

ORDINANCE NUMBER: 89-24

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-3" WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, J. BROOKS BROWN and HELEN L. BROWN, as applicants, have 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 MAY 23, 1989 at 1:45 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-3", 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, the applicants agreed to limit its use of said lands and has consented to restrictions or limitations on the applied for rezoning of "RS-3" 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 J. BROOKS BROWN and HELEN L. BROWN, the zoning classification of "OR" on the lands described on the attached Exhibit "A" is hereby changed to "RS-3", subject to the following conditions:

(1) The property may be divided into no more than 3 lots, of a minimum width of 85 feet each and size of .96 of an acre, with no more than one dwelling unit per lot.

(2) The lots shall be served by no more than 2 driveways, constructed in accordance with St. Johns County and D.O.T. requirements.

(3) The lots shall be served by a central water and sewer system.

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 St. Johns County Building Department 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 23rd day of May, 1989.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Harry Walden
CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl "Bud" Markel
Clerk

Adopted May 23, 1989

Meeting regular

Effective May 31, 1989



TRACT "A":

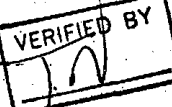
A tract of land, lying in, and being a part of Tracts N, O, P & L of the Plat of Matanzas Inlet Beach, Mapbook 4, page 62 of the Public Records of St. Johns County, Florida and being more particularly described as follows: For a Point of Reference commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 12, pages 85 through 89 of the Public Records of St. Johns County, Florida; thence South 70°15'00" West, along the Southerly line of said plat, a distance of 75.00 feet to the Point of Beginning; thence continue South 70°15'00" West, along said Southerly line a distance of 119.89 feet to a point; thence South 02°15'00" East, a distance of 27.00 feet to a point; thence South 70°15'00" West, a distance of 41.00 feet to a point; thence South 19°45'00" East, a distance of 25.00 feet to a point; thence South 70°15'00" West, a distance of 115.00 feet to a point; thence South 19°45'00" East, a distance of 67.30 feet to a point; thence South 56°00'00" West, a distance of 115.00 feet to a point; thence South 36°30'00" East, a distance of 9.64 feet to a point; thence North 70°15'00" West, a distance of 5779.65 feet, a chord bearing and distance of the aforesaid plat of Barrataria Island, a distance of 470.28 feet, to a point on the curve, through a chord bearing and distance of North 15°58'58" West, 85.00 feet; thence Northwesterly, along and around said with the aforesaid Southerly line, a distance of 85.00 feet to a point; thence South 70°15'00" West, a distance of 75.00 feet to the Point of Beginning. The above described parcel containing 1.074 acres more or less. Also being subject to an Easement for Navigational purposes of the waters of the canal that are a part of this tract, and being subject to an easement for ingress and egress over the South 10 feet of the East 60 feet of said tract, and being entitled to an easement for ingress and egress over the North 10 feet of the East 60 feet of the following described Tract "B".

TRACT "B":

A tract of land, lying in, and being a part of Tracts O, P & L of the Plat of Matanzas Inlet Beach, Mapbook 4, page 52 of the Public Records of St. Johns County, Florida, and being more particularly described as follows: For a Point of Reference commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 12, pages 85 through 89 of the Public Records of St. Johns County, Florida; thence South 15°24'00" East, along the Westerly right-of-way line of said State Road A-1-A, a distance of 59.01 feet to the point of curvature of a curve, concave to the Northwest, having a radius of 5779.65 feet; thence Southeasterly along and around said curve, through a central angle of 1°00'04" an arc distance of 100.99 feet to the Point of Beginning; thence South 70°15'00" West parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 470.28 feet to a point; thence South 36°30'00" East, a distance of 104.30 feet to a point; thence North 70°15'00" East, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 435.24 feet to a point on the Westerly right-of-way line of State Road A-1-A, said point being in a curve, concave to the Southeast, having a radius of 5779.65 feet a chord bearing and distance of North 16°53'49" West, 100.00 feet; thence Northwesterly along and around said curve, through a central angle of 00°59'29" an arc distance of 100.00 feet to the Point of Beginning. The above described are a part of this tract, and being subject to an easement for ingress and egress over the North 10 feet of the East 60 feet of said tract and being entitled to an easement for ingress and egress over the South 10 feet of the East 60 feet of aforementioned Tract "A".

TRACT "C":

A tract of land, lying in and being a part of Tracts O, P & L of the Plat of Matanzas Inlet Beach, Mapbook 4, page 62 of the Public Records of St. Johns County, Florida and being more particularly described as follows: For a Point of Reference, commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 17, pages 86 through 89 of the Public Records of St. Johns County, Florida; thence South 15°24'00" East, along the Westerly right-of-way line of said State Road A-1-A, a distance of 59.01 feet to the point of curvature of a curve, concave to the Northwest, having a radius of 5779.65 feet; thence Southeasterly, along and around said curve, through a central angle of 1°59'33" an arc distance of 200.99 feet to the Point of Beginning; thence South 70°15'00" West, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 435.24 feet to a point; thence South 36°30'00" East a distance of 104.37 feet to a point; thence North 70°15'00" East, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 401.91 feet to a point on the Westerly right-of-way line of State Road A-1-A, said point being in a curve, concave to the Southeast, having a radius of 5779.65 feet, a chord bearing and distance of North 17°53'17" West 100.00 feet; thence Northwesterly, along and around said curve, through a central angle of 00°59'29", an arc distance of 100.00 feet to the Point of Beginning. The above parcel containing 10.95 acres. Also being subject to an easement for navigational purposes of the waters of the canal, that are a part of this tract and being subject to an easement for ingress and egress over the South 10.0 feet of the East 60.0 feet of the following described Tract "D".

VERIFIED BY


FILED AND RECORDED IN
 THE PUBLIC RECORDS OF
 ST. JOHNS COUNTY, FLA.

89 JUN -1 AM 10:37

Paul ...
 CLERK OF CIRCUIT COURT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Becky Hesson _____ who on oath says that she 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 Hearing _____

in the matter of _____

RE: RS-3 J. Brooks, Helen Brown _____

in the _____ Court,

was published in said newspaper in the issues of _____

April 20, 1989

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 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me Becky Hesson

this 21st day of April

A.D. 19 89

Jae Ann Jones
(SEAL) Notary Public

Notary Public, State of Florida
My Commission Expires Aug. 4, 1989
Bonded Three Troy Pains; Insurance, 1000

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 23rd DAY OF MAY 1989 AT 1:45 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 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 TO RS-3 WITH THE POSSIBILITY ADDED CONDITIONS.

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

SECTION 1. Pursuant to the application of J. Brooks and Helen L. Brown owners of the following described land, zoning classification of OR, Open Rural of the following described lands:

EXHIBIT "A"

TRACT "A"
A tract of land, lying in, and being a part of Tracts N, O, P & L of the Plat of Malanzas Inlet Beach, Mapbook 4, page 62 of the Public Records of St. Johns County, Florida and being more particularly described as follows: For a Point of Reference commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 12, pages 85 through 89 of the Public Records of St. Johns County, Florida; thence South 70°15'00" West, along the Southerly line of said plat, a distance of 75.00 feet to the Point of Beginning; thence South 70°15'00" West, along said Southerly line a distance of 119.80 feet to a point; thence South 19°45'00" East, a distance of 27.00 feet to a point; thence South 70°15'00" West a distance of 41.00 feet to a point; thence South 19°45'00" East, a distance of 25.00 feet to a point; thence South 70°15'00" West, a distance of 115.00 feet to a point; thence South 19°45'00" East, a distance of 67.30 feet to a point; thence South 54°00'00" West, a distance of 120.21 feet to a point; thence South 36°30'00" East, a distance of 9.64 feet to a point; thence North 70°15'00" East, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 470.28 feet, to a point on Westerly right-of-way line of State Road A-1-A, said point being in a curve, concave to the Southeast, having a radius of 5779.65 feet, a chord bearing and distance of North 15°38'58" West, 85.00 feet; thence Northwesterly, along and around said curve, through a central angle of 00°09'30", an arc distance of 85.00 feet to a point; thence South 70°15'00" West, parallel with a foresaid Southerly line, a distance of 75.02 feet to a point; thence North 19°24'00" West, a distance of 75.00 feet to the Point of Beginning. The above described parcel containing 1.074 acres more or less. Also being subject to an Easement for Navigational purposes of the waters of the canal that are a part of this tract, and being subject to an easement for ingress and egress over the South 10 feet of the East 60 feet of said tract, and being entitled to an easement for ingress and egress over the North 10 feet of the East 60 feet of the following described Tract "B".

TRACT "B"

A tract of land, lying in, and being a part of Tracts O, P & L of the plat of Malanzas Inlet Beach, Mapbook 4, page 62 of the Public Records of St. Johns County, Florida, and being more particularly described as follows:

For a Point of Reference commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 12, pages 86 through 89 of the Public Records of St. Johns County, Florida; thence South 15°24'00" East, along the Westerly right-of-way line of said State Road A-1-A, a distance of 59.01 feet to the point of curvature of a curve, concave to the Northwest, having a radius of 5779.65 feet; thence Southeast, along and around said curve, through a central angle of 1°00'04" an arc distance of 106.99 feet to the Point of Beginning; thence South 70°15'00" West, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 470.28 feet to a point; thence South 36°30'00" East, a distance of 104.30 feet to a point; thence North 70°15'00" East, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 435.24 feet to a point on the Westerly right-of-way line of State Road A-1-A, said point being in a curve, concave to the Southeast, having a radius of 5779.65 feet a chord bearing and distance of North 15°33'49" West, 100.00 feet; thence Northwesterly, along and around said curve, through a central angle of 00°59'29" an arc distance of 100.00 feet to the Point of Beginning. The above described parcel containing plus minus 1.04 acres. Also being subject to an easement for Navigational purposes of the waters of the canal, that are a part of this tract, and being subject to an easement for ingress and egress over the North 10 feet of the East 60 feet of said tract and being entitled to an easement for ingress and egress over the South 10 feet of the East 60 feet of aforementioned Tract "A".

TRACT "C"

A tract of land, lying in and being a part of Tracts O, P & L of the Plat of Malanzas Inlet Beach, Mapbook 4, page 62 of the Public of St. Johns County, Florida and being more particularly described as follows: For a Point of Reference, commence at a permanent reference monument at the intersection of the Westerly right-of-way line of State Road A-1-A, with the Southerly boundary line of the Plat of Barrataria Island, Mapbook 12, pages 86 through 89 of the Public Records of St. Johns County, Florida; thence South 15°24'00" East, along the Westerly right-of-way line of said State Road A-1-A, a distance of 59.01 feet to the point of curvature of a curve, concave to the Northwest, having a radius of 5779.65 feet; thence Southeast, along and around said curve, through a central angle of 1°59'33" an arc distance of 200.99 feet to the Point of Beginning; thence South 70°15'00" West, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 435.24 feet to a point; thence North 70°15'00" East, parallel with the Southerly line of the aforesaid plat of Barrataria Island, a distance of 401.91 feet to a point on the Westerly right-of-way line of State Road A-1-A, said point being in a curve, concave to the Southeast, having a radius of 5779.65 feet, a chord bearing and distance of North 17°53'17" West 100.00 feet; thence Northwesterly, along and around said curve, through a central angle of 00°59'29" an arc distance of 100.00 feet to the Point of Beginning. The above parcel containing plus minus 0.95 acres. Also being subject to an easement for navigational purposes of the waters of the canal that are a part of this tract and being subject to an easement for ingress and egress over the South 10 feet of the East 60 feet of the following described Tract "D".

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: s/ Carl "Bud" Markel
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.

L911 April 20, 1989