ORDINANCE NO. 83-30

INTRODUCED BY COMMISSIONER **BENET**

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO CG WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names):
Delcore, Ltd, et al (John's Hot Tub Parks, Inc., purchaser)

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 26th day of July, 1983 at 1:30 o'clock p.m. on said application; and,

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, found, as to the requested rezoning classification of CG , as follows: (a) the proposed rezoning promotes the public welfare and complements the St. Johns County Comprehensive Plan; (b) the requested change of zoning is justifiable or fairly debatable without special conditions; (c) the proposed rezoning is desirable at this time and in this general location; (d) prior to the enactment of this Ordinance and in the interest of the public health, safety and general welfare, and without promise, prerequisite, or inducement to the enactment of this Ordinance, applicants agreed to limit their use of said lands and have consented to restrictions or limitations on the applied for rezoning of CG as hereinafter provided; and (e) such restrictions or limitations are for the benefit of the general public and not just the applicants, and they are reasonable and nondiscrimating;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of Delcore, ltd., et al

zoning classification of OR

on the following described lands:

Legal Description:

LEGAL DESCRIPTION
ST. AUGUSTINE SOUTH
UNIT 4
LOT 18

The North 30 feet of the South 617.12 feet of the following described parcel of land:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Sectic 45, a distance of 3237.45 feet to an intersection with the easterly bounda of the 200 feet right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek and said point being the point of beginning of this description, thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 1247.12 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 400 feet; thence north 10 degrees one minut west, a distance of 1247.12 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 400 feet, to the point of beginning of the description. Bearings are referred to the Magnetic Meridian with no variation offset, excepting the following described parcel:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1, thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek; thence continuing south 10 degrees one minute east, along said easterly right of way boundary a distance of 750 feet to the P. O. B.; thence south 10 degrees one minute east along the easterly right of way of U.S. Highway #1, a distance of 100 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 240 feet; thence north 10 degree one minute west, a distance of 100 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 240 feet, to the point of beginning of this description.

AND FURTHER EXCEPTING: That part of the Andres Papy Donation, Section 45, Township 8 South, Range 30 East, described as follows:

Beginning at the Northeast corner of Section 45, Township 8 South, Range 30 East, the Andres Papy Donation, and running thence westerly 2114.15 feet along the North line of said Section 45 to its intersection with the Survey Line of Section 7891-112 of State Road No. 5; running thence South 8 degrees 26 minutes 40 seconds East along said Survey Line 1430.37 feet to a point; thence South 8 degrees 27 minutes 40 seconds East 335.05 feet; thence North 81 degrees 32 minutes 20 seconds East 382 feet for a Point of Beginning. From said Point of Beginning running North 81 degrees 32 minutes 20 seconds East 97.47 feet; running thence South 8 degrees 27 minutes 40 seconds East 500 feet; running thence South 81 degrees 32 minutes 20 seconds West 97.47 feet; thence running North 8 degrees 27 minutes 40 seconds West 500 feet to the Point of Beginning; lying and being in St. Johns County, Florida.

LEGAL DESCRIPTION

ST. AUGUSTINE SOUTH

UNIT 4

LOTS 15 & 16

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and also being known as Lots 15 and 16 of St. Augustine South, U.S. Highway #1 Subdivision, Unit 4, unrecorded, and particularly described as follows:

Beginning at a concrete monument marking the original Northwest corner of the said Section 45, as a point of reference and running thence North 87 degrees 59 minutes 30 seconds East, along the North line of said Section 45, a distance of 3237.45 feet to an intersection with the Easterly boundary of the 200 foot right of way of U.S. Highway #1, thence South 10 degrees one minute East, along the Easterly right of way boundary, a distance of 1346.63 feet to the Northerly edge of Moses' Creek; thence continuing South 10 degrees one minute East, along said Easterly right of way boundary a distance of 690 feet to the Point of Beginning; thence South 10 degrees one minute East along the Easterly right of way of U.S. Highway #1, a distance of 60 feet; thence North 87 degrees 59 minutes 30 seconds East, a distance of 301.57 feet; thence North 10 degrees one minute West, a distance of 60 feet; thence South 87 degrees 59 minutes 30 seconds West, a distance of 301.57 feet, to the Point of Beginning of this description. Said parcel contains .41 acres more or less.

UNIT 4

LOT 17

The North 30 feet of the South 567.12 feet of the following described parcel of land:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easter boundary of the 200 foot right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary a distance of 1346.63 feet to the northerly edge of Moses' Creek and said point being the point of beginning of this description, thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 1247.12 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 400 feet; thence north 10 degrees one minu west, a distance of 1247.12 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 400 feet, to the point of beginning of the description. Bearings are referred to the Magnetic Meridian with no variation offset, excepting the following described parcel:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek; thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 750 feet to the P. O. B. thence south 10 degrees one minute east along the easterly right of way of U.S. Highway #1, a distance of 100 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 240 feet; thence north 10 degrees one minute west, a distance of 100 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 240 feet, to the point of beginning of this description.

AND FURTHER EXCEPTING: That part of the Andres Papy Donation, Section 45, Township 8 South, Range 30 East, described as follows:

Beginning at the Northeast corner of Section 45, Township 8 South, Range 30 East, the Andres Papy Donation, and running thence westerly 2114.15 feet along the North line of Said Section 45 to its intersection with the Survey Line of Section 7801-112 of State Road No. 5; running thence South 8 degrees 26 minutes 40 seconds East along said Survey Line 1430.37 feet to a point; thence South 8 degrees 27 minutes 40 seconds East 335.05 feet; thence North 81 degrees 32 minutes 20 seconds East 382 feet for a point of beginning. From said point of beginning running North 81 degrees 32 minutes 20 seconds East 97.47 feet; running thence South 8 degrees 27 minutes 40 seconds East 500 feet; running thence South 81 degrees 32 minutes 20 seconds west 97.47 feet; thence running North 8 degrees 27 minutes 40 seconds West 500 feet to the point of beginning; lying and being in St. Johns County, Florida.

is hereby changed to CG

subject to the following conditions:

1) use restricted to establishment of restaurant and reducing salon(gym) referred to as: hot tub park

2) overall development scheme as attached exhibit "A"

3) if uses are not established as approved herein, the property reverts to OR zoning classification

4) uses as described herein are transferable

which conditions shall remain in full force and effect at all times until amended or changed by further ordinance of this Body.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations, or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provived in Section 1 above.

SECTION 3. The Zoning Inspector is authorized to issue construction permits allowed by classification as rezoned and conditioned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Secretary of State to the Clerk of the Board of County Commissioners that same has been filed.

SECTION 5. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official public records of St. Johns County, Florida, and indexed under the names of the property owners described on page one hereof.

PASSED this 26th day of July, 1983.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

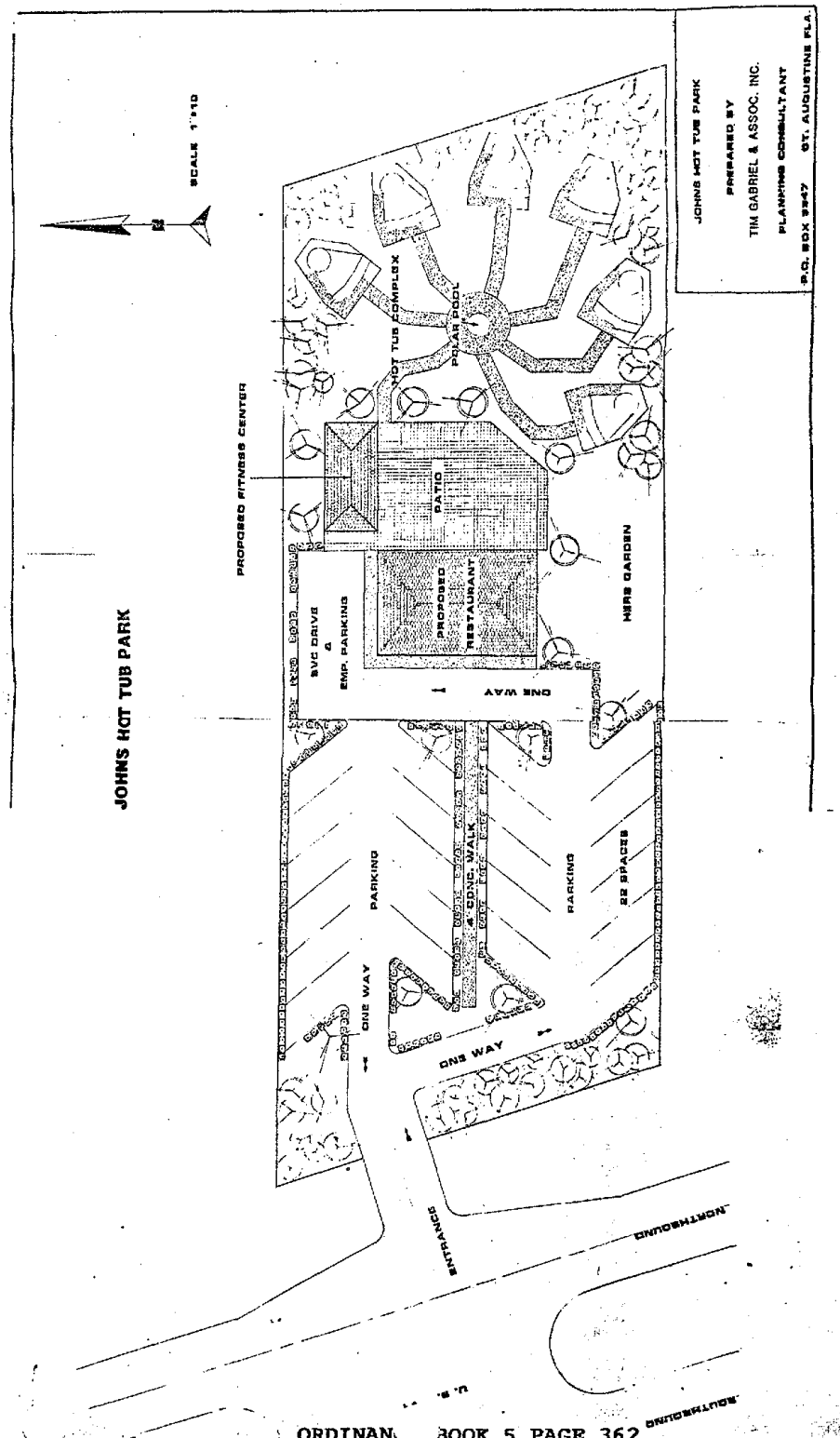
BY: Robert E Anton
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Marie Hudson
Deputy Clerk

Adopted regular meeting 07/26/83

Effective 8-11-83


JOHNS HOT TUB PARK
SCALE 1"=10
JOHNS HOT TUB PARK
PREPARED BY
TIM GABRIEL & ASSOC. INC.
PLANNING CONSULTANT
P.O. BOX 3247 ST. AUGUSTINE FLA.
PROPOSED FITNESS CENTER
HOT TUB COMPLEX
POOL
PATIO
PROPOSED RESTAURANT
HERB GARDEN
SVC DRIVE & EMP. PARKING
ONE WAY
4' CONC. WALK
PARKING
22 SPACES
ONE WAY
ONE WAY
ENTRANCE
NORTHBOUND
NORTHBOUND

83-30

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 26 DAY OF JULY 1983, AT 1:30 O'CLOCK P.M. IN THE COUNTY COMMISSIONERS MEETING ROOM, ST. JOHNS COUNTY COURTHOUSE, ST. AUGUSTINE, FLORIDA, WILL CONSIDER PASSAGE OR THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO CG, WITH THE POSSIBILITY OF ADDED CONDITIONS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

SECTION 1. Pursuant to the application of Delcore, LTD, et al,OWNERS/s of the following described land, zoning classification of OR on the following described lands:

ST. AUGUSTINE SOUTH
UNIT 4
LOTS 15 & 16

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and also being known as lots 15 and 16 of St. Augustine South, U.S. Highway #1 Subdivision, Unit 4, unrecorded, and particularly described as follows:

Beginning at a concrete monument marking the original Northwest corner of the said Section 45, as a point of reference and running thence North 87 degrees 59 minutes 30 seconds East, along the North line of said Section 45, a distance of 3237.45 feet to an intersection with the Easterly boundary of the 200 foot right of way of U.S. Highway #1, thence South 10 degrees one minute East, along the Easterly right of way boundary, a distance of 1348.83 feet to the Northerly edge of Moses' Creek; thence continuing South 10 degrees one minute East along said Easterly right of way boundary a distance of 690 feet to the Point of Beginning; thence South 10 degrees one minute East along the Easterly right of way of U.S. Highway #1, a distance of 50 feet; thence North 87 degrees 59 minutes 30 seconds East, a distance of 301.57 feet; thence North 10 degrees one minute West, a distance of 50 feet; thence South 87 degrees 59 minutes 30 seconds West, a distance of 301.57 feet, to the Point of Beginning of this description. Said parcel contains .41 acres more or less.

UNIT 4
LOT 17

The North 30 feet of the South 587.12 feet of the following described parcel of land:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1348.83 feet to the northerly edge of Moses' Creek and said point being the point of beginning of this description, thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 1247.12 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 400 feet; thence north 10 degrees one minute west, a distance of 1247.12 feet; thence south 87 degrees 59 minutes, 30 seconds west, a distance of 400 feet, to the point of beginning of the description. Bearings are referred to the Magnetic Meridian with no variation offset, excepting the following described parcel:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and particularly described as follows:

CO

The St. Augustine Record

PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared Robert E. James who on oath says that he is Advertising Manager of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement, being a Notice of County Commission Meeting in the matter of Proposed Rezoning, OR to CG in the Court, was published in said newspaper in the issues of June 24, 1983

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me
this 27th day of June
A.D. 19 83

Ruth M. Walker
(SEAL) Notary Public

Notary Public, State of Florida
My Commission Expires May 13, 1985
Bonded Thru Troy Fain - Insurance, Inc.

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek; thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 750 feet to the P. O. B. thence south 10 degrees one minute east along the easterly right of way of U.S. Highway #1, a distance of 100 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 240 feet; thence north 10 degrees one minute west, a distance of 100 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 240 feet, to the point of beginning of this description.

AND FURTHER EXCEPTING: That part of the Andres Papy Donation, Section 45, Township 8 South, Range 30 East, described as follows:

Beginning at the Northeast corner of Section 45, Township 8 South, Range 30 East, the Andres Papy Donation, and running thence Westerly 2114.15 feet along the North line of Said Section 45 to its intersection with the Survey Line of Section 7801-112 of State Road No. 5; running thence South 8 degrees 26 minutes 40 seconds East along said Survey Line 1430.37 feet to a point; thence South 8 degrees 27 minutes 40 Seconds East 335.05 feet; thence North 81 degrees 32 minutes 20 seconds East 382 feet for a point of beginning. From said point of beginning running North 81 degrees 32 minutes 20 seconds East 97.47 feet; running thence South 8 degrees 27 minutes 40 seconds East 500 feet; running thence South 81 degrees 32 minutes 20 seconds West 97.47 feet; thence running North 8 degrees 27 minutes 40 seconds West 500 feet to the point of beginning; lying and being in St. Johns County, Florida.

ST. AUGUSTINE SOUTH
UNIT 4
LOT 18

The North 30 feet of the South 617.12 feet of the following described parcel of land:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 46, as a point of reference and running thence north 87 degrees 59 minutes, 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1; thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek and said point being the point of beginning of this description, thence continuing south 10 degrees one minute east, along said easterly right of way boundary, a distance of 1247.12 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 400 feet; thence north 10 degrees one minute west, a distance of 1247.12 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 400 feet, to the point of beginning of the description. Bearings are referred to the Magnetic Meridian with no variation offset, excepting the following described parcel:

Being a part of the Andres Papy Grant, Section 45, Township 8 South, Range 30 East, being and situated in St. Johns County, Florida, and particularly described as follows:

Beginning at a concrete monument marking the original northwest corner of the said Section 45, as a point of reference and running thence north 87 degrees 59 minutes 30 seconds east, along the north line of said Section 45, a distance of 3237.45 feet to an intersection with the easterly boundary of the 200 foot right of way of U.S. Highway #1, thence south 10 degrees one minute east, along the said easterly right of way boundary, a distance of 1346.63 feet to the northerly edge of Moses' Creek; thence continuing south 10 degrees one minute east, along said easterly right of way boundary a distance of 750 feet to the P. O. B.; thence south 10 degrees one minute east along the easterly right of way of U.S. Highway #1, a distance of 100 feet; thence north 87 degrees 59 minutes 30 seconds east, a distance of 240 feet; thence north 10 degrees one minute west, a distance of 100 feet; thence south 87 degrees 59 minutes 30 seconds west, a distance of 240 feet, to the point of beginning of this description.

AND FURTHER EXCEPTING: That part of the Andres Papy Donation, Section 45, Township 8 South, Range 30 East, described as follows:

Beginning at the Northeast corner of Section 45, Township 8 South, Range 30 East, the Andres Papy Donation, and running thence westerly 2114.15 feet along the North line of said Section 45 to its intersection with the Survey Line of Section 7801-112 of State Road No. 5; running thence South 8 degrees 26 minutes 40 seconds East along said Survey Line 1430.37 feet to a point; thence South 8 degrees 27 minutes 40 seconds East 335.05 feet; thence North 81 degrees 32 minutes 20 seconds East 382 feet for a Point of Beginning. From said Point of Beginning running North 81 degrees 32 minutes 20 seconds East 97.47 feet; running thence South 8 degrees 27 minutes 40 seconds East 500 feet; running thence South 81 degrees 32 minutes 20 seconds West 97.47 feet; thence running North 8 degrees 27 minutes 40 seconds West 500 feet to the Point of Beginning; lying and being in St. Johns County, Florida.

Is hereby changed to CG with the possibility of added conditions.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district wherein said lands are located, except as provided in Section 1 above.

SECTION 3. The Zoning Inspector is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

If a person decides to appeal any decision made by the Bd. of County Comm. with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
By: s/ Carl "Bud" Markel
Clerk

Filed June 24, 1983