

## **ORDINANCE NO. 21 -072**

AN ORDINANCE OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING THE ADOPTION OF AMENDMENT **LDCPAL 2021-6**, AN AMENDMENT TO THE POLK COUNTY COMPREHENSIVE PLAN, ORDINANCE 92-36, AS AMENDED; PROVIDING FINDINGS; CHANGING THE FUTURE LAND USE DESIGNATION OF 979.65 +/- ACRES FROM PHOSPHATE MINING (PM) AND AGRICULTURAL/ RESIDENTIAL RURAL (A/RR) TO LEISURE RECREATION (LR) IN THE RURAL DEVELOPMENT AREA (RDA) LOCATED SOUTHEAST OF MULBERRY CITY LIMITS, SOUTHWEST OF THE PINEDALE RESIDENTIAL SUBDIVISION, WEST OF STATE ROAD 37, SOUTH OF COUNTY ROAD 640 (PINECREST ROAD), SOUTHEAST OF ANDERSON ROAD IN SECTIONS 26, 27 AND 35, TOWNSHIP 30, RANGE 23; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, Section I(g) of the Constitution of the State of Florida and the Community Planning Act, Chapter 163, Part II, Florida Statutes (FS), as amended, (the Act) Polk County is authorized and required to adopt a Comprehensive Plan (Plan); and

**WHEREAS**, Section 163.3184, FS, and Comprehensive Plan Section 4.305.B, provides for the approval of Large-Scale Comprehensive Plan Amendments; and

**WHEREAS**, Application LDCPAL 2021-6 is an applicant-initiated application to change the future land designation of 979.65 +/- acres from Phosphate Mining (PM) and Agricultural/ Residential Rural (A/RR) to Leisure Recreation (LR) in the Rural Development Area (RDA) (the "Amendment"); and

**WHEREAS**, pursuant to Section 163.3174, FS, the Local Planning Authority (Planning Commission) conducted a public hearing, with due public notice having been provided, on the Amendment on September 8, 2021; and

**WHEREAS**, pursuant to Section 163.3184, FS, the Board of County Commissioners on September 21, 2021 held an initial public hearing and authorized transmittal of the Amendment to the Department of Economic Opportunity (DEO) for written comment, and

**WHEREAS**, DEO, by letter dated 2021 transmitted objections, recommendations, and comments on the Amendment; and

**WHEREAS**, pursuant to Section 163.3184, FS, the Board of County Commissioners conducted an adoption public hearing, with due public notice having been provided, on the Amendment on November 30, 2021; and

**WHEREAS**, the Board of County Commissioners reviewed and considered all comments received during said public hearings, and provided for necessary revisions, if any; and

**WHEREAS**, the Board of County Commissioners has considered the data and analysis contained within the staff report; and

**WHEREAS**, the Amendment is consistent with Chapter 163, FS, and the Polk County Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED** by the Polk County Board of County Commissioners:

**SECTION 1: LEGISLATIVE FINDINGS OF FACT**

The findings of fact set forth in the recitals to this Ordinance are true and correct and hereby adopted.

**SECTION 2: COMPREHENSIVE PLAN AMENDMENT**

The Future Land Use Map of Ordinance No. 92-36, as amended, (the “Polk County Comprehensive Plan”) is hereby amended to reflect a change in the Future Land Use designation on 979.65 +/- acres from Phosphate Mining (PM) and Agricultural/ Residential Rural (A/RR) to Leisure Recreation (LR) in the Rural Development Area (RDA) on the parcels listed below and graphically depicted on the parcel map in Attachment “A”.

Parcels included (entire or portion of):

233027-000000-011010,  
233027-000000-012010,  
233026-000000-013020,  
233035-000000-031020,  
233027-000000-024010,  
233026-000000-013010

Legally described as:

That part of Sections 26, 27 and 35 described as follows:

Commencing at the NW corner of Section 27 run N89°47' 52" E, along the north boundary of said Section 27, a distance of 460.00 feet; thence S00° 12' 08" E a distance of 41.07 feet to the South Right of Way boundary of County Road 640 as recorded in Official Records Book 9845, page 1135. Polk County, Florida, and the POINT OF BEGINNING; thence S89°58' 13" E, along said South boundary, a distance of 852.70 feet; thence N00°02' 05" E, to the original South boundary of County Road # 640, a distance of 35.00 feet; thence S89°58' 13" E, along said South boundary, a distance of 1323.46 feet to a point on the East boundary of the NW ¼ of said Section 27, thence S89°55' 34" E a distance of 2616.28 feet to a point on the East boundary of said Section 27, said point lies S00°09'10" E, 27.48 feet from the NE corner of Section 27, also being the NW corner of Section 26; thence S89°47' 03" E, continuing along the South boundary of said County Road 640, a distance of 3827.16 to the Westerly boundary of State Road 37 Right of Way ; thence S 17° 14' 55" W along said West boundary, a distance of 861.17 feet to the beginning of a curve concaved to the SE having a radius of 7242.00 feet and central angle of 14° 09' 10"; thence Southwesterly along said curve with an arc length of 1788.87 feet, chord being of S10°10'20"W and chord distance of 1784.33 feet to the end of said curve; thence continue S03°05'45"W, along said West Right of Way boundary of State Road 37, a distance of 1357.77 feet; thence leaving State Road 37 Right of Way run the following six(6) courses and distances; (1) N89°41'29"W, 533.00' (2) S00°15'12"E, 736.12' (3) S58°07'10"W, 213.88' (4) S34°46'10"W, 198.85' (5) S27°31'26"W, 213.95' (6) S20°59'42"W, 134.98' to a point on the South boundary of said Section 26: thence S89°12'39"W, along said South boundary, a distance of 728.70 feet, thence S00°47'35"E, leaving said South boundary, a distance of 259.87 feet; thence S89°12'26"W a distance of 433.80 feet, thence N00°47'34"W, returning to the South boundary of said Section 26, a distance of 259.90 feet; thence S89°12'39"W, along said South boundary, a distance of 1131.63 feet to the SW corner of said Section 26, also being the SE corner of Section 27; thence S89°55'47"W, along the South boundary of Section 27, a distance of 5281.30 feet returning to the

**POINT OF BEGINNING.**

Said Parcel contains 42,356,232 square feet or 972.37 acres, more or less.

SUBJECT TO an Electrical Easement in Favor of Tampa Electric recorded in O.R. Book 1411, Page 843, Public Records of Polk County Florida.

**SECTION 3: SEVERABILITY**

If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction the other provisions shall remain in full force and effect.

**SECTION 4: EFFECTIVE DATE**

This ordinance shall be effective 31 days after the Department of Economic Opportunity notifies the County that the plan amendment package is complete. If timely challenged, this amendment becomes effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**SECTION 5: FILING WITH THE DEPARTMENT OF STATE:**

The Clerk and Auditor to the Board of County Commissioners of Polk County, Florida, shall file a certified copy of this ordinance with the Department of State, through the Secretary of State, upon adoption by the Board of County Commissioners of Polk County, Florida.

**ADOPTED**, in open session of the Polk County Board of County Commissioners with a quorum present and voting this 14<sup>th</sup> day of December 2021.



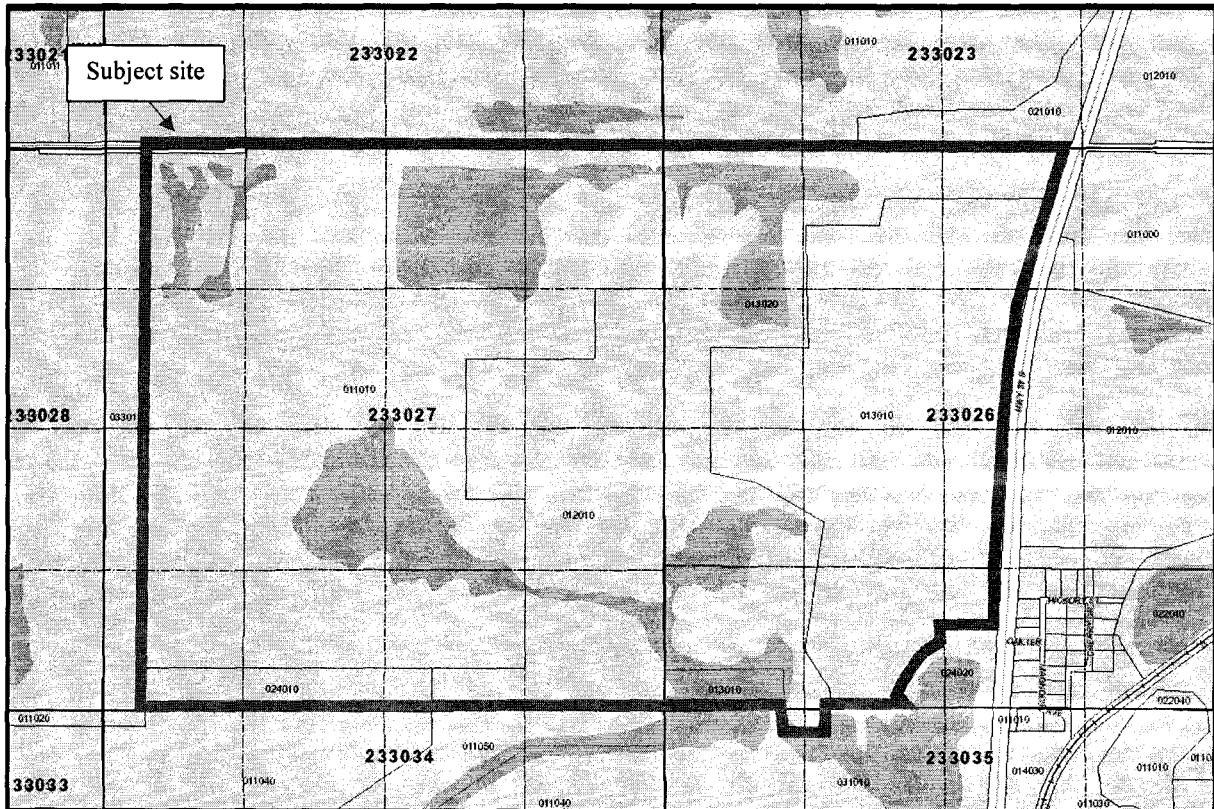
**ATTACHMENT "A"**

**LDCPAL-2021-6**

**Land Use:** PM to L/R (979.65 ± acres)

**Location:** The site is located southeast of Mulberry city limits, southwest of the Pinedale residential subdivision, West of State Road 37, south of County Road 640 (Pinecrest Road), southeast of Anderson Road.

**Sections-26, 27 and 35 Township-30 Range-23**



**Parcel Detail**  
Note: Not to Scale

STATE OF FLORIDA     )  
                                      )  
COUNTY OF POLK        )

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-072 adopted by the Board on December 14<sup>th</sup>, 2021.

WITNESS my hand and official seal on this 14<sup>th</sup> day of December 2021.



STACY M. BUTTERFIELD, CLERK

By:

  
Stephanie May  
Deputy Clerk



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 15, 2021

Ms. Stephanie May, Support Specialist, VAB Clerk  
Polk County  
Post Office Box 988  
Bartow, Florida 33831-0988

Dear Ms. May:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 21-072, which was filed in this office on December 14, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb