

ORDINANCE NO. 2990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF SONOMA BAY ASSOCIATES, LTD., ESTABLISHING THE "SONOMA BAY COMMUNITY DEVELOPMENT DISTRICT" BOUNDARIES FOR REAL PROPERTY COMPRISING OF 18.20 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE SBCDD; DESIGNATING THE PURPOSE OF THE SBCDD; DESIGNATING THE POWERS OF THE SBCDD; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR 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, Sonoma Bay Associates, Ltd., ("Petitioner"), has petitioned the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Sonoma Bay Community Development District (the "SBCDD"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained within the petition have been notarized as true and correct; and

WHEREAS, the creation of the SBCDD is consistent with all applicable elements or portions of the City of Riviera Beach Comprehensive Plan, as amended; and

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

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

WHEREAS, the SBCDD will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

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

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

WHEREAS, the SBCDD desires to levy special assessments on purchasers of benefited land within the SBCDD to pay for infrastructure constructed and/or acquired by the SBCDD; and

WHEREAS, the SBCDD shall acquire or construct potable water and wastewater facilities in accordance with the City's Water Utilities District standards and procedures to enable the City to provide potable water and wastewater services to the SBCDD; and

WHEREAS, the SBCDD shall acquire or construct surface water management facilities and appurtenances thereto in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the SBCDD shall construct infrastructure such as roads within the development in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the SBCDD does not have any zoning or development permitting power and the establishment of the SBCDD is not a development order; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the SBCDD; and

WHEREAS, the City Council has considered the record of the public hearing and has decided that the establishment of the SBCDD is the best alternative means to provide certain basic services to the community; and

WHEREAS, the City Council finds that the SBCDD shall have the general powers described in Section 190.011, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA:

SECTION 1. The above recitations are true and incorporated by reference herein.

SECTION 2. The Petition to establish the Sonoma Bay Community Development District over the real property described in Exhibit "A" attached hereto,

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which was filed by Sonoma Bay Associates, Ltd, Inc. on December 13, 2004 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 3. The initial members of the Board of Supervisors shall be as follows:

Gerry Valent
John Barr
Elizabeth White
Max Cruz

SECTION 4. The name of the Community Development District shall be "Sonoma Bay Community Development District".

SECTION 5. The SBCDD is created for the purposes set forth in and prescribed in the petition.

SECTION 6. The Board hereby grants to the SBCDD all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of the City to grant such general powers.

SECTION 7. Notwithstanding Section 6 as set forth hereinabove, Sonoma Bay Associates, Ltd, Inc., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the City of Riviera Beach Water Utilities District's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Riviera Beach. The City of Riviera Beach Utilities District shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 8. Pursuant to Section 190.012(1)(b), Florida Statutes, the SBCDD shall have the power to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 9. Pursuant to Section 190.004(4), Florida Statutes, the charter for the SBCDD shall be Sections 190.006 through 190.041, Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

SECTION 10. The SBCDD is solely responsible for the implementation of special assessments upon benefited property within the SBCDD's internal

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boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 11. The SBCDD shall provide full disclosure of the public financing and maintenance of improvements undertaken by the SBCDD. This disclosure shall include a statement in bold print that special assessments imposed by the SBCDD will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 12. The SBCDD shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the SBCDD.

SECTION 13. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 14. That all section or part of sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

SECTION 15. This Ordinance shall take effect immediately upon final approval.

PASSED AND APPROVED on first reading this 4th day of May, 2005.

PASSED AND ADOPTED on second and final reading this 10 day of May, 2005.

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PASSED AND APPROVED on the first reading this 4TH day of May, 2005.

PASSED AND ADOPTED on second and final reading this 18 day of May, 2005.

APPROVED:



MICHAEL D. BROWN, MAYOR



ELIZABETH "LIZ" WADE
CHAIRPERSON

(MUNICIPAL SEAL)

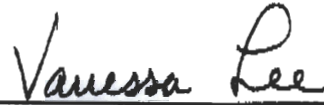
ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



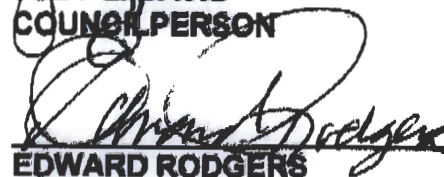
ANN ILES
CHAIR PRO TEM



VANESSA LEE
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



EDWARD RODGERS
COUNCILPERSON

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1ST READING

MOTIONED BY: J. DAVIS

SECONDED BY: V. LEE

V. LEE AYE

J. DAVIS AYE

E. WADE AYE

A. ILES AYE

2ND & FINAL READING

MOTIONED BY: A. ILES

SECONDED BY: J. DAVIS

V. LEE Aye

J. DAVIS Aye

E. WADE Aye

E. RODGERS Aye

A. ILES Aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/18/05

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this Ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

Date

Carrie E. Ward, MMC
City Clerk

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EXHIBIT A
LEGAL DESCRIPTION

SONOMA BAY COMMUNITY DEVELOPMENT DISTRICT

Legal Description:

PARCEL 1:

Parcel A of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

PARCEL 2:

Lake Parcel L-1 of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

PARCEL 3:

Lake Maintenance Easement L-1 of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

Said lands lying in the City of Riviera Beach, Palm Beach County, Florida.