

**PROPOSED ORDINANCE NO. 21-02**  
**ORDINANCE NO. 3039**

**AN ORDINANCE OF THE CITY COMMISSION OF KISSIMMEE, FLORIDA, ESTABLISHING THE OSCEOLA VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT LOCATED IN THE CITY OF KISSIMMEE AND CONTAINING APPROXIMATELY 66.91 ACRES; PROVIDING FOR THE AUTHORITY OF THE ORDINANCE; PROVIDING FOR THE ESTABLISHMENT OF THE BOUNDARIES FOR THE OSCEOLA VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR THE DESIGNATION OF THE INITIAL BOARD OF SUPERVISORS; PROVIDING FOR THE DISTRICT NAME; PROVIDING FOR STATUTORY PROVISIONS GOVERNING THE DISTRICT; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Avex Homes, LLC, a Florida limited liability company, has petitioned the City Commission (“Commission”) of Kissimmee, Florida, a political subdivision of the State of Florida, to establish the OSCEOLA VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT (“District”); and

**WHEREAS**, the Commission, after proper published notice has conducted a public hearing on the petition and determined the following with respect to the factors to be considered in Section 190.005(1)(e) Florida Statutes, as required by Section 190.005(2)(c), Florida Statutes:

1. The petition is complete and meets the requirements of Section 190.005, Florida Statutes, and all statements contained within the petition are true and correct.
2. Establishment of the proposed District is not inconsistent with any applicable element or portion of the local comprehensive plan of Kissimmee, known as the Kissimmee Growth Management Plan, or the State Comprehensive Plan.
3. The area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. The District is the best alternative available for delivering community development services and facilities to the area that will be serviced by the District.
5. 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 services and facilities.
6. The area that will be served by the District is amenable to separate special-district government.

**WHEREAS**, it is the policy of the State of Florida, as provided for in Section 190.002(2)(c), Florida Statutes, that the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under Chapter 380, Florida Statutes, and that the district so established does not have any zoning or permitting powers governing development; and

**WHEREAS**, Section 190.004(3), Florida Statutes, provides that all governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Land Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

**BE IT ORDAINED BY THE CITY COMMISSION OF KISSIMMEE, FLORIDA:**

**SECTION ONE: AUTHORITY FOR ORDINANCE**

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

**SECTION TWO: ESTABLISHMENT OF THE DISTRICT**

The District is hereby established within the boundaries of the real property described in Exhibit "A" attached hereto and incorporated by reference herein.

**SECTION THREE: DESIGNATION OF INITIAL BOARD OF SUPERVISORS**

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

- |  |  |
|--|--|
| 1. Richard Jerman<br>1640 Eagle Nest Circle<br>Winter Springs, FL 32708                  | 2. Denver Marlow<br>2160 Chippewa Trail<br>Maitland, FL 32751    |
| 3. Eric Marks<br>28 East Washington Street<br>Orlando, FL 32801                          | 4. Mark Molina<br>28 East Washington Street<br>Orlando, FL 32801 |
| 5. Marybel Defillo<br>3680 Avalon Park East<br>Boulevard, Suite 300<br>Orlando, FL 32828 |  |

**SECTION FOUR: DISTRICT NAME**

The community development district herein established shall henceforth be known as the “Osceola Village Center Community Development District.”

**SECTION FIVE: STATUTORY PROVISIONS GOVERNING THE DISTRICT**

The District shall be governed by the provisions of Chapter 190, Florida Statutes, and all other applicable general and local law.

**SECTION SIX: CONSENT TO SPECIAL 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 Chapter 190, Florida Statutes, and as otherwise provided by law.

The Commission hereby consents to the exercise by the District of special powers set forth in Section 190.012(2)(a) and 190.012(2)(d), Florida Statutes, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, as well as facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District boundaries.

**SECTION SEVEN: CONFLICT AND SEVERABILITY**

In the event this Ordinance conflicts with any other ordinance of Kissimmee or other applicable law, the more restrictive shall apply. If any phrase 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 EIGHT: INCLUSION IN CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Kissimmee, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**SECTION NINE: EFFECTIVE DATE**

This Ordinance shall become effective upon filing with the Florida Department of State.

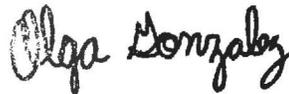
Commissioner Fisher moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner Ortiz and upon roll call on the motion the vote was as follows:

AYES:

Commissioner Fisher      AYE  
Commissioner Castano    AYE  
Commissioner Ortiz       AYE  
Commissioner Alvarez    AYE  
Mayor Gonzalez          AYE

NAYS:

Said motion having been duly carried, thereupon, Mayor Olga Gonzalez declared said Ordinance duly passed and adopted the 16th day of March, 2021.



\_\_\_\_\_  
Mayor-Commissioner

ATTEST:

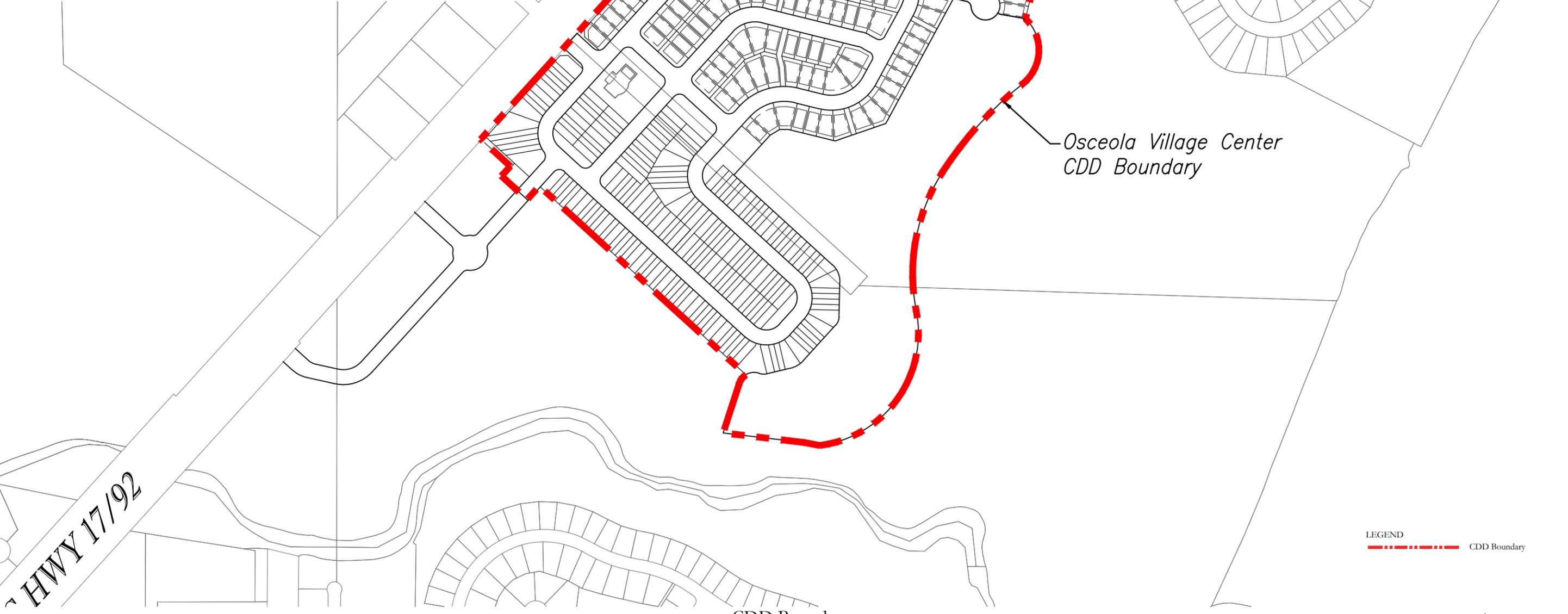
  
\_\_\_\_\_  
City Clerk

LEGAL DESCRIPTION:

SITE 1:

A portion of Section 33, Township 25 South, Range 29 East, Osceola County, Florida, being more particularly described as follows:

COMMENCE at the Westernmost Southwest corner of VILLAS AT ESTANCIA, according to the plat thereof as recorded in Plat Book 18, Pages 63 and 64, of the Public Records of Osceola County, Florida, the following three (3) courses being along the Southerly boundary of said VILLAS AT ESTANCIA; thence South 48°43'28" East, a distance of 290.27 feet to the POINT OF BEGINNING; thence continue South 48°43'28" East, a distance of 187.38 feet; thence South 76°11'48" East, a distance of 406.12 feet to the Southeast corner of said VILLAS AT ESTANCIA, also being the Southwest corner of Lot 70, ESTANCIA, according to the plat thereof as recorded in Plat Book 15, Pages 184 and 185 of said Public Records; thence continue South 76°11'48" East along the Southerly boundary of said ESTANCIA, a distance of 420.02 feet; thence departing from said Southerly boundary run South 13°48'12" West, a distance of 190.69 feet to a point on the arc of a non-tangent curve concave to the West, the radius point of which bears South 43°30'23" West; thence Southerly along said curve having a radius of 173.75 feet, a central angle of 98°20'05" for an arc distance of 298.20 feet to a point of reverse curvature of a curve concave to the Southeast; thence Southwesterly along said curve having a radius of 1,446.25 feet, a central angle of 18°56'43" for an arc distance of 478.21 feet to a point of compound curvature of a curve concave to the East; thence Southerly along said curve having a radius of 755.25 feet, a central angle of 44°14'44" for an arc distance of 583.23 feet to a point of reverse curvature of a curve concave to the Northwest; thence Southwesterly along said curve having a radius of 453.75 feet, a central angle of 94°06'13" for an arc distance of 745.25 feet to a point on the Northerly boundary of that certain land conveyed to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, as described in Warranty Deed recorded in Official Records Book 5336, Page 1230, of said Public Records, the following two (2) courses being along said Northerly boundary; thence North 79°24'12" West along a non-tangent line, a distance of 64.06 feet; thence North 83°16'25" West, a distance of 328.64 feet; thence North 18°03'27" East, a distance of 210.05 feet to a point of curvature of a curve concave to the Southeast; thence Northeasterly along said curve having a radius of 62.00 feet, a central angle of 40°22'20" for an arc distance of 43.69 feet; thence North 47°39'17" West along a non-tangent line, a distance of 1,119.37 feet; thence South 42°20'43" West, a distance of 68.00 feet; thence North 47°39'17" West, a distance of 140.00 feet; thence North 42°20'43" East, a distance of 48.00 feet; thence North 47°39'17" West, a distance of 166.29 feet to the Easterly Right-of-Way Line of State Road 600, according to the State of Florida Department of Transportation Right-of-Way Map Section 92010-2507; thence North 42°20'43" East along said Easterly Right-of-Way Line, a distance of 1345.14 feet to a point lying on the North line of the Northwest 1/4, of said Section 33; thence South 89°17'16" East along said North line, a distance of 388.30 feet to the POINT OF BEGINNING.

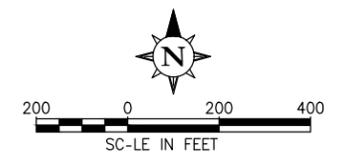


Osceola Village Center  
CDD Boundary

CDD Boundary

# Osceola Village Center CDD

LEGEND  
CDD Boundary



October 28, 2020  
P & B Job No.: 20-107

2602 E. Livingston St.  
Orlando, Florida 32803-407.487.2594

**POULOS & BENNETT**

www.poulosandbennett.com  
Certificate of Authorization No. 28567

Exhibit 3