

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, GRANTING A PETITION FOR THE ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT FOR THE REAL PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A"; ESTABLISHING THE NAME OF THE DISTRICT AS THE HILLCREST COMMUNITY DEVELOPMENT DISTRICT; MAKING FINDINGS OF FACT REGARDING THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING CONSENT FOR THE EXERCISE OF CERTAIN POWERS; PROVIDING FOR CONFLICTS ; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, a Petition (the "Petition") to establish the Hillcrest Community Development District (the "District") pursuant to Chapter 190, Florida Statutes, was submitted to the City of Hollywood, Florida (the "City"), by Pulte Home Corporation on December 15, 2016; and

WHEREAS, the proposed District comprises approximately one hundred and sixty-nine (169) acres, all located within the City; and

WHEREAS, pursuant to Section 190.005(1)(d), Florida Statutes, notice of the public hearing on the Petition to establish the proposed District was published in the _____ once a week for four (4) consecutive weeks prior to the hearing; and

WHEREAS, the City Commission held a public hearing on the Petition to establish the District on August 30, 2017; and

WHEREAS, the City Commission, having considered the Petition and all information presented at the public hearing, and being fully advised and informed of the premises, has determined that it is in the best interests of the citizens of the City to approve the Petition to establish the District;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing findings which are expressly set forth herein are hereby adopted and made a part hereof.

Section 2: That in accordance with Section 190.005, Florida Statutes, the City Commission hereby makes the following additional findings of fact:

- a. The property proposed to comprise the District consists of approximately one hundred and sixty-nine (169) acres, more or less; lies entirely within the boundaries of the City; and is generally located as identified on the location map attached hereto as Exhibit "A". A metes and bounds description of the external boundaries of the proposed District is set forth in the legal description attached hereto as Exhibit "B".
- b. The City Commission has reviewed the Petition to establish the District and found all the statements therein to be true and correct.
- c. The establishment 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 proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional, interrelated community and as an independent special district.
- e. The creation of the District is the best alternative available for delivering the community development services and facilities described in the Petition to the area that will be served by the District.
- f. The community development services and facilities of the District will be compatible with the capacity and uses of existing City and regional community development services and facilities.
- g. The area that will be served by the District is amenable to separate special district government.

Section 3: That the City Commission hereby grants the Petition to establish and create a community development district which shall be known as "Hillcrest Community Development District."

Section 4: That the external boundaries of the District shall be as depicted on Exhibit "A" attached hereto and described in Exhibit "B" attached hereto and incorporated herein by reference.

Section 5: That pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the District shall consist of Sections 190.006 through 190.041, Florida Statutes, inclusive.

Section 6: That the five (5) persons designated to be the initial members of the Board of Supervisors are as follows:

- 1) Andrew Maxey
- 2) David Kanarek
- 3) Brad Hartman
- 4) Matthew Nelson
- 5) Patrick Gonzalez

Section 7: That, as provided in Chapter 190, Florida Statutes, the District shall have, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies and districts having authority with respect to any area included within the District, those general powers authorized by Section 190.011 and all special powers relating to public improvements and community facilities authorized by Section 190.012(1) and Section 190.012(3), Florida Statutes.

Section 8: That the City Commission hereby consents to the exercise of, and grants to the District, the powers set forth in Sections 190.012(2)(a), (b) (as to installation of fire lines and hydrants only) and (d), Florida Statutes.

Section 9: That the District shall not impose ad valorem taxes without the prior written consent of the City Commission.

Section 10: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining parts of this Ordinance.

Section 11: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

ORDINANCE TO ESTABLISH HILLCREST CDD

Section 12: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED _____, 2017.

PASSED on first reading this _____ day of _____, 2017.

PASSED AND ADOPTED on second reading this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the City of
Hollywood, Florida, only.

ALAN FALLIK, ACTING CITY ATTORNEY