

ORDINANCE 2022-791

AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, DISSOLVING THE WYLD PALMS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.046(10), FLORIDA STATUTES, AND REPEALING CITY ORDINANCE NO. 2006-644; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wyld Palms Community Development District ("Wyld Palms CDD" or "District") was established by Ordinance No. 2006-644 of the City Council of the City of Inverness, Florida, pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Wyld Palms CDD is wholly within the boundaries of City of Inverness, Florida (the "City"); and

WHEREAS, on March 7, 2022, the Board of Supervisors ("Board") of the Wyld Palms CDD adopted Resolution No. 2022-03 authorizing the District Manager and District Counsel to file with the City a petition to dissolve the Wyld Palms CDD; and

WHEREAS, the Wyld Palms CDD has submitted such petition to dissolve Wyld Palms CDD ("Dissolution Petition") to the City Council of the City (the "City Council"), pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, to repeal Ordinance No. 2006-644 and to adopt an ordinance dissolving the Wyld Palms CDD pursuant to Section 190.046(10), Florida Statutes; and

WHEREAS, Section 190.046(10), Florida Statutes, permits a district with no outstanding financial obligations and no operating or maintenance responsibilities to petition the local governmental entity that established the district for dissolution of the district by a non-emergency ordinance; and

WHEREAS, according to the Affidavit of the District Manager, attached as Exhibit "A" of the Dissolution Petition, the Wyld Palms CDD does not presently have any outstanding financial obligations or operating or maintenance responsibilities, does not presently own any real property or infrastructure improvements, does not presently have any outstanding bonds, notes or other debt instruments, and does not presently have any debt service special assessments levied against the assessable real property located within the Wyld Palms CDD; and

WHEREAS, Garden Street Communities Southeast, LLC, the owner of the majority of the lands within the Wyld Palms CDD (the "Landowner") has consented to and approves of the

dissolution of the Wyld Palms CDD, and such approval and accompanying certifications are attached as Exhibit "B" of the Dissolution Petition; and

WHEREAS, the Landowner has entered into a Dissolution Funding Agreement with the Wyld Palms CDD, attached as Exhibit "B" of District Resolution 2022-03, in order to ensure financing for administrative costs through final dissolution; and

WHEREAS, the District Manager has represented to the City that there is no pending or threatened litigation against the Wyld Palms CDD; and

WHEREAS, the City, in determining whether to dissolve the Wyld Palms CDD, has considered the statements contained in the Dissolution Petition, including the Affidavit of the District Manager and the Request for Dissolution Letter from the Landowner, has determined that the dissolution of the Wyld Palms CDD is appropriate under Section 190.046(10), Florida Statutes, and that, as of the date of the adoption of this Ordinance, the Wyld Palms CDD has no further outstanding financial obligations and no further operating or maintenance responsibilities; and

WHEREAS, the City will not assume financial, operational, maintenance or any other obligations, liabilities, or responsibilities of the Wyld Palms CDD because of the dissolution; and

WHEREAS, the City finds that repealing Ordinance No. 2006-644 and dissolving the Wyld Palms CDD is in the best interest and promotes the health, safety and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INVERNESS, FLORIDA:

Section 1. Recitals. That the recitals above are hereby incorporated as if fully set forth herein.

Section 2. Authority. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, codified in Chapter 190, Florida Statutes.

Section 3. Dissolution of District. The City Council authorizes the dissolution of the Wyld Palms CDD pursuant to authority granted by Section 190.046(10), Florida Statutes, and other applicable provisions of law. The Wyld Palms CDD established by Ordinance No. 2006-644 is hereby dissolved.

Section 4. Reliance Upon Documentation. The dissolution of the Wyld Palms CDD is based upon and in reliance upon the request, and the documents, attachments, and representations from the Wyld Palms CDD and Landowner. Based upon such representations and documentation, the City shall assume no financial, operation, maintenance nor any other

obligations, liabilities, or responsibilities of the Wyld Palms CDD by virtue of such dissolution. Consequently, the City assumes and accepts no financial, operational, maintenance nor any other obligations, liabilities, or responsibilities of the Wyld Palms CDD by virtue of the dissolution.

Section 5. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict with this Ordinance, are repealed to the extent of such conflict, including Ordinance No. 2006-644.

Section 6. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Filing with the Department of State. The City Clerk shall be and is hereby directed to send a copy of this Ordinance to the Secretary of State for the State of Florida.


Section 8. Effective Date. The provisions within this Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED by the City Council of the City of Inverness, Florida, this 7th day of JUNE, 2022.

Upon motion duly made and carried on first reading, the foregoing Ordinance was approved on the 17th day of May, 2022.

Upon motion duly made and carried on second reading, the foregoing Ordinance was adopted on the 7th day of JUNE, 2022.

CITY OF INVERNESS, FLORIDA



CABOT MCRIDE, President



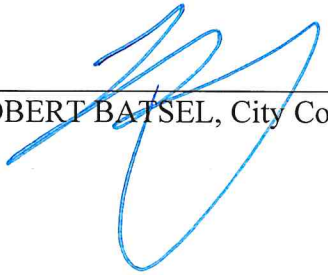
ROBERT PLAISTED, Mayor

ATTEST:



SUSAN JACKSON, City Clerk

Approved as to form and correctness:



ROBERT BATSEL, City Counsel