

1                                   A bill to be entitled  
 2           An act relating to Flagler Estates Road and Water Control  
 3           District, St. Johns County; amending chapter 98-529, Laws  
 4           of Florida; providing additional powers of the district to  
 5           construct, operate, maintain, repair, and replace works  
 6           and improvements necessary to execute the district's water  
 7           control plan; providing that the district may collect fees  
 8           for connection to and use of the works of the district;  
 9           specifying applicability of certain general law; revising  
 10          district boundaries; providing an effective date.

11  
 12   Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Sections 1 and 3 of section 4 of chapter 98-  
 15           529, Laws of Florida, are amended to read:

16           Section 1. Powers and authority.--  
 17           (1) The ~~drainage~~ district originally was empowered to  
 18           accept and maintain drainage improvements already in existence  
 19           and to operate pursuant to the general drainage laws of chapter  
 20           298, Florida Statutes. In addition to the powers provided for in  
 21           chapter 298, Florida Statutes, in 1981 the district was granted  
 22           the power to maintain roadways and roads necessary and  
 23           convenient for the exercise of the powers or duties ~~or any of~~  
 24           ~~the powers or duties~~ of said district; and in furtherance of the  
 25           purposes and intent of chapter 298, Florida Statutes, to  
 26           maintain streets, roadways, and roads necessary and convenient  
 27           to provide access to and efficient development of areas made  
 28           suitable and available for cultivation and settlement, urban and

HB 1509

2006

29 suburban, and other beneficial use and development as a result  
30 of the drainage, irrigation, and reclamation operations of the  
31 district for the lands ~~only~~ within the boundaries of the  
32 district situated in St. Johns ~~John's~~ County. ~~This road~~  
33 ~~authority geographically was expanded in 1982 to include the~~  
34 ~~lands within the boundaries of the district situated in Flagler~~  
35 ~~County as well as a component of the district's road maintenance~~  
36 ~~authority within the district boundaries.~~ This authority is ~~is~~  
37 ~~hereby~~ specified to include, but not be limited to, street  
38 lighting, road striping, reconstruction, and any other safety  
39 features or improvements customary to a modern road system.

40 (2) In addition to the foregoing power and authority, the  
41 district shall have full power and authority to construct,  
42 operate, maintain, repair, and replace any and all works and  
43 improvements necessary to execute the district's water control  
44 plan, including all power and authority conferred by chapter  
45 298, Florida Statutes. The works of the district include,  
46 without limitation, all waterways, water control structures,  
47 equipment, facilities, real property interests, roads, streets,  
48 lighting, and appurtenant facilities owned, operated, or  
49 maintained by the district or included in the district water  
50 control plan.

51 (3) Notwithstanding any provision of law to the contrary  
52 and pursuant to section 298.22(8), (9), and (10), Florida  
53 Statutes, the district is authorized:

54 (a) To adopt resolutions and policies implementing all  
55 purposes of this act, including specification of conditions  
56 related to comprehensive water control activities necessary to

HB 1509

2006

57 ensure the proper operation of the water control plan and  
58 protection of district landowners, including flood protection,  
59 water quantity, and water quality management conditions, that  
60 may be imposed upon any person or entity within or outside the  
61 district boundary with a connection or application for a  
62 connection to district works.

63 (b) To collect reasonable fees for any connections to  
64 district works which may cover costs of the connection and  
65 continuing operational costs of the district water control plan  
66 caused by the connection and discharge of surface waters through  
67 the works of the district.

68 (4) Pursuant to this section, the Hastings Drainage  
69 District and the Flagler Estates Road and Water Control District  
70 may enter into an interlocal agreement which may incorporate  
71 district policies and conditions for cooperative operation of  
72 interconnected water control facilities.

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

78 Section 3. Boundaries.--The district boundaries originally  
79 were established in the Final Judgment Incorporating the  
80 Drainage District by the Seventh Judicial Circuit Court, St.  
81 Johns County, Florida, on June 4, 1971, as recorded in O.R. 194,  
82 page 344, Public Records of St. Johns County, Florida, in Case #  
83 2154 and as subsequently extended by Order of the Seventh  
84 Judicial Circuit Court, St. Johns County, Florida, on August 16,

85 1972, as recorded in O.R. 194, page 344, and O.R. 224, page 26,  
 86 Public Records of St. Johns County, Florida, in Case # 2154.  
 87 Several Special Acts further adjusted the district boundaries.  
 88 Section 2 of chapter 81-481, Laws of Florida, extended district  
 89 boundaries into St. Johns County; section 3 of chapter 81-481,  
 90 Laws of Florida, removed lands from Hastings Drainage District;  
 91 section 2 of chapter 82-294, Laws of Florida, extended district  
 92 boundaries in Flagler County; and chapter 89-505, Laws of  
 93 Florida, reduced the size of the district in St. Johns County,  
 94 and chapter 2000-479, Laws of Florida, removed Flagler County  
 95 from the jurisdiction of the district. The consolidated legal  
 96 description of the boundaries of the district is:

97  
 98 THAT PORTION OF TOWNSHIP 10 SOUTH, RANGE 28 EAST,  
 99 LYING AND BEING IN ST. JOHNS COUNTY ~~AND FLAGLER~~  
 100 ~~COUNTIES~~, FLORIDA, DESCRIBED AS FOLLOWS:  
 101 BEGIN AT THE NORTHEAST CORNER OF SAID TOWNSHIP 10  
 102 SOUTH, RANGE 28 EAST; THENCE RUN SOUTHERLY ALONG THE  
 103 EAST LINE OF SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST TO  
 104 THE SOUTHERN BOUNDARY OF ST JOHNS COUNTY; THENCE RUN  
 105 WESTERLY ALONG THE SAID SOUTHERN BOUNDARY OF ST JOHNS  
 106 COUNTY ~~SOUTHEAST CORNER OF SECTION 24~~; THENCE RUN  
 107 ~~WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 24 TO~~  
 108 ~~THE NORTHEAST CORNER OF SECTION 26~~; THENCE RUN  
 109 ~~SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 26 TO~~  
 110 ~~THE NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST~~  
 111 ~~COAST RAILROAD~~; THENCE RUN NORTHWESTERLY ALONG SAID  
 112 ~~NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST~~

113 ~~RAILROAD TO THE SOUTH LINE OF SECTION 22; THENCE RUN~~  
 114 ~~WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 22 TO~~  
 115 ~~THE SOUTHWEST CORNER THEREOF; THENCE RUN NORTHERLY~~  
 116 ~~ALONG THE WEST LINE OF SAID SECTION 22 TO THE SAID~~  
 117 ~~NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST~~  
 118 ~~RAILROAD; THENCE RUN NORTHWESTERLY ALONG THE SAID~~  
 119 ~~NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST~~  
 120 ~~RAILROAD TO THE WEST LINE OF THE EAST <sup>3</sup>/<sub>2</sub> OF THE~~  
 121 ~~NORTHWEST <sup>3</sup>/<sub>4</sub> OF SECTION 21; THENCE RUN NORTHERLY ALONG~~  
 122 ~~THE SAID WEST LINE OF THE EAST <sup>3</sup>/<sub>2</sub> OF THE NORTHWEST <sup>3</sup>/<sub>4</sub>~~  
 123 ~~TO THE SOUTH LINE OF SECTION 16; THENCE RUN WESTERLY~~  
 124 ~~ALONG THE SAID SOUTH LINE OF SECTION 16 TO THE~~  
 125 ~~SOUTHEAST CORNER OF SECTION 17 OF SAID TOWNSHIP 10~~  
 126 ~~SOUTH, RANGE 28 EAST; THENCE RUN WESTERLY ALONG THE~~  
 127 ~~SOUTH LINE OF SAID SECTION 17 TO THE SOUTHWEST CORNER~~  
 128 ~~OF THE EAST <sup>1</sup>/<sub>4</sub> OF SAID SECTION 17; THENCE RUN~~  
 129 ~~NORTHERLY ALONG THE WEST LINE OF THE EAST <sup>1</sup>/<sub>4</sub> OF SAID~~  
 130 ~~SECTION 17 AND ALONG THE WEST LINE OF THE EAST <sup>1</sup>/<sub>4</sub> OF~~  
 131 ~~SECTION 8 TO THE NORTH LINE OF SAID SECTION 8; THENCE~~  
 132 ~~RUN EASTERLY ALONG THE NORTH LINE OF SAID SECTION 8~~  
 133 ~~AND ALONG THE NORTH LINE OF SECTION 9 TO THE SOUTHWEST~~  
 134 ~~CORNER OF SECTION 3; THENCE RUN NORTHERLY ALONG THE~~  
 135 ~~WEST LINE OF SAID SECTION 3 TO THE NORTHWEST CORNER OF~~  
 136 ~~U.S. GOVERNMENT LOT 3 OF SAID SECTION 3; THENCE RUN~~  
 137 ~~EASTERLY ALONG THE NORTH LINES OF U.S. GOVERNMENT LOTS~~  
 138 ~~3 AND 4 OF SAID SECTION 3 TO THE NORTHEAST CORNER OF~~  
 139 ~~SAID LOT 4; THENCE RUN S 0°12'38" E FOR A DISTANCE OF~~  
 140 ~~12.54 FEET; THENCE RUN S 88°27'38" E FOR A DISTANCE OF~~

141 363.00 FEET; THENCE RUN N 5°12'38" W FOR A DISTANCE OF  
 142 458 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE  
 143 GEO. I.F. CLARKE GRANT, SECTION 37; THENCE RUN  
 144 EASTERLY ALONG SAID SOUTHERLY LINE OF THE GEO. I.F.  
 145 CLARKE GRANT FOR A DISTANCE OF 824.99 FEET TO THE RUN  
 146 OF SIXTEENMILE DEEP CREEK; THENCE RUN N 18°58'00" E  
 147 FOR A DISTANCE OF 188.11 FEET TO THE POINT OF  
 148 CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT,  
 149 HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 16°46'00"  
 150 AND A RADIUS OF 300.00 FEET; THENCE RUN NORTHERLY  
 151 ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 87.79  
 152 FEET TO THE POINT OF TANGENCY; THENCE RUN N 2°12'00" E  
 153 FOR A DISTANCE OF 302.93 FEET TO A POINT OF CURVATURE  
 154 OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING FOR  
 155 ITS ELEMENTS A CENTRAL ANGLE OF 82°00'00" AND A RADIUS  
 156 OF 200.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF  
 157 SAID CURVE FOR A DISTANCE OF 286.23 FEET TO THE POINT  
 158 OF TANGENCY; THENCE RUN N 79°48'00" W FOR A DISTANCE  
 159 OF 245.34 FEET TO A POINT: THENCE RUN S 50°11'17" W  
 160 FOR A DISTANCE OF 343.96 FEET TO A POINT; THENCE RUN N  
 161 45°05'48" W FOR A DISTANCE OF 82.01 FEET TO A POINT;  
 162 THENCE RUN S 44°19'22" W FOR A DISTANCE OF 40.37 FEET  
 163 TO A POINT; THENCE RUN N 41°15'00" W FOR A DISTANCE OF  
 164 733.53 FEET TO A POINT OF CURVATURE OF A CIRCULAR  
 165 CURVE LEADING TO THE LEFT, HAVING FOR ITS ELEMENTS A  
 166 CENTRAL ANGLE OF 27°16'00" AND A RADIUS OF 100.00  
 167 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE  
 168 FOR A DISTANCE OF 47.59 FEET TO THE POINT OF TANGENCY;

169 THENCE RUN N 68°31'00" W FOR A DISTANCE OF 377.79 FEET  
 170 TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 171 THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 172 59°20'00" AND A RADIUS OF 100.00 FEET; THENCE RUN  
 173 NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE  
 174 OF 103.56 FEET TO THE POINT OF TANGENCY; THENCE RUN N  
 175 9°11'00" W FOR A DISTANCE OF 569.04 FEET TO A POINT;  
 176 THENCE RUN N 3°34'00" W FOR A DISTANCE OF 2177.00 FEET  
 177 TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 178 THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 179 97°13'00" AND A RADIUS OF 48.48 FEET; THENCE RUN  
 180 NORTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE  
 181 OF 82.86 FEET TO THE POINT OF TANGENCY; THENCE RUN S  
 182 86°21'00" E FOR A DISTANCE OF 55.00 FEET TO A POINT;  
 183 THENCE RUN N 7°54'00" E FOR A DISTANCE OF 1123.57 FEET  
 184 TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY  
 185 ROAD 13; THENCE RUN ALONG THE SOUTH RIGHT OF WAY LINE  
 186 OF SAID COUNTY ROAD 13 FOR A DISTANCE OF 578.44 FEET  
 187 TO A POINT; THENCE RUN S 41°27'41" E FOR A DISTANCE OF  
 188 133.83 FEET TO A POINT OF CURVATURE OF A CIRCULAR  
 189 CURVE LEADING TO THE RIGHT, HAVING FOR ITS ELEMENTS A  
 190 CENTRAL ANGLE OF 33°52'41" AND A RADIUS OF 100.00  
 191 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE  
 192 FOR A DISTANCE OF 39.13 FEET TO THE POINT OF TANGENCY;  
 193 THENCE RUN S 7°35'00" E FOR A DISTANCE OF 2058.07 FEET  
 194 TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 195 THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 196 26°48'00" AND A RADIUS OF 420.00 FEET; THENCE RUN

197 SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE  
 198 OF 196.45 FEET TO THE POINT OF TANGENCY; THENCE RUN S  
 199 19°13'00" W FOR A DISTANCE OF 502.38 FEET TO A POINT  
 200 OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT,  
 201 HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 64°29'00"  
 202 AND A RADIUS OF 80.00 FEET; THENCE RUN SOUTHERLY ALONG  
 203 THE ARC OF SAID CURVE FOR A DISTANCE OF 80.04 FEET TO  
 204 THE POINT OF TANGENCY; THENCE RUN S 45°16'00" E FOR A  
 205 DISTANCE OF 577.38 FEET TO A POINT OF CURVATURE OF A  
 206 CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS  
 207 ELEMENTS A CENTRAL ANGLE OF 12°37'59" AND A RADIUS OF  
 208 720.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF  
 209 SAID CURVE FOR A DISTANCE OF 158.75 FEET TO THE POINT  
 210 OF TANGENCY; THENCE RUN S 32°38'01" E FOR A DISTANCE  
 211 OF 850.29 FEET TO A POINT ON THE NORTHERLY LINE OF  
 212 SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST; ~~THENCE RUN~~  
 213 ~~NORTHERLY DOWN THE RUN OF SAID DEEP CREEK TO THE NORTH~~  
 214 ~~LINE OF TOWNSHIP 10 SOUTH, RANGE 28 EAST; THENCE RUN~~  
 215 EASTERLY ALONG THE SAID NORTH LINE OF TOWNSHIP 10  
 216 SOUTH, RANGE 28 EAST TO THE POINT OF BEGINNING.  
 217 ALSO THE CANAL 5A, DESCRIBED AS FOLLOWS:  
 218 A STRIP OF LAND 60 FEET IN WIDTH BEING A PORTION OF  
 219 THE GEO. I.F. CLARKE GRANT, LYING AND BEING IN SECTION  
 220 38, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY,  
 221 FLORIDA, SAID STRIP LYING 30.00 FEET ON EACH SIDE OF  
 222 AND CONTIGUOUS WITH THE FOLLOWING DESCRIBED  
 223 CENTERLINE:



224 COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 38;  
 225 THENCE RUN S 81°12'24" ~~87°12'24"~~ E, ALONG THE SOUTH  
 226 LINE OF SAID SECTION 38, FOR 30.01 FEET TO THE POINT  
 227 OF BEGINNING OF THE FOLLOWING DESCRIBED CENTERLINE;  
 228 THENCE RUN N 04°18'32" E, ALONG A LINE PARALLEL WITH  
 229 AND 30.00 FEET EASTERLY OF THE WEST LINE OF SAID  
 230 SECTION 38, FOR 2261.05 FEET; THENCE RUN N 54°03'48" E  
 231 FOR 1118.15 FEET; THENCE RUN N 00°38'15" E FOR 395.40  
 232 FEET; THENCE RUN N 69°33'35" E FOR 236.03 FEET TO A  
 233 POINT OF TERMINATION BEING ON THE WESTERLY LINE OF THE  
 234 SIXTEEN MILE CREEK CANAL FOREBAY, AS DESCRIBED IN  
 235 OFFICIAL RECORDS BOOK 224 AT PAGES 31 AND 32 OF THE  
 236 PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.  
 237 CONTAINING 5.624 ~~5.524~~ ACRES, MORE OR LESS.  
 238 AND ALSO A 50 FOOT ROAD RIGHT OF WAY, DESCRIBED AS  
 239 FOLLOWS:  
 240 BEING PORTIONS OF SECTION 37, TOWNSHIP 10 SOUTH, RANGE  
 241 28 EAST, AND SECTION 38, TOWNSHIP 9 SOUTH, RANGE 28  
 242 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY  
 243 DESCRIBED AS FOLLOWS:  
 244 COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 37;  
 245 THENCE S 85°45'20" E ALONG THE SOUTHERLY LINE OF SAID  
 246 SECTION 37 FOR 569.19 FEET TO THE SW CORNER OF PARCEL  
 247 ONE, ACCORDING TO DEED BOOK 136, PAGE 63 OF THE PUBLIC  
 248 RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE S  
 249 84°01'14" E ALONG THE SOUTHERLY LINE OF SAID PARCEL  
 250 ONE AND THE EASTERLY PROLONGATION THEREOF FOR 1615.34  
 251 ~~1675.34~~ FEET TO THE NORTHEAST CORNER OF PARCEL 4,

252 ACCORDING TO DEED BOOK 136, PAGE 64 OF THE PUBLIC  
 253 RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE S  
 254 85°12'38" E ALONG THE SOUTHERLY LINE OF SAID SECTION  
 255 37 FOR 300.00 FEET TO THE POINT OF BEGINNING OF THE  
 256 HEREINAFTER DESCRIBED 50.00 FOOT ROAD RIGHT OF WAY;  
 257 THE FOLLOWING EIGHT (8) COURSES BEING ALONG THE  
 258 CENTERLINE OF THE 50.00 FOOT ROAD RIGHT OF WAY; (1)  
 259 THENCE N 02°30'00" E FOR 180.00 FEET TO A POINT OF  
 260 CURVATURE; (2) THENCE NORTHWESTERLY ALONG A 100.00  
 261 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A  
 262 CENTRAL ANGLE OF 87°30'00" FOR AN ARC OF 152.72 FEET  
 263 TO A POINT OF TANGENCY; (3) THENCE N 85°00'00" W FOR  
 264 700.00 FEET; (4) THENCE N 89°45'00" W, FOR 290.00 FEET  
 265 TO A POINT OF CURVATURE; (5) THENCE NORTHERLY ALONG A  
 266 100.00 FOOT RADIUS CURVE LEADING TO THE RIGHT THROUGH  
 267 A CENTRAL ANGLE OF 79°15'00" FOR AN ARC OF 138.32 FEET  
 268 TO A POINT OF TANGENCY; (6) THENCE N 10°30'00" W FOR  
 269 515.00 FEET TO A POINT OF CURVATURE; (7) THENCE  
 270 NORTHWESTERLY ALONG A 100.00 FOOT RADIUS CURVE LEADING  
 271 TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°00'00' FOR  
 272 AN ARC OF 64.58 FEET TO A POINT OF TANGENCY; (8)  
 273 THENCE N 47°30'00" W FOR 120 FEET MORE OR LESS TO A  
 274 POINT ON THE CENTERLINE OF AN EXISTING COUNTY ROAD,  
 275 SAID POINT BEING ALSO THE POINT OF TERMINATION OF SAID  
 276 50 FOOT ROAD RIGHT OF WAY. THE SIDE LINES OF THE ABOVE  
 277 DESCRIBED 50.00 FOOT WIDE ROAD RIGHT OF WAY ARE TO BE  
 278 LENGTHENED OR SHORTENED AS MAY BE NECESSARY TO

HB 1509

2006

279 |           MAINTAIN A 50.00 FOOT RIGHT OF WAY ALONG THE DESCRIBED  
280 |           CENTERLINE.  
281 |           ALL LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA, AND  
282 |           CONTAINING 2.5 ACRES.  
283 |           Section 2. This act shall take effect upon becoming a law.