

ORDINANCE NO. 02-4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 91-1, AS RATIFIED BY ORDINANCE NO. 91-3, AS AMENDED BY ORDINANCE 95-24; AND AS AMENDED BY ORDINANCE 99-16, CONTRACTING THE BOUNDARIES OF THE WESTCHASE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Westchase Community Development District ("District"), an independent special district established by Hillsborough County ("County"), has filed a petition with Hillsborough County requesting that the County adopt an ordinance contracting the boundaries of the Westchase Community Development District pursuant to Chapter 190, Florida Statutes, and to contract the land area for which the District will manage and finance basic service delivery by deleting approximately 8.2 acres, described in Exhibit "A", attached hereto, as the area of land to be contracted from the District; and

WHEREAS, the District will continue to constitute a timely, efficient, effective, responsive and economic method of delivering community development services in the District, 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 190.046(1)(b), Florida Statutes; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS 12TH DAY OF MARCH, 2002 AS FOLLOWS:

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

1. all statements contained in the Petition are true and correct;
2. the contraction is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan;
3. after the contraction, the District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
4. after the Contraction the District remains the best alternative available for the delivery of community development services and facilities to the land within its boundaries;
5. after the Contraction, the District's community development services and facilities remain compatible with the capacity and uses of existing local and regional

community development services and facilities;

6. and the area served by the District after the Contraction will continue to be amenable to special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by Chapter 190, Florida Statutes;
2. The County has jurisdiction pursuant to Section 190.046(1)(b), Florida Statutes; and
3. The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes.

SECTION 3. AMENDMENT. The area of land described in Exhibit "A" is hereby contracted from the District.

SECTION 4. This Ordinance shall be effective immediately upon: (i) receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State; and (ii) payment by the County to the District of sufficient funds to pay off the assessments levied by the District on the parcel described in Exhibit "A," attached. An Affidavit executed by the District Manager attesting to the payment of all assessments levied by the District shall be filed in the public records of Hillsborough County, Florida, within ten (10) days from the date of payment.

RMK
FINAL
March 12, 2002

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 March 12, 2002 , as the same appears of record in Minute Book 310 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of March 2002.

RICHARD AKE, CLERK



By: Mildred K. Dejm
Deputy Clerk

Approved as to form and legal sufficiency:
COUNTY ATTORNEY

By: Rebecca M. Kert
Rebecca M. Kert
Assistant County Attorney

WESTCHASE SECTION "233"
PARCEL "1"

DESCRIPTION: A parcel of land lying in Section 8, Township 28 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Northwest corner of the Southeast 1/4 of said Section 8, run thence along the North boundary of said Southeast 1/4 of Section 8, S.89°29'25"E., 637.18 feet to the Northwest corner of PARCEL "A", as recorded in Official Records Book 7531, Page 1307, Public Records of Hillsborough County, Florida; thence along the Northwesterly boundary of said PARCEL "A", the following two (2) courses: 1) S.48°35'52"W., 723.55 feet to a point of curvature; 2) Westerly, 57.34 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 93°52'01" (chord bearing N.84°28'08"W., 51.14 feet) to a point of tangency on the Easterly boundary of COUNTRYWAY BOULEVARD 4TH EXTENSION, as recorded in Official Records Book 7531, Page 1307, Public Records of Hillsborough County, Florida; thence along said Easterly boundary the following two (2) courses: 1) N.37°32'07"W., 69.28 feet to a point of curvature; 2) Northwesterly, 20.78 feet along the arc of a curve to the right having a radius of 1950.00 feet and a central angle of 00°36'38" (chord bearing N.37°13'48"W., 20.78 feet) to a point on the West boundary of the aforesaid Southeast 1/4 of Section 8; thence along said West boundary, N.01°34'46"E., 407.93 feet to the POINT OF BEGINNING.

Containing 4.087 acres, more or less.

WCA-WC-834

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VBR

July 11, 2001

EXHIBIT "3"

WESTCHASE SECTION "233"
PARCEL "2"

DESCRIPTION: A parcel of land lying in Section 8, Township 28 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

From the Northwest corner of the Southeast 1/4 of said Section 8, run thence along the North boundary of said Southeast 1/4 of Section 8, the following two (2) courses: 1) S.89°29'25"E., 822.81 feet to the Northeast corner of PARCEL "A", as recorded in Official Records Book 7531, Page 1307, Public Records of Hillsborough County, Florida, said point also being the POINT OF BEGINNING; 2) continue, S.89°29'25"E., 36.78 feet; thence S.35°19'55"W., 82.76 feet; thence S.12°41'41"W., 62.95 feet; thence S.46°50'08"E., 29.97 feet; thence S.16°03'45"W., 86.19 feet; thence S.30°19'13"W., 87.16 feet; thence S.42°30'19"W., 75.03 feet; thence S.48°24'30"W., 45.44 feet to a point on the Southerly boundary of the 30 foot wide HOUSTON TEXAS GAS AND OIL (Florida Gas Transmission) MAIN EASEMENT, as recorded in Official Records Book 256, Page 175, Public Records of Hillsborough County, Florida; thence along said Southerly boundary, S.86°55'09"W., 309.83 feet to a point on the Southeasterly boundary of the aforesaid PARCEL "A"; thence along said Southeasterly boundary, N.48°35'52"E., 619.87 feet to the POINT OF BEGINNING.

Containing 1.726 acres, more or less.

WCA-WC-824

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VBR

July 11, 2001

WESTCHASE EHRLICH ROAD PARCEL "A"

DESCRIPTION: A parcel of land lying in Section 8, Township 28 South, Range 17 East, Hillsborough County, Florida, and being more particularly described as follows:

From the Northwest corner of the Southeast 1/4 of said Section 8, run thence along the West boundary of said Southeast 1/4 of Section 8, S.01°34'30"W., 408.14 feet; thence S.37°32'07"E., 89.87 feet to a point of curvature, said point also being the POINT OF BEGINNING; thence Easterly, 57.34 feet along the arc of a curve to the left having a radius of 35.00 feet and a central angle of 93°52'01" (chord bearing S.84°28'08"E., 51.14 feet) to a point of tangency; thence N.48°35'52"E., 723.55 feet to a point on the North boundary of the aforesaid Southeast 1/4 of Section 8; thence along said North boundary, S.89°29'25"E., 185.63 feet; thence S.48°35'52"W., 874.80 feet to a point of curvature; thence Southerly, 52.62 feet along the arc of a curve to the left having a radius of 35.00 feet and a central angle of 86°07'59" (chord bearing S.05°31'52"W., 47.80 feet) to a point of cusp; thence N.37°32'07"W., 194.44 feet to the POINT OF BEGINNING.

Containing 2.387 acres, more or less.

WCA-WC-240

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June 08.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
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HISTORIC PRESERVATION BOARDS
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

March 19, 2002

Honorable Richard Ake
Clerk to Board of Commissioners
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601

Attention: Judith M. Grose, Senior Manager

Dear Mr. Ake:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 18, 2002 and certified copy of Hillsborough County Ordinance No. 02-4, which was filed in this office on March 19, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

