

ORDINANCE NO. 2007-20

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE MAYFAIR COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; MAKING FINDINGS; MAKING JURISDICTIONAL FINDINGS OF FACT REGARDING THE PETITION; ESTABLISHING AND NAMING THE "MAYFAIR COMMUNITY DEVELOPMENT DISTRICT;" AMENDING CHAPTER 10 OF THE CITY CODE OF MELBOURNE ENTITLED COMMUNITY PLANNING AND DEVELOPMENT BY CREATING A NEW ARTICLE RELATING TO THE MAYFAIR COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; SETTING FORTH CHARTER AND PROVIDING FOR CERTAIN POWERS; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING FOR THE REPEAL OF ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

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, a Petition ("Petition") to establish The Mayfair Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, was submitted to the City of Melbourne, Florida (the "City") by Southern Homes of Melbourne II, LLC, on August 25, 2006; and

WHEREAS, the proposed District comprises approximately 256.715 acres +/-, all located within the City; and

WHEREAS, pursuant to Section 190.005(1)(d), Florida Statutes, notice of the public hearing on the petition to establish the District was published in the Florida Today Newspaper once a week for four consecutive weeks prior to the hearing (Tuesday, March 13, 20, and 27, 2007, and Tuesday, April 3, 2007); and

WHEREAS, the City Council held a public hearing on the Petition to establish the District on April 10, 2007; and

WHEREAS, the City, having considered the petition and all information presented at the public hearing, and being fully advised and informed of the premises, has determined that it is in the best interests of the citizens of the City to approve the petition to establish the District.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. Jurisdictional Findings and Area.

(a) That the foregoing findings which are expressly set forth herein are hereby adopted and made a part hereof.

(b) That the City Council of the City of Melbourne, Florida, hereby makes the following additional findings of fact:

(1) The property proposed to comprise the District consists of 256.715 acres, more or less; lies entirely within the boundaries of the City; is generally located west of Lipscomb Street, south of Florida Avenue and north of Eber Road, all as identified on the location map attached hereto as Exhibit "A," a copy of which is attached hereto and incorporated herein by this reference. A metes and bounds description of the external boundaries of the proposed District is set forth in the legal description in Section 3. of this Ordinance.

(2) The City Council has reviewed the Petition to establish the District and found all the statements therein to be true and correct.

(3) The establishment of the district is not inconsistent with any applicable element of the state comprehensive plan, or the effective local government comprehensive plan.

(4) The proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community and as an independent special district.

(5) The creation of the District is the best alternative available for delivering the community development services and facilities set forth below to the area that will be served by the District.

(6) The community development services and facilities of the District will be compatible with the capacity and uses of existing City and regional community development services and facilities.

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

SECTION 2. That pursuant to the provisions of Section 190.005, Florida Statutes, the City Council hereby grants the Petition to establish and create a community development district, which shall be known as the "Mayfair Community Development District."

SECTION 3. That the City Code of Melbourne, Florida, is hereby amended by adding an article to be numbered XII. and a section to be numbered 10-250, which said section reads as follows:

ARTICLE XII. MAYFAIR COMMUNITY DEVELOPMENT DISTRICT

Sec. 10-250. Designation; jurisdictional area.

(a) By virtue of City of Melbourne Ordinance No. 2007-20 and Section 190.005(2), Florida Statutes (2006), a community development district to be known as the "Mayfair Community Development District" be and the same is hereby created, designated, and named.

(b) The external jurisdictional boundaries of the Mayfair Community Development District are as follows:

A parcel of land lying within Section 15, Township 28 South, Range 37 East, Brevard County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Section 15; thence N.90°00'00"W. along the north line of said Section 15, a distance of 33.00 feet; thence S.00°07'32"E., a distance of 50.00 feet to the Point of Beginning of the following described parcel; thence continue S.00°07'32"E., a distance of 2015.30 feet; thence S.89°52'28"W., a distance of 82.62 feet to the point of curvature of a curve concave southeasterly, having a radius of 400.00 feet; thence southwesterly along the arc of said curve, a distance of 299.90 feet, through a central angle of 42°57'25" to the point of tangency thereof; thence S.46°55'03 W., a distance of 622.99 feet to the point of curvature of a curve concave northwesterly, having a radius of 500.00 feet; thence southwesterly along the arc of said curve, a distance of 55.35 feet, through a central angle of 6°20'33" to a point; thence N.89°52'18"W., a distance of 3708.76 feet; thence N.00°26'44"W., a distance of 2061.12 feet; thence N.90°00'00"E., a distance of 591.55 feet; thence N.00°25'05"W., a distance of 515.00 feet; thence N.90°00'00"E., a distance of 3985.00 feet to the Point of Beginning.

Said parcel contains 256.715 acres, more or less.

(c) The five persons designated to be the initial members of the Board of Supervisors are as follows:

Hector Garcia
12900 S.W. 128th Street
Miami, FL 33186

William Garcia
12900 S.W. 128th Street
Miami, FL 33186

Harry Williams
12900 S.W. 128th Street
Miami, FL 33186

Manuel Borgess
12900 S.W. 128th Street
Miami, FL 33186

Carlos Balbe
12900 S.W. 128th Street
Miami, FL 33186

SECTION 4. That the City Code of Melbourne, Florida, is hereby amended by adding a section to be numbered 10-251, which said section reads as follows:

Sec. 10-251. Community district charter; powers.

(a) Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Mayfair Community Development District shall consist of Sections 190.006 through 190.041, Florida Statutes, inclusive.

(b) The Mayfair Community Development District shall have, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and districts having authority with respect to any area included within the Mayfair Community Development District, those special powers relating to public improvements and community facilities authorized by Section 190.012(1), Florida Statutes, and Section 190.012(3), Florida Statutes.

(c) In addition to the special powers contained in Section 190.012(1), Florida Statutes, and Section 190.012(3), Florida Statutes, the City Council hereby consents to the exercise of, and grants to the Mayfair Community Development District pursuant to Section 190.012(2)(a) and (d), Florida Statutes, the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for:

(1) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and

(2) security, including but not limited to guardhouses, fences and gates electronic intrusion-detection systems and patrol cars, except that the Mayfair Community Development District may not exercise any police power; except that the district may contract with the City of Melbourne for an increased level of such services within the district boundaries.

SECTION 5. Severability/Interpretation Clause.

(a) That in the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unconstitutional or invalid for any reason whatsoever, any such invalidity, illegality, unconstitutionality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, unconstitutionality, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, unconstitutionality, or unenforceable term, provision, clause, sentence, or section did not exist. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, it will be presumed that the City Council for the City of Melbourne did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have adopted the remainder of this Ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

(b) That in interpreting this Ordinance, underlined words indicate additions to existing text.


SECTION 6. Ordinances and Resolutions in Conflict. That all ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 7. Effective Date. That this Ordinance shall become effective immediately upon its adoption in accordance with the City Charter of the City of Melbourne.

SECTION 12. Adoption Schedule. That this ordinance was passed on the first reading at a regular meeting of the City Council on the 27th day of March, 2007, and adopted on the second/final reading at a regular meeting of the City Council on the 10th day of April, 2007.

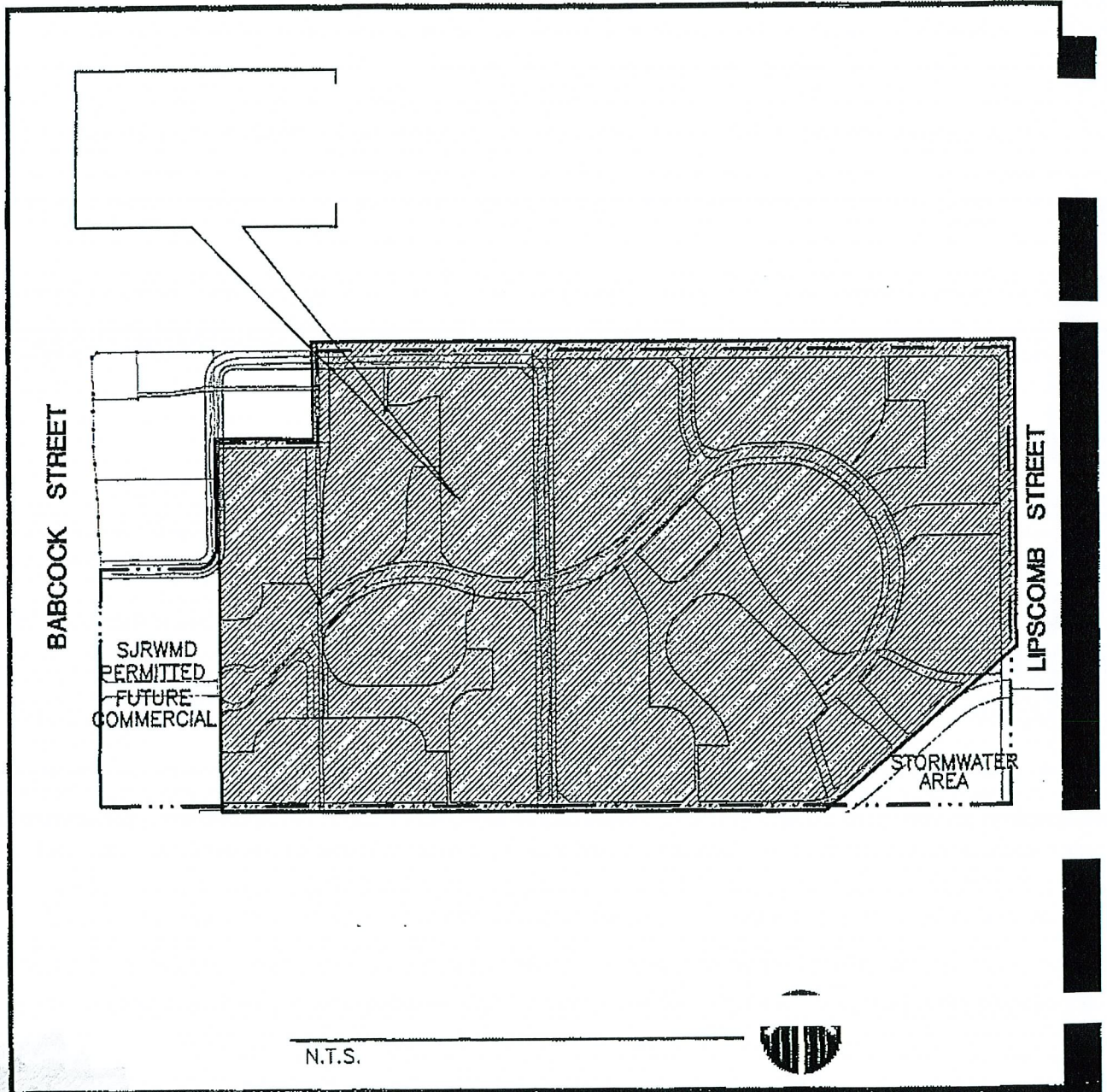
BY: 
Harry C. Goode, Jr., Mayor

ATTEST:


Cathleen A. Wysor, City Clerk
Ordinance No. 2007-20

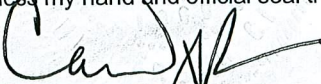
Attachment: "Exhibit A" – March, 2007 Mayfair Community
Development District Drawing of Jurisdictional Boundaries

ORDINANCE NO. 2007-20
EXHIBIT "A"
March, 2007 - Mayfair Community Development
District Drawing of Jurisdictional Boundaries



STATE OF FLORIDA
COUNTY OF BREVARD
CITY OF MELBOURNE

This is to certify that the foregoing is a true & correct copy of Ordinance No. 2007-20,
witness my hand and official seal this 13th day of April, 2007.


Cathleen A. Wysor, City Clerk