

ORDINANCE NO. 2019-

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR ORANGE COUNTY, FLORIDA, CREATING WESTWOOD/OCC COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2018); PROVIDING FOR THE ESTABLISHMENT AND NAMING OF THE DISTRICT; PROVIDING FOR THE LEGAL DESCRIPTION OF THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR FINDINGS OF FACT; PROVIDING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE DISTRICT’S BOARD OF SUPERVISORS; PROVIDING FOR THE APPLICABLE FILING FEE; PROVIDING FOR COMPLIANCE WITH CHAPTER 190, FLORIDA STATUTES, AND ALL OTHER APPLICABLE LAWS AND ORDINANCES; PROVIDING FOR REPEAL IN THE ABSENCE OF AN INTERLOCAL AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the “Uniform Community Development District Act of 1980,” Chapter 190, Florida Statutes (hereinafter, the “Act”), sets forth the exclusive and uniform method for establishing a community development district; and

WHEREAS, section 190.005(2) of the Act requires that a petition for the establishment of a community development district of less than 2,500 acres be filed by the petitioner with the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located; and

WHEREAS, section 190.005(1)(a) of the Act requires that such petition contain certain information to be considered at a public hearing before the Board of County Commissioners for Orange County, Florida (the “Board”); and

WHEREAS, DCS Real Estate Investments VI, LLC, (the “Petitioner”), having obtained written consent to the establishment of the District by the owners of one hundred percent (100%)

of the real property to be included in the District, has petitioned Orange County, Florida (the
36 “County”) to establish Westwood/OCC Community Development District (the “District”) pursuant to the Act; and

38 **WHEREAS**, Petitioner is a company authorized to conduct business in the State of Florida and whose mailing address is 505 South Flagler Drive, Suite 900, West Palm Beach, Florida
40 33401; and

WHEREAS, the petition submitted on August 30, 2018 (the “Petition”) to the County has
42 been determined to contain the requisite information as mandated by section 190.005(1)(a) of the Act; and

44 **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
46 noticed public hearing conducted by the Board on July 16, 2019; and

WHEREAS, on July 16, 2019, the Board considered the record of the public hearing and
48 the factors set forth in section 190.005(1)(e) of the Act and, upon such review, has determined that granting the Petition for Establishment of Westwood/OCC Community Development
50 District is in the best interest of the County; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective,
52 responsive and economic way to deliver community development services to the subject land and will provide for the orderly growth of unincorporated Orange County.

54 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR ORANGE COUNTY, FLORIDA THAT:**

56 *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.

58 **Section 2. Establishment and District Name.** The Petition is hereby granted and
there is hereby established a community development district situated entirely within
60 unincorporated Orange County, Florida, which the District shall be known as “Westwood/OCC
Community Development District.”

62 **Section 3. External Boundaries of the District.** The external boundaries of the
District are legally described in Exhibit A, attached hereto and incorporated herein by this
64 reference, the overall parcel containing 20 contiguous acres, more or less. No real property
within the external boundaries of the District is to be excluded.

66 **Section 4. Findings of Fact.** The Board hereby finds and determines, pursuant to
section 190.005(2) of the Act, based on the testimony and evidence presented before it and the
68 record established at the public hearing that:

 a. All statements within the Petition are true and correct.

70 b. Establishment of the District and all land uses and services planned within the
proposed District are not inconsistent with applicable elements or portions of the State
72 Comprehensive Plan or the local Comprehensive Plan adopted by the County.

 c. The area of land within the District, described in Exhibit A, is of a sufficient size,
74 is sufficiently compact and is sufficiently contiguous to be developed as one functional
interrelated community.

76 d. The District provides the best alternative available for delivering community
development services and facilities to the area to be served by the proposed District without
78 imposing an additional burden on the general population of the local general-purpose
government. The establishment of the District will provide for a more efficient use of resources

80 without burdening the general body of taxpayers in Orange County with the cost of installing the
infrastructure and managing, operating and maintaining the community services and facilities.

82 e. The community development services and facilities of the District will not be
incompatible with the capacity and uses of existing local and regional community development
84 services and facilities. In addition, the establishment of the District will provide an entity
capable of making reasonable provisions for the operation and maintenance of the District
86 services and facilities.

f. The area to be served by the proposed District is amenable to separate
88 independent special-district government.

Section 5. Functions and Powers. The District shall have all powers and functions
90 granted by the Act pursuant to sections 190.011 and 190.012(1), Florida Statutes, as amended
from time to time, to include the power to finance, fund, plan, establish, acquire, construct,
92 reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities and basic
infrastructure within, and outside of, the boundaries of the District. The District shall not have
94 any zoning or permitting powers governing land development or the use of land. Any debt
obligation of the District shall not constitute a debt or financial burden of any local general-
96 purpose government. This Ordinance shall not, and shall not be construed to, expand, modify, or
delete any provisions of the Uniform Community Development District Act of 1980 as set forth
98 in Chapter 190, Florida Statutes.

Section 6. Board of Supervisors. The five persons designated to serve as initial
100 members of the District's Board of Supervisors are as follows:

Name: Randall Greene

102 Name: Rocky Owen

Name: Andrew Gorrill

104 Name: Dewitt Hold

Name: Tom Franklin

106 All of the above-listed persons shall serve until their successors are chosen and qualified,
as provided in section 190.006, Florida Statutes.

108 **Section 7. Filing Fee.** Petitioner has submitted a filing fee of \$12,731.00 with
submission of the Petition covering the County's cost of administration and review of the
110 Petition, the sufficiency of which is hereby acknowledged by the County.

Section 8. Interlocal Agreement.

112 a. *Failure to Adopt Interlocal Agreement.* Failure of the District's Board of
Supervisors to adopt the Interlocal Agreement between Orange County and Westwood/OCC
114 Community Development District (the "Interlocal Agreement") in substantially the form
attached hereto as Exhibit B within 90 days of the effective date of this Ordinance may result in
116 repeal of this Ordinance by the Board of County Commissioners without further notice. Once
approval of the Interlocal Agreement is secured from Orange County and the District, the
118 Interlocal Agreement shall be recorded in the Public Records of Orange County, Florida, at the
District's expense, to indicate fulfillment of this obligation and the County will not endeavor to
120 repeal this Ordinance.

b. *Challenges Precluded.* The District shall not initiate any action or proceeding
122 following the effective date of this Ordinance in or with any court of competent jurisdiction or
administrative agency the purpose of which is to challenge to the validity of this Ordinance or
124 the Interlocal Agreement.

Section 9. Compliance with Laws and Ordinances. The District shall comply with

126 the provisions of the Act and all applicable federal, state and local laws, ordinances, statutes,
rules and regulations, including the Orange County Comprehensive Plan and all applicable
128 provisions of the Codes and Ordinances of Orange County, Florida.

Section 10. Severability. If any provision of this Ordinance, or the application thereof,
130 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
132 full force and effect, provided that the invalid, illegal or unenforceable provision is not material
to the logical and intended interpretation of this Ordinance.

134 **Section 11. Effective Date.** This Ordinance shall take effect pursuant to general law.

136 [CONTINUED ON NEXT PAGE]

138 **ENACTED BY THE BOARD OF COUNTY COMMISSIONERS, ORANGE**
COUNTY, FLORIDA this 16th day of July, 2019.

140

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

142

144

146

By: _____

Jerry L. Demings
Orange County Mayor

148

150 **ATTEST:** Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners

152

154

By: _____

Deputy Clerk

[Seal]

156

158

160

Exhibit A

Legal Description of District Boundaries

WESTWOOD
PART OF LOT 2
CS# 18-134

DESCRIPTION:

The land referred to herein below is situated in the County of Orange, State of Florida, and is described as follows:

A portion of Lot 2, WESTWOOD, according to the plat thereof, as recorded in Plat Book 20, Pages 132 and 133, Public Records of Orange County, Florida, located in Section 12, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the southeast corner of said Lot 2; said point lying on the westerly right-of-way line of Westwood Boulevard as shown on the plat of WESTWOOD BOULEVARD RIGHT-OF-WAY PHASE II, according to the plat thereof, as recorded in Plat Book 15, Page 80, Public Records of Orange County, Florida; thence run northerly along said westerly right-of-way line, the following two (2) courses and distances; run N 02°45'59" W, a distance of 29.32 feet to a point of curvature of a curve, concave easterly, having a radius of 1003.00 feet and a central angle of 24°47'31"; thence run northerly, along the arc of said curve, a distance of 434.00 feet to the POINT OF BEGINNING; thence run N 88°06'40" W, a distance of 143.93 feet; thence run S 80°58'52" W, a distance of 176.23 feet; thence run S 09°01'18" E, a distance of 68.10 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 353.50 feet and a central angle of 32°28'41"; thence on a chord bearing of N 84°12'05" W, run 200.38 feet along the arc of said curve to the point of tangency thereof; thence run N 67°57'44" W, a distance of 158.76 feet to a point on a non-tangent curve, concave southwesterly, having a radius of 69.50 feet and a central angle of 143°57'34"; thence on a chord bearing of N 67°57'44" W, run 174.62 feet along the arc of said curve to a point; thence run N 67°57'44" W, a distance of 267.53 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 2201.83 feet and a central angle of 03°28'12", said point being on the limited access right-of-way line of Interstate No. 4 and the Beeline Expressway; thence run northerly along said limited access right-of-way line the following three (3) courses and distances; on a chord bearing of N 12°50'40" E, run 133.35 feet along the arc of said curve to the point of compound curvature with a curve, concave southeasterly, having a radius of 1055.92 feet and a central angle of 42°45'44"; thence run northeasterly, along the arc of said curve, a distance of 788.08 feet to the point of compound curvature with a curve, concave southeasterly, having a radius of 2201.83 feet and a central angle of 09°37'04"; thence run northeasterly, along the arc of said curve, a distance of 369.61 feet to a point, thence, departing said limited access right-of-way line, run S 19°25'14" E; a distance of 503.16 feet to a point of curvature of a non-tangent curve, concave southerly, having a radius of 530.00 feet and a central angle of 43°14'08"; thence, on a chord bearing of S 60°52'56" E, run 399.94 feet along the arc of said curve to a point on the aforementioned westerly right-of-way-line of Westwood Boulevard; said point lying on a curve, concave southeasterly, having a radius of 1003.00 feet; thence, on a chord bearing of S 36°22'57" W, run 502.66 feet along the arc of said curve through a central angle of 28°42'51" to the POINT OF BEGINNING.

Containing 20.001 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Exhibit B
Interlocal Agreement

[to be attached]

STATE OF FLORIDA)
COUNTY OF ORANGE)

I, Phil Diamond, Clerk of the Board of County Commissioners of Orange County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, adopted by said Board in regular session on the _____ day of _____, 2019, which Ordinance establishes “Westwood/OCC Community Development District.”

WITNESS my hand and the official seal this ____ of _____, 2019.

Clerk of the Board of County Commissioners
Orange County, Florida

[SEAL]
