#### ORDINANCE NO. 16-04

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION OF THE MANATEE COUNTY CODE 2-8-62 OF ORDINANCES, ENTITLED "BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT." TO ESTABLISH THE BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, TO DESCRIBE THE BOUNDARIES OF THE DISTRICT, TO NAME THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT, AND TO CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT 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, Subsection 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 1,000 acres in size; and

WHEREAS, North Manatee Investment, LLC (Petitioner), has filed a petition with the Manatee County Board of County Commissioners (Board) to adopt an ordinance establishing the Brookstone Community Development District (District) pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is the owner of approximately 444.58 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 Paragraphs 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 Paragraphs 190.005(2)(c) and 190.005(1)(e), Florida Statutes, as amended, in making its 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, Paragraph 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 Subsection 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 listed in Paragraph 190.012(2)(a), 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. <u>Legislative findings.</u> 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. <u>Authority</u>. This Ordinance is adopted pursuant to Subsection 190.005(2), Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. <u>Intent and Purpose</u>. It is the intent and purpose of this Ordinance to establish the Brookstone 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 of County Commissioners 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. <u>Creation of Section 2-8-62 of Manatee County Code of Ordinances.</u> Section of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:

Sec. 2-8-62. Brookstone Community Development District.

(a) <u>Establishment. The Brookstone Community Development District is</u> 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 "A".

(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) Brooke Pelsh
- (2) Mark Evans
- (3) Priscilla Heim
- (4) Maryann Grgic
- (5) Eddie Gaudette

(d) Special powers. Pursuant to Paragraph 190.005(2)(d) and Subsection 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). 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-detection 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 generalpurpose government agencies for an increased level of such services within the District boundaries.

Section 5. <u>Codification</u>. 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. 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 7. <u>Effective date.</u> 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.

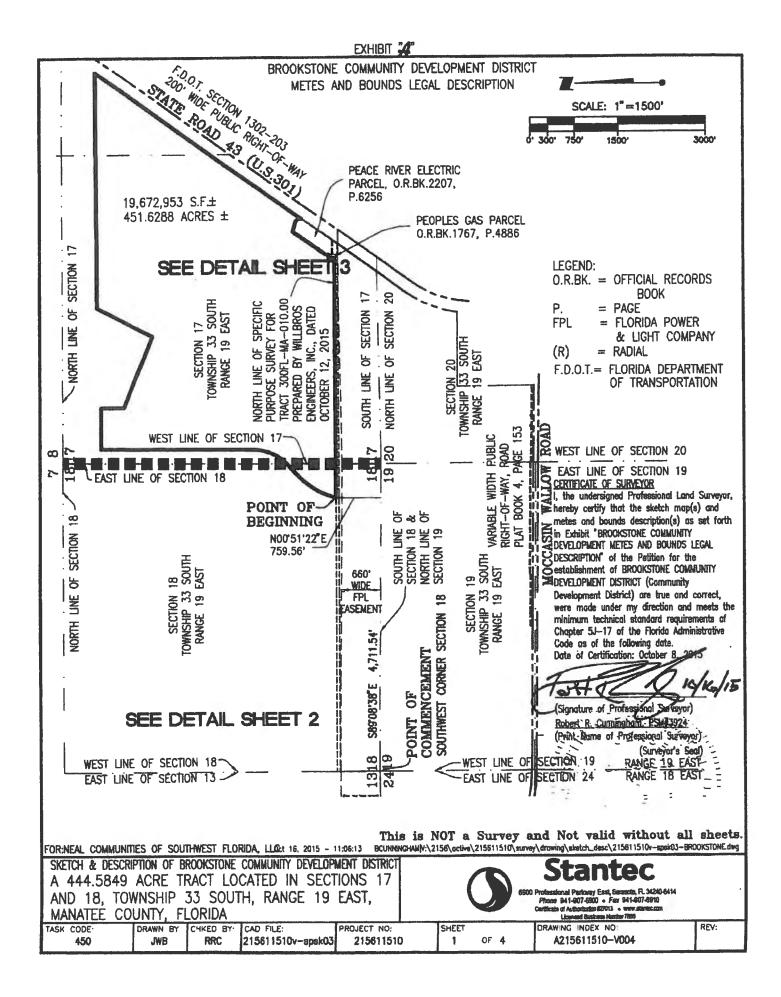
PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this  $\frac{3}{2}$  day of \_\_\_\_\_\_, 2016.

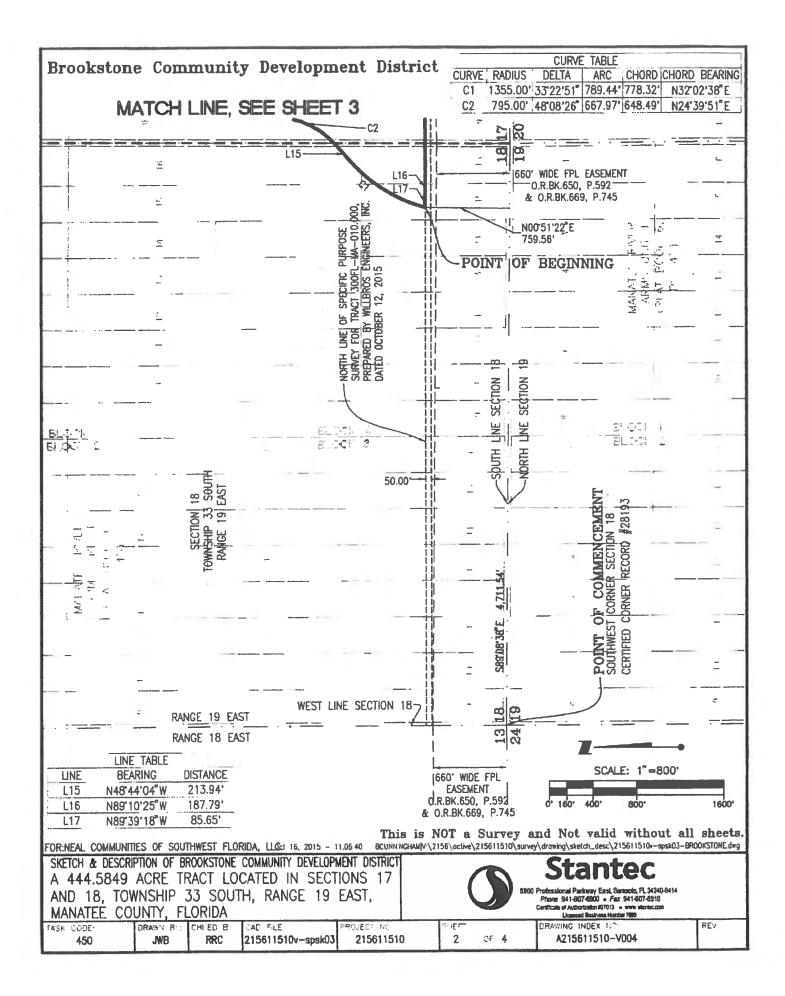
BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA By: Chairperson

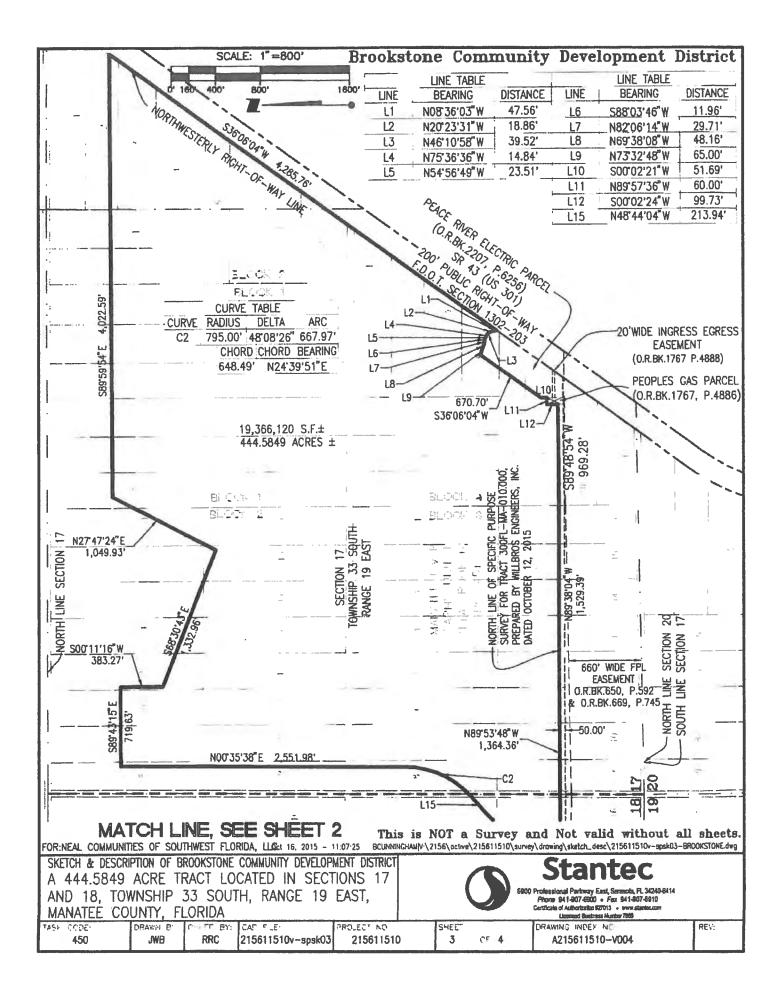
ATTEST: ANGELINA COLONESSO CORDA CLERK OF THE CIRCUIT COURT AND COMPTROLLER

At DC By:

Deputy Clerk







### Brookstone Community Development District

Description (Prepared by the signing Surveyor & Mapper)

A tract of land lying in Blocks 1, 2, 3 & 4, of Section 17, Township 33 South, Range 18 East and Block 4, Section 18, Township 33 South, Range 18 East, Manatee River Farms, Unit 1, as recorded in Plat Book 6, Page 45, in the Public Records of Manatee County, Florida and described as follows:

Commence at the southwest corner of said Section 18; thence S.8908'38"E., along the south line of said Section 18. a distance of 4,711.54 feet; thence N.00'51'22"E., a distance of 759.56 feet to the POINT OF BEGINNING, said point also being the point of curvature of a curve to the right having a radius of 1,355.00 feet and a central angle of 33'22'51"; thence northeasterly along the arc of said curve, a distance of 789.44 feet, said curve having a chord bearing and distance of N.32°02'38"E., 778.32 feet to the point of tangency of said curve; thence N.48'44'04"E., a distance of 213.94 feet to the point of curvature of a curve to the left having a radius of 795.00 feet and a central angle of 48'08'26"; thence northeasterly along the arc of said curve, a distance of 667.97 feet to the point of tangency of said curve; thence N.00°35'38"E., a distance of 2,551.98 feet; thence S.89°43'15"E., a distance of 719.63 feet; thence S.00'11'16"W., a distance of 383.27 feet; thence S.68'30'43"E., a distance of 1,332.96 feet; thence N.27'47'24"E., a distance of 1,049.93 feet; thence S.89'59'54"E., a distance of 4,022.59 feet to a point on the northwesterly right-of-way line of State Road 43 (U.S.301, 200 foot wide public right-of-way) as recorded with the Florida Department of Transportation for S.R.43 Section 1302-203; thence S.36'06'04"W., along said northwesterly right—of—way line, a distance of 4,285.76 feet to a point on a parcel as described in Official Records Book 2207, Page 6256, said Public Records; thence along the northerly and westerly lines of said parcel for the following eleven (11) calls; (1) thence N.08'36'03"W., a distance of 47.56 feet; (2) thence N.20'23'31"W., a distance of 18.86 feet; (3) thence N.46°10'58"W., a distance of 39.52 feet; (4) thence N.75°36'36"W., a distance of 14.84 feet; (5) thence N.54\*56'49"W., a distance of 23.51 feet; (6) thence S.88\*03'46"W., a distance of 11.96 feet; (7) thence N.82'06'14"W., a distance of 29.71 feet; (8) thence N.69'38'08"W., a distance of 48.16 feet; (9) thence N.73\*32'48"W., a distance of 65.00 feet; (10) thence S.36'06'04"W., a distance of 670.70 feet; (11) thence S.00°02'21"W., a distance of 51.69 feet to a point on the north line of parcel deeded to Peoples Gas System, per Warranty Deed dated August 18th, 2002 and recorded in Official Record Book 1767, Page 4886, said corner being marked by a 5/8" iron rod; thence N89'57'36"W, along the northerly line of said parcel, a distance of 60.00 feet, to the north west corner of said parcel, as marked by a 5/8" iron rod; thence S00"02'24"W., along the westerly line of said parcel, a distance of 99.73 feet; the following five (5) calls are along the northerly line of a Specific Purpose Survey for Tract 300FL-MA-010.000, prepared by Willbros Engineers, Inc., and dated October 12, 2015; thence S.89'48'54"W., a distance of 969.28 feet; thence N.89'38'04"W., a distance of 1,529.39 feet; thence N.89°53'48"W., a distance of 1,364.36 feet; thence N.89°10'25"W., a distance of 187.79 feet; thence N.89°39'18"W., a distance of 85.65 feet to the POINT OF BEGINNING.

Said tract containing 19,366,120 square feet or 444.5849 acres, more or less.

NOTES: 1. 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. 2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST LINE OF SECTION 18, BEING N.00708'15"E. 3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY. This is NOT a Survey and Not valid without all sheet	te
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SKETCH & DESCRIPTION OF BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT	
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AND 18, TOWNSHIP 33 SOUTH, RANGE 19 EAST, 5000 Professional Parkway East Samanda, FL 30240-8414	
MANATEE COUNTY, FLORIDA	
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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Chapter 190, Florida Statutes, that the Manatee County Board of County Commissioners will hold a Public Hearing on January 26, 2016, at 9:00 a.m. (or as soon thereafter as may be heard) in the Commission Chambers, located on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider and act upon the following request made by North Manatee Investment, LLC, a Florida limited liability company (Petitioner):

#### ORDINANCE NO. 16-04

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2.8.62 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE BROOKSTONE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBE THE BOUNDARIES OF THE DISTRICT, NAME THE INITIAL MEMBERS OF THE DOARD OF SUPERVISORS FOR THE DISTRICT, AND CONSENT TO THE EXERCISE OF CERTAIN SPECIAL POWERS BY THE DISTRICT BOARD OF SUPERVISORS PURSUANT TO SUBSECTION 190.012(2), FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed Brookstone Community Development District, comprising approximately 444.58 acres, is located on west side of US 301 North approximately one-half mile north of Moccasin Wallow Road in the Parrish area in Manatee County. The site is undeveloped at the present time, however, the proposed Community Development District would be located within an area that is anticipated to include 1,999 residential dwelling units consisting of single-family, single-family semidetached residences and single-family attached residences, 40,000 square feet of commercial space, 20,000 square feet of office space, and recreational facilities. The total development (PDMU-13-37 – Villages of Amazon South) would be located within the proposed Brookstone Community Development District and the adjoining Fieldstone Community Development District (CDD-14-02).

All interested parties are invited to appear at this hearing and be heard, subject to the proper rules of conduct. Additionally, any comments filed with the Director of the Building and Development Services Department will be considered by the Board of County Commissioners and entered into the record. Copies of the proposed ordinance, the petition and other information regarding the petition are available for public inspection from 8:00 a.m. to 5:00 p.m. Monday through Friday at the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida. Interested parties may obtain assistance regarding this matter by calling (941)749-3070 during normal business hours.

In accordance with Section 286.0105, Florida Statutes, if any person decides to appeal any decision made with respect to any matters considered at such meeting or hearing, that person will need a record of the proceedings, and, for such purpose, that person may need to assure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA should contact Kaycee Ellis at (941)742-5800; TDD ONLY (941)742-5802 and wait 60 seconds; or FAX (941)745-3790.

## SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS Manatee County Building and Development Services Department Manatee County, Florida



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## **BRADENTON HERALD**

WWW.BRADENTON.COM P.O. Box 921 Bradenton, FL 34206-0921 102 Manatee Avenue West Bradenton, FL 34205-8894 941-745-7066

> Bradenton Herald Published Daily Bradenton, Manatee County, Florida

#### STATE OF FLORIDA COUNTY OF MANATEE

Before the undersigned authority personally appeared Dava Reyes, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Notice of Public Hearing. Ordinance No. 16-04, was published in said newspaper in the issue(s) of 12/31/2015, 01/07/2015, 01/14/2015, & 1/21/2016. Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper;

(Signature of Affiant)

Sworn to and subscribed before me this Day of <u>Jac</u>, 2016



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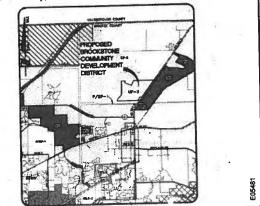
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MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS Manatee County Building and Development Services Department

Manatee County, Florida





FLORIDA DEPARTMENT Of STATE

**RICK SCOTT** Governor **KEN DETZNER** Secretary of State

January 28, 2016

Honorable Angelina Colonneso Clerk of the Circuit Court Manatee County Post Office Box 25400 Bradenton, Florida 34206

Attention: Robin Toth, Board Records Deputy Clerk

Dear Ms. Colonneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 16-04, which was filed in this office on January 28, 2016.

Sincerely,

Ernest L. Reddick Program Administrator

ELR/lb

From:	ords@municode.com
To:	robert.eschenfelder@mymanatee.org; Robin Toth
Subject:	Manatee County, FL Code of Ordinances - 1981(10428) Supplement 98
Date:	Thursday, February 04, 2016 9:58:58 AM
Attachments:	ATT00001.bin
	ATT00002.bin

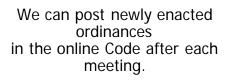
### \*\*\*\*THIS IS AN AUTOMATICALLY GENERATED EMAIL\*\*\*\*

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 98

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 16-03	1/7/2016	1/12/2016	Word
Ordinance No. 16-04	1/26/2016	2/2/2016	PDF



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



26

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.