

ORDINANCE NO. 02-28

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING HERITAGE HARBOUR MARKET PLACE 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.

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

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 Harbourvest, L.L.C., a Limited Liability Company, (Petitioner), through its operating member USHHH, Inc., a Florida corporation, has petitioned the Manatee County Board of County Commissioners (County) to adopt an ordinance establishing Heritage Harbour Market Place Community Development District (District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, Petitioner is the owner of the 258.42 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,

WHEREAS, based on the information and representations 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,

Page 2 - Ordinance 02-28 - Heritage Harbour Market Place Community Development District -  
Establishment

WHEREAS, the establishing of the District is found to be 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,

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 distribution, sewer and waste water collection systems and facilities, water management and control systems and facilities, including bridges and culverts; 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. 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 Heritage Harbour Market Place Community Development District which shall be governed by the uniform community development district charter as set forth in ss190.006 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 Heritage Harbour Market Place 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 Heritage Harbour Market Place Community Development District :

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| (1) Charles A. Danna, Jr.<br>337 Interstate Boulevard<br>Sarasota, Florida 34240 | (2) Constantine Benetis<br>10481 Six Mile Cypress Parkway<br>Fort Myers, Florida 33912 |
| (3) Anthony J. Squitieri<br>325 Interstate Boulevard<br>Sarasota, Florida 34240  | (4) W. David Key<br>10481 Six Mile Cypress Parkway<br>Fort Myers, Florida 33912        |
| (5) Carolyn F. Jeffries<br>337 Interstate Boulevard<br>Sarasota, Florida 34240   |  |

SECTION 6. Charter. The Heritage Harbour Market Place Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically its uniform general law in Sections 190.006 - 190.041, Florida Statutes, 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.

SECTION 7. County Comprehensive Plan and County Land Development Code Compliance. The Heritage Harbour Market Place 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 in the same manner as a private developer. The Community Development 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. 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 9. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason by a court of competent jurisdiction, 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 the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

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 27<sup>th</sup> day of AUGUST, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

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

By: [Signature] Vice  
Chairman  
Amy Stein, Chairman

By: [Signature]  
SEAL  
BOARD OF COUNTY COMMISSIONERS  
MANATEE CO., FLA.

ACKNOWLEDGMENT

The undersigned Petitioner, Harbourvest, L.L.C. a Limited Liability Company, does hereby acknowledge and agree to the statements and provisions contained herein.

Harbourvest, L.L.C., a Limited Liability Company.

Witnesses:  
[Signature]  
[Signature]

By: [Signature]  
Anthony J. Squitieri, Vice President  
USHHH, Inc., a Florida Corporation,  
Operating Member of Harbourvest L.L.C.



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.  
Witness my hand and official seal this 3<sup>RD</sup> day of SEPTEMBER, 2002  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] n.c.

# STATE OF FLORIDA DEPARTMENT OF STATE

## Division of Elections

I, JIM SMITH, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Manatee County Ordinance No. 02-28, which was filed in this office on September 9, 2002, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
11th., day of September, A.D., 2002.



*Jim Smith*

Secretary of State

DSDE 99 (8/02)

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 X 11" document