

ORDINANCE NO. 2016-22

An Ordinance of the Board of County Commissioners of Osceola County, Florida, establishing the Magic Place Community Development District, at approximately 87 Acres, pursuant to Chapter 190, Florida Statutes; naming the District; describing the external boundaries of the District; describing the functions and powers of the District; designating five persons to serve as the initial members of the District’s Board of Supervisors; providing for severability; providing for conflict; and providing an effective date.

RECITALS

WHEREAS, 4P Development, LLC, a Florida Limited Liability Company (Petitioner), having obtained written consent for the establishment of the District by the owner of 100 percent (100%) of the real property to be included in the District has filed a Petition to Establish the Magic Place Community Development District (the “Petition”) with the Osceola County Board of County Commissioners (the “County”) pursuant to Section 190.005 (2) (a), *Florida Statutes*, to adopt an ordinance establishing the Magic Place Community Development District (the “District”) pursuant to Chapter 190, *Florida Statutes* , and designating the real property described in Exhibit “A”, hereto, as the area of land for which the District is authorized to manage and finance basic service delivery; and

WHEREAS, the Petitioner is a Florida Limited Liability Company, authorized to do business in the State of Florida; 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, pursuant to Section 190.05 (2)(b), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that hearing, the Board of County Commissioners of Osceola County, Florida has considered the record of the public hearing and the statutory factors set forth in Section 190.05(2)(c), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the Board of County Commissioners of Osceola County has determined pursuant to the information contained within the Petition and based on an investigation conducted by the County Staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District: that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the Osceola County Comprehensive Plan; that the land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that

will be served by the District; that the 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; and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, pursuant to the information as stated above, the Board of County Commissioners of Osceola County, Florida has decided to grant the District's Petition to establish the Magic Place Community Development District; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described within the Petition.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA THIS 15th DAY OF February, 2016, AS FOLLOWS:

SECTION 1. RECITALS

The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY

This Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, *Florida Statutes*.

SECTION 3. DISTRICT NAME

There is hereby established a Community Development District situated entirely within the unincorporated limits of Osceola County, Florida, which District shall be known as the "Magic Place Community Development District."

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT

The external boundaries of the District are described in Exhibit A attached hereto and incorporated herein by reference, the overall boundaries containing 87 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 5. FUNCTIONS AND POWERS.

The general powers and functions of the District are described in Chapter 190, *Florida Statutes*.

SECTION 6. BOARD OF SUPERVISORS

The five persons designated to serve as the initial members of the District's Board of Supervisors are as follows: Rodrigo Cunha, Bruna Cunha, Hector Lizasuain, James Mincy, and Joseph Galan. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY.

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

SECTION 8. CONFLICT

Any ordinance or part thereof, or any resolution, or part thereof, which is in conflict with this Ordinance or part hereof is hereby repealed to the extent of the conflict.

SECTION 9. EFFECTIVE DATE.

The Clerk shall file a certified copy of this ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

BOARD OF COUNTY COMMISSIONERS OF
OSCEOLA COUNTY, FLORIDA

BY: *Trish Jones*

Chairwoman/Vice Chairwoman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Paula J. Carpenter*
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

February 15, 2016

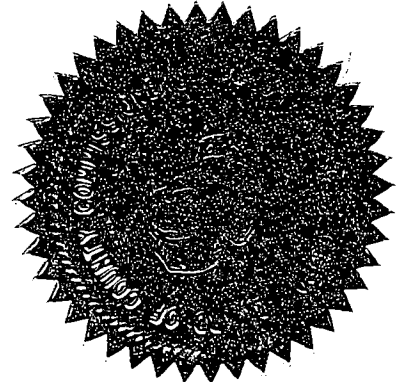


Exhibit A

APPROVED
OSCEOLA COUNTY
DEVELOPMENT REVIEW

LS 14-00013

DATE 12/8/14

BY [Signature]

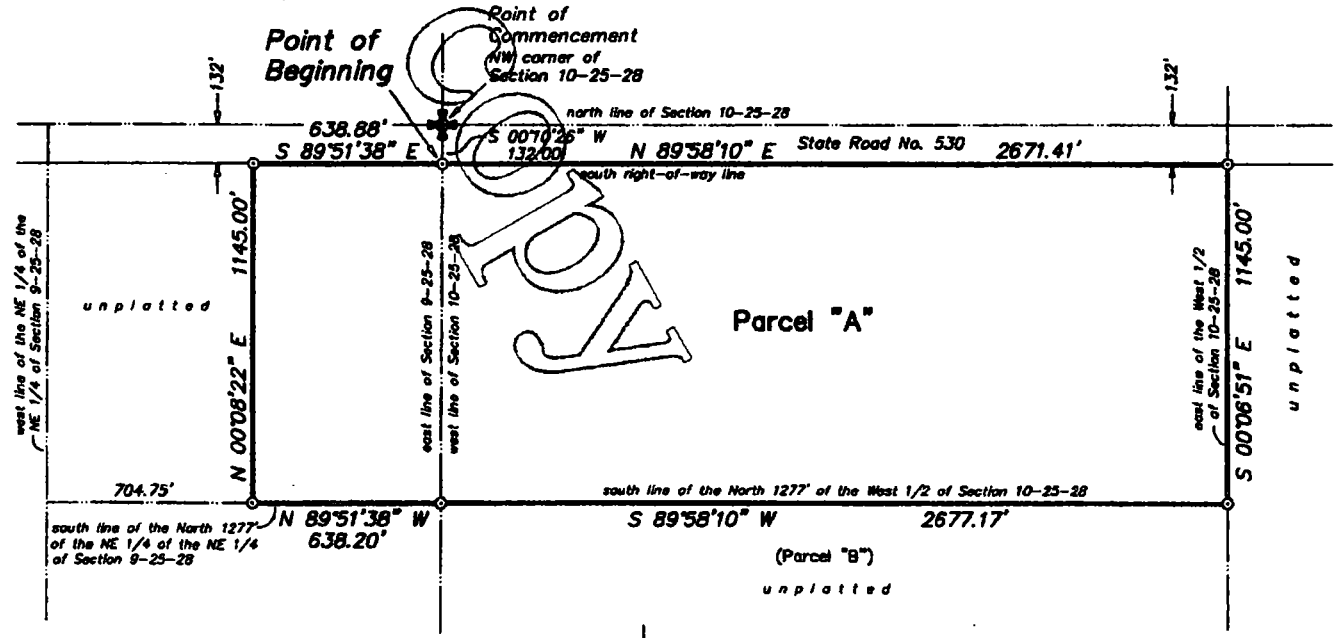
LEGAL DESCRIPTION

PARCEL "A"

A PORTION OF SECTIONS 9 AND 10, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 10; THENCE RUN S 00°10'26" W, ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 132.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 530 AND THE POINT OF BEGINNING; THENCE, DEPARTING SAID WEST LINE, RUN N 89°58'10" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 2,671.41 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 10; THENCE RUN S 00°06'51" E, ALONG SAID EAST LINE, A DISTANCE OF 1,145.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1277.00 FEET OF THE WEST 1/2 OF SAID SECTION 10; THENCE RUN S 89°58'10" W, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2,677.17 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1277.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE RUN N 89°51'38" W, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 638.20 FEET TO A POINT LYING 704.75 FEET EASTERLY OF THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE RUN N 00°08'22" E, PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 9, A DISTANCE OF 1,145.00 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 530; THENCE RUN S 89°51'38" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 638.88 FEET TO THE POINT OF BEGINNING..

CONTAINING 87.08 ACRES, MORE OR LESS.



Not a Boundary Survey.
The legal description was prepared by the Surveyor.
Bearings are based on an assumed bearing of N 89°58'10" E, along the north line of Section 10-25-28.

Sketch of Description
of
Fall Chase Parcel "A"
situated in
Sections 9 and 10,
Township 25 South, Range 28 East
Osceola County, Florida

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET AND GANUNG-BELTON ASSOCIATES, INC. ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Magic Development	JOB NO. 1415.3 (A)	SKETCH OF DESCRIPTION NOT VALID UNLESS THE ORIGINAL RAISED SEAL AND SIGNATURE OF A LICENSED SURVEYOR AND MAPPER, ADDITIONS OR DELETIONS TO THE SKETCH OR DESCRIPTION BY SOMEONE OTHER THAN THE SURVEYOR ARE PROHIBITED UNDER PENALTY OF PROFESSIONAL PUNISHMENT.
 GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers	SHEET 1 of 1	DATE 11/23/14
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656	SCALE 1" = 600'	



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 16, 2016

Ms. Paula J. Carpenter
Clerk of the Board
Osceola County
1 Courthouse Square, Suite 4400
Kissimmee, Florida 34741

Attention: Ms. Delores Whaley

Dear Ms. Carpenter:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2016-22, which was filed in this office on February 16, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb