

**ORDINANCE NO. 27-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, ESTABLISHING THE LAKES AT COCOA GROVE COMMUNITY DEVELOPMENT DISTRICT, AT APPROXIMATELY 246.43 ACRES, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

DEPARTMENT OF STATE

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FILED

**RECITALS**

**WHEREAS**, the subject property legally described herein is subject to that certain Preceding Development Agreement by and between the City of Cocoa and Florida Space Needle, LLC., dated August 24, 2004 ("Preceding Development Agreement"); and

**WHEREAS**, the subject property is also subject to that certain Stipulated Settlement Agreement between Brevard County v. City of Cocoa, Case N. 05-2005-018141, which was recorded on January 9, 2008 in Official Record Book 5837, Page 2226 of Brevard County, Florida and that certain Settlement Implementation Agreement between the City of Cocoa and Virgin Trains USA Florida, LLC., dated July 10, 2019 and recorded at Official Record Book 8564, Page 2243 of Brevard County, Florida; and

**WHEREAS**, pursuant to Section 4.7 of the Preceding Development Agreement, the City of Cocoa and the predecessor owner of the subject property agreed that the creation of a Community Development District may be considered by the City of Cocoa upon the owner's request and may be beneficial for the future development of the property; and

**WHEREAS**, Mountain Cove Homes at Lakes at Cocoa Grove, LLC, the current owner of the subject property ("Petitioner"), having obtained written consent to the establishment of the District by the owners of 100 percent (100%) of the real property to be included in the District, has filed a Petition to Establish the Lakes at Cocoa Grove Community Development District ("Petition") with the City Council of the City of Cocoa, Florida ("City") pursuant to Section 190.005(2)(a) and 190.046(1)(h), *Florida Statutes*, to adopt an ordinance establishing the Lakes at Cocoa Grove Community Development District ("District") pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, Petitioner is a Florida limited liability company and is authorized to conduct business in the State of Florida; 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 City, pursuant to Section 190.005(2)(b) and 190.046(1)(h), *Florida Statutes*; and

**WHEREAS**, upon consideration of the record established at that hearing, the City Council of the City of Cocoa, Florida, has considered the record of the public hearing and the statutory factors set forth in Section 190.005(2)(c) and 190.046(1)(h), *Florida Statutes*, in making its determination to grant or deny the Petition; and

**WHEREAS**, the City Council of the City of Cocoa, Florida has determined pursuant to the information contained within the Petition and based on an investigation conducted by the City Staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District: that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's Comprehensive Plan; that the area of land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as one 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 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 to be served by the District is amenable to separate special-district governance; and

**WHEREAS**, pursuant to the information as stated above, the City Council of the City of Cocoa, Florida has decided to grant the District's Petition to establish the Lakes at Cocoa Grove Community Development District; and

**WHEREAS**, establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area described within the Petition.

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

**SECTION 1.        RECITALS.**

The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

**SECTION 2.**            **AUTHORITY.**

This ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

**SECTION 3.**            **DISTRICT NAME.**

There is hereby established a Community Development District situated entirely within the limits of the City of Cocoa, Florida, which District shall be known as the "Lakes at Cocoa Grove Community Development District."

**SECTION 4.**            **EXTERNAL BOUNDARIES OF THE DISTRICT.**

The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated by reference, the overall boundaries encompassing 246.43 acres, more or less.

**SECTION 5.**            **FUNCTIONS AND POWERS.**

Upon the effective date of this Ordinance, the District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), *Florida Statutes*, and as otherwise provided by law. The powers and functions of the District are described in Chapter 190, *Florida Statutes*.

**SECTION 6.**            **CONSENT TO SPECIAL POWERS**

Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge, or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and (2)(d), *Florida Statutes* (2021).

**SECTION 7.**            **BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Ana Laura Robayna, Omar Mesa, Rafael Nunez, Brian Dominguez, and Alicia Quinones. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

**SECTION 8.**

**SEVERABILITY.**

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

**SECTION 9.**

**CONFLICT.**

Any ordinance or part thereof, or any resolution, or part thereof, which is in conflict with this ordinance or part hereof is hereby repealed to the extent of the conflict.

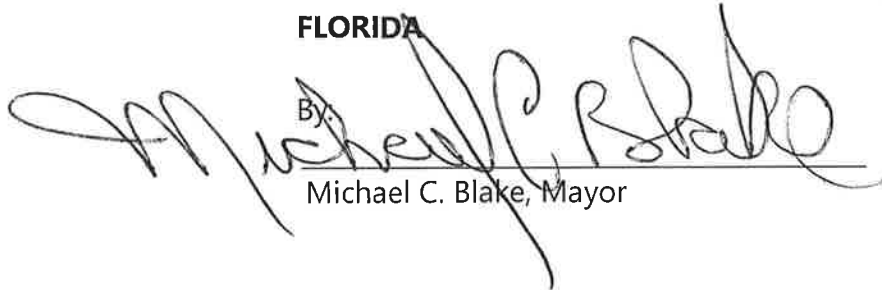
**SECTION 10.**

**EFFECTIVE DATE.**

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

**CITY COUNCIL OF THE CITY OF COCOA,  
FLORIDA**

By:



Michael C. Blake, Mayor

ATTEST:

City Clerk of the City of Cocoa,



Florida By:

Monica Arsenault, Deputy Clerk

As authorized for execution at the City Council  
Meeting of the City of Cocoa, Florida, on:

12/12/2023

Date

## Exhibit A

### Description:

A parcel of land as described in O.R. Book 8563 Page 760 of the public Records of Brevard County, Florida and lying in Section 10, Township 24 South, Range 35 East and being more particularly described as follows;

Begin at the northeast corner of said Section 10; thence S. 00°31'49" E., along the east line of the northeast corner of said Section 10, a distance of 2602.21 feet to a point lying 44.08 feet N. 00°31'49" E. of the east quarter corner of said Section 10, said point also being on the northerly right-of-way line of State Road No. 528 as shown on Section Map 70007-2508; thence N. 74°59'21" W., along said north right-of-way line, a distance of 693.63 feet to the Point-of-Curvature of a 5879.58 foot radius circular curve concave southerly; thence easterly, along the arc of said curve, through a central angle of 16°24'08" a distance of 1683.16 ft. said curve having a chord bearing of N. 83°11'25" W. and a chord distance of 1677.42 ft.; thence S. 88°36'31" W., along said northerly right-of-way line, a distance of 858.67 feet; thence N. 87°23'29" W., along said northerly right-of-way line, a distance of 638.50 feet to the Point-of-Curvature of a 900.00 foot radius circular curve concave northeasterly, said curve also being the northeasterly right-of-way line of the State Road No. 528 and I-95 interchange; thence northwest along the arc of said curve, through a central angle of 31°18'50" a distance of 491.88 feet said curve having a chord bearing of N. 71°44'04" W. and a chord distance of 485.78 feet; thence N. 56°04'39" W., along said State Road 528/I-95 right-of-way line, a distance of 398.70 feet to a non-tangent point on a 969.79 foot radius circular curve concave northeasterly; thence northwesterly, along the arc of said curve, through a central angle of 37°46'38" a distance of 639.42 feet said curve having a chord bearing of N. 37°11'20" W. and a chord distance of 627.90 feet to a point on the easterly right-of-way line of I-95 per FDOT Map Section 70220; thence N. 00°11'53" W., along said easterly right-of-way line, a distance of 566.36 feet; thence N. 01°55'04" W., along said easterly right-of-way line, a distance of 300.93 feet; thence N. 01°21'38" W., along said easterly right-of-way line, a distance of 376.15 feet to a point on the south line of a borrow pit No. 19 Haul Road; thence N. 89°58'02" E., along said south line, a distance of 318.30 feet to a point on the west line of borrow pit No. 19 per FDOT Project No. 70220-2402; thence along the west, south, east and north lines of said borrow pit, the following four courses; S. 00°01'58" W. a distance of 500.00 feet; thence S. 89°58'02" E. a distance of 600.00 feet; thence N. 00°01'58" E. a distance of 550.00 feet; thence N. 89°58'02" W. a distance of 919.51 feet to a point on the aforesaid easterly right-of-way line of I-95; thence N. 01°20'38" W., along said easterly right-of-way line, a distance of 50.01 feet to a point on the north line of the northwest ¼ of said Section 10; thence S. 89°58'02" E., along said north line, a distance of 2337.02 feet to the north quarter corner of said Section 10; thence S. 89°58'06" E., along the north line of the northeast ¼ of said Section 10, a distance of 2865.57 feet to the Point-of-Beginning.

Containing 246.43 acres more or less and being subject to any easements and/or rights-of-ways of record.



## STATE OF FLORIDA DEPARTMENT OF STATE

I, Cord Byrd, Secretary of State of the State of Florida, do hereby certify that the attached and foregoing is a true and correct copy of Cocoa City Ordinance No. 27-2023, Establishing the Lakes at Cocoa Grove CDD, which was filed in this office on January 8, 2024, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
8<sup>th</sup> day of January, A.D., 2024.



  
Secretary of State