

PROPOSED ORDINANCE NO. 2000-11

REVISION NO. 1

ORDINANCE NO. 1339

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ESTABLISHING THE WALNUT CREEK COMMUNITY DEVELOPMENT DISTRICT; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. The City of

Pembroke Pines, Florida (the "City") is authorized to adopt this ordinance under the authority granted by the provisions of Chapter 166, Florida Statutes, as amended, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. The City, Lennar Homes Inc. ("Lennar") and Waldrep Enterprises, Ltd. have previously executed an Annexation Agreement dated May 19, 1998 (the "Annexation Agreement"), which contemplated the annexation into the City of certain land owned by Waldrep and was subject to a Purchase and Sale Agreement with Lennar (the "Property"). Pursuant to Chapter 98-512, Laws of Florida, the Property was subsequently annexed into the City and Lennar now owns the Property. The Property is located wholly within the boundaries of the City.

B. The Annexation Agreement also contemplated the formation of a

PROPOSED ORDINANCE NO. 2000-11

REVISION NO. 1

ORDINANCE NO. 1339

1 community development district within the meaning of the Uniform Community
2 Development Act of 1980, Chapter 190 of the Florida Statutes, the boundaries of which
3 would be coterminous with the boundaries of the Property, as a reasonable and
4 appropriate method of providing the infrastructure to serve residents of the Property.

5 C. Lennar Homes, Inc. has heretofore submitted to the City a petition (the
6 "Petition") seeking the establishment of a community development district for the
7 Property to be known as the "Walnut Creek Community Development District" (the
8 "District").

9 D. The City has conducted a public hearing on the Petition in accordance
10 with the requirements of Section 190.005(1)(d) of the Florida Statutes and has
11 considered the record of the public hearing and the factors set forth in Section
12 190.005(1)(e) of the Florida Statutes, among other factors, and hereby finds that:

- 13 1. All statements in the Petition have been found to be true and correct;
- 14 2. The creation of the District is not inconsistent with any applicable
15 elements or portion of the State of Florida's comprehensive plan or of the effective
16 City comprehensive plan;
- 17 3. The area of land within the proposed District is of sufficient size, is
18 sufficiently compact, and is sufficiently contiguous to be developable as one
19 functional interrelated community;

Page 2 of 6

JFK: 6-14-2000

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PROPOSED ORDINANCE NO. 2000-11

ORDINANCE NO. 1339

REVISION NO. 1

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4. The establishment and operation of the proposed District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and

5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. The Property to comprise the District is amenable to separate special-purpose government.

E. The City now desires to grant the Petition and to establish the District, as more fully set forth herein.

SECTION 3. ESTABLISHMENT OF DISTRICT; NAME. The City hereby grants the Petition and establishes the District as a community development district within the meaning of the Act and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Walnut Creek Community Development District."

SECTION 4. EXTERNAL BOUNDARIES. The external boundaries of the District shall be as set forth on Exhibit A, attached hereto and made a part hereof.

SECTION 5. INITIAL MEMBERS OF BOARD OF SUPERVISORS. The five (5) persons to be the initial members of the Board of Supervisors of the District, each of whom is designated in the Petition, are as follows:

PROPOSED ORDINANCE NO. 2000-11

REVISION NO. 1

ORDINANCE NO. 1339

Jill Cierpik

Greg Messick

Greg Blair

Tony Eiserman

Scott Woodrey

SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS. Pursuant

to section 190.012(2) of the Florida Statutes, the City hereby consents to the exercise by the District of the powers set forth in subsections (a), (b), (d) and (e) of section 190.012(2) of the Florida Statutes, which authorize the District to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for (A) parks and facilities for indoor and outdoor recreational, cultural and educational uses for the use of District residents and in connection with District functions. Such facilities may include a clubhouse, tennis courts, pools, and related facilities; (B), water mains and plugs; (C) security, including, but not limited to, guard-houses, fences and gates, electronic intrusion-detection systems, and non-police security patrol cars; except that the District may not exercise any police power, but may contract with the City of Pembroke Pines for an increased level of such services within the District boundaries as provided for in Section 316.006(2), Florida Statutes; and (D) control and elimination of mosquitoes and other arthropods of public health importance.

Section 7. All Ordinances of parts of Ordinances, Resolutions or parts of

Page 4 of 6

JFK: 6-14-2000

H:\email\CITY ATTORNEY\00 RESOL & ORD\2000-11 Walnut Creek rev 1.doc

PROPOSED ORDINANCE NO. 2000-11

REVISION NO. 1

ORDINANCE NO. 1339

1 Resolutions in conflict herewith be and the same are hereby repealed to the extent of such
2 conflict.

3 Section 8. If any clause, section or other part or application of this Ordinance shall
4 be held by any court of competent jurisdiction to be unconstitutional or invalid, such
5 unconstitutional or invalid part shall be considered as eliminated and so not effecting the validity
6 of the remaining portions or applications remaining in full force and effect.

7 Section 9. This Ordinance shall become effective immediately upon passage
8 adoption.

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Page 5 of 6

JFK: 6-14-2000

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PROPOSED ORDINANCE NO. 2000-11

REVISION NO. 1

ORDINANCE NO. 1339

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE FIRST READING THIS 5TH DAY OF APRIL, 2000.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ON THE SECOND READING THIS 7 DAY OF JUNE, 2000.

CITY OF PEMBROKE PINES, FLORIDA

By: Alex G. Fekete
MAYOR ALEX G. FEKETE

ATTEST:

Eileen M. Tesh
EILEEN M. TESH, CITY CLERK

APPROVED AS TO FORM:

Julie Klahn 6/4/00
OFFICE OF THE CITY ATTORNEY

| | |
|------------|------------|
| FEKETE | <u>AYE</u> |
| ARMSTRONG | <u>AYE</u> |
| FIORENDINO | <u>AYE</u> |
| KATZ | <u>AYE</u> |
| ORTIS | <u>AYE</u> |

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STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of Ordinance No. 1339

as recorded in the Office of the City Clerk.

WITNESS my hand and official seal this

21 day of June A.D., 2000

CITY OF PEMBROKE PINES

By: Eileen Tesh
Eileen Tesh City Clerk