

AN ACT TO BE ENTITLED

AN ORDINANCE ESTABLISHING THE PRESERVE AT WILDERNESS LAKE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION, OPERATION, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Lindell Investments II, Inc., (the Petitioner) has petitioned the Pasco County Board of County Commissioners (the County) to adopt an ordinance establishing The Preserve at Wilderness Lake Community Development District (the District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the County finds that all statements contained in the Petition to Establish The Preserve at Wilderness Lake Community Development District (the Petition) are true and correct; and,

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

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

WHEREAS, the County finds that 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; and,

WHEREAS, the County finds that a Community Development District does not substitute for a homeowners' association; therefore, the creation of a homeowners' association shall be required prior to the record platting on each phase within the development; and,

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

WHEREAS, the County finds that the numbers of residential units planned within the District may require the District's community facilities to be used to accommodate the establishment of a polling place by Pasco County Supervisor of Elections; and,

WHEREAS, the County finds that a disclosure statement about the District and funding must be furnished to all potential buyers, and contracts for sale of property within the District must contain information about the District; and,

WHEREAS, the County finds that the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management, and financial needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

**SECTION 1. AUTHORITY**

That there is hereby established the District which shall operate in accordance with the Community Development District charter as set forth in Subsection 190.006 through 190.041, including the special power provided by Section 190.012, Florida Statutes.

**SECTION 2. DISTRICT NAME**

There is hereby established a Community Development District situated entirely within unincorporated Pasco County, Florida, which District shall be known as the "The Preserve at Wilderness Lake Community Development District."

**SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT**

The legal boundary of the District is provided in Exhibit A.

**SECTION 4. FUNCTIONS AND POWERS**

The District is limited to the performance of those specialized functions described in Chapter 190, Florida Statutes. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing development. The District is required to obtain additional approval by resolution from the governing body of the County or municipality if a taking will occur beyond the stated external boundaries of the District. Per the petition, the District will exercise the following special powers and functions:

- a. Construction and maintenance of roads (road maintenance may be assumed by the County if the road is part of the County's functional classified road network).
- b. Installation of street lighting.
- c. Construction of water and sewer facilities.
- d. Construction and maintenance of stormwater drainage.
- e. Installation and maintenance of landscaping and security facilities.
- f. Construction and maintenance of recreational facilities.

SECTION 5. BOARD OF SUPERVISORS

The five (5) persons designated to serve as initial members of the District's Board of Supervisors are listed in Exhibit B.

SECTION 6. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance shall be declared invalid, the remainder of this ordinance shall be construed as not having contained such section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

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 upon filing.



ADOPTED this 13 day of February, 2001

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jessie Hazen / Oc  
JED PITTMAN, CLERK

BY: [Signature]  
STEVE SIMON, CHAIRMAN

**APPROVED**

**FEB 13 2001**

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the County Attorney

BY: Robert D. Deumer  
ATTORNEY

EXHIBIT A

THE PRESERVE AT WILDERNESS LAKE CDD  
Legal Boundary

The South 3/4 of Section 36, Township 25 South, Range 18 East, Pasco County, Florida;

and

The SE 1/4 of the SE 1/4 and the SW 1/4 of the SE 1/4 East of U.S. Highway #41, in Section 35, Township 25 South, Range 18 East, Pasco County, Florida;

and

The NW 1/4 of the NW 1/4 of Section 36, Township 25 South, Range 18 East, Pasco County, Florida;

and

The abandoned railroad right-of-way which is 120 feet to 200 feet in width and runs across the North 1/2 of Section 1, Township 26 South, Range 18 East, the Southeast 1/4 of Section 36, Township 25 South, Range 18 East, and the West 1/2 of Section 31, Township 25 South, Range 19 East, more particularly described as follows:

Commence at the W 1/4 corner of Section 1, Township 26 South, Range 18 East; thence S 89°05'46" E along the south boundary of the NW 1/4 of said Section 1 for a distance of 802.98 feet to the point of beginning; thence continue S 89°05'46" E for a distance of 51.03 feet; thence N 39°17'29" E for a distance of 488.56 feet; thence N 39°17'29" E for a distance of 990.39 feet; thence continue N 39°17'29" E for a distance of 300.00 feet to the point of a tangent curve concave easterly; thence along the arc of said curve for a distance of 553.16 feet; through a central angle of 11°03'01", having a radius of 2868.14 feet, a long chord of 552.30 feet, chord bearing N 44°48'59" E; thence N 50°20'30" E for a distance of 362.49 feet; thence continue N 50°20'30" E for a distance of 406.40 feet; thence continue N 50°20'30" E for a distance of 300.00 feet; thence continue N 50°20'30" E for a distance of 600.00 feet; thence continue N 50°20'30" E for a distance of 1200.00 feet; thence continue N 50°20'30" E for a distance of 486.62 feet to a point on the south line of the NE 1/4 of the SE 1/4 of said Section 36; thence east along the said south line for a distance of 15.67 feet; thence N 50°20'30" E for a distance of 442.79 feet to a point on the east line of the SE 1/4 of said Section 36; thence N 00°00'56" E along said east line for a distance of 12.99 feet; thence N 50°20'30" E for a distance of 850.23 feet; thence continue N 50°20'30" E for a distance of 711.11 feet; thence S 39°39'30" E for a distance of 120.00 feet; thence S 50°20'30" W for a distance of 711.11 feet; thence continue S 50°20'30" W for a distance of 949.77 feet to a point on the east line of the SE 1/4 of said Section 36; thence N 00°00'56" E along the said east line for a distance of 12.99 feet; thence S 50°20'30" W for a distance of 239.22 feet to a point on the south line of the NE 1/4 of the SE 1/4 of said Section 36; thence east along the said south line for a distance of 15.67 feet; thence S 50°20'30" W for a distance of 631.38 feet; thence continue S 50°20'30" W for a distance of 900.00 feet; thence continue S 50°20'30" W for a distance of 900.00 feet; thence continue S 50°20'30" W for a distance of 807.40 feet; thence continue S 50°20'30" W for a distance of 261.48 feet to the point of a tangent curve concave southeasterly; thence along the arc of said curve for a distance of 530.02 feet, through a central angle of 11°03'01", having a radius of 2748.14 feet, a long chord of 529.20 feet, chord bearing S 44°48'59" W; thence S 39°17'29" W for a distance of 300.00 feet; thence continue S 39°17'29" W for a distance of 990.39 feet; thence continue S 39°17'29" W for a distance of 393.49 feet to a point on the south boundary of the NW 1/4 of said Section 1; thence S 89°05'46" E along the said south boundary for a distance of 51.03 feet; thence S 39°17'29" W for a distance of 145.14 feet; thence N 50°42'31" W for a distance of 49.46 feet; thence S 39°19'15" W for a distance of 171.00 feet to a point on the northerly right of way line of U.S. Highway 41; thence N 50°39'00" W along the said northerly right of way line for a distance of 150.45 feet; thence N 39°17'29" E for a distance of 157.63 feet to the point of beginning.

EXHIBIT B

The Preserve at Wilderness Lake  
Board of Supervisors

Carl Lindell, Jr.  
3900 W. Kennedy Blvd.  
Tampa, FL 33609

R.N. Weisser  
3900 W. Kennedy Blvd.  
Tampa, FL 33609

J. Michael Lindell  
c/o Hayes & Lindell  
Blackstone Bldg. #620  
233 East Bay St.  
Jacksonville, FL 33202

Sidney J. Jordan  
6812 Monet Circle  
Tampa, FL 33617

Sol J. Fleischman, Jr.  
3245 Hyde Park Ave.  
Suite 300  
Tampa, FL 33606