

**ORDINANCE NO. 2022 -   11**

**AN ORDINANCE OF THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA, ESTABLISHING THE RADIANCE COMMUNITY DEVELOPMENT DISTRICT LOCATED WITH THE BOUNDARIES OF FLAGLER COUNTY, FLORIDA AND CONTAINING APPROXIMATELY 610.72 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE RADIANCE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD MEMBERS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Kolter Group Acquisitions LLC, a Florida limited liability company, has petitioned the County Commission of Flagler County, Florida, a political subdivision of the State of Florida, (“Commission”) to establish the RADIANCE COMMUNITY DEVELOPMENT DISTRICT (“District”); and

**WHEREAS**, the Commission, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete and meets the requirements of Section 190.005, Florida Statutes, and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the local comprehensive plan of Flagler County, Florida, or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The area that will be served by the District is amenable to separate special-district government.

**WHEREAS**, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

**WHEREAS**, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a 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. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable general-purpose government.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA that:

**SECTION ONE: AUTHORITY FOR ORDINANCE**

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION TWO: ESTABLISHMENT OF THE RADIANCE COMMUNITY DEVELOPMENT DISTRICT**

The Radiance Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

**SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS**

The following five persons are herewith designated to be the initial members of the Board of Supervisors:

- |    |  |    |  |
|----|--|----|--|
| 1. | James P. Harvey<br>14025 Riveredge Drive, Suite 175<br>Tampa, FL 33637   | 2. | Greg Meath<br>14025 Riveredge Drive, Suite 175<br>Tampa, FL 33637  |
| 3. | Candice Smith<br>14025 Riveredge Drive, Suite 175<br>Tampa, FL 33637     | 4. | Brad Walker<br>14025 Riveredge Drive, Suite 175<br>Tampa, FL 33637 |
| 5. | Christopher Reese<br>14025 Riveredge Drive, Suite 175<br>Tampa, FL 33637 |    |  |

**SECTION FOUR: DISTRICT NAME**

The community development district herein established shall henceforth be known as the "Radiance Community Development District."

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT**

The Radiance Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local law.

**SECTION SIX: CONSENT TO SPECIAL POWERS**

Upon the effective date of this Ordinance, the Radiance Community Development District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law.

The Commission hereby consents to the exercise by the Board of Supervisors of the District of special powers set forth in Section 190.012(2)(a) and 190.012(2)(d), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, as well as facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol

cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

**SECTION SEVEN: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance of Flagler County, Florida or other applicable law, the more restrictive shall apply. If any phrase 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 EIGHT: EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Florida Department of State.

**PASSED AND DULY ADOPTED** by the County Commission of Flagler County, Florida, this 11<sup>th</sup> day of July 2022.

**Attest:**

  
Tom Bexley, Clerk of the Circuit  
Court and Comptroller

**Flagler County Board of County  
Commissioners**

  
Joseph E. Mullins, Chair

Approved as to Form:

  
Sean S. Moylan, Deputy County Attorney



## EXHIBIT "A"

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22, 26, 27, 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'59"E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°19'40"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING AND A POINT OF A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, RUN EASTERLY ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT, 216.02 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 499.93 FEET AND A CENTRAL ANGLE OF 24°45'26" (CHORD BEARING N 77°18'42" E, 214.34 FEET); THENCE DEPARTING THE EASTERLY LINE OF SAID DRAINAGE EASEMENT, N 64°55'59" E, A DISTANCE OF 2688.10 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE NEXT THREE CALLS, RUN S 26°39'09" E, A DISTANCE OF 1575.64 FEET; THENCE SOUTHEASTERLY, 271.36 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 5679.65 FEET AND A CENTRAL ANGLE OF 02°44'15" (CHORD BEARING S 25°17'02" E, 271.34 FEET); THENCE S 23°54'54" E, A DISTANCE OF 178.81 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, S 61°47'39" W, A DISTANCE OF 1000.04 FEET; THENCE S 26°37'56" E, A DISTANCE OF 394.86 FEET; THENCE N 61°47'39" E, A DISTANCE OF 230.32 FEET; THENCE S 26°37'56" E, A DISTANCE OF 705.14 FEET; THENCE N 61°47'39" E, A DISTANCE OF 750.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE NEXT FOUR CALLS: S 26°38'09" E, A DISTANCE OF 466.61 FEET; THENCE SOUTHEASTERLY, 259.33 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 5779.65 FEET AND A CENTRAL ANGLE OF 02°34'15" (CHORD BEARING S 27°55'17" E, 259.31 FEET); THENCE S 29°12'24" E, A DISTANCE OF 1631.99 FEET; THENCE SOUTHEASTERLY, 81.96 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 01°40'06" (CHORD BEARING S 28°22'22" E, 81.96 FEET); THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, S 89°00'32" W, A DISTANCE OF 374.05 FEET; THENCE S 22°30'26" E, A DISTANCE OF 614.01 FEET; THENCE N 89°00'32" E, A DISTANCE OF 374.32 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF OLD KINGS ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S 20°36'54" E, A DISTANCE OF 53.09 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, S 89°00'32" W, A DISTANCE OF 968.74 FEET; THENCE S 01°01'16" E, A DISTANCE OF 660.16 FEET; THENCE S 01°50'43" W, A DISTANCE OF 200.27 FEET; THENCE N 88°59'35" E, A DISTANCE OF 547.76 FEET; THENCE S

15°12'02" W, A DISTANCE OF 1089.80 FEET; THENCE S 00°55'04" E, A DISTANCE OF 1281.08 FEET; THENCE S 09°25'13" W, A DISTANCE OF 627.21 FEET; THENCE S 67°07'09" W, A DISTANCE OF 835.39 FEET TO THE CENTER OF THE KORONA CANAL AS RECORDED IN O.R. BOOK 459, PAGE 127 AND O.R. BOOK 28, PAGE 94, THENCE ALONG THE CENTER LINE OF SAID KORONA CANAL, N 73°59'58" W, A DISTANCE OF 1007.87 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (R/W VARIES) THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 THENCE N 20°45'40" W, A DISTANCE OF 1579.44 FEET; THENCE N 34°47'51" W, A DISTANCE OF 206.16 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, N 06°06'10" W, A DISTANCE OF 276.62 FEET; THENCE N 20°45'41" W, A DISTANCE OF 40.00 FEET; THENCE, S 69°14'19" W, A DISTANCE OF 70.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N 20°45'40" W, A DISTANCE OF 39.97 FEET; THENCE NORTHERLY, 1453.63 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 34227.47 FEET AND A CENTRAL ANGLE OF 02°26'00" (CHORD BEARING N 19°32'40" W, 1453.52 FEET); THENCE N 18°19'40" W, A DISTANCE OF 343.18 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, N 03°40'43" W, A DISTANCE OF 276.61 FEET; THENCE N 18°20'14" W, A DISTANCE OF 40.00 FEET; THENCE S 71°39'46" W, A DISTANCE OF 69.95 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N 18°19'40" W, A DISTANCE OF 4519.64 FEET TO THE POINT OF BEGINNING.

# STATE OF FLORIDA DEPARTMENT OF STATE

I, CORD WARD, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Flagler County Ordinance No. 2022-11, The Radiance CDD, which was filed in this office on July 12, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

**Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
18th day of July, A.D., 2022.**



  
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document