

POLK COUNTY ORDINANCE NO. 2024-048

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE GROVES AT LAKE MARION COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2023); 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, Smokey Groves Development, LLC, a Florida limited liability company (the "Petitioner"), has filed a *Petition to Establish the Groves at Lake Marion 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 Groves at Lake Marion Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2023); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 3425 Turnberry Drive, Lakeland, Florida 33803; 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 Commission on August 6, 2024, 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 the 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* (2023); 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 Petition; 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 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 "Groves at Lake Marion Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS. The Board findings set forth in the recitals 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 District is hereby granted and there is hereby created a community development district, which is situated within unincorporated Polk County, Florida, and which District shall be known as the "Groves at Lake Marion 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. 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 shall have those powers and functions as described in Chapter 190, *Florida Statutes*. Among other powers, the District shall have all powers specified in Sections 190.012(2)(a) and (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: Frederick Scott House, Jonathan T. Hall, Johnnie E. Hall, Victoria E. Ramirez, Britni B. Hall. 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 6th day of August, 2024.

**BOARD OF COUNTY
COMMISSIONERS
OF POLK COUNTY, FLORIDA**

By: [Signature]
Chairperson / Vice Chairperson

ATTEST:

POLK COUNTY CLERK OF THE BOARD



By: Alison Brown
Clerk/Deputy Clerk of the Board
P.2

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

August 6, 2024

EXHIBIT A

DESCRIPTION: (prepared per this survey)

A parcel of land lying within Sections 8, 17 and 18, Township 28 South, Range 28 East, Polk County, Florida, being more particularly described as follows:
For a POINT OF BEGINNING commence at the Southeast corner of the Northeast 1/4 of said Section 18; thence S.89°05'25"W., along the South boundary of the Northeast 1/4 of said Section 18, a distance of 1,651.43 feet; thence N..01°07'07"W., a distance of 122.45 feet; thence N.88°52'53"E., a distance of 85.91 feet; thence N.79°57'29"E., a distance of 64.07 feet; thence N.32°24'06"E., a distance of 65.58 feet; thence N.24°20'54"E., a distance of 171.19 feet; thence N.31°46'39"E., a distance of 221.76 feet; thence N.73°00'14"E., a distance of 117.74 feet; thence N.84°01'39"E., a distance of 82.50 feet; thence N.32°47'52"E., a distance of 173.40 feet; thence N.09°38'48"E., a distance of 129.75 feet; thence N.04°44'49"E., a distance of 64.45 feet; thence N.34°50'09"E., a distance of 65.09 feet; thence N.72°31'38"E., a distance of 80.06 feet; thence N.43°37'33"E., a distance of 80.44 feet; thence N.28°50'09"E., a distance of 66.31 feet; thence N.15°16'43"E., a distance of 72.44 feet; thence N.22°08'27"E., a distance of 113.48 feet; thence N.05°27'02"W., a distance of 108.88 feet; thence N.54°52'31"W., a distance of 86.60 feet; thence N.64°05'05"W., a distance of 82.68 feet; thence N.16°24'46"W., a distance of 79.25 feet; thence N.20°28'53"E., a distance of 49.36 feet; thence N.31°06'26"E., a distance of 118.68 feet; thence N.35°09'55"E., a distance of 58.49 feet; thence N.13°44'45"W., a distance of 50.63 feet; thence N.37°47'32"E., a distance of 515.50 feet; thence N.29°02'21"E., a distance of 52.60 feet; thence N.86°25'27"E., a distance of 85.76 feet; thence S.19°36'23"E., a distance of 111.79 feet; thence S.43°40'35"E., a distance of 84.31 feet; thence N.78°19'38"E., a distance of 151.13 feet; thence N.07°53'36"E., a distance of 94.26 feet; thence N.19°24'34"W., a distance of 168.37 feet; thence N.51°31'20"E., a distance of 99.53 feet; thence N.68°15'23"E., a distance of 160.79 feet; thence S.56°34'03"E., a distance of 272.34 feet; thence N.82°41'52"E., a distance of 111.07 feet; thence N.05°10'49"W., a distance of 74.71 feet; thence N.62°39'48"W., a distance of 318.20 feet; thence N.35°22'43"W., a distance of 190.17 feet; thence N.09°33'26"E., a distance of 54.07 feet; thence N.37°39'11"E., a distance of 142.54 feet; thence N.11°01'19"E., a distance of 82.68 feet; thence N.13°18'48"W., a distance of 122.01 feet to the South boundary of that parcel of land described in Official Records Book 5049, Page 259 of the Public Records of Polk County, Florida; thence N.89°57'41"E., along said South boundary of that certain parcel, a distance of 684.48 feet to a non-tangent point of curvature and the Westerly right-of-way line of Lake Marion Road as described in Official Records Book 1406, Page 1010 of the Public Records of Polk County, Florida; thence Southeasterly 622.44 feet along the arc of a curve to the left, said curve having a radius of 612.03 feet, a central angle of 58°16'13", and a chord bearing and distance of S.36°28'07"E., 595.96 feet to the West boundary of U.S. Government Lot 2; thence along said West boundary and a line non-tangent to said curve, S.00°03'02"W., a distance of 14.12 feet to the South boundary of the Southwest 1/4 of said Section 8; thence S.89°55'19"E., along the South boundary of the Southwest 1/4 of said Section 8, a distance of 33.91 feet to the aforesaid Westerly right-of-way line of Lake Marion Road and a non-tangent point of curvature; thence along said Westerly right-of-way line, Easterly 63.96 feet along the arc of a curve to the left, said curve having a radius of 612.03 feet, a central angle of 05°59'17", and a chord bearing and distance of S.72°02'15"E., 63.94 feet to the East boundary of the West 1/2 of the Northwest 1/4 of said Section 17; thence along said East boundary and a line non-tangent to said curve, S.01°53'45"E., a distance of 2,575.87 feet to the Southeast corner of the West 1/2 of the Northwest 1/4 of said Section 17; thence N.89°13'01"W., along the South boundary of the Northwest 1/4 of said Section 17, a distance of 1,329.36 feet to the POINT OF BEGINNING.
Containing 132.681 acres, more or less.

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. 2024-048 adopted by the Board on August 6, 2024

WITNESS my hand and official seal on this 6th day of August 2024.

STACY M. BUTTERFIELD, CLERK

By: *Yolanda Harris*
Yolanda Harris
Deputy Clerk





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 7, 2024

Stacy M. Butterfield
Clerk of the Circuit Court and Comptroller
Polk County
Post Office Box 988
Bartow, FL 33831-0988

Dear Stacy Butterfield,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2024-048, which was filed in this office on August 6, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

