

ORDINANCE 2008 - 001

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY,
5 FLORIDA ESTABLISHING A COMMUNITY
6 DEVELOPMENT DISTRICT OVER THE REAL
7 PROPERTY LEGALLY DESCRIBED ON EXHIBIT
8 "A" TO THIS ORDINANCE COMPRISING OF
9 APPROXIMATELY 86 ACRES; NAMING THE
10 INITIAL MEMBERS OF THE BOARD OF
11 SUPERVISORS OF THE DISTRICT;
12 ESTABLISHING THE NAME OF THE DISTRICT
13 AS OSPREY OAKS COMMUNITY DEVELOPMENT
14 DISTRICT; DESIGNATING THE PURPOSE OF
15 THE DISTRICT; DESIGNATING THE POWERS
16 OF THE DISTRICT; PROVIDING FOR
17 SEVERABILITY; PROVIDING FOR REPEAL OF
18 LAWS IN CONFLICTS; AND PROVIDING AN
19 EFFECTIVE DATE.
20

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

24 WHEREAS, Hypoluxo/Jog, LLC, a Florida limited liability company (the
25 "Petitioner"), has petitioned Palm Beach County, Florida (the "County"), to grant the
26 establishment of the Osprey Oaks Community Development District (the "District"); and

27 WHEREAS, a public hearing has been conducted by the Board of county
28 Commissioners of Palm Beach County, Florida (the "Board"), in accordance with the
29 requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

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

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

35 WHEREAS, the area of land within the District is of sufficient size, sufficiently
36 compact and is sufficiently contiguous to be developable as one functional interrelated
37 community; and

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

41 WHEREAS, the District will constitute a timely, efficient, effective, responsible
42 and economic way to deliver community development services in the area; and

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

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

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

9 WHEREAS, the District shall acquire or construct potable water and wastewater
10 facilities in accordance with the County's Water Utilities Department's standards and
11 procedures to enable the County to provide potable water and wastewater services to the
12 District; and

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

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

18 WHEREAS, the Board finds that the District shall have the general powers
19 described in Section 190.011, Florida Statutes; and

20 WHEREAS, the exercise by the District of any powers other than the powers set
21 forth in Sections 190.011 and 190.012(1), Florida Statutes, shall require consent by the
22 Board of County Commissioners of Palm Beach County by ordinance or resolution; and

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

25 Section 1. **ESTABLISHING A COMMUNITY DEVELOPMENT**
26 **DISTRICT:**

27 The Petition to establish the Osprey Oaks Community Development District over
28 the real property described in Exhibit "A" attached hereto, which was filed by
29 Hypoluxo/Jog, LLC, on July 20, 2007 and which Petition is on file at the Office of the
30 County Administrator, is hereby granted.

31 **Section 2.** The external boundaries of the District shall be as depicted on the
32 location map attached hereto and incorporated herein as Exhibit "B".

1 **Section 3. NAMING OF THE INITIAL MEMBERS OF THE BOARD:**

2 The initial members of the Board of Supervisors shall be as follows:

3 James S. Giolda
4 Adam P. Freedman
5 Richard Kasser
6 Richard Foster
7 Diane Jordan
8

9 **Section 4. ESTABLISHING THE NAMING OF THE DISTRICT:**

10 The name of the District shall be "Osprey Oaks Community Development
11 District".

12 **Section 5. DESIGNATING THE PURPOSE OF THE DISTRICT:**

13 The District is created for the purposes set forth in and prescribed in the petition.

14 **Section 6. DESIGNATING THE POWERS OF THE DISTRICT:**

15 The Board hereby grants to the District all general powers authorized pursuant to
16 Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens
17 of the County to grant such general powers.

18 **Section 7. Notwithstanding Section 6 as set forth hereinabove, Petitioner, as**
19 **the landowner, shall enter into a Standard Potable Water and Wastewater Development**
20 **Agreement with the County for the provision of wafer and wastewater facilities. Petitioner**
21 **shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and**
22 **conditions therein including, but not limited to, constructing or acquiring the water and**
23 **wastewater facilities in accordance with the Water Utilities Department's Uniform Policies**
24 **and Procedures; providing the County with appropriate easements for said facilities; and**
25 **providing the County with a deed to said water and wastewater facilities at no cost to the**
26 **County. Palm Beach County's Water Utilities Department shall operate and maintain said**
27 **water and wastewater facilities and provide water and wastewater service upon receipt of all**
28 **fees and charges, upon completion of construction and upon receipt of said deed.**

29 **Section 8. Pursuant to Section 190.004(4), Florida Statutes, the charter for the**
30 **District shall be Sections 190.006 through 190.041, Florida Statutes, including the special**
31 **powers provided by Section 190.012(2), Florida Statutes. The exercise by the District of**
32 **powers set forth in Section 190.012(2) shall require consent by the Board of County**
33 **Commissioners. Such consent shall only be provided by resolution or ordinance after**
34 **specific petition to the Board.**

1 **Section 9.** The District is solely responsible for the implementation of special
2 assessments upon benefited property within the District's internal boundaries. The
3 Petitioner, its successors and assignees shall provide notice of said special assessments to all
4 prospective purchasers of said property.

5 **Section 10.** The Petitioner, its successors and assignees shall provide full
6 disclosure of the public financing and maintenance of improvements undertaken by the
7 District. This disclosure shall include a statement in bold print that special assessment
8 imposed by the District will appear in the tax bill. This disclosure shall meet the
9 requirements of Section 190.048, Florida Statutes, as amended from time to time, and shall
10 be included in every contract for sale and in every recorded deed from the Petitioner. The
11 District shall record a notice of assessments in the Public Records both before and after
12 any Bond sale.

13 **Section 11.** The Petitioner, its successors and assignees shall disclose the fact
14 that the development is located in a special taxing district and that a special assessment will
15 be assessed on the tax roll against all property owners within the District. This information
16 shall be in BOLD type in any sales brochures, in an sales information, on the front page of
17 the Declaration of Restrictive Covenants creating the Property Owner Association or
18 Homeowner Association, and on a 24' by 36' sign which shall be posted at all times at the
19 entrance to the sales office of the development providing the following disclosure:

20 "If you purchase a unit in this development you will be subject to additional costs.
21 A special assessment and or taxes will be added to your tax bill. This non-ad valorem
22 assessment will be in addition to all other property taxes and assessments. This cost is
23 estimated to be as follows, depending on the lot type:

Lot Type	Annual Debt Service	Annual Operation & Maintenance	Total Annual Assessment
MF - 25'	\$0.00	\$503.88	\$503.88
SF - 65'	\$1,842.00	\$1,326.00	\$3,168.00
SF - 70'	\$1,989.36	\$1,432.08	\$3,421.44
SF - 85'	\$2,413.02	\$1,737.06	\$4,150.08
SF - 88'	\$2,486.70	\$1,790.10	\$4,276.80
SF - 95'	\$2,689.32	\$1,935.96	\$4,625.28
SF - 100'	\$2,836.68	\$2,042.04	\$4,878.72

24
25 This cost will be levied to pay debt service on the bonds issued by the District as well as
26 operation and maintenance costs."

1 **Section 12.** The Petitioner, its successors and assignees shall provide all the
2 disclosure statements required in Sections 10 and 11 above in a separate page as part of the
3 contract for purchase and sale of property within the District. The potential purchaser
4 must sign this page.

5 **Section 13.** An affidavit of compliance shall be submitted annually to Palm
6 Beach County Monitoring Section beginning on November 1, 2008 until all units have been
7 sold, outlining the number of units sold, providing samples of the documents used in the
8 closing process and certifying compliance with the disclosure requirements contained in
9 this ordinance. The County shall have the right to audit the records of the Petitioner, its
10 successors and assignees upon 10 days written notice to verify the compliance with the
11 disclosure requirements of this ordinance. Failure to comply with the disclosure
12 requirements in this ordinance shall be a violation of a county ordinance and shall be
13 punishable as provided by law, including but not limited to enforcement procedures
14 established in Article 14 of the Unified Land Development Code.

15
16 **Section 14. PROVIDING FOR SEVERABILITY:**

17 Should any section, paragraph, sentence, clause, phrase or word of this Ordinance
18 is for any reason held by any court of competent jurisdiction to be unconstitutional,
19 inoperative, or void, such holding shall not effect the remainder of this Ordinance.

20 **Section 15. REPEAL OF LAWS IN CONFLICT:**

21 All local laws and ordinances applying to Palm Beach County in conflict with any
22 provisions of this Ordinance are hereby repealed to the extent of the conflict.

23 **Section 16. PROVIDING FOR AN EFFECTIVE DATE:**

24 This Ordinance shall become effective immediately upon passage.

25 Approved and adopted by the Board of County Commissioners of Palm Beach
26 County on this 15th day of January, 2008.

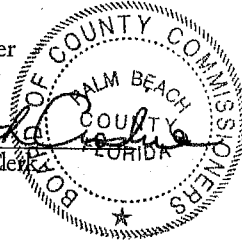
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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

Sharon R. Bock
Clerk & Comptroller

By Judith Greene
Deputy Clerk



Addie Greene
Chairperson

Robert J. Kanjian

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
County Attorney

EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the
23rd day of January, 2008.

Exhibit 1A

DESCRIPTION:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 03°46'16" WEST (AS A BASIS OF BEARINGS) ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 10, A DISTANCE OF 722.09 FEET; THENCE SOUTH 89°25'34" WEST, A DISTANCE OF 40.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°46'16" WEST, A DISTANCE OF 1,323.64 FEET; THENCE SOUTH 89°43'39" WEST, A DISTANCE OF 2,558.91 FEET; THENCE NORTH 43°41'50" WEST, A DISTANCE OF 43.54 FEET; THENCE NORTH 02°51'06" EAST, A DISTANCE OF 566.54 FEET; THENCE NORTH 02°51'02" EAST, A DISTANCE OF 428.30 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 7,699.44 FEET, A CENTRAL ANGLE OF 00°30'49" FOR A DISTANCE OF 69.02 FEET; THENCE NORTH 02°20'10" EAST, A DISTANCE OF 59.61 FEET; THENCE NORTH 03°21'14" EAST, A DISTANCE OF 153.44 FEET; THENCE NORTH 89°25'34" EAST, A DISTANCE OF 462.58 FEET; THENCE SOUTH 03°27'31" WEST, A DISTANCE OF 312.92 FEET; THENCE NORTH 89°30'04" EAST, A DISTANCE OF 170.41 FEET; THENCE NORTH 03°27'31" EAST, A DISTANCE OF 313.14 FEET; THENCE NORTH 89°25'34" EAST, A DISTANCE OF 336.54 FEET; THENCE SOUTH 03°30'39" WEST, A DISTANCE OF 199.04 FEET; THENCE NORTH 89°28'37" EAST, A DISTANCE OF 605.39 FEET; THENCE NORTH 03°36'17" EAST, A DISTANCE OF 199.60 FEET; THENCE NORTH 89°25'34" EAST, A DISTANCE OF 201.92 FEET; THENCE SOUTH 03°38'09" WEST, A DISTANCE OF 659.51 FEET; THENCE NORTH 89°34'36" EAST, A DISTANCE OF 201.54 FEET; THENCE NORTH 03°40'03" EAST, A DISTANCE OF 660.06 FEET; THENCE NORTH 89°25'34" EAST, A DISTANCE OF 632.97 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

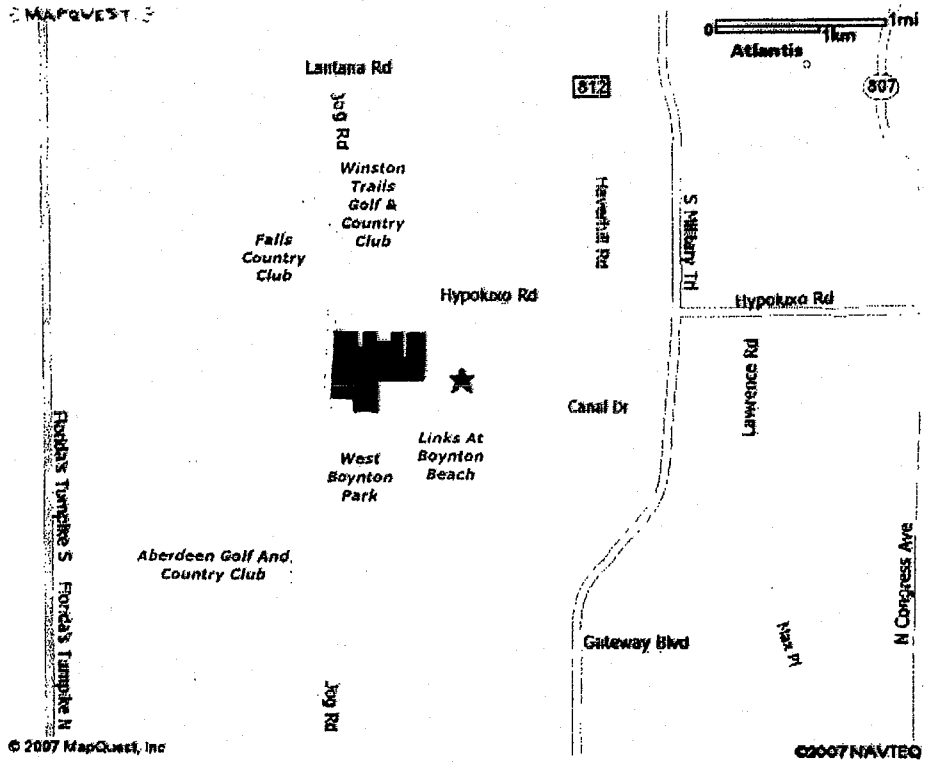
A PARCEL OF LAND LYING WITHIN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 03°46'16" WEST (AS A BASIS OF BEARINGS) ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 10, A DISTANCE OF 2,106.09 FEET; THENCE SOUTH 89°43'39" WEST, A DISTANCE OF 1,340.63 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03°33'48" WEST, A DISTANCE OF 658.22 FEET; THENCE SOUTH 89°52'47" WEST, A DISTANCE OF 669.00 FEET; THENCE NORTH 03°27'31" EAST, A DISTANCE OF 343.21 FEET; THENCE SOUTH 89°48'06" WEST, A DISTANCE OF 612.00 FEET; THENCE NORTH 02°13'27" EAST, A DISTANCE OF 283.85 FEET; THENCE NORTH 46°18'10" EAST, A DISTANCE OF 40.90 FEET; THENCE NORTH 89°43'39" EAST, A DISTANCE OF 1,260.63 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

IN ALL CONTAINING 85.873 ACRES MORE OR LESS.

Exhibit 1B

Location Map



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on January 15, 2008
dated at West Palm Beach, Florida, 1/13/08
By: Diane Brown
Deputy Clerk

