

5

ORDINANCE NUMBER: 2006- 110

Public Records of
St. Johns County, FL
Clerk # 2006076854,
O.R. 2801 PG 1112-1116
10/17/2006 at 02:55 PM,
REC. \$21.00 SUR. \$23.00

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND COMMERCIAL, GENERAL (CG) TO COMMERCIAL, INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the development of the lands within this rezoning shall proceed in accordance with the application, dated May 12, 2006, in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2006-20 Molner Commerce Center, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Commercial, Intensive (CI) is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3.12)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (c) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. The rezoning to Commercial, Intensive (CI) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial, Intensive (CI) is consistent with the land uses allowed in the land use designation of Mixed Use District (Md) as depicted on the 2015 Future Land Use

In + let - y' King
m + R
Ordinance Book 42 Page 30

Map.

SECTION 2. Pursuant to this application File Number REZ 2006-20 the zoning classification

is hereby changed to Commercial, Intensive (CI).

SECTION 3. To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 4. This Ordinance shall take effect upon receipt by the Secretary of State.

SECTION 5. 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.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 26th DAY OF Sept. 2006.

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

BY: James E. Bryant
James E. Bryant, Chairman

RENDITION DATE 09/28/06

ATTEST: CHERYL STRICKLAND, CLERK

BY: Wenne King
Deputy Clerk

EFFECTIVE DATE: 10/04/06

"EXHIBIT A"

Molner Commerce Center

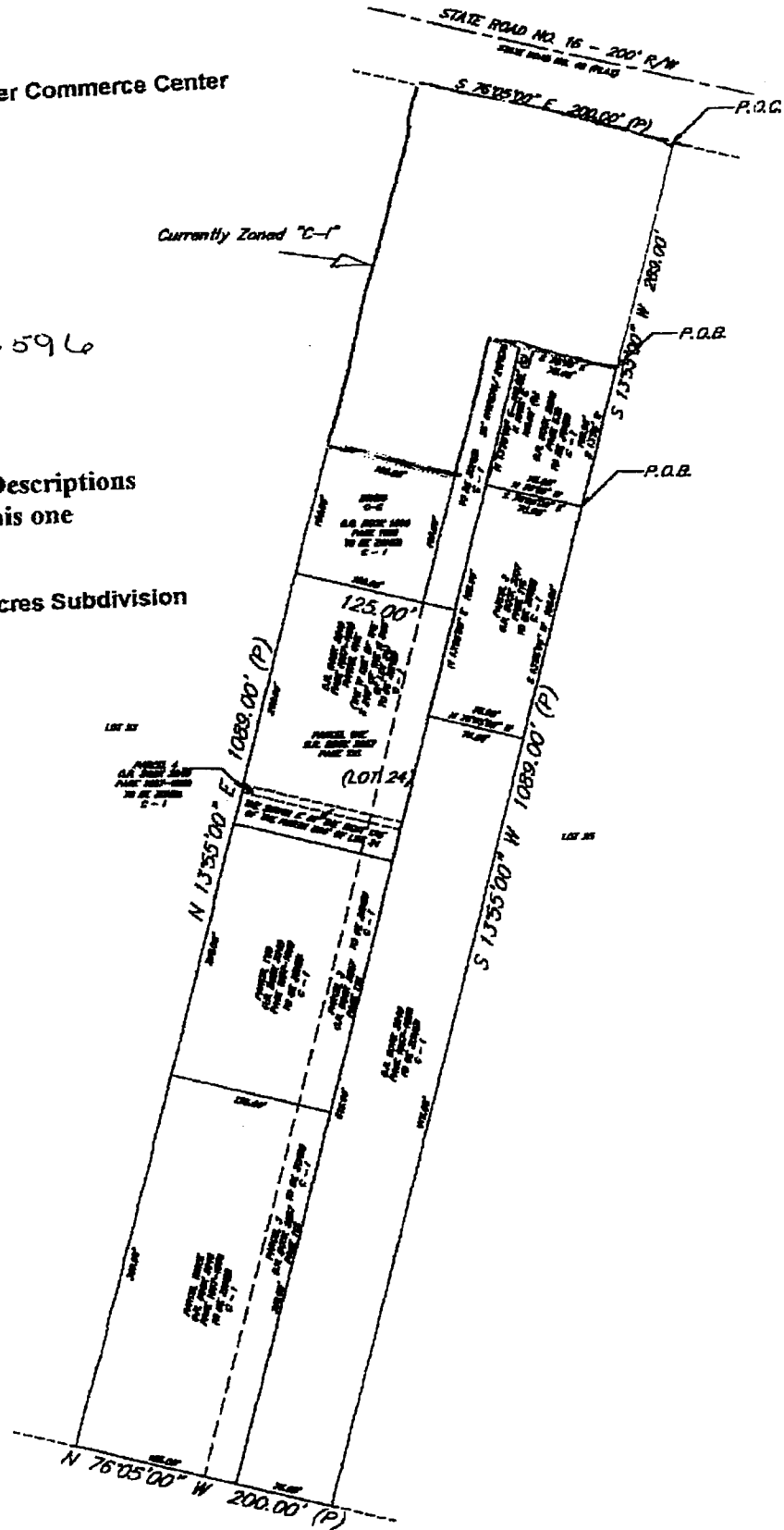
Currently Zoned "C-1"

To: CORY
☎ 209-0596

See Attached Legal Descriptions
3 Pages including this one

All in Lot 24 Green Acres Subdivision

Thanks Much,
Ed



Parcel 1

Part of the East 75 feet of Lot 24 Green Acres Subdivision as recorded in Map Book 6, Page 5 of the public records of St. Johns County, Florida, said part of Lot 24 being more fully described as follows: COMMENCING at the Northeast corner of said Lot 24; thence South 13 degrees 55 minutes West on the East line of said Lot 24 a distance of 180 feet to the POINT OF BEGINNING at the Northeast corner of the herein described part of Lot 24; thence continuing South 13 degrees 55 minutes West on said East line of Lot 24 a distance of 109 feet; thence North 76 degrees 05 minutes West 75.00 feet; thence North 19 degrees 55 minutes East 109.00 feet; thence South 76 degrees 05 minutes East 75.00 feet to the POINT OF BEGINNING; together with a road Right-of-Way Easement 25 feet in width along the West side of and adjoining the above described land and extending Northerly to the South line of State Road No. 16.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same: SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2004 and Subsequent Years.

Parcels: 1-1, 1-2, 3, 3-1 + 4

PARCEL 1:

The South 25 feet of the following described parcel of land: The West 125 feet of the South 200 feet of the North 589 feet of Lot 24, Green Acres Subdivision, which is part of Sections 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 5 of the public records of St. Johns County, Florida. TOGETHER with a Right-of-Way Easement 25 feet wide adjoining and East of the North 389 feet of the West 100 feet of the aforesaid Lot 24, said Easement to be for the use of the Grantee herein, his heirs and assigns, as a Right-of-Way to and from State Road #16, but said Easement not to be exclusive and will be used by Ada Ables, her heirs and assigns. Subject to deed recorded in Official Records Book 3, Page 443 of the public records of St. Johns County, Florida. Less and except any Road Right-of-Way existing of record.

Being the same property as conveyed by Warranty Deed dated June 24, 1991 and recorded in Official Records Book 899, Page 1586 of the public records of St. Johns County, Florida.

PARCEL 2:

The South 200 feet of the North 789 feet of the West 125 feet of Lot 24, in Green Acres Subdivision, which is part of Sections 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 6 of the public records of St. Johns County, Florida.

TOGETHER with a Right-of-Way easement 25 feet wide adjoining and East of the North 789 feet of the West 100 feet of the aforesaid Lot 24, said easement to be for the use of the grantees herein, their heirs and assigns, as a Right-of-Way to and from State Road #16, but said easement is not to be exclusive, and will be used by Ada Ables, Thomas G. DeVoe and their respective heirs and assigns.

Being the same property as conveyed by Warranty Deed dated June 24, 1991 and recorded in Official Records Book 899, Page 1600 of the public records of St. Johns County, Florida.

PARCEL 3:

The South 300 feet of the West 125 feet (Being also described as the West 125 feet, except the North 789 feet) of Lot 24, in GREEN ACRES SUBDIVISION, which is part of Sections 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 5 of the public records of St. Johns County, Florida. TOGETHER with a Right-of-Way Easement 25 feet wide adjoining East of the North 789 feet of the West 100 feet of the aforesaid Lot 24, said easement to be for the use of the grantees, their heirs, grantees and assigns, as a Right-of-Way to and from State Road No. 16.

Parcel 3-2

PARCEL 1:

The West 125 feet of Lot 24, excepting therefrom the North 389 feet thereof, in Green Acres Subdivision, which is part of Section 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 5 of the public records of St. Johns County, Florida; together with a Right-of-Way Easement 25 feet wide adjoining and East of the North 389 feet of the West 100 feet of the aforesaid Lot 24, said easement to be for the use of the grantee herein, his heirs and assigns, as a Right-of-Way to and from State Road #16, but said Easement not to be exclusive and will be used by Ada Ables, her heirs and assigns. Subject to Deed recorded in Official Records Book J, Page 443, of the public records of St. Johns County, Florida. Less and except any Road Right-of-Way existing of record and also excepting portions conveyed in Official Records Book 61, Page 34, Official Records Book 157, Page 318 and Official Records Book 899, Page 1586, all of the public records of St. Johns County, Florida.

ALSO, LESS AND EXCEPT THE FOLLOWING:

The South 6.00 feet of the West 125 feet of the South 175 feet of the North 564.00 feet of Lot 24, Green Acres Subdivision, which is part of Sections 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 5 of the public records of St. Johns County, Florida.

Subject to Deed recorded in Official Records Book 3, Page 443, of the public records of St. Johns County, Florida, less and except any Road Right-of-Way existing of record.

PARCEL 2:

A part of the East 75 feet of Lot 24, excepting therefrom the North 289 feet thereof, in GREEN ACRES SUBDIVISION, as recorded in Map Book 6, Page 5, public records of St. Johns County, Florida; said part of Lot 24 being more fully described as follows: COMMENCING at the Northeast corner of said Lot 24; thence South 13 degrees 55 minutes West, on the East line of said Lot 24, a distance of 289 feet to the POINT OF BEGINNING at the Northeast corner of the herein described part of Lot 24; thence continuing South 13 degrees 55 minutes West, on said East line of Lot 24, a distance of 185 feet; thence North 76 degrees 05 minutes West 75 feet; thence North 13 degrees 55 minutes East, 185 feet; thence South 76 degrees 05 minutes East, parallel with the North line of said Lot 24, a distance of 75 feet to the POINT OF BEGINNING; together with a Road Right-of-Way Easement 25 feet wide West of and adjoining the above described land and extending to the South line of State Road No. 16.

PARCEL 3:

Lot 24 of GREEN ACRES SUBDIVISION, which is part of Section 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, Page 5, public records, St. Johns County, Florida.

LESS AND EXCEPT the West 100 feet, the East 75 feet and the East 25 feet of the West 125 feet of the South 790 feet.

Parcel 5

The South 100 feet of the North 389 feet of the West 100 feet of Lot 24 of GREEN ACRES SUBDIVISION, which is part of Sections 5 and 8 of Township 7 South, Range 29 East, filed November 13, 1945 in Map Book 6, page 5 of the public records of St. Johns County, Florida.

TOGETHER with a right of way easement 25 feet wide adjoining and East of the North 389 feet of the West 100 feet of the aforesaid Lot 24, said easement to be for the use of the grantees herein, their heirs and assigns, as a right of way to and from State Road #16, but said easement is not to be exclusive and will be used by Ada, Ables, her heirs and assigns.

Less the northern 180 feet portion of the 25' right-of-way easement adjoining and East of the North 389' of the West 100 feet of the aforesaid Lot 24.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same: SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 2001 and Subsequent Years.



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 17th DAY OF October 20 06 CHERYL STRICKLAND, CLERK Ex-Officio Clerk of the Board of County Commissioners

BY: *Cheryl Strickland* D.C.

The St. Augustine Record

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

COPY OF ADVERTISEMENT

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 **NOTICE OF HEARING**
in the matter **REZ 06-20 MOLNER COMM CTR**
was published in said newspaper in the issues of
SEPTEMBER 11, 2006.

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 **11TH** day of **SEPTEMBER 2006.**

by *Charles Barrett* 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

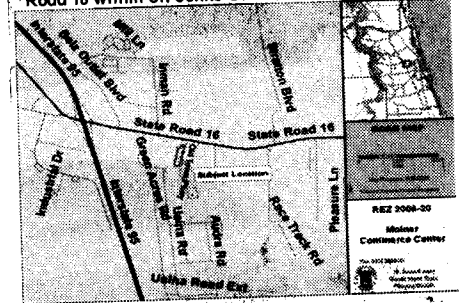
(Seal)

BRIAN FIKE

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, September 26, 2006 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 rezone from Open Rural (OR) and Commercial General (CG) to Commercial Intensive (CI).

The subject property is located at 2121-2125 State Road 16 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 the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. 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. It is anticipated that one or more County Commissioners may attend this meeting. 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 notified 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
JAMES BRYANT, CHAIRMAN
FILE NUMBER: REZ 2006-20
Molner Commerce Center
L2566-6 Sept 11, 2006



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

October 5, 2006

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 3, 2006 and certified copies of St. Johns County Ordinance Nos. 2006-110 through 2006-114, which were filed in this office on October 4, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dliis.dos.state.fl.us>

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FILED
06 OCT 17 AM 9:27
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY FL