

FILED WITH THE DEPARTMENT OF STATE

July 1, 2004

ORDINANCE  
Number 2004- 040

AN ORDINANCE ESTABLISHING ARTICLE VIII, SEC. 4-3.5-86 THROUGH SEC. 4-3.5-91 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, CREATING THE HERITAGE LAKE PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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 FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, HLP I, LLC, a Florida limited liability company, submitted a petition to the Charlotte County Board of County Commissioners to establish the Heritage Lake Park Community Development District as authorized by and provided for in Chapter 190, Florida Statutes (2003); and

WHEREAS, the Board of County Commissioners has determined that the petition contains all of the matters required by Chapter 190 for the establishment of a community development district.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Charlotte County, Florida:

**SECTION 1.** There is hereby established Article VIII of the Code of Laws and Ordinances of Charlotte County, Florida, containing Sec. 4-3.5-86 through Sec. 4-3.5-91 of such Code which shall provide as follows:

**ARTICLE VIII. HERITAGE LAKE PARK COMMUNITY DEVELOPMENT DISTRICT**

**Sec. 4-3.5-86. BACKGROUND.**

(a) HLP I, LLC, a Florida limited liability company, submitted a petition to the Charlotte County Board of County Commissioners (the "Board") pursuant to Chapter 190, Florida Statutes, to establish the Heritage Lake Park Community Development District ("CDD").

1 (b) On June 22, 2004, the Board held a public hearing on the petition.

2  
3 (c) Notice of the public hearing, containing the time and place for the  
4 hearing, describing the area to be included in the CDD, including a map showing  
5 the area to be covered by the CDD, was timely given.

6  
7 **Sec. 4-3.5-87. FINDINGS.**

8  
9 (a) In accordance with Subsection 190.005(2) (c), the findings of the  
10 Board set forth in this Section 4-3.5-87 are based upon the petition and the record  
11 of the public hearing.

12  
13 (b) The land area to be served by the CDD contains approximately  
14 91.14 acres more or less and is located wholly within Charlotte County.

15  
16 (c) The petition contains all of the information required by Chapter 190,  
17 and all statements in the petition are true and correct.

18  
19 (d) Establishment of the CDD is consistent with applicable elements or  
20 portions of the state comprehensive plan or the Charlotte County Comprehensive  
21 Plan.

22  
23 (e) The approximately 91.14 acres of land within the CDD are of  
24 sufficient size, sufficiently compact, and sufficiently contiguous to be developable  
25 as one functional, interrelated community.

26  
27 (f) The CDD is the best alternative available for delivering community  
28 development services and facilities to the land area to be served by the CDD.

29  
30 (g) The community development services and facilities of the CDD will  
31 be compatible with the capacity and uses of existing local and regional  
32 community development services and facilities.

33  
34 (h) The land area that will be served by the CDD is amenable to  
35 separate special district government.

36  
37 **Sec. 4-3.5-88. ESTABLISHMENT OF COMMUNITY DEVELOPMENT**  
38 **DISTRICT.**

39  
40 Pursuant to Section 190.005(2), *Florida Statutes*, the Heritage Lake Park  
41 Community Development District is hereby established and shall be known as  
42 the Heritage Lake Park Community Development District (or CDD herein).

43  
44 **Sec. 4-3.5-89. LOCATION.**

45 The land area in the CDD is generally located approximately one-half mile  
46

1 east of Interstate 75 and is bordered by Rampart Boulevard to the north and  
2 Nuremburg Boulevard to the east. The boundaries and legal description of the  
3 land area in the CDD are set forth in Exhibit "A" attached hereto and by reference  
4 made a part hereof.

5  
6 **Sec. 4-3.5-90. GOVERNANCE.**

7  
8 The CDD will be governed by the provisions of Chapter 190, *Florida*  
9 *Statutes*. The following five (5) persons shall be the initial board of supervisors:

10  
11 Name: Philip J. Palmer  
12 Address: 26212 Madras Court  
13 Charlotte Harbor, FL 33983

14  
15 Name: Kathy Palmer  
16 Address: 26212 Madras Court  
17 Charlotte Harbor, FL 33983

18  
19 Name: Robert A. Morris  
20 Address: 1840 Phillippi Shores Drive  
21 Sarasota, FL 34231

22  
23 Name: Tony Inabnitt  
24 Address: 19350 Quesada Avenue  
25 Port Charlotte, FL 33948

26  
27 Name: Andrew Johnston  
28 Address: 5686 Geneva Wood Circle  
29 Sarasota, FL 34233

30  
31 **Sec. 4-3.5-91. POWERS.**

32  
33 Upon the effective date of this Article, the CDD shall lawfully exist and  
34 shall be duly and legally authorized to exercise all powers in accordance with  
35 Sections 190.011 and 190.012(1) *Florida Statutes*.

36  
37 **SECTION 2. SEVERABILITY.** In the event this ordinance conflicts with  
38 any other provision of the Charlotte County Code or other applicable law, the  
39 more restrictive shall apply. If any subsection, sentence, clause, phrase, or  
40 portion of this ordinance is for any reason held invalid or unconstitutional by any  
41 court of competent jurisdiction, such portion shall be deemed a separate, distinct,  
42 and independent provision, and such holding shall not affect the validity of the  
43 remainder of the ordinance.

44  
45 **SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect upon its  
46 filing in the Office of the Secretary of State, State of Florida.

1  
2 PASSED AND DULY ADOPTED this 22<sup>nd</sup> day of June, 2004.  
3

4 BOARD OF COUNTY COMMISSIONERS  
5 OF CHARLOTTE COUNTY, FLORIDA  
6  
7

8  
9  
10   
11 Matthew D. DeBoer, Chair  
12

13 ATTEST:

14 Barbara T. Scott, Clerk of Circuit  
15 Court and Ex-Officio Clerk to the  
16 Board of County Commissioners  
17

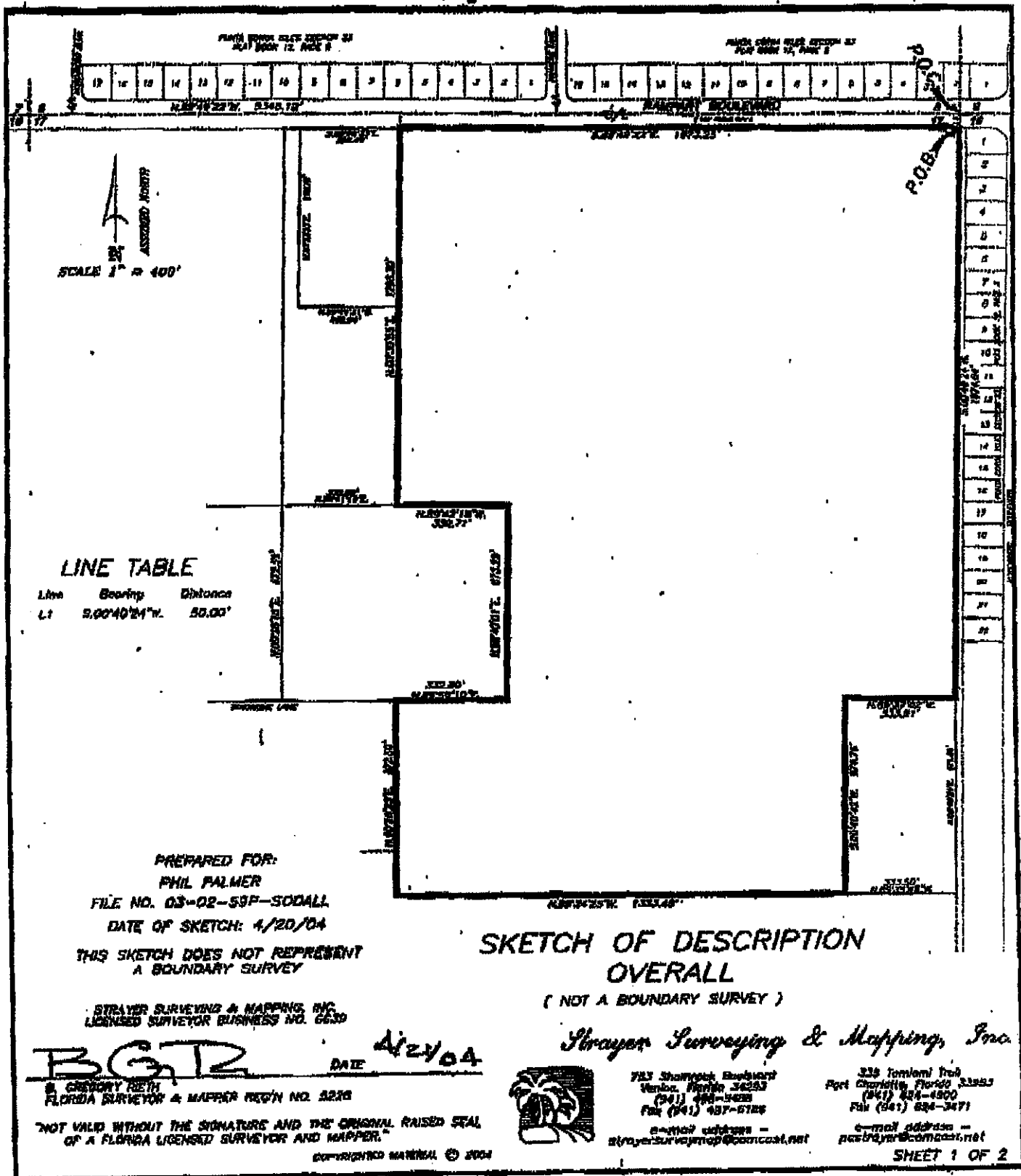
18  
19 By   
20 Deputy Clerk  
21

22 APPROVED AS TO FORM AND  
23 AND LEGAL SUFFICIENCY:  
24

25  
26  
27 By   
28 Renée Francis Lee, County Attorney  
29  
30  
31  
32  
33  
34  
35

36  
37 p:\wpdata\Lou\Land Use\ODD\l  
38 Heritage Lakes Ordinance revised.doc  
39

40 LR2004-301  
41  
42  
43  
44  
45  
46

Exhibit "A"  
Page 1 of 2

**Exhibit "A"**  
**Page 2 of 2****SKETCH OF DESCRIPTION**

( NOT A BOUNDARY SURVEY )

**DESCRIPTION:**

A PORTION OF LAND LYING IN SECTION 17, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT THE NORTHEAST CORNER OF SECTION 17, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S.00°40'24"W., A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE SOUTH RIGHT-OF-WAY OF RAMPART BOULEVARD; THENCE CONTINUE S.00°40'24"W., A DISTANCE OF 1974.64 FEET; THENCE N.89°37'02"W., A DISTANCE OF 333.31 FEET; THENCE S.00°40'42"W., A DISTANCE OF 874.76 FEET; THENCE N.89°34'25"W., A DISTANCE OF 1333.48 FEET; THENCE N.00°26'28"E., A DISTANCE OF 672.50 FEET; THENCE N.89°09'10"E., A DISTANCE OF 332.80 FEET; THENCE N.00°40'01"E., A DISTANCE OF 673.29 FEET; THENCE N.89°42'18"W., A DISTANCE OF 332.71 FEET; THENCE N.00°30'55"E., A DISTANCE OF 1288.30 FEET; THENCE S.88°48'22"E., A DISTANCE OF 1673.25 FEET TO THE POINT OF BEGINNING.

PANCEL CONTAINS 3,970,414.59 SQUARE FEET OR 91.15 ACRES, MORE OR LESS.

Chg.  
BCC-  
#14

FILED WITH THE DEPARTMENT OF STATE

October 14, 2004

FILED WITH THE DEPARTMENT OF STATE

FILE 1278505 OR BK 02569 Pgs 1707 - 1709; (3pgs) REC'D 10/21/2004 07:32:41 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC 27.00

ORDINANCE  
NUMBER 2004-063

AN ORDINANCE PERTAINING TO THE HERITAGE LAKE  
PARK COMMUNITY DEVELOPMENT DISTRICT; AMENDING  
SECTION 4-3.5-91 OF THE CODE OF LAWS AND  
ORDINANCES OF CHARLOTTE COUNTY, FLORIDA TO  
PROVIDE THE DISTRICT WITH ADDITIONAL POWERS  
THAT WERE INADVERTENTLY OMITTED UPON THE  
CREATION OF THE DISTRICT; ADDING A SECTION 4-3.5-  
92 TO IMPOSE OBLIGATIONS AND LIMITATIONS UPON  
THE DISTRICT THAT WERE INADVERTENTLY OMITTED  
UPON THE CREATION OF THE DISTRICT; PROVIDING  
FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE  
DATE.

WHEREAS, HLP I, LLC, a Florida limited liability company, submitted a petition to  
the Charlotte County Board of County Commissioners (the "**Board**") to create the Heritage  
Lake Park Community Development District (the "**CDD**") as authorized by and provided for  
in Chapter 190, Florida Statutes (2003); and

WHEREAS, on June 22, 2004, the Board amended the Charlotte County Code of  
Laws and Ordinances (the "**Code**") pursuant to Ordinance 2004-040 to establish the CDD;  
and

WHEREAS, due to inadvertence, certain portions of the text of Ordinance 2004-040  
were omitted; and

WHEREAS, the Board desires to amend the Code to set forth the omitted text.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of  
Charlotte County, Florida:

**Section 1.** Section 4-3.5-91 of the Code is hereby amended to provide as  
follows:

(a) Upon the effective date of this Article, the CDD shall lawfully exist and shall  
be duly and legally authorized to exercise all powers in accordance with Sections 190.011  
and 190.012(1), *Florida Statutes*.

(b) In addition to the special powers contained in Section 190.012(1), *Florida  
Statutes*, the CDD shall also have the power to plan, establish, acquire, construct or  
reconstruct, enlarge or expand, equip, operate and maintain systems and facilities for and  
within the CDD for purposes of:

1

IMAGED IN PG

★  
this 3

1  
2           (1) Parks and facilities for indoor and outdoor recreational, cultural and  
3 educational uses;

4  
5           (2) Fire prevention and control, including water mains and plugs; and

6  
7           (3) Security, including but not limited to, guardhouses, fences and gates,  
8 and electronic intrusion-detection systems.

9  
10          (c) Provided, however, that the powers afforded the CDD in this Section 4-3.5-91  
11 are subject to the limitations set forth below in Section 4-3.5-92.

12  
13          **SECTION 2.** There is hereby established Section 4-3.5-92 of the Code which shall  
14 provide as follows:

15  
16          As a condition of the passage of this Article, the CDD expressly agrees to and is  
17 bound as follows.

18  
19          (a) Nothing within this Article shall be construed to limit the authority and  
20 ability of the Board of County Commissioners to create special community development  
21 districts, including within the area of the CDD.

22  
23          (b) As recited in Section 190.002(3), Florida Statutes, the establishment of  
24 the CDD is not a development order and that as to the development of property within the  
25 CDD, as to Charlotte County, "all applicable planning and permitting laws, rules,  
26 regulations and policies control the development of the land to be serviced by the CDD."  
27 The CDD agrees that adoption of this Article does not affect or diminish the authority of the  
28 County with regard to the approval of development activities, including but not limited to the  
29 stormwater management system and site plan approval as respective phases of the  
30 Heritage Lake Park project are submitted for review.

31  
32          (c) The CDD shall not implement a mosquito control or solid waste  
33 collection program.

34  
35          (d) The CDD will not request a franchise to operate a water and sewer  
36 system, nor shall it attempt to start in any other fashion its own utility within the CDD. The  
37 CDD further agrees that completed water and sewer lines within the CDD shall be  
38 conveyed to Charlotte County Utilities along with easements for maintenance thereof, in  
39 accordance with requirements of Charlotte County in force and effect and as amended  
40 thereafter by Charlotte County.

41  
42          (e) All infrastructure and other improvements within the CDD, including but  
43 not limited to roads, utility lines, and drainage features, as well as residential buildings and  
44 other structures, will comply with all applicable codes or regulations of the County in force

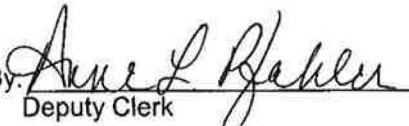
and effect and as amended thereafter by Charlotte County.

PASSED AND DULY ADOPTED THIS 5<sup>th</sup> day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Matthew D. DeBoer, Chair

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

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Brendan Bradley, Interim County Attorney

P:\WPDATA\LOUIS\Land Use\Files\CDDs\Heritage Lake Park\  
LWRevisionA.numbered.doc  
September 23, 2004  
LR2004-301 (C04-250)