

Ref * Joyce BCC

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J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
RECORDING \$ 17.00
TRUST FUND \$ 2.50

AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AGREEMENT made this 27th day of September, 1999, by and between RAYLAND COMPANY, a Delaware corporation ("Rayland"), NASSAU PARTNERS, LTD., a Florida limited partnership, its heirs, successors, or assigns (the "Partnership"), and NASSAU COUNTY, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the parties did enter into that Nassau Partners-Rayland Development Agreement ("Agreement") dated January 25, 1999, and recorded at Official Records Book 868, page 855 of the public records of Nassau County, Florida to set forth conditions under which certain property described in the Agreement can be developed;

WHEREAS, the Partnership filed a PUD rezoning and a Comprehensive Plan amendment to complete requirements for the development;

WHEREAS, the state planning agency has filed its intention to find the comprehensive plan amendment inconsistent with the county's comprehensive plan; and

WHEREAS, the parties desire to amend the Agreement to resolve issues which result in such a finding of inconsistency.

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and the mutual covenants herein contained, the sufficiency of which is hereby acknowledge, the parties do hereby covenant and agree as follows:

1. All the foregoing statements are true and correct.
2. Paragraph 2 in the Agreement "Purpose, Conditions Precedent to Development" is

hereby amended to amend subparagraph a. as follows:

REC 78.00
COPY 9.00
87.00

** This document is being re-recorded to include Exhibits D and E which were inadvertently omitted from the original recording.

Rec 19.50

FILE 200634083 OF BOOK 01441 PGS 1771-1779 RECORDED 09/05/2006 09:28:52 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

Return to: Joyce @ BCC

Prior to the generation of 264 external p.m. peak hour trips,

a. the 6-laning of Interstate 95 from the Duval County Line to the Georgia State Line shall be under construction or scheduled for construction within the first three years of the FDOT's Five Year Work Program. In the alternative, the Developer may at this option, conduct a traffic study to determine if the project significantly impacts I-95 which shall be deemed to mean contributes project traffic equal to two percent of the maximum adopted service volume. The study shall forecast the number of trips which would have to be generated by the Proposed Development cumulatively to meet this threshold ("First Threshold") and upon acceptance of the study by the county, development can proceed up to the First Threshold, and

a. Paragraph 3 in the Agreement "Partnership and Rayland Obligations and Consideration" is hereby amended to add the following subparagraph (d):

(b) The parties acknowledge that the state planning agency has found that the density proposed on the PUD Property (as defined in the Agreement) results in an overallocation of residential units within the county. Therefore, approved density shall be transferred from the property described in Exhibit D attached hereto in the total amount of 586 units to the PUD Property. The Exhibit D property is restricted by Ordinance 98-34 to development in the total amount of 429 units although the maximum density allowed by the comprehensive plan is five (5) units per acre or a total of 1015 units. In addition, density shall be transferred from the property described in Exhibit E attached hereto to the PUD Property in the total amount of 820 units. The comprehensive plan designation of the Exhibit E property allows for development of five (5) units per acre and this density transfer would reduce that ceiling to three (3) units per acre. The transfer of 586 units from the Exhibit D property and 820 units from the Exhibit E property will total a transfer of 1,406 units to the PUD Property. A restrictive covenant recorded in the public records of Nassau County shall impose the density limitations reflected in this Amendment upon the properties described in Exhibits D and E.

3. Except as expressly modified herein, the Agreement shall remain in full force and effect in accordance with its terms.

4. This amendment shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

6. This Agreement is to be construed in accordance with the laws of the State of Florida and the laws and regulations of the United States of America. In the event of a conflict between the laws of the State of Florida and the laws and regulations of the United States of America, the laws and regulations of the United States of America shall govern.

IN WITNESS WHEREOF, the parties have caused this Amendment to Purchase Agreement to be executed the day and year first above written.

Witness:


Name: Paul Sabulsky

Vicki A. Vojtech
Name: Vicki A. Vojtech

RAYLAND COMPANY, a Delaware corporation

By: William J. Watson
Name: WILLIAM J. WATSON
Its: VICE PRESIDENT

Date: 9-22-99

NASSAU PARTNERS, LTD., a Florida limited partnership

By: 
Name: Timothy G. Shea
Its: General Partner

Date: 9-23-99

Suellen Reimer
Name: SuelLEN Reimer

Linda L. Skeelos
Name: Linda L. Skeelos

NASSAU COUNTY, a political subdivision of the State of Florida

By: J. H. Cooper
Name: J. H. Cooper
Its: CHAIRMAN

Date: 9-28-99

Joyce T. Bradley
Name: Joyce T. Bradley

Joan M. Gagnon
Name: Joan M. Gagnon

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument is hereby acknowledged before me this 22 day of Sept., 1999, by William J. Watson, the Vice President of RAYLAND COMPANY a Delaware corporation, on behalf the corporation. He/she has not produced _____ as identification and (did/did not) take an oath.

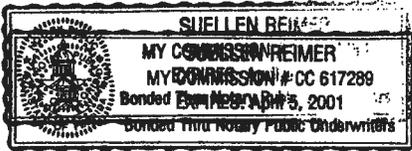


Deleene B. Goode
NOTARY PUBLIC, State of Florida
Name: Deleene B. Goode

My Commission Expires: _____
My Commission Number is: _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument is hereby acknowledged before me this 23 day of September, 1999, by Timothy G Shea, the GENERAL PARTNER of NASSAU PARTNERS, LTD., a Florida limited partnership, on behalf the partnership. He/she has Not produced _____ as identification and (did/did not) take an oath.



SuelLEN Reimer
NOTARY PUBLIC, State of Florida
Name: SuelLEN Reimer

My Commission Expires: 4/5/01
My Commission Number is: 617289

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument is hereby acknowledged before me this 27th day of September, 1999, by J. H. Cooper, the Chairman of NASSAU COUNTY, a political subdivision of the State of Florida, on behalf of Nassau County. He/she has produced personally known as identification and (did/did not) take an oath.



CHERYL A. SALMON
Notary Public, State of Florida
My comm. expires Oct. 17, 2002
Comm. No. CC 753807

Cheryl A. Salmon
NOTARY PUBLIC, State of Florida
Name: Cheryl A. Salmon

My Commission Expires: _____
My Commission Number is: _____

MAP SHOWING SKETCH OF LEGAL DESCRIPTION

SUBJECT SURVEY:

A portion of Sections 12, 25 and 26, Township 2 North, Range 28 East, Nassau County, Florida and being more particularly described as follows: COMMENCE at the Southeasterly corner of Lot 47, Flora Parke, as recorded in Plat Book 6, Pages 137, 138 and 139 of the Public Records of Nassau County, Florida; thence along the Easterly boundary of said Flora Parke, the following three (3) courses and distances: Course No. 1: North 17°13'01" East, 110.00 feet; Course No. 2: North 11°30'25" East, a distance of 60.30 feet; Course No. 3: North 17°21'51" East, a distance of 220.00 feet to a point on the Southerly line of lands now or formerly owned by the Presbytery of St. Augustine, Inc., said point also being described as the most Southeasterly corner of a 60 foot easement for ingress and egress as recorded in Official Records Book 475, Page 155 of the Public Records of Nassau County, Florida; thence South 72°46'59" East, along said Southerly line, a distance of 659.14 feet; thence South 02°03'59" East, a distance of 1,179.80 feet to the POINT OF BEGINNING of the herein described parcel; thence continue South 02°03'59" East, a distance of 1,098.44 feet; thence South 56°15'32" East, a distance of 1,080.00 feet; thence South 02°03'59" East, a distance of 975.00 feet; thence South 81°53'51" West, a distance of 715.00 feet; thence North 74°36'04" West, a distance of 500.00 feet; thence South 56°00'00" West, a distance of 809.36 feet; thence North 79°00'00" West, a distance of 870.03 feet; thence South 86°33'00" West, a distance of 1,441.74 feet; thence North 03°25'15" West, a distance of 2,155.00 feet; thence North 86°33'00" East, a distance of 897.53 feet; thence North 12°46'05" East, a distance of 230.00 feet; thence South 35°38'04" East, a distance of 610.95 feet; thence North 54°21'56" East, a distance of 882.18 feet; thence North 66°17'50" East, a distance of 1,409.01 feet to the POINT OF BEGINNING.

Containing 203.29 acres, more or less.

<p>LEGEND</p> <p>☐ DENOTES CONCRETE MONUMENT R. MILLER & ASSOC.</p> <p>— DENOTES FENCE</p> <p>○ DENOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC.</p> <p>● DENOTES IRON PIPE FOUND R. MILLER & ASSOC.</p> <p>x DENOTES CROSS CUT</p>		<p>DATE <u>AUGUST 10, 1999</u></p> <p>SCALE <u>1" = 200'</u></p> <p>JOB No. <u>98-</u></p> <p>F.B. _____</p> <p>page _____</p> <p>Comp. File <u>FLORA2000wg</u></p>
<p>RICHARD A. MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYORS 6701 BEACH BLVD., SUITE 2100 JACKSONVILLE, FLORIDA 32216</p> <p>Fax (904) 721-5738 Tele. (904) 721-2225</p>		
<p><small>THIS IS TO CERTIFY THAT THE SURVEY IS A TRUE REPRESENTATION OF AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE RELEVANT TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 600-10.0, PART OF CHAPTER 600-10, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.</small></p> <p><i>Richard A. Miller</i></p> <p>RICHARD A. MILLER, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 3848</p>		

EASEMENT FOR PROPOSED 80 FOOT WIDE EASEMENT
FOR INGRESS AND EGRESS EASEMENT

A parcel of land being a portion of Sections 25 and 26, Township 2 North, Range 28 East, Nassau County, Florida, said parcel of land being more particularly described as follows:

BEGIN at the Southwest corner of Lot 26, FLORA PARKE, as recorded in Plat Book 6, pages 137, 138 and 139 of the Public Records of said Nassau County, Florida; run thence S 05°02'32" W., along a Southerly prolongation of the Easterly Right of Way line of FLORA PARKE BOULEVARD, a distance of 8.48 feet, to the point of curvature of a curve leading Southeasterly; thence Southeasterly, along and around the arc of a curve concave Northeasterly, and having a radius of 473.08 feet, through a central angle of 30°31'29" to the left, and arc distance of 252.04 feet, to the point of tangency of said curve, last said arc being subtended by a chord bearing and distance of S 10°13'00" E 249.07 feet; thence S 25°28'44" E., along said tangency, a distance of 273.18 feet, to the point of curvature, of a curve leading Southwesterly; thence Southwesterly, along and around the arc of a curve, concave Northwesterly, having a radius of 250.00 feet, through a central angle of 91°46'34" to the right, an arc distance of 400.45 feet, to the point of tangency of last said curve, said arc being subtended by a chord bearing and distance of S 20°24'33" W., 358.99 feet; thence S 66°17'50" W., along last said tangency, a distance of 97.92 feet, to the point of curvature of a curve leading Southwesterly; thence Southwesterly, along and around the arc of a curve, concave Southeasterly, having a radius of 810.00 feet, through a central angle of 11°55'54" to the left, an arc distance of 168.68 feet, to the point of tangency of last said curve, last said arc being subtended by a chord bearing and distance of S 60°19'53" W., 168.37 feet; thence S 54°21'56" W., along last said tangency, a distance of 923.07 feet, to a point on the Southerly boundary of FLORA PARKE PHASE 2; run thence N 35°38'04" W., along last said line a distance of 80.00 feet, to a point; run thence N 54°21'56" E., a distance of 923.07 feet, to a point of curvature, of a curve leading Northeasterly; thence Northeasterly, along and around the arc of a curve, concave Southeasterly, and having a radius of 890.00 feet, through a central angle of 11°55'54" to the right, an arc distance of 185.34 feet, to the point of tangency of last said arc, last said curve being subtended by a chord bearing and distance of N 60°19'53" E., a distance of 185.00 feet; thence N 66°17'50" E., along last said tangency, a distance of 97.92 feet, to the point of curvature, of a curve leading Northeasterly; thence Northeasterly, along and around the arc of a curve, concave Northwesterly, and having a radius of 170.00 feet, through a central angle of 91°46'34" to the left, an arc distance of 272.31 feet, to the point of tangency of last said curve, last said arc being subtended by a chord bearing and distance of N 20°24'33" E., a distance of 244.11 feet; thence N 25°28'44" W., along said tangency, a distance of 273.18 feet, to the point of curvature of a curve leading Northwesterly; thence Northwesterly, along and around the arc of a curve, concave Northeasterly, having a radius of 553.08 feet, through a central angle of 30°31'29" to the right, an arc distance of 294.66 feet, to the point of tangency, last said arc being subtended by a chord bearing and distance of N 10°13'00" W., a distance of 291.18 feet; thence N 05°02'41" E., a distance of 12.93 feet, to a point on the Southerly boundary of the aforesaid plat of FLORA PARKE, said point lying on the Westerly Right of Way line of Flora Parke Boulevard; run thence S 81°46'15" E., along said Southerly boundary of FLORA PARKE, a distance of 80.12 feet, to the POINT OF BEGINNING

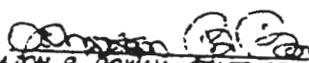
MAP SHOWING SKETCH OF LEGAL DESCRIPTION

(THIS IS NOT A BOUNDARY SURVEY)

SUBJECT PROPERTY:

A portion of Sections 29 and 30, Township 2 North, Range 28 East, Nassau County, Florida, and being more particularly described as follows: BEGIN at the common corner of Sections 30 and 31, Township 2 North, Range 28 East, and Sections 13 and 24, Township 2 North, Range 27 East, Nassau County, Florida; thence North 01°15'17" West, along the common line of said Sections 13 and 30, also being described as the common line of said Range 27 East and Range 28 East, a distance of 1,900.70 feet; thence North 89°37'07" East, a distance of 4,216.28 feet; thence North 00°05'56" West, a distance of 737.79 feet; thence North 89°45'50" East, a distance of 3,750.01 feet to a point on the Easterly line of the Westerly 1/2 of said Section 29; thence South 00°05'56" East, along said Easterly line, a distance of 2,634.34 feet to a point on the common line of said Section 29 and Section 32, Township 2 North, Range 28 East, Nassau County, Florida; thence South 89°44'20" West, along said common line of said Sections 29 and 32, a distance of 2,643.80 feet to the common corner of said Sections 29, 30, 31 and 32, Township 2 North, Range 28 East, Nassau County, Florida; thence South 89°37'07" West, along the common line of said Sections 30 and 31, a distance of 5,284.17 feet to the POINT OF BEGINNING.

Containing 410.00 acres, more or less.

LEGEND		DATE: <u>8/9/99</u>
<input type="checkbox"/>	DEMOTES CONCRETE MONUMENT	SCALE: <u>1" = 400'</u>
X-X	DEMOTES FENCE	JOB No. <u>99-2372</u>
○	DEMOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC.	F.B. _____
●	DEMOTES IRON PIPE FOUND (AS NOTED)	page _____
X	DEMOTES CROSS CUT	DWG. File <u>SR107.DWG</u>
RICHARD A. MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYORS 5701 BEACH BLVD., SUITE #200 JACKSONVILLE, FLORIDA 32216 Fax (904) 721-5758 Tele. (904) 721-1226		
<small>THIS IS TO CERTIFY THAT THIS SURVEY IS A TRUE REPRESENTATION OF AN ACTUAL FIELD SURVEY, MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 19G17-6.0, (FORMERLY CHAPTER 219H-6.0), FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</small>		
 JOHN B. BOWMAN, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600		

