

AN ORDINANCE AMENDING ORDINANCE 89-7, WHICH RE-ZONED AND RE-CLASSIFIED THE PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO THAT OF PLANNED UNIT DEVELOPMENT (PUD), CALLED THE FERNANDINA INTERNATIONAL TRADEPLEX PUD; PROVIDING APPROVAL OF THE DEVELOPMENT OF REGIONAL IMPACT APPLICATION AND PROVIDING FOR SUBSTANTIAL DEVIATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners did adopt Ordinance 89-7, an Ordinance establishing a Planned Unit Development (PUD), called the Fernandina International Tradeplex PUD in Nassau County, Florida; and

WHEREAS, the "Owners" of that certain property described in the attached Exhibits "A" and "B" intend to develop the described property in accordance with a master plan; and

WHEREAS, the "Owners" of that certain property described herein have filed for development approval for a Development of Regional Impact (DRI); and

WHEREAS, the "Owners" of said property have applied to the Planning Board of Nassau County for an amendment to the PUD, which is a substantial deviation; and

WHEREAS, the Planning Board of Nassau County has considered said application and held public hearings on the same after due notice, and made its findings and recommendations thereon; and

WHEREAS, the Board of County Commissioners of Nassau County has considered the findings and recommendations of the Planning Board and held its own public hearings on the DRI and the substantial deviation amendment after due notice and also considered the Comprehensive Land Use Plan, and finds that the property described in the attached Exhibits "A" and "B" is suitable in location and character for the uses proposed in said

application and amendment.

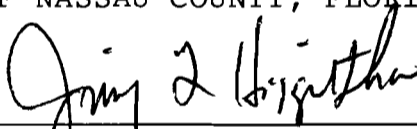
NOW, THEREFORE, BE IT ORDAINED this 28th day of November, 1989, by the Board of County Commissioners of Nassau County that the amendment of the Planned Unit Development (PUD) and the application for development approval are hereby approved in accordance with and subject to the provisions of Article 24 of Ordinance 83-19 of the County of Nassau and further subject to:

Section I The recommendations and requirements of the Northeast Florida Regional Planning Council as contained in their assessment report (including attachments) dated September 7, 1989..


Section II The conditions set forth in Ordinance 89-7, subject to the amendments set forth herein, shall remain in full force and effect, as well as those set forth in Exhibit "C".

Section III This Ordinance shall take effect upon adoption by the Board of County Commissioners and filing in the Secretary of State's office.

BOARD OF COUNTY COMMISSIONERS  
OF NASSAU COUNTY, FLORIDA

  
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JIMMY L. HIGGINBOTHAM  
Its: Chairman

Attest:

  
\_\_\_\_\_  
T.J. GREESON  
Its: Ex-Officio Clerk

PARCEL A:

A PART OF THE JOHN LOWE, MILL GRANT, SECTION 51, TOWNSHIP 3 NORTH, AND A PART OF THE JOHN LOWE, MILL GRANT, SECTION 37, TOWNSHIP 2 NORTH, ALL IN RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF STATE ROAD 200/A-1-A (A VARYING RIGHT OF WAY AS SHOWN ON F.D.O.T. RIGHT OF WAY MAP SECTION 74080-2503) AND STATE ROAD 200-A/CHESTER ROAD (A 100-FOOT WIDE RIGHT OF WAY AS SHOWN ON F.D.O.T. RIGHT OF WAY MAP SECTION 74800-2150); THENCE NORTH  $07^{\circ}51'50''$  EAST, ALONG THE CENTERLINE OF SAID STATE ROAD 200-A, A DISTANCE OF 32.43 FEET TO THE CENTERLINE OF SURVEY AS SHOWN ON SAID STATE ROAD 200; THENCE WESTERLY ALONG SAID CENTERLINE OF SURVEY THE FOLLOWING THREE COURSES: COURSE 1: THENCE NORTH  $72^{\circ}46'59''$  WEST A DISTANCE OF 2,481.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 5,730.17 FEET; COURSE 2: THENCE WESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 1,198.79 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH  $78^{\circ}45'59''$  WEST AND A CHORD DISTANCE OF 1,194.82 FEET;

COURSE 3: THENCE NORTH  $84^{\circ}44'59''$  WEST A DISTANCE OF 298.81 FEET; THENCE NORTH  $05^{\circ}15'01''$  EAST A DISTANCE OF 70.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 200 AND THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 50.00 FEET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 78.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH  $39^{\circ}44'59''$  WEST AND A CHORD DISTANCE OF 70.71 FEET; THENCE NORTH  $05^{\circ}15'01''$  EAST A DISTANCE OF 152.24 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 773.55 FEET; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 318.25 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH  $08^{\circ}27'43''$  WEST AND A CHORD DISTANCE OF 314.05 FEET; THENCE NORTH  $18^{\circ}10'26''$  WEST A DISTANCE OF 1,391.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 573.95 FEET; THENCE WESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 458.82 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH  $40^{\circ}57'56''$  WEST AND A CHORD DISTANCE OF 444.87 FEET;

THENCE NORTH  $83^{\circ}45'25''$  WEST A DISTANCE OF 1,188.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 150-FEET; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 173.88 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH  $30^{\circ}35'23''$  WEST AND A CHORD DISTANCE OF 184.13 FEET; THENCE NORTH  $02^{\circ}34'39''$  EAST A DISTANCE OF 801.97 FEET; THENCE NORTH  $87^{\circ}25'21''$  WEST A DISTANCE OF 100.00 FEET; THENCE SOUTH  $02^{\circ}34'39''$  WEST A DISTANCE OF 801.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 250-FEET; THENCE SOUTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 289.44 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $30^{\circ}35'23''$  EAST AND A CHORD DISTANCE OF 273.54 FEET;

THENCE SOUTH  $83^{\circ}45'25''$  EAST A DISTANCE OF 1,188.88 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 473.95 FEET; THENCE SOUTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 377.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $40^{\circ}57'56''$  EAST AND A CHORD DISTANCE OF 387.20 FEET; THENCE SOUTH  $18^{\circ}10'26''$  EAST A DISTANCE OF 1,391.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 873.55 FEET; THENCE SOUTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 275.37 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $08^{\circ}27'43''$  EAST AND A CHORD DISTANCE OF 273.45 FEET; THENCE SOUTH  $05^{\circ}15'01''$  WEST A DISTANCE OF 152.24 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50-FEET; THENCE SOUTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 78.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $50^{\circ}15'01''$  WEST AND A CHORD DISTANCE OF 70.71 FEET, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 200;

THENCE SOUTH  $84^{\circ}44'59''$  EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.85 ACRES, MORE OR LESS.

PARCEL B:

A PART OF THE JOHN LOWE, MILL GRANT, SECTION 51, TOWNSHIP 3 NORTH, AND A PART OF THE JOHN D. VAUGHAN GRANT, SECTION 52, TOWNSHIP 3 NORTH, ALL IN RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE INTERSECTION OF STATE ROAD 200/A-1-A (A VARIOUS RIGHT OF WAY AS SHOWN ON F.D.O.T. RIGHT OF WAY MAP SECTION 74080-2503) AND STATE ROAD 200-A/CHESTER ROAD (A 100-FOOT WIDE RIGHT OF WAY AS SHOWN ON F.D.O.T. RIGHT OF WAY MAP SECTION 74600-2150); THENCE NORTH 07°51'50" EAST, ALONG THE CENTERLINE OF SAID STATE ROAD 200-A, A DISTANCE OF 32.43 FEET TO THE CENTERLINE OF SURVEY AS SHOWN ON SAID STATE ROAD 200; THENCE WESTERLY ALONG SAID CENTERLINE OF SURVEY THE FOLLOWING THREE COURSES; COURSE 1: THENCE NORTH 72°48'59" WEST A DISTANCE OF 2,481.53 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 5,730.17 FEET; COURSE 2: THENCE WESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 1,188.79 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 78°45'59" WEST AND A CHORD DISTANCE OF 1,194.82 FEET; COURSE 3: THENCE NORTH 84°44'59" WEST A DISTANCE OF 299.81 FEET; THENCE NORTH 05°15'01" EAST A DISTANCE OF 70.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 200; THENCE NORTH 84°44'59" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 50-FEET; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 78.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 50°15'01" EAST AND A CHORD DISTANCE OF 70.71 FEET; THENCE NORTH 05°15'01" EAST A DISTANCE OF 152.24 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 673.55 FEET; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 275.37 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 06°27'43" WEST AND A CHORD DISTANCE OF 273.45 FEET; THENCE NORTH 18°10'26" WEST A DISTANCE OF 1,391.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 473.95 FEET; THENCE NORTHWESTERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 377.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 40°57'56" WEST AND A CHORD DISTANCE OF 387.20 FEET; THENCE NORTH 83°45'25" WEST A DISTANCE OF 1,188.98 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 250-FEET; THENCE NORTHERLY ALONG AND AROUND THE ARC OF SAID CURVE A DISTANCE OF 289.44 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 30°35'23" WEST AND A CHORD DISTANCE OF 273.54 FEET; THENCE NORTH 02°34'39" EAST A DISTANCE OF 140.54 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°34'39" EAST A DISTANCE OF 881.42 FEET; THENCE SOUTH 75°15'44" WEST A DISTANCE OF 381.60 FEET; THENCE SOUTH 23°13'57" EAST A DISTANCE OF 193.77 FEET; THENCE SOUTH 85°53'17" WEST A DISTANCE OF 191.94 FEET; THENCE SOUTH 16°55'44" EAST A DISTANCE OF 592.75 FEET; THENCE SOUTH 87°25'21" EAST A DISTANCE OF 235.93 FEET TO THE POINT OF BEGINNING, CONTAINING 7.0 ACRES, MORE OR LESS.

EXHIBIT "C"

CONDITIONS

1. The Fernandina International Tradeplex Application for Development Approval (ADA) submitted January 6, 1989, and the commitments therein, as well as the Fernandina International Tradeplex Sufficiency Response Document submitted June 1, 1989, plus additional information submitted to the NEFRPC and Nassau County by the applicant/developer during the review period of January 6, 1989, to September 7, 1989, shall become part of this Development Order.

2. Any subsequent owner/developer or assignee shall be subject to the provisions contained in this Development Order.

3. The development shall be subject to further review in the event significant physical development has not commenced within three (3) years. The three (3) year time period shall be tolled during any period of time that the applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the applicant. (significant physical development includes land preparation, streets, and infrastructure, as defined in Section 380.06, Florida Statutes.)

4. The Planning and Zoning Director shall be responsible for monitoring the development for compliance with the Development Order.

5. An annual monitoring report shall be prepared by the applicant or subsequent developer(s) in accordance with Section 380.06, Florida Statutes, and submitted to the Northeast Florida Regional Planning Council, Department of Community Affairs, and Nassau County Planning Department no later than November 1 of each year until build-out, commencing November 1, 1990. The annual report shall include:

(a) A description of any change made in the plan of development, phasing, or in the representations contained in the Application for Development Approval (ADA) since the DRI received approval, and any actions (substantial deviation or non-substantial deviation determinations) taken by the local government to address these changes.

(b) A summary comparison of development activity proposed and actually conducted during the preceding calendar year, and projected for the ensuing calendar year, to include: site improvements, gross floor area constructed by land use type, location, and phase with appropriate maps.

(c) An identification by location, size, and buyer of any undeveloped tracts of land in the development that have been sold to a separate entity or developer and the amount of development rights available to the purchaser, with map(s) which show the parcel(s) or sub-parcel(s) involved.

(d) A cumulative summary of all development that has taken place within the project including gross floor areas constructed by land use type and location. A cumulative summary of location, size (acreage), development rights purchase (land use type and square footage), and buyer of all parcels purchased within the project boundaries.

(e) A description of any lands purchased or optioned within one (1) mile of the original DRI site by any individual having fee simple or lesser interest in the site as listed in the ADA, subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

(f) A listing of any substantial local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period. Specify the agency, type or permit, parcel, location(s), and activity for each.

(g) Describe any moratorium on development imposed by a regulatory agency. Specify the type or moratorium, duration, cause, and remedy.

(h) Provide a synopsis of the operating parameters of the potable water, wastewater management, and solid waste facilities serving the development area for the preceding year.

(i) An assessment of the applicant's, any successor's, and local government's compliance with all conditions and commitments contained in the development order and the commitments contained in the Application for Development Approval.

(j) Any change to the previously reported stormwater plans, design criteria, or planting and maintenance programs shall be reported each year in the monitoring reports.

(k) All incremental DRI Applications for Development Approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

(l) Any change in local government jurisdiction for any portion of the development since the development order was issued.

(m) Copies of monitoring reports completed during the previous year on the created wetlands and stormwater/wetlands systems as required by permitting agencies.

(n) Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Urban Office in Jacksonville, as well as to the Nassau County Planning Department, Northeast Florida Regional Planning Council, and Department of Community Affairs. The first traffic report shall be due concurrent with the first annual report and then annually thereafter until project buildout, unless a traffic signal becomes warranted at the intersection of A1A and the project entrance, at which time traffic reports will no longer be required. The following information shall be included:

(1) A description of current development by land use, type, location, and amount of square footage, along with the proposed construction schedule for the ensuing twelve (12) month period, and appropriate maps.

(2) Traffic counts, turning movements, and levels of service actual for the past twelve (12) months and projected for the ensuing twelve (12) months, including traffic estimates for the following roads and intersections. Distinguish between project related traffic and total traffic volumes.

- intersection of project entrance and SR A1A

Note: Actual FDOT or Nassau County traffic counts shall be used where possible. If actual FDOT or Nassau County Counts are not available for a particular road, the applicant shall retain, at its expense, a traffic engineering firm to collect the necessary counts. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

(3) A description of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the applicant or governmental entity to accommodate the total existing and anticipated traffic demands.

7. Provide a statement certifying that the Northeast Florida Regional Planning Council, Department of Community Affairs, Nassau County Planning Department, and all affected agencies have been sent copies of the annual report in conformance with Subsections 380.06 (15) and (18, Florida Statutes.

8. This project shall be subject to Impact Fees.

9. If the Developer should receive credit as to Impact Fees, pursuant to the credit mechanism, it shall only be credits for infrastructure items if those items are also subject to Impact Fees. Said credit should not be given for internal



on-site facilities or any off-site facilities to the extent such facilities are necessary to provide safe and adequate service to the facility.