**ORDINANCE NO. 2004-_01**

AN ORDINANCE ESTABLISHING THE AMELIA NATIONAL COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF 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, Amelia National Enterprise, LLC, (hereafter "Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners of Nassau County (the "County") to adopt an ordinance establishing the Amelia National Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2003); and

WHEREAS, Petitioner is a limited liability corporation authorized to conduct business in the State of Florida and whose address is 2359 Beville Road, Daytona Beach, Florida 32119; 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 January 12, 2004; 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 Nassau County, Florida:

**SECTION 1. 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 2. DISTRICT NAME.**

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

**SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT.**

Encompassing approximately 876 acres, the external boundaries of the District are described in Exhibit A attached hereto.

**SECTION 4. 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 ss. 190.006 through 190.041, Florida Statutes. This Uniform Charter is not subject to modification pursuant to s. 190.005(2)(d), Florida Statutes. 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 for in s. 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 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 s. 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 s. 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 s. 197.3631, Florida Statutes, other than the procedures contained in s. 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 and 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 ss. 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, reconstruct, 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 supervision 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.

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 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 to be located.

(C) Additional Powers - Consent is hereby given to the District and the District's Board of Supervisors to plan, establish, acquire, construct or 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 by Section 190.012(2), Florida Statutes.

**SECTION 5. BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Nat Hughes, Andy Hagan, Cindy Jones, Mark Ambach, and Maurice Rudolph. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

**SECTION 6. 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 7. EFFECTIVE DATE.**

This Ordinance shall take effect pursuant to general law.

DONE AND ADOPTED in regular session this 12th day of January, 2004

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

Floyd L. Vanzant

FLOYD L. VANZANT
Its: Chairman

Attest:

J.M. "CHIP" OXLEY, JR.
Its: Ex –officio Clerk

Approved as to form by the Nassau County Attorney.

MICHAEL S. MULLIN, ESQUIRE
County Attorney

h/anne/ords/Amelia-national-cdd

# Exhibit A

AMELIA NATIONAL COMPOSITE LEGAL

A PARCEL OF LAND, BEING A PORTION OF SECTIONS 26,27,29 AND 30, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, BEGIN AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SAID SECTION 27, AND RUN THENCE SOUTH 00°05'33" EAST, ALONG THE WESTERLY LINE OF SAID GOVERNMENT LOT 4, SECTION 27, A DISTANCE OF 1,319.90 FEET, TO THE SOUTHWEST CORNER THEREOF, (ALSO BEING THE NORTHWEST CORNER OF GOVERNMENT LOT 1, SECTION 29); RUN THENCE SOUTH 00°05'39" EAST, ALONG THE WESTERLY LINE OF GOVERNMENT LOTS 1,2,3 AND 4, OF SAID SECTION 29, A DISTANCE OF 4,409.08 FEET, TO A POINT ON THE PROPOSED NORTHERLY RIGHT OF WAY LINE OF A PROPOSED 150 FOOT ROAD RIGHT OF WAY, AS SHOWN ON SKETCH BY PRIVETT AND ASSOCIATES, DATED DECEMBER 17, 1999, DRAWING No. B-3-309(B)-12-96; RUN THENCE, ALONG THE NORTHERLY BOUNDARY OF SAID 150 FOOT ROAD RIGHT OF WAY, THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:
COURSE No. 1: NORTH 72°17'11" WEST, A DISTANCE OF 366.85 FEET, TO THE POINT OF CURVATURE, OF A CURVE LEADING NORTHWESTERLY;
COURSE No. 2: THENCE NORTHWESTERLY, ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE SOUTHERLY, AND HAVING A RADIUS OF 1,200.00 FEET, THROUGH A CENTRAL ANGLE OF 19°00'26" TO THE LEFT, AN ARC DISTANCE OF 398.09 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 81°47'24" WEST, 396.26 FEET;
COURSE No. 3: THENCE SOUTH 88°42'23" WEST, ALONG LAST SAID TANGENCY, A DISTANCE OF 1,015.37 FEET, TO THE POINT OF CURVATURE, OF A CURVE LEADING NORTHWESTERLY;
COURSE No. 4: THENCE NORTHWESTERLY, ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 1,050.00 FEET, THROUGH A CENTRAL ANGLE OF 31°34'37" TO THE RIGHT, AN ARC DISTANCE OF 578.68 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, LAST SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 75°30'18" WEST, 571.38 FEET;
COURSE No. 5: THENCE NORTH 59°43'00" WEST, ALONG LAST SAID TANGENCY, A DISTANCE OF 1,260.24 FEET, TO THE POINT OF CURVATURE, OF A CURVE LEADING NORTHWESTERLY;
COURSE No. 6: THENCE NORTHWESTERLY, ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE SOUTHWESTERLY, AND HAVING A RADIUS OF 1,273.34 FEET, THROUGH A CENTRAL ANGLE OF 20°17'00" TO THE LEFT, AN ARC DISTANCE OF 450.78 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, LAST SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 69°51'30" WEST, 448.43 FEET;
COURSE No. 7: THENCE NORTH 80°00'00" WEST, A DISTANCE OF 2,532.28 FEET, TO THE POINT OF TANGENCY, OF A CURVE LEADING NORTHWESTERLY;
COURSE No. 8: THENCE NORTHWESTERLY, ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 1,909.86 FEET, THROUGH A CENTRAL ANGLE OF 26°00'00" TO THE RIGHT, AN ARC DISTANCE OF 866.67 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, LAST SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 67°00'00" WEST, 859.25 FEET;
COURSE No. 9: THENCE NORTH 54°00'00" WEST, ALONG LAST SAID TANGENCY, A DISTANCE OF 550.61 FEET, TO THE POINT OF CURVATURE, OF A CURVE LEADING NORTHERLY;
COURSE No. 10: THENCE NORTHERLY, ALONG AND AROUND THE ARC OF A CURVE, BEING CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 954.93 FEET, THROUGH A CENTRAL ANGLE OF 52°00'00" TO THE RIGHT, AN ARC DISTANCE OF 866.67 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, LAST SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 28°00'00" WEST, 837.23 FEET;

COURSE No. 11: THENCE NORTH 02°00'00" WEST, ALONG LAST SAID TANGENCY, A DISTANCE OF 1,881.51 FEET, TO THE POINT OF CURVATURE, OF A CURVE LEADING NORTHERLY;
COURSE No. 12:THENCE NORTHERLY, ALONG AND AROUND THE ARC OF A CURVE, LEADING NORTHERLY, BEING CONCAVE WESTERLY, AND HAVING A RADIUS OF 5,729.58 FEET, THROUGH A CENTRAL ANGLE OF 01°27'00" TO THE LEFT, AN ARC DISTANCE OF 145.00 FEET, TO THE POINT OF TANGENCY OF LAST SAID CURVE, LAST SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 02°43'30" WEST, 145.00 FEET;
COURSE No. 13: NORTH 03°27'00" WEST, ALONG LAST SAID TANGENCY, A DISTANCE OF 405.98 FEET, TO A POINT ON THE MONUMENTED NORTHERLY LINE OF THAT 25 FOOT WIDE UTILITY EASEMENT, AS RECORDED IN THAT INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 164, PAGE 580 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; RUN THENCE, ALONG THE AFORESAID MONUMENTED NORTHERLY LINE OF THE AFORESAID 25 FOOT UTILITY EASEMENT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:
COURSE No. 1: THENCE NORTH 87°42'44" EAST, A DISTANCE OF 1,428.82 FEET, TO A POINT;
COURSE No. 2: THENCE NORTH 88°40'24" EAST, A DISTANCE OF 820.40 FEET, TO A POINT;
COURSE No. 3: THENCE NORTH 88°09'54" EAST, A DISTANCE OF 1,419.45 FEET, TO A POINT;
COURSE No. 4: NORTH 88°55'04" EAST, A DISTANCE OF 359.06 FEET, TO A POINT; RUN THENCE NORTH 53°00'00" EAST, A DISTANCE OF 813.04 FEET, TO A POINT; RUN THENCE NORTH 37°00'00" EAST, A DISTANCE OF 354.32 FEET, TO A POINT; RUN THENCE NORTH 00°00'00" WEST, A DISTANCE OF 273.62 FEET, TO A POINT; RUN THENCE SOUTH 87°00'00" EAST, A DISTANCE OF 335.63 FEET, TO A POINT ON THE BOUNDARY OF THE PLAT OF NASSAU LAKES SUBDIVISION PHASE 1-B, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 5, PAGES 72 AND 73 OF THE PUBLIC RECORDS OF SAID NASSAUC COUNTY, FLORIDA; RUN THENCE, ALONG THE BOUNDARIES OF AFORESAID NASSAU LAKES SUBDIVISION PHASE 1-B, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:
COURSE No. 1: SOUTH 18°08'30" EAST, A DISTANCE OF 497.68 FEET, TO A POINT;
COURSE No. 2: SOUTH 68°10'20" EAST, A DISTANCE OF 655.25 FEET, TO A POINT;
COURSE No. 3: NORTH 77°22'09" EAST, A DISTANCE OF 2,340.00 FEET, TO A POINT'
COURSE No. 4: NORTH 89°30'26" EAST, ALONG THE SOUTHERLY LINE OF TRACT "D", NASSAU LAKES SUBDIVISION UNIT 1-B, AND THEN ALONG AN EASTERLY PROLONGATION THEREOF, A DISTANCE OF 649.60 FEET, TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD No. 107, (FORMERLY STATE ROAD No. 107) A 66 FOOT PUBLIC ROAD RIGHT OF WAY, AS PRESENTLY ESTABLISHED AND MONUMENTED, SAID POINT ALSO BEING THE SOUTHEASTER CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN THAT INSTRUMENT TO RAD PROPERTIES, INC. RECORDED IN OFFICIAL RECORDS BOOK 408, PAGE 89 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY, FLORIDA; RUN THENCE SOUTH 04°33'06" EAST, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD No. 107, A DISTANCE OF 577.73 FEET, TO A POINT ON THE NORTHERLY LINE OF SAID GOVERNMENT LOT 4, SECTION 27, AT THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN THAT INSTRUMENT TO JACK LOUIS WORTHAM AND CHERYL WORTHAM, RECORDED IN OFFICIAL RECORDS BOOK 796, PAGE 1442 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY, FLORIDA; RUN THENCE SOUTH 89°39'15" WEST, ALONG LAST SAID LINE, A DISTANCE OF 935.10 FEET, TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 4, SECTION 27, AND THE POINT OF BEGINNING.

THE LANDS THUS DESCRIBED, CONTAINS 876.40 ACRES, MORE OR LESS, IN AREA.

THIS LEGAL WAS PREPARED USING AN EXISITNG SURVEY OF A PORTION OF THE PROPERTY PREPARED BY PRIVETT AND ASSOCIATES, INC. TOGETHER WITH A SURVEY BY A & J LAND SURVEYORS, INC. THIS LEGAL DOES NOT CONSTITUTE A FIELD SURVEY.

PREPARED BY A & J LAND SURVEYORS, INC.
7950 BELFORT PARKWAY, SUITE 1600