

FILED
2010 NOV 15 AM 11:07
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE NO. 2010-070

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, ESTABLISHING THE BLACKBURN CREEK COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING PROCEDURES FOR CONSENT TO EXERCISE SPECIAL POWERS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

KAREN E. RUSHING
CLERK OF COUNTY COURT
SARASOTA COUNTY, FL

2010 NOV 10 AM 10:04

BOARD RECORDS
FILED FOR RECORD

WHEREAS, Resource Conservation of Sarasota, LLC, ("Petitioner") has petitioned the Board of County Commissioners ("Board") of Sarasota County, Florida, a political subdivision of the State of Florida to establish, the BLACKBURN CREEK COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the Board of County Commissioners, after proper published notice, conducted public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete in that it meets the requirements of Section 190.005(1), Florida Statutes and 190.005(2)(a), Florida Statutes; and all statements contained within the petition are true and correct;
2. Establishment of the District on the property proposed in the petition is not inconsistent with any applicable element or portion of the local

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comprehensive plan of Sarasota County, known as the Sarasota County Growth Management Plan, or the State Comprehensive Plan.

3. The area of land proposed to be within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one function interrelated community.

4. The District is a viable alternative available for delivering community development services and facilities to the area that will be serviced by the District.

5. 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.

6. The area that will be served by the District is amenable to separate special-district government; and

WHEREAS, it is the policy of this State, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be serviced by the District, to ensure that neither the establishment nor operation of such District is a development order under chapter 380 and that the District so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations and ordinances apply to all development of the land within a community development district. Community development districts do not have the

power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A District shall take no action which is inconsistent with applicable comprehensive plans, ordinances or regulations of the applicable local general purpose local government; and

WHEREAS, pursuant to Section 190.012, Florida Statutes, upon the establishment of the community development district on the land proposed in the petition, the District Board of Supervisors may request consent from Sarasota County to exercise any one or more of the state granted powers in Subsection 190.012(2)(a)-(f), Florida Statutes, and the consent from the County shall be without question as to the continued right, authority and power to exercise its limited special powers as granted to the district by the state charter.

WHEREAS, the charter of the District is Sections 190.006 - 190.041, Florida Statutes, as provided expressly in Section 190.004(4) and confirmed in Section 189.4031(2), Florida Statutes; and

WHEREAS, the single, specialized and narrow purpose of the District is the delivery of community infrastructure pursuant to its state created charter the exercise of its general and special powers complying with all applicable policies and regulations of statutes and ordinances, State v. Frontier Acres Community Development District, 472 So. 2d, 455, at p. 457 (Fla. 1985);

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

SECTION ONE: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances. This Ordinance is also adopted pursuant to Sarasota County Resolution No. 2005-042.

SECTION TWO: ESTABLISHMENT OF THE BLACKBURN CREEK COMMUNITY DEVELOPMENT DISTRICT

The Blackburn Creek Community Development District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS

The following five (5) persons are herewith designated to be the initial members of the Board of Supervisors of the District:

- | | |
|----------------------|------------------|
| (1) Dale Weidemiller | (2) Jolin Solie |
| (3) Eddie Gaudette | (4) Karen Byrnes |
| (5) Pricilla Heim | |

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the "Blackburn Creek Community Development District".

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The Blackburn Creek Community Development District shall be governed by the provisions of its general law charter in and created by chapter 190, Florida Statutes, and all other applicable general law.

SECTION SIX: CONSENT TO SPECIAL POWERS.

Upon the effective date of this Ordinance, the Blackburn Creek Community Development District will be authorized duly and legally to exist and exercise all of its general and special powers as granted and limited by law; and Sarasota County does hereby consent to the exercise by the Blackburn Creek Community Development District of the additional special powers listed in Paragraphs 190.012(2)(a) and 190.012(2)(d), Florida Statutes.

SECTION SEVEN: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Sarasota County or other applicable law, the more restrictive shall apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION EIGHT: INCLUSION IN THE CODE OF ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Sarasota County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

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SECTION NINE. EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida on this 9th day of November 2010.

Attest:

KAREN E. RUSHING,
Clerk of the Circuit Court and
Ex-Officio Clerk to the
Board of County Commissioners
Of Sarasota County, Florida

By: 

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: 

Chairman

EXHIBIT A

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LEGAL DESCRIPTION (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 19 and 20, Township 39 South, Range 20 East, Sarasota County, Florida and described as follows:

COMMENCE at the northwest corner of Section 20, Township 39 South, Range 20 East; thence S.01°29'17"W., along the west line of said Section 20, a distance of 50.01 feet to a point on the south right-of-way line of Center Road as recorded in Official Records Book 339, Page 291 of the Public Records of Sarasota County, Florida; thence N.89°27'10"W., along said south right-of-way line of Center Road, a distance of 144.32 feet to the POINT OF BEGINNING; thence S.00°32'50"W., a distance of 202.62 feet to the point of curvature of a curve to the left having a radius of 350.00 feet and a central angle of 52°35'34"; thence southeasterly along the arc of said curve, on arc length of 321.27 feet to the end of said curve; thence S.37°57'15"W., along a line radial to the last described curve, a distance of 100.00 feet; thence S.52°02'45"E., a distance of 72.72 feet to a point on the west line of said Section 20; thence S.01°29'17"W., along said west line, a distance of 1,993.60 feet to the west quarter corner of said Section 20, said point being marked by a 4-inch Department of Transportation (DOT) Concrete Monument; thence S.01°29'02"W., continuing along the west line of said Section 20, a distance of 1,323.79 feet to the northwest corner of the south half of the south half of said Section 20, said point being marked by a 4-inch concrete monument with a pin; thence S.89°34'53"E., along the north line of the south half of said Section 20, a distance of 4,681.17 feet to a point on the west right-of-way line of State Road #777 (West River Road) as recorded in Road Plat Book 2, Page 44 of the Public Records of Sarasota County, Florida; the following two (2) calls are along said west right-of-way line; thence S.38°46'27"E., a distance of 772.40 feet; thence S.33°54'22"E., a distance of 53.41 feet to the intersection with the east line of said Section 20; thence S.02°41'36"W., along said east line, a distance of 661.11 feet to the southeast corner of said Section 20; thence N.89°37'19"W., along the south line of said Section 20, a distance of 5,176.63 feet to the southeast corner of said Section 19; thence N.89°53'06"W., along the south line of said Section 19, a distance of 5,170.70 feet to the southwest corner of said Section 19; thence N.00°15'56"E., along the west line of said Section 19, a distance of 2,589.24 feet to the west quarter corner of said Section 19; thence N.00°51'43"E., along the west line of said Section 19, a distance of 744.29 feet to the southwest corner of premises described in Official Record Book 1089, Page 1621 of the Public Records of Sarasota County, Florida; the following four (4) calls are along the southerly and easterly lines of said premises; thence S.89°37'37"E., a distance of 1,641.02 feet; thence N.00°53'54"E., a distance of 665.37 feet; thence N.89°32'09"W., a distance of 326.97 feet; thence N.00°49'47"E., a distance of 1,280.80 feet to a point on the southerly right-of-way line of said Center Road; the following two (2) calls are along said southerly right-of-way line; thence S.89°26'33"E., a distance of 1,300.80 feet; thence S.89°27'10"E., a distance of 2,495.63 feet to the POINT OF BEGINNING.

Said tract contains 31,328,128 square feet or 719.1949 acres, more or less.

NOTES:

1. Bearings shown hereon are relative to the South line of Section 19, Township 39 South, Range 19 East having a bearing of S89°53'06"E.
2. This is a sketch only and does not represent a field survey.
3. Unless it bears the signature and the original raised seal of a Florida Surveyor and Mapper, this Sketch, Drawing, Plat or Map is for informational purposes only.

() = Plotted Bearings and/or distances.
 (R) = Radial
 O.R. = Official Records Book

Robert R. Cunningham 5/26/10
 Robert R. Cunningham, P.E.M. Date of Signature
 Florida Registration No. 3924

FOR: NEAL COMMUNITES

SKETCH & DESCRIPTION OF
 BLACKBURN CREEK COMMUNITY DEVELOPMENT DISTRICT
 SECTIONS 19 & 20, TOWNSHIP 39 S., RANGE 20 E.,
 SARASOTA COUNTY, FLORIDA

May 26, 2010 - 10:50:58
 This is NOT a Survey.
 CUNNINGHAM SUR 04556 SW 14554-001-005.dwg

Wilson Miller

ASK CODE: 21000	DRAWN BY: HJD	CHECKED BY: RRC	CAD FILE: SW-04556-14554-001-005.dwg	COUNTY OF: SARASOTA	SHEET: 2	DRAWING INDEX IFC: 804556-001-001002	REA:
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TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE
 KAREN P. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA

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