

ORDINANCE NO. 2007-04

AN ORDINANCE OF THE CITY OF BARTOW, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE SADDLE CREEK COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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 UPON FINAL PASSAGE.

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COPY OF RECORDS ON FILE IN THE
BARTOW CITY CLERK'S OFFICE.

Janet Sulphor
CITY CLERK
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Whereas, Bartow 98 Development Corporation (“Petitioner”), having obtained written consent to the establishment of the Saddle Creek Development District (the “District”) by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Commission (the “City Commission”) of the City of Bartow, Florida (the “City”), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and

Whereas, the Petitioner is a corporation authorized to conduct business in the State of Florida whose address is 1001 East Telecom Drive, Boca Raton, FL 33431, 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 March 5, 2007, and

Whereas, upon consideration of the record established at that hearing, the City Commission determined that the statements within the Petition are true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City’s comprehensive plan, that the land within the District is of

sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District, that 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 that the area that will be served by the District is amendable to separate special-district governance, and

Whereas, the establishment of the District shall not act to amend any land development approvals and/or regulations governing the land area to be included within the District, and

Whereas, the 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 City Commission has determined that the initial members of the District's Board of Supervisors set forth in Section 6 of this ordinance are residents of the State of Florida and citizens of the United States of America.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA:

Section 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes.

Section 2. District Name. There is hereby created a community development district situated entirely within the City of Bartow, Florida, which shall be known as the "Saddle Creek

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Community Development District”, and which shall be referred to in this ordinance as the “District”.

Section 3. District External Boundaries. The external boundaries of the District are described in Appendix A attached hereto, said boundaries encompassing 461.23 areas, more or less.

Section 4. District External Boundaries. The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District’s Board of Supervisors to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(2) (a) (d). Notwithstanding the foregoing, the adoption and passage of this Ordinance approving the Petition for the establishment of a Community Development District shall not be construed to delegate, authorize, or in any way consent to the Community Development District (District) established hereunder to engage in the ownership and operation of a water and/or wastewater facility(s) which would allow the District to engage in the wholesale or retail sale of water, wastewater and/or, re-use water services, or provide garbage services and/or any other municipal services absent the express written consent and/or agreement of the City.

Section 5. Termination of District. In the event that the Community Development District established hereunder is terminated for any reason, the City shall in no way be required to accept ownership and/or the maintenance responsibility for the road rights of way, stormwater management and drainage systems and street lighting that are necessary for the development in the District without the City’s express written consent. In the event of termination, the District shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

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Section 6. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Jesse Holshouser
2101 Oakmont Terrace
Coral Springs, FL 33071

Marvin Bolinger
6161 Via Venetia North
Delray Beach, FL 33484

Neil Carson
2593 Hampton Circle South
Delray Beach, FL 33445

Dennis Weiss
4208 Tuscan Way
Boynton Beach, FL 33435

Marvin Satsky
17104 Northway Circle
Boca Raton, FL 33496

Section 7. Severability. If any provision of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue 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. After passage on first reading, at least three correct copies of this Ordinance in the form in which it has been passed on first reading shall be made available for public inspection in the office of the City Clerk, and there shall be published in the Polk County Democrat, a newspaper published and of general circulation in the City of Bartow, a notice describing this Ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk, together with the time and place, when and where it will be considered for final passage. Such publication shall be at least ten days prior to the time advertised.

Section 9. After final passage, there shall be published in the Polk County Democrat, a newspaper published and of general circulation in the City of Bartow, a notice describing this

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Ordinance in brief and general terms and stating that it is available for public inspection in the office of the City Clerk, and this Ordinance shall take effect upon final passage.

PASSED ON FIRST READING March 5, 2007

PASSED AND ENACTED ON SECOND READING March 19, 2007

CITY OF BARTOW

By: Rosie Thornburg
Mayor Rosie Thornburg

ATTEST WITH SEAL:

By: Linda R. Culpepper
City Clerk Linda R. Culpepper

Approved as to correctness and form:

By: George T. Dunlap, III
City Attorney George T. Dunlap, III

Approved as to substance:

By: Joseph J. DeLegge
City Manager Joseph J. DeLegge

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Linda R. Culpepper 3-20-07
CITY CLERK DATE

DESCRIPTION:

A parcel of land being a portion of Sections 24 and 25, Township 29 South, Range 24 East and Section 30, Township 29 South, Range 25 East, all in Polk County, Florida, being described as follows:

Commence at the northwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 24; thence South 89° 52'52" East, along the north line of said Southeast 1/4 of the Northwest 1/4, a distance of 681.73 feet to the westerly right-of-way line of State Road 700 (U.S. Highway 98); thence South 30° 47'58" East, along said westerly right-of-way line, 2569.25 feet to the Point of Beginning; thence continue South 30° 47'58" East, along said westerly right-of-way line, 505.42 feet; thence South 30° 51'26" East, along said westerly right-of-way line, 884.83 feet; thence South 40° 30'10" West, 374.11 feet; thence South 50° 13'50" West, 250.20 feet; thence South 23° 00'19" East, 570.13 feet to a point on a non-tangent curve to the left having a radius of 500.00 feet, a central angle of 32° 06'50", a chord bearing of North 75° 11'59" East, and a chord distance of 276.59 feet; thence easterly along the arc of said curve 280.25 feet to the Point of Tangency; thence North 59° 08'34" East, 413.75 feet to said westerly right-of-way line; thence South 30° 51'26" East, along said westerly right-of-way line, 100.00 feet; thence South 59° 08'34" West, 413.75 feet to the Point of Curvature of a curve to the right having a radius of 600.00 feet, a central angle of 23° 45'25", a chord bearing of South 71° 01'16" West, and a chord distance of 247.00 feet; thence westerly along the arc of said curve 248.78 feet; thence South 26° 59'24" East, 509.88 feet; thence South 76° 22'18" East, 162.97 feet; thence North 54° 57'35" East, 378.42 feet; thence North 72° 09'18" East, 201.33 feet to said westerly right-of-way line; thence South 30° 51'26" East, along said westerly right-of-way line, 736.37 feet; thence South 63° 25'33" West, 138.70 feet; thence South 28° 20'44" West, 610.85 feet; thence South 00° 00'00" West, 524.81 feet; thence South 89° 45'58" East, 1088.58 feet to said westerly right-of-way line; thence South 30° 51'26" East, along said westerly right-of-way line, 230.78 feet; thence North 89° 59'32" West, 601.77 feet to the east line of said Section 25; thence South 00° 33'46" East, along said east line, 1998.79 feet; thence North 89° 54'36" West, 1324.46 feet to the west line of the Southeast 1/4 of the Southeast 1/4 of said Section 25; thence South 00° 33'52" East, along said west line, 667.42 feet to the south line of said Section 25; thence North 89° 57'09" West, along said south line, 1324.54 feet; thence North 89° 59'12" West, 827.98 feet to the west line of a parcel recorded in Official Records Book 5466, Page 1049, Public Records of Polk County, Florida; thence North 00° 34'42" West, along said west line, 660.01 feet; thence North 89° 58'14" West, 236.69 feet; thence North 00° 34'44" West, 218.97 feet; thence North 89° 52'13" West, 232.05 feet to the east right-of-way line of E.F. Griffin Road; thence North

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00° 33'20" West, along said east right-of-way line, 3402.57 feet; thence South 89° 40'28" East, 1296.11 feet; thence North 00° 34'19" West, 809.25 feet; thence North 89° 34'47" West, 1295.92 feet to said east right-of-way line; thence North 00° 33'20" West, along said east right-of-way line, 264.03 feet; thence North 00° 32'09" West, along said east right-of-way line, 328.85 feet to the north line of said Section 25; thence South 89° 35'50" East, along said north line, 1296.07 feet; thence North 00° 29'51" West, 988.09 feet; thence North 89° 40'27" West, 1296.82 feet to said east right-of-way line; thence North 00° 32'08" West, along said east right-of-way line, 983.11 feet; thence South 89° 34'47" East, 194.53 feet to the Point of Curvature of a curve to the right having a radius of 555.00 feet, a central angle of 19° 23'06", a chord bearing of South 79° 53'14" East, and a chord distance of 186.88 feet; thence easterly along the arc of said curve 187.77 feet to the Point of Tangency; thence South 70° 11'41" East, 240.37 feet to the Point of Curvature of a curve to the left having a radius of 740.00 feet, a central angle of 27° 07'06", a chord bearing of South 83° 45'14" East, and a chord distance of 346.99 feet; thence easterly along the arc of said curve 350.25 feet to a point on a non-tangent curve to the left having a radius of 20.00 feet, a central angle of 81° 58'11", a chord bearing of South 38° 53'11" West, and a chord distance of 26.23 feet; thence southwesterly along the arc of said curve 28.61 feet to the Point of Tangency; thence South 02° 05'54" East, 25.08 feet to the Point of Curvature of a curve to the left having a radius of 500.00 feet, a central angle of 50° 22'20", a chord bearing of South 27° 17'04" East, and a chord distance of 425.56 feet; thence southeasterly along the arc of said curve 439.58 feet to the Point of Tangency; thence South 52° 28'14" East, 118.03 feet to the Point of Curvature of a curve to the right having a radius of 600.00 feet, a central angle of 29° 34'38", a chord bearing of South 37° 40'55" East, and a chord distance of 306.31 feet; thence southeasterly along the arc of said curve 309.73 feet; thence North 58° 29'05" East, 631.27 feet to the Point of Beginning. Said parcel containing 461.23 acres, more or less.

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CITY CLERK DATE 3-20-07