

RESOLUTION NO. 90-204  
RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

WHEREAS, St. Augustine Ocean Gallery Partners as Owner, has applied to the Board of County Commissioners of St. Johns County, Florida, for approval to record a subdivision plat known as Ocean Gallery Homes Unit 2 and,

WHEREAS, the Owner and Mortgagee have dedicated certain roads, streets, easements, rights-of-way or other areas as shown on the subdivision plat for the uses and purposes thereon stated,

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

Section 1. The above-described subdivision plat is conditionally approved by the Board of County Commissioners of St. Johns County, Florida, subject to Section #6.

Section 2. The dedicated roads, streets, easements, rights-of-way and other areas shown on the plat are conditionally accepted by the Board of County Commissioners of St. Johns County on behalf of the beneficiaries to the dedication. This acceptance shall not be deemed an acceptance requiring construction or maintenance of the roads, streets, easements, rights-of-way or other areas by the County. This acceptance is subject to Section #6.

Section 3. The Construction Bond is waived subject to the following conditions: (1). The Clerk will not record the plat until receiving acknowledgement from the St. Johns County Engineering Department of the completion of the roadways in conformity with the approved plans and specifications. (2). The owner will not sell any lots nor secure any building permit except upon the recording of the plat.

Section 4. The Warranty Bond is waived.

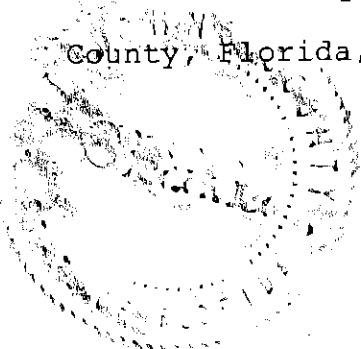
Section 5. The Clerk is instructed to file the title OPINION.

Section 6. The approval and acceptance described in Sections 1 and 2 shall not take effect until the plat has been signed by each of the following departments, persons or offices:

- a) Chairman or Vice-Chairman of the Board of County Commissioners of St. Johns County, Florida
- b) County Attorney
- c) County Planning Department or Office
- d) County Zoning Department or Office
- e) Clerk of Courts

The Clerk shall not sign or accept the plat for recording until it has been signed by each of the above persons or entities described in a) through d) above and an acknowledgment from the Engineering Department of completion of the roadway and drainage improvements in accordance with County requirements has been delivered to the Clerk. If the plat is not signed and accepted by the Clerk for recording on or before November 3, 1991, then the above-described conditional approval and acceptances shall automatically terminate. If the plat is signed by the Clerk on or before such time, the conditions described herein, shall be deemed to have occurred.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 13th day of November, 1990



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. McQuinn  
Its Chairman

ATTEST:

Amy B. Mulligan  
Deputy Clerk

MCCLURE AND WHITEMAN

ATTORNEYS AT LAW

81 KING STREET, SUITE A

P.O. BOX 3504

ST. AUGUSTINE, FLORIDA 32085-3504

October 1, 1990

TELEPHONES

ST. AUGUSTINE: (904) 824-0879

PONTE VEDRA BEACH: (904) 285-5075

GEORGE M. MCCLURE

JOHN L. WHITEMAN

(By Hand Delivery)

Ms. Betty Sue Solana  
Planning Technician  
St. Johns County Planning &  
Zoning Agency  
County Administration Building  
Lewis Speedway  
St. Augustine, Florida 32084

File: 6332.1


Re: Proposed Plat  
Ocean Gallery Homes Unit I

Dear Ms. Solana:

This will confirm that we will be requesting the Board of County Commissioners to waive the requirement for a performance bond in the platting of Ocean Gallery Homes, Units I and II.

The applicable ordinances grant to the Commission the authority to waive the requirement of a bond in its discretion. While we appreciate the importance of bonding roadway and utility improvements which are intended to be dedicated immediately to the County, we do not understand the requirement with respect to private roadways. It seems to us that any property owner has a right to construct roadways on his property without the unnecessary burden and expense of providing a public bond. We understand that platting gives to us the ability to sell lots before completion of the roadway and, therefore, feel that it is reasonable to expect a bond in that circumstance to protect a purchaser. In this case, however, we will specifically agree that we cannot sell any lot, nor can any building permit be pulled, except upon the completion of the roadway improvements and the filing of a certification by our engineer that the improvements meet the approved plans and specifications.

Very truly yours,

  
George M. McClure,  
For the Firm

GMM:mld