

ORDINANCE NO. 10-45

FILED IN RECORD
R. B. SHORE

2010 OCT 21 AM 11: 24

CLERK OF DISTRICT COURT
AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO HERITAGE HARBOUR NORTH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SUBSECTION 2-8-41(g) OF THE MANATEE COUNTY CODE OF ORDINANCES; CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically 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 the district boundaries; and

WHEREAS, Heritage Harbour North Community Development District (District) has been created by law and established pursuant to Manatee County Ordinance No. 06-71, adopted on November 2, 2006, effective as filed with the Secretary of State of Florida on November 13, 2006; and

WHEREAS, the District, as an independent special district and a local unit of special purpose government, shall be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws; and

WHEREAS, based on the information provided by the District board of supervisors, the District is active and in good legal standing, and the Board of County Commissioners of Manatee County, Florida (Board), has relied thereon in adopting this Ordinance; and

WHEREAS, Section 190.012, Florida Statutes, as amended, authorizes the District to exercise numerous special powers listed in Subsection 190.012(1), Florida Statutes; and

WHEREAS, Section 190.012, Florida Statutes, as amended, provides that the local general-purpose government must consent to the exercise by the District board of supervisors of those additional special powers listed in Subsection 190.012(2), Florida Statutes; and

WHEREAS, Subsection 190.012(2), Florida Statutes, as amended, provides that the

Board may consent to any of the optional special powers under Subsection 190.012(2), Florida Statutes, as amended, at the request of the District board of supervisors; and

WHEREAS, the District board of supervisors submitted a resolution requesting that the Board consent to the exercise by the District board of supervisors of the additional special powers listed in Paragraphs 190.012(2)(a) and 190.012(2)(d), Florida Statutes, as amended; and

WHEREAS, based on the information provided by the District board of supervisors, the District has the capability of providing such additional special powers, and the Board has relied thereon in adopting this Ordinance; and

WHEREAS, the exercise of such additional special powers by the District board of supervisors shall be governed by Chapter 190, Florida Statutes, as amended, and all other applicable federal, state, and local laws; and

WHEREAS, the Board desires to consent to the exercise by the District board of supervisors of such additional special powers; and

WHEREAS, the Board's consent to the exercise by the District board of supervisors of such additional special powers will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Section 125.66, Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and purpose. It is the intent and purpose of this Ordinance to grant the Board's consent to the exercise by the District board of supervisors of certain additional special powers pursuant to Section 190.012(2), Florida Statutes, as amended, with all the rights and obligations appertaining thereto; including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Creation of Subsection 2-8-41(g) of Manatee County Code of Ordinances. Subsection 2-8-41(g) of the Manatee County Code of Ordinances is hereby created to read as follows:

Sec. 2-8-41. Heritage Harbour North Community Development District.

(g) Special powers. Pursuant to Subsection 190.012(2), Florida Statutes, as amended, the Board of County Commissioners hereby consents to the exercise by the District board of supervisors of the additional special powers listed in Paragraphs 190.012(2)(a) and 190.012(2)(d), Florida Statutes. Specifically, the District shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

Section 5. 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 6. 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.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 12 day of October, 2010.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman

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

By: [Signature]
Deputy Clerk



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 14th day of October, 2010
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FLORIDA DEPARTMENT of STATE

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R. B. SHORE
2010 OCT 21 AM 11:23

DAWN K. ROBERTS
Interim Secretary of State

October 18, 2010

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 14, 2010 and certified copies of Manatee County Ordinance Nos. 10-04, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-15, 10-17, 10-18, 10-30, 10-31, 10-32, 10-43, 10-45, 10-48, PDC-10-09(Z) (G), PDR-03-54 (P) (R), PDR-10-12 (Z) (P) and PDC-04-16 (Z) (P), which were filed in this office on October 18, 2010.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dilis.dos.state.fl.us>

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• **From:** ords@municode.com

Sent: Monday, October 18, 2010 10:22 AM

To: robert.eschenfelder@mymanatee.org; Vicki Tessmer

Subject: Manatee County, FL Code of Ordinances - 1981(10428) Supplement 81

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 81

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 07-65	8/7/2007	10/13/2010	Hard Copy/Electronic
Ordinance No. 10-038	5/11/2010	10/13/2010	Hard Copy/Electronic
Ordinance No. 10-45	10/12/2010	10/18/2010	E-Mail
Ordinance No. 10-48	10/12/2010	10/18/2010	E-Mail
Ordinance No. 10-56	9/28/2010	10/1/2010	E-Mail



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