

ORDINANCE NO. 00-19

**AN ORDINANCE ESTABLISHING THE LAKE POWELL RESIDENTIAL GOLF COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1995); 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; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Lake Powell Golf Development Limited Partnership, a Delaware limited partnership ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, has petitioned the Board of County Commissioners of Bay County (the "County") to adopt an ordinance establishing the Lake Powell Residential Golf Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (1995); and

WHEREAS, Petitioner is a Delaware limited partnership authorized to conduct business in the State of Florida whose address is 501 North A1A, Jupiter, Florida 33477; and

WHEREAS, all interested persons and affected units of general purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on July 25, 2000; and

WHEREAS, upon consideration of the record established at that hearing, the County determines that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the 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, and that the area to be served by the District is amenable to separate special district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the petition.

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

Section 1. **Short title.** This ordinance may be referred to as the "Bay County Lake Powell CDD" Ordinance.

Section 2. **Authority.** This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (1995).

Section 3. **District Name.** There is hereby created a community development district situated entirely within unincorporated Bay County, Florida, which District shall be known as the "Lake Powell Residential Golf Community Development District."

Section 4. **External Boundaries of the District.** Encompassing approximately 724 acres, the external boundaries of the District are described in Exhibit "A" attached hereto, the overall parcel containing 724 acres, more or less.

Section 5. **Functions and Powers.** The District is limited to the performance of those specialized functions described in Chapter 190, Florida Statutes. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing development. No debt or obligation of the District shall constitute a burden on any local general purpose government without its consent. Consent is hereby given, pursuant to Section 190.012, Florida Statutes, to the District to exercise some or all of the powers provided therein.

Section 6. **Board of Supervisors.** The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Charles Bartlett Collins, II  
Paul B. Erickson  
Elizabeth Verhoeven  
Jason Anderson  
Winifred Davis

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

Section 7. **Severability.** If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 8. Effective Date. This ordinance shall take effect as provided by law.

DONE AND ADOPTED this 25<sup>th</sup> day of July, 2000.

BOARD OF COUNTY COMMISSIONERS  
BAY COUNTY, FLORIDA

Mark  
Chairman

ATTEST

Harold Hazel  
Clerk  
Jimmy Hoffman  
Deputy Clerk

Approved as to correctness  
of form:  
Kevin Timmer  
Burke & Blue, P.A.  
Attorneys for Bay County



A CERTIFIED TRUE COPY  
HAROLD HAZEL, CLERK  
OF THE CIRCUIT COURT  
Jimmy Hoffman  
Deputy Clerk