

RESOLUTION 2012- 357

[Amended Durbin Crossing DRI Development Order]

A Resolution of the Board of County Commissioners of the County of St. Johns, State of Florida, modifying the Durbin Crossing DRI Development Order as previously approved by St. Johns County Resolution No. 2003-61, 2006-176 and 2012-22 finding the modification is consistent with St. Johns County Comprehensive Plan 2025, Ordinance 2010-38, as modified, and consistent with the St. Johns County Land Development Code; finding that the modification does not constitute a substantial deviation; and providing for an effective date.

WHEREAS, on April 1, 2003 a Development of Regional Impact Development Order (the "Development Order") was adopted by the Board of County Commissioners of St. Johns County, pursuant to Resolution No. 2003-61, authorizing development of property known as the Durbin Crossing DRI, as amended; and,

WHEREAS, the Developer has submitted a Notice of Proposed Change to the Development of Regional Impact dated October 24, 2012, requesting modification of certain terms of the Development Order (the "Notice of Proposed Change"); and

WHEREAS, there is clear and convincing evidence contained in the Notice of Proposed Change in accordance with Subsection 380.06(19)(e)(3) and (5) of the Florida Statutes to rebut the presumption that the requested changes create a substantial deviation of the DRI; and

WHEREAS, the changes proposed in the Notice of Proposed Change do not constitute a substantial deviation pursuant to the terms of Section 380.06(19) of the Florida Statutes (2010); and

WHEREAS, the Board has reviewed the Notice of Proposed Change at a public hearing held on December 18, 2012.

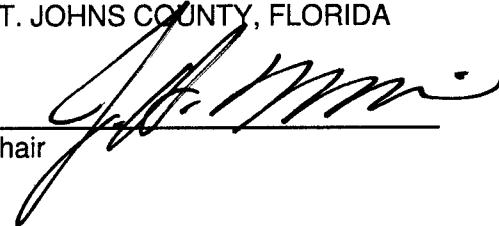
NOW, THEREFORE, be it resolved by the Board of County Commissioners of St. Johns County, Florida:

1. The following facts are determined in connection with this Resolution;
 - (a) The existing Development Order, as modified by this Resolution, is consistent with the St. Johns County Comprehensive Plan 2025, adopted August 17, 2010, in Ordinance 2010-38, as modified.
 - (b) The existing Development Order, as modified by this Resolution, is consistent with the St. Johns County Land Development Code.
2. The Application for Development Approval ("ADA" dated February 22, 2002, ADA First Sufficiency Response dated August 23, 2002, the ADA Second Sufficiency Response date December 16, 2002, as revised and amended through April 1, 2003 are described in Resolution 2003-61, as modified hereby (the "ADA").

3. The legal description of the property within the Durbin Crossing DRI is attached as Exhibit "A" to this Resolution.
4. Special Condition 24 of the Development Order for the Durbin Crossing Development of Regional Impact is changed as follows and as set forth more particularly on Exhibit "B" to this Resolution:
 - (a) Special Condition 24.b is revised to identify the approximately 33-acre site located on St. Johns Parkway south of Longleaf Parkway depicted on Map H of the Development Order (the "Multi-Family Site") as the specific site for construction of the 144 affordable housing units required under Special Condition 24(b).
 - (b) Special Condition 24.c is added as an option to contribute \$150,000 to St. Johns County in lieu of the 144 affordable housing units required under Special Condition 24(b).
5. The remainder of the DRI Development Order Conditions for the Durbin Crossing Development of Regional Impact is unchanged.
6. Except as modified by this Resolution, the Durbin Crossing DRI Development Order shall remain in full force and effect.
7. A certified copy of this resolution, complete with all exhibits, shall be rendered by St. Johns County within ten (10) days of its adoption by certified mail, return receipt requested, to the Developer, the Florida Department of Economic Opportunity, and the Northeast Florida Regional Council.
8. This Resolution shall become effective immediately upon adoption.

Passed and approved by the Board of County Commissioners of St. Johns County, Florida, this 18th day of December, 2012.

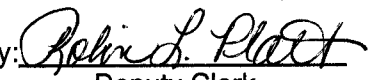
BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA


Chair

RENDITION DATE: 12/20/12

ATTEST:

CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk

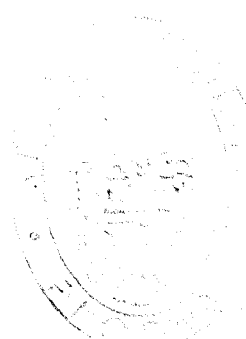


Exhibit "A" to Resolution

[Legal Description]

DURBIN CROSSING

ALL OF THE FOLLOWING LANDS:

A PART OF SECTIONS 1, 2, 11, 12, 13 AND 14, TOWNSHIP 5 SOUTH, RANGE 27 EAST TOGETHER WITH A PART OF SECTIONS 6, 7 AND 18, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE NORTH $02^{\circ}46'18''$ WEST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 2687.90 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH $88^{\circ}59'46''$ WEST ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 2, A DISTANCE OF 2661.55 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 2; THENCE NORTH $02^{\circ}22'48''$ WEST ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 1364.51 FEET; THENCE NORTH $89^{\circ}31'52''$ EAST, A DISTANCE OF 1318.81 FEET; THENCE NORTH $02^{\circ}14'55''$ WEST, A DISTANCE OF 1340.72 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 2; THENCE NORTH $89^{\circ}18'52''$ EAST ALONG THE NORTH LINE OF SAID SECTION 2, A DISTANCE OF 1320.98 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE NORTH $89^{\circ}10'39''$ EAST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 2656.01 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 1; THENCE SOUTH $03^{\circ}00'20''$ EAST ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1, A DISTANCE OF 1346.55 FEET; THENCE NORTH $89^{\circ}14'51''$ EAST, A DISTANCE OF 2446.18 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF RUSSELL SAMPSON ROAD (A 60.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH $12^{\circ}50'25''$ EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.50 FEET; THENCE SOUTH $13^{\circ}08'19''$ EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 3220.08 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 633.18 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 308.74 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH $27^{\circ}06'27''$ EAST AND A CHORD DISTANCE OF 305.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH $41^{\circ}04'35''$ EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1409.00 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 518.12 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 303.00 FEET, SAID ARC

BEING SUBTENDED BY A CHORD BEARING OF SOUTH 24°19'22" EAST AND A CHORD DISTANCE OF 298.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 07°34'09" EAST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 455.49 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 578.44 FEET; THENCE SOUTHEASTERLY CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 423.05 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 28°31'17" EAST AND A CHORD DISTANCE OF 413.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 49°28'24" EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 90.24 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 4773.62 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 342.62 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 47°25'02" EAST AND A CHORD DISTANCE OF 342.55 FEET TO A POINT ON SAID CURVE; THENCE SOUTH 25°23'14" WEST, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 122.52 FEET; THENCE SOUTH 18°05'25" WEST ALONG A LINE 10.00 FEET EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF A TRAIL ROAD AND BEING ALONG THE EASTERLY EDGE OF SAID ROAD, A DISTANCE OF 480.00 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 650.00 FEET; THENCE CONTINUING ALONG SAID PARALLEL LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 231.61 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 07°52'57" WEST AND A CHORD DISTANCE OF 230.38 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 02°19'31" EAST CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 3147.16 FEET; THENCE SOUTH 08°02'32" WEST CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 842.87 FEET TO A POINT ON THE EASTERLY LINE OF A 150.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1241, PAGE 312 OF THE PUBLIC RECORDS OF ST. JOHNS, COUNTY FLORIDA; THENCE SOUTH 09°21'50" EAST LEAVING SAID TRAIL ROAD AND ALONG SAID EASTERLY EASEMENT LINE, A DISTANCE OF 996.59 FEET TO THE NORTHWEST CORNER OF PARCEL NO. 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1276, PAGE 665, OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID EASEMENT LINE SOUTH 01°37'38" WEST, A DISTANCE OF 786.76 FEET TO THE NORTHEAST CORNER OF PARCEL NO. 5 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1276, PAGE 665 OF SAID PUBLIC RECORDS ALSO BEING A POINT ON THE WESTERLY LINE OF SAID 150.00 WIDE JACKSONVILLE ELECTRIC AUTHORITY

EASEMENT; THENCE SOUTH 80°36'52" WEST ALONG THE NORTH LINE OF SAID PARCEL NO. 5 AND ITS WESTERLY PROLONGATION THEREOF, A DISTANCE OF 1139.84 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1031, PAGE 326 OF SAID PUBLIC RECORDS; THENCE WESTERLY NORTHERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING 22 COURSES; COURSE NO. 1) NORTH 09°55'59" WEST, A DISTANCE OF 618.40 FEET; COURSE NO. 2) NORTH 17°20'53" WEST, A DISTANCE OF 213.11 FEET; COURSE NO. 3) NORTH 73°12'02" WEST, A DISTANCE OF 538.09 FEET; COURSE NO. 4) NORTH 15°46'44" WEST, A DISTANCE OF 311.55 FEET; COURSE NO. 5) NORTH 31°38'15" WEST, A DISTANCE OF 675.98 FEET; COURSE NO. 6) NORTH 53°33'49" WEST, A DISTANCE OF 236.22 FEET; COURSE NO. 7) NORTH 86°59'29" WEST, A DISTANCE OF 675.63 FEET; COURSE NO. 8) NORTH 46°30'55" WEST, A DISTANCE OF 640.21 FEET; COURSE NO. 9) SOUTH 57°52'19" WEST, A DISTANCE OF 413.48 FEET; COURSE NO. 10) SOUTH 17°16'40" WEST, A DISTANCE OF 339.73 FEET; COURSE NO. 11) SOUTH 82°27'31" WEST, A DISTANCE OF 180.62 FEET; COURSE NO. 12) NORTH 55°54'28" WEST, A DISTANCE OF 265.00 FEET; COURSE NO. 13) NORTH 85°31'26" WEST, A DISTANCE OF 480.00 FEET; COURSE NO. 14) NORTH 50°40'57" WEST, A DISTANCE OF 451.81 FEET; COURSE NO. 15) NORTH 20°36'22" WEST, A DISTANCE OF 105.00 FEET; COURSE NO. 16) NORTH 06°03'15" EAST, A DISTANCE OF 401.86 FEET; COURSE NO. 17) NORTH 67°59'52" WEST, A DISTANCE OF 245.00 FEET; COURSE NO. 18) NORTH 88°08'30" WEST, A DISTANCE OF 294.91 FEET; COURSE NO. 19) SOUTH 60°04'20" WEST, A DISTANCE OF 411.95 FEET; COURSE NO. 20) SOUTH 42°57'55" WEST, A DISTANCE OF 250.05 FEET; COURSE NO. 21) SOUTH 52°34'50" WEST, A DISTANCE OF 603.91 FEET; COURSE NO. 22) SOUTH 34°07'31" WEST, A DISTANCE OF 1311.18 FEET; THENCE DEPARTING SAID LANDS, NORTH 30°30'08" WEST, A DISTANCE OF 2272.31 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11; THENCE NORTH 02°46'51" WEST, A DISTANCE OF 5404.28 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 11; THENCE NORTH 89°24'45" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1602.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 2046.47 ACRES MORE OR LESS.

LESS AND EXCEPT THE FOLLOWING PARCELS:

Parcel A

A PART OF SECTION 7, TOWNSHIP 5 SOUTH, RANGE 28 EAST ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 88°44'53" EAST ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 1341.66 FEET TO A POINT ON THE CENTERLINE OF AN EXISTING 150.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT, AS RECORDED IN OFFICIAL RECORDS BOOK 1241, PAGE 312 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 09°21'51" WEST ALONG SAID CENTERLINE OF A 150.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT, A DISTANCE OF 904.57 FEET; THENCE SOUTH 61°56'23" WEST ALONG THE CENTERLINE OF A 130.00 FOOT WIDE JACKSONVILLE ELECTRIC AUTHORITY EASEMENT, A DISTANCE OF 866.83 FEET; THENCE DEPARTING SAID CENTERLINE, SOUTH 28°03'37" EAST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 28°03'37" EAST, A DISTANCE OF 160.00 FEET; THENCE SOUTH 61°56'23" WEST, A DISTANCE OF 217.33 FEET; THENCE SOUTH 81°19'30" WEST, A DISTANCE OF 122.50 FEET; THENCE NORTH 11°19'01" EAST, A DISTANCE OF 55.55 FEET; THENCE NORTH 36°44'51" WEST, A DISTANCE OF 82.50 FEET; THENCE NORTH 08°40'30" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 81°19'30" EAST, A DISTANCE OF 114.99 FEET; THENCE NORTH 61°56'23" EAST, A DISTANCE OF 190.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.15 ACRES MORE OR LESS.

THE ABOVE DESCRIBED JEA OUT EXCEPTION PARCEL BEING THE SAME LANDS AS THOSE INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS BOOK 919, PAGE 1114, PARCEL 2 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Parcel B

A portion of Sections 7 and 18, Township 5 South, Range 28 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 1820, Page 1342 of the Public Records of said St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northwestern corner of said Section 7; thence North $87^{\circ} 19' 26''$ East, along the Northerly line of said Section 7, a distance of 985.35 feet to its intersection with the Southwesterly right of way line of Russell Sampson Road, a 60 foot right of way as presently established; thence along said Southwesterly right of way line the following six courses: Course 1, thence South $41^{\circ} 04' 11''$ East, departing said Northerly line, 622.16 feet to the point of curvature of a curve concave Southwesterly, having a radius of 518.12 feet; Course 2, thence Southeasterly, along the arc of said curve, through a central angle of $33^{\circ} 30' 14''$, an arc length of 302.97 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $24^{\circ} 19' 04''$ East, 298.67 feet; Course 3, thence South $07^{\circ} 33' 57''$ East, 455.56 feet to the point of curvature of a curve concave Northeasterly, having a radius of 578.44 feet; Course 4, thence Southeasterly, along the arc of said curve, through a central angle of $41^{\circ} 56' 10''$, an arc length of 423.37 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $28^{\circ} 32' 02''$ East, 413.99 feet; Course 5, thence South $49^{\circ} 30' 06''$ East, 89.98 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 4773.62 feet; Course 6, thence Southeasterly, along the arc of said curve, through a central angle of $04^{\circ} 27' 00''$, an arc length of 370.75 feet to a point on said curve, said point being the Northerly most corner of said Official Records Book 1820, Page 1342, said arc being subtended by a chord bearing and distance of South $47^{\circ} 14' 17''$ East, 370.66 feet; thence South $53^{\circ} 39' 18''$ West, departing said Southwesterly right of way line and along the Westerly line of said lands, 55.80 feet to the Point of Beginning.

From said Point of Beginning, thence South $25^{\circ} 21' 32''$ West, departing said Westerly line of Official Records Book 1820, Page 1342, a distance of 63.80 feet; thence South $18^{\circ} 03' 43''$ West, 480.00 feet to the point of curvature of a curve concave Southeasterly, having a radius of 650.00 feet; thence Southerly, along the arc of said curve, through a central angle of $20^{\circ} 24' 56''$, an arc length of 231.61 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $07^{\circ} 51' 15''$ West, 230.38 feet; thence South $02^{\circ} 19' 39''$ East, 3146.96 feet; thence South $08^{\circ} 02' 26''$ West,

149.50 feet to its intersection with said Westerly line of Official Records Book 1820, Page 1342; thence along said Westerly line the following three courses: Course 1, thence North $02^{\circ} 33' 50''$ West, 3570.92 feet to the point of curvature of a curve concave Southeasterly, having a radius of 500.00 feet; Course 2, thence Northeasterly, along the arc of said curve, through a central angle of $56^{\circ} 13' 09''$, an arc length of 490.61 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $25^{\circ} 32' 44''$ East, 471.16 feet; Course 3, thence North $53^{\circ} 39' 18''$ East, 71.14 feet to the Point of Beginning.

Containing 3.99 acres, more or less.

Parcel C

A portion of Section 18, Township 5 South, Range 28 East, St. Johns County, Florida, also being a portion of those land described and recorded in Official Records Book 2036, page 1100 of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the Northwestern corner of Section 19, said Township and Range; thence South $02^{\circ} 42' 51''$ East, along the Westerly line of said Section 19, a distance of 491.10 feet to a point lying on the Northerly right of way line of County Road No. 210, a variable width right of way as now established; thence Northerly and Easterly, along said Northerly right of way line, the following four courses: Course 1, thence North $73^{\circ} 31' 35''$ East, departing said Westerly line, a distance of 676.93 feet; Course 2, thence North $09^{\circ} 57' 08''$ West, 50.33 feet; Course 3, thence North $73^{\circ} 31' 35''$ East, 778.24 feet to a point of curvature of a curve concave Southeasterly, having a radius of 1245.92 feet; Course 4, thence Northeasterly, along the arc of said curve, through a central angle of $15^{\circ} 51' 03''$, an arc length of 344.68 feet to a point on said curve, said point also lying on the Westerly line of those lands described and recorded in Official Records Book 1241, page 312 of said Public Records, said arc being subtended by a chord bearing and distance of North $81^{\circ} 27' 06''$ East, 343.59 feet; thence North $09^{\circ} 21' 56''$ West, departing said Northerly right of way line and along said Westerly line,

2247.09 feet to the Northeasterly corner of those lands described and recorded in Official Records Book 1700, page 112 of said Public Records; thence South 80°37'39" West, departing said Westerly line and along the Northerly line of said Official Records Book 1700, page 112, a distance of 200.00 feet to the Point of Beginning.

From said Point of Beginning, thence continue South 80°37'39" West, along said Northerly line of said Official Records Book 1700, page 112, a distance of 200.00 feet; thence North 09°21'56" West, departing said Northerly line, 254.62 feet; thence North 80°37'39" East, 200.00 feet; thence South 09°21'56" East, 254.62 feet to a point lying on the Northerly line of said Official Records Book 1700, page 112, and the Point of Beginning.

Containing 1.17 acres, more or less.

CONTAINING A TOTAL ACREAGE OF 2040.16 ACRES MORE OR LESS

TOGETHER WITH:

June 2, 2008
Aberdeen/Durbin Crossing

Work Order No. 08-115.00
File No. 120B-25

Russell Sampson Road Closure Parcel

A portion of Section 7, Township 3 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Northwest corner of said Section 7, thence North $87^{\circ}19'26''$ East, along the Northerly line of said Section 7, a distance of 985.35 feet to an intersection with the Westerly right of way line of County Road 2209, a 150 foot right of way as presently established; thence South $41^{\circ}04'11''$ East, departing said Northerly line, and along said Westerly right of way line, 622.16 feet to the Point of Beginning.

From said Point of Beginning, thence continue South $41^{\circ}04'11''$ East, along said Westerly right of way line, 179.85 feet to the point of curvature of a curve concave Southwesterly, having a radius of 875.00 feet; thence Southeasterly, continuing along said Westerly right of way line, and along the arc of said curve, through a central angle of $05^{\circ}33'34''$, an arc length of 84.90 feet to a point on said curve, said point also being a point lying on the Easterly right of way line of Russell Sampson Road, a variable width right of way as presently established, said line also being the Westerly line of those lands described and recorded in Official Records Book 2592, page 1417 of the Public Records of said St. Johns County, said arc being subtended by a chord bearing and distance of South $38^{\circ}17'24''$ East, 84.87 feet; thence Southerly, departing said Westerly right of way line, and along said Easterly right of way line, and said Westerly line the following three (3) courses: Course 1, thence Southerly along the arc of a curve concave Westerly, having a radius of 578.12 feet, through a central angle of $06^{\circ}15'49''$, an arc length of 63.20 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $10^{\circ}41'52''$ East, 63.17 feet; Course 2, thence South $07^{\circ}33'57''$ East, 455.56 feet to the point of curvature of a curve concave Easterly, having a radius of 518.44 feet; Course 3, thence Southerly, along the arc of said curve, through a central angle of $29^{\circ}49'15''$, an arc length of 269.83 feet to a point on said curve, said point also lying on said Westerly right of way line of County Road 2209, said arc being subtended by a chord bearing and distance of South $22^{\circ}28'34''$ East, 266.80 feet; thence South $02^{\circ}19'39''$ East, departing said Easterly right of way line, and said Westerly line, and along said Westerly right of way line, 86.26 feet to a point lying on the Northerly right of way line of County Road 244, a 130 foot right of way as presently established, said point also being the point of curvature of a curve concave Westerly, having a radius of 25.00 feet; thence Southerly, departing said Westerly right of way line, along said Northerly right of way line, and along the arc of said curve, through a central angle of

17°54'44", an arc length of 7.82 feet to a point of cusp, said point also lying on the Westerly right of way line of said Russell Sampson Road, and the Easterly line of Parcel 3 of those lands described and recorded in Official Records Book 2036, page 1084 of said Public Records, said arc being subtended by a chord bearing and distance of South 06°37'43" West, 7.78 feet; thence Northwesterly, departing said Northerly right of way line, along said Westerly right of way line of Russell Sampson Road, and along said Easterly line of Parcel 3, along the arc of a curve concave Northeasterly, having a radius of 578.44 feet, through a central angle of 37°23'28", an arc length of 377.49 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 26°15'41" West, 370.83 feet, thence North 07°33'57" West, continuing along said Westerly right of way line of Russell Sampson Road, along said Easterly line of Parcel 3, and along the Easterly line of those lands described and recorded in Official Records Book 3045, page 1894, of said Public Records, a distance of 455.56 feet to the point of curvature of a curve concave Southwesterly, having a radius of 518.12 feet; thence Northwesterly, continuing along said Westerly right of way line, and said Easterly line of Official Records Book 3045, page 1894, and along the Easterly line of Parcel 4 of said Official Records Book 2036, page 1084, and along the arc of said curve, through a central angle of 33°30'14", an arc length of 302.97 feet to the point of tangency of said curve, and the Point of Beginning, said arc being subtended by a chord bearing and distance of North 24°19'04" West, 298.67 feet.

Containing 1.28 acres, more or less.

TOGETHER WITH:

EXHIBIT "A"
Page 9 of 10

April 03, 2009
Aberdeen/Durbin Crossing

Work Order No. 09-047.00
File No. 120B-25(Crescent)

Durbin CDD County Road 2209 Remaining Parcel

A portion of Section 7, Township 5 South, Range 28 East, St. Johns County, Florida, also being a portion of those lands described and recorded in Official Records Book 2592, page 1417 of the public records of said St. Johns County, being more particularly described as follows:

For a Point of Reference, commence at the Northwest corner of said Section 7, thence North $87^{\circ}19'26''$ East, along the Northerly line of said Section 7, a distance of 985.35 feet to its intersection with the Westerly right of way line of County Road 2209, a 150 foot right of way as presently established; thence South $41^{\circ}04'11''$ East, departing said Northerly line, and along said Westerly right of way line, 802.01 feet to the point of curvature of a curve concave Southwesterly, having a radius of 875.00 feet; thence Southeasterly, continuing along said Westerly right of way line, and along the arc of said curve, through a central angle of $05^{\circ}33'34''$, an arc length of 84.90 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of South $38^{\circ}17'24''$ East, 84.87 feet.

From said Point of Beginning, thence Southerly, continuing along said Westerly right of way line of County Road 2209, and along the arc of said curve concave Southwesterly, having a radius of 875.00 feet, through a central angle of $33^{\circ}10'58''$, an arc length of 506.75 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South $18^{\circ}55'08''$ East, 499.70 feet; thence South $02^{\circ}19'39''$ East, continuing along said Westerly right of way line, 287.72 feet to a point lying on the Easterly right of way line of Russell Sampson Road, a variable width right of way as presently established, said point also being a point on a curve; thence along said Easterly right of way line the following three (3) courses: Course one, thence Northerly, departing said Westerly right of way line, and along the arc of said curve concave Northeasterly, having a radius of 518.44 feet, through a central angle of $29^{\circ}49'15''$, an arc length of 269.83 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $22^{\circ}28'34''$ West, 266.80 feet; Course two, thence North $07^{\circ}33'57''$ West, 455.56 feet to the point of curvature of a curve concave Westerly, having a radius of 578.12 feet; Course three, thence Northerly, along the arc of said curve, through a central angle of $06^{\circ}15'49''$, an arc length of 63.20 feet to a point on said curve and the Point of Beginning, said arc being subtended by a chord bearing and distance of North $10^{\circ}41'52''$ West, 63.17 feet.

Containing 1.20 acres, more or less.

Exhibit "B" to Resolution

[Revised Special Condition 24 of the Development Order]

24. Affordable Housing. The housing study summary in Table 24-9 of the ADA Second Sufficiency Response indicates that there is an adequate supply of affordable housing for Phase 1, but a minor shortfall for Phase 2. According to Table 24-9, there will be a shortfall of 56 units for low income families by the end of Phase 2 unless additional supply is made available. Accordingly, the Developer shall:

- (a) Contribute to St. Johns County, prior to issuance of any building permits for office or retail/commercial/service uses, the sum of \$150,000 which shall be used by St. Johns County to provide funds for the purpose of down payment assistance to be used for the purchase of homes so long as the home is within the ten mile or twenty minute commute boundary of the project ("Down Payment Assistance"). The Down Payment Assistance shall be provided to qualified applicants in accordance with the County's Local Housing Assistance Plan. ~~P~~(preference shall be given to qualified applicants who are employees within Durbin Crossing).
- (b) Provide a total of 144 affordable housing units on the multi-family site containing approximately 33 acres located on St. Johns Parkway south of Longleaf Parkway depicted on the Map H of the DRI Development Order and as more particularly defined in the St. Johns County Property Appraiser data base as real estate parcel number 026400-0110 (the "Multi-Family Site") as either (i) rental units qualifying for Federal Housing Tax Credits or to be developed under an equivalent Federal or State program designed to insure affordability; or (ii) owner occupied For Sale units having a purchase price at or below the purchase limits established from time to time under the St. Johns County SHIP Local Housing Assistance Plan. Any For-Sale units provided to satisfy the affordable housing requirements set forth in this Special Condition 24 shall be subject to a three year re-sale restriction limiting the sales price on re-sale to a price equal or less than the

purchase limits under the Local Housing Assistance Plan. The affordable housing units shall be provided prior to build out. With regard to the owner occupied for sale units provided pursuant to this Special Condition 24(b), the Developer shall notify the St. Johns County Housing and Community Services Division as to which properties shall have the resale price restriction as each such unit is closed. The St. Johns Housing and Community Services Division shall be provided the names of the purchasers, their mailing addresses, the property descriptions, and the date of sale.

(c) In lieu of providing the 144 affordable housing units on the Multi-Family Site under Special Condition 24(b) above, if the Developer chooses to sell the Multi-Family Site property free and clear of any obligation under Special Condition 24(b), then the Developer shall include St. Johns County as a party to any such closing and at the closing of the property, St. Johns County shall be paid \$150,000.00 from the closing funds, and that amount shall be used by St. Johns County to fund one or more of its housing programs. Payment to St. Johns County of \$150,000 under this Special Condition 24(c) shall satisfy the obligations of the Developer under Special Condition 24(b) and, after such payment, the Multi-Family Site shall not be required to be developed with affordable housing units and the requirements of Special Condition 24(b) shall be satisfied.