

ORDINANCE NO. 99- 33
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 January 25, 1999, by Ordinance No. 99-04, the Board did adopt an Amendment to the Comprehensive Land use Plan and Future Land Use Map (the "1999 Plan Amendment") relating to certain Nassau County real property owned by Rayland Company and Nassau Partners, Ltd., more particularly defined herein as the "Property"; and

WHEREAS, on March 16, 1999, the Florida Department of Community Affairs (the "Department") issued a Statement of Intent indicating that it found the 1999 Plan Amendment not in compliance with state law, thus initiating an administrative action related to that issue; and

WHEREAS, on October 25, 1999, the Board by motion authorized the County's entry (together with the Department) 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 25th day of October, 1999 as follows:

SECTION 1. PROPERTY DESCRIPTION. The Property which was the subject of the 1999 Plan Amendment is described on Exhibit A attached hereto and made a part of hereof..

SECTION 2. CONDITIONS

1. In order to approve the changes adopted in the 1999 Plan Amendment, and in order to satisfactorily respond to the Department's findings concerning overallocation and urban sprawl, the density allowed by the Future Land Use Map shall be restricted on the property owned by the Rayland Company and more particularly described on Exhibit B attached hereto. Within ten (10) days from the date of adoption of this ordinance but prior to submission to the Department, a Restrictive Covenant in form attached at Exhibit C shall be recorded in the public records of Nassau County, Florida.

2. The Development Order dated January 25, 1999 and recorded at Official Records Book 9868, page 0855 of the public records of Nassau County, Florida shall be amended pursuant to the Amendment to Development Agreement in form attached at Exhibit D.

SECTION 3. EFFECTIVE DATE. The effective date of the 1999 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 25 th day of October, 1999.

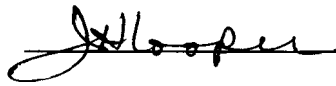
**CERTIFICATE OF AUTHENTICATION
ENACTED BY THE BOARD**

ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

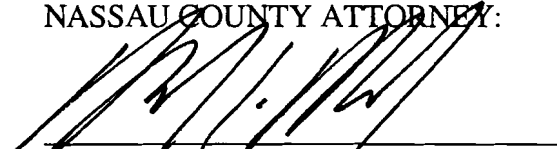


J.M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk



Its: Chairman

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN

H:\USER\Scm\Nassau Partners\Ordinance No. 99-_____



**SURVEYORS
&
LAND PLANNERS**

PRIVETT & ASSOCIATES, INC.

200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
Fax: 912/882-2729

JULY 10, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11, 12, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE POINT WHERE THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AND RUN SOUTH 08°-11'-00" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE, RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 812.78 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 90°-00'-00" EAST, A DISTANCE OF 2245.05 FEET TO A POINT; RUN THENCE SOUTH 40°-00'-00" EAST, A DISTANCE OF 1340.06 FEET TO A POINT; RUN THENCE SOUTH 85°-00'-00" EAST, A DISTANCE OF 1072.69 FEET TO A POINT; RUN THENCE NORTH 20°-00'-00" WEST, A DISTANCE OF 956.13 FEET TO A POINT; RUN THENCE NORTH 15°-00'-00" EAST, A DISTANCE OF 966.30 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK HEREINAFTER CALLED POINT "A" THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 06°-00'-20" EAST, CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS

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ROAD, A DISTANCE OF 1821.33 FEET TO A POINT; RUN THENCE SOUTH 06°-30'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1387.83 FEET TO A POINT ON A SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY, INC. ACCORDING TO DEED RECORDED IN BOOK 579, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID SOUTHERLY LINE; NORTH 89°-28'-47" EAST, A DISTANCE OF 347.04 FEET TO A POINT; NORTH 88°-55'-34" EAST, A DISTANCE OF 415.56 FEET TO A POINT; NORTH 88°-51'-56" EAST, A DISTANCE OF 769.07 FEET TO A POINT; NORTH 88°-53'-14" EAST, A DISTANCE OF 523.40 FEET TO A POINT; RUN THENCE SOUTH 01°-20'-31" EAST, A DISTANCE OF 761.38 FEET TO A POINT ON THE NORTHERLY LINE OF NASSAU LANDING SUBDIVISION; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG LAST MENTIONED NORTHERLY LINE; SOUTH 73°-16'-31" EAST, A DISTANCE OF 1281.46 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 40.00 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 1054.65 FEET TO A POINT; RUN THENCE THE FOLLOWING EIGHT (8) COURSES NORTH 06°-58'-18" EAST, A DISTANCE OF 597.82 FEET TO A POINT; NORTH 69°-33'-54" EAST, A DISTANCE OF 269.44 FEET TO A POINT; SOUTH 01°-35'-10" EAST, A DISTANCE OF 285.21 FEET TO A POINT; NORTH 76°-32'-47" EAST, A DISTANCE OF 627.55 FEET TO A POINT; NORTH 38°-28'-33" WEST, A DISTANCE OF 305.90 FEET TO A POINT; NORTH 48°-03'-14" WEST, A DISTANCE OF 311.24 FEET TO A POINT; NORTH 13°-28'-05" EAST, A DISTANCE OF 812.21 FEET TO A POINT; SOUTH 83°-21'-44" EAST, A DISTANCE OF 325 FEET, MORE OR LESS, TO THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 24°-36'-38" EAST, A DISTANCE OF 3915.22 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 6975 FEET, MORE OR LESS TO SAID POINT "A"; RUN THENCE SOUTH 15°-00'-00" WEST, A DISTANCE OF 966.30 FEET TO A RUN; RUN THENCE SOUTH 20°-00'-00" EAST, A DISTANCE OF 956.13 FEET TO A POINT; RUN THENCE NORTH 85°-00'-00" WEST, A DISTANCE OF 1072.69 FEET TO A POINT; RUN THENCE NORTH 40°-00'-00" WEST, A DISTANCE OF 1340.06 FEET TO A POINT; RUN NORTH 90°-00'-00" WEST, A DISTANCE OF 2245.05 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT 48.59 ACRES IN THE SOUTHEAST QUADRANT OF THE ABOVE DESCRIBED LANDS

THE LAND THUS DESCRIBED CONTAINS 370 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

REF. DWG. NO. (B-3-358-5-98)



SURVEYORS
&
LAND PLANNERS

ATTACHMENT C-2

Legal Description - Nassau Partners, Ltd.

PRIVETT & ASSOCIATES, INC.

200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
Fax: 912/882-2729

May 26, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11, 12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) AND RUN IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CURVE BEING NORTH 78°-20'-43" EAST, RUN THENCE NORTH 72°-19'-01" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A, A DISTANCE OF 972.07 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK FOR A POINT HEREAFTER CALLED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 812.78 FEET TO A POINT; RUN THENCE SOUTH 90°-00'-00" EAST, A DISTANCE OF 2245.05 FEET TO A POINT; RUN THENCE

SOUTH 40°-00'-00" EAST, A DISTANCE OF 1340.06 FEET TO A POINT; RUN THENCE SOUTH 85°-00'-00" EAST, A DISTANCE OF 1072.69 FEET TO A POINT; RUN THENCE NORTH 20°-00'-00" WEST, A DISTANCE OF 956.13 FEET TO A POINT; RUN THENCE NORTH 15°-00'-00" EAST, A DISTANCE OF 966.30 FEET TO A ONE-HALF INCH IRON PIPE SET AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 37°-31'-32" EAST, 4468.26 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 7500 FEET, MORE OR LESS TO SAID POINT "A"; RUN THENCE SOUTH 72°-19'-01" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200/A-1-A, A DISTANCE OF 972.07 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF BEGINNING, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 78°-20'-43" WEST.

THE LAND THUS DESCRIBED CONTAINS 347.65 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.



PARK D. PRIVETT, JR.
REGISTERED SURVEYOR NO. 2841, FL

REF. DWG. NO. (B-3-358-5-98)



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.
200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
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May 26, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11, 12, 13
AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

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EXHIBIT "A"
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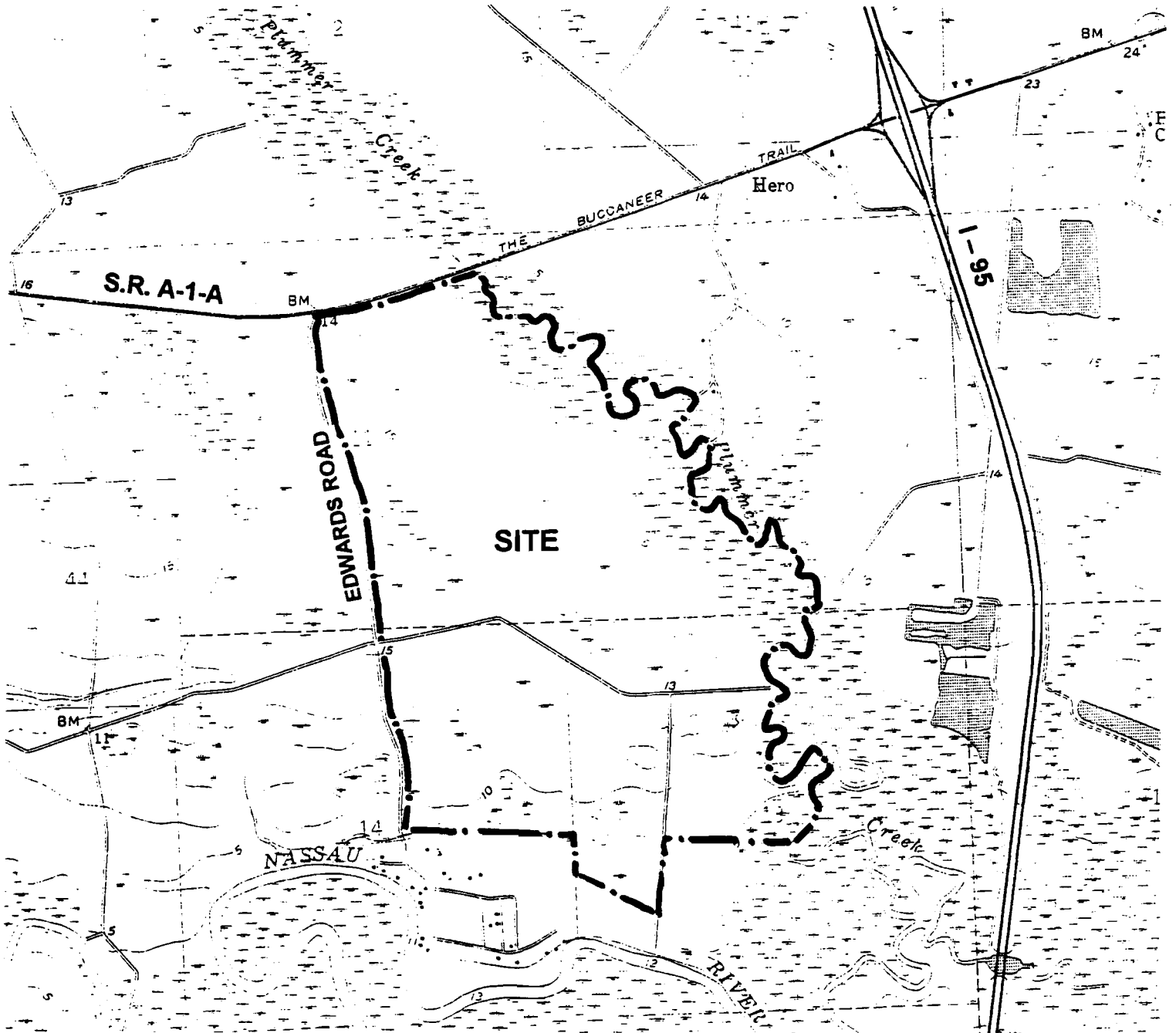
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LESS AND EXCEPT 48.59 ACRES IN THE SOUTHEAST QUADRANT OF THE ABOVE DESCRIBED LANDS

THE LAND THUS DESCRIBED CONTAINS 716 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

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11-2N-26-0000-0001-0010
12-2N-26-0000-0001-0080
13-2N-26-0000-0002-0010
14-2N-26-0000-0001-0020
Parcel Identification Number (18 digit number)



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EXHIBIT "A"
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**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.

| | | |
|---|--|---|
| <p>LEGEND</p> <p>☐ DENOTES CONCRETE MONUMENT</p> <p>x-x DENOTES FENCE</p> <p>○ DENOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC.</p> <p>● DENOTES IRON PIPE FOUND (AS NOTED)</p> <p>λ DENOTES CROSS CUT</p> | | <p>DATE: <u>8/9/99</u></p> <p>SCALE: <u>1" = 400'</u></p> <p>JOB No. <u>99-2372</u></p> <p>F.B. _____</p> <p>page _____</p> <p>DWG. File <u>SR107.DWG</u></p> |
| <p>RICHARD A. MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYORS 6701 BEACH BLVD., SUITE #200 JACKSONVILLE FLORIDA 32216</p> <p style="text-align: right;">Fax (904) 721-5758 Tele. (904) 721-1226</p> | | |
| <p><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 81G17-4.0 (Formerly CHAPTER 2191-4.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</small></p> | | |
| <p style="text-align: center;">  JONATHAN B. BOWMAN, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600 </p> | | |



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: 222.00' of 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 89°19'37" West, along the common line of said Sections 13 and 24, also being described as the common line of said Range 27 East and Range 28 East, a distance of 1,000.70 feet; thence North 89°27'07" East, a distance of 4,216.28 feet; thence North 89°20'30" West, a distance of 132.70 feet; thence North 89°48'50" East, a distance of 3,768.00 feet to a point on the Eastern line of the Westerly 1/2 of said Section 29, thence South 00°00'26" East, along said Eastern line, a distance of 2,634.34 feet to a point on the common line of said Sections 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 28, 30, 31 and 32, Township 2 North, Range 28 East, Nassau County, Florida; thence South 89°27'07" West, along the common line of said Sections 29 and 30, a distance of 5,284.17 feet to the POINT OF BEGINNING.

Containing 410.00 acres, more or less.

Section 12
Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20
Section 21
Section 22
Section 23
Section 24
Section 25
Section 26
Section 27
Section 28
Section 29
Section 30
Section 31
Section 32

RANGE 28 EAST
RANGE 27 EAST

THIS AREA SHOWN FOR REFERENCE ONLY

WESTERLY 1/2 OF SECTION

UNPLATTED PORTION OF SECTION 29

SUBJECT PROPERTY
410.00 acres

HARDWOOD HAMMOCK (LOW NET AREA)

HARDWOOD HAMMOCK (LOW NET AREA)

HARDWOOD HAMMOCK (LOW NET AREA)

Lands of Edna E. Nelson (None of Formerly)

Northwesterly 1/4 of the Northwesterly 1/4 of the

FLORIDA COUNTY ROAD (D.R. 104 400 POS 807 & 808)

(DEED BOOK 118, PGS 382 & 383)

(OFFICIAL RECORDS BOOK 146, PGS 400 & 401)

GRAPHIC SCALE IN FEET
1" = 400'

NOTE:
THIS SKETCH WAS PREPARED BASED ON A SURVEY BY PRINCE & ASSOC., INC. DATED OCTOBER 26, 1988.
THE HARDWOOD HAMMOCK AREAS ARE VERY RUGH APPROXIMATE SCALDS FROM THINER SAND HAPPS AND NO FIELD LOCATIONS OF WETLANDS WERE MADE BY THIS FIRM. (2,100 ACRES TOTAL)

EXHIBIT
PARCEL B

EXHIBIT "B"
PAGE 4 OF 4

| LEGEND | | DATE | SCALE |
|--------|------------------------------|----------|-----------|
| 1 | OWNER'S INTEREST | 10/26/88 | 1" = 400' |
| 2 | ADJACENT PROPERTY | | |
| 3 | WATER BODIES | | |
| 4 | ROADS | | |
| 5 | UTILITY LINES | | |
| 6 | PROPOSED BOUNDARIES | | |
| 7 | EXISTING BOUNDARIES | | |
| 8 | ADJACENT LANDS | | |
| 9 | ADJACENT WATERS | | |
| 10 | ADJACENT ROADS | | |
| 11 | ADJACENT UTILITIES | | |
| 12 | ADJACENT PROPOSED BOUNDARIES | | |
| 13 | ADJACENT EXISTING BOUNDARIES | | |
| 14 | ADJACENT LANDS | | |
| 15 | ADJACENT WATERS | | |
| 16 | ADJACENT ROADS | | |
| 17 | ADJACENT UTILITIES | | |
| 18 | ADJACENT PROPOSED BOUNDARIES | | |
| 19 | ADJACENT EXISTING BOUNDARIES | | |
| 20 | ADJACENT LANDS | | |
| 21 | ADJACENT WATERS | | |
| 22 | ADJACENT ROADS | | |
| 23 | ADJACENT UTILITIES | | |
| 24 | ADJACENT PROPOSED BOUNDARIES | | |
| 25 | ADJACENT EXISTING BOUNDARIES | | |
| 26 | ADJACENT LANDS | | |
| 27 | ADJACENT WATERS | | |
| 28 | ADJACENT ROADS | | |
| 29 | ADJACENT UTILITIES | | |
| 30 | ADJACENT PROPOSED BOUNDARIES | | |
| 31 | ADJACENT EXISTING BOUNDARIES | | |
| 32 | ADJACENT LANDS | | |
| 33 | ADJACENT WATERS | | |
| 34 | ADJACENT ROADS | | |
| 35 | ADJACENT UTILITIES | | |
| 36 | ADJACENT PROPOSED BOUNDARIES | | |
| 37 | ADJACENT EXISTING BOUNDARIES | | |
| 38 | ADJACENT LANDS | | |
| 39 | ADJACENT WATERS | | |
| 40 | ADJACENT ROADS | | |
| 41 | ADJACENT UTILITIES | | |
| 42 | ADJACENT PROPOSED BOUNDARIES | | |
| 43 | ADJACENT EXISTING BOUNDARIES | | |
| 44 | ADJACENT LANDS | | |
| 45 | ADJACENT WATERS | | |
| 46 | ADJACENT ROADS | | |
| 47 | ADJACENT UTILITIES | | |
| 48 | ADJACENT PROPOSED BOUNDARIES | | |
| 49 | ADJACENT EXISTING BOUNDARIES | | |
| 50 | ADJACENT LANDS | | |

RESTRICTIVE COVENANTS

Rayland Company, a Delaware corporation, (hereinafter referred to as "Rayland") is the owner of the land described in Exhibit "A" attached (hereinafter referred to as the "Land").

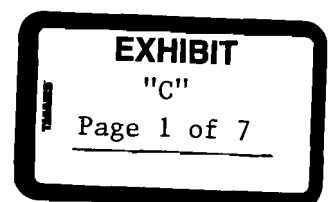
NOW, THEREFORE, Rayland. hereby subjects the Land (being the land described in Exhibit "A") to the following restrictive covenants:

STATEMENT OF PURPOSE

These covenants are imposed for the collective benefit and protection of all persons who presently or in the future, either as a fee owner or as a ground lessee as herein provided, hold an interest in the land. In addition these covenants are being imposed in order to provide certainty to the Board of County Commissioners of Nassau County that a limited amount of development shall occur on the Land.

1. **Density Limitations:**

a. Rayland is the owner of the Land, composed of two parcels of property consisting of Parcel A totaling 203 acres and Parcel B totaling 410 acres each being separately described on Exhibit "A" attached hereto. Parcel A is the subject of an approved PUD as evidenced by Ordinance 98-34. Parcel A is approved under the Nassau County Comprehensive Plan Future Land Use Map as Medium Density Residential, which allows a density of five units per acre. The PUD Ordinance permits development of a maximum of 429 units. Parcel A is hereby subjected to these restrictive covenants and thereby limited to development of no more than a total of 429 units. Parcel B is approved under the Nassau County Comprehensive Plan Future Land Use Map as Medium Density Residential which allows a density of five units per acre. Parcel B is hereby subjected to these restrictive covenants and thereby limited to development of no more than three units per acre or a total of 1230 units.



b. The requirements set forth in these Restrictive Covenants take precedence over less restrictive language contained in any comprehensive plan, ordinances, rules, regulations, orders, laws or requirements of any governmental agency having jurisdiction over the Land.

2. **Amendments:** These Restrictive Covenants may not be amended without the written approval of the Board of County Commissioners of Nassau County, Florida. Each amendment of these Restrictive Covenants so adopted shall be evidenced by an appropriate written declaration which is executed by Rayland or its successor in interest and recorded in the public records of Nassau County, Florida accompanied by evidence of the approval of the Board of County Commissioner.

IN WITNESS WHEREOF, Rayland has set its hand and seal this ____ day of August, 1999.

Witness:

RAYLAND COMPANY, a Delaware corporation

Name: _____

By: _____

Name: _____

Its: _____

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF _____

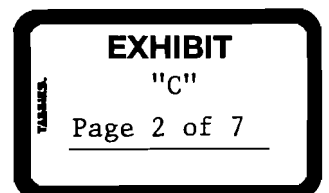
The foregoing instrument is hereby acknowledged before me this ____ day of _____, 1999, by _____, the _____ of RAYLAND COMPANY, a Florida corporation, on behalf the corporation.. He/she has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC, State of Florida
Name: _____

My Commission Expires: _____

My Commission Number is: _____

H:\USER\SCM\Nassau Partners\covenants.frm



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> <input type="checkbox"/> DENOTES CONCRETE MONUMENT R. MILLER & ASSOC. DENOTES PINNAC <input type="checkbox"/> DENOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC. <input type="checkbox"/> DENOTES IRON PIPE FOUND R. MILLER & ASSOC. 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>FLORA200.Dwg</u></p> |
| <p>RICHARD A. MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYORS 6701 BEACH BLVD., SUITE 4700 JACKSONVILLE, FLORIDA 32216</p> <p style="text-align: right;">Fax (904) 721-5758 Tele. (904) 721-4226</p> <p><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 GENERAL TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND ENGINEERS, BY CHAPTER 46P-6.0, F.A.C. (PREVIOUS CHAPTERS 46P-6.0, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 462.02, FLORIDA STATUTES.</small></p> <p style="text-align: center;"><i>Richard A. Miller</i> 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 pralongation 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 at 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

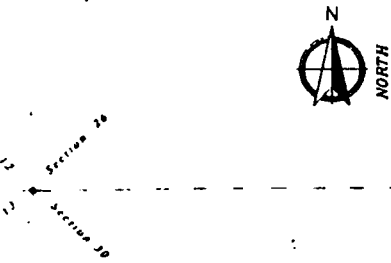
(THIS IS NOT A BOUNDARY SURVEY)

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> |
| □ | DENOTES CONCRETE MONUMENT | SCALE: <u>1" = 400'</u> |
| x-x | DENOTES FENCE | JOB No. <u>99-2372</u> |
| ○ | DENOTES 1/2" IRON PIPE SET WITH CAP, R. MILLER & ASSOC. | F.B. _____ |
| ● | DENOTES IRON PIPE FOUND (AS NOTED) | page _____ |
| x | DENOTES CROSS CUT | DWG. File <u>SR10Z.DWG</u> |
| RICHARD A. MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYORS 6701 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 61G7-6.0 (formerly CHAPTER 21M-6.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.</small> | | |
|  JONATHAN B. BOWMAN, STATE OF FLORIDA, REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600 | | |



RANGE 28 EAST
RANGE 27 EAST

LAKE SUBDIVISION
(PLAT BOOK 5, PAGES 72 & 73)

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: 1/2 of 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 89°15'17" West, along the common line of said Sections 13 and 24, also being described as the common line of said Range 17 East and Range 28 East, a distance of 1,800.79 feet; thence North 89°37'03" East, a distance of 4,216.28 feet; thence North 89°58'36" East, a distance of 737.79 feet; thence North 89°49'50" East, a distance of 1,788.01 feet to a point on the Eastern line of the Westerly 1/2 of said Section 29; thence South 02°05'36" East, along said Eastern line, a distance of 2,634.34 feet to a point on the common line of said Section 29 and Section 31, Township 2 North, Range 28 East, Nassau County, Florida; thence South 89°44'28" West, along said common line of said Sections 29 and 31, 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°27'07" West, along the common line of said Sections 30 and 31, a distance of 4,284.17 feet to the POINT OF BEGINNING.

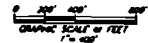
Containing 410.00 acres, more or less.

THIS AREA SHOWN FOR REFERENCE ONLY

WESTERLY 1/2 OF SECTION

UNPLATTED PORTION OF SECTION 29

SUBJECT PROPERTY
410.00 acres



NOTE:
THIS SKETCH WAS PREPARED BASED ON A SURVEY BY PHILBERT & ASSOC., INC. DATED OCTOBER 28, 1989.
THE HARDWOOD HAMMOCK AREAS ARE VERY ROUGH APPROXIMATIONS SCALED FROM TRIMMER STAND MAPS AND NO FIELD LOCATIONS OF SET-POINTS WERE MADE BY THIS FIRM. (2,100 ACRES TOTAL)

EXHIBIT
PARCEL B

| | | |
|---|--|---|
| <p>1. This map was prepared by the undersigned on October 28, 1989, and is a true and correct copy of the original map as shown to me by the undersigned.</p> <p>2. The original map is on file in the office of the undersigned at 1000 North 1st Street, Tallahassee, Florida.</p> <p>3. The original map is on file in the office of the undersigned at 1000 North 1st Street, Tallahassee, Florida.</p> <p>4. The original map is on file in the office of the undersigned at 1000 North 1st Street, Tallahassee, Florida.</p> <p>5. The original map is on file in the office of the undersigned at 1000 North 1st Street, Tallahassee, Florida.</p> | | <p>LEGEND</p> <p>● HARDWOOD HAMMOCK AREAS (LOW NET AREA)</p> <p>○ UNPLATTED PORTION OF SECTION 29</p> <p>□ SUBJECT PROPERTY</p> <p>--- TRAIL ROAD</p> |
| <p>Official Record Book 478, Page 233</p> | | <p>RICHARD A. MILLER & ASSOCIATES Surveyors and Engineers 1000 North 1st Street Tallahassee, Florida 32301 Tel. (904) 224-1111</p> |

EXHIBIT
"A"
Page 7 of 7

EXHIBIT "A"
PAGE 5 OF 5

AMENDMENT TO DEVELOPMENT AGREEMENT

THIS AGREEMENT made this ____ day of _____, 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”).

W I T N E S S E T H:

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:

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:

RAYLAND COMPANY, a Florida corporation

Name: _____

By: _____
Name: _____
Its: _____

Name: _____

Date: _____

NASSAU PARTNERS, LTD., a Florida limited partnership

Name: _____

By: _____
Name: _____
Its: _____

Name: _____

Date: _____

NASSAU COUNTY, a political subdivision of the State of Florida

Name: _____

By: _____
Name: _____
Its: _____

Name: _____

Date: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument is hereby acknowledged before me this ____ day of _____, 1999, by _____, the _____ of RAYLAND COMPANY, a Florida corporation, on behalf the corporation.. He/she has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC, State of Florida
Name: _____

My Commission Expires: _____
My Commission Number is: _____

STATE OF FLORIDA
COUNTY OF _____

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

NOTARY PUBLIC, State of Florida
Name: _____

My Commission Expires: _____
My Commission Number is: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument is hereby acknowledged before me this ____ day of _____, 1999, by _____, the _____ of NASSAU COUNTY, a political subdivision of the State of Florida, on behalf of Nassau County. He/she has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC, State of Florida
Name: _____

My Commission Expires: _____
My Commission Number is: _____