

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, DECLARING THAT AN EMERGENCY EXISTS PERTAINING TO DANGER TO PRIVATE PROPERTY AT OR NEAR THE VICINITY OF 2821 THROUGH 2845 SOUTH PONTE VEDRA BLVD. DUE TO RECENT STORM EROSION.

RECITALS.

WHEREAS, areas of St. Johns County have been experiencing a “coastal storm,” as declared by the Florida Department of Environmental Protection by Emergency Final Order No. OGC 07-0819 dated May 14, 2007 (attached hereto as Exhibit ‘A’); and

WHEREAS, the “coastal storm,” as referenced in Rule 62B-33.0051(5), Florida Administrative Code, is causing and has caused erosion of the Atlantic Ocean beach and dune system in St. Johns County, Florida from May 7 through May 10, 2007; and

WHEREAS, as a result of such “coastal storm,” one or more beach front homes located within St. Johns County in the vicinity of 2821 through 2845 South Ponte Vedra Blvd. have become vulnerable to damage or collapse from ongoing ocean wave action or from a subsequent “coastal storm;” and

WHEREAS, County staff, including a well qualified Professional Engineer, licensed in the State of Florida, have inspected the area in question, and have consulted with other agencies, including but not limited to, the State of Florida, Department of Environmental Protection; and found that a Coastal Storm erosion emergency exists in St. Johns County, as referenced in said Rule 62B-33.0051(5), Florida Administrative Code.

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

Section 1. The aforementioned Recitals are hereby incorporated by referenced as findings of fact and conclusions of law.

Section 2. The Board of County Commissioners of St. Johns County, Florida, declares that based on said facts and law, a local state of emergency exists in St. Johns County of the type referenced in Rule 62B-33.0051(5), Florida Administrative Code, in the vicinity described above.

Section 3. The affected property owner(s), as reasonably determined by the County Engineer using recognized professional standards, are authorized to proceed to protect the affected property in compliance with Rule 62B-33.0051, Florida Administrative Code, and

Section 161.085, Florida Statutes, and conditions of permit for emergency protection issued by St. Johns County Engineering Division.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 15th day of May, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Ben Rich
Ben Rich, Chairman

Rendition Date: 05-16-07

ATTEST: Cheryl Strickland, Clerk
By: Patricia DeGrande
Deputy Clerk



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re: Declaration of Shoreline Emergency
Made Necessary by Subtropical Storm Andrea

OGC NO. 07-0819

EMERGENCY FINAL ORDER

Under Section 120.569(2)(n) of the Florida Statutes and Rule Chapter 62-B33 of the Florida Administrative Code, and upon consideration of the following findings of fact, the State of Florida Department of Environmental Protection (the Department) enters this Emergency Final Order (the Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare to citizens of the State of Florida resulting from the severe coastal shoreline erosion wrought by Subtropical Storm Andrea (hereinafter "the Storm").

FINDINGS OF FACT

1. On May 7 through 10, 2007, the Storm generated excessive wave energy and corresponding beach and dune erosion, which has the potential to threaten upland habitable structures and public infrastructure. As a result of the storm's characteristics, segments of the State's shoreline have suffered severe erosion such that emergency conditions exist in the following locations:

- a. St. John's County: Ponte Vedra Beach Department Reference Monuments R84 to R94 (Physical Location, 10,000' stretch of shoreline; homes are flanked north and south by the Guana River State Park)
- b. Volusia County: Daytona Beach Shores Department Reference Monuments R106 to R120 (Physical Location, Ridge Road to Breakers Ave)
- c. Volusia County: New Smyrna Beach Department Reference Monuments R160 to R194 (Physical Location: Lakewood Street to Angelfish Avenue)
- d. Palm Beach County: County Park and the Town of Jupiter Beginning 500' south of Department Reference Monument R12 to R17 (Physical Location, Jupiter Inlet Park to Jupiter Beach Resort)

EXHIBIT A

- e. Palm Beach County: Singer Island (City of Riviera Beach) Beginning 500' south of Department Reference Monument R60 to R68 (Physical Location, Water Glades Condominium to Palm Beach County Park)
- f. Palm Beach County: City of Lake Worth, Town of Palm Beach, Town of South Palm Beach, Town of Lantana Department Reference Monuments R128 to R138 (Physical Location: City of Lake Worth Municipal Park to Town of Lantana Municipal Park)

As a result, there exists an immediate danger to the safety and property of persons within those above-listed segments of coastal shoreline.

2. The Department finds that the Storm has created a state of emergency threatening the public health, safety, welfare, and property throughout the areas identified in Paragraph 1 of the Findings of Fact.

3. The Department finds that an emergency declaration is required to issue emergency permits.

4. The Department finds that strict compliance with the applicable provisions of Rule Chapter 62-B33 of the Florida Administrative Code would prevent, hinder, or delay necessary action in coping with the emergency.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under Section 120.569(2)(n) of the Florida Statutes, the Secretary of the Department is authorized to issue this Emergency Final Order. Under Rule Chapter 62-B33 of the Florida Administrative Code, emergency procedures are authorized once the Secretary of the Department issues an Order declaring a shoreline emergency.

3. Suspension of statutes and rules as noted in paragraph 4 above is required in order not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, IT IS ORDERED:

(a) A shoreline emergency is hereby declared within the areas identified in paragraph 1 of the Findings of Fact.

(b) Permits for emergency protection, as that term is defined in Rule Chapter 62-B33 of the Florida Administrative Code, may be issued by the Department within the areas identified in paragraph 1 of the Findings of Fact, in accordance with Rules 62-B33.0051(5) and 62B-33.014 of the Florida Administrative Code.

(c) This Order shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund.

(d) Activities authorized under emergency permits issued pursuant to this Order shall be completed by no later than the expiration date of this Order.

(e) This Emergency Final Order does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need for the permittee to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies.

(f) This Emergency Final Order does not provide relief from any of the requirements of chapter 471 of the Florida Statutes regarding professional engineering.

(g) This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire 90 days from the date of execution set forth below, unless modified or extended by further order.


(h) Failure to comply with any condition set forth in this Emergency Final Order shall constitute a violation of a Department Final Order under chapter 161 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n) of the Florida Statutes, any party substantially affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under section 120.68 of the Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 14 day of May, 2007, in Tallahassee, Florida.

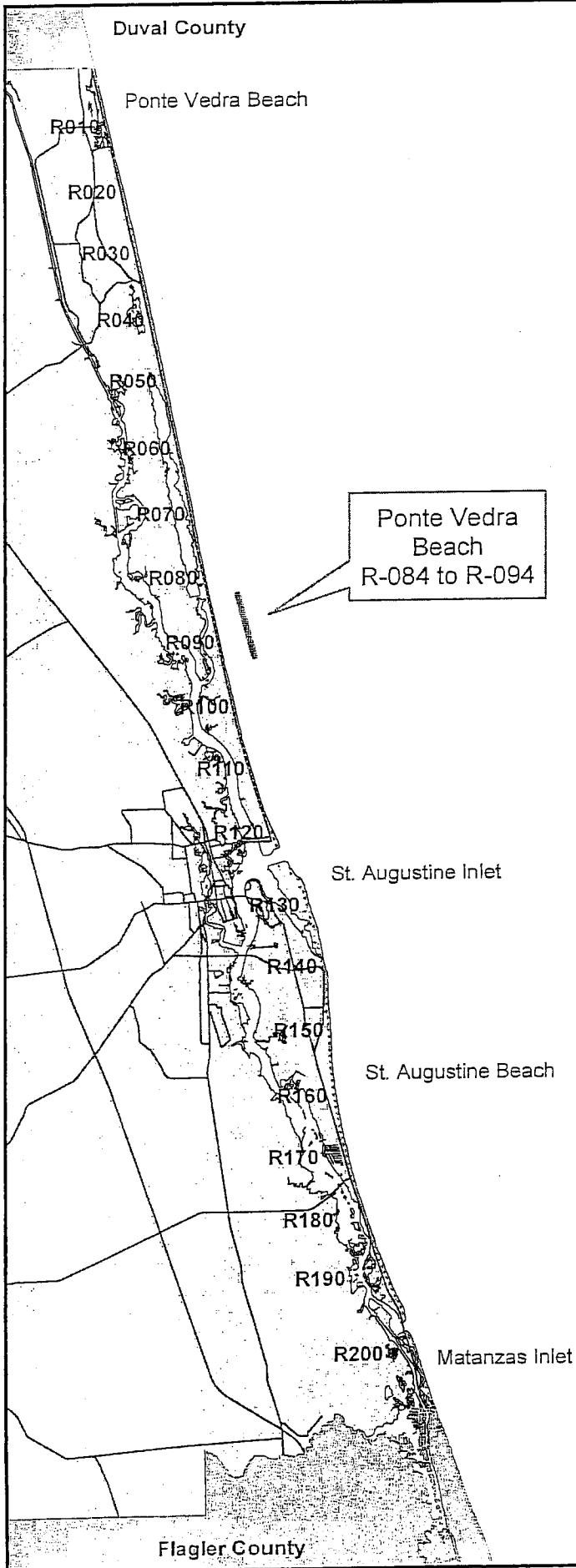
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION


MICHAEL W. SOLE, Secretary
3900 Commonwealth Blvd
Tallahassee, FL 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


CLERK

5/14/07
DATE

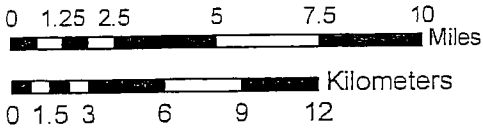


Ponte Vedra Beach
R-084 to R-094

DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA
*Forever of Beaches
and Coastal Systems*

**Andrea Emergency
Areas
ST. JOHNS COUNTY**

Atlantic Ocean



May, 2007

Flagler County

R010

R020

R030

R040

R050

R060

Ormond Beach

R070

Daytona Beach

R080

R090

R100

R110

Daytona Beach Shores
R-106 to R-120

R120

R130

R140

Ponce De Leon Inlet

R150

New Smyrna Beach
R-160 to R-194

R160

R170

R180

R190

R200

Bethune Beach

R210

R220

R230


V10

V20

V30

Indian River Lagoon

Brevard County



DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA
*Bureau of Beaches
and Coastal Systems*

Andrea Emergency Areas VOLUSIA COUNTY

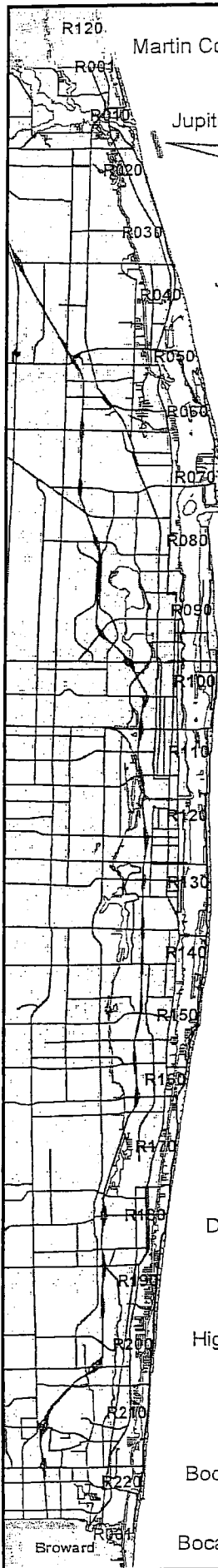
Atlantic Ocean



0 1 2 4 6 8 Miles

0 2.5 5 10 15 20 Kilometers

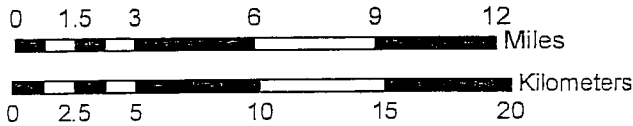
May 2007



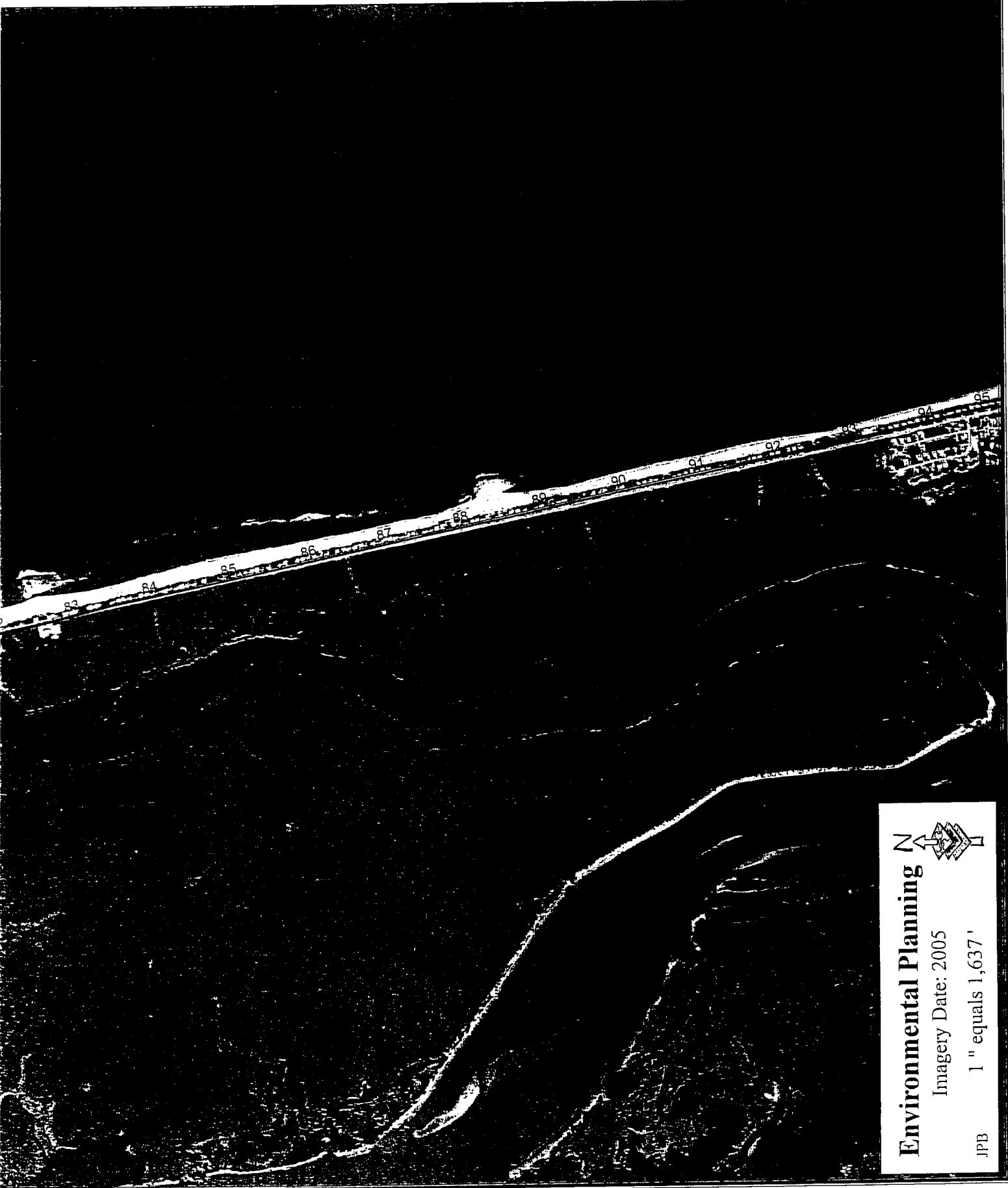
DEPARTMENT OF ENVIRONMENTAL PROTECTION
FLORIDA
 Bureau of Beaches and Coastal Systems

Andrea Emergency Areas PALM BEACH COUNTY

Atlantic Ocean



May, 2007



Environmental Planning

Imagery Date: 2005

JPB 1" equals 1,637'