

ORDINANCE NO. 04-41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, CREATING THE "OAKMONT GROVE 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, Oakmont Grove Venture, 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 Oakmont Grove 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 401 West Colonial Drive, Suite 7, Orlando, Florida 32804; and

WHEREAS, the Petition submitted on March 23, 2004 (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, 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 July 14, 2004; and

WHEREAS, on July 14, 2004 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 Oakmont Grove 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 "Oakmont Grove 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 637 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(1) and 190.012(2)(a) and (d), 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:	Daniel Paris, Chairman
Address:	535 Faywood Court, Orlando, Florida 32819
Name:	Guy Butler
Address:	1554 Waterwitch Drive, Orlando, Florida 32806
Name:	Duane "Rocky" Owen
Address:	5585 Alligator Lake Road, St. Cloud, Florida 34772

Name: Rick Hartman
Address: 6148 Huckleberry Avenue, Orlando, Florida 33819

Name: Ruth Perry
Address: 1307 Stevens Avenue, Orlando, Florida 32806

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 the Constitution, Chapter 125, Florida Statutes and other Florida statutes, or the Florida Administrative Code, 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 14th day of July, 2004.

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel Identification Numbers

032627000000044000
092627000000011010
102627000000021010
152627000000011020
152627000000011030
152627000000011040

Parcel 1

That part of the Southwest 1/4 of the Southwest 1/4 of Section 3, Township 26 South, Range 27 East, Polk County, Florida lying South of County Road 54,

And

The Northwest 1/4 of the Northwest 1/4 of Section 10, Township 26 South, Range 27 East, Polk County, Florida.

And

The South 1/2 of the Northwest 1/4 of Section 10, Township 26 South, Range 27 East, Polk County, Florida.

And

The Southwest 1/4 of Section 10, Township 26 South, Range 27 East, Polk County, Florida.

And

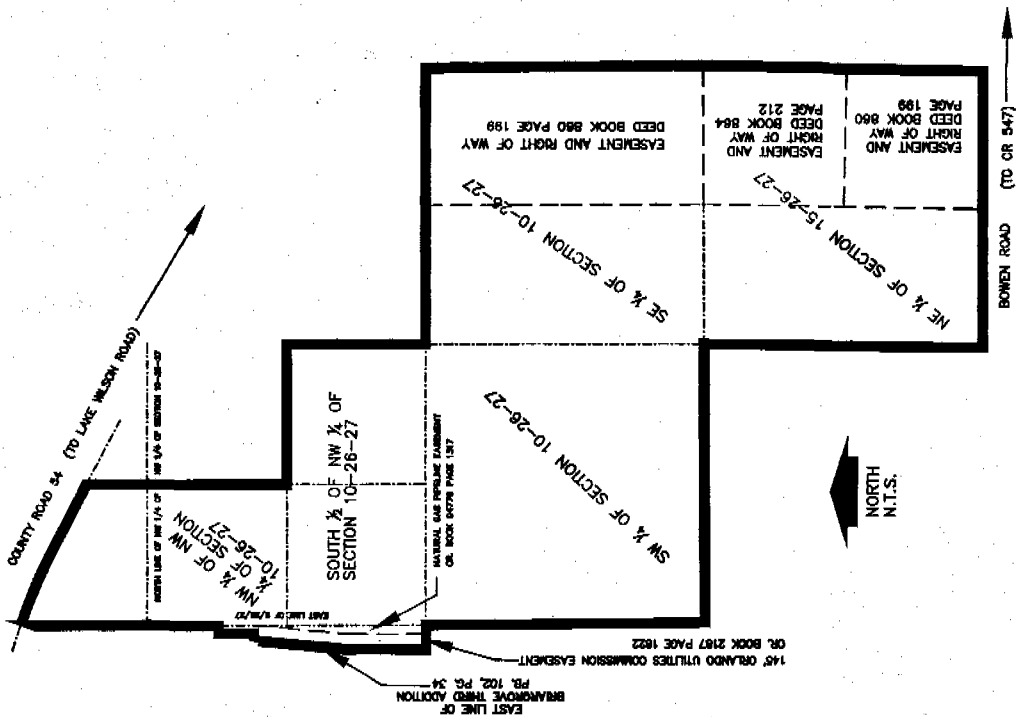
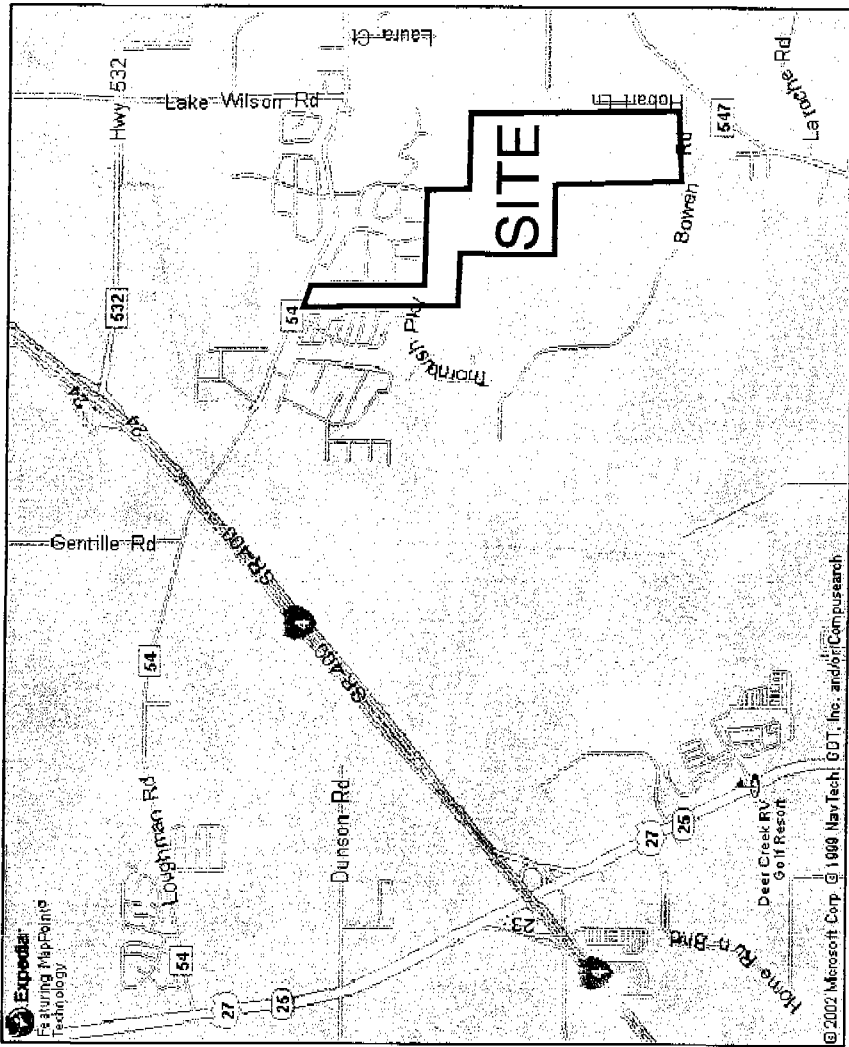
The Southeast 1/4 of Section 10, Township 26 South, Range 27 East, Polk County, Florida.

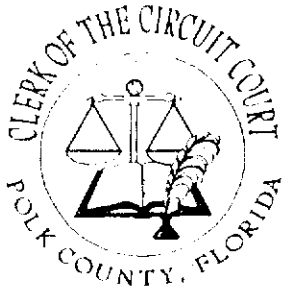
And

Begin at the Northeast corner of Section 9, Township 26 South, Range 27 East, Polk County, Florida and run thence S00°07'47"E along the East boundary of said Section 9 a distance of 2647.95 feet to the Southeast corner of the Northeast 1/4 of said Section 9; thence S89°58'55"W along the South boundary of said Northeast 1/4 a distance of 227.00 feet to a point on the East boundary of Briargrove Subdivision; thence N00°07'47"W along said East boundary a distance of 744.72 feet; thence N05°20'54"E along said East boundary a distance of 858.96 feet; thence N00°07'42"W along said East boundary a distance of 37.50 feet; thence N89°52'13"E a distance of 72.50 feet to the centerline of an Orlando Utilities Commission Easement; thence N00°07'47"W along said centerline a distance of 1010.23 feet to the North boundary of said Section 9; thence N89°45'04"E along said North boundary a distance of 72.50 feet to the Point of Beginning; LESS AND EXCEPT that portion lying North of the Easterly extension of the South boundary of Tract A of said Briargrove, according to the Plat thereof recorded in plat Book 95, Page 17 and 18, Public Records of Polk County, Florida.

Parcel 2

The Northeast 1/4 of Section 15, Township 26 South, Range 27 East, Polk County, Florida.





Richard M. Weiss

Clerk of the Circuit
Court and County
Court

County Recorder

Clerk, Auditor and
Accountant to the
Polk County Board
of County Commissioners

Finance & Accounting to the
Board of County Commissioners
330 West Church Street
P. O. Box 988
Bartow, FL 33831-0988

Ph. (863) 534-5970
Fax (863) 534-6037

The Mission of the Office of
Clerk of the Circuit Court is
to function as a team
dedicated to our
customers by

- preparing and maintaining
accurate records
- furnishing assistance in an
understanding and
compassionate manner,
and
- providing services with
competence,
professionalism, and
courtesy

in compliance with laws,
rules and regulations.

July 16, 2004

Mrs. Liz Cloud, Program Administrator
Bureau of Administrative Code
Florida Department of State
The Collins Building
107 W. Gaines Street, Suite L43
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

Enclosed are certified copies of the following ordinances, that were adopted by the Polk County Board of County Commissioners in regular session on July 14, 2004:

Ordinance No. 04-37 - Ordinance adopts Comprehensive Plan Amendment CPA-04S-05

Ordinance No. 04-38 - Ordinance adopts Comprehensive Plan Amendment CPA-04S-06

Ordinance No. 04-39 - Ordinance adopts Comprehensive Plan Amendment CPA-04S-07

Ordinance No. 04-40 - Ordinance adopts Comprehensive Plan Amendment CPA-04S-08

Ordinance No. 04-41 - Ordinance creates the Oakmont Grove Community Development District

Ordinance No. 04-42 - Ordinance amends Ordinance No. 82-32, as amended, The Polk County Solid Waste Management Ordinance; amends Section 6.03, by adding Paragraph D, limiting the number of franchises and licenses for commercial service

Please return the official filing notification letter to :
Martha H. Crews, Deputy Clerk
Clerk to the Board
P. O. Box 988
Bartow, Florida 33831-0988

Your assistance is greatly appreciated.

Yours very truly,

RICHARD M. WEISS
Clerk and Auditor

By *Martha H. Crews*
Martha H. Crews
Deputy Clerk

mc
Enclosures



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED

July 23, 2004

7/30/04
Clerk Of The Board

M. Crews

Honorable Richard M. Weiss
Clerk of the Court
Polk County
330 West Church Street
Post Office Box 988
Bartow, Florida 33831-0988

Attention: Martha H. Crews, Deputy Clerk

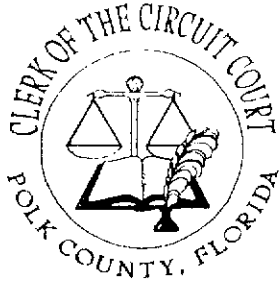
Dear Mr. Weiss:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 16, 2004 and certified copies of Polk County Ordinance Nos. 04-37 through 04-42, which were filed in this office on July 19, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/mp



Richard M. Weiss

Clerk of the Circuit
Court and County
Court

County Recorder

Clerk, Auditor and
Accountant to the
Polk County Board
of County Commissioners

Finance & Accounting to the
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competence,
professionalism, and
courtesy

In compliance with laws,
rules and regulations.

March 31, 2005

Mrs. Liz Cloud, Chief
Bureau of Administrative Code
Florida Department of State
The Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Mrs. Cloud:

On July 16, 2004, Ordinance No. 04-41 was mailed to your office, which creates the Oakmont Grove Community Development District. We are enclosing Exhibit "A", which should be attached to the certified copy of this ordinance.

If any type of the official notification letter is issued, please forward it to me as follows:

Mrs. Martha H. Crews, Deputy Clerk
Clerk to the Board
P. O. Box 988
Bartow, Florida 33831-0988

We are sorry for any inconvenience that this may have caused you.

Yours very truly,

RICHARD M. WEISS
CLERK AND AUDITOR

By *Martha H. Crews*
Martha H. Crews
Deputy Clerk

mc

Enclosures



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED

4/6/05

Clerk Of The Board

M. Crews

April 4, 2005

Honorable Richard M. Weiss
Clerk of the Court
Polk County
330 West Church Street
Post Office Box 988
Bartow, Florida 33831-0988

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Weiss:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 31, 2005 and corrected copy of Polk County Ordinance No. 04-41, which was received in this office on April 4, 2005.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

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FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

RECEIVED
4/6/05
Clerk Of The Board
M. Crews

April 4, 2005

Honorable Richard M. Weiss
Clerk of the Court
Polk County
330 West Church Street
Post Office Box 988
Bartow, Florida 33831-0988

Attention: Martha H. Crews, Deputy Clerk

Dear Mr. Weiss:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 31, 2005 and corrected copy of Polk County Ordinance No. 04-41, which was received in this office on April 4, 2005.

Sincerely,

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

Liz Cloud
Program Administrator

LC/kcs