

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-88; THIS ORDINANCE RESCINDS THE COMPREHENSIVE PLAN AMENDMENT (ORDINANCE 2003-88) THAT PROPOSED TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE TO INTENSIVE COMMERCIAL AND FROM RURAL/SILVICULTURE TO CONSERVATION, RETURNING SAID AREA TO THE FUTURE LAND USE MAP DESIGNATION OF RURAL/SILVICULTURE, AND DELETES THE RELATED AMENDMENTS TO THE FUTURE LAND USE ELEMENT CREATED BY THE ADDITION OF POLICY A.1.3.13; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the State of Florida, Department of Community Affairs ("DCA" or "Department"), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, St. Johns County (the "County" or "Local Government") is a local government with the duty to adopt comprehensive plan amendments that are in compliance; and

WHEREAS, the Nine Mile Gang Partnership (the "Partnership") is the owner of a certain parcel of property in St. Johns County (Property); and

WHEREAS, the Local Government adopted Comprehensive Plan Amendment 03-2 (the "Plan Amendment") by Ordinance No. 2003-88 (copy attached hereto as Exhibit A) on October 14, 2003; and

WHEREAS, the Plan Amendment proposes to redesignate the Property from Rural/Silviculture to Conservation and Intensive Commercial; and

WHEREAS, the Department issued its Statement and Notice of Intent regarding the Amendment on December 8, 2003; and

WHEREAS, as set forth in the Statement of Intent, the Department contends that the Amendment is not "in compliance" because it fails to discourage the proliferation of urban sprawl, is not supported by adequate transportation facilities, and is not supported with data and analyses demonstrating that adequate potable water is or will be available to serve the development allowed pursuant to the Amendment; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, DCA initiated formal

administrative proceeding against the Local Government to challenge the Amendment; and

WHEREAS, the Partnership petitioned for and was granted leave to intervene in this proceeding; and

WHEREAS, the Local Government and the Partnership dispute the allegations of the Statement of Intent regarding the Amendment; and

WHEREAS, the County and the Department wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective mutual best interests to do so;

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

Section 1. St. Johns County Ordinance 2003-88, which is the 9 Mile Gang Comprehensive Plan Amendment that proposes to redesignate the Property from Rural/Silviculture to Conservation and Intensive Commercial, is hereby rescinded.

Section 2. The Future Land Use Map designation of property located on International Golf Parkway (see Exhibit B) is reinstated to Rural Silviculture (R/S), and the amendments to the Future Land Use Element created by the related addition of Policy A.1.3.1 (see Exhibit C) are deleted.

Section 3. The amendment to the St. Johns County Comprehensive Plan shall become effective on the date the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(9), Florida Statutes, or in the alternative and if applicable on the date the Florida Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(10), Florida Statutes.

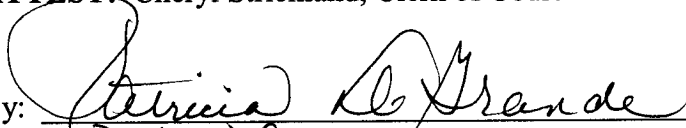
Section 4. This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 4th day of October, 2005.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 
Bruce A. Maguire, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: 
Patricia DeGrande, Deputy Clerk

Effective Date: October 11, 2005

RENDITION DATE 10-6-05

Exhibit A

ORDINANCE NO. 2003 - 88

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) AND CONSERVATION (CV) FOR PROPERTY LOCATED ON THE NORTH SIDE OF INTERNATIONAL GOLF PARKWAY ABOUT ¼ MILE EAST OF I-95, AND TO AMEND THE FUTURE LAND USE ELEMENT BY CREATING POLICY A.1.3.13 TO LIMIT THE LAND AREA COMMITTED TO COMMERCIAL/RETAIL USES ON THE IC AREA OF THE SITE, AND BY ADDING A REFERENCE TO SAME AT EXISTING POLICY A.1.11.1(c)(3); PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes provide for the Board of County Commissioners to prepare, implement and enforce Comprehensive Plans and Land Development regulations for the control of development within the County; and,

WHEREAS, Section 163.3184, 163.3187 and 163.3189 Florida Statutes provides the process for the adoption of Comprehensive Plan amendments; and,

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

SECTION 1. The St. Johns County 2015 Comprehensive Plan is amended to:

- a) Change the Future Land Use Map designation of property located on International Golf Parkway from Rural Silviculture (R/S) to Intensive Commercial (IC) and Conservation (CV) as shown on EXHIBIT A; and
- b) Amend the Future Land Use Element by creating Policy A.1.3.13 to limit the land area committed to commercial/retail uses on the IC area of the site, and by adding a reference to same at existing Policy A.1.11.1(c)(3), as shown on EXHIBIT B, based on the following Findings of Fact:

- (1) The amendment was fully considered after public hearing pursuant to legal notice duly published as required by law.

Ordinance Book 32 Page 440

ORDINANCE BOOK 38 PAGE 165

(2) The amendment is consistent with the State Comprehensive Plan, the Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code.

(3) The amendment is consistent with applicable sections of the St. Johns County Comprehensive Plan and the St. Johns County Land Development Code.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan, 2000-34 and the 2015 Future Land Use Map, as amended which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 3. Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not effect the validity of the remaining portions.

SECTION 4. The amendment to the St. Johns County Comprehensive Plan shall become effective on the date the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (9) Florida Statutes, or in the alternative and if applicable on the date the Florida Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (10) Florida Statutes.

SECTION 5. This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 14 DAY OF October 2003.

BOARD OF COUNTY COMMISSISONERS OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
James E. Bryant, Chair

ATTEST: Cheryl Strickland, Clerk

BY: U. Kenneth King
Deputy Clerk

RENDITION DATE 10/17/03

EFFECTIVE DATE: _____

Ordinance Book 32 Page 441

ORDINANCE BOOK 38 PAGE 106

EXHIBIT A

LEGAL DESCRIPTION
INTENSIVE COMMERCIAL PARCEL

PART OF SECTIONS 11 AND 12, TOWNSHIP 6 SOUTH,
RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,

BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11, BEING MARKED BY A RAILROAD SPIKE AND LYING IN THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY, ALSO KNOWN AS NINE MILE ROAD; THENCE NORTH $00^{\circ}39'27''$ WEST, 33.00' TO AN ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED INTERNATIONAL GOLF PARKWAY, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}32'10''$ WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1915.81'; THENCE ALONG THE NORTHEAST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 837, PAGE 814, OF THE PUBLIC RECORDS OF SAID COUNTY, FOR THE NEXT 4 COURSES: 1) NORTH $79^{\circ}57'27''$ WEST, 531.96'; 2) NORTH $00^{\circ}27'50''$ WEST, 70.00'; 3) NORTH $26^{\circ}09'10''$ WEST, 70.00', TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 375.00', DELTA OF $49^{\circ}37'47''$ AND ARC LENGTH OF 324.83'; 4) THENCE NORTH $34^{\circ}57'47''$ WEST, ALONG THE CHORD OF SAID CURVE, 314.77'; THENCE NORTH $00^{\circ}11'37''$ WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1350, PAGE 148, OF THE PUBLIC RECORDS OF SAID COUNTY, 790.31' TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE NORTH $00^{\circ}11'07''$ WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK, 1512, PAGE 1180, 2624.86'; THENCE NORTH $88^{\circ}31'41''$ EAST, ALONG THE SOUTH LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1568, PAGE 482, 1285.97'; THENCE NORTH $00^{\circ}44'58''$ WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 11, 400.55'; THENCE SOUTH $87^{\circ}44'29''$ EAST, 1600.00'; THENCE SOUTH $65^{\circ}40'40''$ EAST, 681.20'; THENCE NORTH $88^{\circ}31'41''$ EAST, 400.03'; THENCE SOUTH $00^{\circ}11'07''$ EAST, 1076.57'; THENCE SOUTH $47^{\circ}59'58''$ WEST, 509.17'; THENCE SOUTH $00^{\circ}49'40''$ EAST, 400.00'; THENCE SOUTH $56^{\circ}18'21''$ WEST, 400.00'; THENCE SOUTH $11^{\circ}28'12''$ WEST, 1300.00'; THENCE SOUTH $58^{\circ}49'40''$ EAST, 1020.00'; THENCE SOUTH $00^{\circ}11'07''$ EAST, 125.00' TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH $89^{\circ}08'57''$ WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1150.32' TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 328 ACRES, MORE OR LESS.

ORDINANCE BOOK 32 PAGE 442

ORDINANCE BOOK 38 PAGE 167

EXHIBIT A

**LEGAL DESCRIPTION
CONSERVATION PARCEL**

All of Government Lots 1, 2, 3, 5, 6 and 7 of Section 1; East Half of East Half of Section 2; Northeast quarter of Northeast quarter; South half of Northeast quarter; Southeast quarter; southeast quarter of southwest quarter of Section 11, excepting that part or portion of said lands situate in said Section 11 – which lie South and East of Nine-Mile Road; Government Lots 1, 2, 3 and 4 and West half of Section 12, excepting that part or portion of the said West half of Section 12, which is located South of the Nine-Mile Road; all of Sections 45, 46 and 48, all situate in Township 6 South, Range 2 East. Together with all of the right, title and interest (including rentals, royalties and all other benefits of every nature) in that certain Oil, Gas and Mineral Lease recorded in Deed Book 143, page 82, which said lease is referred to in that certain deed recorded in Deed Book 188, page 465, between Fredrick G. Francis, Grantor, and Weinstein Bros., Inc., Grantee, EXCEPTING HOWEVER therefrom that certain land heretofore conveyed to Cummer Sons Cypress Company, a corporation of Florida, recorded in Deed Book 200, page 434, described as follows: All of Lot 4 of Section 12, and all of Section 48, Township 6 South, Range 28 East, lying South of Nine-Mile Road. All of said property being located in St. Johns County, Florida.

And,

The following described land, situate, lying and being in St. Johns County, Florida, to wit:

Lot Four (4) in Section One (1), Township Six (6) South, Range Twenty-eight (28) East, in St. Johns County, Florida and containing 39.5 acres more or less.

LESS AND EXCEPTING:

**PART OF SECTIONS 11 AND 12, TOWNSHIP 6 SOUTH,
RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,
BEING MORE FULLY DESCRIBED AS FOLLOWS:**

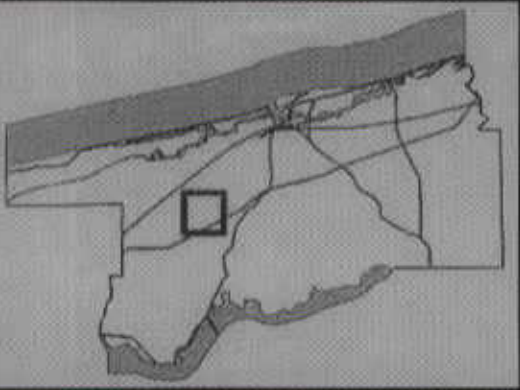
FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11, BEING MARKED BY A RAILROAD SPIKE AND LYING IN THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY, ALSO KNOWN AS NINE MILE ROAD; THENCE NORTH 00°39'27" WEST, 33.00' TO AN ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED INTERNATIONAL GOLF PARKWAY, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°32'10" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1915.81'; THENCE ALONG THE NORTHEAST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 837, PAGE 814, OF THE PUBLIC RECORDS OF SAID COUNTY, FOR THE NEXT 4 COURSES: 1) NORTH 78°57'27" WEST, 531.98'; 2) NORTH 00°27'50" WEST, 70.00'; 3) NORTH 26°09'10" WEST, 70.00', TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 375.00', DELTA OF 49°37'47" AND ARC LENGTH OF 324.83'; 4) THENCE NORTH 34°57'47" WEST, ALONG THE CHORD OF SAID CURVE, 314.77'; THENCE NORTH 00°11'37" WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1350, PAGE 148, OF THE PUBLIC RECORDS OF SAID COUNTY, 790.31' TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE NORTH 00°11'07" WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK, 1512, PAGE 1180, 2624.86'; THENCE NORTH 88°31'41" EAST, ALONG THE SOUTH LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1568, PAGE 482, 1285.97'; THENCE NORTH 00°44'58" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 11, 400.55'; THENCE SOUTH 87°44'29" EAST, 1600.00'; THENCE SOUTH 85°40'40" EAST, 881.20'; THENCE NORTH 88°31'41" EAST, 400.03'; THENCE SOUTH 00°11'07" EAST, 1076.57'; THENCE SOUTH 47°59'58" WEST, 509.17'; THENCE SOUTH 00°49'40" EAST, 400.00'; THENCE SOUTH 56°18'21" WEST, 400.00'; THENCE SOUTH 11°28'12" WEST, 1300.00'; THENCE SOUTH 58°49'40" EAST, 1020.00'; THENCE SOUTH 00°11'07" EAST, 125.00' TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH 89°08'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1150.32' TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 328 ACRES, MORE OR LESS.

ORDINANCE BOOK 32 PAGE 443

ORDINANCE BOOK 38 PAGE 168

EXHIBIT A
From Rural Silviculture to
Intensive Commercial & Conservation



**Proposed
 Future Land
 Use Map**

0 1000 2000 Feet
 N
 A

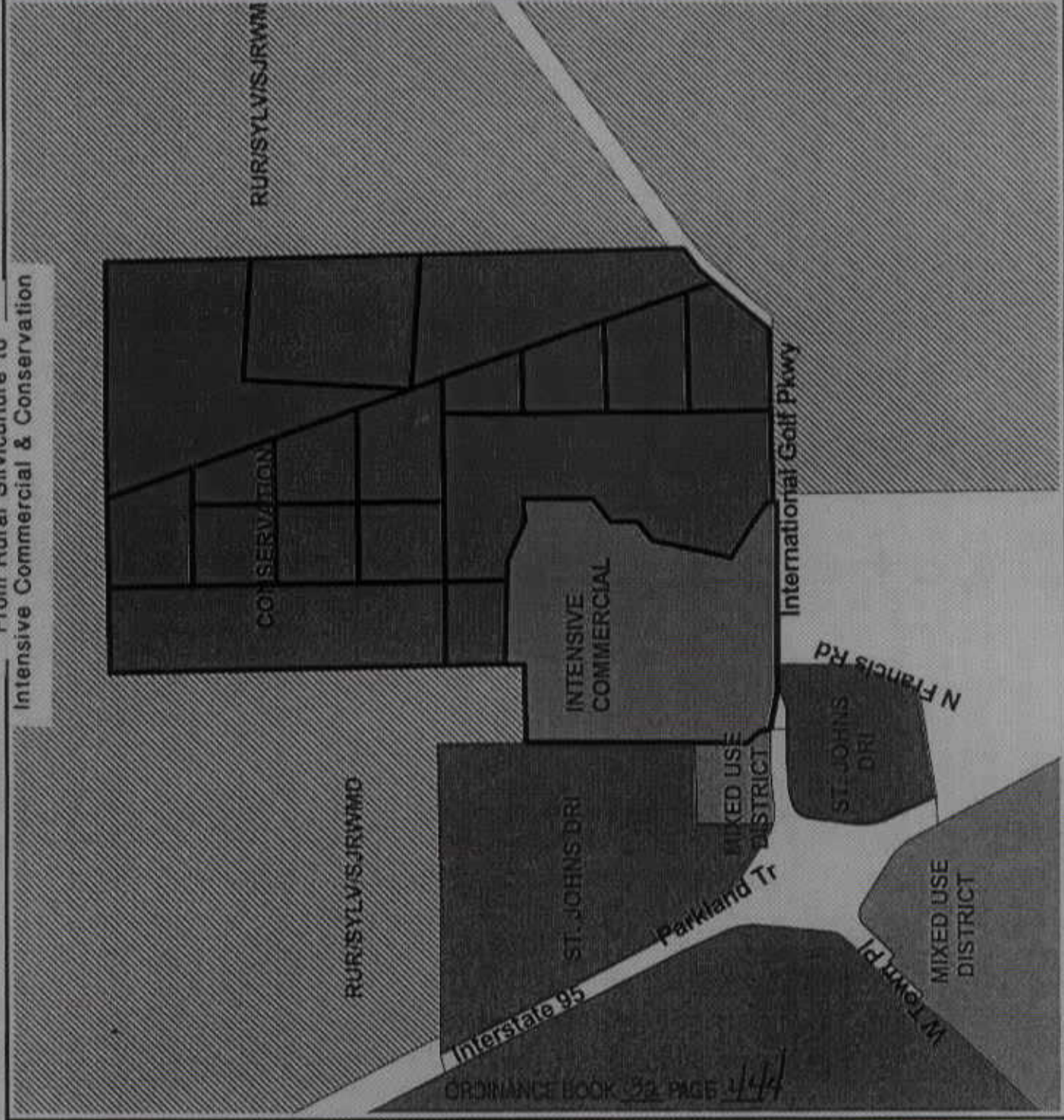
Map Prepared: Oct 10, 2003
 *Depicts General Project Boundary

**Comprehensive
 Plan Amendment**
 for

Nine Mile Gang
 FILE: COMPAMD2002-07



St. Johns County
 Growth Mgmt. Svcs.
 Planning Division



ORDINANCE BOOK 38 PAGE 109

EXHIBIT B

New Policy

A.1.3.13 The Intensive Commercial (IC) designation located along International Golf Parkway at Interstate-95 is to provide for regional, economic, business and employment opportunities through the development of Office and Professional Services, Regional Business and Commercial Uses and Regional Cultural and Entertainment Facilities as defined in the County's land development regulations and controlled and developed as follows:

- (a) No more than 20 percent of land area shall be developed as retail commercial uses, unless it is demonstrated that a need for an increase in commercial retail uses exists. Need shall be demonstrated through market and economic impact studies acceptable to the County.
- (b) A Conservation designation is located to the north and east of the IC designation. In order to protect this Conservation area, the highest intensity of uses shall be located along International Golf Parkway and shall transition to less intense uses as development approaches the north and east boundary. Any development within 200 feet of the north and east boundary shall be limited to a maximum ISR of sixty percent (60%), 10,000 square feet per acre and FAR of fifty percent (50%).
- (c) Development projects within the IC designation shall address transportation management techniques, which discourage peak hour traffic on International Golf Parkway and I-95, and direct traffic to the North/South Corridor, where feasible. Development projects shall create or become part of an existing Transportation Management Organization (TMO) and participate in transportation management strategies such as transit studies, transit subsidies, transportation disadvantaged programs, van pools, joint participation with public and private ventures to provide mass transit services, shuttle services, telecommuting and flexible work schedules. Proposed transportation management strategies shall be filed with the County at the time of development approval.

Addition to Policy A.1.11.1(c) (3)

- The Intensive Commercial (IC) designation located along International Golf Parkway at Interstate-95 is to provide for regional, economic, business and employment opportunities through the development of Office and Professional Services, Regional Business and Commercial Uses and Regional Cultural and Entertainment Facilities as defined in the County's land development regulations and controlled and developed in accordance with Policy A.1.3.13.

T:\2015 Comp Plan\Nine-Mile Gang Proposed A.1.3.13.doc

EXHIBIT B

LEGAL DESCRIPTION

PART OF SECTIONS 11 AND 12, TOWNSHIP 6 SOUTH,
RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,

BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11, BEING MARKED BY A RAILROAD SPIKE AND LYING IN THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY, ALSO KNOWN AS NINE MILE ROAD; THENCE NORTH $00^{\circ}39'27''$ WEST, 33.00' TO AN ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED INTERNATIONAL GOLF PARKWAY, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}32'10''$ WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1915.81'; THENCE ALONG THE NORTHEAST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 837, PAGE 814, OF THE PUBLIC RECORDS OF SAID COUNTY, FOR THE NEXT 4 COURSES: 1) NORTH $79^{\circ}57'27''$ WEST, 531.96'; 2) NORTH $00^{\circ}27'50''$ WEST, 70.00'; 3) NORTH $26^{\circ}09'10''$ WEST, 70.00', TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 375.00', DELTA OF $49^{\circ}37'47''$ AND ARC LENGTH OF 324.83'; 4) THENCE NORTH $34^{\circ}57'47''$ WEST, ALONG THE CHORD OF SAID CURVE, 314.77'; THENCE NORTH $00^{\circ}11'37''$ WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1350, PAGE 148, OF THE PUBLIC RECORDS OF SAID COUNTY, 790.31' TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE NORTH $00^{\circ}11'07''$ WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK, 1512, PAGE 1180, 2624.86'; THENCE NORTH $88^{\circ}31'41''$ EAST, ALONG THE SOUTH LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1568, PAGE 482, 1285.97'; THENCE NORTH $00^{\circ}44'58''$ WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 11, 400.55'; THENCE SOUTH $87^{\circ}44'29''$ EAST, 1600.00'; THENCE SOUTH $65^{\circ}40'40''$ EAST, 681.20'; THENCE NORTH $88^{\circ}31'41''$ EAST, 400.03'; THENCE SOUTH $00^{\circ}11'07''$ EAST, 1076.57'; THENCE SOUTH $47^{\circ}59'58''$ WEST, 509.17'; THENCE SOUTH $00^{\circ}49'40''$ EAST, 400.00'; THENCE SOUTH $56^{\circ}18'21''$ WEST, 400.00'; THENCE SOUTH $11^{\circ}28'12''$ WEST, 1300.00'; THENCE SOUTH $58^{\circ}49'40''$ EAST, 1020.00'; THENCE SOUTH $00^{\circ}11'07''$ EAST, 125.00' TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH $89^{\circ}08'57''$ WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1150.32' TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 328 ACRES, MORE OR LESS.

EXHIBIT **B**
LEGAL DESCRIPTION

All of Government Lots 1, 2, 3, 5, 6 and 7 of Section 1; East Half of East Half of Section 2; Northeast quarter of Northeast quarter; South half of Northeast quarter; Southeast quarter; southeast quarter of southwest quarter of Section 11, excepting that part or portion of said lands situate in said Section 11 - which lie South and East of Nine-Mile Road; Government Lots 1, 2, 3 and 4 and West half of Section 12, excepting that part or portion of the said West half of Section 12, which is located South of the Nine-Mile Road; all of Sections 45, 46 and 48, all situate in Township 6 South, Range 2 East. Together with all of the right, title and interest (including rentals, royalties and all other benefits of every nature) in that certain Oil, Gas and Mineral Lease recorded in Deed Book 143, page 82, which said lease is referred to in that certain deed recorded in Deed Book 188, page 465, between Fredrick G. Francis, Grantor, and Weinstein Bros., Inc., Grantee, EXCEPTING HOWEVER therefrom that certain land heretofore conveyed to Cummer Sons Cypress Company, a corporation of Florida, recorded in Deed Book 200, page 434, described as follows: All of Lot 4 of Section 12, and all of Section 48, Township 6 South, Range 28 East, lying South of Nine-Mile Road. All of said property being located in St. Johns County, Florida.

And,

The following described land, situate, lying and being in St. Johns County, Florida, to wit:

Lot Four (4) in Section One (1), Township Six (6) South, Range Twenty-eight (28) East, in St. Johns County, Florida and containing 39.5 acres more or less.

LESS AND EXCEPTING:

**PART OF SECTIONS 11 AND 12, TOWNSHIP 6 SOUTH,
RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,**

BEING MORE FULLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11, BEING MARKED BY A RAILROAD SPIKE AND LYING IN THE CENTERLINE OF INTERNATIONAL GOLF PARKWAY, ALSO KNOWN AS NINE MILE ROAD; THENCE NORTH 00°39'27" WEST, 33.00' TO AN ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED INTERNATIONAL GOLF PARKWAY, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°32'10" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1915.81'; THENCE ALONG THE NORTHEAST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 837, PAGE 814, OF THE PUBLIC RECORDS OF SAID COUNTY, FOR THE NEXT 4 COURSES: 1) NORTH 79°57'27" WEST, 531.96'; 2) NORTH 00°27'50" WEST, 70.00'; 3) NORTH 26°09'10" WEST, 70.00'. TO THE POINT OF CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 375.00', DELTA OF 49°37'47" AND ARC LENGTH OF 324.83'; 4) THENCE NORTH 34°57'47" WEST, ALONG THE CHORD OF SAID CURVE, 314.77'; THENCE NORTH 00°11'37" WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1350, PAGE 148, OF THE PUBLIC RECORDS OF SAID COUNTY, 780.31' TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE NORTH 00°11'07" WEST, ALONG THE EAST LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK, 1512, PAGE 1180, 2624.86'; THENCE NORTH 88°31'41" EAST, ALONG THE SOUTH LINE OF A PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1568, PAGE 482, 1285.97'; THENCE NORTH 00°44'58" WEST, ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 11, 400.55'; THENCE SOUTH 87°44'29" EAST, 1600.00'; THENCE SOUTH 65°40'40" EAST, 881.20'; THENCE NORTH 88°31'41" EAST, 400.03'; THENCE SOUTH 00°11'07" EAST, 1078.57'; THENCE SOUTH 47°59'58" WEST, 509.17'; THENCE SOUTH 00°49'40" EAST, 400.00'; THENCE SOUTH 56°18'21" WEST, 400.00'; THENCE SOUTH 11°28'12" WEST, 1300.00'; THENCE SOUTH 58°49'40" EAST, 1020.00'; THENCE SOUTH 00°11'07" EAST, 125.00' TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF SAID INTERNATIONAL GOLF PARKWAY; THENCE SOUTH 89°08'57" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 1150.32' TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 328 ACRES, MORE OR LESS.

EXHIBIT C

A.1.3.13 The Intensive Commercial (IC) designation located along International Golf Parkway at Interstate-95 is to provide for regional, economic, business and employment opportunities through the development of Office and Professional Services, Regional Business and Commercial Uses and Regional Cultural and Entertainment Facilities as defined in the County's land development regulations and controlled and developed as follows:

- (a) No more than 20 percent of land area shall be developed as retail commercial uses, unless it is demonstrated that a need for an increase in commercial retail uses exists. Need shall be demonstrated through market and economic impact studies acceptable to the County.
- (b) A Conservation designation is located to the north and east of the IC designation. In order to protect this Conservation area, the highest intensity of uses shall be located along International Golf Parkway and shall transition to less intense uses as development approaches the north and east boundary. Any development within 200 feet of the north and east boundary shall be limited to a maximum ISR of sixty percent (60%), 10,000 square feet per acre and FAR of fifty percent (50%).
- (c) Development projects within the IC designation shall address transportation management techniques, which discourage peak hour traffic on International Golf Parkway and I-95, and direct traffic to the North/South Corridor, where feasible. Development projects shall create or become part of an existing Transportation Management Organization (TMO) and participate in transportation management strategies such as transit studies, transit subsidies, transportation disadvantaged programs, van pools, joint participation with public and private ventures to provide mass transit services, shuttle services, telecommuting and flexible work schedules. Proposed transportation management strategies shall be filed with the County at the time of development approval.

Addition to Policy A.1.11.1(c) (3)

- The Intensive Commercial (IC) designation located along International Golf Parkway at Interstate-95 is to provide for regional, economic, business and employment opportunities through the development of Office and Professional Services, Regional Business and Commercial Uses and Regional Cultural and Entertainment Facilities as defined in the County's land development regulations and controlled and developed in accordance with Policy A.1.3.13.

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NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, October 4, 2005 at 7:00 a.m. in the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REPEALING ST. JOHNS COUNTY ORDINANCE 2003-88; THIS ORDINANCE RESCINDS THE COMPREHENSIVE PLAN AMENDMENT (ORDINANCE 2003-88) THAT PROPOSED TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE TO INTENSIVE COMMERCIAL AND FROM RURAL/SILVICULTURE TO CONSERVATION, RETURNING SAID AREA TO THE FUTURE LAND USE MAP DESIGNATION OF RURAL/SILVICULTURE, AND DELETES THE RELATED AMENDMENTS TO THE FUTURE LAND USE ELEMENT CREATED BY THE ADDITION OF POLICY A.1.1.13, AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. 1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she 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.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 of the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8779, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk
L2384-5 Sept 21, 2005

COPY OF AD

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 **SARAH SELFRIDGE**

who on oath says that he 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 **ORD 03-88 LAND USE**

was published in said newspaper in the issues of

SEPTEMBER 21, 2005.

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 he 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 **SEPTEMBER, 2005.**

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

Patricia A. Bergquist

(Signature of Notary Public)

PATRICIA A. BERGQUIST



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

ORDINANCE BOOK 38 PAGE 174

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 **CHARLES BARRETT**
who on oath says that he 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 **DISPLAY ADVERTISEMENT**
in the matter of **NOTICE FUTURE LAND USE**
was published in said newspaper in the issues of
SEPTEMBER 23, 2005.

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
he 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 **26TH** day of **SEPTEMBER, 2005.**

by *Charles Barrett* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE

OF PUBLIC HEARING TO CONSIDER A PROPOSED AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN.

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, October 4, 2005, at 9:00 a.m. will hold a public hearing to consider adoption of a proposed amendment to the St. Johns County 2015 Future Land Use Map. Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding the proposed amendment.



The subject property is approximately 1,770 acres in size and is located approximately ¼ mile east of I-95 Interchange on the north side of International Golf Parkway. A complete description is available in the St. Johns County Planning Offices. See map generally depicting the

location, Exhibit A. This amendment rescinds the comprehensive plan amendment (Ordinance 2003-88) that proposed to change the Future Land Use Map designation from Rural/Silviculture to Intensive Commercial and from Rural/Silviculture to Conservation, returning said area to the Future Land Use Map designation of Rural/Silviculture, and deletes the related amendments to the Future Land Use Element created by the addition of Policy A.1.3.13.

The proposed amendment was known as File Number CPA (SS)-2002-07, Nine Mile Gang, and is available for review at the local County Planning Offices and Libraries and may be examined by interested parties prior to said public hearings.

It should be noted the Board of County Commissioners may consider one or more amendments to the Goals, Objectives and Policies of the 2015 Comprehensive Plan as appropriate relating to this request.

If a person decides to appeal any decision made with respect to any matter considered at the meetings or hearings, he/she will need records of the proceedings and for such purpose may need to ensure that verbatim records of the proceedings are made, which records include the testimony and evidence upon which appeal is to be based.

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 the proceedings should contact ADA Coordinator at (904) 209-0650 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunications Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearings.

RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN
File Number: CPA (SS) 2002-07 Nine Mile Gang
By: Patricia DeGrande, Deputy Clerk