

ORDINANCE 01-11

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AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, CONSENTING TO THE EXERCISE BY THE WATERLEFE COMMUNITY DEVELOPMENT DISTRICT OF CERTAIN SPECIAL POWERS GRANTED TO THE DISTRICT IN SECTION 190.012(2), FLORIDA STATUTES; AMENDING ORDINANCE 00-55 TO CORRECT THE COMMUNITY DEVELOPMENT DISTRICT'S NAME; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Waterlefe Community Development District (District, or, Petitioner) has been created by law and established pursuant to Manatee County Ordinance No. 00-55, on October 24, 2000, effective as filed with the Secretary of State of Florida on October 25, 2000; and

WHEREAS, based on the information provided by the Petitioner, the District is active and in good legal standing, and the Manatee County Board of County Commissioners (County) has relied thereon in adopting this Ordinance; and,

WHEREAS, Section 190.012, Florida Statutes, as amended, part of the District charter, grants to the District numerous special powers and provides that the County must consent to the exercise by the District of those special powers listed in Section 190.012 (2), Florida Statutes, before the District may exercise them; and,

WHEREAS, on November 7, 2000, the District petitioned the County for consent to exercise the special powers granted by Section 190.012 (2), Subsections (a) and (d), Florida Statutes; and,

WHEREAS, in sworn affidavits by District staff, review of the operations and functions of the District and all related information confirms there is no change of circumstances or conditions since the District was established so that consent to the exercise of powers set forth in the Petition by the District to authorize the exercise by the District of certain powers is appropriate; and,

WHEREAS, based on the information provided by the Petitioner, the District government has the capability of providing these additional powers, and, the County has relied thereon in adopting this Ordinance; and,

WHEREAS, the consent to exercise the powers is not inconsistent with, will always be subject to and will comply with the Manatee County Comprehensive Plan and all related regulations governing the use of land served by the District; and,

WHEREAS, the County desires to consent to the exercise by the District of these additional special powers; and,

WHEREAS, the County's consent to the exercise by the District of these special powers are in addition to those granted in Section 6 of Manatee County Ordinance 00-55 (the Ordinance establishing the District) wherein the County recognized the uniform general law charter of the District contained at Sections 190.006 through 190.041, Florida Statutes; and,

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TALLAHASSEE, FLORIDA

WHEREAS, Manatee County Ordinance 00-55 established the Waterlefe Community Development District as Waterlefe Community Development District 1; and,

WHEREAS, this designation of 1 was not included in the Petition for Establishment nor desired by the District.

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

SECTION 1. Intent and Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact in support of this Ordinance.

SECTION 2. Authority. This Ordinance is adopted pursuant to Section 125.66, Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION 3. Consent to Exercise of Section 190.012(2)(a) and (d) Powers. The Board of County Commissioners hereby consents to the exercise by the Waterlefe Community Development District of the additional special powers granted in Section 190.012(2)(a) and (d), Florida Statutes, as part of the District's statutory charter.

More specifically, the District is granted by its charter, so long as it is in compliance with and subject to the Manatee County Comprehensive Plan, and subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special district(s) having authority with respect for any area included in the District, the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

1. Parks and facilities for indoor and outdoor recreational, cultural and educational uses; and,
2. Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

Such special powers are in addition to the powers granted in Ordinance 00-55, Section 6, and to the extent necessary shall be viewed as an amendment to that section.

SECTION 4. Amendment of Ordinance No. 00-55. The Board of County Commissioners hereby amends Manatee County Ordinance 00-55 to correct the title of the Community Development District. The Community Development District shall be known as Waterlefe Community Development District. All references to the District in Ordinance 00-55 shall be amended accordingly.

SECTION 5. Severability. If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall otherwise remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective upon the filing of a certified copy hereof with the Florida Secretary of State pursuant to Section 125.66, Florida Statutes.

SECTION 7. Petitioner Acknowledgment. Petitioner acknowledges and agrees to the statements and provisions contained herein and evidences such by execution of the acknowledgment provided below.

ADOPTED, with a quorum present and voting, this 6th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Joe McClash
Joe McClash, Chairman

ATTEST: R.B.Shore
Clerk of the Circuit Court

By: Susan Thomine
DC



ACKNOWLEDGMENT:

The undersigned Petitioner, the Waterlefe Community Development District, by and through the undersigned, does hereby acknowledge and agree to the statements and provisions contained herein.

WATERLEFE COMMUNITY
DEVELOPMENT DISTRICT

By: Mike Curtin
Mike Curtin, Chair
District Board of Supervisors

WITNESSES:

By: Robin Liberty

By: Leon Katsaris



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 8 day of February, 20 01
R.B. SHORE
Clerk of Circuit Court
By: Robin Liberty, D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
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Historic Tampa/Hillsborough County
Preservation Board
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

February 16, 2001

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

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P.B. CLERK
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Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 8, 2001 and certified copy of Manatee County Ordinance No. 01-11, which was filed in this office on February 15, 2001.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure