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CHAMBER ACTION

1 The Local Government Council recommends the following: 2 3 Council/Committee Substitute 4 Remove the entire bill and insert: A bill to be entitled 5 6 An act relating to Alligator Point Water Resources 7 District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, 8 9 Laws of Florida; providing legislative intent; providing 10 definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing 11 severability; providing construction; providing for 12 annexation; requiring a referendum; providing an effective 13 14 date. 15 16 Be It Enacted by the Legislature of the State of Florida: 17 18 Section 1. Pursuant to section 189.429, Florida Statutes, 19 this act constitutes the codification of all special acts 20 relating to Alligator Point Water Resources District. It is the 21 intent of the Legislature in enacting this law to provide a 22 single, comprehensive special act charter for the district 23 including all current legislative authority granted to the Page 1 of 18

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HB 1793 2005 CS 24 district by its several legislative enactments and any 25 additional authority granted by this act. Section 2. Chapters 63-1350 and 85-414, Laws of Florida, 26 27 are amended, codified, reenacted, and repealed as herein 28 provided. Section 3. The Alligator Point Water Resources District is 29 re-created and the charter for such district is re-created and 30 31 reenacted to read: 32 Section 1. This act shall be known as the "Alligator Point 33 Water Resources District Act." 34 Section 2. As used in this act: 35 "Water system" means waterworks or water treatment (1)36 plant, or other operation concerning fresh water production, 37 distribution, or sale. 38 (2) "District" means the Alligator Point Water Resources 39 District of Franklin County. (3) "Board" means the Alligator Point Water Resources 40 41 Board. 42 (4) "Sewer system" means plant, system, facility, or other 43 operation concerning collection, treatment, purification, or disposal of sewage. 44 45 Section 3. There is created in Franklin County an 46 independent special district to be known as Alligator Point 47 Water Resources District. The district shall include all that 48 portion of Alligator Point in said county described as follows: 49 Fractional sections 4, 5, 6 and 7 in Township 7, 50 South, Range 1 West and fractional section 1, 2, 3 and 51 12 in Township 7 South, Range 2 West. Page 2 of 18

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52	Section 4. (1) The governing body of the district shall
53	be the Alligator Point Water Resources Board consisting of three
54	members, each of whom shall be the owner of the fee simple title
55	to real estate located in the district.
56	(2) Appointments to fill interim vacancies on the board
57	shall be for the unexpired term only. Members shall be appointed
58	by the Governor for terms of 4 years.
59	Section 5. Boards appointed by the Governor shall at their
60	first meeting elect from their membership a chair. No person
61	shall be appointed as a member of the board if such person is
62	not the owner of real property within the district.
63	Section 6. The board of the Alligator Point Water
64	Resources District is authorized and empowered:
65	(1) To purchase and/or construct, reconstruct, buy,
66	improve, extend, enlarge, equip, repair, maintain, and operate a
67	water system; to provide fresh water either within or without
68	the district for a distance of 5 miles, or both; to operate,
69	manage, and control all such systems so purchased and/or
70	constructed and all properties pertaining thereto; and to
71	furnish and supply water, sewage, and disposal services to such
72	district or adjoining area and any persons, firms, or
73	corporation, public or private, in any such area.
74	(2) To issue negotiable water revenue certificates of the
75	district, payable from revenues to be derived from the operation
76	of said water and/or sewer system.
77	(3) To levy a tax not to exceed 5 mills on all taxable
78	property within the district.
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79 (4) To fix and collect rates and charges for water or 80 sewer furnished by said water and sewer systems and to fix and 81 collect charges for making connections with any water or sewer 82 system. 83 (5) To acquire in the name of the district, by purchase, gift, or the exercise of the right of eminent domain, within and 84 85 without such lands and rights and interests therein, including 86 lands over and under water and riparian rights; to acquire such 87 personal property as it may deem necessary in connection with 88 the construction or operation of water and sewer systems; and to 89 hold and dispose of all real and personal property under its 90 control. 91 (6) To make and enter into all contracts and agreements 92 necessary or incidental to the performance of its duties and the 93 execution of its powers under this act, including a trust agreement or trust agreements securing any bonds issued 94 hereunder; to employ such expert and clerical personnel as may, 95 96 in the judgment of the board, be deemed necessary; and to fix 97 their compensation, provided, however, that all such expenses 98 shall be payable solely from funds made available under the 99 provisions of this act. 100 (7) To exercise jurisdiction, control, and supervision 101 over any water and sewer systems owned, operated, or maintained 102 by it; to make and enforce such rules and regulations for the 103 maintenance and operation of any such system as may in its 104 judgment be necessary or desirable for the efficient operation 105 thereof; and to accomplish the purposes of this act.

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106 (8) To enter on any lands, water, or premises located 107 within or without the district to make surveys, borings, 108 soundings, or examinations to effectuate the purposes of this 109 act. 110 (9) To construct and operate water mains, laterals, conduits, pipelines, pumping stations, lift stations, valves, 111 112 force mains, laterals, pressure lines, mains, and all necessary 113 appurtenances thereto, in, along, or under any street, alleys, 114 highways, or other public places within or without the district. 115 (10) To restrain, enjoin, or otherwise prevent any 116 political subdivision or agency and any person or corporation, 117 public or private, from discharging into any navigable or 118 nonnavigable waters within the limits of the district any 119 sewage, industrial waters, or other refuse which would 120 contribute to the pollution of such and to restrain, enjoin, or 121 otherwise prevent the violation of any provision of this act or 122 any resolution, regulation, or rule adopted pursuant to the 123 powers granted by this act. 124 (11) Subject to such provisions and restrictions as may be 125 set forth in any resolution or trust agreement authorizing or 126 securing any bonds issued under the provisions of this act, to 127 enter into contracts with the government of the United States or 128 the state or any agency or instrumentality of either thereof, or 129 with any municipality, district, private corporation, 130 copartnership, association, or individual providing for or 131 relating to such water system or the purchase and sale of water 132 or sewer system and the disposal of sewage.

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133	(12) To receive and accept from any authorized agency of
134	the Federal Government loans or grants for the planning,
135	construction, improvement, extension, enlargement,
136	reconstruction, or equipment of any water and sewer systems; to
137	enter into agreements with such agency respecting any such loans
138	or grants; and to receive and accept aid or contributions from
139	any source of either money, property, labor, or other things of
140	value, to be held, used, and applied only for the purposes for
141	which such loans, grants, or contributions be made.
142	(13) To do all acts and things necessary or convenient to
143	carry out the powers expressly granted in this act.
144	Section 7. No funds of the district shall be used for any
145	purpose other than those defined in section 6 and the
146	administration of the affairs and business of the district, or
147	the purpose, acquisition, construction, expansion, care,
148	maintenance, upkeep, and operation of a fresh water system and
149	sewer system in the district as the board may determine to be
150	for the best interest of the district and inhabitants thereof.
151	Section 8. All taxable property within the district shall
152	be subject to an ad valorem tax not to exceed 5 mills of the
153	assessed valuation of such property to be used to carry out the
154	purposes of this act. In accordance with timetables set by
155	Florida Statutes, each year the district board shall meet and
156	determine the millage necessary to provide funds to be levied
157	and assessed on such property to carry out the purposes of this
158	act; provided, however, that the millage determined by the board
159	shall not exceed the limitations of this section. The ad valorem
160	tax authorized by this section shall be levied and collected in
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CS 161 the same manner as taxes for county purposes are assessed and 162 collected in Franklin County. Taxes of the district shall be of equal dignity with taxes for county purposes and shall become 163 164 liens and be enforced in the same manner as taxes for county 165 purposes. 166 Section 9. The board may fix and revise from time to time 167 rates and charges for water furnished by any water system and 168 for sewage disposal by any sewer system and charge and collect 169 the same. Any such rates and charges shall be so fixed and 170 revised as to provide funds, with other funds available for such 171 purpose, sufficient at all times: (1) To pay the cost of maintaining, repairing, and 172 173 operating the water and sewer systems of the district, and to 174 provide reserves therefor and for replacements, depreciation, 175 and necessary extensions and enlargements. 176 (2) To pay the principal of and the interest on all 177 outstanding bonds for the payment of which such rates and 178 charges are pledged as the same shall become due and provide 179 reserves therefor. 180 To provide a margin of safety for making such payments (3) 181 and providing such reserves. Such rates and charges shall not be 182 subject to supervision or regulation by any commission, board, 183 bureau, or agency of the state or of any political subdivision 184 of the state. Such rates and charges shall be just and 185 equitable. Section 10. The board may provide in the resolution 186 187 authorizing the issuance of bonds under this act or in any trust 188 agreement securing such bonds that if any water or sewer rates Page 7 of 18

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189 shall not be paid within 30 days from the rendition of any such 190 bills, the district shall discontinue furnishing water to such premises and may disconnect the same from the water system. Any 191 192 such resolution or trust agreement may include any or all of the 193 following provisions, and may require the board to adopt such 194 resolutions or to take such other lawful action as shall be 195 necessary to effectuate such provisions, and the board is hereby 196 authorized to adopt such resolutions and to take such other 197 action. 198 (1) The district may require the owner, tenant, or 199 occupant of each lot or parcel of land within the district who 200 is obligated to pay water or sewer rates to the district; to 201 make a reasonable deposit with the district in advance; to 202 ensure the payment of such rates or charges; and to be subject 203 to application to the payment thereof if and when delinquent. 204 (2) If any water or sewer rates charges payable to the 205 district shall not be paid within 30 days after the same shall 206 become due and payable, the district may at the expiration of 207 such 30 days period disconnect the premises from the water 208 system and the district may proceed to recover the amount of any 209 such delinquent rates or charges, with interest at the highest legal rate, in any court having jurisdiction over claims for 210 211 money damages. 212 Section 11. The provisions of this act are severable, and 213 it is the intention to confer the whole or any part of the 214 powers herein provided for and if any of the provisions of this 215 act shall be held unconstitutional by any court of competent 216 jurisdiction, the decision of such court shall not affect or Page 8 of 18

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217	impair any of the remaining provisions of this act. It is hereby
218	declared to be the legislative intent that this act would have
219	been adopted had such unconstitutional provision not been
220	included therein.
221	Section 4. This act shall be construed as a remedial act
222	and shall be liberally construed to promote the purpose for
223	which it is intended.
224	Section 5. <u>Chapters 63-1350 and 85-414, Laws of Florida,</u>
225	are repealed.
226	Section 6. In accordance with provisions of law relating
227	to elections currently in force, the Alligator Point Water
228	Resources District shall call and the Franklin County Supervisor
229	of Elections shall conduct a referendum no later than November
230	30, 2006, of the qualified electors residing within the area
231	proposed to be annexed pursuant to section 7. "Qualified
232	elector" means a person who is a registered voter qualified to
233	vote in a general election held in Franklin County. The purpose
234	of said referendum shall be to determine whether the boundaries
235	of the Alligator Point Water Resources District shall be
236	expanded to include land that is not currently within the
237	district's boundaries as described in section 7, and whether
238	property within the annexed area shall be subject to ad valorem
239	taxation at a rate not to exceed 5 mills.
240	Section 7. Effective 15 days after approval by a majority
241	vote of those qualified electors residing within the area
242	proposed to be annexed and voting on the question in the
243	referendum, section 3 of the charter contained in section 3 of

244 this act shall be amended to read: Page 9 of 18

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245	Section 3. There is created in Franklin County a special	
246	taxing district to be known as Alligator Point Water Resources	
247	District. The district shall include all that portion of	
248	Alligator Point in said county described as follows:	
249	Fractional sections 4, 5, 6 and 7 in Township 7,	
250	South, Range 1 West and fractional section 1, 2, 3 and	
251	12 in Township 7 South, Range 2 West.	
252		
253	A parcel of land in Township 6 South, Range 1 West,	
254	Township 6 South, Range 2 West, Franklin County,	
255	Florida, described as follows:	
256		
257	All of Sections 17, 20, 21, 28, 29, 31, 32 and 33,	
258	Township 6 South, Range 1 West;	
259		
260	AND:	
261		
262	That part of Sections 18 and 19, Township 6 South,	
263	Range 1 West, Franklin County, Florida lying Easterly	
264	of the following described line:	
265		
266	For a POINT OF BEGINNING commence at the Northwest	
267	corner of Section 30, Township 6 South, Range 1 West,	
268	Franklin County, Florida; thence N 00°13'04" W along	
269	the West line of the Southwest 1/4 of said Section 19	
270	a distance of 2645.60 feet to the Northwest corner of	
271	said Southwest 1/4; thence N 00°13'26" W along the	
272	<u>West line of the Northwest 1/4 of said Section 19 a</u> Page 10 of 18	

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273	distance of 799.70 feet; thence N 80°03'23" E a	-
274	distance of 1556 feet, more or less, to the waters of	
275	an unnamed tidal creek; thence Southerly, Easterly and	
276	Northerly along the waters of said unnamed tidal creek	
277	to the waters of Ochlockonee Bay and the POINT OF	
278	TERMINATION;	
279		
280	AND:	
281		
282	That part of Section 30, Township 6 South, Range 1	
283	West, and Sections 25 and 36, Township 6 South, Range	
284	2 West, Franklin County, Florida lying easterly of the	
285	following described line:	
286		
287	For a POINT OF BEGINNING commence at the Northwest	
288	corner of said Section 30; thence S 00°16'05" E along	
289	the west line of said Section 30 a distance of 278.33	
290	feet to a point of intersection with a line that is	
291	parallel with and 25 feet westerly of the centerline	
292	of an existing unnamed woods road, said point being on	
293	a non-tangent curve to the right, concave westerly,	
294	having a radius of 973.04 feet; thence southerly along	
295	the arc of said curve, through a central angle of	
296	03°46'22" for an arc length of 64.07 feet, said curve	
297	subtended by a chord bearing S 14°07'41" E for 64.06	
298	feet, to an intersection with a non-tangent curve to	
299	the left, concave southeasterly, having a radius of	
300	85.00 feet; thence southwesterly along the arc of said	

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301	curve, through a central angle of 32°48'03" for an arc
302	length of 48.66 feet, said curve subtended by a chord
303	bearing S 26°58'09" W for 48.00 feet, to the PRC with
304	a curve to the right, concave westerly, having a
305	radius of 725.03 feet; thence southerly along the arc
306	of said curve, through a central angle of 09°30'31"
307	for an arc length of 120.33 feet to the PT; thence S
308	20°04'38" W a distance of 23.17 feet to the PC of a
309	curve to the left, concave easterly, having a radius
310	of 221.01 feet; thence southerly along the arc of said
311	curve, through a central angle of 24°30'22" for an arc
312	length of 94.53 feet to the PT; thence S 04°25'44" E a
313	distance of 93.27 feet to the PC of a curve to the
314	right, concave westerly, having a radius of 310.59
315	feet; thence southerly along the arc of said curve,
316	through a central angle of 30°49'17" for an arc length
317	of 167.08 feet to the PT; thence S 26°23'33" W a
318	distance of 116.92 feet to the PC of a curve to the
319	left, concave southeasterly, having a radius of 287.01
320	feet; thence southwesterly along the arc of said
321	curve, through a central angle of 17°25'20" for an arc
322	length of 87.27 feet to the PCC with a curve to the
323	left, concave easterly, having a radius of 225.01
324	feet; thence southerly along the arc of said curve,
325	through a central angle of 19°30'16" for an arc length
326	of 76.60 feet to the PCC with a curve to the left,
327	concave northeasterly, having a radius of 475.02 feet;
328	thence southeasterly along the arc of said curve,
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329	through a central angle of 18°51'32" for an arc length
330	of 156.35 feet to the PT; thence S 29°23'36" E a
331	distance of 108.55 feet to the PC of a curve to the
332	right, concave westerly, having a radius of 254.01
333	feet; thence southerly along the arc of said curve,
334	through a central angle of 35°25'30" for an arc length
335	of 157.05 feet to the PT; thence S 06°01'54" W a
336	distance of 145.63 feet to the PC of a curve to the
337	left, concave easterly, having a radius of 275.01
338	feet; thence southerly along the arc of said curve,
339	through a central angle of 20°25'36" for an arc length
340	of 98.04 feet to the PRC with a curve to the right,
341	concave westerly, having a radius of 188.78 feet;
342	thence southerly along the arc of said curve, through
343	a central angle of 22°37'19" for an arc length of
344	74.54 feet to the PT; thence S 08°13'37" W a distance
345	of 110.11 feet to the PC of a curve to the right,
346	concave northwesterly, having a radius of 55.00 feet;
347	thence southwesterly along the arc of said curve,
348	through a central angle of 57°46'34" for an arc length
349	of 55.46 feet to the PT; thence S 66°00'12" W a
350	distance of 99.90 feet to the PC of a curve to the
351	left, concave southeasterly, having a radius of 125.00
352	feet; thence southwesterly along the arc of said
353	curve, through a central angle of 28°30'00" for an arc
354	length of 62.18 feet to the PCC with a curve to the
355	left, concave southeasterly, having a radius of 255.01
356	feet; thence southwesterly along the arc of said
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357	curve, through a central angle of 13°28'58" for an arc
358	length of 60.01 feet to the PT; thence S 24°01'13" W a
359	distance of 85.10 feet to the PC of a curve to the
360	left, concave easterly, having a radius of 240.01
361	feet; thence southerly along the arc of said curve,
362	through a central angle of 38°23'12" for an arc length
363	of 160.80 feet to the PRC with a curve to the right,
364	concave westerly, having a radius of 5734.76 feet;
365	thence southerly along the arc of said curve, through
366	a central angle of 01°25'26" for an arc length of
367	142.51 feet to the PCC with a curve to the right,
368	concave westerly, having a radius of 1200.05 feet;
369	thence southerly along the arc of said curve, through
370	a central angle of 08°00'00" for an arc length of
371	167.56 feet to the PT; thence S 04°56'33" E for a
372	distance of 97.78 feet to the PC of a curve to the
373	right, concave westerly, having a radius of 159.48
374	feet; thence southerly along the arc of said curve,
375	through a central angle of 24°10'04" for an arc length
376	of 67.27 feet to the PT; thence S 19°13'31" W a
377	distance of 81.51 feet to the PC of a curve to the
378	left, concave easterly, having a radius of 261.29
379	feet; thence southerly along the arc of said curve,
380	through a central angle of 20°52'24" for an arc length
381	of 95.19 feet to the PT; thence S 01°38'53" E a
382	distance of 161.74 feet to the PC of a curve to the
383	left, concave northeasterly, having a radius of 103.82
384	feet; thence southeasterly along the arc of said
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385	curve, through a central angle of 37°13'42" for an arc
386	length of 67.46 feet to the PT; thence S 38°52'35" E a
387	distance of 59.04 feet to the PC of a curve to the
388	left, concave northeasterly, having a radius of 145.01
389	feet; thence southeasterly along the arc of said
390	curve, through a central angle of 17°01'58" for an arc
391	length of 43.11 feet to the PCC with a curve to the
392	left, concave northeasterly, having a radius of
393	1165.05 feet; thence southeasterly along the arc of
394	said curve, through a central angle of 05°24'08" for
395	an arc length of 109.85 feet to the PRC with a curve
396	to the right, concave southwesterly, having a radius
397	of 130.01 feet; thence southeasterly along the arc of
398	said curve, through a central angle of 35°15'03" for
399	an arc length of 79.99 feet to the PT; thence S
400	26°03'37" E a distance of 36.95 feet to the PC of a
401	curve to the right, concave westerly, having a radius
402	of 155.90 feet; thence southerly along the arc of said
403	curve, through a central angle of 19°29'19" for an arc
404	length of 53.03 feet to the PT; thence S 06°34'18" E a
405	distance of 145.31 feet to the PC of a curve to the
406	right, concave westerly, having a radius of 381.72
407	feet; thence southerly along the arc of said curve,
408	through a central angle of 20°52'37" for an arc length
409	of 139.09 feet to the PRC with a curve to the left,
410	concave easterly, having a radius of 217.01 feet;
411	thence southerly along the arc of said curve, through
412	a central angle of 15°07'08" for an arc length of
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413	57.26 feet to the PT; thence S 00°48'49" E a distance
414	of 918.62 feet to the PC of a curve to the left,
415	concave easterly, having a radius of 1100.05 feet;
416	thence southerly along the arc of said curve, through
417	a central angle of 03°32'45" for an arc length of
418	68.08 feet to the PRC with a curve to the right,
419	concave westerly, having a radius of 1081.49 feet;
420	thence southerly along the arc of said curve, through
421	<u>a central angle of 07°46'27" for an arc length of</u>
422	146.74 feet to the PRC of a curve to the left, concave
423	easterly, having a radius of 371.42 feet; thence
424	southerly along the arc of said curve, through a
425	central angle of 09°50'26" for an arc length of 63.79
426	feet to the PRC with a curve to the right, concave
427	westerly, having a radius of 466.22 feet; thence
428	southerly along the arc of said curve, through a
429	central angle of 10°34'22" for an arc length of 86.03
430	feet to the PRC with a curve to the left, concave
431	easterly, having a radius of 1097.87 feet; thence
432	southerly along the arc of said curve, through a
433	central angle of 08°04'58" for an arc length of 154.87
434	feet to the PRC with a curve to the right, concave
435	westerly, having a radius of 157.61 feet; thence
436	southerly along the arc of said curve, through a
437	central angle of 21°49'49" for an arc length of 60.05
438	feet to the PRC with a curve to the left, concave
439	easterly, having a radius of 525.02 feet; thence
440	southerly along the arc of said curve, through a Page 16 of 18

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441	central angle of 10°11'47" for an arc length of 93.43
442	feet to the PCC with a curve to the left, concave
443	easterly, having a radius of 581.75 feet; thence
444	southerly along the arc of said curve, through a
445	central angle of 11°08'59" for an arc length of 113.21
446	feet to the PRC with a curve to the right, concave
447	westerly, having a radius of 651.66 feet; thence
448	southerly along the arc of said curve, through a
449	central angle of 03°52'58" for an arc length of 44.16
450	feet to the PRC with a curve to the left, concave
451	easterly, having a radius of 5339.97 feet; thence
452	southerly along the arc of said curve, through a
453	central angle of 01°57'39" for an arc length of 182.76
454	feet to the PT; thence S 01°31'47" E a distance of
455	205.41 feet to the PC of a curve to the right, concave
456	westerly, having a radius of 1347.71 feet; thence
457	southerly along the arc of said curve, through a
458	central angle of 03°51'32" for an arc length of 90.77
459	feet to the PRC with a curve to the left, concave
460	easterly, having a radius of 1572.32 feet; thence
461	southerly along the arc of said curve, through a
462	central angle of 04°54'51" for an arc length of 134.85
463	feet to the PT; thence S 02°35'06" E a distance of
464	221.17 feet to the PC of a curve to the right, concave
465	westerly, having a radius of 129.00 feet; thence
466	southerly along the arc of said curve, through a
467	central angle of 04°53'08" for an arc length of 11.00
468	feet to the PRC with a curve to the left, concave
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469	easterly, having a radius of 4508.07 feet; thence	
470	southerly along the arc of said curve, through a	
471	central angle of 02°37'18" for an arc length of 206.27	
472	feet to an intersection with a line that is parallel	
473	with and 1320.00 feet southerly of a westerly	
474	projection of the South line of said Section 30;	
475	thence S 88°48'15" W along said line a distance of	
476	1475.19 feet to an intersection with a line that is	
477	parallel with and 1500.00 feet westerly of a southerly	
478	projection of the West line of said Section 30; thence	
479	<u>S 00°16'05" E a distance of 703 feet, more or less, to</u>	
480	the waters of Alligator Harbor and the POINT OF	
481	TERMINATION.	
482	Section 8. This act shall take effect upon becoming a la	aw.

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