

**ORDINANCE NO. 2007- 07**

**AN ORDINANCE ESTABLISHING THE CHANDLER'S MEADOW COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chandler Development I, LLC (hereafter "Petitioner"), having obtained the written consent to the establishment of the District by the owners of One Hundred (100%) percent of the real property to be included in the District, submitted a Petition (the "Petition") to the Board of County Commissioners ("BCC") of Nassau County (the "County") requesting that the BCC adopt an ordinance establishing the Chandler's Meadow Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2005); and

WHEREAS, Petitioner is a limited liability corporation authorized to conduct business in the State of Florida whose address is 305 1<sup>st</sup> Street, St. Augustine, Florida 32084; 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 February 12<sup>th</sup>, 2007; 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 February 26<sup>th</sup>, 2007; and

WHEREAS, upon consideration of the record established at both hearings, 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 that will be 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 Nassau County, Florida:**

**SECTION I. AUTHORITY.**

This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes as amended (the "Act").

**SECTION II. DISTRICT NAME.**

There is hereby created a community development district situated entirely within unincorporated Nassau County, Florida, which District shall be known as the "Chandler's Meadow Community Development District."

**SECTION III. EXTERNAL BOUNDARIES OF THE DISTRICT.**

Encompassing approximately 759± acres, the external boundaries of the District are described in **Exhibit "A"** attached hereto and incorporated herein.

**SECTION IV. FUNCTION AND POWERS.**

Pursuant to general law, the exclusive charter for each independent community development district established under Chapter 190, Florida Statutes, is the uniform community development district charter (the "Uniform Charter") as set forth in §§ 190.006 through 190.041, Florida Statutes. This Uniform Charter is not subject to modification by the local general purpose government under which it is established. The Uniform Charter grants certain general and special powers among which include the following:

(A) General Powers - The District and the District's Board of Supervisors are authorized to exercise all powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time. Said powers include, but are not limited to the power:

(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the state retirement fund.

(3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in § 190.033, Florida Statutes.

(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and

to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(5) To adopt rules and orders pursuant to provisions of Chapter 120, Florida Statutes, prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

(6) To maintain an office at such place or places as it may designate within the county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to § 189.417(3), Florida Statutes, of a district within the boundaries of a development of regional impact of Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.

(7) (a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this Act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.

(b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in § 190.003(13), Florida Statutes, to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground rent using the procedures authorized in § 197.3631, Florida Statutes, other than the procedures contained in § 197.3632, Florida Statutes.

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(10) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of Chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized herein or by the Act.

(13) To assess and impose upon lands in the district ad valorem taxes as provided by the Act.

(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to the Act and Chapter 170, Florida Statutes. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of § 197.3631, § 197.3632, and § 197.3635, or Chapter 170, Florida Statutes.

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by the Act.

(16) To exercise such special powers as may be authorized by this Section and the Act.

(B) Special Powers — The District and the District's Board of Supervisors are authorized to exercise all special powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time. Said powers include, but are not limited to the power:

(1) To finance, fund, plan, establish, acquire, construct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin excavation, public highway, tract, grade, fill, or cut and roadways

over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill or cut.

(d) 1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervisions or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property. It is anticipated that a portion of the property located within the boundaries of the District will be subject to a Grant of Conservation Easement pursuant to St. John's River Water Management District Environmental Resources Permit #4-089-51811-3 ("Easement"). The District will not acquire any portion of the property subject to the Easement either through purchase or lease.

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to § 380.06 or § 380.061, Florida Statutes, approving or expressly requiring the construction or funding of the project by the District, or when the project is the subject of an agreement between the District and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is located.

(C) Additional Powers - Consent is hereby given to the District and the District's Board of Supervisors 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, educational and security uses as authorized and described by Section 190.012(2), Florida Statutes.

## **SECTION V. BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: (i) Timothy A. Chandler; (ii) Andre Desilet; (iii) Alan Cottrill; (iv) John Daugirda; and (v) Robert Koncar. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

## **SECTION VI. MISCELLANEOUS.**

(A) Disclosure Requirements – In addition to the disclosure requirements required under Chapter 190, the Petitioner hereby agrees that the powers, rights, duties and financial obligations of the District will be fully disclosed to all purchasers of lots or parcels of real property situated within the boundaries of the District. In addition, the Petitioner agrees to

provide all purchasers of lots or parcels of real property located within the boundaries of the District with a copy of any lot phasing schedules or development phasing schedules for the residential subdivision that will be located within the District boundaries.

(B) Water and Waste Water Facilities - The District is located within the Additional Service Territory of JEA. As such, any public waste and waste water facilities constructed by the District will meet JEA Design Standards (“Standards”) in effect at the time of construction. Further, upon completion of such facility or facilities, JEA will certify the District’s compliance with the applicable Standards. Upon certification of the facilities by JEA, the District will thereafter submit periodic Facilities Operations Reports (“Reports”) to JEA and to the County in accordance with the reporting requirements of the Florida Department of Environmental Protection (“FDEP”). In addition to the above, such facilities will be maintained and supervised by an approved management entity licensed to maintain and operate such facilities by FDEP.

(C) Annual District Assessments - The Petitioner and the BCC hereby acknowledge and agree that changes in the financial markets may effect the final annual assessment schedule for the District. Understanding the impact of the financial markets, the Petitioner will attempt to structure the annual assessment schedule so that the annual District assessments which owners of lots or parcels located within the District will be responsible for, will be competitive with annual District assessments for Districts in Nassau County approved by the BCC taking into account the amenities and services to be offered.

(D) Developer Repayment – The Petitioner and BCC hereby acknowledge and agree that the Developer of lots or parcels within the District will repay a portion of the bonds issued by the District in order to comply with the conditions herein.

## **SECTION VII. SEVERABILITY.**

If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

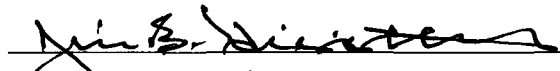
**SECTION VIII. EFFECTIVE DATE.**

This Ordinance shall take effect pursuant to general law.

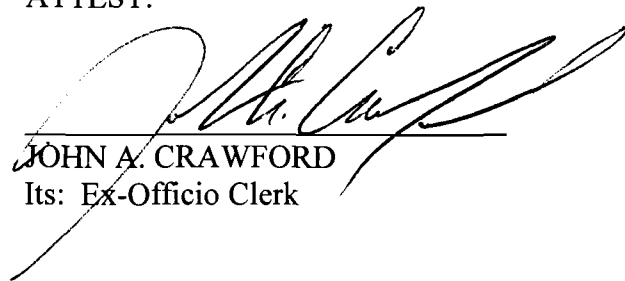
DONE AND READ at first reading in regular session this 12th day of February, 2007.

DONE AND ADOPTED at second reading in regular session this 26th day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
JIM B. HIGGINBOTHAM  
Its: Chairman

ATTEST:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

APPROVED AS TO FORM AND LEGALITY  
BY THE NASSAU COUNTY ATTORNEY:

  
DAVID A. HALLMAN

## EXHIBIT "A"

LEGAL DESCRIPTION  
PERRET DAIRY PROPERTY  
MAY 24, 2005

A PORTION OF SECTIONS 11, 12, 13 & 14, TOWNSHIP 2 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 11; THENCE SOUTH  $89^{\circ}43'30''$  EAST, ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 2676.47 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION; THENCE SOUTH  $89^{\circ}18'43''$  EAST CONTINUING ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1.63 FEET TO INTERSECT THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-115 (A 80.0' FOOT RIGHT-OF-WAY); THENCE SOUTH  $40^{\circ}16'44''$  EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2996.03 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 357, PAGE 329, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF LAST SAID LANDS THE FOLLOWING THREE COURSES; (1) SOUTH  $49^{\circ}45'31''$  WEST A DISTANCE OF 207.63 FEET; (2) SOUTH  $40^{\circ}14'09''$  EAST A DISTANCE OF 208.98 FEET; (3) NORTH  $89^{\circ}53'02''$  EAST A DISTANCE OF 272.00 FEET TO INTERSECT THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-115; THENCE SOUTH  $40^{\circ}16'44''$  EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 79.75 FEET TO INTERSECT THE NORTHERLY LINE OF LOT 56 AS SHOWN ON THE CORNWALL FARM LAND COMPANY PLAT OF "NORTH FLORIDA PECAN, FRUIT AND TRUCK FARMS", AS RECORDED IN PLAT BOOK "0", PAGE 31, PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH  $89^{\circ}54'24''$  WEST, ALONG THE NORTH LINE OF SAID LOT 56, A DISTANCE OF 903.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 56; THENCE SOUTH  $01^{\circ}36'35''$  EAST A DISTANCE OF 665.01 FEET TO INTERSECT THE NORTHERLY LINE OF APERRET PLANTATION, PHASE 2", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGES 201-202 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF SAID APERRET PLANTATION, PHASE 2" THE FOLLOWING SEVEN COURSES, (1) NORTH  $89^{\circ}57'18''$  WEST A DISTANCE OF 70.56 FEET; (2) SOUTH  $15^{\circ}37'09''$  EAST A DISTANCE OF 565.62 FEET, (3) SOUTH  $37^{\circ}54'20''$  EAST A DISTANCE OF 520.02 FEET; (4) SOUTH  $38^{\circ}26'28''$  EAST A DISTANCE OF 372.31 FEET; (5) NORTH  $63^{\circ}26'39''$  EAST A DISTANCE OF 974.85 FEET; (6) NORTH  $40^{\circ}13'02''$  WEST A DISTANCE OF 102.12 FEET; (7) NORTH  $49^{\circ}43'28''$  EAST A DISTANCE OF 266.20 FEET TO INTERSECT THE PERIMETER OF APERRET PLANTATION, PHASE 1", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGES 144-145 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF SAID APERRET PLANTATION, PHASE 1" THE FOLLOWING FOUR COURSES; (1) SOUTH  $40^{\circ}16'28''$  EAST A DISTANCE OF 1172.62 FEET; (2) SOUTH  $36^{\circ}17'26''$  EAST A DISTANCE OF 111.96 FEET; (3) SOUTH  $27^{\circ}03'17''$  EAST A DISTANCE OF 137.81 FEET; (4) SOUTH  $17^{\circ}02'31''$  EAST A DISTANCE OF 113.06 FEET TO THE SOUTHWESTERLY CORNER OF LOT 10, AS SHOWN ON SAID PLAT OF APERRET PLANTATION, PHASE 1"; THENCE NORTH  $60^{\circ}42'28''$  EAST A DISTANCE OF 237.06 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 10, BEING ALSO THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. C-115 AFOREMENTIONED; THENCE SOUTH  $29^{\circ}17'33''$  EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 357.19 FEET TO WHERE SAID RIGHT-OF-WAY INTERSECTS THE NORTHERLY RIGHT-OF-WAY LINE OF IRVIN AVENUE (A 60.0' FOOT RIGHT-OF-WAY); THENCE SOUTH  $81^{\circ}38'07''$  WEST ALONG SAID NORTHERLY RIGHT-OF-WAY OR IRVIN AVENUE, A DISTANCE OF 345.42 FEET TO THE SOUTHEASTERLY CORNER OF LOT 11, PERRET PLANTATION, PHASE "1" AFORESAID; THENCE ALONG THE PERIMETER OF SAID PLAT OF APERRET PLANTATION, PHASE 1" THE FOLLOWING TEN COURSES; (i) SOUTH



78°01'04" WEST A DISTANCE OF 206.10 FEET; (2) NORTH 16°03'41" WEST A DISTANCE OF 84.01 FEET; (3) SOUTH 69°47'07" WEST A DISTANCE OF 217.32 FEET; (4) SOUTH 57°58'00" WEST A DISTANCE OF 570.41 FEET; (5) NORTH 68°11'20" WEST A DISTANCE OF 152.41 FEET; (6) NORTH 35°15'05" EAST A DISTANCE OF 90.59 FEET; (7) NORTH 64°30'30" WEST A DISTANCE OF 319.41 FEET; (8) SOUTH 25°31'56" WEST A DISTANCE OF 215.82 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET; (9) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°20'29" AN ARC DISTANCE OF 33.31 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 12°38'11" EAST A DISTANCE OF 30.90 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 403.26 FEET AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF A 60 FOOT PUBLIC RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 39, PAGES 343-345, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°30'00" AN ARC DISTANCE OF 362.47 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 76°33'53" WEST A DISTANCE OF 350.59 FEET; THENCE SOUTH 77°41'27" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 673.30 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 1008.53 FEET; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°08'29" AN ARC DISTANCE OF 55.30 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 79°15'41" WEST A DISTANCE OF 55.29 FEET; THENCE SOUTH 00°29'42" EAST, ALONG THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 83, PAGE 416, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA AND ITS NORTHERLY PROJECTION, A DISTANCE OF 2642.48 FEET TO THE SOUTHEAST CORNER OF LAST SAID LANDS; THENCE SOUTH 87°33'32" WEST, ALONG THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 83, PAGE 416, OFFICIAL RECORD BOOK 83, PAGE 418 AND OFFICIAL RECORD BOOK 26, PAGE 147 ALL OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, A DISTANCE OF 3988.43 FEET; THENCE NORTH 00°47'14" WEST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 26, PAGE 147, A DISTANCE OF 1312.95 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE NORTH 00°32'45" WEST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 83, PAGE 416, A DISTANCE OF 1350.06 FEET TO INTERSECT THE NORTHERLY LINE OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA; THENCE SOUTH 86°52'08" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 11, A DISTANCE OF 21.47 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE NORTH 00°12'41" EAST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 2685.19 FEET; THENCE NORTH 00°10'46" WEST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 2663.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 759.00 ACRES MORE OR LESS.