

ORDINANCE NO. 22-13

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE NEWPORT ISLES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-77 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "NEWPORT ISLES COMMUNITY DEVELOPMENT DISTRICT," ESTABLISHING THE NEWPORT ISLES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBING THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND CONSENTING TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT'S BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; 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, section 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 2,500 acres in size; and

WHEREAS, CC Manatee Development, LLC, and Northwest Manatee, LLC (together, Petitioner), have filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Newport Isles Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 1,555.47 acres of real property proposed for inclusion within the District and has 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 sections 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 sections 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its

ORDINANCE NO. 22-13

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, section 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 section 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 for parks and recreation and security listed in sections 190.012(2)(a) & (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 section 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 Newport Isles 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 consent of the Board to the exercise by the District board of supervisors of certain additional special powers pursuant to Subsection 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 2-8-77 of Manatee County Code of Ordinances. Section 2-8-77 of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:

Sec. 2-8-77. Newport Isles Community Development District.

(a) Establishment. The Newport Isles 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 hereon as **Exhibit "2."**

(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) Susan Collins
- (2) George Misenhelder
- (3) Richard James
- (4) Jake Essman
- (5) Clifton Fisher

(d) Special powers. Pursuant to sections 190.005(2)(d) and 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 following special powers listed in Paragraph 190.012(2)(a)&(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 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. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 4 of this Ordinance into the Code.

Section 6. Administrative Correction of Scrivener's Errors. The administrative correction of typographical and/or scrivener's errors in this Ordinance which do not affect the intent may be authorized by the County Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the County Clerk.

Section 7. 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 8. 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 8th day of February, 2022.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: [Signature]
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND
COMPTROLLER

By: [Signature]
Deputy Clerk

EXHIBIT 2

EXHIBIT "A"
SKETCH OF DESCRIPTION

A PORTION OF SECTIONS 1, 2, 3, 10, AND 11 TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA (SKETCH IS NOT A SURVEY)

DESCRIPTION

A PARCEL OF LAND LYING AND BEING IN SECTIONS 1, 2, 3, 10, AND 11, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. BEING MORE PARTICULAR DESCRIBED AS FOLLOWS.

BEGIN AT A NORTHWEST CORNER OF SAID SECTION 3, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE N 89°28'09" E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1206.47' TO THE SOUTH QUARTER CORNER OF SECTION 34, TOWNSHIP 32 SOUTH, RANGE 18 EAST;; THENCE N 88°47'34" E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 2673.63' TO THE SOUTHEAST CORNER OF SAID SECTION 34; THENCE N 89°39'00" E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1161.40' TO THE NORTHEAST CORNER OF SAID SECTION 3; THENCE S 89°51'08" E, ALONG THE NORTH LINE OF SECTION 2, TOWNSHIP 33 SOUTH, RANGE 18 EAST, A DISTANCE OF 1541.24' TO THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 32 SOUTH, RANGE 18 EAST;; THENCE N 89°25'24" E, ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 2749.37' TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE S 89°33'44" E, ALONG THE SAID NORTH LINE OF SECTION 2, A DISTANCE OF 648.57' TO THE NORTHEAST CORNER OF SAID SECTION 2; THENCE S 89°35'14" E, ALONG THE NORTH LINE OF SECTION 1, TOWNSHIP 33 SOUTH, RANGE 18 EAST, A DISTANCE OF 1977.80' TO THE SOUTH QUARTER CORNER OF SECTION 36, TOWNSHIP 32 SOUTH, RANGE 18 EAST; THENCE N 89°43'45" E, ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 1790.75' TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 93 (I-75) AS PER THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS SECTION 13075-2406; THENCE ALONG SAID WESTERLY THEN NORTHERLY RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES (1) THENCE S 60°36'00" W A DISTANCE OF 1174.69'; (2) THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 3191.07', WITH A RADIUS OF 7813.44', WITH A CHORD BEARING OF S 48°54'06" W, WITH A CHORD LENGTH OF 3168.94', WITH A DELTA ANGLE OF 23°24'00"; (3) THENCE S 37°12'13" W A DISTANCE OF 6622.28'; (4) THENCE N 89°36'41" W A DISTANCE OF 478.10'; (5) THENCE S 78°27'47" W A DISTANCE OF 512.09'; (6) THENCE S 82°16'56" W A DISTANCE OF 398.18' TO THE EAST LINE OF SECTION 10, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE N 00°20'36" W, ALONG SAID EAST LINE OF SECTION 10, A DISTANCE OF 1241.18' TO THE NORTHEAST CORNER OF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE N 89°37'18" W, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1332.07' TO THE NORTHWEST CORNER OF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE S 00°15'16" E, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1302.44' TO THE NORTHERLY RIGHT OF WAY LINE OF BUCKEYE ROAD; THENCE N 89°44'52" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1383.67' TO THE EAST BOUNDARY OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1743, PAGE 4860; THENCE N 01°33'58" E, ALONG SAID EAST BOUNDARY, A DISTANCE OF 773.01' TO THE NORTHERLY BOUNDARY OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1743, PAGE 4860; THENCE S 89°39'11" E, ALONG THE NORTHERLY BOUNDARY OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1743, PAGE 4860, A DISTANCE OF 439.51', TO THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED IN O.R. BOOK 1743, PAGE 4860, AND O.R. BOOK 1692, PAGE 2290, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°26'38" E, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 807.05' TO THE NORTHERLY BOUNDARY OF THOSE LANDS DESCRIBED IN O.R. BOOK 1692, PAGE 2290; THENCE N 89°38'39" W, ALONG SAID NORTHERLY BOUNDARY A DISTANCE OF 141.74' TO THE EASTERLY LINE OF THOSE LANDS DESCRIBED IN O.R. BOOK 1768, PAGE 550 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY BOUNDARY OF THOSE LAND DESCRIBED IN O.R. BOOK 1768, PAGE 550 THE FOLLOWING TWO (2) COURSES, (1) THENCE N 32°22'52" W A DISTANCE OF 542.74'; (2) THENCE N 01°21'05" W A DISTANCE OF 593.37' TO THE SOUTH RIGHT OF WAY LINE OF GRASS FARM ROAD AS RECORDED IN O.R. BOOK 172, PAGE 345 AND O.R. BOOK 172, PAGE 347 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH, EASTERLY AND NORTHERLY, RIGHT OF WAY LINE OF SAID GRASS FARM ROAD THE FOLLOWING SIX (6) COURSES, (1) THENCE S 89°03'31" E, A DISTANCE OF 178.50'; (2) THENCE N 01°30'40" E A DISTANCE OF 33.00'; (3) THENCE N 00°50'13" E A DISTANCE OF 33.00'; (4) THENCE N 89°03'31" W A DISTANCE OF 2436.91'; (5) THENCE N 00°39'32" E A DISTANCE OF 2641.51'; (6) THENCE S 89°56'00" W A DISTANCE OF 66.01' TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE N 00°39'48" E, ALONG THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 2673.19' TO THE NORTHWEST CORNER OF SAID SECTION 3, AND THE POINT OF BEGINNING, HAVING AN AREA OF 67756267.06 SQUARE FEET, 1555.470 ACRES



WATER RESOURCE ASSOCIATES, LLC

7978 Cooper Creek Blvd.
University Park, Florida 34201
Phone: 941.275.9721 Fax: 941.275.9729
www.wraengineering.com LB 8274

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
O.R.B. = OFFICIAL RECORD BOOK
SF = SQUARE FEET
PID = PARCEL IDENTIFICATION NUMBER

Robert S Flanary

Digitally signed by Robert S Flanary
Date: 2021.08.26 14:49:18 -0400

SURVEYORS NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, APPLICABLE ZONE, NAD 83 (2011 ADJUSTMENT) BASES OF BEARING IS THE WEST LINE OF SECTION 2, BEING N01°01'11"E

ROBERT S. FLANARY, P.S.M.
Florida Surveyor's Registration No. 5677

DATE

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REVISION DATE 8/28/21

CDD PARCEL

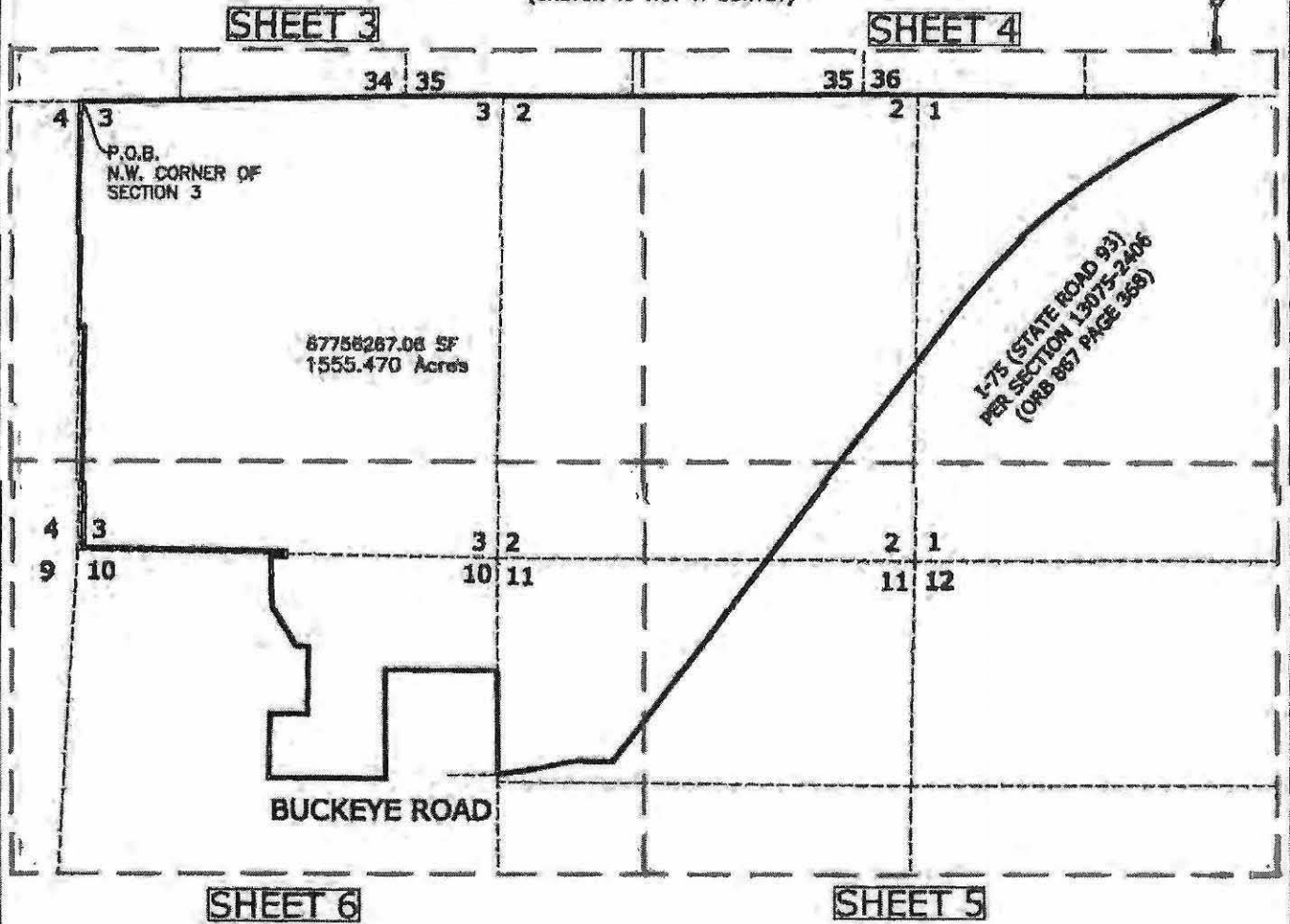
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SKETCH IS NOT A SURVEY

PETITION PAGE 31

EXHIBIT "A"
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A PORTION OF SECTIONS 1, 2, 3, 10, AND 11 TOWNSHIP 33
SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA
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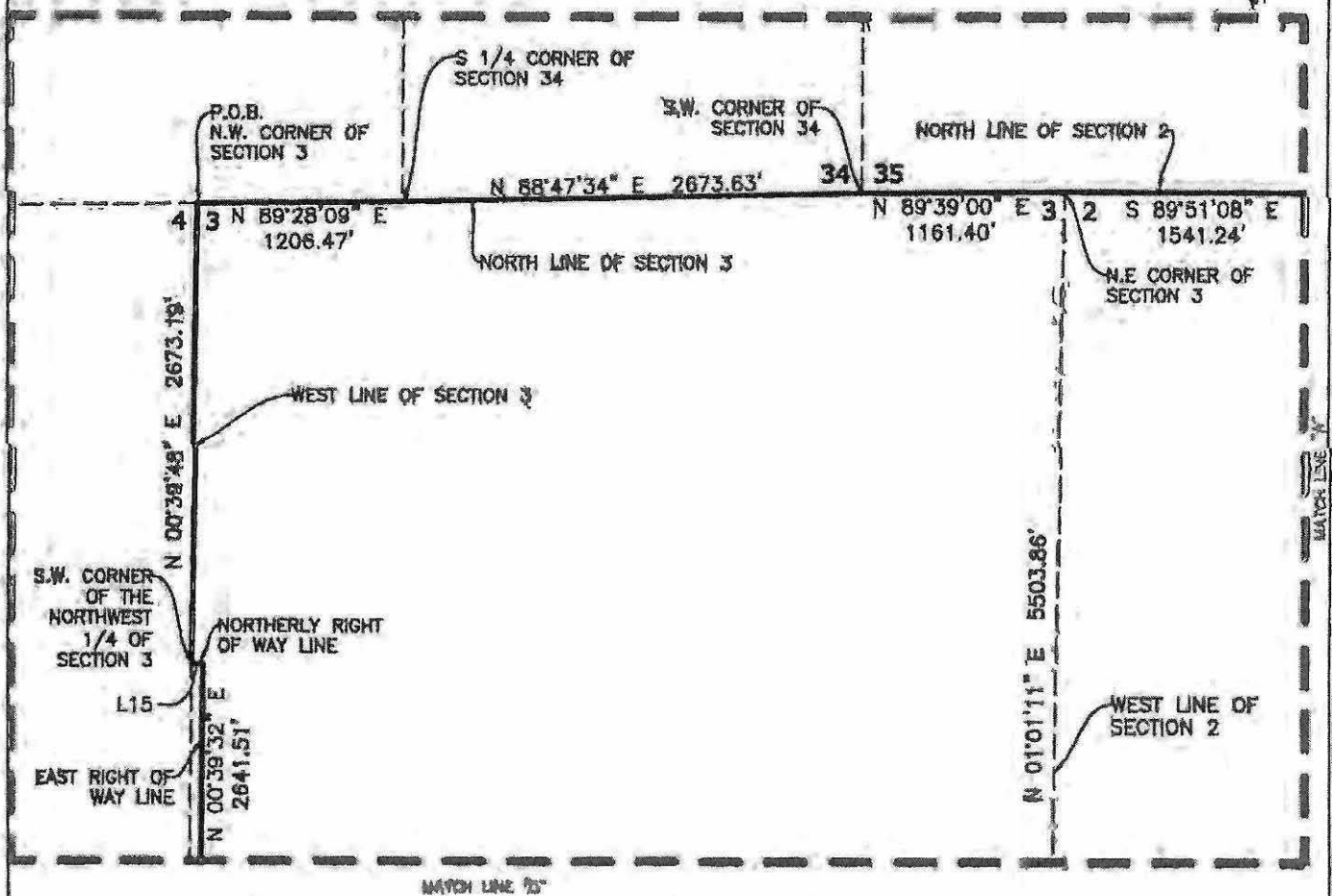
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SKETCH IS NOT A SURVEY				
PETITION PAGE 32				

EXHIBIT "A"
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SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA
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LINE	BEARING	DISTANCE
L15	S 89°56'00" W	66.01'



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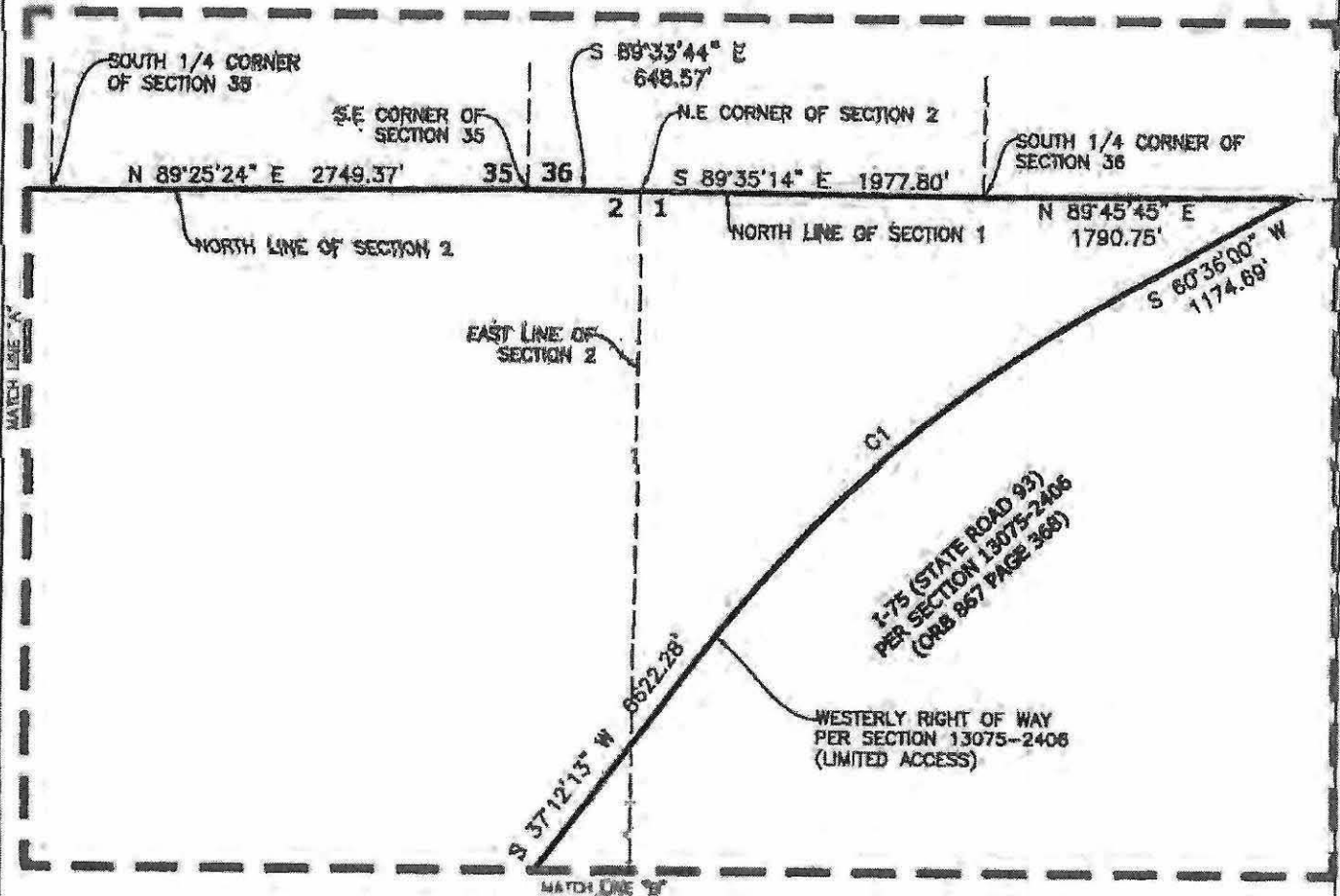
REVISION DATE 8/28/21

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EXHIBIT "A"
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 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA
 (SKETCH IS NOT A SURVEY)



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	3191.07	7813.44	23°24'00"	S 48°54'06" W	3168.94

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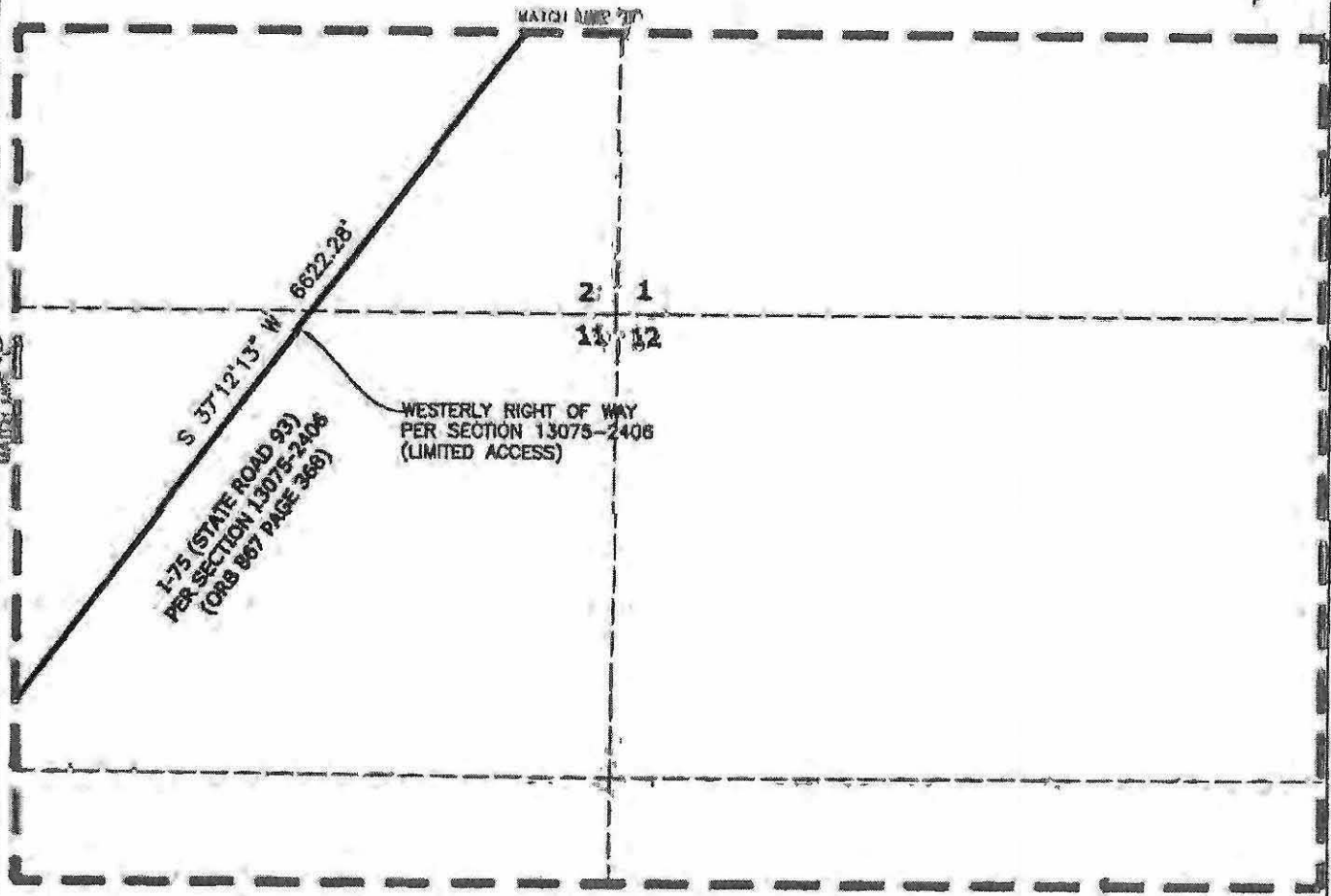
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PETITION PAGE 34

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REVISION DATE 8/26/21

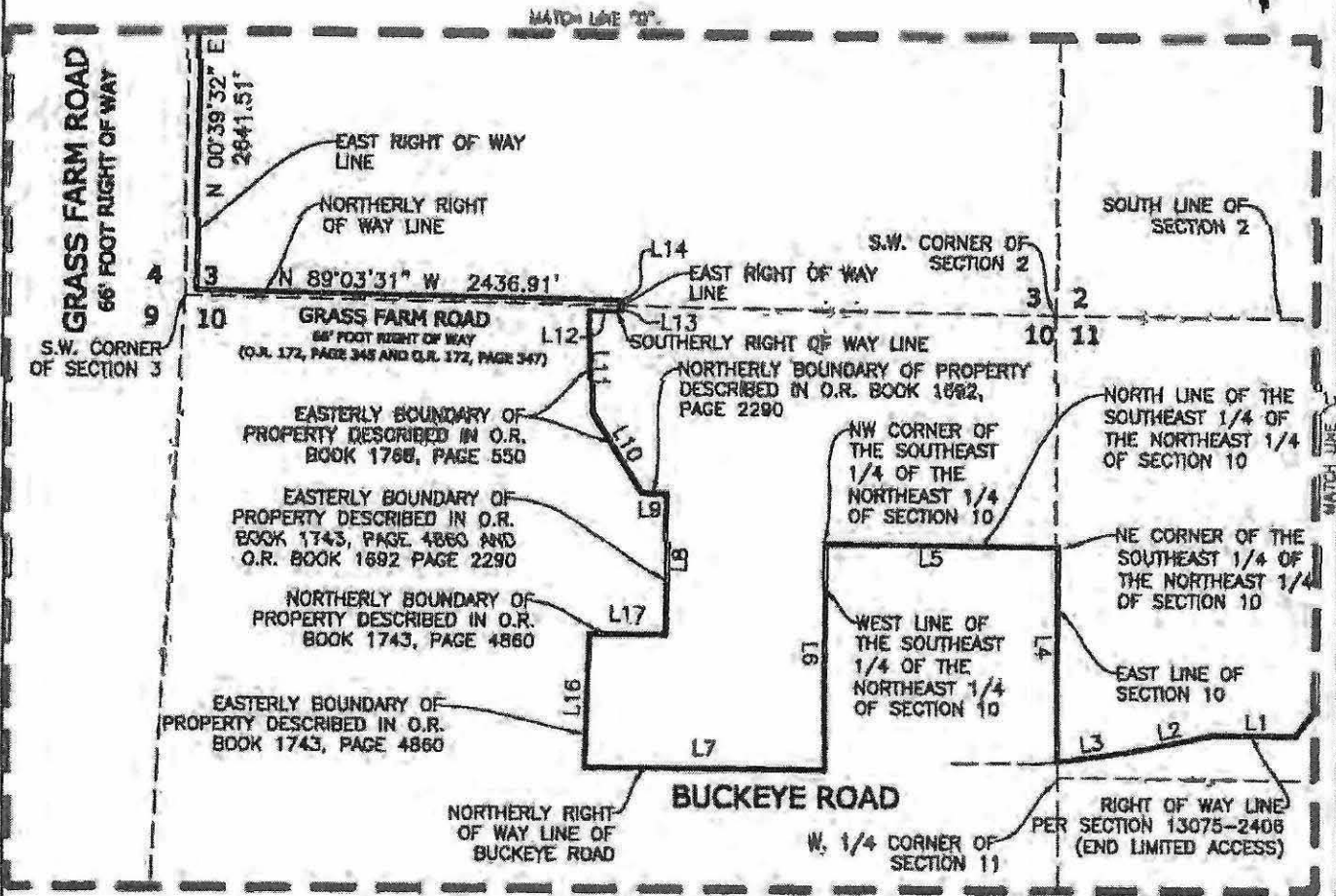
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A PORTION OF SECTIONS 1, 2, 3, 10, AND 11 TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA
(SKETCH IS NOT A SURVEY)



LINE	BEARING	DISTANCE
L1	N 89°36'41" W	478.10'
L2	S 78°27'47" W	512.09'
L3	S 82°16'56" W	398.18'
L4	N 00°20'36" W	1241.18'
L5	N 89°37'18" W	1332.07'
L6	S 00°15'16" E	531.85'
L7	N 89°39'11" W	919.62'
L8	N 00°26'38" E	807.05'
L9	N 89°38'39" W	141.74'
L10	N 32°22'52" W	542.74'
L11	N 01°21'05" W	593.37'
L12	S 89°03'31" E	178.50'
L13	N 01°30'40" E	33.00'
L14	N 00°50'13" E	33.00'

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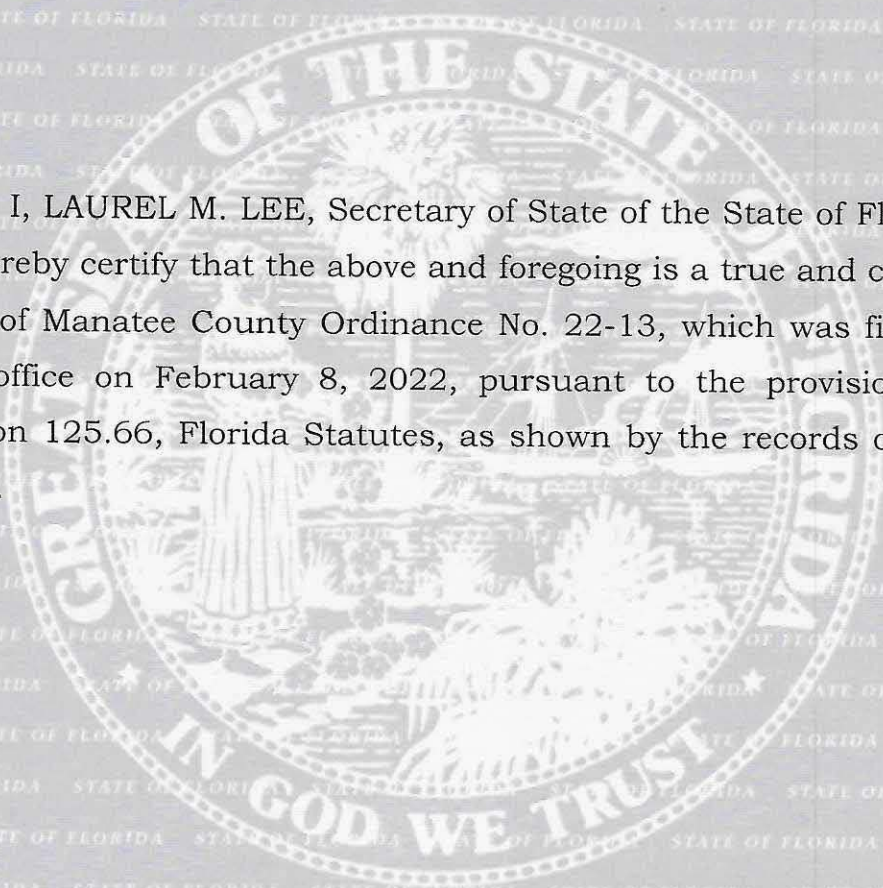
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SKETCH IS NOT A SURVEY		CHECKED	RSF	DATE: 7/28/21
			JOB NUMBER S183B	36

A black and white copy of this document is not official

STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Manatee County Ordinance No. 22-13, which was filed in this office on February 8, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
15th of February, A.D., 2022.



Laurel M Lee
Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.