

ORDINANCE NO. 2023-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AMENDING THE CLAY COUNTY 2040 COMPREHENSIVE PLAN INITIALLY ADOPTED PURSUANT TO THE REQUIREMENTS OF SECTION 163.3184, FLORIDA STATUTES, UNDER ORDINANCE NO. 2018-31, AS SUBSEQUENTLY AMENDED, IN ORDER TO AMEND THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 5.42 ACRES (A PORTION OF TAX PARCEL # 09-05-25-009110-002-00) FROM BF PCN (BRANAN FIELD PRIMARY CONSERVATION NETWORK) TO BF MPC (BRANAN FIELD MASTER PLANNED COMMUNITY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2018, the Board of County Commissioners of Clay County, Florida (the “Board”), adopted Ordinance No. 2018-31, which adopted the Clay County 2040 Comprehensive Plan (the “Plan”); and,

WHEREAS, Section 163.3184, Florida Statutes, outlines the process for the adoption of comprehensive plans or amendments thereto and provides that Section 163.3187, Florida Statutes, may be followed for plan amendments qualifying as small-scale development; and,

WHEREAS, Application CPA 2022-22 requests an amendment to the Plan; and,

WHEREAS, the Board desires to amend the Plan as provided for below.

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. Clay County Ordinance No. 2018-31, as amended, is amended as provided in Section 2 hereof.

Section 2. The adopted Future Land Use Map of the Plan is hereby amended such that the land use designation of a portion of tax parcel # 09-05-25-009110-002-00 described in Attachment “A-1” and depicted in Attachment “A-2” is hereby changed from BF PCN (BRANAN FIELD PRIMARY CONSERVATION NETWORK) to BF MPC (BRANAN FIELD MASTER PLANNED COMMUNITY).

Section 3. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. The effective date of this plan amendment shall be 31 days after adoption unless the amendment is challenged pursuant to 163.3187, Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity or the Administration Commission finding the amendment in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this _____ day of January, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CLAY COUNTY, FLORIDA

By: _____
Betsy Condon, Its Chairman

ATTEST:

By: _____
Tara S. Green,
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

Attachment "A-1"

A portion of tax parcel # 09-05-25-009110-002-00

A parcel of land consisting of a portion of the North 1/2 of Section 9, Township 5 South, Range 25 East, Clay County, Florida, said parcel being more particularly described as follows:
Commence at a Department of Transportation right-of-way monument at the intersection of the south line of Highland Oaks as recorded in Plat Book 21, page 4 and 5 of the public records of said county and the east line of County Road No. C-209 (a 50 foot right-of-way at this point); thence South 84 degrees 34 minutes 00 seconds East, along the south line of said Highlands Oaks and on an easterly projection thereof, 1366.90 feet to a point hereinafter known as Point "A"; thence South 25 degrees 00 minutes 44 seconds West, 1356.17 feet; thence South 71 degrees 08 minutes 23 seconds East, 151.44 feet; thence South 62 degrees 03 minutes 24 seconds East, 77.94 feet to the point of beginning; thence North 62 degrees 03 minutes 24 seconds West, 77.94 feet; thence South 27 degrees 56 minutes 36 seconds West, 30.00 feet; thence South 61 degrees 03 minutes 24 seconds East, 51.86 feet; thence South 22 degrees 3 minutes 41 seconds West, 142 feet, more or less, to the waters of Black Creek; thence along said waters in an easterly, northerly and westerly direction, 2270 feet more or less, to a point that bears North 60 degrees 05 minutes 46 seconds West, 632 feet more or less from the point of beginning; thence South 60 degrees 05 minutes 46 seconds West, 632 feet more or less, to the point of beginning.
The grantors herein grant unto the grantees herein, their heirs, successors and assigns, and the grantors herein reserve unto themselves, their heirs, successors and assigns, a perpetual easement for ingress, egress and utilities covering the following described portion of said North 1/2 of Section 9:
Commence at the aforementioned Point "A"; thence South 25 degrees 00 minutes 44 seconds West, 1356.17 feet to the point of beginning; thence South 71 degrees 08 minutes 23 seconds East, 151.44 feet; thence South 27 degrees 56 minutes 36 seconds West, 30.0 feet; thence North 71 degrees 08 minutes 23 seconds West, 173.49 feet; thence North 66 degrees 49 minutes 30 seconds West, 530.49 feet; thence on the arc of a curve concave southerly and having a radius of 15.0 feet, run a chord bearing and distance of North 71 degrees 07 minutes 38 seconds West, 9.75 feet; thence North 75 degrees 25 minutes 46 seconds West, 221.04 feet; thence on the arc of a curve concave southerly and having a radius of 75.0 feet, run a chord bearing and distance of North 86 degrees 48 minutes 14 seconds West, 34.70 feet; thence South 77 degrees 49 minutes 19 seconds West, 46.38 feet; thence on the arc of a curve concave northerly and having a radius of 75.0 feet, run a chord bearing and distance of North 88 degrees 36 minutes 46 seconds West, 35.16 feet; thence North 75 degrees 02 minutes 51 seconds West, 66.36 feet; thence on the arc of a curve concave northeasterly and having a radius of 75.0 feet, run a chord bearing and distance of North 57 degrees 20 minutes 56 seconds West, 91.73 feet; thence North 00 degrees 21 minutes 00 seconds East, 75.99 feet; thence on the arc of a curve concave westerly and having a radius of 45.0 feet, run a chord bearing and distance of North 04 degrees 14 minutes 55 seconds West, 15.00 feet; thence on the arc of a curve concave southeasterly and having a radius of 15.0 feet, run a chord bearing and distance of South 27 degrees 23 minutes 26 seconds East, 69.61 feet; thence South 00 degrees 21 minutes 00 seconds West, 75.99 feet; thence on the arc of a curve concave northeasterly and having a radius of 45.0 feet, run a chord bearing and distance of South 37 degrees 20 minutes 56 seconds East, 55.04 feet; thence South 75 degrees 02 minutes 51 seconds East, 66.36 feet; thence on the arc of a curve concave northerly and having a radius of 45.0 feet, run a chord bearing and distance of South 88 degrees 36 minutes 46 seconds East, 21.11 feet; thence North 77 degrees 49 minutes 19 seconds East, 46.38 feet; thence on the arc of a curve concave southerly and having a radius of 105.0 feet, run a chord bearing and distance of South 88 degrees 48 minutes 14 seconds East, 48.58 feet; thence South 75 degrees 25 minutes 46 seconds East, 277.04 feet; thence on the arc of a curve concave southerly and having a radius of 75.0, run a chord bearing and distance of South 17 degrees 07 minutes 38 seconds East, 14.25 feet; thence South 66 degrees 49 minutes 30 seconds East, 334.36 feet; thence South 71 degrees 08 minutes 23 seconds East, 14.68 feet to the point of beginning.

