

**ORDINANCE 2001 - 066**

**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/HAVERHILL 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 alternative method to finance and manage basic services for community development; and

**WHEREAS**, Westbrooke Companies, Inc., a Florida corporation ("Petitioner"), has petitioned Palm Beach County, Florida (the "County") to grant the establishment of the Hypoluxo/Haverhill 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(1)(d), 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 element or portion of the effective Palm Beach County Comprehensive Land Use Plan, as amended; and

**WHEREAS**, the area or land 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 uses 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 of benefitted land within the District to pay for infrastructure constructed and/or acquired by the District; and

WHEREAS, the District shall acquire or construct potable water and wastewater facilities in accordance with the County's Water Utilities Department's standards and procedures to enable the County to provide potable 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/Haverhill 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 Eisenacher
- David Webber
- Russell Barnes
- Michael Levak
- Charles Robbins

**Section 4.** The name of the District shall be "Hypoluxo/Haverhill Community Development District."

**Section 5.** The District is created for the purposes set forth in and prescribed in the petition.

**Section 6.** The Board hereby grants to the District all general powers authorized pursuant to Section 190.011, Florida Statutes (2001), 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, as the sole landowner, shall enter into a Standard Potable Water and Wastewater 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 easements for said facilities; and providing the County with a deed to said water and wastewater facilities at 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(4), Florida Statutes (2001), the charter for the District shall be Sections 190.006 through 190.041 Florida Statutes (2001), including the special powers provided by Section 190.012, Florida Statutes (2001).

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

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, 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 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 District. This information shall be in BOLD type on all sales brochures and on all sales information. In addition a 24" by 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 Monitoring Section of the Planning, Zoning and Building Department on an annual basis beginning on November 1, 2002, copies of the disclosures and documents required by Sections 10 and 11 above. This submittal 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, inoperative 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 6 day of November, 2001.

ATTEST:

PALM BEACH COUNTY  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: Glenn C. Hill  
Deputy Clerk

Warren A. Newell  
Warren A. Newell, Chairman

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
By: [Signature]  
County Attorney

EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the 16th day of November, 2001 at \_\_\_\_\_ m.

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EXHIBIT ALEGAL DESCRIPTION:PARCEL ONE:

THE SOUTH 1/2 OF THE WEST 1/4 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE QUARTER CORNER ON THE SOUTH LINE OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, RUN THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 2, A DISTANCE OF 1,884.02 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE WEST 1/4 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 AS THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE EAST LINE OF SAID WEST 1/4 OF THE EAST 1/2 OF THE SOUTHEAST 1/4, A DISTANCE OF 1,337.94 FEET, MORE OR LESS; THENCE WESTERLY A DISTANCE OF 333.05 FEET, MORE OR LESS, TO A POINT; THENCE SOUTHERLY, A DISTANCE OF 1,337.87 FEET, MORE OR LESS, TO THE SOUTH LINE OF SECTION 2, A DISTANCE OF 332.85 FEET, MORE OR LESS, TO THE POINT BEGINNING.

LESS THE RIGHT OF WAY OF HYPOLUXO ROAD.

LESS THE SOUTH 110.00 FEET OF THE WEST 1/4 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST IN PALM BEACH COUNTY, FLORIDA.

PARCEL TWO:

THE EAST 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE RIGHT OF WAY OF HYPOLUXO ROAD, AS CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT OF WAY DEEDS RECORDED IN DEED BOOK 1038, PAGE 383 AND OFFICIAL RECORDS BOOK 6324, PAGE 1962, AND AS DESCRIBED IN THE AGREED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6287, PAGE 1365.

ALSO LESS RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-17 CANAL PER CHANCERY CASE NO. 407.

PARCEL THREE:

BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (FOR THE PURPOSE OF THIS DESCRIPTION, THE EAST LINE OF SECTION 2 IS ASSUMED TO BE DUE NORTH AND SOUTH, AND ALL OTHER BEARINGS ARE RELATIVE THERETO.) COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE RUNNING DUE SOUTH ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 133 FEET TO THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-17; THENCE RUNNING NORTH 89°22'00" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 308.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°22'00" WEST, A DISTANCE OF 357.93 FEET; THENCE RUNNING SOUTH 00°02'00" EAST, A DISTANCE OF 1217 FEET; THENCE RUNNING SOUTH 89°22'00" EAST, A DISTANCE OF 357.93 FEET TO A POINT "A"; THENCE RUNNING NORTH 00°02'00" WEST, A DISTANCE OF 1217 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL:

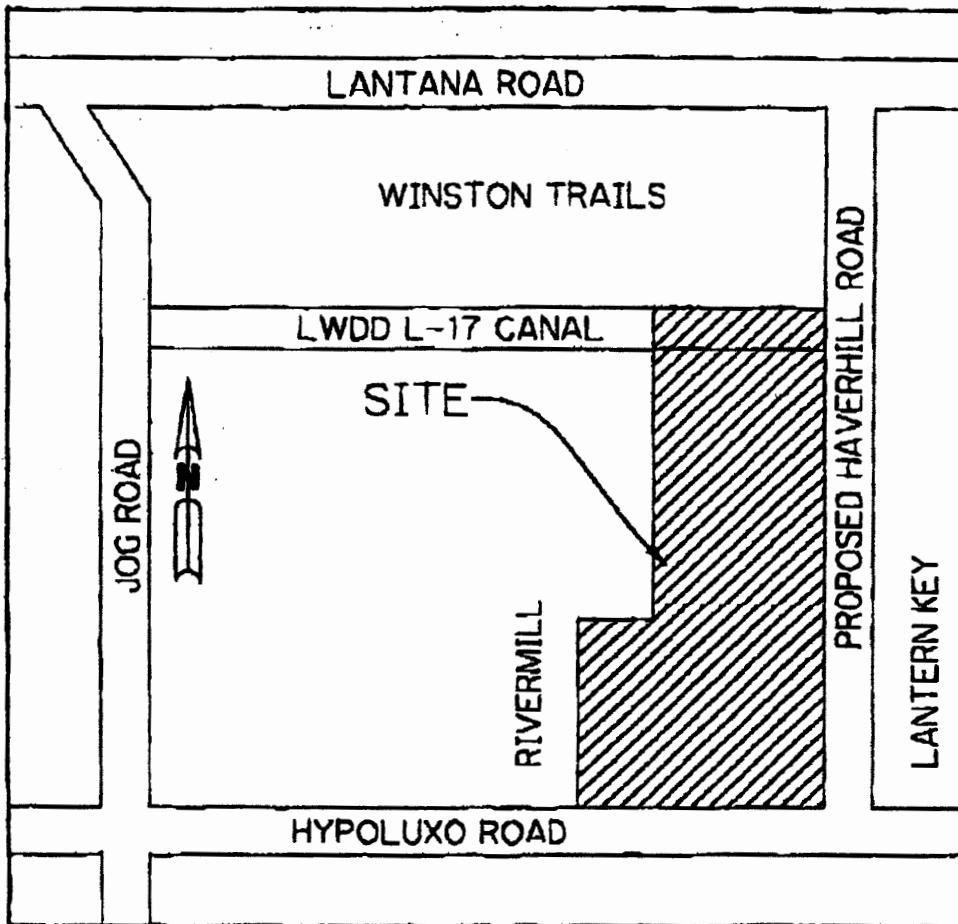
BEGINNING AT AFOREMENTIONED POINT "A"; THENCE RUNNING SOUTH 89°22'00" EAST, A DISTANCE OF 308 FEET, MORE OR LESS, TO THE EAST LINE OF SAID SECTION 2; THENCE RUNNING DUE NORTH ALONG THE EAST LINE OF SECTION 2, A DISTANCE OF 50 FEET; THENCE RUNNING NORTH 89°22'00" WEST, A DISTANCE OF 308 FEET MORE OR LESS, TO THE EAST LINE OF THE ABOVE DESCRIBED PARCEL; THENCE RUNNING SOUTH 00°02'00" EAST, A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING, ALSO THE RIGHT OF INGRESS AND EGRESS OVER THE EAST 50 FEET OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

## PARCEL FOUR:

A PARCEL OF LAND BEING DESCRIBED AS THE EAST HALF (E 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 2, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE LESS THE RIGHT OF WAY OF HYDOLUXO ROAD AS CONVEYED BY THE RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 186, PAGE 602 AND AS DESCRIBED IN THE AGREED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6307, PAGE 1803; AND LESS THE FOLLOWING DESCRIBED PARCEL OF LAND CONVEYED TO MARSHALL M. SHEPHERD, JR. AND DENISE DRIVER SHEPHERD BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2020, PAGE 609, BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; (FOR THE PURPOSES OF THIS DESCRIPTION, THE EAST LINE OF SECTION 2 IS ASSUMED TO BE DUE NORTH AND SOUTH, AND ALL BEARINGS ARE RELATIVE THERETO) COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE RUNNING DUE SOUTH, ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 135 FEET TO THE SOUTH RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL L-17; THENCE RUNNING NORTH 89°22'00" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 308.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°22'00" WEST, A DISTANCE OF 357.93 FEET; THENCE RUNNING SOUTH 00°02'00" EAST, A DISTANCE OF 1217 FEET; THENCE RUNNING SOUTH 89°22'00" EAST, A DISTANCE OF 357.93 FEET TO A POINT "A"; THENCE RUNNING NORTH 00°02'00" WEST, A DISTANCE OF 1217 FEET TO THE POINT OF BEGINNING.

ALSO LESS RIGHT OF WAY FOR THE LAKE WORTH DRAINAGE DISTRICT L-17 CANAL PER CHANCERY CASE NO. 487.

EXHIBIT B



LOCATION MAP

N.T.S.

SEC. 2 TWP. 45 S RGE. 42 E