

ORDINANCE NO. 2022- 60

An ordinance of the Board of County Commissioners of Osceola County, Florida, establishing the Hickory Tree Community Development District ("District"), at approximately 205 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, Clayton Properties Group, Inc. ("Petitioner"), having obtained written consent to the establishment of the District by the owners of 100 percent (100%) of the real property to be included in the District, has filed a Petition to Establish the Hickory Tree Community Development District ("Petition") with the Osceola County Board of Commissioners ("County") pursuant to Section 190.005(2)(a) and 190.046(1)(h), *Florida Statutes*, to adopt an ordinance establishing the Hickory Tree Community Development District ("District") pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, Petitioner is a Florida corporation and is 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) and 190.046(1)(h), *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 request of the District: 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 one 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 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 District's Petition to establish the Hickory Tree 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 "Hickory Tree 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, the overall boundaries encompassing 205 acres, more or less.

SECTION 5. FUNCTIONS AND POWERS.

Upon the effective date of this Ordinance, the District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), *Florida Statutes*, and as otherwise provided by law. The powers and functions of the District are described in Chapter 190, *Florida Statutes*.

SECTION 6. CONSENT TO SPECIAL POWERS

Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and (2)(d), *Florida Statutes* (2021).

SECTION 7. **BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: D. Joel Adams, Milton Andrade, Brian Walsh, Jeff Shenefield and Garret Parkinson. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 8. **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 9. **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 10. **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.

DULY ENACTED in regular session on this 27th day of June, 2022

BOARD OF COUNTY
COMMISSIONERS OF OSCEOLA
COUNTY, FLORIDA

By: _____

Chairman/Vice Chairman

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:

06/27/2022

Ordinance # 2022-60



EXHIBIT A
EXTERNAL BOUNDARIES OF THE DISTRICT

Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 45, 46, 47, 48, 49, 50, 51, 52, 62, 63, 64, 65, 66 and 67, THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 4, TOWNSHIP 27 S, RANGE 31 E, according to the plat thereof, as recorded in Plat Book "B", Page 30, Public Records of Osceola County, Florida; LESS Right of Way for State Road 534 AND LESS lands conveyed to the State of Florida set forth in that certain Warranty Deed recorded in Deed Book 150, Page 491, Public Records of Osceola County, Florida.

AND

That certain unnamed 35 foot road, as shown on the Plat of THE SEMINOLE LAND AND INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION OF SECTION 4, TOWNSHIP 27 SOUTH, RANGE 31 EAST, according to the plat thereof, as recorded in Plat Book "B", Page 30, Public Records of Osceola County, Florida, running North and South and lying between and abutting Lots 2, 15, 18, 31, 34, 47, 50, 63 and 66 on the East and Lots 3, 14, 19, 30, 35, 46, 51, 62 and 67 on the West; and that certain unnamed 35 foot road running East and West and lying between and abutting Lots 62, 63 and 64 on the North and Lots 65, 66 and 67 on the South, as vacated by Resolution of the Board of County Commissioners, Osceola County, Florida, dated September 21, 1971 and recorded October 14, 1971, in Official Records Book 228, Page 45, Public Records of Osceola County, Florida.

AND

That certain unnamed 35 foot road running North and South and adjoining and abutting Lots 5, 12, 21 and 28 on the West and Lots 4, 13, 20 and 29 on the East, in Section 4, Township 27 South, Range 31 East, Osceola County, Florida, according the SEMINOLE LAND & INVESTMENT COMPANY'S (INCORPORATED) SUBDIVISION of said section, as per plat thereof, recorded in Plat Book "B", Page 30, as vacated by Resolution of the Board of County Commissioners, Osceola County, Florida, dated April 27, 1964 and filed May 14, 1964, in Official Records Book 117, Page 493, Public Records of Osceola County, Florida.

STATE OF FLORIDA DEPARTMENT OF STATE

I, CORD BYRD, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Osceola County Ordinance No. 2022-60, Hickory Tree CDD, which was filed in this office on June 29, 2022, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
30th day of June, A.D., 2022.**


Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.