

## ORDINANCE NO. 2020-273

ORDINANCE GRANTING THE PETITION OF MASROC LAND, L.P., FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT, CREATING AND ESTABLISHING WALKERS GREEN COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS, AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Masroc Land, L.P., ("Masroc") a Texas limited partnership, owns approximately 390.8 acres of land generally located east of I-95, west of Williamson Blvd. near Madeline Avenue; and

WHEREAS, Masroc has petitioned for the establishment of the Walkers Green Community Development District (the "District") and has paid the required fee of Fifteen Thousand and 00/100 Dollars (\$15,000.00) to The City of Daytona Beach, Florida; and

WHEREAS, a public hearing has been conducted by the City Commission of The City of Daytona Beach, Florida (the "City"), in accordance with the requirements and procedures of § 190.005(2)(d), Florida Statutes, and the applicable requirements and procedures of the City's Charter and Code of Ordinances; and

WHEREAS, the City Commission has determined that the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the City's management and financing needs

for delivery of capital infrastructure therein without overburdening the City and its taxpayers, based on the information provided in the Petition, including the following representations:

(a) That the District's stormwater system will tie in to the City's stormwater system, consistent with applicable laws, regulations, and City design standards, and the District will pay required stormwater fees imposed by City ordinance; and

(b) That the City will provide water, sewer, reuse water, stormwater, and solid waste utility services to properties within the District; and

(c) That the City will retain construction permitting and inspection responsibilities regarding District improvements; and

WHEREAS, the City Commission finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State's comprehensive plan or the City's Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated development; and

WHEREAS, the creation of the District is the best alternative available for delivering community development facilities and services to the area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the Commission finds that the District shall have those general and special powers authorized by §§ 190.011 and 190.012, Florida Statutes, as set forth herein, and that it is in the public interest of all of the citizens of the City that the District have such powers.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

SECTION 2. The Petition to establish the Walkers Green Community Development District over the real property described in Exhibit 2 of the Petition, a copy of which is attached hereto, which was filed by the Petitioner, on April 1, 2020, and which Petition is on file at the Office of the City Clerk, is hereby granted. A copy of the Petition is attached and incorporated herein as Exhibit A.

SECTION 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibit B.

SECTION 4. The initial members of the Board of Supervisors shall be as follows:

1. Name: Davis Bruse  
Address: 406 N. Orange St., New Smyrna Beach, FL 32168  
Relationship to Petitioner: Affiliate of Petitioner
2. Name: Rob Camporese  
Address: 406 N. Orange St., New Smyrna Beach, FL 32168  
Relationship to Petitioner: Affiliate of Petitioner
3. Name: James Paytas Jr.  
Address: 794 Sanders Rd., Suite 1, Port Orange, FL 32127  
Relationship to Petitioner: Affiliate of Petitioner

4. Name: James Paytas III  
Address: 794 Sanders Rd., Suite 1, Port Orange, FL 32127  
Relationship to Petitioner: Affiliate of Petitioner
  
5. Name: James Mather  
Address: 794 Sanders Rd., Suite 1, Port Orange, FL 32127  
Relationship to Petitioner: Affiliate of Petitioner

SECTION 5. The name of the District shall be the "Walkers Green Community Development District".

SECTION 6. The Walkers Green Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes.

SECTION 7. Pursuant to § 190.005 (2) (d), Florida Statutes, the charter for the Walkers Green Community Development District shall be §§ 190.006 through 190.041, Florida Statutes, as amended.

SECTION 8. Based on the findings referenced above, the Commission hereby grants to the Walkers Green Community Development District all powers authorized pursuant to §§190.011 and 190.012(1)(a)-(h), (2)(a), and (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of the City to grant such general and special powers.

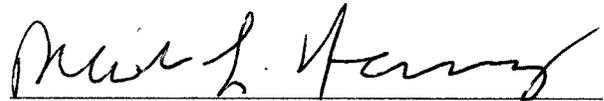
SECTION 9. All bonds issued by the Walkers Green Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

SECTION 10. No bond, debt, or other obligation of the Walkers Green Community Development District, nor any default thereon, shall constitute a debt or obligation of the City.

SECTION 11. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

SECTION 12. It is the intention of the City Commission, and it is hereby ordained, that the provisions of this ordinance shall be excluded from the City's Code of Ordinances.

SECTION 13. This Ordinance shall become effective immediately upon its adoption.



DERRICK L. HENRY  
Mayor

ATTEST:



LETITIA LAMAGNA  
City Clerk

Passed: August 19, 2020  
Adopted: September 9, 2020