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GAIL WADSWORTH, FLAGLER Co.

## ORDINANCE 2007-17

AN **ORDINANCE** OF THE CITY OF BUNNELL, FLORIDA. ESTABLISHING THE DEER RUN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES: **DISTRICT**; **DESCRIBING** NAMING THE THE 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, OB Investors, LLC ("Petitioner"), having obtained written consent to the establishment of the Deer Run 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 City Commission ("Commission") of Bunnell, Florida, 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 6355 Metro West Boulevard, Suite 330, Orlando, Florida, 32835; 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 Commission on May 15, 2007; and

WHEREAS, upon consideration of the record established at that hearing, the Commission 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 City'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.

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA AS FOLLOWS:

<u>Section 1. Recitals Incorporated.</u> The above recitals are true and correct and are incorporated herein.

<u>Section 2. Authority.</u> 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.

<u>Section 3. Conflict.</u> All Ordinances and Resolutions or segments of Ordinances and Resolutions in conflict herewith are hereby superseded by these regulations to the extent of their inconsistency.

<u>Section 4. District Name.</u> There is hereby created a community development district situated entirely within a portion of the City of Bunnell, Florida, which shall be known as the "Deer Run Community Development District", and which shall be referred to in this Ordinance as the "District".

<u>Section 5. District External Boundaries.</u> The external boundaries of the District are described in Exhibit "A" attached hereto and made an integral part of this Ordinance, said boundaries encompassing 690.35 acres, more or less.

Section 6. 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 exercise certain 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; control and elimination of mosquitoes and other arthropods of public health importance; and security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the City; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the proposed District boundaries, all as authorized and described by Section 190.012(2), Florida Statutes.

<u>Section 7. Board of Supervisors.</u> The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Nancy Rossman

Address: 6355 Metrowest Blvd., Suite 330

Orlando, Florida 32535

Name: Vince Viscomi

Address: 299 W. Granada Blvd., Suite B

Ormond Beach, Florida 32174

Name: Tom Phillips

Address: 6355 Metrowest Blvd., Suite 330

Orlando, Florida 32535

Name:

Allan Goldberg

Address:

111 S. Maitland Avenue, Suite 101

Maitland, Florida 32751

Name:

William W. Cole, Jr.

Address:

111 S. Maitland Avenue, Suite 101

Maitland, Florida 32751

<u>Section 8. Severability.</u> If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.

<u>Section 9. Effective Date.</u> That this Ordinance shall become effective upon its final adoption.

First Reading: passed on this 1<sup>st</sup> day of May 2007.

Second Reading: passed and adopted on this 15<sup>th</sup> day of May 2007.

CITY COMMISSION, City of Bunnell, Florida.

By:

Joann B. King, Mayor

Approved for form and content by:

Sidney Nowell, City Attorney

Attest:

Ronya D) Johnson, City Clerk

I, the undersigned, duly appointed City Clerk of the City of Bunnell, Florida. hereby certify that the attached is a true and correct copy, as shown in the records of the City on file in the Office of the City Clerk. Witness. my hand and the corporate seal of the City of Bunnell, Florida, this 26<sup>th</sup> day of July 2007.

Ronya D. Johnson, City Clerk:\_

Seal:

City of Bunnell,

Exhibit "A"

LEGAL FOR

Exhibit "A"

Page 1 of 2

## LEGAL DESCRIPTION:

A PARCEL OF LAID LYNG IN COVERNMENT SECTION 11 AND SECTION 12, TOWNSHIP 12 SOUTH, RANCE JO EAST, BEING A PORTION OF BLOCK A OF SECTION 11, AND PART OF BLOCK B, SECTION 12, OF THE BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION OF SAID SECTIONS, ACCORDING TO PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THE PORT OF BECKNING BEING THE NORTHEAST CORNER OF SAID SECTION 11: ALSO BEING A CORNER OF PALLI COAST EASTHWAPTON - SECTION 14, SEMINOLE MOODS, A SURDIVISION AS RECORDED IN PLAT BOOK 11, PAGES JO THIRU S4 IN THE PUBLIC RECORDS OF FLAGLER COUNTY. FLORIDA: THENCE ALONG SAID SUBUMISION BOLINDARY S 00'22'11" E 1304.13'; THENCE N BEUS'25" E 1558.95'; THENCE LEAVING SAID SUBDIVISION BOUNDARY RUN S 01'04'24" E 1100.41" TO THE NORTH RUGHT-OF-WAY LINE OF S.R. 100 (200' R/W), SAID POINT BEING 500.00' EAST CE THAT PROPERTY DESCRIBED IN O.R.728, PG.812; THENCE S 8852'09" W ALONO SAID RICHT-OF-WAY LINE 500.00"; THENCE LEAVING S.R. 100 RUN IN 00'29"38" W ALONG THE WEST LIKE OF O.R.729, Pg.812 434.28' TO THE SOUTHFAST CORNER OF THAT PROPERTY DESCRIBED IN O.R.352, Po.18; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING CALLS: 5 88'46'44" ¥ 1064.84". THENCE N 00'29"06" W 41.50": THENCE S 88'56'46" W 737.70": THENCE N 00'46"27" W 619.68' 10 NORTHEAST CORNER OF THAT PROPERTY ESCRIPCO IN D.R.48 Pg. 234, ALSO BEING THE SOUTHERLY LANE OF TRACTS 3 AND 4, BLOCK A, BURNITLL DEVELOPMENT COMPANY, AS MONUMENTED AND OCCUPTED THENCE S 80'55'43" W ALONG SAID PROPERTY 582.82': THENCE N 01'04'21" W 899.92'; THENCE S 88'49'25" W 1317.02'; THENCE N.06'34'19"E. 405.28' TO A CORNER OF AFORSAID PALM COAST EASTHAMPTON - SECTION 34, THENCE N.BS-49'01"E ALONG THE SOUTH LINE OF CASTHAUPTON 2597.48' TO THE POINT OF DECEMBE.

## Exhibit "A"

Page 2 of 2

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LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTIONS 2, 3, & 11, TOWNSHIP 12 SOUTH, RANGE 30 EAST FLACLER COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

from the southeast corner of said section 3 as a port of beginning, bear s.88°41°43"H along the south line of section 3 a distance of 2646.56° to THE SOUTH X CORNER OF SECTION 3: THENCE CONTINUE ALONG THE SOUTH LINE OF SECTION 3 5.8843"05"W A DISTANCE OF 882,61"; THENCE LEAVING THE SOUTH UNE OF SECTION 3 N.OCT46"24"W A DISTANCE OF 660:30": THENCE N.88"36"20"E A DISTANCE OF 156.15": THENCE N.15"18"17"E A DISTANCE OF 361.20: THENCE N.7441'43'8 A DISTANCE OF 582,00' TO THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY \$1 (150' PUBLIC RAY); THENCE ALONG SAID RIGHT-OF-WAY N.15'18"17"E A. DISTANCE OF 888,93": THENCE LEAVING THE RIGHT-OF-WAY 5.75"24"35"E A DISTANCE OF 720,00"; THENCE H.02"18"46"W A DISTANCE OF 508,00" NON-TANGENTIALLY TO A POINT ON A CURVE, THENCE ALONG THE CURVE, CONCAVE NORTHEASTERLY, AN ARC LENGTH OF 1591.76", HAVING A DELTA OF 19'49'35", A RADIUS OF 4600.00", A CHORD BEARNS OF SUBSISTIOTE, AND A CHORD DISTANCE OF 1883LEST, THÈNCE N.S.471571574 A DISTANCE OF 550.001; THÈNCE N.S.47191267E A DISTANCE OF 490.001; THENCE MAGOSTON'S A DESTANCE OF 486.76" TO A POINT OF CURVATURE: THENCE ALONG THE CURVE, CONCAVE HORTEMESTERLY, AN ARC LENGTH OF BOLDS', HAVING A DELTA OF \$5720'50", A RADAUS OF BOLDO", A CHORD SEARING OF INJUTIO 16"47"E, AND A CHORD DISTANCE OF 79.37" TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CLEVE, CONCAVE MORTHEASTERLY, AN ARC LENGTH OF 163.32", HAVING A DELTA OF 38"60"26", A RADIUS OF 240.00", A CHORD BEARING OF NOTO3"56 "E, AND A CHORD DISTANCE OF 160.19"; THENCE N18"57"15"E A DISTANCE OF 449.59" TO A POINT OF CURVATURE THENCE ALONG THE CURVE, CONCAVE SCUTHEASTERLY, AN ARC LENSTH OF 20428". HAVING A DELTA OF 27/28/39". A RADIUS OF SODIDO". A CHORD BEARING OF N.35/41/35"E. AND A CHORD DISTANCE OF 20/3/49" TO A POINT OF REVERSE CURVATURE: THENCE ALONG THE CURVE., CORCAR NORTHWESTERLY, AN ARC LENGTH OF 285.60°, HAVRO A DELTA OF 45'45"11". A RADIUS OF 350.00°, A CHORD BEARING OF N.1503"18"E. AND A CHORD DISTANCE OF 277.74" TO A POINT OF REVERSE CURVATURE: THENCE ALONG THE CURVE. CONCAVE SOUTHEASTERLY, AN ARC LEMBIN OF 217.ELT, HAVING A DELTA OF 64'00'TA", A ROBUS OF 128.00", A CHORD GEARING OF 14.2740'54'E, NO. A CHORD DISTANCE OF 206.88' ID. A POBIL ON THE SOUTH LINE OF THE LEHIGH PORTLAND CEMENT RALPOAD (180" R/M); THENCE M.BS"1.5"DG"E ALONG THE SAID RIGHT-OF-WAY A DISTANCE OF 2474.51" TO THE NORTHNESTERLY CORNER OF EASTMANFION—SECTION 34, PALM COAST, AS RECORDED IN MAP BOOK 11, PAGES 30—49, PUBLIC RECORDS OF FLAGLER COUNTY: THEMCE LEAVING FORESAD RIGHT-OF-WAY BEAR 5.00743'39'E ALONG THE SAID WESTERLY BOUNDARY LINE A DISTANCE OF 4718.20' TO THE SOUTH X OF SECTION 2: THENCE LEAVING SKE BRUNDARY LINE SLDE'S4'19"N A DISTANCE OF 405.28": THENCE SLOT'07"59"E A DISTANCE OF 1589.39" TO A 4"x4" CONCRETE DEPARTMENT OF Transportation monument; thence sight 13" 14" w a distance of 600.68" to an established concrete morrhent warning the northwest corner of the OLD FLASLER COUNTY JAL AND THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN BOOK 514, Pg. 1916 OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA THENCE WESTERLY ALONG THE NORTH LINE OF SUD PROPERTY AND EXTENSION THEREOF S.89"13"50"W 300.00" TO THE HORTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 505, Pc. 527 OFFICIAL RECORDS OF SAID FLAGUER COUNTY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY 5.00'28'27"E 633.95" TO THE SOUTH LINE OF THE NOTIFIEST OWNTER OF SECTION 11; THENCE S.5924'19"H MONO SAD LINE 60.00"; THENCE LEAVING SAD LINE, RUN N.00'29'09"W 634.46"; THENCE N.89'52'23"W 1269.45' TO THE NORTHEAST CORNER OF TRACT 21. BLOCK B. BUHNELL DEVELOPMENT COMPANY: THENCE ALONG THE MERTH LINE OF SAID TRACT 21 S.BFOT"13"W 325.24": THENCE MAYA7 59"H 1953.60" TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

From the southeast corner of said section 3 as a point of reference, bear nubb's 10°E, 300.00'; thence 5.45'45"48"E, 935.05' to the point of beginning, thence nubb's 148'E, 124.21'; thence 5.05'35'16'E, 653.75'; thence 5.85'05'35"W, 323.70'; thence nubb's 148'E, 652.84" to the point of beginning.

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### LEGAL DESCRIPTION

A PORTION OF UNID LYING IN SECTIONS 2. 3, & 11, TOWNSHIP 12 SOUTH, RANGE 30 EAST FLACLER COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 3 AS A POINT OF BEGINNING, BEAR SUBSTATIATIVE ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 2545.56" TO THE SOUTH X CORNER OF SECTION 3: THENCE CONTINUE ALONG THE SOUTH LINE OF SECTION 3: S.88\*43"05"W A DISTANCE OF 882.61"; THENCE LEAVING THE SOUTH line of section"3 in out 46"24" if a distance of 560.30"; rience in 88"36"20"e a distance of 156.16"; thence in 15"18"17"e a distance of 361.30; thence m.7541'43"m a distance of 582,00" to the easterly right-of-way of us highmay \$1 (150' public r/m); thence along said right-of-way n.1518'17'e a. DISTANCE OF 888,93"; THENCE LEAVING THE PRICHT-OF-WAY SUBSTANCE OF 720,00"; THENCE M.OZTO" 46"M A DISTANCE OF 808,00" NON-TANGENTIALLY TO A POINT CHAIR CURVE THENCE ALONG THE CURVE. CONCAVE NOTTHEASTERLY, AN ARC LENGTH OF 1501.76", HAVING A DELTA OF 19'49'35", A RABIUS OF 4600.00", A chord bearns of subsiditions, and a chord distance of 1583.331 thence number 1157/y a distance of 550.801; thence number 257.051/y a distance of 550.801; thence number 257.051/y THENCE RADIOTICS'E A DISTANCE OF 486,76" TO A POINT OF CURVATURE; THENCE ALONG THE CURVE, CONCAVE MORTANESTERLY, AN ARC LENSTH OF BLOS', HAVING A DELTA OF 50'28'50", A RADRIS OF BOLDO", A CHORD BEARING OF NATURE AND A CHORD DISTANCE OF 79.37" TO A POINT OF REVERSE CURVATURE: THENCE MONG THE CURVE, CONCAVE MORTHEASTERLY, AN ARC LENGTH OF 163.32", HAVING A DELTA OF 3859"25", A RUDIUS OF 240.00", A CHORD BEARING OF MOTIOS"55 "E. AND A CHORD DISTANCE OF 160.19"; THENCE H18"57"15"E A DISTANCE OF 449.59" TO A POINT OF CURVATURE THENCE ALONG THE CURVE, CONCAVE SOUTHEASTERLY, AN ARC LENGTH OF 204.86", HARING A DELTA OF 2.57.26"39", A RADRUS OF 500.00", A CHORD BEARING OF N.35741"35"E, AND A CHORD DISTANCE OF 203.45" TO A POINT OF REVERSE CURVATURE THENCE ALONG THE CURVE, CONCAVE NORTHWESTERLY, AN ARC. LENGTH OF 285.60', HAVING A DELTA OF 46'45'11". A RADIUS OF 350.60', A CHORD BEARING OF H.15"OS"18"E, AND A CHORD DISTANCE OF 277.74" TO A POINT OF PREVENSE CURVATURE: THENCE MONG THE CURVE, CONCARE SOLUTHEASTERLY, AN ARC LENGTH OF 217.83", HUVING A DELTA DIF EXPORTE A RODING OF 195.00", A CHORD EBARING OF 1.27-10"54", AUD A CHORD DISTANCE OF 206.88" TO A POMI ON THE SOUTH LINE OF THE LEHIGH POPTLAND CEMENT RALPOAD (180" R/M"); THENCE N.B9"15"09"E ALONG THE SAID RIGHT-OF-WAY A DISTANCE OF 2474.51" TO THE NORTHMESTERLY CORNER OF BASTANAAIPTON-SECTION 34, PAUL COAST, AS RECORDED IN MAP BOOK 11, PAGES 30-48, PUBLIC RECORDS OF FLAGER COUNTY: THENCE LEAVING FOREXO RIGHT-OF-WAY BEAR SLOC'A3'39'E ALONG THE SUD WESTERLY BOUNDARY ILINE A DISTINCE OF 4718.20' TO THE SOUTH 1/4 OF SECTION 2: THENCE leaving sad boundary line, s.of.34'19'n a distance of 406.28'; thence s.o1'07'59"e a distance of 1589.39' to a 4"x4" concrete department of 🚶 TRANSPORTATION MONUMENT: THENCE SUSTICE AN ADSTANCE OF COOLOS! TO AN ESTABLISHED CONCRETE MONAMENT WARRING THE MORTHWEST CORNER OF THE OLD FLAGLER COUNTY AND THE MORTHEAST CORNER OF THE PROPERTY DESCRIBED BY BOOK 814, Pg. 1976 OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA THEMSE WESTERLY ALONG THE NORTH LINE OF SAID PROPERTY AND EXTENSION THEREOF S.BSY13"50"W 300.00" TO THE HORTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 505, P.S. 527 OFFICIAL RECORDS OF SAID FLAGLER COUNTY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY 5.00728'27"E 633.96" TO THE SOUTH LINE OF THE NORTHMEST CHARTER OF SECTION 11; THENCE S.8924 19"H ALONG SAD LINE 60,00"; THENCE LEAVING SAID LINE, RUN M.00'29'09"H 634.46"; THENCE H.89'52'23"M 1269.45" TO THE NORTHEAST CORNER OF TRACT 21, BLOCK B, BURNELL DEVELOPMENT COMPANY: THENCE ALONG THE WORTH LINE OF SAID TRACT 21 S.B.FOT"15"W 325.24"; THENCE HAVATES H 1953.50' TO THE POINT OF BECHNING.

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## Exhibit "A"

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A PARCEL OF LAND LYING IN COVERNMENT SECTION 11 AND SECTION 12, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BEING A PORTION OF BLOCK A OF SECTION 11, AND PART OF BLOCK B, SECTION 12, OF THE BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION OF SAID SECTIONS, ACCORDING TO PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

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