

ORDINANCE

19-11

ORDINANCE NO. 19-11

AN ORDINANCE ESTABLISHING THE HAWKSTONE 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; 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, HBWB Development Services, LLC, a Florida limited liability company ("Petitioner") has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Hawkstone 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 7TH DAY OF MAY, 2019 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 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; 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.

SECTION 3. CREATION, BOUNDARIES AND POWERS. There is hereby created the Hawkstone 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), (2)(a), (d) & (f), 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 under Section 190.012(1), (2)(a), (d) and (f) and (3), Fla. Stat.

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

1. Penny Yanacheck
2. James Raczkowski
3. Brian Bullock
4. Keith Grove
5. John Kraynick

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 May 7, 2019, as the same appears of record in Minute Book 516 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 8th day of May, 2019.

PAT COLLIER FRANK, CLERK

By: M. Decker
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
BY: [Signature]
Legal Sufficiency

Exhibit "A"

HAWKSTONE COMMUNITY DEVELOPMENT DISTRICT

PART 1

DESCRIPTION: A parcel of land lying in Sections 5 and 6, Township 31 South, Range 21 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of Section 7, Township 31 South, Range 21 East, and run thence along the North boundary of said Section 7, N.89°42'27"W., 494.31 feet to the Easterly maintained right-of-way line of Balm Boyette Road according to Maintained Right-of-Way Book 3, Pages 229 thru 235, as recorded in the Public Records of Hillsborough County, Florida; thence along said Southeasterly maintained right-of-way line the following six (6) courses: 1) N.24°17'15"E., 39.41 feet; 2) N.41°46'24"E., 70.65 feet; 3) N.38°43'49"E., 200.04 feet; 4) N.37°13'58"E., 218.59 feet; 5) N.39°22'56"E., 272.40 feet; 6) N.38°43'39"E., 135.72 feet to the **POINT OF BEGINNING**; thence continue along said Easterly maintained right-of-way line per Maintained Right-of-Way Book 3, Pages 229 through 235, inclusive, Public Records of Hillsborough County, Florida, the following twenty-five (25) courses: 1) N.38°43'49"E., 175.29 feet; 2) N.39°30'43"E., 197.80 feet; 3) N.38°32'15"E., 199.66 feet; 4) N.38°58'22"E., 49.13 feet; 5) N.38°58'13"E., 150.86 feet; 6) N.38°48'43"E., 402.60 feet; 7) N.38°23'34"E., 192.13 feet; 8) N.38°40'03"E., 208.02 feet; 9) N.39°16'26"E., 323.41 feet; 10) N.36°47'52"E., 170.93 feet to a point on a curve; 11) Northerly, 314.40 feet along the arc of a curve to the left having a radius of 737.97 feet and a central angle of 24°24'35" (chord bearing N.13°39'18"E., 312.03 feet); 12) N.01°03'56"E., 402.55 feet; 13) N.01°21'16"E., 117.87 feet; 14) N.01°21'18"E., 92.04 feet; 15) N.01°54'20"E., 184.22 feet; 16) N.01°31'19"E., 259.25 feet; 17) N.04°04'20"E., 39.81 feet; 18) N.15°20'53"E., 38.49 feet; 19) N.25°48'00"E., 25.69 feet; 20) N.34°21'00"E., 44.99 feet; 21) N.41°18'54"E., 21.89 feet; 22) N.51°34'04"E., 23.05 feet; 23) N.59°42'19"E., 49.83 feet; 24) N.69°02'21"E., 26.54 feet; 25) N.80°16'28"E., 40.23 feet to the Southerly maintained right-of-way line of Boyette Road; thence along Southerly maintained right-of-way line of Boyette Road per Maintained Right-of-Way Book 3, Pages 270 through 275, inclusive, Public Records of Hillsborough County, Florida the following five (5) courses: 1) N.89°48'43"E., 565.28 feet; 2) S.89°21'01"E., 524.00 feet; 3) N.89°51'06"E., 523.99 feet; 4) N.87°49'50"E., 261.99 feet; 5) N.89°17'28"E., 326.98 feet to the Westerly boundary of property owned by Tampa Electric Company lying in part 430 feet Westerly of and parallel with the Westerly right-of-way line of former CSX Railroad Right-of-Way (now property of Tampa Electric Company) and in part 380 feet Westerly of said former railroad right-of-way, S.32°13'39"W., 4267.46 feet; thence along the North boundary of the South 330 feet of the Southwest 1/4 of aforesaid Section 5, N.89°42'37"W., 653.88 feet; thence along the East and North boundaries of B & D Ranch Minor Subdivision according to the plat thereof as recorded in Plat Book 131, Pages 172 through 173, inclusive, Public Records of Hillsborough County, Florida, the following two (2) courses: 1) N.00°07'02"E., 410.64 feet; 2) N.89°52'58"W., 856.30 feet to a point on the Easterly

maintained right-of-way line of said Balm Boyette Road and the POINT OF BEGINNING.

Containing 134.462 acres, more or less.

AND TOGETHER WITH

PART 2

DESCRIPTION: A parcel of land lying in Sections 7 and 8, Township 31 South, Range 21 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of Section 7, Township 31 South, Range 21 East, and run thence along the North boundary of said Section 7, N.89°42'27"W., 494.31 feet to the Southeasterly maintained right-of-way line of Balm Boyette Road; thence along said Southeasterly maintained right-of-way line, S.65°57'16"W., 46.49 feet; thence along said right-of-way line as depicted on the plat of Canterfield Farms, according to the plat thereof as recorded in Plat Book 108, Pages 95 through 100, inclusive, Public Records of Hillsborough County, Florida, S.39°07'57"W., 1485.35 feet to the **POINT OF BEGINNING**; thence S.89°41'45"E., 2120.94 feet along the South boundary of said Canterfield Farms; thence along a line 430 feet Westerly of and parallel with the Westerly right-of-way line of former CSX Railroad Right-of-Way (now property of Tampa Electric Company), S.32°13'39"W., 1424.08 feet; thence S.89°55'44"W., 1678.95 feet; thence N.39°00'36"E., 419.31 feet; thence N.50°59'24"W., 520.00 feet to a point on the Southeasterly maintained right-of-way line of said Balm Boyette Road; thence along said maintained right-of-way, N.39°-00'36"E., 726.98 to the **POINT OF BEGINNING**.

Containing 54.728 acres, more or less.

Altogether containing 189.190 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 8, 2019

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 19-11, which was filed in this office on May 8, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb