

## **RESOLUTION NO. 2019-22**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF LAKE WALES, FLORIDA, GRANTING AUTHORITY TO THE LAKE ASHTON II COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS RELATED TO RECREATION; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, the Lake Ashton II Community Development District (“District”) was established by Polk County Ordinance 05-006, as amended by Ordinance 05-042, both adopted by the Board of County Commissioners of Polk County on March 2, 2005, and July 27, 2005, respectively (collectively, the “Ordinance”) for the purpose of planning, financing, constructing, operating and/or maintaining certain public infrastructure; and

**WHEREAS**, the District is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes, as amended from time to time (“Act”); and

**WHEREAS**, the District is authorized to exercise all powers and functions granted by the Act, including but not limited to the general powers of section 190.011, Florida Statutes, and special powers in section 190.012(1), Florida Statutes; and

**WHEREAS**, pursuant to the Ordinance, the County consented to the District’s exercise of powers 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 recreation, cultural and educational uses as contained in section 190.012(2)(a), Florida Statutes (“Recreation Power”); and

**WHEREAS**, within the greater Lake Ashton community (“Lake Ashton Community”), which includes the lands within the District and the Lake Ashton Community Development District (“Lake Ashton CDD”), there is a golf course facility (the “Golf Club”) that is located in both the District and Lake Ashton CDD; and

**WHEREAS**, the Lake Ashton CDD is located within the jurisdiction of the City of Lake Wales, Florida (“City”) and, therefore, the portion of the Golf Club within Lake Ashton CDD is within the City; and

**WHEREAS**, the District has entered into a Contract for Sale and Purchase to buy all or a portion of a Golf Club; and

**WHEREAS**, the District desires for the entire Golf Club to be operated as one integrated facility in the future; and

**WHEREAS**, it is in the best interests of the Lake Ashton Community for the entire Golf Club to be operated as one integrated facility in the future; and

**WHEREAS**, in order to provide for the operation of the entire Golf Club in the future, the District is required to obtain the consent of the “local general-purpose government within the jurisdiction of which” the Recreation Power “is to be exercised;” and

**WHEREAS**, the City is a local general-purpose government within which a portion of the Golf Club is located; and

**WHEREAS**, the District’s Board of Supervisors submitted a request to the City Commission of the City for consent to the exercise of the Recreation Power by the District , pursuant to section 190.012(2)(a); and

**WHEREAS**, the City hereby resolves to grant such consent; provided, however, that the granting of such consent shall in no way abrogate, absolve, reduce or otherwise amend the obligations imposed by the ordinances or regulations of the City of Lake Wales, Florida, regarding the provision of recreation facilities or services.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of Lake Wales, Polk County, Florida:

**SECTION 1. CONSENT TO EXERCISE SPECIAL POWERS.** The City hereby grants consent to the District to exercise the powers 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 recreation, cultural and educational uses, all as further provided in Section 190.012(2)(a), Florida Statutes.

**SECTION 2. CONDITIONS OF CONSENT.** The granting of such consent shall in no way abrogate, absolve, reduce or otherwise amend the obligations imposed by ordinances or regulations of the City regarding the provision of recreation or security facilities or services.

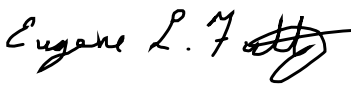
**SECTION 3. EFFECTIVE DATE.** This resolution shall take effect immediately upon its passage and adoption.

**THIS RESOLUTION INTRODUCED AND PASSED** by the City Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on December 3, 2019.

Attest:

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Jennifer Nanek, City Clerk  
City of Lake Wales

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Eugene L. Fultz, Mayor  
City of Lake Wales