

ORDINANCE NO. 07-10

AN ORDINANCE ESTABLISHING THE MAGNOLIA PARK 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, Centex Homes, a Nevada general partnership ("Petitioner"), has filed a Petition to Establish the Magnolia Park Community Development District ("Petition") with Hillsborough County requesting that the Board of County Commissioners in and for Hillsborough County, Florida ("County"), adopt an ordinance establishing the Magnolia Park 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 10TH DAY OF APRIL 2007 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 establishment 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 establishment 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 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 for the area of land described in Exhibit A, attached hereto, which shall exercise the powers of sections 190.011 and 190.012 (1) and (3), 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 section 190.012, Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors: Penny Dandino, Michelle Bushway, Beth Bradburn, Brian Bullock, and Ron Spahman.

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 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 April 10, 2007, as the same appears of record in Minute Book 371 of the Public Records of Hillsborough County; Florida.

WITNESS my hand and official seal this 13th day of April, 2007.
PAT COLLIER FRANK, CLERK

By: Mrs. O.K. Dyer

Deputy Clerk



APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY
BY: Nancy Y. Takemori
Nancy Y. Takemori

EXHIBIT A

SECTIONS 1 & 12, TOWNSHIP 30 SOUTH, RANGE 19 EAST & SECTIONS 6 & 7, TOWNSHIP 30 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA

LEGAL DESCRIPTION

That part of Tracts 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in the Northeast 1/4 of Section 1, Township 30 South, Range 19 East, and Tracts 8, 9, 10, and 16 in the Southeast 1/4 of Section 1, Township 30 South, Range 19 East, and Tracts 5, 6, 9, 10, 15 and 16 in the Northeast 1/4 of Section 12, Township 30 South, Range 19 East and Tracts 4, 5, 12, 13 and 14, in the Northwest 1/4 of Section 6, Township 30 South, Range 20 East, and Tracts 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14 in the Southwest 1/4 of Section 6, Township 30 South, Range 20 East and that part of closed streets abutting said Tracts, according to the Plat of SOUTH TAMPA, as recorded in Plat Book 8, Page 3, of the Public Records of Hillsborough County, Florida, and Tracts 3, 4, 5, 8, 11, 12, 13 and 14 in the Northwest 1/4 of Section 7, Township 30 South, Range 20 East and that part of closed streets abutting said Tracts, according to the Plat of the FIRST ADDITION TO SOUTH TAMPA as Recorded in Plat Book 8, Page 86, of the Public Records of Hillsborough County, Florida, and an unplatted portion of the North 1/2 of Section 12, Township 30 South, Range 19 East, being more particularly described as follows:

Begin at the Northeast corner of said Section 1, Township 30 South, Range 19 East, also being the Northwest corner of said Section 8, Township 30 South, Range 20 East; thence S89°50'32" E, on the North line of the Northeast 1/4 of said Section 8 a distance of 656.19 feet to the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 6; thence S00°07'08" W, on the East line of said Tracts 4, 5 and 12, SOUTH TAMPA lying in the Northwest 1/4 of said Section 6, a distance of 1354.41 feet to a point on the East line of said Tract 12, said point also being a point on the South right of way line of Foxworth Road; thence leaving said South right of way line of Foxworth Road S 00°38'32" W on the East line of said Tract 12, a distance of 638.70 feet; thence, leaving said East line of Tract 12 and on the North line of said Tract 14, SOUTH TAMPA lying in the Northwest 1/4 of said Section 6, N 89°41'04" E a distance of 662.62 feet, to a point on the East line of a 15.00 foot vacated right of way lying East of and contiguous with said Tract 14; thence S 00°33'16" W, on the East line of said 15.00 foot vacated right of way a distance of 664.87 feet to a point on the North line a 15.00 foot vacated right of way lying North of and contiguous with said Tract 2, SOUTH TAMPA lying in the Southwest 1/4 of said Section 6; thence N 89°28'18" E, on the North line of said 15.00 foot vacated right of way a distance of 443.52 feet to a point on the Westerly right of way line of Interstate No. 75 (State Road No. 93-A); thence leaving the North line of said 15.00 foot vacated right of way and on said Westerly right of way line of Interstate No. 75 (State Road No. 93-A) the following four (4) courses: (1) thence S 13°43'46" E, a distance of 55.60 feet to the point of curvature of a curve to the right having a radius of 1338.39 feet, a central angle of 38°15'51", a tangent length of 484.30 feet, a chord bearing of S 05°44'59" W, and a chord distance of 877.31 feet; (2) thence Southwesterly on the arc of said curve, a distance of 893.82 feet to the end of said curve; (3) thence S 24°52'02" W, a distance of 299.39 feet to the point of curvature of a curve to the left having a radius of 5927.58 feet, a central angle of 08°28'51", a tangent length of 335.59 feet, a chord bearing of S 22°47'25" W, and a chord distance of 670.12 feet; (4) thence Southwesterly on the arc of said curve a distance of 670.47 feet to the end of said curve; said point hereafter referred to as Point "A"; thence leaving said Westerly right of way line of Interstate No. 75 (State Road No. 93-A) S 18°06'55" W, a distance of 299.45 feet to a point on the Westerly right of way line of Interstate No. 75 (State Road 93-A), said point also being the point of curvature of a curve to the left having a radius of 5927.51 feet, a central angle of 4°14'14", a tangent length of 219.29 feet, a chord bearing of S 14°30'39" W, a chord distance of 438.27 feet; thence on said Westerly right of way line of Interstate No. 75 (State Road 93-A), Southerly on the arc of said curve a distance of 438.37 feet to the end of said curve; thence S 08°18'33" W on said Westerly right of way line of Interstate No. 75 (State Road 93-A) a distance of 619.88 feet to the point of curvature of a curve to the left having a radius of 5915.58 feet, a central angle of 9°23'13", a tangent length of 485.67 feet, a chord bearing of S 01°48'10" W, a chord distance of 968.08 feet; thence Southerly on the arc of said curve and on said Westerly right of way line of Interstate No. 75 (State Road 93-A) a distance of 969.16 feet; thence S 02°59'34" E on said Westerly right of way line of Interstate No. 75 (State Road 93-A) a distance of 1208.35 feet to a point on the South boundary of the Northwest 1/4 of Section 7, Township 30 South, Range 20 East; thence S 89°32'41" W leaving said Westerly right of way line of Interstate No. 75 (State Road 93-A) and on said South boundary of the Northwest 1/4 of Section 7, Township 30 South, Range 20 East, a distance of 1079.29 feet to the Southeast corner of the Northeast 1/4 of Section 12, Township 30 South, Range 19 East; thence N 89°49'35" W on the South boundary of the Northeast 1/4 of said Section 12, Township 30 South, Range 19 East a distance of 1767.28 feet to a point on the Easterly right of way line of Falkenburgh Road, said point being the point of curvature of a curve to the left having a radius of 1020.00 feet, a central angle of 24°16'49", a tangent length of 219.42 feet, a chord bearing of N 17°17'13" W, a chord distance of 429.02 feet; thence Northerly leaving said South boundary of the Northeast 1/4 of Section 12, Township 30 South, Range 19 East and on the arc of said curve and on said Easterly right of way line of Falkenburgh Road a distance of 432.25 feet to the point of reverse curvature of a curve to the right having a radius of 900.00 feet, a central angle of 27°35'43", a tangent length of 221.02 feet, a chord bearing of N 15°37'46" W, a chord distance of 429.29 feet; thence Northerly on the arc of said curve and on said Easterly right of way line of Falkenburgh Road a distance of 433.47 feet to the end of said curve; thence N 01°49'55" W on said Easterly right of way line of Falkenburgh Road a distance of 143.91 feet to a point on said Easterly right of way line of Falkenburgh Road S 89°43'34" W a distance of 119.30 feet to a point on the Westerly right of way line of Falkenburgh Road; thence leaving said Westerly right of way line of Falkenburgh Road S 89°43'34" W a distance of 23.80 feet; thence S 22°51'55" W a distance of 28.82 feet; thence S 85°12'39" W a distance of 99.70 feet; thence S 55°30'38" W a distance of 42.03 feet; thence N 78°18'51" W a distance of 78.08 feet; thence S 83°23'49" W a distance of 40.05 feet; thence N 89°22'29" W a distance of 80.25 feet; thence N 40°00'18" W a distance of 17.03 feet; thence N 00°14'08" E a distance of 20.00 feet; thence N 89°45'52" W a distance of 1219.76 feet; thence N 00°01'42" E a distance of 1001.48 feet; thence S 89°58'18" E a distance of 1717.22 feet to a point on aforesaid Westerly right of way line of Falkenburgh Road; thence leaving said Westerly right of way line of Falkenburgh Road N 89°45'42" E a distance of 144.10 feet to a point on aforesaid Easterly right of way line of Falkenburgh Road; thence leaving said Easterly right of way line of Falkenburgh Road S 89°54'13" E a distance of 535.06 feet; thence N 00°29'49" E a distance of 627.62 feet to a point on the Easterly right of way line

(CONTINUED ON THE FOLLOWING SHEET)

RECORDED IN PLAT BOOK 8, PAGE 3, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND TRACTS 3, 4, 5, 8, 11, 12, 13 AND 14 IN THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP 30 SOUTH, RANGE 20 EAST AND THAT PART OF CLOSED STREETS ABUTTING SAID TRACTS, ACCORDING TO THE PLAT OF SOUTH TAMPA, AS RECORDED IN PLAT BOOK 8, PAGE 86, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND AN UNPLATTED PORTION OF THE NORTH 1/2 OF SECTION 12, TOWNSHIP 30 SOUTH, RANGE 19 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(CONTINUED FROM THE PREVIOUS SHEET)

of Falkenburg Road, said point being the point of curvature of a curve to the left having a radius of 1020.00 feet, a central angle of 02°11'23", a tangent length of 19.49 feet, a chord bearing of N 22°09'54" E, a chord distance of 38.98 feet; thence Northerly on the arc of said curve and on said Easterly right of way line of Falkenburg Road a distance of 38.98 feet to the end of said curve; thence S 89°37'59" E leaving said Easterly right of way line of Falkenburg Road a distance of 5.95 feet; thence S 89°40'30" E a distance of 658.16 feet; thence N 00°22'09" E a distance of 685.13 feet; thence N 89°37'51" W a distance of 598.55 feet to a point on the Easterly right of way line of Falkenburg Road; thence N 00°19'13" E on said Easterly right of way line of Falkenburg Road a distance of 528.22 feet; thence leaving said Easterly right of way line of Falkenburg Road N89°40'47"E a distance of 7.00 feet; thence on a line 7.00 feet Easterly and parallel with said Easterly right of way line of Falkenburg Road N00°19'13"E a distance of 130.12 feet; thence N 89°52'41" E a distance of 1101.72 feet; thence S 82°16'11" E a distance of 21.48 feet to a point on a non-tangent curve to the right having a radius of 600.00 feet, a central angle of 07°26'13", a chord bearing of N 31°26'55" E, and a chord distance of 77.82 feet; thence on the arc of said curve a distance of 77.88 feet to the end of said curve; thence N 37°59'23" E a distance of 287.87 feet to a point on the Southerly right of way line of Progress Boulevard (State Road S-876-A); thence leaving said Southerly right of way line of Progress Boulevard (State Road S-876-A) continue N 37°59'23" E a distance of 180.09 feet to a point on the Northerly right of way line of said Progress Boulevard (State Road S-876-A); thence leaving said Northerly right of way line of Progress Boulevard (State Road No. S-876-A), continue N 37°59'23" E a distance of 523.57 feet to the point of curvature of a curve to the left having a radius of 224.81 feet, a central angle of 37°20'51", a tangent length of 76.01 feet, a chord bearing of N 19°18'58" E and a chord distance of 144.02 feet; thence Northerly on the arc of said curve a distance of 148.60 feet to the end of said curve; thence N 00°38'32" E, a distance of 988.86 feet to the point of curvature of a curve to the left having a radius of 250.00 feet, a central angle of 41°57'57", a tangent length of 95.88 feet, a chord bearing of N 20°20'28" W and a chord distance of 179.04 feet; thence Northwesterly on the arc of said curve a distance of 183.11 feet to the end of said curve; thence N 89°41'08" W a distance of 1762.17 feet to a point on aforesaid East right of way line of Falkenburg Road; thence on said East right of way line of Falkenburg Road S 00°20'48" W a distance of 422.65 feet to a point on said East right of way line of Falkenburg Road, said point hereafter referred to as Point "C"; thence leaving said East right of way line of Falkenburg Road S 89°52'22" W, a distance of 120.00 feet to a point on said West right of way line of Falkenburg Road; thence leaving said West right of way line of Falkenburg Road continue S 89°52'22" W a distance of 374.27 feet; thence S 00°18'48" W a distance of 367.99 feet; thence S 89°52'26" W a distance of 354.47 feet; thence N 00°44'18" E, a distance of 147.84 feet; thence S 89°43'36" E a distance of 22.11 feet; thence N 00°12'58" E a distance of 1068.08 feet; thence S 89°40'37" E a distance of 324.88 feet; thence N 00°15'39" E a distance of 355.27 feet; thence N 89°24'39" W a distance of 324.24 feet; thence N 00°20'48" E a distance of 255.84 feet; thence S 89°30'38" E a distance of 106.27 feet; thence N 00°20'48" E a distance of 180.00 feet to the Northwest corner of aforesaid Tract 6 of SOUTH TAMPA in the Northeast 1/4 of Section 1, Township 30 South, Range 19 East, as recorded in Plat Book 6, Page 3, Public Records of Hillsborough County, Florida; thence S 89°30'27" E, on the North line of said Tract 6 a distance of 601.52 feet to a point on aforesaid West right of way line of Falkenburg Road; thence leaving said West right of way line of Falkenburg Road continue S 89°30'27" E, a distance of 119.93 feet to a point on aforesaid East right of way line of Falkenburg Road; thence on said East right of way line of Falkenburg Road N00°20'48"E a distance 280.74 feet; thence leaving said East right of way line of Falkenburg Road, S 89°43'44" E a distance of 386.90 feet; thence N 00°18'52" E a distance of 404.95 feet to the North line of the aforesaid Section 1, Township 30 South, Range 19 East; thence S 89°44'42" E, on said North line of Section 1, a distance of 875.65 feet to the Point of Beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A portion of Tracts 2, 3, 4, 5, 6 and 7 in the Southwest 1/4 of Section 8, Township 30 South, Range 20 East, according to the plat of SOUTH TAMPA, as recorded in Plat Book 6, Page 3 of the Public Records of Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 6; thence on the North line of the Northeast 1/4 of said Section 6 S 89°50'32" E, a distance of 656.19 feet; thence leaving said North line of the Northeast 1/4 of Section 6 S 00°07'08" W, a distance of 1354.41 feet; thence S 00°38'32" W, a distance of 638.70 feet; thence N 89°41'04" E, a distance of 862.62 feet; thence S 00°33'16" W, a distance of 664.87 feet; thence N 89°28'18" E, a distance of 443.52 feet to the Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A); thence on said Westerly Limited Access Right of Way line of Interstate 75 (State Road No. 93-A) the following Two (2) courses; (1) S13°43'48"E, a distance of 55.80 feet to a point on a non-tangent curve to the right having a radius of 1338.39 feet, a central angle of 12°10'18", a chord bearing of S07°17'48"E and a chord distance of 283.79 feet; (2) thence on the arc of said curve a distance of 284.32 feet to the end of said curve; thence leaving said Westerly Limited Access Right of Way line of Interstate No.75 (State Road No. 93-A) S89°28'18"W, a distance of 26.01 feet to the POINT OF BEGINNING; said point being on a non-tangent curve to the right, having a radius of 1313.39 feet, a central angle of 26°08'20", a chord bearing of S11°49'45"W and a chord distance of 593.28 feet; thence Southerly on the arc of said curve, being 25.00 feet Westerly and parallel with said Westerly Limited Access Right of Way line of Interstate No. 75 (State Road No. 93A), a distance of 598.42 feet to the end of said curve; thence continue on said line 25.00 feet Westerly and parallel with the Westerly Limited Access Right of Way line of Interstate No. 75 (State Road No. 93A) the following Two courses; (1) S24°52'02"W, a distance of 299.13 feet to the point of curvature of a curve to the left having a radius of 5952.58 feet, a central angle of 01°17'49", a chord bearing of S25°22'48"W and a chord distance of 134.73 feet; (2) thence on the arc of said curve a distance of 134.73 feet to the end of said curve; thence leaving said line 25.00 feet Westerly and parallel with the Westerly Limited Access Right of Way line of Interstate No. 75 (State Road No. 93A) S89°28'18"W, a distance of 710.08 feet; thence on a line 75.00 feet Northeastly and parallel with the Northeastly right of way line of Progress Boulevard (State Road No. S-678-A) N48°39'37"W a distance of 296.03 feet; thence leaving said line 75.00 feet

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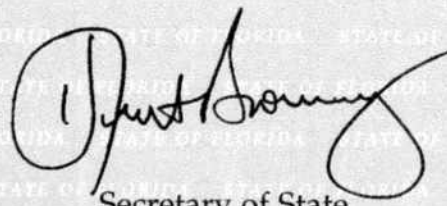
Surveyed and Platted by ALVIN P. COOPER, JR., Surveyor, Hillsborough County, Florida, on 11-13-01.

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Kurt S. Browning, 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. 07-10, filed in this office on April 16, 2007, 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
16th day of April, A.D., 2007.**



Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.