

ORDINANCE NUMBER: 2004- 55

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA APPROVING A MAJOR MODIFICATION TO THE CUMBERLAND INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE NUMBER 94-32, AS AMENDED, MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

P. U. D. OFF. REC.
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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. That as requested by Susan Bloodworth, on behalf of Cumberland Industrial Park Association, Inc., the title owner of record, in an application for a Major Modification hearing, along with supporting documents dated April 19, 2004 concerning lands described on the attached legal description, Exhibit A, (hereinafter the "Modification", Exhibit B), the Cumberland Industrial Park PUD, Ordinance Number 94-32, as amended, is hereby modified as set forth in the attached application and exhibits:

SECTION 2. That development of lands within the Cumberland Industrial Park PUD shall proceed in accordance with Ordinance No. 94-32, as amended, including the Application for Major Modification dated April 19, 2004 and attached hereto and made a part hereof.

SECTION 3. That the terms of this modification to the Cumberland Industrial Park PUD shall become effective upon the effective date of this Major Modification Ordinance.

SECTION 4. That the need and justification for modification of the 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:

- a. The request for modification has been fully considered after public hearing with legal notice duly published as required by law.
- b. As modified, the Cumberland Industrial Park PUD is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
- c. As modified, the Cumberland Industrial Park 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.
- d. As modified, the Cumberland Industrial Park PUD is consistent with Part 5.03.00 of the St. Johns County Land Development Code, which provides standards for Planned Unit Developments.
- e. The Cumberland Industrial Park 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.

f. As modified, the Cumberland Industrial Park PUD would not adversely affect the orderly development of St. Johns County and is compatible and consistent with the development trends of the surrounding area.

SECTION 5. That all other provisions of Ordinance Number 94-32, as amended not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. 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 exception shall be prohibited. 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 7. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 8 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 13th DAY OF July 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern
Karen R. Stern
Its Chair

RECORDATION DATE 07/19/04

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: 07-21-04

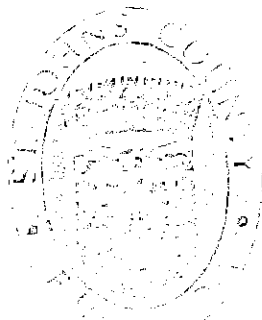


EXHIBIT "A"

LEGAL DESCRIPTION

P. U. D. OFF. REC.
BOOK S PAGE 67

PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING, BEGIN AT A FOUND CONCRETE MONUMENT AT A COMMON CORNER TO SECTIONS 9, 10, 15, AND 16; THENCE SOUTH 00°49'31" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16 A DISTANCE OF 2702.89 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 89°43'40" WEST A DISTANCE OF 819.87 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 54°59'49" WEST A DISTANCE OF 765.81 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 38°55'25" WEST A DISTANCE OF 858.40 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 25°08'03" EAST A DISTANCE OF 561.02 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 38°53'35" WEST TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) A DISTANCE OF 100.07 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 51°04'30" EAST CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 A DISTANCE OF 1588.62 FEET TO A FOUND CONCRETE MONUMENT IN THE AFOREMENTIONED NORTHERLY LINE OF SAID SECTION 16; THENCE NORTH 89°10'43" EAST ALONG THE SAID NORTHERLY LINE OF SAID SECTION 16 A DISTANCE OF 536.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 88.93 ACRES, MORE OR LESS.

ST. JOHNS COUNTY
REVISED APPLICATION FOR MAJOR MODIFICATION
TO A PLANNED UNIT DEVELOPMENT (PUD) OR PLANNED RURAL DEVELOPMENT (PRD)

DATE: 04/19/04

PROJECT NAME: Cumberland Industrial Park PUD

OWNER/APPLICANT: Cumberland Industrial Park Association, Inc.

ADDRESS: 10450 San Jose Boulevard, Ste. #3, Jacksonville, FL 32257

PHONE: c/o (904) 824-0879 FAX: c/o (904) 825-4070

E-MAIL ADDRESS: c/o sbloodworth@rtlaw.com

PLANNING/ENGINEERING FIRM: _____

ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

PERSON TO RECEIVE COMMENTS: Susan S. Bloodworth, Rogers Towers

170 Malaga Street, Suite A, St. Augustine, FL 32084

NAME OF PUD/PRD: Cumberland Industrial Park PUD

LIST REQUESTED CHANGES TO APPROVED PUD/PRD - BE SPECIFIC (ADDITIONAL SHEETS MAY BE ATTACHED): Increase allowable square footage of development to 400,000 gross square feet

PROPERTY APPRAISERS PARCEL NO.: 026050-0030, 0070, 0071, 0075, 026550-0030 & 026053-0010, 0015, 0020, 0030, 0050, 0060, 00065, 0070, 0080, 0090, 0100, 0110, 0120, & 0130

CENSUS TRACT: _____ PRO. APPRAISERS MAP SHEET: 3C/16 COMP. PLAN DSGN: Md

LOCATION: North of SR 210; East of Interstate 95

911 ADDRESS (IF KNOWN): _____

NAME OF OVERLAY DISTRICT IF APPLICABLE: _____

Please list below and applications currently under review or recently approved which may assist in the review of this application: _____

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:
Signature of owner or person authorized to represent this application:

Signature: *Susan S. Bloodworth*

Printed or typed name(s): Susan S. Bloodworth, Esquire

P. U. D. OFF. REC.
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EXHIBIT "D"

MASTER DEVELOPMENT PLAN TEXT

a. *"A description related to the design, character and architectural style or theme of the Project, which demonstrates the innovative, unified, cohesive and compatible plan of development for all Uses included in the Project. Mixed Use PUDs that contain different Uses or several Development Parcels must also demonstrate consistency in design and character and plan of development."*

As stated in PUD Ordinance Number 94-32.

b. *"The total number of acres included within the Project as requested in the application."*

89 acres +/-

c. *"The total number of Wetland acres included within the Project as requested in the application."*

As shown on FDP Resolution Number 95-161.

d. *"The total amount of Development area, including the total number of developable acres (including filled Wetlands) for each proposed land Use and the total number of Wetland acres to be preserved for each land Use. Each developable Parcel shall be limited to one Use Classification, as provided in Article II of this Code."*

As shown on FDP Resolution Number 95-161.

e. *"The total number of residential Dwelling Units and density of the Project, the projected population, and projected population of elementary and high school age children that may reside within the Project."*

There will be no Residential Dwelling Units.

f. *"The total square footage and intensity of non-residential Development."*

Use is limited to not more than 400,000 gsf on the entire parcel. Intensity of use is as stated in PUD Ordinance 94-32, as amended by Ordinance 2002-36, which allowed concrete and paving material recycling and processing, provided the processing equipment is located within an enclosed structure and a sprinkling system is used to control on-site dust.

g. "The residential and non-residential Structure setbacks, as measured from the property line, the minimum size of residential Lots, the number of parking spaces for residential and non-residential Uses, the use of Signs and signage to serve the Project and the maximum height of all Structures."

As stated in PUD Ordinance Number 94-32.

h. "The type and location of infrastructure needed to serve the Project, including at a minimum, drainage facilities, vehicle and pedestrian access to the Project, internal vehicle and pedestrian access within the Project, interconnectivity access points to adjacent properties, park, open space and recreation facilities, types of active recreation that will be provided, the provision of water and sewer, fire protection, and solid waste collection. Additional infrastructure requirements may be addressed based upon the character or location of the Project."

As stated in PUD Ordinance Number 94-32.

i. "The amount of water and sewer use, based upon the projected population, and the Public Utility Providers, if applicable."

As stated in PUD Ordinance Number 94-32.

j. "The type of underlying soils and its suitability for Development of the proposed Project."

As stated in PUD Ordinance Number 94-32.

k. "The type and extent of upland forest and wetlands on the site using the Level III classification of the Florida Land Use Cover and Classification System (FLUCCS). A map depicting the location of upland forest and Wetland vegetation shall be provided with the application submittal."

As stated in PUD Ordinance Number 94-32

l. "The type and extent of any Significant Natural Communities Habitat as defined by this Code."

As stated in PUD Ordinance Number 94-32

m. "Identification of known or observed Historic Resources as defined by this Code, including any sites listed within the State Division of Historical Resources Master Site File or the St. Johns County Historic Resources Inventory. In such cases, the requirements of Part 3.01.00 of this Code shall apply."

As stated in PUD Ordinance Number 94-32.

n. *"The type and extent of buffering, landscaping, tree removal and tree protection, and buffering between adjacent uses as needed to aesthetically screen uses and provide privacy."*

As stated in PUD Ordinance Number 94-32.

o. *"PUDs located in Special Districts as defined by Article III of this Code shall include a statement identifying the particular Special District and referencing the requirements to comply with the provisions of such Special District."*

As stated in PUD Ordinance Number 94-32.

p. *"The use, location and duration of temporary uses, including construction trailers, sales units, model homes, and temporary signage related to construction of the Project."*

As stated in PUD Ordinance Number 94-32.

q. *"The use and location of accessory uses for residential and non-residential structures, including Guest Houses, A/C units and related heating/cooling units, setbacks, swimming pools, fencing, and similar Uses."*

As stated in PUD Ordinance Number 94-32.

r. *"A phasing schedule, including at a minimum, the amount of residential and non-residential development to be completed within a specified phase, a specific commencement date, a definition of commencement of the Project, and a specific completion date. The PUD shall expire at the end of the specific completion date included in the MDP Text and no further development shall occur until the phasing schedule is extended or modified pursuant to the requirements of this part. The PUD shall provide as part of the phasing schedule, an estimate of uses to be developed within five (5) year phases. The estimated phases may overlap during construction; however, the phase shall be fifty percent (50%) complete, before the next phase may proceed. The phasing schedule between the commencement dates and completion date may be modified through a PUD Minor Modification. The phasing schedule shall also provide for a PUD Progress Report as required by Section 5.03.07."*

As stated in PUD Ordinance Number 94-32.

s. *"The projected impact of the Project upon St. Johns County, an explanation of the Project's benefit to the County, as compared to existing zoning or other zoning district, and justification of the Project."*

As stated in PUD Ordinance Number 94-32.

t. *"A description of any waivers, variances, or deviations from this Code included in the application and justification for such waivers, variances, or deviations."*

Applicant seeks a variance to forego readdressing each of the requirements of LDC

Cumberland Industrial Park

§5.03.02.G.1, as the only purpose is to return to the allowable square footage of development. Contemplated by Ordinance 94-32, which was 400,000 square feet, but was subsequently decreased by Resolution 97-45 to 250,000 square feet. No other changes to Ordinance Number 94-32 are being sought.

u. "A statement, and agreement to comply, binding all successors and assigns in title to the commitments and conditions of the Master Development Plan."

The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PUD Ordinance as adopted by the St. Johns Board of County Commissioners. The applicant also agrees to comply with all conditions and safeguards established by the St. Johns County Board of County Commissioners regarding said PUD as previously agreed

v. "When the subject property is designated as more than one Future Land Use designation on the Comprehensive Plan Future Land Use Map, a map shall be provided depicting the boundaries between the designations and provide the total upland and Wetland acres for each land Use designation."

Not applicable.

CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC.

APPLICATION FOR MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD)

300' Property Search
 Cumberland Industrial Park Association, Inc.
 Application for Major Modification to a
 Planned Unit Development (PUD)
 Parcel # 026050-0030

Parcel Number	Owner	Mailing Address	Legal Description
026100-0000	JAMES H. ARNOLD	9755 C E WILSON ROAD ST. AUGUSTINE, FL 32095	13 LOT & N 1/2 OF LOT 5 (EX OR749/1353) (EX PTS IN OR837/592 & 595) &
026050-0040	TOWNSEND, W.R. TRUSTEE	1465 CR 210 WEST JACKSONVILLE, FL 32259	1-5 PT OF NE1/4 LYING S OR CR 210 230 FT ON RD OR847/998 & 1042/1188
026053-0120	LANDSTAR CAPACITY SERVICES, INC.	C/O CORPORATE TAX DEPT 13410 SUTTON PARK DR S JACKSONVILLE, FL 32224	PT OF NE1/4 LYING S OF CR 210 LOTS 12, 14 & 15 OF CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD
026050-0030	CUMBERLAND INDUSTRIAL PARK	170 CUMBERLAND PARK DR ST. AUGUSTINE, FL 32095	1-3 PT OF NE1/4 LYING S OF RW OF CR 210 (EX OR957/1656 & EX PTS IN OR1108/769 & 1203/1244
026053-0020	TOWNSEND, W.R. TRUSTEE	1465 CR 210 WEST JACKSONVILLE, FL 32259	PT OF NE1/4 LYING S OF CR 210 - 500FT ON CR 210 - LOTS 2 & 4 OF CUMBERLAND INDUSTRIAL PARK

March 22, 2004

SUBMITTED BY ROGERS TOWERS

CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC.

APPLICATION FOR MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD)

026050-0080	BADGER I LTD	C/O ACCORDING TO VALUE, INC. P.O. BOX 181313 ARLINGTON, TX 76096	1-8 TRI PT OF NE1/4 LYING NW CR210 - 1491.8FT ON RD (EX PT IN OR 1654/1636) (EX PT OR 1706
026050-0100	210 DEVELOPMENT LC	420 W MILL CHASE COURT PONTE VEDRA BEACH, FL 32082	1-10 PT OF NE1/4 LYING NW 1/4 OF CR210 - 503FT ON RRD (EX PT IN OR 1749/435) OR 1408/1666
026050-0020	CRATEM, PHILIP T. II, ETAL	1658 PEACHTREE CIRCLE SOUTH JACKSONVILLE, FL 32207	1-2 PT OF NE1/4 LYING N OF CR 210 641.93FT ON RD OR 722/1138 & 1137
026260-0000	FARMER, NELL B	3229 CORMORANT DRIVE JACKSONVILLE, FL 32223	5 PT OF N1/2 OF S1/2 OF GL 6 LYING W OF CR210 AND E OF RD I-95 (EX OR 783/1412 & 884/1751)
026150-0000	PIONESSA, MARK AND SUSAN HOPKINS	1545 CR 210 WEST JACKSONVILLE, FL 32259	1 & 6-1 ALL NE1/4 OF GL 6 LYING S OR RW OF CR210 (EX PTS IN OR 748/656 OR 750/1848 OR 847/998)
026050-0110	MEDIA ONE OF GREATER FLORIDA	188 INVERNESS DRIVE WEST #600 ENGLEWOOD, CO 80112	1-11 PT OF NE1/4 LYING S OF RW OF CR210 - 75FT ON RD X 220.67 X 72.10 X 200

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CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC.

APPLICATION FOR MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD)

026050-0090	TWO-TEN PROPERTIES, INC.	C/O WEST WESTMORELAND #200 1815 CORPORATE SQUARE BLVD. JACKSONVILLE, FL 32216	1-9 PT OF NE1/4 LYING S OF RW OF CR 210 - 160 FT ON RD X 1307 X 233 X 559 X 563FT OR1354/1188
026053-0015	MANSUR, SIDNEY & GAIL	314 GENOA ROAD ST. AUGUSTINE, FL 32084	PT OF NE1/4 LYING S OF CR210 W'LY PT OF LOT 1 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD
026053-0030	MANSUR, SIDNEY & GAIL	314 GENOA ROAD ST. AUGUSTINE, FL 32084	PT OF NE1/4 LYING S OF CR210 LOT 3 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR1230/764
026053-0060	DAY, JOHN AND CHRISTINA	125 CUMBERLAND PARK DRIVE ST. AUGUSTINE, FL 32095	PT OF NE1/4 LYING S OF CR210 N1/2 OF LOT 6 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD
026053-0065	DAYWEND, LC	125 CUMBERLAND PARK DRIVE ST. AUGUSTINE, FL 32095	PT OF NE1/4 LYING S OF CR210 N1/2 OF LOT 6 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD
026053-0080	CZYZEWSKI, JEFFREY G	1028 PONTE VEDRA BLVD. PONTE VEDRA BEACH, FL 32082	PT OF NE1/4 LYING S OF RW OF CR210 LOT 8 CUMBERLAND INDUSTRIAL PARK AN UN REC SUBD

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CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC.

APPLICATION FOR MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD)

026053-0100	SOHACKI INDUSTRIES, INC.	185 CUMBERLAND PARK DR. ST. AUGUSTINE, FL 32095	PT OF NE 1/4 LYING S OF CR210 LOT 10 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR1215/132
026053-0050	CARL WILBER	6680 COLUMBIA PARK DRIVE, SOUTH JACKSONVILLE, FL 32258-6401	PT OF NE 1/4 LYING S OF CR 2210 LOT 5 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR 1353/528
026053-0070	ROSE WILLIAM N, CELIA R TRUST	33 VALENCIA STREET ST. AUGUSTINE BEACH, FL 32084	PT OF NE 1/4 LYING S OF CR 210 LOT 7 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR 1203/1244
026053-0090	JEFF CZYZEWSKI	10875 OLD DIXIE HIGHWAY ST. AUGUSTINE, FL 32095-8479	PT OF NE 1/4 LYING S OF CR 210 LOT 9 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR1498/1749
026053-0110	JAMES O. AND DOROTHEA LUCAS	5135 SR 13 N ST. AUGUSTINE, FL 32092	PT OF NE 1/4 LYING S OF CR 210 LOT 11 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR 1233/199

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CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC.

APPLICATION FOR MAJOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT (PUD)

026053-0130	KAREN R. AND MICHAEL G. ALLEN	1625 HAWKCREST DRIVE JACKSONVILLE, FL 32259	PT OF NE 1/4 LYING S OF CR 210 LOT 13 CUMBERLAND INDUSTRIAL PARK AN UNREC SUBD OR 1393/1060
026050-0070	TURNER S G PROPERTIES LLC	5827 ARLINGTON RD JACKSONVILLE, FL 32211	1-7 PART OF NE 1/4 LYING S OF CR 210 (EX PT IN OR 1216/1756)(EX PT IN OR 1302/423)
026050-0072	BELLSOUTH TELECOMMUNICATIONS, INC.	BELLSOUTH TOWER 10GG1 301 W. BAY STREET JACKSONVILLE, FL 32202	1-7B PART OF NE 1/4 LYING S OF CR 210-430.17 ALONG EASEMENT OR 1437/623
026050-0074	EDWARD D. SMITH	6840 SR 16 ST. AUGUSTINE, FL 32092	1-7D PT OF NE 1/4 LYING S OF CR 210-2.3AC PARCEL OR1342/1882
026050-0071	MELVIN AND SHERAN CARTER	P.O. BOX 8645 JACKSONVILLE, FL 32239	1-7A PART OF NE 1/4 LYING S OF CR 210 139.58 FT ON CR 210 OR1216/1756
026050-0075	MELVIN AND SHERAN CARTER	P.O. BOX 4492 ST. AUGUSTINE, FL 32085	1-7E PART OF NE 1/4 LYING S OF CR 210-1/2 AC PARCEL OR 1414/387
026050-0076	EDWARD D. SMITH	6840 SR 16 ST. AUGUSTINE, FL 32092	1-7F PART OF NE1/4 LYING S OF CR 210 3.9 AC PARCEL OR1480/302

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**DECISION OF THE ST. JOHNS COUNTY, FLORIDA
CONCURRENCY REVIEW COMMITTEE**

RE: CUMBERLAND INDUSTRIAL PARK PUD
R. Lee Smith
10450 San Jose Blvd., Suite 3
Jacksonville, Florida 32256

FILE NUMBER: 97-CD-45

**DECISION GRANTING
FINAL CERTIFICATE OF CONCURRENCY WITH CONDITIONS**

On **October 8, 1997** the Concurrency Review Committee ("Committee") reviewed the application of **R. Lee Smith**, for a concurrency determination pursuant to Section 8, Concurrency Management Ordinance, St. Johns County Ordinance No. 95-15 ("Ord. No. 95-15"), for the project known as **Cumberland Industrial Park PUD**, and legally described on Exhibit A, attached hereto, incorporated and made a part hereof.

Upon review of the application, supporting documents, reports of the evaluating departments, and the Planning Department Staff Report/Recommendation, dated 9/30/97 (Staff Report), the Committee decides as follows:

- (1) The Committee adopts the Findings of Fact contained in the Staff Report, and the Findings of Fact are incorporated by reference and made a part hereof.
- (2) The application for a Final Certificate of Concurrency is granted with conditions, pursuant to Section 8.2.2, Ord. No. 95-15, for the development of **the Cumberland Industrial Park PUD consisting of 250,000 square feet of industrial/warehouse space with associated office support including and incorporating the previously approved development on the site**, located on the property described on Exhibit A and shown on Exhibit B (Tax Assessment Map), which exhibits are attached hereto, incorporated and made a part hereof, conditioned upon:
 - a. The applicant receiving approval of construction/drainage plans from the Development Services Department prior to commencement of construction;
 - b. The applicant receiving appropriate permits from the St. Johns County Environmental

Health Department and/or St. Johns River Water Management District, as appropriate, for the on-site well and septic systems prior to the issuance of a building permit; and

c. Compliance with all other applicable federal, state, regional, and local land development regulations in effect at the time of permitting.

- (3) The concurrency determination granted herein shall remain in effect for two (2) years pursuant to Section 8.2.2.4 and its subparts, and Section 8.3 and 8.5 of Ord. No. 95-15, and will expire on October 8, 1999, unless the applicant obtains Construction Plan approval by October 8, 1999, then the Certificate of Concurrency shall remain in effect until the expiration of the approved Construction Plans to which it applies; or the Certificate of Concurrency is extended by a reservation of capacity pursuant to Section 8.2.2.4.1, Section 8.4.2, and Section 8.5 of Ordinance 95-15;

If the Certificate of Concurrency expires, then a new Final Certificate of Concurrency must be obtained prior to any further development of the project.

- (4) This decision does not affect any other aspect of development and improvement standards or requirements, or any other aspect of the development of land or provision of public improvements subject to the County Land Development Regulations or Comprehensive Plan, or other County regulations, which shall be operative and remain in full force and effect without limitation with respect to all such development. See Section 4, Ord. No. 95-15. A Final Certificate of Concurrency does not relieve the applicant from applying for other applicable permits or complying with any land development regulation or governmental requirement, nor does the Certificate of Concurrency guarantee the granting of other applicable permits such as rezonings, variances, or exceptions.
- (5) This decision may be appealed to the St. Johns County Board of County Commissioners. Any appeal must be filed with the Planning Department within 15 days of the decision. See Section 11.1, Ord. No. 95-15.
- (6) This decision shall serve as the Final Certificate of Concurrency to be issued by the Planning Department pursuant to Section 7.7.2, Ord. No. 95-15.

DATED THIS 15th DAY OF October, 1997.

Roland Holt
Roland Holt, Chairman
Concurrency Review Committee

Scott A. Clem
Scott A. Clem, AICP
Planning Director

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EXHIBIT "A"

LEGAL DESCRIPTION

P. U. D. OFF. REC.
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PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING, BEGIN AT A FOUND CONCRETE MONUMENT AT A COMMON CORNER TO SECTIONS 9, 10, 15, AND 16; THENCE SOUTH 00°49'31" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16 A DISTANCE OF 2702.89 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 89°43'40" WEST A DISTANCE OF 819.87 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 54°59'49" WEST A DISTANCE OF 765.81 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 38°55'25" WEST A DISTANCE OF 858.40 FEET TO A FOUND 3/4-INCH IRON PIPE; THENCE NORTH 25°08'03" EAST A DISTANCE OF 561.02 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 38°53'35" WEST TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) A DISTANCE OF 100.07 FEET TO A FOUND 1/2-INCH IRON PIPE; THENCE NORTH 51°04'30" EAST CONTINUING ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 210 A DISTANCE OF 1588.62 FEET TO A FOUND CONCRETE MONUMENT IN THE AFOREMENTIONED NORTHERLY LINE OF SAID SECTION 16; THENCE NORTH 89°10'43" EAST ALONG THE SAID NORTHERLY LINE OF SAID SECTION 16 A DISTANCE OF 536.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 88.93 ACRES, MORE OR LESS.

OWNER'S AUTHORIZATION FOR AGENT

P.U.D. OFF. REC.
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ROGERS, TOWERS, P.A., is hereby authorized TO ACT ON BEHALF of CUMBERLAND INDUSTRIAL PARK ASSOCIATION, INC., the owners of those lands described within 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:

- Rezoning/Modification
- Zoning Variance
- Appeal
- Concurrency
- Special Use Permit
- Non-Zoning Variance
- Overlay District Review
- Other

BY: W. N. Rose
 Signature of Owner
W. N. ROSE
 Print Name
829-5398
 Telephone Number

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Sworn to and subscribed before me this the 22nd of MARCH, 2004, by William Rose, who is personally known to me or who has produced identification and who has taken an oath.

Debra Beal Frangale
 Notary Public, State of Florida
 Name: DEBRA BEAL FRANCAK
 My Commission Expires 8/29/05
 My Commission Number is: DD 053801



9876
2486
②

THIS INSTRUMENT PREPARED BY:

Dennis L. Pratt, P.A.
10450 San Jose Boulevard #3
Jacksonville, Florida 32257

1ST AMERICAN
RECORD AND RETURN TO:
Dennis L. Pratt, P.A.
10450 San Jose Boulevard #3
Jacksonville, Florida 32257

FOR RECORDER
Public Records of St. Johns County, FL Clerk# 98049260 O.R. 1360 PG 188 04:07PM 11/02/1998 REC \$13.00 SUR \$2.00 Doc Stamps \$0.70

RE PARCEL ID#: 026050-0030
BUYER'S TIN:

QUIT - CLAIM DEED

THIS QUIT - CLAIM DEED is made this 5th day of September, 19 98 by Mid-Ohio Securities Corp., hereinafter called Grantor, and whose address is P.O. Box 1529, Elyria, Ohio 44035 to Cumberland Industrial Park Association, Inc., hereinafter called Grantee and whose address is 1200 Riverplace Boulevard, #902, Jacksonville, Florida 32207.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations in hand paid to the Grantor, receipt whereof is hereby acknowledged, does remise, release and quit-claim unto the Grantee, all that certain land situate, lying and being in St. Johns County, Florida, viz:

Part of Section 16, Township 5 South, Range 38 East, St. Johns County, Floridamore particularly described in Exhibit "A" attached hereto.

SUBJECT TO taxes accruing subsequent to December 31, .
SUBJECT TO covenants, restrictions and easements of record, if any, however this reference thereto shall not operate to reimpose same.

SUBJECT TO taxes for the current year.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee.

P.U.D. OFF. REC.
BOOK 5 PAGE 83

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Signature

Jennifer Lazusky
Witness Printed Signature

[Signature]
Witness Signature

Carolyn Baumbaugh
Witness Printed Signature

[Signature]
Mid-Ohio Securities Corp. **EDWARD J. GIBEL**
VICE PRESIDENT

No corporate seal required in the
STATE of OHIO - Section 1/01.13(B)
Ohio Revised Code effective 9.24.63.

STATE OF ^{OHIO} FLORIDA
COUNTY OF ~~DUVAL~~ DUVAL

The foregoing instrument was acknowledged before me this 15th day of Sept., 19 98 by Mid-Ohio Securities Corp. He/She is personally known to me or has produced [Signature] as identification.

Notary Public, State and County Aforesaid

[Signature]
Notary Signature

DIANE J. ROBINSON
Notary Printed Signature

[Signature]
(Title or Rank)

(Serial No., if any)



DIANE J. ROBINSON
Notary Public, State of Ohio
My Commission Expires Mar. 8, 1999

E-XHIBIT "A"

P. U. D. OFF. REC.
BOOK 5 PAGE 84

PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A COMMON CORNER TO SECTIONS 9, 10, 15 AND SAID SECTION 16 OF SAID TOWNSHIP AND RANGE; THENCE SOUTH 00°49'31" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16, A DISTANCE OF 2242.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°49'31" EAST ALONG THE SAID EASTERLY LINE OF SECTION 16, A DISTANCE OF 460.00 FEET; THENCE NORTH 89°43'40" WEST LEAVING SAID EASTERLY LINE OF SECTION 16, A DISTANCE OF 719.87 FEET; THENCE NORTH 21°53'40" WEST, A DISTANCE OF 837.61 FEET; THENCE NORTH 68°06'20" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 21°53'40" EAST, A DISTANCE OF 572.99 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 265.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 65°24'48" EAST AND A CHORD DISTANCE OF 241.01 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 71°04'04" EAST, A DISTANCE OF 193.86 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 378.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 470.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 35°24'12" EAST AND A CHORD DISTANCE OF 440.78 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 00°15'40" WEST, A DISTANCE OF 145.63 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 200.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 78.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 11°33'49" WEST AND A CHORD DISTANCE OF 78.39 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 22°51'57" WEST, A DISTANCE OF 510.26 FEET; THENCE NORTH 51°04'30" EAST, A DISTANCE OF 18.21 FEET; THENCE SOUTH 22°51'57" EAST, A DISTANCE OF 886.48 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

P. U. D. OFF. REC.
BOOK 3 PAGE 85

PART OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A COMMON CORNER TO SECTIONS 9, 10, 15 AND SAID SECTION 16 OF SAID TOWNSHIP AND RANGE; THENCE SOUTH 00°49'31" EAST ALONG THE EASTERLY LINE OF SAID SECTION 16, A DISTANCE OF 2242.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°49'31" EAST ALONG THE SAID EASTERLY LINE OF SECTION 16, A DISTANCE OF 460.00 FEET; THENCE NORTH 89°43'40" WEST LEAVING SAID EASTERLY LINE OF SECTION 16, A DISTANCE OF 719.87 FEET; THENCE NORTH 21°53'40" WEST, A DISTANCE OF 837.61 FEET; THENCE NORTH 68°06'20" EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 21°53'40" EAST, A DISTANCE OF 572.99 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 175.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 265.84 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 65°24'48" EAST AND A CHORD DISTANCE OF 241.01 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 71°04'04" EAST, A DISTANCE OF 193.86 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 378.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 470.58 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 35°24'12" EAST AND A CHORD DISTANCE OF 440.78 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 00°15'40" WEST, A DISTANCE OF 145.63 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 200.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 78.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 11°33'49" WEST AND A CHORD DISTANCE OF 78.39 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 22°51'57" WEST, A DISTANCE OF 510.26 FEET; THENCE NORTH 51°04'30" EAST, A DISTANCE OF 18.21 FEET; THENCE SOUTH 22°51'57" EAST, A DISTANCE OF 888.48 FEET TO THE POINT OF BEGINNING.

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

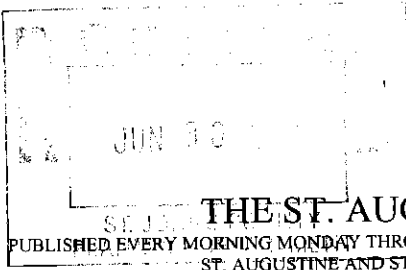
04 JUL 30 AM 10:39

CHERYL STRICKLAND
CLERK OF COURTS

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA WITNESS MY HAND AND OFFICIAL SEAL THIS 28th DAY OF July 2004
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners



BY: Luanne King D.C.



THE ST. AUGUSTINE RECORD
 PUBLISHED EVERY MORNING 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 **AMANDA N. BRUNK**
 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 **NOTICE OF HEARING**

In the matter of **MAJ 04-07 CUMBERLAND IND**
 in the Court, was published in said newspaper in the issues of

JUNE 23, 2004

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 **24TH** day of **JUNE 2004**

by *Amanda N Brunk* who is personally known to me
 or who has produced **PERSONALLY KNOWN** as identification.

Brian Fike

(Signature of Notary Public)



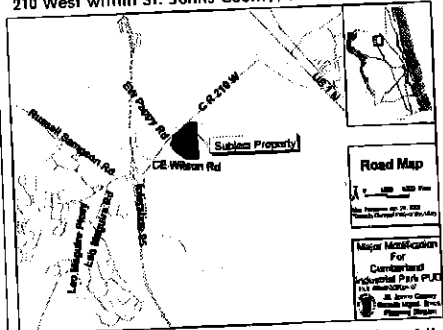
Brian Fike
 My Commission DD327588
 Expires June 09, 2008

(Seal)

BRIAN FIKE

COPY OF ADVERTISEMENT

NOTICE OF A PROPOSED MAJOR MODIFICATION
 NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, July 13, 2004 at 1:30 p.m. by the St. Johns County Board of County Commissioners, in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to increase allowable square footage of development to 400,000 gross square feet. The subject property is located at 1355 County Road 210 West within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. 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 contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. 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.
 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 verbatim 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 County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.
**BOARD OF COUNTY COMMISSIONERS
 ST. JOHNS COUNTY, FLORIDA
 KAREN STERN, CHAIR
 FILE NUMBER: MAJMOD 2004-07
 Cumberland Industrial Park PUD
 L1487-4 June 23, 2004**