

SUNRISE, FLORIDA

ORDINANCE NO. 909-X

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, CREATING THE METROPICA IMPROVEMENT DISTRICT; ESTABLISHING ITS TERRITORIAL BOUNDARIES; PROVIDING FOR ITS DISTRICT PURPOSE; PROVIDING FOR DISTRICT POWERS; ESTABLISHING A GOVERNING BOARD FOR THE DISTRICT, MEMBERSHIP, DUTIES, AND COMPENSATION; PROVIDING FOR AUTHORITY TO ISSUE SPECIAL ASSESSMENT BONDS; DECLARING ITS CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR NOTICE OF REAL ESTATE DISCLOSURE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sunrise, Florida, (the "City") has determined that there is a need to enhance and expand economic activity in the City by attracting business activities conducive to economic promotion, in order to provide a stronger, more balanced and stable economy in the City and employment opportunities for the residents of this City, and to improve the welfare and competitive position of this City; and

WHEREAS, pursuant to Resolution No. 03-132, the City entered into an agreement with Sawgrass Property Investments, a Florida general partnership (the "Landowner"), whereby the City has agreed to provide certain economic assistance to the Landowner with respect

to the commercial development of certain real property (the "Property") owned by the Landowner within the boundaries of the City (the "Agreement"); and

WHEREAS, pursuant to the terms of the Agreement, the City has agreed, among other things, to fund the acquisition of certain land and public improvements benefitting the Property through a dependent special district to be established by the City, as an inducement for the Landowner to develop the Property in a manner beneficial to the economic goals of the City; and

WHEREAS, the City has determined that it is authorized pursuant to its powers under the Florida Constitution and the laws of the State of Florida, including without limitation, the powers granted by F.S. Chapters 166 and 189, to establish a dependent special district of the City within its territorial limits for the provision and funding of certain land acquisition and public improvements;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA AS FOLLOWS:

SECTION 1. ESTABLISHMENT OF DISTRICT; DISTRICT NAME.

There is hereby created a dependent special district of the City known as "METROPICA IMPROVEMENT DISTRICT" pursuant to Section 189.4041, Florida Statutes (the "District").

SECTION 2. TERRITORIAL LIMITS OF DISTRICT. The territorial limits of the District are set forth in the legal description attached hereto as Exhibit "A" and incorporated herein by this reference.

SECTION 3. PURPOSE OF DISTRICT. The purpose of the District is to provide or assist in the provision of land and public improvements within its territorial boundaries or outside its boundaries which benefit property lying within its territorial limits. The District is the best alternative mechanism for acquiring certain land and delivering such public improvements to the area proposed to be serviced by the District because it allows for the sharing of costs associated with economic growth and development consistent with City policy.

SECTION 4. FUNCTIONS AND POWERS OF THE DISTRICT. The District shall have all of the powers of a body politic and corporate under the laws of the State, and the government of the District shall have all of the powers necessary, incidental or convenient to carry on District government and to serve its public purpose. The enumeration of particular powers herein shall not be deemed exclusive or restrictive, but shall be deemed to incorporate all additional powers which may be necessary, incidental or convenient to carry out its public purposes. To the extent

not inconsistent with general or special law, the enumerated powers of the District include the power:

(a) to sue and be sued in its name; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein including without limitation certain lands, infrastructure and other improvements public in nature referred to in the Agreement, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers including, without limitation, to execute a joinder to the Agreement;

(b) to hold title to real and personal property, to acquire by easement, or lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District to carry out its purposes;

(c) to finance, fund, plan, acquire, construct or reconstruct, operate and maintain (whether by contract with a property owners association or otherwise) systems and facilities for the following public improvements within its

territorial boundaries or outside its boundaries which benefit property lying within its territorial limits:

- (1) water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting, intercepting, or outlet sewers, sewer mains and pipes, and water mains and appurtenances, conduits, or pipelines in, along, and under any street, alley, or other public place or public or private right of ways, and to dispose of any effluent, residue, or other byproducts of such sewer system;
- (2) paving, repaving, hard surfacing, widening, curbing, guttering and draining of streets, boulevards and alleys and other public places; and for grading, regrading, leveling, laying, relaying, paving and repaving of sidewalks;
- (3) off street parking facilities, parking garages and/or similar facilities;
- (4) landscaping, irrigation, hardscape, signage and lighting;
- (5) roadways and transportation systems; and
- (6) all other public improvements and services as designated by the District;

(d) to determine, order, levy, impose, collect, and enforce non-ad valorem special assessments pursuant to Chapter 170, Florida Statutes, which special assessments may, in the discretion of the District, be collected and enforced pursuant to the provisions of Chapters 197 or 170, Florida Statutes;

(e) to determine, order and levy maintenance special assessments to operate the District and to operate, maintain and preserve the facilities and the projects of the District, which shall be collected and enforced in the same manner and at the same time as other special assessments referred to herein;

(f) to issue special assessment bonds and bond anticipation notes, and to issue refunding bonds for public improvements secured by special assessments levied on benefitted property within the District and to provide for credit enhancement of such bonds, including letters of credit, bond insurance, surety bonds and other arrangements, and to enter into contracts relating thereto;

(g) to hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements or dedications to public use, including without limitation, to dedicate or otherwise convey public

infrastructure consisting of road and water and sewer improvements to the City;

(h) to obtain the services of consultants and to enter into contracts with respect thereto;

(i) to reimburse the City for any advancement of funds, costs, and expenditures and to pay the City for the provision of administrative services.

(j) to assume any contractual rights and duties of any person, including the City, who is a party to any contract or lease relating to any of the public purposes of the District, and to reimburse costs previously incurred by such person under such contract; and

(k) to exercise all of the powers necessary, convenient, incidental or proper in connection with any of the powers, duties or purposes authorized by this Ordinance.

SECTION 6. GOVERNING BOARD OF THE DISTRICT;
MANAGEMENT.

(a) The board of supervisors which shall be the governing body of the District shall be ex officio the City Commission of the City. All other elected and appointed officials of the City, shall, ex officio, be the officials and employees of the District, each having the titles,

powers and duties corresponding to their titles, powers and duties as to the City. Members of the City Commission or any official and employee of the City, as officials of the District, shall receive no additional compensation for service as members of the board of supervisors or officials and employees of the District.

(b) Notwithstanding that the City and the District are separate entities, the District, as a dependent special district of the City, shall be operated to further the public and municipal purposes of the City by acquiring land and public improvements benefiting property lying within the District. Therefore, it shall not be a conflict of interest for any person to serve both the City and the District as an official, employee, agent or independent consultant.

(c) The District and the City's officials and employees, when acting for the District, shall have the protection of sovereign immunity, to the maximum extent allowed by law, and the City shall have the protection of sovereign immunity, to the maximum extent allowed by law, with respect to any acts of any City officials or employees while they are providing services to or acting for or on behalf of the District.

(d) The District shall have the same fiscal year as the City and the annual financial statements of the City shall include the financial statements of the District if required by law or accounting and financial reporting practices applicable to Florida municipalities.

(e) The District shall, in accordance with law, prepare an annual budget for the District. The budget of the District shall be included in the City's budget as required by law.

SECTION 7. SPECIAL ASSESSMENT BONDS.

(a) The District is authorized to issue special assessment bonds to pay all or any part of public improvements authorized herein in an amount not in excess of the aggregate amount of said liens levied for such public improvements. Special assessment bonds shall be issued pursuant to Chapters 166 and 189, Florida Statutes and shall be authorized and sold pursuant to resolution of the Board of Supervisors of the District. The pledged revenues of the District securing its special assessment bonds shall not constitute a pledge of the full faith and credit of the District or the City nor shall any of the debts or obligations of the District become the responsibility of the City.

(b) Bonds, notes or other obligations issued by the District shall be limited obligations of the District payable solely out of pledged revenues pledged therefor, and neither the property, the full faith and credit, nor the taxing power of the District, the City, Broward County, the State of Florida nor any political subdivision thereof shall be pledged as security for the payment of such obligations, except that the District shall be obligated to levy, evidence and certify for collection, special assessments to secure and pay such bonds, notes or other obligations. Such bonds, notes or other obligations shall not constitute an indebtedness of the District, the City, the County or the State or any political subdivision thereof within the meaning of any constitutional or statutory provision or limitation.

SECTION 8. FINANCIAL DISCLOSURE, NOTICING AND REPORTING REQUIREMENTS. The District shall comply with the requirements of Sections 189.415, 189.416, 189.417 and 189.418, Florida Statutes, as may be amended from time to time.

SECTION 9. CONSISTENCY WITH COMPREHENSIVE PLAN. It is hereby declared that the creation of the District is consistent with the City's approved Comprehensive Plan.

SECTION 10. COMPLIANCE WITH OPEN MEETING LAW. It is found and determined that all formal actions of the City Commission concerning and relating to the enactment of this Ordinance were taken in open meetings of the City Commission and that all deliberations of the City Commission and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 286.011, Florida Statutes and the City Charter. All meetings of the Board of Supervisors of the District shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes. The records of the District shall be public records and governed by the provisions of Chapter 119, Florida Statutes.

SECTION 11. SALE OF REAL ESTATE WITHIN THE DISTRICT; REQUIRED DISCLOSURE TO PURCHASER. Subsequent to the establishment of the District, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the District shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: "THE METROPICA IMPROVEMENT

DISTRICT MAY IMPOSE AND LEVY ASSESSMENTS ON THE PROPERTY. THESE ASSESSMENTS PAY FOR OPERATION OF THE DISTRICT AND FOR THE ACQUISITION, CONSTRUCTION, OPERATION MAINTENANCE AND PRESERVATION COSTS OF CERTAIN LAND, PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE ASSESSMENTS ARE IN ADDITION TO COUNTY, CITY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

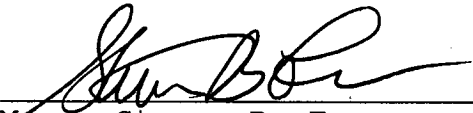
SECTION 12. CONFLICT. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 13. SEVERABILITY. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 14. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and enactment.

PASSED AND ADOPTED upon this first reading this 16th
DAY OF MARCH, 2004.

PASSED AND ADOPTED upon this second reading this 23rd
DAY OF MARCH, 2004.



Mayor Steven B. Feren

Authentication:



Felicia M. Bravo
City Clerk

FIRST READING

SECOND READING

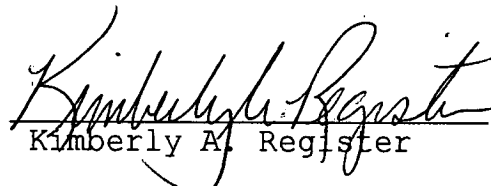
MOTION: SCUOTTO
SECOND: ALU

MOTION: ROSEN
SECOND: HARLEM

ALU: YEA
HARLEM: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

ALU: YEA
HARLEM: YEA
ROSEN: YEA
SCUOTTO: YEA
FEREN: YEA

Approved by the City Attorney
As to Form and Legal Sufficiency.



Kimberly A. Register

EXHIBIT A

LEGAL DESCRIPTION OF DISTRICT BOUNDARIES

EXHIBIT "A"

LAND DESCRIPTION

"METROPICA PLAT"

A REPLAT OF A PORTION OF PARCEL "A" AND "D" AND ALL OF PARCEL "E", SAVANNAH P.U.D. PLAT 6, AS RECORDED IN PLAT BOOK 145, PAGE 24 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS LYING IN SECTION 26, TOWNSHIP 49 SOUTH, RANGE 40 EAST, CITY OF SUNRISE, BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 26;

THENCE NORTH 00°11'40" WEST ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 107.00 FEET;

THENCE SOUTH 89°48'20" EAST, 60.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTHWESTERLY ALONG THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 136TH AVENUE THE FOLLOWING TEN (10) COURSES AND DISTANCES:

NORTH 00°11'40" WEST, 287.00 FEET;

NORTH 06°38'54" EAST, 100.72 FEET;

NORTH 00°11'40" WEST, 316.00 FEET;

SOUTH 89°48'20" WEST, 12.00 FEET;

NORTH 00°11'40" WEST, 232.43 FEET;

NORTH 06°26'24" EAST, 103.87 FEET;

NORTH 00°11'40" WEST, 91.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST;

NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2278.00 FEET, A CENTRAL ANGLE OF 05°43'20", AN ARC DISTANCE OF 227.51 FEET;

NORTH 85°43'49" WEST, 12.00 FEET TO A POINT ON THE ARC OF A RADIAL CURVE;

NORTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2290.00 FEET, A CENTRAL ANGLE OF 04°15'26", AN ARC DISTANCE OF 170.15 FEET;

THENCE SOUTH 85°43'49" EAST, 158.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHWEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 47°18'01", AN ARC DISTANCE OF 123.83 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 43°21'27", AN ARC DISTANCE OF 113.51 FEET TO THE POINT OF TANGENCY;

THENCE SOUTH 81°47'15" EAST, 493.96 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 82°38'15" EAST TO THE RADIUS POINT OF THE NEXT DESCRIBED CURVE) AND THE EAST LINE OF SAID PARCEL "A";

THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 955.00 FEET, A CENTRAL ANGLE OF 26°25'04", AN ARC DISTANCE OF 440.33 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 805.00 FEET, A CENTRAL ANGLE OF 21°30'40", AN ARC DISTANCE OF 302.23 FEET;

THENCE SOUTH 40°05'06" WEST, 52.94 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST (A RADIAL LINE THROUGH SAID POINT BEARS NORTH 20°40'42" WEST FROM THE RADIUS POINT OF THE NEXT DESCRIBED CURVE);

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 399.19 FEET, A CENTRAL ANGLE OF 48°26'28", AN ARC DISTANCE OF 377.50 FEET;

THENCE NORTH 69°07'10" WEST, 51.70 FEET;

THENCE SOUTH 20°25'46" WEST, 65.52 FEET;

THENCE SOUTH 15°20'42" WEST, 268.86 FEET;

THENCE SOUTH 03°55'49" WEST, 112.00 FEET TO THE SOUTH LINE OF PARCEL "A" AND THE NORTH RIGHT-OF-WAY LINE OF SUNRISE BOULEVARD (60.00 FOOT RIGHT-OF-WAY AT THIS POINT) AND A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST (A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 02°42'43" WEST TO THE RADIUS POINT OF THE NEXT DESCRIBED CURVE;

THENCE WESTERLY ALONG THE SOUTH LINE OF PARCEL "A" AND THE NORTH RIGHT-OF-WAY LINE OF SAID SUNRISE BOULEVARD, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

WESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2351.83 FEET, A CENTRAL ANGLE OF 02°54'25", AN ARC DISTANCE OF 119.32 FEET;

NORTH 86°45'40" WEST, 200.36 FEET;

SOUTH 89°48'19" WEST, 300.00 FEET;

NORTH 45°11'41" WEST, 49.50 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN THE CITY OF SUNRISE, BROWARD COUNTY, FLORIDA, CONTAINING 28.12 ACRES (1,224,933 SQUARE FEET), MORE OR LESS.

LAND DESCRIPTION PREPARED BY:

SHAH, DROTOS & ASSOCIATES

1835 PERIMETER ROAD, SUITE 190

FORT LAUDERDALE, FLORIDA 33309

PREPARED BY: MDR

CHECKED BY: MDR

PROJECT NO.: 02-0586A00

August 18, 2003

