ORDINANCE NO. 01-26

AN ORDINANCE OF THE CITY OF NEW SMYRNA BEACH ESTABLISHING THE SOUTH VILLAGE NEW SMYRNA BEACH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR THE DISTRICT BUDGET; PROVIDING FOR FUNCTIONS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mark A. Watts, Esq., Cobb Cole, 231 North Woodland Blvd., DeLand, Florida 32720 and Ryan Dugan, Kutak Rock, LLP, 107 West College Avenue, Tallahassee, Florida 32301, applicants on behalf of Pulte Home Company, LLC, 4901 Vineland Road, Suite 500, Orlando, Florida 32811 (the "Petitioner") has petitioned the City Commission for the City of New Smyrna Beach, Florida (the "City") to adopt an ordinance establishing the boundaries of the South Village New Smyrna Beach Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, and granting certain special powers; and

WHEREAS, the City, in determining whether to establish the District boundaries, has considered and finds that all statements contained in the Petition to Establish the South Village New Smyrna Beach Community Development District (the "Petition") are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the applicable Comprehensive Plan; and

WHEREAS, the City has considered and finds that the area of land within the District is a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as a functional interrelated community; and

WHEREAS, the City has considered and finds that the District is the best alternative for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds 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

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, a duly noticed public hearing on the Petition was held prior to the adoption of this Ordinance establishing the District.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of New Smyrna Beach, Florida, as follows:

SECTION 1: AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, Florida Statutes.

SECTION 2: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated New Smyrna Beach, Florida, which District shall be known as the "South Village New Smyrna Beah Community Development District."

SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in **Exhibit A** attached hereto.

SECTION 4: FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes, as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, Florida Statutes, as created by general law. The District's Board of Supervisors may further exercise certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain 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-detection systems, and patrol cars, when authorized by applicable governmental agencies; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the proposed District boundaries, all as authorized and described by Section 190.012(2), Florida Statutes.

SECTION 5: BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are Bill Tew, Bernard Sullivan, Maleia Smiferguso, Chirstopher Cleary and Mary Burns. All of the listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 6: ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS. The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 7: SEVERABILITY. If any provision 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 unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 8: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and adoption pursuant to general law.

APPROVED AS TO FORM AND CORRECTNESS:

Carri Avallone

CARRIE AVALLONE
City Attorney

Dated: 3/16/2026

SKETCH OF DESCRIPTION

LEGAL DESCRIPTION

A parcel of land being a portion of Sections 20, 21, 28 and 29, Township 17 South, Range 33 East, Volusia County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 28, Township 17 South, Range 33 East, Volusia County, Florida; thence N88°59'18"E, along the North line of said Section 28, a distance of 1279.79 feet to the Point of Beginning; thence departing said North line, run S20°55'54"W, a distance of 1,010.36 feet; thence S00°09'30"E, a distance of 2,184.23 feet; thence S44°25'05"W, a distance of 3,158.86 feet; thence S88°34'48"W, a distance of 3,121.49 feet; thence N01°25'12"W, a distance of 2,489.22 feet; thence N03°28'54"E, a distance of 1,241.79 feet; thence N22°46'24"E, a distance of 1,168.02 feet to a Point on a Non-Tangent Curve, Concave to the Southeast, having a Radius of 450.00 feet and a Central Angle of 43°31'38"; thence run Northeasterly along the arc of said curve, a distance of 341.86 feet (Chord Bearing = N23°36'22"E, Chord = 333.70 feet); thence N45°22'11"E, a distance of 612.71 feet to a Point on a Non-Tangent Curve, Concave to the Southeast, having a Radius of 300.00 feet and a Central Angle of 03°30'38"; thence run Northeasterly along the arc of said curve, a distance of 18.38 feet (Chord Bearing = N47°07'30"E, Chord = 18.38 feet); thence N41°07'11"W, a distance of 16.27 feet to a Point on a Non-Tangent Curve, Concave to the Southwest, having a Radius of 19.00 feet and a Central Angle of 57°04'42"; thence run Northwesterly along the arc of said curve, a distance of 18.93 feet (Chord Bearing = N40°14'52"W, Chord = 18.15 feet) to a Point of Reverse Curve, Concave to the Northeast, having a Radius of 40.00 feet and a Central Angle of 56°41'02"; thence Northwesterly along the arc, a distance of 39.57 feet, (Chord Bearing = N40°26'41"W, Chord = 37.98 feet); thence N12°06'10"W, a distance of 19.80 feet; thence N29°26'19"W, a distance of 60.64 feet; thence N45°25'55"W, a distance of 48.30 feet; thence N52°41'14"W, a distance of 190.91 feet to the Point of Curvature of a curve, Concave to the East, having a Radius of 40.00 feet and a Central Angle of 106°46'11"; thence run Northerly along the Arc of said curve, a distance of 74.54 feet (Chord Bearing = N00°41'51"E, Chord = 64.21 feet); thence N27°04'57"E, a distance of 31.56 feet to a Point on a Non-Tangent Curve, Concave to the Northeast, having a Radius of 2,233.52 feet and a Central Angle of 08°36'22"; thence run Northwesterly along the arc of said curve, a distance of 335.48 feet (Chord Bearing =

ABBREVIATIONS/LEGEND

SEC.	SECTION	R	RADIUS
TWP.	TOWNSHIP	L	LENGTH
RNG.	RANGE	CB	CHORD BEARING
S.	SOUTH	CD	CHORD DISTANCE
E.	EAST	Δ	CENTRAL ANGLE
O.R.B.	OFFICIAL RECORDS BOOK	PC	POINT OF CURVATURE
PGS.	PAGES	PT	POINT OF TANGENCY
TEMP.	TEMPORARY	NT	NON TANGENT
NO./#	NUMBER	PRC	POINT OF REVERSE CURVE
●	DESCRIPTIVE POINT	PCC	POINT OF COMPOUND CURVE
P.S.M.	PROFESSIONAL SURVEYOR & MAPPER		

NOTES

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, (NAD 83, 2007 ADJUSTMENT).
THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
NO CORNERS WERE SET AS A PART OF THIS SKETCH.

REQUESTED BY: PULTE GROUP

DATE OF SKETCH 4/12/2024	REVISIONS
SCALE 1" = 1500'	
F.B. PAGE	
SECTIONS 20, 21, 28 & 29	
TWP. 17 S., RNG. 33 E.	
JOB NO. 22-344	

JOHNSTON'S SURVEYING INC.
900 Cross Prairie Parkway, Kissimmee, Florida 34744
Tel. (407) 847-2179 Fax (407) 847-6140

4/15/2024

RICHARD D. BROWN, P.S.M #5700 (DATE)

NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

LEGAL DESCRIPTION (continued)

N58°36'52"W, Chord = 335.17 feet) to a Point of Compound Curve, Concave to the Northeast, having a Radius of 1,350.00 feet and a Central Angle of 52°55'51"; thence Northwesterly along the arc, a distance of 1,247.16 feet, (Chord Bearing= N27°50'46"W, Chord =1,203.28 feet); thence N01°22'50"W, a distance of 711.54 feet; thence N88°37'56"E, a distance of 100.00 feet; thence S01°22'50"E, a distance of 711.52 feet to the Point of Curvature of a curve, Concave to the Northeast, having a Radius of 1,250.00 feet and a Central Angle of 52°55'51"; thence run Southeasterly along the Arc of said curve, a distance of 1,154.77 feet (Chord Bearing = S27°50'46"E, Chord = 1,114.15 feet) to a Point of Compound Curve, Concave to the North, having a Radius of 2,133.52 feet and a Central Angle of 30°50'02"; thence Easterly along the arc, a distance of 1,148.16 feet, (Chord Bearing= S69°43'43"E, Chord =1,134.36 feet) to a Point of Compound Curve, Concave to the North, having a Radius of 946.00 feet and a Central Angle of 17°02'32"; thence Easterly along the arc, a distance of 281.38 feet, (Chord Bearing= N86°20'00"E, Chord =280.35 feet); thence N12°11'16"W, a distance of 75.63 feet; thence N51°22'20"W, a distance of 205.38 feet; thence N28°05'11"W, a distance of 144.84 feet; thence N28°28'01"E, a distance of 250.28 feet; thence N53°21'03"E, a distance of 132.63 feet; thence N15°39'45"W, a distance of 51.84 feet; thence N08°50'49"E, a distance of 87.15 feet; thence N09°33'32"W, a distance of 91.75 feet; thence N61°35'05"W, a distance of 40.32 feet; thence N16°30'35"W, a distance of 29.50 feet; thence N48°41'34"E, a distance of 74.68 feet; thence N53°07'21"E, a distance of 101.42 feet; thence N61°46'15"E, a distance of 26.88 feet; thence N54°59'14"E, a distance of 70.11 feet; thence N51°20'16"E, a distance of 72.74 feet; thence N53°16'37"E, a distance of 71.96 feet; thence N19°27'45"E, a distance of 77.67 feet; thence N08°33'52"W, a distance of 32.13 feet; thence N42°01'10"E, a distance of 80.00 feet; thence N06°00'07"E, a distance of 48.80 feet; thence N21°58'43"E, a distance of 57.80 feet; thence N07°39'17"E, a distance of 60.37 feet; thence N30°47'58"W, a distance of 46.40 feet; thence N33°29'08"E, a distance of 43.73 feet; thence N07°43'30"E, a distance of 49.81 feet; thence S73°40'17"E, a distance of 37.68 feet; thence S82°26'42"E, a distance of 110.58 feet; thence N71°29'59"E, a distance of 34.78 feet; thence N82°20'40"E, a distance of 76.53 feet; thence S66°09'40"E, a distance of 75.61 feet; thence S29°07'29"E, a distance of 63.17 feet; thence S50°15'05"E, a distance of 44.76 feet; thence S31°21'32"E, a distance of 153.28 feet; thence S74°40'29"E, a distance of 50.87 feet; thence S75°44'29"E, a distance of 90.39 feet to a Point on a Non-Tangent Curve, Concave to the East, having a Radius of 1,106.59 feet and a Central Angle of 04°27'57"; thence run Northerly along the arc of said curve, a distance of 86.25 feet (Chord Bearing = N15°11'24"E, Chord = 86.23 feet) to a Point of Reverse Curve, Concave to the West, having a Radius of 1,958.95 feet and a Central Angle of 17°25'22"; thence Northerly along the arc, a distance of 595.69 feet, (Chord Bearing = N08°42'41"E, Chord = 593.39 feet); thence N00°00'00"E, a distance of 153.80 feet; thence N89°28'44"E, a distance of 100.00 feet; thence S00°00'00"E, a distance of 154.71 feet to the Point of Curvature of a curve, Concave to the West, having a Radius of 2,058.95 feet and a Central Angle of 17°25'22"; thence run Southerly along the Arc of said curve, a distance of 626.09 feet (Chord Bearing = S08°42'41"W, Chord = 623.69 feet) to a Point of Reverse Curve, Concave to the East, having a Radius of 1,006.59 feet and a Central Angle of 39°32'40"; thence Southerly along the arc, a distance of 694.73 feet, (Chord Bearing = S02°20'58"E, Chord = 681.02 feet); thence N67°52'42"E, a distance of 20.23 feet; thence N67°31'47"E, a distance of 11.07 feet to the Point of Curvature of a curve, Concave to the Northwest, having a Radius of 16.00 feet and a Central Angle of 80°24'05"; thence run Northeasterly along the Arc of said curve, a distance of 22.45 feet (Chord Bearing = N27°19'45"E, Chord = 20.65 feet); thence N12°52'18"W, a distance of 186.93 feet to the Point of Curvature of a curve,

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LEGAL DESCRIPTION (continued)

SKETCH OF DESCRIPTION

Concave to the East, having a Radius of 60.00 feet and a Central Angle of 45°04'09"; thence run Northerly along the Arc of said curve, a distance of 47.20 feet (Chord Bearing = N09°39'47"E, Chord = 45.99 feet); thence N32°11'52"E, a distance of 47.28 feet to the Point of Curvature of a curve, Concave to the Southeast, having a Radius of 60.00 feet and a Central Angle of 46°22'54"; thence run Northeasterly along the Arc of said curve, a distance of 48.57 feet (Chord Bearing = N55°23'18"E, Chord = 47.26 feet); thence N78°34'45"E, a distance of 26.24 feet to the Point of Curvature of a curve, Concave to the South, having a Radius of 60.00 feet and a Central Angle of 21°20'01"; thence run Easterly along the Arc of said curve, a distance of 22.34 feet (Chord Bearing = N89°14'46"E, Chord = 22.21 feet); thence S80°05'14"E, a distance of 17.94 feet to the Point of Curvature of a curve, Concave to the Southwest, having a Radius of 60.00 feet and a Central Angle of 80°02'35"; thence run Southeasterly along the Arc of said curve, a distance of 83.82 feet (Chord Bearing = S40°03'57"E, Chord = 77.17 feet); thence S00°02'39"E, a distance of 9.16 feet to the Point of Curvature of a curve, Concave to the Northeast, having a Radius of 40.00 feet and a Central Angle of 48°14'46"; thence run Southeasterly along the Arc of said curve, a distance of 33.68 feet (Chord Bearing = S24°10'02"E, Chord = 32.70 feet); thence S48°17'25"E, a distance of 60.50 feet to the Point of Curvature of a curve, Concave to the Southwest, having a Radius of 60.00 feet and a Central Angle of 11°49'12"; thence run Southeasterly along the Arc of said curve, a distance of 12.38 feet (Chord Bearing = S42°22'49"E, Chord = 12.36 feet); thence S36°28'13"E, a distance of 154.92 feet to a Point on a Non-Tangent Curve, Concave to the West, having a Radius of 122.52 feet and a Central Angle of 47°01'22"; thence run Southerly along the arc of said curve, a distance of 100.55 feet (Chord Bearing = S09°31'05"E, Chord = 97.76 feet) to a Point on a Non-Tangent Curve, Concave to the Northeast, having a Radius of 41.52 feet and a Central Angle of 89°22'03"; thence run Southeasterly along the arc of said curve, a distance of 64.76 feet (Chord Bearing = S31°10'45"E, Chord = 58.39 feet); thence S75°51'46"E, a distance of 71.51 feet to the Point of Curvature of a curve, Concave to the Southwest, having a Radius of 56.00 feet and a Central Angle of 27°01'09"; thence run Southeasterly along the Arc of said curve, a distance of 26.41 feet (Chord Bearing = S62°21'11"E, Chord = 26.16 feet); thence S48°50'37"E, a distance of 178.76 feet to a Point on a Non-Tangent Curve, Concave to the Southwest, having a Radius of 106.00 feet and a Central Angle of 34°46'28"; thence run Southeasterly along the arc of said curve, a distance of 64.33 feet (Chord Bearing = S31°15'32"E, Chord = 63.35 feet); thence S13°52'18"E, a distance of 61.38 feet to the Point of Curvature of a curve, Concave to the Northeast, having a Radius of 94.00 feet and a Central Angle of 22°33'55"; thence run Southeasterly along the Arc of said curve, a distance of 37.02 feet (Chord Bearing = S25°09'15"E, Chord = 36.78 feet); thence S22°21'55"E, a distance of 37.15 feet to a Point on a Non-Tangent Curve, Concave to the South, having a Radius of 2,943.81 feet and a Central Angle of 16°06'33"; thence run Easterly along the arc of said curve, a distance of 827.68 feet (Chord Bearing = N75°41'22"E, Chord = 824.95 feet) to a Point on a Non-Tangent Curve, Concave to the East, having a Radius of 1,000.00 feet and a Central Angle of 07°51'53"; thence run Northerly along the arc of said curve, a distance of 137.27 feet (Chord Bearing = N09°30'34"E, Chord = 137.16 feet) to a Point of Reverse Curve, Concave to the West, having a Radius of 2,000.00 feet and a Central Angle of 13°41'48"; thence Northerly along the arc, a distance of 478.10 feet, (Chord Bearing = N06°35'36"E, Chord = 476.97 feet) to a Point of Reverse Curve, Concave to the East, having a Radius of 650.00 feet and a Central Angle of 04°53'07"; thence Northerly along the arc, a distance of 55.42 feet, (Chord Bearing = N02°11'16"E, Chord = 55.41 feet); thence N85°08'27"W, a distance of 33.14 feet; thence N01°22'55"W, a distance of 1,019.87 feet; thence N88°37'10"E, a distance of 1,531.97 feet; thence S01°03'12"E, a distance of 1,442.08 feet; thence S20°55'54"W, a distance of 1,180.37 feet to the Point of Beginning.

Containing 770.73 acres, more or less.

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Ordinance No. 01-26 of the City of New Smyrna Beach, Florida, was introduced before the City Commission at its Regular Meeting on January 13, 2026, and read by title only. The Second Reading and Public Hearing of the proposed Ordinance would be conducted at the Regular Meeting on March 10, 2026.

Ordinance No. 01-26 was read by title only at the Regular Meeting held by the City Commission on March 10, 2026. Motion was made by Vice Mayor McGuirk, and seconded by Commissioner Ashley, that Ordinance No. 01-26 be adopted on second and final reading, the vote thereon being as follows:

MAYOR FRED E. CLEVELAND	Yes
COMMISSIONER LISA MARTIN	No
VICE MAYOR JASON MCGUIRK	Yes
COMMISSIONER VALLI PERRINE	Yes
COMMISSIONER BRIAN ASHLEY	Yes

The City Clerk noted the passage of Ordinance No. 01-26 in the minutes of this meeting by its title only and recorded the same in full in the Ordinance Records of the City.

The Mayor of the City of New Smyrna Beach has hereunto set his official signature, duly attested by the City Clerk, and has caused the Official Seal of said City to be hereunto affixed for the purpose of authenticity as required by law.

(OFFICIAL SEAL)

As Mayor of the City of New Smyrna Beach, Florida

City Clerk of the City of New Smyrna Beach, Florida