

ORDINANCE NO. 00-09

AN ORDINANCE ESTABLISHING THE BRIGHTON LAKES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE ADMINISTRATION AND FINANCING OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

WHEREAS, Elizabeth Properties, Inc. has filed a petition with Osceola County (the "Petition") requesting that the Board of County Commissioners of Osceola County (the "County") adopt an ordinance establishing the Brighton Lakes Community Development District pursuant to Chapter 190, Florida Statutes (the "District"), 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 District will constitute an efficient, effective and economical method of delivering community development services and facilities in the area described in Exhibit "A", within which area the County is not able to provide such community development services and facilities at a level and quality needed to serve the District; and

WHEREAS, the District will provide a solution to the County's planning, management and financing needs for the delivery of community development services and facilities to and within the District lands without overburdening the County and its taxpayers; and

WHEREAS, the County has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, the County has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA THIS 3rd DAY OF APRIL, 2000, AS FOLLOWS:

SECTION I. CONCLUSIONS OF FACT.

The County hereby finds and states, that:

1. All statements contained in the Petition are true and correct.
2. The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the County's Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional, interrelated community.
4. The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

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- 5. The proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
- 6. The area that will be served by the District is amenable to separate, special-district government.

SECTION 2. CONCLUSIONS OF LAW.

- 1. The proceedings described in this Ordinance are governed by Chapter 190, Florida Statutes.
- 2. The County has jurisdiction pursuant to Section 190.005(2), Florida Statutes.
- 3. The granting of the Petition complies with all the requirements of Chapter 190, Florida Statutes.

SECTION 3. CREATION. There is hereby created the Brighton Lakes Community Development District (the "District") for the area of land described in Exhibit "A" attached hereto, which District shall exercise the powers described and authorized in Sections 190.011, 190.012 (1) and (3), Florida Statutes. The County hereby grants its consent to the Board hereby established to exercise the powers described and authorized in Section 190.012 (2)(a), (b), (c), (d), (e) and (f) Florida Statutes.

SECTION 4. SUPERVISORS. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District are Granville Ramsey, Bruce Cole, Michael Rabin, Robert Steigle and Fred Sanchez and shall constitute the initial Board of Supervisors.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon receipt of acknowledgment that a copy of this Ordinance has been filed with the Secretary of State.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, provision or other part of this Ordinance is held invalid for any reason, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

ADOPTED AT A REGULAR MEETING THIS 3RD DAY OF APRIL, 2000.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: *My Arrington*
Chairman/Vice-Chairman

ATTEST:

By: *Kathy A Mueller*
Clerk/Deputy Clerk of the Board

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

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ON Wed. 04-13, 2000

BY *Paula J Carpenter*
DEPUTY CLERK OF THE BOARD



Exhibit "A"

LEGAL DESCRIPTION:

1. ALL OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 29 EAST, LESS THE NORTH 1/2 OF THE NORTHEAST 1/4 AND LESS THE SOUTH 1/2 OF THE SOUTH 1/2 AND LESS THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SAID SECTION 18; TOGETHER WITH ALL THAT PART OF SECTION 17, TOWNSHIP 26 SOUTH, RANGE 29 EAST, LYING WEST OF STATE ROAD NO. 531, LESS THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 17, LYING AND BEING IN OSCEOLA COUNTY, FLORIDA.

LESS THAT PORTION CONVEYED TO OSCEOLA COUNTY FOR RIGHT OF WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(Parcel 156A)

1. PORTION OF THE NW 1/4 OF SECTION 17, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID NW 1/4 (A 4"x4" C.M. AS NOW EXISTS) RUN N 00°43'07" W, ALONG THE WEST LINE OF SAID NW 1/4 OR 1332.47 FT. TO A POINT ON THE SOUTH LINE OF THE N 1/2 OF SAID NW 1/4 BY PINE RIDGE ESTATES, UNIT 3, AS RECORDED IN PLAT BOOK 4, PAGE 156 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA; RUN THENCE N 89°46'57" E, ALONG SAID SOUTH LINE, 659.97 FT. TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF PLEASANT HILL ROAD (COUNTY ROAD NO. 531); RUN THENCE S 26°21'31" W, ALONG EXISTING RIGHT OF WAY LINE, 510.51 FT. TO THE POINT OF BEGINNING; RUN THENCE CONTINUING S 26°21'31" W, ALONG SAID EXISTING WEST RIGHT OF WAY LINE, 249.93 FT.; THENCE LEAVING SAID EXISTING RIGHT OF WAY LINE, RUN N 63°38'29" W, 14.04 FT.; RUN THENCE N 66°21'02" E, 350.00 FT.; RUN THENCE S 18°20'30" W, 101.01 FT. TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE, PLEASANT HILL ROAD (COUNTY ROAD NO. 531) AND THE POINT OF BEGINNING.

2. SUBJECT TO ROAD RIGHT OF WAY AND A PERPETUAL EASEMENT AS RIGHT OF WAY FOR INGRESS AND EGRESS OVER THE EAST 30.00 FEET OF THE NORTH 30.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 29 EAST ALL LYING AND BEING IN OSCEOLA COUNTY, FLORIDA.

3. TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

4. ALL OF THE SOUTH 1/2 OF THE SOUTH 1/2 AND THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF SECTION 18, TOWNSHIP 26 SOUTH, RANGE 29 EAST, LYING WEST OF THE WEST LINE OF THE PLAT OF "THE FLAMMO ESTATES, UNIT TWO" AS RECORDED IN PLAT BOOK 4, PAGE 71 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA; ALSO, THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 29 EAST, AND THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 26 SOUTH, RANGE 29 EAST, ALL LYING AND BEING IN OSCEOLA COUNTY, FLORIDA;

5. THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, LESS THE WEST 720.00 FEET OF THE SOUTH 605.00 FEET THEREOF; AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4, IN SECTION 19, TOWNSHIP 26 SOUTH, RANGE 29 EAST, ALL LYING AND BEING IN OSCEOLA COUNTY, FLORIDA, LESS ANY PORTION OF THE FOUNTAINS ON PLEASANT HILL ROAD, UNIT ONE, AS FILED AND RECORDED IN PLAT BOOK 5, PAGES 35 - 36 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, CONTAINED THEREIN.

6. CONTAINING 492.16 ACRES +/-