

ORDINANCE NO. 14-O-25

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA; AMENDING THE PINEY-Z COMMUNITY DEVELOPMENT DISTRICT LEGAL DESCRIPTION TO CONTRACT THE BOUNDARIES; AMENDING PROVISIONS RELATED TO THE TERMINATION OF THE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE COMMUNITY DEVELOPMENT DISTRICT TO EXTEND BEYOND 2019; PROVIDING FOR ALL OTHER TERMS AND CONDITIONS TO REMAIN UNCHANGED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 11, 1997, the City of Tallahassee City Commission (the "City") enacted Ordinance No. 97-O-0033AA, establishing the Piney-Z Community Development District (the "District"), pursuant to Chapter 190, Florida Statutes, as the first such District within the City with powers limited to recreational, cultural and educational purposes; and

WHEREAS, July 9, 1997, the City and the District entered into an Interlocal Agreement as required by Ordinance No. 97-O-0033AA, establishing a binding legal agreement as to the limitation of the District's powers; and

WHEREAS, on March 21, 2001, the City Commission approved the First Amendment to the Interlocal Agreement granting additional powers to the District as approved by City Resolution No. 99-R-0014; and

WHEREAS, on November 23, 2010, the City of Tallahassee City Commission enacted Ordinance No. 10-O-54, expanding the powers of the District and also approved an Amended and Restated Interlocal Agreement replacing the original Interlocal Agreement; and

WHEREAS, Ordinance No. 97-O-0033AA, as amended, provides in Section 8 and the Amended and Restated Interlocal Agreement provides in Section 5 that the District will dissolve thirty days after final payment on any debt liability authorized by Sections 190.014, 190.015, and 190.016, Florida Statutes; and

WHEREAS, Section 8 of Ordinance No. 97-O-0033AA, as amended, and Section 5 of the Amended and Restated Interlocal Agreement are still in full force and effect; and

WHEREAS, it is expected that all debt liability of the District will be paid in 2019; and

WHEREAS, the District has requested that Section 8 of Ordinance 97-O-0033AA, as amended, and Section 5 of the Amended and Restated Interlocal Agreement be amended to remove the requirement that the District be dissolved within thirty days after final payment of any debt liability; and

WHEREAS, Section 8 of Ordinance 97-O-0033AA, as amended, is amended by the terms of this Ordinance No. 14-O-25, and Section 5 of the Amended and Restated Interlocal Agreement will be amended by action of the City Commission and the First Amendment to the Amended and Restated Interlocal Agreement, also presented to the City Commission on this date, May 28, 2014; and

WHEREAS, on February 25, 2014, the City received a petition from a landowner within the District, the Piney-Z Land Company, LLC, for an amendment to the boundaries of the District to contract the boundaries of the District; and

WHEREAS, on May 28, 2014, after a duly noticed public hearing, the City approved Ordinance No. 14-O-17, contracting the boundaries of the District by 12.82 acres; and

WHEREAS, the legal description of the District attached as Exhibit A to Ordinance No. 97-O-0033AA, as amended, was amended by approval of Ordinance No. 14-O-17 and the revised legal description will be attached to this Ordinance No. 14-O-25 as Exhibit A; and

WHEREAS, all interested persons were afforded an opportunity to comment on this Ordinance No. 14-O-25 at a duly noticed public hearing on May 28, 2014.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The above Recitals are hereby incorporated herein by reference as legislative findings of fact in support of this ordinance.

SECTION 2. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes.

SECTION 3. Section 1 of Ordinance No. 97-O-0033AA, as amended, is revised to read as follows:

Section 1. The Petition to establish the Piney-Z Community Development District ~~over the real property described in Exhibit "A" attached hereto~~, which was filed by Piney-Z, Ltd., on April 9, 1997, and which Petition is on file at the Office of the City Treasurer-Clerk, is hereby granted. The external boundaries of the District shall be as described in the legal description attached to Ordinance No. 14-O-25 as Exhibit A.

SECTION 4. Section 2 of Ordinance No. 97-O-0033AA, as amended, is revised by deleting it in its entirety as follows.

Section 2. ~~The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B".~~ Reserved.

SECTION 5. Section 8 of Ordinance No. 97-O-0033AA, as amended, is revised to read as follows:

Section 8. ~~The Piney Z Community Development District shall terminate and the District dissolved thirty (30) days after final payment or satisfaction is made on any bond or other debt liability of the District which is authorized pursuant to Sections 190.014, 190.015, and 190.016, Florida Statutes.~~ Upon dissolution of the District all property, real, personal or otherwise shall be transferred as provided by law.

SECTION 6. ALL OTHER CONDITIONS TO REMAIN UNCHANGED. All other terms and conditions of Ordinance No. 97-O-0033AA, as amended, shall remain unchanged and enforceable in accordance with its terms.

SECTION 7. 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 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

INTRODUCED in the City Commission on the 14th day of May, 2014.

PASSED by the City Commission on the 28th day of May, 2014

CITY OF TALLAHASSEE

By: 

John R. Marks, III
Mayor

ATTEST:

By: 

James O. Cooke IV
City Treasurer-Clerk

APPROVED AS TO FORM:

By: 

Lewis E. Shelley
City Attorney

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EXHIBIT A
EXTERNAL BOUNDARIES OF THE DISTRICT, AS CONTRACTED

Commence at a terra cotta monument marking the Southwest corner of Section 35, Township 1 North, Range 1 East, Leon County, Florida, and thence run North 01 degrees 19 minutes 57 seconds West along the Section Line 1839.30 feet to a point on the Southerly boundary of the proposed 300-foot wide right of way of the extension of Conner Boulevard for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 01 degrees 19 minutes 57 seconds West along the Section Line 610.06 feet, thence run South 88 degrees 40 minutes 03 seconds East 545.12 feet, thence run North 18 degrees 39 minutes 56 seconds East 1890.63 feet, thence run South 78 degrees 01 minutes 34 seconds East 1455.21 feet, thence run South 55 degrees 33 minutes 24 seconds East 941.17 feet, thence run South 71 degrees 14 minutes 32 seconds East 208.00 feet, thence run South 71 degrees 55 minutes 17 seconds East 1729.94 feet, thence run South 06 degrees 59 minutes 15 seconds East 342.79 feet, thence run South 28 degrees 37 minutes 43 seconds East 134.73 feet, thence run South 00 degrees 23 minutes 03 seconds East 2376.43 feet to the South Boundary of Section 36, Township 1 North, Range 1 East, Leon County, Florida, thence run North 89 degrees 30 minutes 48 seconds West along the South Boundary of said Sections 36 and 35 a distance of 2283.52 feet, thence run South 00 degrees 22 minutes 34 seconds West 817.44 feet, thence run North 89 degrees 35 minutes 19 seconds West 200.00 feet, thence run South 00 degrees 32 minutes 31 seconds West 172.15 feet, thence run South 89 degrees 53 minutes 09 seconds West 181.20 feet, thence run South 00 degrees 12 minutes 53 seconds West 523.23 feet, thence run North 89 degrees 47 minutes 05 seconds West 165.64 feet, thence run South 00 degrees 12 minutes 53 seconds East 84.14 feet, thence run South 89 degrees 47 minutes 05 seconds East 70.00 feet, thence run South 00 degrees 12 minutes 53 seconds West 321.13 feet to the Northerly right of way boundary of State Road No. 20 (Apalachee Parkway, U.S. Highway 27, or Perry Highway), thence run South 85 degrees 34 minutes 05 seconds West along said Northerly right of way boundary 521.73 feet to the West boundary of the proposed extension of Doyle Conner Boulevard (300 foot wide right of way), said point lying on a curve concave to the Easterly, thence run Northerly along said proposed right of way curve with a radius of 1800.00 feet, through a central angle of 18 degrees 48 minutes 37 seconds, for an arc distance of 590.94 feet (the chord of said arc being North 05 degrees 49 minutes 53 seconds East 588.28 feet), thence run North 15 degrees 14 minutes 11 seconds East along said proposed right of way boundary 905.49 feet to a point of curve to the left, thence along said proposed right of way boundary curve with a radius of 1500.00 feet, through a central angle of 26 degrees 43 minutes 55 seconds, for an arc distance of 699.84 feet, thence run North 11 degrees 29 minutes 44 seconds West 777.15 feet to a point of curve to the left, thence run along said proposed right of way boundary curve with a radius of 1500.00 feet, through a central angle of 65 degrees 14 minutes 02 seconds, for an arc distance of 1707.82 feet to a point of compound curve, thence run along said proposed right of way boundary curve with a

radius of 850.00 feet, through a central angle of 48 degrees 33 minutes 10 seconds, for an arc distance of 720.30 feet to a point of reverse curve, thence run along said proposed right-of-way boundary curve with a radius of 650.00 feet, through a central angle of 36 degrees 36 minutes 52 seconds, for an arc distance of 415.38 feet to the POINT OF BEGINNING, containing 345.56 acres, more or less.

LESS AND EXCEPT:

BEGIN at a concrete monument (#1254) marking the Northeast corner of PINEY Z, PHASE 9, a subdivision as per map or plat thereof recorded in Plat Book 13, Page 5, of the Public Records of Leon County, Florida, thence run South 00 degrees 22 minutes 40 seconds West a distance of 816.50 feet to a concrete monument (plain), thence run North 89 degrees 51 minutes 48 seconds West a distance of 200.00 feet to a concrete monument (#1254), thence run South 00 degrees 30 minutes 49 seconds West a distance of 172.35 feet to a concrete monument (#1254), thence run South 89 degrees 53 minutes 56 seconds West a distance of 181.19 feet, thence run South 00 degrees 12 minutes 43 seconds West a distance of 523.26 feet to a concrete monument (#1254), thence run North 89 degrees 44 minutes 32 seconds West a distance of 165.76 feet to a concrete monument (#732), thence run South 00 degrees 11 minutes 33 seconds West a distance of 84.19 feet to a concrete monument (#732), thence run South 89 degrees 52 minutes 18 seconds East a distance of 69.88 feet to an iron rod, thence run South 00 degrees 09 minutes 30 seconds West a distance of 320.86 feet to an iron rod (#4261) on the Northerly right of way boundary of Apalachee Parkway (width varies), thence run South 85 degrees 39 minutes 30 seconds West a distance of 225.13 feet to a concrete monument (#4261) at the intersection of said Northerly right of way boundary with the Easterly right of way boundary of Doyle Conner Boulevard (100' wide), said point being on a curve concave to the east, thence run northerly along said right of way curve having a radius of 1500.00 feet, through a central angle of 18 degrees 34 minutes 44 seconds for an arc distance of 486.39 feet (chord of said arc bears North 05 degrees 59 minutes 16 seconds East for a distance of 484.27 feet), thence run North 15 degrees 16 minutes 35 seconds East a distance of 1224.03 feet to a point on a curve concave to the west, thence run northerly along said curve having a radius of 1052.00 feet, through a central angle of 15 degrees 04 minutes 55 seconds for an arc distance of 276.92 feet (chord of said arc bears North 07 degrees 43 minutes 39 seconds East for a distance of 276.12 feet) to the Northwest corner of aforesaid PINEY Z, PHASE 9, thence leaving said Easterly right of way boundary run South 89 degrees 30 minutes 28 seconds East a distance of 301.45 feet to the POINT OF BEGINNING, containing 12.82 acres, more or less.

FOR A TOTAL OF 332.74 ACRES.

TALLAHASSEE DEMOCRAT
PUBLISHED DAILY
TALLAHASSEE-LEON-FLORIDA

STATE OF FLORIDA COUNTY OF LEON:

Before the undersigned authority personally appeared Cassandra Moore, who on oath says that he or she is a Legal Advertising Representative of the Tallahassee Democrat, a daily newspaper published at Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE

In the Second Judicial Circuit Court was published in said newspaper in the issues of:

MAY 18, 2014

Affiant further says that the said Tallahassee Democrat is a newspaper published at Tallahassee, in the said Leon County, Florida, and that the said newspaper has heretofore been continuously published in said Leon County, Florida each day and has been entered as periodicals matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

CASSANDRA MOORE
LEGAL ADVERTISING REPRESENTATIVE

Sworn to and Subscribed before me.

This 19th Day of May 2014, by

Cassandra Moore, Cassandra Moore

Personally Known [Signature]

OR Produced Identification [Signature]

Type of Identification Produced [Signature]

(SEAL)

Notary Public
State of Florida
County of Leon

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Tallahassee City Commission will conduct a public hearing on the following proposed ordinance on Wednesday, May 28, 2014 at 6:00 p.m., in the City Commission Chambers, Second Floor, City Hall:

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Copies of said ordinance may be inspected in the Office of the City Treasurer-Clerk, City Hall, 300 South Adams Street, Tallahassee, Florida, telephone (850) 891-8130.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting/hearing, he will need a record of the proceedings, and he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Interested parties may be heard.

If you have a disability requiring accommodations, please call 850-891-8130 or FRS TDD 1-800-955-8771, at least 48 hours (excluding weekends and holidays) prior to the start of the meeting.

/s/ James O. Cooke, IV
City Treasurer-Clerk

PUBLICATION: MAY 18, 2014

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