ORDINANCE NO. 07-10

AN ORDINANCE ESTABLISHING THE MAGNOLIA PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Centex Homes, a Nevada general partnership ("Petitioner"), has filed a Petition to Establish the Magnolia Park Community Development District ("Petition") with Hillsborough County requesting that the Board of County Commissioners in and for Hillsborough County, Florida ("County"), adopt an ordinance establishing the Magnolia 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
10TH DAY OF APRIL 2007 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 in the Petition are true and correct;

3. the establishment 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 establishment 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.

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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 a 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) 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 by section 190.012, Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors: Penny Dandino, Michelle Bushway, Beth Bradburn, Brian Bullock, and Ron Spahman.

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 April 10, 2007 as the same appears of record in Minute Book 371 of the Public Records of Hillsborough County; Florida.

WITNESS my hand and official seal this 13th day of April, 2007.

PAT COLLIER FRANK, CLERK

By: [Signature]
Deputy Clerk

APPROVED BY COUNTY ATTORNEY AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
Nancy Y. Takemori
LEGAL DESCRIPTION

That part of Tracts 1, 2, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in the Northeast 1/4 of Section 1, Township 30 South, Range 19 East, and Tracts 5, 6, 9, 10, and 16 in the Northeast 1/4 of Section 1, Township 30 South, Range 19 East, and Tracts 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, and 14 in the Northwest 1/4 of Section 6, Township 30 South, Range 20 East and that part of closed streets abutting said Tracts, according to the Plat of SOUTH TAMPA, as recorded in Plat Book 6, Page 1079, of the Public Records of Hillsborough County, Florida, and Tracts 3, 4, 5, 6, 11, 12, 13 and 14 in the Northwest 1/4 of Section 7, Township 30 South, Range 20 East and that part of closed streets abutting said Tracts, according to the Plat of the FIRST ADDITION TO SOUTH TAMPA as Recorded in Plat Book 6, Page 68, of the Public Records of Hillsborough County, Florida, and an unplatted portion of the North 1/2 of Section 12, Township 30 South, Range 19 East, being more particularly described as follows:

Begin at the Northeast corner of said Section 1, Township 30 South, Range 19 East, also being the Northwest corner of said Section 8, Township 30 South, Range 20 East; thence S85°22'19"E, on the North line of the Northeast 1/4 of said Section 6; a distance of 656.10 feet to the Northeast corner of the Northwest 1/4 of said Section 6, and thence S0°28'51"E, on the East line of said Section 6, a distance of 353.50 feet to a point on the East line of said Section 6, and thence N89°58'11"W, on the South line of said Section 6, a distance of 1001.18 feet; thence S0°01'22"E, on the West line of said Section 6, a distance of 433.47 feet to a point on the South line of said Section 6, and thence S85°22'19"W, on the West line of said Section 6, a distance of 99.70 feet; thence S0°28'51"W, on the North line of said Section 6, a distance of 26.82 feet to a point on the West line of said Section 6, and thence S85°22'19"E, on the South line of said Section 6, a distance of 19.00 feet to a point on the East line of said Section 6, and thence S0°28'51"W, on the North line of said Section 6, a distance of 119.50 feet to a point on the West line of said Section 6, and thence S85°22'19"E, on the South line of said Section 6, a distance of 150.00 feet to a point on the West line of said Section 6, and thence S0°28'51"W, on the North line of said Section 6, a distance of 150.00 feet to a point on the West line of said Section 6, and thence S85°22'19"E, on the South line of said Section 6, a distance of 443.52 feet to a point on the Westerly right of way line of Interstate No. 75 (State Road No. 3-A); thence N65°39'06"E, on the North line of said Tract 15; thence S0°28'51"W, on the West line of said Tract 15; thence S85°22'19"E, on the South line of said Tract 15, a distance of 80.25 feet; thence N85°22'19"W, on the West line of said Tract 15, a distance of 26.82 feet; thence S0°28'51"E, on the East line of said Tract 15; thence S85°22'19"W, on the West line of said Tract 15, a distance of 119.50 feet to a point on the South line of said Tract 15, and thence S0°28'51"E, on the East line of said Tract 15, a distance of 150.00 feet to a point on the South line of said Tract 15, and thence S85°22'19"W, on the West line of said Tract 15, a distance of 433.47 feet to the point of beginning, containing 169.52 acres, more or less, being the site of the Municipal Airport at South Tampa, Florida.

EXHIBIT A

(Continued on the following sheet)
(CONTINUED FROM THE PREVIOUS SHEET)

of Falkenberg Road, said point being the point of curvature of a curve to the left having a radius of 10,200.00 feet, a central angle of 52°17'9" E, a chord length of 10,199.48 feet, a chord distance of 58.08 feet; thence Northerly on the arc of said curve and on said Easterly right of way line of Falkenberg Road a distance of 38.08 feet to the end of said curve; thence S 88°27'59" E leaving said Easterly right of way line of Falkenberg Road a distance of 5.95 feet; thence S 89°40'30" E a distance of 658.18 feet; thence N 00°22'05" E a distance of 658.13 feet; thence N 89°37'51" W a distance of 598.55 feet to a point on the Easterly right of way line of Falkenberg Road; thence N 00°18'13" E on said Easterly right of way line of Falkenberg Road a distance of 528.22 feet; thence leaving said Easterly right of way line of Falkenberg Road N 89°40'47" E a distance of 7.00 feet; thence on a line 7.00 feet Easterly and parallel with said Easterly right of way line of Falkenberg Road a distance of 130.12 feet; thence N 88°24'21" E a distance of 21.45 feet to a point on a non-tangent curve to the right having a radius of 600.00 feet, a central angle of 57°28.13" E, and a chord distance of 77.82 feet; thence on the arc of said curve a distance of 77.88 feet to the end of said curve; thence S 37°56'23" E a distance of 257.87 feet to a point on the Southerly right of way line of Progress Boulevard (State Road 6-767-A); thence leaving said Southerly right of way line of Progress Boulevard (State Road 6-767-A); thence leaving said Northern right of way line of Progress Boulevard (State Road No. 5-876-A); continuing N 37°39'23" E a distance of 160.00 feet to a point on the Northern right of way line of said Progress Boulevard (State Road No. 5-876-A), continuing N 37°39'23" E a distance of 523.57 feet to the point of curvature of a curve to the left having a radius of 224.91 feet, a central angle of 37°20'51" E, a chord length of 76.01 feet, a chord bearing of N 12°19'02" E and a radius of said curve a distance of 146.50 feet to the end of said curve; thence N 00°36'32" E, a distance of 598.86 feet to the point of curvature of a curve to the left having a radius of 250.00 feet, a central angle of 41°57'57" E, a chord length of 53.08 feet; thence on a curve of 179.04 feet; thence on the arc of said curve a distance of 183.11 feet to the end of said curve; thence N 89°41'08" W a distance of 176.17 feet to a point on an easterly right of way line of Falkenberg Road; thence on said East right of way line of Falkenberg Road S 26°32'42" E a distance of 452.65 feet to a point on said East right of way line of Falkenberg Road, said point hereafter referred to as Point "C"; thence leaving said East right of way line of Falkenberg Road S 69°52'22" W a distance of 120.00 feet to a point on said West right of way line of Falkenberg Road; thence leaving said West right of way line of Falkenberg Road continuing S 89°22'22" W a distance of 374.27 feet; thence S 00°18'48" W a distance of 367.99 feet; thence S 89°52'28" W a distance of 354.47 feet; thence N 00°44'18" W, a distance of 147.84 feet; thence S 89°43'36" E a distance of 22.11 feet; thence N 00°44'18" E, a distance of 110.00 feet to the Northeast corner of an area herein described, 1/4 of Section 1, Township 30 South, Range 19 East, as recorded in Plat Book 6, Page 3, Public Records of Hillsborough County, Florida; thence S 89°36'23" W, on the North line of said Tract 6 a distance of 601.52 feet to a point on an easterly right of way line of Falkenberg Road; thence leaving said Southerly right of way line of Falkenberg Road, continuing S 89°30'27" W, a distance of 116.93 feet to a point on an easterly right of way line of Falkenberg Road; thence leaving said East right of way line of Falkenberg Road N 00°29'48" E a distance of 280.74 feet; thence leaving said East right of way line of Falkenberg Road S 89°44'14" E a distance of 404.95 feet to the North line of the aforementioned Section 1, Township 30 South, Range 19 East; thence S 89°44'14" E on said North line of Section 1, a distance of 675.65 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A portion of Tract 2, 3, 4, 5, 6 and 7 in the Southwest 1/4 of Section 6, Township 30 South, Range 20 East, according to the plat of SOUTH TAMPA, as recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commences at the Northwest corner of said Section 6; thence on the North line of the Northeast 1/4 of said Section 6 S 89°30'32" E, a distance of 656.19 feet; thence leaving said North line of the Northeast 1/4 of Section 6 S 00°07'08" W, a distance of 1354.41 feet; thence N 00°36'32" W, a distance of 658.70 feet; thence N 89°41'04" W, a distance of 664.62 feet; thence N 00°33'16" W, a distance of 664.87 feet; thence N 89°21'18" W, a distance of 443.52 feet to the Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A); thence on said Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A) the following two (2) courses: (1) S 26°42'02" W, a distance of 226.13 feet, to the point of curvature of a curve to the left having a radius of 1338.39 feet, a central angle of 120°18" E, a chord bearing of S07°17'48" E, and a chord distance of 283.79 feet; (2) thence on the arc of said curve a distance of 284.32 feet to the end of said curve; thence leaving said Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A) S 26°42'02" W, a distance of 226.13 feet to the point of curvature of a curve to the right having a radius of 1338.39 feet, a central angle of 20°06'20", a chord bearing of 511°49'45" W and a chord distance of 583.20 feet; thence on the arc of said curve being 25.00 feet Westerly and parallel with the Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A), the following two courses: (1) S 26°42'02" W, a distance of 226.13 feet to the point of curvature of a curve to the left having a radius of 592.55 feet, a central angle of 011°49", a chord bearing of S25°22'48" W and a chord distance of 134.73 feet; (2) thence on the arc of said curve a distance of 134.73 feet to the end of said curve; thence leaving said line 35.00 feet Westerly and parallel with the Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A) S 25°22'48" W, a distance of 710.08 feet; thence on a line 75.00 feet Northerly and parallel with the Northeasterly right of way line of Progress Boulevard (State Road No. 5-767-A) N 48°36'37" W a distance of 258.63 feet; thence leaving said line 75.00 feet (CONTINUED ON THE FOLLOWING SHEET)
(CONTINUED ON THE FOLLOWING SHEET)

Northeastly and parallel with the Northeasternly right of way line of Progress Boulevard (State Road No. S-676-A) S 41°20'23" W, a distance of 50.00 feet; thence on a line 25.00 feet Northeastely and parallel with said Northeasternly Right of Way Line of Progress Boulevard (State Road No. S-676-A) the following two (2) courses;

(1) a bearing of 0°15'57" W, a distance of 222.49 feet to the point of curvature of a curve to the left having a radius of 2026.85 feet, a central angle of 0°15'07"; and a chord bearing of N 49°29'25" W and a chord distance of 55.53 feet;

(2) thence on the arc of said curve a distance of 58.53 feet to the end of said curve; thence leaving said line 25.00 feet Northeastely and parallel with the Northeasternly Right of Way line of Progress Boulevard (State Road No. S-676-A) N 37°59'23" E, a distance of 360.20 feet to the point of curvature of a curve to the left having a radius of 500.00 feet, a central angle of 372°51', a chord bearing of N 15°18'56" E, and a chord distance of 320.18 feet; thence on the arc of said curve a distance of 325.92 feet to the end of said curve; thence N 00°39'37" E, a distance of 17.68 feet; thence N 09°22'10" E, a distance of 1150.21 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land lying in Tracts 5, 6, 11, 12 and 14, in the Southwest 1/4 of Section 6, Township 30 South, Range 20 East, according to the plat of SOUTH TAMPA as recorded in Plat Book 6, Page 3, Public Records of Hillsborough County, Florida, said parcel being a portion of Progress Boulevard (State Road S-676-A) and being more particularly described as follows:

Begin at aforesaid Point "A", said point also lying on the Westerly right of way line of Interstate No. 75 (State Road No. 93-A); thence leaving said Westerly right of way line of Interstate No. 75 (State Road No. 93-A) S 10°00'05" W, a distance of 298.45 feet to a point on said Westerly right of way line of Interstate No. 75 (State Road No. 93-A); thence on the Southerly right of way line of said Interstate No. 75 (State Road No. 93-A) and on the Southerly right of way line of Progress Boulevard (State Road S-676-A) N 48°41'59" W, a distance of 905.30 feet; thence on said Southerly right of way line of Progress Boulevard (State Road S-676-A); the following three (3) courses; (1) thence N 32°50'41" W a distance of 304.37 feet; (2) thence N 48°50'59" W a distance of 171.32 feet to a point on a non-tangent curve to the left having a radius of 182.66 feet, a central angle of 51°21'4", a tangent length of 22.93 feet, a chord bearing of N 51°17'08" W, a chord distance of 182.66 feet; (3) thence Southwesterly on the arc of said curve a distance of 165.74 feet to the end of said curve; thence leaving said Southerly right of way line of Progress Boulevard (State Road S-676-A) N 00°39'23" E a distance of 180.09 feet to a point on the Northerly right of way line of said Progress Boulevard (State Road S-676-A), said point being on a non-tangent curve to the right having a radius of 2004.85 feet, a central angle of 00°02'39", a tangent length of 88.60 feet, a chord bearing of S 51°11'41" E, and a chord distance of 177.03 feet; thence Southwesterly on the arc of said curve a distance of 177.09 feet to the end of said curve; thence on said Northerly right of way line of Progress Boulevard (State Road No. S-676-A) S 49°39'37" E, a distance of 258.49 feet; thence leaving said Northerly right of way line of Progress Boulevard (State Road No. S-676-A) N 48°41'59" W, a distance of 50.00 feet; thence S 00°39'37" E, a distance of 1000.00 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land lying in Tracts 5 and 6, in the Northeast 1/4 of Section 12, Township 30 South, Range 19 East, according to the plat of SOUTH TAMPA as recorded in Plat Book 6, Page 3, Public Records of Hillsborough County, Florida, and that part of the North 1/2 of Section 12, Township 30 South, Range 19 East, Hillsborough County, Florida, said parcel being a portion of Folkston Road and being more particularly described as follows:

Begin at aforesaid Point "B", said point also lying on the Easterly right of way line of Falkenburg Road; thence leaving said Easterly right of way line of Falkenburg Road; thence leaving said Easterly right of way line of Falkenburg Road S 89°43'34" W a distance of 118.30 feet to a point on the Westerly right of way line of Falkenburg Road, thence on said Westerly right of way line of Falkenburg Road N 01°25'21" W a distance of 467.88 feet to a point on a non-tangent curve to the right having a radius of 1020.00 feet, a central angle of 32°23'01", a chord bearing of N 14°20'52" E and a chord distance of 574.58 feet; thence on said Westerly right of way line of Falkenburg Road and on the arc of said curve a distance of 522.64 feet to the end of said curve; thence leaving said Westerly right of way line of Falkenburg Road, N 89°45'42" E a distance of 144.10 feet to a point on aforesaid Easterly right of way line of Falkenburg Road; said point being on a non-tangent curve to the left having a radius of 900.00 feet, a central angle of 37°27'53", a tangent length of 305.15 feet, a chord bearing of S 16°33'52" W, a chord distance of 577.98 feet; thence Southwesterly on the arc of said curve and on said Easterly right of way line of Falkenburg Road a distance of 588.41 feet to the end of said curve; thence S 01°48'55" E on said Easterly right of way line of Falkenburg Road a distance of 471.19 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land lying in Tracts 7, 10, 11, 14 and 15, in the Northeast 1/4 of Section 1, Township 30 South, Range 19 East, according to the plat of SOUTH TAMPA as recorded in Plat Book 6, Page 3, Public Records of Hillsborough County, Florida, said parcel being a portion of Folkston Road and being more particularly described as follows:

Begin at aforesaid Point "C", said point also lying on the Easterly right of way line of Falkenburg Road; thence leaving said Easterly right of way line of Falkenburg Road S 89°52'22" W a distance of 120.00 feet to a point on the Westerly right of way line of Falkenburg Road; thence on said Westerly right-of-line of Falkenburg Road N 00°20'58" E a distance of 1612.76 feet; thence leaving said West right-of-line of Falkenburg Road S 89°30'27" W a distance of 119.93 feet to a point on aforesaid East right-of-way line of Falkenburg Road, thence on said East right-of-line of Falkenburg Road S 00°20'48" W a distance of 1611.47 feet to the POINT OF BEGINNING.

Parcel contains 403.33 acres more or less.
I, Kurt S. Browning, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Hillsborough County Ordinance No. 07-10, filed in this office on April 16, 2007, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capitol, this the 16th day of April, A.D., 2007.