

Summary of Ordinance

The purpose of this ordinance is to establish the Esplanade at McKinnon Groves Community Development District (CDD) on 326.41 +/- acres as allowed pursuant to Chapter 190, Florida Statutes.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2024 - 23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, ESTABLISHING THE ESPLANE AT MCKINNON GROVES COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED LAKE COUNTY AND CONTAINING APPROXIMATELY 326.41 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE ESPLANE AT MCKINNON GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Taylor Morrison of Florida, Inc., a Florida corporation, has petitioned the Board of County Commissioners ("Board") of Lake County, Florida, a political subdivision of the State of Florida, to establish the ESPLANE AT MCKINNON GROVES COMMUNITY DEVELOPMENT DISTRICT ("District"); and

WHEREAS, the Board of County Commissioners, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete and meets the requirements of Section 190.005, Florida Statutes, and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the Lake County Comprehensive or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. 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.
6. The area that will be served by the District is amenable to separate special-district government.

WHEREAS, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government; and

WHEREAS, on the 6th day of August 2024, this application was presented to the Board of County Commissioners for consideration.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. Legislative Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Authority of Ordinance. This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

Section 3. Establishment of the Esplanade at McKinnon Groves Community Development District. The Esplanade at McKinnon Groves Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

Section 4. Designation of Initial Board Members. The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- | | |
|---|---|
| Susan Kane
2600 Lake Lucien Dr., Ste. 350
Maitland, FL 32751 | Garrett Stevenson
2600 Lake Lucien Dr., Ste. 350
Maitland, FL 32751 |
| Josh Kalin
2600 Lake Lucien Dr., Ste. 350
Maitland, FL 32751 | Nora Schuster
2600 Lake Lucien Dr., Ste. 350
Maitland, FL 32751 |
| Shane Willows
2600 Lake Lucien Dr., Ste. 350
Maitland, FL 32751 | |

1 **Section 5. District Name.** The community development district herein established shall
2 henceforth be known as the "Esplanade at McKinnon Groves Community Development District."
3

4 **Section 6. Statutory Provisions Governing the District.** The Esplanade at McKinnon
5 Groves Community Development District shall be governed by the provisions of Chapter 190, Florida
6 Statutes, and all other applicable general and local law.
7

8 **Section 7. Consent to Special Powers.** Upon the effective date of this Ordinance, the
9 Esplanade at McKinnon Groves Community Development District will be duly and legally authorized
10 to exist and exercise all of its powers as set forth in Sections 190.011 and 190.012(1), (3) & (4), Florida
11 Statutes, and as otherwise provided by law. Furthermore, pursuant to Section 190.005(2)(d) and
12 Subsection 190.012(2), Florida Statutes, as amended, the Board of County Commissioners hereby
13 consents to the exercise by the District board of supervisors of the following special powers listed in
14 Sections 190.012(2)(a) & (d), Florida Statutes. Specifically, the District shall have the power to plan,
15 establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional
16 systems and facilities for:
17

18 (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses;
19 and,
20

21 (2) Security, including, but not limited to, guardhouses, fences and gates, electronic
22 intrusion systems, and patrol cars, when authorized by the County Sheriff's Department or other proper
23 governmental agencies; except that the District may not exercise any police power, but may contract
24 with appropriate local general-purpose government agencies for an increased level of such services
25 within the District boundaries.
26

27 **Section 8. Administrative Correction of Scrivener's Errors.** The administrative
28 correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may
29 be authorized by the County Manager or designee, without need of public hearing, by filing a corrected
30 or recodified copy of same with the County Clerk.
31

32 **Section 9. Severability.** If any section, sentence, clause, phrase or word of this Ordinance
33 is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity
34 shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the
35 Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part
36 therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed
37 and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
38 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
39 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other
40 person, property or circumstances. If any section, sentence, clause or phrase of this Ordinance is held to
41 be invalid or unconstitutional by any court of competent jurisdiction then said holding shall in no way
42 affect the validity of the remaining portions of this ordinance.

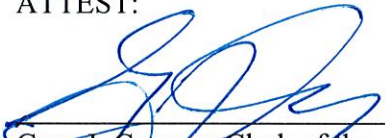
Section 10. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 11. Effective Date. This Ordinance shall become effective upon filing with the Florida Department of State.

ENACTED this day of 6 day of August, 2024.

FILED with the Secretary of State the 8 day of August, 2024.

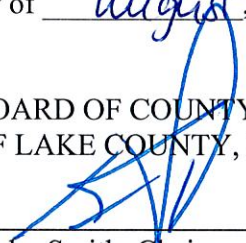
ATTEST:



Gary J. Cooney, Clerk of the
Board of County Commissioners of
Lake County, Florida



BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA



Kirby Smith, Chairman

This 7th day of Aug., 2024.

Approved as to form and legality:

mmars 8/6/24

Melanie Marsh, County Attorney

EXHIBIT "A" – Legal Description

Legal Description of the Esplanade at McKinnon Groves Community Development District (CDD).

A parcel of land being a portion of Sections 1 and 12, Township 23 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Begin at the Northwest corner of the Northeast $\frac{1}{4}$ of Section 12, Township 23 South, Range 26 East, Lake County, Florida; thence N00°27'19"E, along the West line of the Southeast $\frac{1}{4}$ of Section 1, Township 23 South, Range 26 East, Lake County, Florida, a distance of 882.95 feet; thence departing said West line, run S89°39'19"E, a distance of 170.59 feet to a Point on a Non-Tangent Curve, Concave to the Northwest, having a Radius of 395.65 feet and a Central Angle of 39°50'08"; thence run Northeasterly along the arc of said curve, a distance of 275.08 feet (Chord Bearing = N61°43'50"E, Chord = 269.58 feet) to a Point on a Non-Tangent Curve, Concave to the East, having a Radius of 731.36 feet and a Central Angle of 50°27'11"; thence run Northerly along the arc of said curve, a distance of 644.01 feet (Chord Bearing = N03°47'44"W, Chord = 623.41 feet) to a Point on a Non-Tangent Curve, Concave to the East, having a Radius of 1,240.34 feet and a Central Angle of 23°25'52"; thence run Northerly along the arc of said curve, a distance of 507.24 feet (Chord Bearing = N12°04'37"E, Chord = 503.71 feet) to a Point of Non Tangency; thence N66°36'05"W, a distance of 330.09 feet; thence N23°54'27"E, a distance of 393.90 feet to a Point on the South Right of Way line of Hartwood Marsh Road; thence S89°08'29"E, along said South Right of Way line, a distance of 755.06 feet; thence departing said South Right of Way line, run S03°51'55"W, a distance of 37.93 feet to a Point on a Non-Tangent Curve, Concave to the West, having a Radius of 45.00 feet and a Central Angle of 41°40'57"; thence run Southerly along the arc of said curve, a distance of 32.74 feet (Chord Bearing = S22°17'20"E, Chord = 32.02 feet) to a Point of Non Tangency; thence S01°18'11"E, a distance of 137.59 feet; thence S24°18'47"W, a distance of 82.53 feet; thence S61°34'14"E, a distance of 203.18 feet; thence N28°25'46"E, a distance of 65.00 feet to the Point of Curvature of a curve, Concave to the Southeast, having a Radius of 50.00 feet and a Central Angle of 62°04'38"; thence run Northeasterly along the Arc of said curve, a distance of 54.17 feet (Chord Bearing = N59°28'05"E, Chord = 51.56 feet) to a Point of Tangency; thence S89°29'36"E, a distance of 409.77 feet to the Point of Curvature of a curve, Concave to the South, having a Radius of 75.00 feet and a Central Angle of 30°20'02"; thence run Easterly along the Arc of said curve, a distance of 39.71 feet (Chord Bearing = S74°19'35"E, Chord = 39.24 feet) to a Point of Tangency; thence S59°09'34"E, a distance of 90.40 feet; thence N33°56'43"E, a distance of 40.89 feet; thence N54°41'33"W, a distance of 76.79 feet; thence N27°55'03"W, a distance of 58.56 feet; thence N01°08'34"W, a distance of 213.88 feet to a Point on the South Right of Way line of Hartwood Marsh Road; thence S89°08'29"E, along said South Right of Way line, a distance of 896.96 feet to the East line of the Southeast $\frac{1}{4}$ of Section 1, Township 23 South, Range 26 East, Lake County, Florida; thence departing said South Right of Way line, run S00°49'51"W, along said East line, a distance of 2,615.78 feet to the South line of said Section 1; thence departing said East line, run N88°52'56"W, along said South line, a distance of 1,318.74 feet; thence departing said South line, run S00°31'14"W, a distance of 1,222.17 feet; thence S49°21'50"E, a distance of 1,724.76 feet to a point on the East line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Township 23 South, Range 26 East, Lake County, Florida; thence S00°30'44"W, along said East line, a distance of 311.99 feet; thence S00°30'07"W, along the East line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 12, a distance of 2,614.67 feet to a point on the North Right of Way line of Phil C. Peters Road; thence departing said East line, run N89°24'12"W, a distance of 1,322.55 feet to a point on the West line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 12; thence departing said North Right of Way line, run N00°34'44"E, along said West line, a distance of 2,612.11 feet to a point on the South line of the Northeast $\frac{1}{4}$ of said Section 12; thence departing said West line, run N89°25'40"W, along said South line, a distance of 1,321.80 feet to a point on the West line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12; thence departing said South line, run N00°34'09"E, along said West line, a distance of 1,321.80 feet; thence N00°38'58"E, along the West line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12, a distance of 1,320.78 feet to the Point of Beginning.

Containing 326.41 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 8, 2024

Honorable Gary J. Cooney
Clerk of the Circuit Court and Comptroller
Lake County
550 West Main Street
P. O. Box 7800
Tavares, Florida 32778-7800

Dear Gary Cooney,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lake County Ordinance No. 2024-23, which was filed in this office on August 8, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/wlh