



AN ORDINANCE OF THE CITY OF ST. CLOUD, FLORIDA ESTABLISHING, ON THE PROPOSED PROPERTY KNOWN AS OLD HICKORY AND FURTHER DESCRIBED HEREIN, AND RECOGNIZING, THE OLD HICKORY COMMUNITY DEVELOPMENT DISTRICT, CREATED AND CHARTERED BY UNIFORM GENERAL LAW, THE UNIFORM COMMUNITY DEVELOPMENT DISTRICT ACT OF FLORIDA, CHAPTER 190, FLORIDA STATUTES (2001 AND HEREAFTER); ACKNOWLEDGING THE UNIFORM DISTRICT CHARTER EXPRESSED IN SECTIONS 190.006-190.041, FLORIDA STATUTES, AND AS REFERENCED AND PROVIDED BY SECTION 190.004(4), FLORIDA STATUTES, AND CONFIRMED BY SECTION 189.031(3), FLORIDA STATUTES; ESTABLISHING THE DISTRICT (ON THE PROPERTY PROPOSED IN THIS PETITION) AND DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS; AND DESIGNATING THE PROPOSED LAND AREA WITHIN WHICH THE DISTRICT MAY MANAGE AND FINANCE ITS BASIC INFRASTRUCTURE, SYSTEMS, FACILITIES, SERVICES, IMPROVEMENTS AND PROJECTS; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of St. Cloud, Florida has received notice of intent to file a Petition to Establish the Old Hickory Community Development District, hereinafter the "District", as provided pursuant to Chapter 190, *Florida Statutes* from the entities, owners and prospective owners of the property described in Exhibit A, attached hereto and collectively referred to as the "Old Hickory Property"; and

WHEREAS, the decision of the City Council to establish the District is a quasi-legislative decision authorized by Chapter 190, *Florida Statutes* and the City of St. Cloud's home rule authority and Article VIII of the Florida Constitution; and

WHEREAS, the City of St. Cloud has reviewed factors as required by Chapter 190, *Florida Statutes* and will consider such factors prior to the final adoption of the subject ordinance, and upon such review has determined that the establishment of the District is in the best interest of the City of St. Cloud, for the orderly growth of the City in an efficient manner for their existing and future health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CLOUD, FLORIDA, IN LAWFUL SESSION ASSEMBLED, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT AND CONSIDERATIONS. The City of St. Cloud has reviewed the Petition to Establish the Old Hickory Community Development District (the “Petition”) and the following considerations and makes the following findings of fact:

- a. The statements contained within the Petition of Lennar Homes, LLC, are true and correct.
- b. The Petition is consistent with the City’s comprehensive plan.
- c. The area of land within the District is of sufficient size, sufficiently compact and sufficiently contiguous to be developable as one functional interrelated community.
- d. The District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.
- e. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.
- f. The area to be served by the District is amenable to separate special special-district government.

SECTION 2. ESTABLISHMENT OF DISTRICT. Based on the above findings and consideration, the City Council of the City of St. Cloud does hereby establish Old Hickory Community Development District, hereinafter the “District” for all purposes consistent with, and as authorized by Chapter 190, *Florida Statutes* and all other applicable law. The City does further hereby acknowledge the uniform district charter set forth in Chapter 190, *Florida Statutes*.

SECTION 3. ESTABLISHMENT OF DISTRICT BOUNDARY. The boundary for the District shall include and incorporate all property as more particularly described in Exhibit A,

attached hereto and incorporated herein, all such being located within the municipal boundaries of the City of St. Cloud.

SECTION 4. APPOINTMENT OF INITIAL BOARD OF SUPERVISORS. The City Council does hereby appoint the following individuals as the initial Board of Supervisors to serve for a period not to exceed ninety (90) days after the creation of the District upon which a new Board of Supervisor will be elected as provide by law. The initial Board of Supervisors shall be:

- a. Dan La Rosa
- b. Lane Register
- c. Karen Morgan
- d. Mike Lewellen
- e. Adam Morgan

SECTION 5. CHARTER. The District shall be governed by the provisions of Chapter 190, *Florida Statutes* as amended. The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and special districts having authority with respect to any area included in the Petition and Chapter 190, *Florida Statutes*, any or all general powers set forth in Chapter 190.011, *Florida Statutes*, and any or all of the special powers set forth in Section 190.012(1), *Florida Statutes*.

In addition, the City Council of the City of St. Cloud hereby consents to the District Board exercising the following special powers to plan establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural, and educational uses, pursuant to Section 190.012(2)(a); (2) security, including, but not limited to, guardhouses, fences and gates, electronic

intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries, pursuant to Section 190.012(2)(d); and (3) waste collection and disposal, to the extent required by the City, pursuant to Section 190.012(2)(f).

SECTION 6. CITY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. The District shall be governed by the development and construction standards of the City of St. Cloud Comprehensive Plan and the City of St. Cloud Land Development Code on its construction as if it were a developer.

SECTION 7. SEVERABILITY AND REPEAL. All ordinances, agreements, or resolutions and parts thereof in conflict herewith to the extent of such conflicts are hereby repealed. If any phrase, clause, sentence, paragraph, section or subsection of this ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this ordinance.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption.

SECTION 9. RECORDING. A certified copy of the ordinance may be filed with the Clerk of the Circuit Court of Osceola County, Florida, and duly recorded among the Public Records of Osceola County, Florida.

FIRST READING ON THE 26TH DAY OF MARCH, 2020  
SECOND READING ON THE 9TH DAY OF APRIL, 2020

PASSED AND ADOPTED by the City Council of the City of St. Cloud, this 14th day of May, 2020.



*Nathan Blackwell*  
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Nathan Blackwell, Mayor

*Linda P. Jaworski*  
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Linda P. Jaworski, City Clerk

LEGAL IN FORM AND VALID IF ADOPTED:  
DeBeaubien, Simmons, Knight, Mantzaris & Neal, LLP

*[Signature]*  
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Daniel F. Mantzaris, City Attorney