

ORDINANCE NO. 85-55

INTRODUCED BY COMMISSIONER BRUBAKER

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR to RS-2 WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names): Mark Cooksey, Mitch Kilpatrick

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 13th day of August, 1985 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 RS-2, 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 RS-2 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 nondiscriminating;

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

SECTION 1. Pursuant to the application of Mark Cooksey, and Mitch Kilpatrick

zoning classification of OR

on the following described lands:

EXHIBIT "A"

A portion of the G.W. PERPALL GRANT, Section 41, Township 6 South, Range 28 East, lying Northeast of the Northeasterly Right-of-Way line of State Road No. 16 (S.R. 16 Right-of-way location according to State of Florida, State Road Department, Right-of-Way Map, State Road No. 16, Section 78060-2509), St. Johns County, Florida, and being more particularly described as follows:

From the Southeast corner of aforementioned Section 41, run N 17°E, along the Easterly line of said Section 41, for a distance of 660.00 feet to the POINT OF BEGINNING of the parcel of land hereinafter described (said P.O.B. being the Northeasterly corner of a parcel of land described in Official Records Book 211, Page 77 of the Public Records of St. Johns County, Florida); thence continue N 17°E, on the Easterly line of said Section 41, for a distance of 1228.25 feet, more or less, to a point of intersection with the Southwesterly Right of Way line of State Road No. 9 (also known as Interstate 95); thence run N 38° 02' 51" W, along the Southwesterly Right of Way line of said State Road No. 9 (I-95), for a distance of 923.74 feet, more or less, to a point of curvature at State of Florida, Dept. Transportation centerline station 8395+15.80 (D.O.T. Section 78080-2405); thence run Northwesterly along the arc of a circular curve to the right [which is coincident with the aforementioned Southwesterly Right-of-Way line of State Road No. 9 (I-95)], having a radius of 11609.16 feet, through a central angle of 4° 15' 30" for a distance of 862.79 feet, more or less, to a point of intersection with the Northerly line of said Section 41; thence run S 71° 43' W, along the Northerly line of said Section 41, for a distance of 58.88 feet, more or less, to the Easterly line of the LEO S. MASTERS tract, as recorded in Deed Book 101, Page 497 of the Public Records of St. Johns County, Florida; thence run S 17° W, along the Easterly line of said Deed Book 101, Page 497, parcel, for a distance of 2598.88 feet, more or less, to a point of intersection with the aforementioned Northeasterly Right of Way line of State Road No. 16; thence run S 58° 20' 30" E, for a distance of 485.28 feet to a point of curvature; thence run Southeasterly along the arc of a circular curve to the right, having for its elements a radius of 2039.86 feet and a central angle of 10° 42' 46", for a distance of 381.40 feet to a point (the last two courses mentioned being coincident with the Northeasterly Right of Way line of said State Road No. 16); thence run N 38° 55' 02" E, for a distance of 400.00 feet to a point; thence run S 45° 50' 37" E, for a distance of 127.11 feet, more or less, to a point of intersection with the Westerly line of said Official Records Book 211, Page 77 parcel; thence run N 38° 55' 02" E, for a distance of 89.23 feet to a point; thence run N 77° 08' 27" E, for a distance of 427.00 feet to the Point of Beginning (the last two courses mentioned being coincident with the Westerly and Northerly line of said Official Records Book 211, Page 77 parcel).

Containing 72.35 acres, more or less.

LEGAL DESCRIPTION VERIFIED

BY *Spull*

is hereby changed to RS-2

subject to the following conditions:

1. Minimum lot size of one-half acre, with maximum number of lots to be located on herein described land 70.
2. If DOT requires a turn lane, it will be provided by the applicant.

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 provided 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 13 day of AUGUST, 1985



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: *Robert Walsh*
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: *Cheryl Kent*
Deputy Clerk

VERIFIED BY
[Signature]

FILED AND RECORDED IN
ST. JOHNS COUNTY, FLORIDA

1985 AUG 21 AM 9:10

Carl "Bud" Markel
CLERK OF COUNTY COURT

Adopted regular meeting 8/13/85

Effective August 20, 1985

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 _____
Virginia L. Goodrich 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 _____
Public Notice
 _____ in the matter of _____
Ordinance for rezoning land
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
July 13, 1985

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 16th day of July

A.D. 19 85

 Notary Public, State of Florida
 My Commission Expires April 20, 1987
 Bonded thru Troy Pain - Insurance, Inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 13 DAY OF AUGUST, 1985 AT 1:30 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER PASSAGE OF 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 RS-2 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 Mark Cooksey/Whit Kilpatrick owners of the following described land, zoning classification of OR to the following described lands:

EXHIBIT "A"
 A portion of the G.W. PERPALL GRANT, Section 41, Township 6 South, Range 28 East, lying Northeast of the Northeastly Right-of-Way line of State Road No. 16 (S.R. 16 Right-of-way location according to State of Florida, State Road Department, Right-of-Way Map, State Road No. 16, Section 78060-2509), St. Johns County, Florida, and being more particularly described as follows:

From the Southeast corner of aforementioned Section 41, for a distance of 860.00 feet to the POINT OF BEGINNING of the parcel of land hereinafter described (said P.O.B. being the Northeastly corner of a parcel of land described in Official Records book 211, page 77 of the Public Records of St. Johns County, Florida); thence continue N 17° E, on the Easterly line of said Section 41, for a distance of 1228.25 feet, more or less, to a point of intersection with the "Southwestly Right of Way line of State Road No. 9 (also known as Interstate 95); thence run N 38° 02' 51" along the Southwestly Right of Way line of said State Road No. 9 (I-95), for a distance of 823.74 feet, more or less, to a point of curvature at State of Florida, Dept. Transportation centerline station 6398+16.80 (D.O.T. Section 78060-2405); thence run Northwestly along the arc of a circular curve to the right (which is coincident with the aforementioned Southwestly Right-of-Way line of State Road No. 9 (I-95)), having a radius of 11809.16 feet, through a central angle of 4° 15' 30" for a distance of 852.78 feet, more or less, to a point of intersection with the Northerly line of said Section 41; thence run S 71° 45' W, along the Northerly line of said Section 41, for a distance of 58.88 feet, more or less, to the Easterly line of the LEO S. MASTERS tract, as recorded in Deed Book 101, Page 497 of the Public Records of St. Johns County, Florida; thence run S 17° W, along the Easterly line of said Deed Book 101, page 497, parcel for a distance of 2598.88 feet, more or less, to a point of intersection with the aforementioned Northeastly Right of Way line of State Road No. 16; thence run S 88° 20' 30" E, for a distance of 485.28 feet to a point of curvature; thence run Southeastly along the arc of a circular curve to the right, having for its elements a radius of 2038.86 feet and a central angle of 10° 42' 46", for a distance of 381.40 feet to a point (the last two courses mentioned being coincident with the Northeastly Right of Way line of said State Road No. 16); thence run N 38° 55' 02" E, for a distance of 400.00 feet to a point; thence run S 45° 50' 37" E, for a distance of 127.11 feet, more or less, to a point of intersection with the Westerly line of said Official Records Book 211, Page 77 parcel; thence run N 38° 55' 02" E, for a distance of 89.23 feet to a point; thence run N 77° 08' 27" E, for a distance of 427.00 feet to the Point of Beginning (the last two courses mentioned being coincident with the Westerly and Northerly line of said Official Records book 211, Page 77 parcel).

Containing 72.35 acres, more or less.
 IS HEREBY CHANGED TO: RS-2, 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 Building Department 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.

BOARD OF COUNTY COMMISSIONERS
 OF ST. JOHNS COUNTY, FLORIDA

By: Carl "Bud" Markel
 Its Clerk
 If a person decides to appeal any decision made by the Board of County Commissioners 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.

L-300 July 13, 1985