

original

POLK COUNTY ORDINANCE NO. 06-090

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA; ESTABLISHING THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2006); PROVIDING A TITLE; PROVIDING FINDINGS; CREATING AND NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; CONSENTING TO THE USE OF SPECIAL POWERS BY THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Metro Development Group, LLC ("Petitioner"), as owner of or having the consent of the owners of one hundred percent (100%) of the real property to be included in the Community Development District, has consented to the establishment of and petitioned the Board of County Commissioners of Polk County, Florida (the "Board") to adopt an ordinance establishing the Fox Branch Ranch Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2006); and

WHEREAS, Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose address is 2502 Rocky Point Drive, Suite 1050, Tampa, FL 33607; and

WHEREAS, all interested persons, parties and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition to Establish the District and any supplements thereto (collectively "the Petition") at a duly noticed public hearing conducted by the Board on December 6, 2006; and

WHEREAS, the Petitioner has requested the Board to authorize the District to exercise one or more of the special powers listed in Section 190.012(2), Florida Statutes (2006); and

WHEREAS, establishment of the District will ensure a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition; and,

WHEREAS, upon the effective date of this establishing Ordinance, the Fox Branch Ranch Community Development District will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Fox Branch Ranch Community Development District Establishment Ordinance".

SECTION 2. BOARD FINDINGS. The recitals set forth in this Ordinance are hereby incorporated herein. Upon consideration of the record established at the duly noticed public hearing this date, the Board further finds as follows:

- (1) The statements within the Petition are true and correct.
- (2) The Petition is complete and meets the requirements of Section 190.005(1)(a), Florida Statutes (2006).
- (3) The appropriate members of the Board's staff have reviewed the Petition and have recommended that the Board approve the same.
- (4) Establishment of the District by this Ordinance is subject to and is not inconsistent with any applicable element or portion of the Polk County Comprehensive Plan and the State Comprehensive Plan.
- (5) 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.

- (6) The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- (7) The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
- (8) The area that will be served by the District is amenable to separate special-district government.

SECTION 3. AUTHORITY. This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, Florida Statutes (2006).

SECTION 4. CREATION OF DISTRICT; DISTRICT NAME. There is hereby created a community development district situated entirely within unincorporated Polk County, Florida, which District shall be known as the "Fox Branch Ranch Community Development District." Therefore, the Petition filed to establish the Fox Branch Community Development District is hereby granted and said District shall operate in accordance with the Uniform Community Development District Act of 1980, as set forth in Chapter 190, Florida Statutes (2006).

SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 907 acres, the external boundaries of the District are described in Exhibit "A" attached hereto.

SECTION 6. FUNCTIONS AND POWERS. The District is limited to the performance of those powers and functions as described in Chapter 190, Florida Statutes (2006). Consent is also hereby given, pursuant to Section 190.012(2), Florida Statutes, to the District's Board of Supervisors to exercise the special powers set forth in Sections 190.012(2)(a) and

190.012(2)(d), Florida Statutes (2006). More specifically, the District is granted and 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 herein, the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational uses, as well as security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the 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's boundaries. In the exercise of its powers, the District shall comply with all applicable governmental and agency laws, rules, regulations, statutes and policies including, but not limited to, all Polk County ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general- purpose government.

SECTION 7. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

- 1) Michael Lawson
2502 Rocky Point Drive, Suite 1050
Tampa, FL 33607
- 2) Paul Ray, Jr.
2502 Rocky Point Drive, Suite 1050
Tampa, FL 33607
- 3) William Eshenbaugh
2502 Rocky Point Drive, Suite 675
Tampa, FL 33607

- 4) Patricia Ryan
2502 Rocky Point Drive, Suite 1050
Tampa, FL 33607
- 5) Robert Clanton
2502 Rocky Point Drive, Suite 1050
Tampa, FL 33607

All of the above listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 8. SEVERABILITY. If any provision of this Ordinance is held to be illegal invalid, or unconstitutional the other provisions shall remain in full force and effect.


SECTION 9. EFFECTIVE DATE. This Ordinance shall be effective immediately upon filing with the Department of State through the Secretary of State.

EXHIBIT "A"

**LEGAL DESCRIPTION OF THE FOX BRANCH RANCH COMMUNITY
DEVELOPMENT DISTRICT**

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Review of and approval of the same, in whole or in part, shall be without liability to Kimley-Horn and Associates, Inc.

A parcel of land lying within Sections 6, 7 and 8, Township 27 South, Range 23 East, Polk County, Florida, lying North and East of CSX Railroad Right of way (Formerly Seaboard Coastline Railroad), being more particularly described as follows: Begin at the common corner for Sections 7, 8, 17 and 18, Township 27 South, Range 23 East, being an existing lightwood post; thence S89°19'24"W along the South boundary of said Section 7, a distance of 852.26 feet to an existing concrete monument marked "LB 5450" marking the Easterly aforementioned railroad right of way line; thence N34°33'19"W, along said railroad right of way line, a distance of 7905.74 feet to a 5/8" iron rod marked "LB 6582" marking the intersection of said railroad right of way line and the West boundary line of the South 1/2 of said Section 6; thence N00°00'34"W along the West boundary line of the South 1/2 of said Section 6, a distance of 1418.86 feet to an existing 5/8" iron rod marked "Chastain-Skillman" marking the Northwest corner of the South 1/2 of said Section 6, thence N89°37'36"E along the North Boundary of the South 1/2 of said Section 6, a distance of 5315.10 feet to an existing concrete monument marking the Northeast corner of the South 1/2 of said Section 6, thence S00°45'58"E along the East boundary of the South 1/2 of said Section 6, a distance of 2644.01 feet to an existing concrete monument marking the Southeast corner of the South 1/2 of said Section 6, being the common corner for Sections 5, 6, 7 and 8; thence S00°08'41"W along the Section line between said Section 7 and said Section 8, a distance of 1327.50 feet to a 5/8" iron rod marked "LB 6582" marking the Northwest corner of the South 1/2 of the Northwest 1/4 of said Section 8; thence N89°56'05"E along the North boundary of the South 1/2 of the Northwest 1/4 of said Section 8, a distance of 2628.64 feet to a 5/8" iron rod with cap marked "LB 6582" marking the Northeast corner of the South 1/2 of the Northwest 1/4 of said Section 8, thence S00°04'16"E along the East boundary of the South 1/2 of the Northwest 1/4 of said Section 8, a distance of 805.68 feet to a point lying 530.80 feet North of the Northeast corner of the Southwest 1/4 of said Section 8, said corner being a 5/8" iron rod marked "LB 6582"; thence N89°22'59"E, a distance of 1802.18 feet to an existing 1/2" iron rod marked "LB 711", thence N00°30'36"E, a distance of 30.65 feet to an existing 1/2" iron rod marked "LB 711", said point being 850.00 feet West of the East boundary of said Section 8; thence N89°22'43"E, a distance of 791.37 feet to a point on the Westerly maintained Right of Way line of Kathleen Road being referenced and depicted in Map Book 4, Pages 162 through 165, public records of Polk County, Florida. Thence S00°45'27"W along said Westerly maintained Right of Way line a distance of 224.44 feet to a point lying 336.85 feet North of the South boundary of the South 1/2 of the Northeast 1/4 of said Section 8, thence departing said Westerly maintained Right of Way line, S89°25'18"W, a distance of 585.25 feet to an existing 1/2" iron rod lying 336.85 feet North of the South boundary of the South 1/2 of the Northeast 1/4 of said Section 8; thence S00°01'49"W, a distance of 336.85 feet to an existing 1/2" iron rod on the South boundary of the South 1/2 of the Northeast 1/4 lying 645.82 feet West of the Southeast corner of the Northeast 1/4 of said Section 8; thence S89°21'47"W along the South boundary of the South 1/2 of the Northeast 1/4 of said Section 8, a distance of 2004.77 feet to an existing concrete monument marking the Northeast corner of the Southwest 1/4 of said Section 8, thence S00°00'17"W along the East boundary of the Southwest 1/4 of said Section 8, a distance of 2629.94 feet to an existing 5/8" iron rod marked "LB 5130" marking the Southeast corner of the Southwest 1/4 of said Section 8; thence S89°34'22"W along the South boundary of the Southwest 1/4 of said Section 8, a distance of 2640.57 feet to the Point of Beginning. All containing 907.03 ACRES more or less.

LATEST REVISION DATE: _____	 Kimley-Horn and Associates, Inc. <small>© 2006 KIMLEY-HORN AND ASSOCIATES, INC. 3875 INNOVATION DRIVE, LAKELAND, FL 33812 PHONE (863) 701-8792 FAX (863) 701-9832 WWW.KIMLEY-HORN.COM CA 00000696</small>	DATE JULY 2006 PROJECT NO. 048493.000	FOX BRANCH RANCH CDD LEGAL DESCRIPTION	
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STATE OF FLORIDA,)

COUNTY OF POLK)

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida hereby certify that the foregoing is a true and correct copy of Ordinance No. 06-090, "Establishing the Fox Branch Ranch Community Development District" which was adopted by the Board on December 6, 2006.

WITNESS my hand and official seal of said Board this 8th day of December 2006.

Richard M. Weiss
Clerk to the Board

By Kathryn Courtney
Kathryn Courtney
Deputy Clerk





STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

December 15, 2006

Kathryn Courtney, Deputy Clerk
Clerk to the Board
Richard M. Weiss, Clerk
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Courtney:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 8, 2006 and certified copies of Polk County Ordinance Nos. 06-085 through 06-090, which were filed in this office on December 15, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/cga

RECEIVED
12-21-06
Clerk Of The Board

DIRECTOR'S OFFICE

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
(CODRS) CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County Ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet, please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance, please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: POLK

COUNTY ORDINANCE # 06-090

**PRIMARY KEYFIELD
DESCRIPTOR:**

GOVERNMENT AGENCY

**SECONDARY KEYFIELD
DESCRIPTOR:**

SPECIAL DISTRICT

**OTHER KEYFIELD
DESCRIPTOR:**

ORDINANCE DESCRIPTION: FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT

ORDINANCE AMENDED: (Listed below the ordinances that are amended by this legislation. If more than two, list the most recent of the two.)

AMENDMENT #1 _____

AMENDMENT #2 _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1 _____

REPEAL #3 _____

REPEAL #2 _____

REPEAL #4 _____

(Others repealed: List all that apply) _____

FOR OFFICE USE ONLY:

COUNTY CODE NUMBER _____

KEYFIELD 1 CODE: _____

KEYFIELD 2 CODE _____

KEYFIELD 3 CODE _____