

ORDINANCE NO. 2007 - 52

ORDINANCE GRANTING PETITION OF THE PAVILION OF PORT ORANGE, LLC FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING SWI COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWERS AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INITIAL MEMBERS OF BOARD OF SUPERVISORS; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes, to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, The Pavilion at Port Orange, LLC, a Florida limited liability company, has petitioned for the establishment of the SWI Community Development District (the "District") and has paid the required fee of Fifteen Thousand and 00/100 Dollars (\$15,000.00) to the City of Port Orange, Florida; and

WHEREAS, a public hearing has been conducted by the City Council (the "Council") of the City of Port Orange, Florida (the "City") in accordance with the requirements and procedures of Section 190.005(2)(d), Florida Statutes, and the applicable requirements and procedures of the City's Charter and Code of Ordinances; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area, thereby providing a solution to the City's management and financing needs for delivery of capital infrastructure therein without overburdening the City and its taxpayers; and

WHEREAS, the Council finds that the statements contained in the Petition are true and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable element or portion of the State comprehensive plan or the City's Comprehensive Master Plan; and

WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated development; and

WHEREAS, the creation of the District is the best alternative available for delivering community development facilities and services to the area that will be served by the District; and

WHEREAS, the proposed facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development facilities and services; and

WHEREAS, the area that will be served by the District is amenable to separate special district government; and

WHEREAS, the Council finds that the District shall have those general and special powers authorized by Sections 190.011 and 190.012, Florida Statutes, and set forth herein, and that it is in the public interest of all of the citizens of the City that the District have such powers,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, FLORIDA:

Section 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

Section 2. The Petition to establish the SWI Community Development District over the real property described in Exhibit 2 of the Petition, a copy of which is attached hereto, which was filed by the Petitioner, on August 10, 2007, and which Petition is on file at the Office of the Clerk of the Council, is hereby granted. A copy of the Petition is attached and incorporated herein Exhibit A.

Section 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibit B.

Section 4. The initial members of the Board of Supervisors shall be as follows:

Name: Wayne Bohl
Address: 1700 W. International Speedway Blvd.
Daytona Beach, FL 32114

Name: Bob Elliott
Address: 1700 W. International Speedway Blvd.
Daytona Beach, FL 32114

Name: Mandy York
Address: 1700 W. International Speedway Blvd.
Daytona Beach, FL 32114

Name: Sans Lassiter
Address: 123 Live Oak Avenue
Daytona Beach, FL 32114

Name: John Horency
Address: 9754 Sibley Circle
Orlando, FL 32836

Section 5. The name of the District shall be the "SWI Community Development District".

Section 6. The SWI Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes.

Section 7. Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the SWI Community Development District shall be Sections 190.006 through 190.041, Florida Statutes, as amended

Section 8. The Council hereby grants to the SWI Community Development District all powers authorized pursuant to Sections 190.011 and 190.012(1), (2)(a), (d), (e) and (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of the City to grant such general powers.

Section 9. All bonds issued by the SWI Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

Section 10. No bond, debt or other obligation of the SWI Community Development District, nor any default thereon, shall constitute a debt or obligation of the City.

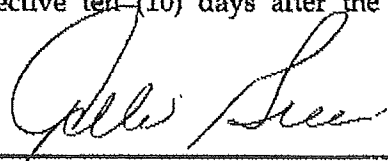
Section 11. In addition to any other maintenance obligations undertaken by the SWI Community Development District, the District shall enter into interlocal agreements with the City or County of Volusia, as applicable, for the ongoing maintenance, or costs associated with maintenance, of the following:

1. Maintenance and operational expenses of the South Williamson right of way, including sidewalks, street lighting, walk lighting, landscape maintenance and mowing, but excluding actual roadway maintenance, adjacent to the SWI Community Development District boundary with South Williamson.
2. Any traffic signals installed as a result of The Pavilion at Port Orange DRI Development Order.

Section 12. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

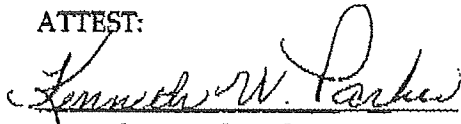
Section 13. It is the intention of the Council, and it is hereby ordained that the provisions of this ordinance shall be excluded from the City's Code of Ordinances.

Section 14. This ordinance shall become effective ten (10) days after the date of enactment.



MAYOR ALLEN GREEN

ATTEST:


Kenneth W. Parker, City Manager

Passed on first reading on the 2nd day of October, 2007

Passed and adopted on second and final reading on the 23rd day of October, 2007

Reviewed and Approved: 
City Attorney