

ORDINANCE 2004-67

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, ESTABLISHING, ON THE PROPOSED PROPERTY KNOWN AS ANTHEM PARK AND FURTHER DESCRIBED HEREIN, AND RECOGNIZING, THE COMMUNITY DEVELOPMENT DISTRICT, CREATED AND CHARTERED BY UNIFORM GENERAL LAW, THE UNIFORM COMMUNITY DEVELOPMENT DISTRICT ACT OF FLORIDA, CHAPTER 190, FLORIDA STATUTES (2001 AND HEREAFTER); ACKNOWLEDGING THE UNIFORM DISTRICT CHARTER EXPRESSED IN SECTIONS 190.006-190.041, FLORIDA STATUTES, AND AS REFERENCED AND PROVIDED BY SECTION 190.004(4), FLORIDA STATUTES, AND CONFIRMED BY SECTION 189.4031(2), FLORIDA STATUTES; ESTABLISHING THE DISTRICT (ON THE PROPERTY PROPOSED IN THIS PETITION) AND DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; AND, DESIGNATING THE PROPOSED LAND AREA WITHIN WHICH THE DISTRICT MAY MANAGE AND FINANCE ITS BASIC INFRASTRUCTURE, SYSTEMS, FACILITIES, SERVICES, IMPROVEMENTS AND PROJECTS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of St. Cloud, Florida received on May 4, 2004 a petition (the "Petition") for Establishment of a Community Development District of less than 1000 acres, hereinafter the "District", as provided pursuant to Chapter 190, Florida Statutes, from D. R. Horton, Inc. (the "Petitioner"); and

WHEREAS, it has been determined that the Petition contains the requisite information as mandated by Section 190.005(1)(a), Florida Statutes; and

WHEREAS, the Petitioner has obtained the written consent to the establishment of the District by the owners of 100% of the real property described in Exhibit A, attached hereto and collectively referred to as Anthem Park; and

WHEREAS, the decision of the City Council to establish the District is a quasi-legislative decision authorized by Chapter 190, Florida Statutes, and the City of St. Cloud's home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City of St. Cloud has reviewed factors as required by Chapter 190, Florida Statutes, and will consider such factors prior to the final adoption of the subject ordinance, and upon such review has determined that the establishment of the District is in the best interest of the City of St. Cloud, for the orderly growth of the City in an efficient manner for their existing and future health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, IN LAWFUL SESSION ASSEMBLED, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT AND CONSIDERATIONS. The City of St.

Cloud has reviewed the petition and the following considerations and makes the following Findings of Fact:

- a. The Statements contained within the Petition are true and correct.
- b. The Petition for and establishment of the District is not inconsistent with the State Comprehensive Plan or City's comprehensive plan.
- c. The area of land within the District is of sufficient size, sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community.
- d. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- e. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.
- f. The area to be served by the District is amenable to separate independent special-district government.

SECTION 2. ESTABLISHMENT OF DISTRICT. Based on the above findings and consideration, the City Council of the City of St. Cloud does hereby grant the Petition and there is hereby established the Anthem Park Community Development District for all purposes consistent with, and as authorized by Chapter 190, Florida Statutes, and all other applicable laws. The City does further hereby acknowledge the uniform district charter set forth in Chapter 190, Florida Statutes.

SECTION 3. ESTABLISHMENT OF DISTRICT BOUNDARY. The external boundary for the District shall include and incorporate all property as more particularly described in Exhibit A, attached hereto and incorporated herein, all such property (211 acres more or less) being located entirely within the municipal boundaries of the City of St. Cloud. No real property within the external boundaries of the District is to be excluded.

SECTION 4. APPOINTMENT OF INITIAL BOARD OF SUPERVISORS. The City Council of the City of St. Cloud does hereby appoint the following individuals as the initial Board of Supervisors to serve for a period not to exceed Ninety (90) days after the creation of the District upon which a new Board of Supervisors will be elected as provided by law. The initial Board of Supervisors shall be:

- a. Jeffrey Newton
- b. David E. Moss
- c. Marianne Boggs
- d. Jon (Jack) Appleman
- e. Scott E. Lambert

SECTION 5. CHARTER; POWERS. The District shall be governed by the provisions of Chapter 190, Florida Statutes (2003) as amended. The District shall have, and the District Board of Supervisors may exercise, all powers and functions granted pursuant to Sections 190.011 and 190.012(1), Florida Statutes, as amended from time to time, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included in the District.

In addition, the City Council of the City of St. Cloud hereby consents to the District's Board of Supervisors exercise of certain other special powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities and basic infrastructure within, and outside of, the boundaries of the District as described under and authorized by Section 190.012(2), Florida Statutes.

SECTION 6. CITY COMPREHENSIVE PLAN AND LAND DEVELOPMENT

CODE. The District shall be governed by the development and construction standards of the City of St. Cloud Comprehensive Plan and the City of St. Cloud Land Development Code on its construction as if it were a developer.

SECTION 7. SEVERABILITY AND REPEAL. All ordinances, agreements, or resolutions and parts thereof in conflict herewith to the extent of such conflicts are hereby repealed. If any phrase, clause, sentence, paragraph, section or subsection of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

SECTION 9. RECORDING. A certified copy of the ordinance may be filed with the Clerk of the Circuit Court of Osceola County, Florida, and duly recorded among the Public Records of Osceola County, Florida.

PASSED and ADOPTED this 24 day of June, 2004.



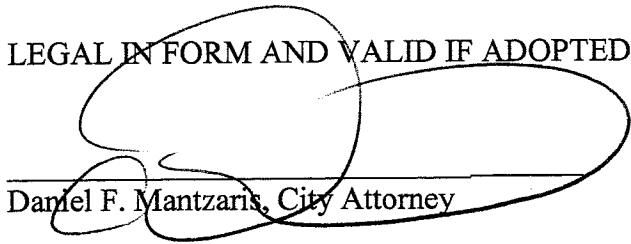
Glen Sangiovanni, Mayor

ATTEST:



Lori L. McCorkle, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED



Daniel F. Mantzaris, City Attorney

I, Lori L. McCorkle, duly appointed City Clerk for the City of St. Cloud, a Municipal Corporation, do hereby certify this is a true and correct copy of Ordinance No. 2004-67. Witness my hand under the Seal of the City of St. Cloud, at St. Cloud, Florida on this 30th day of June, 2004.



Lori L. McCorkle

EXHIBIT A

LEGAL DESCRIPTION

OVERALL PROPERTY LESS COMMERCIAL TRACTS AA, BB & ZZ

A parcel of land being a portion of THE SEMINOLE LAND AND INVESTMENT COMPANY'S SUBDIVISION OF SECTION 9, TOWNSHIP 26 SOUTH, RANGE 30 EAST, according to the plat thereof, as recorded in Plat Book B, Page 54 of the Public Records of Osceola County, Florida, and a portion of Sections 8 and 9, Township 26 South, Range 30 East, Osceola County, Florida, and being more particularly described as follows:

Commence at the Center of said Section 9, Township 26 South, Range 30 East; thence run N 89° 34'18" W along the South line of the Northwest ¼ of said Section 9, a distance of 30.00 feet to a point on the West Right of Way line of Kissimmee Park Road per Osceola County Map Book 1, Pages 76-81, said Point being the Point of Beginning; thence run S 00°00'25" W, along said West Right of Way line, a distance of 991.55 feet to a point on the North line of Lot 92, of said THE SEMINOLE LAND AND INVESTMENT COMPANY'S SUBDIVISION OF SECTION 9, TOWNSHIP 26 SOUTH, RANGE 30 EAST; thence run N 89°32'18" W along the North line of said Lots 92 and 91, a distance of 1,303.67 feet to a point on the East line of the Northwest ¼ of the Southwest ¼ of said Section 9; thence run S 00°08'48" W along said East line, a distance of 330.26 feet to the Southeast corner of said Northwest ¼ of the Southwest ¼ of Section 9; thence run N 89°31'50" W along the South line of said Northwest ¼ of the Southwest ¼ of said Section 9, a distance of 671.64 feet to a point on the East Right of Way line of the Florida's Turnpike; thence run N 15°27'45" W along said East Right of Way line, a distance of 3,769.76 feet; thence run N 89°38'14" E, a distance of 360.83 feet to a point on the West line of said Section 9; thence run N 00°17'50" E along said West line, a distance of 330.02 feet to the Northwest corner of said Section 9; thence run S 89°39'16" E along the North line of said Section 9, a distance of 1,804.64 feet; thence run S 00°20'44" W, a distance of 15.07 feet to a Point on a Non Tangent Curve, concave to the west, having a Radius of 300.08 feet and a Central Angle of 83°55'45"; thence run Southerly, along the Arc of said Curve, a distance of 439.57 feet, (Chord Bearing = S 21°00'24" E, Chord = 401.31 feet) to a point; thence run S 47°22'29" E, a distance of 17.28 feet to a Point on a Non Tangent Curve, concave to the Southeast, having a Radius of 655.00 feet and a Central Angle of 49°49'27"; thence run Northeasterly, along the Arc of said Curve, a distance of 569.59 feet, (Chord Bearing = N 65°04'42" E, Chord = 551.81 feet) to the Point of Tangency thereof; thence run N 89°59'25" E, a distance of 156.78 feet to a point on the aforesaid West Right of Way line of Kissimmee Park Road; thence run S 00°00'35" E along said West Right of Way line, a distance of 110.00 feet; thence run S 89°59'25" W, a distance of 156.78 feet to the Point of Curvature of a Curve, concave to the South, having a Radius of 545.00 feet and a Central Angle of 15°52'16"; thence run Westerly along the Arc of said Curve, a distance of 150.97 feet (Chord Bearing = S 82°03'16" W, Chord = 150.48 feet) to a point; thence run S 14°21'32" E, a distance of 185.00 feet; thence run S 00°00'19" E, a distance of 200.00 feet; thence run N 89°59'25" E, a distance of 260.00 feet to a point on aforesaid West Right of Way line of Kissimmee Park Road; thence run S 00°00'35" E along said West Right of Way line, a distance of 1,970.06 feet to the Point of Beginning.

Containing 210.6341 acres, more or less.