

AN ORDINANCE ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE BOGGY CREEK IMPROVEMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2001); 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lake Nona Land Company ("Petitioner"), having obtained written consent to the establishment of the District by the owner of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Council of the City of Orlando (the "City") to enact an ordinance establishing the Boggy Creek Improvement District (the "District") pursuant to Chapter 190, Florida Statutes (2001); and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 9801 Lake Nona Road, Orlando, Florida 32827; 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 City on November 26, 2001; and

WHEREAS, upon consideration of the record established at that hearing, the City determined that the statements within the Petition were 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 local government 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 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, 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.

City Council Meeting: 11-26-01
Item: 7-1 Documentary: 011126701

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ORLANDO CITY COUNCIL, ORLANDO, FLORIDA:

SECTION 1. AUTHORITY. This ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2001).

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Orlando, Florida, which District shall be known as the "Boggy Creek Improvement District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto, the overall parcel containing 991 acres, more or less.

SECTION 4. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, Florida Statutes (2001). Consent is hereby given to the District's Board of Supervisors to plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.

SECTION 5. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Jefferson R. Voss
Address: Post Office Box 8800, Windermere, Florida 34786

Name: Andrea B. Lyon
Address: 245 Driggs Drive, Winter Park, Florida 32792

Name: LeeAnn Lowery
Address: 11230 Crystal Glen Boulevard, Orlando, Florida 32837

Name: Richard Fitzgerald
Address: 9436 Thurloe Place, Orlando, Florida 32827

Name: Tyler Piercy
Address: Post Office Box 8800, Windermere, Florida 34786

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 6. SEVERABILITY. If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

ADVERTISED: Oct. 28, Nov. 4, Nov 11 and Nov. 18, 2001.

READ FIRST TIME: November 12, 2001.

READ SECOND TIME AND ENACTED: November 26, 2001.

CITY OF ORLANDO, FLORIDA

By: Beth F. Uzman
Mayor Pro Tem

ATTEST:

Candice J. Crawford
Candice J. Crawford, City Clerk

Exhibit A

BOGGY CREEK IMPROVEMENT DISTRICT

DESCRIPTION:

PART A

That part of Sections 24, 25, 26 and 27, Township 24 South, Range 30 East, Orange County, Florida, described as follows:

Commence at the Southeast corner of said Section 27; thence run N 89°36'16" W along the South line of the Southeast 1/4 of said Section 27 for a distance of 710.42 feet to the POINT OF BEGINNING; thence continue N 89°36'16" W along said South line for a distance of 2015.36 feet to the Southeast corner of the Southwest 1/4 of said Section 27; thence run N 89°55'33" W along the South line of the Southwest 1/4 of said Section 27 for a distance of 895.91 feet to the Southeast corner of Commercial Parcel No. 2 within Exhibit A of lands recorded in Official Records Book 4797, Page 3447, of the Public Records of Orange County, Florida; thence run N 01°41'54" E along the East line of said Commercial Parcel No. 2 for a distance of 629.15 feet to the Northeast corner thereof; thence run N 88°18'06" W along the North line of said Commercial Parcel No. 2 for a distance of 1639.65 feet to the East right-of-way line of Boggy Creek Road, as recorded in Official Records Book 4345, Page 3237 of said Public Records; thence run N 06°38'30" E along said East right-of-way line for a distance of 140.52 feet to the Southwest corner of Commercial Parcel No. 1 within said Exhibit A of Official Records Book 4797, Page 3447, of said Public Records; thence run S 88°18'06" E along the South line of said Commercial Parcel No. 1 for a distance of 842.53 feet of the Southeast corner thereof; thence run N 01°41'54" E along the East line of said Commercial Parcel No. 1 for a distance of 1195.70 feet to the Southerly Limited Access Right-of-way Line of State Road No. 417, as recorded in said Official Records Book 4345, Page 3237, of said Public Records, and to a point on a non-tangent curve concave Northwesterly having a radius of 7733.81 feet and a chord bearing of N 73°39'02" E; thence run the following twelve (12) courses and distances along said Southerly Limited Access right-of-way line: Easterly along the arc of said curve through a central angle of 04°07'38" for a distance of 557.10 feet to the point of tangency; N 71°35'13" E, 3673.57 feet; N 81°59'44" E, 104.10 feet; N 64°34'47" E, 295.19 feet; N 64°34'50" E, 464.20 feet; N 66°42'23" E, 500.03 feet; N 23°17'37" W, 10.00 feet; N 66°42'23" E, 1347.33 feet; S 23°17'37" E, 262.49 feet; N 89°50'52" E, 462.22 feet; N 23°17'37" W, 444.14 feet; N 66°42'23" E, 1017.46 feet; thence run N 70°32'51" E, along a proposed limited access right-of-way line of the Lake Nona Interchange for a distance of 657.76 feet to the point of curvature of a curve concave Southerly having a radius of 2197.94 feet; thence run Easterly along said proposed limited access right-of-way line and along the arc of said curve through a central angle of 00°41'19" for a distance of 26.41 feet to the aforesaid Limited Access Right-of-way Line of State Road No. 417 and to a point of non-tangency; thence run S 23°17'37" E along said Limited Access Right-of-way Line for a distance of 259.02 feet; thence run N 66°42'23" E along said Limited Access Right-of-way Line for a distance of 450.02 feet; thence run N 23°17'37" W along said Limited Access Right-of-way Line for a distance of 175.57 feet to the aforesaid proposed limited access right-of-way line and to a point on a non-tangent curve concave Southerly having a radius of 2197.94 feet and a chord bearing of N 87°12'59" E; thence run the following seven (7) courses and distances along said proposed limited access right-of-way line: Easterly along the arc of said curve through a central angle of 08°03'22" for a distance of 309.04 feet to the point of non-tangency; S 88°45'18" E, 320.16 feet to a non-tangent curve concave Westerly having a radius of 2794.79 feet and a chord bearing of S 07°49'25" E; thence Southerly along the arc of said curve through a central angle of 02°03'01" for a distance of 100.01 feet to a point of non-tangency; thence N 83°12'06" E along a radial line for a distance of 140.00 feet to a non-tangent curve concave Westerly having a radius of 2934.79 feet and a

chord bearing of N 07°16'38" W; thence Northerly along the arc of said curve through a central angle of 00°57'26" for a distance of 49.04 feet to a point of non-tangency; thence N 42°03'38" E along said proposed limited access right-of-way line 440.64 feet to the point of curvature of a curve concave Southeasterly having a radius of 2770.93 feet; thence Northeasterly along the arc of said curve through a central angle of 13°02'23" for a distance of 630.63 feet to the aforesaid Limited Access Right-of-way Line and to a point of non-tangency; thence run S 23°17'37" E along said Limited Access Right-of-way Line for a distance of 159.93 feet; thence run N 66°42'23" E along said Limited Access right-of-way line for a distance of 509.08 feet to the boundary of a Conservation Easement A, Part B, recorded in Official Records Book 6035, Page 269, of said Public Records; thence run the following five (5) courses and distances along said boundary: S 29°31'07" E, 70.44 feet; S 42°12'14" E, 73.75 feet; S 42°08'54" E, 119.27 feet; S 69°22'47" E, 71.65 feet; S 61°37'09" E, 113.52 feet; thence departing said Conservation Easement run S 37°48'57" W for a distance of 866.35 feet to the point of curvature of a curve concave Northwesterly having a radius of 1000.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 22°40'06" for a distance of 395.64 feet to the point of tangency; thence run S 60°29'03" W for a distance of 903.29 feet; thence run S 00°16'45" W for a distance of 379.08 feet to the point of curvature of a curve concave Easterly having a radius of 500.00 feet; thence run Southerly along the arc of said curve through a central angle of 27°34'33" for a distance of 240.64 feet to the point of compound curvature of a curve concave Northerly having a radius of 706.83 feet; thence run Easterly along the arc of said curve through a central angle of 92°20'44" for a distance of 1139.21 feet to the point of tangency; thence run N 60°21'28" E for a distance of 38.53 feet to the point of curvature of a curve concave Southerly having a radius of 596.00 feet; thence run Easterly along the arc of said curve through a central angle of 39°15'32" for a distance of 408.38 feet to the point of tangency; thence run S 80°23'00" E for a distance of 438.12 feet to the point of curvature of a curve concave Northerly having a radius of 594.32 feet; thence run Easterly along the arc of said curve through a central angle of 51°01'30" for a distance of 529.27 feet to the point of reverse curvature of a curve concave Southerly having a radius of 700.00 feet; thence run Easterly along the arc of said curve through a central angle of 116°09'07" for a distance of 1419.06 feet to the point of tangency; thence run S 15°15'23" E for a distance of 516.07 feet; thence run N 74°44'37" E for a distance of 20.00 feet to a non-tangent curve concave Northeasterly having a radius of 515.00 feet and a chord bearing of S 25°54'07" E; thence run Southeasterly along the arc of said curve through a central angle of 21°17'27" for a distance of 191.37 feet to a point of non-tangency; thence run S 53°39'10" W for a distance of 100.00 feet to a non-tangent curve concave Northeasterly having a radius of 615.00 feet and a chord bearing of N 25°53'08" W; thence run Northwesterly along the arc of said curve through a central angle of 21°15'30" for a distance of 228.18 feet to a point of non-tangency; thence run N 74°44'37" E for a distance of 20.00 feet; thence run N 15°15'23" W for a distance of 516.07 feet; to the point of curvature of a curve concave Southerly having a radius of 640.00 feet; thence run Westerly along the arc of said curve through a central angle of 116°09'07" for a distance of 1297.43 feet to the point of reverse curvature of a curve concave Northerly having a radius of 654.32 feet; thence run Westerly along the arc of said curve through a central angle of 44°16'59" for a distance of 505.71 feet to a point of non-tangency; thence run S 01°46'23" E for a distance of 170.58 feet; thence run S 62°42'06" W for a distance of 232.36 feet; thence run S 22°45'28" E for a distance of 1027.84 feet; thence run S 22°50'56" W for a distance of 378.73 feet; thence run S 58°46'46" W for a distance of 218.54 feet; thence run S 86°56'07" W for a distance of 605.55 feet; thence run N 69°24'09" W for a distance of 591.83 feet; thence run S 81°43'00" W for a distance of 374.05 feet; thence run S 37°08'14" W for a distance of 227.38 feet; thence run S 56°11'21" W or a distance of 277.33 feet; thence run S 27°24'00" W for a distance of 667.00 feet; thence run N 34°54'59" W for a distance of 352.22 feet; thence run N 25°05'40" E for a distance of 127.07 feet; thence run N 56°41'49" W for a distance of 225.45 feet; thence run S 75°02'30" W for a distance of 242.11 feet; thence run S 68°38'50" W for a distance of 385.25 feet;

thence run N 89°12'59" W for a distance of 200.64 feet; thence run N 78°41'22" W for a distance of 371.10 feet; thence run N 73°22'47" W for a distance of 79.91 feet; thence run N 84°23'32" W for a distance of 223.73 feet; thence run S 49°37'58" W for a distance of 224.15 feet; thence run S 57°54'58" W for a distance of 315.66 feet; thence run S 52°24'26" W for a distance of 582.43 feet; thence run S 58°44'09" W for a distance of 401.34 feet; thence run S 77°44'08" W for a distance of 192.26 feet; thence run S 86°18'27" W for a distance of 159.50 feet; thence run N 80°02'25" W for a distance of 482.15 feet; thence run N 84°06'48" W for a distance of 406.49 feet; thence run N 85°03'30" W for a distance of 245.29 feet; thence run N 83°27'52" W for a distance of 335.33 feet; thence run S 79°59'55" W for a distance of 172.65 feet; thence run S 62°15'22" W for a distance of 90.24 feet; thence run S 82°45'52" W for a distance of 86.46 feet; thence run S 89°52'22" W for a distance of 168.71 feet; thence run S 71°00'52" W for a distance of 166.25 feet; thence run S 58°49'16" W for a distance of 182.48 feet; thence run S 35°57'38" W for a distance of 139.02 feet; thence run S 02°32'11" W for a distance of 149.10 feet; thence run S 19°37'33" E for a distance of 173.84 feet to the POINT OF BEGINNING.

AND

PART B

That portion of Section 22, Township 24 South, Range 30 East, Orange County, Florida, lying south of the City of Orlando/Greater Orlando Aviation Authority Order of Taking (being taken under Case No. 91-4738 in Official Records Book 4318, Page 3458, Public Records of Orange County, Florida) and south of Lots 38 and 39, ORLANDO KISSIMMEE FARMS, according to the plat thereof as recorded in Plat Book O, Page 75, Public Records of Orange County, Florida; LESS the Eastern Beltway/Southern Connector right-of-way conveyed to Orlando-Orange County Expressway Authority in Official Records Book 4345, Page 3237, and LESS the Orlando Utilities Commission railroad right-of-way (120 ft. wide right-of-way).

TOGETHER WITH: That portion of Section 27, Township 24 South, Range 30 East, Orange County, Florida, lying south of the City of Orlando/Greater Orlando Aviation Authority Order of Taking (being taken under Case No. 91-692 in Official Records Book 4277, Page 2265, and under Case No. 91-4738 in Official Records Book 4318, Page 3458, Public Records of Orange County, Florida); LESS that portion for the Eastern Beltway/Southern Connector right-of-way conveyed to Orlando-Orange County Expressway Authority in Official Records Book 4345, Page 3237, and less the Orlando Utilities Commission Railroad right-of-way (120 ft. wide right-of-way); LESS that portion lying south of said Eastern Beltway/Southern Connector right-of-way.

All together containing 991.004 acres more or less and being subject to any rights-of-way, restrictions and easements of record.