

POLK COUNTY ORDINANCE NO. 2022-031

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA ESTABLISHING THE YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021); 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, Clayton Properties Group, Inc., a Tennessee corporation ("Petitioner") has filed a Petition to Establish the Yarborough Lane Community Development District (the "Petition") with the Board of County Commissioners of Polk County (the "County Commission") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Yarborough Lane Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes* (2021); and

WHEREAS, Petitioner is a Tennessee corporation authorized to conduct business in the State of Florida, whose address is 3020 S. Florida Avenue, Suite 101, Lakeland, Florida 33803; 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 May 3, 2022, 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 Polk County (the "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 (2021); 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 Polk 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 District's Petition to establish the Yarborough Lane Community Development District; 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 Yarborough Lane 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 POLK COUNTY, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Yarborough Lane Community Development District Establishment Ordinance."

SECTION 2. BOARD FINDINGS. The Board findings set forth in the recital 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 Yarborough Lane Community Development District is hereby granted and there is hereby created a community development district, which is located entirely within unincorporated Polk County, Florida, which District shall be known as the "Yarborough Lane 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 external boundaries encompassing 157 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 Polk 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: D. Joel Adams, Milton Andrade, Brian Walsh, Jeff Shenefield, and Garret Parkinson. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. 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 9. 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.

DULY ADOPTED by the Polk County Board of County Commissioners with a quorum present and voting this 3rd of May 2022.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY

By: Martha Lugo
Chairperson/Vice-Chairperson



ATTEST:
POLK COUNTY CLERK OF THE BOARD

By: Stephanie May
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

May 3, 2022

LEGAL DESCRIPTION:

PARCEL 1

LOT 40 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, SAID LOT BEING EQUIVALENT TO THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION, TOWNSHIP AND RANGE. PARCEL ID 232924-288000-004001 AND 232924-288000-004002.

AND

PARCEL 2

LOT 39 OF W.F. HALLAM & COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, LESS THAT PORTION OF ADDITIONAL ROAD RIGHT-OF-WAY RECORDED FOR CREWS LAKE DRIVE. PARCEL ID. 232924-288000-003900.

AND

PARCEL 3

LOT 41 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, OF W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-004100.

AND

PARCEL 4

THE SE 1/4 OF NW 1/4 OF SW 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, ALSO KNOWN AS LOT 42 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703. PARCEL ID. 232924-288000-004200.

AND

PARCEL 5

LOTS 65 AND 68 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, OF W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703. PARCEL ID. 232924-288000-006600.

AND

PARCEL 6

THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 IN SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST OR LOT 67 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-006700.

AND

PARCEL 7

THE SE 1/4 OF THE SW 1/4, LESS THE NE 1/4 OF SE 1/4 OF SW 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-000000-042020.

AND

PARCEL 8

LOT 68, IN SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, W. F. HALLAM & CO.'S CLUB COLONY TRACT, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102 AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-006801.

AND

PARCEL 9

THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST, ALL LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 242928-000000-031030.

AND

PARCEL 10

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, LESS RIGHT-OF-WAY, LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 242926-000000-024030.

AND

PARCEL 11

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, LESS ROAD RIGHT-OF-WAY, LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 232924-000000-024050.

AND

PARCEL 12

LOTS 7 AND 8 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A, ALSO DESCRIBED AS THE N 1/2 OF THE NW 1/4 OF THE NW 1/4 IN SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE NORTH 24.0 FEET OF THE WEST 65.0 FEET OF THE NW 1/4 OF THE NW 1/4 OF THE NW 1/4. PARCEL ID. 282924-288000-000072.

LESS AND EXCEPT

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST AND THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, THE SAME ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26 AND ALSO THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23 AND ALSO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23; THENCE NORTH 89°43'16" EAST ALONG THE SOUTH BOUNDARY OF SAID SECTION 23, A DISTANCE OF 30.00 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH 00°39'14" WEST A DISTANCE OF 382.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1970.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 4°07'19" (CHORD = 141.70 FEET, CHORD BEARING = NORTH 01°24'26" EAST) FOR A DISTANCE OF 141.73 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 2030.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 3°46'28" (CHORD = 133.71 FEET, CHORD BEARING = NORTH 01°54'51" EAST) FOR A DISTANCE OF 133.73 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH THE NORTH BOUNDARY OF THE AFOREMENTIONED SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23; THENCE SOUTH 89°38'18" WEST ALONG SAID NORTH BOUNDARY AND ALONG THE NORTH BOUNDARY OF THE AFOREMENTIONED SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, A DISTANCE OF 180.53 FEET; THENCE DEPARTING SAID NORTH BOUNDARY, SOUTH 00°39'14" EAST, A DISTANCE OF 280.00 FEET; THENCE NORTH 89°20'48" EAST, A DISTANCE OF 110.39 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 2030.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 0°44'15" (CHORD = 26.13 FEET, CHORD BEARING = SOUTH 00°17'07" EAST) FOR A DISTANCE OF 26.13 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°39'14" EAST, A DISTANCE OF 636.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 696.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/Delta OF 18°14'35" (CHORD = 188.86 FEET, CHORD BEARING = SOUTH 09°46'53" EAST) FOR A DISTANCE OF 188.46 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH THE EAST BOUNDARY OF THE AFOREMENTIONED NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26; THENCE DEPARTING SAID CURVE AND ALONG THE SAID EAST BOUNDARY, NORTH 00°39'19" WEST A DISTANCE OF 342.78 FEET TO THE POINT OF BEGINNING.

STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-31 adopted by the Board on May 3, 2022.

WITNESS my hand and official seal on this 3rd day of May 2022.

STACY M. BUTTERFIELD, CLERK

By: Stephanie May
Stephanie May
Deputy Clerk



STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Polk County Ordinance No. 2022-031, The Yarborough Lane Community Development District, which was filed in this office on May 3, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
6th day of May, A.D., 2022.**

Laurel M. Lee

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.