

Ordinance No. 716

AN ORDINANCE OF PANAMA CITY BEACH, FLORIDA ESTABLISHING THE PIER PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2000); DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; AUTHORIZING CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The St. Joe Company (“Petitioner”), has petitioned the City Council of the City of Panama City Beach, Florida, (“the City”) to adopt an ordinance establishing a community development district pursuant to Chapter 190, Florida Statutes (2000);

WHEREAS, the City and the Petitioner have agreed to enter into a Public Improvement Partnership Agreement (the “Partnership Agreement”) between themselves, the Panama City Beach Community Redevelopment Agency and the District, upon establishment of the District, for the purpose of developing, redeveloping and delivering infrastructure and services and financing same within the boundaries of the District and the immediately surrounding area; and

WHEREAS, the creation and establishment of a community development district is necessary to effect the redevelopment initiative embodied in the Partnership Agreement for the entire area encompassed by the proposed community development district and adjacent publicly held lands within the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. FINDINGS. It is hereby ascertained, determined and declared as follows:

(A) The Petitioner, having obtained written consent to the establishment of the Pier Park Community Development District (“the District”) by the owner of 100 (one hundred)

percent of the real property to be included in the District, petitioned the City to adopt an ordinance establishing the Pier Park Community Development District pursuant to Chapter 190, Florida Statutes (2000).

(B) The Petitioner and all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on February 22, 2001.

(C) Upon consideration of the record established at that hearing, the City determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance.

(D) Establishment of the District will constitute a timely, efficient, effective, responsive, and economic way to implement the Partnership Agreement and deliver community development services and facilities in the area described in the petition.

(E) The Petitioner, as the controlling constituent in the proposed community development district and as an inducement for the City to create and establish the District, has agreed to cause the District, as its first substantive acts to enter into (1) the Interlocal Agreement (as such term is defined in the City's Resolution No. 01- 10) with the City, and (2) the Partnership Agreement, both in substantially the form attached to the City's Resolution No. 01- 10.

SECTION 2. AUTHORITY. This ordinance is adopted in compliance with and pursuant to Article VIII, Section 2(b), Florida Constitution, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes (2000), and the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2000).

SECTION 3. CREATION AND ESTABLISHMENT OF THE PIER PARK COMMUNITY DEVELOPMENT DISTRICT.

(A) There is hereby created and established a community development district situated entirely within the City of Panama City Beach, Florida, which District shall be known as the "Pier Park Community Development District."

(B) The external boundaries of the District are described in Exhibit A attached to this Ordinance and are incorporated herein by reference. The overall parcel encompassed by the boundaries of the District contain approximately 169.54 acres.

(C) The powers and functions of the District are described in Chapter 190, Florida Statutes. The City also hereby gives consent to the District's Board of Supervisor's exercise of special powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, educational uses, and security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries, all as authorized and described by section 190.012(2)(a) and (d), Florida Statutes.

SECTION 4. BOARD OF SUPERVISORS.

(A) The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Lewis Howell, Doug Duke, George Ward, David G. Tillis, and Wm. Britton Greene.

(B) All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

SECTION 5. CONFLICTS AND SEVERABILITY. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 6. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted

EXHIBIT A

BOUNDARY DESCRIPTION OF THE PIER PARK COMMUNITY DEVELOPMENT DISTRICT

BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND THE WESTERLY RIGHT OF WAY LINE OF POWELL ADAMS ROAD (HAVING A 66 FT. RIGHT OF WAY); THENCE SOUTH 32°18'11" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 2380.26 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°40'15" EAST, ALONG SAID EAST LINE, FOR 774.57 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 86°15'00" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, FOR 450.68 FEET TO THE NORTHWEST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1696, PAGE 1926 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE SOUTH 00°37'49" WEST FOR 932.06 FEET TO THE NORTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 723, PAGE 283 OF SAID PUBLIC RECORDS; THENCE NORTH 58°00'20" WEST, ALONG SAID NORTH LINE, FOR 150.63 FEET; THENCE NORTH 32°00'25" EAST FOR 15.90 FEET; THENCE NORTH 57°55'27" WEST FOR 701.68 FEET; THENCE SOUTH 32°02'55" WEST FOR 393.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 ALTERNATE (FRONT BEACH ROAD); THENCE NORTH 57°56'01" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 1099.70 FEET; THENCE, LEAVING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 32°03'05" EAST FOR 308.00 FEET; THENCE SOUTH 57°56'01" EAST FOR 113.15 FEET; THENCE NORTH 32°04'00" EAST FOR 578.57 FEET; THENCE NORTH 57°56'01" EAST FOR 144.00 FEET; THENCE NORTH 32°04'00" EAST FOR 559.03 FEET; THENCE SOUTH 57°35'02" EAST FOR 313.80 FEET; THENCE NORTH 00°41'32" EAST FOR 174.39 FEET; THENCE NORTH 28°15'31" EAST FOR 1157.59 FEET; THENCE NORTH 59°27'35" WEST FOR 1110.81 FEET; THENCE SOUTH 38°05'09" WEST FOR 134.13 FEET; THENCE NORTH 62°29'57" WEST FOR 428.31 FEET; THENCE NORTH 01°00'02" EAST FOR 737.04 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 (PANAMA CITY BEACH PARKWAY—HAVING A 200 FT. RIGHT OF WAY); THENCE SOUTH 69°52'42" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR 303.05 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 5661.65 FEET; THENCE SOUTHEASTERLY, ALONG SAID CURVING RIGHT OF WAY LINE, FOR AN ARC DISTANCE OF 1549.72 FEET, SAID ARC HAVING A CHORD OF 1544.88 FEET, BEARING SOUTH 62°02'12" EAST TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 54°11'42" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR 2260.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID POWELL ADAMS ROAD; THENCE SOUTH 32°18'11" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, FOR 104.32 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND LYING IN AND BEING A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA. CONTAINING 169.54 ACRES, MORE OR LESS.

within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in force and take effect immediately upon passage and adoption.

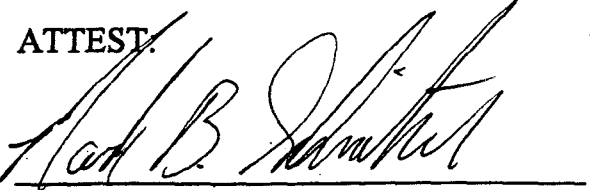
PASSED, APPROVED AND ADOPTED on First Reading on the 22 day of February, 2001.

PASSED, APPROVED AND ADOPTED on Second, Third and Final Reading at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 22 day of march, 2001.

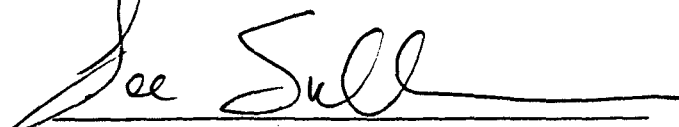
**CITY OF PANAMA CITY BEACH,
FLORIDA**


MAYOR

ATTEST.


CITY CLERK

EXAMINED AND APPROVED by me this 22 day of March, 2001.


MAYOR

POSTED AT:

Beach City Hall

22 March, 2001

Panama City Beach Post Office

22 March, 2001

W. Panama City Beach Post Ofc.

22 March, 2001