

ORDINANCE NO. 2972

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA CREATING THE CITY OF RIVIERA BEACH UTILITY SPECIAL DISTRICT; ADOPTING THE SPECIAL DISTRICT CHARTER; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1, of the Florida Constitution, and other applicable laws, the City Council of the City of Riviera Beach, Florida, as a Home Rule municipality, has all powers of local self government to perform city functions and to render city services in a manner not inconsistent with general or special law, and such power may be exercised by the enactment of city ordinances; and

WHEREAS, pursuant to Chapter 189, Florida Statutes, the Uniform Special District Accountability Act of 1989, as amended from time to time, municipalities may create a Special District to perform special purposes, including, but not limited to, the acquisition, financing, operation, management, repair, replacement, renewal, extension and expansion of public infrastructure for the provision of municipal services; and

WHEREAS, the City has determined that it is in its best interests and the best interests of its residents and the public to create, own, improve, construct, operate and maintain a utility special district, and that a utility special district is the best alternative to accomplish the City's utility infrastructure purposes, for the following reasons:

(1) From the public perspective, in order to promote the public health, safety and welfare of the City, and to protect and preserve the environment in and around the City, the creation of a utility special district best serves the public and is in the public interest by allowing greater flexibility for the City to fund and operate necessary capital infrastructure projects.

(2) The City must meet the comprehensive planning requirements of Chapter 163, Florida Statutes, which mandate that Florida local governments, including the City, coordinate available sources of funding and the availability of infrastructure. The creation of a utility special district will be a major factor in such required infrastructure funding and project coordination between utility infrastructure and City general fund infrastructure development.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, as follows:

SECTION 1. The City is authorized by the Florida Constitution and the provisions of applicable Florida laws, including, but not limited to, Section 189.4041, Florida Statutes, to create a dependent utility special district, and to construct, reconstruct, improve, and extend City utility systems and to issue revenue bonds and other debts if needed to finance in whole or part the cost of such utility systems and to establish just and equitable rates, fees, and charges for the services and facilities provided by the utility systems.

SECTION 2. In accordance with the requirements of Section 189.4041, Florida Statutes, the City hereby adopts the Utility Special District Charter which is attached to this Ordinance (the "Charter") and made a part hereof. The Charter sets forth each of the requirements of Section 189.4041 (4), Florida Statutes.

SECTION 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance or Charter are repealed to the extent of any conflict.

SECTION 4. The provisions of the Charter shall be codified in the City Code.

SECTION 5. In the event that any portion or section of this Ordinance, including, but not limited to, the Charter, is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance or the Charter which shall remain in full force and effect.

SECTION 6. This Ordinance shall take effect immediately upon its adoption by the City Council.

PASSED AND APPROVED on first reading this 2ND day of JUNE, 2004.

PASSED AND ADOPTED on second and final reading this 14 day of June, 2004.

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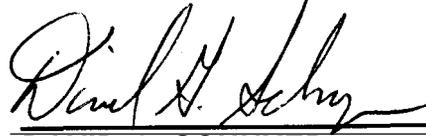
ORDINANCE NO. 2972

PAGE 3

APPROVED:



MICHAEL D. BROWN,
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

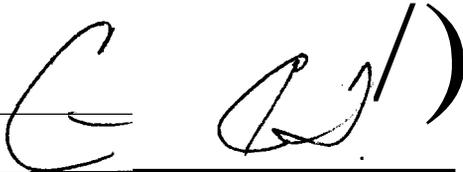


ANN ILES
CHAIR PRO-TEM

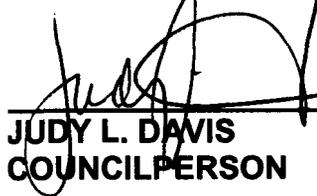
ATTEST:



DONALD R. WILSON
COUNCILPERSON



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
COUNCILPERSON

ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN, CITY ATTORNEY

DATE: 5/26/04

ORDINANCE NO. 2972
PAGE 4

MOTIONED BY: E. WADE

MOTIONED BY: D. WILSON

SECONDED BY: D. WILSON

SECONDED BY: A. ILES _____

1ST READING

2ND & FINAL READING

D. SCHNYER AYE

A. ILES AYE

D. WILSON AYE

J. DAVIS AYE

E. WADE AYE

AYE

AYE

AYE

AYE

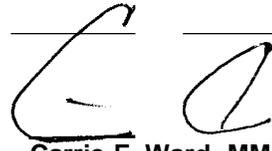
ABSENT

ORDINANCE NO. 2972
PAGES

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 Statute',

June 16, 2007
Date


Carrie E. Ward, MMC
City Clerk



ORDINANCE NO.. 2973

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA VACATING AND ABANDONING THAT PORTION OF AVENUE "J" (A PLATTED ROAD RIGHT-OF-WAY 50 FEET IN WIDTH AND 100 FEET IN LENGTH FORMERLY KNOWN AS DETROIT STREET) LYING BETWEEN BLOCKS 3 AND 4, INLET CITY; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, that portion of Avenue "J" at West 10th Street is a platted road right-of-way; and

WHEREAS, the City owns property east of the platted road right-of-way on West 10th Street; and

WHEREAS, the City has requested the abandonment and vacation of the platted road right-of-way in order to construct a single family residence through its Infill Housing Program; and

WHEREAS, the City Council has held a public hearing and found that the above referenced right-of-way should be vacated and abandoned.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

Section 1. That the portion of Avenue "J" at West 10th Street be vacated and abandoned and the City of Riviera Beach hereby relinquish all claim, right, title, and interest in said property as described below:

LEGAL DESCRIPTION

THAT PORTION OF AVENUE "J" (A PLATTED ROAD RIGHT-OF-WAY 50 FEET IN WIDTH FORMERLY KNOWN AS DETROIT STREET) LYING BETWEEN BLOCKS 3 AND 4, INLET CITY, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 7, PAGES 27 AND 28; SAID PORTION BEING BOUNDED ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF WEST 10TH STREET (A PLATTED ROAD RIGHT-OF-WAY 50 FEET IN WIDTH FORMERLY KNOWN AS NEW YORK AVENUE) AND BOUNDED ON THE

Section 2. The City finds that it is in the best interest and general welfare of the Public to vacate and abandon the property referenced herein.

Section 3. If any word, phrase, clause, subsection or section of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of any remaining portions of this Ordinance.

Section 4. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, are hereby repealed to the extent of such conflict.

Section 5. That this Ordinance shall be in full force and effect immediately upon its final passage and adoption.

Section 6. The City Clerk of the City of Riviera Beach is hereby authorized and directed to file and record this Ordinance in the Public Records of Palm Beach County, Florida.

*****THE REMAINING PAGE IS LEFT BLANK INTENTIONALLY*****

ORDINANCE NO. 2973
PAGE 3

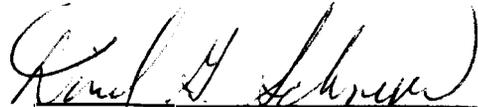
PASSED AND APPROVED on First Reading this 2ND day of JUNE, 2004.

PASSED AND ADOPTED on Second Reading this 7 day of JUNE, 2004.

APPROVED:



MICHAEL D. BROWN
MAYOR



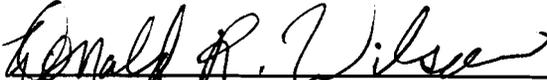
DAVID G. SCHNYER
CHAIRPERSON

[MUNICIPAL SEAL]

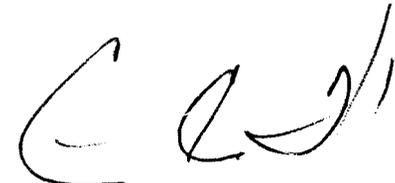


ANN ILES
CHAIR PRO-TEM

ATTEST:



DONALD R. WILSON
COUNCILPERSON



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



JUDY L. DAVIS
COUNCILPERSON
ABSENT

ELIZABETH "LIZ" WADE
COUNCILPERSON

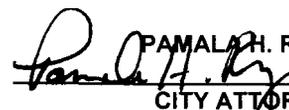
FIRST READING

SECOND AND FINAL READING

MOTIONED BY: D. WILSON
SECONDED BY: A. ILES
D.SCHNYER AYE
A.ILES AYE
D.WILSON AYE
J. DAVIS AYE
E. WADE ABSENT

MOTIONED BY: D. WILSON
SECONDED BY: A. ILES
D.SCHNYER AYE
A.ILES AYE
D. WILSON AYE
J. DAVIS AYE
E. WADE ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA H. RYAN
CITY ATTORNEY

DATE: 6/9/04

ORDINANCE NO. 2973

PAGE 4

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 applicable Florida Statutes.

June 2004
Date

CEW
Carrie E. Ward, MMC, City Clerk

ORDINANCE NO. 2974_____

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM FOUR BROTHERS INVESTMENTS, INC., WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 1.60 ACRES, LYING EAST OF INTERSTATE HIGHWAY 95 AND SOUTH OF BYRON DRIVE, CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF RIVIERA BEACH; PROVIDING FOR REDEFINING OF THE MUNICIPAL BOUNDARIES TO INCLUDE SAID LAND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND FOR OTHER PURPOSES IN ACCORDANCE WITH SECTION 171.046, FLORIDA STATUTES.

WHEREAS, the City Council of the City of Riviera Beach, Florida, has examined the attached petition and finds the following to be true:

- a. The petitioner is the owner of the property described therein.
- b. The petition bears the notarized signature of the owner of the property proposed for annexation.
- c. The proposed annexed property is in the unincorporated area of Palm Beach County, contiguous to the present boundaries of the City of Riviera Beach, Florida.
- d. No part of the proposed annexed property is included within the boundary of another incorporated municipality.
- e. The City has the capability to provide municipal services, e.g. fire and police protection, water and sewer services, garbage and trash collection to the subject property at the same level of service as such services are provided within the rest of the municipality.
- f. This ordinance is pursuant to Section 171.044, Voluntary Annexation, Florida Statutes; and

WHEREAS, the City of Riviera Beach has agreed to furnish the municipal utilities, e.g., water and sewer, to the subject property for development purposes upon receipt of the Voluntary Petitions for Annexation; and subject to conditions set forth in the petition.

WHEREAS, the City of Riviera Beach hereby accepts the petition of Four Brothers, Investments, Inc., for voluntary annexation into the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitations are true and hereby incorporated herein.

Section 2. Pursuant to Section 171, Florida Statutes, the City of Riviera Beach, Florida, hereby declares its intent and desire to extend its municipal boundaries to include the properties described below after the approval of this Ordinance on second and final reading:

Petitioner

FOUR BROTHERS INVESTMENTS, INC

Property Control Number: 00-43-42-30-00-000-7140

Section 3. This Ordinance shall be read by Title on first reading, and shall be published by Title once a week for two (2) consecutive weeks in a newspaper of general circulation in Palm Beach County, Florida. Thereupon after second reading by Title only, this ordinance shall become effective immediately upon passage and adoption, and the annexations shall become effective.

Section 4. Within thirty (30) days after final passage and publication, a certified copy of this Ordinance shall be filed by the City Clerk with the Secretary of State of the State of Florida as a revision of its Charter, the Clerk of the Circuit Court, Palm Beach County and other agencies as required by Law.

Section 5. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 6. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal descriptions as follows:

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE WEST ONE-HALF (W 1/2) OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE SOUTH 86°59'37" EAST (ALL BEARINGS BASED ON A MERIDIAN AS ESTABLISHED IN PLAT NO.1 OF CENTRAL INDUSTRIAL PARK AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) ALONG THE NORTH LINE OF SAID SECTION 30; A DISTANCE OF 819.63 FEET TO A POINT; THENCE SOUTH 2°19'24" WEST, A DISTANCE OF 2917.70 FEET TO A POINT; THENCE NORTH 87°40'36" WEST, A DISTANCE OF 324.42 FEET TO THE POINT-OF-BEGINNING OF THE

PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE NORTH 87°40'36" WEST, A DISTANCE OF 260.0 FEET, MORE OR LESS, TO THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY No. 95; THENCE SOUTH 8°18'36" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 305.24 FEET; THENCE DEPARTING FROM SAID RIGHT-OF-WAY SOUTH 87°40'36" EAST, A DISTANCE OF 203.68 FEET; THENCE NORTH 2°19'24" EAST, A DISTANCE OF 300.0 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD: AND TAXES FOR THE YEAR 1993 AND THEREAFTER.

Section 7. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

Section 8. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

Section 9. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof than the part declared to be invalid.

Section 10. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

*****THIS SECTION INTENTIONALLY LEFT BLANK*****

ORDINANCE NO. 2974
PAGE 4

PASSED AND APPROVED on First Reading this 16TH day of JUNE, 2004.

PASSED AND ADOPTED on Second Reading this 7 day of (____), 2004.

APPROVED:

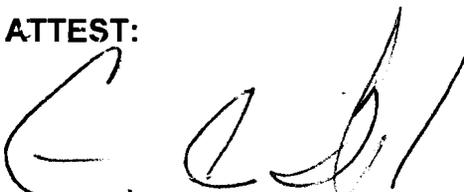


MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

ATTEST:



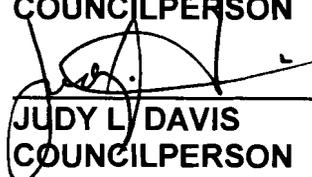
CA E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CH. IR PRO-TEM



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON

ABSENT
ELIZABETH "LIZ" WADE
COUNCILPERSON

FIRST READING

MOTIONED BY: A. ILES
SECONDED BY: D. WILSON

D. SCHNYER: AYE
A. ILES: AYE
D. WILSON: AYE
J. DAVIS: AYE
E. WADE: ABSENT

SECOND AND FINAL READING

MOTIONED BY: D. WILSON
SECONDED BY: J. DAVIS

D. SCHNYER: AYE
A. ILES: AYE
D. WILSON: AYE
J. DAVIS: AYE
E. WADE: ABSENT

REVIEWED AS TO LEGAL SUFFICIENCY



PAMELA H. RYAN
CITY ATTORNEY

DATE: 6/9/04

ORDINANCE NO. 2974
PAGES

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 applicable Florida **Statutes**.

June 16, 2004
Date


Carrie E. Ward, MMC, City Clerk

MMCK/JET/AX-04-01/FOUR BROTHERS

ORDINANCE NO. 2976

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AMENDING THE ZONING MAP FOR 20.4 ACRES OF LAND LOCATED ON THE WEST SIDE OF CONGRESS AVENUE BY ASSIGNING AN RM-15 ZONING CLASSIFICATION; PROVIDING FOR SEVERABILITY, CONFLICTS AND UPDATING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 166.041, Provides procedures to adopt an Ordinance which rezones property greater than ten (10) contiguous acres; and

WHEREAS, the subject properties are currently assigned an RS-6 (Single Family Residential) and an IL (Limited Industrial) zoning classification; and

WHEREAS, the proposed RM-15 zoning classification is consistent with the City of Riviera Beach Comprehensive Plan including the Multi-family Residential Future Land Use Map designation; and

WHEREAS, on July 8, 2004, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed amendment at a Public Hearing, and forwarded a recommendation of approval to the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The Zoning Map of the City of Riviera Beach is hereby amended by assigning an RM-15 zoning classification for 20.4 acres of land located on the west side of congress avenue in accordance with the amendments shown on Exhibit "A" attached, and detailed below:

Exhibit "A" Area #	Parcel Control Number	Acres	Existing Zoning	Proposed Zoning: RM-15
	56434231170000010	14.41	Limited Industrial	Multifamily Res. 15du p/acre
2	56434231000001580	.18	RS-6: Single-Family Res.	Multifamily Res. 15du p/acre
3	56434231000001570	.14	RS-6: Single-Family Res.	Multifamily Res. 15du o/acre
4	56434231000001560	.14	RS-6: Single-Family Res.	Multifamily Res. 15du o/acre
5	56434231000001450	.14	RS-6: Single-Family Res.	Multifamily Res. 15du p/acre

6	56434231000001440	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
7	56434231000001430	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
8	56434231000001420	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
9	56434231000001410	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
10	56434231000001400	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
11	56434231000001582	.55	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
12	56434231000001460	.17	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
13	56434231000001470	.16	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
14	56434231000001480	.16	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
15	56434231000001490	.16	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
16	56434231000001500	.16	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
17	56434231000001501	.16	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
18	56434231000001000	.82	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
19	56434231000001590	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
20	56434231000001540	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
21	56434231000001530	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
22	56434231000001520	.14	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
23	56434231000001000	.82	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
24	56434231000001780	.97 *	RS-6; Single-Family Res.	Multifamily Res. 15du p/acre
	* Partial Property			

Section 2. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance.

Section 3. That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith, are hereby repealed to the extent of such conflict

Section 4. That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the related Land Use amendment adopted April 21, 2004, in compliance in accordance with section 163.3184 (9), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependant on this amendment may be issued or commence before it has become effective.

Section 5. The Director of Community Development is hereby authorized and directed to update the City Zoning Map as described by this Ordinance after the effective date as established in Section "4" of this Ordinance.

PASSED AND APPROVED on the first reading this 21ST day of JULY,
2004

PASSED AND ADOPTED on second and final reading this 4TH day of AUGUST,
2004

ORDINANCE NO. 2976
PAGE No.3.

APPROVED:

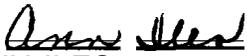


MICHAEL D. BROWN, MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

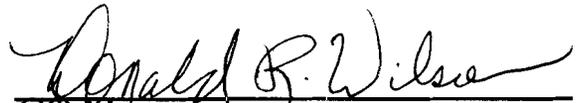


ANN ILES
CHAIR PRO TEM

ATTEST:



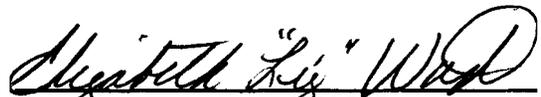
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



ELI BETH "LIZ" WADE
COUNCILPERSON

ORDINANCE NO. 2976
PAGE No.4.

1ST READING

MOTIONED BY: D. WILSON
SECONDED BY: E. WADE

D. SCHNYER AYE
A. ILES AYE
D. WILSON AYE
J. DAVIS AYE
E. WADE AYE

2ND & FINAL READING

rw MOTIONED BY: D. WILSON
rw SECONDED BY: E. WADE

D. SCHNYER AYE
A. ILES AYE
D. WILSON AYE
J. DAVIS AYE
E. WADE AYE

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 7/14/04

ORDINANCE NO. 2976
PAGES

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.

8/4/04
Date



Carrie E. Ward, Master Municipal Clerk
City Clerk