

ORDINANCE NUMBER: 86-88

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, BARNETT BANK OF ST. JOHNS COUNTY, filed application for change of zoning on lands hereinafter described on attached Exhibit A, and after required notice was published, a public hearing was held on October 14, 1986, at 1:30 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 compliments 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, applicant agreed to limit its use of said lands and has 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 applicant 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 BARNETT BANK OF ST. JOHNS COUNTY the zoning classification of OR on the lands described on the attached Exhibit A is hereby changed to CG, subject to the following conditions:

1. There shall be no more than one ingress/egress point on Old Moultrie Road which shall be alined with the existing entrance road to the Ponce de Leon Mall.

2. The Applicant shall construct at its expense, acelaration/deceleration lanes and a left turn lane at said ingress/egress point, in accordance with St. Johns County specifications.

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 acknowledgment 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 25th day of November, 1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Phyllis L. Lydon
CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Cheryl Kent
Deputy Clerk

Adopted regular meeting 11/25/86
Effective: 12/03/86

AMENDED LEGAL DESCRIPTION

EXHIBIT "A"

THE EASTERLY 1200 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, CONTAINING 22.09 ACRES MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 36 WITH THE EAST RIGHT OF WAY LINE FOR THE FLORIDA EAST COAST RAILWAY, SAID RIGHT OF WAY LINE BEING 75 FEET EASTERLY FROM AND PARALLEL WITH THE CENTERLINE OF SAID RIGHT OF WAY; THENCE NORTH 87 DEGREES 46 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID SECTION 36 AND THE EASTERLY EXTENSION THEREOF, 1,821.14 FEET TO THE WEST RIGHT OF WAY LINE FOR STATE ROAD S-5A (OLD MOULTRIE ROAD), SAID RIGHT OF WAY BEING 66 FEET IN WIDTH; THENCE SOUTH 1 DEGREE 08 MINUTES 26 SECONDS EAST, ON SAID WEST LINE OF RIGHT OF WAY, 660.00; THENCE SOUTH 87 DEGREES 46 MINUTES 30 SECONDS WEST 1,200.00 FEET; THENCE NORTH 1 DEGREE 08 MINUTES 26 SECONDS WEST 389.43 FEET; THENCE SOUTH 87 DEGREES 46 MINUTES 30 SECONDS WEST 609.52 FEET; THENCE NORTH 3 DEGREES 36 MINUTES 00 SECONDS WEST, ON SAID EAST RIGHT OF WAY LINE FOR RAILWAY, 270.60 FEET TO THE POINT OF BEGINNING.

Based on a search of the public records as maintained in the Office of the Clerk of the Circuit Court of St. Johns County, Florida, and records maintained in this office, we find the apparent owner of the above described land to be H.W. Mizell by virtue of Deed filed and recorded in Deed Book 234 /180 of the public records of St. Johns County, Florida.

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 _____
Paula M. Freeman _____ who on oath says that he is
Classified 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, added conditions _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
October 24, 1986

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 October _____
A.D. 19 86
[Signature]
Notary Public

Notary Public, State of Florida
My Commission Expires Aug. 4, 1987
Bonded Three Thousand Dollars, Fla.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 25TH DAY OF NOVEMBER 1986 AT 1:30 O'CLOCK P.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, COUNTY ROAD 5-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSES 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 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 Ernest Bank of St. Augustine on behalf of Estate of H.W. Nicoll, owners of the following described land, zoning classification of OR, Open Rural on the following described land:

THE EASTERLY 1200 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY:

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND IN SECTIONS 30 AND 31, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, CONTAINING 22.20 ACRES MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 34 WITH THE EAST RIGHT OF WAY LINE FOR THE FLORIDA EAST COAST RAILWAY SAID RIGHT OF WAY LINE BEING 25 FEET EASTERLY FROM AND PARALLEL WITH THE CENTERLINE OF SAID RIGHT OF WAY; THENCE NORTH 87 DEGREES 44 MINUTES 30 SECONDS EAST, ON THE NORTH LINE OF SAID SECTION 34 AND THE EASTERLY EXTENSION THEREOF, 181.14 FEET TO THE WEST RIGHT OF WAY LINE FOR STATE ROAD 53A (OLD MOULTRIE ROAD), SAID RIGHT OF WAY BEING 50 FEET IN WIDTH; THENCE SOUTH 1 DEGREE 35 MINUTES 30 SECONDS EAST, ON SAID WEST LINE OF RIGHT OF WAY, 40.80; THENCE SOUTH 87 DEGREES 44 MINUTES 30 SECONDS WEST 3,300.80 FEET; THENCE NORTH 1 DEGREE 35 MINUTES 30 SECONDS WEST 399.0 FEET; THENCE SOUTH 87 DEGREES 44 MINUTES 30 SECONDS WEST 399.0 FEET; THENCE NORTH 3 DEGREES 30 MINUTES 30 SECONDS WEST, ON SAID EAST RIGHT OF WAY LINE FOR RAILWAY, 20.40 FEET TO THE POINT OF BEGINNING.

It is hereby changed to CG, Commercial General 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 ST. JOHNS COUNTY FLORIDA
By: Carl "Bud" Marble
Clerk

If a person desires 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.
LSP Oct. 24, 1986