

RESOLUTION NO. 89- 199

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS,
ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A MODIFICATION TO ORDINANCE #86-79 AS AMENDED
ALSO KNOWN AS R-PUD-86-60, THE MARSH CREEK PUD**

BE IT RESOLVED BY; THE BOARD OF COUNTY COMMISSIONERS OF ST.
JOHNS COUNTY, FLORIDA:

SECTION 1: Pursuant to the request of Marsh Creek Partnership for Major Modification to R-PUD-86-60, hereinafter called the Marsh Creek PUD, the following modification has been considered by the St. Johns County Planning and Zoning Agency and Board of County Commissioners:

The incorporation of 40 acres of land within the Marsh Creek PUD without increasing the overall density of the approved PUD, as set forth in the attached request for Major Modification.

SECTION 2: The real property sought to be incorporated within the Marsh Creek PUD by the Major Modification is described on attached Exhibit "A".

SECTION 3: Said Major Modification is hereby approved in reliance upon, and in accordance with, the application identified in Section 1 and all exhibits attached hereto.

SECTION 4: In all other respects, the remaining provisions contained in Ordinance #86-79, as amended, shall remain in full force and effect.

Passed and adopted this 22nd day of August, 1989.

BOARD OF COUNTY COMMISSIONERS, ST. JOHNS
COUNTY, FLORIDA

By: *Fred Walker*
Its Chairman

Adopted regular meeting: August 22, 1989

Effective: August 23, 1989

CARL "BUD" MARKEL

By: *Carole E. McDonald*
Deputy Clerk

REQUEST FOR MAJOR MODIFICATION
TO
PUD-86-60

MARSH CREEK PUD

Applicant:

MARSH CREEK PARTNERSHIP

Attorneys for Applicant:

UPCHURCH, BAILEY AND UPCHURCH, P.A.

By: John D. Bailey, Jr.
John D. Bailey, Jr.

The applicant, Marsh Creek Partnership, requests the Marsh Creek PUD be modified as follows:

The approved PUD permits development of not more than 450 single family and/or patio homes within the Marsh Creek PUD. The applicant desires to develop between 50 and 100 of such single family and/or patio homes on a 40 acre parcel of land described on attached Exhibit "A", (hereinafter "the property") lying north of and contiguous to the PUD.

The property is currently zoned "OR" but will be rezoned PUD pursuant to a separate application for rezoning filed by the applicant. The PUD zoning requested by the applicant for the property will permit a maximum of 100 single family homes and/or patio homes or some combination thereof to be developed upon the property. All single-family and/or patio homes developed on the property shall be part of the 450 units authorized under the Marsh Creek PUD.

The applicant believes this request will benefit the County as it will not result in any increase in density within the Marsh Creek PUD, will allow for the expansion of open space and will provide a more desirable living environment for the residents of the PUD. For the above reasons the applicant believes that the approval of this Major Modification will be in the best interest of St. Johns County and the residents of the Marsh Creek PUD.

SCHEDULE "A"

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 33; thence South 89 degrees 11 minutes 52 seconds West along the South line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 1314.59 feet to an intersection with the West line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence North 1 degree 12 minutes 00 seconds West along last said line, a distance of 1317.53 feet to an intersection with the North line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence North 89 degrees 7 minutes 1 second East along last said line, a distance of 1316.68 feet to an intersection with the Easterly line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence South 1 degree 6 minutes 29 seconds East along last said line, a distance of 1319.37 feet to the POINT OF BEGINNING.

Containing 39.82 acres.

SCHEDULE "A"

The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 33, Township 7 South, Range 30 East, St. Johns County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 33; thence South 89 degrees 11 minutes 52 seconds West along the South line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 1314.59 feet to an intersection with the West line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence North 1 degree 12 minutes 00 seconds West along last said line, a distance of 1317.53 feet to an intersection with the North line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence North 89 degrees 7 minutes 1 second East along last said line, a distance of 1316.68 feet to an intersection with the Easterly line of said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence South 1 degree 6 minutes 29 seconds East along last said line, a distance of 1319.37 feet to the POINT OF BEGINNING.

Containing 39.82 acres.

Respectfully submitted,

By: John D. Bailey Jr.

John D. Bailey, Jr.
Attorneys for Applicant
UPCHURCH, BAILEY AND UPCHURCH, P.A.
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St. Augustine, Florida 32084

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(1894-1986)

FRANK D. UPCHURCH, JR.
OF COUNSEL

July 5, 1989

Mr. Jerry D. Napier, Director
St. Johns County Planning and Zoning Department
P. O. Drawer 349
St. Augustine, Florida 32085-0349

RE: Our PUD 89-036, Major Modification to R-PUD-86-60
Marsh Creek

Dear Mr. Napier:

In response to the issues raised in the staff report, we offer the following:

1. The sign containing the name of the residential area to be developed within the property will be located outside of the right-of-way of the internal road which connects the property with the Marsh Creek PUD. The sign will not exceed 100 square feet in size and will be located outside of the right-of-way.
2. The applicant intends to install street lights within internal road ways. These street lights will be located at intervals of 300 feet on the outer edge of the right-of-way as far away from the pavement as possible.
3. Paragraph 2 of the schedule of development specifies each phase of the development and specifically states when each phase shall begin and be completed.
4. Only one construction trailer will be permitted within the property even if the phases overlap. Such construction trailer shall be removed from the property within 30 days after the last unit constructed within the property receives a certificate of occupancy.

RE: Our PUD 89-036, Major Modification to R-PUD-86-60
July 5, 1989

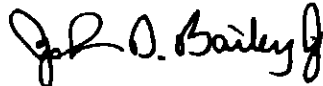
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5. The applicant has purchased water and sewer commitments for the first three phases of Marsh Creek. The applicant has not purchased water and sewer commitments for the new phase to be added pursuant to the modification request, but will do so as soon as capacity is available.

6. Approximately 5 acres of the 40 acre parcel are wetlands.

In respect to the location of the emergency/construction access, attached is a copy of a letter which the applicant has submitted to the county engineer concerning an agreement for the relocation of such access from 11th Street to the Mizell Road extension.

Sincerely,



JOHN D. BAILEY, JR.

JDBJR.lag
cc: Gregory J. Barbour

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OF COUNSEL

June 28, 1989

Ms. Sharon Holmes
County Engineer
Post Office Drawer 349
St. Augustine, Florida 32085-0349

RE: Emergency/Construction access proposed in the Application for
Modification to the Marsh Creek PUD

Dear Ms. Holmes:

This is in regards to the emergency/construction access proposed
in the application for modification to the Marsh Creek PUD (the "PUD").

Marsh Creek Partnership, (the "Partnership"), is currently
utilizing 11th Street as an emergency/construction access for the PUD.
The use of 11th Street for this purpose was previously approved by
former County Engineer, Charles Space. The Planning and Zoning staff
is recommending that the emergency/construction access be relocated
from 11th Street (the "east/west" access) to Mizell Road which runs
north from the PUD to S.R. 312 (the "north/south" access). Although
Mizell Road is not currently open from 16th Street south to the PUD, it
is scheduled to be opened in the future by the Developers of the
Island Lakes project which lies contiguous to the PUD.

As the north/south access will be extended and opened and due to
the County's interest in utilizing it as a future connector between
11th Street and S.R. 312, the Partnership is agreeable to utilizing it
for emergency/construction access to the PUD. This commitment is
contingent though on the Partnership and County entering into a
mutually acceptable agreement for the construction and maintenance of
such access.

In this regard, the Partnership agrees to contribute the
following:

1. The Partnership will contribute up to the sum of \$5,000.00
for engineering and surveying fees to be incurred in obtaining permits
for the crossing of the mosquito control ditch which borders the PUD on
the north.

2. The Partnership's employees shall assist and cooperate with
the engineers, surveyors and the County in obtaining such permits.

3. The Partnership will stabilize the north/south access according to County standards, from the mosquito control ditch crossing south to the PUD.

4. The Partnership shall maintain the north/south access from 16th Street south to the PUD until such time as the Partnership has completed construction of all subdivision improvements within the PUD.

5. The Partnership shall dedicate to St. Johns County additional road right of way of a width of 60 feet for the extension of 11th Street west to the intersection of Mizell Road.

If the above contributions are acceptable, the County's contribution will consist of the following:

1. The payment of any and all surveying and engineering fees incurred in obtaining permits for the crossing which exceed \$5,000.00.

2. The construction of the mosquito control ditch crossing including the installation of culverts as required by the permitting agencies.

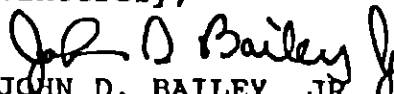
3. The County or the Developer of the Island Lakes PUD shall stabilize the north/south access from 16th Street south to the mosquito control ditch crossing.

4. The County or the Developer of the Island Lakes PUD shall maintain the north/south access for residential construction and emergency purposes after the Partnership's obligation to maintain the north/south access terminates. This will occur when the Partnership has completed construction of all subdivision improvements within the PUD as stated above.

Until such time as it is feasible to use the north/south access the Partnership shall continue to utilize the east/west access for emergency/construction access to the PUD. The Partnership shall maintain such east/west access until it is feasible to use the north/south access or until such time as it completes construction of all subdivision improvements within the PUD, whichever occurs first. Further, the Partnership shall apply for, obtain and construct a construction road access apron at the intersection of 11th Street and S.R. 3 as recommended by the Department of Transportation.

This agreement relates to the use of the north/south access for construction/emergency purposes only and shall not be construed as a request for the use of such access by residents of the PUD for general access to the PUD. I trust this proposal will be acceptable to you and County staff.

Sincerely,


JOHN D. BAILEY, JR.

JDB.JR/kae