

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

NOV 03 1998 *aa/s*

Effective Date: ORANGE COUNTY ORDINANCE NO. 98-30
November 10, 1998

AN AMENDED AND RESTATED ORDINANCE ESTABLISHING THE FALCON TRACE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1997); 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, the Falcon Trace Partners Limited Partnership, a Delaware limited partnership ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, petitioned the Board of County Commissioners of Orange County (the "County") to adopt an ordinance establishing the Falcon Trace Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (1997); and

WHEREAS, Petitioner is a Delaware limited partnership authorized to conduct business in the State of Florida whose address is 5151 San Felipe, Suite 1445, Houston, Texas 77056; 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 on February 10, 1998 and continued to March 31, 1998; and

WHEREAS, upon consideration of the record established at that hearing, the County 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; and,

WHEREAS, the County previously adopted Ordinance 98-10 establishing the Falcon Trace Community Development District which ordinance was effective on April 8, 1998, but has since determined that there existed a scrivener's error in the legal description included in that Ordinance; and

WHEREAS, the County desires to amend and restate Ordinance 98-10 to correct that scrivener's error; and now, therefore,

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

SECTION 1. AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (1997).

SECTION 2. DISTRICT NAME. There is hereby created a community development district situated entirely within unincorporated Orange County, Florida, which District shall be known as the "Falcon Trace Community Development District."

SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT. Encompassing approximately 360 acres, the external boundaries of the District are described in Exhibit A attached hereto, the overall parcel containing 360 acres, more or less.

SECTION 4. FUNCTIONS AND POWERS. The District is limited to the performance of those specialized functions described in Chapter 190, Florida Statutes. In the exercise of its powers, the District shall comply with all applicable governmental laws, rules, regulations and policies governing planning and permitting of the development to be served by the District. The District shall not have any zoning or permitting powers governing development. No debt or obligation of the District shall constitute a burden on any local general-purpose government without its consent. Consent is hereby given, pursuant to Section 190.012(2), Florida Statutes, to the District to exercise the following powers: parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and school buildings and related structures, which may be leased, sold or donated to the school district, for use in the educational system when authorized by the district school board.

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

J. Thomas Gillette, III
David Wright
Thomas S. Liebrecht
Glenn Marvin
Luis Alfredo Rodriguez-Walling

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 is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect pursuant to general law; provided, however, that the date of the establishment of the Falcon Trace Community Development District shall be determined in accordance with the effective date of Ordinance 98-10.

Adopted this 3rd day of November 1998.



Orange County, Florida
By: Board of County Commissioners

ATTEST:

Martha O. Haynie, County Clerk
As Clerk to the Board of County Commissioners

By: Linda W. Chapin
Linda W. Chapin
Orange County Chairman

By: [Signature]
Deputy Clerk

EXHIBIT A
Legal

A TRACT OF LAND LYING IN SECTIONS 26, 27, 34 AND 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27 FOR A POINT OF REFERENCE; THENCE RUN NORTH 89°25'16" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 1401.92 FEET TO A POINT LYING ON THE PROPOSED EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441 (ORANGE BLOSSOM TRAIL) SAID POINT BEING 25.00 FEET, PERPENDICULAR MEASURE, FROM THE EAST RIGHT-OF-WAY OF SAID U.S. HIGHWAY 441, ACCORDING TO STATE OF FLORIDA ROAD DEPARTMENT RIGHT-OF-WAY MAP, F.A. PROJECT NO. 242-C, SHEET 1 OF 15, DATED FEBRUARY 24, 1940; THENCE RUN SOUTH 00°03'47" EAST, ALONG SAID PROPOSED EASTERLY RIGHT-OF-WAY LINE, 206.05 FEET TO A CURVE CONCAVE NORTHEASTERLY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 75.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 117.81 FEET, A CHORD LENGTH OF 106.07 FEET, AND A CHORD BEARING OF SOUTH 45°03'47" EAST TO THE POINT OF TANGENCY; THENCE RUN NORTH 89°56'13" EAST, 353.07 FEET; THENCE RUN NORTH 89°34'20" EAST, 804.38 FEET; THENCE RUN NORTH 89°56'13" EAST, 310.07 FEET; THENCE RUN NORTH 00°03'47" WEST, 432.52 FEET; THENCE RUN NORTH 88°24'46" WEST, 342.37 FEET; THENCE RUN NORTH 16°02'30" WEST, 36.23 FEET; THENCE RUN NORTH 09°43'17" WEST, 77.36 FEET; THENCE RUN NORTH 40°20'09" WEST, 50.40 FEET; THENCE RUN NORTH 57°06'46" WEST, 485.62 FEET; THENCE RUN NORTH 21°26'58" WEST, 182.87 FEET; THENCE RUN NORTH 26°37'30" EAST, 97.87 FEET; THENCE RUN NORTH 21°51'28" WEST, 304.51 FEET; THENCE RUN NORTH 45°55'30" WEST, 168.01 FEET; THENCE RUN NORTH 11°53'20" WEST, 160.53 FEET; THENCE RUN NORTH 09°41'34" WEST, 149.17 FEET; THENCE RUN NORTH 01°15'41" EAST, 122.81 FEET TO A POINT LYING ON A NON-TANGENT CURVE CONCAVE SOUTHERLY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHCHASE ROAD ACCORDING TO THE ORANGE COUNTY RIGHT-OF-WAY MAP, PROJECT NO. Y5-807, SHEETS, 3, 4, 5 AND 6 OF 16, PREPARED BY BOWYER-SINGLETON & ASSOCIATES, INC., DATED MARCH 1, 1996; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: RUN EASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 2034.30 FEET, A CENTRAL ANGLE OF 10°34'03", AN ARC LENGTH OF 375.20 FEET, A CHORD LENGTH OF 374.67 FEET, AND A CHORD BEARING OF SOUTH 76°32'11" EAST; THENCE, RADIAL TO SAID CURVE, RUN NORTH 18°44'51" EAST, 5.62 FEET; THENCE RUN SOUTH 71°15'09" EAST, 129.83 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; RUN EASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 2159.92 FEET, A CENTRAL ANGLE OF 11°49'56", AN ARC LENGTH OF 446.05 FEET, A CHORD LENGTH OF 445.26 FEET, AND A CHORD BEARING OF SOUTH 77°10'07" EAST TO THE POINT OF TANGENCY; RUN SOUTH 83°05'05" EAST, 1703.77 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; RUN EASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 3997.00 FEET, A CENTRAL ANGLE OF 06°30'30", AN ARC LENGTH OF 454.03 FEET, A CHORD LENGTH OF 453.78 FEET, AND A CHORD BEARING OF SOUTH 86°20'20" EAST TO THE POINT OF TANGENCY; RUN SOUTH 89°35'35" EAST, 95.38 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY; RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 924.25 FEET; A CENTRAL ANGLE OF 30°45'00" AN ARC LENGTH OF 496.03 FEET, A CHORD LENGTH OF 490.10 FEET AND A CHORD BEARING OF SOUTH 74°13'06" EAST TO THE POINT OF TANGENCY; RUN SOUTH 58°50'35" EAST, 118.34 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; RUN SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 721.78 FEET; A CENTRAL ANGLE OF 30°45'00"; AN ARC LENGTH OF 387.37 FEET; A CHORD LENGTH OF 382.74 FEET AND A CHORD BEARING OF SOUTH 74°13'05" EAST TO THE POINT OF TANGENCY; RUN SOUTH 89°35'35" EAST, 88.08 FEET TO A POINT LYING ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY (FLORIDA'S TURNPIKE),

ACCORDING TO SUNSHINE STATE PARKWAY RIGHT-OF-WAY MAP PROJECT NO. 2-SECTION 11, SHEETS 1 AND 2 OF 5, DATED OCTOBER 25, 1961 AND SHEET 2 OF 2, DATED OCTOBER 16, 1961; THENCE, DEPARTING THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE, RUN ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE THE FOLLOWING COURSES: RUN SOUTH 05°39'47" EAST, 295.70 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 7839.44 FEET, A CENTRAL ANGLE OF 13°41'33", AN ARC LENGTH OF 1873.46 FEET, A CHORD LENGTH OF 1869.01 FEET, AND A CHORD BEARING OF SOUTH 12°30'33" EAST TO THE POINT OF TANGENCY; RUN SOUTH 19°21'20" EAST, 344.91 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 527 (ORANGE AVENUE), ACCORDING TO STATE ROAD PLAT BOOK 2, SECTION 75040, PAGES 66 AND 67; THENCE, DEPARTING THE AFORESAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE SUNSHINE STATE PARKWAY, RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 527 THE FOLLOWING COURSES: RUN SOUTH 32°36'14" WEST, 390.92 FEET; RUN SOUTH 27°29'38" WEST, 378.25 FEET; RUN SOUTH 56°33'10" EAST, 30.00 FEET; RUN SOUTH 33°26'50" WEST, 1116.50 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; RUN SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 508.20 FEET, A CENTRAL ANGLE OF 31°49'59", AN ARC LENGTH OF 282.35 FEET, A CHORD LENGTH OF 278.73 FEET, AND A CHORD BEARING OF SOUTH 17°31'50" WEST; THENCE, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 527, RUN NORTH 87°15'40" WEST, 349.86 FEET; THENCE RUN NORTH 71°37'07" WEST, 351.84 FEET; THENCE RUN NORTH 44°19'33" WEST, 397.68 FEET; THENCE RUN SOUTH 67°52'53" WEST, 415.93 FEET; THENCE RUN NORTH 76°57'27" WEST, 102.29 FEET; THENCE RUN NORTH 54°33'44" WEST, 569.80 FEET; THENCE RUN NORTH 14°18'35" EAST, 413.50 FEET; THENCE RUN SOUTH 77°19'49" WEST, 471.03 FEET; THENCE RUN NORTH 13°58'52" WEST, 340.92 FEET; THENCE RUN NORTH 03°42'50" WEST, 285.47 FEET; THENCE RUN NORTH 44°29'25" EAST, 357.99 FEET; THENCE RUN SOUTH 83°42'50" EAST, 355.50 FEET; THENCE RUN NORTH 06°36'58" WEST, 153.87 FEET; THENCE RUN SOUTH 86°43'41" WEST, 609.22 FEET; THENCE RUN NORTH 71°37'15" WEST, 329.80 FEET; THENCE RUN NORTH 63°13'15" WEST, 300.49 FEET; THENCE RUN SOUTH 84°03'52" WEST, 330.53 FEET; THENCE RUN SOUTH 54°38'52" WEST, 441.89 FEET; THENCE RUN SOUTH 86°10'20" WEST, 291.48 FEET; THENCE RUN NORTH 46°16'19" WEST, 147.09 FEET; THENCE RUN NORTH 01°22'53" WEST, 113.12 FEET; THENCE RUN NORTH 19°29'38" EAST, 409.15 FEET; THENCE RUN NORTH 71°41'54" EAST, 170.45 FEET; THENCE RUN NORTH 84°07'49" EAST, 564.62 FEET; THENCE RUN NORTH 00°02'55" WEST, 353.40 FEET; THENCE RUN NORTH 02°45'34" WEST, 198.00 FEET; THENCE RUN SOUTH 87°30'43" WEST, 464.51 FEET; THENCE RUN SOUTH 87°27'48" WEST, 358.54 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS LENGTH OF 75.00 FEET, A CENTRAL ANGLE OF 87°31'35", AN ARC LENGTH OF 114.57 FEET, A CHORD LENGTH OF 103.75 FEET, AND A CHORD BEARING OF SOUTH 43°42'00" WEST TO A POINT LYING ON THE AFORESAID PROPOSED EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 441; THENCE RUN NORTH 00°03'47" WEST, ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE, 270.03 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND LIES IN ORANGE COUNTY, FLORIDA AND CONTAINS 360.934 ACRES, MORE OR LESS.