

**ORDINANCE NO. O-24-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA ESTABLISHING THE WATER TANK ROAD COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2023); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICTS BOARD OF SUPERVISORS; PROVIDING SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Cassidy Land Development, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition to Establish the Water Tank Road Community Development District (the "Petition") with the Town Council of the Town of Lake Hamilton (the "Town Council") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Water Tank Road Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 346 East Central Ave, Winter Haven, Florida 33880; 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 Town Council on \_\_March 5th \_\_\_\_, 2024, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

**WHEREAS**, upon consideration of the record established at that duly noticed hearing, the Town Council 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 Town Council, pursuant to the information contained within the Petition and based on an investigation conducted by 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*; and
- (3) The appropriate Town of Lake Hamilton staff have reviewed the Petition for establishment of the District on the proposed land and have advised the Town Council 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 Town 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 Town Council has decided to grant the Petition to establish the Water Tank Road 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 Water Tank Road 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 TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:**

**SECTION 1. TITLE.** This Ordinance shall be known and may be cited as the "Water Tank Road 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 Water Tank Road Community Development District is hereby granted and there is hereby created a community development district, which is situated within the Town of Lake Hamilton, Florida, which District shall be known as the "Water Tank Road 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 overall boundaries encompassing 289 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 guardhouses, fences and gates, 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 Town of Lake Hamilton 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: Warren K. Heath, Daniel Arnette, Lindsey Roden, Jessica Petrucci, and Lauren O. Schwenk. 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 adoption.

**INTRODUCED AND PASSED on first reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 6 day of February 2024.**

**PASSED AND ADOPTED on second reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 5 day of March 2024.**

**TOWN OF LAKE HAMILTON, FLORIDA**



ATTEST

  
  
\_\_\_\_\_  
JACQUELINE BORJA, TOWN CLERK

CERTIFIED AS A TRUE AND CORRECT  
COPY OF RECORDS ON FILE IN THE  
TOWN OF LAKE HAMILTON CLERK'S OFFICE

  
\_\_\_\_\_  
TOWN CLERK

3/17/24  
DATE

APPROVED AS TO FORM:

  
\_\_\_\_\_  
HEATHER R. MAXWELL, ESQ., TOWN ATTORNEY

<b>Record of Vote</b>	<b>Yes</b>	<b>No</b>
Roberson	✓	
Tomlinson		✓
Kehoe	✓	
Wagner	✓	
Slavin		✓

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A PORTION OF SECTIONS 14 AND 15, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 15; THENCE N89°00'52"E, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SECTION 15, A DISTANCE OF 1323.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°00'52"E, A DISTANCE OF 1323.79 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE S00°35'17"E, ALONG SAID WEST LINE, A DISTANCE OF 48.70 FEET; THENCE DEPARTING SAID WEST LINE, RUN N88°52'48"E, A DISTANCE OF 1323.96 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE N00°36'19"E, ALONG SAID EAST LINE, A DISTANCE OF 45.50 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE N89°01'05"E, ALONG SAID SOUTH LINE, A DISTANCE OF 1323.44 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 14; THENCE N89°28'09"E, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 14, A DISTANCE OF 2624.54 FEET TO A POINT WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 14; THENCE S00°26'38"E, ALONG SAID WEST LINE, A DISTANCE OF 999.03 FEET; THENCE DEPARTING SAID WEST LINE, RUN N89°25'40"E, A DISTANCE OF 936.05 FEET; THENCE S00°21'04"E, A DISTANCE OF 250.00 FEET; THENCE N89°25'40"E, A DISTANCE OF 375.97 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 14; THENCE S00°19'07"W, ALONG SAID EAST LINE, A DISTANCE OF 82.56 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 SECTION 14; THENCE S89°24'42"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1310.42 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 14; THENCE S89°24'43"W, ALONG SAID SOUTH LINE, A DISTANCE OF 2620.49 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14; THENCE S00°37'20"E, ALONG SAID WEST LINE, A DISTANCE OF 1334.57 FEET TO A POINT ON THE SOUTH LINE OF SECTION 15; THENCE S89°18'33"W, ALONG SAID SOUTH LINE OF SECTION 15, A DISTANCE OF 662.35 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE N00°36'50"W, ALONG SAID EAST LINE, A DISTANCE OF 1332.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE S89°09'50"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1324.30 FEET TO A POINT ON THE EAST LINE OF THE EAST 1/2 OF THE SOUTHEAST OF THE SOUTHWEST 1/4 OF SECTION 15; THENCE S00°35'48"E, ALONG SAID EAST LINE, A DISTANCE OF 1329.53 FEET TO A POINT ON THE SOUTH LINE OF SECTION 15; THENCE ALONG THE SOUTH LINE OF SECTION 15 THE FOLLOWING TWO (2) COURSES AND DISTANCES; S89°18'33"W, A DISTANCE OF 662.35 FEET; THENCE S89°22'01"W, A DISTANCE OF 1324.10 FEET TO A POINT ON THE WEST LINE OF THE WEST 1/2 OF THE SOUTH W 1/4 OF SECTION 15; THENCE N00°34'51"W, ALONG SAID WEST LINE, A DISTANCE OF 2647.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 289 ACRES MORE OR LESS