

RESOLUTION NO. 91- 129

A RESOLUTION OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA AMENDING THE DEVELOPMENT PLAN (MAP H) AND PHASING PLAN (MAP H-1); FINDING SUFFICIENT COMPLIANCE WITH RESOLUTION 82-37, THE DEVELOPMENT ORDER FOR JULINGTON CREEK AS SUBSEQUENTLY AMENDED; FINDING THAT THE AMENDMENTS DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 23, 1982 the Board of County Commissioners of St. Johns County, Florida passed and approved Resolution No. 82-37 constituting the Development Order for a development known as Julington Creek (Development Order).

WHEREAS, the Development Order has been subsequently amended by Resolutions 82-37, 82-139, 84-33, 84-53, 84-123, 84-143, 85-53, 85-150, 86-182 and 88-38.

WHEREAS, General Development Corporation, Debtor in Possession, U.S. Bankruptcy Court, 7 District, Case #90-12231-BKC-AJC, has requested amendments to the Development Order be considered by the Board of County Commissioners of St. Johns County and requested that the Board find that such modifications do not constitute a substantial deviation in accordance with subsection 380.06(19)(e)2, Florida Statutes to the terms and conditions of the Development Order as amended.

WHEREAS, the Board of County Commissioners of St. Johns County has considered the amendments requested by General Development Corporation, Debtor in Possession, U.S. Bankruptcy Court, 7th District, Case #90-12231-BKC-AJC, and finds that they do not constitute a substantial deviation.

NOW THEREFORE, be it further resolved by the Board of County Commissioners of St. Johns County that the Development Order be amended as follows:

Section 1. The Development Plan (Map H) and Phasing Plan (Map H-1) are hereby revised and attached hereto as Exhibits A and B, respectively.

Section 2. Development within Unit 9 and Unit 1, Julington Creek Subdivision shall be subject to the Bald Eagle Habitat Management Plan, Exhibit C; Map of Location, Exhibit D; and the inclusion of the conditions of Exhibit E; attached hereto.

Section 3. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Development Order as subsequently amended. All other terms and conditions of the Development Order as amended shall remain unchanged and in full force and effect.

Section 4. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida this 27th day of August, 1991.

BOARD OF COUNTY COMMISSIONERS

By: *Carl Markel*
Chairman

ATTEST: Carl "Bud" Markel, Clerk

By: *Juanita Carter*
Deputy Clerk

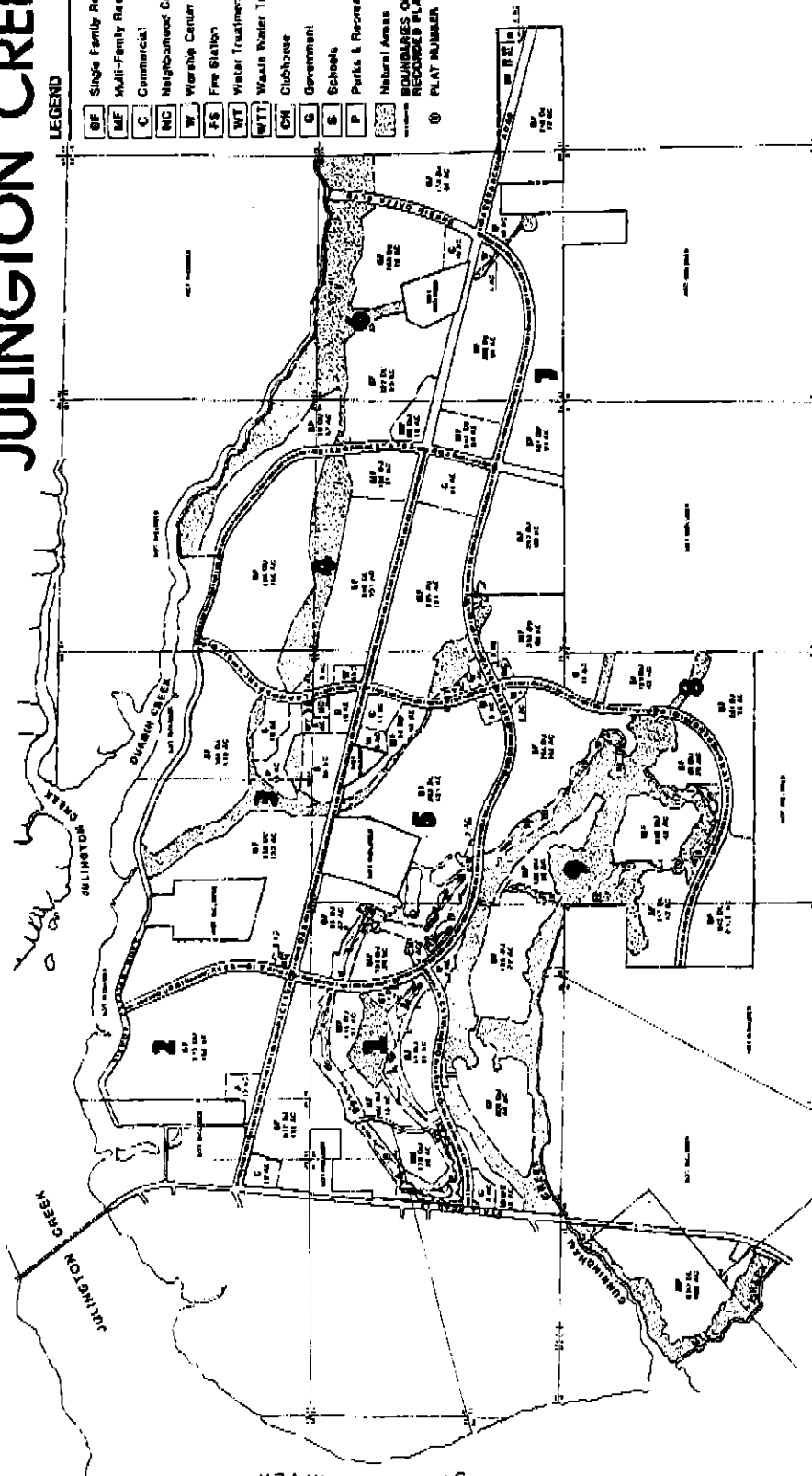
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EXHIBIT A

JULINGTON CREEK

LEGEND

SF	Single Family Residential
MF	Multi-Family Residential
C	Commercial
NC	Neighborhood Commercial
W	Worship Center
FS	Fire Station
WT	Water Treatment
WTT	Waste Water Treatment
CH	Clubhouse
G	Government
S	Schools
P	Parks & Recreation
N	Natural Areas
---	BOUNDARIES OF RECORDED PLATS
○	PLAT NUMBER



REVISED MAP IN
DEVELOPMENT PLAN



BDC

Central Development Corporation
1000 N. 10th St.
Tallahassee, FL 32301

JULINGTON CREEK
DUNN CREEK
ST. JOHN'S RIVER
COURTNEY ROAD

TABLE A
 JULINGTON CREEK
 PROPOSED PHASING SUMMARY
 COMPARED TO CURRENT AND ORIGINAL PHASING

PHASE	PROPOSED			AMENDED (1)			ORIGINAL (2)			PROPOSED CHANGE FROM ORIGINAL	
	SF	MF	TOTAL	SF	MF	TOTAL	SF	MF	TOTAL	AMENDED	ORIGINAL
PHASE I (1984-1990)	126	0	126	466	382	848	466	132	598	-722	-472
PHASE II (1991-1995)	827	481	1,308	897	439	1,336	897	304	1,201	-28	107
PHASE III (1996-2004)	4,896	3,015	7,911	4,746	2,898	7,644	4,746	3,283	8,029	267	-118
TOTAL	5,849	3,496	9,345	6,109	3,719	9,828	6,109	3,719	9,828	-483	-483

NOTES:
 (1) Resolution No. 88-38, Section 2, Revised Phasing Plan, Map H-1.
 (2) Resolution 82-37, Julington Creek Development Order.

EXHIBIT C

BALD EAGLE HABITAT MANAGEMENT PLAN
JULINGTON CREEK (UNIT 9), ST. JOHNS COUNTY, FLORIDA
JULY 1991

General Development Corporation (GDC) is developing the Julington Creek DRI, a residential community in St. Johns County, Florida. An eagle's nest was observed on the site in February, 1986, and reported to the U.S. Fish and Wildlife Service (FWS). A management plan for the bald eagle's nest was submitted to the FWS on April 8, 1986, consistent with the 1982 Guidelines of FWS, Region 4. This is an update of the previous plan following the 1987 guidelines of FWS.

NEST LOCATION AND DESCRIPTION

The nest is located approximately 350 feet south of the centerline of Davis Pond Boulevard, the entrance road to the community (see attached exhibit). In accord with the phased development of Julington Creek, the golf course has been developed in the area north of Davis Pond Boulevard and a few homes have been built near Race Track Road. No land clearing or construction has been initiated in Unit 9, the parcel that includes the eagle's nest. Unit 9 includes approximately 755 acres bordered on the west by State Route 13, and on the north by Davis Pond Boulevard; it extends south almost to the property line, and is bisected by Cunningham Creek which flows west into the St. Johns River.

The nest tree is a tall longleaf pine located approximately 250 feet south of the mowed area adjacent to Davis Pond Boulevard. Vegetation south of the tree is mixed forested lowland and pine flatwoods. Surrounding the base of the nest tree is a wetland with saturated soils and a dense understory of palmetto and shrubs. The nest platform is located about one third of the way down from the top of the branched portion of the pine. The nest is difficult to see from the main entrance road and therefore would not be expected to draw the attention of casual visitors.

HABITAT MANAGEMENT PLAN

In accordance with the January 1987 revision of "Habitat Management Guidelines for the Bald Eagle in the Southeast Region," developed by the U.S. Fish and Wildlife Service (FWS), GDC is reserving areas for protection zones around the nest as shown in the attached exhibits. While GDC recognizes that these are only guidelines, GDC will abide by the following habitat management plan in order to maintain an environment suitable for joint use by eagles and man.

PRIMARY ZONE

The primary zone is defined as the area in a radius 750 feet from the base of the eagle nest tree. Protection of this 40 acre area is considered most important to prevent disturbance to nesting eagles. GDC will implement the recommendations of FWS habitat management guidelines through the prohibition of the following activities at any time until the nest is declared inactive by FWS.

1. Residential, commercial or industrial development, land clearing, tree cutting, logging, construction and mining; and
2. Use of chemicals toxic to wildlife.

There will be no expansion of authorized human activities in the primary zone. Traffic will continue to use Davis Pond Boulevard. The drainage swales along the road will continue to be mowed and maintained to allow the drainage system to function properly. The drainage retention pond located immediately north of Davis Pond Boulevard will be maintained to preserve its function for stormwater management.

The following activities will be restricted in the primary zone during the nesting period (approximately October 1 to May 15) but not necessarily during the non-nesting season:

1. Unauthorized human entry; and
2. Helicopter or fixed-wing aircraft operation within 500 feet vertical distance or 1,000 feet horizontal distance from the nest.

GDC will continue the human activities already occurring including vehicular traffic and the uses listed above. Monitoring of the eagle's activity will continue in a manner designed to avoid interference with the nesting pair.

SECONDARY ZONE

The secondary zone is defined as an area extending outward from the primary zone an additional 750 feet. This zone encompasses 122 acres adjacent to the 40 acres of the primary zone.

Management guidelines recommend restriction of the following activities within the secondary zone:

1. Construction of multi-story buildings and high density housing development;

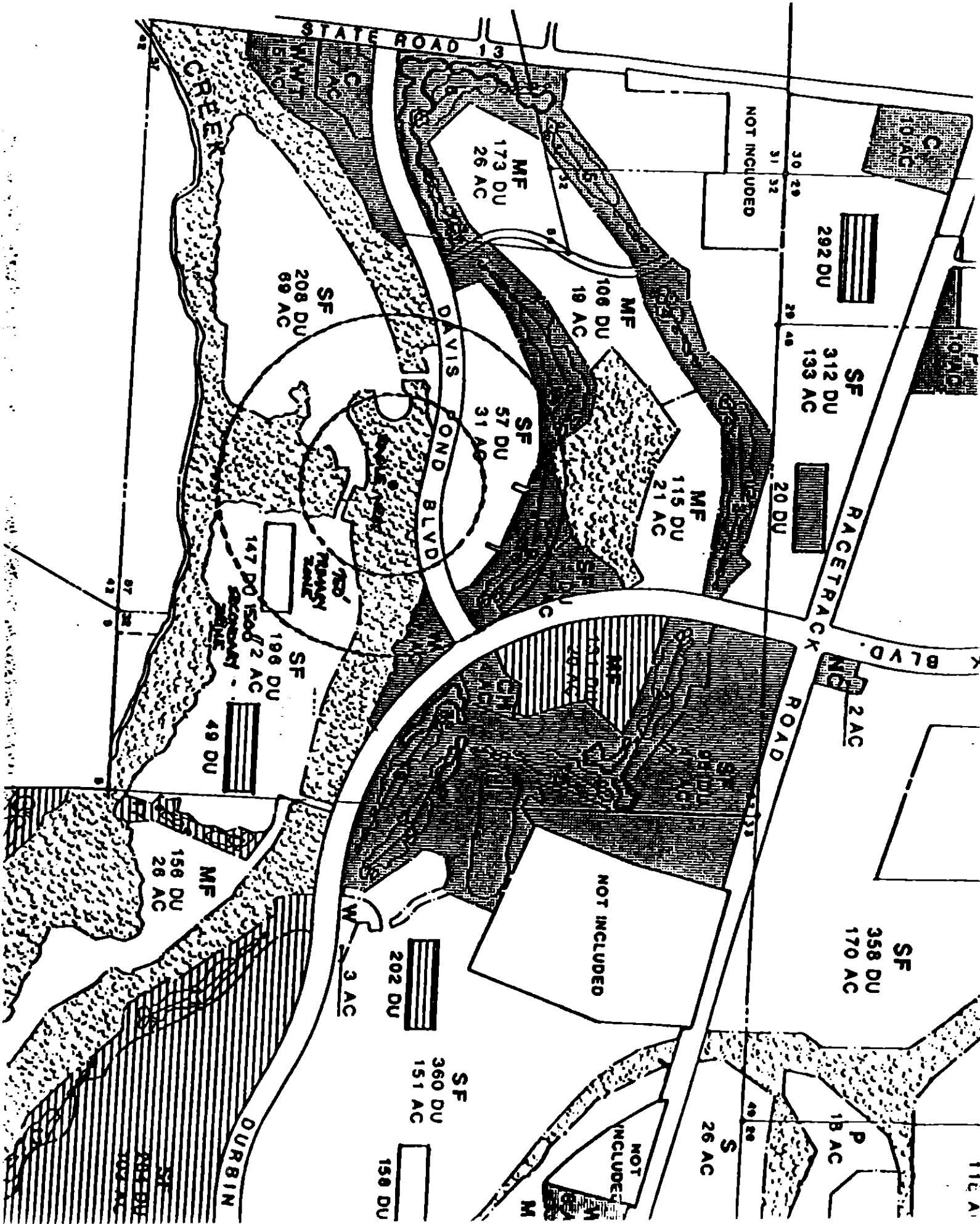
2. Construction of new roads, trails, and canals which would tend to facilitate access to the nest; and
3. Use of chemicals toxic to wildlife, such as herbicides or pesticides.

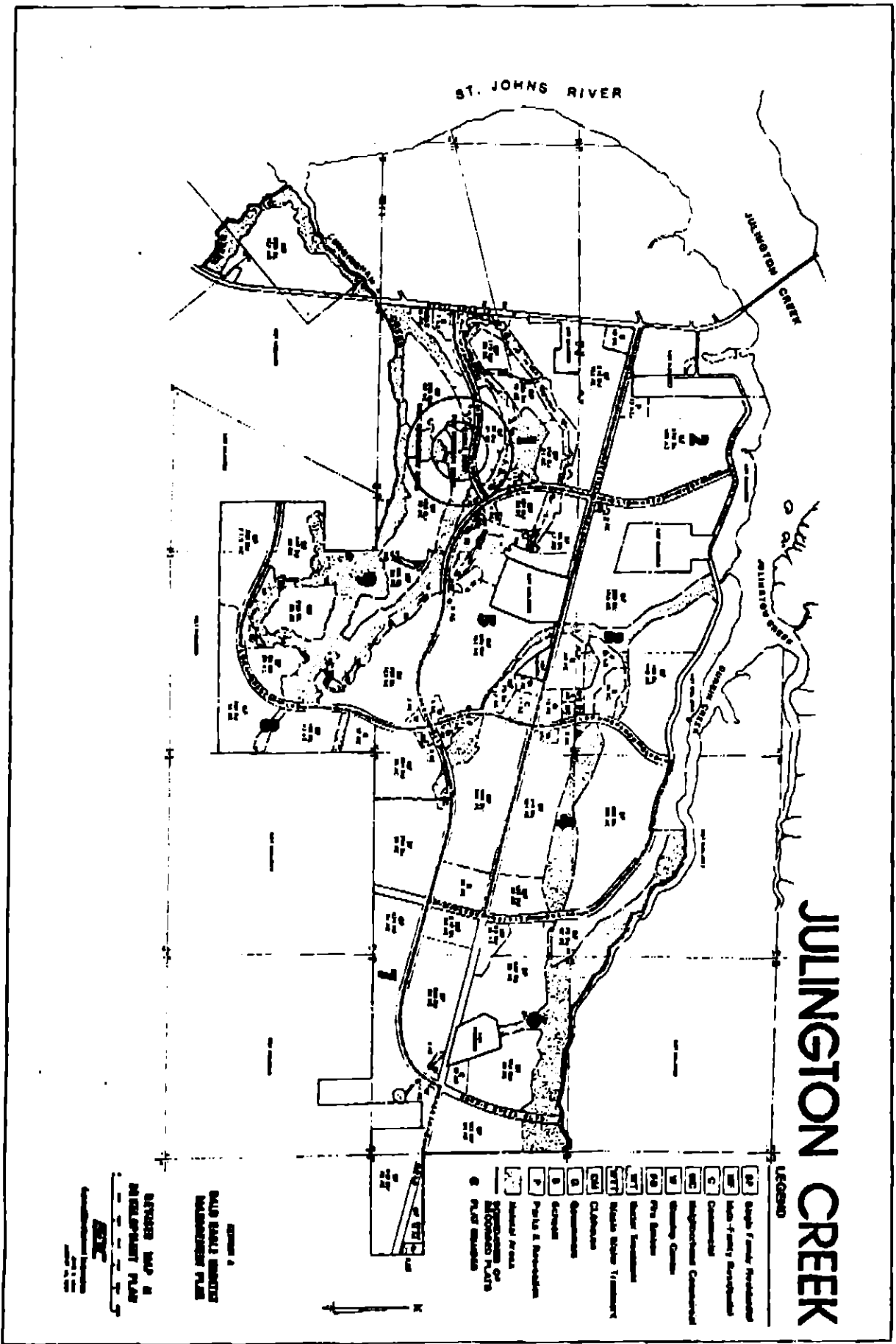
In order to continue development of Julington creek, the following activities will be permitted in the secondary zone;

1. Minor activities including hiking, birdwatching, fishing, and golfing will be allowed at any time.
2. Surveying, soils testing and well drilling, if any, will be restricted to the non-nesting season.
3. Construction of roads and drainage facilities as required to serve the development.

GDC reserves the right to modify this habitat management plan, consistent with the FWS management recommendations, as the needs of the Julington creek development change and will submit these changes to the U.S. Fish and Wildlife Service. GDC reserves the right to abandon the Habitat Management Plan and proceed with its approved land use plan for the site once the nest is deemed inactive for five years by FWS based on monitoring or two years in the event of destruction of the nest due to natural causes.

amended 8/1/91





ST. JOHNS RIVER

JULINGTON CREEK

JULINGTON CREEK

LEGEND

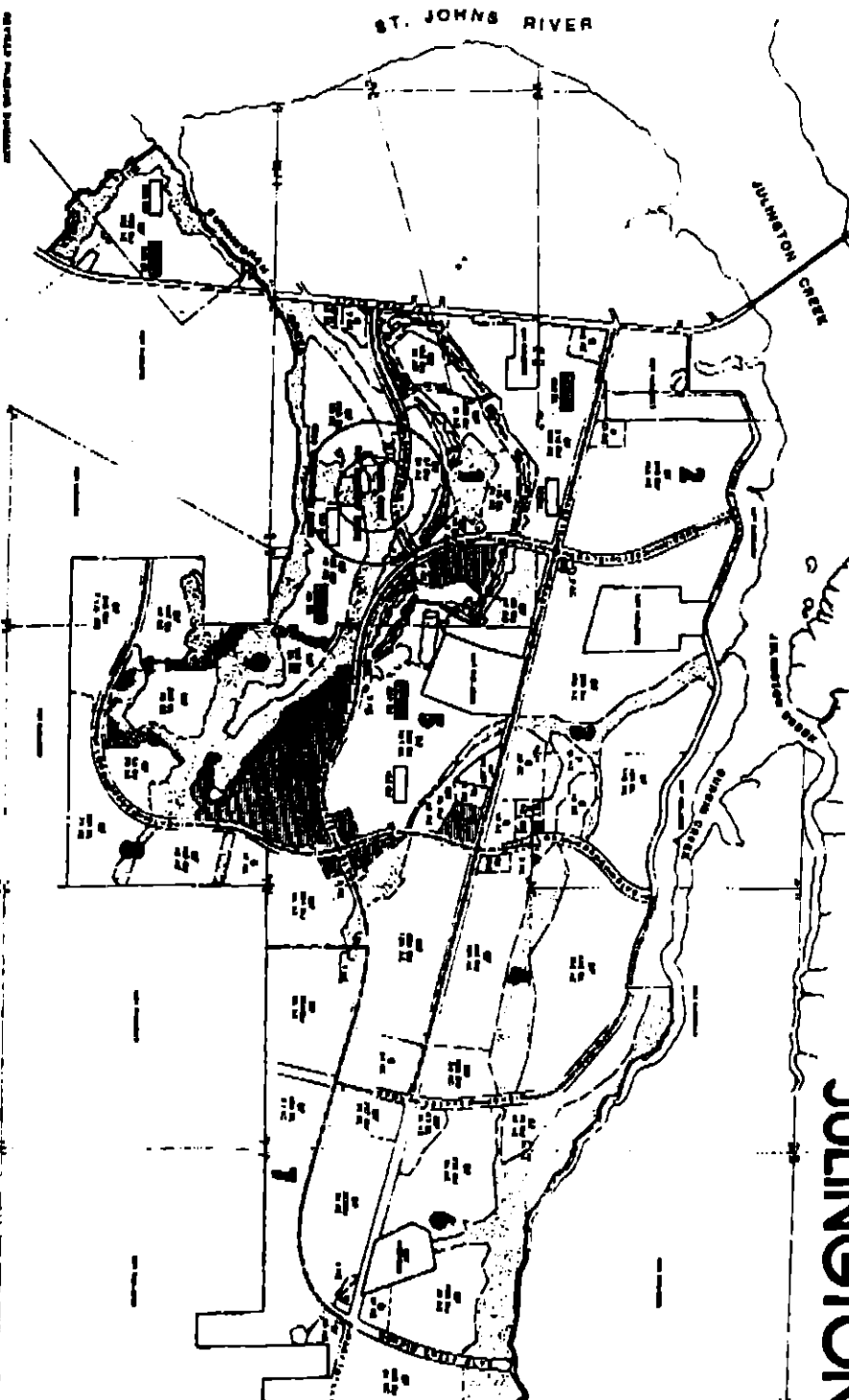
- 101 Single Family Residential
- 102 Non-Family Residential
- 103 Commercial
- 104 Independent Commercial
- 105 Shopping Center
- 106 Pub/Restaurant
- 107 Hotel/Resort
- 108 Retail Store/Tenement
- 109 Clubhouse
- 110 Warehouse
- 111 Auto
- 112 Parks & Recreation
- 113 Industrial Area
- 114 Transportation
- 115 Airport
- 116 Other

OWNER'S
SOLID BOUNDARY
RENDERING PLAN

DESIGNED AND
RENDERED BY
[Logo]

DATE: 11/11/11

JULINGTON CREEK



- LEGEND**
- 1. Office of Public Relations
 - 2. Multi-Family Residential
 - 3. Commercial
 - 4. Neighborhood Center
 - 5. Service Center
 - 6. Post Office
 - 7. Civic Building
 - 8. Public Storage Treatment
 - 9. Clubhouse
 - 10. School
 - 11. Parks & Recreation
 - 12. Area of Access
 - 13. Parking 1
 - 14. Parking 2
 - 15. Parking 3

- 16. Sewerage of
 - 17. Economic Units
 - 18. Plant Structure
- LEGEND 2**
- 1. Solid Waste Subject Management Plan

DESIGNED AND BY
ENVIRONMENTAL PLANNING
 CONSULTANTS
 1000 N. ...
 ...

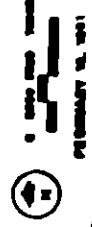
Area	Area	Area	Area	Area	Area	Area	Area	Area	Area
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50

- Boundary Line
- County Highway
- State Highway
- Water

Source: General County Map, 1960

general location

map 'a'



BHR Group Inc.

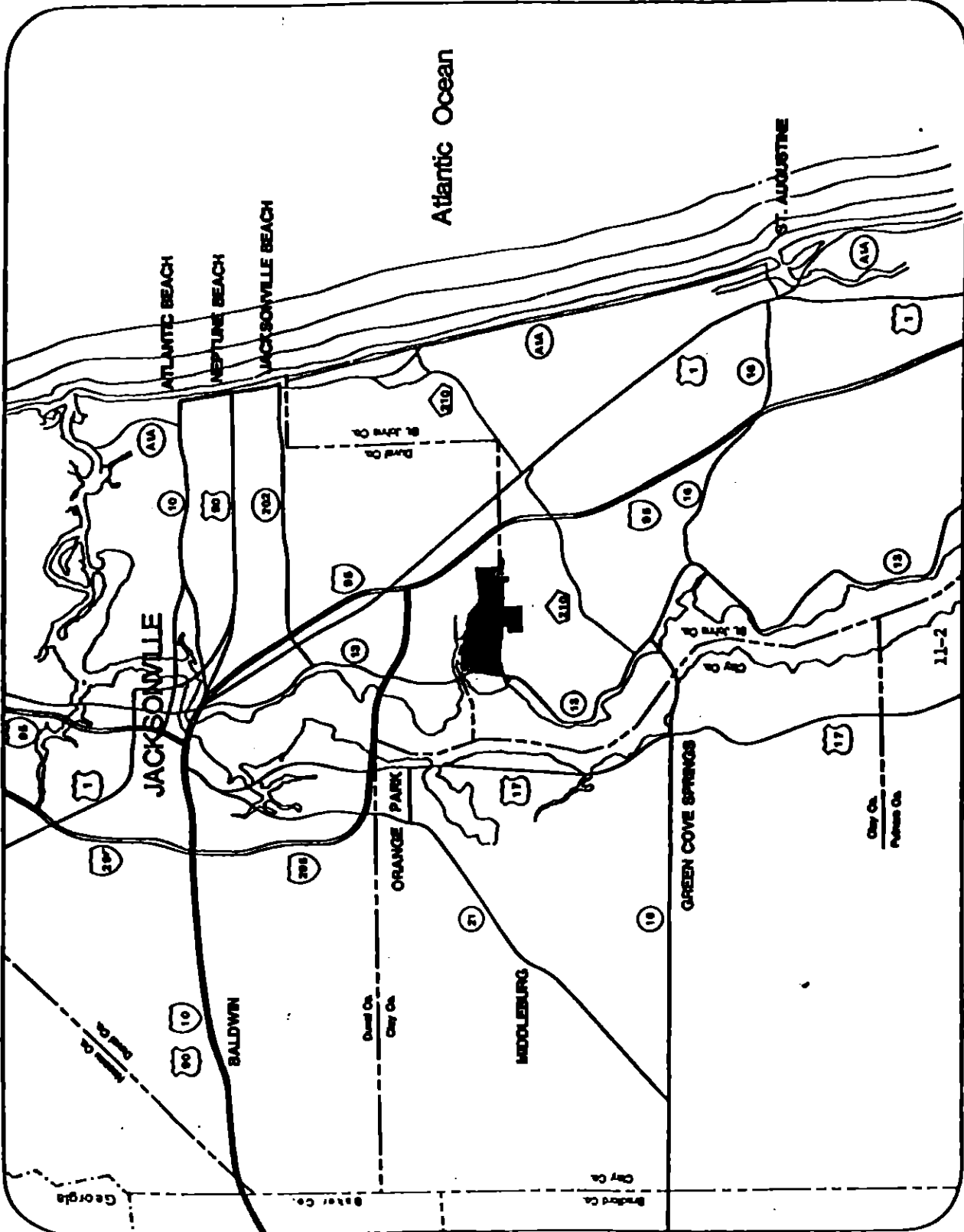


EXHIBIT D

EXHIBIT E

CONDITIONS TO RESOLUTION 91-129

1. The County requests written notification from the U.S. Fish and Wildlife Service (FWS) when the nest is declared inactive with copies to the NEFRPC and DCA.

2. Notwithstanding any conditions or statements in the bald eagle habitat management plan to the contrary, any proposal to amend the management plan or to abandon the management plan and proceed with the underlying approved land use plan or any other proposed development for the area previously covered by the management plan shall be submitted pursuant to the provisions of Paragraph 380.06 (19)(f), Florida Statutes. Such notification of change must address any impact arising from any delayed resumption of development pursuant to Subsection 380.06 (19) F.S.

3. Until the eagle's nest is declared inactive, the County shall require prior approval from the FWS for development activities listed under the Restricted Uses and for any activities not included in the Permitted Uses in the Secondary Zone as described in the "Bald Eagle Habitat Management Plan for Julington Creek (Unit 9), St. Johns County, July 1991". (Exhibit C), and as amended by Condition 5.

Prior to commencement of horizontal or vertical construction, and prior to the issuance of land clearing permits, within the primary and secondary zones, the developer shall obtain the approval of the Planning and Zoning Department to assure that the proposed development has been approved by FWS.

4. The applicant shall submit the revised Development Map (Map H) and revised Phasing Map

(Map H-1) with the Bald Eagle Management Zones and the unit boundaries imposed on each map.

5. The 395 dwelling units in Units 1 and 9 which are located within the Secondary Impact Area and which are proposed to be shifted to Phase III shall receive approval from the FWS if the eagle's nest has not been declared inactive by the FWS.

6. No building heights over 35 feet shall be permitted within the secondary zone.

The St. Augustine Record

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

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

SHERRY L. RAUCH _____ who on oath says that she is

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 a _____
DISPLAY AD

_____ in the matter of _____

NOTICE OF PUBLIC HEARING

_____ in the _____ Court,

was published in said newspaper in the issues of _____

August 12, 1991

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 has 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, Florida, for a period of one year next preceding the first publication of the attached 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.

Sherry L. Rauch
Zoe Ann Johns

Sworn to and subscribed before me _____

this _____ 13th _____ day of _____ August

A.D. 19__91

Zoe Ann Johns
(SEAL) _____ Notary Public
8/22/93

NOTICE OF PUBLIC HEARING

BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON AN APPLICATION FOR APPROVAL OF PROPOSED CHANGES TO THE JULINGTON CREEK DEVELOPMENT OF REGIONAL IMPACT

Notice is hereby given that the St. Johns County Board of County Commissioners will hold a public hearing on the proposed changes to the previously approved Julington Creek Development of Regional Impact and determine whether the proposed changes create a substantial deviation which will require further development-of-regional-impact review. If the Board determines that the proposed changes do not require further review, the Board shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change.

The hearing will be held on Tuesday, August 27, 1991 at 1:30 p.m. in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida.

The applicant, General Development Corporation, Debtor in Possession, U.S. Bankruptcy Court, 7th District, proposes to:

1. Revise the Development Plan to reflect a redesign of Unit 1 and Unit 9 which results in a decrease of 435 dwelling units in Unit 9 and a decrease of 48 units in Unit 1 caused by a wetland jurisdictional determination by the U.S. Corps of Engineers and adds 155 acres of wetlands to the development's open space.
2. Substitutes a traditional master plan with development pods for the existing master plan which reflects the actual recorded plats for Julington Creek.
3. Revise the Development Phasing to reflect the reduction in dwelling units in Unit 9; the shifting of 395 units in Units 9 and 1 to Phase III; and the reduction of 48 units in Unit 1 and shifting the remainder of the units in Phase I to Phase II.

Board of County Commissioners of St. Johns County, Florida
By: Carl "Bud" Markel, Clerk

The application is maintained in the office of Planning and Zoning, and the County Clerk's office at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida and the Julington Creek Public Library and may be examined prior to said public hearing and all parties in interest shall be granted an opportunity to be heard at said public hearing.

If a person decided to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the hearings, such person will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

