

ORDINANCE NO. 21-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, ESTABLISHING THE LAKESIDE AT INDIAN RIVER COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2020); 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, Meritage Homes of Florida, Inc., a Florida corporation (“Petitioner”) has filed a Petition to Establish the Lakeside at Indian River Community Development District (“Petition”) with the Board of County Commissioners of Indian River County (“County Commission”) pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Lakeside at Indian River Community Development District (“District”) pursuant to Chapter 190, *Florida Statutes* (2020); 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 County on December 7, 2021, pursuant to Section 190.005(2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that duly noticed hearing, the County Commission 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 County Commission, pursuant to the information contained within the Petition and based on an investigation conducted by Indian River County (“County”) 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* (2020); and
- (3) The appropriate County staff have reviewed the Petition for establishment of the District on the proposed land and have advised the County Commission 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 Indian River County 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; and

WHEREAS, pursuant to the information stated above, the County Commission has decided to grant the Petition; 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 establishing Ordinance, the Lakeside at Indian River 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 BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the “Lakeside at Indian River 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 District is hereby granted and there is hereby created a community development district, which is situated entirely within unincorporated Indian River County, Florida, which District shall be known as the “Lakeside at Indian River 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 208.02 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 walls, fences, 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 Indian River County 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: Joseph Kathman, Martha Schiffer, Mark MacFarland, Matthew Collins and Meghan Palacios. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. 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 County Administrator or designee, without need of public hearing.

SECTION 9. 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 10. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

This ordinance was advertised in the Indian River Press Journal on November 9, November 16, November 23, and November 30, 2021, for a public hearing to be held on the 7th day of December, 2021, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted. The vote on this ordinance was as follows:

Chairman Peter D. O'Bryan	_____
Vice Chairman Joseph H. Earman	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this ___ day of December, 2021.

**BOARD OF COUNTY COMMISSIONERS OF
INDIAN RIVER COUNTY, FLORIDA**

By: _____
Peter D. O'Bryan, Chairman

**ATTEST: Jeffrey R. Smith, Clerk
and Comptroller**

By: _____
Deputy Clerk

EXHIBIT A
LEGAL DESCRIPTION

LAKESIDE EAST LEGAL DESCRIPTION:

PARCEL 1:

TRACT 13, LESS AND EXCEPT THE WEST 100.00 FEET THEREOF, SECTION 34, TOWNSHIP 33 SOUTH, RANGE 39 EAST, INDIAN RIVER FARMS COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; LESS AND EXCEPT CANALS; ALSO LESS AND EXCEPT ANY PORTION LYING WITHIN 25TH STREET SOUTHWEST (HAMILTON ROAD) ON SOUTH.

PARCEL 2:

TRACT 14, SECTION 34, TOWNSHIP 33 SOUTH, RANGE 39 EAST, INDIAN RIVER FARMS COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; LESS AND EXCEPT CANALS; ALSO LESS AND EXCEPT ANY PORTION LYING WITHIN 25TH STREET SOUTHWEST (HAMILTON ROAD) ON SOUTH.

LAKESIDE WEST LEGAL DESCRIPTION:

TRACTS 9 AND 16, IN SECTION 33, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW INDIAN RIVER COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION LYING IN STATE ROAD 611 (43RD AVENUE) AND WEST 25TH STREET SW (HAMILTON ROAD).

AND

TRACT 1, LESS AND EXCEPT THE NORTH 19.5 ACRES THEREOF AND TRACT 8, SECTION 33, TOWNSHIP 33 SOUTH, RANGE 39 EAST, ACCORDING TO THE LAST GENERAL PLAT OF LANDS OF THE INDIAN RIVER FARMS COMPANY, AS RECORDED IN PLAT BOOK 2, PAGE 25, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, NOW INDIAN RIVER COUNTY, FLORIDA.