

BY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 02-21

AN ACT TO BE ENTITLED

AN ORDINANCE ESTABLISHING THE MEADOW POINTE IV 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, OPERATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Meadow Pointe General Partnership (the Petitioner) has Petitioned the Pasco County Board of County Commissioners (the County) to adopt an ordinance establishing the Meadow Pointe IV Community Development District (the District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the County in determining whether to establish the District has considered and finds that all statements contained in the Petition to Establish the Meadow Pointe IV Community Development District are true and correct; and

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

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

WHEREAS, the County has considered and finds that the community development services and facilities proposed in the Petition will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

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

WHEREAS, a duly noticed public hearing on the Petition was held prior to the adoption of this ordinance establishing the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, as follows:

Section 1. AUTHORITY AND POWER OF THE DISTRICT

a. There is hereby established the Meadow Pointe IV Community Development District, the external boundaries of which is described in Attachment A and incorporated herein, which shall operate in accordance with the Uniform Community Development District Act of 1980 and those requirements as set forth in Florida Statutes Chapters 189 and 190.

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b. The establishment of the District shall not effect any requirements for governmental approval of any construction within the district. Any DRI requirements, and all state and local development regulations, shall apply. Planning, environmental, and land development regulations shall apply to all development and construction within the District regardless of who undertakes the activity. Further, the District shall not have the authority to adopt a comprehensive plan, building code, or land development code.

c. The District shall have no eminent domain powers outside its boundaries without first obtaining the expressed written approval of the Board of County Commissioners.

Section 2. POWERS AND DUTIES OF THE DISTRICT

a. The District shall provide financial reports to the Department of Banking and Finance in the same form and in the same manner as all other political subdivisions.

b. The District shall fully disclose information concerning the financing and maintenance of real property improvements undertaken by the District. Such information shall be made available to all existing and prospective residents of the CDD.

c. All contracts for the initial sale of real property and residential units within the District shall disclose to the buyer the existence of the District and the District's authority to levy taxes and assessments. Both the text and the placement of the text in the contract of sale must appear as mandated by law.

d. The District shall maintain an office in Pasco County and said office shall be reasonably accessible to the landowners of the District.

e. The District shall have the authority to pledge only the District's funds, revenues, taxes, and assessments to pay the District's short-term indebtedness.

f. All bonds issued by the District shall be secured by a trust agreement between the District and a corporate trustee or trustees.

g. In the event of a default on District Bonds, the obligations of the District shall not constitute a debt or obligation of the County, any municipality, or the State.

h. The District shall be subject to the Florida Constitution provision requiring approval of ad valorem taxes by referendum; the millage rate for such taxes shall be limited by statute. In addition to the millage cap, the aggregate principle amount of general obligation bonds outstanding at any one time shall not exceed 35% of the assessed value of the property within the District. Should the residents of the District impose ad valorem taxes upon themselves, such taxes shall be in addition to the County's and other ad valorem taxes, and shall be assessed, levied, and collected in the same manner as the County's taxes.

i. The District shall be required to advertise for bids and accept the lowest responsible bid for certain construction and purchasing activities as established by statute.

j. Rates, fees, rentals, and other charges for any facilities or services of the District shall be established only after a noticed public hearing.

k. Within thirty (30) days after the effective date of this ordinance, the District shall record a notice of establishment in the property records of the County, which said notice shall include at least the legal description of the property within the District and the notice required to be given to buyers of property within the District.

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Section 3. BOARD OF SUPERVISORS OF THE DISTRICT

The District Board of Supervisors shall exercise the powers and responsibilities granted to the District.

a. The members of the District's Board of Supervisors shall be residents of Florida and citizens of the United States. The name of the five persons designated to be the initial members of the Board of Supervisors, as supplied in the Petition is attached hereto as Attachment B.

b. After the Board of Supervisors shifts to being elected by the resident electors of the District, the Supervisors shall also be residents and electors of the district.

c. Candidates for the District's Board of Supervisors, seeking election to office by the qualified electors of the District, shall be subject to the same campaign financing disclosure requirements and oath of office requirements as candidates for any other public office.

d. The compensation of each Supervisor is limited to \$200.00 per meeting (not to exceed \$4,800.00 per year) plus standard state travel and per diem expenses, unless a higher compensation is approved by a referendum of the residents of the District.

e. All meetings of the District's Board of Supervisors must be open to the public and governed by Government-in-the-Sunshine requirements of Chapter 286, Florida Statutes.

f. The District's Board of Supervisors shall follow Chapter 120, Florida Statutes procedures in adopting rules.

g. The records of the District's Board of Supervisors must be open for public inspection by any person at any reasonable time, pursuant to Chapter 119, Florida Statutes, and said records shall be kept in the manner and in the place mandated by law.

Section 4. DISTRICT BUDGET

a. The District budget shall be adopted annually by the District's Board of Supervisors, and prior to approval by said Board, shall be the subject of a duly noticed public hearing at which said Board must hear all objections to the budget.

b. Proposed District budgets shall be submitted by the District's Board of Supervisors to the County at least sixty (60) days before adoption by the District's Board of Supervisors.

Section 5. FUNCTIONS OF THE DISTRICT

The District shall be limited to the performance of those specialized functions described in Chapter 190, Florida Statutes and provided for in the Petition. Per the Petition, the District shall exercise the following special powers and functions:

1. Construction and maintenance of roads
2. Installation and maintenance of street lighting
3. Construction of water and wastewater facilities
4. Construction and maintenance of park and recreational facilities
5. Construction and maintenance of a surface water management system
6. Installation and maintenance of landscaping and security facilities

Section 6. MISCELLANEOUS PROVISIONS

a. The County may require, based upon the numbers of residential units planned within the District, that the District's community facilities be used to accommodate the establishment of a polling place by the Pasco County Supervisor of Elections.

b. The County, at its option, shall take over any or all of the services provided by the District, should a court find that the County can provide services as efficiently and economically as the District.

Section 7. 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 8. 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 4th day of September 2002



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA


JED PITTMAN, CLERK


ANN HILDEBRAND, CHAIRMAN

APPROVED

SEP 04 2002

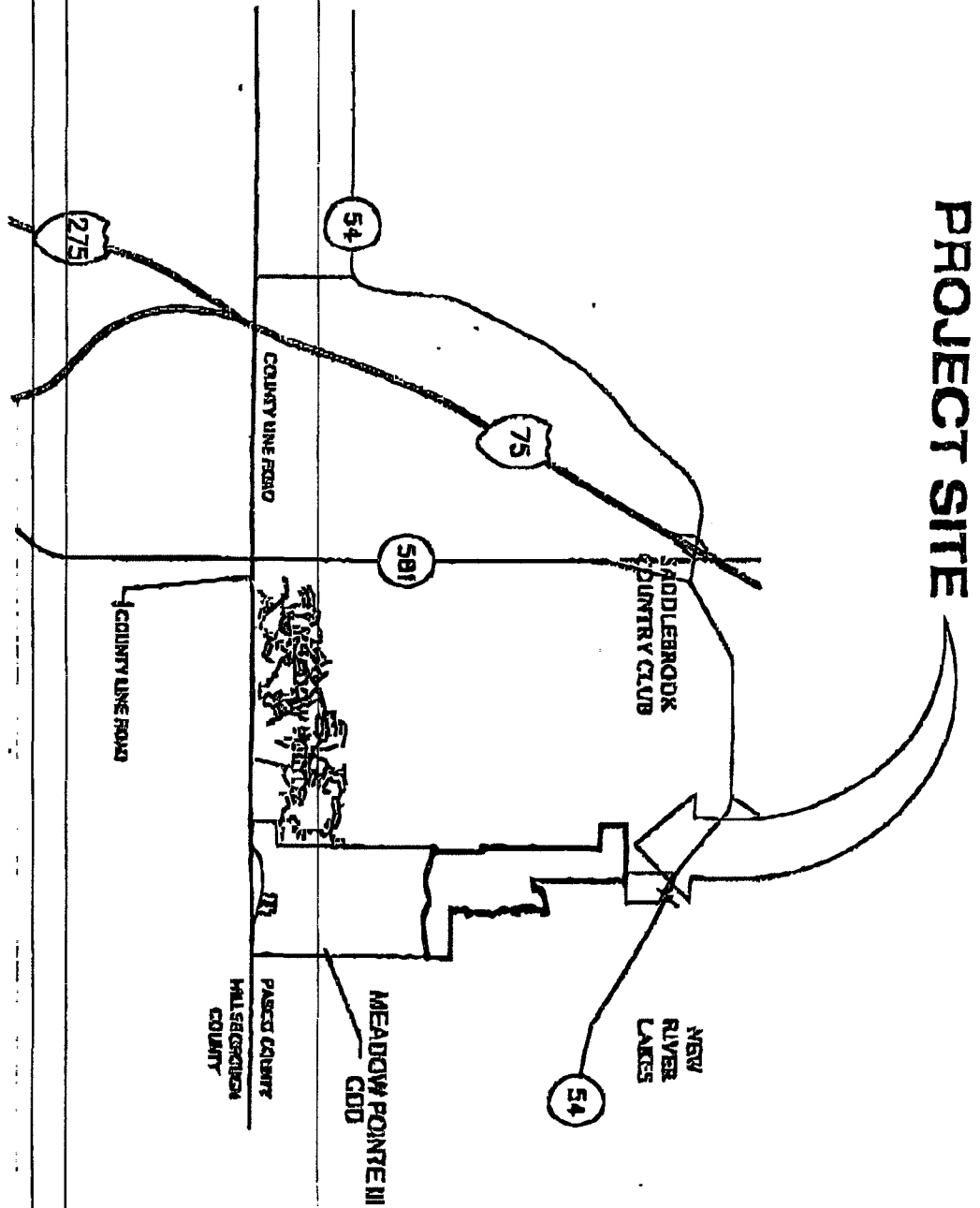
APPROVED AS TO LEGAL FORM AND SUFFICIENCY
Office of the Pasco County Attorney


ATTORNEY

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PROJECT SITE

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**MEADOW POINTE IV
COMMUNITY DEVELOPMENT CENTER**

DESCRIPTION: A parcel of land lying in Sections 15, 16, 22, 26, and 27, Township 26 South, Range 20 East, Pasco County, Florida, being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 27, also being the Northwest corner of said Section 26 and the Southeast corner of said Section 22, run thence S.89°57'36"E., 779.88 feet; thence S.00°15'46"W., 1258.51 feet; thence S.84°00'00"W., 2047.79 feet to a point of curvature; thence Westerly, 767.94 feet along the arc of a curve to the right having a radius of 1100.00 feet and a central angle of 40°00'00" (chord bearing N.76°00'00"W., 752.44 feet) to a point of reverse curvature; thence Westerly, 911.06 feet along the arc of a curve to the left having a radius of 900.00 feet and a central angle of 58°00'00" (chord bearing N.85°00'00"W., 872.66 feet) to a point of reverse curvature; thence Westerly, 1368.34 feet along the arc of a curve to the right having a radius of 1600.00 feet and a central angle of 49°00'00" (chord bearing N.89°30'00"W., 1327.02 feet) to a point of reverse curvature; thence Westerly, 914.53 feet along the arc of a curve to the left having a radius of 2100.00 feet and a central angle of 24°57'06" (chord bearing N.77°28'33"W., 907.32 feet) to a point of tangency; thence N.89°57'06"W., 266.61 feet to a point on the West boundary of aforesaid Section 27; thence along said West boundary of said Section 27, N.00°16'39"E., 200.15 feet; thence S.89°54'25"E., 269.99 feet; thence along a line lying East of and parallel to said West boundary of Section 27, N.00°16'39"E., 814.97 feet to a point on the North boundary of said Section 27; thence along a line lying East and parallel to the West boundary of aforesaid Section 22, N.00°09'44"E., 1599.92 feet; thence N.89°54'25"W., 269.99 feet to a point on said West boundary of Section 22; thence along said West boundary of Section 22 the following two (2) courses: 1) N.00°09'44"E., 1037.78 feet; 2) N.00°01'44"W., 2640.18 feet to the Northeast corner of said Section 22, also being the Southwest corner of aforesaid Section 15; thence along the West boundary of said Section 15 the following two (2) courses: 1) N.00°25'26"E., 1319.87 feet; 2) N.00°26'13"E., 1319.60 feet to the Southeast corner of the Southeast ¼ of the Northeast ¼ of aforesaid Section 16; thence along the South boundary of said Southeast ¼ of the Northeast ¼ of Section 16, N.89°27'55"W., 1324.90 feet to the Southwest corner of said Southeast ¼ of the Northeast ¼ of Section 16; thence along the West boundary of said Southeast ¼ of the Northeast ¼ of Section 16, N.00°08'50"E., 1322.76 feet to the Northeast corner of said Southeast ¼ of the Northeast ¼ of Section 16; thence along the North boundary of said Southeast ¼ of the Northeast ¼ of Section 16, S.89°15'10"E., 1332.60 feet to the Northeast corner of said Southeast ¼ of the Northeast ¼ of Section 16, said point also being the Northwest corner of the Southwest ¼ of the Northwest ¼ of aforesaid Section 15; thence along the North boundary of said Southwest ¼ of the Northwest ¼ of said Section 15, N.89°29'12"E., 1330.02 feet; thence N.89°32'32"E., 416.75 feet to a point on the West boundary of FOX RIDGE PHASE THREE UNIT ONE, according to the map or plat thereof as recorded in Plat Book 24, Page 105, of the Public Records of Pasco County, Florida; thence along said Westerly boundary of FOX RIDGE PHASE THREE UNIT ONE, FOX RIDGE PHASE TWO UNIT THREE, according to the map or plat thereof as recorded in Plat

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Book 19, Page 42, FOX RIDGE PHASE THREE UNIT TWO, according to the map or plat thereof as recorded in Plat Book 24, Page 101, and FOX RIDGE PHASE TWO UNIT FOUR, according to the map or plat thereof as recorded in Plat Book 19, Page 113, all of the Public Records of Pasco County, Florida the following two (2) courses:
 1) S.00°21'06"W., 3961.89 feet; 2) S.00°01'07"W., 978.88 feet to the Southwest of said FOX RIDGE PHASE TWO UNIT FOUR, said point being on the Southerly boundary of said FOX RIDGE PHASE TWO UNIT FOUR and a point on a curve; thence along said Southerly boundary of FOX RIDGE PHASE TWO UNIT FOUR the following ten (1) courses: 1) Easterly, 141.38 feet along the arc of a curve to the left having a radius of 417.92 feet and a central angle of 19°23'00" (chord bearing N.80°18'53"E., 140.71 feet) to a point of tangency; 2) N.70°37'23"E., 173.29 feet to a point of curvature; 3) Northeasterly, 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.25°37'23"E., 35.35 feet); 4) N.70°37'23"E., 60.00 feet to a point on a curve; 5) Southeasterly, 39.27 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.64°22'37"E., 35.35 feet); 6) N.70°33'35"E., 154.99 feet; 7) N.07°51'40"W., 264.66 feet; 8) S.89°39'20"E., 189.86 feet; 9) N.19°16'11"W., 159.46 feet; 10) N.77°05'20"E., 1158.97 feet to a point on the Westerly boundary of FOX RIDGE PHASE TWO UNIT TWO, according to the map or plat thereof as recorded in Plat Book 19, Page 36, of the Public Records of Pasco County, Florida; thence along said Westerly boundary of FOX RIDGE PHASE TWO UNIT TWO the following thirty-seven (37) courses: 1) S.00°22'04"W., 238.06 feet; 2) N.70°47'10"E., 138.33 feet; 3) S.19°12'50"E., 60.00 feet; 4) S.70°47'10"W., 157.03 feet; 5) Westerly, 156.89 feet along the arc of a curve to the right having a radius of 919.96 feet and a central angle of 09°46'17" (chord bearing S.75°31'00"W., 156.70 feet); 6) S.19°21'34"E., 383.32 feet; 7) S.71°22'42"W., 265.21 feet; 8) S.19°21'59"E., 333.79 feet; 9) N.70°41'47"E., 125.41 feet; 10) S.19°16'26"E., 59.79 feet; 11) S.70°35'51"W., 265.23 feet; 12) S.19°20'30"E., 446.83 feet to a point on a curve; 13) Easterly, 30.41 feet along the arc of a curve to the right having a radius of 62.50 feet and a central angle of 27°52'35" (chord bearing S.72°22'06"E., 30.11 feet) to a point on a curve; 14) Easterly, 22.28 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 51°03'19" (chord bearing S.83°57'28"E., 21.55 feet); 15) N.70°40'00"E., 222.12 feet; 16) S.18°56'05"E., 60.00 feet; 17) S.70°40'00"W., 221.94 feet to a point on a curve; 18) Southwesterly, 22.28 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 51°03'19" (chord bearing S.45°06'33"W., 21.55 feet) to a point of reverse curvature; 19) Southwesterly, 41.31 feet along the arc of a curve to the right having a radius of 62.50 feet and a central angle of 37°52'29" (chord bearing S.38°31'08"W., 40.56 feet); 20) S.19°26'30"E., 118.25 feet; 21) S.07°02'30"E., 139.08 feet; 22) S.02°38'42"W., 163.92 feet; 23) S.00°01'45"W., 449.78 feet; 24) S.89°55'32"E., 150.00 feet; 25) S.00°00'51"E., 290.52 feet; 26) S.89°56'52"E., 125.27 feet; 27) S.00°00'33"E., 59.98 feet; 28) N.89°58'48"W., 125.44 feet; 29) S.00°02'22"W., 581.09 feet; 30) S.89°58'48"E., 125.44 feet; 31) S.00°01'12"W., 60.00 feet; 32) N.89°58'48"W., 148.79 feet; 33) S.00°01'37"W., 580.88 feet; 34) S.89°58'48"E., 148.73 feet; 35) S.00°01'12"W., 60.00 feet; 36) N.89°58'48"W., 261.66 feet; 37) S.00°02'07"W., 917.56 feet to a point on the South boundary of said plat, said point also being on the North boundary of the

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aforesaid Section 27; thence along said North boundary of said Section 27 and the South boundary of said plat, S.89°53'08"E., 1833.04 feet to the POINT OF BEGINNING.

Containing 771.176 acres, more or less.

MP4-MP-001

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