

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 11-13

FILED
2011 SEP -6 PM 1:48
LESLIE H. HARRIS, CLERK
TALLAHASSEE, FLORIDA

2011 SEP 12 AM 10:58

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, RELATING TO THE SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-53 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBE THE BOUNDARIES OF THE DISTRICT, NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

WHEREAS, Subsection 190.005(2), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for the establishment of a community development district of less than 1,000 acres in size; and

WHEREAS, Summer Woods Preservation, LLC, a Florida limited liability company (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Summer Woods Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, Claude H. Young and Cynthia Quinn Young, as the owners of approximately 268.14 acres of real property proposed for inclusion within the District, have consented in writing to the establishment of the District; and

WHEREAS, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of Paragraphs 190.005(2)(b) and 190.005(1)(d), Florida

Statutes, as amended; and

WHEREAS, the Board has considered the record of the public hearing and the factors set forth in Paragraphs 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for the establishment of the community development district; and

WHEREAS, the District established under this Ordinance, as an independent special district and a local unit of special purpose government, shall be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws; and

WHEREAS, the establishment of the District will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District; and

WHEREAS, Section 190.012, Florida Statutes, as amended, authorizes the District to exercise numerous special powers listed in Subsection 190.012(1), Florida Statutes; and

WHEREAS, Section 190.012, Florida Statutes, as amended, provides that the local general-purpose government must consent to the exercise by the District board of supervisors of those additional special powers listed in Subsection 190.012(2), Florida Statutes; and

WHEREAS, Paragraph 190.005(2)(d), Florida Statutes, as amended, provides that in an ordinance establishing a community development district, the Board may consent to any of the optional special powers under Subsection 190.012(2), Florida Statutes, as amended, at the request of the Petitioner; and

WHEREAS, the petition submitted by the Petitioner requests that the Board consent to the exercise by the District board of supervisors of the additional special powers listed in Paragraphs 190.012(2)(a) and 190.012(2)(d), Florida Statutes, as amended; and

WHEREAS, the exercise of such additional special powers by the District board of supervisors shall be governed by Chapter 190, Florida Statutes, as amended, and all other applicable federal, state, and local laws; and

WHEREAS, the Board desires to consent to the exercise by the District board of supervisors of such additional special powers; and

WHEREAS, the Board's consent to the exercise by the District board of supervisors of such additional special powers will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Legislative findings. The Board of County Commissioners of Manatee

County, Florida, hereby adopts the "WHEREAS" clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Subsection 190.005(2), Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and purpose. It is the intent and purpose of this Ordinance to establish the Summer Woods Community Development District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws. It is further the intent and purpose of this Ordinance to grant the Board's consent to the exercise by the District board of supervisors of certain additional special powers pursuant to Section 190.012(2), Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Creation of Section 2-8-53 of Manatee County Code of Ordinances. Section 2-8-53 of the Manatee County Code of Ordinances is hereby created to read as follows:

Section 2-8-53. Summer Woods Community Development District.

(a) Establishment. The Summer Woods Community Development District is hereby established pursuant to Chapter 190, Florida Statutes.

(b) Boundaries. The boundaries of the District are described in the metes and bounds description attached hereto as Exhibit "A".

(c) Initial board of supervisors. The names of five (5) persons designated as the initial members of the board of supervisors for the District are as follows:

(1) Dale E. Weidemiller.

(2) James R. Schier.

(3) Karen L. Byrnes.

(4) John Neal.

(5) Priscilla Heim.

(d) Special powers. Pursuant to Paragraph 190.005(2)(d) and Subsection 190.012(2), Florida Statutes, as amended, the Board of County Commissioners hereby consents to the exercise by the District board of supervisors of the additional special powers listed in Paragraphs 190.012(2)(a) and 190.012(2)(d), Florida Statutes. Specifically, the District shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:


- (1) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (2) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the Manatee County Sheriff's Department or other proper governmental agencies; except that the District may not exercise any police power, but may contract with appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

Section 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 1st day of September, 2011.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: 
Chairman



ATTEST: R.B. Shore
Clerk of the Circuit Court

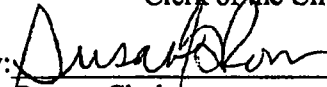
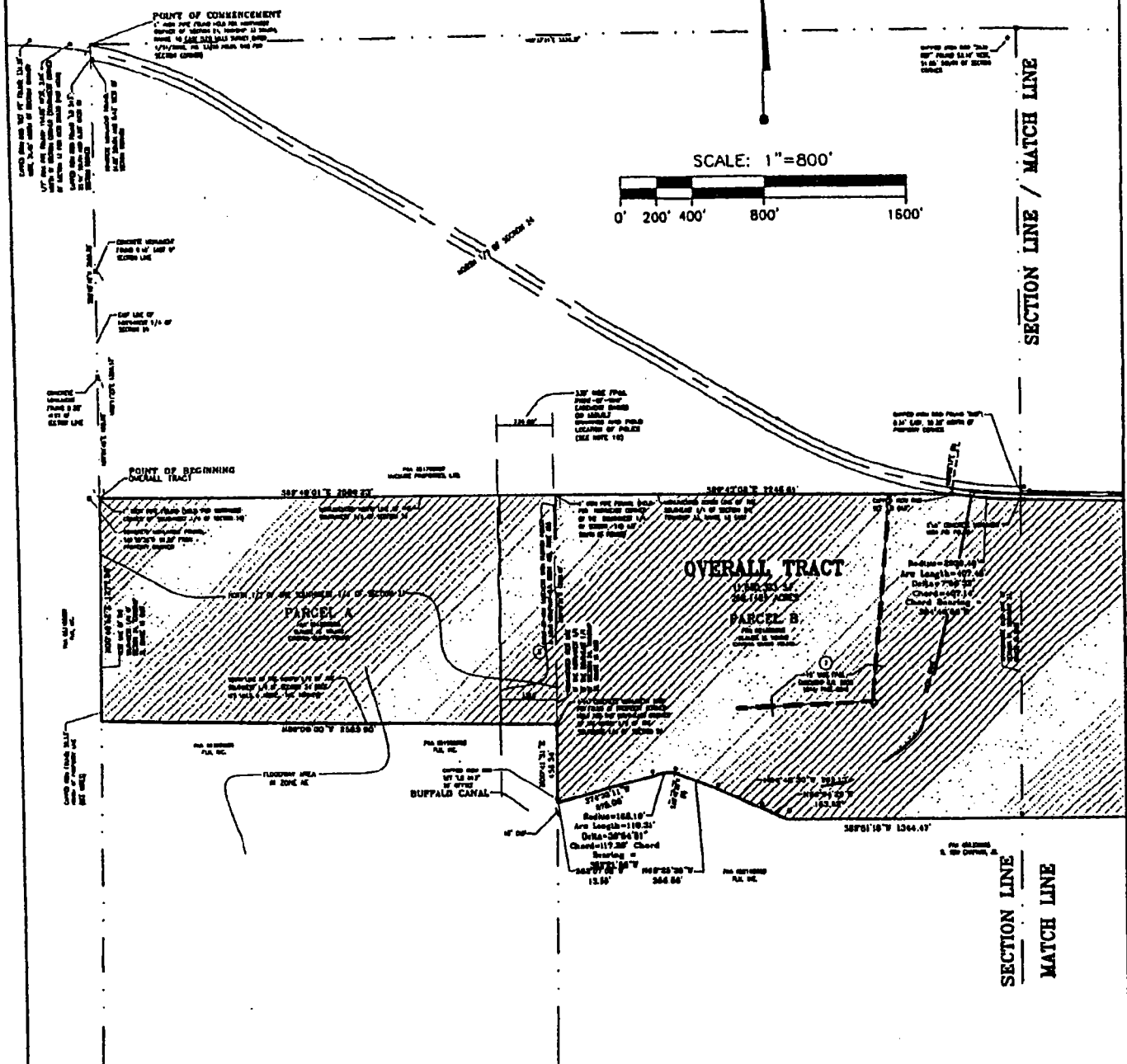
By: 
Deputy Clerk

EXHIBIT "A"



SKETCH AND DESCRIPTION

REV. "A": REMOVED NOTES 6,8,19; REVISED CERTIFICATION; ADDED SKETCH AND DESCRIPTION; 8/1/11 RRC

THIS IS NOT A SURVEY

PROJECT: SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT

CLIENT: SUMMERWOODS PRESERVATION, LLC.

WilsonMiller

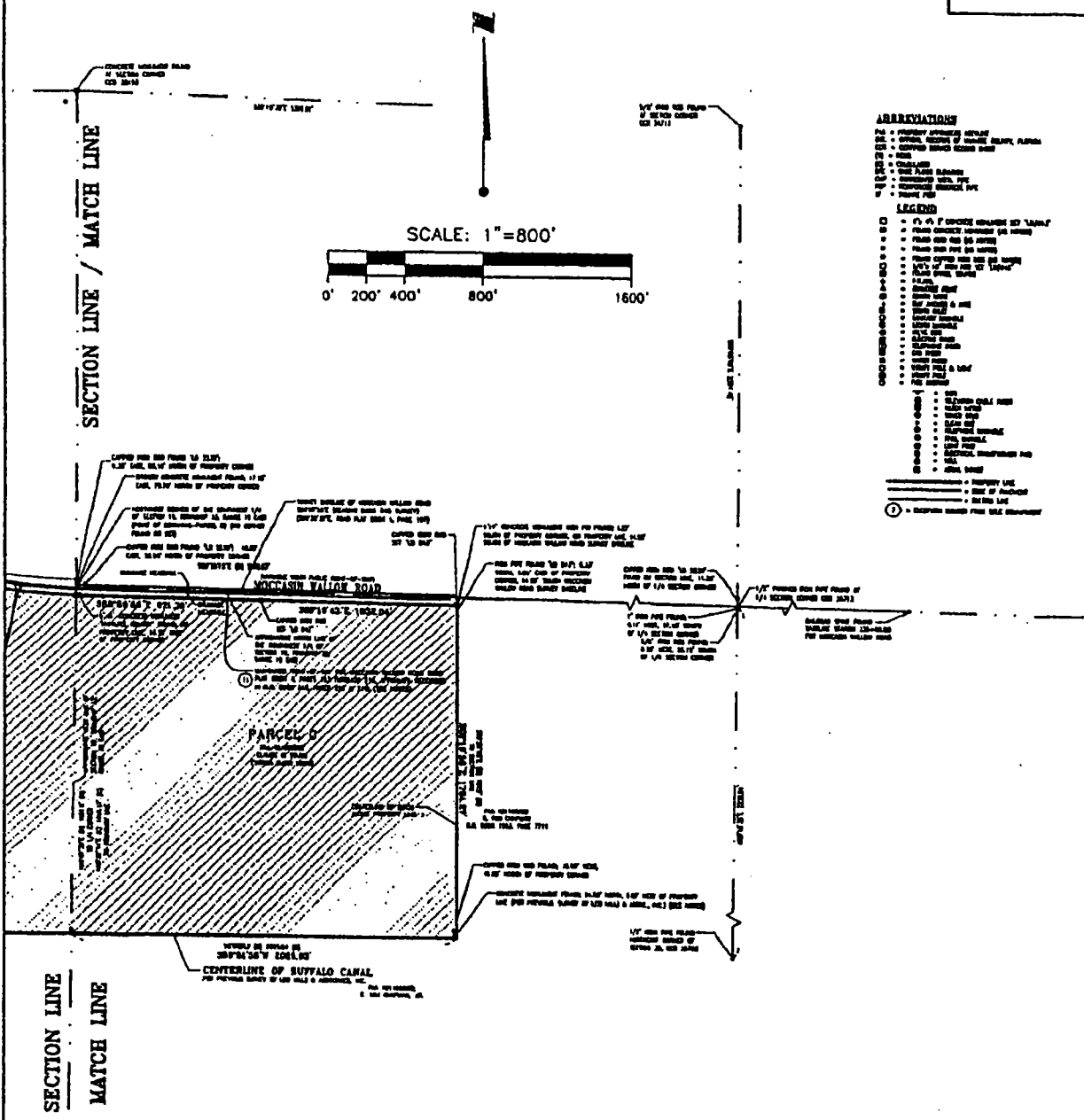
Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-8444 • Phone 941-907-6900 • Fax 941-907-6910 • Web Site www.wilsonmiller.com

SCALE:	1" = 800'	DATE:	9/28/2009
SEC:	TWP: 19,24 RCE: 33S 18E	REV NO:	
PROJECT NO:	04753-004-000	INDEX NO:	04753-004-000001*
DRWN BY/EMP NO:	RTD/1625	SHEET NO:	1 OF 4

EXHIBIT "A"



SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY

PROJECT: SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT

CLIENT: SUMMERWOODS PRESERVATION, LLC.

Wilson Miller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

Wilson Miller, Inc.

6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-6414 • Phone 941-507-8900 • Fax 941-507-8910 • Web Site www.CormZar.com

SCALE: 1" = 800'	DATE: 9/28/2009
SEC: 19.24 TWP: 33S RGE: 18E	REV. NO.
PROJECT NO. 04753-004-000	INDEX NO.
DRWN BY/EMP NO. RTD/1625	SHEET NO: 2 OF 4

EXHIBIT "A"

NOTES:

1. Bearings shown hereon are relative to the State Plane Coordinate System (Florida West Zone, 1983/90 Datum) with the survey baseline of Moccasin Wallow Road east of the west line of Section 19, Township 33 South, Range 18 East having a bearing of S.89°07'56"E.
2. Improvements such as, but not limited to, underground utilities, foundations, irrigation equipment and landscape features, etc. have not been located except as shown.
3. This site lies within Flood Zone "X", "X-SHADED", "AE" & "A" Floodway in Zone AE" as shown on the Federal Emergency Management Agency Flood Insurance Rate Map for Manatee County, Community Panel No. 120153 0205 C, dated July 15, 1992, Map Index dated 6/30/99. FEMA Flood Zone lines shown hereon are digitized from the above FEMA Rate Map and are therefore approximate only.
4. This sketch is not intended to delineate the regular jurisdiction of any Federal, State, Regional or Local Agency, Board or Commission or other entity.
5. Internal ditches, swales and fences have not been located or shown on this sketch.
6. This sketch does not reflect or determine ownership.
7. Symbols shown hereon may not be drawn to scale.
8. Distances and bearings are the same as plotted or deeded, unless shown otherwise.
9. Ownership of fences has not been determined.
10. The survey by Leo Mills & Associates, Inc. referenced hereon is the survey dated April 24, 2002, Drawing No. 23#36, Job No. C-1594.
11. The concrete monument found near the southeast corner of the tract surveyed hereon is a 6.00' offset monument in accordance with the Leo Mills & Associates survey noted above. According to Leo Mills, Sr. the east property line runs approximately along the centerline of a ditch in this location.
12. The capped iron rod found near the southwest corner of the property is a 50.33' offset monument according to information provided by Leo Mills & Associates.
13. The south boundary line of Parcels B and C shown hereon (centerline of Buffalo Canal) is based on the survey by Leo Mills & Associates noted above. The current location of the centerline of Buffalo Canal differs somewhat from this line by Leo Mills & Associates. Our understanding is that the configuration of the canal has shifted location somewhat during the widening and deepening of the canal years ago. The Leo Mills & Associates line was held rather than the currently located centerline of Buffalo Canal in order to be consistent with the survey to the south and the surveyed line at the time the current owner (Claude H. and Cynthia Quinn Young) obtained ownership of the property.
14. According to the Manatee County 2020 Comprehensive Plan, Moccasin Wallow Road is projected to be a 4-lane collector road with a future 120' wide right-of-way.
15. The maintained right-of-way of Moccasin Wallow Road on the north side of Parcel C is based on a field review of the right-of-way by Doug Jones (Manatee County Transportation Department).
16. The 330'-wide FP&L right-of-way easement shown hereon is described as the East 330 feet of the North 1/2 of the Southwest 1/4 of Section 24, Township 33 South, Range 18 East. According to asbuilt drawings by FP&L (Drawing No. E-80019, last revision date 1-11-84) and field locations of the transmission poles, the east line of this easement lies west of the 1/4 section line by approximately 11.5 feet at the north line of the southwest 1/4 of Section 24.

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY

PROJECT: SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT

CLIENT: SUMMERWOODS PRESERVATION, LLC.

WilsonMiller

Member, Inc. - P.L.L.C. 080098
WilsonMiller, Inc. - Certificate of Authorization #0

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

SCALE:			DATE: 9/28/2009
SEC: 19,24	TWP: 33S	RGE: 18E	REV NO:
PROJECT NO. 04753-004-000			INDEX NO:
DRWN BY/COMP NO. RTD/1625			SHEET NO: 3 of 4

EXHIBIT "A"

DESCRIPTION (FROM OFFICIAL RECORDS BOOK 1748, PAGE 5248):

PARCEL A: THE N 1/2 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL B: THAT PORTION OF THE SE 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, LYING NORTH OF THE CENTER LINE OF THE BUFFALO CANAL, MANATEE COUNTY, FLORIDA.

PARCEL C: BEGIN AT THE NW CORNER OF THE SW 1/4 OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE SOUTH 89°25'15" EAST ALONG THE NORTH LINE OF SAID SW 1/4 A DISTANCE OF 2002.87 FEET; THENCE SOUTH 00°36'15" EAST 1815.0 FEET TO THE CENTER OF THE BUFFALO CANAL; THENCE WESTERLY ALONG THE CENTER OF SAID BUFFALO CANAL A DISTANCE OF 2023.94 FEET TO THE WEST LINE OF SAID SECTION 19; THENCE NORTH 00°07'30" EAST 1852.9 FEET TO THE POINT OF BEGINNING, LESS 35 FEET FOR ROAD RIGHT-OF-WAY OFF NORTH.

ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


A tract lying in Section 19, Township 33 South, Range 19 East and Section 24, Township 33 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of Section 24, Township 33 South, Range 18 East; thence S.00°10'10"W., along the East line of the Northwest 1/4 of said Section 24, a distance of 2,589.32 feet to the Northwest corner of the Southwest 1/4 of said Section 24 for the POINT OF BEGINNING; thence S.89°49'01"E., along the monumented North line of the Southwest 1/4 of Section 24, a distance of 2,588.23 feet to the Northeast corner of the Southwest 1/4 of said Section 24; thence S.89°43'08"E., along the monumented North line of the Southeast 1/4 of said Section 24, a distance of 2,245.81 feet to the south maintained right-of-way line of Moccasin Wallow Road as recorded in Road Plat Book 4, Page 153 through 210, Affidavits Recorded in Official Record Book 818, Pages 218 and 219 both of the Public Records of Manatee County, Florida, said point also being the beginning of a non-tangent curve to the left, of which the radius point lies N.09°09'17"E., a radial distance of 2,939.48 feet; (the following three calls are along said south maintained right-of-way line of Moccasin Wallow Road): (1) thence easterly along the arc of said curve, through a central angle of 07°56'32", an arc length of 407.46 feet to the end of said curve; (2) thence S.88°59'55"E., along a line not tangent to the previously described curve, a distance of 971.38 feet; (3) thence S.89°19'43"E., a distance of 1,032.04 feet to the westerly line of the tract of land described in Official Record Book 1903, Page 7711 of said public records; thence S.00°10'56"E., along said westerly line, a distance of 1,784.27 feet to the center line of Buffalo Canal as shown on a survey by Leo Mills & Associates, Inc., Job Number C1594, Drawing Number 23#38, dated April 24, 2002 and revised May 9, 2002 and annexed hereto as Attachment 1; (the following eight calls are along said center line of Buffalo Canal): (1) thence S.89°51'55"W., a distance of 2,025.93 feet; (2) thence S.89°51'16"W., a distance of 1,344.47 feet; (3) thence N.88°04'29"W., a distance of 163.62 feet; (4) thence N.84°42'30"W., a distance of 285.13 feet; (5) thence N.68°25'30"W., a distance of 255.58 feet to the beginning of a non-tangent curve to the left, of which the radius point lies S.10°49'22"W., a radial distance of 185.19 feet; (6) thence westerly along the arc of said curve, through a central angle of 38°54'51", an arc length of 119.31 feet to the end of said curve; (7) thence S.74°33'11"W., along a line not tangent to the previously described curve, a distance of 575.08 feet; (8) thence S.82°07'08"W., a distance of 13.58 feet to the monumented West line of the Southeast 1/4 of Section 24, Township 33 South, Range 18 East; thence N.00°41'31"E., along said West line of the Northwest 1/4 of the Southeast 1/4 of Section 24, a distance of 458.34 feet to the South line of the North 1/2 of the Southwest 1/4 of said Section 24; thence N.89°09'00"W., along said South line, a distance of 2,585.90 feet to the West line of the Southwest 1/4 of said Section 24; along said West line, a distance of 1,277.99 feet to the POINT OF BEGINNING.

Said tract contains 11,680,326 square feet or 268.1434 acres, more or less.

CERTIFICATION:

I CERTIFY THAT THIS SKETCH & LEGAL WERE PREPARED UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

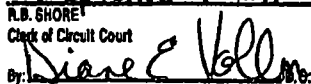
BY:  8/1/11
 ROBERT R. CUNNINGHAM, P.S.M. NO. 3924 DATE OF SIGNATURE

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES. SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.



Witness my hand and official seal this 1st day of September, 2011.

R.B. SHORE
 Clerk of Circuit Court
 By: 

SKETCH AND DESCRIPTION

THIS IS NOT A SURVEY

PROJECT: SUMMER WOODS COMMUNITY DEVELOPMENT DISTRICT

CLIENT: SUMMERWOODS PRESERVATION, LLC.



Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

Wilson Miller, Inc.

6900 Professional Parkway East, Suite 100 - Sarasota, Florida 34240-8414 - Phone 941-607-6900 - Fax 941-907-6910 - Web Site www.wilsonmiller.com

Aug 01, 2011 - 13:21:32

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SCALE:	DATE:
SEC: 19.24 TWP: 33S RGE: 18E	9/28/2009
PROJECT NO. 04753-004-000	REV NO.
DRWN BY/EMP NO. RTD/1625	INDEX NO.
	SHEET NO. 4 OF 4



FLORIDA DEPARTMENT of STATE

DIVISION OF LIBRARY AND INFORMATION SERVICES

RICK SCOTT
Governor

FILED FOR RECORD
R. B. SHORE

2011 SEP 12 AM 10:58

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

September 7, 2011

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 1, 2011 and certified copies of Manatee County Ordinance Nos. 11-13 and PDC-11-04(Z)(P), which were filed in this office on September 6, 2011.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/vm

Enclosure



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6600 • Facsimile: 850.245.6282 • <http://info.florida.gov>
Commemorating 500 years of Florida history www.fl500.com

