



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.29.

5/4/2021

Subject:

Repeal of Ordinance Establishing Farmton-Brevard Community Development District, Ordinance 2015-30

Fiscal Impact:

None

Dept/Office:

District 1 per request of Farmton-Brevard Community Development District.

Requested Action:

Approve legislative intent to advertise and ordinance repealing Ordinance 2015-30.

Summary Explanation and Background:

Pursuant to Chapter 190, Florida Statutes, a county ordinance was required to establish the Farmton-Brevard County Community Development District in 2015. That community development district now seeks to be dissolved. Under Chapter 2020-197, Laws of Florida and Section 190.046(10), Florida Statutes, a community development district may be dissolved upon request after it merges with a local unit of special purpose government. The Deering Park Stewardship District (Stewardship), a local unit of special purpose local government, has been created and, as of April 15, 2021, the Farmton-Brevard Community Development District merged with the Stewardship. The Stewardship has requested dissolution of the Farmton-Brevard Community Development District. The Stewardship has agreed to provide funding for the advertisement to repeal Ordinance 2015-30. The proposed ordinance repealing Ordinance 2015-30 is attached.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

May 5, 2021

M E M O R A N D U M

TO: Commissioner Rita Pritchett, District 1

RE: Item F.29., Repeal of Ordinance Establishing Farmton-Brevard Community Development District, Ordinance No. 2015-30

The Board of County Commissioners, in regular session on May 4, 2021, approved legislative intent and granted permission to advertise for an ordinance repealing Ordinance No. 2015-30.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ns

cc: Finance
Budget
County Manager

ORDINANCE NO. 2021 - _____
REPEALING ORDINANCE NO 2015-30

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, REPEALING ORDINANCE NO. 2015-30, AND THEREBY DISSOLVING THE FARMTON-BREVARD COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Farmton-Brevard Community Development District ("District") was established by Ordinance No. 2015-30 of the Board of County Commissioners ("Board") of Brevard County, Florida, a political subdivision of the State of Florida; and

WHEREAS, the District is located wholly within the boundaries of Brevard County (County"); and

WHEREAS, Section 190.046(3), *Florida Statutes*, authorizes the merger of community development districts with another type of special district, the process of which is pursuant to the terms of that special act; and

WHEREAS, the District previously advised the County of its intent to merge into the Deering Park Stewardship District ("ISD"), a local unit of special-purpose government established pursuant to Chapter 2020-197, Laws of Florida, whereby the ISD would be the surviving entity and the District would be dissolved; and

WHEREAS, pursuant to Chapter 2020-197, Laws of Florida, upon receipt of a resolution approving the merger and the merger agreement, the County shall adopt a non-emergency ordinance dissolving the District pursuant to Section 190.046(10); and

WHEREAS, as a result of the Merger, the planned community development services to be provided to the lands within the boundaries of the District may be provided by and through the Developer in a manner as efficiently as the District and at a level of quality equal to the level of quality to be delivered to the users of those services by the District, at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the District; and

WHEREAS, the District's Board of Supervisors, adopted Resolution 2021-__ and executed the Merger Agreement, which Merger Agreement is attached hereto as **Exhibit A**, and desire that the County pass this nonemergency ordinance providing for the dissolution of the District in accord with section 190.046(3), *Florida Statutes* and Chapter 2020-197, Law of Florida; and

WHEREAS, the dissolution of the District will not harm or otherwise injure any interests of the current owner of land, nor harm nor otherwise injure any interests of any other party within or without the District.

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

Exhibit A
(Merger Agreement)

5.2
②

Section 1. Repeal of Ordinance No. 2015-30; Dissolution of Farmton-Brevard Community Development District. The Board hereby repeals Ordinance 2015-30 and dissolves the Farmton-Brevard Community Development District as required by Chapter 2020-197, Laws of Florida, Section (6)(27)(b) .

Section 2. Severability. If any provision of this Ordinance is held to be illegal or invalid, other provision shall remain in full force and effect.

Section 3. Effective Date. This Ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Florida Department of State. A certified copy of the Ordinance shall be filed with the State, within ten days of enactment.

APPROVED and ADOPTED by the Board of County Commissioners of Brevard County, Florida, this 4 day of May, 2021.

RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

ATTEST:

Reviewed for legal form and content:

RACHEL M. SADOFF, CLERK OF COURT

County Attorney

should
not be
signed