

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN
FOR RIVER OAKS PLANTATION PHASE III
LOCATED WITHIN THE PARCEL OF LAND
ZONED PUD PURSUANT TO ORDINANCE 93-43.**

Whereas, the Final Development Plan for **River Oaks Plantation Phase III** has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Ordinance; and

Whereas, it is found that:

- a. The request is consistent with the requirements of Section 8-3-2 of the Zoning Ordinance and with the requirements of PUD Ordinance 93-43; and
- b. The request received favorable review with the recommendation by the Planning and Zoning Agency at its meeting on July 6, 19 95; and
- c. The request is both consistent with the Comprehensive Plan and compatible with development patterns in the surrounding area;

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

- Section 1.** Pursuant to the request for approval of **River Oaks Plantation Phase III** made by Montgomery Land Company, in accordance with Section 8-3 of St. Johns County Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning Agency, the final Development Plan attached hereto as Exhibit "A" relating to that portion of the PUD, the legal description of which is set forth on Exhibit "A" attached hereto, and which is known as River Oaks Plantation Phase III and including the applicable sections of the Covenants and Restrictions identified as Exhibit "C" and a list of those sections of the Covenants specifically incorporated into the Final Development Plan, which list is identified as Exhibit "D" and the General Development Utilities, Inc. availability letter dated May 30, 1995 identified as Exhibit "E", are hereby approved in reliance therein and on the findings of fact above which are incorporated herein by reference, and in accordance with the representation and statements made therein and in the Final Development Plan Narrative attached hereto as "Exhibit B".

Section 2. a.) Except to the extent that they conflict with specific provisions of the approved development plan or P.U.D Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance shall take precedence over a Federal, State or County Statue, Ordinance, Regulation, Rule or Resolution except as such precedence is specifically provided for and described in the Ordinance or the incorporated PUD narrative.

b.) Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida Law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the Applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

Section 3. The developer may not commence land clearing, site preparation or construction of improvements shown on the Final Development Plan attached as Exhibit "A" until:

a.) Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including but not limited to United States Army Corps of Engineers Dredge and Fill Permits, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Management District, Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits.

- b.) Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11;
- c.) Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance No. 86-4; and
- d.) Compliance with all other applicable land use and development regulations of St. Johns County.

Section 4. No lots shall be conveyed within the subdivision depicted on the Final Development Plan attached as Exhibit "A" until a final plat has been approved by the Board of County Commissioners of St. Johns County and recorded in the Public Records of St. Johns County, and Declaration of Covenants and Restrictions of **River Oaks Plantation Phase III** is recorded in the Public Records of St. Johns County, Florida.

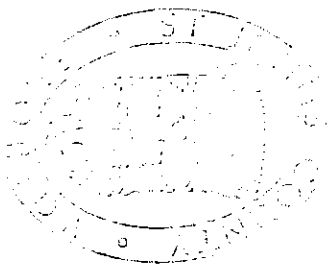
Section 5. All attachments included herein are incorporated and made a part of Resolution 95-140.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

Adopted this 22nd day of

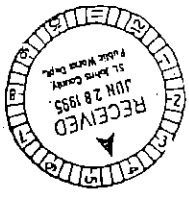
August, 1995

By: Barbara Ward
Its Chairman



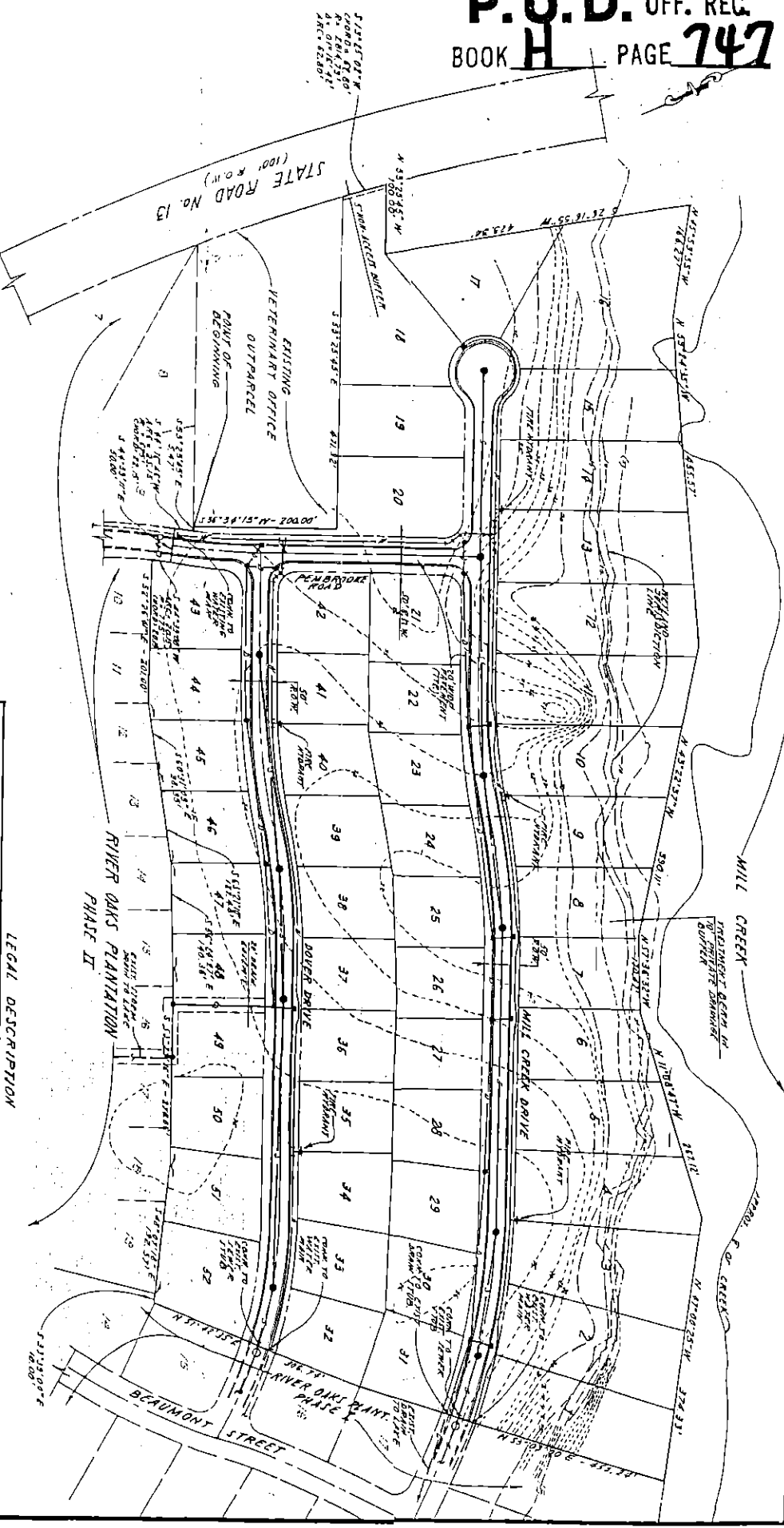
ATTEST: Carl "Bud" Markel, Clerk

By: Juanne Carter
Deputy Clerk



JUN 28 1995

RIVER OAKS PLANTATION
PHASE III
WITHIN JULINGTON CREEK PLANTATION DR1
FOR: MONTGOMERY LAND COMPANY, INC
ST. JOHNS COUNTY, FLORIDA
FINAL DEVELOPMENT PLAN



LEGAL DESCRIPTION

A portion of the United States Government land within the boundaries of the State of Florida, County of St. Johns, and the town of Julington Creek, Florida, being more particularly described as follows, to-wit:

5.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.000 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

4.500 acres, more or less, of the River Oaks Plantation, being a portion of the Julington Creek Plantation, and being more particularly described as follows, to-wit:

DESIGNED BY M. BOYER

| | |
|------------|-------------|
| DRAWN BY | C.T. |
| CHECKED BY | V.J. DASH |
| SCALE | 1" = 100' |
| DATE | APRIL, 1995 |

PROJECT NO 3203-217-30-1

REGISTERED ENGINEER

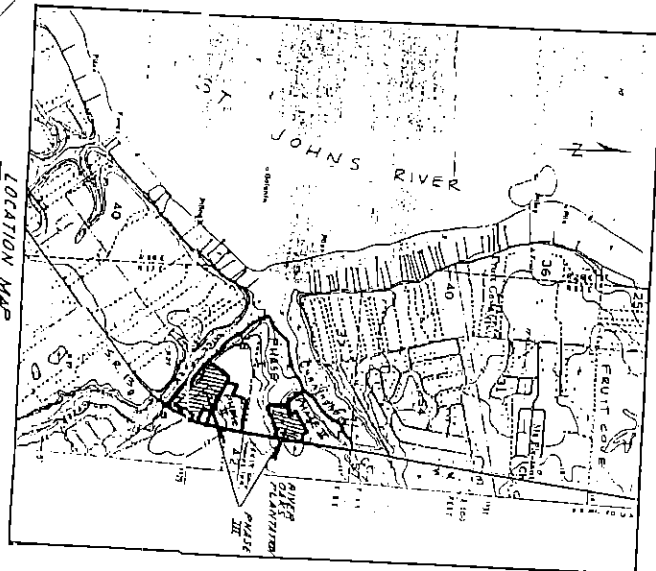
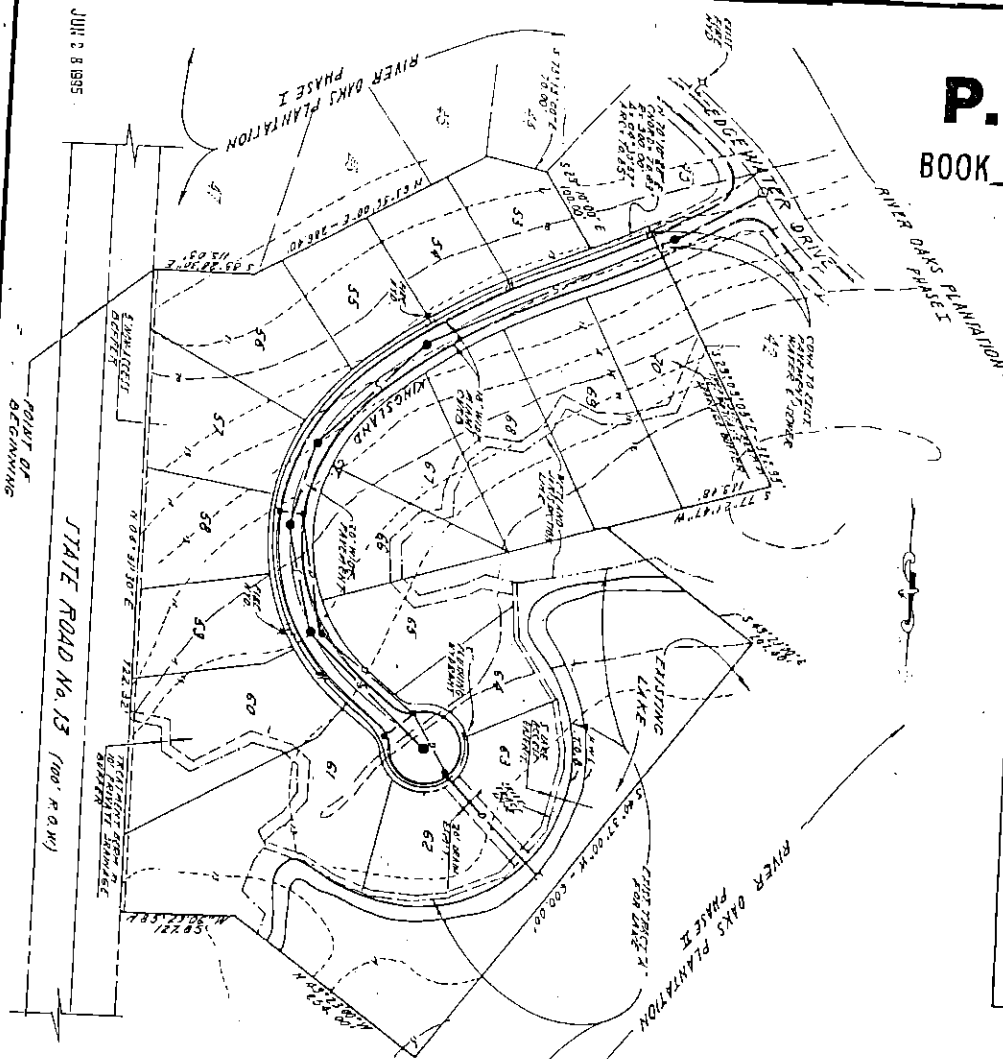
| NO. | DATE | REVISIONS | DESCRIPTION |
|-----|------|-----------|-------------|
| | | | |
| | | | |
| | | | |
| | | | |

EXHIBIT "A"
TO THE RESOLUTION

Hill, Boyer & Associates, Inc.
6350 BELFORT OAKS PLACE SUITE 101
JACKSONVILLE, FLORIDA 32216
904-231-1121
CIVIL ENGINEERS / LAND PLANNERS

LEGAL DESCRIPTION

A PORTION OF THE VILLAGE MARKET GARDEN, SECTION 11, TOWNSHIP 4 SOUTH, RANGELAND 431 EASTING, FOR THE PURPOSES OF ZONING AND BEING MORE SPECIFICALLY DESCRIBED AS LOTS 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



DENSITY CALCULATION
1. TOTAL PHASE III AREA TO BE PLANNED 364 AC
2. No. OF LOTS 76 LOTS
3. DENSITY 192 LOTS/ACRES

- 6" P.C. MANHOLE WITH 3" DIA. RISER
- 18" STORM SEWER PIPE WITH INVERT
- WATER MAIN WITH VALVE & TRAP SYMBOL
- - - - - EXISTING CENTERLINE
- - - - - WETLAND CONSIDERATION LINE

SHEET 2 OF 2
DRAWING NO. 2
RELASED FOR CONSTRUCTION

RIVER OAKS PLANTATION PHASE III
WITHIN JULLINGTON CREEK PLANTATION DR. I
FOR: MONTGOMERY LAND COMPANY, INC.
ST. JOHNS COUNTY, FLORIDA
FINAL DEVELOPMENT PLAN

JUN 2 8 1995

Hill, Boring & Associates, Inc.
6930 BELFORT OAKS PLACE SUITE 101
JACKSONVILLE, FLORIDA 32216
312-281-1121

DESIGNED BY: M. DYER
DRAWN BY: C.T.
CHECKED BY: W.J. ADAMS
SCALE: 1" = 100'
DATE: APRIL 1995
PROJECT NO: 3303-20-30-1

| NO. | DATE | REVISIONS DESCRIPTION |
|-----|------|-----------------------|
| | | |
| | | |

REGISTERED ENGINEER

EXHIBIT "A" TO THE RESOLUTION

EXHIBIT "B"

FINAL DEVELOPMENT PLAN FOR

P. U. D. OFF. REC.
BOOK H PAGE 749

RIVER OAKS PLANTATION
PHASE III

WITHIN THAT PORTION OF THE PUD 93-43

NAMED JULINGTON CREEK

MONTGOMERY LAND COMPANY
April 10, 1995

Montgomery Land Company hereby submits, for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, the "Final Development Plan" for a single family subdivision to be known as "River Oaks Plantation Phase III". The Final Development Plan consists of a two page map identified as Exhibit "A" to the Resolution (the "Map"), which includes a legal description of the site, and this text identified as Exhibit "B" to the Resolution (the "Text"), copies of the applicable sections of the Covenants and Restrictions identified as Exhibit "C", and a list of those sections of the Covenants specifically incorporated into the Final Development Plan, which list is identified as Exhibit "D" to the Resolution.

The property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 93-43 and known as Julington Creek. The area encompassed by this Final Development Plan is located along the west side of S.R. 13. River Oaks Plantation (Phase III) will contain 71 single-family lots.

Prior to commencement of land clearing, site preparation, or construction of any improvements depicted on the Map, the Developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance 90-11 and (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with 86-4; (d) Comply with all other applicable land use and development regulations of St. Johns County. Once the foregoing conditions to construction have been met, the developer may proceed to construction of horizontal improvements prior to approval and recording of a final plat.

No lot within the Subdivision shall be conveyed until a final plat has been approved by the Board of County Commissioners of St. Johns County, Florida, and recorded in the Public Records of St. Johns County, and the Declaration of Covenants and Restrictions for River Oaks Plantation Phase III have been recorded in the Public Records of St. Johns County.

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its powers to review and approve plats and replats under Section 177.071 of the Florida Statutes). Those sections of the covenants which are specifically referenced herein are incorporated by reference in the Final Development Plan and shall not be amended without the approval of the Board of County Commissioners of St. Johns County. The developer reserves the right to alter, amend, or allow to be amended all other sections of the covenants.

In accordance with the procedure established in Section 8-3, "Implementation of a PUD", the attached Final Development Plan prepared by Hill, Boring & Associates, Inc., and the

following text regarding compliance with Section 8-4, are submitted for your consideration.

8-4-1 Density of Development

P. U. D. OFF. REC.
BOOK H PAGE 751

The density of development in River Oaks Plantation Phase III will be 1.95 units per acre. The total ground area occupied by the residential buildings and structures in the subdivision shall not exceed 35 percent of the total ground area committed to residential use.

8-4-2 Open Space

A total of 7.63 acres of open space, including the Phase III portion of the stormwater lake and 5.59 acres of jurisdictional wetlands within the Phase III boundary, are shown on the map (Exhibit "A"). Tract "A", as shown on the Map, encompasses the lake. A part of this tract lies outside of the Phase III area within the existing Phase II area. None of the Phase III wetlands are included within Tract "A". Also, the lakes and other open space existing and planned for the Julington Creek PUD as a whole will provide ample open space within and outside the boundaries of the subdivision. The entry sign and the recreation center, approved as a part of Phase I, and the common landscape features within River Oaks Plantation will be maintained by a Homeowners' Association whose membership will include all lot owners within all phases of River Oaks Plantation.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria and Use Restriction

All development which is to occur within the subdivision will comply with the spirit and intent of the Zoning Ordinance. A maximum of two temporary construction trailers may be utilized within the subdivision during the construction period. There will be no more than 71 residences in this phase of the Subdivision. A minimum 25 foot front setback line and a minimum 7.5 foot side setback line for each building parcel will be required except that no two dwellings will be closer together than 15 feet as measured between the limits of the roof overhangs. Rear setback lines will be 10 feet minimum. Minimum lot sizes will be 11,000 square feet. A garage will be required for each unit. Pools, decks, fences, spas and sheds will be permitted in accordance with restrictions imposed by the Architectural Review Committee. The setback allowable for pools, decks, spas and sheds will conform to the setbacks allowable for single-family dwellings except for locational restrictions regulated by the Architectural Review Committee. The proposed River Oaks Plantation Homeowners Association Architectural Review Committee will review and approve all buildings prior to issuance of a building permit by St. Johns County.

8-4-4 Project Size

The three-phase entirety of River Oaks Plantation will comprise approximately 120 acres. The Phase III area shown on this Final Development Plan comprises approximately acres and 71 lots. All lots will be a minimum of 11,000 square feet with a minimum of 100 feet except on cul-de-sacs.

8-4-5 Support Legal Documents For Open Space

The covenants shall provide adequate management and maintenance of all common areas encompassed by this Final Development Plan.

- a. As stated in the Covenants, ARTICLE III, Section 1, Title to the Common Areas and Owner's Easements of Enjoyment, and Section 4, Transfer of Title, the Covenants shall provided for conveyance of title to the Common Property to , and ownership by, the appropriate Homeowners Association as described above, which shall be a dully constituted and legally responsible community association.
- b. The Covenants shall appropriately limit use of the Common Property by inclusion of a provision in ARTICLE IV, Section 1, General, and ARTICLE IX, Section 1, Uses of Stormwater Management System.
- c. As stated in the Covenants, ARTICLE IV, Section 1, General, the Covenants shall assign responsibility for the maintenance of the Common Property to the appropriate Homeowner's Association.
- d. The Covenants shall place responsibility for enforcement of the Covenants contained therein upon the appropriate Homeowners Association and its Board of Directors. References to enforcement are found in the Covenants, ARTICLE V, Section 1, Creation of Lien and Personal Obligations; Section 2, Annual General Assessment; Section 3, Special and Emergency Assessment; Section 4, Lot Assesment; Section 5, Commencement of General Assessments; Section 6, Effect of Nonpayment and Remedies of the Association; Section 7, Certificate; and Article VII, Sectio 25 Enforcement.
- e. The covenants shall permit the subjection of each lot to assesment for its proportionate share of maintenance costs by inclusion of a provision in the Covenants, Article V, Section 1, Creation of Lien and Personal Obligations; Section 2, Annual General Assesments; Section 3, Special and Emergency Assesments; Section 5, Commencement of General Assesments; and Section 6, Effect of Nonpayment and Reedies of the Association.

8-4-6 Access

As graphically depicted on the Final Development Plan, each lot is provided vehicular access within the Property via the proposed roads which will be dedicated to St. Johns County for ownership and maintenance. No individual lots will access State Road 13.

8-4-7 Privacy

Each dwelling will be provided visual and acoustical privacy by virtue of lot sizes and architectural control of the subdivision by the Architectural Review Board. Landscaping, both planted and retained native vegetation, shall be provided for the protection and aesthetic enhancement of the Property, and to screen objectional views and reduce noise.

8-4-8 Community Facilities

- a. None of the utility facilities serving the Property are proposed for dedication to St. Johns County; therefore the provisions of subparagraph "a" are inapplicable.
- b. All requirements for off-street parking and loading set forth in Article 9 of the St. Johns County Zoning Ordinance are addressed specifically in Section 9-3-1 (below).
- c. The Final Development Plan illustrates the anticipated traffic flow pattern. Sufficient space has been allowed to permit access of fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal. Location of fire hydrants and water and sewer lines serving the Property are also depicted on the Final Development Plan. The fire hydrants to be installed pursuant to this Final Development Plan shall meet County standards and must be approved by the County Fire Coordinator prior to issuance of certificates of occupancy for any structure to be served by such hydrants. The fire hydrants and water distribution system will be owned and maintained by the Utility Company serving the site, both initially and long term.
- d. All utilities serving the Property, including telephone, power, cable television, sewer lines, and water lines will be installed underground. The signed and sealed construction plans shall show the location and design of the storm sewer facilities serving the Property and the grading and topography of the site. The storm sewer facilities shall comply with all applicable requirements of law including, but not limited to the requirements of Ordinance 86-4 and shall facilitate proper drainage of storm waters and prevent erosion and the formation of dust.
- e. Specifications for all streets and roadways depicted on the Final Development Plan and which shall be dedicated to St. Johns County, shall conform to the rules and regulations of St. Johns County Board of County Commissioners, with the exception that a request for a variance be granted to allow for the construction of 18 inch wide "Miami"-type curb and gutter in lieu of 24-inch wide County standard curb and gutter. No structure (except for fencing) shall be built within 100 feet of the present centerline of the right-of-way of S.R. 13. A masonry fence will be

allowed at the western perimeter of the S.R. 13 right-of-way. However, should additional right-of-way be required by F.D.O.T., the fence shall be removed or relocated at the Developer's expense. No residential driveways from this PUD shall open onto S.R. 13.

- f. Signs - No signs will be installed as a part of Phase III development other than a small sign of four square feet maximum to identify each model home, traffic signs, or street signs, as may be deemed necessary.
- g. Temporary Uses - It is expected that model homes will be constructed. A maximum of two temporary construction trailers will be utilized on the site only during "horizontal" construction of the Phase III area of the P.U.D. construction. Trailers will be removed within thirty days after issuance of certificate of occupancy. Parking will be allowed in the model home driveways only. Sales offices will exist in the proposed model homes.
- h. Maximum Height - No building unit in the subdivision shall be taller than the maximum height allowed in the Zoning Ordinance (for detached single-family homes) or thirty five (35') feet.
- i. Sidewalks - Sidewalks will not be constructed as a part of this phase.

9-1-1 Drainage

The drainage system for the Property will prevent damage to abutting parcels and streets and is graphically depicted on the Final Development Plan. Specific drainage plans for each lot upon which a residence is to be constructed will be submitted to and reviewed by the Architectural Review Committee prior to commencement of construction to insure consistency with this general drainage plan. All necessary easements for drainage shall comply with the requirements of 86-4 and shall be depicted on the Final Plat. The construction plans must be reviewed and approved by the St. Johns County Engineering Department prior to commencement of land clearing, site preparation, or construction. The proposed lake will be contained within a tract to be owned and maintained by a Homeowners Association.

9-1-2 Separation From Walkway and Street

No combined off-street parking or loading facilities will be constructed on the Property.

9-1-3 Entrance and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications.

9-1-4 Interior Drives

As shown on the Final Development Plan, Exhibit "A", interior drives (roadways) will be asphalt-paved at a width of 20-feet wide, with "Miami"-type curb and gutter on each side of each roadway. A variance from St. Johns County Ordinance 86-4 is requested to allow the construction of 18-inch wide "Miami"-type curb and gutter in lieu of 24-inch wide curb and gutter.

9-1-5 Marking of Parking Spaces

As shown on the Final Development Plan, there will be no off-street parking spaces other than the private driveways.

9-1-6 Lighting

Lighting within the Property will meet or exceed the minimum requirements of St. Johns County. The lighting shall be designed and installed to minimize glare on adjacent property.

9-1-7 Screening

Section 9-1-7 does not apply because there will be no parking spaces for ten or more vehicles in any one location on the Property.

9-2 Location

The required off-street facilities, consisting of driveways and garages, as described in Section 9-3-1 below, will be located upon the same parcel of land they are intended to serve.

9-3-1 Off-Street Loading Requirements

This section does not apply to residential developments.

DEVELOPER: MONTGOMERY LAND COMPANY

AGENT: Michael R. Boyer

Michael R. Boyer

EXHIBIT "C"

P.U.D. OFF. REC.
BOOK H PAGE 756

**DECLARATION OF COVENANTS
AND RESTRICTIONS FOR
RIVER OAKS PLANTATION PHASE III
WITHIN THAT PORTION OF
THE PUD 93-43 NAMED
JULINGTON CREEK**

EXHIBIT "D"

P. U. D. OFF. REC.
BOOK H PAGE 757

LIST OF SECTIONS OF DECLARATIONS
OF COVENANTS AND RESTRICTIONS FRO
RIVER OAKS PLANTATION PHASE III

WITHIN THAT PORTION OF
THE PUD 93-43 NAMED
JULINGTON CREEK

SECTION

TITLE

| | |
|----------------|--|
| 1. ARTICLE III | OWNER'S RIGHTS |
| 2. ARTICLE IV | ASSOCIATION |
| 3. ARTICLE V | COVENANTS FOR MAINTENANCE ASSESSMENTS |
| 4. ARTICLE VII | GENERAL PROVISIONS |
| 5. ARTICLE IX | STORMWATER MANAGEMENT SYSTEM |



EXHIBIT 'E'

AN ATLANTIC GULF COMMUNITY CORPORATION SUBSIDIARY

2601 SOUTH BAYSHORE DRIVE
MIAMI, FL 33133-5461

(305) 859-4331

May 30, 1995

Mr. Mitchell Montgomery
Montgomery Land Company
707 Mill Creek Road
Jacksonville, FL 32225

P. U. D. OFF. REC.
BOOK H PAGE 758

Re. Mill Creek Parcel - Unit 10 (Now Known as "River Oaks Plantation") at Julington Creek P.U.D./D.R.I.; St. Johns County, Florida

Dear Mr. Montgomery:

Subsequent to your previous application for water and sewer service for the above referenced project, your letter of April 28, 1993, and subsequent conversation decreasing the number of single family units from 221 to 212, General Development Utilities, Inc. (GDU) has and will provide water and sewer service to your project as outlined. We understand that the 212 units will be constructed in three phases as follows:

- Phase I 68 lots (previously constructed) Utility Service Agreement Dated 11-19-93
- Phase II.....74 lots (under construction) Utility Service Agreement Dated 1-27-95
- Phase III..... 70 lots (to be constructed in 1995- 1996)

Total: 212

In accordance with the information provided we have calculated the following connection charges for the remaining 70 units at the current rates. If these rates change before the connection is made, the new rates will be applied.

| | |
|--------------------------------|---------------|
| Water Plant Capacity Charge | \$ 3,500.00 |
| Water AFPI Charge | \$ 31,360.00 |
| Sewer Plant Capacity Charge | \$ 3,500.00 |
| Sewer AFPI Charge | \$ 104,790.00 |
| <hr/> | |
| Total Water and Sewer Charges: | \$ 143,150.00 |

A monthly Guaranteed Revenue Charge of \$7.95 for each unit , not connected , will also be assessed twelve months after the execution date of he Utility Agreement.

At the time each unit is connected, payment of the current water meter connection charge will be made to the Utility. At present this charge is 240.00 per unit for a 5/8" x 3/4 " meter and is not included in the calculation above.

The installation of the on-site water distribution and sewer collection system for this project and conveyance of these facilities to GDU for operation and maintenance upon completion of construction shall be the responsibility of the Developer.

The Developer has also been required to advance funds for the construction of the connecting water line and sewer force main to serve the project. The cost of the lines is \$ 164,258.31. The Developer will be reimbursed as units within the development connected, ie. $\$164,258.31/212$ units = \$774.80/per unit.


GDU will make reimbursements in January of each year for those units connected during the previous twelve (12) month period. Such reimbursement costs would terminate seven (7) years from and after the execution date of the Utility Service Agreement.

This shall not be construed as a commitment to provide service until a Service Agreement has been fully executed and all necessary approvals and permits from all required regulatory bodies have been obtained by the developer.

For your information the GDU Julington Creek Water Treatment Plant has a rated capacity of 0.40 MGD and the Wastewater Treatment Plant has a rated capacity of .25 MGD.

If you have any questions, please call me at (305) 768-0305.

Very truly yours,


Buddy Betschart
Division Director

STATE OF FLORIDA

COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
BOOK H PAGE 760

I, CARL 'BUD' MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

RESOLUTION NO. 95-140

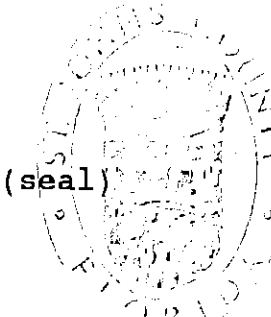
adopted by the Board of County Commissioners of St. Johns County, Florida at a regular meeting of said Board held August 22, 1995

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 8th day of September, 1995.

CARL "BUD" MARKEL
CLERK OF THE CIRCUIT COURT
Ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida

By: Patricia DeGrande
Patricia DeGrande, Deputy Clerk



FILED AND RECORDED
95 SEP -8 PM 3:21

Carl "Bud" Markel
CLERK OF CIRCUIT COURT