

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY REQUIRING AN ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 3, 1996 TO DETERMINE WHETHER OR NOT THE CITIZENS RESIDING (A) WITHIN ST. JOHNS COUNTY PRECINCTS 13 AND 42 OF ST. JOHNS COUNTY COMMISSION DISTRICT ONE AND (B) WITHIN ST. JOHNS COUNTY COMMISSION DISTRICT FOUR, EXCLUDING PRECINCTS 14 AND 54, DESIRE THAT THE BOARD OF COUNTY COMMISSIONERS ENACT AN ORDINANCE IN SUBSTANTIALLY THE FORM OF ORDINANCE DRAFT 7/16/96 ATTACHED HERETO IN ORDER TO CREATE THE DAVIS PARK RECREATION MUNICIPAL SERVICE TAXING UNIT.

BE IT RESOLVED, THIS 17TH DAY OF JULY, 1996, BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The Board of County Commissioners of St. Johns County, Florida hereby finds, determines and declares the following:

A. A substantial number of citizens that reside (A) in St. Johns County Precincts 13 and 42 of St. Johns County Commission District One and (B) in St. Johns County Commission District Four, excluding Precincts 14 and 54, (A and B collectively, the "Precincts"), have expressed their desire that the Board of County Commissioners of St. Johns County, Florida, (the "Board") enact an ordinance in substantially the form attached hereto as Exhibit A to create the Davis Park Recreation Municipal Service Taxing Unit in order to levy additional ad valorem taxes for five years at a millage rate not to exceed ½ mill per year upon real and personal property within such Precincts in order to acquire, construct and maintain recreation and park improvements, excluding land cost, within those Precincts in the manner set forth in the ordinance form; and

B. The decision as to whether or not to enact such ordinance is a matter of substantial concern to the citizens within those Precincts; and

C. Ponte Vedra/Palm Valley Athletic Association, Inc., a Florida not-for-profit corporation, has assured the Board that it will pay all election costs, as defined in Section 97.021(8) Florida Statutes, that are associated with placing the ballot question set forth below on the September 3, 1996 ballot within such Precincts.

Section 2. The Board of County Commissioners of St. Johns County, Florida, hereby directs the following proposition to be placed on the ballot in the Precincts at the 1996 Primary election which is scheduled for September 3, 1996:

**SHOULD THE COUNTY CREATE THE DAVIS PARK RECREATION MUNICIPAL SERVICE TAXING UNIT?**

Should a Recreation Municipal Service Taxing Unit be created in substantially the form described in the ordinance attached to Resolution 96 - 125 to levy additional ad valorem taxes in Precincts 13 and 42 of County Commission District One and County Commission District Four, excluding Precincts 14 and 54, for five years not exceeding ½ mill per year to construct and maintain Davis Park as described in the ordinance?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Section 3. The Clerk of the Circuit Court, ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida (the "Clerk") shall prepare and give notice of the Davis Park Recreation Municipal Service Taxing Unit referendum by causing a copy of a notice substantially in the form attached hereto as Exhibit B to be published at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the referendum is to be held, in the St. Augustine Record and the Ponte Vedra Recorder, newspapers of general circulation in the County, the first publication to be not less than thirty (30) days prior to the date of the Davis Park Recreation Municipal Service Taxing Unit referendum. The Clerk shall secure from the publishers of said newspapers an appropriate affidavit of proof that such notice has been duly published as herein provided, and said affidavits of proof shall be filed in the minutes of the Board of County Commissioners of St. Johns County. The Clerk shall cause copies of this resolution with the Exhibit A ordinance form attached to be timely placed at the locations described in the Exhibit B notice.

Section 4. The officials responsible for the canvass of the primary election shall also canvass the returns of the Davis Park Recreation Municipal Service Taxing Unit referendum and shall certify the same to the Board. The finding and declaration of results shall be recorded in the minutes of the Board. Failure to fully comply with this Section 4 shall not adversely effect the validity or effect of this resolution or the election.

Section 5. The Clerk is directed to immediately forward a certified copy of this Resolution to Penny Halyburton, Supervisor of Elections of St. Johns County, Florida.

Section 6. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, phrase, clause, sentence or paragraph hereof.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Chair - Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

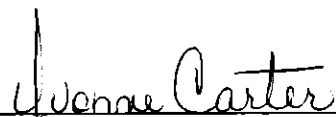
By:   
Deputy Clerk

EXHIBIT A

Draft 7/16/96

ORDINANCE NO. 96-\_\_\_\_\_

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING THE DAVIS PARK RECREATION UNIT LOCATED WITHIN A PORTION OF THE UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA, AS A MUNICIPAL SERVICE TAXING UNIT TO PROVIDE PARK AND RECREATION FACILITIES; DEFINING THE BOUNDARIES OF THE UNIT; PROVIDING LEGISLATIVE FINDINGS; AUTHORIZING THE BOARD TO LEVY ADDITIONAL AD VALOREM TAXES EACH YEAR FOR FIVE YEARS WITHIN THE BOUNDARIES OF SUCH UNIT NOT TO EXCEED ½-MILL PER YEAR; AUTHORIZING THE USE OF THE TAX REVENUE FOR ENUMERATED PURPOSES; AUTHORIZING THE ISSUANCE OF BONDS OR CERTIFICATES OF INDEBTEDNESS AND THE INCURRENCE OF OTHER FORMS OF INDEBTEDNESS; CREATING THE DAVIS PARK ADVISORY BOARD; PROVIDING RESTRICTED USE OF RECREATION AND PARK PROPERTY OF THE UNIT FOR THE PRIMARY BENEFIT OF UNIT RESIDENTS; PROVIDING FOR INCLUSION IN THE COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

**SECTION 1. FINDINGS.** It is hereby ascertained, determined and declared that:

(A) Pursuant to Article VIII, Section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board of County Commissioners (the "Board") of St. Johns County, Florida (the "County"), has all powers of local self-government to perform county and municipal functions and to render services in a manner not inconsistent with general law and such power may be exercised by the enactment of county ordinances and resolutions.

(B) Section 125.01(1)(q), Florida Statutes, provides

specific legislative authorization for counties to establish a municipal service taxing unit for any part or all of the unincorporated areas within its boundaries, or within the municipal boundaries of an incorporated area upon consent of the governing body of such municipality, within which may be provided essential facilities and services, including but not limited to recreation services and facilities.

(C) The purpose of this Ordinance is to create a municipal service taxing unit to fund the recreation improvements and services described in Section 4 of this Ordinance.

**SECTION 2. CREATION OF THE DAVIS PARK RECREATION UNIT.**

Pursuant to the provisions of Section 125.01(1)(q), Florida Statutes, there is hereby created a municipal service taxing unit for that portion of the unincorporated areas of the County that is described specifically in Exhibit "A" and illustrated generally in Exhibit "B" both attached hereto and incorporated herein by reference. Such areas consist of, and may also be described as, that portion of the unincorporated areas of the County located (A) within St. Johns County Precincts 13 and 42 of St. Johns County Commission District One and (B) within St. Johns County Commission District Four, excluding Precinct 14, as such Precincts and County Commission Districts existed on July 1, 1996. Such municipal service taxing unit shall be known as the Davis Park Recreation Unit.

**SECTION 3. AUTHORIZATION OF ADDITIONAL AD VALOREM TAXES.**

The Board is hereby authorized, in the manner and under the authority provided by Section 125.01(1)(q), Florida Statutes, to annually levy additional ad valorem taxes for five years at a millage rate not to exceed ½-mill each year upon real and personal property within the Davis Park Recreation Unit commencing with County fiscal year 1997-1998.

**SECTION 4. USE OF REVENUE.** Revenues derived from ad valorem taxes levied within the Davis Park Recreation Unit pursuant to Section 3 shall only be used for the benefit of Davis Park, as geographically defined and located within the Davis Park Recreation Unit by subsequent Board resolution, in the manner and as provided and set forth in subparagraphs (A), (D) and (E) below. Revenues received by the County from fees and charges imposed for the use or availability of Davis Park shall only be used for the benefit of Davis Park in the manner and as provided and set forth in subparagraphs (A) through(D) below.

(A) to acquire, construct, improve, maintain and replace recreation and park property, facilities, equipment, and improvements;

(B) to provide and operate recreation and park programs and services in the manner described in Section 7 below;

(C) to operate recreation and park property, facilities, equipment, and improvements;

(D) to pay debt service and associated issuance and other costs on bonds, lines of credit, certificates of indebtedness

and/or other forms of indebtedness for capital projects authorized by subsequent resolution of the Board as provided in Section 5 of this Ordinance; and

(E) to compensate and/or reimburse the County and those contributing funds to the County for all reasonable costs incurred by the County and/or contributed to the County for the purpose of establishing the Davis Park Recreation Unit and in scheduling and coordinating elections related to the financing of Davis Park.

**SECTION 5. ISSUANCE OF BONDS OR CERTIFICATES OF INDEBTEDNESS.** Subject to applicable law, the Board is authorized to provide by resolution adopted at a regular or special meeting for the issuance and sale of bonds, and/or certificates of indebtedness, and/or the incurrence of debt through lines of credit or other forms of indebtedness for any of the purposes for which the County has the power and authority to expend money as provided in this Ordinance, and to refund or extend any and all previous issues of bonds, certificates, lines of credit or other forms of indebtedness issued for such purposes, at or prior to maturity, and for any other lawful purposes of the County consistent with the purpose of this ordinance. Such resolution or resolutions may include such terms, covenants and conditions, and establish such funds and accounts as the Board deems appropriate and may be adopted at the same meeting at which they are introduced. In issuing bonds, certificates, lines of credit or in incurring other forms of indebtedness of the County under the provisions hereof, it

shall be lawful to include more than one improvement or purpose in the resolution providing for the issuance of such bonds, certificates, lines of credit or the incurrence of other forms of indebtedness. The proceeds of any bonds, certificates, lines of credit or other forms of indebtedness of the County issued or incurred to finance the cost of a capital project may be used to pay all costs related thereto and related to such financings, unless limited by the resolution authorizing such issuance or incurrence of indebtedness.

**SECTION 6. CREATION OF THE DAVIS PARK ADVISORY BOARD.**

(A) The Board shall create by resolution, the Davis Park Advisory Board to consist of five (5) members who shall be appointed by the Board. The members of the Davis Park Advisory Board shall be known as advisors. For the initial appointments, two(2) representatives of the Davis Park Recreation Unit property owners shall serve for four (4) years and three (3) representatives of the Davis Park Recreation Unit property owners shall initially serve for two (2) years. Thereafter, all terms shall run for four (4) years. No person shall serve more than two (2) , four (4) year terms. Membership on the Davis Park Advisory Board shall be staggered.

(B) The members of the Davis Park Advisory Board shall serve at the pleasure of the Board and shall carry out such duties and responsibilities as the Board subsequently delegates by resolution.

**SECTION 7. AVAILABILITY OF DAVIS PARK.** Based upon the sizeable residential population of the Davis Park Recreation Unit and the availability of other recreational facilities within the County and outside the boundaries of the Unit to serve the needs of the public not residing in the Unit, a valid and paramount public purpose is served by assuring primary availability of the recreational facilities and services within Davis Park to the thousands of existing and future residents of the Unit. As among the County, the Ponte Vedra/Palm Valley Athletic Association, and the PGA Tour, Inc., the use of particular facilities and the provision of particular services within Davis Park shall be controlled by subsequent agreement among such parties.

**SECTION 8. SEVERABILITY.** Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 9. INCLUSION IN THE CODE.** It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the County.

**SECTION 10. EFFECTIVE DATE.** A certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board, and this Ordinance shall take effect upon the filing of this Ordinance

with the Department of State as provided in Section 125.66(2),  
Florida Statutes (1995).

DULY ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY

By: \_\_\_\_\_  
Donald Jordan, Chairman  
Board of County Commissioners

Attest:

\_\_\_\_\_  
Carl "Bud" Markel  
Clerk, St. Johns County, Florida

## MUNICIPAL SERVICE TAXING UNIT

Beginning at a point where the centerline of the channel of the Intracoastal Waterway intersects the boundary of St. Johns County and Duval County; thence easterly along the St. Johns County boundary to Ponce de Leon Blvd., also known as State Road 1A; thence southerly along Ponce de Leon Blvd. to southeast corner of Ponte Vedra/Palm Valley School property; thence clockwise around the perimeter of the said school; thence to the westerly right-of-way of Ponce de Leon Blvd.; thence northerly along said right-of-way to Solano Road., also known as State Road 210A; thence westerly along Solano Road to the intersection of State Road 210A and North Roscoe Blvd.; thence westerly from said intersection along an extension of State Road 210A to the centerline of the Intracoastal Waterway; thence northerly along the Intracoastal Waterway to the point of beginning.

Beginning at the intersection of the shores of the Atlantic Ocean and the boundary line between St. Johns County and Duval County; thence southerly along the shores of the Atlantic Ocean to the easterly extension of Mickler's Cutoff Road; thence along said extension to the intersection of County Road 203 to Corona Road; thence westerly along Corona Road to Ponce de Leon Blvd., also known as State Road 1A; thence northerly along Ponce de Leon Blvd. to the St. Johns County boundary; thence easterly along the St. Johns County boundary to the point of beginning.

Beginning at the intersection of County Road 210 and Canal Blvd.; thence northerly along County Road 210 to Ponce de Leon Blvd., also known as State Road 1A; thence northerly along Ponce de Leon Blvd. to the southeast corner of Ponte Vedra/Palm Valley School property; thence to the southwest corner of said school; thence to the northwest corner of said school; thence easterly to Ponce de Leon Blvd.; thence northerly along Ponce de Leon Blvd. to Solano Road; thence westerly along Solano Road to where it intersects North Roscoe Blvd.; thence westerly along an extension of Solano Road to where it intersects the centerline of the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to where it intersects an extension of Canal Blvd.; thence easterly along said

extension to Canal Blvd.; thence easterly along Canal Blvd. to the point of beginning.

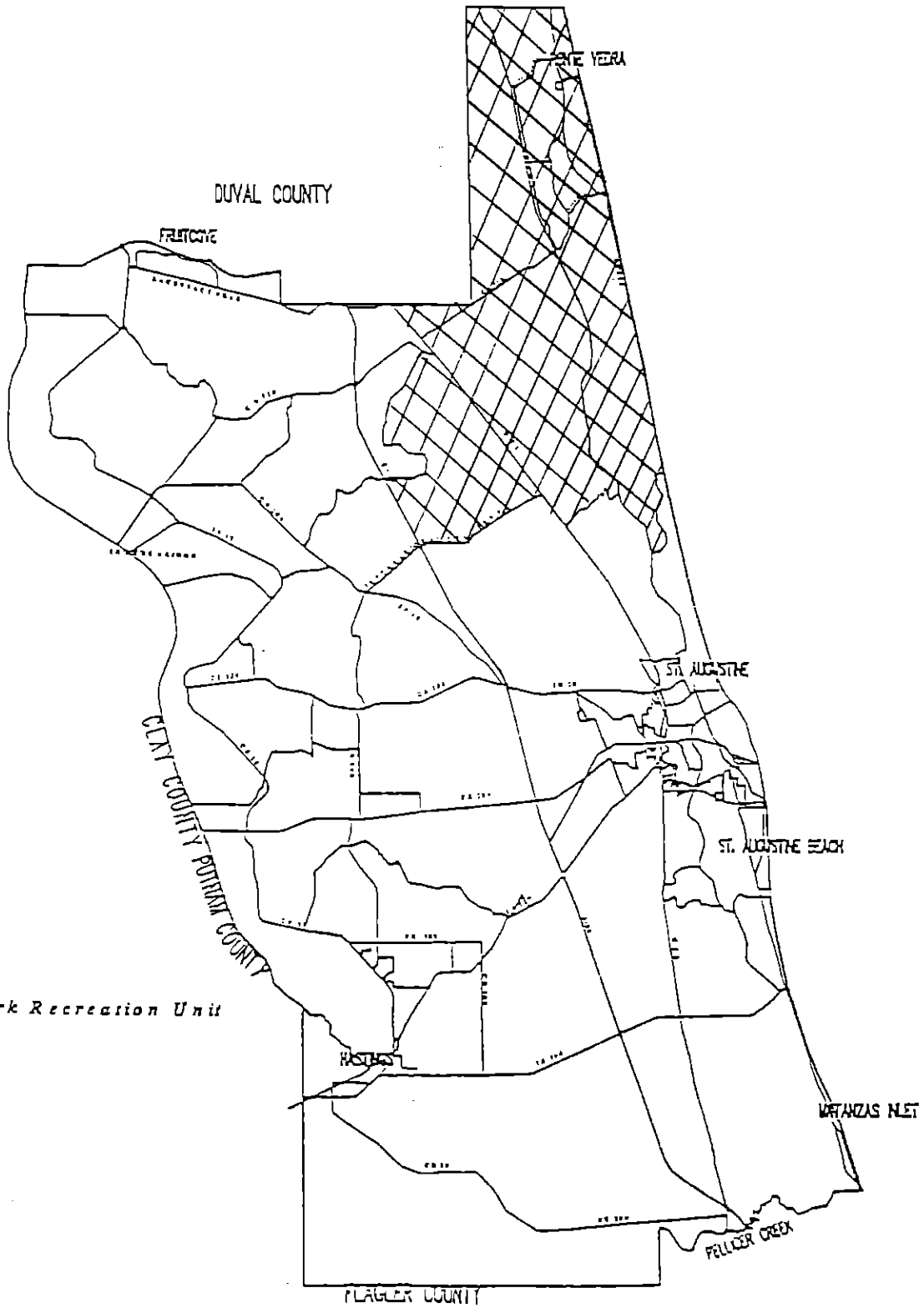
Beginning at the intersection of U.S. #1 and the northern boundary between St. Johns County and Duval County; thence easterly along the county boundary to Palm Valley Road, also known as County Road 210; thence northeasterly along Palm Valley Road to where said road intersects the northerly line of section 55, also known as the northerly line of the Miranda Grant; thence easterly along said line to the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to Stokes Creek; thence westerly along Stokes to Stokes Road; thence westerly along Stokes Road to U.S. #1; thence northerly along U.S. # 1 to Nine Mile road; thence westerly along Nine Mile Road to I-95; thence northerly along I-95 to Cummer road; thence easterly along Cummer road to Taylor Island Road; thence northerly along Taylor Island Road to Cypress Tree Branch Road; thence westerly and northerly along Cypress Tree Branch Road to County Road 210; thence easterly along County road 210 to U.S. #1; thence northerly along U.S. #1 to the point of beginning.

Beginning at the intersection of Ponce de Leon Blvd. and Corona Rd.; thence northeasterly and easterly along Corona Road to State Road 203; thence southerly along State Road 203 to the township line between townships 4 and 5 south; thence easterly along the township line to the shores of the Atlantic Ocean; thence southerly along the shores of the Atlantic Ocean to the South Ponte Vedra Beach and the easterly extension of the road separating guano Lake from Guano River; thence westerly along said easterly extension and along said road to the center of the guano River; thence southerly along the center of the Guano River to the Center of the Intracoastal Waterway; thence northerly along the center of the Intracoastal Waterway to the westerly extension of Canal Blvd.; thence easterly along the westerly extension of Canal Blvd. and along Canal Blvd. to County Road 210; thence northeasterly along County Road 210 to Ponce de Leon Blvd.; thence northerly along Ponce de Leon Blvd. to the point of beginning.

Beginning at the intersection of the north line of St. Johns County and the Intracoastal Waterway; thence southerly along the center of the Intracoastal Waterway to the easterly extension of the north line of Section 55 in Township 4 south, Range 29 East; thence westerly along the easterly extension of the north line of Section

55 in Township 4 South, Range 29 East and along said section Line to County Road 210; thence southwesterly along County Road 210 to the range line between Ranges 28 and 29 East; thence northerly along the range line to the north line of St. Johns County; thence easterly along the north line of St. Johns County to the point of beginning.

# Davis Park Recreation Unit



Davis Park Recreation Unit



Exhibit B

**EXHIBIT B**

**NOTICE OF AN ELECTION REFERENDUM TO BE HELD ON SEPTEMBER 3, 1996 (A) IN ST. JOHNS COUNTY PRECINCTS 13 AND 42 OF ST. JOHNS COUNTY COMMISSION DISTRICT ONE AND (B) IN ST. JOHNS COUNTY COMMISSION DISTRICT FOUR, EXCLUDING PRECINCTS 14 AND 54, PERTAINING TO THE CREATION OF THE DAVIS PARK RECREATION MUNICIPAL SERVICE TAXING UNIT.**

NOTICE IS HEREBY GIVEN THAT AN ELECTION REFERENDUM will be held on the 3rd day of September, 1996 (A) in St. Johns County Precincts 13 and 42 of St. Johns County Commission District One and (B) in St. Johns County Commission District Four, excluding Precincts 14 and 54, (A and B collectively "the Precincts") for the purpose of determining whether or not the Board of County Commissioners of St. Johns County, Florida should create the Davis Park Recreation Municipal Service Taxing Unit substantially in the form and for the purposes described in the ordinance form attached to St. Johns County Resolution No. 96-125; all in the manner and as described in St. Johns County Resolution No. 96-125.

Copies of the resolution with the ordinance form attached are available for review and may be copied at:

Main Library  
1960 Ponce de Leon Blvd.  
St. Augustine, FL 32084

Reference Department

Ponte Vedra/Palm Valley Library  
101 Library Blvd.  
Ponte Vedra Beach, FL 32082

Circulation Desk

Ponte Vedra Courthouse Annex  
5430 Palm Valley Road  
Ponte Vedra Beach, FL 32082

County Administration Bldg.  
4020 Lewis Speedway  
St. Augustine, FL

Clerk's Office

The times and places for voting on the Davis Park Recreation Municipal Service Taxing Unit referendum shall be the same as the times and places for voting in the primary election held in those Precincts that day, and the polls will be open at the voting places on the date of said primary election from 7:00 A.M. until 7:00 P.M.

All qualified electors residing in the Precincts shall be entitled and permitted to vote on such Davis Park Recreation Municipal Service Taxing Unit referendum.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_

Barbara Dresslar \_\_\_\_\_ who on oath says that she is

Accounting Clerk \_\_\_\_\_ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a \_\_\_\_\_

Notice of Election Referendum \_\_\_\_\_

in the matter of \_\_\_\_\_

Sept. 3, 1996/ Precincts 13 & 42 \_\_\_\_\_

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of July 30, Aug. 13, 1996 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 13th day of Aug., 1996,

by Barbara Dresslar who is personally

known to me or who has produced \_\_\_\_\_ as

(Type of Identification)

identification.

Zoe Ann Moss \_\_\_\_\_ (Seal)  
(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)

NOTICE OF AN ELECTION REFERENDUM TO BE HELD ON SEPTEMBER 3, 1996 (A) IN ST. JOHNS COUNTY PRECINCTS 13 AND 42 OF ST. JOHNS COUNTY COMMISSION DISTRICT ONE AND (B) IN ST. JOHNS COUNTY COMMISSION DISTRICT FOUR, EXCLUDING PRECINCTS 14 AND 54, PERTAINING TO THE CREATION OF THE DAVIS PARK RECREATION MUNICIPAL SERVICE TAXING UNIT.

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Copies of the resolution with the ordinance form attached are available for review and may be copied at:

Main Library, Reference Department, 1960 Ponce de Leon Blvd., St. Augustine, FL 32084

Pointe Vedra/Palm Valley Library, Circulation Desk, 101 Library Blvd., Pointe Vedra Beach, FL 32082

Pointe Vedra Courthouse Annex, 5430 Palm Valley Road, Pointe Vedra Beach, FL 32081

County Administration Bldg., Clerk's Office, 4020 Lewis Speedway, St. Augustine, FL

The times and places for voting on the Davis Park Recreation Municipal Service Taxing Unit referendum shall be the same as the times and places for voting in the primary election held in those Precincts that day, and the polls will be open at the voting places on the date of said primary election from 7:00 a.m. until 7:00 p.m.

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BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Yvonne Carler  
Deputy Clerk  
L674 July 30, August 13, 1996