

AN ORDINANCE ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE MYRTLE CREEK IMPROVEMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2001); 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lake Nona Land Company ("Petitioner"), having obtained written consent to the establishment of the District by the owner of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Council of the City of Orlando (the "City") to enact an ordinance establishing the Myrtle Creek Improvement District (the "District") pursuant to Chapter 190, Florida Statutes (2001); and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida whose address is 9801 Lake Nona Road, Orlando, Florida 32827; 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 City on November 26, 2001; and

WHEREAS, upon consideration of the record established at that hearing, the City determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the petition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ORLANDO CITY COUNCIL, ORLANDO, FLORIDA:

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 (200~~1~~).

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Orlando, Florida, which District shall be known as the "Myrtle Creek Improvement District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto, the overall parcel containing 731.8 acres, more or less.

SECTION 4. FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190~~0~~, Florida Statutes (200~~1~~). 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 described and authorized by Sections 190.0~~1~~2(2)(a) and 190.0~~1~~2(2)(d), Florida Statutes.

SECTION 5. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

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| Name: | Margaret O. Templeton |
| Address: | 98 0 1 Lake Nona Road, Orlando, Florida 32827 |
| Name: | Eric Allain |
| Address: | 91 00 Chiltern Drive, Orlando, Florida 32827 |
| Name: | John Rudzik |
| Address: | 9 0 55 NorthLake Parkway, Orlando, Florida 32827 |
| Name: | Jim Miller |
| Address: | 640 South Hampton Avenue, Orlando, Florida 32827 |
| Name: | Terry L. Irwin |
| Address: | 513 Main Street, Suite 100, Windermere, Florida 34786 |

All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 6. 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 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 7. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law.

ADVERTISED: Oct 28, Nov. 4, Nov. 11 and Nov. 18, 2001.

READ FIRST TIME: November 12, 2001.

READ SECOND TIME AND ENACTED: November 26, 2001.

CITY OF ORLANDO, FLORIDA

By: Betty T. Wilson
Mayor Pro Tem

ATTEST:

Candice J. Crawford
Candice J. Crawford, City Clerk

Exhibit A

MYRTLE CREEK IMPROVEMENT DISTRICT

DESCRIPTION:

That part of Sections 13 and 24, Township 24 South, Range 30 East, and Sections 18 and 19, Township 24 South, Range 31 East, Orange County, Florida, described as follows:

Commence at the Southwest corner of said Section 24; thence run N 00°14'36" E along the West line of the Southwest 1/4 of said Section 24 for a distance of 957.96 feet to the Northerly line of an Orlando Utilities Commission Railroad right-of-way, said right-of-way as recorded in Official Records Book 3494, Page 2564, of the Public Records of Orange County, Florida; thence run N 66°42'21" E along said Northerly right-of-way line for a distance of 1836.30 feet to the POINT OF BEGINNING; thence run N 42°16'50" W for a distance of 1149.90 feet to the point of curvature of a curve concave Easterly having a radius of 600.00 feet; thence run Northerly along the arc of said curve through a central angle of 51°39'18" for a distance of 540.93 feet to the point of tangency; thence run N 09°22'28" E for a distance of 201.33 feet to the point of curvature of a curve concave Westerly having a radius of 600.00 feet; thence run Northerly along the arc of said curve through a central angle of 44°40'56" for a distance of 467.91 feet to the point of tangency; thence run N 35°18'28" W for a distance of 521.86 feet; thence run S 85°42'44" W for a distance of 195.12 feet; thence run N 04°17'16" W for a distance of 474.60 feet to the point of curvature of a curve concave Easterly having a radius of 1400.00 feet; thence run Northerly along the arc of said curve through a central angle of 32°46'26" for a distance of 800.82 feet to a point of non-tangency; thence run N 61°30'50" W along a radial line for a distance of 100.00 feet to a non-tangent curve concave Southeasterly having a radius of 1500.00 feet and a chord bearing of N 31°32'50" E; thence run Northeasterly along the arc of said curve through a central angle of 06°07'20" for a distance of 160.28 feet to the point of tangency; thence run N 34°36'30" E for a distance of 1145.66 feet; thence run N 13°42'24" E for a distance of 308.44 feet; thence run N 05°57'35" W for a distance of 108.97 feet; thence run N 07°59'37" E for a distance of 272.30 feet; thence run N 16°25'12" E for a distance of 64.52 feet; thence run N 09°20'03" W for a distance of 283.01 feet; thence run N 00°52'05" W for a distance of 66.62 feet; thence run N 89°07'55" E for a distance of 100.00 feet; thence run S 63°43'16" E for a distance of 68.70 feet; thence run S 85°52'24" E for a distance of 126.87 feet; thence run N 76°34'53" E for a distance of 140.62 feet; thence run N 23°17'41" E for a distance of 208.11 feet; thence run S 77°45'42" E for a distance of 83.01 feet; thence run N 69°57'00" E for a distance of 83.78 feet; thence run N 40°19'31" E for a distance of 82.70 feet; thence run N 21°10'10" E for a distance of 107.16 feet; thence run N 37°33'26" W for a distance of 85.81 feet; thence run N 15°19'31" W for a distance of 118.94 feet; thence run N 49°21'26" E for a distance of 61.42 feet; thence run N 07°05'52" E for a distance of 470.90 feet; thence run N 48°26'56" E for a distance of 185.13 feet; thence run N 80°08'14" E for a distance of 260.44 feet; thence run N 76°21'00" E for a distance of 196.10 feet; thence run S 18°17'41" E for a distance of 153.20 feet; thence run S 48°14'24" E for a distance of 179.97 feet; thence run S 08°32'56" W for a distance of 112.31 feet; thence run N 89°03'22" E for a distance of 196.53 feet; thence run N 29°35'53" E for a distance of 208.82 feet; thence run N 18°52'18" W for a distance of 282.10 feet; thence run N 22°34'45" E for a distance of 103.82 feet; thence run N 32°59'02" E for a distance of 136.98 feet; thence run N 67°20'56" E for a distance of 245.55 feet; thence run N 66°35'55" E for a distance of 267.13 feet; thence run N 45°09'09" E for a distance of 322.44 feet; thence run N 59°45'04" E for a distance of 110.34 feet; thence run S 37°47'37" E for a distance of 199.12 feet; thence run N 52°44'33" E for a distance of 87.86 feet; thence run S 56°25'40" E for a distance of 158.04 feet; thence run S 25°22'11" E for a distance of 131.37 feet; thence run S 16°11'34" E for a distance of 136.43 feet; thence run S 17°34'26" E for a distance of 113.52 feet; thence run S 08°00'57" W for a distance of 195.23 feet; thence run S 10°39'19" E for a

distance of 208.48 feet; thence run S 25°45'07" E for a distance of 210.68 feet; thence run S 46°03'38" E for a distance of 174.46 feet; thence run S 28°45'41" E for a distance of 156.98 feet; thence run S 15°24'46" W for a distance of 310.18 feet; thence run S 55°37'11" W for a distance of 201.42 feet; thence run S 75°35'20" W for a distance of 301.30 feet; thence run S 41°52'31" W for a distance of 165.06 feet; thence run S 27°56'21" W for a distance of 173.02 feet; thence run S 28°04'49" W for a distance of 222.20 feet; thence run S 09°13'23" W for a distance of 144.14 feet; thence run S 78°00'00" E for a distance of 946.71 feet to the point of curvature of a curve concave Northerly having a radius of 900.00 feet; thence run Easterly along the arc of said curve through a central angle of 33°11'24" for a distance of 521.35 feet to a point of non-tangency; thence run N 33°47'24" E for a distance of 148.39 feet; thence run N 02°32'08" W for a distance of 118.67 feet; thence run N 32°24'05" W for a distance of 110.01 feet; thence run N 76°27'30" W for a distance of 141.42 feet; thence run N 66°15'37" W for a distance of 151.05 feet; thence run S 66°27'31" W for a distance of 134.71 feet; thence run N 60°47'50" W for a distance of 75.83 feet; thence run N 40°59'31" W for a distance of 88.96 feet; thence run S 78°19'14" W for a distance of 103.43 feet; thence run N 34°41'43" W for a distance of 164.98 feet; thence run N 26°56'14" E for a distance of 162.99 feet; thence run N 65°36'49" E for a distance of 170.35 feet; thence run N 46°36'00" E for a distance of 266.95 feet; thence run S 59°58'09" E for a distance of 80.59 feet; thence run N 86°20'25" E for a distance of 384.77 feet; thence run S 84°25'35" E for a distance of 183.78 feet; thence run S 55°24'23" E for a distance of 123.39 feet; thence run S 59°03'56" E for a distance of 151.03 feet; thence run S 31°28'41" E for a distance of 133.96 feet; thence run S 26°29'29" E for a distance of 180.12 feet; thence run S 36°43'51" E for a distance of 87.02 feet; thence run S 72°23'19" E for a distance of 119.51 feet; thence run S 68°42'37" E for a distance of 119.51 feet; thence run S 20°27'44" W along a radial line for a distance of 25.98 feet to a point on a non-tangent curve concave Southwesterly having a radius of 600.00 feet and a chord bearing of S 59°37'45" E; thence run Southeasterly along the arc of said curve through a central angle of 19°49'02" for a distance of 207.53 feet to the point of tangency; thence run S 49°43'14" E for a distance of 473.67 feet; thence run S 84°42'40" E for a distance of 222.40 feet; thence run S 79°17'54" E for a distance of 189.90 feet; thence run S 87°25'32" E for a distance of 115.06 feet; thence run N 36°37'55" E for a distance of 194.27 feet; thence run N 53°42'26" E for a distance of 118.76 feet; thence run N 37°32'09" E for a distance of 233.11 feet; thence run N 56°13'17" E for a distance of 159.67 feet; thence run S 56°17'03" E for a distance of 56.03 feet; thence run N 38°13'49" E for a distance of 160.99 feet; thence run N 36°37'05" W for a distance of 32.81 feet; thence run N 14°38'45" E for a distance of 251.35 feet; thence run N 27°05'02" E for a distance of 76.44 feet; thence run N 51°32'47" E for a distance of 53.67 feet; thence run N 33°15'35" E for a distance of 89.25 feet; thence run N 01°12'58" W for a distance of 251.19 feet; thence run N 21°15'31" E for a distance of 84.28 feet; thence run N 41°59'40" E for a distance of 110.93 feet; thence run N 07°18'52" E for a distance of 85.01 feet; thence run N 00°20'47" W for a distance of 75.47 feet; thence run N 08°44'56" W for a distance of 145.99 feet; thence run N 12°58'09" E for a distance of 210.50 feet; thence run N 17°18'23" W for a distance of 104.75 feet; thence run N 52°34'34" W for a distance of 77.17 feet; thence run N 15°06'19" W for a distance of 142.65 feet; thence run N 35°47'51" E for a distance of 155.56 feet; thence run N 67°11'48" E for a distance of 486.96 feet; thence run N 57°03'43" E for a distance of 207.82 feet; thence run N 31°23'44" E for a distance of 151.49 feet; thence run N 18°02'10" E for a distance of 164.87 feet; thence run N 00°21'14" W for a distance of 191.43 feet; thence run N 10°25'09" W for a distance of 195.97 feet; thence run N 02°58'38" E for a distance of 136.88 feet; thence run N 73°43'15" E for a distance of 108.12 feet; thence run S 68°37'41" E for a distance of 272.48 feet; thence run N 87°14'23" E for a distance of 186.26 feet; thence run N 78°27'32" E for a distance of 185.70 feet; thence run S 89°24'11" E for a distance of 56.35 feet; thence run S 00°24'24" E for a distance of 1081.83 feet to a non-tangent curve concave Northwesterly having a radius of 900.00 feet and a chord bearing of N 19°52'35" E; thence run Northeasterly along

the arc of said curve through a central angle of 05°20'56" for a distance of 84.02 feet to the point of tangency; thence run N 17°12'07" E for a distance of 254.45 feet to the point of curvature of a curve concave Southeasterly having a radius of 500.00 feet; thence run Northeasterly along the arc of said curve through a central angle of 70°50'30" for a distance of 618.21 feet to the point of tangency; thence run N 88°02'37" E for a distance of 279.48 feet to the point of curvature of a curve concave Northwesterly having a radius of 50.00 feet; thence run Northeasterly along the arc of said curve through a central angle of 81°09'14" for a distance of 70.82 feet to a point of cusp and to the Westerly right-of-way line of the Eastern Beltway, recorded in Official Records Book 4275, Page 2484, of said Public Records; thence run S 06°53'23" W along said Westerly right-of-way line for a distance of 202.41 feet to the point of cusp of a curve concave Southwesterly having a radius of 50.00 feet and a chord bearing of N 42°32'00" W; thence, departing said Westerly right-of-way line, run Northwesterly along the arc of said curve through a central angle of 98°50'46" for a distance of 86.26 feet to the point of tangency; thence run S 88°02'37" W for a distance of 248.35 feet to the point of curvature of a curve concave Southeasterly having a radius of 400.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 70°50'30" for a distance of 494.57 feet to the point of tangency; thence run S 17°12'07" W for a distance of 254.45 feet to the point of curvature of a curve concave Northwesterly having a radius of 1000.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 25°01'30" for a distance of 436.77 feet to the Northwesterly right-of-way line of an Orlando Utilities Commission right-of-way as described in Official Records Book 3491, Page 539, of said Public Records, and to the point of reverse curvature of a curve concave Southeasterly having a radius of 2000.00 feet; thence run Southwesterly along said Northwesterly right-of-way line and the arc of said curve through a central angle of 06°07'06" for a distance of 213.57 feet to the point of tangency; thence run S 36°06'30" W along said Northwesterly right-of-way line for a distance of 5507.14 feet; thence, departing said Northwesterly right-of-way line, run N 49°15'29" W for a distance of 192.54 feet; thence run N 69°40'26" W for a distance of 255.92 feet; thence run N 41°28'20" W for a distance of 141.24 feet; thence run N 62°58'09" W for a distance of 135.28 feet; thence run N 70°35'19" W for a distance of 216.06 feet; thence run S 83°55'51" W for a distance of 194.02 feet; thence run N 71°07'46" W for a distance of 134.22 feet; thence run N 62°38'01" W for a distance of 542.65 feet; thence run S 87°28'53" W for a distance of 460.64 feet; thence run S 57°08'58" W for a distance of 220.38 feet; thence run S 45°18'12" W for a distance of 198.91 feet; thence run S 25°52'37" W for a distance of 497.37 feet; thence run S 02°51'45" W for a distance of 153.09 feet; thence run S 11°18'36" E for a distance of 124.89 feet; thence run S 03°46'35" W for a distance of 152.57 feet; thence run S 13°04'37" E for a distance of 83.30 feet; thence run S 02°09'32" E for a distance of 130.98 feet; thence run S 24°11'36" E for a distance of 144.66 feet; thence run S 15°01'19" E for a distance of 207.79 feet; thence run S 10°45'15" W for a distance of 729.31 feet to the aforesaid Northerly right-of-way line of an Orlando Utilities Commission right-of-way described in Official Records Book 3494, Page 2564; thence run S 66°42'21" W along said Northerly right-of-way line for a distance of 1887.67 feet to the POINT OF BEGINNING.

Containing 731.836 acres more or less and being subject to any rights-of-way, restrictions and easements of record.