

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

3
4 **ORDINANCE 2024-246**

5 AN ORDINANCE ESTABLISHING THE KINGS CREEK I
6 COMMUNITY DEVELOPMENT DISTRICT ("KINGS CREEK I
7 CDD"), PURSUANT TO SECTION 190.005, *FLORIDA*
8 *STATUTES*, AND CHAPTER 92, *ORDINANCE CODE*,
9 INCLUDING THE GRANT OF SPECIAL POWERS; NAMING
10 THE DISTRICT; DESCRIBING THE EXTERNAL
11 BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL
12 DISTRICT BOARD OF SUPERVISORS; AMENDING
13 SECTION 92.22 (EXISTING COMMUNITY DEVELOPMENT
14 DISTRICTS), CHAPTER 92 (UNIFORM DEVELOPMENT
15 DISTRICTS), *ORDINANCE CODE* TO INCLUDE THE
16 KINGS CREEK I CDD; PROVIDING FOR CONFLICT AND
17 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

18
19 **WHEREAS**, EPG JAX, LLC, a Florida limited liability
20 corporation, petitioned the City Council to establish a community
21 development district ("CDD") named the Kings Creek I Community
22 Development District on approximately 1198.18 acres lying wholly
23 within the boundaries of the City pursuant to F.S. Chapter
24 190.005(2) and Chapter 92, *Ordinance Code*, a copy of the Petition
25 to Establish the Kings Creek I Community Development District
26 ("Petition") is **On File** with the Legislative Services Division; and

27 **WHEREAS**, if established as proposed in the Petition, the Kings
28 Creek I Community Development District would thereafter exist and
29 operate as an independent special district as set forth in F.S. Ch.
30 190; and

31 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the

1 Office of General Counsel ("Counsel") has reviewed the Petition,
2 and finding that it was sufficient and complete to permit the fair
3 and informed consideration of the matter by the Council, has
4 prepared and submitted its Final Report of Counsel, dated March 20,
5 2024, attached hereto as **Exhibit 1**; and

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

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

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

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

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

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

2 **Section 1. Name.** A community development district is
3 hereby established within the City to be known hereafter as the
4 Kings Creek I Community Development District.

5 **Section 2. Boundaries.** The boundaries of the Kings Creek
6 I Community Development District established by this ordinance are
7 as set forth in the legal description contained in the Petition
8 which is **On File** with the Legislative Services Division. The legal
9 description, dated December 8, 2023, and boundary sketch, dated
10 January 2024, as described within the Petition is attached hereto
11 as **Exhibit 2.**

12 **Section 3. Board of Supervisors.** The following five
13 persons, as set forth in the Petition, are designated to be the
14 initial members of the governing Board of Supervisors ("Board") of
15 the Kings Creek I Community Development District:

- 16 a. Nicholas Dister
- 17 b. Carlos de la Ossa
- 18 c. Keith Hyatt
- 19 d. Bob Koncar
- 20 e. Dan Pickett

21 **Section 4. Grant of Special Powers.** Consent is hereby
22 granted to the Kings Creek I Community Development District,
23 pursuant to Section 190.012(2)(a), *Florida Statutes*, to exercise
24 the power to finance, fund, plan, establish, acquire, construct,
25 enlarge or extend, equip, operate, and maintain systems and
26 facilities for parks and facilities for indoor and outdoor
27 recreational, cultural and educational uses, all to be exercised
28 only in compliance and consistent with all applicable laws
29 including the City's 2045 *Comprehensive Plan* and City's land
30 development regulations.

31 **Section 5.** Chapter 92 (Uniform Community Development

1 Districts), Section 92.22 (Existing Community Development
2 Districts), *Ordinance Code*, is amended to read as follows:

3 **CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS.**

4 * * *

5 **Sec. 92.22. Existing Community Development Districts**

6 The following CDDs have been established in the City:

7 * * *

8 (13) ~~Reserved.~~ Kings Creek I Community Development District.

9 The Kings Creek I Community Development District was established in
10 Ordinance 2024-246-E and was granted consent to exercise special
11 powers to finance, fund, plan, establish, acquire, construct,
12 enlarge or extend, equip, operate, and maintain systems and
13 facilities for parks and facilities for indoor and outdoor
14 recreational, cultural and educational uses and security.

15 * * *

16 **Section 6. Powers and Authority.** The powers and functions of
17 the District are described in Chapter 190, *Florida Statutes*. The
18 District shall have all powers and functions pursuant to, among
19 other provisions, Section 190.011 and Sections 190.012(1), (3) and
20 (4), *Florida Statutes*, as amended from time to time. In addition,
21 consent is hereby given to the District's Board of Supervisors to
22 exercise the powers set forth in Sections 190.012(2)(a) and (d),
23 *Florida Statutes*.

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

30 **Section 8. Effective Date.** This ordinance shall become
31 effective upon signature by the Mayor or upon becoming law without

1 the Mayor's signature.

2

3 Form Approved:

4

5

6 /s/Jason R. Teal

7 Office of General Counsel

8 Legislation Prepared By: Jason R. Teal

9 GC-#1619818-v1-Ordinance_Establishing_District_-_Kings_Creek_I.doc