

ORDINANCE

14-35



Agenda Item Cover Sheet

Agenda Item N^o E-2

Meeting Date November 6, 2014

Consent Section Regular Section Public Hearing

Subject: CDD 14-0858 PETITION TO ESTABLISH THE RESERVE AT PRADERA COMMUNITY DEVELOPMENT DISTRICT (CDD)	
Agency/Department: Development Services Department, Community Development Section	
Contact Person: John E. Healey, AICP	Contact Phone: 276.8393
Sign-Off Approvals	
<i>Lucia Blum</i> 10-28-14 <small>Deputy County Administrator</small>	<i>[Signature]</i> 10/27/14 <small>Department Director</small>
<i>[Signature]</i> 10/27/14 <small>Business and Support Services - Approved as to Financial Impact Accuracy</small>	<i>[Signature]</i> 10/27/14 <small>County Attorney - Approved as to Legal Sufficiency</small>

STAFF'S RECOMMENDED BOARD MOTION

Establish the Reserve at Pradera Community Development District (CDD) in accordance with the attached ordinance. No direct financial impact to the County will occur as a result of this petition. Of the total \$15,670,000 budgeted for development costs, approximately \$1,739,408 (or about 11%) of infrastructure development costs will be financed with CDD Bonds. The developer will use cash from lot sales and equity to fund the balance of the improvements. It is anticipated that the development will consist of 55-foot and 65-foot single family detached lots, and that annual assessments for repayment of the debt will be an average of \$652 per lot.

FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition. Of the total \$15,670,000 budgeted for development costs, approximately \$1,739,408 (or about 11%) of infrastructure development costs will be financed with CDD Bonds. The developer will use cash from lot sales and equity to fund the balance of the improvements. It is anticipated that the development will consist of 55-foot and 65-foot single family detached lots, and that annual assessments for repayment of the debt will be an average of \$652 per lot.

BACKGROUND

On July 11, 2014, Beazer Homes Corp., petitioned Hillsborough County to establish the Reserve at Pradera Community Development District (CDD). The applicant's representative is Scott I. Steady of Burr Forman LLP. The property is generally located approximately 2,400 feet south of Big Bend Road on the west side of Balm-Riverview Road, directly opposite of Triple Creek Boulevard.

The Reserve at Pradera CDD is comprised of folio numbers 77687.5000, 77687.6000, 77702.0000, 77702.5000, and 77690.0000 totaling ±183.7 acres. The area to be included in the CDD is zoned Planned Development (RZ 08-1270 last modified by PRS 13-0747). The property is approved for 14,000 square feet of Commercial, Medical/Office uses and a maximum of 358 residential units. Attachment A shows the location of the proposed CDD.

List Attachments: A) Location Map B) Consent of Landowners C) Draft Ordinance

ORD # 14-35

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ORDINANCE NO. 14-35

FINAL
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AN ORDINANCE ESTABLISHING THE RESERVE AT PRADERA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BEAZER HOMES CORP., a Tennessee corporation, ("Petitioner") has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Reserve at Pradera 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 6TH DAY OF NOVEMBER, 2014 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 the Petition are true and correct;

3. 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;

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 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;

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 the Reserve at Pradera 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), (2)(a), (b), (c), (d), (e) & (f), 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 under Section 190.012(1), (2)(a), (b), (c), (d), (e) & (f), Fla. Stat.

SECTION 4. INITIAL BOARD. The following 5 persons are designated as the initial members of the Board of Supervisors:

1) Robert Barber; 2) Michael Piendel; 3) Steve Wiltse; 4) Brandon Roberts; 5) John Henneberg.

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 November 6, 2014, as the same appears of record in Minute Book 462 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 6th day of November, 2014.

PAT COLLIER FRANK, CLERK

By: Michael K. Dill
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY [Signature]
Approved as to Form and Legal Sufficiency



LEGAL DESCRIPTION (OVERALL PARCEL)

A parcel of land encompassing the Southeast 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 10, that portion of the Southwest 1/4 of the Southwest 1/4 of Section 11 lying West of Balm Riverview Road and encompassing the Northeast 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 15, all lying and being in Township 31 South, Range 20 East, Hillsborough County, Florida and being more particularly described as follows:

Begin at a found 3 1/2" round concrete monument marking the Southeast corner of said Section 10, the Southwest corner of said Section 11 and the Northeast corner of said Section 15; thence S.00 degrees 45'13"W., on the East line of the Northeast 1/4 of the Northeast 1/4 of said Section 15, a distance of 1328.33 feet to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15; thence N.89 degrees 58'53"W., on the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 15, a distance of 1337.88 feet to the Southwest corner of the Northeast 1/4 of the Northeast 1/4 of said Section 15 also being the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 15; thence N.89 degrees 58'53"W., on the South line of the Northwest 1/4 of the Northeast 1/4 of said Section 15, a distance of 1339.63 feet to the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 15; thence N.00 degrees 31'42"W., on the West line of the Northwest 1/4 of the Northeast 1/4 of said Section 15, a distance of 1324.40 feet to the Northwest corner of the Northeast 1/4 of said Section 15 also being the Southwest corner of the Southeast 1/4 of said Section 10; thence N.01 degrees 11'10"W., on the West line of the Southwest 1/4 of the Southeast 1/4 of said Section 10, a distance of 1324.38 feet to the Northwest corner of the Southwest 1/4 of the Southeast 1/4 of said Section 10; thence N.89 degrees 55'26"E., on the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 10, a distance of 1342.05 feet to the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of said Section 10 also being the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 10; thence N.89 degrees 55'26"E., on the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 10, a distance of 1344.27 feet to the Northeast corner of the Southeast 1/4 of the Southeast 1/4 of said Section 10 also being the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 11; thence N.89 degrees 59'16"E., on the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 11, a distance of 283.38 feet to a point on the Westerly right of way line of Balm Riverview Road (per O.R. 1544 Page 450 and O.R. 1271 Page 344); thence on the Westerly right of way line of said Balm Riverview Road (per O.R. 1544 Page 450 and O.R. 1271 Page 344) the following two (2) courses, (1) S.29 degrees 34'41"E., a distance of 1005.92 feet and (2) S.25 degrees 18'27"E., a distance of 500.64 feet to a point on the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 11; thence N.89 degrees 45'08"W., on the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 11, a distance of 970.08 feet to the Point of Beginning.

Parcel contains 182.68 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 6, 2014

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Pamela Blinck, Deputy Clerk, BOCC Records

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 14-35, which was filed in this office on November 6, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

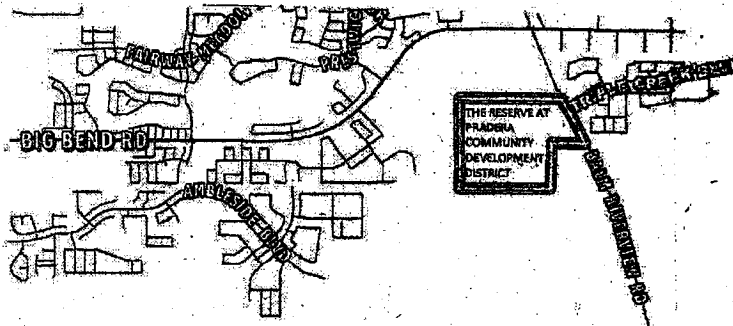
NOTICE OF PUBLIC HEARING

Hillsborough County Board of County Commissioners To Consider the Establishment of the Reserve at Pradera Community Development District

DATE: November 6, 2014

TIME: 9:00 a.m.

LOCATION: Boardroom – 2nd Floor of the Frederick B. Karl County Center, 601 E. Kennedy Blvd. Tampa, Florida 33602



NOTICE OF PUBLIC HEARING

In compliance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the Hillsborough County Board of County Commissioners beginning at 9:00 a.m., November 6, 2014, in the Boardroom in the Frederick B. Karl County Center, 601 E. Kennedy Blvd., Tampa, Florida 33602, to consider an Ordinance to grant a petition to establish the Reserve at Pradera Community Development District. The title of the proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING THE RESERVE AT PRADERA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

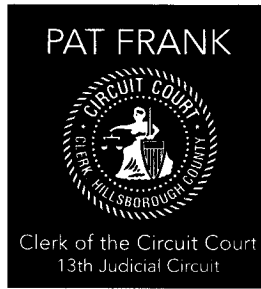
The proposed Reserve at Pradera Community Development District is comprised of approximately 182.68 acres of land located within Hillsborough County, Florida, approximately 2400 ft. south of Big Bend Road on the west side of Balm Riverview Road, opposite of Triple Creek Boulevard.

The petitioner has proposed to establish the Reserve at Pradera Community Development District to plan, finance, acquire, construct, operate and maintain all infrastructure and community facilities, which may be authorized by such districts under Florida law, including but not limited to water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, parks and recreational facilities, security facilities, and certain other projects when expressly approved or required by a local government and any other facilities in accordance with Section 190.012(1), Florida Statutes.

Copies of the petition, the proposed ordinance and department reports are open to public inspection at the Clerk of the Board of County Commissioners of Hillsborough County, 601 E. Kennedy Blvd., 12th Floor, Tampa, Florida 33602.

All interested persons and affected units of general-purpose local government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general-purpose local government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose the person or unit of general-purpose local government may need to insure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Citizens Action Center at (813) 272-5900 or TTY (813) 301-7173, at least forty-eight (48) hours prior to the proceedings.



November 6, 2014

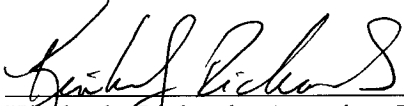
MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #14-35
Establishing the Reserve at Pradera Community Development District (CDD)

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding an executed electronic original of Hillsborough County Ordinance #14-35 adopted by the Board of County Commissioners on November 6, 2014. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance by return e-mail.

Sincerely,



Kimberly Richards, Associate Director
BOCC Records/VAB

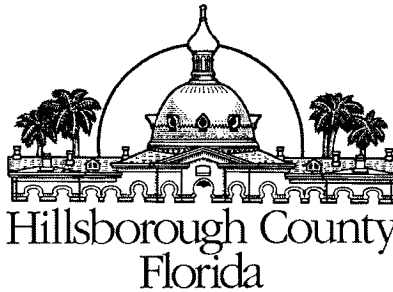
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Attachment

Office of the County Attorney

Chip Fletcher, County Attorney

BOARD OF COUNTY COMMISSIONERS

KEVIN BECKNER
VICTOR D. CRIST
KEN HAGAN
AL HIGGINBOTHAM
LESLEY "LES" MILLER, JR.
SANDRA L. MURMAN
MARK SHARPE



CHIEF ADMINISTRATIVE COUNSEL

Hank Ennis

GENERAL COUNSEL

Mary Helen Farris

CHIEF ASSISTANT COUNTY ATTORNEYS

Christine M. Beck


Robert E. Brazel

Susan J. Fernandez

Jennie Granahan Tarr

MEMORANDUM

To: Midge Dixon, BOCC Records

From: Nancy Y. Takemori, Senior Assistant County Attorney 

Re: Ordinance Establishing The Reserve at Pradera Community Development District

Date: November 3, 2014

CLIENT TO
THE BOARD (A)

2014 NOV - 3 PM 4:46

RECEIVED

An original final copy of the above-referenced ordinance for consideration by the BOCC on November 6, 2014 is attached. If approved by the BOCC, please number and certify the ordinance and file with the Florida Department of State in accordance with Section 125.66, Florida Statutes.

Please provide this office with a date-stamped copy of the official acknowledgement from the Department of State that the ordinance has been filed, showing receipt by your office. Also, I have attached a copy of the proof of notice in the Tampa Tribune.

Thank you for your assistance with this matter.

NYT/dkt
Attachments

cc: John E. Healey, Development Services Department (via e-mail w/ attachments)
Scott I. Steady, Esquire, Burr & Forman, LLP (via e-mail w/ attachments)

G:\REAL ESTATE & DEVELOPMENT DIVISION\Takemori, Nancy\CDDs\Reserve at Pradera CDD\Memo to Clerk with CDD Ordinance.doc