

ORDINANCE NO. 2024 - 14

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA ESTABLISHING THE GAS WORX COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES FOR THE PROPERTY GENERALLY ENCOMPASSED BY NEBRASKA AVENUE TO THE WEST, 15TH STREET TO THE EAST, THE SELMON EXPRESSWAY TO THE SOUTH, AND 5TH AVENUE TO THE NORTH; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subsection 190.005(2), *Florida Statutes*, authorizes the City Council of the City of Tampa, Florida (the "City") to adopt an ordinance granting a petition for the establishment of a community development district less than 2,500 acres in size; and

WHEREAS, KS YBOR MASTER DEVELOPER LLC, a Delaware limited liability company (the "Petitioner") filed a *Petition to Establish the Gas Worx Community Development District* (the "Petition") with the City pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*, to adopt an ordinance establishing a community development district and designating the land area for which the community development district would manage and finance the delivery of basic infrastructure services; and

WHEREAS, pursuant to Chapter 190, *Florida Statutes*, the City conducted a public hearing to consider oral and written comments on the petition; and

WHEREAS, the proposed community development district complies with the requirements of law, is in the best interest and promotes the health, safety and welfare of the residents of the City of Tampa; and

WHEREAS, Subsection 190.012(1), *Florida Statutes*, as amended, authorizes a community development district to exercise the special powers listed therein; and

WHEREAS, Section 190.012(2), *Florida Statutes*, as amended, provides that the local general-purpose government must consent to the exercise by the district of the additional special powers listed therein; and

WHEREAS, the Petition submitted by the Petitioner requests that the City Council consent to the exercise by the proposed district board of supervisors of the additional special powers listed in Sections 190.012(2)(a) and (d), *Florida Statutes*, as amended; and

WHEREAS, the exercise of such additional special powers by the proposed district board of supervisors shall be governed by Chapter 190, *Florida Statutes*, as amended, and all other applicable federal, state and local laws; and

WHEREAS, the City Council desires to consent to the exercise by the proposed district board of supervisors of such additional special powers; and

WHEREAS, an Ownership and Maintenance Matrix is attached hereto as **Exhibit B**; and

WHEREAS, the Petitioner agrees to cause the proposed district to accept the ownership and maintenance obligations on the lands within the proposed district's boundaries as established and set forth in the aforementioned Ownership and Maintenance Matrix; and

WHEREAS, the Petitioner published notice of the hearing to adopt an ordinance establishing the proposed district in accordance with the requirements of Chapter 190, *Florida Statutes*.

NOW, THEREFORE,

**BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. *Recitals.* That the recitals above are hereby incorporated as if fully set forth herein.

Section 2. *Establishment of District.* That the **Gas Worx Community Development District** (the "District") is hereby authorized and established, the administration of which shall be subject to the provisions of Chapter 190, *Florida Statutes*, as amended from time to time; the District is "a compact, urban, mixed-use district" pursuant to Section 190.003(7), *Florida Statutes*; and, the boundaries of the District are more particularly described in the legal description attached hereto as **Exhibit "A"**; the District is located entirely within the boundaries of the City of Tampa, Florida, is generally located in the "Ybor" area being essentially encompassed by Nebraska Avenue to the east, I 5th Street to the West, the Selmon Expressway to the South, and 5th Avenue to the North, and is comprised of approximately 29.162 acres, more or less.

Section 3. *Intent and Purpose.* That it is the intent and purpose of this Ordinance to establish the District pursuant to Chapter 190, *Florida Statutes*, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state and local laws.

Section 4. *Initial Board Members of the District.* That the five (5) initial members of the Board of Supervisors of the District are:

1. Darryl Shaw
2. Tee Ann Bailey
3. Graham Tyrrell
4. Chris Eastman
5. Jon Cleary

Section 5. *Declaration of Compliance with Statutory Requirements.* That the City hereby finds that:

- (a) All statements contained within the Petition have been found to be true and correct; and
- (b) That the establishment of the District is consistent with the applicable elements and portions of the state comprehensive plan and the effective City of Tampa comprehensive plan; and
- (c) That the area of land within the approved District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional interrelated community; and
- (d) That the approved District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
- (e) That the services and facilities of the approved District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and
- (f) That the area that will be served by the District is amenable to separate special-district government.

Section 6. *Special Powers.* Pursuant to Sections 190.005(2)(d) and Subsection 190.012(2), *Florida Statutes*, as amended, the City Council hereby consents to the exercise by the District board of supervisors of the additional special powers listed in Sections 190.012(2)(a) and (d), *Florida Statutes*. Specifically, the District shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for:

- (a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (b) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detections systems and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level or such services within the District boundaries.

Section 7. That the Gas Worx Community Development District accepts the ownership and maintenance responsibilities for existing facilities on parcels within its boundaries as established and set forth in the Ownership and Maintenance Matrix attached hereto as **Exhibit B**.

Section 8. *Severability.* If any section, subsection, sentence, clause, provision, or part of this ordinance shall be invalid for any reason, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 9. *Recording; Notice of Establishment.* The City Clerk shall certify and record a copy of this Ordinance in the Office of the Clerk of the Circuit Court of Hillsborough County, Florida. The

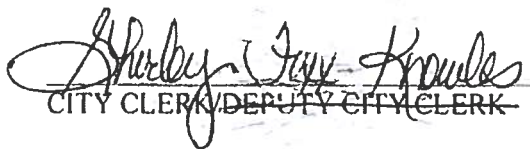
Petitioner, at Petitioner's sole cost and expense, shall promptly file a Notice of Establishment in compliance with Chapter 190.0485, *Florida Statutes*, in the Office of the Clerk of the Court of Hillsborough County, Florida.

Section 10. Conflict. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 11. Effective Date of Ordinance. This Ordinance shall become effective immediately upon execution by the Mayor.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA
ON FEB 01 2024

ATTEST:


CITY CLERK/DEPUTY CITY CLERK


CHAIRMAN/CHARMAN PRO-TEM,
CITY COUNCIL

APPROVED by me on 2/8/24

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:


REBECCA JOHNS
ASSISTANT CITY ATTORNEY


JANE CASTOR, MAYOR

Exhibit A

Description Sketch

SOUTH YBOR COMMUNITY DEVELOPMENT DISTRICT PARCEL

DESCRIPTION: A parcel of land lying in the Southwest 1/4 of Section 18, Township 29 South, Range 19 East, Hillsborough County, Florida, also being a portion of LESLEY'S SUBDIVISION PLAN OF EAST TAMPA, as recorded in Plat Book 1, Page 8, also being a portion of J.E. MITCHELL'S SUBDIVISION OF LESLEY'S SUBDIVISION OF EAST TAMPA, as recorded in Plat Book 1, Page 10, also being ALL of M. LEO ELLIOT SUBDIVISION OF BLOCK 24, as recorded in Plat Book 12, Page 27, also being ALL of M. LEO ELLIOT SUBDIVISION OF BLOCK 25, as recorded in Plat Book 11, Page 88, also being a portion of ALL alleys as shown on the aforesaid plats, also being a portion of the rights-of-way for E. 2nd AVENUE (Louisiana Avenue per plat), E. 3rd AVENUE (Alabama Avenue per plat), E. 4th AVENUE (Tennessee Avenue per plat), MISSISSIPPI AVENUE, N. 12th STREET, PEARL STREET, CHANNELSIDE DRIVE (Elizabeth Street per plat), and N. 14th STREET (Missouri Street per plat), also being a portion of the Vacated Rights-of-way for said MISSISSIPPI AVENUE, and E. 3rd AVENUE (Alabama Avenue per plat), per City of Tampa Ordinance No. 2022-148, and also being a portion of Vacated Railroad Right-of-way, as recorded in Official Records Book 7526, Page 1507, of the Public Records of Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Southwest 1/4 of Section 18, run thence along the East boundary of said Southwest 1/4 of Section 18, S.00°15'10"W., a distance of 490.21 feet; thence N.89°44'50"W., a distance of 27.09 feet to the Southeast corner of Lot 14, Block 37, of the aforesaid J.E. MITCHELL'S SUBDIVISION OF LESLEY'S SUBDIVISION OF EAST TAMPA, said point also being the POINT OF BEGINNING; thence along the intersection right-of-way for the aforesaid E. 4th AVENUE, S.00°51'49"W., a distance of 58.74 feet, to the Northeast corner of Lot 1, Block 38, of the aforesaid plat of LESLEY'S SUBDIVISION PLAN OF EAST TAMPA; thence along the East boundary of said Block 38, S.00°37'26"W., a distance of 200.03 feet, to the Southeast corner of Lot 10, said Block 38; thence along the intersection right-of-way for the aforesaid E. 3rd AVENUE, S.00°48'02"W., a distance of 59.90 feet, to the Northeast corner of Lot 1, Block 39, of the aforesaid LESLEY'S SUBDIVISION PLAN OF EAST TAMPA; thence along the East boundary of said Block 39, S.00°21'14"W., a distance of 200.04 feet, to the Southeast corner of Lot 10, said Block 39; thence along the intersection right-of-way for the aforesaid E. 2nd AVENUE, S.00°16'11"W., a distance of 59.88 feet, to the Northeast corner of Lot 1, Block 40, of the aforesaid LESLEY'S SUBDIVISION PLAN OF EAST TAMPA; thence along the East boundary of said Block 40, and the Southerly extension thereof, S.00°03'44"W., a distance of 250.09 feet, to a point on the North right-of-way line of ADAMO DRIVE (State Road No. 80); thence along said North right-of-way line, N.89°40'40"W., a distance of 752.38 feet; thence along the intersection right-of-way line of ADAMO DRIVE, S.88°51'27"W., a distance of 100.44 feet, to a point on the Southerly boundary of Vacated Railroad Right-of-way, as recorded in Official Records Book 7526, Page 1507, of the Public Records of Hillsborough County, Florida; thence along said Southerly boundary, and the Westerly boundary there, the following six (6) courses: 1) N.89°41'30"W., a distance of 199.95 feet; 2) S.00°11'23"W., a distance of 3.05 feet; 2) Westerly, 243.23 feet along the arc of a non-tangent curve to the left having a radius of 901.25 feet and a central angle of 16°27'48" (chord bearing S.78°47'55"W., 242.49 feet); 3) Southwesterly, 171.29 feet along the arc of a non-tangent curve to the left having a radius of 1324.34 feet and a central angle of 07°24'38" (chord bearing S.67°22'23"W., 171.17 feet); 4) N.28°10'34"W., a distance of 59.93 feet; 5) N.84°08'16"E., a distance of 22.98 feet; 6) N.51°34'50"W., a distance of 155.13 feet, to a point on the Southeast boundary of C.S.X. TRANSPORTATION Railroad Right-of-way, per Right-of-way and Track Map, Station 46251+37 to 46504+37; thence along said Southeast boundary, the following six (6) courses: 1) N.39°39'08"E., a distance of 101.28 feet; 2) S.51°52'51"E., a distance of 15.78 feet; 3) N.41°04'32"E., a distance of 452.31 feet; 4) N.39°21'23"E., a distance of 180.75 feet; 5) Northeasterly, 372.69 feet along the arc of a non-tangent curve to the right having a radius of 1763.65 feet and a central angle of 12°06'28" (chord bearing N.45°25'33"E., 372.00 feet); 6) Northeasterly, 506.68 feet along the arc of a non-tangent curve to the right having a radius of 1569.65 feet and a central angle of 18°29'39" (chord bearing N.57°34'40"E., 504.48 feet), to a point on the East boundary of Block 27, of the aforesaid LESLEY'S SUBDIVISION PLAN OF EAST TAMPA; thence along said East boundary, and the Southerly extension thereof, S.00°24'07"W., a distance of 92.09 feet, to the Northeast corner of Lot 1, Block 26, of said LESLEY'S SUBDIVISION PLAN OF EAST TAMPA; thence along the intersection right-of-way for E. 5th AVENUE (Kentucky Avenue per plat), as shown on said plat of LESLEY'S SUBDIVISION PLAN OF EAST TAMPA, S.89°40'15"E., a distance of 49.87 feet, to a point on the East right-of-way line of the aforesaid N.14th STREET; thence along said East right-of-way line, S.00°18'10"W., a distance of 200.38 feet, to a point on the North right-of-way line of the aforesaid E. 4th AVENUE; thence along said North right-of-way line, S.89°29'54"E., a distance of 353.63 feet to the POINT OF BEGINNING.

Containing 25.989 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

DESCRIPTION: ALL of Lots 8 and 9, of MARYLAND AVENUE SUBDIVISION, according to the plat thereof as recorded in Plat Book 41, Pages 71-1 through 71-3, of the Public Records of Hillsborough County, Florida.

Containing 4.996 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

DESCRIPTION: ALL of Lots 4 through 7, inclusive, Block 38, and that portion of the 10 foot wide alley lying between said Lots 4 and 5 and said Lots 6 and 7, of LESLEY'S SUBDIVISION PLAN OF EAST TAMPA, as recorded in Plat Book 1, Page 8, of the Public Records of Hillsborough County, Florida.

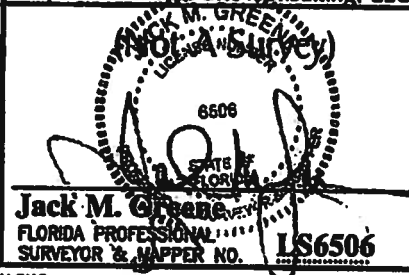

Containing 0.650 acres, more or less.

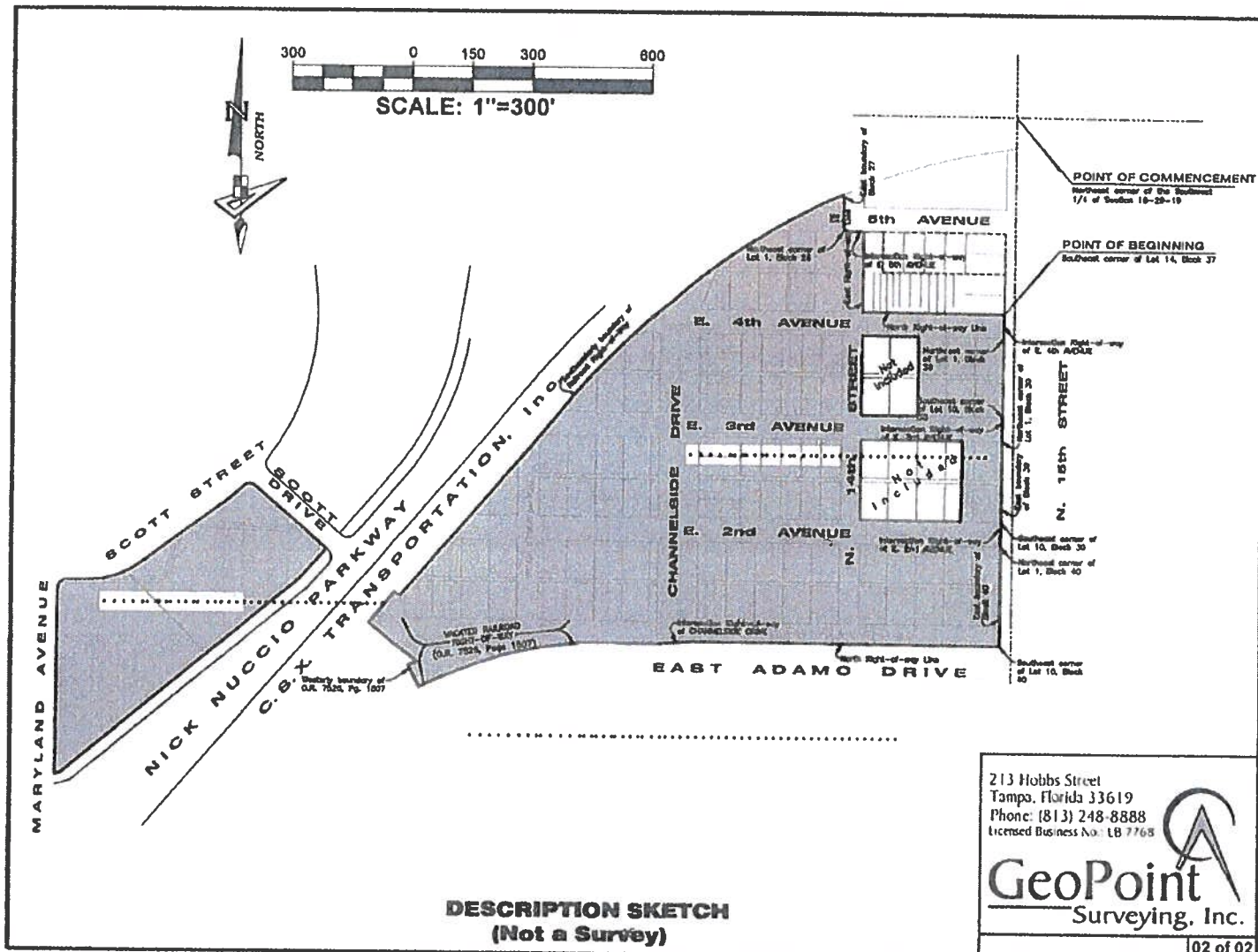
ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

DESCRIPTION: Lots 2, 3, 4, 5, 6, 7, 8 and 9, in Block 39, of LESLEY'S SUBDIVISION, according to Plat thereof as recorded in Plat Book 1, Page 8, of the Public Records of Hillsborough County, Florida; LESS the East 30 feet of Lots 2 and 9; TOGETHER WITH that certain alley lying between Lot 2, less the East 30 feet thereof and Lots 3, 4 and 5 on the North and Lots 6, 7, 8 and 9, less the East 30 feet of Lot 9, on the South, which alley runs East and West through Block 39 of said subdivision.

Containing 1.153 acres, more or less.

ALTOGETHER containing 29.162 acres, more or less.

PROJECT: South Ybor C.D.D.			Prepared For: Rite Site Consulting, LLC																													
PHASE: SKETCH & DESCRIPTION																																
DRAWN: JMG DATE: 11/26/22 CHECKED BY: JMG																																
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Gasworx CDD

Ownership & Maintenance Matrix

EXHIBIT "B"

Facilities	Anticipated Segment(s)/Parcel(s)	Ownership	Responsible for Maintenance ^{3,4}
Roads (Public) ⁴			
All existing roadways ¹	See Note #1 Below	City ROW	City
New roadway	Channelside Dr (3rd Ave to 4th Ave)	City ROW	City
New roadway	4th Ave (Channelside Dr to Nuccio)	City ROW	City
New roadway	3rd Ave (14th St to 15th St)	City ROW	City
New roadway	14th St (Adamo to 2nd Ave)	City ROW	City
New roadway	1st Ave (Channelside Dr to Nuccio)	City ROW	City
New Roadway	2nd Ave (Channelside Dr to 12th St)	Developer to dedicate ROW	City
New roadway	12th St (1st Ave to 2nd Ave)	Developer to dedicate ROW	City
Roads (Private)			
New Pedestrian Street/Paseo	3rd Ave (14th St to CSX ROW)	Adj. Parcel Owners - Public use easement	CDD
Sidewalks (Public Streets) ⁴			
All existing roadways	See Note #1 Below	City ROW	City
New roadway	Channelside Dr (3rd Ave to 4th Ave)	City ROW	City
New roadway	4th Ave (Channelside Dr to Nuccio)	City ROW	City
New roadway	3rd Ave (14th St to 15th St)	City ROW	City
New roadway	14th St (Adamo to 2nd Ave)	City ROW	City
New roadway	1st Ave (Channelside Dr to Nuccio)	City ROW	City
New Roadway	2nd Ave (Channelside Dr to 12th St)	Developer to dedicate ROW	CDD
New roadway	12th St (1st Ave to 2nd Ave)	Developer to dedicate ROW	CDD
Sidewalks (Private Streets)			
New Pedestrian Street/Paseo	3rd Ave (14th St to CSX ROW)	Adj. Parcel Owners - Public use easement	CDD
Streetscapes (Public Streets) ²			

All existing roadways	See Note #1 Below	City ROW	CDD
New roadway	Channelside Dr (3rd Ave to 4th Ave)	City ROW	CDD
New roadway	4th Ave (Channelside Dr to Nuccio)	City ROW	CDD
New roadway	3rd Ave (14th St to 15th St)	City ROW	CDD
New roadway	14th St (Adamo to 2nd Ave)	City ROW	CDD
New roadway	1st Ave (Channelside Dr to Nuccio)	City ROW	CDD
New Roadway	2nd Ave (Channelside Dr to 12th St)	Developer to dedicate ROW	CDD
New roadway	12th St (1st Ave to 2nd Ave)	Developer to dedicate ROW	CDD
Streetscape (Private Streets)			
New Pedestrian Street/Paseo	3rd Ave (14th St to CSX ROW)	Adj. Parcel Owners - Public use easement	CDD
Parks			
Park 1	N. of C2 and W of E2	City	City & CDD
Park 2	W. of C2 and N. of C3	CDD	CDD
Multi-Use Trails			
CSX Trail	1st Ave to Paseo, east of CSX ROW	Parcel Owner (C3) and CDD (Park 2)	CDD
CSX Trail	Paseo to 4th Ave, east of CSX ROW	City (Park 1)	CDD
1st Ave/Adamo Trail	CSX ROW to Channelside Dr	Adj. Parcel Owners - Public use easement	CDD
1st Ave/Adamo Trail	Channelside Dr to 15th St	Adj. Parcel Owners - Public use easement	CDD
Lighting (Public Streets) ⁵			
All existing roadways	See Note #1 Below	TECO	TECO/CDD
New roadway	Channelside Dr (3rd Ave to 4th Ave)	TECO	TECO/CDD
New roadway	4th Ave (Channelside Dr to Nuccio)	TECO	TECO/CDD
New roadway	3rd Ave (14th St to 15th St)	TECO	TECO/CDD
New roadway	14th St (Adamo to 2nd Ave)	TECO	TECO/CDD
New roadway	1st Ave (Channelside Dr to Nuccio)	TECO	TECO/CDD
Lighting (Private Streets)			
New Roadway	2nd Ave (Channelside Dr to 12th St)	TECO	TECO

New roadway	12th St (1st Ave to 2nd Ave)	TECO	TECO
Water			
All existing water	See Preliminary Plat Exhibit	City	City
All proposed water	See Preliminary Plat Exhibit	City	City
Wastewater (Public)			
All existing sewer	See Preliminary Plat Exhibit	City	City
All proposed sewer	See Preliminary Plat Exhibit	City	City
Stormwater (Public Roads)			
All existing stormwater	See Preliminary Plat Exhibit	City	City
All proposed stormwater	See Preliminary Plat Exhibit	City	City
Stormwater (Private & All Ponds)			
1st Ave/Adamo Trail	Channelside Dr to 15th St	Parcel Owner or CDD	CDD (Public Maintenance Easement)
Flow-Through Drainage Facility	CSX ROW, others TBD	Parcel Owner or CDD	CDD (Public Maintenance Easement)
Shared-property vaults	TBD	Parcel Owner or CDD	Parcel Owners -Shared Use Agreement
Single-property vaults	Development Parcels	Parcel Owner	Parcel Owner
Entry Monuments/Signage/Walls			
Neighborhood Signage	See Design Guidelines	CDD	CDD
Gateway (Entry) Signage	See Design Guidelines	CDD	CDD
Placemaking Signage	Parks and Paseo - See Design Guidelines	CDD	CDD
Wayfinding Signage	See Design Guidelines	CDD	CDD

¹ Existing Streets Include: 15th St (Adamo to 4th Ave), 14th St (2nd Ave to 5th Ave), Channelside Drive (Adamo to 3rd Ave), 12th St (N Raymond Ave to Fut. 1st Ave), E Scott Dr (Nuccio to E Scott St), E Scott St (Maryland Ave to E Scott Dr), 2nd Ave (Channelside Dr to 15th St), 4th Ave (Streetcar Tracks to 15th St).

² Streetscape includes Landscaping, Irrigation, lighting monuments. Streetscape contained within the public right of way of residential streets, including maintenance of code required tree planting, landscaping, irrigation and lighting is the responsibility of the CDD. The CDD may contract with a 3rd party, such as Neighborhood Association or lot owner, to perform maintenance.

³ An Association of the parcel owners will be formed and will maintain all common areas that are not private parcels or public right of way for the CDD.

⁴ City maintenance of public roads is to minimum COT Mobility standards. Any enhanced materials within the public right of way will be maintained by the CDD. Examples include, pavers, bricks (unless existing) specialty crosswalks or sidewalks, enhanced street lights and landscaping.

⁵ CDD will be responsible for installation, maintenance, and all financial aspects of new lighting within the boundaries of the project area and those areas immediately connecting. For street lights on public right of ways the streetlight system is procured via TECO's LS1 Tariff or the Gas Worx project will maintain the streetlight system as specified by a City of Tampa maintenance agreement. The agreement will include the operation of the system at 97%, knock down replacement within 30 days and the deliver of annual maintenance reports.