

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

3
4
5 **ORDINANCE 2022-852**

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

22
23 **WHEREAS**, Corner Lot Development Group, LLC, a Florida limited
24 liability company, petitioned the City Council to establish a
25 community development district named the "Acree Community Development
26 District" (the "Acree CDD") on approximately 490.33± acres lying
27 wholly within the boundaries of the City pursuant to Section
28 190.005(2), *Florida Statutes*, and Chapter 92, *Ordinance Code*, a copy
29 of the Second Amended Petition to Establish Acree Community
30 Development District, dated August 1, 2022, (the "Petition") is **On**
31 **File** with the Legislative Services Division; and

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

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

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

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

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

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

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

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

30 **Section 5. Grant of Special Powers.** Consent is hereby
31 granted to the Acree Community Development District, pursuant to

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

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

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

14 * * *

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

16 The following CDDs have been established in the City:

17 * * *

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

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

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5 /s/ Sharon M. Wyskiel

6 Office of General Counsel

7 Legislation Prepared By: Sharon M. Wyskiel

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