

1

**AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS**

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

10/6/2020

BCC MEETING DATE

TO: Hunter S. Conrad, County Administrator **DATE:** September 14, 2020

FROM: Taylor Lewis, Application Review Supervisor **PHONE:** 209-0603

SUBJECT OR TITLE: PLAT 2020-28 Staci's Acres (Replat)

AGENDA TYPE: Ex Parte Communications, Public Hearing, Resolution

BACKGROUND INFORMATION:

The subject of this Resolution is Final Plat approval for Staci's Acres (Replat). The subject property is located south of State Road 16 and west of Pacetti Road. These lots are not part of a Planned Unit Development. This project is located within Commissioner District 2. This proposed replat will create one lot consisting of one acre and one lot consisting of four acres from a currently vacant five acre lot. A single family home is proposed for the one acre lot and the four acre lot will remain vacant. No new roads or infrastructure are proposed within this plat. A Required Improvements Bond for construction is not required. A Required Improvements Bond for maintenance is not required. Water and sewer will be provided by St. Johns County.

1. IS FUNDING REQUIRED? No **2. IF YES, INDICATE IF BUDGETED.** No
IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:
INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

[APPROVE] Motion to adopt Resolution 2020-_____, approving the final plat for Staci's Acres (Replat).
[DENY] Motion to deny PLAT 2020-28 Staci's Acres (Replat).

For Administration Use Only:
Legal: ACM 9/21/2020 **OMB:** N/A **Admin:** Joy Andrews 9/22/2020



Growth Management Department

OPERATIONS DIVISION REPORT

Application for Plat Approval

File Number: PLAT 2020-28 Staci's Acres (Replat)

To: St. Johns County Board of County Commissioners

From: Tayler Lewis, Application Review Supervisor

Date: September 14, 2020

Subject: **PLAT 2020-28**, Request to replat one (1) 5-acre parcel into two (2) lots.

Owners: **Lynda Kirker, as Trustee of the Eugene A. Kirker Living Trust u/t/a** dated 12/02/97

Applicant Rep: Barbara Kirker

Hearing date(s): Board of County Commissioners – September 01, 2020
Board of County Commissioners – October 06, 2020

Commissioner District: District 2

MAP SERIES

Location:

The subject property is located south of State Road 16 and west of Pacetti Road within Mill Creek Estates. These lots are not part of a Planned Unit Development. The project is located within Commissioner District 2.



MAP SERIES CONT'D

Future Land Use:

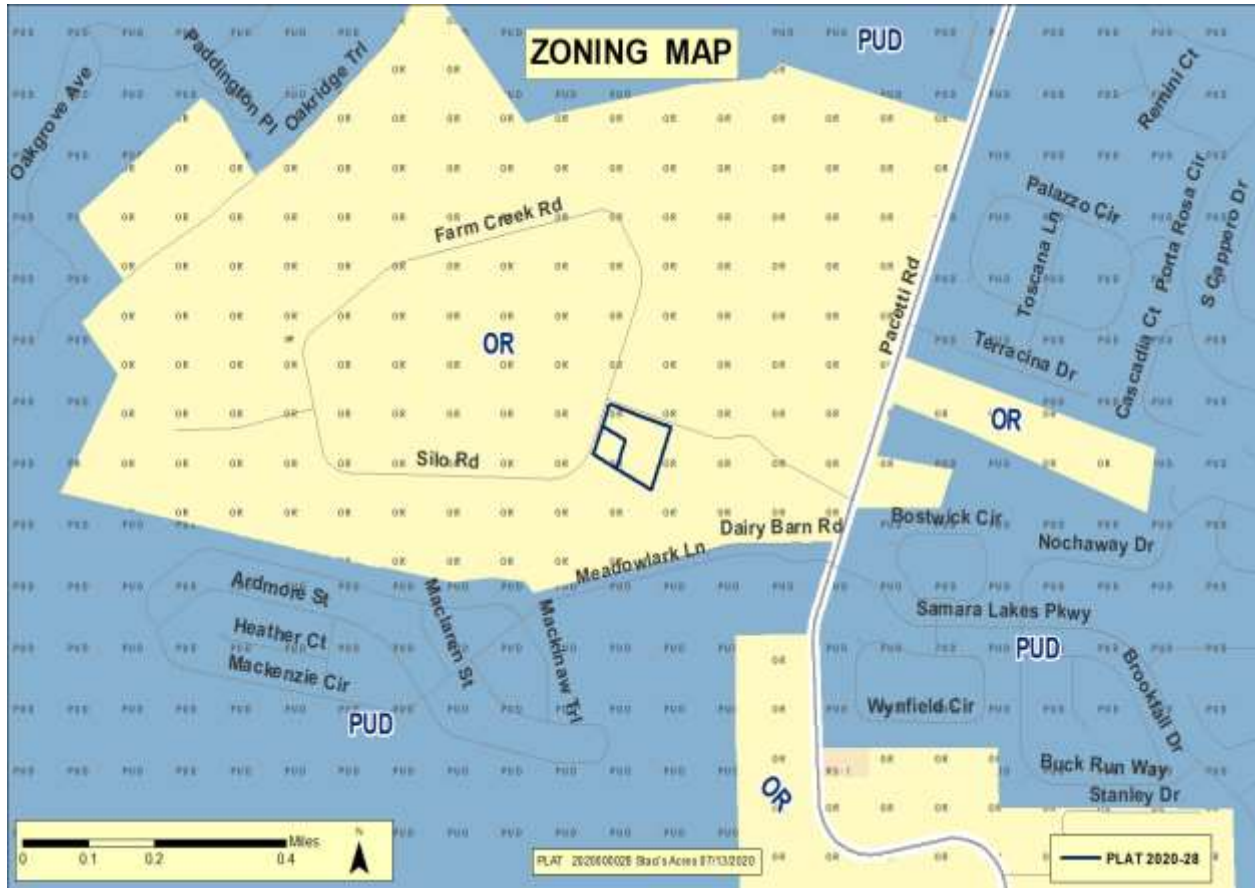
The subject property is designated Residential-A on the Future Land Use Map.



MAP SERIES CONT'D

Zoning District:

The subject property is zoned Open Rural (OR). Surrounding areas are zoned as a Planned Unit Development (PUD).



MAP SERIES CONT'D

Aerial Imagery:

The subject property is 5.0 acres in size and is located at the corner of Silo Rd and Farm Creek Rd, where it will have vehicular access on Silo Rd. The frontage for the overall five (5) acre parcel is 285.0 feet and is currently platted into one (1) lot. The proposed frontage of the one (1) acre lot will be 144.60 feet, and the remaining vacant four (4) acre lot will be 140.40 feet. There are no wetlands located on the property. There are single family dwellings surrounding the property to the north, south, east and west, and the existing pattern of development indicates a mixture of residential and accessory family uses throughout the subdivision.



APPLICATION SUMMARY**Narrative:**

The applicant is seeking to replat lot 33, as shown on the map of Mill Creek Estates as recorded in Map Book 14, Pages 104 through 106, of the public records of St. Johns County, Florida.

This replat consists of five (5) acres and two lots. One lot will consist of one (1) acre and one lot consist of four (4) acres from a currently vacant five (5) acre lot. A single family home is proposed for the one (1) acre lot and the four (4) acre lot will remain vacant.

Staff finds that the two proposed lots within this plat comply with the minimum zoning, land use, and access requirements as per the Land Development Code and Comprehensive Plan. No new roads or infrastructure are proposed within this plat.

Site Characteristics and Density:

The subject property falls within the Residential-A (RES-A) Future Land Use Category which allows up to one (1) unit per net acre of land. The proposed replat consists of one, one (1) acre lot and one, four (4) acre lot. Staff finds that this replat is consistent with the Comprehensive Plan Residential-A designation.

CORRESPONDENCE/PHONE CALLS

After sign placement for public notification, the Operations Division received phone calls and correspondence via email regarding the division and replat of lot 33. While some calls were general in nature, a few communicated concerns regarding a possible restriction in the Declaration of Restrictive Covenants for Mill Creek Estates that might prohibit the subdivision of lots to less than five (5) acres.

After submittal of the staff report but prior to the first hearing of this replat, two public records requests were completed and two neighboring resident petitions were submitted in-person to the Operations Division, as well as external emails requesting application denial. Further constituent correspondence pertaining to this application will be provided prior to the hearing.

Following the Board of County Commissioners hearing on September 01, 2020, email correspondence and phone calls from Mill Creek Estates property owners were received regarding submission of the petitions, communication of concern about the item, confirmation of the second hearing date, and questions about the replat. At least one concerned resident maintained that approval of the replat would result in an adverse impact to the community.

BOARD OF COUNTY COMMISSIONERS

On September 01, 2020, this item was scheduled on the consent agenda and moved to the regular agenda due to public comment. An additional neighboring resident petition was submitted for the record at the hearing. The Board of County Commissioners requested staff conduct a further review and move the item to a later date due to concerns raised during the hearing.

DEPARTMENTAL REVIEW

The Operations Division has routed this replat request to all appropriate reviewing departments. There are no unresolved comments or concerns from staff.

Office of the County Attorney Review:

The Office of the County Attorney has reviewed the Declaration of Restrictive Covenants for Mill Creek Estates, attached to this report, provided by the concerned residents, for the purpose of

determining whether the restrictive covenants would constitute a "title issue, ownership issue, or other legal impediment affecting the application" that would support not processing and hearing the plat application further at this time, pursuant to Sec. 9.00.09 of the Land Development Code. That review has not identified any such legal impediment in the covenants, nor a covenant prohibiting the subdivision of a lot. However, the interpretation and enforcement of such private restrictive covenants are matters for resolution between the respective property owners, including, as necessary, in court proceedings, and not by the County in a plat review.

Additionally, the Office of the County Attorney has reviewed the Section 5.01.01.G of the Land Development Code, entitled "Design Objectives," in light of the resident's concern that this replat would create an adverse impact to the community. Section 5.01.01.G states, in full:

A Subdivision Development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The County Administrator may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

The language in Section 5.01.01.G appears aimed at providing aspirational design guidance for development of newly-platted subdivisions, particularly those that would include the creation of a number of new lots, along with new roadways, paving, and infrastructure to manage drainage, stormwater and wastewater. Upon review of the application and consultation with Growth Management staff, the design objectives detailed in Section 5.01.01.G do not appear to be implicated by the limited nature of the replat request here. It should also be noted that the language contained in the provision does not impose mandatory requirements, and instead provides guidance and allows for administrative discretion.

REQUIREMENTS FOR REVIEW AND APPROVAL

A decision and hearing granting or denying a plat application is a quasi-judicial function. The decision is governed by local regulations, which must be uniformly administered. Upon a showing of the statutory and local code requirements, the local government agency has a legal responsibility to grant the plat application unless non-compliance with applicable law can be shown. To deny a plat application, a local government agency must show by competent substantial evidence that the application does not meet the published, objective legal requirements for approval.

Below are the requirements for a replat based on the Land Development Code and Florida Statutes:

1. Land Development Code Section 5.01.03, Platting Administrative Process:

- a. Where proposed Development includes the Subdivision of land, by recordation of a Plat pursuant to Chapter 177, F.S., the final approval of the proposal by the County Administrator shall be made contingent upon approval by the Board of County Commissioners of a plat for the Development.
- b. The Board of County Commissioners shall determine whether the proposed plat conforms to the requirements and standards of Florida Statutes and the St. Johns County Land Development Code. A conforming plat shall be approved by the Board of County Commissioners and the County Administrator shall forthwith issue the Development Order allowing Development to proceed. The Board of County Commissioners shall return a copy of nonconforming plats to the

Applicant with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

2. **Land Development Code Section 5.01.01.C.3, Applicability:**
Replating is required for any re-division of one or more lots within a previously platted subdivision.
3. **Land Development Code Section 5.01.01.D, Compliance with the Comprehensive Plan:**
"No division of land shall be allowed that is in conflict with the densities, intensities, or other provisions of the St. Johns County Comprehensive Plan."
4. **Land Development Code Section 5.01.01.E, Compliance with Other Regulations:**
"No Parcel of land shall be created, either by inclusion within or exclusion from a proposed Subdivision, which cannot be properly utilized for a permitted Use under this Code."
5. **Land Development Code Section 5.01.01.F, Taxes:**
"No land shall be divided or Subdivided and no drawing or plat of the division or Subdivision of any land shall be filed or recorded in the public records of any court until all taxes have been paid on the land. (See also section 197.192, Florida Statutes)"
6. **Land Development Code Section 5.01.03, Re-plats & Vacations:**
Replats may be submitted pursuant to Section 177.101, F.S., and in compliance with the following additional minimum notice requirements:
 - a. Sign placement not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, a sign shall be posted on the subject property proposed for a replat in conformance with the Land Development Code and the Development Review Manual.
 - b. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, mailed notice shall be sent to the Homeowners Association, if one exists, for the property proposed for a replat.
 - c. Published legal notice, in compliance with Section 177.101(4), Florida Statutes, and in substantially the form found in the Development Review Manual, shall be published in a St. Johns County newspaper of general circulation in not less than two weekly issues at least seven calendar days apart.
7. **Land Development Code Section 6.02.01.A.2, Access to Public Road Required:**
"All lots within a Platted Subdivision shall have access to a Street dedicated to public use which has been accepted for maintenance by St. Johns County, a municipality, a Community Development District, of the Florida Department of Transportation."
8. **Land Development Code Section 9.00.09, Title Issues or Impediments:**
An applicant for development approval or permit is responsible for any title ownership, or other legal impediment.
9. **Section 177.091, Florida Statutes, Plats made for recording**
10. **Section 177.101(2), Florida Statutes:**

A replat must not materially affect the right of convenient access to lots previously conveyed under the first plat.

11. Development Review Manual, Section 16.03, Application Process

12. Zoning Requirements for Open Rural (OR) zoning

13. Land Use Requirements for Residential-A (RES-A)

ACTION

PLAT 2020-28 Staci's Acres (Replat) will be heard by the Board of County Commissioners at a duly noticed public hearing and may be subject to other competent substantial evidence received at the hearing.

ATTACHMENTS

1. Resolution
2. Plat
3. Applicant Summary
4. Resident Opposition
5. Declaration of Restrictive Covenants
6. Items Entered into Record on 09/01/2020
7. LDC Section 5.01.01
8. LDC Section 5.01.03
9. LDC Section 6.02.01.A.2
10. LDC Section 9.00.09
11. F.S. Section 177.091
12. F.S. Section 177.101(2)
13. D.R.M. Section 16.03

Attachment 1

Resolution

RESOLUTION NO. 2020-_____
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA APPROVING A PLAT FOR
STACI'S ACRES (REPLAT).

WHEREAS, LYNDA KIRKER, AS TRUSTEE OF THE EUGENE A. KIRKER LIVING TRUST U/T/A DATED 12/02/97, AS OWNER, have applied to the Board of County Commissioners of St. Johns County, Florida for approval to record a plat known as Staci's Acres (Replat).

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 and its dedicated areas depicted thereon are conditionally approved and accepted by the Board of County Commissioners of St. Johns County, Florida subject to Sections 2, 3, 4, 5 and 6.

Section 2. A Required Improvements Bond is not required for construction.

Section 3. A Required Improvements Bond is not required for maintenance.

Section 4. The approval and acceptance described in Section 1 shall not take effect until the Clerk has received a title opinion, certificate, or policy pertaining to the real property that is the subject of the aforementioned subdivision plat which opinion, certificate or policy is in a form acceptable to the County Attorney or Assistant County Attorney.

Section 5. The Clerk is instructed to file and record the consent and joinder(s) to the plat executed by all mortgages identified in the title opinion or certificate of the title in Section 4.

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

- a) Chairman or Vice-Chairman of the Board of County Commissioners of St. Johns County, Florida;
- b) Office of the County Attorney;
- c) County Growth Management Department;
- d) Office of the County Surveyor; and
- 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. If the plat is not signed and accepted by the Clerk for recording within 14 days from the date hereof, then the above-described conditional approval 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 been met.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this _____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: _____
Jeb S. Smith, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court & Comptroller

Deputy Clerk

Attachment 2

Plat

STACI'S ACRES

PART OF SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST AND BEING A REPLAT OF LOT 33, AS SHOWN ON MAP OF MILL CREEK ESTATES AS RECORDED IN MAP BOOK 14, PAGES 104, 105 AND 106, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

MAP BOOK _____ PAGE _____

SHEET 1 OF 2 SHEETS

CAPTION

LOT 33, MILL CREEK ESTATES, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN MAP BOOK 14, PAGES 104, 105 AND 106, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

SUBJECT TO A 20 FOOT EASEMENT ON ALL LOT LINES ABUTTING RIGHTS OF WAY AND A 10 FOOT EASEMENT ALONG ALL SIDE AND REAR LOT LINES FOR PURPOSES OF DRAINAGE AND UTILITIES.

CERTIFICATE OF APPROVAL - GROWTH MANAGEMENT DEPARTMENT

THIS IS TO CERTIFY THAT THIS PLAT OF STACI'S ACRES HAS BEEN EXAMINED AND APPROVED BY THE COUNTY GROWTH MANAGEMENT DEPARTMENT FOR ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D. 2020.

DIRECTOR OF GROWTH MANAGEMENT

CERTIFICATE OF APPROVAL AND ACCEPTANCE BOARD OF COUNTY COMMISSIONERS

THIS IS TO CERTIFY THAT THIS PLAT OF STACI'S ACRES HAS BEEN APPROVED AND ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D. 2020. THIS ACCEPTANCE SHALL NOT BE DEEMED AS REQUIRING CONSTRUCTION OR MAINTENANCE BY ST. JOHNS COUNTY OF ANY PART OF SAID SUBDIVISION.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

CERTIFICATE OF APPROVAL-COUNTY ATTORNEY

THIS IS TO CERTIFY THAT THIS PLAT OF STACI'S ACRES HAS BEEN EXAMINED AND APPROVED BY THE OFFICE OF THE ST. JOHNS COUNTY ATTORNEY ON THIS _____ DAY OF _____ A.D. 2020.

OFFICE OF THE COUNTY ATTORNEY

CERTIFICATE OF CLERK

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND APPROVED AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF PART 1, CHAPTER 177, FLORIDA STATUTES, AND IS RECORDED IN MAP BOOK _____ PAGES _____ OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA ON THIS _____ DAY OF _____ A.D., 2020.

BRANDON J. PATTY
CLERK OF CIRCUIT COURT & COMPTROLLER

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED, LYNDA KIRKER AS TRUSTEE OF THE EUGENE A. KIRKER LIVING TRUST, U/T/A DATED 12/2/97, IS THE SOLE AND LAWFUL OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE CAPTION HEREON WHICH SHALL HEREAFTER BE KNOWN AS STACI'S ACRES, AND THAT SHE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AND THAT THIS PLAT, MADE IN ACCORDANCE WITH SAID SURVEY, IS HEREBY ADOPTED AS A TRUE AND CORRECT PLAT OF SAID LANDS. THERE ARE NO ROADS OR TRACTS THAT ARE A PART OF THIS PLAT AND NOTHING IS BEING DEDICATED TO ST. JOHNS COUNTY OR ANY OTHER GOVERNMENT ENTITY AS PART OF THIS PLAT.

ANY UTILITY EASEMENTS SHOWN ON THIS PLAT SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES IN THE MANNER AND SUBJECT TO THE PROVISIONS OF SECTION 177.091(28) FLORIDA STATUTES; HOWEVER, ONLY CABLE TELEVISION SERVICE PROVIDERS SPECIFICALLY AUTHORIZED BY THE OWNERS, THEIR SUCCESSORS AND ASSIGNS, TO SERVE THE LANDS SHOWN ON THIS PLAT, SHALL HAVE THE BENEFIT OF SAID CABLE TELEVISION SERVICES EASEMENTS.

IN WITNESS WHEREOF, THE OWNERS HAVE CAUSED THIS PLAT AND DEDICATION TO BE EXECUTED THE _____ DAY OF _____, 2020.

LYNDA KIRKER

BY: _____
LYNDA KIRKER AS TRUSTEE OF THE
EUGENE A. KIRKER LIVING TRUST
U/T/A DATED 12/02/ 97

WITNESS: _____

PRINT OR TYPE NAME

WITNESS: _____

PRINT OR TYPE NAME

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF
 PHYSICAL EVIDENCE OR ONLINE NOTARIZATION, THIS (DATE)
BY LYNDA KIRKER AS TRUSTEE OF THE EUGENE A. KIRKER LIVING TRUST
U/T/A DATED 12/02/ 97, WHO PERSONALLY KNOWN TO ME OR HAS
PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC, STATE OF FLORIDA
PRINTED NAME _____



VICINITY MAP
(NOT TO SCALE)

CERTIFICATE OF PLAT REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO FLORIDA STATUTES CHAPTER 177, PART 1 PLATTING, BY THE OFFICE OF THE COUNTY SURVEYOR FOR ST. JOHNS COUNTY, FLORIDA, ON THIS _____ DAY OF _____ A.D., 2020.

GAIL OLIVER, P.S.M. COUNTY SURVEYOR
PROFESSIONAL LAND SURVEYOR AND MAPPER
LICENSE NUMBER 4564

CERTIFICATE OF SURVEYOR

KNOWN ALL PERSONS BY THESE PRESENT, THAT THE UNDERSIGNED, BEING CURRENTLY LICENSED AND REGISTERED BY THE STATE OF FLORIDA AS A PROFESSIONAL SURVEYOR AND MAPPER, DOES HEREBY CERTIFY THAT HE HAS COMPLETED THE SURVEY OF THE LANDS SHOWN IN FOREGOING PLAT, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, THAT THE PLAT WAS PREPARED UNDER HIS DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1 PLATTING, OF THE CURRENT FLORIDA STATUTES.

SIGNED AND SEALED THIS _____ DAY OF _____ AD, 2020.

SAMUEL C. COOLER
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NO. LS 6076 LICENSED BUSINESS NO. 7390

C & C LAND SURVEYORS, INC.
774 N. STATE ROAD NO. 13, SUITE 4
JACKSONVILLE, FLORIDA 32259

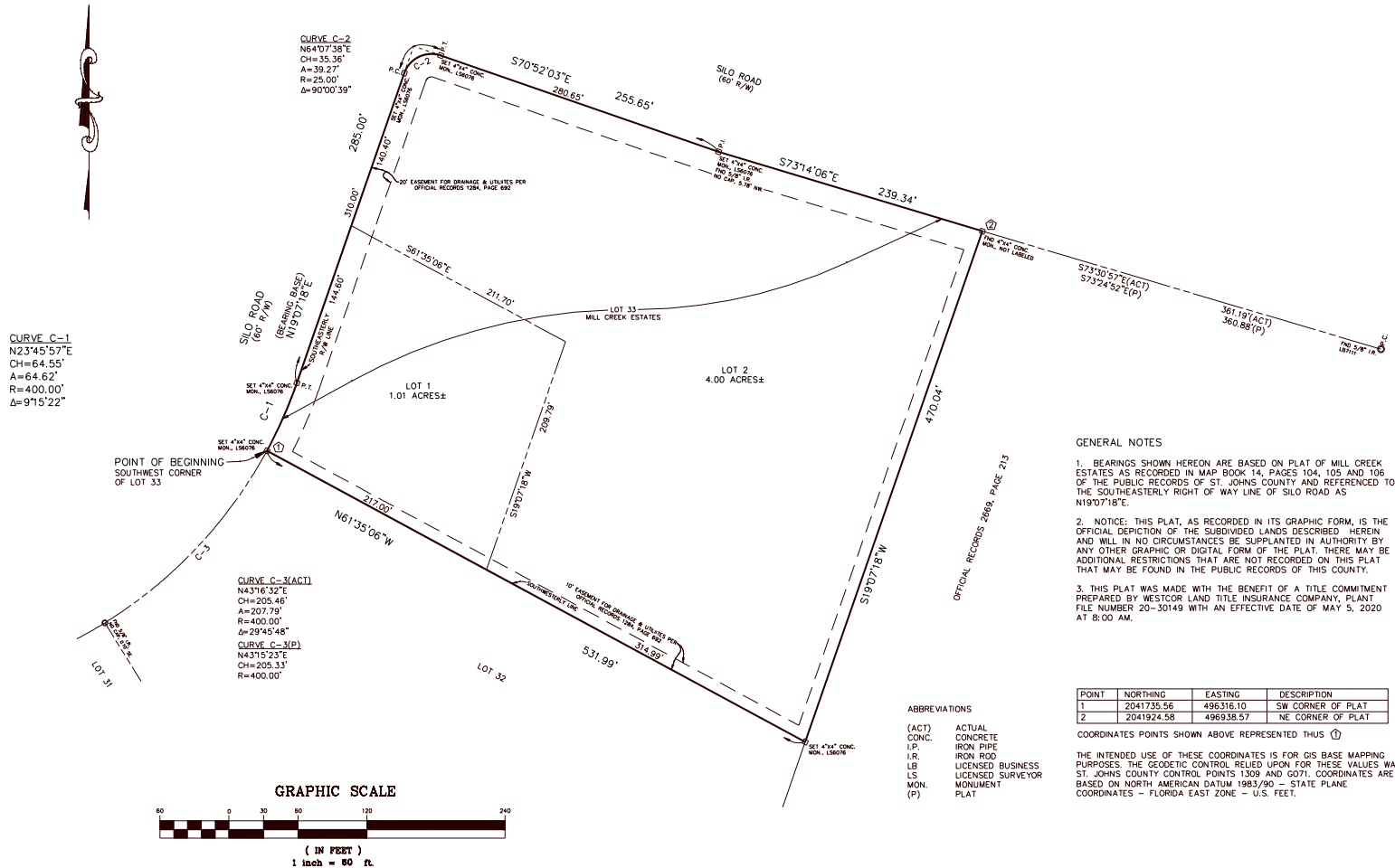
PREPARED BY:
C & C LAND SURVEYORS, INC.
774 N. STATE ROAD NO. 13, SUITE 4
JACKSONVILLE, FLORIDA 32259
(904) 287-0407

STACI'S ACRES

PART OF SECTION 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST AND BEING A REPLAT OF LOT 33, AS SHOWN ON MAP OF MILL CREEK ESTATES AS RECORDED IN MAP BOOK 14, PAGES 104, 105 AND 106, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

MAP BOOK _____ PAGE _____

SHEET 2 OF 2 SHEETS



PREPARED BY:
 C & C LAND SURVEYORS, INC.
 774 N. STATE ROAD NO. 13, SUITE 4
 JACKSONVILLE, FLORIDA 32259
 (904) 287-0407

Attachment 3
Applicant Summary

Tayler Lewis

From: Barbara Kirker <bkirker@bellsouth.net>
Sent: Monday, August 17, 2020 6:21 PM
To: Tayler Lewis; Kelly Schley; Staci Kirker
Subject: Letter regarding no subdividing of "Staci's Acres"
Attachments: Letter to Silo Rd. community regarding Application #PLAT 2020000028- Staci's Acres.docx

Hi Tayler,

Hopefully the attached letter will set the residents of Silo Rd. minds at ease. Part of the concern may be the name "Staci's Acres," which was the name the surveyor put on the plat, not something that we chose. It is probably too late in the game to change the name, but we did not tell him to name it that. At the very least, it should have been Staci's Acre, not plural. Maybe that is why everyone seems to be in a panic over this - because it sounds like a subdivision?

Like I stated earlier, none of us have any desire or plan to move out there. We have a boat and live on the river, Steve's sister lives on the Intracoastal Waterway in a lavish home and his brother lives on a family farm in a large custom built home and his two adult daughters and grandchildren live within walking distance on this same farm. Our other daughter is a city girl who has no intention of EVER living out there. She just moved to Maryland for her career and has no plans to move - especially not to this area. Her field is very specialized and this part of the state offers no jobs in her career. There are no other family members.

Feel free to share this information with anyone who is concerned about this. Any of the information I am sharing is public information. We live in Clay County and Lynda and Keith live in St. Johns County. The Property Appraiser website will show the homes and ownership info. that I described above.

Please feel free to also forward the attached letter to anyone who is concerned about this property being subdivided. Their concerns are unfounded and there are no plans to ever do that.

Thank you,

Barbara

CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

August 17, 2020

To Whom it May Concern:

We are in the process of getting a one acre parcel cut out of a 5 acre piece of land that was left in a trust to myself, my sister Lynda Kirker and my brother, Keith Kirker by our father, Eugene Kirker. This acre is to be used solely for the purpose of my daughter, Staci Kirker-Damato to build a single family residence for her and her husband, Steven Damato.

The three heirs to the property in this trust are siblings and have no intent of ever moving to Silo Rd. or subdividing this land for the purpose of creating a development or subdivision. We all have homes of our own that we have no intention of selling or moving out of – ever.

This is the application information:

Application Number: PLAT 2020000028	Submittal #: 2
Project Name: Staci's Acres	
Applicant: Eugene A Kirker Living Trust	
Project Description: One acre of the 5 acre parcel will be cut out for the purpose of construction of a single family residence. The remaining property will be kept in the family trust for the current use of tree farm.	

There is no cause for concern about there being multiple houses built on this property. There will just be the single residence of my daughter Staci Kirker Damato and her husband Steven and the remaining 4 acres will continue to be utilized as a tree farm and held in the trust.

Sincerely,

Steven Kirker
3919 Susan Dr.
Green Cove Springs, FL 32043

Received
AUG 17 2020
T. Lewis

Attachment 4
Resident Opposition

**Opposition Petition to the
Re-plat of Lot 33 Mill Creek Estates
Into Lot 1 Staci's Acres**

Re: Plat 2020-28 Staci's Acres (REPLAT)

The following existing property and homeowners of Mill Creek Estates are opposed to the re-plat and subdividing of Lot 33 Mill Creek Estates into potentially five one-acre parcels. If the current owner of Lot 33 Mill Creek Estates wishes to build a Single-Family Residence on this existing platted lot, they would have the ability to do so. The construction of a Single-Family Residence on Lot 33 would be encouraged by the neighborhood. By granting this re-plat it would be setting a precedence for future developers to continue to subdivide the five and above acre parcels of land in Mill Creek Estates into one-acre parcels. This is a very slippery slope and one that this neighborhood does not want to go down.

We have all purchased in Mill Creek Estates knowing that only one Single Family Residence can be constructed on a five-acre parcel of land. Some have recently purchased property within the neighborhood, while others have resided here for decades. We value our way of life and the ability to have our animals on our property. Should the subdividing of our existing plat be granted, it would jeopardize our neighborhood and our way of life we choose to live. If enough re-plats were granted there is the potential that those of us wanting to keep our current way of life, living with and enjoying our animals, could be forced to move to a different location. None of us want to live in a one-acre subdivision.

We are the majority of the Land Owners in Mill Creek Estates and we want to preserve Mill Creek Estates as originally platted.

Land Owners information attached with signatures.

4 pages attached

AUG 21 2020

Property Owner	Address	Phone Number	Signature	Date
Tres Edenfield	5125 Silo Rd	904 547 7426	Tres Edenfield	8/17/20
CHARLES RAISWITZ	5130 Silo Rd	904 703-0312	Charles Raiswitz	8/17/20
Anne Kausner	5130 Silo Rd	904 501-0093	Anne Kausner	8/17/20
WYAN THOMAS	5107 Silo Rd	904-334-6663	Wyan Thomas	8/17/20
LEE CASERY	5100 Silo Rd	904-759-9949	Lee Casery	8/17/20
HERNAN VAZQUEZ	5150 Silo Rd	904-716-8476	Hernan Vazquez	8/19/20
Elwood K Horton	5115 Silo Rd	904 697 0150	Elwood Horton	8/19/20
Holly Horton	5115 Silo Rd	904 207 1391	Holly Horton	8/19/20
Tanine Pappas	5109 Silo Rd	904 528 7398	Tanine Pappas	8/19/20

AUG 21 2020

4

Property Owner	Address	Phone Number	Signature	Date
MICHAEL FARA	5210 SILO RD	826-5873	<i>[Signature]</i>	8-20-2020
MARYANN FARA	5210 SILO RD	826-5872	<i>[Signature]</i>	9-20-2020

Property Owner	Address	Phone Number	Signature	Date
Emmett Lednick	5140 Silo Rd	904-823-5568	Emmett Lednick	8/17/20
Charles Lednick	5140 Silo Rd	904-607-3145	Charles Lednick	8/17/20
ANNE LANNEN	5145 SILO RD	904-806-3212	Anne Lannen	8/17/20
CHARLES HUNT	5135 Silo	904-392-0682	Charles Hunt	Aug 20
Jennif Hunt	5135 Silo Rd	904-534-0428	Jennifer Hunt	8/19/20

Property Owner	Address	Phone Number	Signature	Date
RIC HARD PIERCE	5172 FARM CREEK	(904) 679-5747	<i>[Signature]</i>	8/17/2020
JANET PIERCE	5172 FARM CREEK	(904) 679-5747	<i>[Signature]</i>	8/17/2020
Cliff Tice (Trustee)	5140 Silo Rd	904-439-9595	<i>[Signature]</i>	8/19/20
Bridget Tice (Trustee)	5140 Silo Rd	904-347-3295	<i>[Signature]</i>	8/19/20

AUG 21 2020

Property Owner	Address	Phone Number	Signature	Date
Ray Collins	5103 Farmcreek	904-424-9440	<i>[Signature]</i>	8-17-20
Traay Collins	5103 Farmcreek	904-445-8573	<i>[Signature]</i>	8-17-20
Linda May	5103 Farmcreek	904-655-0717	<i>[Signature]</i>	8-17-20

AUG 24 2020

6

Property Owner	Address	Phone Number	Signature	Date
Michael FARA	5210 Silo Rd	826-5823	<i>Michael Fara</i>	8-20-2020
MARYANN FARA	5210 Silo Rd	826-5872	<i>Maryann Fara</i>	8-20-2020
Chris Stubs	5215 Silo Rd	940-1950	<i>Chris Stubs</i>	8-20-20
Valerie Hale	5235 Silo Rd	940 403-481	<i>Valerie Hale</i>	8-22-20
Charles Linn	5175 Silo Rd	904-377-4550	<i>Charles Linn</i>	8-23-20

AUG 24 2020

Property Owner	Address	Phone Number	Signature	Date
John Rinsley	5231 Silo Rd	671-2906	<i>[Signature]</i>	8-26-2020
Shannon Rinsley	5231 Silo Rd	315-6941	<i>[Signature]</i>	8-26-20
Willie Mae	5240 Silo Rd	307-1226	<i>[Signature]</i>	8-29-20
LORINE WEBB	5225 Silo Rd	806-3953	<i>[Signature]</i>	8-28-2020
Gary WEBB	5225 Silo Rd	806-2128	<i>[Signature]</i>	8-31-2020
Deborah Sanderson	5230 Silo Rd	334-1108	<i>[Signature]</i>	8-31-2020

SEP 01 2020

Tayler Lewis

From: YVONNE DROST <kirk.drost@comcast.net>
Sent: Thursday, August 20, 2020 8:31 PM
To: Tayler Lewis
Subject: PLAT2020-28 Please Deny

To whom it may concern:

I am writing to voice my opposition to the plat request 2020-28 Stacie's Acres. Please do not approve the request to divide the 5 acre parcel into two smaller parcels. My family and I have lived in this neighborhood for almost 20 years. Our neighborhood is only one of a few neighborhoods where all the lots are 5 acres or larger. If this request is approved, I am concerned that other requests will be submitted to subdivide other parcels in our neighborhood. Perhaps there are other ways the two parties can reach an agreement, whether formal or informal, to share the property while keeping it as one parcel.

Sincerely,

Kirk Drost

Sent from XFINITY Connect Mobile App

CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this message is fraudulent or malicious, please contact MIS for further assistance.

Attachment 5

Declaration of Restrictive Covenants

DECLARATION OF RESTRICTIVE COVENANTS

AND

WHEREAS, KING / GRANADA, INC., a Florida corporation, is the owner of certain lands situate in St. Johns County, Florida, more particularly described as follows:

Lots 1 through 49, MILL CREEK ESTATES,
as per plat thereof recorded in Map
Book 14, page 104, Public Records
of St. Johns County, Florida.

NOW, THEREFORE, said owner, for the purpose of maintaining fair and adequate lot values and preserving and limiting the use of said lots for residential purposes, hereby designates and establishes restrictions, limitations, conditions and reservations hereinafter stated, which shall apply to each and every lot owned by the party hereto as above set out and described.

1. No lot shall be used except for residential purposes and no commercial uses whatsoever shall be permitted.

2. No mobile homes shall be placed or permitted to remain on any lot, except doublewide mobile homes which shall be skirted to floor level with either block, brick or stucco around the entire exterior, within 180 days of being delivered to said lot.

3. All mobile or modular homes placed on any lot shall have a shingled roof.

4. No swine shall be permitted on any lot for any reason.

5. The covenants and restrictions above shall remain in full force and effect until the first day of January, 2012, and until said date shall be deemed to be covenants running with the title to said lands. After said date, said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part. If any owner or person

claiming under the owner shall violate or attempt to violate any of these restrictions and covenants, it shall be lawful for the owners or any person or persons owning any lot or subdivided lot to said lands: (a) to prosecute proceedings at law for the recovery of damages against the person or persons so violating or attempting to violate any such covenant or restriction; or (b) to maintain a proceeding in equity against the person or persons so violating or attempting to violate any such covenant or restriction for the purpose of preventing, abating, or enforcing removal of such violation, even though construction has commenced; provided, however, that the remedies of this paragraph contained shall be construed as cumulative with any other remedies now or hereafter provided by law. In addition to any other relief afforded in any proceeding to enforce these covenants and restrictions, the prevailing party shall be entitled to recover reasonable attorney's fees and court costs.

6. Invalidation of any provision of the covenants and restrictions set forth herein by judgment or court order shall not affect or modify any of the covenants and restrictions which shall remain in full force and effect.

7. Owners hereby covenant and agree that every contract of sale or deed made by owner subsequent to January 1, 1982, wherein is described any part of said lands, shall include or be subject to, by reference or otherwise, each and every of the foregoing covenants or the substance thereof, and the subject of the reservations herein, the owner shall conform with and abide by the foregoing covenants, and the undersigned agrees to conform with and abide by the foregoing covenants and restrictions as to all of its said land.

8. Any contract or deed hereinafter made by any party may include additional covenants or restrictions that are not inconsistent with, or which do not lower the standards of, the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the owner has hereunto caused this instrument to be executed by its duly authorized officers and its seal

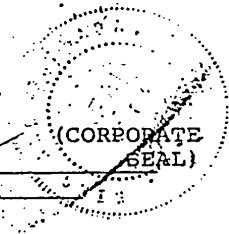
to be hereunto affixed, the 9th day of November, 1982.

Signed, sealed and delivered in the presence of:

Betty M. Shauls
Carol A. Lagasse

KING ^{AND} GRANADA, INC.

BY John A. Lester
Its President



ATTEST:

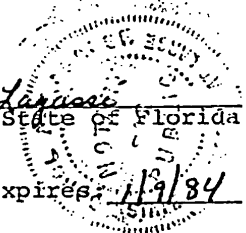
By _____
Its _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this 9th day of November, 1982, before me personally appeared John A. Lester, President and _____ respectively of KING ^{AND} GRANADA, INC., a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at St. Augustine, in the County of St. Johns and State of Florida, the day and year last aforesaid.

Carol A. Lagasse
Notary Public, State of Florida
at Large
My commission expires 11/9/84



FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

1982 NOV 10 PM 12:01

Paul "Bub" Hinkel
CLERK OF COUNTY CLERK

Attachment 6

Items Entered into Record on 09/01/2020

November 9, 1982

82 15480

REF REC 560 PAGE 445

DECLARATION OF RESTRICTIVE COVENANTS

AND

WHEREAS, KING / GRANADA, INC., a Florida corporation, is the owner of certain lands situate in St. Johns County, Florida, more particularly described as follows:

Lots 1 through 49, MILL CREEK ESTATES, as per plat thereof recorded in Map Book 14, page 104, Public Records of St. Johns County, Florida.

NOW, THEREFORE, said owner, for the purpose of maintaining fair and adequate lot values and preserving and limiting the use of said lots for residential purposes, hereby designates and establishes restrictions, limitations, conditions and reservations hereinafter stated, which shall apply to each and every lot owned by the party here-to as above set out and described.

1. No lot shall be used except for residential purposes and no commercial uses whatsoever shall be permitted.

2. No mobile homes shall be placed or permitted to remain on any lot, except doublewide mobile homes which shall be skirted to floor level with either block, brick or stucco around the entire exterior, within 180 days of being delivered to said lot.

3. All mobile or modular homes placed on any lot shall have a shingled roof.

4. No swine shall be permitted on any lot for any reason.

5. The covenants and restrictions above shall remain in full force and effect until the first day of January, 2012, and until said date shall be deemed to be covenants running with the title to said lands. After said date, said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part. If any owner or person

EXHIBIT C

BCC 9/1/2020
Agenda Item No. Public Comment
Presenter: Lori Webb

claiming under the owner shall violate or attempt to violate any of these restrictions and covenants, it shall be lawful for the owners or any person or persons owning any lot or subdivided lot to said lands: (a) to prosecute proceedings at law for the recovery of damages against the person or persons so violating or attempting to violate any such covenant or restriction; or (b) to maintain a proceeding in equity against the person or persons so violating or attempting to violate any such covenant or restriction for the purpose of preventing, abating, or enforcing removal of such violation, even though construction has commenced; provided, however, that the remedies of this paragraph contained shall be construed as cumulative with any other remedies now or hereafter provided by law. In addition to any other relief afforded in any proceeding to enforce these covenants and restrictions, the prevailing party shall be entitled to recover reasonable attorney's fees and court costs.

6. Invalidation of any provision of the covenants and restrictions set forth herein by judgment or court order shall not affect or modify any of the covenants and restrictions which shall remain in full force and effect.

7. Owners hereby covenant and agree that every contract of sale or deed made by owner subsequent to January 1, 1982, wherein is described any part of said lands, shall include or be subject to, by reference or otherwise, each and every of the foregoing covenants or the substance thereof, and the subject of the reservations herein, the owner shall conform with and abide by the foregoing covenants, and the undersigned agrees to conform with and abide by the foregoing covenants and restrictions as to all of its said land.

8. Any contract or deed hereinafter made by any party may include additional covenants or restrictions that are not inconsistent with, or which do not lower the standards of, the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the owner has hereunto caused this instrument to be executed by its duly authorized officers and its seal

REC 560 PAGE 447

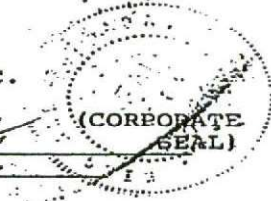
to be hereunto affixed, the 9th day of November, 1982.

Signed, sealed and delivered in the presence of:

Betty M. Shoals
Carol A. Lagasse

KING AND GRANADA, INC.

By John A. Lester
Its President



ATTEST:

By _____
Its _____

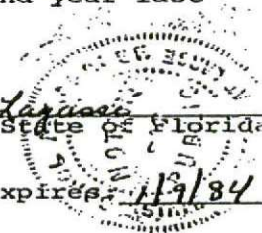
STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this 9th day of November, 1982, before me personally appeared John A. Lester, President and _____ and _____ respectively of KING AND GRANADA, INC., a corporation under the laws of the State of Florida, to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at St. Augustine, in the County of St. Johns and State of Florida, the day and year last aforesaid.

Carol A. Lagasse
Notary Public, State of Florida
at Large

My commission expires 11/9/84



FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

1982 NOV 10 PM 12:01

Paul "Bub" Hinkel
CLERK OF COUNTY CLERK

**Opposition Petition to the
Re-plat of Lot 33 Mill Creek Estates
Into Lot 1 Staci's Acres**

Re: Plat 2020-28 Staci's Acres (REPLAT)

The following existing property and homeowners of Mill Creek Estates are opposed to the re-plat and subdividing of Lot 33 Mill Creek Estates into potentially five one-acre parcels. If the current owner of Lot 33 Mill Creek Estates wishes to build a Single-Family Residence on this existing platted lot, they would have the ability to do so. The construction of a Single-Family Residence on Lot 33 would be encouraged by the neighborhood. By granting this re-plat it would be setting a precedence for future developers to continue to subdivide the five and above acre parcels of land in Mill Creek Estates into one-acre parcels. This is a very slippery slope and one that this neighborhood does not want to go down.

We have all purchased in Mill Creek Estates knowing that only one Single Family Residence can be constructed on a five-acre parcel of land. Some have recently purchased property within the neighborhood, while others have resided here for decades. We value our way of life and the ability to have our animals on our property. Should the subdividing of our existing plat be granted, it would jeopardize our neighborhood and our way of life we choose to live. If enough re-plats were granted there is the potential that those of us wanting to keep our current way of life, living with and enjoying our animals, could be forced to move to a different location. None of us want to live in a one-acre subdivision.

We are the majority of the Land Owners in Mill Creek Estates and we want to preserve Mill Creek Estates as originally platted.

Property Owner	Address	Phone Number	Signature	Date
John Kinsley	5031 Silo Rd	671-2906	[Signature]	8-26-2020
Shannon Kinsley	5231 Silo Rd	315-6941	[Signature]	8-26-20
Walter Hines	5240 Silo Rd	307-1226	[Signature]	8-29-20
LORINE WEBB	5225 Silo Rd	806-3953	[Signature]	8-28-2020
Gary WEBB	5225 Silo Rd	806-2128	[Signature]	8-31-2020
Deborah Sanderson	5230 Silo Rd	334-1108	Deborah Sanderson	8-31-2020

EMAIL ATTACHED STEVEN + ANGELIQUE BECKY

Steve Becky <sbecky2864@gmail.com>

8/27/2020 7:53 PM

Re-platt

To gawebb33@comcast.net

We live at 5220 Silo Road and opposed the rezoning for a house being built only on one acre and being allowed to sell the one acre at any time.

This neighborhood was built with each lot being 5 acres or approximately thereof. We enjoy the rural nature of the area and enjoy having distance between neighbors. Selling a house with one acre will set a precedent to which we are opposed.

Sincerely,
Steve & Angelique Becky

QUIT-CLAIM DEED

RAMCO FORM 8

84 22325

This Quit-Claim Deed, Executed this 1st day of November, A. D. 1984, by

BRENNAN ENTERPRISES, INC., a Florida corporation.
first party, to
EUGENE A. KIRKER and AILLIE JEAN KIRKER, his wife,

whose postoffice address is Orangedale Rt, Box 298-A, Green Cove Springs, Fl. 32043

second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$1.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of St. Johns State of FLORIDA to-wit:

Lots One (1) and Thirty-Three (33), MILL CREEK ESTATES, according to map or plat thereof recorded in Map Book 14, Pages 104, 105 and 106, public records of St. Johns County, Florida.

SUBJECT TO covenants, restrictions and easements of record.

SUBJECT TO a 20 foot easement on all lot lines abutting any road rights-of-ways; and a 10 foot easement along all side and rear lot lines for the purpose of drainage and utilities.

FILED & RECORDED IN
PUBLIC RECORDS OF

NOV -7 PM 12:31

Notary Public
St. Johns County

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

[Signature]
.....
[Signature]
.....

BRENNAN ENTERPRISES, INC.

BY: *[Signature]*
Barbara Brennan, President

L.S.

STATE OF FLORIDA,
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, before me, an

officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

BARBARA BRENNAN, President

to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

November A. D. 1984

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires June 24, 1984

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
NOV-784 00.45

Attachment 7

Land Development Code Section 5.01.01

PART 5.01.00 SUBDIVISION

Sec. 5.01.01 Generally

A. Purpose

The purpose of the Subdivision regulations is to set forth regulations regarding the subdivision and Development of land in unincorporated St. Johns County in order to protect the health, safety, welfare, and general well being of the citizens of St. Johns County.

B. Objectives

It is intended that the implementation of these regulations accomplish the following objectives:

1. Provide efficient and effective review, determination, and compliance procedures;
2. Ensure proper legal description, identification, monumentation, and recording of property boundaries;
3. Ensure adequate access;
4. Prevent the haphazard Subdivision of land and the inadequate provision of physical improvements;
5. Ensure that a Subdivision Development complies with other rules and regulations, such as zoning and environmental regulations, pertinent to the Development;
6. Ensure safe and convenient traffic control;
7. Prevent Flooding within Subdivision Developments by providing adequate Flood control and drainage facilities;
8. Ensure the installation of necessary and adequate roads, water, Wastewater, and sidewalk facilities; and
9. Ensure compliance with Chapter 163, F.S., and the St. Johns County Comprehensive Plan.

C. Applicability

1. Whenever land in unincorporated St. Johns County is divided so as to constitute a Subdivision as defined herein, such Subdivision of land shall be in compliance with the requirements set forth in these regulations. The entire parent Parcel (or unified ownership tract) for any Subdivision shall be reviewed by the County in conjunction with the Subdivision review for any portion of the parent Parcel (or unified ownership tract). No County Development Order or Development Permit for residential Use shall be issued for more than two (2) Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or

unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) without a plat being approved by the Board of County Commissioners, pursuant to Chapter 177, Florida Statutes, for the additional Parcels (or unified ownership tracts). Parcels (or unified ownership tracts) of land may be Subdivided and County Development Orders or Development Permits may be issued for family farm and lot divisions approved in compliance with the Comprehensive Plan and all other applicable Land Development Regulations and non-residential Uses on such Subdivisions without a required plat.

2. No County Development Order or Development Permit for residential Use shall be issued for any Parcels (or unified ownership tracts) of land which have been Subdivided from a parent Parcel (or unified ownership tract) existing as of the effective date of this amendment to the Land Development Code (i.e., October 17, 2000) if an Easement, license, or conveyance of any portion or interest of the parent or Subdivided Parcel (or unified ownership tract) is given to the public in general, or to a particular public entity in order to serve such individual Subdivided Parcel (or unified ownership tract) or the public, unless such Subdivided Parcel (or unified ownership tract) and said Easement, license or conveyance are platted in accordance with Chapter 177, Florida Statutes. This provision shall not apply to Subdivisions made pursuant to Site Plan(s) lawfully approved or pending approval on the effective date of this ordinance.
3. The replatting of a previously platted Subdivision shall be required for any re-division or change in the configuration of one or more Lots within the Subdivision, except for the combination or recombination of portions of previously platted Lots which does not increase the total number of Lots in the previously platted Subdivision and the resultant Lots comply with all applicable provisions of this Code.

D. Compliance with Comprehensive Plan

No division of land shall be allowed that is in conflict with the densities, intensities, or other provisions of the St. Johns County Comprehensive Plan. No County Development Order or Development Permit shall be issued for a Parcel of land that has been divided contrary to said Comprehensive Plan.

E. Compliance with Other Regulations

No Parcel of land shall be created, either by inclusion within or exclusion from a proposed Subdivision, which cannot be properly utilized for a permitted Use under this Code. A Subdivision Development shall also meet or exceed the relevant requirements of all Land Development Regulations adopted by St. Johns County. The approval of a Subdivision Development does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state, or federal, which may have jurisdiction over the proposed activity.

F. Taxes

No land shall be divided or Subdivided and no drawing or plat of the division or Subdivision of any land shall be filed or recorded in the public records of any court until

all taxes have been paid on the land.

G. Design Objectives

A Subdivision Development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The County Administrator may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

Sec. 5.01.02 Optional Preliminary Subdivision Plan

Notwithstanding the provisions of 5.01.01.C.1, prior to Final Subdivision Plat approval, a Preliminary Subdivision Plan (PSP) may be submitted and approved consistent with Parts 5.02.00 and 9.03.00 of this Code.

Approval of the Preliminary Subdivision Plan shall be construed as authority for submitting subdivision construction plans. Approval of the Preliminary Subdivision Plan shall not be construed as authority for the transfer of title of lots in reference to such Preliminary Subdivision Plan or for obtaining building permits except as may be permitted in Section 2.02.04.B.10 of this Code.

Sec. 5.01.03 Platting Administrative Process

- A. Where proposed Development includes the Subdivision of land, by recordation of a Plat pursuant to Chapter 177, F.S., the final approval of the proposal by the County Administrator shall be made contingent upon approval by the Board of County Commissioners of a plat for the Development.
- B. The Board of County Commissioners shall determine whether the proposed plat conforms to the requirements and standards of Florida Statutes and the St. Johns County Land Development Code. A conforming plat shall be approved by the Board of County Commissioners and the County Administrator shall forthwith issue the Development Order allowing Development to proceed. The Board of County Commissioners shall return a copy of nonconforming plats to the Applicant with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

Sec. 5.01.03 Re-plats & Vacations

Replats may be submitted pursuant to Section 177.101, F.S., and in compliance with the following additional minimum notice requirements. These requirements are intended to supplement existing State minimum requirements.

- A. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, a sign shall be posted on the subject property proposed for a replat in conformance with this Code and the Development Review Manual, and
- B. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, mailed notice shall be sent to the Homeowners Association, if one exists, for the property proposed for a replat, and

Attachment 8

Land Development Code Section 5.01.03

all taxes have been paid on the land.

G. Design Objectives

A Subdivision Development should be designed to create a functional and attractive environment, minimize adverse impacts, provide maximum livability, provide safe and efficient access and circulation, and generally be an asset to a community. The County Administrator may, in the application of these standards and guidelines, exercise design discretion to achieve the intent and purpose of these regulations.

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- B. Not less than fifteen (15) days in advance of the date for which the replat may be considered for approval, mailed notice shall be sent to the Homeowners Association, if one exists, for the property proposed for a replat, and

- C. Published legal notice, in compliance with Section 177.101(4), F.S. and in substantially the form found in the Development Review Manual, shall be published in a St. Johns County newspaper of general circulation in not less than two weekly issues at least seven calendar days apart.

Attachment 9

Land Development Code Section 6.02.01.A.2

PART 6.02.00 SUBDIVISION DESIGN STANDARDS AND GUIDELINES

Sec. 6.02.01 Access

A. Access to Public Road Required

1. These regulations shall be in accordance and comply with Roadway standards found in Part 6.04.00 Roadway, Drainage & Utilities Standards of this Code.
2. All Lots within a Platted Subdivision shall have access to a Street dedicated to public use which has been accepted for maintenance by St. Johns County, a municipality, a Community Development District, or the Florida Department of Transportation. Where a proposed Subdivision Lot does not abut such a Street, the Applicant shall provide access in accordance with the requirements set forth within these regulations.
 - a. If access is provided by a Street maintained by the Florida Department of Transportation (FDOT) a copy of the results of a pre-application meeting with FDOT is required.
3. Any unplatted Subdivision, lot, or parcel proposing access to a publicly owned and maintained road via an Easement or common area shall meet the requirements of Section 6.02.01.B.3.
4. Adequate vehicular and pedestrian access shall be provided to each Parcel. The primary function of local Streets is service to abutting properties. Street widths, placement of sidewalks, pattern of Streets and number of intersections are related to safety and efficiency of access to abutting lands.
5. Local circulation systems and land Development patterns shall not detract from the efficiency of bordering major Streets. This principle may involve control of driveway, intersection placement, and full or partial control of access. Land Development should occur so as to minimize direct access to major Streets (Minor and Major Collectors and Arterials).
6. Design of residential Streets should clearly reflect their local function. These Streets should have an appearance commensurate with their function as local Streets. They should not be over-designed or over-built, i.e. high speed, excessive width, etc.
7. Subdivisions should be designed so as to conform to and take advantage of the topographic and other natural features of the land. Local, state, or federal laws, rules, or regulations in this Code may require the conservation of existing Trees, Wetlands, Natural Water Bodies, wildlife habitat, and other Environmentally Sensitive Areas.

B. Types of Lot Access to a Public Roadway; Standards

Listed below are the types of Lot Accessways allowed to a publicly-owned and maintained road and the standards that apply:

1. Public Roadway

All Lots within Subdivisions shall abut a Public Roadway dedicated to public use and accepted for maintenance by St. Johns County or shall meet the requirements for a Private Roadway.

2. Private Roadway

To gain access to a Public Roadway, Lots within Subdivisions may abut a Private Roadway privately owned and maintained. When privately owned and maintained Rights-of-Way are proposed, the Site Plan shall show the Rights-of-Way for the use of Lot Owners and to be maintained by the Lot Owners consistent with Private Roadways as defined. Roadways owned or maintained by a Community Development District are considered Private Roadways for the purposes of this Part.

3. Easements for Access

- a. Easements for access to Public Roadways shall only be permitted to serve multi-family residential projects (except Townhomes), non-residential projects, or non-platted residential Subdivisions or Subdivisions requiring plat approval may not access a Public Roadway through an easement.
- b. The Easement shall meet the requirements of Section 6.04.07.B.
- c. The Easement shall be legally sufficient to prevent the Lot or Parcel from being land locked.

C. Access to Beachfront or Riverfront Lands

Whenever a Subdivision is developed on beachfront or riverfront land, such Development shall be carried out so as to provide public access to said beach or river in accordance with Section 161.55(6), F.S., if applicable.

D. Access to Existing or Proposed Adjoining Roadway System

1. Arrangement of Roadways

The arrangement of Roadways in new Subdivisions shall make provisions for the continuation of existing Arterial and Collector Roadways from adjoining areas, or for their projection where adjoining land is not subdivided. Where the Subdivision is adjacent to another Subdivision, property owned by the St. Johns County School Board (currently, or planned as, a school site), or commercial areas, direct access shall be provided for non-motorized traffic where feasible. Residential neighborhoods shall be designed to include an efficient system of internal circulation and Roadway stub-outs to connect into adjacent Developments to link neighborhoods together.

2. Access to Arterial or Collector Roadways

Unless otherwise approved by the County Administrator for good cause, residential Lots in Subdivisions shall not have direct access to an Arterial or Collector Roadway. Residential Lots in Subdivisions that abut an Arterial or Collector

Roadway shall not front on said Roadway and access shall be blocked by a non-access buffer.

3. Access to Local Roads

Residential Lots in Subdivisions shall front on and have direct access to Local Roads only. Local Roads shall be arranged and designed so as to restrict their Use by through and high speed traffic.

4. Continuity of County Maintained Roads

Roads proposed for dedication to St. Johns County must have adequate continuity to other roads owned or maintained by St. Johns County.

Sec. 6.02.02 Medians and Islands

A. Allowed

Medians and islands within the road Rights-of-Way are allowed when warranted by traffic conditions and are in conformance with the requirements of the Roadway design requirements of the County.

B. Designation as Park or Recreation Area Prohibited

Medians, islands, and islands in cul-de-sacs shall not be designated as park or recreation areas.

C. Landscaping

Landscaping of medians, islands, and islands in cul-de-sacs shall be in compliance with the Landscaping requirements of the County.

D. Maintenance

Medians and islands shall be shown as separate Parcels/Tracts on the Site Plan and annotated in one of the following ways:

1. "Parcel/Tract _____ is private property of _____ and is to be maintained by that Owner."
2. "Parcel/Tract _____ is dedicated to and will be maintained by the Homeowners Association".

Sec. 6.02.03 Uniform Roadway Addressing System

A. Responsibilities and Authorities

An automated system for storing and sharing the uniform addressing roadway data has been implemented. GIS Addressing and SJSO E911 will be responsible for duties related to these activities generally as follows:

Attachment 10

Land Development Code Section 9.00.09

in expiration of the application. Upon expiration, a new application is required, including all appropriate fees. Applications that have received final review comment notification shall be scheduled for a public hearing before the Planning and Zoning Agency not more than one hundred twenty (120) days from the date a complete application is determined.

Sec. 9.00.05 Concurrent Applications

An application for the rezoning of land, Special Use Permit, or Variance on all or part of the same land may be made concurrently. In such cases, the effective date of the Special Use Permit and/or Variance shall be held in abeyance until action has been taken by the Board of County Commissioners on the application for rezoning of such land.

Sec. 9.00.06 Time Periods

All time periods provided for in this Article are substantive, and non-compliance with any time period shall deny the substantive right to which the time period applies unless the time period is waived by the Board of County Commissioners. The Board of County Commissioners may waive any such time period or time limits upon a finding of good cause.

Sec. 9.00.07 Material Misrepresentations

Misrepresentation of a material fact in any application for Development Order or Development Permit may be grounds for denial of such application and grounds for revocation of any such application having been granted.

Sec. 9.00.08 Management of Applications among Multiple Boards

It is the intent of this section to simplify and expedite the process for projects with applications pending approval from various boards or agencies that will later appear before the Board of County Commissioners.

- A. Applications requiring more than one (1) type of approval shall be processed concurrently so long as all submitted applications are consistent and are related to the same proposed development or activity.
- B. When a board or agency has made a decision or finding on an application or companion application, its approval or approval with conditions shall constitute a recommendation to the Board of County Commissioners, unless otherwise provided for in this Code.
- C. The Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with the Board of County Commissioners findings or suggestions.

Sec. 9.00.09 Title Issues or Impediments

An applicant for development approval or permit is responsible for any title ownership, or other legal impediment. If there are title issues, ownership issues, or other legal impediments affecting the application, the County may decline to process any development approval or permit, or may suspend, continue, or decline to hold any public hearing, or both, until such issues or impediments are resolved to the County Administrator or his or her designee's satisfaction.

Attachment 11
Florida Statutes 177.091

177.091 Plats made for recording.—

Every plat of a subdivision offered for recording shall conform to the following:

(1) It must be:

- (a) An original drawing made with black permanent drawing ink; or
- (b) A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing must be submitted with the original drawing.

(2) The size of each sheet shall be determined by the local governing body and shall be drawn with a marginal line, or printed when permitted by local ordinance, completely around each sheet and placed so as to leave at least a 1/2-inch margin on each of three sides and a 3-inch margin on the left side of the plat for binding purposes.

(3) When more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

(4) In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.

(5) The name of the plat shall be shown in bold legible letters, as stated in s. [177.051](#). The name of the subdivision shall be shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address, must be shown on each sheet included.

(6) A prominent “north arrow” shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well established and monumented line.

(7) Permanent reference monuments must be placed at each corner or change in direction on the boundary of the lands being platted and may not be more than 1,400 feet apart. Where such corners are in an inaccessible place, “P.R.M.s” shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set “P.R.M.,” the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set “P.R.M.” shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat. The “P.R.M.s” shall be shown on the plat by an appropriate symbol or designation.

(8) Permanent control points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than 1,000 feet apart. Such “P.C.P.s”

shall be shown on the plat by an appropriate symbol or designation. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, "P.C.P.s" may be set prior to the recording of the plat and must be set within 1 year of the date the plat was recorded. In the counties or municipalities that require subdivision improvements and have the means of insuring the construction of said improvements, such as bonding requirements, "P.C.P.s" must be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing to place the "P.C.P.s" within the time allotted.

(9) Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a "P.R.M." or a "P.C.P."; however, a monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, monuments may be set prior to the recording of the plat and must be set at the lot corners before the transfer of the lot. In those counties or municipalities that require subdivision improvements and have the means of ensuring the construction of those improvements, such as bonding requirements, monuments shall be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing who shall be allowed to place the monuments within the time allotted.

(10) The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.

(11) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

(12) The dedications and approvals required by ss. [177.071](#) and [177.081](#) must be shown.

(13) The circuit court clerk's certificate and the professional surveyor and mapper's seal and statement required by s. [177.061](#) shall be shown.

(14) All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.

(15) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

(16) Location and width of proposed easements and existing easements identified in the title opinion or certification required by s. [177.041](#)(2) shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

(17) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

(19) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the $39.37/12=3.28083333333$ equation for conversion from a U.S. foot to meters.

(20) Curvilinear lot lines shall show the radii, arc distances, and central angles. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

(21) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.

(22) The centerlines of all streets shall be shown as follows: noncurved lines: distances together with either angles, bearings, or azimuths; curved lines: arc distances, central angles, and radii, together with chord and chord bearing or azimuths.

(23) Park and recreation parcels as applicable shall be so designated.

(24) All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled "Not a part of this plat."

(25) The purpose of all areas dedicated must be clearly indicated or stated on the plat.

(26) When it is not possible to show line or curve data information on the map, a tabular form may be used. The tabular data must appear on the sheet to which it applies.

(27) The plat shall include in a prominent place the following statements: "NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."

(28) All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or

obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

(29) A legend of all symbols and abbreviations shall be shown.

History.—s. 1, ch. 71-339; s. 51, ch. 73-333; s. 1, ch. 87-266; s. 3, ch. 87-349; s. 1, ch. 90-320; s. 104, ch. 94-119; s. 1454, ch. 95-147; s. 8, ch. 98-20; s. 6, ch. 99-259; s. 3, ch. 99-288.

Attachment 12

Florida Statutes 177.101(2)

The 2019 Florida Statutes

Title XII: MUNICIPALITIES

Chapter 177: LAND BOUNDARIES

177.101 Vacation and annulment of plats subdividing land.—

(2) Whenever it is discovered that after the filing of a plat subdividing a parcel of land located in the county, the developer of the lands therein and thereby subdivided did cause such lands embraced in said plat, or a part thereof, to be again and subsequently differently subdivided under another plat of the same and identical lands or a part thereof, which said second plat was also filed at a later date; and it is further made to appear to the governing body of the county that the filing and recording of the second plat would not materially affect the right of convenient access to lots previously conveyed under the first plat, the governing body of the county is authorized by resolution to vacate and annul so much of the first plat of such lands appearing of record as are included in the second plat, upon application of the owners and developer of such lands under the first plat or their successors, grantees, or assignees, and the circuit court clerk of the county shall thereupon make proper notation of the action of the governing body upon the face of the first plat. The approval of a replat by the governing body of a local government, which encompasses lands embraced in all or part of a prior plat filed of public record shall, upon recordation of the replat, automatically and simultaneously vacate and annul all of the prior plat encompassed by the replat.

History.—s. 1, ch. 71-339; s. 1, ch. 79-86; s. 32, ch. 87-224; s. 9, ch. 98-20.

Attachment 13

Development Review Manual Section 16.03

improvements bond for maintenance (LDC 6.04.08C) will be required. It is the Developer's responsibility to maintain the bonded improvements until release of the required improvements bond for maintenance (LDC Sec.6.04.08D).

Section 16.03 Application Process

A. The following items must be submitted to process an application for final plat approval:

1. A completed Application.
2. Ten (10) copies of the proposed plat.
3. A Title Opinion.
4. A signed and sealed construction bond estimate, prepared by a Florida Registered Professional in good standing, for roads, drainage and utilities (including off site required improvements). Include bid sheets, or other itemized documentation (quantity, unit cost, total cost, etc.) to support the cost estimate.

In addition, please provide separately the total cost of all roadway and drainage improvements to be dedicated to St. Johns County, and the total area (acre or sq. ft.) of the right-of-way or other lands to be dedicated.

5. Boundary survey.
6. Please submit one digital copy of each plat in "dwg" format via email to goliver@sjcfl.us. The digital line work included in the dwg file must be an exact replica of the line work shown on the plat submitted for review. The only data that should be included "dwg" file is listed below. There should be no other data or layers in the file that are frozen, turned off, or locked. This must be one seamless file of the entire area being platted. The St. Johns County GIS Division will be responsible for any rotation and/or translation, so it is not necessary to translate or rotate to any particular coordinate system or bearing structure.
 - a. Boundary lines, lot lines, and road centerline on a layer named "plat".
 - b. Lot numbers and road names on a layer named "plat_text".
 - c. Jurisdictional lines (that are shown on the plat within the boundaries of the platted lands) on a layer named "wetlands".
7. Provide a copy of this plat showing all utility company's required easements with the utility company's approval stamp on each sheet of the plat.
8. Review fee