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RESOLUTION NO. 95-65

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, STATE OF FLORIDA
APPROVING A FINAL DEVELOPMENT PLAN FOR
EAGLE CREEK
WITHIN THE ISLAND LANDING PUD
LOCATED WITHIN THE PARCEL OF LAND
ZONED PUD PURSUANT TO ORDINANCE 94-04

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WHEREAS, the Final Development Plan for Eagle Creek has been fully considered after public hearing pursuant to Section 8-3-2 of the St. Johns County Zoning Ordinance; and

WHEREAS, it is found that:

- A. The request received favorable review and recommendation by the Planning and Zoning Agency at its meeting on March 2, 1995; and
- B. The request is consistent with the Comprehensive Plan, and compatible with development patterns in the surrounding area;
- C. The request is consistent with the requirements of Section 8-3-2 of the St. Johns County Zoning Ordinance, and with the requirements of PUD Ordinance 94-04.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. Pursuant to a request for approval of 264 single family residential units made by Eagle Creek and Associates, Inc. (developer) in accordance with Section 8-3 of the St. Johns County Zoning Ordinance, and subsequent review and approval by the St. Johns County Planning and Zoning agency, the legal description attached hereto as Exhibit A, the Final Development Plan Map attached hereto as Exhibit B relating to that portion of the PUD, and which is known as Eagle Creek is hereby approved in reliance upon, and in accordance with the representation and statements made therein, and in the Final Development Plan Narrative attached hereto as Exhibit C, and, attached hereto as Exhibit D - Article II, Sections 2.1 and 2.3; Article III, Section 3.1; Article VI, Sections 6.5 and 6.6; and Article VII, Section 7.1 of the Covenants and Restrictions, and based on the above-referenced findings which are hereby incorporated herein by reference.

Section 2. Except to the extent that they conflict with specific provisions of the approved development plan or PUD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited.

However, nothing in this section shall be deemed to: (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede

any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United State Constitutions.

Section 3. The following conditions must be met for approval to construct the improvements shown on the Final Development Plan attached as Exhibit B:

- a. Submission to the Engineering Department of satisfactory evidence that all required state and federal permits have been obtained, including, but not limited to United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Wetlands Resource Permit, St. Johns River Water Management District Management and Storage of Surface Waters (MSSW) Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits;
- b. Issuance of a land clearing permit pursuant to St. Johns County Ordinance No. 90-11 or documentation that the project is exempt from 90-11;
- c. Review and approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and
- d. Compliance with all other applicable land use and development regulations of St. Johns County.

Notwithstanding the above, county engineering may approve the construction activities in stages provided the required permits for each stage have been obtained. Specifically, land clearing, earthwork, construction of parallel culverts, and site preparation may be approved if the developer meets the following conditions: obtains written approval from the SJRWMD; obtains a right-of-way permit, if required; and receives County Engineering approval of plans for grading and erosion sediment control. No building permits for homes, including but not limited to, models, may be issued until the modification to the MSSW permit has been received by the developer in accordance with submitted construction plans. The above condition shall be included in a restrictive covenant to be recorded in the public records by the developer simultaneously with the recording of a deed. The restrictive covenant shall be deemed released upon receipt by the developer of a modified MSSW permit.

Section 4. The Board of County Commissioners finds that it is in the public's interest to waive the following requirements of County Ordinance 86-4 for the reasons set forth hereinafter:

- a. The requirement that the project's retention be designed to prevent peak flow after development from exceeding the peak flow prior to development because the project discharges directly into the Intracoastal Waterway and does not adversely impact any adjacent property owners;
- b. The requirement that the right-of-way of the previously dedicated road providing access to a portion of the project have a minimum width of 60

feet, to allow for the encroachment in said right-of-way by State lands up to to the mean high water line as depicted on the subdivision plat recorded pursuant to this final development plan.

- c. The requirement that a modified stormwater permit be obtained from the St. Johns River Water Management District prior to approval and recording of the plat because the developer previously obtained a permit from the District and the drainage plans for the project have been approved by the County.

Section 5. No lots shall be conveyed within the subdivision depicted on the Final Development Plan attached as Exhibit B until a final plat has been approved by the Board of County Commissioners of St. Johns County and recorded in the Public Records of St. Johns County, and the Declaration of Covenants and Restrictions referenced in Exhibit D is recorded in the Public Records of St. Johns County, Florida.

Section 6. All attachments included herein are incorporated herein and made a part of Resolution 95-65.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *Bonnie Ward*
Chair

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Irma Parretti*
Deputy Clerk

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 28 day of March, 1995

EAGLE CREEK OF ST. AUGUSTINE

A PART OF THE PABLO SABATE GRANT, SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING A PART OF THOSE LANDS AS DESCRIBED IN DEED BOOK 209, PAGE 459 AND DEED BOOK 223, PAGE 226, TOGETHER WITH A PART OF OLD BRICK ROAD (ALSO KNOWN AS OLD ST. AUGUSTINE ROAD AND/OR OLD DIXIE HIGHWAY) TOGETHER WITH A PART OF A 60 FOOT COUNTY ROADWAY LOCALLY KNOWN AS CAPO ISLAND ROAD, AS RECORDED IN DEED BOOK 220, PAGE 198, ALL BEING PART OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SECTION 51 OF SAID TOWNSHIP 6 SOUTH, RANGE 29 EAST WITH THE CURRENT EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, STATE ROAD NO. 5 BEING PARALLEL WITH AND LYING 200.00 FEET EASTERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THE FLORIDA EAST COAST RAILWAY AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 7802-(110)275, DATED 1953, ALSO BEING THE SOUTHERLY PROJECTION OF THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 228, PAGE 276, PARCEL NO. 84 OF SAID PUBLIC RECORDS; THENCE NORTH 38°04'47" WEST ALONG SAID CURRENT EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 2109.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 38°04'47" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. NO.1, A DISTANCE OF 354.91 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION DITCH RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 771, PAGE 18 OF SAID PUBLIC RECORDS; THENCE NORTH 52°14'30" EAST LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND ALONG THE SOUTHERLY LINE OF SAID FLORIDA DEPARTMENT OF TRANSPORTATION DITCH RIGHT-OF-WAY, A DISTANCE OF 1492.33 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE NORTH 52°26'33" EAST CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 636.89 FEET; THENCE NORTH 42°37'28" WEST ALONG THE EASTERLY END OF SAID FLORIDA DEPARTMENT OF TRANSPORTATION DITCH RIGHT-OF-WAY, A DISTANCE OF 50.20 FEET TO A POINT LYING ON THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN DEED BOOK 209, PAGE 459; THENCE NORTH 52°26'33" EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 2586.91 FEET TO A FOUND CONCRETE MONUMENT; THENCE CONTINUE NORTH 52°26'33" EAST, A DISTANCE OF 26.08 FEET TO A POINT LYING ON THE MEAN HIGH WATER LINE OF NORTH RIVER; THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY-TWO (22) COURSES: COURSE NO. 1) THENCE SOUTH 07°52'56" EAST, A DISTANCE OF 15.49 FEET; COURSE NO. 2) THENCE SOUTH 02°56'42" EAST, A DISTANCE OF 42.59 FEET; COURSE NO. 3) THENCE SOUTH 04°20'07" WEST, A DISTANCE OF 50.17 FEET; COURSE NO. 4) THENCE SOUTH 00°49'54" EAST, A DISTANCE OF 43.48 FEET; COURSE NO. 5) THENCE SOUTH 21°59'17" EAST, A DISTANCE OF 48.41 FEET; COURSE NO. 6) THENCE SOUTH 48°18'33" EAST, A DISTANCE OF 37.89 FEET; COURSE NO. 7) THENCE NORTH 61°25'36" EAST, A DISTANCE OF 28.69 FEET; COURSE NO. 8) THENCE NORTH 82°44'10" EAST, A DISTANCE OF 30.23 FEET; COURSE NO. COURSE NO. 9) THENCE NORTH 39°08'13" EAST, A DISTANCE OF 32.53 FEET; COURSE NO. 10) THENCE SOUTH 80°27'52" EAST, A DISTANCE OF 30.18 FEET; COURSE NO. 11) THENCE

SOUTH 85°58'15" EAST, A DISTANCE OF 27.23 FEET; COURSE NO. 12) THENCE SOUTH 64°18'47" EAST, A DISTANCE OF 25.56 FEET; COURSE NO. 13) THENCE SOUTH 43°02'27" EAST, A DISTANCE OF 29.06 FEET; COURSE NO. 14) THENCE SOUTH 56°04'12" WEST, A DISTANCE OF 21.45 FEET; COURSE NO. 15) THENCE SOUTH 53°02'34" WEST, A DISTANCE OF 37.27 FEET; COURSE NO. 16) THENCE SOUTH 14°12'58" WEST, A DISTANCE OF 34.05 FEET; COURSE NO. 17) THENCE SOUTH 38°32'57" EAST, A DISTANCE OF 44.85 FEET; COURSE NO. 18) THENCE SOUTH 78°54'01" EAST, A DISTANCE OF 20.24 FEET; COURSE NO. 19) THENCE SOUTH 01°21'08" EAST, A DISTANCE OF 12.63 FEET; COURSE NO. 20) THENCE SOUTH 42°51'28" WEST, A DISTANCE OF 21.75 FEET; COURSE NO. 21) THENCE SOUTH 17°06'12" WEST, A DISTANCE OF 25.37 FEET; COURSE NO. 22) THENCE SOUTH 00°29'52" WEST, A DISTANCE OF 26.14 FEET TO A MEANDER LINE OF THE MARSH OF NORTH RIVER AS DESCRIBED IN OFFICIAL RECORDS BOOK 829, PAGE 1590 OF SAID PUBLIC RECORDS; THENCE WESTERLY, SOUTHERLY AND EASTERLY ALONG SAID MEANDER LINE THE FOLLOWING EIGHT (8) COURSES: COURSE NO. 1) THENCE NORTH 67°30'00" WEST, A DISTANCE OF 500.03 FEET; COURSE NO. 2) THENCE SOUTH 14°15'00" EAST, A DISTANCE OF 330.00 FEET; COURSE NO. 3) THENCE SOUTH 53°30'00" WEST, A DISTANCE OF 75.00 FEET; COURSE NO. 4) THENCE NORTH 36°30'00" WEST, A DISTANCE OF 215.00 FEET; COURSE NO. 5) THENCE SOUTH 53°30'00" WEST, A DISTANCE OF 250.00 FEET; COURSE NO. 6) THENCE SOUTH 73°00'00" EAST, A DISTANCE OF 270.00 FEET; COURSE NO. 7) THENCE SOUTH 45°15'00" EAST, A DISTANCE OF 372.00 FEET; COURSE NO. 8) THENCE SOUTH 73°02'02" EAST, A DISTANCE OF 165.01 FEET TO A POINT LYING ON A MEAN HIGH WATER LINE OF SAID NORTH RIVER; THENCE SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING THREE (3) COURSES: COURSE NO. 1) THENCE SOUTH 76°25'26" EAST, A DISTANCE OF 32.30 FEET; COURSE NO. 2) THENCE SOUTH 65°38'32" EAST, A DISTANCE OF 42.78 FEET; COURSE NO. 3) THENCE SOUTH 60°37'09" EAST, A DISTANCE OF 31.36 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN DEED BOOK 223, PAGE 226; THENCE SOUTH 52°23'34" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 37.32 FEET TO A FOUND CONCRETE MONUMENT; THENCE CONTINUE SOUTH 52°23'34" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1043.73 FEET TO A POINT LYING ON A MEAN HIGH WATER LINE OF SAID NORTH RIVER; THENCE NORTHERLY, SOUTHWESTERLY AND SOUTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY (20) COURSES: COURSE NO. 1) THENCE NORTH 11°01'32" WEST, A DISTANCE OF 29.10 FEET; COURSE NO. 2) THENCE NORTH 07°24'37" WEST, A DISTANCE OF 38.28 FEET; COURSE NO. 3) THENCE NORTH 02°37'48" EAST, A DISTANCE OF 39.23 FEET; COURSE NO. 4) THENCE NORTH 13°04'38" EAST, A DISTANCE OF 36.24 FEET; COURSE NO. 5) THENCE NORTH 60°23'03" WEST, A DISTANCE OF 35.83 FEET; COURSE NO. 6) THENCE SOUTH 89°46'54" WEST, A DISTANCE OF 29.66 FEET; COURSE NO. 7) THENCE NORTH 30°25'06" WEST, A DISTANCE OF 34.93 FEET; COURSE NO. 8) THENCE SOUTH 58°29'14" WEST, A DISTANCE OF 32.36 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "A"; COURSE NO. 9) THENCE SOUTH 51°24'00" WEST, A DISTANCE OF 50.05 FEET; COURSE NO. 10) THENCE SOUTH 50°00'49" WEST, A DISTANCE OF 52.09 FEET; COURSE NO. 11) THENCE SOUTH 38°35'04" EAST, A DISTANCE OF 10.46 FEET; COURSE NO. 12) THENCE SOUTH 07°22'27" EAST, A DISTANCE OF 11.46 FEET; COURSE NO. 13)

THENCE SOUTH 04°57'34" WEST, A DISTANCE OF 21.79 FEET; COURSE NO. 14) THENCE SOUTH 10°21'13" WEST, A DISTANCE OF 25.18 FEET; COURSE NO. 15) THENCE SOUTH 06°31'20" WEST, A DISTANCE OF 24.38 FEET; COURSE NO. 16) THENCE SOUTH 12°39'59" WEST, A DISTANCE OF 26.30 FEET; COURSE NO. 17) THENCE SOUTH 17°27'56" WEST, A DISTANCE OF 46.71 FEET; COURSE NO. 18) THENCE SOUTH 14°03'59" WEST, A DISTANCE OF 53.89 FEET; COURSE NO. 19) THENCE SOUTH 06°14'41" WEST, A DISTANCE OF 41.29 FEET; COURSE NO. 20) THENCE SOUTH 04°49'01" WEST, A DISTANCE OF 27.91 FEET TO A POINT LYING ON SAID SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 223, PAGE 226; THENCE SOUTH 52°23'34" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 440.11 FEET TO A POINT LYING ON A MEAN HIGH WATER LINE OF SAID NORTH RIVER; THENCE NORTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY-SEVEN (27) COURSES: COURSE NO. 1) THENCE NORTH 79°32'05" WEST, A DISTANCE OF 28.58 FEET; COURSE NO. 2) THENCE NORTH 69°29'53" WEST, A DISTANCE OF 26.03 FEET; COURSE NO. 3) THENCE NORTH 61°15'24" WEST, A DISTANCE OF 23.45 FEET; COURSE NO. 4) THENCE NORTH 49°23'25" WEST, A DISTANCE OF 22.71 FEET; COURSE NO. 5) THENCE NORTH 47°50'35" WEST, A DISTANCE OF 24.93 FEET; COURSE NO. 6) THENCE NORTH 56°55'19" WEST, A DISTANCE OF 20.38 FEET; COURSE NO. 7) THENCE NORTH 58°29'13" WEST, A DISTANCE OF 17.00 FEET; COURSE NO. COURSE NO. 8) THENCE NORTH 55°22'13" WEST, A DISTANCE OF 14.82 FEET; COURSE NO. 9) THENCE NORTH 73°39'35" WEST, A DISTANCE OF 17.98 FEET; COURSE NO. 10) THENCE NORTH 57°03'57" WEST, A DISTANCE OF 11.99 FEET; COURSE NO. 11) THENCE NORTH 53°17'46" WEST, A DISTANCE OF 8.57 FEET TO A POINT HEREINAFTER REFERRED TO AS REFERENCE POINT "B"; COURSE NO. 12) THENCE SOUTH 64°42'22" WEST, A DISTANCE OF 26.81 FEET; COURSE NO. 13) THENCE SOUTH 52°21'12" WEST, A DISTANCE OF 56.66 FEET; COURSE NO. 14) THENCE SOUTH 45°43'49" WEST, A DISTANCE OF 19.69 FEET; COURSE NO. 15) THENCE SOUTH 30°24'24" WEST, A DISTANCE OF 18.85 FEET; COURSE NO. 16) THENCE SOUTH 81°04'36" WEST, A DISTANCE OF 18.60 FEET; COURSE NO. 17) THENCE SOUTH 48°58'40" WEST, A DISTANCE OF 18.63 FEET; COURSE NO. 18) THENCE SOUTH 32°41'04" EAST, A DISTANCE OF 13.19 FEET; COURSE NO. 19) THENCE SOUTH 69°40'24" EAST, A DISTANCE OF 13.57 FEET; COURSE NO. 20) THENCE SOUTH 88°03'49" EAST, A DISTANCE OF 19.12 FEET; COURSE NO. 21) THENCE SOUTH 40°30'53" EAST, A DISTANCE OF 12.98 FEET; COURSE NO. 22) THENCE SOUTH 69°02'23" EAST, A DISTANCE OF 29.20 FEET; COURSE NO. 23) THENCE SOUTH 56°30'16" EAST, A DISTANCE OF 21.08 FEET; COURSE NO. 24) THENCE SOUTH 54°07'04" EAST, A DISTANCE OF 32.98 FEET; COURSE NO. 25) THENCE SOUTH 51°37'21" EAST, A DISTANCE OF 46.88 FEET; COURSE NO. 26) THENCE SOUTH 41°23'33" EAST, A DISTANCE OF 21.47 FEET; COURSE NO. 27) THENCE SOUTH 12°22'20" EAST, A DISTANCE OF 6.52 FEET TO A POINT LYING ON SAID SOUTH LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 223, PAGE 226; THENCE SOUTH 52°23'34" WEST LEAVING SAID MEAN HIGH WATER LINE AND ALONG SAID SOUTH LINE, A DISTANCE OF 935.87 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID OLD BRICK ROAD; THENCE NORTH 30°23'36" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 197.74 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CAPO ISLAND ROAD AS RECORDED IN DEED BOOK 220,

PAGE 198; THENCE SOUTH 52°22'57" WEST ALONG THE SOUTHWESTERLY PROJECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 29.16 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 184.08 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 37.15 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 58°09'48" WEST AND A CHORD DISTANCE OF 37.08 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD BRICK ROAD; THENCE SOUTH 30°23'36" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 5.64 FEET TO A POINT LYING ON THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 829, PAGE 1590 OF SAID PUBLIC RECORDS; THENCE SOUTH 51°55'13" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1029.96 FEET; THENCE NORTH 38°04'47" WEST ALONG A WESTERLY LINE OF SAID LANDS AND ITS NORTHWESTERLY PROJECTION THEREOF, A DISTANCE OF 162.54 FEET; THENCE SOUTH 52°14'30" WEST, A DISTANCE OF 21.99 FEET; THENCE NORTH 37°11'11" WEST, A DISTANCE OF 69.82 FEET; THENCE SOUTH 52°48'49" WEST, A DISTANCE OF 16.45 FEET; THENCE NORTH 37°45'30" WEST, A DISTANCE OF 76.79 FEET; THENCE SOUTH 52°14'30" WEST, A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL "A"

THENCE RETURN TO AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 21°49'58" WEST, A DISTANCE OF 52.40 FEET TO THE POINT OF BEGINNING OF A MEAN HIGH WATER LINE OF SAID NORTH RIVER, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THENCE NORTH 34°48'54" EAST, A DISTANCE OF 10.51 FEET; THENCE NORTH 09°46'28" WEST, A DISTANCE OF 4.92 FEET; THENCE NORTH 58°28'48" EAST, A DISTANCE OF 17.01 FEET; THENCE NORTH 33°26'45" EAST, A DISTANCE OF 13.92 FEET; THENCE NORTH 04°50'04" EAST, A DISTANCE OF 11.49 FEET; THENCE SOUTH 38°43'05" EAST, A DISTANCE OF 12.14 FEET; THENCE NORTH 89°33'11" EAST, A DISTANCE OF 5.77 FEET; THENCE NORTH 58°30'39" EAST, A DISTANCE OF 19.78 FEET; THENCE SOUTH 51°06'11" EAST, A DISTANCE OF 2.08 FEET; THENCE SOUTH 51°51'42" WEST, A DISTANCE OF 17.16 FEET; THENCE SOUTH 56°12'56" WEST, A DISTANCE OF 17.17 FEET; THENCE SOUTH 52°27'11" WEST, A DISTANCE OF 40.84 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL "B"

FOR A POINT OF REFERENCE, COMMENCE AT AFOREMENTIONED REFERENCE POINT "B"; THENCE NORTH 17°12'53" WEST, A DISTANCE OF 59.79 FEET TO THE POINT OF BEGINNING OF A MEAN HIGH WATER LINE OF SAID NORTH RIVER, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THENCE SOUTH 48°07'03" WEST, A DISTANCE OF 14.69 FEET; THENCE SOUTH 51°11'40" WEST, A DISTANCE OF 15.67 FEET; THENCE SOUTH 54°33'36" WEST, A DISTANCE OF 18.13 FEET; THENCE SOUTH 44°01'38" WEST, A DISTANCE OF 12.95 FEET; THENCE SOUTH 48°53'13" WEST, A DISTANCE OF 30.11 FEET; THENCE SOUTH 56°26'34" WEST, A DISTANCE OF 28.95 FEET; THENCE SOUTH 55°12'42" WEST, A DISTANCE OF 32.31 FEET; THENCE SOUTH 53°30'41" WEST, A DISTANCE OF 45.23 FEET; THENCE SOUTH 80°27'32" WEST, A DISTANCE OF 27.05 FEET; THENCE NORTH 67°58'20" WEST, A DISTANCE OF 8.83 FEET; THENCE NORTH 39°14'20" WEST, A DISTANCE OF 26.82 FEET;

THENCE NORTH 24°47'58" WEST, A DISTANCE OF 28.16 FEET; THENCE NORTH 18°50'06" WEST, A DISTANCE OF 30.31 FEET; THENCE NORTH 27°59'10" WEST, A DISTANCE OF 32.46 FEET; THENCE NORTH 25°23'08" WEST, A DISTANCE OF 25.57 FEET; THENCE NORTH 13°55'36" WEST, A DISTANCE OF 32.94 FEET; THENCE NORTH 33°21'41" WEST, A DISTANCE OF 25.03 FEET; THENCE NORTH 51°25'50" WEST, A DISTANCE OF 29.31 FEET; THENCE NORTH 07°06'35" EAST, A DISTANCE OF 39.23 FEET; THENCE NORTH 52°45'15" EAST, A DISTANCE OF 27.44 FEET; THENCE NORTH 29°24'20" WEST, A DISTANCE OF 28.90 FEET; THENCE NORTH 43°59'53" WEST, A DISTANCE OF 33.64 FEET; THENCE NORTH 61°51'17" WEST, A DISTANCE OF 20.10 FEET; THENCE NORTH 77°33'14" WEST, A DISTANCE OF 23.39 FEET; THENCE NORTH 71°55'51" WEST, A DISTANCE OF 33.19 FEET; THENCE SOUTH 26°48'54" WEST, A DISTANCE OF 36.38 FEET; THENCE NORTH 86°44'42" WEST, A DISTANCE OF 23.64 FEET; THENCE NORTH 15°22'55" WEST, A DISTANCE OF 4.21 FEET; THENCE NORTH 35°59'33" EAST, A DISTANCE OF 3.13 FEET; THENCE SOUTH 76°58'36" EAST, A DISTANCE OF 19.60 FEET; THENCE NORTH 17°03'59" EAST, A DISTANCE OF 35.49 FEET; THENCE NORTH 21°42'37" EAST, A DISTANCE OF 18.19 FEET; THENCE NORTH 20°18'50" EAST, A DISTANCE OF 14.00 FEET; THENCE NORTH 82°59'03" EAST, A DISTANCE OF 20.41 FEET; THENCE NORTH 84°56'40" EAST, A DISTANCE OF 24.86 FEET; THENCE SOUTH 68°44'58" EAST, A DISTANCE OF 40.35 FEET; THENCE SOUTH 72°35'58" EAST, A DISTANCE OF 30.29 FEET; THENCE SOUTH 49°06'05" EAST, A DISTANCE OF 32.49 FEET; THENCE SOUTH 42°24'25" EAST, A DISTANCE OF 28.99 FEET; THENCE SOUTH 42°04'45" EAST, A DISTANCE OF 30.69 FEET; THENCE SOUTH 52°39'34" EAST, A DISTANCE OF 31.45 FEET; THENCE SOUTH 84°20'42" EAST, A DISTANCE OF 35.37 FEET; THENCE SOUTH 80°38'01" EAST, A DISTANCE OF 26.85 FEET; THENCE SOUTH 40°14'13" EAST, A DISTANCE OF 35.51 FEET; THENCE SOUTH 38°41'26" EAST, A DISTANCE OF 28.39 FEET; THENCE SOUTH 43°02'23" EAST, A DISTANCE OF 21.89 FEET; THENCE SOUTH 40°18'36" EAST, A DISTANCE OF 21.65 FEET; THENCE SOUTH 32°20'35" EAST, A DISTANCE OF 24.09 FEET; THENCE SOUTH 38°45'33" EAST, A DISTANCE OF 15.48 FEET; THENCE SOUTH 36°35'59" EAST, A DISTANCE OF 15.14 FEET; THENCE SOUTH 68°42'13" EAST, A DISTANCE OF 8.15 FEET; THENCE SOUTH 88°50'14" EAST, A DISTANCE OF 10.30 FEET TO THE POINT OF BEGINNING.

EAGLE CREEK

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LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL "C"

FOR A POINT OF BEGINNING, RETURN TO AFOREMENTIONED REFERENCE POINT "A"; THENCE SOUTH 51°24'00" WEST ALONG A MEAN HIGH WATER LINE OF SAID NORTH RIVER, A DISTANCE OF 50.05 FEET; THENCE SOUTH 50°00'49" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 52.09 FEET; THENCE SOUTH 38°35'04" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 1.64 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 52°22'57" WEST LEAVING SAID MEAN HIGH WATER LINE AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 736.46 FEET TO A POINT ON THE AFOREMENTIONED MEAN HIGH WATER LINE OF NORTH RIVER; THENCE SOUTH 64°42'22" WEST, A DISTANCE OF 20.12 FEET; THENCE SOUTH 52°21'12" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 56.66 FEET; THENCE SOUTH 45°43'49" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 19.69 FEET; THENCE SOUTH 30°24'24" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 5.32 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE; THENCE SOUTH 52°22'57" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 21.80 FEET TO A POINT ON SAID MEAN HIGH WATER LINE; THENCE SOUTH 81°04'36" WEST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 8.05 FEET; THENCE SOUTH 48°58'40" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 18.63 FEET; THENCE SOUTH 32°41'04" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 2.76 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE; THENCE SOUTH 52°22'57" WEST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 877.06 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 184.08 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 37.15 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 58°09'48" WEST AND A CHORD DISTANCE OF 37.08 FEET TO A POINT ON SAID CURVE; THENCE NORTH 30°23'36" WEST LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG A LINE TO ITS INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ISLAND LANDING DRIVE, A DISTANCE OF 60.26 FEET TO A POINT ON A CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 124.08 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 29.60 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 59°12'57" EAST AND A CHORD DISTANCE OF 29.53 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 52°22'57" EAST CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 845.35 FEET TO A POINT ON SAID MEAN HIGH WATER LINE; THENCE NORTH 80°27'32" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 11.25 FEET; THENCE NORTH 53°30'41" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 45.23 FEET; THENCE NORTH 55°12'42" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.31 FEET; THENCE NORTH 56°26'34" EAST CONTINUING ALONG SAID MEAN

HIGH WATER LINE, A DISTANCE OF 28.95 FEET; THENCE NORTH 48°53'13" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 30.11 FEET; THENCE NORTH 44°01'38" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 12.95 FEET; THENCE NORTH 54°33'36" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 18.13 FEET; THENCE NORTH 51°11'40" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 15.67 FEET; THENCE NORTH 48°07'03" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 14.69 FEET; THENCE NORTH 88°50'14" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 8.60 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE; THENCE NORTH 52°22'57" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 843.04 FEET TO A POINT ON SAID MEAN HIGH WATER LINE OF NORTH RIVER; THENCE SOUTH 09°46'28" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 1.98 FEET; THENCE SOUTH 34°48'54" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 10.51 FEET; THENCE NORTH 52°27'11" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 40.84 FEET; THENCE NORTH 56°12'56" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 17.17 FEET; THENCE NORTH 51°51'42" EAST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 17.16 FEET; THENCE NORTH 51°06'11" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 2.08 FEET; THENCE SOUTH 58°30'39" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 19.78 FEET; THENCE SOUTH 89°33'11" WEST, A DISTANCE OF 3.03 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE; THENCE NORTH 52°22'57" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 841.49 FEET TO A POINT ON THE EASTERLY END OF SAID ISLAND LANDING DRIVE; THENCE SOUTH 45°15'00" EAST ALONG SAID EASTERLY LINE, A DISTANCE OF 30.68 FEET; THENCE SOUTH 73°02'02" EAST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 36.31 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID ISLAND LANDING DRIVE; THENCE SOUTH 52°22'57" WEST ALONG AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF ISLAND LANDING DRIVE, A DISTANCE OF 901.39 FEET TO A POINT ON SAID MEAN HIGH WATER OF NORTH RIVER; THENCE NORTH 30°25'06" WEST ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 1.22 FEET; THENCE SOUTH 58°29'14" WEST CONTINUING ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 70.88 ACRES MORE OR LESS.

P.U.D. OFF. REC.
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EXHIBIT C TO THE RESOLUTION

FINAL DEVELOPMENT PLAN NARRATIVE

EAGLE CREEK

WITHIN THE

ISLAND LANDING PUD (94-04)

EAGLE CREEK AND ASSOCIATES, INC.

NOVEMBER 14, 1994
REVISED DECEMBER 12, 1994
REVISED FEBRUARY 15, 1995
REVISED MARCH 2, 1995
REVISED MARCH 20, 1995

Developer hereby submits, for approval by the St. Johns County Planning and Zoning Agency and the St. Johns County Board of County Commissioners, a Final Development Plan (the "Final Development Plan") for A single family subdivision to be known as Eagle Creek. The Final Development Plan consists of a legal description included as Exhibit A, a map identified as Exhibit B to the Resolution (the "Map"), this text identified as Exhibit C to the Resolution (the "Text"), copies of the applicable sections of the covenants and restrictions identified as Exhibit D to the Resolution. The Property is located wholly within that parcel of land zoned Planned Unit Development (PUD) pursuant to Ordinance 94-04. The area encompassed by this Final Development Plan is located within the Island Landing PUD. Under the approved PUD this area may be developed for up to 264 single family lots. Development of this subdivision is consistent with the Master Plan Map and all other requirements of the PUD.

Prior to commencement of construction of any improvements depicted on the Map, the developer shall submit to the Engineering Department satisfactory evidence that all required state and federal permits have been obtained including, but not limited to: (a) United States Army Corps of Engineers Dredge and Fill Permit, St. Johns River Water Management District Management and Storage of Surface Water Permit and Florida Department of Environmental Protection Water and Sewer Connection Permits; (b) Obtain a land clearing permit pursuant to St. Johns County Ordinance No. 90-11 or documentation of exemption; (c) Obtain approval of signed and sealed construction plans by the St. Johns County Engineering Department in compliance with Ordinance 86-4; and (d) Comply with all other applicable land use and development regulations of St. Johns County. Once the foregoing conditions to construction have been met the developer may proceed to construction of horizontal improvements prior to approval and recording of a final plat.

The developer may not commence any construction activity (i.e., land clearing, earthwork, site preparation, or construction of improvements) until all applicable federal, state and county permits have been obtained and County Engineering has approved the start of construction. County Engineering may approve the construction activities in stages provided the required permits for each stage have been obtained. Specifically, land clearing, earthwork, and site preparation may be approved if the developer meets the following conditions: obtains an MSSW Permit; obtains a land clearing permit or documents exemption; obtains a right-of-way permit, if required; and receives County Engineering approval of plans for grading and erosion sediment control. Construction traffic shall access the site via Island Landing Drive at U.S.1. If construction involving combustible materials is to commence prior to the on-site fire hydrants becoming operational, the developer is required to provide a temporary water source through a pond with stabilized access.

No lot within the Subdivision shall be conveyed until a final plat has been approved by the Board of County Commissioners of St. Johns County, Florida and recorded in the Public Records of St. Johns County, and the Declaration of Covenants and Restrictions for the property have been recorded in the Public Records of St. Johns County.

Nothing contained in the covenants shall be interpreted to limit or restrict in any way the regulatory powers of St. Johns County (including its powers to review and approve plats and replats under Section 177.071 of the Florida Statutes). Those sections of the covenants which are specifically referenced herein and listed on Exhibit D are incorporated by reference in the Final Development Plan, shall be made a part of the Final Development Plan and shall not be amended without approval of the Board of County Commissioners of St. Johns County. The developer reserves the right to alter, amend, or allow to be amended all other sections of the covenants.

8-4-1 Density of Development

The total ground area occupied by residential buildings and structures in the Subdivision shall not exceed 35 percent of the total ground area committed to residential use. There will be 264 units on ±70 acres.

8-4-2 Open Space

Open space and conservation areas are depicted as tracts on the FDP Map, as follows:

Tracts A1 - A4	Landscape/Buffer
Tracts B1 - B2	Storm Water Pond
Tracts C1 - C6	Wetlands/Open Space
Tract E1	Utilities
Tracts F1 - F2	Recreation

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All common areas will be maintained by the homeowners' association, whose membership will include all lot owners within Eagle Creek.

8-4-3 Waiver of Yard, Dwelling Unit, Frontage Criteria, and Use Restriction

All development which is to occur within Eagle Creek will comply with the spirit and intent of the Zoning Ordinance. There will be no more than 264 residences. A residence may be located wholly within a single platted lot or combination of platted lots. Every parcel upon which a residence is constructed will have a total area equal to or greater than 4,300 square feet. The lot setbacks are as follows: Front - 12 feet to house and 20 feet to garage, Rear - 10 feet, and Side - 5 feet. Accessory uses, such as swimming pools, spas, and playground equipment, shall be setback a minimum of 3 feet from side or rear property boundary lines or from wetlands setback lines, whichever is more restrictive. The Developer has the right to release lots from minor violations as set forth in covenants, except the front house setback shall be no less than 12 feet, and the garage setback shall be no less than 20 feet. Roof overhangs shall be limited to 16 inches or less. A minimum of 10 feet separation shall be maintained at all times between the walls of the homes. All setbacks shall be measured from the exterior wall of the dwelling to the applicable parcel boundary. The minimum lot width at the front setback line is 40 feet. In accordance with the PUD, natural undisturbed vegetative buffers shall be required for all lots bordering the wetlands. The buffers shall average twenty-five (25) feet, and a ten (10) foot minimum buffer is required. The more restrictive of the wetlands setback or lot setback shall govern. ARB approval is required prior to issuance of a building permit.

Temporary construction/sales trailers may be used within the Subdivision during the construction period. The temporary trailers may be relocated within the project as construction stages proceed. All temporary trailers will be removed within 30 days of the issuance of the certificate of occupancy for the last unit developed.

There may also be model homes constructed in the locations shown on the FDP Map. Model homes may include sales, administrative, or construction management offices. Model homes may have one sign each, located on the lot. The signs will be constructed of natural materials and be no larger than 6 feet wide by 8 feet high. Temporary parking shall be provided on model sites.

The developer shall maintain a buffer between the residential development and U.S. 1. At his option, the developer may supplement the natural vegetative buffer with a fence or decorative wall, up to six (6) feet high. Signage will be allowed within this buffer.

Two project identity signs may be installed facing U.S. 1, on either side of the entry road. These signs shall not exceed eight feet in length by four feet in height. Two monument signs may be erected on the north and south property boundaries facing U.S. 1 and shall not exceed eight feet in height by six feet in width. The signs will be set back a minimum of three feet from the property line, and 10 feet from the U.S. 1 right-of-way.

The developer may erect up to four temporary sales and informational signs on the property. . The temporary signs may be up to six (6) feet wide by eight (8) feet tall. The sales and informational signs shall be setback at least ten feet from the easterly edge of the U.S. 1 right-of-way. The temporary signs shall be removed once all units within the project have been sold, or at Developer's discretion, whichever occurs first. All signage shall comply with the St. Johns County Sign Ordinance as to size, copy area and such other requirements that are not incorporated with the provisions stated above.

In accordance with the PUD, a sidewalk shall be provided along one side of Island Landing Drive from the western property line to within 250 feet of the eastern property line. The location shown on the FDP map is approximate and may be relocated on the construction plans as long as the PUD requirement is met.

Each single family residence will have at least 1,000 square feet of heated and cooled area together with a garage. Each home will have driveway storage for one additional car. The maximum heights of the structures within the Subdivision shall be 35 feet.

In accordance with the PUD, the developer shall file a separate final development plan for recreation/amenity center shown on Tract F1, within three years of final plat approval.

8-4-4 Project Size

The PUD for Island Landing consists of ±76 acres. This Final Development Plan consists of ±70 acres.

8-4-5 Support Legal Documents for Open Space

The covenants shall assure adequate management and maintenance of all common areas encompassed by this Final Development Plan by inclusion of provisions substantially similar to those referenced in Sections 8-4-5.a through 8-4-5.e and attached hereto.

- a. The covenants shall provide for conveyance of title to the Common Property to, and ownership by, the appropriate homeowners' association as described above, which shall be a duly constituted and legally responsible community association. (Article II, Section 2.3)
- b. The covenants shall appropriately limit use of the Common Property. (Article II, Section 2.1)
- c. The covenants shall assign responsibility for the management and maintenance of the Common Property to the appropriate homeowners' association. (Article VI, Section 6.5)
- d. The covenants shall place responsibility for enforcement of the covenants contained therein upon the appropriate homeowners' association and its board of directors. (Article VI, Section 6.6)
- e. The covenants shall permit the subjection of each lot to assessment for its proportionate share of maintenance costs. (Article VII, Section 7.1)

8-4-6 Access

As graphically depicted on the Map, each lot is provided vehicular access within the Property.

8-4-7 Privacy

Each dwelling will be provided visual and acoustical privacy by virtue of lot setbacks and architectural control of the Subdivision by the Architectural Review Board.

8-4-8 Community Facilities

- a. All utility facilities proposed for dedication to St. Johns County must be acceptable by the County as to the size, shape, location, and shown by the applicant to be of benefit to the general public. This property will either be served by County Utility, City Utility, or private utility. The on-site water and sewer treatment plants and distribution/collection lines were constructed several years ago and will require maintenance before service can be restored.
- b. This section does not apply since only residential development is included in this FDP.
- c. The Map illustrates the anticipated traffic flow pattern. Sufficient space has been allowed to permit access for fire fighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal. Locations of the fire hydrants serving the Property shall be depicted on the signed and sealed construction plans. The fire hydrants to be installed pursuant to this Final development Plan shall meet county standards and must be approved by the county fire coordinator prior to issuance of certificates of occupancy for any structure to be served by such hydrants.
- d. All utilities serving the Property including telephone, power, cable television, and sewer and water lines will be installed underground. The signed and sealed construction plans shall show the location and design of the storm sewer facilities serving the Property and the grading and topography of the site. The storm sewer facilities shall comply with all applicable requirements of law including, but not limited to the requirements of Ordinance 86-4 and shall facilitate the proper drainage of storm waters and prevent erosion and the formation of dust.
- e. Specifications for all streets and roadways depicted on the Map shall conform to the rules and regulations adopted by the St. Johns County Board of County Commissioners in Ordinance No. 86-4, as amended. All streets and drainage within the right-of-way shall be dedicated to St. Johns County.

9-1-1 Drainage

A preliminary drainage plan for the Property so as to prevent damage to abutting parcels and public streets and alleys is graphically depicted on the Map. The ponds to be constructed within this project are part of the approved, permitted Master Storm Water System for the St. Johns Water Management District, and are interconnected to other ponds as shown on the FDP Map. Detailed drainage plans demonstrating compliance with all requirements of Ordinance 86-4 and the St. Johns County Comprehensive Plan shall be included within the signed and sealed construction plans. The construction plans must be reviewed and approved by the St. Johns County Engineering Department prior to commencement of land clearing, site preparation or construction. All necessary easements for drainage shall comply with the requirements of Ordinance 86-4 and shall be depicted on the Final Plat.

9-1-2 Separation from Walkway and Street

No off-street parking and loading facilities are included in this Final Development plan.

9-1-3 Entrance and Exits

The location and design of the entrances and/or exits to all streets will be in accordance with County specifications.

9-1-4 Interior Drives

No interior drives are shown on this Final Development Plan.

9-1-5 Marking of Parking Spaces

No parking spaces are shown on this Final Development Plan.

9-1-6 Lighting

The lighting shall be designed and installed to minimize glare on adjacent property.

9-1-7 Screening

Wherever off-street parking spaces for ten or more automobiles are located closer than forty-feet to a lot zoned residential and when such parking spaces are not entirely screened visually from such a lot by an intervening building or structure, there shall be provided along the lot line a continuous screen with a minimum height of six feet. Such screen shall consist of a solid wall, fence or compact permanent shrubbery.

9-2 Location

No off-street parking facilities are shown on this Final Development Plan.

9-3-1 Off-Street Parking: Number Required

No off-street parking facilities are shown on this Final Development Plan.

9-4-1 Off-Street Loading Requirements

This section does not apply.

APPLICANT

By: Donald R. Amos

P. U. D. OFF. REC.
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EXHIBIT D

COVENANTS AND RESTRICTIONS

(ARTICLE II, SECTIONS 2.1 AND 2.3;
ARTICLE III, SECTION 3.1;
ARTICLE VI, SECTIONS 6.5 AND 6.6;
ARTICLE VII, SECTION 7.1)

COPY

This Instrument Prepared By:
John D. Bailey, Jr.
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
TS. 694569

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR EAGLE CREEK OF ST. AUGUSTINE

THIS DECLARATION ("Declaration") made as of the date hereinafter set forth, by EAGLE CREEK ASSOCIATES, INC., a Florida corporation, hereinafter referred to as "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant is the owner of the following described real property, situated, lying and being, in St. Johns County, Florida; and

WHEREAS, the following described real property is not subject to any covenants or restrictions of record; and

WHEREAS, Declarant desires to place covenants and restrictions of record as to the real property hereinafter set forth, and to limit the use of same as set forth hereinafter; and

WHEREAS, Declarant deems it desirable to create a not for profit association to manage the property. The association shall own, maintain and administer all the Common Property as hereinafter defined and shall administer and enforce the easements, covenants, conditions, restrictions and limitations set forth herein and collect and disburse the assessments hereinafter created.

NOW, THEREFORE, Declarant hereby declares that the following described real property, situate, lying and being, in St. Johns County, Florida, to wit:

P. U. D. OFF. REC.
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treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

ARTICLE II
PROPERTY RIGHTS

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2.1 Owners' Common Property Easements. Subject to the provisions of the Declaration, the rules and regulations of the Association, and any prior use rights granted in the Common Property, every Owner, their successors and assigns and their families and every guest, tenant, and invitee of such Owner is hereby granted a right and easement of ingress and egress and enjoyment in and to the Common Property which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to charge reasonable admission and other fees for the use and security of any recreational facility situated upon the Common Property.

(b) The right of the Association to suspend the voting rights and right to use of the recreational facilities located on the Common Property by an Owner for any period during which any Assessment against his Lot remains unpaid; and for a period, not to exceed sixty (60) days, for any infraction of its published rules and regulations. In no event may the Association deny an Owner the use of the entrance areas or public or private roads or cul-de-sacs, if any, so as to prohibit ingress and egress to his Lot.

(c) The right of the Board of Directors, without further consent from Owners or their Mortgagees, to dedicate, transfer or grant an easement over all or any part of the Common Property to any public agency, authority or utility company for the purpose of providing utility or cable television service to the Property and the right of the Board to acquire, extend, terminate or abandon such easement.

(d) The right of the Association to sell, convey or transfer the Common Property or any portion thereof to any third party other than those described in Subsection (c) for such purposes and subject to such conditions as may be approved by a majority vote of the Association.

(e) The right of the Board of Directors to adopt reasonable rules and regulations pertaining to the use of the Common Property.

(f) The right of the Declarant or the Association to authorize other persons to enter upon or use the Common Property for uses not inconsistent with the Owners' rights therein.

(g) The right of the Board to mortgage any or all of the Common Property for the purpose of improvement or repair of the Common Property with the approval of a majority vote of the Association.

1.2 Delegation of Use. Any Owner may delegate his right of enjoyment to the Common Property to the members of his family, his tenants, or contract purchasers who occupy the Lot within the Property.

2.3 Conveyance of Common Property. The Declarant shall dedicate or convey the Common Property to the Association at such time as all the planned improvements, if any, are complete and in the event the Common Property is unimproved, at such time as the Declarant determines, but in all events prior to the termination of the Class B membership. Such conveyance shall be subject to easements and restrictions of record, including all those shown on the plat of the Property, and free and clear of all liens and financial encumbrances other than taxes for the year of conveyance. The Declarant may reserve certain rights to itself for use of the Common Property which are not adverse to the Owners.

2.4 Title to the Utility Tract. Title to the utility tract shall remain in the Declarant, subject to the Declarant's right to dedicate it to a public or private utility or to convey it to the Association as Common Property.

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ARTICLE III

ARCHITECTURAL CONTROL

3.1 No buildings or structures, including docks and bulkheads, dune walkovers, fences, mailboxes, walls, landscaping or exterior lighting plan or other improvements, other than those erected by Declarant, shall be commenced, erected or maintained upon the Property, nor shall any grading, excavating, or tree removal be commenced, exterior addition to or change be made until all construction, grading and landscape plans and specifications showing the nature, kind, shape, height, color, materials and location of the same have been submitted to and approved in writing by the Architectural Control Committee (the "Committee") composed of the Declarant, or such agent or agents as may be appointed by said Declarant, in its sole discretion, as to quality of workmanship and materials, harmony of external design with existing buildings or structures, location of said building or structure with respect to topography and finish grade elevation and as to compliance with the provisions of this Declaration. Said plans shall be either approved or disapproved by the Committee within thirty (30) days following submittal to same. Construction of approved improvements shall be completed within a period of six (6) months from date construction is begun or such longer period of time as may be approved by the Committee in its sole discretion.

At such time as the Declarant ceases to be a Class B member of the Association, the members of the Committee shall be appointed by the Board of Directors of the Association.

3.2 The Committee shall have the following powers and duties:

(1) To draft and adapt, from time to time, architectural planning criteria, standards and guidelines relative to architectural styles or details and rules and regulations regarding the form and content of plans and specifications to be submitted for approval all as it may consider necessary or appropriate.

(2) To require submission to the Committee of two (2) complete sets of preliminary and final plans and specifications as

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6.5 The Association shall manage and maintain the Common Property, including but not limited to those parcels dedicated to the Association on the subdivision plat of the Property, Surface and Stormwater Management Systems serving the Property, amenity center, those portion of the recreation area, landscaped median and shelter, identification signs, landscaped buffer adjacent to U.S. 1, located on Common Property and all mitigation and jurisdictional areas.

6.6 The Association shall interpret and enforce the provisions of this Declaration and, in connection therewith, collect and expend the assessments permitted herein for such purposes.

6.7 The Association may exercise any of the rights and privileges expressly granted in this Declaration, the Articles and By-Laws, the laws governing not-for-profit corporations, and every other right and privilege reasonably to be implied from the existence of any right or privilege granted herein or reasonably necessary to effectuate any right or privilege granted herein.

ARTICLE VII

COVENANT FOR MAINTENANCE ASSESSMENT

7.1 Declarant hereby covenants for each Lot within the Property and each Owner of a Lot is hereby deemed to covenant by acceptance of his deed for such Lot, whether or not it shall be so expressed in his deed, to pay to the Association annual assessments and special assessments for capital improvements. Such assessments will be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the Property and a continuing lien on each Lot against which such an assessment is made. Each such assessment, together with interest, costs, and reasonable attorneys' fees shall also be the personal obligation of the person or persons who owned the Lot at the time the assessment fell due, but such personal obligation shall not pass to the successors in title of such person or persons unless expressly

assumed, by them.

7.2 The annual assessments levied by the Association shall be paid either in monthly or annual installments and used exclusively to promote the health, safety, welfare, and recreation of Owners of Lots in the Property, and for the improvement and maintenance of all common roads, Common Property, landscaped areas and all areas required to be maintained under the St. Johns River Water Management District Permit pertaining to the Property, for the administration of the Association, for the establishment of a maintenance, repair and reserve account, for the installing and maintenance of street lighting and signage, for payment of taxes and insurance on all Common Property and for such other purposes as are set forth or permitted in this Declaration, the Articles of Incorporation or By-laws.

Assessments shall also be used for the maintenance and repair of the Surface Water or Stormwater Management Systems including but not limited to work within retention areas, drainage structures and drainage easements.

7.3 In addition to the annual assessments authorized above, the Association may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement on the Common Property. Any such assessment must be approved by a majority of each Class of members who are voting in person or by proxy at a meeting duly called for such purpose. The right of assessment for annual and special assessments authorized herein shall be equal and uniform for all Lots.

7.4 The annual assessments authorized herein shall commence upon substantial completion of the roads and utilities serving a Lot. The Board of Directors of the Association shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of the due date thereof, and shall fix the dates such amounts become due. Notice of the annual assessments shall be mailed to every Owner subject thereto.

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STATE OF FLORIDA
COUNTY OF ST. JOHNS

P. U. D. OFF. REC.
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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. 95-65

adopted at a regular meeting of the Board of County Commissioners of St. Johns County, Florida on March 28, 1995

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 30 day of March, 1995.

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

(seal)

By: Irma Pacetti
Irma Pacetti, Deputy Clerk

SECTION 11, P. U. D.
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY, FLORIDA