

ORDINANCE NO. 91-1

AN ORDINANCE ESTABLISHING THE WESTCHASE 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 THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Westchase Associates, a Florida general partnership ("Petitioner") has filed a petition, as amended, with Hillsborough County ("Petition") requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Westchase 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 13th DAY OF NOVEMBER, 1990 AS FOLLOWS:

PLF/D/5414Ord11

SECTION 1. CONCLUSIONS OF FACT. The County hereby finds and states, that:

1. all statements contained in the Petition are true and correct;
2. 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;
3. 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;
4. 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;
5. 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
6. 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. (1989);
2. The County has jurisdiction pursuant to Section 190.005(2), Fla. Stat. (1989); and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stat. (1989).

SECTION 3. There is hereby created a Community Development District for the area of land described in Exhibit A, attached, which shall exercise the powers of Sections 190.012(1)(2)(a) and (b), Fla. Stat. (1989), and which shall operate in accordance with the Charter, attached as Exhibit B and incorporated herein.

SECTION 4. 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 5. 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, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certified 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 13, 1990, as the same appears of records in Minute Book 175 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 9th day of January, 1991.

RICHARD AKE, CLERK

By: Judith M. Nicholas
Deputy Clerk

Approved as to form and legal sufficiency:

COUNTY ATTORNEY
By: [Signature]
Assistant County Attorney