

AN ACT TO BE ENTITLED

AN ORDINANCE ESTABLISHING THE HERITAGE SPRINGS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE MEMBERS OF THE BOARD OF SUPERVISORS; PROVIDING FOR THE ADMINISTRATION, OPERATION, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, U.S. Home Corporation (the Petitioner) has petitioned the Pasco County Board of County Commissioners (the County) to adopt an ordinance establishing the Heritage Springs Community Development District (the District) pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, the County finds that all statements contained in the Petition to Establish the Heritage Springs Community Development District (the Petition) are true and correct; and,

WHEREAS, the County finds that the creation of the District is not inconsistent with any applicable element or portion of the State of Florida Comprehensive Plan or the Pasco County Comprehensive Plan; and,

WHEREAS, the County finds that the area of land within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as a functional interrelated community; and,

WHEREAS, the County finds that 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; and,

WHEREAS, the County finds that the community development 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,

WHEREAS, the County finds that the area that will be served by the District is amenable to separate special-district government; and,

WHEREAS, the County finds that a Community Development District does not substitute for a homeowners' association; therefore, the creation of a homeowners' association shall be required prior to the record platting on each phase within the development; and,

WHEREAS, the County finds that the number of residential units planned within the District may require community facilities to be used to accommodate the establishment of a polling place by Pasco County Supervisor of Elections; and,

WHEREAS, the County finds that the District will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management, and financial needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. CREATION.

That there is hereby created the Heritage Springs Community Development District which shall operate in accordance with the charter attached as Exhibit 1.

SECTION 2. SEVERABILITY.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance shall be declared invalid, the remainder of this ordinance shall be construed as not having contained such section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 3. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed in the Office of the Secretary of State by the Clerk to the Board within ten (10) days after adoption of this ordinance, and shall take effect upon official acknowledgement from that office that said ordinance has been filed.

ADOPTED this 24th day of NOVEMBER, 1998.

(SEAL)



ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman  
JED PITTMAN, CLERK

BY: Don Hinshaw  
CHAIRMAN

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the County Attorney

APPROVED  
NOV 24 1998

BY: Kath S. Owens  
ATTORNEY

## CHARTER

### I. COMMUNITY DEVELOPMENT DISTRICT ESTABLISHED

Pursuant to Chapter 190, Florida Statutes (F.S.), a community development district, henceforth to be known as the Heritage Springs Community Development District (the District), is established, and this Charter is hereby adopted. The land within the District includes a portion of a master planned project generally known as "Heritage Springs" in Pasco County, Florida.

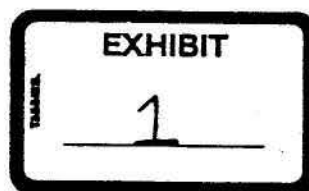
### II. GENERAL AND SPECIAL POWERS

The District shall have all power as set forth in Chapter 190, F.S., this Charter, and any other applicable law.

#### a. General Powers

The District shall have, and the District Board of Supervisors (the District Board) may exercise, all powers which can be granted to a community development district pursuant to Chapter 190, F.S., or other applicable law. Such powers include, but are not limited to, the following:

- i. 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.
- ii. 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.



- iii. To contract for 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 set forth in §190.033, F.S.
- iv. 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.
- v. To adopt rules and orders pursuant to the provisions of Chapter 120, F.S., 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 other form of certificates evidencing tax liens and all other documents and records of the District. The District 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 District Board may also adopt resolutions which may be necessary for the conduct of District business.
- vi. To maintain an office at such place or places as it may designate within Pasco County which office must be reasonably accessible to the landowners.
- vii. 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 reservation for those purposes authorized by this Charter

or applicable law and to make use of such easements, dedications, or reservations for any of the purposes authorized by this Charter.

viii. 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 Charter.

ix. To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness; to levy such tax and special assessments; and to charge, collect, and enforce fees and other user charges all as provided in Chapter 190, F.S., (1990) or as may otherwise be authorized by law.

x. To raise, by user charges or fees, 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 not inconsistent with law.

xi. To exercise within the District, or beyond the District with prior approval by resolution of the Board of County Commissioners 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, F.S., 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, 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.

xii. 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 by this Charter, Chapter 190, F.S. or other applicable law.

xiii. To assess and impose upon lands in the District ad valorem taxes as provided by this Charter, Chapter 190, F.S. or other applicable law.

xiv. To determine, order, levy, impose, collect, and enforce special assessments pursuant to Chapter 190 and Chapter 170, F.S. 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, F.S.

xv. To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this Charter.

xvi. To exercise such special powers as may be authorized by Chapter 190, F.S.

b. Special Powers

The District shall have, and the District Board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included in the District, any or all of the following special powers relating to public improvements and community facilities authorized by Chapter 190, F.S., other applicable law or this Charter. Such special powers include but are not limited to the following:

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

(1) Water management and control for the lands within the District and to connect some or any of such facilities with roads and bridges.

(2) Water supply, sewer, and wastewater management, 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.

(3) 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.

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

(5) Any other project within or without the boundaries of the District when a local government has issued a development order pursuant to §380.06 or §380.061, F.S., 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 District and a governmental entity and is consistent with the local comprehensive plan of the local government within which the project is to be located.

ii. To finance, plan, fund, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

(1) Parks and facilities for indoor and outdoor recreation, cultural, and educational uses.

(2) Fire prevention and control, including fire stations, water mains and plugs, fire trucks and other vehicles and equipment.

(3) 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.

(4) Security, including but not limited to, guardhouses, fences and gates, electronic intrusion - detection system and patrol cars, except that the District may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the District.

(5) Control and elimination of mosquitoes and other arthropods of public health importance.

(6) Waste collection and disposal.

iii. To adopt and enforce appropriate rules in connection with the provision of one or more services through its systems and facilities.

c. The District does not have any zoning or development permitting power. All



County planning, building, environmental, and land development laws, regulations, and ordinances apply to all development of land within the District. The District shall take no action which is inconsistent with the Pasco County Comprehensive Plan.

### III. BOUNDARIES OF THE DISTRICT

The District shall consist of all land located within the area described in Exhibit A.

### IV. BOARD OF SUPERVISORS

The Board of Supervisors (the District Board) shall be the governing Board of the District.

The District Board shall exercise the powers granted to the District pursuant to this Charter, Chapter 190, F.S. or other applicable law.

#### d. Membership

i. The initial District Board shall consist of the following five members:

Robert F. Fertig  
Robert L. Friedman  
Lee R. Thompson  
John Martins  
John J. Lukaszewski, Jr.

Except as otherwise provided herein, each member shall hold office for a term of four years and until his successor is chosen and qualifies. The members of the District Board must be residents of the state and citizens of the United States.

ii. Within 90 days following the effective date of this Charter, there shall be held a meeting of the landowners of the District for the purpose of electing five supervisors for the District. Notice of the landowners' meeting shall be published once a week for two consecutive weeks in a newspaper which is in general circulation in the area of the District, the last day of such publication to be not

fewer than fourteen (14) days or more than twenty eight (28) days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chairman who shall conduct the meeting. At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him and located within the District for each person to be elected. A landowner may vote in person or proxy in writing. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one (1) vote with respect thereto. The two candidates receiving the highest number of votes shall be elected for a period of four (4) years, and the three (3) candidates receiving the next largest number of votes shall be elected for a period of two (2) years. The members of the first board elected by landowners shall serve their respective four (4) year or two (2) year terms; however, the next election by landowners shall be held on the first Tuesday in November. Thereafter, there shall be an election of supervisors with respect to those supervisors whose terms are expiring every two (2) years on the first Tuesday in November. The two (2) candidates receiving the highest number of votes shall be elected to service for a 4-year period and the remaining candidates elected shall serve for a 2-year period.

iii. If the District Board proposes to exercise the ad valorem taxing power authorized by §190.021, F.S. as amended, the District Board shall call an election at which the members of the District Board will be elected. Such election shall be held in conjunction with a primary or general election unless the District bears the cost of a special election. Each member shall be elected by the qualified electors of the District for a term of four (4) years, except that, at the first such election,

three (3) members shall be elected for a period of four (4) years and two (2) members shall be elected for a period of two (2) years. All elected Board members must be qualified electors of the District.

iv. Members of the District Board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by §876.05, F.S. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the District Board shall fill the vacancy by an appointment for the remainder of the unexpired term.

v. A majority of the members of the District Board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the District shall be upon a vote of a majority of the members present unless general law or a rule of the District requires a greater number.

vi. As soon as practicable after each election or appointment, the District Board shall organize by electing one of its members as chairman and by electing a secretary, who need not be a member of the District Board, and such other officers as the District Board may deem necessary.

vii. The District Board shall keep a permanent record book entitled "Record of Proceedings of Heritage Springs Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and

municipal records pursuant to Chapter 119, F.S. The record book shall be kept at the office or other regular place of business maintained by the District Board in Pasco County.

viii. Pursuant to resolution of the District Board, each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200.00 per meeting of the Board of Supervisors, not to exceed \$4,800.00 per year per supervisor, or an amount as may be established by the electors of the District at referendum. In addition, subject to approval by the District Board, each supervisor shall receive travel and per diem expenses as set forth in §112.061, F.S., (1990).

ix. All meetings of the District Board shall be open to the public and governed by the provisions of Chapter 286, F.S.

e. Duties

i. The Board shall employ, and fix the compensation of, a District Manager. The District Manager shall have charge and supervision of the works of the District and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this Charter, Chapter 190, F.S., or other applicable law, for maintaining and operating the equipment owned by the District, and for performing such other duties as may be prescribed by the District Board. It shall not be a conflict of interest under Chapter 112, F.S., for a District Board member or the District Manager or another employee of the District to be a stockholder, officer, or employee of a landowner within the District. The District Manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation,

professional, supervisory, and clerical employees, as may be necessary and authorized by the District Board. The compensation and other conditions of employment of the officers and employees of the District shall be as provided by the District Board.

ii. The District Board shall designate a person who is a resident of the state as treasurer of the District, who shall have charge of the funds of the District. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the District Board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the District Board. The District Board may give the treasurer such other or additional powers and duties as the District Board may deem appropriate and may fix his compensation. The District Board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the District Board to secure the performance by the treasurer of his powers and duties. The financial records of the District Board shall be audited by an independent certified public accountant at least once a year.

## **V. OPERATION OF THE DISTRICT**

The operations, requirements for disclosure, duration and dissolution, and all other affairs and practices of the District shall be governed by and in accordance with Chapter 190, F.S. and other applicable law.

## **VI. FUTURE AMENDMENTS TO LAW**

In the event of any future amendments to Chapter 190, F.S. or to any other law applicable to the District, such amendments shall be applicable to the District if it is otherwise the intent of

such amendment that it apply to community development districts in existence at the time of enactment or upon the effective date of such future amendments. In the event such future amendments provide that their applicability shall be discretionary or subject to specified conditions, this Charter shall not affect the exercise of such discretion or the conditions upon which such future amendments would become applicable to the District.

## VII CHAPTER 189 DISCLOSURES

Pursuant to Sections 189.4031 and 189.404(3), Florida Statutes, the Charter for the Heritage Springs Community Development District is hereby supplemented to include and disclose the following:

### (a) THE PURPOSE OF THE DISTRICT. *SECTION 190.002, FLA. STAT.*

The purpose of the district is to construct, manage and finance basic community development services pursuant to Section 190.002, Fla. Stat. which provides:

**190.002 Legislative findings, policies, and intent.**

(1) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation, and duration of independent districts to manage and finance basic community development services; and that based upon a proper and fair determination of applicable facts, an independent district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with appropriate due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services for community development districts be under one coordinated entity.

(2) It is the policy of this state:

(a) That the needless and indiscriminate proliferation, duplication, and fragmentation of local general-purpose government services by independent districts is not in the public interest.

b) That independent districts are a legitimate alternative method available for use by the private and public sectors, as authorized by state law, to manage and finance basic services for community developments.

(c) That the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under chapter 380 and that the district so established does not have any zoning or permitting powers governing development.

(d) That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service-delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.

(3) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to establish an independent special district as an alternative method to manage and finance basic services for community development. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent district. It is further the purpose and intent of the Legislature that a district created under this chapter not have or exercise any zoning or development permitting power, that

the establishment of the independent community development district as provided in this act not be a development order within the meaning of chapter 380, and that all applicable planning and permitting laws, rules, regulations, and policies control the development of the land to be serviced by the district. It is further the purpose and intent of the Legislature that no debt or obligation of a district constitute a burden on any local general-purpose government without its consent.

History.— 2, ch. 80-407; 3, 1, ch. 84-382.

(b) THE POWERS, FUNCTIONS, AND DUTIES OF THE DISTRICT REGARDING AD VALOREM TAXATION (SECTION 190.021(1)), BOND ISSUANCE (SECTION 190.014 THROUGH 190.017), OTHER REVENUE-RAISING CAPABILITIES (SECTION 190.035), BUDGET PREPARATION AND APPROVAL (SECTION 190.008), LIENS AND FORECLOSURE OF LIENS, USE OF TAX DEEDS AND TAX CERTIFICATES AS APPROPRIATE FOR NON-AD VALOREM ASSESSMENTS (SECTIONS 190.024 THROUGH 190.026), AND CONTRACTUAL AGREEMENTS (SECTION 190.033).

The district may levy ad valorem taxes to construct, operate, and maintain assessable improvements subject to and in accordance with Section 190.021(1), Fla. Stat. which provides:

**190.021 Taxes: non-ad valorem assessments.—**

(1) **AD VALOREM TAXES.**—An elected board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general-purpose government to exercise one or more powers specified in s. 190.012(2) may levy an additional 2 mills for operating purposes, exclusive of debt service on bonds. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes. The levy of ad valorem taxes shall be approved by referendum when required by the State Constitution.

The district may issue general obligation bonds, benefit bonds, and revenue bonds which may be sold at private or public sale. The issuance of bonds shall be pursuant to Section 190.016, Fla. Stat. which provides:

**190.016 Bonds.—**

(1) **SALE OF BONDS.**—Bonds may be sold in blocks or instalments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special



assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

- (a) The money paid for the bonds;
- (b) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds; and
- (c) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

(2) AUTHORIZATION AND FORM OF BONDS.—

Any general obligation bonds, benefit bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in s. 190.003(7); the rate or rates of interest, in compliance with s. 215.84; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(6) and (7) regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

3) INTERIM CERTIFICATES, REPLACEMENT CERTIFICATES.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated, lost, or destroyed.

4) NEGOTIABILITY OF BONDS.—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

(5) DEFEASANCE.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(6) ISSUANCE OF ADDITIONAL BONDS.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(7) REFUNDING BONDS.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment

of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

**(8) REVENUE BONDS.—**

(a) The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

(b) Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

**(9) GENERAL OBLIGATION BONDS.—**

(a) The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the

assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the board of county commissioners of the county upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

(b) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to s. 170.08.

2. Water revenues, sewer revenues, or water and sewer revenues of the district to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1. and 2.

#### **(10) BONDS AS LEGAL INVESTMENT OR SECURITY.—**

(a) Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and

other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

b) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(11) **COVENANTS.**—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to assure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(12) **VALIDATION PROCEEDINGS.**—The power of the district to issue bonds under the provisions of this act may be determined, and any of the bonds of the district maturing over a period of more than 5 years shall be validated and confirmed, by court decree, under the provisions of chapter 73 and laws amendatory thereof or supplementary thereto.

(13) **ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF BONDS.**—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district. Nothing in this act shall be construed to authorize the district to utilize bond proceeds to fund the ongoing operations of the district.

(4) PLEDGE BY THE STATE TO THE BOND-HOLDERS OF THE DISTRICT.—The state agrees to the holders of any bonds issued under this act that it will not impair or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or finish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.

(5) DEFAULT.—A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government of the state.

History.—S. 2, 21, 20-407; S. 1, 21, 21-215; S. 10, 21, 21-362; S. 24, 21, 21-400; S. 1, 21, 21-263; S. 2, 21, 21-147.

The district may also issue bond anticipation notes pursuant to Section 190.014 and make short-term borrowings pursuant to Section 190.015:

**190.014** Issuance of bond anticipation notes.—In addition to the other powers provided for in this act and not in limitation thereof, the district shall have the power, at any time, and from time to time after the issuance of any bonds of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine in compliance with s. 215.84, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds; but in such event a like amount of the bonds authorized shall not be issued.

History.—S. 2, 21, 20-407; S. 2, 21, 21-215.

**190.015 Short-term borrowing.**—The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear such interest as the board may determine in compliance with s. 215.84 and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times, to bear such interest as the board may determine in compliance with s. 215.84, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.

History.— s. 2, ch. 80-407, § 82, ch. 81-259, §. 10, ch. 83-215

The district's other revenue-raising capabilities consist of the discretionary right to prescribe, fix, establish, and collect rates, fees, rentals, or other charges for the facilities and services furnished by the district pursuant to Section 190.035, Fla. Stat. which provides:

**190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.**—

(1) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the district at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number or average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues,

or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(5) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district.

Repealed by Act 2, ch. 80-407, S. 10, ch. 91-308.



The district shall prepare and adopt an annual budget in the manner prescribed by Section 190.008, Fla. Stat. which provides:

**190.008 Budget: reports and reviews.—**

(1) The district shall provide financial reports in such form and such manner as prescribed pursuant to this chapter and chapter 218.

21(a) On or before each July 15, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes and assessments provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.

(b) At least 60 days prior to adoption, the district board shall submit to the local governing authorities having jurisdiction over the area included in the district, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year and any proposed long-term financial plan or program of the district for future operations.

(c) The local governing authorities may review the proposed annual budget and any long-term financial plan or program and may submit written comments to the board for its assistance and information in adopting its annual budget and long-term financial plan or program.

History.— 2, ch. 80-407.

The taxes and assessments levied by the district shall constitute a lien against the property subject to such tax or assessment as set forth in Section 190.024, Fla. Stat. which provides:

**190.024 Tax liens.**—All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of ss. 194.171, 197.122, 197.333, and 197.432 shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

History.— s. 1, ch. 80-407, § 33, eff. 8-2-228, s. 202, ch. 80-342, § 27, ch. 80-280

The district is entitled to share in the proceeds of a tax sale by the issuance of tax sales certificates or tax deeds pursuant to Section 190.025, Fla. Stat. The district may also foreclose any lien in favor of the district pursuant to Section 190.026, Fla. Stat. These statutes provide:

**190.025 Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.**—

(1) The district has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and

(b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

3) In any sale of land pursuant to s. 197.542 and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

History.— 2007, Ch. 80-407, § 203, nn. 65-74.

**190.026 Foreclosure of liens.**—Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 173 and amendments thereto; the provisions of that chapter shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 173 may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax or installment thereof becomes delinquent; however no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

History.— 2007, Ch. 80-407.

The district may enter into contractual agreements, but the district must comply with the competitive bidding and competitive negotiation process set forth in Section 190.033, Fla. Stat. which provides:

**190.033 Bids required.**—

(1) No contract shall be let by the board for the construction of any project authorized by this act, nor shall any goods, supplies, or materials be purchased, when the amount thereof to be paid by the district shall exceed \$10,000, unless notice of bids shall be advertised once in a newspaper in general circulation in the county and in the district. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high, or the board determines it is in the best interests of the district to reject all bids. The board may require the bidders to furnish bond with a responsible surety to be approved by the board. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

2) The provisions of the Consultants Competitive Negotiation Act, s. 287.055, apply to contracts for engineering, architecture, landscape architecture, or professional surveying and mapping services let by the board.

3) Contracts for maintenance services for any district facility or project shall be subject to competitive bidding requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017(1) and (2) for category two. The district shall adopt rules establishing competitive bidding procedures for maintenance services. Contracts for other services shall not be subject to competitive bidding unless the district adopts a rule applying competitive bidding procedures to said contracts.

History.— s. 2, ch. 80-407; s. 9, ch. 91-308; s. 112, ch. 94-119

### (c) THE METHODS FOR ESTABLISHING THE DISTRICT. *SECTION 190.005*

The exclusive and uniform method for the establishment of the district is set forth in Section 190.005(2) which governs the creation of community development districts of less than 1,000 acres. This statute provides:

(2) The exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission shall not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006 through 190.041. An ordinance establishing a community development district shall include the matters provided for in paragraph (1)(f).

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval.

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

**(d) THE METHOD FOR AMENDING THE CHARTER OF THE DISTRICT.**  
*SECTIONS 190.005(2)(d)*

The charter of the district is established by general law and cannot be amended by County ordinance pursuant to Section 190.005(2)(d) which provides:

(d) The county commission shall not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006 through 190.041. An ordinance establishing a community development district shall include the matters provided for in paragraph (1)(f).

**(e) THE MEMBERSHIP AND ORGANIZATION OF THE GOVERNING BOARD OF THE DISTRICT. IF A DISTRICT CREATED AFTER SEPTEMBER 30, 1989, USES A ONE-ACRE/ONE-VOTE ELECTION PRINCIPLE, IT SHALL PROVIDE FOR A GOVERNING BOARD CONSISTING OF FIVE MEMBERS. THREE MEMBERS SHALL CONSTITUTE A QUORUM. SECTION 190.007.**

The original charter of the district sets forth the membership and organization of the governing board of the district as specified in Section 190.007, Fla. Stat. which provides:

190.007 Board of supervisors: general duties.—

The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

2) The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 250.02 which meets all the requirements of chapter 280 and has been designated by the Treasurer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

History.—s. 2, ch. 80-487; s. 7, ch. 84-382; s. 22, ch. 88-191; s. 388, ch. 88-147.

**(f) THE MAXIMUM COMPENSATION OF A GOVERNING BOARD MEMBER.  
SECTION 190.006(8).**

The original charter of the district sets forth the maximum compensation of a governing board member as set forth in Section 190.006(8) which provides:

(8) Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the board of supervisors, not to exceed \$4,800 per year per supervisor, or an amount established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in s. 112.061.

**(g) THE ADMINISTRATIVE DUTIES OF THE GOVERNING BOARD OF THE DISTRICT. SECTION 190.007.**

The board must have a district manager and designate a treasurer who shall have charge of the funds of the district. The board is authorized to select a qualified public depository for the deposit of district funds. These administrative duties are set forth in Section 190.007, Fla. Stat. which provides:

**190.007 Board of supervisors; general duties.—**

(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

(2) The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Treasurer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

History.— 2, ch. 80-407, § 7, ch. 84-262, § 32, ch. 86-181, § 262, ch. 89-147

#### (h) THE APPLICABLE FINANCIAL DISCLOSURE, NOTICING, AND REPORTING REQUIREMENTS. SECTIONS 190.006(7), (8), AND (9); 190.009

The board must maintain a permanent public record book, meetings of the board are open to the public and subject to the government in the sunshine requirements. The district must also provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. These requirements are set forth in Sections 190.006(7), (8), and 9 and in Section 190.009, Fla. Stat. which provide:

(7) The board shall keep a permanent record book entitled "Record of Proceedings of \_\_\_\_\_ Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located.

(8) Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the board of supervisors, not to exceed \$4,800 per year per supervisor, or an amount established by the electors at referendum, in addition, each supervisor shall receive travel and per diem expenses as set forth in s. 112.061.

(9) All meetings of the board shall be open to the public and governed by the provisions of chapter 286.

History.— 2, ch. 80-407, § 8, ch. 84-262, § 23, ch. 86-82, § 2, ch. 91-302, § 262, ch. 95-147



**190.009 Disclosure of public financing.—**

(1) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance or 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 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 or improvements in the public offering statement.

(2) The Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation shall ensure that disclosures made by developers pursuant to chapter 498 meet the requirements of subsection (1).

(3) The Department of Community Affairs shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

History.— s. 2, ch. 80-407, § 11, ch. 81-187, § 13, ch. 83-54, § 1, ch. 85-80, § 2, ch. 90-46, § 7, ch. 94-218.

**(i) IF A DISTRICT HAS AUTHORITY TO ISSUE BONDS, THE PROCEDURES AND REQUIREMENTS FOR ISSUING BONDS. SECTION 190.016**

The district has the authority to issue bonds. The procedures and requirements for issuing bonds is set forth in detail in Section 190.016, Fla. Stat. which provides:

**190.016 Bonds.—**

(1) **SALE OF BONDS.**—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

- (a) The money paid for the bonds;
- (b) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds; and

1) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

2) **AUTHORIZATION AND FORM OF BONDS.**—Any general obligation bonds, benefit bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be expended, including, but not limited to, payment of costs as defined in s. 190.003(7); the rate or rates of interest, in compliance with s. 215.84; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(6) and (7) regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(3) **INTERIM CERTIFICATES; REPLACEMENT CERTIFICATES.**—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated, lost, or destroyed.

(4) **NEGOTIABILITY OF BONDS.**—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

5) DEFEASANCE.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

6) ISSUANCE OF ADDITIONAL BONDS.—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(7) REFUNDING BONDS.—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at once satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

### **8) REVENUE BONDS.—**

a) The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

b) Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may hereafter combine the projects then being financed or thereafter financed with other projects to be subsequently financed by the district and that revenue bonds to be hereafter issued by the district shall be on par with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

### **(9) GENERAL OBLIGATION BONDS.—**

(a) The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the board of county commissioners of the county upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

(b) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to s. 170.08.

2. Water revenues, sewer revenues, or water and sewer revenues of the district to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1. and 2.

#### (10) BONDS AS LEGAL INVESTMENT OR SECURITY.—

(a) Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

(b) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(11) COVENANTS.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of

outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to assure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(2) VALIDATION PROCEEDINGS.—The power of the district to issue bonds under the provisions of this act may be determined, and any of the bonds of the district maturing over a period of more than 5 years shall be validated and confirmed, by court decree, under the provisions of chapter 75 and laws amendatory thereof or supplementary thereto.

(3) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF BONDS.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district. Nothing in this act shall be construed to authorize the district to utilize bond proceeds to fund the ongoing operations of the district.

(4) PLEDGE BY THE STATE TO THE BOND-HOLDERS OF THE DISTRICT.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.

(5) DEFAULT.—A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state.

REPEALED BY: 2, ch. 80-407, § 11; ch. 83-215, § 10; ch. 84-382, § 24; ch. 85-42, § 6; ch. 91-328, § 16A; ch. 93-147

**(j) THE PROCEDURES FOR CONDUCTING ANY DISTRICT ELECTIONS OR REFERENDA REQUIRED AND THE QUALIFICATIONS OF AN ELECTOR OF THE DISTRICT. SECTION 190.006**

District elections are initially conducted by the district by landowner elections in which each landowner may cast one vote per acre owned. Following a transitional period set forth in Section 190.006, Fla. Stat., elections are by the qualified electors within the district. The supervisor of elections conducts such elections and determines the qualified electors who may participate therein. The procedures for conducting district elections are set forth in Section 190.006 which provides:

**190.006 Board of supervisors: members and meetings.—**

(1) The board of the district shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members; except as otherwise provided herein, each member shall hold office for a term of 4 years and until a successor is chosen and qualified. The members of the board must be residents of the state and citizens of the United States.

(2)(a) Within 90 days following the effective date of the rule or ordinance establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 30 days before the meeting. The landowner whose term expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors elected by qualified electors of the district.

c. On or before July 15 of each year, the board shall determine the number of qualified electors in the district as of the immediately preceding June 1. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in each county in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.

d. Each community development district in existence on June 21, 1991, shall, within 60 days, determine the number of qualified electors in the district as of June 21, 1991, using the official records maintained by the supervisor of elections and property appraiser or tax collector in the county. Thereafter, the district shall make such determination as described in subparagraph c.

(b) Elections of board members by qualified electors held pursuant to this subsection shall be conducted in the manner prescribed by law for holding general elections.

(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106. Candidates shall file petitions, and take the oath required in s. 99.021, with the supervisor of elections in the county affected by such candidacy.

(d) The supervisor of elections shall appoint the inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The board of county commissioners shall declare and certify the results of the election.

(4) Members of the board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by s. 976.05. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by an appointment for the remainder of the unexpired term.

(5) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present unless general law or a rule of the district requires a greater number.

(6) As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.

(7) The board shall keep a permanent record book entitled "Record of Proceedings of Trinity Springs Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located.

(8) Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the board of supervisors, not to exceed \$4,800 per year per supervisor, or an amount established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in s. 112.061.

(9) All meetings of the board shall be open to the public and governed by the provisions of chapter 286.

History.—s. 1, ch. 20-407, S. S. ch. 84-382, S. 22, ch. 85-82, S. 1, ch. 91-328, S. 882, ch. 95-147



(k) THE METHODS FOR FINANCING THE DISTRICT. SECTIONS  
190.035, 190.022(1) AND 190.021(3).

The financing of the district includes the imposition of user fees, rentals, or other charges in accordance with Section 190.035 which provides:

**190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.—**

(1) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the district at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number or average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(5) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district.

REVISIONS— 2. OF 80-407, 3. 10. OF 81-308.

The district may also finance its activities by levying special assessments upon benefitted property pursuant to Chapter 170, Fla. Stat. or by levying benefit special assessments or maintenance special assessments pursuant to Section 190.021(2) and (3).

**(2) BENEFIT SPECIAL ASSESSMENTS.**—The board shall annually determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance district facilities and projects which are levied under this act. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year, and such assessment shall be entered by the property appraiser on the county tax rolls, and shall be collected and enforced by the tax collector in the

same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. These benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land.

(3) MAINTENANCE SPECIAL ASSESSMENTS.— To maintain and preserve the facilities and projects of the district, the board may levy a maintenance special assessment. This assessment may be evidenced to and certified to the property appraiser by the board of supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

**(1) IF AN INDEPENDENT SPECIAL DISTRICT HAS THE AUTHORITY TO LEVY AD VALOREM TAXES, OTHER THAN TAXES LEVIED FOR THE PAYMENT OF BONDS AND TAXES LEVIED FOR PERIODS NOT LONGER THAN 2 YEARS WHEN AUTHORIZED BY VOTE OF THE ELECTORS OF THE DISTRICT, THE MILLAGE RATE THAT IS AUTHORIZED. SECTION 190.021(1).**

An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general -purpose government to exercise one or more powers specified in Section 190.021(2) may levy an

additional 2 mills for operating purposes, exclusive of debt service on bonds.

2) **BENEFIT SPECIAL ASSESSMENTS.**—The board shall annually determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance district facilities and projects which are levied under this act. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year, and such assessment shall be entered by the property appraiser on the county tax rolls, and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. These benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land.

(m) **THE METHOD OR METHODS FOR COLLECTING NON-AD VALOREM ASSESSMENTS, FEES, OR SERVICE CHARGES. SECTIONS 190.024, 190.025, 190.026, 190.031, 190.035, 190.036, 190.037 AND 190.041**

Taxes of the district, including non-ad valorem assessments, give rise to the imposition of a tax lien of equal dignity with the lien of taxes imposed by other governmental units. The pertinent provision of Chapter 190 provides:

**190.024 Tax liens.**—All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for

state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of ss. 194-171, 197-122, 197-333, and 197-432 shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

History.— 2, ch. 80-407, § 23; ch. 82-228, § 202; ch. 85-342, § 27; ch. 85-280

**190.025 Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.—**

(1) The district has the right to:

a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and

b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(3) In any sale of land pursuant to s. 197-542 and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

History.— 2, ch. 80-407, § 23; ch. 85-342

**190.026 Foreclosure of liens.—**Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 173 and amendments thereto; the provisions of that chapter shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 173 may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent; however no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

History.— 2, ch. 80-407

Fees or service charges imposed by the district may be recovered in a civil action. The district may also discontinue water and sewer service if user fees and charges are not paid. The pertinent provisions of Chapter 190 provide:

**190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.—**

(1) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the district at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number or average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues,

or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(5) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district.

History.—S. 2, ch. 20-407; S. 10, ch. 81-258

**190.036 Recovery of delinquent charges.—**In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the district in a civil action.

History.—S. 2, ch. 20-407.

**190.037 Discontinuance of service.—**In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney's fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

History.—S. 2, ch. 20-407; S. 82, ch. 81-258

(n) **PLANNING REQUIREMENTS. SECTION 190.002(3)**

The district has no planning, zoning or development permitting power.

3) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to establish an independent special district as an alternative method to manage and finance basic services for community development. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent district. It is further the purpose and intent of the Legislature that a district created under this chapter not have or exercise any zoning or development permitting power, that the establishment of the independent community development district as provided in this act not be a development order within the meaning of chapter 380, and that all applicable planning and permitting laws, rules, regulations, and policies control the development of the land to be serviced by the district. It is further the purpose and intent of the Legislature that no debt or obligation of a district constitute a burden on any local general-purpose government without its consent.

History.— s. 1, ch. 80-407, § 1, 80-388.

(o) **GEOGRAPHIC BOUNDARY LIMITATIONS. SECTION 190.005**

The geographic boundaries of the district are set forth in the ordinance creating the district as required by Section 190.005, Fla. Stat. which provides:

**190.005 Establishment of district.—**

(1) The exclusive and uniform method for the establishment of a community development district with a size of 1,000 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by the owner or owners of 100 percent of the real property to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but shall not be binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.

(c) Such county and each such municipality may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e).



Such county or municipality may present its resolution of support or objection at the Florida Land and Water Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published fewer than 5 days a week. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the creation of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether 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.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

5. Whether the area that will be served by the district is amenable to separate special-district government.

(1) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify or delete any provision of the uniform community development district charter as set forth in ss. 190.006 through 190.041, except as provided in s. 190.012. A rule establishing a community development district shall:

1. Describe the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.

2. Name five persons designated to be the initial members of the board of supervisors.

3. Name the district.

(2) The exclusive and uniform method for the establishment of a community development district of less than 1,000 acres in size shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission shall not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006 through 190.041. An ordinance establishing a community development district shall include the matters provided for in paragraph (1)(f).

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval.

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

(3) The governing body of any existing special district, created to provide one or more of the public improvements and community facilities authorized by this act, may petition, pursuant to this act, for reestablishment of the existing district as a community development district pursuant to this act. In such case, the new district so formed shall assume the existing obligations, indebtedness, and guarantees of indebtedness of the district so subsumed, and the existing district shall be terminated.

History.— s. 2, ch. 80-607, 11-1-80; s. 1, ch. 84-382, 1-23-84; s. 15, ch. 87-824, 8-24-87; s. 10-410

## VIII. UNIFORM SPECIAL DISTRICT ACCOUNTABILITY ACT OF 1989

The District is subject to the obligations set forth in the Uniform Special District Accountability Act of 1989. Without limiting the generality of the foregoing, the District shall:

- (a) Submit and file a public facilities report and an annual notice of any changes as required pursuant to Section 189.415, Florida Statutes.
- (b) The District shall file a schedule of its regular meetings and shall conduct its meetings in accordance with Section 189.417, Florida Statutes.
- (c) The District shall comply with the reporting and auditing requirements set forth in Section 189.418, Florida Statutes.

## IX. AMENDMENT

This Charter may be amended by a majority of the members of the Board of Supervisors of the District in accordance with Section 190.006(5), Florida Statutes, provided that any such amendment shall be consistent with all applicable law, including (without limitation) the provisions of Chapters 189 and 190, Florida Statutes.

## HERITAGE SPRINGS CDD

### LEGAL DESCRIPTION:

A tract of land lying within Section 31, 32 and 33, Township 26 South, Range 17 East, Pasco County, Florida, and being more particularly described as follows:

BEGIN at the Northwest corner of Section 5, Township 27 South, Range 17 East, Hillsborough County, Florida, said corner also being on the southerly line of the Southeast 1/4 of aforementioned Section 31: thence N89°16'01"W, for 256.09 feet; thence N00°00'26"W, for 536.25 feet; thence N31°28'11"E, for 287.27 feet; thence N00°00'26"W, for 205.00 feet; thence N29°18'30"W, for 220.00 feet; thence N61°18'12"W, for 283.47 feet; thence N03°02'32"W, for 327.40 feet; thence N18°59'13"W, for 108.62 feet; thence N71°01'13"E, for 111.90 feet to the point of curvature of a curve concave to the South; thence Easterly along the arc of said curve, having a radius of 565.00 feet, a central angle of 36°48'40", an arc length of 363.00 feet and a chord bearing N89°25'33"E, for 356.79 feet to the point of compound curvature with a curve concave to the Southwest; thence Easterly along the arc of said curve, having a radius of 515.00 feet, a central angle of 12°43'45", an arc length of 114.41 feet and a chord bearing S65°48'15"E, for 114.18 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 485.00 feet, a central angle of 08°02'29", an arc length of 68.07 feet and a chord bearing S63°27'37"E, for 68.01 feet to the point of tangency; thence S67°28'52"E, for 361.46 feet; thence N22°31'08"E, for 94.36 feet; thence N26°35'13"E, for 136.52 feet; thence N33°55'31"E, for 89.06 feet; thence N45°41'04"E, for 89.91 feet; thence N48°44'29"W, for 64.25 feet; thence N44°17'30"W, for 63.16 feet; thence N40°37'53"W, for 91.11 feet; thence N21°38'50"W, for 97.62 feet; thence North, for 85.53 feet; thence N07°58'27"E, for 98.13 feet; thence N33°22'56"E, for 106.01 feet; thence N58°47'26"E, for 105.95 feet; thence N64°30'49"E, for 69.91 feet; thence S89°10'12"E, for 77.60 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing N81°24'08"E, and having a radius of 1560.00 feet, a central angle of 10°58'42", an arc length of 298.91 feet and a chord bearing N03°06'30"W, for 298.45 feet to the point of intersection with a non-tangent line; thence S89°10'12"E, for 5.00 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing S87°36'51"E, and having a radius of 1555.00 feet, a central angle of 04°44'08", an arc length of 128.52 feet and a chord bearing N04°45'13"E, for 128.49 feet to the point of reverse curvature with a curve concave to the Southwest; thence Northerly along the arc of said curve, having a radius of 345.00 feet, a central angle of 78°57'24", an arc length of 475.43 feet and a chord bearing N32°21'25"W, for 438.69 feet to the point of tangency; thence N71°50'07"W, for 248.57 feet; thence S22°49'05"W, for 14.23 feet; thence N67°10'55"W, for 110.00 feet; thence N67°10'55"W, for 75.00 feet; thence N67°10'55"W, for 110.00 feet; thence N22°49'05"E, for 24.02 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Northwesterly along the arc of said curve with a radial bearing N38°13'50"E, and having a radius of 555.00 feet, a central angle of 16°09'55", an arc length of 156.59 feet and a chord bearing N43°41'12"W, for 156.07 feet to the point of tangency; thence N35°36'15"W, for 83.07 feet to the point of curvature of a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 215.00 feet, a central angle of 13°43'45", an arc length of 51.52 feet and a chord bearing N28°44'22"W, for 51.39 feet to the point of compound curvature with a curve concave to the East; thence Northerly along the arc of said curve, having a radius of 565.00 feet, a central angle of 02°00'20", an arc length of 19.78 feet and

HERITAGE SPRINGS CDD

a chord bearing N20°52'20"W, for 19.78 feet to the point of tangency; thence N19°52'10"W, for 213.79 feet; thence S47°36'05"W, for 50.88 feet; thence S44°50'39"W, for 63.04 feet; thence S53°26'26"W, for 50.89 feet; thence S57°48'08"W, for 53.20 feet; thence S68°46'48"W, for 31.85 feet; thence S82°08'11"W, for 34.21 feet; thence S89°43'20"W, for 29.09 feet; thence N84°22'39"W, for 42.92 feet; thence N16°44'56"W, for 195.01 feet to the point of intersection with the proposed Southerly right-of-way line of Bi-County Thruway; thence along said Southerly right-of-way line the following two (2) courses; 1) thence N67°18'32"E, for 113.75 feet to the point of curvature of a curve concave to the South; 2) thence Northeasterly along the arc of said curve, having a radius of 5658.56 feet, a central angle of 05°37'26", an arc length of 555.41 feet and a chord bearing N70°07'14"E, for 555.19 feet to the point of intersection with a non-tangent line; thence S17°04'03"E, for 127.84 feet; thence S82°19'40"W, for 24.69 feet; thence S81°05'25"W, for 40.01 feet; thence S76°25'42"W, for 22.35 feet; thence S66°44'49"W, for 12.69 feet; thence S50°14'04"W, for 12.83 feet; thence S41°39'47"W, for 14.45 feet; thence S46°18'42"W, for 11.89 feet; thence S59°50'14"W, for 11.72 feet; thence S67°39'47"W, for 11.91 feet; thence S74°37'29"W, for 12.50 feet; thence S83°24'51"W, for 13.27 feet; thence S84°31'09"W, for 12.11 feet; thence S71°46'16"W, for 12.53 feet; thence S19°52'10"E, for 251.97 feet to the point of curvature of a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 435.00 feet, a central angle of 02°00'20", an arc length of 15.23 feet and a chord bearing S20°52'20"E, for 15.23 feet to the point of reverse curvature with a curve concave to the West; thence Southerly along the arc of said curve, having a radius of 215.00 feet, a central angle of 08°01'52", an arc length of 30.14 feet and a chord bearing S17°51'34"E, for 30.11 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southerly along the arc of said curve, having a radius of 185.00 feet, a central angle of 20°26'35", an arc length of 66.01 feet and a chord bearing S24°03'56"E, for 65.66 feet to the point of compound curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 445.00 feet, a central angle of 37°32'54", an arc length of 291.63 feet and a chord bearing S53°03'40"E, for 286.44 feet to the point of tangency; thence S71°50'07"E, for 272.51 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing S86°18'46"E, and having a radius of 20.00 feet, a central angle of 14°28'39", an arc length of 5.05 feet and a chord bearing N10°55'34"E, for 5.04 feet to the point of tangency; thence N18°09'53"E, for 15.00 feet to the point of curvature of a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 114.00 feet, a central angle of 19°44'32", an arc length of 39.28 feet and a chord bearing N08°17'37"E, for 39.09 feet to the point of intersection with a non-tangent line; thence S71°50'07"E, for 49.38 feet; thence S38°35'07"E, for 20.96 feet; thence S43°45'32"E, for 25.68 feet; thence S55°09'33"E, for 14.80 feet; thence S70°00'00"E, for 12.23 feet; thence S80°24'08"E, for 7.93 feet; thence S18°09'53"W, for 33.03 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence Southeasterly along the arc of said curve with a radial bearing S22°54'22"W, and having a radius of 455.00 feet, a central angle of 74°12'55", an arc length of 589.36 feet and a chord bearing S29°59'11"E, for 549.02 feet to the point of reverse curvature with a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 1445.00 feet, a central angle of 07°23'50", an arc length of 186.56 feet and a chord bearing S03°25'22"W, for 186.43 feet to the point of intersection with a non-tangent line; thence S55°49'45"E, for 179.96 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Southwesterly along the arc of said curve with a radial bearing S31°12'17"E, and having a radius of 60.00 feet, a central angle of 182°57'25", an arc length of 191.59 feet and a chord bearing S29°43'35"E, for 119.96 feet to the

## HERITAGE SPRINGS CDD

point of cusp with a curve concave to the Southeast: thence Southwesterly along the arc of said curve, having a radius of 15.00 feet, a central angle of  $72^{\circ}08'30''$ , an arc length of 18.89 feet and a chord bearing  $S25^{\circ}40'53''W$ , for 17.66 feet to the point of compound curvature with a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 1265.00 feet, a central angle of  $00^{\circ}01'43''$ , an arc length of 0.63 feet and a chord bearing  $S10^{\circ}24'13''E$ , for 0.63 feet to the point of intersection with a non-tangent line; thence  $N79^{\circ}34'55''E$ , for 105.90 feet; thence  $S11^{\circ}38'18''E$ , for 49.36 feet; thence  $S14^{\circ}04'43''E$ , for 49.36 feet; thence  $S16^{\circ}31'08''E$ , for 49.36 feet; thence  $S18^{\circ}57'33''E$ , for 49.36 feet; thence  $S21^{\circ}23'57''E$ , for 49.36 feet; thence  $S23^{\circ}50'22''E$ , for 49.36 feet; thence  $S26^{\circ}00'37''E$ , for 50.70 feet; thence  $S24^{\circ}53'05''E$ , for 51.62 feet; thence  $S24^{\circ}29'01''E$ , for 200.00 feet; thence  $S25^{\circ}41'52''E$ , for 49.19 feet; thence  $S29^{\circ}10'17''E$ , for 49.14 feet; thence  $S32^{\circ}26'58''E$ , for 49.14 feet; thence  $S76^{\circ}23'15''E$ , for 78.84 feet; thence  $S41^{\circ}06'08''E$ , for 50.68 feet; thence  $S31^{\circ}44'09''E$ , for 55.70 feet; thence  $S12^{\circ}04'55''E$ , for 55.80 feet; thence  $S08^{\circ}16'05''W$ , for 61.47 feet; thence  $S27^{\circ}55'19''W$ , for 55.80 feet; thence  $S16^{\circ}23'43''E$ , for 56.79 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing  $N17^{\circ}48'06''W$ , and having a radius of 570.00 feet, a central angle of  $22^{\circ}05'52''$ , an arc length of 219.84 feet and a chord bearing  $N61^{\circ}08'58''E$ , for 218.48 feet to the point of reverse curvature with a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 1055.00 feet, a central angle of  $03^{\circ}44'35''$ , an arc length of 68.92 feet and a chord bearing  $N51^{\circ}58'20''E$ , for 68.91 feet to the point of tangency; thence  $N53^{\circ}50'37''E$ , for 213.96 feet to the point of curvature of a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 855.00 feet, a central angle of  $06^{\circ}50'52''$ , an arc length of 102.19 feet and a chord bearing  $N57^{\circ}16'03''E$ , for 102.13 feet to the point of tangency; thence  $N60^{\circ}41'29''E$ , for 212.03 feet to the point of curvature of a curve concave to the South; thence Northeasterly along the arc of said curve, having a radius of 955.00 feet, a central angle of  $23^{\circ}24'55''$ , an arc length of 390.28 feet and a chord bearing  $N72^{\circ}23'57''E$ , for 387.57 feet to the point of intersection with a non-tangent line; thence  $N05^{\circ}53'36''W$ , for 310.10 feet; thence  $S76^{\circ}33'58''E$ , for 79.61 feet; thence  $N56^{\circ}53'58''E$ , for 70.67 feet; thence  $N76^{\circ}22'09''E$ , for 82.73 feet; thence  $N83^{\circ}43'00''E$ , for 86.88 feet; thence  $N87^{\circ}40'08''E$ , for 83.34 feet; thence  $S79^{\circ}29'35''E$ , for 268.22 feet; thence  $S72^{\circ}30'31''E$ , for 103.70 feet; thence  $S66^{\circ}37'56''E$ , for 86.88 feet; thence  $S59^{\circ}06'03''E$ , for 81.20 feet; thence  $S45^{\circ}53'28''E$ , for 60.67 feet; thence  $S17^{\circ}42'45''E$ , for 247.49 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing  $N13^{\circ}37'15''W$ , and having a radius of 845.00 feet, a central angle of  $23^{\circ}21'09''$ , an arc length of 344.40 feet and a chord bearing  $N64^{\circ}42'10''E$ , for 342.02 feet to the point of intersection with a non-tangent line; thence  $N35^{\circ}53'26''W$ , for 5.00 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Northeasterly along the arc of said curve with a radial bearing  $N36^{\circ}58'47''W$ , and having a radius of 840.00 feet, a central angle of  $04^{\circ}50'34''$ , an arc length of 71.00 feet and a chord bearing  $N50^{\circ}35'56''E$ , for 70.98 feet to the point of tangency; thence  $N48^{\circ}10'39''E$ , for 42.08 feet; thence  $N48^{\circ}10'39''E$ , for 75.00 feet; thence  $N48^{\circ}10'39''E$ , for 110.00 feet; thence  $S41^{\circ}49'21''E$ , for 5.00 feet; thence  $N48^{\circ}10'39''E$ , for 167.35 feet to the point of curvature of a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 1755.00 feet, a central angle of  $09^{\circ}08'05''$ , an arc length of 279.80 feet and a chord bearing  $N52^{\circ}44'41''E$ , for 279.50 feet to the point of intersection with a non-tangent line; thence  $N35^{\circ}46'32''W$ , for 5.01 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence Northeasterly along the arc of said curve with a radial bearing  $S32^{\circ}41'48''E$ , and having a radius of 1760.00 feet, a central

HERITAGE SPRINGS CDD

angle of  $10^{\circ}17'59''$ , an arc length of 316.39 feet and a chord bearing  $N62^{\circ}27'11''E$ , for 315.96 feet to the point of intersection with a non-tangent line; thence  $S44^{\circ}03'44''E$ , for 5.38 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing  $S22^{\circ}19'55''E$ , and having a radius of 1755.00 feet, a central angle of  $19^{\circ}28'00''$ , an arc length of 596.27 feet and a chord bearing  $N77^{\circ}24'05''E$ , for 593.41 feet to the point of intersection with a non-tangent line; thence  $N13^{\circ}38'02''W$ , for 3.01 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing  $S02^{\circ}53'01''E$ , and having a radius of 1757.96 feet, a central angle of  $03^{\circ}39'12''$ , an arc length of 112.09 feet and a chord bearing  $N88^{\circ}56'34''E$ , for 112.07 feet to the point of intersection with a non-tangent line; thence  $S89^{\circ}45'06''E$ , for 50.12 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing  $S02^{\circ}24'08''W$ , and having a radius of 1759.13 feet, a central angle of  $03^{\circ}41'51''$ , an arc length of 113.52 feet and a chord bearing  $S85^{\circ}44'57''E$ , for 113.50 feet to the point of intersection with a non-tangent line; thence  $S06^{\circ}04'16''E$ , for 4.22 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing  $S06^{\circ}07'43''W$ , and having a radius of 1755.00 feet, a central angle of  $06^{\circ}02'28''$ , an arc length of 185.04 feet and a chord bearing  $S80^{\circ}51'03''E$ , for 184.96 feet to the point of reverse curvature with a curve concave to the North; thence Easterly along the arc of said curve, having a radius of 645.00 feet, a central angle of  $06^{\circ}20'17''$ , an arc length of 71.35 feet and a chord bearing  $S80^{\circ}59'57''E$ , for 71.31 feet to the point of intersection with a non-tangent line; thence  $N03^{\circ}46'52''W$ , for 5.07 feet to the point of intersection with a non-tangent curve concave to the North; thence Easterly along the arc of said curve with a radial bearing  $N05^{\circ}54'27''E$ , and having a radius of 640.00 feet, a central angle of  $09^{\circ}10'25''$ , an arc length of 102.47 feet and a chord bearing  $S88^{\circ}40'45''E$ , for 102.36 feet to the curve's end; thence  $N08^{\circ}46'49''W$ , for 12.04 feet to the point of curvature of a curve concave to the East; thence Northerly along the arc of said curve, having a radius of 238.00 feet, a central angle of  $13^{\circ}46'20''$ , an arc length of 57.21 feet and a chord bearing  $N01^{\circ}53'39''W$ , for 57.07 feet to the point of reverse curvature with a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 162.00 feet, a central angle of  $13^{\circ}46'20''$ , an arc length of 38.94 feet and a chord bearing  $N01^{\circ}53'39''W$ , for 38.85 feet to the point of tangency; thence  $N08^{\circ}46'49''W$ , for 243.98 feet to the point of curvature of a curve concave to the Southwest; thence Northerly along the arc of said curve, having a radius of 500.00 feet, a central angle of  $66^{\circ}58'08''$ , an arc length of 584.41 feet and a chord bearing  $N42^{\circ}15'53''W$ , for 551.71 feet to the point of reverse curvature with a curve concave to the Northeast; thence Westerly along the arc of said curve, having a radius of 350.00 feet, a central angle of  $47^{\circ}35'03''$ , an arc length of 290.67 feet and a chord bearing  $N51^{\circ}57'25''W$ , for 282.39 feet to the point of tangency; thence  $N28^{\circ}09'54''W$ , for 327.85 feet to the point of curvature of a curve concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 250.00 feet, a central angle of  $23^{\circ}26'48''$ , an arc length of 102.31 feet and a chord bearing  $N39^{\circ}53'18''W$ , for 101.59 feet to the point of reverse curvature with a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 350.00 feet, a central angle of  $30^{\circ}52'36''$ , an arc length of 188.61 feet and a chord bearing  $N36^{\circ}10'24''W$ , for 186.34 feet to the point of intersection with a non-tangent line; thence  $N84^{\circ}10'48''E$ , for 105.00 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Southeasterly along the arc of said curve with a radial bearing  $N63^{\circ}03'32''E$ , and having a radius of 250.00 feet, a central angle of  $24^{\circ}40'14''$ , an arc length of 107.65 feet and a chord bearing  $S39^{\circ}16'35''E$ , for 106.82 feet to the point of reverse curvature with

HERITAGE SPRINGS CDD

a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 350.00 feet, a central angle of  $23^{\circ}26'48''$ , an arc length of 143.23 feet and a chord bearing  $S39^{\circ}53'18''E$ , for 142.23 feet to the point of tangency; thence  $S28^{\circ}09'54''E$ , for 327.85 feet to the point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 250.00 feet, a central angle of  $47^{\circ}35'03''$ , an arc length of 207.62 feet and a chord bearing  $S51^{\circ}57'25''E$ , for 201.71 feet to the point of reverse curvature with a curve concave to the Southwest; thence Easterly along the arc of said curve, having a radius of 600.00 feet, a central angle of  $66^{\circ}58'08''$ , an arc length of 701.30 feet and a chord bearing  $S42^{\circ}15'53''E$ , for 662.05 feet to the point of tangency; thence  $S08^{\circ}46'49''E$ , for 243.98 feet to the point of curvature of a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 162.00 feet, a central angle of  $13^{\circ}46'20''$ , an arc length of 38.94 feet and a chord bearing  $S15^{\circ}39'59''E$ , for 38.85 feet to the point of reverse curvature with a curve concave to the West; thence Southeasterly along the arc of said curve, having a radius of 238.00 feet, a central angle of  $13^{\circ}46'20''$ , an arc length of 57.21 feet and a chord bearing  $S15^{\circ}39'59''E$ , for 57.07 feet to the point of tangency; thence  $S08^{\circ}46'49''E$ , for 12.04 feet to the point of intersection with a non-tangent curve concave to the North; thence Easterly along the arc of said curve with a radial bearing  $N14^{\circ}17'40''W$ , and having a radius of 640.00 feet, a central angle of  $08^{\circ}17'02''$ , an arc length of 92.53 feet and a chord bearing  $N71^{\circ}33'49''E$ , for 92.45 feet to the point of intersection with a non-tangent line; thence  $S09^{\circ}06'41''E$ , for 5.14 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing  $N22^{\circ}28'19''W$ , and having a radius of 645.00 feet, a central angle of  $02^{\circ}17'05''$ , an arc length of 25.72 feet and a chord bearing  $N66^{\circ}23'08''E$ , for 25.72 feet to the point of intersection with a non-tangent line; thence  $S24^{\circ}45'24''E$ , for 110.00 feet; thence  $S02^{\circ}54'07''E$ , for 110.35 feet; thence  $S20^{\circ}33'46''E$ , for 46.58 feet; thence  $N73^{\circ}51'22''W$ , for 84.74 feet; thence  $N80^{\circ}01'06''W$ , for 100.45 feet to the point of intersection with a non-tangent curve concave to the West; thence Northerly along the arc of said curve with a radial bearing  $N88^{\circ}30'04''W$ , and having a radius of 214.00 feet, a central angle of  $10^{\circ}16'45''$ , an arc length of 38.39 feet and a chord bearing  $N03^{\circ}38'26''W$ , for 38.34 feet to the point of tangency; thence  $N08^{\circ}46'49''W$ , for 15.93 feet to the point of intersection with a non-tangent curve concave to the North; thence Westerly along the arc of said curve with a radial bearing  $N11^{\circ}36'30''W$ , and having a radius of 760.00 feet, a central angle of  $14^{\circ}18'58''$ , an arc length of 189.90 feet and a chord bearing  $S85^{\circ}32'58''W$ , for 189.40 feet to the point of intersection with a non-tangent line; thence  $N13^{\circ}45'35''W$ , for 5.22 feet to the point of intersection with a non-tangent curve concave to the North; thence Westerly along the arc of said curve with a radial bearing  $N02^{\circ}49'11''E$ , and having a radius of 755.00 feet, a central angle of  $09^{\circ}21'00''$ , an arc length of 123.21 feet and a chord bearing  $N82^{\circ}30'19''W$ , for 123.07 feet to the point of reverse curvature with a curve concave to the South; thence Westerly along the arc of said curve, having a radius of 1645.00 feet, a central angle of  $23^{\circ}10'46''$ , an arc length of 665.50 feet and a chord bearing  $N89^{\circ}25'12''W$ , for 660.97 feet to the point of intersection with a non-tangent line; thence  $S10^{\circ}33'01''E$ , for 5.00 feet to the point of intersection with a non-tangent curve concave to the South; thence Westerly along the arc of said curve with a radial bearing  $S11^{\circ}00'40''E$ , and having a radius of 1640.00 feet, a central angle of  $10^{\circ}44'01''$ , an arc length of 307.23 feet and a chord bearing  $S73^{\circ}37'19''W$ , for 306.79 feet to the point of intersection with a non-tangent line; thence  $N22^{\circ}04'23''W$ , for 5.00 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence Westerly along the arc of said curve with a radial bearing  $S21^{\circ}44'45''E$ , and having a radius of 1645.00 feet, a central angle of  $20^{\circ}04'36''$ , an arc length of 576.42 feet and a chord bearing  $S58^{\circ}12'57''W$ , for 573.47 feet to the point of tangency;



HERITAGE SPRINGS CDD

thence S48°10'39"W, for 163.39 feet; thence S47°26'42"E, for 6.70 feet; thence S42°33'18"W, for 115.56 feet; thence S59°25'20"W, for 74.99 feet; thence S43°37'14"W, for 116.92 feet; thence N46°22'46"W, for 15.62 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Southwesterly along the arc of said curve with a radial bearing N37°20'21"W, and having a radius of 955.00 feet, a central angle of 09°39'14", an arc length of 160.91 feet and a chord bearing S57°29'16"W, for 160.72 feet to the point of intersection with a non-tangent line; thence S25°58'49"E, for 5.42 feet; thence S64°01'11"W, for 119.08 feet; thence S73°07'18"W, for 74.37 feet; thence S63°59'08"W, for 117.72 feet; thence S73°54'56"W, for 33.66 feet; thence S46°42'34"W, for 96.33 feet to the point of intersection with a non-tangent curve concave to the East; thence Northwesterly along the arc of said curve with a radial bearing N46°42'34"E, and having a radius of 186.00 feet, a central angle of 03°46'05", an arc length of 12.23 feet and a chord bearing N41°24'24"W, for 12.23 feet to the point of compound curvature with a curve concave to the East; thence Northwesterly along the arc of said curve with a radial bearing N50°28'39"E, and having a radius of 98.00 feet, a central angle of 35°21'21", an arc length of 60.47 feet and a chord bearing N21°50'41"W, for 59.52 feet to the point of reverse curvature with a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 102.00 feet, a central angle of 10°36'45", an arc length of 18.89 feet and a chord bearing N09°28'23"W, for 18.87 feet to the point of reverse curvature with a curve concave to the East; thence Northerly along the arc of said curve with a radial bearing N75°13'15"E, and having a radius of 174.50 feet, a central angle of 00°15'30", an arc length of 0.79 feet and a chord bearing N14°39'00"W, for 0.79 feet to the point of compound curvature with a curve concave to the East; thence Northerly along the arc of said curve with a radial bearing N75°28'45"E, and having a radius of 33.00 feet, a central angle of 22°30'14", an arc length of 12.96 feet and a chord bearing N03°16'09"W, for 12.88 feet to the point of intersection with a non-tangent curve concave to the north; thence Westerly along the arc of said curve with a radial bearing N01°31'15"W, and having a radius of 955.00 feet, a central angle of 12°49'48", an arc length of 213.85 feet and a chord bearing N85°06'21"W, for 213.40 feet to the point of tangency; thence N78°41'27"W, for 342.34 feet to the point of curvature of a curve concave to the South; thence Westerly along the arc of said curve, having a radius of 845.00 feet, a central angle of 40°37'04", an arc length of 599.03 feet and a chord bearing S81°00'01"W, for 586.57 feet to the point of tangency; thence S60°41'29"W, for 212.03 feet to the point of curvature of a curve concave to the Southeast; thence Southwesterly along the arc of said curve, having a radius of 745.00 feet, a central angle of 06°50'52", an arc length of 89.04 feet and a chord bearing S57°16'03"W, for 88.99 feet to the point of tangency; thence S53°50'37"W, for 213.96 feet to the point of curvature of a curve concave to the Southeast; thence Southwesterly along the arc of said curve, having a radius of 945.00 feet, a central angle of 02°19'47", an arc length of 38.43 feet and a chord bearing S52°40'43"W, for 38.42 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence Southeasterly along the arc of said curve with a radial bearing S36°26'54"W, and having a radius of 20.00 feet, a central angle of 17°23'42", an arc length of 6.07 feet and a chord bearing S44°51'14"E, for 6.05 feet to the point of tangency; thence S36°09'23"E, for 17.97 feet to the point of curvature of a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 162.50 feet, a central angle of 05°41'31", an arc length of 16.14 feet and a chord bearing S33°18'38"E, for 16.14 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 114.00 feet, a central angle of 11°34'06", an arc length of 23.02 feet and a chord bearing S36°14'55"E, for 22.98 feet to the point of reverse curvature with a curve concave to the Southwest; thence Southeasterly along the arc of said curve,

HERITAGE SPRINGS CDD

having a radius of 86.00 feet, a central angle of  $18^{\circ}39'35''$ , an arc length of 28.01 feet and a chord bearing  $S32^{\circ}42'11''E$ , for 27.88 feet to the point of intersection with a non-tangent line; thence  $S76^{\circ}51'16''W$ , for 109.09 feet; thence  $N28^{\circ}00'05''W$ , for 46.58 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Southwesterly along the arc of said curve with a radial bearing  $N33^{\circ}49'28''W$ , and having a radius of 680.00 feet, a central angle of  $11^{\circ}59'07''$ , an arc length of 142.24 feet and a chord bearing  $S62^{\circ}10'05''W$ , for 141.99 feet to the point of intersection with a non-tangent line: thence  $S01^{\circ}27'42''E$ , for 36.84 feet; thence  $S88^{\circ}32'18''W$ , for 101.56 feet; thence  $S81^{\circ}21'53''W$ , for 51.08 feet; thence  $S78^{\circ}29'22''W$ , for 95.36 feet; thence  $N11^{\circ}30'38''W$ , for 5.04 feet; thence  $S78^{\circ}31'20''W$ , for 271.93 feet to the point of curvature of a curve concave to the North; thence Westerly along the arc of said curve, having a radius of 955.00 feet, a central angle of  $03^{\circ}45'26''$ , an arc length of 62.62 feet and a chord bearing  $S80^{\circ}24'03''W$ , for 62.61 feet to the point of intersection with a non-tangent line; thence  $S01^{\circ}09'51''W$ , for 89.81 feet; thence  $S05^{\circ}28'33''W$ , for 153.04 feet; thence  $S06^{\circ}14'09''W$ , for 85.83 feet; thence  $S13^{\circ}06'20''W$ , for 85.83 feet; thence  $S19^{\circ}58'31''W$ , for 85.83 feet; thence  $S26^{\circ}50'41''W$ , for 85.83 feet; thence  $S33^{\circ}42'52''W$ , for 82.91 feet; thence  $S35^{\circ}18'13''W$ , for 224.15 feet; thence  $S19^{\circ}55'49''E$ , for 78.50 feet; thence  $S11^{\circ}01'08''E$ , for 80.72 feet; thence  $S10^{\circ}41'07''W$ , for 80.00 feet; thence  $N79^{\circ}18'53''W$ , for 125.44 feet to the point of intersection with a non-tangent curve concave to the North; thence Southwesterly along the arc of said curve with a radial bearing  $N37^{\circ}15'02''W$ , and having a radius of 60.00 feet, a central angle of  $58^{\circ}44'25''$ , an arc length of 61.51 feet and a chord bearing  $S82^{\circ}07'11''W$ , for 58.85 feet to the point of intersection with a non-tangent line; thence  $S21^{\circ}29'24''W$ , for 10.00 feet; thence  $S80^{\circ}40'29''W$ , for 126.94 feet; thence  $N09^{\circ}19'31''W$ , for 75.00 feet; thence  $N03^{\circ}26'49''W$ , for 93.59 feet; thence  $N08^{\circ}17'50''E$ , for 93.59 feet; thence  $N20^{\circ}02'07''E$ , for 93.59 feet; thence  $N31^{\circ}34'59''E$ , for 89.89 feet; thence  $N16^{\circ}54'06''E$ , for 52.79 feet; thence  $N52^{\circ}55'58''W$ , for 85.31 feet; thence  $N42^{\circ}01'24''W$ , for 94.68 feet; thence  $N29^{\circ}36'07''W$ , for 94.68 feet; thence  $N17^{\circ}10'50''W$ , for 94.68 feet; thence  $N04^{\circ}45'33''W$ , for 94.68 feet; thence  $N05^{\circ}42'10''W$ , for 70.89 feet; thence  $N13^{\circ}24'11''W$ , for 74.56 feet; thence  $N01^{\circ}10'13''W$ , for 110.02 feet; thence  $N16^{\circ}00'25''E$ , for 100.74 feet; thence  $N67^{\circ}28'52''W$ , for 205.78 feet; thence  $S22^{\circ}31'08''W$ , for 199.18 feet; thence  $S16^{\circ}27'04''W$ , for 127.01 feet; thence  $S13^{\circ}23'02''E$ , for 59.00 feet; thence  $S22^{\circ}41'35''E$ , for 150.83 feet; thence  $S00^{\circ}00'26''E$ , for 206.39 feet; thence  $N89^{\circ}59'34''E$ , for 26.46 feet; thence  $S01^{\circ}19'29''E$ , for 127.93 feet; thence  $S05^{\circ}30'38''E$ , for 96.63 feet; thence  $S00^{\circ}00'26''E$ , for 617.64 feet; thence  $N89^{\circ}16'57''W$ , for 214.62 feet; to the POINT OF BEGINNING.

AN ACT TO BE ENTITLED

AN ORDINANCE AMENDING ORDINANCE NO. 98-24 AS SUBSEQUENTLY AMENDED TO EXPAND THE BOUNDARIES OF THE HERITAGE SPRINGS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES, DESCRIBING THE AMENDED BOUNDARIES OF THE DISTRICT; RE-ESTABLISHING THE DISTRICT AS HEREBY EXPANDED; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

---

WHEREAS, the Heritage Springs Community Development District (District) has petitioned the Pasco County Board of County Commissioners (County) to adopt an ordinance amending the boundaries of the district pursuant to Chapter 190, Florida Statutes; and,

WHEREAS, U.S. Home Corporation, as owner of the land presently within the District and owner of the land within the proposed expansion area, has consented to the expansion of the District as requested in the petition; and,

WHEREAS, the County finds that the expansion of the District is not inconsistent with any applicable element or portion of the State of Florida Comprehensive Plan or the Pasco County Comprehensive Plan; and,

WHEREAS, the County finds that the area of land within the District, including the proposed expansion area thereof, is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and,

WHEREAS, the County finds that the community development services and facilities of the District, including the proposed expansion thereof, will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and,

WHEREAS, the County finds that the area that will be served by the District is amendable to separate special-district government; and,

WHEREAS, the County finds that a Community Development District does not substitute for a homeowners' association; therefore, the creation of a homeowners' association shall be required prior to the record platting on each phase within the development; and,

WHEREAS, the County finds that the numbers of residential units planned within the expanded district may require community facilities to be used to accommodate the establishment of a polling place by the Pasco County Supervisor of Elections; and,

WHEREAS, the County finds that the District, including the proposed expansion area thereof, will constitute a timely, efficient, effective, responsive, and economic way to deliver community development services in the area, thereby providing a solution to the County's planning, management, and financial needs for delivery of capital infrastructure therein without overburdening the County and its taxpayers.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pasco County, Florida, as follows:

SECTION 1. EXPANSION OF DISTRICT BOUNDARIES.

The boundaries of the District are hereby amended to include the land more particularly described on Exhibit A attached hereto.

SECTION 2. RE-ESTABLISHMENT OF THE DISTRICT.

The District is hereby re-established and the external boundaries of the District as hereby expanded are more particularly described on Exhibit B. Ordinance No. 98-24 establishing the District and subsequently amended (Ordinance Nos. 99-07 and 00-12), with the expanded District is hereby ratified and confirmed.

SECTION 3. SEVERABILITY.

It is declared to be the intent of the County that if any section, subsection, sentence, clause, or provision of this ordinance shall be declared invalid, the remainder of this ordinance shall be construed as not having contained such section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

SECTION 4. EFFECTIVE DATE.

A certified copy of this ordinance shall be filed in the Office of the Secretary of State by the Clerk to the Board within ten (10) days after adoption of this ordinance, and shall take effect upon filing with the Office of the Secretary of State, per Chapter 125.66, Florida Statutes.

ADOPTED this 5<sup>th</sup> day of June 2001.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: Jed Pittman  
JED PITTMAN, CLERK

BY: Steve Simon  
STEVE SIMON, CHAIRMAN

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the County Attorney

APPROVED  
JUN 05 2001

BY: [Signature]  
ATTORNEY

STATE OF FLORIDA  
COUNTY OF PASCO

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL OF RECORD IN MY OFFICE, WITNESS MY HAND AND THE COUNTY'S OFFICIAL SEAL THIS 5th day of June 2001  
JED PITTMAN, CLERK TO THE BOARD  
BY: [Signature] D.C.

## LEGAL DESCRIPTION OF HERITAGE SPRINGS PHASE 1:

A tract of land lying within Section 31, 32 and 33, Township 26 South, Range 17 East, Pasco County, Florida, and being more particularly described as follows:

BEGIN at the Northwest corner of Section 5, Township 27 South, Range 17 East, Hillsborough County, Florida, said corner also being on the southerly line of the Southeast 1/4 of aforementioned Section 31; thence N89°16'01"W, for 256.09 feet; thence N00°00'26"W, for 536.25 feet; thence N31°28'11"E, for 287.27 feet; thence N00°00'26"W, for 205.00 feet; thence N29°18'30"W, for 220.00 feet; thence N61°18'12"W, for 283.47 feet; thence N03°02'32"W, for 327.40 feet; thence N18°59'13"W, for 108.62 feet; thence N71°01'13"E, for 111.90 feet to the point of curvature of a curve concave to the South; thence Easterly along the arc of said curve, having a radius of 565.00 feet, a central angle of 36°48'40", an arc length of 363.00 feet and a chord bearing N89°25'33"E, for 356.79 feet to the point of compound curvature with a curve concave to the Southwest; thence Easterly along the arc of said curve, having a radius of 515.00 feet, a central angle of 12°43'45", an arc length of 114.41 feet and a chord bearing S65°48'15"E, for 114.18 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 485.00 feet, a central angle of 08°02'29", an arc length of 68.07 feet and a chord bearing S63°27'37"E, for 68.01 feet to the point of tangency; thence S67°28'52"E, for 361.46 feet; thence N22°31'08"E, for 94.36 feet; thence N26°35'13"E, for 136.52 feet; thence N33°55'31"E, for 89.06 feet; thence N45°41'04"E, for 89.91 feet; thence N48°44'29"W, for 64.25 feet; thence N44°17'30"W, for 63.16 feet; thence N40°37'53"W, for 91.11 feet; thence N21°38'50"W, for 97.62 feet; thence North, for 85.53 feet; thence N07°58'27"E, for 98.13 feet; thence N33°22'56"E, for 106.01 feet; thence N58°47'26"E, for 105.95 feet; thence N64°30'49"E, for 69.91 feet; thence S89°10'12"E, for 77.60 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing N81°24'08"E, and having a radius of 1560.00 feet, a central angle of 10°58'42", an arc length of 298.91 feet and a chord bearing N03°06'30"W, for 298.45 feet to the point of intersection with a non-tangent line; thence S89°10'12"E, for 5.00 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing S87°36'51"E, and having a radius of 1555.00 feet, a central angle of 04°44'08", an arc length of 128.52 feet and a chord bearing N04°45'13"E, for 128.49 feet to the point of reverse curvature with a curve concave to the Southwest; thence Northerly along the arc of said curve, having a radius of 345.00 feet, a central angle of 78°57'24", an arc length of 475.43 feet and a chord bearing N32°21'25"W, for 438.69 feet to the point of tangency; thence N71°50'07"W, for 248.57 feet; thence S22°49'05"W, for 14.23 feet; thence N67°10'55"W, for 110.00 feet; thence N67°10'55"W, for 75.00 feet; thence N67°10'55"W, for 110.00 feet; thence N22°49'05"E, for 24.02 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Northwesterly along the arc of said curve with a radial bearing N38°13'50"E, and having a radius of 555.00 feet, a central angle of 16°09'55", an arc length of 156.59 feet and a chord bearing N43°41'12"W, for 156.07 feet to the point of tangency; thence N35°36'15"W, for 83.07 feet to the point of curvature of a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 215.00 feet, a central angle of 13°43'45", an arc length of 51.52 feet and a chord bearing N28°44'22"W, for 51.39 feet to the point

of compound curvature with a curve concave to the East; thence Northerly along the arc of said curve, having a radius of 565.00 feet, a central angle of  $02^{\circ}00'20''$ , an arc length of 19.78 feet and a chord bearing  $N20^{\circ}52'20''W$ , for 19.78 feet to the point of tangency; thence  $N19^{\circ}52'10''W$ , for 213.79 feet; thence  $S47^{\circ}36'05''W$ , for 50.88 feet; thence  $S44^{\circ}50'39''W$ , for 63.04 feet; thence  $S53^{\circ}26'26''W$ , for 50.89 feet; thence  $S57^{\circ}48'08''W$ , for 53.20 feet; thence  $S68^{\circ}46'48''W$ , for 31.85 feet; thence  $S82^{\circ}08'11''W$ , for 34.21 feet; thence  $S89^{\circ}43'20''W$ , for 29.09 feet; thence  $N84^{\circ}22'39''W$ , for 42.92 feet; thence  $N16^{\circ}44'56''W$ , for 194.80 feet to the point of intersection with the proposed Southerly right-of-way line of Bi-County Thruway; thence along said proposed Southerly right-of-way line the following two (2) courses; 1) thence  $N67^{\circ}18'32''E$ , for 114.55 feet to the point of curvature of a curve concave to the South; 2) thence Northeasterly along the arc of said curve, having a radius of 5658.56 feet, a central angle of  $05^{\circ}36'57''$ , an arc length of 554.61 feet and a chord bearing  $N70^{\circ}07'00''E$ , for 554.39 feet to the point of intersection with a non-tangent line; thence  $S17^{\circ}04'03''E$ , for 127.72 feet; thence  $S82^{\circ}19'40''W$ , for 24.69 feet; thence  $S81^{\circ}05'25''W$ , for 40.01 feet; thence  $S76^{\circ}25'42''W$ , for 22.35 feet; thence  $S66^{\circ}44'49''W$ , for 12.69 feet; thence  $S50^{\circ}14'04''W$ , for 12.83 feet; thence  $S41^{\circ}39'47''W$ , for 14.45 feet; thence  $S46^{\circ}18'42''W$ , for 11.89 feet; thence  $S59^{\circ}50'14''W$ , for 11.72 feet; thence  $S67^{\circ}39'47''W$ , for 11.91 feet; thence  $S74^{\circ}37'29''W$ , for 12.50 feet; thence  $S83^{\circ}24'51''W$ , for 13.27 feet; thence  $S84^{\circ}31'09''W$ , for 12.11 feet; thence  $S71^{\circ}46'16''W$ , for 12.53 feet; thence  $S19^{\circ}52'10''E$ , for 251.97 feet to the point of curvature of a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 435.00 feet, a central angle of  $02^{\circ}00'20''$ , an arc length of 15.23 feet and a chord bearing  $S20^{\circ}52'20''E$ , for 15.23 feet to the point of reverse curvature with a curve concave to the West; thence Southerly along the arc of said curve, having a radius of 215.00 feet, a central angle of  $08^{\circ}01'52''$ , an arc length of 30.14 feet and a chord bearing  $S17^{\circ}51'34''E$ , for 30.11 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southerly along the arc of said curve, having a radius of 185.00 feet, a central angle of  $20^{\circ}26'35''$ , an arc length of 66.01 feet and a chord bearing  $S24^{\circ}03'56''E$ , for 65.66 feet to the point of compound curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 445.00 feet, a central angle of  $37^{\circ}32'54''$ , an arc length of 291.63 feet and a chord bearing  $S53^{\circ}03'40''E$ , for 286.44 feet to the point of tangency; thence  $S71^{\circ}50'07''E$ , for 272.51 feet to the point of intersection with a non-tangent curve concave to the East; thence Northerly along the arc of said curve with a radial bearing  $S86^{\circ}18'46''E$ , and having a radius of 20.00 feet, a central angle of  $14^{\circ}28'39''$ , an arc length of 5.05 feet and a chord bearing  $N10^{\circ}55'34''E$ , for 5.04 feet to the point of tangency; thence  $N18^{\circ}09'53''E$ , for 15.00 feet to the point of curvature of a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 114.00 feet, a central angle of  $19^{\circ}44'32''$ , an arc length of 39.28 feet and a chord bearing  $N08^{\circ}17'37''E$ , for 39.09 feet to the point of intersection with a non-tangent line; thence  $S71^{\circ}50'07''E$ , for 49.38 feet; thence  $S38^{\circ}35'07''E$ , for 20.96 feet; thence  $S43^{\circ}45'32''E$ , for 25.68 feet; thence  $S55^{\circ}09'33''E$ , for 14.80 feet; thence  $S70^{\circ}00'00''E$ , for 12.23 feet; thence  $S80^{\circ}24'08''E$ , for 7.93 feet; thence  $S18^{\circ}09'53''W$ , for 33.03 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence Southeasterly along the arc of said curve with a radial bearing  $S22^{\circ}54'22''W$ , and having a radius of 455.00 feet, a central angle of  $74^{\circ}12'55''$ , an arc length of 589.36 feet and a chord bearing  $S29^{\circ}59'11''E$ , for 549.02 feet to the point of reverse curvature with a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 1445.00 feet, a central angle of  $07^{\circ}23'50''$ , an arc length of 186.56 feet and a chord bearing  $S03^{\circ}25'22''W$ ,

for 186.43 feet to the point of intersection with a non-tangent line: thence S55°49'45"E. for 179.96 feet to the point of intersection with a non-tangent curve concave to the Northeast: thence Southwesterly along the arc of said curve with a radial bearing S31°12'17"E, and having a radius of 60.00 feet, a central angle of 182°57'25", an arc length of 191.59 feet and a chord bearing S29°43'35"E, for 119.96 feet to the point of cusp with a curve concave to the Southeast; thence Southwesterly along the arc of said curve, having a radius of 15.00 feet, a central angle of 72°08'30", an arc length of 18.89 feet and a chord bearing S25°40'53"W, for 17.66 feet to the point of compound curvature with a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 1265.00 feet, a central angle of 00°01'43", an arc length of 0.63 feet and a chord bearing S10°24'13"E, for 0.63 feet to the point of intersection with a non-tangent line: thence N79°34'55"E, for 105.90 feet; thence S11°38'18"E, for 49.36 feet; thence S14°04'43"E, for 49.36 feet; thence S16°31'08"E, for 49.36 feet; thence S18°57'33"E, for 49.36 feet; thence S21°23'57"E, for 49.36 feet; thence S23°50'22"E, for 49.36 feet; thence S26°00'37"E, for 50.70 feet; thence S24°53'05"E, for 51.62 feet; thence S24°29'01"E, for 200.00 feet; thence S25°41'52"E, for 49.19 feet; thence S29°10'17"E, for 49.14 feet; thence S32°26'58"E, for 49.14 feet; thence S76°23'15"E, for 78.84 feet; thence S41°06'08"E, for 50.68 feet; thence S31°44'09"E, for 55.70 feet; thence S12°04'55"E, for 55.80 feet; thence S08°16'05"W, for 61.47 feet; thence S27°55'19"W, for 55.80 feet; thence S16°23'43"E, for 56.79 feet to the point of intersection with a non-tangent curve concave to the Northwest: thence Easterly along the arc of said curve with a radial bearing N17°48'06"W, and having a radius of 570.00 feet, a central angle of 22°05'52", an arc length of 219.84 feet and a chord bearing N61°08'58"E, for 218.48 feet to the point of reverse curvature with a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 1055.00 feet, a central angle of 03°44'35", an arc length of 68.92 feet and a chord bearing N51°58'20"E, for 68.91 feet to the point of tangency; thence N53°50'37"E, for 213.96 feet to the point of curvature of a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 855.00 feet, a central angle of 06°50'52", an arc length of 102.19 feet and a chord bearing N57°16'03"E, for 102.13 feet to the point of tangency; thence N60°41'29"E, for 212.03 feet to the point of curvature of a curve concave to the South; thence Northeasterly along the arc of said curve, having a radius of 955.00 feet, a central angle of 23°24'55", an arc length of 390.28 feet and a chord bearing N72°23'57"E, for 387.57 feet to the point of intersection with a non-tangent line; thence N05°53'36"W, for 310.10 feet; thence S76°33'58"E, for 79.61 feet; thence N56°53'58"E, for 70.67 feet; thence N76°22'09"E, for 82.73 feet; thence N83°43'00"E, for 86.88 feet; thence N87°40'08"E, for 83.34 feet; thence S79°29'35"E, for 268.22 feet; thence S72°30'31"E, for 103.70 feet; thence S66°37'56"E, for 86.88 feet; thence S59°06'03"E, for 81.20 feet; thence S45°53'28"E, for 60.67 feet; thence S17°42'45"E, for 247.49 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing N13°37'15"W, and having a radius of 845.00 feet, a central angle of 23°21'09", an arc length of 344.40 feet and a chord bearing N64°42'10"E, for 342.02 feet to the point of intersection with a non-tangent line; thence N35°53'26"W, for 5.00 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Northeasterly along the arc of said curve with a radial bearing N36°58'47"W, and having a radius of 840.00 feet, a central angle of 04°50'34", an arc length of 71.00 feet and a chord bearing N50°35'56"E, for 70.98 feet to the point of tangency; thence N48°10'39"E, for 42.08 feet; thence N48°10'39"E, for 75.00 feet; thence N48°10'39"E, for

110.00 feet; thence S41°49'21"E. for 5.00 feet; thence N48°10'39"E. for 167.35 feet to the point of curvature of a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 1755.00 feet, a central angle of 09°08'05", an arc length of 279.80 feet and a chord bearing N52°44'41"E. for 279.50 feet to the point of intersection with a non-tangent line; thence N35°46'32"W. for 5.01 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence Northeasterly along the arc of said curve with a radial bearing S32°41'48"E. and having a radius of 1760.00 feet, a central angle of 10°17'59", an arc length of 316.39 feet and a chord bearing N62°27'11"E. for 315.96 feet to the point of intersection with a non-tangent line; thence S44°03'44"E. for 5.38 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing S22°19'55"E. and having a radius of 1755.00 feet, a central angle of 19°28'00", an arc length of 596.27 feet and a chord bearing N77°24'05"E. for 593.41 feet to the point of intersection with a non-tangent line; thence N13°38'02"W. for 3.01 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing S02°53'01"E. and having a radius of 1757.96 feet, a central angle of 03°39'12", an arc length of 112.09 feet and a chord bearing N88°56'34"E. for 112.07 feet to the point of intersection with a non-tangent line; thence S89°45'06"E. for 50.12 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing S02°24'08"W. and having a radius of 1759.13 feet, a central angle of 03°41'51", an arc length of 113.52 feet and a chord bearing S85°44'57"E. for 113.50 feet to the point of intersection with a non-tangent line; thence S06°04'16"E. for 4.22 feet to the point of intersection with a non-tangent curve concave to the South; thence Easterly along the arc of said curve with a radial bearing S06°07'43"W. and having a radius of 1755.00 feet, a central angle of 06°02'28", an arc length of 185.04 feet and a chord bearing S80°51'03"E. for 184.96 feet to the point of reverse curvature with a curve concave to the North; thence Easterly along the arc of said curve, having a radius of 645.00 feet, a central angle of 06°20'17", an arc length of 71.35 feet and a chord bearing S80°59'57"E. for 71.31 feet to the point of intersection with a non-tangent line; thence N03°46'52"W. for 5.07 feet to the point of intersection with a non-tangent curve concave to the North; thence Easterly along the arc of said curve with a radial bearing N05°54'27"E. and having a radius of 640.00 feet, a central angle of 09°10'25", an arc length of 102.47 feet and a chord bearing S88°40'45"E. for 102.36 feet to the curve's end; thence N08°46'49"W. for 12.04 feet to the point of curvature of a curve concave to the East; thence Northerly along the arc of said curve, having a radius of 238.00 feet, a central angle of 13°46'20", an arc length of 57.21 feet and a chord bearing N01°53'39"W. for 57.07 feet to the point of reverse curvature with a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 162.00 feet, a central angle of 13°46'20", an arc length of 38.94 feet and a chord bearing N01°53'39"W. for 38.85 feet to the point of tangency; thence N08°46'49"W. for 243.98 feet to the point of curvature of a curve concave to the Southwest; thence Northerly along the arc of said curve, having a radius of 500.00 feet, a central angle of 66°58'08", an arc length of 584.41 feet and a chord bearing N42°15'53"W. for 551.71 feet to the point of reverse curvature with a curve concave to the Northeast; thence Westerly along the arc of said curve, having a radius of 350.00 feet, a central angle of 47°35'03", an arc length of 290.67 feet and a chord bearing N51°57'25"W. for 282.39 feet to the point of tangency; thence N28°09'54"W. for 327.85 feet to the point of curvature of a curve concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 250.00 feet,



a central angle of 23°26'48", an arc length of 102.31 feet and a chord bearing N39°53'18"W, for 101.59 feet to the point of reverse curvature with a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 350.00 feet, a central angle of 30°52'36", an arc length of 188.61 feet and a chord bearing N36°10'24"W, for 186.34 feet to the point of intersection with a non-tangent line; thence N84°10'48"E, for 105.00 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Southeasterly along the arc of said curve with a radial bearing N63°03'32"E, and having a radius of 250.00 feet, a central angle of 24°40'14", an arc length of 107.65 feet and a chord bearing S39°16'35"E, for 106.82 feet to the point of reverse curvature with a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 350.00 feet, a central angle of 23°26'48", an arc length of 143.23 feet and a chord bearing S39°53'18"E, for 142.23 feet to the point of tangency; thence S28°09'54"E, for 327.85 feet to the point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 250.00 feet, a central angle of 47°35'03", an arc length of 207.62 feet and a chord bearing S51°57'25"E, for 201.71 feet to the point of reverse curvature with a curve concave to the Southwest; thence Easterly along the arc of said curve, having a radius of 600.00 feet, a central angle of 66°58'08", an arc length of 701.30 feet and a chord bearing S42°15'53"E, for 662.05 feet to the point of tangency; thence S08°46'49"E, for 243.98 feet to the point of curvature of a curve concave to the East; thence Southerly along the arc of said curve, having a radius of 162.00 feet, a central angle of 13°46'20", an arc length of 38.94 feet and a chord bearing S15°39'59"E, for 38.85 feet to the point of reverse curvature with a curve concave to the West; thence Southeasterly along the arc of said curve, having a radius of 238.00 feet, a central angle of 13°46'20", an arc length of 57.21 feet and a chord bearing S15°39'59"E, for 57.07 feet to the point of tangency; thence S08°46'49"E, for 12.04 feet to the point of intersection with a non-tangent curve concave to the North; thence Easterly along the arc of said curve with a radial bearing N14°17'40"W, and having a radius of 640.00 feet, a central angle of 08°17'02", an arc length of 92.53 feet and a chord bearing N71°33'49"E, for 92.45 feet to the point of intersection with a non-tangent line; thence S09°06'41"E, for 5.14 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Easterly along the arc of said curve with a radial bearing N22°28'19"W, and having a radius of 645.00 feet, a central angle of 02°17'05", an arc length of 25.72 feet and a chord bearing N66°23'08"E, for 25.72 feet to the point of intersection with a non-tangent line; thence S24°45'24"E, for 110.00 feet; thence S02°54'07"E, for 110.35 feet; thence S20°33'46"E, for 46.58 feet; thence N73°51'22"W, for 84.74 feet; thence N80°01'06"W, for 100.45 feet to the point of intersection with a non-tangent curve concave to the West; thence Northerly along the arc of said curve with a radial bearing N88°30'04"W, and having a radius of 214.00 feet, a central angle of 10°16'45", an arc length of 38.39 feet and a chord bearing N03°38'26"W, for 38.34 feet to the point of tangency; thence N08°46'49"W, for 15.93 feet to the point of intersection with a non-tangent curve concave to the North; thence Westerly along the arc of said curve with a radial bearing N11°36'30"W, and having a radius of 760.00 feet, a central angle of 14°18'58", an arc length of 189.90 feet and a chord bearing S85°32'58"W, for 189.40 feet to the point of intersection with a non-tangent line; thence N13°45'35"W, for 5.22 feet to the point of intersection with a non-tangent curve concave to the North; thence Westerly along the arc of said curve with a radial bearing N02°49'11"E, and having a radius of 755.00 feet, a central angle of 09°21'00", an arc length of 123.21 feet and a chord bearing N82°30'19"W, for 123.07 feet to the point of reverse curvature

with a curve concave to the South: thence Westerly along the arc of said curve, having a radius of 1645.00 feet, a central angle of  $23^{\circ}10'46''$ , an arc length of 665.50 feet and a chord bearing  $N89^{\circ}25'12''W$ , for 660.97 feet to the point of intersection with a non-tangent line; thence  $S10^{\circ}33'01''E$ , for 5.00 feet to the point of intersection with a non-tangent curve concave to the South; thence Westerly along the arc of said curve with a radial bearing  $S11^{\circ}00'40''E$ , and having a radius of 1640.00 feet, a central angle of  $10^{\circ}44'01''$ , an arc length of 307.23 feet and a chord bearing  $S73^{\circ}37'19''W$ , for 306.79 feet to the point of intersection with a non-tangent line; thence  $N22^{\circ}04'23''W$ , for 5.00 feet to the point of intersection with a non-tangent curve concave to the Southeast: thence Westerly along the arc of said curve with a radial bearing  $S21^{\circ}44'45''E$ , and having a radius of 1645.00 feet, a central angle of  $20^{\circ}04'36''$ , an arc length of 576.42 feet and a chord bearing  $S58^{\circ}12'57''W$ , for 573.47 feet to the point of tangency; thence  $S48^{\circ}10'39''W$ , for 163.39 feet; thence  $S47^{\circ}26'42''E$ , for 6.70 feet; thence  $S42^{\circ}33'18''W$ , for 115.56 feet; thence  $S59^{\circ}25'20''W$ , for 74.99 feet; thence  $S43^{\circ}37'14''W$ , for 116.92 feet; thence  $N46^{\circ}22'46''W$ , for 15.62 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Southwesterly along the arc of said curve with a radial bearing  $N37^{\circ}20'21''W$ , and having a radius of 955.00 feet, a central angle of  $09^{\circ}39'14''$ , an arc length of 160.91 feet and a chord bearing  $S57^{\circ}29'16''W$ , for 160.72 feet to the point of intersection with a non-tangent line; thence  $S25^{\circ}58'49''E$ , for 5.42 feet; thence  $S64^{\circ}01'11''W$ , for 119.08 feet; thence  $S73^{\circ}07'18''W$ , for 74.37 feet; thence  $S63^{\circ}59'08''W$ , for 117.72 feet; thence  $S73^{\circ}54'56''W$ , for 33.66 feet; thence  $S46^{\circ}42'34''W$ , for 96.33 feet to the point of intersection with a non-tangent curve concave to the East; thence Northwesterly along the arc of said curve with a radial bearing  $N46^{\circ}42'34''E$ , and having a radius of 186.00 feet, a central angle of  $03^{\circ}46'05''$ , an arc length of 12.23 feet and a chord bearing  $N41^{\circ}24'24''W$ , for 12.23 feet to the point of compound curvature with a curve concave to the East; thence Northwesterly along the arc of said curve with a radial bearing  $N50^{\circ}28'39''E$ , and having a radius of 98.00 feet, a central angle of  $35^{\circ}21'21''$ , an arc length of 60.47 feet and a chord bearing  $N21^{\circ}50'41''W$ , for 59.52 feet to the point of reverse curvature with a curve concave to the West; thence Northerly along the arc of said curve, having a radius of 102.00 feet, a central angle of  $10^{\circ}36'45''$ , an arc length of 18.89 feet and a chord bearing  $N09^{\circ}28'23''W$ , for 18.87 feet to the point of reverse curvature with a curve concave to the East; thence Northerly along the arc of said curve with a radial bearing  $N75^{\circ}13'15''E$ , and having a radius of 174.50 feet, a central angle of  $00^{\circ}15'30''$ , an arc length of 0.79 feet and a chord bearing  $N14^{\circ}39'00''W$ , for 0.79 feet to the point of compound curvature with a curve concave to the East; thence Northerly along the arc of said curve with a radial bearing  $N75^{\circ}28'45''E$ , and having a radius of 33.00 feet, a central angle of  $22^{\circ}30'14''$ , an arc length of 12.96 feet and a chord bearing  $N03^{\circ}16'09''W$ , for 12.88 feet to the point of intersection with a non-tangent curve concave to the north; thence Westerly along the arc of said curve with a radial bearing  $N01^{\circ}31'15''W$ , and having a radius of 955.00 feet, a central angle of  $12^{\circ}49'48''$ , an arc length of 213.85 feet and a chord bearing  $N85^{\circ}06'21''W$ , for 213.40 feet to the point of tangency; thence  $N78^{\circ}41'27''W$ , for 342.34 feet to the point of curvature of a curve concave to the South; thence Westerly along the arc of said curve, having a radius of 845.00 feet, a central angle of  $40^{\circ}37'04''$ , an arc length of 599.03 feet and a chord bearing  $S81^{\circ}00'01''W$ , for 586.57 feet to the point of tangency; thence  $S60^{\circ}41'29''W$ , for 212.03 feet to the point of curvature of a curve concave to the Southeast; thence Southwesterly along the arc of said curve, having a radius of 745.00 feet, a central angle of  $06^{\circ}50'52''$ , an arc length of 89.04 feet and a chord bearing

S57°16'03"W, for 88.99 feet to the point of tangency; thence S53°50'37"W, for 213.96 feet to the point of curvature of a curve concave to the Southeast; thence Southwesterly along the arc of said curve, having a radius of 945.00 feet, a central angle of 02°19'47", an arc length of 38.43 feet and a chord bearing S52°40'43"W, for 38.42 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence Southeasterly along the arc of said curve with a radial bearing S36°26'54"W, and having a radius of 20.00 feet, a central angle of 17°23'42", an arc length of 6.07 feet and a chord bearing S44°51'14"E, for 6.05 feet to the point of tangency; thence S36°09'23"E, for 17.97 feet to the point of curvature of a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 162.50 feet, a central angle of 05°41'31", an arc length of 16.14 feet and a chord bearing S33°18'38"E, for 16.14 feet to the point of reverse curvature with a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 114.00 feet, a central angle of 11°34'06", an arc length of 23.02 feet and a chord bearing S36°14'55"E, for 22.98 feet to the point of reverse curvature with a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 86.00 feet, a central angle of 18°39'35", an arc length of 28.01 feet and a chord bearing S32°42'11"E, for 27.88 feet to the point of intersection with a non-tangent line; thence S76°51'16"W, for 109.09 feet; thence N28°00'05"W, for 46.58 feet to the point of intersection with a non-tangent curve concave to the Northwest; thence Southwesterly along the arc of said curve with a radial bearing N33°49'28"W, and having a radius of 680.00 feet, a central angle of 11°59'07", an arc length of 142.24 feet and a chord bearing S62°10'05"W, for 141.99 feet to the point of intersection with a non-tangent line; thence S01°27'42"E, for 36.84 feet; thence S88°32'18"W, for 101.56 feet; thence S81°21'53"W, for 51.08 feet; thence S78°29'22"W, for 95.36 feet; thence N11°30'38"W, for 5.04 feet; thence S78°31'20"W, for 271.93 feet to the point of curvature of a curve concave to the North; thence Westerly along the arc of said curve, having a radius of 955.00 feet, a central angle of 03°45'26", an arc length of 62.62 feet and a chord bearing S80°24'03"W, for 62.61 feet to the point of intersection with a non-tangent line; thence S01°09'51"W, for 89.81 feet; thence S05°28'33"W, for 153.04 feet; thence S06°14'09"W, for 85.83 feet; thence S13°06'20"W, for 85.83 feet; thence S19°58'31"W, for 85.83 feet; thence S26°50'41"W, for 85.83 feet; thence S33°42'52"W, for 82.91 feet; thence S35°18'13"W, for 224.15 feet; thence S19°55'49"E, for 78.50 feet; thence S11°01'08"E, for 80.72 feet; thence S10°41'07"W, for 80.00 feet; thence N79°18'53"W, for 125.44 feet to the point of intersection with a non-tangent curve concave to the North; thence Southwesterly along the arc of said curve with a radial bearing N37°15'02"W, and having a radius of 60.00 feet, a central angle of 58°44'25", an arc length of 61.51 feet and a chord bearing S82°07'11"W, for 58.85 feet to the point of intersection with a non-tangent line; thence S21°29'24"W, for 10.00 feet; thence S80°40'29"W, for 126.94 feet; thence N09°19'31"W, for 75.00 feet; thence N03°26'49"W, for 93.59 feet; thence N08°17'50"E, for 93.59 feet; thence N20°02'07"E, for 93.59 feet; thence N31°34'59"E, for 89.89 feet; thence N16°54'06"E, for 52.79 feet; thence N52°55'58"W, for 85.31 feet; thence N42°01'24"W, for 94.68 feet; thence N29°36'07"W, for 94.68 feet; thence N17°10'50"W, for 94.68 feet; thence N04°45'33"W, for 94.68 feet; thence N05°42'10"W, for 70.89 feet; thence N13°24'11"W, for 74.56 feet; thence N01°10'13"W, for 110.02 feet; thence N16°00'25"E, for 100.74 feet; thence N67°28'52"W, for 205.78 feet; thence S22°31'08"W, for 199.18 feet; thence S16°27'04"W, for 127.01 feet; thence S13°23'02"E, for 59.00 feet; thence S22°41'35"E, for 150.83 feet; thence S00°00'26"E, for 206.39 feet; thence N89°59'34"E, for 26.46 feet; thence S01°19'29"E, for 127.93

EXHIBIT "B"  
PAGE 7 OF 17

feet: thence S05°30'38"E. for 96.63 feet: thence S00°00'26"E. for 617.64 feet: thence N89°16'57"W. for 214.62 feet to the POINT OF BEGINNING and containing 91.66 acres more or less.

TOGETHER WITH THE FOLLOWING:

LEGAL DESCRIPTION OF HERITAGE SPRINGS PHASE II:

A tract of land lying within Section 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows: Commence at Southwest corner of said Section 32; thence along the South line of said Section 32, S89°16'57"E, for 545.30 feet to the POINT OF BEGINNING; thence leaving said South line, N71°08'26"E, for 13.87 feet; thence N00°18'04"W, for 66.66 feet; thence N59°56'44"W, for 83.61 feet; thence N30°03'16"E, for 655.26 feet; thence N31°29'23"E, for 14.37 feet; thence N28°42'09"E, for 201.39 feet; thence N17°12'45"E, for 185.17 feet; thence N03°52'58"E, for 186.66 feet; thence N11°30'38"W, for 165.09 feet; thence N78°29'22"E, for 96.00 feet; thence N81°21'53"E, for 51.08 feet; thence N88°32'18"E, for 102.23 feet; thence S01°27'42"E, for 175.33 feet; thence S08°51'53"E, for 20.63 feet; thence S02°23'47"W, for 136.00 feet; thence S03°00'35"W, for 28.91 feet; thence S12°52'02"W, for 194.33 feet; thence S23°18'20"W, for 28.68 feet; thence S23°09'45"W, for 51.67 feet; thence S31°51'30"E, for 187.83 feet; thence S04°13'02"W, for 45.62 feet; thence S09°46'26"E, for 369.44 feet; thence N61°59'19"E, for 63.45 feet; thence N84°03'03"E, for 80.37 feet; thence S84°55'23"E, for 51.35 feet; thence S55°52'43"E, for 27.00 feet; thence S29°33'08"E, for 26.12 feet; thence S12°51'33"E, for 78.73 feet; thence S22°28'52"E, for 37.56 feet; thence S31°29'01"E, for 43.71 feet; thence S42°50'47"E, for 60.05 feet; thence S62°18'08"E, for 35.95 feet; thence S49°12'02"E, for 47.23 feet to a point on the South line of said Section 32; thence along said South line, N89°16'57"W, for 1123.61 feet to the POINT OF BEGINNING and containing 15.63 acres, more or less.

TOGETHER WITH THE FOLLOWING:

A tract of land lying within Section 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows: Commence at Southwest corner of said Section 32; thence along the South line of said Section 32, S89°16'57"E, for 1840.91 feet; thence leaving said South line, N00°43'03"E, for 460.02 feet to the POINT OF BEGINNING; thence N77°38'28"W, for 108.52 feet; thence N49°51'56"W, for 87.96 feet; thence N34°23'34"W, for 78.72 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence Northwesterly along the arc of said curve with a radial bearing N55°31'13"E, and having a radius of 1135.50 feet, a central angle of 23°39'23", an arc length of 468.83 feet and a chord bearing N22°39'05"W, for 465.50 feet to the point of intersection with a non-tangent line; thence N12°31'25"W, for 413.81 feet; thence N13°52'35"W, for 64.84 feet; thence N76°51'16"E, for 110.00 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence Northwesterly along the arc of said curve with a radial bearing S66°37'37"W, and having a radius of 86.00 feet, a central angle of 18°39'35", an arc length of 28.01 feet and a chord bearing N32°42'11"W, for 27.88 feet to the point of reverse curvature with a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 114.00 feet, a central angle of 11°34'06", an arc length of 23.02

feet and a chord bearing N36°14'55"W, for 22.98 feet to the point of reverse curvature with a curve concave to the Southwest: thence Northwesterly along the arc of said curve, having a radius of 162.50 feet, a central angle of 05°41'31", an arc length of 16.14 feet and a chord bearing N33°18'38"W, for 16.14 feet to the point of tangency; thence N36°09'23"W, for 17.97 feet to the point of curvature of a curve concave to the Southwest: thence Northwesterly along the arc of said curve, having a radius of 20.00 feet, a central angle of 17°23'42", an arc length of 6.07 feet and a chord bearing N44°51'14"W, for 6.05 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence Northeasterly along the arc of said curve with a radial bearing S38°29'10"E, and having a radius of 945.00 feet, a central angle of 02°19'47", an arc length of 38.43 feet and a chord bearing N52°40'43"E, for 38.42 feet to the point of tangency; thence N53°50'37"E, for 213.96 feet to the point of curvature of a curve concave to the Southeast; thence Northeasterly along the arc of said curve, having a radius of 745.00 feet, a central angle of 06°50'52", an arc length of 89.04 feet and a chord bearing N57°16'03"E, for 88.99 feet to the point of tangency; thence N60°41'29"E, for 1.91 feet; thence S36°33'04"E, for 89.45 feet; thence S68°57'05"E, for 352.66 feet; thence S58°35'50"E, for 82.09 feet; thence S48°30'48"E, for 82.19 feet; thence S35°46'47"E, for 91.65 feet; thence S30°14'13"E, for 132.17 feet; thence S22°39'29"E, for 81.33 feet; thence S13°46'34"E, for 81.15 feet; thence S03°35'05"E, for 81.15 feet; thence S06°36'24"W, for 81.15 feet; thence S16°48'25"W, for 81.15 feet; thence S27°36'49"W, for 81.07 feet; thence S35°15'20"W, for 74.39 feet; thence S40°15'07"W, for 73.26 feet; thence S43°13'40"W, for 195.00 feet; thence S38°34'00"W, for 65.19 feet; thence S51°41'07"W, for 103.79 feet; thence S78°14'37"W, for 81.34 feet; thence N88°36'32"W, for 26.29 feet to the POINT OF BEGINNING and containing 21.12 acres, more or less.

EXHIBIT "B"  
PAGE 9 OF 17

TOGETHER WITH THE FOLLOWING:

LEGAL DESCRIPTION OF HERITAGE SPRINGS PHASE III A

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 9 UNIT 1:

A portion of Section 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence along the West line of said Section 32, N00°05'44"E, for 3446.47 feet; thence leaving said West line, S89°54'16"E, for 439.65 feet to the POINT OF BEGINNING; thence S68°34'32"E, for 448.87 feet; thence N42°49'30"E, for 191.38 feet; thence S44°21'28"E, for 268.92 feet; thence S45°38'32"W, for 61.80 feet; thence S44°21'28"E, for 9.18 feet; thence S33°16'12"E, for 23.77 feet to the point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 255.00 feet, a central angle of 18°44'00", an arc length of 83.37 feet and a chord bearing S42°38'12"E, for 83.00 feet to the point of reverse curvature with a curve concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 775.00 feet, a central angle of 08°16'41", an arc length of 111.97 feet and a chord bearing S47°51'52"E, for 111.87 feet to the point of compound curvature with a curve concave to the West; thence Southeasterly along the arc of said curve, having a radius of 185.00 feet, a central angle of 46°51'33", an arc length of 151.39 feet and a chord bearing S20°17'45"E, for 147.12 feet to the point of compound curvature with a curve concave to the Northwest; thence Southerly along the arc of said curve, having a radius of 115.00 feet, a central angle of 60°22'26", an arc length of 121.18 feet and a chord bearing S33°19'15"W, for 115.65 feet to the point of compound curvature with a curve concave to the North; thence Southwesterly along the arc of said curve, having a radius of 490.00 feet, a central angle of 11°52'57", an arc length of 101.62 feet and a chord bearing S69°26'56"W, for 101.44 feet to the point of compound curvature with a curve concave to the North; thence Westerly along the arc of said curve, having a radius of 210.00 feet, a central angle of 40°3'03", an arc length of 147.40 feet and a chord bearing N84°30'04"W, for 144.40 feet to the point of compound curvature with a curve concave to the Northeast; thence Northwesterly along the arc of said curve, having a radius of 185.00 feet, a central angle of 30°18'27", an arc length of 97.86 feet and a chord bearing N49°14'19"W, for 96.72 feet to the point of reverse curvature with a curve concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 175.00 feet, a central angle of 22°06'19", an arc length of 67.52 feet and a chord bearing N45°08'15"W, for 67.10 feet to the point of compound curvature with a curve concave to the South; thence Northwesterly along the arc of said curve, having a radius of 75.00 feet, a central angle of 32°25'47", an arc length of 120.99 feet and a chord bearing S77°35'42"W, for 108.29 feet to the point of intersection with a non-tangent line; thence N56°58'49"W, for 271.97 feet; thence N77°38'37"W, for 69.63 feet; thence S69°09'45"W, for 122.20 feet to the East boundary of Heritage Springs Village 4 as recorded in plat book 36, pages 136 through 140 of the public records of Pasco County, Florida and to the point of intersection with a non-tangent curve concave to the West; thence along said East boundary, Northerly along the arc of said curve with a radial bearing N87°27'27"W, and having a radius of 455.00 feet, a central angle of 38°12'06", an arc length of 303.37 feet and a chord bearing N16°33'30"W, for 297.78 feet to the the point of intersection with a non-tangent line; thence N54°20'27"E, for 38.32 feet; thence N78°12'59"E, for 30.01 feet; thence N21°25'28"E, for 168.64 feet to the POINT OF BEGINNING and containing 9.38 acres, more or less.

— TOGETHER WITH THE FOLLOWING —

EXHIBIT "B"  
PAGE 10 OF 17

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 2:

A portion of Sections 31 and 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Section 31; thence along the East line of said Section 31, N00°05'44"E for 1691.86 feet to the POINT OF BEGINNING; thence leaving said East line, N51°01'26"W, for 81.25 feet; thence S89°24'32"W, for 72.24 feet; thence N64°36'37"W, for 72.24 feet; thence N39°42'20"W, for 59.23 feet; thence N21°12'59"W, for 70.30 feet; thence N12°48'17"W, for 65.71 feet; thence N17°48'04"W, for 76.00 feet; thence N10°58'22"W, for 76.00 feet; thence N06°11'55"W, for 76.21 feet; thence N06°17'22"E, for 427.52 feet; thence N18°27'52"E, for 513.54 feet; thence S71°32'08"E, for 125.74 feet; thence S43°53'50"E, for 303.11 feet; thence S89°10'12"E, for 62.58 feet to the West boundary of Heritage Springs Village 4 as recorded in plat book 36, pages 136 through 140 of the public records of Pasco County, Florida and to the point of intersection with a non-tangent curve concave to the East; thence along said West boundary, southerly along the arc of said curve with a radial bearing S87°37'09"E, and having a radius of 1560.00 feet, a central angle of 10°58'42", an arc length of 298.91 feet and a chord bearing S03°06'30"E, for 298.45 feet to the North boundary of Heritage Springs Village 3 as recorded in plat book 36, pages 127 through 129 of the public records of Pasco County, Florida and to the point of intersection with a non-tangent line; thence along the North and West boundary of said Heritage Springs Village 3 the following thirteen (13) courses: 1) N89°10'12"W, for 77.60 feet; 2) S64°30'49"W, for 69.91 feet; 3) S58°47'26"W, for 105.95 feet; 4) S33°22'56"W, for 106.01 feet; 5) S07°58'27"W, for 98.13 feet; 6) South, for 85.53 feet; 7) S21°38'50"E, for 97.62 feet; 8) S40°37'53"E, for 91.11 feet; 9) S44°17'30"E, for 63.16 feet; 10) S48°44'29"E, for 64.25 feet; 11) S45°41'04"W, for 89.91 feet; 12) S33°55'31"W, for 89.06 feet; 13) S26°35'13"W, for 116.52 feet; thence leaving said West boundary, N51°01'26"W, for 14.85 feet to the POINT OF BEGINNING and containing 11.39 acres, more or less.

TOGETHER WITH THE FOLLOWING

EXHIBIT "B"  
PAGE 11 OF 17

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 9 UNIT 2:

A portion of Section 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Northwest corner of said Section 32; thence S00°05'44"W, along the West line of said Section 32, for 1837.53 feet; thence leaving said West line, S89°54'16"E, for 987.63 feet to the POINT OF BEGINNING; thence N42°49'30"E, for 1064.13 feet; thence S67°09'09"E, for 70.65 feet; thence N63°53'49"E, for 54.56 feet; thence S58°05'12"E, for 71.87 feet; thence S47°24'28"E, for 236.38 feet; thence S67°58'17"E, for 45.31 feet; thence S79°59'57"E, for 51.79 feet; thence N80°17'09"E, for 77.10 feet; thence N59°34'00"E, for 73.06 feet; thence N89°59'33"E, for 99.00 feet; thence S78°25'24"E, for 159.86 feet; thence S78°58'32"E, for 198.06 feet; thence S88°24'59"E, for 257.79 feet; thence S03°18'13"E, for 108.48 feet; thence S17°16'29"W, for 58.25 feet; thence S46°33'21"W, for 60.35 feet; thence S80°23'41"W, for 102.75 feet; thence S24°43'15"W, for 389.80 feet; thence S46°01'38"W, for 86.52 feet; thence S86°21'36"W, for 100.76 feet; thence N31°35'23"W, for 72.24 feet; thence N56°29'40"W, for 72.57 feet; thence N82°42'02"W, for 91.71 feet; thence S63°36'47"W, for 256.62 feet; thence N38°44'31"W, for 213.54 feet; thence S51°15'29"W, for 111.56 feet; thence S39°15'57"W, for 51.12 feet; thence S51°15'29"W, for 110.00 feet; thence S38°44'31"E, for 130.00 feet; thence S19°37'43"E, for 52.09 feet; thence S16°13'43"W, for 73.39 feet; thence S01°23'53"W, for 66.33 feet; thence S08°17'54"E, for 66.33 feet; thence S12°38'23"W, for 80.40 feet; thence S09°38'58"W, for 24.38 feet; thence S15°14'38"E, for 66.59 feet; thence S07°56'38"W, for 93.33 feet; thence S03°03'16"W, for 94.29 feet; thence S18°38'50"W, for 61.15 feet; thence S39°14'26"W, for 62.10 feet; thence S46°13'54"W, for 69.86 feet; thence S43°14'28"W, for 26.21 feet; thence S30°15'19"W, for 56.08 feet; thence S25°08'15"W, for 40.36 feet; thence S46°38'04"W, for 33.73 feet; thence S57°43'16"W, for 41.05 feet; thence S68°57'33"W, for 47.20 feet; thence S74°14'21"W, for 26.72 feet; thence S82°08'05"W, for 11.67 feet; thence N78°03'45"W, for 8.33 feet; thence N63°29'04"W, for 15.79 feet; thence N49°23'52"W, for 31.31 feet; thence N42°53'16"W, for 48.88 feet; thence N22°43'23"W, for 98.78 feet; thence N02°52'14"W, for 66.21 feet; thence N11°33'59"E, for 49.42 feet; thence N05°16'42"W, for 100.54 feet; thence N22°17'56"E, for 47.59 feet; thence N31°10'58"E, for 109.80 feet; thence N56°53'11"E, for 41.04 feet; thence N26°58'46"W, for 100.25 feet; thence N17°54'44"W, for 75.95 feet; thence N36°04'32"W, for 72.27 feet; thence N29°52'05"W, for 88.07 feet; thence N37°45'01"W, for 70.04 feet; thence N44°21'28"W, for 152.50 feet; thence S45°38'32"W, for 27.36 feet; thence N44°21'28"W, for 268.92 feet to the POINT OF BEGINNING and containing 35.60 acres, more or less.

— TOGETHER WITH THE FOLLOWING —

EXHIBIT "B"  
PAGE 12 OF 17



LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 13 UNIT 1:

A portion of Section 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Section 32; thence along the East line of said Section 32, N00°11'23"E, for 1120.21 feet; thence leaving said East line, N89°48'37"W, for 578.30 feet to the POINT OF BEGINNING; thence S81°46'41"W, for 117.06 feet; thence S08°13'19"E, for 25.86 feet; thence S81°46'41"W, for 166.86 feet; thence N08°13'19"W, for 259.06 feet; thence N00°32'28"E, for 61.42 feet; thence N03°39'26"E, for 99.92 feet; thence N°5'39'58"E, for 99.70 feet; thence N32°40'30"W, for 91.91 feet; thence N43°17'26"W, for 150.00 feet; thence N54°30'43"W, for 51.99 feet; thence N43°54'17"W, for 111.22 feet; thence N31°38'08"W, for 69.83 feet to the South boundary of Heritage Springs Village 4 as recorded in plat book 36, pages 136 through 140 of the public records of Pasco County, Florida; thence along said South boundary the following three (3) courses 1) N63°59'08"E, for 117.72 feet; 2) N73°07'12"E, for 74.38 feet; 3) N64°01'11"E, for 119.07 feet; thence leaving said South boundary N64°01'11"E, for 1.19 feet; thence S25°58'49"E, for 45.70 feet; thence S43°17'26"E, for 262.37 feet to the point of intersection with a curve concave to the West; thence Southerly along the arc of said curve, having a radius of 392.00 feet, a central angle of 56°33'31", an arc length of 386.96 feet and a chord bearing S15°00'41"E, for 371.44 feet to the point of intersection with a non-tangent line; thence N54°22'15"E, for 99.10 feet; thence N73°38'48"E, for 82.47 feet; thence N87°35'25"E, for 59.47 feet; thence S72°36'42"E, for 98.30 feet; thence S45°39'35"E, for 39.35 feet; thence S32°09'21"E, for 83.43 feet; thence S52°00'14"E, for 69.05 feet; thence S01°54'38"E, for 37.53 feet; thence S17°13'58"W, for 65.44 feet; thence S32°24'19"W, for 68.85 feet; thence S47°38'08"W, for 67.72 feet; thence S63°12'06"W, for 62.03 feet; thence S82°29'32"W, for 82.86 feet; thence N82°18'07"W, for 59.86 feet; thence N65°29'49"W, for 92.51 feet; thence S83°01'05"W, for 53.50 feet; thence S08°13'19"E, for 50.00 feet to the POINT OF BEGINNING and containing 10.11 acres, more or less.

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 13 UNIT 2

A portion of Sections 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Section 32; thence  $N00^{\circ}05'44''E$ , along the West line of said Section 32, for 1000.10 feet; thence  $S89^{\circ}54'16''E$ , for 3436.52 feet to the Southwest corner of Lot 58, HERITAGE SPRINGS VILLAGE 13 UNIT 1 as recorded in Plat Book 38, Pages 95 to 96 of the Public Records of Pasco County, Florida as POINT OF BEGINNING 1; thence easterly along the South boundary line of said Village 13 Unit 1, the following 3 courses: 1)  $N81^{\circ}46'41''E$ , for 166.86 feet; 2)  $N08^{\circ}13'19''W$ , for 25.86 feet to the Southwest corner of Lot 19 of said Village 13 Unit 1; 3)  $N81^{\circ}46'41''E$ , for 117.00 feet to the Southeast corner of said Lot 19; thence  $S08^{\circ}13'19''E$ , for 181.81 feet to the point of curve concave to the west; thence southerly along the arc of said curve, with radius 422.00 feet, central angle  $30^{\circ}22'05''$ , arc length 223.67 feet, and chord bearing  $S06^{\circ}57'44''W$ , for 221.06 feet; thence  $S22^{\circ}08'47''W$ , for 44.49 feet; thence  $S24^{\circ}29'09''W$ , for 48.69 feet to the point of non tangent curve concave to the northeast; thence southeasterly along the arc of said curve with radial bearing  $S77^{\circ}00'32''E$ , radius 158.00 feet, arc length 253.20 feet, central angle  $91^{\circ}49'02''$  and chord bearing  $S32^{\circ}55'03''E$ , for 226.96 feet to the point of compound curve concave to the north; thence easterly along the arc of said curve, with radius 133.00 feet, arc length 151.97 feet, central angle  $65^{\circ}27'59''$ , chord bearing  $N68^{\circ}26'27''E$ , for 143.83 feet; thence  $N35^{\circ}42'28''E$ , for 53.77 feet; thence  $N36^{\circ}39'14''E$ , for 25.00 feet; thence  $S54^{\circ}17'32''E$ , for 166.59 feet; thence  $S35^{\circ}42'28''W$ , 13.52 feet; thence  $S54^{\circ}17'32''E$ , 11.00 feet; thence  $S35^{\circ}43'32''W$ , 58.00 feet; thence  $S54^{\circ}17'32''E$ , 105.49 feet; thence  $S35^{\circ}42'28''W$ , 12.78 feet to the point of intersection with a non-tangent curve to the right; thence southwesterly along the arc of said curve with a radial bearing  $N53^{\circ}31'54''W$ , and having a radius of 416.50 feet, a central angle of  $54^{\circ}11'29''$ , an arc length of 393.93 feet and a chord bearing  $S63^{\circ}33'50''W$ , and distance of 379.41 feet; thence  $N00^{\circ}39'34''E$ , 106.50 feet to the point of intersection with a non-tangent curve to the right; thence westerly along the arc of said curve with a radial bearing  $N00^{\circ}39'34''E$ , and having a radius of 310.00 feet, a central angle of  $10^{\circ}30'52''$ , an arc length of 56.89 feet and a chord bearing  $N84^{\circ}05'00''W$ , and distance of 56.81 feet; thence  $N11^{\circ}10'26''E$ , 10.00 feet to the point of intersection with a non-tangent curve to the right; thence northwesterly along the arc of said curve with a radial bearing  $N11^{\circ}10'26''E$ , and having a radius of 325.00 feet, a central angle of  $44^{\circ}14'16''$ , an arc length of 250.93 feet and a chord bearing  $N56^{\circ}42'26''W$ , and distance of 244.74 feet; thence  $S55^{\circ}24'42''W$ , 117.18 feet; thence  $N30^{\circ}26'14''W$ , for 63.97 feet; thence  $N22^{\circ}08'29''W$ , for 63.97 feet; thence  $N13^{\circ}50'45''W$ , for 63.97 feet; thence  $N05^{\circ}32'31''W$ , for 63.96 feet; thence  $N01^{\circ}59'55''E$ , for 64.03 feet; thence  $N12^{\circ}11'47''E$ , for 65.27 feet; thence  $N18^{\circ}42'36''E$ , for 152.49 feet; thence  $N06^{\circ}32'21''E$ , for 44.69 feet; thence  $N08^{\circ}13'19''W$ , for 150.00 feet to the POINT OF BEGINNING 1 and containing 7.379 acres, more or less.

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 15 UNIT 1

A portion of Sections 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Section 32; thence N00°11'23"E, for 1,387.51 feet; thence N89°48'37"W, for 125.38 feet to the POINT OF BEGINNING 2; thence S49°17'18"W, for 163.33 feet; thence N14°46'37"W, for 40.44 feet; thence N26°02'16"W, for 32.30 feet; thence N34°46'09"W, for 96.18 feet; thence N44°27'53"W, for 60.00 feet; thence N76°35'59"W, for 62.80 feet to the point of intersection with a non-tangent curve concave to the Southeast; thence westerly along the arc of said curve with a radial bearing S02°24'18"W, and having a radius of 154.89 feet, a central angle of 41°37'59", an arc length of 112.55 feet and a chord bearing S71°35'20"W, for 110.09 feet; thence S89°43'42"W, for 22.87 feet; thence S20°43'30"W, for 83.40 feet; thence N69°16'30"W, for 166.00 feet; thence N20°43'30"E, for 33.78 feet; thence N69°16'30"W, for 116.00 feet; thence N20°43'30"E, for 90.78 feet; thence N13°12'19"E, for 23.96 feet to a point of curvature of a curve concave to the West; thence northerly along the arc of said curve, having a radius of 132.00 feet, a central angle of 56°05'42", an arc length of 129.23 feet and a chord bearing of N14°50'32"W, for 124.13 feet to a point of compound curve to the left having a radius of 582.00 feet and a central angle of 02°57'17", a chord bearing and distance of N44°22'01"W, 30.01 feet; thence N44°09'20"E, for 108.00 feet to the point of intersection with a non-tangent curve concave to the Southwest; thence northwesterly along the arc of said curve with a radial bearing S44°09'20"W, and having a radius of 690.00 feet, a central angle of 12°02'49", an arc length of 145.08 feet and a chord bearing N51°52'04"W, for 144.81 feet; thence S32°06'31"W, for 105.72 feet; thence N65°03'54"W, for 145.94 feet; thence N78°49'26"W, for 99.17 feet; thence N84°09'42"W, for 99.33 feet to the point of intersection with a non-tangent curve concave to the Northeast; thence westerly along the arc of said curve with a radial bearing N05°26'33"E, and having a radius of 716.50 feet, a central angle of 24°25'10", an arc length of 305.37 feet and a chord bearing N72°20'52"W, for 303.07 feet; thence N60°08'17"W, for 101.11 feet; thence N54°48'15"W, for 49.94 feet; thence N46°22'46"W, for 60.34 feet; thence N43°37'14"E, for 116.92 feet; thence N59°25'20"E, for 74.99 feet; thence N42°33'18"E, for 115.56 feet; thence N47°26'42"W, for 6.70 feet; thence N48°10'39"E, for 163.39 feet to a point of curvature of a curve concave to the Southeast; thence northeasterly along the arc of said curve, having a radius of 1,645.00 feet, a central angle of 08°03'56", an arc length of 231.56 feet and a chord bearing of N52°12'37"E, for 231.37 feet; thence S33°45'26"E, for 339.57 feet; thence S61°36'37"E, for 791.95 feet; thence S51°27'05"E, for 60.61 feet; thence S45°33'41"E, for 47.25 feet; thence S14°20'07"E, for 54.16 feet; thence S22°29'16"W, for 54.22 feet; thence S58°35'04"W, for 60.05 feet; thence S31°24'15"W, for 48.40 feet; thence S07°30'00"E, for 55.61 feet; thence S33°46'19"E, for 175.52 feet; thence S47°34'19"E, for 67.48 feet; thence S37°31'10"E, for 53.82 feet; thence S52°50'14"E, for 26.56 feet to the POINT OF BEGINNING 2 and containing 16.944 acres, more or less.

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 9 UNIT 3

A portion of Sections 32, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at Southwest corner of said Section 32; thence  $N00^{\circ}05'44''E$ , along the West line of said Section 32, for 3295.51 feet; thence  $S89^{\circ}54'16''E$ , for 1760.01 feet to the POINT OF BEGINNING 3; thence  $N51^{\circ}15'29''E$ , for 110.00 feet; thence  $N39^{\circ}15'57''E$ , for 51.12 feet; thence  $N51^{\circ}15'29''E$ , for 111.56 feet; thence  $S38^{\circ}44'31''E$ , for 213.54 feet; thence  $N63^{\circ}36'47''E$ , for 256.62 feet; thence  $S82^{\circ}42'02''E$ , for 91.71 feet; thence  $S56^{\circ}29'40''E$ , for 72.57 feet; thence  $S31^{\circ}35'23''E$ , for 72.24 feet to the point of non tangent curve concave to the Northwest; thence southwesterly along the arc of said curve with radial bearing  $S71^{\circ}24'02''W$ , and having radius 164.20 feet, arc length 244.06 feet, central angle  $85^{\circ}09'43''$  and chord bearing  $S23^{\circ}58'53''W$ , for 222.21 feet; thence  $S73^{\circ}32'39''W$ , for 293.68 feet; thence  $S23^{\circ}34'27''E$ , for 64.45 feet to the point of non tangent curve concave to the Northwest; thence southwesterly along the arc of said curve with radial bearing  $S69^{\circ}03'38''W$ , and having radius 168.42 feet, arc length 460.60 feet, central angle  $156^{\circ}41'55''$  and chord bearing  $S57^{\circ}24'35''W$ , for 329.89 feet; thence  $S80^{\circ}01'53''W$ , for 52.54 feet; thence  $N15^{\circ}14'38''W$ , for 66.59 feet; thence  $N09^{\circ}38'58''E$ , for 24.38 feet; thence  $N12^{\circ}38'23''E$ , for 80.40 feet; thence  $N08^{\circ}17'54''W$ , for 66.33 feet; thence  $N01^{\circ}23'53''E$ , for 66.33 feet; thence  $N16^{\circ}13'43''E$ , for 73.39 feet; thence  $N19^{\circ}37'43''W$ , for 52.09 feet; thence  $N38^{\circ}44'31''W$ , for 130.00 feet to the POINT OF BEGINNING and containing 7.329 acres, more or less.

LEGAL DESCRIPTION OF HERITAGE SPRINGS VILLAGE 1 UNIT 1

A parcel of land lying within Section 31, Township 26 South, Range 17 East, Pasco County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Section 31; thence along the East line of said Section 31, N00°05'44"E, 3,386.62 feet; thence departing said East line, N89°54'16"W, 186.60 feet to the POINT OF BEGINNING; thence S22°49'05"W, 130.00 feet; thence S33°18'44"W, 69.22 feet; thence S26°32'50"W, 70.60 feet; thence S30°06'37"W, 69.20 feet; thence S30°59'51"W, 390.00 feet; thence N59°00'09"W, 110.39 feet; thence S30°59'51"W, 23.60 feet; thence N59°00'09"W, 324.41 feet; thence N32°15'06"E, 220.33 feet; thence N16°44'56"W, 706.68 feet; thence S84°22'39"E, 42.92 feet; thence N89°43'20"E, 29.09 feet; thence N82°08'11"E, 34.21 feet; thence N68°46'48"E, 31.85 feet; thence N57°48'08"E, 53.20 feet; thence N53°26'26"E, 50.89 feet; thence N44°50'39"E, 63.04 feet; thence N47°36'05"E, 50.88 feet; thence S19°52'10"E, 213.79 feet to a point of curvature; thence 19.78 feet southerly along the arc of a curve to the left, having a radius of 565.00 feet and a central angle of 02°00'20", a chord bearing and distance of S20°52'20"E, 19.78 feet to a point of compound curvature; thence 51.52 feet southerly along the arc of a curve to the left, having a radius of 215.00 feet and a central angle of 13°43'45", a chord bearing and distance of S28°44'22"E, 51.40 feet; thence S35°36'15"E, 83.07 feet to a point of curvature; thence 156.59 feet southeasterly along the arc of a curve to the left, having a radius of 555.00 feet and a central angle of 16°09'55", a chord bearing and distance of S43°41'12"E, 156.07 feet ; thence S22°49'05"W, 24.02 feet; thence S67°10'55"E, 295.00 feet to the POINT OF BEGINNING and containing 11.599 acres, more or less.

EXHIBIT "A"  
PAGE 17 OF 17

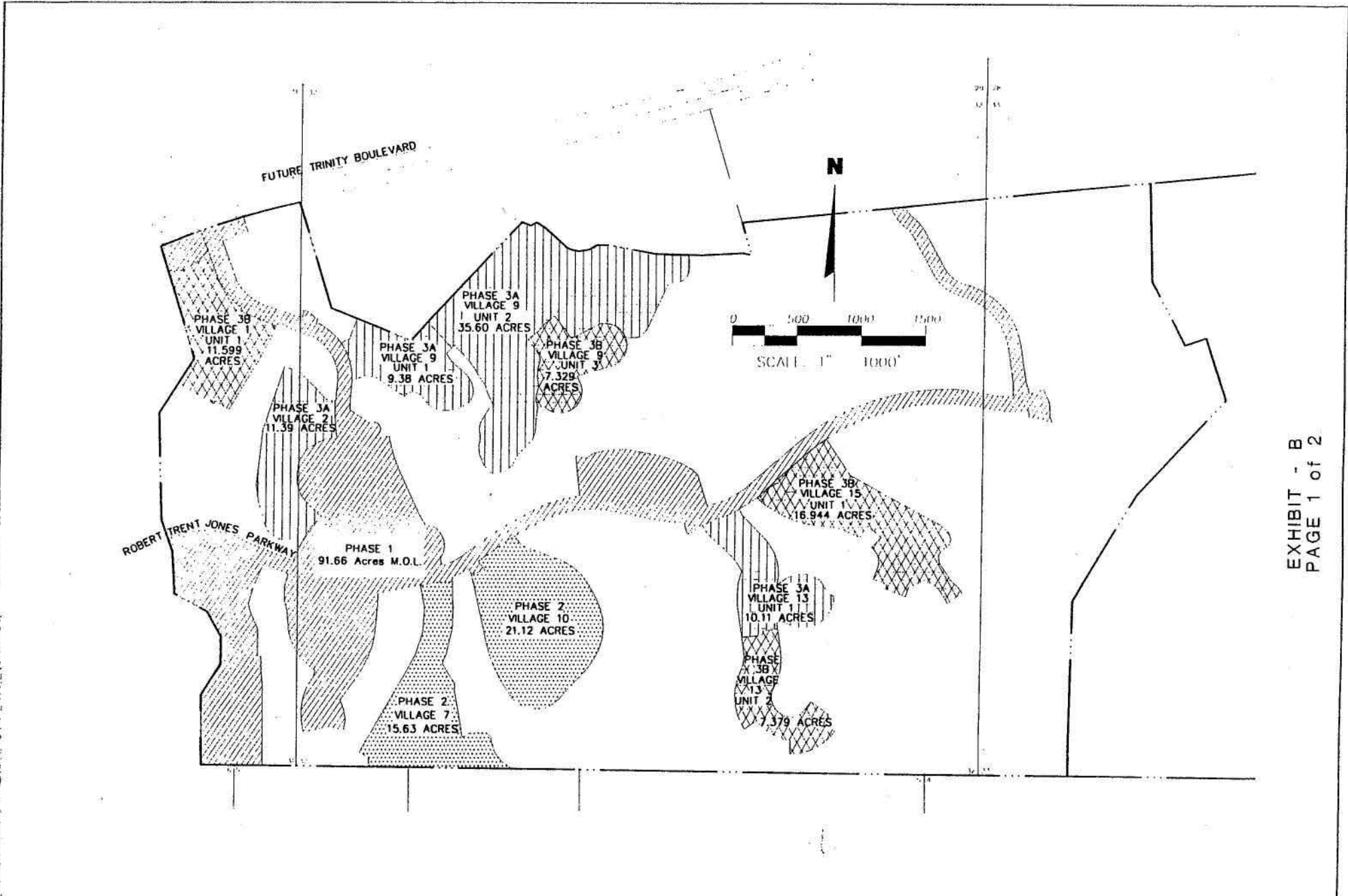


EXHIBIT - B  
PAGE 1 of 2

**King**  
ENGINEERING ASSOCIATES, INC.  
1811 SOUTH BROADWAY  
MEMPHIS, TENNESSEE 38117  
901-525-1100

U.S. HOME CORPORATION

HERITAGE SPRINGS  
CDD EXHIBIT

1  
1

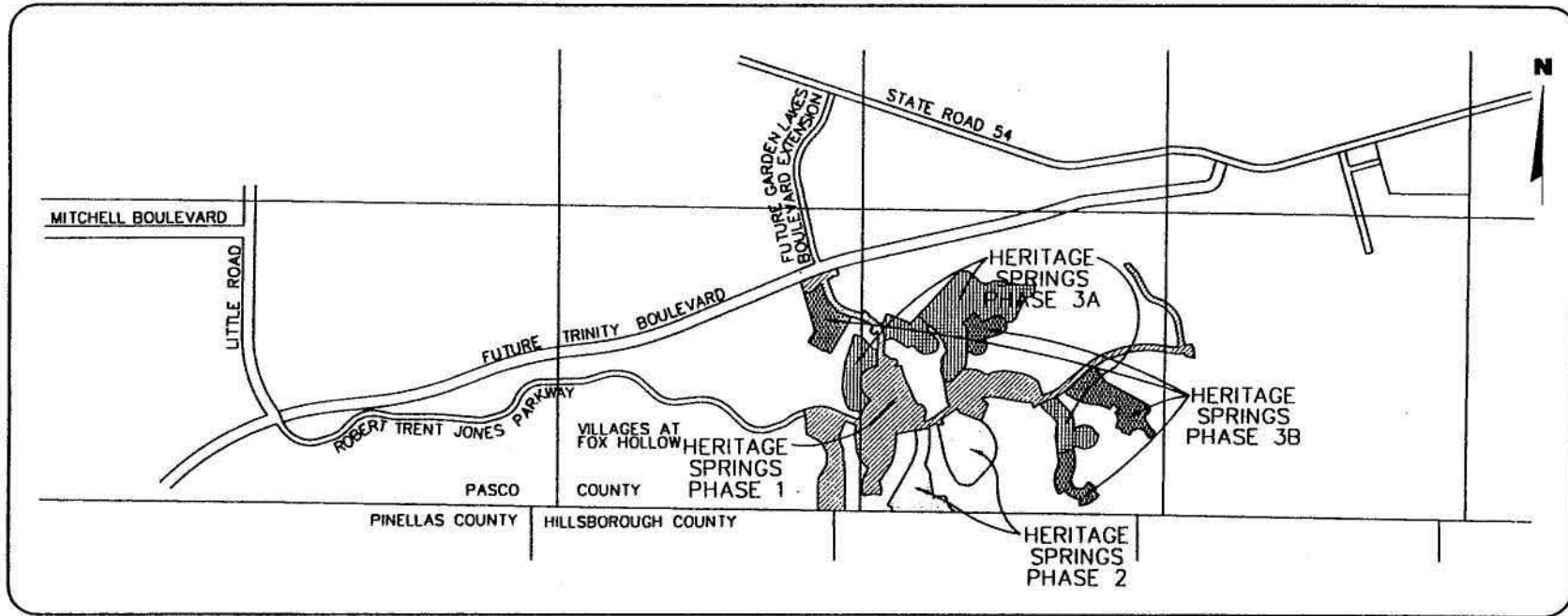


EXHIBIT - B  
PAGE 2 OF 2