

## ORDINANCE NO. 2019-08

**AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING THE CHAPARRAL OF PALM BAY 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**, Chaparral Properties, 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 Chaparral of Palm Bay 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 Chaparral of Palm Bay 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:

Michael Lawson  
Doug Draper  
Lori Price  
Sonia Valentin  
Christie Ray

**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. 2019-03, held on January 17, 2019; and read in title only and duly enacted at Meeting No. 2019-04, held on February 7, 2019.

ATTEST:

  
\_\_\_\_\_  
Terese M. Jones, CITY CLERK

Reviewed by CAQ 

  
\_\_\_\_\_  
William Capote, MAYOR

**Exhibit "A"**

**CHAPARRAL OF PALM BAY  
COMMUNITY DEVELOPMENT DISTRICT  
Legal Description**


*DESCRIPTION: CHAPARRAL CDD*

*LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5827, PAGE 3621, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID LANDS LYING IN SECTIONS 4 AND 9, TOWNSHIP 29 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:*

*COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 4, AND RUN SOUTH 89°49'35" WEST ALONG THE NORTH LINE OF SAID SECTION 4, A DISTANCE OF 65.00 FEET; THENCE SOUTH 00°00'32" EAST, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00°00'32" EAST, ALONG THE WEST RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 640.00 FEET; THENCE RUN ALONG THE NORTH, WESTERLY AND SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5465, PAGE 3836, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, FOR THE FOLLOWING EIGHT (8) CALLS: SOUTH 89°48'58" WEST, A DISTANCE OF 252.69 FEET TO A POINT ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1055.00 FEET, A CENTRAL ANGLE OF 15°26'44", AND A RADIAL BEARING OF NORTH 70°09'39" WEST, THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 284.40 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 35°17'05" WEST, A DISTANCE OF 146.86 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 35°17'36", THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 104.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°00'31" EAST, A DISTANCE OF 23.81 FEET; THENCE NORTH 89°59'29" EAST, A DISTANCE OF 135.60 FEET; THENCE SOUTH 66°20'23" EAST, A DISTANCE OF 336.04 FEET; THENCE NORTH 89°59'28" EAST, A DISTANCE OF 56.65 FEET; THENCE SOUTH 00°00'32" EAST, ALONG THE SAID WEST RIGHT OF WAY LINE OF THE MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO. 9, A DISTANCE OF 1390.07 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST; THENCE SOUTH 00°01'17" WEST, A DISTANCE OF 2693.40 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5646, PAGE 7059;*

**SKETCH OF DESCRIPTION ONLY! THIS IS NOT A SURVEY!**

***AAL LAND SURVEYING SERVICES, INC.***


<b>SKETCH OF DESCRIPTION</b>	1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.	SHEET 4 OF 5
JOB # <u>30476</u>	<b>ANDREW W. POWSHOK</b> P.L.S. No. 5383	SCALE: N/A
DATE: 10-09-18 SECTION 04, TOWNSHIP 29S, RANGE 36E	3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768-8110	 NORTH
<b>L.B. #6623</b>		

THENCE NORTH 89°48'27" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 00°00'22" WEST, A DISTANCE OF 672.92 FEET; THENCE SOUTH 89°48'07" WEST, A DISTANCE OF 1268.02 FEET; THENCE NORTH 00°00'20" EAST, A DISTANCE OF 673.04 FEET TO THE SOUTH LINE OF SECTION 4, TOWNSHIP 29 SOUTH, RANGE 36 EAST; THENCE SOUTH 89°48'27" WEST, A DISTANCE OF 1255.03 FEET; THENCE NORTH 00°00'21" EAST ALONG THE EAST RIGHT OF WAY LINE OF MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO.8, A DISTANCE OF 2691.76 FEET TO THE SOUTH LINE OF MALABAR LAKES WEST SUBDIVISION PHASE TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 37, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 89°45'53" EAST, ALONG SAID SOUTH LINE OF MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 1256.03 FEET; THENCE NORTH 00°01'04" EAST, A DISTANCE OF 683.74 FEET; THENCE SOUTH 89°58'23" WEST, ALONG THE NORTH LINE OF SAID MALABAR LAKES WEST PHASE TWO, A DISTANCE OF 0.59 FEET TO THE SOUTHEAST CORNER OF MALABAR LAKES WEST SUBDIVISION PHASE 1A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 23, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE NORTH 00°01'37" WEST, ALONG THE EAST LINE OF SAID MALABAR LAKES WEST PHASE 1A, A DISTANCE OF 1976.35 FEET; THENCE NORTH 89°49'35" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE OF MALABAR ROAD, A DISTANCE OF 1255.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 246.40 ACRES MORE OR LESS.

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## AAL LAND SURVEYING SERVICES, INC.

<b>SKETCH OF DESCRIPTION</b>	1. THIS SKETCH AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 2. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.	SHEET 5 OF 5
JOB # <u>30476</u>	<b>ANDREW W. POWSHOK</b> P.L.S. No. 5383	3970 MINTON ROAD WEST MELBOURNE, FL. 32904 (321) 768-8110
DATE: 10-09-18 SECTION 04, TOWNSHIP 29S, RANGE 36E		SCALE: N/A
<b>L.B. #6623</b>		 NORTH