

**ORDINANCE NO. O-05-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, GRANTING CONSENT TO THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT'S EXERCISE OF CERTAIN SPECIAL POWERS RELATED TO SECURITY INFRASTRUCTURE PURSUANT TO SECTION 190.012(2)(D), *FLORIDA STATUTES*; AMENDING ORDINANCE NO. O-05-2005 TO INCLUDE THIS CONSENT; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Magnolia West Community Development District (the "District") was established by Ordinance O-05-2005, on April 12, 2005; and

**WHEREAS**, pursuant to Section 190.012(2), Florida Statutes (2023), the Board of Supervisors ("Board") of the District has adopted Resolution 2023-06 to request that the City of Green Cove Springs ("City") grant its consent for the District to exercise the special power set forth in Section 190.012(2)(d), Fla. Stat., to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for security facilities including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies ("Special Powers"); and

**WHEREAS**, based upon the materials submitted by the CDD, the City Council finds there is good reason to grant the District's request for Special Powers.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA:**

**SECTION 1. INCORPORATION OF RECITALS.** The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

**SECTION 2. GRANT OF CONSENT.** Pursuant to the CDD's request for Special Powers and in accordance with Section 190.012(2), Florida Statutes (2023), the City's consent is hereby granted to the CDD to exercise the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for security facilities including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, all the foregoing to be exercised only in compliance and consistent with all applicable laws including the City's Comprehensive Plan and City's land development regulations.

**SECTION 3. CODIFICATION.** It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Green Cove Springs as amended; that the sections of this

Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word “ordinance” may be changed to “section” or other appropriate word.

**SECTION 4. AMENDMENT; CONFLICT.** This Ordinance amends and supplements Ordinance No. O-05-2005 to the extent that it grants additional Special Power to the District. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. For avoidance of doubt, the special power of the District with respect to its power 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 recreational, cultural and educational uses, as authorized by Section 190.012(2)(a), Florida Statutes, as amended, and consented to by the City pursuant to Ordinance No. O-05-2005 shall continue to be in full force and effect and not changed by this Ordinance.

**SECTION 5. SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption.

**INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST  
READING BY THE CITY COUNCIL OF THE CITY OF GREEN COVE  
SPRINGS, FLORIDA, ON THIS 20TH DAY OF FEBRUARY, 2024.**

CITY OF GREEN COVE SPRINGS, FLORIDA

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Constance W. Butler, Mayor

ATTEST:

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Erin West, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF  
THE CITY OF GREEN COVE SPRINGS, FLORIDA, THIS 12TH DAY OF  
MARCH, 2024.**

CITY OF GREEN COVE SPRINGS, FLORIDA

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Constance W. Butler, Mayor

ATTEST:

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Erin West, City Clerk

APPROVED AS TO FORM:

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L.J. Arnold, III, City Attorney