

**BOARD OF COUNTY COMMISSIONERS OF
OSCEOLA COUNTY, FLORIDA**

ORDINANCE NO.01-05

AN ORDINANCE ESTABLISHING VILLASOL COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE COUNTY MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Boggy Creek Estates, L.C., ("Petitioner") has petitioned the Osceola County Board of County Commissioners ("Board") to establish, by non-emergency ordinance, the VillaSol Community Development District ("District"); and

WHEREAS, the Board, after proper published notice, conducted a local, public, legislative and information-gathering ordinance hearing as required by law and hereby finds as follows:

1. The Petition is complete in that it meets the requirements of section 190.005(1)(a), Florida Statutes (2000 as amended and hereafter); and, all statements contained within the petition are true and correct;
2. The appropriate administrative and legislative staff persons of Osceola County have reviewed and approved the petition for establishment of the District on the proposed land and it is complete and sufficient;
3. The costs to Osceola County and government agencies from establishment of the District are nominal. There is no adverse impact on competition or employment from District establishment. The persons affected by establishment are the future landowners, present landowners,

Osceola County and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from District establishment as the state law created government entity to manage and finance the statutory services identified. The impact of District establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the District. Methodology is as set forth in the Statement of Estimated Regulatory Costs ("SERC") on file with the County. The SERC of the Petitioner on District establishment is complete and adequate in that it meets the requirements of section 120.541, Florida Statutes;

4. Establishment of the District by this Ordinance, whose uniform general law charter is sections 190.006 - 190.041, Florida Statutes, created by general law, is subject to and not inconsistent with the local Comprehensive Plan of Osceola County and with the State Comprehensive Plan;

5. That the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as one functional, interrelated community;

6. The District is the best alternative available for delivering community development services and facilities to the area proposed to be serviced by the District;

7. The community development systems, facilities and services of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities;

8. The area that is proposed to be served by the District is amenable to separate special district government;

9. The District, once established, may petition the Board for consent to exercise one or more of the special powers granted by charter in section 190.012(2), Florida Statutes, and the county in reaching its conclusions, has considered the potential exercise by the District of all the powers set forth in section 190.012(1 -3), Florida Statutes.

10. Upon the effective date of this establishing Ordinance, the VillaSol Community Development District, as created by general law, will be duly and legally authorized to exist on the proposed property and to exercise all of its general and special powers as limited by law; and, has the right to seek consent from Osceola County for the grant of authorization to exercise special powers in accordance with, and granted by, charter section 190.012(2), Florida Statutes, without question as to the District's establishment and its continued rights, authority and power to exercise its limited powers under law.

11. All notice requirements of law were met and complete notice was timely given.

NOW, THEREFORE, BE IT ORDAINED by the Board that:

SECTION ONE: DISTRICT NAME

The Community Development District herein established will be known as the "VillaSol Community Development District."

SECTION TWO: AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to section 190.005(2), Florida Statutes, and other applicable provisions of law governing county ordinances.

SECTION THREE: ESTABLISHMENT OF DISTRICT

The VillaSol Community Development District, as created by general law, is hereby established within the boundaries of the real property described in Exhibit "2" attached hereto and incorporated by reference herein.

SECTION FOUR: DESIGNATION OF INITIAL BOARD MEMBERS

The following five persons are herewith designated to be the initial members of the Board of

Supervisors of the District:

- (1) Walter A. Rey
whose address is: 1935 Green Meadow Lane
Orlando, Florida 33825

- (2) Isabel Rey
whose address is: 1935 Green Meadow Lane
Orlando, Florida 33825

- (3) Jose Ramirez
whose address is: 2820 Boggy Creek Road
Kissimmee, Florida 34744

- (4) Nancy A. Marchena
whose address is: 1740 Rose Garden Lane
Orlando, Florida 32825

- (5) Aldo D. Martin
whose address is: 3103 Birmingham Blvd.
Orlando, Florida 32829

SECTION FIVE: STATUTORY PROVISIONS CONSTITUTING THE UNIFORM CHARTER DISTRICT

VillaSol Community Development District shall be governed by the provision of chapter 190, Florida Statutes, specifically sections 190.006 - 190.041, Florida Statutes, which constitutes its uniform charter created by general law.

SECTION SIX: CONFLICT AND SEVERABILITY

In the event this Ordinance conflicts with any other ordinance or resolution of Osceola County or other applicable law, the more restrictive shall apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the

remaining portion.

SECTION SEVEN. EFFECTIVE DATE

This Ordinance becomes effective upon filing with the Florida Secretary of State.

THE FOREGOING ORDINANCE was offered by Commissioner DUNNICK, who moved its adoption. The motion was seconded by Commissioner OWEN and being put to a vote was as follows:

| | |
|---------------------|------------------|
| PAUL OWEN | <u>AVE</u> |
| MARY JANE ARRINGTON | <u>ABSTAINED</u> |
| KEN SHIPLEY | <u>AVE</u> |
| KENNETH SMITH | <u>AVE</u> |
| CHUCK DUNNICK | <u>AVE</u> |

DULY PASSED AND ADOPTED this 7th day of 02, 2001.

ATTEST:

, CLERK

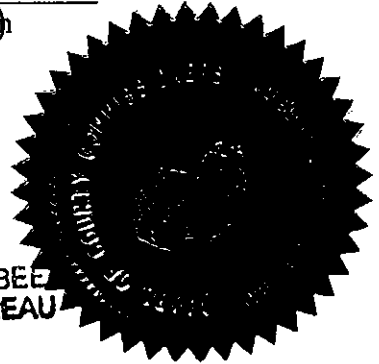
By: Jammy Ross
Clerk

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: Ken Shipley
Ken Shipley, Chairman

APPROVED AS TO FORM

By: Kate Payne
Kate Payne, Deputy Co. Attorney



NOTICE THAT THIS ORDINANCE HAS BEEN FILED WITH THE FLORIDA STATE BUREAU OF ADMINISTRATIVE CODE.

ON March 5, 2001

By: Kelly A. Mueller
DEPUTY CLERK OF THE BOARD

(STATE OF FLORIDA)
(COUNTY OF OSCEOLA)

I, *Teena Jenkins*, Clerk to the Osceola County Board of County Commissioners, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 01-05

which was adopted by the Osceola County Board of County Commissioners during Regular Session on the 26 day of February, 2001.

By: _____

Clerk, Board of County Commissioners, Osceola County.

5/28/03 *Marilyn J. Kenne*