

ORDINANCE NO. 9437-21

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING ORDINANCE 7515-05 AS AMENDED BY ORDINANCE 7564-05, WHICH ESTABLISHED THE CLEARWATER CAY COMMUNITY DEVELOPMENT DISTRICT, BY CONTRACTING BOUNDARIES OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE AREA REMOVED FROM THE DISTRICT AND DESCRIBING THE EXTERNAL BOUNDARIES OF THE CONTRACTED DISTRICT; PROVIDING THAT THE CITY MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.049, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, CL Clearwater LP, a Delaware limited partnership; CL Clearwater LLC, a Delaware limited liability company, doing business in Florida as CL Tampa Clearwater LLC; CL Clearwater Owner 3 LLC, a Delaware limited liability company; CL Clearwater Owner 4 LLC, a Delaware limited liability company; CL Clearwater Owner 5 LLC, a Delaware limited liability company; and CL Clearwater Owner 6 LLC, a Delaware limited liability company, ("Petitioners"), a community development district established by Ordinance No. 7515-05, adopted on September 15, 2005 as amended by Ordinance 7564-05, adopted on January 19, 2006 of the City Council of Clearwater, Florida, and effective on that date ("City Ordinance"), have petitioned the City Council of the City of Clearwater, Florida ("Council"), through its Petition to Amend Clearwater Cay Community Development District ("Petition"), to contract by non-emergency ordinance, the boundaries of the Clearwater Cay Community Development District ("District"); and

WHEREAS, the Council, after proper published notice, conducted a local public, legislative and information-gathering ordinance hearing as required by law and hereby finds as follows:

1. The Petition is complete in that it meets the requirements of Section 190.046(1), *Florida Statutes* (2020), and all statements contained within the Petition are true and correct,
2. The appropriate staff persons of the City of Clearwater have reviewed the Petition and have found that it is complete and sufficient,
3. The costs to the City of Clearwater and government agencies from contraction of the District are nominal. There is no adverse impact on competition or employment from District contraction. The persons affected by contraction are the

future landowners and present landowners within the Contracted District, the future landowners and present landowners within the Contraction Parcel, the City of Clearwater and its taxpayers, and the State of Florida. The SERC of the Petitioner pertaining to District contraction is complete and adequate, in that it meets the requirements of Section 120.541, *Florida Statutes*.

4. Contraction of the District by this Ordinance, whose uniform general law charter is Sections 190.006 - 190.049, *Florida Statutes*, is subject to and not inconsistent with the local Comprehensive Plan of the City of Clearwater and with the State Comprehensive Plan.

5. The area of land within the District as amended is part of a planned community. The Contraction Parcel is not currently anticipated to be part of the same planned community and is not being served by any services or facilities of the District.

6. The District as amended will continue to be of sufficient size and sufficiently compact and contiguous to be one functional and interrelated community.

7. The District issued capital improvement revenue bonds, the repayment of which is through special or non-ad valorem assessments levied against benefited properties within the District.

8. On October 19, 2016, the properties in the Contraction Parcel were released from any obligation related to the bonds through a Partial Release and Satisfaction of Lien.

9. Upon the effective date of this Ordinance, the Clearwater Cay Community Development District will cease to be duly and legally authorized to exist on the proposed Contraction Parcel and, as to the Contraction Parcel shall cease to exercise any of its general and special powers in accordance with, and as granted by, its uniform community development district charter as provided in Sections 190.006- 190.049, *Florida Statutes*.

10. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Clearwater that:

SECTION ONE: DISTRICT NAME. The Community Development District as herein contracted will continue to be known as the "Clearwater Cay Community Development District."

SECTION TWO: AUTHORITY FOR ORDINANCE. This Ordinance is adopted pursuant to Section 190.046(1)(a) and (l)(b). *Florida Statutes* (2020), and other applicable provisions of law.

SECTION THREE: CONTRACTION OF DISTRICT: The Clearwater Cay Community Development District as created by Ordinance No. 7515-05 as amended by Ordinance No, 7564-05, is hereby contracted to exclude the Contraction Parcel, as described in the Petition, and the new, contracted boundaries of the Clearwater Cay Community Development District (excluding the Contraction Parcel) shall be comprised of the real property described in Exhibit A attached hereto and incorporated by reference herein. The District upon the effective date of this Ordinance, shall be duly and legally authorized to exist on all of the real property described on Exhibit A and to exercise all its general and special powers, in accordance with, and as granted by, its uniform community development district charter as provided in Sections 190.006 - 190.049, *Florida Statutes*, without question as to the District's contraction, and its continued rights, authority and power to exercise its limited powers under law. The District shall thereafter exercise no powers as to the Contraction Property.

SECTION FOUR: STATUTORY PROVISIONS CONSTITUTING THE UNIFORM CHARTER DISTRICT. The Clearwater Cay Community Development District shall continue to be governed by the provisions of Chapter 190. *Florida Statutes*, specifically Sections 190.006 - 190.049, *Florida Statutes*, which constitutes its uniform charter created by general law.

SECTION FIVE: CONFLICT AND SEVERABILITY. In the event this Ordinance conflicts with any other ordinance or resolution of the City of Clearwater or other applicable law, the more restrictive shall apply. If any phase or portion of this Ordinance is 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 portion.

SECTION SIX: EFFECTIVE DATE. This ordinance becomes effective upon filing with the Florida Secretary of State.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL _____
READING AND ADOPTED

Frank Hibbard
Mayor

Approved as to form:

Attest:

Pamela K. Akin
City Attorney

Rosemarie Call
City Clerk

Exhibit A

LEGAL DESCRIPTION OF CONTRACTED CDD

A parcel of land in Sections 20 and 29, Township 29 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 20; thence along the South line of said Section 20, S89°19'48"E, a distance of 100.01 feet to the East right of way line of U.S. Highway 19 and the POINT OF BEGINNING; thence N01°26'21"E, along said East right of way line, a distance of 350.00 feet; thence S89°19'48"E parallel with said South line of Section 20, a distance of 175.00 feet to the Southeast corner of property conveyed in Official Records Book 13955, Page 418 of the Public Records of Pinellas County, Florida; thence N01°26'21"E, along the East line of said property, a distance of 200.00 feet to the Northeast corner of said property; thence N89°19'48"W, along the North line of said property, a distance of 175.00 feet to said East right of way line of U.S. Highway 19; thence N01°26'21"E, along said East right of way line, a distance of 73.79 feet to the Southwest corner of property conveyed in Official Records Book 13618, Page 304 of the Public Records of Pinellas County, Florida; thence S89°19'48"E, along the South line of said property, a distance of 210.24 feet to the Southeast corner of said property; thence N01°26'21"E, along the East line of said property, a distance of 179.82 feet to the Northeast corner of said property; thence N89°19'48"W, along the North line of said property, a distance of 210.24 feet to said East right of way line of U.S. Highway 19; thence N01°26'21"E, along said East right of way line, a distance of 361.95 feet; thence S89°26'50"E, a distance of 885.00 feet; thence S01°26'21"W, a distance of 572.00 feet; thence N89°19'48"W, a distance of 263.00 feet; thence S01°26'21"W, a distance of 246.00 feet; thence N89°19'48"W, a distance of 12.00 feet; thence S01°26'21"W, a distance of 349.37 feet to said South line of Section 20 and the North line of said Section 29; thence S89°19'48"E, along said South line and North line, a distance of 11.39 feet to Northeast corner of property conveyed in Official Records Book 10769, Page 1415 of the Public Records of Pinellas County, Florida; thence S00°27'22"E, for 43.51 feet to the Northwest corner of property conveyed in Official Records Book 13805, Page 313 of the Public Records of Pinellas County, Florida, said corner also being a point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing S00°27'51"E, and having a radius of 35.00 feet, a central angle of 14°51'42", an arc length of 9.08 feet and a chord bearing S83°02'00"E, for 9.05 feet to the point of reverse curvature with a curve concave to the North; thence Easterly along the arc of said curve, having a radius of 35.00 feet, a central angle of 13°43'39", an arc length of 8.39 feet and a chord bearing S82°27'58"E, for 8.37 feet to the point of tangency; thence S89°19'48"E, for 111.84 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing N00°40'13"E, and having a radius of 55.50 feet, a central angle of 118°44'08", an arc length of 115.01 feet and a chord bearing N31°18'08"E, for 95.51 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Southeasterly along the arc of said curve with a radial bearing N61°56'04"E, and having a radius of 15.00 feet, a central angle of 46°10'01", an arc length of 12.09 feet and a chord bearing S51°08'57"E, for 11.76 feet to the point of compound curvature with a curve concave to the North; thence Easterly along the arc of said curve, having a radius of 125.00 feet, a central angle of 56°40'40", an arc length of 123.65 feet and a chord bearing N77°25'43"E, for 118.67 feet to the point of reverse curvature with a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 303.00 feet, a central angle of 00°31'45", an arc length of 2.80 feet and a chord bearing N49°21'15"E, for 2.80 feet to the point of intersection with a non-tangent line; thence N40°22'52"W, for 14.84 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Northeasterly along the arc of said curve with a radial bearing N40°43'39"W, and having a radius of 74.87 feet, a central angle of 02°40'04", an arc length of 3.49 feet and a chord bearing N47°56'19"E, for 3.49 feet to the point of reverse

curvature with a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 234.00 feet, a central angle of 34°19'10", an arc length of 140.16 feet and a chord bearing N63°45'52"E, for 138.08 feet to the point of tangency; thence N80°55'27"E, for 97.25 feet; thence N56°01'58"E, for 40.45 feet; thence N78°50'41"E, for 127.14 feet; thence S78°23'09"E, for 24.44 feet; thence S11°52'40"E, for 9.10 feet; thence N79°23'05"E, for 49.80 feet; thence N10°51'19"W, for 10.82 feet; thence N42°27'28"E, for 66.63 feet; thence N35°48'02"E, for 134.85 feet; thence East, for 67.34 feet; thence S38°08'04"E, for 12.67 feet; thence East, for 68.14 feet; thence N54°10'51"E, for 17.03 feet; thence East, for 96.27 feet; thence N55°05'18"E, for 63.64 feet; thence East, for 25.42 feet to the point of curvature of a curve concave to the North; thence Easterly along the arc of said curve, having a radius of 64.00 feet, a central angle of 39°42'28", an arc length of 44.35 feet and a chord bearing N70°08'46"E, for 43.47 feet to the point of reverse curvature with a curve concave to the South; thence Northeasterly along the arc of said curve, having a radius of 58.00 feet, a central angle of 36°55'37", an arc length of 37.38 feet and a chord bearing N68°45'21"E, for 36.74 feet to the point of reverse curvature with a curve concave to the Northwest; thence Easterly along the arc of said curve, having a radius of 54.00 feet, a central angle of 87°13'09", an arc length of 82.20 feet and a chord bearing N43°36'34"E, for 74.49 feet to the point of tangency; thence North, for 189.83 feet; thence S89°19'09"E, for 779.97 feet; thence S60°00'00"W, for 1333.52 feet; thence S89°19'48"E, for 209.91 feet; thence S24°54'45"W, for 343.41 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence Southwesterly along the arc of said curve with a radial bearing S52°36'11"E, and having a radius of 1577.45 feet, a central angle of 13°22'27", an arc length of 368.22 feet and a chord bearing S30°42'35"W, for 367.38 feet to the point of intersection with a non-tangent line; thence N89°04'26"W, for 829.18 feet to the Southeast corner of property conveyed in Official Records Book 10769, Page 1415 of the Public Records of Pinellas County, Florida; thence N89°21'00"W, along the South line of said property, a distance of 635.75 feet to said East right of way line of U.S. Highway 19; thence N00°51'16"E, along said East right of way line, 627.67 feet to the said POINT OF BEGINNING;

LESS AND EXCEPT the following described parcel:

A parcel of land lying in the Southwest 1/4 of the Southwest 1/4 of Section 20, Township 29 South, Range 16 East, Pinellas County, Florida, per Official Records Book 9527, Page 480, Public Records of Pinellas County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 20 and run South 89°19'48" East, 100.00 feet to the East right-of-way line of U.S. Highway 19; thence North 01°26'21" East along said East right-of-way line, 5.00 feet to the POINT OF BEGINNING; thence continue North 01°26'21" East, along said East right-of-way line, 345.00 feet; thence South 89°19'48" East, 252.55 feet; thence South 01°26'21" West, 345.00 feet; thence North 89°19'48" West, 252.55 feet to the POINT OF BEGINNING.

AND FURTHER LESS AND EXCEPT the following described parcel:

A PARCEL OF LAND IN SECTION 20, TOWNSHIP 29 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 20; THENCE ALONG THE SOUTH LINE OF SAID SECTION 20, S.89°19'48"E., A DISTANCE OF 100.01 FEET, TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 19; THENCE N.01°26'21"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET; THENCE S.89°19'48"E., ALONG A LINE THAT IS 5.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE OF SECTION 20, A DISTANCE OF 252.55 FEET, TO THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 9527, PAGE 480 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE N.01°26'21"E., ALONG THE EAST LINE OF SAID PROPERTY, A DISTANCE OF 345.00 FEET, TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE N.89°19'48"W., ALONG THE NORTH

LINE OF SAID PROPERTY, A DISTANCE OF 77.55 FEET, TO THE SOUTHEAST CORNER OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 13955, PAGE 418 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N.01°26'21"E., ALONG THE EAST LINE OF SAID PROPERTY, A DISTANCE OF 200.00 FEET, TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE N.89°19'48"W., ALONG THE NORTH LINE OF SAID PROPERTY, A DISTANCE OF 175.00 FEET, TO SAID EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 19; THENCE N.01°26'21"E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 73.79 FEET, TO THE SOUTHWEST CORNER OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 13618, PAGE 2304 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S.89°19'48"E., ALONG THE SOUTH LINE OF SAID PROPERTY, A DISTANCE OF 210.24 FEET, TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE N.01°26'21"E., ALONG THE EAST LINE OF SAID PROPERTY, A DISTANCE OF 179.82 FEET, TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE N.89°19'48"W., ALONG THE NORTH LINE OF SAID PROPERTY, A DISTANCE OF 210.24 FEET, TO THE NORTHWEST CORNER OF SAID PROPERTY, SAME BEING A POINT ON THE SAID EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 19; THENCE N.01°26'21"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 361.95 FEET, TO THE SOUTHWEST CORNER OF PROPERTY AS DESCRIBED IN OFFICIAL RECORDS BOOK 9842, PAGE 1005 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S.89°26'50"E., ALONG SAID SOUTH LINE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 885.02 FEET, TO THE NORTHWEST CORNER OF THE GRAND BELLAGIO AT BAYWATCH CONDOMINIUMS, AS RECORDED IN CONDOMINIUM PLAT BOOK 129, PAGE 001 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE WESTERLY LINE OF SAID PLAT S.01°26'21"W. FOR 572.00 FEET; THENCE N.89°19'48"W. FOR 263.00 FEET; THENCE S.01°26'21"W. FOR 246.00 FEET; THENCE N.89°19'48"W. FOR 12.00 FEET; THENCE S.01°26'21"W. FOR 205.92 FEET; THENCE N.88°34'42"W., 200.38 FEET; THENCE S.01°25'18"W., 141.08 FEET; THENCE N.89°19'48"W., ALONG A LINE THAT IS 5.00 FEET NORTH OF AND PARALLEL WITH THE SAID SOUTH LINE OF SECTION 20, A DISTANCE OF 157.10 FEET, TO THE POINT OF BEGINNING.