

ORDINANCE
2009-09

AN ORDINANCE AMENDING ORDINANCE 2005-16 TO CORRECT THE LEGAL DESCRIPTION OF A PARCEL RECEIVING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR FINDINGS OF FACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Chapter 163, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; and

WHEREAS, Chapter 163, Florida Statutes, allows local governments to adopt small scale amendments; and

WHEREAS, Walton County afforded opportunity for public comments concerning the subject small scale amendment to the Future Land Use Map; and

WHEREAS, after due public notice, the Walton County Planning Commission held a public hearing on April 9, 2009. The Board of County Commissioners held public hearings on April 28, 2009, and May 11, 2009; and

WHEREAS, the material and testimony provided to the Walton County Planning Commission and the Walton County Board of County Commissioners clearly designated the parcel requesting the map amendment; and

WHEREAS, the Walton County Planning Commission and the Walton County Board of County Commissioners approved a requested map amendment for the parcel depicted in the testimony and materials presented at those meetings, but the ordinance inadvertently included an erroneous legal description; and

WHEREAS, this ordinance shall be considered a final order as required in Section 10.01.03(F) of the Walton County Land Development Code as codified in Ordinance 97-28.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, that:

SECTION I. FINDINGS OF FACT: The Board of County Commissioners finds as follows:

1. The applicant's name and address is:
Terry Anderson representing Jason Blake Daniel.
4401 HWY 98 East, Santa Rosa, FL 32459

2. The property subject to this Ordinance and amendment is described as follows:

Parcel 1: #10-2s-20-33000-002-0010 Commence Southwest corner of the Southeast $\frac{1}{4}$ of Section 10, Township 2 South, Range 20 West, Walton County proceed north 01 degree 08'00" E 225.00 feet to a point on the North right of way of a 50 foot ingress and egress easement and the point of beginning; thence South 88 degrees 40'00" East 100.79 feet along said north right of way; thence departing the right of way proceed North 01 degree 20'00" East 814.00 feet more or less, to a point on the shoreline of the Choctawhatchee Bay; thence meander Northwesterly along said shoreline to a point that is north 01 degree 08'00" East of point of beginning; thence South 01 degree 08'00" West, 843.0 feet, more or less to the point of beginning. Containing 1.71 acres, more or less in Walton County, Florida.

Parcel 2: #10-2s-20-33000-002-0040 Commence Southwest corner of southeast $\frac{1}{4}$, South 88 deg 40'00" E 472 feet to point of beginning S 88 Deg 40'00" E 200 feet, North 01 Deg 20'00" E 118.59 feet, North 73 deg 39'47" W 207.04 feet, S 01 deg 20'00" W 172.17 feet to point of beginning or 1740 276.

Parcel 3: #10-2s-20-33000-002-0050 Commence Southwest corner of SE $\frac{1}{4}$ S88 Deg 40'00" E 100 feet North 01 Deg 20'00" East 348.50 to point of beginning, South 88 deg 40'00" East 200', North 01 Deg 20'00" east 123.50 feet, N 88 deg 40'00" West 200 feet, south 01 deg 20'00" W 123.50 feet to point of beginning or 1442-62 or 1793-160

Parcel 4: # 10-2s-20-20-33000-002-0060 Commence Southwest corner of southeast 4; South 88 deg 40'00" east 100 feet, North 01 deg 20'00" East 225 feet to point of beginning, go South 88 deg 40'00" East 200 feet, N 01 deg 20'00" East 123.50 feet, N 88 deg 40'00" west 200 feet, south 20'00" West 123.5 feet to point of beginning or 457-238 or 2485-1184

Parcel 5: # 10-2s-20-33000-002-0080 Commence Southwest corner of South East 4 , South 88 deg 40'00" East 200 feet to point of beginning, continue South 88 deg 40'00" East 100 feet, North 01 deg 20'00" East 225 feet, North 88 deg 40'00" west 100 feet, south 01 deg 20'00" West 225 feet or 533-51 or 1284-116 or 1304-2613-2843

Parcel 6: Commence at Southwest corner of Southeast 4, South 88 deg 40'00" East 100 feet to point of beginning, South 88 deg 40'00" East 100 feet , North 01 deg 2-00" East 225 feet , N 88 deg 40'00" West 100 feet, South 01 deg 20'00" West 225 feet to point of beginning or 485-151 or 2621-1933

Parcel 7: # 10-2s-20-33000-002-007A commence at southwest of south East 4, north

01 deg 8'00" East 225 feet, South 88 deg 40'00" East 100 feet, South 01 deg 8'00" West 225 feet, North 88 deg 40'00" 100 feet to point of beginning or 457-236 or 1419-299 or 1536-104 or 2633-4118

3. The proposed amendment is compatible with development in the area of the subject property.
4. The property is currently served with adequate potable and wastewater services.
5. Any development under this amendment will be required to properly design retention of storm-water runoff in accordance with County Regulations.
6. The property is currently categorized as Residential Preservation.
7. Upon the legally effective date of this Ordinance, the property will be categorized as Neighborhood Planning Area/Infill.

SECTION II FUTURE LAND USE MAP AMENDMENT:

The Future Land Use Map shall be amended to show the above described parcel to increase the Neighborhood Planning Area/Infill category by 5.9 acres. The Future Land Use Map currently shows this parcel within the Residential Preservation.

SECTION III: EFFECTIVE DATE: The effective date of this plan amendment and Ordinance shall be thirty-one days after adoption, unless the amendment is challenged pursuant to Section 163.3 187, F.S. If challenged, the effective date shall be the date a Final Order is issued by the Department of Administrative Hearings finding the amendment in compliance in accordance with Section 163.3184, F.S.

Duly enacted, by the Board of County Commissioners of Walton County, Florida, at a regular meeting, on the 11th day of May, 2009.

ADOPTED in an advertised public hearing of the Board of County Commissioners this 11th day of May, 2009.

WALTON COUNTY BOARD OF COUNTY COMMISSIONERS



Sara Comander, Chair

ATTEST:



CLERK