

TOWN CLERK

DATE

**ORDINANCE O - 2024 - 15**

**AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA ESTABLISHING THE EAGLE TRACE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2024); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; 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**, Cassidy Land Development, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition to Establish the Eagle Trace Community Development District (the "Petition") with the Town Council of the Town of Lake Hamilton (the "Town Council") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Eagle Trace Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida, whose address is 346 East Central Ave, Winter Haven, Florida 33880; and

**WHEREAS**, the owners 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**, 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 Town Council on January 7, 2025, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

**WHEREAS**, upon consideration of the record established at that duly noticed hearing, the Town Council has considered the record of the public hearing and the statutory factors set forth in

section 190.005(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition;  
and

**WHEREAS**, the Town Council, pursuant to the information contained within the Petition and based on an investigation conducted by staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District, finds as follows:

- (1) The statements within the Petition are true and correct; and
- (2) The Petition is complete in that it meets the requirements of Section 190.005(2)(a), *Florida Statutes*; and
- (3) The appropriate Town of Lake Hamilton staff have reviewed the Petition for establishment of the District on the proposed land and have advised the Town Council that said Petition is complete and sufficient; and
- (4) Establishment of the District by this Ordinance is subject to and not inconsistent with any applicable element or portion of the state comprehensive plan or the Town Comprehensive Plan; and
- (5) 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
- (6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (7) 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
- (8) The area that will be served by the District is amenable to separate special-district

government.

**WHEREAS**, pursuant to the information stated above, the Town Council has decided to grant the Petition to establish the Eagle Trace Community Development District; 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**, upon the effective date of this Ordinance, the Eagle Trace Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:**

**SECTION 1. TITLE.** This Ordinance shall be known and may be cited as the "Eagle Trace Community Development District Establishment Ordinance."

**SECTION 2. BOARD FINDINGS.** The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

**SECTION 3. AUTHORITY.** This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

**SECTION 4. CREATION OF DISTRICT: DISTRICT NAME.** The Petition filed to create the Eagle Trace Community Development District is hereby granted and there is hereby created a community development district, which is situated within the Town of Lake Hamilton, Florida, which District shall be known as the "Eagle Trace Community Development District."

**SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.** The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall boundaries encompassing 186.71 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

**SECTION 6. FUNCTIONS AND POWERS.** The District is limited to the performance of those powers and functions as described in Chapter 190, *Florida Statutes*. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described in Section 190.012(2)(a), *Florida Statutes*; and security powers, including but not limited to guardhouses, fences and gates, and electronic intrusion detection, as authorized and described in Section 190.012(2)(d), *Florida Statutes*. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Town ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general-purpose government.

**SECTION 7. BOARD OF SUPERVISORS.** The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Warren K. Heath, Jessica Spencer, Lindsey Roden, Bobbie Henley, and Lauren O. Schwenk. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

**SECTION 8. SEVERABILITY.** If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provision shall be deemed severable and the remaining provisions shall continue

remain 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 be effective immediately upon adoption.

**INTRODUCED AND PASSED** on first reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 3rd day of December 2024.

**PASSED AND ADOPTED** on second reading at the regular meeting of the Town Council of Lake Hamilton, Florida, held this 7th day of January 2025.



TOWN COUNCIL OF LAKE HAMILTON FLORIDA

BY: Marlene Wagner  
Marlene Wagner, Mayor

ATTEST

By: Jacqueline Borja  
Jacqueline Borja, Town Clerk

APPROVED AS TO FORM:

By: Anthony Sabatini  
Anthony Sabatini, Esq., Interim Town Attorney

| <u>Record of Vote</u> | <u>Yes</u>                          | <u>No</u>                           |
|-----------------------|-------------------------------------|-------------------------------------|
| Roberson              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Slavens               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Wagner                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Mathis                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**EXHIBIT A**  
**LEGAL DESCRIPTION**

A PORTION OF SECTION 22, TOWNSHIP 28 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 22; THENCE N89°18'33"E, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22, A DISTANCE OF 662.35 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S00°21'01"E, ALONG SAID WEST LINE, A DISTANCE OF 666.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE N89°20'54"E, ALONG SAID SOUTH LINE, A DISTANCE OF 662.15 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22 ; THENCE N00°20'00"W, ALONG SAID EAST LINE, A DISTANCE OF 666.52 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE N89°18'33"E, ALONG SAID NORTH LINE, A DISTANCE OF 1324.69 FEET TO THE NORTHEAST CORNER OF SAID SECTION 22; THENCE DEPARTING SAID NORTH LINE RUN S00°17'59"E ALONG THE EAST LINE OF SAID SECTION 22, A DISTANCE OF 667.42 FEET; THENCE DEPARTING SAID EAST LINE RUN S89°20'54"W, A DISTANCE OF 15.00 FEET; THENCE S00°17'59"E, A DISTANCE OF 652.41 FEET; THENCE S89°23'16"W, A DISTANCE OF 646.95 FEET; THENCE S00°18'59"E, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S89°23'16"W, ALONG SAID SOUTH LINE, A DISTANCE OF 661.95 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S89°23'16"W, ALONG SAID SOUTH LINE, A DISTANCE OF 661.95 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S00°21'01"E, ALONG SAID WEST LINE, A DISTANCE OF 666.06 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S89°25'37"W, ALONG SAID NORTH LINE, A DISTANCE OF 661.75 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 22; THENCE S89°23'43"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1324.48 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S00°21'23"E, ALONG SAID WEST LINE, A DISTANCE OF 458.58 FEET; THENCE DEPARTING SAID WEST LINE, RUN S89°38'46"W, A DISTANCE OF 401.70 FEET; THENCE S00°00'00"E, A DISTANCE OF 188.51 FEET; THENCE S89°24'17"W, A DISTANCE OF 259.42 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°21'03"W, ALONG SAID WEST LINE A DISTANCE OF 295.28 FEET; THENCE DEPARTING SAID WEST LINE, RUN S89°22'51"W, A DISTANCE OF 125.00 FEET; THENCE N00°21'03"W, A DISTANCE OF 25.03 FEET; THENCE N89°23'43"E, A DISTANCE OF 125.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°21'03"W, ALONG SAID WEST LINE, A DISTANCE OF 175.00 FEET; THENCE DEPARTING SAID WEST LINE, RUN S89°23'43"W, A DISTANCE OF 125.00 FEET; THENCE N00°21'03"W, A DISTANCE OF 149.97 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S89°24'48"W, ALONG SAID NORTH LINE, A DISTANCE OF 98.00 FEET; THENCE DEPARTING SAID NORTH LINE, RUN S00°21'03"E, A DISTANCE OF 645.24 FEET; THENCE S89°24'17"W, A DISTANCE OF 439.30 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°20'43"W, ALONG SAID WEST LINE, A DISTANCE OF 1310.34 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22 ; THENCE N89°23'09"E, ALONG SAID SOUTH LINE, A DISTANCE OF 662.18 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°21'03"W, ALONG SAID WEST LINE, A DISTANCE OF 1330.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N89°22'01"E, ALONG SAID NORTH LINE, A DISTANCE OF 1324.10 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE S00°21'43"E, ALONG SAID WEST LINE, A DISTANCE OF 665.50 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N89°22'35"E, ALONG SAID SOUTH LINE, A DISTANCE OF 662.11 FEET TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 22; THENCE N00°22'02"W, ALONG SAID EAST LINE, A DISTANCE OF 665.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,132,926 SQUARE FEET OR 186.71 ACRES MORE OR LESS.