

ORDINANCE NO. 86-35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, HEREINAFTER REFERRED TO AS "COUNTY", GRANTING TO GENERAL DEVELOPMENT UTILITIES, INC., A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, HEREINAFTER REFERRED TO AS "UTILITY", AN EXCLUSIVE FRANCHISE TO ERECT AND MAINTAIN A WATER SYSTEM TO SUPPLY WATER TO THE PUBLIC FOR CONSUMPTION AND A SEWAGE COLLECTION SYSTEM TO TREAT AND DISPOSE OF SEWAGE FOR ALL LAWFUL PURPOSES IN THE AREA DESCRIBED BELOW, SITUATE, LYING AND BEING IN THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AND PROVIDING FOR INSPECTION, FEES AND RATES; PROVIDING FOR STANDARDS, RULES AND REGULATIONS; AND AN EFFECTIVE DATE. THE AREA REGULATED BY THIS FRANCHISE IS AS FOLLOWS:

All that tract or parcel of land being a portion of Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 49 (James James Donations), 54 (Constance McFee Grant), 57 (R. Pengree Grant), Township 4 South, Range 27 East, and a portion of Section 2, 4, 5, 38 (William Harvey Grant), 39 (Francis P. Fatio Grant), and 42 (R. Pengree Grant), Township 5 South, Range 27 East, more particularly described as follows:

Section 26, Township 4 South, Range 27 East

All of Section 26 lying South of Durbin Creek.

Section 27, Township 4 South, Range 27 East

All of Section 27 lying South of Bishop Estates Road, Durbin Creek, and lying South and East of that property formerly belonging to Sam Hagen;

Less and except a 60 foot wide road right-of-way deeded to St. Johns County in Official Record Book 369, Page 550.

Section 28, Township 4 South, Range 27 East

All of Section 28 lying South of Bishop Estates Road.

Section 29, Township 4 South, Range 27 East

All of Government Lot 3, Section 29, lying South of the Southerly boundary of Julington Place as recorded in Map Book 5, Page 28;

Less and except the rights-of-way for Orange Avenue and Racetrack Road.

Section 30, Township 4 South, Range 27 East

All of Section 30 lying East of State Road 13 and South of Racetrack Road.

Section 31, Township 4 South, Range 27 East

All of Section 31 lying East of State Road 13 described as follows: the East 1/2 of Government Lot 1, less the North 500 feet thereof; and Government Lot 8.

Section 32, Township 4 South, Range 27 East

All of Section 32; less and except the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4, and that portion of Government Lot 13 lying South of Cunningham Creek.

Section 33, Township 4 South, Range 27 East

All of Section 33; less and except Racetrack Road, that certain parcel deeded to the Diocese of St. Augustine and recorded in Official Record Book 350, Page 229, the following three parcels deeded to the School Board of St. Johns County and recorded in Official Record Book 196, Page 514, Official Record Book 237, Page 199, and Official Record Book 328, Page 644; and a 100 foot road right-of-way deeded to St. Johns County and recorded in Official Record Book 443, Page 451.

Section 34, Township 4 South, Range 27 East

All of Section 34; less and except Racetrack Road and a 60 foot wide road right-of-way deeded to St. Johns County and recorded in Official Record Book 369, Page 550.

Section 35, Township 4 South, Range 27 East

All of Section 35 south of Durbin Creek; less and except Racetrack Road, the West 1/2 of the Southeast 1/4 of the Southeast 1/4, and that certain parcel lying adjacent to and north of Racetrack Road being more particularly described as follows:

Commence at the intersection of the East line of Section 35 and the North right-of-way line of Racetrack Road; thence N 77° 26' 50" W along the Northerly right-of-way line of said Racetrack Road 2333.7 feet to the Point of Beginning; thence N 20° 56' 50" W, 1546.5 feet; thence S 79° 00' 40" W, 789 feet; thence S 23° 33' 10" W, 373 feet; thence S 27° 56' 50" E, 800 feet to the Northerly right-of-way line of said Racetrack Road; thence S 77° 26' 50" E along said Northerly right-of-way line at Racetrack Road to the Point of Beginning, as recorded in Official Record Book 41, Page 186.

Section 36, Township 4 South, Range 27 East

The South 1/2 of the Southwest 1/4 of Section 36; less and except Racetrack Road.

Section 49, Township 4 South, Range 27 East

(James James Donation)

That portion of Section 49 (James James Donation) lying South of Bishop Estates Road; Lots 24 and 34, Bishop Estates, according to the plat thereof as recorded in Map Book 5, Page 33; less and except Racetrack Road and the lands now or formerly belonging to James Higginbotham as recorded in Official Record Book 2, Pages 285 and 286.

Section 54, Township 4 South, Range 27 East

(Constance McFee Grant)

All that portion of Section 54 (Constance McFee Grant) lying East of State Road 13.

Section 57, Township 4 South, Range 27 East

(Rebecca Pengree Grant)

That portion of Section 57 (Rebecca Pengree Grant) lying westerly of State Road 13.

Section 2, Township 5 South, Range 27 East

That portion of Section 2 being the East 1/2 of the Northwest 1/4 of the Northeast 1/4.

Section 4, Township 5 South, Range 27 East

That portion of Section 4 being the North 1/2, the North 1/2 of the Southeast 1/4, and the North 1/2 of the Southwest 1/4.

Section 5, Township 5 South, Range 27 East

That portion of Section 5 being the Northeast 1/4 of the Southeast 1/4 and Government Lot 1, less the North 1/2.

Section 38, Township 5 South, Range 27 East

(William Harvey Grant)

That portion of Section 38 (William Harvey Grant) lying Westerly of State Road 13.

Section 39, Township 5 South, Range 27 East

(Francis P. Fatio Grant)

That portion of Section 39 lying Westerly of State Road 13 and Northeasterly of Mill Creek; less and except the following described parcel:

Beginning at the intersection of the Northeasterly line of Section 39 (Francis P. Fatio Grant) and the Westerly right-of-way line of State Road 13; thence N 40° 10' 48" W, 102.67 feet along said Northerly line of Section 39; thence S 26° 16' 55" W, 403.34 feet to the waters of Mill Creek; thence Southeasterly along the waters following the meanderings of Mill Creek, 110 feet more or less to the Westerly right-of-way line of State Road 13, said point being on a curve having a radius of 2814.79 feet; thence in a northeasterly direction along the arc of said curve, to the left, 310 feet more or less to the Point of Beginning. Said curve being the Westerly right-of-way line of State Road 13.

Section 42, Township 5 South, Range 27 East

(Rebecca Pengree Grant)

That portion of Section 42 (Rebecca Pengree Grant) lying westerly of State Road 13, less and except the following parcels:

1. Beginning at the intersection of the Southwesterly line of Section 42 (Rebecca Pengree Grant) and the Westerly right-of-way line of State Road 13; thence N 40° 10' 48" W along said Southeasterly line of Section 42, 945.12 feet; thence N 26° 16' 55" E, 471.92 feet; thence S 53° 25' 45" E, 100.00 feet to the Westerly right-of-way line of State Road 13, said point being on a curve with a radius of 2814.79 feet; thence Southwesterly along the arc of said curve to the right, 167.06 feet to the Point

of Beginning. Said curve being the westerly right-of-way line of State Road 13.

2. Commencing at the intersection of the Southwesterly line of said Section 42 and the Westerly right-of-way line of State Road 13; thence northeasterly, along curve, being the Westerly right-of-way line of State Road 13, to the left, having a radius of 2814.79 feet, an arc distance of 229.86 feet to the Point of Beginning; thence N 53° 25' 45" W, 471.92 feet; thence N 36° 35' 15" E, 200 feet; thence S 53° 25' 45" E, 399.92 feet to the Westerly right-of-way line of State Road 13, said right-of-way being a curve with a radius of 2814.79 feet; thence along the arc of said curve, to the right, in a southwesterly direction, 212.83 feet to the Point of Beginning.

All official Records recorded in the Public Records of St. Johns County, Florida.

All lands lying and being in St. Johns County, Florida and contain 4,150 acres more or less.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA; subject to written acceptance by the said Utility within sixty (60) days after the passage, approval, and publication of this ordinance, as follows:

1. Granting of Franchise:

That subject to the jurisdiction of the Florida Public Service Commission as such jurisdiction may exist from time to time, and subject to provisions of Paragraph No. 25 there is hereby granted to Utility, its successors and assigns, the exclusive right, privilege and franchise to erect, construct, maintain, own and operate, in, under, upon and over and across the present and future county streets, alleys, bridges, canals, waterways, easements, rights-of-ways, parks and other public places located in the above-described area, for a period of thirty (30) years from the date of acceptance hereof, water and sewer facilities (including, but not limited to, wells, sewer and water mains, pipe lines, transmission lines, pumps, booster stations, manholes, treatment plants, connections, valves, meters and all other equipment, fixtures and facilities necessary or incident to the construction, operation and maintenance thereof), for the purpose of obtaining, treating, supplying, distributing, selling and conveying water in and throughout said area, and selling service for and providing for collecting, treating, and disposing of sewage throughout said area, upon request of the owners or residents thereof, to and for the use of the inhabitants thereof and persons and corporations located therein. Such use of the public rights of way, etc. shall not unduly interfere with the public use of such roads and public places.

2. County Held Harmless Due to Negligence of Utility:

It is expressly understood and agreed between the Utility and the County that the Utility shall save the County harmless from all loss

sustained by the County on account of any suit, judgment, claim or demand whatsoever resulting from negligence on the part of the Utility arising out of the construction, operation or maintenance of its water and sewer system in the County. The County shall notify the Utility's representatives in writing as soon as possible after the presentation of any claim or demand, either by suit or otherwise, made against the County on account of any claimed negligence as aforesaid on the part of the Utility.

3. Operation Under Regulatory Agencies:

The Utility shall operate and maintain its water supply and distribution and sewage collection and treatment systems and render the service in accordance with this agreement, and in accordance with all reasonable requirements and regulations of any regulatory boards and agencies having jurisdiction thereof.

4. Operation of Facility:

The Utility shall be able to provide for the use of each metered connection within the area a minimum quantity of 250 gallons or such lesser amount based upon changing technology or reduced irrigation needs of water per day under adequate pressure at the Point of Delivery of the water to the customer. "Adequate pressure" is deemed to be a minimum of 30 pounds per square inch and a maximum of 80 pounds per square inch, at the meter. (Point of Delivery being the connection at the discharge side of the water meter), and to maintain at all times the quality and purity of such water to meet current applicable drinking water and sewage treatment standards promulgated by the County, the State and/or federal agencies and such other governmental rules or regulations as may be applicable. However, the Utility does not guarantee that the supply of water to be distributed shall be at all times constant in the above quantities or under the above pressure, it being understood that temporary cessation of delivery of water or collection, treatment, and disposal of sewage, or drop in water pressure at any time caused by an Act of God, fires, strikes, droughts, casualties, accidents, necessary maintenance work breakdown, damage to machinery or lines, civil or military authority, or by riot or other causes beyond control of the Utility shall not constitute a breach of the provisions hereof or impose liability upon the Utility to the County or to its inhabitants or water and sewer customers therein.

5. Meters:

All water delivered to consumers herein shall be measured by meters of standard make and of sufficient size; such meters to be installed and maintained by the Utility. In case the County shall at any time question whether any meter or meters are registering correctly, the County or consumer shall have the right, upon making a written request to the Utility, to have such meters tested by an independent authority, and if, as a result of such test, such meter or meters shall be found to be incorrect or inaccurate, the same shall be restored to an accurate condition or a new meter or meters shall be installed at the cost of the Utility. If such meter or meters shall be found to be within three percent (3%) of the accurate or true reading, the cost of such test shall be borne by the consumer, but otherwise shall be paid by the Utility. Should any test or

tests show any such meter or meters to be substantially inaccurate, computations for water previously delivered since the last preceding monthly meter reading shall be adjusted accordingly.

6. Other Provisions.

The Utility will install and maintain all necessary fittings, pipes and appliances, including all meters and meter boxes, to deliver water and collect sewage from the consumer at the property line. All such fittings, pipes, appliances, meters and meter boxes shall remain the property of the Utility and shall at all times be accessible to it and under its control. The service line from the discharge side of the meter to the consumer's premises and the sewage service lateral from the property or easement line to the customer shall be laid and maintained by the consumer at his own cost. The said consumer's service lines shall be of ample size, of standard weight, and quality, and all cut-offs, valves, fixtures and appliances furnished by the consumer maintained in good order and condition. All of such water and sewer connections required to be furnished by the consumer shall be of such size and quality as shall be required by the Utility, and shall be laid and installed in accordance with its rules and regulations. The Utility shall be authorized to establish reasonable rules and regulations not in violation of the terms of this franchise.

7. Extensions.

The Utility shall be under a continuing obligation to serve all prospective customers who desire service within the territory covered by this franchise agreement, who have made proper application, and who have paid or agreed to pay the required and approved connection charges and any other appropriate and approved charges. If the County finds that the Utility has failed to or refused to provide service, the County may, 120 days after written notification to the Utility, delete appropriate territory from this franchise agreement if the Utility has not provided the requested service within the 120 days. Before any territory is deleted, any substantially affected person may be heard by the County.

8. Rates and charges and Conditions for Service Availability and Business Practices:

(A) Rates, Service Availability Charges and Business Practices will be regulated by the Florida Public Service Commission.

(B) Public Service Commission. "County Wide Regulation".

If, in the future, the County should elect to have this Utility become regulated by the County or some other governmental entity, or the State legislature should so decide, and if this Utility comes within the jurisdictional criteria for regulation by the County or some other governmental entity, then such entity shall control the Utility according to law as to all matters including rates and charges. If in the future the County should elect to regulate this Utility and certain other utilities

under a uniform ordinance then this franchise ordinance shall subordinate to the uniform ordinance complying with the regulatory provisions set forth in Chapter 367, Florida Statutes.

9) Utility Tax: Any tax or charge imposed by any governmental authority on the Utility which is a tax imposed solely because the Utility is a Utility as distinguished from other individuals, corporations or businesses in general, may be apportioned among the consumers as a direct tax upon the consumers without report to the County for permission to increase the Utility's rates and shall be separately itemized on the utility bill.

10) Rules and Regulations: The Utility may issue reasonable rules and regulations relative to collection of charges, and preventing tampering with, injuring or destroying any of the facilities, and other such rules and regulations that will be necessary or suitable in order to fully conform to the Utility the rights herein or hereby granted.

11) Guarantee Service for Franchise Area: During the term of this franchise, or any extension thereof, the County will not grant a franchise for other private entities to engage directly or indirectly in the business of distributing or selling water in competition with the Utility, its successors or assigns in the franchised area as described in the legal description.

12) Transfer Prohibited. The Utility shall not sell or transfer its plant or system or any portion thereof, nor any right, title or interest in the same, nor shall the Utility transfer any rights under this Franchise to any other person without prior approval of the County, which approval shall not be unreasonably withheld. A change in corporate stock ownership or control whereby General Development Corporation no longer holds controlling interest or control of the Utility shall be deemed to be a transfer.

13) Change in Form of Government. Any change in the form of government of the areas described herein as authorized by the state of Florida shall not affect the validity of this franchise. Any municipal corporation succeeding the County shall, without the consent of the County, succeed to all rights and obligations of the County provided in this franchise.

14) Disturbance of Surfaces: In the case of any disturbance of pavements, sidewalk, driveway or other surfacing, the Utility shall replace and restore all such surface so disturbed as soon as possible and in as good condition as before said work was commenced.

15) Abandonment of Easement. In the event any such public place under or upon which the Utility shall have located its facilities shall be closed, abandoned, vacated or discontinued, the County may terminate such easement or license of the Utility thereto, provided, however, in the event of this termination of easement the person or persons, firm or corporation requesting such termination shall pay to the Utility, in advance, its cost of removal and relocation of the removed facilities in order to continue its service as theretofore existing, or the County shall retain on all sides of the facilities, an easement no less than six (6) feet in width from the center line of such facilities, for the benefit of the Utility and its franchise.

16) Installation of Fire Hydrant: In the event the County shall determine it is necessary or expedient for the welfare of the community to install fire hydrants for the purpose of combating fires, the County shall have the right and privilege of doing so and the Utility will make such connections and the charge to the County for labor and material used in the installation of fittings, including, but not limited to, piping, valves, fire hydrants and other appurtenances necessary for furnishing water from the distribution system to the fire hydrants shall be the Utility's actual cost for said material and installation as computed by the Utility. In the event of conflict between this paragraph and the Development Order and zoning ordinances pertaining to the franchised areas, the provisions in the Development Order and zoning ordinances shall prevail.

17) Franchise Fee: That within thirty (30) days after the sixth (6th) anniversary date of this franchise, the Utility, its successors and assigns shall pay to the County and its successors and assigns, an amount which shall equal ten percent (10%) of the Utility's revenues from the sale of water and sewer services to residential and commercial customers for said period within the limits of the area described, excluding connection charges and tapping charges for the twelve (12) fiscal months preceding the applicable anniversary date.

18) Franchise Obligations: The failure on the part of the Utility to comply in any substantial respect with any of the provisions of this ordinance shall be grounds for forfeiture of this franchise, but no such forfeiture shall take effect if the reasonableness or propriety thereof is protested by the Utility until a Court of competent jurisdiction, with a right of appeal by either party, shall have found that the Utility has failed to comply in a substantial respect with any provision of this franchise and the Utility shall have six months after the final determination of the question to make good the defaults before a forfeiture shall result with the right in the County at its discretion to grant such additional time to the Utility for compliance as necessities in the case may require. In addition to the forfeiture provision the County shall have all other remedies available at law or equity.

19) Contents of Franchise Agreement: This Agreement constitutes the entire agreement between the parties and no other representations or oral agreements of any nature exist between the parties.

20) Conflicting Ordinances: The portions of all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed, but only to the extent of the conflict.

21) Constitutional Validity: If any section subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof; providing, however, that the remaining provisions when together will constitute a feasible, reasonable, workable plan to perform the services contemplated.

22) County Jurisdiction. The said right, privilege, and franchise are granted under and pursuant to the provisions of the laws of the State of Florida which relate to the granting of rights, privileges and franchises by counties.

23) Effectiveness. This ordinance shall take effect immediately upon receipt of official acknowledgements by the Office of the Secretary of State to the Clerk of the Board of County Commissioners.

24) Prohibition of Septic Tanks and Individual Wells. The property incorporated in this franchise ordinance is subject to the provisions of that certain Resolution 82-37 of St. Johns County, subsequently amended, constituting the Development Order for Julington Creek. The terms and conditions of said Development Order require that central facilities be provided.

(A) Unless otherwise authorized by Utility, no individual water wells, septic tanks or other individual sewage disposal facility shall be permitted on any lot from the time when central water and/or sewer service or services are made available. This provision, however shall not be construed to prohibit private water wells for irrigation, swimming pools or air conditioning. All wells that supply water to air heating or cooling units and use the Florida Aquifer as a supply source shall be fitted with a demand valve.

(B) The use of individual sewage disposal systems and/or septic tanks, grease traps and dry wells by any person in the area where sewer collection service is available is hereby prohibited. All persons owning improved property fronting on a street wherein sewer collection services are available shall connect the improvements upon such premises. Failure to connect shall be deemed a violation of this County ordinance.

(C) The use of individual water systems other than for as specified in this Section by any person in the area where water distribution services is available from the Company is hereby prohibited. All persons owning improved property fronting on a street wherein water distribution service is available shall connect the improvements upon such premises. Failure to connect shall be deemed a violation of this County ordinance.

(D) The Utility shall not provide water to any home or residential unit unless and until it has determined that no water closet in such home or residential unit has a capacity in excess of 3.5 gallons and that flow restrictors have been installed in all shower heads.

25) This ordinance shall not be deemed to prohibit or restrict in any manner the construction, operation, or maintenance of a water or sewer system by the County, by a duly created water district, or by any other governmental entity within the franchise area or on public or private property, the purpose of which is to supply water or sewer services to the public for consumption and all lawful purposes in areas where the utility has not made services available.

26) In the event of widening, repair or reconstruction of any County road or other governmentally owned or controlled property, the Utility shall move or remove their improvements at no cost to the County.

27) The Utility shall prevent the creation of any obstructions or conditions which are or may become dangerous to the traveling public.

28) The Utility shall repair any damage or injury to any County road or other governmentally owned or controlled property caused by reason of the exercise of the privileges granted herein, it shall repair such property promptly, restoring it to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.

29) The Utility shall hold the County, the county commissioners and members thereof and County officers and employees harmless from the payment of any compensation or damages resulting from the exercise of the privileges granted herein.

30) The Utility agrees that this franchise agreement shall have no monetary value to the Utility or its successors if the County or any other governmental agency seeks to acquire the public utility by any lawful means and the granting of this franchise shall not constitute a bar to such acquisition.

31) Term. This Franchise Ordinance shall automatically terminate if not accepted by the Utility in writing within 60 days of the effective date of this ordinance.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, THIS 22 DAY OF April, 1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Francis M. Bouabadi
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: Cheryl Kent
Deputy Clerk

Adopted regular meeting 04/22/86

Effective 05/02/86

GENERAL DEVELOPMENT UTILITIES, INC.

By: x [Signature]
General Development Utilities, Inc.

Attest: x [Signature]

- 10 -

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Sandra G. Russ who on oath says that he is
Legal Advertising Clerk of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
Notice of County Commissioners Meeting
 _____ in the matter of _____
"Utility"-An Exclusive Franchise
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
March 18, 1986

Affiant further says that the St. Augustine Record is a newspaper
 published at St. Augustine, in said St. Johns County, Florida, and that the
 said newspaper has heretofore been continuously published in said St.
 Johns County, Florida, each day, except Sundays, and has been entered
 as second class mail matter at the post office in the City of St. Augustine,
 in said St. Johns 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 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.

Sworn to and subscribed before me Sandra G. Russ
 this 19th day of March
86

A.D. 19 _____
Jeanne J. Russ
 (SEAL) Notary Public

Notary Public, State of Florida
 My Commission Expires Aug. 4, 1989
 Deeded Thea Troy Fain - Insurance, Inc.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON APRIL 22, 1986 AT 9:45 O'CLOCK A.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, HERINAFTER REFERRED TO AS "COUNTY," GRANTING TO GENERAL DEVELOPMENT UTILITIES, INC., A FLORIDA CORPORATION, ITS SUCCESSORS AND ASSIGNS, HERINAFTER REFERRED TO AS "UTILITY," AN EXCLUSIVE FRANCHISE TO ERECT AND MAINTAIN A WATER SYSTEM TO SUPPLY WATER TO THE PUBLIC FOR CONSUMPTION AND A SEWAGE COLLECTION SYSTEM TO TREAT AND DISPOSE OF SEWAGE FOR ALL LAWFUL PURPOSES IN THE AREA DESCRIBED BELOW, SITUATE, LYING AND BEING IN THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AND PROVIDING FOR INSPECTION, FEES AND RATES; PROVIDING FOR STANDARDS, RULES AND REGULATIONS; AND AN EFFECTIVE DATE THE AREA REGULATED BY THIS FRANCHISE IS AS FOLLOWS:

All that tract or parcel of land being a portion of Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 (James James Donalson), 34 (Constance McFee Grant), 37 (R. Penrose Grant), Township 4 South, Range 27 East, and a portion of Section 2, 4, 5, 38 (William Harvey Grant), 39 (Francis P. Fatio Grant), and 42 (R. Penrose Grant), Township 5 South, Range 27 East, more particularly described as follows:
 Section 26, Township 4 South, Range 27 East
 All of Section 26 lying South of Durbin Creek.
 Section 27, Township 4 South, Range 27 East
 All of Section 27 lying south of Bishop Estates Road, Durbin Creek, and lying South and East of that property formerly belonging to Sam Hagen;
 Less and except a 60 foot wide road right-of-way deeded to St. Johns County in Official Record Book 369, Page 558.
 Section 28, Township 4 South, Range 27 East
 All of Section 28 lying South of Bishop Estates Road.
 Section 29, Township 4 South, Range 27 East
 All of Government Lot 3, Section 29, lying South of the Southerly boundary of Julintion Place as recorded in Map Book 5, Page 28;
 Less and except the right-of-way for Orange Avenue and Racetrack Road.
 Section 30, Township 4 South, Range 27 East
 All of Section 30 lying East of State Road 13 and South of Racetrack Road.
 Section 31, Township 4 South, Range 27 East
 All of Section 31 lying East of State Road 13 described as follows: the East 1/2 of Government Lot 1, less the North 500 feet thereof; and Government Lot 8.
 Section 32, Township 4 South, Range 27 East
 All of Section 32; less and except the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4, and that portion of Government Lot 13 lying South of Cunningham Creek.
 Section 33, Township 4 South, Range 27 East
 All of Section 33; less and except Racetrack Road, that certain parcel deeded to the Diocese of St. Augustine and recorded in Official Record Book 330, Page 229; the following three parcels deeded to the School Board of St. Johns County and recorded in Official Record Book 196, Page 514; Official Record Book 237, Page 199, and Official Record Book 328, Page 644; and a 100 foot road right-of-way deeded to St. Johns County and recorded in Official Record Book 443, Page 451.
 Section 34, Township 4 South, Range 27 East
 All of Section 34; less and except Racetrack Road and a 60 foot wide road right-of-way deeded to St. Johns County and recorded in Official Record Book 369, Page 550.
 Section 35, Township 4 South, Range 27 East
 All of Section 35 South of Durbin Creek; less and except Racetrack Road, the West 1/2 of the Southeast 1/4 of the Southeast 1/4, and that certain parcel lying adjacent to and north of Racetrack Road being more particularly described as follows:
 Commence at the intersection of the East line of Section 35 and the North right-of-way line of Racetrack Road; thence N 77° 26' 58" W along the Northerly right-of-way line of said Racetrack Road 2332.7 feet to the Point of Beginning; thence N 27° 54' 50" W, 154.3 feet; thence S 79° 00' 40" W, 789 feet; thence S 27° 35' 10" W, 373 feet; thence S 27° 57' 50" E, 800 feet to the Northerly right-of-way line of said Racetrack Road; thence S 77° 24' 50" E along said Northerly right-of-way line of Racetrack Road to the Point of Beginning, as recorded in Official Record Book 41, Page 186.
 Section 36, Township 4 South, Range 27 East
 The South 1/2 of the Southwest 1/4 of Section

36; less and except Race-track Road.
Section 49, Township 4 South, Range 27 East
(James James Donation)
That portion of Section 49 (James James Donation) lying South of Bishop Estates Road; Lots 24 and 34, Bishop Estates, according to the plat thereof as recorded in Map Book 5, Page 33; less and except Race-track Road and the lands now or formerly belonging to James Higginbotham as recorded in Official Record Book 2, Pages 285 and 286.

Section 54, Township 4 South, Range 27 East
(Constance McFee Grant)
All that portion of Section 54 (Constance McFee Grant) lying East of State Road 13,
Section 57, Township 4 South, Range 27 East
(Rebecca Pengree Grant)

That portion of Section 57 (Rebecca Pengree Grant) lying westerly of State Road 13.

Section 2, Township 5 South, Range 27 East
That portion of Section 2 being the East 1/2 of the Northwest 1/4 of the Northeast 1/4.

Section 4, Township 5 South, Range 27 East
That portion of Section 4 being the North 1/2, the North 1/2 of the Southeast 1/4, and the North 1/2 of the Southwest 1/4.

Section 5, Township 5 South, Range 27 East
That portion of Section 5 being the Northeast 1/4 of the Southeast 1/4 and Government Lot 1, less the North 1/2.

Section 38, Township 5 South, Range 27 East
(William Harvey Grant)

That portion of Section 38 (William Harvey Grant) lying Westerly of State Road 13.

Section 39, Township 5 South, Range 27 East
(Francis P. Fatio Grant)

That portion of Section 39 lying Westerly of State Road 13 and Northeasterly of Mill Creek; less and except the following described parcel:

Beginning at the intersection of the Northeasterly line of Section 39 (Francis P. Fatio Grant) and the Westerly right-of-way line of State Road 13; thence N 40° 10' 48" W, 102.87 feet along said Northerly line of Section 39; thence S 25° 16' 55" W, 403.54 feet to the waters of Mill Creek; thence Southeasterly along the waters following the meanderings of Mill Creek, 110 feet more or less to the Westerly right-of-way line of State Road 13, said point being on a curve having a radius of 2814.79 feet; thence in a northeasterly direction along the arc of said curve, to the left, 310 feet more or less to the Point of Beginning. Said curve being the Westerly right-of-way line of State Road 13.

Section 42, Township 5 South, Range 27 East
(Rebecca Pengree Grant)

That portion of Section 42 (Rebecca Pengree Grant) lying westerly of State Road 13, less and except the following parcels:

1. Beginning at the intersection of the Southwesterly line of Section 42 (Rebecca Pengree Grant) and the Westerly right-of-way line of State Road 13; thence N 40° 10' 48" W along said Southeasterly line of Section 42, 945.12 feet; thence N 25° 16' 55" E, 471.92 feet; thence S 53° 25' 45" E, 100.00 feet to the Westerly right-of-way line of State Road 13, said point being on a curve with a radius of 2814.79 feet; thence Southwestwardly along the arc of said curve to the right, 167.06 feet to the Point of Beginning. Said curve being the westerly right-of-way line of State Road 13.

2. Commencing at the intersection of the Southwesterly line of said Section 42 and the Westerly right-of-way line of State Road 13; thence northeasterly, along curve, being the Westerly right-of-way line of State Road 13, to the left, having a radius of 2814.79 feet, an arc distance of 229.86 feet to the Point of Beginning; thence N 53° 25' 45" W, 471.92 feet; thence N 35° 35' 15" E, 200 feet; thence S 53° 25' 45" E, 399.92 feet to the Westerly right-of-way line of State Road 13, said right-of-way being a curve with a radius of 2814.79 feet; thence along the arc of said curve, to the right, in a southwesterly direction, 212.83 feet to the Point of Beginning.

All official Records recorded in the Public Records of St. Johns County, Florida.

All lands lying and being in St. Johns County, Florida and contain 4.150 acres more or less.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Board of County Commissioners
of St. Johns County, Florida
Carl "Bud" Markel, its Clerk
By Cheryl Kent
Deputy Clerk

L128 March 18, 1986



FLORIDA DEPARTMENT OF STATE ST. JOHNS COUNTY, FLORIDA
George Firestone
Secretary of State

RECEIVED

'86 MAY -2 10:13

April 29, 1986

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32084

Carl Bud Markel
CLERK, COUNTY COMMISSION

Attention: Tami J. Tedder

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of April 28, 1986
and certified copy/ies of St. Johns
County Ordinance(s) 86-35, 86-36, 86-37 & 86-38
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these Ordinance(s) in this office
on April 29, _____ 1986.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Cordially,

Liz Cloud

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

FLORIDA-State of the Arts