

## ORDINANCE NO. 2017-02

**An Ordinance of the Board of County Commissioners of Osceola County, Florida, Establishing the Harmony West Community Development District, at Approximately 287.10 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**, the Florida Legislature created Chapter 190, Florida Statutes, to provide a uniform procedure to establish an independent special district as an alternative method to manage and finance basic services for community development; and

**WHEREAS**, BIRCHWOOD ACRES LIMITED PARTNERSHIP, LLLP, a Florida limited partnership ("Petitioner"), having obtained written consent to 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 Harmony West Community Development District (the "Petition") with the Osceola County Board of Commissioners (the "County") pursuant to Section 190.005 (2)(a), *Florida Statutes*, to adopt an ordinance establishing the Harmony West Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, the Petitioner is a Florida corporation, authorized to conduct 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 190.005 (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 190.005(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 Petition: 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 area of 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

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 Petitioner's Petition to establish the Harmony West 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:**

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 "HARMONY WEST 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 by reference, encompassing 287.10 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 District shall exercise the general and special powers authorized in Sections 190.011 and 190.012(1), (2)(a), (2)(d), (3), and (4), *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: Bill Kouwenhoven, Amber Sambuca, Robert Glantz, Chip Webb and Kent Foreman. 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.

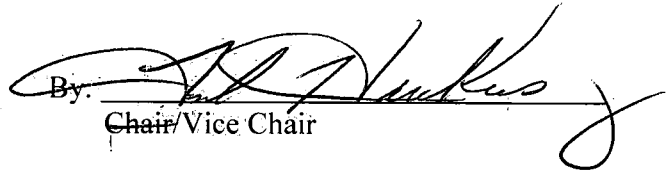
Any ordinance or part thereof, or any resolution, or part thereof, which is in conflict with this ordinance or part hereof is hereby repealed to the extent of the conflict.

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.

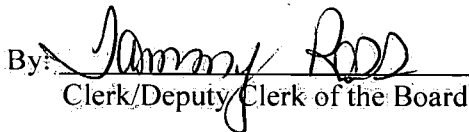


BOARD OF COUNTY  
COMMISSIONERS OF OSCEOLA  
COUNTY, FLORIDA

By:   
Chair/Vice Chair

ATTEST:

OSCEOLA COUNTY CLERK OF THE BOARD

By:   
Clerk/Deputy Clerk of the Board

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

04/17/2017

## EXHIBIT A

### Legal Description

A parcel of land lying in a portion of Sections 13 & 24, Township 26 South, Range 31 East, Osceola County, Florida, being more particularly described as follows:

Commencing at a point on the East Right of Way line of U.S. Highway No. 192-441 (S.R. 500) and the North line of Section 24, Township 26 South, Range 31 East, thence run S89°45'20"E, along said North line of Section 24, a distance of 998.41 feet to the POINT OF BEGINNING; thence continue S89°45'20"E along said line, a distance of 1,610.94 feet; thence run S89°45'32"E, a distance of 2,205.89 feet; thence run N17°43'23"E, a distance of 89.09 feet; thence run S89°43'51"E, a distance of 147.69 feet; thence run S00°16'23"W, a distance of 85.00 feet; thence run S89°43'36"E, a distance of 373.83 feet; thence run S12°23'18"E, a distance of 1,296.19 feet; thence run S26°50'03"W, a distance of 952.92 feet; thence run S81°35'58"W, a distance of 23.74 feet; thence run S48°52'23"W, a distance of 117.11 feet; thence run S30°59'42"E, a distance of 74.82 feet; thence run S26°50'03"W, a distance of 290.56 feet; thence run N90°00'00"W, a distance of 2,380.11 feet; thence run S31°54'38"E, a distance of 672.14 feet; thence run S32°05'35"E, a distance of 1,378.24 feet; thence run S60°42'18"W, a distance of 1,189.74 feet to a point on the East Right of Way line of U.S. Highway No. 192-441 (S.R. 500); thence run N28°49'40"W, along said East Right of Way line, a distance of 3,107.06 feet; thence run N61°10'41"E, a distance of 372.89 feet to the Point of Curvature of a curve concave to the Northwest, having a Radius of 2,040.00 feet and a Central Angle of 16°04'17"; thence run Northeasterly along the Arc of said curve, a distance of 572.22 feet (Chord Bearing = N53°08'32"E, Chord = 570.35 feet); thence run N64°01'01"W, a distance of 69.61 feet; thence run N43°58'59"W, a distance of 97.14 feet; thence run N32°10'47"W, a distance of 1,652.30 feet; thence run N36°02'44"W, a distance of 47.73 feet; thence run N45°17'29"W, a distance of 46.56 feet; thence run N55°19'37"W, a distance of 48.11 feet to the POINT OF BEGINNING.

Containing 287.10 acres, more or less.



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

April 18, 2017

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

Attention: 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. 2017-02, which was filed in this office on April 18, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb