

ORDINANCE NO. 91- 3

AN ORDINANCE RATIFYING AND RE-ESTABLISHING THE WESTCHASE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; RATIFYING THE PROVISIONS OF ORDINANCE NO. 91-1 SPECIFYING THE GENERAL AND SPECIAL POWERS OF THE DISTRICT, DESCRIBING THE BOUNDARIES OF THE DISTRICT, NAMING MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT AND PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 13, 1990 the Board of County Commissioners of Hillsborough County, Florida ("County") held a public hearing on the Petition of Westchase Associates ("Petition") for a Community Development District and after which, approved Ordinance No. 91-1, Exhibit A, attached ("Ordinance"), creating a Community Development District, pursuant to Chapter 190, Florida Statutes (1990), for the land described in Exhibit B, attached, and designated as the Westchase Community Development District ("District");

WHEREAS, in reliance upon this approval, the District published certain advertisements and public notices including requests for services and notices of organizational meetings, landowners' meeting, resolutions and the intent to levy special assessments upon the land within the District to defray the estimated costs of constructing or acquiring certain public improvements, and the intent to hold a public hearing on the proposed special assessment program for those public improvements;

WHEREAS, in reliance upon the County's approval of the District, on December 18, 1990, the District held its landowners meeting, elected the Board of Supervisors for the District and opened the public hearing on the special assessment program;

WHEREAS, the District has adopted certain resolutions and taken other significant steps all toward the goal of issuing bonds in early 1991 to defray the costs of the public improvement;

WHEREAS, subsequent to all the District action mentioned above, it was discovered that the County failed to transmit a copy of the Ordinance to the Department of State within ten days of its adoption as is required by Section 125.66, Florida Statutes (1990), which provisions declare the effective date of the Ordinance and thus the effective date of the District to be the date upon which the County receives from the Department of State official acknowledgment of the filing of the Ordinance;

WHEREAS, it was the belief of the County on November 13, 1990, when it created the District by the approval of the Ordinance, that the Ordinance would become effective and that the District could go forward from that date in its performance of the duties and functions authorized by Chapter 190, Florida Statutes (1989), including the issuance of bonds to defray the costs of public improvements.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 26th DAY OF February, 1991, AS FOLLOWS:

SECTION 1: Conclusions of Fact.

1. The County hereby finds and states that the District has taken certain actions in reliance upon the proper enactment of the Ordinance and toward the issuance of bonds in early 1991 which the County intended the District to be able to take as a result of its November 13, 1990 approval of the District.

2. The County further finds and ratifies the conclusions of fact set forth in the Ordinance, that:

- a. all statements contained in the Petition are true and correct;
- b. 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;
- c. 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;

d. 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;

e. 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

f. 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, Florida Statutes (1990) and Chapter 125, Florida Statutes (1990);

2. The County has jurisdiction pursuant to Section 190.005(2), Florida Statutes (1990) and Section 125.66, Florida Statutes (1990); and

3. The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes (1990).

SECTION 3. The Community Development District encompassing the area of land described in Exhibit B, attached, and approved in the Ordinance, is ratified and created. The District shall exercise the powers of Sections 190.012(1)(2)(a) and (b), Florida Statutes (1990), and shall operate in accordance with the Charter, attached as Exhibit C, and incorporated herein. All actions taken by the District through its Board of Supervisors in reliance upon and pursuant to the authorization of the Ordinance are hereby ratified.

SECTION 4. This ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this ordinance has been filed with the Department 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 February 26, 1991, as the same appears of records in Minute Book 177 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 27th day of February, 1991.

Approved as to form and legal sufficiency:

RICHARD AKE, CLERK

By: James Porter
Assistant County Attorney

By: Judith M. Pickens
Deputy Clerk