

ORDINANCE 2024-17

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA ESTABLISHING THE RIDGECREST COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2023); 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 FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ridgecrest of Lake Wales, LLC, an active Florida limited liability company (the "Petitioner"), has filed a Petition to Establish the Ridgecrest Community Development District, as supplemented (the "Petition"), with the City of Lake Wales (the "City "), pursuant to Section 190.005(2)(a), *Florida Statutes*, and to adopt an ordinance establishing the Ridgecrest Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2023); and

WHEREAS, Petitioner is an active Florida limited liability company authorized to conduct business in the State of Florida, whose principal address is 4900 Dundee Rd, Winter Haven, Florida 33884; 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 duly noticed public hearings conducted by the City Commission of the City of Lake Wales on July 16, 2024 and August 6, 2024, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed public hearing, the City Commission of the City of Lake Wales 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 City Commission, pursuant to the information contained within the Petition and based on an investigation conducted by 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* (2024); and
- (3) The appropriate City of Lake Wales staff have reviewed the Petition for establishment of the District on the proposed land and have advised the City 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 City 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 City Commission has decided to grant the Petition to establish the Ridgecrest 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 Ridgecrest 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 CITY COMMISSION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Ridgecrest Community Development District Establishment Ordinance."

SECTION 2. FINDINGS. The City Commission of the City of Lake Wales finds that the factual recitals (WHEREAS clauses) form a factual and material basis for the approval of this Ordinance and hereby incorporates said findings into 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 Ridgecrest Community Development District is hereby granted and there is hereby created a community development district, which is situated within the City of Lake Wales, Polk County, Florida, which District shall be known as the "Ridgecrest 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 311.362 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. The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and

facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to walls, fences, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. 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 City of Lake Wales 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: Brent Elliott, Timothy Todd, Halsey Carson, Dottie Mobley, and Karen Ritchie. 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 section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. 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 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. LIBERAL CONSTRUCTION. In the interpretation and application of this Ordinance, all provisions shall be considered as a minimum requirement, liberally construed in favor of the City, and deemed neither to limit nor repeal any other powers granted under state law. This Ordinance is cumulative and supplemental to existing City laws, ordinances, rules and regulations. Where this Ordinance and the provisions contained herein conflict or overlap with any other City law, ordinance, rule or regulation, whichever imposes the more stringent restriction shall prevail.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption.


INTRODUCED AND PASSED on first reading this 16th day of July 2024.

PASSED on second reading this 6th day of August 2024.



Digitally signed by
Jennifer Nanek
DN: cn=Jennifer Nanek,
o=City of Lake Wales,
email=jnanek@lakewalesf
.l.gov, c=US
Date: 2024.08.09 10:39:36
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CITY OF LAKE WALES, FLORIDA



Jack Hillgoss, Mayor/City Commissioner
City of Lake Wales

ATTEST

Jennifer Nanek, CMC, City Clerk

EXHIBIT A – Legal Description

A parcel of land lying in the Northwest, Southwest, and Southeast Quarters (1/4) of Section 11, Township 30 South, Range 27 East AND the Northeast and Northwest Quarters (1/4) of Section 14, Township 30 South, Range 27 East, Polk County, Florida, being more particularly described as follows:

Commencing at the East Quarter (1/4) corner of Section 14, Township 30 South, Range 27 East, Polk County, Florida; thence S89°45'03"W along the South line of the Northeast Quarter (1/4) of Section 14, a distance of 2,654.55 feet to a point marking the center of Section 14; thence S89°30'42"W along the South line of the Northwest Quarter (1/4) of Section 14, a distance of 85.00 feet to a point; thence N00°12'04"W, a distance of 55.00 feet to a point in the Northerly right-of-way of Hunt Brothers Road, being a variable width public right-of-way, and the POINT OF BEGINNING; thence, along said Northerly right-of-way line, S89°30'42"W, a distance of 37.27 feet to a point; thence, along the said line, S00°29'18"E, a distance of 5.00 feet to a point; thence, continuing along said line, S89°30'42"W, a distance of 150.00 feet to a point; thence, continuing along said line, N00°29'18"W, a distance of 20.00 feet to a point; thence, along the northerly right-of-way line, S89°30'42"W, a distance of 200.00 feet to a point; thence, along said line, S00°29'18"E, a distance of 20.00 feet to a point; thence, along said line, S89°30'42"W, a distance of 235.91 feet, to a point being the Southeasterly corner to lands described in the instrument recorded in the public records of Polk County, Florida known as ORB 9651, Page 1314; thence, along the easterly line of aforementioned instrument, N00°28'00"E, a distance of 615.81 feet to a point being the Northeasterly corner of lands described in aforementioned instrument; thence, along the Northerly line of said instrument, S89°30'38"W, a distance of 907.16 feet to a point marking the intersection of the northerly line of aforementioned instrument and the Easterly right-of-way line of United States Highway 27, a variable width public right-of-way; thence, along said Easterly right-of-way, N22°22'55"W, a distance of 1,448.28 feet to a point; thence, continuing along said right-of-way line, N16°40'17"W, a distance of 201.00 feet to a point; thence, continuing along said right-of-way line, N22°22'55"W, a distance of 99.98 feet to a point; thence, departing said aforementioned right-of-way line, N90°00'00"E, a distance of 219.69 feet to a point; thence N00°00'00"E, a distance of 330.00 feet to a point of curve to the left having a radius of 25.00 feet and a central angle of 90°00'00", and a chord length of 35.36 feet which bears N45°00'00"W thence Northwesterly along the arc a distance of 39.27 feet to a point; thence N90°00'00"W, a distance of 293.07 feet to the point of curve of a non-tangent curve to the left, Southeast, having a radius of 35.00 feet, a central angle of 115°14'39", and a chord length of 59.12 feet which bears S32°22'40"W; thence Southwesterly along the arc of said curve, a distance of 70.40 feet to a point and returning to aforementioned Easterly right-of-way line of U.S. Highway 27; thence along said line, non-tangent to said curve, N25°14'40"W, a distance of 18.44 feet to a point; thence, continuing along the Easterly right-of-way line previously mentioned, N22°22'55"W, a distance of 155.96 feet to a point of curve of a non-tangent curve to the left, Northeast, having a radius of 50.00 feet, a central angle of 67°37'05", and a chord length of 55.64 feet which bears S56°11'28"E; thence Southeasterly, departing said Easterly right-of-way line, along the arc of said curve, a distance of 59.01 feet to a point; thence N90°00'00"E, a distance of 345.74 feet to a point of curve to the left having a radius of 25.00 feet and a central angle of 90°00'00", and a chord length of 35.36 feet which bears N45°00'00"E thence Northeasterly along the arc a distance of 39.27 feet; thence N00°00'00"E, a distance of 540.00 feet to a point; thence N90°00'00"W, a distance of 607.19 feet to a point in the Easterly right-of-way of Miami Street, a county maintained, variable width public right-of-way; thence, along said Easterly right-of-way the following twenty (20) courses, N00°38'22"W, a distance of 12.57 feet to a point; thence N02°51'00"E, a distance of 82.15 feet to a point; thence N00°30'23"E, a distance of 100.02 feet to a point; thence N01°12'45"W, a distance of 200.01 feet to a point; thence N00°30'23"E, a distance of 100.02 feet to a point; thence N00°38'22"W, a distance of 200.00 feet to a point; thence N01°47'07"W, a distance of 100.02 feet to a point; thence N02°55'48"W, a distance of 100.08 feet to a point; thence N00°38'22"W, a distance of 700.00 feet to a point; thence N00°03'59"W, a distance of 100.00 feet to a point; thence N01°12'45"W, a distance of 100.00 feet to a point; thence N00°03'59"W, a distance of 100.00 feet to a point; thence N00°38'22"W, a distance of 100.00 feet to a point; thence N00°47'44"W, a distance of 99.80 feet to a point; thence N01°36'28"W, a distance of 100.04 feet to a point; thence N00°27'45"W, a distance of 100.00 feet to a point; thence N00°06'38"E, a distance of 100.00 feet to a point; thence N00°27'45"W, a distance of 100.00 feet to a point; thence N01°02'07"W, a distance of 100.02 feet to

a point; thence N00°27'45"W, a distance of 82.37 feet to a point; thence, departing said Easterly right-of-way line of Miami Street, N89°45'24"E, a distance of 2,616.52 feet to a point marking the intersection of the Southerly right-of-way line of Russel Avenue, a sixty (60) feet wide public right-of-way and the Westerly right-of-way line of First Street, a variable width public right-of-way; thence, along the Westerly right-of-way line of First Street, S00°10'04"E, a distance of 635.69 feet to a point; thence, along said line, N89°41'01"E, a distance of 15.00 feet to a point; thence, continuing along said right-of-way line, S00°20'21"E, a distance of 1,015.00 feet to a point; thence, departing the Westerly right-of-way of First Street, N89°41'01"E, a distance of 15.00 feet to a point being on the East line of the Southwest Quarter (1/4) of Section 11, Township 30 South, Range 27 East, Polk County, Florida; thence, along said line, S00°20'21"E, a distance of 883.28 feet to a point; thence, departing the aforementioned Easterly line, S89°52'31"E, a distance of 11.81 feet, to a point; thence N77°33'45"E, a distance of 101.90 feet to a point; thence S75°47'51"E, a distance of 115.22 feet to a point; thence S63°47'25"E, a distance of 102.05 feet to a point; thence S36°41'16"E, a distance of 59.83 feet to a point; thence N89°40'45"E, a distance of 314.14 feet to a point; thence S00°19'47"E, a distance of 666.53 feet to a point; thence S89°40'40"W, a distance of 331.88 feet to a point; thence S00°11'59"E, a distance of 1,331.35 feet to a point on the South line of the North Half (1/2), of the Northeast Quarter (1/4) of Section 14, Township 30 South, Range 27 East, Polk County, Florida; thence, along said line, N89°42'52"E, a distance of 331.85 feet to a point; thence, departing said line, S00°11'54"E, a distance of 140.32 feet to a point; thence S59°48'12"W, a distance of 47.25 feet to a point; thence S72°30'58"W, a distance of 30.36 feet to a point; thence S85°25'03"W, a distance of 67.27 feet to a point; thence S88°53'00"W, a distance of 100.40 feet to a point; thence N87°07'11"W, a distance of 100.02 feet to a point; thence N72°54'20"W, a distance of 100.84 feet to a point; thence N65°06'44"W, a distance of 43.18 feet to a point; thence N68°16'21"W, a distance of 56.52 feet to a point; thence N59°32'52"W, a distance of 100.32 feet to a point; thence N37°53'18"W, a distance of 66.75 feet to a point in the South line of the North Half (1/2) of the Northwest Quarter (1/4) of Section 14 previously mentioned; thence, along said Southerly line, S89°42'52"W, a distance of 96.52 feet to a point; thence, departing said Southerly line, S00°12'04"E, a distance of 1,276.44 feet to the POINT OF BEGINNING.

Containing 13,562,947 square feet or 311.362 acres, more or less.

