

ORDINANCE NO. 07-43

07 MAR 30 AM 7:40

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING THE LEGENDS BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FINDINGS OF FACT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE DISTRICT CHARTER; PROVIDING FOR COUNTY COMPREHENSIVE PLAN AND COUNTY LAND DEVELOPMENT CODE COMPLIANCE; RESERVING COUNTY RIGHTS OF TERMINATION, CONTRACTION, EXPANSION, AND LIMITATION OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2007 MAR 19 PM 12:32

FILED

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, Ruben-Holland Development, LLC, a Florida limited liability company, (the "Petitioner"), has filed a petition with the Manatee County Board of County Commissioners (the "Board") to adopt an ordinance establishing the Legends Bay Community Development District (the "District") pursuant to Chapter 190, Florida Statutes; and

WHEREAS, Sarabay Associates, LLLP, and Hobar Associates, LLC, are the owners of approximately 185.45 acres of real property proposed for inclusion within the District and has consented to the establishment of the District; and

WHEREAS, Section 190.005(2), Florida Statutes, authorizes the Board to adopt an ordinance establishing a community development district of less than 1,000 acres in size; and

WHEREAS, the Board has held a public hearing in accordance with the requirements and procedures of Sections 190.005(2)(b) and 190.005(1)(d), Florida Statutes, as amended; and

WHEREAS, based on the information and representations provided by the Petitioner, the Board finds all statements contained within the petition are true and correct and has relied thereon in adopting this Ordinance; and

WHEREAS, the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the Manatee County Comprehensive Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the establishment of the District is found to be the best alternative available for delivering community development services and facilities to the area that will be served by the District, as provided herein; and

WHEREAS, 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

WHEREAS, the area that will be served by the District is amenable to separate special-district government; 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

WHEREAS, the establishment of the District and the exercise by the District's Board of Supervisors of its powers will further the policy and intent expressed in Section 190.002, Florida Statutes; and

WHEREAS, the acquisition, construction, financing, and operation of such systems and facilities as set forth in the petition 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. Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

Section 3. Establishment. There is hereby established the Legends Bay Community Development District.

Section 4. Boundaries. The boundaries of the District are those described in the metes and bounds description, attached hereto as Exhibit "A."

Section 5. Initial Board of Supervisors. The following five (5) persons are designated as the initial members of the Board of Supervisors for the District:

- (1) Aaron M. Ruben
- (2) David Holland
- (3) Todd Griffie
- (4) Miki Riehle
- (5) Ronna S. Ruben

Section 6. Charter. The District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically the uniform general law in Sections 190.006 through 190.041, Florida Statutes, as amended. The exercise by the District Board of Supervisors of any or all of the special powers set forth in Section 190.012, Florida Statutes, shall be subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the petition. Furthermore, the exercise by the District Board of Supervisors of the special powers set forth in Section 190.012(2), Florida Statutes, shall require the further consent of the County.

Section 7. County Comprehensive Plan and County Land Development Code Compliance. The District shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects in the same manner as if it were a private developer. The District will be required to obtain all necessary federal, state, and local permits, including but not limited to site plan approval and building permits, for any construction it undertakes. All infrastructure shall conform to Manatee County standards.

Section 8. No Development Rights Conferred. This ordinance confers no development rights on any lands included within the District, and any and all development within the District must obtain all necessary approvals and conform to all applicable requirements of the Manatee County Comprehensive Plan and Land Development Code.

Section 9. County Rights of Termination, Contraction, Expansion, and Limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the District as set forth in Section 190.046, Florida Statutes, are hereby specifically reserved.

Section 10. 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 11. 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.

Section 12. Petitioner Acknowledgment and Agreement. Petitioner acknowledges and agrees to the statements and provisions contained in this Ordinance and evidences such by execution of the acknowledgment and agreement provided below.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 13th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA



By: Cary Stein
Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: Arsa Padmine
Deputy Clerk

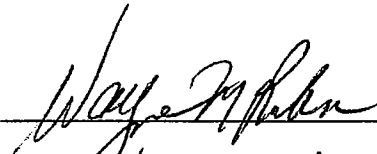
ACKNOWLEDGMENT AND AGREEMENT

The undersigned Petitioner, Ruben-Holland Development, LLC, a Florida limited liability company, does hereby acknowledge and agree to the statements and provisions contained herein, including but not limited to the acknowledgment in Section 8 that no development rights have been conferred by the adoption of this Ordinance.

Ruben-Holland Development, LLC,
a Florida limited liability company

By:

Signature: _____



Printed Name: _____

WAYNE M RUBEN

Title: _____

President.

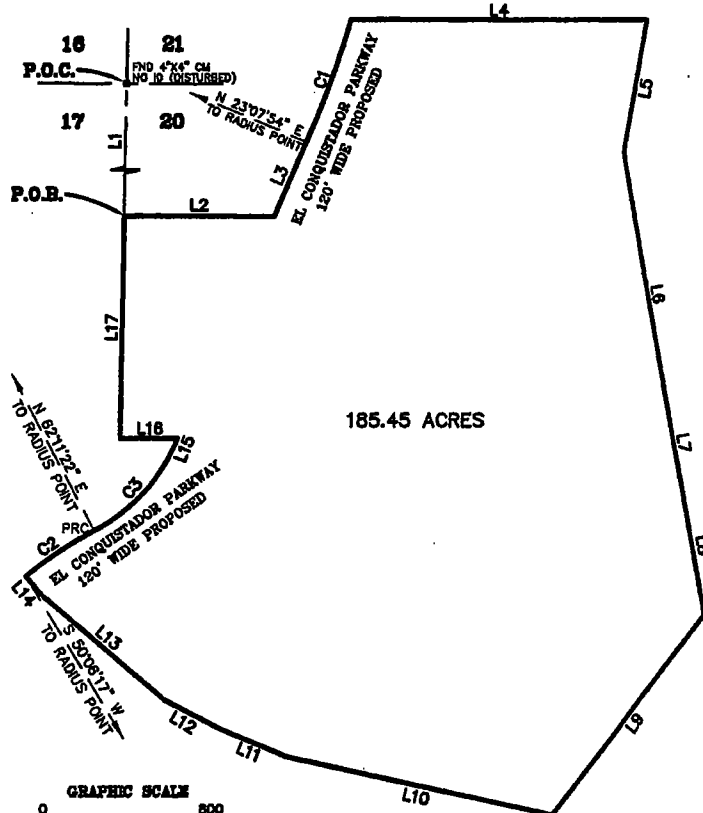
**Exhibit A
to Ordinance 07-43**

Boundaries

**Legends Bay
Community Development District**

Zoller, Najjar, & Shroyer, LC

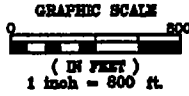
ENGINEERS, PLANNERS, SURVEYORS, LANDSCAPE ARCHITECTS & ENVIRONMENTAL CONSULTANTS
 201 5th AVENUE DRIVE EAST, BRADENTON, FLORIDA 34206, (941)748-8080, FAX: (941)748-3747
 CERTIFICATE OF AUTHORIZATION No. LB 6982



LEGEND:

- R/W RIGHT OF WAY
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- O.R.B. OFFICIAL RECORD BOOK

LINE	BEARING	LENGTH
L1	N 89°23'40" W	929.23
L2	S 00°21'30" W	705.82
L3	S 68°53'41" E	381.87
L4	S 00°21'24" W	1400.00
L5	N 80°08'28" W	630.10
L6	S 78°38'32" W	1380.81
L7	S 78°38'18" W	30.44
L8	S 78°38'32" W	803.65
L9	N 62°50'58" W	1178.46
L10	N 12°19'37" E	1284.92
L11	N 22°38'47" E	338.28
L12	N 27°09'18" E	289.56
L13	N 40°14'30" E	788.21
L14	N 49°18'34" E	120.89
L15	S 68°53'41" E	27.17
L16	N 00°22'48" E	270.75
L17	S 88°23'40" E	1047.38



CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	07°00'22"	5018.61	613.34	S 70°22'17" E
C2	12°08'08"	1838.00	388.88	N 39°43'41" W
C3	38°04'58"	840.00	572.99	S 47°21'07" E

NOTES:

1. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINANCE SYSTEM [WEST ZONE] NAD83 AND ARE DERIVED FROM THE NORTH LINE OF SECTION 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, HAVING A BEARING OF N 89°23'40" W. THE COORDINANCE SYSTEM IS BASED ON FOUND MONUMENTATION ESTABLISHED DURING THE 1988 MANATEE COUNTY GEOGRAPHIC INFORMATION SYSTEM SURVEY.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY AS SUCH.

NOTE: NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THEY MEET THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 4617, FLORIDA ADMINISTRATIVE CODE.

Edgerton

BY: R.E.M. EDGERTON P.E.M.
 FLORIDA CERTIFICATE No. LS 4292
 DATE OF CERTIFICATION : 11/09/06

NOT A SURVEY
 (SEE ATTACHED DESCRIPTION)
DESCRIPTION SKETCH
 OF
COMMUNITY DEVELOPMENT DISTRICT
 LOCATED IN
SECTION 20, TOWNSHIP 35 S., RANGE 17 E.
MANATEE COUNTY, FLORIDA

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 T:\HOWARD\LEGENDS\DS-LEGENDS.d

NOVEMBER 8, 2006

LEGENDS / RUBEN

DESCRIPTION: CDD PARCEL

COMMENCING AT THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE RUN N 89°23'40" W, ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 929.23 FEET TO THE POINT OF BEGINNING; THENCE S 00°20'30" W, A DISTANCE OF 705.52 FEET; THENCE S 66°53'41" E, ALONG THE PROPOSED NORTHERLY RIGHT-OF-WAY LINE OF EL CONQUISTADOR PARKWAY, A DISTANCE OF 381.57 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT, WHOSE RADIUS POINT LIES N 23°07'54" E, A DISTANCE OF 5,015.81 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, ALSO BEING SAID NORTHERLY PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 613.34 FEET THROUGH A CENTRAL ANGLE OF 07°00'22"; THENCE S 00°21'24" W, A DISTANCE OF 1400.00 FEET; THENCE N 80°06'28" W, A DISTANCE OF 630.10 FEET; THENCE S 79°38'32" W, A DISTANCE OF 1,380.81 FEET; THENCE S 79°39'15" W, A DISTANCE OF 30.54 FEET; THENCE S 79°38'32" W, A DISTANCE OF 803.65 FEET; THENCE N 52°50'58" W, A DISTANCE OF 1,179.46 FEET; THENCE N 12°19'37" E, A DISTANCE OF 1,284.92 FEET; THENCE N 22°39'47" E, A DISTANCE OF 338.28 FEET; THENCE N 27°05'16" E, A DISTANCE OF 299.56 FEET; THENCE N 40°14'30" E, A DISTANCE OF 758.21 FEET; THENCE N 49°16'34" E, A DISTANCE OF 120.86 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT, WHOSE RADIUS POINT LIES S 50°06'17" W, A DISTANCE OF 1,835.00 FEET; THENCE SOUTHEASTERLY ON THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING THE PROPOSED NORTHERLY RIGHT OF WAY LINE OF EL CONQUISTADOR PARKWAY, A DISTANCE OF 386.86 FEET THROUGH A CENTRAL ANGLE OF 12°05'06", TO A POINT OF REVERSE CURVATURE, WITH A CURVE TO THE LEFT, WHOSE RADIUS POINT LIES N 62°11'22" E, A DISTANCE OF 840.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, ALSO BEING THE NORTHERLY PROPOSED RIGHT-OF-WAY LINE OF EL CONQUISTADOR PARKWAY, A DISTANCE OF 572.99 FEET THROUGH A CENTRAL ANGLE OF 39°04'59"; THENCE S 66°53'41" E, CONTINUING ALONG SAID NORTHERLY PROPOSED RIGHT-OF-WAY LINE OF EL CONQUISTADOR PARKWAY, A DISTANCE OF 27.17 FEET; THENCE N 00°22'45" E, A DISTANCE OF 270.75 FEET; THENCE S 89°23'40" E, ALONG THE NORTHERLY LINE OF SAID SECTION 20, A DISTANCE OF 1,047.39 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 20, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 185.45 ACRES.

K:\wpfiles\LEGALS 2006\LEGENDS-RUBEN PARCEL CDD - REME.doc



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 30th day of March, 2007.
 R.B. SHORE
 Clerk of Circuit Court
 By: Diane E. Vollmer D.C.



STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
 Witness my hand and official seal this 14th day of March, 2007.
 R.B. SHORE
 Clerk of Circuit Court
 By: Diane E. Vollmer D.C.