

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

May 27, 2009

1. **Request approval of the minutes of the meeting held April 14, 2009.**
2. **Request approval of amendments to Rule 42H-1.002 expanding the boundary of the Crossings at Fleming Island Community Development District in Clay County. (FLWAC Case No. CDD-07-007).**

On March 16, 2007, the Crossings at Fleming Island Community Development District filed a Petition with the Commission to expand the District located in Clay County. (The Petition was supplemented with additional information at the request of the Secretary of the Commission.) The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add 20.7 acres to the District. The District Board of Supervisors adopted Resolution 2007-04 authorizing the boundary amendment on January 15, 2007. The District currently covers approximately 2,848 acres of land and after amendment the District will consist of approximately 2,868.7 acres. The District is generally located northwest, southwest and southeast of the intersection of U.S. 17 and C.R. 220 on Fleming Island. There are no parcels within the expansion parcels or the proposed amended boundaries of the District that are to be excluded from the District. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcels. The District intends to provide the following improvements or provide the following facilities or services for the expansion parcels: master surface water management and drainage system; internal roadways; potable water distribution; wastewater collection system; and reclaimed water system.

Upon request of the Secretary, the Northeast Florida Regional Planning Council (RPC) reviewed the Petition from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The RPC submitted a comment letter on January 10, 2008, indicating the proposed amendment appears consistent with the Development of Regional Impact Development Order condition.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings on February 28, 2008. Administrative Law Judge Alexander submitted a Report to the Commission on April 30, 2008.

The Commission authorized publishing of a Notice of Proposed Rule to amend the boundary of the Crossings at Fleming Island Community Development District at the March 10, 2009, Cabinet meeting. On April 17, 2009, a Notice of Proposed Rule was published in the Florida Administrative Weekly. No request for a public hearing was submitted in response to the notice. However, a written comment was submitted by Ronald Dill on April 27, 2009.

Staff Recommendation:

Approve the proposed rule amendments and authorize the Secretary to file for final rule adoption.

Back-Up: (Back-up items 1-9 distributed with the March 10, 2009, agenda package.)

Petition received on March 16, 2007.

Petitioner's supplement to the Petition received on September 7, 2007.

Petitioner's letter received on November 13, 2007.

Northeast Florida RPC's comment letter received on January 10, 2008.

Petitioner's supplement to the Petition received on March 7, 2008.

E-mail comments from District resident Ron Dill received on April 5, 2008.

Division of Administrative Hearings Report received on April 30, 2008.

Petitioner's analysis of statutory language submitted on February 12, 2009.

Proposed Amendment to Rule 42H-1.002, Boundary, Crossings at Fleming Island Community Development District.

Comment from Ronald Dill submitted on April 27, 2009.

Final Rulemaking Package.