

ORDINANCE NO. 05-017

AN ORDINANCE AMENDING CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA; ESTABLISHING THE CREEKSIDE COMMUNITY DEVELOPMENT DISTRICT; ESTABLISHING THE BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND SETTING FORTH THE VOTE ON ADOPTION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, based on the testimony and evidence, including, but not limited to the staff report, has made the following determinations:

1. The Board is authorized, pursuant to Sections 125.01 and 190.005, Florida Statutes, to establish community development districts that are less than 1,000 acres in size and located within the unincorporated areas of the County.

2. BJK, LLC, a Florida limited liability company and Preferred Properties of St. Lucie, LLC, a Florida limited liability company, have filed with the Board a petition for the establishment of a community development district, which petition contains the information required by Section 190.005(1)(a), Florida Statutes.

3. In accordance with Section 190.005(1)(d) and 2(b), Florida Statutes, the Board held a public hearing on June 7, 2005, after publishing notice of such hearing in the Tribune on May 11, 2005, May 18, 2005, May 25, 2005 and June 1, 2005 and:

(a) The Board has considered the record of the public hearing and the factors set forth in Section 190.005(1)(e), Florida Statutes, and has found that:

(b) All statements contained within the petition are true and correct;

(c) The creation of this district is consistent with all applicable elements and portions of the state comprehensive plan and the effective local government comprehensive plan;

(d) The area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community;

(e) The district is the best alternative available for delivering the community development services and facilities to the area that will be served by the district;

(f) The community development services and facilities for the district will be compatible with the capacity and uses of the existing local and regional community development services and facilities; and,

(g) The area that will be served by the district is amenable to separate special district government.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. ARTICLE XII OF CHAPTER 1-6.5 "COMMUNITY DEVELOPMENT" OF THE CODE OF ORDINANCES OF ST. LUCIE COUNTY, FLORIDA, AS AMENDED TO READ:

ARTICLE XIV "CREEKSIDE COMMUNITY DEVELOPMENT DISTRICT":

Section 1-6.5-150. Established; name

The Creekside Community Development District is hereby established.

Section 1-6.5-151. Boundaries

The boundaries of the Creekside Community Development District are as set forth in the legal description below.

Creekside CDD - Legal Description

See Exhibit "A" attached hereto and incorporated herein.

Section 1-6.5-152 Initial Board of Supervisors

The following five persons are designated as the initial members of the Board of Supervisors of the Creekside Community Development District: Raul Puig, Michael Houston, David Sowerby, William R. Blazak and Tom Kindred, Jr.

Section 1-6.5-153. Special Conditions

The following special conditions shall apply to the creation, operation, and existence of Creekside Community Development District:

1. The exercise of the powers and responsibilities of the Creekside Community Development District shall be limited to the following:

To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges;

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system, provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, wastewater and reuse water service is limited to constructing transmission and distribution lines. The District acknowledges that the County will provide water and wastewater service to the property. The District shall not construct or operate any plants or facilities to provide water or wastewater capacity to the lands within the District or obtain service from third parties without the written consent of the County under such terms and conditions deemed appropriate by the County;

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut;

(d) 1. District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage;

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination;

(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property;

(g) parks and facilities for indoor and outdoor recreational, cultural and educational uses;

(h) fire prevention and control, including water mains and plugs, (but excluding fire stations, fire trucks and other vehicles and equipment);

(i) school buildings and related structures, which may be leased, sold or donated to the school district, for use in the educational system, when authorized by the district school board; and,

(j) security, including, but not limited to, guardhouses, fences and gates, electronic intrusion detection systems, and patrol cars, when authorized by proper governmental agencies; except that the District may not exercise any police power, but may contract with the appropriate local general-purpose governmental agencies for an increased level of such services within the District boundaries.

2. The district will use its best efforts to develop in an integrated fashion the traffic circulation, water, and sewer facilities on the district property as one functional interrelated community.

3. The district shall take no action which is inconsistent with the comprehensive plan, ordinances or regulations of St. Lucie County.

4. No publicly owned property that may be located or acquired within the legal description of this Community Development District shall be assessed for, or obligated in any way to pay for the infrastructure constructed, maintained, or operated by the Community Development District described in section 1.6-5.151 above.

5. The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents, and to all prospective residents, of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement.

6. Following the establishment of the Creekside CDD, as provided for in Sections 1-6.5-150 and 1-6.5-151 above, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: "THE (Name of District) COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

Section 1-6.5-154 - 1.6.5-159 [reserved]

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable throughout St. Lucie County's jurisdiction.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

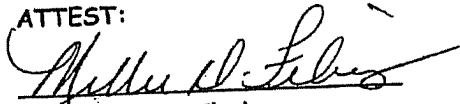
Chairman Frannie Hutchinson	AYE
Vice Chairman Doug Coward	AYE
Commissioner Joseph E. Smith	AYE
Commissioner Paula A. Lewis	AYE
Commissioner Chris Craft	AYE

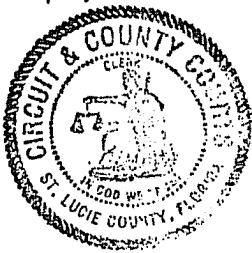
PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through H shall not be codified.

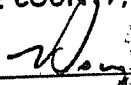
PASSED AND DULY ADOPTED this 7th day of June, 2005.

ATTEST:


Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: 
Vice Chairman

APPROVED AS TO FORM AND
CORRECTNESS


County Attorney

COPY

LEGAL DESCRIPTION

TRACT I

THAT PART OF THE NORTHWEST 1/4 OF SECTION 26 LYING SOUTH OF STATE ROAD #70 AND NORTH OF TEN MILE CREEK; THAT PART OF THE EAST 1/2 AND THE SOUTHWEST 1/4 OF SECTION 27 LYING SOUTH OF STATE ROAD #70 AND NORTH OF TEN MILE CREEK; ALL IN TOWNSHIP 35 SOUTH, RANGE 39 EAST, IN ST. LUCIE COUNTY, FLORIDA; LESS AND EXCEPTING THEREFROM:

a) THE EAST 475.5 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 26 LYING NORTH OF THE NORTH ST. LUCIE RIVER DRAINAGE DISTRICT CANAL #71.

b) THE FOLLOWING DESCRIBED PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, LYING WEST AND SOUTH OF THE FOLLOWING DESCRIBED LINE; BEGIN AT A POINT 52 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF SOUTHWEST 1/4 THENCE RUN SOUTH 00°42'20" WEST ON A LINE PARALLEL TO THE SECTION LINE AND 52 FEET EAST THEREOF, A DISTANCE OF 420.10 FEET; THENCE SOUTH 29°48'25" EAST, 84.45 FEET; THENCE SOUTH 48°31'15" EAST, 93.71 FEET; THENCE NORTH 89°00'05" EAST 399.31 FEET; THENCE SOUTH 75°01'30" EAST 436.70 FEET; THENCE NORTH 47°47'45" EAST 446.34 FEET TO A POINT ON THE EAST LINE OF, AND 349.06 FEET SOUTH OF, THE NORTHEAST CORNER OF THE AFORESAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27.

c) THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 27, NORTH OF STATE ROAD #70.

d) THE FOLLOWING DESCRIBED BARN AND UTILITY AREA; COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA; THENCE RUN SOUTH 01°19'00" EAST, ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 208.39 FEET TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 70; THENCE RUN WESTERLY ALONG THE SAID SOUTH RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2730.79 FEET; A CENTRAL ANGLE OF 9°46'46" AN ARC DISTANCE OF 466.10 TO THE POINT OF BEGINNING; THENCE ON A TANGENT BEARING SOUTH 64°03'35" WEST RUN 386.42 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN WESTERLY ALONG THE CURVE HAVING A RADIUS OF 7684.0 FEET THROUGH A CENTRAL ANGLE OF 4°12'36" AND ARC DISTANCE OF 564.61 FEET; THENCE RUN SOUTH 00°41'25" EAST A DISTANCE OF 243.75 FEET; THENCE RUN NORTH 89°33'35" EAST A DISTANCE OF 525.0 FEET; THENCE RUN NORTH 27°48'35" EAST A DISTANCE OF 720.0 FEET TO THE POINT OF BEGINNING.

e) RIGHTS OF WAY FOR OKEECHOBEE ROAD (S.R. #70), GENTILE ROAD, AND NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANALS NO. 50 AND 51.

f) A STRIP OF LAND 34.00 FEET IN WIDTH, LOCATED IN SECTION 27, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA. SAID STRIP OF LAND LIES 17.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WITH THE SIDELINES EXTENDING OR CONTRACTING AS NECESSARY TO FORM A CONTINUOUS LINE AND TO TERMINATE NORTHERLY AT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 70 AND TO TERMINATE AT THE SOUTHERLY END WITH THE LINE PARALLEL WITH AND 50.00 FEET NORTH OF A CONCRETE BRIDGE:

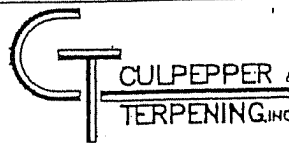
Sheet 2 of 7

EXHIBIT "A"

File: 03-126-exhibitA.dwg

Date: 8-12-2004

Tech: GLM



CONSULTING ENGINEERS
&
LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34982
(772) 454-3537

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 70 AND THE WEST LINE OF THE EAST 1/4 OF SAID SECTION 27, SAID INTERSECTION POINT BEING A POINT ON THE ARC OF A CURVE IN SAID SOUTH RIGHT-OF-WAY LINE (RADIAL LINE THROUGH WHICH BEARS SOUTH 21°45'15" EAST), SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 5863.58 FEET AND A CENTRAL ANGLE OF 00°20'56", THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°38'06" EAST, ALONG A LINE PARALLEL WITH AND 17.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLE TO) THE WEST BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED AS "LESS AND EXCEPT PARCEL 4 IN EXHIBIT "A" IN OFFICIAL RECORDS BOOK 0959, PAGE 0721, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, A DISTANCE OF 239.59 FEET; THENCE SOUTH 45°38'06" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 84.88 FEET; THENCE SOUTH 00°16'26" EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 2474.77 FEET TO THE POINT OF TERMINUS OF SAID CENTERLINE.

g) ALSO LESS AND EXCEPT FROM TRACT I THOSE PORTIONS CONVEYED TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN OFFICIAL RECORD BOOK 1191, PAGE 1841 AND DESCRIBED ON EXHIBIT A-1 ATTACHED HERETO.

TRACT II

THAT PART, IF ANY, OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING SOUTH OF OKEECHOBEE ROAD (STATE ROAD 70)

LESS AND EXCEPT THOSE PORTIONS CONVEYED TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT IN OFFICIAL RECORD BOOK 1191, PAGE 1841, AND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT GI-100-001

COMMENCE AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, THENCE SOUTH 89°57'32" WEST, ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 38.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF CANAL NO. 93 (76 FEET WIDE) AS SHOWN ON THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT INFORMATION MAP, DATED MAY 1991, AND THE POINT OF BEGINNING; THENCE SOUTH 89°57'32" WEST, ALONG SAID SOUTH LINE OF SECTION 27, A DISTANCE OF 1283.33 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 00°30'37" WEST, ALONG THE WEST LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER A DISTANCE OF 997.64 FEET TO THE INTERSECTION WITH THE APPROXIMATE NORTHERLY EDGE OF THE "TEN-MILE CREEK" TREE LINE, AS NOW EXISTING AND LOCATED; THENCE, GENERALLY FOLLOWING SAID APPROXIMATE NORTH EDGE OF THE "TEN-MILE CREEK" TREE LINE, THROUGH THE FOLLOWING COURSES:

NORTH 88°34'48" EAST, A DISTANCE OF 104.43 FEET; NORTH 44°45'27" EAST, A DISTANCE OF 339.50 FEET; NORTH 82°01'30" EAST, A DISTANCE OF 306.98 FEET; NORTH 10°48'09" WEST, A DISTANCE OF 90.57 FEET; SOUTH 84°36'54" EAST, A DISTANCE OF 132.04 FEET; SOUTH 53°34'51" EAST, A DISTANCE OF 104.68 FEET; SOUTH 65°03'23" EAST, A DISTANCE OF 100.38 FEET; SOUTH 89°41'10" EAST, A DISTANCE OF 72.20 FEET; NORTH 67°36'38" EAST, A DISTANCE OF 133.18 FEET; SOUTH 84°39'01" EAST, A DISTANCE OF 113.63 FEET;

THENCE NORTH 60°38'17" EAST, CONTINUING ALONG SAID TREE LINE, A DISTANCE OF 31.98 FEET TO THE INTERSECTION WITH THE AFORESAID WEST RIGHT-OF-WAY LINE OF CANAL NO. 93; THENCE SOUTH 00°49'00" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1310.58 FEET TO THE INTERSECTION WITH THE AFORESAID SOUTH LINE OF SECTION 27 AND THE POINT OF BEGINNING.

Sheet 3 of 7

EXHIBIT "A"

File: 03-126-exhibitA
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Date: 8-12-2004

 **CULPEPPER &
TERPENING, INC.**

CONSULTING ENGINEERS
&
LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE FLORIDA 34982

TRACT GI-100-004

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 26, THE EAST HALF OF SECTION 27, THE NORTHEAST QUARTER OF SECTION 34, AND THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, THENCE NORTH 89°57'32" EAST, ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 38.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF CANAL NO. 93 (76 FEET WIDE) AS SHOWN ON THE NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT INFORMATION MAP, DATED MAY 1991, AND THE POINT OF BEGINNING; THENCE NORTH 00°05'33" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 0.21 FEET; THENCE NORTH 00°49'00" WEST, CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, BEING A LINE PARALLEL WITH AND 38.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) THE WEST LINE OF THE EAST HALF OF SAID SECTION 27, TO THE INTERSECTION WITH THE APPROXIMATE NORTHERLY EDGE OF THE "TEN-MILE CREEK" TREE LINE, AS NOW EXISTING AND LOCATED, A DISTANCE OF 1352.74 FEET; THENCE, GENERALLY FOLLOWING SAID APPROXIMATE NORTHERLY EDGE OF THE "TEN-MILE CREEK" TREE LINE, THROUGH THE FOLLOWING COURSES:

NORTH 60°38'17" EAST, A DISTANCE OF 117.01 FEET; NORTH 41°40'21" EAST, A DISTANCE OF 154.40 FEET; NORTH 66°23'44" EAST, A DISTANCE OF 383.04 FEET; NORTH 71°02'30" EAST, A DISTANCE OF 434.92 FEET;

THENCE NORTH 78°55'46" EAST, CONTINUING ALONG SAID APPROXIMATE NORTHERLY EDGE OF THE "TEN-MILE CREEK" TREE LINE, A DISTANCE OF 244.28 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 50.00 FEET WEST OF (AS MEASURED AT RIGHT ANGLE TO) THE CENTERLINE OF A 13 FOOT WIDE CONCRETE BRIDGE SPANNING SAID "TEN-MILE CREEK"; THENCE NORTH 00°56'41" WEST, ALONG SAID LINE, A DISTANCE OF 51.53 FEET; THENCE NORTH 89°03'19" EAST, PERPENDICULAR TO THE PRECEDING COURSE AND ALONG A LINE PARALLEL WITH AND 50.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) THE NORTH EDGE OF THE AFORESAID BRIDGE, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°56'41" EAST, PERPENDICULAR TO THE PRECEDING COURSE AND ALONG A LINE PARALLEL WITH AND 50.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) THE AFORESAID CENTERLINE OF BRIDGE, A DISTANCE OF 118.74 FEET TO THE INTERSECTION WITH THE APPROXIMATE CENTERLINE OF THE AFORESAID MAIN CHANNEL OF "TEN-MILE CREEK" AS ESTABLISHED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND SHOWN ON MAP TITLED: "TEN-MILE CREEK CROSS SECTIONS"; DRAWING NO. TMC-100, SHEET 1 OF 7, DATED 18 FEBRUARY 1998; THENCE GENERALLY FOLLOWING SAID APPROXIMATE CENTERLINE OF THE MAIN CHANNEL OF "TEN-MILE CREEK", THROUGH THE FOLLOWING COURSES:

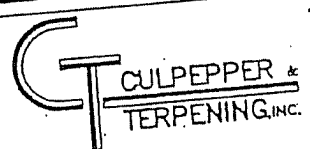
NORTH 72°53'13" EAST, A DISTANCE OF 224.87 FEET; NORTH 31°27'25" EAST, A DISTANCE OF 182.46 FEET; NORTH 38°12'17" EAST, A DISTANCE OF 164.70 FEET; NORTH 47°30'25" EAST, A DISTANCE OF 191.72 FEET; NORTH 24°44'45" EAST, A DISTANCE OF 343.88 FEET; NORTH 72°56'07" EAST, A DISTANCE OF 289.86 FEET;

THENCE NORTH 64°44'57" EAST, CONTINUING ALONG SAID APPROXIMATE CENTERLINE OF THE MAIN CHANNEL OF "TEN-MILE CREEK", A DISTANCE OF 300.83 FEET TO THE INTERSECTION WITH THE EAST LINE OF THE AFORESAID EAST HALF OF SECTION 27, BEING ALSO THE WEST LINE OF THE AFORESAID WEST HALF OF SECTION 26; THENCE NORTH 01°25'29" WEST, ALONG SAID WEST LINE OF SECTION 26, A DISTANCE OF 70.43 FEET TO THE INTERSECTION WITH THE APPROXIMATE SOUTHERLY EDGE OF AN APPROXIMATE 10 FOOT WIDE FARM ROAD LYING NORTH OF THE AFORESAID "TEN-MILE CREEK"; THENCE, GENERALLY FOLLOWING SAID APPROXIMATE SOUTHERLY EDGE OF A FARM ROAD, THROUGH THE FOLLOWING COURSES:

EXHIBIT "A"

File: 03-126-exhibitA.dwg
Date: 8-12-2004

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CONSULTING ENGINEERS & LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34982
(772) 464-3537

CERTIFICATE OF AUTHORIZATION NUMBER: 0000 4286

NORTH 44°30'32" EAST, A DISTANCE OF 55.73 FEET; NORTH 02°14'35" EAST, A DISTANCE OF 29.17 FEET;
 NORTH 29°10'24" WEST, A DISTANCE OF 102.31 FEET; NORTH 51°00'19" WEST, A DISTANCE OF 36.96 FEET;
 NORTH 80°32'09" WEST, A DISTANCE OF 30.54 FEET; SOUTH 87°25'07" WEST, A DISTANCE OF 42.20 FEET;
 SOUTH 76°40'24" WEST, A DISTANCE OF 41.64 FEET; SOUTH 52°13'22" WEST, A DISTANCE OF 94.16 FEET;
 SOUTH 58°05'45" WEST, A DISTANCE OF 143.54 FEET; SOUTH 87°51'47" WEST, A DISTANCE OF 178.12
 FEET; NORTH 79°01'57" WEST, A DISTANCE OF 42.90 FEET; NORTH 65°24'32" WEST, A DISTANCE OF 58.11
 FEET; NORTH 56°22'17" WEST, A DISTANCE OF 189.29 FEET; NORTH 38°18'17" WEST, A DISTANCE OF 28.44
 FEET; NORTH 22°12'18" WEST, A DISTANCE OF 50.22 FEET; NORTH 09°01'50" WEST, A DISTANCE OF
 130.42 FEET; NORTH 02°19'37" EAST, A DISTANCE OF 78.24 FEET; NORTH 04°07'04" EAST, A DISTANCE OF
 53.23 FEET; NORTH 38°42'51" EAST, A DISTANCE OF 156.53 FEET; NORTH 51°52'07" EAST, A DISTANCE OF
 77.02 FEET; NORTH 58°34'12" EAST, A DISTANCE OF 53.43 FEET; NORTH 69°22'57" EAST, A DISTANCE OF
 70.21 FEET; NORTH 89°26'42" EAST, A DISTANCE OF 76.27 FEET; NORTH 15°16'12" EAST, A DISTANCE OF
 112.44 FEET; NORTH 37°46'44" EAST, A DISTANCE OF 94.36 FEET; NORTH 57°16'14" EAST, A DISTANCE OF
 39.20 FEET; SOUTH 88°46'18" EAST, A DISTANCE OF 93.09 FEET; SOUTH 53°30'16" EAST, A DISTANCE OF
 190.35 FEET; NORTH 86°37'30" EAST, A DISTANCE OF 43.97 FEET; SOUTH 52°08'24" EAST, A DISTANCE OF
 100.75 FEET; SOUTH 72°00'01" EAST, A DISTANCE OF 132.34 FEET; SOUTH 83°19'20" EAST, A DISTANCE
 OF 88.01 FEET; NORTH 75°32'07" EAST, A DISTANCE OF 71.76 FEET; NORTH 23°43'31" WEST, A DISTANCE
 OF 89.51 FEET; NORTH 01°00'12" EAST, A DISTANCE OF 57.48 FEET; NORTH 24°04'05" EAST, A DISTANCE
 OF 36.14 FEET; NORTH 57°15'08" EAST, A DISTANCE OF 157.86 FEET; NORTH 37°07'16" EAST, A DISTANCE
 OF 105.36 FEET; NORTH 02°11'21" EAST, A DISTANCE OF 155.19 FEET; NORTH 83°24'17" WEST, A DISTANCE
 OF 193.64 FEET; NORTH 00°31'06" EAST, A DISTANCE OF 27.52 FEET; NORTH 88°39'50" EAST, A DISTANCE
 OF 506.80 FEET; NORTH 87°11'51" EAST, A DISTANCE OF 472.35 FEET; SOUTH 77°03'51" EAST, A
 DISTANCE OF 64.97 FEET; NORTH 66°06'47" EAST, A DISTANCE OF 135.04 FEET; SOUTH 87°06'16" EAST, A
 DISTANCE OF 161.10 FEET; SOUTH 73°32'28" EAST, A DISTANCE OF 163.92 FEET; SOUTH 76°54'12" EAST,
 A DISTANCE OF 415.28 FEET; THENCE SOUTH 75°14'11" EAST, CONTINUING ALONG SAID APPROXIMATE
 SOUTHERLY EDGE OF A FARM ROAD, A DISTANCE OF 41.96 FEET TO THE INTERSECTION WITH THE WEST
 LINE OF THE EAST 475.5 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF AFORESAID SECTION
 26; THENCE CONTINUE SOUTH 75°14'11" EAST, DEPARTING SAID SOUTH LINE OF ROAD AND BEGIN
 FOLLOWING THE APPROXIMATE NORTHERLY BANK OF THE MAIN CHANNEL OF "TEN-MILE CREEK", A
 DISTANCE OF 341.02 FEET; THENCE SOUTH 74°04'29" EAST, CONTINUING ALONG SAID APPROXIMATE
 NORTH BANK OF "TEN-MILE CREEK", A DISTANCE OF 118.12 FEET TO THE INTERSECTION WITH THE WEST
 RIGHT-OF-WAY LINE OF CANAL NO. 95 (67.00 FEET WIDE), AS SHOWN ON THE AFORESAID NORTH ST
 LUCIE RIVER WATER CONTROL DISTRICT INFORMATION MAP; THENCE SOUTH 00°38'11" EAST ALONG SAID
 RIGHT-OF-WAY LINE, BEING A LINE PARALLEL WITH AND 33.50 FEET WEST OF (AS MEASURED AT RIGHT
 ANGLES) TO THE EAST LINE OF THE AFORESAID WEST HALF OF SECTION 26, A DISTANCE OF 3924.30 FEET
 TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 26; THENCE NORTH 89°39'14" EAST, ALONG
 SAID SOUTH LINE OF SECTION 26, BEING ALSO THE SOUTH RIGHT-OF-WAY LINE OF SAID CANAL NO. 95, A
 DISTANCE OF 33.50 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 26; THENCE, DEPARTING
 SAID CANAL RIGHT-OF-WAY LINE, BEAR SOUTH 00°11'08" EAST, ALONG THE EAST LINE OF THE AFORESAID
 NORTHWEST QUARTER OF SECTION 35, A DISTANCE OF 2581.47 FEET TO THE INTERSECTION WITH THE
 NORTH RIGHT-OF-WAY LINE OF CANAL 101 (98.00 FEET WIDE), AS SHOWN ON THE AFORESAID NORTH ST.
 LUCIE RIVER WATER CONTROL DISTRICT INFORMATION MAP; THENCE SOUTH 89°45'23" WEST, ALONG SAID
 NORTH RIGHT-OF-WAY LINE, BEING A LINE PARALLEL WITH AND 49.00 FEET NORTH OF (AS MEASURED AT
 RIGHT ANGLES TO) THE SOUTH LINE OF THE AFORESAID NORTHWEST QUARTER OF SAID SECTION 35, A
 DISTANCE OF 2667.20 FEET; THENCE NORTH 00°01'15" EAST, ALONG SAID WEST LINE OF SECTION 35 AND
 CONTINUING ALONG SAID CANAL 95 RIGHT-OF-WAY LINE, A DISTANCE OF 13.93 FEET; THENCE SOUTH
 89°53'33" WEST, DEPARTING SAID WEST LINE OF SECTION 35, ENTERING INTO AFORESAID SECTION 34 AND
 CONTINUING ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF CANAL NO. 101, BEING A LINE PARALLEL
 WITH AND 63.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES TO) THE SOUTH LINE OF THE
 AFORESAID NORTHWEST QUARTER OF SECTION 34, A DISTANCE OF 2607.88 FEET TO THE INTERSECTION
 WITH THE AFORESAID EAST RIGHT-OF-WAY LINE OF CANAL NO. 93, THENCE NORTH 00°05'33" EAST,
 ALONG SAID EAST RIGHT-OF-WAY LINE OF CANAL NO. 93, BEING A LINE PARALLEL WITH AND 38.00 FEET
 EAST OF (AS MEASURED AT RIGHT ANGLES TO) THE WEST LINE OF THE AFORESAID NORTHWEST QUARTER
 OF SECTION 34, A DISTANCE OF 2565.84 FEET TO THE POINT OF BEGINNING.

Sheet 5 of 7

EXHIBIT "A"

File: 03-126-exhibitA.dwg
Date: 8-12-2004

C **GULPEPPER & TERPENING, INC.**

CONSULTING ENGINEERS
&
LAND SURVEYORS
2980 SOUTH 25TH STREET
FORT PIERCE, FLORIDA 34982

TOGETHER WITH:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 27, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA; THENCE RUN SOUTH 01°19'00" EAST, ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 208.39 FEET TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 70; THENCE RUN WESTERLY ALONG THE SAID SOUTH RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2730.79 FEET; A CENTRAL ANGLE OF 9°46'46" AN ARC DISTANCE OF 466.10 FEET TO A POINT OF BEGINNING; THENCE ON A TANGENT BEARING SOUTH 64°03'35" WEST RUN 386.42 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE RUN WESTERLY ALONG THE CURVE HAVING A RADIUS OF 7684.0 FEET THROUGH A CENTRAL ANGLE OF 4°12'36" AND ARC DISTANCE OF 564.61 FEET; THENCE RUN SOUTH 00°41'25" EAST A DISTANCE OF 243.75 FEET; THENCE RUN NORTH 89°33'35" EAST A DISTANCE OF 525.0 FEET; THENCE RUN NORTH 27°48'35" EAST A DISTANCE OF 720.0 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEING A TRACT OF LAND IN THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 35 SOUTH, RANGE 39 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 35 SOUTH RANGE 39 EAST; THENCE N 89°49'26" W ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 1,862.86 FEET, TO THE EAST LINE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1516, PAGE 647, ST. LUCIE COUNTY, FLORIDA; THENCE N 00°10'35" E, ALONG SAID EAST LINE, A DISTANCE OF 990.29 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 70 (ALSO KNOWN AS OKEECHOBEE ROAD); THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING COURSES AND DISTANCES:

THENCE N 75°57'58" E A DISTANCE OF 394.24 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 17,322.74 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.69 FEET THROUGH A CENTRAL ANGLE OF 00°06'17" TO THE

WESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 283, PAGE 1566, ST. LUCIE COUNTY, FLORIDA; THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY BOUNDARIES OF SAID LANDS THE BY THE FOLLOWING COURSES AND DISTANCES:

THENCE S 12°45'10" E A DISTANCE OF 202.41 FEET; THENCE N 76°30'50" E A DISTANCE OF 154.69 FEET; THENCE N 12°45'10" W A DISTANCE OF 204.87 FEET, TO THE POINT OF

INTERSECTION WITH A NON TANGENT CURVE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 17,322.74 FEET, THE CHORD OF WHICH BEARS N 74°37'30" E, AND BEING THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 70 (OKEECHOBEE ROAD); THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 438.14 THROUGH A CENTRAL ANGLE OF 01°26'57" TO THE INTERSECTION WITH THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1407, PAGE 2822, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARY OF SAID LANDS BY THE FOLLOWING COURSES AND DISTANCES:

THENCE S 20°51'45" E A DISTANCE OF 170.74 FEET; THENCE N 64°08'45" E A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1408, PAGE 0031, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE ALONG THE WESTERLY, SOUTHERLY AND EASTERLY BOUNDARIES OF LASTLY AFORESAID LANDS BY THE FOLLOWING COURSES AND DISTANCES:

THENCE S 05°53'26" E A DISTANCE OF 293.78 FEET; THENCE N 64°04'49" E A DISTANCE OF 491.83 FEET; THENCE N 00°23'15" W A DISTANCE OF 384.89 FEET TO THE POINT OF

INTERSECTION WITH THE SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 70 (OKEECHOBEE ROAD); THENCE N 71°58'22" E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 255.10 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID NORTHWEST 1/4; THENCE S 00°24'44" E, ALONG SAID EAST LINE A DISTANCE OF 1524.65 FEET TO THE POINT OF BEGINNING.

Sheet 6 of 7

EXHIBIT "A"

File: 03-126-exhibitA.dwg

Date: 8-12-2004

Tech: GLM

C GULPEPPER & TERPENING, INC.

CONSULTING ENGINEERS
&
LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 3498
(772) 464-3537

CERTIFICATE OF AUTHORIZATION NUMBER: 0000 4286

Respectfully submitted this 8 day of March, 2005.

BJK, LLC,
a Florida Limited Liability Company.

By: 

PREFERRED PROPERTIES OF ST. LUCIE
LLC,
A Florida Limited Liability Company.

By: 