

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA ESTABLISHING THE WIND MEADOWS SOUTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the “Uniform Community Development Act of 1980”, Chapter 190, *Florida Statutes* (hereinafter referred to as the “ACT”), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the ACT requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the ACT requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Bartow, Florida (“City”); and

WHEREAS, Center State Development, LLC (“Petitioner”), having obtained written consent to the establishment of the Wind Meadows South Community Development District (the “District”) by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to

Chapter 190, *Florida Statutes* (2020); and

WHEREAS, the Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose principal place of business is 4900 Dundee Road, Winter Haven, Florida 33884; and

WHEREAS, the Petition which was submitted to the City on or around April 6, 2021, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the ACT; and

WHEREAS, all interested persons and affected units of general-purpose local government will be or have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on June 7, 2021; and

WHEREAS, on June 7, 2021, the City considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the ACT, and upon such review, has determined that granting the Petition to Establish the Wind Meadows South Community Development District is in the best interest of the City; 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, it is believed that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Bartow, Florida as follows:

SECTION 1. RECITALS INCORPORATED. The above recitals are true and correct and are incorporated herein.

SECTION 2. AUTHORITY. This Ordinance is enacted in compliance with and

pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, *Florida Statutes*. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

SECTION 3. FINDINGS OF FACT. The City hereby finds and determines, pursuant to Section 190.005(2) of the ACT, based on the testimony and evidence presented before the City, and the record established at the public hearing that:

- A. All statements within the Petition are true and correct.
- B. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Bartow Comprehensive Plan.
- C. The area of land within the District, described in Exhibit “A”, which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District.
- E. 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
- F. The area to be served by the District is amenable to separate special-district government.

SECTION 4. ESTABLISHMENT AND DISTRICT NAME. There is hereby created a community development district situated entirely within the incorporated limits of the City of Bartow, Florida, which District shall be known as the “Wind Meadows South Community Development District”, and which shall be referred to in this Ordinance as the “District”.

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit “A”, and said boundaries encompass 159.67 acres, more or less.

SECTION 6. DISTRICT POWERS AND FUNCTIONS. The powers and functions of the District are described in Chapter 190, *Florida Statutes*. The District shall have all powers and functions granted by the ACT pursuant to Sections 190.011 and 190.012(1) and (3), *Florida Statutes*, as amended from time to time. In addition, consent is hereby given to the District’s Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses so long as same are in accordance with the Code and land development regulations of the City and approved by the City if required. Further, the District shall also have the authority to construct and to maintain a perimeter wall/fence for the District so long as the construction and specifications of the wall/fence are in accordance with the Code and land development regulations of the City and first approved by the City. The District shall have all further powers to establish additional systems and facilities as specified in the remaining subsections of Section 190.012(2), *Florida Statutes*, so long as said improvements are in accordance with the Code and land development regulations of the City and each of their specifications are first approved by the City. Pursuant to Section 190.002(3), *Florida Statutes*, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land.

Bonds to be issued by the District shall not constitute a debt, liability or general obligation of the District, the City, the County or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any

provisions of the Uniform Community Development District Act of 1980, as set forth in Chapter 190, *Florida Statutes*, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District’s Board of Supervisors are as follows:

Name: Brent Elliot
Address: 4900 Dundee Rd
Winter Haven, Florida 33884

Name: Brian Walsh
Address: 3020 S. Florida Ave. Ste #101
Lakeland, Florida 33803

Name: Halsey Carson
Address: 4900 Dundee Rd
Winter Haven, Florida 33884

Name: Dorothy T. Mobley
Address: 4900 Dundee Rd
Winter Haven, Florida 33884

Name: Jeff Shenefield
Address: 3020 S. Florida Ave. Ste #101
Lakeland, Florida 33803

SECTION 8. NOTICE REQUIREMENTS. Petitioner has caused a notice of a public hearing on the consideration of the Petition to be published in a newspaper at least once a week for four consecutive weeks immediately prior to such hearing in compliance with the provisions of Section 190.005(1)(d), *Florida Statutes*.

SECTION 9. COMPLIANCE WITH ALL REMAINING PROVISIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE PROVISIONS OF LAW. Petitioner has complied with all remaining provisions of Chapter 190, *Florida Statutes* and other provisions of law necessary for the establishment of the District.

SECTION 10. 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 sections of this Ordinance.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect upon its approval and publication as required by law.

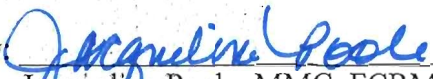
INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Bartow, Florida, meeting in Regular Session this 3rd day of May, 2021.



CITY COMMISSION
OF BARTOW, FLORIDA

By: 
Scott Sjoblom, Mayor

ATTEST:

By: 
Jacqueline Poole, MMC, FCRM, CPM,
City Clerk


INTRODUCED, PASSED AND DULY ADOPTED ON SECOND READING by the City Commission of the City of Bartow, Florida, meeting in Regular Session this 7th day of June, 2021.



CITY COMMISSION
OF BARTOW, FLORIDA

By: 
Scott Sjoblom, Mayor

ATTEST:

By: 
Jacqueline Poole, MMC, FCRM, CPM,
City Clerk

APPROVED AS TO FORM:

By: 
Sean R. Parker, City Attorney

ORDINANCE NUMBER: 2021-10

EXHIBIT A
LEGAL DESCRIPTION

THAT PART OF THE NORTH 3/4 OF THE WEST 1/4 OF SECTION 25, TOWNSHIP 29 SOUTH, RANGE 24 EAST AND THAT PART OF THE NORTH 3/4 OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 25, THE SAME ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 26; THENCE SOUTH 89°40'24" EAST, ALONG THE NORTH BOUNDARY OF SAID SECTION 25, ALSO BEING THE SOUTH BOUNDARY OF WIND MEADOWS AS RECORDED IN PLAT BOOK 139, PAGES 11-16 OF THE PUBLIC RECORDS OF POLK COUNTY FLORIDA, A DISTANCE OF 1292.62 FEET TO THE WEST RIGHT-OF-WAY OF E.F. GRIFFIN ROAD; THENCE SOUTH 00°34'26" EAST, ALONG SAID WEST RIGHT-OF-WAY A DISTANCE OF 1891.60 FEET TO THE SOUTH BOUNDARY OF THE NORTH 550 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE AFORESAID SECTION 25; THENCE NORTH 89°41'23" WEST, ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 584.51 FEET TO THE EAST BOUNDARY OF THE WEST 45 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE AFORESAID SECTION 25; THENCE SOUTH 00°34'57" EAST, ALONG SAID EAST BOUNDARY, A DISTANCE OF 120.04 FEET TO THE SOUTH BOUNDARY OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF THE AFOREMENTIONED SECTION 25; THENCE NORTH 89°45'29" WEST, ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 707.49 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 25, THE SAME ALSO BEING THE SOUTHEAST CORNER OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 26; THENCE SOUTH 89°45'20" WEST, ALONG THE SOUTH BOUNDARY OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, A DISTANCE OF 2662.82 FEET TO THE SOUTHWEST CORNER THEREOF, THE SAME ALSO BEING THE SOUTHEAST CORNER OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE SOUTH 89°44'20" WEST, ALONG SOUTH BOUNDARY OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, A DISTANCE OF 586.17 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH 00°15'40" WEST, A DISTANCE OF 120.24 FEET; THENCE NORTH 41°25'44" EAST, A DISTANCE OF 495.64 FEET; THENCE NORTH 48°34'16" WEST, A DISTANCE OF 125.00 FEET; THENCE NORTH 41°25'44" EAST, A DISTANCE OF 435.00 FEET; THENCE NORTH 48°34'16" WEST, A DISTANCE OF 50.00 FEET TO THE RADIAL INTERSECTION WITH A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 90°00'00" (CHORD = 35.36 FEET, CHORD BEARING = NORTH 03°34'16" WEST) FOR A DISTANCE OF 39.27 FEET; THENCE DEPARTING SAID CURVE ALONG A RADIAL LINE, NORTH 41°25'44" EAST, A DISTANCE OF 50.00 FEET TO THE RADIAL INTERSECTION WITH A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 90°00'00" (CHORD = 35.36 FEET, CHORD BEARING = NORTH 86°25'44" EAST) FOR A DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE NORTH 41°25'44" EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 48°34'16" WEST, A DISTANCE OF 150.58 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 550.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE/Delta OF 24°40'35" (CHORD = 235.05 FEET, CHORD BEARING = NORTH 60°54'33" WEST) FOR A DISTANCE OF 236.88 FEET; THENCE DEPARTING SAID CURVE ALONG A NON-TANGENT, NON-RADIAL LINE, NORTH 00°19'03" WEST, A DISTANCE OF 44.23 FEET TO THE NORTH BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE AFOREMENTIONED SECTION 26; THENCE NORTH 89°40'57" EAST ALONG SAID SOUTH BOUNDARY, A DISTANCE OF 273.39 FEET TO THE WEST BOUNDARY OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE NORTH 00°38'19" WEST ALONG SAID WEST BOUNDARY, A DISTANCE OF 670.42 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 89°43'15" EAST ALONG THE NORTH BOUNDARY OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, A DISTANCE

OF 248.68 FEET; THENCE DEPARTING SAID NORTH BOUNDARY, SOUTH 00°16'45" EAST, A DISTANCE OF 20.00 FEET TO THE RADIAL INTERSECTION WITH A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 185.00 FEET; THENCE SOUTHERLY AND EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 226°20'48" (CHORD = 340.15 FEET, CHORD BEARING = SOUTH 23°27'09" EAST) FOR A DISTANCE OF 730.84 FEET; THENCE DEPARTING SAID CURVE ALONG A NON-RADIAL LINE NORTH 75°22'09" EAST, A DISTANCE OF 61.92 FEET; THENCE SOUTH 48°34'16" EAST, A DISTANCE OF 113.35 FEET; THENCE SOUTH 41°25'44" WEST, A DISTANCE OF 218.58 FEET; THENCE SOUTH 48°34'16" EAST, A DISTANCE OF 50.00 FEET TO THE RADIAL INTERSECTION WITH A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 70°31'44" (CHORD = 28.87 FEET, CHORD BEARING = SOUTH 06°09'53" WEST) FOR A DISTANCE OF 30.77 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 49°01'07" (CHORD = 103.71 FEET, CHORD BEARING = SOUTH 04°35'26" EAST) FOR A DISTANCE OF 106.94 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 68° 29'23" (CHORD = 28.14 FEET, CHORD BEARING = SOUTH 14°19'34" EAST) FOR A DISTANCE OF 29.88 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 48°34'16" EAST, A DISTANCE OF 36.42 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 785.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 62°00'00" (CHORD = 808.61 FEET, CHORD BEARING = SOUTH 79°34'16" EAST) FOR A DISTANCE OF 849.45 FEET TO THE POINT OF TANGENCY; THENCE NORTH 69°25'44" EAST, A DISTANCE OF 393.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 68°29'23" (CHORD = 28.14 FEET, CHORD BEARING = NORTH 35°11'03" EAST) FOR A DISTANCE OF 29.88 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 125.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 49°01'07" (CHORD = 103.71 FEET, CHORD BEARING = NORTH 25°26'54" EAST) FOR A DISTANCE OF 106.94 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 70°31'44" (CHORD = 28.87 FEET, CHORD BEARING = NORTH 14°41'36" EAST) FOR A DISTANCE OF 30.77 FEET; THENCE DEPARTING SAID CURVE ALONG A RADIAL LINE, NORTH 69°25'44" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 20°34'16" WEST, A DISTANCE OF 129.32 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 125.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 19°03'06" (CHORD = 41.37 FEET, CHORD BEARING = NORTH 30°05'49" WEST) FOR A DISTANCE OF 41.56 FEET; THENCE DEPARTING SAID CURVE ALONG A NON-TANGENT, NON-RADIAL LINE, NORTH 34°25'44" EAST, A DISTANCE OF 129.81 FEET; THENCE NORTH 24°25'05" EAST, 333.54 FEET; THENCE NORTH 14°00'00" EAST, A DISTANCE OF 60.00 FEET TO THE NORTH BOUNDARY OF THE AFOREMENTIONED SECTION 26; THENCE NORTH 89°43'15" EAST ALONG SAID NORTH BOUNDARY, A DISTANCE OF 765.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS WITHIN ITS BOUNDARIES LOTS 7, 8, LOTS 9 AND 10 IN THE NORTHWEST 1/4 OF THE AFORESAID SECTION 25, AND LOT 1, PORTIONS OF LOTS 2, 4, 13, 14, AND 15, AND LOTS 16, 17, 18, 19 AND 20 IN THE NORTHEAST 1/4 OF THE AFORESAID SECTION 26, OF W.F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKELAND HIGHLANDS, AS RECORDED IN PLAT BOOK 1, PAGE 102 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CONTAINS 159.67 ACRES, MORE OR LESS, TO THE EXISTING RIGHTS-OF-WAY AS DEDICATED OR IN USE.