

This is to certify that this is a true and correct copy of this instrument executed on 1-3-2023



Notary Public - State of Florida

ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA AMENDING ORDINANCE NO. 2021-10, WHICH ESTABLISHED THE WIND MEADOWS SOUTH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR AMENDMENT TO SECTION 5 OF THE ORDINANCE TO CHANGE THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT PURSUANT TO SECTION 190.046, FLORIDA STATUTES, BY ADDING APPROXIMATELY 114.14 ACRES OF LAND THERETO; PROVIDING FOR AMENDMENT TO ORDINANCE NUMBER 2021-10, TO FURTHER AMEND EXHIBIT A OF SAID ORDINANCE TO PROVIDE FOR A NEW METES AND BOUNDS LEGAL DESCRIPTION OF THE DISTRICT; PROVIDING FOR ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 7, 2021, the City Commission of the City of Bartow, Florida (the “**City Commission**”) pursuant to Section 190.005(2)(a), *Florida Statutes*, adopted Ordinance No. 2021-10, which established the Wind Meadows South Community Development District (“**District**”); and

WHEREAS, the City has received from the Board of Supervisors of the District, a “Petition to Expand the Boundary of the Wind Meadows South Community Development District,” dated September 22, 2022 (the “**Petition**”), which Petition is in compliance with the provisions of Section 190.046, *Florida Statutes*; 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 City Commission on January 3, 2023, pursuant to Section 190.046(1)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the City Commission has considered the record of the public hearing and the statutory factors set forth in Section 190.046(1)(b), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the City Commission, pursuant to the information contained within the Petition and based on an investigation conducted by the City of Bartow (the "City") 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 190.046(1)(a), *Florida Statutes* (2022); and
- (3) The appropriate City staff have reviewed the Petition of the District on the proposed lands to be included within the District and have advised the City Commission that said Petition is complete and sufficient; and
- (4) Amendment of the District boundaries and all land uses and services planned within the District, as amended are not inconsistent with applicable elements or portions of the adopted State Comprehensive Plan or the applicable and effective local comprehensive plans; and
- (5) The area of land to be included 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, as amended, 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, as amended, 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, as amended, is amenable to separate special-district government; and

WHEREAS, pursuant to the information stated above, the City Commission has decided to grant the District's Petition to Expand the Boundary of the Wind Meadows South Community Development District; and

WHEREAS, the amendment 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 amendment 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 Ordinance, the Wind Meadows South 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 COMMISSIONERS OF THE CITY OF BARTOW, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Wind Meadows South Community Development District Boundary Amendment Ordinance No. 1."

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. EXTERNAL BOUNDARIES OF THE DISTRICT. Section 5, External Boundaries of the District of Ordinance No. 2021-10 is hereby amended as described and as set forth in Exhibit "A" of this Ordinance, attached hereto and incorporated herein. Further, the District boundaries, as amended, shall encompass approximately 273.39 acres, more or less.

SECTION 5. LEGAL DESCRIPTION OF THE DISTRICT. Exhibit "A" of Ordinance No. 2021-10, as amended, is hereby replaced in its entirety with a new Exhibit "A", which is attached hereto and incorporated herein, and which accurately depicts the external boundaries of the District.

SECTION 6. ALL OTHER CONDITIONS TO REMAIN UNCHANGED. All other terms and conditions of Ordinance No. 2021-10 shall remain unchanged and enforceable in accordance with the terms expressed herein.

SECTION 7. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is 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 8. 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.

INTRODUCED, PASSED AND DULY ADOPTED ON FIRST READING by the City Commission of the City of Bartow, Florida, meeting in Regular Session this 21st day of November, 2022.

CITY COMMISSION OF BARTOW, FLORIDA

BY: 
Steve Githens, 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 3rd day of January, 2023.

CITY COMMISSION OF BARTOW FLORIDA

BY: _____

Steve Githens, Mayor

ATTEST:

By: _____

Jacqueline Poole, MMC, FCRM, CPM
City Clerk

Exhibit "A"
Legal Description of the District

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 AND THAT PART OF SECTION 23, 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 1282.92 FEET TO THE WEST RIGHT-OF-WAY OF E.F. GRIFFIN ROAD ACCORDING TO THE PLAT OF WIND MEADOWS SOUTH PHASE ONE AS RECORDED IN PLAT BOOK 191, PAGES 21-29 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; 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 574.72 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 2661.56 FEET TO THE SOUTHWEST CORNER OF THE NORTH 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE NORTH 00°40'36" WEST ALONG THE WEST BOUNDARY THEREOF A DISTANCE OF 1338.22 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE NORTH 89°40'57" EAST ALONG THE NORTH BOUNDARY THEREOF AND THE NORTH BOUNDARY OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26 A DISTANCE OF 1331.21 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE ALONG THE WEST, NORTH AND EAST BOUNDARIES THEREOF THE FOLLOWING THREE (3) COURSES: 1.) NORTH 00°39'28" WEST, 669.77 FEET TO THE NORTHWEST CORNER THEREOF; THENCE 2.) NORTH 89°39'15" EAST, 665.72 FEET TO THE NORTHEAST CORNER THEREOF; THENCE 3.) SOUTH 00°38'54" EAST, 670.09 FEET TO THE

SOUTHEAST CORNER THEREOF, THE SAME ALSO BEING THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE NORTH 89°40'57" EAST ALONG THE NORTH BOUNDARY THEREOF A DISTANCE OF 665.61 FEET TO THE NORTHEAST CORNER THEREOF, THE SAME ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26; THENCE NORTH 00°38'19" WEST ALONG THE WEST BOUNDARY THEREOF A DISTANCE OF 327.64 FEET TO THE NON-RADIAL, NON-TANGENT INTERSECTION WITH A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 595.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 18°14'38" (CHORD = 188.66 FEET, CHORD BEARING = NORTH 09°46'33" WEST) FOR A DISTANCE OF 189.46 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°39'14" WEST, 464.32 FEET; THENCE NORTH 89°20'46" EAST, 60.00 FEET; THENCE SOUTH 00°39'14" EAST, 308.00 FEET TO THE SOUTH BOUNDARY OF THE AFOREMENTIONED SECTION 23, THE SAME ALSO BEING THE NORTH BOUNDARY OF THE AFOREMENTIONED SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST; THENCE NORTH 89°43'15" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2634.47 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS WITHIN ITS BOUNDARIES PORTIONS OF LOTS 2, 3, 4, 13, 14 AND 15 IN THE NORTHEAST 1/4 OF THE AFORESAID SECTION 26, AND LOTS 9, 10, AND 24 IN THE NORTHWEST 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 273.39 ACRES, MORE OR LESS.