

ORDINANCE NO. 03-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "CITY CENTER COMMUNITY DEVELOPMENT DISTRICT", PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAME OF THE DISTRICT, TO BE KNOWN AS THE "CITY CENTER COMMUNITY DEVELOPMENT DISTRICT"; PROVIDING FOR THE LEGAL DESCRIPTION; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR POWERS; PROVIDING FOR THE APPLICABILITY OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE STATUTES, ORDINANCES, RULES AND REGULATIONS; PROVIDING FOR NO COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 190, Florida Statutes, the "Uniform Community Development District Act of 1980" (the "Act"), at subsection 190.005 (2), Florida Statutes, sets out the exclusive and uniform method for establishing a community development district of less than one thousand (1,000) acres; and

WHEREAS, Section 190.005(2), Florida Statutes, requires a petition for the establishment of a community development district to be filed with the County Commission of the county having jurisdiction over the majority of the land in which the district is to be located, which petition is required to include certain information as required in Section 190.005 (1)(a), Florida Statutes, and said petition is required to be considered at a public hearing conducted by the County Commission in accordance with the requirements and procedures of Section 190.005 (1)(d), Florida Statutes; and

WHEREAS, a petition for establishment of the City Center Community Development District, which has been determined by staff to contain the information required in Section

190.005 (1) (a), Florida Statutes, hereinafter referred to as "Petition", was submitted to the Board of County Commissioners of Polk County and, pursuant to the requirements of section 190.005(1)(d), Florida Statutes, was considered at a public hearing on January 8, 2003; and

WHEREAS, on January 8, 2003, the Board of County Commissioners has considered the record of the public hearing and the factors set forth in Section 190.005 (1) (e), Florida Statutes, and has determined to grant the Petition for Establishment of the City Center Community Development District; and

WHEREAS, Chapter 190, at Section 190.005 (2), Florida Statutes, authorizes the Board of County Commissioners to enact an ordinance granting the petition for the establishment of a community development district to be known as the City Center Community Development District.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida, that:

Section 1. Establishment and Name

The petition for the establishment of the "City Center Community Development District" is hereby considered pursuant to the provision of Section 190.005 (2), Florida Statutes, and said petition is granted. The community development district shall be established and known and as the "City Center Community Development District" (the "District").

Section 2. Legal Description

The external boundaries of the District are legally described in Exhibit "A", attached hereto and incorporated herein and no real property within the external boundaries of the District is to be excluded.

Section 3. Findings of Fact

1. Pursuant to Section 190.005 (2), Florida Statutes, at the public hearing on the Petition to Establish the District the Board of County Commissioners made the following findings:
 - A. All statements contained within the Petition are true and correct.
 - B. The creation of the District is not inconsistent with applicable elements of the State of Florida Comprehensive Plan or the Polk County Comprehensive Plan.
 - C. The area of land within the District, identified in Exhibit "A", is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community.
 - D. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
 - E. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

- F. The area that will be served by the District is amenable to separate special district government.
2. The District is located within the North Ridge Community Redevelopment Area, the Circus World/Boardwalk and Baseball Development of Regional Impact (proposed Victor Posner Development of Regional Impact), and the North Ridge Selected Area Plan.

Section 4. Board of Supervisors

1. The initial five (5) members of the Board of Supervisors of the District shall be the following individuals:
- Gregory Arnone
Charles De Santi
Harlan L. Hanson
Melvin Colvin
Ed McGann
2. The above-named Board of Supervisors of the District shall serve until replaced by elected members as provided at section 190.006, Florida Statutes.

Section 5. Powers

The District shall have all the powers of a community development district granted by Chapter 190, Florida Statutes, as amended from time to time including all powers provided for in section 190.012(2), Florida Statutes. This Ordinance shall not expand, modify, or delete any provisions of the Uniform Community Development District Act of 1980 as set forth in Chapter 190, Florida Statutes.

Section 6. Compliance with Laws and Ordinances

The District shall comply with Chapter 190, Florida Statutes, and all applicable federal, state and regional laws, statutes, rules and regulations and the Polk County Comprehensive Plan, and all applicable County Code provisions, ordinances, rules and regulations, and the North Ridge Community Redevelopment Area Plan.

Section 7. No Polk County Obligation

No debt, obligation or duty of the District shall constitute a debt, obligation, duty or burden of or on Polk County.

Section 8. No Limitation on Polk County Powers

Establishment of the District in no way limits Polk County in the exercise of its powers or authority as provided for in Chapter 125, Florida Statutes, and other Florida statutes upon the property within the District, as described in Exhibit "A".

Section 9. Required Disclosure

The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in Sections 190.009 and 190.048, Florida Statutes, as amended from time to time.

Section 10. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

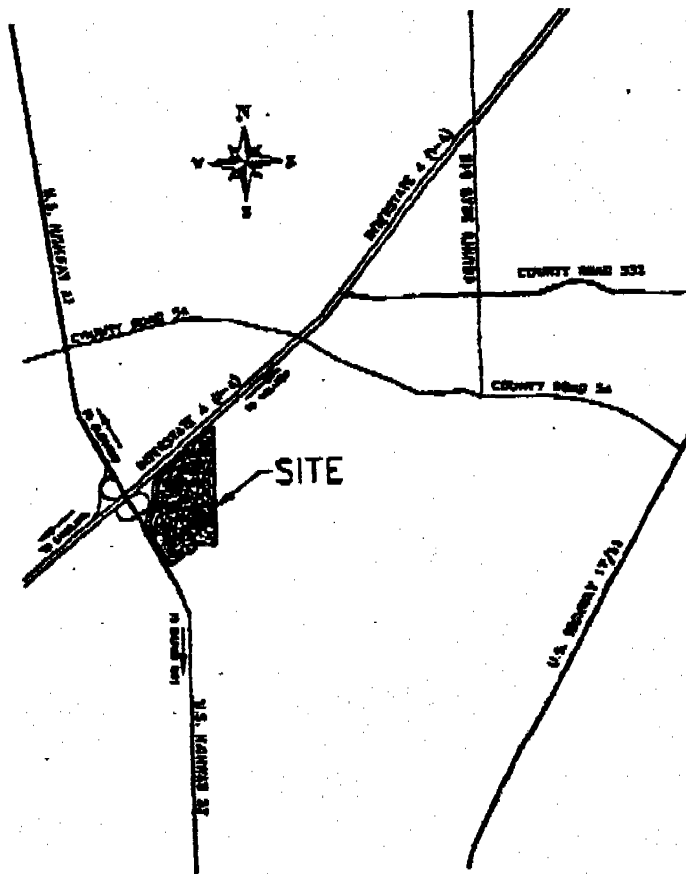
Section 11. Effective Date

This Ordinance shall become effective upon filing with the Department of State.

Exhibit A

That part of Sections 7, 8, 17 and 18, Township 26 South, Range 27 East, Polk County, Florida, being more particularly described as follows:

Begin at the Northeast corner of the NW 1/4 of the NW 1/4 of said Section 17, thence S00°04'40"E along the East line of said NW 1/4 of the NW 1/4 a distance of 1925.95 feet, thence N76°31'31"W 943.27 feet, thence S69°55'20"W 45.00 feet, to the point on a curve concaved to the Northwesterly having a radius of 510.00 feet, a central angle of 91°04'15", a chord bearing of S45°27'20"W and a chord distance of 870.89 feet, thence Southwesterly along said 989.59 feet, thence S53°32'42"W 566.40 feet, thence S36°27'18"E 20.00 feet, thence S61°57'44"W 483.46 feet to the Easterly Right-of-Way line of US Highway 27, thence N28°04'08"W along said Easterly Right-of-Way line 1733.90 feet to the Southerly limited access Right-of-Way line of Interstate No 4, thence along said Southerly Right-of-Way line the next 19 calls, (1) N61°55'54"E 86.55 feet, (2) N24°04'08"W 295.28 feet to the Point of Curvature of a curve to the right (3) having a radius of 808.40 feet, a central angle of 16°52'55", a chord bearing of N15°37'38"E and a chord distance of 237.33 feet, thence along said curve 238.19 feet, (4) thence N61°55'54"E 86.52 feet, (5) thence N28°04'08"W 166.44 feet to a point of a curve concaved to the Southeasterly (6) having a radius of 808.40 feet, a central angle of 14°13'28", a chord bearing of N13°15'38"E and a chord distance of 200.19 feet, thence Northeasterly along said curve 200.70 feet to the Point of Tangency, (7) thence N20°22'23"E 849.78 feet, to the Point of Curvature of a curve to the left (8) having a radius of 1281.49 feet and a central angle of 17°12'55", thence along said curve 385.04 feet to the Point of Tangency, (9) thence N03°08'29"E 551.76 feet to the Point of Curvature of a curve to the right (10) having a radius of 1548.68 feet and a central angle of 46°51'24", thence along said curve 1264.81 feet to the Point of Tangency, (11) thence N50°00'52"E 281.97 feet, (12) thence N49°16'51"E 705.37 feet, (13) thence N48°29'19"E 478.43 feet, (14) thence S00°21'39"E 397.14 feet, (15) thence N89°38'21"E 292.34 feet, (16) thence N00°58'45"E 886.06 feet, (17) thence N50°00'52"E 881.51 feet, (18) thence N47°43'30"E 235.86 feet, (19) thence N50°00'52"E 221.51 feet to the East line of the West 1/2 of the NW 1/4 of said Section 8, thence S00°19'22"E along the said East line 1847.40 feet to the NE corner of the NW 1/4 of said Section 8, thence S00°24'16"E along the East line of the West 1/2 of the SW 1/4 of said Section 8 a distance of 2629.06 feet to the Point of Beginning. Said tract containing 367.48 acres MORE OR LESS.



STATE OF FLORIDA,)

COUNTY OF POLK.)

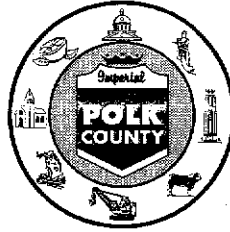
I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. 03-01, Ordinance creates The "City Center Community Development District", which was adopted by the said Board in regular session on the 8th day of January, 2003.

WITNESS my hand and official seal of said Board this 10th day of January, 2003.

Richard M. Weiss
Clerk of Circuit Court

(SEAL)

By Martha H. Crews
Martha H. Crews
Deputy Clerk



Clerk and Auditor
Board of County Commissioners
P. O. Box 988
Bartow, Florida 33831

Richard M. Weiss
CLERK OF THE CIRCUIT COURT AND COUNTY COURT

January 10, 2003

Mrs. Liz Cloud, Chief
Bureau of Administrative Code
Florida Department of State
The Collins Building
107 W. Gaines Street, Suite L43
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed is a certified copy of the following ordinance that was adopted by the Polk County Board of County Commissioners in regular session on January 8, 2003:

Ordinance No. 03-01 - Ordinance creates The "City Center Community Development District"

Please direct the official notification letter as follows, when the ordinances have been filed in your office:

Mrs. Martha H. Crews, Deputy Clerk
Clerk to the Board
P. O. Box 988
Bartow, Florida 33831-0988

Your assistance in handling this matter is greatly appreciated.

Yours very truly,

RICHARD M. WEISS
CLERK AND AUDITOR

By *Martha H. Crews*
Martha H. Crews
Deputy Clerk

mc
Enclosures

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Ken Detzner
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
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RECEIVED

1-21-03

Clerk Of The Board

M. Crews

January 16, 2003

Mrs. Martha H. Crews
Deputy Clerk
Polk County
Post Office Box 988
Bartow, Florida 33831-0988

Dear Mrs. Crews:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 10, 2003 and certified copy of Polk County Ordinance No. 03-01, which was filed in this office on January 15, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us