

BOARD OF COUNTY COMMISSIONERS OF  
OSCEOLA COUNTY, FLORIDA

ORDINANCE NO.00-05

AN ORDINANCE ESTABLISHING HARMONY COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE COUNTY MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Birchwood Acres Limited Partners, ("Petitioner") has petitioned the Osceola County Board of County Commissioners ("Board") to establish, by non-emergency ordinance, the Harmony Community Development District ("District"); and

WHEREAS, the Board, after proper published notice, conducted a local, public, legislative and information-gathering ordinance hearing as required by law and hereby finds as follows:

1. The Petition is complete in that it meets the requirements of section 190.005(1)(a), Florida Statutes (1999 as amended and hereafter); and, all statements contained within the petition are true and correct;

2. The appropriate administrative and legislative staff persons of Osceola County have reviewed and approved the petition for establishment of the District on the proposed land and it is complete and sufficient;

3. The costs to Osceola County and government agencies from establishment of the District are nominal. There is no adverse impact on competition or employment from District establishment.

The persons affected by establishment are the future landowners, present landowners, Osceola County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from District establishment as the state law created government entity to manage and finance the statutory services identified. The impact of District establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the District. Methodology is as set forth in the Statement of Estimated Regulatory Costs ("SERC") on file with the County. The SERC of the Petitioner on District establishment is complete and adequate in that it meets the requirements of section 120.541, Florida Statutes;

4. Establishment of the District by this Ordinance, whose uniform general law charter is sections 190.006 - 190.041, Florida Statutes, created by general law, is subject to and not inconsistent with the local Comprehensive Plan of Osceola County and with the State Comprehensive Plan;

5. That the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community;

6. The District is the best alternative available for delivering community development services and facilities to the

area proposed to be serviced by the District;

7. The community development systems, facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities;

8. The area that is proposed to be served by the District is amenable to separate special district government;

9. The District, once established, may petition the Board for consent to exercise one or more of the special powers granted by charter in section 190.012(2), Florida Statutes, and the county in reaching its conclusions, has considered the potential exercise by the District of all the powers set forth in section 190.012(1-3), Florida Statutes.

10. Upon the effective date of this establishing Ordinance, the Harmony Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law; and, has the right to seek consent from Osceola County for the grant of authorization to exercise special powers in accordance with, and granted by, charter section 190.012(2), Florida Statutes, without question as to the District's establishment and its continued rights, authority and power to exercise its limited powers under law.

11. All notice requirements of law were met and complete notice was timely given.

**NOW, THEREFORE, BE IT ORDAINED** by the Board that:

**SECTION ONE: DISTRICT NAME**

The Community Development District herein established will be known as the "Harmony Community Development District."

**SECTION TWO: AUTHORITY FOR ORDINANCE**

This Ordinance is adopted pursuant to section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

**SECTION THREE: ESTABLISHMENT OF DISTRICT**

The Harmony Community Development District, as created by general law, is hereby established within the boundaries of the real property described in Exhibit "2" attached hereto and incorporated by reference herein.

**SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS**

The following five persons are herewith designated to be the initial members of the Board of Supervisors of the District:

- |                          |   |
|--------------------------|---|
| (1)<br>whose address is: | Mrs. Martha E. Lentz<br>3233 Tindall Acres Road<br>Kissimmee, Florida 32804                   |
| (2)<br>whose address is: | Mr. James O'Keefe<br>940 Douglas Avenue, Apt. #196<br>Altamonte Springs, Florida 32714        |
| (3)<br>whose address is: | Mr. William "Billy" Johnson<br>Post Office Box 420843<br>Kissimmee, Florida 34742             |
| (4)<br>whose address is: | Mr. Kenneth Peach<br>7146 Shady Wood Lane<br>Orlando, Florida 32835                           |
| (5)<br>whose address is: | Mr. Gregory Scott Butterfield<br>6861 N. W. 104 <sup>th</sup> Lane<br>Parkland, Florida 33076 |

**SECTION FIVE: STATUTORY PROVISIONS CONSTITUTING THE UNIFORM CHARTER DISTRICT**

Harmony Community Development District shall be governed by the provision of chapter 190, Florida Statutes, specifically sections 190.006 - 190.041, Florida Statutes, which constitutes its uniform charter created by general law.

**SECTION SIX: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance or resolution of Osceola County or other applicable law, the more restrictive shall apply. If any phase or portion of this Ordinance is 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 portion.

**SECTION SEVEN. EFFECTIVE DATE**

This Ordinance becomes effective upon filing with the Florida Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and being put to a vote was as follows:

ROBERT GUEVARA \_\_\_\_\_

MARY JO ARRINGTON \_\_\_\_\_

KEN SHIPLEY \_\_\_\_\_

KEN SMITH \_\_\_\_\_

CHUCK DUNNICK \_\_\_\_\_

DULY PASSED AND ADOPTED this 28 day of February, 2000.

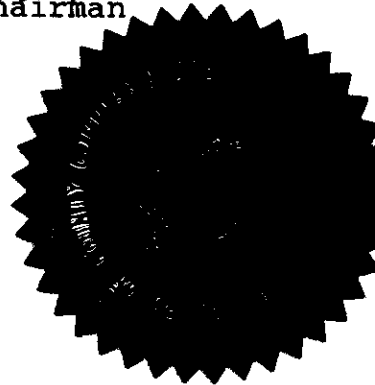
ATTEST:  
PAULA CARPENTER, CLERK

By: Paula J Carpenter  
Paula Carpenter, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA

By: Kenneth Y. Smith  
Kenneth Y. Smith, Chairman

APPROVED AS TO FORM  
By: Kate Payne  
Kate Payne, Deputy Co. Attorney



(STATE OF FLORIDA)  
(COUNTY OF OSCEOLA)

I, Paula Carpenter, Clerk to the Osceola County Board of County Commissioners, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 00-05  
which was adopted by the Osceola County Board of County Commissioners during Regular Session on the 28 day of February, 2000.

By: Paula J Carpenter

Clerk, Board of County Commissioners, Osceola County.

NOTICE THAT THIS ORDINANCE HAS BEEN FILED WITH THE FLORIDA STATE BUREAU OF ADMINISTRATIVE CODE.

ON March 06, 2000

BY Paula J Carpenter  
DEPUTY CLERK OF THE BOARD

BK 0170 PG 0840A

Petition for Establishment  
**Harmony Community Development District**



*Prepared By:*

*Kenza van Assenderp  
Young, van Assenderp, Varnadoe & Anderson, P.A.  
Gallie's Hall  
225 South Adams, Suite 200  
Tallahassee, Florida 32302-1833*

BOARD OF COUNTY COMMISSIONERS  
OSCEOLA COUNTY, FLORIDA

RE: PROPOSED ORDINANCE PURSUANT TO  
SECTION 190.005(2), FLORIDA STATUTES,  
TO ESTABLISH THE HARMONY  
COMMUNITY DEVELOPMENT DISTRICT

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**PETITION FOR ESTABLISHMENT OF A  
COMMUNITY DEVELOPMENT DISTRICT**

Birchwood Acres Limited Partners ("Petitioner"), by and through its undersigned attorney, petitions the BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, ("Commission") to adopt an ordinance: recognizing the community development district ("District") as created by general law, the Uniform Community Development District Act of Florida, chapter 190, Florida Statutes (1999 and hereafter); acknowledging the uniform District charter contained in sections 190.006 - 190.041, therein; establishing the District; and, designating the proposed land area within which the District may manage and finance its basic infrastructure systems, facilities and services. In support thereof, Petitioner submits:

1. Petitioner, Birchwood Acres Limited Partners, has its principal place of business at 20 North Orange Avenue, Suite 1400, Orlando, Florida 32801, and its General Partner is James L. Lentz.

2. The land area to be served by the District is located wholly within Osceola County. The land area is bounded on the north by Buck Lake and undeveloped land; the south by U.S. Highway 441/192; on the east by Cat Lake and undeveloped land; and the west by undeveloped land abutting U.S. Highway 441/192; and comprises approximately 993 contiguous acres. A map showing the



location of the land area to be serviced by the District is attached as Exhibit "1".

3. A metes and bounds legal description of the external boundaries of the District is attached as Exhibit "2". There is no real property within the boundaries of the District which is to be excluded from the jurisdiction of the District.

4. Attached as Exhibit "3" is documentation constituting written consent to the establishment of the District by the owners of 100% of the real property to be included in the land to be serviced by the District.

5. The five (5) persons designated to serve as the initial members of the Board of Supervisors of the District, who shall serve in that office until replaced by elected members, as provided in section 190.006, Florida Statutes, are:

- |   |  |
|---|--|
| (1)<br>whose address and relationship to petitioner, if any, are: | Mrs. Martha E. Lentz<br>3233 Tindall Acres Road<br>Kissimmee, Florida 32804<br>(Wife of General Partner)                       |
| (2)<br>whose address and relationship to petitioner, if any, are: | Mr. James O'Keefe<br>940 Douglas Avenue, Apt. #196<br>Altamonte Springs, Florida 32714<br>(Brother-in-law of General Partner)  |
| (3)<br>whose address and relationship to petitioner, if any, are: | Mr. William "Billy" Johnson<br>Post Office Box 420843<br>Kissimmee, Florida 34742<br>(Not an Employee or Relative)             |
| (4)<br>whose address and relationship to petitioner, if any, are: | Mr. Kenneth Peach<br>7146 Shady Wood Lane<br>Orlando, Florida 32835<br>(Not an Employee or Relative)                           |
| (5)<br>whose address and relationship to petitioner, if any, are: | Mr. Gregory Scott Butterfield<br>6861 N. W. 104 <sup>th</sup> Lane<br>Parkland, Florida 33076<br>(Not an Employee or Relative) |

6. The name of the District is the Harmony Community Development District. The District charter is a uniform charter created expressly in uniform general law in sections 190.006 - 190.041, Florida Statutes.

7. A map of the land area proposed for the establishment of the state-created, statutory District, showing current major trunk water mains, sewer interceptors, utilities and outfalls, if any, is attached as Exhibit "4".

8. The estimate of proposed timetables and related costs of construction and provision of District systems, facilities and services which are contemplated by Petitioners and which may be proposed to the District's Board of Supervisors, when established, and based upon available data, which are subject to change, is attached as Exhibit "5".

9. Osceola County has adopted all mandatory elements of its Local Government Comprehensive Plan ("Plan") in accordance with requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as amended in 1986, and Osceola County has completed its revised plan for minimum criterion review pursuant to *chapter 9J-5, Florida Administrative Code*, by Osceola County ordinance No. 91-05, as amended, which is currently in effect, and which is currently in compliance. Osceola County Ordinance No. 93-11 and all amendments as enacted by Ordinance Nos. 93-14, 93-15, 94-11, 94-22, 95-12, 96-24, 96-25 and 97-7 presently designate the land area within the legal description of the land proposed to be serviced by the state-created District as "Rural Community."

A copy of Osceola County Ordinance No. 93-11 and all amendments as enacted by Ordinance Nos. 93-14, 93-15, 94-11, 94-22, 95-12, 96-24, 96-25 and 97-7 and the entire Osceola County Comprehensive Plan, as amended, are on file with the with the Osceola County Attorney's Office and the Osceola County Comprehensive Planning Staff, so that accordingly, only the future

land use map ("FLUM") is attached as Exhibit "6".

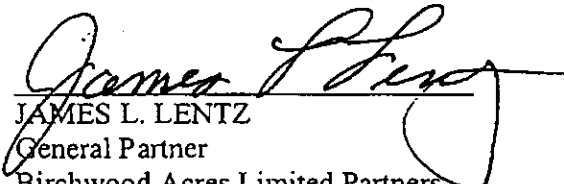
11. Petitioner contemplates a petition by the District, once established, to obtain consent of the Commission, as provided by section 190.012(2), Florida Statutes, to exercise some or all the powers granted therein to the District by the general law charter.

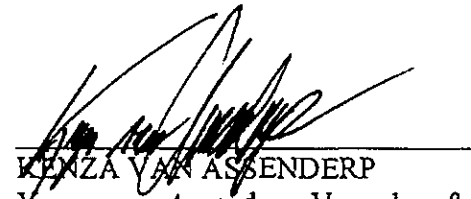
**WHEREFORE**, Petitioner respectfully requests the Commission to:

A. Direct its staff to notice, as soon as practicable, a local, public, non-emergency and information-gathering and ordinance hearing pursuant to the requirements of section 190.005(2)(c), Florida Statutes, on the subject of whether to grant this Petition for the establishment on the proposed land area of the Harmony Community Development District and to enact the ordinance establishing the District.

B. Grant this Petition and adopt the ordinance to establish the District in conformity herewith: expressly to designate in the ordinance the land area to be the land served by the District, the name of the District, and the initial Board of Supervisors of the District and expressly to recognize in the ordinance, by statutory citation, that the uniform, general law charter of the District was created by the Florida Legislature in sections 190.006 - 190.041, Florida Statutes. Recognize the impending petition to allow the District to exercise powers granted by law under section 190.012(2), Florida Statutes, and that such potential exercise has been reviewed and assessed to the date of the ordinance. Finally, provide that, with regard to any future specific consent by Osceola County to the exercise by the District of any other special powers granted expressly in its general law charter, the legal existence and authority of the District, as created by State law and as established by this ordinance, shall have thereby been decided.

Respectfully submitted this 13 day of Dec., 1999.

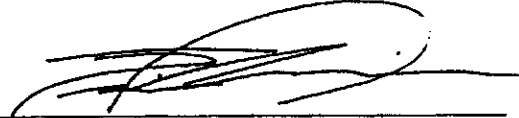
  
\_\_\_\_\_  
JAMES L. LENTZ  
General Partner  
Birchwood Acres Limited Partners  
20 North Orange Avenue, Suite 1400  
Orlando, FL 32801  
407-426-9611

  
\_\_\_\_\_  
KENZA VAN ASSENDERP  
Young, van Assenderp, Vamadoe, & Anderson P.A.  
225 S. Adams Street, Suite 200  
Tallahassee, Florida 32301  
(850) 222-7206  
Attorneys for Petitioner

BK 0170 PG 0840F

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that a true and correct copy of the foregoing Petition for Establishment of a Community Development District was furnished to the Osceola County Attorney's Office this 13 day of DEC., 1999, by U. S. regular mail to: Jo Thacker, Assistant Osceola County Attorney, Osceola County Attorney's Office, 17 South Vernon Avenue, Kissimmee, Florida 34741.



Timothy S. Franklin  
Florida Bar I.D. No. 172464

For: Kenza van Assenderp

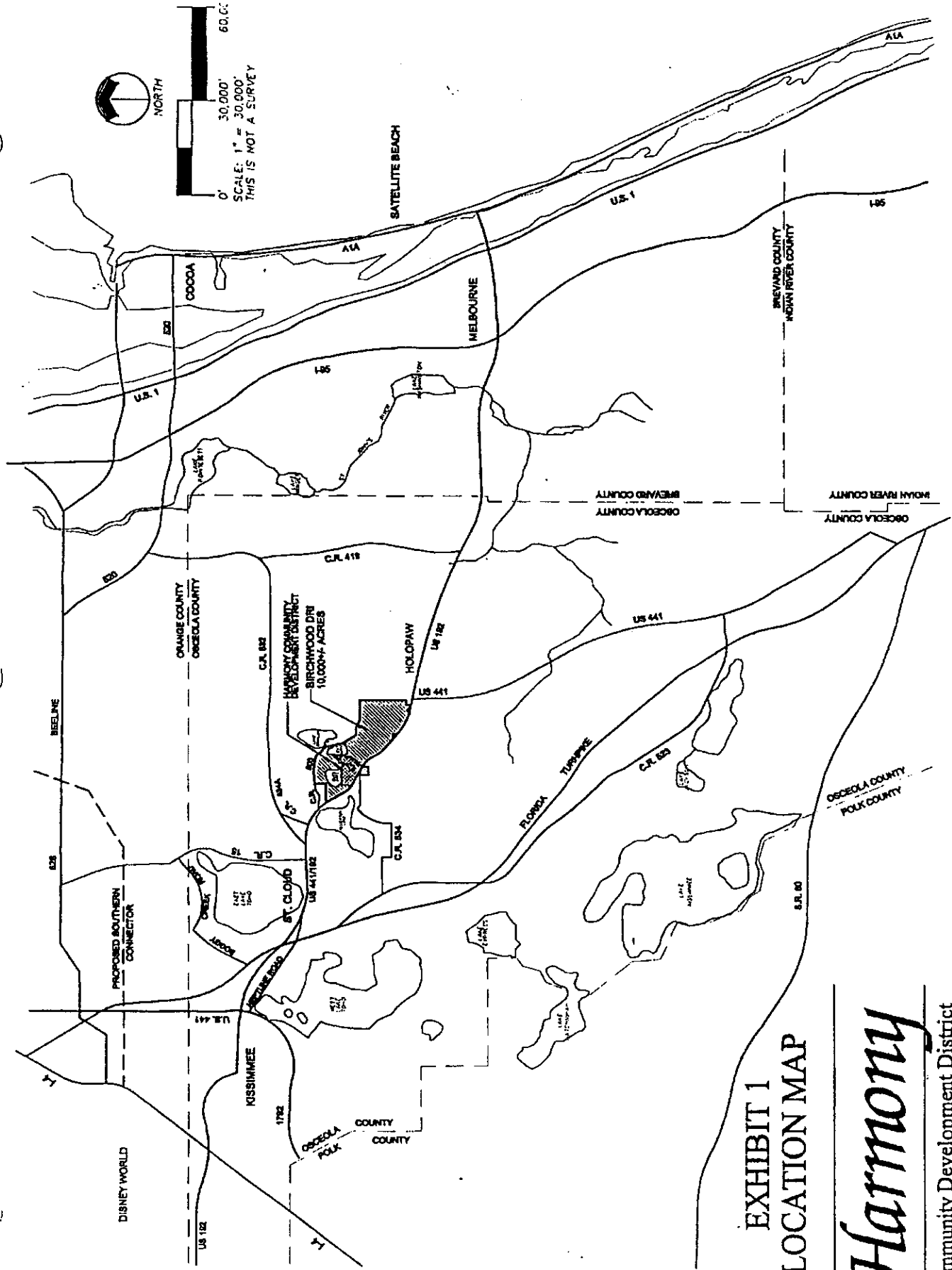


EXHIBIT 1  
LOCATION MAP

*Harmony*

Community Development District

HARMONY - COMMUNITY DEVELOPMENT DISTRICT

(12/2/99)

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTIONS 18, 19, 29 AND 30, TOWNSHIP 26 SOUTH, RANGE 32 EAST AND IS SECTIONS 24 AND 25, TOWNSHIP 26 SOUTH, RANGE 31 EAST, DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 32 EAST; THENCE RUN S89°56'25"W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 1495.82 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY #441 AND #192, ALSO KNOWN AS STATE HIGHWAY #24 AND #500; THENCE RUN N60°13'25"W ALONG SAID RIGHT OF WAY LINE, 2033.76 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE N60°13'25"W, 5441.41 FEET TO A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN NORTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 14°23'26", A RADIUS OF 3769.83 FEET, AN ARC LENGTH OF 946.85 FEET, A CHORD BEARING OF N53°01'42"W AND A CHORD DISTANCE OF 944.36 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE RUN THE FOLLOWING COURSES AND DISTANCES N74°13'41"E, 52.83 FEET; N86°39'51"E, 46.70 FEET; N67°55'40"E, 44.33 FEET; N40°27'30"E, 47.08 FEET; N29°24'43"E, 114.95 FEET; N46°10'11"E, 45.80 FEET; N82°04'52"E, 52.12 FEET; S60°31'49"E, 49.70 FEET; S24°48'19"E, 47.74 FEET; S06°46'08"E, 53.69 FEET; S49°19'36"E, 26.55 FEET; S50°30'35"E, 199.26 FEET; S69°32'11"E, 37.49 FEET; N28°10'14"E, 81.94 FEET; 46°39'41"E, 37.99 FEET; N81°44'19"E, 34.19 FEET; S73°24'20"E, 38.25 FEET; S76°15'24"E, 141.81 FEET; N89°56'15"E, 193.97 FEET; N74°42'23"E, 194.59 FEET; N41°26'00"E, 76.49 FEET; N00°01'11"E, 163.97 FEET; N09°48'56"W, 383.06 FEET; N15°23'16"W, 303.63 FEET; N05°05'09"W, 224.32 FEET; N01°10'39"E, 145.00 FEET; N17°58'49"E, 193.59 FEET; N18°34'59"E, 168.84 FEET; N15°46'56"W, 357.00 FEET; N20°53'23"W, 335.24 FEET; N05°57'48"W, 60.92 FEET; N26°52'07"E, 72.71 FEET; N61°02'06"E, 47.84 FEET; N76°44'52"E, 110.72 FEET; N72°42'27"E, 120.32 FEET; S77°41'29"E, 99.75 FEET; S71°00'39"E, 115.03 FEET; S64°04'27"E, 121.52 FEET; S73°52'48"E, 373.73 FEET; S77°46'44"E, 378.59 FEET; S77°14'14"E, 206.57 FEET; S89°48'08"E, 225.50 FEET; N88°05'31"E, 223.48 FEET; N79°47'07"E, 215.76 FEET; N71°31'29"E, 221.04 FEET; N65°31'42"E, 260.93 FEET; N72°24'14"E, 191.13 FEET; N80°28'07"E, 314.47 FEET; S81°33'33"E, 210.19 FEET; S63°38'04"E, 145.36 FEET; S48°41'35"E, 151.51 FEET; S47°07'30"E, 206.14 FEET; S67°18'48"E, 140.62 FEET; S85°22'36"E, 196.16 FEET; N78°57'44"E, 180.51 FEET; N45°52'40"E, 100.47 FEET; N06°07'25"E, 183.68 FEET; N04°22'00"W, 221.51 FEET; S84°38'03"E, 193.13 FEET; S07°16'17"E, 254.90 FEET; S77°48'56"E, 122.23 FEET; N79°04'44"E, 129.36 FEET; S81°33'56"E, 148.43 FEET; N78°59'12"E, 230.41 FEET; N75°58'39"E, 255.49 FEET; N82°27'50"E, 143.27 FEET; N40°02'39"E, 91.96 FEET; N26°34'38"E, 103.93 FEET; N68°18'07"E, 82.12 FEET; S68°32'04"E, 129.70 FEET; N79°31'45"E, 69.41 FEET; S65°07'59"E, 65.06 FEET; S29°16'41"E, 76.57 FEET; S65°38'22"E, 131.26 FEET; N82°34'06"E, 102.70 FEET; S69°49'27"E, 91.03 FEET; S89°40'00"E, 89.03 FEET; N70°55'44"E, 83.19 FEET; S89°22'52"E, 221.92 FEET; S69°59'28"E, 98.46 FEET; S60°24'40"E, 184.64 FEET; S46°10'37"E, 142.24 FEET; S38°35'30"W, 91.08 FEET; S23°01'42"E, 32.07 FEET; S68°58'51"E, 56.41 FEET; S30°04'42"E, 56.06 FEET; S17°19'48"W, 79.33 FEET; S43°27'24"W, 80.28 FEET; S23°20'53"W, 136.67 FEET; S39°31'56"W, 88.43 FEET; S64°16'14"W, 145.65 FEET; S41°38'38"W, 55.43 FEET; S07°17'07"W, 78.29 FEET; S26°24'19"W, 71.91 FEET; S48°50'42"W, 147.15 FEET; S11°00'07"E, 74.42 FEET; S12°36'55"W, 79.78 FEET; S28°27'31"W, 122.76 FEET; S32°23'07"W, 268.90 FEET; S19°27'45"W, 84.25 FEET; S05°42'27"W, 78.38 FEET; S07°19'46"W, 126.97 FEET; S29°53'13"W, 150.93 FEET; S32°03'43"W, 198.15 FEET; S37°16'02"W, 120.01 FEET; S44°54'04"W, 190.75 FEET; S54°43'58"W, 209.32 FEET; S64°43'54"W, 197.54 FEET; S72°36'24"W, 190.31 FEET; S77°06'42"W, 183.44 FEET; S53°39'03"W, 167.36 FEET; S29°25'41"W, 164.56 FEET; S05°48'52"W, 159.14 FEET; S10°15'13"E, 189.83 FEET; S42°49'00"E, 288.98 FEET; S38°19'19"E, 267.38 FEET; S38°16'37"E, 330.61 FEET; S37°24'37"E, 317.44 FEET; N59°19'07"E, 97.26 FEET; N03°19'18"E, 154.72 FEET; N28°05'05"E, 115.87 FEET; N62°00'28"E, 139.54 FEET; N85°46'22"E, 134.79 FEET; S64°35'28"E, 101.32 FEET; S46°36'21"E, 161.64 FEET; N50°08'26"E, 175.86 FEET; N66°49'48"W, 70.74 FEET; N35°28'20"W, 147.51 FEET; N26°58'52"W, 225.93 FEET;

BK 0170 PG 0840 I

N26°32'14"W, 164.57 FEET; N14°54'38"W, 96.45 FEET; N23°29'12"E, 68.20 FEET; N29°14'03"E, 76.89  
 FEET; N14°57'17"E, 115.23 FEET; N39°34'53"E, 97.95 FEET; N16°22'13"E, 76.52 FEET; N08°42'13"E,  
 126.60 FEET; N31°49'13"E, 104.86 FEET; N56°51'11"E, 133.71 FEET; N76°16'49"E, 122.54 FEET;  
 N26°33'06"E, 109.00 FEET; N55°54'53"E, 157.23 FEET; N07°06'06"E, 43.40 FEET; N22°28'00"W, 136.76  
 FEET; N35°45'10"W, 204.88 FEET; N49°42'58"W, 125.18 FEET; N15°22'29"W, 72.78 FEET;  
 N06°45'39"E, 95.03 FEET; N25°50'38"E, 125.55 FEET; N32°58'28"E, 244.53 FEET; N25°27'54"E, 184.39  
 FEET; N24°40'31"E, 162.54 FEET; N33°56'16"E, 209.31 FEET; N33°09'41"E, 230.29 FEET; N62°58'11"E,  
 89.27 FEET; S86°48'42"E, 35.96 FEET; N01°26'11"E, 48.79 FEET; N30°31'46"E, 116.31 FEET;  
 N48°13'05"E, 120.58 FEET; N23°27'52"E, 135.04 FEET; N15°08'51"W, 110.36 FEET; N25°28'06"W,  
 244.31 FEET; N28°06'06"W, 172.87 FEET; N07°32'36"W, 154.27 FEET; N03°28'43"E, 117.54 FEET;  
 N22°18'56"W, 78.40 FEET; N30°52'29"W, 144.54 FEET; N15°36'11"W, 150.68 FEET; N00°09'19"E,  
 160.40 FEET; N33°49'27"E, 47.85 FEET; N68°42'05"E, 50.49 FEET; N71°42'57"E, 81.17 FEET;  
 N59°09'27"E, 121.60 FEET; N84°51'35"E, 106.60 FEET; S70°25'00"E, 119.57 FEET; S68°46'58"E,  
 293.37 FEET; S45°08'47"E, 59.39 FEET; S18°03'29"E, 205.37 FEET; S53°04'43"E, 53.52 FEET;  
 S82°33'06"E, 123.38 FEET; S67°20'12"E, 125.97 FEET; S42°31'07"E, 98.20 FEET; S16°52'41"E, 60.02  
 FEET; S32°50'50"W, 55.58 FEET; S73°19'20"W, 32.39 FEET; S87°58'11"W, 154.06 FEET; S41°23'58"W,  
 46.70 FEET; S10°15'06"E, 71.86 FEET; S59°08'56"E, 132.74 FEET; N84°08'45"E, 46.37 FEET;  
 N36°44'52"E, 227.34 FEET; S71°52'22"E, 403.14 FEET; N82°00'57"E, 53.60 FEET; S38°44'32"E, 118.22  
 FEET; S63°37'59"E, 107.96 FEET; S82°29'47"E, 91.47 FEET; S37°47'03"E, 53.12 FEET; N83°46'51"E,  
 108.72 FEET; S87°41'23"E, 100.10 FEET; N64°38'26"E, 464.69 FEET; N89°16'24"E, 86.03 FEET;  
 S51°36'27"E, 71.23 FEET; S14°23'41"E, 141.83 FEET; S08°24'38"W, 97.45 FEET; S56°19'47"W, 54.91  
 FEET; S80°37'06"W, 126.99 FEET; S43°08'43"E, 111.73 FEET; S07°20'52"E, 113.82 FEET;  
 S27°01'39"W, 103.02 FEET; S41°29'48"W, 119.95 FEET; S61°10'31"W, 219.05 FEET; S14°22'58"W,  
 149.33 FEET; S03°41'05"W, 134.37 FEET; S01°27'49"W, 186.11 FEET; S05°51'13"E, 144.67 FEET;  
 S13°24'58"W, 83.29 FEET; S55°21'39"W, 73.01 FEET; S66°01'02"W, 135.99 FEET; S71°07'35"W, 169.55  
 FEET; S03°11'55"E, 30.53 FEET; S09°12'59"E, 102.63 FEET; S09°07'42"W, 117.47 FEET; S02°58'15"E,  
 51.08 FEET; S17°51'05"E, 104.63 FEET; S16°16'53"E, 358.03 FEET; S10°04'56"E, 162.39 FEET;  
 S03°39'34"W, 197.38 FEET; S16°51'56"W, 148.41 FEET; S23°51'14"W, 678.40 FEET; S33°38'59"W,  
 118.39 FEET; S83°43'00"W, 118.24 FEET; S06°53'54"W, 103.56 FEET; S23°49'41"W, 233.30 FEET;  
 S43°13'03"W, 204.79 FEET; S55°45'55"W, 174.66 FEET; S24°17'29"E, 221.13 FEET; S23°24'01"W,  
 129.21 FEET; N64°58'12"W, 148.70 FEET; S81°37'08"W, 365.07 FEET; N54°09'47"W, 194.69 FEET;  
 S50°56'14"W, 56.06 FEET; S13°18'50"W, 225.35 FEET; N80°13'54"E, 153.38 FEET; S76°14'27"E, 145.22  
 FEET; S65°22'22"E, 124.00 FEET; S35°13'38"E, 104.11 FEET; S02°17'29"W, 149.04 FEET;  
 S85°05'24"W, 166.46 FEET; N67°11'25"W, 138.10 FEET; N84°08'10"W, 106.42 FEET; S62°39'31"W,  
 75.70 FEET; S10°57'28"W, 49.06 FEET; S50°05'47"W, 156.67 FEET; S85°45'52"W, 77.83 FEET;  
 S42°46'45"W, 146.62 FEET; N42°31'15"W, 165.33 FEET; N18°00'22"W, 510.78 FEET; N00°46'28"W,  
 120.44 FEET; N77°00'20"W, 93.95 FEET; S41°23'34"W, 271.07 FEET; S50°13'14"W, 212.96 FEET;  
 S60°53'49"W, 221.24 FEET; S38°17'22"E, 205.40 FEET; S84°56'31"E, 254.32 FEET; S70°17'16"E,  
 363.80 FEET; S30°48'33"E, 168.60 FEET; N79°42'54"E, 224.81 FEET; S54°47'08"E, 115.98 FEET;  
 S89°58'00"E, 115.42 FEET; N39°35'12"E, 200.09 FEET; N48°45'33"E, 162.90 FEET; N86°21'12"E,  
 118.53 FEET; S72°05'54"E, 166.49 FEET; S13°03'34"E, 71.44 FEET; S53°09'04"W, 148.71 FEET;  
 S38°03'56"W, 139.86 FEET; S55°41'03"W, 212.67 FEET; S55°54'17"W, 284.66 FEET; N87°25'04"W,  
 111.40 FEET; N82°03'40"W, 235.19 FEET; S88°30'51"W, 230.97 FEET; S58°52'04"W, 100.76 FEET;  
 N67°43'02"W, 99.94 FEET; N64°55'23"W, 147.57 FEET; N88°50'52"W, 265.00 FEET; S14°35'05"W,  
 158.79 FEET; S02°59'28"W, 154.69 FEET; S21°44'34"E, 159.48 FEET; S07°03'31"W, 142.64 FEET;  
 S19°07'48"E, 177.70 FEET; S22°03'42"W, 99.38 FEET; S35°27'06"W, 112.21 FEET; S20°14'19"W,  
 105.00 FEET; S64°27'31"W, 59.16 FEET; S32°08'36"W, 66.18 FEET; N60°13'25"W, 2000.97 FEET TO  
 THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 992.594 ACRES MORE OR LESS.



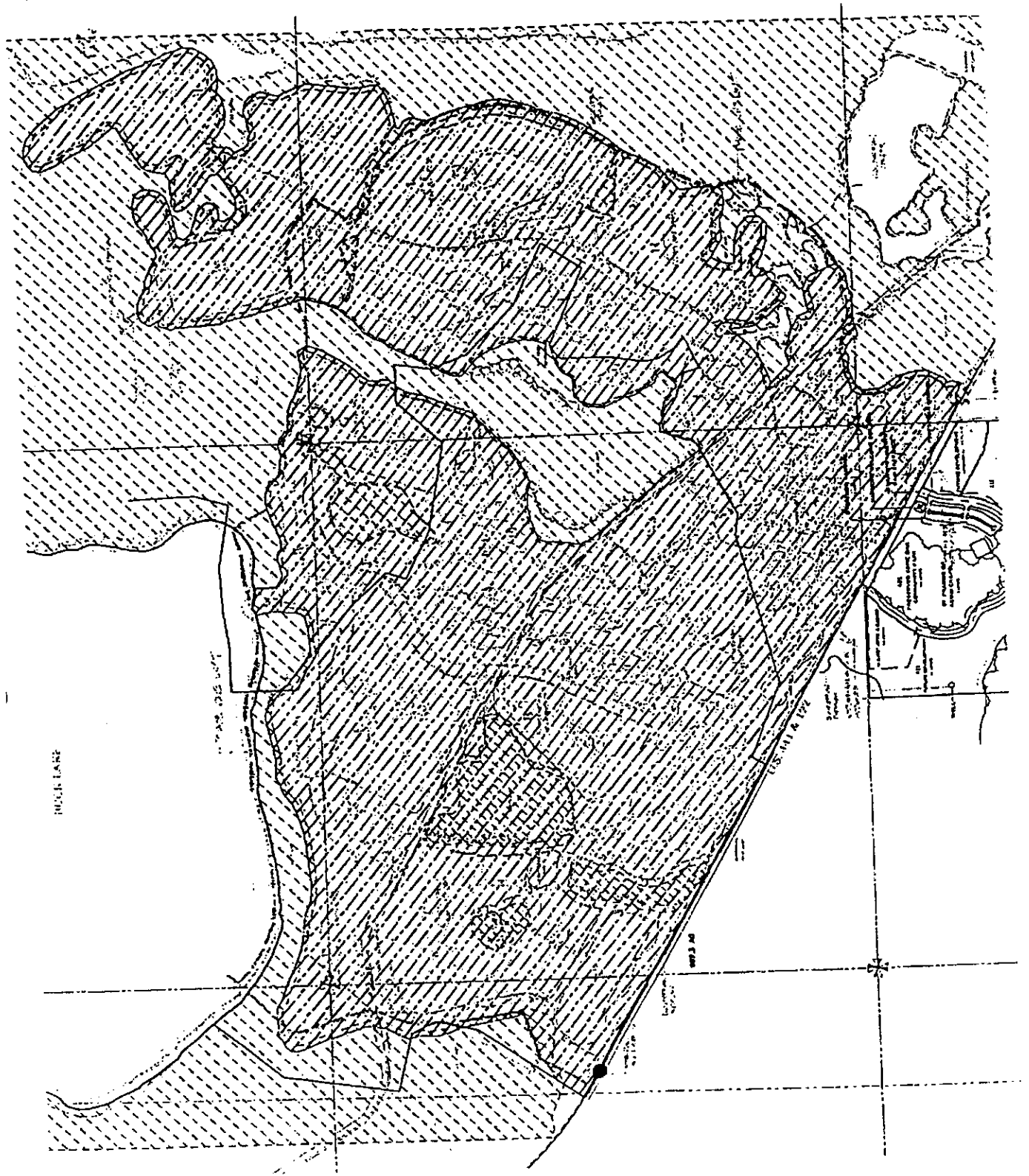


Exhibit "3"

LANDOWNER'S CONSENT TO ESTABLISHMENT OF DISTRICT

Birchwood Acres Limited Partners, with its principal place of business at 20 North Orange Avenue, Suite 1400, Orlando, Florida 32801, by and through its authorized representative, James L. Lentz, General & Managing Partner, hereby certify it is the owner of certain property located in Osceola County and more particularly described as follows:

See Exhibits "1" & "2" of the "Petition to Establish the Harmony Community Development District" incorporated herein by reference.

By signing below, Birchwood Acres Limited Partnership, as owner of 100% of the proposed land to be included in the HARMONY COMMUNITY DEVELOPMENT DISTRICT ("District"), as evidenced in the deed records of Osceola County, hereby gives full consent to the establishment of the District by Osceola County ordinance in accordance with section 190.005, Florida Statutes, and consent to the inclusion of its property within the proposed boundaries of the said District.

IN WITNESS WHEREOF, I hereunto set my hand on this 9 day of November 1999.

James L. Lentz
James L. Lentz
General Partner
Birchwood Acres Limited Partnership

STATE OF FLORIDA
Orange COUNTY

The foregoing instrument was acknowledged before me this 9th day of November, 1999, by James L. Lentz.

Personally known JAMES L. LENTZ

Produced Identification
Type of Identification Produced

Benjamin M. O'Keefe
Notary Public

My commission expires



(Printed Name of Notary Public)

GENEVIEVE M. O'KEEFE

BK 0170 PG 0840L

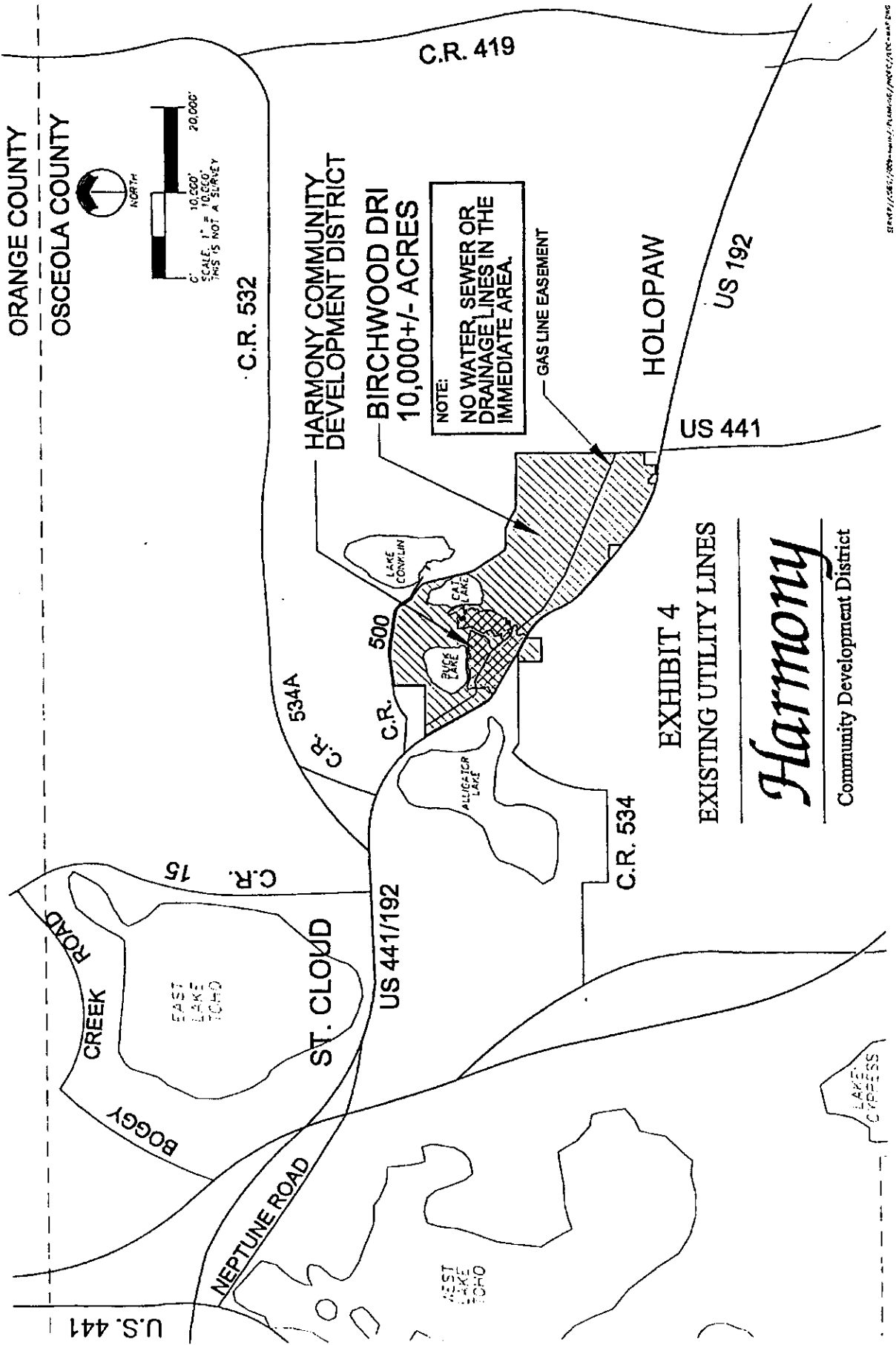


EXHIBIT 4  
EXISTING UTILITY LINES

*Harmony*  
Community Development District

**EXHIBIT 5**

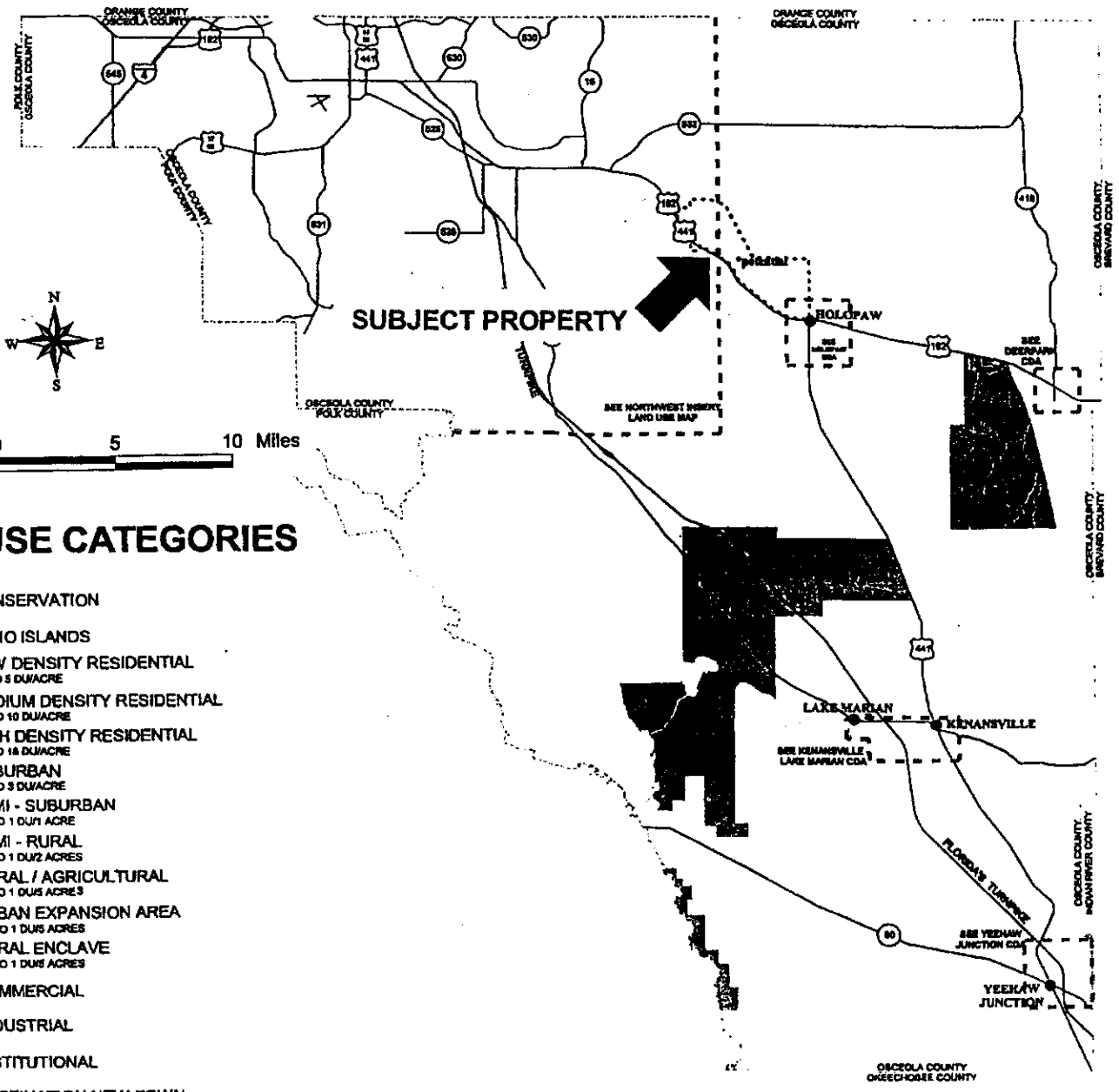
**HARMONY COMMUNITY DEVELOPMENT DISTRICT**

**SUMMARY OF OPINION OF PROBABLE COSTS AND ESTIMATED TIMETABLE**

| INFRASTRUCTURE* (costs in thousands of dollars) |              |          |              |              |
|---|--------------|----------|--------------|--------------|
| SYSTEM, FACILITY AND SERVICE                    | 2000         | 2001     | 2002         | TOTAL        |
| WASTEWATER PLANT                                | 1500         | 0        | 4500         | 6000         |
| WATER PLANT                                     | 1000         | 0        | 2000         | 3000         |
| DRAINAGE  | 2500         | 0        | 0            | 2500         |
| LAND (Parks, Roadways, etc.)                    | 4500         | 0        | 0            | 4500         |
| PAVING, WATER & SEWER LINE                      | 2500         | 0        | 3400         | 5900         |
| UNDERGROUND UTILITIES                           | 1400         | 0        | 2600         | 4000         |
| BIKE PATHS, TRAILS, EQUESTRIAN CENTER           | 1500         | 0        | 1000         | 2500         |
| LANDSCAPING                                     | 1500         | 0        | 500          | 2000         |
| PUBLIC FACILITIES                               | 1250         | 0        | 0            | 1250         |
| CONTINGENCIES                                   | 1500         | 0        | 1500         | 3000         |
| <b>TOTAL PRIMARY</b>                            | <b>19150</b> | <b>0</b> | <b>15500</b> | <b>34650</b> |

\* Estimated costs of construction are for those special powers granted under section 190.012(1), Florida Statutes (1999) only. No estimates are provided for any special powers granted under section 190.012(2), Florida Statutes, since consent to exercise these state-created charter powers is by the local general purpose government within whose jurisdiction such powers are to be exercised, in this instance, Osceola County.

BK 0170 PG 0840.0



### LAND USE CATEGORIES

- CONSERVATION
- TOHO ISLANDS
- LOW DENSITY RESIDENTIAL  
UP TO 5 DU/ACRE
- MEDIUM DENSITY RESIDENTIAL  
UP TO 10 DU/ACRE
- HIGH DENSITY RESIDENTIAL  
UP TO 18 DU/ACRE
- SUBURBAN  
UP TO 3 DU/ACRE
- SEMI - SUBURBAN  
UP TO 1 DU/1 ACRE
- SEMI - RURAL  
UP TO 1 DU/2 ACRES
- RURAL / AGRICULTURAL  
UP TO 1 DU/5 ACRES
- URBAN EXPANSION AREA  
UP TO 1 DU/5 ACRES
- RURAL ENCLAVE  
UP TO 1 DU/5 ACRES
- COMMERCIAL
- INDUSTRIAL
- INSTITUTIONAL
- DESTINATION NEW TOWN
- DUAL USE / HDR & COMMERCIAL
- DUAL USE / INSTITUTIONAL & COMMERCIAL

### COUNTY INDEX MAP

### OVERLAY DISTRICTS

- MANUFACTURED HOUSING OVERLAY
- MICHIGAN AVENUE OVERLAY
- NEPTUNE ROAD OVERLAY
- WEST COUNTY OVERLAY
- TOURIST CORRIDOR OVERLAY
- RURAL COMMUNITY (\*potential)
- SUBURBAN OVERLAY

\* Refer to Future Land Use Element for Overlay District Policies

### EXHIBIT 6

PLEASE SEE THE ORIGINAL PETITION FOR THE FULL SIZE MAP OF THE OSCEOLA COUNTY - FUTURE LAND MAP 2010

## STATEMENT OF ESTIMATED REGULATORY COSTS

### 1.0 Introduction

#### 1.1 Purpose and Scope

This statement of estimated regulatory costs ("SERC") supports the petition to establish the Harmony Community Development District ("Harmony" or "District"). As a new community development district ("CDD"), the limitations on the scope of this SERC are explicitly set out in Section 190.002(2)(d), F.S. (governing CDDs) as follows:

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

#### 1.2 Harmony Community Development District

The proposed District comprises approximately 993 proposed acres within Osceola County, Florida ("County"). The current development plan for the community includes approximately 2,500 residential units, about 600,000 square feet of retail/commercial space, an equestrian center, bike paths, nature trails and other amenities.

A Community Development District is an independent unit of special purpose local government created by Chapter 190, Florida Statutes, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDD's provide a "solution to the state's planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers." Section 190.002 (1) (a) F.S.

A CDD is not a substitute for the local, general purpose, government unit, i.e., the County in which the CDD lies. A CDD does not have the permitting, zoning or police powers possessed by general purpose governments. A community development district is an alternative means of financing, constructing, operating and maintaining community infrastructure for planned developments, such as Harmony. The scope of this SERC is limited to evaluating the consequences of approving the proposal to establish the Harmony Community Development District.

**1.3 Requirements for Statement of Estimated Regulatory Costs**

**Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs for rules must contain, which also apply, because of Chapter 190, F.S., to this ordinance:**

**"(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.**

**(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.**

**(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.**

**(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. (Osceola County is not defined as a small county for purposes of this requirement).**

**(e) Any additional information that the agency determines may be useful.**

**(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule."**

**2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the ordinance.**

The principal entities that are likely to be required to comply with the ordinance include the District, the State of Florida, and Osceola County. In addition, future landowners in Harmony will also be affected by the establishment of the District on the proposed property. As noted above, Harmony is designed to include approximately 2,500 housing units, about 600,000 square feet of

retail/commercial space, an equestrian center, bike paths, nature trails and other amenities.

**3.0 Good faith estimate of the cost to state and local government entities, of implementing and enforcing the proposed ordinance, and any anticipated effect on state and local revenues.**

**3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

There will be minimal costs to State and existing local governments to Implement the proposed ordinance establishing the Harmony Community Development District. Since Harmony is under 1,000 acres and lies within the County, it is the County alone that must evaluate and decide upon the proposed ordinance. The State has no role in evaluating the proposed ordinance. However, the State will have some modest Implementation costs relating to the various reports the CDD must file. These are described below.

Since Harmony lies entirely within the County, the County will examine the petition to establish the District and decide upon the proposed ordinance. There will be staff costs for the review, the costs of a public hearing, and costs to the County Commission to consider the proposed ordinance.

These costs are modest for a number of reasons. First, review of the petition to establish the CDD is limited by statute to the financial and operational aspects of establishing the District, and they do not include analysis of the Harmony development project itself. Second, the petition itself provides most, if not all, of the information needed for a staff review. Third, existing general purpose local governments already possess the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, general purpose local governments routinely process applications for land uses and zoning changes that are far more complex than is the petition to establish the state-created CDD on the proposed property.

Furthermore, these should be fully offset by the filing fee allowed under State law. Thus, the net cost to the County to review the proposed ordinance is very small, if it exists at all.

As units of local government, CDDs must file all reports required by units of local government in Florida. These include, but are not necessarily limited to the following:

- (a) copies of each annual financial report for the previous year must be filed with the County and the Department of Banking and Finance no later than March 31 of each year;



(b) budgets for the upcoming fiscal year are the subject of public hearing, after proper newspaper notice, and are subject to review and optional comments by the County within which the CDD is located;

(c) within twelve months of the close of each fiscal year, a CDD must file certified copies of its audited financial statements with the County;

(d) each year a CDD must file with the County and the Division of Bond Finance of the State Board of Administration a complete description of all of its outstanding bonds (Chapter 218.38, F.S.);

(e) each year a CDD must file with the County a schedule of time, date and location of all regular meetings of the Board of Supervisors (Chapter 189, F.S.);

(f.) each year a CDD must file a public facilities report pursuant to the requirements of Chapter 189.415, F. S.;

(g.) certain certifications to the Department of Community Affairs Special District Information Program concerning bond sales and the character of the bond issue to the effect that either:

(1) the bonds were rated in one of the highest four categories by a nationally recognized rating service;

(2) the bonds were privately placed with or otherwise sold to accredited investors;

(3) the bonds were backed by credit enhancement; or

(4) the bonds were accompanied by an independent financial advisory opinion stating the estimates of debt service coverage and probability of repayment as reasonable; and

(h) the obligation to notify the Governor and the Legislative Auditing Committee of any impending or existing financial emergency of the CDD (Chapter 189.049, F.S.).

In addition, CDDs are governed by the provisions of Chapter 189.412 and must participate in the Special District Information Program conducted by the Department of Community Affairs. The Department charges a fee of \$175 per year to each CDD to offset the Department's costs.

The review and collation of all of these reports absorbs some resources of the State and its various agencies. However, the incremental cost of one additional set of local governmental reports is minimal. The same is true for the County which will also receive various reports from the CDD for informational purposes. However, no ongoing action is required from either the State or the other local governments. The CDD is an independent unit of local government with its own budget and its own staff.

**3.2 Impact on State and Local Revenues**

Adoption of the proposed ordinance to approve the establishment of the Harmony Community Development District will have no adverse impact on State and local revenues. As noted above, the District's sole proposed functions are granted and provided in Chapter 190, F.S. and relate strictly to the planning, financing, constructing, operating and maintaining community infrastructure and services to serve the Harmony community.

**4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.**

Transactional costs to the State and local agencies in reviewing the petition to establish the District have been discussed above. Beyond those administrative costs, there will be no cost incurred by the State of Florida, any of its agencies, or local governments.

Harmony Community Development District is created by law to plan, finance, operate, and maintain community infrastructure and services to serve the property in the Harmony community. The District will levy non-ad valorem special assessments on properties within its boundaries to finance the infrastructure the District provides and to defray the costs of operating and maintaining that infrastructure and associated community facilities. The table below summarizes the opinion of probable costs and estimated timetable for the District's infrastructure.

**HARMONY COMMUNITY DEVELOPMENT DISTRICT  
SUMMARY OF PROBABLE COSTS AND ESTIMATED TIMETABLE**

| <u>Infrastructure<br/>Component</u>   | <u>2000 to<br/>2002</u> |
|---------------------------------------|-------------------------|
| Water and Wastewater                  | \$18,900,000            |
| Surface Water Management              | 2,500,000               |
| Roadways                              | 4,500,000               |
| Bike Paths, Trails, Equestrian Center | 2,500,000               |
| Landscaping                           | 2,000,000               |
| Public Facilities                     | 1,250,000               |
| Construction Contingency              | <u>3,000,000</u>        |
| <b>Total</b>                          | <b>\$34,650,000</b>     |

The total estimated construction cost (including engineering and construction contingency) for these facilities is \$34,650,000. Also, various financing reserves must be provided for, such as a Debt Service Reserve (approximately \$3,627,300), and capitalized interest (approximately \$5,652,811), in addition to estimated costs of bond issuance of approximately \$1,049,889. In total, the District plans to issue approximately \$44,980,000 in special assessment revenue bonds to fund the above costs.

Prospective future land owners in the District would be required to pay off the special assessment revenue bonds over 30 years in the form of non-ad valorem special assessments levied by the District and collected by the Osceola County Tax Collector (the Tax Collector and Property Appraiser are reimbursed for their expenses). However, as is the case in most CDDs, the landowner may make some paydown of this debt at or before closing on the property. While not required to do so, landowners and developers in CDDs almost always pay down some, or all, of the debt encumbering properties prior to closing. This is because debt levels would otherwise be an obstacle to the sale of property in the District.

In addition to the levy of non-ad valorem special assessments for debt service, the petitioner for the District also plans an annual levy for operations and maintenance of the District.

In considering the costs that must be paid by those affected by the proposed ordinance to establish the Harmony Community Development District, two points are important. First, unlike most other situations, 100% of the costs which would be funded by the District (in this case construction and maintenance of roadways, utility lines, and drainage systems) would have to be incurred in any event. These costs are not peculiar to the establishment of the District. If the District does not provide these facilities and services, the Developer would borrow money, construct the facilities, and raise the prices for its real estate products to cover these extra costs. If the District does not operate and maintain these facilities, a homeowners association (or similar entity) would have to assess its members to pay for this management service. The point is that these costs exist in any event.

Second, State law requires that prospective property owners be notified that these District levies exist. Anyone purchasing property subject to the District's levies does so voluntarily and with full information. Thus, those who are subject to the transactional costs of the proposed ordinance choose, voluntarily, to be governed by the District so far as infrastructure provision is concerned.

**5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.**

Approval of the petition to establish the Harmony Community Development District will have only incidental impact on small businesses, and it is positive. The District must operate according to Florida's "sunshine" laws, and the District must take bids for the goods and services it will purchase. As a result, small businesses will be better able to compete for District business serving the lands to be included within the District.


The approval of the District will not have any impact on small counties and cities as defined in Section 120.52, F.S. The County is not a small county as defined.

**6.0 Any additional useful information.**

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

Fishkind & Associates, Inc.

By

  
\_\_\_\_\_  
Arthur H. Diamond, Associate