

ORDINANCE NO. 2016-28

An Ordinance of the Board of County Commissioners of Osceola County, Florida, establishing the Magic Reserve Community Development District, at approximately 40 acres, pursuant to Chapter 190, Florida Statutes; naming the District; describing the functions and powers of the District; describing the external boundaries of the District; designating five persons to serve as the initial members of the District's Board of Supervisors; providing for conflict; providing for severability; providing an effective date.

RECITALS

WHEREAS, Magic Village 2, 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 Reserve 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 Reserve 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 Reserve 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 ___ DAY OF _____, 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 Reserve 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 40 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: *E. Lillian Jones*

Chairwoman/Vice Chairwoman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Jimmy Ross*
Clerk/ Deputy Clerk of the Board

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

03/21/16
Ordinance 2016-28

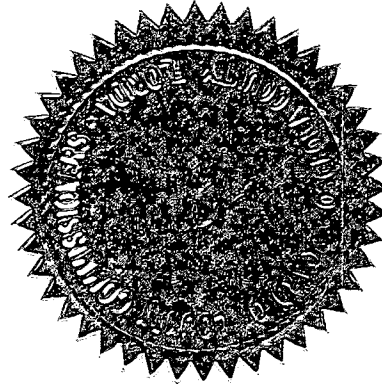


Exhibit A

LEGAL DESCRIPTION

PARCEL ONE:

LOTS 3 AND 4, IN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 27 EAST, OSCEOLA COUNTY, FLORIDA; LESS THAT PART OF SAID LOT 3 LYING SOUTH OF A LINE 1819.04 FEET NORTH OF AND PARALLEL WITH THE SOUTH BOUNDARY OF SAID SOUTHWEST $\frac{1}{4}$, ALL IN THE MAP OF FLORIDA FRUIT & TRUCK LAND CO. SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK "B" PAGE 68, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL TWO:

THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 27 EAST, LESS AND EXCEPT THE SOUTH 1336.22 FEET THEREOF, AND LESS THE NORTH 435.6 FEET OF THE WEST 100 FEET THEREOF, ALL LYING AND BEING IN OSCEOLA COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING EASEMENTS FOR INGRESS AND EGRESS:

PARCEL A:

THAT PORTION OF THE FOLLOWING DESCRIBED LAND, LYING NORTH OF STATE ROAD NO. 530; FROM THE SOUTHWEST CORNER OF THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 27 EAST, OSCEOLA COUNTY, FLORIDA, RUN NORTH $89^{\circ}43'13''$ EAST, ALONG THE SOUTH LINE OF SAID SECTION 2, 305.00 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH $00^{\circ}01'20''$ EAST, PARALLEL TO THE WEST LINE OF SAID WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, 850.00 FEET; RUN THENCE NORTH $89^{\circ}43'13''$ EAST 50.00 FEET; RUN THENCE SOUTH $00^{\circ}01'20''$ FEET TO THE SOUTH LINE OF SAID SECTION 2; RUN THENCE $89^{\circ}43'13''$ WEST, 50.00 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A STRIP OF LAND 25.0 FEET IN WIDTH EACH SIDE OF THE FOLLOWING DESCRIBED LINE: FROM THE SOUTHWEST CORNER OF THE WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 27 EAST, OSCEOLA COUNTY, FLORIDA, RUN NORTH $89^{\circ}43'13''$ EAST, ALONG THE SOUTH LINE OF SECTION 2, 330.0 FEET; RUN THENCE NORTH $00^{\circ}01'20''$ EAST, PARALLEL TO THE WEST LINE OF SAID WEST $\frac{1}{2}$ OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, 850.0 FEET TO THE POINT OF BEGINNING; CONTINUE NORTH $00^{\circ}01'20''$ EAST, 114.39 FEET TO THE POINT OF CURVE OF A 75.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF $68^{\circ}01'20''$; RUN THENCE ALONG SAID CURVE, 89.04 FEET TO THE POINT OF TANGENT; RUN THENCE NORTH $68^{\circ}00'00''$ WEST, 198.67 FEET TO THE POINT OF A CURVE OF A 110.0 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF $68^{\circ}01'20''$; RUN THENCE ALONG SAID CURVE, 130.59 FEET TO THE POINT OF TANGENT; RUN THENCE NORTH $00^{\circ}01'20''$ EAST, 124.34 FEET TO THE END OF SAID LINE.

TOGETHER WITH ALL RIGHTS TO SIGNAGE EASEMENT RESERVED IN THAT CERTAIN DEED RECORDED AT OFFICIAL RECORDS BOOK 550, PAGE 777, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

LESS THAT PORTION OF 30' PLATTED RIGHT OF WAY.

PARCEL'S 1 & 2 CONTAIN 30.68 ACRES MORE OR LESS.

PARCEL THREE:

BEGIN AT THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 25 SOUTH, RANGE 27 EAST, OSCEOLA COUNTY, FLORIDA, AND RUN N 00°26'22" E, ALONG THE EAST BOUNDARY OF SAID NORTHWEST $\frac{1}{4}$, 500.02 FEET; THENCE RUN S 89°51'41" W, 819.46 FEET; THENCE S 00°01'20" W, 450.00 FEET; THENCE N 89°51'41" E, ALONG A LINE 50.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2, 296.13 FEET TO A POINT OF A CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 840.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST $\frac{1}{4}$ OF SAID SECTION 2, LYING S 89°51'41" W, 512.10 FEET FROM SAID POINT OF BEGINNING; RUN THENCE N 89°51'41" E, 512.10 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION OF 30' PLATTED RIGHT OF WAY

CONTAINING 8.84 ACRES MORE OR LESS.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 23, 2016

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

Attention: Ms. Tammy Ross

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. 2016-28, which was filed in this office on March 23, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb