

~~BOARD OF COUNTY COMMISSIONERS~~ — ~~ORDINANCE NO.~~

ORDINANCE NO. 25-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, CREATING THE CANTERWOOD ACRES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAME OF THE DISTRICT TO BE KNOWN AS CANTERWOOD ACRES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR POWERS; PROVIDING FOR APPLICABILITY OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR NO ASSUMPTION OF DISTRICT OBLIGATIONS BY MARION COUNTY; PROVIDING FOR NO LIMITATION ON MARION COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 190, Florida Statutes, the “Uniform Community Development District Act of 1980” (“Act”). And specifically, Section 190.005, “Establishment of district” at subsection 190.005(2) and Marion County Ordinance 97-10 sets forth the exclusive and uniform method for establishment of an independent community development district of less than two thousand five hundred (2,500) acres in Marion County, Florida: and

WHEREAS, Section 190.005(2), Florida Statutes, requires a petition for the establishment of a community development district to be filed with the County Commission, which petition is required to include certain information as required in Section 190.005(1)(a) and said petition is required to be considered at a public hearing conducted by the County Commission in accordance with the requirements and procedures of Section 190.005(1)(d); and

WHEREAS, a petition for the establishment of the Canterwood Acres Community Development District, which included a statement of estimated regulatory costs, and the other information required in Section 190.005(1)(a), Florida Statutes (together, “Petition”) was submitted by Ocala SW 100th, LLC, a Florida limited liability company, and considered at a public hearing on _____2025: and

WHEREAS, the petition sets forth the external boundaries of the District: and

WHEREAS, on _____, 2025, the Board of County Commissioners conducted a public hearing to receive public comment and to consider the factors set forth in Section 190.005(1)(e) Florida Statutes, to make a determination to grant or deny the Petition for the

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establishment of Canterwood Acres Community Development District: and

WHEREAS, Section 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to exercise its legislative discretion and enact an ordinance granting the Petition for the establishment of a community development district to be known as Canterwood Acres Community Development District: and

WHEREAS, the Petition to establish the Canterwood Acres Community Development District provides that 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 community, and otherwise satisfies the requirements of Section 190.005(1)(e), Florida Statutes;

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. ESTABLISHMENT AND NAME OF DISTRICT. The Petition for the establishment of the “Canterwood Acres Community Development District” is hereby granted, and there is hereby established pursuant to the provisions of Section 190.005(2), Florida Statutes, a community development district which shall be known as the “Canterwood Acres Community Development District” (“District”).

SECTION 2. LEGAL DESCRIPTION. The external boundaries of the District are legally described in *Exhibit A*, attached hereto and incorporated herein. A map reflecting the external boundaries of the District is attached hereto as *Exhibit B*.

SECTION 3. FINDINGS OF FACT. Pursuant to Section 190.005(2), Florida Statutes, the Board of County Commissioners hereby adopts the following findings of fact at the public hearing on the Petition to establish the District:

- A. All statements contained within the Petition are true and correct, and all statements set forth in the preamble to this ordinance are true and correct.
- B. The creation of the District is not inconsistent with applicable elements or portions of the State of Florida Comprehensive Plan set out in Chapter 187, Florida Statutes, and the Marion County Comprehensive Plan, adopted in Ordinance 92-3, as amended.
- C. 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 community.
- D. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- E. The community development services and facilities of the District will not be incompatible with the capability and uses of existing local and regional community development services and facilities.

- F. The area to be served by the District is amenable to separate special district government.

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SECTION 4. BOARD OF SUPERVISORS.

- A. The initial five (5) members of the District Board of Supervisors shall be Carla Tabshe, Tony Tabshe, Jack Tabshe, Dawson Ransome, and Eric Davidson.
- B. The Board of Supervisors of the District shall exercise all powers granted to the District pursuant to Chapter 190, Florida Statutes, consistent with all applicable governmental laws, rules, and regulations.

SECTION 5. POWERS.

- A. The powers and functions of the District are described in Chapter 190, Florida Statutes, as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, Florida Statutes, as created by general law. Pursuant to Section 190.012(2)(a) and (2)(d), Florida Statutes, the District's Board of Supervisors may further exercise certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (i) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (ii) security, including but not limited to guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by applicable governmental agencies; except that the District may not exercise any police power, but may contract with the County for an increased level of such services within the proposed District boundaries.
- B. The creation of an independent community development district is not a development order within the meaning of Chapter 380, Florida Statutes. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of land within this community development district. Community development districts do 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 Local Government Comprehensive Planning and Land Development Regulation Act. The District shall take no action that is inconsistent with applicable comprehensive plans, ordinances, or regulations of Marion County.

SECTION 6. COMPLIANCE WITH LAWS AND ORDINANCES The District shall comply with Chapter 190, Florida Statutes, and all applicable federal, state, and regional laws, statutes, rules, and regulations, and all applicable provisions of the Marion County Comprehensive Plan, Land Development Code provisions, ordinances, rules, and regulations.

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SECTION 7. NO MARION COUNTY OBLIGATION. No debt, obligation, or duty of the District shall constitute a debt, obligation, duty, or burden of or on Marion County.

SECTION 8. NO LIMITATION ON MARION COUNTY POWERS. Establishment of the District in no way limits Marion County in the exercise of its powers or authority as provided in Chapter 125, Florida Statutes, and other Florida Statutes upon the property within the District.

SECTION 9. REQUIRED DISCLOSURE. The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in Sections 190.009 and 190.048, Florida Statutes, as amended from time to time. The District shall comply with the notice of establishment requirements of Section 190.,0485, Florida Statutes.

SECTION 10. SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereto.

SECTION 11. REPEAL. All Ordinances or parts of Ordinances which are in conflict with the Ordinance are hereby repealed.

SECTION 12. EFFECTIVE DATE. The Clerk of the Board shall file a certified copy of this Ordinance as enacted with the Office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.

DULY ADOPTED in regular session by the Board of County Commissioners of Marion County this _____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

KATHY BRYANT, CHAIR

ATTEST:

GREGORY C. HARRELL, CLERK

APPROVED AS TO FORM:

MATTHEW G. MINTER, COUNTY ATTORNEY

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(SEAL)

ATTEST: _____ BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA

Name : _____ Name: _____ Title: _____ Title: _____

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