

ORDINANCE NO. 1378

AN ORDINANCE ESTABLISHING THE FREEDOM WALK 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 PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Emerald Coast Partners, LLC, (hereinafter "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 City of Crestview (the "City") to adopt an ordinance establishing the Freedom Walk Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2004); and

WHEREAS, Petitioner is a Limited Liability Company authorized to conduct business in the State of Florida and whose address is 4598 Paradise Isles, Destin Florida 32541; 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 City on December 10, 2007; and

WHEREAS, upon consideration of the record established at that hearing, The City of Crestview 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 City of Crestview, 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 as amended (the "Act").

SECTION 2. DISTRICT NAME.

There is hereby created a community development district situated entirely within The City limits of Crestview Florida, which District shall be known as "Freedom Walk Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT.

Encompassing approximately 179 acres, the external boundaries of the District are described in **Exhibit A** attached hereto.

SECTION 4. FUNCTION AND POWERS.

Pursuant to general law, the exclusive charter for each independent community development district established under Chapter 190, Florida Statutes, is the uniform community development district charter (the "Uniform Charter") as set forth in §190.006 through §190.041, Fla. Stat. This Uniform Charter is not subject to modification pursuant to §190.005(2)(d), Fla. Stat. The Uniform Charter grants certain general and special powers among which include the following:

- (A) General Powers. The District and the District's Board of Supervisors are authorized to exercise all powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time. Said powers include, but are not limited to the power:
 - (1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.
 - (2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the District to pay employer contributions into the state retirement fund.
 - (3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in §190.033, Florida Statutes.
 - (4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.
 - (5) To adopt rules and orders pursuant to provisions of Chapter 120, Florida Statutes, prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the conduct of the business of the district; the maintenance of records; and form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

- (6) To maintain an office at such place or places as it may designate within the county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to §189.417(3), Florida Statutes, of a district within the boundaries of a development of regional impact of Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.
- (7)
 - (a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.
 - (b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in §190.003(13), Florida Statutes, to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground rent using the procedures authorized in §197.3631, Florida Statutes, other than the procedures contained in §197.3632, Florida Statutes.
- (8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.
- (9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.
- (10) To raise, by use charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution and not inconsistent with law.
- (11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county, if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of Chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for

the drainage of the land of one person over and through the land of another.

- (12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized herein or by the Act.
- (13) To assess and impose upon lands in the district ad valorem taxes as proved by the Act.
- (14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to the act and Chapter 170, Florida Statutes. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of §197.3631, 197.3632, and 397.3635, or Chapter 170, Florida Statutes.
- (15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by the Act.
- (16) To exercise such special powers as may be authorized by this Section and the Act.

(B) Special Powers. The District and the District's Board of Supervisors are authorized to exercise all special powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time.

- (1) To finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:
 - (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, reclamation, and reuse 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) 1. District roads equal to or exceeding the specifications

of the city in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.
- (e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.
 - (f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.
 - (g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to §380.06 or §380.061, Florida Statutes, 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.
- (C) Additional Powers. Consent is hereby given to the District and the District's Board of Supervisors to plan, establish, acquire, construct or 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 [5] persons designated to serve as initial members of the District's Board of Supervisors are as follows: BRUCE HOULE, JAMES MOORE, DAN MARCH, SAM COBB, and KEN WRIGHT. 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.

DONE AND ADOPTED in regular session this 10th day of December, 2007.

THE CITY OF CRESTVIEW, FLORIDA

David Cadle, Mayor

Attest:

Janice Young, City Clerk

Approved as to form by The City of Crestview Attorney

Ben Holley, City Attorney

EXHIBIT 'A'

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 3 NORTH, RANGE 23 WEST; THENCE S 00°15'29" W A DISTANCE OF 2642.79'; THENCE S 89°50'53" E A DISTANCE OF 2628.52'; THENCE N 00°07'46" E A DISTANCE OF 2585.48'; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 11413.80', WITH A DELTA ANGLE OF 00°11'58", WITH AN ARC LENGTH OF 39.74', WITH A CHORD BEARING OF S 87°30'36" W, WITH A CHORD LENGTH OF 39.74', THENCE S 87°26'46" W A DISTANCE OF 782.02'; THENCE N 39°16'39" W A DISTANCE OF 130.26'; THENCE N 89°59'59" W A DISTANCE OF 523.66'; THENCE N 39°49'00" W A DISTANCE OF 118.40'; THENCE N 50°11'00" E A DISTANCE OF 104.61'; THENCE N 39°49'00" W A DISTANCE OF 430.00'; THENCE N 50°11'00" E A DISTANCE OF 305.93'; THENCE N 39°16'39" W A DISTANCE OF 2.45'; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 764.31'; WITH A DELTA ANGLE OF 18°11'53", WITH AN ARC LENGTH OF 242.76', WITH A CHORD BEARING OF N 49°09'12" W, WITH A CHORD LENGTH OF 241.74'; THENCE S 17°19'58" W A DISTANCE OF 330.91'; THENCE S 72°50'58" W A DISTANCE OF 256.05'; THENCE N 17°09'02" W A DISTANCE OF 80.00'; THENCE N 72°50'58" E A DISTANCE OF 213.95'; THENCE N 17°19'58" E A DISTANCE OF 304.98'; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 768.40'; WITH A DELTA ANGLE OF 29°11'04", WITH AN ARC LENGTH OF 391.39', WITH A CHORD BEARING OF N 78°51'32" W, WITH A CHORD LENGTH OF 387.17'; THENCE S 87°54'29" W A DISTANCE OF 484.47'; THENCE S 00°23'59" W A DISTANCE OF 940.53'; THENCE N 90°00'00" W A DISTANCE OF 33.00'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 179.06 ACRES.

