ORDINANCE NO. 85-1

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA: ESTABLISHING A
COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL
PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" TO THIS
ORDINANCE, COMPRISING APPROXIMATELY 68 ACRES,
NAMING THE INITIAL MEMBERS OF THE BOARD OF
SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME
OF THE DISTRICT AS THE HYPOLUXO/ GROVER HILL
COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE
PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF
THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR AN EFFECTIVE DATE.

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

WHEREAS, Westbrooks Companies, Inc. ("Petitioner"), has
petitioned Palm Beach County, Florida (the "County") to grant the establishment of the
Hypoluxo/Grover Hill Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Board of County
Commissioners of Palm Beach County, Florida (the "Board") in accordance with the
requirements and procedures of Section 190.005(10), Florida Statutes (2001); and

WHEREAS, all statements contained within the petition have been found to be true
and correct; and

WHEREAS, the creation of the District is not inconsistent with any applicable
provisions or provisions of the effective Palm Beach County Comprehensive Land Use Plan, as
amended; and

WHEREAS, the area to be included within the District 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 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

WHEREAS, the District will constitute a timely, efficient, effective, responsive and
economic way to deliver community development services in the area; and
WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and use of 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 or transferees of land within the District to pay for infrastructure components and/or acquired by the District; and

WHEREAS, the District shall acquire or construct possible water and wastewater facilities in accordance with the County’s Water Utilities Department’s standards and procedures to enable the County to provide possible water and wastewater services to the District; and

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

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

WHEREAS, the Board finds that the District shall have the general powers described in Section 190.011, Florida Statutes (2001).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1. The Petition to establish the Hypoluxo-Harashill Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by Westbrooke Companies Inc. on September 6, 2001 and which Petition is on file at the Office of the County Administrator, is hereby granted.

Section 2. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B".
Section 3. The initial members of the Board of Supervisors shall be as follows:

Harold Elamarche
Edward Webster
Russell Barnes
Nicholas Level
Charles Robbins

Section 4. The area of the District shall be "Hypoluxo Island and
County Development District."

Section 5. The District is created for the purpose set forth in said
proclamation.

Section 6. The Board hereby grants to the District all general
powers authorized in Section 190.011, Florida Statutes (2011), and hereby finds that it is in the public
interest of citizens of the County to grant such general powers.

Section 7. Notwithstanding Section 6 as set forth hereinabove, Petitioner, in the said
landlocked, shall enter into a Standard Potable Water and Waste-water Development
Agreement with the County 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 Water Utilities Department's Uniform Policies
and Procedures, providing the County with appropriate assurance for said facilities, and
providing the County with a deed to said water and wastewater facilities as no cost to
County. Palm Beach County’s Water Utilities Department 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 190.004(1), Florida Statutes (2011), the charter for
the District shall be Sections 190.004(1) through 190.041 Florida Statutes (2011), including the
special powers provided by Section 190.012, Florida Statutes (2011).

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

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

preamble in bold print that special assessments imposed by the District will appear on the tax
bill. This disclosure shall meet the requirements of Section 190.048, F.S. (2001), as amended
from time to time, and shall be included in every contract for sale and in every recorded
deed.

Section 11. The District shall disclose that this is a special taxing district
and that special assessments will be assessed on the tax roll against all property owners
within the District. This information shall be in BOLD type on all sales brochures and on all
sales information. In addition, a 20’ x 36’ sign shall be posted at all times at the entrance
to the sales office providing this disclosure.

Section 12. The District shall submit to the Palm Beach County Mapping Section
of the Planning, Zoning and Building Department an annual basis beginning on
November 1, 2002. copies of the disclosures and documents required by Sections 10 and 11
above. This submission shall continue until all units have been sold.

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, impermissible or void, such holding shall not affect the remainder of this
Ordinance.

Section 14. This Ordinance shall take effect upon filing with the Department of
State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm
Beach County, Florida, on this _ day of November, 2001

ATTACH:

Palm Beach County
Florida, by its Board of
County Commissioners

Wittman F. Newton, Chairman

By
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUBSTANTION

By
County Attorney

TAKED DATE: Filed with the Department of State, State of Florida, on the __ day
of ______________________, 20___ at __ A.M.
EXHIBIT A

LEGAL DESCRIPTION:

PARCEL ONE:

The north 1/2 of the west 1/2 of the southwest 1/4 of Section 6, Township 44 South, Range 14 East, more particularly described as follows:

Beginning at the quarter corner on the south line of Section 1, Township 44 South, Range 14 East, for thence easterly along the south line of said Section 1, a distance of 1,000 feet, more or less, to a point; thence southwesterly, a distance of 1,000 feet, more or less, to a point; thence southeasterly, a distance of 1,000 feet, more or less, to the south line of Section 1, more or less, to the point beginning.

LESS the right of way of an unlined road.

LESS the north 1/2 of the west 1/2 of the southeast 1/4 of Section 7, Township 44 South, Range 14 East, Indian River County, Florida.

PARCEL TWO:

The east 1/2 of the west 1/2 of the south 1/4 of Section 6, Township 44 South, Range 14 East, Palm Beach County, Florida.

LESS and except the right of way of an unlined road, as conveyed to the County of Palm Beach by the State of Florida, hereinafter referred to as "BPB," in deed book 1943, page 323 and official records Book 1943, page 269, and as recorded in the United States of America recorded in official records Book 226 and page 269, and

ALSO the right of way for the Lake Worth Drainage District 1st Canal and the Chaffee Canal at No. 427.

PARCEL THREE:

Being a part of the southeast 1/4 of Section 7, Township 44 South, Range 14 East, Palm Beach County, Florida, and being more particularly described as follows:

For the purpose of this subdivision, the north 1/2 of the east 1/2 of the south 1/4 of said Section 7, Township 44 South, Range 14 East, Palm Beach County, Florida, more particularly described in the aforementioned deed as being a part of the south 1/4 of said Section 7, Township 44 South, Range 14 East, Palm Beach County, Florida, and as recorded in the United States of America recorded in official records Book 226 and page 269, and

Furthermore, with the right of ingress and egress over the following described parcel:

Beginning at a previously described point, thence running south 89° 05' 24" East, a distance of 1,000 feet, more or less, to the east line of said Section 6, thence running southwesterly, a distance of 1,000 feet, more or less, to the east line of said Section 6, thence running south 25° 20' 41" West, a distance of 1,000 feet, more or less, to the point of beginning.
PARCEL FOUR:
A PARCEL OF LAND BEING DESCRIBED AS THE EAST HALF OF THE EAST HALF OF 1/2 OF THE SOUTHEAST QUARTER SE 1/4 OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT OF WAY OF HOLLAND ROAD AS CONVERTED BY THE RIGHT OF WAY DEED RECORDER IN OFFICIAL RECORD BOOK 269, PAGE 425 AND AS DESCRIBED IN THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO HARVEY M. SPECHER, JR. AND INDIVIDUALS SIGNED AS WITNESSES TO THE DEEDRECORDER IN OFFICIAL RECORD BOOK 269, PAGE 425; BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AS DESCRIBED AS FOLLOWS: FOR THE PURPOSES OF THIS DESCRIPTION THE EAST LINE OF SECTION 6 IS ASSUMED TO BE THE NORTH AND SOUTH, AND ALL DISTANCES ARE RELATIVE TO THE POINT COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THERE RUNS EASED SOUTH ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 405 FEET TO THE SOUTH RIGHT OF WAY LINE OF LAKE NORTH DRAINAGE DISTRICT CANAL L-19. THERE RUNS NORTH EASED WEST, ALONG SAD RIGHT OF WAY LINE, A DISTANCE OF 308.44 FEET TO THE POINT OF BEGINNING. THERE CONTINUES NORTH EASED WEST, A DISTANCE OF 308.44 FEET, THERE RUNS SOUTH EASED EAST, A DISTANCE OF 100 FEET TO A POINT THERE FROM A DISTANCE OF 308.44 FEET NORTH EASED WEST; A DISTANCE OF 100 FEET TO THE RIGHT OF BEGINNING. ALSO LESS RIGHT OF WAY FOR THE LAKE NORTH DRAINAGE DISTRICT L-19 CANAL, FOR CHANCERY CASE NO. 407.