

2021 APR -6 PM 1:00

ORDINANCE NO. 2020-048

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA, FLORIDA

**AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,
ESTABLISHING THE GRACEWATER SARASOTA COMMUNITY
DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190,
FLORIDA STATUTES; PROVIDING FINDINGS OF FACT;
DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING
THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR
THE DISTRICT; NAMING THE DISTRICT; PROVIDING
STATUTORY PROVISIONS GOVERNING THE DISTRICT;
CONSENTING TO THE EXERCISE OF SELECT POWERS BY THE
DISTRICT UNDER SECTION 190.12, FLORIDA STATUTES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION
INTO THE CODE OF ORDINANCES; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Merriwater Golf, LLC, a Florida Limited Liability Company, ("Petitioner") has petitioned the Board of County Commissioners ("Board") of Sarasota County, Florida, a political subdivision of the State of Florida to establish the Gracewater Sarasota Community Development District ("District"); and

WHEREAS, the Board of County Commissioners, after proper published notice, conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e), Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes, as required by Section 190.005(2)(a), Florida Statutes; and all statements contained within the petition are true and correct.
2. Establishment of the District on the property proposed in the petition is not inconsistent with any applicable element or portion of the Sarasota County Comprehensive Plan, or the State Comprehensive Plan.
3. The area of land proposed to be within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional and interrelated community.
4. The District is a viable alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. The community development 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.

02020-048

6. The area that will be served by the District is amenable to separate special-district government.

WHEREAS, it is the policy of the state of Florida, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be serviced by the District, to ensure that neither the establishment nor operation of such District is a development order under Chapter 380 and that the District so established does not have any zoning or permitting powers governing development; and

WHEREAS, Section 190.004(3), Florida Statutes, provides that "... all governmental planning, environmental, and land development laws, regulations and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances or regulations of the applicable local general purpose government."; and

WHEREAS, the charter of the District is Sections 190.006-190.041, Florida Statutes, as provided expressly in Section 190.004(4) and confirmed in Section 189.4031(2), Florida Statutes; and

WHEREAS, the single, specialized and narrow purpose of the District is the delivery of community infrastructure pursuant to its state created charter and the exercise of its general and special powers complying with all applicable policies and regulations of statutes and ordinances, State v. Frontier Acres Community Development District, 472 So. 2d, 455, at p. 457 (Fla.1985).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA THAT:

SECTION ONE: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances. This Ordinance is also adopted pursuant to Sarasota County Resolution No. 2020-058.

**SECTION TWO: ESTABLISHMENT OF THE GRACEWATER SARASOTA
COMMUNITY DEVELOPMENT DISTRICT**

The District is hereby established within the boundaries of the real property described in **Exhibit "A"** attached hereto and incorporated by reference herein.

07020-048

SECTION THREE: DESIGNATION OF INITIAL BOARD MEMBERS

The following five persons are herewith designated to be the initial members of the Board of Supervisors of the District:

Eldon Johnson
7016 Island Queen Ct
Sarasota, FL 34233

Kristen Johnson
7016 Island Queen Ct
Sarasota, FL 34233

Phil Dante
5803 Palmer Ranch Parkway
Sarasota, FL 34238

Wren Dante
5803 Palmer Ranch Parkway
Sarasota, FL 34238

Clifton Fisher
2005 Jackson Street N.
Saint Petersburg, FL 33704

SECTION FOUR: DISTRICT NAME

The community development district herein established shall henceforth be known as the "Gracewater Sarasota Community Development District".

SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT

The District shall be governed by the provisions of its general law charter in and created by Chapter 190, Florida Statutes, and all other applicable general law.

SECTION SIX: CONSENT TO SPECIAL POWERS

Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain 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-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), *Florida Statutes*.

02020-048

SECTION SEVEN: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance of Sarasota County or other applicable law, the more restrictive shall apply. If any phase or portion of this Ordinance is 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 portion.

SECTION EIGHT: INCLUSION IN THE CODE OF ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Sarasota County, Florida. The sections of the Ordinances may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION NINE: EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida on this 6th day of April, 2021.

Attest:

KAREN E. RUSHING,
Clerk of the Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners of Sarasota County, Florida

By: [Signature]
Deputy Clerk

BOARD OF COUNTY
COMMISSIONERS OF SARASOTA
COUNTY, FLORIDA

By: [Signature]
Chairman

02020-048

EXHIBIT A

LEGAL DESCRIPTION:

THE SOUTH 2615.66 FEET OF THE NORTH 2945.66 FEET OF THE EAST HALF
OF SECTION 8, LESS THE WEST 300 FEET THEREOF, SUBJECT TO RIGHT OF
WAY FOR TUTTLE AVENUE OVER THE EAST 50 FEET, ALL BEING AND LYING
IN SECTION 8, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY,
FLORIDA. LESS AND EXCEPT A TRIANGLE PARCEL IN THE NORTHWEST
CORNER THEREOF AS FULLY DESCRIBED IN DEED RECORDED IN OFFICIAL
RECORDS BOOK 882, PAGE 296, OF THE PUBLIC RECORDS OF SARASOTA
COUNTY, FLORIDA.

0-2020-048

STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Sarasota County Ordinance No. 2020-048, which was filed in this office on April 6, 2021, 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
7th of April, A.D., 2021.

Laurel M. Lee
Secretary of State