

1 Introduced by the Transportation, Energy and Utilities Committee
2 pursuant to Section 92.09, *Ordinance Code* and amended by the
3 Transportation, Energy and Utilities Committee:
4
5

6 **ORDINANCE 2022-852-E**

7 AN ORDINANCE ESTABLISHING THE ACREE COMMUNITY
8 DEVELOPMENT DISTRICT ("ACREE CDD"), PURSUANT TO
9 SECTION 190.005, *FLORIDA STATUTES*, AND CHAPTER
10 92, *ORDINANCE CODE*, INCLUDING THE GRANT OF
11 SPECIAL POWERS; NAMING THE ACREE CDD; DESCRIBING
12 THE EXTERNAL BOUNDARIES OF THE ACREE CDD;
13 CONSENTING TO FUTURE EXPANSION OF THE ACREE CDD
14 TO SUFFICIENTLY CONTIGUOUS LANDS IN ACCORDANCE
15 WITH SECTION 190.046(1)(H)(3), *FLORIDA*
16 *STATUTES*, SUBJECT TO COUNCIL APPROVAL; NAMING
17 THE INITIAL ACREE CDD BOARD OF SUPERVISORS;
18 AMENDING SECTION 92.22 (EXISTING COMMUNITY
19 DEVELOPMENT DISTRICTS), CHAPTER 92 (UNIFORM
20 DEVELOPMENT DISTRICTS), *ORDINANCE CODE*, TO
21 INCLUDE THE ACREE CDD; PROVIDING FOR CONFLICT
22 AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, Corner Lot Development Group, LLC, a Florida limited
25 liability company, petitioned the City Council to establish a
26 community development district named the "Acree Community Development
27 District" (the "Acree CDD") on approximately 490.33± acres lying
28 wholly within the boundaries of the City pursuant to Section
29 190.005(2), *Florida Statutes*, and Chapter 92, *Ordinance Code*, a copy
30 of the Third Amended Petition to Establish Acree Community Development
31 District, dated January 17, 2023, (the "Petition") is **Revised On File**

1 with the Legislative Services Division; and

2 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
3 Office of General Counsel ("Counsel") has reviewed the Petition, and
4 finding that it was sufficient and complete to permit the fair and
5 informed consideration of the matter by the Council, has prepared and
6 submitted its Final Report of Counsel, dated November 7, 2022,
7 attached hereto as **Exhibit 1**; and

8 **WHEREAS**, the Planning and Development Department has provided
9 its report and recommendation regarding the Petition to the
10 Transportation, Energy and Utilities Committee; and

11 **WHEREAS**, Petitioner acknowledges that nothing about the adoption
12 of this Ordinance shall in any way waive any of the City's, or any
13 other governing or regulatory entities', rights to grant or not grant
14 entitlements for the development to be serviced by the Acree CDD (the
15 "Development"), or otherwise prejudice the City's, or any other
16 governing or regulatory entities', ability to govern or regulate the
17 planning or permitting of the Development; and

18 **WHEREAS**, Counsel has determined the Petition adequately meets
19 the requirements of Section 190.005, *Florida Statutes*, and Section
20 92.04, *Ordinance Code*, and is therefore complete and sufficient to
21 permit fair and informed review thereof; and

22 **WHEREAS**, all notice requirements of Chapter 190, *Florida*
23 *Statutes*, Section 92.11, *Ordinance Code*, and other applicable laws
24 were complied with, complete notice was timely given, and a public
25 hearing held on the date and time noticed and conducted thereafter
26 in compliance with Chapter 190, *Florida Statutes*, and all applicable
27 laws; and

28 **WHEREAS**, in making its fair and informed determination whether
29 to grant or deny the Petition, the Council has considered the Petition
30 in light of the record developed at the public hearing and in relation
31 to the six factors set forth in Section 190.005(1)(e), *Florida*

1 *Statutes*, now, therefore

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Name.** A community development district is
4 hereby established within the City to be known hereafter as the "Acree
5 Community Development District".

6 **Section 2. Boundaries.** The boundaries of the Acree
7 Community Development District established by this Ordinance are as
8 set forth in the legal description contained in the Third Amended
9 Petition to Establish Acree Community Development District (the
10 "Petition"), which is **Revised On File** with the Legislative Services
11 Division. The legal description and boundary sketch, dated March 30,
12 2022, as described within the Petition is attached hereto as **Exhibit**
13 **2.**

14 **Section 3. Expansion Parcels.** Consent is hereby granted to
15 the Acree Community Development District, pursuant to Section
16 190.046(1)(h), *Florida Statutes*, to add to the boundaries of the
17 Acree Community Development District by expanding into certain areas
18 of sufficiently contiguous lands as depicted in **Exhibit 3**, within ten
19 (10) years after the effective date of this Ordinance. Pursuant to
20 190.046(1)(h)(3), *Florida Statutes*, the addition of the expansion
21 parcels to the Acree Community Development District must be processed
22 as an amendment to this Ordinance, subject to Council approval.

23 **Section 4. Board of Supervisors.** The following five
24 persons, as set forth in the Petition, are designated to be the
25 initial members of the governing Board of Supervisors ("Board") of
26 the Acree Community Development District:

- 27 a. Andy Allen
- 28 b. George Leone
- 29 c. Rick Egger
- 30 d. Don Wenner
- 31 e. William English, III

1 **Section 5. Grant of Special Powers.** Consent is hereby
 2 granted to the Acree Community Development District, pursuant to
 3 Section 190.012(2)(a), *Florida Statutes*, to exercise the power to
 4 plan, establish, acquire, construct or reconstruct, enlarge or
 5 extend, equip, operate and maintain additional systems and facilities
 6 for parks and facilities for indoor and outdoor recreational,
 7 cultural, and educational uses, all to be exercised only in compliance
 8 and consistent with all applicable laws including the City's 2030
 9 *Comprehensive Plan* and City's land development regulations.

10 **Section 6. Amending Section 92.22 (Existing Community**
 11 **Development Districts), Chapter 92 (Uniform Community Development**
 12 **Districts), Ordinance Code.** Section 92.22, (Existing Community
 13 Development Districts), Chapter 92 (Uniform Community Development
 14 Districts), *Ordinance Code*, is hereby amended to read as follows:

15 **CHAPTER 92 - UNIFORM COMMUNITY DEVELOPMENT DISTRICTS**

16 * * *

17 **Sec. 92.22. - Existing Community Development Districts.**

18 The following CDDs have been established in the City:

19 * * *

- 20 (24) Acree Community Development District. The Acree Community
 21 Development District was established by Ordinance 2022-
 22 852-E and was granted consent to exercise special powers
 23 to plan, establish, acquire, construct or reconstruct,
 24 enlarge or extend, equip, operate and maintain additional
 25 systems and facilities for parks and facilities for indoor
 26 and outdoor recreational, cultural, and educational uses.

27 **Section 7. Conflict and Severability.** Any portion of this
 28 Ordinance determined by a court of competent jurisdiction to be in
 29 conflict with prevailing law shall not be effective to the extent of
 30 such conflict and shall be deemed severable and the remainder shall
 31 continue in full force and effect to the extent legally possible.

1 **Section 8. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming law without
3 the Mayor's signature.

4
5 Form Approved:

6
7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Susan C. Grandin

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