

ORDINANCE NO. 2020 – 16

An Ordinance of the Board of County Commissioners of Osceola County, Florida, establishing the Town of Kindred Community Development District II, consisting of approximately 218.797 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 the five persons to serve as the initial members of the district's board of supervisors; providing a severability; providing for conflict; and providing an effective date.

RECITALS

WHEREAS, D.R. Horton, Inc. ("Petitioner"), as owner of 100 percent (100%) of the real property to be included in the District, has petitioned the Osceola County Board of Commissioners (the "County") to adopt an ordinance establishing the Town of Kindred Community Development District II (the "District") pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Petitioner is a Delaware corporation, 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 County has considered the record of the public hearing and the statutory factors set forth in Section 190.005(1)(e), *Florida Statutes*, in making its determination to grant or deny the Petition to establish the Town of Kindred Community Development District II; and

WHEREAS, the 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 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, pursuant to the information as stated above, the County has decided to grant the District's Petition to establish the Town of Kindred Community Development District II; 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 "Town of Kindred Community Development District II."

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 parcel containing 218.797 acres, more or less. There are no out parcels excluded within the external boundaries.

SECTION 5. FUNCTIONS AND POWERS. The District shall exercise the general powers provided for in Section 190.011, all special powers authorized in Section 190.012(1), *Florida Statutes*, and those certain special powers consented to by the County which include Sections 190.012(a) & (d), *Florida Statutes*.

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Christopher Wrenn, John Auld, Louis Avelli, Branden Eckenrode and Bradley Kingsley. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY. If any provision of this ordinance or the application thereof is finally determined by 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 8. EFFECTIVE DATE. This Ordinance shall take effect pursuant to Florida general law.

**BOARD OF COUNTY
COMMISSIONERS OF OSCEOLA
COUNTY, FLORIDA**

By: *Theresa Janer*
Chair/Vice Chair

**ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD**

By: *Debra A Davis*
Clerk/Deputy Clerk of the Board

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

January 13 2020
Ordinance #2020-16



Exhibit A
Legal Description

KINDRED CDD PHASE 2

PART ONE

A portion of Lot 1, Block 7; a portion of Lots 1 through 8, Block 8; all of Lot 6 and a portion of Lots 4, 5, 7 and 8, Block 16; all of Lots 5, 6, 7 and 8 and a portion of Lots 1 through 4 and 9 through 14, Block 17; a portion of Lots 14 through 16, Block 23 and a portion of Lots 7 through 10, Block 24 of FLORIDA DRAINED LAND COMPANY'S SUBDIVISION No. 1 as recorded in Plat Book B, Pages 65 and 66 of the Public Records of Osceola County, Florida lying within Section 31, Township 25 South, Range 30 East; Section 36, Township 25 South, Range 29 East and Section 1, Township 26 South, Range 29, Osceola County, Florida being more particularly described as follows:

BEGIN at the Southeast corner of KINDRED (fka TOHO PRESERVE) PHASE 1A AND 1B as recorded in Plat Book 24, Pages 8 through 16 of the Public Records of Osceola County, Florida, also being a point on the Westerly Right of Way of CROSS PRAIRIE PARKWAY as recorded in Official Records Book 3776, Page 633 of the Public Records of Osceola County, Florida, said point being on a Non-Tangent curve concave to the West, having a Radius of 1,735.00 feet and a Central Angle of 40°08'49"; thence run Southerly along the arc of said curve and said Westerly Right of Way a distance of 1,215.71 feet (Chord Bearing = S03°10'30"W, Chord = 1190.99 feet) to the Point of Tangency; thence run S23°14'55"W, a distance of 254.14 feet to the Point of Curvature of a curve concave to the East, having a Radius of 1,115.00 feet and a Central Angle of 17°31'21"; thence run Southerly along the arc of said curve, a distance of 341.00 feet (Chord Bearing = S14°29'14"W, Chord = 339.67 feet); thence departing said Westerly Right of Way, run S61°38'37"W, a distance of 1369.51 feet; thence run S19°29'29"E, a distance of 663.70 feet; thence run S70°30'31"W, a distance of 161.05 feet to a point on a Non-Tangent curve, concave to the Northwest, having a Radius of 5,830.00 feet and a Central Angle of 08°48'33"; thence run Southwesterly along the arc of said curve, a distance of 896.37 feet (Chord Bearing = S66°50'21"W, Chord = 895.49 feet); thence run S70°16'24"W, a distance of 26.65 feet; thence run N19°29'29"W, a distance of 193.63 feet; thence run S70°30'31"W, a distance of 50.00 feet; thence run

S19°29'29"E, a distance of 194.00 feet; thence run S70°30'31"W, a distance of 854.39 feet; thence run N23°48'22"W, a distance of 929.01 feet; thence run N66°58'34"E, a distance of 224.72 feet; thence run N19°29'29"W, a distance of 50.04 feet; thence run S66°59'23"W, a distance of 228.48 feet; thence run N23°48'22"W, a distance of 1,118.74 feet to the Point of Curvature of a curve concave to the East, having a Radius of 555.00 feet and a Central Angle of 16°39'31"; thence run Northerly along the arc of said curve, a distance of 161.36 feet (Chord Bearing = N15°28'37"W, Chord = 160.80 feet) to the Point of Tangency; thence run N07°08'51"W, a distance of 285.24 feet to a point on the South boundary of KINDRED PHASE 1FB, as recorded in Plat Book 28, Pages 22 through 25 of the Public Records of Osceola County, Florida, said point being on a Non-Tangent curve, concave to the North, having a Radius of 1423.98 feet and a Central Angle of 08°39'36"; thence along the south boundary of said KINDRED PHASE 1FB the following seven (7) courses: run Northeasterly along the arc of said curve a distance of 215.23 feet (Chord Bearing = S64°29'29"E, Chord = 215.02 feet) to a point on a Non-Tangent Curve concave to the Southwest, having a Radius of 25.00 feet and a Central Angle of 90°00'00"; thence run Southeasterly along the arc of said curve a distance of 39.27 feet (Chord Bearing = S64°29'29"E, Chord = 35.36 feet) to a point; thence run S19°29'29"E, a distance of 46.78 feet; thence run N71°01'53"E, a distance of 50.00 feet; thence run N19°29'29"W, a distance of 46.24 feet to the Point of Curvature of a curve concave to the Southeast, having a Radius of 25.00 feet and a Central Angle of 90°00'00"; thence run Northeasterly along the arc of said curve, a distance of 39.27 feet (Chord Bearing = N25°30'31"E, Chord = 35.36 feet) to the Point of Tangency; thence run N70°30'31"E, a distance of 494.40 feet to the Southwest corner of KINDRED PHASE 1E, as recorded in Plat Book 26, Pages 96 through 100 of the Public Records of Osceola County, Florida being the Point of Curvature of a curve concave to the South, having a Radius of 25.00 feet and a Central Angle of 46°22'12"; thence along the south boundary of said KINDRED PHASE 1E the following sixteen (16) courses: run Easterly along the arc of said curve a distance of 20.23 feet (Chord Bearing = S86°18'23"E, Chord = 19.69 feet) to a Point of Reverse Curve to the left having a Radius of 75.00 feet and a Central Angle of 16°21'37"; thence run Easterly along the arc, a distance of 21.42 feet (Chord Bearing = S71°18'05"E, Chord = 21.34 feet) to a Point of Reverse Curve to the right having a Radius of 25.00 feet and a Central Angle of 59°59'25"; thence run Southeasterly

along the arc, a distance of 26.18 feet (Chord Bearing = S49°29'11"E, Chord = 25.00 feet) to the Point of Tangency ; thence run S19°29'29"E, a distance of 33.82 feet; thence run N71°01'53"E, a distance of 50.00 feet; thence run N19°29'29"W, a distance of 34.25 feet to the Point of Curvature of a curve concave to the East, having a Radius of 25.00 feet and a Central Angle of 60°00'35"; thence run Northerly along the arc of said curve a distance of 26.18 feet (Chord Bearing = N10°30'49"E, Chord = 25.00 feet) to a Point of Reverse Curve to the left having a Radius of 75.00 feet and a Central Angle of 16°22'46"; thence run Northeasterly along the arc, a distance of 21.44 feet (Chord Bearing = N32°19'43"E, Chord = 21.37 feet) to a Point of Reverse Curve to the right having a Radius of 25.00 feet and a Central Angle of 46°22'12"; thence run Northeasterly along the arc, a distance of 20.23 feet (Chord Bearing = N47°19'26"E, Chord = 19.69 feet) to the Point of Tangency; thence run N70°30'31"E, a distance of 486.18 feet to the Point of Curvature of a curve concave to the Southwest, having a Radius of 25.00 feet and a Central Angle of 90°00'00"; thence run Southeasterly along the arc of said curve a distance of 39.27 feet (Chord Bearing = S64°29'29"E, Chord = 35.36 feet) to the Point of Tangency; thence run S19°29'29"E, a distance of 56.96 feet; thence run N71°01'53"E, a distance of 50.00 feet; thence run N19°29'29"W, a distance of 57.42 feet to the Point of Curvature of a curve concave to the Southeast, having a Radius of 25.00 feet and a Central Angle of 90°00'00"; thence run Northeasterly along the arc of said curve, a distance of 39.27 feet (Chord Bearing = N25°30'31"E, Chord = 35.36 feet); thence run N70°30'31"E, a distance of 447.47 feet to the Southwest corner of the aforementioned KINDRED (fka TOHO PRESERVE) PHASE 1A AND 1B, said point being a Point of Curvature of a curve concave to the South, having a Radius of 25.00 feet and a Central Angle of 61°35'04"; thence along the South boundary of said KINDRED (fka TOHO PRESERVE) PHASE 1A AND 1B the following five (5) courses: run Easterly along the arc of said curve, a distance of 26.87 feet (Chord Bearing = S78°41'56"E, Chord = 25.60 feet) to a Point of Reverse Curve to the left having a Radius of 120.00 feet and a Central Angle of 123°10'08"; thence run Easterly along the arc, a distance of 257.96 feet (Chord Bearing = N70°30'31"E, Chord = 211.08 feet) to a Point of Reverse Curve to the right having a Radius of 25.00 feet and a Central Angle of 61°35'04"; thence run Northeasterly along the arc, a distance of 26.87 feet (Chord Bearing = N39°42'59"E, Chord = 25.60 feet) to the Point of Tangency; thence run N70°30'31"E along the South line of said

KINDRED (fka TOHO PRESERVE) PHASE 1A AND 1B , a distance of 1,977.92 feet to the Point of Curvature of a curve concave to the Southwest, having a Radius of 25.00 feet and a Central Angle of 92°35'35"; thence run Southeasterly along the arc of said curve, a distance of 40.40 feet (Chord Bearing = S63°11'41"E, Chord = 36.15 feet) to the POINT OF BEGINNING.

Containing 190.462 acres, more or less.

AND

PART TWO

A portion of Lots 1, 2, 15 and 16, Block 23 and a portion of Lots 5 through 10, Block 24 of FLORIDA DRAINED LAND COMPANY'S SUBDIVISION No. 1 as recorded in Plat Book B, Pages 65 and 66 of the Public Records of Osceola County, Florida lying within Section 31, Township 25 South, Range 30 East, Osceola County, Florida being more particularly described as follows:

BEGIN at the Southeast corner of Tract B, THE WOODS AT KINGS CREST as recorded in Plat Book 8, Pages 81 and 82 of the Public Records of Osceola County, Florida; thence run S00°08'33"E along the West line of said THE WOODS AT KINGS CREST, a distance of 675.15 feet; thence run S15°33'31"E along said West line, a distance of 389.88 feet; thence departing said West line, run N74°57'18"W, a distance of 342.21 feet; thence run S71°25'25"W, a distance of 138.85 feet; thence run S78°25'00"W, a distance of 28.06 feet; thence run S87°41'42"W, a distance of 46.81 feet; thence run N14°14'32"E, a distance of 73.80 feet; thence run N28°44'49"W, a distance of 107.78 feet; thence run S67°11'37"W, a distance of 83.93 feet; thence run N80°38'33"W, a distance of 30.64 feet; thence run N47°30'33"W, a distance of 170.22 feet; thence run S79°36'48"W, a distance of 158.67 feet; thence run S40°54'51"W, a distance of 178.23 feet; thence run S34°37'09"W, a distance of 175.70 feet; thence run S41°02'08"W, a distance of 115.41 feet; thence run S07°13'09"E, a distance of 103.50 feet; thence run N54°30'15"W, a distance of 84.27 feet to a point on the Easterly Right of Way of CROSS PRAIRIE PARKWAY as recorded in Official Records Book 3776, Page 633 of the Public Records of Osceola County, Florida, thence along said Easterly Right of Way the following three (3) courses, said point being on a Non-Tangent curve, concave to the East, having a Radius of 985.00 feet and a Central Angle of 08°13'19"; thence run Northerly along the arc of said curve and said Easterly Right of Way, a distance of

141.35 feet (Chord Bearing = N19°08'15"E, Chord = 141.23 feet) to the Point of Tangency; thence run N23°14'55"E, a distance of 254.14 feet to the Point of Curvature of a curve concave to the West, having a Radius of 1,865.00 feet and a Central Angle of 43°38'31"; thence run Northerly along the arc of said curve a distance of 1,420.56 feet (Chord Bearing = N01°25'39"E, Chord = 1,386.47 feet) to the Southwest corner of Tract 19, KINDRED (fka TOHO PRESERVE) PHASE 1A AND 1B as recorded in Plat Book 24, Pages 8 through 16 of the Public Records of Osceola County; thence run S79°39'12"E along the South Line of said Tract 19, a distance of 102.65 feet; thence run S67°54'05"E, a distance of 32.39 feet; thence run S79°44'34"E, a distance of 694.05 feet; thence run S28°08'24"W, a distance of 57.03 feet to the Northwest corner of the aforementioned Tract B; thence along the Westerly and Southerly boundary of Tract B the following two (2) courses: run S00°00'03"E, a distance of 339.34 feet; thence run S89°56'29"E, a distance of 232.68 feet to POINT OF BEGINNING.

Containing 28.335 acres, more or less.

STATE OF FLORIDA DEPARTMENT OF STATE

I, LAUREL M. LEE, 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. 2020-16, which was filed in
this office on January 15, 2020, 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
11th day of February, A.D., 2020.

Laurel M. Lee
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.