

**ORDINANCE NO. 22-59 (f.k.a ORDINANCE No. 15-13)**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; SPECIFYING AUTHORITY; SPECIFYING INTENT AND PURPOSE; AMENDING THE BOUNDARIES OF THE DISTRICT PURSUANT TO SECTION 190.046(1), FLORIDA STATUTES, BY ADDING APPROXIMATELY 283.17 ACRES OF LAND; AMENDING SECTION 2-8-58 OF THE MANATEE COUNTY CODE OF ORDINANCES TO DESCRIBE THE AMENDED BOUNDARIES OF THE DISTRICT AS EXPANDED; PROVIDING FOR RELIANCE UPON REPRESENTATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has enacted and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, a community development district serves a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida Law, specifically Chapter 190, Florida Statutes, for the use and enjoyment of the general public, and only property owners within the district are assessed through the district for these improvements within the district boundaries; and

**WHEREAS**, section 190.046(1), Florida Statutes, authorizes the Board of County Commissioners to adopt an ordinance granting a petition for amendment expanding the boundaries of a community development district established by county ordinance; and

**WHEREAS**, Buckhead Trails Community Development District (the “District”) has been created by law and established pursuant to Manatee County Ordinance No. 15-13, adopted on March 10, 2015, effective as filed with the Secretary of State of Florida on March 12, 2015; and

**WHEREAS**, Ordinance No. 15-13 described the boundaries of the District, which included approximately 204.64 acres of land ; and

**WHEREAS**, based on the information provided by the District board of supervisors, the District is active and in good legal standing, and the Board of County Commissioners of Manatee County, Florida (Board), has relied thereon in adopting this Ordinance; and

**WHEREAS**, the District board of supervisors (Petitioner) has filed a petition with the Board to adopt an ordinance amendment expanding the boundaries of the District pursuant to section 190.046(1), Florida Statutes; and

**WHEREAS**, this petition designates approximately 283.17 acres of land to be added to the District’s existing acreage, as described therein; and

**WHEREAS**, pursuant to sections 190.046(1)(g) and 125.66, Florida Statutes, as amended, the filing of the petition for ordinance amendment by the Petitioner constitutes consent of the landowners within the District other than those landowners whose land is proposed to be added to the District; and

**WHEREAS**, EPG Buckeye Road Holdings, LLC, a Florida limited liability company, is the owner of the approximately 283.17 acres of land proposed to be added to the District; has consented in writing to the addition to said land to the District; and

**WHEREAS**, the Board has conducted a public hearing on the petition in accordance with the requirements and procedures of sections 190.046(1)(b) and 125.66, Florida Statutes, as amended; and

**WHEREAS**, the Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes, as amended, in making its determination to grant or deny the petition for ordinance amendment expanding the boundaries of the District; and

**WHEREAS**, the Board has relied upon the representations made in the petition and other documents attached thereto as exhibits in adopting this Ordinance; and

**WHEREAS**, the District established under Ordinance No. 15-13, as amended by this ordinance, as an independent special district and a local unit of special purpose government and shall continue to be governed by Chapter 190, Florida Statutes, and all other applicable federal, state, and local laws within the amended boundaries described and depicted in Exhibit “E,” attached hereto and incorporated herein; and

**WHEREAS**, the expanded District will constitute 487.81 acres, and this amendment of the boundaries of the District will protect, promote, and enhance the public health, safety, and 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:**

Section 1. Legislative Findings. The Board of County Commissioners of Manatee County, Florida, hereby adopts the “WHEREAS” clauses stated above as legislative findings in support of this Ordinance.

Section 2. Authority. This Ordinance is adopted pursuant to Sections 190.046(1)(b) and 125.66, Florida Statutes, as amended, and other applicable provisions of law governing county ordinances.

Section 3. Intent and Purpose. It is the intent and purpose of this Ordinance to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, as amended, with all the rights and obligations appertaining thereto, including all obligations accruing pursuant to applicable federal, state, and local laws.

Section 4. Expansion of Boundaries. The boundaries of the District are hereby amended pursuant to section 190.046(1), Florida Statutes, by adding approximately 283.17 acres of land to the geographic boundaries and control of the District and expanding the boundaries of the District to a total of approximately 487.81 acres of land, as described and depicted in **Exhibit "E."**

Section 5. Amending Subsection 2-8-58 of the Manatee County Code of Ordinances. Section 2-8-58 of the Manatee County Code of Ordinances is hereby amended and restated to read as follows:

Section 2-8-58. Buckhead Trails Community Development District.

(b) *Boundaries.* The boundaries of the district are described in the metes and bounds description attached to Ord. No. ~~15-13~~22-59 as Exhibit "AE".

Section 6. Reliance upon representations. The amendment of the boundaries of the District is specifically based upon the representations made in the request to amend the external boundaries of the District described in ordinance 15-13 through PETITION TO EXPAND THE BOUNDARIES OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT (the Petition), dated April 15, 2022, and signed by Brian K. Lamb, Agent for Petitioner, with Exhibits "A" through "K," which are collectively part of said Petition.

Section 7. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 5 of this ordinance into the Code.

Section 8. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

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

**PASSED AND ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this 6th day of December, 2022.

**BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

By: [Signature]  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]  
Deputy Clerk



**DESCRIPTION (PARCEL):**

A PARCEL OF LAND BEING A PORTION OF THAT PARCEL AS RECORDED IN INSTRUMENT NUMBER 202241014559 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING IN SECTION 1 AND 12, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 12, THENCE ALONG THE NORTH LINE OF SAID SECTION 12, S89°53'24"W, 21.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF BUCKEYE ROAD AS RECORDED IN ROAD PLAT BOOK 5, PAGES 1 TO 82, OF SAID PUBLIC RECORDS, SAID POINT BEING THE **POINT OF BEGINNING**; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF SAID BUCKEYE ROAD S01°46'28"W, 1241.54 FEET; THENCE CONTINUING ALONG SAID BUCKEYE RIGHT-OF-WAY LINE, AS RECORDED IN OFFICIAL RECORDS BOOK 1678, PAGE 529, OF SAID PUBLIC RECORDS THE FOLLOWING FIVE COURSES: (1) S23°24'03"W, 413.28 FEET TO A POINT ON A NON-TANGENTIAL CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS N66°36'20"W, 1640.00 FEET, AND HAVING A CENTRAL ANGLE OF 12°20'53"; (2) ALONG THE ARC OF SAID CURVE 353.44 FEET TO A POINT ON A NON-TANGENTIAL LINE; (3) N54°20'21"W, 10.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE TO THE RIGHT, WHOSE RADIUS POINT BEARS N54°15'56"W, 1630.00 FEET AND HAVING A CENTRAL ANGLE OF 54°06'58"; (4) ALONG THE ARC OF SAID CURVE 1539.54 FEET TO A POINT ON A NON-TANGENTIAL LINE; (5) S00°06'39"E, 42.41 FEET; THENCE ALONG AFOREMENTIONED BUCKEYE ROAD RIGHT-OF-WAY RECORDED IN ROAD PLAT BOOK 5, PAGE 1 THE FOLLOWING TWO COURSES: (1) N89°56'58"W, 1214.12 FEET; (2) S89°58'35"W, 36.73 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, N00°35'29"E, 2635.13 FEET; THENCE N01°06'57"E, 4045.66 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF INTERSTATE 75 (STATE ROAD 93) PER OFFICIAL RECORDS BOOK 867, PAGE 368, SAID POINT ALSO BEING A POINT ON A NON-TANGENTIAL CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S37°49'16"E, 11329.16 FEET AND HAVING A CENTRAL ANGLE OF 07°45'10", THENCE ALONG THE ARC OF SAID CURVE 1,532.98 FEET TO THE END OF SAID CURVE; THENCE N59°56'51"E, 1274.21 FEET TO A POINT ON THE NORTH LINE OF SECTION 1, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE ALONG SAID NORTH LINE S89°59'17"E, 452.34 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE S00°27'35"E ALONG THE EAST LINE OF SAID SECTION 1, 5502.79 FEET; THENCE LEAVING SAID EAST LINE OF SECTION 1, S88°03'26"W, 20.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF AFOREMENTIONED BUCKEYE ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY S01°45'52"W, 29.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 21,248,959 SQUARE FEET OR 487.81 ACRES MORE OR LESS.

NOT A BOUNDARY SURVEY  
**DESCRIPTION & SKETCH**  
 OF  
**LAND**  
 LOCATED IN  
**SECTION 1 & 12, TOWNSHIP 33 SOUTH, RANGE 18 EAST**  
**MANATEE COUNTY, FLORIDA**

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NOTE: THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A LICENSED FLORIDA PROFESSIONAL SURVEYOR AND MAPPER, AN ELECTRONIC COPY MUST HAVE A VERIFIED INDEPENDENT AUTHENTICATED SEAL AFFIXED.

**SKETCH AND DESCRIPTION  
 PARCEL 2  
 N/F PID 589100109  
 MANATEE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
 KAVIN C. WILMOTT, P.S.M.  
 FLORIDA CERTIFICATE No. PLS 6809  
 DATE OF CERTIFICATION 03-11-2022

T: 2022\45326 BUCKHEAD TRAIL\Sketch & Descriptions\PARCEL 2 SD.dwg

# ZNS ENGINEERING

Land Planning Engineering Surveying Landscape Architecture

EB 0027476 LB 0004982 LC 0000345

## EXHIBIT E


CERTIFICATE OF AUTHORIZATION # LB 6982  
 201 5th AVENUE DRIVE EAST  
 BRADENTON, FLORIDA 34208  
 (941) 748-8080  
 FAX (941) 748-3747

L9 HILLSBOROUGH COUNTY

MANATEE COUNTY

N/F PID 394310009  
 O.R.B. 1946, PG.3103

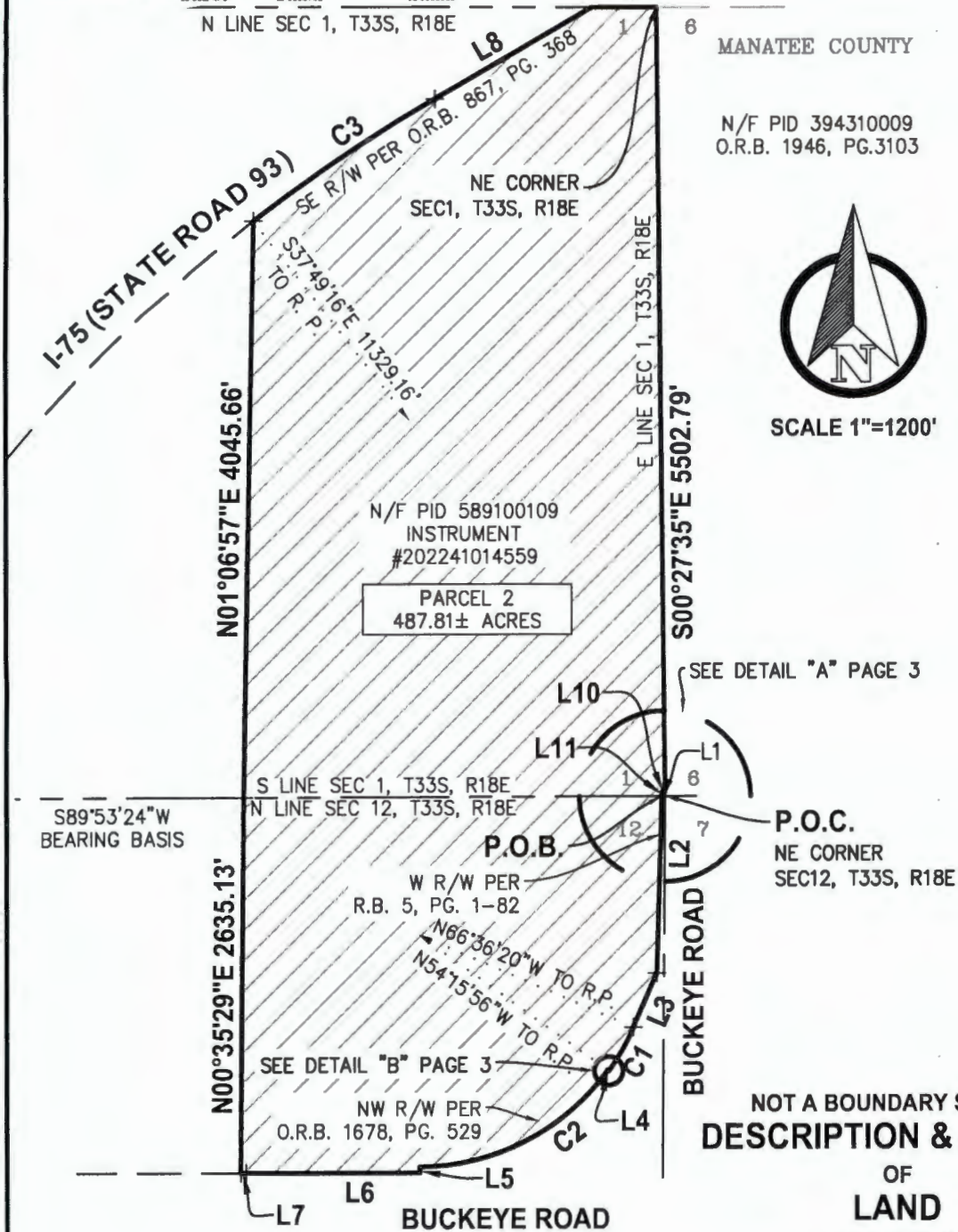
### LEGEND:

- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- P.C. - POINT OF CURVATURE
- P.T. - POINT OF TANGENCY
- R.B. - ROAD PLAT BOOK
- O.R.B. - OFFICIAL RECORD BOOK
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- N/F - NOW OR FORMERLY
- PID - PARCEL IDENTIFICATION (NUMBER)
- SQ. FT. - SQUARE FEET
- R.P. - RADIUS POINT
- ± - MORE OR LESS
-  - SITE (AREA)

SEE PAGE 3 FOR LINE AND CURVE TABLES.



SCALE 1"=1200'



### NOT A BOUNDARY SURVEY DESCRIPTION & SKETCH OF LAND

LOCATED IN

## SECTION 1 & 12, TOWNSHIP 33 SOUTH, RANGE 18 EAST MANATEE COUNTY, FLORIDA

### NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 12, TOWNSHIP 33 SOUTH, RANGE 18 EAST, BEING S89°53'24"W.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT OR ABSTRACT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL THE ENCUMBRANCES ON THE PROPERTY.
3. THIS SKETCH **DOES NOT** REPRESENT A BOUNDARY SURVEY.

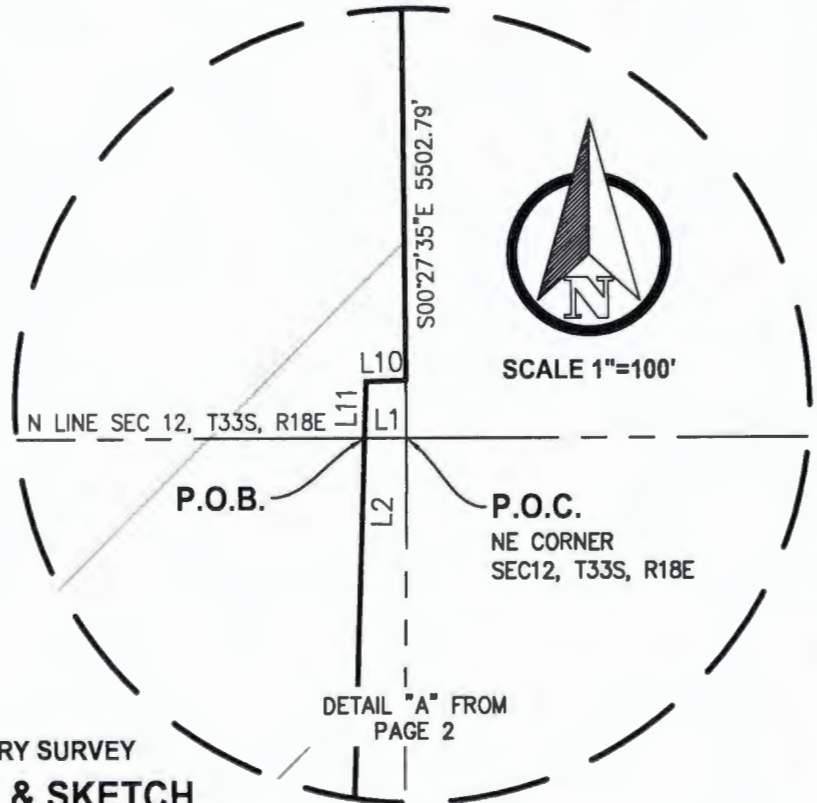
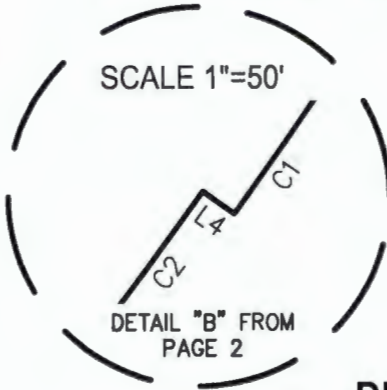
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SKETCH AND DESCRIPTION  
 PARCEL 2  
 N/F PID 589100109  
 MANATEE COUNTY, FLORIDA

### LINE & CURVE TABLES

BOUNDARY LINE DATA		
LINE #	DIRECTION	LENGTH
L1	S89°53'24"W	21.97'
L2	S01°46'28"W	1241.54'
L3	S23°24'03"W	413.28'
L4	N54°20'21"W	10.00'
L5	S00°06'39"E	42.41'
L6	N89°56'58"W	1214.12'
L7	S89°58'35"W	36.73'
L8	N59°56'51"E	1274.21'
L9	S89°59'17"E	452.34'
L10	S88°03'26"W	20.84'
L11	S01°45'52"W	29.35'

BOUNDARY CURVE DATA				
CURVE #	RADIUS	CENTRAL ANGLE	ARC	CHORD BEARING
C1	1640.00'	12°20'53"	353.44'	S29°34'07"W
C2	1630.00'	54°06'58"	1539.54'	S62°47'33"W
C3	11329.16'	7°45'10"	1532.98'	N56°03'19"E



NOT A BOUNDARY SURVEY  
**DESCRIPTION & SKETCH**

OF  
**LAND**

LOCATED IN

**SECTION 1 & 12, TOWNSHIP 33 SOUTH, RANGE 18 EAST  
 MANATEE COUNTY, FLORIDA**

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**SKETCH AND DESCRIPTION  
 PARCEL 2  
 N/F PID 589100109  
 MANATEE COUNTY, FLORIDA**



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

December 8, 2022

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance 22-59, which was filed in this office on December 8, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra