

ORDINANCE 2003- 017

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA
5 ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT
6 OVER THE REAL PROPERTY LEGALLY DESCRIBED ON
7 EXHIBIT "A" TO THIS ORDINANCE COMPRISING
8 APPROXIMATELY 75.28 ACRES; NAMING THE INITIAL
9 MEMBERS OF THE BOARD OF SUPERVISORS OF THE
10 DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS
11 WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT;
12 DESIGNATING THE PURPOSE OF THE DISTRICT;
13 DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING
14 FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
15 PROVIDING FOR AN EFFECTIVE DATE.

16 WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to
17 provide an alternative method to finance and manage basic services for community
18 development; and

19 WHEREAS, Wyndam Park, Inc. a Florida Corporation ("Petitioner"), has petitioned Palm
20 Beach County, Florida (the "County"), to grant the establishment of the Wyndam Park
21 Community Development District (the "District"); and

22 WHEREAS, a public hearing has been conducted by the Board of County Commissioners
23 of Palm Beach County, Florida (the "Board"), in accordance with the requirements and
24 procedures of Section 190.005(1)(d), Florida Statutes, and

25 WHEREAS, all statements contained within the petition have been found to be true and
26 correct; and

27 WHEREAS, the creation of the District is not inconsistent with any applicable element or
28 portion of the effective Palm Beach County Comprehensive Land Use Plan, as amended; and

29 WHEREAS, the area of land within the District is of sufficient size, is sufficiently compact
30 and is sufficiently contiguous to be developable as one functional interrelated community; and

31 WHEREAS, the creation of the District is the best alternative available for delivering the
32 community development services and facilities to the area that will be served by the District; and

33 WHEREAS, the District will constitute a timely, efficient, effective, responsive and
34 economic way to deliver community development services in the area; and

35 WHEREAS, the proposed services and facilities to be provided by the District will be
36 compatible with the capacity and uses of existing local and regional community development
37 services and facilities; and

38 WHEREAS, the area that will be served by the District is amenable to separate special
39 district government; and

40 WHEREAS, the District desires to levy special assessments on purchasers of benefited
41 land within the District to pay for infrastructure constructed and/or acquired by the District, and

1 **WHEREAS**, the District shall acquire or construct potable water and wastewater facilities
2 in accordance with the County's Water Utilities Department's standards and procedures to
3 enable the County to provide potable water and wastewater services to the District; and

4 **WHEREAS**, the District does not have any zoning or development permitting power and
5 the establishment of the District is not a development order; and

6 **WHEREAS**, all applicable planning and permitting laws, rules, regulations and policies
7 control the development of the land to be serviced by the District; and

8 **WHEREAS**, the Board has considered the record of the public hearing and has decided
9 that the establishment of the District is the best alternative means to provide certain basic
10 services to the community; and

11 **WHEREAS**, the Board finds that the District shall have the general powers described in
12 Section 190.011, Florida Statutes

13 **WHEREAS**, the exercise by the District of any powers other than the powers set forth in
14 Sections 190.011 and 190.012(1), Florida Statutes, shall require consent by the Board of
15 County Commissioners of Palm Beach County by ordinance or resolution.

16 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
17 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:**

18 **Section 1. ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT:**

19 The Petition to establish the Wyndam Park Community Development District over the
20 real property described in Exhibit "A" attached hereto, which was filed by Wyndam Park, Inc. on
21 August 19, 2002 and which Petition is on file at the Office of the County Administrator, is hereby
22 granted.

23 **Section 2.** The external boundaries of the District shall be as depicted on the location
24 map attached hereto and incorporated herein as Exhibit "B."

25 **Section 3. NAMING THE INITIAL MEMBERS:**

26 The initial members of the Board of Supervisors shall be as follows:

- 27 Gary Dario
- 28 Jan A. Dario
- 29 Michael F. Aranda
- 30 Betty Sweet
- 31 Michael D. Aranda

32 **Section 4. NAMING OF THE DISTRICT:**

33 The name of the District shall be "Wyndam Park Community Development District."

34 **Section 5. PURPOSE OF THE DISTRICT:**

35 The District is created for the purposes set forth in and prescribed in the petition.

36 **Section 6. POWERS OF THE DISTRICT:**

1 The Board hereby grants to the District all general powers authorized pursuant to
2 Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of
3 the County to grant such general powers.

4 **Section 7** Notwithstanding Section 6 as set forth hereinabove, Petitioner, as the
5 contract purchaser of the District, shall enter into a Standard Potable Water and Wastewater
6 Development Agreement with the County for the provision of water and wastewater facilities
7 Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all
8 terms and conditions therein including, but not limited to, constructing or acquiring the water and
9 wastewater facilities in accordance with the Water Utilities Department's Uniform Policies and
10 Procedures; providing the County with appropriate easements for said facilities; and providing
11 the County with a deed to said water and wastewater facilities at no cost to County. Palm
12 Beach County's Water Utilities Department shall operate and maintain said water and
13 wastewater facilities and provide water and wastewater service upon receipt of all fees and
14 charges, upon completion of construction and upon receipt of said deed.

15 **Section 8.** Pursuant to Section 190.004(4), Florida Statutes, the charter for the District
16 shall be Sections 190.006 through 190.041, Florida Statutes, including the special powers
17 provided by Section 190.012(1), Florida Statutes. The exercise by the District of powers set
18 forth in Section 190.012(2) shall require consent by the Board of County Commissioners. Such
19 consent shall only be provided by resolution or ordinance after specific petition to the Board.

20 **Section 9.** The District is solely responsible for the implementation of special
21 assessments upon benefited property within the District's internal boundaries. The Petitioner, its
22 successors and assigns shall provide notice of said special assessments to all prospective
23 purchasers of said property.

24 **Section 10.** The Petitioner, its successors and assigns shall provide full disclosure of
25 the public financing and maintenance of improvements undertaken by the District. This
26 disclosure shall include a statement in bold print that special assessments imposed by the
27 District will appear in the tax bill. This disclosure shall meet the requirements of Section
28 190.048, F.S., as amended from time to time, and shall be included in every contract for sale
29 and in every recorded deed from the Petitioner. The District shall record a notice of
30 assessments in the Public Records both before and after any Bond sale

31 **Section 11.** The Petitioner, its successors and assigns shall disclose the fact that the
32 development is located in a special taxing district and that a special assessment will be
33 assessed on the tax roll against all property owners within the District. This information shall be
34 in **BOLD** type in any sales brochures, in any sales information, on the front page of the

1 Declaration of Restrictive Covenants creating the Property Owner Association or Homeowner
2 Association, and on a 24" by 36" sign which shall be posted at all times at the entrance to the
3 sales office of the development providing the following disclosure:

4 "If you purchase a unit in this development you will be subject to additional costs. A
5 special assessment and or taxes will be added to your tax bill. This non-advalem tax
6 assessment will be in addition to all other property taxes and assessments. This cost is
7 estimated at \$ 60.00 per month or \$720.00 per year and will be levied to pay debt service on the
8 bonds issued by the District."

9 **Section 12.** The Petitioner, its successors and assigns shall provide all the disclosure
10 statements required in Sections 10 and 11 above in a separate page as part of the contract for
11 purchase and sale of property within the District. The potential purchaser must sign this page.

12 **Section 13.** An affidavit of compliance shall be submitted annually to Palm Beach
13 County Monitoring Section beginning on November 1, 2003 until all units have been sold,
14 outlining the number of units sold, providing samples of the documents used in the closing
15 process and certifying compliance with the disclosure requirements contained in this ordinance.
16 The County shall have the right to audit the records of the Petitioner, its successors and assigns
17 upon 10 days written notice to verify the compliance with the disclosure requirements of this
18 ordinance. Failure to comply with the disclosure requirements in this ordinance shall be a
19 violation of a county ordinance and shall be punishable as provided by law, including but not
20 limited to enforcement procedures established in Article 14 of the Unified Land Development
21 Code.

22 **Section 14. SEVERABILITY:**

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

26 **Section 15. REPEAL OF LAWS IN CONFLICT:**

27 All local laws and ordinances applying to Palm Beach County in conflict with any
28 provision of this Ordinance are hereby repealed to the extent of the conflict.

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Section 16. EFFECTIVE DATE:

This ordinance shall take effect upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach

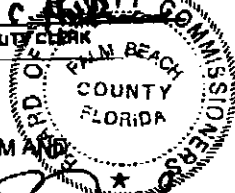
County, Florida, on this 15 day of April, 2003.

ATTEST: **DOROTHY H. WILKEN, CLERK**
Board of County Commissioners

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: *[Signature]*
DEPUTY CLERK
Deputy Clerk

[Signature]
Karen T. Marcus, Chair



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *[Signature]*
County Attorney

EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the 18 day of

April, 2003 at _____ m.

T:\Planning\Comprehensive\UTILITY\CDDs\WPark CDD 2003 Ordinance doc April 3, 2003

EXHIBIT A

LEGAL DESCRIPTION

WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT

Lots 1 through 38, inclusive, Block 35 (all of Block 35); Lots 2 through 63, inclusive, Block 36; and Lots 1 through 12, inclusive, Block 37 (all of Block 37), of PLAT FOUR OF VICTORIA WOODS P.U.D., according to the Plat thereof, recorded September 14, 1989 in Plat Book 63, Page 169 through 171, of the Public Records of Palm Beach County, Florida.

Together with unplatted lands, more particularly described as follows:

A parcel of land lying in the Northwest quarter (NW ¼) of Section 11, Township 44 South, Range 42 East, Palm Beach County, Florida, being a portion of Tracts 1, 3, 4, 5, 23 and 24; all of Tract 2; together with that portion of that certain abandoned right-of-way lying between Tracts 21-24 and Tract 1-8 of the Plat of MODEL LAND CO. SUBDIVISION of the West half (W ½) of Section 11, Township 44 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 5, Page 76, of the Public Records of Palm Beach County, Florida; also together with Lots 1-15 as shown on the Plat of VICTORIA WOODS PLAT III-A, as recorded October 21, 1997 in Plat Book 81, Pages 47 and 48, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest (NW) corner of the Northwest quarter (NW ¼) of said Section 11, thence South 88°39'17" East, along the North line of said Section 11, a distance of 1109.33 feet to the Northeast (NE) corner of PLAT ONE OF VICTORIA WOODS, as recorded May 9, 1985 in Plat Book 51, Pages 32 and 33 of the Public Records of Palm Beach County, Florida; thence South 01° 20'43" West, along the East line of said PLAT ONE OF VICTORIA WOODS, a distance of 70 feet to the Point of Intersection of said East line and the South line of the 70 foot easement of the Lake Worth Drainage District (L.W.D.D.) as recorded in Official Records Book 7144, Page 1505, being the Point of Beginning.

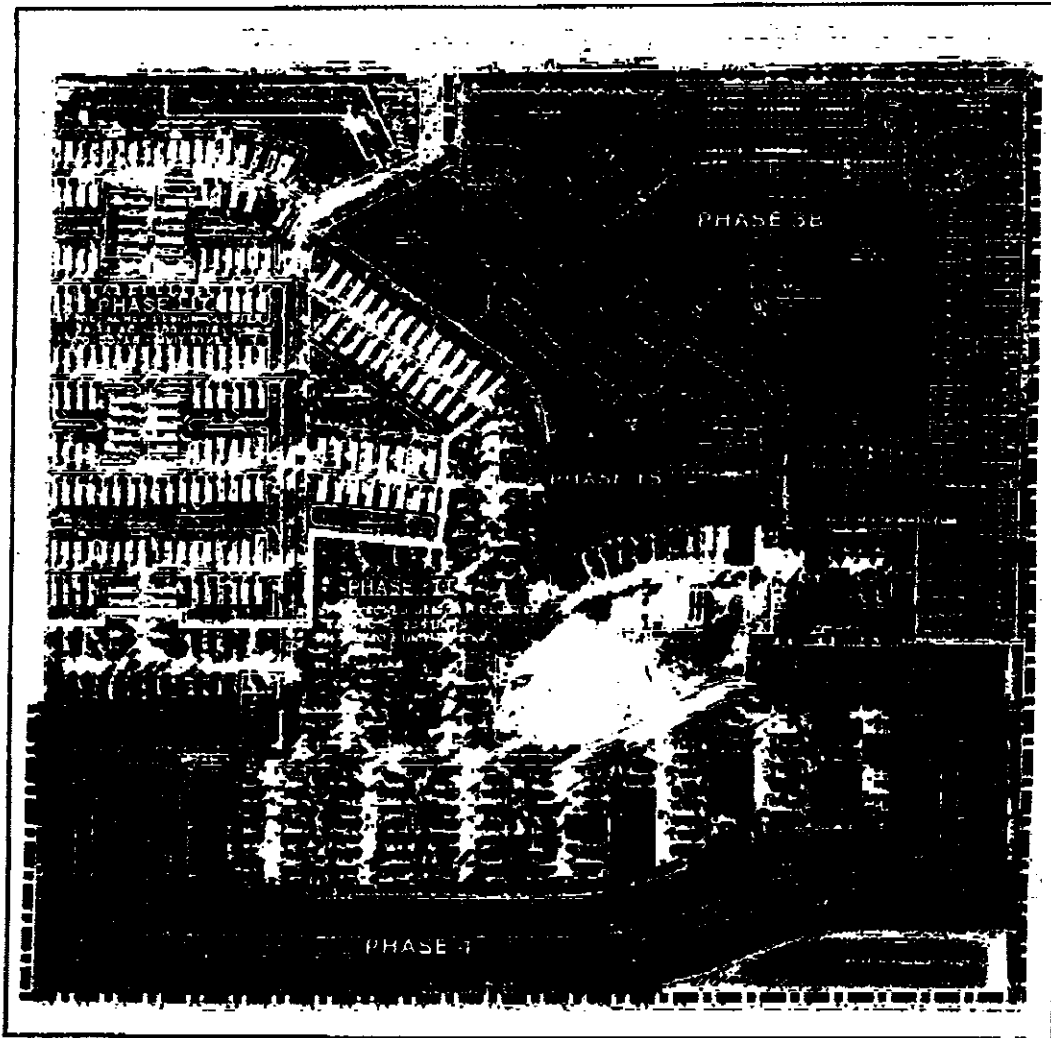
Thence South 88°39'17" East, departing said East line, along the South line of said 70 foot easement, a distance of 1333.55 feet to the Point of Intersection of said South line and the West line of the 40 foot easement of the L.W.D.D. as recorded in Deed Book 118, Page 518; thence South 01°30'09" West, departing said South line, along the West line of said 40 foot easement, a distance of 1591.42 feet to the Point of Intersection of said West line and the North line of PLAT FOUR OF VICTORIA WOODS as recorded September 14, 1989 in Plat Book 63, Pages 169-171, of the Public Records of Palm Beach County, Florida; thence North 88°29'41" West, departing said West line, along the North line of said PLAT FOUR OF VICTORIA WOODS, a distance of 293.97 feet; the following ten (10) courses along the West, North, and East line of PLAT TWO OF VICTORIA WOODS, as recorded May 15, 1986 in Plat Book 53, Pages 83-85 of the

Public Records of Palm Beach County, Florida; thence North 01°33'09" East, a distance of 335.29 feet; thence North 88°26'51" West, a distance of 355 feet; thence North 01°33'09" East, a distance of 10 feet; thence North 88°26'51" West, a distance of 420 feet; thence South 59°26'51" West, a distance of 58.76 feet; thence North 88°26'51" West, a distance of 157 feet; thence North of 01°33'09" East, a distance of 140 feet; thence North 88°26'51" West, a distance of 12 feet; thence North 01°33'09" East, a distance of 135 feet to the Point of Curvature; thence Northwesterly on a curve concave to the Southwest, having a radius of 286 feet, through a central angle of 54°12'28" and an arc distance of 270.58 feet to the Point of Tangency; the following four (4) courses along the northeasterly line of said PLAT ONE OF VICTORIA WOODS; thence North 52°39'17" West, on a radial line, a distance of 603.50 feet to a point on a curve; thence Northeasterly, on curve concave to the Southeast, having a radius of 150 feet, through a central angle of 28°00'00" and an arc distance of 73.30 feet to the Point of Tangency; thence North 65°20'44" East, a distance of 341.51 feet; thence North 01°20'43" East, a distance of 214.44 feet to the Point of Beginning.

EXHIBIT B

MAP OF DISTRICT

WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT



PHASE 1-2 (Existing)

PHASE 4 (Proposed)

PHASE 2B (Proposed)

PHASE 3B (Proposed)

 DISTRICT BOUNDARY

Map generated by ArcGIS Desktop CDD version 1.1.177 Project? Phase 01/02/00

Ordinance - Exhibit B

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (PALM BEACH) COUNTY ORDINANCE # (2002-017)
(e.g., 01-100)

PRIMARY KEYFIELD DESCRIPTOR: (Planning)

SECONDARY KEYFIELD DESCRIPTOR: (Zoning Classification)

OTHER KEYFIELD DESCRIPTOR: (Wynham Park)

ORDINANCE DESCRIPTION: (Community Day District)
(All ordinance numbers including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)
 AMENDMENT # 1: (_____); AMENDMENT # 2: (_____)

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)
 REPEAL # 1: (_____); REPEAL # 3: (_____);
 REPEAL # 2: (_____); REPEAL # 4: (_____)

(Others repeated list all that apply.)

(FOR OFFICE USE ONLY) COUNTY CODE NUMBER: (_____)

KEYFIELD 1 CODE: (_____) KEYFIELD 2 CODE: (_____)

KEYFIELD 3 CODE: (_____)

NO. 559200
NOTICE OF PUBLIC HEARING CONCERNING THE
ESTABLISHMENT OF THE WYNDAM PARK
COMMUNITY DEVELOPMENT DISTRICT IN PALM
BEACH COUNTY, FLORIDA BY THE BOARD OF
COUNTY COMMISSIONERS

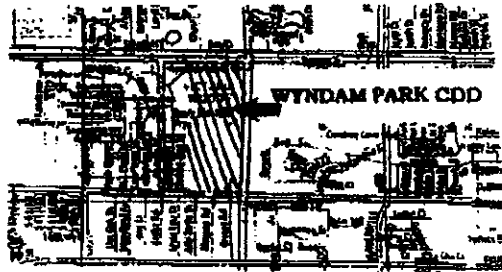
Notice is hereby given that on April 15th, 2003 at 9:00 A.M. or upon thereafter, the Palm Beach County Board of County Commissioners ("the Commission"), will consider an ordinance entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" TO THIS ORDINANCE COMPRISING APPROXIMATELY 75.28 ACRES, NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT, ESTABLISHING THE NAME OF THE DISTRICT AS WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE or a public hearing to be held at:

Palm Beach County Government Center
 Jane Thompson Memorial Chambers - 6th Floor
 301 North Olive Avenue
 West Palm Beach, Florida 33401

To inform the public about the contents of the petition to form a uniform community development district in Palm Beach County, the information presented in this hearing will be used by the Commission in granting or denying the petition (as set forth in Section 190.005(2), Florida Statutes ("F.S.")) and also to discuss the jurisdiction, affected units of local government, and the general public a fair and adequate opportunity to appear in the hearing and present oral and written comments submitted to the Commission of or before the public hearing sessions in the creation of the Wyndam Park Community Development District CDD. The proposed CDD is located approximately 75.28 acres of land located on Sunrise Boulevard and Victoria Woods Circle, as shown on the map below.

Wyndam Park Community Development District



LOCATION MAP(S)

If adopted, the ordinance would create a community development district and designate the land area served. The creation of such a district pursuant to Chapter 190, F.S., is not a land development authorization or approval. All planning, permitting and other regulatory requirements pertaining to development within the land area shall be adhered to pursuant to general or special law or applicable local ordinance.

The CDD is designed to serve the needs of its property owners by financing, constructing, operating and maintaining a portion of the infrastructure and community facilities needed by owner property owners, including the surface water management system, water distribution system and wastewater collection and treatment facilities. The estimated cost to provide the CDD infrastructure is \$7,340,533. The CDD will make use of special voluntary assessments levied on all property owners in the district and will make use of user fees for bond retirement, maintenance, etc. These CDD assessments and fees will be over and above County taxes. The full text of the "STATEMENT OF ESTIMATED REGULATORY COSTS FOR THE PROPOSED WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT" can be reviewed, copied or procured at the office of the County Planning Division as noted below.

The specific legal authority for the action is Sections 190.004 and 190.005, F.S.

For further information, contact the office of Special District Services, Inc., 11000 Prosperity Farms Road, Suite 104, Palm Beach Gardens, Florida 33410 at Telephone 561-630-4922 or Toll Free 877-737-4922. All official acts of general-purpose local governments and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

Should any person desire to appeal any decision made by the Commission, he or she will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record must include the testimony and evidence upon which the appeal may be based.

In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in the proceedings should contact Special District Services, Inc., 11000 Prosperity Farms Road, Suite 104, Palm Beach Gardens, Florida 33410, no later than five (5) days prior to the hearing at telephone number 561-630-4922 or toll free 877-737-4922 for assistance in hearing impaired telephone. The Florida Relay Service, Numbers 1 (800) 955-8771 (TDD) or (800) 935-8700 (VOICE) for assistance.

This notice published pursuant to the requirements of Chapter 190.005 (4)(d) Florida Statutes.

By: Wyndam Park, Inc.
 PUBLISH PALM BEACH POST March 21, 24, 31 & April 7, 2003

THE PALM BEACH POST
 Published Daily and Sunday
 West Palm Beach, Palm Beach County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA
 COUNTY OF PALM BEACH

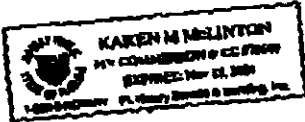
Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor of The Palm Beach Post, a daily and Sunday newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter of Public Hearing, was published in said newspaper in the issues of March 21, 24, 31, April 7, 2003. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount rebate, commission or reward for the purpose of securing this advertisement for publication in the said newspaper.

Tracey Diglio

Sworn to and subscribed before this 14th day of April, A.D. 2003

[Signature]

Personally known or Produced Identification _____
 Type of Identification Produced _____



Post-It® Fax Note	7671	Date	4/14/03	Page	2
To	Isaac Hoyos	From	Linda Thornton		
Co./Dept.		Co.	Special District Service		
Phone #		Phone #	561-630-4922		
Fax #	561-233-5365	Fax #	561-630-4923		

GREENBERG
ATTORNEYS AT LAW
TRAUBIG

TRANSMITTAL COVER SHEET

TO: Linda Thornton
Special District Services
630-4923 – Fax
630-4922 – Phone

FROM: Stephen D. Sanford, Esq.
Phone: (561) 650-7945
Fax: (561) 838-8845
E-Mail: sanfords@gtlaw.com

File Number 57041.010100

Comments Re: Wyndam Community Development District
Attached is Ordinance 2003-017.

Date June 16, 2003

No. Pages Including this cover sheet 12

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the address below via the U.S. Postal Service. We will reimburse you for your postage. Thank you.

777 South Flagler Drive, Suite 310 East, West Palm Beach, Florida 33401
Switchboard 561-650-7800 General Fax 561-655-6222