



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

June 1, 2005

Honorable Don W. Howard  
Clerk of the Circuit Court  
Okaloosa County  
101 East James Lee Boulevard  
Post Office Drawer 1359  
Crestview, Florida 32536-1359

Attention: Teresa Ward, Deputy Clerk

Dear Mr. Howard:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 25, 2005 and certified copy of Okaloosa County Ordinance No. 05-50, which was filed in this office on May 31, 2005.

Sincerely,

Liz Cloud  
Program Administrator

LC/kcs

**ORDINANCE NO. 05-50**

AN ORDINANCE ESTABLISHING THE HERITAGE PLANTATION COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Southeastern Consulting Development Company, Inc., (hereafter "Petitioner"), having obtained written consent to the establishment of the District by the owner of one hundred percent (100%) of the real property to be included in the District, petitioned the Board of County Commissioners of Okaloosa County (the "County") to adopt an ordinance establishing the Heritage Plantation Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2004); and

WHEREAS, Petitioner is a corporation authorized to conduct business in the State of Florida and whose address is 4460 Legendary Drive Suite 100, Destin, Florida 32541; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on May 17, 2005; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact, and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the petition.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Okaloosa County, Florida:

**SECTION 1. AUTHORITY.**

This ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes as amended (the "Act").

**SECTION 2. DISTRICT NAME.**

There is hereby created a community development district situated entirely within unincorporated Okaloosa County, Florida, which District shall be known as the "Heritage Plantation Community Development District."

**SECTION 3. EXTERNAL BOUNDARIES OF THE DISTRICT.**

Encompassing approximately 913 acres, the external boundaries of the District are described in Exhibit A attached hereto.

**SECTION 4. FUNCTION AND POWERS.**

Pursuant to general law, the exclusive charter for each independent community development district established under Chapter 190, Florida Statutes, is the uniform community development district charter (the "Uniform Charter") as set forth in §190.006 through 190.041, Florida Statutes. This Uniform Charter is not subject to modification pursuant to §.190.005(2)(d), Florida Statutes. The Uniform Charter grants certain general and special powers among which include the following:

(A) General Powers - The District and the District's Board of Supervisors are authorized to exercise all powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time. Said powers include, but are not limited to the power:

(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the state retirement fund.

(3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts

shall be subject to public bidding or competitive negotiation requirements as set forth in §190.033, Florida Statutes.

(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(5) To adopt rules and orders pursuant to provisions of Chapter 120, Florida Statutes, prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

(6) To maintain an office at such place or places as it may designate within the county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to §189.417(3), Florida Statutes of a district within the boundaries of a development of regional impact of Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.

(7) (a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.

(b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in §190.003(13), Florida Statutes, to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground rent using the procedures authorized in §197.3631, Florida Statutes, other than the procedures contained in §197.3632, Florida Statutes.

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special

assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(10) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution and not inconsistent with law.

(11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of Chapters 73 and 74, Florida Statutes, over any property within the state, except municipal, county, state and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized herein or by the Act.

(13) To assess and impose upon lands in the district ad valorem taxes as provided by the Act.

(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to the act and Chapter 170, Florida Statutes. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of §197.3631, 197.3632, and 197.3635, or Chapter 170, Florida Statutes.

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by the Act.

(16) To exercise such special powers as may be authorized by this Section and the Act.

(B). Special Powers The District and the District's Board of Supervisors are authorized to exercise all special powers granted pursuant to the Uniform Charter of the Act as amended through the date hereof and as such may be amended from time to time. Said powers include, but are not limited to the power.

(1) To finance, fund, plan, establish, acquire, construct, 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.

(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) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to §380.06 or §380.061, Florida Statutes, approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

(C) Additional Powers. Consent is hereby given to the District and the District's Board of Supervisors to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses as authorized and described by Section 190.012(2), Florida Statutes.

**SECTION 5. BOARD OF SUPERVISORS.**

The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Stephen C Riggs, Stephen C. Riggs IV, Sterling C. Riggs, Stewart C. Riggs, and Larry Pyatt. All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

**SECTION 6. SEVERABILITY.**

If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect pursuant to general law.

DONE AND ADOPTED in regular session this 17th day of May, 2005

**BOARD OF COUNTY COMMISSIONERS  
OF OKALOOSA COUNTY, FLORIDA**

William J. R.

Its: Chairman



Attest:

Don W. Howard

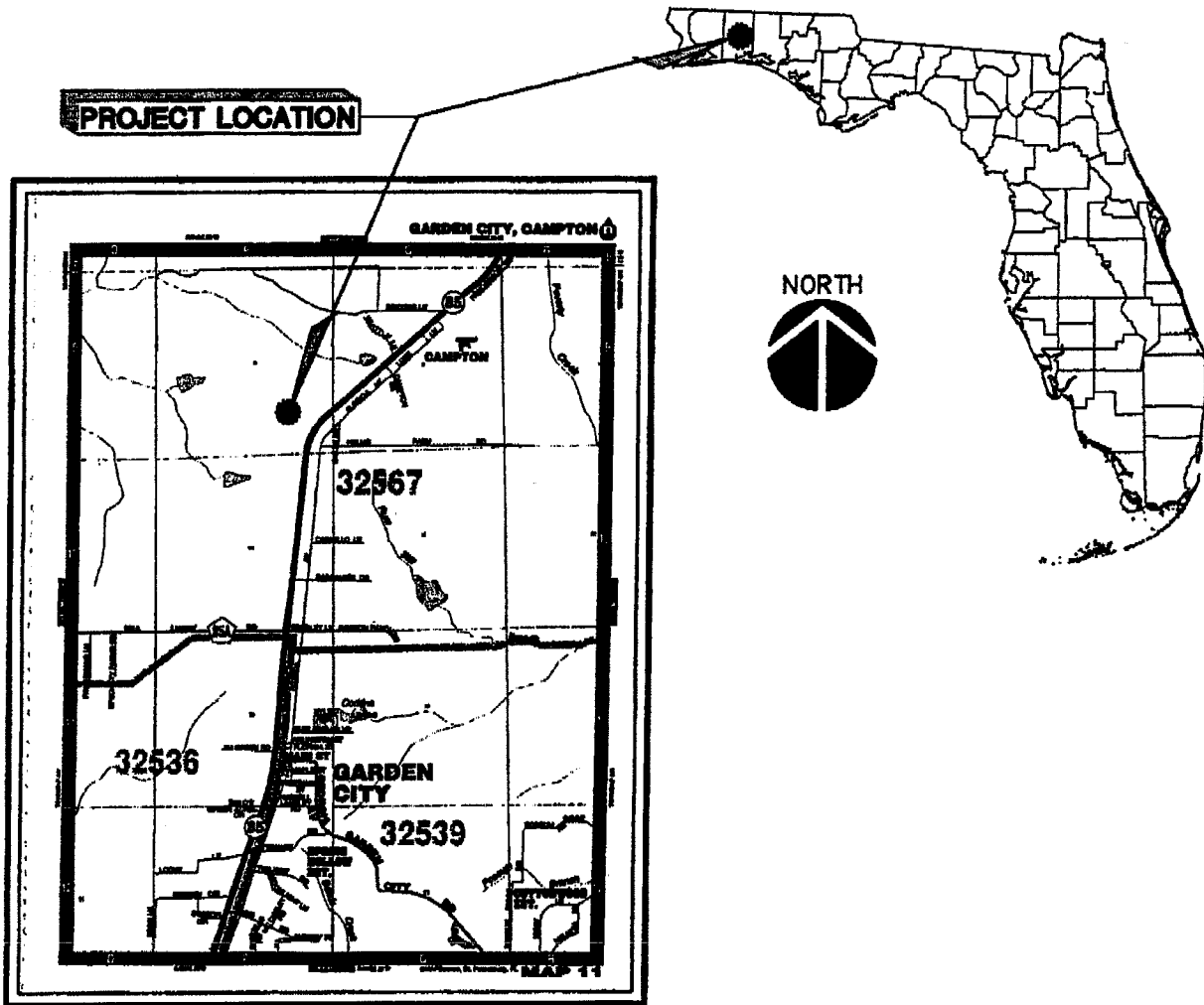
Its: Ex-officio Clerk



Approved as to form by the Okaloosa County Attorney.

[Signature]  
County Attorney

# HERITAGE PLANTATION LOCATION OF PROJECT EXHIBIT "1"



LATITUDE = 30°52'05"  
 LONGITUDE = 86°31'34"  
 SECTION = 2, 3, 4, & 34  
 TOWNSHIP = 4 & 5 NORTH  
 RANGE = 23 WEST  
 COUNTY = OKALOOSA

THE PROJECT SITE IS LOCATED IN OKALOOSA COUNTY, FLORIDA. FROM THE INTERSECTION OF HWY 90 AND HWY 85 IN CRESTVIEW, HEAD NORTH ON HWY 85 APPROXIMATELY 8.3 MILES. THE ENTRANCE TO THE PROJECT IS ON THE LEFT OF HWY 85 IN THE TOWN OF AUBURN.

E04036



## GUSTIN, COTHERN & TUCKER, INC. L.B. #3501

LAND SURVEYING / CIVIL ENGINEERING

(850) 678 - 5141

121 HART STREET

NICEVILLE, FL 32578



# HERITAGE PLANTATION BOUNDARY AND LEGAL DESCRIPTION SKETCH EXHIBIT "2"



TOWNSHIP 8 NORTH, RANGE 22 WEST 33

34 35

2

9 10

3 2  
10 11

E04036

SHEET 1 OF 2



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# HERITAGE PLANTATION BOUNDARY AND LEGAL DESCRIPTION SKETCH EXHIBIT "2"

**DESCRIPTION:**

**PARCEL "A"**

A PARCEL OR TRACT OF LAND SITUATED IN SECTION 2 AND IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 3, ALSO THE SOUTHWEST CORNER OF SAID SECTION 2; THENCE PROCEED S89°21'48"W, ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 713.46 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD #85, (VARIABLE RIGHT OF WAY), AND THE POINT OF BEGINNING; THENCE CONTINUE S89°21'48"W, ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 4555.62 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE PROCEED N01°05'24"E, ALONG THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 5545.64 FEET TO THE NORTHWEST CORNER OF SAID SECTION 3; THENCE PROCEED S89°21'47"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 2629.28 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 3; THENCE PROCEED S89°19'50"E, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 2631.18 FEET TO THE NORTHEAST CORNER OF SAID SECTION 3, ALSO THE NORTHEAST CORNER OF SAID SECTION 2; THENCE PROCEED S01°01'21"W, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 4292.95 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROAD #85; THENCE PROCEED S50°20'48"W, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROAD #85, A DISTANCE OF 119.08 FEET; THENCE PROCEED N39°39'12"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET; THENCE PROCEED S50°20'48"W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 116.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1577.98 FEET; THENCE PROCEED ALONG THE ARC OF SAID CURVED WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 03°30'00 SECONDS, AN ARC DISTANCE OF 96.39 FEET, (CHORD BEARING AND DISTANCE - S48°35'48"W, 96.38 FEET); THENCE PROCEED S43°09'12"E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET TO A POINT LYING ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1567.98 FEET; THENCE PROCEED ALONG THE ARC OF SAID CURVED WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 38°58'35 SECONDS, AN ARC DISTANCE OF 1065.74 FEET, (CHORD BEARING AND DISTANCE - S27°22'30"W, 1045.34 FEET), TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, CONTAINING 651 ACRES, MORE OR LESS.

**PARCEL "B"**

THE EAST HALF OF THE NORTHEAST QUARTER, AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA.

AD ALSO:

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, LESS AND EXCEPT THE WEST 251.00 FEET THEREOF.

**PARCEL "C"**

THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 5 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA.

**PARCEL "D"**

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA; THENCE PROCEED NORTH 01 DEGREES 01 MINUTES 21 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 2095.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01 DEGREES 01 MINUTES 21 SECONDS EAST, ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 677.52 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE PROCEED SOUTH 89 DEGREES 13 MINUTES 07 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 756.62 FEET; THENCE, DEPARTING THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2, PROCEED SOUTH 00 DEGREES 46 MINUTES 53 SECONDS WEST, A DISTANCE OF 203.13 FEET; THENCE PROCEED SOUTH 21 DEGREES 22 MINUTES 25 SECONDS EAST, A DISTANCE OF 626.89 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD #85, (VARIABLE RIGHT OF WAY); THENCE PROCEED SOUTH 52 DEGREES 38 MINUTES 14 SECONDS WEST, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROAD #85, A DISTANCE OF 36.76 FEET; THENCE PROCEED SOUTH 50 DEGREES 55 MINUTES 11 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 200.01 FEET; THENCE PROCEED SOUTH 50 DEGREES 20 MINUTES 48 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 269.32 FEET; THENCE, DEPARTING THE WESTERLY RIGHT OF WAY LINE OF SAID STATE ROAD #85, PROCEED NORTH 49 DEGREES 35 MINUTES 38 SECONDS WEST, A DISTANCE OF 102.57 FEET; THENCE PROCEED NORTH 54 DEGREES 32 MINUTES 08 SECONDS WEST, A DISTANCE OF 643.86 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED, CONTAINING 18.12 ACRES, MORE OR LESS.

E04036

SHEET 2 OF 2



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