

## ORDINANCE NO. 2022-69

**An Ordinance of the Board of County Commissioners of Osceola County, Florida, Establishing the Ham Brown Reserve Community Development District, at Approximately 177.509 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**, Toll Bros., 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 Ham Brown Reserve 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 Ham Brown Reserve Community Development District ("District") pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, Petitioner is a Pennsylvania 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 Ham Brown Reserve 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 "Ham Brown Reserve 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 177.509 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: Mike Ryan, Matt Simonelli, Stuart McDonald, Scott Leonard and Ben Imfeld. 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.**

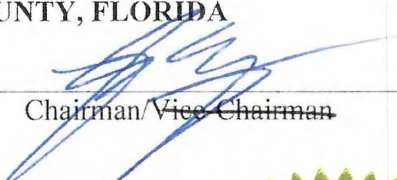
Any ordinance or part thereof, or any resolution, or part thereof, which is in conflict with this ordinance or part hereof is hereby repealed to the extent of the conflict.

**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 27<sup>th</sup> 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 # 2022-69



**EXHIBIT A  
EXTERNAL BOUNDARIES OF THE DISTRICT**

**HAM BROWN RESERVE CDD**

**LEGAL DESCRIPTION**

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 12 AND THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 26 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 12; THENCE S00°21'12"E ALONG THE EAST LINE OF SAID SOUTH 1/2 FOR 1327.91 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE S00°04'03"E ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 13 FOR 2656.87 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 13; THENCE S89°55'38"W ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 FOR 1814.49 FEET; THENCE DEPARTING SAID SOUTH LINE RUN N00°07'52"E FOR 1332.53 FEET; THENCE S89°52'00"W FOR 178.11 FEET; THENCE N00°08'18"E FOR 658.45 FEET; THENCE S89°52'00"W FOR 947.87 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY OF HAM BROWN ROAD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1155.00 FEET AND A CHORD BEARING OF N30°53'14"E; THENCE NORTHEAST ALONG THE ARC OF SAID CURVE AND ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 05°04'40" FOR 102.36 FEET; THENCE N33°25'34"E ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY FOR 588.99 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2155.00 FEET, THENCE NORTHWEST ALONG THE ARC OF SAID CURVE AND ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 26°39'42" FOR 1002.80 FEET TO A POINT ON THE BOUNDARY OF PARCEL 147 DESCRIBED IN THE ORDER OF TAKING PER OFFICIAL RECORDS BOOK 2872, PAGES 373 THROUGH 399; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING EIGHT (8) COURSES; THENCE RUN S48°45'50"E FOR 270.74 FEET; THENCE N66°12'55"E FOR 90.62 FEET; THENCE N01°03'06"E FOR 367.31 FEET; THENCE N45°29'58"W FOR 57.06 FEET; THENCE N42°35'53"W FOR 71.23 FEET; THENCE N38°06'40"W FOR 73.44 FEET; THENCE N43°54'34"W- FOR 78.20 FEET; THENCE N12°10'22"W FOR 52.68 FEET TO A POINT ON THE NORTH LINE OF AFORESAID SOUTH 1/2; THENCE N89°55'39"E ALONG SAID NORTH LINE FOR 2112.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 193.250 ACRES (8,417,985 SQUARE FEET), MORE OR LESS.

**LESS AND EXCEPT:**

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 26 SOUTH, RANGE 28 EAST, OSCEOLA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 12; THENCE S89°55'39"W ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID SOUTHEAST 1/4 FOR 1908.08 FEET; THENCE DEPARTING SAID NORTH LINE RUN S01°03'06"E



FOR 292.93 FEET TO THE POINT OF INTERSECTION OF PARCEL C DESCRIBED IN OFFICIAL RECORDS BOOK 3207, PAGE 2085 AND THE WESTERLY BOUNDARY OF CONSERVATION EASEMENT WL-9 DESCRIBED IN OFFICIAL RECORDS BOOK 2288, PAGE 2881, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY BOUNDARY OF CONSERVATION EASEMENT WL-9 FOR THE FOLLOWING SEVEN (7) COURSES; RUN S45°30'28" E FOR 18.80 FEET; THENCE S51°01'46"E FOR 117.88 FEET; THENCE S59°19'09"E FOR 69.20 FEET; THENCE S61°23'36"E FOR 77.63 FEET; THENCE S70°42'37"E FOR 89.41 FEET; THENCE S66°29'02"E FOR 84.50 FEET; THENCE S66°51'47"E FOR 75.76 TO A POINT ON THE WESTERLY BOUNDARY OF UPLAND PRESERVE U-2 DESCRIBED IN OFFICIAL RECORDS BOOK 2288, PAGE 2881; THENCE S43°45'41"E ALONG SAID WESTERLY BOUNDARY OF UPLAND PRESERVE U-2 FOR 318.32 FEET; THENCE DEPARTING SAID WESTERLY BOUNDARY OF UPLAND PRESERVE U-2 RUN S31°14'42"W FOR 229.31 FEET; THENCE S58°49'53"E FOR 84.22 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 745.14 FEET AND A CHORD BEARING OF S41°12'46"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°05'05" FOR 456.28 FEET; THENCE S45°59'05"W FOR 293.61 FEET; THENCE N44°00'55"W FOR 471.33 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 525.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°44'24" FOR 135.60 FEET TO THE POINT OF TANGENCY; THENCE N58°45'18"W FOR 21.44 FEET; THENCE S31°14'42"W FOR 315.67 FEET; THENCE N58°45'18"W FOR 443.00 FEET; THENCE N31°14'42"E FOR 507.41 FEET; THENCE N01°03'06"E FOR 13.77 FEET TO A POINT ON THE BOUNDARY LINE OF AFORESAID PARCEL C; THENCE CONTINUE N01°03'06"E ALONG SAID BOUNDARY LINE FOR 332.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 15.741 ACRES (685,694 SQUARE FEET), MORE OR LESS.


TOGETHER, CONTAINING A TOTAL ACREAGE OF 177.509 ACRES, MORE OR LESS.



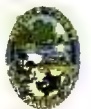


CDD22-0002

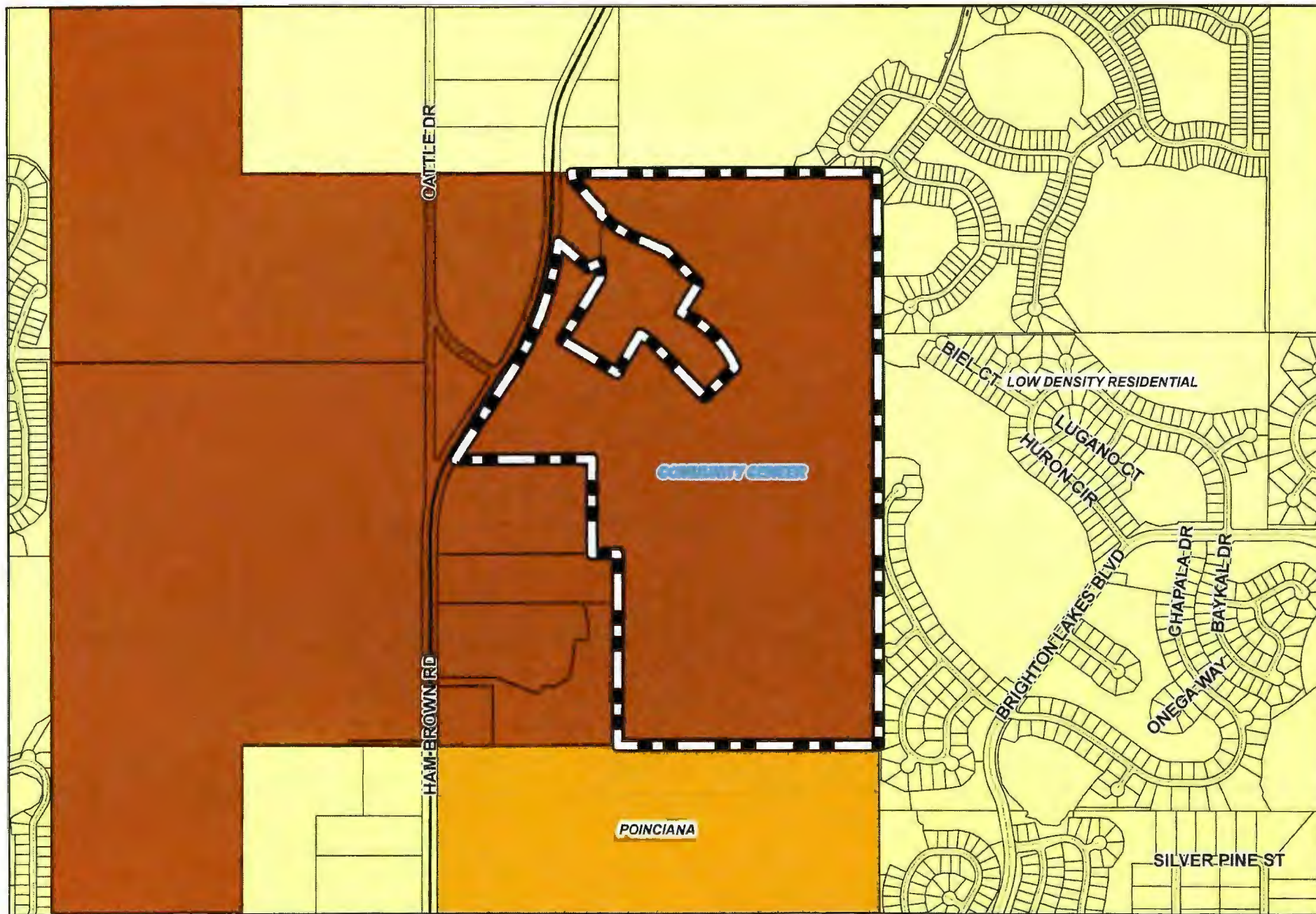
2021 AERIAL  
PHOTOGRAPHY

 Within Urban Growth Boundary

0 800  
Feet







CDD22-0002

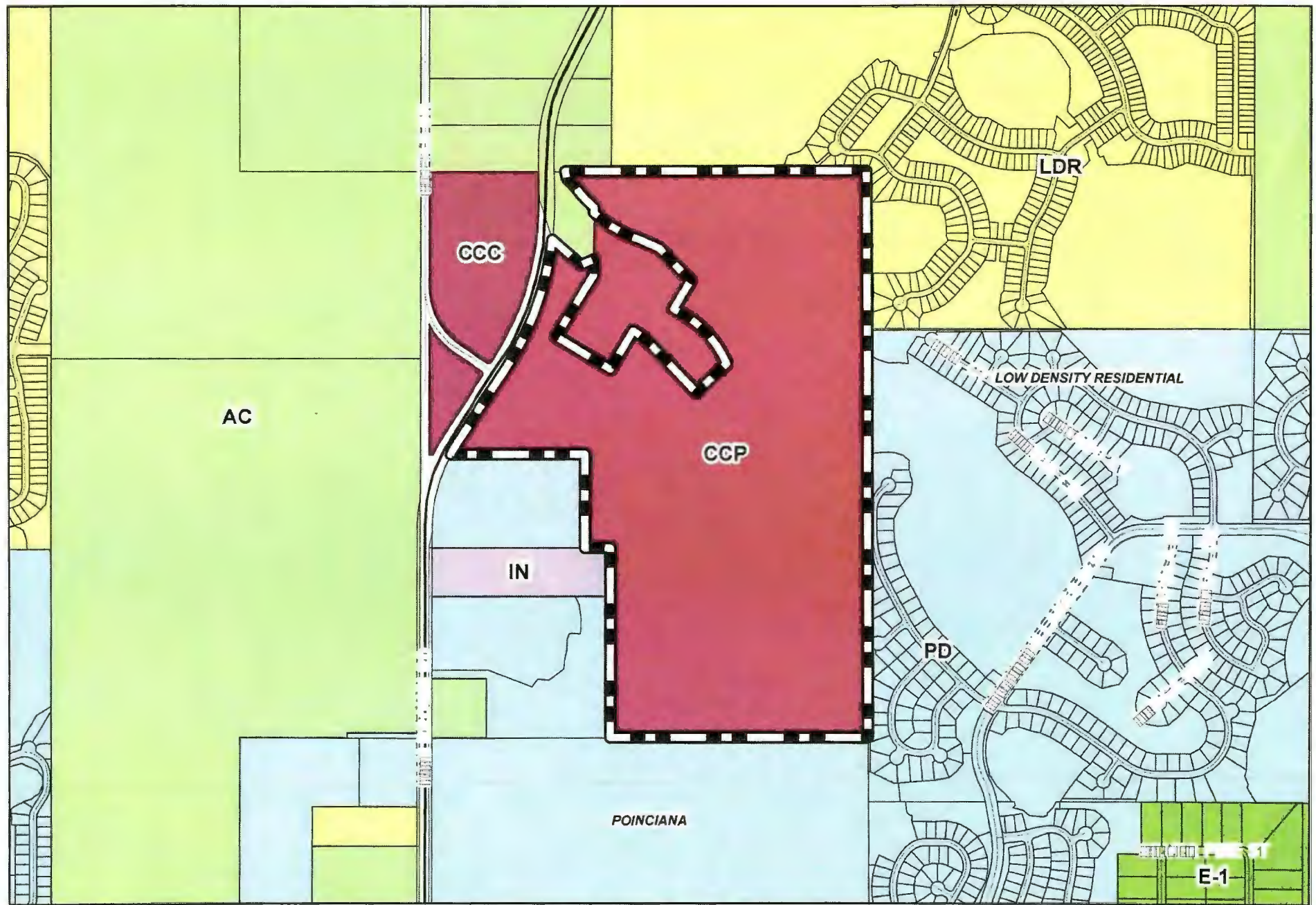
FUTURE  
LAND USE

- Community Center
- Low Density Residential
- Poinciana

0 800  
Feet







**CDD22-0002**

**ZONING MAP**  
 \* Preceding Zoning District

<span style="display:inline-block; width:10px; height:10px; background-color:darkred;"></span> CCC	<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen;"></span> E-1*
<span style="display:inline-block; width:10px; height:10px; background-color:darkred;"></span> CCP	<span style="display:inline-block; width:10px; height:10px; background-color:lightblue;"></span> PD
<span style="display:inline-block; width:10px; height:10px; background-color:lightpink;"></span> IN	<span style="display:inline-block; width:10px; height:10px; background-color:yellow;"></span> LDR
<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen;"></span> AC	



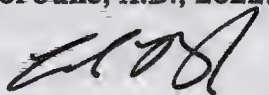


# STATE OF FLORIDA DEPARTMENT OF STATE

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. 2022-69, Ham Brown Reserve 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.