

1 Introduced by the Council President pursuant to Chapter 92  
2 Ordinance Code and amended by the Economic, Community and  
3 International Development Committee:  
4  
5

6 **ORDINANCE 2006-1198-E**

7 AN ORDINANCE ESTABLISHING THE OTC COMMUNITY  
8 DEVELOPMENT DISTRICT ("DISTRICT"); DESCRIBING  
9 THE EXTERNAL BOUNDARIES OF THE DISTRICT;  
10 NAMING THE DISTRICT; NAMING THE INITIAL  
11 DISTRICT BOARD OF SUPERVISORS; PROVIDING  
12 INFORMATION RELATED TO DISTRICT BOARD REQUESTS  
13 FOR CONSENT TO EXERCISE SPECIAL POWERS;  
14 AMENDING SECTION 92.22 (EXISTING COMMUNITY  
15 DEVELOPMENT DISTRICTS), *ORDINANCE CODE* TO  
16 INCLUDE THE DISTRICT; PROVIDING FOR CONFLICT  
17 AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
18

19 **WHEREAS**, Argyle Forest Retail I, LLC, a Florida limited  
20 liability corporation, petitioned the City Council to establish a  
21 community development district ("CDD") named the OTC Community  
22 Development District on approximately 98.27<sup>v</sup> acres lying wholly  
23 within the boundaries of the City pursuant to F.S. Chapter  
24 190.005(2) and Chapter 92, *Ordinance Code*, a copy of the Petition  
25 to Establish the OTC Community Development District ("Petition") is  
26 **on file** with the Legislative Services Division as **Exhibit 1**; and

27 **WHEREAS**, if established as proposed in the Petition, the OTC  
28 Community Development District would thereafter exist and operate  
29 as an independent special district as set forth in F.S. Ch. 190;  
30 and  
31

1           **WHEREAS**, the Office of General Counsel and the Planning and  
2 Development Department have reviewed the Petition and have  
3 submitted their reports thereon to the Council, which are **on file**  
4 with the Legislative Services Division as **Exhibit 2** and **Exhibit 3**,  
5 respectively; and

6           **WHEREAS**, the Council has determined the Petition adequately  
7 meets the requirements of F.S. Ch. 190.005 and Section 92.04,  
8 *Ordinance Code* and is therefore complete and sufficient to permit  
9 fair and informed review thereof; and

10           **WHEREAS**, all notice requirements of F.S. Ch. 190, Section  
11 92.11, *Ordinance Code* and other applicable laws were complied with,  
12 and complete notice was timely given, and a public hearing held on  
13 the date and time noticed and conducted thereafter in compliance  
14 with F.S. Ch. 190 and all applicable laws; and

15           **WHEREAS**, in making its fair and informed determination whether  
16 to grant or deny the Petition, the Council has considered the  
17 petition in light of the record developed at the public hearing and  
18 in relation to the six factors set forth at F.S. § 190.005(1)(e),  
19 now, therefore

20           **BE IT ORDAINED** by the Council of the City of Jacksonville:

21           **Section 1.       Name.** A CDD is hereby established within the  
22 City to be known hereafter as the OTC Community Development  
23 District.

24           **Section 2.       Boundaries.** The boundaries of the OTC  
25 Community Development District established by this ordinance are as  
26 set forth in the legal description incorporated herein as part of  
27 **Exhibit 1** which is **on file** with the Legislative Services Division.

28           **Section 3.       Board of Supervisors.** The following five  
29 persons, as set forth in the Petition, are designated to be the  
30 initial members of the governing Board of Supervisors ("Board") of  
31 the OTC Community Development District:

- 1 a. David Murphy
- 2 b. Tom Hareas
- 3 c. Chase Wolf
- 4 d. Robert Fargo
- 5 e. Ralph L. Colton

6 **Section 4. Consent Requests.** After the initial meeting and  
 7 swearing in of the OTC Community Development District Board, the  
 8 Board may request that the City consent to the OTC Community  
 9 Development District's exercise of one or more special powers set  
 10 forth in F.S. § 190.012(2), by adopting a proper resolution and  
 11 submitting same thereafter to the City to be taken up and  
 12 considered pursuant to Section 92.15, *Ordinance Code*.

13 **Section 5.** Chapter 92 (Uniform Community Development  
 14 Districts), Section 92.22 (Existing Community Development  
 15 Districts), *Ordinance Code*, is amended to read as follows:

16 **CHAPTER 92. UNIFORM COMMUNITY DEVELOPMENT DISTRICTS.**

17 \* \* \*

18 **Sec. 92.22. Existing Community Development Districts**

19 The following CDDs have been established in the City:

20 \* \* \*

21 (12) OTC Community Development District. The OTC Community  
 22 Development District was established in Ordinance 2006-1198-E.

23 \* \* \*

24 **Section 6. Conflict and Severability.** Any portion of this  
 25 ordinance determined finally by a court of competent jurisdiction  
 26 to be in conflict with prevailing law shall not be effective to the  
 27 extent of such conflict, and shall be deemed severable and the  
 28 remainder shall continue in full force and effect to the extent  
 29 legally possible.

1           **Section 7.           Effective Date.**   This ordinance shall become  
2 effective upon signature by the Mayor or upon becoming law without  
3 the Mayor's signature.

4 Form Approved:

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6             /s/   Steven E. Rohan      

7 Office of General Counsel

8 Legislation Prepared By:   Dylan Reingold

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