

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF BELLEVIEW, FLORIDA, ESTABLISHING THE BELLEHAVEN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR THE DISTRICT BUDGET; PROVIDING FOR FUNCTIONS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A-Plus Homes, Inc. (the "Petitioner") has petitioned the City Commission for the City of Belleview, Florida (the "City") to adopt an ordinance establishing the boundaries of the Bellehaven Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, and granting certain special powers; and

WHEREAS, the City, in determining whether to establish the District boundaries, has considered and finds that all statements contained in the Petition to Establish the Bellehaven Community Development District (the "Petition") are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the applicable Comprehensive Plan; and

WHEREAS, the City has considered and finds that the area of land within the District is a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as a functional interrelated community; and

WHEREAS, the City has considered and finds that the District is the best alternative for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds that 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

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, a duly noticed public hearing on the Petition was held prior to the adoption of this Ordinance establishing the District.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Belleview, Florida, as follows:

SECTION 1: AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes (2023).

SECTION 2: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Belleview, Florida, which District shall be known as the “Bellehaven Community Development District.”

SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto, the overall parcel containing 219.15 acres of land.

SECTION 4: FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes (2023), 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. 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; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the proposed District boundaries, all as authorized and described by Section 190.012(2), Florida Statutes. The District shall not provide utility service (water, wastewater, reuse, electricity, cable television, telephone or other telecommunications, dial up or broadband internet, solid waste collection and disposal, or any other utility service).

SECTION 5: BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District’s Board of Supervisors are Chris Armstrong, Alec Morris, Allison Martin, Andrea Aghar and Gina Goodyear. All of the listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 6: 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 City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 7: 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 8: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and adoption pursuant to general law.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing ordinance was duly read and approved upon **First Reading** by a __ - __ vote of the City Commission of the City of Belleview, Florida, at a Regular Meeting held on August 6, 2024. Said ordinance was duly read, passed and adopted upon **Final Reading** by a __ - __ vote of the City Commission of the City of Belleview, Florida, at a Public Hearing held on September 3, 2024.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Belleview, Florida, held on the _____ day of _____, 2024.

CHRISTINE DOBKOWSKI
Mayor

Attest:

MARIAH MOODY
City Clerk

*Approved as to Form and Legal Sufficiency
For the Use and Benefit of the City of Belleview*

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that the foregoing Ordinance was advertised for a Public Hearing in the _____, 2024 edition of the Voice of South Marion newspaper in accordance with Florida Statutes.

MARIAH MOODY
City Clerk

EXHIBIT A
EXTERNAL BOUNDARIES OF THE DISTRICT

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE NW 1/4 OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 23 EAST; THENCE S. 89°58'15" E., ALONG THE NORTH LINE OF THE NW 1/4 OF SAID SECTION, 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD C-35 (RIGHT OF WAY WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE S. 89°58'15" E., ALONG SAID NORTH LINE, 2587.34 FEET TO THE NE CORNER OF THE NW 1/4 OF SAID SECTION; THENCE N. 89°59'58" E., ALONG THE NORTH LINE OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION, 1319.27 FEET TO THE NE CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF SE 67TH AVENUE (60 FEET WIDE); THENCE S. 00°21'39" E., ALONG SAID RIGHT OF WAY LINE, 1323.32 FEET TO THE SE CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION; THENCE N. 89°57'51" W., ALONG THE SOUTH LINE OF THE NW 1/4 OF THE NE 1/4, 1317.89 FEET TO THE SW CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION; THENCE S. 00°25'15" E., ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION, 1322.29 FEET TO THE SE CORNER OF THE NW 1/4 OF SAID SECTION; THENCE N. 89°57'13" W., ALONG THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION, 908.51 FEET; THENCE S. 00°33'55" W., 640.54 FEET TO A POINT THAT IS 680 FEET NORTH OF THE SOUTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION; THENCE N. 89°55'44" W., 1627.57 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD C-35, SAID POINT ALSO BEING ON A 1458.06 FOOT RADIUS CURVE, CONCAVE EASTERLY, HAVING A CHORD BEARING AND DISTANCE OF N. 07°34'54" W., 414.77 FEET; THENCE NORtherly ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 16°21'15", A DISTANCE OF 416.18 FEET; THENCE DEPARTING SAID CURVE AND RIGHT OF WAY LINE, N. 89°47'01" E., 270.81 FEET; THENCE N. 00°49'42" W., 391.06 FEET; THENCE S. 89°59'06" W., 261.93 FEET TO THE EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD C-35; THENCE ALONG SAID EAST RIGHT OF WAY LINE, N. 02°00'41"E., 434.39 FEET TO THE POINT OF CURVATURE OF A 1950.08 FOOT RADIUS CURVE, CONCAVE TO THE WEST, HAVING A CHORD BEARING AND DISTANCE OF N. 02°20'20"W., 295.84 FEET; THENCE NORtherly ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 08°42'01", A DISTANCE OF 296.12 FEET TO THE POINT OF TANGENCY; THENCE N. 83°18'40"E., 10.00 FEET TO THE POINT OF CURVATURE OF A 1860.08 FOOT RADIUS CURVE, CONCAVE TO THE EAST, HAVING A CHORD BEARING AND DISTANCE OF N. 03°35'31"W., 201.00 FEET; THENCE NORtherly ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 06°11'39", A DISTANCE OF 201.09 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, N. 00°29'41"W., 1549.24 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
BELLEHAVEN CDD MAP

