

ORDINANCE NO. 90-35

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA,
REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF

RS-1 to RS-2

WITH CERTAIN CONDITIONS: REQUIRING RECORDATION: AND PROVIDING
AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names):

MONTGOMERY LAND COMPANY

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 10th day of July, 1990, at 2:00 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 public health, safety and general welfare, and without promise, prerequisite, or inducement to the enactment of this Ordinance, applicant(s) 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 limitation are for the benefit of the general public and not just the applicant(s), and they are reasonable and nondiscriminating;

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

SECTION I. Pursuant to the application of

Montgomery Land Company

zoning classification of RS-1
on the following described lands:

see attached Exhibit A

EXHIBIT ALEGAL DESCRIPTION OF LAND

PORTIONS OF THE FRANCIS P. FATIO GRANT, SECTION 39, AND THE REBECCA PENGREE GRANT, SECTION 42, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

For a POINT OF BEGINNING, commence at an existing iron pipe at the southernmost corner of the above-mentioned Section 42 (Rebecca Pengree Grant), said point also lying on the northeasterly line of the above-mentioned Section 39 (Francis P. Fatio Grant), and proceed South 40°47'07" East along said northeasterly line of Section 39 a distance of 1445.68 feet to a concrete monument set at its intersection with the southwesterly right-of-way line of Roberts Road, a county-maintained graded public road having a sixty-foot (60') right of way, said point lying in a curve concave southwesterly, said curve having a radius of 800.00 feet; thence southeasterly with and along the arc of said curve an arc distance of 134.65 feet to a concrete monument set at the point of tangency of said curve, said arc having a central angle of 9°38'37", said arc being subtended by a chord bearing South 24°06'55" East with a chord distance of 134.49 feet; thence South 19°17'36" East a distance of 471.92 feet; thence, departing from said right-of-way line, South 48°53'27" West a distance of 1621.20 feet to the approximated run of Mill Creek; thence northwesterly along the run of said Mill Creek a distance of 1430 feet, more or less, to an existing concrete monument in said creek, said concrete monument lying North 36°46'05" West of the previous point at a distance of 1411.87 feet; thence continue northwesterly along the run of said Mill Creek to an existing concrete monument also lying in Mill Creek, said monument lying North 31°33'51" West of the previously-mentioned monument at a distance of 644.49 feet; thence continue northwesterly along the run of said Mill Creek to a point lying North 27°27'10" West of the last-mentioned existing concrete monument at a distance of 983.41 feet, said point lying on the southeasterly right-of-way line of Pond Gannett Lane (also known as Borrow Pit Road), a forty-foot (40') public right of way as now established, said point being identified by concrete monuments offset 140.00 feet northeasterly and southwesterly on the right-of-way line; thence North 48°53'27" East along said southeasterly right-of-way line a distance of 1404.20 feet to an existing concrete monument lying on the northeasterly line of Section 39 and the southwesterly line of Section 42; thence, continuing North 48°53'27" East a distance of 149.47 feet to a concrete monument set on the southwesterly right-of-way line of the aforementioned Roberts Road, a sixty-foot (60') right of way as now established; thence South 56°06'17" East along said southwesterly right-of-way line a distance of 312.66 feet to an existing concrete monument at the point of curvature of a curve to the right, said curve having a radius of 1155.00 feet, a central angle of 24°14'25", and being concave southwesterly; thence with and along the arc of said curve, an arc distance of 488.65 feet to an existing concrete monument at the point of tangency of said curve, said arc being subtended by a chord bearing South 43°59'05" East with a chord distance of 485.01 feet; thence South 31°51'52" East a distance of 108.52 feet to an existing concrete monument lying on the southeasterly line of Section 42, being also the northwesterly line of Section 8, Township 5 South, Range 27 East; thence South 27°57'38" West along said line a distance of 260.53 feet to the POINT OF BEGINNING.

SUBJECT TO THE FOLLOWING CONDITIONS:

Minimum lot size standards will conform to those standards required by RS-1 zoning.

The total number of lots in the project will remain the same as that for which it was originally zoned, 175.

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

SECTION 2. Nothin 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 conditions hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgement from the Office of the Department 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 name(s) of the property owner(s) described in Section 1 hereof.

PASSED THIS 10th day of July, 1990.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig Maguire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel
Clerk

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.
50 JUL 24 1990
Carl "Bud" Markel
CLERK OF CIRCUIT COURT

Adopted regular meeting July 10, 1990
Effective: July 23, 1990

COPY OF ADVERTISEMENT

NOTICE OF SUBSTITUTE PUBLIC HEARING WITH CHANGE IN HEARING DATE FROM ORIGINAL NOTICE NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 10 DAY OF JULY 1990 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 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 RS-1 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 Montgomery Land Company owners of the following described land, zoning classification of RS-1, single family on the following described lands:

EXHIBIT A
LEGAL DESCRIPTION
OF LAND
PORTION OF THE FRANCIS P. FATIO GRANT, SECTION 39, AND THE REBECCA PENGREE GRANT, SECTION 42, TOWNSHIP 5 SOUTH, RANGE 27 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

For a POINT OF BEGINNING, commence at coexisting iron pipe at the southernmost corner of the above-mentioned Section 42 (Rebecca Pengree Grant); said point also lying on the northeasterly line of the above-mentioned Section 39 (Francis P. Fatio Grant); and proceed South 40°47'07" East along said northeasterly line of Section 39 a distance of 1445.68 feet to a concrete monument set at its intersection with the southwesterly right-of-way line of a paved graded public road having a sixty-foot (60') right of way, said point lying in a curve concave southwesterly, said curve having a radius of 800.00 feet; thence southeasterly with and along the arc of said curve an arc distance of 134.48 feet to a concrete monument set at the point of tangency of said curve, said arc having a central angle of 9°30'07", said arc being subtended by a chord bearing South 24°06'55" East with a chord distance of 134.49 feet; thence South 19°17'36" East a distance of 471.92 feet; thence, line, South 42°33'27" West a distance of 1621.20 feet to the approximated run of Mill Creek; thence northwesterly along the run of said Mill Creek a distance of 1430 feet, more or less, to an existing concrete monument in said creek, said concrete monument lying North 36°46'05" West of the previous point at a distance of 1411.87 feet; thence continue northwesterly along the run of said Mill Creek to an existing concrete monument also lying in Mill Creek, said monument lying North 31°33'51" West of the previously-mentioned monument at a distance of 644.49 feet; thence continue northwesterly along the run of said Mill Creek to a point lying North 27°27'10" West of the last-mentioned existing concrete monument at a distance of 983.41 feet; said point lying on the southeasterly right-of-way line of Pond Gannett Lane (also known as Borrow Pit Road), a forty-foot (40') public right of way as now established, said point being identified by concrete monuments offset 140.00 feet northeasterly and southwesterly on

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 _____

ANN JACKSON _____ 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 SUBSTITUTE PUBLIC HEARING

_____ in the matter of _____

RE: APPLICATION OF MONTGOMERY LAND COMPANY

_____ in the _____ Court,

was published in said newspaper in the issues of _____

JUNE 4, 1990

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 Ann Jackson

this _____ 5th _____ day of _____ JUNE

A.D. 19 _____ 90

Jae Ann Johns
(SEAL) _____ Notary Public
8/22/93

\$73.43

the right-of-way line; thence North 48°53'27" East along said southeasterly right-of-way line a distance of 1404.20 feet to an existing concrete monument lying on the northeasterly line of Section 39 and the southwesterly line of Section 42; thence continuing North 48°53'27" East a distance of 149.47 feet to a concrete monument set on the southwesterly right-of-way line of the aforementioned Roberts Road, a sixty-foot (60') right of way as now established; thence South 54°06'17" East along said southwesterly right-of-way line a distance of 312.66 feet to an existing concrete monument at the point of curvature of a curve to the right, said curve having a radius of 1155.00 feet, a central angle of 24°14'25", and being concave southwesterly; thence with and along the arc of said curve, an arc distance of 488.65 feet to an existing concrete monument at the point of tangency of said curve, said arc being subtended by a chord bearing South 43°59'05" East with a chord distance of 485.01 feet; thence South 21°51'52" East a distance of 108.52 feet to an existing concrete monument lying on the southeasterly line of Section 42, being also the northwesterly line of Section 8, Township 5 South, Range 27 East; thence South 27°57'38" West along said line a distance of 250.53 feet to the POINT OF BEGINNING, is hereby changed to RS-2, single family 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' Market 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.

L003 June 4, 1990