

ORDINANCE NO. 03-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, CREATING THE "CONCORDE ESTATES COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR DISCLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (hereinafter, the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a petition for the establishment of a community development district of less than 1,000 acres be filed by the petitioner with the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the Osceola County Board of County Commissioners (the "Board"); and

WHEREAS, D. R. Horton, Inc. (the "Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, has petitioned Osceola County (the "County") to establish the Concorde Estates Community Development District (the "District") pursuant to the Act; and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 6250 Hazeltine National Drive, Suite 102, Orlando, Florida 32822; and

WHEREAS, the petition submitted on July 25, 2003 (the "Petition") to the County has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, 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 County on November 3, 2003; and

WHEREAS, on November 3, 2003 the Board considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act and has determined to grant the Petition for Establishment of the Concorde Estates Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services to the subject land.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA THAT:

SECTION 1. AUTHORITY. This ordinance is enacted in compliance with and pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes.

SECTION 2. ESTABLISHMENT AND DISTRICT NAME. The Petition is hereby granted and there is hereby established a community development district situated entirely within unincorporated Osceola County, Florida, which District shall be known as the "Concorde Estates Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are legally described in Exhibit A, attached hereto and incorporated herein by this reference, the overall parcel containing 370 acres, more or less. No real property within the external boundaries of the District is to be excluded.

SECTION 4. FINDINGS OF FACT. The Board hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before it and the record established at the public hearing that:

- a. All statements within the Petition are true and correct.
- b. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the State Comprehensive Plan or the Osceola County Comprehensive Plan.
- c. The area of land within the District, described in Exhibit A, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.
- d. As set forth in the SERC, the District provides the best alternative available for delivering community development services and facilities to the area to be served by the proposed District without imposing an additional burden on the general population of the local general-purpose government. The establishment of the District will provide for a more efficient use of resources without burdening the general body of taxpayers in Osceola County with the cost of installing the infrastructure and managing, operating and maintaining the community services and facilities.
- e. The community development 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. In addition, the establishment of the District will provide an entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.
- f. The area to be served by the proposed District is amenable to separate independent special-district government.

SECTION 5. FUNCTIONS AND POWERS. The District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1), Florida Statutes, as amended from time to time. In addition, consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend,

equip, operate, and maintain systems and facilities described and authorized by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes; provided, however, that with respect to the powers being consented to under Section 190.012(2)(d), Florida Statutes, the County specifically reserves the right of approval by the Board of County Commissioners of the construction or installation of a gate or gates on any road within the boundaries of the District that is or will be owned by the District. This Ordinance shall not, and shall not be construed to, expand, modify, or delete any provisions of the Uniform Community Development District Act of 1980 as set forth in Chapter 190, Florida Statutes.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Jeffrey J. Newton
Address: 204 Hurst Court; Lake Mary, Florida 32746

Name: David E. Moss
Address: 463 Carey Way; Orlando, Florida 32825

Name: W. Gregg Inghram
Address: 311 Green Reed Road; DeBary, Florida 32713

Name: Brandy S. Murphy
Address: 1106 Blackwood Way; Clermont, Florida 34711

Name: Robert A. Lawson
Address: 378 Twelve Oaks Drive, Winter Springs, Florida 32708

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America and shall serve until their successors are chosen and qualified, as provided in Section 190.006 of the Act.

SECTION 7. COMPLIANCE WITH LAWS AND ORDINANCES. The District shall comply with the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes, rules and regulations, including the Osceola County Comprehensive Plan and all applicable provisions of the Osceola County Code.


SECTION 8. REQUIRED DISCLOSURES. The District shall comply with the disclosure of public financing and disclosure to purchaser requirements set forth in §190.009 and §190.048 of the Act, as amended from time to time.

SECTION 9. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect, provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.


SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, OSCEOLA COUNTY, FLORIDA this 3rd day of November, 2003.

**BOARD OF COUNTY COMMISSIONERS
OSCEOLA COUNTY, FLORIDA**



ATTEST:



(Seal)

NOTICE THAT THIS ORDINANCE HAS BEEN
FILED WITH THE FLORIDA STATE BUREAU
OF ADMINISTRATIVE CODE.

ON November 10, 2003

BY Marilyn J. Kline
DEPUTY CLERK OF THE BOARD



10186704v3<ORLDOCS>

Exhibit A

Legal Description and Vicinity Map

EXHIBIT A

Concorde Estates CDD Legal Description

A parcel of land located in Sections 20 and 21, Township 26 South, Range 29 East, Osceola County, Florida. Said parcel being more particularly described as follows:

Commence at the Southwest corner of Pleasant Hill Heights Unit I, as recorded in Plat Book 2, Page 135 of the Public Records of Osceola County, Florida; thence run South 89° 57' 03" East along the South line of Pleasant Hill Heights Unit I a distance of 51.00 feet to the Point of Beginning; said point being on the Easterly right of way of Pleasant Hill Road; thence continue along the South line of Pleasant Hill Heights Unit I, South 89° 57' 03" East, a distance of 1736.70 feet to the Southeast corner of Pleasant Hill Heights Unit I, said point also being the Southwest corner of Pleasant Hill Heights Unit II, as recorded in Plat Book 2, Pages 140 through 142 of the Public Records of Osceola County Florida; thence run along the South line of Pleasant Hill Heights Unit II, South 89° 57' 03" East, a distance of 3497.08 feet to the point of intersection of the South line of Pleasant Hill Heights Unit II and West line of Section 21, Township 26 South, Range 29 East; thence continue along the South line of Pleasant Hill Heights Unit II, South 89° 57' 03" East, a distance of 956.45 feet; thence leaving said South line run South 02° 13' 10" West, a distance of 30.02 feet; thence South 89° 57' 03" East, a distance of 224.45 feet to a meander line adjacent to the shore of Lake Tohopekaliga; thence along said meander line the following two courses; South 19° 06' 44" West, a distance of 358.35 feet; thence South 05° 53' 16" East, a distance of 2298.42 feet to the South line of Said Section 21; thence run along the South line of Section 21, North 89° 53' 16" West, a distance of 1332.42 feet to the Southwest corner of Section 21, also being the Southeast corner of Section 20; thence run along the South line of Section 20, North 89° 57' 39" West, a distance of 3872.39 feet; thence leaving said South line run North 00° 48' 09" West, a distance of 660.06 feet; thence North 89° 57' 39" West, a distance of 1318.36 feet to the East right of way of Pleasant Hill Road; thence run along said East right of way the following four courses; North 00° 48' 09" West, a distance of 777.04 feet; thence North 00° 33' 15" West, a distance of 399.76 feet; thence North 03° 26' 10" East, a distance of 100.18 feet; thence North 00° 44' 04" East, a distance of 717.60 feet to the Point of Beginning.

Together with all riparian rights to lands east of the meander line stated in this description.

Said parcel contains 370.44 acres, more or less.

