ORDINANCE NUMBER: 2003- 93

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE ROLLING HILLS PLACE PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 96-37, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1.** That development of lands within the Rolling Hills Place PUD shall proceed in accordance with Ordinance No. 96-37, including the Application for Major Modification dated July 30, 2003 and attached hereto and made a part hereof.

**SECTION 2.** That the need and justification for modification of the Rolling Hills Place PUD has been considered in accordance with Section 5.03.05.C of the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby:

- 1. The request for Major Modification has been fully considered after public hearing with legal notice duly published as required by law.
- 2. As modified, the Rolling Hills Place PUD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
- 3. As modified, the Rolling Hills Place PUD is consistent with Part 5.03.05.C of the St. Johns County Land Development Code, which provides conditions for Major Modifications to approved PUDs.
- 4. As modified, Rolling Hills Place PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
- 5. The Rolling Hills Place PUD modification request meets all requirements of applicable general zoning, subdivision and other regulations except as may be approved pursuant to

Subsection 5.03.02(G)1.t and Subsection 5.03.02(F) of the Land Development Code.

6. As modified, the Rolling Hills Place PUD would not adversely affect the orderly development of St. Johns County.

**SECTION 3.** That all other provisions of Ordinance Number 96-37 not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Except to the extent that they conflict with specific provisions of the approved development plan or the PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or special use shall be prohibited except where allowed by the Land Development Code. Notwithstanding any provision of this ordinance, no portion of any impact fee ordinance, concurrency provision, building code, comprehensive plan or any non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

**SECTION 5.** That the terms of this modification to the Rolling Hills Place PUD shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

**SECTION 6.** This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 4/h DAY OF 2003.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

Iamas F Bryant

Its Chair

RENDITION DATE Nov. 7, 2003

ATTEST: CHERYL STRICKLAND, CLERK

BY: <u>(Alex J. Place)</u> Deputy Clerk

EFFECTIVE DATE: MW. 10, 2003

### UNITED GENERAL TITLE INSURANCE COMPANY

EXHIBIT "A"

(Legal Description)

P. U. D. OFF. REC.

Commitment No.:

**U20026** 

L20026 File No:

A parcel of land lying in and being part of the Antonio Canovas Donation, Section 48, Township 7 South, Range 29 East, St. Johns County, Florida; said parcel being more particularly described as follows:

BEGINNING at the most Southerly corner of Lot 28, Chelsea Woods Unit One, as recorded in Plat Book 31, Pages 37, 38, 39, 40, 41 and 42, of the public records of St. Johns County, Florida; thence on the Southeasterly line thereof, North 44 degrees 43 minutes 25 seconds East, 120.15 feet to the most Easterly corner of said Lot 28; thence South 82 degrees 08 minutes 53 seconds East, 100.00 feet to the most Southerly corner of Lot 27 of said Chelsea Woods Unit One; thence, on the Southeasterly line thereof, North 44 degrees 43 minutes 19 seconds East, 100.00 feet to the most Easterly corner of sald Lot 27; thence, on the Southwesterly line of Lot 26 and the Northeasterly line of Tract "B", of sald Chelsea Woods Unit One, South 45 degrees 16 minutes 41 seconds East, 606.73 feet; thence, on the Easterly line of sald Tract "B", North 01 degree 14 minutes 42 seconds West, 83.42 feet; thence, on the Northeasterly line of said Tract "B", North 21 degrees 51 minutes 37 seconds West, 400.00 feet; thence, on the Southerly line of Lot 23, said Chelsea Woods Unit One, North 68 degrees 08 minutes 23 seconds East, 100.00 feet to the Southeast corner of said Lot 23; thence, North 62 degrees 58 minutes 45 seconds East, 60-24 feet to the Southwest corner of Lot 22, said Chelsea Woods Unit One; thence, on the Southerly line thereof, North 68 degrees 08 minutes 23 seconds East, 106.18 feet to the Westerly line of Conservation Easement, Parcel "D", as shown on the plat of said Cheisea Woods Unit One, as recorded in Official Records Book 1196, Page 762, of said public records; thence, on said Westerly line, the following Seven (7) courses:

- (1) South 25 degrees 09 minutes 14 seconds East, 77.02 feet:
- (2) South 31 degrees 06 minutes 39 seconds East, 216.46 feet;
- (3) South 00 degrees 21 minutes 24 seconds West, 126.46 feet;
- (4) South 23 degrees 28 minutes 09 seconds East, 119.08 feet;
- (5) South 14 degrees 13 minutes 29 seconds West, 218.51 feet;
- (6) South 22 degrees 23 minutes 49 seconds East, 127.59 feet;
- (7) South 51 degrees 37 minutes 16 seconds East, 22.80 feet to the Northwesterly line of Tract "C" of said Chelsea Woods Unit One; thence, on said line, South 40 degrees 50 minutes 52 seconds West, 243.93 feet to the Northeasterly Right-of-Way line of Rolling Hills Drive, an 80-foot Right-of-Way as now established, and a point on a curve, said point having a radial bearing of North 28 degrees 14 minutes 43 seconds East; thence, on said Right-of-Way line, around and along a curve to the right, said curve having a radius of 1233.57 feet and a Delta of 16 degrees 28 minutes 36 seconds, an arc distance of 354.74 feet (North 53 degrees 30 minutes 59 seconds West, 353.52 feet to a point of tangency; thence; continue on said Right-of-Way line, North 45 degrees 16 minutes 41 seconds West 759.40 feet to the POINT OF BEGINNING.

### P. U. D. OFF. REC. BOOK R PAGE 581

### **EXHIBIT B**

St. Johns County Growth Management Services Department Planning Division

P.O. Drawer 349, 4020 Lewis Speedway St. Augustine, Florida 32095

Phone: 904 823-2480 Fax: 904 823-2498 E-mail: plandept@co.st-johns.fl.us

Application For a Major Modification to a

Planned Unit Development (PUD) or Planned Rural Development (PRD)

Date PUD/PRD File No PUD/PRD Ordinance No96-37					
1. Project Name Rolling Hills Place PUD Res #97-056					
2. Applicant's Name, Address, and Phone No. Liberty Development Florida, LLC(904)349-0256					
3. Owner's Name, Address, and Phone No. (same) 5472 First Coast Highway, amelia Isl. Fl					
4. Property Location Rolling Hills Drive East off State Road 207					
5. Legal Description See Attached Exhibit "A"					
6. Present Use of Property PUD for single family residence					
7: Parcel ID Number 102760110 8. Current Zoning PUD 9. 2015 FLUM					
designation Residential PUD  10 Section 12 Perce 29 Fast					
10. Section 48 11. Township 7 South 12. Range 29 East					
13. Requested Change Time Extension (one Year Approval) For  Completion of Construction					
Completion of Constitution					
14. Is new Concurrency review required? NO 15. Zoning Map Page # 328 16. Size of Property 10.91  17. Utility Provider FP&L (Electical) St. Johns County (sewer & water)					
18. Provide all of the following:					
a. List of adjacent property owners within 300 feet of the parcel that is the subject of the					
modification including name, address and brief legal description from current tax rolls.					
Address two legal size envelopes to each property owner on the list. Do not include a					
return address. Each envelope must contain proper postage. The order of the envelopes					
must match the order in which the names appear on the list.					
b. Proof of ownership (deed or certificate by lawyer or abstract company or title company					
that verifies record owner as above). If the applicant is not the owner, a letter of authorization from the owner(s) for applicant to represent the owner for all purposes					
related to this application must be provided.					
c. Legal description (attach as Exhibit A)					
d. Master Development Plan Map (attach as Exhibit C and provide as specified in attached					
guidelines) and Text (attach as Exhibit D) as required by Section 5.03.02.G of the Land					
Development Code.					
e. Eighteen (18) copies of the complete application.					
f. Application Fee. (A pre-application review fee may also be required.)					
I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:					
Signature of owner(s) or authorized person if owner's authorization form is attached:					
Printed or typed name(s): Charles David Liberty Development Florida, LLC					
Signature(s): — MANAGING MEMBER					
ADDRESS AND CONTACT INCODMATION OF REDSON TO RECEIVE AND CORDERED ONDERICE RECARDING THIS					
ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS					
REGARDING THIS APPLICATION Name: ALLEN SCOTT, ATTORNEY AT LAW					
Mailing Address: 99 CLANCE STREET ST ALLINES IS SOUND 32001					
Mailing Address: 99 ORANGE STREET ST. AUGUSTINE FIGRIDA 32084 Phone: 904-825-0995 FAX: 904-825-4918 E-mail:					
allen@scott and sheppard.co					

BOOK M PAGE **39**1



PUD DIAWING BOOK 8 PAGE 33 Recorded Pebruary, 1999 - MAP See Sheet Attached

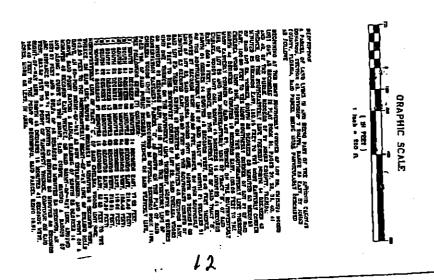
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RESOLUTION 97-EXHIBIT "C TO CHECKER BY MAR CHECK BY NEWSON SETTS IN BELOADS FOR PHASE III CHELSEA WOODS

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FINAL DEVELOPMENT PLAN



OPPINANCE POOR 32 PAGE 579

# EXHIBIT "D"—TEXT MAJMOD 2003- 09 -Rolling Hills Estates

This application does not request any change to the previously approved PUD except to request an extension of time for completion of Phase III (the last phase) of the development. The extension requested is for a period of one year from the date of final approval of this modification. The previously approved commencement date for Phase III (July 1, 1999) was complied with, so the Phase III commencement date remains unchanged. It is requested only that the completion date be extended for a period of one additional year from final approval by the St. Johns County Commission.

The final construction plans for this project have long been approved and most of the actual development requirements have been completed, inspected and approved by St. Johns County. The only significant development requirement that remains to be completed is to subsurface, pave, curb and gutter the roadways. The roads have already been cleared and graded and drainage features and utilities completed.

Delay in completion of Phase III was the result of default in completion by the prior prime contractor which resulted in almost three years of delays and litigation, ultimately resulting in bankruptcy of the prior owner. However, the subject property has now been sold free and clear of all encumbrances to Liberty Development of Florida, LLC, pursuant to orders of the United States Bankruptcy Court, Middle District of Florida, in Bankruptcy Case No. 01-10361 BKC 3F1. All legal issues and impairments to completion of the project have now been finally resolved and the owner is ready to proceed to completion of Phase III subject only to the extension herein requested.

The specific provision of the PUD sought to be modified reads as follows:

"Phase III will consist of the completion of development of the remaining 37 single family and patio home residences and completion of all associated roads, drainage facilities and utilities. Construction will commence prior to July 1, 1999, with completion by July 1, 2000." (See Ordinance Number 96-37, Ordinance Book 18, page 42, "Statement as to Phasing of the Development")

The owner/applicant believes that it is entitled as a matter of right to complete the construction of Phase III by virtue of Section 10.02.03 (B) of the St. Johns County Land Development Code in that the construction plans for this project were approved prior the time the Code became effective (June 26, 2001) and most of the work has been completed in Phase III. This provision states as follows:

"The developer (and its successors and assigns) of any land Development Project with County approved Construction Plans at the time this Code becomes effective, shall have the right to complete Development in accordance with that Construction Plan for a period of five (5) years from the initial effective date of the Code."

In the present case, the project construction plans were approved prior to the effective date of the Code and most of the project work has been completed and approved by the County. This modification will do no more than to confirm and effectuate the vested rights of the applicant.

P. D. OFF. REC. BOOK PAGE 584

### Owner's Authorization For Agent

	AUEL SCOTT ATORNEY is hereby authorized TO ACT ON E	SEHALF OF					
1186174	4 Development of Fushing LLC, the owner(s) of those lands describ						
	the attached application, and as described in the attached deed or other such proof						
	of ownership as may be required, in applying to St. Johns County, Florida, for an						
	application related to a Development Permit or other action pursuant to a:						
	Denois - (Madification Denois III - Denois I						
	Rezoning / Modification Special Use Permit  Zoning Variance Non-Zoning Variance						
•	Appeal Overlay District Review						
	Concurrency Other	•					
	BY: LIBERTY DEVELOPMENT OF F	LEDUDA LLC.					
	Signature of Owner						
	Chiles David - MANALING MEMBER Print Name						
,	Signature of Owner	<del></del>					
	Print Name						
	904-349-0256						
	Telephone Number State of Florida						
	County of St. Johns						
	Signed and swom before me on this 29 TH day of, 2009. July , Zoo3						
	BY CHARLES DAVID, MANAGING NEMBER OF						
	LIBORTY PEVELOPHENT OF FLORIDA, LLC						
	Identification verified: FLA. DRIVERS LICEUSE						
	Oath sworn:YesNo						
	Janet J. Sre	· ·					
	Notary Signature						
		717					

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For BOOK R PAGE 586

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	Atlantic Beach, Fl. 32233	
102761-0330	Asa J, Margaret C. Cox	31/37-43 Chelsea Woods Unit 1 lot 30
	100 N. Churchill Dr.	OR1762/1477
	Saint Augustine Fl. 32086	
102761-0310	John S, Dorothy A. Cole	31/37-43 Chelsea Woods Unit 1 lot 31
	104 Churchill Dr. N.	OR1847/65
	Saint Augustine, Fl. 32086	
102761-0320	Clarence A Etal Scarbrough	31/37-43 Chelsea Woods Unit 1 lot 32
	413 Chamberlain Dr.	OR1959/730
	Saint Augustine, Fl. 32086	· ·
102761-0330	Van, Ba Thi Kieu Vo Dung	31/37-43 Chelsea Woods Unit 1 lot 33
	417 Chamberlain Dr	OR1492/367
	Saint Augustine. Fl. 32086.	
102761-0340	Bestcon Inc.	31/37-43 Chelsea Woods Unit 1 lot 34
	1484 Laurel Way	OR1883/1710
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	425 Chamberlain Dr.	OR1533/451
	Saint Augustine, Fl. 32086	·
1027610360	Dennis C. Wellman	31/37-43 Chelsea Woods Unit 1 lot 36
	429 Chamberlain Dr.	OR1519/667
	Saint Augustine, Fl. 32086	
102761-0370	Teodoro C Avendano Etux	31/37-43 Chelsea Woods Unit 1 lot 37
202/01/04/0	433 Chamberlain Dr.	OR1546/851
	Saint Augustine, Fl. 32086	
102761-0380	Thi Mue Voong	31/37-43 Chelsea Woods Unit 1 lot 38
	437 Chamberlain Dr.	OR 1552/1417
	Saint Augustine, Fl. 32086	
102761-3090	Eloise R. Chandler	31/37-43 Chelsea Woods Unit 1 lot 39
	441 Chamberlain Dr.	OR1757/945
	Saint Augustine, Fl. 3208	
102761-0400	Christopher A Thiele	31/37-43 Chelsea Woods Unit 1 lot 40
102/01/01/01	445 Chamberlain Dr.	OR1914/661
	Saint Augustine, Fl. 32084	
102761-0410	John Carl, Janet M. Jordan	31/37-43 Chelsea Woods Unit 1 lot 41
102/01 0410	260 N. Churchill Dr.	OR1544/1686 &1754/1403
	Saint Augustine, Fl. 32086	
102761-0420	Real Estate Group of the SE	31/37-43 Chelsea Woods Unit 1 lot 42
104/01/0740	4000 Saint Johns Ave. Ste. 24 B	OR1738/1539
	Jacksonville, Fl. 32205	01(1/00/100)
102761-0430	Real Estate Group of the SE	31/37-43 Chelsea Woods Unit 1 lot 43
104/01-0430	4000 Saint Johns Ave. Ste. 24 B	OR1738/1539
	Jacksonville, Fl. 32205	OK1/30/1339
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102761-0440	Hilliard Land Group Inc. 4025 livingston Rd. Jacksonville, Fl. 32257	31/37-43 Chelsea Woods Unit 1 lot 44 OR1961/1005
102761-0450	Real Estate Group of the SE 4000 Saint Johns Ave. Ste. 24 B Jacksonville, Fl. 32205	31/37-43 Chelsea Woods Unit 1 lot 45 OR1738/1539
102761-0460	Chester G, Katherine M Zabinski 300 S. Churchill Dr. Saint Augustine, Fl. 32086	31/37-43 Chelsea Woods Unit 1 lot 46 OR1780/773
100320-0010	Matanzas Mortgage Company P.O. Box 3545 Saint Augustine, Florida 32085	19/37-38 St Augustine Heights Industrial Park Unit 2 blk a lot 1 (Ex e'ly 529 ft in)
100320-0070	Flagler College Inc. P.O Box 1027 Saint Augustine, Fl. 32085	19/37-38 St. Augustine Heights Industrial park Unit 2 lot 7 Blk A or1922/487
100320-0080	Flagler College Inc. P.O Box 1027 Saint Augustine, Fl. 32085	19/37-38 St. Augustine Heights Industrial park Unit 2 lot 8 Blk A or1922/487
100320-0090	Matthew C Braly 18 A St. Saint Augustine, Fl. 32080	19/37-38 St. Augustine Heights Industrial park Unit 2 lot 9 Blk A OR1502/263
102760-0020	Fla Dept Of Transportation P.O Box 1089 Lake City, Fl 32056	1-2 pt of grants to Antonio canovas pt of s1660ft lying NE of creek & SW of county Rd.
102760-0070	Micheal B.Patricia A Stover P.O Box 142 Saint Augustine, Fl. 32085	1-7pt of Antonio canovas grant pt of N800 of S1850ft Lying NE of Creek & sw of CO
102760-0100	Matanzas Mortgage Company P.O. Box 3545 Saint Augustine, Florida 32085	1-10 pt of E 1360ft lying S of county Rd. In OR82/125 (ex pt in OR1247/1614)
1027600110	Real Estate Group St A Inc. 4000 Saint Johns Ave. Ste. 24B Jacksonville, Fl. 32205	1-11pt lying S of 160ft FPL ease & E & N of 80ft CO Rd In OR82/125 & W of St.Aug Hgts
102760-0130	Robert Etal Doherty 4385 Fushia Cir S. Palm Beach Gardens, Fl. 33410	1-13 pt of grant to Antonio canovas lying E of creek & S of FPL Ease & W of CO RD in
102760-0150	Timber Land Homes Inc. 9802 Baymeadows Rd. STE 12 Jacksonville, Fl. 32256	1-15 pt lying W of St. Aughgts ind pk ut 2 & N & E of 80ft CO RD IN OR82/125 &(ex pt

HEREBY CERTIFY THAT THIS DOCUMENT A TRUE AND CORRECT COPY AS APPEARS N RECORD IN ST. JOHNS COUNTY, FLORIDA TITNESS MY HAND AND OFFICIAL SEAL
THIS 1441 DAY OF 1016 DAY 2003
CHERYL STRICKLAND. CLERK
Ex-Officio Clerk of the Board of County Commissioners



FILED AND RECORDED IN PUBLIC RECORDS OF ST JOHNS COMMY PL

03 NOV 14 PM 3: 13

CHERVE SHARE LAND CLEEK OF COURTS

#### COPY OF ADVERTISMENT

### THE ST. AUGUSTINE RECORD

DAY AND SUNDAY MORNING PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SAI ST. AUGUSTINE AND ST. JOHNS COUNTY

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared LINDA W MURRAY

who on oath says that she is an 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 PROPOSED MAJOR MODIFICATION

In the matter of FILE # MAJMOD 2003-09

### 114 NORTH CHURCHILL DRIVE ROLLING HILLS PLACE PUD

in the

Court, was published in said newspaper in the issues of

#### **OCTOBER 20, 2003**

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 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, for a period of one year preceding the first publication of the 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 this 21st day of OCTOBER 2003

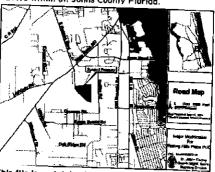
who is personally known to me PERSONALLY KNOWN as identification. or who has produced

of Notary Public)

Zoe Ann Moss

OFFICIAL NOTARYSTAL ZOFA LORIDA COMMISSION (Scal)8350 MY COMMISSION EXP. AUG. 22,2005 NOTICE OF A PROPOSED MAJOR MODIFICATION NOTICE IS HEREBY GIVEN that a public hearing will be held on the Tuesday, November 4, 2003 at 1:30 p.m. by the SI. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, SI. Augustine, Florida, to give time extension (one year approval) for completion of construction.

The subject property is facated at 114 N Churchill Drive within SI, Johns County Florida.



This file is maintained in the Planning Division of the

This file is maintained in the Pianning Division of the Growth Management Services Department, at the Growth Management Services Department, at the Growth Management Services Department, at the Growth Management Services and Growth Management Speedway, 51. Augustine, Florida, and may be examined by interested parties prior to said public hearing. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contract David Hoistead, ADA Coordinator, at (904) 823-2500 or at the Country Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 2004. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

ine imported individuals, call Floriaa Relay Service at 1-800-955-8770, no later than 5 days prior to the dale of this meeting.
If a person decides to appeal any decision made 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 verballm record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.
This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of Caunity Commissioners or the Planning and Zoning Agency members on his topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of \$1. Johns County Planning Division, P.O. Drawer 349, \$1. Augustine, Florida, 32085.

085.
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JAMES E. BRYANT, CHAIRMAN
FILE NUMBER: MAJMOD 2003-09
Rolling Hills Place PUD
L2346-3 Oct 20, 2003