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ORDINANCE NO. 94-07

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING THE LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1 PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION, OPERATION AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

FEB 25 10 13 AM '94

FILED

WHEREAS, SMR COMMUNITIES, a Florida general partnership ("Petitioner"), has petitioned the Manatee County Board of County Commissioners (the "County") to adopt an ordinance establishing Lakewood Ranch Community Development District 1 (the "District") pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, Petitioner is the development arm of Schroeder-Manatee Ranch, Inc., which owns 28,000 acres in Manatee and Sarasota Counties, inclusive of the 815-acre area proposed for the District; and,

WHEREAS, based on the information 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 creation 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 District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and,

WHEREAS, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District, as provided herein; and,

WHEREAS, the proposed 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

94-07 LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT I

facilities; and,

WHEREAS, the area that will be served by the District is amendable to separate special-district government; and,

WHEREAS, the creation of the District as an independent special district and a local unit of special purpose government pursuant to the Act, and based on the Petitioner's Charter ("Charter") attached hereto as Exhibit "A" and made a part hereof, the exercise by the District's Board of Supervisors of its powers under the Act, including those special powers specifically described in paragraph II.B.2. of the Charter, will further the objectives and public purposes of the Act; will constitute a timely, efficient, effective, responsive and economic way to deliver basic community development services and to plan, manage and finance needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers; and is in the public interest and the best interest of the state and the County and their inhabitants; and,

WHEREAS, as provided in the Charter, the establishment of the District and the exercise of its powers under the Act will serve a governmental and public purpose in that the District will perform essential governmental functions which would otherwise have to be performed by other state and local governments or agencies by, inter alia, providing systems and facilities for the use and enjoyment of the general public, including roads, water, sewer and waste water management systems and facilities, water management and control systems and facilities, including bridges and culverts, parks and facilities for indoor and outdoor recreational, cultural and educational uses, fire prevention and control systems and facilities, and security systems and facilities; and,

WHEREAS, the acquisition, construction, financing and operation of such systems and facilities as set forth in the Charter will project, promote and enhance the public health, safety and general welfare of the County and its inhabitants, including the inhabitants of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THIS 24<sup>th</sup> DAY OF FEBRUARY, 1994, AS FOLLOWS:

SECTION 1. Intent and Findings of Fact. The Board of County Commissioners of Manatee County, Florida, hereby adopts the "WHEREAS" clauses stated above as findings of fact in support of this Ordinance.

SECTION 2. Creation. There is hereby created the Lakewood Ranch Community Development District 1 which shall operate in accordance with the Charter attached as Exhibit "A."

SECTION 3. Boundaries. The boundaries of the Lakewood Ranch Community Development District 1 are those described and attached as Exhibit "B."

SECTION 4. Initial Board. The following five persons are designated as the initial members of the Board of Supervisors: Rex Jensen, C. John Clarke, Mary Fran Carroll, Robin Uihlein, and Anthony Chiofalo.

SECTION 5. 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 preserved.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision or part shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. Effective Date. This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 8. Petitioner Acknowledgement. Petitioner acknowledges and agrees to the statements and provisions contained herein and evidences such by execution of the acknowledgement provided below.

ADOPTED, with a quorum present and voting, this 24 day of FEB, 1994.

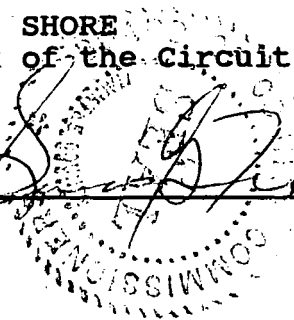
BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Stan Stephens  
Stan Stephens, Chairman

ATTEST:

R. B. SHORE  
Clerk of the Circuit Court

R. B. Shore  
D.C.



ACKNOWLEDGEMENT

The undersigned Petitioner, SMR COMMUNITIES, by and through its President, ROGER F. POSTLETHWAITE, does hereby acknowledge and agree to the statements and provisions contained herein.

SMR COMMUNITIES

By: Roger F. Postlethwaite  
President

Witnesses:

Alan R. Miller  
Debra Y. Law

**CHARTER****I. COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED.**

Pursuant to Chapter 190, Fla. Stat., a community development district, henceforth to be known as the Lakewood Ranch Community Development District 1 (the "District"), is established to perform the functions contained in the Petition to the extent authorized by Ordinance No. 94-07 (the "Ordinance").

**II. GENERAL AND SPECIAL POWERS**

The powers of the District shall be limited to the provisions of Chapter 190, Fla. Stat., and any other applicable laws, rules and regulations, as each may hereafter be amended.

A. General Powers. The District shall have, and the District Board of Supervisors (the "District Board") may exercise the powers set forth in Chapter 190.011 Fla. Stat., as amended, or as set forth in any corresponding provisions of future law.

B. Special Powers. 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 District, any or all of the following special powers relating to public improvements and community facilities authorized by this Charter:

1. To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructures:
  - (a) Water management and control for the lands within the District and to connect some or any of such facilities with roads and bridges.
  - (b) Water supply, sewer, and wastewater management, or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent,

residue, or other byproducts of such system or sewer system.

- (c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.
  - (d) District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.
  - (e) Any other project within or without the boundaries of a district when a local government issues a development order pursuant to §380.06 to §380.061, Fla. Stat., approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.
2. To plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:
- (a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.
  - (b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks and other vehicles and equipment; provided, however, that nothing herein shall be construed to provide the District powers inconsistent with Chapters 80-538, 85-454 and 90-455, Laws of Florida,

relating to the provision of fire prevention and control within the District boundaries by the Braden River Fire Control and Rescue District; nor shall anything herein be construed to provide the District powers inconsistent with Chapter 92-249, Laws of Florida, relating to the provision of fire prevention and control within the District boundaries by the Southern Manatee Fire and Rescue District.

- (c) Security, including but not limited to, guardhouses, fences and gates, electronic intrusion - detection systems and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

- 3. To adopt and enforce appropriate rules following the procedures of Chapter 120, Fla. Stat., in connection with the provision of one or more services through its systems and facilities.

C. That the exercise by the District of its powers shall comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be serviced by the District and any infrastructure pursuant to this section, including plans submittal, review, and approval.

The District does not have or exercise any zoning or development permitting power. All County planning, building, environmental, and land development laws, regulations, and ordinances apply to all development of land within the District and any infrastructure referenced in this section including plans submittal, review, and approval. The District shall take no action which is inconsistent with the Manatee County Comprehensive Plan or the Manatee County Land Development Code.

### III. BOUNDARIES OF THE DISTRICT

The District shall consist of all properties located within the area described in Exhibit 1.

### IV. BOARD OF SUPERVISORS

The Board of Supervisors (the District Board) shall be the governing Board of the District or if such Board has been abolished, the District Board, body, or Commission succeeding to the principal functions thereof or to whom the powers given to the principal functions thereof or to whom the powers given to the District Board by this Charter have been given by law. The District Board shall exercise the powers granted to the District pursuant to this Charter and Chapter 190, Fla. Stat., as amended or as set forth in any corresponding provisions of future law.

#### A. Membership.

1. A member of the District Board must be a resident of the State of Florida and a citizen of the United States.
2. The initial District Board shall consist of the following five (5) members:
  - a. Rex Jensen
  - b. C. John Clarke
  - c. Mary Fran Carroll
  - d. Robin Uihlein
  - e. Anthony Chiofalo

Except as otherwise provided herein, each member shall hold office for a term of four (4) years and until his successor is chosen and qualifies.

3. Within ninety (90) days following the effective date of Ordinance No. 94-07, there shall be held a meeting of the landowners of the District for the purpose of electing five (5) supervisors for the District. Notice of the landowners' meeting shall be published once a week for two (2) consecutive weeks in a newspaper which is in general circulation in the area of the District, the last day of such publication to be not fewer than fourteen (14) days or more



than twenty eight (28) days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chairman who shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him and located within the District for each person to be elected. A landowner may vote in person or by proxy in writing. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. The two (2) candidates receiving the highest number of votes shall be elected for a period of four (4) years, and the three (3) candidates receiving the next largest number of votes shall be elected for a period of two (2) years. There shall be an election of supervisors for the District every two (2) years thereafter on the first Tuesday in November. The two (2) candidates receiving the highest number of votes shall be elected to serve for a four (4) year period and the remaining candidate elected shall serve for a two (2) year period.

4. If the District Board proposes to exercise the ad valorem taxing power authorized by §190.021, Fla. Stat., the District Board shall call an election at which the members of the District Board will be elected. Such election shall be held in conjunction with a primary or general election unless the District bears the cost of a special election. Each member shall be elected by the qualified electors of the District for a term of four (4) years, except that at the first such election, three (3) members shall be elected for a period of four (4) years and two (2) members shall be elected for a period of two (2) years. All elected Board members must be qualified electors of the District.
5. Commencing 6 years after the initial appointment of members, the position of each member whose term has expired shall be

filled by a qualified elector of the District. If, in the 6th year after the initial appointment of members, there are not at least 250 qualified electors in the District, members of the board shall continue to be elected by landowners. After the 6th year, once the District reaches 250 qualified electors, then the position of two board members whose terms are expiring shall be filled by qualified electors of the District, elected by the qualified electors of the District. One of these board members shall serve a 2-year term, and the other a 4-year term. The remaining board member whose term is expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors, elected by qualified electors of the District.

6. Members of the District Board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by law. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.
7. A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.
8. As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chairman and by electing a secretary, who need not be a member

of the District Board, and such other officers as the District Board may deem necessary.

9. The District Board shall keep a permanent record book entitled "Record of Proceedings of Lakewood Ranch Community Development District 1," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to Chapter 119, Fla. Stat. The record book shall be kept at the office or other regular place of business maintained by the District board in Manatee County.
10. Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the Board of Supervisors and not to exceed \$4,800 per year or an amount established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in §112.061, Fla. Stat.
11. All meetings of the District Board shall be open to the public and governed by the provisions of Chapter 286, Fla. Stat.

B. Duties.

1. The Board shall employ, and fix the compensation of a District Manager. The District Manager shall have charge and supervision of the works of the District and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this Charter, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed by the Board. It shall not be a conflict of interest under Chapter 112, Fla. Stat., for a Board member or the District

manager or another employee of the District to be a stockholder, officer, or employee of a landowner. The District Manager may hire or otherwise employ and terminate the employment of such other persons including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the District Board. The compensation and other conditions of employment of the officers and employees of the District shall be as provided by the District Board.

2. The District Board shall designate a person who is a resident of the state as treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the District Board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the District Board. The District Board may give the treasurer such other or additional powers and duties as the District Board may deem appropriate and may fix his compensation. The District Board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the District Board to secure the performance by the treasurer of his powers and duties. The financial records of the District Board shall be audited by an independent certified public accountant at least once a year.
3. The District Board is authorized to select as a depository for its funds any qualified public depository as defined in §280.02, Fla. Stat., which meets all requirements of Chapter 280, Fla. Stat., and has been designated by the Treasurer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the District Board may deem just and reasonable.

**V. ADMINISTRATION, OPERATION, AND FINANCING**

The powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of the District shall be in accordance with general law.

A. Administration. The District, at its first duly held meeting of the Board of Supervisors, said meeting to be held not later than ten (10) days after the effective date of this Charter, shall execute and submit to the County an Interlocal Agreement with the County, in substantially the same form attached hereto as Exhibit 2, providing for and/or establishing:

1. the relationship between the District, the County, the Manatee County Comprehensive Plan, Land Development Code, existing development orders, and other County ordinances, rules, and regulations;
2. the design and construction of any facilities authorized hereunder, including, but not limited to, roads, water distribution, wastewater collection systems, surface water management facilities, landscaping and other basic service delivery in accordance with, or in excess of, Manatee County standards;
3. the utilization by the District of County potable water and wastewater facilities for the provision of all potable water and wastewater services within the District; and
4. the ability to transfer ownership and maintenance of roads, roadway drainage collection systems and associated bridges, water, wastewater improvements, parks and associated right-of-way and easements to the County, and any other appropriate facilities authorized hereunder, in accordance with then current County ordinances and procedures.

The District acknowledges that it cannot provide potable water and wastewater services to the District in as efficient and economic manner as the County, and further acknowledges that it cannot provide the same level of service as the County. Therefore, failure of the District to enter into the Interlocal Agreement, as set forth herein, is

acknowledged by the Petitioner to be sufficient evidence, with this Petition, to support the establishment of an Ordinance transferring such services to the County in the manner set forth in Section 190.046, Fla. Stat.

B. Operation.

The District shall operate in accordance with all applicable laws, rules, regulations and resolutions.

C. Financing.

1. Budget.

- a. The District shall provide financial reports in such form and such manner as prescribed pursuant to Chapters 218 and 190, Fla. Stat., as amended, or as set forth in any corresponding provisions of future law.
- b. On or before each July 15, the District Manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the District Board for approval. The proposed budget shall include at the direction of the District Board an estimate of all necessary expenditures of the District for the ensuing fiscal year and an estimate of income to the District from the taxes and assessments provided in Chapter 190, Fla. Stat. The District Board shall consider the proposed budget item by item and may either approve the budget as proposed by the District Manager or modify the same in part or in whole. The District Board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the District once a week for two (2) consecutive weeks, except that the first publication shall be not fewer than fifteen (15) days prior to the date

of the hearing. The notice shall further contain a designation of the day, time and place of the public hearing. At the time and place designated in the notice, the District Board shall hear all objections to the budget as proposed and may make such changes as the District Board deems necessary. At the conclusion of the budget hearing, the District Board shall, by resolution, adopt the budget as finally approved by the District Board. The budget shall be adopted prior to October 1 of each year.

- c. At least sixty (60) days prior to adoption, the District Board shall submit to Manatee County for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year and any proposed long-term financial plan or program of the District for future operations.
- d. Manatee County may review the proposed annual budget and any long-term financial plan or program and may submit written comments to the District Board for its assistance and information in adopting its annual budget and long-term financial plan or program.

2. Disclosure of Public Financing.

The District shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the District. Such information shall be made available to all existing or prospective residents in the land area under jurisdiction of the District. Any developer of residential land within the boundaries of the District, when required by law to provide a public offering statement, shall include such information relating to the public financing and maintenance of improvements in the public offering statement.

EXHIBITS

1. Legal Description
2. Interlocal Agreement



## LEGAL DESCRIPTION

A tract of land situated and being in Sections 20, 21, 29 and 32, Township 35 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 29, Township 35 South, Range 19 East; thence N.00°22'41"E. along the Westerly line of said Section 29, a distance of 242.01 feet to the POINT OF BEGINNING; thence continue along the Westerly line of said Section 29, N.00°22'41"E. a distance of 5071.12 feet to the Southwest corner of Section 20, Township 35 South, Range 19 East; thence N.00°36'02"E along the Westerly line of said Section 20 a distance of 4661.26 feet to the Southerly line of premises described in Official Records Book 1394, Page 3064 of the Public Records of Manatee County, Florida; thence S.89°00'05"E. along the Southerly line of said premises and the extension thereof a distance of 1170.69 feet; thence N.04°58'58"W. a distance of 131.92 feet; thence N.02°24'59"W. a distance of 329.52 feet; thence N.59°49'32"W. a distance of 80.72 feet; thence N.09°33'33"W. a distance of 55.79 feet to the Southerly right-of-way line of State Road No. 70 (200 feet wide); (the following two calls are along said southerly right-of-way line of State Road No. 70); thence S.88°46'44"E a distance of 4297.07 feet; thence S.89°43'18"E a distance of 1910 feet to the intersection of said Southerly right-of-way line with the approximate centerline of Wolf Slough, said point hereafter referred to as "POINT A"; thence Southwesterly along the centerline of said Wolf Slough a distance of 2140 feet +/- to a point, said point hereafter referred to as "POINT B", said point lying S.22°37'21"W a distance of 2072.20 feet from the aforementioned "POINT A"; thence S.68°09'52"W. a distance of 139.16 feet to the point of curvature of a curve to the right having a radius of 1175.00 feet and a central angle of 39°30'44"; thence along the arc in a Westerly direction a distance of 810.30 feet to a point on a curve to the left of which the radius point lies S.53°47'48"E. a radial distance of 210.00 feet; thence along the arc in a Southeasterly direction, passing through a central angle of 73°07'34" a distance of 268.02 feet to the point of reverse curvature of a curve to the right having a radius of 150.00 feet and a central angle of 138°38'28"; thence along the arc in a Southwesterly direction a distance of 362.96 feet to the point of reverse curvature of a curve to the left having a radius of 205.00 feet and a central angle of 103°21'22"; thence along the arc in a Southwesterly direction a distance of 369.80 feet; thence S.80°50'47"E. a distance of 526.82 feet to a point in the approximate centerline of the aforementioned Wolf Slough, said point hereafter referred to as "POINT C"; thence Southwesterly along said centerline of Wolf Slough a distance of 360 feet +/- to its intersection with the centerline of the Braden River; thence continue Southwesterly along the centerline of said Braden River a distance of 4440 feet +/- to "POINT D", said point being a point on a curve to the left, of which the radius point lies N.80°37'25"E. a radial distance of 1940.00 feet and said point lying S.68°12'39"W a distance of 3775.46 from aforementioned "POINT C"; thence along the arc in a Southeasterly direction, passing through a central angle of 9°15'26" a distance of 313.44 feet to the point of reverse curvature of a curve to the right having a central angle of 61°13'33" and a radius of 2060.00 feet; thence along the arc in a Southwesterly direction a distance of 2201.30 feet; thence S.42°35'32"W a distance of 425.61 feet to the point of curvature of a curve to the left having a central angle of 42°06'20" and a radius of 940.00 feet; thence along the arc in a Southwesterly direction a distance of 690.79 feet; thence S.00°29'12"W. a distance of 291.99 feet to the Northwest corner of a parcel described in a boundary line agreement, recorded in Official Records book 1323, Pages 1526 through 1534 of the Public Records of Manatee County, Florida; thence continue S.00°29'12"W. along the Westerly line of said Boundary Line Agreement and the extension thereof a distance of 1832.13 feet to the point of curvature of a curve to the right having a central angle of 75°00'15" and a radius of 1060.00 feet; thence along the arc in a Southwesterly direction a distance of 1387.61 feet; thence S.75°29'27"W. a distance of 259.49 feet; thence N.10°30'33"W. a distance of 316.71 feet to the point of curvature of a curve to the left having a central angle of 79°06'46" and a radius of 242.01 feet; thence along the arc in a Northwesterly direction a distance of 334.16 feet to the POINT OF BEGINNING.

Containing 815 +/- Acres.

**EXHIBIT "2"**  
**INTERLOCAL AGREEMENT BETWEEN MANATEE COUNTY  
AND LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1**

THIS INTERLOCAL AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_ ("Agreement"), is between Manatee County, a political subdivision of the State of Florida, through its Board of County Commissioners ("County") and the Lakewood Ranch Community Development District 1, an independent special district created pursuant to Chapter 190, Fla. Stat., ("District").

WHEREAS, SMR Communities, a Florida general partnership ("Developer"), is the Developer of certain lands located in Manatee County, Florida, which are within the boundaries of the District, more specifically described in Exhibit "1", attached hereto and made a part hereof ("Lakewood Ranch Development"); and

WHEREAS, the Developer submitted a petition, as amended, for the establishment of a community development district known as Lakewood Ranch Community Development District 1 ("Petition"); and

WHEREAS, the County has adopted Ordinance No. 94-07 establishing the District in accordance with Chapter 190, Fla. Stat. ("Ordinance"); and

WHEREAS, the County and the District desire to establish and clarify their respective duties, powers, responsibilities, liabilities and obligations.

NOW, THEREFORE, the County and the District agree as follows:

1. Legislative Authority. This Agreement is entered into in accordance with the authority set forth in Chapters 125 and 190, Fla. Stat. (1993), and Section 163.01, Fla. Stat. (1993).
2. Compliance with the Ordinance. Compliance with the Ordinance is a requirement of this Agreement.
3. Defined Terms. All terms used in this Agreement shall be as defined in Chapter 190, Fla. Stat. unless other ordinances or statutes are specifically referenced.
4. Scope of Powers. The District's powers shall be those defined in the Petition and approved in the Ordinance. All powers provided to a community development district by Chapter 190, Fla. Stat., that are not expressly approved in the Petition and Ordinance shall remain the powers of the County.
5. Relationship to County. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within the District. The District shall 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. The District shall take no action which is inconsistent with applicable plans, ordinances, or regulations of the County. The District shall not undertake or perform any action which is inconsistent with or in violation of any valid Development Order (as that term is defined in the Manatee County Land Development Code, which includes, but is not limited to, any applicable general development plans and DRI Development Orders) issued by the County which governs the use of property within the boundaries of the District; provided, however, that satisfaction by the District of any condition or requirement of any valid Development Order shall be deemed in compliance and not inconsistent with, or in violation of, the terms and conditions thereof. This paragraph shall apply to Development Orders existing prior to, simultaneous with, or subsequent to the formation of the District.

6. Potable Water and Wastewater Service, Parks, Recreation, and Police Protection. Subject to availability, the District shall utilize public potable water and wastewater facilities, owned and/or operated by the County, for the provision of all potable water and wastewater services to the District in accordance with the policies of the County with respect to the operation of the utility systems. The District's intent in its exercise of its powers over the provision of parks and recreational facilities is the provision of services in excess of the level of service typically provided by the County. Pursuant to Chapter 190, Fla. Stat., police protection services for the District shall be provided by the Manatee County Sheriff's Department.
7. Standards for Design and Construction of Improvements. Any improvements or facilities, including, but not limited to, roads, roadway drainage collection systems, bridges, potable water distribution systems, wastewater collection and treatment systems, parks, other recreation facilities, and any other structural improvements or facilities (collectively, the "Improvements"), shall be designed and constructed in accordance with any then current Development Orders, and in accordance with, or in excess of, all applicable County or other governmental standards.
8. Transfer of Ownership and Maintenance. The ownership and maintenance of any Improvements required to be constructed and transferred to the County by the terms of any Development Order shall be so transferred as provided in the Development Orders. With respect to any Improvements not required to be transferred to the County by any Development Order, the District may transfer ownership and/or maintenance of said Improvements, if accepted by the County, under mutually agreeable terms, with any easements required to accommodate maintenance to the County in accordance with County law and procedures under then current County ordinances. Impact fee credits, if any are applicable in a given context, shall be governed by the then current County ordinance.
9. Bond Indebtedness. Pursuant to the Constitution and the laws of the State of Florida, particularly Chapter 190, Fla. Stat. bonds or any other indebtedness issued by the District shall neither be, nor constitute, obligations or indebtedness of Manatee County, Florida, or any political subdivision thereof. No bondholder shall ever have the right to compel the exercise of the ad valorem taxing power of Manatee County, Florida, or any political subdivision thereof, or taxation in any form on any real or personal property to pay any such bonds or interest thereon, nor shall any bondholder be entitled to payment of such principal and interest from any other funds of Manatee County, Florida, or any political subdivision thereof, other than from the security pledged by the District in such resolution or indenture.
10. Term. This Agreement shall remain effective for twenty years and shall be automatically renewed thereafter in five year intervals, unless terminated as provided in Chapter 190, Fla. Stat., as amended.
11. Amendment. This Agreement may be modified in a writing signed by both parties in accordance with their respective laws and rules of procedures.

12. Severability. If any one or more of the covenants, agreements or provisions of this Agreement are held contrary to any express provision of law or contrary to any policy or express law, although not expressly prohibited, contrary to any express provision of public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions of this Agreement.
14. Effective Date. This Agreement, and any amendments thereto, shall be effective upon filing by District, with the Clerk of the Circuit Court of Manatee County, Florida.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized representative.

ATTEST:

Board of County Commissioners of  
Manatee County, Florida

\_\_\_\_\_  
Clerk of the Circuit Court,  
Ex Officio Clerk to the Board  
of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
The Honorable \_\_\_\_\_  
Chairman of the Board of  
County Commissioners  
("COUNTY")

ATTEST:

LAKEWOOD RANCH COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_

By: \_\_\_\_\_  
As Its \_\_\_\_\_  
("DISTRICT")

H:\RJ\JENSEN\SMR-1\INTERLO.D4

## LEGAL DESCRIPTION

A tract of land situated and being in Sections 20, 21, 29 and 32, Township 35 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 29, Township 35 South, Range 19 East; thence N.00°22'41"E. along the Westerly line of said Section 29, a distance of 242.01 feet to the POINT OF BEGINNING; thence continue along the Westerly line of said Section 29, N.00°22'41"E. a distance of 5071.12 feet to the Southwest corner of Section 20, Township 35 South, Range 19 East; thence N.00°36'02"E along the Westerly line of said Section 20 a distance of 4661.26 feet to the Southerly line of premises described in Official Records Book 1394, Page 3064 of the Public Records of Manatee County, Florida; thence S.89°00'05"E. along the Southerly line of said premises and the extension thereof a distance of 1170.69 feet; thence N.04°58'58"W. a distance of 131.92 feet; thence N.02°24'59"W. a distance of 329.52 feet; thence N.59°49'32"W. a distance of 80.72 feet; thence N.09°33'33"W. a distance of 55.79 feet to the Southerly right-of-way line of State Road No. 70 (200 feet wide); (the following two calls are along said southerly right-of-way line of State Road No. 70); thence S.88°46'44"E a distance of 4297.07 feet; thence S.89°43'18"E a distance of 1910 feet to the intersection of said Southerly right-of-way line with the approximate centerline of Wolf Slough, said point hereafter referred to as "POINT A"; thence Southwesterly along the centerline of said Wolf Slough a distance of 2140 feet +/- to a point, said point hereafter referred to as "POINT B", said point lying S.22°37'21"W a distance of 2072.20 feet from the aforementioned "POINT A"; thence S.68°09'52"W. a distance of 139.16 feet to the point of curvature of a curve to the right having a radius of 1175.00 feet and a central angle of 39°30'44"; thence along the arc in a Westerly direction a distance of 810.30 feet to a point on a curve to the left of which the radius point lies S.53°47'48"E. a radial distance of 210.00 feet; thence along the arc in a Southeasterly direction, passing through a central angle of 73°07'34" a distance of 268.02 feet to the point of reverse curvature of a curve to the right having a radius of 150.00 feet and a central angle of 138°38'28"; thence along the arc in a Southwesterly direction a distance of 362.96 feet to the point of reverse curvature of a curve to the left having a radius of 205.00 feet and a central angle of 103°21'22"; thence along the arc in a Southwesterly direction a distance of 369.80 feet; thence S.80°50'47"E. a distance of 526.82 feet to a point in the approximate centerline of the aforementioned Wolf Slough, said point hereafter referred to as "POINT C"; thence Southwesterly along said centerline of Wolf Slough a distance of 360 feet +/- to its intersection with the centerline of the Braden River; thence continue Southwesterly along the centerline of said Braden River a distance of 4440 feet +/- to "POINT D", said point being a point on a curve to the left, of which the radius point lies N.80°37'25"E. a radial distance of 1940.00 feet and said point lying S.68°12'39"W a distance of 3775.46 from aforementioned "POINT C"; thence along the arc in a Southeasterly direction, passing through a central angle of 9°15'26" a distance of 313.44 feet to the point of reverse curvature of a curve to the right having a central angle of 61°13'33" and a radius of 2060.00 feet; thence along the arc in a Southwesterly direction a distance of 2201.30 feet; thence S.42°35'32"W a distance of 425.61 feet to the point of curvature of a curve to the left having a central angle of 42°06'20" and a radius of 940.00 feet; thence along the arc in a Southwesterly direction a distance of 690.79 feet; thence S.00°29'12"W. a distance of 291.99 feet to the Northwest corner of a parcel described in a boundary line agreement, recorded in Official Records book 1323, Pages 1526 through 1534 of the Public Records of Manatee County, Florida; thence continue S.00°29'12"W. along the Westerly line of said Boundary Line Agreement and the extension thereof a distance of 1832.13 feet to the point of curvature of a curve to the right having a central angle of 75°00'15" and a radius of 1060.00 feet; thence along the arc in a Southwesterly direction a distance of 1387.61 feet; thence S.75°29'27"W. a distance of 259.49 feet; thence N.10°30'33"W. a distance of 316.71 feet to the point of curvature of a curve to the left having a central angle of 79°06'46" and a radius of 242.01 feet; thence along the arc in a Northwesterly direction a distance of 334.16 feet to the POINT OF BEGINNING.

Containing 815 +/- Acres.

## LEGAL DESCRIPTION

A tract of land situated and being in Sections 20, 21, 29 and 32, Township 35 South, Range 19 East, Manatee County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 29, Township 35 South, Range 19 East; thence N.00°22'41"E. along the Westerly line of said Section 29, a distance of 242.01 feet to the POINT OF BEGINNING; thence continue along the Westerly line of said Section 29, N.00°22'41"E. a distance of 5071.12 feet to the Southwest corner of Section 20, Township 35 South, Range 19 East; thence N.00°36'02"E along the Westerly line of said Section 20 a distance of 4661.26 feet to the Southerly line of premises described in Official Records Book 1394, Page 3064 of the Public Records of Manatee County, Florida; thence S.89°00'05"E. along the Southerly line of said premises and the extension thereof a distance of 1170.69 feet; thence N.04°58'58"W. a distance of 131.92 feet; thence N.02°24'59"W. a distance of 329.52 feet; thence N.59°49'32"W. a distance of 80.72 feet; thence N.09°33'33"W. a distance of 55.79 feet to the Southerly right-of-way line of State Road No. 70 (200 feet wide); (the following two calls are along said southerly right-of-way line of State Road No. 70); thence S.88°46'44"E a distance of 4297.07 feet; thence S.89°43'18"E a distance of 1910 feet to the intersection of said Southerly right-of-way line with the approximate centerline of Wolf Slough, said point hereafter referred to as "POINT A"; thence Southwesterly along the centerline of said Wolf Slough a distance of 2140 feet +/- to a point, said point hereafter referred to as "POINT B", said point lying S.22°37'21"W a distance of 2072.20 feet from the aforementioned "POINT A"; thence S.68°09'52"W. a distance of 139.16 feet to the point of curvature of a curve to the right having a radius of 1175.00 feet and a central angle of 39°30'44"; thence along the arc in a Westerly direction a distance of 810.30 feet to a point on a curve to the left of which the radius point lies S.53°47'48"E. a radial distance of 210.00 feet; thence along the arc in a Southeasterly direction, passing through a central angle of 73°07'34" a distance of 268.02 feet to the point of reverse curvature of a curve to the right having a radius of 150.00 feet and a central angle of 138°38'28"; thence along the arc in a Southwesterly direction a distance of 362.96 feet to the point of reverse curvature of a curve to the left having a radius of 205.00 feet and a central angle of 103°21'22"; thence along the arc in a Southwesterly direction a distance of 369.80 feet; thence S.80°50'47"E. a distance of 526.82 feet to a point in the approximate centerline of the aforementioned Wolf Slough, said point hereafter referred to as "POINT C"; thence Southwesterly along said centerline of Wolf Slough a distance of 360 feet +/- to its intersection with the centerline of the Braden River; thence continue Southwesterly along the centerline of said Braden River a distance of 4440 feet +/- to "POINT D", said point being a point on a curve to the left, of which the radius point lies N.80°37'25"E. a radial distance of 1940.00 feet and said point lying S.68°12'39"W a distance of 3775.46 from aforementioned "POINT C"; thence along the arc in a Southeasterly direction, passing through a central angle of 9°15'26" a distance of 313.44 feet to the point of reverse curvature of a curve to the right having a central angle of 61°13'33" and a radius of 2060.00 feet; thence along the arc in a Southwesterly direction a distance of 2201.30 feet; thence S.42°35'32"W a distance of 425.61 feet to the point of curvature of a curve to the left having a central angle of 42°06'20" and a radius of 940.00 feet; thence along the arc in a Southwesterly direction a distance of 690.79 feet; thence S.00°29'12"W. a distance of 291.99 feet to the Northwest corner of a parcel described in a boundary line agreement, recorded in Official Records book 1323, Pages 1526 through 1534 of the Public Records of Manatee County, Florida; thence continue S.00°29'12"W. along the Westerly line of said Boundary Line Agreement and the extension thereof a distance of 1832.13 feet to the point of curvature of a curve to the right having a central angle of 75°00'15" and a radius of 1060.00 feet; thence along the arc in a Southwesterly direction a distance of 1387.61 feet; thence S.75°29'27"W. a distance of 259.49 feet; thence N.10°30'33"W. a distance of 316.71 feet to the point of curvature of a curve to the left having a central angle of 79°06'46" and a radius of 242.01 feet; thence along the arc in a Northwesterly direction a distance of 334.16 feet to the POINT OF BEGINNING.

Containing 815 +/- Acres.

Federal Express copy  
to Erin McCormick  
@ Fowler, White, et al  
in Tampa  
2/28/94

Amo

Copies to Barbara @ Bee  
" Gonne @ PFI  
" Anne @ County Attorney's  
Municipal Code  
3/1/94  
AMO -

STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of ORDINANCE NO. 44-7 adopted by the  
Board of County Commissioners of said County on  
the 24 day of Feb, 1994, this 24 day  
of Feb, 1994 in Bradenton, Florida.

R. B. Shore  
Clerk of Circuit Court  
By Amel

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

FEB 28 2 19 PM '94



**FLORIDA DEPARTMENT OF STATE**

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

February 25, 1994

Honorable R. B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County Courthouse  
1115 Manatee Avenue West  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Deputy Clerk/Board Records

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, his will acknowledge your letter of February 24, 1994 and certified copy of Manatee County Ordinance Number 94-07, which was received and filed in this office on February 25, 1994.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosure (1)