

**ORDINANCE NO. 2019-   3**

**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA ESTABLISHING THE OAK STONE EAST 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; GRANTING SPECIAL POWERS; 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**, Oak Stone, LLC, a Florida limited liability company ("Petitioner") has filed a Petition with the Board of County Commissioners of Desoto County, Florida ("County"), a political subdivision of the State of Florida, to adopt an ordinance establishing the Oak Stone East Community Development District ("District"), pursuant to Chapter 190, Fla. Stat., 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 currently not able to provide at a level and quality needed to service the District, thereby assisting 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 Sections 190.005(1)(d) and (2)(b) Fla. Stat.; and

**WHEREAS**, the County has considered the record of the public hearing and the factors set forth in Sections 190.005(1)(e) and (2)(c), Fla. Stat.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:**

**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 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; specifically, the District will not supply or take any action inconsistent with the County's sole and exclusive right to provide and supply water, wastewater and garbage service within the District, unless expressly approved by the County, or impact, interfere with or limit the County's authority to levy taxes and special assessments within the District; 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.

4. The District shall not have and may not exercise any general police powers including without limitation law enforcement, fire and emergency management, zoning, code enforcement and land development powers, unless approved and authorized by the County.

**SECTION 3. CREATION, BOUNDARIES AND POWERS.** There is hereby created the **Oak Stone East 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), Fla. Stat., as well as the powers of Section 190.012(2)(a) and (d), 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), Fla. Stat., and the powers of Section 190.012(2)(a) and (d), Fla. Stat.

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

1. Michael Lawson
2. Doug Draper
3. Lori Price
4. Sonia Valentin

5. Christie Ray

**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.

**PASSED and ADOPTED** this 22<sup>nd</sup> day of January, 2019.

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
DESOTO COUNTY, FLORIDA**



\_\_\_\_\_  
Mandy Hines  
County Administrator



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Judy Schaefer  
Chairman

Approved as to form and legal sufficiency.



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Donald D. Conn  
County Attorney