

ORDINANCE NO. 96-24

AN ORDINANCE ESTABLISHING THE FISHHAWK 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, Fishhawk Communities Limited Partnership has filed a petition with Hillsborough County ("Petition") requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Fishhawk Community Development District pursuant to Chapter 190, Florida Statutes ("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 an efficient, effective and economical method of delivering community development services and facilities in the area described in Exhibit "A", within which area the County is not able to provide such community development services and facilities at a level and quality needed to serve the District; and

WHEREAS, the District will provide a solution to the County's planning, management and financing needs for the delivery of community development services and facilities to and within the District lands 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), 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 10TH DAY OF SEPTEMBER, 1996, 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 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 developed 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.
6. The area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

1. The proceedings described in this Ordinance are governed by Chapter 190, Florida Statutes.
2. The County has jurisdiction pursuant to Section 190.005(2), Florida Statutes.
3. The granting of the Petition complies with all the requirements of Chapter 190, Florida Statutes.

SECTION 3. CREATION. There is hereby created the Fishhawk Community Development District (the "District") for the area of land described in Exhibit "A" attached hereto, which District shall exercise the powers described and authorized in Sections 190.011 and 190.012(1), (2) (a), (b), (d), (e) and (f) and (3), Florida Statutes.

SECTION 4. SUPERVISORS. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District are Glen E. Cross, Scott M. Shimberg, Galen B. Custard, Dan Campo and Joyce A. Smuder.

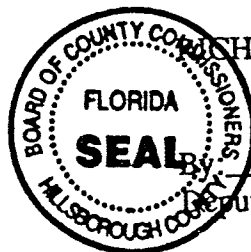
SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, provision or other part of this Ordinance is held 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 certify that the above foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of September 10, 1996, as the same appears of records in Minute Book 244 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 12th day of September, 1996.



RICHARD AKE, CLERK

Deputy Clerk

Gary J. Runk

APPROVED BY COUNTY ATTORNEY
BY [Signature]
Approved As To Form And
Legal Sufficiency.

PROPOSED BOYETTE ROAD EXTENSION & EASEMENT AREA

DESCRIPTION: A parcel of land lying in Sections 19, 20, 21 and 22, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

From the Southwest corner of the Southeast 1/4 of said Section 19, run thence N.00°02'24"W, 1362.64 feet along the West boundary of the Southeast 1/4 of said Section 19 to the POINT OF BEGINNING; thence continue N.00°02'24"W, 406.06 feet along said West boundary to a point on the North boundary of a 160 foot Tampa Electric Company Easement as recorded in Deed Book 1737, Pages 19 and 20, of the Public Records of Hillsborough County, Florida; thence S.89°35'08"E, 3860.80 feet along said North boundary; thence S.00°24'52"W, 180.00 feet; thence S.56°09'08"E, 590.11 feet; thence S.56°35'08"E, 615.50 feet to a point of curvature; thence Northeastly, 1253.25 feet along the arc of a curve to the left having a radius of 1057.92 feet and a central angle of 67°52'31" (chord bearing N.89°28'37"E, 1181.25 feet); thence N.34°27'38"W, 35.00 feet to a point on a curve; thence Northeastly, 44.16 feet along the arc of a curve to the left having a radius of 1022.92 feet and a central angle of 02°28'26" (chord bearing N.54°18'09"E, 44.16 feet) to a point of tangency; thence N.53°03'56"E, 525.52 feet; thence S.36°56'04"E, 35.00 feet; thence N.53°03'56"E, 69.69 feet to a point of curvature; thence Easterly, 660.17 feet along the arc of a curve to the right having a radius of 1233.92 feet and a central angle of 30°39'15" (chord bearing N.68°23'34"E, 652.32 feet); thence N.00°24'52"E, 188.41 feet to a point on the North boundary of the aforesaid 160 foot Tampa Electric Company Easement; thence S.89°35'08"E, 4906.38 feet along said North boundary to a point on a curve; thence Northeastly, 832.13 feet along the arc of a curve to the left having a radius of 1260.14 feet and a central angle of 37°50'07" (chord bearing N.40°29'45"E, 817.09 feet) to a point of tangency; thence N.21°34'42"E, 115.16 feet; thence N.68°25'18"W, 30.00 feet; thence N.21°34'42"E, 1152.17 feet to a point of curvature; thence Northeastly, 872.78 feet along the arc of a curve to the right having a radius of 2409.83 feet and a central angle of 20°45'03" (chord bearing N.31°57'13"E, 868.01 feet); thence S.01°47'11"E, 43.39 feet to a point on a curve; thence Northeastly, 222.40 feet along the arc of a curve to the right having a radius of 2379.83 feet and a central angle of 05°21'16" (chord bearing N.44°15'23"E, 222.32 feet) to a point of tangency; thence N.46°56'01"E, 385.00 feet to a point on the Southern right-of-way line of Lithia - Pinecrest Road; thence S.43°03'59"E, 79.71 feet along said Southern right-of-way line to a point of curvature; thence Southeastly, 96.30 feet along the arc of a curve to the left having a radius of 3869.72 feet and a central angle of 01°25'33" (chord bearing S.43°46'46"E, 96.30 feet) along said Southern right-of-way line; thence S.46°56'01"W, 386.20 feet to a point of curvature; thence Southwestly, 205.95 feet along the arc of a curve to the left having a radius of 2203.83 feet and a central angle of 05°21'16" (chord bearing S.44°15'23"W, 205.88 feet); thence N.88°16'14"E, 41.48 feet to a point on a curve; thence Southwestly, 787.30 feet along the arc of a curve to the left having a radius of 2173.83 feet and a central angle of 20°45'03" (chord bearing S.31°57'13"W, 783.01 feet) to a point of tangency; thence S.21°34'42"W, 1152.17 feet; thence N.68°25'18"W, 15.00 feet; thence S.21°34'42"W, 115.16 feet to a point of curvature; thence Southwestly, 1743.42 feet along the arc of a curve to the right having a radius of 1451.14 feet and a central angle of 68°50'10" (chord bearing S.55°59'47"W, 1640.44 feet) to a point of tangency; thence

Exhibit "A"

(2 of 5)

N.89°35'08"W., 1115.16 feet; thence S.00°24'52"W., 30.00 feet; thence N.89°35'08"W., 490.00 feet; thence N.00°24'52"E., 15.00 feet; thence N.89°35'08"W., 1330.00 feet; thence N.00°24'52"E., 15.00 feet; thence N.89°35'08"W., 1178.33 feet to a point of curvature; thence Westerly, 265.46 feet along the arc of a curve to the left having a radius of 1042.92 feet and a central angle of 14°35'01" (chord bearing S.83°07'22"W., 264.74 feet); thence S.14°10'09"E., 25.00 feet to a point on a curve; thence Southwesterly, 404.45 feet along the arc of a curve to the left having a radius of 1017.92 feet and a central angle of 22°45'55" (chord bearing S.64°26'53"W., 401.79 feet) to a point of tangency; thence S.53°03'56"W., 69.69 feet; thence N.36°56'04"W., 40.00 feet; thence S.53°03'56"W., 200.00 feet; thence S.36°56'04"E., 172.00 feet; thence S.53°03'56"W., 398.56 feet; thence N.33°57'38"W., 158.90 feet to a point on a curve; thence Southwesterly, 689.90 feet along the arc of a curve to the right having a radius of 1248.92 feet and a central angle of 31°39'00" (chord bearing S.71°51'52"W., 681.16 feet); thence S.02°18'38"E., 15.00 feet to a point on a curve; thence Northwesterly, 106.99 feet along the arc of a curve to the right having a radius of 1263.92 feet and a central angle of 04°51'00" (chord bearing N.89°53'08"W., 106.96 feet); thence N.02°32'22"E., 15.00 feet to a point on a curve; thence Northwesterly, 673.01 feet along the arc of a curve to the right having a radius of 1248.92 feet and a central angle of 30°52'31" (chord bearing N.72°01'23"W., 664.89 feet) to a point of tangency; thence N.56°35'08"W., 219.50 feet; thence S.33°24'52"W., 45.00 feet; thence N.56°35'08"W., 481.99 feet to a point of curvature; thence Northwesterly, 857.62 feet along the arc of a curve to the left having a radius of 1489.02 feet and a central angle of 33°00'00" (chord bearing N.73°05'08"W., 845.81 feet) to a point of tangency; thence N.89°35'08"W., 2578.63 feet; thence N.88°50'07"W., 759.85 feet to the POINT OF BEGINNING.

Containing 116.2484 acres, more or less.

FTSH HAWK RANCH PHASE I PARCEL "A"

EXHIBIT "A"

(3 of 5)

DESCRIPTION: A parcel of land lying in Sections 19, 20, 29, 30 and 32, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows: From the Southwest corner of the Southeast 1/4 of said Section 19, run thence N.89°58'03"E, 1265.23 feet along the South boundary of the Southeast 1/4 of said Section 19 to the POINT OF BEGINNING; thence N.00°07'27"W, 654.64 feet; thence S.89°16'18"E, 2023.53 feet to a point on a curve; thence Northeastly, 572.32 feet along the arc of a curve to the right having a radius of 3015.00 feet and a central angle of 10°52'34" (chord bearing N.27°58'35"E, 571.46 feet) to a point of tangency; thence N.33°24'52"E, 187.79 feet to a point on a curve; thence Southeastly, 533.42 feet along the arc of a curve to the right having a radius of 1489.02 feet and a central angle of 20°31'32" (chord bearing S.66°50'54"E, 530.58 feet) to a point of tangency; thence S.56°35'08"E, 481.99 feet; thence N.33°24'52"E, 45.00 feet; thence S.56°35'08"E, 219.50 feet to a point of curvature; thence Easterly, 669.74 feet along the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 30°43'31" (chord bearing S.71°56'53"E, 661.74 feet); thence S.02°41'22"W, 15.00 feet to a point on a curve; thence Southeastly, 110.30 feet along the arc of a curve to the left having a radius of 1263.92 feet and a central angle of 05°00'00" (chord bearing S.89°48'38"E, 110.26 feet); thence N.02°18'38"W, 15.00 feet to a point on a curve; thence Northeastly, 136.05 feet along the arc of a curve to the left having a radius of 1248.92 feet and a central angle of 06°14'29" (chord bearing N.84°34'07"E, 135.98 feet); thence S.00°19'32"E, 555.96 feet; thence N.89°40'29"E, 896.67 feet; thence S.30°03'24"W, 32.12 feet; thence S.48°10'10"E, 145.86 feet; thence S.15°40'27"E, 62.74 feet; thence S.16°39'13"W, 149.03 feet; thence S.41°08'00"W, 167.24 feet; thence S.26°43'01"W, 146.81 feet; thence S.03°08'36"W, 215.62 feet; thence S.09°28'19"E, 235.79 feet; thence S.07°38'26"W, 304.67 feet; thence S.31°48'46"W, 345.70 feet; thence S.37°32'29"W, 387.68 feet; thence S.23°27'14"W, 204.14 feet; thence S.42°51'54"W, 156.43 feet; thence S.44°05'56"W, 165.10 feet; thence S.67°01'59"W, 234.99 feet; thence S.41°59'33"W, 110.16 feet; thence S.28°04'25"W, 57.03 feet to a point on the Easterly maintained right-of-way line of Dorman Road; thence NORTH, 1260.97 feet along said Easterly maintained right-of-way line; thence S.89°50'48"W, 15.00 feet to the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of said Section 29; thence NORTH, 1313.14 feet along the East boundary thereof to a point on the North boundary of said Section 29; thence N.89°37'09"W, 672.19 feet along said North boundary to the Northwest corner of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 29; thence S.00°01'47"E, 1319.37 feet along the West boundary thereof to the Southwest corner of the East 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section 29; thence N.89°50'49"E, 656.49 feet along the South boundary thereof to a point on the West maintained right-of-way line of said Dorman Road; thence SOUTH, 1312.94 feet along said West maintained right-of-way line; thence S.00°11'35"W, 25.00 feet along said West maintained right-of-way line; thence S.89°30'59"E, 15.00 feet along the South maintained right-of-way line of said Dorman Road; thence S.89°47'26"E, 260.78 feet along said South maintained right-of-way line; thence S.00°11'38"W, 1741.98 feet to a point on a curve; thence Southwesterly, 322.94 feet along the arc of a curve to the right having a radius of 900.00 feet and a central angle of 20°33'31" (chord bearing S.59°48'01"W, 321.21 feet) to a point of tangency; thence S.70°04'47"W, 560.77 feet to a point

Exhibit "A"

(4 of 5)

of curvature; thence Southwesterly, 165.68 feet along the arc of a curve to the left having a radius of 250.00 feet and a central angle of $37^{\circ}58'12''$ (chord bearing $S.51^{\circ}05'41''W.$, 162.66 feet) to a point of tangency; thence $S.32^{\circ}06'35''W.$, 864.72 feet to a point of curvature; thence Southwesterly, 969.54 feet along the arc of a curve to the right having a radius of 900.00 feet and a central angle of $61^{\circ}43'22''$ (chord bearing $S.62^{\circ}58'16''W.$, 923.33 feet) to a point of tangency; thence $N.86^{\circ}10'03''W.$, 46.72 feet to a point of curvature; thence Northwesterly, 997.49 feet along the arc of a curve to the right having a radius of 675.00 feet and a central angle of $84^{\circ}40'11''$ (chord bearing $N.43^{\circ}49'57''W.$, 909.18 feet) to a point of reverse curvature; thence Northwesterly, 987.97 feet along the arc of a curve to the left having a radius of 1250.00 feet and a central angle of $45^{\circ}17'07''$ (chord bearing $N.24^{\circ}08'25''W.$, 962.46 feet) to a point of tangency; thence $N.46^{\circ}46'58''W.$, 549.65 feet; thence $N.69^{\circ}40'35''W.$, 1379.29 feet; thence $N.04^{\circ}44'45''W.$, 75.72 feet; thence $N.67^{\circ}42'11''E.$, 21.70 feet; thence $N.00^{\circ}05'49''W.$, 844.27 feet; thence $N.38^{\circ}14'14''E.$, 1009.94 feet; continue $N.00^{\circ}07'27''W.$, 1904.13 feet to the POINT OF BEGINNING.

LESS the East 1/2 of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 29, Township 30 South, Range 21 East, Hillsborough County, Florida.

Containing 601.2543 acres total, more or less.

Exhibit "A"
(5 of 5)

FSH HAWK RANCH PARCEL "D"

DESCRIPTION: A parcel of land lying in Section 22 and 23, Township 30 South, Range 21 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 22 run thence along the South boundary thereof the following four (4) courses: 1) N.89°57'14"W., 660.18 feet; 2) N.89°55'23"W., 661.18 feet; 3) N.89°54'31"W., 1321.51 feet; 4) S.89°54'41"W., 1317.40 feet; thence N.00°12'18"W., 1542.23 feet along the West boundary of the East 1/2 of the Southwest 1/4 of said Section 22 to its intersection with the Easterly maintained right-of-way line of Boyette Road; thence N.08°46'44"E., 1361.81 feet along said Easterly maintained right-of-way line; thence S.81°13'16"E., 590.12 feet; thence N.34°37'56"E., 557.64 feet to a point on the Southerly right-of-way line of Lithia - Pinecrest Road; thence along said Southerly right-of-way line the following six (6) courses: 1) S.55°22'04"E., 5084.40 feet; 2) S.34°37'56"W., 10.00 feet; 3) S.55°22'04"E., 20.71 feet to a point of curvature; 4) Southeasterly, 594.46 feet along the arc of a curve to the left having a radius of 2351.83 feet and a central angle of 14°28'56" (chord bearing S.62°36'32"E., 592.87 feet); 5) S.20°08'59"W., 1.00 feet to a point on a curve; 6) Southeasterly, 318.96 feet along the arc of a curve to the left having a radius of 2352.83 feet and a central angle of 07°46'02" (chord bearing S.73°44'02"E., 318.72 feet); to point on the South boundary of said Section 23; thence N.89°37'37"W., 837.67 feet along the South boundary of said Section 23; thence N.89°37'38"W., 1331.47 feet along the South boundary of said Section 23 containing 247.6359 acres, more or less.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing



MEMBER OF THE FLORIDA CABINET
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
Ringling Museum of Art

FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

February 18, 1997

RECEIVED
97 FEB 20 AM 8:21
BOCC RECORDS

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

Attention: Linda Fryman, Senior Manager, BOCC Records

Dear Mr. Ake:

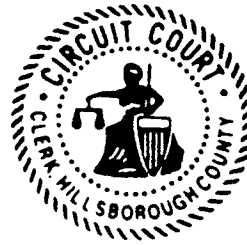
Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated February 6, 1997, and copy of Hillsborough County Exhibit A to Ordinance No. 96-24. The Exhibit was received in this office on February 14, 1997 and placed in the file with the above numbered ordinance.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

RECEIVED
FEB 24 1997



F
Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-2029, ext. 6730

February 20, 1997

Mr. William Bailey, Law Librarian
Hillsborough County Law Library
725 East Kennedy Boulevard
Tampa, Florida 33602


Re: Correcting Scrivener's Errors
Ordinance #96-24 Establishing the Fishhawk Community
Development District

Dear Mr. Bailey:

The attached Exhibit "A" corrects certain scrivener's errors found in the legal description of the property. Please substitute the current exhibit for the corrected one attached.

We are also forwarding acknowledgment received from the Secretary of State.

Sincerely,


Gary J. Klunk
Deputy Clerk, BOCC Records

GJK:ADF

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Fred Carrington, Legal Advisor, Sheriff's Office
Bobbie Chaffee, State Attorney's Office
Barbara Hutcheson, County Attorney's Office
Helene Marks, Legal Counsel, Clerk of Circuit Court
Sue Parrish, Chief Deputy Clerk
Susan J. Fernandez, Assistant County Attorney (full ordinance)
Mary Mahoney, Assessments Coordinator, Management & Budget
Gene Boles, Director, Planning & Growth Management
Keith W. Brickleyer, Esq., Brickleyer Smolker & Bolves, P.A.
(full ordinance)

