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ORDINANCE NUMBER: 2003-106

Public Records of
St. Johns County, FL
Clerk# 04-001973
O.R. 2120 PG 613
09:48AM 01/09/2004
REC \$13.00 SUR \$2.00

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSING (IW) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS That St. Johns County Ordinance 2003-75 hereby be rescinded for reasons that the legal description was incorrect at the time of this ordinance.

WHEREAS, Karen M. Taylor, on behalf of Florida East Coast Railway Company, the owner of lands described herein, incorporated by reference as Exhibit "A", (legal description), filed an application, incorporated by reference as File Number REZ 2003-09 for a zoning change dated May 1, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 9th day of September, at 1:30 on said application.

SECTION 1. Upon consideration of the application, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and the general public at the public hearing, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Open Rural (OR) is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses based on the existing natural and topographical conditions, existing uses and the size of the subject property. (Objective A.1.3)
 - (b) The rezoning contributes to a mixture of land uses within a designated Mixed Use District (Md). (Objective A.1.9)
 - (c) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (d) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. The rezoning to Open Rural (OR) is consistent with the St. Johns County Land Development Code.

*Shirley King
0 BCC Sec'y*

4. The zoning district designation of Open Rural (OR) is consistent with the land uses allowed in the land use designation of Mixed Use District (Md) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2003-09 the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to Open Rural (OR).

SECTION 3. To the extent that they do not conflict with the unique, specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 4. This Ordinance shall take effect upon receipt by the Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

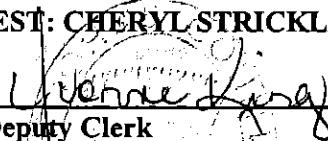
SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

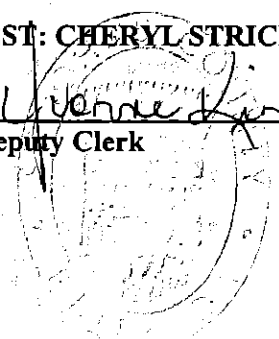
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 16TH DAY OF DECEMBER, 2003.

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

BY:  **RENDITION DATE** 12/19/03
Karen R. Stern, Chairperson

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk



EFFECTIVE DATE: 12/22/03

**EXHIBIT A
LEGAL DESCRIPTION
SURVEY**

**A PORTION OF THE FRANCIS J. FATTO GRANT, SECTIONS 55 & 56,
TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA.**

PARCEL 1:

A PARCEL OF LAND IN THE FRANCIS J. FATTO GRANT, SECTION 55 AND 56, TOWNSHIP 6, SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 505 AND DEED BOOK 57, PAGE 267 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF GOVERNMENT LOT 3, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID POINT OF REFERENCE ALSO BEING THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551 OF SAID PUBLIC RECORDS; THENCE SOUTH 35°50'50" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551, A DISTANCE OF 218.40 FEET TO THE SOUTHEASTERLY LINE OF SAID LANDS; THENCE SOUTH 62°04'10" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 651, PAGE 1551, A DISTANCE OF 781.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°37'32" EAST, A DISTANCE OF 447.58 FEET; THENCE SOUTH 76°06'57" WEST, A DISTANCE OF 504.76 FEET TO THE SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 61, PAGE 505, OF SAID PUBLIC RECORDS; THENCE NORTH 28°38'06" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID DEED BOOK 61, PAGE 505, A DISTANCE OF 322.89 FEET TO THE SOUTHEASTERLY PROLONGATION OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDED BOOK 651, PAGE 1551; THENCE NORTH 82°04'10" EAST, DEPARTING SAID SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN SAID DEED BOOK 61, PAGE 505 AND TO AND ALONG THE SOUTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551, A DISTANCE OF 449.22 FEET TO THE POINT OF BEGINNING.
CONTAINING 4.11, ACRES MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND IN THE FRANCIS J. FATTO GRANT, SECTIONS 55 AND 56, TOWNSHIP 6, SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING A PORTION OF THOSE LANDS AS DESCRIBED DEED BOOK 57, PAGE 267 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

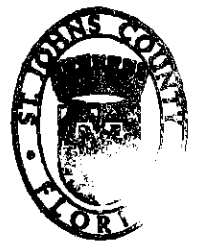
FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF GOVERNMENT LOT 3, SECTION 38, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID POINT OF REFERENCE ALSO BEING THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551 OF SAID PUBLIC RECORDS; THENCE SOUTH 35°50'50" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551, A DISTANCE OF 218.40 FEET TO THE SOUTHEASTERLY LINE OF SAID LANDS; THENCE SOUTH 62°04'10" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 651, PAGE 1551, A DISTANCE OF 701.16 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°37'32" EAST, A DISTANCE OF 468.32 FEET; THENCE SOUTH 76°06'57" WEST, A DISTANCE OF 85.00 FEET; THENCE NORTH 33°37'32" WEST, A DISTANCE OF 447.58 FEET TO THE SOUTHEASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551; THENCE NORTH 62°04'10" EAST, ALONG THE SOUTH LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 651, PAGE 1551; A DISTANCE OF 80.40 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.84, ACRES MORE OR LESS.

**IMAGING MEMO
THE WRITING/TYPING & PRINTING
WAS UNSATISFACTORY FOR
REPRODUCTION AT THE TIME
OF IMAGING**

**I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 5th DAY OF January 20 04
CHERYL STRICKLAND, CLERK**

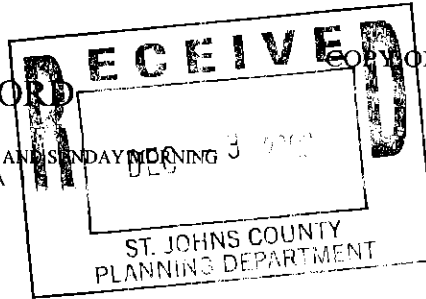
Ex-Officio Clerk of the Board of County Commissioners

BY: Luanne King D.C.



THE ST. AUGUSTINE RECORD

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



COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **LINDA Y MURRAY**

who on oath says that she is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a

NOTICE OF CORRECTION TO LEGAL DESCRIPTION

In the matter of **FILE# REZ 2003-09 PROPOSED REZONING**

FLORIDA EAST COAST RAILWAY

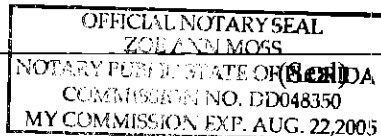
in the Court, was published in said newspaper in the issues of

NOVEMBER 26, 2003

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

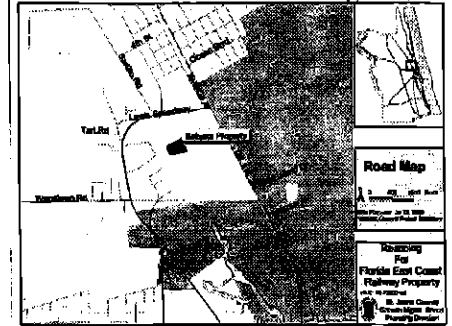
Sworn to and subscribed before me this **28TH** day of **NOVEMBER** 2003
by *Linda Y Murray* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss

NOTICE OF CORRECTION TO A LEGAL DESCRIPTION OF A PROPOSED REZONING
NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, December 16, 2003 at 1:30 p.m. by the Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to correct a legal description for a previously approved rezoning from Industrial, Warehousing (IW) to Open Rural (OR). The subject property was zoned Open Rural (OR) on September 9, 2003 and included the incorrect legal description.
The subject property is located at 4305 Avenue D within St. Johns County Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
KAREN R. STERN, CHAIRPERSON
FILE NUMBER: REZ 2003-09
Florida East Coast Railway
L2662-3 Nov 26, 2003**