

ORDINANCE NO. 2013 - 11

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) FOR THE PROPERTY LOCATED AT 11390 U.S. HIGHWAY 1 NORTH, IDENTIFIED BY PARCEL NO. 023410-0030, CONTAINING APPROXIMATELY 3.73 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 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;

WHEREAS, Section 163.3184 and 163.3187 Florida Statutes provide 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 Comprehensive Plan is amended to change the Future Land Map designation from **Rural/Silviculture (R/S)** to **Intensive Commercial (IC)** for property located at 11390 U.S. Highway 1 North, identified by Parcel No. 023410-0030, containing approximately 3.73 acres of land, as described and shown on the attached **EXHIBIT A and B.**

SECTION 2. The 2025 Comprehensive Plan amendments described in Section 1 are based upon 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 Northeast Florida Strategic Regional Policy Plan.
- (c) The amendment is consistent with the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.

SECTION 3. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2010-38, as amended and the 2025 Future Land Use Map, as amended, which are not in conflict with the provisions of this ordinance, shall remain in full force and effect.

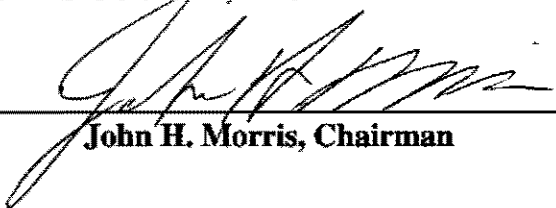
SECTION 4. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.

SECTION 5. These amendments to the St. Johns County Comprehensive Plan shall be effective 31 days after adoption. If timely, challenged, within 30 days after adoption, the amendment does not become effective until the state land planning agency or Administration Commission issues a final order determining the adopted amendment to be in compliance.

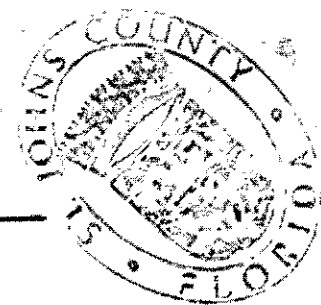
SECTION 6. This ordinance shall be recorded in a book of land use regulation ordinances kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 2nd **DAY OF** April **2013.**

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: 
John H. Morris, Chairman

RENDITION DATE 04-03-13



ATTEST: Cheryl Strickland, Clerk

BY: 
Deputy Clerk

Effective Date: 05-03-13

LAND USE

**2025 Future Land Use
From RURAL SILVICULTURE
to INTENSIVE COMMERCIAL**

RESIDENTIAL-C
US-1 N

CONSERVATION

Nocatee Pkwy

Howie

Glenwood St

Carroll Dr

Subject Property

RUR/SYLV

NEW TOWN

MIXED USE DISTRICT

Old Dixie Hwy

PUBLIC

Valley Ridge Blvd

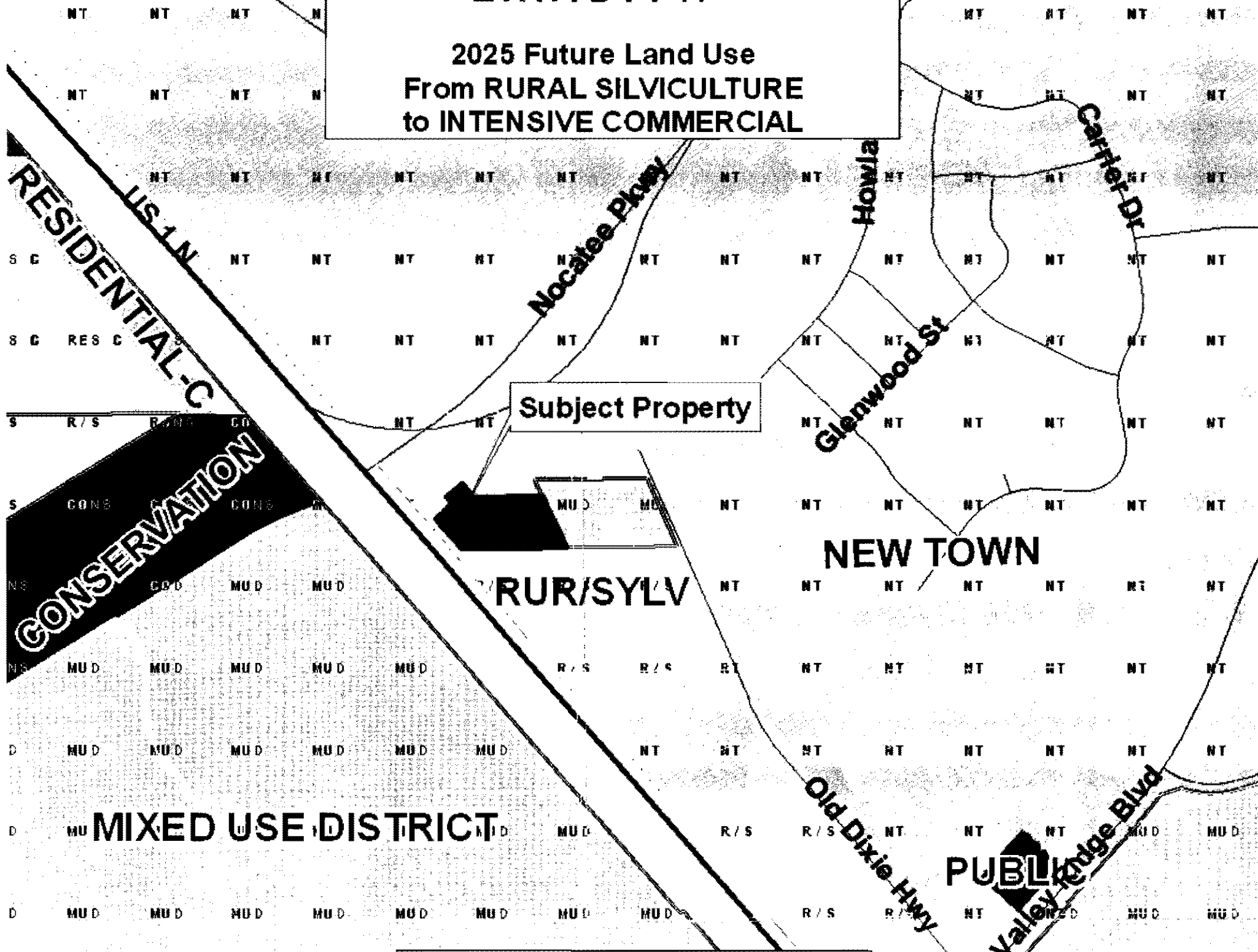


Exhibit B

Prepared By: Cynthi H. Parker
Professional Title Agency, Inc.
747 South Ridgewood Avenue, Suite 204
Daytona Beach, Florida 32114
Incidental to the issuance of a title insurance policy.
File Number: 2-19080
Parcel ID #: 023418-0030

SPECIAL WARRANTY DEED (CORPORATE)

This SPECIAL WARRANTY DEED, dated 12/11/2012 by
Wells Fargo Bank, NA
whose post office address is
1 Independent Drive MAC-Z3094-082, Jacksonville, FL 32202
hereinafter called the GRANTOR, to
ROK IND, LLC, a Florida limited liability company
whose post office address is
4314 Pablo Oaks Court, Jacksonville, FL 32224
hereinafter called the GRANTEE:

(Wherever used herein the terms "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 \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in St. Johns County, Florida, viz:

A parcel of land in Tract 9 of DURBIN SUBDIVISION in Sections 2 and 3, Township 5 South, Range 28 East, St Johns County Florida, said Tract 9 being more fully described in Deed recorded in Deed Book 198, Page 466, of the Public Records of said County; and said parcel of land being more fully described as follows: BEGINNING at the Intersection of the South line of said Tract 9 with the Northeast right-of-way line for U.S. Highway No 1 (State Road No. 5, Section 7802/110), said right-of-way at this point being 150 feet in width; thence North 42° 10' West, on said right-of-way line, 166.65 feet; thence North 47° 50' East, 175. feet; thence North 42° 10' West a distance of 50 feet; thence North 47° 50' East 100 feet; thence South 42° 10' East 88.31 feet; thence North 88° 10' East 386.81 feet; thence South 25° 02' East, on the Westerly line of that land described in Deed recorded, in Official Records Book 185, Page 136, of said Public Records, 390. 18 feet; thence South 88° 10' West, on the South line of said Tract 9, a distance of 625.57 feet to the POINT OF BEGINNING;

LESS AND EXCEPT therefrom that portion as conveyed to the Tolomato Community Development District, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes by Warranty Deed recorded in Official Records Book 2945, Page 1207, of the Public Records of St. Johns County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2013 and subsequent years; and to all applicable zoning ordinances and/or restrict prohibitions imposed by governmental authorities, if any,

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said GRANTOR.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness #1 Signature: [Signature]
 Witness #1 Print Name: Robert M. [unclear]
 Witness #2 Signature: [Signature]
 Witness #2 Print Name: Vanessa Suggs

STATE OF FLORIDA)
) ss-)
 COUNTY OF Duval)

Wells Fargo Bank, NA
 By: [Signature]
 Terri K. Bly, Assistant Vice President

F Y

I am a notary public of the state of Florida, and my commission expires:
 THE FOREGOING INSTRUMENT was acknowledged before me on 3/10/2012 by
Terri K. Bly, Assistant Vice President of Wells Fargo Bank, NA, on behalf of the corporation.
 He/she is personally known to me or who has produced drivers license as identification.

Notary Seal

Signature: [Signature]
 Print Name: Valerie Walker Notary Public



THE ST. AUGUSTINE RECORD

ENGLAND THIMS & MILLER INC
14775 OLD SAINT AUGUSTINE RD
JACKSONVILLE FL 32258

Ref.#: L538-13
P.O.#: SPOFFORDRAYM

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 **STEVEN SMITH** who on oath says that he/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 **NOTICE OF HEARING** In the matter of **CPA(SS) 2013-01 - OLD IRRISCAPE PROPERTY** was published in said newspaper on **02/20/2013**

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 has 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/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 _____ day of FEB 20 2013

by Steven Smith who is personally known to me
or who has produced as identification

Tiffany M. Lowe
(Signature of Notary Public)



(Seal)

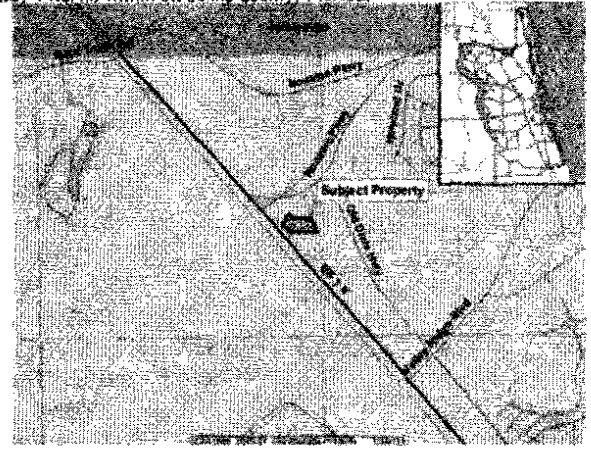
NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on Thursday, March 7, 2013 at 1:30 p.m. and the St. Johns County Board of County Commissioners on Tuesday, April 2, 2013 at 9:00 a.m., will each hold public hearings, as follows: The Planning and Zoning Agency to consider and issue a recommendation on the adoption of a proposed small scale comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan and the Board of County Commissioners will consider whether or not to adopt the same proposed small scale comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan, with the following styled ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL/SILVICULTURE (R/S) TO INTENSIVE COMMERCIAL (IC) FOR THE PROPERTY LOCATED AT 11390 U.S. HIGHWAY 1 NORTH, IDENTIFIED BY PARCEL NO. 023410-0030, CONTAINING APPROXIMATELY 3.73 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

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 any or all of the proposed amendment. Board of County Commissioner Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property includes 3.73 +/- acres and is located at 11390 US Highway 1 North, within St. Johns County, Florida.



A complete description is available in the St. Johns County Planning Office.

The proposed change is known as File Number CPA(SS) 2013-01 Old Irriscape Property, and is available for review in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida and may be examined by interested parties prior to said public hearings.

Interested parties may appear at the public hearings to be heard regarding 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 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, 500 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA
BRAD NELSON, CHAIR JOHN H. MORRIS, CHAIR

File Number: CPA (SS) 2013-01 Old Irriscape Property
L538-13 Feb 20, 2013



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 5, 2013

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. 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 April 4, 2013 and certified copies of Ordinance Nos. 2013-9 through 2013-12, which were filed in this office on April 5, 2013.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

2013 APR 12 AM 8:06
SECRET