

ORDINANCE

14-36



Agenda Item Cover Sheet

Agenda Item N^o E-3

Meeting Date November 6, 2014

Consent Section Regular Section Public Hearing

Subject: CDD 14-0883 PETITION TO ESTABLISH RIVERBEND WEST COMMUNITY DEVELOPMENT DISTRICT (CDD)	
Agency/Department: Development Services Department, Community Development Section	
Contact Person: John E. Healey, AICP	Contact Phone: 276.8393
Sign-Off Approvals	
<i>[Signature]</i> 10-24-14 <small>Deputy Public Administrator</small>	<i>[Signature]</i> 10/27/14 <small>Department Director</small>
<i>[Signature]</i> 10/27/14 <small>Business and Support Services - Approved as to Financial Impact/Accuracy</small>	<i>[Signature]</i> 10/27/14 <small>County Attorney - Approved as to Legal Sufficiency</small>

STAFF'S RECOMMENDED BOARD MOTION

Establish the Riverbend West Community Development District (CDD) in accordance with the attached ordinance. No direct financial impact to the County will occur as a result of this petition. Of the total estimated \$4,285,000 in infrastructure development costs, approximately \$3.5 million (about 81% of the construction budget) is anticipated to be funded with CDD bond financing. The developer will use owner's equity and net cash generated from lot sales to fund the remaining development costs. Annual assessments are projected to be \$1,250 per lot.

FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition. Of the total estimated \$4,285,000 in infrastructure development costs, approximately \$3.5 million (about 81% of the construction budget) is anticipated to be funded with CDD bond financing. The developer will use owner's equity and net cash generated from lot sales to fund the remaining development costs. Annual assessments are projected to be \$1,250 per lot.

BACKGROUND

On July 18, 2014, the Cassidy Holdings Group, Inc, petitioned Hillsborough County to establish the Riverbend West Community Development District (CDD). The applicant's representative is Roy Van Wyk of Hopping Green & Sams P.A. The property is generally located north of 24th Avenue S.W., south of 21st Avenue S.W., east of 7th Street S.W. and west of 1st Street S.W. in Ruskin.

The Riverbend West CDD is comprised of folio numbers 57638.0060, 57637.0100, and 57638.0000 totaling +65.0 acres. The area to be included in the CDD is zoned Restricted Residential, Single Family Conventional RSC-9(R) [RZ 14-0065]. Attachment A shows the location of the proposed CDD.

List Attachments: A) Location Map B) Consent of Landowners C) Draft Ordinance

ORD # 14-36
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ORDINANCE NO. 14-36

AN ORDINANCE ESTABLISHING THE RIVERBEND WEST 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 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cassidy Holdings Group, Inc., a Florida corporation (“Petitioner”), has filed a Petition to Establish the Riverbend West Community Development District (“Petition”) with Hillsborough County requesting that the Board of County Commissioners in and for Hillsborough County, Florida (“County”), adopt an ordinance establishing the Riverbend West 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 6TH DAY OF NOVEMBER 2014 AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The Board of County Commissioners 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 establishment 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 establishment 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 a 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), 2(d), 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 by section 190.012(2) (a) and (d), Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors: Warren (Rennie) Heath, Lauren O. Schwenk, Michelle Cassidy, Andrew Rhinehart and Scott Shapiro.

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 November 6, 2014, as the same appears of record in Minute Book 462 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of November, 2014.

PAT COLLIER FRANK, CLERK

BY: Michael D. Di...
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY

BY: Nancy Y. Takemori
Nancy Y. Takemori
Assistant County Attorney

EXHIBIT A
LEGAL DESCRIPTION OF DISTRICT BOUNDARIES

Folio 057637-0100 (OR 5266, Page 1245):

Lot 880, THIRD ADDITION TO RUSKIN COLONY FARMS, according to the map or plat thereof as the same is recorded in Plat Book 1, Page 132 of the Public Records of Hillsborough County, Florida.

LESS EXISTING road-of-way.

Together With:

Folio 057638-0000 (OR 6438, Page 187):

Lots 881 through 887 inclusive, and Lots 904 through 910, LESS the South 150 feet, THIRD ADDITION TO RUSKIN COLONY FARMS, according to the map or plat thereof, recorded in Plat Book 1, Page 132, Hillsborough County, Florida.

Together With:

Folio 057638-0060 (OR 8882, Page 0308):

That portion of Tracts 884, 885, 906 and 907, THIRD ADDITION TO RUSKIN COLONY FARMS according to map or plat thereof as recorded in Plat Book 1, Page 132, of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

The West 400.00 feet of Tracts 884, 885, 906 and 907, LESS the South 150.00 feet thereof and tract commencing at the Southeast corner of Tract 904 and run North 89d54'16" West, along the South boundary of Tracts 904 thru 907, 1052.10 feet for the Point of Beginning; thence continue North 89d54'16" West, 210.42 feet to the West boundary of Tract 907; thence North 00d09'22" West along said West boundary, 150.00 feet; thence South 89d54'16" East, 150.00 feet North of and parallel to the South boundary, 211.11 feet; and thence South 00d06'23" East, 150.00 feet to the Point of Beginning.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 6, 2014

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Pamela Blinck, Deputy Clerk, BOCC Records

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. 14-36, which was filed in this office on November 6, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

19085

Tampa Bay Times
Published Daily

STATE OF FLORIDA)
COUNTY OF Hillsborough County

Before the undersigned authority personally appeared Amy Robison who on oath says that he/she is Legal Clerk of the Tampa Bay Times a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: RIVERBEND WEST was published on Tampa Bay Times: 10/9/14, 10/16/14, 10/23/14, 10/30/14. in said newspaper in the issues of B Tampa Affiant further says the said Tampa Bay Times is a newspaper published in St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Amy Robison
Signature of Affiant

Sworn to and subscribed before me this 10/30/2014.

Joseph F. Fish
Signature of Notary Public

Personally known or produced identification

Type of identification produced _____

 JOSEPH F. FISH
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF116052
Expires 6/23/2018

LEGAL NOTICE

**NOTICE OF LOCAL PUBLIC HEARING
Hillsborough County Board of
County Commissioners
to Consider the Creation of the
Riverbend West Community
Development District**

DATE: November 6, 2014
TIME: 9 a.m.
LOCATION: Commission Chambers
of the Hillsborough County Center
601 E. Kennedy Blvd.
Tampa, Florida 33602

In accordance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the Hillsborough County Board of County Commissioners beginning at 9 a.m., on November 6, 2014, in the Commission Chambers of the Hillsborough County Center, 601 E. Kennedy Blvd., Tampa, Florida 33602; to consider an ordinance granting a petition to establish a community development district which may be known as the "Riverbend West Community Development District" (the "District"). The title of the proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING THE RIVERBEND WEST 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 SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The proposed Community Development District is comprised of approximately 55 acres, more or less, generally located north of 24th Avenue S.W., south of 21st Avenue S.W., east of 7th Street S.W., and west of 1st Street S.W., in Ruskin, Florida. The Petitioner has proposed to establish the Riverbend West Community Development District to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities, which may be authorized by such districts under Florida law including but not limited to Chapter 190, Florida Statutes.

Copies of the petition, department reports and proposed ordinance are open to public inspection at the office of the Clerk of the Board of County Commissioners at 601 E. Kennedy Blvd., 12th Floor, Tampa, Florida 33602.

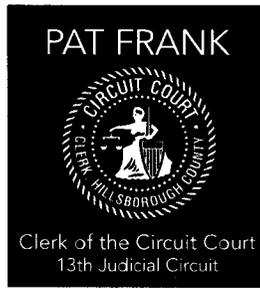
All interested persons and affected units of general-purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general-purpose local government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose the person or unit of general-purpose local government may need to insure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act and Section 288.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Citizens Action Center at (813) 272-6900 or TTY: (813) 301-7173, at least forty-eight (48) hours prior to the proceedings.



10.9, 10/16, 10/23, 10/30/2014

19085-1



November 6, 2014

MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #14-36
Establishing the Riverbend West Community Development District (CDD)

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding an executed electronic original of Hillsborough County Ordinance #14-36 adopted by the Board of County Commissioners on November 6, 2014. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance by return e-mail.

Sincerely,


Kimberly Richards, Associate Director
BOCC Records/VAB

pab
Attachment

Office of the County Attorney

Chip Fletcher, County Attorney

BOARD OF COUNTY COMMISSIONERS

KEVIN BECKNER
VICTOR D. CRIST
KEN HAGAN
AL HIGGINBOTHAM
LESLEY "LES" MILLER, JR.
SANDRA L. MURMAN
MARK SHARPE



CHIEF ADMINISTRATIVE COUNSEL
Hank Ennis

GENERAL COUNSEL
Mary Helen Farris

CHIEF ASSISTANT COUNTY ATTORNEYS
Christine M. Beck
Robert E. Brazel
Susan J. Fernandez
Jennie Granahan Tarr

MEMORANDUM

To: Midge Dixon, BOCC Records

From: Nancy Y. Takemori, Assistant County Attorney *NYT*

Re: Ordinance Establishing Riverbend West Community Development District

Date: November 3, 2014

CLERK OF
THE BOARD OF
COMMISSIONERS

2014 NOV - 3 PM 4:46

RECEIVED

An original final copy of the above-referenced ordinance for consideration by the BOCC on November 6, 2014 is attached. If approved by the BOCC, please number and certify the ordinance and file with the Florida Department of State in accordance with Section 125.66, Florida Statutes.

Please provide this office with a date-stamped copy of the official acknowledgement from the Department of State that the ordinance has been filed, showing receipt by your office. Also, I have attached a copy of the proof of notice in the Tampa Bay Times.

Thank you for your assistance with this matter.

NYT/dkt
Attachments

cc: John E. Healey, Development Services Department (via e-mail w/ attachments)
Roy Van Wyk, Hopping, Green & Sams, P.A. (via e-mail w/ attachments)

G:\REAL ESTATE & DEVELOPMENT DIVISION\Takemori, Nancy\CDDs\Riverbend West CDD\Memo to Clerk with CDD Ordinance.doc