

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY**
2 **OF ORLANDO, FLORIDA, RELATING TO THE BOGGY**
3 **CREEK IMPROVEMENT DISTRICT; GRANTING A**
4 **PETITION TO AMEND THE BOUNDARIES OF THE**
5 **BOGGY CREEK IMPROVEMENT DISTRICT, AS**
6 **INITIATED BY THE DISTRICT'S BOARD OF**
7 **SUPERVISORS; AMENDING ORDINANCE NO.**
8 **0805191002 TO EXPAND THE DISTRICT BY**
9 **APPROXIMATELY 41 ACRES, THE DISTRICT BEING**
10 **GENERALLY LOCATED NORTH OF THE OSCEOLA**
11 **COUNTY BORDER, EAST OF BOGGY CREEK RD.,**
12 **SOUTH OF ORLANDO INTERNATIONAL AIRPORT, AND**
13 **WEST OF NARCOOSSEE RD.; PROVIDING FOR**
14 **SEVERABILITY, CORRECTION OF SCRIVENER'S**
15 **ERRORS, AND AN EFFECTIVE DATE.**

16
17 **WHEREAS**, pursuant to Chapter 190, Florida Statutes, the City Council of the
18 City of Orlando, Florida (the "Orlando City Council"), established on November 26, 2001,
19 the Boggy Creek Improvement District (the "district") by that certain city ordinance
20 bearing a document number of 011126701 (the "establishing ordinance"); and
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22 **WHEREAS**, on February 24, 2003, the Orlando City Council adopted that certain
23 city ordinance bearing a document number of 030224703 (the "2003 ordinance"), which
24 ordinance amended the establishing ordinance to expand the original boundaries of the
25 district to enlarge the area of the district by about 389 acres of land (from about 991
26 acres to about 1,380.379 acres), such ordinance being requested by the Board of
27 Supervisors of the Boggy Creek Improvement District; and
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29 **WHEREAS**, on February 13, 2006, the Orlando City Council adopted that certain
30 city ordinance bearing a document number of 0602131003 (the "2006 ordinance"), which
31 ordinance amended the 2003 ordinance to further amend the boundaries of the district to
32 reduce the area of the district by about 419 acres of land (from about 1,380 acres to
33 about 961 acres), such ordinance being requested by the Board of Supervisors of the
34 Greenway Improvement District; and
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36 **WHEREAS**, on May 19, 2008, the Orlando City Council adopted that certain city
37 ordinance bearing a document number of 0805191002 (the "2008 ordinance"), which
38 ordinance amended the 2006 ordinance to further amend the boundaries of the district to
39 result in a net addition to the district of about 124 acres of land (from about 961 acres to
40 about 1,085.185 acres), such ordinance being requested by the Board of Supervisors of
41 the Greenway Improvement District; and
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43 **WHEREAS**, the district's Board of Supervisors (the "petitioner"), having obtained
44 written consent to a further adjustment of the district's external boundaries by the owners
45 of one-hundred percent (100%) of the owners of the real property to be now subtracted,
46 in part, and added, in part, to the district, submitted to the city on July 22, 2016, a

47 *Petition to Amend the Boundaries of the Boggy Creek Improvement District* (the
48 “petition”), and thereby petitioned the Orlando City Council to again adjust the external
49 boundaries of the district in accordance with the petition by amending the 2008
50 ordinance pursuant to section 190.046, Florida Statutes; and

51
52 **WHEREAS**, a public hearing has been conducted by the Orlando City Council on
53 September dd, 2016, in accordance with the requirements and procedures of section
54 190.046(1), Florida Statutes, and all other applicable requirements and procedures of
55 the Florida Statutes and the Code of the City of Orlando, Florida (the “Orlando City
56 Code”), and all interested persons and affected units of general-purpose local
57 government were afforded an opportunity to present oral and written comments on the
58 petition at said duly noticed public hearing; and

59
60 **WHEREAS**, upon consideration of the record established at that hearing, the City
61 Council determined and found as follows:

- 62
63 1. That the statements within the petition were true and correct; and
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65 2. That the proposed net expansion of the district’s boundaries is not
66 inconsistent with any applicable element or portions of the adopted City of
67 Orlando comprehensive plan, as amended, or any applicable elements of
68 the state comprehensive plan; and
- 69
70 3. That the area of land within the proposed district is of sufficient size, is
71 sufficiently contiguous to be developable as one functional interrelated
72 community; and
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74 4. That the district is the best alternative available for delivering community
75 development services and facilities to the area that will be served by the
76 district; and
- 77
78 5. That the community development services and facilities of the district will
79 be compatible with the capacity and uses of existing local and regional
80 community development services and facilities; and
- 81
82 6. That the area that will be served by the district is amenable to separate
83 special-district government.

84
85 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
86 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

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88 **SECTION 1. AUTHORITY.** This ordinance is enacted in compliance with and
89 pursuant to the Uniform Community Development District Act of 1980, Chapter 190,
90 Florida Statutes.

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92 **SECTION 2. FINDINGS.** The foregoing recitals, determinations, and findings
93 are true and correct and are incorporated herein, adopted hereby, and made a part
94 hereof.
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96 **SECTION 3. GRANT OF PETITION.** Pursuant to Chapter 190, Florida
97 Statutes, the *Petition to Amend the Boundaries of the Boggy Creek Improvement District*
98 submitted by the district's Board of Supervisors on July 22, 2016, is hereby granted, said
99 petition being attached to this ordinance as **Exhibit A**.
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101 **SECTION 4. AMENDING THE 2008 ORDINANCE AND AMENDING THE**
102 **DISTRICT'S EXTERNAL BOUNDARIES.** Pursuant to Chapter 190, Florida Statutes,
103 and the petition submitted by the district's Board of Supervisors, the 2008 ordinance is
104 hereby amended to result in a net expansion of the external boundaries of the Boggy
105 Creek Improvement District. Henceforth the external boundaries of the district shall be
106 as described and depicted in **Exhibit B** attached hereto and incorporated herein.
107

108 **SECTION 5. SCRIVENER'S ERROR.** The city attorney may correct scrivener's
109 errors found in this ordinance by filing a corrected copy of this ordinance with the city
110 clerk.
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112 **SECTION 6. SEVERABILITY.** If any provision of this ordinance or its
113 application to any person or circumstance is held invalid, the invalidity does not affect
114 other provisions or applications of this ordinance which can be given effect without the
115 invalid provision or application, and to this end the provisions of this ordinance are
116 severable.
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118 **SECTION 7. REPEAL.** All ordinances or parts of ordinances previously adopted
119 and conflicting with this ordinance are hereby repealed.
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121 **SECTION 8. EFFECTIVE DATE.** This ordinance takes effect immediately upon
122 adoption.
123

124 **DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City
125 of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day
126 of _____, 2016.
127

128 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
129 Florida, at a regular meeting, this _____ day of _____, 2016.
130

131 **DONE, THE SECOND READING, HEARING, AND ENACTED ON FINAL**
132 **PASSAGE,** by an affirmative vote of a majority of a quorum present of the City Council
133 of the City of Orlando, Florida, at a regular meeting, this _____ day of
134 _____, 2016.

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BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print Name

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