

F. 00000

ORDINANCE NO. 2004-1

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE HERITAGE PARK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2003); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

FILED
2004 JAN 12 AM 11:39
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

RECITALS

WHEREAS, Heritage Park of St. Augustine, L.L.C. ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent of the real property to be included in the District, petitioned the St. Johns County Board of Commissioners (the "County") to adopt an ordinance establishing the Heritage Park Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2003); and

WHEREAS, Petitioner is a limited liability corporation, authorized to conduct business in the State of Florida; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on December 16, 2003; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and

facilities to the area served by the District, that the 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, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY

COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY. This ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2003).

SECTION 3. DISTRICT NAME. There is hereby established a Community Development District situated entirely within St. Johns County, Florida, which District shall be known as the "Heritage Park Community Development District".

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall parcel containing 392 acres, more or less. There are no out parcels excluded within the external boundaries.

SECTION 5. FUNCTIONS AND POWERS. The general powers and functions of the District are described in Chapter 190, Florida Statutes. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural and educational uses, as authorized and described in Section 190.012(2)(a), Florida Statutes (2003).

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Robert White, Holly M. Bell, Sara McCoy, Vivian Browning and Bill Brown. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY. If any provision of this ordinance or the application thereof is finally determined by court of competent jurisdiction to be illegal, invalid or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid or unenforceable provision is not material to the logical and intended interpretation of this ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect pursuant to Florida general law.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 10th day of January, 2004

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern
Karen R. Stern, Chairperson

RENDITION DATE 1/8/2004

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: _____

Ordinance Book _____ Page _____



EXHIBIT A

LEGAL DESCRIPTION: PROPOSED FDOT PARCEL

A PARCEL OF LAND LYING IN SECTION 3, 51, & 57, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, RUN THENCE NORTH $83^{\circ}52'24''$ EAST ALONG THE NORTH LINE OF SECTION 51 A DISTANCE OF 253.35 FEET TO THE SOUTHWEST CORNER OF LOT 8 OF WOODLAWN SUBDIVISION AS RECORDED IN MAP BOOK 4, PAGE 20 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 OF SAID COUNTY AS CLAIMED BY GERALD E. AND DIANE MILLS; THENCE SOUTH $00^{\circ}52'20''$ WEST ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 A DISTANCE OF 495.50 FEET TO A $4'' \times 4''$ CONCRETE MONUMENT STAMPED #894; THENCE CONTINUING SOUTH $00^{\circ}52'20''$ WEST ALONG SAID WEST LINE OF SAID LANDS A DISTANCE OF 6.43 FEET TO A VERY OLD $1/2''$ IRON PIPE WITH NO IDENTIFICATION BEING THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 AS CLAIMED BY GERALD E. AND DIANE MILLS; THENCE SOUTH $63^{\circ}43'04''$ EAST A DISTANCE OF 103 FEET MORE OR LESS TO THE RUN OF RED HOUSE BRANCH; THENCE MEANDER THE RUN OF RED HOUSE BRANCH IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 1100 FEET MORE OR LESS TO THE EXTENSION OF THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 137, PAGE 248; THENCE SOUTH $01^{\circ}41'25''$ WEST ALONG SAID WEST LINE A DISTANCE OF 2102 FEET MORE OR LESS TO THE SOUTH LINE OF THE DELESPINE GRANT; THENCE SOUTH $75^{\circ}59'21''$ WEST ALONG SAID SOUTH LINE A DISTANCE OF 578.32 FEET TO THE EAST LINE OF AN EASEMENT AS DESCRIBED IN DEED BOOK 247, PAGE 331; THENCE NORTH $00^{\circ}57'54''$ EAST ALONG SAID EAST LINE A DISTANCE OF 533.38 FEET TO THE NORTHERLY LINE OF AN EASEMENT AS DESCRIBED IN DEED BOOK 249, PAGE 613; THENCE SOUTH $73^{\circ}53'53''$ WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 2800.97 FEET TO THE INTERSECTION OF THE EXTENSION OF THE WEST LINE OF PONCE DE LEON HEIGHTS SUBDIVISION AS RECORDED IN MAP BOOK 3 PAGE 73; THENCE SOUTH $00^{\circ}43'00''$ WEST ALONG SAID WEST LINE A DISTANCE OF 360.68 FEET TO THE CENTER LINE OF OAKLAND AVENUE; THENCE NORTH $89^{\circ}37'43''$ WEST ALONG THE EXTENSION OF THE CENTERLINE OF OAKLAND AVENUE A DISTANCE OF 30.00 FEET TO A BOUNDARY LINE AS AGREED UPON ACCORDING TO OFFICIAL RECORDS BOOK 309 PAGE 63; THENCE NORTH $35^{\circ}41'51''$ WEST ALONG SAID LINE A DISTANCE OF 774.47 FEET TO THE WEST LINE OF SECTION 51; THENCE NORTH $00^{\circ}33'37''$ EAST ALONG SAID LINE A DISTANCE OF 168.89 FEET; THENCE NORTH $51^{\circ}52'08''$ EAST ALONG THE NORTHWESTERLY LINE OF SAID SECTION 51 A DISTANCE OF 1509.70 FEET TO THE SOUTHEASTERLY CORNER OF SECTION 57; THENCE NORTH $89^{\circ}24'38''$ WEST ALONG THE SOUTH LINE OF SECTION 57 A DISTANCE OF 1710.87 FEET; THENCE NORTH $32^{\circ}26'54''$ WEST ALONG THE WESTERLY LINE OF SECTION 57 A DISTANCE OF 697.81 FEET TO THE NORTHEASTERLY CORNER OF SECTION 3; THENCE SOUTH $01^{\circ}20'29''$ WEST ALONG THE EAST LINE OF SAID SECTION 3 A DISTANCE OF 147.05 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH $01^{\circ}20'29''$ WEST, A DISTANCE OF 96.86 FEET TO THE NORTHEASTERLY MAINTAINED RIGHT-OF-WAY OF WOODLAWN AVENUE; THENCE NORTH $32^{\circ}26'31''$ WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, A DISTANCE OF 2,123.07 FEET TO A POINT OF CURVATURE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 235.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $122^{\circ}50'39''$ AN ARC DISTANCE OF 503.85 FEET TO THE POINT OF TANGENCY AND THE SOUTHERLY RIGHT OF WAY LINE OF WOODLAWN ROAD, AS RECORDED IN DEED BOOK 79, PAGE 238 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $28^{\circ}58'48''$ EAST, 412.74 FEET; THENCE SOUTH $89^{\circ}35'52''$ EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 6,076.97 FEET TO THE EAST LINE OF SAID SECTION 51; THENCE SOUTH $04^{\circ}06'00''$ EAST, DEPARTING SAID EAST LINE, A DISTANCE OF 100.35 FEET; THENCE NORTH $89^{\circ}35'52''$ WEST, A DISTANCE OF 882.05 FEET TO A POINT OF CURVATURE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 11,575.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $05^{\circ}09'33''$ AN ARC DISTANCE OF 1,042.28 FEET TO A POINT OF REVERSE CURVATURE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 11,425.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $87^{\circ}01'05''$ WEST, 1,041.93 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $101^{\circ}9'07''$ AN ARC DISTANCE OF 2,057.55 FEET TO A POINT OF REVERSE CURVATURE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 11,575.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $89^{\circ}35'52''$ WEST, 2054.77 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $05^{\circ}09'33''$, AN ARC DISTANCE OF 1,042.28 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $87^{\circ}49'21''$ WEST, 1,041.93 FEET; THENCE NORTH $89^{\circ}35'52''$ WEST, A DISTANCE OF 954.74 FEET; THENCE SOUTH $45^{\circ}24'08''$ WEST, A DISTANCE OF 106.07 FEET; THENCE SOUTH $00^{\circ}24'08''$ WEST, A DISTANCE OF 174.07 FEET TO A POINT OF CURVATURE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 945.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $32^{\circ}53'21''$ AN ARC DISTANCE OF 542.45 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $16^{\circ}02'32''$ EAST, 535.04 FEET; THENCE SOUTH $32^{\circ}29'13''$ EAST, A DISTANCE OF 1,413.62 FEET TO SAID EAST LINE OF SECTION 3 AND THE POINT OF BEGINNING.

CONTAINING 639,997 SQUARE FEET OR 14.69 ACRES, MORE OR LESS.

EXHIBIT A

LEGAL DESCRIPTION: PROPOSED REMAINDER PARCEL

A PARCEL OF LAND LYING IN SECTION 3, 51, & 57, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF SECTION 52, TOWNSHIP 7 SOUTH, RANGE 29 EAST, THENCE NORTH $83^{\circ}52'24''$ EAST ALONG THE NORTH LINE OF SECTION 51, A DISTANCE OF 253.35 FEET TO THE SOUTHWEST CORNER OF LOT 8 OF WOODLAWN SUBDIVISION AS RECORDED IN MAP BOOK 4, PAGE 20 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 OF SAID COUNTY AS CLAIMED BY GERALD E. AND DIANE MILLS; THENCE SOUTH $00^{\circ}52'20''$ WEST ALONG THE WEST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 A DISTANCE OF 495.50 FEET TO A 4" x 4" CONCRETE MONUMENT STAMPED #894; THENCE CONTINUING SOUTH $00^{\circ}52'20''$ WEST ALONG SAID WEST LINE OF SAID LANDS A DISTANCE OF 8.43 FEET TO A VERY OLD $1/2''$ IRON PIPE WITH NO IDENTIFICATION BEING THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 216, PAGE 134 AS CLAIMED BY GERALD E. AND DIANE MILLS; THENCE SOUTH $63^{\circ}43'04''$ EAST A DISTANCE OF 103 FEET MORE OR LESS TO THE RUN OF RED HOUSE BRANCH; THENCE MEANDER THE RUN OF RED HOUSE BRANCH IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 1100 FEET MORE OR LESS TO THE EXTENSION OF THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 137, PAGE 248; THENCE SOUTH $01^{\circ}41'25''$ WEST ALONG SAID WEST LINE A DISTANCE OF 2102 FEET MORE OR LESS TO THE SOUTH LINE OF THE DELESPINE GRANT; THENCE SOUTH $75^{\circ}59'21''$ WEST ALONG SAID SOUTH LINE A DISTANCE OF 576.32 FEET TO THE EAST LINE OF AN EASEMENT AS DESCRIBED IN DEED BOOK 247, PAGE 331; THENCE NORTH $00^{\circ}57'54''$ EAST ALONG SAID EAST LINE A DISTANCE OF 533.38 FEET TO THE NORTHERLY LINE OF AN EASEMENT AS DESCRIBED IN DEED BOOK 249, PAGE 613; THENCE SOUTH $73^{\circ}53'53''$ WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 2800.97 FEET TO THE INTERSECTION OF THE EXTENSION OF THE WEST LINE OF PONCE DE LEON HEIGHTS SUBDIVISION AS RECORDED IN MAP BOOK 3 PAGE 73; THENCE SOUTH $00^{\circ}43'00''$ WEST ALONG SAID WEST LINE A DISTANCE OF 360.68 FEET TO THE CENTER LINE OF OAKLAND AVENUE; THENCE NORTH $89^{\circ}37'43''$ WEST ALONG THE EXTENSION OF THE CENTERLINE OF OAKLAND AVENUE A DISTANCE OF 30.00 FEET TO A BOUNDARY LINE AS AGREED UPON ACCORDING TO OFFICIAL RECORDS BOOK 308 PAGE 83; THENCE NORTH $35^{\circ}41'51''$ WEST ALONG SAID LINE A DISTANCE OF 774.47 FEET TO THE WEST LINE OF SECTION 51; THENCE NORTH $00^{\circ}33'37''$ EAST ALONG SAID LINE A DISTANCE OF 168.89 FEET; THENCE NORTH $51^{\circ}52'08''$ EAST ALONG THE NORTHWESTERLY LINE OF SAID SECTION 51 A DISTANCE OF 1508.70 FEET TO THE SOUTHEASTERLY CORNER OF SECTION 57; THENCE NORTH $89^{\circ}24'38''$ WEST ALONG THE SOUTH LINE OF SECTION 57 A DISTANCE OF 1,710.87 FEET; THENCE NORTH $32^{\circ}26'54''$ WEST ALONG THE WESTERLY LINE OF SECTION 57, A DISTANCE OF 697.81 FEET TO THE NORTHEASTERLY CORNER OF SECTION 3; THENCE SOUTH $01^{\circ}20'29''$ WEST ALONG THE EAST LINE OF SAID SECTION 3 A DISTANCE OF 147.05 FEET; THENCE NORTH $32^{\circ}29'13''$ WEST, A DISTANCE OF 1,413.62 FEET TO A POINT OF CURVATURE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 945.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $32^{\circ}53'21''$ AN ARC DISTANCE OF 542.45 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $16^{\circ}02'32''$ WEST, 535.04 FEET; THENCE NORTH $00^{\circ}24'08''$ EAST, A DISTANCE OF 174.07 FEET; THENCE NORTH $45^{\circ}24'08''$ EAST, A DISTANCE OF 108.07 FEET; THENCE SOUTH $89^{\circ}35'52''$ EAST, A DISTANCE OF 954.74 FEET TO A POINT OF CURVATURE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 11,575.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $05^{\circ}09'33''$ AN ARC DISTANCE OF 1,042.28 FEET TO A POINT OF REVERSE CURVATURE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 11,425.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $87^{\circ}49'21''$ EAST, 1,041.93 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $10^{\circ}19'07''$ AN ARC DISTANCE OF 2,057.55 FEET TO A POINT OF REVERSE CURVATURE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 11,575.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH $89^{\circ}35'52''$ WEST, 2,054.77 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $05^{\circ}09'33''$ AN ARC DISTANCE OF 1,042.28 FEET TO THE POINT OF TANGENCY, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH $87^{\circ}01'05''$ EAST, 1,041.93 FEET; THENCE SOUTH $89^{\circ}35'52''$ EAST, A DISTANCE OF 882.05 FEET TO THE EAST LINE OF SAID SECTION 51; THENCE SOUTH $04^{\circ}06'00''$ EAST, ALONG SAID EAST LINE, A DISTANCE OF 301.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,431,643 SQUARE FEET OR 377 ACRES, MORE OR LESS.