

ORDINANCE NO. 06-71

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING THE HERITAGE HARBOUR NORTH 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; RESERVING COUNTY RIGHTS OF TERMINATION, CONTRACTION, EXPANSION, AND LIMITATION OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER.

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, Harbourvest, LLC, a Florida Limited Liability Company, (the “Petitioner”), has filed a petition with the Manatee County Board of County Commissioners (the “Board”) to adopt an ordinance establishing the Heritage Harbour North Community Development District (the “District”) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 877 acres of land proposed for inclusion within the District; and

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

WHEREAS, the Board has held a public hearing in accordance with the requirements and procedures of Sections 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 Board 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 Manatee County 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 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 North 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) Charles A. Danna, Jr.
510 Woodview Way
Bradenton, Florida 34212
- (2) Joy Lynn DuPree
4608 4th Avenue NE
Bradenton, Florida 34208
- (3) Robyn Lynn Fischer
5520 18th Avenue East
Bradenton, Florida 34208
- (4) Ken Stokes
7016 Beechmont Terrace
Bradenton, Florida 34202
- (5) Leilani Benson-Rodriguez
11109 Summer Star Drive
Riverview, Florida 33569

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 exercise by the District Board of Supervisors of any or all of the special powers set forth in Section 190.012, Florida Statutes, shall be 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. Furthermore, the exercise by the District Board of Supervisors of the special powers set forth in Section 190.012(2), Florida Statutes, shall require the further 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. Furthermore, all lands within the boundaries of the District have not received all necessary development approvals. 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 Land Development Code.

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, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 10. 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 11. Petitioner Acknowledgment and Agreement. Petitioner acknowledges and agrees to the statements and provisions contained in this Ordinance and evidences such by execution of the acknowledgment and agreement provided below.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the ____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: _____
Chairman

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

By: _____
Deputy Clerk

ACKNOWLEDGMENT AND AGREEMENT

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

Harbourvest, LLC
a Florida Limited Liability Company

By:
Signature: _____

Printed Name: _____

Title: _____

Witnesses:

Signature: _____

Printed Name: _____

Signature: _____

Printed Name: _____