

ORDINANCE 1-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF THE "NORTHERN RIVERWALK COMMUNITY DEVELOPMENT DISTRICT" PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES OVER THE REAL PROPERTY COMPRISING APPROXIMATELY 10.0± ACRES WHICH IS LEGALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND WHICH IS DEPICTED IN THE LOCATION MAP ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR THE STATUTORY AUTHORITY FOR THE ADOPTION OF THIS ORDINANCE; PROVIDING FOR THE NAMES AND ADDRESSES OF THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS THE "NORTHERN RIVERWALK COMMUNITY DEVELOPMENT DISTRICT"; PROVIDING FOR THE STATUTORY POWERS OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE PURPOSES OF THE DISTRICT; PROVIDING FOR THE DESIGNATION OF THE POWERS OF THE DISTRICT; PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has created and amended Chapter 190, Florida Statutes, and specifically including Section 190.005(2), Florida Statutes, to provide for the exclusive and uniform method for the establishment of community development districts with a size of less than 1,000 acres, upon the granting of a petition for the establishment of such a district, as a means to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, Jupiter Waterways, LLC, a Florida limited liability company (the "Petitioner"), has submitted a petition ("Petition") to the Town Council ("Jupiter Town Council" or "Town Council") of the Town of Jupiter, Florida (the "Town"), to establish a community development district to be known as the "Northern Riverwalk Community Development District" ("District"); and

WHEREAS, the Jupiter Town Council, after publishing the required statutory notice, has conducted a public hearing on the Petition, in accordance with the legal requirements and procedures mandated by Section 190.005, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA:

Section 1. LEGISLATIVE FINDINGS

1. The Petition is complete in that it meets the statutory requirements of Section 190.005(2), Florida Statutes; and all statements contained within the Petition have been determined to be true and correct.

2. The Town's Planning and Zoning Director has reviewed and approved the Petition for the establishment of the proposed District on the real property within the external boundaries as proposed in the Petition.

3. The costs to the Town and other government agencies which will or may arise from the creation of the proposed District will be nominal; there will be no anticipated adverse impacts on competition or employment from District establishment; the persons affected by the establishment of the proposed District are or will be future landowners, present landowners, the Town and its taxpayers, and the state of Florida; there is a net economic benefit which will accrue to those persons and entities from the establishment of the proposed District as the entity to manage and finance the statutory

services to be provided which are more specifically identified herein; the impact of the District establishment and its function on competition and the local employment market is anticipated to be marginal and generally positive; none of the reasonable public or private alternatives, including any other alternative management entity which may make an assessment of less costly and less intrusive methods and of the probable costs and benefits of not adopting this Ordinance, is as economically viable as establishing the District. The statement of estimated regulatory costs for the proposed District establishment which is included in the Petition has been determined to be adequate.

4. The establishment of the proposed District pursuant to Chapter 190, Florida Statutes, is not inconsistent with any applicable element or policy of the Town's Comprehensive Plan or the State Comprehensive Plan.

5. 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.

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

7. The proposed services and facilities to be provided by the proposed District will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the proposed District is amenable to separate special district government.

9. The proposed District will provide a timely, efficient, effective, responsive and economic way to deliver community development services to the area.

10. The Town presently provides utility services such as water and stormwater management to the benefit of the subject property and the creation of the proposed District is not intended to supplement, amend, or in any way modify the existing agreements and conditions of operation of the Town's utility services.

11. The proposed District desires and intends to levy special assessments on the owners and land tenants of benefited land within the District to pay for infrastructure constructed and/or acquired by the District.

12. The proposed District will not have any zoning or development permitting power, and the adoption of this ordinance establishing the District will not constitute a development order under Florida law.

13. The Town's planning and permitting laws, rules, regulations, and policies shall control the development of the land to be serviced by the proposed District.

14. The granting to the proposed District of all general powers authorized pursuant to Section 190.011, Florida Statutes, as amended, and the special powers described in Section 190-012(1) and (2)(a) and (d), Florida Statutes, as amended, is in the public interest of the citizens of the Town.

15. Upon the effective date of this ordinance, the "Northern Riverwalk Community Development District" will be duly and legally authorized to exist, and may exercise all of its general and special powers as limited by law on all of the real property within its boundaries.

16. The Town Council has considered the Petition and all documents presented to it at the public hearing, and has decided that the establishment of the proposed District is the best alternative means to provide certain basic services to the community encompassed within the District boundaries.

Section 2. APPROVAL OF PETITION.

The Petition to establish the District over the real property described in Exhibit "A" attached hereto and incorporated herein, which was filed by Jupiter Waterways, LLC, and which Petition is on file with the Town Clerk, is hereby approved.

Section 3. CREATION OF DISTRICT NAME.

The community development district established by this Ordinance shall be known as the "Northern Riverwalk Community Development District."

Section 4. AUTHORITY FOR ADOPTION OF THIS ORDINANCE.

This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of Florida and local law governing municipal ordinances.

Section 5. ESTABLISHMENT OF THE NORTHERN RIVERWALK COMMUNITY DEVELOPMENT DISTRICT AND EXTERNAL BOUNDARIES OF DISTRICT.

The "Northern Riverwalk Community Development District" is hereby established within the external boundaries of the real property as more specifically depicted on the location map which is attached hereto as Exhibit "B", and which real property is legally described in Exhibit "A", both of which Exhibits "A" and "B" are incorporated herein by reference as if fully set forth herein. The Town agrees that the District may undertake projects outside District boundaries, pursuant to interlocal agreements, and/or that are or may be required by development approvals and permits applicable to lands within the District boundaries. In furtherance thereof, the Petitioner

and its successors and assigns and/or any developer(s) of any land within the District and its/their successors and assigns, may assign its/their obligations under such development approvals and permits to the District, subject to consent requirements by the applicable agency issuing the development approvals and permits.

Section 6. DESIGNATION OF THE INITIAL MEMBERS OF THE DISTRICT BOARD OF SUPERVISORS.

The following five (5) persons are hereby designated as the initial members of the Board of Supervisors of the District (the "District Board"):

1. Nicholas Mastroianni II 11770 U.S. Highway 1, Suite 301E
Palm Beach Gardens, Florida 33408
2. Emily M. O'Mahoney 1907 Commerce Lane, Suite 101
Jupiter, Florida 33458
3. Donald M. Allison 1515 S. Federal Highway, Suite 300
Boca Raton, Florida 33432
4. Salvatore D'Ambrosca 11770 U.S. Highway 1, Suite 301E
Palm Beach Gardens, Florida 33408
5. Sandy Albanese 11770 U.S. Highway 1, Suite 301E
Palm Beach Gardens, Florida 33408

For so long as the Town is an owner of any of the lands within the boundaries of the District, and commencing with the first election of the landowners within the District pursuant to Section 190.006(2)(a), Florida Statutes, the Town reserves the right to require the majority landowner within the District to nominate and elect one member of the District Board selected by the Town.

Section 7. STATUTORY PROVISIONS GOVERNING DISTRICT.

The "Northern Riverwalk Community Development District" will be governed by its state created general law charter contained in the provisions of Chapter 190, specifically Sections 190.006 through 190.041, Florida Statutes, as amended from time

to time. The Petitioner and its successors and assigns and/or any developer(s) and its/their successors and assigns, shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that special assessments imposed by the District may appear on the property owner's tax bill. The required disclosure statement shall meet the requirements contained in Section 190.048, Florida Statutes, as amended from time to time, and shall be included in every contract for sale of property or land purchase agreements for real property located within the District, by the Petitioner and its successors and assigns and/or any developer(s) of any lands within the boundaries of the District and its/their successors and assigns, of any lands.. Pursuant to the requirements of this Ordinance, the District is made subject to compliance with the disclosure requirements of Section 190.009, Florida Statutes, as amended from time to time.

Section 8. DISTRICT POWERS.

The District shall have all general powers authorized pursuant to Section 190.011, Florida Statutes, as amended, and the special powers described in Section 190.12(1) and (2)(a) and (d), Florida Statutes, as amended.

Section 9. DISTRICT PURPOSES.

The District is created for the purposes set forth in and prescribed by Chapter 190, Florida Statutes, as amended.

Section 10. LEVY OF SPECIAL ASSESSMENTS.

The District shall be solely responsible for the implementation, levy, and collection of special assessments upon benefited real property within the District's

boundaries. The Petitioner and its successors and assigns and/or the developer(s) and its/their successors and assigns, shall provide written notice of any proposed special assessments to all prospective and subsequent purchasers of real property located within the District, and such notice shall be contained in all subsequent land purchase agreements.

Section 11. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 12. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances applying to the Town which are in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 13. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon enactment.

Attachments:

Exhibit "A" - Legal Description

Exhibit "B" - Location Map

EXHIBIT "A"
NORTHERN RIVERWALK COMMUNITY
DEVELOPMENT DISTRICT

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 6, TOWNSHIP 41 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY, ACCORDING TO THE PLAT OF THE BULKHEAD LINE, AS RECORDED IN PLAT BOOK 26, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 706 (INDIANTOWN ROAD) AS SHOWN ON THE F.D.O.T. MAP SECTION 93190-2501; THENCE N17°34'45"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL RIGHT-OF-WAY (BEARING BASIS), 210.36 FEET TO THE INTERSECTION WITH A LINE 200.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 706 (INDIANTOWN ROAD) AND BEING THE POINT OF BEGINNING; THENCE CONTINUE N17°34'45"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 664.64 FEET TO THE INTERSECTION WITH A BULKHEAD LINE ALONG THE SOUTH SHORE OF AN ESTUARY OF THE JUPITER RIVER, AS RECORDED IN SAID BULKHEAD LINE PLAT; THENCE N44°27'40"E ALONG SAID BULKHEAD LINE, 415.85 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY ONE) AS RECORDED IN ROAD PLAT BOOK 2, PAGES 105 TO 118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S26°00'23"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 1118.21 FEET; THENCE S24°34'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 80.03 FEET; THENCE S14°42'49"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 46.18 FEET TO THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 706; THENCE S87°41'55"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 206.24 FEET; THENCE S84°57'19"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 31.17 FEET; THENCE N89°31'20"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 32.63 FEET; THENCE N22°41'50"W, 217.56 FEET; THENCE N89°31'20"W, 248.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 434,452 SQUARE FEET, OR 9.974 ACRES, MORE OR LESS.

RECEIVED

DEC 12 2008

PLANNING & ZONNING

DAILEY
AND ASSOCIATES, INC.
Surveying and Mapping
112 N. U.S. Highway No. 1
Tequesta, FL. 33469
Phone: (888) 746-8424
BUSINESS LICENSE: LB# 2799

EXHIBIT "A"
 NORTHERN RIVERWALK
 COMMUNITY DEVELOPMENT
 DISTRICT
 SKETCH OF LEGAL
 (THIS IS NOT A SURVEY)

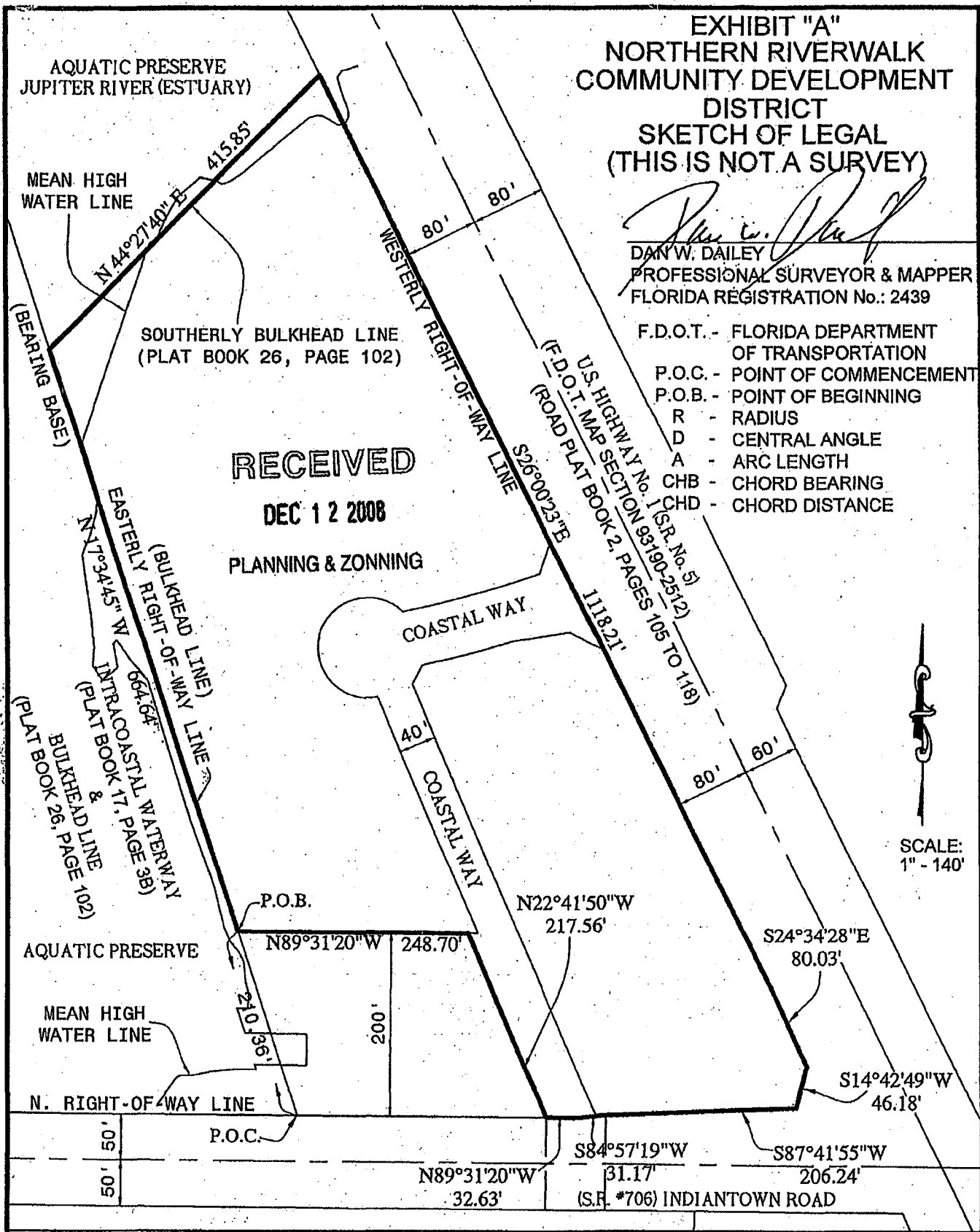
Dan W. Dailey
 DAN W. DAILEY
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA REGISTRATION No.: 2439

- F.D.O.T. - FLORIDA DEPARTMENT OF TRANSPORTATION
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- R - RADIUS
- D - CENTRAL ANGLE
- A - ARC LENGTH
- CHB - CHORD BEARING
- CHD - CHORD DISTANCE

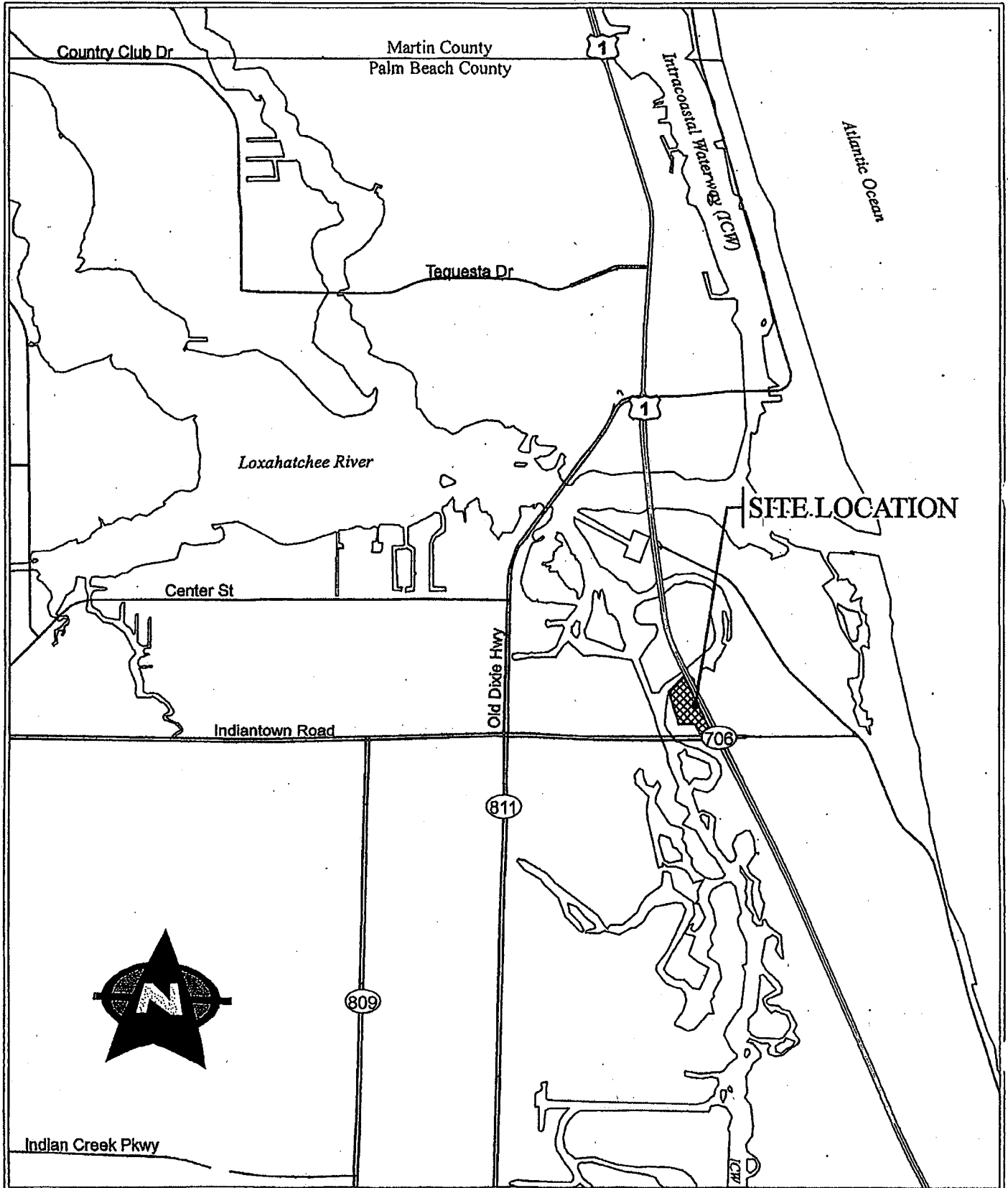
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DEC 12 2008

PLANNING & ZONNING



LOCATION MAP



Upon First Reading this 3rd day of March, 2009, the foregoing Ordinance was offered by Councilor Todd R. Wodraska, who moved its adoption. The motion was seconded by Councilor Robert M. Friedman, and upon being put to a roll call vote, the vote was as follows:

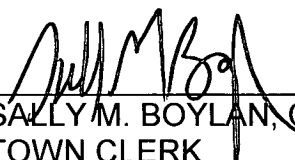
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR WENDY HARRISON	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR JIM KURETSKI		X
COUNCILOR TODD R. WODRASKA	X	

Upon Second Reading this 19th day of May, 2009, the foregoing Ordinance was offered by Vice-Mayor Todd R. Wodraska, who moved its adoption. The motion was seconded by Councilor Wendy Harrison, and upon being put to a roll call vote, the vote was as follows:

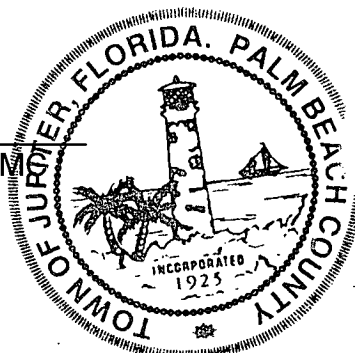
	AYE	NAY
MAYOR KAREN J. GOLONKA	X	
VICE-MAYOR TODD R. WODRASKA	X	
COUNCILOR ROBERT M. FRIEDMAN	X	
COUNCILOR WENDY HARRISON	X	
COUNCILOR JIM KURETSKI		X

The Mayor thereupon declared Ordinance 1-09 duly passed and adopted this 19th day of May, 2009.

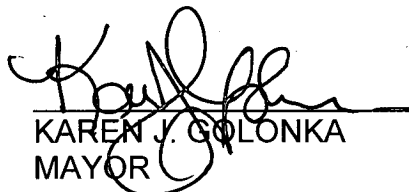
ATTEST:

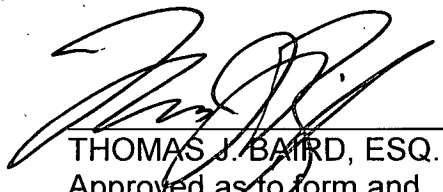

 SALLY M. BOYLAN, CM
 TOWN CLERK

(TOWN SEAL)



TOWN OF JUPITER, FLORIDA

BY: 
 KAREN J. GOLONKA
 MAYOR


 THOMAS J. BAIRD, ESQ.
 Approved as to form and legal sufficiency