (100%) of the real property located within the proposed District in accordance with Section 190.005, *Florida Statutes*. Documentation of ownership and consent to the establishment of a community development district is contained in **Composite Exhibit 3**.

4. **Initial Board Members.** The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Anthony Iorio
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Jason Lonas
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Doug Beasley
Address: 605 Commonwealth Avenue
Orlando, Florida 32803

Name: Duane "Rocky" Owen
Address: 5585 Alligator Lake Road
St. Cloud, Florida 34772

Name: Thomas Franklin, Sr.
Address: 1818 Admiral Court
Kissimmee, Florida 34744

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Horseshoe Creek Community Development District.

6. Future Land Uses. The existing use of the lands within the proposed District is identified in **Composite Exhibit 4**. Additionally, the future general distribution, location, and extent of the public and private land uses within and adjacent to the proposed District by land use plan element are depicted in **Composite Exhibit 4**. The proposed land uses within the anticipated District boundaries are consistent with the applicable local comprehensive plan.

7. Major Water and Wastewater Facilities and Outfalls. There are no existing major trunk water mains and wastewater interceptors within the currently undeveloped lands to be included within the proposed District. **Exhibit 5A** demonstrates the pre-development drainage patterns and basins for the lands within the proposed District. **Exhibit 5B** illustrates the post-development drainage conditions for the lands to be included within the proposed District. **Exhibit 5C** demonstrates the proposed major trunk water mains and wastewater interceptors within the currently undeveloped lands located within and near the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the proposed District to finance, fund, construct, acquire and/or install, as well as the anticipated entities responsible for ownership and maintenance. The estimated costs of constructing the infrastructure serving land within the proposed District are identified in **Exhibit 7**. At present, these improvements are estimated to be made, constructed, and installed in nine (9) phases (including subphases) over the time period from 2024 through 2028. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("**SERC**") prepared in accordance with the requirements of Section 120.541, *Florida Statutes*. The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

10. Authorized Agent. The Petitioner is authorized to do business in the State of Florida. The authorized agents for the Petitioner are Sarah R. Sandy and Michelle K. Rigoni. **See Exhibit 9.** Copies of all correspondence and official notices should also be sent to:
Sarah R. Sandy, Esq. (sarah.sandy@kutakrock.com)
Michelle K. Rigoni, Esq. (michelle.rigoni@kutakrock.com)
Kutak Rock, LLP
107 West College Avenue
Tallahassee, Florida 32301

11. Landowner Deeds. A copy of the warranty deeds, pursuant to which the consenting landowner took title to the lands to be included within the District, is included as **Composite Exhibit 10.**

12. Filing Fee. The Petitioner submitted a copy of this Petition, including Exhibits 1 through 10, and paid the filing fee of \$6,500 to the City, as required.

13. This petition to establish Horseshoe Creek Community Development District should be granted because it meets the six (6) factors set forth in Section 190.005(1)(e), *Florida Statutes*, as follows:

- a. The statements contained within this Petition have been found to be 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 effective State Comprehensive Plan or the local Comprehensive Plan.
- c. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.
- d. The establishment of the District will prevent the general body of taxpayers in the City from bearing the burden for installation of the infrastructure and the maintenance of the above-described facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.
- e. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

f. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the City Commission of the City of Davenport to:

- a. hold a public hearing in accordance with the requirements of Sections 190.005(2)(b) and (e), *Florida Statutes*;
- b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, *Florida Statutes*;
- c. consent to the District's exercise of certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and 190.012(2)(d), *Florida Statutes*; and
- d. grant such other relief as appropriate.

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RESPECTFULLY SUBMITTED, this 12th day of March 2024.

KUTAK ROCK, LLP

By:



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