

ORDINANCE NO. 2023 - 7
GLADES COUNTY, FLORIDA

AN ORDINANCE ESTABLISHING LAKEFRONT ESTATES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS AUTHORIZED IN FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

WHEREAS, section 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the establishment of a community development district of less than 2,500 acres in size; and

WHEREAS, Okeechobee Community Developers LLC (Petitioner), has filed a petition with the Glades County Board of County Commissioners (Board) to adopt an ordinance establishing the Lakefront Estates Community Development District (sometimes hereafter referred to as "District") pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 525 acres of real property proposed for inclusion within the District and has consented in writing to the establishment of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of sections 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in sections 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as

amended, in making its determination to grant or deny the petition for the establishment of the District; and

WHEREAS, the District established under this Ordinance, as an independent special district and a local unit of special-purpose government, shall be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws; and

WHEREAS, the establishment of the District will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District; and

WHEREAS, section 190.012, Florida Statutes, as amended, authorizes the District to exercise numerous special powers listed in section 190.012(1), Florida Statutes; and

WHEREAS, section 190.012, Florida Statutes, as amended, provides that the local general-purpose government must consent to the exercise by the District board of supervisors of those additional special powers as generally listed in section 190.012(2), Florida Statutes; and

WHEREAS, section 190.005(2)(d), Florida Statutes, as amended, provides that in an ordinance establishing a community development district, the Board may consent to the District board of supervisors' exercise of any of the optional special powers under section 190.012(2), Florida Statutes, as amended, at the request of the Petitioner; and

WHEREAS, the petition submitted by the Petitioner requests that the Board consent to the exercise by the District board of supervisors of all powers listed in sections 190.011 and 190.012(2)(a), (b) and (d), Florida Statutes, as amended; and

WHEREAS, the exercise of such additional special powers by the District board of supervisors shall be governed by Chapter 190, Florida Statutes, as amended, and all other applicable federal, state, and local laws; and

WHEREAS, the Board desires to consent to the exercise by the District board of supervisors of such additional special powers; and

WHEREAS, the Board's consent to the exercise by the District board of supervisors of such additional special powers will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Glades County, Florida, that:

SECTION 1. LEGISLATIVE FINDINGS.

The Board of County Commissioners of Glades County, Florida, hereby adopts the recitals contained in the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance and incorporates them herein by reference as a part of this Ordinance.

SECTION 2. AUTHORITY.

The Board of County Commissioners is authorized to adopt this Ordinance by Florida law. In particular, this Ordinance is adopted pursuant to section 190.005(2), Florida Statutes, as amended.

SECTION 3. INTENT AND PURPOSE.

It is the intent and purpose of this Ordinance to establish a community development district the name of which is the Lakefront Estates Community Development District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws. It is further the intent and purpose of this Ordinance to grant the consent of the Board to the exercise by the District board of supervisors of certain additional special powers pursuant to section 190.012(2), Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

SECTION 4. ESTABLISHMENT OF LAKEFRONT ESTATES COMMUNITY DEVELOPMENT DISTRICT.

- (a) **Establishment.** The Lakefront Estates Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.
- (b) **Boundaries.** The provisions of this Ordinance shall apply to all areas within the boundaries of the District as described in the metes and bounds legal description attached hereto and made a part hereof as Exhibit "A".
- (c) **Initial board of supervisors.** The names of the five (5) persons designated as the initial members of the board of supervisors for the District are as follows:
 - (1) Shaya Lunger
 - (2) Sarah Lunger
 - (3) Pessy Farkas
 - (4) Shulamit Bossewitch
 - (5) Dona Krose
- (d) **Special Powers.** Pursuant to sections 190.005(2)(d) and 190.012(2), Florida Statutes, as amended, the Board of County Commissioners hereby consents to the exercise by the District board of supervisors of the following special

powers listed in sections 190.012(2)(a), (b) and (d), Florida Statutes. Specifically, the District shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and,
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion systems, and patrol cars, when authorized by the Glades County Sheriff's Department or other proper governmental agencies, except that the District may not exercise any police power but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

SECTION 5: STATUTORY PROVISIONS GOVERNING DISTRICT.

Lakefront Estates Community Development District will be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable federal, state and local laws.

SECTION 6: NOTICE TO SUBSEQUENT PURCHASERS.

Any and all agreements for the sale of property within the boundaries of the Lakefront Estates Community Development District must include the disclosure statement required in section 190.048, Florida Statutes, for the initial sale of property in the Lakefront Estates Community Development District and for all subsequent sales of property in the Lakefront Estates Community Development District. This requirement applies to the initial seller of a parcel as well as all subsequent sellers, successors and assigns, for the life of the Lakefront Estates Community Development District.

SECTION 7: SCRIVENER'S ERRORS.

Corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected ordinance with the County Clerk.

SECTION 8. CONFLICT.

All ordinances or parts of ordinances in conflict herewith are hereby repealed prospectively.

SECTION 9. SEVERABILITY.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon the adoption of this Ordinance by the Board of County Commissioners.

The foregoing Ordinance was offered by Commissioner Whidden, who moved its adoption. The motion was seconded by Commissioner Storter-Long and upon being put to a vote, the vote was as follows:

Timothy (Tim) Stanley	<u>YES</u>
Donna Storter Long	<u>YES</u>
Hattie Taylor	<u>YES</u>
Jerry Sapp	<u>NO</u>
Tony Whidden	<u>YES</u>

This Ordinance was duly passed and adopted on the 11 day of April, 2023.

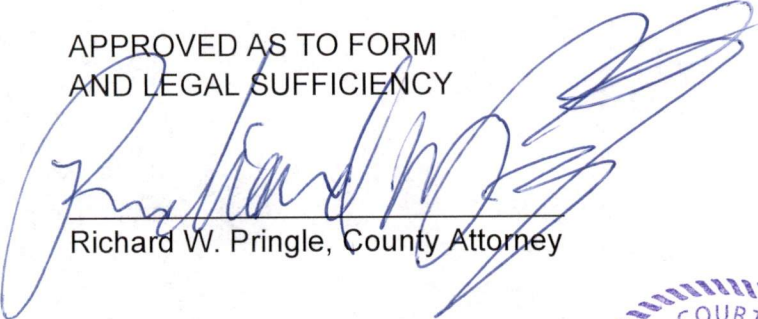
GLADES COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____

Timothy (Tim) Stanley, Chair



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


Richard W. Pringle, County Attorney

ATTEST:

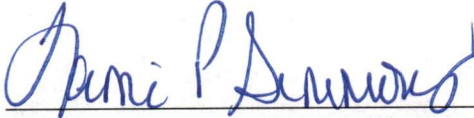

Tami P. Simmons, Clerk of Courts
or her designee



EXHIBIT "A"

LEGAL DESCRIPTION LAKEFRONT ESTATES COMMUNITY DEVELOPMENT DISTRICT

(PARCEL 1)

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 39 SOUTH, RANGE 34 EAST
THENCE NORTH 89°29'59" EAST ALONG THE SOUTH LINE OF SAID SECTION 4, A DISTANCE OF 823.40
FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 4;

THENCE NORTH 00°27'22" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1368.10 FEET TO A POINT
ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 78 AS SHOWN ON FLORIDA'S
DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAINTENANCE MAP, MAP SECTION 05020-000,
DATED AUGUST OF 2014; THE FOLLOWING FOUR CALLS ARE ALONG SAID SOUTH RIGHT-OF-WAY LINE;

1) THENCE NORTH 57°49'47" EAST, A DISTANCE OF 3681.45 FEET TO THE POINT OF BEGINNING;
2) THENCE NORTH 57°49'47" EAST, A DISTANCE OF 2072.29;
3) THENCE NORTH 57°48'46" EAST, A DISTANCE OF 2770.06;
4) THENCE NORTH 57°49'26" EAST, A DISTANCE OF 3460.71 TO A POINT OF INTERSECTION WITH THE
WESTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S ACCESS ROAD
FOR STRUCTURE (S-127); THE FOLLOWING THREE CALLS ARE ALONG SAID WESTERLY AND SOUTHERLY
RIGHT-OF-WAY LINE;

1) THENCE SOUTH 32°10'34" EAST, A DISTANCE OF 398.89;
2) THENCE NORTH 57°49'57" EAST, A DISTANCE OF 597.92;
3) THENCE SOUTH 32°16'04" EAST, A DISTANCE OF 2733.87 TO A POINT OF INTERSECTION WITH THE
NORTHERLY RIGHT-OF-WAY LINE OF LEVEE (L-48), SAID POINT ALSO BEING ON THE SOUTH LINE OF
SECTION 35, TOWNSHIP 38 SOUTH, RANGE 34 EAST;
THENCE SOUTH 89°34'44" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF LEVEE (L-48) ALSO
BEING THE SOUTH LINE OF SECTION 35, TOWNSHIP 38 SOUTH, RANGE 34 EAST, A DISTANCE OF 2160.98;
THENCE SOUTH 45°26'00" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF LEVEE (L-48), A
DISTANCE OF 6438.67;
THENCE NORTH 59°53'11" WEST, A DISTANCE OF 1050.18;
THENCE NORTH 38°57'14" WEST, A DISTANCE OF 2464.28 TO THE POINT OF BEGINNING;

LESS AND EXCEPT

A STRIP OF LAND LOCATED IN SECTIONS 3 AND 4, TOWNSHIP 39 SOUTH, RANGE 34 EAST ALSO
LOCATED IN SECTIONS 34 AND 35, TOWNSHIP 38 SOUTH, RANGE 34 EAST, GLADES COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, TOWNSHIP 39 SOUTH, RANGE 34 EAST,
THENCE SOUTH 00°25'09" EAST, ALONG THE EAST LINE OF SAID SECTION 4, A DISTANCE OF 1129.30
FEET TO THE BASELINE OF SURVEY OF STATE ROAD NUMBER 78 AS SHOWN ON THE FLORIDA
DEPARTMENT OF TRANSPORTATION (F.D.O.T.) RIGHT-OF-WAY MAINTENANCE MAP, MAP SECTION
05020-000 DATED OCTOBER 2014;

THENCE CONTINUE SOUTH 00°25'09" EAST ALONG SAID EAST LINE OF SECTION 4, A DISTANCE OF 38.81
FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 78 AS SHOWN ON
SAID FLORIDA DEPARTMENT OF TRANSPORTATION (F.D.O.T.) RIGHT-OF-WAY MAINTENANCE MAP, THE
FOLLOWING 3 COURSES WILL BE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID POINT IS ALSO
THE POINT OF BEGINNING.

1) THENCE NORTH 57°49'47" EAST, A DISTANCE OF 438.75 FEET;
2) THENCE NORTH 57°48'46" EAST, A DISTANCE OF 2770.07 FEET;
3) THENCE NORTH 57°48'41" EAST, A DISTANCE OF 3460.71 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S (S.F.W.M.D.) ACCESS ROAD FOR STRUCTURE 127 SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 307 AT PAGE 943 OF THE PUBLIC RECORDS OF GLADES COUNTY, FLORIDA;
THENCE SOUTH 32°10'34" EAST, ALONG SAID WEST LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S (S.F.W.M.D.) ACCESS ROAD FOR STRUCTURE 127 AND THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 307 AT PAGE 943 OF THB PUBLIC RECORDS OF GLADES COUNTY, FLORIDA, A DISTANCE OF 44.15 FEET;
THENCE SOUTH 57°30'40" WEST, A DISTANCE OF 1210.02 FEET;
THENCE SOUTH 32°10'34" EAST, A DISTANCE OF 8.40 FEET;
THENCE SOUTH 59°15'09" WEST, A DISTANCE OF 393.13 FEET;
THENCE SOUTH 72°40'00" WEST, A DISTANCE OF 51.73 FEET;
THENCE SOUTH 58°05'19" WEST, A DISTANCE OF 1807.71 FEET;
THENCE SOUTH 57°49'12" WEST, A DISTANCE OF 4839.15 FEET TO THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 307 AT PAGE 943 OF THE PUBLIC RECORDS OF GLADES COUNTY, FLORIDA;
THENCE NORTH 38°57'14" WEST ALONG SAID WEST LINE, A DISTANCE OF 27.19 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 78 AS SHOWN ON SAID FLORIDA DEPARTMENT OF TRANSPORTATION (F.D.O.T.) RIOHT-OFWAY MAINTENANCE MAP;
THENCE NORTH 57°49'47" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1633.54 FEET TO THE POINT OF BEGINNING.

SAID LAND LYING IN GLADES COUNTY, FLORIDA