

ORDINANCE NO. 92- 29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "GOLDEN LAKES COMMUNITY DEVELOPMENT DISTRICT", PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAME OF THE DISTRICT, TO BE KNOWN AS THE "GOLDEN LAKES COMMUNITY DEVELOPMENT DISTRICT"; PROVIDING FOR THE LEGAL DESCRIPTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR POWERS; PROVIDING FOR APPLICABILITY OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR NO POLK COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON POLK COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR INCLUSION IN THE POLK COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 190, Florida Statutes, the "Uniform Community Development District Act of 1980" (the "Act"), Section 190.005, Establishment of District, at subsection 190.005(2), sets out the exclusive and uniform method for establishing an independent community development district of less than one thousand (1,000) acres; and

WHEREAS, Section 190.005(2), Florida Statutes, requires a petition for the establishment of a community development district to be filed with the county Commission, which petition is required to include certain information as required in Section 190.005(1)(a), and said petition is required to be considered at a public hearing conducted by the county Commission in accordance with the requirements and procedures of Section 190.005(1)(a); and

WHEREAS, a petition for establishment of the Golden Lakes Community Development District, which included an economic impact statement and the other information required in Section 190.005(1)(a), hereinafter referred to as "Petition", was submitted

to the Board of County Commissioners of Polk County and considered at a public hearing on August 25, 1992; and

WHEREAS, on August 25, 1992, the Board of County Commissioners has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) and has determined to grant the Petition for establishment of the Golden Lakes Community Development District; and

WHEREAS, Chapter 190, Florida Statutes, Section 190.005(2), authorizes the Board of County Commissioners to enact an ordinance granting the petition for the establishment of a community development district to be known as the Golden Lakes Community Development District; and

WHEREAS, it serves the health, safety and general welfare of the residents of Polk County to enact this Ordinance establishing the "Golden Lakes Community Development District";

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida, on September 15, 1992, that:

Section 1. Establishment and Name.

The Petition for the establishment of the "Golden Lakes Community Development District" is hereby established pursuant to the provision of Section 190.005(2), Florida Statutes, and said community development district shall be known as the "Golden Lakes Community Development District" (the "District").

Section 2. Legal Description.

The external boundaries of the District are legally described in Exhibit "A", attached hereto and incorporated herein and no real property within the external boundaries of the District is to be excluded.

Section 3. Findings of Fact.

Pursuant to Section 190.005(2), Florida Statutes, at the public hearing on the Petition to establish the District the Board of County Commissioners made the following findings :

- A. All statements contained within the Petition are true and correct.
- B. The creation of the District is not inconsistent with all elements of the State of Florida Comprehensive Plan set out in Chapter 187, Florida Statutes, and the Polk County Comprehensive Plan, adopted in Ordinance No. 91-06.
- C. The area of land within the District, identified in Exhibit "A", is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community.
- D. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- E. The community development services and facilities of the District will be not be incompatible with

the capacity and uses of existing local and regional community development services and facilities.

F. The area that will be served by the District is amenable to separate special district government.

Section 4. Board of Supervisors.

A. The initial five (5) members of the Board of Supervisors of the District shall be the following individuals:

Dale Gardner Jacobs

Robert Becker

Joseph B. Tedder

Dale Sanders

Karen Stanley Smith

B. The Board of Supervisors of the District shall exercise all powers granted to the District pursuant to Chapter 190, Florida Statutes.

Section 5. Powers.

The District shall have all the powers of a community development district granted by Chapter 190, Florida statutes, as amended from time to time including special powers referenced in Section 190.021, Florida Statutes. This Ordinance shall not expand, modify, or delete any provision of the uniform community development district charter as set forth in sections 190.006 through 190.041, Florida Statutes.

Section 6. Compliance with Laws and Ordinances.

The District shall comply with Chapter 190, Florida Statutes, and all applicable federal, state and regional laws, statutes, rules and regulations and all applicable Polk County Comprehensive Plan, Code provisions, ordinances, rules and regulations.

Section 7. No Polk County obligation.

No debt, obligation or duty of the District shall constitute a debt, obligation, duty or burden of or on Polk County.

Section 8. No Limitation on Polk County Powers.

Establishment of the District in no way limits Polk County in the exercise of its powers or authority as provided for in Chapter 125, Florida Statutes, and other Florida statutes upon the property within the District, as described in Exhibit "A".

Section 9. Required Disclosure.

The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in Sections 190.009 and 190.048, Florida Statutes, as amended from time to time.

Section 10. Inclusion in Code

The provisions of this Ordinances shall become and be made a part of the Polk County Code and the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such

other appropriate work or phrase in order to accomplish such codification.

Section 11. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 12. Effective Date

This Ordinance shall become effective as provided by law.

ENACTED this ____ day of _____, 1992.

FILED with the Secretary of State _____, 1992.

EFFECTIVE _____, 1992.

ATTACHMENT A

DESCRIPTION: Golden Lakes Community Development District

A parcel of land lying within Section 19 and 30, Township 29 South, Range 24 East, Polk County, Florida, more particularly described as follows:

Commence at the Northeast corner of said Section 30, said point being the POINT OF BEGINNING; thence S.00°46'20"E., along the East boundary line of said Section 30, a distance of 4339.13 feet; thence N.49°49'51"W., a distance of 623.29 feet; thence S.81°06'45"W., a distance of 1291.50 feet; thence N.60°54'48"W., a distance of 428.05 feet; thence N.06°29'33"W., a distance of 629.68 feet; thence N.75°47'26"W., a distance of 387.34 feet; thence N.88°32'10"W., a distance of 652.31 feet; thence S.67°39'32"W., a distance of 215.78 feet; thence S.18°01'32"W., a distance of 88.93 feet; thence S.86°19'46"W., a distance of 1449.15 feet; thence N.00°37'43"W., a distance of 1123.34 feet; thence S.89°51'05"E., a distance of 438.93 feet; thence N.00°39'15"W., a distance of 332.52 feet; thence S.89°52'09"E., a distance of 438.78 feet to the East boundary line of the Southwest 1/4 of the Northwest 1/4 of said Section 30; thence N.00°40'46"W., along said East boundary line, a distance of 635.31 feet to the proposed Southerly right of way line of Carter Road (said line lying 30 feet from and parallel to the North boundary line of the Southeast 1/4 of the Northwest 1/4 of said Section 30); thence S.89°53'23"E., along said Southerly proposed right of way line, a distance of 59.78 feet; thence S.00°15'12"E., a distance of 635.37 feet; thence S.89°54'17"E., a distance of 725.68 feet; thence N.00°31'09"W., a distance of 5.17 feet; thence S.89°53'23"E., a distance of 869.02 feet; thence N.00°39'32"W., a distance of 660.73 feet to the South boundary line of the Northwest 1/4 of the Northeast 1/4 of said Section 30; thence N.89°59'22"E., along said South boundary line, a distance of 79.65 feet; thence N.00°39'32"W., a distance of 666.90 feet; thence N.89°59'35"E., a distance of 7.28 feet; thence N.00°41'14"W., a distance of 130.01 feet; thence S.89°59'35"W., a distance of 373.24 feet to the Easterly proposed right of way line of Carter Road (said line lying 30 feet from and parallel to the West boundary line of the Northeast 1/4 of said Section 30); thence N.00°39'32"W., along said Easterly right of way line, a distance of 536.92 feet to the Northerly boundary line of said Section 30; thence continue N.00°35'23"W., along said proposed Easterly right of way line (said line lying 30 feet from and parallel to the West boundary line of the Southeast 1/4 of said Section 19), a distance of 1327.77 feet to the North boundary line of the South 1/2 of the Southeast 1/4 of said Section 19; thence N.89°51'59"E., along said North boundary line, a distance of 2055.72 feet to the Southwesterly right of way line of Seaboard Coastline Railroad; thence S.59°53'36"E., along said railroad right of way line, a distance of 675.63 feet to the Easterly boundary line of said Section 19; thence S.00°39'33"E., along the East boundary line of said Section 19, a distance of 993.51 feet to the POINT OF BEGINNING; containing 370.534 acres, more or less.

STATE OF FLORIDA)
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COUNTY OF POLK (

I, E. D. "Bud" Dixon Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of a resolution creating the "Golden Lakes Community Development District"

which was adopted by the said Board on the 15th day of September, 1992

WITNESS my hand and official seal on this 17th day of September, 1992.

E. D. "BUD" DIXON
Clerk and Auditor

(SEAL)

By:

Nettie L. Darland
Nettie L. Darland
Deputy Clerk

CERTIFIED TO BE A TRUE COPY

Attest: *E. D. Bud Dixon*
Clerk Circuit Court

By: *Nettie L. Darland*
Deputy Clerk