

CERTIFICATION OF
FLORIDA LAND AND WATER
ADJUDICATORY COMMISSION RULE
FILED WITH THE
DEPARTMENT OF STATE

RECEIVED

MAR 28 1991

Hopping Boyd
Green & Sams

I do hereby certify:

[X] (1) The time limitations prescribed by subsection 120.54(11)(a), F.S. have been complied with; and

[X] (2) There is no administrative determination under paragraph 120.54(4), F.S., pending on any rule covered by this certification; and

[X] (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

[X] (a) Are filed not more than 90 days after the notice;
or

[] (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending;
or

[] (c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

[] (d) Are filed within 21 days after the date of the receipt of all material authorized to be submitted at the hearing; or

[] (e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

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RULE NO.	Specific Rulemaking Authority	Law Being Implemented, Interpreted or Made Specific
42M-1.001	190.005, F.S.	190.005, F.S.
42M-1.002	190.005, F.S.	190.004 and 190.005, F.S.
42M-1.003	120.53(1) and 190.005, F.S.	190.006(1), F.S.

Under the provisions of paragraph 120.54(13)(a), F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____

for Doreen B. Inker
Douglas M. Cook, Secretary
Florida Land and Water Adjudicatory
Commission

9
Number of Pages Certified

SUMMARY OF RULE

The purpose of this rule is to establish the Viera East Community Development District in the unincorporated area of Brevard County and within the City of Rockledge, pursuant to the requirement of the Uniform Community Development District Act of 1980, as amended, and particularly section 190.005, Florida Statutes (F.S.). The petition requests that the Commission establish a uniform community development district, the charter of which has been created by the Florida Legislature, with respect to approximately 2,825 acres of land. The land within the district will be developed pursuant to appropriate development approvals, including Development Orders issued by Brevard County and the City of Rockledge. This community known as the Viera East Community is a planned and mixed-use Development of Regional Impact. The development within the district contemplates the construction of 5,987 dwelling units, 1,040,000 square feet of commercial space, 720,000 square feet of office/warehouse space, 650,000 square feet of office space, and 700 hotel rooms, in three phases to be completed over a 12-year period. The Community is bounded, generally, on the North by Barnes Boulevard, on the East by U.S. 1, on the South by Wickham Road and on the West by Interstate-95. The rule creates the Viera East Community Development District, establishes the boundary of the district, and names the five initial members of the district's Board of Supervisors.

STATE OF FLORIDA
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
CHAPTER 42M-1.001, 1.002, 1.003
THE VIERA EAST COMMUNITY DEVELOPMENT DISTRICT

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE:

Chapter 190, Florida Statutes (F.S.), provides that a Community Development District the size of 1,000 acres or more may be established by rule, adopted under Chapter 120, F.S., by the Florida Land and Water Adjudicatory Commission. The Viera East Community Development District has applied to establish a community development district pursuant to Chapter 190, F.S. Granting of community development district status to Viera East authorizes the use of the district's financing and management mechanisms to develop a community which is a planned and mixed-use Development of Regional Impact located in the unincorporated area of Brevard County and within the City of Rockledge. District status confers the power to plan, construct, operate, and maintain certain basic services such as water supply, sewer, water management, roads, bridges, culverts, and street lights.

SUMMARY OF HEARINGS

The Commission staff published a Notice of Proposed Rulemaking scheduling a public hearing for March 12, 1991, if requested. No hearing was requested, therefore, no testimony was received.

On March 26, 1991, the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission voted unanimously to adopt the proposed rule without any amendments. There was no public testimony for or against the rule.

THE FULL TEXT OF THE RULE IS AS FOLLOWS:

VIERA EAST COMMUNITY DEVELOPMENT DISTRICT

42M-1.001 Creation. Viera East Community Development District is hereby created.

Specific Authority: Section 190.005, Florida Statutes (F.S.)

Law Implemented: Section 190.005, F.S.

History--New _____

42M-1.002 Boundary. The boundaries of the District are as follows:

DESCRIPTION: PARCEL 1

All of Section 27 and portions of Sections 22, 26, 28, 33, 34 and 35, Township 25 South, Range 36 East, and portions of Sections 2, 3, 4, 10 and 11, Township 26 South, Range 36 East, all in Brevard County, Florida, being more particularly described as follows: Commence at the Southeast corner of said Section 10 and run N00°58'45"W along the East line of said Section 10, for a distance of 50.04 feet to the North right of way line of Wickham Road and the POINT OF BEGINNING of the following described parcel; thence S86°40'00"W along said North right of way line of Wickham Road 1,791.05 feet; thence continue along said North right of way line S89°31'32"W for 1,232.48 feet to the East line of Official Records Book 876, Page 569 of the Public Records of Brevard County, Florida; thence N14°32'54"W along said East line for 766.98 feet to the North line of said Official Records Book 876, page 569; thence S75°27'06"W along said North line for a

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distance of 768.49 feet to the Easterly right of way line of Interstate 95; thence N26°01'27"W along said Easterly right of way line for a distance of 745.31 feet; thence N14°32'54"W along said Easterly right of way line for a distance of 2,308.02 feet; thence N60°44'50"E for 346.47 feet; thence N37°49'35"E for 170.97 feet; thence N52°08'55"E for 84.63 feet; thence N75°27'05"E for 550.00 feet; thence N77°47'23"E for 75.00 feet; thence S83°03'16"E for 75.00 feet; thence S83°00'14"E for 410.74 feet; thence N06°59'46"E for 104.22 feet to a point on a curve concave to the North, having a radius of 813.27 feet and to which a radial line bears S01°09'22"W; thence Easterly along the arc of said curve for 328.78 feet, through a central angle of 23°09'46" to the point of tangency; thence N67°59'36"E for 243.76 feet to a point lying 30.00 feet West of the Westerly right of way line of Murrell Road, (a 120.00 foot wide right of way), as described in Official Records Book 2953, Page 2101 of the Public Records of Brevard County, Florida; thence Northerly and 30.00 feet West of said Westerly right of way line the following seven (7) courses: (1) thence N22°00'24"W for 742.63 feet to the point of curvature of a curve concave to the East and having a radius of 1,235.92 feet; (2) thence Northerly along the arc of said curve for 582.56 feet, through a central angle of 27°00'24" to the point of tangency; (3) thence N05°00'00"E for 468.53 feet to the point of curvature of a curve concave to the West, having a radius of 1,055.92 feet; (4) thence Northerly along the arc of said curve for 497.59 feet, through a central angle of 27°00'00" to the point of tangency; (5) thence N22°00'00"W for 1,399.77 feet to the point of curvature of a curve concave to the East, having a radius of 1,235.92 feet; (6) thence Northerly along the arc of

said curve for 593.20 feet, through a central angle of 27°30'00" to the point of tangency; (7) thence N05°30'00"E along said line lying 30.00 feet West of the Westerly right of way line of Murrell Road and its Northerly extension thereof, said line being the Westerly right of way line of proposed Murrell Road (150.00 foot wide right of way) for a distance of 1,365.19 feet; thence run N84°30'00"W for 600.00 feet, to the point of curvature of a curve to the left, having a radius of 640.00 feet and a central angle of 48°08'20"; thence run Southwesterly, along said curve, an arc distance of 537.72 feet; thence run N42°38'20"W, a distance of 493.95 feet; thence run N14°33'28"W, a distance of 580.00 feet; thence S75°26'32"W for a distance of 1437.64 feet to said Easterly right of way line of Interstate 95; thence ----- N14°32'54"W along said Easterly right of way line of Interstate 95 for a distance of 8,929.18 feet to the point of curvature of a curve concave to the Southwest, having a radius of 5,879.65 feet; thence Northwesterly along the arc of said curve and said Easterly right of way line, for a distance of 2,502.25 feet, through a central angle of 24°23'02" to the North line of the Northwest 1/4 of Section 28, Township 25 South, Range 36 East; thence N89°34'55"E along said North line 2,011.71 feet to the North 1/4 corner of said Section 28; thence N89°35'49"E along the North line of the Northeast 1/4 of said Section 28 for a distance of 2,649.14 feet to the Southwest corner of said Section 22; thence N89°44'33"E along the South line of said Section 22, for a distance of 4,533.48 feet to the West line of lands described in Official Records Book 2237, Page 2896 of the Public Records of Brevard County, Florida; thence N00°15'56"W along said West line of Official Records Book 2237, Page 2896 for a distance of

1,969.91 feet to the South right of way line of Barnes Boulevard; thence S89°47'58"E along said South right of way line of Barnes Boulevard for a distance of 800.00 feet to the East line of said Section 22; thence S00°15'56"E along said East line of Section 22, for a distance of 1,963.51 feet to the Southeast corner of said Section 22, said corner also being the Northeast corner of Section 27, Township 25 South, Range 36 East, Brevard County, Florida; thence S00°21'41"E along the East line of the Northeast 1/4 of said Section 27, for a distance of 2,659.87 feet to the Northeast corner of the Southeast 1/4 of said Section 27; thence S00°40'49"W along the East line of the Southeast 1/4 of said Section 27, for a distance of 2,181.04 feet; thence S38°50'18"E for 1,283.83 feet; thence South for 1,950.00 feet; thence S40°14'11"E for 170.29 feet; thence South for 1,020.00 feet; thence S40°36'05"E for 322.68 feet; thence S39°42'36"W for 383.47 feet; thence S01°47'24"E for 160.08 feet; thence S56°18'36"E for 396.61 feet; thence S60°38'32"E for 91.79 feet; thence S03°16'14"E for 350.57 feet; thence S40°27'54"W for 467.47 feet to the South line of aforesaid Section 35, Township 25 South, Range 36 East, Brevard County, Florida; thence S88°57'29"W along said South line of Section 35, for a distance of 1,034.11 feet to the Northeast corner of Section 3, Township 26 South, Range 36 East; thence S01°17'09"W along the East line of said Section 3, for a distance of 1,245.78 feet to the Northeast corner of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, as recorded in Plat Book 34, Page 92 of the Public Records of Brevard County, Florida; thence S88°35'03"W along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 1, and along the North line of INDIAN RIVER COLONY CLUB, P.U.D. PHASE 1, UNIT 2, as

recorded in Plat Book 34, Page 36 of the Public Records of Brevard County, Florida, for 2,634.30 feet; thence S88°28'04"W along the North line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 2, and along the North lines of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 1, as recorded in Plat Book 34, Pages 31 and 32 of the Public Records of Brevard County, Florida and INDIAN RIVER COLONY CLUB, P.U.D., PHASE 1, UNIT 3, as recorded in Plat Book 35, Page 91 of the Public Records of Brevard County, Florida, for a distance of 883.63 feet to the Easterly right of way line of Murrell Road, as recorded in Official Records Book 2953, Page 2101 of the Public Records of Brevard County, Florida; thence for the following seven (7) courses along said Easterly right of way line: (1) S05°30'00"W for 785.19 feet to the point of curvature of a curve concave to the East, having a radius of 1,085.92 feet; (2) thence Southerly 521.20 feet along the arc of said curve through a central angle of 27°30'00" to the point of tangency; (3) thence S22°00'00"E for 1,399.77 feet to the point of curvature of a curve concave to the West, having a radius of 1,205.92 feet; (4) thence Southerly 568.28 feet along the arc of said curve, through a central angle of 27°00'00" to the point of tangency; (5) thence S05°00'00"W for 468.53 feet to the point of curvature of a curve concave to the East, having a radius of 1,085.92 feet; (6) thence Southerly 511.85 feet along the arc of said curve through a central angle of 27°00'24" to the point of tangency; (7) thence S22°00'24"E for 592.63 feet to the point of curvature of a curve concave to the Northeast, having a radius of 50.00 feet; thence Southeasterly 78.54 feet along the arc of said curve, through a central angle of 90°00'00" to the point of tangency; thence N67°59'36"E for 423.19 feet to the point of

curvature of a curve concave to the South, having a radius of 960.00 feet; thence Easterly 318.71 feet along the arc of said curve, through a central angle of 19°01'19" to the point of tangency; thence N87°00'55"E for 221.13 feet; thence N02°59'05"W for 692.95 feet to the South line of INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, as recorded in Plat Book 35, Pages 65 thru 67 of the Public Records of Brevard County, Florida; thence N86°30'29"E along said South line of said INDIAN RIVER COLONY CLUB, P.U.D., PHASE 2, UNIT 4, for a distance of 1,620.78 feet to the Southwest corner of said Section 2; thence N01°17'32"E along the West line of said Section 2, for a distance of 2,506.96 feet to the North line of the West 1/2 of the Southwest 1/4 of said Section 2; thence N87°27'20"E along said North line of the West 1/2 of the Southwest 1/4 of Section 2, for a distance of 1,347.22 feet to the East line of the West 1/2 of the Southwest 1/4 of said Section 2; thence S00°55'23"W along said East line of the West 1/2 of the Southwest 1/4 of Section 2, for a distance of 2,563.88 feet to the Southeast corner of the West 1/2 of the Southwest 1/4 of said Section 2, said Southeast corner also being the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 11, Township 26 South, Range 36 East; thence S00°31'25"E along the East line of said Northwest 1/4 of the Northwest 1/4 of Section 11, for a distance of 1,336.40 feet to the South line of said Northwest 1/4 of the Northwest 1/4 of Section 11; thence N89°31'57"W along said South line 1,350.78 feet to the Southwest corner of said Northwest 1/4 of the Northwest 1/4 of Section 11, said corner being on the East line of said Section 10; thence S00°58'45"E along said East line of Section 10, for a distance of 1,322.94 feet to the East 1/4 corner of said Section 10; thence

continue along said East line S00°58'45"E for 541.60 feet to the North line of lands described in Official Records Book 2812, Page 2063 of the Public Records of Brevard County, Florida; thence for the following eight (8) courses along the Northerly line of said lands described in Official Records Book 2812, Page 2063: (1) S87°55'44"W for 650.12 feet; (2) thence S00°58'45"E for 288.82 feet; (3) thence S59°01'15"W for 245.81 feet; (4) thence N88°24'23"W for 501.94 feet; (5) thence S59°01'15"W for 503.09 feet; (6) thence S00°58'45"E for 575.00 feet; (7) thence S44°01'15"W for 159.04 feet; (8) thence S87°55'44"W for 359.20 feet to the East right of way line of said Murrell Road; thence S12°28'28"E along said East right of way line 152.51 feet to the South line of said lands described in Official Records Book 2812, Page 2063; thence N87°55'44"E along said South line for 2,241.61 feet to the East line of said Section 10; thence S00°58'45"E along said East line 600.08 feet to the POINT OF BEGINNING, said lands containing 2,790.73 acres, more or less.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL 2

A parcel of land lying in Section 33, Township 25 South, Range 36 East, Brevard County, Florida, more particularly described as follows: Commence at the Northwest corner of Section 28, Township 25 South, Range 36 East, Brevard County, Florida; thence N89°34'55"E along the North line of said Section 28, a distance of 236.62 feet to the Westerly right of way line of Interstate 95, (a 300.00 foot wide right of way), and a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 5,579.65 feet and a central angle of 26°52'46"; thence Southeasterly along said Westerly right of way

line and along the arc of said curve to the right, a distance of 2,617.62 feet, (said arc subtended by a chord which bears S27°59'17"E a distance of 2,593.68 feet) to a point of tangency; thence S14°32'54"E along said Westerly right of way line, a distance of 3,416.81 feet to the POINT OF BEGINNING of the herein described parcel; thence continue along said Westerly right of way line S14°32'54"E, a distance of 4,994.84 feet; thence N15°41'39"W a distance of 1,203.33 feet to the point of curvature of a curve to the left, having a radius of 1,051.92 feet, a central angle of 35°21'15"; thence North Westerly along the arc of said curve, an arc length of 649.08 feet to the point of tangency of said curve; thence N51°02'54"W, a distance of 978.47 feet to the point of curvature of a curve to the left, having a radius of 1,051.92 feet, a central angle of 33°00'00"; thence Westerly along the arc of said curve, an arc length of 605.86 feet to the point of tangency of said curve; thence N84°02'54"W a distance of 136.38 feet; thence N88°02'54"W a distance of 76.74 feet; thence N01°57'06"E a distance of 247.75 feet; thence S88°02'54"E a distance of 600.00 feet; thence N43°30'28"E a distance of 193.49 feet; thence N21°15'19"E, a distance of 750.65 feet to the point of curvature of a curve to the left, having a radius of 1,051.92 feet, a central angle of 31°48'13"; thence Northerly along the arc of said curve, an arc length of 583.89 feet to the Point of Tangency of said curve; thence N10°32'54"W, a distance of 652.65 feet to the POINT OF BEGINNING, parcel contains 35.03 acres, more or less.

Specific Authority: Section 190.005, F.S.

Law Implemented: Sections 190.004 and 190.005, F.S.

History--New _____

42M-1.003 Supervisors. The following five persons are designated as the initial members of the Board of Supervisors: Jack Maloy, Don Spotts, David Duda, Tracy Duda and Gordon P. Masterson.

Specific Authority: Sections 120.53(1) and 190.005, F.S.

Law Implemented: Section 190.006(1), F.S.

History--New _____