

**ORDINANCE NO. 2005-48**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING CLAY COUNTY ORDINANCE 2003-88 AND AMENDING THE BOUNDARIES OF THE MIDDLE VILLAGE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2004); PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Recitals**

**WHEREAS**, on October 14, 2003, the Board of County Commissioners of Clay County (the "County") established the Middle Village Community Development District (the "District") by enacting Ordinance No. 2003-88 entitled:

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 (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.

**WHEREAS**, the District, having obtained written consent to contract the District by the owners of one-hundred percent (100%) of the real property subject to the boundary amendment, petitioned the County to enact an ordinance to amend the boundaries of the District pursuant to Chapter 190, Florida Statutes, which will result in a net contraction of approximately 0.09 acres; 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 October 11, 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 amendment of the District's boundaries 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 as amended is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District as amended 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 amended 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 amended District is amenable to separate special-district governance; and

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CLAY COUNTY, FLORIDA  
DEPARTMENT OF  
ADMINISTRATION

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

WHEREAS, amendment of the District's boundaries shall not act to amend any land development approvals governing the land area to be included within the District.

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 (2004). Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District as amended.

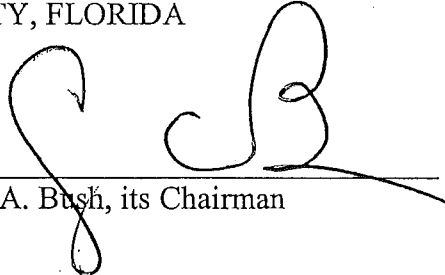
Section 2. Amendment; External Boundaries of the District. Clay County Ordinance No. 2003-88 is hereby amended to reflect the external boundaries of the District as described in Exhibit A attached hereto, with the overall District now containing 994.02 acres, more or less.

Section 3. 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.

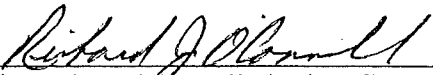
Section 4. Effective Date. This ordinance shall become effective as prescribed by Florida general law.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this 11<sup>th</sup> day of October, 2005.


BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

BY:   
George A. Bush, its Chairman

ATTEST:

  
Richard J. O'Connell, Acting County  
Manager and Clerk of the  
Board of County Commissioners

I hereby certify that this document consisting of 7 page[s] and further identified as [Ordinance 05-48] is a true and correct copy of the original maintained in the custody of Rick O'Connell, Acting as County Manager and Clerk of the Board of County Commissioners of Clay County, Florida, this 17 day of Oct, 2005.

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

Appendix A  
[District's External Boundaries]

### 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.

IN ADDITION TO:

A portion of Section 7, Township 4 South, Range 25 East, Clay County, Florida, also being a portion of those lands described and recorded in Official Records Book 1450, page 1590 of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Southeasterly corner of said Section 7; thence South  $87^{\circ} 38' 56''$  West, along the Southerly line of said Section 7, a distance of 4007.21 feet to the Point of Beginning.

From said Point of Beginning, thence continue South  $87^{\circ} 38' 56''$  West, along said Southerly line of Section 7, a distance of 724.25 feet; thence North  $24^{\circ} 54' 32''$  West, departing said Southerly line, 43.49 feet; thence North  $06^{\circ} 16' 48''$  East, 67.63 feet; thence North  $37^{\circ} 17' 41''$  East, 51.37 feet; thence North  $15^{\circ} 48' 15''$  East, 79.65 feet; thence North  $45^{\circ} 13' 10''$  East, 87.32 feet; thence North  $47^{\circ} 06' 47''$  East, 61.84 feet; thence North  $66^{\circ} 58' 01''$  East, 84.10 feet; thence North  $18^{\circ} 00' 38''$  East, 32.87 feet; thence North  $13^{\circ} 24' 57''$  East, 51.60 feet; thence North  $29^{\circ} 16' 37''$  West, 90.15 feet; thence South  $65^{\circ} 35' 23''$  West, 61.51 feet; thence South  $61^{\circ} 11' 25''$  West, 49.37 feet; thence North  $73^{\circ} 28' 15''$  West, 67.72 feet; thence North  $05^{\circ} 43' 01''$  East, 67.61 feet; thence South  $73^{\circ} 48' 07''$  West, 34.92 feet; thence South  $01^{\circ} 33' 05''$  East, 46.70 feet; thence North  $35^{\circ} 21' 58''$  West, 27.18 feet; thence North  $01^{\circ} 12' 07''$  West, 114.55 feet; thence North  $56^{\circ} 07' 22''$  East, 32.35 feet; thence South  $44^{\circ} 13' 57''$  East, 49.94 feet; thence North  $33^{\circ} 46' 44''$  East, 31.90 feet; thence North  $24^{\circ} 02' 27''$  East, 27.00 feet; thence South  $88^{\circ} 55' 45''$  East, 636.60 feet, to a point on a curve concave Easterly, having a radius of 1050.00 feet; thence Southerly, along the arc of said curve through a central angle of  $00^{\circ} 33' 06''$ , an arc length of 11.03 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South  $00^{\circ} 18' 03''$  East, 11.03 feet; thence Due South, 619.14 feet to the Point of Beginning.

Containing 9.61 acres, more or less.

LESS AND EXCEPT:

A portion of Section 7, Township 4 South, Range 25 East, Clay County, Florida, also being a portion of those lands described and recorded in Official Records Book 1450, page 1590 of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Southeasterly corner of said Section 7; thence South  $87^{\circ} 38' 56''$  West, along the Southerly line of said Section 7, a distance of 4007.21 feet; thence Due North, departing said Southerly line, 619.14 feet to the point of curvature of a curve concave Easterly, having a radius of 1050.00 feet; thence Northerly, along the arc of said curve, through a central angle of  $00^{\circ} 36' 06''$ , an arc length of 11.03 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of North  $00^{\circ} 18' 03''$  West, 11.03 feet.

From said Point of Beginning, thence continue Northerly, along the arc of said curve concave Easterly, having a radius of 1050.00 feet, through a central angle of  $33^{\circ} 55' 51''$ , an arc length of 621.81 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North  $17^{\circ} 34' 01''$  East, 612.76 feet; thence North  $34^{\circ} 31' 56''$  East, 585.83 feet to a point lying on the Southerly right of way line of Oakleaf Plantation Parkway, a 200 foot right of way, as recorded in Plat Book 44, pages 23 through 32 of the Public Records of said county; thence South  $55^{\circ} 28' 04''$  East, along said Southerly right of way line, 308.89 feet; thence South  $23^{\circ} 42' 39''$  West, departing said Southerly right of way line, 981.60 feet; thence North  $88^{\circ} 55' 45''$  West, 376.85 feet to the Point of Beginning.

Containing 9.70 acres, more or less.

# 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 attached is a true and correct copy of Clay County Ordinance No. 2005-48, which was filed in this office October 19, 2005, pursuant to 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  
20th. day of October, A.D., 2005.



*Glenda E. Hood*

Secretary of State

DSDE 99 (3/03)

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.