

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2015-0690 (WRF-15-11)

NOVEMBER 17, 2015

Location: 6700 Island Drive
(Southern terminus) Meeting New Berlin Road
between Heckscher Drive and Cedar Point Road

Real Estate Number: 160703-0000

Waiver Sought: Reduce minimum required road frontage from 105
feet to zero feet for development of three single-
family homes.

Current Zoning District: Agriculture (AGR)

Current Land Use Category: Agriculture-IV (AGR-IV)

Planning District: North, District 6

Planning Commissioner: Donald Adkinson

City Council Representative: The Honorable Al Ferraro, District 2

Owner: Herbert J. Sands, Jr.
6700 Island Drive
Jacksonville, Florida 32226

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance-2015-0690 (WRF-15-11)** seeks to reduce the minimum required road frontage from 105 feet to zero feet to confirm existing rights for the development or redevelopment of not more than three single-family residences on islands No. 10 (2.14 acres) and No. 11 (7.37 acres), on Brown Creek. The subject property is a single parcel consisting of approximately 9.51 acres and is reached via a causeway (across Pelotes Island) that is owned and maintained by JEA. A perpetual easement is granted pursuant to a road closure agreement that was executed for Island Drive on January 25, 1994 and runs with the title to the property. Each of the two islands currently supports one of two existing

residences dating from 1952 and 1965 respectively. This request would confirm existing rights to reconstruct those two residences, and would also confirm the right to add a third residence on Island No. 11. Three lots are the maximum allowable on 9.51 acres in the Agriculture-IV functional land use category, with each lot requiring 2.5 acres minimum, and each having 35 feet minimum street frontage (105 feet total).

The islands are located in the "Adjusted Special Flood Hazard" and FEMA Zone AE (elevation 6) and Velocity Zone (elevation 8) and will require V-Zone construction methods (e.g., engineered pilings). Any construction work is also subject to State of Florida requirements relating to archeological finds. The islands rise above the surrounding tidal marsh up to 17 feet above sea level. USGS quadrangle maps "Eastport 1964 (revised 1970)" and Eastport 1994 indicate the existence of a roadway that extends entirely through both islands and therefore appears to provide the required frontage as an "approved private street" under Sec. 656.407(b) (hence, no formal waiver of road frontage is actually required). However, approval of this request will summarize the research findings of staff and will memorialize the findings into a single source document for future reference.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term waiver means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are authorized to be granted by the City Council pursuant to the criteria set forth in Section 656.133(b) of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133(d) of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

- (i) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

Yes. The property is developable in other respects. The site is served by a JEA power transmission line and well and septic systems are feasible. The third dwelling unit is otherwise permitted on the property since the property has sufficient area for three units and appears from historic records to qualify as an "approved private street" having adequate frontage. If contested, the lack of frontage on an approved private street or public roadway would make the lot undevelopable according to the strict letter of the regulation (Section 656.704).

- (ii) *Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?*

No. Grant of the request would allow for subdivision of the single parcel into not more than three parcels, each meeting the minimum lot area requirements of 2.5 acres. The resultant parcels are designated for Agriculture land use by the 2030 Comprehensive Plan: Future Land Use Element. It is presumed that the construction of a third structure or reconstruction of the two existing residences will result in net costs to the owner rather than any cost savings.

The Code of Subdivision Regulations requires a formal review for partitioning of a parcel into three or more lots. According to Panel Map 33 (City of Jacksonville Copyright 1971) the parent tract is a single "lot of record" as defined by City of Jacksonville Code of Ordinances Sec. 656.704 and has not been otherwise subdivided since September 5, 1969. The subdivision into three lots might therefore be subject to Development Management Services administration for Subdivision Review at a later date.

- (iii) *Will the proposed waiver substantially diminish property values in, or alter the essential character of the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?*

No. Section 656.137 of the City of Jacksonville Code of Ordinances requires notice to all property owners holding property within 350 feet of the subject property. As previously discussed, access will be via a developed local road through a dedicated easement leading to New Berlin Road. This waiver allows the applicant to create three single-family lots (of two and one-half acres minimum in size) in the AGR-IV functional land use category.

The essential character of the area is affected by the size, use and development pattern of the property relative to the size of surrounding properties. The subject property was previously a part of the Pelotes Island Community where steamships were constructed during the early 20th century. Most surrounding properties in the area were subsequently obtained by JEA or The Nature Conservancy however this parcel was retained in private ownership. Only one other privately owned parcel is within the notice area.

The request was routed for review to The Nature Conservancy, JEA, City of Jacksonville Parks and Recreation, Fire and Rescue, Planning and Development Department Land Use Section, Planning and Development Department Development Services Group, Public Works Survey Division, and State of Florida DEP. No substantial objections were raised, as rights appear to be already vested, and no interference with the educational functions of the Pelotes Island facility was identified.

Although construction of up to three new homes may be visually obtrusive, the cumulative visual impact is minimal, is isolated to the two islands, and appears to be a vested right.

- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

Yes. There is a recorded, unrestricted, sixty feet wide easement for ingress, egress and utilities via a JEA maintained roadway through Pelotes Island that connects to New Berlin Road approximately six miles to the north. Emergency services, code enforcement officers, solid waste collection, utility providers and other members of the public who have legitimate interests in the property may access via the deeded access easement. Emergency services are also available by water and via the emergency helipad on Pelotes Island. The access easement is maintained in good condition and appears to be of significant construction. Concrete boxes allow tidal flow under the causeway in places.

- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?*

No. The proposed waiver will not be detrimental to the public health, safety, or welfare. The site can be accessed via the developed roadway and easement. The development of the site will be required to comply with the Land Development Procedures Manual, the Florida Building Code, and all applicable codes and regulations. JEA is committed through the road closure agreement to continue to maintain unrestricted easement, ensuring that future owners of the property will have unimpeded access; therefore the long term utility and marketability of the property is ensured.

RECOMMENDATION

Staff reviewed the site on September 1, 2015 and the notice sign **WAS** posted.

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2015-0690 (WRF-15-11) be **APPROVED**.

REFERENCE INFORMATION



Figure 1. Subject property viewed looking southeast toward Island 11 showing notice sign posted and condition of causeway.



Figure 2. Access easement viewed approaching subject property through Pelotes Island showing typical condition of access road.

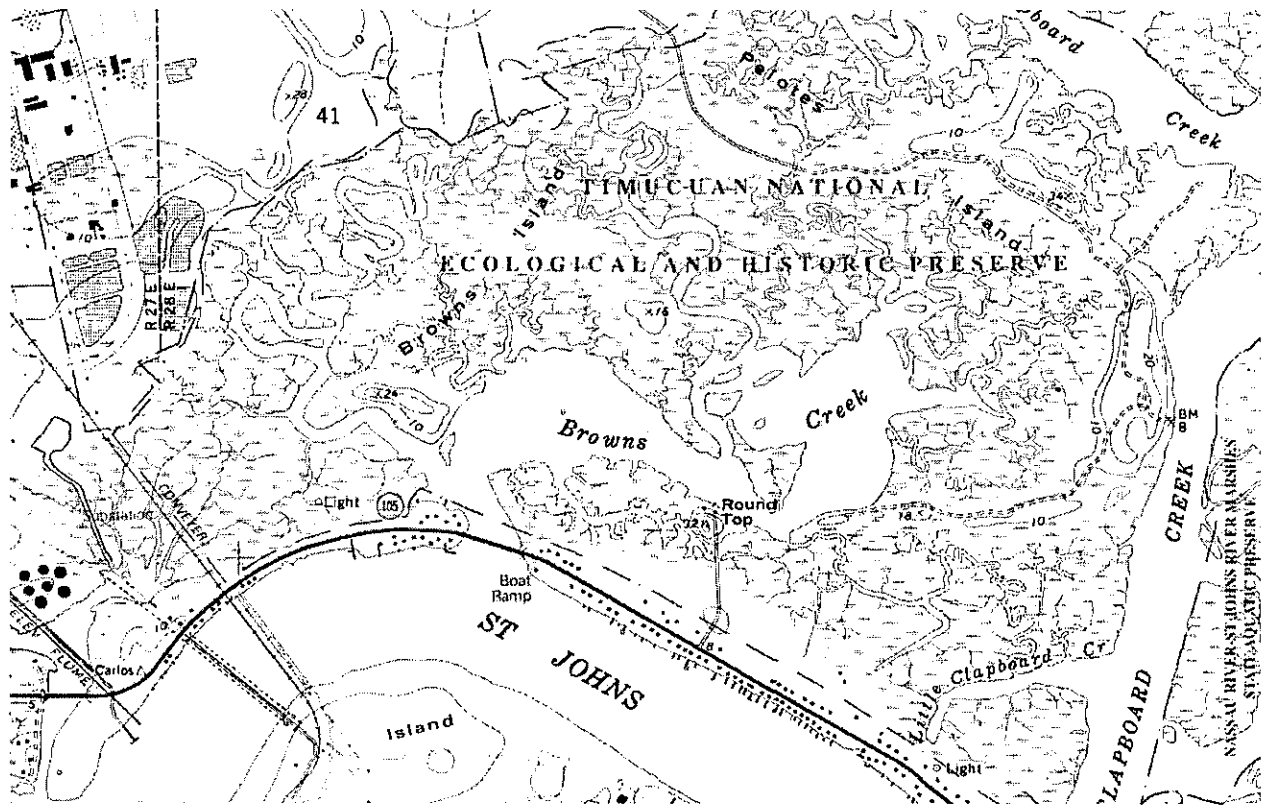
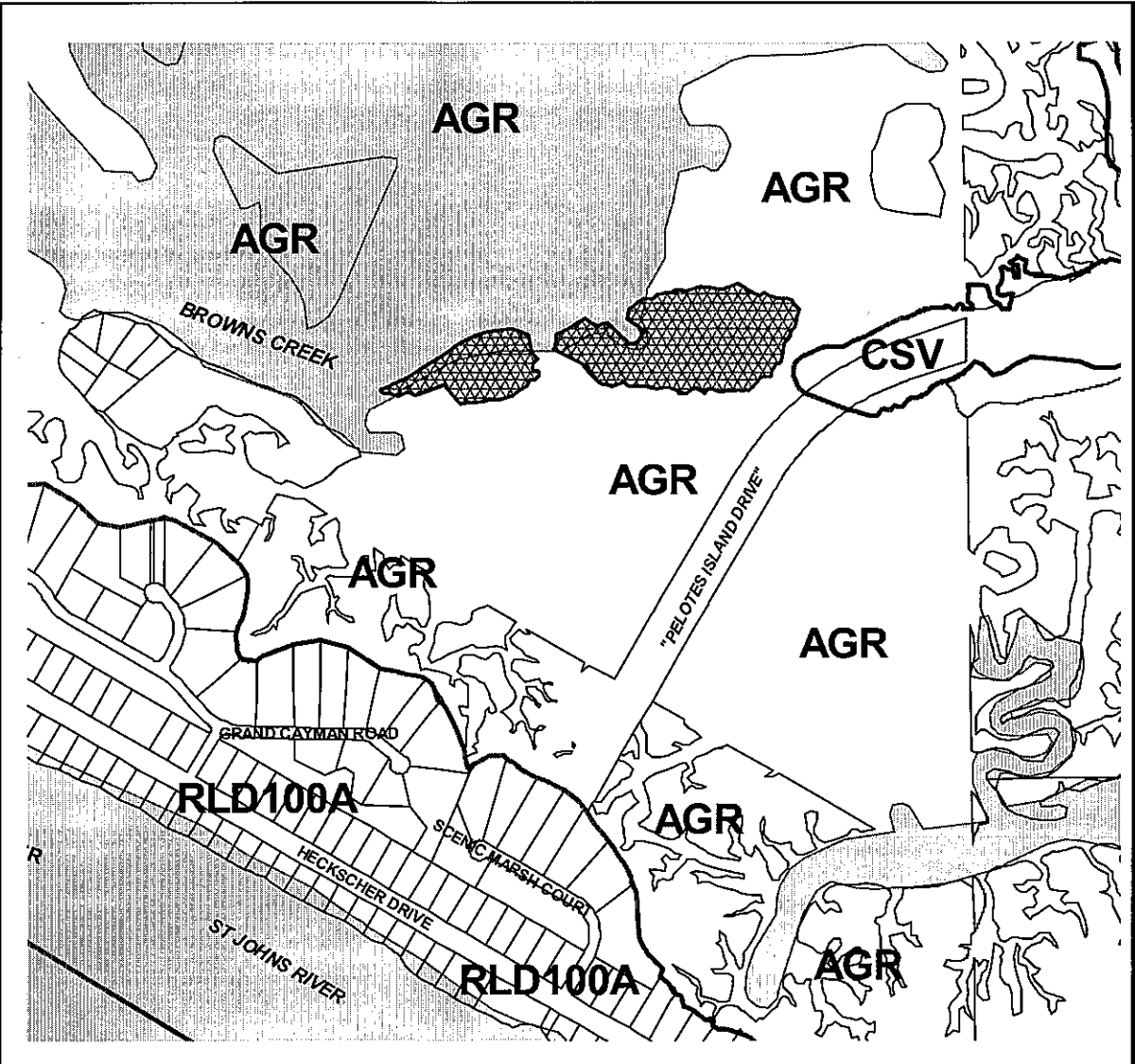
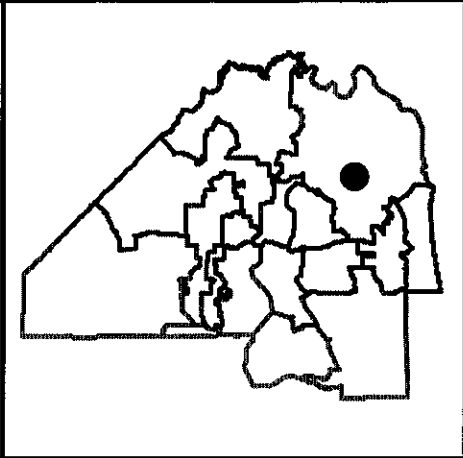


Figure 3. Eastport, Florida USGS Quadrangle Map, 1964 (Rev. 1970) showing road extending through subject property.



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE FROM 105 FT. TO 0 FT. FOR THREE (3) LOTS



0100 Feet

COUNCIL DISTRICT: 2

APPLICATION NUMBER: WRF-2015-0011

DEPARTMENT OF PUBLIC WORKS



September 21, 2015

Mr. Paul Davis
City of Jacksonville Planning Department
214 N. Hogan St. - Rm 300
Jacksonville, FL 32202

Re: Status of private portion of Island Dr., (FKA Pelotes Island Dr.)

Dear Mr. Davis:

This is to advise, I have reviewed our old 1964 Eastport Quadrangle Map and the 1969 Florida Department of Agriculture aerial photo of the Pelotes Island area and both historical documents clearly show the existence of Island Dr. being used as access to Islands 10 and 11 as referenced in the proposed WRF-15-11. As such, the roads were in existence at the time of consolidation and the abutting lands should receive the same building permitting rights as those abutting an "Approved Private Road" as defined in the City of Jacksonville Ordinance Code.

I trust you find this information as requested. However, should you require further assistance, please feel free to contact me at (904) 255-8732.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Monroe Hazen", is written over a light blue horizontal line.

W. Monroe Hazen, PLS - City Surveyor
Manager - Topographical Survey Section
Engineering and Construction Management Division
Department of Public Works

**OFFICE OF GENERAL COUNSEL
117 WEST DUVAL STREET, SUITE 480
JACKSONVILLE, FL 32202
TELEPHONE (904) 630-1722
FACSIMILE (904) 630-2388**



MEMORANDUM

TO: W. Monroe Hazen, Streets and Drainage Division

FROM: Cindy Norgart, Assistant General Counsel

DATE: February 11, 2005

RE: Grandfathering in preconsolidation dirt roads as Approved Private Streets

This memo is in response to a request from the Streets and Drainage Division, together with the Planning Department, for a legal opinion on whether private dirt roads from before consolidation, that would not today meet the requirements of an Approved Private Street, could be classified as Approved Private Streets for the purposes of building permits under Section 656.407, *Ordinance Code*.

Section 656.407 provides that no building permit shall be issued unless a lot abuts, for at least 35 feet, a public street, an approved private street connected to a public street, an accessway, or a recorded easement. An approved private street must meet certain standards as set forth in Section 654.111, *Ordinance Code*.

There are several ways in which a building permit will still be issued in spite of these requirements. First, a nonconforming lot of record that meets the criteria set forth in Section 656.704, *Ordinance Code*, can still be constructed on despite street frontage requirements. Secondly, a waiver of minimum street frontage requirements can be requested and authorized by the Planning Commission if it makes positive findings of the criteria set out in Section 656.133(b), *Ordinance Code*. Thirdly, the design standards for private streets may be waived if the street serves six lots or less, each containing at least one and one-half acres, and such street has graded stabilized travel surface not less than 20 feet wide with roadside swales or ditches or provide positive drainage, pursuant to Section 654.111(j)(5), *Ordinance Code*. Lastly, a private street can, of course, be brought up to the required standards in order to meet all building permit requirements.

It is the opinion of the General Counsel's Office that these requirements cannot be waived for preconsolidation private dirt roads, which would in effect, grandfather them in to the street registry as Approved Private Streets. An action such as this would require authorization from the Ordinance Code. Therefore, the only solution would be to amend the Code to authorize

Memorandum to W. Monroe Hazen
Re: Approved Private Streets
February 11, 2005
Page 2

such an action.

If you have any more questions about this matter, please call myself or Brenda Ezell.

Sincerely,

Cynthia D. Norgart
Assistant General Counsel

Cc: Sean Kelly, Planning and Development Department
John Pappas, Engineering Division
Brenda Ezell, Assistant General Counsel

file

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF- 15-11
Set for Public Hearing on:
Notice of Violation: no

This application must be typed or printed in black ink and submitted in person with three (3) other copies, for a total of four (4) copies.
Jacksonville,

Planning and Development Department
Zoning Section
Ed Ball Building
214 North Hogan Street, 2nd Floor
Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

For Official Use Only				
1. Date Submitted: 7/6/15	2. Date Filed:	3. Current Zoning District(s): AGR	4. Future Land Use Map Category (FLUMs) AGRII	5. Applicable Section of Ordinance Code: 656.407
6. LUZ Public Hearing Date: ___/___/___		7. City Council Public Hearing Date: ___/___/___		
8. Neighborhood Association _____				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>6700 ISLAND DRIVE</u> <u>JACKSONVILLE, FL. 32226</u>	13. Between Streets: <u>HECKSCHER DRIVE</u> and <u>CEDAR POINT ROAD</u> <u>THE INTERSECTING STREET IS NEW BERLIN</u>
11. Real Estate Number: <u>160703-0000</u>	
12. Date lot was recorded: <u>APRIL 6, 1951</u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>105</u> feet to <u>0'</u> feet.	
15. In whose name will the exception be granted? <u>HERBERT J. SANDS JR.</u>	
16. Land Area (1/100 Acres): <u>9.5</u> 1.5 ACRES	
17. Utility Services Provider	
Well: <input checked="" type="checkbox"/>	Septic: <input checked="" type="checkbox"/> City Water: <u>NONE</u> City Sewer: <u>NONE</u>

* * * NOTICE TO OWNER/AGENT * * *

Section 656.101(i), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage requirements, pursuant to Section 656.407, Ordinance Code, Section 656.133 (b) 1 through 5, Ordinance Code, provides that with respect to action upon applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial).

(i) There are practical or economic difficulties in carrying out the strict letter of the regulation; **YES**

THIS ACTION IS NECESSARY BECAUSE THE OWNERS PROPERTY IS LOCATED AT THE END OF A 3/4 MILE APPROVED PRIVATE STREET.

(ii) The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations); **No**

THIS ACTION WILL ONLY INVOLVE 3 LOTS.

(iii) The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver; **NO**

BECAUSE THIS IS AN ISLAND THIS WAIVER IF GRANTED WOULD HAVE NO EFFECT OF INTERFERE WITH ANY OTHER PROPERTY OWNER.

(iv) There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street; **YES**

SEE ATTACHED DOCUMENTS.

(v) The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law. **No**

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

Survey (as required by the Current Planning Section)

Site Plan as required per instructions. (2 copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)

Letter of Authorization for Agent/Applicant is required if application is made by any person other than the property owner. **N/A**

Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property

Proof of valid and effective easement for access to the property.

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 PRIOR TO THE HEARING.

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES	NOTIFICATION COSTS:
RESIDENTIAL DISTRICTS..... \$1,073.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,091.00	ADVERTISING COSTS:
	BILLED TO OWNER /AGENT

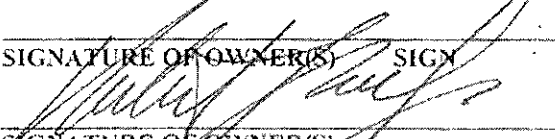
*** Applications filed to correct existing zoning violations are subject to a double fee. ***

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

PLEASE PRINT:

Name and address of Owner(s)
 Name: HERBERT J. SANDS JR.
 Address: 6700 ISLAND DRIVE
6660 ISLAND DRIVE
 City: JACKSONVILLE
 State: FL Zip: 32226
 Email: HERBSANDS@ATT.NET
 Daytime Telephone: 904-751-1985

Name and address of Authorized Agent(s)
 Name: None
 Address: _____
 City: _____
 State: _____ Zip: _____
 Email: _____
 Daytime Telephone: _____

SIGNATURE OF OWNER(S) SIGN


SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF OWNER(S)
 Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department's Zoning Section.

Legal Description

Islands Numbered Ten (10) and Eleven (11)

Section 17, Township 1 South, Range 28 East.

As shown on a map prepared by

Robert M. Angas & Associates

Real Estate Number: 160703-0000

7/23/2015

WARRANTY DEED

THIS DEED, Made the 27th day of February, A. D. 1951, by Jennie Lloyd, as Administratrix of the Estate of Anna J. Bonnell, Deceased, and Jennie Lloyd and Harry W. Lloyd, her husband, and Ethel Seegar and Albert I. Seegar, her husband, and Mable Weaver, formerly Mable Bonnell, and her husband, Fred L. Weaver, of the County of Duval and State of Florida, and Carolyn Bisbee, a free dealer, of the County of Los Angeles, State of California, hereinafter called the grantors, to Herbert J. Sands and Thelma Sands, his wife, whose address is 243 East 25th Street, Jacksonville, Florida, hereinafter called the grantees.

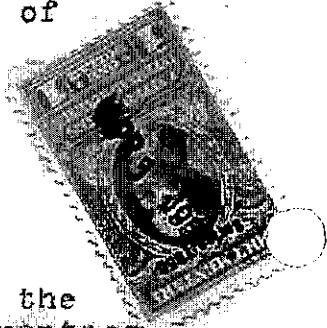
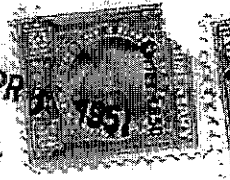
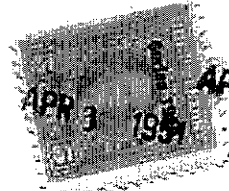
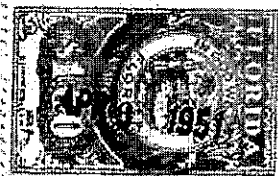
WITNESSETH, That the said grantors, in consideration of the sum of Ten (\$10.00) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, do give, grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said grantees and their heirs and assigns in fee simple, the lands situate in Duval County, State of Florida, described as follows:

Islands Numbered Ten (10) and Eleven (11),
Section 17, Township 1 South, Range 28
East.

TO HAVE AND TO HOLD the same together with the hereditaments and appurtenances, unto the said grantees, and their heirs and assigns in fee simple.

AND the said grantors, for themselves and their heirs and legal representatives, covenant with said grantees, their heirs, legal representatives and assigns: That said grantors are indefeasibly seized of said land in fee simple; that said grantors have full power and lawful right to convey said lands in fee simple, as aforesaid; that it shall be lawful for said grantees, their heirs, legal representatives and assigns, at all times peaceably and quietly to enter upon, hold, occupy and enjoy said land; that said land is free from all encumbrances; that said grantors, their heirs and legal representatives, will make such further assurances to perfect the fee simple title to said land in said grantees, their heirs, legal representatives and assigns, as may reasonably be required; and that said grantors do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

WITNESS the hands and seals of said grantors.



LEGAL
DESCRIPTION

the day and year first above written.

Signed, sealed and delivered
in the presence of:

Betty B. Black
John Warr
As to Jennie Lloyd and
Harry W. Lloyd

Jennie Lloyd
As Administratrix of the
Estate of Anna J. Bonnell,
Deceased

Betty B. Black
John Warr
As to Ethel Seegar and
Albert I. Seegar

Jennie Lloyd
Harry W. Lloyd

Ethel Seegar
Albert I. Seegar

Fred L. Weaver
Formerly Mable Bonnell

Mable Bonnell (Weaver)
Formerly Mable Bonnell

Carolyn Bisbee
A Free Dealer



Rebecca Wilkinson
John Warr
As to Mable Weaver
John Warr
John Warr
As to Carolyn Bisbee

Lilla W. Barber
John Warr
As to Fred L. Weaver

1 Introduced by the Council President at the request of the Mayor:

2
3
4 ORDINANCE 93-1861

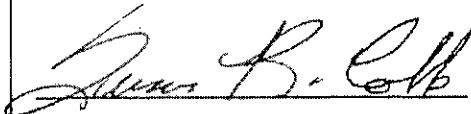
5 AN ORDINANCE CLOSING AND ABANDONING A PORTION
6 OF PELOTES ISLAND DRIVE, SUBJECT TO RESERVATION
7 OF EASEMENT; PROVIDING AN EFFECTIVE DATE.

8
9 **BE IT ORDAINED** by the Council of the City of Jacksonville:

10 **Section 1. Closing and Abandoning Portion of Pelotes Island Drive.** That portion
11 of Pelotes Island Drive, as described and shown in Exhibit "A" attached hereto and made a part
12 hereof by this reference, is hereby closed and abandoned as a public road, street, right of way
13 or thoroughfare, provided however, there is hereby reserved unto the City of Jacksonville a
14 perpetual unobstructed easement over, across, under and through the above portion of Pelotes
15 Island Drive for public utilities, as also described in Exhibit "A".

16 **Section 2. Effective Date.** This ordinance shall become effective upon signature by
17 the Mayor or upon becoming effective without the Mayor's signature.

18 Form Approved:

19
20 

21 Assistant General Counsel

22 (sec:10/06/93)

23

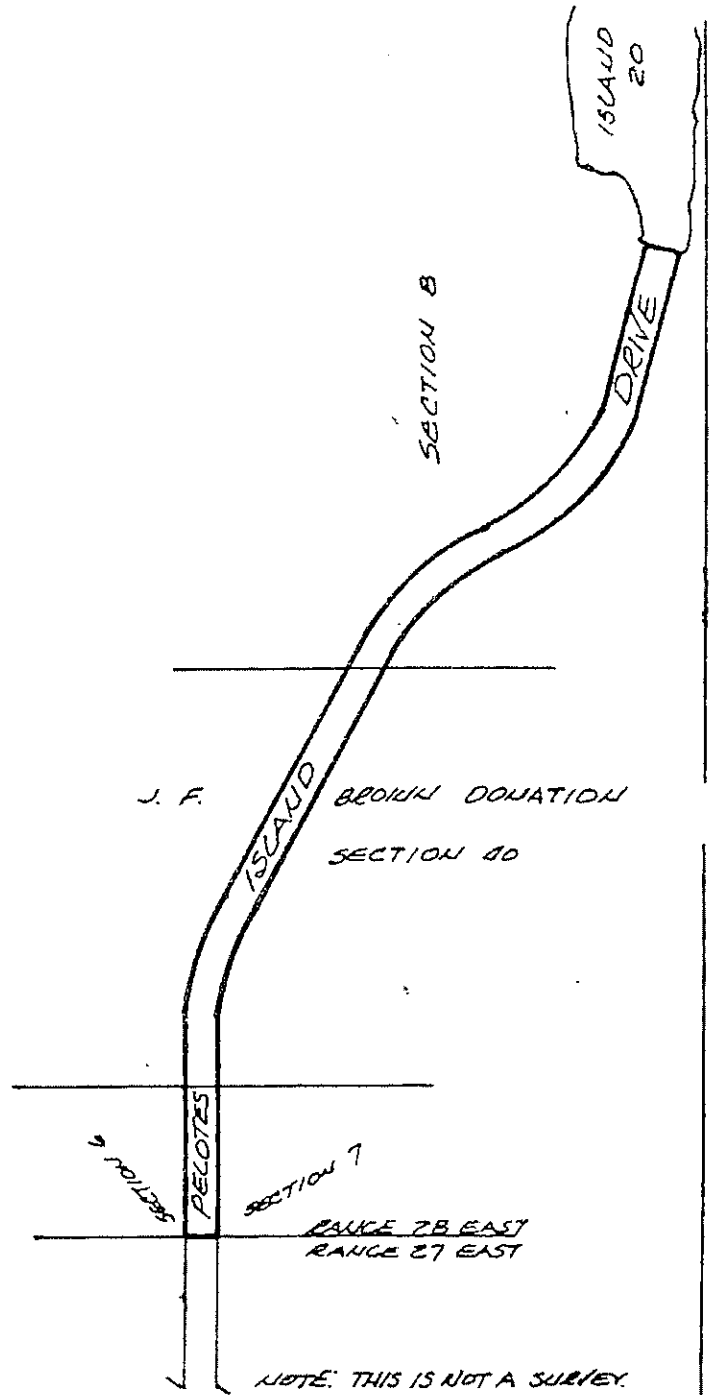
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25

SKETCH TO SHOW STREET CLOSURE

ALL OF THAT PORTION OF PELOTES ISCAUD DRIVE THAT LIES WITHIN SECTIONS 6, 7, 8, AND IN THE J.F. BROWN DONATION SECTION 10 ALL IN TOWNSHIP 1 SOUTH, RANGE 28 EAST, DUNAL COUNTY, FLORIDA. HOWEVER RESERVING INTO THE CITY OF JACKSONVILLE A PERPETUAL, UNOBSTRUCTED EASEMENT FOR ALL PUBLIC UTILITIES AS DEFINED IN SECTION 177.051(7)(A), FLORIDA STATUTES (1989), OVER, UNDER, THROUGH AND ACROSS ALL OF THE ABOVE DESCRIBED CLOSURE, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR ALL ABUTTING PROPERTY OWNERS, POLICE, FIRE, RESCUE AND SANITATION VEHICLES, OVER AND ACROSS ALL OF THE ABOVE DESCRIBED CLOSURE.

FOR: REAL ESTATE



CERTIFICATION
 THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER THE UNDERSIGNED'S RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SKETCH COMPLIES WITH ALL OF THE REQUIREMENTS FOR MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN THE STATE OF FLORIDA (RULE NO. 21-HH-B, F.A.C.)

*Exhibit A
 10/2*

CITY OF JACKSONVILLE, FLORIDA	ENGINEERING DIVISION DEPARTMENT OF PUBLIC WORKS	LEGEND: <input type="checkbox"/> CONCRETE MONUMENT X-X FENCE • FOUND IRON PIPE O SET 1/2' IRON PIPE X CROSS CUT
Glenn E. McGreggor 1-19-93 GLENN E. MCGREGGOR LAND SURVEYOR NO. 4252, FL. RM. 808, 220 E. BAY ST., 32202 (804)-830-1374		
DATE: 1-8-93	SCALE: N.T.S.	SHEET NO. OF
FILE NO. 221	JOB NO.: 93-129	

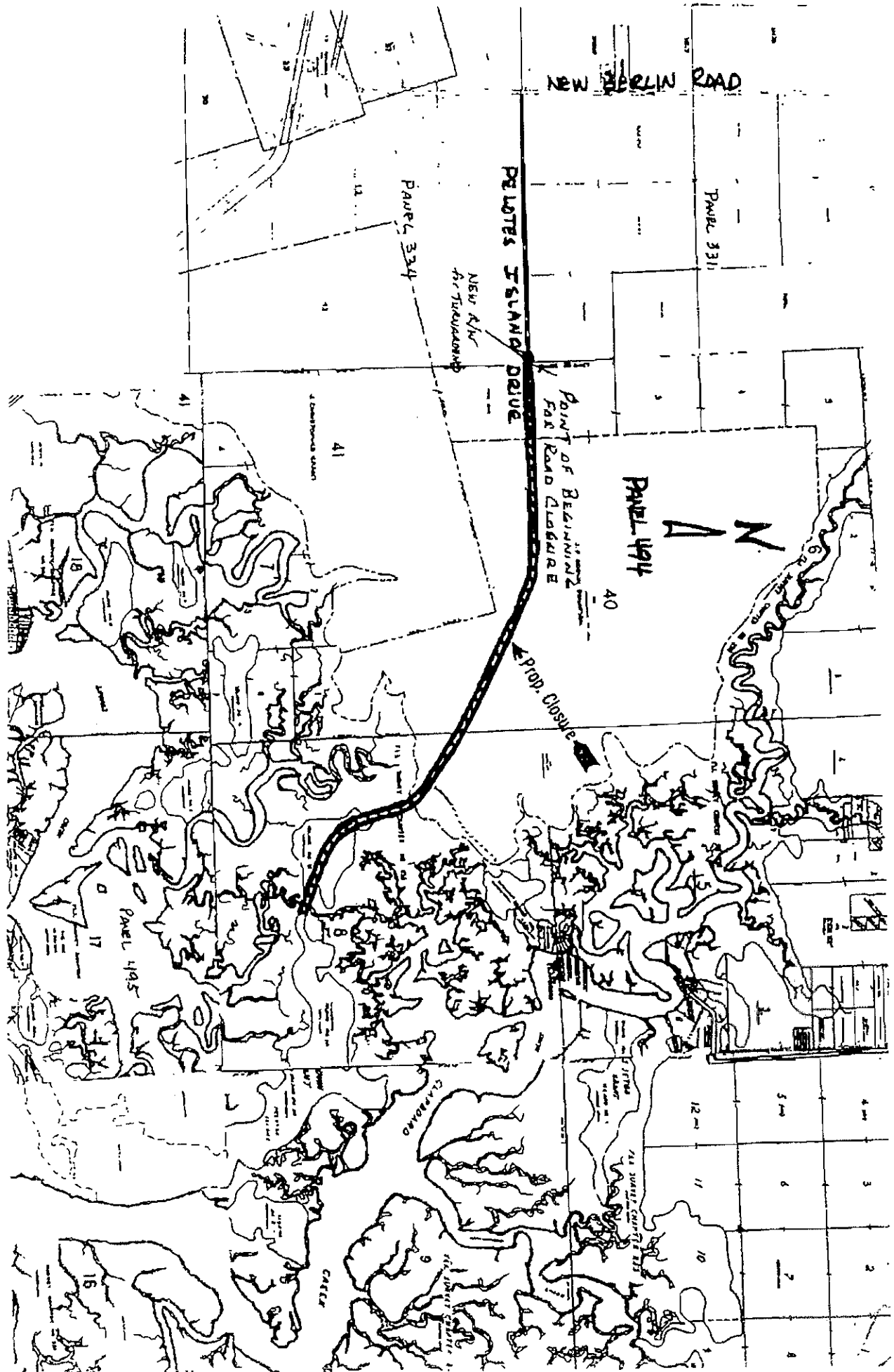


Exhibit A
2 of 2

ORDINANCE AMENDMENT

Public Services, Transportation and Agriculture Committee offers the following amendment to File No. 93-1861, as substituted 11/9/93:

On page 2, line 5, after "Authority." insert:

"Subsequent to the closure and abandonment of the herein described portion of Pelotes Island Drive (the "Closure"), the Jacksonville Electric Authority (JEA) shall execute a perpetual easement for ingress and egress and a perpetual maintenance agreement for same in favor of the owners, their heirs and assigns, of Islands 10 and 11 as depicted on Exhibit B, attached hereto and by this reference made a part hereof, regarding and covering the Closure and the JEA private drive extending from the eastern edge of the Closure through and across Island 20 as depicted in the attached Exhibit B."; and

Attach to the ordinance the Exhibit B attached hereto and by this reference made a part hereof and thereof.

Form Approved:

Senior Assistant General Counsel

Post-It™ brand fax transmittal memo 7671		# of pages
To HERB SANDS	From W. THOMPSON	
Co.	Co.	
Dept.	Phone # 632-7369	
Fax # (407) 253-3937	Fax # (407) 630-1781	

904-0632-7369

SPECIAL WARRANTY DEED

This Special Warranty Deed is made this 25th day of January, 1994, by the CITY OF JACKSONVILLE, a municipal corporation, whose address is 220 East Bay Street, Jacksonville, Florida 32202 ("Grantor") to JACKSONVILLE ELECTRIC AUTHORITY, a body politic and corporate, whose address is 21 West Church Street, Jacksonville, Florida 32209 ("Grantee").

WITNESSETH:

Grantor, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, by these presents does hereby grant, bargain, sell, alienate, remise, release, convey and confirm unto Grantee, its heirs, successors and assigns forever, all that certain land situate in Duval County, Florida, being more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

Grantor does hereby warrant the title to said land, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name and on the day and year first above written, pursuant to the authority of Ordinance 93-1861-1143, approved by the City of Jacksonville, December 7, 1993.

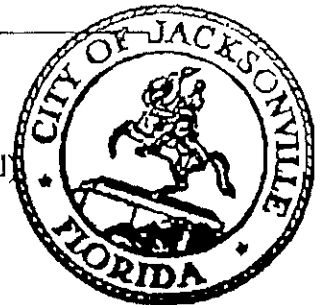
A TTEST

CITY OF JACKSONVILLE,
a municipal corporation

Linnie C. Williams
Linnie C. Williams, Corporation Secretary

Ed Austin
Ed Austin, Mayor

(Corporate Seal)



STATE OF FLORIDA
COUNTY OF DUVAL

This foregoing instrument was acknowledged before me this 25th day of January, 1994, by Ed Austin and Linnie C. Williams, the Mayor and Corporation Secretary, respectively, of the City of Jacksonville, a municipal

BY SECTION
ELECTRIC AUTHORITY
STREET, 3rd FLOOR
FLORIDA 32202

OFFICIAL RECORDS

EASEMENT FOR INGRESS AND EGRESS

THIS INDENTURE, made this 8th day of February, 1994, by and between the JACKSONVILLE ELECTRIC AUTHORITY, a body politic and corporate, whose address is 21 West Church Street, Jacksonville, Florida 32202 ("Grantor") and Herbert J. Sands, Jr., a married man, whose address is 1250 Eau Gallie Boulevard, Suite F, Melbourne, Florida 32935 and Thelma Sands, a widow, whose address is 11411 New Berlin Road, Jacksonville, Florida 32226 ("Grantee").

WITNESSETH: That for and in consideration of the sum of Ten Dollars in hand paid to the Grantor by Grantee, the receipt of which is hereby acknowledged, Grantor hereby gives, grants, dedicates and conveys to Grantee, its successors and assigns, forever, an unobstructed non-exclusive easement, for the purpose of ingress and egress of vehicular traffic in connection with the use of the dominant estate, over, through or across the following described land, situated in Jacksonville, Duval County, Florida (hereinafter referred to as the "Easement Property"), to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Said easement being appurtenant to and for the benefit of the following described land situated in Jacksonville, Duval County, Florida (hereinafter referred to as Grantee's Property") to wit:

Islands Ten (10) and Eleven (11), Section 17, Township 1 South, Range 28 East, as shown on a map prepared by Robert M. Angas & Associates.

Grantor, its successors and assigns, shall maintain at its sole cost and expense, the roadway currently existing across the property described in Exhibit "A" in the same condition as currently exists, or, at the discretion of the Grantor, in a condition better than currently exists.

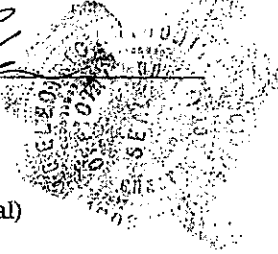
IN WITNESS WHEREOF, the said Grantor has hereunto set hand and seal the day and year first above written.

ATTEST:

JACKSONVILLE ELECTRIC AUTHORITY

By: Maxine Wiggins
Maxine Wiggins
Administrative Assistant

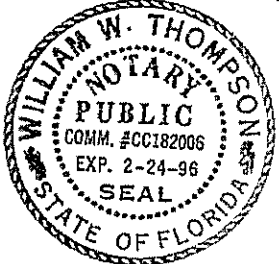
By: Royce Lyles
Royce Lyles
Managing Director



Documentary Tax Pd-F.S. 201.02 \$ 70
Documentary Tax Pd-F.S. 201.08 \$ 0
Intangible Tax Pd-F.S. 199 0 (Corporate Seal)
Receipt # 909624
Henry W. Cook, Clerk of Circuit Court Duval County
By: Cheryl Carbit Deputy Clerk

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8th day of February, 1994, by Royce Lyles and Maxine Wiggins, the Managing Director and Administrative Assistant, respectively, of the Jacksonville Electric Authority, a body politic and corporate, on behalf of the Authority. They are personally known to me.



William W. Thompson
(print name): William W. Thompson
Notary Public, State of Florida at Large
My Commission Expires: 2/24/96

This instrument prepared by:
Susan C. Grandin
Assistant General Counsel
1300 City Hall
Jacksonville, FL 32202

...WAY SECTION
JACKSONVILLE ELECTRIC AUTHORITY
21 WEST CHURCH STREET, 3rd FLOOR
JACKSONVILLE, FLORIDA 32202

SKETCH TO SHOW PROPOSED JACKSONVILLE ELECTRICAL AUTHORITY EASEMENT

A part of Sections 6, 7, 8, 9, 16, and 17, and the John F. Brown Donation, Township 1 South, Range 28 East, Duval County, Florida, being a strip of land 40-feet in width, lying 20-feet on each side of, at right angles to, and concentric with the following described strip centerline:

Begin at the southwest corner of said Section 6;
 thence North 89°58'40" East, along the southerly line of said Section 6 and its westerly prolongation, a distance of 2,813.65 feet to the point of curvature of a curve concave southwesterly having a radius of 1,146.28 feet;
 thence southeasterly along and around the arc of said curve a distance of 551.29 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 76°14'40" East, 545.99 feet;
 thence South 62°27'36" East, a distance of 2,391.34 feet to the point of curvature of a curve concave southwesterly having a radius of 1,432.40 feet;
 thence southeasterly along and around the arc of said curve a distance of 299.72 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 56°28'20" East, 299.18 feet;
 thence South 50°28'40" East, a distance of 40.09 feet to the point of curvature of a curve concave northeasterly having a radius of 2,864.79 feet;
 thence southeasterly along and around the arc of said curve a distance of 249.17 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 52°58'10" East, 249.09 feet;
 thence South 55°27'40" East, a distance of 696.54 feet to the point of curvature of a curve concave southwesterly having a radius of 372.96 feet;
 thence southerly along and around the arc of said curve a distance of 419.31 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 34°29'45" East, 410.01 feet;
 thence South 13°11'50" East, a distance of 523.01 feet to the point of curvature of a curve concave northeasterly having a radius of 1,145.92 feet;
 thence southeasterly along and around the arc of said curve a distance of 1,095.0 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 40°54'20" East, 1,053.82 feet;
 thence South 68°16'50" East, a distance of 777.44 feet to the point of curvature of a curve concave northerly having a radius of 370.0 feet;
 thence southeasterly along and around the arc of said curve a distance of 380.26 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 87°23'32" East, 373.25 feet;
 thence North 73°26'47" East, 146.84 feet;
 thence North 84°24'56" East, a distance of 465.67 feet;
 thence North 71°24'06" East, a distance of 395.30 feet;
 thence North 69°14'54" East, a distance of 287.47 feet;
 thence South 87°15'24" East, a distance of 378.76 feet;
 thence South 77°11'21" East, a distance of 242.46 feet;
 thence South 87°28'23" East, a distance of 120.16 feet;
 thence South 48°13'58" East, a distance of 482.09 feet;
 thence South 62°15'53" East, a distance of 597.57 feet;
 thence South 46°52'34" East, a distance of 395.30 feet;
 thence South 45°25'33" East, a distance of 332.45 feet;
 thence South 11°48'39" East, a distance of 379.79 feet;
 thence South 60°15'12" East, a distance of 285.65 feet;
 thence South 35°40'49" East, a distance of 152.61 feet;
 thence South 16°36'18" East, a distance of 218.57 feet;
 thence South 2°15'53" West, a distance of 202.40 feet;
 thence South 22°32'07" West, a distance of 100.0 feet;
 thence South 11°39'42" East, a distance of 184.24 feet;
 thence South 23°12'12" East, a distance of 512.37 feet;
 thence South 55°47'15" East, a distance of 285.26 feet;
 thence South 43°30'38" West, a distance of 245.22 feet;
 thence South 87°24'46" West, a distance of 155.0 feet;
 thence South 20°45'16" West, a distance of 200.63 feet;
 thence South 42°40'45" West, a distance of 240.52 feet;
 thence South 20°13'19" West, a distance of 335.05 feet;
 thence South 25°07'40" West, a distance of 461.16 feet;
 thence South 46°27'28" West, a distance of 270.0 feet;
 thence South 56°14'53" West, a distance of 367.26 feet;
 thence North 82°13'43" West, a distance of 187.05 feet;
 thence South 75°28'01" West, a distance of 299.17 feet;
 thence South 71°17'27" West, a distance of 287.84 feet;
 thence North 84°33'51" West, a distance of 224.46 feet;
 thence South 83°15'32" West, a distance of 145.13 feet;
 thence South 61°35'22" West, a distance of 162.41 feet;
 thence North 84°52'41" West, a distance of 181.83 feet;
 thence North 64°39'51" West, a distance of 209 feet, more or less, to the easterly boundary of Island No. 11 as shown on the survey of Township 1 South, Range 28 East, by Robert U. Angus & Associates, and the Point of Terminus of said strip centerline.

The side lines of the above described strip being lengthened and shortened so as to form a continuous 40-foot wide strip of land.

Said strip being bounded at its Point of Beginning by the westerly line of said Section 6, said line bearing North 1°00'43" West, and by the westerly line of Section 7, Township 1 South, Range 28 East, said line bearing North 0°32'33" West, and said strip being bounded at its Point of Terminus by the easterly boundary of Island No. 11.

The above described parcel contains 18.3 acres more or less.
 For Jacksonville Electrical Authority

CERTIFICATION

THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER THE UNDERSIGNED'S RESPONSIBLE DIRECTION AND SUPERVISION, THAT THE SKETCH DATA COMPLIES WITH ALL OF THE REQUIREMENTS FOR MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN THE STATE OF FLORIDA (CHAPTER NO. 61G17-8, F.A.C.)

CITY OF JACKSONVILLE
 ROOM 204 - 120 E. BAY ST. - 32202
 (904) 694-1175

ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

LEGEND

- CONCRETE MONUMENT
- X— FENCE
- IRON PIPE FOUND
- IRON PIPE SET
- X CROSS CUT

William C. McGreggor
 William C. McGreggor
 Professional Land Surveyor

1-31-94

Date
 Florida Registration No. 4252

DATE: 1/31/94
 FILE NO.: 501055

SCALE: T-012
 JOB NO.:

OFFICIAL RECORDS

JUL 7 1994

VOL 7773 PG 2 of 8

OFFICIAL RECORDS

New Berlin Road (60' R/W)

Sec. 12

Sec. 1

Range 27 East

N.0°52'33"W.

N.1°00'43"W.

Range 28 East

Point of Beginning

Sec. 7

Sec. 6

Government Lot 6



Approximate Location of Section Line

N.89°58'40"E. 2,813.65'

John F. Brown Donation
Section 40
Township 1 South
Range 28 East

Proposed 40-foot Jacksonville
Electric Authority Easement

Deed Book 1710, Page 286

Centerline
Curve Data
Delta=27°33'20"
Radius=1,146.28'
Tangent=281.08'
Arc=551.29'
551.11' (Record)
Chord=5.76°14'40" E.
545.99'

~ NOTES ~

Held a bearing of North 16°30'12" West on the easterly line of Official Records Volume 6388, Pages 1281-1283.

This map does not represent a field survey. Pelotes Island Drive, 60' and 100' wide right of way by Official Records Volume 6882, Pages 29-31, Deed Book 1710, Page 286 and Official Records Volume 929, Page 180 and shown as a dashed line on this map, is in the process of being closed.

See Sheet No. 3

Pelotes Island Drive (60' R/W by

CITY OF JACKSONVILLE
ROOM 908, 220 E. BAY ST., J2202
(904) 830-1373

ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

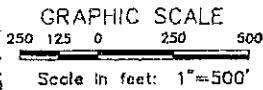
LEGEND:

- CONCRETE MONUMENT
- ×× FENCE
- IRON PIPE FOUND
- IRON PIPE SET
- × CROSS CUT

DATE: 1/5/94
FILE NO.: 794055

SCALE: 1"=500'
JOB NO.: T-012

OFFICIAL RECORDS



John F. Brown Donation
 Section 40
 Township 1 South
 Range 28 East

Proposed 40-foot Jacksonville
 Electric Authority Easement

See Sheet No. 2

Centerline
 Curve Data
 Delta=11°59'20"
 Radius=1,432.40'
 Tangent=150.41'
 Arc=299.72'
 Chord=S.56°28'20"E.
 299.18'

End Deed Book 1710, Page 286
 Begin ORV 8882, Pages 29-31

Centerline
 Curve Data
 Delta=4°59'00"
 Radius=2,864.79'
 Tangent=124.66'
 Arc=249.17'
 Chord=S.52°58'10"E.
 249.09'

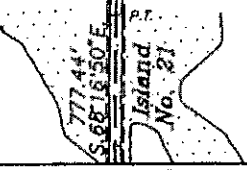
Centerline
 Curve Data
 Delta=41°55'50"
 Radius=572.96'
 Tangent=219.54'
 Arc=419.31'
 Chord=S.34°29'45"E.
 410.01'

Begin 100' R/W by
 ORV 8882, Pages 29-31

End 100' R/W
 End ORV 8882, Pages 29-31
 Begin ORV 929, Page 81

Centerline
 Curve Data
 Delta=54°45'00"
 Radius=1,145.92'
 Tangent=593.35'
 Arc=1,095.0'
 Chord=S.40°54'20"E.
 1,053.82'

Section 8
 Township 1 South
 Range 28 East



See Sheet No. 4

CITY OF JACKSONVILLE
 ROOM 908, 220 E. BAY ST., J32202
 (904) 630-1373

ENGINEERING DIVISION
 DEPARTMENT OF PUBLIC WORKS

LEGEND:

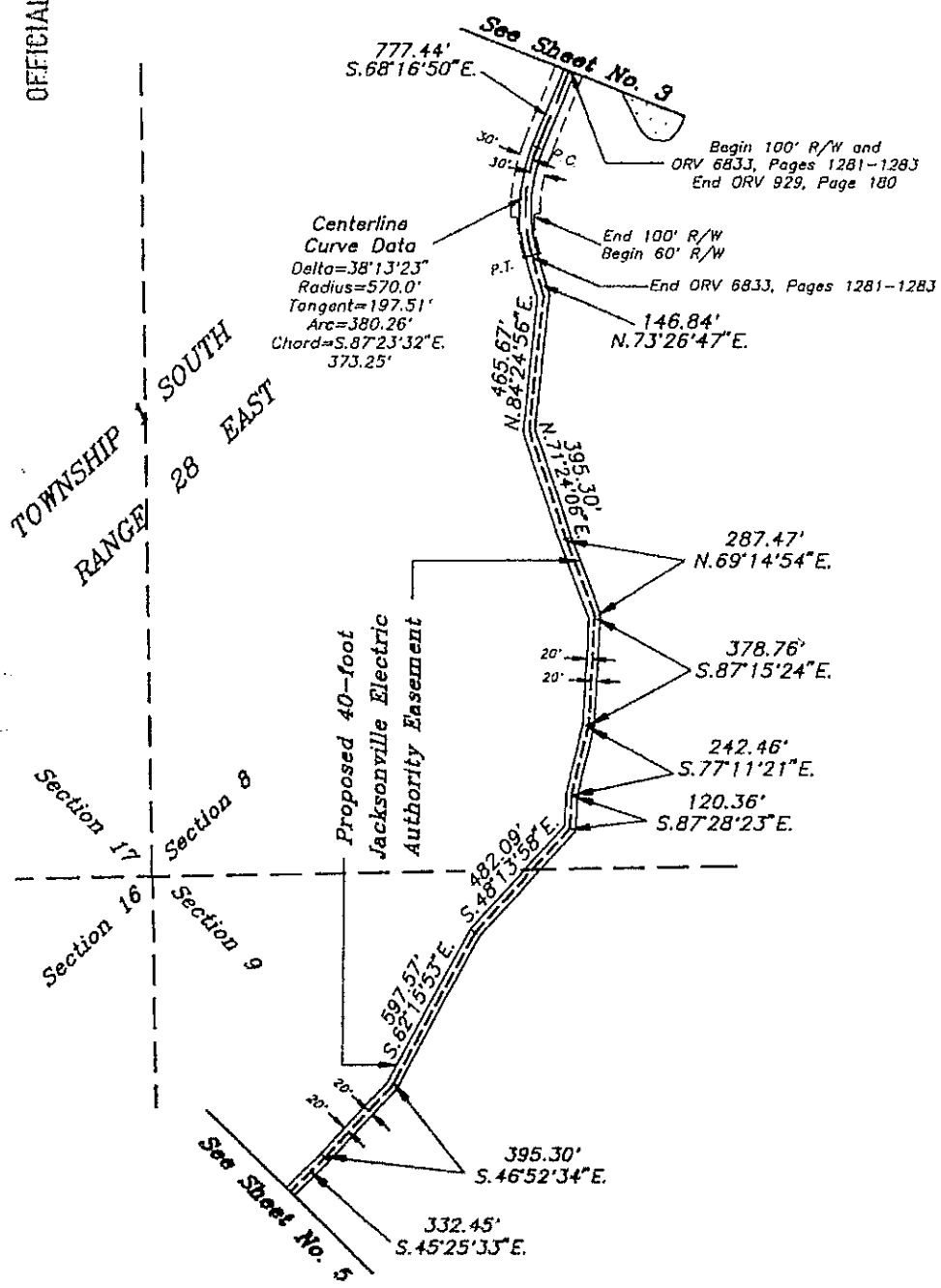
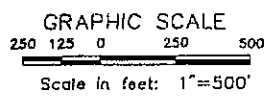
- CONCRETE MONUMENT
- ✕ FENCE
- IRON PIPE FOUND
- IRON PIPE SET
- ✕ CROSS CUT

DATE: 1/5/94
 FILE NO.: 794055

SCALE: 1"=500'
 JOB NO.: T-012

TULF 113 PULZ 200

OFFICIAL RECORDS

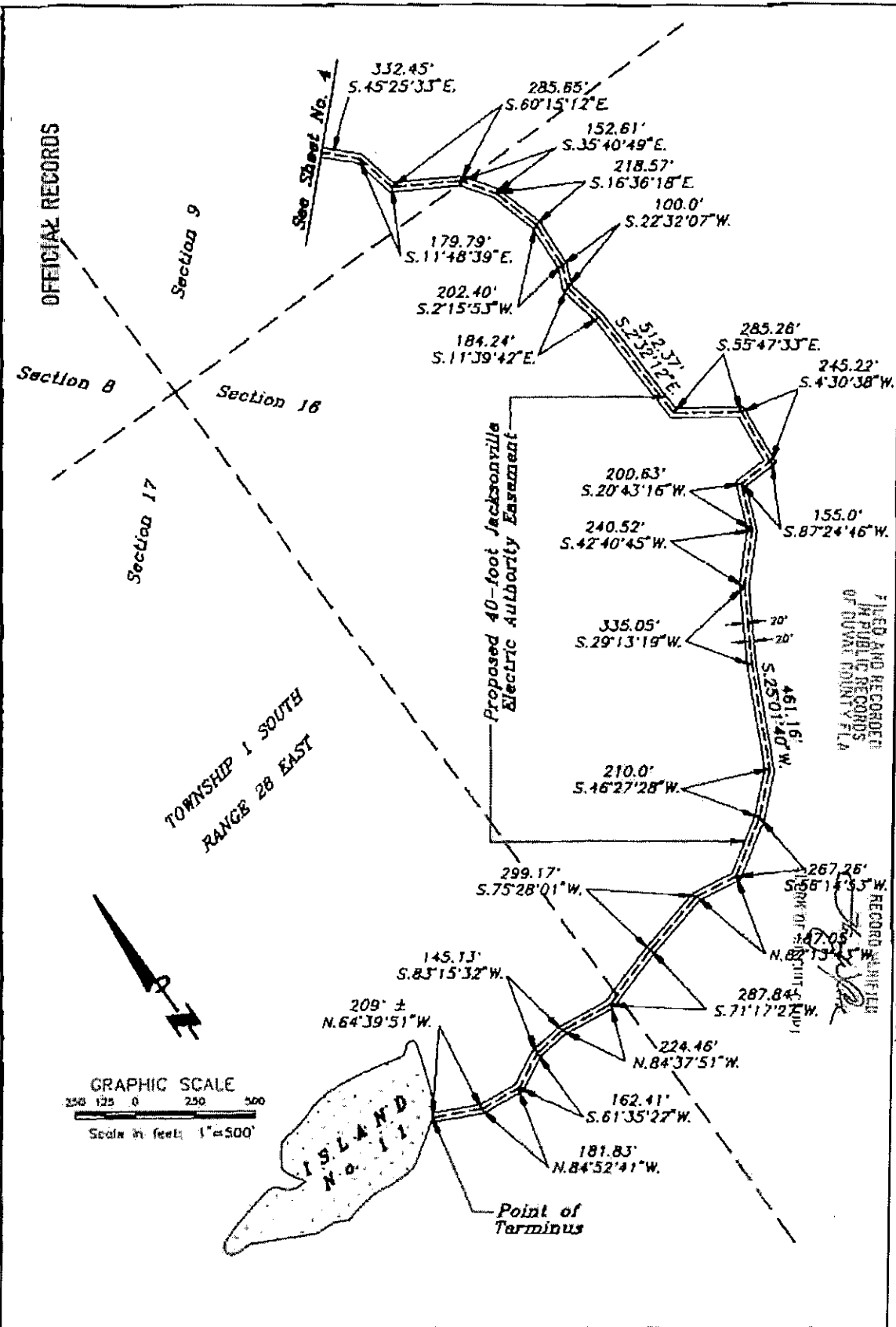


CITY OF JACKSONVILLE
 ROOM 908, 220 E. BAY ST., 32202
 (904) 630-1373

ENGINEERING DIVISION
 DEPARTMENT OF PUBLIC WORKS

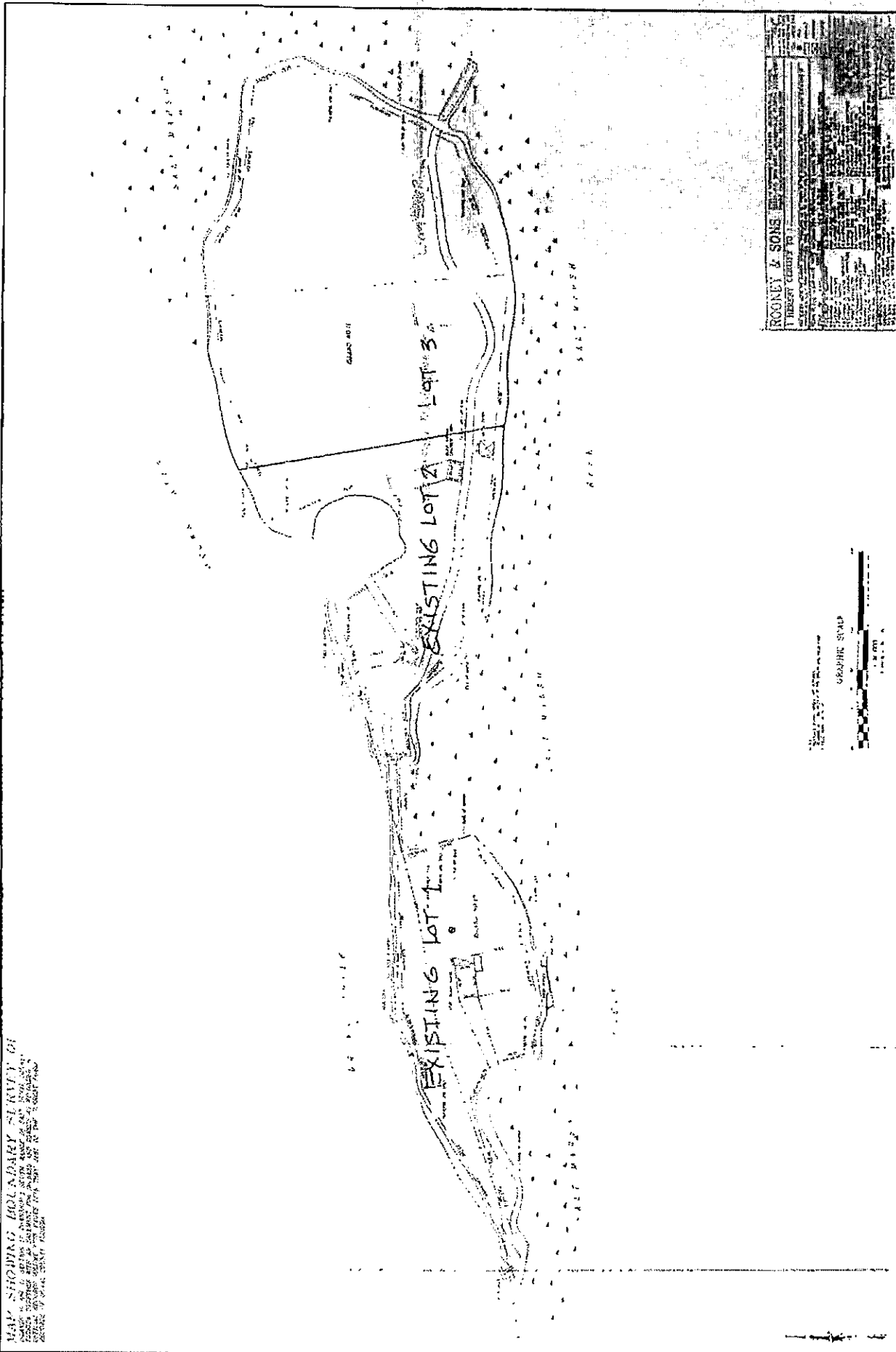
- LEGEND:
- CONCRETE MONUMENT
 - ✕-✕ FENCE
 - IRON PIPE FOUND
 - IRON PIPE SET
 - ✕ CROSS CUT

DATE: 1/5/94
 FILE NO.: 794055
 SCALE: 1"=500'
 JOB NO.: T-012



<p>CITY OF JACKSONVILLE ROOM 408, 210 E. BAY ST., 32202 (904) 430-1373</p>	<p>ENGINEERING DIVISION DEPARTMENT OF PUBLIC WORKS</p>	<p>LEGEND:</p> <ul style="list-style-type: none"> □ CONCRETE MONUMENT ✕ FENCE • IRON PIPE FOUND ○ IRON PIPE SET ∨ CROSS CUT
<p>DATE: <u>1/5/94</u></p> <p>FILE NO.: <u>794055</u></p>	<p>SCALE: <u>1"=500'</u></p> <p>JOB NO.: <u>T-012</u></p>	

MAP SHOWING BOUNDARY SURVEY OF
 LANDS BELONGING TO THE STATE OF
 TEXAS, BEING THE LANDS ACQUIRED BY
 THE STATE OF TEXAS FROM THE
 FEDERAL GOVERNMENT UNDER ACT OF MARCH 3, 1875,
 SEC. 2374, TITLE 48, U.S. STATUTES.



ROUNDY & SONS
 SURVEYORS
 (THEIRY CERTIFIED)

Map No. 1000

Scale: 1" = 100'

Graphic Scale

1" = 100'

1" = 100'

1" = 100'

