

AN ACT TO BE ENTITLED

AN ORDINANCE ESTABLISHING THE BALLANTRAE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTERS 189 AND 190, FLORIDA STATUTES; PROVIDING FOR AUTHORITY AND POWER OF THE DISTRICT; PROVIDING FOR POWERS AND DUTIES OF THE DISTRICT; PROVIDING FOR THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR THE DISTRICT BUDGET; PROVIDING FOR FUNCTIONS OF THE DISTRICT; PROVIDING FOR MISCELLANEOUS PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, M/I Homes of Tampa, LLC, a Florida limited liability company (the Petitioner) has Petitioned the Pasco County Board of County Commissioners (the County) to adopt an ordinance establishing the Ballantrae Community Development District (the District) pursuant to Chapters 189 and 190, Florida Statutes; and

WHEREAS, the County in determining whether to establish the District has considered and finds that all statements contained in the Petition to Establish the Ballantrae Community Development District (the Petition) are true and correct; and

WHEREAS, the County has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the State of Florida Comprehensive Plan or of the adopted Pasco County Comprehensive Plan; and

WHEREAS, the County has considered and finds that the area of land within the District is a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as a functional interrelated community; and

WHEREAS, the County has considered and finds that the District is the best alternative for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the County has considered and finds that the community development services and facilities will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the County has considered and finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, a duly noticed public hearing on the Petition was held prior to the adoption of this ordinance establishing the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, as follows:

Section 1. AUTHORITY AND POWER OF THE DISTRICT

a. There is hereby established the Ballantrae Community Development District, the external boundaries of which is described in Attachment A and incorporated herein, which shall operate in accordance with the Uniform Community Development District Act of 1980 and those requirements as set forth in Florida Statutes Chapters 189 and 190.

b. The establishment of the District shall not effect any requirements for governmental approval of any construction within the District. Any DRI requirements and all state and local development regulations shall apply. Planning, environmental and land development regulations shall apply to all development and construction within the District regardless of who undertakes the

2003-004068 09/23/03

activity. Further, the District shall not have the authority to adopt a comprehensive plan, building code, or land development code.

c. The District shall have no eminent domain powers outside its boundaries without first obtaining the expressed written approval of the Board of County Commissioners.

d. The District shall comply with all applicable provisions of Chapter 189, Florida Statutes, including but no limited to, the requirement that a "Public Facilities Report" be made and submitted to the County in accordance with Section 189.415, Florida Statutes.

Section 2. POWERS AND DUTIES OF THE DISTRICT

The exclusive charter for the District shall be the uniform community development district charter as set forth in Florida Statutes 190 which includes but is not limited to the following:

a. The District shall provide financial reports to the Department of Banking and Finance in the same form and in the same manner as all other political subdivisions, including the County.

b. The District shall fully disclose information concerning the financing and maintenance of real property improvements undertaken by the District. Such information shall be made available to all existing and prospective residents of the CDD and the County.

c. All contracts for the initial sale of real property and residential units within the District shall disclose to the buyer the existence of the District and the District's authority to levy taxes and assessments. Both the text and the placement of the text in the contract of sale must appear as mandated by law.

d. The District shall maintain an office in Pasco County and said office shall be reasonably accessible to the landowners of the District.

e. The District shall have the authority to pledge only the District's funds, revenues, taxes, and assessments to pay the District's short-term indebtedness.

f. All bonds issued by the District shall be secured by a trust agreement between the District and a corporate trustee or trustees.

g. In the event of a default on District Bonds, the obligations of the District shall not constitute a debt or obligation of the County, any municipality, or the State.

h. The District shall be subject to the Florida Constitution provision requiring approval of ad valorem taxes by referendum; the millage rate for such taxes shall be limited by statute. In addition to the millage cap, the aggregate principle amount of general obligation bonds outstanding at any one time shall not exceed 35% of the assessed value of the property within the District. Should the residents of the District impose ad valorem taxes upon themselves, such taxes shall be in addition to the County's and other ad valorem taxes, and shall be assessed, levied, and collected in the same manner as the County's taxes.

i. The District shall be required to advertise for bids and accept the lowest responsible bid for certain construction and purchasing activities as established by statute.

j. Rates, fees, rentals, and other charges for any facilities or services of the District shall be established only after a noticed public hearing.

k. Within thirty (30) days after the effective date of this ordinance, the District shall record a notice of establishment in the property records of the County, which said notice shall include at least the legal description of the property within the District and the notice required to be given to buyers of property within the District.

2003-004068 09/23/03

Section 3. BOARD OF SUPERVISORS OF THE DISTRICT

The District Board of Supervisors shall exercise the powers and responsibilities granted to the District.

a. The members of the District's Board of Supervisors shall be residents of Florida and citizens of the United States. The name of the five persons designated to be the initial members of the Board of Supervisors, as supplied in the Petition is attached hereto as Attachment B and incorporated herein.

b. After the Board of Supervisors shifts to being elected by the resident electors of the District, the Supervisors shall also be residents and electors of the district.

c. Candidates for the District's Board of Supervisors, seeking election to office by the qualified electors of the District, shall be subject to the same campaign financing disclosure requirements and oath of office requirements as candidates for any other public office.

d. The compensation of each Supervisor is limited to \$200.00 per meeting (not to exceed \$4,800.00 per year) plus standard state travel and per diem expenses, unless a higher compensation is approved by a referendum of the residents of the District.

e. All meetings of the District's Board of Supervisors, which shall be held a minimum of four (4) times per year during evening hours, must be open to the public and governed by Government-in-the-Sunshine requirements of Chapter 286, Florida Statutes.

f. The District's Board of Supervisors shall follow Chapter 120, Florida Statutes procedures in adopting rules.

g. The records of the District's Board of Supervisors must be open for public inspection by any person at any reasonable time, pursuant to Chapter 119, Florida Statutes, and said records shall be kept in the manner and in the place mandated by law.

Section 4. DISTRICT BUDGET

a. The District budget shall be adopted annually by the District's Board of Supervisors, and prior to approval by said Board, shall be the subject of a duly noticed public hearing at which said Board must hear all objections to the budget.

b. Proposed District budgets shall be submitted by the District's Board of Supervisors to the County at least sixty (60) days before adoption by the District's Board of Supervisors.

Section 5. FUNCTIONS OF THE DISTRICT

a. The District may exercise the general powers provided for in section 190.011, Florida Statutes.

b. The District may exercise the special powers provided for in section 190.012(1) and (3), Florida Statutes.

c. The powers and functions of the District do not replace, diminish, or obviate the applicability of any County ordinance to the property and the development of said property, currently within the District, as described in Attachment A, and as said District might be expanded or contracted.

Section 6. MISCELLANEOUS PROVISIONS

a. The County may require, based upon the numbers of residential units planned within the District, that the District's community facilities be used to accommodate the establishment of a polling place by the Pasco County Supervisor of Elections.

b. The County, at its option, may adopt a nonemergency ordinance providing for a plan for the transfer of a specific community development service from the District to the County. The plan shall provide for the assumption and guarantee of the District debt that is related to the service and shall demonstrate the ability of the County to provide the service as efficiently as the District, at a level of

quality equal to or higher than that actually delivered by the District, and at charge equal to or lower than the actual charge by the District.

c. The Petition to Establish the Ballantrae Community Development District is attached hereto in its entirety as Attachment C.

Section 7. EFFECTIVE DATE

A certified copy of this ordinance shall be filed in the Office of the Secretary of State by the Clerk to the Board within ten (10) days after adoption of this ordinance, and shall take effect



ADOPTED this 23rd day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

Katie McConick dc
JED PITTMAN, CLERK

Theodore J. Schrader
THEODORE J. SCHRADER, CHAIRMAN

APPROVED

APPROVED AS TO LEGAL FORM AND SUFFICIENCY SEP 23 2003
Office of the Pasco County Attorney

N. Elizabeth Clark
ATTORNEY



STATE OF FLORIDA
COUNTY OF PASCO
THIS IS TO CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF
PAGE(S) 12-18 OF 51 PAGES
OF THE ORIGINAL OF RECORD IN MY
OFFICE. WITNESS MY HAND AND THE
COUNTY'S OFFICIAL SEAL THIS
9/16/2003
JED PITTMAN, CLERK TO THE BOARD
BY Conrad Schrader D.C.

BALLANTRAE
COMMUNITY DEVELOPMENT DISTRICT
METES AND BOUNDS LEGAL DESCRIPTION
OF EXTERNAL BOUNDARIES

DESCRIPTION

PARCEL NO. 1:

(O.R. Book 1232, Page 1975)

A tract of land lying in Section 20, 29 and the Southeast ¼ of the Southeast ¼ of Section 17, Township 26 South, Range 18 East, PASCO COUNTY, FLORIDA, lying North of State Road 54, and lying South of S.C.L. Railroad more particularly described as follows: Commence at the Northwest corner of said Section 29; thence South 89 degrees 34 minutes 21 seconds East along the Northerly boundary of said Section 29, a distance of 2316.01 feet to a Point, for a Point of Beginning; thence North 0 degrees 16 minutes 38 seconds East, a distance of 2662.88 feet to a point on the Southerly boundary of the Northwest ¼ of said Section 20; thence South 89 degrees 26 minutes, 51 seconds East, along the said Southerly boundary of the Northwest ¼ of said Section 20 a distance of 330.04 feet to the Northeast corner of the Southwest ¼ of Section 20; thence North 0 degrees, 15 minutes, 19 seconds East, along the Easterly boundary of the Northwest ¼ of said Section 20 a distance of 2251.58 feet to a point on the South boundary of the S.C.L. Railroad Right-of-Way; thence North 72 degrees 40 minutes 52 seconds East along said South boundary of S.C.L. Railroad Right-of-Way a distance of 923.44 feet to a point of curvature; thence along a curve to the left on an arc of 249.92 feet having a radius of 5789.58 feet subtended by a chord of 249.90 feet, chord bearing North 71 degrees 26 minutes 40 seconds East to a point of tangency; thence North 70 degrees 12 minutes 28 seconds East along said right of way of S.C.L. Railroad a distance of 249.35 feet to a point, being the intersection of the Northerly boundary of said Section 20 and the said Southerly right of way of the S.C.L. Railroad; thence continue North 70 degrees 12 minutes 28 seconds East along said right-of-way of S.C.L. Railroad a distance of 1375.44 feet (to) a point lying on the Easterly boundary of said Section 17; thence South 0 degrees 18 minutes 22 seconds East along the Easterly boundary of said Section 17 a distance of 478.79 feet to the Southeast corner of said Section 17; thence South 0 degrees 11 minutes 01 seconds West along the Easterly boundary of Section 20, a distance of 2702.90 feet to the Southeast corner of the Northeast ¼ of said Section 20; thence continue South 0 degrees 11 minutes 01 seconds West along the Easterly boundary of said Section 20, a distance of 2656.41 feet to the Southeast corner of said Section 20; thence South 0 degrees 16 minutes 12 seconds West along the Easterly boundary of Section 29, a distance of 659.27 feet; thence North 89 degrees 34 minutes 36 seconds West, a distance of 661.91 feet; thence South 0 degrees 13 minutes 46 seconds West a distance of 1523.21 feet to a point on the Northerly right-of-way of said State Road 54; thence South 84 degrees 50 minutes 26 seconds West along the said right-of-way a distance of 1800.80 feet to a point of curvature; thence along a curve to the right, on an arc of 379.38 feet having a radius of 5679.58 feet, subtended by a chord of 379.31 feet, chord bearing South 86 degrees 45 minutes 15 seconds West to a point of tangency; thence South 88 degrees 40 minutes 04 seconds West along said State Road 54 right-of-way a distance of 141.82 feet; thence North 0 degrees 06 minutes 55 seconds West a distance of 2386.52 feet to a Point of Beginning.

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ATTACHMENT A

2003-004068

09/23/03

LESS

A parcel of land lying in Sections 20 and 29, Township 26 South, Range 18 East, Pasco County, Florida, more particularly described as follows:

Beginning at the Northeast corner of said Section 29, and proceed on the East boundary of S 00°16'12" W, a distance of 659.27 feet; thence departing said East boundary N 89°34'36" W, a distance of 661.91 feet; thence S 00°13'46" W, a distance of 1,523.21 feet to the North right-of-way boundary of State Road 54; thence on said North right-of-way boundary S 84°50'26" W, a distance of 300.00 feet; thence parallel with the East boundary of said Section 20, N 00°11'01" E, a distance of 5,373.81 feet; thence S 89°26'51" E, a distance of 962.83 feet to the East boundary of said Section 20; thence on the East boundary of Section 20, S 00°11'01" W, a distance of 3,159.97 feet to the POINT OF BEGINNING.

ALSO LESS

(PARCEL NO. 117 - O.R. Book 4110, Page 920)

A parcel of land being a portion of the North ½ of Section 29, Township 26 South, Range 18 East, Pasco County, Florida, being more particularly described as follows:

Commence at a 19 millimeter (3/4") pinched iron pipe marking the Northeast corner of the Northwest ¼ of Section 29, Township 26 South, Range 18 East, Pasco County, Florida; thence along the East line of the Northwest ¼ of said Section 29, S 00°17'56"W, a distance of 709.050 meters (2326.27 feet) to the POINT OF BEGINNING; thence leaving said line, N 86°05'49"E, a distance of 514.703 meters (1688.66 feet) to the East line of property conveyed in Official Record Book 1232, Page 1975, Public Records of Pasco County, Florida; thence S 00°23'13"W, along said East line, a distance of 5.751 meters (18.87 feet) to the existing Northerly right of way line of State Road 54; thence along said right of way line, S 85°02'42"W, a distance of 455.772 meters (1495.31 feet) to the point of curvature of a curve concave to the North, having a radius of 1731.139 meters (5,679.58 feet); thence continuing along said right of way line and Westerly along the arc of said curve 115.284 meters (378.23 feet), through a central angle of 03°48'56", a chord distance of 115.263 meters (378.16 feet) and a chord bearing of S 86°57'10"W to the point of tangency; thence continuing along said right of way line, S 88°51'38"W, a distance of 44.891 meters (147.28 feet) to the West line of said property; thence leaving said right of way line, N 00°23'56"E, along said West line, a distance of 10.245 meters (33.61 feet); thence N 86°05'49"E, a distance of 100.743 meters (330.52 feet) to the POINT OF BEGINNING.

(End of Parcel No.1 Description)

TOGETHER WITH:

PARCEL NO. 2:

(O.R. Book 1974, Page 368)

A parcel of land lying in Sections 20 and 29, Township 26 South, Range 18 East, Pasco County, Florida, more particularly described as follows:

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Beginning at the Northeast corner of Section 29, and proceed on the East boundary thereof S 00°16'12" W, a distance of 659.27 feet; thence departing said East boundary N 89°34'36" W, a distance of 661.91 feet; thence South 00°13'46" W, a distance of 1,523.21 feet to the North right-of-way boundary of State Road 54; thence on said North right-of-way boundary S 84°50'26" W, a distance of 300.00 feet; thence parallel with the East boundary of said Section 20, N 00°11'01" E, a distance of 5,373.81 feet; thence S 89°26'51" E, a distance of 962.83 feet to the East boundary of said Section 20; thence on the East Boundary of Section 20, S 00°11'01" W, a distance of 3,159.97 feet to the POINT OF BEGINNING.

LESS

(PARCEL NO. 118 - O.R. Book 4110, Page 920)

A parcel of land being a portion of the Northeast ¼ of Section 29, Township 26 South, Range 18 East, Pasco County, Florida, being more particularly described as follows:

Commence at a 19 millimeter (3/4") pinched iron pipe marking the Northwest corner of the Northeast ¼ of Section 29, Township 26 South, Range 18 East, Pasco County, Florida; thence along the West line of the Northeast ¼ of said Section 29, S 00°17'56"W, a distance of 709.050 meters (2326.27 feet); thence leaving said line N 86°05'49"E, a distance of 514.703 meters (1688.66 feet) to the West line of property conveyed in Official Record Book 1974, Page 368, Public Records of Pasco County, Florida and the POINT OF BEGINNING; thence continue N 86°05'49"E, a distance of 91.302 meters (299.55 feet) to the East line of said property; thence S 00°25'47" W, along said East line, a distance of 4.068 meters (13.35 feet) to the existing Northerly right of way line of State Road 54; thence along said right of way line, S 85°02'42"W, a distance of 91.440 meters (300.00 feet) to said West line of property; thence leaving said right of way line, N 00°23'13"E, along said West line, a distance of 5.751 meters (18.87 feet) to the POINT OF BEGINNING.

(End of Parcel No.2 Description)

LESS AND EXCEPT FROM SAID PARCELS 1 AND 2 THE SOUTH 750.00 FEET THEREOF, SAID 750.00 FEET BEING MEASURED AT RIGHT ANGLES FROM THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 54 (FDOT SECTION NO. 14570-2521).