

ORDINANCE NO. 2977

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IMPOSING AN IMPACT FEE ON LAND DEVELOPMENT IN THE CITY OF RIVIERA BEACH FOR LIBRARIES, PARKS, FIRE AND POLICE FACILITIES, AND PUBLIC BUILDINGS; PROVIDING DEFINITIONS; PROVIDING FINDINGS AND DECLARATIONS OF THE CITY COUNCIL; PROVIDING FOR THE PAYMENT AND TIME OF PAYMENT OF LIBRARY, PARKS, FIRE, POLICE, AND PUBLIC BUILDINGS IMPACT FEES; PROVIDING FOR REVIEW; PROVIDING FOR THE IMPOSITION OF AN IMPACT FEE DISTRICT; PROVIDING FOR THE PLACEMENT OF REVENUE COLLECTED FROM SUCH IMPACT FEES INTO THE IMPACT FEE TRUST FUND ESTABLISHED FOR SUCH PURPOSES; PROVIDING FOR EXEMPTIONS AND CREDITS; PROVIDING FOR REFUND OF UNEXPENDED FUNDS; PROVIDING FOR USE OF FUNDS; PROVIDING THAT SUCH IMPACT FEES MAY BE PLEDGED TOWARD PAYMENT OF BOND ISSUES AND SIMILAR DEBT INSTRUMENTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3202(3), Florida Statutes, enables the City of Riviera Beach to enact impact fees; and

WHEREAS, the City of Riviera Beach must expand its capital facilities in order to maintain current standards if new development is to be accommodated without decreasing current standards; and

WHEREAS, this Ordinance is intended to assist in the implementation of the City of Riviera Beach Comprehensive Plan.

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

Section 1: Legislative Findings

The City Council of the City of Riviera Beach finds, determines, and declares that:

A. The City of Riviera Beach must expand its capital facilities in order to accommodate and maintain new development without decreasing existing standards. This must be done in order to promote and protect the public health, safety and welfare;

B. The Florida Legislature through the enactment of Florida Statutes Chapter 163 II has sought to encourage the City of Riviera Beach to enact impact fees; The Florida Legislature, through the enactment of Florida Statutes Chapter 163 163.3202 (3), has sought to encourage Riviera Beach to enact impact fees;

C. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare;

D. Each of the types of land development described herein will create demand for the acquisition or expansion of capital facilities and the construction of capital improvements.

E. The fees established by Section Eight are derived from, are based upon, and do not exceed the costs of providing additional capital facilities and capital improvements necessitated by the new land developments for which the fees are levied.

F. The report entitled "Technical Memorandum on Impact Fees", dated July 26, 2004, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional capital facilities and capital improvements in the City of Riviera Beach. A copy of the report is attached as Exhibit "A".

Section 2: That the City Council of the City of Riviera Beach has the authority to adopt this Ordinance pursuant to Article VII of the Constitution of the State of Florida, and Chapter 125 of the Florida Statutes.

Section 3: That the purpose of this Ordinance is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide Libraries, Parks, Fire and Police Facilities and Public Buildings, hereinafter referred to as "capital facilities" or "capital improvements" in the City of Riviera Beach.

Section 4: This Ordinance shall apply in the incorporated area of the City of Riviera Beach.

Section 5: Rules of Construction

A. The provisions of this ordinance shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

B. For the purposes of administration and enforcement of this Ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:

(1) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".

(5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(7) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) "City Manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this ordinance.

Section 6: Definitions

"Building permit" is the approval issued by the City of Riviera Beach that authorizes the construction or placement of a building, dwelling, mobile home, recreational vehicle or other structure on a site.

"Building permit for a residential building" is the approval issued by the City of Riviera Beach that authorizes the construction or placement of a building, dwelling, mobile home, recreational vehicle or other structure on a site, where the purposes of the building or structure is for human occupancy. This would include temporary, as well as, permanent occupancy.

"Capital Equipment" is buildings, vehicles, weapons, and communications equipment, all with an expected useful life of two-years or more. "Capital Equipment" shall include the cost of training new police officers, fire fighters and emergency medical technicians when such new individuals constitute a net expansion of the Riviera Beach protective force.

"Capital Facilities" are buildings owned by the City of Riviera Beach for parks, libraries, police and fire including emergency medical vehicles and public buildings that provide service to the public.

A "capital improvement" includes buildings owned by the City of Riviera Beach that are used to provide service to the public along with necessary contents and equipment with useful lives of two-years or longer, public buildings planning, land acquisition, site improvements, but excludes maintenance and operation.

"Development Order" means a regulatory approval by the City of Riviera Beach.

A "fee payer" is a person applying for the issuance of a building permit.

"Private recreational facility" is any recreational facility which is not owned by or dedicated to any governmental entity.

Section 7: Imposition of Impact Fee

- A. Any person who, after the effective date of this Ordinance, seeks to develop land within the City of Riviera Beach, Florida, by applying for a building permit, or before a certificate of occupancy is issued, is hereby required to pay an impact fee in the manner and amount set forth in this Ordinance.

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8. No new building permit for any activity requiring payment of an impact fee pursuant to Section Eight of this ordinance shall be issued unless and until the impact fee hereby required has been paid.
- C. No extension of a building permit issued prior to the effective date of this Ordinance for any activity requiring payment of an impact fee pursuant to Section Eight of this ordinance shall be granted unless and until the impact fee hereby required has been paid.

Section 8: Computation of the Amount of Impact Fee

A. The amount of the impact fee shall be determined by the following fee schedule, unless Section 88 is selected by the feepayer.

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FEE SCHEDULE

Land Use Type & Unit	Fire & Rescue	Police	Parks	Library	Public Buildings	Total
RESIDENTIAL PER DWELLING:						
800 Feet and Under	\$259.99	\$45.45	\$803.50	\$155.49	\$86.53	\$1,351
801 - 1,399	\$305.58	\$67.04	\$944.40	\$182.75	\$101.67	\$1,601
1,400 - 1,999	\$359.18	\$88.63	\$1,110.05	\$214.81	\$119.47	\$1,892
2,000 - 3,599	\$417.53	\$110.21	\$1,290.38	\$249.71	\$138.85	\$2,207
3,600 and Over	\$462.72	\$131.80	\$1,430.02	\$276.73	\$153.93	\$2,455
NON-RESIDENTIAL:						
HOTEL/MOTEL PER 1,000 FT ²	\$263.91	\$28.85	\$358.10	\$0.00	\$30.84	\$682
DRIVE-IN BANK PER 1,000 FT ²	\$216.97	\$28.85	\$0.00	\$0.00	\$159.04	\$405
MINI-WAREHOUSE PER 1,000 FT ²	\$216.97	\$4.77	\$0.00	\$0.00	\$8.54	\$230
MOVIE THEATER PER 1,000 FT ²	\$216.97	\$28.85	\$0.00	\$0.00	\$183.55	\$429
RACQUET CLUB PER COURT	\$216.97	\$28.85	\$0.00	\$0.00	\$137.19	\$383
CHURCH/SYNAGOGUE PER 1,000 FT ²	\$216.97	\$25.24	\$0.00	\$0.00	\$32.69	\$275
DAY CARE CENTER PER 1,000 FT ²	\$216.97	\$25.24	\$0.00	\$0.00	\$159.04	\$401
QUALITY RESTAURANT PER 1,000 FT ²	\$263.91	\$28.85	\$0.00	\$0.00	\$183.55	\$476
HIGH TURNOVER SIT-DOWN RESTAURANT PER 1,000 FT ²	\$263.91	\$28.85	\$0.00	\$0.00	\$183.55	\$476
NEW CAR SALES PER 1,000 FT ²	\$263.91	\$28.85	\$0.00	\$0.00	\$88.73	\$381
PFFICE PER 1,000 FT²:						
50,000 FT ² & Under	\$185.09	\$25.24	\$0.00	\$0.00	\$70.58	\$281
50,001 - 99,999FT ²	\$185.09	\$25.24	\$0.00	\$0.00	\$77.37	\$288
100,000 - 149,999FP	\$185.09	\$25.24	\$0.00	\$0.00	\$96.48	\$307
150,000 - 199,999FT ²	\$185.09	\$25.24	\$0.00	\$0.00	\$94.01	\$304
200,000FT ² and over	\$185.09	\$25.24	\$0.00	\$0.00	\$92.78	\$303
MEDICAL BUILDINGS:						
MEDICAL OFFICES PER 1,000 FT ²	\$185.00	\$25.24	\$0.00	\$0.00	\$149.96	\$360
HOSPITALS PER 1,000 FT ²	\$185.00	\$25.24	\$0.00	\$0.00	\$128.63	\$339
NURSING HOME PER 1,000 FT ²	\$0.00	\$25.24	\$0.00	\$0.00	\$15.95	\$41
NDUSTRIAL BUILDINGS:						
GEN. INDUSTRIAL PER 1,000 FT ²	\$138.66	\$2.30	\$0.00	\$0.00	\$24.27	\$165
WAREHOUSING PER 1,000 FT ²	\$45.82	\$2.30	\$0.00	\$0.00	\$19.21	\$67
GENERAL COMMERCIAL RETAIL PER 1,000 FT²:						
50,000 FT ² or Less	\$225.13	\$28.85	\$0.00	\$0.00	\$181.06	\$435
50,001 - 99,999 FT ²	\$225.13	\$28.85	\$0.00	\$0.00	\$176.48	\$430
100,000 - 199,999 FT ²	\$225.13	\$28.85	\$0.00	\$0.00	\$174.71	\$429
200,000 FT ² and over	\$225.13	\$28.85	\$0.00	\$0.00	\$183.55	\$438
PHARMACY WITH DRIVE THRU	\$225.13	\$28.85	\$0.00	\$0.00	\$177.79	\$432
FAST FOOD RESTAURANT	\$225.13	\$28.85	\$0.00	\$0.00	\$183.55	\$438
SERVICE STATION PER FUELING STN.	\$225.13	\$28.85	\$0.00	\$0.00	\$45.47	\$299
CONVENIENCE RETAIL	\$225.13	\$28.85	\$0.00	\$0.00	\$183.55	\$438

(1). If a building permit is requested for mixed uses, then the fee shall be determined through using the above schedules by apportioning the space committed to uses specified on the fee schedules.

(2). If the type of development activity that a building permit is applied for is not specified on the above fee schedules, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the above fee schedules.

The City Manager shall be guided in the selection of a comparable type by the City of Riviera Beach Comprehensive Plan, supporting documents of the City of Riviera Beach Comprehensive Plan, and the City of Riviera Beach Zoning Ordinance. If the City Manager determines that there is no comparable type of land use on the above fee schedules then the City Manager shall determine the fee by considering demographic or other documentation which is available from the City of Riviera Beach Planning Division, and state and regional authorities.

(3). In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the net positive increase in the impact for the new use as compared to the previous use. The City Manager shall be guided in this determination by the sources and agencies listed above.

B. If a feepayer opts not to have the impact fee determined according to paragraph (A) of this section, then the fee payer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager shall consider the documentation submitted by the fee payer, but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study not presented, the feepayer shall pay the impact fees based upon the schedule shown in paragraph (A) of this section. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten (10) days of the City Manager's determination.

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Section 9: Payment of Fee

A. The feepayer shall pay the capital facilities impact fee required by this Ordinance to the City Manager or his/her designee prior to the issuance of a building permit.

B. All funds collected shall be properly identified by and promptly transferred for deposit in the Impact Fee Trust Fund to be held in separate accounts as determined in Section 11 of this Ordinance and used solely for the purposes specified in this Ordinance.

Section 10: Impact Fee Trust Fund Established

A. There is hereby established an Impact Fee Trust Fund.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section 11 of this Ordinance.

Section 11: Use of Funds

A. Funds collected for impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to capital facilities as outlined in this Ordinance under the jurisdiction of the City of Riviera Beach and shall not be used for maintenance or operations.

B. At least once each fiscal period the City Manager shall present to the City Council a proposed capital improvement program for capital facilities, assigning funds, including any accrued interest, from the Impact Fee Trust Fund to specific capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the Impact Fee Trust Fund until the next fiscal period except as provided by the refund provisions of this Ordinance.

C. Funds may be used to make refunds required under any Development Order heretobefore or hereafter issued or entered into by the City of Riviera Beach as such refunds pertain to the subject matter of this Ordinance.

D. Funds may be used to provide refunds as described in Section 13.

Section 12: Use of Bonds

In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which development impact fees may be expended, development

impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in the definition of capital facilities.

Section 13: Refund of Fees Paid

A. If a building permit expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the City shall retain two percent (20/0) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit an application for such a refund to the Community Development Department of the City of Riviera Beach within 30 days of the expiration of the permit.

B. Any funds not expended or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of two percent (20/0) per annum, provided that the landowner submits an application for a refund to the Community Development Department of the City of Riviera Beach within 180 days of the expiration of the six year period.

Section 14: Exemptions and Credits

A. The following shall be exempted from payment of the impact fee:

- (1). Alterations or expansion of an existing building where no additional square footage or units are created and where the use is not changed.
- (2). The construction of accessory buildings or structures, unless that construction increases the impact on capital facilities.
- (3). The replacement of a building or structure with a new building or structure of the same size and use.
- (4). The installation of a replacement mobile home on a lot or other such site when an impact fee for such mobile home site has previously been paid pursuant to this Ordinance or where a mobile home legally existed on such site on or prior to the effective date of this Ordinance.

Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

B. Credits:

(1). Capital facilities or improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must request or provide for an impact fee credit. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this Ordinance, the credit shall be determined and provided in the following manner:

(a). Credit for the dedication of land shall be valued at:

(i) 115% of the most recent assessed value by the Property Appraiser, or

(ii) by fair market value established by private appraisers acceptable to the City. Credit for the dedication of capital facilities land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.

(b). Applicants for credit for construction of capital facilities improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(c). Except as provided in subparagraph (d) below, credit against impact fees otherwise due will not be provided until:

(i) the construction is completed and accepted by the City;

(ii) a suitable maintenance and warranty bond is received and approved by the City Manager of the City of Riviera Beach, when applicable.

(d). Credit may be provided before completion of specified capital facility improvements if adequate assurances are given by the applicant that the standards set out in Subparagraph (c) above will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit or escrow agreement shall be posted with and approved by the City Manager of the City of Riviera Beach in an amount determined by the City Manager. If the Capital facility construction project will not be constructed within one (1) year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent (10%») compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the capital facility construction project is not to be completed within 5 years of the date of the feepayer's offer, the City Council must approve the capital facility construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.

(2). Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(3). Determinations made by the City Manager pursuant to the credit provisions of this section may be appealed to the City Council by filing a written request with the City Manager within ten (10) days of the City Manager's determination.

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Section 15: Review

The fees contained in Section 8(A) shall be reviewed by the City Council at least every two years during the Budget Preparation process.

Section 16: Penalty Provision

A violation of this Ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution the City of Riviera Beach shall have the power to sue in civil court to enforce the provisions of this Ordinance.

Section 17: Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 18: Effective Date

This Ordinance shall become effective immediately upon its final passage.

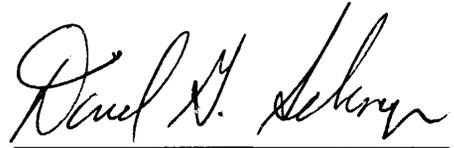
PASSED AND APPROVED on First Reading this 18th day of August, 2004.

PASSED AND ADOPTED on Second Reading this 1st day of September, 2004.

APPROVED:



MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

ATTEST:



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



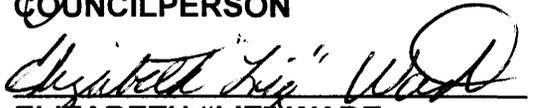
ANN ILES
CHAIR PRO-TEM

absent

DONALD R. WILSON
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

FIRST READING

MOTIONED BY: E. Wade
SECONDED BY: J. Davis

D. SCHNYER: aye
A. ILES: aye
D. WILSON: absent
J. DAVIS: aye
E. WADE: aye

SECOND AND FINAL READING

MOTIONED BY: E. Wade
SECONDED BY: J. Davis

D. SCHNYER: aye
A. ILES: aye
D. WILSON: absent
J. DAVIS: aye
E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

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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 applicable Florida Statutes.

Date /


Carrie E. Ward, MMC, City Clerk

ORDINANCE NO. 2978

OMITTED

ORDINANCE NO. 2979

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, FIXING THE ADJUSTED TAX VALUATION OF REAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; LEVYING A TAX ON REAL PROPERTY AND TANGIBLE BUSINESS PERSONAL PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY, FOR FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005 FIXING THE MILLAGE RATE OF 9.50 MILLS THEREON FOR SAID YEAR; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the assessment of ad valorem taxes requires the establishment of a rate of taxation.

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

SECTION 1: That for the fiscal year beginning October 1, 2004 and ending September 30, 2005, the adjusted valuation on all real property and tangible business personal property within the City of Riviera Beach is hereby determined to be and is fixed as follows:

- (a) Real Property and Tangible Business Personal Property on which tax can be extended, exclusive of homestead property, \$2,366,089,944
* Subject to final approval of the County Equalization Board

SECTION 2: That for the fiscal year beginning October 1, 2004 and ending September 30, 2005, a tax of nine point five (9.50) mills, which is 11.96% greater than the rolled-back rate of 8.4852 mills, on the dollar shall be, and is levied and shall be collected on all real property and tangible business personal property within the City of Riviera Beach, Florida, not specifically designated as homestead property or owned by the municipality and/or expressly exempted by the laws of the Constitution of the State of Florida for the purpose of raising funds for the improvements and government of the City, and for the payment of its obligations and expenses, and for the purpose of carrying out the purpose and duties granted and imposed by the City Charter and Code. Said real property and tangible business personal property being specifically set forth as Items A in Section 1 hereof and valued in the amount of \$2,366,089,944 subject to final approval of the County Equalization Board.

SECTION 3: As provided by Section 200.065 (5) Florida Statutes, upon notification from the Property Appraiser of any aggregate change in the certified assessment roll, the City Manager is hereby authorized to certify to the Property Appraiser, within three (3) days of notification, an adjusted millage rate which shall be such that taxes computed by applying the adopted rate against the certified taxable value are equal to the taxable value on the roll to be extended.

SECTION 4: The millage rate is 9.5 mills which is greater than the rolled-back rate of 8.4852 mills by 11.96 percent.

SECTION 5: If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portion of this ordinance.

SECTION 6: 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, be and the same are hereby repealed to extent of such conflict.

SECTION 7: This ordinance shall be in full force and effect immediately upon its passage and adoption.

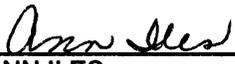
PASSED AND APPROVED on first reading this 15th. day of SEPTEMBER, 2004.

PASSED AND ADOPTED on second and final reading this 29 day of SEPTEMBER 2004.

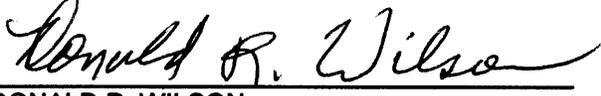
APPROVED:


MICHAEL BROWN,
MAYOR


DAVID G. SCHNYER,
CHAIRPERSON

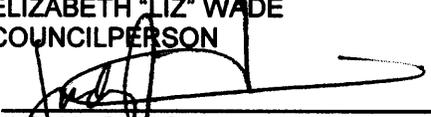

ANN ILES
CHAIRPERSON PRO TEM

(MUNICIPAL SEAL)


DONALD R. WILSON
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON


CARRIE. WARD
MASTER MUNICIPAL CLERK
CITYCLERK


JUDY L. DAVIS
COUNCILPERSON

MOTIONED BY: D. Wilson

MOTIONED BY: D. Wilson

SECONDED BY: E. Wade

SECONDED BY: A. Iles

	1 ST READING	2 ND & FINAL READING
D. SCHYNER	<u>aye</u>	<u>aye</u>
A. ILES	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>Absent</u>
J. DAVIS	<u>aye</u>	<u>aye</u>

CERTIFICATE 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.

September 15, 2004
DATE

[Signature]
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

REVIEWED AS TO LEGAL SUFFICIENCY

[Signature]
CITY ATTORNEY
CITY OF RIVIERA BEACH

DATE: 9/8/04

ORDINANCE NO. 2980

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, MAKING APPROPRIATIONS AND ESTABLISHING A BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2005 PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Manager has prepared and submitted to the City Council a Budget Estimate of the expenditures and revenues of all City departments, divisions, and offices for the fiscal year commencing October 1, 2004 and ending September 30, 2005, copies of such estimates having been made available to the newspapers in the city and to the municipal library that is open to the public; and

WHEREAS, the City Council has met in workshop sessions and held public hearings to ascertain the amount of money that must be raised to conduct the affairs of the municipality for the 2004-2005 fiscal year so that the business of the municipality may be conducted on a balanced budget and on sound business principles; and

WHEREAS, it has been determined that the amount necessary to be raised by ad valorem taxes and other taxes upon all of the property, real and personal, within the corporate limits of the City of Riviera Beach.

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

Section One

The following appropriations are made for the municipal operations of the City of Riviera Beach, Florida for the fiscal year 2004-05.

FUNDS & DEPARTMENTS

GENERAL FUND

APPROPRIATIONS

Legislative

\$ 380,885

Executive	6,321,607
Finance	1,291,562
City Clerk	418,247
Human Resources	627,592
City Attorney	407,853
Community Development	1,519,137
Police	12,584,475
Fire	8,569,241
Public Works	2,698,328
Recreation & Parks	3,206,811
Library	591,887
Purchasing	338,535
TOTAL GENERAL FUND	\$38,956,160

ENTERPRISE FUNDS

Water and Sewer Fund	13,318,000
Water and Sewer Renewal and Replacement Fund	1,009,929
Water & Sewer Construction Fund	955,550
Water and Sewer Debt Service Fund	730,163
Marina Fund	2,132,146
Marina Debt Service Fund	126,141
Marina Renewal and Replacement	101,225
Storm Water Utility	1,500,000
TOTAL ENTERPRISE FUNDS	\$ 19,873,154

PAGE 3

ORDINANCE NO. 2980

OTHER FUNDS

Sales Tax	\$ 2,187,000
Advance Police Training	20,100
Crime Prevention	6,192
Police Interlocal Agreements	144,445
D.A.R.E	3,500
Street Improvement Program Debt Service	670,753
Sales Tax Debt Service Fund	534,301
Paving and Drainage Construction	294,193
Lot Cleaning	40,000
Liability Insurance Trust	5,399,365
Major Disaster	80,000
Housing Trust Fund	35,000

TOTAL OTHER FUNDS \$ 9,306,849

Section Two

That the above appropriations are made based on the following anticipated sources of revenue for the 2004-2005 fiscal year:

GENERAL FUND

	<u>REVENUE</u>
Taxes	\$26,345,666
Franchise Fees	2,386,202
Other Fees, Licenses and Permits	3,151,557
Grants and Other Government Shared Revenues	1,217,364
Fines and Forfeitures	295,000
Rents and Leases	68,200
Other Revenues	789,790
Interfund Transfers	4,111,876
Non-Revenue	590,505

TOTAL GENERAL FUND \$38,956,160

PAGE 4

ORDINANCE NO. 2980

ENTERPRISE FUNDS

Water and Sewer	\$ 13,318,000
Water and Sewer Renewal and Replacement	1,009,929
Water & Sewer Construction	955,550
Water and Sewer Debt Service	730,163
Marina	2,132,146
Marina Debt Service	126,141
Marina Renewal and Replacement	101,225
Storm Water Management	1,500,000

TOTAL ENTERPRISE FUNDS \$ **19,873,154**

OTHER FUNDS

Sales Tax	\$ 2,187,000
Advance Police Training	20,100
Crime Prevention	6,192
Police Interlocal Agreements	144,445
D.A.R.E	3,500
Street Improvement Program Debt Service	670,753
Sales Tax Debt Service	534,301
Paving and Drainage Construction	294,193
Lot Cleaning Fund	40,000
Liability Insurance Trust	5,399,365
Major Disaster	80,000
Housing Trust	35,000

TOTAL OTHER FUNDS \$ **9,414,849**

PAGE 5

ORDINANCE NO. 2980

Section Three

This ordinance is an ordinance of precedence and all other ordinances in conflict with it are held null and void insofar as they pertain to these appropriations. The appropriations are the anticipated expenditure requirements for the City, but are not mandatory should efficient administration of City departments, divisions and offices or altered economic conditions indicate that a curtailment in certain expenditures is necessary or desirable for the general welfare of the City.

Saction Four

The City Manager is directed to prepare and file with the City Clerk a statement of the proposed expenditures and estimated revenues for the fiscal year 2004-2005, which shall be entitled "Annual Budget of the City of Riviera Beach, Fiscal Year October 1, 2004 through September 30, 2005".

Section Five

The Finance Director is authorized to increase these appropriations by amounts representing encumbrances properly budgeted for, and carried over from fiscal year 2003-2004.

Section Six

The City Manager is hereby authorized to invite or advertise for bids for the purchase of any material, equipment, or service provided by the budget for which formal bidding is required; such bids to be returnable to the City Councilor City Manager in accordance with Charter or Code provisions.

Saction Seven

If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any emaining portion of this ordinance.

MOTIONED BY: J. Davis

MOTIONED BY: J. Davis

SECONDED BY: E. Wade

SECONDED BY: D. Wilson

	1st Reading	2nd & Final Reading
D. SCHNYER	<u>nay</u>	<u>nay</u>
.ILES	<u>aye</u>	<u>aye</u>
D. WILSON	<u>aye</u>	<u>aye</u>
E. WADE	<u>aye</u>	<u>Absent</u>
. DAVIS	<u>aye</u>	<u>aye</u>

CERTIFICATE 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.

September 15, 2004
Date


Carrie E. Ward
Master Municipal Clerk
City Clerk

ORDINANCE NO. 2981

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM SUNCREST SUPPLY, INC., WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA CONTAINING 5.90 ACRES, LYING ON THE EAST SIDE OF BYRON DRIVE EAST OF AND ADJACENT TO 1-95, 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 is currently providing municipal utilities, e.g., water and sewer, to the subject property and shall continue to do so as outlined in the Voluntary Petition for Annexation; and subject to conditions set forth in the petition.

WHEREAS, the City of Riviera Beach hereby accepts the petition of Suncrest Supply, Inc. for voluntary annexation into the City.

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

PAGE 6
ORDINANCE NO. 2980

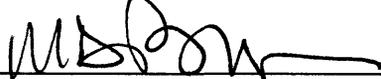
Section Eight

This ordinance shall be effective upon its passage by the City Council and shall not be delivered to the Municipal Code Corporation for inclusion in the Code Book.

PASSED AND APPROVED on first reading this 15th day of September, 2004.

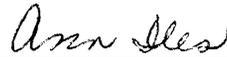
~~PASSED AND~~ ADOPTED on second and final reading this 29 day of September, 2004.

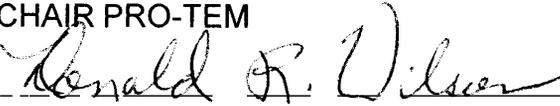
APPROVED:


MICHAEL BROWN
MAYOR

(MUNICIPAL SEAL)


DAVID G. SCHNYER
CHAIRPERSON


ANN ILES
CHAIR PRO-TEM

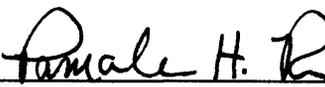

DONALD R. WILSON
COUNCILPERSON

absent
ELIZABETH "LIZ" WADE
COUNCILPERSON


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY
CITY OF RIVIERA BEACH

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
SUNCREST SUPPLY, INC.
Property Control Number: 00-43-42-30-01-009-0020

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

PARCEL 1

PARCEL "J", PLAT **NO.1**, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 16.00 FEET THEREOF.

PARCEL 2

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC

RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 87°40'36" WEST, A DISTANCE OF 290.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO.1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 293.16 FEET TO A LINE PARALLEL WITH AND 290 FEET WESTERLY FROM THE EAST LINE OF SAID PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF 290.00 FEET; THENCE NORTH 2°19'24" EAST, A DISTANCE OF 200.0 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 290.0 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING.

SAID PARCELS 2 AND 3 ALSO DESCRIBED AS:

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'35" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION, A DISTANCE OF 580.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO.1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 583.16 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4

A PARCEL OF LAND LYING AND BEING IN PARCEL "I" OF PLAT NO. 1 CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "I", THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL "I" ON A BEARING OF NORTH 1°35'56", (SAID BEARING BEING PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST), A DISTANCE OF 184.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 1°35'56" EAST ALONG THE WEST LINE OF SAID PARCEL "I" A DISTANCE OF 104.53 FEET; THENCE SOUTH 86°59'37" EAST, A DISTANCE OF 584.53 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL "I", THENCE SOUTH 02°19'24" WEST ALONG THE EAST LINE OF SAID PARCEL "I", A DISTANCE OF 97.36 FEET; THENCE NORTH 87°40'36" WEST A DISTANCE OF 583.17 FEET TO THE POINT OF BEGINNING. COMPRISING A TOTAL OF 5.9 ACRES.

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.

ORDINANCE NO. 2981
PAGES

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. 2981
PAGE 6

PASSED AND APPROVED on First Reading this 6 day of October, 2004.

PASSED AND ADOPTED on Second Reading this 20TH day of OCTOBER, 2004.

APPROVED:

ABSENT
MICHAEL D. BROWN
MAYOR

David G. Schnyer
DAVID G. SCHNYER
CHAIRPERSON

ATTEST:

C. E. Ward
CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

Ann Iles
ANN ILES
CHAIR PRO-TEM

Donald R. Wilson
DONALD R. WILSON
COUNCIL PERSON

Judy L. Avis
JUDY L. AVIS
COUNCILPERSON

Elizabeth "Liz" Wade
ELIZABETH "LIZ" WADE
COUNCILPERSON

FIRST READING

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

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

SECOND AND FINAL READING

MOTIONED BY: E. WADE
SECONDED BY: J. DAVIS

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

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala Hanna Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 9/30/04

ORDINANCE NO. 2981
PAGE 7

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.

October 6, 2004
Date 1

Carrie E. Ward
Carrie E. Ward, MMC, City Clerk

ORDINANCE NO. 2982

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT TO THE CITY OF RIVIERA BEACH COMPREHENSIVE PLAN BY ASSIGNING AN INDUSTRIAL FUTURE LAND USE DESIGNATION TO 5.9 ACRES OF LAND LOCATED AT 7540 BYRON DRIVE; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Section 163.3187 (1) (c) provides the requirements for adoption of small-scale amendments to the Future Land Use Map of the Comprehensive Plan; and

WHEREAS, the subject property is currently designated Unincorporated Palm Beach County Industrial on the Palm Beach County Future Land Use Map and is being amended to City of Riviera Beach Industrial; and

WHEREAS, the subject property meets the requirements established by the Statutes in amending the City of Riviera Beach Comprehensive Plan for small-scale developments; and

WHEREAS, on October 14, 2004, the Planning and Zoning Board, sitting as the Local Planning Agency, reviewed the proposed small-scale amendment at a Public Hearing and forwarded a recommendation of approval to the City Council; and

WHEREAS, the proposed small-scale amendment for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan Future Land Use Map and was found to be consistent by the City Council at a Public Hearing of this Ordinance.

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

Section 1. The Future Land Use Map of the City of Riviera Beach is hereby amended in accordance with Florida Statute, Section 163.3187 (1) (c) for small-scale amendments for the subject property as described below:

LEGAL DESCRIPTION
(PCN 00-43-42-30-01-009-0020)

PARCEL 1

PARCEL tI, PLAT NO. 1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 16.00 FEET THEREOF.

PARCEL 2

A PORTION OF PARCELS tII AND tIJ OF PLAT NO. 1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 87°40'36" WEST, A DISTANCE OF 290.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO. 1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 293.16 FEET TO A LINE PARALLEL WITH AND 290 FEET WESTERLY FROM THE EAST LINE OF SAID PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3

A PORTION OF PARCELS tII AND "J" OF PLAT NO. 1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF

290.00 FEET; THENCE NORTH 2°19'24" EAST, A DISTANCE OF 200.0 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 290.0 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING.

SAID PARCELS 2 AND 3 ALSO DESCRIBED AS:

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'35" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION, A DISTANCE OF 580.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO.1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 583.16 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4

A PARCEL OF LAND LYING AND BEING IN PARCEL "I" OF PLAT NO.1 CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "I", THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL "I" ON A BEARING OF NORTH 1°35'56", (SAID BEARING BEING PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST), A DISTANCE OF 184.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 1°35'56" EAST ALONG THE WEST LINE OF SAID PARCEL "I" A DISTANCE OF 104.53 FEET; THENCE SOUTH 86°59'37" EAST, A DISTANCE OF 584.53 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL "I", THENCE SOUTH 02°19'24" WEST ALONG THE EAST LINE OF SAID

PARCEL "I", A DISTANCE OF 97.36 FEET; THENCE NORTH 87°40'36"
WEST A DISTANCE OF 583.17 FEET TO THE POINT OF BEGINNING.

Section 2. 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 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 Director of Community Development is hereby authorized and directed to update the City's Future Land Use Map in accordance with the changes described by this Ordinance.

Section 5. That the effective date of this small-scale amendment shall be 31 days after adoption, or if the amendment is challenged, the effective date will not be until the State Land Planning Agency or the Administration Commission issues a final order determining that the adopted small-scale amendment is in compliance.

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

ORDINANCE NO. 2982
PAGES

PASSED AND APPROVED on First Reading this 3rd day of November

MICHAEL D. BROWN
MAYOR

ATTEST:

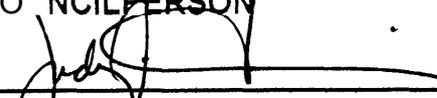


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

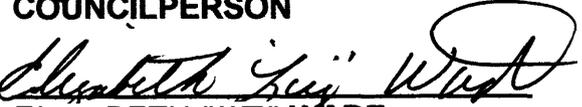


ANNILES
IR PRO-TEM
C 

NAÏD R. WILSON
CO NCILPERSON



JUDY L. DAVIS
COUNCILPERSON



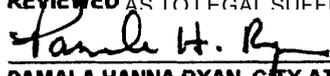
EL BETH "liz" WADE
COUNCIIPERSON

FIRST READING

MOTIONED BY: D. Wilson
SECONDED BY: J. Davis
D. SCHNYER: aye
A. ILES: aye
D. WILSON: aye
J. DAVIS: aye
E. WADE: out

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: aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 10/26/04

ORDINANCE NO. 2982
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.

11-17-04

Date



Carrie E. Ward, MMC. City Clerk

ORDINANCE NO. 2983

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION TO CITY OF RIVIERA BEACH GENERAL INDUSTRIAL (IG) FOR 5.9 ACRES OF LAND LOCATED AT 7540 BYRON DRIVE, JUST EAST OF 1-95,; DIRECTING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO UPDATE THE CITY OF RIVIERA BEACH ZONING MAP; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes, Chapter 166.041 provides procedures to adopt an ordinance involving less than ten (10) contiguous acres; and

WHEREAS, the subject property is currently assigned Palm Beach County Industrial zoning classification; and

WHEREAS, on October 14, 2004, the Planning and Zoning Board, reviewed the proposed zoning change from Palm Beach County Light Industrial (IL) to City of Riviera Beach General Industrial (IG) zoning classification, and forwarded a recommendation to the City Council; and

WHEREAS, the proposed zoning classification for the subject property was reviewed for consistency with the City of Riviera Beach Comprehensive Plan and was found to be consistent by the City Council sitting as the Local Governing Body whom held a Public Hearing of this Ordinance.

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

Section 1. The City of Riviera Beach Zoning Map is hereby amended to General Industrial (IG) for the following subject property:

LEGAL DESCRIPTION
(PCN 00-43-42-30-01-009-0020)

PARCEL 1

PARCEL "J", PLAT NO. 1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 16.00 FEET THEREOF.

PARCEL 2

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF 290.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 87°40'36" WEST, A DISTANCE OF 290.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO.1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 293.16 FEET TO A LINE PARALLEL WITH AND 290 FEET WESTERLY FROM THE EAST LINE OF SAID PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'36" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION A DISTANCE OF 290.00 FEET; THENCE NORTH 2°19'24" EAST, A DISTANCE OF 200.0 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 290.0 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING.

SAID PARCELS 2 AND 3 ALSO DESCRIBED AS:

A PORTION OF PARCELS "I" AND "J" OF PLAT NO.1, CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF

AS RECORDED IN PLAT BOOK 3D, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL "I"; RUN THENCE NORTH 87°40'35" WEST ALONG THE SOUTH LINE OF PARCEL "I" AND ITS WESTERLY EXTENSION, A DISTANCE OF 580.63 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF BYRON DRIVE AS SHOWN ON SAID PLAT NO.1; THENCE NORTH 1°35'56" EAST, ALONG THE EAST RIGHT-OF-WAY OF BYRON DRIVE, A DISTANCE OF 200.02 FEET; THENCE SOUTH 87°40'36" EAST, A DISTANCE OF 583.16 FEET TO THE EAST LINE OF PARCEL "I"; THENCE SOUTH 2°19'24" WEST ALONG THE EAST LINE OF PARCEL "I", A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4

A PARCEL OF LAND LYING AND BEING IN PARCEL "I" OF PLAT NO.1 CENTRAL INDUSTRIAL PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3D, PAGE 37, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL "I", THENCE NORTHERLY ALONG THE WEST LINE OF SAID PARCEL "I" ON A BEARING OF NORTH 1°35'56", (SAID BEARING BEING PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 3D, TOWNSHIP 42 SOUTH, RANGE 43 EAST), A DISTANCE OF 184.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 1°35'56" EAST ALONG THE WEST LINE OF SAID PARCEL "I" A DISTANCE OF 104.53 FEET; THENCE SOUTH 86°59'37" EAST, A DISTANCE OF 584.53 FEET TO A POINT IN THE EAST LINE OF SAID PARCEL "I", THENCE SOUTH 02°19'24" WEST ALONG THE EAST LINE OF SAID PARCEL "I", A DISTANCE OF 97.36 FEET; THENCE NORTH 87°40'36" WEST A DISTANCE OF 583.17 FEET TO THE POINT OF BEGINNING.

Section 2. 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 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 Director of Community Development is hereby authorized and directed to update the City's Zoning Map in accordance with the changes described by this Ordinance.

Section 5. That the effective date of this ordinance shall be 31 days after adoption.

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

ORDINANCE NO. 2983
PAGES

PASSED AND APPROVED on First Reading this 3rd day of November, 2004.

PASSED AND ADOPTED on Second Reading this 17th day of November, 2004.

APPROVED:



MICHAEL D. BROWN
MAYOR

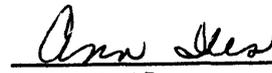


DAVID G. SCHNYER
CHAIRPERSON

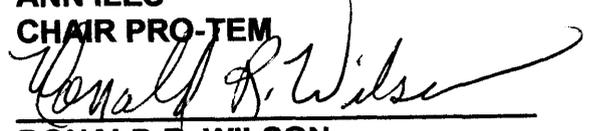
ATTEST:



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK



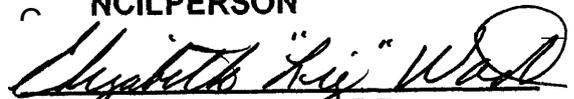
ANN ILES
CHAIR PRO-TEM



DONALD R. WILSON
COUNCILPERSON



J. D. L. VIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

FIRST READING

MOTIONED BY: D. Wilson

SECONDED BY: J. Davis

D. SCHNYER: aye

A. ILES: aye

D. WILSON: aye

J. DAVIS: aye

E. WADE: out

SECOND AND FINAL READING

MOTIONED BY: J. Davis

SECONDED BY: E. Wade

D. SCHNYER: aye

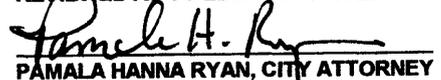
A. ILES: aye

D. WILSON: aye

J. DAVIS: aye

E. WADE: aye

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 10/25/04

INANCE NO. 2983
PAGE 6

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.

11-17-04
Date


Carrie E. Ward, MMC, C

ORDINANCE NO: 2984

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN AMENDMENT TO THE INLET HARBOR CITY OF RIVIERA BEACH REDEVELOPMENT PLAN MODIFICATION 2001; FINDING THAT THE PLAN CONFORMS TO SECTIONS 163.360,163.361,163.362, AND 166.041, FLORIDA STATUTES; DIRECTING THAT THE PLAN BE CARRIED OUT IN ACCORDANCE WITH ITS TERMS; SUBMITTING SAID PLAN TO EACH TAXING AUTHORITY THAT LEVIES AD VALOREM TAXES ON TAXABLE REAL PROPERTY CONTAINED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY, AND CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Riviera Beach Community Redevelopment Agency (the "Agency"), a duly created community redevelopment agency, created and established pursuant to Part III of Chapter 163, Section 163.356, Florida Statutes; ratified and confirmed by City of Riviera Beach by Ordinance No. 2883 and Final Summary Judgment in case number CA-01-8461-AN, has caused to be prepared a Modification of the 2001 Inlet Harbor Redevelopment Plan, in accordance with Sections 163.355, 163.360, 163.361 and 163.362, Florida Statutes (2000); and

WHEREAS, the applicant for the CRA Plan amendment is Avenue "A" Holdings LLC; and

WHEREAS, the Agency submitted the Plan to the City's Planning and Zoning Board which serves as the Local Planning Agency; and

WHEREAS, the Local Planning Agency, held a public meeting on October 28, 2004, with respect to said conformity with the Comprehensive Plan and voted to recommend approval of the amendment; and

WHEREAS, the Community Redevelopment Agency held a public hearing, duly noticed, on November 10, 2004, and, after receiving comments from the public and discussion by the Board of Commissioners, approved the Plan; and

WHEREAS, the Community Redevelopment Agency having reviewed the recommendation of the Local Planning Agency, and including the Local Planning Agency's recommendation for approval, submitted the Plan to the City Council of the City of Riviera Beach.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. The City Council finds that the amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan which is attached and incorporated into this Ordinance, meets the requirements of Chapter 163, Florida Statutes. The amended Table 8.2 (PC-02) is attached as Exhibit "A". Table 8.2 PC-02 is proposed to be amended as follows:

- a. Maximum building height increased from 45 feet to 65 feet
- b. Maximum lot coverage increase from 25% to 700/0 (which is consistent with the City's existing zoning regulations)
- c. Floor Area Ratio increased from 0.7 FAR to 1.6 FAR

SECTION 3. The City Council, having held a public hearing as required by law and having received the comments from the public, the Planning and Zoning Board acting as the Local Planning Agency, and from the CRA Board of Commissioners, approving the amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan.

SECTION 4. The amendment to the 2001 Inlet Harbor City of Riviera Beach Redevelopment Plan, having been approved by the City Council is therefore deemed to be in full force and effect and the Community Redevelopment Agency is directed to carry out the Plan in accordance with its terms.

SECTION 5. The amended Community Redevelopment Plan shall serve as the Land Development Regulations for the CRA, and any variations granted pursuant to this Plan shall control the development of real property within the Community Redevelopment Area.

SECTION 6. Should anyone or more of the provisions of this Ordinance be held invalid, such provision shall be null and void and shall be deemed separate from the remaining provisions and shall in no way affect the validity of any of the remaining provisions of the Ordinance.

SECTION 7. This Ordinance shall be submitted to each taxing authority that levies Ad Valorem taxes on taxable real property contained within the geographical boundaries of the Redevelopment Area.

SECTION 8. All Ordinances or parts of Ordinances in conflict are hereby repealed.

SECTION 9. This Ordinance shall take effect immediately upon its final adoption.

ORDINANCE NO. 2984
PAGE No.3.

PASSED AND APPROVED on the first reading this 17th day of
Noyember 2004

PASSED AND ADOPTED on second and final reading this 15 day
of December, 2004.

APPROVED:

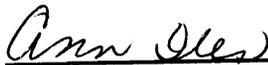


MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



ANNILES
CHAIR PRO TEM

ATTEST:

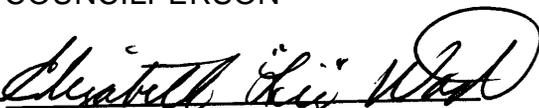


DONALD R. WILSON
COUNCILPERSON



CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

JUDY DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

1ST READING

MOTIONED BY: E. Wade

SECONDED BY: J. Davis

D. SCHNYER	<u>aye</u>
A. ILES	<u>aye</u>
D. WILSON	<u>aye</u>
J. DAVIS	<u>aye</u>
E. WADE	<u>aye</u>

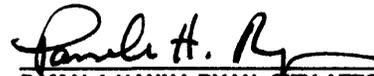
2ND & FINAL READING

MOTIONED BY: D. Wilson

SECONDED BY: J. Davis

D. SCHNYER	<u>aye</u>
A. ILES	<u>aye</u>
D. WILSON	<u>aye</u>
J. DAVIS	<u>aye</u>
E. WADE	<u>AYe</u>

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA HANNA RYAN, CITY ATTORNEY

DATE:

ORDINANCE NO. 2985

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, RECODIFYING SECTION 2-111 (a) AND (b) OF THE 1957 CODE OF ORDINANCES AND AMENDING SAID SECTIONS IN THE NEW CODE OF ORDINANCES UNDER CHAPTER 15 ENTITLED PERSONNEL BY ADDING A SECTION TO BE NUMBERED SECTION 15-111 (a) AND (b), ENTITLED, "MILITARY LEAVE AND JURY DUTY" PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the language in the Code of Ordinance regarding military leave and jury duty must be updated; and

WHEREAS, the military leave section must be revised to meet the guidelines in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA); and

WHEREAS, the City has created a policy for military leave for all city employees who are members of the United States military reserves and national guard; and

WHEREAS, jury duty is also a part of this section and remains as is with exception of changing the gender features.

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

SECTION 1. That Section 2-111 (a) and (b) of the 1957 Code of Ordinances is recodified and amended in the new Code of Ordinances, under Chapter 15, entitled Personnel by adding a section to be numbered 15-111 (a) and (b), as follows:

15-111. Military Leave and Jury Duty

(a) A leave of absence with pay may be granted ~~not~~ to exceed seventeen (17) days in any calendar year for attendance at annual encampments or maneuvers ordered military training with the armed forces. Any city employee on active military leave ~~shall~~ may receive ~~full~~ regular salary as defined in the City's Military Leave Policy in addition to wages from military duty.

(b) An employee must notify ~~his~~ the supervisor that he is to of appearance for jury duty as soon as possible after receiving such notice to appear. Upon completing jury service, the employee will present to ~~his~~ the

supervisor a statement signed by the clerk of the court indicating the fee earned exclusive of travel expense. This form. along with a request for leave slip. will be submitted to payroll and this amount will be deducted from the employee's next pay check.

SECTION 2. It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City of Riviera Beach, and the sections of this ordinance may be renumbered to accomplish such intentions.

SECTION 3. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not effect 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 be and the same are hereby repealed to extent of such conflict.

SECTION 5. Specify authority is hereby granted to codify this ordinance.

SECTION 6. That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED AND APPROVED ON FIRST READING THIS 5th DAY OF January, 2005.

PASSED AND ADOPTED ON SECOND READING THIS 19th DAY OF January, 2005.

APPROVED:


MICHAEL D. BROWN
MAYOR


DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)


ANNILES
CHAIR PRO TEM

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


DONALD R. WILSON
COUNCILPERSON


JUDY L. DAVIS
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON

1ST READING

2ND READING

MOTIONED BY: D. Wilson

MOTIONED BY: E. Wade

SECONDED BY: E. Wade

SECONDED BY: D. Wilson

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

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

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CITY ATTORNEY

DATE: _____

CERTIFICATION OF PUBLICATION

I hereby certify that notice of the **proposed enactment** of **this** ordinance was duly published in a newspaper or **general** circulation within **the** City of **Riviera** Beach as required by the applicable Florida **statutes**.

1/19/2004
DATE



CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK

ORDINANCE NO. 2986

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THAT PORTION OF WEST 21ST (A PLATTED ROAD RIGHT-OF-WAY 50 FEET IN WIDTH AND 562.95 FEET IN LENGTH) STREET LYING BETWEEN BLOCK 9 AND BLOCK 8, REPLAT OF BLOCKS 6,7,8,9, & 10, NORTHVIEW PLAT 2 AND BLOCK 4, NORTHVIEW PLAT NO. 1; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, that portion of West 21st Street lying between Block 9 and Block 8, Replat of Blocks 6,7,8,9, & 10, Northview Plat 2 and Block 4, Northview Plat No. 1 is a platted road right-of-way; and

WHEREAS, this section of the right of way lies within the boundaries of St. Francis of Assisi Catholic School; and

WHEREAS, St. Francis of Assisi Church is requesting the abandonment of 562.95 feet of West 21st Street between Avenue 'E' and Avenue 'F' for the safety and welfare of their students and parishioners; and

WHEREAS, the City Council held a public hearing and found that this portion of West 21st Street lying between Block 9 and Block 8, Replat of Blocks 6,7,8,9, & 10, Northview Plat 2 and Block 4, Northview Plat No. does not serve a public purpose and should be vacated and abandoned as a public right-of-way.

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

SECTION 1. That the portion of West 21st Street more particularly described hereinafter be vacated, closed and abandoned and the City of Riviera Beach hereby relinquishes all claim, right, title, and interest in said property for public right-of-way purposes. Said public right-of-way is more particularly described as follows:

LEGAL DESCRIPTION

THAT PORTION OF WEST 21ST STREET LYING BETWEEN BLOCK 9 AND BLOCK 8, REPLAT OF BLOCKS 6,7,8,9, & 10, NORTH VIEW PLAT 2 AND BLOCK 4, NORTHVIEW PLAT NO.1, ACCORDING TO THE PLAT THEREOF IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 20, PAGE 88, SAID PORTION OF WEST 21ST STREET BOUNDED AS FOLLOWS:

ON THE NORTH BY THE SOUTH LINE OF BLOCK 8; ON THE EAST BY THE SOUTHERLY PROLONGATION OF THE EAST LINE OF BLOCK 8; ON THE SOUTH BY THE NORTH LINE OF BLOCK 9; ON THE WEST BY THE NORTHERLY PROLONGATION OF THE WEST LINE OF BLOCK 9.

CONTAINING 28,148 SQUARE FEET (0.646 ACRES).

SECTION 2. That the abandonment of West 21st Street lying between Blocks 9 and 8, Replat of Blocks 6-10 Northview Plat No.1, is conditioned upon St. Francis of Assisi or any future owner of the property described in the above legal description from receiving any compensation from the City or Community Redevelopment Agency (CRA) in the future should the taking of the abandoned right of way be necessary.

SECTION 3. 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 4. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

SECTION 5. 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, be and the same are hereby repealed to extent of such conflict.

SECTION 6. This Ordinance shall be in full force and effective immediately upon its final passage and adoption.

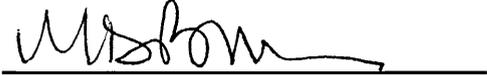
SECTION 7. The City Clerk of the City of Riviera Beach is hereby authorized and directed to file and record this Ordinance in the Public Records of Palm Beach County, Florida.

PASSED AND APPROVED on First Reading this 2nd day of February 2005.

PASSED AND ADOPTED on Second Reading this 16th day of February 2005.

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

APPROVED:


MICHAEL D. BROWN, MAYOR


DAVID G. SCHNYER
CHAIRPERSON

[MUNICIPAL SEAL]

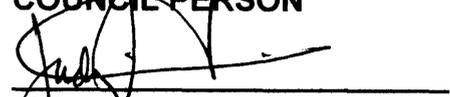


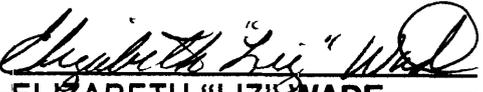
ANN ILES
CHAIRPERSON PRO-TEM


DONALD R. WILSON
COUNCIL PERSON

ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY DAVIS
COUNCIL PERSON

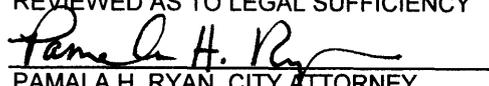

ELIZABETH "LIZ" WADE
COUNCIL PERSON

1st Reading

2nd & Final Reading

MOTIONED BY:	D. Wilson
SECONDED BY:	E. Wade
D. SCHNYER	aye
A. ILES	aye
D. WILSON	aye
J. DAVIS	aye
E. WADE	aye

J. Davis
E. Wade
aye
absent
aye
aye
aye

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN, CITY ATTORNEY
1/26/05
DATE

CERTIFICATION OF PUBLICAnON

I **hereby** certify **that** notice of the **proposed enactment** of **this ordinance** wa. duly publi.hed In a **newspaper** of **general** circulation within **the City** of **Riviera Beach** . . **required by the** applicable Florida **Statutes**.

2/2/2005
Date


Carrie E. Ward, **MMC**, City Clerk