

ORDINANCE NO. 03- 63

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "WESTRIDGE COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR NO COUNTY OBLIGATIONS; PROVIDING FOR NO LIMITATION ON COUNTY POWERS; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (hereinafter, the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the establishment of a community development district of less than 1,000 acres be filed by the petitioner with the County Commission of the county having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such Petition contain certain information to be considered at a public hearing before the Board of County Commissioners of Polk County (the "Board"); and

WHEREAS, Town Center Commercial Group, LLC (the "Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, has petitioned Polk County (the "County") to establish the Westridge Community Development District (the "District") pursuant to the Act; and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 3956 Town Center Boulevard, Suite 146, Orlando, Florida 32837; and

WHEREAS, the Petition submitted on June 3, 2003 (the "Petition") to the County has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, the property that is encompassed in the Petition is within the U.S. 27 Selected Area Plan; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on September 3, 2003; and

WHEREAS, on September 3, 2003 the Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act and has determined to grant the Petition for Establishment of the Westridge Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services to the subject land.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Polk County, Florida that:

SECTION 1: AUTHORITY

This ordinance is adopted in compliance with and pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes.

SECTION 2: ESTABLISHMENT AND DISTRICT NAME

The Petition is hereby granted and there is hereby established a community development district situated entirely within unincorporated Polk County, Florida, which District shall be known as the "Westridge Community Development District."

SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT

The external boundaries of the District are legally described in Exhibit "A", attached hereto and incorporated herein by this reference, the overall parcel containing 162 acres, more or less. No real property within the external boundaries of the District is to be excluded.

SECTION 4: FINDINGS OF FACT

The Board hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before it and the record established at the public hearing that:

- a. All statements within the Petition are true and correct.
- b. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the State Comprehensive Plan or the Polk County Comprehensive Plan.
- c. The area of land within the District, described in Exhibit A, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

- d. The District provides the best alternative available for delivering community development services and facilities to the area to be served by the District.
- e. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
- f. The area to be served by the proposed District is amenable to separate special-district government.

SECTION 5: FUNCTIONS AND POWERS

The District shall have all powers and functions granted by the Act, as amended from time to time. In addition, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(2), Florida Statutes and any amendments thereof. This Ordinance does not, and shall not be construed to, expand, modify, or delete any provisions of the Uniform Community Development District Act of 1980 as set forth in Chapter 190, Florida Statutes.

SECTION 6: BOARD OF SUPERVISORS

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

- Name: Kathy A. Chonody
Address: 1530 Mizell Avenue, Winter Park, Florida 32826
- Name: R.D. Blankenship
Address: Box 25144, Tamarac, Florida 33320
- Name: Steven L. Parker
Address: 3820 Manteo Circle, Orlando, Florida 32837
- Name: M. Troy Reiter
Address: 3044 Woodruff Drive, Orlando, Florida 32837
- Name: Charles E. Hawthorne, Jr.
Address: 12515 Lake Buynak Court, Windermere, Florida 34786

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America and shall serve until their successors are chosen and qualified, as provided in Section 190.006 of the Act.

SECTION 7: COMPLIANCE WITH LAWS AND ORDINANCES

The District shall comply with the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes, rules and regulations, including the Polk County Comprehensive Plan and all applicable provisions of the Polk County Land Development Code.

SECTION 8: NO POLK COUNTY OBLIGATIONS

No debt, obligation or duty of the District shall constitute a debt, obligation, duty or burden of or on Polk County.

SECTION 9: NO LIMITATION ON POLK COUNTY POWERS

Establishment of the District in no way limits the County in the exercise of its powers or authority as provided for in Chapter 125, Florida Statutes and other Florida statutes upon the property within the District, as described in Exhibit "A".

SECTION 10: REQUIRED DISCLOSURES

The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in Section 190.009 and Section 190.048 of the Act, as amended from time to time.

SECTION 11: SEVERABILITY

If any provision of this Ordinance, is held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining sections or portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY,

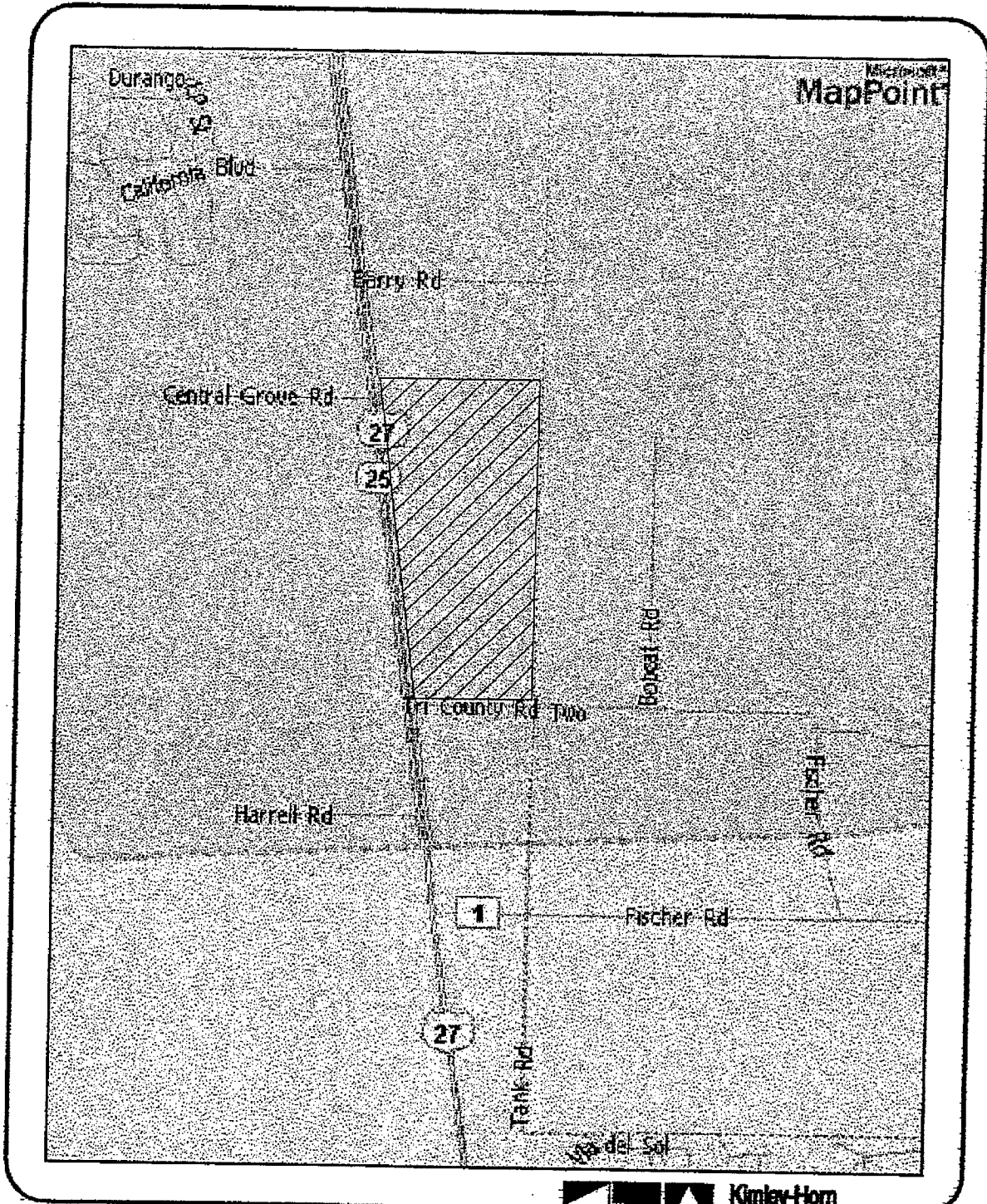
FLORIDA this 3rd day of September, 2003.

Exhibit A

Legal Description and Vicinity Map

Begin at the Southeast corner of Section 25, Township 25 South, Range 26 East, Polk County, Florida, thence N89°49'13"W along the South line of said Section 25, a distance of 1402.04 feet to the Easterly Right of Way line of US Highway 27, thence North along the said Easterly Right of Way line the next 11 calls, (1) thence N08°03'30"W 331.30 feet, (2) thence S81°56'30"W 5.00 feet, (3) thence N08°03'30"W 1900.00 feet, (4) thence N02°20'52"W 301.50 feet, (5) thence N08°03'30"W 400.00 feet, (6) thence N13°46'08"W 301.50 feet, (7) thence N08°03'30"W 400.00 feet, (8) thence N03°15'06"E 101.98 feet, (9) thence N08°03'30"W 300.00 feet, (10) thence N16°35'12"W 101.12 feet, (11) thence N08°03'30"W 71.57 feet to the South line of the North 1150.35 feet of said Section 25, thence S89°39'43"E along said South line 2002.53 feet to the East line of said Section 25, thence S00°89'49"W along said East line 1502.23 feet to the Northeast corner of the Southeast 1/4 of said Section 25, thence S00°09'39"W still along the East line of said Section 25, a distance of 2651.76 feet to the Point of Beginning. Said tract containing 162.20 acres MORE OR LESS.

SEE VICINITY MAP ON NEXT PAGE



NOT TO SCALE



**Kimley-Horn
and Associates, Inc.**

Westridge



VICINITY MAP

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.03-63, which was adopted by the said Board on September 3, 2003.

WITNESS my hand and official seal on this 10th day of September, 2003.

RICHARD M. WEISS
Clerk of Circuit Court

(SEAL)

By Marie E. Kessler
Marie E. Kessler
Deputy Clerk