

ORDINANCE NO. 06 - 30

AN ORDINANCE ESTABLISHING THE CHANNING PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2006); SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Taylor Woodrow Homes – Central Florida Division, LLC (“Petitioner”), a Florida limited liability company having obtained written consent to the establishment of the Channing Park Community Development District (“District”) by the owner of one hundred percent (100%) of the real property to be included in the District, has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County (“County”) adopt an ordinance establishing the Channing Park Community Development District pursuant to Chapter 190, Fla. Stat, 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, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing scheduled for October 10, 2006 and continued to October 24, 2006, in accordance with 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 24TH DAY OF OCTOBER, 2006 AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The County 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 creation 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 creation 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 the Uniform Community Development District Act of 1980, 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 situated entirely within unincorporated Hillsborough County, Florida, which District shall be known as the "Channing Park Community Development District," encompassing approximately 221.50 acres, the external boundaries of which are described in Exhibit A attached hereto, which shall exercise the powers of Section 190.011 and 190.012 (1), 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 190.012, Fla. Stat.

SECTION 4. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Shad W. Tome, Thomas A.

Spence, John F. Grueter, Ann S. Cohen and Marc I. Spencer.

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

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 to be illegal or 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 October 24, 2006, as the same appears of record in the Minute Book 365 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 30th day of October, 2006.

PAT COLLIER FRANK, CLERK

By:

Beverly Anne Miller
Deputy Clerk

APPROVED BY COUNTY ATTORNEY
BY David J. Fellenzer
Approved as to Form and Legal Sufficiency



CHANNING PARK CDD

DESCRIPTION: A parcel of land lying in the South 1/2 of Section 28; the North 1/2 of Section 33; and the Northwest 1/4 of Section 34; all in Township 30 South, Range 21 East, Hillsborough County, Florida and being more particularly described as follows:

BEGINNING at the Northeast corner of said Section 33 and run thence S.00°15'17"W., 1245.33 feet along the East boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 33 to the Southeast corner thereof; thence S.00°15'10"W., 311.72 feet along the East boundary of the Southeast 1/4 of the Northeast 1/4 of said Section 33; thence S.89°38'15"E., 1295.60 feet along the North boundary of the South 1/2 of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of the aforesaid Section 34 to the West right-of-way line of Boyette Road; thence S.00°15'24"W., 311.25 feet along said West right-of-way line; thence N.89°39'08"W., 630.32 feet along the North boundary of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 34 to the Northwest corner thereof; thence N.89°39'52"W., 665.25 feet along the North boundary of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 34 to the Northwest corner thereof; thence S.00°14'07"W., 622.87 feet along the East boundary of the Southeast 1/4 of the Northeast 1/4 of the aforesaid Section 33 to the Southeast corner thereof; thence S.89°26'25"W., 2657.85 feet along the South boundary of the Northeast 1/4 of said Section 33 to the Southwest corner thereof; thence S.89°26'50"W., 1099.46 feet along the South boundary of the Northwest 1/4 of said Section 33 to the Southeasterly boundary of a former Seaboard Coastline Railroad Company right-of-way as deeded to Tampa Electric Company in O.R. Book 5289, Page 660 of the Public Records of Hillsborough County, Florida; thence N.32°13'11"E., 5828.78 feet along said Southeasterly boundary to its intersection with the East boundary of the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the aforesaid Section 28; thence S.00°04'13"W., 1079.11 feet along said East boundary; thence S.00°05'21"W., 1322.05 feet along the East boundary of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 28; thence S.89°50'31"E., 663.64 feet along the North boundary of the Northeast 1/4 of Northeast 1/4 of the aforesaid Section 33 to the POINT OF BEGINNING.

Containing 221.518 acres, more or less.

PAD

5/23/06

Channing park/masterplan/legal/cdd legal.doc

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Sue M. Cobb, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Hillsborough County Ordinance No. 06-30, which was filed in this office on October 31, 2006, 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
1st day of November, A.D., 2006.



Sue M. Cobb

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.