

ORDINANCE NO. 2006-69

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED HEREIN AND BEING COMPRISED OF APPROXIMATELY 246.42 ACRES; PROVIDING FOR NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS CHAPARRAL COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; 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 developments, and

WHEREAS, Lennar Homes, Inc., a Florida corporation (the "Petitioner"), has petitioned the City of Palm Bay, Florida (the "City") to grant the establishment of Chaparral Community Development District (the "District"), and

WHEREAS, a public hearing was conducted by the Palm Bay City Council (the "Council") in accordance with the requirements and procedures of Section 190.005(1)(d) and 190.005(2)(e), Florida Statutes, as amended and supplemented, and

WHEREAS, the District will constitute a timely, efficient, responsive and economical way to deliver community development services, and

WHEREAS, the creation of the District is consistent with all applicable goals, objectives and policies of the City of Palm Bay Comprehensive 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 functionally interrelated community, and

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

City of Palm Bay, Florida
Ordinance No. 2006-69
Page 2 of 7

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

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

WHEREAS, the District desires to levy special assessments on purchasers of benefited land within the District to pay for infrastructure constructed by the District, and

WHEREAS, the District shall acquire or construct potable water and wastewater facilities in accordance with applicable standards and procedures of the City of Palm Bay Utilities Department, and

WHEREAS, the District shall acquire or construct and maintain a stormwater management system in accordance with applicable standards and procedures of the City of Palm Bay Public Works Department, and

WHEREAS, the District shall acquire or construct all public roads in accordance with applicable standards and procedures of the City of Palm Bay Public Works Department, and

WHEREAS, the District will not have any zoning or development permitting authority and the establishment of the District is not a development order, and

WHEREAS, development of land within the District will be subject to all applicable land development regulations of the City of Palm Bay, Florida, and

WHEREAS, the Palm Bay City Council held a public hearing on May 16, 2006, to consider the petition and decided that the Chaparral Community Development District is the best alternative means to provide certain basic public services to the community, and

WHEREAS, the Palm Bay City Council finds that the Chaparral Community Development District shall have the powers described in Section 190.011, Florida Statutes, as amended and supplemented.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals and findings are true and correct and by this reference are hereby incorporated into and made an integral part of this Ordinance.

City of Palm Bay, Florida
Ordinance No. 2006-69
Page 3 of 7

SECTION 2. The petition to establish Chaparral Community Development District which was filed by Lennar Homes, Inc. on May 24, 2006, and which Petition is on file at the City of Palm Bay City Manager's office, is hereby granted.

SECTION 3. The external boundaries of the District are depicted on the location map attached hereto and incorporated herein as Exhibit "A-1", and the legal description attached hereto and incorporated herein as Exhibit "A-2".

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

1. Walter D. Beeman, Jr.
2. Leonard Lupton
3. Mario Chavez
4. Stewart Andersen
5. Amelyn Regis

SECTION 5. The name of the District shall be "Chaparral Community Development District".

SECTION 6. The District is created for the purposes set forth in and prescribed in the Petition.

SECTION 7. The Council hereby grants to Chaparral Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, as amended and supplemented and hereby finds that it is in the public interest of the citizens of the City to grant such general powers.

SECTION 8. The exclusive charter for the District shall be a uniform community development district charter set forth in sections 190.06 through 190.041, including the special powers provided by section 190.12, Florida Statutes, as may be amended and supplemented, and such charter shall be recorded in the Public Records of Brevard County, Florida.

SECTION 9. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

City of Palm Bay, Florida
Ordinance No. 2006-69
Page 4 of 7

SECTION 10. The District shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, Florida Statutes, as amended and supplemented, and shall be included in every contract for sale and in every recorded deed.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 12. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 13. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting No. 2006-18, held on June 15, 2006; and read in title only and duly passed and enacted at Meeting No. 2006-19, held on July 6, 2006.


John J. Mazziotti, MAYOR

ATTEST:


Alice Passmore, CITY CLERK

cc: 07-07-06 All Department Heads
Spafford, Building

City of Palm Bay, Florida
Ordinance No. 2006-69

EXHIBIT "A-1"

CHAPARRAL

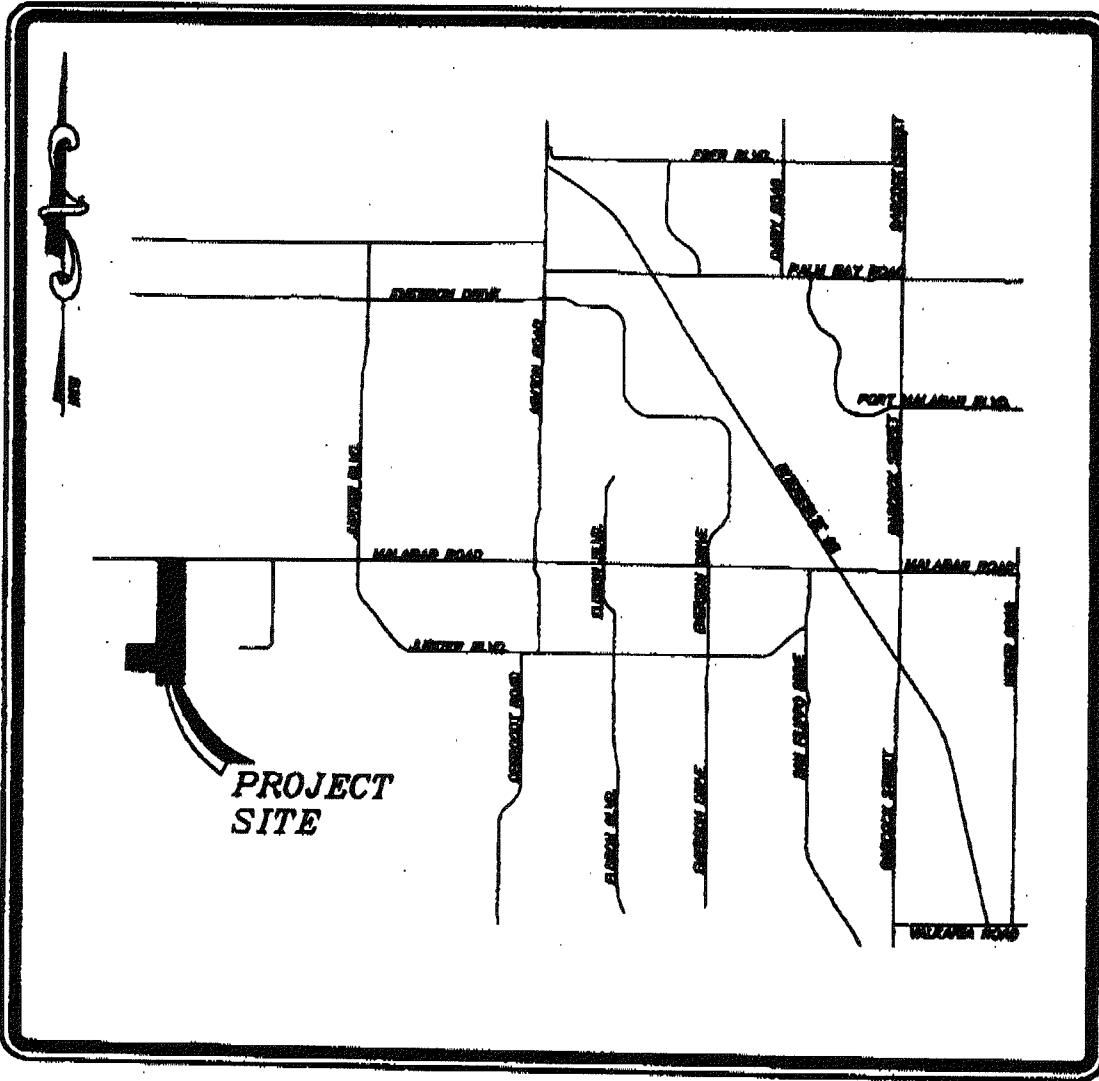


EXHIBIT A-1 - LOCATION MAP

DRAWING #: 10801248A
PROJECT #: 10801



B.S.E. CONSULTANTS, INC.
CONSULTING - ENGINEERING - LAND SURVEYING



312 SOUTH HARBOR CITY BOULEVARD, SUITE 4
MELBOURNE, FLORIDA 32901 PHONE: (321) 723-3674 FAX: (321) 723-1189
CERTIFICATE OF BUSINESS AUTHORIZATION 4908
CERTIFICATE OF LAND SURVEYING BUSINESS AUTHORIZATION LB0004908

2006 B.S.E. CONSULTANTS, INC. H:\Projects\Federal\10801\Drawings\2006\ch14\10801248A-Htop.dwg January 19, 2006 1:31:03 PM

City of Palm Bay, Florida
Ordinance No. 2006-69

EXHIBIT "A-2"

CHAPARRAL COMMUNITY DEVELOPMENT DISTRICT LEGAL DESCRIPTION

A parcel of land lying within Sections 4 and 9, Township 29 South, Range 36 East, Brevard County, Florida, more particularly described as follows:

The East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$;
The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
The South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$;
The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$
And the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 4, Township 29 South, Range 36 East, Brevard County, Florida
And the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, Township 29 South, Range 36 East, Brevard County, Florida.

Less and except

The North 33 feet and the East 65 feet of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$;
The East 65 feet of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
The East 65 feet and West 64 feet of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$;
The West 64 feet of the North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
The West 64 feet of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 4, Township 29 South, Range 36 East, Brevard County, Florida.

And less

The East 52 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, Township 29 South, Range 36 East, Brevard County, Florida.

And less

Commence at the Northeast corner of Section 4, Township 29 South, Range 36 East, Brevard County, Florida and run S00°00'32"E, along the East line of said Section 4, a distance of 673.07 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of the Northeast quarter of said Section 4; Thence S89°48'16"W, along the South line of said Northeast quarter of the Northeast quarter of the Northeast quarter, a distance of 65.00 feet to the West right-of-way line of the Melbourne-Tillman drainage district c-9 canal and the point of beginning of the parcel of land herein described; Thence S00°00'32"E, along said right-of-way line, a distance of 628.82 feet; Thence S89°59'28"W a distance of 56.65 feet; Thence N66°20'23"W a distance of 336.04 feet; Thence S89°59'29"W a distance of 135.60 feet; Thence N00°00'31"W a distance of 23.81 feet to the beginning of a curve to the right; thence along the arc of said curve, (said curve being curved concave to the East and having a radius of 170.00 feet, a central angle of 35°17'36", a chord length of 103.07 feet and a chord bearing of N17°38'17"E), a distance of 104.72 feet to the end of said curve; Thence N35°17'05"E a

**City of Palm Bay, Florida
Ordinance No. 2006-69**

distance of 146.86 feet to the beginning of a curve to the left; Thence along the arc of said curve, (said curve being curved concave to the Northwest and having a radius of 1055.00 feet, a central angle of 15°26'14", a chord length of 283.39 feet and a chord bearing of N27°33'58"E), a distance of 284.25 feet to a non-tangent intersection with the South line of said Northeast quarter of the Northeast quarter of the Northeast quarter; Thence N89°48'16"E, along said South line, a distance of 252.74 feet to the point of beginning. Containing 5.00 acres more or less.

CONTAINING 246.42 ACRES, MORE OR LESS.