

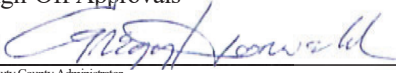
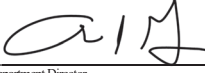
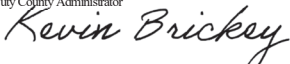



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. \_\_\_\_\_

Meeting Date September 13, 2022

Consent Section     
  Regular Section     
  Public Hearing

Subject: CDD 22-0914 PETITION TO EXPAND THE SPENCER CREEK COMMUNITY DEVELOPMENT DISTRICT (CDD)			
Agency/Department: Development Services Department, Community Development Section			
Contact Person: Brian Grady		Contact Phone: 276-8343	
Sign-Off Approvals			
	9/7/2022		9/6/2022
<small>Deputy County Administrator</small>	<small>Date</small>	<small>Department Director</small>	<small>Date</small>
	9/7/2022		9/6/2022
<small>Business and Support Services – Approved as to Financial Impact Accuracy</small>	<small>Date</small>	<small>County Attorney – Approved as to Legal Sufficiency</small>	<small>Date</small>

### STAFF'S RECOMMENDED BOARD MOTION

Approve expansion of the Spencer Creek Community Development District (CDD) in accordance with the attached ordinance. No direct financial impact to the County will occur as a result of this petition.

Of the total of \$6,750,000 budgeted for development costs for the expansion parcel, it is estimated that \$2, 285,000 (or about 34%) of development costs will be funded with long-term CDD bond proceeds.

### FINANCIAL IMPACT STATEMENT

No direct financial impact to the County will occur as a result of this petition.

### BACKGROUND

On October 9, 2018 the Board of County Commissioners (Board) adopted Ordinance 18-29 establishing the Spencer Creek Community Development District (CDD). On May 11, 2022, the CDD petitioned Hillsborough County to expand further the boundaries of the District. The applicant’s representatives is Brian Lamb.

The area of expansion will be ± 36 acres. The revised Spencer Creek CDD will be ±203.855 acres. It is generally located between 21<sup>st</sup> Street SE and 14<sup>th</sup> Street SE and south of SR 674 and north of Interstate 75 in Ruskin. See Attachment A for the proposed CDD’s location. The new expanded CDD area will consist of the following folios:

55582.0000			
55583.0000			
55594.0000			
55595.0000			

List of Attachments: A) Location Map B) Consent of Landowners C) Management & Budget Dept. Analysis D)Draft Ordinance

**BACKGROUND - Continued:**

The CDD expansion area is located within Planned Development (PD) zoning district PD 07-0234 which permits in the proposed expansion area a total of 99 single family detached units (with minimum lot sizes of 6,000 sq. ft with minimum lot widths of 55 feet and 20 percent to be 60 feet wide). It is anticipated the expansion area will contain 90 (55' and 60' lot widths) single-family detached lots.

The statutory purpose of a CDD is to plan, finance, construct, and/or acquire, operate, and maintain community-wide infrastructure in large, planned community developments. A CDD is not a substitute for the local general purpose government unit, i.e. the City or County in which the CDD lies. A CDD lacks the powers of permitting, zoning, police, and many other authorities possessed by the general purpose governments.

The petition identifies the total cost of improvements in the expansion area as being approximately \$6,750,000. The cost estimate summary provided to the County for review appears below. Pursuant to Section 190.005(1)(a)6., F.S., the proposed timetable for construction of district services and the estimated cost of construction are not binding and may be subject to change.

Total proposed costs include the following items. The scope of the County's financial review excludes making any determination as to which of the items may be funded with bond proceeds.

<u>Description</u>	<u>Prior Total Cost Estimate</u> <u>(a)</u>	<u>Expansion Area Costs (b)</u>	<u>Total Budget</u> <u>(a) + (b)</u>
Amenity/ Landscape/Hardscape/Irrigation	\$1,080,000	\$717,933	\$1,797,933
Roads	3,780,000	1,220,072	5,000,072
Stormwater Management/Water Management and Control	3,240,000	1,626,762	4,866,762
Utilities/Undergrounding Electrical Power	2,160,000	228,245	2,388,245
Water Supply	0	610,036	610,036
Sewer & Wastewater Management	0	610,036	610,036
Off-Site Improvements/Off-Site Management	540,000	0	540,000
Professional Services/Permit Fees	<u>0</u>	<u>386,916</u>	<u>386,916</u>
Total Project Costs	\$10,800,000	\$5,400,000	\$16,200,000
Add Privately Funded Development Costs (1)	<u>2,880,000</u>	<u>1,350,000</u>	<u>4,230,000</u>
Grand Total Development Costs	<u>\$13,680,000</u>	<u>\$6,750,000 (2)</u>	<u>\$20,430,000</u>

(1) Privately funded development costs include lot specific costs such as lot grading and compaction, or other necessary development costs that don't result in improvements, such as the stockpiling of dirt. Contingency for cost overruns is also included in this line item.

(2) 33% of total projected development costs are associated with the expansion area. The face amount of the bond issue associated with the expansion is anticipated to equal about 34% (\$2,285,000 / \$6,750,000) of the expansion area development costs.

Financing Summary:

The Petitioner has applied to expand the District boundaries by approximately 36.09 acres (or about 21.5% of its acreage); it is anticipated that 90 single family homes will be located within the boundaries of the expansion parcel, and that a total of 451 will be located in the district after expansion. The lands comprising the expansion area are currently undeveloped and unassessed.

The intent of the Petitioner is to use a variety of funding sources including, but not limited to, future short- and/or long-term CDD bond issues, equity financing and bank financing to pay for improvements within the expansion area; such improvements will directly benefit landowners located within the boundaries of the expansion area. At this time, the Petitioner is planning to issue \$2,285,000 in long-term CDD bonds in order to pay for a portion of

**BACKGROUND - Continued:**

the projected \$5,400,000 in expansion area improvements. Long-term CDD bonds are repaid over a period of 30 years via annual assessments levied on the landowner; the developer bears no responsibility for repayment of long-term CDD debt assessed on land owned by others. Of the total \$18,412,350 budgeted for development costs (which includes costs that will not be funded with CDD bonds), approximately \$7,134,623 (or about 39%) of infrastructure development costs will be financed with CDD Bonds. It is anticipated that the expansion area will contain 90 55' and 60' single-family detached lots, and that annual assessments to all homeowners will range from \$1,925/lot to \$2,100/lot. A complete CDD financing summary follows.

Projected Inflows from Issuance of Bonds:

Bond Proceeds (equal to the issuance amount)	\$2,285,000
--	-------------

Projected Uses of Funds Received:

Construction of Infrastructure Improvements (1)	\$1,691,049
Capitalized Interest (for 24 months)	274,200
Debt Service Reserve Fund (7.3% of the issuance amount)	165,981
Underwriter's Discount (2% of the issuance amount)	50,000
Costs of Issuance	100,000
Rounding	<u>3,770</u>
Total Projected Uses of Bond Proceeds	\$2,285,000

(1) Total proposed direct project costs include the following items. The scope of the County's financial review excludes making any determination as to which of the items may be funded with bond proceeds.

Lot Mix and Projected Assessments

It is anticipated that the expansion area will contain 90 55' and 60' single-family detached lots, and that annual assessments to all homeowners will range from \$1,925/lot to \$2,100/lot.

The District will be managed by District Supervisors selected by qualified electors of the District. The District landowners control the entity which provides services and levies the funds to pay for these services. In accordance with 190.006, F.S., the residents of the District will begin to assume control of the CDD commencing six years after the initial appointment of the CDD board by the landowners. The County is not involved in the management or financial responsibilities of the District. The applicant has provided the written consent to the expansion of the boundaries of the District by the landowners of the property to be included in the District.

A CDD is an independent special-purpose, local government taxing district authorized by Chapter 190, F.S. (Uniform Community Development Act of 1980, Section 190.002(1)a F.S.). The Uniform Community Development Act requires a public hearing on the petitioned request.

The petition includes the following items required by Section 190.046 F.S. which addresses contraction and expansion of the CDD:

- A metes and bounds description of the external boundaries of the district
- A statement of estimated regulatory costs in accordance with the requirements of s.120.541, F.S.
- The proposed timetable for construction of District services
- The estimated costs of constructing the proposed services for the expansion area and,
- A designation of the future general distribution, location and extent of public and private uses of land proposed for the area within the District boundaries.

## **BACKGROUND - Continued:**

The above information was received by Hillsborough County and was made part of the review for the proposed CDD.

Chapter 190, F.S., establishes six criteria that a petition must meet to merit approval for the expansion of a CDD. The six requirements include:

- 1) That all statements contained within the petition have been found to be true and correct.
- 2) That the expansion of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the effective local government comprehensive plan.
- 3) That the land area within the expanded district is of sufficient size, sufficiently compact, and sufficiently contiguous to be developable as one functional, interrelated community.
- 4) That the creation of the expanded District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District.
- 5) That the proposed services and facilities to be provided by the expanded District are not incompatible with the capacity and uses of existing local and regional community development district services and facilities.
- 6) That the area proposed to be included in the expanded District is amenable to separate special district government.

### Review Performed by County

No objections to the expansion of the CDD were raised by reviewing agencies. Staff from the Management and Budget department met with representatives of the Petitioner, and conducted a financial review of the Spencer Creek CDD expansion application. This review evaluated 1) the Applicant's compliance with the requirements of Florida Statutes Chapter 190, 2) the financial capacity of the Petitioner, who will be responsible for the development and operation of the CDD, and 3) the plan of finance for the CDD, including the issuance of bonds to finance eligible infrastructure. This review did not include determining the reasonableness of estimated infrastructure costs or a determination of which project costs are or are not eligible for reimbursement by the CDD, and does not guarantee success of the project. Project financials reviewed were based on planned or anticipated performance rather than actual results, and as with any plan or strategy, some amount of risk is inherent and cannot be mitigated away.

### Review Performed by the District's Financial Consultant

The financial consultant engaged by the Petitioner completed a feasibility study and performed certain other financial analysis in order to evaluate the probability of success of the project. The County reviewed this analysis for reasonableness; however, the fiduciary responsibility for this information lies with the Petitioner and its finance team rather than with the County. The County's financial review is conducted for the purpose of evaluating whether the applicant has met and complied with the requirements of Florida Statute Chapter 190 with regard to the expansion of the CDD.

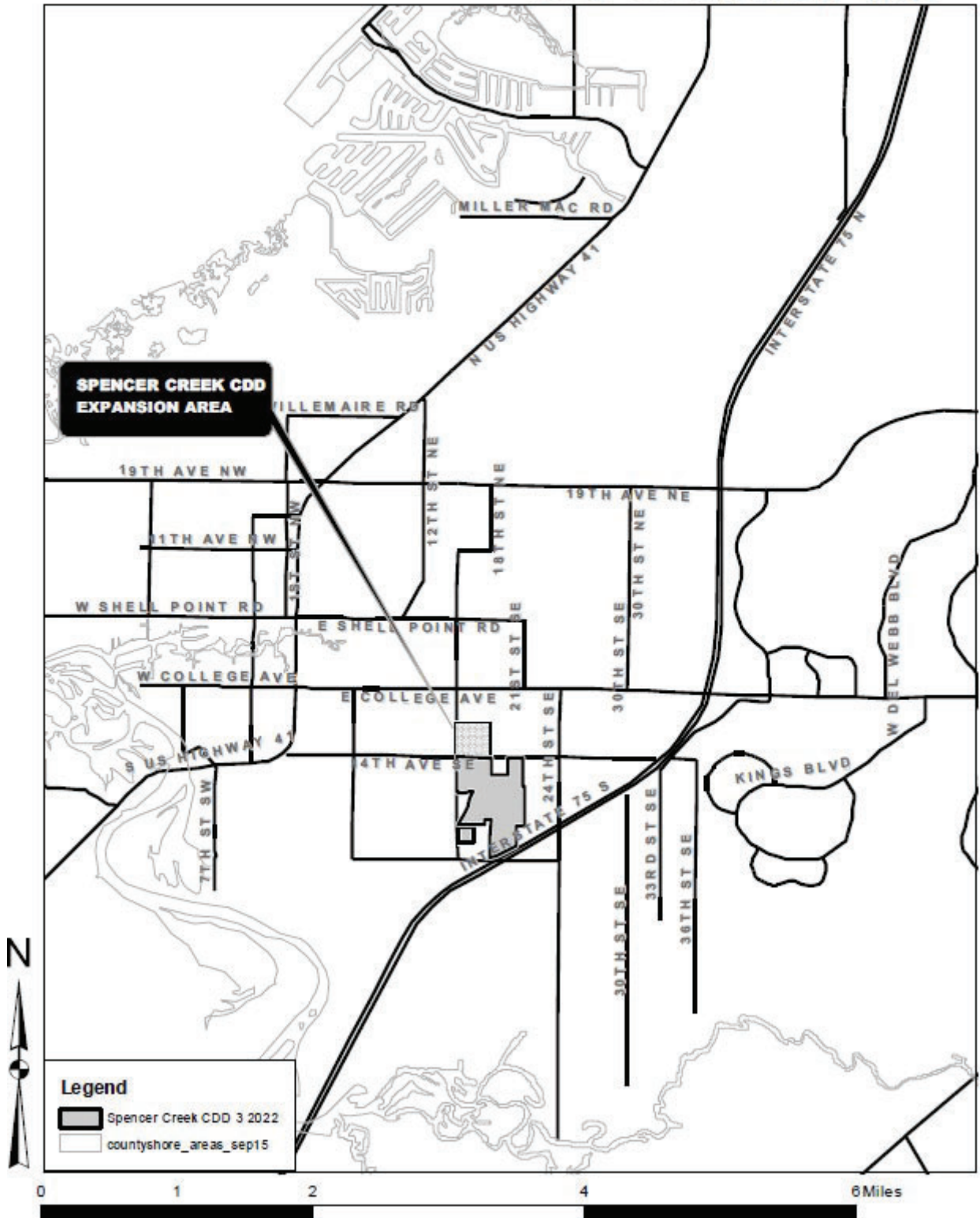
### Role of the Underwriter

It is the underwriters' responsibility to identify investors to purchase the bonds issued by the CDD.

Based on the information contained in this petition and reviews of county departments, staff finds that the petition meets the criteria contained in Chapter 190, F.S., for the expansion of a CDD.

ATTACHMENT A

# SPENCER CREEK CDD LOCATION MAP






# SPENCER CREEK CDD 3/2022

FOLIO	OWNER	ACRES
55582.0000	SPENCER FARMS INC	9.06
55583.0000	SPENCER FARMS INC	9.26
55594.0000	SPENCER FARMS INC	9.29
55595.0000	SPENCER FARMS INC	9.11
<b>TOTAL ACRES =</b>		<b>36.72</b>



SPENCER CREEK  
EXPANSION AREA

**Legend**  
 Spencer Creek CDD 3 2022

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNR/S/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 500 1,000 2,000 3,000 4,000 Feet

ATTACHMENT B

**CONSENT AND JOINDER OF LANDOWNER  
TO THE EXPANSION OF THE SPENCER CREEK COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described on **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that the Spencer Creek Community Development District ("Petitioner") intends to submit a petition to expand the Spencer Creek Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As an owner of lands which are intended to constitute a portion of the Spencer Creek Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the expansion of the Spencer Creek Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the expansion of the Spencer Creek Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the expansion of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is expanded or three years from the date hereof, which ever shall first occur. The undersigned further agrees that this consent shall be deemed to run with the Property and be binding upon the owner and its successors and assigns as to the Property or portions thereof.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the officer executing this instrument.

(SIGNATURE PAGE TO FOLLOW)



Executed this 2nd day of March, 2022.

Witnessed:

Spencer Farms, Inc

[Signature]  
Print Name: Ryan Matko

[Signature]  
By: Tonya S. McKenna  
Its: President

[Signature]  
Print Name: Kelley Cato Juneau

STATE OF FLORIDA  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 2nd day of March, 2022, by Tonya S. McKenna, as President of Spencer Farms, Inc.. He/She  is personally known to me, or  has produced \_\_\_\_\_ as identification.



[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA  
Kelley Cato Juneau  
(Print, Type or Stamp Commissioned Name of Notary Public)

Exhibit A: Legal Descriptions/Folios



**Consent Exhibit**  
**Spencer Creek CDD Land Summary**

<b>ID</b>	<b>Folio #</b>	<b>Approximate Acreage</b>	<b>Owner of Record</b>
1	055582.0000	9.06	Spencer Farms Inc.
2	055583.0000	9.26	Spencer Farms Inc.
3	055594.0000	9.29	Spencer Farms Inc.
4	055595.0000	9.11	Spencer Farms Inc.
		<u>36.72</u>	

REC 1513 MAR 577

A 3 5 4 4 0

RECEIVED

Oct 1 9 10 PM '55  
CLERK DISTRICT COURT  
FLORIDA

THIS INDENTURE, Made this 30th day of March 1955,  
by and between WILLIAM B. SPENCER and AGNES MARGARET  
SPENCER, his wife,

of the County of Hillsborough, in the State of Florida  
parties of the first part, and SPENCER FARMS, INC.,  
a Florida corporation,

whose post office address is: Box 326, Ruskin,  
of the County of Hillsborough, in the State of Florida  
party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the  
sum of ----- DOLLARS AND NO/100 ----- Dollars,  
and other valuable considerations, lawful money of the United States of America, to them  
in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,  
have granted, bargained, sold and conveyed to the said party of the second part, its  
successors, heirs and assigns forever, all of the following described land in Hillsborough  
County, Florida, to-wit:

PARCEL NO. 1: Lots 316, 321, 322, 323, 324, 333, 334 and 336 of RUSKIN  
COLONY FARMS, Section 9, Township 32 South, Range 19 East;

PARCEL NO. 2: Lot 273 of RUSKIN COLONY FARMS, Section 9, Township 32 South,  
Range 19 East;

PARCEL NO. 3: Lot 6 LESS right of way and LESS road and Lots 7, 8, 9,  
31, 32, 33, 34, and LESS right of way and LESS road, RUSKIN COLONY  
FARMS, Section 5, Township 32 South, Range 19 East;

PARCEL NO. 4: Lot 2, RUSKIN COLONY FARMS, Section 5, Township 32 South,  
Range 19 East.



TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the  
said party of the second part, its successors, heirs and assigns, in fee simple forever.

And the said parties of the first part do hereby covenant with the said party of  
the second part that said described property is free from all liens and encumbrances  
except taxes for the year 1965 and subsequent years

And the said parties of the first part do hereby fully warrant the title to said land,  
and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have executed this deed  
under seal on the date aforesaid.

Signed, sealed and delivered  
in the presence of:

*Lucia Colonna*  
*Robert M. ...*

*William B. Spencer* (SEAL)  
WILLIAM B. SPENCER

*Agnes M. Spencer* (SEAL)  
AGNES MARGARET SPENCER

(SEAL)



STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

HE 1513 PNR 578

I HEREBY CERTIFY, That on this day, before me, an officer duly authorized in the State  
aforesaid and in the County aforesaid to take acknowledgments, personally appeared

WILLIAM B. SPENCER and AGNES MARGARET SPENCER, his wife,

to me known to be the persons described in and who executed the foregoing instrument, and  
they acknowledged before me that they executed the same as their free act  
and deed for the uses and purposes therein stated.

WITNESS my hand and official seal in the County and State last aforesaid this 30th  
day of March A. D. 19 65



*William B. Spencer*  
Notary Public, State of Florida at Large

My Commission Expires: \_\_\_\_\_  
Notary Public, State of Florida at Large  
My commission expires March 28, 1968  
Bonded to the Unimex Insurance Co.

**Warranty Deed**

Return to: McLean & McLean  
P. O. Box 21  
Tampa 1, Fla.

UNCERTIFIED COPY

ATTACHMENT C



**Hillsborough  
County Florida**

**MANAGEMENT & BUDGET**  
PO Box 1110, Tampa, FL 33601-1110  
(813) 276-2629

**BOARD OF COUNTY  
COMMISSIONERS**  
Harry Cohen  
Ken Hagan  
Pat Kemp  
Gwendolyn "Gwen" Myers  
Kimberly Overman  
Mariella Smith  
Stacy R. White  
**COUNTY ADMINISTRATOR**  
Bonnie M. Wise  
**COUNTY ATTORNEY**  
Christine M. Beck  
**COUNTY INTERNAL AUDITOR**  
Peggy Caskey

**CHIEF FINANCIAL ADMINISTRATOR**  
Tom Fesler

Date: September 1, 2022  
To: Brian Grady, Development Services Department  
From: Julie Wisdom, Management and Budget Department  
Subject: Agenda Item-- Petition to Expand the Boundaries of the Spencer Creek Community  
Development District ("Spencer Creek CDD")

---

Please find below the financial information needed for the agenda cover sheet pertaining to the expansion of the Spencer Creek CDD (the "Petitioner").

Financing Summary:

The Petitioner has applied to expand the District boundaries by approximately 36.09 acres (or about 21.5% of its acreage); it is anticipated that 90 single family homes will be located within the boundaries of the expansion parcel, and that a total of 451 will be located in the district after expansion. The lands comprising the expansion area are currently undeveloped and unassessed.

The intent of the Petitioner is to use a variety of funding sources including, but not limited to, future short- and/or long-term CDD bond issues, equity financing and bank financing to pay for improvements within the expansion area; such improvements will directly benefit landowners located within the boundaries of the expansion area. At this time, the Petitioner is planning to issue \$2,285,000 in long-term CDD bonds in order to pay for a portion of the projected \$5,400,000 in expansion area improvements. Long-term CDD bonds are repaid over a period of 30 years via annual assessments levied on the landowner; the developer bears no responsibility for repayment of long-term CDD debt assessed on land owned by others. Of the total \$20,430,000 budgeted for development costs (which includes costs that will not be funded with CDD bonds), approximately \$7,134,623 (or about 35%) of infrastructure development costs will be financed with CDD Bonds. It is anticipated that the expansion area will contain 90 55' and 60' single-family detached lots, and that annual assessments to all homeowners will range from \$1,925/lot to \$2,100/lot. A complete CDD financing summary follows.



Projected Inflows from Issuance of Bonds:	
Bond Proceeds (equal to the issuance amount)	\$2,285,000
Projected Uses of Funds Received:	
Construction of Infrastructure Improvements (1)	\$1,691,049
Capitalized Interest (for 24 months)	274,200
Debt Service Reserve Fund (7.3% of the issuance amount)	165,981
Underwriter's Discount (2% of the issuance amount)	50,000
Costs of Issuance	100,000
Rounding	<u>3,770</u>
Total Projected Uses of Bond Proceeds	\$2,285,000

(1) Total proposed direct project costs include the following items. The scope of the County's financial review excludes making any determination as to which of the items may be funded with bond proceeds.

<u>Description</u>	<u>Prior Total Cost</u>	<u>Expansion Area</u>	<u>Total Budget</u>
	<u>Estimate (a)</u>	<u>Costs (b)</u>	<u>(a) + (b)</u>
Amenity/ Landscape/Hardscape/Irrigation	\$1,080,000	\$717,933	\$1,797,933
Roads	3,780,000	1,220,072	5,000,072
Stormwater Management/Water Management and Control	3,240,000	1,626,762	4,866,762
Utilities/Undergrounding Electrical Power	2,160,000	228,245	2,388,245
Water Supply	0	610,036	610,036
Sewer & Wastewater Management	0	610,036	610,036
Off-Site Improvements/Off-Site Management	540,000	0	540,000
Professional Services/Permit Fees	<u>0</u>	<u>386,916</u>	<u>386,916</u>
Total Project Costs	\$10,800,000	\$5,400,000	\$16,200,000
Add Privately Funded Development Costs (2)	<u>2,880,000</u>	<u>1,350,000</u>	<u>4,230,000</u>
Grand Total Development Costs	<u>\$13,680,000</u>	<u>\$6,750,000 (3)</u>	<u>\$20,430,000</u>

(2) Privately funded development costs include lot specific costs such as lot grading and compaction, or other necessary development costs that don't result in improvements, such as the stockpiling of dirt. Contingency for cost overruns is also included in this line item.

(3) 33% of total projected development costs are associated with the expansion area. The face amount of the bond issue associated with the expansion is anticipated to equal about 34% (\$2,285,000 / \$6,750,000) of the expansion area development costs.

#### Lot Mix and Projected Assessments

It is anticipated that the expansion area will contain 90 55' and 60' single-family detached lots, and that annual assessments to all homeowners will range from \$1,925/lot to \$2,100/lot.

#### Review Performed by County

Staff from the Management and Budget department met with representatives of the Petitioner, and conducted a financial review of the Spencer Creek CDD expansion application. This review evaluated 1) the Applicant's

compliance with the requirements of Florida Statutes Chapter 190, 2) the financial capacity of the Petitioner, who will be responsible for the development and operation of the CDD, and 3) the plan of finance for the CDD, including the issuance of bonds to finance eligible infrastructure. This review did not include determining the reasonableness of estimated infrastructure costs or a determination of which project costs are or are not eligible for reimbursement by the CDD, and does not guarantee success of the project. Project financials reviewed were based on planned or anticipated performance rather than actual results, and as with any plan or strategy, some amount of risk is inherent and cannot be mitigated away.

Review Performed by the District's Financial Consultant

The financial consultant engaged by the Petitioner completed a feasibility study and performed certain other financial analysis in order to evaluate the probability of success of the project. The County reviewed this analysis for reasonableness; however, the fiduciary responsibility for this information lies with the Petitioner and its finance team rather than with the County. The County's financial review is conducted for the purpose of evaluating whether the applicant has met and complied with the requirements of Florida Statute Chapter 190 with regard to the expansion of the CDD.

Role of the Underwriter

It is the underwriters' responsibility to identify investors to purchase the bonds issued by the CDD. |

ATTACHMENT D

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 18-29 OF THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS; EXPANDING THE BOUNDARIES OF THE SPENCER CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE EXPANDED BOUNDARIES OF THE DISTRICT; PROVIDING THAT ALL OTHER PROVISIONS OF ORDINANCE 18-29 SHALL REMAIN EFFECTIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Spencer Creek Community Development District was created by Hillsborough County Ordinance No. 18-29, approved by the Hillsborough County Board of County Commissioners on October 9, 2018, and encompasses 168 acres, more or less; and

WHEREAS, Spencer Creek Community Development District (the "District"), has petitioned the Board of County Commissioners of Hillsborough County (the "County") to adopt an ordinance expanding the District pursuant to Chapter 190, Florida Statutes, to add approximately 36 acres to the District; and

WHEREAS, the real property constituting the approximately 36 acres is described in the attached Exhibit "A"; and

WHEREAS, the owners of the approximately 36 acres to be added to the District, as described in Exhibit "A," have consented in writing to the inclusion of such property within the boundaries of the District; and

WHEREAS, the petition seeks, by way of adding the real property described per parcel in Exhibit "A", to designate all of the real property described in Exhibit "B" as land within the District, for which the District is authorized to manage and finance basic service delivery;

WHEREAS, the expanded District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit "B", which the County is not able to provide at a level and quality needed to service the District, thereby providing a solution to the County's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Sections 190.046(1)(b), Fla. Stats.; and



WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005 (1) (e), Fla. Stat.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA THIS \_\_\_ DAY OF \_\_\_\_, 2022 AS FOLLOWS:  
SECTION 1. FINDINGS OF FACT. The County hereby finds and states that:

1. the "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;
2. all statements contained in the Petition are true and correct;
3. the expansion of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan;
4. the area of land within the expanded District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;
5. the expansion of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;
6. the expanded community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and
7. the area that will be served by the expanded District is amenable to separate, special-district government; and
8. the granting of the Petition complies with the requirements of Chapter 190, Florida Statutes; and
9. upon adoption of this Ordinance, all provisions of County Ordinance No. 18-29 will continue to be effective, except as modified herein.

SECTION 2. CONCLUSIONS OF LAW.

1. This proceeding is governed by Chapter 190, Fla. Stat.;
2. The County has jurisdiction pursuant to Sections 190.005 (2) and 190.046(1)(b), Fla. Stats.; and
3. The granting of the Petition complies with the dictates of Chapter 190, Fla. Stats.



SECTION 3. BOUNDARY EXPANSION. The area of land described in the attached Exhibit "A" is hereby added to and included within the geographical boundaries of the District. Accordingly, all of the real property identified in Exhibit "B," encompassing 204 acres, more or less, is now designated as land within the District.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State. Except as modified herein, all provisions of previously adopted County Ordinance No. 18-29 shall remain in effect.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, provision, or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Adopted this \_\_\_ day of \_\_\_\_\_, 2022.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, \_\_\_\_\_, 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 \_\_\_\_\_, as the same appears of record in Minute Book \_\_\_\_\_ of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this \_\_\_ day of \_\_\_\_\_, 2022.

CINDY STUART, CLERK

BY: \_\_\_\_\_

Deputy Clerk

APPROVED BY COUNTY ATTORNEY AS  
TO FORM AND LEGAL SUFFICIENCY

BY: \_\_\_\_\_

Nancy Y. Takemori  
Assistant County Attorney

## **EXHIBIT A**

### **SPENCER RIDGE WEST**

A PARCEL OF LAND BEING A PORTION OF LOTS 323, 324, 333, AND 334, RUSKIN COLONY FARMS, ACCORDING TO PLAT BOOK 5, PAGE 63 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 32 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 32 SOUTH, RANGE 19 EAST; THENCE, ALONG THE SOUTH LINE OF SAID SECTION 9, NORTH 89°30'23" WEST, A DISTANCE OF 66.44 FEET; THENCE, LEAVING SAID SOUTH LINE, NORTH 00°21'09" EAST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°30'23" WEST, A DISTANCE OF 775.52 FEET; THENCE SOUTH 00°21'09" WEST, A DISTANCE OF 35.00 FEET TO THE SOUTH LINE OF LOT 333, RUSKIN COLONY FARMS ACCORDING TO PLAT BOOK 5, PAGE 63 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG SAID SOUTH LINE, NORTH 89°30'23" WEST, A DISTANCE OF 494.06 FEET; THENCE, ALONG THE WEST LINE OF SAID LOT 333 AND THE WEST LINE OF LOT 324, SAID RUSKIN COLONY FARMS, RESPECTIVELY, NORTH 00°20'32" EAST, A DISTANCE OF 1,259.87 FEET; THENCE, LEAVING SAID WEST LINE, SOUTH 89°28'58" EAST, A DISTANCE OF 1,269.67 FEET; THENCE SOUTH 00°20'46" WEST, A DISTANCE OF 1,224.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.090 ACRES.

## EXHIBIT B

### SPENCER CREEK CDD DESCRIPTION

A PARCEL OF LAND BEING ALL OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 26150, PAGE 346 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND A PORTION OF LOTS 323, 324, 333, AND 334, RUSKIN COLONY FARMS, ACCORDING TO PLAT BOOK 5, PAGE 63 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, ALL LYING IN SECTIONS 9 AND 16, TOWNSHIP 32 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

#### PARCEL A

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 32 SOUTH, RANGE 19 EAST, THENCE, ALONG THE WEST LINE OF SAID NORTHEAST 1/4, SOUTH 00°23'17" WEST, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 14TH AVENUE SE, THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°29'47" EAST, A DISTANCE OF 669.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°29'47" EAST A DISTANCE OF 544.03 FEET TO THE WEST LINE OF BAYOU PASS PHASE 2, ACCORDING TO PLAT BOOK 113, PAGE 74, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG SAID WEST LINE, SOUTH 00°20'33" WEST, A DISTANCE OF 1,127.39 FEET; THENCE, ALONG SOUTH LINE OF SAID BAYOU PASS PHASE 2, SOUTH 89°30'29" EAST, A DISTANCE OF 105.00 FEET; THENCE, LEAVING SAID SOUTH LINE, SOUTH 00°20'33" WEST, A DISTANCE OF 1,519.05 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 16; THENCE, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, NORTH 89°32'25" WEST, A DISTANCE OF 331.05 FEET; THENCE SOUTH 00°19'51" WEST, A DISTANCE OF 775.52 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 93A (INTERSTATE 75) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3279, PAGE 1014, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSEES: 1) SOUTH 60°27'33" WEST, A DISTANCE OF 872.03 FEET; 2) SOUTH 88°58'29" WEST, A DISTANCE OF 229.99 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE, ALONG SAID WEST LINE, NORTH 00°11'20" EAST, A DISTANCE OF 1,217.52 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4 ; THENCE, NORTH 00°23'17" EAST, A DISTANCE OF 219.98 FEET; THENCE SOUTH 89°46'38" WEST, A DISTANCE OF 200.01 FEET; THENCE SOUTH 00°23'17" WEST, A DISTANCE OF 190.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF COLDING DRIVE AS DESCRIBED IN OFFICIAL RECORDS BOOK 9401, PAGE 1683 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89°46'38" WEST, A DISTANCE OF 1,064.03 FEET; THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 28°39'51" EAST, A DISTANCE OF 823.82 FEET; THENCE NORTH 16°03'00" EAST, A DISTANCE OF 606.35 FEET; THENCE NORTH 89°27'23" WEST, A DISTANCE OF 50.53 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE WESTERLY 33.52 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 08°56'00", AND A CHORD BEARING AND DISTANCE OF SOUTH 86°04'37" WEST 33.49 FEET; THENCE SOUTH 81°36'37" WEST, A DISTANCE OF 239.23 FEET; THENCE NORTH 89°28'07" WEST, A DISTANCE OF 271.50 FEET; THENCE NORTH 00°38'50" WEST, A DISTANCE OF 54.83 FEET; THENCE NORTH 89°27'22" WEST, A DISTANCE OF 14.20 FEET TO THE EAST RIGHT-OF-WAY LINE OF 15TH STREET SE, THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°21'09" EAST, A DISTANCE OF 1,307.32 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 14TH AVENUE SE, THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°30'27" EAST, A DISTANCE



OF 1,317.87 FEET; THENCE, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 00°23'17" WEST, A DISTANCE OF 639.36 FEET; THENCE SOUTH 89°33'35" EAST, A DISTANCE OF 669.41 FEET; THENCE NORTH 00°21'18" EAST, A DISTANCE OF 638.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 159.023 ACRES.

TOGETHER WITH

PARCEL B

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 16, THENCE, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, SOUTH 89°46'28" WEST, A DISTANCE OF 669.89 FEET; THENCE, LEAVING SAID NORTH LINE, SOUTH 00°12'17" WEST, A DISTANCE OF 20.00 FEET TO THE WEST LINE OF PARK VILLAGE ACCORDING TO PLAT BOOK 68, PAGE 2 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, SAME BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 00°12'17" WEST A DISTANCE OF 627.75 FEET; THENCE, LEAVING SAID WEST LINE, SOUTH 89°43'42" WEST, A DISTANCE OF 603.99 FEET; THENCE NORTH 00°14'19" WEST, A DISTANCE OF 628.24 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COLDING DRIVE AS DESCRIBED IN OFFICIAL RECORDS BOOK 9401, PAGE 1683; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°46'38" EAST, A DISTANCE OF 608.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.742 ACRES.

TOGETHER WITH

PARCEL 3

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 32 SOUTH, RANGE 19 EAST; THENCE, ALONG THE SOUTH LINE OF SAID SECTION 9, NORTH 89°30'23" WEST, A DISTANCE OF 66.44 FEET; THENCE, LEAVING SAID SOUTH LINE, NORTH 00°21'09" EAST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°30'23" WEST, A DISTANCE OF 775.52 FEET; THENCE SOUTH 00°21'09" WEST, A DISTANCE OF 35.00 FEET TO THE SOUTH LINE OF LOT 333, RUSKIN COLONY FARMS ACCORDING TO PLAT BOOK 5, PAGE 63 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE, ALONG SAID SOUTH LINE, NORTH 89°30'23" WEST, A DISTANCE OF 494.06 FEET; THENCE, ALONG THE WEST LINE OF SAID LOT 333 AND THE WEST LINE OF LOT 324, SAID RUSKIN COLONY FARMS, RESPECTIVELY, NORTH 00°20'32" EAST, A DISTANCE OF 1,259.87 FEET; THENCE, LEAVING SAID WEST LINE, SOUTH 89°28'58" EAST, A DISTANCE OF 1,269.67 FEET; THENCE SOUTH 00°20'46" WEST, A DISTANCE OF 1,224.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 36.090 ACRES.

OVERALL PROPERTY CONTAINING 203.855 ACRES