

ORDINANCE NO. 2009- 17

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO NEW TOWN (NT) FOR TWO PARCELS TOTALING APPROXIMATELY 559 ACRES, FOR LANDS LOCATED BETWEEN US HIGHWAY 1 AND OLD DIXIE HIGHWAY AND WEST OF THE INTRACOASTAL WATERWAY AND NORTH OF CR 210; PROVIDING FOR FINDINGS OF FACT, 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 change the 2015 Future Land Use Map designation from Rural/Silviculture (R/S) to New Town, property located between US Highway 1 and Old Dixie Highway and west of the Intracoastal Waterway and north of County Road 210, as shown on **EXHIBITS A and B**; based on the following Findings of Fact:

- (a) The amendment was fully considered after public hearing pursuant to legal notice duly published as required by law.
- (b) The amendment is consistent with the State Comprehensive Plan, the Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code.
- (c) 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 affect 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 7th DAY OF April 2009.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

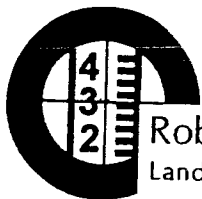
BY: Cyndi Stevenson
Cyndi Stevenson, Chair

ORDINANCE DATE 04-09-09

ATTEST: Cheryl Strickland, Clerk
BY: Jeanne King
Deputy Clerk

EFFECTIVE DATE: 06-23-09

EXHIBIT A



Robert M. Angas Associates, Inc.
Land Surveyors, Planners and Civil Engineers
Since 1924

Compland 2008-01

14775 Old St. Augustine Road
Jacksonville, FL 32258
Tel: (904) 642-8550
Fax: (904) 642-4165

February 19, 2009
Nocatee
Page 1 of 2

Work Order No. 09-021.00
File No. 120E-24

**Tolomato CDD U.S. Highway No. 1
Annexation Parcel**

Being a portion of Tracts 9 and 10 of Durbin Farms, an Unrecorded Subdivision, lying in a portion of Sections 2 and 3, Township 5 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northeast corner of said Section 2, thence South $01^{\circ}10'10''$ East, along the Easterly line of said Section 2, a distance of 2691.44 feet to the Southeast corner of the North 1/2 of said Section 2; thence South $89^{\circ}16'07''$ West, along the Southerly line of said North 1/2 of Section 2, a distance of 5082.24 feet to a point lying on the Southwesterly right of way line of Old Dixie Highway, a 50 foot right of way as presently established, and the Point of Beginning.

From said Point of Beginning, thence South $23^{\circ}06'23''$ East, along said Southwesterly right of way line of Old Dixie Highway, 327.06 feet to the Northeast corner of those lands described and recorded in Official Records Book 2790, page 134 of the public records of said county; thence South $89^{\circ}18'24''$ West, departing said Southwesterly right of way line, and along the Northerly line of said Official Records Book 2790, page 134, a distance of 599.57 feet to the Northwest corner thereof; thence South $23^{\circ}52'38''$ East, along the Westerly line of said lands, 99.93 feet to the Northeast corner of those lands described and recorded in Official Records Book 1497, page 1467 of said public records; thence Westerly, along the Northerly line of said Official Records Book 1497, page 1467, the following five (5) courses: Course one, thence South $89^{\circ}18'59''$ West, departing said Westerly line, 380.52 feet; Course two, thence North $41^{\circ}01'01''$ West, 88.31 feet; Course three, thence South $48^{\circ}58'59''$ West, 99.92 feet; Course four, thence South $40^{\circ}57'50''$ East, 49.92 feet; Course five, thence South $49^{\circ}28'42''$ West, 125.00 feet to the Northerly most corner of those lands described and recorded in Official Records Book 2945, page 1207 of said public records; thence South $41^{\circ}00'51''$ East, departing said Northerly line, and along the Northeasterly line of said Official Records Book 2945, page 1207, a distance of 208.78 feet to the Southeast corner thereof, said corner also lying on the Southerly line of said Official Records Book 1497, page 1467; thence North $89^{\circ}23'18''$ East, along said Southerly line, 314.45 feet to the Easterly most corner of those lands described and recorded in Official Records Book 2744, page 1655 of said public records; thence South $68^{\circ}56'58''$ West, departing said Southerly line of Official Records Book 1497, page 1467, along the Southerly line of said Official Records Book 2744, page 1655, and along the Southerly line of those lands described and recorded in Official

**Tolomato CDD U.S. Highway No. 1
Annexation Parcel (cont.)**

Records Book 2918, page 1119 of said public records, a distance of 307.96 feet to a point lying on the Northeasterly right of way line of U.S. Highway No. 1 (State Road No. 5), a variable width right of way as presently established; thence along said Northeasterly right of way line the following three (3) courses: Course one, thence North 41°00'51" West, departing said Southerly line, 1016.99 feet; Course two, thence North 89°15'51" East, 33.00 feet; Course three, thence North 41°01'13" West, 78.66 feet to the Southwest corner of Tract 8, said Durbin Farms; thence North 89°16'07" East, departing said Northeasterly right of way line, and along the South line of said Tract 8, a distance of 1503.51 feet to the Southeast corner of said Tract 8, said corner also lying on said Southwesterly right of line of Old Dixie Highway; thence South 23°06'23" East, along said Southwesterly right of way line, 64.89 feet to the Point of Beginning.

Containing 14.73 acres, more or less.

EXHIBIT B

Revised May 28, 2008
 September 20, 2007
 Nocatee

Work Order No. 07-222.00
 File No. 119E-23

Hydry Parcel

A portion of Section 20, together with those portions of the Francis X. Sanchez Grant, Section 41, the Heirs of Thomas Fitch Grant, Section 48, the Pedro R DeCala Grant, Section 49, the Ben Chaires Grant, Section 51, the Sabate or Chaires Grant, Section 65, the Paul Sabate Grant, Section 66, the Sabate or DeCala Grant, Section 67, the Sabate or F.X. Sanchez Grant, Section 68 and the Sabate or Fitch Grant, Section 69, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northwest corner of Section 30, said Township and Range, said point also being the Northwestern corner of those lands described and recorded in Official Records Book 1462, page 711 of the public records of said county; thence Easterly, along the Northerly line of said lands, the following two courses: Course 1 ~ thence North 88°46'16" East, along the North line of said Section 30, a distance of 1650.00 feet; Course 2 ~ thence North 62°04'32" East, 7000.00 feet to the Point of Beginning.

From said Point of Beginning, thence continue North 62°04'32" East, departing said Northerly line of Official Records Book 1462, page 711, a distance of 2824.47 feet; thence North 23°32'02" East, 427.46 feet; thence North 42°46'52" East, 521.04 feet; thence North 81°27'40" East, 1033.05 feet to a point lying on the Westerly line of the Intracoastal Waterway, as recorded in Map Book 4, page 73 of the public records of said county; thence South 26°21'19" East, along said Westerly line, 5827.11 feet to the Northeasterly corner of Palm Valley Harbour, as recorded in Map Book 24, page 19, said public records; thence South 52°34'17" West, along the Northerly line of said plat, 273.57 feet to the Northwestern corner thereof; thence South 05°18'59" East, along the Westerly line of said plat and its Southerly prolongation thereof, 1581.08 feet to a point on the Northerly line of those lands described and recorded in Official Records Book 2338, page 1135, said public records; thence Southwesterly along said Northerly line the following ten courses: Course 1 ~ thence South 54°59'39" West, 149.54 feet; Course 2 ~ thence South 53°54'16" West, 25.61 feet to a point of curvature of a curve concave Southeasterly, having a radius of 4077.25 feet; Course 3 ~ thence Southwesterly, along the arc of said curve, through a central angle of 5°27'00", an arc length of 387.83 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 51°10'46" West, 387.68 feet; Course 4 ~ thence North 41°32'37" West, 13.75 feet to a point on a curve concave Southeasterly, having a radius of 4091.00 feet; Course 5 ~ thence Southwesterly, along the arc of said curve, through a central angle of 2°17'59", an arc length of 164.21 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 47°18'18" West, 164.20 feet; Course 6 ~ thence South 46°09'19" West, 186.97 feet to a point of curvature of a curve concave Southeasterly, having a radius of 4045.00 feet; Course 7 ~ thence Southwesterly, along

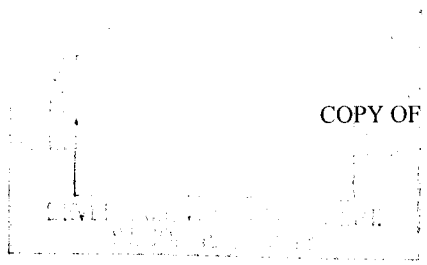
the arc of said curve, through a central angle of $1^{\circ}48'00''$, an arc length of 127.08 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South $45^{\circ}15'18''$ West, 127.07 feet; Course 8 ~ thence Southwesterly, along the arc of a curve concave Southeasterly, having a radius of 2025.00 feet, through a central angle of $7^{\circ}14'59''$, an arc length of 256.23 feet to a point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $50^{\circ}22'13''$ West, 256.06 feet; Course 9 ~ thence South $46^{\circ}44'44''$ West, 439.71 feet; Course 10 ~ thence South $05^{\circ}46'14''$ East, 13.72 feet to a point lying on the Northerly right of way line of Palm Valley Road, County Road No. 210, a variable width right of way; thence South $52^{\circ}47'44''$ West, along said Northerly right of way line, 1141.94 feet to the Southeasterly corner of those lands described and recorded in Official Records Book 97, page 151, said public records; thence North $05^{\circ}44'50''$ West, departing said Northerly right of way line and along the Easterly line of said lands, 555.42 feet to the Easterly most Southeasterly corner of said lands of Official Records Book 1462, page 711; thence Northwesterly along the Easterly line of said lands of Official Records Book 1462, page 711 the following 2 courses: Course 1 ~ thence North $16^{\circ}26'54''$ West, 4948.37 feet; Course 2 ~ thence North $66^{\circ}34'32''$ West, 3133.65 feet to the Point of Beginning.

Containing 544.46 acres, more or less.

The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA



STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **DISPLAY AD**

In/the matter of **NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED
AMENDMENTS TO THE FUTURE LAND USE MAP OF THE SJC 2015 COMPREHENSIVE PLAN AS
RELATED TO THE PROPOSED AMENDMENT FOR NOCATEE**

was published in said newspaper **MARCH 27, 2009**

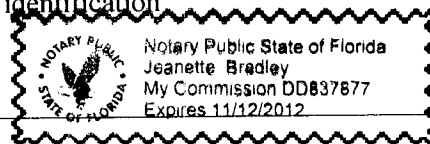
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 30th day of **MARCH 2009**

by Ulinda E Verstraate who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification

Jeanette Bradley

(Signature of Notary Public)
JEANETTE BRADLEY



(Seal)

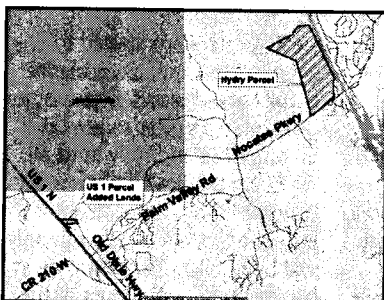
NOTICE

OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN AS RELATED TO THE PROPOSED AMENDMENT FOR NOCATEE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners on **Tuesday, April 7, 2009 at 9:00 a.m.**, will hold public hearings to consider adoption of proposed amendments to the St. Johns County Future Land Use Map of the 2015 Comprehensive Plan, with the following styled ordinance.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO NEW TOWN (NT) FOR TWO PARCELS TOTALING APPROXIMATELY 559 ACRES, FOR LANDS LOCATED BETWEEN US HIGHWAY 1 AND OLD DIXIE HIGHWAY AND WEST OF THE INTRACOASTAL WATERWAY AND NORTH OF CR 210; PROVIDING FOR FINDINGS OF FACT, SEVERABILITY AND AN EFFECTIVE DATE

The proposed change is from Rural Silviculture to New Town. Said hearings will be held in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding the proposed amendment. Items not heard by 6pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.



The property that is the subject of both of the above noticed public hearings includes 559+/- acres and the requested change affects some property located east of US Highway 1 between US 1 and Old Dixie Highway and some property located west of the Intracoastal Waterway and north of CR 210, along the Intracoastal. A complete description is available in the St. Johns County Planning Office. See map generally depicting the location, Exhibit A.

The proposed amendment is known as File Number GOMPAMD 2008-01 Nocatee, and is available for review at the local County Planning Office and may be examined by interested parties prior to said public hearings.

Interested parties may appear at the meeting and be heard with respect to the proposed amendment.

If a person decides to appeal any decision made with respect to any matter considered at the meetings or hearings, he/she will need a record 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 to participate in the proceedings should contact the County's ADA Coordinator at (904) 209 0650 at the County Administration Building, 500 San Sebastian View, St. Augustine, FL 32085. For hearing impaired individuals, for Telecommunications Device for the Deaf (TDD), call Florida Relay Service at 1 800 955-8770, no later than 5 days prior to the date of the hearings.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CYNDI STEVENSON, CHAIR
File Number: GOMPAMD 2008-01 Nocatee