

PROPOSED ORDINANCE #13-31
ORDINANCE NO. 2875

AN ORDINANCE OF THE CITY COMMISSION OF KISSIMMEE, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE TAPESTRY COMMUNITY DEVELOPMENT DISTRICT, 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 A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, Mattamy (Jacksonville) Partnership ("Petitioner"), having obtained written consent to the establishment of the Tapestry Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Commission (the "Commission") of Kissimmee, Florida (the "City"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the Petitioner is a general partnership authorized to conduct business in the State of Florida whose address is 400 Park Avenue South, Suite 220, Winter Park, Florida 32789; 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 Commission on November 5, 2013; and,

WHEREAS, upon consideration of the record established at that hearing, the Commission determined 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 County's comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and is 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 that will be 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 regional community development services and facilities, and that the area that will be served by the District is amenable to separate special-district governance; and,

WHEREAS, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

WHEREAS, the establishment of the District will constitute a timely, efficient, effective,

responsive and economic way to deliver community development services in the area described in the petition; and

WHEREAS, the Commission has determined that the initial members of the District's Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of Florida and citizens of the United States of America.

Be It Ordained by the City Commission of Kissimmee:

Section 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

Section 2. District Name. There is hereby created a community development district situated entirely within a portion of the City of Kissimmee, Florida, which shall be known as the "Tapestry Community Development District", and which shall be referred to in this ordinance as the "District".

Section 3. District External Boundaries. The external boundaries of the District are described in Appendix A attached hereto, said boundaries encompassing 242.30 acres, more or less.

Section 4. District Powers and Functions. The powers and functions of the District are described in Chapter 190, Florida Statutes or as may be provided by an Interlocal Agreement with the City of Kissimmee.

Section 5. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows

Name: Keith Trace
Address: 400 Park Avenue South, Suite 220
Winter Park Florida, 32789

Name: Rob Bosarge
Address: 400 Park Avenue South, Suite 220
Winter Park Florida, 32789

Name: Curt Hooper
Address: 400 Park Avenue South, Suite 220
Winter Park Florida, 32789

Name: Glenn Kirwan
Address: 400 Park Avenue South, Suite 220
Winter Park Florida, 32789

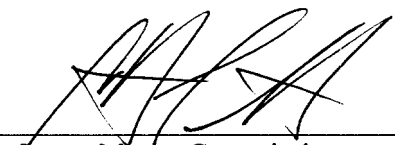
Name: Jeff Hastings
Address: 400 Park Avenue South, Suite 220
Winter Park Florida, 32789

Section 6. Severability. If any provision of this ordinance, or the application thereof, 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 full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this ordinance.

Section 7. Effective Date. This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the City Commission of Kissimmee, Florida, this 5th day of November, 2013.

CITY COMMISSION
KISSIMMEE, FLORIDA

BY: 

Jim Swan, Mayor-Commissioner
Cheryl Grieb for Jim Swan
Vice-Mayor



ATTEST:



Desiree Matthews, City Clerk
Kissimmee City Commission

Appendix A
[District's External Boundaries]

A portion of Sections 8 and 17, Township 25 South, Range 29 East, Osceola County, Florida, being more particularly described as follows:

BEGIN at the northeast corner of *SHADOW BAY UNIT THREE*, according to the plat thereof, as recorded in Plat Book 4, Page 73, Public Records of Osceola County, Florida; thence run N 89°47'51" W, along the north line of said *SHADOW BAY UNIT THREE*, a distance of 920.55 feet to a point on the north line of *SHADOW BAY UNIT FOUR - PHASE ONE*, according to the plat thereof, as recorded in Plat Book 4, Page 152, Public Records of Osceola County, Florida; thence continue N 89°47'51" W, along the north line of said *SHADOW BAY UNIT FOUR - PHASE ONE*, a distance of 1040.00 feet to a point on the north line of the *VILLAS OF SHADOW BAY, PHASE VI ADDITION, A CONDOMINIUM*, according to the plat thereof, as recorded in Condominium Book 2, Page 133, Public Records of Osceola County, Florida; thence continue N 89°47'51" W, along the north line of the *VILLAS OF SHADOW BAY, PHASE VI ADDITION*, a distance of 560.73 feet to a point on the north line of *THE VILLAS AT SHADOW BAY*, according to the plat thereof, as recorded in Plat Book 4, Page 124, Public Records of Osceola County, Florida; thence continue N 89°47'51" W, along the north line of the *VILLAS AT SHADOW BAY*, a distance of 799.89 feet to a point on the easterly line of the plat *BOYS AND GIRLS CLUB*, as recorded in Plat Book 21, Page 117, Public Records of Osceola County, Florida; thence run along the boundary lines of said *BOYS AND GIRLS CLUB*, the following four (4) courses and distances; run N 00°12'09" E, a distance of 177.57 feet; thence run N 23°09'23" W, a distance of 413.39 feet to a point of curvature of a non-tangent curve, concave northerly, having a radius of 805.00 feet; thence, on a chord bearing of S 84°28'48" W and a chord distance of 152.83 feet, run along the arc of said curve a distance of 153.07 feet through a central angle of 10°53'39" to the point of tangency thereof; thence run S 89°55'39" W, a distance of 150.55 feet to a point on the easterly right-of-way line of Dyer Boulevard, as recorded in Official Records Book 3813, Page 0028, Public Records of Osceola County, Florida; thence run along the proposed northerly extension of the easterly right-of-way line of Dyer Boulevard the following three (3) courses and distances: run N 00°04'21" W, a distance of 661.08 feet; thence run N 03°38'51" W, a distance of 80.19 feet; thence run N 00°04'21" W, a distance of 677.05 feet; thence, departing the proposed easterly right-of-way line of Dyer Boulevard, run N 89°55'39" E, a distance of 647.84 feet; thence run S 65°42'58" E, a distance of 41.09 feet; thence run N 00°04'21" W, a distance of 1,368.47 feet to a point on the southerly right-of-way line of Carroll Street, as recorded in Official Records Book 825, Page 1372, Public Records of Osceola County, Florida; thence run S 84°32'32" E, along the southerly right-of-way line of Carroll Street, a distance of 1,843.60 feet; thence, departing said southerly right-of-way line, run S 02°35'56" W, a distance of 817.77 feet; thence run S 79°41'32" E, a distance of 161.64 feet to a point of curvature of a curve, concave northerly, having a radius of 600.00 feet and a central angle of 22°47'58"; thence run easterly, along the arc of said curve, a distance of 238.76 feet to the point of tangency thereof; thence run N 77°30'30" E, a distance of 168.61 feet; thence run S 22°01'55" E, a distance of 110.00 feet to a point of curvature of a non-tangent curve, concave northwesterly, having a radius of 346.18 feet; thence, on a chord bearing of N 52°56'30" E and a chord distance of 179.50 feet, thence run northeasterly along the arc of said curve, a distance of 181.58 feet, through a central angle of 30°03'09" to the point of tangency thereof; thence run N 37°54'56" E, a distance of 173.94 feet to a point of curvature of a curve, concave southeasterly, having a radius of 340.00 feet and a

central angle of $17^{\circ}17'17''$; thence run northeasterly, along the arc of said curve, a distance of 102.59 feet to the point of tangency thereof; thence run $N 55^{\circ}12'13'' E$, a distance of 87.49 feet to a point on the westerly right-of-way line of Thacker Avenue; thence run southerly along said westerly right-of-way line, the following two (2) courses and distances: run $S 34^{\circ}47'47'' E$, a distance of 209.21 feet to a point of curvature of a curve, concave southwesterly, having a radius of 1,100.00 feet and a central angle of $11^{\circ}14'06''$; thence run southeasterly, along the arc of said curve, a distance of 215.70 feet to a point on said curve; thence, departing the westerly right-of-way line of Thacker Avenue, run $S 69^{\circ}21'44'' W$, a distance of 20.03 feet to a point of curvature of a non-tangent curve, concave southwesterly, having a radius of 1080.00 feet; thence on a chord bearing of $S 23^{\circ}06'38'' E$ and a chord distance of 19.03 feet, run along the arc of said curve a distance of 19.03 feet through a central angle of $01^{\circ}00'35''$ to a point on said curve; thence run $S 69^{\circ}16'10'' W$, a distance of 77.48 feet; thence run $S 24^{\circ}16'10'' W$, a distance of 15.26 feet; thence run $S 20^{\circ}43'50'' E$, a distance of 29.72 feet; thence run $S 65^{\circ}43'50'' E$, a distance of 28.27 feet; thence run $N 69^{\circ}16'10'' E$, a distance of 88.57 feet to a point on the aforesaid westerly right-of-way line of Thacker Avenue; said point being a point of curvature of a non-tangent curve, concave southwesterly, having a radius of 1100.00 feet; thence run southerly along the westerly right-of-way line of Thacker Avenue the following courses and distances; on a chord bearing of $S 13^{\circ}32'28'' E$ and a chord distance of 225.34 feet, run along the arc of said curve a distance of 225.73 feet through a central angle of $11^{\circ}45'28''$ to the end of said curve; thence run $S 00^{\circ}26'07'' W$, a distance of 816.26 feet; thence run $S 00^{\circ}24'48'' E$, a distance of 1288.12 feet to the ***POINT OF BEGINNING***.