

ORDINANCE NO. 2023 - ____

AN ORDINANCE ESTABLISHING THE EMERALD CREEK 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 FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN ARTICLE II, CHAPTER 10.5, OF THE CODE OF ORDINANCES, HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Petitioner, Northwest Land LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with Hernando County requesting that the Board of County Commissioners of Hernando County, Florida ("County") adopt an Ordinance establishing the Emerald Creek Community Development District pursuant to Chapter 190, *Florida Statutes* ("District"), and designating the real property described in **EXHIBIT A**, attached hereto, as the area of land for which the District is authorized to manage and finance applicable service delivery; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive, and economic method of delivering community development services, in the area described in **EXHIBIT A**, attached hereto, which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management, and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), *Florida Statutes*; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), *Florida Statutes*;

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

Section 1. Findings of Fact.

1. The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance.

2. All statements contained in the Petition are true and correct.

3. The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan.

4. 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.

5. The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

6. The proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

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

Section 2. Conclusions of Law.

1. This proceeding is governed by Chapter 190, *Florida Statutes*.

2. The County has jurisdiction pursuant to Section 190.005(2), *Florida Statutes*.

3. The granting of the Petition complies with the dictates of Chapter 190, *Florida Statutes*.

Section 3. Creation, Boundaries, and Powers. There is hereby created the Emerald Creek Community Development District for the area of land described in **EXHIBIT A**, attached hereto, which shall exercise the general and special powers authorized by Chapter 190, *Florida Statutes*, with specific consent for the special powers in Sections 190.012(2)(a) and (2)(d), *Florida Statutes*, and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006 through 190.041, *Florida Statutes*.

Section 4. Initial Board. The following five persons are designated as the initial members of the Board of Supervisors:

1. Ron Bastyr
2. Shane O'Neil
3. Cheryl O'Neil
4. Cole Bastyr
5. Lynette Bastyr

Section 5. Severability. It is the intention of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase, or provision, of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Inclusion in the Code. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made part of Article II, Chapter 10.5, of the Code of Ordinances, Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

Section 7. Conflicting Provisions Repealed. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective immediately upon receipt of

acknowledgment from the office of the Secretary of State that this Ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, in Regular Session this day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
DOUGLAS A. CHORVAT, JR.
Clerk of Circuit Court & Comptroller

By: _____
_____, Chairperson

Approved for Form and Legal Sufficiency

Kyle J. Benda

County Attorney's Office

EXHIBIT A

EMERALD CREEK COMMUNITY DEVELOPMENT DISTRICT

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST, HERNANDO COUNTY FLORIDA, AND THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST, HERNANDO COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE WEST BOUNDARY LINE OF SAID SOUTHWEST 1/4, RUN S00°02'52"W, 54.87 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRALIA ROAD, AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF CENTRALIA ROAD, RUN S89°56'57"E, 1314.64 FEET TO THE WEST BOUNDARY LINE OF ROYAL HIGHLANDS, UNIT-6 AS RECORDED IN PLAT BOOK 12, PAGES 67-79 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN S00°05'03"E, 1271.43 FEET; THENCE ALONG THE SOUTH LINE OF SAID ROYAL HIGHLANDS UNIT 6, BLOCK 377, RUN N89°55'18"E, 704.92 FEET TO THE WEST BOUNDARY LINE OF PARCEL 7.0 AS RECORDED IN OFFICIAL RECORDS BOOK 3326, PAGE 850 OF THE PUBLIC RECORDS OF HERNANDO COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY LINE, RUN S00°10'57"E, 503.48 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 7.0; THENCE ALONG THE SOUTH LINE OF SAID PARCEL 7.0, RUN N89°54'32"E, 610.64 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG SAID EAST LINE, RUN S00°09'36"E, 1054.04 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF SAID SECTION 31, RUN S89°57'07"W, 1327.25 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE, RUN S89°57'22"W, 1305.88 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 31; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, RUN S89°55'50"W, 434.89 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #19; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, RUN N00°10'10"W, 1989.76 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, RUN N90°00'00"E, 128.06 FEET THE PC OF A CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 450.00 FEET, A CENTRAL ANGLE OF 29°10'49", AND A CHORD BEARING AND DISTANCE OF S75°24'35"E, 226.71 FEET; THENCE ALONG THE ARC OF SAID CURVE 229.18 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT. SAID CURVE BEING CONCAVE TO THE WEST, HAVING A RADIUS OF 275.00 FEET, A CENTRAL ANGLE OF 39°42'12", AND A CHORD BEARING AND DISTANCE OF N09°40'09"E, 186.77 FEET; THENCE ALONG THE ARC OF SAID CURVE 190.56 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT. SAID CURVE BEING CONCAVE TO EAST, HAVING A RADIUS OF 2025.00 FEET, A CENTRAL ANGEL OF 10°10'57", AND A CHORD BEARING AND DISTANCE OF N05°05'28"W, 359.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 359.88 FEET; THENCE N00°00'00"E, 356.16 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CENTRALIA ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, RUN S89°56'37"E, 90.37 TO THE POINT OF BEGINNING.

CONTAINING 146.82 ACRES, MORE OR LESS.

LEGAL DESCRIPTION

LEGAL DESCRIPTION AND SKETCH AS PROVIDED BY COASTAL ENGINEERING ASSOCIATES, DATED 3/29/23, BY: SCOTT OSBOURNE, PSM



Exhibit B - Metes and Bound Legal

EMERALD CREEK CDD LEGAL
DESCRIPTION

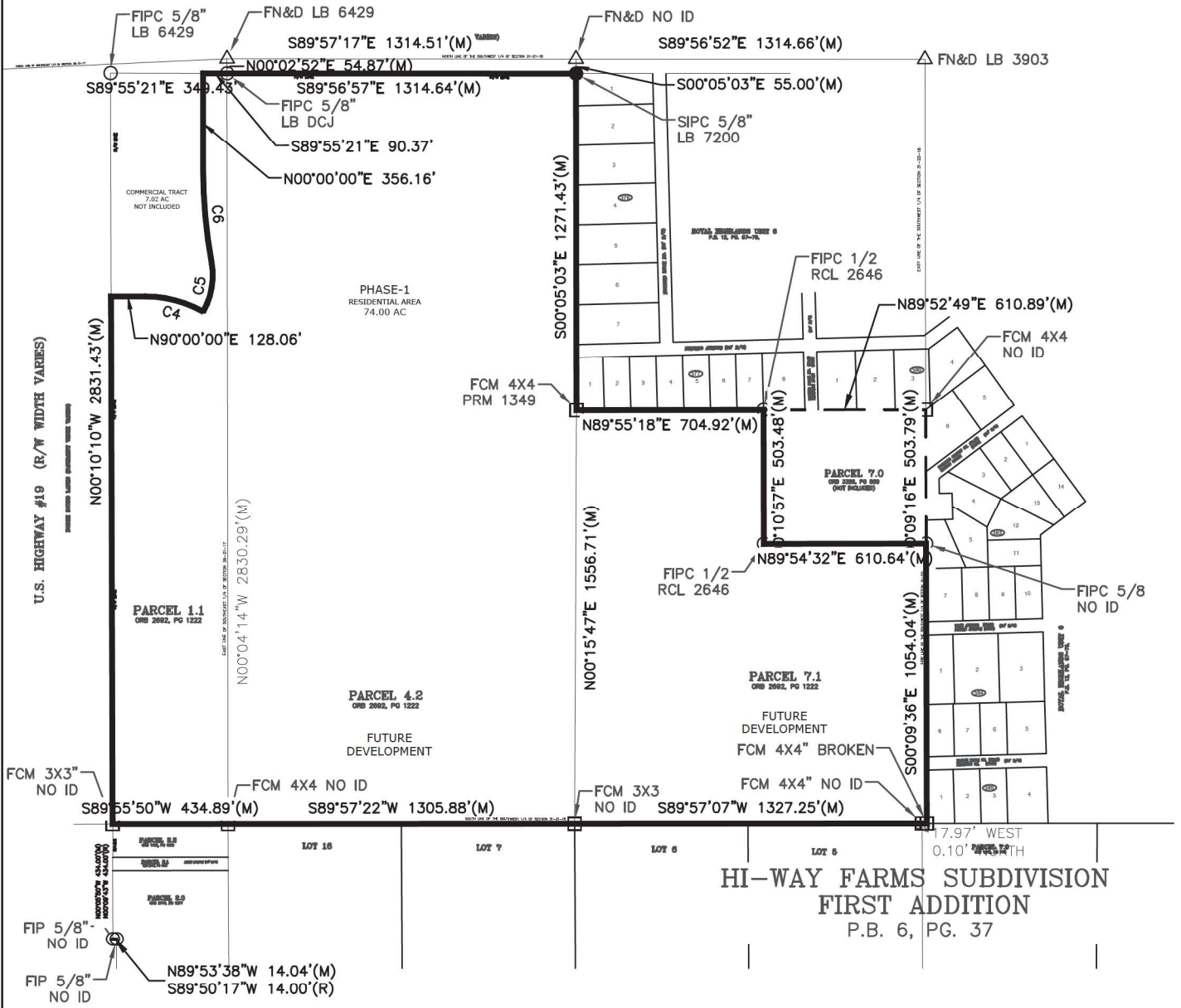
DATE

7/26/23

23043

EX-1.1

SECTION 31, TOWNSHIP 21 SOUTH, RANGE 18 EAST &
SECTION 36, TOWNSHIP 21 SOUTH, RANGE 17 EAST
HERNANDO COUNTY, FLORIDA



HI-WAY FARMS SUBDIVISION
FIRST ADDITION
P.B. 6, PG. 37

LEGEND AND ABBREVIATIONS

- C1 = SEE CURVE TABLE
- L1 = SEE LINE TABLE
- (C) = CALCULATED
- (P) = PLAT OR MAP
- (M) = FIELD MEASURED
- (R) = RECORD OR DEED
- O.R. = OFFICIAL RECORD
- P.B. = PLAT BOOK
- PG. = PAGE
- R/W = RIGHT-OF-WAY
- SEC = SECTION
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- ▲ = DESCRIPTIVE POINT
- *** = BASIS for BEARINGS

SURVEY NOTES:

1. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83), 2011 ADJUSTMENT AND ARE GRID BEARINGS.
2. BASIS FOR SURVEY IS DESCRIPTION, RECORD PLAT, AND MONUMENTATION FOUND IN PLACE.
3. ADDITIONS, DELETIONS REPRODUCTION OF SURVEY DRAWINGS BY OTHER THAN THE SIGNED PARTY OR PARTIES IS PROHIBITED BY LAW WITHOUT WRITTEN CONSENT OF THE SIGNED PARTY OR PARTIES.
4. THIS SURVEY MAP IS VALID ONLY TO THOSE PERSONS OR ENTITIES NAMED HEREON. COASTAL ENGINEERING ASSOCIATES, INC. WILL ASSUME NO RESPONSIBILITY FOR THE UNAUTHORIZED REPRODUCTION AND/OR REDISTRIBUTION OF THIS SURVEY MAP.
5. THIS PROPERTY IS SUBJECT TO ANY DEDICATION, LIMITATIONS, RESERVATIONS, RESTRICTIONS, AND/OR EASEMENTS OF RECORD AND NOT OF RECORD.
6. THE PROPERTY DESCRIBED HEREON APPEARS TO BE IN FLOOD ZONE X (AREA DETERMINED TO FALL OUTSIDE OF THE 0.2% CHANCE ANNUAL FLOODPLAIN) AS SCALED FROM THE FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 120110, MAP NUMBER 12053C, PANEL NUMBER 0156-E, EFFECTIVE DATE 01/15/2021.

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C4	229.18'	450.00'	291°0'49"	S75°24'35"E	226.71'
C5	190.56'	275.00'	39°42'12"	N09°40'09"E	186.77'
C6	359.85'	2025.00'	101°0'57"	N05°05'28"W	359.41'



Coastal
Engineering
Planning
Surveying
Environmental
Traffic
Transportation
Construction Management
engineering associates, inc.
966 Candlelight Boulevard - Brooksville - Florida 34601
(352) 796-9423 - Fax (352) 799-8359
EB-0000142

Exhibit B - Metes and Bound Sketch
EMERALD CREEK CDD LEGAL SKETCH

DATE
7/26/23
23043
EX-1