

ORDINANCE NO. 04-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "OAKMONT GROVE COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR NO COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (hereinafter, the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the establishment of a community development district of less than 1,000 acres be filed by the petitioner with the County Commission of the county having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such Petition contain certain information to be considered at a public hearing before the Board of County Commissioners of Polk County (the "Board"); and

WHEREAS, Oakmont Grove Venture, LLC (the "Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, has petitioned Polk County (the "County") to establish the Oakmont Grove Community Development District (the "District") pursuant to the Act; and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 401 West Colonial Drive, Suite 7, Orlando, Florida 32804; and

WHEREAS, the Petition submitted on March 23, 2004 (the "Petition") to the County has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on July 14, 2004; and

WHEREAS, on July 14, 2004 the Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act and has determined to grant the Petition for Establishment of the Oakmont Grove Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services to the subject land.

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

SECTION 1: AUTHORITY

This ordinance is adopted in compliance with and pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes.

SECTION 2: ESTABLISHMENT AND DISTRICT NAME

The Petition is hereby granted and there is hereby established a community development district situated entirely within unincorporated Polk County, Florida, which District shall be known as the "Oakmont Grove Community Development District."

SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT

The external boundaries of the District are legally described in Exhibit "A", attached hereto and incorporated herein by this reference, the overall parcel containing 637 acres, more or less. No real property within the external boundaries of the District is to be excluded.

SECTION 4: FINDINGS OF FACT

The Board hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before it and the record established at the public hearing that:

- a. All statements within the Petition are true and correct.
- b. Establishment of the District and all land uses and services planned within the proposed

District are not inconsistent with applicable elements or portions of the State Comprehensive Plan or the Polk County Comprehensive Plan.

- c. The area of land within the District, described in Exhibit A, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- d. The District provides the best alternative available for delivering community development services and facilities to the area to 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 to be served by the proposed District is amenable to separate special-district government.

SECTION 5: FUNCTIONS AND POWERS

The District shall have all powers and functions granted by the Act, as amended from time to time. In addition, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(1) and 190.012(2)(a) and (d), Florida Statutes and any amendments thereof. This Ordinance does not, and shall not be construed to, 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: BOARD OF SUPERVISORS

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

- Name: Daniel Paris, Chairman
Address: 535 Faywood Court, Orlando, Florida 32819
- Name: Guy Butler
Address: 1554 Waterwitch Drive, Orlando, Florida 32806
- Name: Duane "Rocky" Owen
Address: 5585 Alligator Lake Road, St. Cloud, Florida 34772

Name: Rick Hartman
Address: 6148 Huckleberry Avenue, Orlando, Florida 33819

Name: Ruth Perry
Address: 1307 Stevens Avenue, Orlando, Florida 32806

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America and shall serve until their successors are chosen and qualified, as provided in Section 190.006 of the Act.

SECTION 7: COMPLIANCE WITH LAWS AND ORDINANCES

The District shall comply with the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes, rules and regulations, including the Polk County Comprehensive Plan and all applicable provisions of the Polk County Land Development Code.

SECTION 8: NO POLK COUNTY OBLIGATIONS

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

SECTION 9: NO LIMITATION ON POLK COUNTY POWERS

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

SECTION 10: REQUIRED DISCLOSURES

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

SECTION 11: SEVERABILITY

If any provision of this Ordinance, is held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining sections or portions of this Ordinance. If this

Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 12: EFFECTIVE DATE

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

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY,

FLORIDA this 14th day of July, 2004.

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 04-41, Ordinance creates the Oakmont Grove Community Development District, which was adopted by the Board on the 14th day of July, 2004.

WITNESS my hand and official seal of said Board this 16th day of July, 2004.

Richard M. Weiss
Clerk of Circuit Court

(SEAL)

By Martha H. Crews
Martha H. Crews
Deputy Clerk



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED

July 23, 2004

7/30/04
Clerk Of The Board
M. Crews

Honorable Richard M. Weiss
Clerk of the Court
Polk County
330 West Church Street
Post Office Box 988
Bartow, Florida 33831-0988

#04-41

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Weiss:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 15, 2004 and certified copies of Polk County Ordinance Nos. 04-37 through 04-42, which were filed in this office on July 19, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/mp


COUNTY ATTORNEY
PUBLIC HEARING AGENDA
ITEM XVIII D

POLK COUNTY, BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM

DATE: July 14, 2004

TO: Board of County Commissioners,
Mike Herr, County Manager

THROUGH: Joseph Jarret,
County Attorney

FROM: Anne Gibson, 
Assistant County Attorney

RE: Public Hearing to consider adopting an Ordinance, the title and substance of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "OAKMONT GROVE COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR NO COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

STATEMENT OF ISSUE: In the previous agenda item the Board considered whether to grant the Petition to Establish the Oakmont Grove Community Development District.

ANALYSIS: If the Board chooses to grant the Petition, then an Ordinance must be adopted by the Board.

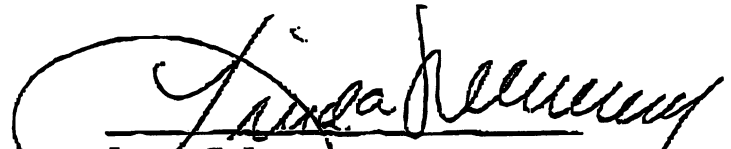
RECOMMENDATION: If the Board voted to Establish the Oakmont Grove CDD in the previous agenda item, then the County Attorney's Office recommends that the Board adopt the proposed Ordinance.

FISCAL IMPACT: There would be no fiscal impact for the mere establishment of the CDD.

REVIEWED BY:



Michael Herr,
County Manager



Joseph G. Jarret,
County Attorney