

**ORDINANCE NO. 2003- 88**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE MIDDLE VILLAGE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; 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.**

**Recitals**

**WHEREAS**, OakLeaf Plantation, LLC ("Petitioner"), having obtained written consent to the establishment of the Middle Village Community Development District (the "District") by the owner of one-hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners (the "Board") of Clay County, Florida (the "County"), to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and,

**WHEREAS**, the Petitioner is a limited liability company authorized to conduct business in the State of Florida whose address is 3020 Hartley Road, Suite 100, Jacksonville, Florida 32257; 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 Board on October 14, 2003; and,

**WHEREAS**, upon consideration of the record established at that hearing, the Board determined that the statements within the Petition are 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 County's comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and is 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 that will be served by the District, that the community development 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 that will be served by the District is amenable to separate special-district governance; and,

**WHEREAS**, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

**WHEREAS**, the 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; and

**WHEREAS**, the Board has determined that the initial members of the District's Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of Florida and citizens of the United States of America.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

Section 2. District Name. There is hereby created a community development district situated entirely within a portion of the unincorporated area of Clay County, Florida, which shall be known as the "Middle Village Community Development District", and which shall be referred to in this ordinance as the "District".

Section 3. District External Boundaries. The external boundaries of the District are described in Appendix A attached hereto, said boundaries encompassing 994.11 acres, more or less.

Section 4. District Powers and Functions. The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(2)(a), Florida Statutes.

Section 5. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Deanna Cope  
Address: 3020 Hartley Rd. Suite 100  
Jacksonville, FL 32257

Name: Elinore C. Cox  
Address: 3020 Hartley Rd. Suite 100  
Jacksonville, FL 32257

Name: Robert A. Cromartie  
Address: 3020 Hartley Rd. Suite 100  
Jacksonville, FL 32257

Name: William P. Griner  
Address: 11111-70 San Jose Boulevard, Box 276  
Jacksonville, FL 32223

Name: Tommy Horne  
Address: 5011 Sunbeam Road  
Jacksonville, FL 32257

Section 6. Severability. If any provision of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this ordinance.

Section 7. Effective Date. This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 14<sup>th</sup> day of October, 2003.

I hereby certify that this document consisting of 6 page[s] and further identified as [Ordinance 03-88] is a true and correct copy of the original maintained in the custody of ROBERT M. WILSON as County Manager and Clerk of the Board of County Commissioners of Clay County, Florida, this 15 day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

BY: Larry R. Lancaster  
Larry R. Lancaster  
Its Chairman

By: Moderator Proctor, Deputy Clerk  
[Not Valid without the seal of the Board]

ATTEST:

Robert M. Wilson  
Robert M. Wilson  
County Manager and Clerk of the  
Board of County Commissioners

**Appendix A**  
**[District's External Boundaries]**

June 30, 2003

Work Order No. 03-151  
Oakleaf Plantation**Middle Village CDD**

A portion of Sections 1 and 12, Township 4 South, Range 24 East, together with a portion of Sections 6, 7 and 8, Township 4 South, Range 25 East, all lying in Clay County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the corner common to said Sections 7 and 8, and Sections 17 and 18, said Township 4 South, Range 25 East, thence South  $87^{\circ} 38' 56''$  West, along the Southerly line of said Section 7, a distance of 4007.20 feet; thence North, departing said Southerly line, 619.14 feet to the point of curvature of a curve concave Southeasterly, having a radius of 1050.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of  $34^{\circ} 31' 56''$ , an arc length of 632.84 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North  $17^{\circ} 15' 58''$  East, 623.30 feet; thence North  $34^{\circ} 31' 56''$  East, 585.83 feet; thence North  $55^{\circ} 28' 04''$  West, 3011.79 feet to the point of curvature of a curve concave Easterly, having a radius of 1300.00 feet; thence Northwesterly and Northeasterly, along the arc of said curve, through a central angle of  $91^{\circ} 59' 17''$ , an arc length of 2087.14 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North  $09^{\circ} 28' 25''$  West, 1870.10 feet; thence North  $36^{\circ} 31' 13''$  East, 751.19 feet to the point of curvature of a curve concave Northwesterly, having a radius of 3150.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of  $03^{\circ} 50' 02''$ , an arc length of 210.78 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North  $34^{\circ} 36' 12''$  East, 210.74 feet; thence West, 407.69 feet; thence North  $13^{\circ} 00' 00''$  East, 1109.27 feet; thence East, 799.07 feet to a point on a curve concave Northwesterly, having a radius of 3350.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of  $04^{\circ} 16' 35''$ , an arc length of 250.04 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North  $08^{\circ} 31' 56''$  East, 249.98 feet; thence North  $06^{\circ} 23' 39''$  East, 691.66 feet to the point of curvature of a curve concave Southeasterly, having a radius of 1150.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of  $34^{\circ} 54' 44''$ , an arc length of 700.73 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North  $23^{\circ} 51' 01''$  East, 689.94 feet; thence North  $41^{\circ} 18' 23''$  East, 691.30 feet to the point of curvature of a curve concave Northwesterly, having a radius of 1100.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of  $33^{\circ} 51' 36''$ , an arc length of 650.07 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North  $24^{\circ} 22' 34''$  East, 640.65 feet; thence South  $88^{\circ} 51' 26''$  East, 1495.98 feet; thence South  $01^{\circ} 57' 42''$  West, 462.15 feet; thence South  $28^{\circ} 41' 03''$  West, 808.17 feet; thence South  $68^{\circ} 23' 49''$  East, 241.18 feet; thence South  $15^{\circ} 00' 00''$  East, 438.70

feet; thence South  $89^{\circ} 53' 40''$  East, 814.84 feet; thence North  $61^{\circ} 45' 47''$  East, 616.73 feet to a point lying on the Westerly Limited Access right of way line of Branan Field / Chaffee Road, a 400 foot Limited Access right of way per Florida Department of Transportation Right of Way Map, Section 71293-2501, dated August 30, 1999; thence South  $27^{\circ} 09' 36''$  East, along said Westerly Limited Access right of way line, 1236.25 feet to the point of curvature of a curve concave Southwesterly, having a radius of 5529.58 feet; thence Southeasterly, continuing along said Westerly Limited Access right of way line and along the arc of said curve, through a central angle of  $14^{\circ} 44' 59''$ , an arc length of 1423.47 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South  $19^{\circ} 47' 07''$  East, 1419.55 feet; thence South  $79^{\circ} 31' 28''$  West, departing said Westerly Limited Access right of way line, 1198.86 feet; thence South  $38^{\circ} 11' 15''$  East, 508.40 feet to the point of curvature of a curve concave Northeasterly, having a radius of 1150.00 feet; thence Southeasterly, along the arc of said curve, through a central angle of  $30^{\circ} 46' 11''$ , an arc length of 617.59 feet to a point of compound curvature, said arc being subtended by a chord bearing and distance of South  $53^{\circ} 34' 20''$  East, 610.19 feet; thence Southeasterly, along the arc of a curve concave Northeasterly, having a radius of 500.00 feet, through a central angle of  $19^{\circ} 35' 20''$ , an arc length of 170.94 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of South  $78^{\circ} 45' 05''$  East, 170.11 feet; thence Southeasterly, along the arc of a curve concave Southerly, having a radius of 2000.00 feet, through a central angle of  $04^{\circ} 00' 19''$ , an arc length of 139.81 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of South  $86^{\circ} 32' 36''$  East, 139.78 feet; thence Southeasterly, along the arc of a curve concave Northerly, having a radius of 1120.00 feet, through a central angle of  $09^{\circ} 56' 09''$ , an arc length of 194.22 feet to a point lying on a curve concave Westerly, having a radius of 5529.58 feet, said point also being a point lying on said Westerly Limited Access right of way line of Branan Field / Chaffee Road, said arc being subtended by a chord bearing and distance of South  $89^{\circ} 30' 31''$  East, 193.98 feet; thence along said Westerly Limited Access right of way line the following four (4) courses: Course 1 ~ Southeasterly, along the arc of said curve, through a central angle of  $01^{\circ} 32' 42''$ , an arc length of 149.11 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South  $00^{\circ} 56' 22''$  East, 149.11 feet; Course 2 ~ South  $00^{\circ} 10' 01''$  East, 1232.35 feet; Course 3 ~ South  $89^{\circ} 49' 59''$  West, 21.05 feet to a point lying on the Easterly line of said Section 7; Course 4 ~ South  $00^{\circ} 10' 01''$  East, along said Easterly line, 3347.58 feet to the Point of Beginning.

Containing 994.11 acres, more or less.