

ORDINANCE NO. 03 -28

AN ORDINANCE ESTABLISHING THE HIGHLANDS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); 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, Highland Cassidy, LLC., ("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 Highlands Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2003); and

WHEREAS, Petitioner is a limited liability corporation authorized to conduct business in the State of Florida and whose address is 710 Overlook Drive, Winter Haven, Florida 33884; 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 7, 2003; 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; and 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 "Highlands Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 485 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: Jon T. Russell, Brian Kuehner, Rennie Heath, Mark Russell, and D. Joel Adams. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

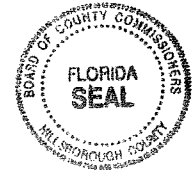
SECTION 6. SEVERABILITY. If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

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

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, 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 7, 2003, as the same appears of record in Minute Book 329 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10 day of October, 2003:



RICHARD AKE, CLERK

By: Judene W. Gregory
Deputy Clerk

Approved as to form and legal sufficiency:

COUNTY ATTORNEY

By: RMK
Rebecca M. Kert
Assistant County Attorney

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH
THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND
CORRECT COPY OF Ordinance #03-28
Establishing Highlands Community
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON
October 07, 2003 AS SAME APPEARS OF
RECORD IN MINUTE BOOK 329 WITNESS MY HAND
AND OFFICIAL SEAL THIS 04 DAY OF November, 2003

RICHARD AKE, CLERK
BY: Jana Crutcher D.C.