

ORDINANCE NO. 00-55

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING WATERLEFE COMMUNITY DEVELOPMENT DISTRICT 1, 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 FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and,

WHEREAS, WCI Communities, Inc., a Delaware corporation authorized to do business in Florida, (Petitioner), has petitioned the Manatee County Board of County Commissioners (County) to adopt an ordinance establishing Waterlefe Community Development District 1 (District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, Bay Colony-Gateway, Inc., a Delaware corporation authorized to do business in Florida, a wholly-owned operating subsidiary of the Petitioner, is the owner or controller of the property, approximately 457.95 acres in size, to be included within the proposed District; and,

WHEREAS, a public hearing has been conducted by the Manatee County Board of County Commissioners in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended and supplemented; and,

WHEREAS, based on the information provided by the Petitioner, the County finds all statements contained in the petition are true and correct and has relied thereon in adopting this Ordinance; and,

WHEREAS, the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local comprehensive plan; and,

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and,

WHEREAS, the establishment of the District is found to be the best alternative available for delivering the community development services and facilities to the area that will be served by the District, as provided herein; and,

WHEREAS, the proposed 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,

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

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

WHEREAS, the establishment of the District as an independent special district and a local unit of special purpose government pursuant to Chapter 190, Florida Statutes, and the exercise by the District's Board of Supervisors of its powers under the Act will further the objectives and public purposes of the Act; will constitute a timely, efficient, effective, responsive and economic way to deliver basic community development services and to plan, manage and finance needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers; and is in the public interest and the best interest of the state and the County and their inhabitants; and,

WHEREAS, as provided in Chapter 190, Florida Statutes, the establishment of the District and exercise of its powers under the Act will serve a governmental and public purpose in that the District will perform essential governmental functions which would otherwise have to be performed by other state and local governments or agencies by, inter alia, providing systems and facilities for the use and enjoyment of the general public, including roads, water, sewer, and waste water management systems and facilities, water management and control systems and facilities, including bridges and culverts, parks and facilities for indoor and outdoor recreational, cultural and educational uses, fire prevention and control systems and facilities, and security systems and facilities; and,

WHEREAS, the acquisition, construction, financing and operation of such systems and facilities as set forth in the Petition will protect, promote and enhance the public health, safety and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Manatee County, Florida, as follows:

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 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION 3. Establishment. There is hereby established the Waterlefe Community Development District 1 which shall be governed by the uniform community development district charter as set forth in ss. 190.06 through 190.041, Florida Statutes, to perform the functions contained in the Petition, attached hereto and made a part of this Ordinance as Exhibit A.

SECTION 4. Boundaries. The boundaries of the Waterlefe Community Development District 1 are those described in the metes and bounds description, attached hereto and made a part of this Ordinance as Exhibit B.

SECTION 5. Initial Board of Supervisors. The following five persons are designated as the initial members of the Board of Supervisors for the Waterlefe Community Development District 1:

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| (1) | R Michael Curtin<br>1401 Winding Woods Way<br>Bradenton, Florida 34202           | (2) | Gary Nelson<br>3208 Stevenson Street<br>Plant City, Florida 33567 |
| (3) | Milton G. Flinn<br>1907 91 <sup>st</sup> Street N.W.<br>Bradenton, Florida 34208 | (4) | Robert E. Greene<br>2101 Hemury Place<br>Sun City, Florida 33573  |
| (5) | Thomas J. Hood<br>8745 53 <sup>rd</sup> Terrace East<br>Bradenton, Florida 34207 |     |   |

SECTION 6. Charter. The Waterlefe Community Development District 1 shall be governed by the provisions of Chapter 190, Florida Statutes, specifically Sections 190.006 - 190.041, Florida Statutes (1999) as amended. The District shall have, and District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the Petition and Chapter 190, Florida Statutes.

SECTION 7. County Comprehensive Plan and County Land Development Code Compliance. The Waterlefe Community Development District 1 shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects in the same manner as a private developer.

SECTION 8. County Rights of Termination, Contraction, Expansion, and Limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the District as set forth in Section 190.046, Florida Statutes, are hereby specifically preserved.

SECTION 9. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but remain in full force and effect.

SECTION 10. Effective Date. This Ordinance shall be effective immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

SECTION 11. 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 24<sup>th</sup> day of October, 2000.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Stan Stephens  
Stan Stephens, Chairman

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

By: Susan B. Romine

Director of CID Finance  
**ACKNOWLEDGMENT**  
Joseph R. Corvelli  
The undersigned Petitioner, WCI Communities, Inc., a Delaware corporation, by and through its Senior Vice President, Vivien N. Hastings, does hereby acknowledge and agree to the statements and provisions contained herein.

WCI COMMUNITIES, INC., a Delaware Corporation.

By: Vivien N. Hastings  
Vivien N. Hastings, Senior Vice President  
Joseph R. Corvelli, Director of CID Finance

Witnesses:  
Susan B. Romine