

RESOLUTION NO. 2009 - 137

A RESOLUTION CONSTITUTING THE SECOND AMENDMENT TO THE DEVELOPMENT ORDER FOR THE FERNANDINA INTERNATIONAL TRADEPLEX DEVELOPMENT OF REGIONAL IMPACT (DRI); SPECIFICALLY AMENDING THE DEVELOPMENT ORDER TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO THE NOTIFICATION OF A PROPOSED CHANGE (NOPC) FILED BY TERRA POINT, LLC., AND DATED APRIL 22, 2009; PROVIDING FOR THE ADDITION OF 8.5 ACRES TO THE DRI; PROVIDING FOR AN EXTENSION OF THE BUILD OUT DATE BY SEVEN YEARS; FINDING THAT THIS CHANGE DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION FROM THE ORIGINALLY APPROVED DRI DEVELOPMENT ORDER, AS AMENDED; AND PROVIDING AN EFFECTIVE DATE.

INSTR # 200917625, Book 1627, Page 1816
Pages 5
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John A Crawford, Nassau County Clerk of Circuit Court
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WHEREAS, on November 28, 1989 Nassau County adopted Ordinance No. 90-3 constituting the development order for the Fernandina International Tradeplex Development of Regional Impact (DRI); and

WHEREAS, on December 12, 1994 Nassau County adopted Ordinance No. 95-4 constituting the first amendment to the Fernandina International Tradeplex DRI; and

WHEREAS, in July 2007 the Florida Legislature adopted HB 7203 amending Sec. 380.06(19)(c), F.S. extending the phase, buildout and expiration dates of any DRI under active construction as of July 2007 by three (3) years; and

WHEREAS, on January 4, 2008 the Developer of the Fernandina International Tradeplex, through Ron V. Flick, filed a Notification of a Proposed Change to the previously approved development order; and

WHEREAS, on May 14, 2009 the Northeast Florida Regional Council (NEFRC) submitted its report and recommendation on the amendment finding that the proposed changes do not constitute a substantial deviation as defined in Sec. 380.06(19), F.S.; and

WHEREAS, the Board of County Commissioners has reviewed the said amendment, conducted a public hearing on June 22, 2009 at which all parties were afforded the opportunity to present evidence and testimony on this matter, and any member of the public requesting to do so was given an opportunity to present written or oral communication consistent with the adopted rules of procedure; and

WHEREAS, public notice of said hearing was provided in accordance with Chap. 380.06, F.S. and Chap. 125, F.S.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

The Board of County Commissioners finds that the changes set forth in the NOPC dated April 22, 2009 do not constitute a substantial deviation; as such term is defined in Section 380.06(19), Florida Statutes and are generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

SECTION 2. DRI AMENDED

Section III of Ordinance 95-4 is hereby amended to read as follows:

The commencement dates as outlined in the Master Plan and prior ordinances are hereby amended as follows:

- Phase I. Start construction December, 1994
- Phase I. Complete construction July, 1995
- Phase II. Start construction September, 1995
- Phase II. Complete construction ~~June, 2002~~ June 30, 2012

SECTION 3. DRI AMENDED

Section II of Ordinance 95-4 is hereby amended to read as follows:

The legal description provided in Ordinances 89-7 and 90-3 and corrected by Ordinance 95-4 is hereby amended to include the additional 8.5 acre parcel described as:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF THE JOHN LOWE MILL GRANT, SECTION 51, TOWNSHIP 3 NORTH AND A PORTION OF THE JOHN D. VAUGHN GRANT, SECTION 52, TOWNSHIP 3 NORTH, ALL LYING IN RANGE 27 EAST, NASSAU COUNTY, FLORIDA: FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF GENE LASSERRE BOULEVARD (A125-FOOT RIGHT-OF-WAY ACCORDING TO DEED RECORDED IN DEED BOOK 730, PAGE 375, OFFICIAL RECORDS OF SAID COUNTY) WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 200/A-1-A (A VARIED WIDTH RIGHT-OF-WAY AS ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION No. 74060-2503), SAID POINT BEING AT RIGHT-OF-WAY STATION 301+46.73 AS SHOWN ON SAID DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION No. 74060-2503; THENCE NORTH 05°-15'-01" EAST ALONG SAID CENTERLINE OF GENE LASSERRE BOULEVARD, A DISTANCE OF 202.24 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID CENTERLINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 711.05 FEET, A CHORD DISTANCE OF 288.68 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 06°-27'-43" WEST; RUN THENCE NORTH 18°-10'-26" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1391.39 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHWESTERLY

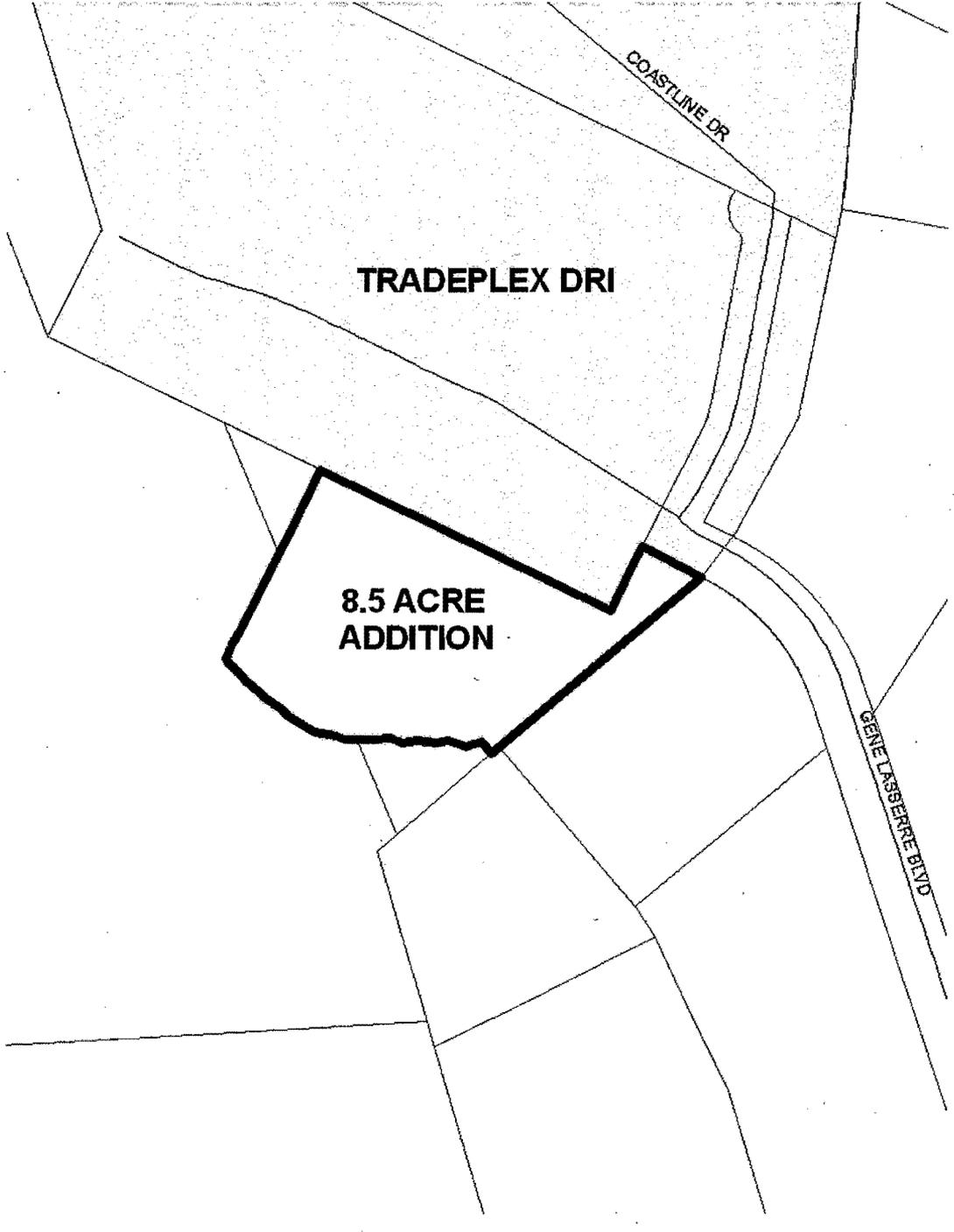
DIRECTION ALONG THE ARC OF A CURVE IN SAID CENTERLINE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 511.45 FEET, A CHORD DISTANCE OF 396.26 FEET TO A POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 40°-57'-55" WEST; RUN THENCE NORTH 63°-45'-25" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 174.70 FEET TO A POINT LYING ON A SOUTHEASTERLY LINE OF LANDS NOW OR FORMERLY OF ABP FL (YULEE) LLC (ACCORDING TO DEED RECORDED IN DEED BOOK 1231, PAGE 541, OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 27°-07'-36" WEST, ALONG LAST MENTIONED SOUTHEASTERLY LINE, A DISTANCE OF 62.50 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 63°-45'-25" EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED GENE LASSERRE BOULEVARD, A DISTANCE OF 157.62 FEET TO A POINT LYING ON THE NORTHWESTERLY LINE OF LANDS NOW OR FORMERLY OF YULEE TRADE PLEX DEVELOPMENT, LLC (ACCORDING TO DEED RECORDED IN DEED BOOK 1579, PAGE 453, OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 48°-52'-27" WEST, ALONG LAST MENTIONED NORTHWESTERLY LINE, A DISTANCE OF 605.71 FEET TO A POINT; RUN THENCE THE FOLLOWING FIFTEEN (15) COURSES: 1.) NORTH 47°-26'-31" WEST, A DISTANCE OF 42.46 FEET TO A POINT; 2.) SOUTH 73°-16'-44" WEST, A DISTANCE OF 36.28 FEET TO A POINT; 3.) NORTH 70°-19'-21" WEST, A DISTANCE OF 43.85 FEET TO A POINT; 4.) SOUTH 76°-39'-18" WEST, A DISTANCE OF 28.05 FEET TO A POINT; 5.) NORTH 89°-43'-08" WEST, A DISTANCE OF 61.90 FEET TO A POINT; 6.) NORTH 82°-28'-47" WEST, A DISTANCE OF 52.11 FEET TO A POINT; 7.) SOUTH 89°-21'-03" WEST, A DISTANCE OF 45.93 FEET TO A POINT; 8.) NORTH 85°-35'-30" WEST, A DISTANCE OF 58.00 FEET TO A POINT; 9.) NORTH 76°-53'-45" WEST, A DISTANCE OF 55.97 FEET TO A POINT; 10.) NORTH 56°-29'-35" WEST, A DISTANCE OF 65.70 FEET TO A POINT; 11.) NORTH 52°-40'-28" WEST, A DISTANCE OF 68.50 FEET TO A POINT; 12.) NORTH 49°-23'-27" WEST, A DISTANCE OF 68.19 FEET TO A POINT; 13.) NORTH 40°-13'-40" WEST, A DISTANCE OF 60.91 FEET TO A POINT; 14.) NORTH 12°-14'-18" EAST, A DISTANCE OF 5.79 FEET TO A POINT; 15.) NORTH 26°-13'-46" EAST, A DISTANCE OF 476.96 FEET TO A POINT LYING ON THE SOUTHWESTERLY LINE OF AFOREMENTIONED LANDS OF ABP FL (YULEE) LLC; RUN THENCE SOUTH 63°-45'-25" EAST, ALONG LAST MENTIONED SOUTHWESTERLY LINE, A DISTANCE OF 715.76 FEET TO A POINT; RUN THENCE NORTH 27°-07'-36" EAST, ALONG AFOREMENTIONED SOUTHEASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 148.39 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 8.50 ACRES (370,194 SQUARE FEET), MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS WHICH MAY LIE WITHIN.

Graphic depiction of the subject property:

103



SECTION 4. DRI AMENDMENT

Map H, the Master Development Plan is amended to include the 8.5-acre parcel described in Section 3, above. The development program for the 8.5 acres consists of 55,000 square feet of light industrial building.

SECTION 5. EXISTING DEVELOPMENT ORDER

All terms and conditions of the existing Fernandina International Tradeplex DRI development order and first amendment remain in full force and effect except as specifically amended by this Resolution.

SECTION 6. RECORDATION AND RENDITION

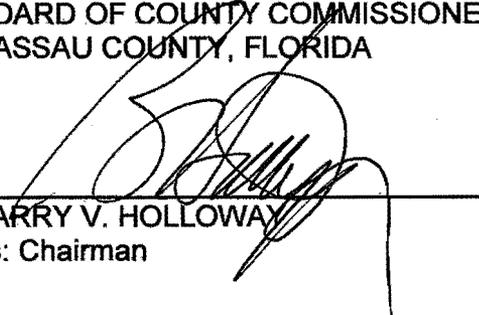
A copy of this Resolution shall be recorded in the Public Records of Nassau County. Nassau County will render a recorded copy of this Second Amendment to the Development Order to the Florida Department of Community Affairs, Bureau of Local Planning, the Northeast Florida Regional Council, and the Developer.

SECTION 7. EFFECTIVE DATE:

This Resolution shall become effective upon adoption.

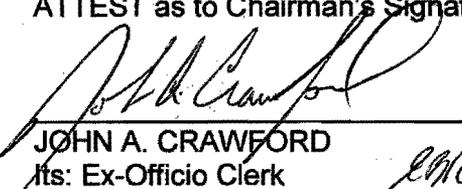
PASSED AND ADOPTED THIS 22nd DAY OF June, 2009.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



BARRY V. HOLLOWAY
Its: Chairman

ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

EMC 6/22/09

Approved as to form and legality by the
Nassau County Attorney:



DAVID A. HALLMAN