

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:
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6 **ORDINANCE 2022-796-E**

7 AN ORDINANCE AMENDING THE BOUNDARIES OF RYALS
8 CREEK COMMUNITY DEVELOPMENT DISTRICT ("RYALS
9 CREEK CDD"), PURSUANT TO SECTION 190.046,
10 *FLORIDA STATUTES*, AND CHAPTER 92, *ORDINANCE*
11 *CODE*, TO CORRECT A SCRIVENER'S ERROR IN THE
12 ORIGINAL RYALS CREEK CDD LEGAL DESCRIPTION;
13 AMENDING THE BOUNDARIES OF RYALS CREEK CDD TO
14 EXPAND THE REGIONAL TERRITORY BY AN ADDITIONAL
15 77.08± ACRES; AMENDING SECTION 92.22 (EXISTING
16 COMMUNITY DEVELOPMENT DISTRICTS), CHAPTER 92
17 (UNIFORM COMMUNITY DEVELOPMENT DISTRICTS),
18 *ORDINANCE CODE*, TO MEMORIALIZE THE CORRECT LEGAL
19 DESCRIPTION AND ADDITION IN ACREAGE; PROVIDING
20 FOR CONFLICT AND SEVERABILITY; PROVIDING AN
21 EFFECTIVE DATE.
22

23 **WHEREAS**, Ryals Creek Community Development District ("Ryals
24 Creek CDD") was established by Ordinance 2019-490-E; and

25 **WHEREAS**, pursuant to Chapter 92, *Ordinance Code*, and Section
26 190.046, *Florida Statutes*, Ryals Creek CDD petitioned the City of
27 Jacksonville (the "City") to amend the Ryals Creek CDD boundaries to
28 correct a scrivener's error in the original legal description, setting
29 forth the initial area of Ryals Creek CDD as approximately 417.58±
30 acres, instead of 417.68± acres as reflected in the original legal
31 description; and

1 **WHEREAS**, pursuant to Chapter 92, *Ordinance Code*, and Section
2 190.046, *Florida Statutes*, Ryals Creek CDD petitioned the City to
3 amend the Ryal Creek CDD boundaries to expand the regional territory
4 by an additional 77.08± acres; and

5 **WHEREAS**, Ryals Creek CDD has paid the required fee to defray the
6 City's cost of review and consideration related to the Amended
7 Petition to Amend the Boundaries of the Ryals Creek Community
8 Development District, dated October 3, 2022 (the "Amended Petition"),
9 a copy of which Amended Petition together with its attendant
10 attachments is **On File** with the City Council Legislative Services
11 Division; and

12 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
13 Office of General Counsel has reviewed the Amended Petition, and
14 finding that it was sufficient and complete to permit the fair and
15 informed consideration of the matter by Council, has prepared and
16 submitted its Final Report of Counsel, attached hereto as **Exhibit 1**;
17 and

18 **WHEREAS**, Petitioner acknowledges that nothing about the adoption
19 of this Ordinance shall in any way waive any of the City's, or any
20 other governing or regulatory entities', rights to grant or not grant
21 entitlements for the development to be serviced by Ryals Creek CDD
22 (the "Development"), or otherwise prejudice the City's, or any other
23 governing or regulatory entities', ability to govern or regulate the
24 planning or permitting of the Development; and

25 **WHEREAS**, Counsel has determined the Amended Petition adequately
26 meets the requirements of Section 190.005, *Florida Statutes*, and
27 Section 92.04, *Ordinance Code*, and is therefore complete and
28 sufficient to permit fair and informed review thereof; and

29 **WHEREAS**, all notice requirements of Chapter 190, *Florida*
30 *Statutes*, Section 92.11, *Ordinance Code*, and other applicable laws
31 were complied with, complete notice was timely given, and a public

1 hearing held on the date and time noticed and conducted thereafter
2 in compliance with Chapter 190, *Florida Statutes*, and all applicable
3 laws; and

4 **WHEREAS**, in making its fair and informed determination whether
5 to grant or deny the Amended Petition, Council has considered the
6 Amended Petition in light of the record developed at the public
7 hearing and in relation to the six factors set forth in Section
8 190.005(1)(e), *Florida Statutes*, now, therefore

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

10 **Section 1. Amending the Ryals Creek Community Development**
11 **District Boundaries to Correct Scrivener's Error.** In accordance with
12 Section 190.046, *Florida Statutes*, and Chapter 92, *Ordinance Code*,
13 the City hereby grants the Amended Petition to correct a scrivener's
14 error in the original legal description of Ryals Creek CDD, setting
15 forth the initial area as 417.58± acres, instead of 417.68± acres.
16 The corrected legal description is contained in the Amended Petition,
17 which is **On File** with the City Council Legislative Services Division.
18 The legal description and boundary sketch found within the Amended
19 Petition are attached hereto as **Exhibit 2**.

20 **Section 2. Amending the Ryals Creek Community Development**
21 **District Boundaries to Include an Additional 77.08± Acres.** In
22 accordance with Section 190.046, *Florida Statutes*, and Chapter 92,
23 *Ordinance Code*, the City hereby grants the Amended Petition to expand
24 the territory of land comprising Ryals Creek CDD by an additional
25 77.08± acres as set forth in the legal description contained in the
26 Amended Petition, which is **On File** with the City Council Legislative
27 Services Division. The legal description and boundary sketch found
28 within the Amended Petition are attached hereto as **Exhibit 3**.

29 **Section 3. Amending Section 92.22 (Existing Community**
30 **Development Districts), Chapter 92 (Uniform Community Development**
31 **Districts), Ordinance Code.** Chapter 92 (Uniform Community

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

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

5 * * *

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

7 The following CDDs have been established in the City:

8 (1) *Bainebridge Community Development District.* The
9 Bainebridge Community Development District was established
10 in Ordinance 2005-1417-E. The City granted consent to the
11 Bainebridge Community Development District to exercise
12 special powers related to parks and facilities for indoor
13 and outdoor recreational, cultural and educational uses in
14 Ordinance 2006-592-E.

15 * * *

16 (20) *Ryals Creek Community Development District.* Ryals Creek
17 Community Development District was established in
18 Ordinance 2019-490-E. The City corrected a scrivener's
19 error in the original legal description of the Ryals Creek
20 Community Development District and granted an addition in
21 size of the Ryals Creek Community Development District by
22 approximately 77.08 acres in Ordinance 2022-796-E.

23 * * *

24 **Section 4. Conflict and Severability.** Any portion of this
25 Ordinance determined by a court of competent jurisdiction to be in
26 conflict with prevailing law shall not be effective to the extent of
27 such conflict and shall be deemed severable and the remainder shall
28 continue in full force and effect to the extent legally possible.

29 **Section 5. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming law without
31 the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Sharon M. Wyskiel

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