

ORDINANCE

17-14

ORDINANCE NO. 17-14

AN ORDINANCE ESTABLISHING BOYETTE PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MATTAMY TAMPA/SARASOTA, LLC, LLC, a Florida limited liability company ("Petitioner") has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing Boyette Park Community Development District pursuant to Chapter 190, Fla. Stat. ("District"), and designating the real property described in **Exhibit "A"**, attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit A, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005 (1) (d), Fla. Stat.; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005 (1) (e), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 13TH DAY OF JUNE, 2017, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The County hereby finds and states that:

1. The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;
2. All statements contained the Petition are true and correct;
3. The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan;

4. The area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;

5. The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

6. 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

7. The area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by Chapter 190, Fla. Stat.;
2. The County has jurisdiction pursuant to Section 190.005 (2), Fla. Stat.; and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat.

SECTION 3. CREATION, BOUNDARIES AND POWERS. There is hereby created Boyette Park Community Development District for the area of land described in Exhibit A, attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a), (b), (c), (d), (e) & (f), and (3), Fla. Stat., and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Fla. Stat., including the special powers provided under Section 190.012(1), (2)(a), (b), (c), (d), (e) & (f), Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors:

1. Matt O'Brien
2. Mac McCraw
3. Tim Murray
4. Jacob Egan
5. Thomas Griggs

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT COLLIER FRANK, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of June 13, 2017, as the same appears of record in Minute Book 493 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 14th day of June, 2017.

PAT COLLIER FRANK, CLERK

By: Miranda K. Di
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

BY [Signature]
Approved as to Form and Legal Sufficiency

EXHIBIT A

BOYETTE PARK CDD LEGAL DESCRIPTION

A parcel of land lying in Sections 21 and 28, Township 30 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast Corner of the Northeast' of the Northeast' of said Section 28; thence along the North boundary of the Northeast' of the Northeast' of said Section 28 S.89°50'18"W., a distance of 30.00 feet to the West Right-of-Way line of McMullen Loop Road and the POINT OF BEGINNING; thence along said West Right-of-way line, being 30.00 feet West of and parallel to the East boundary of the Northeast' of the Northeast' of said Section 28, S.00°09'04"W., a distance of 868.97 feet; thence leaving said West Right-of-Way line, N.89°53'46"W., a distance of 195.83 feet; thence S.00°03'58"W., a distance of 229.12 feet; thence N.89°53'46"W., a distance of 82.79 feet; thence S.00°00'00"E., a distance of 210.00 feet to the North Right-of-Way line of Leonard Avenue; thence along said North Right-of-Way line, being 25.00 feet North of and parallel to the South boundary of the Northeast' of the Northeast' said Section 28 and 25.00 feet North of and parallel to the South boundary of the Northwest' of the Northeast' said Section 28, respectively, N.89°52'51"W., a distance of 1022.96 feet; thence S.89°59'12"W., a distance of 1330.82 feet to the West boundary of the Northwest' of the Northeast' of said Section 28; thence along said West boundary, N.00°12'04"W., a distance of 971.69 feet to the South boundary of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast' of said Section 28; thence along said South boundary, S.89°55'44"E., a distance of 667.17 feet to the East boundary of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 28; thence along said East boundary, N.00°09'04"W., a distance of 332.14 feet to the North boundary of the Northwest' of the Northeast' of said Section 28; thence along the West boundary of the East 1/2 of the Southwest 1/4 of the Southeast' of said Section 21, N.00°14'27"E., a distance of 1081.88 feet; thence leaving said boundary along the Southerly and Easterly boundary, respectively, of lands described as, "Less and Except Parcel A" of Official Records Book 23793, Page 1800 of the Public Records of Hillsborough County, Florida the next three (3) consecutive courses; 1) S.89°54'35"E., a distance of 259.69 feet; 2) N.00°03'45"W., a distance of 168.08 feet; 3) N.44°59'33"W., a distance of 70.85 feet to the South Right-of-Way line of Boyette Road; thence along said South Right-of-Way line, S.89°59'08"E., a distance of 198.00 feet; thence leaving said Right-of-Way line, along the lands described as "Less and Except" of Official Records Book 23793, Page 1806 the following three courses; 1) S.44°56'15"W., a distance of 70.85 feet; 2) S.00°03'45"E., a distance of 168.25 feet; 3) S.89°54'35"E., a distance of 522.07 feet to the Westerly boundary of Goolsby Pointe Platted Subdivision - No Improvements, according to the plat thereof, as recorded in Plat Book 87, Page 72 of the Public Records of Hillsborough County, Florida; thence along the Westerly and Southerly boundaries, respectively, the following ten (10) courses, 1) Southwesterly, 7.03 feet along the arc of a non-tangent curve to the left having a radius of 24.00 feet and a central angle of 16°46'52" (chord bearing S.10°33'06"W., 7.00 feet); 2) S.00°15'26"W., a distance of 460.93 feet; 3) Southeasterly, 71.00 feet along the arc of a tangent curve to the left having a radius of 44.00 feet and a central angle of 92°27'16" (chord bearing S.45°58'12"E., 63.54 feet); 4) N.87°48'10"E., a distance of 140.07 feet; 5) N.89°26'14"E., a distance of 296.50 feet; 6) N.89°07'15"E., a distance of 332.52 feet; 7) N.44°49'22"E., a distance of 18.28 feet; 8) N.89°49'22"E., a distance of 104.59 feet; 9) N.51°55'53"E., a distance of 8.14 feet; 10) N.89°49'22"E., a distance of 150.93 feet to the West Right-of-Way line of said McMullen Loop Road; thence along said West Right-of-Way line, being 30.00 feet West of and parallel to the East boundary of the Southeast' of the Southeast' of said Section 21, S.00°10'29"E., a distance of 597.88 feet to the POINT OF BEGINNING.

Containing 108.34 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 14, 2017

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon, Deputy Clerk

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 17-14, which was filed in this office on June 14, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb