

ORDINANCE NO. 2005- 17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2004); 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.

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

WHEREAS, the Lake Dwellers Community Association, Inc. ("Petitioner"), having obtained written consent to the establishment of the District by the owners 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 Lake Beluthahatchee Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2004); and

WHEREAS, Petitioner is a Florida non-profit 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 March 2nd, 2005; 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 (2004).

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 "Lake Beluthahatchee 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 49.5 acres, more or less. Out parcels excluded within the external boundaries are described in Exhibit B attached hereto and incorporated by reference.

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 the restoration of Lake Beluthahatchee and the replacement of its existing dam, as authorized and described in Section 190, Florida Statutes (2004).

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Andrew L. White, Andy Booth, Laura Bowden, Mark Natirboff, and John Charles Wilson. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

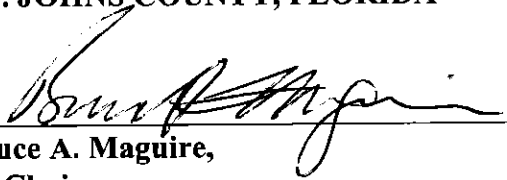
SECTION 7. SEVERABILITY. If any provision of this ordinance or the application thereof is finally determined by court of competent jurisdiction to be illegal, invalid or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect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

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


SECTION 9. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68 Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 2nd DAY OF March 2005.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 
Bruce A. Maguire,
Its Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

EFFECTIVE DATE: 03/07/05

REVISION DATE 03/02/05



EXHIBIT A

**LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT
EXTERNAL BOUNDARY DESCRIPTION (Rev. 2/1/05)**

A portion of Sections 39 and 42, Township 5 South, Range 25 East, all being in St. Johns County, Florida and being more particularly described as follows:

Commence at the northeast corner of Lot 1, Beluthahatchee, according to the Plat thereof as recorded in Map Book 8, Page 3, of the public records of St. Johns County, Florida; thence S 44d 17' W a distance of 323 feet; thence meander along the ordinary high water line in a southwesterly direction a distance of 95 feet more or less; thence N 45d 43' 00" W a distance of 15 feet to the point of beginning, said point of beginning being at the southeasterly edge of the Lake Beluthahatchee dam site; thence N 44d 17' E a distance of 424.40 feet more or less to a point in the southwesterly right-of-way line of Roberts Road; thence S 30d 43' E along the southwesterly right of way line of Roberts Road a distance of 962 feet to a point at the intersection of the southwesterly right-of-way line of Roberts Road and the northwesterly line of Beluthahatchee Road; thence S 48d 25' W along said northwesterly line a distance of 99.93 feet; thence S 17d 19' W along said line a distance of 203.66 feet; thence S 48d 26' W along said line a distance of 550 feet; thence S 25d 34' E along said line a distance of 155 feet; thence N 63d 52' 12" E a distance of 57.38 feet; thence S 33d 16' 07" E a distance of 73.43 feet; thence S 48d 58' 00" W a distance of 58.05 feet; thence S 40d 45' 00" E a distance of 11.68 feet; thence S 42d 59' 37" W a distance of 206.81 feet to a point in the northeasterly right-of-way of Pond Gannett Lane; thence S 40d 45' 00" E along said right-of-way a distance of 666.95 feet more or less to a point which is at the southeast corner of Lot 56, Scott Subdivision; thence S 48d 55' 30" W a distance of 791 feet more or less to a point at the southwest corner of Lot 55, Scott Subdivision; thence N 40d 45' 00" W along the southwesterly edge of Rain Crow Drive a distance of 981.16 feet; thence N 47d 11' 30" E a distance of 263.2 feet; thence N 41d 05' W a distance of 230.81 feet; thence N 16d 13' 24" E a distance of 225.77 feet to a point on the center line of Cricket Hollow Lane; thence N 41' 05' W along said center line a distance of 104.24 feet; thence N 48d 55' E a distance of 191.67 feet; thence N 40d 45' 30" W a distance of 85.64 feet; thence N 49d 14' 30" E a distance of 138.34 feet; thence N 40d 45' 30" W a distance of 210 feet; thence N 50d 09' 30" E a distance of 320 feet; thence N 41d 10' 00" W a distance of 217.05 feet to a point on the southeasterly right-of-way of State Road 13; thence along the southeasterly right-of-way of State Road 13, being along a curve having a radius of 2,924.79 feet and concave to the northwest, a chord bearing N 36d 19' 30" E a chord distance of 92.19 feet; thence continuing along the southeasterly right-of-way of State Road 13, being along a curve having a radius of 2,924.79 feet and concave to

the northwest, a chord bearing N 33d 56' 46" E a chord distance of 135.58 feet; thence S 57d 10' E a distance of 93.22 feet to a point at the southwesterly edge of the Lake Beluthahatchee dam site; thence N 39d 38' 15" E a distance of 115.59 feet; thence N 50d 21' 45" W a distance of 40 feet more or less along the southwesterly edge of the dam site; thence N 39d 38' 15" E a distance of 159.54 feet more or less along the northwesterly edge of the dam site; thence S 50d 21' 45" E a distance of 40 feet more or less along the northeasterly edge of the dam site to the point of beginning.

Lands thus described, exclusive of dam site, contain 49.37 acres.
Dam site contains 0.15 acres.

THIS IS TO CERTIFY THAT THE ABOVE IS A CORRECT REPRESENTATION
OF THE LANDS INCLUDED AS DEPICTED ON THE PRECEDING GRAPHIC
DEPICTION SHEET 1 OF 2

Andrew T. Kirtz
2-4-05

EXHIBIT B

**LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT
PARCEL INFORMATION FOR PARCELS TO BE EXCLUDED FROM THE DISTRICT**

Information for each Parcel includes: Owner Name and Address, Parcel ID #, Subdivision and Lot Identification, Assessed Value Taxable after Subtracting Homestead and Other Exemptions, Market Value, and Land Value.

INDIVIDUAL PARCELS TO BE EXCLUDED FROM THE DISTRICT

(33) John M. & L. Carolyn Nickens (L156x198x@100+@78x149)
1449 Cricket Hollow Lane
Jacksonville, Florida 32259 (904) 287-4222,
Parcel #: 003105-0060 Lot 6, Cricket Hollow Sub.
Assessed - homestead, other exempt/Market value: \$119,728/\$195,810
Assessed value of land only: \$89,700

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting 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 **DISPLAY ADVERTISEMENT**
in the matter of **NOTICE OF PUBLIC HEARING**
was published in said newspaper in the issues of
JANUARY 31, 2005.

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
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
she has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this 31ST day of **JANUARY, 2005.**

by *Charles Barrett* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist

(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING

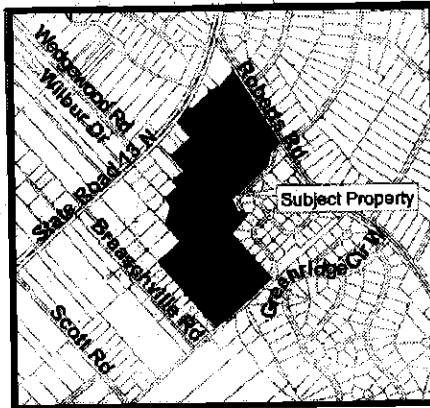
St. Johns County Board of County Commissioners
For the Establishment of the Lake Beluthahatchee
Community Development District

DATE: March 2, 2005

TIME: 9:00 a.m.

LOCATION: County Auditorium at the
County Administrative Complex
4020 Lewis Speedway (County Road 16A and
U.S. 1 North) St. Augustine, Florida

**NOTICE OF PUBLIC HEARING BEFORE THE ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS FOR ESTABLISHMENT OF THE LAKE BELUTHA-
HATCHEE COMMUNITY DEVELOPMENT DISTRICT**



In compliance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the St. Johns County Board of County Commissioners during the meeting beginning at 9:00 a.m., March 2, 2005 in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida to consider an ordinance to grant a petition to establish the Lake Beluthahatchee Community Development District. The title of the proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING THE LAKE BELUTHAHATCHEE COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2004); 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.

The proposed Community Development District is comprised of approximately 53 acres, located east of State Road 13 and West of Roberts Road. The petitioner has proposed to establish the Lake Beluthahatchee Community Development District to plan, finance, acquire, construct, operate and maintain all infrastructure and community facilities, which may be authorized, by such district, under Florida law, including but not limited to construction and maintenance of the Lake Beluthahatchee dam, water management and control of Lake Beluthahatchee, and any other facilities in accordance with Section 190.012, Florida Statutes.

Copies of the petition, department reports and proposed ordinance are open to public inspection at the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (C.R. 16A and U.S. 1 North).

All interested persons and affected units of general - purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any persons or affected unit of general - purpose local government, who wishes to appeal any decision made by the Board with respect to any matter considered at this public hearing will need a record of the proceedings. For that purpose the person or unit of general - purpose local government may need to insure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact ADA Coordinator, at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095 For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

**BOARD OF COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN**

File Number: CDD 2005-01 Lake Beluthahatchee Community Development District

MAR - 3 2005

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
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STATE OF FLORIDA,
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a daily newspaper published at St. Augustine in St. Johns County, Florida:

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in the matter **PUBLIC HEARING LAKE BELUTHAHATCHEE**

was published in said newspaper in the issues of

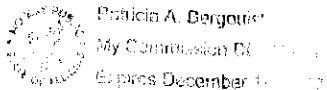
FEBRUARY 28, 2005.

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 heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the 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 the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 28th day of **FEBRUARY 2005.**

by *Charles Barrett* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING

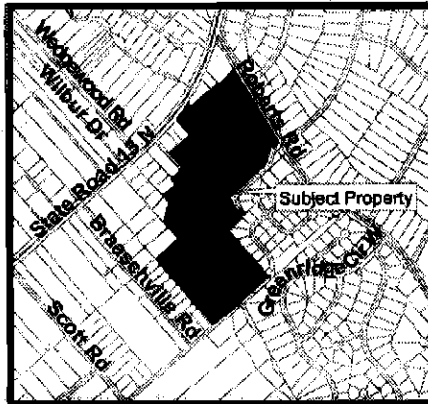
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**BOARD OF COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN**

File Number: CDD 2005-01 Lake Beluthahatchee Community Development District



FILED

05 MAR 11 AM 10:22

FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

March 7, 2005

Ms. Cheryl Strickland
Clerk
St. Johns County
Minutes & Records Division
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 3, 2005 and certified copy of St. Johns County Ordinance No. 2005-17, which was filed in this office on March 7, 2005.

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

STATE LIBRARY OF FLORIDA

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