

ST. JOHNS COUNTY
RESOLUTION NUMBER 2007- 341

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, MODIFYING THE CABALLOS DEL MAR DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS PREVIOUSLY APPROVED BY ST. JOHNS COUNTY ON JULY 8, 1975, AND AS PREVIOUSLY MODIFIED BY RESOLUTION 83-36, APPROVED APRIL 26, 1983; RESOLUTION 85-59, APPROVED APRIL 16, 1985; AND RESOLUTION 2002-41, APPROVED MARCH 13, 2002; FINDING THE MODIFICATION DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RQB Resort, LP and RQB Development, LP, (the "Owners/Developers") have submitted a Notification of a Proposed Change to the Caballos Del Mar Development of Regional Impact ("DRI") by letter dated August 24, 2007, requesting modification of certain terms of the DRI Development Order (the "NOPC"), as it pertains to development rights associated with the Sawgrass Marriott Resort Parcels; and

WHEREAS, the Owners/Developers have provided information showing that the proposed modifications of the DRI Development Order do not constitute a substantial deviation under any provision of Section 380.06(19), Florida Statutes; and

WHEREAS, the Board of County Commissioners, after required notice, has reviewed the NOPC, evaluated the evidence presented at the public hearing held on October 30, 2007, and considered whether the proposed modification constitutes a substantial deviation to the DRI that would require further DRI review.

**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 NOPC is consistent with the St. Johns County Comprehensive Plan, as amended.
 - b. The NOPC is consistent with the Land Development Code of St. Johns County, as amended.
 - c. The NOPC is compatible with the surrounding area and the future development trends of the area.

2. The NOPC and other evidence received provide clear and convincing evidence that the requested change does not constitute a substantial deviation to the DRI.

3. The Caballos Del Mar DRI Development Order, as previously approved and amended, is hereby modified by approval of the following specific changes for the Sawgrass Marriott Resort Parcels:
 - a. Increase the number of hotel rooms from 350 to 510 keys;
 - b. Increase the number of resort condominiums from 230 to 500 units; and
 - c. Reaffirmation that the Cabana Club parcel is located within the boundaries of Caballos del Mar DRI.

4. Except as modified by this Resolution, the existing Caballos Del Mar DRI Development Order, as previously approved and amended, shall remain in full force and effect.

5. A certified copy of this Resolution, complete with all exhibits, shall be rendered by St. Johns County within 10 days of its adoption by certified mail, return receipt requested, to the Developer, the Florida Department of Community Affairs and the Northeast Florida Regional Planning Council.

6. This Resolution shall take effect upon its adoption.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 30th DAY OF OCTOBER 2007.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

By:

Rendition Date 11/2/07

ATTEST: CLERK

By:
Deputy Clerk.



Adopted Regular Meeting October 30, 2007

Effective: 10/30/07

Exhibit A

LEGAL DESCRIPTION

All of Government Lots 3, 4, 14 and 13, Section 16; all of Government Lots 3, 4, 9, 10, 11 and 12 and a part of Government Lots 1, 2, 5, 7 and 8; Section 17; a part of Section 19; all of Government Lots 1, 2, 3, 6 and 7 and a part of Government Lots 4, 5 and 8, Section 20; all of Government Lots 3, 4 and 5 and part of Government Lot 11, Section 21; a part of Government Lots 8 and 9, Section 27; and all of Government Lot 1, 2 and 3 and a part of Government Lot 4, Section 28; a part of Government Lots 4 and 9, Section 34; a part of the Lewis Mattair Grant, Section 39; a part of the Heirs of Thomas Fitch Grant, Section 40; a part of the Francis X. Sanchez Grant, Section 41; a part of the Sebastian Espinosa Grant, Section 42; a part of the Nicholas Sanchez Grant, Section 46; a part of the Sanchez or Hill Grant, Section 47; a part of the Sanchez, Hill or Fitch Grant, Section 48; all of the Christina Hill or Fitch Grant, Section 50; a part of the Christina Hill or Fitch Grant, Section 51; a part of the Hill, Fitch or Sanchez Grant, Section 52; and a part of the William Hart Grant, Section 55; all in Township 3 South, Range 29 East, St. Johns County, Florida; together with a part of Government Lots 2 and 3 of Section 3; a part of the Heirs of Thomas Fitch Grant, Section 38; a part of the Heirs of Espinosa Grant, Section 39 and a part of the Christina Hill Grant, Section 70; all in Township 4 South, Range 29 East, St. Johns County, Florida; more particularly described as follows: For a POINT OF BEGINNING commence at the Northeast corner of aforementioned Government Lot 14, Section 16, Township 3 South, Range 29 East; thence run Southerly along the Easterly line of said Government Lot 14 and along the Easterly line of Government Lots 3 and 5 of aforesaid Section 21, a distance of 3960 feet, more or less to the South line of said Government Lot 5; thence run Westerly along the Southerly line of aforesaid Government Lot 5, Section 21, a distance of 1740 feet, more or less to the Northeasterly line of Section 40; thence run Southeasterly along the Northeasterly line of aforesaid Section 40, a distance of 1500 feet, more or less to the Northerly line of Government Lot 11, Section 21; thence run Easterly along the Northerly line of aforesaid Government Lot 11, Section 21, a distance of 2360 feet, more or less to the East line of Government lot 11; thence run Southerly along the Easterly line of said Government Lot 11, Section 21; a distance of 1320 feet, more or less to the North line of Government Lot 1, Section 28; thence run Easterly, along the Northerly line of aforesaid Government Lot 1, Section 28, a distance of 1328.12 feet to the Northeasterly corner of said Government Lot 1, Section 28; thence run S.00°20'05"E., along the Easterly line of said Section 28, a distance of 1328.07 feet to the Northwesterly corner of Sun Valley as recorded in Map Book 6, Page 11 of the public records of said county; thence run S.00°20'46"E., along the Westerly line of said Sun Valley, a distance of 1311.97 feet to a point in the centerline of Sun Valley Drive, as platted by said Sun Valley; thence run due South a distance of 30.00 feet; thence run S.2°42'15"E., a distance of 821.00 feet; thence run due West a distance of 300.00 feet; thence run S.2°42'15"E., a distance of 500.00 feet; thence run due East, along the Southerly line of a 60 foot right of way known as Mosquito Control Road and its Westerly projection, a distance of 1473.18 feet; thence run S.2°48'00"E., along the Westerly right of way line of a State Road known as Ponte Vedra By-Pass Road (as now established as a 200 foot right of way) State Road No. A-1-A and/or State Road No. 203, a distance of 983.53 feet to an angle point in said right of way; thence continue Southerly and Southwesterly along said Westerly right of way line of Ponte Vedra By-Pass Road a distance of 5300 feet more or less to the Westerly right of way line of Palm Valley Road, State Road No. 210; thence run Southwesterly along said Westerly right of way line of Palm Valley Road a distance of 3000 feet more or less to the Northerly line of the lands described in Deed Book 177 Page 362 of the aforesaid public records; thence run Westerly along said Northerly line a distance of 265 feet more or less; thence run Southerly along the Westerly line of the lands described in the aforesaid Deed Book 177 Page 362 a distance of 100 feet more or less to the Northerly line of the lands described in Official Records Volume 265, Pages 99 and 101 of the aforesaid public records; thence run Westerly along said Northerly line a distance of 1756 feet more or less to the Northwesterly line of the lands in the possession of J. E. Wilson; thence run Southwesterly along said Northwesterly line of the lands in the possession of J. E. Wilson and its Southwesterly projection a distance of 1700 feet more or less to the Northerly line of Lot 39, Palm Valley Gardens Unit 6, Map Book 5, Page 73; thence run Southwesterly along the Northerly

line of Lot 39, Palm Valley Gardens Unit 6, as recorded in Map Book 5, Page 73 of the aforesaid public records, a distance of 300 feet, more or less to the Easterly line of Palm Valley Gardens Unit 6; thence run Northwesterly along the Easterly line of said Palm Valley Gardens Unit 6, a distance of 1200 feet, more or less to the Northeast corner of Palm Valley Gardens Unit 6; thence run Southwesterly along the Northerly line of said Palm Valley Gardens Unit 6, a distance of 1512 feet, more or less to the Easterly line of Palm Valley Gardens Unit 3, Map Book 5, Page 66; thence run Northwesterly along the Easterly line of Palm Valley Gardens Unit 3, as recorded in Map Book 5, Page 66 of said public records, a distance of 3657.06 feet, more or less to the Southeast corner of Palm Valley Gardens Unit 4, Map Book 5, Page 71; thence continue Northwesterly along the Easterly line of Palm Valley Gardens Unit 4, as recorded in Map Book 5, Page 71 of said public records, a distance of 7013.06 feet, more or less to the Northeast corner of Palm Valley Gardens Unit 4; thence run Westerly along the Northerly line of said Palm Valley Gardens Unit 4, a distance of 323 feet, more or less to the Southeast corner of Big Cypress Subdivision Map Book 5, Page 74; thence run Northwesterly along the Northeasterly line of Big Cypress Subdivision, as recorded in Map Book 5, Page 74 of said public records, a distance of 2605.01 feet, more or less to the Northeast corner of said Subdivision; thence run Southwesterly along the Northwesterly line of Big Cypress Subdivision, a distance of 860 feet, more or less to the Easterly right of way line of the Intracoastal Waterway; thence run Northwesterly along the Northeasterly line of the 500 foot right of way of the Intracoastal Waterway, a distance of 6738 feet, more or less to the Northeasterly line of Section 39; thence run Southeasterly along the Northeasterly line of aforementioned Section 39, a distance of 100 feet, more or less to the Northeast corner of Section 39; thence run Southwesterly along the Southeasterly line of Section 39, a distance of 92 feet, more or less, to the corner common to Sections 18, 19 and 39 of Township 3 South, Range 29 East; thence run Easterly along the Northerly line of said Section 19, a distance of 203 feet, more or less, to the corner common to Sections 17, 18, 19 and 20 of said Township and Range; thence run Easterly along the Northerly line of Government Lot 4, Section 20, a distance of 1120 feet more or less to the Westerly line of Government Lot 10, Section 17; thence run Northeasterly along the U. S. Government Land Office meander line of 1850, the same being the Westerly line of Government Lots 4, 9 and 10 of aforesaid Section 17, a distance of 2820 feet to an angle point in said meander line; thence run Northwesterly continuing along said meander line the same being the Westerly line of Government Lots 3 and 4 of said Section 17, a distance of 2240 feet, more or less to the Southerly line of Section 55; thence run Northerly continuing along said meander line (the same being the Westerly line of aforesaid Section 55) a distance of 300 feet, more or less to the Northerly boundary of St. Johns County, Florida; thence run Easterly along the Northerly boundary of St. Johns County, Florida a distance of 7650 feet, more or less to the Northeast corner of Government Lot 3, Section 16; thence run Southerly along the Easterly line of aforesaid Government Lot 3, Section 16, a distance of 1320 feet, more or less to the Southeast corner of Government Lot 3; thence run Westerly along the Southerly boundary of said Government Lot 3, a distance of 1320 feet, more or less to the Southwest corner thereof; thence run Westerly along the Southerly line of Government Lot 4 of said Section 16, a distance of 1317.02 feet, more or less to the Southwest corner thereof; thence Northerly along the Easterly line of the lands as monumented and platted in the Pine Crest Estates, as recorded in Map Book 3, Page 144 of said public records, a distance of 105 feet, more or less to the Northeast corner of said Pine Crest Estates; thence run Westerly along the Northerly line of said Pine Crest Estates, a distance of 2.5 feet, more or less, to a point in the Easterly boundary of aforesaid Government Lot 1, Section 17; thence continue Westerly along said Northerly boundary of Pine Crest Estates, a distance of 1318.07 feet to the Northwest corner of said Pine Crest Estates, thence run Southerly along the Westerly line of said Pine Crest Estates, a distance of 2658.05 feet; thence run Easterly along the Southerly line of said Pine Crest Estates and the Easterly prolongation thereof, a distance of 1370 feet, more or less, to a point in the Easterly line of aforesaid Government Lot 7, Section 17; thence run Southerly along the Easterly line of said Government Lot 7, a distance of 60 feet, more or less to the Northwest corner of Government Lot 13, Section 16; thence run Easterly along the Northerly line of aforesaid Government Lots 13 and 14, a distance of 2640 feet, more or less, to the POINT OF BEGINNING, excepting therefrom the 60 and 66 foot right of way of Solano Road, State Road No. S-210-A; also excepting therefrom those lands as described in Parcels A, B and C of Official Records Volume 217, Page 450 of the aforesaid public records and subject to an easement for the right of ingress and egress over Thousand Oaks Boulevard (a private road having a 60 foot right of way) as described in said Official Records Volume 217, Page 450 of the aforesaid public records; also subject to a 100 foot wide Jacksonville Electric Authority easement as described in Official Records Volume 264, Pages 179 and 180 of the aforesaid public records. Containing 3670 acres more or less.

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES K. BARRETT** who on oath says that she is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being a **NOTICE OF HEARING** in the matter **NOPC 07-05 CABALLOS DEL MAR** was published in said newspaper in the issues of **OCTOBER 15, 2007**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 15TH day of **OCTOBER, 2007**.

by *Charles K. Barrett* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)

PATRICIA A. BERGQUIST



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

COPY OF ADVERTISEMENT **NOTICE OF A NOTICE OF PROPOSED CHANGE**

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, October 30, 2007 at 9:00 am the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to reallocate vested development totals to facilitate redevelopment of the hotel and to reaffirm that the Cabalos Club is included within the Caballos del Mar DRI. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property is located West of SR A1A, south of PGA Tour Boulevard and Sawgrass Village within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1 800 955 8770, no later than 5 days prior to the date of this meeting.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BEN RICH, CHAIRMAN
FILE NUMBER: NOPC 2007-05 Caballos del Mar DRI (Sawgrass Marriott Resort)
L2850-7 Oct 15, 2007

The St. Augustine Record

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ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
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Sworn to and subscribed before me this 15TH day of **OCTOBER, 2007**.

by *Charles K. Barrett* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

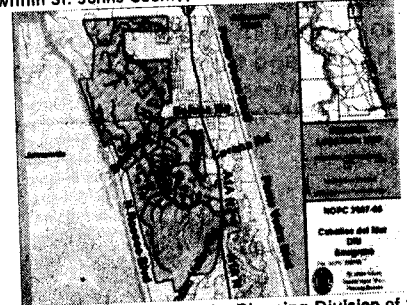
(Seal)

PATRICIA A. BERGQUIST

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**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

BEN RICH, CHAIRMAN
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