

BCC Mtg. Date: November 29, 2016

EFFECTIVE DATE: December 2, 2016

**ORDINANCE NO. 2016-29**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR ORANGE COUNTY, FLORIDA, CREATING "GROVE RESORT COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR THE APPLICABLE FILING FEE; PROVIDING FOR AN INTERLOCAL AGREEMENT; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR REPEAL IN THE ABSENCE OF BONDS BEING ISSUED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes (hereinafter, the "Act"), sets forth the exclusive and uniform method for establishing a community development district; and

**WHEREAS**, Section 190.005(2) of the Act requires that a petition for the establishment of a community development district of less than 2,500 acres be filed by the petitioner with the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located; and

**WHEREAS**, Section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the Board of County Commissioners for Orange County, Florida (the "Board"); and

**WHEREAS**, The Grove Resort and Spa, LLC, (the "Petitioner"), having obtained written consent to the establishment of the District by the owners of one hundred percent (100%) of the real property to be included in the District, has petitioned Orange County, Florida (the "County") to establish Grove Resort Community Development District (the "District") pursuant to the Act; and

**WHEREAS**, Petitioner is a company authorized to conduct business in the State of Florida and whose address is c/o Westport Capital Partners, LLC, 40 Danbury Road, Wilton, Connecticut 06897; and

**WHEREAS**, the petition submitted on September 9, 2016 (the "Petition") to the County has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the Act; 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 Board on November 29, 2016; and

**WHEREAS**, on November 29, 2016, the Board considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Act and, upon such review, has determined that granting the Petition for Establishment of Grove Resort Community Development District is in the best interest of the County; and

**WHEREAS**, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services to the subject land and will provide for the orderly growth of unincorporated Orange County.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ORANGE COUNTY, FLORIDA THAT:**

***Section 1. Authority.*** This ordinance is enacted in compliance with and pursuant to the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes.

***Section 2. Establishment and District Name.*** The Petition is hereby granted and there is hereby established a community development district situated entirely within unincorporated Orange County, Florida, which District shall be known as “Grove Resort Community Development District.”

***Section 3. External Boundaries of the District.*** The external boundaries of the District are legally described in Exhibit A, attached hereto and incorporated herein by this reference, the overall parcel containing 105.69 contiguous acres, more or less. No real property within the external boundaries of the District is to be excluded.

***Section 4. Findings of Fact.*** The Board hereby finds and determines, pursuant to Section 190.005(2) of the Act, based on the testimony and evidence presented before it and the record established at the public hearing that:

- a. All statements within the Petition are true and correct.

b. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the State Comprehensive Plan or the local Comprehensive Plan adopted by the County.

c. The area of land within the District, described in Exhibit A, is of a sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

d. The District provides the best alternative available for delivering community development services and facilities to the area to be served by the proposed District without imposing an additional burden on the general population of the local general-purpose government. The establishment of the District will provide for a more efficient use of resources without burdening the general body of taxpayers in Orange County with the cost of installing the infrastructure and managing, operating and maintaining the community services and facilities.

e. The community development 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. In addition, the establishment of the District will provide an entity capable of making reasonable provisions for the operation and maintenance of the District services and facilities.

f. The area to be served by the proposed District is amenable to separate independent special-district government.

**Section 5. Functions and Powers.** The District shall have all powers and functions granted by the Act pursuant to Sections 190.011 and 190.012(1), Florida Statutes, as amended from time to time, to include the power to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities and basic

infrastructure within, and outside of, the boundaries of the District. Consent is hereby given to the District's Board of Supervisors having those special powers pertaining to recreation as described, authorized and limited by Section 190.012(2)(a), Florida Statutes. The District shall not have any zoning or permitting powers governing land development or the use of land. Any debt obligation of the District shall not constitute a debt or financial burden of any local general-purpose government. This Ordinance shall not, and shall not be construed to, expand, modify, or delete any provisions of the Uniform Community Development District Act of 1980 as set forth in Chapter 190, 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:

Name: Noah Breakstone  
Name: David D'Ambrosio  
Name: Kevin Mays  
Name: Paul Abbott  
Name: James Moore

All of the above-listed persons shall serve until their successors are chosen and qualified, as provided in Section 190.006, Florida Statutes.

**Section 7. Filing Fee.** Petitioner has submitted a filing fee of \$12,731.00 with submission of the Petition covering the County's cost of administration and review of the Petition, the sufficiency of which is hereby acknowledged by the County.

**Section 8. Interlocal Agreement.**

a. *Failure to Adopt Interlocal Agreement.* Failure of the District's Board of Supervisors to adopt the Interlocal Agreement between Orange County and Grove Resort

Community Development District (the "Interlocal Agreement") in substantially the form attached hereto as Exhibit B within 90 days of the effective date of this Ordinance may result in repeal of this Ordinance by the Board of County Commissioners without further notice. Once approval of the Interlocal Agreement is secured from Orange County and the District, the Interlocal Agreement shall be recorded in the Public Records of Orange County, Florida, at the District's expense, to indicate fulfillment of this obligation and the County will not endeavor to repeal this Ordinance.

b. *Challenges Precluded.* The District shall not initiate any action or proceeding following the effective date of this Ordinance in or with any court of competent jurisdiction or administrative agency the purpose of which is to challenge to the validity of this Ordinance or the Interlocal Agreement.

***Section 9. Compliance With Laws And Ordinances.*** The District shall comply with the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes, rules and regulations, including the Orange County Comprehensive Plan and all applicable provisions of the Codes and Ordinances of Orange County, Florida.

***Section 10. Severability.*** If any provision of this Ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in


[CONTINUED ON NEXT PAGE]

full force and effect, provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

**Section 11. Effective Date.** This Ordinance shall take effect pursuant to general law.

**ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, ORANGE COUNTY, FLORIDA** this \_\_\_\_\_ day of NOV 29 2016, 2016.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By:   
Teresa Jacobs  
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By:   
Deputy Clerk



Exhibit A  
Legal Description of District Boundaries

LEGAL DESCRIPTION:

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°08'55" WEST, A DISTANCE OF 694.21 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 1,887.47 FEET; THENCE RUN SOUTH 07°38'00" EAST, A DISTANCE OF 298.67 FEET; THENCE RUN NORTH 82°22'00" EAST, A DISTANCE OF 322.06 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1,090.92 FEET, CENTRAL ANGLE OF 14°19'58", CHORD BEARING OF SOUTH 01°33'56" WEST AND A CHORD DISTANCE OF 272.19 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 272.90 FEET; THENCE RUN SOUTH 49°30'44" WEST, A DISTANCE OF 38.23 FEET; THENCE RUN SOUTH 89°38'09" WEST, A DISTANCE OF 332.16 FEET; THENCE RUN NORTH 48°08'21" WEST, A DISTANCE OF 65.82 FEET; THENCE RUN NORTH 15°33'41" WEST, A DISTANCE OF 24.60 FEET; THENCE RUN NORTH 46°52'10" WEST, A DISTANCE OF 44.13 FEET; THENCE RUN NORTH 56°34'47" WEST, A DISTANCE OF 25.03 FEET; THENCE RUN NORTH 57°45'02" WEST, A DISTANCE OF 48.47 FEET; THENCE RUN NORTH 78°43'59" WEST, A DISTANCE OF 39.28 FEET; THENCE RUN SOUTH 71°30'23" WEST, A DISTANCE OF 38.87 FEET; THENCE RUN SOUTH 80°46'13" WEST, A DISTANCE OF 56.00 FEET; THENCE RUN SOUTH 78°36'52" WEST, A DISTANCE OF 42.31 FEET; THENCE RUN SOUTH 77°17'19" WEST, A DISTANCE OF 55.71 FEET; THENCE RUN SOUTH 65°45'34" WEST, A DISTANCE OF 42.34 FEET; THENCE RUN SOUTH 60°41'06" WEST, A DISTANCE OF 36.61 FEET; THENCE RUN SOUTH 00°21'51" EAST, A DISTANCE OF 14.97 FEET; THENCE RUN SOUTH 89°38'17" WEST, A DISTANCE OF 38.20 FEET; THENCE RUN SOUTH 81°55'29" WEST, A DISTANCE OF 11.46 FEET; THENCE RUN SOUTH 62°24'46" WEST, A DISTANCE OF 13.02 FEET; THENCE RUN SOUTH 00°21'51" EAST, A DISTANCE OF 23.25 FEET; THENCE RUN SOUTH 89°38'09" WEST, A DISTANCE OF 25.86 FEET; THENCE RUN SOUTH 00°21'51" EAST, A DISTANCE OF 18.00 FEET; THENCE RUN NORTH 89°38'09" EAST, A DISTANCE OF 25.86 FEET; THENCE RUN SOUTH 00°21'51" EAST, A DISTANCE OF 7.00 FEET; THENCE RUN SOUTH 89°38'09" WEST, A DISTANCE OF 24.75 FEET; THENCE RUN SOUTH 89°37'57" WEST, A DISTANCE OF 1,346.84 FEET; THENCE RUN NORTH 00°08'55" EAST, A DISTANCE OF 543.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 24.98 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

PARCEL C1

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°08'55" WEST, A DISTANCE OF 159.75 FEET; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 308.57 FEET TO THE POINT BEGINNING, SAID POINT BEING A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 139°54'58", A CHORD BEARING OF NORTH AND A CHORD DISTANCE OF 206.68 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 268.62 FEET; THENCE RUN NORTH, A DISTANCE OF 66.83 FEET; THENCE RUN EAST, A DISTANCE OF 25.89 FEET; THENCE RUN NORTH, A DISTANCE 13.80 FEET; THENCE RUN NORTH 45°00'00" EAST, A DISTANCE OF 45.41 FEET; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 124.79 FEET; THENCE RUN NORTH 45°00'00" EAST, A DISTANCE OF 106.54 FEET; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 1,520.39 FEET; THENCE RUN SOUTH 07°38'00" EAST, A DISTANCE OF 303.12 FEET; THENCE RUN SOUTH 82°22'00" WEST, A DISTANCE OF 322.74 FEET; THENCE RUN SOUTH 07°38'00" EAST, A DISTANCE OF 188.09 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 1,445.83 FEET; THENCE RUN NORTH 45°00'00" WEST, A DISTANCE OF 73.75 FEET; THENCE RUN NORTH, A DISTANCE OF 13.80 FEET; THENCE RUN WEST, A DISTANCE OF 25.89 FEET; THENCE RUN NORTH, A DISTANCE OF 66.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.66 ACRES, MORE OR LESS.

AND TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

PARCEL C2

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 00°08'55" WEST, A DISTANCE OF 57.81 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 380.61 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 69°38'26", A CHORD BEARING OF SOUTH 35°08'15" WEST AND A CHORD DISTANCE OF 125.62 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 133.70 FEET; THENCE RUN SOUTH, A DISTANCE OF 66.83 FEET; THENCE RUN EAST, A DISTANCE OF 25.89 FEET; THENCE RUN SOUTH, A DISTANCE 13.80 FEET; THENCE RUN SOUTH 45°00'00" EAST, A DISTANCE OF 73.75 FEET; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 1,445.83 FEET; THENCE RUN SOUTH 07°38'00" EAST, A DISTANCE OF 403.79 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 1,887.47 FEET; THENCE RUN NORTH 00°08'55" EAST, A DISTANCE OF 636.40 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.98 ACRES, MORE OR LESS.

AND TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

LEGAL DESCRIPTION:

PARCEL C3

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°33'18" EAST, A DISTANCE OF 608.62 FEET; THENCE RUN NORTH 89°22'16" EAST, A DISTANCE OF 2,037.66 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2,919.79 FEET, A CENTRAL ANGLE OF 03°58'22", A CHORD BEARING OF SOUTH 05°35'50" EAST, AND A CHORD DISTANCE OF 202.41 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 202.45 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 07°38'00" EAST, A DISTANCE OF 174.65 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 1,520.39 FEET; THENCE RUN SOUTH 45°00'00" WEST, A DISTANCE OF 106.54 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 124.79 FEET; THENCE RUN SOUTH 45°00'00" WEST, A DISTANCE OF 45.41 FEET; THENCE RUN SOUTH, A DISTANCE OF 13.80 FEET; THENCE RUN WEST, A DISTANCE OF 25.89 FEET; THENCE RUN SOUTH, A DISTANCE OF 66.83 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 70°16'31", A CHORD BEARING OF SOUTH 34°49'14" EAST AND A CHORD DISTANCE OF 126.62 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 134.92 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 380.61 FEET; THENCE RUN NORTH 00°08'55" EAST, A DISTANCE OF 57.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.31 ACRES, MORE OR LESS.

AND TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

PARCEL D

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 24 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN NORTH 00°33'18" EAST, A DISTANCE OF 608.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°33'18" EAST, A DISTANCE OF 713.80 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE RUN NORTH 89°25'22" EAST, A DISTANCE OF 1,329.50 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE RUN SOUTH 00°34'49" WEST, A DISTANCE OF 712.61 FEET; THENCE RUN SOUTH 89°22'16" WEST, A DISTANCE OF 1,329.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.76 ACRES, MORE OR LESS.

TOTAL AREA: 105.69 ACRES, MORE OR LESS.



Exhibit B  
Interlocal Agreement