

1 Introduced and amended by the Transportation, Energy and Utilities
2 Committee:

3
4
5 **ORDINANCE 2019-483-E**

6 AN ORDINANCE ESTABLISHING BOGGY BRANCH
7 COMMUNITY DEVELOPMENT DISTRICT ("BOGGY BRANCH
8 CDD"); DESCRIBING THE EXTERNAL BOUNDARIES OF
9 BOGGY BRANCH CDD; NAMING BOGGY BRANCH CDD;
10 NAMING THE INITIAL BOGGY BRANCH CDD BOARD OF
11 SUPERVISORS; AMENDING CHAPTER 92 (UNIFORM
12 COMMUNITY DEVELOPMENT DISTRICTS), *ORDINANCE*
13 *CODE*, SECTION 92.22 (EXISTING COMMUNITY
14 DEVELOPMENT DISTRICTS) TO INCLUDE BOGGY BRANCH
15 CDD; PROVIDING FOR CONFLICT AND SEVERABILITY;
16 PROVIDING AN EFFECTIVE DATE.

17
18 **WHEREAS**, Sawmill Timber, LLC, a Florida limited liability
19 corporation, petitioned the City Council to establish a community
20 development district named Boggy Branch Community Development
21 District (the "Boggy Branch CDD") on approximately 556.56 acres
22 lying wholly within the boundaries of the City pursuant to Section
23 190.005(2), F.S., and Chapter 92, *Ordinance Code*, a copy of the
24 Amended & Restated Petition to Establish Boggy Branch CDD
25 ("Petition") is **Revised On File**, labeled as "Revised On File TEU -
26 August 19, 2019" with the Legislative Services Division; and

27 **WHEREAS**, as required by Section 92.07, *Ordinance Code*, the
28 Office of General Counsel has reviewed the Petition and finding
29 that it was sufficient and complete to permit the fair and informed
30 consideration of the matter by the Council has prepared and
31 submitted its Final Report of Counsel, **attached hereto as Exhibit**

1; and

WHEREAS, the Planning and Development Department has provided its report and recommendation regarding the Petition to the Transportation, Energy and Utilities Committee; and

WHEREAS, Petitioner acknowledges that nothing about the adoption of this Ordinance shall in any way waive any of the City's, or any other governing or regulatory entities' rights to grant or not grant entitlements for the development to be serviced by Boggy Branch (the "Development"), or otherwise prejudice the City's, or any other governing or regulatory entities', ability to govern or regulate the planning or permitting of the Development; and

WHEREAS, the Counsel has determined the Petition adequately meets the requirements of Section 190.005, F.S. and Section 92.04, *Ordinance Code*, and is therefore complete and sufficient to permit fair and informed review thereof; and

WHEREAS, all notice requirements of Ch. 190, F.S., Section 92.11, *Ordinance Code*, and other applicable laws were complied with, complete notice was timely given, and a public hearing held on the date and time noticed and conducted thereafter in compliance with Ch. 190, F.S. and all applicable laws; and

WHEREAS, in making its fair and informed determination whether to grant or deny the Petition, the Council has considered the Petition in light of the record developed at the public hearing and in relation to the six factors set forth in Section 190.005(1)(e), F.S., now, therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Name. A community development district is hereby established within the City to be known hereafter as Boggy Branch Community Development District.

Section 2. Boundaries. The boundaries of Boggy Branch

Community Development District established by this ordinance are as set forth in the legal description contained in the Petition to Establish Boggy Branch Community Development District ("Petition") which is **Revised On File**, labeled as "Revised On File TEU - August 19, 2019" with the Legislative Services Division. The legal description and boundary sketch found within the Petition are **attached hereto as Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Legal Description TEU - August 19, 2019".

Section 3. Board of Supervisors. The following five persons, as set forth in the Petition, are designated to be the initial members of the governing Board of Supervisors ("Board") of Boggy Branch Community Development District:

- a. Jan Malcolm Jones, Jr.
- b. Arthur Chester Skinner, IV
- c. James DuBois Farrar, III
- d. Breanna Danae Bohlen
- e. Bryan David Hassel

Section 4. Amending Chapter 92 (Uniform Community Development Districts), Section 92.22 (Existing Community Development Districts), Ordinance Code. Section 92.22, Ordinance Code, is hereby amended to read as follows:

Sec. 92.22. - Existing Community Development Districts.

The following CDDs have been established in the City:


- (1) *Bainebridge Community Development District.* The Bainebridge Community Development District was established in Ordinance 2005-1417-E. The City granted consent to the Bainebridge Community Development District to exercise special powers related to parks and facilities for indoor and outdoor recreational, cultural and educational uses in Ordinance 2006-592-E.

(19) Boggy Branch Community Development District. Boggy
Branch Community Development District was established in
Ordinance 2019-483-E.

Section 5. Conflict and Severability. Any portion of
this ordinance determined finally by a court of competent
jurisdiction to be in conflict with prevailing law shall not be
effective to the extent of such conflict, and shall be deemed
severable and the remainder shall continue in full force and effect
to the extent legally possible.

Section 6. Effective Date. This ordinance shall become
effective upon signature by the Mayor or upon becoming law without
the Mayor's signature.

Form Approved:



Office of General Counsel

Legislation Prepared By: Susan C. Grandin

GC-#1301872-v1-2019-483-E.doc

OFFICE OF GENERAL COUNSEL
CITY OF JACKSONVILLE

JASON R. GABRIEL*
GENERAL COUNSEL



CITY HALL, ST. JAMES BUILDING
117 WEST DUVAL STREET, SUITE 480
JACKSONVILLE, FLORIDA 32202

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LORIE L. FRENCH
CHRISTOPHER GARRETT
KYLE GAVIN
SEAN B. GRANAT
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LAWSKIA J. HODGES
SONYA HARRIS-HOENER
PAIGE HOBBS JOHNSTON
EMERSON LOTZIA
RITA M. MAIRS

JAMES R. MCCAIN, JR.
WENDY L. MUMMAW
KELLY H. PAPA
KURT PARKER
JACOB J. PAYNE
JON R. PHILLIPS
CHERRY SHAW POLLOCK
STEPHEN J. POWELL
LYNNE C. RIMMON
ASHLEY B. RUTHERFORD
TIFFANY DOUGLAS SAPI
R. ANTHONY SALIM
JOHN C. SAWYER, JR.
MARGARET M. SHUMAN
SANDRA P. STOCKWELL
JASON R. TEAL
ADINA THODORISCU
KEALIJ WEST
STANLEY M. WESTON
GABY YOUNG

*BOARD CERTIFIED CITY, COUNTY
AND LOCAL GOVERNMENT LAW

July 2, 2019

Katie S. Buchanan, Esq.
Hopping Green & Sams, P.A.
119 South Monroe Street, Suite 300
Tallahassee, Florida 32301

RE: Office of General Counsel Final Report
On the Petition to Establish the Boggy Branch Community Development District

Dear Ms. Buchanan:

The Office of General Counsel ("Counsel"), pursuant to Section 92.07, *Ordinance Code*, has completed its review of the Petition to Establish the Boggy Branch Community Development District (the "Petition"), submitted May 23, 2019.

Counsel has determined that the Petition is sufficient and complete to permit the fair and informed consideration of the matter by the City Council. I only had one question and that was regarding the Proposed Board Members. Sec. 92.04(d), *Ordinance Code*, requires that if any proposed board member is a "relative" of a landowner or petitioner within the meaning of Sec. 112.3143, Florida Statutes, then the "nature and extent" of such relationship shall be disclosed. Thank you for providing this explanation, which is attached hereto as **Attachment 1 to the Final Report of Counsel**.

This Final Report will be forwarded to the Planning and Development Department for their use in drafting a Department report and recommendation. All the statements contained in the Petition not intended to be disposed of by the Department report and recommendation are true and correct, and the Petition is not contrary to any provision of applicable general or special law or the City Charter.

July 2, 2019

Page 2

We note that you have requested consent for the Boggy Branch Community Development District to exercise special powers regarding recreational facilities and for security. Unfortunately, this request will not be included in the legislation regarding the establishment Petition. Pursuant to Sec. 92.15, *Ordinance Code*, as we discussed, that request must attach a formal resolution of the CDD's governing board of supervisors, which, of course, will not be formed until this current Petition is approved and your board of supervisors has a meeting and passes a resolution requesting these powers.

We anticipate that the legislation to move this Petition forward will be introduced at the City Council meeting on July 23, 2019. In your notice regarding the Petition that is to run for four consecutive weeks prior to the Council public hearing, based on the Introduction date of July 23, 2019, the public hearing required before the full Council should be noticed as August 27, 2019. The various Committees of Council to which it will be assigned are not yet known, but the week of August 19th will be when the Committee(s) will take up this bill. You are not required to include these Committee public meetings in your notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Grandin", written over a horizontal line.

Susan C. Grandin

Assistant General Counsel

cc: William Killingsworth, Director, Planning and Development Department
Kristen Reed, Planning and Development Department
Shannon K. Eller, Chief, Land Use Division
Jason Teal, Deputy General Counsel

GC-#1291530-v1-Boggy Creek_CDD_Final Report of Counsel.docx

Attachment 1

Hopping Green & Sams

Attorneys and Counselors

June 28, 2019

VIA OVERNIGHT DELIVERY

Susan C. Grandin, Esq.
Assistant General Counsel
City of Jacksonville Office of General Counsel
117 W. Duval Street, Suite 480
Jacksonville, Florida 32202

Re: Petition to Establish the Boggy Branch Community Development District

Dear Ms. Grandin:

Please find below a description of the nature and extent of the relationships between the Managers of Petitioner, Sawmill Timber, LLC, and the proposed Board Members of the proposed Boggy Branch Community Development District, pursuant to Section 92.04(d) of Chapter 92, City of Jacksonville Uniform Community Development Ordinance Code and Section 112.3143, Florida Statutes:

BOGGY BRANCH CDD – PROPOSED BOARD MEMBERS		
	RELATIONSHIP TO CHRIS SKINNER (MANAGER)	RELATIONSHIP TO EDWARD JONES (MANAGER)
Jan Malcolm Jones, Jr.	Cousin	Brother
Arthur Chester Skinner, IV	Nephew	Cousin
James DuBois Farrar, III	No Relation	No Relation
Breanna Danae Bohlen	No Relation	No Relation
Bryan David Hassel	No Relation	No Relation

Please do not hesitate to contact me if you have any additional questions or concerns.

Sincerely,



Katie S. Buchanan

Revised July 19, 2019
April 30, 2019
Page 1 of 2

Work Order No. 19-078.01
File No. 125D-17.01B

Boggy Branch CDD

A portion of Sections 16 and 17, Township 3 South, Range 28 East, Duval County, Florida, being a portion of those lands described and recorded in Official Records Book 17036, page 2398, of the current Public Records of said county, being more particularly described as follows:

For a Point of Beginning, commence at the Southeasterly corner of said Section 17, thence South $88^{\circ}15'27''$ West, along the Southerly line of said Section 17, a distance of 268.53 feet; thence North $01^{\circ}44'33''$ West, departing said Southerly line, 141.57 feet; thence North $85^{\circ}41'13''$ West, 241.67 feet to the point of curvature of a curve concave Southerly having a radius of 2000.00 feet; thence Westerly along the arc of said curve, through a central angle of $06^{\circ}08'51''$, an arc length of 214.59 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $88^{\circ}45'39''$ West, 214.48 feet; thence Due North, 2379.25 feet; thence Due East, 900.86 feet; thence North $03^{\circ}28'08''$ East, 45.63 feet to a point on a curve concave Westerly having a radius of 1000.00 feet; thence Northerly along the arc of said curve, through a central angle of $23^{\circ}00'46''$, an arc length of 401.65 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $08^{\circ}02'15''$ West, 398.95 feet; thence Northerly along the arc of a curve concave Easterly having a radius of 1000.00 feet, through a central angle of $47^{\circ}11'47''$, an arc length of 823.73 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $04^{\circ}03'15''$ East, 800.64 feet; thence Southeasterly along the arc of a curve concave Northeasterly having a radius of 500.00 feet, through a central angle of $13^{\circ}18'17''$, an arc length of 116.11 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $62^{\circ}15'25''$ East, 115.85 feet; thence South $68^{\circ}54'33''$ East, 32.07 feet to the point of curvature of a curve concave Northerly having a radius of 985.00 feet; thence Easterly along the arc of said curve, through a central angle of $62^{\circ}11'46''$, an arc length of 1069.25 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $79^{\circ}59'33''$ East, 1017.51 feet; thence North $48^{\circ}53'40''$ East, 248.66 feet to the point of curvature of a curve concave Southeasterly having a radius of 460.00 feet; thence Northeasterly along the arc of said curve, through a central angle of $20^{\circ}12'00''$, an arc length of 162.18 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $58^{\circ}59'41''$ East, 161.34 feet; thence South $19^{\circ}55'14''$ East, 184.59 feet to the point of curvature of a curve concave Northeasterly having a radius of 1000.00 feet; thence Southeasterly along the arc of said curve, through a central angle of $17^{\circ}29'38''$, an arc length of 305.33 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South $28^{\circ}40'03''$ East, 304.14 feet; thence North $51^{\circ}02'54''$ East, 134.63 feet to the point of curvature of a curve concave Southeasterly having a radius of 1718.50 feet; thence Northeasterly along the arc of said curve,

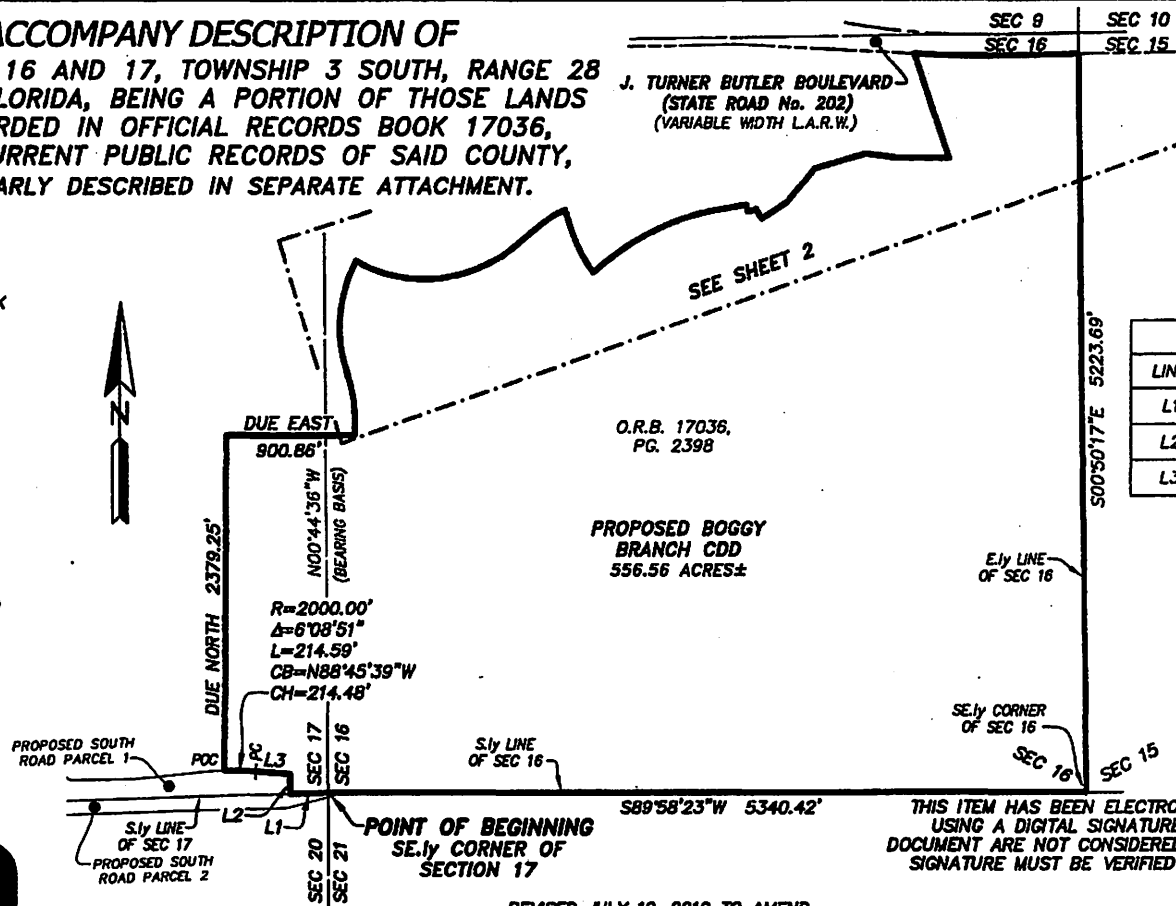
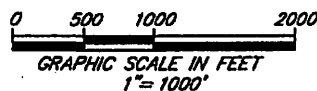
Boggy Branch CDD (Continued)

through a central angle of $32^{\circ}04'51''$, an arc length of 962.22 feet to a point of reverse curvature, said arc being by a chord bearing and distance of North $67^{\circ}05'20''$ East, 949.70 feet; thence Easterly along the arc of a curve concave Northerly having a radius of 731.50 feet, through a central angle of $08^{\circ}30'41''$, an arc length of 108.67 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $78^{\circ}52'25''$ East, 108.57 feet; thence South $15^{\circ}22'56''$ East, 48.50 feet to a point on a curve concave Northerly having a radius of 780.00 feet; thence Easterly along the arc of a said curve, through a central angle of $04^{\circ}26'06''$, an arc length of 60.38 feet to a point on said curve, said arc being subtended by a chord bearing a distance of North $72^{\circ}24'01''$ East, 60.36 feet; thence South $29^{\circ}44'09''$ East, 78.04 feet; thence North $56^{\circ}48'40''$ East, 205.79 feet; thence North $39^{\circ}29'40''$ East, 312.89 feet; thence North $74^{\circ}06'23''$ East, 375.50 feet; thence South $82^{\circ}31'23''$ East, 246.53 feet; thence North $89^{\circ}57'01''$ East, 339.18 feet; thence North $18^{\circ}25'21''$ West, 771.56 feet to a point lying on the Southerly limited access right of way line of J. Turner Boulevard, State Road No. 202, a variable width limited access right of way as presently established; thence Easterly, along said Southerly limited access right of way line the following 3 courses: Course 1, thence South $86^{\circ}54'32''$ East, 100.45 feet to a point on a curve concave Northerly having a radius of 4733.66 feet; Course 2, thence Easterly along the arc of said curve, through a central angle of $04^{\circ}32'32''$, an arc length of 375.27 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $88^{\circ}41'55''$ East, 375.17 feet; Course 3, thence North $89^{\circ}01'49''$ East, 676.51 feet to its intersection with the Easterly line of said Section 16; thence South $00^{\circ}50'17''$ East, departing said Southerly limited access right of way line and along said Easterly line, 5223.69 feet to the Southeasterly corner thereof; thence South $89^{\circ}58'23''$ West, along the Southerly line of said Section 16, a distance of 5340.42 feet to the Point of Beginning.

Containing 556.56 acres, more or less.

**SKETCH TO ACCOMPANY DESCRIPTION OF
A PORTION OF SECTIONS 16 AND 17, TOWNSHIP 3 SOUTH, RANGE 28
EAST, DUVAL COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS
DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 17036,
PAGE 2398, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY,
BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.**

LEGEND:
O.R.B. OFFICIAL RECORDS BOOK
PG. PAGE
L.A.R.W. LIMITED ACCESS
RIGHT OF WAY
SEC SECTION
PC POINT OF CURVATURE
POC POINT ON CURVE
R RADIUS
Δ CENTRAL ANGLE
L ARC LENGTH
CB CHORD BEARING
CH CHORD DISTANCE
L1 TABULATED LINE DATA



LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°15'27"W	268.53'
L2	N01°44'33"W	141.57'
L3	N85°41'13"W	241.67'

ETM

Surveying & Mapping, Inc.
VISION • EXPERIENCE • RESULTS

14775 Old St. Augustine Road, Jacksonville, FL 32258
Tel: (904) 642-8550 Fax: (904) 642-4165
Certificate of Authorization No.: LB 3624

SHEET 1 OF 2

- GENERAL NOTES:**
1) THIS IS NOT A SURVEY.
2) BEARINGS BASED ON THE EASTERLY LINE OF SECTION 17
AS BEING NORTH 00°44'36" WEST.

REVISED JULY 19, 2019 TO AMEND
MAP AND LEGAL DESCRIPTION.

REVISED MAY 7, 2019 TO AMEND
MAP AND LEGAL DESCRIPTION.

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED
USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS
DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



Digital Signature By:
Damon J. Kelly, PSM

DAMON J. KELLY
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA LS No. 6284

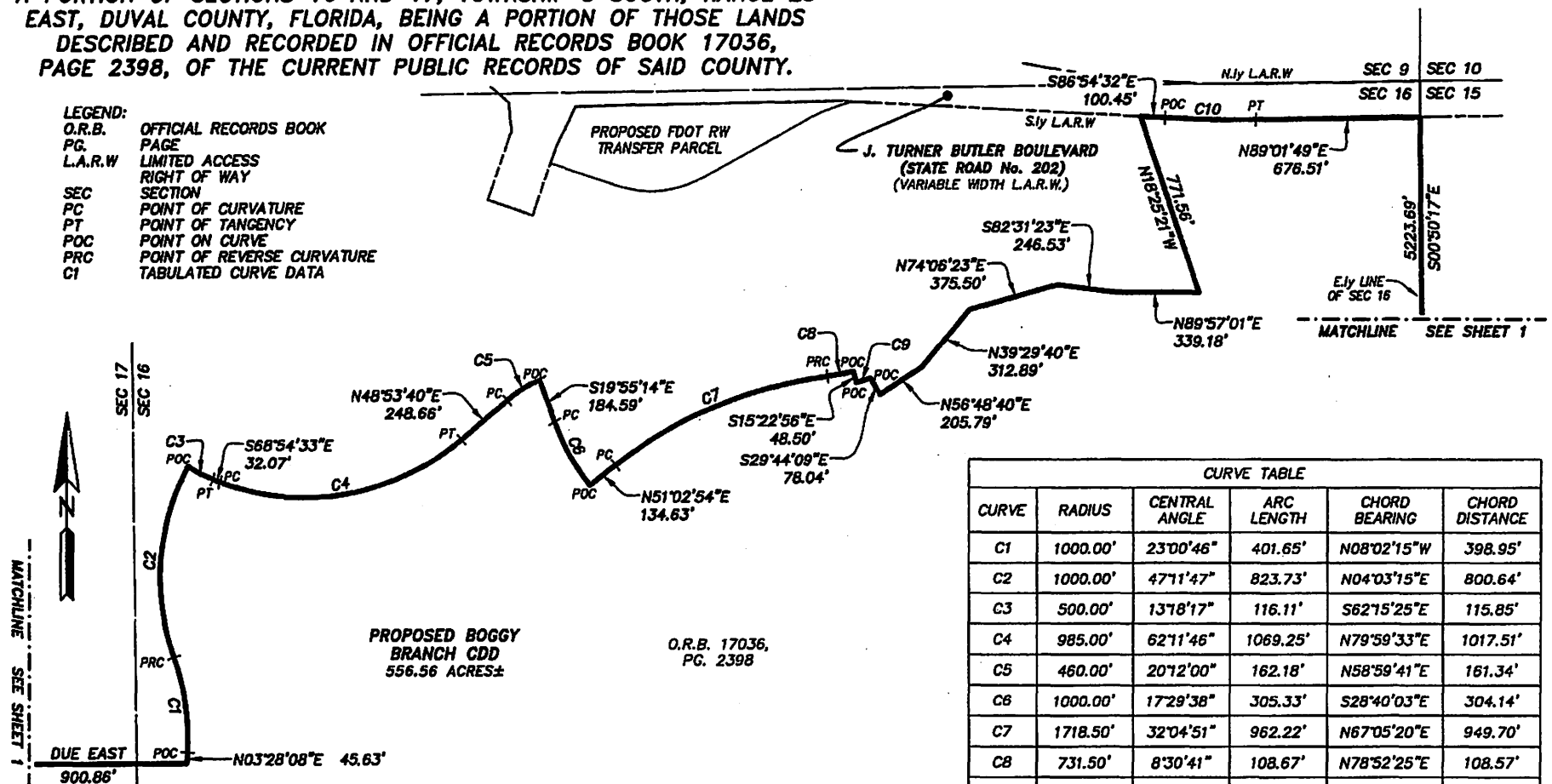
SCALE: 1"=1000'
DATE: MAY 8, 2019

CAD FILE: I:\Survey\RMPro\Buckhead\Southeast Quad\Sketches\Boggy Branch CDD-Rev 2.dwg

DRAWN BY: BAC ORDER NO.: 19-078.01 FILE NO.: 1250-17.018

LEGEND:
O.R.B. OFFICIAL RECORDS BOOK
P.G. PAGE
L.A.R.W LIMITED ACCESS

SEC RIGHT OF WAY
SECTION
PC POINT OF CURVATURE
PT POINT OF TANGENCY
POC POINT ON CURVE
PRC POINT OF REVERSE CURVATURE
C1 TABULATED CURVE DATA



CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	1000.00'	23°00'46"	401.65'	N08°02'15"W	398.95'
C2	1000.00'	47°11'47"	823.73'	N04°03'15"E	800.64'
C3	500.00'	13°18'17"	116.11'	S62°15'25"E	115.85'
C4	985.00'	62°11'46"	1069.25'	N79°59'33"E	1017.51'
C5	460.00'	20°12'00"	162.18'	N58°59'41"E	161.34'
C6	1000.00'	17°29'38"	305.33'	S28°40'03"E	304.14'
C7	1718.50'	32°04'51"	962.22'	N67°05'20"E	949.70'
C8	731.50'	8°30'41"	108.67'	N78°52'25"E	108.57'
C9	780.00'	4°26'06"	60.38'	N72°24'01"E	60.36'
C10	4733.66'	4°32'32"	375.27'	S88°41'55"E	375.17'

ETM SURVEYING & MAPPING, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32258 (904) 642-8550
CERTIFICATE OF AUTHORIZATION NO. LB 3624

SHEET 2 OF 2

SEE SHEET 1 FOR GENERAL NOTES.

CAD FILE: I:\Survey\RMApr\Buckhead\Southeast Quad\Sketches\Boggy Branch CDD-Rev 2.dwg

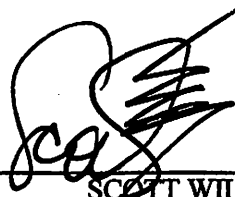
DRAWN BY: BAC ORDER NO.: 19-078.01 FILE NO.: 1250-17.01B

ORDINANCE 2019-483-E

CERTIFICATE OF AUTHENTICATION

ENACTED BY THE COUNCIL

August 27, 2019



SCOTT WILSON
COUNCIL PRESIDENT

AUG 30 2019

ATTEST:



DR. CHERYL L. BROWN
COUNCIL SECRETARY

APPROVED: _____



LENNY CURRY, MAYOR

