

Port Malabar Holiday Park

Mobile Home Park Recreation District

Charter

Establishment of the District

Limited purpose units of local governmental to be known as Mobile Home Park Recreation Districts were created in 1983 by Section 418 Florida Statutes, which along with Section 189 Florida Statutes establishes the authority, responsibilities and the obligations of such Districts. Recreation Districts enable residents to directly own, operate and control the use of surrounding land and recreation facilities, and a number of these special purpose Districts were subsequently established throughout the State.

Residents of what would become "Holiday Park" completed the purchase of the land and facilities from General Development Corporation that year, and subsequently the City of Palm Bay formally created the District, subject to a referendum by the registered electors in the proposed District, by Ordinance Number 83-52, adopted September 1, 1983.

The Ordinance became the District's Charter when a majority of the property owners approved the creation of the District and elected the Members of the first Board of Trustees during an election held November 8, 1983. On May 3, 1990 the City clarified paragraph 6 of Ordinance 83-52 by adopting Ordinance 90-23.

ORDINANCE NO. 83 – 52

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, CREATING AN INDEPENDENT SPECIAL MOBILE HOME PARK RECREATION DISTRICT FOR PORT MALABAR HOLIDAY PARK; PROVIDING FOR THE POWERS AND DUTIES THEREOF BY REFERENCE TO STATE LAW ENACTED BY 1983 LEGISLATURE; PROVIDING FOR REVIEW BY THE CITY ALL ARRANGEMENTS FOR FINANCING BT DISTRICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, THE 1983 Legislature has authorized creating of mobile home park recreation district(s) by municipalities limited to the boundaries of a mobile home park (see Enrolled H.B. 1321, 2d Engrossed, Sections 34-38 and Enrolled C.S. for S.B.2B, 1st Engrossed, Section 3 reflecting amendment to Section 36 of Enrolled H.B.1321) to operate as an independent special district; and

WHEREAS, said district(s) shall be established by ordinance approved by a vote of the electors residing in the proposed district and said ordinance shall constitute the charter of the district, and

WHEREAS, the electors residing in a proposed district may petition the governing body of the municipality to create a mobile home park recreation district; and

WHEREAS, the electors residing in the Port Malabar Holiday Park are desirous of having the City create a mobile home park recreation district for their park; and

WHEREAS, the said electors have duly petitioned the City to pass an Ordinance creating such a district; said Ordinance to constitute the charter for said district; and

WHEREAS, the City finds it desirable to create such a district as approved by a majority of the electors residing in the proposed district in that it will not only serve the public interest by allowing for the creation of an independent special district, which will enable elected trustees to manage and operate the Park for the sole interest of the residents of the District, but also will create no financial obligations to the City over and above that now in effect, nor, will it diminish the tax revenue of the City whatsoever.

WHEREAS, the formation of the district will enable the residents to acquire, by and through the Trustees of the district, ownership and operation of the land and recreation facilities of the park as opposed to utilizing said land and facilities on a rental basis which could

afford cost savings for the residents as well as allow the district to adopt and enforce its own rules for the use of the recreational facilities owned and operated by it.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. That the Port Malabar Holiday Park, Mobile Home Park Recreation District be and is hereby created pursuant to authorization of the 1983 Legislature.

SECTION 2. That this Ordinance shall become the Charter of the District and shall and does hereby grant to the recreation district the specific powers and duties enumerated in Section 36 thereof and this Ordinance does otherwise hereby incorporate by reference the entire law, as amended for time to time, authorizing creation of mobile home recreation districts and the Port Malabar Holiday Park, Mobile Home Recreation District shall be bound thereby in all respects.

SECTION 3. The provisions of this Ordinance are expressly conditioned upon the City Council of the City of Palm Bay having the right to review any and all arrangements for financing, funding, borrowing and issuing bonds that may be contemplated by the district; such right to review shall be for the purpose of allowing the City of Palm Bay to determine that neither the general credit, ad valorem taxing power, nor revenue sources of any kind or nature whatsoever of the City of Palm Bay shall be committed or pledged to any extent whatsoever to pay, repay or guarantee payment of any indebtedness or financial obligation of the district.

SECTION 4. In the event that any section or provisions of this Ordinance or any portion thereof, or any paragraph, sentence or word, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof, as a whole or part thereof, other than the part to be declared invalid.

SECTION 5. Upon passage and adoption by the City Council of the City of Palm Bay, this Ordinance shall become in full force and effect only upon subsequent passage and ratification at a referendum conducted by the Supervisor of the Elections by a majority of the electors residing in the proposed district, to be held on November 8, 1983, and at said election the Trustees of the district shall also be duly elected.

Read in title only at Meeting Number 83-17, held on August 18, 1983, an read in title only at Meeting Number 83-18, held on September 1, 1983.

S/William F. Madden
William F. Madden, MAYOR

ATTEST:
S/Alice Passmore, City Clerk

ORDINANCE NO. 90 – 23

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING ORDINANCE NO. 83-52 WHICH CREATED AN INDEPENDENT SPECIAL MOBILE HOME PARK RECREATION DISTRICT FOR PORT MALABAR HOLIDAY PARK; PROVIDING FOR PERMISSION TO APPLY FOR EXEMPTION FROM AD-VALOREM TAXATION OF ITS COMMON RECREATION AREA; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith: PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Bay, did, pursuant to Ordinance No. 83.-52, grant a Charter to Port Malabar Holiday Park, Mobile Home Park Recreation District, and

WHEREAS, said Charter may be amended by the City Council from time to time pursuant to Florida Statutes, Chapter 418, Section 418,.30, and

WHEREAS, the District has requested an amendment to the sixth "WHEREAS" clause of its Charter in order to be able to prosecute its application for exemption from ad valorem taxation of its common recreational areas, and

WHEREAS, the City Council without commenting on whether or not said application should be granted as that is not a matter within the province of this Council.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The sixth "WHEREAS" clause of Ordinance No. 83-52 be and the same is hereby amended to read in its entirety as follows:

"WHEREAS" the City finds it desirable to create such a district as approved by a majority of the electors residing in the proposed District in that it will not only serve the public interest by allowing for the creation on an independent special district, which will enable elected trustees to manage and operate the Park for the sole interest of the residents of the District, but also will create no financial obligation to the City over and above that now in effect. Nothing stated herein shall be construed to prevent the District from duly applying, without determining

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whether same should be granted for exemption from ad valorem taxation of its common recreational areas so long as said areas are utilized as per Florida Statutes, Chapter 418, Section 418.304 (7)."

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby contained in full force and effect.

SECTION 3. If any section or portion of this Ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its enactment.

Read in title only at Meeting Number 90-12, held on April 19, 1990: and read in title only at Meeting Number 90-14, held on May 3, 1990.

Frank P. Filiberto, MAYOR

Attest:

Alice Passmore, City Clerk

This is to certify that the foregoing is a true and correct copy of the original on file in the office of City Clerk of Palm Bay, Brevard County, Florida.

WITNESS my hand and the official seal of the City of Palm Bay, this 14th day of May, 1990

Faith G Miller

Deputy City Clerk of the City of Palm Bay,
Florida

(The original, signed, Ordinances are on file in the District Office)