

ORDINANCE 2763

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING THE PALMA SOLA TRACE 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 INITIAL 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 ACKNOWLEDGEMENT 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, Taylor Woodrow Homes – Central Division L.L.C., a Florida limited liability company, authorized to do business in Florida, has petitioned the City of Bradenton City Council (City) to adopt an ordinance establishing the Palma Sola Trace Community Development District pursuant to Chapter 190, Florida Statutes; and

WHEREAS, Petitioner is the owner of the 103 acre, more or less, area proposed for inclusion within the District; and

WHEREAS a public hearing has been conducted by the City of Bradenton City Council in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended; and

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

WHEREAS. The establishing 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 on functional interrelated community; and

WHEREAS, the establishing 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

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

WHEREAS, the establishing 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 City and their inhabitants; and

WHEREAS, as provided in Chapter 190, Florida Statutes, the establishing 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 distribution, sewer and waste water collection systems and facilities, water management and control systems and facilities, including bridges and culverts; 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 City and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, Be It Ordained by the City Council of the City of Bradenton, Florida, as follows:

SECTION 1. Findings of Fact. The City Council of the City of Bradenton, 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 Palma Sola Trace Community Development District which shall be governed by the uniform community development district charter as set forth in ss 190.006 through 190.041, Florida Statutes, to perform the functions contained in the Petition, attached hereto as Exhibit A.

SECTION 4. Boundaries. The boundaries of the Palma Sola Trace Community Development District 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 Palma Sola Trace Community Development District.

- | | |
|---|--|
| (1) David T. Ivan
2610 S. Falkenburg Road
Riverview, FL 33569-2553 | (2) Michael T. Miller
2610 S. Falkenburg Road
Riverview, FL 33569-2553 |
| (3) Wilhelm H. Nunn
2610 S. Falkenburg Road
Riverview, FL 33569-2553 | (4) Marc I. Spencer
877 Executive Center Dr. W.
Suite 205
St. Petersburg, FL 33702-2472 |
| (5) C. Alexander Bratt
8430 Enterprise Circle, Suite 100
Bradenton, FL 34202-4108 | |

SECTION 6. Charter. The Palma Sola Trace Community Development District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically its uniform general law in Sections 190.006-190.041, Florida Statutes, as amended. The District shall have, and the 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, any or all of the special powers set forth in Section 190.012(1), Florida Statutes.

SECTION 7. City of Bradenton Comprehensive Plan and City of Bradenton Land Development Regulations Compliance. The Palma Sola Trace Community Development District shall be governed by the development standards of the City of Bradenton Comprehensive Plan and the City of Bradenton Land Development Regulations on its construction projects in the same manner as a private developer. The Community Development District will be required to obtain all necessary federal, state and local permits including but not limited to site plan approval and building permits for any construction it undertakes. All infrastructure shall conform to Manatee County Standards.

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

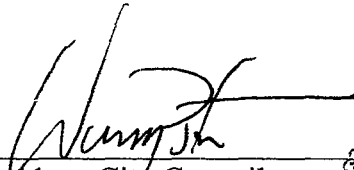
SECTION 9. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason by a court of competent jurisdiction, the

remainder of this Ordinance shall not be affected thereby, but remain in full force and effect.

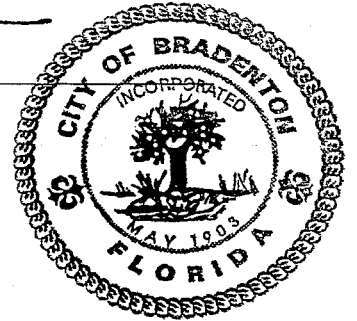
SECTION 10. Effective Date. This Ordinance shall be effective immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

SECTION 11. Petitioner Acknowledgment. Petitioners acknowledge and agree 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 ^{22nd} ~~25th~~ day of ^{September} ~~August~~, 2004.



President, City Council



ATTEST



City Clerk

First Reading: 07-14-04

Advertised: 07-18-04, 07-25-04, 08-01-04, 08-08-04, 8/27/04, 9/3/04, 9/10/04, 9/17/04

Second Reading: 08-25-04

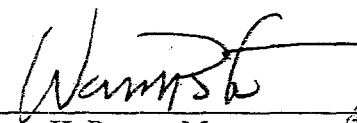
ADOPTED: 9-22-04

APPROVED AS TO FORM:

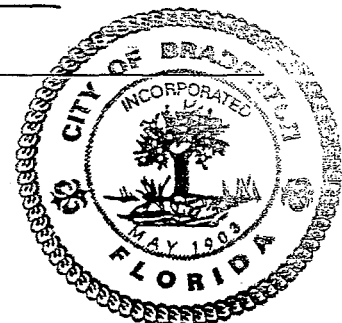


City Attorney

APPROVED by me, this ^{22nd} ~~25th~~ day of ^{September} ~~August~~, 2004



Wayne H. Poston, Mayor



CITY OF BRADENTON
ACKNOWLEDGMENT
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PLANNING & DEVELOPMENT

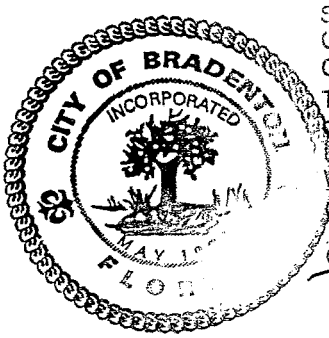
The undersigned Petitioner, Taylor Woodrow Homes – Central Florida Division, L.L.C., a Florida limited liability company, authorized to do business in Florida, does hereby acknowledge and agree to the statements and provisions contained herein.

Taylor Woodrow Homes – Central Florida Division
L.L.C., a Florida limited liability company,
authorized to do business in Florida.

By: *Michael T. Miller*
Michael T. Miller
Authorized Agent

Witnesses:

Candice M. Menotti
Stephanie L. Kline



STATE OF FLORIDA
COUNTY OF MANATEE
CITY OF BRADENTON
This is to certify that the foregoing is a true and correct copy of the document on file in the City Clerk's Office.
Witness my hand and official seal this 4th day of November, 2004
Deborah J. Hodson
City Clerk / Deputy City Clerk