

ORDINANCE NO. 2020-71

An Ordinance of the Board of County Commissioners of Osceola County, Florida, Establishing the Everest GMR Community Development District, at Approximately 216.81 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, GMR Development Orlando I, LP ("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, has filed a Petition to Establish the Everest GMR Community Development District (the "Petition") with the Osceola County Board of Commissioners (the "County") pursuant to Section 190.005(2)(a), *Florida Statutes*, to adopt an ordinance establishing the Everest GMR Community Development District (the "District") pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, Petitioner is a Florida limited partnership, 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), *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 Everest GMR 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. **GRANT OF PETITION.**

The Petition to establish the Everest GMR Community Development District over the real property described in Exhibit 2 of the Petition is hereby granted; said Petition having been filed with the County and dated August 13, 2020 of which a copy is attached hereto as Exhibit "A" and incorporated herein.

SECTION 4. **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 "Everest GMR Community Development District."

SECTION 5. **EXTERNAL BOUNDARIES OF THE DISTRICT.**

The external boundaries of the District are described within the Petition attached hereto. The District overall as described contains 216.81 acres, more or less. There are no parcels within the external boundaries of the District that are to be excluded from the District.

SECTION 6. FUNCTIONS AND POWERS.

The powers and functions of the District include all general powers as described in Section 190.011, all special powers described in Section 190.012(1) and certain special powers consented to by the County, which shall include Section 190.012(2)(a), 2(d) & 2(f) and Section 190.012(3) as described in Chapter 190, *Florida Statutes*. The County consents to the District's exercise of special powers described. Further, the functions of the District as described in *Petitioner's Agreement Concerning the Everest GMR Community Development District* by and between the County and the Everest GMR Community Development District, executed contemporaneously herewith, are herein incorporated.

SECTION 7. BOARD OF SUPERVISORS.

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

<u>Name</u>	<u>Address</u>
David B. Portwood Sr.	6900 S. Orange Blossom Trail, Ste 360 Orlando, FL 32809
Rossie L. Franco	65 Ocean Way Drive, Ponce Inlet, FL 32127
D. Scott Baker	315 E. Robinson St., Orlando, FL 32801
Shane L. Acevedo	1870 Lochberry Road, Winter Park, FL 32789
N. Dwayne Gray, Jr.	1661 Cheyenne Trail, Winter Park, FL 32751

All 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.

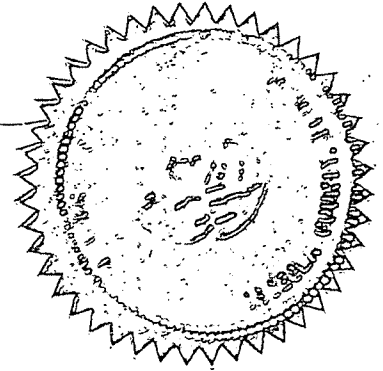
The Clerk shall file a certified copy of this Ordinance with the Department of State within ten (10) days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By:

Suzanne Jener

Chair/Vice-Chair



ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Elizabeth Warren*
Clerk/Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

November 02, 2020
Ordinance #2020-71 for COD20-0002