

I HEREBY CERTIFY that the above  
foregoing is a true and correct copy of

Ordinance 1976

as recorded in the Office of the City Clerk.

Witness my hand and official seal this

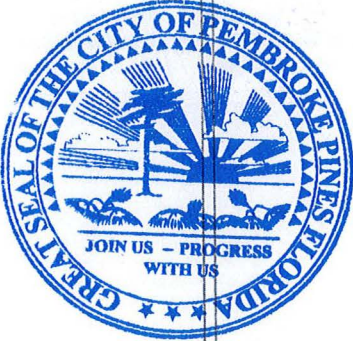
28 day of October A.D. 2021

CITY OF PEMBROKE PINES

By: M. Abraham  
City Clerk

PROPOSED ORDINANCE NO. 2021-20

ORDINANCE NO. 1976



AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ESTABLISHING THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

**SECTION 1. AUTHORITY FOR THIS ORDINANCE.** The City of Pembroke Pines, Florida (the "City") is authorized to adopt this ordinance under the authority granted by the provisions of Chapter 166, Florida Statutes, as amended, and other applicable provisions of law.

**SECTION 2. FINDINGS.** It is hereby found and determined that:

- A. The School Board of Broward County, Florida (the "School Board") owns property located wholly within the boundaries of the City.
- B. The School Board and D.R. Horton, Inc. (the "Developer") entered into a purchase and sale agreement for the subject property.
- C. On or about August 30, 2021, the Developer submitted to the City a petition (the "Petition") seeking the establishment of a community development district for the Property to be known as the "Merrick Square Community Development District" (the "District").

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D. The City has conducted a public hearing on the Petition in accordance with the requirements of Section 190.005(1)(d) of the Florida Statutes and has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the Florida Statutes, among other factors, and hereby finds that:

1. All statements in the Petition have been found to be true and correct;
2. The creation of the District is not inconsistent with any applicable elements or portion of the State of Florida's comprehensive plan or of the effective City comprehensive plan;
3. 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;
4. The establishment and operation of the proposed District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; and
5. The community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. The Property to comprise the District is amenable to separate special-purpose government.

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E. The City now desires to grant the Petition and to establish the District, as more fully set forth herein.

**SECTION 3. ESTABLISHMENT OF DISTRICT; NAME.** The City hereby grants the Petition and establishes the District as a community development district within the meaning of Chapter 190, Florida Statutes and as an independent special district within the meaning of Chapter 189, Florida Statutes. The name of the District shall be the "Merrick Square Community Development District."

**SECTION 4. EXTERNAL BOUNDARIES.** The external boundaries of the District shall be as set forth on **Exhibit "A"**, which is attached hereto and incorporated herein by reference.

**SECTION 5. INITIAL MEMBERS OF BOARD OF SUPERVISORS.** The five (5) persons to be the initial members of the Board of Supervisors of the District, each of whom is designated in the Petition, are as follows:

Karl Albertson

Javi Tavel

Vindra Hanuman

Ryan Kaufman

Jordan Bayne

**SECTION 6. CONSENT TO EXERCISE OF SPECIAL POWERS.**

Pursuant to section 190.012(1), Florida Statutes, the City hereby consents to the exercise by the District of the powers set forth in subsections (a), (b), (c), (d), (f),

**PROPOSED ORDINANCE NO. 2021-20**

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and (h) of section 190.012(1), Florida Statutes, which authorize the District to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for the following:

- (a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.
- (b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.
- (c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.
- (d) Roads and improvements to existing public roads that are owned by or conveyed to the local general-purpose government, the state, or the Federal Government.
- (f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or person property.
- (h) Any other project, facility, or service required by development approval, interlocal agreement, zoning condition, or permit issued by the City.

**Section 7.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent

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of such conflict.

**Section 8.** If any clause, section or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and so not effecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 9.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS 13TH DAY OF SEPTEMBER, 2021.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS 20TH DAY OF OCTOBER, 2021.**



CITY OF PEMBROKE PINES, FLORIDA

By:

MAYOR FRANK C. ORTIS

WITNESSETH:

10/26/2021  
MARLENE GRAHAM, CITY CLERK

ORTIS AYE

GOOD AYE

CASTILLO AYE

SCHWARTZ AYE

SIPLE AYE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



# City of Pembroke Pines, FL

601 City Center Way  
Pembroke Pines, FL  
33025  
www.ppines.com

## Agenda Request Form

**Agenda Number: 15.**

**File ID:** 2021-20

**Type:** Ordinance

**Status:** Passed

**Version:** 3

**Agenda  
Section:**

**In Control:** City Commission

**File Created:** 09/02/2021

**Short Title:** Proposed Ordinance 2021-20: Petition to Establish  
Merrick Square CDD

**Final Action:** 10/20/2021

**Title:** MOTION TO ADOPT PROPOSED ORDINANCE NO. 2021-20 ON SECOND  
AND FINAL READING

PROPOSED ORDINANCE 2021-20 IS AN ORDINANCE OF THE CITY OF  
PEMBROKE PINES, FLORIDA ESTABLISHING THE MERRICK SQUARE  
COMMUNITY DEVELOPMENT DISTRICT; MAKING CERTAIN FINDINGS  
REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL  
BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS  
DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF  
SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**\*Agenda Date:** 10/20/2021

**Enactment Date:** 10/20/2021

**Agenda Number:** 15.

**Enactment Number:** 1976

### Internal Notes:

**Attachments:** 1. Proposed Ordinance No. 2021-20 (Merrick Square CDD), 2. Petition to Establish - Merrick  
Square CDD.(Final) 9.2.21, 3. CDD Addendum for Merrick Square

### Indexes:

- |   |                     |  |                                      |      |
|---|---------------------|--|--------------------------------------|------|
| 1 | City Commission     | 09/13/2021   | pass on First<br>Reading             | Pass |
|   | <b>Action Text:</b> | A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass<br>Proposed Ordinance 2021-20 on First Reading establishing the Merrick Square Community<br>Development District. Second and final reading is tentatively scheduled for October 20, 2021. The<br>motion carried by the following vote:<br>Aye: - 5 Mayor Ortis, Vice Mayor Good Jr., Commissioner Castillo,<br>Commissioner Siple, and Commissioner Schwartz<br>Nay: - 0 |                                      |      |
| 3 | City Commission     | 10/20/2021   | adopt on Second<br>and Final Reading | Pass |
|   | <b>Action Text:</b> | A motion was made by Commissioner Castillo, seconded by Vice Mayor Good Jr., to adopt Proposed<br>Ordinance 2021-20 on Second and Final Reading. The motion carried by the following vote:   |                                      |      |

Aye: - 5 Mayor Ortis, Vice Mayor Good Jr., Commissioner Castillo,  
Commissioner Siple, and Commissioner Schwartz  
Nay: - 0

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**SUMMARY EXPLANATION AND BACKGROUND:**

1. D.R. Horton Inc (Petitioner), is requesting City Commission approval to establish the Merrick Square Community Development District (CDD) for the 211 unit townhouse development generally located south of Pines Boulevard, east of SW 172nd Avenue and west of I-75 containing approximately 23.5 acres consistent with Chapter 190, Florida Statutes.
2. The Petitioner has submitted the request (attachment 2) for the Merrick Square residential project approved by the City Commission on May 5, 2021.
3. The Petitioner's request states that the CDD will fund the following improvements: (a) storm water management system, (b) water distribution system, (c) sanitary sewer system, (d) road way improvements (off-site) and (e) wetlands mitigation.
4. The CDD will also establish the initial five (5) member Board of Supervisors.
5. There will be no loss of revenue or expenses incurred by the City as a result of establishing the CDD.
6. Three CDDs have been previously approved by the City Commission: (1) Walnut Creek (2) Cobblestone (AKA- Meadow Pines) and (3) Pembroke Cay (AKA Pembroke Harbor).
7. The City Commission passed Proposed Ordinance No. 2021-20 on first reading at the September 13, 2021 City Commission meeting.
8. Motion to adopt Proposed Ordinance No. 2021-20 on second and final reading establishing the Merrick Square Community Development District (CDD).

**FINANCIAL IMPACT DETAIL:**

- a) **Initial Cost:** None
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable

SUN-SENTINEL

**Sold To:**

City of Pembroke Pines- City Clerk's Office - CU00104390  
601 City Center Way, 4th Floor  
Pembroke Pines,FL 33025

**Bill To:**

City of Pembroke Pines- City Clerk's Office - CU00104390  
601 City Center Way, 4th Floor  
Pembroke Pines,FL 33025

**Published Daily**

**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Illinois**

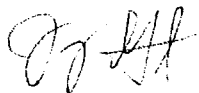
**County Of Cook**

Before the undersigned authority personally appeared

Jeremy Gates, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL, a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting ,  
Was published in said newspaper in the issues of; Oct 10, 2021

Affiant further says that the said SUN-SENTINEL is a newspaper published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, and that the said newspaper has heretofore been continuously published in said BROWARD/PALM BEACH/MIAMI-DADE County, Florida, each day and has been entered as second class matter at the post office in BROWARD County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she 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.



\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this: October 14, 2021.



\_\_\_\_\_  
Signature of Notary Public



\_\_\_\_\_  
Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** U.S. Mail

**Affidavit Email Address:**

7059198



SUN-SENTINEL

**CITY OF PEMBROKE PINES  
NOTICE OF ENACTMENT OF  
ORDINANCE**

Notice is hereby given that the City Commission of the City of Pembroke Pines, Florida, will consider Proposed Ordinance 2021-20 on second and final reading at 6:30 PM on Wednesday, October 20, 2021, at the Regular Commission Meeting of the City Commission Chambers, Pembroke Pines City Center, 601 City Center Way, Pembroke Pines, Florida 33025.

PROPOSED ORDINANCE 2021-20 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA ESTABLISHING THE MERRICK SQUARE COMMUNITY DEVELOPMENT DISTRICT; MAKING CERTAIN FINDINGS REGARDING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING FIVE PERSONS DESIGNATED TO BE THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Marlene D. Graham, CMC  
City Clerk

Any person who decides to appeal any decision of the Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which the appeal is to be based.

COVID-19 Health Alerts and CDC Guidelines on social distancing and the wearing of masks are still in effect due to the pandemic. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk, 954-450-1050 at least 48 hours in advance to request such accommodation.  
**10/10/2021 7059198**

Order # - 7059198

**Exhibit "A" to Affidavit**  
**Legal Description of Property**

A PORTION OF PARCEL A-1 AND PARCEL D OF "PEMBROKE SHORES", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 157, PAGE 22, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND TRACT 45, LESS THE WEST 1/2 THEREOF, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", IN SECTION 17, TOWNSHIP 51 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID PARCEL D, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF PINES BOULEVARD (HOLLYWOOD BOULEVARD); THENCE NORTH 89°39'59" EAST ON SAID SOUTH RIGHT-OF-WAY LINE ALSO BEING THE NORTH LINE OF SAID PARCEL D AND CONTINUING ON THE NORTH LINE OF SAID PARCEL A-1 FOR 750.01 FEET TO A POINT ON THE EAST LINE OF THE WEST 11.30 FEET OF SAID PARCEL A-1; THENCE SOUTH 00°20'02" EAST ON SAID EAST LINE 839.58 FEET TO A POINT ON THE NORTH LINE OF TRACT A-2, "PEMBROKE SHORES PARCEL 2 & 10", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 159, PAGE 31, OF SAID PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 89°39'26" WEST ON SAID NORTH LINE 11.30 FEET TO THE NORTHWEST CORNER OF SAID TRACT A-2; THENCE SOUTH 00°20'02" EAST ON THE WEST LINE OF SAID TRACT A-2 FOR 50.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT A-2, SAID POINT BEING ON THE NORTH LINE OF SAID TRACT 45, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; THENCE NORTH 89°39'26" EAST ON SAID NORTH LINE OF SAID TRACT 45 ALSO BEING THE SOUTH LINE OF SAID TRACT A-2 FOR 493.82 FEET TO THE NORTHEAST CORNER OF SAID TRACT 45; THENCE SOUTH 01°47'09" EAST ON THE WEST LINE OF TRACT D-1 OF SAID "PEMBROKE SHORES PARCEL 2 & 10" AND CONTINUING ON THE WEST LINE OF "PEMBROKE SHORES PARCEL 2 REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 161, PAGE 45, SAID LINE ALSO BEING THE EAST LINE OF SAID TRACT 45 FOR 329.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 45; THENCE SOUTH 89°39'15" WEST ON THE SOUTH LINE OF SAID TRACT 45 FOR 658.89 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID TRACT 45; THENCE NORTH 01°47'17" WEST ON SAID EAST LINE, ALSO BEING THE EAST LINE OF AFOREMENTIONED PARCEL D, "PEMBROKE SHORES" 177.85 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 177.79 FEET OF SAID PARCEL D; THENCE SOUTH 89°39'15" WEST ON SAID NORTH LINE 643.91 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SW 172ND AVENUE AS SHOWN ON SAID PLAT OF "PEMBROKE SHORES"; THENCE ON SAID EAST RIGHT-OF-WAY LINE, ALSO BEING THE WEST LINE OF SAID PARCEL D, THE FOLLOWING 10 COURSES AND DISTANCES; 1) NORTH 01°47'25" WEST 19.55 FEET; 2) NORTH 05°03'09" EAST 100.72 FEET; 3) NORTH 01°47'25" WEST 129.84 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°11'31" WEST; 4) NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2254.50 FEET, A CENTRAL ANGLE OF 4°45'34", FOR AN ARC LENGTH OF 187.28 FEET; 5) SOUTH 89°39'58" WEST ON A NON-RADIAL LINE 12.02 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE EASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 87°01'21" WEST; 6) NORTHERLY ON THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2266.50 FEET, A CENTRAL ANGLE OF 2°39'33", FOR AN ARC LENGTH OF 105.19 FEET TO A POINT OF NON-TANGENCY; 7) NORTH 07°40'09" EAST 202.76 FEET TO A POINT ON THE ARC OF A NON-TANGENT CIRCULAR CURVE, CONCAVE WESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 88°07'28" EAST; 8) NORTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2345.50 FEET, A CENTRAL ANGLE OF 3°39'51", FOR AN ARC LENGTH OF 150.00 FEET TO A POINT OF TANGENCY; 9) NORTH 01°47'19" WEST 113.56 FEET; 10) NORTH 43°56'17" EAST 50.12 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF PEMBROKE PINES, BROWARD COUNTY, FLORIDA  
CONTAINING 1,023,703 SQUARE FEET (23.5010 ACRES).