

CITY OF POMPANO BEACH,  
BROWARD COUNTY, FLORIDA

I HEREBY CERTIFY that the foregoing  
is a true and correct copy of  
Ordinance No. 2005-43

Orchid Grove Community Development District  
as filed in the office of City Clerk

WITNESS my hand and official Seal in  
the CITY OF POMPANO BEACH,  
FLORIDA, this 27th day of

April A.D. 2005

CITY OF POMPANO BEACH  
Broward County, Florida

Ascleeta Hammond  
Deputy City Clerk

ORDINANCE NO. 2005- 43

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE ORCHID GROVE COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE PETITION TO ESTABLISH THE ORCHID GROVE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING AND NAMING THE ORCHID GROVE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING CONSENT FOR THE EXERCISE OF CERTAIN POWERS; PROVIDING FOR CONFLICT, SEVERABILITY AND 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, a petition to establish the Orchid Grove Community Development District pursuant to Chapter 190, Florida Statutes, as amended and supplemented, was submitted to the City of Pompano Beach, Florida (the "City") by Cypress Grove, LLC on February 15, 2005; and

WHEREAS, the proposed Orchid Grove Community Development District comprises approximately 32.86 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 Orchid Grove Community Development District has been published in the Sun Sentinel once a week for four consecutive weeks prior to the hearing; and

**WHEREAS**, the City Commissioner held a public hearing on the Petition to establish the District on March 22, 2005; 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 Orchid Grove Community Development District; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** The foregoing findings which are expressly set forth herein are hereby adopted and made a part hereof.

**SECTION 2.** The City Commission of the City of Pompano Beach, Florida hereby makes the following additional findings of fact:

1. Cypress Grove, LLC, a Florida limited liability company and petitioner, submitted a petition to establish the Orchid Grove Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, (the "Petition").
2. The property proposed to comprise the District consists of 32.86 acres, more or less, lies entirely within the boundaries of the City of Pompano Beach, Florida (the "City") is generally located north of S.W. 8th Street, east of S.W. Flagler Avenue, south of S.W. 6th Street, and west of South Cypress Road, all as identified on the location map attached hereto as Exhibit A, a metes and bounds description of the external boundaries of the proposed District being set forth in the legal description attached hereto as Exhibit B.
3. The City Commission has reviewed the Petition to establish the District and found all the statements therein to be true and correct.

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 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 amendable to separate special district government.

**SECTION 3.** The City Commission hereby grants the Petition to establish a community development district.

**SECTION 4.** The District shall be known as the “Orchid Grove Community Development District.”

**SECTION 5.** The District shall be that area generally consisting of 32.86 acres, more or less, lying entirely within the boundaries of the City of Pompano Beach, Florida, and generally located north of S.W. 8th Street, east of S.W. Flagler Avenue, south of S.W. 6th Street, and west of South Cypress Road, all as identified on the location map attached hereto as Exhibit A and the metes and bounds description of the external boundaries of the proposed District set forth in the legal description attached hereto as composite Exhibit B.

**SECTION 6.** Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the District shall be Sections 190.006 through 190.041, Florida Statutes.

**SECTION 7.** The five persons designated to be the initial members of the Board of Supervisors are as follows:

Dean Loisel

James Gouveia

Roberto Pesant

Danny Bivins

Steve Arcamonte

**SECTION 8.** The 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 District, those special powers relating to public improvements and community facilities authorized by Section 190.012(1), Florida Statutes.

**SECTION 9.** In addition to the special powers contained in Section 190.012(1), Florida Statutes, the City Commission hereby consents to the exercise of and grants to the 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:

- (a) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and
- (b) security, including but not limited to guardhouses, fences and gates, except that the district may not exercise any police power.

**SECTION 10.** Any and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 11.** Should any part or provision of this ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part other than the part declared to be valid.

**SECTION 12.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 22<sup>nd</sup> day of March, 2005.

**PASSED SECOND READING** this 12<sup>th</sup> day of April, 2005.

  
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**JOHN C. RAYSON, MAYOR**

**ATTEST:**  
  
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**MARY L. CHAMBERS, CITY CLERK**

:jrm  
3/4/05  
L:ord/2005-155