

ORDINANCE NO. 2024-38
LDR 24-15

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, ESTABLISHING THE RANCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE DISTRICT'S EXTERNAL BOUNDARIES; 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, NC Ranch #1, LLC ("**Petitioner**") has petitioned the City Commission for the City of Newberry, Florida ("**City**") to adopt an ordinance establishing The Ranch 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:

1. All statements contained within the *Petition to Establish The Ranch Community Development District* ("**Petition**") are true and correct;
2. The establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan;
3. The area of land within the 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 served by the District;
5. The community development services and facilities of the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and
6. The area that will be served by the District is amenable to separate special-district government;

WHEREAS, the City has held a public hearing on the Petition in accordance with the requirements and procedures of Sections 190.005(1)(d) and (2)(b), Fla. Stat.; and

WHEREAS, the City has considered the record of the public hearing and the factors set forth in Sections 190.005(1)(e) and (2)(c), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, THAT:

SECTION 1: AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, *Florida Statutes* (2024).

SECTION 2: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Newberry, Florida, which District shall be known as “The Ranch 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* (2024), 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* (2024), 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 serve as initial members of the District’s Board of Supervisors are E.D. Norfleet III, Christianna Norfleet, Zeke Norfleet, Dylan Sykes, and Allan Tyner. All of the listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 6. CONDITIONS OF APPROVAL. The City Commission of the City of Newberry, Florida, find the proposed community development district approvable under the following conditions which have been accepted by the owner:

1. Prior to recordation of a plat of lands within District, the owner of the property subject to the plat, their heir(s), successor(s) or assigns shall submit to the City in a form acceptable to the City Attorney’s Office an interlocal agreement between the City and District providing for obligations and procedures including, but not limited to, District elections, complaints related to deed restrictions as set forth in Chapter 190, Florida Statutes, financial reporting, and providing for wastewater capacity reservation commitments (the “Interlocal Agreement”). Under no circumstances shall the Interlocal Agreement obligate the District to undertake any obligations or actions that are not permitted by Florida law.
2. Pursuant to Florida Statute 190.016(15), default on bonds or obligations of a district shall not constitute or obligation of local general-purpose government, in this case, the City of Newberry, Florida, or the state.

SECTION 7. SCRIVENER’S ERRORS. The correction of typographical and/or scrivener’s errors which do not affect the intent of the Ordinance may be authorized by the City Manager or designee, without public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 8. 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.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and

FIRST READING: FOR ATTORNEY ONLY. NOT FOR SIGNATURE!

adoption at the second and final reading.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting this ____ day of _____, 2024.

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FIRST READING: FOR ATTORNEY ONLY. NOT FOR SIGNATURE!

DONE, THE PUBLIC NOTICES, in a newspaper of general circulation in the City of Newberry, Florida, by the Petitioner, commencing the ____ day of _____, 2024, and running once each week for four consecutive weeks, ending on the ____ day of _____, 2024.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting this ____ day of _____, 2024.

BY THE MAYOR OF THE CITY OF
NEWBERRY, FLORIDA

Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE CITY
COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND
LEGALITY:

City Attorney's Office

EXHIBIT A

DISTRICT BOUNDARY MAP

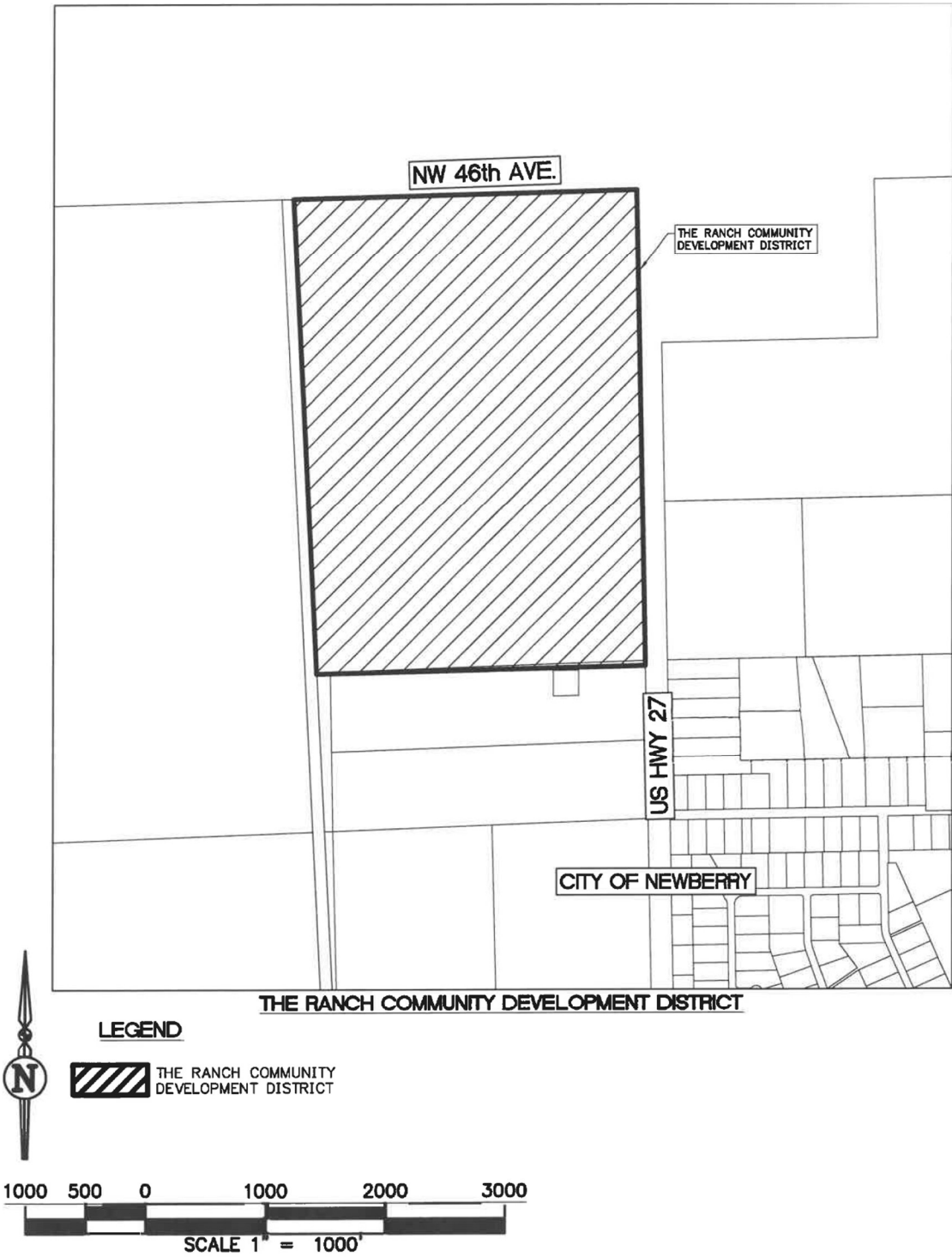


EXHIBIT A CONTINUED
DISTRICT BOUNDARY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 21, TOWNSHIP 9 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH 01°31'53" EAST, ALONG THE EAST LINE OF SECTION 21, A DISTANCE OF 40.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF NW 46TH AVENUE AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°31'53" EAST, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 377.97 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF US HIGHWAY NO. 27/41 - A.K.A. STATE ROAD NO. 45 (184' WIDE RIGHT OF WAY); THENCE SOUTH 01°06'32" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 3,586.70 FEET; THENCE SOUTH 88°36'48" WEST, A DISTANCE OF 2,741.64 FEET TO THE EAST RIGHT OF WAY LINE OF A 100 FOOT WIDE CSX RAILROAD RIGHT OF WAY; THENCE NORTH 02°54'05" WEST, ALONG SAID EAST RAILROAD RIGHT OF WAY LINE, A DISTANCE OF 3,960.75 FEET TO THE SOUTH RIGHT OF WAY LINE OF NW 46TH AVENUE; THENCE NORTH 88°30'29" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2,862.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 254.991 ACRES, MORE OR LESS.

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