

ORDINANCE NO. 01-43

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING GREYHAWK LANDING COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and,

WHEREAS, Petitioner Sam Rodgers Properties, Inc., a Florida corporation, (Petitioner) has petitioned the Manatee County Board of County Commissioners (County) to adopt an ordinance establishing Greyhawk Landing Community Development District (District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, Petitioner is the owner of the 646 acre more or less, area proposed for inclusion within the District; and,

WHEREAS, a public hearing has been conducted by the Manatee County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended and supplemented; and,

WHEREAS, based on the information provided by the Petitioner, the County finds all statements contained in the petition are true and correct and has relied thereon in adopting this Ordinance; and,

WHEREAS, the establishing of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local comprehensive plan; and,

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and,

WHEREAS, the establishing of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District as provided herein; and,

WHEREAS, the proposed 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,

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

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MANATEE COUNTY, FLORIDA

WHEREAS, the establishing of the District as an independent special district and a local unit of special purpose government pursuant to Chapter 190, Florida Statutes, and the exercise by the District's Board of Supervisors of its powers under the Act will further the objectives and public purposes of the Act; will constitute a timely, efficient, effective, responsive and economic way to deliver basic community development services and to plan, manage and finance needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers; and is in the public interest and the best interest of the state and the County and their inhabitants; and,

WHEREAS, as provided in Chapter 190, Florida Statutes, the establishing of the District and exercise of its powers under the Act will serve a governmental and public purpose in that the District will perform essential governmental functions which would otherwise have to be performed by other state and local governments or agencies by, inter alia, providing systems and facilities for the use and enjoyment of the general public, including roads, water, sewer and waste water management systems and facilities, water management and control systems and facilities, including bridges and culverts, parks and facilities for indoor and outdoor recreational, cultural and educational uses, and security systems and facilities; and,

WHEREAS, the acquisition, construction, financing and operation of such systems and facilities as set forth in the Petition will protect, promote and enhance the public health, safety and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Manatee County, Florida, as follows:

SECTION 1. Intent and Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact in support of this Ordinance.

SECTION 2. Authority. This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION 3. Establishment. There is hereby established the Greyhawk Landing Community Development District which shall operate in accordance with Chapter 190., Florida Statutes, to perform the functions contained in the Petition and Supplemental Letter to Applicant's Petition, both attached hereto and made a part of this Ordinance as Exhibit A.

SECTION 4. Boundaries. The boundaries of the Greyhawk Landing Community Development District are those described in the metes and bounds description, attached hereto and made a part of this Ordinance as Exhibit B.

SECTION 5. Initial Board of Supervisors. The following five persons are designated as the initial members of the Board of Supervisors for the Greyhawk Landing Community Development District :

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| (1) | Sam R. Rodgers
448 Bayshore Drive
Venice, FL 34285 | (2) | Mary A. Rodgers
448 Bayshore Drive
Venice, FL 34285 |
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(3) Richard D. Rodgers
4468 White Egret Lane
Osprey, FL 34229

(4) Rex S. Rodgers
6934 Woodmore Terrace
Bradenton, FL 32402

(5) Kathy S. Dixon
1612 Lilliput Court
Venice, FL 34293

SECTION 6. Charter. The Greyhawk Landing Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically Sections 190.006 - 190.041, Florida Statutes (2000) as amended. The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the Petition and Chapter 190, Florida Statutes, any or all of the special powers set forth in Section 190.012(1), Florida Statutes.

In addition, the Board of County Commissioners hereby consents to the District Board exercising the following special powers specified in Section 190.012(2), Florida Statutes. 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.
- b. Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection 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 of such services within the District boundaries.

SECTION 7. County Comprehensive Plan and County Land Development Code Compliance. The Greyhawk Landing Community Development District shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects as if it were a developer.

SECTION 8. County Rights of Termination, Contraction, Expansion, and Limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the District as set forth in Section 190.046, Florida Statutes, are hereby specifically preserved.

SECTION 9. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but remain in full force and effect.

SECTION 10. Effective Date. 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 11. Petitioner Acknowledgment. Petitioner acknowledges and agrees to the statements and provisions contained herein and evidences such by execution of the acknowledgment provided below.

ADOPTED, with a quorum present and voting, this 20th day of July, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Joe McClash
Joe McClash, Chairman
by Anna Strickland, Clerk

ATTEST: R. B. Shore
Clerk of the Circuit Court

By: R. B. Shore

ACKNOWLEDGMENT

The undersigned Petitioner, Sam Rodgers Properties, Inc., a Florida corporation, does hereby acknowledge and agree to the statements and provisions contained herein.

SAM RODGERS PROPERTIES, INC.,
a Florida Corporation.

Witnesses:

W. R. [Signature]
J. T. [Signature]

By: Sam R. Rodgers
Sam R. Rodgers, President