



**BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY
COUNTY ATTORNEY'S OFFICE**

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June 20, 2006

Wesley Haber
Hopping Green & Sams, P.A.
123 South Calhoun Street
Tallahassee, FL 32301-1517

Re: Clay County Ordinance No. 2006-27 creating the Two Creeks Community
Development District

Dear Wes:

Enclosed is a certified copy of the above-referenced ordinance which was adopted by the Clay
County Board of County Commissioners on June 13, 2006.

It was a pleasure working with you on this matter.

Very truly yours,

Frances J. Moss
Chief Assistant County Attorney

FJM/dpr
Enclosure

ORDINANCE NO. 2006- 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT, TO BE KNOWN AS THE TWO CREEKS 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, Monarch One Land Group, LLC ("Petitioner"), having obtained written consent to the establishment of the Two Creeks 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 6101 Gazebo Park Place North, Suite 105, Jacksonville, Florida 32256; 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 June 13, 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 “Two Creeks 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 624 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)(a)(d), however, this consent does not apply to gates which would need further approval from the Board.

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: J. Howard Sheffield
Address: 6101 Gazebo Park Place North, Suite 105, Jacksonville, Florida 32256

- Name: Donald S. Ware, Jr.
Address: 6101 Gazebo Park Place North, Suite 105, Jacksonville, Florida 32256

- Name: Kenneth L. Johns, Jr.
Address: 6101 Gazebo Park Place North, Suite 105, Jacksonville, Florida 32256

- Name: Gregory Matovina
Address: 2955 Hartley Road, Jacksonville, Florida 32257

- Name: Bob Porter


Address: 9456 Phillips Highway, Suite 1, Jacksonville, Florida 32256

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.

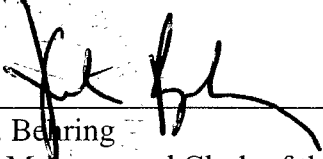
Section 7. Effective Date. This ordinance shall become effective as prescribed by Florida general law.

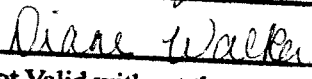
DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 13th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

BY: 
Glenn R. Lassiter
Its Chairman

ATTEST:


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

I hereby certify that this document consisting of 5 page[s] and further identified as [Ordinance 06-27] is a true and correct copy of the original maintained in the custody of Fritz Behring as County Manager and Ex-Officio Clerk of the Board of County Commissioners of Clay County, Florida, this 15 day of June, 2006.
By: , Deputy Clerk
[Not Valid without the seal of the Board]

Appendix A
[District's External Boundaries]

PROPOSED "Two Creeks" SUBDIVISION

All of Section 24, Township 4 South, Range 24 East, Clay County, Florida; Less and Except the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 24; Less and Except the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24; Less and Except a parcel of land 35 feet by 35 feet in the extreme southwest corner of said Section 24, as particularly described in Deed Book 73, page 344, public records of Clay County, Florida; all being more particularly described as follows:

Begin at the southeast corner of said Section 24; thence on the south line thereof, run South 88 degrees 38 minutes 40 seconds West, 2635.07 feet to the southeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence on the boundaries thereof, run the following three courses: (1) North 00 degrees 38 minutes 10 seconds West, 675.33 feet; (2) South 88 degrees 45 minutes 22 seconds West, 661.27 feet; (3) South 00 degrees 48 minutes 37 seconds East, 676.59 feet to said south line of Section 24; thence on last said line, run South 88 degrees 38 minutes 40 seconds West, 1941.16 feet to the southeast corner of lands described in Deed Book 73, page 344 of the public records of said county; thence on the boundaries thereof, run the following two courses: (1) North 00 degrees 45 minutes 48 seconds West, 35.00 feet; (2) South 88 degrees 38 minutes 40 seconds West, 35.00 feet to the west line of said Section 24; thence on last said line, run North 00 degrees 45 minutes 48 seconds West, 5351.22 feet to the northwest corner of said Section 24; thence on the north line thereof, run North 88 degrees 16 minutes 45 seconds East, 5295.24 feet to the northeast corner of said Section 24; thence on the east line thereof, run South 00 degrees 30 minutes 23 seconds East, 677.86 feet to the northeast corner of said South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence on the boundaries thereof, run the following three courses: (1) South 88 degrees 18 minutes 56 seconds West, 1322.16 feet; (2) South 00 degrees 35 minutes 58 seconds East, 676.21 feet; (3) North 88 degrees 22 minutes 33 seconds East, 1321.04 feet to said east line of Section 24; thence on last said line, run South 00 degrees 30 minutes 23 seconds East, 4064.81 feet to the Point of Beginning.

Containing 624.40 acres, more or less, in area.