

## ORDINANCE NO. 4 - 2022

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, GRANTING THE PETITION TO ESTABLISH THE TRANQUILITY COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2021), CONCERNING THAT CERTAIN APPROXIMATELY 455.76 +/- ACRES OF LAND; DESCRIBING THE PETITION TO ESTABLISH THE TRANQUILITY COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; AND AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, Antigua Bay Development, LLC and Sunbelt Titusville Investments, LLC filed the Petition for an Ordinance to Establish the Tranquility Community Development District (“District”) dated September 9, 2020 (the “Original Petition”), including approximately 455.76 +/- acres of land described in Section 1 and Exhibit “1” of such Petition; and

**WHEREAS**, an Amendment to Petition for an Ordinance to Establish the Tranquility Community Development District dated December 21, 2020 was also submitted to the City (the “First Amendment”) to reflect a change of ownership of a portion of the lands to be included in the District; and

**WHEREAS**, a Second Amendment to Petition for an Ordinance to Establish the Tranquility Community Development District by letter dated January 5, 2022 was also submitted to the City (the “Second Amendment” together with the Original Petition and the First Amendment, the “Petition”) to include additional property owners within the District to represent the joinder and consent of 100% of the landowners pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the Council on February 22, 2022; and

**WHEREAS**, upon consideration of the record established at that hearing, the Council determined that the statements within the Petition are true and correct; that the Petition is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's comprehensive plan; that the land within the District is of sufficient size; is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that 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; and that the area that will be served by the District is amenable to separate special-district governance.

**NOW, THEREFORE, BE IT ENACTED** by the City of Titusville, Florida as follows:

Section 1. Recitals. The above recitals are true and accurate and are incorporated herein as the legislative findings of the Council.

Section 2. Authority. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes, as amended. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

Section 3. District Name. There is hereby created a community development district situated entirely within a portion of the City of Titusville, Florida which shall be known as the "Tranquility Community Development District", and which shall be referred to in this ordinance as the "District".

Section 4. District External Boundaries. The external boundaries of the District are described in "Exhibit 1" attached hereto, said boundaries encompassing 455.76 acres, more or less, which includes 111.06 acres of submerged land and 344.70 acres landward of the safe upland line. The District is limited to the project site boundaries as indicated in Exhibit 1 of the ordinance or such boundaries as may be amended from time to time.

Section 5. District Powers and Functions. The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems and facilities described and authorized by Section 190.012(2)(a), Florida Statutes. Infrastructure improvements shall be as authorized by Chapter 190, Florida Statutes.

Section 6. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: William G. Allen, Jr.  
Address: 5150 Tamiami Trail N., Suite 500  
Naples, FL 34103

Name: Kenneth W. Belshe  
Address: 164 W. Village Drive  
St. Augustine, FL 32095

Name: William I. Livingston  
Address: 313 Cypress Street  
Flagler Beach, FL 32136

Name: Clinton F. Smith  
Address: 8 Cadillac Place  
Palm Coast, FL 32137

Name: David C. Lusby  
Address: 21 Forest View Way  
Ormond Beach, FL 32174

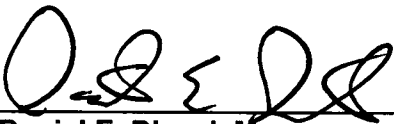
Section 7. Special Assessments. Non ad valorem special assessments, as defined in Chapter 190, Florida Statutes, shall only be levied by the District on those lands included within the District boundary, as such boundary may be amended, and in accordance with Chapter 190, Florida Statutes.

Section 8. Amendment to Original Petition. The property owners listed in Exhibit "2C" of the Second Amendment together with the landowners described in the First Amendment, are now collectively referred to as the "Petitioners." The real property owned by the Petitioners is located within the District. Executed consents attached to the Second Amendment and labeled Exhibit "2C" are in addition to the consents attached as Exhibit "2A" and "2B" to the First Amendment.

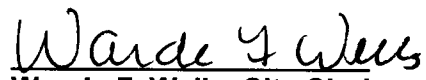
Section 9. Severability. If any provisions of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or enforceable provision is not material to the logical and intended interpretation of this ordinance.

Section 10. Effective Date. This Ordinance shall be in full force and effect upon adoption by the City Council in accordance with the City's Charter.

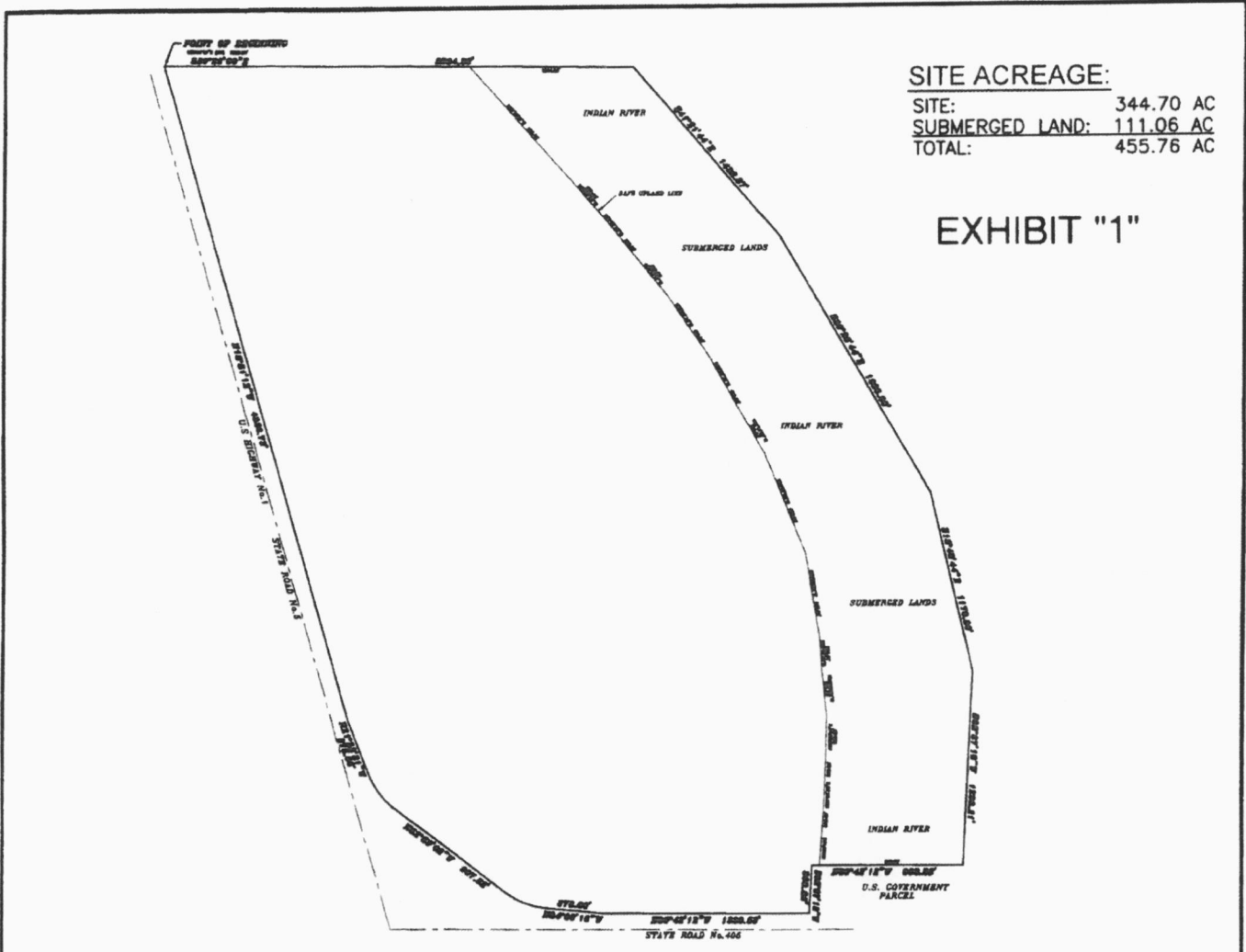
**PASSED AND ADOPTED** this 22nd day of February, 2022.

  
Daniel E. Diesel, Mayor

ATTEST:

  
Wanda F. Wells, City Clerk






**TRANQUILITY - SKETCH AND LEGAL DESCRIPTION**

A PARCEL OF LAND LYING WITHIN SECTION 35, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGIN AT THE INTERSECTION OF THE NORTH LINE OF SECTION 35 AND THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 1 (STATE ROAD 5); THENCE RUN S89°26'09"E, ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 2994.26 FEET INTO THE WATERS OF THE INDIAN RIVER; THENCE RUN S41°21'44"E A DISTANCE OF 1432.37 FEET; THENCE RUN S30°26'44"E A DISTANCE OF 1906.00 FEET; THENCE RUN S13°40'44"E A DISTANCE OF 1170.00 FEET; THENCE RUN S02°37'16"W A DISTANCE OF 1238.21 FEET; THENCE RUN N89°42'12"W A DISTANCE OF 963.23 FEET; THENCE RUN S03°07'18"W A DISTANCE OF 308.82 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF STATE ROAD 405; THENCE RUN N89°42'12"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 1330.58 FEET; THENCE RUN N84°03'16"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 373.80 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 31°04'14"; THENCE RUN NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 257.59 FEET; THENCE RUN N52°59'02"W A DISTANCE OF 907.82 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 33°07'50"; THENCE RUN NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 274.66 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD 5); THENCE RUN N21°23'31"W, ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 375.65 FEET; THENCE RUN N15°51'12"W, ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 4336.73 FEET TO THE POINT OF BEGINNING.

8/14/20 | EX-1



**CONSTRUCTION  
ENGINEERING  
GROUP**

Consulting Engineers

CC :

Mark Watts

Laurie Dargie

Peggy Busacca