

RESOLUTION NO. 2004- 32

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING RESOLUTION NO. 90-41, AS AMENDED, KNOWN AS THE SUMMER BEACH CONSOLIDATED DEVELOPMENT ORDER

WHEREAS, the Board of County Commissioner of Nassau County, Florida, had previously approved Resolution Nos. 85-11, 85-15, 85-60, 86-8, 86-29, 86-62, 87-11, 89-30, 90-41, 99-82, 2000-31, 2001-25, 2001-96; 2001-183 and 2003-76A; and

WHEREAS, the Developer of Summer Beach filed on December 23, 2003, a request for a further amendment to said Planned Unit Development (PUD) and a Notice of Proposed Change to the Development Order as amended on June 9, 2003 (Resolution 2003-76A); and

WHEREAS, pursuant to Section 380.06(11), Florida Statutes, the Northeast Florida Regional Planning Council (NEFRPC), the appropriate regional planning agency, has prepared and submitted to Nassau County its report and recommendation on the amendment; and

WHEREAS, the Florida Department of Community Affairs finds that the proposed change to the Development Order does not constitute a substantial deviation; and

WHEREAS, the Nassau County Planning and Zoning Board has reviewed the said amendment, conducted a public hearing on March 2, 2004 and has made a finding that the amendments do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, the Nassau County Planning and Zoning Board has recommended approval of the requested amendment; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on March 22, 2004 and has made a finding that the amendments do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, due notice of the public hearings on the application and amendment procedures was duly published; and

WHEREAS, the Board of County Commissioners and the Planning and Zoning Board considered the competent and substantial testimony, reports, and other evidence submitted at the public hearings by Summer Beach, NEFRPC, as well as county staff and the public in attendance at said public hearing.

NOW, THEREFORE, BE IT RESOLVED this 22nd day of March, 2004, by the Board of County Commissioners of Nassau County, Florida, that:

1. The Planned Unit Development (PUD) and Development Order shall be amended to include the following:
 - a. Add Parcels K-3 and K-4 to Parcel K-2: The added parcels contain approximately 3.1 acres, as more particularly described on Exhibit A, attached. The site plan for Parcel K-2 (also known as The Preserve) will be revised to integrate the new property and incorporate an additional 9 residential units to be accommodated on the overall parcel.
 - b. Add Parcel N-1: Parcel N-1 contains 10.214 acres, as more particularly described on Exhibit A, attached, and will be developed in up to 100 multi-family residential units.

A CERTIFIED TRUE COPY
Marilyn G. ...
OFFICIO, Clerk to the Board of County Comm.

- c. Reallocate Residential Units: To provide the 109 units included in changes a., and b., 109 units will be reallocated from existing approvals on other Summer Beach parcels through the amendment of Table 12A-1 and Map H-1R (6).
- d. Change the name of the Applicant/Developer of the Development Order and PUD from Summer Beach, Ltd., to Summer Beach Amenities Venture, Ltd..
- e. Extend the buildout period of the Development Order from November 30, 2004 to November 30, 2009.
- f. Extend the date to which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction from November 30, 2004 to November 30, 2009.
- g. Amend Condition 12.8 of the Consolidated Development Order to have the sub-paragraph concerning Parcel C read as follows: "Parcel C – Single-family residential units".

2. Parcel K-4 is further subject to the following condition: The Applicant shall meet the State and Federal Regulations for the protection or mitigation or archaeological resources and shall satisfy the recommendations of the State Historic Preservation Office relating to Site 8NA32, which are as follows: (i) Submission of site plans showing the locations of all ground disturbing improvements on site, and written clarification of the reason avoidance or minimization of impacts to the significant archaeological resources is not feasible or prudent, for review and comment by the State Historic Preservation Office; (ii) Submission of a minimization plan and/or final data recovery plan for review and comment; and (iii) As appropriate, the completion of data recovery investigations and submission of the written report of investigations.

3. At the frontage of Parcels K-3 and K-4 on CR-105-A, Buccaneer Trail, the Applicant shall provide a buffer fifty feet in depth from the right-of-way line. No live oak trees shall be removed from this buffer and all trees will be protected during construction. During the Final Development Plan process, the Applicant shall revise the location of the emergency-only access road that has been approved in a previously approved Final Development Plan and, in coordination with County staff, may design this road as a "stabilized grass" road with the structural capacity to support the County's emergency equipment. The Applicant will also include a plan for the installation of additional live oak trees at the right-of-way line to fill the gaps in the canopy and to otherwise enhance the buffer.

4. Map H 1 R (6) dated March 1, 2003 is hereby replaced with Map H 1 R (6) dated January 23, 2004, and Table 12A-2 dated March 24, 2003 is hereby replaced with Table 12A-2 dated January 23, 2004, attached hereto as Exhibit C.

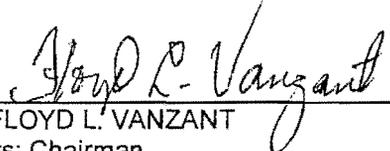
5. The changes proposed to the PUD and Development Order do not constitute a substantial deviation and full review has been provided in accordance with Florida Statutes Section 380.06(19).

6. Map H-1-R (6), revised January 23, 2004, attached hereto as Exhibit B and made a part hereof, and Table 12A-2, revised January 23, 2004, is attached hereto as Exhibit C and made a part hereof.

7. Notice of the adoption of this Resolution and a certified copy of this Resolution shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes.

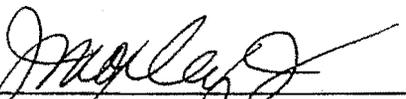
8. The County Clerk shall transmit a certified copy of the Development Order amendment by certified mail to the Department of Community Affairs, the Northeast Florida Regional Planning Council, and the Applicant.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



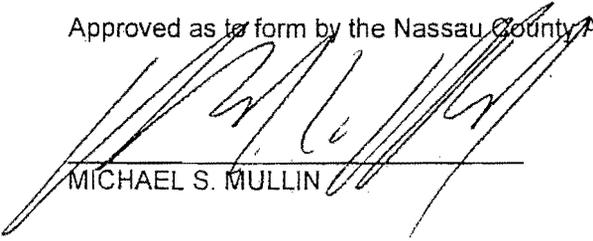
FLOYD L. VANZANT
Its: Chairman

ATTEST:



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

Approved as to form by the Nassau County Attorney:



MICHAEL S. MULLIN

IMSTR # 200323464
Q 3K 01150 PG 0105

Warranty Deed p.4

EXHIBIT A Legal Description
Parcel K-3

EXHIBIT B
to Warranty Deed to
THE PRESERVE AT SUMMER BEACH, LLC

PARCEL "C"

All that certain tract or parcel of land being a portion of the lands of A. G. McArthur and Mabel McArthur in the Antonio Suarez Grant in SECTION 12, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA and being more particularly described as follows: For a POINT OF REFERENCE commence at a point where the Northerly line of said Section 12 intersects the Easterly right-of-way line of the Fernandina-Amelia Highway (a 60 foot right-of-way) and run SOUTH 12°-07'-34" WEST, along last mentioned Easterly right-of-way line, a distance of 247.79 feet to the Southwesterly corner of the lands of John Howard Walker and Annie Frances Walker (according to Deed recorded in the Official Records of said county in Book 502, page 506); thence continue SOUTH 12°-07'-34" WEST, along said Easterly right-of-way line, a distance of 157.91 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 to the East and having a radius of 625.00 feet, a chord distance of 248.50 feet to the point of tangency of said curve, the bearing of the aforementioned chord being SOUTH 00°-39'-34" WEST, run thence SOUTH 10°-48'-26" EAST, continuing along said Easterly right-of-way line, a distance of 317.39 feet to the POINT OF BEGINNING.

From the POINT OF BEGINNING thus described run NORTH 76°-00'-00" EAST, a distance of 135.57 feet to a point of curvature; run thence in an easterly direction along the arc of a curve, said curve being concave to the South and having a radius of 670.00 feet, a chord distance of 227.00 feet to a point, the bearing of the aforementioned chord being NORTH 85°-45'-11" EAST; run thence SOUTH 10°-48'-26" EAST, parallel with the easterly right-of-way line of said Fernandina Amelia Highway, a distance of 102.59 feet to an iron pipe set on the northerly line of Philips Manor Subdivision, said subdivision as recorded in Plat Book 2, Page 78 of the Official Records of said County; run thence SOUTH 78°-24'-54" WEST, along said Northerly line, a distance of 60.90 feet to a 1 1/2 galvanized pipe found on the Easterly line of lands of Steve V. Collins and Jane P. Collins according to deed recorded in Book 854, page 1407 of the Official Records of said County; run thence NORTH 10°-45'-06" WEST, along last mentioned Easterly line, a distance of 6.13 feet to a 1/2 inch iron pipe found on the northerly line last mentioned lands; run thence SOUTH 78°-17'-07" WEST, along last mentioned northerly line, a distance of 300.02 feet to an iron pipe found on the aforementioned Easterly right-of-way line of Fernandina-Amelia Highway; run thence NORTH 10°-48'-26" WEST, along last mentioned Easterly right-of-way line, a distance of 120.13 feet to the POINT OF BEGINNING.

The land thus described contains 1.00 acre, more or less.

Warranty Deed p.3

EXHIBIT A Legal Description
Parcel K-4

EXHIBIT A
to Warranty Deed to
THE PRESERVE AT SUMMER BEACH, LLC

PARCEL "B"

All that certain tract or parcel of land being a portion of the lands of A. G. McArthur and Mabel McArthur in the Antonio Suarez Grant, in SECTION 12, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA and being more particularly described as follows: For a POINT OF REFERENCE commence at the point where the Northerly line of said Section 12 intersects the Easterly right-of-way line of the Fernandina-Amelia Highway (a 60 foot right-of-way) and run thence South $12^{\circ}-07'-34''$ West, along last mentioned easterly right-of-way line, a distance of 247.79 feet to the southwesterly corner of the lands of John Howard Walker and Annie Frances Walker (according to Deed recorded in the Official Records of said county in Book 502, page 506); thence continue South $12^{\circ}-07'-34''$ West, along said Easterly right-of-way line, a distance of 157.91 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 to the East and having a radius of 625.00 feet, a chord distance of 248.50 feet to the point of tangency of said curve, the bearing of the aforementioned chord being South $00^{\circ}-39'-34''$ West, run thence South $10^{\circ}-48'-26''$ East, continuing along said Easterly right-of-way line, a distance of 97.40 feet to a point for the POINT OF BEGINNING. From the POINT OF BEGINNING thus described run South $83^{\circ}-30'-00''$ East, a distance of 397.46 feet to a point; run thence North $35^{\circ}-00'-00''$ East, a distance of 351.28 feet to a point; run thence South $09^{\circ}-00'-00''$ East, a distance of 375.31 feet to a point; run thence in a westerly direction along the arc of a curve, said curve being concave to the North and having a radius of 270.00 feet, a chord distance of 52.26 feet to the point of tangency of said curve, the bearing of the aforementioned chord being North $89^{\circ}-33'-15''$ West, run thence North $84^{\circ}00'-00''$ West, a distance of 192.71 feet to a point of curvature; run thence in a Westerly direction along the arc of a curve, said curve being concave to the South and having a radius of 730.00 feet, a chord distance of 253.53 feet to the point of tangency of said curve, the bearing of the aforementioned chord being South $86^{\circ}-00'-00''$ West, run thence South $76^{\circ}-00'-00''$ West, a distance of 132.22 feet to a point on the Easterly right-of-way line of said Fernandina Amelia Highway; run thence North $10^{\circ}-48'-26''$ West along said Easterly right-of-way line, a distance of 159.90 feet to the POINT OF BEGINNING.

The land thus described contains 2.10 acres, more or less.



MANZIE & DRAKE LAND SURVEYING

Michael A. Manzie, P.L.S. • Vernon N. Drake, P.S.M. • Frank L. Bowen, P.S.M.

LEGAL DESCRIPTION

PREPARED FOR: JOHN LASSERRE

JANUARY 8, 2004

A PORTION OF LOT 2 "AMELIA", A SUBDIVISION OF SECTION 15, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, AS RECORDED IN DEED BOOK "Y", PAGE 128 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 2 WITH THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 105 (A-1-A); THENCE NORTH 85°07'00" EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 926.79 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 18°06'00" EAST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 494.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2 AND A POINT ON THE SOUTH LINE OF SAID SECTION 15; THENCE SOUTH 84°55'00" WEST, ALONG THE SOUTH LINE OF SAID LOT 2 AND ALONG THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 843.25 FEET TO THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 404, PAGE 374, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH 13°04'00" WEST, ALONG THE EAST LINE OF LAST SAID LANDS, A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 84°55'00" WEST, ALONG THE NORTH LINE OF LAST SAID LANDS, A DISTANCE OF 99.50 FEET TO INTERSECT THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 105 (ALSO KNOWN AS A-1-A) AND A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 2964.79 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°05'47", AN ARC DISTANCE OF 263.63 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 15°31'47" WEST A DISTANCE OF 263.63 FEET; THENCE NORTH 18°04'40" WEST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 181.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.214 ACRES MORE OR LESS.



MICHAEL A. MANZIE, P.L.S.
FLORIDA REGISTRATION NO. 4069
JOB NO. 14360

SUMMER BEACH

SUMMER BEACH AMENITIES VENTURE, LTD

HOWARD M. LANDERS, AICP
URBAN PLANNING CONSULTANT

DATE: APRIL 1984 PROJECT: LAB4018/84026 86517 49001

MAP H-1 R (6)



REVISED: DECEMBER 3, 1984
JANUARY 22, 1985
JULY 8, 1985
SEPTEMBER 8, 1985
JULY 1, 1984
JULY 26, 1984
NOVEMBER 3, 1984
JULY 8, 1983
DECEMBER 12, 1984
MAY 19, 1980

NOVEMBER 12, 1984
NOVEMBER 17, 1984
MARCH 22, 1984
MAY 20, 1984
APRIL 22, 1984
OCTOBER 9, 1984
MARCH 1, 1984
DECEMBER 12, 1984
JANUARY 22, 1984
MAY 19, 1980

LAND USE PLAN

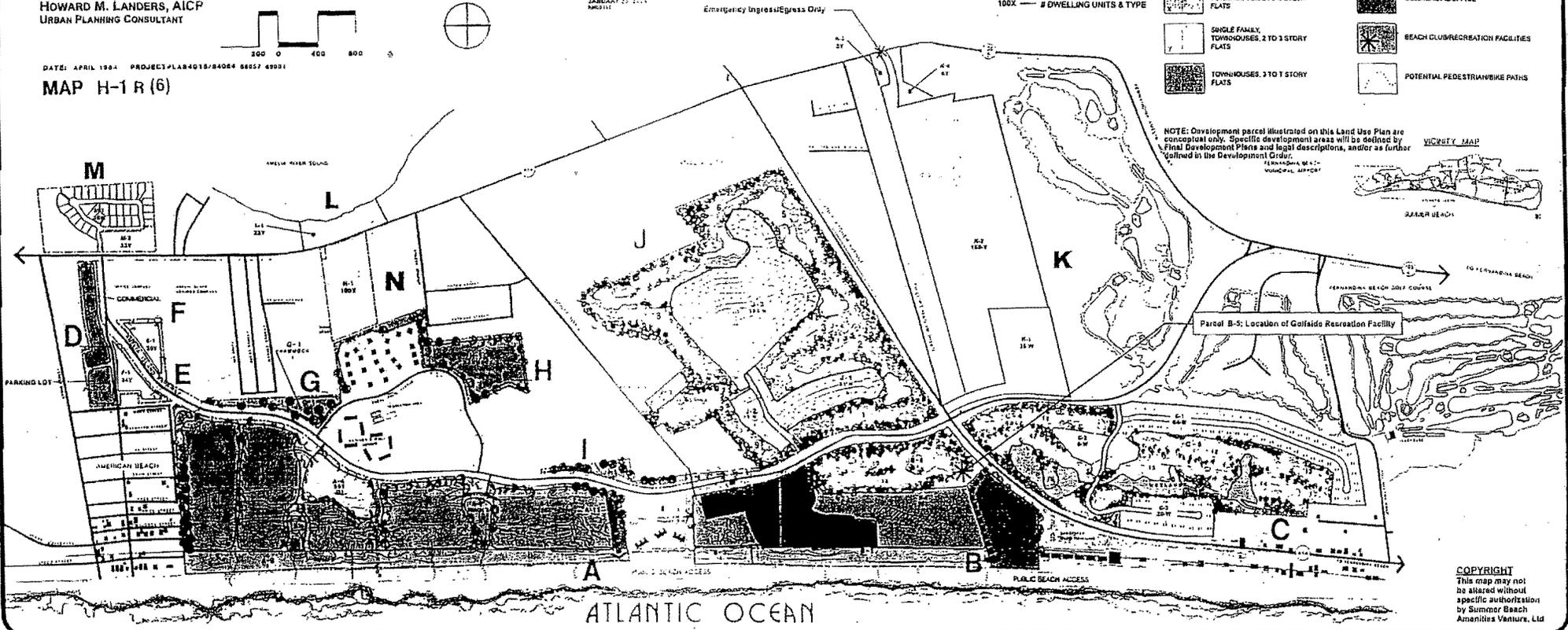
P.L.D. PRELIMINARY DEVELOPMENT PLAN

KEY

- J-2 SUB-PARCEL
- 100X # DWELLING UNITS & TYPE
- Emergency Ingress/Egress Drwy
- Single Family Zero-Lot-Line Patio Homes: Duplex 4-Plex
- Single Family Townhouses, 2 to 3 Story Flats
- Single Family Townhouses, 2 to 3 Story Flats
- Townhouses, 3 to 1 Story Flats
- Hotel (2 Units Alternative Use)
- Commercial/Office
- Beach Club/Recreation Facilities
- Potential Pedestrian/Bike Paths

NOTE: Development parcel illustrated on this Land Use Plan are conceptual only. Specific development areas will be defined by Final Development Plans and legal descriptions, and/or as further defined in the Development Order.

VICINITY MAP



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This map may not be altered without specific authorization by Summer Beach Amenities Venture, Ltd

Exhibit C
SUMMER BEACH
Planned Unit Development and Development of Regional Impact

Table 12A-2 Revised January 23, 2004
LAND USE SUMMARY

Sub-Parcel	Residential			Commercial		Recreation/Open Space*		Roadways	Totals
	Class	Units	Acres	Types	Acres	Type	Acres	Acres	Acres
PARCEL A									
A-1	Z	155	19.75						19.75
A-2	Z	150	15.05						15.05
A-3	Z	132	7.10						7.10
A-4	Y	90	8.10						8.10
A-5	Z	120	17.31						17.31
A-6	Z	90	19.00						19.00
A-7						Beach Club	2.75		2.75
A-8						Beach Club	2.02		2.02
A-9						CCCL***	27.88		27.88
A-10						Pond	0.72		0.72
A-11						Beach Acc	1.63		1.63
Roads								1.32	1.32
Sub-Totals		737	86.31		0.0		35	1.32	122.63

PARCEL B

B-1						CCCL***	12.73		12.73
B-2	Z	145	5.00						5.00
B-3						CCCL***	2.81		2.81
B-4	Z	98	11.73						11.73
B-5						Golfside Rec	1.00		1.00
B-6						Golf	18.65		18.65
B-8		**		Hotel**	15.88				15.88
B-10						Park	12.3		12.30
Sub-Totals		243	16.73		15.88		47.49		80.10

PARCEL C

C-1	W	64	21.55						21.55
C-2	W	6	3.80						3.80
C-3	W	20	8.36						8.36
C-4						Golf	16.35		16.35
C-5						Golf	25.16		25.16
C-6						Wetlands	12.00		12.00
Sub-Totals		90	33.71				53.51		87.22

PARCEL D

D-1				Conv Comm	3.57				3.57
D-2						Beach Pkng	2.00		2.00
Sub-Totals					3.57		2.00		5.57

E-1	Y	20	3.57	*****					3.57
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F-1	Y	24	3.35						3.35
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Continued...

....Continued

Exhibit C
SUMMER BEACH

Planned Unit Development and Development of Regional Impact

Table 12A-2 Revised January 23, 2004
LAND USE SUMMARY

Sub-Parcel	Class	Residential		Commercial		Recreation/Open Space*		Roadways	Totals
		Units	Acres	Types	Acres	Type	Acres	Acres	Acres
G-1						Hammock	4.26		4.26
H-1						Hammock	13.31		13.31
I-1						Hammock	4.80		4.80
PARCEL J									
J-1	W	31	9.5						9.50
J-2	W	10	3.7						3.70
J-3	W	102	31.92						31.92
J-4						Golf	82.58		82.58
J-5				Maintenance	1.35				1.35
Sub-Totals		143	45.12		1.35		82.58		129.05
PARCEL K									
K-1	W	36	11.00						11.00
K-2	Y	150	59.03						59.03
K-3	Y	3	1.00						1.00
K-4	Y	6	2.10						2.10
Sub-Totals		195	73.13						73.13
PARCEL L									
L-1	Z	22	4.40						4.40
PARCEL M									
M-1	W	36	16.28						16.28
M-2	Z	33	3.10						3.10
Sub-Totals		69	19.38						19.38
PARCEL N									
N-1	Z	100	10.21						10.00
TOTALS		1643	295.91		17.23		240.95	1.32	560.77 ****

* Residential includes land area for buffers, open space, and recreational uses associated with each parcel.

** Hotel of 500 units. If the hotel option is not achieved, add 314 residential units.

*** CCCL indicates open space area located seaward of the Coastal Construction Control Line.

**** Total land area may exceed 560.77 as a result of transfers of existing rights-of-way in Parcel B.

***** Residential or Commercial. If the residential is not developed, commercial use may be exchanged with the filing of a site plan.

Source: Landers-Atkins Planners, Inc., 1984. Revised December 1984; July 1985; September 1985; July 1986; November 1988.

HDR Engineering, Inc. of the Carolinas. Revised June 12, 2000; Revised November 10, 2000; Revised December 8, 2000;

Revised March 12, 2001; Revised October 1, 2001; Revised March 3, 2003; Revised March 24, 2003.

Howard M. Landers, AICP. Revised December 23, 2003.

Howard M. Landers, AICP. Revised January 23, 2004.