

RESOLUTION NO. 2008-__ 363

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AUTHORITY TO THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS PROVIDED FOR IN SECTION 190.012(2)(b), FLORIDA STATUTES, FOR THE SOLE PURPOSE OF COMPLYING WITH THE REQUIREMENTS OF SECTION 30(a) OF THE ABERDEEN DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Aberdeen Community Development District ("District") is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes ("Uniform Act"), and by rule of the Florida Land and Water Adjudicatory Commission, which became effective on November 5, 2003; and

WHEREAS, the District is wholly located within the unincorporated limits of St. Johns County, Florida ("County"); and

WHEREAS, the District is authorized to exercise general powers pursuant to section 190.011, Florida Statutes (2008); and

WHEREAS, the District is authorized, pursuant to section 190.012(1) and (2), Florida Statutes (2008), to provide a variety of services and facilities, including, but not limited to, water management, roads and landscaping; and

WHEREAS, in order to comply with Section 30(a) of the Development Order for the Aberdeen Development of Regional Impact (the "Development Order"), the District intends to purchase real property, identified in **Exhibit A** attached hereto (the "Real Property"), to be conveyed to the County for construction of a fire station by the County; and

WHEREAS, the District is required to obtain the consent of the local general purpose government prior to the exercise of powers related to the provision of fire prevention and control services, as provided in Section 190.012(2)(b), Florida Statutes (2008), which consent shall be limited to the District's purchase of the above-referenced Real Property and shall not extend to the provision of fire services or the construction of related facilities; and

WHEREAS, pursuant to Resolution 2007-011 passed by the Board of Supervisors of the District on August 13, 2007, which Resolution is attached hereto as **Exhibit B**, the Board of Supervisors of the District has requested that the Board of County Commissioners of St. Johns County, Florida, grant consent to the District to exercise the power provided for in Section

190.012(2)(b), Florida Statutes, for the sole purpose of complying with the requirements of Section 30(a) of the Development Order; and

WHEREAS, all or a portion of the cost of said Real Property to be purchased by the District may be paid for out of capital funds reserved for said purchase, and will not increase the debt service assessments allocated to the District's landowners; and

WHEREAS, the County hereby resolves to grant this consent; provided, however, that the granting of such consent shall in no way abrogate, absolve, reduce or otherwise amend the obligations imposed by ordinances or regulations of St. Johns County, Florida, regarding the provision of fire prevention and control services or the construction or installation of structures related thereto.

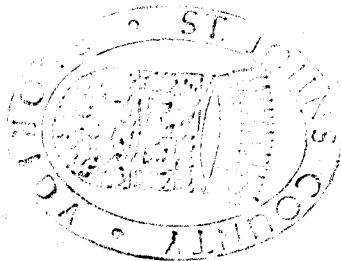
NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Johns County, Florida, that:

SECTION 1. CONSENT TO EXERCISE SPECIAL POWERS. The County hereby consents to the District's exercise of power provided for in Section 190.012(2)(b), Florida Statutes, for the sole purpose of complying with the requirements of Section 30(a) of the Development Order. The authority granted by the County is limited to the District's purchase of the Real Property to be conveyed to the County for construction of a fire station by the County. This grant of authority shall not extend to the provision of fire service or the construction of related facilities.

SECTION 2. CONDITIONS OF CONSENT. The granting of such consent shall in no way abrogate, absolve, reduce or otherwise amend the obligations imposed by ordinances or regulations of St. Johns County, Florida, regarding the provision of fire prevention and control services or the construction or installation of structures related thereto.

SECTION 3. EFFECTIVE DATE. This resolution shall be effective immediately upon adoption.

ADOPTED THIS 16th DAY OF Dec., 2008.



ST. JOHNS COUNTY, FLORIDA
By: Board of County Commissioners

Cyndi Stevens

ATTEST:

By: Pam Halterman, Deputy Clerk
Clerk to the Board of County Commissioners

RENDITION DATE 12/18/08

EXHIBIT A

A portion of Section 35, Township 4 South, Range 27 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 2159, page 1027 of the public records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Southeast corner of said Section 35, thence South $89^{\circ}12'15''$ West, along the Southerly line of said Section 35, a distance of 660.26 feet to the Easterly most Southeast corner of Tract 1, as shown on the plat of Durbin Crossing North Phase 1 - Unit 1, as recorded in Map Book 58, pages 49 through 53 of said public records; thence North $01^{\circ}38'22''$ West, departing said Southerly line and along the Easterly line of said Tract 1, a distance of 810.51 feet to the Northeast corner of said lands and the Point of Beginning.

From said Point of Beginning, thence along the Northerly line of said Tract 1 the following twenty (20) courses: Course 1, thence North $87^{\circ}53'11''$ West, departing said Westerly line, 35.46 feet to a point of curvature of a curve concave Southerly, having a radius of 15.00 feet; Course 2, thence Southwesterly along the arc of said curve, through a central angle of $23^{\circ}49'20''$, an arc length of 6.24 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $80^{\circ}12'09''$ West, 6.19 feet; Course 3, thence South $68^{\circ}17'29''$ West, 65.07 feet; Course 4, thence South $81^{\circ}12'03''$ West, 32.04 feet; Course 5, thence North $63^{\circ}20'49''$ West, 29.08 feet; Course 6, thence North $70^{\circ}23'17''$ West, 53.56 feet; Course 7, thence North $39^{\circ}32'47''$ West, 37.31 feet to a point of curvature of a curve concave Southwesterly, having a radius of 15.00 feet; Course 8, thence Northwesterly along the arc of said curve, through a central angle of $22^{\circ}03'58''$, an arc length of 5.78 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $50^{\circ}34'45''$ West, 5.74 feet; Course 9, thence North $61^{\circ}36'44''$ West, 42.82 feet to a point of curvature of a curve concave Southerly, having a radius of 15.00 feet; Course 10, thence Westerly along the arc of said curve, through a central angle of $59^{\circ}18'03''$, an arc length of 15.52 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $88^{\circ}44'14''$ West, 14.84 feet; Course 11, thence South $59^{\circ}05'13''$ West, 18.87 feet; Course 12, thence North $06^{\circ}01'18''$ West, 23.76 feet; Course 13, thence North $01^{\circ}12'52''$ East, 50.48 feet to a point of curvature of a curve concave Southwesterly, having a radius of 15.00 feet; Course 14, thence Northwesterly along the arc of said curve, through a central angle of $42^{\circ}21'20''$, an arc length of 11.09 feet to a

point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 19°57'48" West, 10.84 feet; Course 15, thence North 41°08'28" West, 61.96 feet to a point of curvature of a curve concave Southwesterly, having a radius of 15.00 feet; Course 16, thence Northwesterly along the arc of said curve, through a central angle of 51°20'15", an arc length of 13.44 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 66°48'35" West, 13.00 feet; Course 17, thence South 87°31'17" West, 29.47 feet; Course 18, thence North 27°12'49" East, 113.00 feet to a point of curvature of a curve concave Southwesterly, having a radius of 15.00 feet; Course 19, thence Northwesterly along the arc of said curve, through a central angle of 136°04'12", an arc length of 35.62 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 40°49'17" West, 27.82 feet; Course 20, thence South 71°08'37" West, 54.60 feet to an intersection with the Southeasterly right of way line of County Road No. 223, a 150 foot right of way as presently established; thence North 13°37'06" East, departing said Northerly line, and along said Southeasterly right of way line, 91.66 feet; thence South 76°22'54" East, departing said Southeasterly right of way line, 70.00 feet; thence South 60°32'33" East, 364.93 feet to an intersection with the Westerly line of Julington Creek Plantation Parcel 59, as recorded in Map Book 44, pages 56 through 61 of said public records; thence South 01°38'22" East, along said Westerly line, 176.96 feet to the Point of Beginning.

Containing 2.13 acres, more or less.

RESOLUTION 2007-11

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND ALL DISTRICT STAFF TO SUBMIT A REQUEST TO ST. JOHNS COUNTY, FLORIDA, FOR CONSENT TO EXERCISE SPECIAL POWERS RELATED TO FIRE PREVENTION AND CONTROL, INCLUDING FIRE STATIONS, WATER MAINS AND PLUGS, FIRE TRUCKS, AND OTHER VEHICLES AND EQUIPMENT; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, the Aberdeen Community Development District ("District") is a local unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes ("Uniform Act"); and

WHEREAS, the District is located within the unincorporated limits of St. Johns County, Florida ("County"); and

WHEREAS, the District and all land uses and services planned within the District are not inconsistent with applicable elements or portions of the effective St. Johns County Comprehensive Plan; and

WHEREAS, all of the County's applicable land use, zoning and permitting requirements govern the development of lands within the District, including all activities of the District in the provision of its services and facilities; and

WHEREAS, the District is granted, pursuant to Sections 190.012(1) and (3), Florida Statutes, the powers to provide a variety of services and facilities, including, but not limited to, roadways, water and wastewater facilities, stormwater management and landscaping and entranceway features; and

WHEREAS, the District intends to provide certain of these basic infrastructure services and facilities to allow for the improvement of lands within the District without burdening the taxpayers of the County; and

WHEREAS, the District has been validly established, duly operating and in good legal standing and a copy of the Notice of Establishment is attached hereto as **Exhibit A**; and

WHEREAS, the District has identified the need for fire prevention and control within the boundaries of the District that it wishes to provide; and

WHEREAS, in order to provide fire prevention and control, the District is required to obtain the consent of the local general purpose government prior to the exercise of powers

related to the provision of fire prevention and control, as provided in Section 190.012(2)(b), Florida Statutes; and

WHEREAS, the Board of Supervisors of the District desires to submit a request to the Board of County Commissioners of St. Johns County, Florida, for consent to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ABERDEEN COMMUNITY DEVELOPMENT DISTRICT:

Section 1. All of the above representations, findings and determinations contained above are recognized as true and accurate, and are expressly incorporated into this Resolution.

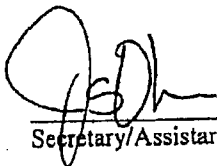
Section 2. The District respectfully requests that Board of County Commissioners of St. Johns County, Florida, grant the District the consent required pursuant to Section 190.012(2)(b), Florida Statutes, to wit: "to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain additional systems and facilities for fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment."

Section 3. The Board hereby directs the Chairman and District staff to proceed in an expeditious manner to transmit this Resolution requesting consent to exercise the special powers authorized in Section 190.012(2)(b), Florida Statutes, as amended, to the Board of County Commissioners of St. Johns County, Florida. The Board further authorizes the Chairman and District staff to take all actions necessary to obtain the authority requested.

Section 4. Effective Date. This resolution shall become effective immediately upon its adoption.

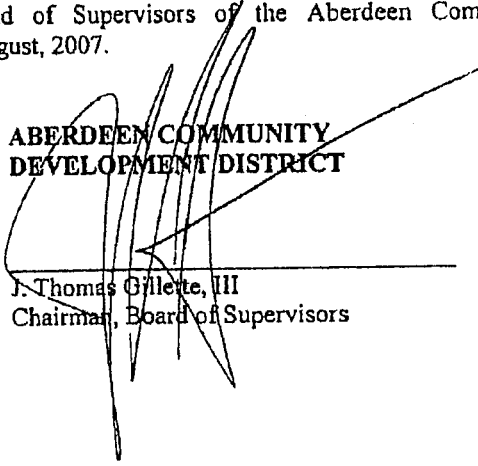
DULY ADOPTED by the Board of Supervisors of the Aberdeen Community Development District on this 13th day of August, 2007.

ATTEST:



Secretary/Assistant Secretary

ABERDEEN COMMUNITY DEVELOPMENT DISTRICT



J. Thomas Gillette, III
Chairman, Board of Supervisors