

ORDINANCE NO. 2006-15

AN ORDINANCE RESCINDING ORDINANCE 2005-65, WHICH AMENDED 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 MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON THE FUTURE LAND USE MAP; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Department of Community Affairs has issued a Notice of Intent finding this amendment not in compliance with the Nassau County Comprehensive Plan; and

WHEREAS, the Department of Community Affairs finds the amendment does not demonstrate the availability of existing, committed, and planned transportation facilities to serve the proposed development at the adopted level-of-service standard; and

WHEREAS, neither the County nor the applicant can presently address this lack of availability; and

WHEREAS, the applicant has agreed to withdraw the request for the amendment until such time as transportation facilities to serve the project can be addressed; and

WHEREAS, the Board of County Commissioners of Nassau County finds it necessary to rescind Ordinance 2005-65.

NOW, THEREFORE, BE IT ORDAINED this 9th day of January, 2006, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. SECTION 1. PURPOSE AND INTENT

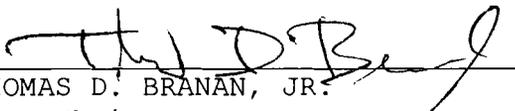
Based upon the Department of Community Affairs' Notice of Intent finding this amendment not in compliance with the Nassau County Comprehensive Plan, Ordinance 2005-65, in its entirety is hereby rescinded.

2. SECTION 2. OWNER AND DESCRIPTION

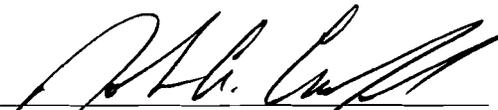
The land affected by this Ordinance is owned by DB Florida Development LLC, and is described as follows:

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


THOMAS D. BRANAN, JR.
Its: Chairman

ATTEST:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:


MICHAEL S. MULLIN

EXHIBIT "A"

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF THE JOHN LOWE MILL GRANT, SECTION 37, AND THE JOHN D. VAUGHN GRANT, SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A RAILROAD SPIKE FOUND WHERE THE RIGHT-OF-WAY CENTERLINE OF STATE ROAD NO. 200-A (A 100-FOOT RIGHT-OF-WAY AS ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION NO. 74600-2150 (7460-175) INTERSECTS THE RIGHT-OF-WAY CENTERLINE OF STATE ROAD NO. 200A-1-A (A VARYING RIGHT-OF-WAY AS ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION NO. 74060-2503) AND RUN SOUTH $00^{\circ}23'55''$ EAST, A DISTANCE OF 96.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200A-1-A; RUN THENCE THE FOLLOWING FIVE (5) COURSES ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, (1) NORTH $72^{\circ}46'59''$ WEST, A DISTANCE OF 371.73 FEET TO A POINT; (2) NORTH $75^{\circ}28'24''$ WEST, A DISTANCE OF 200.37 FEET TO A POINT; (3) NORTH $72^{\circ}46'59''$ WEST, A DISTANCE OF 400.11 FEET TO A POINT; (4) NORTH $69^{\circ}55'14''$ WEST, A DISTANCE OF 200.30 FEET TO A POINT; (5) NORTH $72^{\circ}46'59''$ WEST, A DISTANCE OF 1344.89 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 TO THE SOUTH AND HAVING A RADIUS OF 5606.17 FEET, A CHORD DISTANCE OF 1168.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE FOREMENTIONED CHORD BEING NORTH $78^{\circ}45'59''$ WEST; RUN THENCE NORTH $84^{\circ}44'59''$ WEST CONTINUING ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 449.51 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE YULEE UNITED METHODIST CHURCH (ACCORDING TO DEED RECORDED IN THE OFFICIAL RECORDS OF NASSAU COUNTY IN BOOK 587, PAGE 330); RUN THENCE SOUTH $05^{\circ}15'01''$ WEST ALONG LAST MENTIONED EASTERLY LINE, A DISTANCE OF 473.00 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH $85^{\circ}21'12''$ EAST, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY LINE OF A 60-FOOT WIDE EASEMENT (ACCORDING TO DEED RECORDED IN THE OFFICIAL RECORDS OF NASSAU COUNTY IN BOOK 655, PAGE 1298); RUN THENCE SOUTH $05^{\circ}15'01''$ WEST ALONG LAST MENTIONED EASTERLY LINE, A DISTANCE OF 88.47 FEET TO A POINT; RUN THENCE SOUTH $84^{\circ}44'59''$ EAST, A DISTANCE OF 317.53 FEET TO A POINT ON THE WESTERLY LINE OF THE OLD NASSAU COUNTY LANDFILL (NOW CLOSED); RUN THENCE SOUTH $03^{\circ}28'57''$ WEST ALONG LAST MENTIONED WESTERLY LINE, A DISTANCE OF 1359.46 FEET TO A POINT; RUN THENCE THE NEXT FOUR COURSES ALONG THE APPROXIMATE CENTERLINE OF A ± 20 FOOT WIDE DITCH, (1) NORTH $80^{\circ}00'00''$ WEST, A DISTANCE OF 50.00 FEET TO A POINT; (2) SOUTH $47^{\circ}00'00''$ WEST, A DISTANCE OF 46.59 FEET TO A POINT; (3) SOUTH $74^{\circ}00'00''$ WEST, A DISTANCE OF 209.18 FEET TO A POINT; (4) NORTH $87^{\circ}00'00''$ WEST, A DISTANCE OF 122.24 FEET TO A POINT; RUN THENCE NORTH $19^{\circ}00'00''$ WEST, A DISTANCE OF 1636.54 FEET TO A POINT AT THE SOUTHWEST CORNER OF THE FOREMENTIONED YULEE UNITED METHODIST CHURCH; RUN THENCE NORTH $89^{\circ}21'00''$ EAST, ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 640.04 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 24.72 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD THAT LIE WITHIN.

EXHIBIT "A" ContinuedTOGETHER WITH A NON-EXCLUSIVE EASEMENT DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A 100-FOOT WIDE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER A PORTION OF THE JOHN LOWE MILL GRANT, SECTION 37, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A RAILROAD SPIKE FOUND WHERE THE RIGHT-OF-WAY CENTERLINE OF STATE ROAD NO. 200-A (A 100-FOOT RIGHT-OF-WAY AS ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION NO. 74600-2150 (7460-175) INTERSECTS THE RIGHT-OF-WAY CENTERLINE OF STATE ROAD NO. 200/A-1-A (A VARYING RIGHT-OF-WAY AS ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION NO. 74060-2502) AND RUN SOUTH 00°-23'-55" EAST, A DISTANCE OF 96.59 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A; RUN THENCE THE FOLLOWING FIVE (5) COURSES ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, (1) NORTH 72°-46'-59" WEST, A DISTANCE OF 371.73 FEET TO A POINT; (2) NORTH 73°-38'-44" WEST, A DISTANCE OF 200.27 FEET TO A POINT; (3) NORTH 72°-46'-59" WEST, A DISTANCE OF 400.11 FEET TO A POINT; (4) NORTH 69°-55'-14" WEST, A DISTANCE OF 200.30 FEET TO A POINT; (5) NORTH 72°-46'-59" WEST, A DISTANCE OF 1344.89 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 TO THE SOUTH AND HAVING A RADIUS OF 5606.17 FEET; A CHORD DISTANCE OF 1168.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 78°-45'-59" WEST; RUN THENCE NORTH 84°-44'-59" WEST CONTINUING ALONG LAST MENTIONED SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 449.61 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE YULEE UNITED METHODIST CHURCH (ACCORDING TO DEED RECORDED IN THE OFFICIAL RECORDS OF NASSAU COUNTY IN BOOK 587, PAGE 330), SAID POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF CHRISTIANS WAY (A 100-FOOT RIGHT-OF-WAY BY DEED RECORDED IN THE OFFICIAL RECORDS OF NASSAU COUNTY IN BOOK 655, PAGE 1308); RUN THENCE SOUTH 05°-15'-01" WEST ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 255.09 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST END OF SAID CHRISTIANS WAY.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE SOUTH 05°-15'-01" WEST ALONG THE AFOREMENTIONED EASTERLY LINE OF YULEE UNITED METHODIST CHURCH, A DISTANCE OF 217.91 FEET TO THE SOUTHEAST CORNER OF LAST MENTIONED LANDS; RUN THENCE SOUTH 85°-21'-12" EAST, A DISTANCE OF 100.00 FEET TO A POINT; RUN THENCE NORTH 05°-15'-01" EAST, A DISTANCE OF 217.92 FEET TO THE SOUTHEAST END OF THE AFOREMENTIONED CHRISTIANS WAY; RUN THENCE NORTH 85°-21'-12" WEST ALONG THE SOUTHERLY END OF SAID CHRISTIANS WAY, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 0.50 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD THAT LIE WITHIN.