

November 8, 2023

Via Certified U.S. Mail and
Electronic Mail

L.J. Arnold, III
City Attorney
City of Green Cove Springs
P.O. Box 1570
Green Cove Springs, FL 32043

Re: Magnolia West Community Development District - Request for Special Powers

Dear Mr. Arnold,

The Magnolia West Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, *Florida Statutes*. The District is located entirely within the incorporated City of Green Cove Springs, Florida (“City”) and is generally located east and south of County Road 315, north of State Road 16, and west of Highway 17. The District was established effective April 12, 2005, by Ordinance No. O-05-2005 of the City Council of the City, for the purpose of planning, financing, constructing, operating and/or maintaining certain public infrastructure improvements, facilities and services in conjunction with the development of the lands located within the District.

Pursuant to section 190.012(2), *Florida Statutes*, the District must obtain consent from the City to exercise certain special powers. Accordingly, the District’s Board of Supervisors (the “Board”), pursuant to Resolution 2023-06, has directed District staff to request the consent of the City to grant certain special powers to the District so that it may provide security facilities as authorized by section 190.012(2)(d), *Florida Statutes*. A copy of Resolution 2023-06 is enclosed herein for your reference.

Specifically, the District is seeking consent from the City to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, in accordance with Florida law.

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Based on the forgoing, and on behalf of the District's Board, the undersigned respectfully requests that the City grant the powers requested herein at a City meeting mutually agreeable to all parties and convenient for the City. A draft resolution granting these special powers is enclosed for your review and convenience.

If you have any questions or concerns, please do not hesitate to reach out to me. Thank you, and we look forward to working with you.

Respectfully,

KUTAK ROCK LLP


Michelle Rigoni
District Counsel

Enclosures

CC Mike Null, Public Works Director
Michael Daniels, Development Services Director

February 5, 2024

Via Certified U.S. Mail and
Electronic Mail

L.J. Arnold, III
City Attorney
City of Green Cove Springs
P.O. Box 1570
Green Cove Springs, FL 32043

Re: Magnolia West Community Development District - Request for Special Powers

Dear Mr. Arnold,

This letter is being provided to you per your request for supplemental information regarding the Magnolia West Community Development District's (the "District") request for the City of Green Cove Spring's ("City") consent to the District's exercise of security powers pursuant to section 190.012(2), *Florida Statutes*, the original request for which was submitted to you on November 8, 2023 ("Original Request").

Currently, the District does not plan to implement, acquire, install or construct specific security systems and facilities for its property. In the event the Board of Supervisors ("Board") deems necessary, for the health, safety, and welfare of the District and its residents and/or it is in the best interests of the District to implement such security systems, the Board, at such time, may choose to implement security systems and measures as allowed by section 190.012(2), *Florida Statutes*. Therefore, the District's request for the City's consent to the District's future, potential exercise of security powers is merely administrative at this time. Please note that most community development districts established on or after around the time of the District's establishment requested for same consent as a matter of course to give such districts ability to provide security for, at minimum, its assets.

Based on the forgoing, and on behalf of the District's Board, the undersigned respectfully requests that the City consent to the security powers requested at a City meeting mutually agreeable to all parties and convenient for the City. A draft resolution granting these special powers was enclosed with the Original Request.

KUTAKROCK

If you have any questions or concerns, please do not hesitate to reach out to me. Thank you, and we look forward to working with you.

Respectfully,

KUTAK ROCK LLP

Michelle Rigoni
District Counsel

Enclosures

cc by email only to:
Judith Linde, Chairperson
Lesley Gallagher, District Manager

RESOLUTION 2023-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRPERSON AND DISTRICT STAFF TO SUBMIT A REQUEST TO THE CITY OF GREEN COVE SPRINGS, FLORIDA, FOR CONSENT TO EXERCISE SPECIAL POWERS FOR SECURITY; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Magnolia West Community Development District (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*, and by Ordinance No. O-05-2005, adopted by the City Council of the City of Green Cove Springs, Florida (the "City"), effective April 12, 2005; and

WHEREAS, the District is located within the jurisdiction of the City and all land uses and services planned within the District are not inconsistent with applicable elements or portions of the state comprehensive plan or the local government comprehensive plan; and

WHEREAS, all of the City's applicable land use, zoning and permitting requirements govern the development of land within the District, including all activities of the District in the provision of its services and facilities; and

WHEREAS, the District is authorized to exercise general powers pursuant to section 190.011, *Florida Statutes*; and

WHEREAS, the District is required to obtain the consent of the local general-purpose government prior to the exercise of powers related to Section 190.012(2), *Florida Statutes*; and

WHEREAS, the District has identified the need for certain security-related improvements and/or services within the boundaries of the District that it wishes to provide; and

WHEREAS, the Board of Supervisors of the District (the "Board") desires to submit a request to the City Council of the City for consent to the District's power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies as provided in Section 190.012(2)(d), *Florida Statutes* (the "Security Power").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The representations, findings and determinations contained in above Recitals are recognized as true and accurate, and are expressly incorporated herein as a material part of this Resolution.

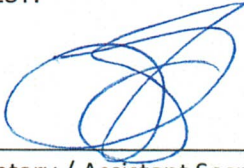
SECTION 2. The District respectfully requests that the City, grant the District the consent required to exercise the Security Power.

SECTION 3. The Board hereby directs the Chairperson and District staff to proceed in an expeditious manner to transmit this Resolution requesting consent to exercise the Security Power authorized in Section 190.012(2)(d), *Florida Statutes*, to the City Council of the City. The Board further authorizes the Chairperson and District staff to take all actions necessary to obtain the authority requested.

SECTION 4. This resolution shall become effective immediately upon its adoption.

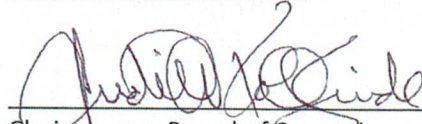
DULY ADOPTED by the Board of Supervisors of the Magnolia West Community Development District on this 1st day of August 2023.

ATTEST:



Secretary / Assistant Secretary

**MAGNOLIA WEST COMMUNITY
DEVELOPMENT DISTRICT**



Chairperson, Board of Supervisors