

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF MINNEOLA, FLORIDA, ESTABLISHING THE HILLS OF MINNEOLA COMMUNITY DEVELOPMENT DISTRICT LOCATED IN THE CITY OF MINNEOLA AND CONTAINING APPROXIMATELY 877.15 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE HILLS OF MINNEOLA COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, JEN FLORIDA 30, LLC, a Florida Limited Liability Company, has petitioned the City of Minneola, Florida ("City"), to establish the HILLS OF MINNEOLA COMMUNITY DEVELOPMENT DISTRICT ("District"); and

WHEREAS, the City Council of the City of Minneola ("City Council"), after proper published notice, has conducted a public hearing on the Petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The Petition is complete and meets the requirements of Section 190.005, Florida Statutes, and all statements contained within the Petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the City's current Comprehensive Plan, or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. The proposed District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development services and facilities of the proposed District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The area that will be served by the proposed District is amenable to separate special-district government.

WHEREAS, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district . to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code. as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINNEOLA, FLORIDA:

Section One: Findings

The foregoing recitals and findings are true and correct and are hereby incorporated as if fully set forth herein.

Section Two: Authority for Ordinance

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing municipal ordinances.

Section Three: Establishment of the Hills of Minneola Community Development District

The Hills of Minneola Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

Section Four: Designation of Initial Board Members

The following five (5) persons are herewith designated to be the initial members of the Board of Supervisors for the District:

1. Richard A. Jerman
2. Denver Marlow
3. Jennifer Jerman
4. Christopher Gardner
5. Charles Capehart

Section Five: District Name

The community development district herein established shall henceforth be known as the "Hills of Minneola Community Development District."

Section Six: Statutory Provisions Governing the District

The Hills of Minneola Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local laws.

Section Seven: Consent to Special Powers

Upon the effective date of this Ordinance, the Hills of Minneola Community Development District will be duly and legally authorized to exist and exercise all of its powers as set forth in Sections 190.012(1) and 190.012(2)(a), Florida Statutes, and as otherwise provided by law.

Section Eight: Obligations of District

No bond, debt, or other obligation of the District, nor any default thereon, shall constitute a debt, obligation, or burden of the City.

Section Nine: Notice to Subsequent Purchasers

All contracts for the sale of property within the District must comply with the disclosure requirements set forth in Section 190.048, Florida Statutes. The District shall also comply with the public financing disclosure requirements set forth in Section 190.009, Florida Statutes.

Section Ten: Notice of Establishment of District

Within thirty (30) days after the effective date of this Ordinance, the District shall cause to be recorded among the Official Records of Lake County a "Notice of Establishment of the Hills of Minneola Community Development District" in accordance with the requirements of Section 190.0485, Florida Statutes. In addition, within thirty (30) days of the adoption of this Ordinance, the District shall cause the documents specified in Section 189.016(1), Florida Statutes, to be forwarded to the Florida Department of Economic Opportunity.

Section Eleven: Conflict and Severability

In the event this Ordinance conflicts with any other ordinance of the City of Minneola or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.


Section Twelve: Inclusion in Code of Laws and Ordinances

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Minneola, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section Thirteen: Effective Date

This Ordinance shall become effective immediately upon its passage by the City Council and the signature of the Mayor.

PASSED AND ORDAINED this 2nd day of July, 2019, by the City Council of the City of Minneola, Florida.



Pat Kelley, Mayor

ATTEST:



April Sheppard, Acting City Clerk

Passed First Reading: 06-04-19

Passed Second Reading: 07-02-19

Approved as to form:



Scott A. Gerken, City Attorney

