

POLK COUNTY ORDINANCE NO. 2022-045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, ESTABLISHING THE HARTFORD TERRACE 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, Pulte Home Company, LLC, a Michigan limited liability company (the "Petitioner"), has filed a *Petition to Establish the Hartford Terrace 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 Hartford Terrace Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Michigan limited liability company authorized to conduct business in the State of Florida, whose address is 4901 Vineland Road, Suite 500, Orlando, Florida 32811; 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 June 21, 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 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* (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 Hartford Terrace 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 Hartford Terrace 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 "Hartford Terrace 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, which District shall be known as the "Hartford Terrace 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 104.25 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. Based on the findings referenced above, the Board of County Commissioners of Polk County hereby grants to the District all powers authorized

pursuant to §§ 190.011 and 190.012(1)(a)-(h), (2)(a) and (d), (3) and (4), Florida Statutes, and hereby finds that it is in the public interest of all citizens of the County to grant such general and special powers. 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: Eric Baker, Chris Wrenn, Sean Bailey, Serena Turke, and Mary Burns. 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 to 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 21st day of June, 2022.

BOARD OF COUNTY COMMISSIONERS OF
POLK COUNTY, FLORIDA

By: 
Chairperson/Vice-Chairperson

ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: 
Clerk/Deputy Clerk of the Board



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

EXHIBIT A

LEGAL DESCRIPTION:

Tracts 18 through 22 and 28 through 30 and a portion of Tracts 17, 31 and 32 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, AND Tracts 3 through 14 and a portion of Tract 2 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East AND that portion of 30 foot platted Right of Way therein, all lying in FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida being more particularly described as follows:

BEGIN at the Northeast corner of Tract 22 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida; thence run S00°15'07"E, a distance of 648.97 feet to the Southeast corner of said Tract 22; thence run S89°58'55"W, a distance of 330.45 feet to the Northeast corner of Tract 28; thence run S00°14'51"E, a distance of 678.69 feet to the Northwest corner of Tract 6 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East; thence run S89°58'09"E, a distance of 976.56 feet to the Northeast corner of Tract 8; thence run S00°30'40"E, a distance of 1,265.97 feet to a point on the North Right of Way line of Forest Lake Drive; thence along said North Right of Way line the following twelve (12) courses: run S61°35'18"W, a distance of 14.01 feet; thence run S80°17'32"W, a distance of 15.71 feet; thence run S87°57'23"W, a distance of 22.67 feet; thence run S89°43'27"W, a distance of 61.85 feet; thence run S89°55'41"W, a distance of 176.93 feet; thence run N89°45'43"W, a distance of 246.61 feet; thence run N89°24'47"W, a distance of 277.06 feet; thence run S89°55'59"W, a distance of 276.37 feet; thence run N89°19'06"W, a distance of 260.77 feet; thence run N89°23'15"W, a distance of 289.47 feet; thence run N89°20'10"W, a distance of 189.39 feet; thence run N89°04'05"W, a distance of 139.77 feet; thence leaving said North Right of Way line run N00°29'05"W, a distance of 624.32 feet to the Northwest corner of Tract 14; thence run N89°58'23"W, a distance of 117.00 feet; thence run N00°10'08"W, a distance of 1,262.66 feet; thence run S89°49'52"W, a distance of 398.33 feet to a point on the East Right of Way line of State Road 25 (U.S. Highway 27); thence along said East Right of Way line the following three (3) courses: run N00°22'01"W, a distance of 418.77 feet; thence run S89°37'59"W, a distance of 15.00 feet; thence run N00°22'01"W, a distance of 283.96 feet; thence run N89°55'58"E, a distance of 1,849.24 feet to the POINT OF BEGINNING.

Containing 104.25 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. 2022-45 adopted by the Board on June 21, 2022.

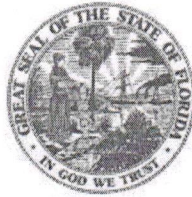
WITNESS my hand and official seal on this 21st day of June 2022.



STACY M. BUTTERFIELD, CLERK

By:


Stephanie May
Deputy Clerk



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 22, 2022

Stephanie May
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Stephanie May:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2022-045, which was filed in this office on June 21, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/mas

