

ORDINANCE NO. 2017- 35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE DP1 COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2016); 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 FOR A LIMITATION ON COUNTY OBLIGATIONS AND ACCEPTANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

RECITALS

WHEREAS, Durbin Creek National, LLC ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent (100%) of the real property, described in attached Exhibit A, to be included in the District, petitioned the St. Johns County Board of Commissioners (the "County") to adopt an ordinance establishing the DP1 Community Development District (the "District"), with petition attached as Exhibit B, pursuant to Chapter 190, Florida Statutes (2016); and

WHEREAS, Petitioner is a Florida limited liability company; 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 July 13, 2017; 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, THAT:

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 (2016).

SECTION 3. DISTRICT NAME. There is hereby established a Community Development District situated entirely within the unincorporated limits of St. Johns County, Florida, which District shall be known as the "DP1 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 proposed District covers approximately 261.36 acres of land. The site is generally located north of Russell Sampson Road, west of I-95, east of St. Johns Parkway and South of Race Track Road in unincorporated St. Johns County, Florida.

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 (2016).

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Kathy Brady, Melissa Yuhas, Bobby Bennett, Lou Paquet, and Julie Passalacqua. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. LIMITATION ON COUNTY OBLIGATIONS AND ACCEPTANCE. Nothing in this Ordinance shall be deemed as affirmative acceptance by St Johns County of any financial operational, maintenance, or any other responsibilities of the District, nor be deemed as affirmative acceptance of any proposed improvement.

SECTION 8. SEVERABILITY. If any provision of this Ordinance or the application thereof is formally determined by a 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 9. EFFECTIVE DATE. This Ordinance shall take effect pursuant to Florida general law.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 18th DAY OF July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY

BY: [Signature]
James K. Johns, Chair

July 20, 2017
Rendition Date

ATTEST: Hunter S. Conrad, CLERK

By: [Signature]
Deputy Clerk

EFFECTIVE DATE: _____



Exhibit A

PARCEL 1
A PORTION OF SECTIONS 5 AND 6, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF RACETRACK ROAD, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, AND THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95, A VARIABLE WIDTH RIGHT OF WAY, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 79520, F.P. NO. 4314122; THENCE SOUTHERLY AND SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 11°30'41" WEST, 1750.51 FEET; COURSE NO. 2: SOUTH 15°40'39" WEST, 1333.33 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHERLY; COURSE NO. 3: SOUTHERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 23012.00 FEET, AN ARC DISTANCE OF 746.35 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF SOUTH 12°44'55" WEST, 746.22 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 4: SOUTH 13°45'18" WEST, 746.84 FEET; COURSE NO. 5: SOUTH 30°33'08" WEST, 227.24 FEET, TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95 WITH THE EASTERLY RIGHT OF WAY LINE OF DURSIN CONNECTOR, A 200 FOOT WIDE RIGHT OF WAY, AS SHOWN ON SAID STATE ROAD NO. 95 RIGHT OF WAY MAP; THENCE SOUTH 02°21'44" WEST, DEPARTING LAST SAID LINE, 256.21 FEET, TO THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95, WITH THE WESTERLY RIGHT OF WAY LINE OF SAID DURSIN CONNECTOR; THENCE SOUTHERLY AND SOUTHWESTERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95, RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 02°09'25" EAST, 125.24 FEET; COURSE NO. 2: SOUTH 20°52'18" WEST, 1036.82 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING SOUTHWESTERLY; COURSE NO. 3: SOUTHWESTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 2425.00 FEET, AN ARC DISTANCE OF 614.29 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF SOUTH 25°13'41" WEST, 612.35 FEET, TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 813, PAGE 1729 OF SAID PUBLIC RECORDS; THENCE SOUTH 69°31'20" WEST, ALONG LAST SAID LINE, 1016.19 FEET, TO THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1288, PAGE 172 OF SAID PUBLIC RECORDS; THENCE NORTH 01°57'32" EAST, ALONG LAST SAID LINE, 1480.54 FEET, THENCE NORTH 01°22'52" WEST, CONTINUING ALONG LAST SAID LINE, AND ALONG THE EASTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 519, PAGE 549 OF SAID PUBLIC RECORDS, 3478.60 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID RACETRACK ROAD; THENCE EASTERLY, AND NORTHEASTERLY, ALONG LAST SAID LINE, RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 70°23'18" EAST, 288.33 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING EASTERLY; COURSE NO. 2: EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 1161.38 FEET, AN ARC DISTANCE OF 306.32 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF SOUTH 75°01'04" EAST, 308.48 FEET, TO THE ARC OF A CURVE LEADING EASTERLY; COURSE NO. 3: EASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 831.06 FEET, AN ARC DISTANCE OF 1368.97 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF NORTH 72°16'54" EAST, 1136.23 FEET, TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO. 4: NORTH 32°37'25" EAST, 1122.68 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING NORTHEASTERLY; COURSE NO. 5: NORTHEASTERLY, ALONG AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1112.38 FEET, AN ARC DISTANCE OF 722.06 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF NORTH 23°12'54" EAST, 703.46 FEET, TO THE POINT OF BEGINNING.

CONTAINING 230.88 ACRES, MORE OR LESS.

PARCEL 2
A PORTION OF SECTION 5, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF RACETRACK ROAD, A VARIABLE WIDTH RIGHT OF WAY, AS NOW ESTABLISHED, AND THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 95, A VARIABLE WIDTH RIGHT OF WAY, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 78008, F.P. NO. 4314162; THENCE NORTH 72°57'24" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF RACETRACK ROAD, 878.51 FEET, TO THE POINT OF CURVATURE OF A CURVE LEADING EASTERLY; THENCE EASTERLY, CONTINUING ALONG LAST SAID LINE AND AROUND AND AROUND THE ARC OF SAID CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 112576 FEET, AN ARC DISTANCE OF 1820 FEET, SAID ARC BEING SUSTAINED BY A CHORD BEARING AND DISTANCE OF NORTH 75°24'53" EAST, 18.00 FEET, TO THE NORTHERLY LINE OF SAID SECTION 5; THENCE NORTH 89°46'43" EAST, ALONG LAST SAID LINE, 148.52 FEET, TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2382, PAGE 148 OF THE PUBLIC RECORDS OF SAID ST. JOHN COUNTY; THENCE SOUTH 05°18'04" WEST, 827.48 FEET; THENCE SOUTH 05°14'45" WEST, CONTINUING ALONG LAST SAID LINE, 233.28 FEET; THENCE SOUTH 63°59'53" WEST, 12120.4 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 95; THENCE NORTH 11°40'41" EAST, ALONG LAST SAID LINE, 1794.49 FEET, TO THE POINT OF BEGINNING.

CONTAINING 30.60 ACRES, MORE OR LESS.

TOTAL ACREAGE CONTAINING 261.38 ACRES, MORE OR LESS.