

ORDINANCE 2005-33

AN ORDINANCE BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, ESTABLISHING THE ANTIGUA AT ST. AUGUSTINE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; GRANTING SPECIAL POWERS; NAMING THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, AMC DELANCEY HUDSON CAPITAL PROPERTIES I, LLC ("Petitioner") has petitioned the City Commission of the City of St. Augustine, Florida ("City Commission") to adopt an ordinance establishing the Antigua at St. Augustine Community Development District ("District"), pursuant to Chapter 190, Florida Statutes (2004); and

WHEREAS, Petitioner is registered and authorized to conduct business in the State of Florida; 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 City Commission on September 26, 2005; and

WHEREAS, upon consideration of the record established at that hearing, the City Commission determines 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 local government

comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and 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 served by the District, that the 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 to be served by the District is amenable to separate special-district governance; and

WHEREAS, 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.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT:

Section 1. Authority. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2004).

Section 2. District Name. There is hereby created a community development district situated entirely within the City of St. Augustine, Florida, which shall be known as the "Antigua at St. Augustine Community Development District."

Section 3. External Boundaries of the District. Encompassing approximately 132 acres, the external boundaries of the District are described in **Exhibit A** attached hereto.

Section 4. Functions and Powers. The general powers and functions of the District are set forth in Chapter 190, Florida Statutes. Consent is hereby given to the District's Board of Supervisors to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for indoor and outdoor recreational, cultural and educational uses as authorized and described by Section 190.012(2), Florida Statutes.

Section 5. Board of Supervisors. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Jerry Goodkin, Kevin Connolly, Abraham Galbut, Majorie Taylor, and Frank O'Rourke, with the understanding that all of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

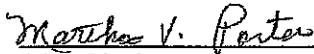
Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this

26th day of September, 2005.

ATTEST:


VICE Mayor-Commissioner


City Clerk

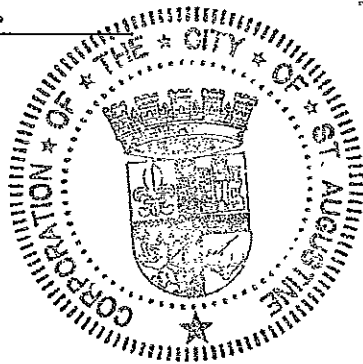


Exhibit "A"

Antigua at St. Augustine Community Development District

North Parcel

That part of Section 28 and that part of Government Lots 1, 2 and 4, Section 29, all in Township 7 South, Range 30 East, and a part of the unsurveyed portion of said Section 29 adjacent to and Westerly of said Government Lot 2, St. Johns County, Florida, more fully described as follows:

Beginning at the Northeast corner of said Government Lot 4; thence North $01^{\circ}24'24''$ West, along the East line of said Section 29, a distance of 74.02 feet to the Northerly right of way line of Marina Cove Road (a 60-foot wide right of way); thence South $57^{\circ}21'55''$ West, along said right of way line, 364.99 feet to the point of curvature of a tangential curve concave to the North having a radius of 68.44 feet; thence Westerly 74.79 feet, along said curve and right of way, through a central angle of $62^{\circ}36'37''$; thence North $60^{\circ}01'28''$ West, along said right of way line, 124.97 feet to the Southeasterly corner of Lift Station parcel; thence North $29^{\circ}58'32''$ East, along said Lift Station Parcel 40.00 feet; thence North $60^{\circ}01'28''$ West, along said Lift Station Parcel, 42.72 feet; thence South $29^{\circ}58'32''$ West, along said Lift Station Parcel, 40.00 feet to said Northerly right of way line; thence North $60^{\circ}01'28''$ West, along said right of way line, 724.25 feet to the point of curvature of a tangential curve concave to the South having a radius of 530.00 feet; thence Westerly 388.56 feet, along said curve and right of way line, through a central angle of $42^{\circ}00'20''$; thence South $77^{\circ}58'12''$ West, along said right of way line, 28.70 feet to the point of curvature of a tangential curve concave to the North having a radius of 470.00 feet; thence Westerly 267.72 feet, along said curve and right of way, through a central angle of $32^{\circ}38'12''$; thence North $65^{\circ}48'40''$ West, along said right of way line and non-tangential to last described curve, 249.51 feet to the point of curvature of a non-tangential curve concave to the South having a radius of 2089.86 feet; thence Westerly 140.80 feet, along said curve and right of way, through a central angle of $03^{\circ}51'37''$ and having a chord bearing and distance of North $75^{\circ}40'27''$ West 140.78 feet to the West line of a 60 foot wide roadway easement to the Fish Island Marina; thence South $03^{\circ}54'10''$ East, along said West line of easement, 62.59 feet to the Northerly right of way of State Road 312 (a 220 foot wide right of way at this point) thence Westerly 493.98 feet, along last said right of way and along a curve concave to the South having a radius of 2029.86 feet, through a central angle of $13^{\circ}56'36''$ and having a chord bearing and distance of North $84^{\circ}04'49''$ West, 492.76 feet; thence South $88^{\circ}56'53''$ West, along said right of way line, 306.04 feet; thence North $13^{\circ}04'59''$ East 894.23 feet to the South line of the Fish Island Marina property; thence South $82^{\circ}19'54''$ East along said Marina Property, 540.96 feet to the West line of a 60 foot wide roadway easement; thence North $03^{\circ}54'10''$ West, along said easement line, 35.73 feet to the Northwest corner of said easement; thence South $82^{\circ}19'54''$ East along said easement, 61.24 feet to the Southeast corner of said Marina Property; thence North $07^{\circ}40'06''$ East, along the East line of said Marina property, 267.00 feet more or less, to the centerline of a creek; thence Easterly 2142.00 feet, more or less, along said creek centerline to a point, said point being North $79^{\circ}59'36''$ East 2037.09 feet from said Southeast corner of Fish Island Marina Property; thence South $42^{\circ}03'37''$ East 2250.47 feet to the Southeast quarter of the West half of the Northwest quarter of said Section 28; thence South $88^{\circ}59'40''$ West, along the South line of said Northwest quarter, 1335.24 feet to the Point of Beginning.

The lands thus described contain 92.23 acres, more or less.

Together with:

That part of the West half of the Northwest quarter of Section 28, Township 7 South, Range 30 East, St. Johns County, Florida, more fully described as follows:

Beginning at the Northwest corner of the Southwest quarter of said Section 28; thence North $88^{\circ}59'40''$ East, along the North line of said Southwest quarter 1335.24 feet to the East line of said West half of the Northwest quarter and the Point of Beginning of the parcel to be described; thence North $42^{\circ}03'37''$ West 2250.47 feet to the centerline of a creek; thence Easterly, along said creek centerline, 1480 feet, more or less, to said East line the West half of the Northwest quarter; thence Southerly, along said East line of the West half of the Northwest quarter, 1780s feet, more or less, to the Point of Beginning.

The lands thus described contain 28.88 acres, more or less.

Parcel 3

A portion of Government Lots 1 and 4, Section 29, Township 7 South, Range 30 East, St. Johns County, Florida, more fully described as follows:

Beginning at the Northeast corner of said Government Lot 4; thence South $01^{\circ}24'24''$ East, along the East line of said Section 29, a distance of 717.05 feet to the Northerly right of way line of State Road 312 (a 200 foot wide right of way); thence North $60^{\circ}03'24''$ West, along said right of way line, 921.73 feet; thence North $29^{\circ}56'36''$ East, 23.18 feet; thence North $10^{\circ}43'07''$ East, 34.95 feet; thence North $29^{\circ}21'25''$ West, 129.65 feet; thence North $60^{\circ}03'24''$ West, 42.72 feet to the Easterly right of way line of Marina Cove Drive (a 100 foot wide right of way at this point); thence North $29^{\circ}56'36''$ East, along said Easterly right of way line, 107.54 feet to the point of curvature of a tangential curve concave to the Southeast having a radius of 25.00 feet; thence Northeasterly 39.28 feet along said curve and right of way, through a central angle of $90^{\circ}01'56''$ to a point on the Southerly right of way of Marina Cove Road (a 60 foot wide right of way); thence South $60^{\circ}01'28''$ East, 421.93 feet to the point of curvature of a tangential curve concave to the North having a radius of 128.44 feet; thence Easterly 140.35 feet, along said curve and right of way, through a central angle of $62^{\circ}36'37''$; thence North $57^{\circ}21'55''$ East, along said right of way, 328.61 feet to the East line of said Section 29; thence South $01^{\circ}24'24''$ East, along said Section line 3.85 feet to the Point of Beginning.

The lands thus described contain 7.25 acres more or less.

Parcel 4

A portion of Government Lots 1, 2, and 4, Section 29, Township 7 South, Range 30 East, St. Johns County, Florida, more fully described as follows:

Commence at the Northeast corner of said Government Lot 4; thence South $01^{\circ}24'24''$ East, along the East line of said Section 29, a distance of 717.05 feet to the Northerly right of way line of State Road 312 (a 200 foot wide right of way); thence North $60^{\circ}03'24''$ West, along said right of way line, 921.73 feet; thence continue North $60^{\circ}03'24''$ West, along said right of way line, 413.06 feet to the Point of Beginning of the parcel to be described; thence continue North $60^{\circ}03'24''$ West, along said right of way, 565.50 feet to the point of curvature of a tangential

curve concave to the Southwest having a radius of 2009.86 feet; thence Northwesterly, 255.91 feet, along said curve and right of way, through a central angle of $07^{\circ}17'43''$ to the intersection with the Southerly right of way of Marina Cove Road 60 foot wide right of way); thence Easterly 320.78 feet, along last said right of way and along a curve concave to the North having a radius of 530.00 feet, through a central angle of $34^{\circ}40'41''$ and having a chord bearing and distance of South $84^{\circ}41'28''$ East, 315.91 feet; thence North $77^{\circ}58'12''$ East, along said right of way, 28.70 feet to the point of curvature of a tangential curve concave to the South having a radius of 470.00 feet; thence Easterly 344.57 feet along said curve and right of way, through a central angle of $42^{\circ}00'20''$; thence South $60^{\circ}01'28''$ East, along said right of way, 320.00 feet to the point of curvature of a tangential curve concave to the West having a radius of 25.00 feet; thence Southeasterly 39.26 feet, along said curve and right of way, through a central angle of $89^{\circ}58'04''$ to a point on the Westerly right of way of said Marina Cove Drive (a 100 foot wide right of way at this point); thence South $29^{\circ}56'36''$ West, along said right of way, 118.40 feet; thence North $60^{\circ}03'24''$ West, 43.12 feet; thence South $87^{\circ}47'15''$ West, 113.64 feet; thence South $47^{\circ}03'47''$ West, 27.28 feet; thence South $29^{\circ}56'36''$ West, 25.06 feet to the Point of Beginning

The lands thus described contain 3.59 acres more or less.

Parcel 5

That part of Government Lots 1 and 4, Section 29, Township 7 South, Range 30 East, St. Johns County, Florida described as follows:

Commence at the Northeast corner of said Government Lot 4; thence North $01^{\circ}24'24''$ West, along the East line of said Section, 3.85 feet to the Southerly right of way line of Marina Cove Road (a 60 foot wide right of way); thence South $57^{\circ}21'55''$ West, along said right of way line, 328.61 feet to the point of curvature of a tangential curve concave to the North having a radius of 128.44 feet; thence Westerly 140.35 feet, along said curve and right of way, through a central angle of $62^{\circ}36'37''$; thence North $60^{\circ}01'28''$ West, along said right of way line, 421.93 feet to a point of curvature of a tangential curve concave to the South having a radius of 25.00 feet; thence Westerly, 39.28 feet, along said curve through a central angle of $90^{\circ}01'56''$ to the Easterly right of way line of Marina Cove Drive (a 100 foot wide right of way); thence South $29^{\circ}56'36''$ West, along said Easterly right of way line, 6.38 feet; thence North $60^{\circ}03'24''$ West, 43.65 feet to the Point of Beginning of the parcel to be described; thence South $29^{\circ}56'36''$ West, 223.54 feet to the Northerly right of way line of State Road 312 (a 200 foot wide right of way); thence North $60^{\circ}03'24''$ West, along last said right of way line, 12.70 feet; thence North $29^{\circ}56'36''$ East, 223.54 feet to the point of curvature of a tangential curve concave to the South having a radius of 10.00 feet; thence Northeasterly 9.17 feet, along said curve, through a central angle of $52^{\circ}31'51''$ to the point of compound curvature of a curve concave to the Southwest having a radius of 4.00 feet; thence Easterly 5.23 feet along said curve through a central angle of $74^{\circ}56'17''$ to the point of compound curvature of a curve concave to the West having a radius of 10.00 feet; thence Southeasterly 9.17 feet, along said curve, through a central angle of $52^{\circ}31'51''$ to the Point of Beginning.

The lands thus described contain 0.07 acres more or less.

Total lands described above contain 132.02 acres, more or less.