

ORDINANCE NUMBER: 87-37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED ON EXHIBIT "A", ATTACHED HERETO, FROM PRESENT ZONING CLASSIFICATIONS OF "OR" AND "CI" TO "PLANNED UNIT DEVELOPMENT"; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** That as requested by K. S. Toney, in his application with supporting documents for zoning change, dated April 1, 1987 (hereinafter, the Planned Unit Development Application) the zoning classifications of the lands described on attached Exhibit "A" are hereby changed from "OR" and "CI" to "Planned Unit Development".

**Section 2.** That development of the lands within this Planned Unit Development shall proceed in accordance with the Planned Unit Development Application as revised on August 6, 1987, and as amended by the letter addendum dated June 18, 1987, and supporting documents which are a part of Zoning File R-PUD-87-021 and which are incorporated by reference into and made a part of this ordinance, and as supplemented by the provisions of this ordinance. In the case of conflict between the application or supporting documents and the below described provisions of this ordinance, the below described provisions shall prevail.

**Section 3.** The first phase of the park site, consisting of a landscaped entrance, a parking area with at least fifty (50) parking spaces, two (2) softball and/or Little League fields, or comparable facilities, and a permanent restroom complex to be constructed of frame, block and/or brick shall be substantially constructed by St. Johns County within three (3) years following the date of conveyance of the park site to the County.

**Section 4.** Fencing required by paragraph K of the revised Planned Unit Development Application shall be installed by the applicant or his assigns, prior to the issuance of building permits authorizing construction in areas in close proximity to the required fencing shown on the PUD Master Plan, Exhibit A, to the PUD Application.

**Section 5.** On or before July 1, 1990, the applicant shall deed to the County by Warranty Deed with Title Opinion sufficient additional right-of-way along the full course of Wildwood Drive where it abuts or traverses the property to allow for a one hundred (100') foot right-of-way.

**Section 6.** That all roads and parking areas within the project either public or private shall be constructed to approved County Standards.

**Section 7.** That all easements required for drainage purposes shall be granted to the County at no cost, at the County's request.

**Section 8.** K. S. Toney, and his heirs or assigns, shall submit a final development plan for those areas within said Planned Unit Development, excepting the park site, for which there is no existing approved final development plan, in accordance with the St. Johns County Zoning Code. St. Johns County shall approve a final development plan for the park site in accordance with its Zoning Code.

**Section 9.** Prior to final paving and drainage plan approval permits shall be acquired from all regulatory agencies with jurisdiction (i.e. St. Johns River Water Management District and DER). No construction may occur within the Planned Unit Development without final Engineering Department approval.

Section 10. The St. Johns County Building and Zoning Office is hereby authorized to issue building permits, certificates and other documents authorizing construction of said Planned Unit Development in accordance with the development plan after its approval pursuant to the Zoning Code.

Section 11. All building code, zoning ordinance and land use development regulations of St. Johns County, as amended from time to time, are applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan. Modification to approved development plans by variance or special exception shall be prohibited. All references to sections of the St. Johns County Zoning Code in the application and supporting documents pertaining to this PUD shall be deemed references to the zoning code as it may be amended from time to time.

Section 12. This ordinance shall not be deemed to require the County to vacate or construct any roads lying within or without the Planned Unit Development.

Section 13. The fire station shall be constructed at such time as the County shall determine.

Section 14. The credits, if any, to be given concerning recreation impact fees shall be determined and governed in the manner provided in the Agreement between the County and K. S. Toney concerning the park described in this PUD; said Agreement being the Agreement approved by the Board of County Commissioners at its meeting of August 11, 1987.

Section 15. This ordinance shall take effect immediately

upon receipt of official acknowledgement of the Office of the Secretary of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that same has been filed.

Adopted this 11th day of August, 1987.

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 08/11/87

Effective: August 20, 1987

EXHIBIT "A"

Legal Descriptions

- Parcel 1: All of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3, contains  $\pm$  20 acres.
- Parcel 2: All of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3 lying Southerly of State Road No. 207, excepting the 8.4 acres described in O.R. 110, page 13 and O.R. 112, page 144, and contains  $\pm$  29 acres after the exception.
- Parcel 3: All of the West  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 3, contains  $\pm$  80 acres.
- Parcel 4: A parcel of land lying in the East  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida, and being more particularly described as follows:

For a Point of Beginning use the Southeast corner of said Section 3; thence South  $88^{\circ} 48' 46''$  West, 1313.69 feet along the South line of said Section 3 to the Southwest corner of the East  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 3; thence North  $00^{\circ} 34' 43''$  West along the West line of said East  $\frac{1}{4}$ , 2641.71 feet to the Southerly right-of-way line of Brinkhoff Road (as now established for a 66 foot right-of-way); thence North  $88^{\circ} 31' 10''$  East, 1289.66 feet along said Southerly right-of-way line to the East line of said Section 3; thence South  $01^{\circ} 06' 20''$  East, 2648.25 feet to the Point of Beginning. Said parcel contains 79.03  $\pm$  acres. Excepting the following described parcel of land:

Original Billings Farm (Tax ID #136160-0000)

A portion of the East  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

For a Point of Commencement use the intersection of the common line between Sections 2 and 3 and the Southerly right-of-way line of Brinkhoff Road as now established for a 66 foot right-of-way; thence South  $88^{\circ} 31' 10''$  West, 372.27 feet along said Southerly right-of-way line to the Point of Beginning; thence continue South  $88^{\circ} 31' 10''$  West, 494.95 feet along said right-of-way line; thence South  $07^{\circ} 11' 20''$  West, 463.10 feet along the fence line of said property; thence North  $82^{\circ} 48' 08''$  East, 492 feet; thence North  $07^{\circ} 11' 20''$  West, parallel with the occupation line on the Westerly side of property, 413.90 feet to the Point of Beginning. Said parcel contains  $\pm$  4.95 acres. Being the lands as described in O.R. 82, Page 266, Public Records of said County.

This description was based on the occupation line of said "Billings Farm" based by fence line on the West and the South, bounded by Brinkhoff Road on the North (a portion of the original farm lies within the right-of-way of said Brinkhoff Road as now established). Also part of the basis was an early tax map furnished by K.S. Toney.

Parcels in Section 2, Township 8 South, Range 29 East, St. Johns County, Florida

Legal Descriptions

Parcel 1:

A parcel of land lying in the Southwest  $\frac{1}{4}$  of Section 2, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

For a Point of Beginning use the Southwest corner of said Section 2; thence North  $88^{\circ} 26' 58''$  East, 2012.86 feet along the South line of said Section 2 to the Westerly right-of-way line of Wildwood Drive; thence North  $53^{\circ} 15' 43''$  West, 731.25 feet to the P.C. of a curve to the left having a radius, chord and chord bearing of 988.37 feet, 869.41 feet and North  $27^{\circ} 10' 10''$  West; thence around the arc of said curve 900.21 feet to the P.T. of said curve; thence North  $01^{\circ} 04' 37''$  West along said Westerly right-of-way line, 1410.15 feet to the Southerly right-of-way line of Brinkhoff Road; thence South  $88^{\circ} 31' 10''$  West along said Southerly right-of-way line, 1053.70 to the Westerly line of said Section 2; thence South  $01^{\circ} 06' 02''$  East along said Westerly Section line, 2648.25 feet to the Point of Beginning. Said parcel contains  $\pm$  73.08 acres. Excepting the following described parcel of land:

Legal Description Day School

A 5 acre parcel of land in the Southwest  $\frac{1}{4}$  of Section 2, Township 8 South, Range 29 East, St. Johns County, Florida, said 5 acre parcel being more fully described as follows:

Commence at the Southwest corner of said Section 2; thence North  $88^{\circ} 20' 30''$  East along the South line of said Section 2, a distance of 1965.33 feet to the centerline of Wildwood Road; thence North  $53^{\circ} 13'$  West, along said centerline, a distance of 773.43 feet to the Point of a curve of a curve to the right with a radius of 955.37 feet and a central angle of  $52^{\circ} 10' 34''$ ; thence South  $36^{\circ} 47'$  West, a distance of 33 feet to the Point of a curve of the West right-of-way line of Wildwood Drive and the Point of Beginning; thence South  $88^{\circ} 20' 30''$  West, parallel to the South line of Section 2, a distance of 860.49 feet; thence North  $1^{\circ} 39' 30''$  West, a distance of 304.48 feet; thence North  $88^{\circ} 20' 30''$  East, a distance of 605.31 feet to the West right-of-way line of Wildwood Drive; thence Southeasterly along the arc of the West right-of-way line of Wildwood Drive, through a central angle of  $23^{\circ} 11' 16''$ , a distance of 400.0 feet to the Point of Beginning. Containing 5.00 acres, more or less. Being the same land as described in O.R. 670, page 592, Public Records of said County.

Parcel 2:

A portion of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 2 lying Northerly of Brinkhoff Road (as now established for a 60 foot right of way) and Westerly of Wildwood Road (formerly Napier and now established for a 66 foot right-of-way) and being more particularly described as follows:

Begin at the intersection of the North right-of-way line of said Brinkhoff Road and the Westerly right-of-way line of said Wildwood Road; thence North  $1^{\circ} 01'$  West along said Westerly right of way line 22.6 feet to the P.C. of a curve to the left having a radius chord and chord of 921.93 feet, 294.01 feet and North  $10^{\circ} 11' 30''$  West; thence Northwesterly around the arc of said curve 295.26 feet to the P.T. of said curve; thence North  $16^{\circ} 57'$  West along said Westerly right-of-way line 201.63 feet to the South line of lands as described in DB 161, page 493, Public Records of said County; thence South  $88^{\circ} 00' 07''$  West along the South line of said lands and its projection Westerly, 682.33 feet to the East line of lands described in OR 636, page 562, Public Records of said county; thence North  $00^{\circ} 02' 17''$  East along said East line, 272.89 feet; thence South  $88^{\circ} 31' 10''$  West 250 feet along the North line of said parcel to the West line of said Section 2; thence South  $00^{\circ} 02' 17''$  West along said Section line 872 feet to the North right-of-way line of said Brinkhoff Road; thence North  $88^{\circ} 31' 10''$  East along said North line, 1051.80 feet to the Point of Beginning. Said parcel contains  $\pm$  13.75 acres.

Parcel 3:

A portion of the West  $\frac{1}{4}$  of Section 2, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

Commencing at the South corner on the West end of Cherry Tree Road as shown on Plat of St. Augustine Heights, Unit 3 as recorded on Mapbook 10 page 41 of the Public Records of St. Johns County, Florida; thence North  $0^{\circ} 37'$  East 649.73 feet along the Westerly end of said Cherry Tree Road, and the Westerly line of said St. Augustine Heights, Unit 3, to the Point of Beginning; thence South  $89^{\circ} 32' 42''$  West, 511.99 feet to the Easterly right-of-way of Wildwood Drive; thence North  $0^{\circ} 27' 18''$  West, 132.85 feet along said Easterly right-of-way to the P.C. of a curve to the left having a radius, chord and central angle of 987.93 feet, 315.05 feet and  $18^{\circ} 21'$ ; thence around the arc of said curve 316.40 feet to the P.T.; thence North  $18^{\circ} 48' 18''$  West, 179.12 feet along said Easterly right-of-way line; thence North  $89^{\circ} 32' 42''$  East, 616.83 feet to the Westerly boundary of said St. Augustine Heights Unit 3, thence South  $0^{\circ} 37'$  East, 618.64 feet along said Westerly boundary to the Point of Beginning. Said parcel contains  $\pm$  7.66 acres.

S2, T8S, R29E, (cont.)

Parcel 4:

A portion of the county owned Wildwood Drive (as now established for a 66 foot right-of-way) in Section 2, Township 8 South, Range 29 East, St. Johns County, Florida, being more particularly described along the centerline of said right-of-way as follows:

For a Point of Beginning use the centerline intersection of Brinkhoff Road and Wildwood Drive; thence South  $01^{\circ} 04' 37''$  West, 890 feet along said centerline to a Point of Terminus; thence begin again at the Point of Beginning, thence North  $01^{\circ} 01'$  West, along said centerline, 52.6 feet to the P.C. of a curve to the left, having a radius, chord and chord bearing of 954.93 feet, 304.53 feet and North  $10^{\circ} 11' 30''$  West; thence Northwesterly around the arc of said curve 305.83 to the Point of Terminus on the North. Said boundary lies parallel with and 33 feet at right angles to each side of the above described centerline. Said roadway parcel contains  $\pm 1.85$  acres.

Parcel 5:

Also includes the total right-of-way of County owned Brinkhoff Road from Wildwood Drive West to the End,  $\pm 2370$  feet as established for a 60 foot right-of-way width. This lies in Sections 2 and 3, Township 8 South, Range 29 East, St. Johns County, Florida. Said portion contains  $\pm 3.20$  acres.

Parcel 6:

A parcel of land lying in Sections 2 and 3, Township 8 South, Range 29 East, St. Johns County Florida and being more particularly described as follows: For a point of commencement use the South right-of-way line of Brinkhoff Road as now established for a 66 foot right-of-way and the common line between said Sections 2 and 3; thence South  $01^{\circ} 06' 02''$  East, 199.92 feet along said common line to the Point of Beginning; thence South  $88^{\circ} 31' 10''$  West, 179.63 feet; thence South  $00^{\circ} 02' 17''$  West, 622.29 feet; thence North  $88^{\circ} 31' 10''$  East 350.0 feet; thence North  $00^{\circ} 02' 17''$  East 622.29 feet; thence South  $88^{\circ} 31' 10''$  West 170.37 feet to the Point of Beginning. Said Parcel contains  $\pm 5.0$  acres. Also the centerline description for a roadway easement to this property is as follows: For a Point of Commencement use the South right-of-way line of Brinkhoff Road as now established for a 66 foot right-of-way and the common line between said Sections 2 and 3; thence South  $88^{\circ} 31' 10''$  West along said South right-of-way line 164.66 feet to the Point of Beginning of a centerline description of a 22 foot easement lying 11 feet distant and at right angles to the following described centerline; thence South  $00^{\circ} 02' 17''$  West, 200 feet to the North boundary of the aforementioned parcel and the Point of Terminus of this easement.



**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 \_\_\_\_\_  
Kristi Robertson who on oath says that he is  
Accounting Clerk 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/CI to PUD  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
June 1, 1987

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 Kristi Robertson  
 this 3rd day of June  
 A.D. 1987  
Paul W. Greenman  
 (SEAL) Notary Public

Notary Public, State of Florida at Large  
 My Commission Expires Dec. 21, 1990

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON JULY 14, 1987 AT 2:00 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 HOLD A PUBLIC HEARING TO CONSIDER THE 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/CI TO PUD.

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

SECTION 1. Pursuant to the application of K.S. Toney, K.S. Toney Investment Inc., and Coastal Land Development Corporation (Treaty Grounds PUD), owners of the following described land, zoning classification of OR, Open Rural and CI Commercial intensive on the following described lands:

EXHIBIT "A"

Legal Descriptions  
 Parcel 1: All of the West 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 3, contains plus minus 20 acres.

Parcel 2: All of the Southwest 1/4 of the Northeast 1/4 of said Section 3 lying Southerly of State Road No. 207, excepting the 8.4 acres described in O.R. #110, page 113 and O.R. #112, page 144, and contains plus minus 29 acres after the exception.

Parcel 3: All of the West 1/2 of the Southeast 1/4 of said Section 3, contains plus minus 80 acres.

Parcel 4: A parcel of land lying in the East 1/2 of the Southeast 1/4 of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida, and being more particularly described as follows:

For a Point of Beginning use the Southeast corner of said Section 3; thence South 88° 48' 46" West, 1313.69 feet along the South line of said Section 3 to the Southwest corner of the East 1/2 of the Southwest 1/4 of said Section 3; thence North 00° 34' 43" West along the West line of said East 1/2, 2641.71 feet to the Southerly right-of-way of Brinkhoff Road (as now established for a 66 foot right-of-way); thence North 88° 31' 10" East, 1289.66 feet along said Southerly right-of-way line to the East line of said Section 3; thence South 01° 06' 20" East 2648.25 feet to the Point of Beginning. Said parcel contains 79.05 plus minus acres. Excepting the following described parcel of land:

Original Billings Farm (TAX ID #136160-0000)  
 A portion of the East 1/2 of the Southeast 1/4 of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:  
 For a Point of Commencement use the intersection of the common line between Section 2 and 3 and the Southerly right-of-way line of Brinkhoff Road as now established for a 66 foot right-of-way; thence South 88° 31' 10" West, 372.27 feet along said Southerly right-of-way line to the Point of Beginning; thence continue South 88° 31' 10" West, 494.95 feet along said right-of-way line; thence South 07° 11' 20" West, 463.10 feet along the fence line of said property; thence North 82° 48' 08" East, 492 feet; thence North 07° 11' 20" West, parallel with the occupation line on the Westerly side of property, 413.90 feet to the Point of Beginning. Said parcel contains plus minus 4.95 acres. Being the lands as described in O.R. #2, Page 266, Public Records of said County.

This description was based on the occupation line of said "Billings Farm" based by fence line on the West and the South

angle of 52° 10' 34"; thence South 36° 47' West, a distance of 33 feet to the Point of a curve of the West right-of-way line of Wildwood Drive and the Point of Beginning; thence South 88° 20' 30" West, parallel to the South line of Section 2, a distance of 860.59 feet; thence North 1° 39' 30" West, a distance of 304.48 feet; thence North 88° 20' 30" East, a distance of 605.31 feet to the West right-of-way line of Wildwood Drive; thence Southeasterly along the arc of the West right-of-way line of Wildwood Drive, through a central angle of 23° 11' 16", a distance of 400.0 feet to the Point of Beginning. Containing 5.00 acres, more or less. Being the same land as described in O.R. #70, page 592, Public Records of said County.

Parcel 2: A portion of the Southwest 1/4 of the Northwest 1/4 of said Section 2 lying Northerly of Brinkhoff Road (as now established for a 60 foot right of way) and Westerly of Wildwood Road (formerly Napier and now established for a 66 foot right-of-way) and being more particularly described as follows:

Begin at the intersection of the North right-of-way line of said Brinkhoff Road and the Westerly right-of-way line of said Wildwood Road; thence North 1° 01' West along said Westerly right of way line 22.6 feet to the P.C. of a curve to the left having a radius chord and chord of 921.93 feet, 294.01 feet and North 10° 11' 30" West; thence Northwesterly around the arc of said curve 295.26 feet to the P.T. of said curve; thence North 16° 57' West along said Westerly right-of-way line 201.65 feet to the South line of lands as described in DB 161, page 493, Public Records of said County; thence South 88° 00' 07" West along the South line of said lands and its projection Westerly, 682.33 feet to the East line of lands described in O.R. #36, page 562, Public Records of said County; thence North 00° 02' 17" East along said East line, 272.89 feet thence South 88° 31' 10" West 250 feet along the north line of said parcel to the west line of said section 2; thence South 00° 02' 17" West along said Section line 872 feet to the North right-of-way line of said Brinkhoff Road; thence North 88° 31' 10" East along said North line, 1051.86 feet to the Point of Beginning. Said parcel contains plus minus 13.75 acres.

Parcel 3: A portion of the West 1/2 of Section 2, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

Commencing at the South corner on the West end of Cherry Tree Road as shown on Plat of St. Augustine Heights, Unit 3 as recorded on Mapbook 10 page 41 of the Public Records of St. Johns County, Florida; thence North 0° 37' East 647.73 feet along the Westerly end of said Cherry Tree Road, and the Westerly line of said St. Augustine Heights, Unit 3, to the Point of Beginning; thence South 89° 32' 42" West, 511.99 feet to the Easterly right-of-way of Wildwood Drive; thence North 0° 27' 18" West, 132.85 feet along said Easterly right-of-way to the P.C. of a curve to the left having a radius, chord and central angle of 987.93 feet, 315.05 feet and 18° 21'; thence around the arc of said curve 316.40 feet to the P.T.; thence North 16° 48' 18" West, 179.12 feet along said Easterly right-of-way line; thence North 89° 32' 42" East, 616.83 feet to the Westerly boundary of said St. Augustine Heights, Unit 3; thence South 0° 37' East, 618.64 feet along said Westerly boundary to the Point of Beginning. Said parcel contains plus minus 7.64 acres.

Parcel 4: A portion of the county owned Wildwood Drive (as now established for a 66 foot right-of-way) in Section Township 8 South, Range 29 East, St. Johns County, Florida, being more particularly described along the centerline of said

