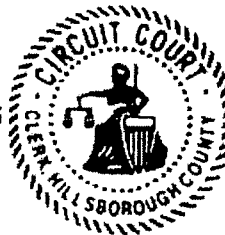


# **ORDINANCE**

**05-16**

**PAT FRANK**

Clerk of the Circuit Court  
Hillsborough County, Florida



P.O. Box 1110  
Tampa, Florida 33601  
Telephone (813) 276-8100

November 7, 2005

Norma J. Wise, Director  
Hillsborough County Law Library  
501 E. Kennedy Boulevard Ste. 100  
Tampa, Florida 33602-5027

Re: Ordinance #05-16  
Establish the Avelar Creek Community Development District

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #05-16 which was adopted by the Board of County Commissioners on October 25, 2005. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of November 1, 2005.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,

Gail M. Letzring,  
Manager, BOCC Records

jg  
Attachments

cc: Evelyn Jefferson, Municipal Code Corporation  
Ellen Leonard, Legal Advisor, Sheriff's Office  
Librarian, State Attorney's Office  
Nancy Takemori, Assistant County Attorney  
Mary Mahoney, Management & Budget  
Claudia Coleman, Tax Collector's Office  
Tracy Dropala, Property Appraiser  
Sandra Davidson, County Attorney's Office



# Agenda Item Cover Sheet

Agenda Item No. 05-1672

Meeting Date October 25, 2005

Consent Section     Regular Section     Public Hearing

Subject: <b>CDD 05-1672 PETITION TO ESTABLISH THE AVELAR CREEK COMMUNITY DEVELOPMENT DISTRICT</b>	
Agency/Department, Team: <b>Planning and Growth Management Department, Community Services</b>	
Contact Person: <b>Carmen Telesca, (813) 272-5828</b>	
Sign-Off Approvals N/A	
Assistant County Administrator <i>[Signature]</i> Date: <b>10/13/05</b>	Department Director <i>[Signature]</i> Date: <b>10/13/05</b>
County Attorney - Approved as to Financial Impact <i>[Signature]</i> Date: <b>10/13/05</b>	County Attorney - Approved as to Legal Sufficiency <i>[Signature]</i> Date: <b>10/17/05</b>

### STAFF'S RECOMMENDED BOARD MOTION:

Establish the Avelar Creek Community Development District (CDD) in accordance with the attached ordinance subject to any changes by the County Attorney's office.

Board Action Taken on this Item:     Approved     Disapproved     Continued/Deferred Until

Other / Special Instructions: \_\_\_\_\_

Sign-Off by OCA Staff: \_\_\_\_\_

### FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition.

The petitioner intends to utilize the CDD to finance community infrastructure and services to the Avelar Creek development through special or non-ad valorem assessment revenue bonds. Repayment of 70% of these bonds is expected to be funded directly by the developer and the remaining 30% of estimated eligible infrastructure cost will be funded by the issuance of district bonds that will be paid with homeowner assessments.

### BACKGROUND

On June 30, 2005, Morrison Homes, Inc. petitioned Hillsborough County to establish the Avelar Creek Community Development District (CDD). The authorized agent is Scott I. Steady, William Schifino Mangione & Steady, P.A. The proposed district is comprised of approximately 143.48 acres of land, and is generally located west of U.S. Highway 301 and is bordered by Holland Road to the north and Cowley Road to the south and west (see Attachment #1). The Avelar Creek CDD is a residential Planned Development (PD 04-1682) (see Attachment #2 and #3). The proposed Avelar Creek CDD consists of five hundred forty-nine (549) residential units, consisting of 153 townhomes, 176 40-foot single residential lots, 125 50-foot residential lots, and 95 65-foot residential lots. The Avelar Creek CDD petition includes all of the lands identified in the Avelar Creek Community Development District Site Plan (see Attachment #4) excluding a single parcel within the proposed district. The excluded parcel is folio number 77465.0000 and has an existing single family residence. The District will be constructed in two phases: Avelar Creek North and Avelar Creek South. Phase One will consist of the construction of 181 residential units in Avelar Creek South. Phase Two will consist of the construction of 368 residential units in Avelar Creek North. Development is projected to occur over an estimated three (3) to four (4) year period.

List Attachments: #1 Location Map, #2 Zoning Map, #3 Future Land Use Map, #4 Site Plan, #5 Legal Description, #6 Board of Supervisors, #7 Statement of Estimated Regulatory Costs, Draft Ordinance, Agency Comments, Supplemental Information, Financial Resources Affidavit,

ST/SC 7400

ORD# 05-16

**Background - Continued:**

The total infrastructure cost estimate for the Avelar Creek Community Development District is \$14,050,000 (see Proposed Construction Timetable and Cost Estimates below) . Of the \$14.050 million of estimated cost, approximately 70% (\$9.828 million) is expected to be funded directly by the developer; the remaining 30% (\$4.222 million) of estimated eligible infrastructure cost will be funded by the issuance of district bonds that will be paid with homeowners assessments.

The estimated assessments (per lot) required to pay debt service on the bonds is approximately \$525 to \$1009 annually. Additional homeowners association fees will be charged to maintain recreational facilities and private roads and street lighting. The CDD will be structured financially to be independent as intended by the Legislature and will not require any additional subsidies from Hillsborough County or the State of Florida. The District will take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance improvements undertaken by the District. Such disclosure will be in accordance with Section 190.009, Florida Statutes, and will be provided to all existing and prospective residents of the District.

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate, and maintain community-wide infrastructure in large, planned community developments. A CDD is not a substitute for the local general purpose government unit, i.e., the City or County in which the CDD lies. A CDD lacks the powers of permitting, zoning, police, and many other authorities possessed by general purpose governments. Future operation and maintenance of District owned facilities is anticipated to be funded through maintenance assessments levied against all benefited properties within the District.

The District will be managed by District Supervisors selected by qualified electors of the District. The initial Board of Supervisors includes Michael A. Storey, Charles Bradley Foster, Nancy M. Reynolds, Eva Miller and Dan Molloy. The District landowners control the entity which provides services and levies the funds to pay for these services. The County and its citizens are not involved in the management or financial responsibilities of the District. The applicant has provided a deed documenting that 100 percent of the real property included in the CDD is in their control, as required by Chapter 190, Florida Statutes.

The creation of this CDD will require the District to submit to the County an annual budget for informational purposes on an annual basis. Creation of the District does not impact the ad valorem taxing authority of the County, nor does the County incur any obligation for the debt payments of the District, pursuant to the provisions of Section 190.002(3), Florida Statutes.

The estimates for offsite improvements relate to: US 301 widening for right-turn and left-turn lanes onto Cowley Road (adjacent to site); Cowley Road widening for left turn and right-turn lanes onto US 301 (adjacent to site); Big bend Road extension of existing left-turn lane onto Lincoln Road (NOT adjacent to site); and Lincoln Road widening for additional traffic from Big Bend Road (NOT adjacent to site). The developer has committed to fund the offsite improvements that are NOT adjacent to site. The petitioner is aware that an interlocal agreement is required between Hillsborough County and the District should these improvements be funded by the District.

In accordance with the Florida Statutes, Section 190.012(1) and 190.012(2), the Avelar Creek CDD will be empowered to construct, manage and finance the following community infrastructure and service improvements. The Acquisition, Construction Time and Cost estimates for the proposed infrastructure are listed below:

**Proposed Infrastructure Plan**

Facility	Construction Funded By	Ownership	Capital Financing	Operation and Maintenance
Offsite Improvements	CDD	County	Special Assessment Revenue Bonds	County
Storm Water Management & Drainage	CDD	CDD	Special Assessment Revenue Bonds	CDD
Water & Sewer Facilities	CDD	County	Special Assessment Revenue Bonds	County
Landscaping and Irrigation	CDD	CDD	Special Assessment Revenue Bonds	CDD

**Background – Continued:**

Hardscaping	CDD	CDD	Special Assessment Revenue Bonds	CDD
Community Center	Developer	Homeowners' Association	Developer	Homeowners' Association
Roadway	CDD/Developer	CDD & Homeowners' Association	CDD/Developer	CDD & Homeowners' Association

**Proposed Construction Time Table and Cost- Construction Period : 2005-2008**

Description	Total Project
Offsite Improvements	\$720,000
Storm Water Management & Drainage	\$4,650,000
Utilities	\$1,700,000
Landscaping & Irrigation	\$750,000
Hardscaping	\$750,000
Amenity - Clubhouse	\$1,000,000
Roads	\$2,050,000
Professional Fees	\$1,150,000
Contingency	<u>\$1,280,000</u>
<b>Total Costs</b>	<b>\$14,050,000</b>

**DISCUSSION**

The proposed District has been reviewed by staff from County departments including the County Attorney's office, Debt Management, the Planning Commission, Water, Public Works, Parks, Development Services and Transportation. Staff from these departments has verified the District's consistency with plans previously approved by Hillsborough County. Additionally, staff has reviewed the petition with regard to financial information in the individual categories and has found that the petition is in order. Comments from County staff regarding their review of the petition begin in the review comments section of the document.

A Community Development District (CDD) is an independent special-purpose, local government taxing district authorized by Chapter 190, Florida Statutes (Uniform Community Development Act of 1980, Section 190.002(1) a Florida Statutes). The Uniform Community Development Act requires a public hearing on the petitioned request.

Pursuant to Chapter 190, F.S., the petition is required to contain eight elements; and this petition complies because it contains the information described below:

1. A metes and bounds description of the external boundaries of the CDD (see Exhibit #2 in the Petition);
2. Deeds and the written consent of all owners of real property within the proposed CDD documenting that the real property included within the CDD boundaries is in the Petitioner's control (see Exhibit #3 in the Petition);
3. The designation of the initial members of the board of supervisors is listed in the ordinance (see Attachment #5);
4. The proposed name of the CDD is to be Avelar Creek (see Item #5 in the Statement concerning Petition);
5. A map of the CDD shows current major trunk water mains and sewer interceptors and outfalls, if any, on the Water and Sewer Trunklines graphic (see Item #7 in the Statement concerning Petition);
6. Based upon available data, a timetable for construction of the district services and estimated costs for constructing the infrastructure and other proposed services within the CDD, submitted in good faith as part of the petition to establish the CDD, but shall not be binding and may be subject to change (see Attachment #7)
7. A designation of future general distribution, location and extent of public and private uses of land proposed for the CDD by the future land use plan of the local government comprehensive plan is shown on the Site Plan submitted by the Petitioner (see Attachment #3).

**Discussion – Continued:**

8. A statement of estimated regulatory costs in accordance with the requirements of Section 120.541 F.S., which the Petitioner has prepared and submitted as part of the petition (see Attachment #7)

Chapter 190, Florida Statutes, establishes six criteria that a petition must meet to merit approval for the establishment of a Community Development District. The six requirements include:

1. That all statements contained within the petition have been found to be true and correct.
2. That the creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the effective local government comprehensive plan.
3. That the land area within the proposed district is of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functional, interrelated community.
4. That 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.
5. That the proposed services and facilities to be provided by the District are not incompatible with the capacity and uses of existing local and regional community development district services and facilities.
6. That the area proposed to be included in the District is amenable to separate special district government. Property owners within the CDD have indicated concurrence with the application filed to establish the CDD.

The proposed petition to establish Avelar Creek CDD has been reviewed by County staff including the County's Attorney's office, Debt Management, the Planning Commission, Planning and Growth Management, Transportation, Water, Public Works and the Parks Department.

Debt Management Department staff met with representatives of the applicant, conducted a financial review of the CDD application, and has no objections. This review evaluated:

1. The financial condition of the petitioner and related corporate entities responsible for the development and operation of the CDD;
2. The plan of finance for the CDD, indicating the issuance of bonds to finance eligible infrastructure.

The Debt Management Department, however, does not review and evaluate the reasonableness, accuracy or sufficiency of estimated infrastructure costs provided by the petitioner.

Planning Commission staff raised no objection to the proposed CDD and states that "the Avelar Creek CDD is consistent with the Comprehensive Plan and more specifically Future Land Use Element".

The County Water Department, Potable and Reclaimed Water Planning Team reviewed the petition and has no objection.

County Public Works, Stormwater Management Section staff has reviewed the petition and has no objections and states that "Avelar Creek CDD may be required to obtain coverage under the State's Generic Permit for Stormwater Discharge from Phase II National Pollutant Discharge Elimination System regulations. This will be necessary if CDD is either wholly or partially within an Urbanized Area, and has a population of 1,000 or more residents".

The Public Works Transportation Maintenance Division and the Planning and Growth Management Department Transportation Division do not object to the proposed CDD. The Management and Budget Department, the Parks Department, and the Planning and Growth Management Development Services Division (DSD) have reviewed the petition and have no comments.

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate and maintain community-wide infrastructure in large, planned community developments. As stated in 190.002, F.S., the Legislature found that "...an independent district can constitute a timely, efficient, effective, responsive and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers."

As an independent special district, the governing body of the CDD establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose government entity whose boundaries include the CDD. The District landowners control the entity which provides services and levies the funds to pay for them.

ORDINANCE NO. 05 - 16

**AN ORDINANCE ESTABLISHING THE AVELAR 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Morrison Homes, Inc. ("Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners of Hillsborough County (the "County") to adopt an ordinance establishing the Avelar Creek Community Development District (the "District") pursuant to Chapter 190, Florida Statutes; and

WHEREAS, Petitioner is a Delaware corporation authorized to conduct business in the State of Florida and whose address is 12802 Tampa Oaks Blvd., Suite 100, Temple Terrace, FL 33637; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on October 25, 2005; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the 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, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the petition;

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

SECTION 1. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2003).

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within unincorporated Hillsborough County, Florida, which District shall be known as the "Avelar Creek Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 143.48 acres, the external boundaries of the District are described in Exhibit A attached hereto.

SECTION 4. RECREATION 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 parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described by Section 190.012(2), Florida Statutes.

SECTION 5. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Mike Storey, Brad Foster, Nancy Reynolds, Eva Miller and Dan Molloy.

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 6. SEVERABILITY. If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

Adopted this 25th day of October, 2005.

STATE OF FLORIDA

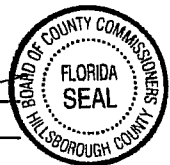
COUNTY OF HILLSBOROUGH

I, Pat Collier Frank, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of October 25, 2005, as the same appears of record in Minute Book 353 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 31st day of October, 2005.

PAT COLLIER FRANK, CLERK

By: Mildred K. Dixon  
Name: Mildred K. Dixon  
Title: Deputy Clerk



Approved as to form and legal sufficiency:  
COUNTY ATTORNEY

By: Nancy Y. Takemori  
Name: Nancy Y. Takemori  
Title: Assistant County Attorney

March 16, 2005

Legal Description: (Avelar Creek CDD)

A tract of land being a portion of Sections 5, 6, 7 and 8, Township 31 South, Range 20 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 8; run thence South 89°56'08" East (basis of bearings), along the North boundary of the Northwest 1/4 of said Section 8, 307.97 feet to a point of intersection with the Westerly right-of-way line of U.S. Highway 301 and the Point of Beginning; thence along said Westerly right-of-way line, South 09°24'50" West, 1,316.08 feet to a point of intersection with the Northerly maintained right-of-way line of Cowley Road; thence along said right-of-way line, North 89°56'10" West, 78.86 feet; thence continue along said right-of-way line, North 89°02'33" West, 1,979.66 feet to a point of intersection with the West boundary of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 7; thence along said West boundary, North 00°15'50" West, 1,324.22 feet to a point of intersection with the North boundary of the Northeast 1/4 of said Section 7; thence North 00°16'07" East, along the West boundary of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 6, 667.06 feet; thence North 88°17'34" West, along the South boundary of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 6, 656.66 feet to a point of intersection with the West boundary of the Southwest 1/4 of the Southeast 1/4 of said Section 6; thence along said West boundary, North 00°20'29" East, 667.07 feet; thence South 88°17'23" East, along the North boundary of the Southwest 1/4 of the Southeast 1/4 of said Section 6, 1,311.62 feet; thence continue South 88°17'23" East, along the North boundary of the Southeast 1/4 of the Southeast 1/4 of said Section 6, 595.79 feet to a point of intersection with the Westerly and Southerly right-of-way line of Holland Road; thence departing said North boundary and along said right-of-way line, South 00°07'22" West, 25.01 feet; thence continue along said right-of-way line, South 88°17'23" East, 60.02 feet; thence continue South 88°17'23" East, 443.75 feet; thence departing said right-of-way line, South 00°03'00" West, 385.16 feet; thence South 88°17'23" East, 212.09 feet to a point of intersection with the West boundary of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence along said West boundary, North 00°03'00" East, 385.17 feet to a point of intersection with the aforementioned Southerly right-of-way line of Holland Road; thence along said right-of-way line, North 89°51'52" East, 524.13 feet to a point of intersection with the aforementioned Westerly right-of-way line of U.S. Highway 301; and thence along said right-of-way line, South 09°24'50" West, 1,328.53 feet to the Point of Beginning.

Less and except the following described tract of land: (Folio #77465.0000 / O.R. Book 8871, Page 1031)

Beginning 660.5 feet West and 443 feet North of Southeast corner of Section 6, Township 31 South, Range 20 East, for a Point of Beginning; run thence West 210 feet; thence North 484 feet; thence East 210 feet; and thence South 484 feet to the Point of Beginning. Together with an easement for ingress and egress over the following described land; Begin at the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4; the East 1/2 of the Southeast 1/4

of the Southeast 1/4; the West 1/2 of the Southeast 1/4 of the Southeast 1/4; Section 6, Township 31 South, Range 20 East, and proceed 25 feet West therefrom; thence 352 feet South to a Point of Beginning; thence proceed South 65 feet to a point which is 917 feet North of the South boundary of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 31 South, Range 20 East; thence 25 feet East; thence 65 feet North; thence West 25 feet to Point of Beginning, lying and being in Hillsborough County, Florida, and easement rights as contained in the certain right-of-way easement dated June 3, 1962, and filed January 29, 1963 in Official Record Book 1080, Page 412, of the Public Records of Hillsborough County, Florida. Said right-of-way easement thereafter recorded May 5, 1980, in Official Record Book 3656, Page 914, of the Public Records aforesaid.

Total tract contains 143.48 acres, more or less.

Prepared by:  
*Brooks and Amaden, Inc.*  
*205 Ridgewood Avenue*  
*Brandon, Florida 33510*  
*813-653-1125*  
*Walter C. Sherrill, Jr.*  
*Survey Manager*

# NOTICE OF LOCAL PUBLIC HEARING

## Hillsborough County Board of County Commissioners

### To Consider the Creation of the

## Avelar Creek Community Development District

DATE: October 25, 2005  
TIME: 1:30 p.m.  
LOCATION: Commission Boardroom  
of the Frederick B. Karl County Center  
601 East Kennedy Boulevard, 2<sup>nd</sup> Floor  
Tampa, Florida 33602

In accordance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the Hillsborough County Board of County Commissioners beginning at 1:30 p.m. on October 25, 2005, or as soon thereafter as the matter may be heard, in the Commission Boardroom of the Frederick B. Karl County Center, 2nd floor, 601 East Kennedy Boulevard, Tampa, Florida 33602, to be known as the Avelar Creek Community Development District (the "District"). The title of the proposed ordinance is as follows:

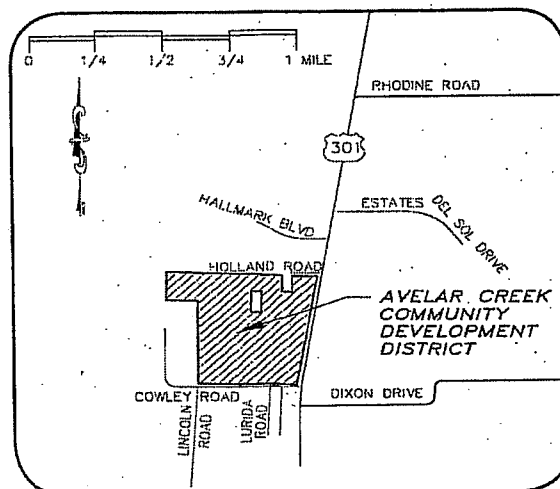
**AN ORDINANCE ESTABLISHING THE AVELAR CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The proposed Community Development District is comprised of approximately 143.48 acres, more or less, generally located west of U.S. Highway 301 and is bordered by Holland Road to the north and Cowley Road to the south and west, entirely in Hillsborough County. The Petitioner has proposed to establish the Avelar Creek Community Development District to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities, which may be authorized by such districts under Florida law including but not limited to Chapter 190, Florida Statutes.

Copies of the petition, the proposed ordinance and department reports are open to public inspection at the office of the Clerk of the Board of County Commissioners of Hillsborough County.

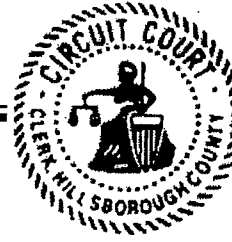
All interested persons wishing to submit testimony or other evidence in this matter must submit same at the public hearing. Any person who wishes to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this public hearing will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence on which the appeal is to be based. Persons with disabilities needing assistance or an interpreter to participate in the public hearing should contact the office of the Clerk of the Board of County Commissioners at (813) 272-5900, at least 24 hours in advance of the public hearing.

Location Map:



LOCATION MAP  
HILLSBOROUGH COUNTY, FLORIDA

**PAT FRANK**  
Clerk of the Circuit Court  
Hillsborough County, Florida



P.O. Box 1110  
Tampa, Florida 33601  
Telephone (813) 276-8100

October 31, 2005

**MS LIZ CLOUD CHIEF  
BUREAU OF ADMINISTRATIVE CODE  
DEPARTMENT OF STATE  
500 SOUTH BRONOUGH ST RA GRAY BLDG RM 101  
TALLAHASSEE FL 32399-0250**

Re: Ordinance #05-16  
Establish the Avelar Creek Community Development District

Dear Ms. Cloud:

Pursuant to the filing requirements of Florida Statutes 125.66, we are forwarding (by Federal Express) an executed original of Hillsborough County Ordinance #05-16, adopted by the Board of County Commissioners on October 25, 2005. It is respectfully requested that you provide this office with the required official acknowledgment of your receipt and filing of said ordinance.

Sincerely,

By *Gail M. Letzring*  
Gail M. Letzring,  
Manager, BOCC Records

jg  
Attachment  
FedEx# 8499 1032 2354 0215.



FedEx Tracking Number

8499 1032 2354

Sender's Copy

Sender's FedEx Account Number: 1140-8846-3

Recipient's address: BOCC RECORDS PROCESSING, CLERK CIRCUIT COURT 12TH FL, 601 EAST KENNEDY BLVD, TAMPA FL 33602

City: TAMPA, State: FL, ZIP: 33602-3503

Internal Billing Reference: ORD 05-16, OPTIONAL 05-17

Recipient's name: LIZ CLOUD CHIEF, BUREAU ADMINISTRATIVE CODE, FLORIDA DEPARTMENT OF STATE, 500 S BRONOUGH ST RA GRAY BLDG, TALLAHASSEE FL 32399-0250

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0299208815

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4b Express Freight Service

Service options: FedEx 1Day Freight, FedEx 2Day Freight, FedEx 3Day Freight

5 Packaging

Packaging options: FedEx Envelopes, FedEx Pak, FedEx Box, FedEx Tube, Other

6 Special Handling

Special handling options: SATURDAY Delivery, HOLD Weekday at FedEx Location, HOLD Saturday at FedEx Location, Dangerous goods, Dry Ice, Cargo/Aircraft Only

7 Payment Bill to:

Payment options: Sender, Recipient, Third Party, Credit Card, Cash/Check

Total Packages, Total Weight, Total Declared Value: \$ .00

8 Sign to Authorize Delivery Without a Signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

466



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

November 2, 2005

RECEIVED  
2005 NOV -4 PM 3:09  
CLERK TO  
THE BOARD (D)

~~Honorable Pat Frank~~  
Clerk of the Circuit Court  
Hillsborough County  
Post Office Box 1110  
Tampa, Florida 33601

Attention: Gail M. Letzring, Manager-BOCC Records

Dear Ms. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 31, 2005 and certified copies of Hillsborough County Ordinance Nos. 05-16 and 05-17, which were filed in this office on November 1, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

## Vicki McMahan

---

**From:** Vicki McMahan  
**Sent:** Wednesday, November 16, 2005 4:58 PM  
**To:** 'cstewart@dms-us.com'  
**Subject:** Avelar Creek CDD



Williams\_Schifin5588\_000.pdf

Hi Carolyn:

Attached is County Ordinance #05-16 which was filed and recorded with the Secretary of State on November 1, 2005 after the public hearing establishing the district. We will take care of the Notice of Establishment (I will prepare it tomorrow -- we have the form in the system) -- Scott will have to sign it anyway and then it gets recorded in the public records for Hillsborough County within 30 days of creation of the district, which will be accomplished within the next few days. We will forward a copy of the recorded Notice of Establishment to you when we get it back from the County.

Hope this clears things up for you. If you ever have any questions, please feel free to ask me -- if I don't know the answer I will find out.

Talk to you soon.

Vicki

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