

ORDINANCE 2023-27

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING THE EVERLANDS II COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS AND SPECIAL POWERS OF THE DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Greg Pettibon, Lennar Homes ("Petitioner"), has filed a Petition with the City of Palm Bay, Florida, requesting that the City Council of the City of Palm Bay, Florida ("City"), adopt an ordinance establishing the Everlands II Community Development District ("District") pursuant to Chapter 190, Florida Statutes, and designating the real property described in Exhibit "A", attached hereto, as the area of land for which the District is authorized to manage and finance basic service delivery, and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic method of delivering community development services, in the area described in Exhibit "A", which the City is not able to provide at a level and quality needed to service the District, thereby providing a solution to the City's planning, management and financing needs for the delivery of capital infrastructure therein without overburdening the City and its taxpayers, and

WHEREAS, the City has held a public hearing on the Petition in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, and

WHEREAS, the City has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Finding of Fact. The City hereby finds and states that:

(A) The "WHEREAS" clauses stated above are adopted as findings of fact in support of this Ordinance;

(B) All statements contained in the Petition are true and correct;

(C) The creation of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the City's Comprehensive Plan;

(D) 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;

(E) The creation of the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District;

(F) The proposed community development services and facilities to be provided by the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

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

SECTION 2. Conclusions of Law.

(A) This proceeding is governed by Chapter 190, Florida Statutes;

(B) The City has jurisdiction pursuant to Section 190.005(2), Florida Statutes; and

(C) The granting of the Petition complies with the dictates of Chapter 190, Florida Statutes.

SECTION 3. Creation, Boundaries and Powers. There is hereby created the Everlands II Community Development District for the area of land described in Exhibit "A", attached hereto, which shall exercise the powers of Sections 190.011, and 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes, and which shall operate in accordance with the uniform community development district charter as set forth in Sections 190.006-190.041, Florida Statutes, including the special powers provided under Section 190.012(1), (2)(a), (d) and (f), and (3), Florida Statutes.


SECTION 4. Initial Board. The following five persons are designated as the initial members of the Board of Supervisors:


Bojana Brown
Chris Cutler
Matthew Pisciotta
Greg Pettibon
Haley Mall

SECTION 5. Effective Date. The provisions within this ordinance shall be effective immediately upon the enactment date.

SECTION 6. Severability. If any section, subsection, sentence, clause, provision, or other part of this ordinance is held invalid for any reason, the remainder of this ordinance shall not be affected thereby but shall remain in full force and effect.

Read in title only at Meeting 2023-16, held on July 6, 2023; and read in title only and duly enacted at Meeting 2023-17, held on July 20, 2023.



Rob Medina, MAYOR

Terese M. Jones, CITY CLERK

Reviewed by CAO: PPS

Applicant: Everlands II Community Development District

cc: Applicant
Case File
Brevard County Recording

Exhibit "A"

**EVERLANDS
COMMUNITY DEVELOPMENT DISTRICT
Legal Description**

DESCRIPTION OF NE QUADRANT OF EVERLANDS

A PARCEL OF LAND IN SECTIONS 20 AND 21, TOWNSHIP 28 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF EMERSON DRIVE, A 100 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 6149, PAGE 2602, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN WESTERLY, ALONG THE ARC OF THE CURVED NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1490.00 FEET, A CENTRAL ANGLE OF 12°01'04", A CHORD LENGTH OF 311.95 FEET AND A CHORD BEARING OF S84°06'13"W), A DISTANCE OF 312.53 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S78°05'41"W A DISTANCE OF 102.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1550.00 FEET, A CENTRAL ANGLE OF 3°03'55", A CHORD LENGTH OF 82.91 FEET AND A CHORD BEARING OF S79°37'38"W), A DISTANCE OF 82.92 FEET TO THE SOUTHEAST CORNER OF PARCELS C-2 THROUGH C-5, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCELS C-2 THROUGH C-5, THE FOLLOWING 5 (FIVE) COURSES AND DISTANCES; 1) THENCE N00°40'06"E A DISTANCE OF 278.70 FEET; 2) THENCE N89°19'54"W A DISTANCE OF 300.00 FEET; 3) THENCE N00°40'06"E A DISTANCE OF 500.00 FEET; 4) THENCE N89°19'54"W A DISTANCE OF 650.00 FEET; THENCE S00°40'06"W A DISTANCE OF 800.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID EMERSON DRIVE; THENCE N89°19'54"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER OF PARCELS C-6 THROUGH C-9, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°40'06"E, ALONG THE BOUNDARY OF SAID PARCELS C-6 THROUGH C-9, A DISTANCE OF 800.00 FEET TO THE NORTHEAST CORNER OF SAID PARCELS C-6 THROUGH C-9; THENCE CONTINUE N00°40'06"E A DISTANCE OF 368.77 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 325.00 FEET, A CENTRAL ANGLE OF 28°54'38", A CHORD LENGTH OF 162.25 FEET AND A CHORD BEARING OF N15°07'25"E), A DISTANCE OF 163.99 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHWEST; THENCE N60°25'16"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 255.47 FEET; THENCE N89°17'00"W A DISTANCE OF 829.96 FEET TO THE EAST RIGHT-OF-WAY LINE OF ST JOHNS HERITAGE PARKWAY, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 7491, PAGE 1713, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N00°43'00"E,

ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 581.32 FEET TO THE SOUTHWEST CORNER OF COMMERCIAL PARCEL C-1, AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5750, PAGE 7946, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE BOUNDARY OF SAID COMMERCIAL PARCEL C-1, THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES; 1) THENCE S89°19'54"E A DISTANCE OF 182.34 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 930.00 FEET, A CENTRAL ANGLE OF 7°14'51", A CHORD LENGTH OF 117.56 FEET AND A CHORD BEARING OF S85°42'28"E), A DISTANCE OF 117.64 TO THE SOUTHEAST CORNER OF SAID COMMERCIAL PARCEL C-1; 3) THENCE N00°42'13"E A DISTANCE OF 307.33 FEET; 4) THENCE N89°19'54"W A DISTANCE OF 325.59 FEET TO A NON-TANGENT INTERSECTION WITH THE CURVED EAST RIGHT-OF-WAY LINE OF SAID ST JOHNS HERITAGE PARKWAY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVED RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 4°35'55", A CHORD LENGTH OF 96.29 AND A CHORD BEARING OF N13°33'23"W), A DISTANCE OF 96.31 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 800.00 FEET, A CENTRAL ANGLE OF 21°02'56", A CHORD LENGTH OF 292.25 FEET AND A CHORD BEARING OF N05°12'22"W), A DISTANCE OF 293.90 FEET TO THE END OF SAID CURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N05°19'06"E A DISTANCE OF 303.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 1200.00 FEET, A CENTRAL ANGLE OF 4°38'01", A CHORD LENGTH OF 97.02 FEET AND A CHORD BEARING OF N03°00'05"E), A DISTANCE OF 97.04 FEET TO THE END OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N00°41'05"E A DISTANCE OF 582.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL FIFTY FOUR; THENCE S89°37'12"E, ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.57 FEET TO THE WEST LINE OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE N89°46'53"E, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1973.79 FEET TO THE WEST LINE OF THE EAST ONE HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°46'00"W ALONG SAID WEST LINE A DISTANCE OF 613.69 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S89°46'47"W A DISTANCE OF 658.09 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°46'54"W A DISTANCE OF 659.73 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST ONE QUARTER OF THE

NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE N89°46'40"E A DISTANCE OF 1316.53 FEET TO THE SOUTHEAST CORNER OF THE EAST ONE-HALF OF THE NORTHEAST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S00°45'06"W, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 21, A DISTANCE OF 1319.35 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 21; THENCE S89°46'26"W ALONG THE NORTH LINE OF SAID SOUTHWEST ONE QUARTER A DISTANCE OF 55.01 FEET TO THE WEST RIGHT-OF-WAY LINE OF MELBOURNE-TILLMAN WATER CONTROL DISTRICT CANAL NUMBER FIFTY NINE (A 95 FOOT RIGHT-OF-WAY); THENCE S00°45'06"W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 1049.35 FEET TO THE POINT OF BEGINNING. CONTAINING 143.73 ACRES, MORE OR LESS.