

ORDINANCE NO. 2015-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AMENDING SECTION 21-52, OSCEOLA COUNTY CODE, TO AMEND THE BOUNDARIES OF THE BELLALAGO EDUCATIONAL FACILITIES BENEFIT DISTRICT; AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the Board Of County Commissioners Of Osceola County, Florida that:

Section 1. Findings. It is hereby ascertained, determined and declared as follows:

(A) By enactment of Ordinance No. 03-15 (as amended from time to time and as codified in the County Code of Ordinances, Chapter 21, Article III, the "District Ordinance"), the Board of County Commissioners (the "Board") of Osceola County (the "County") created the Bellalago Educational Facilities Benefit District (the "District") to provide for the timely construction and maintenance of the school facilities comprising the Bellalago Charter Academy.

(B) The District Ordinance provides for the powers and governance of the District and defines the District boundaries.

(C) The County entered into an interlocal agreement with the School Board of Osceola County (the "School Board") on September 15, 2003 relating to the District (the "Interlocal Agreement"). Section 4 thereof describes the boundaries of the District and provides that such boundaries may be amended from time to time by the mutual written consent of the parties.

(D) Section 21-52 of the District Ordinance further provides that the District boundaries may be amended upon written consent of the School Board, any landowner whose land is included therein and adoption of an ordinance by the County.

(E) The original owner of the real property comprising the District, Avatar Properties, Inc. ("Avatar"), has requested and consented to expansion of the District boundaries to include certain additional real property owned by Avatar which is adjacent to the existing boundaries of the District, described as Tract B of the Mac Overstreet Regional Park as recorded in Plat Book 18, Pages 187-188 of the Public Records of Osceola County, Florida ("Parcel B").

(F) This Ordinance is enacted pursuant to Section 21-52 of the District Ordinance in order to amend the District boundaries to include Parcel B.

Section 2. Amended Boundaries.

(A) The boundaries of the Bellalago Educational Facilities Benefit District are hereby amended to include Parcel B. The revised boundaries of the District, including Parcel B, are set forth in the legal description contained in the attached Exhibit "A." The legal description contained in Exhibit "A" of this Ordinance shall supplant and replace Exhibit "A" of Ordinance No. 03-15.

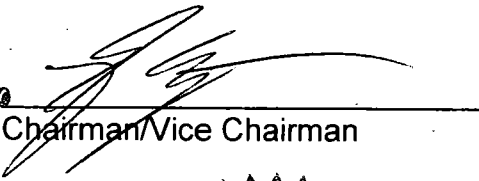
(B) The Chairman is hereby authorized and directed to execute, and the Clerk is authorized to attest, an amendment to the Interlocal Agreement providing for amendment of the District boundaries to include Parcel B, consistent with the provisions of this Ordinance.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be 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 portions hereof.

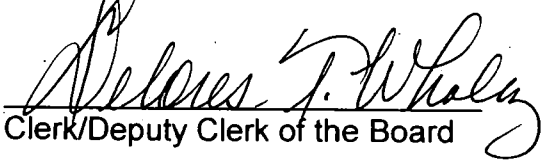
Section 4. Effective Date. This Ordinance shall take effect immediately upon its enactment.

Enacted by the Board of County Commissioners of Osceola County, Florida on the 13th day of July, 2015.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA


Chairman/Vice Chairman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD


Clerk/Deputy Clerk of the Board



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

July 13, 2015

EXHIBIT "A"

**DESCRIPTION OF THE LANDS ENCOMPASSED BY
THE BELLALAGO EDUCATIONAL FACILITIES BENEFIT DISTRICT**

DESCRIPTION:

ALL OF GOVERNMENT LOT 4 AND THAT PORTION OF GOVERNMENT LOT 3 LYING SOUTH OF THE OSCEOLA COUNTY PROPERTY AS DESCRIBED IN DEED BOOK 1174, PAGE 1288 LYING ABOVE THE HIGH WATER MARK OF LAKE TOHOPEKALIGA, IN SECTION 28, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA.

AND

ALL OF SECTION 29 LYING SOUTH OF THE NORTH LINE OF MAC OVERSTREET ROAD AND EAST OF THE EASTERLY RIGHT OF WAY OF PLEASANT HILL ROAD, LESS AND EXCEPT THE FOLLOWING:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4, 1545.3 FEET TO THE POINT OF BEGINNING; RUN THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE, 500.0 FEET; RUN THENCE WEST, PARALLEL TO SAID SOUTH LINE, 347 FEET MORE OR LESS TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; RUN THENCE SOUTHERLY ALONG THE EAST RIGHT OF WAY OF SAID ROAD, TO THE SOUTH LINE OF SAID SOUTHWEST 1/4; RUN THENCE EAST, 441.41 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

ALL OF THE EAST 1/2, AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32 TOWNSHIP 26 SOUTH RANGE 29 EAST.

AND

ALL OF THE WEST 1/2, AND GOVERNMENT LOTS 1 AND 2 ABOVE THE ORDINARY HIGH WATER LINE OF LAKE TOHOPEKALIGA, OF SECTION 33, TOWNSHIP 26 SOUTH, RANGE 29 EAST.

AND

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST, IN OSCEOLA COUNTY, FLORIDA; BEING DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF SECTION 29, TOWNSHIP 26 SOUTH, RANGE 29 EAST; THENCE

NORTH 89°43'56" EAST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 29, A DISTANCE OF 110.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PLEASANT HILL ROAD (CR-531); THENCE DEPART SAID NORTH LINE ON A BEARING OF SOUTH 01°02'01" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 642.58 FEET; THENCE SOUTH 00°59'19" EAST, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 646.44 FEET; THENCE SOUTH 00°07'22" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 835.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 2220.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 731.56 FEET THROUGH A CENTRAL ANGLE OF 18°52'51" (CHORD DISTANCE 728.26 FEET; CHORD BEARING SOUTH 09°33'47" EAST) TO THE POINT OF TANGENCY; THENCE SOUTH 19°00'13" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 416.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 19°00'13" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 400.20 FEET; THENCE DEPART SAID RIGHT OF WAY LINE ON A BEARING OF NORTH 75°13'36" EAST, A DISTANCE OF 1002.89 FEET; THENCE NORTH 18°35'45" WEST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 75°13'36" WEST, A DISTANCE OF 1005.75 FEET TO THE POINT OF BEGINNING.

AND

THAT PORTION OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA, LYING EAST OF PLEASANT HILL ROAD; LESS AND EXCEPT: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET; THENCE S 00°10'19" E, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET; THENCE S 89°59'51" W, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE N 00°10'19" WEST, ALONG SAID WEST LINE, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING. LESS THE WEST 60.00 FEET THEREOF FOR RIGHT OF WAY OF PLEASANT HILL ROAD.

ALSO LESS AND EXCEPT: (CEMETERY ENCROACHMENT AREA)

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA; THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°59'51" E, ALONG SAID NORTH LINE, 34.16 FEET; THENCE S 00°06'59" W, A DISTANCE OF 437.29 FEET; THENCE S 89°39'03" W, A DISTANCE OF 391.96 FEET TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; THENCE N 00°10'19" W, ALONG SAID

EAST RIGHT OF WAY LINE 19.66 FEET; THENCE N 89°59'51" E, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 360.00 FEET; THENCE N 00°10'19" W, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 420.00 FEET TO THE POINT OF BEGINNING.

(LESS PROPERTY TO BE DEEDED TO CEMETERY)

LEGAL DESCRIPTION:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 29 EAST, OSCEOLA COUNTY, FLORIDA; THENCE N 89°59'51" E, ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 454.16 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°59'51" E, ALONG SAID NORTH LINE, 80.00 FEET; THENCE S 00°06'59" W, A DISTANCE OF 456.64 FEET; THENCE S 89°39'03" W, A DISTANCE OF 471.79 FEET TO THE EAST RIGHT OF WAY LINE OF PLEASANT HILL ROAD; THENCE N 00°10'19" W, ALONG SAID EAST RIGHT OF WAY LINE, 20.00 FEET; THENCE N 89°39'03" E, A DISTANCE OF 391.96 FEET; THENCE N 00°06'59" E, A DISTANCE OF 437.29 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THAT PORTION OF POINCIANA OFFICE AND INDUSTRIAL PARK IV, LYING EAST OF POINCIANA BOULEVARD, AS RECORDED IN PLAT BOOK 3, PAGES 259-262, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF POINCIANA ESTATES, SECTION "C", LYING EAST OF POINCIANA BOULEVARD, AS RECORDED IN PLAT BOOK 3, PAGES 216-221, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION OF POINCIANA ESTATES, SECTION "D", LYING EAST OF POINCIANA BOULEVARD, AS RECORDED IN PLAT BOOK 3, PAGES 222-230, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. LESS AND EXCEPT PARCELS "A", "I", "J" AND "K", ALSO KNOWN AS HORSE WORLD.

TOGETHER WITH:

THAT PORTION OF MAC OVERSTREET REGIONAL PARK DESCRIBED AS TRACT B, AS RECORDED IN PLAT BOOK 18, PAGES 187-188 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.