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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:

5 A bill to be entitled

6 An act relating to Flagler Estates Road and Water Control  
7 District, St. Johns County; amending chapter 98-529, Laws  
8 of Florida; providing additional powers of the district to  
9 construct, operate, maintain, repair, and replace works  
10 and improvements necessary to execute the district's water  
11 control plan; specifying applicability of certain general  
12 law; providing for an interlocal agreement; revising  
13 district boundaries; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Sections 1 and 3 of section 4 of chapter 98-  
18 529, Laws of Florida, are amended to read:

19 Section 1. Powers and authority.--

20 (1) The ~~drainage~~ district originally was empowered to  
21 accept and maintain drainage improvements already in existence  
22 and to operate pursuant to the general drainage laws of chapter  
23 298, Florida Statutes. In addition to the powers provided for in

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24 chapter 298, Florida Statutes, in 1981 the district was granted  
25 the power to maintain roadways and roads necessary and  
26 convenient for the exercise of the powers or duties ~~or any of~~  
27 ~~the powers or duties~~ of said district; and in furtherance of the  
28 purposes and intent of chapter 298, Florida Statutes, to  
29 maintain streets, roadways, and roads necessary and convenient  
30 to provide access to and efficient development of areas made  
31 suitable and available for cultivation and settlement, urban and  
32 suburban, and other beneficial use and development as a result  
33 of the drainage, irrigation, and reclamation operations of the  
34 district for the lands ~~only~~ within the boundaries of the  
35 district situated in St. Johns ~~John's~~ County. ~~This road~~  
36 ~~authority geographically was expanded in 1982 to include the~~  
37 ~~lands within the boundaries of the district situated in Flagler~~  
38 ~~County as well as a component of the district's road maintenance~~  
39 ~~authority within the district boundaries.~~ This authority was ~~is~~  
40 ~~hereby~~ specified to include, but not be limited to, street  
41 lighting, road striping, reconstruction, and any other safety  
42 features or improvements customary to a modern road system.

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

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52 | district recognizes that it is subject to the provisions of  
 53 | chapter 2005-345, Laws of Florida, insofar as that chapter  
 54 | relates to the Flagler Estates Road and Water Control District  
 55 | formerly known as Sixteen Mile Creek Water Control District.

56 | (3) Pursuant to this section, the Hastings Drainage  
 57 | District and the Flagler Estates Road and Water Control District  
 58 | shall, with the assistance and advice of the St. Johns River  
 59 | Water Management District, enter into an interlocal agreement by  
 60 | December 31, 2006, incorporating provisions for cooperative  
 61 | operation of interconnected water control facilities.

62 | (4) Surplus real property owned by the district can be  
 63 | made available to the public for passive use and the district is  
 64 | authorized to enter into lease or interlocal agreements with  
 65 | other governmental entities for the operation and/or maintenance  
 66 | of such passive use areas within the district boundaries.

67 | Section 3. Boundaries.--The district boundaries originally  
 68 | were established in the Final Judgment Incorporating the  
 69 | Drainage District by the Seventh Judicial Circuit Court, St.  
 70 | Johns County, Florida, on June 4, 1971, as recorded in O.R. 194,  
 71 | page 344, Public Records of St. Johns County, Florida, in Case  
 72 | #2154 and as subsequently extended by Order of the Seventh  
 73 | Judicial Circuit Court, St. Johns County, Florida, on August 16,  
 74 | 1972, as recorded in O.R. 194, page 344, and O.R. 224, page 26,  
 75 | Public Records of St. Johns County, Florida, in Case # 2154.  
 76 | Several Special Acts further adjusted the district boundaries.  
 77 | Section 2 of chapter 81-481, Laws of Florida, extended district  
 78 | boundaries into St. Johns County; section 3 of chapter 81-481,  
 79 | Laws of Florida, removed lands from Hastings Drainage District;

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80 section 2 of chapter 82-294, Laws of Florida, extended district  
81 boundaries in Flagler County; and chapter 89-505, Laws of  
82 Florida, reduced the size of the district in St. Johns County,  
83 and chapter 2000-479, Laws of Florida, removed Flagler County  
84 from the jurisdiction of the district. The consolidated legal  
85 description of the boundaries of the district is:

86 THAT PORTION OF TOWNSHIP 10 SOUTH, RANGE 28 EAST, LYING AND  
87 BEING IN ST. JOHNS COUNTY ~~AND FLAGLER COUNTIES~~, FLORIDA,  
88 DESCRIBED AS FOLLOWS:

89 BEGIN AT THE NORTHEAST CORNER OF SAID TOWNSHIP 10 SOUTH,  
90 RANGE 28 EAST; THENCE RUN SOUTHERLY ALONG THE EAST LINE OF  
91 SAID TOWNSHIP 10 SOUTH, RANGE 28 EAST TO THE SOUTHERN  
92 BOUNDARY OF ST JOHNS COUNTY; THENCE RUN WESTERLY ALONG THE  
93 SAID SOUTHERN BOUNDARY OF ST JOHNS COUNTY ~~SOUTHEAST CORNER~~  
94 ~~OF SECTION 24; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF~~  
95 ~~SAID SECTION 24 TO THE NORTHEAST CORNER OF SECTION 26;~~  
96 ~~THENCE RUN SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 26~~  
97 ~~TO THE NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST~~  
98 ~~COAST RAILROAD; THENCE RUN NORTHWESTERLY ALONG SAID~~  
99 ~~NORTHERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST~~  
100 ~~RAILROAD TO THE SOUTH LINE OF SECTION 22; THENCE RUN~~  
101 ~~WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 22 TO THE~~  
102 ~~SOUTHWEST CORNER THEREOF; THENCE RUN NORTHERLY ALONG THE~~  
103 ~~WEST LINE OF SAID SECTION 22 TO THE SAID NORTHERLY RIGHT OF~~  
104 ~~WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE RUN~~  
105 ~~NORTHWESTERLY ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF~~  
106 ~~THE FLORIDA EAST COAST RAILROAD TO THE WEST LINE OF THE~~  
107 ~~EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 21; THENCE RUN~~

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108 | ~~NORTHERLY ALONG THE SAID WEST LINE OF THE EAST 1/2 OF THE~~  
 109 | ~~NORTHWEST 1/4 TO THE SOUTH LINE OF SECTION 16; THENCE RUN~~  
 110 | ~~WESTERLY ALONG THE SAID SOUTH LINE OF SECTION 16 TO THE~~  
 111 | SOUTHEAST CORNER OF SECTION 17 OF SAID TOWNSHIP 10 SOUTH,  
 112 | RANGE 28 EAST; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF  
 113 | SAID SECTION 17 TO THE SOUTHWEST CORNER OF THE EAST 1/4 OF  
 114 | SAID SECTION 17; THENCE RUN NORTHERLY ALONG THE WEST LINE  
 115 | OF THE EAST 1/4 OF SAID SECTION 17 AND ALONG THE WEST LINE  
 116 | OF THE EAST 1/4 OF SECTION 8 TO THE NORTH LINE OF SAID  
 117 | SECTION 8; THENCE RUN EASTERLY ALONG THE NORTH LINE OF SAID  
 118 | SECTION 8 AND ALONG THE NORTH LINE OF SECTION 9 TO THE  
 119 | SOUTHWEST CORNER OF SECTION 3; THENCE RUN NORTHERLY ALONG  
 120 | THE WEST LINE OF SAID SECTION 3 TO THE NORTHWEST CORNER OF  
 121 | U.S. GOVERNMENT LOT 3 OF SAID SECTION 3; THENCE RUN  
 122 | EASTERLY ALONG THE NORTH LINES OF U.S. GOVERNMENT LOTS 3  
 123 | AND 4 OF SAID SECTION 3 TO THE NORTHEAST CORNER OF SAID LOT  
 124 | 4; THENCE RUN S 0°12'38" E FOR A DISTANCE OF 12.54 FEET;  
 125 | THENCE RUN S 88°27'38" E FOR A DISTANCE OF 363.00 FEET;  
 126 | THENCE RUN N 5°12'38" W FOR A DISTANCE OF 458 FEET, MORE OR  
 127 | LESS, TO THE SOUTHERLY LINE OF THE GEO. I.F. CLARKE GRANT,  
 128 | SECTION 37; THENCE RUN EASTERLY ALONG SAID SOUTHERLY LINE  
 129 | OF THE GEO. I.F. CLARKE GRANT FOR A DISTANCE OF 824.99 FEET  
 130 | TO THE RUN OF SIXTEENMILE DEEP CREEK; THENCE RUN N  
 131 | 18°58'00" E FOR A DISTANCE OF 188.11 FEET TO THE POINT OF  
 132 | CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT, HAVING  
 133 | FOR ITS ELEMENTS A CENTRAL ANGLE OF 16°46'00" AND A RADIUS  
 134 | OF 300.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID  
 135 | CURVE FOR A DISTANCE OF 87.79 FEET TO THE POINT OF

136 TANGENCY; THENCE RUN N 2°12'00" E FOR A DISTANCE OF 302.93  
 137 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 138 THE LEFT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 139 82°00'00" AND A RADIUS OF 200.00 FEET; THENCE RUN NORTHERLY  
 140 ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 286.23 FEET  
 141 TO THE POINT OF TANGENCY; THENCE RUN N 79°48'00" W FOR A  
 142 DISTANCE OF 245.34 FEET TO A POINT; THENCE RUN S 50°11'17"  
 143 W FOR A DISTANCE OF 343.96 FEET TO A POINT; THENCE RUN N  
 144 45°05'48" W FOR A DISTANCE OF 82.01 FEET TO A POINT; THENCE  
 145 RUN S 44°19'22" W FOR A DISTANCE OF 40.37 FEET TO A POINT;  
 146 THENCE RUN N 41°15'00" W FOR A DISTANCE OF 733.53 FEET TO A  
 147 POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE LEFT,  
 148 HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 27°16'00" AND A  
 149 RADIUS OF 100.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC  
 150 OF SAID CURVE FOR A DISTANCE OF 47.59 FEET TO THE POINT OF  
 151 TANGENCY; THENCE RUN N 68°31'00" W FOR A DISTANCE OF 377.79  
 152 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 153 THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 154 59°20'00" AND A RADIUS OF 100.00 FEET; THENCE RUN NORTHERLY  
 155 ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 103.56 FEET  
 156 TO THE POINT OF TANGENCY; THENCE RUN N 9°11'00" W FOR A  
 157 DISTANCE OF 569.04 FEET TO A POINT; THENCE RUN N 3°34'00" W  
 158 FOR A DISTANCE OF 2177.00 FEET TO A POINT OF CURVATURE OF A  
 159 CIRCULAR CURVE LEADING TO THE RIGHT, HAVING FOR ITS  
 160 ELEMENTS A CENTRAL ANGLE OF 97°13'00" AND A RADIUS OF 48.48  
 161 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE FOR  
 162 A DISTANCE OF 82.86 FEET TO THE POINT OF TANGENCY; THENCE  
 163 RUN S 86°21'00" E FOR A DISTANCE OF 55.00 FEET TO A POINT;

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164 THENCE RUN N 7°54'00" E FOR A DISTANCE OF 1123.57 FEET TO A  
 165 POINT ON THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 13;  
 166 THENCE RUN ALONG THE SOUTH RIGHT OF WAY LINE OF SAID COUNTY  
 167 ROAD 13 FOR A DISTANCE OF 578.44 FEET TO A POINT; THENCE  
 168 RUN S 41°27'41" E FOR A DISTANCE OF 133.83 FEET TO A POINT  
 169 OF CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT,  
 170 HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF 33°52'41" AND A  
 171 RADIUS OF 100.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC  
 172 OF SAID CURVE FOR A DISTANCE OF 39.13 FEET TO THE POINT OF  
 173 TANGENCY; THENCE RUN S 7°35'00" E FOR A DISTANCE OF 2058.07  
 174 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE LEADING TO  
 175 THE RIGHT, HAVING FOR ITS ELEMENTS A CENTRAL ANGLE OF  
 176 26°48'00" AND A RADIUS OF 420.00 FEET; THENCE RUN SOUTHERLY  
 177 ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 196.45 FEET  
 178 TO THE POINT OF TANGENCY; THENCE RUN S 19°13'00" W FOR A  
 179 DISTANCE OF 502.38 FEET TO A POINT OF CURVATURE OF A  
 180 CIRCULAR CURVE LEADING TO THE LEFT, HAVING FOR ITS ELEMENTS  
 181 A CENTRAL ANGLE OF 64°29'00" AND A RADIUS OF 80.00 FEET;  
 182 THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE FOR A  
 183 DISTANCE OF 80.04 FEET TO THE POINT OF TANGENCY; THENCE RUN  
 184 S 45°16'00" E FOR A DISTANCE OF 577.38 FEET TO A POINT OF  
 185 CURVATURE OF A CIRCULAR CURVE LEADING TO THE RIGHT, HAVING  
 186 FOR ITS ELEMENTS A CENTRAL ANGLE OF 12°37'59" AND A RADIUS  
 187 OF 720.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID  
 188 CURVE FOR A DISTANCE OF 158.75 FEET TO THE POINT OF  
 189 TANGENCY; THENCE RUN S 32°38'01" E FOR A DISTANCE OF 850.29  
 190 FEET TO A POINT ON THE NORTHERLY LINE OF SAID TOWNSHIP 10  
 191 SOUTH, RANGE 28 EAST; ~~THENCE RUN NORTHERLY DOWN THE RUN OF~~

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192       ~~SAID DEEP CREEK TO THE NORTH LINE OF TOWNSHIP 10 SOUTH,~~  
 193       ~~RANGE 28 EAST,~~ THENCE RUN EASTERLY ALONG THE SAID NORTH  
 194       LINE OF TOWNSHIP 10 SOUTH, RANGE 28 EAST TO THE POINT OF  
 195       BEGINNING.

196       ALSO THE CANAL 5A, DESCRIBED AS FOLLOWS:

197       A STRIP OF LAND 60 FEET IN WIDTH BEING A PORTION OF THE  
 198       GEO. I.F. CLARKE GRANT, LYING AND BEING IN SECTION 38,  
 199       TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,  
 200       SAID STRIP LYING 30.00 FEET ON EACH SIDE OF AND CONTIGUOUS  
 201       WITH THE FOLLOWING DESCRIBED CENTERLINE:

202       COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 38; THENCE  
 203       RUN S 81°12'24" ~~87°12'24"~~ E, ALONG THE SOUTH LINE OF SAID  
 204       SECTION 38, FOR 30.01 FEET TO THE POINT OF BEGINNING OF THE  
 205       FOLLOWING DESCRIBED CENTERLINE; THENCE RUN N 04°18'32" E,  
 206       ALONG A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE  
 207       WEST LINE OF SAID SECTION 38, FOR 2261.05 FEET; THENCE RUN  
 208       N 54°03'48" E FOR 1118.15 FEET; THENCE RUN N 00°38'15" E  
 209       FOR 395.40 FEET; THENCE RUN N 69°33'35" E FOR 236.03 FEET  
 210       TO A POINT OF TERMINATION BEING ON THE WESTERLY LINE OF THE  
 211       SIXTEEN MILE CREEK CANAL FOREBAY, AS DESCRIBED IN OFFICIAL  
 212       RECORDS BOOK 224 AT PAGES 31 AND 32 OF THE PUBLIC RECORDS  
 213       OF ST. JOHNS COUNTY, FLORIDA.

214       CONTAINING 5.624 ~~5.524~~ ACRES, MORE OR LESS.

215       AND ALSO A 50 FOOT ROAD RIGHT OF WAY, DESCRIBED AS FOLLOWS:  
 216       BEING PORTIONS OF SECTION 37, TOWNSHIP 10 SOUTH, RANGE 28  
 217       EAST, AND SECTION 38, TOWNSHIP 9 SOUTH, RANGE 28 EAST, ST.  
 218       JOHNS COUNTY, FLORIDA, AND BEING MORE FULLY DESCRIBED AS  
 219       FOLLOWS:



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220 COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 37; THENCE  
 221 S 85°45'20" E ALONG THE SOUTHERLY LINE OF SAID SECTION 37  
 222 FOR 569.19 FEET TO THE SW CORNER OF PARCEL ONE, ACCORDING  
 223 TO DEED BOOK 136, PAGE 63 OF THE PUBLIC RECORDS OF ST.  
 224 JOHNS COUNTY, FLORIDA; THENCE S 84°01'14" E ALONG THE  
 225 SOUTHERLY LINE OF SAID PARCEL ONE AND THE EASTERLY  
 226 PROLONGATION THEREOF FOR 1615.34 ~~1675.34~~ FEET TO THE  
 227 NORTHEAST CORNER OF PARCEL 4, ACCORDING TO DEED BOOK 136,  
 228 PAGE 64 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA;  
 229 THENCE S 85°12'38" E ALONG THE SOUTHERLY LINE OF SAID  
 230 SECTION 37 FOR 300.00 FEET TO THE POINT OF BEGINNING OF THE  
 231 HEREINAFTER DESCRIBED 50.00 FOOT ROAD RIGHT OF WAY; THE  
 232 FOLLOWING EIGHT (8) COURSES BEING ALONG THE CENTERLINE OF  
 233 THE 50.00 FOOT ROAD RIGHT OF WAY; (1) THENCE N 02°30'00" E  
 234 FOR 180.00 FEET TO A POINT OF CURVATURE; (2) THENCE  
 235 NORTHWESTERLY ALONG A 100.00 FOOT RADIUS CURVE LEADING TO  
 236 THE LEFT THROUGH A CENTRAL ANGLE OF 87°30'00" FOR AN ARC OF  
 237 152.72 FEET TO A POINT OF TANGENCY; (3) THENCE N 85°00'00"  
 238 W FOR 700.00 FEET; (4) THENCE N 89°45'00" W, FOR 290.00  
 239 FEET TO A POINT OF CURVATURE; (5) THENCE NORTHERLY ALONG A  
 240 100.00 FOOT RADIUS CURVE LEADING TO THE RIGHT THROUGH A  
 241 CENTRAL ANGLE OF 79°15'00" FOR AN ARC OF 138.32 FEET TO A  
 242 POINT OF TANGENCY; (6) THENCE N 10°30'00" W FOR 515.00 FEET  
 243 TO A POINT OF CURVATURE; (7) THENCE NORTHWESTERLY ALONG A  
 244 100.00 FOOT RADIUS CURVE LEADING TO THE LEFT THROUGH A  
 245 CENTRAL ANGLE OF 37°00'00" FOR AN ARC OF 64.58 FEET TO A  
 246 POINT OF TANGENCY; (8) THENCE N 47°30'00" W FOR 120 FEET  
 247 MORE OR LESS TO A POINT ON THE CENTERLINE OF AN EXISTING

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248 COUNTY ROAD, SAID POINT BEING ALSO THE POINT OF TERMINATION  
 249 OF SAID 50 FOOT ROAD RIGHT OF WAY. THE SIDE LINES OF THE  
 250 ABOVE DESCRIBED 50.00 FOOT WIDE ROAD RIGHT OF WAY ARE TO BE  
 251 LENGTHENED OR SHORTENED AS MAY BE NECESSARY TO MAINTAIN A  
 252 50.00 FOOT RIGHT OF WAY ALONG THE DESCRIBED CENTERLINE.  
 253 ALL LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA, AND  
 254 CONTAINING 2.5 ACRES.  
 255 Section 2. This act shall take effect upon becoming a law.