

CORRECTIVE ORDINANCE

ORDINANCE NO. 18-32

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-68 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, TO DESCRIBE THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND TO CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

WHEREAS, Subsection 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the establishment of a community development district of less than 2,500 acres in size; and

WHEREAS, Rowe Ventures, LLC (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Aviary at Rutland Ranch Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 628.36 acres of real property proposed for inclusion within the District and has consented in writing to the establishment of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with

the requirements and procedures of Paragraphs 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in Paragraphs 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for the establishment of the community development district; and

WHEREAS, the District established under this Ordinance, as an independent special district and a local unit of special purpose government, shall be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws; and

WHEREAS, the establishment of the District will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District; and

WHEREAS, Section 190.012, Florida Statutes, as amended, authorizes the District to exercise numerous special powers listed in Subsection 190.012(1), Florida Statutes; and

WHEREAS, Section 190.012, Florida Statutes, as amended, provides that the local general-purpose government must consent to the exercise by the District board of supervisors of those additional special powers listed in Subsection 190.012(2), Florida Statutes; and

WHEREAS, Paragraph 190.005(2)(d), Florida Statutes, as amended, provides that in an ordinance establishing a community development district, the Board may consent to any of the optional special powers under Subsection 190.012(2), Florida Statutes, as amended, at the request of the Petitioner; and

WHEREAS, the petition submitted by the Petitioner requests that the Board consent to the exercise by the District board of supervisors of the additional special powers listed in Paragraph 190.012(2)(a)&(d), Florida Statutes, as amended; and

WHEREAS, the exercise of such additional special powers by the District board of supervisors shall be governed by Chapter 190, Florida Statutes, as amended, and all other applicable federal, state, and local laws; and

WHEREAS, the Board desires to consent to the exercise by the District board of supervisors of such additional special powers; and

WHEREAS, the Board's consent to the exercise by the District board of supervisors of such additional special powers 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:

Section 1. Legislative findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Subsection 190.005(2), Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and Purpose. It is the intent and purpose of this Ordinance to establish the Aviary at Rutland Ranch Community Development District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws. It is further the intent and purpose of this Ordinance to grant the consent of the Board to the exercise by the District board of supervisors of certain additional special powers pursuant to Subsection 190.012(2), Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Creation of Section 2-8-68 of Manatee County Code of Ordinances. Section of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:

Sec. 2-8-68. Aviary at Rutland Ranch Community Development District.

(a) Establishment. Aviary at Rutland Ranch Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.

(b) Boundaries. The boundaries of the District are described in the metes and bounds Description attached hereon as Exhibit "2."

(c) Initial board of supervisors. The names of five (5) persons designated as the initial members of the board of supervisors for the District are as follows:

(1) Roy Cohn

(2) A. John Falkner

(3) Scott Falkner

(4) Jeff Cerven

(5) Stephen J. Cerven

(d) Special powers. Pursuant to Paragraph 190.005(2)(d) and Subsection 190.012(2). Florida Statutes, as amended. The Board of County Commissioners hereby consents to the exercise by the District board of supervisors of the following special powers listed in Paragraph 190.012(2)(a)&(d), Florida Statutes.

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Specifically, the District shall have 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 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 appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

Section 5. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 4 of this Ordinance into the Code.

Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. Effective date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 21st day of August, 2018.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: Priscilla Trace
Priscilla Trace, Chairman

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

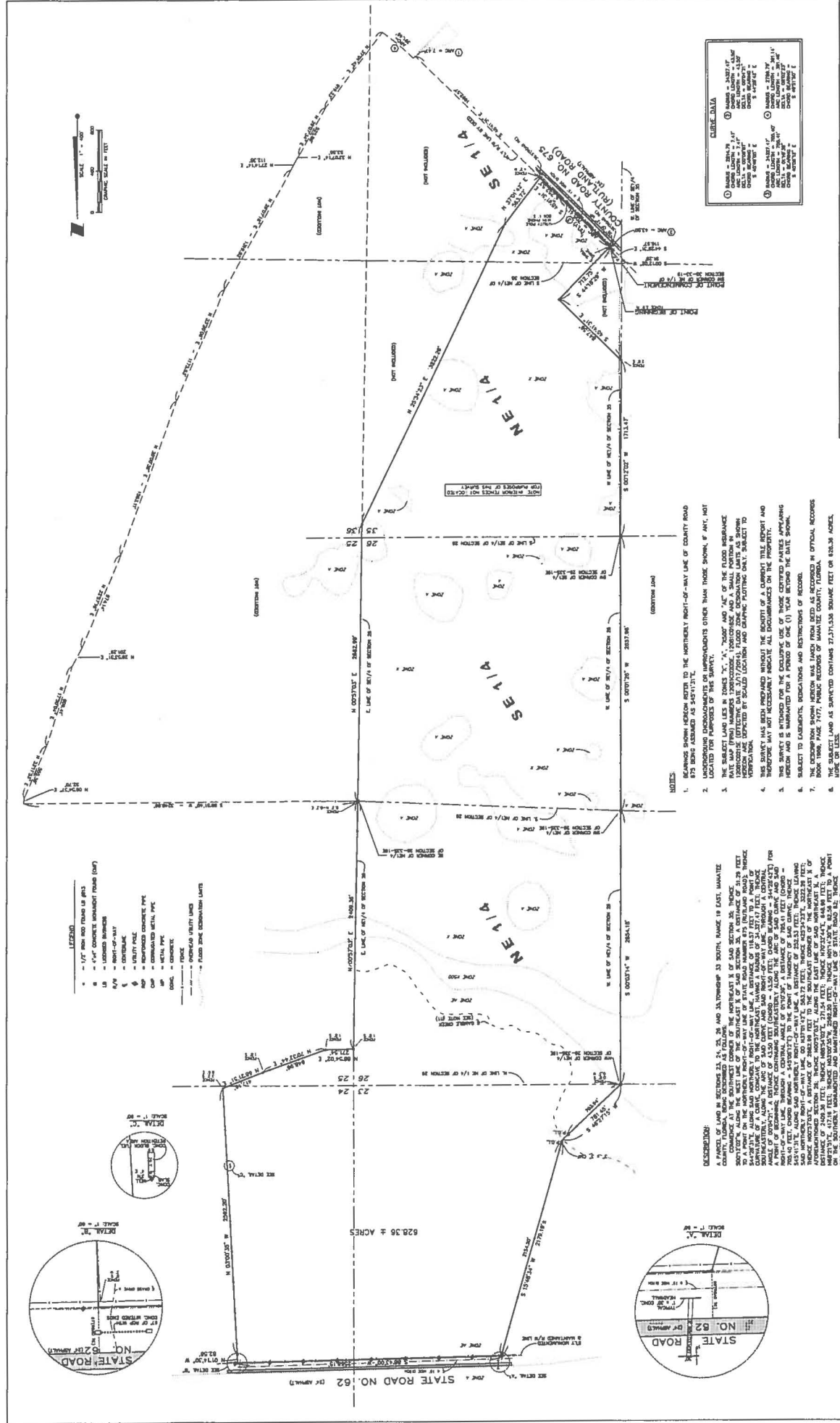
By: Robin Roth DC
Deputy Clerk

DESCRIPTION:

A PARCEL OF LAND IN SECTIONS 23, 24, 25, 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 35; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 35, A DISTANCE OF 51.29 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 675 (RUTLAND ROAD); THENCE S44°26'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 116.57 FEET TO A POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 34,327.47 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°04'21", A DISTANCE OF 43.50 FEET (CHORD = 43.50 FEET; CHORD BEARING = S44°28'42"E) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 01°10'39", A DISTANCE OF 705.41 FEET (CHORD = 705.40 FEET, CHORD BEARING = S45°06'12"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S45°41'31"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 252.53 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, GO N37°01'42"E, 563.72 FEET; THENCE N25°34'23"E, 3222.26 FEET; THENCE N00°57'03"E, A DISTANCE OF 2682.99 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF AFOREMENTIONED SECTION 26; THENCE N00°57'03"E, ALONG THE EAST LINE OF SAID NORTHEAST ¼, A DISTANCE OF 2409.36 FEET; THENCE N88°54'02"E, 271.54 FEET; THENCE N70°32'44"E, 648.96 FEET; THENCE N68°21'51"E, 417.16 FEET; THENCE N03°00'35"W, 2592.20 FEET; THENCE N01°14'30"W, 82.56 FEET TO A POINT ON THE SOUTHERLY MONUMENTED AND MAINTAINED RIGHT-OF-WAY LINE OF STATE ROAD 62; THENCE S88°43'00"W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2568.15 FEET; THENCE S15°48'34"W, 2179.19 FEET TO THE CENTERLINE OF GAMBLE CREEK, MORE OR LESS; THENCE S46°27'15"W, 781.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 26; THENCE S00°03'14"W ALONG THE WEST LINE OF SAID NORTHEAST ¼, A DISTANCE OF 2654.18 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST ¼; THENCE S00°01'26"W, ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 26, A DISTANCE OF 2657.96 FEET, TO THE SOUTHWEST CORNER OF SOUTHEAST ¼ OF SAID SECTION 26; THENCE S00°12'02"W, ALONG THE WEST LINE OF THE NORTHEAST ¼ OF AFOREMENTIONED SECTION 35, A DISTANCE OF 1713.47 FEET; THENCE S45°41'31"E, 847.56 FEET; THENCE S44°18'29"W, 712.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 628.36 ACRES, MORE OR LESS.



- LEGEND**
- ① BOUNDARY MARKERS
 - ② BOUNDARY MARKERS
 - ③ BOUNDARY MARKERS
 - ④ BOUNDARY MARKERS

NOTES

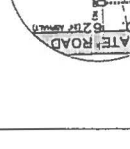
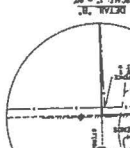
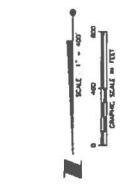
1. BEARING SHOWN HEREON REFER TO THE NORTHERLY FRONT-OF-WAY LINE OF COUNTY ROAD 6275 BEING DEEMED AS 54°33'13.17\"/>

DESCRIPTION

A PARCEL OF LAND IN SECTIONS 24, 25, 26, AND 27, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING THE SOUTHWEST 1/4 OF SAID SECTION 26, THENCE COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26, THENCE S 85°42'11.5\"/>

NOTES

1. BEARING SHOWN HEREON REFER TO THE NORTHERLY FRONT-OF-WAY LINE OF COUNTY ROAD 6275 BEING DEEMED AS 54°33'13.17\"/>



BOUNDARY SURVEY

LEO HILLS & ASSOCIATES, INC.

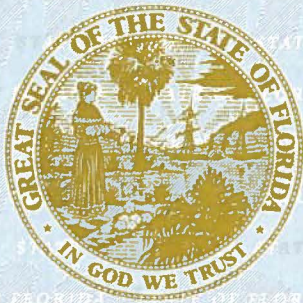
1100 AVENUE B, SUITE 300, TAMPA, FLORIDA 33604-3310
 813-988-1100

DATE	BY
10/31/17	MSB
PROJECT NO.	17-00001
PROJECT NAME	STATE ROAD NO. 62

STATE OF FLORIDA DEPARTMENT OF STATE

I, KEN DETZNER, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of corrected Manatee County Ordinance No. 18-32, which was filed in this office on August 23, 2018, the original filing was August 22, 2018, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
27th day of August, A.D., 2018.**



Ken Detzner
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.