

ORDINANCE NO. 2018-028

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, ESTABLISHING THE FRERC COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE DESCRIPTION OF THE FUNCTIONS AND POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR NOTICE REQUIREMENTS AND FOR COMPLIANCE WITH ALL REMAINING SECTIONS OF CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the "Uniform Community Development Act of 1980", Chapter 190, Florida Statutes (hereinafter referred to as the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, Section 190.005(2) of the Act requires that a Petition for the Establishment of a Community Development District of less than 2,500 acres be filed by the Petitioner with the City Commission of the municipality having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Ocoee, Florida ("Commission"); and

WHEREAS, Orange West Development Company, a Wyoming corporation ("Petitioner"), having obtained written consent to the establishment of the FRERC Park Community Development District (the "District") by the owner of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the Commission to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes (2017); and

WHEREAS, the Petitioner is a Wyoming profit corporation, authorized to conduct business in the State of Florida, whose principal place of business is 7380 West Sand Lake Road, Suite 395, Orlando, Florida 32819; and

WHEREAS, the Petition, which is dated and which was submitted to the City of Ocoee ("City") on May 14, 2018, has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; and

WHEREAS, all interested persons and affected units of general-purpose local government will be or have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on July 17, 2018; and

WHEREAS, on July 17, 2018, the Commission considered the record at the public hearing and the factors set forth in Section 190.005(1)(e) of the Act, and upon such review, has determined that granting the Petition to establish the FRERC Community Development District is in the best interest of the City; and

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

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

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Incorporated.** The above recitals are true and correct and are incorporated herein.

Section 2. **Authority.** The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes. Furthermore, this Ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

Section 3. **Findings of Fact.** The Commission hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before the City Commission, and the record established at the public hearing that:

A. All statements within the Petition are true and correct.

B. Establishment of the District, as defined in Section 4., below, and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the state comprehensive plan, or the City of Ocoee Comprehensive Plan;

C. The area of land within the District, described in **Exhibit "A"**, which is attached hereto and incorporated herein, is of a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional interrelated community;

D. The District is the best alternative available for delivering the community development services and facilities to the area that would be served by the District;

E. The community development 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

F. The area to be served by the District is amenable to separate special-district government.

Section 4. **Establishment and District Name.** There is hereby created a community development district situated entirely within the incorporated limits of the City of Ocoee, Florida, which District shall be known as the "FRERC Community Development District", and which shall be referred to in this Ordinance as the "District".

Section 5. **External Boundaries of the District.** The external boundaries of the District are described in **Exhibit "A"**, and said boundaries encompass 97.04 acres, more or less.

Section 6. **District Powers and Functions.** The powers and functions of the District are described in Chapter 190, Florida Statutes. The District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1) and (3), Florida Statutes, as amended from time to time. Pursuant to Section 190.002(3), Florida Statutes, the District shall not have or exercise any zoning or development permitting powers governing land development or the use of land.

Bonds to be issued by the District shall not constitute a debt, liability, or general obligation of the District, the City, the County, or of the State of Florida, or of any political subdivision thereof, but shall be payable solely from the Pledged Revenues designated for the Bonds.

This Ordinance is not intended nor shall it be construed to expand, modify or delete any provisions of the Uniform Community Development District Act of 1980, as set forth in Chapter 190, Florida Statutes, nor shall it be intended to modify, restrict or expand any current prospective development or utility agreements.

Section 7. **Board of Supervisors.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Barry Radolan
Address: 2110 S. Courtenay Pkwy.
Merritt Island, FL 32952

Name: James Lavigne
Address: 17727 East Lake Jem Rd.
Mt Dora, FL 32757

Name: Deanna Snitko
Address: 14719 Crimson Bluff Alley
Winter Garden, FL 32787

Name: Giovanna Gutierrez
Address: 945 Oasis Palm Cir.
Ocoee, FL 34761

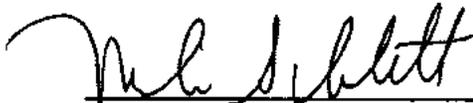
Name: City Manager or designee
Address: City of Ocoee
150 N. Lakeshore Dr.
Ocoee, FL 34761

Section 8. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 9. **Effective Date.** This Ordinance shall take effect upon its approval and publication as required by law.

PASSED AND ADOPTED this 7th day of August, 2018.

ATTEST:



Melanie Sibbitt, City Clerk

(SEAL)

APPROVED:

CITY OF OCOEE, FLORIDA

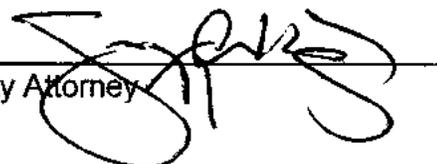


Rusty Johnson, Mayor

FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND
LEGALITY
this 7th day of Aug., 2018

ADVERTISED July 31st, 2018
READ FIRST TIME July 17, 2018
READ SECOND TIME AND ADOPTED
August 7, 2018
UNDER AGENDA ITEM NO. 19

SHUFFIELD, LOWMAN & WILSON, P.A.

By: 

City Attorney

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 28 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 28 EAST, RUN THENCE S00°33'50"E ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MAINE STREET AS SHOWN ON THE PLAT OF LAKE BENNET CENTRE AS RECORDED IN PLAT BOOK 35, PAGES 126 AND 127, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N89°51'09"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 208.19 FEET TO THE NORTHEAST CORNER OF THE LANDS DESCRIBED IN INSTRUMENT NO. 20170493053; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID LANDS: (1) S00°22'03"E A DISTANCE OF 184.59 FEET; (2) N87°01'32"W A DISTANCE OF 123.81 FEET; (3) N68°42'10"W A DISTANCE OF 90.49 FEET TO A POINT ON SAID WEST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20; THENCE S00°33'50"E ALONG SAID WEST LINE, A DISTANCE OF 372.36 FEET TO THE NORTHEAST CORNER OF TRACT "C", OCOEE TOWN CENTER - PHASE I, AS RECORDED IN PLAT BOOK 77, PAGES 37 THROUGH 41, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N89°56'30"W ALONG THE NORTH LINE OF SAID TRACT "C", AND ITS WESTERLY EXTENSION A DISTANCE OF 1,330.09 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN INSTRUMENT NO. 20160538981; THENCE N00°31'16"W ALONG THE WEST LINE OF SAID LANDS AND ITS NORTHERLY EXTENSION A DISTANCE OF 594.53 FEET TO A POINT ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF MAINE STREET; THENCE RUN THE FOLLOWING THREE (3) COURSES ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE: (1) N89°30'08"W A DISTANCE OF 538.19 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 480.78 FEET, A CHORD BEARING OF N75°46'40"W, A CHORD DISTANCE OF 228.78 FEET, (2) NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27°31'42", A DISTANCE OF 230.99 FEET TO THE A POINT OF TANGENCY; (3) N62°00'49"W A DISTANCE OF 295.60 FEET TO A POINT OF THE SOUTHEASTERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2957, PAGE 668, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHEASTERLY LINE AND THE EAST LINE OF SAID LANDS; (1) N00°28'46"W A DISTANCE OF 174.77 FEET; (2) S66°06'13"E A DISTANCE OF 372.66 FEET; (3) N00°28'46"W A DISTANCE OF 430.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE S89°20'13"E ALONG SAID NORTH LINE A DISTANCE OF 679.39 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, TO A POINT HEREIN AFTER REFERRED TO AS POINT "A"; THENCE CONTINUE S89°20'13"E A DISTANCE OF 347.43 FEET

TO A POINT ON THE SOUTHERLY PROJECTION OF THE WEST LINE OF LOT 10, BLOCK 5, TOWN OF OCOEE AS RECORDED IN PLAT BOOK "A" PAGES 100 AND 101, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°31'16"W ALONG SAID WEST LINE, A DISTANCE OF 652.85 FEET TO THE NORTHWEST CORNER OF LOT 10, SAID BLOCK 5; THENCE S89°02'04"E ALONG THE NORTH LINE OF SAID BLOCK 5 AND ITS EASTERLY EXTENSION A DISTANCE OF 1,328.47 FEET TO THE NORTHEAST CORNER OF LOT 25, BLOCK 6, SAID TOWN OF OCOEE; THENCE S00°29'24"E ALONG THE EAST LINE OF LOT 25, SAID BLOCK 6, A DISTANCE OF 359.99 FEET TO A POINT ON THE NORTH LINE OF OFFICIAL RECORDS BOOK 5785, PAGE 4859, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG SAID NORTH LINE TO A POINT LYING N89°20'20"W A DISTANCE OF 146.76 WEST OF THE NORTHEAST CORNER OF VACATED CALIFORNIA AVENUE, AS RECORDED IN OFFICIAL RECORDS BOOK 6936, PAGE 2686, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S89°20'20"E A DISTANCE OF 146.76 FEET TO SAID NORTHEAST CORNER OF VACATED CALIFORNIA AVENUE, SAID POINT BEING A POINT ON THE WEST LINE OF OCOEE COMMONS PUD, AS RECORDED IN PLAT BOOK 60, PAGES 92 THROUGH 98, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S00°11'17"E ALONG SAID WEST LINE A DISTANCE OF 690.58 FEET TO A POINT ON THE NORTH LINE OF TRACT "B", LAKE BENNET CENTRE AS RECORDED IN PLAT BOOK 35, PAGES 126 AND 127, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE S89°51'09"W ALONG SAID NORTH LINE, DISTANCE OF 425.95 FEET TO THE NORTHWEST CORNER OF SAID TRACT "B", SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A PORTION OF VACATED MAINE STREET, AS RECORDED IN OFFICIAL RECORDS BOOK 4926, PAGE 3959, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°08'52"W ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 4926, PAGE 3959 DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS BOOK 4926, PAGE 3959, SAID POINT BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID MAINE STREET; THENCE S89°51'09"W ALONG SAID NORTH RIGHT-OF-WAY LINE DISTANCE OF 895.58 FEET; THENCE S00°33'50"E A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE LIFT STATION DESCRIBED IN OFFICIAL RECORDS BOOK 9841, PAGE 1413, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

RETURN TO SAID POINT "A" AND RUN S00°31'16"E ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF RICHMOND AVENUE A DISTANCE OF 381.50 FEET FOR A POINT OF BEGINNING; THENCE S64°13'43"W A DISTANCE OF 60.00 FEET; THENCE N25°46'17"W A DISTANCE OF 60.00 FEET; THENCE N64°13'43"E A DISTANCE OF 60.00 FEET; THENCE S25°46'17"E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 28 EAST, RUN THENCE N00°28'58"W ALONG THE WEST LINE OF

THE SOUTHWEST 1/4 OF SAID SECTION 20 A DISTANCE OF 691.70 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20, SAID POINT BEING HEREIN AFTER REFERED TO AS POINT "B"; THENCE S89°57'05"E ALONG SAID SOUTH LINE A DISTANCE OF SO.DO FEET FOR A POINT OF BEGINNING, SAID POINT BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF MAGUIRE ROAD; THENCE RUN THE FOLLOWING FOUR (4) COURSES ALONG SAID EAST RIGHT-OF-WAY LINE: (1) N00°28'58"W A DISTANCE OF 149.79 FEET; (2) S89°31'02"W A DISTANCE OF 10.00 FEET; (3) N00°28'58"W A DISTANCE OF 106.76 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 560.27 FEET, A CHORD BEARING OF N0S035'49"W, A CHORD DISTANCE OF 99.89 FEET, (4) NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°13'43", A DISTANCE OF 100.02 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MAINE STREET; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE: (1) N36°44'50"E A DISTANCE OF 55.77 FEET; (2) N85°13'13"E A DISTANCE OF 305.15 FEET; (3) S65°08'13"E A DISTANCE OF 49.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH BLUFORD AVENUE; THENCE S36°04'33"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 15.04 FEET; THENCE S54°04'52"W A DISTANCE OF 195.01 FEET; THENCE S16°05'38"E A DISTANCE OF 290.12 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 20; THENCE N89°57'05"W ALONG SAID SOUTH LINE A DISTANCE OF 292.08 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

RETURN TO SAID POINT "B" AND RUN N00°28'58"W ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 20 A DISTANCE OF 493.90 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N00°28'58"W A DISTANCE OF 513.72 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH BLUFORD AVENUE; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: (1) S36°04'33"E A DISTANCE OF 108.81 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1,754.83 FEET, A CHORD BEARING OF S32°12'15"E, A CHORD DISTANCE OF 236.98 FEET, (2) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°44'36", A DISTANCE OF 237.16 FEET TO A POINT OF TANGENCY; (3) S36°04'33"E A DISTANCE OF 170.83 FEET; THENCE S18°56'50"W A DISTANCE OF 95.19 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 215.00 FEET, A CHORD BEARING OF S80°07'16"W, A CHORD DISTANCE OF 38.22 FEET, RUN THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°11'53", A DISTANCE OF 38.27 FEET TO A POINT OF TANGENCY; THENCE S8S013'13"W A DISTANCE OF 194.20 FEET; THENCE N20°31'50"W A DISTANCE OF 22.43 FEET; THENCE N74°33'25"W A DISTANCE OF 17.31 FEET TO THE POINT OF BEGINNING.

CONTAINS 97.404 ACRES MORE OR LESS.