

PROPOSED ORDINANCE NO. 2021-20

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ESTABLISHING THE MERRICK SQUARE 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 School Board of Broward County, Florida (the "School Board") owns property located wholly within the boundaries of the City.

B. The School Board and D.R. Horton, Inc. (the "Developer") entered into a purchase and sale agreement for the subject property.

C. On or about August ~~___~~30, 2021, the Developer submitted to the City a petition (the "Petition") seeking the establishment of a community development district for the Property to be known as the "Merrick Square Community Development District" (the "District").

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

1. All statements in the Petition have been found to be true and correct;
2. The creation of the District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;
3. 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;
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.

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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 ~~Chapter 190, Florida Statutes~~~~the Act~~ and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Merrick Square Community Development District."

SECTION 4. EXTERNAL BOUNDARIES. The external boundaries of the District shall be as set forth on **Exhibit "A"**, which is attached hereto and incorporated herein by reference.

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:

Karl Albertson

Javi Tavel

Vindra Hanuman

Ryan Kaufman

Jordan Bayne

SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS. Pursuant to section 190.012(1), Florida Statutes, the City hereby consents to the exercise by the District of the powers set forth in subsections (a), (b), (c), (d), (f), and (h) of section

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190.012(1), 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 the following:

- (a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.
- (b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.
- (c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.
- (d) Roads and improvements to existing public roads that are owned by or conveyed to the local general-purpose government, the state, or the Federal Government.
- (f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or person property.
- (h) Any other project, facility, or service required by development approval, interlocal agreement, zoning condition, or permit issued by the City.

Section 7. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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

Section 9. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2021.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2021.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

MAYOR FRANK C. ORTIS

ATTEST:

ORTIS _____

MARLENE GRAHAM, CITY CLERK

GOOD _____

APPROVED AS TO FORM:

CASTILLO _____

SCHWARTZ _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____