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ORDINANCE NO. 4307

PROPOSED ORDINANCE 01-079

AN ORDINANCE OF THE CITY OF LAKE-
LAND, FLORIDA ESTABLISHING THE BRIDGE-
WATER COMMUNITY DEVELOPMENT DISTRICT; MAKING
FINDINGS REGARDING THE DISTRICT; DESCRIBING
THE EXTERNAL BOUNDARIES OF THE DISTRICT;
NAMING FIVE PERSONS DESIGNATED TO BE THE
INITIAL MEMBERS OF THE BOARD OF
SUPERVISORS; SPECIFYING GENERAL AND SPECIAL
POWERS OF THE DISTRICT AND OTHER MATTERS
INCIDENTAL THERETO; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF
LAKE-LAND, FLORIDA:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. The City of
Lakeland, Florida, is authorized to adopt this ordinance under the authority granted by the
provisions of Chapters 166 and 190, Florida Statutes, as amended, and other applicable
provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. KA Partners, Ltd., a Florida limited partnership, the controller by
contract of 100% of that certain unimproved real property within the City referenced as
the View Properties and Davis lands (collectively the "Property"), has petitioned the City
to form a community development district for the Property within the meaning of the
Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (the
"Act"), as a reasonable and appropriate method of providing the infrastructure to serve
residents of the Property. The District would be known as the "Bridgewater Community
Development District" (the "District") and the boundaries of the District would be
coterminous with the boundaries of the Property.

B. The City has conducted a public hearing on the Petition in
accordance with the requirements of Section 190.005(1)(d), F.S., and has considered the

1 record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act,
2 among other factors, and hereby finds that:

- 3 ; 1. All statements in the Petition have been found to be true
4 and correct;
5
6 2. The creation of the District is not inconsistent with any
7 applicable elements or portion of the State of Florida's
8 comprehensive plan or of the effective City comprehensive plan;
9
10 3. The area of land within the District is of sufficient size, is
11 sufficiently compact, and is sufficiently contiguous to be
12 developable as one functional interrelated community;
13
14 4. The District is the best alternative available for delivering
15 community development services and facilities to the area that will
16 be served by the District; and
17
18 5. The community development services and facilities of the
19 District will not be incompatible with the capacity and uses of
20 existing local and regional community development services and
21 facilities.
22
23 6. The area that will be served by the District is amenable to
24 separate special-district government.

25 C. The City now desires to grant the Petition and to establish the
26 District, as more fully set forth herein.

27 **SECTION 3. ESTABLISHMENT OF DISTRICT; NAME.** The City
28 hereby grants the Petition and establishes the District as a community development
29 district within the meaning of the Act. The name of the District shall be the "Bridgewater
30 Community Development District."
31

1 **SECTION 4. EXTERNAL BOUNDARIES.** The external boundaries of
2 the District shall be as set forth on Exhibit "A" hereto.

3 **SECTION 5. INITIAL MEMBERS OF BOARD OF**
4 **SUPERVISORS.** The five persons to be the initial members of the Board of Supervisors
5 of the District, each of whom is designated in the Petition, are set forth in Exhibit "B"
6 hereto.

7 **SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS.**
8 The City Commission does hereby consent to the Board exercising those special powers
9 specified in Subparagraphs (a) and (d) of Subsection 190.012(2), F.S. The exercise of all
10 other special powers specified in §190.012(2) of the Act shall be subject to the Board
11 subsequently obtaining the consent of the City of Lakeland, as more fully delineated in
12 and evidenced by the adoption of a resolution by the City Commission. The foregoing
13 powers shall be in addition, and supplemental, to the powers which the District is entitled
14 to exercise pursuant to Sections 190.011 and Subsections 190.012 (1) and (3) of the Act.

15 **SECTION 7. COMPLIANCE WITH LAWS AND ORDINANCES.**
16 The District shall comply with Chapter 190, Florida Statutes, and all applicable federal,
17 state and regional laws, statutes, rules and regulations and all applicable City
18 Comprehensive Plan and Code provisions, ordinances, rules and regulations.

19 **SECTION 8. CITY OF LAKELAND OBLIGATION.** No debt,
20 obligation or duty of the District shall constitute a debt, obligation, duty or burden of or
21 on the City of Lakeland.

22 **SECTION 9. NO LIMITATION OF CITY POWERS.** Establishment
23 of the District in no way limits the City of Lakeland in the exercise of its powers or
24 authority as provided for in its Charter, Chapter 166, Florida Statutes, and other Florida
25 statutes, upon the property within the District, as described in Exhibit "A".
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SECTION 10. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 19th day of November, A. D. 2001.

ATTEST: Kelly S. Koos
KELLY S. KOOS
CITY CLERK

Ralph L. Fletcher
RALPH L. FLETCHER, MAYOR

APPROVED AS TO FORM AND CORRECTNESS: Timothy J. McCausland
TIMOTHY J. McCAUSLAND
CITY ATTORNEY

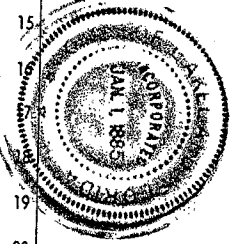


EXHIBIT "A"Overall Parcel:

A Parcel of land lying in Section 15, 16, 21, 22 and 28, Township 27 South, Range 24 East, Polk County, Florida, being more particularly described as follows:

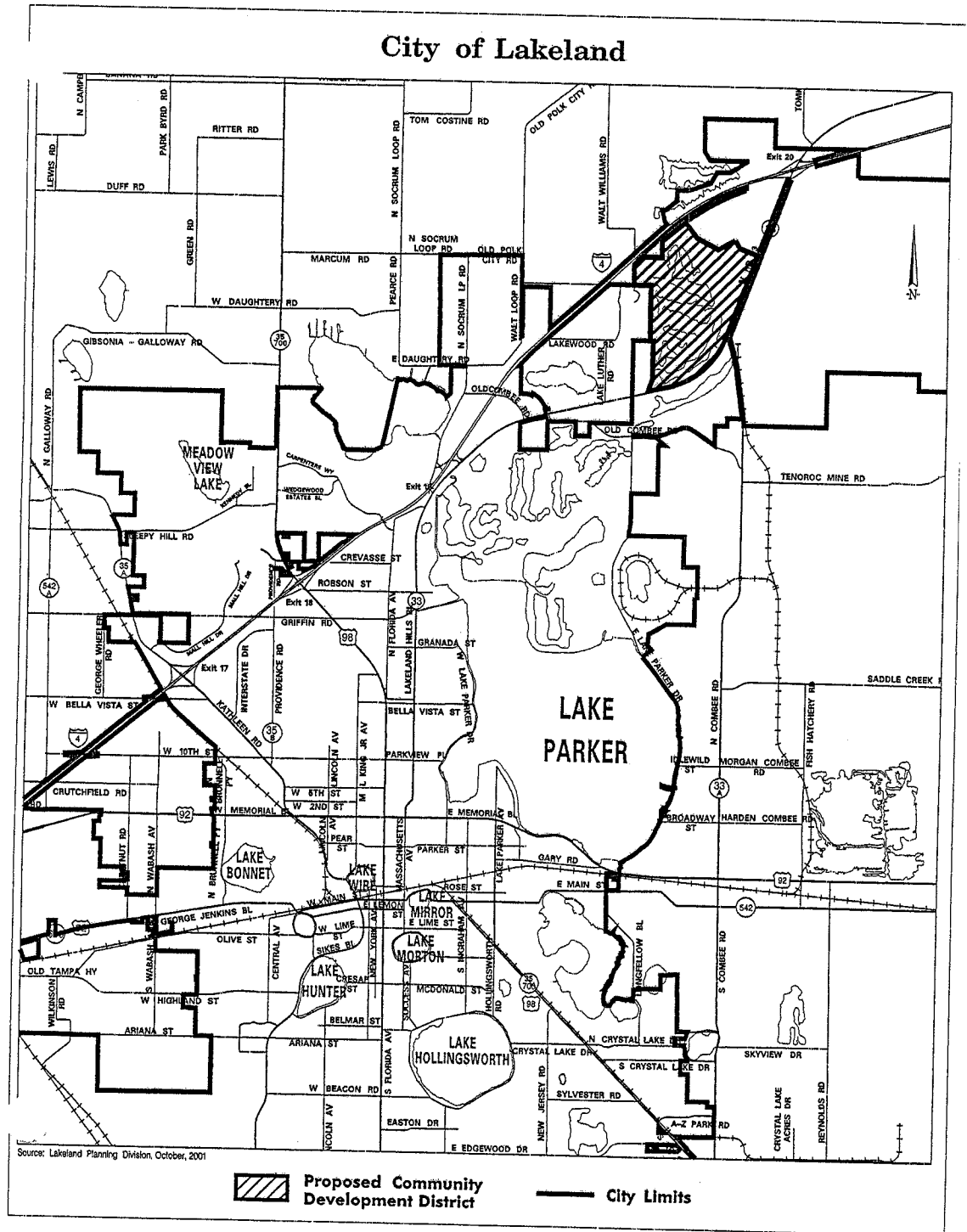
Commence at the intersection of the West line of said Section 28 and the North Right-of-Way line of State Road #33, thence N76°59'36"E along the said North Right-of-Way line 781.87 feet to the Point of Beginning, thence N18°53'11"E 591.41 feet, thence N00°07'31"E 1843.85 feet to the North line of the SW 1/4 of the SW 1/4 of said Section 21, thence N89°59'39"W along the said North line 143.76 feet to the East line of the City of Orlando, Orlando Utilities Commission Right-of-Way as recorded in OR Book 2070, Page 1834 of the Public Records of Polk County, Florida, thence N00°03'25"E along the said East line 1321.40 feet to the South line of the NW 1/4 of said Section 21, thence N00°03'12"E still along the East line 1320.80 feet to the South line of the NW 1/4 of the NW 1/4 of said Section 21, thence N89°54'22"W along said South line 785.25 feet to the East maintained Right-of-Way line of Lake Luther Road, thence N00°06'06"E along said East Right-of-Way line 987.94 feet to the Southerly Right-of-Way line of Lake Luther Road as shown on the FDOT Right-of-Way map Sec 16320-2401, thence N47°23'12"E along the said Southerly Right-of-Way line 491.41 feet to the North line of said Section 21, thence S89°50'45"E 938.15 feet to the SE corner of the SW 1/4 of the SW 1/4 of said Section 16, thence N00°20'09"W along the East line of said SW 1/4 of the SW 1/4 a distance of 739.33 feet to the Southeasterly Right-of-Way line of the City of Orlando, Orlando Utilities Commission Right-of-Way as recorded in OR Book 2070, Page 1834 of the Public Records of Polk County, Florida, thence N47°23'12"E along said Southeasterly Right-of-Way line 339.82 feet to the Point of Curvature of a curve to the right having a radius of 11144.16 feet and a central angle of 06°30'35", thence along said curve 1266.17 feet, thence S36°06'09"E 890.28 feet, thence S62°43'51"E 1157.75 feet, thence N60°42'36"E 928.46 feet, thence S29°52'55"E 438.88 feet, thence S69°27'51"E 825.43 feet again to the Westerly Right-of-Way line of State Road #33, thence S20°31'55"W along the said Westerly Right-of-Way line 3154.64 feet to the Northeasterly corner of the City of Lakeland Lift Station Property as recorded in OR Book 3237, Page 0435 of the Public Records of Polk County, Florida, thence N69°28'05"W along said property 85.00 feet, thence S20°31'55"W still along said property 44.89 feet, thence S22°27'04"E still along said property 102.67 feet, thence S69°28'05"E still along said property 15.00 feet again to the said Westerly Right-of-Way line, thence S20°31'55"W 1126.96 feet to the Point of Curvature of a curve to the right having a radius of 3739.72 feet and a central angle of 56°26'44", thence along said curve 3684.23 feet to the Point of Tangency, thence S76°59'36"W still along said Right-of-Way line 970.65 feet to the Point of Beginning. Said tract containing 632.91 acres MORE OR LESS.

EXHIBIT "B"

INITIAL BOARD OF SUPERVISORS

1. Bill Read
908 South Florida Avenue
Suite 106
Lakeland, Florida 33803
2. Alwin C. Michaelsen
1890 S. Ocean Drive, #1604 East
Hallandale, Florida 33009
3. Steve Smyers
2622 W. Memorial Blvd.
Lakeland, Florida 33815
4. Ross Galbraith
2622 W. Memorial Blvd.
Lakeland, Florida 33815
5. Pete Bell
306 Pilaklakaha Avenue
Suite 2
Auburndale, Florida 33823

City of Lakeland



Source: Lakeland Planning Division, October, 2001

 Proposed Community Development District

 City Limits