

ORDINANCE NO. 97-18

1
2
3 AN ORDINANCE TO BE KNOWN AS THE ORDINANCE RE-ESTABLISHING
4 THE FALLS CHASE SPECIAL TAXING DISTRICT AS THE FALLSCHASE
5 COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR FINDINGS
6 AND DETERMINATIONS; PROVIDING FOR GRANT OF PETITION RE-
7 ESTABLISHING AND TERMINATING THE FALLS CHASE SPECIAL
8 TAXING DISTRICT BY OPERATION OF LAW; PROVIDING FOR
9 EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE
10 INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR
11 SPECIAL POWERS OF THE DISTRICT; PROVIDING FOR THE
12 ASSUMPTION OF THE ASSETS AND LIABILITIES OF THE FALLS CHASE
13 SPECIAL TAXING DISTRICT BY THE FALLSCHASE COMMUNITY
14 DEVELOPMENT DISTRICT; PROVIDING FOR CONFLICT AND
15 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING
16 FOR INCLUSION IN THE CODE OF THE LAWS AND ORDINANCES.

17 WHEREAS, pursuant to Section 165.041, Florida Statutes, and Leon County Ordinance
18 75-2, the Board of County Commissioners of Leon County, by Ordinance 75-6, did create and
19 establish an independent special purpose district known as the Falls Chase Special Taxing District
20 to provide basic community infrastructure systems, facilities and services to the Fallschase
21 community development; and
22

23 WHEREAS, general law standards for the creation and operation of such community
24 development districts has changed dramatically since 1975, and the Leon County Board of County
25 Commissioners desires to modernize the law applicable to the Falls Chase Special Taxing District;
26 and

27 WHEREAS, on July 22, 1997, the Leon County Board of County Commissioners,
28 requested the Board of the Falls Chase Special Taxing District submit a Petition for re-
29 establishment of the Falls Chase Special Taxing District as the Fallschase Community
30 Development District pursuant to Section 190.005, Florida Statutes; and

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To <i>Jim Ward</i>	From <i>Allen Wain</i>
Co. <i>Assessor</i>	Co. <i>Assessor</i>
Dept.	Phone # <i>850 222-7206</i>
Fax #	Fax #

1 WHEREAS, the Falls Chase Special Taxing District submitted and filed a Petition, with
2 attachments, with the Board of County Commissioners of Leon County for review, together with
3 a fee of \$10,000, in conformance with the stipulation of the County and the District dated August
4 21, 1997, and Section 190.005, Florida Statutes; and

5 WHEREAS, a public hearing was duly noticed and held on October 14, 1997, pursuant
6 to the requirements of Section 190.005, Florida Statutes; and

7 WHEREAS, adoption of this ordinance re-establishing the existing District as the
8 Fallschase Community Development District does not waive any of Leon County's growth
9 management or land use authority of Leon County with regard to the above-referenced property;
10 and

11 WHEREAS, the actions of the re-established Fallschase Community Development District
12 and its Board of Supervisors shall be subject to Chapter 190, Florida Statutes, the Uniform
13 Community Development District Act of 1980, and all general law requirements of governmental
14 bodies and public officials including, but not limited to, public notice of meetings, government
15 in the sunshine, ethics, conflicts of interests, consultants competitive negotiations and competitive
16 bidding law, and various related limitations on the single purpose and general and special powers,
17 functions and duties of the District as contained in Chapter 190, Florida Statutes, as it may from
18 time to time be amended; and

19 WHEREAS, the re-established District, with its general law charter, has more stringent
20 disclosure provisions, improved accountability to property owners within the District, and greater
21 restrictions on its ability to raise revenues than the existing Falls Chase Special Taxing District;
22 and

1 **WHEREAS, the Fallschase Community Development District will be assigned all assets**
2 **and liabilities of the Falls Chase Special Taxing District and the Board of County Commissioners**
3 **will not be liable for any present or future liabilities or debts of the Falls Chase Special Taxing**
4 **District or the Fallschase Community Development District; and**

5 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY:**

6 **Section 1: Findings.**

7 **The Board of County Commissioners makes the following findings:**

8 **1. The creation and re-establishment by County ordinance of the Fallschase**
9 **Community Development District, and the related dissolution and termination by operation of law**
10 **of the Falls Chase Special Taxing District, under Section 190.005(3), Florida Statutes are**
11 **consistent with all applicable goals and policies of the State Comprehensive Plan of Florida,**
12 **Chapter 187, Florida Statutes as amended, and is not inconsistent with applicable goals, objectives**
13 **and policies of the Tallahassee-Leon County Comprehensive Plan.**

14 **2. The area of land within the proposed District, including both the property**
15 **within Falls Chase Special Taxing District and an additional approximately 75 acres, is of**
16 **sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one**
17 **function inter-related community.**

18 **3. A community development district is the best alternative available for**
19 **delivering community development systems, facilities and services to the area that will be served**
20 **by the District.**

21 **4. The community development systems, facilities and services of the District**
22 **will be compatible with the capacities and uses of existing local and regional community**
23 **development services and facilities.**

1 5. The area that will be served by the District is amenable to separate special
2 district government.

3 6. The contents of the petition and its attachments are true and correct, as
4 amended.

5 **Section 2: Grant of Petition Establishing District and Assumption of Obligations of**
6 **Existing District.**

7 The Board of County Commissioners hereby grants the petition for the re-
8 establishment of the Falls Chase Special Taxing District as the Fallschase Community
9 Development District pursuant to Section 190.005(3), Florida Statutes, and hereby affirms that,
10 by operation of law, the Falls Chase Special Taxing District is, from the effective date of this
11 ordinance, and subject to the assumption of assets and liabilities by the Fallschase Community
12 Development District pursuant to this Section, terminated and dissolved and its assets and
13 liabilities exclusively and entirely assigned to the re-established Fallschase Community
14 Development District. At its first meeting following the effective date of this ordinance, the
15 Fallschase Community Development District Board of Supervisors, as its first official action, shall
16 adopt a resolution expressly assuming the obligations, indebtedness and guarantees of indebtedness
17 of the Falls Chase Special Taxing District. Such resolution shall be filed with the Leon County
18 Board of County Commissioners. If such resolution is not adopted and filed with the Leon
19 County Board of County Commissioners within ten days of the effective date of this ordinance,
20 this ordinance shall be null and void.

21 **Section 3: External Boundaries of the District.**

22 The land area to be serviced by the Fallschase Community Development District
23 is 691.78 contiguous acres of land, bounded generally on the north by U.S. Highway 90; bounded

1 on the south by Lafayette Heritage Trust; bounded on the east by Groveland Hills subdivision;
2 and bounded on the west by Weems Road; this land area is more particularly described as to its
3 external boundaries and attached Exhibit A attached hereto and made a part hereof.

4 Section 4: District Name.

5 The name of the re-established district is the Fallschase Community Development
6 District.

7 Section 5: Board of Supervisors Members.

8 The Board designates the following five persons to serve as the initial members of
9 the Board of Supervisors until the first election as provided by the charter of the District:

- 10 A. L. Blair Bailey
11 B. Libus Montgomery
12 C. John L. Sutton
13 D. James Priester
14 E. Sally H. Bailey

15 Section 6: Consent to Exercise of Additional Statutory Powers.

16 The Board of County Commissioners of Leon County consents expressly to the
17 exercise of the following special powers which the District is, by general charter, authorized to
18 exercise under Section 190.012(2), Florida Statutes:

- 19 (a) Parks and facilities for indoor and outdoor recreational, cultural and
20 educational uses;
21 (b) Fire prevention and control;
22 (c) School buildings and related structures, which may be leased, sold
23 or donated to the school district;



(d) Security, including but not limited to, guard houses, fences and gates, electronic intrusion-detection systems and patrol cars, when authorized by responsible governmental agencies;

(e) Mosquito control;

(f) Waste collection and disposal.

At its first meeting following the effective date of this ordinance, the Fallschase Community Development District Board of Supervisors, as its first official action, shall adopt a resolution entering into an interlocal agreement with Leon County regarding the exercise of these additional powers. Such resolution shall be filed with the Leon County Board of County Commissioners. If such resolution is not adopted and filed with the Leon County Board of County Commissioners within ten days of the effective date of this ordinance, this ordinance shall be null and void.

Section 7: Successor Entity.

The re-established Fallschase Community Development District shall be and is the successor entity to the Falls Chase Special Taxing District and is subject to all administrative orders and permits and all orders of courts of competent jurisdiction which apply to the District. All permits, licenses or franchises held by the Falls Chase Special Taxing District shall be transferred to the Fallschase Community Development District by operation of law, subject to applicable federal, state, regional or local laws or rules relating to the procedures for transferring such permits, licenses or franchises.

Section 8: Repeal of Prior Ordinances

Upon receipt of the resolution of the Board of Supervisors of the Fallschase Community Development District pursuant to Section 2 of this Ordinance, Leon County Ordinance Numbers 75-2 and 75-6 and any amendments thereto are repealed.

Section 9: Conflict and Severability.

In the event this ordinance conflicts with any other ordinance of Leon County or other applicable law, the more restrictive shall apply, so long as it is not inconsistent with applicable general law governing this District's re-establishment. Any phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining provisions.

Section 10: Effective Date.

This ordinance shall become effective upon filing with the Secretary of State.

LEON COUNTY, FLORIDA

BY: [Signature]
Gary L. Yordon, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
Dave Lang, Clerk of Court

BY: [Signature]



APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: [Signature]
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

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< CONFIRMATION REPORT >

03-30-1998(MON) 10:41

[TRANSMIT]

NO.	DATE	TIME	DESTINATION	PG.	DURATION	MODE	RESULT
40841	3-30	10:36	850 224 8551	6	0° 04' 47"	NORM.E	OK
				6	0° 04' 47"		

< JOURNAL REPORT >

03-30-1998 (MON) 10:35

[TRANSMIT]

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40808	3-26	08:25	8133371335	2	0° 00' 59"	NORM.E	OK
40809		08:44	407 566 4128	2	0° 00' 45"	NORM.E	OK
40810		09:51	407 566 4128	3	0° 03' 30"	NORM.E	OK
40812		10:33	407 566 4128	41	0° 28' 33"	NORM.E	OK
40813		11:03	954 345 1292	4	0° 01' 57"	NORM.E	OK
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40819		15:11	850 921 0733	2	0° 01' 01"	NORM.E	OK
40820		15:19	407 566 4128	2	0° 00' 49"	NORM.E	OK
40821		16:07	#82120#9-13059958121	2	0° 01' 11"	NORM.E	OK
40822		16:12	305 579 5415	3	0° 01' 56"	NORM.E	OK
40823		16:17	0000	3	0° 01' 25"	NORMAL	OK
40824		16:21	#82120#9-13034437944	3	0° 01' 22"	NORM.E	OK
40825		16:27	407 566 4128	24	0° 16' 19"	NORM.E	OK
40826		16:46	9042557840	2	0° 01' 44"	NORMAL	OK
40827		16:49	9042557840	2	0° 01' 15"	NORMAL	OK
40828		16:52	BCHL&M	3	0° 01' 23"	NORM.E	OK
40829		16:58	9547559899	2	0° 01' 22"	NORMAL	OK
40832	3-27	10:11	407 566 4128	3	0° 01' 18"	NORM.E	OK
40835		12:07	407 566 4128	6	0° 03' 04"	NORM.E	OK
40836		14:07	9046726637	2	0° 01' 03"	NORM.E	OK
40837		15:12	305 781 0139	1	0° 00' 36"	NORMAL	OK
40838		15:53	407 566 4128	1	0° 00' 32"	NORM.E	OK
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				129	1° 22' 11"		

< CONFIRMATION REPORT >

03-30-1998(MON) 10:35

[TRANSMIT]

NO.	DATE	TIME	DESTINATION	PG.	DURATION	MODE	RESULT
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PLEASE RE-TRANSMIT.