

ORDINANCE NO. 03-94

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

WHEREAS, Arlington Ridge, LLC, a Florida limited liability company ("Petitioner"), has petitioned the City of Leesburg to create the Arlington Ridge Community Development District; and

WHEREAS, the proposed community development district consists of approximately 486.64 acres of land located entirely within the city limits on a site which is on the West side of U.S. Highway 27, East of County Road 33, South of State Road 48, and adjacent to the Northerly banks of the Palatlkaha River, and such property is currently zoned planned development with a current land use designation of Residential Mixed Low Density, with a conservation use overlay; and

WHEREAS, FRA Investments, Ltd., a Florida limited partnership (the "Landowner") is the owner of fee simple title to one hundred percent (100%) of the real property to be included in the proposed community development district; and

WHEREAS, Petitioner, having obtained written consent of the Landowner to the establishment of the community development district, petitioned the City Commission of the City of Leesburg (the "City") to adopt an ordinance establishing the Arlington Ridge Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2001); and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 11300 Fourth Street North, Suite 200, St. Petersburg, FL 33716; 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 City on September 22, 2003; and

WHEREAS, upon consideration of the record established at that hearing, the City determined 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 or the local government 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 ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION 1: AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2002).

SECTION 2: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Leesburg, Florida, which District shall be known as the "Arlington Ridge Community Development District."

~~**SECTION 3: EXTERNAL BOUNDARIES OF THE DISTRICT.** The external boundaries of~~
the District are described in Exhibit A attached hereto, the overall parcel containing 486.64 acres, more or less.

SECTION 4: FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes, as amended. The Charter of the District shall be as set forth in §§190.006 – 190.041, Fla. Stat. (2002), as created by general law. In addition to those powers and functions set forth in this statutory Charter, pursuant to §190.012(2), Fla. Stat. (2002), the District is also hereby authorized to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend,

operate and maintain systems and facilities for parks, indoor and outdoor recreation, and educational uses; for security, including but not limited to guardhouses, fences and gates, electronic intrusion – detection systems, and patrol cars when authorized by proper governmental agencies, PROVIDED HOWEVER that the District may not exercise any police power, but is authorized to contract with local general purpose governmental agencies for an increased level of police and security services within the District boundaries, and PROVIDED FURTHER that the District shall not provide utility service (water, wastewater, reuse water, electricity, cable television, telephone or other telecommunications, dial up or broadband internet, solid waste collection and disposal, or any other utility service).

SECTION 5: BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: M. Steven Sembler
Address: c/o Sembler Investments, 11300 Fourth Street North, Suite 200
St. Petersburg, FL 33716

Name: Robert B. Young
Address: c/o The Blair Group, 5600 U.S. Highway 98, Suite 7
Lakeland, FL 33809

Name: David M. Felice
Address: c/o Sembler Investments, 11300 Fourth Street North, Suite 200
St. Petersburg, FL 33716

Name: Frank Valenzano
Address: c/o The Blair Group, 5600 U.S. Highway 98, Suite 7
Lakeland, FL 33809

Name: Dennis Ahearn
Address: c/o The Blair Group, 5600 U.S. Highway 98, Suite 7
Lakeland, FL 33809

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

SECTION 6. NOTICE TO PURCHASERS. Any and all agreements for the sale of property within the boundaries of the District must include the disclosure statement required in §190.048, Fla. Stat.

(2002) or any successor provision thereto. This requirement shall apply not only to the initial sale of a parcel, but also to all subsequent sellers, successors and assigns, for the life of the District.

SECTION 7. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 8: EFFECTIVE DATE. This Ordinance shall take effect upon its passage and adoption pursuant to general law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 13 day of October, 2003.

THE CITY OF LEESBURG, FLORIDA

BY: 
MAYOR

Attest: 
CITY CLERK