

ORDINANCE NO. 99-23
AMENDMENT TO ORDINANCE NO. 91-04
NASSAU COUNTY, FLORIDA

WHEREAS, on the 28th day of January, 1991, the Board of County Commissioners, Nassau County, Florida (the "Board"), did adopt Ordinance No. 91-04, an ordinance enacting and establishing the Comprehensive Land Use Plan and the Future Land Use Map for the unincorporated portion of Nassau County, Florida; and

WHEREAS, on September 22, 1997, by Ordinance No. 97-26, the Board did adopt an Amendment to the Comprehensive Land Use Plan and Future Land Use Map (the "1997 Plan Amendment") relating to certain Nassau County real property owned by Y.P.C., Inc., more particularly defined herein as the "Property"; and

WHEREAS, on November 14, 1997, the Florida Department of Community Affairs (the "Department") issued a Statement of Intent indicating that it found the 1997 Plan Amendment not in compliance with state law, thus initiating an administrative action related to that issue; and

WHEREAS, on March 22, 1999, the Board by motion authorized the County's entry (together with the Department and Y.P.C., Inc.) into a Stipulated Settlement Agreement for the resolution of such administrative action; and

WHEREAS, such Stipulated Settlement Agreement requires the County to adopt certain amendments to the Comprehensive Land Use Plan described in such agreement as the Remedial Plan Amendments; and

WHEREAS, the Board of County Commissioners finds that the such amendments are consistent with the overall Comprehensive Land Use Plan and orderly development of County of Nassau, Florida, and the specific area.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 19th day of July, 1999 as follows:

SECTION 1. OWNER AND DESCRIPTION. The land affected by this Ordinance (the "property") is owned by Y.P.C., Inc., a Florida Corporation, and is described as follows:

See Exhibit "A" attached hereto and made a part hereof by specific reference.

SECTION 2. PROPERTY-SPECIFIC POLICIES. The Comprehensive Plan is amended to include a definition of the Property utilizing the legal description attached hereto as Exhibit "A" and to include the following policies related to the Property:

Policy ***: To the extent that any portion of the Property is developed at a gross density greater than allowed by the land use designations indicated for such Property on the Future Land Use Map of Nassau County in effect as of September 22, 1997, such development must be served by, and must utilize, central water and sewer utilities.

Policy ***: No building permits shall be issued for dwelling units or other residential development on other Nassau County property which is designated by Future Land Use Map changes adopted and becoming effective after September 1, 1998, for medium or high density residential, if the residential development resulting from such building permits would negatively affect the ability of development on the Property to satisfy concurrency requirements relating to transportation services or facilities. At the time building permits are applied for relating to development on the Property in excess of the first 253 dwelling units on the Property, the applicant for such permits shall demonstrate that the level of service standards on State Road A-1-A/State Road 200 and Miner Road are not forecasted to be exceeded in the five (5) year period subsequent to such approval, based on Florida Department of Transportation projections.

SECTION 3. ADOPTION OF POLICY WITH RESPECT TO TRANSPORTATION PLANNING.

The Comprehensive Land Use Plan is amended to include the following policy:

Policy ***: The County shall not approve any amendment to the Future Land Use Map which would result in an increase in density of residential development affecting any roadway segment within the traffic impact area that is projected to be operating below the level of service adopted in this Plan (based upon existing traffic plus the projected increase of background traffic plus traffic anticipated from projected traffic impacts from the proposed change in land use) within the five year capital improvements programming timeframe and the long range planning timeframe as established by this Plan.

The "traffic impact area" shall be defined as all roadways and intersections of the major road network upon which projected traffic impacts, attributable to any proposed Future Land Use Map amendment, are forecast to equal or exceed two percent (2%) of the maximum service volume of the adopted level of service standard for such roadways. "Projected traffic impacts" shall be defined as peak hour traffic, pursuant to an analysis of both the maximum net development potential of the land for which the amendment is requested (taking into account physical, environmental, and other features of the land) and corresponding trip generation characteristics for that land use as reported in the then-current edition of the Institute of Transportation Engineers, Trip Generation Manual.

SECTION 4. EFFECTIVE DATE. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ADOPTED this 19th day of July, 1999.


CERTIFICATE OF AUTHENTICATION
ENACTED BY THE BOARD

ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

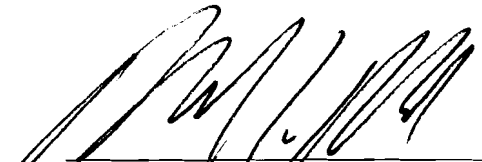


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk



J. H. COOPER
Its: Chairman

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN

EXHIBIT A-2

Legal Description of Southern Property



SOUTHERN PROPERTY

A PART OF SECTION 42, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 200 (A1A, A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AT ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF MINER ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 22°54'30" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MINER ROAD, A DISTANCE OF 764.69 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 22°54'30" EAST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MINER ROAD, A DISTANCE OF 7007.18 FEET TO A POINT AT THE NORTHEAST CORNER OF YULEE WOODS SECTION THREE, AS RECORDED IN PLAT BOOK 5, PAGES 239 AND 240 OF THE PUBLIC RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF AN 80 FOOT FLORIDA POWER AND LIGHT EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 671, PAGE 1922 OF SAID PUBLIC RECORDS; THENCE SOUTH 62°57'31" WEST LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF MINER ROAD AND ALONG THE NORTHERLY LINE OF SAID YULEE WOODS AND THE SOUTHERLY LINE OF SAID 80 FOOT FLORIDA POWER AND LIGHT EASEMENT, A DISTANCE OF 3282.31 FEET; THENCE NORTH 27°02'29" WEST LEAVING SAID NORTHERLY LINE OF YULEE WOODS, A DISTANCE OF 213.41 FEET TO A POINT IN THE EASTERLY LINE OF A WETLAND TRACT, AS RECORDED IN OFFICIAL RECORDS BOOK 765, PAGE 529 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE CONTINUING ALONG THE EASTERLY LINE OF SAID WETLAND TRACT RUN THE FOLLOWING 79 COURSES: COURSE NO. 1) NORTH 48°55'23" EAST, A DISTANCE OF 53.74 FEET; COURSE NO. 2) NORTH 43°41'24" EAST, A DISTANCE OF 50.45 FEET; COURSE NO. 3) SOUTH 81°26'29" EAST, A DISTANCE OF 24.70 FEET; COURSE NO. 4) NORTH 04°02'50" WEST, A DISTANCE OF 55.47 FEET; COURSE NO. 5) NORTH 56°29'40" EAST, A DISTANCE OF 38.01 FEET; COURSE NO. 6) NORTH 23°08'25" EAST, A DISTANCE OF 42.30 FEET; COURSE NO. 7) NORTH 52°49'12" EAST, A DISTANCE OF 48.85 FEET; COURSE NO. 8) NORTH 40°07'15" EAST, A DISTANCE OF 90.43 FEET; COURSE NO. 9) NORTH 32°51'54" EAST, A DISTANCE OF 39.05 FEET; COURSE NO. 10) NORTH 17°57'11" EAST, A DISTANCE OF 33.73 FEET; COURSE NO. 11) NORTH 57°28'56" EAST, A DISTANCE OF 25.94 FEET; COURSE NO. 12) NORTH 04°06'30" EAST, A DISTANCE OF 68.88 FEET; COURSE NO. 13) NORTH 09°16'40" WEST, A DISTANCE OF 49.04 FEET; COURSE NO. 14) NORTH 82°27'11" EAST, A DISTANCE OF 37.80 FEET; COURSE NO. 15) NORTH 33°30'20" WEST, A DISTANCE OF 44.72 FEET; COURSE NO. 16) NORTH 62°24'02" EAST, A DISTANCE OF 39.12 FEET; COURSE NO. 17) NORTH 05°46'39" WEST, A DISTANCE OF 39.41 FEET; COURSE NO. 18) NORTH 07°29'12" EAST, A DISTANCE OF 49.77 FEET; COURSE NO. 19) NORTH 33°01'24" EAST, A DISTANCE OF 37.05 FEET; COURSE NO. 20) NORTH 21°04'04" EAST, A

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DISTANCE OF 41.25 FEET; COURSE NO. 21) NORTH 63°58'19" EAST, A
 DISTANCE OF 13.15 FEET; COURSE NO. 22) NORTH 17°16'54" WEST, A
 DISTANCE OF 45.00 FEET; COURSE NO. 23) NORTH 09°44'57" EAST, A
 DISTANCE OF 55.01 FEET; COURSE NO. 24) NORTH 15°53'05" WEST, A
 DISTANCE OF 82.02 FEET; COURSE NO. 25) NORTH 12°11'39" EAST, A
 DISTANCE OF 52.84 FEET; COURSE NO. 26) NORTH 23°44'26" WEST, A
 DISTANCE OF 53.34 FEET; COURSE NO. 27) NORTH 00°41'14" EAST, A
 DISTANCE OF 38.90 FEET; COURSE NO. 28) NORTH 06°39'44" WEST, A
 DISTANCE OF 48.84 FEET; COURSE NO. 29) NORTH 80°47'46" WEST, A
 DISTANCE OF 55.87 FEET; COURSE NO. 30) NORTH 84°16'23" WEST, A
 DISTANCE OF 43.46 FEET; COURSE NO. 31) NORTH 04°38'45" WEST, A
 DISTANCE OF 50.22 FEET; COURSE NO. 32) SOUTH 87°18'55" EAST, A
 DISTANCE OF 23.41 FEET; COURSE NO. 33) SOUTH 58°01'50" EAST, A
 DISTANCE OF 47.51 FEET; COURSE NO. 34) NORTH 19°56'11" EAST, A
 DISTANCE OF 31.40 FEET; COURSE NO. 35) NORTH 32°02'31" WEST, A
 DISTANCE OF 58.94 FEET; COURSE NO. 36) NORTH 39°55'06" WEST, A
 DISTANCE OF 52.00 FEET; COURSE NO. 37) NORTH 10°25'00" WEST, A
 DISTANCE OF 58.42 FEET; COURSE NO. 38) NORTH 18°57'31" WEST, A
 DISTANCE OF 69.03 FEET; COURSE NO. 39) NORTH 10°21'51" WEST, A
 DISTANCE OF 74.55 FEET; COURSE NO. 40) NORTH 06°54'33" WEST, A
 DISTANCE OF 82.87 FEET; COURSE NO. 41) NORTH 00°10'34" WEST, A
 DISTANCE OF 60.02 FEET; COURSE NO. 42) NORTH 06°05'23" EAST, A
 DISTANCE OF 71.80 FEET; COURSE NO. 43) NORTH 09°49'24" WEST, A
 DISTANCE OF 49.48 FEET; COURSE NO. 44) NORTH 25°57'17" WEST, A
 DISTANCE OF 82.05 FEET; COURSE NO. 45) NORTH 11°44'39" WEST, A
 DISTANCE OF 90.08 FEET; COURSE NO. 46) NORTH 28°36'03" WEST, A
 DISTANCE OF 78.10 FEET; COURSE NO. 47) NORTH 05°59'22" WEST, A
 DISTANCE OF 161.11 FEET; COURSE NO. 48) NORTH 32°58'02" WEST, A
 DISTANCE OF 60.88 FEET; COURSE NO. 49) NORTH 09°09'39" WEST, A
 DISTANCE OF 42.24 FEET; COURSE NO. 50) NORTH 04°22'39" EAST, A
 DISTANCE OF 29.73 FEET; COURSE NO. 51) NORTH 01°26'51" WEST, A
 DISTANCE OF 66.94 FEET; COURSE NO. 52) NORTH 24°56'59" WEST, A
 DISTANCE OF 89.27 FEET; COURSE NO. 53) NORTH 12°30'19" WEST, A
 DISTANCE OF 89.21 FEET; COURSE NO. 54) NORTH 11°29'53" WEST, A
 DISTANCE OF 90.47 FEET; COURSE NO. 55) NORTH 08°50'06" EAST, A
 DISTANCE OF 99.72 FEET; COURSE NO. 56) NORTH 10°36'36" EAST, A
 DISTANCE OF 72.84 FEET; COURSE NO. 57) NORTH 21°46'44" WEST, A
 DISTANCE OF 44.78 FEET; COURSE NO. 58) NORTH 03°59'44" WEST, A
 DISTANCE OF 80.90 FEET; COURSE NO. 59) NORTH 11°07'10" WEST, A
 DISTANCE OF 115.57 FEET; COURSE NO. 60) NORTH 01°05'38" WEST, A
 DISTANCE OF 85.19 FEET; COURSE NO. 61) NORTH 38°05'20" WEST, A
 DISTANCE OF 71.56 FEET; COURSE NO. 62) NORTH 15°52'24" WEST, A
 DISTANCE OF 111.99 FEET; COURSE NO. 63) NORTH 16°53'12" WEST, A
 DISTANCE OF 43.93 FEET; COURSE NO. 64) NORTH 02°39'24" EAST, A
 DISTANCE OF 59.54 FEET; COURSE NO. 65) NORTH 12°35'20" WEST, A
 DISTANCE OF 53.46 FEET; COURSE NO. 66) NORTH 10°36'52" EAST, A
 DISTANCE OF 59.20 FEET; COURSE NO. 67) NORTH 14°44'44" EAST, A
 DISTANCE OF 72.89 FEET; COURSE NO. 68) NORTH 15°28'47" EAST, A

DISTANCE OF 60.35 FEET; COURSE NO. 69) NORTH 26°32'31" EAST, A
DISTANCE OF 82.30 FEET; COURSE NO. 70) NORTH 38°13'11" EAST, A
DISTANCE OF 77.20 FEET; COURSE NO. 71) NORTH 44°53'07" EAST, A
DISTANCE OF 80.78 FEET; COURSE NO. 72) NORTH 13°36'25" EAST, A
DISTANCE OF 58.82 FEET; COURSE NO. 73) NORTH 44°22'13" EAST, A
DISTANCE OF 88.28 FEET; COURSE NO. 74) NORTH 39°27'21" EAST, A
DISTANCE OF 85.16 FEET; COURSE NO. 75) NORTH 22°28'16" EAST, A
DISTANCE OF 83.36 FEET; COURSE NO. 76) NORTH 57°49'27" EAST, A
DISTANCE OF 82.01 FEET; COURSE NO. 77) NORTH 60°11'07" EAST, A
DISTANCE OF 56.71 FEET; COURSE NO. 78) NORTH 83°26'42" EAST, A
DISTANCE OF 65.52 FEET; COURSE NO. 79) NORTH 52°57'33" EAST, A
DISTANCE OF 53.76 FEET TO A POINT IN THE WESTERLY LINE OF A 27.54
ACRE TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 408, PAGE
667 OF SAID PUBLIC RECORDS; THENCE SOUTH 01°25'50" WEST ALONG SAID
27.54 ACRE TRACT OF LAND, A DISTANCE OF 126.50 FEET; THENCE NORTH
85°45'50" EAST ALONG A SOUTHERLY LINE OF SAME, A DISTANCE OF 360.11
FEET; THENCE NORTH 01°44'40" EAST ALONG AN EASTERLY LINE OF SAME,
A DISTANCE OF 2123.70 FEET; THENCE NORTH 85°24'23" WEST ALONG A
NORTHERLY LINE OF THE AFORESAID 27.54 ACRE TRACT OF LAND, A
DISTANCE OF 164.23 FEET TO A POINT IN THE AFORESAID WETLAND TRACT;
THENCE CONTINUING ALONG SAID WETLAND TRACT RUN THE FOLLOWING 40
COURSES: COURSE NO. 1) NORTH 04°59'30" WEST, A DISTANCE OF 64.46
FEET; COURSE NO. 2) NORTH 18°50'08" WEST, A DISTANCE OF 67.27 FEET;
COURSE NO. 3) NORTH 07°54'42" WEST, A DISTANCE OF 118.61 FEET;
COURSE NO. 4) NORTH 05°08'05" EAST, A DISTANCE OF 86.65 FEET;
COURSE NO. 5) NORTH 09°51'42" WEST, A DISTANCE OF 89.20 FEET;
COURSE NO. 6) NORTH 10°57'31" EAST, A DISTANCE OF 40.72 FEET;
COURSE NO. 7) NORTH 25°25'12" WEST, A DISTANCE OF 34.26 FEET;
COURSE NO. 8) NORTH 05°21'34" EAST, A DISTANCE OF 51.55 FEET;
COURSE NO. 9) NORTH 14°34'17" WEST, A DISTANCE OF 31.02 FEET;
COURSE NO. 10) NORTH 24°17'57" WEST, A DISTANCE OF 84.72 FEET;
COURSE NO. 11) NORTH 40°55'26" WEST, A DISTANCE OF 137.91 FEET;
COURSE NO. 12) NORTH 88°55'59" WEST, A DISTANCE OF 86.21 FEET;
COURSE NO. 13) NORTH 42°04'34" EAST, A DISTANCE OF 32.53 FEET;
COURSE NO. 14) NORTH 36°36'50" WEST, A DISTANCE OF 32.45 FEET;
COURSE NO. 15) NORTH 60°11'19" WEST, A DISTANCE OF 33.29 FEET;
COURSE NO. 16) NORTH 24°01'18" WEST, A DISTANCE OF 69.38 FEET;
COURSE NO. 17) NORTH 59°54'22" WEST, A DISTANCE OF 61.19 FEET;
COURSE NO. 18) SOUTH 81°12'34" WEST, A DISTANCE OF 54.67 FEET;
COURSE NO. 19) NORTH 59°02'01" WEST, A DISTANCE OF 38.64 FEET;
COURSE NO. 20) NORTH 73°17'55" WEST, A DISTANCE OF 55.04 FEET;
COURSE NO. 21) SOUTH 87°03'45" WEST, A DISTANCE OF 61.52 FEET;
COURSE NO. 22) SOUTH 77°39'56" WEST, A DISTANCE OF 46.03 FEET;
COURSE NO. 23) SOUTH 65°18'53" WEST, A DISTANCE OF 32.28 FEET;
COURSE NO. 24) NORTH 59°42'42" WEST, A DISTANCE OF 71.84 FEET;
COURSE NO. 25) SOUTH 77°55'39" WEST, A DISTANCE OF 48.09 FEET;
COURSE NO. 26) NORTH 37°33'17" WEST, A DISTANCE OF 58.27 FEET;
COURSE NO. 27) NORTH 57°18'19" WEST, A DISTANCE OF 35.34 FEET;

COURSE NO. 28) NORTH 35°36'26" WEST, A DISTANCE OF 67.12 FEET;
COURSE NO. 29) NORTH 86°26'49" WEST, A DISTANCE OF 40.48 FEET;
COURSE NO. 30) NORTH 81°51'34" WEST, A DISTANCE OF 42.43 FEET;
COURSE NO. 31) SOUTH 64°17'00" WEST, A DISTANCE OF 26.91 FEET;
COURSE NO. 32) NORTH 83°48'36" WEST, A DISTANCE OF 45.71 FEET;
COURSE NO. 33) NORTH 55°48'05" WEST, A DISTANCE OF 71.47 FEET;
COURSE NO. 34) NORTH 24°44'19" WEST, A DISTANCE OF 30.48 FEET;
COURSE NO. 35) NORTH 53°04'40" WEST, A DISTANCE OF 90.02 FEET;
COURSE NO. 36) NORTH 58°36'08" WEST, A DISTANCE OF 88.32 FEET;
COURSE NO. 37) NORTH 20°30'23" WEST, A DISTANCE OF 60.54 FEET;
COURSE NO. 38) NORTH 68°44'29" WEST, A DISTANCE OF 38.91 FEET;
COURSE NO. 39) NORTH 05°44'29" EAST, A DISTANCE OF 45.34 FEET;
COURSE NO. 40) SOUTH 80°54'32" WEST, A DISTANCE OF 85.56 FEET;
THENCE NORTH 72°37'20" EAST LEAVING SAID WETLAND LINE, A DISTANCE
OF 1025.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 239.89 ACRES MORE OR LESS.

THE ABOVE DESCRIBED TRACT OF LAND BEING SUBJECT TO AN 80 FOOT
FLORIDA POWER AND LIGHT EASEMENT, AS RECORDED IN OFFICIAL RECORDS
BOOK 671, PAGE 1922 OF THE PUBLIC RECORDS OF SAID COUNTY.

THE ABOVE DESCRIBED TRACT OF LAND ALSO BEING SUBJECT TO A 30 FOOT
EASEMENT FOR INGRESS AND EGRESS TO RICHARD MINER THAT LEADS TO THE
AFOREMENTIONED 27.54 ACRE TRACT OF LAND, WHICH WAS CONVEYED IN
OFFICIAL RECORDS BOOK 408, PAGE 667 OF THE PUBLIC RECORDS OF SAID
COUNTY.