ORDINANCE NO. 18-28

AN ORDINANCE OF MANATEE COUNTY, REGARDING SERVICES; ESTABLISHING THE PUBLIC WILLOWS COMMUNITY DEVELOPMENT DISTRICT; **PROVIDING SPECIFYING** LEGISLATIVE FINDINGS: **AUTHORITY**: SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-66 OF MANATEE COUNTY THE CODE ORDINANCES, **ENTITLED** "WILLOWS **COMMUNITY** DEVELOPMENT DISTRICT," TO ESTABLISH THE WILLOWS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, TO DESCRIBE THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND TO CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; 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, Subsection 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the establishment of a community development district of less than 2,500 acres in size; and

WHEREAS, Willow Lane Holdings, LLC (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Willows Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 287.07 acres of real property proposed for inclusion within the District and has consented in writing to the establishment of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with

the requirements and procedures of Paragraphs 190.005(2)(b) and 190.005(1)(d), Florida

Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in Paragraphs 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for the establishment of the community development district; 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 all other applicable federal, state, and local laws; and

WHEREAS, the establishment of the District 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, 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, Paragraph 190.005(2)(d), Florida Statutes, as amended, provides that in an ordinance establishing a community development district, 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 Petitioner; and

WHEREAS, the petition submitted by the Petitioner requests that the Board consent to the exercise by the District board of supervisors of the additional special powers listed in Paragraph 190.012(2)(a)&(d), Florida Statutes, as amended; 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.

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

- Section 1. <u>Legislative findings.</u> 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. <u>Authority</u>. This Ordinance is adopted pursuant to Subsection 190.005(2), Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.
- Section 3. <u>Intent and Purpose.</u> It is the intent and purpose of this Ordinance to establish the Willows Development District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws. It is further the intent and purpose of this Ordinance to grant the consent of the Board to the exercise by the District board of supervisors of certain additional special powers pursuant to Subsection 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. <u>Creation of Section 2-8-66 of Manatee County Code of Ordinances.</u> Section of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:
 - Sec. 2-8-66. Willows Community Development District.
- (a) <u>Establishment. The Willows Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.</u>
- (b) Boundaries. The boundaries of the District are described in the metes and bounds Description attached hereon as Exhibit "2".
- (c) <u>Initial board of supervisors.</u> The names of five (5) persons designated as the initial members of the board of supervisors for the District are as follows:
 - (1) J. Marion Uter
 - (2) Cynthia Uter
 - (3) Charles Conoley
 - (4) John R. Weiss
 - (5) Hal Lutz
- (d) Special powers. Pursuant to Paragraph 190.005(2)(d) and 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 following special powers listed in Paragraph 190.012(2)(a)&(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 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. <u>Codification.</u> The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 4 of this Ordinance into the Code.
- Section 6. <u>Severability</u>. 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 7. <u>Effective date.</u> 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.

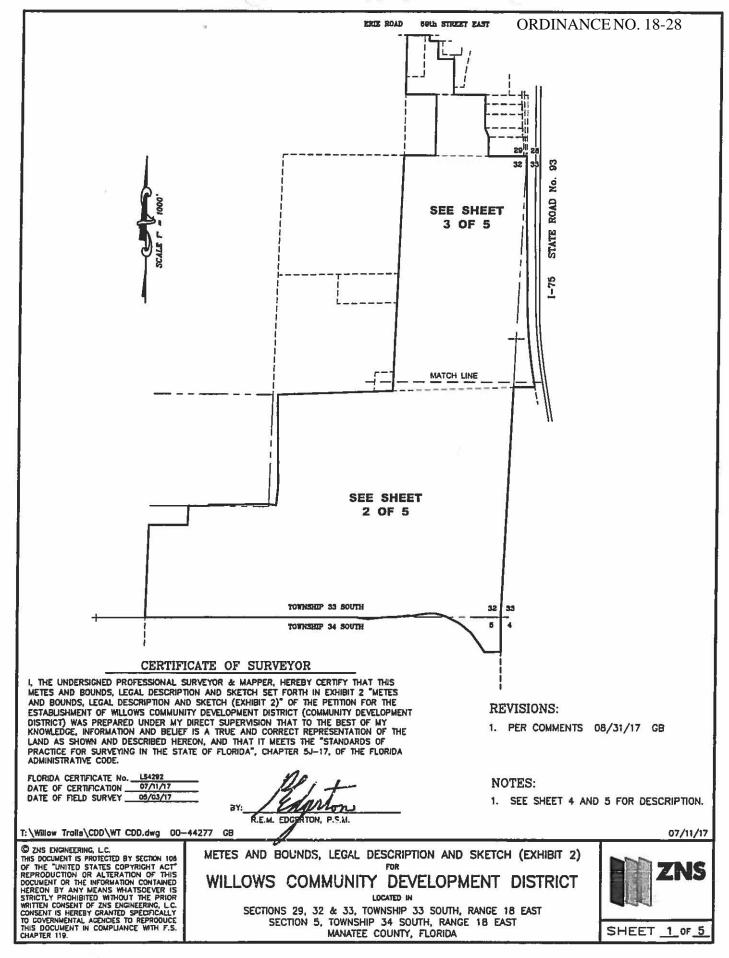
PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 12th day of June, 2018.

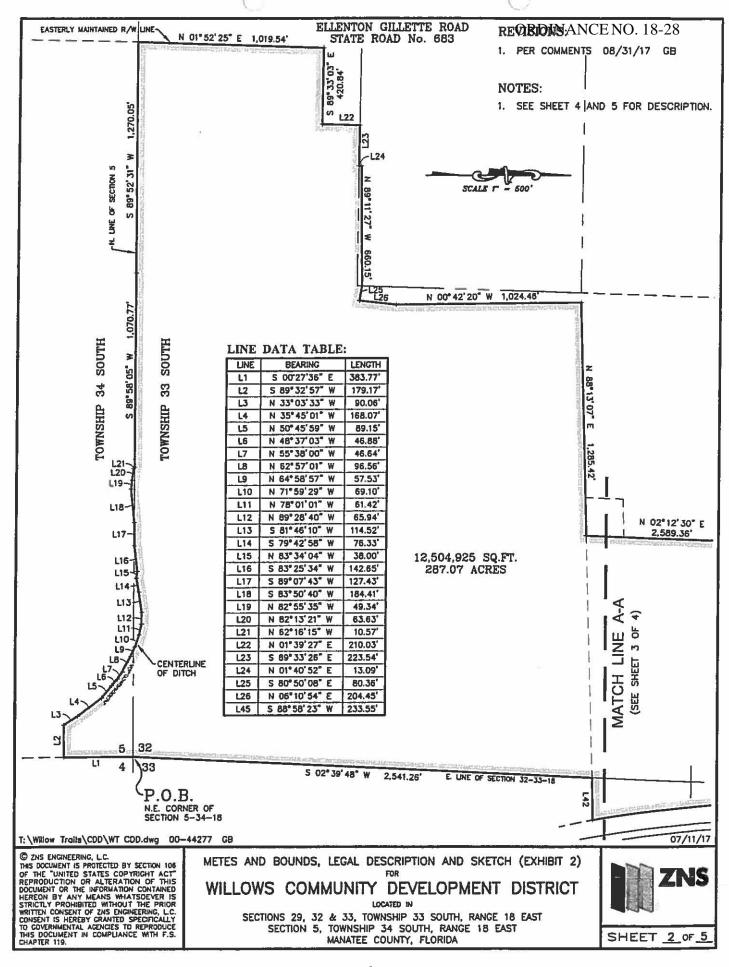
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

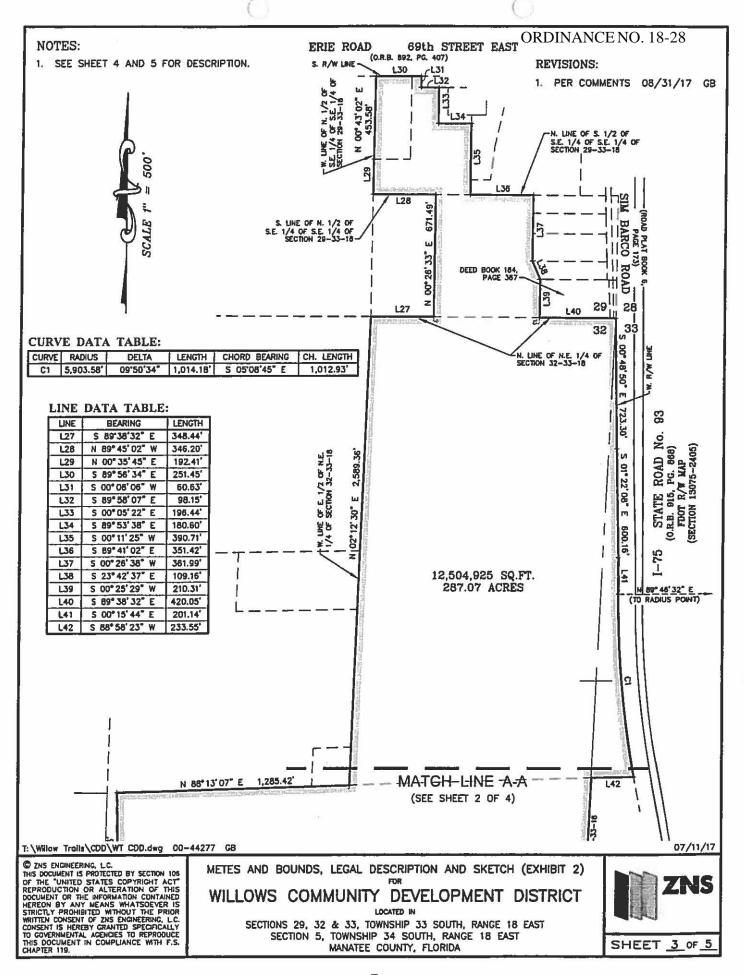
By:_______
Chairperson

ATTEST: ANGELINA COLONNESO CLERK OF THE CIRCUIT COURT AND COMPTROLLER

Ву:	 Deputy
Clerk	







DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTIONS 29, 32 & 33, TOWNSHIP 33 SOUTH, RANGE 18 EAST AND SECTION 5, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOW:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE S 00°27'36" E, A DISTANCE OF 383.77 FEET; THENCE S 89°32'57" W, A DISTANCE OF 179.17 FEET; THENCE NORTHWESTERLY AND WESTERLY, ALONG THE CENTERLINE OF A DITCH, THE FOLLOWING NINETEEN (19) COURSES: 1) N 33°03'33" W. A DISTANCE OF 90.06 FEET; 2) THENCE N 35°45'01" W, A DISTANCE OF 168.07 FEET; 3) THENCE N 50°45'59" W, A DISTANCE OF 89.15 FEET; 4) THENCE N 48°37'03" W, A DISTANCE OF 46.88 FEET; 5) THENCE N 55°38'00" W, A DISTANCE OF 46.64 FEET; 6) THENCE N 62°57'01" W, A DISTANCE OF 96.56 FEET; 7) THENCE N 64"58"57" W, A DISTANCE OF 57.53 FEET; 8) THENCE N 71°59'29" W, A DISTANCE OF 69.10 FEET; 9) THENCE N 78°01'01" W, A DISTANCE OF 61.42 FEET; 10) THENCE N 89"28'40" W, A DISTANCE OF 65.94 FEET; 11) THENCE S 81"46'10" W, A DISTANCE OF 114.52 FEET; 12) THENCE S 79°42'58" W, A DISTANCE OF 76.33 FEET; 13) THENCE N 83°34'04" W, A DISTANCE OF 38.00 FEET; 14) THENCE S 83°25'34" W, A DISTANCE OF 142.65 FEET; 15) THENCE S 89°07'43" W, A DISTANCE OF 127.43 FEET; 16) THENCE S 83°50'40" W, A DISTANCE OF 184.41 FEET; 17) THENCE N 82°55'35" W, A DISTANCE OF 49.34 FEET; 18) THENCE N 82°13'21" W, A DISTANCE OF 63.63 FEET; 19) THENCE N 62°16'15" W, A DISTANCE OF 10.57 FEET TO THE END OF SAID CENTERLINE AND A POINT ON THE NORTH LINE OF AFORESAID SECTION 5; THENCE ALONG AFORESAID NORTH LINE OF SECTION 5, THE FOLLOWING TWO (2) COURSES: 1) 5 89°58'05" W, A DISTANCE OF 1,070.77 FEET; 2) THENCE S 89°52'31" W, A DISTANCE OF 1,270.05 FEET TO A POINT ON THE EASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ELLENTON GILLETTE ROAD (STATE ROAD No. 683): THENCE N 01°52'25" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,019.54 FEET; THENCE S 89"33'03" E, A DISTANCE OF 420.84 FEET; THENCE N 01"39'27" E, A DISTANCE OF 210.03 FEET; THENCE S 89°33'26" E, A DISTANCE OF 223.54 FEET; THENCE N 01°40'52" E, A DISTANCE OF 13.09 FEET; THENCE N 89°11'27" E, A DISTANCE OF 660.15 FEET; THENCE S 80°50'08" E, A DISTANCE OF 80.36 FEET; THENCE N 06°10'54" E, A DISTANCE OF 204.45 FEET; THENCE N 00°42'20" W, A DISTANCE OF 1,024.46 FEET; THENCE N 88°13'07" E, A DISTANCE OF 1,285.42 FEET; THENCE N 02°12'30" E ALONG THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF AFORESAID SECTION 32, A DISTANCE OF 2,589.36 FEET; THENCE S 89°38'32" E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF AFORESAID SECTION 32, A DISTANCE OF 348.44 FEET; THENCE N 00°26'33" E, A DISTANCE OF 671.49 FEET; THENCE N 89°45'02" W ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 29. A DISTANCE OF 346.20 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTH 1/2, THE FOLLOWING TWO (2) COURSES: 1) N 00°35'45" E, A DISTANCE OF 192.41 FEET; 2) THENCE N 00°43'02" E, A DISTANCE OF 453.58 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ERIE ROAD, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 892, PAGE 407 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 89°56'34" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 251.45 FEET; THENCE S 00°08'06" W, A DISTANCE OF 60.63 FEET; THENCE S 89°58'07" E, A DISTANCE OF 98.15 FEET; THENCE S 00°05'22" W, A DISTANCE OF 196.44 FEET; THENCE S 89°53'38" E, A DISTANCE OF 180.60 FEET; THENCE 5 00°11'25" W, A DISTANCE OF 390.71 FEET TO A POINT ON

cont.

REVISIONS:

1. PER COMMENTS 08/31/17 GB

NOTES:

1. SEE SHEETS 2 & 3 OF 5 FOR SKETCH.

T:\Willow Trails\CDD\WT CDD.dwg 00-44277 GB

07/11/17

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CHAPTER 119.

METES AND BOUNDS, LEGAL DESCRIPTION AND SKETCH (EXHIBIT 2)

WILLOWS COMMUNITY DEVELOPMENT DISTRICT

LOCATED IN

SECTIONS 29, 32 & 33, TOWNSHIP 33 SOUTH, RANGE 18 EAST SECTION 5, TOWNSHIP 34 SOUTH, RANGE 18 EAST MANATEE COUNTY, FLORIDA



SHEET 4 OF 5

cont.

THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 29; THENCE S 89°41'02" E ALONG SAID NORTH LINE, A DISTANCE OF 351.42 FEET: THENCE S 00°26'38" W, A DISTANCE OF 361.99 FEET; THENCE S 23°42'37" E, A DISTANCE OF 109.16 FEET TO A POINT ON A PARCEL OF LAND CONVEYED FOR A CEMETERY AS DESCRIBED AND RECORDED IN DEED BOOK 184, PAGE 367 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE SOUTHERLY AND EASTERLY ALONG SAID PARCEL, THE FOLLOWING TWO (2) COURSES: 1) S 00°25'29" W, A DISTANCE OF 210.31 FEET TO A POINT ON THE NORTH LINE OF AFORESAID NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST; 2) S 89°38'32" E ALONG SAID SOUTH LINE, A DISTANCE OF 420.05 FEET TO THE NORTHEAST CORNER OF AFORESAID SECTION 32 AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 1-75 (STATE ROAD No. 93); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES: 1) 5 00°48'50" E, A DISTANCE OF 723.30 FEET; 2) THENCE S 01"22'08" E, A DISTANCE OF 600.16 FEET; 3) THENCE S 00°15'44" E, A DISTANCE OF 201.14 FEET TO A POINT ON THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT, WHOSE RADIUS POINT BEARS N 89°46'32" E, A DISTANCE OF 5,903.58 FEET; 4) THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09"50'34", A DISTANCE OF 1,014.18 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, S 88°58'23" W; A DISTANCE OF 233.55 FEET TO THE EAST LINE OF AFORESAID SECTION 32; THENCE S 02°39'48" W ALONG SAID EAST LINE, A DISTANCE OF 2,541.26 FEET TO THE SOUTHEAST CORNER OF AFORESAID SECTION 32 AND THE POINT OF BEGINNING.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

CONTAINING 12,504,925 SQUARE FEET OR 287.07 ACRES

REVISIONS:

1. PER COMMENTS. 08/31/17 GB

NOTES:

1. SEE SHEETS 2 & 3 OF 5 FOR SKETCH.

T: \Willow Troils\CDD\WT CDD.dwg 00-44277 GB

07/11/17

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WILLOWS COMMUNITY DEVELOPMENT DISTRICT

LOCATED IN

SECTIONS 29, 32 & 33, TOWNSHIP 33 SOUTH, RANGE 18 EAST SECTION 5, TOWNSHIP 34 SOUTH, RANGE 18 EAST MANATEE COUNTY, FLORIDA



ZNS

SHEET 5 of 5



RICK SCOTT Governor **KEN DETZNER**Secretary of State

June 18, 2018

Honorable Angelina Colonneso Clerk of the Circuit Court Manatee County Post Office Box 25400 Bradenton, Florida 34206

Attention: DeWayne Cusick

Dear Ms. Colonneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of Manatee County Ordinance 18-28, which was filed in this office on June 18, 2018.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

DeWayne Cusick

From: Vicki Tessmer

Sent: Tuesday, June 19, 2018 9:11 AM

To: DeWayne Cusick

Subject: FW: Manatee County, FL Code of Ordinances - 1981(10428) ORDLINK/ORDBANK

Follow Up Flag: Follow up Flag Status: Flagged

This needs to be added to the agenda pkg and the ordiance in the M drive. Thanks!

Vicki Tessmer
Supervisor, Board Records, Tax Deeds, and VAB
For Angelina "Angel" Colonneso
Clerk of the Circuit Court and Comptroller of Manatee County
www.manateeclerk.com
vicki.tessmer@manateeclerk.com
941-741-4081



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Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request

From: Ords Admin [mailto:ords@municode.com]

Sent: Tuesday, June 19, 2018 9:08 AM

To: Vicki Tessmer

Subject: Manatee County, FL Code of Ordinances - 1981(10428) ORDLINK/ORDBANK

We have received your file.

Thank you and have a great day,

Ords Admin.

ords@municode.com

When available, please send all documents in WORD format to Ords@municode.com. However, if WORD format is not available, we welcome any document format including PDF.



JPB

From: Vicki Tessmer < <u>vicki.tessmer@ManateeClerk.com</u>>

Sent: Monday, June 18, 2018 3:05 PM **To:** Ords Admin <ords@municode.com>

Cc: DeWayne Cusick < dewayne.cusick@ManateeClerk.com >

Subject: Manatee county Ord

Hello,

Please find attached corrected ordinance 18-28. This version has the required attachements.

Thank you,

Vicki Tessmer
Supervisor, Board Records, Tax Deeds, and VAB
For Angelina "Angel" Colonneso
Clerk of the Circuit Court and Comptroller of Manatee County
www.manateeclerk.com
vicki.tessmer@manateeclerk.com
941-741-4081



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