

ORDINANCE NO. 2004-46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE HERITAGE LANDING 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 JUN 28 AM 10:52  
CLERK OF COUNTY OF ST. JOHNS FLORIDA

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

WHEREAS, D.R. Horton, Inc. - Jacksonville. ("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 Landing Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2003); and

WHEREAS, Petitioner is 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 June 22, 2004; 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 Landing 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 597 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 S. Porter, John E. Zakoske, Jan J. Doan, William E. Keyes and David Shapiro. 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 22 DAY OF June 2004.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern  
Karen R. Stern,  
Its Chair

RENDITION DATE 06/23/04

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland  
Deputy Clerk

EFFECTIVE DATE: \_\_\_\_\_



Ordinance Book \_\_\_\_\_ Page \_\_\_\_\_

EXHIBIT A

**LEGAL DESCRIPTION:**

A PART OF SECTIONS 18, 19 AND A PART OF THE ANTONIO HUERTAS GRANT, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST TOGETHER WITH A PART OF SECTIONS 24 AND 25, TOWNSHIP 6 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE WESTERLY LINE OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 28 EAST WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 16 (A 66.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 63°36'48" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 54.96 FEET TO THE POINT OF CURVE OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 922.37 FEET; THENCE NORTHEASTERLY CONTINUING ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 12.32 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 63°34'09" EAST AND A CHORD DISTANCE OF 12.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 224.42 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 71°20'36" EAST AND A CHORD DISTANCE OF 223.87 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 02°24'12" EAST, LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1127.96 FEET; THENCE NORTH 87°36'31" EAST, A DISTANCE OF 996.04 FEET; THENCE SOUTH 59°30'00" EAST, A DISTANCE OF 613.25 FEET; THENCE SOUTH 34°30'00" EAST, A DISTANCE OF 909.05 FEET; THENCE SOUTH 31°42'09" EAST, A DISTANCE OF 506.42 FEET; THENCE DUE SOUTH, A DISTANCE OF 2204.83 FEET; THENCE SOUTH 30°00'00" WEST, A DISTANCE OF 2995.75 FEET; THENCE SOUTH 50°00'00" WEST, A DISTANCE OF 2325.01 FEET; THENCE NORTH 26°00'00" WEST, A DISTANCE OF 4105.65 FEET; THENCE NORTH 02°16'42" WEST, A DISTANCE OF 2100.13 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13 (A 100.00 FOOT RIGHT-OF-WAY LINE AS NOW ESTABLISHED), SAID POINT BEING ON A CURVE, SAID CURVE BEING CONCAVE WESTERLY, HAVING A RADIUS OF 2342.01 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 721.56 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 20°08'28" EAST AND A CHORD DISTANCE OF 718.71 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 65°01'00" EAST LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13, A DISTANCE OF 967.56 FEET; THENCE NORTH 87°36'25" EAST, A DISTANCE OF 1587.56 FEET TO A POINT IN THE WESTERLY LINE OF A FLORIDA POWER AND LIGHT 110.00 FOOT EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 46, PAGE 647 OF PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 02°24'17" WEST ALONG THE WESTERLY LINE OF SAID EASEMENT, A DISTANCE OF 2680.12 FEET TO THE POINT OF BEGINNING. CONTAINING 596.74 ACRES MORE OR LESS.

A black and white copy of this document is not official

# STATE OF FLORIDA DEPARTMENT OF STATE

## Division of Library and Information Services

I, Glenda E. Hood, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of St. Johns County Ordinance No. 2004-46, which was filed in this office on June 28, 2004, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.



Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
29th., day of June, A.D., 2004.

*Glenda E. Hood*

Secretary of State

DSDE 99 (3/03)

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2" X 11" document.