

ORDINANCE 2004- 006

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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 OF  
8 APPROXIMATELY 175.809 ACRES: NAMING OF THE INITIAL  
9 MEMBERS OF THE BOARD; ESTABLISHING THE NAMING OF  
10 THE DISTRICT AS TERRACINA COMMUNITY DEVELOPMENT  
11 DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT;  
12 DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING  
13 FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN  
14 CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

18 WHEREAS, D. R. Horton, Inc. a Delaware Corporation ("Petitioner"), has petitioned Palm  
19 Beach County, Florida (the "County"), to grant the establishment of the Teracina Community  
20 Development District (the "District"); and

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

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

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

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

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

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

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

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

39 WHEREAS, the District desires to levy special assessments on purchasers of benefited  
40 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. ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT:**

19           The Petition to establish the Terracina Community Development District over the real  
20 property described in Exhibit "A" attached hereto, which was filed by D. R. Horton, Inc. on  
21 January 9, 2004 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 OF THE INITIAL MEMBERS OF THE BOARD:**

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

27                           Anthony Palumbo  
28                           Candice Sharpsteen  
29                           Michael Humphries  
30                           Paul Romanowski  
31                           A. Robert Tessar, Jr.

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

34           The name of the District shall be "Terracina Community Development District."

35           **Section 5. DESIGNATING THE PURPOSE OF THE DISTRICT:**

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

37           **Section 6. DESIGNATING THE 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 or 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 the 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 assignees shall provide notice of said special assessments to all prospective  
23 purchasers of said property.

24           **Section 10.** The Petitioner, its successors and assignees 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 assignees 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-advalorem tax  
6 assessment will be in addition to all other property taxes and assessments. This cost is  
7 estimated at \$ 80.00 per month or \$960.00 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 assignees shall provide all the  
10 disclosure statements required in Sections 10 and 11 above in a separate page as part of the  
11 contract for purchase and sale of property within the District. The potential purchaser must sign  
12 this page.

13 **Section 13.** An affidavit of compliance shall be submitted annually to Palm Beach  
14 County Monitoring Section beginning on November 1, 2004 until all units have been sold,  
15 outlining the number of units sold, providing samples of the documents used in the closing  
16 process and certifying compliance with the disclosure requirements contained in this ordinance.  
17 The County shall have the right to audit the records of the Petitioner, its successors and  
18 assignees upon 10 days written notice to verify the compliance with the disclosure requirements  
19 of this ordinance. Failure to comply with the disclosure requirements in this ordinance shall be a  
20 violation of a county ordinance and shall be punishable as provided by law, including but not  
21 limited to enforcement procedures established in Article 14 of the Unified Land Deveioption  
22 Code.

23 **Section 14. PROVIDING FOR SEVERABILITY:**

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

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

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

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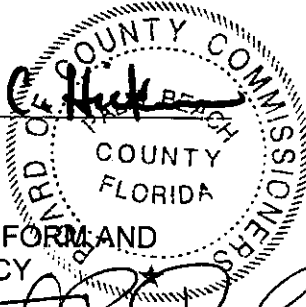
**Section 16. PROVIDING FOR AN EFFECTIVE DATE:**

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 16 day of March, 2004.

ATTEST:

By: *Linda C. Hickman*  
Deputy Clerk



*Karen T. Marcus*  
PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
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 19 day of March, 2004 at \_\_\_\_\_ m.

# EXHIBIT A

## LEGAL DESCRIPTION TERRACINA COMMUNITY DEVELOPMENT DISTRICT

### Legal Description:

A portion of Blocks 5 and 6 including the platted rights-of-way contained therein, "Palm Beach Farms Company Plat No. 3," as recorded in Plat Book 2, Pages 45 through 54, Inclusive, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

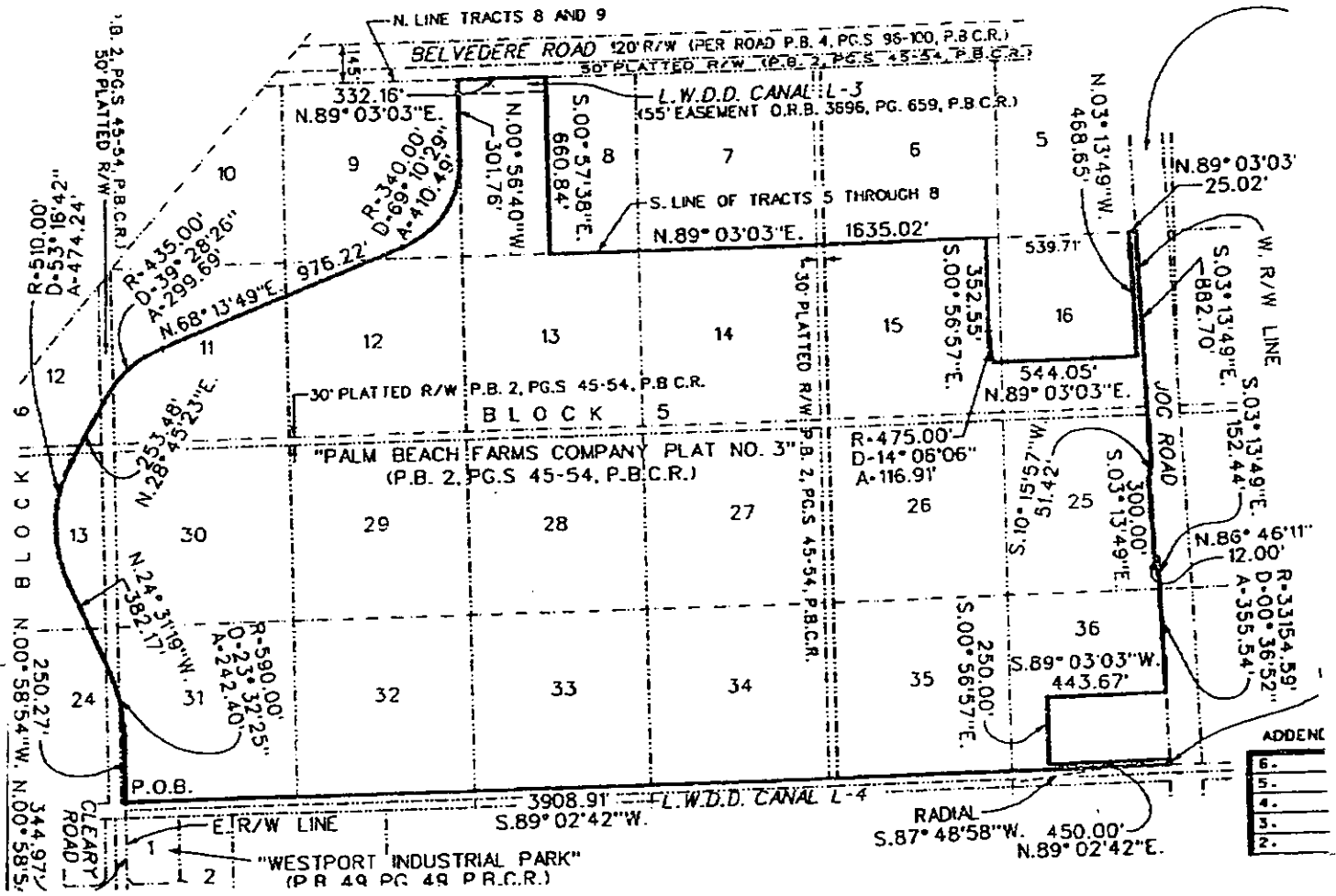
**COMMENCING** at the intersection of the centerline of Cleary Road with the centerline of Westport Road, as shown on "WESTPORT INDUSTRIAL PARK," according to the Plat thereof, as recorded in Plat Book 49, Page 49, of said Public Records; thence North 89°01'06" East, along said centerline of Westport Place, a distance of 40.00 feet to the East Right-of-Way line of said Cleary Road; thence North 00°58'54" West, departing said centerline and along said East Right-of-Way line and the Northerly prolongation thereof, a distance of 344.97 feet to the South line of said Tract 31, of said Block 5, and the **POINT OF BEGINNING**; thence; continue North 00°58'54" West, a distance of 250.27 feet to a point of curvature of a curve to the left, having a radius of 590.00 feet; thence Northerly, along said curve, through a central angle of 23°32'25", a distance of 242.40 feet to a point of tangency; thence North 24°31'19" West, a distance of 382.17 feet to a point of curvature of a curve to the right, having a radius of 510.00 feet; thence Northerly, along said curve, through a central angle of 53°16'42", for an arc distance of 474.24 feet to the point of tangency; thence North 28°45'23" East, a distance of 253.48 feet to a point of curvature of circular curve to the right, having a radius of 435.00 feet; thence Northeasterly, along said curve, through a central angle of 39°28'26", for an arc distance of 299.69 feet to a point of tangency; thence North 68°13'49" East, a distance of 976.22 feet to a point of curvature of a curve to the left, having a radius of 340.00 feet; thence Northeasterly, along said curve, through a central angle of 69°10'29", for an arc distance of 410.49 feet to a point of tangency; thence North 00°56'40" West, a distance of 301.77 feet to the North line of Tract 9, said Block 5; thence North 89°03'03" East, along the North line of Tracts 8 and 9, of said Block 5, a distance of 332.16 feet to the Northeast corner of West half of said Tract 8; thence South 00°57'38" East, along the East line of the said West half, a distance of 660.84 feet to the Southeast corner of the said West half; thence North 89°03'03" East, along the South line of said Tracts 5 through 8, of said Block 5, a distance of 1635.02 feet; thence South 00°56'57" East, a distance of 352.55 feet to a point of curvature of a circular curve to the left, having a radius of 475.00 feet; thence Southerly along the arc of said curve, through a central angle of 14°06'06", for an arc distance of 116.91 feet; thence North 89°03'03" East, a distance of 544.05 feet; thence North 03°13'49" West, a distance of 468.65 feet; thence North 89°03'03" East, along the South line of said Tract 5, of said block 5, a distance of 25.02 feet to the West Right-of-Way Line of Jog Road, according to the Right-of-Way deed, recorded in Official Records Book 7188, Page 378, of said Public Records; thence South 03°13'49" East departing the South line of said Tract 5, and along the said West Right-of-Way line, a distance of 883.70 feet; thence S. 10°15'57" W., a distance of 51.42 feet; thence S. 03°13'49" E., a distance of 300.00 feet; thence N. 86°46'11" E., a distance of 12.00 feet; thence South 03°13'49" East, along said West Right-of-Way line, a distance of 152.44 feet to a point of curvature of a curve to the right, having a radius of 33154.59 feet; thence Southerly, along said curve, continuing along said Right-of-Way line, through a central angle of 00°36'52", for an arc distance of 355.54 feet to the Northeast corner of Parcel D1, according to the Right-of-Way deed, recorded in Official Records Book 7188, Page 496, of the said Public Records; thence South 89°03'03" West, along the North line of said Parcel D1, departing said West Right-of-Way line, a distance of 443.67 feet to the Northwest corner of said parcel; thence South 00°56'57" East, along the West line of said Parcel D1, a distance of 250.00 feet to the Southwest corner of said Parcel; thence North 89°02'42" East, along the South line of said Parcel D1, a distance of 450.00 feet to the Southeast corner of said Parcel D1, being a point on the said West Right-of-Way line of said Jog Road, said Right-of-Way line being a curve concave Westerly, having a radius of 33154.59 feet and whose radius point bears South 87°48'58" West; thence Southerly, along said curve, and said Right-of-Way line, departing said Parcel line, through a central angle of 00°02'04", for an arc distance of 20.00 feet to the South line of Tracts 36, said Block 5; thence South 89°02'42" West, along the South line of Tracts 31 through 36, of said Block 5, departing said Right-of-Way line a distance of 3908.91 feet to the **POINT OF BEGINNING**.

Said lands contain 175.809 acres, more or less.

(BEARINGS SHOWN HEREON, ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM TRANSVERSE MERCATOR FLORIDA EAST ZONE, 1983 PROJECTION, WITH THE NAD 1990 ADJUSTMENT AS ESTABLISHED BETWEEN G.P.S. CONTROL STATIONS "PBF-13" AND "PBF-14" HAVING A GRID BEARING OF S. 01°40'37" E.).

# EXHIBIT B

## LOCATION MAP TERRACINA COMMUNITY DEVELOPMENT DISTRICT



# 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: ( <u>PAM BEACH</u> )	COUNTY ORDINANCE # ( <u>2004-006</u> ) <small>(e.g. 83-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: ( <u>ZONING</u> )	
SECONDARY KEYFIELD DESCRIPTOR: ( <u>Comm. Dev. District</u> )	
OTHER KEYFIELD DESCRIPTOR: ( _____ )	
ORDINANCE DESCRIPTION: ( <u>TERRAZINA CDD</u> ) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: <small>(List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)</small>	
AMENDMENT # 1: ( _____ );	AMENDMENT # 2: ( _____ );
ORDINANCES REPEALED: <small>(List below the ordinances that are repealed by this legislation.)</small>	
REPEAL # 1: ( _____ );	REPEAL # 3: ( _____ );
REPEAL # 2: ( _____ );	REPEAL # 4: ( _____ );
<small>(Others repealed: list all that apply):</small> _____	

<small>(FOR OFFICE USE ONLY):</small>	COUNTY CODE NUMBER: ( _____ )
KEYFIELD 1 CODE: ( _____ )	KEYFIELD 2 CODE: ( _____ )
KEYFIELD 3 CODE: ( _____ )	<small>Rev. 1/2/98</small>



## Attachment 1. Staff Report



### COMMUNITY DEVELOPMENT DISTRICT PETITION CONSISTENCY REVIEW

<b>Proposed Name:</b>	<b>Terracina Community Development District</b>
<b>Item Before the Board:</b>	To hold a public hearing to grant or deny a petition to establish a Community Development District pursuant to Chapter 190, Florida Statutes
<b>Meeting Date:</b>	<b>BCC Public Hearing, March 16, 2004</b>
<b>Project Manager:</b>	Gustavo A. Goya, Planner I
<b>MOTION:</b> To <i>recommend granting</i> the proposed petition.	

## I. REVIEW SUMMARY

### A. BACKGROUND

Chapter 190, F.S., also known as the "Uniform Community Development District Act of 1980" (the Act), contains criteria for establishing, assigning powers, and providing limits to the operation and duration of independent districts in order to manage and finance basic community development services. The Act indicates that proposed Community Development Districts (CDDs) of less than 1,000 acres shall be created by County ordinance based upon a determination of applicable facts, as established in the Act.

Initially, the BCC expressed concern over the establishment of CDDs citing unease over limited disclosure requirements and the use of CDD funds for offsite improvements. In response to these concerns, the BCC held a workshop on CDDs on September 24, 2002. At the end of the workshop, the Board provided explicit direction to staff to limit the approval of CDDs to non-residential projects and to include additional and detailed disclosure requirements in the adopting ordinance of CDDs allowed by the Board, and to monitor the implementation of the disclosures and any other conditions stipulated in the adopting ordinance through the Monitoring Section of the Planning, Zoning and Building Department. At a subsequent BCC Hearing held on October 21, 2003, the Board reviewed the establishment of two CDDs. Board members pointed out that disclosure requirements had been increased since the 2002 workshop to their satisfaction. The second concern of the Board, the use of the CDD to fund for offsite improvements, was also reviewed. It was understood that CDDs with offsite improvements would receive recommendations of denial from the Planning Department unless the developer pays off the improvements. In summary, the BCC gave direction to staff to continue reviewing CDD petitions on a case-by-case basis and to provide recommendations based on the merits of each petition, compliance with the disclosure conditions established by the BCC and no inclusion of offsite improvements as part of the obligations of future CDD residents.

### B. THE PROPOSED COMMUNITY DEVELOPMENT DISTRICT

#### 1. Petition Purpose and Summary

The purpose of the petition by D. R. Horton Inc. to establish the Terracina Community Development District is to finance, construct, operate and maintain surface water management,

water supply and wastewater facilities and other minor public improvements for a proposed residential development.

The CDD petition is being processed concurrent with an application to establish a residential planned unit development on 175.809 acres located in the west side of Jog Road between Belvedere and Alexander Roads.

The complete text of the petition by D. R. Horton Inc. to establish the Terracina Community Development District can be viewed at the Planning Division or at the County Administration.

**C. REVIEW OF THE FACTORS TO MAKE A DETERMINATION TO GRANT OR DENY THE PETITION AS SET FORTH IN CH. 190.005(1)(e)**

Chapter 190.005(1)(e) indicates that the County Commission shall consider “the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments...and the following factors and make a determination to grant or deny a petition for the establishment of a community development district”. The following is a review of those factors and the findings made by staff on each factor:

**a. Whether all statements contained within the petition have been found to be true and correct.**

The statements contained in the petition appear to be true and correct.

**b. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.**

The establishment of the district is not inconsistent with the effective Comprehensive Plan of Palm Beach County. The Board has tightened the disclosure requirements to ensure that purchasers of units within CDDs are aware that they will have to pay a special fee. The Board also directed staff to recommend denial for CDDs that are funding offsite improvements, a situation not present in the Terracina petition.

**c. Whether 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.**

The area of land within the proposed District is part of a unified plan of development for which a development plan has been or will be approved by Palm Beach County. The land encompassing the proposed District is of sufficient size and is sufficiently compact and contiguous to be developed as one functional community. The County understands an interrelated community as one where people can live, work, shop, and recreate within the boundaries of that community. The proposed District, therefore, is not interrelated in as much as this interpretation. While inconsistent with the County’s interpretation of this point, the proposed District does meet the other components and the general intent of this factor.

**d. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.**

The proposed District is one of the alternatives available for delivering services to the area. The potable water and wastewater facilities will be donated at no cost to the County who will be responsible for operating those facilities. Alternatively, the District is a better option for operating stormwater and drainage facilities that are currently managed by homeowners

associations. The District is a more permanent entity required to operate under the government-in-the-sunshine laws, with applicable due process, disclosure and accountability, which make it more appropriate for the operation and maintenance of the District's stormwater and drainage facilities and other services in the future.

- e. **Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.**

The infrastructure services and facilities for the proposed residential planned unit development are compatible with the capacity and uses of existing County and regional infrastructure facilities.

- f. **Whether the area that will be served by the district is amenable to separate special-district government.**

The area served by the District is amenable to separate special district government per the above reasons, although the proliferation of special districts in the County may be of some concern in the future.

#### **D. ASSESSMENT AND CONCLUSIONS**

Chapter 190, Florida Statutes, states that the creation of a Community Development District (of less than 1,000 acres) shall be accomplished through the enactment of an ordinance after a public hearing of the applicable governing body, in this case Palm Beach County. The Statutes require the County to make a determination to grant or deny the petition based on the factors analyzed on section C above, including consistency with the County's Comprehensive Plan, and considering the entire record of public hearing. The Planning Division, after reviewing the petition has found the petition to be sufficient in that it is generally consistent with the statutory requirements as well as the policy direction of the BCC in allowing CDDs that have met the disclosure requirements and are limited to onsite improvements. Staff is thus recommending granting the petition.

#### **E. ALTERNATIVE ACTIONS**

The following courses of action are available to the Board:

1. Recommendation to ***grant the creation of the CDD;***
2. Recommendation to ***grant with modifications;*** or
3. Recommendation of ***denial.***

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

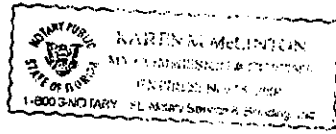
Before the undersigned authority personally appeared Tracey Diglio, who on oath says that she is Telephone Sales Supervisor of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising, being Notice in the matter TCDD Establishment was published in said newspaper in the issues of February 17, 23, March 1, & 8, 2004. 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/her has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Tracey Diglio (signature)

Sworn to and subscribed before this 8th day of March, A.D. 2004

(Signature)

Personally known [X] or Produced Identification
Type of Identification Produced



NO. 697729
NOTICE OF PUBLIC HEARING CONCERNING THE ESTABLISHMENT OF THE TERRACINA COMMUNITY DEVELOPMENT DISTRICT IN PALM BEACH COUNTY, FLORIDA BY THE BOARD OF COUNTY COMMISSIONERS.
Notice is hereby given that on March 16, 2004, at 9:30 a.m., or soon 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 175.809 ACRES; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS TERRACINA 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.
at a public hearing to be held at:
Palm Beach County Governmental Center
Jane Thompson Memorial Chambers - 6th Floor
301 North Olive Avenue
West Palm Beach, Florida 33401
to inform the public about the elements of the petition to form a uniform community development district in Palm Beach County. The information presented at 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 afford the petitioner, affected units of local government, and the general public a fair and adequate opportunity to appear at the hearing and present oral and written comments (submitted to the Commission at or before the public hearing) relevant to the creation of the Terracina Community Development District (TCDD). The proposed CDD is approximately 175.809 acres of land located south of Belvedere Road and west of Jag Road, as shown on the map below:
Terracina Community Development District
[Map showing the boundaries of the Terracina Community Development District]
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 designated to serve the needs of its property owners by financing, constructing, operating and maintaining a portion of the infrastructure and community facilities needed by district property owners, including the surface water management system, water distribution system and wastewater collection and transmission facilities. The estimated cost to provide the CDD infrastructure is \$12,837,112. The CDD will make use of non-ad valorem 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 Terracina 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 this 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 affected units of general-purpose local government 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 decide 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 appeals may be based.
In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding 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; if hearing impaired, telephone The Florida Relay Service Numbers at (800) 955-8771 (TDD) or (800) 955-8700 (VOICE), for assistance.
This notice published pursuant to the requirements of Chapter 190.005(1)(d), Florida Statutes.
By: Equity Investments, LLC & D.R. Horton, Inc.
PUBLISH: The Palm Beach Post
February 17, February 23, March 1 & March 8, 2004



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FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

March 22, 2004

Honorable Dorothy H. Wilken  
Clerk  
Palm Beach County  
301 North Olive Avenue  
Post Office Box 4036  
West Palm Beach, Florida 33402-4036

Dear Ms. Wilken:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 18, 2004 and certified copy of Palm Beach County Ordinance No. 2004-006, which was filed in this office on March 19, 2004.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp