

Summary of Ordinance

The purpose of this ordinance is to establish the Windsor Cay Community Development District (CDD) on 193.348 +/- acres.

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. 2022 - 55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, ESTABLISHING THE WINDSOR CAY COMMUNITY DEVELOPMENT DISTRICT LOCATED IN UNINCORPORATED LAKE COUNTY AND CONTAINING APPROXIMATELY 193.348 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE WINDSOR CAY 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, Pulte Home Company, LLC a Michigan Limited Liability Company, has petitioned the Board of County Commissioners ("Board") of Lake County, Florida, a political subdivision of the State of Florida, to establish the WINDSOR CAY 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.

1 **WHEREAS**, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes,
2 that the exercise by any independent district of its powers as set forth by uniform general law comply
3 with all applicable governmental laws, rules, regulations, and policies governing planning and
4 permitting of the development to be serviced by the district, to ensure that neither the establishment
5 nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the
6 district so established does not have any zoning or permitting powers governing development; and
7

8 **WHEREAS**, Section 190.004(3), Florida Statutes, provides that all governmental planning,
9 environmental, and land development laws, regulations, and ordinances apply to all development of
10 the land within a community development district. Community development districts do not have the
11 power of a local government to adopt a comprehensive plan, building code, or land development code,
12 as those terms are defined in the Local Government Comprehensive Planning and Land Development
13 Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive
14 plans, ordinances, or regulations of the applicable local general-purpose government; and
15

16 **WHEREAS**, on the 6th day of December 2022, the petition was presented to the Board of
17 County Commissioners for consideration.
18

19 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
20 County, Florida, as follows:
21

22 **Section 1. Legislative Findings of Fact.** The foregoing recitals are hereby adopted as
23 legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and
24 correct and are hereby made a specific part of this Ordinance upon adoption hereof.
25

26 **Section 2. Authority of Ordinance.** This Ordinance is adopted pursuant to Section
27 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.
28

29 **Section 3. Establishment of the Windsor Cay Community Development District.** The
30 Windsor Cay Community Development District is hereby established within the boundaries of the real
31 property described in Exhibit "A" attached hereto and incorporated by reference herein.
32

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

Aaron Struckmeyer
4901 Vineland Road, Suite 500
Orlando, FL 32811

Jennifer Cotch
4901 Vineland Road, Suite 500
Orlando, FL 32811

Quinten Payne
4901 Vineland Road, Suite 500
Orlando, FL 32811

Mary Burns
4901 Vineland Road, Suite 500
Orlando, FL 32811

Eric Baker
4901 Vineland Road, Suite 500
Orlando, FL 32811

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

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

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

18 (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational
19 uses; 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
23 proper governmental agencies; except that the District may not exercise any police power, but may
24 contract with appropriate local general-purpose government agencies for an increased level of such
25 services 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
29 intent may be authorized by the County Manager or designee, without need of public hearing, by
30 filing a corrected 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
40 other person, property or circumstances. If any section, sentence, clause or phrase of this Ordinance is
41 held to be invalid or unconstitutional by any court of competent jurisdiction then said holding shall in
42 no way affect the validity of the remaining portions of this ordinance.
43


44 **Section 10. Filing with the Department of State.** The Clerk shall be and is hereby
45 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State
46 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 6th day of December, 2022.

FILED with the Secretary of State the 12th day of December, 2022.

ATTEST:


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



BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA


Chairman

This 6th day of December, 2022.

Approved as to form and legality:


Melanie Marsh, County Attorney

EXHIBIT A

Legal Description of the Windsor Cay Community Development District (CDD).

That part of Sections 26 and 27, Township 24 South, Range 26 East, Lake County, Florida, described as follows:

BEGIN at the Southeast Corner of the Southwest 1/4 of said Section 26; thence S89°58'40"W along the South line of the Southwest 1/4 of said Section 26, for a distance of 2647.02 feet to the Southwest corner of said Section 26; thence departing said South line, run S89°59'42"W along the South line of the Southeast 1/4 of said Section 27, for a distance of 1330.57 feet to the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 27; thence departing said South line, run N00°27'00"E along the West line of the East 1/2 of said Southeast 1/4 of Section 27, for a distance of 2483.33 feet to the South line of the North 1/8 of the Northeast 1/4 of said Southeast 1/4 of Section 27; thence departing said West line, run S89°57'07"E along said South line, 1324.92 feet to the West line of the Southwest 1/4 of aforesaid Section 26; thence N89°57'11"E along the South line of the North 1/8 of said Southwest 1/4 of Section 26, for a distance of 1431.08 feet to the West line of Parcel A, as described in Official Records Book 5715, Page 28, of the Public Records of Lake County, Florida; thence departing said South line, run S00°02'08"W along said West line and the Southerly prolongation thereof, 234.00 feet to the North line of lands described in Official Records Book 5091, Page 1240, of the Public Records of Lake County, Florida; thence departing said Southerly prolongation, run N89°59'42"E along said North line, 548.67 feet to a point on a line that is 411.74 feet West of and parallel with the West right-of-way line of State Road 25 (US Highway 27), according to the Florida Department of Transportation right-of-way map F.P. No. 238421 1 Section 11200, prepared by Jones, Wood and Gentry, LLC, dated August 29, 2003; thence S20°16'43"E along said parallel line, 773.63 feet; thence departing said parallel line, run S87°58'30"W, 178.21 feet to a non-tangent curve concave Northwesterly having a radius of 120.00 feet and a chord bearing of S61°31'40"W; thence Southwesterly along the arc of said curve through a central angle of 55°44'05" for a distance of 116.73 feet to a non-tangent line; thence S00°01'45"E, 120.01 feet; thence S89°58'15"W, 300.00 feet; thence S00°01'45"E, 574.83 feet; thence S66°17'08"E, 562.95 feet to a non-tangent curve concave Northwesterly having a radius of 50.00 feet and a chord bearing of N56°37'25"E; thence Northeasterly along the arc of said curve through a central angle of 29°41'06" for a distance of 25.91 feet to the point of reverse curvature of a curve concave Southerly having a radius of 100.00 feet and a chord bearing of N87°26'59"E; thence Easterly along the arc of said curve through a central angle of 91°20'12" for a distance of 159.41 feet to the point of reverse curvature of a curve concave Northerly having a radius of 50.00 feet and a chord bearing of S74°41'30"E; thence Easterly along the arc of said curve through a central angle of 55°37'10" for a distance of 48.54 feet to the point of compound curvature of a curve concave Northwesterly having a radius of 450.00 feet and a chord bearing of N67°26'57"E; thence Northeasterly along the arc of said curve through a central angle of 20°05'55" for a distance of 157.85 feet to the point of tangency; thence N57°23'59"E, 42.14 feet to the Easterly line of lands described in Official Records Book 5872, Page 2161, of the Public Records of Lake County, Florida; thence departing said Easterly line, run S20°17'36"E, 102.35 to said Easterly line of lands described in Official Records Book 5872, Page 2161; thence S20°17'36"E along said Easterly line, 571.99 feet to the South line of the Southeast 1/4 of aforesaid Section 26; thence departing said Easterly line, run N89°59'11"W along said South line, 177.35 feet to the POINT OF BEGINNING.

Containing 193.348 acres, more or less.

Being subject to any rights-of-way, restrictions, and easements of record.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 12, 2022

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

Attention: Josh Pearson

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. 2022-55, which was filed in this office on December 12, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra