

ORDINANCE 2004 - 74

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, AMENDING ORDINANCE NO. 2003-46 WHICH ESTABLISHED THE STEVENS PLANTATION COMMUNITY DEVELOPMENT DISTRICT UPON PETITION BY THE LANDOWNERS OF THE PROPERTY CONTAINED THEREIN, PROVIDING THAT FOR AS LONG AS MEMBERS OF THE BOARD OF SUPERVISORS ARE ELECTED BY THE LANDOWNERS AS PRESCRIBED IN SECTION 190.006, FLORIDA STATUTES, AN ELECTED MEMBER MUST ALSO BE A CURRENT COUNCIL MEMBER OF THE ST. CLOUD CITY COUNCIL PROVIDING FOR SEVERABILITY, CONFLICT AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of St. Cloud adopted Ordinance No. 03-46 establishing the Stevens Plantation Community Development District; and

WHEREAS, Ordinance was adopted by petition of the Stevens Plantation Improvement Dependent Special District, the majority land owner in the Stevens Plantation Community Development District and a dependent special district of the City of St. Cloud; and

WHEREAS, it was the intention of the City Council of the City of St. Cloud as the governing body of the Stevens Plantation Improvement Project Dependent Special District that positions on the Board of Supervisors of the Stevens Plantation Community Development District would be coterminous with positions on the St. Cloud City Council for such time as the Board of Supervisors are elected by the Community Development District's landowners.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, IN LAWFUL SESSION ASSEMBLED, AS FOLLOWS:

SECTION 1. BOARD OF SUPERVISORS POSITIONS SHALL BE COTERMINOUS WITH CITY COUNCIL SEATS. Until such time as the Board of Supervisors are required to be elected by the residents of the Stevens Plantation Community Development District as set forth in Section 190.006, F.S. or its successor, to qualify as a member of the Board of Supervisor a candidate must meet all of the requirements set forth in applicable law and must also be a current member of the City Council of the City of St. Cloud. In the event that an elected or appointed member of the Board of Supervisors resigns or is not re-elected to his or her City Council position, he or she shall be disqualified from service as a Board of Supervisor, as of the date that his or her successor is sworn in as a council member of the City of St. Cloud. Thereafter, the Board of Supervisors of the Community Development District shall fill the vacant position as provide by law.

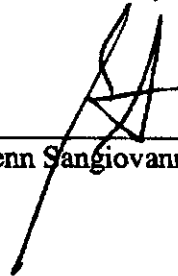
SECTION 2. Conflict. Any portion of the St. Cloud Code or any ordinance or part thereof in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, or phrases under application shall not be affected thereby.

SECTION 4. Effective Date. This ordinance shall take effect immediately upon its adoption.

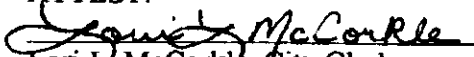
SECTION 5. Recording. A certified copy of the ordinance may be filed with the Clerk of the Circuit Court of Osceola County, Florida, and duly recorded among the Public Records of Osceola County, Florida.

PASSED and ADOPTED by the City Council of the City of St. Cloud, Florida, this 24th day of June, 2004.



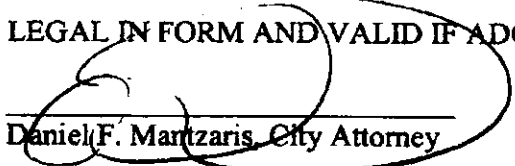
Glenn Sangiovanni, Mayor

ATTEST:



Lori L. McCorkle, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED



Daniel F. Martzaris, City Attorney

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June 25, 2004

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John Rallis
430 Florida Avenue
St. Cloud, FL 34769

Re: Stevens Plantation Community Development District

Dear John:

At its June 24, 2004 meeting the St. Cloud City Council adopted Ordinance 2004-74, which amended the Council's previously adopted Ordinance creating the Stevens Plantation Community Development District. As you are aware, this latest Ordinance establishes that until such time Board of Supervisors is required by law to be elected by the residents of the District, to be eligible to serve on the Board an individual must be a current St. Cloud Council member. As we have discussed, in our view, since this Ordinance involves a qualification requirement for a position on the Board, it applies to your current seat on the Board and, therefore, you no longer meet the requisite qualifications to serve on the Board. As a result, at the next meeting of the Board of Supervisors, the Board will be requested to take the administrative action as required by this Ordinance and appoint Mike Wetzel, as a current City Council member, to fill the seat you formerly held.

John Rallis
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If you have any questions, or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,



Daniel F. Mantzaris

cc: Mayor Sangiovanni and Council Members
Paul G. Kaskey, City Manager
Tom Tukdarian, District Manager