

RESOLUTION 2021-199

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, GRANTING AUTHORITY TO THE BRANDY CREEK COMMUNITY DEVELOPMENT DISTRICT TO EXERCISE SPECIAL POWERS RELATED TO SECURITY; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Brandy Creek 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 County Ordinance Number 2003-53, as amended by County Ordinance No. 2006-36, expanding the external boundaries of the District; and

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

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

WHEREAS, the District has identified the need for security facilities or services within the boundaries of the District that it wishes to provide; 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 security facilities or services, as provided in Section 190.012(2)(d), Florida Statutes; and

WHEREAS, pursuant to Resolution 2021-06 passed by the Board of Supervisors of the District on March 3, 2021, which Resolution is attached hereto as **Exhibit A**, 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 powers provided in Section 190.012(2)(d), Florida Statutes; 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 the ordinances or regulations of St. Johns County, Florida, regarding the provision of security facilities or services.

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

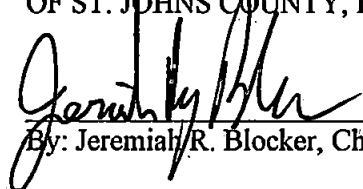
SECTION 1. CONSENT TO EXERCISE SPECIAL POWERS. The County hereby grants consent to the District to exercise the powers provided in Section 190.012(2)(d), Florida Statutes.

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 security facilities or services.

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

PASSED AND ADOPTED THIS 18 DAY OF May, 2021.

BOARD OF COUNTY COMMISSIONER
OF ST. JOHNS COUNTY, FLORIDA


By: Jeremiah R. Blocker, Chair

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

By: 
Deputy Clerk

RENDITION DATE 5/20/21

Exhibit A Brandy Creek Community Development District Resolution No. 2021-06

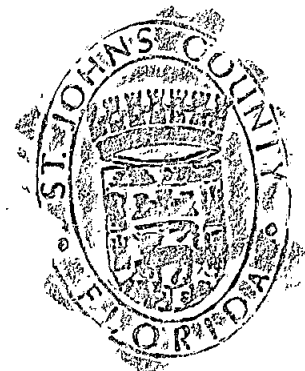


EXHIBIT 'A'

Brandy Creek
Community Development District

475 West Town Place, Suite 114, St. Augustine, Florida 32092

*Phone: 904-940-5850 * Fax: 904-940-5899*

CERTIFICATE

I, James Oliver, Secretary of the Brandy Creek Community Development District do hereby certify that the attached copy of Resolution 2021-06 was approved at a meeting of the Board of Supervisors duly called and held on March 3, 2021 at which a quorum was present and acting throughout, and which resolution has been compared by me with the original thereof and that said resolution is a true, complete and correct copy thereof, and said resolution had been duly adopted and has not been modified, amended or supplemented and is in full force and effect on and as of the date hereof in the form attached hereto.

IN WITNESS WHEREOF, I have set my hand this 26th day of March, 2021.

**BRANDY CREEK COMMUNITY
DEVELOPMENT DISTRICT**



BY James Oliver
ITS: Secretary

RESOLUTION 2021-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BRANDY CREEK COMMUNITY DEVELOPMENT DISTRICT DIRECTING THE CHAIRMAN AND DISTRICT STAFF TO SUBMIT A REQUEST TO ST. JOHNS COUNTY, FLORIDA, FOR CONSENT TO EXERCISE SPECIAL POWERS FOR SECURITY; MAKING FINDINGS IN SUPPORT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Brandy Creek Community Development District (the "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* (the "Uniform Act"), by Ordinance No. 2003-53, adopted by the Board of County Commissioners of St. Johns County, effective June 17, 2003; and

WHEREAS, the District is located within the jurisdiction of St. Johns County, Florida (the "County"); 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 land within the District, including all activities of the District in the provision of its services and facilities; and

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

WHEREAS, the District is required to obtain the consent of the local general-purpose government prior to the exercise of powers related to Section 190.012(2), *Florida Statutes*; and

WHEREAS, the District has identified the need for certain security-related improvements and/or services within the boundaries of the District that it wishes to provide; and

WHEREAS, the Board of Supervisors of the District (the "Board") 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 systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies as contained in Section 190.012(2)(d), *Florida Statutes* (the "Security Power").

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

SECTION 1. The representations, findings and determinations contained in above Recitals are recognized as true and accurate, and are expressly incorporated herein as a material part of this Resolution.

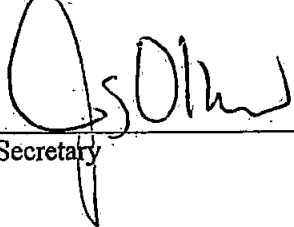
SECTION 2. The District respectfully requests that the Board of County Commissioners of St. Johns County, Florida, grant the District the consent required to exercise the special powers under the authority provided in Section 190.012(2)(d), *Florida Statutes*, to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies, which are intended to be owned, operated and maintained by the District.

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 Security Power authorized in Section 190.012(2)(d), *Florida Statutes*, to the Board of County Commissioners of St. Johns County. The Board further authorizes the Chairman and District staff to take all actions necessary to obtain the authority requested.

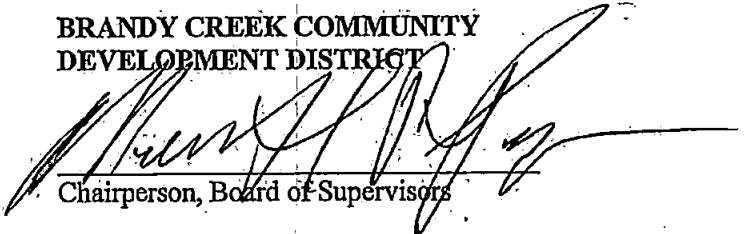
SECTION 4. This resolution shall become effective immediately upon its adoption.

DULY ADOPTED by the Board of Supervisors of the Brandy Creek Community Development District on this 3rd day of March, 2021.

ATTEST:


Secretary

**BRANDY CREEK COMMUNITY
DEVELOPMENT DISTRICT**


Chairperson, Board of Supervisors

LEGAL DESCRIPTION

BRANDY CREEK CDD

PARCEL "A"

A PORTION OF SECTIONS 24 AND 25, TOWNSHIP 5 SOUTH, RANGE 27 EAST, TOGETHER WITH A PORTION OF SECTION 19 AND 41, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ALL BEING IN ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 19. FROM THE POINT OF REFERENCE THUS DESCRIBED RUN SOUTH 02°34'09" EAST ALONG THE WESTERLY LINE OF SAID SECTION 19, A DISTANCE OF 594.51 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (FORMERLY STATE ROAD NO. 210) A 100' RIGHT-OF-WAY AS PER STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY SECTION 7851-250; THENCE RUN SOUTH 73°30'56" WEST ALONG THE SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 123.67 FEET TO THE POINT OF BEGINNING; SAID POINT OF BEGINNING BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 25.00 FEET; FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTHWESTERLY ALONG AND AROUND SAID CURVE AN ARC DISTANCE OF 39.27 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 28°30'56" WEST, 35.36 FEET; THENCE RUN SOUTH 16°29'04" EAST, A DISTANCE OF 762.75 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 460.0 FEET; THENCE RUN SOUTHEAST ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 318.75 FEET TO THE POINT OF TANGENCY OF SAID CURVE; SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 36°20'08" EAST, 312.41 FEET; THENCE RUN SOUTH 56°11'12" EAST A DISTANCE OF 392.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 540.0 FEET; THENCE RUN SOUTHEASTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 85.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE; SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 51°40'29" EAST, 84.96 FEET; THENCE RUN SOUTH 47°09'46" EAST, A DISTANCE OF 250.63' TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 39.27 FEET TO A POINT; SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 87°50'14" EAST, 35.36 FEET; THENCE RUN ON A NON-TANGENT BEARING OF SOUTH 47°09'46" EAST, A DISTANCE OF 60.00 FEET; THENCE RUN NORTH 42°50'14" EAST, A DISTANCE OF 83.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; SAID CURVE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 230.0 FEET; THENCE RUN NORTHEASTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 150.09 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 24°08'35" EAST, 147.44 FEET; THENCE RUN NORTH 05°26'55" EAST, A DISTANCE OF 59.64 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 470.0 FEET, THENCE RUN NORTHEASTERLY ALONG AND AROUND SAID CURVE, AN ARC DISTANCE OF 11.33 FEET TO A POINT; SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 06°08'21" EAST, 11.33 FEET; THENCE RUN ON A NON-TANGENT BEARING OF SOUTH 84°37'51" EAST, A DISTANCE OF 215.19 FEET; THENCE RUN SOUTH 28°25'31" EAST, A DISTANCE OF 286.37 FEET; THENCE RUN NORTH 86°28'41" EAST, A DISTANCE OF 281.21 FEET; THENCE RUN SOUTH 02°45'14" EAST, A DISTANCE OF 4152.52 FEET; THENCE RUN NORTH 89°24'01 WEST, A DISTANCE OF 2420.89 FEET TO A POINT IN THE EASTERLY LINE OF SOUTH HAMPTON UNIT ONE AS RECORDED IN MAP BOOK 38, PAGES 32-50, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE RUN ALONG THE SAID EASTERLY LINE OF SOUTH HAMPTON UNIT ONE THE FOLLOWING FOUR COURSES; COURSE NO. 1): RUN NORTH 00°00'00" WEST, A DISTANCE OF 1789.25 FEET; COURSE NO. 2): RUN NORTH 26°34'25" WEST, A DISTANCE OF 1615.36 FEET; COURSE NO. 3): RUN NORTH 47°21'22" EAST, A DISTANCE OF 1260.33 FEET; COURSE NO. 4): RUN NORTH 14°42'52 WEST, A DISTANCE OF 144.31 FEET; THENCE DEPARTING SAID EASTERLY LINE RUN NORTH 67°44'03" EAST, A DISTANCE OF 698.62 FEET; THENCE RUN NORTH 56°11'12" WEST, A DISTANCE OF 58.64 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE BEING CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 540.0 FEET; THENCE RUN NORTHWESTERLY ALONG AND AROUND SAID CURVE AN ARC DISTANCE OF 374.18 FEET; SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 36°20'08" WEST, 366.74 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE RUN NORTH 16°29'04" WEST, A DISTANCE OF 31.65 FEET; THENCE RUN SOUTH 73°30'56" WEST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 16°29'04" WEST, A DISTANCE OF 731.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN NORTHWESTERLY ALONG AND AROUND SAID CURVE AN ARC DISTANCE OF 39.27 FEET TO A POINT OF TANGENCY OF SAID CURVE; SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 61°29'04" WEST, 35.36 FEET; SAID POINT LYING IN THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NUMBER 210; THENCE RUN NORTH 73°30'56" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

LANDS THUS DESCRIBED CONTAIN 248.39 ACRES, MORE OR LESS.

PARCEL "B"

A PORTION OF SECTION 25, TOWNSHIP 5 SOUTH, RANGE 27 EAST AND A PORTION OF SECTIONS 30 AND 41, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF JOHNS CREEK AS RECORDED IN MAP BOOK 48, PAGES 76 THROUGH 95 AS RECORDED IN THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 89°23'02" EAST, ALONG THE SOUTHERLY LINE OF SAID JOHNS CREEK, A DISTANCE OF 2420.89 FEET TO THE SOUTHEAST CORNER OF SAID JOHNS CREEK; THENCE SOUTH 02°44'15" EAST, A DISTANCE OF 14.56 FEET TO THE POINT OF CURVATURE OF A CURVE; THENCE SOUTHERLY, ALONG THE ARC OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 3100.00 FEET, AN ARC DISTANCE OF 537.53 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 07°42'18" EAST, 536.85 FEET; THENCE SOUTH 12°40'21" EAST, A DISTANCE OF 309.20 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT CERTAIN GMC CONSERVATION EASEMENT 3 RECORDED IN OFFICIAL RECORDS 1856, PAGE 953 OF SAID PUBLIC RECORDS; THENCE ALONG SAID GMC CONSERVATION EASEMENT 3 THE FOLLOWING 9 COURSES; COURSE NO. 1) THENCE SOUTH 20°40'41" WEST, A DISTANCE OF 102.24 FEET; COURSE NO. 2) THENCE SOUTH 28°10'49" WEST, A DISTANCE OF 97.19 FEET; COURSE NO. 3) THENCE SOUTH 20°34'06" WEST, A DISTANCE OF 112.39 FEET; COURSE NO. 4) THENCE SOUTH 14°45'23" WEST, A DISTANCE OF 129.22 FEET; COURSE NO. 5) SOUTH 26°34'40" WEST, A DISTANCE OF 132.36 FEET; COURSE NO. 6) THENCE SOUTH 22°37'58" WEST, A DISTANCE OF 85.50 FEET; COURSE NO. 7) THENCE SOUTH 02°52'31" WEST, A DISTANCE OF 131.70 FEET; COURSE NO. 8) THENCE SOUTH 25°43'22" WEST, A DISTANCE OF 197.09 FEET; COURSE NO. 9) THENCE SOUTH 17°56'30" WEST, ALONG SAID WESTERLY LINE AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 308.33 FEET TO A POINT IN THE NORTHERLY LINE OF THAT CERTAIN WCC CONSERVATION EASEMENT 8 AS RECORDED IN OFFICIAL RECORDS 2090, PAGE 566 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY AND WESTERLY LINES OF SAID WCC CONSERVATION EASEMENT 8 THE FOLLOWING 11 COURSES; COURSE NO. 1) THENCE NORTH 83°55'22" WEST, A DISTANCE OF 53.75 FEET; COURSE NO. 2) THENCE NORTH 59°43'19" WEST, A DISTANCE OF 21.76 FEET; COURSE NO. 3) THENCE NORTH 43°18'58" WEST, A DISTANCE OF 177.43 FEET; COURSE NO. 4) THENCE NORTH 51°00'21" WEST, A DISTANCE OF 211.01 FEET; COURSE NO. 5) THENCE NORTH 48°44'33" WEST, A DISTANCE OF 198.54 FEET; COURSE NO. 6) THENCE NORTH 52°08'44" WEST, A DISTANCE OF 438.77 FEET; COURSE NO. 7) SOUTH 11°54'20" WEST, A DISTANCE OF 24.44 FEET; COURSE NO. 8) THENCE SOUTH 04°06'26" WEST, A DISTANCE OF 74.62 FEET; COURSE NO. 9) THENCE SOUTH 23°59'03" WEST, A DISTANCE OF 104.72 FEET; COURSE NO. 10) THENCE SOUTH 47°44'53" WEST, A DISTANCE OF 79.03 FEET; COURSE NO. 11) THENCE SOUTH 19°03'55" WEST, A DISTANCE OF 8.27 FEET TO A POINT IN THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF THAT CERTAIN WCC CONSERVATION EASEMENT 9 AS RECORDED IN SAID OFFICIAL RECORDS 2090, PAGE 566; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING 12 COURSES; COURSE NO. 1) THENCE SOUTH 87°37'58" WEST, A DISTANCE OF 327.99 FEET; COURSE NO. 2) THENCE SOUTH 81°53'19" WEST, A DISTANCE OF 150.37 FEET; COURSE NO. 3) THENCE NORTH 81°00'31" WEST, A DISTANCE OF 102.26 FEET; COURSE NO. 4) THENCE NORTH 70°32'29" WEST, A DISTANCE OF 95.84 FEET; COURSE NO. 5) THENCE NORTH 65°12'22" WEST, A DISTANCE OF 76.12 FEET; COURSE NO. 6) THENCE NORTH 61°22'15" WEST, A DISTANCE OF 66.61 FEET; COURSE NO. 7) THENCE NORTH 43°08'01" WEST, A DISTANCE OF 116.60 FEET; COURSE NO. 8) NORTH 57°14'46" WEST, A DISTANCE OF 88.48 FEET; COURSE NO. 9) THENCE NORTH 34°40'36" WEST, A DISTANCE OF 84.06 FEET; COURSE NO. 10) THENCE NORTH 33°40'17" WEST, A DISTANCE OF 57.50 FEET; COURSE NO. 11) THENCE NORTH 32°27'09" WEST, A DISTANCE OF 69.32 FEET; COURSE NO. 12) THENCE NORTH 60°22'03" WEST, A DISTANCE OF 107.69 FEET TO A POINT IN THE EASTERLY BOUNDARY LINE OF SOUTH HAMPTON UNIT ONE AS RECORDED IN MAP BOOK 38, PAGES 32 THROUGH 50 OF THE SAID PUBLIC RECORDS OF ST. JOHNS COUNTY; THENCE NORTH 00°00'59" EAST, ALONG SAID EASTERLY BOUNDARY LINE, A DISTANCE OF 1223.05 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 92.62 ACRES, MORE OR LESS.

Revised on January 23, 2006