

1 **ORDINANCE SUMMARY**

2
3 On May 6, 2008, the Lake County Board of County Commissioners (BCC), upon the petition of
4 the Plaza Collina property owner, adopted Ordinance 2008-26, which established the Plaza
5 Collina Community Development District (CDD or District) and designated a District Board of
6 Supervisors to plan, construct and maintain systems and facilities within the District as
7 authorized by Florida law. Section 190.046(9), Florida Statutes, permits a district with no
8 outstanding financial obligations and no operating or maintenance responsibilities to petition the
9 local government entity that established the district for dissolution of the district. On October 7,
10 2014, the Plaza Collina CDD Board of Supervisors adopted a Resolution to dissolve the CDD, as
11 the District had not constructed and had no plans to fund, construct, acquire or maintain any
12 infrastructure, and petitioned Lake County for dissolution of the CDD. On December 16, 2014,
13 the BCC determined that action on the CDD dissolution should accompany Board action on a
14 Notice of Proposed Change (NOPC) to the Plaza Collina DRI, which was then pending with the
15 East Central Florida Regional Planning Council and the Lake County Planning and Community
16 Design Division. The applicant subsequently withdrew the NOPC, and the Plaza Collina
17 property was annexed into the City of Clermont on April 28, 2015, pursuant to a covenant to
18 annex that was signed by the property owner in 2006. Accordingly, because there is no longer a
19 pending land use and planning matter before the BCC, and because Lake County is the
20 governmental entity that established the District, this Ordinance to dissolve the Plaza Collina
21 CDD pursuant to Section 190.046(9), Florida Statutes, is returning to the BCC for approval to
22 advertise and adoption.
23

24
25 **ORDINANCE NO. 2015 - _____**

26
27 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
28 **COUNTY, FLORIDA; PROVIDING FOR APPROVAL OF THE DISSOLUTION OF THE**
29 **PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO**
30 **SECTION 190.046(9), FLORIDA STATUTES; PROVIDING FOR RELIANCE UPON**
31 **REPRESENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL**
32 **OF ORDINANCE 2008-26; PROVIDING FOR BOARD INTENTION; PROVIDING FOR**
33 **FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN**
34 **EFFECTIVE DATE.**

35
36 **WHEREAS**, the Plaza Collina Community Development District (the “District”) was
37 established by Ordinance No. 2008-26 of the Board of County Commissioners of Lake County,
38 Florida (“Board”), pursuant to Chapter 190, Florida Statutes; and
39

40 **WHEREAS**, the District was previously located within the boundaries of unincorporated
41 Lake County, Florida, and was annexed into the City of Clermont on April 28, 2015, pursuant to
42 a covenant to annex signed by the Plaza Collina property owner in 2006; and
43

44 **WHEREAS**, Section 190.046(9), Florida Statutes, permits a district with no outstanding
45 financial obligations and no operating or maintenance responsibilities to petition the local
46 government entity that established the district for dissolution of the district; and

1 **WHEREAS**, according to a Resolution of the Board of Supervisors of the Plaza Collina
2 Community Development District, which was adopted by the District on October 7, 2014 and is
3 contained within **Exhibit “A”**, attached hereto, the District does not presently have any
4 outstanding financial obligations or operating or maintenance responsibilities, does not presently
5 own any real property or infrastructure improvements, does not presently have any outstanding
6 bonds, notes or other debt instruments, and does not presently have any debt service special
7 assessments levied against the assessable real property located within the District; and
8

9 **WHEREAS**, according to the Resolution adopted by the District on October 7, 2014, the
10 dissolution of the District will not harm or otherwise injure any interests of the current owners of
11 land, nor will it harm or otherwise injure any interests of any other party within or without the
12 District; and
13

14 **WHEREAS**, the District’s Board of Supervisors and the owners of one hundred percent
15 (100%) of the lands within the District have petitioned the Lake County Board of County
16 Commissioners for dissolution of the District, with said petition attached hereto as **Exhibit “A”**,
17 and desire that the Board pass this ordinance providing for the dissolution of all community
18 development services of the District and of the District itself in accordance with Section
19 190.046(9), Florida Statutes; and
20

21 **WHEREAS**, the District has prepared a Plan of Dissolution that provides for the orderly
22 dissolution of the District and for the final dispensation of all records, financial accounts and
23 contracts, which is attached to this Ordinance as Appendix A to **Exhibit “A”**.
24

25 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
26 **COMMISSIONERS OF LAKE COUNTY, FLORIDA:**
27

28 **SECTION 1. RECITALS.** The foregoing recitals are true and correct and hereby
29 incorporated herein by reference.
30

31 **SECTION 2. AUTHORITY.** This Ordinance is adopted in compliance with and
32 pursuant to the Uniform Community Development Act of 1980, codified in Chapter 190, Florida
33 Statutes.
34

35 **SECTION 3. APPROVAL OF DISSOLUTION OF DISTRICT.** The Board hereby
36 grants the petition of the Plaza Collina Community Development District for dissolution, and
37 directs the District to file a copy of the Plan of Dissolution and this Ordinance with the Florida
38 Department of Economic Opportunity once all community development services of the District
39 have been dissolved and upon compliance with all the terms of the Plan of Dissolution. Upon the
40 filing of the Plan of Dissolution and this Ordinance with the Department of Economic Opportunity,
41 the District is dissolved without further action by the County.
42

43 **SECTION 4. RELIANCE UPON REPRESENTATION.** The dissolution of the
44 District is based upon the consideration of the petition, supporting documents, attachments, and
45 representations from the District. Nothing in this Ordinance shall be deemed to obligate Lake
46 County for any financial, operational, maintenance or other responsibilities of the District.

1 **SECTION 5. SEVERABILITY.** If any section, sentence, clause or phrase of the
2 Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then
3 said holding shall in no way affect the validity of the remaining portions of this Ordinance.
4

5 **SECTION 6. REPEAL OF ORDINANCE 2008-26.** As a result of the granting of the
6 District’s petition for dissolution, Lake County Ordinance No. 2008-26 is repealed.
7

8 **SECTION 7. BOARD INTENTION.** It is the intent of the Board of County
9 Commissioners that the provisions of this Ordinance shall be excluded from the Lake County
10 Code.
11

12 **SECTION 8. FILING WITH THE DEPARTMENT OF STATE.** The Clerk shall be
13 and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the
14 State of Florida in accordance with Section 125.66, Florida Statutes.
15

16 **SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective as provided
17 for by law.
18

19
20 Enacted this _____ day of _____ 2015.
21

22 Filed with the Secretary of State _____ 2015.
23

24
25 ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
LAKE COUNTY, FLORIDA

26
27
28
29
30 _____
31 Neil Kelly, Clerk of the
32 Board of County Commissioners
33 of Lake County, Florida

Jimmy Conner, Chairman
This _____ day of _____, 2015.

34
35
36
37 Approved to as to form and legality:
38
39

40
41
42 _____
43 Sanford A. Minkoff
44 County Attorney
45
46

Exhibit “A”

Petition for Dissolution of the Plaza Collina Community Development District

Seven (7) Pages

Hopping Green & Sams

Attorneys and Counselors

October 10, 2014

Via Overnight Delivery

Mr. David Heath
County Manager
Lake County, Florida
315 West Main Street, P.O. Box 7800
Tavares, FL 32778

Re: Petition to Dissolve the Plaza Collina Community Development District

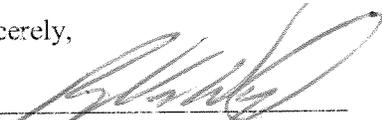
Dear Mr. Heath:

The sole owner of the lands located within the Plaza Collina Community Development District (the "District"), has informed the District's Board of Supervisors (the "Board"), that it will not be requesting the District to fund, construct, acquire or maintain any infrastructure (see copy of the consent and joinder from Plaza Collina (Orlando) AFLI IV, LLLP, current owner of all lands within the District). As a result, the District will not have any infrastructure to construct, operate or maintain in the future. The only existing operational costs are those costs necessary to fund the Board's administrative operations and its consultants. After deliberation, the Board has, by Resolution 2015-01, determined that it is in the best interest of the District and the landowner that the District petition the Board of County Commissioners for dissolution of the District. A copy of Resolution 2015-01 (the "Resolution"), is enclosed herein.

The Board adopted the Resolution pursuant to section 190.046(9), Florida Statutes, on October 7, 2014. The Resolution approves a Plan of Dissolution for the orderly dissolution of the District. The Resolution also instructs District staff to present the Resolution to Lake County and to perform all actions necessary to effectuate the orderly dissolution of the District. By this letter, the Board of Supervisors of the Plaza Collina Community Development District hereby petitions the Board of County Commissioners of Lake County, Florida, to pass a non-emergency ordinance providing for the orderly dissolution of the District. For your convenience, I have taken the liberty of drafting a proposed ordinance and a proposed notice of public hearing, copies of which are also enclosed herein.

Thank you in advance for your attention to this issue. Once you have had an opportunity to review this Petition and the enclosed documents, please contact me at 850-222-7500 to discuss future proceedings. I look forward to working with you on this matter.

Sincerely,



Roy Van Wyk
Hopping Green & Sams, P.A.
Counsel to the District

Enclosures

cc: Sanford Minkoff, County Attorney
Erin Hartigan, Assistant County Attorney
Doris Houck, District Manager

Certification

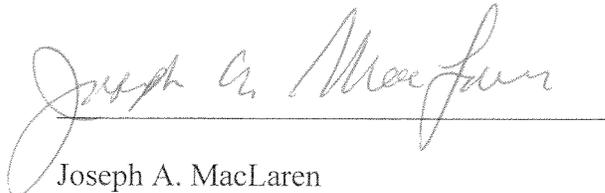
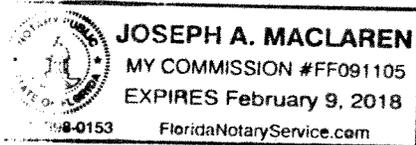
I, Doris H. Houck, Assistant Secretary of the Board of Supervisors of the **PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT**, do hereby certify that the attached is a true and correct copy of the **Resolution 2015-01** adopted by quorum of the Board of Supervisors for the Plaza Collina Community Development District at a duly noticed meeting on October 7, 2014.



Doris H. Houck, Assistant Secretary

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to (or affirmed) before me this 8th day of October, 2014 by DORIS H. HOUCK, whose signature appears hereinabove, who is personally known to me or who produced _____ as identification.



Joseph A. MacLaren
Notary Public – State of Florida

RESOLUTION 2015 -01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT ADOPTING A PLAN OF TERMINATION; REQUESTING THAT THE COUNTY COMMISSION OF LAKE COUNTY, FLORIDA, ADOPT A NON-EMERGENCY ORDINANCE TO PROVIDE FOR THE TERMINATION OF THE PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT; DIRECTING THE DISTRICT MANAGER AND DISTRICT COUNSEL TO TAKE APPROPRIATE ACTION TO TERMINATE THE PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT IN ACCORD WITH THE NON-EMERGENCY ORDINANCE ADOPTED BY THE COUNTY COMMISSION OF LAKE COUNTY, FLORIDA, AND THE PLAN OF TERMINATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Plaza Collina Community Development District, (“the District”), was established by Ordinance 2008-26 of the County Commission of Lake County, Florida, pursuant to Chapter 190, Florida Statutes, and

WHEREAS, the District is located wholly within the boundaries of Unincorporated Lake County, Florida (“the County”); and

WHEREAS, 100% of the lands located within the District is owned by Plaza Collina (Orlando) ASLI IV, L.L.P., 923 N. Pennsylvania Avenue, Winter Park, Florida 32789, (the “Landowner”); and

WHEREAS, the District has not levied special assessments against the lands located within the District for the purposes of funding the District’s ongoing operating costs; and

WHEREAS, the District has not taken any actions regarding planned community development services to the lands located within the District and has not levied any special assessments against the assessable real property located within the District for the purposes of funding any planned community development services; and

WHEREAS, the District has not issued any bonds, notes or other debt instruments in anticipation of making any planned community development improvements; and

WHEREAS, the District’s Board of Supervisors has determined that based upon information provided to it by the Landowner, and the current economic conditions and the level of improvements within the District, that the planned community development services to be provided to the lands within the boundaries of the District may be provided by and through the Landowner in a manner as efficiently as the District and at a level of quality equal to the level of

quality to be delivered to the users of those services by the District, at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District; and

WHEREAS, the District has received a written request from 100% of the Landowners in support of the dissolution of the District; and

WHEREAS, the termination of the District will not harm or otherwise injure any interests of the Landowner of the District, nor harm nor otherwise injure any interests of any other party within or without the District; and

WHEREAS, the District's Board of Supervisors finds that it is in the best interest of the District and the Landowner that the District be dissolved and that the planned community development services be provided by Landowner; and

WHEREAS, the District has prepared a "Plan of Termination" that provides for the orderly termination of the District and for the final dispensation of all records, financial accounts and contracts; and

WHEREAS, the District's Board of Supervisors desires that the County adopt a non-emergency ordinance to provide for the termination of the District in accord with Section 190.046(9), Florida Statutes (2014).

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD
OF SUPERVISORS OF THE PLAZA COLLINA
COMMUNITY DEVELOPMENT DISTRICT:**

SECTION 1. INCORPORATION OF WHEREAS CLAUSES. All of the above representations, findings, and determinations contained within the Whereas Clauses of this Resolution are recognized as true and accurate, and are expressly incorporated into this Resolution.

SECTION 2. APPROVAL OF PLAN OF TERMINATION. The District hereby approves the Plan of Termination, attached to this Resolution as **Exhibit "A."**

SECTION 3. REQUEST FOR ACTION. The District hereby requests that the County adopt a non-emergency ordinance to provide for the termination of the District in accord with Section 190.046(9), Florida Statutes (2014).

SECTION 4. DIRECTION TO DISTRICT MANAGER AND DISTRICT COUNSEL. The District Manager and District Counsel are hereby directed to take the appropriate actions to transmit this Resolution to the County. Upon the adoption of a non-emergency ordinance by the County, the District Manager and District Counsel are further directed to proceed with the necessary steps as outlined in the Plan of Termination to effectuate an orderly termination of the District.

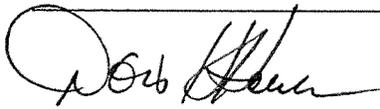
SECTION 5. SEVERABILITY. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon the passage and adoption of this Resolution by the Board of Supervisors of the Plaza Collina Community Development District.

PASSED AND ADOPTED in public session this 7th day of October, 2014.

ATTEST:

**BOARD OF SUPERVISORS OF THE
PLAZA COLLINA COMMUNITY
DEVELOPMENT DISTRICT**



Assistant Secretary



ANNE KARBOREK

Chairman

Appendix A

PLAN OF TERMINATION FOR
THE PLAZA COLLINA COMMUNITY DEVELOPMENT DISTRICT

1. **PURPOSE.** The purpose of this Plan of Termination is to provide a plan for the orderly termination of the Plaza Collina Community Development District (the “District”).

2. **CONSTRUCTION.** This Plan of Termination shall be construed liberally to accomplish the smooth and orderly termination of the District.

3. **AUTHORITY.** Section 190.046(9), Florida Statutes (2014), provides that if a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon petition of the district, the district may be dissolved by a non-emergency ordinance of the local governmental entity that established the district.

4. **SERVICES.** The District is currently managed by a contract administrator and has no employees. Counsel has been retained by the District to provide legal services to the District. The District currently does not provide any community development services to the owner(s) of lands within the boundaries of the District. The District Manager and District Counsel are responsible for filing any final reports or other documents on behalf of the District that are required by law, and for performing any and all other actions on behalf of the District within thirty (30) days after the effective termination of the District. Following termination of the District, all outstanding invoices from the District Manager and District Counsel are to be submitted to and paid directly by Plaza Collina (Orlando) ASLI IV, L.L.L.P., 923 N. Pennsylvania Avenue, Winter Park, Florida 32789.

5. **ASSETS AND LIABILITIES.** The District has no real property, infrastructure or other assets and has no debt or maintenance responsibilities.

6. **CONTRACTUAL OBLIGATIONS OF THE DISTRICT.**

A. All contractual obligations shall be addressed as follows:

(1) The District’s agreement with the firm of Hopping Green & Sams, P.A., to serve as District Counsel, shall terminate upon the effective termination of the District. The District will obtain an appropriate release from Hopping Green & Sams, P.A.

(2) The District’s agreement with the firm of Fishkind & Associates, Inc., to serve as District Manager and Financial Consultant shall terminate upon the effective termination of the District. The District will obtain an appropriate release from Fishkind & Associates, Inc.

- B. All revenue agreements with Plaza Collina (Orlando) ASLI IV, L.L.L.P., shall expire and be void upon final payment of all financial obligations of the District or to any third party beneficiary, including any payments due to Lake County (the "County") or any other governmental entity, the District Manager and/or District Counsel resulting from the dissolution of the District.

7. **FINANCE.** All existing accounts of the District contain minimal amounts of money, and Plaza Collina (Orlando) ASLI IV, L.L.L.P. is the sole landowners subject to special assessment. All existing accounts of the District shall be closed, and any remaining funds in those existing accounts shall be transferred to Plaza Collina (Orlando) ASLI IV, L.L.L.P., following payment of all outstanding bills, invoices and other obligations.

8. **NOTICE OF TERMINATION.** District Counsel shall record a Notice of Termination of the Plaza Collina Community Development District in the public records of Lake County, Florida. A copy of the Ordinance passed by the County dissolving the District shall be transmitted to the Florida Department of Economic Opportunity pursuant to Section 189.418, Florida Statutes (2014).

9. **MODIFICATION OF THE PLAN OF TERMINATION.** The District's Board of Supervisors may modify this Plan of Termination by Resolution prior to the effective date of any ordinance of the County terminating the District.

10. **OFFICIAL DISTRICT RECORDS.** All official records of the District shall be transferred to the Florida Secretary of State by the District Manager. However, such a transfer of official District records shall not occur as long as the District has an obligation, under any law, to keep and maintain any such official District record. If any official record of the District cannot be transferred prior to the termination of the District, then the failure by the District Manager to transfer such a record shall not cause this Plan of Termination to not be completed within the time permitted. Any such record shall be transferred by the District Manager to the Florida Secretary of State as soon as is practicable after the termination of the District, in accord with this Plan of Termination.

11. **OPERATION OF THIS PLAN OF TERMINATION.** This Plan of Termination shall become effective upon adoption of a Resolution by the District's Board of Supervisors approving this Plan of Termination. After complying with the terms of this Plan of Termination, the District will be terminated without any further action.

12. **CONTINUATION OF DISTRICT SERVICES.** In the event that the County declines to adopt a non-emergency ordinance regarding the dissolution of the District, the District Manager may convene any meeting of the Board of Supervisors of the District deemed necessary to continue to conduct District Business.