

**ORDINANCE NO. 21-1743**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HAINES CITY, FLORIDA, ESTABLISHING THE BELLAVIVA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACTS; 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; PROVIDING 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* (“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 Haines City, Florida (“City”); and

**WHEREAS**, BBHRG Holding at Little Lake Hamilton, LLC, and Bellaviva at Little Lake Hamilton, LLC (together, “Petitioner”), having obtained written consent to the establishment of the Bellaviva Community Development District (“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 4407 Vineland Road, Suite D11, Orlando, Florida 32811; and

**WHEREAS**, the *Petition to Establish Bellaviva Community Development District* (“Petition”), which was submitted to the City on or around May 12, 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 August 19, 2021; and

**WHEREAS**, on August 19, 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 is in the best interest of the City; and

**WHEREAS**, the establishment of the District shall not act to replace or amend any City or County land development approvals governing the land area to be included within the District; and

**WHEREAS**, all District roads, including any improvements to existing roads, shall be constructed to equal or exceed the applicable construction specifications of the City or the County; 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 Haines City, 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(1)(e) 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 Haines City 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 Haines City, Florida, which District shall be known as the “Bellaviva 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 approximately 139.26 acres, more or less.

**SECTION 6. DISTRICT POWERS AND FUNCTIONS.**

The powers and functions of the District shall be as described in Chapter 190, *Florida Statutes*, and include those additional powers set forth in Section 190.012(2)(a) and (d).

**SECTION 7. BOARD OF SUPERVISORS.** The five persons designated to serve as the initial board of supervisors are:

Name: Gregory Cox  
Address: 4407 Vineland Road, Suite D-11  
Orlando, Florida 32811

Name: Clifton Fischer  
Address: 4407 Vineland Road, Suite D-11  
Orlando, Florida 32811

Name: Pete Williams  
Address: 4407 Vineland Road, Suite D-11  
Orlando, Florida 32811

Name: Jean Marsan  
Address: 4407 Vineland Road, Suite D-11  
Orlando, Florida 32811

Name: Daniel Kovacs  
Address: 6700 South Florida Avenue, Suite 4  
Lakeland, Florida 33813

**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.

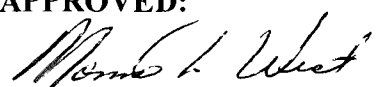
**SECTION 10. REPEAL OF ORDINANCE IN CONFLICT.** All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

**SECTION 11. 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 effect.

**SECTION 12. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon it being read and approved in two meetings of the City Commission of the City of Haines City.

**INTRODUCED AND PASSED** in regular session of the City Commission of the City of Haines City, this 15<sup>th</sup> day of July, 2021.

**ATTEST:**  
By:   
Erica Anderson, CMC, City Clerk

**APPROVED:**  
  
Morris L. West, Mayor

**APPROVED AS TO FORM AND CORRECTNESS:**

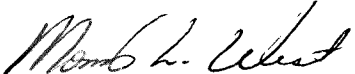
By:   
Fred Reilly, City Attorney

**ADOPTED ON SECOND AND FINAL READING** by the City Commission of the  
City of Haines City, Florida, at regular session this 19<sup>th</sup> day of August, 2021

**ATTEST:**

By:   
Erica Anderson, CMC, City Clerk

**APPROVED:**

  
Morris L. West, Mayor

**APPROVED AS TO FORM AND CORRECTNESS:**

By:   
Fred Reilly, City Attorney

**EXHIBIT A  
LEGAL DESCRIPTION**

*Legal Description and Sketch*

Section 05, Township 28 South, Range 27 East  
Polk County, Florida

**Description:**



A parcel of land being a portion of the Northwest 1/4 of Section 5, Township 28 South, Range 27 East, Polk County, Florida, being described as follows:

Commence at the intersection of the southerly right-of-way line of State Road 544 and the west line of said Northwest 1/4 of Section 5 for the Point of Beginning, said point being on the arc of a curve to the left, having radius of 2,914.79 feet, a central angle of 03°09'47", and a chord distance of 160.89 feet; thence southeasterly along said curve and southerly right-of-way line, a distance of 160.91 feet; thence South 02°55'29" West, a distance of 9.99 feet to a point on a non-tangent curve to the left, having a radius of 2,924.79 feet, a central angle of 17°04'18", a chord bearing of North 84°23'23" East, and a chord distance of 868.21 feet; thence Northeasterly, along the arc of said curve and southerly right-of-way line, a distance of 871.43 feet; thence North 75°55'12" East, along said southerly right-of-way line, a distance of 832.49 feet to a point on a non-tangent curve to the left, having a radius of 2,925.11 feet, a central angle of 17°37'44", a chord bearing of North 67°05'53" East, and a chord distance of 896.46 feet; thence Northeasterly, along the arc of said curve and said right-of-way line, a distance of 900.01 feet to the east line of the northwest 1/4 of aforesaid Section 5; thence South 00°23'17" East, along said east line of the Northwest 1/4, a distance of 1,330.37 feet, more or less to the waters edge of Little Lake Hamilton; thence Southwesterly, along said waters edge, 3600 feet more or less to the northerly right-of-way line of State Road 25 (U.S. 27), said point being South 31°23'28" East, 880.21 feet from the intersection of said northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 31°23'28" West, along said northerly right-of-way line, a distance of 880.21 feet to said intersection of the northerly right-of-way line and the west line of the Northwest 1/4 of Section 5; thence North 00°16'40" West, along said west line of the Northwest 1/4 of Section 5, a distance of 2,757.32 feet to the Point of Beginning.

**Surveyor's Notes:**

- 1 This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
- 2 Not valid without the original signature and seal of a Florida Licensed Surveyor and Mapper unless affixed with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
- 3 This Legal Description and Sketch has been prepared without benefit of Title Commitment and is subject to any Deductions, Limitations, Restrictions, Reservations, Easements, Right-of-Ways, Agreements and/or other matters of record in Polk County, Florida, other than those shown hereon.
- 4 Bearings shown hereon are grid, based on the Florida State Plane Coordinate System, North American Datum of 1983 (2011 Adjustment), Florida West Zone, having a bearing of South 00°16'40" East along the west line of the Northwest 1/4 of Section 05, Township 28 South, Range 27 East, Polk County, Florida.
- 5 The parcel id (identification) numbers and ownership information shown hereon was obtained from the Polk County Property Appraisers web site.
- 6 The signed and sealed copies of this survey will be the record drawing for this project.

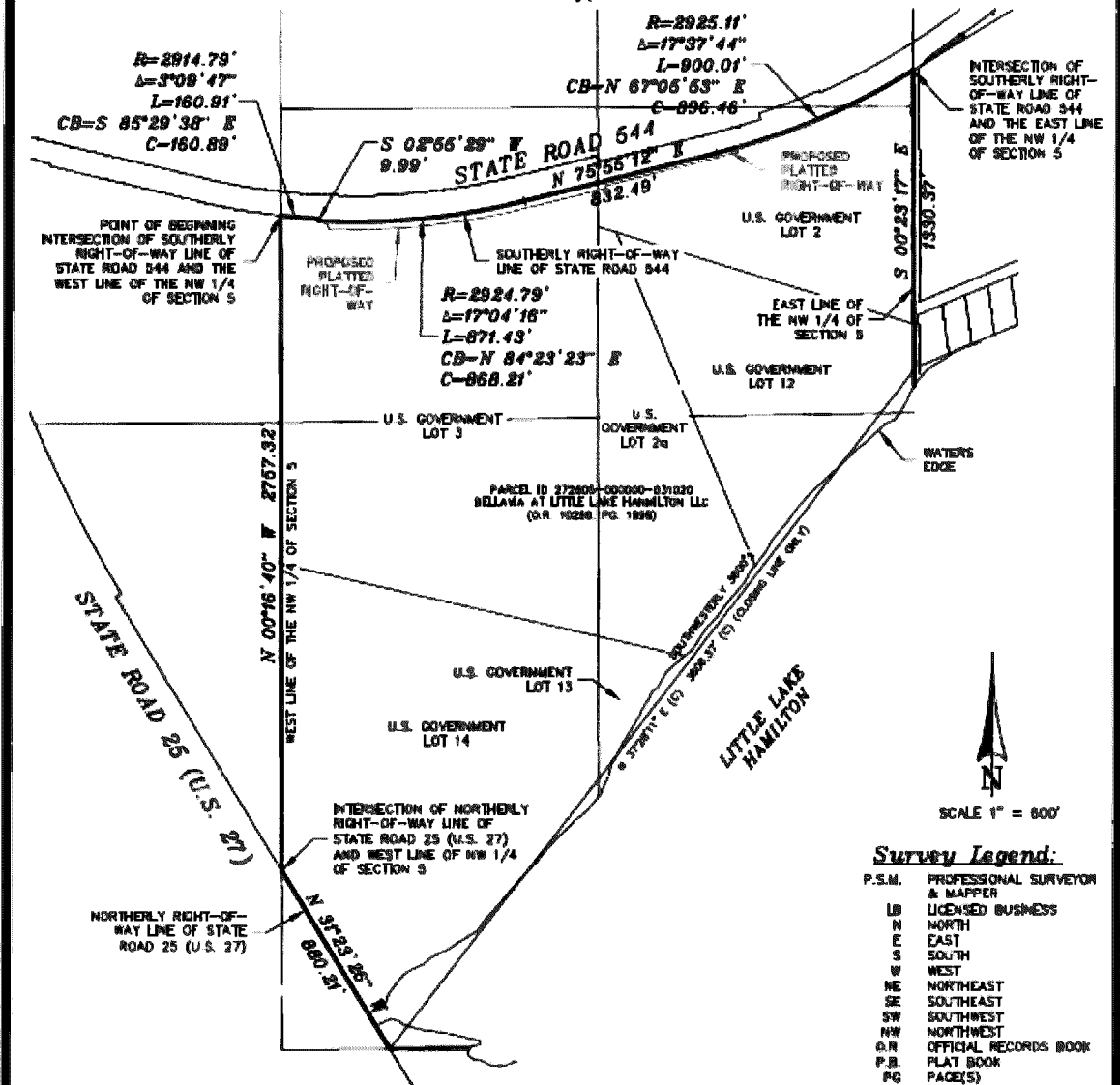
See sheet 2 of 2 for sketch

<p>SHEET 1 of 2    JOB NO. 3247    DATE 04/06/2021</p>	<p>CREW CHIEF _____ FIELD DATE _____ DRAWN BY <u>LSS</u></p> <p>I, THE UNDERSIGNED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFIES THAT THE LEGAL DESCRIPTION AND SKETCH HEREON MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 179.027 FLORIDA STATUTES.</p>	 <p><b>RSI</b></p> <p><b>Rapid Surveying, Inc.</b></p> <p>2000 East Edgewood Drive, Suite 108B Lakeland, Florida 33803</p> <p>PROFESSIONAL SURVEYORS &amp; MAPPERS LICENSED BUSINESS L.B. #7968 EMAIL: RSI@RAPIDSURVEYING.NET PHONE (863)668-9124 FAX (863) 668-9091</p>
	<p>Danny R Gann</p> <p>Digitally signed by Danny R Gann Date: 2021.04.06 20:52:43 -04'00'</p>	
	<p align="center">DANNY R. GANN, P.S.M. NO. 6188 STATE OF FLORIDA    DATE _____</p>	

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# Legal Description and Sketch

Section 05, Township 28 South, Range 27 East  
Polk County, Florida



See sheet 1 of 2 for surveyor's notes, legal description and signature block

SHEET 2 of 2	JOB NO. 3247	DATE 04/06/2021	CREW CHIEF _____	FIELD DATE _____	DRAWN BY LSS
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**Rapid Surveying, Inc.**  
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