

ORDINANCE NO. 2024-12

ORDINANCE GRANTING THE PETITION OF OHTC DEVELOPMENT, LLC, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT, CREATING AND ESTABLISHING THE OAK HILL TOWN CENTER 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, OHTC Development, LLC ("OHTC"), a Florida limited liability company, owns approximately 414.75 +/- acres, more or less of land generally located east of U.S. Highway 1, south of Halifax Avenue ("Subject Property"); and

WHEREAS, OHTC has petitioned The City of Oak Hill (the "City") for establishment of a community development district, to be known as "The Oak Hill Town Center Community Development District" (the "District"), the boundaries of which would be coterminous with the Subject Property with exception of two parcels within the external boundaries of the District which are being excluded from the District, and has paid the City the required \$15,0000; and

WHEREAS, a public hearing has been conducted by the City Commission of 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, responsive and economic way to deliver community development services within the Subject Property, thereby providing a solution for delivery of capital public infrastructure therein without overburdening residents not residing within the proposed District boundaries, and based on the information provided in the Petition, including the following representations:

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

(b) That the District represents an efficient means of connecting properties within the proposed District boundaries with water, sewer, reuse water, stormwater, and solid waste utility services provided by applicable service providers; and

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

(d) That all other powers and duties of the City exercised by the City throughout the corporate limits of the City shall be exercised within the District's boundaries unless otherwise specifically provided for herein; 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 (e.g. the Subject Property) 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 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 Oak Hill, 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 Oak Hill Town Center Community Development District over the real property describe in Exhibit 2 of the Petition dated July 3, 2024, which is on file in the Office of the City Clerk, is hereby granted. A copy of the Petition is attached and incorporated herein as Attachment A.

SECTION 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibits 1 and 2 of Attachment A.

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

1. Name: Harry Newkirk
 Address: 1230 US-1 STE 3, Ormond Beach, FL 32174
2. Name: Bradley Bauknecht
 Address: 1230 US-1 STE 3, Ormond Beach, FL 32174

3. Name: Cody Bogart
 Address: 1230 US-1 STE 3, Ormond Beach, FL 32174
4. Name: Shamus Schroeder
 Address: 1230 US-1 STE 3, Ormond Beach, FL 32174
5. Name: Justin Payne
 Address: 1230 US-1 STE 3, Ormond Beach, FL 32174

SECTION 5. The name of the District shall be "The Oak Hill Town Center Community Development District".

SECTION 6. The Oak Hill Town Center 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 of The Oak Hill Town Center 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 The Oak Hill Town Center 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 the public interest of all citizens of the City to grant such general powers and special powers.

SECTION 9. All bonds issued by The Oak Hill Town Center Community Development District pursuant to the powers granted by this ordinance shall be validate pursuant to Chapter 75, Florida Statutes.

SECTION 10. No bond, debt, or other obligation of The Oak Hill Town Center Community Development District, nor any default thereon, shall constitute a debt or obligation of the City. By enacting this Ordinance, the City shall not be deemed in any respect, under any theory of law

whatsoever, to have pledged the ad valorem taxation powers of the City or any other taxing power of the City, directly or indirectly, for the benefit of the District.

SECTION 11. The establishment of this District as provided herein is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of Subject Property within the District. The District created herein does not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. The District shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the City.

SECTION 12. The District will enter into an interlocal agreement with the City to allocate construction and maintenance responsibilities regarding public infrastructure, public facilities, and public services, consistent with the representations contained in the Petition and set forth above.

SECTION 13. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall be affected by such invalidity.

SECTION 14. It is the intention of the City Commission, and it is hereby ordained that the provision of this ordinance shall be excluded from the City's Code of Ordinances.

SECTION 15. This Ordinance shall become effective immediately upon its adoption.



Douglas A. Gibson, Mayor

ATTEST:



Jerome Adams, City Administrator

Approved as to form and legality
for the use for the City of Oak Hill,
Florida, only.



Scott E. Simpson, City Attorney