

2024-001 An Ordinance establishing the Cayman Lakes Community Development District pursuant to Chapter 190, F.S.S.; Naming the District; describing the external boundaries of the district; describing the functions and powers of the district; granting special powers; designating five persons to serve as the initial members of the districts board of supervisors; providing a severability clause; and providing an effective date.

Adopted January 23, 2024

ORDINANCE NO. 2024-~~001~~

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, ESTABLISHING THE CAYMAN LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; GRANTING SPECIAL POWERS; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, D.R. Horton, Inc. ("Petitioner") has filed a Petition with the Board of County Commissioners of Desoto County, Florida ("County"), a political subdivision of the State of Florida, to adopt an ordinance establishing the Cayman Lakes Community Development District ("District"), pursuant to Chapter 190, Fla. Stat., and designating the real property described in **Exhibit A**, attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivery community development services in the area described in **Exhibit A**, which the County is currently not able to provide at a level and quality needed to service the District, thereby assisting the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Sections 190.005(1)(d) and (2)(b), Fla. Stat.; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Sections 190.005(1)(e) and (2)(c), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:

SECTION 1: FINDINGS OF FACT. The County hereby finds and states that:

1. The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;
2. All statements contained within the petition are true and correct;

3. The establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan;
4. The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;
5. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
6. The community development services and facilities of the District will be compatible with the capacity and uses of existing local and regional community development services and facilities, and the District will not supply or take any action inconsistent with the County's sole and exclusive right to provide and supply water, wastewater and garbage service within the District, unless expressly approved by the County, or impact, interfere with or limit the County's authority to levy taxes and special assessments within the District; and
7. The area that will be served by the District is amenable to separate special-district government.

SECTION 2: CONCLUSIONS OF LAW. The County hereby finds and states that:

1. This proceeding is governed by Chapter 190, Florida Statutes;
2. The County has jurisdiction pursuant to Section 190.005(2), Florida Statutes;
3. The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes; and
4. The District shall not have and may not exercise any general police powers including without limitation law enforcement, fire and emergency management, zoning, code enforcement and land development approval powers, unless approved and authorized by the County.

SECTION 3: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated DeSoto County, Florida, which District shall be known as the "Cayman Lakes Community Development District."

SECTION 4: EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto.

SECTION 5: FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes (2022), as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, Florida Statutes, as created by general law. Pursuant to Section 190.012(2)(a) and (2)(d), Florida Statutes (2022), and without intending

to limit the same, the District's Board of Supervisors may further exercise certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for (a) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (b) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by applicable governmental agencies.

SECTION 6: BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are Wayne Everett, Tyler Windey, Christopher Quarles, Landon Thomas, and John Buzzy. All of the listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. 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 County Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the County Clerk.

SECTION 8: 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 9: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and adoption pursuant to general law.

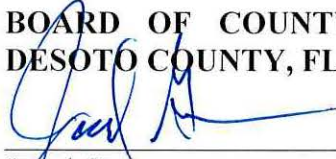
PASSED AND ADOPTED at the regular meeting of the Board of County Commissioners of the County of Desoto, Florida, held on the 23rd day of January 2024.

ATTEST:



Mandy Hines
County Administrator

**BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA**



Jerod Gross
Chairman

Approved as to form and legal sufficiency.



Donald D. Conn
County Attorney

EXHIBIT A

LEGAL DESCRIPTION:

A PORTION OF THE SOUTH 1/2 OF SECTION 29 AND A PORTION OF THE SOUTH 1/2 OF SECTION 30, TOWNSHIP 39 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID SECTION 30 AS REFERENCED BY THE RECORD PLAT OF THE 46TH ADDITION TO PORT CHARLOTTE SUBDIVISION PER PLAT THEREOF RECORDED IN PLAT BOOK 19, PAGES 45 THROUGH 45-FF, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE SOUTH 89° 06' 37" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30, A DISTANCE OF 2000.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 06' 37" EAST, A DISTANCE OF 659.62 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 89° 55' 34" EAST, A DISTANCE OF 2656.34 FEET TO THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 39 SOUTH, RANGE 23 EAST, THENCE NORTH 89° 49' 49" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 2365.45 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF KINGS HIGHWAY (OLD STATE ROAD #S-741) BEARING SOUTH 89° 49' 49" WEST, A DISTANCE OF 290.73 FEET FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 OF SECTION 29, WITH SAID POINT BEING ON THE ARC OF A 2924.79 FOOT RADIUS CURVE WITH THE CENTER OF SAID CURVE BEARING SOUTH 66° 24' 00" EAST, THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID KINGS HIGHWAY THE FOLLOWING 7 COURSES: NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02° 35' 08", A DISTANCE OF 131.98 FEET TO A POINT OF TANGENCY; THENCE NORTH 26° 11' 08" EAST, A DISTANCE OF 186.94 FEET; THENCE SOUTH 63° 48' 52" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 26° 11' 08" EAST, A DISTANCE OF 46.19 FEET; THENCE NORTH 20° 09' 48" EAST, A DISTANCE OF 213.11 FEET; THENCE NORTH 44° 05' 08" EAST, A DISTANCE OF 72.73 FEET; THENCE NORTH 26° 11' 08" EAST, A DISTANCE OF 1743.50 FEET; THENCE LEAVING SAID RIGHT OF WAY, NORTH 89° 53' 41" WEST, PARALLEL WITH AND 520.00 FEET SOUTH OF, THE NORTH LINE OF THE SOUTH 1/2 OF AFORESAID SECTION 29, A DISTANCE OF 3427.23 FEET TO A POINT ON THE EAST LINE OF AFORESAID SECTION 30, BEARING SOUTH 00° 01' 32" EAST, A DISTANCE OF 520.00 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 89° 14' 16" WEST, A DISTANCE OF 3312.51 FEET; THENCE SOUTH 00° 04' 14" WEST, A DISTANCE OF 2191.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 308.54 ACRES MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 26, 2024

Judy Schaefer
DeSoto County Board of County Commissioners
Administration Building, Suite 201
201 East Oak Street
Arcadia, Florida 34266

Dear Judy Schaefer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of DeSoto County Ordinance No. 2024-001, which was filed in this office on January 25, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh