

Effective
12/3/03

Ordinance No. 93-25

per
Hillsborough
County

AN ORDINANCE ESTABLISHING THE PALM BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL & SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISOR; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

WHEREAS Petitioner has filed a petition, as amended, with Hillsborough County ("Petition") requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Palm Bay Community Development District pursuant to Chapter 190, Fla.Stat. ("District"), and designating the real property described in Exhibit A, attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit A, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Fla.Stat.(1991); and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Fla.Stat.(1991).

Post-it® Fax Note	7671	Date	<i>1/26/04</i>	# of pages	<i>6</i>
To	<i>Donna Holiday</i>	From	<i>Judy Cole</i>		
Co./Dept	<i>Severn Trent</i>	Co.	<i>Hillsborough County</i>		
Phone #	<i>954-796-6625</i>	Phone #	<i>813-272-5673</i>		
Fax #	<i>954-796-0623</i>	Fax #	<i>813-272-5758</i>		

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS 23RD DAY OF NOVEMBER, 1993, AS FOLLOWS:

SECTION 1. CONCLUSIONS OF FACT. The County hereby finds and states, that:

1. all statements contained in the Petition are true and correct;
2. the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's comprehensive plan;
3. the area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community;
4. the creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
5. the proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
6. the area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by Chapter 190, Fla.Stat.(1991);
2. The County has jurisdiction pursuant to Section 190.005(2), Fla.Stat. (1991); and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla.Stat.(1991).

SECTION 3. There is hereby created a Community Development District for the area of land described in Exhibit A, attached, which shall exercise the powers of Sections 190.012(1)(2)(a) and (b), Fla.Stat.(1991).

SECTION 4. This Community Development District shall not issue Bonds for any phase of the infrastructure until the infrastructure for that phase is complete. However, nothing shall prohibit the Community Development District from applying for Bond validation prior to completion of the infrastructure.

SECTION 5. This Ordinance shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 6. If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida,

do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of November 23, 1993, as the same appears of records in Minute Book 210 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 1st day of December, 1993.

RICHARD AKE, CLERK

By: *Richard Ake*
Deputy Clerk

Approved as to form and legal sufficiency:

COUNTY ATTORNEY

By: *James P. [Signature]*
Assistant County Attorney

EXHIBIT "A" - PAGE 1 OF 2

DESCRIPTION: A parcel of land lying in Section 33, Township 28 South, Range 17 East and Section 4, Township 29 South, Range 17 East, all being in Hillsborough County, Florida, and being described as follows:

BEGINNING at the Southwest corner of Tract "C", BAYSIDE WEST, according to map or plat thereof, recorded in Plat Book 66, Page 27, Public Records of Hillsborough County, Florida; thence along the Southwesterly boundary of said BAYSIDE WEST the following twenty two (22) courses: 1) S.24°51'22"E., 98.84 feet; 2) S.08°48'54"E., 106.56 feet; 3) S.59°40'36"E., 82.38 feet; 4) S.08°22'19"E., 103.40 feet; 5) S.18°53'02"E., 88.25 feet; 6) S.12°48'46"E., 81.56 feet; 7) S.01°33'37"W., 96.81 feet; 8) S.06°36'57"W., 80.18 feet; 9) S.18°54'04"W., 67.37 feet; 10) S.33°18'41"W., 47.72 feet; 11) S.26°42'56"W., 70.92 feet; 12) S.55°05'45"W., 37.88 feet; 13) S.62°17'32"W., 43.03 feet; 14) N.79°12'47"W., 45.85 feet; 15) S.62°03'23"W., 62.93 feet; 16) S.87°18'04"W., 86.38 feet; 17) S.20°04'13"W., 48.67 feet; 18) S.18°44'23"E., 45.20 feet; 19) S.23°39'59"W., 38.23 feet; 20) S.56°16'07"W., 14.59 feet; 21) S.22°28'17"E., 31.77 feet; 22) S.41°26'44"W., 11.76 feet to a point on a line described by AL SOUTHWORTH in 1958 as a mean high water line traverse line; thence along said mean high water traverse line the following six (6) courses: 1) N.40°29'22"W., 572.96 feet (N.40°32'40"W. by SOUTHWORTH); 2) N.59°46'01"W., 399.95 feet (N.59°48'00"W., 400.00 feet by SOUTHWORTH); 3) N.17°16'21"W., 478.10 feet (N.17°18'20"W., 475.00 feet by SOUTHWORTH); 4) N.10°15'14"W., 566.82 feet (N.10°18'40"W., 566.70 feet by SOUTHWORTH); 5) N.02°00'40"W., 403.35 feet; 6) N.21°21'20"W., 167.03 feet to a point on the Easterly right-of-way line of Channel "A"; thence along said Easterly right-of-way line, N.64°16'25"E., 243.15 feet to a point of curvature; thence continue along said Easterly right-of-way line, Northeasterly, 406.46 feet along the arc of a curve to the left, having a radius of 1203.13 feet and a central angle of 19°21'23" (chord bearing N.54°35'44"E., 404.53 feet) to a point of intersection with a curve, being the Southwesterly boundary of TAMPA SHORES, UNIT NO. 7, according to map or plat thereof, recorded in Plat Book 43, Page 39, Public Records of Hillsborough County, Florida; thence along said Southwesterly boundary, Southeasterly, 237.81 feet along the arc of a curve to the left, having a radius of 245.00 feet and a central angle of 55°36'46" (chord bearing S.22°49'30"E., 228.58 feet) to a point of tangency; thence continue along said Southwesterly boundary, S.50°37'54"E., 1177.41 feet to the Westerly boundary of aforesaid BAYSIDE WEST; thence S.39°21'30"W., 398.92 feet along said Westerly boundary to the Northerly right-of-way line of Cape Hatteras Drive, said point being on a curve; thence along said Northerly right-of-way line, the following four (4) courses: 1) Southeasterly, 134.43 feet along the arc of a curve to the right, having a radius of 400.00 feet and a central angle of 19°15'21" (chord bearing S.41°40'29"E., 133.80 feet) to a point of reverse curvature; 2) Southeasterly, 139.63 feet along the arc of a curve to the left, having a radius of 320.00 feet and a central angle of 25°00'00" (chord bearing S.44°32'49"E., 138.52 feet) to a point of tangency; 3) S.57°02'49"E., 150.00 feet to a point of curvature; 4) Southeasterly, 51.13 feet along the arc of a curve to the right, having a radius of 350.00 feet and a central angle of 08°22'10" (chord bearing S.52°51'44"E., 51.08 feet) to the Easterly right-of-way line of Cape Hatteras Drive; thence along said Easterly right-of-way line, S.41°19'21"W., 50.00 feet to a point on the Southerly right-of-way line of Cape Hatteras Drive, said point being on a curve; thence along said Southerly right-of-way line the following four (4) courses: 1) Northwesterly, 43.82 feet along the arc of a curve to the left, having a radius of 300.00 feet and a central angle of 08°22'10" (chord bearing N.52°51'44"W., 43.78 feet) to a point of tangency; 2) N.57°02'49"W., 150.00 feet to a point of curvature; 3) Northwesterly, 161.44 feet along the arc of a curve to the right, having a radius of 370.00 feet and a central angle of 25°00'00" (chord bearing N.44°32'49"W., 160.17 feet) to a point of reverse curvature; 4) Northwesterly, 48.52 feet along the arc of a curve to the left, having a radius of 350.00 feet and a central angle of 07°56'34" (chord bearing N.36°01'06"W., 48.48 feet) to the Westerly boundary of aforesaid BAYSIDE WEST; thence along said Westerly boundary, S.39°21'30"W., 146.89 feet to the POINT OF BEGINNING.

LESS:

DESCRIPTION: (as taken from preliminary title commitment by First American Title Insurance Company, agent's file no. 251313, date issued May 6, 1992)

A parcel of land in Section 33, Township 28 South, Range 17 East, Hillsborough County, Florida, described as follows: (Note: bearings for description are based on Florida Coordinate System, West Zone).

Commence at the intersection of the centerlines of Longboat Boulevard and Longwater Way as shown on plot of BAYSIDE VILLAGE, recorded in Plat Book 58, Page 40 of the Public Records of Hillsborough County, Florida; thence along the centerline of Longwater Way, N.63°50'49"W., (N.63°51'19"W., Plat), 100.85 feet to a point of curvature and the northwest boundary of said BAYSIDE VILLAGE; thence along a proposed centerline the following (6) six courses: 1.) thence westerly 178.76 feet along a curve concave to the south, said curve having a radius of 400.00 feet, a central angle of 25°36'20", chord bearing and distance N.76°38'59"W., 177.28 feet to a point of tangency; 2.) thence N.89°27'09"W., 98.73 feet to a point of curvature; 3.) thence westerly 104.72 feet along a curve concave to the north, said curve having a radius of 250.00 feet, a central angle of 24°00'00", chord bearing and distance N.77°27'09"W., 103.96 feet to a point of reverse curvature; 4.) thence westerly 300.55 feet along a curve concave to the south, said curve having a radius of 420.00 feet, a central angle of 41°00'00", chord bearing and distance N.85°57'09"W., 294.17 feet to a point of tangency; 5.) thence S.73°32'51"W., 60.91 feet to a point of curvature; 6.) thence southwesterly 113.98 feet along a curve concave to the southeast, said curve having a radius of 260.00 feet, a central angle of 25°07'06", chord bearing and distance S.60°59'18"W., 113.07 feet to an intersection with the centerline of another proposed easement; thence along said centerline the following (5) five courses: 1.) thence N.41°34'15"W., 72.48 feet to a point of curvature; 2.) thence northwesterly 87.78 feet along a curve concave to the southwest, said curve having a radius of 325.00 feet, a central angle of 15°28'33", chord bearing and distance N.49°18'32"W., 87.52 feet to a point of tangency; 3.) thence N.57°02'49"W., 150.00 feet to a point of curvature; 4.) thence northwesterly 150.53 feet along a curve concave to the northeast, said curve having a radius of 345.00 feet, a central angle of 25°00'00", chord bearing and distance N.44°32'49"W., 149.34 feet to a point of reverse curvature; 5.) thence northwesterly 56.68 feet along a curve concave to the southwest, said curve having a radius of 375.00 feet, a central angle of 8°39'38", chord bearing and distance N.36°22'38"W., 56.63 feet; thence S.39°21'30"W., 299.07 feet for a Point of Beginning; thence S.52°15'31"E., 209.93 feet; thence S.13°08'56"E., 263.77 feet; thence S.11°47'29"W., 258.98 feet; thence S.53°07'36"W., 121.95 feet; thence S.71°56'22"W., 208.79 feet; thence S.56°32'44"W., 107.45 feet to the northeasterly boundary of the "Bower Tract" which was deeded to The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, recorded in O.R. Book 4620, Page 27, of the Public Records of Hillsborough County, Florida; thence along said northeasterly boundary the following (2) two courses: 1.) N.40°16'59"W., 404.84 feet; 2.) thence N.59°32'19"W., 400.00 feet; thence N.50°36'47"E., 704.53 feet; thence S.78°31'04"E., 160.57 feet; thence S.52°15'31"E., 148.22 feet to the Point of Beginning. contains 13.3 acres more or less.