

ORDINANCE NUMBER 22-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, ESTABLISHING THE HICKS DITCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; ESTABLISHING THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, TLC Pine Meadows, LLC ("**Petitioner**"), as the owner of one hundred percent (100%) of the real property and consenting to be included in the proposed District (hereinafter defined), has filed a Petition to Establish Hicks Ditch Community Development District ("**Petition**") with the City Commission ("**City Commission**") of the City of Eustis, Florida ("**City**") pursuant to Section 190.005(2)(e), *Florida Statutes*, as amended, to adopt an ordinance establishing the Hicks Ditch Community Development District ("**District**") pursuant to Chapter 190, *Florida Statutes*, as amended; 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, pursuant to Sections 190.005(2)(e) and 190.005(1)(d), *Florida Statutes*, as amended; and

WHEREAS, upon consideration of the record established at that hearing, the City Commission has considered the record of the public hearing and the statutory factors set forth in Section 190.005(1)(e), *Florida Statutes*, as amended, in making its determination to grant or deny the Petition; and

WHEREAS, the owner(s) 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, the City, in determining whether to establish the District, has considered and finds that all statements contained in the Petition are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City Comprehensive Plan; and

WHEREAS, the City has considered and finds that 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

WHEREAS, the City has considered and finds that the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds that the community development services and facilities of the District will not be incompatible with the capacity and uses of exiting local and regional community development services and facilities; and

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district government; 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, pursuant to the information as stated above, the City Commission has decided to grant the Petition.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, *Florida Statutes*, as amended.

SECTION 3. DISTRICT NAME. There is hereby established a community development district situated entirely within the incorporated limits of the City, which District shall be known as the "Hicks Ditch Community Development District."

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated herein by reference, the overall boundaries encompassing 244.043 acres, more or less. There are no parcels within the external boundaries of the District which are to be excluded from the District. **Exhibit B** depicts the general location of the District.

SECTION 5. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, *Florida Statutes*, as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, *Florida Statutes*, as amended, as created by general law. The City further consents to the District's exercise

of special powers described in 190.012(2)(a) and 190.012(2)(d), *Florida Statutes*, as may be amended from time to time.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Anthony Iorio; Jason Lonas; Doug Beasley; Duane "Rocky" Owen; and Thomas Franklin, Sr. All of the persons in the preceding sentence are residents of the State of Florida and citizens of the United States of America.

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. ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS. The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect upon its passage and adoption pursuant to general law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Eustis, Florida, held on the 3rd day of November, 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**



Michael L. Holland
Mayor/Commissioner

ATTEST:



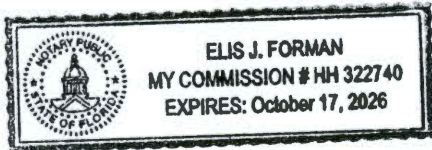
Christine Halloran, City Clerk




CITY OF EUSTIS CERTICATION

STATE OF FLORIDA)
COUNTY OF LAKE)

The foregoing instrument was acknowledged before me this 3rd day of November 2022, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.




Notary Public – State of Florida
My Commission Expires: _____
Notary Serial Number: _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.


for Derek Scherth
City Attorney's Office

11/3/2022
Date

CERTIFICATE OF POSTING

The foregoing Ordinance No. 22-21 is hereby approved, and I hereby certify that I have published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

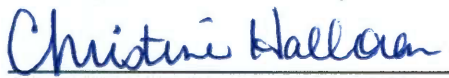

Christine Halloran
Christine Halloran, City Clerk

EXHIBIT A

That part of the East 169.5 feet of the Southwest 1/4 of the Northeast 1/4 of Section 35, Township 18 South, Range 26 East, Lake County, Florida, lying South of the Southerly line of the right of way known as Pine Meadows Golf Course Road.

AND

The Southeast 1/4 of the Northeast 1/4 of Section 35, Township 18 South, Range 26 East, Lake County, Florida, LESS right of way for Pine Meadows Golf Course Road. Also LESS and EXCEPT Lots 1 and 2, Pine Meadows Fairway Estates, according to the Plat thereof, as recorded in Plat Book 17, Page 56, Public Records of Lake County, Florida.

AND

Tracts 21 to 26, inclusive, and Tracts 37 to 40, inclusive, Eustis Meadows, according to the Map or Plat thereof, recorded in Plat Book 1, Page 2, Public Records of Lake County, Florida, LESS and EXCEPT therefrom the right of way for Pine Meadows Golf Course Road, as shown on Plat Book 17, Page 56 and the right of way for Fairway Drive, as shown on Plat Book 17, Page 56, and the right of way for Pine-Meadows Road, as shown on Plat Book 17, Page 12. Also, LESS and EXCEPT Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28, Pine Meadows Fairway Estates, according to the Map or Plat thereof, as recorded in Plat Book 17, Page 56, Public Records of Lake County, Florida.

AND

Parcel A:

That part of Lot 12, in Section 36, Township 18 South, Range 26 East, Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; and that part of Blocks 3 and 15, in Section 36, Township 18 South, Range 26 East, Town Plat of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows: Begin at a 5/8" Iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of said Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to the Northwest corner of said Lot 12; thence South 00°32'04" East, along the West line of said Lot 12, a distance of 1,280.21 feet to a 4" octagonal monument at the Southwest corner of said Lot 12; thence North 87°33'44" East, along the South line of said Lot 12, a distance of 15.01 feet; thence South 00°32'04" East, a distance of 15.01 feet to the Northwest corner of Block 3 of said Town Plat of Eustis Meadows; thence North 87°33'44" East, along the South right of way line of North Street, a distance of 10.01 feet; thence South 00°32'04" East, along a line

10 feet East of when measured at right angles to and parallel with the East right of way line of Cedar Street, a distance of 433.22 feet to an intersection with a line that is 50.00 feet North of and parallel with, when measured of right angles thereto, the North right of way line of County Road No. 44-A; thence North 88°02'40" East, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 111.02 feet, to an intersection with the Westerly top of the bank of a canal known as Hicks Ditch; thence North 24°12'31" East, along said top of bank, 108.49 feet; thence North 21°03'29" East, along said top of bank, 200.06 feet; thence North 19°20'32" East, along said top of bank, 200.30 feet; thence North 20°32'44" East, along said top of bank, 394.93 feet; thence North 19°41'20" East, along said top of bank, 541.12 feet to an intersection with the East line of said Lot 12; thence North 00°44'07" West, along the East line of said Lot 12, 402.85 feet to the Point of Beginning.

Together with a 50 feet wide ingress and egress easement along the Easterly line bounded and described as follows: Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 00°44'07" East, along the East line of said Lot 12, a distance of 402.85 feet to the Point of Beginning; run thence North 00°44'07" West, along the East line of said Lot 12, a distance of 125.70 feet; thence South 22°42'12" West, 116.65 feet; thence South 19°41'20" West, 542.07 feet; thence South 20°32'44" West, 395.08 feet; thence South 19°20'32" West, 200.08 feet; thence South 21°03'29" West, 197.94 feet; thence South 24°12'31" West, 131.68 feet to an intersection with a line that is 50.00 feet North of and parallel with when measured at right angles thereto the North right of way line of County Road No. 44-A; thence North 88°02'40" East, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 55.71 feet, to an intersection with the Westerly top of the bank of a canal known as Hicks Ditch; thence North 24°12'31" East, along said top of bank, 108.49 feet; thence North 21°03'29" East, along said top of bank, 200.06 feet; thence North 19°20'32" East, along said top of bank, 200.30 feet; thence North 20°32'44" East, along said top of bank, 394.93 feet; thence North 19°41'20" East, along said top of bank, 541.12 feet to the Point of Beginning.

AND

Parcel B:

That part of Blocks 2 and 14, and that part of a vacated portion of Orange Street, in Section 36, Township 18 South, Range 26 East, Town Plat of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows:

Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to

the Northwest corner of said Lot 12; thence continue South 87°04'27" West, along the North line of Lot 11, said Map of Eustis Meadows, also being the North line of the said Southwest 1/4 of Section 36, a distance of 175.55 feet to an intersection with the East line of the West 150.00 feet of the East 1/2 of said Lot 11; thence South 00°26'01" East, along the East line of the West 150.00 feet of the East 1/2 of said Lot 11 and its prolongation thereof, a distance of 1,293.80 feet to an intersection with the South right of way line of North Street and the Point of Beginning; thence North 87°33'44" East, along the South right of way line of North Street, a distance of 152.76 feet to a line 10 feet West of when measured at right angles to and parallel with the West right of way line of Cedar Street; thence South 00°32'04" East, along said line 10 feet West of when measured at right angles to and parallel with the West right of way line of Cedar Street, a distance of 432.80 feet to an intersection with a line that is 50.00 feet North of and parallel with when measured at right angles to the North right of way line of County Road No. 44-A; thence South 88°02'40" West, along said line which is 50.00 feet North of and parallel with the North right of way line of County Road No. 44-A, a distance of 153.49 feet, to an intersection with a line which bears South 00°26'01" East from the Point of Beginning; thence North 00°26'01" West, along the Southerly prolongation of the East line of the West 150.00 feet of the East 1/2 of said Lot 11, a distance of 431.53 feet to the Point of Beginning.

AND

Parcel C:

That part of Lot 11, in Section 36, Township 18 South, Range 26 East, Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida, being more particularly described as follows:

Commence at a 5/8" iron rod and cap (PLS 3351) at the Northeast corner of Lot 12 of Map of Eustis Meadows, according to the Plat thereof, as recorded in Plat Book 1, Page 2, of the Public Records of Lake County, Florida; run thence South 87°04'27" West, along the North line of said Lot 12, also being the North line of the Southwest 1/4 of Section 36, Township 18 South, Range 26 East, Lake County, Florida, a distance of 651.38 feet to the Northwest corner of said Lot 12, and the Point of Beginning; thence continue South 87°04'27" West, along the North line of Lot 11, said Map of Eustis Meadows, also being the North line of the said Southwest 1/4 of Section 36, a distance of 175.55 feet to an intersection with the East line of the West 150.00 feet of the East 1/2 of said Lot 11; thence South 00°26'01" East, along the East line of the West 150.00 feet of the East 1/2 of said Lot 11, a distance of 1,243.77 feet to an intersection with a line 35.00 feet North of when measured at right angles to and parallel with the North right of way line of North Street; thence North 87°33'44" East, along said line 35.00 feet North of when measured at right angles to and parallel with the North right of way line of North Street, a distance of 177.69 feet to an intersection with the West line of said Lot 12; thence North 00°32'04" West, along said West line of Lot 12, a distance of 1,245.19 feet to the Point of Beginning.

TOGETHER WITH:

LEGAL DESCRIPTION

A STRIP OF LAND, BEING A PORTION OF PINE MEADOWS GOLF COURSE ROAD AS DESCRIBED IN THAT CERTAIN INDENTURE, AS RECORDED IN OFFICIAL RECORDS BOOK 666, PAGE 1637 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN LOTS 21 THROUGH 24, EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 2, OF SAID PUBLIC RECORDS. BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF FAIRWAY DRIVE, PINE MEADOWS FAIRWAY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 56 AND BOUNDED ON THE EAST BY THE EAST LINE OF SAID LOT 24.

TOGETHER WITH:

LEGAL DESCRIPTION

A STRIP OF LAND, BEING NORTH STREET AND CEDAR STREET, LYING EAST OF THE EAST LINE OF THE WEST 150 FEET OF THE EAST HALF OF LOT 11, EUSTIS MEADOWS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1 PAGE 2, LAKE COUNTY, FLORIDA AND LYING NORTH OF THE NORTH RIGHT-OF-WAY OF EAST COUNTY ROAD 44.

All of the above containing approximately 244.043 acres, +/-

EXHIBIT B

