

ORDINANCE NO. 2015- 30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "2" TO THIS ORDINANCE COMPRISING APPROXIMATELY 983 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS FARMTON - BREVARD COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 developments; and,

WHEREAS, Swallowtail, LLC., a Delaware Limited Liability Company (the "Petitioner"), has petitioned Brevard County, Florida (the "County") to grant the establishment of the Farmton – Brevard Community Development District (the "District"); and,

WHEREAS, a public hearing was conducted by the Board of County Commissioners of Brevard County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes, as amended and supplemented; and,

WHEREAS, the District will constitute a timely, efficient, responsive and economical way to deliver community development services; and,

WHEREAS, the creation of the District is consistent with all applicable goals, objectives and policies of the Brevard County Comprehensive Plan; and,

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

WHEREAS, 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; and,

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

development services and facilities; and, .

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

WHEREAS, the District desires to levy special assessments on purchasers of benefited land within the District to pay for infrastructure constructed by the District; and,

WHEREAS, the District shall acquire or construct potable water and wastewater facilities in accordance with applicable standards and procedures of the Brevard County Water Resources Department; and,

WHEREAS, the District shall acquire or construct and maintain a stormwater management system in accordance with applicable standards and procedures of the Brevard County Regional Stormwater Utility Department; and,

WHEREAS, the District shall acquire or construct all public roads in accordance with applicable standards and procedures of the Brevard County Permitting and Enforcement Department; and,

WHEREAS, the District will not have any zoning or development permitting authority and the establishment of the District is not a development order; and,

WHEREAS, development of land within the District will be subject to all applicable land development regulations of Brevard County, Florida; and,

WHEREAS, the Board of County Commissioners held a public hearing on March 16, 2004 to consider the petition and decided that the Farmton - Brevard Community Development District is the best alternative means to provide certain basic public services to the community; and,

WHEREAS, the Board of County Commissioners finds that the Farmton - Brevard Community Development District shall have the powers described in Section 190.011, Florida Statutes, as amended and supplemented.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. The petition to establish Farmton - Brevard Community Development District over the real property described in Exhibit "2" attached hereto, which was filed by Swallowtail, LLC on September 23, 2015, and which Petition is on file at the Brevard County Planning and Development Department, is hereby granted.

Section 2. The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated as Exhibit "1".

Section 3. The initial members of the Board of Supervisors shall be as follows:

1. Glenn D. Storch
2. Michael A. Brown
3. Mark Dowst
4. Catherine Storch
5. Sans Lassiter

Section 4. The name of the District shall be "Farmton – Brevard Community Development District".

Section 5. The District is created for the purposes set forth in and prescribed in the Petition.

Section 6. The Board hereby grants to Farmton - Brevard Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, as amended and supplemented and hereby finds that it is in the public interest of the citizens of the County to grant such general powers.

Section 7. The exclusive charter for the District shall be the uniform community development district charter set forth in sections 190.06 through 190.041, including the special powers provided by section 190.12, Florida Statutes (2003), as may be amended and supplemented.

Section 8. The District is solely responsible for the implementation of special assessments upon benefited property within the District's internal boundaries and shall provide notice of said special assessments to all prospective purchasers of said property.

Section 9. The District 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 will appear in the tax bill. This disclosure shall meet the requirement of Section 190.048, Florida Statutes, as amended and supplemented, and shall be included in every contract for sale and in every recorded deed.

Section 10. If any clause, or other part or application of this ordinance shall be held in any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so

not affecting the validity of the remaining portions or applications which shall remain in full force and effect.

Section 11. This ordinance shall take effect upon filing with the Department of State, per Section 125.66, Florida Statutes, as amended and supplemented.

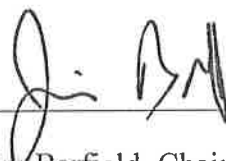
DONE, ORDERED AND ADOPTED in regular session this 1st day of December, 2015.

Attest:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**



Scott Ellis, Clerk



Jim Barfield, Chairman

As approved by the Board on December 1, 2015.

(SEAL)