

**DESOTO COUNTY ORDINANCE 2005- 33**

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR DESOTO COUNTY, FLORIDA ESTABLISHING THE STONEYBROOK OAKS COMMUNITY DEVELOPMENT DISTRICT; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; GRANTING SPECIAL POWERS; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, U.S. Home Corporation ("Petitioner"), has petitioned the Board of County Commissioners for DeSoto County, Florida ("Commission"), a political subdivision of the State of Florida, to adopt an ordinance establishing the Stoneybrook Oaks Community Development District ("District"), pursuant to Chapter 190, Florida Statutes (2004); and

**WHEREAS**, Petitioner is a foreign corporation registered and authorized to conduct business in the State of Florida; 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 Commission on August 9, 2005; and

**WHEREAS**, upon consideration of the record established at that hearing, the Commission 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 ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:**

**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 (2004).

**SECTION 2. DISTRICT NAME.** There is hereby created a community development district situated entirely within DeSoto County, Florida, which shall be known as the “**Stoneybrook Oaks Community Development District.**”

**SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT.** Encompassing approximately 635.66 acres, the external boundaries of the District are described in **Exhibit A** attached hereto.

**SECTION 4. FUNCTIONS AND POWERS.** The general powers and functions of the District are set forth in Chapter 190, Florida Statutes. Consent is hereby given to the District’s Board of Supervisors to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection

systems, and patrol cars, as authorized and described by Section 190.012(2)(d), Florida Statutes. Pursuant to section 190.012(2)(d), the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District's boundaries.

**Section 5. Board of Supervisors.** The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Christopher S. Kemper 2039 Riviera Drive Sarasota, Florida 34232	Kenneth J. Stokes 7016 Beechmont Terrace Bradenton, Florida 34202	Donald A. Cenci 6211 Borrowing Owl Cove Bradenton, Florida 34202
Anthony J. Squitieri 7903 Royal Birkdale Circle Bradenton, Florida 34202	C. Michael Martinello. 951 Elwood Avenue Englewood, Florida 34223	

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

**Section 6. Governance.**

**A. Initial Notice.** Until a chair and secretary is elected by the Board of Supervisors, and unless a change in writing is delivered to the County Administrator, all notices sent to the agent stated in the petition shall be binding on the district: Jonathan T. Johnson, Attorney at Law, HOPPING GREEN & SAMS, P.A., 123 South Calhoun Street, Post Office Box 6526, Tallahassee, FL 32314.

**B. Officers and Official Records of District.** Within ten (10) days of the first meeting of the Board of Supervisors, the secretary there elected shall provide in writing the name and address of the Chair and Secretary of the Board and the location of the official books and records of the district to the County Administrator, and thereafter likewise provide written notice of any change.


**C. Continuing Duty of District.** The District is created only pursuant to Florida Statute Chapter 190, and shall comply with that law as it may from time to time be amended. Should said law be repealed, found invalid by a court with jurisdiction in this County, or be so amended as to render the District untenable, the Board of Supervisors shall petition the County for such relief as the then owners of property within the District may require.

**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 become effective upon passage.

**PASSED AND ADOPTED** by the Board of County Commissioners for DeSoto County, Florida, this 9<sup>th</sup> day of August, 2005.


**ATTEST:**

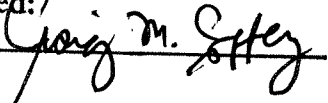
  
CRAIG M. COFFEY  
County Administrator

**BOARD OF COUNTY COMMISSIONERS  
DESOTO COUNTY, FLORIDA**

  
RONALD P. NEADS  
Chairman

Approved as to form and legal sufficiency.

  
Howard C. Holtzendorf, (County Attorney)

I certify this document to be  
a true and correct copy of the  
original on file in office of  
County Commissioners  
DeSoto County, Florida  
Dated: \_\_\_\_\_  
By: 

**EXHIBIT A  
A PORTION OF SECTIONS 29 AND 30,  
TOWNSHIP 39 SOUTH, RANGE 23 EAST,  
DESOTO COUNTY, FLORIDA**

A TRACT OR PARCEL OF LAND LYING IN THAT PORTION OF SECTIONS 29 AND 30, TOWNSHIP 39 SOUTH, RANGE 23 EAST, DESOTO COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID SECTION 30, RUN NORTH 00°04'05" EAST ALONG THE WEST LINE OF SAID SECTION 30, FOR 2,188.72 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FORMER SEABOARD COASTLINE RAILROAD; THENCE LEAVING SAID WEST LINE OF SECTION 30 RUN NORTH 51°14'03" EAST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, FOR 4,985.44 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID SECTION 30; THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE RUN NORTH 89°56'29" EAST ALONG SAID NORTH LINE OF SECTION 30, FOR 1,421.80 FEET TO THE NORTHWEST CORNER OF SAID SECTION 29; THENCE RUN SOUTH 89°36'39" EAST ALONG THE NORTH LINE OF SAID SECTION 29, FOR 4,605.98 FEET; THENCE LEAVING SAID NORTH LINE RUN SOUTH 00°23'21" WEST, FOR 35.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS 190.00 FEET), (DELTA 30°24'39"), (CHORD BEARING SOUTH 06°48'07" WEST), (CHORD 99.67 FEET), FOR 100.85 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 135.00 FEET), (DELTA 35°22'29"), (CHORD BEARING SOUTH 09°17'01" WEST), (CHORD 82.03 FEET), FOR 83.35 FEET TO A POINT OF TANGENCY; THENCE SOUTH 26°58'16" WEST, FOR 61.41 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 65.00 FEET), (DELTA 73°00'14"), (CHORD BEARING SOUTH 63°28'23" WEST), (CHORD 77.33 FEET), FOR 82.82 FEET; THENCE RUN NORTH 79°34'20" WEST ALONG A NON-TANGENT LINE TO THE PREVIOUS CURVE, FOR 46.99 FEET; THENCE SOUTH 10°01'11" WEST, FOR 120.33 FEET; THENCE SOUTH 16°33'10" WEST, FOR 80.52 FEET TO THE BEGINNING OF A NON-TANGENT CURVE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS 190.00 FEET), (DELTA 86°03'23"), (CHORD BEARING SOUTH 41°37'09" EAST), (CHORD 259.30 FEET), FOR 285.37 FEET; THENCE RUN SOUTH 63°01'44" EAST ALONG A NON-TANGENT LINE TO THE PREVIOUS CURVE, FOR 65.00 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-741 (KINGS HIGHWAY) (COUNTY ROAD 769) (RIGHT-OF-WAY VARIES) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 04504-2601; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES, SOUTH 26°58'16" WEST, FOR 176.42 FEET; THENCE SOUTH 29°13'32" WEST, FOR 74.10 FEET; THENCE SOUTH 63°47'29" EAST, FOR 17.90 FEET; THENCE SOUTH 26°12'31" WEST, FOR 1,236.72 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN SOUTH 89°36'41" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF 33<sup>RD</sup> AVENUE (60 FEET WIDE) OF UNIT A PLATTSBURG SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 20, OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, FOR 681.34 FEET TO A POINT OF INTERSECTION WITH WESTERLY RIGHT-OF-WAY LINE OF RAINEY STREET (60 FEET WIDE) OF SAID UNIT A PLATTSBURG SUBDIVISION; THENCE RUN SOUTH 00°06'23" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR 320.01 FEET

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TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 32<sup>ND</sup> AVENUE (60 FEET WIDE) OF SAID UNIT A PLATTSBURG SUBDIVISION;  
THENCE RUN NORTH 89°36'41" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 523.88 FEET TO A POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. S-741 (KINGS HIGHWAY) (COUNTY ROAD 769);  
THENCE RUN SOUTH 26°12'31" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR 305.52 FEET;  
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN NORTH 89°53'25" WEST, FOR 799.38 FEET;  
THENCE RUN SOUTH 00°01'11" EAST, FOR 520.04 FEET;  
THENCE RUN NORTH 89°52'59" WEST, FOR 2,883.67 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 29 BEARING SOUTH 00°01'00" WEST A DISTANCE OF 520.55 FEET FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 29;  
THENCE RUN NORTH 89°14'47" WEST, FOR 3,311.67 FEET;  
THENCE RUN SOUTH 00°03'00" WEST, FOR 2,192.85 FEET;  
THENCE RUN NORTH 89°07'12" WEST, FOR 1,999.99 FEET TO THE POINT OF BEGINNING.

**LESS:**

THE WESTERLY 5.00 FEET OF SECTION 30 LYING SOUTH OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE FORMER SEABOARD COASTLINE RAILROAD.

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 635.66 ACRES.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/99 ADJUSTMENT) AND ARE BASED ON THE WEST LINE OF SECTION 30 TO BEAR NORTH 00°04'05" EAST.

# STATE OF FLORIDA DEPARTMENT OF STATE

## Division of Library and Information Services

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the attached is a true and correct copy of Desoto County Ordinance No. 2005-33, which was filed in this office September 12, 2005, pursuant to 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  
20th. day of September, A.D., 2005.



*Glenda E. Hood*

Secretary of State

DSDE 99 (3/03)