

ORDINANCE 2020-17

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING THE EVERLANDS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS AND SPECIAL POWERS OF THE DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Vista Preserve, LLC, a Florida limited liability company ("Petitioner"), has filed a Petition with the City of Palm Bay, Florida, requesting that the City Council of the City of Palm Bay, Florida ("City"), adopt an ordinance establishing the Everlands Community Development District ("District") pursuant to Chapter 190, Florida Statutes, and designating the real property described in Exhibit "A", attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery, and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit "A", which the City is not able to provide at a level and quality needed to service the District, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers, and

WHEREAS, the City has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, and

WHEREAS, the City has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Finding of Fact. The City hereby finds and states that:

(A) The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;

(B) All statements contained in the Petition are true and correct;

(C) The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City's Comprehensive Plan;

(D) The area of land within the proposed District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community;

(E) The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

(F) The proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

(G) The area that will be served by the District is amenable to separate, special-district government.

SECTION 2. Conclusions of Law.

- (A) This proceeding is governed by Chapter 190, Florida Statutes;
- (B) The City has jurisdiction pursuant to Section 190.005(2), Florida Statutes; and
- (C) The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes.

SECTION 3. Creation, Boundaries and Powers. There is hereby created the Everlands Community Development District for the area of land described in Exhibit "A", attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes, and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Florida Statutes, including the special powers provided under Section 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes.

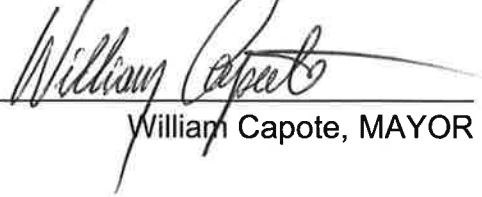
SECTION 4. Initial Board. The following five persons are designated as the initial members of the Board of Supervisors:

Jason Engelman
Jeffrey Alexander
Valerie McChesney
Greg Pettibon
Adam Picow

SECTION 5. Effective Date. The provisions within this ordinance shall be effective immediately upon the enactment date.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision, or other part of this ordinance is held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Read in title only at Meeting No. 2020-04, held on February 20, 2020; and read in title only and duly enacted at Meeting No. 2020-05, held on March 5, 2020.



William Capote, MAYOR

ATTEST



Terese M. Jones, CITY CLERK



Reviewed by CAO: 

Applicant: Everlands Community Development District

cc: 03-05-20 Applicant
Case File
Brevard County Recording

SOUTHEAST PARCEL

A PARCEL OF LAND IN SECTIONS 28 AND 29, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 28 SOUTH, RANGE 36 EAST, AND RUN N00°42'46"E ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28 A DISTANCE OF 112.52 FEET; THENCE S89°44'39"W A DISTANCE OF 47.01 FEET TO THE NORTH RIGHT-OF-WAY OF WATER CONTROL DISTRICT OF BREVARD CANAL NUMBER ONE (A 225 FOOT RIGHT-OF-WAY); THENCE S89°44'39"W ALONG SAID NORTH LINE OF CANAL NUMBER ONE A DISTANCE OF 831.51 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S89°44'39"W, ALONG SAID NORTH RIGHT-OF-WAY OF CANAL NUMBER ONE, A DISTANCE OF 1759.16 FEET TO THE WEST LINE OF SAID SECTION 28; THENCE N0°38'41"E, ALONG SAID WEST LINE OF SECTION 28, A DISTANCE OF 6.00 FEET; THENCE S89°48'32"W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF CANAL NUMBER ONE (A 237 FOOT RIGHT-OF-WAY), A DISTANCE OF 69.08 FEET TO THE SOUTHEAST CORNER OF ST. JOHNS HERITAGE PARKWAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE EAST RIGHT-OF-WAY OF SAID ST. JOHNS HERITAGE PARKWAY THE FOLLOWING THREE (3) COURSES AND DISTANCES: 1) N00°41'01"E, A DISTANCE OF 343.23 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 2700.00 FEET, A CENTRAL ANGLE OF 14°28'43", A CHORD LENGTH OF 680.48 FEET AND A CHORD BEARING OF N07°55'20"E), A DISTANCE OF 682.29 FEET TO THE END OF SAID CURVE; 3) THENCE N15°09'41"E, A DISTANCE OF 258.03 FEET TO THE SOUTHWEST CORNER OF PACE DRIVE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID PACE DRIVE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89°57'24", A CHORD DISTANCE OF 49.48 FEET, AND A CHORD BEARING OF N60°08'24"E), A DISTANCE OF 54.95 FEET TO THE END OF SAID CURVE; 2) THENCE S74°52'54"E, A DISTANCE OF 222.09 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; 3) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1140.00 FEET, A CENTRAL ANGLE OF 27°34'32", A CHORD LENGTH OF 543.38 FEET, AND A CHORD BEARING OF S88°40'09"E), A DISTANCE OF 548.66 FEET TO A POINT OF REVERSE CURVATURE; 4) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1500.00 FEET, A CENTRAL ANGLE OF 32°56'36", A CHORD LENGTH OF 850.82 FEET, AND A CHORD BEARING OF S85°59'07"E), A DISTANCE OF 862.45 FEET TO A POINT OF REVERSE CURVATURE; 5) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1542.49 FEET, A CENTRAL ANGLE OF 00°26'48", A CHORD LENGTH OF 12.02 FEET, AND A CHORD BEARING OF S69°44'13"E), A DISTANCE OF 12.02 FEET TO THE NORTHWEST CORNER OF PARCEL G, AS DESCRIBED IN OFFICIAL RECORDS BOOK 5468, PAGE 6880, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°07'38"E, ALONG THE WEST LINE OF SAID PARCEL G, A DISTANCE OF 1155.02 FEET TO THE POINT OF BEGINNING. CONTAINING 50.4 ACRES MORE OR LESS.