

ORDINANCE NO. 05-4

AN ORDINANCE ESTABLISHING THE STONEBRIER COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Centex Homes, a Nevada general partnership ("Petitioner") has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Stonebrier 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 26th DAY OF

April _____, 2005 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 in 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 a 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)-(d) and (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 by Section 190.012, Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors: David Ivin, Wilhelm A. Nunn, Beth Bradburn, John Grueter, and Taylor Dudley.

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 April 26, 05, as the same appears of record in Minute Book 347 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 27th day of April, 2005.

APPROVED BY COUNTY ATTORNEY

BY Kenneth C. Poel
Approved as to Form and Legal Sufficiency

PAT COLLIER FRANK, CLERK

By Julene W. Gregory
Deputy Clerk



#1694895v1

GERACI-Hillsborough County

DESCRIPTION: A parcel of land lying in Sections 3, 4, and 10, Township 27 South, Range 18 East, Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at Northwest corner of said Section 3, run thence along the West boundary of the Northwest 1/4 of said Section 3, also being the East boundary of the Northeast 1/4 of said Section 4, S.00°31'14"W., 1146.57 feet; thence along a line lying 1146.54 feet South of and parallel with the North boundary of said Section 3, S.89°02'52"E., 2715.20 feet to a point of curvature; thence Northeasterly, 820.69 feet along the arc of a curve to the left having a radius of 1762.00 feet and a central angle of 26°41'12" (chord bearing N.77°36'32"E., 813.29 feet); thence N.63°04'41"E., 2050.88 feet to a point on aforesaid North boundary of Section 3, said point also being the Southeast corner of Section 34, Township 26 South, Range 18 East, Pasco County, Florida; thence along said North boundary of Section 3, S.87°39'10"E., 169.89 feet to the Northeast corner of said Section 3; thence along the East boundary of the Northeast 1/4 of said Section 3, S.00°20'43"W., 2621.11 feet to the Southeast corner of said Northeast 1/4 of Section 3; thence along the North boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 3, also being in part the North boundary of SHADY LAKE SHORES, according to the map or plat thereof recorded in Plat Book 37, Page 26, of the Public Records of Hillsborough County, Florida, N.89°33'54"W., 1283.10 feet to the Northwest corner of said Northeast 1/4 of the Southeast 1/4 of Section 3, also being the Northwest corner of said SHADY LAKE SHORES; thence along the West boundary of said Northeast 1/4 of the Southeast 1/4 of Section 3, also being in part the West boundary of said SHADY LAKE SHORES, S.01°29'23"W., 1190.76 feet; thence N.89°50'20"W., 705.74 feet; thence along the Northeasterly prolongation of the North boundary of SUNLAKE PARK UNIT No. 1, according to the map or plat thereof recorded in Plat Book 38, Page 51, of the Public Records of Hillsborough County, Florida, S.68°59'40"W., 741.98 feet to the Northeast corner of said SUNLAKE PARK UNIT No. 1; thence along the North boundary of said SUNLAKE PARK UNIT No. 1 the following two (2) courses: 1) continue, S.68°59'40"W., 742.03 feet to a point of curvature; 2) Westerly, 702.14 feet along the arc of a curve to the right having a radius of 2784.91 feet and a central angle of 14°26'44" (chord bearing S.76°13'02"W., 700.28 feet) to the Northwest corner of said SUNLAKE PARK UNIT No. 1; thence along the Westerly boundary of said SUNLAKE PARK UNIT No. 1 the following seven (7) courses: 1) S.06°33'35"E., 314.99 feet to a point on a curve; 2) Easterly, 19.77 feet along the arc of a curve to the left having a radius of 3099.90 feet and a central angle of 00°21'55" (chord bearing N.83°15'27"E., 19.77 feet); 3) S.06°55'31"E., 100.15 feet to a point on a curve; 4) Easterly, 8.75 feet along the arc of a curve to the left having a radius of 3200.05 feet and a central angle of 00°09'24" (chord bearing N.82°59'47"E., 8.75 feet); 5) S.07°05'05"E., 99.79 feet to a point on a curve; 6) Westerly, 19.76 feet along the arc of a curve to the right having a radius of 40.00 feet and a central angle of 28°18'36" (chord bearing N.75°17'54"W., 19.56 feet) to a point of reverse curvature; 7) Southwesterly, 74.28 feet along the arc of a curve to the left having a radius of 40.00 feet and a central angle of 106°24'17" (chord bearing S.65°39'15"W., 64.06 feet); thence along the Easterly boundary of Hillsborough County parcel described in Official Records Book 6340, Page

0381, N.28°22'26"W., 69.20 feet to the Northeasterly corner of said Hillsborough County parcel; thence along the North boundary of said Hillsborough County parcel, N.85°36'42"W., 550.82 feet to the Northwest corner of said Hillsborough County parcel; thence along the West boundary of said Hillsborough County parcel, S.08°27'11"W., 447.61 feet to the Easterlymost corner of HERITAGE HARBOR VILLAGE 17, according to the map or plat thereof recorded in Plat Book 94, Page 13, of the Public Records of Hillsborough County, Florida; thence along the Northerly boundary of said HERITAGE HARBOR VILLAGE 17, as monumented, the following four (4) courses: 1) N.62°00'48"W., 641.21 feet; 2) N.36°40'50"E., 252.69 feet; 3) N.56°19'38"W., 884.06 feet; 4) S.57°37'56"W., 815.48 feet to the Northwesterly corner of said HERITAGE HARBOR VILLAGE 17; thence along the Easterly boundary of HERITAGE HARBOR – PHASE 3C, according to the map or plat thereof recorded in Plat Book 90, Page 49, of the Public Records of Hillsborough County, Florida the following three (3) courses: 1) N.04°02'05"E., 238.22 feet; 2) N.13°16'43"E., 1088.78 feet; 3) N.32°19'28"E., 157.09 feet to a point on a curve, said point being the Northeast corner of PART OF PARCEL "C", of said plat of HERITAGE HARBOR – PHASE 3C; thence along the Southerly, Easterly, and Northerly boundaries of Golf Course Parcel 4, as described in Official Records Book 8514, Page 687, of the Public Records of Hillsborough County, Florida the following seventeen (17) courses: 1) Southerly, 11.31 feet along the arc of a curve to the right having a radius of 480.44 feet and a central angle of 01°20'57" (chord bearing S.08°59'23"E., 11.31 feet); 2) N.82°11'30"E., 138.52 feet; 3) S.76°18'20"E., 94.38 feet; 4) S.61°58'30"E., 165.63 feet; 5) N.29°11'05"E., 259.14 feet; 6) N.77°38'21"E., 281.31 feet; 7) S.21°53'42"E., 250.00 feet; 8) S.56°23'19"E., 864.44 feet; 9) S.75°15'19"E., 102.66 feet; 10) N.53°38'49"E., 388.89 feet; 11) N.58°09'44"W., 354.86 feet; 12) N.43°20'24"W., 507.41 feet; 13) N.22°35'25"W., 795.49 feet; 14) N.68°56'23"W., 224.28 feet; 15) S.21°03'37"W., 329.26 feet to a point of curvature; 16) Southwesterly, 333.95 feet along the arc of a curve to the right having a radius of 329.99 feet and a central angle of 57°58'59" (chord bearing S.50°03'07"W., 319.88 feet) to a point of tangency; 17) S.79°02'36"W., 241.22 feet to a point on the Easterly boundary of HERITAGE HARBOR – PHASE 2C, according to the map or plat thereof recorded in Plat Book 85, Page 91, of the Public Records of Hillsborough County, Florida; thence along said Easterly boundary of HERITAGE HARBOR – PHASE 2C, N.25°17'21"E., 710.56 feet; thence along said Easterly boundary of HERITAGE HARBOR – PHASE 2C, and the Easterly boundary of HERITAGE HARBOR VILLAGE 8 NORTH, according to the map or plat thereof recorded in Plat Book 94, Page 15, of the Public Records of Hillsborough County, Florida, N.22°32'24"W., 1765.72 feet to the Northeast corner of said HERITAGE HARBOR VILLAGE 8 NORTH; thence along the Northerly boundary of said HERITAGE HARBOR VILLAGE 8 NORTH the following two (2) courses: 1) N.89°17'21"W., 561.53 feet; 2) N.00°42'33"E., 68.78 feet to the Northerlymost corner of said HERITAGE HARBOR VILLAGE 8 NORTH; thence continue, N.00°42'33"E., 643.75 feet to a point on the North boundary of aforesaid Section 4; thence along said North boundary of Section 4, S.89°17'41"E., 1416.77 feet to the POINT OF BEGINNING.

Containing 449.667 acres, more or less.

CHC-GH-004
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DAW

September 3, 2003

REVISED
DAW July 1, 2004