

ORDINANCE NO. O-24-54

AN ORDINANCE OF THE CITY OF WINTER HAVEN, FLORIDA AMENDING ORDINANCE NO. O-23-57, WHICH ESTABLISHED THE PEACE CREEK VILLAGE COMMUNITY DEVELOPMENT DISTRICT, TO EXPAND THE BOUNDARIES OF THE PEACE CREEK VILLAGE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2024); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 23, 2023, the City Commission (the "Commission") of the City of Winter Haven, Florida (the "City") approved Ordinance No. O-23-57 (the "Establishing Ordinance"), effective October 23, 2023, establishing the Peace Creek Village Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the City received the District's *Petition to Expand the Boundary of the Peace Creek Village Community Development District* (the "Petition"), which Petition is in compliance with the provisions of Section 190.046, *Florida Statutes* (2024); 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 December 9, 2024, pursuant to Section 190.046(1)(b), *Florida Statutes* (2024); and

WHEREAS, the additional property to be added to the District's boundaries (the "Expansion Parcel") is owned by Winterlake PH LP and by Lake Wales Common LP and they have provided written consent to authorize the addition of the Expansion Parcel to the District's boundaries; and

WHEREAS, the Commission has considered the record established at the duly noticed public hearing and has considered the statutory factors set forth in Section 190.005(1)(e), *Florida Statutes* (2024), in making its determination to grant or deny the Petition; and

WHEREAS, the Commission, pursuant to the information contained within the Petition and based on an investigation conducted by City staff and otherwise being fully advised as to the facts and circumstances contained within the Petition, finds that the statutory factors under Section 190.005(1)(e), *Florida Statutes* (2024) have been satisfied; and

WHEREAS, pursuant to the information stated herein and, in the Petition, and upon consideration of the record established at the duly noticed hearing, the Commission has decided to grant the District's Petition; and

WHEREAS, the District, as amended, will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described in the Petition; and

WHEREAS, the District, as amended, shall not act to amend any land development approvals governing the land to be included within the District; and

WHEREAS, upon the effective date of this Ordinance, the Peace Creek Village Community Development District, as created by general law and by Ordinance No. O-23-57, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law and by Ordinance No. O-23-57, including within the Expansion Parcel.

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

Section 1. Boundaries. The City hereby grants the District's Petition, and the boundaries of the District are modified to include the metes and bounds description of the Expansion Parcel, comprising approximately 84.747 acres, more or less, as described in **Exhibit 1** attached hereto and incorporated herein by reference. The District boundaries as amended by adoption of this Ordinance are described in **Exhibit 2** attached hereto and incorporated herein by reference and shall encompass approximately 180.147 acres of land, more or less.

Section 2. City Findings. The City, pursuant to the information contained within the Petition and an investigation conducted by City staff and otherwise being fully advised as to the facts and circumstances contained within the Petition, finds as follows:

- (1) The statements within the Petition are true and correct; and
- (2) The Petition is complete in that it meets the requirements of Section 190.046, *Florida Statutes* (2024); and
- (3) The appropriate City staff have reviewed the Petition of the District on the proposed lands to be included within the District and have advised the Commission that said Petition is complete and sufficient; and
- (4) Amendment of the District boundaries and all land uses and services planned within the District, as amended, are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the applicable and effective local comprehensive plans; and
- (5) The area of land to be included within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and
- (6) The District, as amended, is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (7) 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

(8) The area that will be served by the District, as amended, is amenable to separate special-district government.

Section 3. Authority. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes* (2024).

Section 4. Conflicts. All Ordinances or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed. Provided, however, that all of the terms of Ordinance No. O-23-57 adopted by the Commission on October 23, 2023 are expressly affirmed and shall remain in full force and effect and be applicable for that Expansion Parcel described in **Exhibit 1** attached hereto and incorporated herein by reference and the Expansion Parcel shall be subject to all of the provisions of Ordinance No. O-23-57 which are expressly affirmed herein.

Section 5. 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.

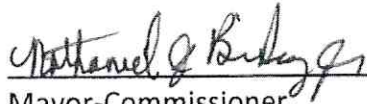
Section 6. Administrative Correction of Scrivener's Errors. The correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of a public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage at second reading after public hearing.

INTRODUCED on first reading this 25th day of November, 2024.

PASSED on second reading this 9th day of December, 2024.

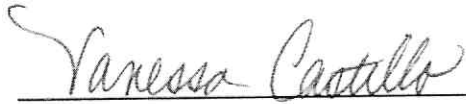
CITY OF WINTER HAVEN, FLORIDA



Mayor-Commissioner
Nathaniel J. Birdsong, Jr.

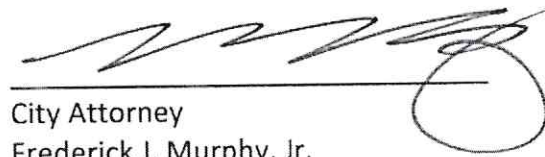


ATTEST:



City Clerk
Vanessa Castillo, MMC

Approved as to form:



City Attorney
Frederick J. Murphy, Jr.

EXHIBIT 1

LEGAL DESCRIPTION

A PORTION OF LANDS LYING IN SECTION 31, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE S00°22'02"E, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 1262.43 FEET TO THE NORTHEAST CORNER OF THE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE S89°12'12"W, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 728.64 FEET; THENCE DEPARTING SAID NORTH LINE, S00°24'18"E, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE N89°12'12"E, A DISTANCE OF 483.04 FEET; THENCE N00°22'02"W, A DISTANCE OF 32.74 FEET; THENCE N89°13'17"E, A DISTANCE OF 246.65 FEET; THENCE N89°16'57"E, A DISTANCE OF 629.42 FEET; THENCE S00°41'54"E, A DISTANCE OF 32.87 FEET; THENCE N89°18'06"E, A DISTANCE OF 1905.19 FEET; THENCE S66°03'16"E, A DISTANCE OF 34.29 FEET; THENCE S24°47'01"E, A DISTANCE OF 130.95 FEET; THENCE S00°17'00"E, A DISTANCE OF 1056.37 FEET; THENCE S89°26'11"W, A DISTANCE OF 1289.65 FEET; THENCE N00°20'18"W, A DISTANCE OF 205.00 FEET TO THE NORTH LINE OF THE SOUTH 205 FEET OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE S89°26'11"W, ALONG SAID NORTH LINE, A DISTANCE OF 1328.76 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE DEPARTING SAID NORTH LINE, S89°26'29"W, ALONG THE NORTH LINE OF THE SOUTH 205 FEET OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 31, A DISTANCE OF 3.00 FEET; THENCE S89°26'31"W, A DISTANCE OF 863.75 FEET; THENCE N00°24'14"W, A DISTANCE OF 851.13 FEET; THENCE N89°13'19"E, A DISTANCE OF 137.41 FEET; THENCE N00°24'18"W, A DISTANCE OF 124.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,691,567 SQUARE FEET OR 84.747 ACRES MORE OR LESS.

EXHIBIT 2

Ordinance O-23-57

DESCRIPTION:

THAT PART OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 31 AND RUN THENCE ALONG THE NORTH LINE OF SAID NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$, N88°59'48"E A DISTANCE OF 31.00 FEET TO THE EAST RIGHT OF WAY LINE OF McCLEAN ROAD AS DESCRIBED BY QUIT CLAIM DEED IN OFFICIAL RECORD BOOK 12719, PAGE 345, PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR A POINT OF BEGINNING. THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: (1) S00°27'53"E A DISTANCE OF 1191.10 FEET; (2) S45°39'48"E A DISTANCE OF 49.33 FEET TO THE NORTHERLY RIGHT OF WAY OF OLD BARTOW - LAKE WALES ROAD AS DESCRIBED IN SAID QUIT CLAIM DEED; RUN THENCE ALONG SAID RIGHT OF WAY N89°08'17"E A DISTANCE OF 906.22 FEET TO THE BOUNDARY OF THE WEST 115.00 FEET OF THE EAST 360.66 FEET OF THE NORTH OF THE NORTH 434.78 FEET OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 31; RUN THENCE ALONG SAID BOUNDARY THE FOLLOWING THREE COURSES: (1) N00°29'31"W A DISTANCE OF 402.97; (2) N89°13'21"E A DISTANCE OF 115.05 FEET; (3) S00°29'30"E A DISTANCE OF 402.80 FEET TO SAID NORTHERLY RIGHT OF WAY OF OLD BARTOW-LAKE WALES ROAD. THENCE ALONG SAID NORTHERLY RIGHT OF WAY N89°08'17"E A DISTANCE OF 876.41 FEET; THENCE N00°24'42"W A DISTANCE OF 204.80 FEET; THENCE N89°05'27"E A DISTANCE OF 699.62 FEET TO THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID WEST LINE, S00°31'19"E A DISTANCE OF 205.37 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF OLD BARTOW-LAKE WALES ROAD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N89°08'17"E A DISTANCE OF 1313.35 FEET TO THE WESTERLY RIGHT OF WAY LINE OF GARY STREET AS DESCRIBED IN SAID QUIT CLAIM DEED; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE N00°16'07"W A DISTANCE OF 1239.46 FEET TO THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID NORTH LINE, S88°57'31"W A DISTANCE OF 1316.67 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, S88°57'25"W A DISTANCE OF 350.13 FEET TO WEST LINE OF THE EAST 350.00 FEET OF THE NORTH $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID WEST LINE, S00°25'58"E A DISTANCE OF 317.49 FEET TO THE SOUTH LINE OF THE NORTH $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID SOUTH LINE, S88°57'05"W A DISTANCE OF 980.11 FEET TO THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID WEST LINE S00°24'17"E A DISTANCE OF 315.82 FEET TO THE SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 31; THENCE ALONG SAID SOUTH LINE, S89°06'40"W A DISTANCE OF 333.47 FEET TO THE WEST LINE OF THE EAST $\frac{1}{2}$ OF SAID

Ordinance O-23-57

NORTHEAST ¼ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 31; THENCE ALONG SAID WEST LINE N00°25'37"W A DISTANCE OF 630.97 FEET TO THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 31; THENCE ALONG SAID NORTH LINE S88°59'48"W A DISTANCE OF 970.31 FEET TO THE POINT OF BEGINNING.

NOTE:

BEARINGS ARE BASED ON THE WEST ZONE OF THE FLORIDA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT FOR THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 31, TOWNSHIP 29 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING N00°27'53"W.

Consisting of 95.4 acres, more or less.

LEGAL DESCRIPTION

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