

ORDINANCE NO. 07-52

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING THE BUCKEYE PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FINDINGS OF FACT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE DISTRICT CHARTER; PROVIDING FOR COUNTY COMPREHENSIVE PLAN AND COUNTY LAND DEVELOPMENT CODE COMPLIANCE; PROVIDING THAT NO DEVELOPMENT RIGHTS ARE CONFERRED ON LANDS WITHIN THE DISTRICT; RESERVING COUNTY RIGHTS OF TERMINATION, CONTRACTION, EXPANSION, AND LIMITATION OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER.

2007 JUN 27 AM 10:03
CLERK OF THE COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

FILED

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

WHEREAS, a community development district (CDD) serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law (Chapter 190, Florida Statutes) for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within its boundaries; and

WHEREAS, Buckeye Industrial Limited, a Florida limited partnership (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (County) to adopt an ordinance establishing the Buckeye Park Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner, as the owner of approximately 138 acres of land proposed for inclusion within the District, has consented in writing to the establishment of the District; and

WHEREAS, Subsection 190.005(2), Florida Statutes, authorizes the county commission to adopt an ordinance establishing a community development district of less than 1,000 acres in size; and

WHEREAS, the County has held a public hearing in accordance with the requirements and procedures of Subsections 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

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

WHEREAS, the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government 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 establishment of the District is found to be the best alternative available for delivering community development services and facilities to the area that will be served by the District, as provided herein; and

WHEREAS, 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

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

WHEREAS, the District established under this Ordinance as an independent special district and a local unit of special purpose government shall be governed by Chapter 190, Florida Statutes; and

WHEREAS, the establishment of the District and the exercise by the District's Board of Supervisors of its powers will further the policy and intent expressed in Section 190.002, Florida Statutes; 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:

Section 1. 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 Subsection 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

Section 3. Establishment. There is hereby established the Buckeye Park Community Development District which shall be governed by the uniform community development district charter as set forth in Sections 190.006 through 190.041, Florida Statutes, to perform the functions contained in the petition, attached hereto as Exhibit A.

Section 4. Boundaries. The boundaries of the District are those described in the metes and bounds description, attached hereto as Exhibit B.

Section 5. Initial Board of Supervisors. The following five (5) persons are designated as the initial members of the Board of Supervisors for the District:

- (1) Alan Zirkelbach
1415 10th Street West
Palmetto, Florida 34221
- (2) Bruce Illes
1415 10th Street West
Palmetto, Florida 34221
- (3) Allan Tusing
1415 10th Street West
Palmetto, Florida 34221
- (4) Matt Kezar
1415 10th Street West
Palmetto, Florida 34221
- (5) Margaret Tusing
1415 10th Street West
Palmetto, Florida 34221

Section 6. Charter. The District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically the uniform general law in Sections 190.006 through 190.041, Florida Statutes, as amended. The District shall have, and the District Board of Supervisors 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 Subsection 190.012(1), Florida Statutes. The exercise by the District Board of Supervisors of the special powers specified in Subsection 190.012(2), Florida Statutes, shall require the consent of the County.

Section 7. County Comprehensive Plan and County Land Development Code Compliance. The 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 in the same manner as if it were a private developer. The District will be required to obtain all necessary federal, state, and local permits, including but not limited to site plan approval and building permits, for any construction it undertakes. All infrastructure shall conform to Manatee County standards.

Section 8. No Development Rights Conferred. This Ordinance confers no development rights on any lands included within the District, and any and all development within the District must obtain all necessary approvals and conform to all applicable requirements of the Manatee County Comprehensive Plan and the Manatee County Land Development Code.

Section 9. 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 reserved.

Section 10. Severability. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 11. Effective Date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

Section 12. Petitioner Acknowledgement and Agreement. Petitioner acknowledges and agrees to the statements and provisions contained in this Ordinance and evidences such by execution of the acknowledgement and agreement provided below.

ADOPTED, with a quorum present and voting, this 14 day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Amy Stein
Amy E. Stein, Chairman

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

By: R. B. Shore

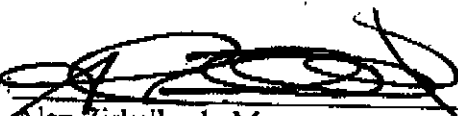


ACKNOWLEDGEMENT AND AGREEMENT

The undersigned Petitioner, Buckeye Industrial Limited, a Florida limited partnership, does hereby acknowledge and agree to the statements and provisions contained herein, including but not limited to the acknowledgement that no development rights have been conferred by the adoption of this Ordinance.

Buckeye Industrial Limited,
a Florida limited partnership

By: Buckeye Industrial, LLC,
a Florida limited liability company,
General Partner

By: 
Alan Zirkelbach, Manager

Witnesses:

Signature: 

Printed Name: MARY AMOROSO

Signature: 

Printed Name: BRUCE H. ILES

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2001 JUN 27 AM 11:46
FILED