

1 Introduced by the Transportation, Energy and Utilities Committee:
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3

4 **ORDINANCE 2019-483-E**

5 AN ORDINANCE ESTABLISHING BOGGY BRANCH
6 COMMUNITY DEVELOPMENT DISTRICT ("BOGGY BRANCH
7 CDD"); DESCRIBING THE EXTERNAL BOUNDARIES OF
8 BOGGY BRANCH CDD; NAMING BOGGY BRANCH CDD;
9 NAMING THE INITIAL BOGGY BRANCH CDD BOARD OF
10 SUPERVISORS; AMENDING CHAPTER 92 (UNIFORM
11 DEVELOPMENT DISTRICTS), *ORDINANCE CODE*,
12 SECTION 92.22 (EXISTING COMMUNITY DEVELOPMENT
13 DISTRICTS) TO INCLUDE BOGGY BRANCH CDD;
14 PROVIDING FOR CONFLICT AND SEVERABILITY;
15 PROVIDING AN EFFECTIVE DATE.
16

17 **WHEREAS**, Sawmill Timber, LLC, a Florida limited liability
18 corporation, petitioned the City Council to establish a community
19 development district named Boggy Branch Community Development
20 District (the "Boggy Branch CDD") on approximately 559.96 acres
21 lying wholly within the boundaries of the City pursuant to Section
22 190.005(2), F.S., and Chapter 92, *Ordinance Code*, a copy of the
23 Petition to Establish Boggy Branch CDD ("Petition") is **on file** with
24 the Legislative Services Division; and

25 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
26 Office of General Counsel has reviewed the Petition and finding
27 that it was sufficient and complete to permit the fair and informed
28 consideration of the matter by the Council has prepared and
29 submitted its Final Report of Counsel, attached hereto as **Exhibit**
30 **1**; and

1 **WHEREAS**, the Planning and Development Department has provided
2 its report and recommendation regarding the Petition to the
3 Transportation, Energy and Utilities Committee; and

4 **WHEREAS**, Petitioner acknowledges that nothing about the
5 adoption of this Ordinance shall in any way waive any of the
6 City's, or any other governing or regulatory entities' rights to
7 grant or not grant entitlements for the development to be serviced
8 by Boggy Branch (the "Development"), or otherwise prejudice the
9 City's, or any other governing or regulatory entities', ability to
10 govern or regulate the planning or permitting of the Development;
11 and

12 **WHEREAS**, the Counsel has determined the Petition adequately
13 meets the requirements of Section 190.005, F.S. and Section 92.04,
14 *Ordinance Code* and is therefore complete and sufficient to permit
15 fair and informed review thereof; and

16 **WHEREAS**, all notice requirements of Ch. 190, F.S., Section
17 92.11, *Ordinance Code*, and other applicable laws were complied
18 with, complete notice was timely given, and a public hearing held
19 on the date and time noticed and conducted thereafter in compliance
20 with Ch. 190, F.S. and all applicable laws; and

21 **WHEREAS**, in making its fair and informed determination whether
22 to grant or deny the Petition, the Council has considered the
23 petition in light of the record developed at the public hearing and
24 in relation to the six factors set forth in Section 190.005(1)(e),
25 F.S., now, therefore

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

27 **Section 1. Name.** A community development district is
28 hereby established within the City to be known hereafter as Boggy
29 Branch Community Development District.

30 **Section 2. Boundaries.** The boundaries of Boggy Branch
31 Community Development District established by this ordinance are as

1 set forth in the legal description contained in the Petition to
2 Establish Boggy Branch Community Development District ("Petition")
3 which is **on file** with the Legislative Services Division. The legal
4 description and boundary sketch found within the Petition are
5 attached hereto as **Exhibit 2**.

6 **Section 3. Board of Supervisors.** The following five
7 persons, as set forth in the Petition, are designated to be the
8 initial members of the governing Board of Supervisors ("Board") of
9 Boggy Branch Community Development District:

- 10 a. Jan Malcolm Jones, Jr.
- 11 b. Arthur Chester Skinner, IV
- 12 c. James DuBois Farrar, III
- 13 d. Breanna Danae Bohlen
- 14 e. Bryan David Hassel

15 **Section 4. Amending Chapter 92 (Uniform Community**
16 **Development Districts), Section 92.22 (Existing Community**
17 **Development Districts), Ordinance Code.** Section 92.22, Ordinance
18 Code, is hereby amended to read as follows:

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

20 The following CDDs have been established in the City:

- 21 (1) *Bainebridge Community Development District.* The
22 Bainebridge Community Development District was
23 established in Ordinance 2005-1417-E. The City granted
24 consent to the Bainebridge Community Development District
25 to exercise special powers related to parks and
26 facilities for indoor and outdoor recreational, cultural
27 and educational uses in Ordinance 2006-592-E.

28 * * *

- 29 (19) Boggy Branch Community Development District. Boggy
30 Branch Community Development District was established in
31 Ordinance 2019-483-E.

1 **Section 5. Conflict and Severability.** Any portion of this
2 ordinance determined finally by a court of competent jurisdiction
3 to be in conflict with prevailing law shall not be effective to the
4 extent of such conflict, and shall be deemed severable and the
5 remainder shall continue in full force and effect to the extent
6 legally possible.

7 **Section 6. Effective Date.** This ordinance shall become
8 effective upon signature by the Mayor or upon becoming law without
9 the Mayor's signature.

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11 Form Approved:

12
13 /s/ Susan C. Grandin

14 Office of General Counsel

15 Legislation Prepared By: Susan C. Grandin

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