

ORDINANCE NO. 2024-64

An Ordinance of the Board of County Commissioners of Osceola County, Florida, establishing the Ovation Community Development District, at approximately 77 acres, pursuant to Chapter 190, Florida Statutes; providing findings; creating and 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 conflicts of law; providing for scrivener's errors; and providing an effective date.

RECITALS

WHEREAS, Meyers Group Partners Acquisitions, LLC ("Petitioner"), having submitted documentation demonstrating that the Petitioner has control by deed, trust agreement, contract, or option of 100 percent (100%) of the real property to be included in the district, has filed a Petition to Establish the Ovation 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 Ovation Community Development District ("District") pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, Petitioner is a Florida limited liability company 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 Ovation 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 "Ovation 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 77 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 or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that may include, but are not limited to, water management and control, water supply, sewer, wastewater management, District roads and street lights, transportation facilities, parking improvements, environmental remediation and cleanup, conservation areas, parks and recreational facilities, security, waste collection and disposal, or any other project, all as authorized and described by Sections 190.012(2)(a) and (2)(d), *Florida Statutes*.

SECTION 7. BOARD OF SUPERVISORS.

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Hank Fishkind, Bill Shewalter, Alan Losada, Logan Crabb, and Alan Garzon. 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.

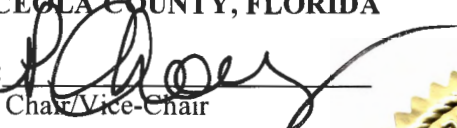
SECTION 9. CONFLICT.

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 upon the recording of a deed in the Official Records of Osceola County, Florida, and presentment of said recorded deed to the Board of County Commissioners of Osceola County, Florida, demonstrating that Petitioner owns 100% of the real property included in the District as described in Exhibit A or the owners of the real property included in the District provide an affidavit granting permission to effectuate the Ordinance.

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

By: 
Its: Chair/Vice-Chair

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

By: 
Its: Clerk/Deputy Clerk of the Board

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

October 07, 2024



EXHIBIT A
EXTERNAL BOUNDARIES OF THE DISTRICT

PARCEL "A", MOTEL AREA:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA; THENCE NORTH 00° 26' 32" EAST ALONG THE WEST BOUNDARY OF SAID QUARTER - QUARTER A DISTANCE OF 68.01 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 2917.81 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 86° 24' 19" WEST A DISTANCE OF 945.34 FEET; THENCE NORTH 01° 02' 23" EAST A DISTANCE OF 760.44 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 1819.86 FEET, AN ARC LENGTH OF 323.83 FEET, A CHORD LENGTH OF 323.40 FEET AND A CHORD BEARING OF NORTH 18° 11' 52" EAST; THENCE ALONG AN ARC HAVING A RADIUS OF 3731.34 FEET, AN ARC LENGTH OF 1074.55 FEET, A CHORD LENGTH OF 1070.84 FEET AND A CHORD BEARING OF NORTH 31° 32' 43" EAST; THENCE NORTH 50° 12' 17" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 39° 47' 43" EAST A DISTANCE OF 947.91 FEET; THENCE SOUTH 56° 15' 05" EAST A DISTANCE OF 523.61 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 781.54 FEET; THENCE NORTH 56° 15' 05" WEST A DISTANCE OF 219.18 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 56° 15' 05" EAST A DISTANCE OF 219.18 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 359.60 FEET; THENCE COUNTERCLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 273.55 FEET, A CHORD LENGTH OF 259.22 FEET AND A CHORD BEARING OF SOUTH 01° 21' 57" WEST; THENCE SOUTH 31° 01' 02" EAST A DISTANCE OF 724.30 FEET; THENCE COUNTERCLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 33.07 FEET, A CHORD LENGTH OF 33.04 FEET AND A CHORD BEARING OF SOUTH 34° 55' 56" EAST; THENCE SOUTH 31° 53' 05" WEST A DISTANCE OF 354.40 FEET TO THE POINT OF BEGINNING.

PARCEL "B", REMOTE CHECK-IN FACILITY:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA; THENCE NORTH 00° 26' 32" EAST ALONG THE WEST BOUNDARY OF SAID QUARTER - QUARTER A DISTANCE OF 68.01 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 1908.95 FEET; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 292.00 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 156.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 35' 13" WEST A DISTANCE OF 473.38 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 158.00 FEET, AN ARC LENGTH OF 163.79 FEET, A CHORD LENGTH OF 156.55 FEET AND A CHORD BEARING OF NORTH 60° 42' 55" WEST; THENCE NORTH 31° 01' 02" WEST A DISTANCE OF 2.83 FEET; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 199.78 FEET; THENCE NORTH 58° 58' 58" EAST A DISTANCE OF 313.05 FEET; THENCE SOUTH 31° 01' 02" EAST A DISTANCE OF 278.11 FEET TO THE POINT OF BEGINNING.

PARCEL "C", COMMERCIAL SITE (WEST PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA; THENCE NORTH 00° 26' 32" EAST ALONG THE WEST BOUNDARY OF SAID QUARTER - QUARTER A DISTANCE OF 68.01 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 794.95 FEET; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF SOUTH 44° 35' 13" WEST; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 942.00 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF NORTH 45° 24' 47" WEST; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 98.00 FEET; THENCE

CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A

CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF NORTH 44° 35' 13" EAST; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 942.00 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF SOUTH 45° 24' 47" EAST; THENCE SOUTH 00° 24' 47" EAST A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING.

PARCEL "D", COMMERCIAL SITE (EAST PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA; THENCE NORTH 00° 26' 32" EAST ALONG THE WEST BOUNDARY OF SAID QUARTER - QUARTER A DISTANCE OF 68.01 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 1908.95 FEET; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF SOUTH 44° 35' 13" WEST; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 921.23 FEET; THENCE NORTH 31° 53' 05" EAST A DISTANCE OF 274.81 FEET; THENCE COUNTER-CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 194.84 FEET, A CHORD LENGTH OF 189.62 FEET AND A CHORD BEARING OF SOUTH 67° 20' 52" EAST; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 599.93 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING SOUTH 45° 24' 47" EAST; THENCE SOUTH 00° 24' 47" EAST A DISTANCE OF 98.00 FEET TO THE POINT OF BEGINNING.

PARCEL "E", BURDENED FEE CARVED OUT AS AN "EASEMENT AREA" BENEFITING ADJACENT PROPERTIES:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA; THENCE NORTH 00° 26' 32" EAST ALONG THE WEST BOUNDARY OF SAID QUARTER - QUARTER A DISTANCE OF 68.01 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 710.95 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 292.00 FEET; THENCE SOUTH 89° 35' 13" WEST A DISTANCE OF 1827.93 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 158.00 FEET, AN ARC LENGTH OF 163.79 FEET, A CHORD LENGTH OF 156.55 FEET AND A CHORD BEARING OF NORTH 60° 42' 55" WEST; THENCE NORTH 31° 01' 02" WEST A DISTANCE OF 724.30 FEET; THENCE ALONG AN ARC HAVING A RADIUS OF 158.00 FEET, AN ARC LENGTH OF 178.60 FEET, A CHORD LENGTH OF 169.24 FEET AND A CHORD BEARING OF NORTH 01° 21' 57" EAST; THENCE NORTH 33° 44' 55" EAST A DISTANCE OF 1541.13 FEET; THENCE NORTH 56° 15' 05" WEST A DISTANCE OF 84.00 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 781.54 FEET; THENCE NORTH 56° 15' 05" WEST A DISTANCE OF 219.18 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 400.00 FEET; THENCE SOUTH 56° 15' 05" EAST A DISTANCE OF 219.18 FEET; THENCE SOUTH 33° 44' 55" WEST A DISTANCE OF 359.60 FEET; THENCE COUNTERCLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 273.55 FEET, A CHORD LENGTH OF 259.22 FEET AND A CHORD BEARING OF SOUTH 01° 21' 57" WEST; THENCE SOUTH 31° 01' 02" EAST A DISTANCE OF 724.30 FEET; THENCE COUNTER-CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 33.07 FEET, A CHORD LENGTH OF 33.04 FEET AND A CHORD BEARING OF SOUTH 34° 55' 56" EAST; THENCE SOUTH 31° 53' 05" WEST A DISTANCE OF 354.40 FEET; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 26.03 FEET; THENCE NORTH 31° 53' 05" EAST A DISTANCE OF 333.96 FEET; THENCE COUNTER-CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 242.00 FEET, AN ARC LENGTH OF 194.84 FEET, A CHORD LENGTH OF 189.62 FEET AND A CHORD BEARING OF SOUTH 67° 20' 52" EAST; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 599.93 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF SOUTH 45° 24' 47" EAST; THENCE SOUTH 00° 24' 47" EAST A DISTANCE OF 178.00 FEET;

THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 112 FEET; THENCE NORTH 00° 24' 47" WEST A DISTANCE OF 178.00 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF NORTH 44° 35' 13" EAST; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 942.00 FEET; THENCE CLOCKWISE ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 47.12 FEET, A CHORD LENGTH OF 42.43 FEET AND A CHORD BEARING OF SOUTH 45° 24' 47" EAST; THENCE SOUTH 00° 24' 47" EAST A DISTANCE OF 178.00 FEET; THENCE NORTH 89° 35' 13" EAST A DISTANCE OF 84.00 FEET TO THE POINT OF BEGINNING.

PARCEL "F" (TRACT 4-A):

A TRACT OF LAND LYING IN SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 25 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA, AFOREMENTIONED; THENCE NORTH 0° 26' 32" EAST A DISTANCE OF 68.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 192; THENCE SOUTH 89° 35' 13" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 192 A DISTANCE OF 1908.95 FEET TO THE WEST LINE OF A STREET INCLUDED IN TRACT 3; THENCE NORTH 0° 24' 47" WEST ALONG THE WEST LINE OF SAID STREET AND AN EXTENSION THEREOF A DISTANCE OF 292.00 FEET TO A POINT ON THE NORTH LINE OF A STREET ALSO INCLUDED IN TRACT 3; THENCE SOUTH 89° 35' 13" WEST ALONG THE NORTH LINE OF SAID STREET A DISTANCE OF 156.55 FEET TO A POINT; SAID POINT BEING THE MOST EASTERLY CORNER OF TRACT 2; THENCE NORTH 31° 01' 02" WEST ALONG THE NORTHEASTERLY LINE OF SAID TRACT 2 A DISTANCE OF 278.11 FEET TO THE MOST NORTHERLY CORNER OF SAID TRACT 2 FOR THE POINT OF BEGINNING; THENCE SOUTH 58° 58' 58" WEST ALONG THE NORTHWESTERLY BOUNDARY OF SAID TRACT 2 A DISTANCE OF 313.05 FEET TO A POINT; THENCE SOUTH 89° 35' 13" WEST CONTINUING ALONG THE NORTHERLY BOUNDARY OF SAID TRACT 2 A DISTANCE OF 199.78 FEET TO A POINT ON THE NORTHEASTERLY LINE OF A STREET BEING ALSO A PART OF TRACT 3; THENCE NORTH 31° 01' 02" WEST ALONG SAID STREET LINE A DISTANCE OF 634.84 FEET TO A POINT; THENCE NORTH 58° 58' 58" EAST, PERPENDICULAR TO SAID STREET LINE A DISTANCE OF 485.00 FEET TO A POINT; THENCE SOUTH 31° 01' 02" EAST A DISTANCE OF 736.55 FEET TO THE POINT OF BEGINNING.