

OCT 10 2001

BOARD OF COUNTY COMMISSIONERS OF  
OSCEOLA COUNTY, FLORIDA

File # \_\_\_\_\_

## ORDINANCE NO. 01- 32

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, ESTABLISHING THE REUNION WEST COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING A TITLE; PROVIDING FINDINGS; PROVIDING AUTHORITY; CREATING AND NAMING THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; SPECIFYING GENERAL POWERS OF THE DISTRICT; CONSENTING TO THE USE OF SPECIAL POWERS BY THE DISTRICT; NAMING AND DESIGNATING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Petitioner, GINN-LA ORLANDO, LLP, a Georgia limited partnership through GINN-ORLANDO GP, LLC, a Georgia limited liability company, its sole general partner ("Petitioner"), petitioned the BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA (hereafter "Board") pursuant to the "Uniform Community Development District Act of 1980", Chapter 190, Florida Statutes, and Florida Administrative Code Chapter 42-1 to adopt an ordinance establishing the Reunion West Community Development District (hereafter "District") and to designate the land area within which the District may manage and finance infrastructure, systems, facilities and services; and,

WHEREAS, the Board, after proper published notice, conducted a local, public, legislative, information-gathering ordinance hearing as required by law and hereby finds as follows:

(1) The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes (2000) and all statements contained within the petition are true and correct; and

(2) The appropriate Board staff have reviewed and approved the petition for establishment of the District on the proposed land and it is complete and sufficient; and,

(3) The costs to Osceola County and government agencies from establishment of the District are nominal. There is no adverse impact on competition or employment from District establishment. The persons affected by the establishment are the future landowners, present landowners, Osceola County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons by virtue of establishing this District as the governmental entity to manage and finance the statutory services identified. The impact of District establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the District. Methodology is as set forth in the Statement of Estimated Regulatory Costs ("SERC") on file with the County. The SERC of the Petitioner on District establishment is complete and adequate, and meets the requirements of Section 120.541, Florida Statutes; and,

(4) Establishment of the District by this Ordinance, whose uniform general law charter consists of Sections 190.006 - 190.041, Florida Statutes, created by general law, is subject to and not inconsistent with the local Comprehensive Plan of Osceola County and with the State Comprehensive Plan; and,

(5) The area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community; and,

(6) The District is the best alternative available for delivering community development services and facilities to the area proposed to be serviced by the District; and,

(7) The community development systems, facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and,

(8) The area that is proposed to be served by the District is amenable to separate special district government; and,

WHEREAS, the Petitioner has requested the Board for consent to exercise one or more of the special powers granted by charter in Section 190.012(2), Florida Statutes, and the Board in reaching its conclusions, has considered the potential exercise by the District of all the powers set forth in Section 190.012(1-3), Florida Statutes; and,

WHEREAS, upon the effective date of this establishing Ordinance, the Reunion West Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law; and,

WHEREAS, all notice requirements of law were met and complete notice was timely given.

**NOW, THEREFORE, BE IT ORDAINED** by the Board that:

**SECTION 1. TITLE.** This Ordinance shall be know and may be cited as the "Reunion West Community Development District Establishment Ordinance."

**SECTION 2. BOARD FINDINGS.** The Board findings set forth in the recitals to this Ordinance are hereby incorporated in this Ordinance.

**SECTION 3. AUTHORITY.** This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2000).

**SECTION 4. CREATION OF DISTRICT; DISTRICT NAME.** There is hereby created a community development district situated entirely within unincorporated Osceola County, Florida, which District shall be known as the "Reunion West Community Development District". Therefore, the petition filed to create the Reunion West Community Development District is hereby granted and the said District shall operate in accordance with the Uniform Community Development District charter as set forth in Chapter 190, Florida Statutes.

**SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.** The Reunion West Community Development District (hereafter the "District") encompasses approximately 780.39 acres, the external boundaries of which described in Exhibit A attached to and incorporated in this Ordinance.

**SECTION 6. FUNCTIONS AND POWERS.** The District is limited to the performance of those powers and functions as described in Chapter 190, Florida Statutes. Consent is also hereby given, pursuant to Section 190.012(2), Florida Statutes, to the District Board to exercise all special powers set forth in Section 190.012, Florida Statutes. More specifically, the District is granted by its charter, so long as it is in compliance with and subject to the Osceola County Comprehensive Plan and subject to the regulatory jurisdiction and permitting authority of all applicable other ordinances and regulations of Osceola County, the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and

facilities for indoor and outdoor recreational, cultural and educational uses, fire prevention and control, including related buildings and equipment, school buildings and related structures, security, including but not limited to personnel and equipment, mosquito and arthropods of public health importance control, and waste collection and disposal. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies including, but not limited to, all Osceola County ordinances and policies governing land planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing land development or the use of land. No debt or obligation of the District shall constitute a burden on any local general purpose government.

The County shall provide at the District's expense written notice to property owners adjacent to the District or any property owner from which the District would propose to condemn an interest in real property of any request by the District to the Board for the Board's consent to the District's use of eminent domain powers outside the District's boundaries.

**SECTION 7. BOARD OF SUPERVISORS.** The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

- (1) J. Rymon Wilburn, 5 Blue Heron Lane, Palm Coast, Florida, 32137;
- (2) Thomas J. O'Leary, 5401 Kirkman Road, Orlando, Florida, 32819;
- (3) Gerald Whitley, 5401 Kirkman Road, Orlando, Florida, 32819;
- (4) Todd Zehner, 5 Blue Heron Lane, Palm Coast, Florida, 32137; and
- (5) John N. Gantt, 5 Blue Heron Lane, Palm Coast, Florida, 32137.

All of the above-listed persons are residents of the state of Florida and citizens of the

United States of America.

**SECTION 8. CONFLICT AND SEVERABILITY.** In the event this Ordinance conflicts with any other ordinances or resolutions of Osceola County or applicable law, the more restrictive shall apply. If 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 and such holding shall not affect the validity of the remaining portion.

**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective upon filing with the Office of Secretary of State for the State of Florida.

**DULY PASSED AND ADOPTED** this 24 day of September, 2001.

ATTEST:  
PAULA CARPENTER, CLERK

By: Paula J. Carpenter  
Paula Carpenter, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA

By: Ken Shipley  
Ken Shipley, Chairman

APPROVED AS TO FORM

By: Kate Payne  
Kate Payne, Deputy County Attorney

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

ON October 03, 2001

BY Marilyn J. Kinn  
DEPUTY CLERK OF THE BOARD



(STATE OF FLORIDA)  
(COUNTY OF OSCEOLA)

I, Paula Carpenter, Clerk to the Osceola County Board of County Commissioners, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 01- 32

which was adopted by the Osceola County Board of County Commissioners during Regular Session on the 24 day of September, 2001.

By: Paula J Carpenter

Clerk, Board of County Commissioners, Osceola County.

**EXHIBIT A**

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DESCRIPTION - REUNION - WEST

A portion of Lot 1, Block 3, Magnolia Creek, according to the Plat thereof, as recorded in Plat Book 12, Pages 70 through 79 of the public records of Osceola County, Florida, and Lots 9, 10, 11, and 12, Block C, Florida Fruit and Truck Land Company Subdivision being a portion of the West 1/2 of the West 1/2 of the southwest 1/4 of Section 22, Township 25 South, Range 27 East, Osceola County, Florida being more particularly described as follows:

Begin at the Northeasterly corner of Lot 1, Block 3 of said Magnolia Creek; thence run S 00°12'22" W, a distance of 1326.57 feet; thence run S 89°58'38" E, a distance of 992.54 feet to a point on the westerly right of way of Interstate 4 (State Road 400), said point being on a non-tangent curve, concave southwesterly, having a radius of 3982.00 feet and a central angle of 04°39'35"; and a chord bearing of S 16°24'27" E, thence run 323.84 feet along the arc of said curve and said right of way line to the point of compound curvature with a curve, concave northwesterly, having a radius of 2006.00 feet and a central angle of 46°34'57"; thence run southwesterly, along the arc of said curve, a distance of 1630.91 feet to the point of compound curvature with a curve, concave northwesterly, having a radius of 9906.00 feet and a central angle of 07°38'08"; thence run southwesterly, along the arc of said curve, a distance of 1320.13 feet to a point; thence run S 40°08'26" W, a distance of 505.22 feet; thence run N 89°58'57" W, a distance of 889.31 feet; thence run S 00°12'29" W, a distance of 370.75 feet; thence run S 70°07'18" E, a distance of 187.79 feet; thence run S 89°58'57" E, a distance of 310.95 feet; thence run S 49°51'34" E, a distance of 58.10 feet; thence run S 40°08'26" W, a distance of 3179.37 feet; thence departing said right of way line run N 00°06'57" E, a distance of 246.89 feet; thence run N 89°57'27" W, a distance of 665.03 feet; thence run N 00°06'23" E, a distance of 663.43 feet; thence run N 89°58'08" W, a distance of 664.27 feet; thence run S 00°05'43" W, a distance of 576.61 feet; thence run N 89°56'47" W, a distance of 375.00 feet; thence run S 44°55'32" E, a distance of 343.31 feet; thence run N 71°45'45" W, a distance of 643.72 feet; thence run N 72°33'01" W, a distance of 439.95 feet; thence run N 18°20'04" E, a distance of 86.87 feet; thence run N 71°22'55" W, a distance of 39.44 feet; thence run N 00°05'44" E, a distance of 391.54 feet; thence run S 89°58'08" E, a distance of 509.70 feet; thence run N 00°05'04" E, a distance of 1326.35 feet; thence run N 89°59'28" W, a distance of 651.83 feet; thence run N 00°18'42" E, a distance of 1322.08 feet; thence run N 89°48'47" E, a distance of 1324.10 feet; thence run N 00°04'57" E, a distance of 2618.32 feet; thence run S 89°53'52" E, a distance of 1360.52 feet; thence run N 00°35'44" W, a distance of 1377.27 feet to the Northwesterly corner of said Lot 1, Block 3; thence run N 89°56'40" W, a distance of 11.33 feet to the Southwest corner of Section 22, Township 25 South, Range 27 South and a recovered 5" x 5" Concrete Monument (Jones, Wood, & Gentry); thence run N 00°13'04" E, a distance of 2657.91 feet; thence run S 89°42'36" E, a distance of 665.88 feet; thence run S 00°13'27" W along the East line of the West 1/2 of the West 1/2 of said Section 22, a distance of 2655.19 feet to the Southeast corner of said Lot 12; thence run S 89°56'40" E, a distance of 1996.39 feet to the POINT OF BEGINNING.

Containing 702.4692 acres, (30,599,558.61 sq ft) more or less.

A portion of Lot 1, Block 4, Magnolia Creek, according to the Plat thereof as recorded in Plat Book 12, Pages 70 through 79 of the public records of Osceola County, Florida being more particularly described as follows:

Begin at the Northeast corner of said Lot 1, Block 4; thence run S 00°15'31" W, a distance of 1327.37 feet; thence run N 89°56'39" E, a distance of 809.27 feet to the Northwesterly right of way line of Interstate 4 (State Road 400); thence along said right of way line run S 40°08'26" W, a distance of 607.04 feet; thence departing said right of way line run N 68°40'55" W, a distance of 441.48 feet; thence run N 57°51'13" W, a distance of 402.37 feet; thence run S 00°15'59" W, a distance of 439.41 feet; thence run S 46°55'30" E, a distance of 535.33 feet to said right of way line; thence along said right of way line run S 40°08'26" W, a distance of 565.09 feet; thence run N 49°51'58" W, a distance of 21.00 feet; thence run S 42°52'55" W, a distance of 250.29 feet;

thence run S 40°08'02" W, a distance of 339.99 feet to a point on a non-tangent curve, concave northwesterly, having a radius of 9897.00 feet and a central angle of 03°26'07"; thence on a chord bearing of S 41°51'06" W, run 593.39 feet along the arc of said curve to a point; thence departing said right of way line run N 45°51'18" W, a distance of 84.71 feet; thence run N 06°08'28" W, a distance of 120.61 feet; thence run N 06°08'28" W, a distance of 284.18 feet to a point on a non-tangent curve, concave easterly, having a radius of 11533.00 feet and a central angle of 02°00'13"; thence on a chord bearing of N 03°02'30" W, run 403.30 feet along the arc of said curve to a point on a non-tangent curve, concave westerly, having a radius of 11385.00 feet and a central angle of 04°11'40"; thence on a chord bearing of N 01°56'46" W, run 833.46 feet along the arc of said curve to a point; thence run N 89°44'46" W, a distance of 2.49 feet; thence run N 00°13'54" E, a distance of 1162.67 feet; thence run N 89°56'03" E, a distance of 599.81 feet; thence run N 00°15'21" E, a distance of 663.57 feet; thence run N 89°55'26" E, a distance of 665.50 feet to the POINT OF BEGINNING.

Containing 77.9236 acres, (3394350.98 sq ft) more or less.