

House Bill No. 1509

An act relating to Flagler Estates Road and Water Control District, St. Johns County; amending chapter 98-529, Laws of Florida; providing additional powers of the district to construct, operate, maintain, repair, and replace works and improvements necessary to execute the district's water control plan; specifying applicability of certain general law; providing for an interlocal agreement; revising district boundaries; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Sections 1 and 3 of section 4 of chapter 98-529, Laws of Florida, are amended to read:

Section 1. Powers and authority.—

(1) ~~The drainage district originally was empowered to accept and maintain drainage improvements already in existence and to operate pursuant to the general drainage laws of chapter 298, Florida Statutes. In addition to the powers provided for in chapter 298, Florida Statutes, in 1981 the district was granted the power to maintain roadways and roads necessary and convenient for the exercise of the powers or duties or any of the powers or duties of said district; and in furtherance of the purposes and intent of chapter 298, Florida Statutes, to maintain streets, roadways, and roads necessary and convenient to provide access to and efficient development of areas made suitable and available for cultivation and settlement, urban and suburban, and other beneficial use and development as a result of the drainage, irrigation, and reclamation operations of the district for the lands only within the boundaries of the district situated in St. Johns John's County. This road authority geographically was expanded in 1982 to include the lands within the boundaries of the district situated in Flagler County as well as a component of the district's road maintenance authority within the district boundaries. This authority was is hereby specified to include, but not be limited to, street lighting, road striping, reconstruction, and any other safety features or improvements customary to a modern road system.~~

(2) Pursuant to chapter 298, Florida Statutes, and this act, the district shall have full power and authority to construct, operate, maintain, repair, and replace any and all works and improvements necessary to execute the district's water control plan. The works of the district include, without limitation, all waterways, water control structures, equipment, facilities, real property interests, roads, streets, lighting, and appurtenant facilities owned, operated, or maintained by the district or included in the district water control plan. The district recognizes that it is subject to the provisions of chapter 2005-345, Laws of Florida, insofar as that chapter relates to the Flagler Estates Road and Water Control District formerly known as Sixteen Mile Creek Water Control District.

(3) Pursuant to this section, the Hastings Drainage District and the Flagler Estates Road and Water Control District shall, with the assistance

and advice of the St. Johns River Water Management District, enter into an interlocal agreement by December 31, 2006, incorporating provisions for cooperative operation of interconnected water control facilities.

(4) Surplus real property owned by the district can be made available to the public for passive use and the district is authorized to enter into lease or interlocal agreements with other governmental entities for the operation and/or maintenance of such passive use areas within the district boundaries.

Section 3. Boundaries.—The district boundaries originally were established in the Final Judgment Incorporating the Drainage District by the Seventh Judicial Circuit Court, St. Johns County, Florida, on June 4, 1971, as recorded in O.R. 194, page 344, Public Records of St. Johns County, Florida, in Case #2154 and as subsequently extended by Order of the Seventh Judicial Circuit Court, St. Johns County, Florida, on August 16, 1972, as recorded in O.R. 194, page 344, and O.R. 224, page 26, Public Records of St. Johns County, Florida, in Case # 2154. Several Special Acts further adjusted the district boundaries. Section 2 of chapter 81-481, Laws of Florida, extended district boundaries into St. Johns County; section 3 of chapter 81-481, Laws of Florida, removed lands from Hastings Drainage District; section 2 of chapter 82-294, Laws of Florida, extended district boundaries in Flagler County; and chapter 89-505, Laws of Florida, reduced the size of the district in St. Johns County, and chapter 2000-479, Laws of Florida, removed Flagler County from the jurisdiction of the district. The consolidated legal description of the boundaries of the district is:

THAT PORTION OF TOWNSHIP 10 SOUTH, RANGE 28 EAST, LYING AND BEING IN ST. JOHNS COUNTY AND FLAGLER COUNTIES, FLORIDA, DESCRIBED AS FOLLOWS:

~~BEGIN AT THE NORTHEAST CORNER OF SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST TO THE SOUTHERN BOUNDARY OF ST JOHNS COUNTY; THENCE RUN WESTERLY ALONG THE SAID SOUTHERN BOUNDARY OF ST JOHNS COUNTY SOUTHEAST CORNER OF SECTION 24; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 24 TO THE NORTHEAST CORNER OF SECTION 26; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 26 TO THE NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE RUN NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD TO THE SOUTH LINE OF SECTION 22; THENCE RUN WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 22 TO THE SOUTHWEST CORNER THEREOF; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 22 TO THE SAID NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE RUN NORTHWESTERLY ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD TO THE WEST LINE OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 21; THENCE RUN NORTHERLY ALONG THE SAID WEST LINE OF THE EAST ½ OF THE NORTHWEST ¼ TO THE~~

SOUTH LINE OF SECTION 16; THENCE RUN WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 16 TO THE SOUTHEAST CORNER OF SECTION 17 OF SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 17 TO THE SOUTHWEST CORNER OF THE EAST ¼ OF SAID SECTION 17; THENCE RUN NORTHERLY ALONG THE WEST LINE OF THE EAST ¼ OF SAID SECTION 17 AND ALONG THE WEST LINE OF THE EAST ¼ OF SECTION 8 TO THE NORTH LINE OF SAID SECTION 8; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 8 AND ALONG THE NORTH LINE OF SECTION 9 TO THE SOUTHWEST CORNER OF SECTION 3; THENCE RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 3 TO THE NORTHWEST CORNER OF U.S. GOVERNMENT LOT 3 OF SAID SECTION 3; THENCE RUN EASTERLY ALONG THE NORTH LINES OF U.S. GOVERNMENT LOTS 3 AND 4 OF SAID SECTION 3 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE RUN S 0°12'38" E FOR A DISTANCE OF 12.54 FEET; THENCE RUN S 88°27'38" E FOR A DISTANCE OF 363.00 FEET; THENCE RUN N 5°12'38" W FOR A DISTANCE OF 458 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE GEO. I.F. CLARKE GRANT, SECTION 37; THENCE RUN EASTERLY ALONG SAID SOUTHERLY LINE OF THE GEO. I.F. CLARKE GRANT FOR A DISTANCE OF 824.99 FEET TO THE RUN OF SIXTEENMILE DEEP CREEK; THENCE RUN N 18°58'00" E FOR A DISTANCE OF 188.11 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 16°46'00" AND A RADIUS OF 300.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 87.79 FEET TO THE POINT OF TANGENCY; THENCE RUN N 2°12'00" E FOR A DISTANCE OF 302.93 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 82°00'00" AND A RADIUS OF 200.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 286.23 FEET TO THE POINT OF TANGENCY; THENCE RUN N 79°48'00" W FOR A DISTANCE OF 245.34 FEET TO A POINT; THENCE RUN S 50°11'17" W FOR A DISTANCE OF 343.96 FEET TO A POINT; THENCE RUN N 45°05'48" W FOR A DISTANCE OF 82.01 FEET TO A POINT; THENCE RUN S 44°19'22" W FOR A DISTANCE OF 40.37 FEET TO A POINT; THENCE RUN N 41°15'00" W FOR A DISTANCE OF 733.53 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 27°16'00" AND A RADIUS OF 100.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 47.59 FEET TO THE POINT OF TANGENCY; THENCE RUN N 68°31'00" W FOR A DISTANCE OF 377.79 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 59°20'00" AND A RADIUS OF 100.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 103.56 FEET TO THE POINT OF TANGENCY;

THENCE RUN N 9°11'00" W FOR A DISTANCE OF 569.04 FEET TO A POINT; THENCE RUN N 3°34'00" W FOR A DISTANCE OF 2177.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 97°13'00" AND A RADIUS OF 48.48 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 82.86 FEET TO THE POINT OF TANGENCY; THENCE RUN S 86°21'00" E FOR A DISTANCE OF 55.00 FEET TO A POINT; THENCE RUN N 7°54'00" E FOR A DISTANCE OF 1123.57 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 13; THENCE RUN ALONG THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY ROAD 13 FOR A DISTANCE OF 578.44 FEET TO A POINT; THENCE RUN S 41°27'41" E FOR A DISTANCE OF 133.83 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 33°52'41" AND A RADIUS OF 100.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 39.13 FEET TO THE POINT OF TANGENCY; THENCE RUN S 7°35'00" E FOR A DISTANCE OF 2058.07 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 26°48'00" AND A RADIUS OF 420.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 196.45 FEET TO THE POINT OF TANGENCY; THENCE RUN S 19°13'00" W FOR A DISTANCE OF 502.38 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING /tv ITS ELEMENTS A CENTRAL ANGLE OF 64°29'00" AND A RADIUS OF 80.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 80.04 FEET TO THE POINT OF TANGENCY; THENCE RUN S 45°16'00" E FOR A DISTANCE OF 577.38 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 12°37'59" AND A RADIUS OF 720.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 158.75 FEET TO THE POINT OF TANGENCY; THENCE RUN S 32°38'01" E FOR A DISTANCE OF 850.29 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST; THENCE RUN NORTHERLY DOWN THE RUN OF SAID DEEP CREEK TO THE NORTH LINE OF TOWNSHIP 10 SOUTH, RANGE 28 EAST; THENCE RUN EASTERLY ALONG THE SAID NORTH LINE OF TOWNSHIP 10 SOUTH, RANGE 28 EAST TO THE POINT OF BEGINNING.

ALSO THE CANAL 5A, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 60 FEET IN WIDTH BEING A PORTION OF THE GEO. I.F. CLARKE GRANT, LYING AND BEING IN SECTION 38, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID STRIP LYING 30.00 FEET ON EACH SIDE OF AND CONTIGUOUS WITH THE FOLLOWING DESCRIBED CENTER-LINE:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 38; THENCE RUN S 81°12'24" 87°12'24" E, ALONG THE SOUTH LINE OF SAID SECTION 38, FOR 30.01 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN N 04°18'32" E, ALONG A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 38, FOR 2261.05 FEET; THENCE RUN N 54°03'48" E FOR 1118.15 FEET; THENCE RUN N 00°38'15" E FOR 395.40 FEET; THENCE RUN N 69°33'35" E FOR 236.03 FEET TO A POINT OF TERMINATION BEING ON THE WESTERLY LINE OF THE SIXTEEN MILE CREEK CANAL FORE-BAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 224 AT PAGES 31 AND 32 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

CONTAINING 5.624 ~~5.524~~ ACRES, MORE OR LESS.

AND ALSO A 50 FOOT ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:

BEING PORTIONS OF SECTION 37, TOWNSHIP 10 SOUTH, RANGE 28 EAST, AND SECTION 38, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 37; THENCE S 85°45'20" E ALONG THE SOUTHERLY LINE OF SAID SECTION 37 FOR 569.19 FEET TO THE SW CORNER OF PARCEL ONE, ACCORDING TO DEED BOOK 136, PAGE 63 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE S 84°01'14" E ALONG THE SOUTHERLY LINE OF SAID PARCEL ONE AND THE EASTERLY PROLONGATION THEREOF FOR ~~1615.34~~ 1675.34 FEET TO THE NORTHEAST CORNER OF PARCEL 4, ACCORDING TO DEED BOOK 136, PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE S 85°12'38" E ALONG THE SOUTHERLY LINE OF SAID SECTION 37 FOR 300.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED 50.00 FOOT ROAD RIGHT OF WAY; THE FOLLOWING EIGHT (8) COURSES BEING ALONG THE CENTERLINE OF THE 50.00 FOOT ROAD RIGHT OF WAY; (1) THENCE N 02°30'00" E FOR 180.00 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHWESTERLY ALONG A 100.00 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 87°30'00" FOR AN ARC OF 152.72 FEET TO A POINT OF TANGENCY; (3) THENCE N 85°00'00" W FOR 700.00 FEET; (4) THENCE N 89°45'00" W, FOR 290.00 FEET TO A POINT OF CURVATURE; (5) THENCE NORTHERLY ALONG A 100.00 FOOT RADIUS CURVE LEADING TO THE RIGHT THROUGH A CENTRAL ANGLE OF 79°15'00" FOR AN ARC OF 138.32 FEET TO A POINT OF TANGENCY; (6) THENCE N 10°30'00" W FOR 515.00 FEET TO A POINT OF CURVATURE; (7) THENCE NORTHWESTERLY ALONG A 100.00 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°00'00" FOR AN ARC OF 64.58 FEET TO A POINT OF TANGENCY; (8) THENCE N 47°30'00" W

FOR 120 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF AN EXISTING COUNTY ROAD, SAID POINT BEING ALSO THE POINT OF TERMINATION OF SAID 50 FOOT ROAD RIGHT OF WAY. THE SIDE LINES OF THE ABOVE DESCRIBED 50.00 FOOT WIDE ROAD RIGHT OF WAY ARE TO BE LENGTHENED OR SHORTENED AS MAY BE NECESSARY TO MAINTAIN A 50.00 FOOT RIGHT OF WAY ALONG THE DESCRIBED CENTERLINE.

ALL LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA, AND CONTAINING 2.5 ACRES.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 23, 2006.

Filed in Office Secretary of State June 23, 2006.