

RESOLUTION
NUMBER 2004- 017

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, EXPRESSING SUPPORT OF THE PETITION TO ESTABLISH THE TERN BAY COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005, FLORIDA STATUTES, WHICH MATTER IS BEFORE THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION.

RECITALS

WHEREAS, Petitioner, Tern Bay Development Co., LLC, (hereinafter "Developer") is petitioning the Florida Land and Water Adjudicatory Commission pursuant to Section 190.005(1), Florida Statutes, in order to establish a community development district with a size of 1,000 acres or more; and

WHEREAS, Developer submitted a copy of such petition to Charlotte County pursuant to Section 190.005(1)(b), Florida Statutes, as the county containing all or a portion of the land that is within the proposed district; and

WHEREAS, the Charlotte County Board of County Commissioners (hereinafter "the Board") conducted a public hearing on January 27, 2004, to consider the petition with regard to the factors specified in Section 190.005(e), Florida Statutes; and

WHEREAS, the Board may by resolution express support of, or objection to the granting of the petition pursuant to Section 190.005(1)(c), Florida Statutes; and

WHEREAS, based upon staff recommendations and public comments at such hearing regarding the factors set forth in Section 190.005(e), Florida Statutes, the Board deems it appropriate to express support of Developer's petition

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that Developer's petition should be approved by the Florida Land and Water Adjudicatory Commission for the following reasons:

1. All statements contained with the petition have been found to be true and correct;
2. The establishment of the district is not inconsistent with any applicable element or portion of Charlotte County's Comprehensive Plan 1997-2010, designating the subject property on the Future Land Use Map as a "mixed use" land use, although actual development is controlled by Development of Regional Impact Development Order approved as Resolution 92-29, and subsequently modified;
3. The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community because the land area of approximately 1,778 acres is comprised of one contiguous parcel with an appropriately balanced land use mixture, distribution and internal circulation;
4. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district because it will provide a mechanism for initial funding and on-going maintenance costs for needed services and facilities while reducing the burden of upfront capital costs and related payments that would otherwise accrue to Charlotte County;
5. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities since current infrastructural needs are being met and

over the extended period of time anticipated for the phased development, Charlotte County Utilities will be able to supply potable water and sewer, and road improvements are being planned;

6. The area that will be served by the district is amenable to separate special-district government since the acreage is wholly owned by the petitioner.

PASSED AND DULY ADOPTED this 27 day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chair

ATTEST:

Barbara T. Scott, Clerk of Circuit
Court and Ex-officio Clerk to the
Board of County Commissioners

By Anne L. Gahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renée Francis Lee
Renée Francis Lee, County Attorney *RF*