

1
2
3
4
5
6
7
8
9
10
11
12
13
14

ORDINANCE NO. 3041

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, GRANTING THE PETITION OF DOUBLE B DEVELOPMENT, LLC, ESTABLISHING AND NAMING THE GOLDEN GEM COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE EXTERNAL BOUNDARIES, THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

15 **WHEREAS**, the Florida Legislature created and amended Chapter 190, Florida Statutes,
16 to provide an alternative method to finance and manage basic services for community
17 development;

18
19 **WHEREAS**, Double B Development, LLC ("Petitioner"), petitioned the City Council of
20 the city of Apopka, Florida ("City") to enact an ordinance establishing the Golden Gem
21 Community Development District ("District") pursuant to Chapter 190, Florida Statutes, over the
22 real property described in Exhibit 2 of the Petition to Establish a Community Development
23 District, attached hereto and incorporated herein as Exhibit A;

24
25 **WHEREAS**, Petitioner currently owns all of the property located within the boundaries
26 of the proposed District and has provided written consent to the establishment of the District as
27 the entity owning one hundred (100%) percent of the real property to be included in the District;

28
29 **WHEREAS**, public hearings have been conducted by the City on December 6, 2023 and
30 January 3, 2024, in accordance with the requirements and procedures of Section 190.005(2)(b),
31 Florida Statutes, and the applicable requirements of the City's Charter and Code of Ordinances,
32 and all interested persons and affected units of general-purpose local government were afforded
33 an opportunity to present oral and written comments on the Petition at said duly noticed public
34 hearing;

35
36 **WHEREAS**, upon consideration of the record established at that hearing, the City
37 Council determined that the statements within the Petition were true and correct,
38 that the establishment of the District is not inconsistent with any applicable element or portion of
39 the state comprehensive plan or the City's comprehensive plan, that the land within the District is
40 of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a
41 functionally interrelated community, that the District is the best alternative available for delivering
42 community development services and facilities to the area served by the District, that the
43 community development services and facilities of the District will not be incompatible with the
44 capacity and uses of existing local and regional community development services and facilities,
45 and that the area to be served by the District is amenable to separate special-district governance;
46 and

1
2 **WHEREAS**, the establishment of the District will constitute a timely, efficient, effective,
3 responsive, and economic way to deliver community development services in the area described,
4 thereby providing a solution to the City's planning, management, and financing needs for delivery
5 of capital infrastructure therein without overburdening the city and its taxpayers.

6
7 **NOW, THEREFORE, BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF**
8 **APOPKA, FLORIDA, AS FOLLOWS:**

9
10 **SECTION I. AUTHORITY.** This Ordinance is enacted in compliance with and pursuant
11 to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as
12 amended from time to time.

13
14 **SECTION II. FINDINGS.** The foregoing recitals and findings are true and correct and
15 are incorporated herein, adopted, and made a part hereof.

16
17 **SECTION III. GRANT OF PETITION.** The Petition, which was filed with the
18 Community Development Department of the City on October 18, 2023, and a copy of which is
19 attached hereto as Exhibit A and incorporated herein, is hereby granted.

20
21 **SECTION IV. DISTRICT NAME.** There is hereby created a community development
22 district situated within the incorporated boundaries of the City of Apopka, Florida named “Golden
23 Gem Community Development District.”

24
25 **SECTION V. EXTERNAL BOUNDARIES OF THE DISTRICT.** The external
26 boundaries of the District are described in Exhibit 2.A. of the Petition. The District, overall,
27 contains 199.869 acres, more or less.

28
29 **SECTION VI. FUNCTIONS AND POWERS.** The powers and functions of the District
30 are described in Sections 190.011, 190.012(1), 190.012(2)(a), 190.012(2)(d), and 190.012(3),
31 Florida Statutes.

32
33 **SECTION VII. BOARD OF SUPERVISORS.** The five persons designed to serve as
34 initial members of the District's Board of Supervisors are as follows:

35

<u>Name</u>	<u>Address</u>
36 37 38 39 40 41 42 43 44 45 46 47	Duane “Rocky” Owen 5585 Alligator Lake Road St. Cloud, Florida 34772
Taylor J. Edwards	660 Beachland Boulevard, Suite 301 Vero Beach, Florida 32963
H. M. Ridgely, III	660 Beachland Boulevard, Suite 301 Vero Beach, Florida 32963
Craig Linton	660 Beachland Boulevard, Suite 301

Vero Beach, Florida 32963

George F. Hammer, Jr.

660 Beachland Boulevard, Suite 301
Vero Beach, Florida 32963

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION VIII. OBLIGATIONS OF THE DISTRICT. No bond, debt, or other obligation of the District, nor any default thereon, shall constitute a debt or obligation or burden of the City.

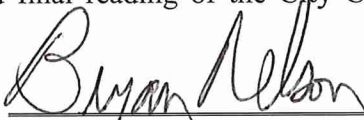
SECTION IX. SEVERABILITY. Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION X. CONFLICTING ORDINANCES. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed

SECTION XI. EFFECTIVE DATE. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

PASSED UPON at the first reading of the City Council, this 6th day of December, 2023.

PASSED UPON at the second and final reading of the City Council, this 3rd day of January, 2024.



BRYAN NELSON
Mayor

ATTEST:



SUSAN M. BONE
City Clerk

APPROVED as to legal sufficiency and form:



CLIFF SHEPARD
City Attorney

1 DULY ADVERTISED FOR PUBLIC HEARING:

2

3 November 10, November 17, November 24, December 1, December 8, December 15, December
4 22 and December 29, 2023

5 As Per Section 190.005, F.S.