

ORDINANCE NO. 2021-53

An Ordinance of the Board of County Commissioners of Osceola County, Florida, Establishing the Bellaviva at Westside Community Development District, at Approximately 78.83 Acres, Pursuant to Chapter 190, Florida Statutes; 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 for Severability; Providing for Conflict; and Providing an Effective Date.

RECITALS

WHEREAS, KB Home Orlando, LLC ("Petitioner"), having obtained written consent to the establishment of the District by the owners of 100 percent (100%) of the real property to be included in the District, has filed a Petition to Establish the Bellaviva at Westside Community Development District ("Petition") with the Osceola County Board of Commissioners ("County") pursuant to Section 190.005(2)(a) and 190.046(1)(h), *Florida Statutes*, to adopt an ordinance establishing the Bellaviva at Westside Community Development District ("District") pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, Petitioner is a Delaware limited liability company and is authorized to conduct business in the State of Florida; 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, pursuant to Section 190.005(2)(b) and 190.046(1)(h), *Florida Statutes*; and

WHEREAS, upon consideration of the record established at that hearing, the Board of County Commissioners of Osceola County, Florida, has considered the record of the public hearing and the statutory factors set forth in Section 190.005(2)(c) and 190.046(1)(h), *Florida Statutes*, in making its determination to grant or deny the Petition; and

WHEREAS, the Board of County Commissioners of Osceola County has determined pursuant to the information contained within the Petition and based on an investigation conducted by the County Staff and otherwise being fully advised as to the facts and circumstances contained within the request of the District: that the statements within the Petition are 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 Osceola County Comprehensive Plan; that the area of land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as one functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be 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, pursuant to the information as stated above, the Board of County

Commissioners of Osceola County, Florida has decided to grant the District's Petition to establish the Bellaviva at Westside Community Development District; 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 within the Petition.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. **RECITALS.**

The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. **AUTHORITY.**

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

SECTION 3. **DISTRICT NAME.**

There is hereby established a Community Development District situated entirely within the unincorporated limits of Osceola County, Florida, which District shall be known as the "Bellaviva at Westside Community Development District."

SECTION 4. **EXTERNAL BOUNDARIES OF THE DISTRICT.**

The external boundaries of the District are described in **Exhibit A** attached hereto and incorporated by reference, the overall boundaries encompassing 78.83 acres, more or less.

SECTION 5. **FUNCTIONS AND POWERS.**

Upon the effective date of this Ordinance, the District will be duly and legally authorized to exist and exercise all of its powers as set forth in Section 190.012(1), Florida Statutes, and as otherwise provided by law. The powers and functions of the District are described in Chapter 190, *Florida Statutes*.

SECTION 6. **CONSENT TO SPECIAL POWERS**

Consent is hereby given to the District's Board of Supervisors to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge, or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, and for security, all as authorized and described by Sections 190.012(2)(a) and (2)(d), *Florida Statutes* (2021).

SECTION 7. **BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Fred Wyborski, Wayne Horowitz, Doug Guy, Steven McConn, and Casey Dare. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 8. **SEVERABILITY.**

If any provision of this ordinance or the application thereof is held by a court of competent jurisdiction to be illegal, invalid, or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid, or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 9. **CONFLICT.**

Any ordinance or part thereof, or any resolution, or part thereof, which is in conflict with this ordinance or part hereof is hereby repealed to the extent of the conflict.

SECTION 10. **EFFECTIVE DATE.**

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: *William J. J. J.*
Chairman / Vice-Chairman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Alicia Espinoza*
Clerk/Deputy Clerk of the Board



As authorized for execution at the Board of
County Commissioners meeting of:

8/16/2021
Ordinance # 2021-53

EXHIBIT A

BELLAVIVA AT WESTSIDE CDD

Legal Description and Sketch

Section 30, Township 25 South, Range 27 East
Osceola County, Florida

Description:

(Proposed New Parcel)

A parcel of land being a Lots 1 through 6, Lot 15 and Lot 16, Block "B", FLORIDA FRUIT & TRUCK LAND CO., as recorded in Plat Book B, Page 68, Public Records of Osceola County, Florida, lying in Section 30, Township 25 South, Range 27 East, Osceola County, Florida, being described as follows:

Commence at the northwest corner of said Lot 6, for the Point of Beginning; thence North 89°46'22" East, along the north line of aforesaid Lots 4 through 6, said line also being the south right-of-way line of a platted 30' road (not physically open) as shown on aforesaid plat of FLORIDA FRUIT & TRUCK LAND CO., a distance of 1307.74 feet to the northeast corner of said Lot 4; thence South 00°10'37" West, along the east line of said Lots 1 through 4, said line also being the west right-of-way line of a platted 30' road (not physically open) as shown on aforesaid plat of FLORIDA FRUIT & TRUCK LAND CO., a distance of 2622.85 feet to the southeast corner of said Lot 1; thence South 89°46'54" West, along the south line of said Lots 1, 15 and 16, said line also being the north right-of-way line of a platted 30' road (not physically open) as shown on aforesaid plat of FLORIDA FRUIT & TRUCK LAND CO., a distance of 1310.93 feet to the southwest corner of said Lot 15; thence North 00°14'48" East, along the west line of said Lots 6 and 15, a distance of 2622.67 feet to the Point of Beginning. Said parcel containing 73.83 acres, more or less.

Surveyor's Notes:

1. This is not a boundary survey as defined in Florida Administrative Code 5J-17.052
2. Not valid without the original signature and seal of a Florida licensed Surveyor and Mapper unless affixed with a digital signature and seal. If digitally sealed, the seal appearing on this document was authorized by Danny R. Gann, P.S.M. on the date depicted on the accompanying digital signature.
3. Bearings shown hereon are grid, based on the Florida State Plane Coordinate System, North American Datum of 1983 (2011 Adjustment), Florida East Zone, having a bearing of North 00°10'37" East along the east line of the Northwest 1/4 of Section 30, Township 25 South, Range 27 East, Osceola County, Florida.
4. The parcel id (identification) numbers and ownership information shown hereon was obtained from the Osceola County Property Appraisers web site.
5. The signed and sealed copies of this survey will be the record drawing for this project.

See sheet 2 of 2 for sketch

SHEET JOB NO. DATE
1 of 2 3238 03/21/2021



CREW CHIEF _____ FIELD DATE _____ DRAWN BY LSS

I, THE UNDERSIGNED AS REPRESENTATIVE OF RAPID SURVEYING, INC., HEREBY CERTIFIES THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS OR EXCEEDS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY CHAPTER 6-17, OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 672.027 FLORIDA STATUTES.

DANNY R. GANN, P.S.M. NO. 8108 STATE OF FLORIDA DATE _____

RSI 

Rapid Surveying, Inc.

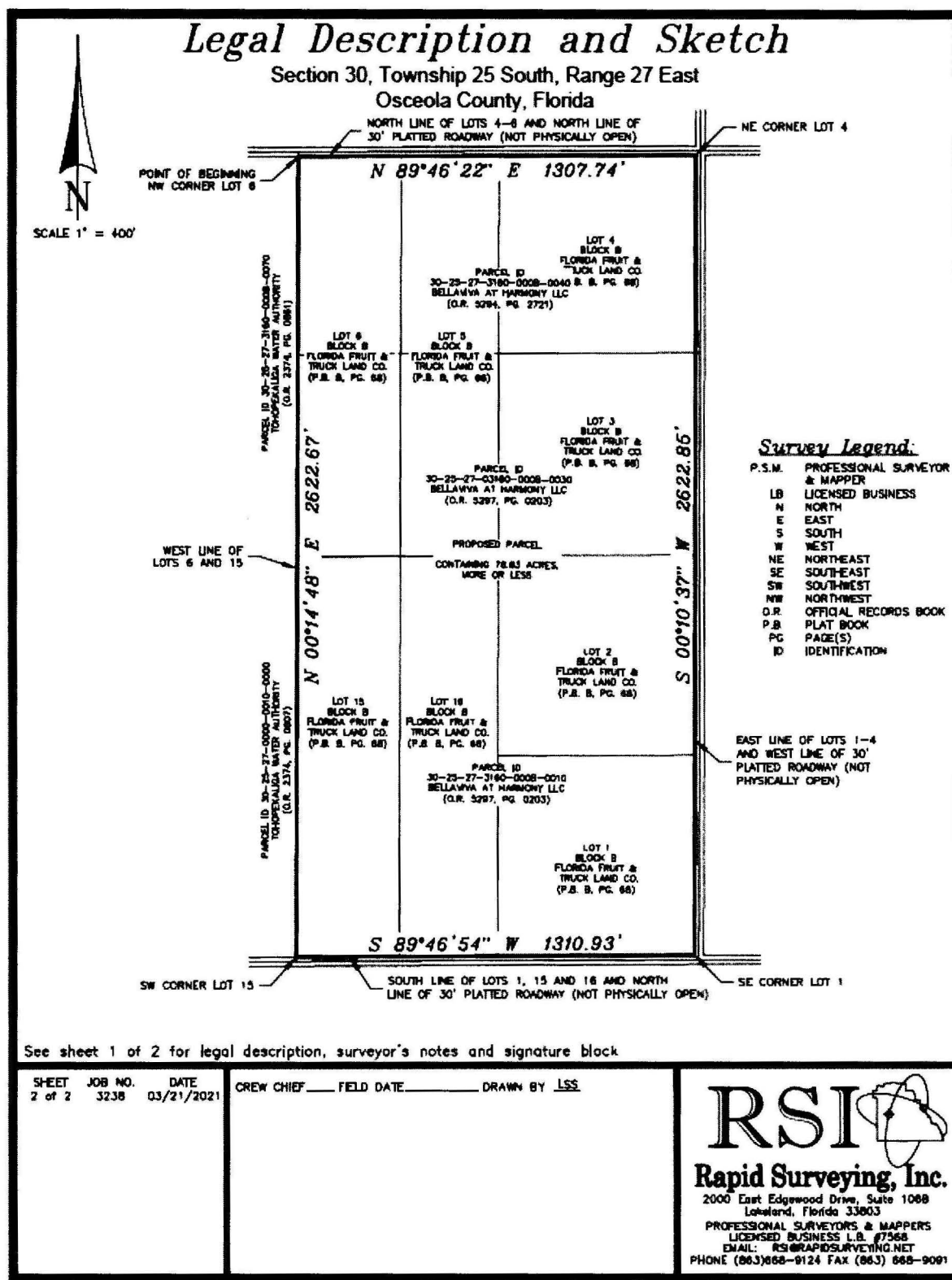
2000 East Edgewood Drive, Suite 1088
Lakeland, Florida 33803

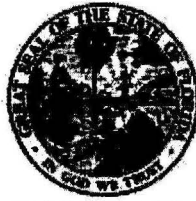
PROFESSIONAL SURVEYORS & MAPPERS

LICENSED BUSINESS L.B. #7368

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PHONE (863) 668-9124 FAX (863) 668-9091





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 19, 2021

Ms. Amairani Espinoza
Osceola County
2 Courthouse Square, Suite 2401
Kissimmee, Florida 34741

Dear Ms. Espinoza:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2021-53, which was filed in this office on August 19, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb