

ORDINANCE NO. 19-04

AN ORDINANCE OF MANATEE COUNTY, REGARDING PUBLIC SERVICES; ESTABLISHING THE EVERGREEN COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; CREATING SECTION 2-8-69 OF THE MANATEE COUNTY CODE OF ORDINANCES, ENTITLED "THE EVERGREEN COMMUNITY DEVELOPMENT DISTRICT," TO ESTABLISH THE EVERGREEN 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 2,500 acres in size; and

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

WHEREAS, the Petitioner is the owner of approximately 140.468 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)&(d), 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. Legislative findings. 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. Authority. 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. Intent and Purpose. It is the intent and purpose of this Ordinance to establish The Evergreen 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 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. Creation of Section 2-8-69 of Manatee County Code of Ordinances. Section of the Manatee County Code of Ordinances ("Code") is hereby created to read as follows:

Sec. 2-8-69. The Evergreen Community Development District.

(a) Establishment. The Evergreen Community Development District is 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 "1A".

(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) Rhett Johnson
- (2) Clifton Fischer
- (3) Charles Conoley
- (4) Hal Lutz
- (5) Les Basnight

(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)&(d) 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 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 general-purpose government agencies for an increased level of such services within the District boundaries.

Section 5. Codification. 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.

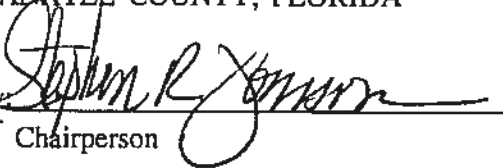
Section 6. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 7. 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.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 10th day of January, 2019.



BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk

Description Sketch

(Not A Survey)

McClure Parcel A

DESCRIPTION:

A portion of Lots 84, 91, and 92, and all of Lots 86, 93, 94, and 96, and part of platted right of way, of ELWOOD PARK, according to the plat thereof, recorded in Plat Book 2, Page 76, of the Public Records of Manatee County, Florida, lying in Sections 32 and 33, Township 34 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southeast corner of said Section 32, run thence along the East boundary of the Southeast 1/4 of said Section 32, N.00°03'42"W., a distance of 33.00 feet to a point on the North right of way of 26th AVENUE EAST, per found monumentation, said point also being to the **POINT OF BEGINNING**; thence along said North right of way line, lying 33.00 feet North and parallel to the South boundary of aforesaid Southeast 1/4 of Section 32, N.89°50'27"W., a distance of 1308.01 feet to a point on the West boundary of aforesaid ELWOOD PARK; thence along said West boundary, N.00°41'57"E., a distance of 1580.80 feet to a point on the Mean High Water Line of BRADEN RIVER, as surveyed by GeoPoint Surveying Inc. on March 4th, 2017; thence along said Mean High Water Line, the following fifty (50) courses: 1) S.86°03'06"E., a distance of 41.27 feet; 2) N.60°28'55"E., a distance of 32.40 feet; 3) N.55°44'29"E., a distance of 43.72 feet; 4) N.25°30'35"E., a distance of 68.69 feet; 5) N.15°09'53"E., a distance of 85.17 feet; 6) N.10°01'17"W., a distance of 85.57 feet; 7) N.40°28'51"W., a distance of 51.38 feet; 8) N.60°16'00"W., a distance of 89.45 feet; 9) N.27°48'53"W., a distance of 56.92 feet; 10) N.00°41'57"E., a distance of 25.41 feet; 11) N.29°46'59"E., a distance of 16.55 feet; 12) N.89°34'19"E., a distance of 34.00 feet; 13) S.74°55'47"E., a distance of 72.84 feet; 14) S.79°00'46"E., a distance of 101.54 feet; 15) N.87°38'54"E., a distance of 64.05 feet; 16) N.79°49'16"E., a distance of 66.22 feet; 17) N.73°42'07"E., a distance of 48.46 feet; 18) S.86°18'00"E., a distance of 57.53 feet; 19) S.70°15'19"E., a distance of 73.03 feet; 20) S.59°24'15"E., a distance of 71.13 feet; 21) S.21°12'10"E., a distance of 105.06 feet; 22) S.40°14'49"E., a distance of 24.63 feet; 23) S.26°37'26"E., a distance of 24.88 feet; 24) S.09°04'00"E., a distance of 20.93 feet; 25) S.04°09'54"W., a distance of 90.36 feet; 26) S.07°56'31"E., a distance of 91.18 feet; 27) S.13°41'59"W., a distance of 97.13 feet; 28) S.01°24'14"W., a distance of 114.66 feet; 29) S.27°37'29"E., a distance of 25.44 feet; 30) S.61°02'15"E., a distance of 20.47 feet; 31) S.80°18'16"E., a distance of 109.58 feet; 32) S.79°52'16"E., a distance of 106.63 feet; 33) S.78°31'48"E., a distance of 95.76 feet; 34) S.70°22'18"E., a distance of 132.91 feet; 35) S.82°03'07"E., a distance of 157.43 feet; 36) N.82°24'17"E., a distance of 152.33 feet; 37) S.64°37'04"E., a distance of 136.97 feet; 38) S.60°54'01"E., a distance of 65.07 feet; 39) S.25°51'06"E., a distance of 65.41 feet; 40) S.05°06'55"E., a distance of 57.21 feet; 41) S.00°43'23"E., a distance of 126.29 feet; 42) S.18°06'25"E., a distance of 146.96 feet; 43) S.32°47'05"E., a distance of 105.20 feet; 44) S.43°38'10"E., a distance of 135.77 feet; 45) S.22°03'14"E., a distance of 99.34 feet; 46) S.30°36'09"E., a distance of 107.62 feet; 47) S.04°10'29"E., a distance of 175.65 feet; 48) S.09°41'29"W., a distance of 228.78 feet; 49) S.07°26'29"E., a distance of 14.26 feet; 50) S.38°47'04"E., a distance of 25.75 feet to a point on aforesaid North right of way of 26th AVENUE EAST, per found monumentation; thence along said North right of way line, the following two (2) courses: 1) N.88°44'39"W., a distance of 599.71 feet; 2) N.89°50'27"W., a distance of 5.90 feet to the **POINT OF BEGINNING**.

Containing 61.500 acres, more or less.

NOTE:
Bearings shown hereon are based on the Southerly Right-of-Way line of 26th Avenue East, lying in Section 5, Township 35 South, Range 18 East, having an grid bearing of N.89°50'27"W. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North American Datum of 1983 (NAD 83-2007 ADJUSTMENT) for the West Zone of Florida, as established from RTK Network.

**McCLURE
PARCEL "A"**

NOTE:
SEE SHEET 2 FOR SKETCH

PROJECT: McCLURE		
PHASE: PARCEL "A"		
DRAWN: NMV	DATE: 08/08/18	CHECKED BY: DAW

REVISIONS		
DATE	DESCRIPTION	DRAWN BY

Prepared by: DR. HORTON, INC.

DAVID A. WILLIAMS
LICENSE NUMBER
6423
STATE OF FLORIDA
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS6423

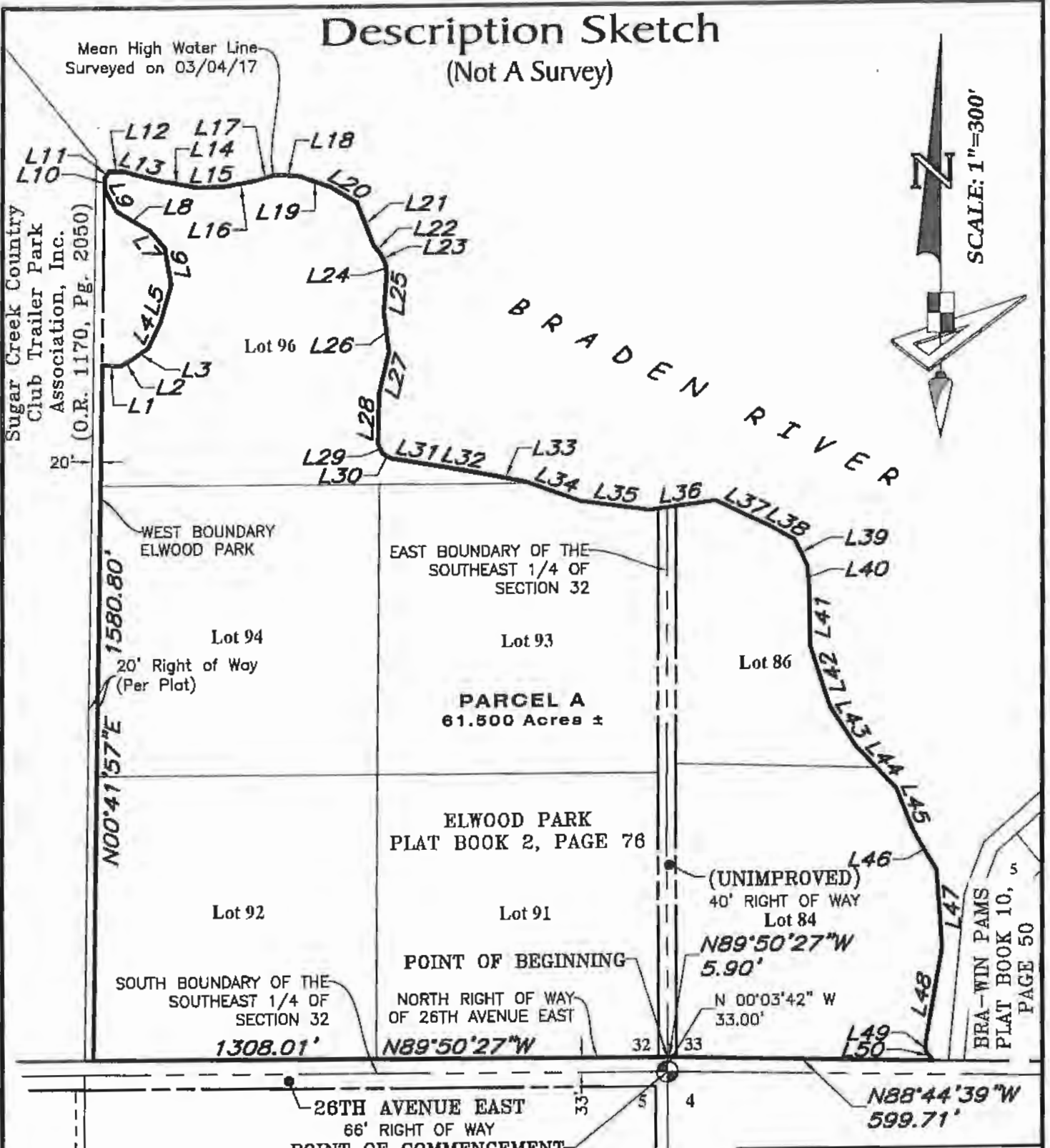
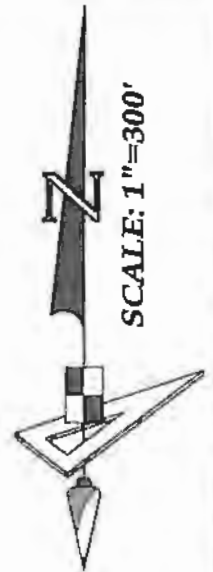
213 Hobbs Street
Tampa, Florida 33619
Phonc: (813) 248-8888
Licensed Business No.: LB 7768

GeoPoint

Surveying, Inc.

Description Sketch

(Not A Survey)



- NOTES:**
1. SEE SHEET 1 FOR DESCRIPTION
 2. SEE SHEET 3 FOR LINE TABLE

213 Hobbs Street
 Tampa, Florida 33619
 Phone: (813) 248-8888
 Licensed Business No.: LB 7768

GeoPoint
 Surveying, Inc.

Description Sketch

(Not A Survey)

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	S 86°03'06" E	41.27'
L2	N 60°28'55" E	32.40'
L3	N 55°44'29" E	43.72'
L4	N 25°30'35" E	68.69'
L5	N 15°09'53" E	85.17'
L6	N 10°01'17" W	85.57'
L7	N 40°28'51" W	51.38'
L8	N 60°16'00" W	89.45'
L9	N 27°48'53" W	56.92'
L10	N 00°41'57" E	25.41'
L11	N 29°46'59" E	16.55'
L12	N 89°34'19" E	34.00'
L13	S 74°55'47" E	72.84'
L14	S 79°00'46" E	101.54'
L15	N 87°38'54" E	64.05'
L16	N 79°49'16" E	66.22'
L17	N 73°42'07" E	48.46'
L18	S 86°18'00" E	57.53'
L19	S 70°15'19" E	73.03'
L20	S 59°24'15" E	71.13'
L21	S 21°12'10" E	105.06'
L22	S 40°14'49" E	24.63'
L23	S 26°37'26" E	24.88'
L24	S 09°04'00" E	20.93'
L25	S 04°09'54" W	90.36'

LINE DATA TABLE

NO.	BEARING	LENGTH
L26	S 07°56'31" E	91.18'
L27	S 13°41'59" W	97.13'
L28	S 01°24'14" W	114.66'
L29	S 27°37'29" E	25.44'
L30	S 61°02'15" E	20.47'
L31	S 80°18'16" E	109.58'
L32	S 79°52'16" E	106.63'
L33	S 78°31'48" E	95.76'
L34	S 70°22'18" E	132.91'
L35	S 82°03'07" E	157.43'
L36	N 82°24'17" E	152.33'
L37	S 64°37'04" E	136.97'
L38	S 60°54'01" E	65.07'
L39	S 25°51'06" E	65.41'
L40	S 05°06'55" E	57.21'
L41	S 00°43'23" E	126.29'
L42	S 18°06'25" E	146.96'
L43	S 32°47'05" E	105.20'
L44	S 43°38'10" E	135.77'
L45	S 22°03'14" E	99.34'
L46	S 30°36'09" E	107.62'
L47	S 04°10'29" E	175.65'
L48	S 09°41'29" W	228.78'
L49	S 07°26'29" E	14.26'
L50	S 38°47'04" E	25.75'

NOTES:

1. SEE SHEET 1 FOR DESCRIPTION
2. SEE SHEET 2 FOR SKETCH

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768


GeoPoint
Surveying, Inc.

Description Sketch

(Not A Survey)

McClure Parcel B

DESCRIPTION:

A parcel of land lying in Section 5, Township 35 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 5, run thence along the North boundary of the Northeast 1/4 of said Section 5, N.89°50'27"W., a distance of 26.84 feet; thence S.00°09'33"W., a distance of 33.00 feet to the Southwest intersection of 26th AVENUE EAST and 39th STREET EAST, per found monumentation, said point also being the **POINT OF BEGINNING**; thence along the West right of way of said 39th STREET EAST, S.00°03'27"E., a distance of 2347.08 feet to a point on the North boundary of the South 1/4 of the Southeast 1/4 of the Northeast 1/4 of aforesaid Section 5; thence along said North boundary, N.89°38'19"W., a distance of 1306.68 feet to a point on the West boundary of the East 1/2 of the Northeast 1/4 of said Section 5; thence along said West boundary, N.00°04'02"E., a distance of 2342.45 feet to a point on the South right of way of aforesaid 26th AVENUE EAST; thence along said South right of way, lying 33.00 feet South and parallel to aforesaid North boundary of the Northeast 1/4 of Section 5, S.89°50'27"E., a distance of 1301.55 feet to the **POINT OF BEGINNING**.

Containing 70.198 acres, more or less.

NOTE:

Bearings shown hereon are based on the Southerly Right-of-Way line of 26th Avenue East, lying in Section 5, Township 35 South, Range 18 East, having an grid bearing of N.89°50'27"W. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North American Datum of 1983 (NAD 83-2007 ADJUSTMENT) for the West Zone of Florida, as established from RTK Network.

**McCLURE
PARCEL "B"**

NOTE:
SEE SHEET 2 FOR SKETCH

PROJECT: McCLURE		
PHASE: PARCEL "B"		
DRAWN: NMV	DATE: 08/08/18	CHECKED BY: DAW

Prepared For: **DR. HORTON, INC.**

REVISIONS		
DATE	DESCRIPTION	DRAWN BY

DAVID ALAN WILLIAMS
LICENSE NUMBER 6423
STATE OF FLORIDA
David A. Williams
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS6423

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768

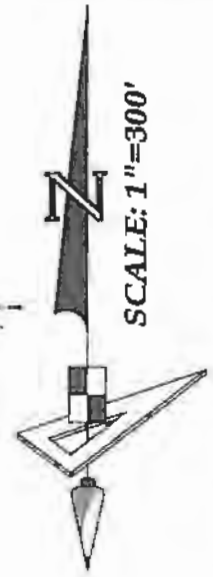
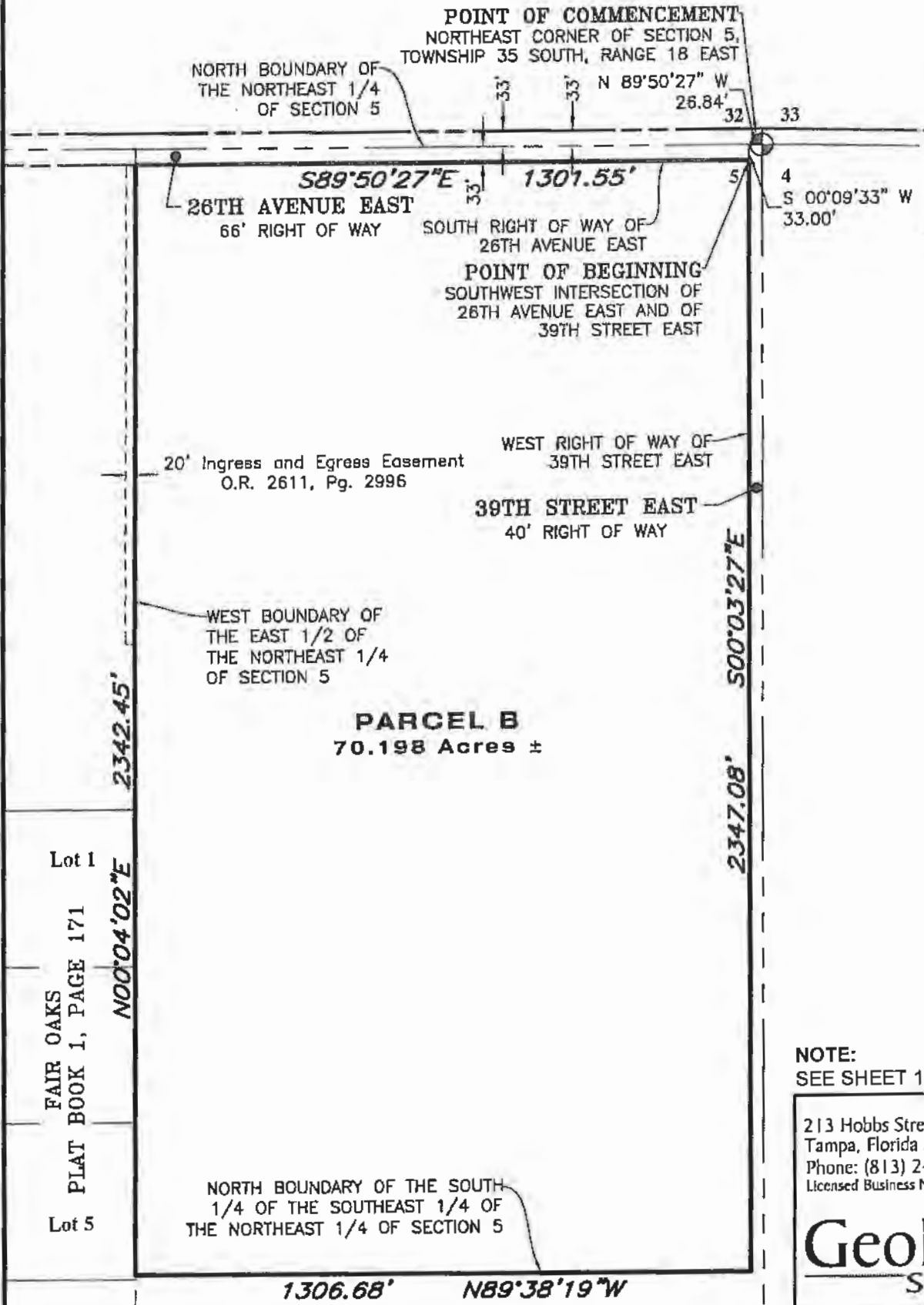


GeoPoint

Surveying, Inc.

Description Sketch

(Not A Survey)



NOTE:
SEE SHEET 1 FOR DESCRIPTION

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768



Description Sketch

(Not A Survey)

McClure Parcel C

DESCRIPTION:

A portion of Lot 90 of ELWOOD PARK, according to the plat thereof, recorded in Plat Book 2, Page 76, of the Public Records of Manatee County, Florida, lying in Section 4, Township 35 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northwest corner of said Section 4, run thence along the West boundary of the Northwest 1/4 of said Section 4, S.00°04'17"E., a distance of 32.34 feet; thence N.89°55'43"E., a distance of 20.00 feet to the Southeast intersection of 26th AVENUE EAST and 39th STREET EAST, per found monumentation, according to said plat of ELWOOD PARK, said point also being the **POINT OF BEGINNING**; thence along the South right of way of said 26th AVENUE EAST, S.88°44'52"E., a distance of 632.29 feet to a point on the East boundary of aforesaid Lot 90; thence along said East boundary, S.00°09'21"E., a distance of 600.57 feet to the Southeast corner of said Lot 90; thence along the South boundary of said Lot 90, N.89°21'13"W., a distance of 633.06 feet to a point on the East right of way of 39th STREET EAST; thence along said East right of way, lying 20.00 feet East and parallel to aforesaid West boundary of the Northwest 1/4 of Section 4, N.00°04'17"W., a distance of 607.25 feet to the **POINT OF BEGINNING**.

Containing 8.770 acres, more or less.

NOTE:

Bearings shown hereon are based on the Southerly Right-of-Way line of 26th Avenue East, lying in Section 5, Township 35 South, Range 18 East, having an grid bearing of N.89°50'27"W. The Grid Bearings as shown hereon refer to the State Plane Coordinate System, North American Datum of 1983 (NAD 83-2007 ADJUSTMENT) for the West Zone of Florida, as established from RTK Network.

**McCLURE
PARCEL "C"**

NOTE:
SEE SHEET 2 FOR SKETCH

PROJECT: McClure			Prepared For: DR. HORTON, INC.		
PHASE: PARCEL "C"					
DRAWN: NMV	DATE: 08/08/18	CHECKED BY: DAW			
REVISIONS					
DATE	DESCRIPTION	DRAWN BY			

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: 18 7768

GeoPoint
Surveying, Inc.

Description Sketch (Not A Survey)

ELWOOD PARK
PLAT BOOK 2, PAGE 76

BRA-WIN PAMS
PLAT BOOK 10,
PAGE 50

26TH AVENUE EAST
66' RIGHT OF WAY

32 33

S88°44'52"E 632.29'

POINT OF COMMENCEMENT
NORTHEAST CORNER OF SECTION 4,
TOWNSHIP 35 SOUTH, RANGE 18 EAST
S 00°04'17" E
32.34'
N 89°55'43" E
20.00'

POINT OF BEGINNING
SOUTHEAST INTERSECTION OF
26TH AVENUE EAST AND OF
39TH STREET EAST

SOUTH RIGHT OF WAY OF
26TH AVENUE EAST

WEST BOUNDARY OF
THE NORTHWEST 1/4
OF SECTION 4

EAST BOUNDARY
OF LOT 90

Lot 90

PARCEL C
8.770 Acres ±

39TH STREET EAST
40' RIGHT OF WAY

EAST RIGHT OF
WAY OF 39TH
STREET EAST

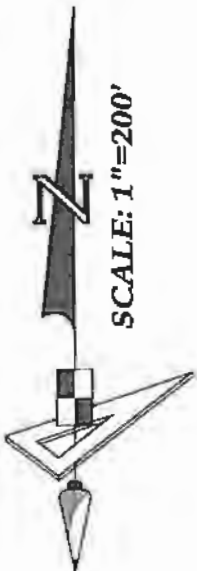
SOUTHEAST CORNER
OF LOT 90

633.06' N89°21'13"W
SOUTH BOUNDARY
OF LOT 90

N00°04'17"W

607.25'4

S00°09'21"E
600.57'



SCALE: 1"=200'

NOTE:
SEE SHEET 1 FOR DESCRIPTION

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768



GeoPoint
Surveying, Inc.

STATE OF FLORIDA DEPARTMENT OF STATE

I, MICHAEL ERTEL, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Manatee County Ordinance No. 19-04, which was filed in this office on January 11, 2019, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
14th day of January, A.D., 2019.


Secretary of State

DSDE 99 (3/03)