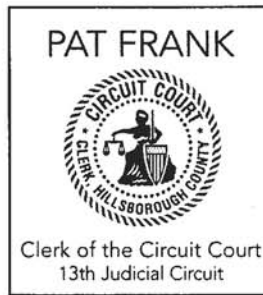


ORDINANCE

13-7

March 14, 2013



Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027

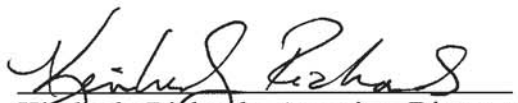
Re: Ordinance #13-7
Establishing the Park Creek Community Development District (CDD)

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #13-7 which was adopted by the Board of County Commissioners on March 5, 2013. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of March 6, 2013.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,


Kimberly Richards, Associate Director
BOCC Records/VAB

bam

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Debra A. Cole, Hillsborough County Sheriff's Office
Aracelis Chapman, Library Services
Nancy Takemori, Assistant County Attorney
Paige Ward, County Attorney's Office
Mary Mahoney, Business Services
Robert Mason, Director of Finance, Tax Collector's Office
Patricia Williams, Tax Collector's Office
Christopher Weiss, Property Appraiser's Office
Tracy Torres, Property Appraiser's Office
John Healey, Development Services Department
Nancy Milam, County Attorney's Office
Sharon Sweet, BOCC Records



Agenda Item Cover Sheet

Agenda Item N° E-5

Meeting Date March 5, 2013

☐ Consent Section ☐ Regular Section ☒ Public Hearing


Subject: CDD 13-0106 PETITION TO ESTABLISH PARK CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD)


Agency/Department, Team: Development Services Department, Community Development Section

Contact Person: John E. Healey, AICP


Contact Phone: 276.8393

Sign-Off Approvals

 2-22-13
Deputy County Administrator Date

 2-22-13
Department Director Date

 2/22/13
Business and Surveys Services - Approved as to Financial Impact Accuracy Date

 2/21/13
County Attorney - Approved as to Legal Sufficiency Date

STAFF'S RECOMMENDED BOARD MOTION

Establish the Park Creek Community Development District (CDD) in accordance with the attached ordinance subject to any changes by the County Attorney's Office. No direct financial impact to the County will occur as a result of this petition. Of the total \$14,355,100 budgeted for development costs, approximately \$12,505,100 (or about 87% of the construction budget) would be eligible for CDD financing. However, the Petitioner intends to finance only \$2,836,164, or about 23%, of the eligible development costs with CDD Bonds. Owners' equity and the net cash generated from lot sales will be used to fund the balance of the improvements. Annual assessments will range from \$450 to \$2000 and will vary with the lot size. The average annual assessment is projected to be approximately \$1,123.

FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition. Of the total \$12,505,100 of estimated eligible infrastructure costs, approximately 77% (\$9,668,936) will be funded by owner's equity and the net cash generated from lot sales. The remaining 23% (\$2,836,164) of the estimated eligible infrastructure costs will be funded by the issuance of long-term district bonds that will be paid with annual homeowner assessments ranging from \$450 to \$2,000, depending on the lot size of each home, with a projected average cost of \$1,123 per unit. The proposed development consists of 147 townhomes and 252 single family homes on lots ranging from 50 feet to 100 feet in width.

BACKGROUND

On November 15, 2012, Dune FL Land I Sub, LLC, petitioned Hillsborough County to establish the Park Creek Community Development District (CDD). The applicant's representative is Mark K. Straley, Straley & Robin. The ±109-acre site is generally located south of Tucker Jones Road and west of U.S. 301.

List Attachments: A) Location Map, B) Subdivision Plan, C) Zoning Map, D) Draft Ordinance



Agenda Item Cover Sheet

Agenda Item N^o _____

Meeting Date March 5, 2013

☐ Consent Section ☐ Regular Section ☒ Public Hearing

Subject: CDD 13-0106 PETITION TO ESTABLISH PARK CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD)

Agency/Department, Team: Development Services Department, Community Development Section

Contact Person: John E. Healey, AICP

Contact Phone: 276.8393

Sign-Off Approvals

Deputy County Administrator

Date

Department Director

Date

Business and Support Services - Approval as to Financial Impact Accuracy

Date

County Attorney - Approval as to Legal Sufficiency

Date

STAFF'S RECOMMENDED BOARD MOTION

Establish the Park Creek Community Development District (CDD) in accordance with the attached ordinance subject to any changes by the County Attorney's Office. No direct financial impact to the County will occur as a result of this petition. Of the total \$14,355,100 budgeted for development costs, approximately \$12,505,100 (or about 87% of the construction budget) would be eligible for CDD financing. However, the Petitioner intends to finance only \$2,836,164, or about 23%, of the eligible development costs with CDD Bonds. Owners' equity and the net cash generated from lot sales will be used to fund the balance of the improvements. Annual assessments will range from \$450 to \$2000 and will vary with the lot size. The average annual assessment is projected to be approximately \$1,123.

FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition. Of the total \$12,505,100 of estimated eligible infrastructure costs, approximately 77% (\$9,668,936) will be funded by owner's equity and the net cash generated from lot sales. The remaining 23% (\$2,836,164) of the estimated eligible infrastructure costs will be funded by the issuance of long-term district bonds that will be paid with annual homeowner assessments ranging from \$450 to \$2,000, depending on the lot size of each home, with a projected average cost of \$1,123 per unit. The proposed development consists of 147 townhomes and 252 single family homes on lots ranging from 50 feet to 100 feet in width.

BACKGROUND

On November 15, 2012, Dune FL Land I Sub, LLC, petitioned Hillsborough County to establish the Park Creek Community Development District (CDD). The applicant's representative is Mark K. Straley, Straley & Robin. The ±109-acre site is generally located south of Tucker Jones Road and west of U.S. 301.

List Attachments: A) Location Map, B) Subdivision Plan, C) Zoning Map, D) Draft Ordinance

BACKGROUND - Continued:

The Park Creek CDD is comprised of three zoning districts; Planned Development PD 99-0338 last modified by Personal Appearance (PRS) 02-0715, PD 05-1948 and PD 05-2168. These zoning districts are approved for the following:

- PD 99-0338/PRS 02-0175 – This PD is approved for a maximum of 600 single-family detached dwelling units. However, only ± 9 acres of this PD are within the proposed Park Creek CDD. It is currently vacant and has approved access to the adjacent property to the north, which is the property zoned PD 05-2168. The access point was approved in order to allow the parcel to be developed as part of the adjacent residential project to the north.
- PD 05-2168 – This PD is approved for a maximum of 248 single-family units. The zoning conditions provide for a unified master development plan with the parcels to the east which are within PD 05-1948.
- PD 05-1948 – This PD is approved for a maximum of 150 townhome units and a maximum of 20,000 square feet of Commercial Neighborhood (CN) and Business Professional Office (BPO) uses. CN uses are not to exceed 12,000 square feet and fast-food restaurants, convenience stores with gas and car washes are not permitted.

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate, and maintain community-wide infrastructure in large, planned community developments. A CDD is not a substitute for the local general purpose government unit, i.e. the City or County in which the CDD lies. A CDD lacks the powers of permitting, zoning, police, and many other authorities possessed by the general purpose governments.

The intent of the Petitioner is to use a mix of long-term CDD bonds, cash on hand, and equity to fund construction of infrastructure improvements. There are no plans to issue short-term CDD bonds; short-term CDD bonds are repaid by the developer. Long-term CDD bonds are repaid (over a period of 30 years) via annual assessments levied on the landowner; the developer bears no responsibility for repayment of long-term CDD debt assessed on land owned by others. Therefore, it is anticipated that 100% of CDD bonds issued will be repaid via landowner assessments. Of the total budgeted \$14,355,100 budgeted for development costs, approximately \$12,505,100 (or about 87% of the construction budget) would be eligible for CDD financing. However, in order to keep homeowner assessments competitive with other CDD communities in the surrounding area, the Petitioner intends to finance only \$2,836,164, or about 23%, of the eligible development costs with CDD Bonds. Owners' equity and the net cash generated from lot sales will be used to fund the balance of the improvements. Annual assessments will range from \$450 to \$2000 and will vary with the lot size. The average annual assessment is projected to be approximately \$1,123. A complete CDD financing summary is shown below.

Projected Inflows from Issuance of Bonds:	
Bond Proceeds (equal to the issuance amount)	\$4,044,872
Projected Uses of Funds Received:	
Construction of Infrastructure Improvements (1)	\$2,836,164
Capitalized Interest (for 24 months)	626,955
Debt Service Reserve Fund (8.67% of the issuance amount)	350,855
Underwriter's Discount (2% of the issuance amount)	80,898
Cost of Issuance	150,000
Total Projected Uses of Bond Proceeds	\$4,044,872

- (1) Infrastructure improvements eligible for CDD funding include the following items that will be constructed in two phases from 2013 – 2020. Bond proceeds may be used for the construction of any of these items.

<u>Description</u>	<u>Total Budget</u>
Engineering Design, Permitting, Surveying, Testing	\$1,261,000
Earthwork	2,879,400
Roads and Paving	2,298,150

<u>Description</u>	<u>Total Budget</u>
Potable Water	736,525
Sanitary Sewer	996,475
Storm Drainage	1,299,750
Dry Utilities Trenching	356,700
Offsite Road and Utilities	1,032,500
Landscaping/Irrigation/Hardscape/Recreation	1,145,400
Contingency for Construction of Improvements	499,200
Total Eligible Improvements	\$12,505,100

BACKGROUND - Continued:**Proposed Facilities Ownership and Maintenance**

	<u>Construction Funded By</u>	<u>Ownership</u>	<u>Operation and Maintenance</u>
Earthwork	CDD		
Roads & Paving	CDD	County	County
Offsite Road & Utilities	CDD	County	County
Potable Water	CDD	County	County
Sanitary Sewer	CDD	County	County
Drainage Storm	CDD	CDD	CDD
Security/Landscaping/Hardscape	CDD	CDD	CDD
Recreational Facilities	CDD	CDD	CDD
Dry Utilities Trenching	CDD		

The District will be managed by District Supervisors selected by qualified electors of the District. The initial Board of Supervisors includes Michael Lawson, Doug Draper, Greg Singleton, Tony Brannan, and Ted Sanders. The District landowners control the entity which provides services and levies the funds to pay for these services. In accordance with 190.006, F.S., the residents of the District will begin to assume control of the CDD commencing six years after the initial appointment of the CDD board by the landowners. The County and its citizens are not involved in the management or financial responsibilities of the District. The applicant has provided a deed documenting that 100 percent of the real property included in the CDD is in their control, as required by Chapter 190, F.S.

A CDD is an independent special-purpose, local government taxing district authorized by Chapter 190, F.S. (Uniform Community Development Act of 1980, Section 190.002(1)a F.S.). The Uniform Community Development Act requires a public hearing on the petitioned request.

A petition for the establishment of a CDD shall contain the following information:

- 1) A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.
- 2) The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(13), the written consent by such governmental entity.
- 3) A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.
- 4) The proposed name of the district.
- 5) A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.
- 6) Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but shall not be binding and may be subject to change.
- 7) A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act.
- 8) A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

The above information was received by Hillsborough County and was made part of the review for the proposed CDD.

BACKGROUND - Continued:

Chapter 190, F.S., establishes six criteria that a petition must meet to merit approval for the establishment of a CDD. The six requirements include:

- 1) That all statements contained within the petition have been found to be true and correct.
- 2) That the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the effective local government comprehensive plan.
- 3) That the land area within the proposed district is of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functional, interrelated community.
- 4) That the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District.
- 5) That the proposed services and facilities to be provided by the District are not incompatible with the capacity and uses of existing local and regional community development district services and facilities.
- 6) That the area proposed to be included in the District is amenable to separate special district government.

Review Performed by County

The proposed district has been reviewed by County Attorney's Office, Business & Support Services Department, Development Services Department, Transportation Review Section, Transportation Maintenance Division, Public Works Department, Real Estate Services and Geomatics Department, and Public Utilities Department. No objections to the proposed CDD were raised.

Staff from the Business and Support Services department met with representatives of the petitioner and conducted a financial review of the CDD application and, based on the information presented, has no concerns regarding the financial health of the petitioner. This review evaluated 1) the financial capacity of the petitioner and related corporate entities responsible for the development and operation of the CDD, and 2) the plan of finance for the CDD, including the issuance of bonds to finance eligible infrastructure. This review did not include determining the reasonableness of estimated infrastructure costs and does not guarantee success of the project. Project financials reviewed were based on planned or anticipated performance rather than actual results, and as with any plan or strategy, some amount of risk is inherent and cannot be mitigated away.

Review Performed by the District's Financial Consultant

The financial consultant engaged by the petitioner completed a feasibility study and performed certain other financial analysis in order to evaluate the probability of success of the project. The County reviewed the results and had no concerns regarding them; however, the fiduciary responsibility for this information lies with the Petitioner and its finance team rather than with the County.

Role of the Underwriter

The underwriter will find investors to purchase the bonds issued by the CDD. The underwriter will determine the target investor market based on the qualities inherent to these bonds.

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate and maintain community-wide infrastructure in large, planned community developments. As stated in 190.002, F.S., the Legislature found that "an independent district can constitute a timely, efficient, effective, responsive and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers."

As an independent special district, the governing body of the CDD establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose government entity whose boundaries include the CDD. The District landowners control the entity which provides services and levies the funds to pay for them.

The creation of this District will require the County to review the CDD's budget when it is submitted for informational purposes annually. The creation of the District does not impact the ad valorem taxing authority of the County, nor does the County incur any obligation for the debt payments of the District, pursuant to the provisions of Section 190.002(3) F.S.

Based on the information contained in this petition, staff finds that the petition meets the six criteria contained in Chapter 190, F.S., for the establishment of a CDD.

ORDINANCE NO. 13-7

AN ORDINANCE ESTABLISHING THE PARK CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dune FL Land I Sub, LLC, a Delaware limited liability company ("Petitioner") has filed a Petition with Hillsborough County requesting that the Board of County Commissioners of Hillsborough County ("County") adopt an ordinance establishing the Park Creek 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 5TH DAY OF MARCH, 2013 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 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 the Park Creek 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) & (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 under Section 190.012(1), (2)(a), (d) and (f), Fla. Stat.

SECTION 4. INITIAL BOARD. The following five persons are designated as the initial members of the Board of Supervisors: Michael Lawson, Doug Draper, Greg Singleton, Tony Brannan and Ted Sanders.

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 March 5, 2013, as the same appears of record in Minute Book 442 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th day of March, 2013.

PAT COLLIER FRANK, CLERK

By:

Micaela K. Ditt

Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: [Signature]
Approved as to Form and Legal Sufficiency

Exhibit "A"

DESCRIPTION OF PARK CREEK CDD

A parcel or tract of land lying within a portion of Government Lot 8 in Section 31, Township 30 South, Range 20 East, AND a portion of the North 1/2 of the Southwest 1/4 of Section 32, Township 30 South, Range 20 East AND Lots 1 & 2 of ELKTON SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 7, Page 61, Public Records of Hillsborough County, Florida, said plat lying within Section 6, Township 31 South, Range 20 East, all in Hillsborough County, Florida, being more particularly described as follows: For a Point of Reference commence at the Northwest corner of said Government Lot 8, and proceed S 00°19'36" W, along the West boundary of said Government Lot 8, a distance of 657.49 feet (657.46 feet deed) for a POINT OF BEGINNING; thence S 89°35'12" E, a distance of 199.81 feet (200 feet deed); thence N 00°19'49" E, a distance of 627.00 feet to a point on the Southerly maintained right-of-way line of Tucker Jones Road; thence N 89°30'33" E, along said Southerly maintained right-of-way line, a distance of 906.99 feet to a point lying 210 feet West of the East boundary of the Northeast 1/4 of the Southeast 1/4 of said Section 31; thence S 01°05'23" W, a distance of 516.00 feet; thence S 89°37'39" E, a distance of 210.02 feet (210 feet deed) to a point on the East boundary of said Government Lot 8; thence S 01°04'33" W, along said East boundary, a distance of 4.06 feet; thence S 89°54'38" E, a distance of 337.84 feet; thence N 01°05'32" E, a distance of 525.84 feet to a point on the Southerly maintained right-of-way line of Tucker Jones Road; thence N 89°39'15" E, along said Southerly maintained right-of-way line, a distance of 1002.00 feet; thence S 09°05'57" W, a distance of 275.73 feet; thence S 09°27'29" W, a distance of 265.01 feet; thence S 89°53'02" E, a distance of 210.00 feet to a point on the Westerly right-of-way line of US Highway 301; thence S 09°24'13" W, along said Westerly right-of-way line, a distance of 109.48 feet to a point on that certain parcel recorded in Official Records Book 17299, Page 620 of the Public Records of Hillsborough County, Florida; thence along said parcel the following eight (8) courses: 1) S 81°39'18" W, a distance of 295.90 feet; 2) N 00°00'29" E, a distance of 40.90 feet; 3) S 80°21'04" W, a distance of 50.72 feet; 4) S 00°00'29" W, a distance of 39.73 feet; 5) S 81°39'18" W, a distance of 109.54 feet; 6) S 43°01'07" W, a distance of 86.24 feet; 7) S 11°31'55" E, a distance of 275.69 feet; 8) S 89°51'46" E, a distance of 388.58 feet to a point on the aforementioned Westerly right-of-way line of US Highway 301; thence S 09°24'13" W, along said Westerly right-of-way line, a distance of 101.33 feet to a point on the South boundary of the North 1/2 of the Southwest 1/4 of said Section 32; thence N 89°51'06" W, along said South boundary, a distance of 1383.37 feet to Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 32 and the East boundary of said Government Lot 8; thence S 01°04'33" W, along the East boundary of said Government Lot 8, a distance of 1146.25 feet to the Southeast corner of said Government Lot 8; thence N 89°31'02" W, along the South boundary of said Government Lot 8, a distance of 14.90 feet to a point on a Northerly projection of the East boundary of Lot 1 of Elkton Subdivision; thence S 00°58'02" W, along said Northerly projection and the East boundary of said Lot 1, a distance of 664.80 feet to the Southeast corner of said Lot 1; thence N 89°20'19" W, along the South boundary of said Lot 1, a distance of 625.02 feet to the Southeast corner of Lot 2 of said Elkton Subdivision; thence N 89°23'36" W, along the South boundary of said Lot 2, a distance of 640.19 feet to the Southwest corner of said Lot 2; thence N 00°31'59" E, along the West boundary of said Lot 2 and the West boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 6, a distance of 646.84 feet to the Northwest corner of said Lot 2; thence N 00°48'20" E, a distance of 14.60 feet to the Southwest corner of said Government Lot 8; thence N 00°15'43" E, along the West boundary of said Government Lot 8, a distance of 1630.75 feet to the POINT OF BEGINNING. The parcel of land described above containing 109.481 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 6, 2013

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
Post Office Box 1110
Tampa, Florida 33601-1110

Attention: Ms. Kimberly Richards, Associate Director, BOCC Records/VAB

Dear Mr. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 5, 2013 and certified copies of Hillsborough County Ordinance Nos. 13-7 and 13-8, which were filed in this office on March 6, 2013.

Sincerely,

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

Liz Cloud
Program Administrator

LC/elr

RECEIVED
2013 MAR 14 AM 10:40
CLERK TO
THE BOARD (A)

The Times
Published Daily

Tampa, Hillsborough County, Florida

STATE OF FLORIDA
COUNTY OF Hillsborough

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **The Times**, an edition of the **Tampa Bay Times** a daily newspaper published at Tampa, in Hillsborough County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: PARK CREEK CDD HEARING HILLSBOROUGH COMMISSIONERS BY STRALEY & ROBIN** was published in said newspaper in the issues of **Tampa & State**, 2/4/2013 2/11/2013 2/18/2013 2/25/2013.

Affiant further says the said **The Times**, an edition of the **Tampa Bay Times** is a newspaper published at Tampa, in said Hillsborough County, Florida; and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida; each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida; for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /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.

A. Robison

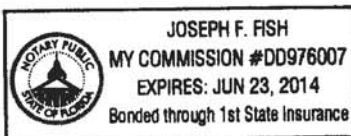
Signature of Affiant

Sworn to and subscribed before me
this **25th** day of **February** A.D.2013

Joseph F. Fish
Signature of Notary Public

Personally known ☒ or produced identification

Type of identification produced _____



NOTICE OF PUBLIC HEARING

Hillsborough County Board of County Commissioners
for the
Establishment of the Park Creek Community Development District

DATE: March 5, 2013
TIME: 9:00 a.m.
LOCATION: Boardroom – 2nd Floor of the
Frederick B. Karl County Center
601 E. Kennedy Blvd.
Tampa, Florida 33602



NOTICE OF PUBLIC HEARING

In compliance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the Hillsborough County Board of County Commissioners beginning at 9:00 a.m., Tuesday, March 5, 2013, in the Boardroom in the Frederick B. Karl County Center, 601 E. Kennedy Blvd., Tampa, Florida 33602, to consider an Ordinance to grant a petition to establish the Park Creek Community Development District. The title of the proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING THE PARK CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The proposed Park Creek Community Development District is comprised of approximately 109.481 acres, located in unincorporated Hillsborough County, just north of Big Bend Road, south of Symmes Road, and west of U.S. Hwy. 301. The petitioner has proposed to establish the Park Creek Community Development District to plan, finance, acquire, construct, operate and maintain all infrastructure and community facilities, which may be authorized by such districts under Florida law, including but not limited to water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, parks and recreational facilities, security facilities, and certain other projects when expressly approved or required by a local government and any other facilities in accordance with Section 190.012(1), Florida Statutes.

Copies of the petition, the proposed ordinance and department reports are open to public inspection at the Clerk of the Board of County Commissioners of Hillsborough County, 601 E. Kennedy Blvd., 12th Floor, Tampa, Florida 33602.

All interested persons and affected units of general - purpose local government shall be given an opportunity to appear at the hearing and



March 5, 2013

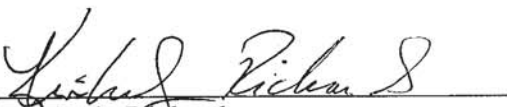
MS LIZ CLOUD CHIEF
BUREAU OF ADMINISTRATIVE CODE
DEPARTMENT OF STATE
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101
TALLAHASSEE FL 32399-0250

Re: Ordinance #13-7
Establishing the Park Creek Community Development District (CDD)

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #13-7, adopted by the Board of County Commissioners on March 5, 2013. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,


Kimberly Richards,
Associate Director, BOCC Records/VAB

bam
Attachment
Federal Express AB# 8010 1235 8197

FedEx *NEW Package*
Express **US Airbill**

FedEx
Tracking
Number

8010 1235 8197

1 From Please print and press hard

Date **3-5-13** Sender's FedEx Account Number **8010 1235 8197**

Sender's Name **BOCC RECORDS PROCESSING**

Company **CLERK CIRCUIT COURT 12TH FL**

Address **601 E KENNEDY BLVD**

TAMPA FL 33602

City **TAMPA** State **FL** ZIP **33602-3503**

Day/Rm/Box/Suite/Room

2 Your Internal Billing Reference 180

Order # **13-7, 13-8**

3 To Recipient's Name

Company **LIZ CLOUD PROGRAM ADMIN**

Address **FLORIDA DEPARTMENT OF STATE**

R A GRAY BLDG

500 S BRONOUGH STREET ROOM 101

TALLAHASSEE FL 32399-0250

City **TALLAHASSEE** State **FL** ZIP **32399-0250**

Day/Rm/Box/Suite/Room

0454436583

The FedEx US Airbill has changed. See Section 4.
For shipments over 150 lbs., order the new FedEx Express Freight US Airbill.

SPH2

0215

Sender's Copy

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Next Business Day

☒ **FedEx First Overnight**

Expedited next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ **FedEx Priority Overnight**

Next business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ **FedEx Standard Overnight**

Next business afternoon. Saturday Delivery NOT available.

2 or 3 Business Days

☐ **NEW FedEx 2Day A.M.**

Second business morning. Saturday Delivery NOT available.

☐ **FedEx 2Day**

Second business afternoon. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ **FedEx Express Saver**

Third business day. Saturday Delivery NOT available.

5 Packaging

☒ **FedEx Envelope***

☐ **FedEx Pak***

☐ **FedEx Box**

☐ **FedEx Tube**

☐ **Other**

6 Special Handling and Delivery Signature Options

☐ **SATURDAY Delivery**

NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ **No Signature Required**

Package may be left without obtaining a signature for delivery.

☐ **Direct Signature**

Someone at recipient's address may sign for delivery. Fee applies.

☐ **Indirect Signature**

Someone at recipient's address may sign for delivery. For residential deliveries only. Fee applies.

☐ **Does this shipment contain dangerous goods?**

One box must be checked.

☒ **No**

☐ **Yes**

☐ **As per manifest**

☐ **Shipper's Declaration**

☐ **Dry Ice**

☐ **Cargo Aircraft Only**

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

☒ **Sender**

☐ **Recipient**

☐ **Third Party**

☐ **Credit Card**

☐ **Cash/Check**

☐ **Other**

☐ **Bill to Me**

☐ **Bill to Office**

☐ **Bill to Home**

☐ **Bill to Other**

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Office of the County Attorney

BOARD OF COUNTY COMMISSIONERS

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MEMORANDUM

To: Beverly Miller, BOCC Records

From: Nancy Y. Takemori, Assistant County Attorney 

Re: Ordinance Establishing Park Creek Community Development District

Date: March 4, 2013

RECEIVED
2013 MAR -4 PM 2:20
CLEAN TO
THE BOARD

An original final copy of the above-referenced ordinance for consideration by the BOCC on March 5, 2013 is attached. If approved by the BOCC, please number and certify the ordinance and file with the Florida Department of State in accordance with Section 125.66, Florida Statutes.

Please provide this office with a date-stamped copy of the official acknowledgement from the Department of State that the ordinance has been filed, showing receipt by your office. Also, I have attached a copy of the proof of notice in the Tampa Bay Times.

Thank you for your assistance with this matter.

NYT:dc
Attachments

cc: John E. Healey, Development Services Department (w/ attachments; via e-mail)
Mark Straley, Esq. (w/ attachments; via e-mail: mstraley@srwlegal.com)