ORDINANCE NO. 15-20

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE TREVESTA COMMUNITY DEVELOPMENT DISTRICT: PROVIDING LEGISLATIVE FINDINGS: **SPECIFYING** AUTHORITY: SPECIFYING INTENT AND PURPOSE: CREATING SECTION 2-8-61 OF THE MANATEE COUNTY CODE ORDINANCES, ENTITLED "TREVESTA COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE TREVESTA 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, Kolter Acquisitions, LLC, a Florida limited liability company (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Trevesta Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, MB REO-FL Land, LLC, a Delaware limited liability company, and Stephany, Inc., a Florida corporation, are the owners of approximately 411.437 acres of real property proposed for inclusion within the District and have 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)(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:

- <u>Section 1</u>. <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. 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 Trevesta 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. <u>Creation of Section 2-8-61 of Manatee County Code of Ordinances.</u>
 Section 2-8-61 of the Manatee County Code of Ordinances is hereby created to read as follows:

Sec. 2-8-61. Trevesta Community Development District.

- (a) <u>Establishment. The Trevesta Community Development District is hereby</u> 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) <u>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:</u>
 - (1) Jim Harvey.
 - (2) David Langhout.
 - (3) Greg Meath.
 - (4) Troy Simpson.
 - (5) Paul Martin.
- (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 Paragraph 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 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. <u>Codification</u>. 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.

BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA

Chairman

ATTEST:

R.B. Shore

Clerk of the Circuit Court

Denuty Clerk

EXHIBIT A

TREVESTA COMMUNITY DEVELOPMENT DISTRICT

DESRIPTION: A parcel of land lying in Sections 28, 33, and 34, Township 33 South, Range 18 East, and Section 4, Township 34 South, Range 18 East, Manatee County, Florida, also being a portion of MECCA PARK COLONY, according to the plat thereof, recorded in Plat Book 1, Page 192-A, of the Public Records of Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of said Section 33, run thence along the North boundary of the Northwest 1/4 of said Section 33, N.88°21'50"E., 386.27 feet to a point on the Easterly limited access right of way line of Interstate 75 (State Road 93 per Florida Department of Transportation Right of Way Map Section 13075-2405), said point also being a point on a curve; thence along said Easterly limited access right of way line, Southerly, 312.62 feet along the arc of said curve to the left having a radius of 5587.58 feet and a central angle of 03°12'20" (chord bearing S.04°42'34"E., 312.58 feet) to the POINT OF BEGINNING; thence N.86°59'04"E., 270.26 feet; thence S.49°31'53"E., 74.98 feet to a point on a non-tangent curve; thence Northeasterly, 193.31 feet along the arc of said curve to the right having a radius of 760.00 feet and a central angle of 14°34'24" (chord bearing N.47°45'19"E., 192.79 feet) to a point of tangency; thence N.55°02'31"E., 42.28 feet to a point of curvature; thence Northeasterly, 618.73 feet along the arc of a curve to the left having a radius of 640.00 feet and a central angle of 55°23'29" (chord bearing N.27°20'46"E., 594.91 feet) to a point of tangency; thence N.00°20'58"W., 310.70 feet to the Southerly right of way line of Erie Road; thence along said Southerly right of way line, the following three (3) courses: 1) N.80°20'47"E., 5.90 feet; 2) N.00°59'46"W., 20.66 feet; 3) N.89°39'02"E., 139.41 feet to a point of cusp; thence Southwesterly, 39.27 feet along the arc of said curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing \$.44°39'02"W., 35.36 feet) to a point of tangency; thence \$.00°20'58"E., 307.31 feet to a point of curvature; thence Southerly, 295.04 feet along the arc of a curve to the right having a radius of 760.00 feet and a central angle of 22°14'35" (chord bearing S.10°46'19"W., 293.19 feet); thence N.89°39'02"E., 278.98 feet; thence S.00°20'58"E., 127.00 feet; thence N.89°39'02"E., 378.20 feet to a point of curvature; thence Easterly, 46.71 feet along the arc of a curve to the right having a radius of 545.00 feet and a central angle of 04°54'39" (chord bearing S.87°53'38"E., 46.70 feet); thence N.00°20'58"W., 144.00 feet; thence N.89°39'02"E., 291.25 feet to a point on a non-tangent curve; thence Northerly, 183.51 feet along the arc of said curve to the right having a radius of 1042.00 feet and a central angle of 10°05'26" (chord bearing N.05°23'42"W., 183.28 feet) to a point of tangency; thence N.00°20'58"W., 397.43 feet to a point of curvature; thence Northwesterly, 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.45°20'58"W., 35.36 feet) to a point of cusp on aforesaid Southerly right of way line of Erie Road; thence along said Southerly right of way line, N.89°39'02"E., 869.78 feet to the Northwest corner of the North 284.00 feet of the East 180.00 feet of the West 619.00 feet of the West 3/4 of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of aforesaid Section 28; thence along the West boundary of said North 284.00 feet of the East 180.00 feet of the West 619.00 feet of the West 3/4 of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 28, S.00°26'33"W., 242.02 feet to the Southwest corner thereof; thence along the South boundary of said North 284.00 feet of the East 180.00 feet of the West 619.00 feet of the West 3/4 of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 28, N.89°39'02"E., 180.02 feet to the Southeast corner thereof; thence along the East boundary of said West 619.00 feet of the West 3/4 of the South 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 28, S.00°26'33"W., 357.22 feet to the North boundary of the Northwest 1/4 of the Northeast 1/4 of aforesaid Section 33; thence along said North boundary of the Northwest 1/4 of the Northeast 1/4 of Section 33, N.88°20'49"E., 697.50 feet to the Northeast corner thereof; thence along the East boundary of said Northwest 1/4 of the Northeast 1/4 of Section 33, S.01°55'34"W., 1302.26 feet to the Southeast corner thereof; thence along the North boundary of the Southeast 1/4 of said Northeast 1/4 of Section 33, N.88°48'08"E., 330.08 feet to the Northeast corner of the West 1/4 of said Southeast 1/4 of the Northeast 1/4 of Section 33; thence along the East boundary of said West 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 33, S.01°54'13"W., 1305.60 feet to the Southeast corner thereof; thence along the North boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 33, N.89°18'28"E., 993.68 feet to the Northeast corner thereof; thence along the North boundary of the Northwest 1/4 of the Southwest 1/4 of aforesaid Section 34, N.89°55'41"E., 106.22 feet to a point on the centerline of a 100-foot Florida Power & Light Company Easement, recorded in Official Records Book 1228, Page 3876, and Official Records Book 1228, Page 3880, both of the Public Records of Manatee County, Florida; thence along said centerline of a 100-foot Florida Power & Light Company easement, S.00°55'19"W., 975.24 feet to the Northerly right of way line of a Florida Power & Light Company right of way (formerly CSX Transportation Inc. railroad right of way), according to Official Records Book 1250, Page 737, of the Public Records of Manatee County, Florida; thence along said Northerly right of way line of Florida Power & Light Company right of way, as found monumented, the following three (3) courses: 1) S.63°25'33"W., 3657.85 feet to the North boundary of the Northwest 1/4 of aforesaid Section 4; 2) along said North boundary of the Northwest 1/4 of Section 4, S.89°44'42"E., 77.04 feet; 3) S.63°26'04"W., 830.96 feet to aforesaid Easterly limited access right of way line of Interstate 75; thence along said Easterly limited access right of way line, the following six (6) courses: 1) N.10°16'43"W., 323.85 feet; 2) N.14°34'04"W., 200.56 feet; 3) N,10°16'43"W., 2600.00 feet; 4) N.07°59'17"W., 300.24 feet; 5) N.10°16'43"W., 1429.06 feet to a point of curvature; 6) Northerly, 386.81 feet along the arc of a curve to the right having a radius of 5587.58 feet and a central angle of 03°57'59" (chord bearing N.08°17'44"W., 386.73 feet) to the POINT OF BEGINNING.

Containing 411.437 acres, more or less.

CERTIFIED TO:

MANATEE COUNTY, FLORIDA

TREVESTA COMMUNITY DEVELOPMENT DISTRICT

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DESCRIPTION
SKETCH
(Not a Survey)

Prepared For: KOLTER LAND PARTNERS LLC

David A. Williams
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.

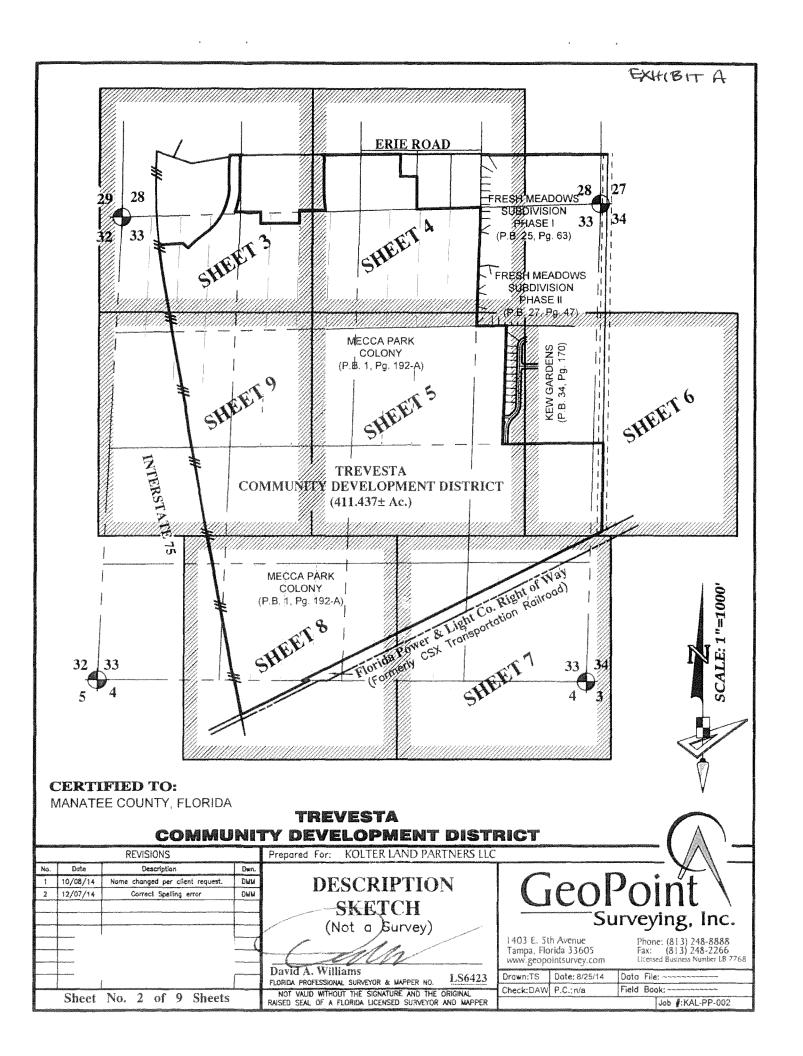
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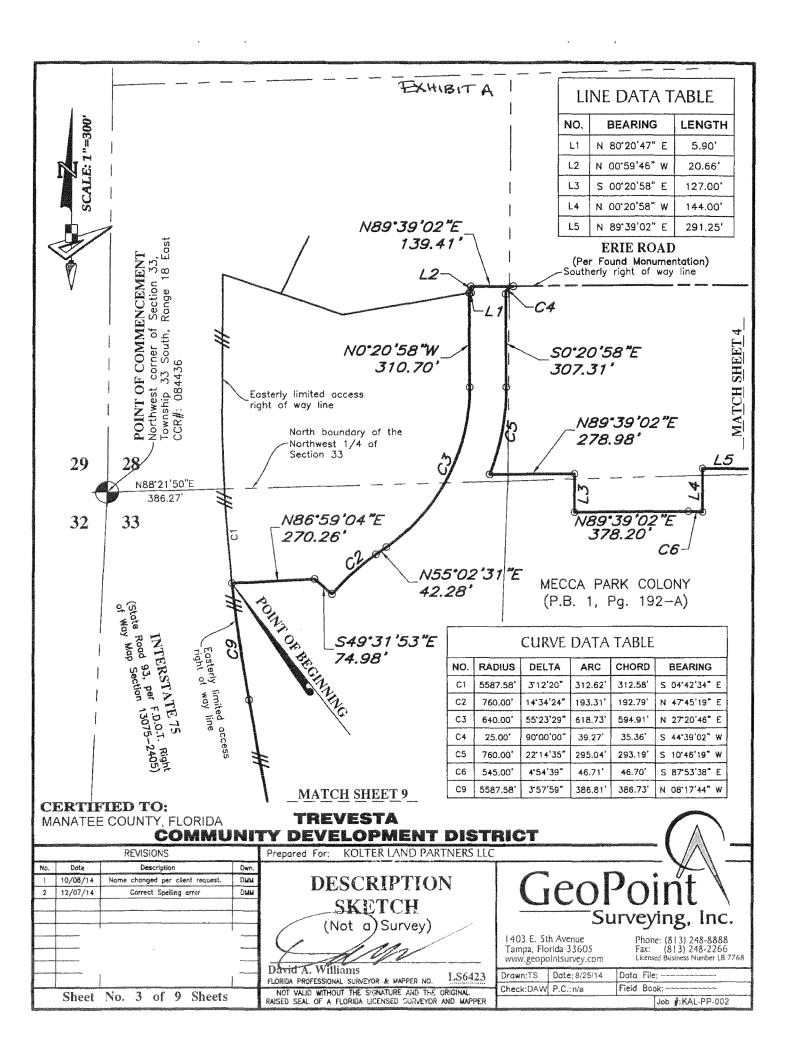


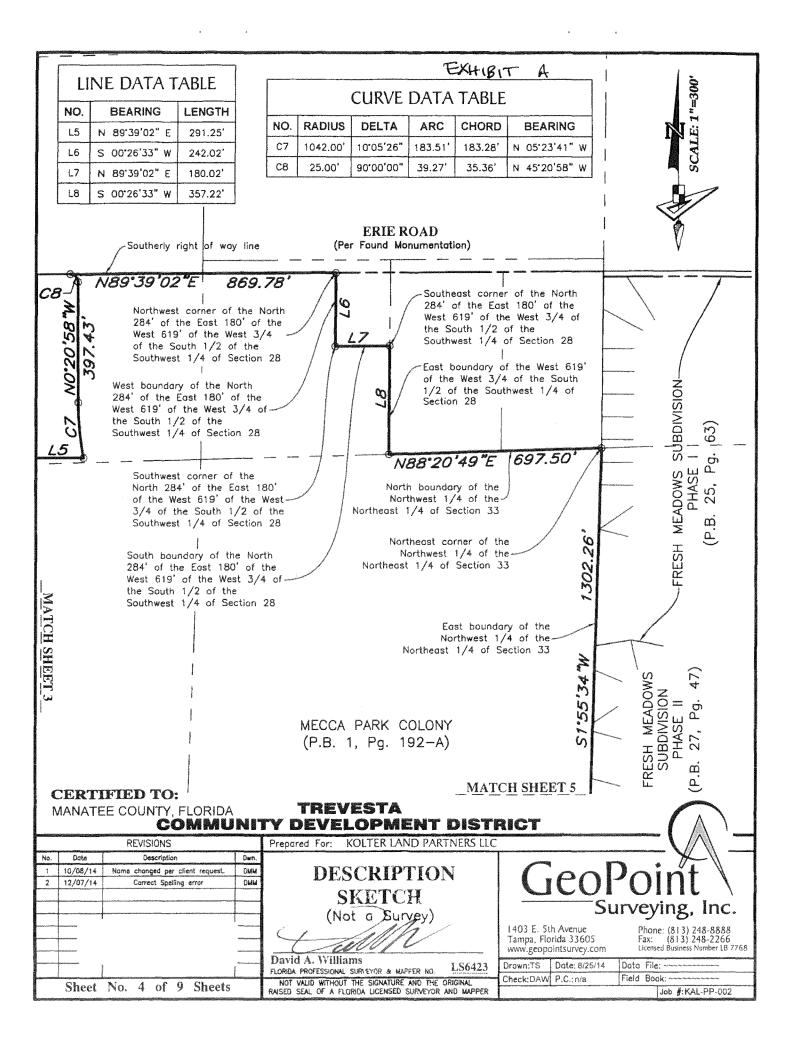
1403 E. 5th Avenue Tampa, Florida 33605 www.geopointsurvey.com

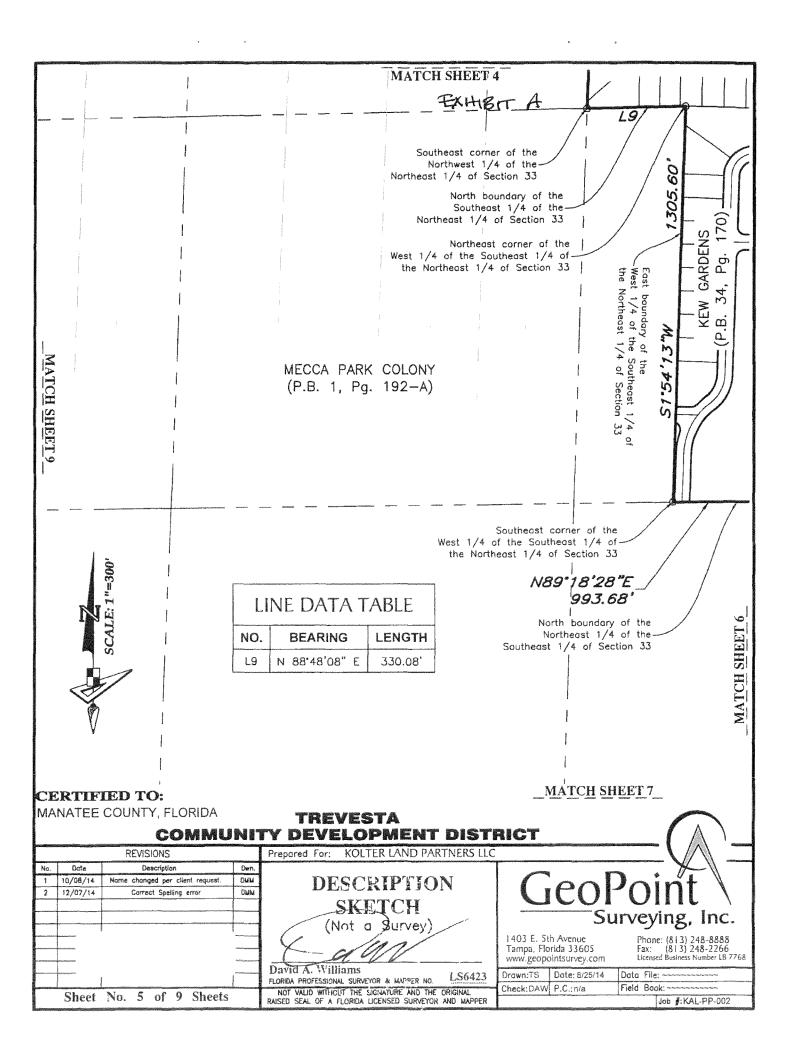
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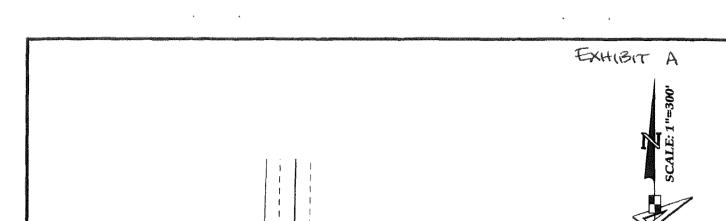
Phone: (813) 248-8888 Fax: (813) 248-2266 Licensed Business Number LB 7768











Northeast corner of the Northeast 1/4 of the-Southeast 1/4 of Section 33

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N89°18'28"E 993.68

North boundary of the Northeast 1/4 of the-Southeast 1/4 of Section 33

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MATCH SHEET 7

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CERTIFIED TO: MANATEE COUNTY, FLORIDA

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David A. Williams

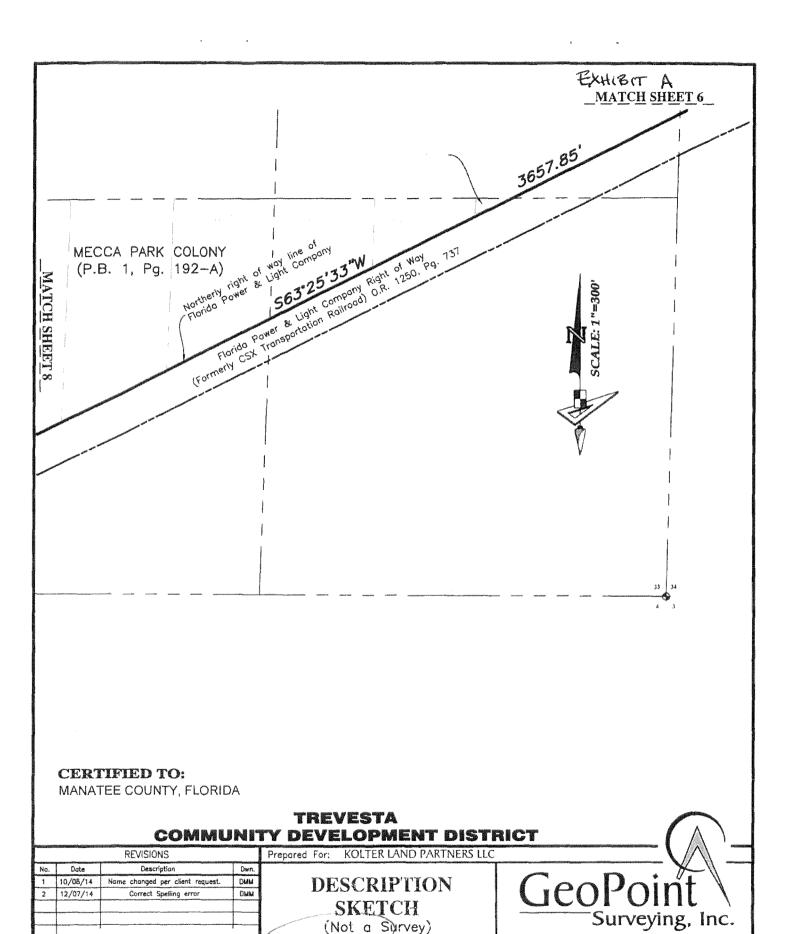
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1403 E. 5th Avenue Tampa, Florida 33605 www.geopointsurvey.com Phone: (813) 248-8888 Fax: (813) 248-2266 Licensed Business Number LB 7768

Drawn:TS | Date: 8/25/14 Data File: -----Check:DAW P.C.; n/a Field Book: ----Job #:KAL-PP-002



David A. Williams

Sheet No. 7 of 9 Sheets

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A PLORIDA LICENSED SURVEYOR AND MAPPER

Phone: (813) 248-8888 Fax: (813) 248-2266 Licensed Business Number LB 7768

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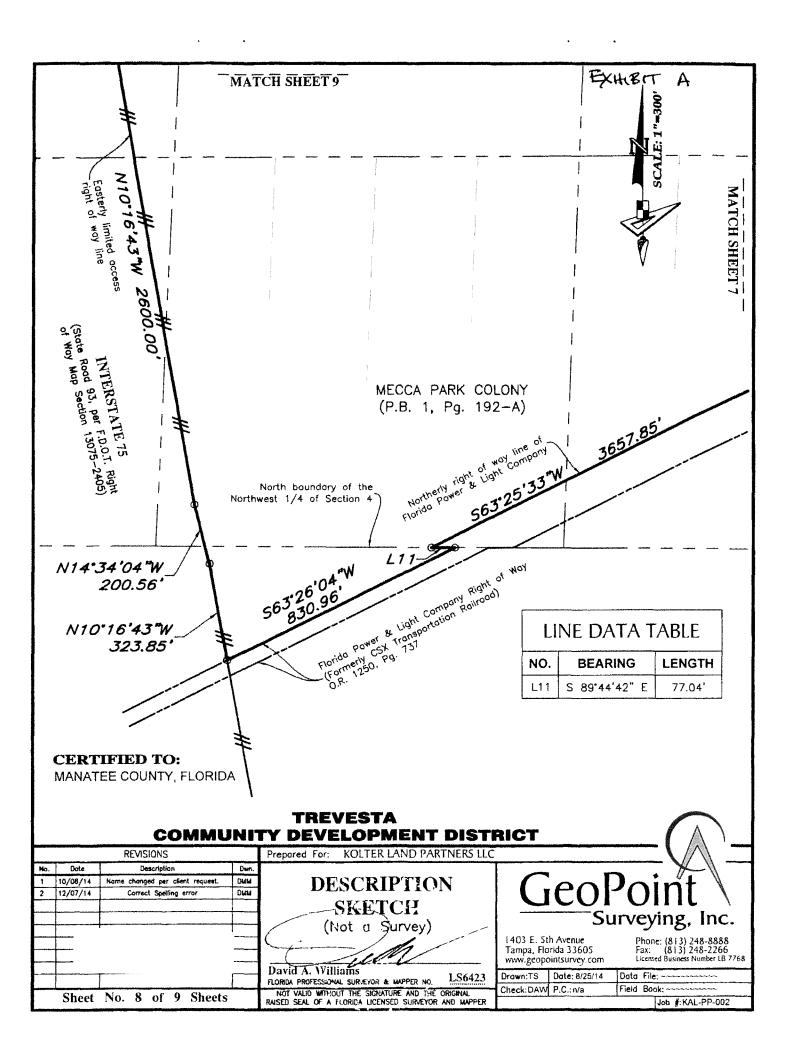
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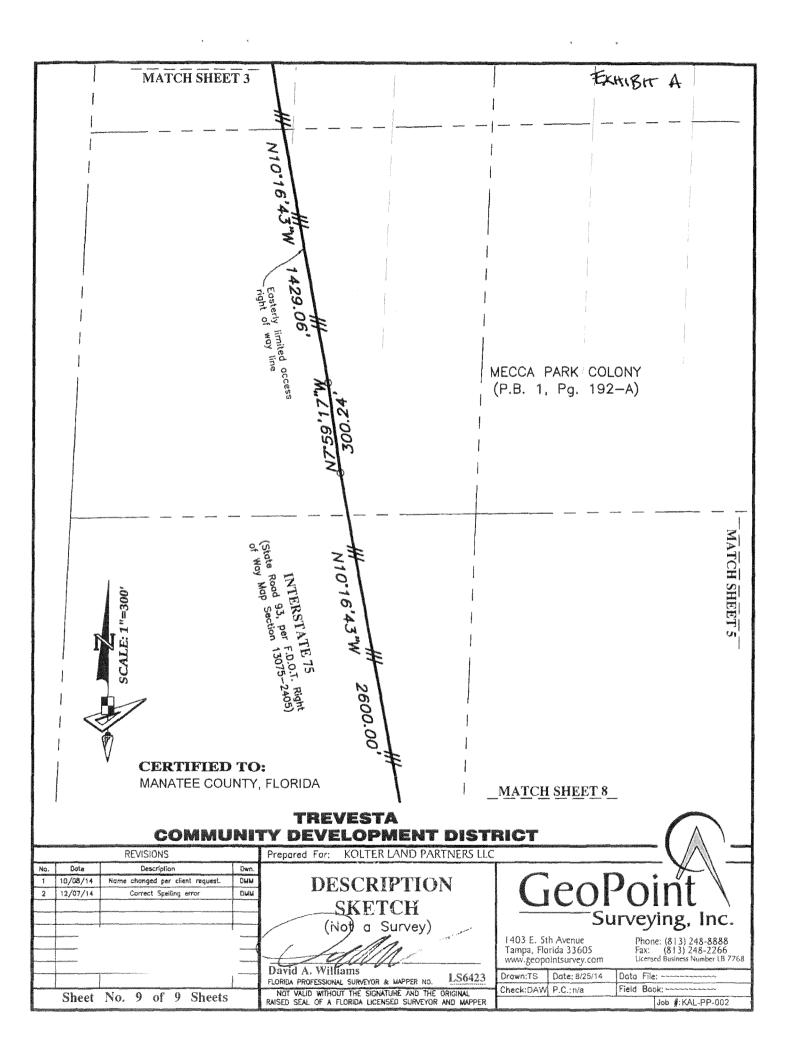
1403 E. 5th Avenue Tampa, Florida 33605 www.geopointsurvey.com

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Drawn:TS Date: 8/25/14





Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the 7th day of May, A.D., 2015.

OF THE STATE OF TH

Secretary of State

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appear.