

FILED FOR RECORD
R. B. SHORE

ORDINANCE NO. 06-65

2006 SEP 15 AM 8:32

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ORDINANCE NO. 05-24; EXPANDING THE BOUNDARIES OF FOREST CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2005); ADDING APPROXIMATELY 41.64 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER.

2006 SEP 11 AM 9:33
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

WHEREAS, on March 1, 2005, the Manatee County Board of County Commissioners (County) adopted Ordinance No. 05-24 establishing Forest Creek Community Development District (District) and describing the boundaries of the District, which included a total of approximately 135.07 acres; and

WHEREAS, the District is an independent special district and a local unit of special-purpose government, and the Board of Supervisors of the District may exercise the powers granted to the District pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors of the District (Petitioner) has petitioned the County to adopt an ordinance expanding the boundaries of the District pursuant to Chapter 190, Florida Statutes (2005), and designating the real property shown and described in Exhibit A, attached hereto and incorporated herein, as the area of land comprising a total of approximately 41.64 acres to be added to the District; and

WHEREAS, pursuant to Section 190.046, Florida Statutes (2005), the filing of the petition for expansion by the Petitioner shall constitute consent of the landowners within the District other than of landowners whose land is proposed to be added to the District; and

WHEREAS, ACP, LLC, a Florida limited liability company, FC, L.L.C., a Florida limited liability company, Riggs NPC #2, LLC, a Florida limited liability company, and Riggs NPC #3, LLC, a Florida limited liability company, as owners of all of the real property to be added to the District, consent to the expansion of the boundaries of the District to add said lands to the District as shown and described in Exhibit A; and

WHEREAS, based on the information and representations provided by the Petitioner, the County finds all statements contained in the petition are true and correct and has relied thereon in adopting this Ordinance; and

WHEREAS, the expansion of the boundaries of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local comprehensive plan; and

WHEREAS, the area of land within the expanded boundaries of the District is of sufficient

size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community planned for residential uses; and

WHEREAS, the expanded District is the best alternative available for delivering the community development services and facilities to the area that is developed and will be developed with residential uses, and that will be served by the District as provided herein; and

WHEREAS, the proposed services and facilities to be provided by the District to the land to be added to the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that is developed and will be developed with residential uses, and that is served and will be served by the District, is amenable to separate special-district government; and

WHEREAS, the District created under Ordinance No. 05-24, as an independent special district and a local unit of special-purpose government, shall continue to be governed by the provisions of Chapter 190, Florida Statutes, specifically Sections 190.006 through 190.041, Florida Statutes, as amended; and

WHEREAS, the acquisition, construction, financing, and operation of such systems and facilities as set forth in the provisions of Chapter 190, Florida Statutes, will protect, promote, and enhance the public health, safety, and general welfare of the County and its inhabitants, including the residential uses located within the District.

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

Section 1. Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact.

Section 2. Authority. This Ordinance is adopted pursuant to Section 190.046, Florida Statutes (2005), and other applicable provisions of law governing county ordinances.

Section 3. Amendment. Ordinance No. 05-24 is hereby amended to add the areas of land shown and described in Exhibit A to the geographical boundaries and control of the District.

Section 4. Boundaries. The boundaries of the expanded Forest Creek Community Development District are those shown and described in Exhibit B, attached hereto and incorporated herein.

Section 5. Charter. The District shall be governed by the provisions of Chapter 190, Florida Statutes, specifically Sections 190.006 through 190.041, Florida Statutes, as amended. The

District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the Petition and Chapter 190, Florida Statutes, any or all of the special powers set forth in Subsection 190.012(1), Florida Statutes. The exercise by the District Board of Supervisors of the special powers specified in Subsection 190.012(2), Florida Statutes, within the areas of land described in Exhibit A shall require the consent of the Manatee County Board of County Commissioners.

Section 6. County Comprehensive Plan and County Land Development Code Compliance. The District shall be governed by the development standards of the Manatee County Comprehensive Plan and the Manatee County Land Development Code on its construction projects in the same manner as if it were a private developer. The District shall be required to obtain all necessary federal, state, and local permits, including but not limited to site plan approval and building permits, for any construction it undertakes. All infrastructure shall conform to Manatee County standards.

Section 7. County Rights of Termination, Contraction, Expansion, and Limitation. All rights of Manatee County to terminate, contract, expand, or otherwise limit or affect the District as set forth in Section 190.046, Florida Statutes, are hereby specifically reserved.

Section 8. Severability. If any section, subsection, sentence, clause, provision, or part of this Ordinance shall be held invalid for any reason by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 9. Effective Date. This Ordinance shall be effective immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

Section 10. Petitioner Acknowledgment and Agreement. Petitioner acknowledges and agrees to the statements and provisions contained in this Ordinance and evidences such by execution of the acknowledgment and agreement provided below.

ADOPTED, with a quorum present and voting, this 7th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Joe McClash
Joe McClash, Chairman



Attest: R. B. Shore
Clerk of the Circuit Court

By: [Signature]

ACKNOWLEDGMENT AND AGREEMENT

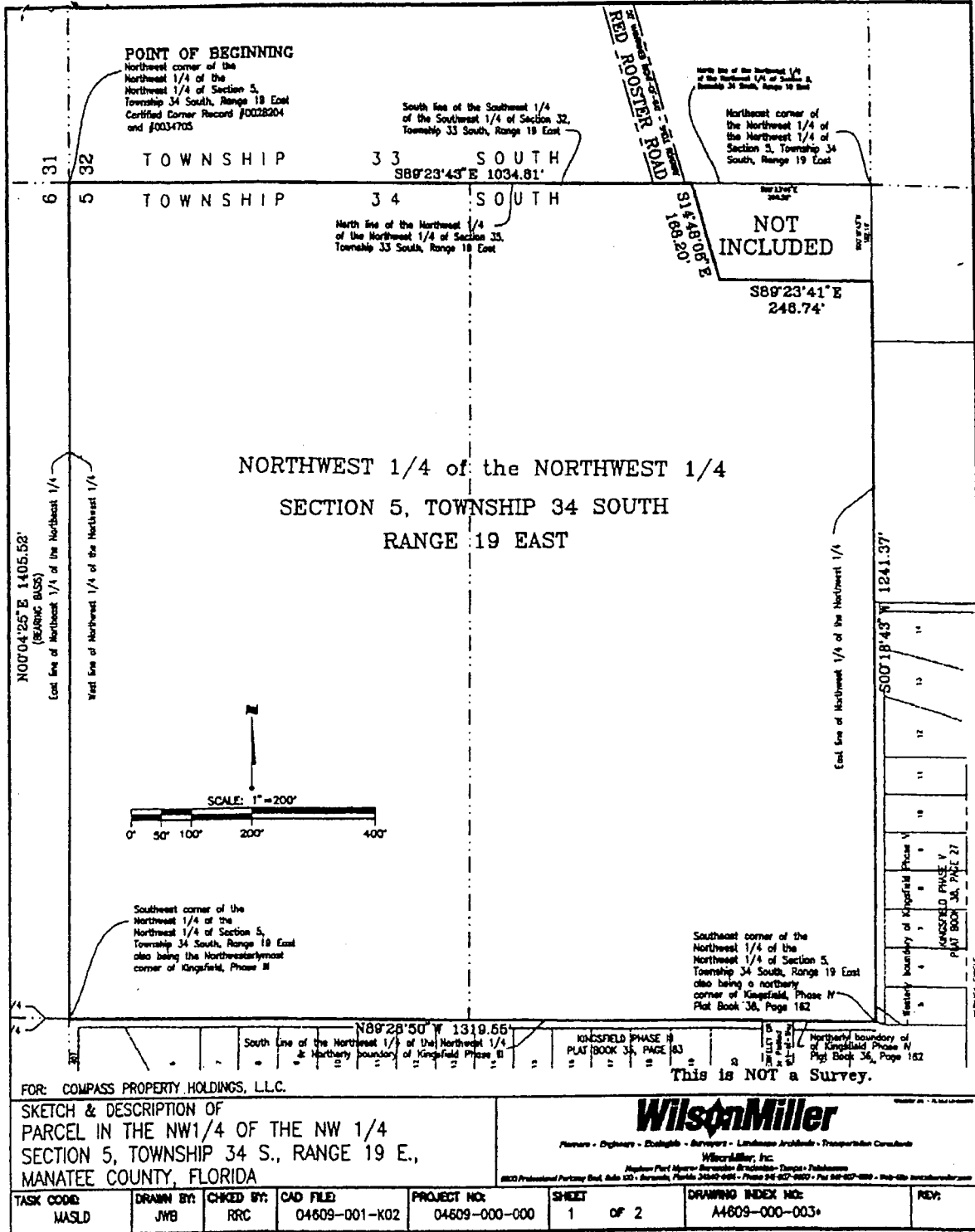
The undersigned Petitioner, the Board of Supervisors of Forest Creek Community Development District, by and through the undersigned, does hereby acknowledge and agree to the statements and provisions contained in this Ordinance No. 06-65.

Board of Supervisors of Forest Creek
Community Development District

By: [Signature]
James R. Schier, Chairman

Attest: Karen L. Byrnes
Karen L. Byrnes, Assistant Secretary

Addition to District



A parcel of land lying in the Northwest 1/4 of the Northwest 1/4 of Section 5, Township 34 South, Range 19 East, Manatee County, Florida and described as follows:

BEGIN at the northwest corner of said Northwest 1/4 of the Northwest 1/4 of Section 5; thence S.89°23'43"E., along the north line of said Northwest 1/4 of the Northwest 1/4, a distance of 1034.81 feet; thence S.14°48'06"E., a distance of 168.20 feet; thence S.89°23'41"E., a distance of 246.74 feet to a point on the east line of said Northwest 1/4 of the Northwest 1/4; thence S.00°18'43"W., along said east line of said Northwest 1/4 of the Northwest 1/4, a distance of 1241.37 feet to the southeast corner of said Northwest 1/4 of the Northwest 1/4, said corner also being on the north line of Kingsfield, Phase IV as recorded in Plat Book 35, Page 162, Public Records of Manatee County, Florida; thence N.89°28'50"W., along the south line of said Northwest 1/4 of the Northwest 1/4 and the north line of Kingsfield, Phase IV, and the north line of Kingsfield Phase III, as recorded in Plat Book 36, Page 63 of said Public Records, a distance of 1319.55 feet to the southwest corner of said Northwest 1/4 of the Northwest 1/4; thence N.00°04'25"E., along the west line of said Northwest 1/4 of the Northwest 1/4, a distance of 1405.52 feet to the Point of Beginning.

Said parcel contains 1,813,847 square feet or 41.64 acres, more or less.


NOTES:

- 1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER, THIS SKETCH, DRAWING, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.
- 2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, BEING S.89°23'41"E.
- 3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

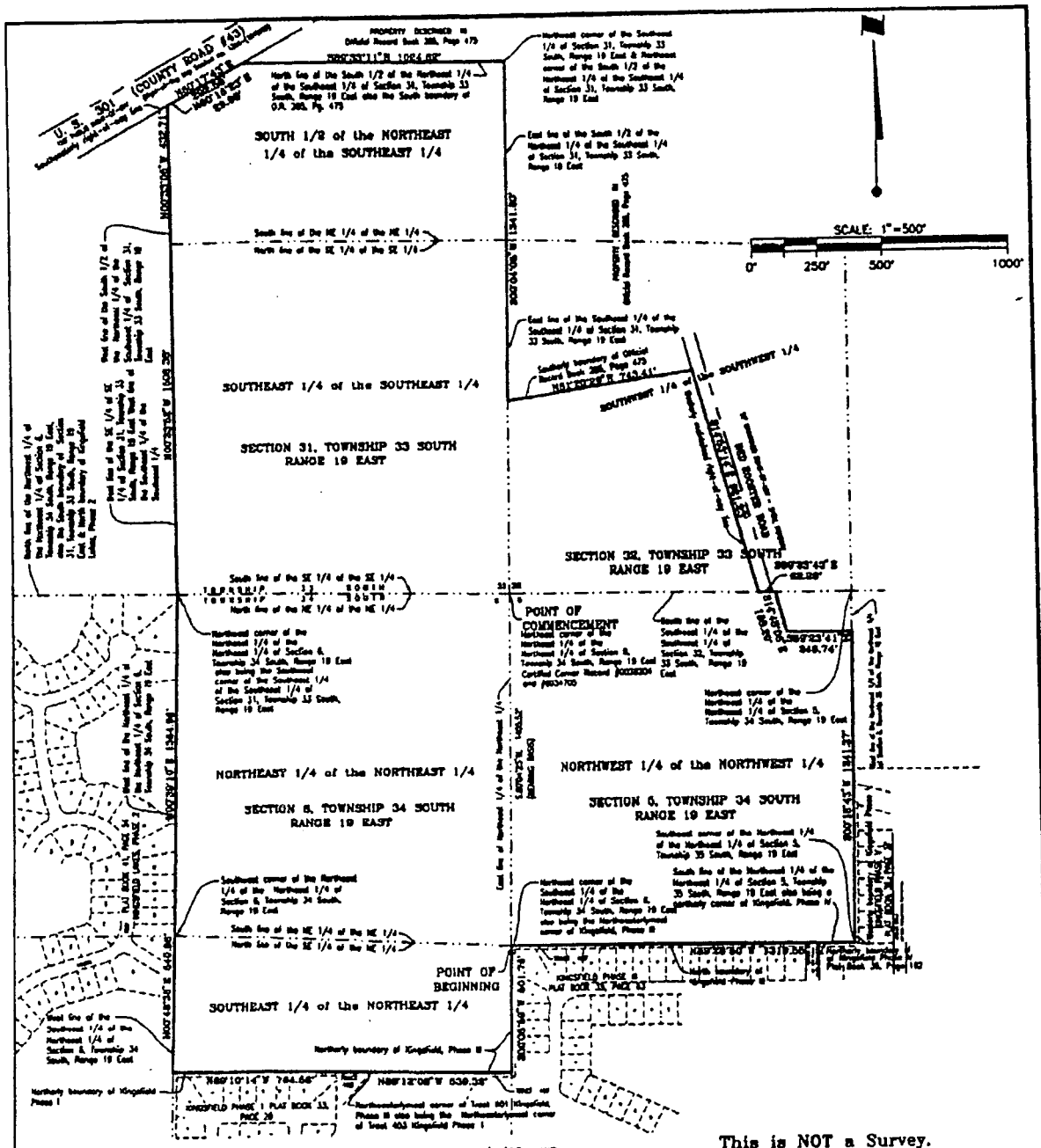
Jennie W. Brannon 5/5/05
 Jennie W. Brannon, P.S.M. Date of Signature
 Florida Registration No. 5041

May 04, 2005 - 14:17:44 JBRANNON\X\SUR\04609\000\04609-001-K02.dwg
 FOR: COMPASS PROPERTY HOLDINGS, L.L.C.

This is NOT a Survey.

SKETCH & DESCRIPTION OF PARCEL IN THE NW1/4 OF THE NW 1/4 SECTION 5, TOWNSHIP 34 S., RANGE 19 E., MANATEE COUNTY, FLORIDA				 <p><small>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants</small> Wilson Miller, Inc. <small>Headquarters: Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee</small> <small>800 Professional Parkway East, Suite 200 • Sarasota, Florida 34240-0991 • Phone 941-557-9900 • Fax 941-557-9902 • Web Site www.wilsonmiller.com</small></p>			
TASK CODE: MASLD	DRAWN BY: JWB	CHECKED BY: RRC	CAD FILE: 04609-001-K02	PROJECT NO: 04609-000-000	SHEET 2 OF 2	DRAWING INDEX NO: A4609-000-003*	REV:

Boundaries of Expanded District



FOR: RIGGS NATIONAL PROPERTY REVA - REVISE BOUNDARY, 5/4/05, JWB

This is NOT a Survey.

SKETCH & DESCRIPTION OF FOREST CREEK COMMUNITY
 DEVELOPMENT DISTRICT SECTIONS 5 & 6,
 TWP. 34 S., RGE. 19 E., & SECTIONS 31 & 32,
 TWP. 34 S., RGE. 19 E., MANATEE COUNTY, FLORIDA

Wilson Miller

Planners - Engineers - Surveyors - Landscape Architects - Transportation Consultants
 Wilson Miller, Inc.
 11000 Park Avenue, Suite 200, Tampa, Florida 33613
 Phone: 813-987-0000 Fax: 813-987-0000 Website: www.wilsonmiller.com

TASK CODE: GCCDD	DRAWN BY: JTN	CHECKED BY: JWB	CAD FILE: 04264-001-K13	PROJECT NO: 04264-002-000	SHEET: 1 OF 2	DRAWING INDEX NO: A4264-002-034+	REV: A
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The South 1/2 of the Northeast 1/4 of the Southeast 1/4 of the above mentioned Section 31, Township 33 South, Range 19 East, LESS right-of-way for U.S. Highway No. 301 (County Road No. 43), together with the Southeast 1/4 of the Southeast 1/4 of Section 31, Township 33 South, Range 19 East, together with the West 3/4 of the Southwest 1/4 of the Southwest 1/4 of Section 32, Township 33 South, Range 19 East, lying west of Maintained County right-of-way for RED ROOSTER ROAD, and LESS that part described in Official Records Book 285, Page 475, of the Public Records of Manatee County, Florida, together with the Northeast 1/4 of the Northeast 1/4, and part of the Southeast 1/4 of the Northeast 1/4 of Section 6, Township 34 South, Range 19 East and the Northwest 1/4 of the Northwest 1/4 of Section 5, Township 34 South, Range 19 East, all in Manatee County, Florida, and being described as follows:

Commence at the northeast corner of said Northeast 1/4 of the Northeast 1/4 of Section 6; thence S.00°04'25"W., along the east line of said Northeast 1/4 of the Northeast 1/4 of Section 6, a distance of 1405.52 feet to the northeast corner of said Southeast 1/4 of the Northeast 1/4 of Section 6, also being the northwesterlymost corner of KINGSFIELD, PHASE III, as recorded in Plat Book 35, Page 63, of the Public Records of Manatee County, Florida for a POINT OF BEGINNING; thence along the northerly line of said KINGSFIELD, PHASE III, the following two (2) calls; (1) thence S.00°05'59"W., a distance of 501.78 feet; (2) thence N.89°12'08"W., a distance of 539.32 feet to the northwesterlymost corner of Tract 601 of said KINGSFIELD, PHASE III, also being the northwesterlymost corner of Tract 403 of KINGSFIELD PHASE I, as recorded in Plat Book 33, Page 20, Public Records of Manatee County, Florida; thence N.89°10'14"W., along the northerly line of said KINGSFIELD PHASE I, a distance of 764.58 feet to the northwest corner of said KINGSFIELD PHASE I, also being a point on the west line of said Southeast 1/4 of the Northeast 1/4 of Section 6; thence N.00°48'38"E., along said west line of the Southeast 1/4 of the Northeast 1/4 of Section 6, a distance of 540.98 feet to the southwest corner of said Northeast 1/4 of the Northeast 1/4 of Section 6, thence N.00°39'10"E., along the west line of said Northeast 1/4 of the Northeast 1/4 of Section 6, a distance of 1364.96 feet to the northwest corner of said Northeast 1/4 of the Northeast 1/4 of Section 6, also being the southwest corner of said Southeast 1/4 of the Southeast 1/4 of Section 31; thence N.00°33'52"W., along the west line of said Southeast 1/4 of the Southeast 1/4 of Section 31, a distance of 1508.38 feet; thence N.00°33'05"W., along the west line of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 31, a distance of 432.71 feet to a point on the southeasterly right-of-way line of U.S. Highway No. 301 (County Road No. 43) (150-foot wide public right-of-way); thence along said southeasterly right-of-way line of U.S. Highway No. 301 (County Road No. 43) the following two (2) courses; (1) thence N.60°16'23"E., 29.98 feet; (2) thence N.60°17'43"E., 292.58 feet to the north line of said South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 31, also being the south line of a parcel as described in Official Records Book 285, Page 475, as recorded in the Public Records of Manatee County, Florida; thence along said south parcel line, the following three (3) calls: (1) thence S.89°33'11"E., along said north line of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 31, a distance of 1024.62 feet to the northeast corner of said South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 31; (2) thence S.00°04'05"W., along the east line of said South 1/2 of the Northeast 1/4 of the Southeast 1/4, and the north line of the above mentioned Southeast 1/4 of the Southeast 1/4 of Section 31, a distance of 1341.80 feet; (3) thence N.81°20'29"E., a distance of 743.41 feet to a point on the westerly maintained right-of-way line of RED ROOSTER ROAD (50-foot wide maintained public right-of-way); thence S.14°53'14"E., along said westerly maintained right-of-way line of RED ROOSTER ROAD, a distance of 921.23 feet to the south line of the Southwest 1/4 of the Southwest 1/4 of the above mentioned Section 32; thence S.89°23'43"E., along said south line, a distance of 62.26 feet; thence S.14°48'06"E., a distance of 168.20 feet; thence S.89°23'41"E., a distance of 246.74 feet to a point on the east line of said Northwest 1/4 of the Northwest 1/4; thence S.00°18'43"W., along said east line of said Northwest 1/4 of the Northwest 1/4, a distance of 1241.37 feet to the southeast corner of said Northwest 1/4 of the Northwest 1/4, said corner also being on the north line of KINGSFIELD, PHASE IV as recorded in Plat Book 36, Page 162 in the above mentioned Public Records; thence N.89°28'50"W., along the south line of said Northwest 1/4 of the Northwest 1/4 and the north lines of said KINGSFIELD, PHASES III & IV, a distance of 1319.55 feet to the POINT OF BEGINNING.

Containing 176.71 acres, more or less.

NOTES:

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER, THIS SKETCH, DRAWING, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY.
2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST LINE OF NORTHEAST 1/4 OF THE NORTHEAST 1/4, BEING S.00°04'25"W.
3. THIS IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY.

Jennie W. Brannon 5/9/05
 Jennie W. Brannon, P.S.M. Date of Signature
 Florida Registration No. 5041

This is NOT a Survey.

FOR: RIGGS NATIONAL PROPERTY REVA - REVISE BOUNDARY, 5/4/05, JWB

SKETCH & DESCRIPTION OF FOREST CREEK COMMUNITY DEVELOPMENT DISTRICT SECTIONS 5 & 6, TWP. 34 S., RGE. 19 E., & SECTIONS 31 & 32, TWP. 34 S., RGE 19 E., MANATEE COUNTY, FLORIDA

Wilson Miller

Planners - Engineers - Estimators - Surveyors - Landscape Architects - Transportation Consultants

Wilson Miller, Inc.

1000 Professional Parkway East, Suite 200 - Sarasota, Florida 34230-3401 • Phone 941-557-0020 • Fax 941-557-0000 • Web Site www.wilsonmiller.com

TASK CODE: GCCDD	DRAWN BY: JTN	CHECKED BY: JWB	CAD FILE: 04264-001-K13	PROJECT NO: 04264-002-000	SHEET 2 OF 2	DRAWING INDEX NO: A4264-002-034*	REV: A
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STATE OF FLORIDA, COUNTY OF MANATEE
 This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 5th day of

September, 2006.

R.B. SHORE
 Clerk of Circuit Court

By: Diane E. Vollmer