

POLK COUNTY ORDINANCE NO. 2022-037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE SCHALLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brooklane Development, LLC, a Florida limited liability company ("Petitioner") has filed a Petition to Establish the Schaller Preserve Community Development District (the "Petition") with the Board of County Commissioners of Polk County (the "County Commission") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Schaller Preserve Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 4532 West Kennedy Boulevard, Suite 229, Tampa, Florida 33609; and

WHEREAS, the owners of one hundred percent (100%) of the real property to be included in the District have consented to the establishment of the District; 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 May 17, 2022, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the County Commission has considered the record of the public hearing and the statutory factors set forth in section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny

the Petition; and

WHEREAS, the County Commission, pursuant to the information contained within the Petition and based on an investigation conducted by Polk County (the "County") staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, 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 190.005(2)(a) Florida Statutes (2021); and

(3) The appropriate County staff have reviewed the Petition for establishment of the District on the proposed land and have advised the County Commission that said Petition is complete and sufficient; and

(4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Polk County Comprehensive Plan; and

(5) The area of land 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 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 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 is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the County Commission has decided to grant the District's Petition to establish the Schaller Preserve Community Development District; and

WHEREAS, 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; 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, upon the effective date of this establishing Ordinance, the Schaller Preserve Community Development District, as created by general law, 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.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Schaller Preserve Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS. The Board findings set forth in the recital to this Ordinance are hereby incorporated in this Ordinance.

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*.

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME. The Petition filed to create the Schaller Preserve Community Development District is hereby granted and there is hereby created a community development district, which is located entirely within unincorporated Polk County, Florida, which District shall be known as the "Schaller Preserve Community Development District".

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the external boundaries encompassing 203 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS. The District is limited to the

performance of those powers and functions as described in Chapter 190, Florida Statutes. The District is also authorized to exercise 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 as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. 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 Polk County ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general-purpose government.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Scott Shapiro, Michele Shapiro, Mike Seney, Andy Mason, and Debbie Mason. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue remain 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 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

DULY ADOPTED by the Polk County Board of County Commissioners with a

quorum present and voting this 17th of May 2022.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY

By: *Matthew Sells*
Chairperson/Vice-Chairperson



ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: *Stephanie Mays*
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

May 17, 2022

LEGAL DESCRIPTION
(by GeoPoint Surveying, Inc)

A parcel of land lying in Section 1, Township 28 South, Range 24 East and Section 6, Township 28 South, Range 25 East, Polk County, Florida, and being more particularly described as follows:

BEGIN at the Northeast corner of said Section 1, also being the Northwest corner of said Section 6; thence along the East line of said Section 1, also being the West line of said Section 6, S 00°42'51" W, a distance of 874.00 feet; thence leaving said Section line, N 89°42'46" E, a distance of 655.99 feet; thence S 00°17'14" E, a distance of 750.10 feet; thence N 89°42'46" E, a distance of 661.31 feet to the East line of the West 1/4 of Said Section 6; thence along said East line of the West 1/4, S 00°14'05" W, a distance of 1050.93 feet; thence S 00°11'48" W, a distance of 1282.25 feet to the North right-of-way line of Saddle Creek Road (70' Public right-of-way) as recorded in Map Book 2, Page 82 of the Public Records of Polk County, Florida; thence along said North right-of-way line, S 89°59'34" W, a distance of 2649.77 feet; thence leaving said North right-of-way line, along the West line of the East 1/4 of said Section 1, N 00°01'50" E, a distance of 3946.93 feet to the North line of said Section 1; thence along the North line of said Section 1, N 89°49'50" E, a distance of 1346.23 feet to the POINT OF BEGINNING.

Containing 203.000 acres,

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. 2022-37 adopted by the Board on May 17, 2022.

WITNESS my hand and official seal on this 17th day of May 2022.

STACY M. BUTTERFIELD, CLERK



By: Stephanie May
Stephanie May
Deputy Clerk

STATE OF FLORIDA DEPARTMENT OF STATE

I, CORD BYRD, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Polk County Ordinance No. 2022-037, Schaller Preserve Community Development District, which was filed in this office on May 19, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
26th day of May, A.D., 2022.**

A handwritten signature in black ink, appearing to read "C. Byrd".

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document