

ORDINANCE NO. 04-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING ORDINANCE NO. 02-11 AND MODIFYING THE BOUNDARIES OF BAY LAUREL CENTER COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE MODIFICATION OF THE DISTRICT BOUNDARIES; PROVIDING FOR THE LEGAL DESCRIPTION OF THE MODIFIED BOUNDARIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Chapter 190, Florida Statutes, the "Uniform Community Development District Act of 1980" (the "Act"), and specifically section 190.046, "Termination, contraction, or expansion of district" at subsection 190.046(1) sets forth the exclusive and uniform method for a boundary modification of a community development district in Marion County, Florida; and

WHEREAS, Section 190.046(1)(b), Florida Statutes, requires a petition for ordinance amendment to be filed with the County Commission, and said petition is required to be considered at a public hearing conducted in the same manner and with the same public notice as other ordinance amendments; and

WHEREAS, a petition to amend the Bay Laurel Center Community Development District, which included a statement of estimated regulatory costs and the other information required in Section 190.046(1), hereinafter referred to as the "Petition", was submitted by On top of The World Communities, Inc., a Florida corporation, to the Board of County Commissioners of Marion County and considered at a public hearing on May 4, 2004; and

WHEREAS, on May 4, 2004, the Board of County Commissioners conducted a public hearing to receive public comment in order to make a determination as to whether to grant or deny the Petition; and

WHEREAS, Section 190.046, Florida Statutes, authorizes the Board of County Commissioners to exercise its legislative discretion and enact an ordinance amending Ordinance No. 02-11 and modifying the boundaries of Bay Laurel Center Community Development District, now therefore

BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida:

SECTION 1. MODIFICATION OF THE DISTRICT BOUNDARIES. The Petition to amend Ordinance No. 02-11 modifying the boundaries of Bay Laurel Center Community Development District (the "District") is hereby granted.

SECTION 2. LEGAL DESCRIPTION. The modified boundaries of Bay Laurel Center Community Development District (the "District") are legally described in *Exhibit A*, attached hereto and incorporated herein.

SECTION 3. FINDINGS OF FACT. Pursuant to Section 190.005(1)(e), Florida Statutes, the Board of County commissioners hereby adopts the following findings of fact at the public hearing on the Petition to amend Ordinance No. 02-11 modifying the boundaries of the District:

- A. All statements contained within the Petition are true and correct and all statements set-forth in the preamble to this ordinance are true and correct.
- B. The modification of the District boundaries is not inconsistent with applicable elements or portions of the State of Florida Comprehensive Plan set out in Chapter 187, Florida Statutes, and the Marion County Comprehensive Plan, adopted in Ordinance No. 92-3, as amended.
- C. 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.
- D. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- E. The community development services and facilities of the District will not be incompatible with the capability and uses of existing local and regional community development services and facilities.
- F. The area to be served by the District is amenable to separate special district government.


SECTION 4. SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. EFFECTIVE DATE. A certified copy of this Ordinance as enacted shall be filed by the Clerk of the Board with the Office of the Secretary of State of the State of Florida within ten (10) days after enactment, and this Ordinance shall take effect in accordance with Section 125.66(2), Florida Statutes.


DULY ADOPTED in regular session by the Board of County Commissioners
of Marion County this 4th day of May, 2004.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, FLORIDA**



DAVID R. ELESPEMANN
CLERK



ANDY KESSELRING
CHAIRMAN

tal-fs1\COLLIER\304469v11

RECEIVED NOTICE FROM SECRETARY
OF STATE ON MAY 12, 2004 THAT
ORDINANCE WAS FILED ON MAY 6,
2004.

ON TOP OF THE WORLD
BAY LAUREL CENTER COMMUNITY DEVELOPMENT DISTRICT

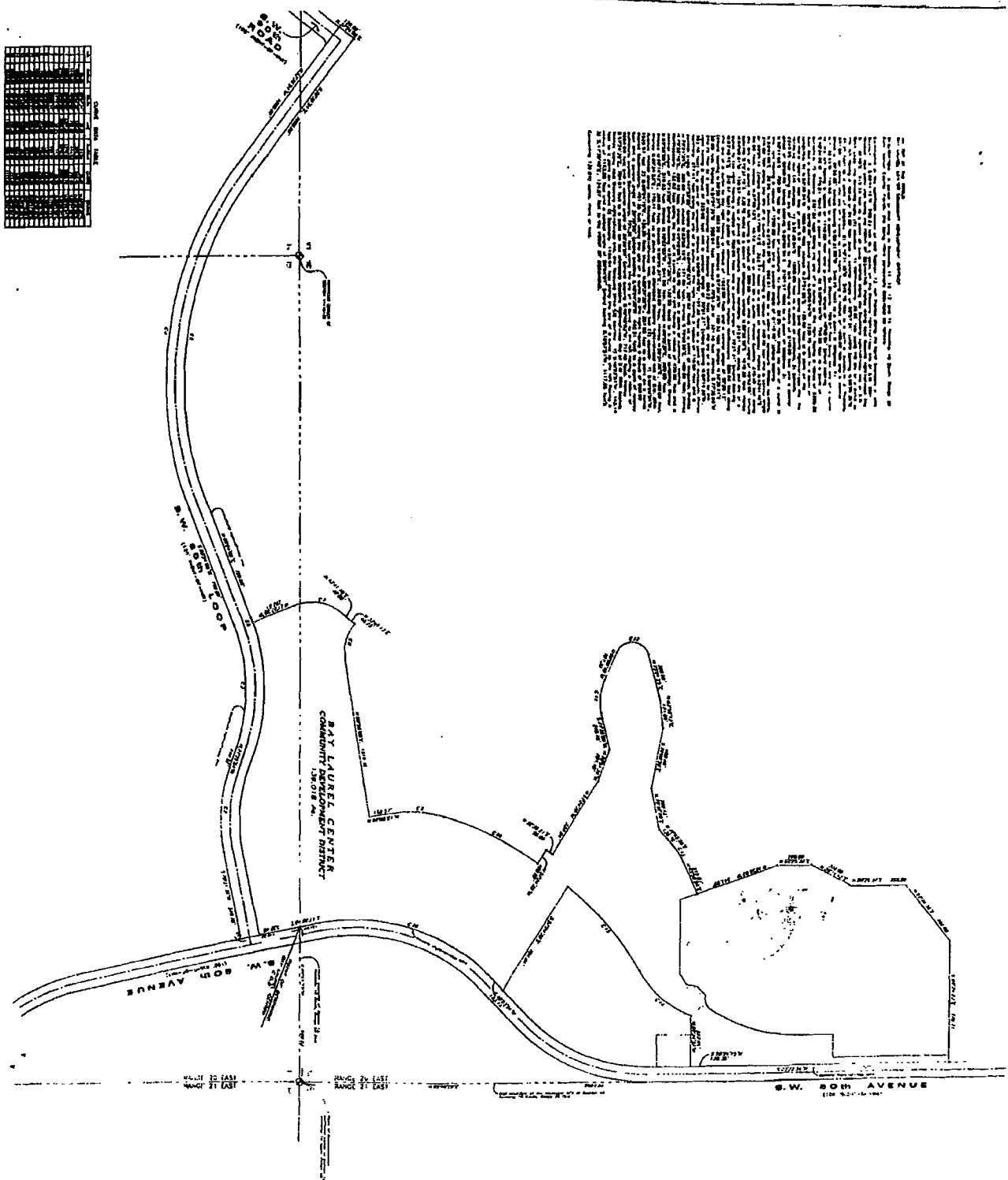
DESCRIPTION: A parcel of land lying in Sections 11, 12, 13, and 14, Township 16 South, Range 20 East, Marion County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 13, run thence along the North boundary of said Section 13, S.89°44'19"W., 990.23 feet to a point on the Westerly right-of-way line of S.W. 80th Avenue, said point also being the **POINT OF BEGINNING**; thence along said Westerly right-of-way line, S.11°30'48"E., 415.33 feet to a point of cusp; thence along the Southerly right-of-way line of S.W. 80th Loop, the following eight (8) courses: 1) Northwesterly, 39.25 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 89°57'34" (chord bearing N.56°29'35"W., 35.34 feet) to a point of tangency; 2) S.78°31'38"W., 549.70 feet to a point of curvature; 3) Westerly, 552.69 feet along the arc of a curve to the right having a radius of 1060.00 feet and a central angle of 29°52'28" (chord bearing N.86°32'08"W., 546.45 feet) to a point of tangency; 4) N.71°35'54"W., 144.52 feet to a point of curvature; 5) Westerly, 795.87 feet along the arc of a curve to the left having a radius of 1140.00 feet and a central angle of 40°00'00" (chord bearing S.88°24'06"W., 779.81 feet) to a point of tangency; 6) S.68°24'06"W., 790.00 feet to a point of curvature; 7) Westerly, 2327.22 feet along the arc of a curve to the right having a radius of 2260.00 feet and a central angle of 59°00'00" (chord bearing N.82°05'54"W., 2225.75 feet) to a point of tangency; 8) N.52°35'54"W., 1085.00 feet; thence N.37°24'06"E., 120.00 feet to a point on the Northerly right-of-way line of said S.W. 80th Loop; thence along said Northerly right-of-way line, the following four (4) courses: 1) S.52°35'54"E., 1085.00 feet to a point of curvature; 2) Easterly, 2203.65 feet along the arc of said curve to the left having a radius of 2140.00 feet and a central angle of 59°00'00" (chord bearing S.82°05'54"E., 2107.57 feet) to a point of tangency; 3) N.68°24'06"E., 790.00 feet to a point of curvature; 4) Easterly, 29.25 feet along the arc of a curve to the right having a radius of 1260.00 feet and a central angle of 01°19'49" (chord bearing N.69°04'00"E., 29.25 feet); thence N.21°23'25"W., 292.51 feet to a point of curvature; thence Northerly, 340.80 feet along the arc of a curve to the right having a radius of 300.00 feet and a central angle of 65°05'14" (chord bearing N.11°09'12"E., 322.77 feet) to a point of tangency; thence N.43°41'49"E., 40.88 feet; thence N.37°49'13"E., 46.73 feet to a point on a curve; thence Easterly, 245.49 feet along the arc of a curve to the left having a radius of 300.00 feet and a central angle of 46°53'05" (chord bearing S.75°37'19"E., 238.70 feet) to a point of tangency; thence N.80°56'08"E., 1019.38 feet; thence N.09°00'01"W., 158.57 feet to a point of curvature; thence Northerly, 313.07 feet along the arc of a

EXHIBIT A

curve to the right having a radius of 700.00 feet and a central angle of $25^{\circ}37'31''$ (chord bearing $N.03^{\circ}48'45''E.$, 310.47 feet) to a point of compound curvature; thence Northeasterly, 685.92 feet along the arc of a curve to the right having a radius of 1923.00 feet and a central angle of $20^{\circ}26'13''$ (chord bearing $N.26^{\circ}50'37''E.$, 682.29 feet); thence $N.57^{\circ}24'39''W.$, 100.82 feet; thence $N.32^{\circ}35'21''E.$, 50.00 feet; thence $N.57^{\circ}24'39''W.$, 550.94 feet; thence $N.70^{\circ}51'34''W.$, 221.10 feet; thence $S.77^{\circ}38'00''W.$, 240.75 feet to a point of curvature; thence Westerly, 206.22 feet along the arc of a curve to the right having a radius of 325.00 feet and a central angle of $36^{\circ}21'21''$ (chord bearing $N.84^{\circ}11'20''W.$, 202.78 feet) to a point of tangency; thence $N.66^{\circ}00'40''W.$, 197.36 feet to a point of curvature; thence Northerly, 271.41 feet along the arc of a curve to the right having a radius of 110.00 feet and a central angle of $141^{\circ}22'05''$ (chord bearing $N.04^{\circ}40'23''E.$, 207.62 feet) to a point of tangency; thence $N.75^{\circ}21'25''E.$, 300.00 feet; thence $N.83^{\circ}58'12''E.$, 171.69 feet; thence $S.79^{\circ}08'55''E.$, 400.00 feet; thence $N.79^{\circ}32'10''E.$, 269.42 feet; thence $N.49^{\circ}45'06''E.$, 136.76 feet to a point of curvature; thence Northeasterly, 133.03 feet along the arc of a curve to the right having a radius of 470.00 feet and a central angle of $16^{\circ}13'00''$ (chord bearing $N.57^{\circ}51'36''E.$, 132.58 feet) to a point of tangency; thence $N.65^{\circ}58'06''E.$, 219.83 feet; thence $N.18^{\circ}22'03''W.$, 541.98 feet; thence $N.00^{\circ}25'37''E.$, 220.00 feet; thence $N.28^{\circ}14'42''E.$, 300.00 feet; thence $N.00^{\circ}25'37''E.$, 350.00 feet; thence $N.52^{\circ}34'36''E.$, 460.00 feet; thence $S.89^{\circ}34'23''E.$, 779.71 feet to a point on the aforesaid Westerly right-of-way line of S.W. 80th Avenue; thence along said Westerly right-of-way line, the following two (2) courses: 1) $S.00^{\circ}22'54''W.$, 1525.57 feet; 2) $S.00^{\circ}24'15''W.$, 136.35 feet; thence $N.89^{\circ}34'32''W.$, 327.85 feet to a point on a curve; thence Southwesterly, 451.35 feet along the arc of a curve to the right having a radius of 660.00 feet and a central angle of $39^{\circ}10'58''$ (chord bearing $S.40^{\circ}24'32''W.$, 442.61 feet) to a point of reverse curvature; thence Southwesterly, 721.36 feet along the arc of a curve to the left having a radius of 2000.00 feet and a central angle of $20^{\circ}39'56''$ (chord bearing $S.49^{\circ}40'03''W.$, 717.46 feet); thence $S.57^{\circ}24'39''E.$, 784.01 feet to a point on the aforesaid Westerly right-of-way line of S.W. 80th Avenue; thence along said Westerly right-of-way line, the following three (3) courses: 1) $S.45^{\circ}23'51''W.$, 143.14 feet to a point on a curve; 2) Southerly, 1164.94 feet along the arc of a curve to the left having a radius of 1173.00 feet and a central angle of $56^{\circ}54'07''$ (chord bearing $S.16^{\circ}57'51''W.$, 1117.65 feet); 3) $S.11^{\circ}30'48''E.$, 124.07 feet to the POINT OF BEGINNING.

Containing 139.018 acres, more or less.



This plan is subject to the approval of the Board of Commissioners of the City of Miami, Florida, and the approval of the Board of Directors of the Bay Laurel Center Community Development District. The plan is also subject to the approval of the Board of Directors of the Bay Laurel Center Community Development District. The plan is also subject to the approval of the Board of Directors of the Bay Laurel Center Community Development District.

REDUCED COPY
 NOT TO SCALE

BAY LAUREL CENTER
 COMMUNITY DEVELOPMENT DISTRICT
 1000 S.W. 80th Avenue
 Miami, Florida 33149
 Tel: (305) 224-1234

**BEFORE THE BOARD OF COUNTY
COMMISSIONERS OF MARION COUNTY, FLORIDA**

**PETITION TO AMEND
ORDINANCE NO. 02-11**

Petitioner, *Bay Laurel Center Community Development District*, a community development district duly established by Marion County Ordinance No. 02-11 on May 7, 2002 and codified at §14.5-111 (2002), Code of Marion County, Florida, by and through its undersigned counsel, hereby petitions the Board of County Commissioners (“Commission”) of Marion County, Florida (“Marion County”), pursuant to the *Uniform Community Development Act of 1980*, Chapter 190, *Florida Statutes*, as amended (the “Act”), to amend Ordinance No. 02-11, to modify the boundaries of the Bay Laurel Center Community Development District (“BLC-CDD”).

1. **Petitioner.** The Petitioner, BLC-CDD, is a Community Development District duly established by Ordinance No. 02-11 of Marion County, pursuant to Chapter 190, *Florida Statutes*, with its principal place of business in Marion County, Florida.

2. **Location and Size.** BLC-CDD is located in Marion County, Florida. A location map, sketch and metes and bounds legal description of the existing boundaries of BLC-CDD are attached as **Exhibit “1.”** The land area currently served by BLC-CDD is approximately 140.597 acres. This boundary modification will cause certain land areas to be deleted and other land areas to be added to the BLC-CDD. This boundary modification will result in a net loss of 1.579 acres to the BLC-CDD. A map showing the location of the land area to be serviced by BLC-CDD after the modification, which includes a sketch and metes and bounds legal description of the external boundaries of

said lands, is attached hereto as **Exhibit "2."** The modified boundaries of the BLC-CDD will be approximately 139.018 acres, and all of the land is within the jurisdictional boundaries of Marion County.

3. **Landowner Consent.** As required by Section 190.046(1)(e), *Florida Statutes*, written consent of all of the landowners whose land is to be added or deleted from the district is attached hereto as **Exhibit "3."**

4. **Water and Sewer.** There are currently no existing water mains, sewer interceptors or outfalls in BLC-CDD.

5. **District Facilities and Services.** Although BLC-CDD facilities and services will be provided to the land area added to the district in the future, at this time, no formal action has been undertaken with regard to construction or implementation of these facilities and services to the area that will be added to the existing BLC-CDD. Additionally, there are no facilities or services currently provided to the area being deleted from BLC-CDD.

6. **Land Uses.** The proposed distribution of land uses within BLC-CDD, after modification, is shown on Master Development Plan Revised Map H, which is attached as **Exhibit "4."** Pursuant to Resolution No. 2001-R-290, which is attached as **Exhibit "5,"** the BLC-CDD property, as modified, has been approved by the County as a Development of Regional Impact and as part of the County's Comprehensive Plan and Future Land Use Map. The modification of BLC-CDD is consistent with applicable elements or portions of the State Comprehensive Plan set forth in Chapter 187, *Florida Statutes*, and the Marion County Comprehensive Plan, as amended.

7. **Statement of Estimated Regulatory Costs.** A statement of estimated regulatory costs prepared in accordance with the requirements of Sections 120.541(2) and 190.005(8), *Florida Statutes*, is attached as **Exhibit "6."**

8. **Address and Authorized Agent.** The address of the Petitioner is: *Bay Laurel Center Community Development District*, Attn: Kenneth D. Colen, 8447 S.W. 99th Street Road, Ocala, Florida 34481. The authorized agents for the Petitioner are Reginald L. Bouthillier, Jr., Esq., and Jeffrey A. Collier, Esq., Greenberg Traurig, P.A., 101 East College Avenue, Tallahassee, Florida 32301.

9. **Justification Statement.** The proposed modification to the boundaries of BLC-CDD will have no negative impact on the property added to and deleted from BLC-CDD after the modification, and the Petition should be granted for the following reasons:

a. The proposed modification is consistent with the Marion County Comprehensive Plan, as amended, and the applicable portion of the State Comprehensive Plan;

b. After the modification, BLC-CDD is sufficiently sized, compact and contiguous to be developed as one functionally interrelated community;

c. After the modification, BLC-CDD remains the best alternative available for the delivery of community development services and facilities to the lands within its boundaries;

d. The community development services and facilities will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

e. The area served by BLC-CDD after modification will continue to be amenable to separate special district government.

10. **Filing Fee.** The Petitioner has enclosed a check made payable to Marion County in the amount of \$1,500.

WHEREFORE, Petitioner respectfully requests the Commission to:

- A. Determine that the Petition is complete;
- B. Hold a public hearing to consider the expansion of BLC-CDD; and
- C. Amend Ordinance No. 02-11 to modify the boundaries of BLC-CDD

pursuant to Chapter 190, *Florida Statutes*.

Respectfully submitted this 14 day of April, 2004.

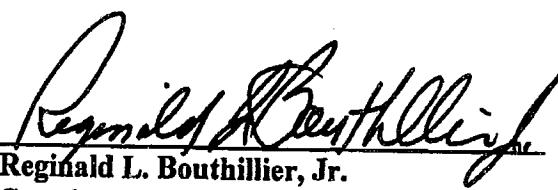
**BAY LAUREL CENTER COMMUNITY
DEVELOPMENT DISTRICT**
Petitioner

By: 

Title: Chairman

Attorneys for Petitioner:

Landis V. Curry, Jr.
Ayers, Cluster, Curry, McCall,
Collins & Fuller, P.A.
21 Northeast First Avenue
Ocala, Florida 34470
(352) 351-2222
(352) 351-0312 (fax)


Reginald L. Bouthillier, Jr.
Greenberg Traurig, P.A.
101 E. College Ave.
P.O. Drawer 1838
Tallahassee, FL 32301
(850) 222-6891
(850) 681-0207 (fax)

Charles A. Simmons, Esq.
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9311
(212) 805-9311 (fax)