

ORDINANCE NO. 3001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF RANDOLPH/CORNERSTONE JOINT VENTURE, LLC., TO ESTABLISH THE "MEDITERRANEA COMMUNITY DEVELOPMENT DISTRICT" BOUNDARIES FOR REAL PROPERTY COMPRISING OF 69.25 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; 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, Randolph/Cornerstone Joint Venture, LLC ("Petitioner"), has petitioned the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Mediterraena Community Development District (the "MCDD"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "CITY") 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 MCDD 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 MCDD 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 MCDD is the best alternative available for delivering the community development services and facilities to the area that will be served by the MCDD; and

WHEREAS, the MCDD 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 MCDD 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 MCDD is amenable to separate special district government; and

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

**WHEREAS**, the MCDD 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 MCDD; and

**WHEREAS**, the MCDD 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 MCDD 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 MCDD does not have any zoning or development permitting power and the establishment of the MCDD 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 MCDD; and

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

**WHEREAS**, the City Council finds that the MCDD 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 Mediterranean Community Development District over the real property described in Exhibit "A" hereto, which was

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filed by Randolph/Cornerstone Joint Venture, LLC., on September 15, 2005 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:

**Manuel Martinez**  
**Leyani Roman**  
**John Barr**  
**Elizabeth White**  
**Keith Isley**

**SECTION 4.** The name of the Community Development District shall be "Mediterranea Community Development District".

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

**SECTION 6.** The City Council hereby grants to the MCDD all general powers authorized pursuant to Section 190.011, Florida Statutes, and those special powers provided for in Section 190.012(2)(a) and (d), Florida Statutes, and hereby finds that it is in the public interest of the citizens of the City to grant such general and special powers.

**SECTION 7.** Notwithstanding Section 6 as set forth hereinabove, Randolph/Cornerstone Joint Venture, LLC., 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 MCDD shall have the powers 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 MCDD shall be the Uniform Community Development District charter as set forth in Sections 190.006 through 190.041, Florida Statutes (2004), including the special powers provided by Section 190.012, Florida Statutes.

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**SECTION 10.** The MCDD is solely responsible for the implementation of special assessments upon benefited property within the MCDD's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

**SECTION 11.** The MCDD shall provide full disclosure of the public financing and maintenance of improvements undertaken by the MCDD. This disclosure shall include a statement in bold print that special assessments imposed by the MCDD 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 MCDD shall disclose 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 MCDD. In addition to the statutory requirements regarding notice, the MCDD shall also disclose said information in a one page summary sheet in all sales material concerning the development.

**SECTION 13.** That all Board of Supervisor meetings concerning the MCDD shall be held at a facility within the City of Riviera Beach.

**SECTION 14.** 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 15.** 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 16.** This Ordinance shall take effect immediately upon final approval.

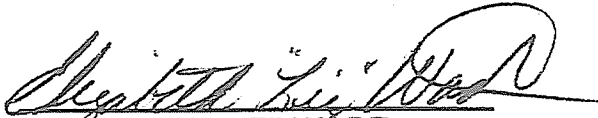
PASSED AND APPROVED on first reading this 21<sup>st</sup> day of December, 2005.

PASSED AND ADOPTED on second and final reading this 18<sup>th</sup> day of January, ~~2005~~ 2006.

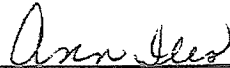
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APPROVED:


  
MICHAEL D. BROWN  
MAYOR

  
ELIZABETH "LIZ" WADE  
CHAIRPERSON


(MUNICIPAL SEAL)

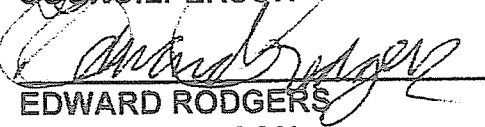
  
ANN ILES  
CHAIR PRO-TEM

ATTEST:

  
CARRIE E. WARD,  
MASTER MUNICIPAL CLERK  
CITY CLERK

  
VANESSA LEE  
COUNCILPERSON

  
JUDY L. DAVIS  
COUNCILPERSON

  
EDWARD RODGERS  
COUNCILPERSON

MOTIONED BY: A. Iles

MOTIONED BY: J. Davis

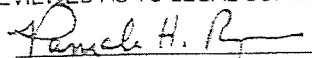
SECONDED BY: E. Rodgers

SECONDED BY: A. Iles

	1 <sup>ST</sup> READING
E. WADE	<u>aye</u>
A. ILES	<u>aye</u>
V. LEE	<u>aye</u>
J. DAVIS	<u>aye</u>
E. RODGERS	<u>aye</u>

	2 <sup>ND</sup> & FINAL READING
	<u>aye</u>
	<u>aye</u>
	<u>aye</u>
	<u>aye</u>
	<u>aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

  
PAMALA H. RYAN, CITY ATTORNEY

DATE: 12/13/05

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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**  
**MEDITERRANEA COMMUNITY DEVELOPMENT DISTRICT**

All of WOODS EDGE, according to the Plat thereof, as recorded in Plat Book 50, Page 130, of the Public Records of Palm Beach County, Florida, more fully described as follows:

BEGINNING at the Northeast corner of said WOODS EDGE; thence North 88 degrees 43 minutes 20 seconds West on the North line of said WOODS EDGE, a distance of 2337.21 feet, to a point on the West line of said WOODS EDGE, being the East right-of-way line of Military Trail State Road 809 (120.00 feet right-of-way); thence South 01 degrees 45 minutes 20 seconds West, on said West line and said East right-of-way line, a distance of 1287.17 feet, to a point on the South line of said WOODS EDGE; thence South 88 degrees 38 minutes 25 seconds East, a distance of 2350.49 feet to the East line of said WOODS EDGE; thence North 01 degrees 09 minutes 53 seconds East, on said East line, a distance of 1290.49 feet, to the POINT OF BEGINNING.

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