

ORDINANCE NO. 04-062

AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA, ESTABLISHING THE HIGH RIDGE/ QUANTUM COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE BOUNDARIES OF THAT DISTRICT; APPOINTING THE INITIAL BOARD OF SUPERVISORS; PROVIDING FOR POWERS OF THE BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, on May 17, 2004, Westbrook Homes submitted a petition to the City for the creation of a community development district for High Ridge/Quantum Community Development District ("High Ridge"), in accordance with Section 190.055(2) (a), Florida Statutes; and

WHEREAS, the petition which is attached hereto as Exhibit "A" and made a part hereof contains the information required in Section 190.005(10)(a), Florida Statutes; and

WHEREAS, a public hearing on the petition was conducted by the City Commission on August 3, 2004, at City Hall in accordance with the requirements of Sections 190.005(2)(b) and 190.005 (1) (d), Florida Statutes; and

WHEREAS, the City Commission has reviewed the six (6) factors set forth in Section 190.005(1)(e) and the record of the public hearing held on August 3, 2004, in making its determination as to whether to grant or deny the establishment of the High Ridge/Community Development District; and

WHEREAS, the City Commission has determined that:

1. That all statements contained within the Petition have been found to be true and correct.

1 2. That the creation of the District is not inconsistent with any applicable
2 element or portion of the State Comprehensive Plan or of the effective local government
3 comprehensive plan.

4 3. That the land within the proposed District is of sufficient size, sufficiently
5 compact and sufficiently contiguous to be developable as one functional interrelated
6 community.

7 4. That the creation of the District is the best alternative available for
8 delivering the community development services and facilities to the High Ridge/Quantum
9 Corporate Park.

10 5. That the proposed services and facilities to be provided by the District are
11 not incompatible with the capacity and uses of existing local and regional community
12 services and facilities.

13 6. That the area identified in the Petition is amenable to be included in the
14 proposed District; and

15 **WHEREAS**, the City Commission has determined that the creation of the High
16 Ridge Quantum/Community Development District would be consistent with the criteria
17 for community development districts as set forth in the Uniform Community
18 Development District Act of 1980;

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
20 **OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

21 Section 1. Each Whereas clause set forth above is true and correct and herein
22 incorporated by this reference.

1 Section 2. In accordance with the provisions of Chapter 190, Florida Statutes,
2 the City Commission of the City of Boynton Beach, Florida hereby establishes a
3 community development district as follows:

4 CREATION AND NAME: There is hereby created a Community Development
5 District to be known as HIGH RIDGE/COMMUNITY DEVELOPMENT DISTRICT.

6 LEGAL DESCRIPTION: The legal description for the Community Development
7 District is attached hereto as Exhibit "A" and incorporated herein by reference. In
8 addition, a map depicting the land area to be serviced by the District is attached as Exhibit
9 "B" and incorporated herein by reference.

10 BOARD OF SUPERVISORS: The initial Board of Supervisors are as follows.
11 Their terms, powers and duties are as described in Chapter 190, Florida Statutes:

- 12 (a) Harold Eisneacher
- 13 (b) David Webber
- 14 (c) Russell Barnes
- 15 (d) Michael DeBock
- 16 (e) Claudia Feldman

17 Section 3. The Board of Supervisors shall have only such powers as set forth
18 in Florida Statutes 190.011 and 190.012.

19 Section 4. That any individuals who purchase property in the District should
20 be advised of the existence of the District, as well as the costs associated with owning
21 property within the District.

22 Section 5. That all ordinances or parts of ordinances in conflict herewith be
23 and the same are hereby repealed.

1 Section 6. Should any section or provision of this ordinance or portion hereof,
2 any paragraph, sentence, or word be declared by a court of competent jurisdiction to be
3 invalid, such decision shall not affect the remainder of this ordinance.

4 Section 7. Authority is hereby granted to codify said ordinance.

5 Section 8. This ordinance shall become effective immediately upon passage.

6 FIRST READING this 3 day of August, 2004.

7 SECOND READING and FINAL PASSAGE this 17 day of
8 August, 2004.

CITY OF BOYNTON BEACH, FLORIDA

James Taylor
Mayor

Kevin C. Ferguson
Vice Mayor

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

ATTEST:

Janet M. Prainito
City Clerk



Exhibit A

LEGAL DESCRIPTION

BEING LOT 88 AND A PORTION OF LOTS 83, 84, 86 AND 87, QUANTUM PARK AT BOYNTON BEACH, P.I.D. PLAT NO. 8, PLAT BOOK 57, PAGES 196 AND 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 88, RUN THENCE SOUTH 89°12'27" WEST ALONG THE NORTH LINE OF SAID LOT 88, A DISTANCE OF 364.01 FEET; THENCE SOUTH 00°31'11" WEST ALONG THE WEST LINE OF SAID LOT 88, A DISTANCE OF 388.48 FEET; THENCE SOUTH 12°02'41" WEST ALONG THE SAID WEST LINE OF LOT 88 AND ALONG THE WEST LINE OF SAID LOT 87 AND ALONG THE WEST LINE OF SAID LOT 83, A DISTANCE OF 415.97 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 735.81 FEET; THENCE NORTH 73°35'59" EAST, A DISTANCE OF 313.44 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HIGH RIDGE ROAD AS SAME IS SHOWN ON SAID PLAT NO. 8, SAID WESTERLY RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 486.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 62°11'30" WEST; THENCE NORTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°26'13", A DISTANCE OF 304.48 FEET TO THE POINT OF TANGENCY; THENCE NORTH 65°14'43" WEST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 550.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 64°34'56", A DISTANCE OF 619.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.612 ACRES, MORE OR LESS.

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS

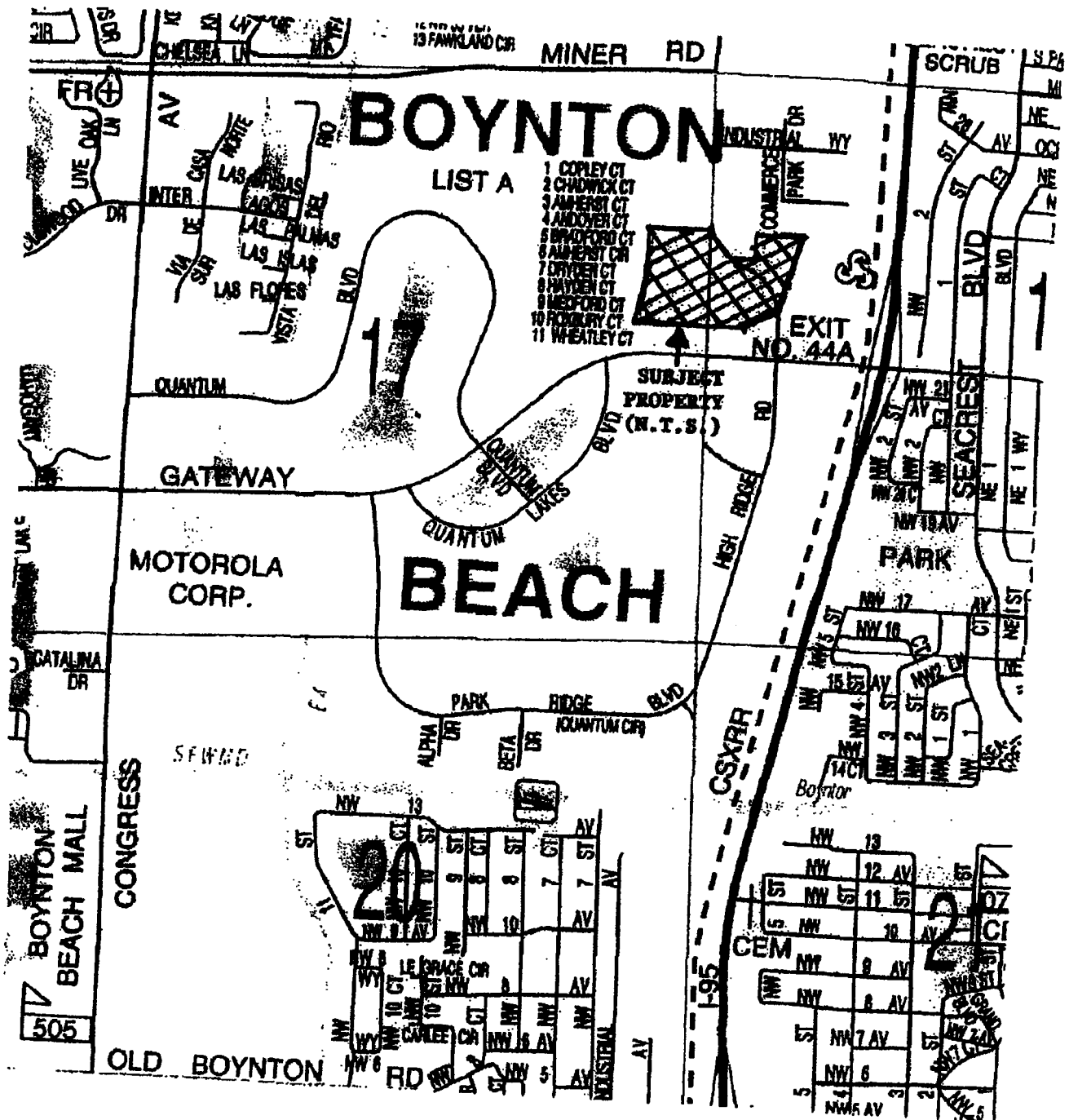
LOT 89-B, QUANTUM PARK AT BOYNTON BEACH, P.I.D., PLAT NO. 8, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGES 196 THROUGH 197, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL:

FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 89-A; THENCE SOUTH 88°24'22" EAST ALONG THE NORTH LINE OF SAID LOT 89-B 43.08 FEET; THENCE SOUTH 01°35'38" WEST 241.17 FEET; THENCE NORTH 88°24'22" WEST 285.43 FEET TO A POINT COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD, AS RECORDED IN THE PLAT OF QUANTUM PARK AT BOYNTON BEACH P.I.D., PLAT NO. 8, IN PLAT BOOK 57, PAGES 196 AND 197, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 45.45 FEET, DELTA ANGLE OF 05°47'14" RADIUS OF 450.00 FEET, CHORD DISTANCE OF 45.43 FEET AND CHORD BEARING OF NORTH 30°55'46" WEST TO THE SOUTHWEST CORNER OF LOT 89-A; THENCE NORTH 66°36'00" EAST 272.28 FEET TO THE SOUTHEAST CORNER OF LOT 89-A; THENCE NORTH 01°35'38" EAST 87.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.998 ACRES, MORE OR LESS.

Location Map





PETITION BY

WESTBROOKE HOMES

FOR THE PASSING OF

AN
ORDINANCE

TO ESTABLISH THE

**HIGH RIDGE/QUANTUM
COMMUNITY DEVELOPMENT DISTRICT**

IN THE

CITY OF BOYNTON BEACH
PALM BEACH COUNTY, FLORIDA

MAY 17, 2004



HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT

CONTENTS

A.	PETITION FOR ORDINANCE	4 pages
Exhibit 1	General Location of Project	
Exhibit 2	Metes and Bounds Legal Description	
Exhibit 3	Affidavit of Ownership and Consent to the Creation of CDD	
Exhibit 4A	Estimated Infrastructure Construction Time Table	
Exhibit 4B	Construction Costs Estimates	
Exhibit 5	Public & Private Use Map	
Exhibit 6	Statement of Estimated Regulatory Costs	8 pages
	Appendix A	

BEFORE THE CITY COMMISSION OF
THE CITY OF BOYNTON BEACH, FLORIDA

IN RE: AN ORDINANCE TO ESTABLISH)
 THE HIGH RIDGE/QUANTUM)
 COMMUNITY DEVELOPMENT DISTRICT)

PETITION

WESTBROOKE HOMES, A Florida general partnership (the "Petitioner"), hereby petitions the City Commission of the City of Boynton Beach, Florida, pursuant to the "Uniform Community Development District Act of 1980", Chapter 190, Florida Statutes, as amended and supplemented (herein, the "Act). Specifically this Petition is made pursuant to Section 190.005(2) of the Act, to establish a community development district with respect to the lands described herein. In support of the Petition, Petitioner states:

1. The proposed District (as defined below) is located in the incorporated area of the City of Boynton Beach, Florida. Exhibit 1 depicts the general location of the proposed District. The proposed District covers approximately 15+/- acres of land. The real property within the boundary of the proposed District is a parcel of land located North of Gateway Boulevard of which approximately 11.61 acres lie on the West side of High Ridge Road and approximately 3.99 acres lie on the East side of High Ridge Road. The metes and bounds description of the external boundaries of the District is set forth on Exhibit 2.

2. Attached to this Petition as Exhibit 3 and made a part hereof is the written consent to the establishment of the District of the owner of the 100% real property to be included in the District.

3. The five (5) persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name

Harold Eisenacher
David Webber
Russell Barnes
Michael DeBock
Claudia Feldman

4. The proposed name of the District to be established is the High Ridge/Quantum Community Development District ("the District").

5. There are not existing major trunk water mains, sewer interceptors and outfalls.

6. The proposed timetable for the construction of the District services is shown on Exhibit 4, as well as the estimated cost of constructing the services. This is a good faith estimate, but is not binding on the Petitioner and the District and is subject to change.

7. The future general distribution, location and extent of public and private uses within the District are limited to residential sites and open space. The proposed uses are consistent with the future land use plan element of the Comprehensive Plan of the City of Boynton Beach, Florida (the "City"). The future land use map is shown on Exhibit 5. The land within the proposed District is zoned for mixed use. It is further anticipated that the subject lands will be permitted to be developed for approximately 155 townhomes ranging in approximate square footage of 1,492 to 1,936 with prices ranging from \$170,000 to \$215,000. The Petitioner intends that the District will finance (i) surface water management and control systems, (ii) water distribution and wastewater collection and transmission facilities and (iii) related incidental costs which may include the acquisition of real property (collectively, the "Public Infrastructure"). Upon completion by the Petitioner of the water distribution and wastewater collection and transmission facilities and acquisition by the District, such facilities will be dedicated to the City to be connected to the City's existing water and wastewater lines.

8. Exhibit 6 is a statement of Estimated Regulatory Costs prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. Petitioner hereby requests that the proposed District be granted the right to exercise all powers provided for in Section 190.012(1), Florida Statutes and the additional powers listed in Section 190.012(2)(a) and (d).

10. The Petitioner is Westbrooke Homes, a Florida general partnership. The Petitioner is acting on behalf of itself as a landowner, which owns 100% of the real property to be included in the proposed District. Petitioner will develop the land within the District, including the construction of the Public Infrastructure, which will be acquired by the District. It is contemplated that the vertical improvements on the developed lots will be constructed by the Petitioner and other builders. Copies of all correspondence and official notices should also be sent to: Stephen D. Sanford, Esq., c/o Greenberg Traurig, P.A., 777 South Flagler Drive, Suite 300 East, West Palm Beach, Florida 33401; (561) 650-7945.

11. The property within the proposed District is amendable to operating as an independent special district for the following reasons:

(a) Establishment of the District and all land uses and services planned within the proposed District are consistent with applicable elements or portions of the effective City's Comprehensive Land Use Plan, as amended.

(b) The area of land within the proposed District is of sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community.

(c) The community development services of the District will be compatible with the capacity and use of existing local and regional community development services and facilities.

(d) The proposed District will be the best alternative available for delivering community development services to the area to be served because (i) the District provides a governmental entity for delivering those services and facilities in a manner that does not financially impact persons residing outside the District, (ii) the Act authorizes a community development district to acquire infrastructure improvements previously constructed by the Petitioner or allows for a community development district to, in the first instance, construct such infrastructure improvements, (iii) the timing for the creation of the proposed District and the issuance of special assessment bonds is compatible with the timing for the construction and acquisition of such infrastructure improvements which will result in direct benefit to the landowners and their assigns within the District, (iv) establishment of a community development district in conjunction with a comprehensive planned community, as proposed, allows for a more efficient use of resources as well as providing the opportunity for new growth to pay for itself, and (v) establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of many of the District services and facilities.

12. The Petitioner undertakes on behalf of the District that the District will provide full disclosure of information relating to the public financing and maintenance of improvements to real property to be undertaken by the District as required by Section 190.009 and Section 190.048, Florida Statutes of the Act, as amended.

[Remainder of page intentionally left blank]

WHEREFORE, Petitioner respectfully requests the City Commission of Boynton Beach, Florida to:


Hold a public hearing as required by Section 190.005(1)(d), Florida Statutes to consider the establishment of the High Ridge/Quantum Community Development District; and

Enact an ordinance pursuant to Chapter 190, Florida Statutes, granting this Petition and establishing the High Ridge/Quantum Community Development District.

Respectfully submitted this 17th day of May 2004.

WESTBROOKE HOMES, a Florida
general partnership, as Petitioner

By: WESTBROOKE COMPANIES, INC., a
Delaware corporation and general partner

By: 
Name: David Webber
Title: Vice President

HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT

EXHIBITS

- | | |
|------------------|---|
| Exhibit 1 | Location Map |
| Exhibit 2 | Legal Description |
| Exhibit 3 | Consent and Proof of Ownership or Control |
| Exhibit 4 | Construction Timetable and Good Faith Cost Estimate |
| Exhibit 5 | Future Land Use Map from the City of Boynton Beach, Florida
Comprehensive Plan depicting the location of the proposed District |
| Exhibit 6 | Statement of Estimated Regulatory Costs |

Location Map

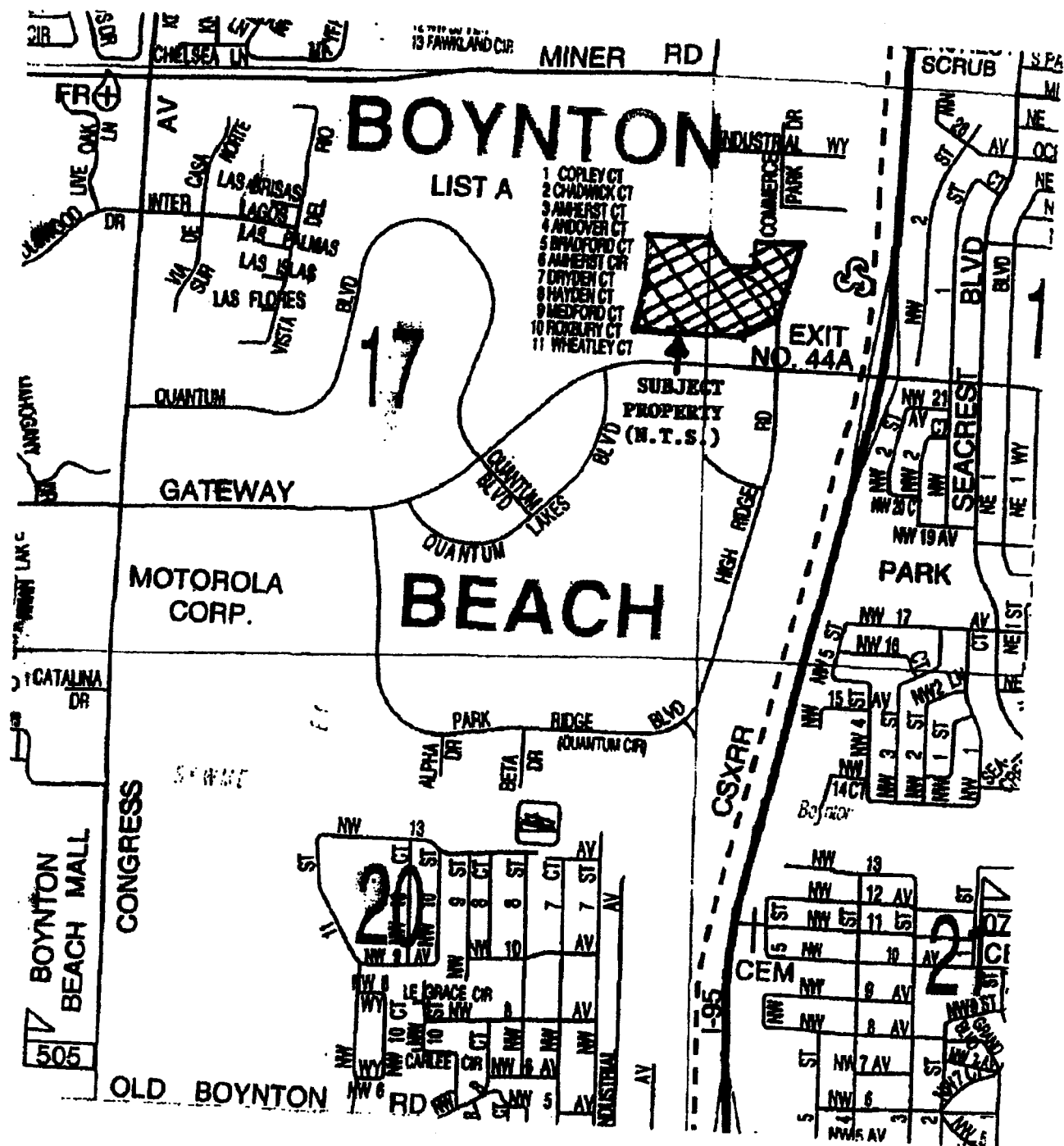


Exhibit 2

LEGAL DESCRIPTION

BEING LOT 88 AND A PORTION OF LOTS 83, 84, 86 AND 87, QUANTUM PARK AT BOYNTON BEACH, P.I.D. PLAT NO. 8, PLAT BOOK 57, PAGES 196 AND 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 88, RUN THENCE SOUTH 89°12'27" WEST ALONG THE NORTH LINE OF SAID LOT 88, A DISTANCE OF 364.01 FEET; THENCE SOUTH 00°31'11" WEST ALONG THE WEST LINE OF SAID LOT 88, A DISTANCE OF 396.48 FEET; THENCE SOUTH 12°02'41" WEST ALONG THE SAID WEST LINE OF LOT 88 AND ALONG THE WEST LINE OF SAID LOT 87 AND ALONG THE WEST LINE OF SAID LOT 83, A DISTANCE OF 415.97 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 735.81 FEET; THENCE NORTH 73°35'59" EAST, A DISTANCE OF 313.44 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HIGH RIDGE ROAD AS SAME IS SHOWN ON SAID PLAT NO. 8, SAID WESTERLY RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 466.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 62°11'30" WEST; THENCE NORTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°26'13", A DISTANCE OF 304.48 FEET TO THE POINT OF TANGENCY; THENCE NORTH 65°14'43" WEST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 550.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 64°34'56", A DISTANCE OF 619.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.612 ACRES, MORE OR LESS.

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS

LOT 89-B, QUANTUM PARK AT BOYNTON BEACH, P.I.D., PLAT NO. 8, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGES 196 THROUGH 197, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL:

FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 89-A; THENCE SOUTH 88°24'22" EAST ALONG THE NORTH LINE OF SAID LOT 89-B 43.08 FEET; THENCE SOUTH 01°35'38" WEST 241.17 FEET; THENCE NORTH 88°24'22" WEST 265.43 FEET TO A POINT COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD, AS RECORDED IN THE PLAT OF QUANTUM PARK AT BOYNTON BEACH P.I.D., PLAT NO. 8, IN PLAT BOOK 57, PAGES 196 AND 197, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 45.45 FEET, DELTA ANGLE OF 05°47'14" RADIUS OF 450.00 FEET, CHORD DISTANCE OF 45.43 FEET AND CHORD BEARING OF NORTH 30°55'46" WEST TO THE SOUTHWEST CORNER OF LOT 89-A; THENCE NORTH 66°36'00" EAST 272.28 FEET TO THE SOUTHEAST CORNER OF LOT 89-A; THENCE NORTH 01°35'38" EAST 87.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.996 ACRES, MORE OR LESS.

EXHIBIT 3

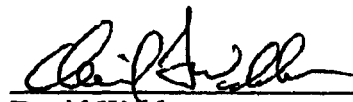
**AFFIDAVIT OF OWNERSHIP AND CONSENT
TO THE CREATION OF THE
HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT**

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

On this 17 day of May 2004, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, David Webber who, after being duly sworn, deposes and says:


1. Affiant, David Webber, an individual, is a Vice President of, Westbrooke Companies, Inc., a Delaware corporation (the "Company").
2. The Company is the general partner of Westbrooke Homes, a Florida general partnership (herein, the "General Partnership").
3. The General Partnership is the owner of the following described property, to wit:
 See Exhibit "A" attached hereto (the "Property")
4. Affiant, David Webber, hereby represents that he has full authority to execute all documents and instruments on behalf of the General Partnership, including the Petition before the City Commission of the City of Boynton Beach, Florida, to enact an ordinance to establish the High Ridge/Quantum Community Development District (the "Proposed CDD").
5. The property represents all of the real property to be included in the Proposed CDD.
6. Affiant, David Webber on behalf of the General Partnership, as the sole owner of the property in the capacity described above, hereby consents to the establishment of the proposed CDD.

FURTHER, AFFIANT SAYETH NOT.



David Webber

Subscribed and sworn to before me this 17th day of May, 2004, by
David Webber, who personally
appeared before me, and is personally known.

Notary: 
Print Name: FRANCES J. WARE
Notary Public, State of Florida

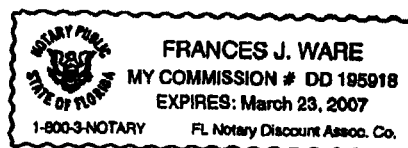


Exhibit A

LEGAL DESCRIPTION

BEING LOT 88 AND A PORTION OF LOTS 83, 84, 88 AND 87, QUANTUM PARK AT BOYNTON BEACH, P.I.D. PLAT NO. 8, PLAT BOOK 57, PAGES 196 AND 197, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 88, RUN THENCE SOUTH 89~12'27" WEST ALONG THE NORTH LINE OF SAID LOT 88, A DISTANCE OF 384.01 FEET; THENCE SOUTH 00~31'11" WEST ALONG THE WEST LINE OF SAID LOT 88, A DISTANCE OF 398.48 FEET; THENCE SOUTH 12~02'41" WEST ALONG THE SAID WEST LINE OF LOT 88 AND ALONG THE WEST LINE OF SAID LOT 87 AND ALONG THE WEST LINE OF SAID LOT 83, A DISTANCE OF 415.97 FEET; THENCE NORTH 90~00'00" EAST, A DISTANCE OF 735.81 FEET; THENCE NORTH 73~35'59" EAST, A DISTANCE OF 313.44 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF HIGH RIDGE ROAD AS SAME IS SHOWN ON SAID PLAT NO. 8, SAID WESTERLY RIGHT OF WAY LINE ALSO BEING A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 466.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 62~11'30" WEST; THENCE NORTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37~26'13", A DISTANCE OF 304.48 FEET TO THE POINT OF TANGENCY; THENCE NORTH 65~14'43" WEST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 50.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 550.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 84~34'56", A DISTANCE OF 619.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.612 ACRES, MORE OR LESS.

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS

LOT 89-B, QUANTUM PARK AT BOYNTON BEACH, P.I.D., PLAT NO. 8, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGES 196 THROUGH 197, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL:

FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 89-A; THENCE SOUTH 88~24'22" EAST ALONG THE NORTH LINE OF SAID LOT 89-B 43.08 FEET; THENCE SOUTH 01~35'38" WEST 241.17 FEET; THENCE NORTH 88~24'22" WEST 265.43 FEET TO A POINT COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD, AS RECORDED IN THE PLAT OF QUANTUM PARK AT BOYNTON BEACH P.I.D., PLAT NO. 8, IN PLAT BOOK 57, PAGES 196 AND 197, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT WITH AN ARC DISTANCE OF 45.45 FEET, DELTA ANGLE OF 05~47'14" RADIUS OF 450.00 FEET, CHORD DISTANCE OF 45.43 FEET AND CHORD BEARING OF NORTH 30~55'46" WEST TO THE SOUTHWEST CORNER OF LOT 89-A; THENCE NORTH 66~36'00" EAST 272.28 FEET TO THE SOUTHEAST CORNER OF LOT 89-A; THENCE NORTH 01~35'38" EAST 87.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.996 ACRES, MORE OR LESS.

EXHIBIT 4-A

HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT

ESTIMATED CONSTRUCTION TIME TABLE

	<u>Start</u>	<u>Finish</u>
Water and Sewer System	August 2004	December 2004
Stormwater Drainage	August 2004	December 2004
Earthwork	June 2004	December 2004

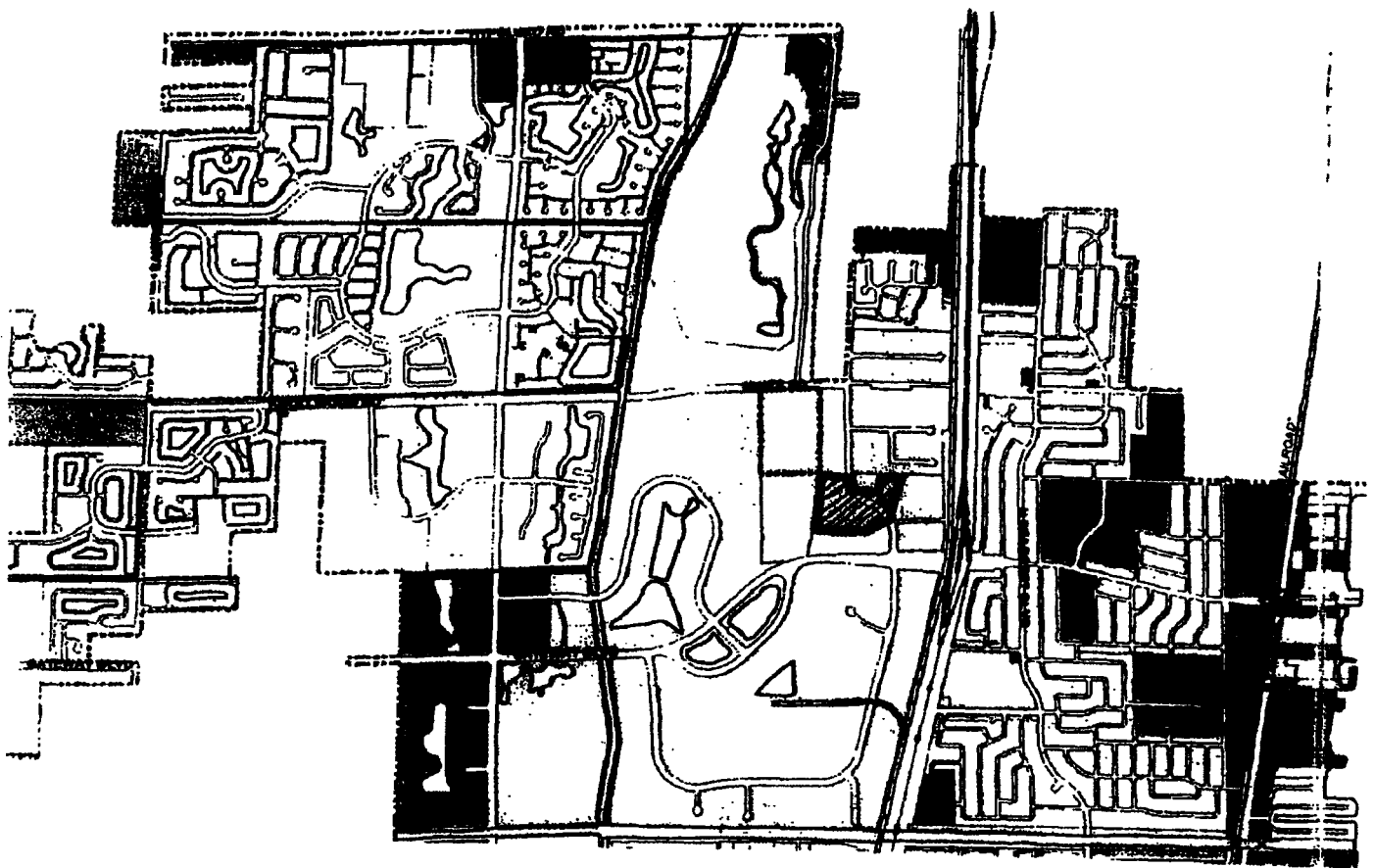
EXHIBIT 4-B

HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT

GOOD FAITH COST ESTIMATE

Water and Sewer System	\$ 584,916
Stormwater Drainage	486,628
Earthwork	142,479
Total	<u>\$1,214,023</u>

Future Land Use Map



Legend

--- CITY BOUNDARY

WATER

LOW DENSITY RESIDENTIAL (LDR) Max. 4.84 D.U./Acre

MODERATE DENSITY RESIDENTIAL (MODR) Max. 7.26 D.U./Acre

MEDIUM DENSITY RESIDENTIAL (MEDR) Max. 9.58 D.U./Acre

HIGH DENSITY RESIDENTIAL (HDR) Max. 10.8 D.U./Acre

OFFICE COMMERCIAL (OC)

LOCAL RETAIL COMMERCIAL (LRC)

GENERAL COMMERCIAL (GC)

INDUSTRIAL (I)

AGRICULTURE (A)

RECREATIONAL (R)

PUBLIC & PRIVATE GOVERNMENTAL/INSTITUTIONAL (PPGI)

MIXED USE (MX)



SUBJECT PROPERTY

HIGH RIDGE/QUANTUM COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF ESTIMATED REGULATORY COSTS

May 17, 2004

Prepared by

Special District Services, Inc.
11000 Prosperity Farms Road, Suite 104
Palm Beach Gardens, Florida 33410

561.630.4922 Phone
561.630.4923 Fax

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the High Ridge/Quantum Community Development District ("District"). The District comprises approximately 15.6 acres of land located in the City of Boynton Beach, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. (governing District establishment) as follows:

"That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of High Ridge/Quantum Community Development District

The District is designed to provide district infrastructure, services, and facilities along with their operations and maintenance to a master planned residential development containing 155 residential town home dwelling units within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S. (1997), defines the elements a statement of estimated regulatory costs must contain:

(a) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(b) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

(c) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the ordinance. As used in this paragraph, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, and the cost of monitoring and reporting.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S. City of Boynton Beach is not defined as a small City for purposes of this requirement.

(e) Any additional information that the agency determines may be useful.

(f) In the statement or revised statement, whichever applies, a description of any good faith written proposal submitted under paragraph (1) (a) and either a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed ordinance.

"Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2) (a), Florida Statutes."

- 2.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.**

The High/Ridge/Quantum Community Development District will serve land that comprises approximately 15.6 acres residential development to be made up of an estimated 155 residential town homes. The estimated population of the residential portion of the District is 375 +/- . The property owners in the District will be individuals and may operate industrial, manufacturing and other retail and non-retail related businesses outside the boundaries of the District.

- 3.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.**

There is no state agency promulgating any rule relating to this project that is anticipated to effect state or local revenues.

- 3.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance**

Because the results of adopting the ordinance is establishment of a local special purpose government, there will be no enforcing responsibilities of any other government entity, but there will be various implementing responsibilities which are identified with their costs herein.

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 1,000 acres, therefore, City of Boynton Beach is the

establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, pursuant to section 189.412, F.S., the District must pay an annual fee to the State of Florida Department of Community Affairs which offsets such costs.

City of Boynton Beach

There will be only modest costs to the City for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the City routinely process similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to City of Boynton Beach, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City.

3.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other unit of local government. In accordance with State law, debts of the District are strictly its own responsibility.

4.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

Table 1 provides an outline of the various facilities and services the proposed District may provide. The utilities and drainage will all be funded by the District. The District may also fund the acquisition of land to be owned and maintained by the District.

Table 1

HIGH RIDGE/QUANTUMCOMMUNITY DEVELOPMENT DISTRICT

Proposed Facilities and Services

FACILITY	FUNDED BY	O&M BY	OWNERSHIP BY
Drainage System	CDD	CDD	CDD
Potable Water Supply System	CDD	City	City
Sanitary Sewer System	CDD	City	City

The petitioner has estimated the costs for providing the capital facilities outlined in Table 1. The cost estimates are shown in Table 2 below. Total costs for those facilities, which may be provided, are estimated to be approximately \$1,214,023. The District may issue special assessment bonds to fund the costs of these facilities. These bonds would be repaid through non ad valorem special assessments levied on all properties in the District that may benefit from the District's infrastructure program as outlined in Table 2.

Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non ad valorem special assessments by various names for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Furthermore, locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed revenue. The District is an alternative means to manage necessary development services with related financing powers. District management is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, provision by the City, or through developer equity and/or bank loans.

In considering these costs it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits.

First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for

itself without undue burden on other consumers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is the sole form of governance which allows District landowners, through landowner voting, to determine the type, quality and expense of District services they receive, provided they meet the City's overall requirements.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high quality infrastructure provided by the District is likely to be fairly low.

Table 2

HIGH RIDGE/QUANTUMCOMMUNITY DEVELOPMENT DISTRICT

Cost Estimate for District Facilities

Category	Cost Estimates
Earthwork	\$ 142,479
Drainage System	\$ 486,628
Potable Water System	\$ 257,100
Sanitary Sewer System	\$ 327,816
Total	\$ 1,214,023

Table 3

HIGH RIDGE/QUANTUMCOMMUNITY DEVELOPMENT DISTRICT

Estimated Construction Timetable For District Facilities

Category	Completion Date
Drainage System	December 2004
Water System	December 2004
Sewer System	December 2004

5.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

There will be no impact on small businesses because of the establishment of the District. The City of Boynton Beach has an estimated population in 2002 that is greater than 10,000; therefore the City is not defined as a "*small*" City according to Section 120.52, F.S, and there will accordingly be no impact on a small City because of the formation of the District.

6.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

APPENDIX A
LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUE CITATION	DUE DATE
Annual Financial Audit	11.45	within 45 days of audit completion, but no later than 12 months after end of fiscal year
Annual Financial Report	218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, by 4/30
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.415	within one year of special district's creation; then annual notice of any changes; and updated report every 5 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.417	quarterly, semiannually, or annually
Bond Report	218.38	when issued
Registered Agent	189.416	within 30 days after first meeting of governing board
Proposed Budget	189.418	prior to end of current fiscal year
Public Depositor Report	280.17	annually by 11/30