

ORDINANCE NO. 2023-25

AN ORDINANCE GRANTING THE PETITION OF AVALON PARK DAYTONA LAND HOLDING, LP, FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT; CREATING AND ESTABLISHING THE DAYTONA WEST 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, Avalon Park Daytona Land Holding, LP (“Avalon Park”), a Florida limited liability company, owns approximately 771.5 acres of land generally located south of State Road 40 (W. Granada Blvd.), along Tram Road and Slim Pines Road (“Subject Property”); and

WHEREAS, Avalon Park has petitioned The City of Daytona Beach (“The City”) for establishment of a community development district, to be known as “Daytona West Community Development District” (the “District”), the boundaries of which would coterminous of the Subject Property, and has paid The City the required \$15,000.00; and

WHEREAS, a public hearing has been conducted by the City Commission of The City, in accordance with the requirements and procedures of § 190.005(2)(d), Florida Statutes, and the applicable requirements and procedures of the City’s Charter and Code of Ordinances; and

WHEREAS, the City Commission has determined that the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services within the Subject Property, thereby providing a solution for delivery of capital public infrastructure therein without overburdening residents not residing within the proposed District

boundaries, based on the information provided in the Petition, including the following representations:

(a) That the District's stormwater system will tie in to the City's stormwater system, consistent with applicable laws, regulations, and City design standards, and the District will pay required stormwater fees imposed by City ordinance; and

(b) That the District represents an efficient means of connecting properties within the proposed District boundaries with water, sewer, reuse water, stormwater, and solid waste utility services provided by applicable service providers; and

(c) That the City will retain construction permitting and inspection responsibilities regarding District improvements; and

WHEREAS, the City Commission 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's comprehensive plan or the City's Comprehensive Plan; and

WHEREAS, the area of land within the District (e.g., the Subject Property) 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 Commission finds that the District shall have those general and special powers authorized by §§ 190.011 and 190.012, Florida Statutes, as 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 ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, 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 Daytona West Community Development District over the real property described in Exhibit 2 of the Petition dated October 20, 2022, which is on file in the Office of the City Clerk, is hereby granted. A copy of the Petition is attached and incorporated herein as Exhibit A.

SECTION 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibits 1 and 2 of Attachments A.

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

1. Name: Ross Halle
Address: 3801 Avalon Park Blvd. East, Ste. 400 Orlando, FL 32828
Relationship to Petitioner: Affiliate of Petitioner
2. Name: Stephanie Lerret
Address: 3801 Avalon Park Blvd. East, Ste. 400, Orlando, FL 32828
Relationship to Petitioner: Affiliate of Petitioner
3. Name: Marybel Defillo
Address: 3801 Avalon Park Blvd. East, Ste. 400, Orlando, FL 32828
Relationship to Petitioner: Affiliate of Petitioner
4. Name: Eric Wills

Address: 3801 Avalon Park Blvd. East, Ste. 400, Orlando, FL 32828
Relationship to Petitioner: Affiliate of Petitioner

5. Name: Augustine M. Fragala, III
Address: 3801 Avalon Park Blvd. East, Ste. 400, Orlando, FL 32828
Relationship to Petitioner: Affiliate of Petitioner

SECTION 5. The name of the District shall be the “Daytona West Community Development District”.

SECTION 6. The Daytona West Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes.

SECTION 7. Pursuant to § 190.005(2)(d), Florida Statutes, the charter for the Daytona West Community Development District shall be §§ 190.006 through 190.041, Florida Statutes, as amended.

SECTION 8. Based on the findings referenced above, the Commission hereby grants to the Daytona West Community Development District all powers authorized pursuant to §§190.011 and 190.012(1)(a)-(h), (2)(a), and (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of the City to grant such general and special powers.

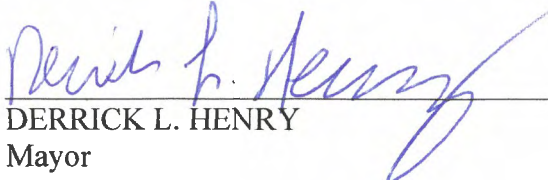
SECTION 9. All bonds issued by the Daytona West Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

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

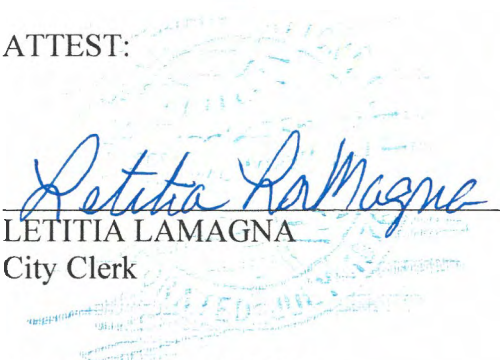

SECTION 11. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

SECTION 12. It is the intention of the City Commission, and it is hereby ordained, that the provisions of this ordinance shall be excluded from the City’s Code of Ordinances.

SECTION 13. This Ordinance shall become effective immediately upon its adoption.


DERRICK L. HENRY
Mayor

ATTEST:



LETITIA LAMAGNA
City Clerk

Passed: January 4, 2023
Adopted: January 18, 2023