



## Legislation Text

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**File #:** ORD-2024-19, **Version:** 1

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Submitted By: Emily W. Johnson, AICP

Presentation By: Jeff Shrum

Department: Growth Management

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### **STAFF RECOMMENDATION** (Motion Ready):

Introduce Ordinance 2024-19 to establish the Winding Oaks Community Development District generally located south of SW 66<sup>th</sup> Street, east of SW 54<sup>th</sup> Court Road, and north of SW 80<sup>th</sup> Street, comprising 460.12 acres

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### **OCALA'S RELEVANT STRATEGIC GOALS:**

Economic Hub, Quality of Place

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### **PROOF OF PUBLICATION:**

February 20, 2024, February 27, 2024, March 5, 2024, and March 12, 2024

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### **BACKGROUND:**

- Petitioner: D.R. Horton, Inc.
- Property Owner: Cradle Holdings, Inc.
- Agent: Jere Earlywine, Kutak Rock LLP

D.R. Horton Inc. petitioned the City of Ocala to establish the Winding Oaks Community Development District (the District). Exhibit A of the Ordinance includes the legal description of lands comprising the proposed District, comprising approximately 460.12 acres of land. Prior to a final adoption hearing the applicant per F.S. Chapter 190.005 is required to run a public notice in the newspaper for four consecutive weeks immediately prior to the meeting. The District is projected to contain approximately 1,698 residential dwelling units, which are to compose Phases 3, 4, 5, and 6, as well as the roadway infrastructure of SW 49<sup>th</sup> Avenue Road adjacent to Phase 2 of the Winding Oaks PD development.

A community development district (CDD) is an independent unit of special purpose local government authorized under F.S. Chapter 190 to plan, finance, construct, operate, and maintain community-wide infrastructure in planned community developments. CDDs are utilized to provide a solution to the State's planning, management, and financing needs for the delivery of capital infrastructure in order to service

projected growth without overburdening other governments and their taxpayers.

A CDD is not intended to substitute for the local, general-purpose governmental unit (i.e., the City or County in which the CDD lies). A CDD does not have the permitting, zoning, or policing powers possessed by general-purpose governments. A CDD is an alternative means of financing, constructing, operating, and maintaining public infrastructure for developments, such as Winding Oaks.

The District is proposed to fund the following facilities:

<b>Improvement</b>	<b>Cost Estimate</b>	<b>Ownership and Maintenance Entity</b>
Stormwater Management	\$12,163,721	CDD
Roadways (Subdivision)	\$15,627,713	CDD
Roadways (SW 71 <sup>st</sup> Place Road)	\$7,100,00	City of Ocala
Roadways (SW 49 <sup>th</sup> Avenue Road)	\$1,000,000	Marion County
Water & Wastewater Systems	\$21,165,662	City of Ocala
Undergrounding of Conduit	\$500,000	CDD
Hardscape/Landscape/Irrigation	\$8,200,000	CDD
Conservation Areas	\$100,000	CDD
Off-site Improvements	\$975,000	City of Ocala / Marion County
Professional Services	\$6,000,000	CDD
Contingency	\$7,283,209	As Above
<b>TOTAL</b>	<b>\$80,115,305.00</b>	

If established, the District will provide its proposed budget to the City annually at least 60 days prior to adoption for informational purposes. The District will also provide a public facilities report within one year of its creation, an annual notice of any changes, and an updated report every seven years at least 12 months prior to the submission of the City's evaluation and appraisal of the comprehensive plan report to the State.

### **FINDINGS AND CONCLUSIONS:**

The City considers the factors required pursuant to F.S. 190.005(1)(e) to make a determination to grant or deny a petition for the establishment of a CDD. The City makes the following findings:

1. The City, in determining whether to establish the District boundaries, has considered and finds that all statements contained in the *Petition to Establish Winding Oaks Community Development District* are true and correct.
2. The City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the City's Comprehensive Plan.
3. 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.
4. The City has considered and finds that the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District.

5. 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 the existing local and regional community development services and facilities.
6. The City has considered and finds that the subject area is amenable to be served by a separate special-district government.

**FISCAL IMPACT:**

The establishment of the CDD is not anticipated to impact the City's revenues and will prevent the general body of taxpayers from bearing the burden for the installation of the infrastructure and the maintenance of certain facilities within the CDD.

**PROCUREMENT REVIEW:** N/A

**LEGAL REVIEW:** The ordinance will be reviewed by the City Attorney, William E. Sexton.

**ALTERNATIVE:**

- Approve with changes
- Deny
- Table

## ORDINANCE 2024-19

AN ORDINANCE ESTABLISHING THE WINDING OAKS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL BOARD OF SUPERVISORS OF THE DISTRICT; ADDRESSING CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, D.R. Horton, Inc. ("**Petitioner**") has petitioned the City Council for the City of Ocala, Florida ("**City**") to adopt an ordinance establishing the boundaries of the Winding Oaks Community Development District ("**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 Winding Oaks Community Development District* ("**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 City’s 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 available 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 subject area is amenable to be served by a separate special-district government; and

**WHEREAS**, the City has held a duly-noticed public hearing on the Petition in accordance with the requirements and procedures of Sections 190.005(1)(d) and (2)(b), *Florida Statutes*, prior to the adoption of this Ordinance establishing the District.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session, 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 Ocala, Florida, which District shall be known as the “Winding Oaks Community Development District.”

**SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT.** The external boundaries of the District are described in **Exhibit A** attached hereto.

**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. Pursuant to Section 190.012(2) (a) and (2)(d), *Florida Statutes* (2023), and without intending to limit the same, 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)(d), *Florida Statutes*.

**SECTION 5: BOARD OF SUPERVISORS.** The five persons designated to service as initial members of the District's Board of Supervisors are:

Name: Brian Mihelich  
Address: 3300 SW 34<sup>th</sup> Avenue, Suite 101-A  
Ocala, Florida 34474

Name: Robert Fitzgerald  
Address: 3300 SW 34<sup>th</sup> Avenue, Suite 101-A  
Ocala, Florida 34474

Name: Felicia Breedlove  
Address: 3300 SW 34<sup>th</sup> Avenue, Suite 101-A  
Ocala, Florida 34474

Name: Kara Distotell  
Address: 3300 SW 34<sup>th</sup> Avenue, Suite 101-A  
Ocala, Florida 34474

Name: Adam Bolton  
Address: 3300 SW 34<sup>th</sup> Avenue, Suite 101-A  
Ocala, Florida 34474

All of the above-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.

**PASSED AND ADOPTED** at the regular meeting of the City Council of the City of Ocala, Florida, held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**ATTEST:**

**CITY OF OCALA**

By:  
Angel B. Jacobs  
City Clerk

By:  
Barry Mansfield  
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Ben Marciano  
Mayor

Approved as to form and legality:

By: \_\_\_\_\_  
William E. Sexton  
City Attorney

Ordinance No: 2024-19  
Introduced: Click or tap to enter a date.  
Adopted: Click or tap to enter a date.  
Legal Ad No: Click or tap here to enter text.

## Exhibit A

A PORTION OF LAND LYING IN SECTIONS 9 & 10, TOWNSHIP 16 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 OF SAID SECTION 9; THENCE ALONG EAST BOUNDARY OF THE WEST 1/2 OF SAID SECTION 9, N.00°03'09"W 25.17 FEET TO THE NORTHERLY MAINTENANCE RIGHT OF WAY LINE OF S.W. 80TH STREET (RIGHT OF WAY WIDTH VARIES); THENCE DEPARTING SAID EAST BOUNDARY, ALONG THE SAID NORTHERLY MAINTENANCE RIGHT OF WAY LINE OF S.W. 80TH STREET, S.89°58'09"E., 1395.18 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, N.00°01'51"E., 2,813.15 FEET TO THE POINT OF BEGINNING; THENCE N.89°58'29"W., 755.43 FEET; THENCE N.00°01'31"E., 10.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,840.00 FEET, A CENTRAL ANGLE OF 65°37'58", AND A CHORD BEARING AND DISTANCE OF N.57°09'30"W., 1,994.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 2,107.74 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 49°27'55", AND A CHORD BEARING AND DISTANCE OF N.49°04'28"W., 75.31 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 77.70 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 117.00 FEET, A CENTRAL ANGLE OF 79°48'32", AND A CHORD BEARING AND DISTANCE OF N.66°17'19"E., 150.11 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 162.97 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 105.00 FEET,

A CENTRAL ANGLE OF 51°13'45", AND A CHORD BEARING AND DISTANCE OF S.00°46'10"W., 90.79 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 93.88 FEET TO A POINT COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,760.00 FEET, A CENTRAL ANGLE OF 23°22'25", AND A CHORD BEARING AND DISTANCE OF S.36°31'55"E., 713.02 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 717.99 FEET TO THE END OF SAID CURVE; THENCE N.44°27'08"E., 656.42 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 720.00 FEET, A CENTRAL ANGLE OF 45°44'30", AND A CHORD BEARING AND DISTANCE OF N.67°07'45"E., 559.66 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 574.81 FEET TO THE END OF SAID CURVE; THENCE N.90°00'00"E., 338.06 FEET; THENCE N.00°12'09"E., 1,220.28 FEET TO THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 66TH STREET PER MARION COUNTY BOARD OF COUNTY COMMISSIONERS ENGINEERING DEPARTMENT MAINTENANCE MAP AS RECORDED IN ROAD MAP BOOK 2, PAGES 37 THROUGH 41, INCLUSIVE OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 66TH STREET THE FOLLOWING FOUR (4) COURSES, (1.) S.89°47'51"E., 628.55 FEET; (2) THENCE S.89°47'49"E., 1,277.93 FEET; (3) S.89°00'21"E., 2,643.86 FEET; (4.) THENCE S.88°51'31"E., 1,297.70 FEET TO THE EASTERLY BOUNDARY OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE OF S.W. 66TH STREET, ALONG SAID EASTERLY BOUNDARY S.00°33'30"W., 2,607.30 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 10; THENCE DEPARTING SAID EASTERLY BOUNDARY, ALONG THE EASTERLY BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10, THE FOLLOWING TWO (2) COURSES, (1.) S.00°25'04"W., 150.55 FEET; (2.) THENCE S.00°33'32"W., 1,174.61 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE DEPARTING SAID EASTERLY BOUNDARY, ALONG THE SOUTHERLY BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10, N.89°10'47"W., 1,309.46 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, ALONG THE SOUTHERLY BOUNDARY OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 10, N.89°09'56"W., 1,315.67 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, N.89°26'18"W., 185.13 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 125.00 FEET, A CENTRAL ANGLE OF 36°42'16", AND A CHORD BEARING AND DISTANCE OF N.70°55'25"W., 78.71 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.08 FEET TO THE END OF SAID CURVE; THENCE N.89°16'33"W., 266.56 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 101°42'13", AND A CHORD BEARING AND DISTANCE OF N.38°25'26"W., 38.78 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 44.38 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2,018.00 FEET, A CENTRAL ANGLE OF 11°52'03", AND A CHORD BEARING AND DISTANCE OF S.06°29'39"W., 417.23 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, AND ALONG THE EASTERLY RIGHT OF WAY OF S.W. 49TH AVENUE ROAD (RIGHT OF WAY WIDTH VARIES), A DISTANCE OF 417.98 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY, S.00°34'55"W., 889.37 FEET TO THE AFORESAID NORTHERLY RIGHT OF WAY OF S.W. 80TH STREET; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, N.89°35'08"W., 138.02 FEET TO THE WESTERLY RIGHT OF WAY OF AFORESAID S.W. 49TH AVENUE ROAD; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY, ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING

FOUR (4) COURSES: (1) N.00°34'56"E., 258.98 FEET; (2) THENCE N.15°10'42"E., 51.69 FEET; (3) THENCE N.00°34'51"E., 580.76 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2,143.00 FEET, A CENTRAL ANGLE OF 10°56'22", AND A CHORD BEARING AND DISTANCE OF N.06°01'50"E., 408.54 FEET; (4) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 409.16 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 88°40'05", AND A CHORD BEARING AND DISTANCE OF S.55°50'04"W., 34.94 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.69 FEET TO A POINT OF TANGENCY; THENCE N.79°49'54"W., 89.96 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 70°15'58", AND A CHORD BEARING AND DISTANCE OF S.65°02'07"W., 86.32 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 91.98 FEET TO THE END OF SAID CURVE; THENCE N.87°26'04"W., 156.81 FEET TO THE NORTHERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7351, PAGE 1648 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 71°49'46", AND A CHORD BEARING AND DISTANCE OF N.35°54'53"W., 551.39 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, AND ALONG NORTHERLY BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7351, PAGE 1648, A DISTANCE OF 589.22 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID NORTHERLY BOUNDARY THE FOLLOWING THREE (3) COURSES: (1) N.00°00'00"W., 290.68 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 770.00 FEET, A CENTRAL ANGLE OF 89°58'29", AND A CHORD BEARING AND DISTANCE OF N.44°59'15"W., 1,088.70 FEET; (2) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1,209.17 FEET TO A POINT OF TANGENCY; (3) THENCE N.89°58'29"W., 450.12 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: SCHOOL BOARD PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 7196, PAGE 953 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.