

ORDINANCE NO. 15-06

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE AQUA ONE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-55 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "AQUA ONE COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE AQUA ONE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBE THE BOUNDARIES OF THE DISTRICT, NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND 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 1,000 acres in size; and

WHEREAS, Cargor Partners VIII – Long Bar Pointe, LLLP, a Florida limited liability partnership (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Aqua One Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 61.53 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 Petitioners; 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 Paragraphs 190.012(2)(a) and 190.012(2)(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. 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 Subsection 190.005(2), 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 establish the Aqua One Community 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 of County Commissioners 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. Creation of Section 2-8-55 of Manatee County Code of Ordinances. Section 2-8-55 of the Manatee County Code of Ordinances is hereby created to read as follows:

Sec. 2-8-55. Aqua One Community Development District.

(a) Establishment. The Aqua One Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.

(b) Boundaries. The boundaries of the District are described in the metes and bounds description attached hereto as Exhibit “A”.

(c) Initial board of supervisors. The names of five (5) persons designated as the initial members of the board of supervisors for the District are as follows:

(1) Peter Logan.

(2) Connor Chambers.

(3) Charles Tokarz.

(4) Margo Holeman.

(5) John Wollard.

(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 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:

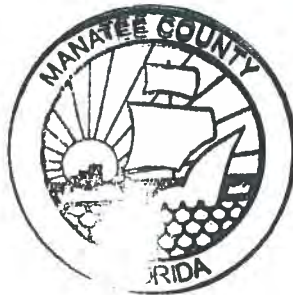
- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other 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. Codification. This Ordinance shall be codified in the Manatee County Code of Ordinances.

Section 6. 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 7. 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 27th day of January, 2015.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: [Signature]
Chairman

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

By: [Signature]
Deputy Clerk

**AQUA ONE COMMUNITY DEVELOPMENT DISTRICT
METES AND BOUNDS LEGAL DESCRIPTION**

LEGAL DESCRIPTION: (AS PREPARED BY THE CERTIFYING SURVEYOR AND MAPPER)

A PARCEL OF LAND LYING IN SECTIONS 17 AND 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA AS DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST NORTHERLY CORNER OF TRACT 'C', "LEGENDS BAY", A SUBDIVISION AS RECORDED IN PLAT BOOK 52, PAGE 26, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, THENCE SOUTH 40°14'30" WEST ALONG THE NORTHEAST LINE OF TRACT 'C' AND TRACT 'CE2' AS SHOWN ON "LEGENDS BAY", A SUBDIVISION AS RECORDED IN PLAT BOOK 52, PAGE 26, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 758.28 FEET; (THE FOLLOWING 2 COURSES ARE ALONG THE NORTHEAST LINE OF TRACT 'CE2'), THENCE SOUTH 27°05'16" WEST 299.56 FEET; THENCE SOUTH 22°39'47" WEST 261.79 FEET; THENCE NORTH 49°38'51" WEST 1024.38 FEET TO A POINT OF CURVATURE OF A 322.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°54'52" AN ARC DISTANCE OF 283.86 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°53'17" AN ARC DISTANCE OF 37.91 FEET TO A POINT OF TANGENCY; THENCE NORTH 89°35'18" WEST 240.20 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°58'45" AN ARC DISTANCE OF 16.57 FEET TO A POINT OF REVERSE CURVATURE OF A 60.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE WESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 165°57'30" AN ARC DISTANCE OF 173.79 FEET TO A POINT OF REVERSE CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°58'45" AN ARC DISTANCE OF 16.57 FEET TO A POINT OF TANGENCY; THENCE NORTH 00°24'44" EAST 288.40 FEET TO A POINT OF CURVATURE OF A 158.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50°01'35" AN ARC DISTANCE OF 137.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 49°36'51" WEST 117.75 FEET TO A POINT OF CURVATURE OF A 150.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°44'29" AN ARC DISTANCE OF 111.90 FEET TO A POINT OF TANGENCY; THENCE SOUTH 87°38'40" WEST 33.99 FEET; THENCE NORTH 02°21'20" WEST 84.00 FEET; THENCE NORTH 87°38'40" EAST 25.94 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY; THENCE NORTH 02°21'20" WEST 1.46 FEET TO A POINT OF CURVATURE OF A 142.00 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°44'29" AN ARC DISTANCE OF 105.93 FEET TO A POINT OF TANGENCY; THENCE NORTH 40°23'09" EAST 910.88 FEET TO A POINT ON A 25.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE WEST WHOSE RADIUS POINT BEARS NORTH 49°36'51" WEST; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'03" AN ARC DISTANCE OF 39.27 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE EL CONQUISTADOR PARKWAY ACCORDING TO OFFICIAL RECORD BOOK 2309, PAGE 2099, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND A POINT OF NON-TANGENCY; (THE FOLLOWING 2 COURSES ARE ALONG THE SOUTH RIGHT OF WAY LINE OF EL CONQUISTADOR PARKWAY ACCORDING TO OFFICIAL RECORD BOOK 2309, PAGE 2099, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA), THENCE SOUTH 49°36'58" EAST 1820.06 FEET TO A POINT OF CURVATURE OF A 1715.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°46'56" AN ARC DISTANCE OF 292.81 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN MANATEE COUNTY, FLORIDA AND CONTAINING 61.530 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

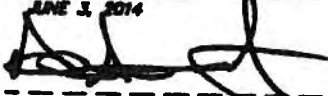
1. BEARINGS SHOWN HEREON ARE RELATIVE TO THE STATE PLANE COORDINATE SYSTEM (FLORIDA WEST ZONE, 1983 / 90 DATUM), DERIVED FROM THE SOUTH RIGHT OF WAY LINE OF EL CONQUISTADOR PARKWAY, HAVING A BEARING OF S49°36'58"E.
2. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.



SHEET 1 OF 2 SHEETS

CLIENT	medallion
JOB NO.	09-01-14
ACAD FILE	CD-LEBAL
FIELD DATE	
DRAWN BY	SD
REVISIONS	

"UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS BOUNDARY SURVEY IS FOR INFORMATION ONLY AND IS NOT VALID".

JUNE 3, 2014

 ALEXANDER G. DUCHART
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA REGISTRATION NO. 5998



ADUCHART LAND SURVEYING, INC.

2403 WERNMONT AVENUE EAST
 BRADENTON, FL 34508
 aduchart@gmail.com
 1-800-408-8788

- Boundary
- Construction
- Platting
- ALTA
- Topographic