



ORDINANCE 2006 - 67

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF NASSAU COUNTY, ORDINANCE NO. 91-04, AS AMENDED, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES); SPECIFICALLY RECLASSIFYING PROPERTY FROM **AGRICULTURE** TO **MULTI-USE** ON THE FUTURE LAND USE MAP; AMENDING POLICY 1.02.05(K) OF THE FUTURE LAND USE ELEMENT TO PROVIDE REQUIRED REFERENCE TO THE **THREE RIVERS DEVELOPMENT OF REGIONAL IMPACT**; SPECIFICALLY, AMENDING GOAL 9.0 OF THE CAPITAL IMPROVEMENTS ELEMENT; ADDING OBJECTIVE 9.09 AND POLICY 9.09.01 TO PROVIDE FOR LONG-RANGE TRANSPORTATION PLANNING NEEDS; TO AMEND THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Nassau County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners of Nassau County to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain

(RESCINDED BY ORDINANCE 2006-81 on 11/13/06)

administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, the Nassau County Planning and Zoning Board has been established pursuant to Nassau County Ordinance No. 74-33; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Nassau County, by Ordinance No. 83-19, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and

WHEREAS, on the 28th day of January, 1991, the Board of County Commissioners of Nassau County, Florida, did adopt Ordinance 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, Three Rivers Timber, LLC and Ann DeKay Evans, owners, seeks to reclassify land designated on the Future Land Use Map from Agriculture to Multi-Use; and

WHEREAS, the Nassau County Planning And Zoning Board held duly noticed public hearings to address the requested Amendment to the Future Land Use Map and provided a recommendation to the Nassau County Board of County Commissioners on March 7, 2006; and

WHEREAS, the Board of County Commissioners held a transmittal hearing on March 27, 2006; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners transmitted copies of the proposed Future Land Use Map Amendment to the Department of Community Affairs as the State Land Planning agency for written comment, and transmitted one (1) copy to each of the local government or governmental agencies in the State of Florida having filed with the Board of County Commissioners a request for a copy of the amended version of the Comprehensive Plan; and

WHEREAS, the Florida Department of Community Affairs has issued an Objections, Recommendations and Comments Report, dated July 7, 2006, which finds the proposed Future Land Use Map amendment and associated Development of Regional Impact generate future transportation needs within the County which fall beyond the 5-year schedule of Capital Improvements; and

WHEREAS, discussions between Nassau County and the Florida Department of Community Affairs has resulted in the understanding that the County needs to address, within the Capital Improvements Element of its Comprehensive Plan, its intentions to coordinate with the State FDOT and the First Coast MPO certain long-range transportation improvements

which result from the approval of developments within the County;

WHEREAS, the Florida Department of Community Affairs has requested that the County include in its Capital Improvement Schedule all transportation improvements regionally impacted by the Three Rivers DRI which are funded by either the County or another funding source;

WHEREAS, the Board of County Commissioners of Nassau County held an adoption hearing on August 28, 2006, and further considered all oral and written comments received during the public hearing, as well as the Objections, Recommendations, and Comments Report of the Department of Community Affairs; and

WHEREAS, in exercise of its authority, the Board of County Commissioners has determined that the amendment on the Future Land Use Map of the Comprehensive Plan and the Reclassification of the land as set forth herein, is consistent with the overall Comprehensive Plan and Future Land Use Map, and the orderly development of Nassau County, Florida, and the specific area; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, public hearings have been held with due public notice having been provided, on the Future Land Use Map amendment, reclassifying land designated Agriculture to

Multi-Use, and with written advance notice of such public hearings having been provided to the State Land Planning Agency;

NOW, THEREFORE, BE IT ORDAINED this 28th day of August, 2006, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. **SECTION 1. PURPOSE AND INTENT.**

This Ordinance is enacted pursuant to the requirements of Chapter 163, Florida Statutes, and Chapter 9J-5, F.A.C. Specifically, the authority for this Ordinance is Section 163.3184, Florida Statutes. Ordinance 91-4, as amended, is amended to add the following language:

**A. NASSAU COUNTY
FUTURE LAND USE ELEMENT**

Approved Multi-Use Designations:

(1) The Three Rivers Development of Regional Impact (DRI), which carries the Multi-Use Designation on the Future Land Use Map, shall allow the following land use categories: Residential (to include Low, Medium and High Density), Commercial, Office, Industrial, Recreation, Public Building and Grounds, and Conservation, consistent with the Multi-Use Designation. This development shall be governed by the currently approved Three Rivers DRI Development Order and Planned Unit Development documents as they may be amended from time to time.

**B. NASSAU COUNTY
CAPITAL IMPROVEMENTS ELEMENT**

GOALS, OBJECTIVES AND POLICIES 2000-2010

OBJECTIVE 9.09

The County shall continue to coordinate with the Florida Department of Transportation and the First Coast Metropolitan Planning Organization to advocate the inclusion and funding of certain long-range transportation improvements which are necessary to support development and maintain level of service standards within Nassau County. The County shall document these long-range transportation improvements through the following policies. In addition, as plans and funding are provided for these improvements within the 5-year horizon, the County shall include the appropriate segments in its 5-year Schedule of Capital Improvements.

- 9.09.01** SR A1A/SR 200 from U.S. Highway 17 to Old Nassauville Road (widen from 4 to 6 lanes).
This improvement is currently scheduled for FDOT PD&E study in 2006, and Right-of-Way acquisition is currently scheduled for 2008/2009. This improvement is a part of the First Coast MPO Long Range Transportation Plan.

C. Capital Improvements Schedule

The Capital Improvements Schedule is set forth on page i-ii.

2. SECTION 2. PROPERTY RECLASSIFIED.

The real property described in Section 3 is reclassified from Agriculture to Multi-Use on the Future Land Use Map of Nassau County.

3. SECTION 3. OWNER AND DESCRIPTION.

The land reclassified by this Ordinance is owned by Three Rivers Timber, LLC and Ann DeKay Evans, and is described as follows

See Exhibit "A" attached hereto and

made a part hereof by specific reference.

4. SECTION 4. CAPITAL IMPROVEMENTS SCHEDULE

The Capital Improvements Schedule is attached hereto as Exhibit B and made a part hereof by specific reference.

5. SECTION 5. SEVERABILITY.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

6. SECTION 6.


The Objections and Recommendations of the Department of Community Affairs and the responses from Nassau County are set forth in the attached Exhibit "B".

7. SECTION 7. EFFECTIVE DATE.

This Ordinance shall be filed with the Department of Community Affairs after adoption by the Board of County Commissioners. This Ordinance shall become effective upon notification by the Department of Community Affairs that the amendment is found to be in compliance, and upon receipt of the official notification by the Department of Community Affairs, this Ordinance shall become effective

upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


JIM B. HIGGINBOTHAM
Its: Vice Chairman

ATTEST as to Chairman's
Signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality
by the Nassau County Attorney



MICHAEL S. MULLIN

EXHIBIT A

LEGAL DESCRIPTION

The entire Three Rivers site consists of 1,629.4 acres, more or less, with the following Parcel ID Numbers, 09-2N-26-0000-0001-0000, 10-2N-26-0000-0001-0020, 11-2N-26-0000-0001-0050, 14-2N-26-0000-0001-0000, 15-2N-26-0000-0001-0000, 16-2N-26-0000-0001-0000, 44-2N-26-0000-0001-0000, and more particularly described as follows:

PARCEL A (Three Rivers Timber, LLC)

A portion of Sections 9 and 10, Township 2 North, Range 26 East, Nassau County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Section 9; thence south 88°33'22" west, along the north line of said Section 9, a distance of 974.33 feet to the southerly limited access right-of-way line of State Road 200 (A1A) (a variable width right-of-way as currently established) and the Point Of Beginning; thence continue south 88°33'22" west, along the north line of said Section 9, a distance of 1549.02 feet to the easterly line of those lands described and recorded in official records book 1050, page 800 of the public records of Nassau County, Florida; thence south 06°04'20" east, along said easterly line, 296.32 feet to the southerly line of said lands; thence south 88°33'22" west, along said southerly line, 299.55 feet to the westerly line of said lands; thence north 06°04'20" west, along said westerly line, 296.32 feet to the aforesaid north line of Section 9; thence south 88°33'22" west, along said north line, 410.50 feet; thence south 26°32'28" west, 110.54 feet; thence south 27°17'20" east, 112.08 feet; thence south 83°09'20" east, 171.14 feet; thence south 26°57'15" east, 189.89 feet; thence south 13°47'00" east, 305.12 feet; thence south 83°54'46" east, 174.52 feet; thence south 05°49'27" east, 199.02 feet; thence south 81°13'39" east, 144.06 feet; thence south 49°49'29" east, 126.55 feet; thence south 21°07'20" east, 130.97 feet; thence south 38°10'00" east, 189.46 feet; thence south 77°24'55" east, 130.05 feet; thence south 36°38'15" east, 95.96 feet; thence south 23°18'40" east, 79.92 feet; thence south 20°27'40" west, 101.47 feet; thence south 42°31'10" west, 208.76 feet; thence south 31°39'09" east, 780 feet more or less, to the mean high water line of Tom Mann Creek; thence southeasterly along said mean high water line and the meanderings thereof, and along the mean high water line of Boggy Creek and the meanderings thereof, 3780 feet, more or less, to the most northerly corner of those lands described and recorded in official records book 716, page 1633, said public records; thence south 57°36'07" east, along the northeasterly line of said lands, 397.69 feet to an angle point in said line; thence south 58°10'17" east, continuing along said northeasterly line, 72.47 feet to the northwesterly right-of-way line of Logan Road (a 60 foot right-of-way as established); thence north 51°19'32" east, along said northwesterly right-of-way line, 433.20 feet to an angle point; thence north 51°03'16" east, continuing along said northwesterly line, 595.67 feet to the westerly right-of-way line of Police Lodge Road (a 60 foot right of way as now established, being more particularly described in official records book 711, page 1706, said public records); thence northerly along said westerly right-of-way line the following three courses and distances: Course No. 1: north 20°29'45" west, 3252.42 feet to the point of curvature of a curve leading northerly; Course No. 2: northerly along and around the arc of said curve, concave easterly, having a radius of 996.86 feet, an arc distance of 343.00 feet, said arc being subtended by a chord bearing and distance of north 10°38'19" west, 341.31 feet to the point of tangency; Course No. 3: north 00°46'53" west, 723.06 feet to the aforesaid southerly limited access right-of-way line of State Road 200 (A1A); thence north 82°46'55" west, along last said line, 275.76 feet to the Point Of Beginning.

Containing 200.00 acres, more or less

PARCEL B (Three Rivers Timber, LLC)

A portion of sections 9, 10, 11, 14, 15, the W. Lofton Grant, Section 44, and the Robert Harris Grant, Section 45, Township 2 North, Range 26 East, Nassau County, Florida, being more particularly described as follows:

Commence at the northeast corner of said Section 9; thence south 01°04'10" east, along the east line of said Section 9, a distance of 148.29 feet to the southerly limited access right-of-way line of State Road 200 (A1A) (a variable width right-of-way as now established) and the Point Of Beginning; thence north 82°46'55" west, along said southerly right-of-way line, 648.24 feet to the easterly right-of-way line of Police Lodge Road (a 60 foot right-of-way as now established); thence southerly, along said easterly right-of-way line, run the following three (3) courses and distances; Course No. 1: south 00°46'53" east, 714.62 feet to the point of curvature of a curve leading southerly; Course No. 2: southerly, along and around the arc of said curve, concave easterly, having a radius of 936.86 feet, an arc distance of 322.36 feet, said arc being subtended by a chord bearing and distance of south 10°38'19" east, 320.77 feet to the point of tangency of said curve; Course No. 3: south 20°29'45" east, 3315.67 feet; thence south 69°30'15" west, 60.00 feet to the intersection of the westerly right-of- line of said Police Lodge Road with the southeasterly right-of-way line of Logan Road (a 60 foot right-of-way as now established); thence south 51°03'16" west, along said southerly right-of-way line, 499.11 feet to the easterly boundary of those lands described and recorded in official records 720, page 1963, of the public records of said county; thence south 01°01'45" east, along said easterly boundary, 899.20 feet to the southeasterly corner of said lands; thence south 88°42'51" west, 60.80 feet to a point on the westerly line of Section 15, said point hereinafter referred to as Reference Point "A"; thence southeasterly along a traverse line following the meanderings of Boggy Creek run the following six(6) courses and distances; Course No. 1: south 65°44'20" east, 1108.97 feet; Course No. 2: south 73°13'20" east, 923.84 feet; Course No. 3: south 34°18'04" east, 1252.54 feet; Course No. 4: south 62°34'44" east, 1004.12 feet; Course No. 5: south 48°44'48" east, 913.35 feet; Course No. 6: south 18°11'58" east, 1646.63 feet to a point hereinafter referred to as Reference Point "B"; thence return to the Point Of Beginning; thence easterly and northerly along said southerly right-of-way of State Road 200, run the following four (4) courses and distances; Course No. 1: south 82°46'55" east, 1763.43 feet; Course No. 2: north 07°13'05" east, 34.00 feet; Course No. 3: south 82°46'55" east, 4415.59 feet to the point of curvature of a curve leading easterly; Course No. 4: easterly along and around the arc of said curve, concave northerly, having a radius of 5799.59 feet, an arc distance of 1212.35 feet, said arc being subtended by a chord bearing and distance of south 88°46'14" east, 1210.14 feet; thence south 51°26'11" east, departing said right-of-way line, 10.77 feet to the westerly right-of-way line of Edwards Road (an 80 foot right-of-way as now established); thence southerly, along said westerly right-of-way line run the following six (6) courses and distances; Course No. 1: south 08°10'18" east,

867.32 feet to the point of curvature of a curve leading southerly; Course No. 2: southerly, along and around the arc of said curve, concave easterly, having a radius of 4086.51 feet, an arc distance of 869.35 feet, said arc being subtended by a chord bearing and distance of south 14°15'58" east, 867.71 feet to the point of tangency of said curve; Course No. 3: south 20°21'38" east, 277.95 feet to the point of curvature of a curve leading southerly; Course No. 4: southerly, along and around the arc of said curve, concave westerly, having a radius of 3779.72 feet, an arc distance of 947.75 feet, said arc being subtended by a chord bearing and distance of south 13°10'38" east, 945.27 feet to the point of tangency of said curve; Course No. 5: south 05°59'38" east, 2635.19 feet to an angle point in said right-of-way line; Course No. 6: south 06°28'24" east, 1354.14 feet to the northerly right-of-way line of Royal Palm Drive (a 30 foot right-of-way as now established); thence south 88°52'12" west, along said northerly right-of-way line, 243.32 feet to the westerly right-of-way line of said Royal Palm Drive; thence south 01°56'52" west, along said westerly right-of-way line 30.00 feet to the southerly right-of-way line of said Royal Palm Drive and the northerly boundary of those lands described and recorded in official records 705, page 1590 of the public records of said county; thence south 88°52'12" west, along said northerly boundary, 317.00 feet to the westerly boundary of said lands; thence south 08°15'12" west, along said westerly boundary, 105 feet more or less to the mean high water line of Nassau River; thence southwest, westerly, northwesterly, southwest, and southerly, following the meanderings of said mean high water line, 4000 feet more or less to a point on said mean high water line, said point lying north 72°32'01" east, 1170 feet more or less from the aforementioned Reference Point "B"; thence south 72°32'01" west, through said Reference Point "B", 1215 feet more or less to the mean high water line of boggy creek; thence westerly, northwesterly, northerly, northeasterly, easterly, southerly, and southeasterly, following the meanderings of said boggy creek, 11465 feet more or less to its intersection with the westerly line of said Section 15, said point lying south 00°12'35" east, 270 feet more or less from the aforementioned Reference Point "A"; thence north 00°12'35" west, 270 feet more or less to the southerly boundary of aforementioned lands described and recorded in official records 720, page 1963 of the official records of said county and said Reference Point "A" to close.

Containing 1374.56 acres, more or less.

PARCEL A (Ann DeKay Evans)

A portion of Section 16, Township 2 North, Range 26 East, Nassau County, Florida, being more particularly described as follows:

Begin at the northeast corner of said Section 16; thence south 00°12'35" east along the easterly line of said section 16 and the easterly line of those lands described and recorded in Official Records Book 1166, page 1351 of the public records of Nassau County, Florida, 2600 feet, more or less, to the northerly bank of Boggy Creek and the southerly and westerly line of said lands; thence westerly and northerly along said northerly bank and the meanderings thereof, 5020 feet, more or less, to a point on the northerly line of said section 16 and the northerly line of said lands; thence north 88°54'55" east, along said northerly lines, 290 feet, more or less to the point of beginning.

Containing 53.2 acres, more or less.

PARCEL B (Ann DeKay Evans)

A portion of Sections 10 And 15, Township 2 North, Range 26 East, Nassau County, Florida, being more particularly described as follows:

Begin at the southwest corner of said Section 10; thence north 01°04'10" west, along the west line of said Section 10 and along the west line of those lands described and recorded in Official Records Book 720, Page 1953 of the public records of Nassau County, Florida, 792.19 feet to the southerly right-of-way line of Logan Road (a 60-foot right-of-way as now established); thence north 51°03'16" east, along said southerly right-of-way, 76.68 feet to the easterly line of said lands described and recorded in Official Records Book 720, Page 1963; thence south 01°01'45" west, along said easterly line, 899.20 feet to the southerly line of said lands; thence south 88°42'51" west, along said southerly line, 60.80 feet to the westerly line of said Section 15 and the aforesaid westerly line of said lands; thence north 00°12'35" west along said westerly lines, 60.16 feet to the point of beginning.

Containing 1.2 acres, more or less.

EXHIBIT B

NASSAU COUNTY FLORIDA BOARD OF COUNTY COMMISSIONERS
 CAPITAL IMPROVEMENT PLAN
 TRANSPORTATION PROJECTS
 FISCAL YEARS 2005/2006-2010/2011
 August 28, 2006

	miles	Estimated Cost	05/06	06/07	07/08	08/09	09/10	10/11	.25 Millage Equivalent	FDOT		Impact Fees	361 fund	363 fund Transp Concur	5 cent Opt Gas Tax	Developer Funded		Fair Share Funded		Other		Total Funding	
										Amount	Source					Amount	Dvlpmnt	Amount	Dvlpmnt	amount	source		
Road Projects																							
Scott Road Drainage		\$ 394,935	\$ 394,935									\$ -	\$ 394,935										\$ 394,935
14th & Beech Intersection Improvements-approved 04/05		\$ 125,000	\$ 125,000									\$ 125,000											\$ 125,000
CR 121-BCC approved 12/21/2005	34	\$ 9,600,111	\$ 7,882,843	\$ 1,917,268					\$ 560,471	\$ 6,034,003	SCOP	\$ 1,917,268									\$ 1,088,369	1 cent	\$ 9,600,111
Ford Road approved 4/16/06		\$ 825,046	\$ 825,046						\$ -	\$ 466,513	SCRAP	\$ -	\$ 358,533										\$ 825,046
CR 108-BCC 6/21/2006		\$ 2,136,828		\$ 2,136,828					\$ 820,388	\$ 1,316,440	SCRAP	\$ -											\$ 2,136,828
I-95/SR200 Interchange (turn lanes and ramps)		\$ 367,000					\$ 367,000					\$ -				\$ 367,000	3 RIVERS						\$ 367,000
SR 200/A1A Evelyn to Griffin Rd Widening (2 to 4 lanes)		\$ 49,000,000					\$ 49,000,000			\$ 49,000,000		\$ -											\$ 49,000,000
Sub Total Transportation Projects		\$ 62,448,920	\$ 9,027,824	\$ 4,054,098	\$ -	\$ -	\$ 49,367,000	\$ -	\$ 1,360,859	\$ 56,816,956		\$ 2,042,268	\$ 753,488	\$ -	\$ -	\$ 367,000		\$ -		\$ 1	\$ 1,088,370		\$ 62,448,920
Cold Porous Road App'd 11/16/2005																							
Karen Street		\$ 31,242																					
Anthony Street		\$ 35,921																					
Olive Street		\$ 16,660																					
4th Street		\$ 19,287																					
5th Street		\$ 15,689																					
Debbie Road		\$ 46,844																					
Jean Road		\$ 91,834																					
Total Cold Porous		\$ 259,257	\$ 259,257						\$ 259,257														\$ 259,257
Total Transportation Projects Estimated Cost		\$ 62,708,177	\$ 9,287,081	\$ 4,054,098	\$ -	\$ -	\$ 49,367,000	\$ -	\$ 1,640,118	\$ 56,816,956		\$ 2,042,268	\$ 753,488	\$ -	\$ -	\$ 367,000		\$ -		\$ 1	\$ 1,088,370		\$ 62,708,177