

Introduced by the Council President pursuant to Chapter 92,
Ordinance Code and amended by the Neighborhoods, Community
Services, Public Health and Safety Committee:

ORDINANCE 2017-820-E

AN ORDINANCE TO DETERMINE WHETHER TO CONDUCT A
PUBLIC HEARING TO CONSIDER THE PETITION TO
AMEND THE BOUNDARY OF THE TOLOMATO COMMUNITY
DEVELOPMENT DISTRICT, A SUCCESSOR BY MERGER TO
SPLIT PINE COMMUNITY DEVELOPMENT DISTRICT;
WAIVING SECTION 92.14 (STATE PETITIONS),
CHAPTER 92 (UNIFORM COMMUNITY DEVELOPMENT
DISTRICTS), *ORDINANCE CODE*, TO ALLOW
RECOMMENDATION OF NEIGHBORHOODS, COMMUNITY
SERVICES, PUBLIC HEALTH AND SAFETY, THE
TRANSPORTATION, ENERGY AND UTILITIES, AND THE
RULES COMMITTEES BEFORE CITY COUNCIL
DETERMINATION; AMENDING SECTION 92.22
(EXISTING COMMUNITY DEVELOPMENT DISTRICTS),
CHAPTER 92 (UNIFORM COMMUNITY DEVELOPMENT
DISTRICTS), *ORDINANCE CODE*, TO ADD NAME OF
MERGED DISTRICTS AND PRIOR CITY ACTION;
REQUESTING ONE CYCLE EMERGENCY PASSAGE;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, in July 2004, pursuant to Chapter 190, Florida
Statutes, the Florida Land and Water Adjudicatory Commission
("FLWAC") established the Split Pine Community Development District
in Duval County and the Tolomato Community Development District in

1 St. Johns County (the "CDDs") for the development of a master
2 planned community generally known as Nocatee; and

3 **WHEREAS**, on March 2, 2010, FLWAC merged the CDDs into one CDD,
4 the Tolomato Community Development District (the "Tolomato CDD");
5 and

6 **WHEREAS**, pursuant to Section 190.046, Florida Statutes, the
7 Tolomato CDD, on October 1, 2012, submitted to the City of
8 Jacksonville its Petition to Amend the Boundary of the Tolomato
9 Community Development District to FLWAC (the "2012 Petition") and
10 the required \$1,500 filing fee in order to add an additional 11.54
11 acres located in St. Johns County to the Tolomato CDD; and

12 **WHEREAS**, pursuant to Ordinance 2012-599-E, the City determined
13 that a hearing was not necessary because there was no public demand
14 or controversy and the 11.54 acres was located solely in St. Johns
15 County and, thereafter, FLWAC approved the 2012 Petition on July,
16 17, 2013; and

17 **WHEREAS**, pursuant to Section 190.046, Florida Statutes, the
18 Tolomato CDD, on November 21, 2017, submitted to the City of
19 Jacksonville its Petition to Amend the Boundary of the Tolomato
20 Community Development District **On File** in the Legislative Services
21 Division (the "Petition") and the required \$1,500 filing fee in
22 order to add an additional 79.34 acres, located in St. Johns County
23 and described as the Expansion Parcel and Parcel 5C Annex in
24 **Exhibit 1** attached hereto, to the Tolomato CDD; and

25 **WHEREAS**, pursuant to Section 190.005(1)(d), Florida Statutes,
26 the Tolomato CDD's District Board of Supervisors will schedule a
27 hearing concerning the Petition, and will submit its record of
28 proceedings to FLWAC for review; and

29 **WHEREAS**, pursuant to Chapter 190, Florida Statutes, the City
30 of Jacksonville has the option of conducting a public hearing, in
31 addition to the hearing conducted by the District Board of

Supervisors, to consider the contents of the Petition and whether the Petition should be supported by the City of Jacksonville; and

WHEREAS, the Tolomato CDD has not requested the City of Jacksonville to conduct said public hearing, but the City Council is authorized to conduct a public hearing on its own volition; and

WHEREAS, pursuant to Section 92.14, *Ordinance Code*, the City Council is obligated to vote at the next City Council meeting after the Petition is filed, as to whether to conduct a public hearing on the Petition; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Public Hearing Rejected. There being no public demand or controversy regarding the Petition and that the acres to be added to the Tolomato Community Development District are located in St. Johns County, the City Council hereby determines that an additional public hearing is not necessary and will not be scheduled.

Section 2. Section 92.14 (State Petitions), Ordinance Code, Waived to Allow Recommendation of Committees Before City Council Determination. Section 92.14 (State Petitions), Chapter 92 (Uniform Community Development Districts), *Ordinance Code*, requires the City Council to determine at the first City Council meeting after the Petition is filed to decide whether to conduct a public hearing. This section is hereby waived in order to allow for a recommendation by the Neighborhoods, Community Services, Public Health and Safety, the Transportation, Energy and Utilities, and the Rules Committees before the City Council makes its determination.

Section 3. Amending Section 92.22 (Existing Community Development Districts), Ordinance Code to Add Name of Merged Districts and Prior City Action. Section 92.22 (Existing Community

Development Districts), Chapter 92 (Uniform Community Development Districts), *Ordinance Code*, is hereby amended to read as follows:

CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS

*** * ***

Sec. 92.22 Existing Community Development Districts.

The following CDDs have been established in the City:

*** * ***

(6) Tolomato Community Development District, a successor by merger to Split Pine Community Development District. The Split Pine Community Development District was established by FLAWAC. The City granted consent to the Split Pine Community Development District to exercise special powers related to parks and facilities for indoor and outdoor recreational, cultural and educational uses in Resolution 2004-1124-A. In Resolution 2009-270-A, the City determined that an additional public hearing was not necessary when Split Pine Community Development District was merged into Tolomato Community Development District. In Ordinance 2012-599-E, the City determined that an additional public hearing was not necessary when Tolomato Community Development District added 11.54 acres in St. Johns County, Florida. In Ordinance 2017-820-E, the City determined that an additional public hearing was not necessary when Tolomato Community Development District added 79.34 acres in St. Johns County, Florida.

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Section 4. Requesting One-cycle Emergency Passage Pursuant to Council Rule 4.901 Emergency. One cycle emergency passage of this legislation is requested as required by Section 92.14, *Ordinance Code*. The nature of the emergency is that if the City Council decides to conduct a public hearing, the City has only 45 days from the date of the filing of the Petition to conduct the

1 public hearing, pursuant to Sections 190.005(1)(c) and 190.046,
2 Florida Statutes.

3 **Section 5. Effective Date.** This ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

6
7 Form Approved:

8
9 /s/ Paige Hobbs Johnston

10 Office of General Counsel

11 Legislation Prepared By: Emerson M. Lotzia

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