

RESOLUTION NUMBER 93- 191 -

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COUNTY OF ST. JOHNS, STATE OF FLORIDA, APPROVING A FINAL DEVELOPMENT PLAN FOR SIGNAGE, FENCING, LANDSCAPING AND IRRIGATION IN JULINGTON CREEK UNIT ONE; FINDING SUFFICIENT COMPLIANCE WITH RESOLUTION 82-37, THE DEVELOPMENT ORDER FOR JULINGTON CREEK AS SUBSEQUENTLY AMENDED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 23, 1982, the Board of County Commissioners of St. Johns County, Florida passed and approved Resolution No. 82-37 constituting the Development Order for a development known as Julington Creek which has been subsequently amended by Resolutions 82-139, 84-33, 84-53, 84-123, 84-143, 84-53, 85-150, 86-185, 88-38, 91-129, 92-160, 93-40, all as amended and restated in Resolution No. 93-159; ("Development Order"); and

WHEREAS, the Final Development Plan for Julington Creek Unit One was approved by a Resolution 84-48 and was recorded in Map Book 16, pages 35-51 of the public records of St. Johns County, Florida, and a portion thereof was replatted in accordance with the First Replat in Julington Creek Unit One, recorded in Map Book 26, pages 82 - 83; the Second Replat in Julington Creek Unit One recorded in Map Book 27, pages 6-7; Third Replat in Julington Creek Unit One recorded in Map Book 27, pages 15 - 16; and Fourth Replat in Julington Creek Unit One recorded in Map Book 27, pages 17 -20, all in the public records of St. Johns County, Florida, all of the foregoing are jointly referred to herein as "Julington Creek Unit One".

WHEREAS, Atlantic Gulf Communities Corporation, successor in interest to General Development Corporation ("Atlantic Gulf") has requested amendments to the Development Order to be considered by the Board of County Commissioners of St. Johns County and requested that the Board find such modifications do not constitute a substantial deviation in accordance with subsection 380.06(19)(b) and (e)3, Florida Statutes, to the terms and conditions of the Development Order as amended.

WHEREAS, the Planning and Zoning Agency has considered the said amendments requested by Atlantic Gulf Communities Corporation, and found that they did not constitute a substantial deviation.

WHEREAS, in consideration of the agreements, terms and conditions which are more fully set forth herein, St. Johns County has agreed to permit Atlantic Gulf to install signs, fencing, landscaping and irrigation in Julington Creek Unit One on property owned by Atlantic Gulf, Julington Creek Plantation Property Owners' Association. Inc. ("Association"), or within right-of-way dedicated to the County, Atlantic Gulf has agreed to install such signs, fencing, landscaping and irrigation in accordance with the terms and conditions hereinafter set forth and to indemnify and hold the County harmless from any claims, loss or damage arising from or in

the field of vision of motorists or pedestrians along any adjacent roads, driveways or thoroughfares, whether paved or unpaved. In all cases, sight distance shall meet the requirements set forth in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest edition.

f. Atlantic Gulf or the Association shall maintain all signs, fencing, landscaping and irrigation installed in accordance herewith in good repair and condition.

g. Atlantic Gulf and the Association have agreed that they shall be solely liable and agrees to be solely liable for and shall indemnify, defend and hold St. Johns County harmless from any and all loss, damage, claim, action, suit, judgment, cost or expense for injury to persons, including death or damage to property, including destruction in any manner arising from or out of the installation, maintenance or failure to remain, use or existence of any and all signs, fencing, landscaping and irrigation installed within the County rights of way, as set forth in the Agreement attached hereto and made a part hereof as Exhibit 1.

SECTION 2. The foregoing request is approved in reliance upon and in accordance with representation and statements made in the written submissions attached hereto and made a part hereof.

- A. Letter from William J. Byers of Bessent, Hammack & Ruckman, Inc. dated June 16, 1993; and
- B. Final Development Plan drawings for signs, fencing, landscaping and irrigation noted as Attachments A, B, C and D in letter from William J. Byers dated June 16, 1993.

SECTION 3. This Modification is consistent with the Comprehensive Plan.

AS ADOPTED this 14 day of December, 1993.

BOARD OF COUNTY COMMISSIONERS,
ST. JOHNS COUNTY, FLORIDA

BY: Alan Roberts
Its Chairman

Attest:
CARL "BUD" MARKEL, COUNTY CLERK

Yvonne Carter
DEPUTY CLERK
JAX-62991

connection with the installation of such signs, fencing, landscaping and irrigation all as more fully set forth herein.

NOW, THEREFORE, be it further resolved by the Board of County Commissioners of St. Johns County that the Development Order be amended as follows:

SECTION 1. Pursuant to the terms of the request set forth in that certain letter from William J. Byers of Bessent, Hammack & Ruckman, Inc. dated June 16, 1993, a Final Development Plan for the construction of signs, fencing, landscaping and irrigation is hereby approved, granting the right to place signs, fencing, landscaping and irrigation as shown on the exhibits at the location requested in the application as more fully described in Section 2. The signs, fencing, landscaping and irrigation to be installed by Atlantic Gulf shall be subject to the following conditions:

a. The cost of installation of any signs, fencing, landscaping, irrigation and related equipment, whether installed on lands owned by Atlantic Gulf, the Association or on rights of way dedicated to the County, shall be solely paid by Atlantic Gulf or any developer of the portion of Julington Creek Unit One who owns the tract of land on which the signs, fencing, landscaping and irrigation is to be located.

b. The cost of maintenance, repair or replacement of any signs, fencing, landscaping and irrigation, whether installed on lands owned by Atlantic Gulf, the Association or on rights of way dedicated to the County, shall be paid by Atlantic Gulf or the Association. Atlantic Gulf or the Association shall obtain and maintain liability insurance in connection with the signs, fencing, landscaping and irrigation which shall be in the minimum amount of \$100,000.00 per person and \$200,000.00 per occurrence and shall provide proof of such insurance of the Clerk of the Circuit Court, St. Johns County, Florida.

c. Prior to the installation of any signs, fencing, landscaping, irrigation, and/or other structures or uses within County rights of way, Atlantic Gulf or the responsible entity shall submit an Application for a Right of Way Permit for review and approval from the Public Works Department of St. Johns County, Florida and a copy to the Planning and Zoning Department for filing with the Final Development Plan and current renewals filed annually.

d. Prior to installation of any signs, fencing, landscaping and irrigation Atlantic Gulf or the owner of the tract of land on which the signs, fencing, landscaping and irrigation is to be installed shall apply for and receive a building permit from the Building Department of St. Johns County, Florida.

e. No signs, fencing, landscaping and irrigation shall be installed closer than twelve feet (12') from the edge of the pavement of the adjacent two (2) streets. No signs, fencing, landscaping and irrigation shall be installed so as to obstruct

INDEMNITY AGREEMENT

P. U. D. OFF. REC.
BOOK F PAGE 15

THIS AGREEMENT is made this _____ day of _____, 199__, by and among ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation authorized to do business in Florida ("Atlantic Gulf"), JULINGTON CREEK PLANTATION PROPERTY OWNERS' ASSOCIATION, INC., a Florida not for profit corporation ("Association") for the benefit of THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA ("County").

IN CONSIDERATION of the approval of the County of that certain Resolution No 93-_____, permitting the installation of certain signs, landscaping, irrigation and fencing all on the terms and conditions more fully set forth in the Resolution, Atlantic Gulf and the Association hereby agree to be solely liable for and shall indemnify, defend and hold St. Johns County harmless from any and all loss, damage, claim, action, suit, judgement, cost or expense for injury to persons, including death or damage to property, including destruction in any manner arising from or out of the installation, maintenance or failure to repair, use, or existence of any and all signs, fencing, landscaping and irrigation installed with the County rights of way, in accordance with the Resolution.

IN WITNESS WHEREOF, the undersigned set their hands and seals as of this 6 day of DEC., 1993.

ATLANTIC GULF COMMUNITIES CORPORATION

By: _____

J. Thomas Gillette, III
Vice President

JULINGTON CREEK PLANTATION PROPERTY OWNERS' ASSOCIATION, INC.

By: _____

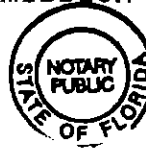
J. Thomas Gillette, III
President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
BOOK F PAGE 16

The foregoing instrument was acknowledged before me this 6th day of November, 1993, by J. Thomas Gillette, III, Vice President of Atlantic Gulf Communities Corporation, a Delaware corporation authorized to do business in Florida, on behalf of the corporation. He is personally known to me and did not take an oath.

Sharon Hudson
Print Name: SHARON HUDSON
Notary Public, State of Florida
Commission Number: 66119354



(Notarial Seal)
SHARON HUDSON
My Comm. Exp. 12-11-95
Bonded By Service Ins. Co.

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 6th day of December, 1993, by J. Thomas Gillette, III, President of Julington Creek Plantation Property Owners' Association, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me and did not take an oath.

Sharon Hudson
Print Name: SHARON HUDSON
Notary Public, State of Florida
Commission Number:



(Notarial Seal)
SHARON HUDSON
My Comm. Exp. 12-11-95
Bonded By Service Ins. Co.

June 16, 1993

Ms. Betty Sue Solana
 St. Johns County
 P. O. Drawer 349
 St. Augustine, Florida 32085-0349

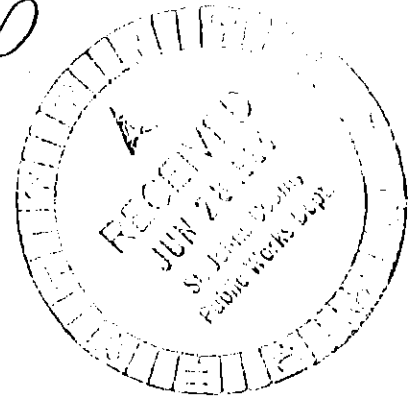
Subject: Final Development Plan
 Julington Creek Unit One Signage
 BHR Project 25335.35

Dear Betty Sue:

On behalf of Atlantic Gulf Communities, Bessent, Hammack & Ruckman, Inc. (BHR) is submitting herewith a Final Development Plan for Julington Creek Unit One Signage. Enclosed is a filing fee of \$300.00.

We have enclosed eighteen (18) copies of the Resolution and the Final Development Plan and eighteen (18) copies of the exhibits consisting of the following attachments:

- Attachment A - Sub-Community Multi-Directional Sign & Entry for Julington Creek Plantation (6/4/93) by Design Collaborative, Jacksonville, Florida
- Attachment B - Primary Entry Conversion to Brick at Julington Creek (3/30/93) by Design Collaborative, Jacksonville, Florida
- Attachment C - Environmental Signage for Julington Creek P.U.D. (8/16/91) by Design Collaborative, Jacksonville, Florida
- Attachment D - Temporary unit identification signage is proposed at the entrance of all replat units except Replats 6 and 7. Maximum temporary sign size is 64 square feet not to exceed 12 feet in height. All temporary unit identification signs must be removed when directed by the Applicant or automatically upon completion and sale of the last home in the replat unit. The enclosed Typical Salesboard Sign Type "S" illustrates a representative temporary sign.



P. U. D. OFF. REC.
 BOOK F PAGE 17

Ms. Betty Sue Solana
June 16, 1993
Page Two

We believe this application will meet the County requirements for a Final Development Plan. We have endeavored to include all the pertinent data, and stand ready to discuss any questions, at your convenience.

Sincerely,

BESSENT, HAMMACK & RUCKMAN, INC.


William J. Byers, P.E.
Senior Project Manager

WJB/brt

Enclosures

cc: G. Marvin
T. Gillette
L. Kane

WJB\JUN\RYEOMAN.J08

P. U. D. OFF. REC.
BOOK E PAGE 18

STATE OF FLORIDA

COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
BOOK F PAGE 19

I, CARL "BUD" MARKEL, CLERK OF THE CIRCUIT COURT, Ex-officio, Clerk of the Board of County Commissioners of St. Johns County, Florida,

DO HEREBY CERTIFY that the foregoing is a true and correct copy of the following:

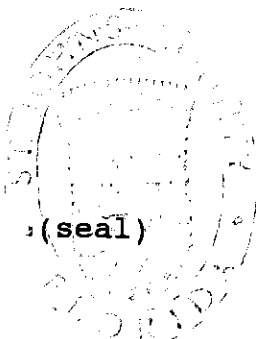
RESOLUTION NO. 93-191

**adopted by the Board of County Commissioners
of St. Johns County, Florida at a regular
meeting of said Board held December 14, 1993.**

as the same appears of record in the office of the Clerk of the Circuit Court of St. Johns County, Florida, of the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 17th day of December, 1993.

CARL "BUD" MARKEL,
CLERK OF THE CIRCUIT COURT
Ex-officio Clerk of the Board of County
Commissioners of St. Johns County, Florida



93DEC 21 AM 11:27
CLERK OF CIRCUIT COURT

By: Yvonne Carter
Yvonne Carter, Deputy Clerk