

**ORDINANCE NO 12-18**

**AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, GRANTING THE PETITION FOR AND CREATING THE RIVINGTON COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, CONCERNING THAT CERTAIN APPROXIMATELY 296.2 +/- ACRES OF LAND LOCATED ON FORT FLORIDA ROAD CURRENTLY HAVING VOLUSIA COUNTY TAX PARCEL IDENTIFICATION NUMBER 08-19-30-00-00-0010 AND CURRENTLY OWNED BY EMPIRE CATTLE, LTD.; DESCRIBING THE BOUNDARIES OF THE RIVINGTON COMMUNITY DEVELOPMENT DISTRICT, NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, ESTABLISHING THE POWERS AND DUTIES OF THE DISTRICT; CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, Reader & Partners, LLC ("Petitioner"), has petitioned the City Council of the City of DeBary, a Florida municipal corporation, to adopt an ordinance establishing the Rivington Community Development District ("District") pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, Empire Cattle, LTD., is the owner of approximately 296.2 +/- acres of land located on Fort Florida Road currently having Volusia County Tax Parcel Identification Number 08-19-30-00-00-0010 and legally described in Exhibit "A" attached hereto ("Subject Property"); and

**WHEREAS**, Empire Cattle, LTD. has consented to Petitioner's request for the establishment of the District for the Subject Property and having such Subject Property represent the District's complete boundary; and

**WHEREAS**, the City Council has conducted a public hearing on the petition for the establishment of the District in accordance with the requirements and procedures of Section 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

**WHEREAS**, the City Council has considered the record of the public hearing and the factors set forth in Section 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant the petition for the establishment of the District; and

**WHEREAS**, the City Council has determined that: the statements within the petition were true and correct; that the establishment of the District is not inconsistent with the Comprehensive Plan; that the land within the District is of sufficient size, is sufficiently compact, and sufficiently developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area served by the District; that the community development services and facilities will be compatible with the capacity and use of existing local and regional community development services and facilities; and the area to be served by the District is amenable to separate special-district governance; and

**WHEREAS**, the City Council desires to consent to the District's exercise of certain special powers as requested by the petition and for such to be governed by Chapter 190, Florida Statutes.

**IT IS HEREBY ORDAINED BY THE CITY OF DeBARY AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and accurate and are incorporated herein as the legislative findings of the City Council.

**SECTION 2. Authority.** This Ordinance is adopted pursuant to Chapter 190, Florida Statutes, as amended.

**SECTION 3. District Name/Petition Granted.** There is hereby created a community development district situated entirely within the City of DeBary, which shall be known as the "Rivington Community Development District," and which is sometimes referred to in this Ordinance as the "District." The Petitioner's petition to create the District over the Subject Property is hereby granted.

**SECTION 4. District External Boundaries.** The external boundaries of the District are described in **Exhibit "A,"** attached hereto and incorporated herein, said boundaries encompassing approximately 296.2 +/- acres.

**SECTION 5. Initial Board Members.** The initial members of the District's Board of Supervisors shall be as follows: Jeffrey M. Reader, Kimberly Locher, Marlene DeMarco, Steven Costa and Tisha Barberree.

**SECTION 6. Functions and Powers.** The powers and functions of the District shall be those described in Section 190.011, Florida Statutes (2018) along with those special powers and functions as set forth in Section 190.012(1), Florida Statutes (2018). The City Council hereby

consents to the District's exercise of special powers under Section 190.012(1), Florida Statutes (2018).

**SECTION 7. No Debt of City.** No bond, debt or other obligation of the District, nor any default thereon, shall constitute a debt or obligation of the City of DeBary.

**SECTION 8. Severability.** If any portion of this Ordinance is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Ordinance shall continue in full force and effect.

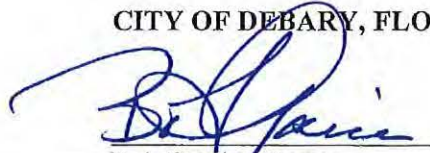
**SECTION 9. Effective Date.** This Ordinance shall take effect ten (10) days after adoption.

FIRST READING HELD on Sept 19, 2018

ADOPTED AFTER SECOND READING on this 3<sup>rd</sup> day of October, 2018.

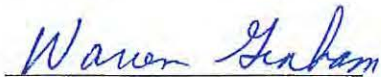
CITY COUNCIL

CITY OF DEBARY, FLORIDA



Bob Garcia, Mayor

ATTEST:



Warren Graham, City Clerk

Attachments – **Exhibit "A"** – Legal Description of Subject Property (also being the same as the District Boundaries)

Exhibit "A"

LEGAL DESCRIPTION

All that part of the SE ¼ of SE ¼ lying South of Channel of Creek in Section 3 Township 19 South Range 30 East.

NE ¼ of SW ¼ of NE ¼ and S ½ of NW ¼ of NE ¼ East of State Road, Section 9 Township 19 South Range 30 East.

The N ½ of Block 212, Lake Helen, according to map in Map Book 1, page 136, Public Records of Volusia County, Florida.

The East 325 ft. of Block 26, Lake Helen, according to map in Map Book 1, page 135, Public Records of Volusia County, Florida.

Lots 63 to 93 inclusive, Fogler's Subdivision in Block 26, Lake Helen, according to map in Map Book 6, page 228, Public Records of Volusia County, Florida.

Lots One (1) and Two (2) of Section Two (2) and all that part of the Southwest Quarter (SW ¼) of Section Two (2) lying South of the Channel of Creek; also the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) all being in Section 3; also the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Nine (9); also all of Section Ten (10) and Eleven (11) lying Northwesterly of State Road 400 and that part of Lot 3 lying Northwesterly of State Road 400, Section Fifteen (15), all of the above described lands lying and being in Township Nineteen (19) South of Range Thirty (30) East; and

All of Block 32 East of Highway in Volusia Park, Section 4, Township 19 South, Range 30 East.

That part of the East one-half (E ½) of the Southeast Quarter (SE ¼) of Section 4, Township 19 South, Range 30 East lying South of the Southerly right-of-way line of the Florida East Coast Railroad and East of State Highway No. 3.

The Northeast Quarter of Northeast Quarter of Northeast Quarter and South Half of Northeast Quarter of Northeast Quarter and East Half of Southeast Quarter of Northeast Quarter of Section 9, Township 19 South, Range 30 East.

The Northwest Quarter of Northeast Quarter of Northeast Quarter and North Half of Northwest Quarter of Northeast Quarter lying East of State Road in Section 9, Township 19 South, Range 30 East.

Northwest Quarter of Southeast Quarter of Northeast Quarter and Southeast Quarter of Southwest Quarter of Northeast Quarter and Southwest Quarter of Southeast Quarter of Northeast Quarter of Section 9, Township 19 South, Range 30 East.

All of Grantor's right, title and interest in and to all other lands not previously described herein which lie in the East one-half of the Southeast Quarter of Section 4, Township 19 South, Range 30 East lying South of Enterprise Road (Dirksen Drive).

That portion of the West three quarters of Southeast Quarter of Southwest Quarter of Section 4, Township 19 South, Range 30 East, less railroad right of way and less all land included in railroad Y, lying East of said railroad right of way.

The South half of the Northeast Quarter and South half of the Northwest Quarter and Government Lots 1 and 3 and the North one-half of Government Lot 6, all in Section 8, Township 19 South, Range 30 East and the West

half of the Northwest Quarter of Section 9, Township 19 South, Range 30 East lying South of Fort Florida Road.