


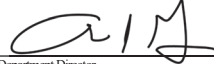
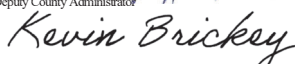



# Agenda Item Cover Sheet

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

Meeting Date September 13, 2022

Consent Section       Regular Section       Public Hearing

<b>Subject:</b> CDD 22-0992 PETITION TO EXPAND THE SIMMONS VILLAGE NORTH COMMUNITY DEVELOPMENT DISTRICT (CDD)			
<b>Agency/Department:</b> Development Services Department, Community Development Section			
<b>Contact Person:</b> Brian Grady		<b>Contact Phone:</b> 276-8343	
<b>Sign-Off Approvals</b>			
	9/7/2022		9/6/2022
<small>Deputy County Administrator</small>	<small>Date</small>	<small>Department Director</small>	<small>Date</small>
	09/07/2022		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 Simmons North 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 \$18,150,000 budgeted for development costs for the expansion parcel, it is estimated that \$5,025,000 (or about 28%) of total development costs for the expansion area 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 July 20, 2021, the Board of County Commissioners (Board) adopted Ordinance 21-26 establishing the Simmons Village North Community Development District (CDD). On May 25, 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 ± 75.64 acres. The revised Simmons Village North CDD will be +198.752 acres. It is located on west side of Simmons Loop south of Big Bend Road, east of I-75 and west of U.S. 301 in Riverview. See Attachment A for the proposed CDD’s location. The new expanded CDD area will consist of the following folios:

77748.0500 (in part)			

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 06-1147 which permits a total of 315 single family detached units (with minimum lot sizes of 4,400 sq. ft with minimum lot widths of 40). It is anticipated the expansion area will contain 247 (40' and 50' 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 \$18,150,000. 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 development 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 (a)</u>	<u>Expansion Area Costs (b)</u>	<u>Total Budget (a) + (b)</u>
Amenities	\$1,465,000	\$2,171,130	\$3,636,130
Roads	1,470,000	2,178,540	3,648,540
Stormwater Management/Water Management and Control	2,640,000	3,912,480	6,552,480
Utilities	2,900,000	0	2,900,000
Water Supply	0	4,297,800	4,297,800
Landscape/Hardscape/Irrigation	645,000	955,890	1,600,890
Off-Site Improvements/Off-Site Management	<u>880,000</u>	<u>1,304,160</u>	<u>2,184,160</u>
Total Project Costs	\$10,000,000	\$14,820,000	\$24,820,000
Add Privately Funded Development Costs (1)	<u>2,500,000</u>	<u>3,330,000</u>	<u>5,830,000</u>
Grand Total Development Costs	<u>\$12,500,000</u>	<u>\$18,150,000 (2)</u>	<u>\$30,650,000</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) 59% 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 28% (\$5,025,000 / \$18,150,000) of the expansion area development costs.

Financing Summary:

The Petitioner has applied to expand the District boundaries by approximately 75.641 acres (or about 61% of its acreage); it is anticipated that 247 single family homes will be located within the boundaries of the expansion

**BACKGROUND - Continued:**

parcel, and that a total of 497 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 \$5,025,000 in long-term CDD bonds in order to pay for a portion of the projected \$18,150,000 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 \$30,650,000 budgeted for development costs (which includes costs that will not be funded with CDD bonds), approximately \$8,338,956 (or about 27%) of infrastructure development costs will be financed with CDD Bonds. It is anticipated that the expansion area will contain 247 40' and 50' single-family detached lots, and that annual assessments to all homeowners will range from \$1,400/lot to \$1,750/lot. A complete CDD financing summary follows.

Projected Inflows from Issuance of Bonds:

Bond Proceeds (equal to the issuance amount) \$5,025,000

Projected Uses of Funds Received:

Construction of Infrastructure Improvements (1) \$3,852,540

Capitalized Interest (for 6 months) 603,000

Debt Service Reserve Fund (7.3% of the issuance amount) 365,190

Underwriter's Discount (2% of the issuance amount) 100,500

Costs of Issuance 100,000

Rounding 3,770

Total Projected Uses of Bond Proceeds \$5,025,000

(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 247 40' and 50' single-family detached lots, and that annual assessments to all homeowners will range from \$1,400/lot to \$1,750/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.

## **BACKGROUND - Continued:**

- 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.

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 Simmons Village North 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

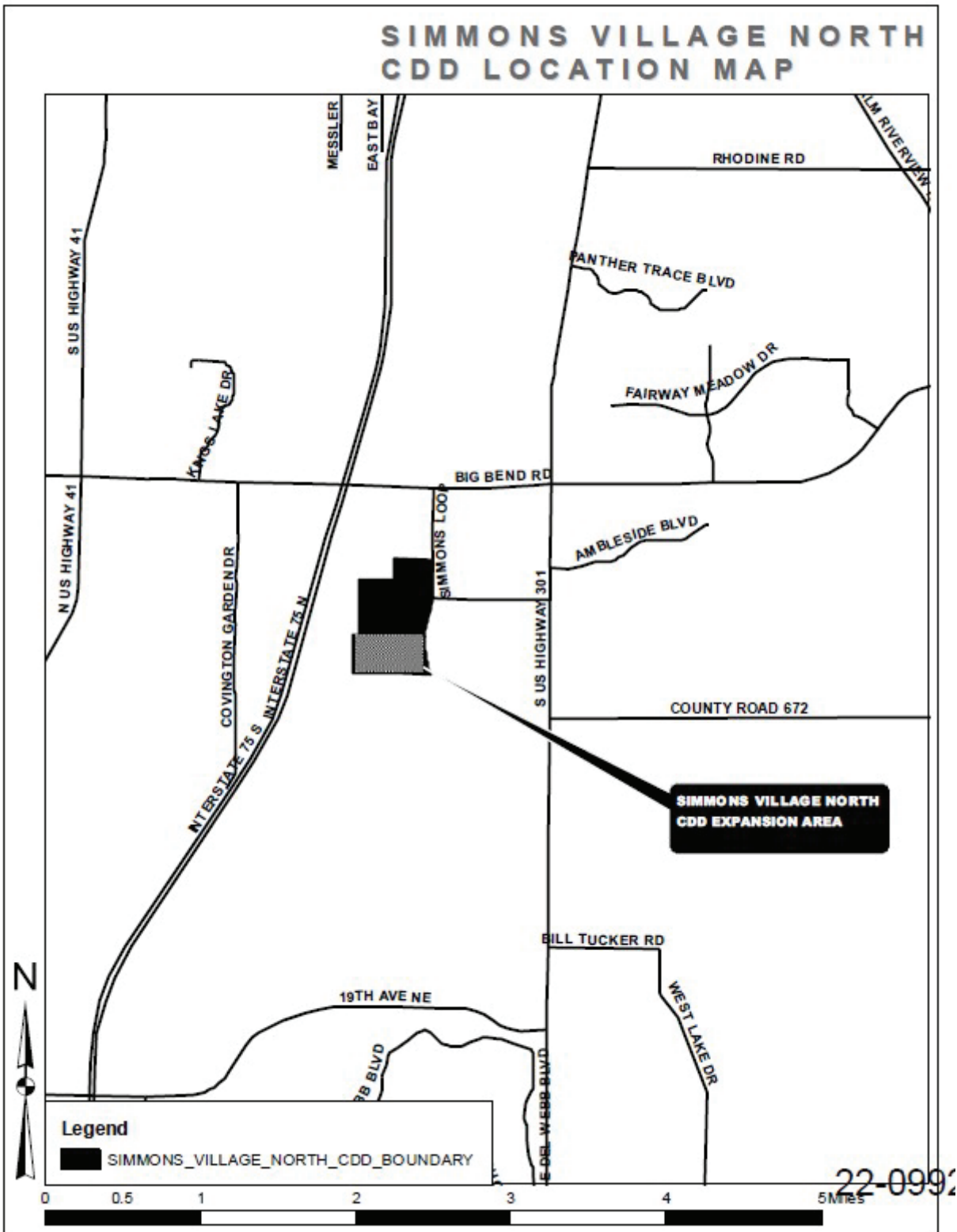
The financial consultant engaged by the Petitioner completed a feasibility study and performed certain other financial analysis in order to evaluate the probability of success of the project. The County reviewed this analysis for reasonableness; however, the fiduciary responsibility for this information 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





FOLIO #	OWNER	ACRES
77748.0000	SPENCER FARMS INC	120.9
77753.0000	SPENCER FARMS INC	2.7
77748.0500	SUNFIELD HOMES INC ET AL	75.1
<b>TOTAL ACREAGE +/-</b>		<b>198.7</b>

# SIMMONS VILLAGE NORTH CDD AERIAL



**Legend**  
 SIMMONS\_VILLAGE\_NORTH\_CDD\_BOUNDARY  
 HILLS\_PARCELS\_04\_15\_2022

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

22-0992

0 500 1,000 2,000 3,000 4,000 5,000 Feet

ATTACHMENT B

**CONSENT AND JOINDER OF LANDOWNER  
TO THE EXPANSION OF THE SIMMONS VILLAGE NORTH 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 Simmons Village North Community Development District ("Petitioner") intends to submit a petition to expand the Simmons Village North 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 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 Simmons Village North 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 Simmons Village North 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 it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if required by Petitioner, consent to expand the Simmons Village North Community Development District in substantially this form.

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.

Executed this 20<sup>th</sup> day of April, 2022.

Witnessed:



Print Name: Paula Orsi

Sunfield Homes, Inc and  
Amberglan Development, Inc.

Pat O Buck

By: Patricia U. Buck

Its: President

A. Miller

Print Name: A. MILLER

22-0992



STATE OF FLORIDA

COUNTY OF Pasco

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 20 day of April, 2022, by Patricia Buck, as President of Sunfield / Amberglen. She  is personally known to me, or  has produced \_\_\_\_\_ as identification.

Melinda Ann Parker

NOTARY PUBLIC, STATE OF FLORIDA

Melinda Ann Parker  
(Print, Type or Stamp Commissioned Name of  
Notary Public)



22-0992



**Exhibit A to Consent and Joinder of Landowner  
Simmons Village North CDD Land Summary**

<b>ID</b>	<b>Folio #</b>	<b>Approximate Acreage</b>	<b>Owner of Record</b>
1	Part of 077748.0500	75.64	Sunfield Homes Inc./Amberglen Development Inc.
		<u>75.64</u>	

**Prepared By and Return To:**

Bayshore Title  
3431 Henderson Blvd.  
Tampa, FL 33609-3944

**File No.** 1103009

**Property Appraiser's Parcel I.D. (folio) Number(s)**  
07748-0000

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**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED made this March 29, 2011 by S. Rubin Farms, LLC, a Florida limited liability company existing under the laws of Florida, and having its principal place of business at 7120 Lions Head Lane, Boca Raton, FL 33496, hereinafter called the grantor and Sunfield Homes, Inc., a Florida Corporation and Amberglen Development, Inc., each as to an undivided 1/2 interest whose post office address is 3600 Galileo Drive, Suite 104, New Port Richey, FL 34655, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in Hillsborough County, Florida, viz:

As shown on Exhibit A which is attached hereto and incorporated herein by reference.

Subject to encumbrances, easements and restrictions of record and taxes for December 31, 2010.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor.

**SPECIAL WARRANTY DEED**  
(Continued)

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

*James T. Holloway*  
(Witness Signature)

James T. Holloway  
(Print Name of Witness)

*Stephanie Morcaw*  
(Witness Signature)

Stephanie Morcaw  
(Print Name of Witness)

S. Rubin Farms, LLC, a Florida limited liability company

*Sheldon W. Ruben*  
Sheldon W. Rubin  
Manager/Member

Address:

7120 Lions Head Lane

Boca Raton, FL 33496

STATE OF Florida

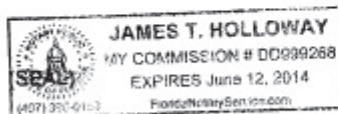
COUNTY OF Hillsborough

I, the undersigned authority, a Notary Public of the County and State first above written, do hereby certify that Sheldon W. Rubin as Managing Member on behalf of S. Rubin Farms, LLC, a Florida limited liability company personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

\_\_\_\_ Personally known to me  
\_\_\_\_ Produced Drivers License as identification.

Witness my hand and official seal, this the 29th day of March, 2011.

*James T. Holloway*  
Notary Public  
James T. Holloway  
My Commission Expires:



**SPECIAL WARRANTY DEED**  
(Continued)

**EXHIBIT A**

**SOUTH PARCEL**

The Northeast ¼ of the Northeast ¼ of Section 24, Township 31 South, Range 19 East, Hillsborough County, Florida.

And

The Northwest ¼ of the Northwest ¼ of Section 19, Township 31 South, Range 20 East, Hillsborough County, Florida.

All being more particularly described as follows:

DESCRIPTION: A parcel of land lying in the Northeast ¼ of the Northeast ¼ of Section 24, Township 31 South, Range 19 East, and in the Northwest ¼ of the Northwest ¼ of Section 19, Township 31 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Northeast ¼ of the Northeast ¼ of Section 24, for a POINT OF BEGINNING, run thence along the South boundary of said Northeast ¼ of the Northeast ¼ of Section 24, N.89°47'34"W., 1339.34 feet to the Southwest corner thereof; thence along the West boundary of said Northeast ¼ of the Northeast ¼ of Section 24, N.00°21'16"E., 1327.14 feet to the Northwest corner thereof; thence along the North boundary of said Northeast ¼ of the Northeast ¼ of Section 24, S.89°43'53" E., 1340.28 feet to the Northeast corner of said Section 24; thence along the North boundary of the aforesaid Northwest ¼ of the Northwest ¼ of Section 19, S.87°16'59"E., 1382.26 feet to the Northeast corner thereof; thence along the East boundary of said Northwest ¼ of the Northwest ¼ of Section 19, S.00°18'52"W., 1326.29 feet to the Southeast corner thereof; thence along the South boundary of said Northwest ¼ of the Northwest ¼ of Section 19, N.87°15'43"W., 1384.16 feet to the POINT OF BEGINNING.



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 Simmons Village North Community Development District ("Simmons Village North CDD")

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

Financing Summary:

The Petitioner has applied to expand the District boundaries by approximately 75.641 acres (or about 61% of its acreage); it is anticipated that 247 single family homes will be located within the boundaries of the expansion parcel, and that a total of 497 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 \$5,025,000 in long-term CDD bonds in order to pay for a portion of the projected \$18,150,000 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 \$30,650,000 budgeted for development costs (which includes costs that will not be funded with CDD bonds), approximately \$8,338,956 (or about 27%) of infrastructure development costs will be financed with CDD Bonds. It is anticipated that the expansion area will contain 247 40' and 50' single-family detached lots, and that annual assessments to all homeowners will range from \$1,400/lot to \$1,750/lot. A complete CDD financing summary follows.

Projected Inflows from Issuance of Bonds:	
Bond Proceeds (equal to the issuance amount)	\$5,025,000
Projected Uses of Funds Received:	
Construction of Infrastructure Improvements (1)	\$3,852,540
Capitalized Interest (for 6 months)	603,000
Debt Service Reserve Fund (7.3% of the issuance amount)	365,190
Underwriter's Discount (2% of the issuance amount)	100,500
Costs of Issuance	100,000
Rounding	<u>3,770</u>
Total Projected Uses of Bond Proceeds	\$5,025,000

(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>
Amenities	\$1,465,000	\$2,171,130	\$3,636,130
Roads	1,470,000	2,178,540	3,648,540
Stormwater Management/Water Management and Control	2,640,000	3,912,480	6,552,480
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Landscape/Hardscape/Irrigation	645,000	955,890	1,600,890
Off-Site Improvements/Off-Site Management	<u>880,000</u>	<u>1,304,160</u>	<u>2,184,160</u>
Total Project Costs	\$10,000,000	\$14,820,000	\$24,820,000
Add Privately Funded Development Costs (2)	<u>2,500,000</u>	<u>3,330,000</u>	<u>5,830,000</u>
Grand Total Development Costs	<u>\$12,500,000</u>	<u>\$18,150,000 (3)</u>	<u>\$30,650,000</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) 59% 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 28% (\$5,025,000 / \$18,150,000) of the expansion area development costs.

#### Lot Mix and Projected Assessments

It is anticipated that the expansion area will contain 247 40' and 50' single-family detached lots, and that annual assessments to all homeowners will range from \$1,400/lot to \$1,750/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 Simmons Village North 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. 21-26 OF THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS; EXPANDING THE BOUNDARIES OF THE SIMMONS VILLAGE NORTH COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE EXPANDED BOUNDARIES OF THE DISTRICT; PROVIDING THAT ALL OTHER PROVISIONS OF ORDINANCE 21-26 SHALL REMAIN EFFECTIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Simmons Village North Community Development District was created by Hillsborough County Ordinance No. 21-26, approved by the Hillsborough County Board of County Commissioners on July 20, 2021, and encompasses 123 acres, more or less; and

WHEREAS, Simmons Village North 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 76 acres to the District; and

WHEREAS, the real property constituting the approximately 76 acres is described in the attached Exhibit "A"; and

WHEREAS, the owners of the approximately 76 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 199 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. 21-26 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"

### DESCRIPTION:

A parcel of land lying in the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 31 South, Range 19 East, and in the Northwest 1/4 of the Northwest 1/4 of Section 19, Township 31 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

**BEGINNING** at the Southeast corner of said Northeast 1/4 of the Northeast 1/4 of Section 24, run thence along the South boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, N.89°47'34"W., 1339.34 feet to the Southwest corner thereof; thence along the West boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, N.00°21'16"E., 1327.14 feet to the Northwest corner thereof; thence along the North boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, S.89°43'53"E., 1340.28 feet to the Northwest corner of said Section 19; thence along the North boundary of the aforesaid Northwest 1/4 of the Northwest 1/4 of Section 19, S.87°16'59"E., 1100.85 feet; thence southerly, 77.45 feet along the arc of a curve to the left having a radius of 2812.50 feet and a central angle of 01°34'40" (chord bearing S.03°18'40"W., 77.45 feet); thence S.02°31'20"W., a distance of 162.74 feet; thence southerly, 676.63 feet along the arc of a tangent curve to the left having a radius of 2212.50 feet and a central angle of 17°31'20" (chord bearing S.06°14'20"E., 674.00 feet); thence S.15°00'00"E., a distance of 439.99 feet to a point on the South boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 19, thence along the South boundary of said Northwest 1/4 of the Northwest 1/4 of Section 19, and the North boundary of BELMONT NORTH PHASE 2C, respectively, according to Plat Book 130, Pages 104 through 118, of said Public Records of Hillsborough County, Florida, N.87°15'43"W., 1285.72 feet to the **POINT OF BEGINNING**.

Containing 75.641 Acres.

## EXHIBIT "B"

### DESCRIPTION:

A parcel of land lying in the Northeast 1/4 of the Northeast 1/4 of Section 24, Township 31 South, Range 19 East, and the Northwest 1/4 of the Northwest 1/4 of Section 19, Township 31 South, Range 20 East, and the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 31 South, Range 19 East, and the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 31 South, Range 20 East, Hillsborough County, Florida, and being more particularly described as follows:

**BEGINNING** at the Southeast corner of said Northeast 1/4 of the Northeast 1/4 of Section 24, run thence along the South boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, N.89°47'34"W., 1339.34 feet to the Southwest corner thereof; thence along the West boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, N.00°21'16"E., 1327.14 feet to the Northwest corner thereof; thence along the North boundary of said Northeast 1/4 of the Northeast 1/4 of Section 24, S.89°43'53"E., 200.00 feet to the East line of the West 200' of the Southeast 1/4 of the Southeast 1/4 of said Section 13; thence along said East line, North 00°21'50" East, a distance of 1,287.85 feet to the South line of the Northeast 1/4 of the Southeast 1/4 of said Section 13; thence along the East line of the West 200 feet of the Northeast 1/4 of the Southeast 1/4 of said Section 13, North 00°15'56" East, a distance of 579.11 feet to the North line of the South 579.10' feet of the South 2/3 of the North 3/4 of the East 1/4 of said Section 13; thence along said North line, South 89°20'08" East, a distance of 1,140.47 feet; thence South 88°49'32" East, a distance of 35.00 feet to the East line of the West 35.00 feet of the Northwest 1/4 of the Southwest 1/4 of Section 18, Township 31 South, Range 20 East; thence along said East line, North 00°25'17" East, a distance of 698.76 feet to the North line of the Northwest 1/4 of the Southwest 1/4 of said Section 18; thence along said North line, South 88°49'32" East, a distance of 1,276.95 feet the West maintained Right-of-Way line of Simmons Loop Road; thence along said West maintained Right-of-Way line the following five (5) courses: 1) South 00°15'56" West, a distance of 596.10 feet; 2) South 00°14'40" West, a distance of 199.80 feet; 3) South 01°05'08" West, a distance of 495.43 feet; 4) South 71°09'15" East, a distance of 28.71 feet; 5) South 34°41'50" East, a distance of 38.13 feet; thence leaving said West maintained Right-of-Way line, North 87°59'00" West, a distance of 4.18 feet to a point on a non-tangent curve to the right; thence Southerly 458.26 feet along the arc of said curve, having a radius of 2,437.50 feet, a central angle of 10°46'19", and a chord bearing and distance of South 11°18'52" West 457.59 feet; thence South 16°42'02" West, a distance of 204.17 feet; thence Southerly 695.97 feet along the arc or a curve to the left, having a radius of 2,812.50 feet, a central angle of 14°10'41" and a chord bearing and distance of South 09°36'41" West 694.19 feet; thence S.02°31'20"W., a distance of 162.74 feet; thence southerly, 676.63 feet along the arc of a tangent curve to the left having a radius of 2212.50 feet and a central angle of 17°31'20" (chord bearing S.06°14'20"E., 674.00 feet); thence S.15°00'00"E., a distance of 439.99 feet to a point on the South boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 19, thence along the South boundary of said Northwest 1/4 of the Northwest 1/4 of Section 19, and the North boundary of BELMONT NORTH PHASE 2C, respectively, according to Plat Book 130, Pages 104 through 118, of said Public Records of Hillsborough County, Florida, N.87°15'43"W., 1285.72 feet to the **POINT OF BEGINNING**.

Containing 198.752 Acres.