

ORDINANCE NO. 14-O-17

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA; CONTRACTING THE BOUNDARIES OF THE PINEY-Z COMMUNITY DEVELOPMENT DISTRICT; ; 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, on November 23, 2010, the City of Tallahassee City Commission enacted Ordinance No. 10-O-54, expanding the powers of the District; and

WHEREAS, the City of Tallahassee has received a petition for an amendment to the boundaries of the District to contract the boundaries; and

WHEREAS, the owner of one hundred percent (100%) of the real property subject to the boundary amendment ("Petitioner") has petitioned the City to enact an ordinance to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, which will result in removal of approximately 12.82 acres; and

WHEREAS, the District has adopted Resolution 2014-01 in support of Petitioner's petition; and

WHEREAS, Petitioner has provided evidence that all outstanding District debt assessments and operations and maintenance assessments on the lands sought to be removed have been satisfied and no District assessment liens remain on the lands sought to be removed; 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 on May 28, 2014, held pursuant to Section 190.046(1)(b), Florida Statutes; and

WHEREAS, the City of Tallahassee City Commission has considered the comments at the public hearing and the statutory factors set forth in Section 190.005(1)(e), Florida Statutes, in making its determination to grant or deny the Petition for an ordinance amendment; and

WHEREAS, the City finds that the statements contained in Petitioner's petition are true and correct; and

WHEREAS, after the District's boundary is contracted, the District will continue to exercise its powers and functions subject to, not inconsistent with and in compliance with all comprehensive planning, land development regulations, laws and policies of the City of Tallahassee and any applicable licenses, permits and development orders pursuant to Section 190.004(3) and (4), Florida Statutes; and

WHEREAS, the area within the contracted boundaries of the District will continue to be amenable to separate special district government; and

WHEREAS, the community development services and facilities of the District following contraction of its boundary will continue to not be incompatible with the capacity and use of existing local and regional community development services and facilities; and

WHEREAS, land uses and services planned within the District's contracted boundary will continue to not be inconsistent with applicable elements and portions of the applicable comprehensive plans; and

WHEREAS, the area within the contracted boundary of the District is part of a planned community of sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community; and

WHEREAS, pursuant to the information contained within the Petition, review by City staff, and otherwise being fully advised as to the facts and circumstances contained within the request of the Petitioner, the City of Tallahassee City Commission will grant the Petitioner's petition to amend Ordinance No. 97-O-0033AA, as amended by Ordinance No. 10-O-54, to accomplish said purpose.

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. CONTRACTION. The area described in Exhibit A attached hereto and incorporated herein by reference (the "Removed Land") is hereby removed from the Piney-Z Community Development District. Said Removed Land encompasses approximately 12.82 acres.

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The total area of the Piney-Z Community Development District as contracted, shall encompass approximately 332.74 acres, as reflected in the metes and bounds description attached hereto as Exhibit B.

SECTION 5. ALL OTHER CONDITIONS TO REMAIN UNCHANGED. All other terms and conditions of Ordinance No. 97-O-0033AA, as amended by Ordinance No. 10-O-54, shall remain unchanged and enforceable in accordance with the terms expressed therein.

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 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:

APPROVED AS TO FORM:

By: _____

James O. Cooke, IV
City Treasurer-Clerk

By: _____

Lewis E. Shelley
City Attorney

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2014 JUN -9 AM 11:21

EXHIBIT A
REMOVED LAND

LEGAL DESCRIPTION

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.

EXHIBIT B
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 corporation 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 _____

OR Produced Identification _____

Type of Identification Produced _____

(SEAL)

Notary Public
State of Florida
County of Leon

NOTICE OF PUBLIC HEARING

The City of Tallahassee gives notice that a public hearing will be held on Ordinance No. 14-O-17, an ordinance contracting the boundaries of the Piney-Z Community Development District by deleting 12.82 acres from the District, on Wednesday, May 28, 2014 at 6:00 p.m., City Commission Chambers, City Hall, 300 S. Adams St., Tallahassee FL. Interested persons may be heard.

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NOTICE: PLEASE BE ADVISED that if a person decides to appeal any decision made by the City Commission with respect to any matter considered by the City Commission at this hearing, such person will need a record of these proceedings; and, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. The City Commission does not provide or prepare such a record. See Section 286.0105, Florida Statutes.

If you have a disability requiring accommodations, please call the Tallahassee-Leon County Planning Department at least three (3) working days prior to the hearing. The telephone number of the Florida Relay TDD Service is #1-800-955-8771.

PUBLICATION: MAY 18, 2014

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