

ORDINANCE NO. 2017- 20

AN ORDINANCE GRANTING PETITION OF BEACHLINE SOUTH RESIDENTIAL, LLC.; ESTABLISHING AND NAMING THE DOWDEN WEST COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; DESCRIBING THE EXTERNAL BOUNDARIES, THE FUNCTIONS AND THE 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 AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, *Florida Statutes*, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Beachline South Residential, LLC ("Petitioner") petitioned the City Council of the City of Orlando ("City") to enact an ordinance establishing the Dowden West Community Development District ("District") pursuant to Chapter 190, *Florida Statutes* (2016) over the real property described in Exhibit 2 of the Petition to Establish the Dowden West Community Development District; and

WHEREAS, Petitioner has obtained written consent to the establishment of the District by the owners of 100 percent of the real property to be included in the District; and

WHEREAS, Petitioner is a company authorized to conduct business in the State of Florida, Petitioner's principal place of business and local office is located at 1900 Summit Tower Blvd, Suite 500, Orlando, Florida 32810; and

WHEREAS, a public hearing has been conducted by the City Council on April 10, 2017 in accordance with the requirements and procedures of Section 190.005(2)(b), *Florida Statutes*, and the applicable requirements and procedures of the City's Charter and Code of Ordinances; 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 said duly noticed public hearing; 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 City's 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 community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and

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1 regional community development services and facilities, and that the area to be served
2 by the District is amenable to separate special-district governance; and
3

4 **WHEREAS**, establishment of the District will constitute a timely, efficient,
5 effective, responsive, and economic way to deliver community development services in
6 the area described, thereby providing a solution to the City's planning, management and
7 financing needs for delivery of capital infrastructure therein without overburdening the
8 City and its taxpayers.
9

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
11 **OF ORLANDO, FLORIDA:**
12

13 **SECTION 1. AUTHORITY.** This Ordinance is enacted in compliance with and
14 pursuant to the Uniform Community Development District Act of 1980, Chapter 190,
15 *Florida Statutes* (2016).
16

17 **SECTION 2. FINDINGS.** The foregoing recitals and findings are true and correct
18 and are incorporated herein, adopted, and made a part hereof.
19

20 **SECTION 3. GRANT OF PETITION.** The Petition, which was filed with the
21 Office of the City Clerk on February 15, 2017 and a copy of which is attached hereto as
22 **Exhibit "A"** and incorporated herein, is hereby granted.
23

24 **SECTION 4. DISTRICT NAME.** There is hereby created a community development
25 district situated entirely within incorporated boundaries of the City of Orlando, Florida
26 named the "Dowden West Community Development District."
27

28 **SECTION 5. EXTERNAL BOUNDARIES OF THE DISTRICT.** The external
29 boundaries of the District are described in Exhibit 2 of the Petition. The District, overall,
30 contains 736.279 acres, more or less.
31

32 **SECTION 6. FUNCTIONS AND POWERS.** The powers and functions of the
33 District are described in Section 190.011, Section 190.012(1) and Section 190.12(2)(a)
34 and (d), *Florida Statutes*, as well as Section 190.012(2)(f), *Florida Statutes* (to the
35 extent required by the City).
36

37 **SECTION 7. BOARD OF SUPERVISORS.** The five persons designated to
38 serve as initial members of the District's Board of Supervisors are as follows:

<u>Name</u>	<u>Address</u>
Keith Trace	1900 Summit Tower Blvd, Suite 500 Orlando, Florida 32810
Drew Abel	1900 Summit Tower Blvd, Suite 500 Orlando, Florida 32810

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Steven Kalberer 1900 Summit Tower Blvd, Suite 500
Orlando, Florida 32810

Gregory U. Clark 189 S. Orange Ave, Suite 1110S
Orlando, Florida 32801

Thomas Franklin 1368 E. Vine Street
Kissimmee, Florida 34744

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

3
4 **SECTION 8. OBLIGATIONS OF DISTRICT.** No bond, debt or other obligation
5 of the District, nor any default thereon, shall constitute a debt or obligation or burden of
6 the City.

7
8 **SECTION 9. SCRIVENER'S ERROR.** The City Attorney may correct scrivener's
9 errors found in this ordinance by filing a corrected copy of this ordinance with the City
10 Clerk.

11
12 **SECTION 10. SEVERABILITY.** If any provision of this Ordinance or its
13 application to any person or circumstance is held invalid, the invalidity does not affect
14 other provisions or applications of this ordinance which can be given effect without the
15 invalid provision or application, and to this end the provisions of this ordinance are
16 severable.

17
18 **SECTION 11. EFFECTIVE DATE.** This Ordinance shall take effect upon
19 adoption.

20
21 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
22 Florida, at a regular meeting, this _____ day of March, 2017.

23
24 **DONE, THE PUBLIC NOTICES,** in a newspaper of general circulation in the City
25 of Orlando, Florida, by the Petitioner, commencing the _____ day of
26 _____, 2017, and running once each week for four consecutive weeks
27 ending on the _____ day of _____, 2017.

28
29 **DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON**
30 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City
31 Council of the City of Orlando, Florida, at a regular meeting, this ____ day of April, 2017.
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33
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**BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA**

Mayor / Mayor Pro Tempore

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

City Clerk

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

City Attorney

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EXHIBIT “A”

PETITION