

**ORDINANCE NO. O-22-16**

AN ORDINANCE OF THE CITY OF WINTER HAVEN FLORIDA, ESTABLISHING THE POLLARD ROAD 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 4<sup>th</sup> Street E, east of Pollard road, and north of 12<sup>th</sup> Street E, in Winter Haven, Florida. The area covered by this request is 111.94± acres.)

WHEREAS, Highland Cassidy, LLC, a Florida limited liability company ("Petitioner"), having obtained written consent to the establishment of the Pollard Road Community Development District ("District") by owners of one-hundred percent (100%) of the real property to be included in the District, petitioned by the City Commission ("Commission") of Winter Haven, 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 346 E. Central Avenue, Winter Haven, Florida 33880; 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 February 28, 2022; 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 WINTER HAVEN, 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 Winter Haven, Florida, which shall be known as the "Pollard Road 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 111.94 acres, more or less.
4. District Powers and Functions. The Pollard Road Community Development District shall have all those general powers granted pursuant to Section 190.011, 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) and security, including, but not limited to, guardhouses, fences and gates, electronic detection systems, and patrol cars, when authorized by proper government agencies 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 Pollard Road 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 Community Development 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: Warren K. Heath, Lauren Schwenk, Patrick Marone, Justin Frye, and Christine Aviles.
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.
13. This ordinance shall take effect immediately upon passage at second reading.

INTRODUCED on first reading this 14<sup>th</sup> day of February, 2022.

PASSED on second reading this 28<sup>th</sup> day of February, 2022.



ATTEST:

Vanessa Castillo

CITY CLERK

CITY OF WINTER HAVEN, FLORIDA

Paul J. Henth

MAYOR-COMMISSIONER

Approved as to form:

[Signature]  
CITY ATTORNEY

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY TO BE INCLUDED WITHIN**  
**POLLARD ROAD COMMUNITY DEVELOPMENT DISTRICT**

**Parcel No. 1 (Tax ID 262921-690500-023401)**

LOTS 234 AND 269, WAHNETA FARMS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 82, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE WEST 100 FEET THEREOF, AND LESS THE FOLLOWING DESCRIBED PROPERTY:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 269, WAHNETA FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 1A, PAGES 82A AND 82B OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, RUN THENCE NORTH 64 DEGREES, 03 MINUTES 27 SECONDS EAST ALONG THE SOUTH BOUNDARY OF SAID LOT 269, 171.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTH 64 DEGREES 02 MINUTES 27 SECONDS EAST, 371.00 FEET, THENCE NORTH 00 DEGREES 01 MINUTES 27 SECONDS EAST, PARALLEL WITH THE WEST BOUNDARY OF SAID LOT 269, 120.00 FEET, THENCE SOUTH 64 DEGREES 02 MINUTES 27 SECONDS WEST, PARALLEL WITH THE SOUTH BOUNDARY OF SAID LOT 269, 371.00 FEET, THENCE SOUTH 00 DEGREES 01 MINUTES 04 SECONDS WEST, 120.00 FEET TO THE POINT OF BEGINNING.

**AND**

**Parcel No. 2 (Tax ID 262921-690500-020600)**

LOTS 206, 209, 212, 228, 231, 232, 270, 271, 272, AND 273, WAHNETA FARMS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 82, PUBLIC RECORDS OF POLK COUNTY FLORIDA, TOGETHER WITH ALL LYING BETWEEN SAID LOTS 206 AND 209.

CONTAINS 111.94 ACRES TOTAL, MORE OR LESS.