

ORDINANCE NO. 2987

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, AMENDING CHAPTER 14, ARTICLE IV SEC. 14-72(2) ENTITLED "DEFINITIONS" OF THE CODE OF ORDINANCES OF THE CITY OF RIVIERA BEACH RELATING TO THE POLICE PENSION PLAN BY PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR PRIOR POLICE OR MILITARY SERVICE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Trustees of the Police Pension Fund recommended and approved amendments to the existing Code of Ordinances to provide improved retirement benefits for participants of the plan with prior police and/or military experience; and

WHEREAS, the Police Pension Plan's actuary has prepared a Statement of Actuarial Impact, which the City Council has received and considered; and

WHEREAS, section 185.02(5)(c), Florida Statutes (2004), allows a municipality to enact such legislation; and

WHEREAS, the City Council deems it to be in the public interest to provide these improved pension plan benefits for its police officers.

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

SECTION 1. That Chapter 14 Article IV, Section 14-72(2) of the Riviera Beach Code of Ordinances is hereby amended by adding the following underlined words:

Sec. 14-72. Definitions.

* * *

Credited service, *Creditable service* and *service* mean the total number of years and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years, when such police officers may not be employed by the City.

* * *

(2) In determining the aggregate number of years of service of any police officer, the time spent in the military service of the United States or United States Merchant Marine by the police officer on leave of absence for such reason shall be added to the years of service; provided, however, that to receive credit for such service the police officer must have re-entered the police department within one year of the date of release from service. Further, a police officer may, within the first year of employment as a police officer of the City of Riviera Beach (or within ninety (90) days of being notified of eligibility by the City of Riviera Beach for police officers employed prior to enactment of this ordinance amendment), purchase up to five (5) years, not to exceed sixty (60) months, of service for service in the Armed Forces of the United States, the United States Merchant Marine or service as a police officer for any employer prior to employment as a police officer by the City of Riviera Beach. Such prior service purchase shall be made by depositing with the pension fund the full actuarial costs of such years of service. Such payment for said prior credited service may be made as a lump sum or in installments not to exceed the years of service purchased; however, the amount must be paid in full prior to retirement. Installment payments shall require interest at the actuarial rate of return for the years purchased, said interest to be determined by the fund actuary. Such purchase of prior credited service shall take effect upon vesting. If a member terminates service prior to vesting and receives a refund of employee contributions, the amount paid for such prior credited service shall also be refunded.

Eligibility to purchase prior credited service shall also be subject to the following:

- a. Prior credited service shall not be granted for service where the participant is receiving or is entitled to receive a benefit from another governmental pension system.
- b. Prior credited service under this section shall only be provided only for service as a full time police officer, who is certified or required to be certified as law enforcement officer in compliance with Section 943.1395, Florida Statutes, with any law enforcement agency including the City of Riviera Beach.

- c. Total prior credited service. for prior police officer service. United States Armed Forces and Merchant Marine service. shall not exceed five (5) years (60 months). Actual prior service credit purchased shall be added to the years of service with the City of Riviera Beach.

- d. Election to purchase prior credited service. for prior service with the City. prior service with any other law enforcement agency or prior service in the United States Armed Forces or Merchant Marine. shall be made in writing to the Board of Trustees. The cost of prior credited service purchased for such prior service shall be the full actuarial cost of all credited service purchased hereunder computed as a lump sum payment into the plan. Actual payment may. at the member's option. be extended over a period of time not to exceed the years purchased and shall be subject to interest at the actuarial rate of return for the years purchased. Such payment may be by direct in-service transfer from a participant's deferred compensation account (457 account) pursuant to Section 457(e) (17) of the Internal Revenue Code or any other qualified plan. Full payment of such purchased prior credited service must be completed prior to the member's actual retirement.

* * *

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

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

SECTION 6. This ordinance shall be in full force and effect immediately

ORDINANCE NO. 2987

PAGE 4

upon its final passage and adoption.

PASSED AND APPROVED on first reading this 16TH day of FEBRUARY, 2005.

PASSED AND ADOPTED on second and final reading this 2ND day of MARCH, 2005.

APPROVED:



MICHAEL D. BROWN
MAYOR



DAVID G. SCHNYER
CHAIRPERSON



ANN ILES
CHAIR PRO-TEM



DONALD R. WILSON
COUNCILPERSON

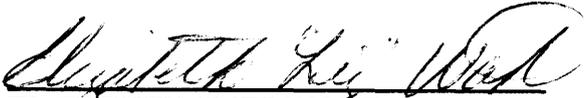


JUDY L. DAVIS
COUNCILPERSON

ATTEST:



CARRIE E. WADE,
MASTER MUNICIPAL CLERK
CITY CLERK



ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY



PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 2/10/05

ORDINANCE NO. 2987
PAGE 5

MOTIONED BY: Davis
SECONDED BY Waide

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

1ST READING

2ND & FINAL READING

D.SCHNYER Aye
A.ILES Absent
D. WILSON Aye
J. DAVIS Aye
E. WADE Aye

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

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 applicab Florida Statutes
'005
DATE 1 /

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

ORDINANCE NO. 2988

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE CITY'S IMPACT FEE ORDINANCE NUMBER 2977, SECTION 8 ENTITLED "COMPUTATION OF THE AMOUNT OF THE IMPACT FEE" AS IT RELATES TO POLICE IMPACT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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, the City of Riviera Beach did adopt Impact Fees for Police, Fire, Library, Parks, and Public Buildings in September 2004; and

WHEREAS, the City of Riviera Beach had collected these fees and deposited them in the respective Impact Fee Trust Accounts established for these services; and

WHEREAS, the City of Riviera Beach desires to amend the existing Impact Fee Ordinance for Police to update the impact fee calculations based upon new data collected and provided by the Police Department in a report entitled "Technical Memorandum on Police Impact Fee Update" to support the increased fees; and

WHEREAS, this amendment to Ordinance Number 2977 will continue 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:

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

Section 1: The City of Riviera Beach Ordinance Number 2977, Section 8, entitled "Computation of the Amount of Impact Fee" is amended for Police Impact Fees as follows:

FEE SCHEDULE

DEVELOPMENT TYPE/UNIT	Old Fee	New Fee
RESIDENTIAL:		
800 Feet and Under	\$45.45	\$46.79
801 - 1,399	\$67.04	\$69.78
1,400 - 1,999	\$88.63	\$92.76
2,000 - 3,599	\$110.21	\$115.75
3,600 and Over	\$131.80	\$138.74
NON-RESIDENTIAL:		
HOTEL/MOTEL PER 1,000 FT ²	\$28.85	\$56.37
DRIVE-IN BANK PER 1,000 FT ²	\$28.85	\$59.51
MINI-WAREHOUSE PER 1,000 FT ²	\$4.77	\$9.34
MOVIE THEATER PER 1,000 FT ²	\$28.85	\$59.51
RACQUET CLUB PER COURT	\$28.85	\$59.51
CHURCH/SYNAGOGUE PER 1,000 FT ²	\$25.24	\$59.51
DAY CARE CENTER PER 1,000 FT ²	\$25.24	\$59.51
QUALITY RESTAURANT PER 1,000 FT ²	\$28.85	\$59.51
HIGH TURNOVER SIT-DOWN RESTAURANT PER 1,000 FT ²	\$28.85	\$59.51
NEW CAR SALES PER 1,000 FT ²	\$28.85	\$59.51
OFFICE PER 1,000 FT² :		
50,000 FT ² & Under	\$25.24	\$52.05
50,001 - 99,999 FT ²	\$25.24	\$52.05
100,000 - 149,999 FT ²	\$25.24	\$52.05
150,000 - 199,999 FT ²	\$25.24	\$52.05
200,000 - 399,999 FT ²	\$25.24	\$52.05
400,000 - 499,999 FT ²	\$25.24	\$52.05
500,000 - 599,999 FT ²	\$25.24	\$52.05
600,000 - 699,999 FT ²	\$25.24	\$52.05
700,000 - 799,999 FT ²	\$25.24	\$52.05
800,000 FT ² or more	\$25.24	\$52.05
MEDICAL BUILDINGS:		
MEDICAL OFFICES PER 1,000 FT ²	\$25.24	\$52.05
HOSPITALS PER 1,000 FT ²	\$25.24	\$52.05
NURSING HOME PER 1,000 FT ²	\$25.24	\$52.05
INDUSTRIAL BUILDINGS:		
GEN. INDUSTRIAL PER 1,000 FT ²	\$4.74	\$12.32
WAREHOUSING PER 1,000 FT ²	\$4.74	\$9.83
GENERAL COMMERCIAL RETAIL PER 1,000 FT²:		
50,000 FT ² or Less	\$28.85	\$59.51

DEVELOPMENT TYPE/UNIT	Old Fee	New Fee
50,001 - 99,999 FT ²	\$28.85	\$59.51
100,000 - 199,999 FT ²	\$28.85	\$59.51
200,000 - 299,999 FT ²	\$28.85	\$59.51
300,000 - 399,999 FT ²	\$28.85	\$59.51
400,000 - 499,999 FT ²	\$28.85	\$59.51
500,000 - 599,999 FT ²	\$28.85	\$59.51
600,000 - 699,999 FT ²	\$28.85	\$59.51
700,000 - 999,999 FT ²	\$28.85	\$59.51
1,000,000 - 1,199,999 FT ²	\$28.85	\$59.51
1,200,000 - 1,399,999 FT ²	\$28.85	\$59.51
1,400,000 - 1,599,999 FT ²	\$28.85	\$59.51
1,600,000 FT ² or more	\$28.85	\$59.51
PHARMACY WITH DRIVE THRU	\$28.85	\$59.51
FAST FOOD RESTAURANT	\$28.85	\$59.51
SERVICE STATION PER FUELING STATION	\$28.85	\$59.51
CONVENIENCE RETAIL	\$28.85	\$59.51

Section 2: 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 3: That this Ordinance shall not be codified.

Section 4: This Ordinance shall become effective immediately upon its final passage and adoption.

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

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

APPROVED:



MICHAEL D. BROWN
MAYOR



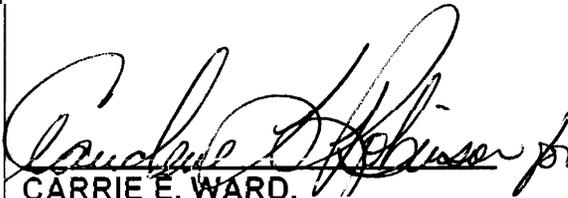
DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)



ANN ILES
CHAIR PRO-TEM

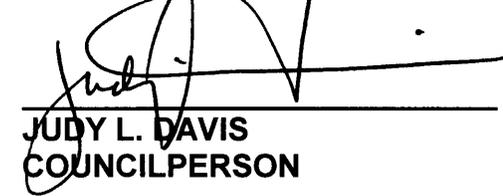
ATTEST:



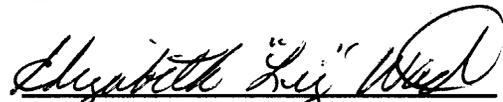
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



DONALD R. WILSON
COUNCILSON



JUDY L. DAVIS
COUNCILPERSON



ELIZABETH "LIZ" WADE
COUNCILPERSON

1ST READING

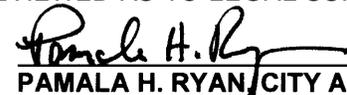
2ND & F1NAL READING

MOTIONED BY: J. Davis
SECONDED BY: A. Iles

MOTIONED BY: D. Wilson
SECONDED BY: J. Davis

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

REVIEWED AS TO LEGAL SUFFICENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 2/24/05

ORDINANCE NO. 2988
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.

Date

Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 2989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF D.R. HORTON INC., TO AMEND THE EXISTING "THOUSAND OAKS COMMUNITY **DEVELOPMENT** DISTRICT" BOUNDARIES FOR REAL PROPERTY CURRENTLY COMPRISING 101.23 ACRES TO INCORPORATE AN ADDITIONAL 15.75 ACRES THUS EXPANDING THE REAL PROPERTY OF THOUSAND OAKS COMMUNITY DEVELOPMENT DISTRICT TO BE COMPRISED OF 116.98 ACRES; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, D.R. Horton, Inc., a Delaware Corporation ("Petitioner"), has petitioned by notarized documents, the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to amend the existing Thousand Oaks Community Development District (the "District"), which was approved by City Council in June 2004; and

WHEREAS, the Planning and Zoning Board held a public hearing on the matter to amend the existing Thousand Oaks Community Development District and recommended approval to the City of Riviera Beach City Council; and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, the expansion of the District is consistent with the City of Riviera Beach Comprehensive Land Use Plan, as amended; and

WHEREAS, the area or land within the District is compact and contiguous to the existing Thousand Oaks Community Development District to be developed as one functional interrelated community; and

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

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

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

WHEREAS, the District shall construct potable water and wastewater facilities in accordance with the City's Water Utilities Department's standards and procedures to enable the City to provide potable water and wastewater services to the District; and

WHEREAS, the District shall construct storm water management facilities in accordance with the City Engineering standards and procedures adopted by the City; and

WHEREAS, the District does not have any zoning or development permitting powers and the creation of the District does not constitute a development order; and

WHEREAS, the City Council finds that the District shall have the general powers described in Section 190.011, Florida Statutes.

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

SECTION 1. The Petition to amend the Thousand Oaks Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by D.R. Horton, Inc. on December 13, 2004 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 2. The members of the Board of Supervisors are as follows:

Anthony Palumbo
K. Karl Albertson
Candace Sharpseen
Michael Pumphries
Paul Romanowski

SECTION 3. The name of the District shall be "Thousand Oaks Community Development District."

SECTION 4. The Board hereby grants to the District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of the City to grant such general powers.

SECTION 5. Notwithstanding Section 4 as set forth hereinabove, D.R. Horton, Inc., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said

Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the Water Utilities Department's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Rivera Beach. The City of Riviera Beach Utilities Department shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 6. Pursuant to Section 190.012(1)(b), Florida Statutes, the District shall have the power to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 7. Pursuant to Section 190.004(4), Florida Statutes, the charter for the District shall be Sections 190.006 through 190.041 Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

SECTION 8. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 9. The District shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048.F.S., as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 10. The District shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the District:

SECTION 11. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 12. This Ordinance shall take effect within 30 days of filing the approved petition with the Department of Community Affairs, Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

PASSED and APPROVED on first reading this 2nd day of March, 2005.

PASSED and ADOPTED on second and final reading this 16th day of March, 2005.

APPROVED:


MICHAEL D. BROWN
MAYOR


DAVID G. SCHNYER
CHAIRPERSON

(MUNICIPAL SEAL)

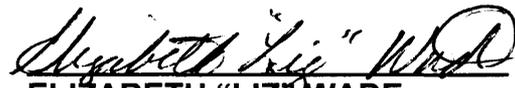

ANN ILES
CHAIR PRO-TEM

ATTEST:

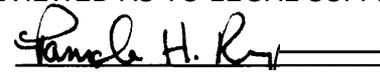

DONALD R. WILSON
COUNCILPERSON


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON


ELIZABETH "LIZ" WADE
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 9/23/05

ORDINANCE NO. 2989
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.

Date

Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 2990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF SONOMA BAY ASSOCIATES, LTD., ESTABLISHING THE "SONOMA BAY COMMUNITY DEVELOPMENT -DISTRICT" BOUNDARIES FOR REAL PROPERTY COMPRISING OF 18.20 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE SBCDD; DESIGNATING THE PURPOSE OF THE SBCDD; DESIGNATING THE POWERS OF THE SBCDD; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Sonoma Bay Associates, Ltd., ("Petitioner"), has petitioned the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Sonoma Bay Community Development District (the "SBCDD"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained within the petition have been notarized as true and correct; and

WHEREAS, the creation of the SBCDD is consistent with all applicable elements or portions of the City of Riviera Beach Comprehensive Plan, as amended; and

WHEREAS, the area or land within the SBCDD is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

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

WHEREAS, the SBCDD will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

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

WHEREAS, the area that will be served by the SBCDD is amenable to separate special district government; and

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

WHEREAS, the SBCDD shall acquire or construct potable water and wastewater facilities in accordance with the City's Water Utilities District standards and procedures to enable the City to provide potable water and wastewater services to the SBCDD; and

WHEREAS, the SBCDD shall acquire or construct surface water management facilities and appurtenances thereto in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the SBCDD shall construct infrastructure such as roads within the development in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the SBCDD does not have any zoning or development permitting power and the establishment of the SBCDD is not a development order; and

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

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

WHEREAS, the City Council finds that the SBCDD shall have the general powers described in Section 190.011, Florida Statutes.

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

SECTION 1. The above recitations are true and incorporated by reference herein.

SECTION 2. The .Petition to establish the Sonoma Bay Community Development District over the real property described in Exhibit "A" attached hereto,

which was filed by Sonoma Bay Associates, Ltd, Inc. on December 13, 2004 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 3. The initial members of the Board of Supervisors shall be as follows:

Gerry Valent
John Barr
Elizabeth White
Max Cruz

SECTION 4. The name of the Community Development District shall be "Sonoma Bay Community Development District".

SECTION 5. The SBCDD is created for the purposes set forth in and prescribed in the petition.

SECTION 6. The Board hereby grants to the SBCDD all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of the City to grant such general powers.

SECTION 7. Notwithstanding Section 6 as set forth hereinabove, Sonoma Bay Associates, Ltd, Inc., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the City of Riviera Beach Water Utilities District's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Riviera Beach. The City of Riviera Beach Utilities District shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 8. Pursuant to Section 190.012(1)(b), Florida Statutes, the SBCDD shall have the power to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 9. Pursuant to Section 190.004(4), Florida Statutes, the charter for the SBCDD shall be Sections 190.006 through 190.041, Florida Statutes, including the special powers provided by Section 190.012, Florida Statutes.

SECTION 10. The SBCDD is solely responsible for the implementation of special assessments upon benefited property within the SBCDD's internal

boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 11. The SBCDD shall provide full disclosure of the public financing and maintenance of improvements undertaken by the SBCDD. This disclosure shall include a statement in bold print that special assessments imposed by the SBCDD will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 12. The SBCDD shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the SBCDD.

SECTION 13. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 14. That all section or part 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 15. This Ordinance shall take effect immediately upon final approval.

PASSED AND APPROVED on first reading this 4th day of May, 2005.

PASSED AND ADOPTED on second and final reading this 16 day of May, 2005.

ORDINANCE NO. 2990
PAGE -5-

PASSED AND APPROVED on the first reading this 4TH day of May , 2005.

PASSED AND ADOPTED on second and final reading this 18 day of May 2005

APPROVED:



MICHAEL D. BROWN, MAYOR



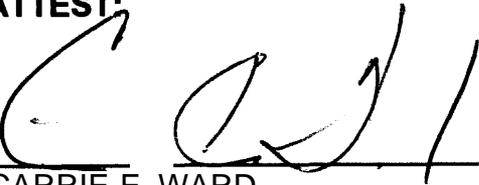
ELIZABETH "LIZ" WADE
CHAIRPERSON

(MUNICIPAL SEAL)



ANN ILES
CHAIR PRO TEM

ATTEST:



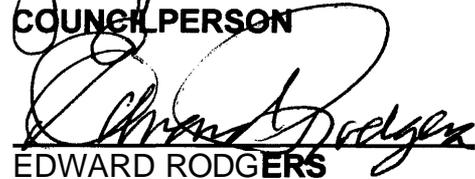
CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK



VANESSA LEE
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



EDWARD RODGERS
COUNCILPERSON

1ST READING

MOTIONED BY: J. DAVIS

SECONDED BY: V. LEE _ _ _

V. LEE AYE

J. DAVIS AYE

E. WADE AYE

A. ILES AYE

2ND & FINAL READING

MOTIONED BY: A. ILES

SECONDED BY: J. DAVIS

V. LEE Aye

J. DAVIS Aye

E. WADE Aye

E. RODGERS Aye

A. ILES Aye

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/18/05

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.

Date

Carrie E. Ward, MMC
City Clerk

EXHIBIT A
LEGAL DESCRIPTION

SONOMA BAY COMMUNITY DEVELOPMENT DISTRICT

Legal Description:

PARCEL 1:

Parcel A of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

PARCEL 2:

Lake Parcel L-1 of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

PARCEL 3:

Lake Maintenance Easement L-1 of Sierra-Sonoma Bay, according to the Plat thereof, as recorded in Plat Book 102, at Page 149, of the Public Records of Palm Beach County, Florida.

Said lands lying in the City of Riviera Beach, Palm Beach County, Florida.

ORDINANCE NO. 2991 -

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, VACATING AND ABANDONING THE RIGHT-OF-WAY KNOWN AS AVENUE "E" FROM THE SOUTH RIGHT-OF-WAY LINE OF WEST 10TH STREET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 710 (SR 710) AND HEADING SOUTH FROM THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 710 (SR 710) FOR A DISTANCE OF APPROXIMATELY 684 FEET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, that portion of Avenue "E" commencing at the south right-of-way line of West 10th Street to the north right-of-way line of SR 710 and heading south from the south right-of-way line of SR 710 for a distance of approximately 684 feet is a public right-of-way; and

WHEREAS, the Port of Palm Beach owns property on both sides of the referenced right-of-way; and

WHEREAS, the Port of Palm Beach has been directed by the Florida Department of Law Enforcement (FDLE) to secure access to Port property to meet Federal security purposes; and

WHEREAS, the Port of Palm Beach is requesting the assistance of the City of Riviera Beach to meet this mandate by agreeing to abandon and vacate Avenue "E" from the south right-of-way line of West 10th Street to the north right-of-way line of SR 710 and heading south from the south right-of-way line of SR 710 for a distance of approximately 684 feet; and

WHEREAS, it is in the best interest of the City of Riviera Beach to assist the Port with complying with the Federal requirements; and

WHEREAS, the City Council has agreed to vacate Avenue "E" in that certain agreement dated March 30, 2004; and

WHEREAS, as a concession to the abandonment of the above referenced right-of-way, the City shall set forth conditions; and

WHEREAS, the City Council has held a public hearing and found that the above referenced right-of-way 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 Avenue "E" more particularly described below be vacated and abandoned and the City of Riviera Beach hereby relinquish all claim, right, title, and interest in said property for public right-of-way purposes. Said right-of-way is more particularly described as follows:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID AVENUE E AND THE SOUTH RIGHT-OF-WAY OF SAID LAKEVIEW AVENUE, NOW KNOWN AS 10TH AVENUE;
THENCE SOUTH 01°04'56" WEST A DISTANCE OF 100.45 FEET;
THENCE SOUTH 88°55'04" EAST A DISTANCE OF 5.00 FEET;
THENCE SOUTH 01°04'56" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 510.00 FEET AND A CENTRAL ANGLE OF 12°40'50";
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 112.87 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 398.91 FEET AND A CENTRAL ANGLE OF 13°17'05";
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 92.49 FEET THENCE SOUTH 00°28'41" WEST A DISTANCE OF 125.77 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5769.58 FEET, AND A CENTRAL ANGLE OF 00°35'46", TO WHICH INTERSECTION A RADIAL LINE BEARS NORTH 00°28'39" EAST;
THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID STATE ROAD 710 A DISTANCE OF 60.00 FEET;
THENCE NORTH 00°28'41" EAST A DISTANCE OF 125.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 458.91 FEET AND A CENTRAL ANGLE OF 13°17'05";
THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 106.40 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 12°40'50";
THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 99.59 FEET;
THENCE NORTH 01°04'56" EAST A DISTANCE OF 50.00 FEET;
THENCE SOUTH 88°55'04" EAST A DISTANCE OF 5.00 FEET;
THENCE NORTH 01°04'56" EAST A DISTANCE OF 100.49 FEET;
THENCE SOUTH 88°52'04" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID 10TH STREET A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.
SAID LANDS CONTAIN 27,920 SQUARE FEET (0.64 ACRES, MORE OR LESS) AND ARE SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS COVENANTS AND RIGHTS-OF-WAY OF RECORD

*******THE** REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT **BLANK*******

A PORTION OF AVENUE E AS SHOWN ON RIVIERA COMMERCIAL PROPERTIES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 35 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING SOUTH OF THE RIGHT-OF-WAY OF STATE ROAD 710, FORMERLY KNOWN AS PORT ROAD AND NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 17; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID AVENUE E AND THE SOUTH RIGHT-OF-WAY OF SAID STATE ROAD 710;
THENCE SOUTH 00°28'41" WEST ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 240.36 FEET;
THENCE NORTH 89°55'39" WEST A DISTANCE OF 60.00 FEET;
THENCE NORTH 00°28'41" EAST ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 240.05 FEET TO AN INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 5689.58 FEET AND A CENTRAL ANGLE OF 00°36'16", TO WHICH INTERSECTION A RADIAL LINE BEARS NORTH 00°28'26" EAST;
THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE RIGHT-OF-WAY OF SAID STATE ROAD 710 A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,412 SQUARE FEET (0.33 ACRES, MORE OR LESS) AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

A PORTION OF AVENUE E AS SHOWN ON RIVIERA COMMERCIAL PROPERTIES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 35 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 17; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF SAID AVENUE E AND THE SOUTH RIGHT-OF-WAY OF SAID STATE ROAD 710;
THENCE SOUTH 00°28'41" WEST ALONG THE EASTERLY LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 240.36 FEET TO THE SOUTHWEST CORNER OF SAID LOT 17 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°28'41" ALONG SAID RIGHT-OF-WAY A DISTANCE OF 443.53 FEET TO THE SOUTHWEST CORNER OF LOT 21;
THENCE NORTH 88°25'34" WEST A DISTANCE OF 60.00 FEET;
THENCE NORTH 00°28'41" EAST ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY A DISTANCE OF 443.02 FEET TO INTERSECT THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 17; THENCE SOUTH 89°55'39" EAST ALONG SAID WESTERLY EXTENSION A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 26,596.5 SQUARE FEET (0.611 ACRES, MORE OR LESS) AND IS SUBJECT EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

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. As a condition of, and prior to the abandonment of Avenue "E", that the Fire Department shall be provided a manual override key for the automatic gate once installed; that the Fire, Police, and Utility services shall not be interrupted due to Port activities; that access through the gate shall be granted to these Departments in perpetuity.

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 section or part 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. That this Ordinance shall be in full force and effect 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 4th day of May , 2005.

PASSED AND ADOPTED on second and final reading this 18 day of May, 2005.

1ST READING

MOTIONED BY: J. DAVIS

SECONDED BY: A. ILES

V. LEE	<u>AYE</u>	
J. DAVIS	<u>AYE</u>	-
E. WADE	<u>AYE</u>	
A. ILES	<u>AYE</u>	

2ND & FINAL READING

MOTIONED BY: J. DAVIS -

SECONDED BY: V. LEE -

V. LEE	<u>Aye</u>
J. DAVIS	<u>Aye</u>
E. WADE	<u>Aye</u>
E. RODGERS	<u>Aye</u>
A. ILES	<u>Aye</u>

REVIEWED AS TO LEGAL SUFFICIENCY

Pamela H. Ryan
PAMALA HANNA RYAN, CITY ATTORNEY

DATE: 5/18/05

ORDINANCE NO. 299.1

PAGE -5-

PASSED AND APPROVED on the first reading this 4TH day of May , 2005.

PASSED AND ADOPTED on second and final reading this 11 day of May 2005

APPROVED:



MICHAEL D. BROWN, MAYOR



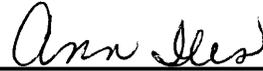
ELIZABETH "LIZ" WADE
CHAIRPERSON

(MUNICIPAL SEAL)

ATTEST:



CARRIE E. WARD, 7
MASTER MUNICIPAL CLERK
CITY CLERK



ANN ILES
CHAIR PRO TEM



VANESSA LEE
COUNCILPERSON



JUDY L. DAVIS
COUNCILPERSON



EDWARD RODGERS
COUNCILPERSON

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.

May 18, 2005
Date



Carrie E. Ward,
Master Municipal Clerk
City Clerk

ORDINANCE NO. 2992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, GRANTING THE PETITION OF MARSH HARBOUR ASSOCIATES, LTD., TO ESTABLISH THE "MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT" WITH BOUNDARIES FOR 35.84 ACRES OF REAL PROPERTY; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY, CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Marsh Harbour Associates, Ltd., ("Petitioner"), has petitioned the City of Riviera Beach, Palm Beach County, Florida (the "CITY") to grant the establishment of the Marsh Harbour Community Development District (the "MHCDD"); and

WHEREAS, a public hearing has been conducted by the City Council of the City of Riviera Beach, Palm Beach County, Florida (the "CITY") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

WHEREAS, all statements contained within the petition have been notarized as true and correct; and

WHEREAS, the creation of the MHCDD is consistent with all applicable elements or portions of the City of Riviera Beach Comprehensive Plan, as amended; and

WHEREAS, the area or land within the MHCDD is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

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

WHEREAS, the MHCDD will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

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

WHEREAS, the area that will be served by the MHCDD is amenable to separate special district government; and

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

WHEREAS, the MHCDD shall acquire or construct potable water and wastewater facilities in accordance with the City's Water Utilities District standards and procedures to enable the City to provide potable water and wastewater services to the MHCDD; and

WHEREAS, the MHCDD shall acquire or construct surface water management facilities and appurtenances thereto in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the MHCDD shall construct infrastructure such as roads within the development in accordance with the City Engineer and standards and procedures adopted by the City; and

WHEREAS, the MHCDD does not have any zoning or development permitting power and the establishment of the MHCDD is not a development order; and

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

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

WHEREAS, the City Council finds that the MHCDD shall have the general powers described in Section 190.011, Florida Statutes.

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

SECTION 1. The above recitations are true and incorporated by reference herein.

SECTION 2. The Petition to establish the Marsh Harbour Community Development District over the real property described in Exhibit "A" hereto, which was

filed by Marsh Harbour Associates, Ltd, Inc. on December 13, 2004 and which Petition is on file at the Office of the City Clerk, is hereby granted.

SECTION 3. The initial members of the Board of Supervisors shall be as follows:

Leyani Ronan
Gerry Valent
John Barr
Elizabeth White
Max Cruz

SECTION 4. The name of the Community Development District shall be "Marsh Harbour Community Development District".

SECTION 5. The MHCDD is created for the purposes set forth in and prescribed in the petition.

SECTION 6. The City Council hereby grants to the MHCDD all general powers authorized pursuant to Section 190.011, Florida Statutes, and those special powers provided for in Section 190.012(2)(a) and (d), Florida Statutes, and hereby finds that it is in the public interest of the citizens of the City to grant such general and special powers.

SECTION 7. Notwithstanding Section 6 as set forth hereinabove, Marsh Harbour Associates, Ltd, Inc., as the fee simple owner, shall enter into a Standard Potable Water and Wastewater Development Agreement with the City for the provision of water and wastewater facilities. Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all terms and conditions therein including, but not limited to, constructing or acquiring the water and wastewater facilities in accordance with the City of Riviera Beach Water Utilities District's Uniform Policies and Procedures; providing the City with appropriate easements for said facilities; and providing the City with a deed to said water and wastewater facilities at no cost to the City of Riviera Beach. The City of Riviera Beach Utilities District shall operate and maintain said water and wastewater facilities and provide water and wastewater service upon receipt of all fees and charges, upon completion of construction and upon receipt of said deed.

SECTION 8. Pursuant to Section 190.012(1)(b), Florida Statutes, the MHCDD shall have the powers to acquire, construct, operate, maintain, improve and/or replace surface water management facilities and appurtenances thereto.

SECTION 9. Pursuant to Section 190.004(4), Florida Statutes, the charter for the MHCDD shall be the Uniform Community Development District charter as set forth in Sections 190.006 through 190.041, Florida Statutes (2004), including the special powers provided by Section 190.012, Florida Statutes.

SECTION 10. The MHCDD is solely responsible for the implementation of special assessments upon benefited property within the MHCDD's internal boundaries

and shall provide notice of said special assessments to all prospective purchasers of said property.

SECTION 11. The MHCDD shall provide full disclosure of the public financing and maintenance of improvements undertaken by the MHCDD. This disclosure shall include a statement in bold print that special assessments imposed by the MHCDD will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale and in every recorded deed.

SECTION 12. The MHCDD shall disclose the fact that this is a special taxing district and that a special assessment will be assessed on the tax roll against all property owners within the MHCDD.

SECTION 13. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

SECTION 14. That all section or part 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 15. This Ordinance shall take effect immediately upon final approval.

PASSED AND APPROVED on first reading this 15th day of June, 2005.

PASSED AND ADOPTED on second and final reading this 20th day of July, 2005.

ORDINANCE NO. 2992

PAGES

**EXHIBIT A
LEGAL DESCRIPTION
MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT**

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, INCLUDING ALL OF THE PLAT OF CONGRESS PARK HOMES III, AS RECORDED IN PLAT BOOK 58, PAGES 60 AND 61, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 31, RUN S02°10'06"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1062.92 FEET TO THE SOUTHWEST CORNER OF THE PLAT OF RIVIERA BEACH GARDENS AS RECORDED IN PLAT BOOK 60, PAGES 99 AND 100, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND POINT OF BEGINNING. THENCE S88°18'37"E ALONG THE SOUTH LINE OF SAID RIVIERA BEACH GARDENS A DISTANCE OF 1109.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CONGRESS AVENUE EXTENSION AS RECORDED IN ROAD PLAT BOOK 4, PAGE 154 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE S02°20'10"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 632.64 FEET; THENCE LEAVING SAID WESTERLY N88°00'54"W ALONG THE NORTH LINE OF THE SOUTH 992.0 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 687.12 FEET; THENCE S02°20'50"W ALONG THE WEST LINE OF THE EAST 1983.75 FEET OF SAID NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 335.95 FEET; THENCE S88°01'23"E ALONG THE NORTH LINE OF THE SOUTH 656.0 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 31, A DISTANCE OF 160.00 FEET; THENCE S02°20'10"W A DISTANCE OF 60.00 FEET, THENCE S88°01'23"E A DISTANCE OF 100.00 FEET; THENCE N02°20'10"E A DISTANCE OF 60.00 FEET; THENCE S88°01'23"E ALONG THE NORTH LINE OF THE SOUTH 656.0 FEET OF THE NORTHEAST QUARTER OF SAID SECTION 31 A DISTANCE OF 427.37 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID CONGRESS AVENUE EXTENSION; THENCE S02°20'10"W ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 11.25 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 7692.44 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°57'05" A DISTANCE OF 127.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S01°23'05"W A DISTANCE OF 379.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 7586.44 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°57'05" A DISTANCE OF 125.97 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S02°20'10"W A DISTANCE OF 11.90 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31; THENCE N88°01'23"W ALONG SAID SOUTH LINE A DISTANCE OF 1113.41 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 31, SAID WEST LINE ALSO BEING THE

EXHIBIT A (continued)

LEGAL DESCRIPTION

MARSH HARBOUR COMMUNITY DEVELOPMENT DISTRICT

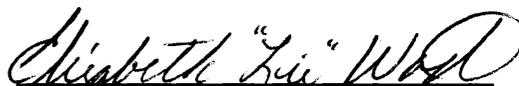
EAST LINE OF THE C-17 CANAL RIGHT-OF-WAY THENCE N02°11'32"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 556.00 FEET TO THE NORTHWEST CORNER OF THE PLAT OF SAID CONGRESS PARK HOMES 111; THENCE CONTINUE N02°11'32"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1062.92 FEET TO THE POINT OF BEGINNING.

SAID HEREIN DESCRIBED PARCEL OF LAND CONTAINING 35.838 ACRES MORE OR LESS.

*******REMAINING PAGE INTENTIONALLY LEFT BLANK*******

APPROVED:


MICHAEL D. BROWN
MAYOR


ELIZABETH "LIZ" WADE
CHAIRPERSON

(MUNICIPAL SEAL)


ANN ILES
CHAIR PRO-TEM

ATTEST:


VANESSA LEE
COUNCILPERSON


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


JUDY L. DAVIS
COUNCILPERSON


EDWARD RODGERS
COUNCILPERSON

MOTIONED BY: J. DAVIS

MOTIONED BY: A. ILES

SECONDED BY: A. ILES

SECONDED BY: J. DAVIS

	1 ST READING
E. WADE	<u>AYE</u>
A. ILES	<u>AYE</u>
V. LEE	<u>AYE</u>
J. DAVIS	<u>AYE</u>
E. RODGERS	<u>AYE</u>

	2 ND & FINAL READING
	<u>AYE</u>
	AYE
	AYE
	AYE
	<u>AYE</u>

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 6/6/05

ORDINANCE NO. 2992
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.

7/6/2015
Date



Carrie E. Ward, MMC
City Clerk

ORDINANCE NO. 2993

AN ORDINANCE OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION FROM ROBERT C. WUMMER WITH LAND IN THE UNINCORPORATED AREA OF PALM BEACH COUNTY, FLORIDA, CONTAINING 0.09 ACRES, LYING WEST OF INTERSTATE HIGHWAY 95 AND SOUTH OF LEO LANE, 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.

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

Section 1. 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
ROBERT C. WUMMER
Property Control Number: 00-42-42-25-00-000-1320

Section 2. 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 3. 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 4. All Ordinances of the City of Riviera Beach, Florida, shall apply to the property proposed to be annexed when the annexation is final.

Section 5. The corporate limits of the City of Riviera Beach are hereby redefined to include the legal descriptions as follows:

LEGAL DESCRIPTION

25-42-42, S 663 FT OF W 165 FT OF E 735.48 FT OF N ½ OF NE ¼ AS
IN OR 554 P 688 (LESS N 639.85 FT AS IN OR 1865 P 138 & OR 3607 P
1576)

Section 6. The City Clerk is hereby directed to include the above named parcels within the municipal boundaries of the City of Riviera Beach.

Section 7. Upon annexation, the City shall assign the land use and zoning designations to said parcels, in accordance with Chapter 163, Florida Statutes.

Section 8. 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 9. All Ordinances or parts of Ordinances in conflict herewith or to the extent of such conflict shall be repealed.

PASSED AND APPROVED on First Reading this 17th day of August, 2005.

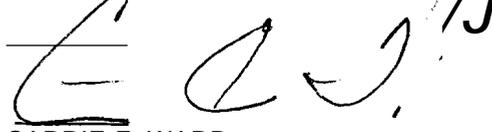
PASSED AND ADOPTED on Second Reading this 7th day of September, 2005,

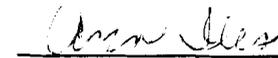
APPROVED:


EL D. B


ELIZABETH "LIZ" WADE
CHAIRPERSON

ATTEST:


CARRIE E. WARD,
MASTER MUNICIPAL CLERK
CITY CLERK


ANN ILES
CHAIR PRO-TEM


VANESSA LEE
COUNCIL PERSON


JUDY L. DAVIS
COUNCIL PERSON

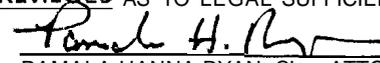

EDWARD RODGERS
COUNCILPERSON

FIRST READING
MOTIONED BY: J. Davis
SECONDED BY: A. Iles

SECOND AND FINAL READING
MOTIONED BY: A. Iles
SECONDED BY: J. Davis

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

E. WADE: aye
A. ILES: aye
V. LEE: aye
J. DAVIS: aye
E. RODGERS: aye

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA HANNA RYAN, CI ATTORNEY

DATE: 8/19/05

ORDINANCE NO. 2993
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.

September 14, 2005
Date


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