

POLK COUNTY ORDINANCE NO. 2024-060

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE CYPRESS CREEK RESERVE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2024); 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, NVR Inc., a Virginia corporation ("Petitioner"), has filed a *Petition to Establish the Cypress Creek Reserve 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 Cypress Creek Reserve Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2024) (the "Ordinance"); and

WHEREAS, Petitioner is a Virginia corporation authorized to conduct business in the state of Florida, with a local business address of 7547 Golf Channel Drive, Orlando, Florida, 32819; 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 September 17, 2024 at 9:00 a.m., 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 staff of Polk County (the "County"), 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*; 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 of Florida's Comprehensive Plan or the County's 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 grants the Petitioner's *Petition to Establish the Cypress Creek Reserve 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 approve or amend any land development approvals governing the land area to be included within the District; and

WHEREAS, the establishment of the District is not a development order and shall not be interpreted as an approval of the densities stated in the Petition; and

WHEREAS, upon the effective date of this establishing Ordinance, the Cypress Creek Reserve 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 "Cypress Creek Reserve 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 Cypress Creek Reserve 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 "Cypress Creek Reserve 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 404.48 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 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: Austin Dodier, Brandon Kelly, Misty Mashburn, Jeff White, and Kevin Ramirez, and 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 day of September 2024.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY

By: [Signature]
Chairperson/Vice-Chairperson



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ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: [Signature: Ann Valle]
Clerk/Deputy Clerk of the Board

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

9/17/2024

EXHIBIT "A"
LEGAL

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, A SUBDIVISION OF PORTIONS OF SECTIONS 1 AND 12, TOWNSHIP 28 SOUTH, RANGE 28 EAST AND SECTIONS 5 AND 7, TOWNSHIP 28 SOUTH, RANGE 29 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 28 SOUTH, RANGE 28 EAST; THENCE RUN SOUTH 00°06'32" EAST, A DISTANCE OF 393.95 FEET TO THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, AS RECORDED IN PLAT BOOK 60, PAGES 13 TO 22, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00°03'56" EAST, ALONG THE WESTERLY LINE OF SAID POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, A DISTANCE OF 887.55 FEET TO THE SOUTHWEST CORNER OF SAID POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6; THENCE RUN SOUTH 88°11'09" EAST, ALONG THE SOUTH LINE OF SAID POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, A DISTANCE OF 2,877.54 FEET; THENCE RUN SOUTH 89°11'09" EAST, A DISTANCE OF 1,505.70 FEET; THENCE RUN SOUTH 31°47'23" EAST, A DISTANCE OF 188.63 FEET TO THE SOUTHERNMOST CORNER OF SAID POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, AS RECORDED IN PLAT BOOK 60, PAGES 13 TO 22, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN NORTH 57°59'41" EAST, ALONG THE EASTERLY LINE OF SAID POINCIANA NEIGHBORHOOD 3 WEST NORTH, VILLAGE 6, A DISTANCE OF 150.00 FEET; THENCE RUN NORTH 31°15'31" EAST, A DISTANCE OF 1,749.46 FEET; THENCE RUN NORTH 13°25'05" WEST, A DISTANCE OF 771.66 FEET; THENCE RUN NORTH 31°19'23" WEST, A DISTANCE OF 807.98 FEET; THENCE RUN NORTH 00°00'03" WEST, A DISTANCE OF 1,482.35 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF MARIGOLD AVENUE; THENCE RUN NORTH 06°26'59" EAST, A DISTANCE OF 149.98 FEET TO THE NORTHEAST CORNER OF POINCIANA NEIGHBORHOOD 3, WEST NORTH, VILLAGE 6, AS RECORDED IN PLAT BOOK 60, PAGES 13 TO 22, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; THENCE RUN NORTH 83°27'33" WEST, ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MARIGOLD AVENUE, A DISTANCE OF 326.20 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, CONCAVE NORTH, HAVING A RADIUS OF 1,500.00 FEET, A CHORD BEARING OF NORTH 68°01'12" WEST AND A CHORD DISTANCE OF 801.48 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 30°59'27", A DISTANCE OF 811.33 FEET; THENCE RUN NORTH 52°36'46" WEST, A DISTANCE OF 441.94 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, CONCAVE EAST, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 07°30'00" WEST AND A CHORD DISTANCE OF 35.36 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 39.27 FEET TO THE NORTHERNMOST CORNER OF SAID POINCIANA NEIGHBORHOOD 3, WEST NORTH, VILLAGE 6, AS RECORDED IN PLAT BOOK 60, PAGES 13 TO 22, POLK COUNTY, FLORIDA; SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY; THENCE RUN SOUTH 37°30'14" WEST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF POINCIANA PARKWAY, A DISTANCE OF 849.07 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWEST, HAVING A RADIUS OF 5,822.58 FEET, A CHORD BEARING OF SOUTH 40°35'43" WEST AND A CHORD DISTANCE OF 626.46 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°10'03", A DISTANCE OF 626.77 FEET; THENCE RUN SOUTH 43°38'48" WEST, A DISTANCE OF 809.73 FEET TO A POINT ON A NON TANGENT CURVE TO THE LEFT, CONCAVE SOUTHEAST, HAVING A RADIUS OF 5,636.58 FEET, A CHORD BEARING OF SOUTH 39°50'00" WEST AND A CHORD DISTANCE OF 753.66 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°40'00", A DISTANCE OF 754.22 FEET; THENCE RUN SOUTH 35°59'53" WEST, A DISTANCE OF 1,160.05 FEET TO A POINT ON A NON TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWEST, HAVING A RADIUS OF 2,793.00 FEET, A CHORD BEARING OF SOUTH 47°56'59" WEST AND A CHORD DISTANCE OF 1,156.43 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°53'45", A DISTANCE OF 1,164.86 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 404.48 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. 2024-060 adopted by the Board on September 17, 2024

WITNESS my hand and official seal on this 17th day of September 2024.

STACY M. BUTTERFIELD, CLERK

By: Erin Valle

Erin Valle
Deputy Clerk





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 18, 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. 2024-060, which was filed in this office on September 17, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh

