

ORDINANCE NO. 2006-9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE ROLLING HILLS 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 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, Rolling Hills Venture, LLC ("Petitioner"), having obtained written consent to the establishment of the Rolling Hills Community Development District (the "District") by the owners of one-hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners (the "Board") of Clay County, Florida (the "County"), 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 1880 Eagle Harbor Parkway, Orange Park, Florida 32003; 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 Board on March 14, 2006; and,

WHEREAS, upon consideration of the record established at that hearing, the Board 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 County'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; and

WHEREAS, the Board has determined that the initial members of the District's Board of Supervisors set forth in Section 5 of this ordinance are residents of the State of Florida and citizens of the United States of America.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Authority. 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.

Section 2. District Name. There is hereby created a community development district situated entirely within a portion of the unincorporated area of Clay County, Florida, which shall be known as the "Rolling Hills Community Development District", and which shall be referred to in this ordinance as the "District".

Section 3. District External Boundaries. The external boundaries of the District are described in Appendix A attached hereto, said boundaries encompassing 562.38 acres, more or less.

Section 4. 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 plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities described and authorized by Section 190.012(2)(a), Florida Statutes. Further, the Board hereby grants the powers described and authorized in Section 190.012(2)(d), however, this consent in no way authorizes any fence, gate, identification check or other artificial or natural barrier which has the effect of obstructing or hindering any travel on any publicly owned right of way.

Section 5. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows:

Name: Roger S. Arrowsmith
Address: 1880 Eagle Harbor Parkway, Orange Park, Florida 32003

Name: Anthony Gorla
Address: 1880 Eagle Harbor Parkway, Orange Park, Florida 32003

Name: Benjie F. Bowman
Address: 1880 Eagle Harbor Parkway, Orange Park, Florida 32003

Name: Beverly Dubis

Address: 1880 Eagle Harbor Parkway, Orange Park, Florida 32003

Name: Marilyn Ayers

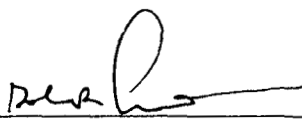
Address: 1880 Eagle Harbor Parkway, Orange Park, Florida 32003

Section 6. Severability. If any provision of this ordinance, or the application thereof, is finally determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the invalid, illegal or unenforceable provision is not material to the logical and intended interpretation of this ordinance.

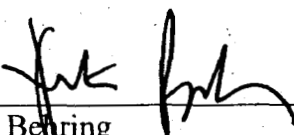
Section 7. Effective Date. This ordinance shall become effective as prescribed by Florida general law.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 14th day of March, 2006.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: 
Glenn R. Lassiter
Its Chairman

ATTEST:


Fritz A. Bering
County Manager and Clerk of the
Board of County Commissioners

I hereby certify that this document consisting of 5 pages and titled as [Ordinance 06-9] is a true and correct copy of the original as the same is in the custody of Fritz Bering, County Manager and Ex-Officio Clerk of the Board of County Commissioners of Clay County, Florida, this 17 day of March, 2006.
By: Brenda Jela, Deputy Clerk
[Not Valid without the seal of the Board]

Appendix A
[District's External Boundaries]

ROLLING HILLS

Legal Description

A parcel of land consisting of a portion of Section 27, Township 5 South, Range 25 East, together with a portion of Section 22, Township 5 South, Range 25 East, Clay County, Florida; said parcel being more particularly described as follows:

Begin at the Southwest corner of said Section 27; thence on the South line thereof run South 89 degrees 33 minutes 17 seconds East 5005.02 feet to the East line of said Section 27, thence on last said line North 02 degrees 43 minutes 36 seconds East 5469.89 feet to the Southeast corner of said Section 22, thence on the East line thereof North 02 degrees 30 minutes 41 seconds East 1650.04 feet to the Southerly line of County Road No. C-739-B (formerly State Road No. S-739-B), also known as Sandridge Road, an 80 foot Right-of-Way as per State Road Department Right-of-Way Map, Section No. 71523-2601); thence on last said line North 89 degrees 40 minutes 51 seconds West 1462.83 feet; thence South 26 degrees 00 minutes 35 seconds West 3027.26 feet; thence South 36 degrees 22 minutes 00 seconds West 1331.46 feet; thence South 52 degrees 37 minutes 48 seconds West 1644.06 feet; thence North 87 degrees 55 minutes 39 seconds West 367.81 feet to the West line of said Section 27; thence on last said line South 02 degrees 04 minutes 21 seconds West 2305.54 feet to the Point of Beginning, containing approximately 562.38 ± acres.

STATE OF FLORIDA DEPARTMENT OF STATE

Division of Library and Information Services

I, Sue M. Cobb, Secretary of State of the State of Florida, do hereby certify that the above and foregoing is a true and correct copy of Clay County Ordinance No. 2006-9, which was filed in this office on March 21, 2006, pursuant to the provisions of Section 125.66, Florida Statutes, as shown by the records of this office.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
24th., day of March, A.D., 2006.



Sue M. Cobb
Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11 document.