

ORDINANCE 2017-13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, ADOPTING THE THIRTEENTH AMENDMENT TO THE DEVELOPMENT ORDER FOR THE SANDESTIN DEVELOPMENT OF REGIONAL IMPACT; CORRECTING THE NATURE PRESERVE BOUNDARY OF JOLEE ISLAND; RESTORING THE CORRECT DESIGNATION OF GREENBELT/RECREATION ON JOLEE ISLAND; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sandestin Investments LLC ("Developer") filed a proposed amendment application with Walton County on October 24, 2016, as supplemented on December 2, 2016, pursuant to Section 380.06(19)(e)2.j, Florida Statutes ("Amendment Application") to amend the Sandestin Development of Regional Impact ("DRI") Development Order;

WHEREAS, Jolee Island consists of 6.2 acres as further described in Exhibit A attached hereto;

WHEREAS, the Amendment Application proposes to correct the boundary of the Nature Preserve designation pursuant to s. 380.06(19)(e)(2)j, Florida Statutes, such that the Nature Preserve boundary applies to only the salt marsh surrounding Jolee Island and not to Jolee Island ("Proposed Amendment");

WHEREAS, the Walton County Board of County Commissioners ("Board"), as the governing body of the County and the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Amendment Application; and

WHEREAS, on January 30 and March 13, 2017, the Board held a duly noticed public hearing on the Amendment Application and afforded all interested parties and members of the public an opportunity to be heard;

WHEREAS, the Board has considered the testimony and evidence presented at the public hearing held on the Amendment Application.

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

**SECTION 1. FINDINGS OF FACT.**

1. The above recitals are true and correct.

Inst. #20170011555 Bk: 3038 Pg: 1824  
Page 1 of 5 Recorded: 4/13/2017 10:51 AM  
Alex Alford Clerk of Courts, Walton County, Florida  
Deputy Clerk MORRISON

2. Parcel 223 is located within the Sandestin DRI as depicted on the Sandestin Master Plan and is comprised of 12.2 acres, including 6.2 acres of disturbed uplands known as Jolee Island, as more particularly described in the Amendment Application and in Exhibit A to this Ordinance, and 6.3 acres of salt marsh that surrounds Jolee Island.

3. The Proposed Amendment corrects the drafting error which occurred with the adoption of Ordinance 2004-28, which incorrectly designated Jolee Island as Nature Preserve. The Proposed Amendment is supported by an environmental assessment and survey confirming that Jolee Island is comprised of 6.2 acres of disturbed uplands, which is corroborated by the Florida Natural Areas Inventory that classifies Jolee Island as Open Urban Land. The environmental assessment and survey demonstrate that the Nature Preserve designation is not appropriate for Jolee Island, but is appropriate for the 6.3 acres of salt marsh area surrounding Jolee Island.

4. There is no recorded conservation easement that includes the 6.2 acres erroneously mapped as Nature Preserve.

5. The Proposed Amendment does not result in a net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order. Jolee Island was incorrectly designated as Nature Preserve and, therefore, the proposed correction to the Nature Preserve boundary does not result in a decrease of lands set aside for permanent preservation. In addition, the Florida Department of Economic Opportunity, designated as the State Land Planning Agency, determined in its letter, dated October 14, 2016, that the Proposed Amendment does not result in a net decrease of lands set aside for permanent preservation.

## **SECTION 2. CONCLUSIONS OF LAW**

Based on the Findings of Fact, Walton County hereby adopts the following Conclusions of Law.

1. The Proposed Amendment is consistent with s. 380.06(19)(e)2.j, Florida Statutes and, pursuant to s. 380.06(19)(e)2, Florida Statutes, is statutorily determined to be a non-substantial change to the Sandestin DRI Development Order.

2. The Sandestin DRI is not located within an Area of Critical State Concern.

3. The Proposed Amendment is consistent with the West Florida Strategic Regional Policy Plan.

4. The Proposed Amendment is consistent with the Walton County Comprehensive Plan and Land Development Regulations.

5. The Proposed Amendment is hereby approved.

**SECTION 3. ADOPTION OF AMENDMENT.** Based on the Findings of Fact and Conclusions of Law, Walton County hereby adopts the following amendment to the Sandestin DRI Development Order (“Adopted Amendment”):

Walton County hereby corrects the Nature Preserve boundary to be coterminous with the boundary between Jolee Island and the surrounding salt marsh as that boundary is depicted on the survey included in the Amendment Application, such that the 6.3 acres of salt marsh shall continue to be designated Nature Preserve, while Jolee Island, as legally described in Exhibit A hereto, is hereby re-designated as Greenbelt/Recreation based on the correction of the boundary.

**SECTION 4. SANDESTIN MASTER PLAN.** It is recognized that Sandestin Investments, LLC filed a separate Notice of Proposed Change Application on October 24, 2016 (“NOPC”), which proposes to change the designation of Jolee Island from Greenbelt/Recreation, as adopted by this Ordinance, to Residential Medium. For convenience, the Master Plan has not been graphically revised to reflect the adopted Greenbelt/Recreation designation for Jolee Island in recognition that the NOPC Application, if approved, will adopt an amended Master Plan designating Jolee Island as Residential Medium, which will be incorporated as Exhibit B to the Sandestin DRI Development Order. If the proposed Residential Medium designation of Jolee Island does not become legally effective based on a non-appealable final approval, SDI shall submit a revised Master Plan to Walton County, which shall depict Jolee Island as Greenbelt/Recreation pursuant to Section 3 of this Ordinance and shall be considered the adopted Master Plan as though it were set forth as an exhibit to this Ordinance.

**SECTION 5. BINDING EFFECT.** The Adopted Amendment shall be binding on the Developer and its assignees or successors in interest.

**SECTION 6. SEVERABILITY.** In the event any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent and final jurisdiction, such decision shall in no matter affect the remaining portions or sections of this Ordinance.

**SECTION 7. RECORDING.** The Developer shall file a Notice of Adoption of this Adopted Amendment in the Public Records of Walton County, Florida

**SECTION 8. RENDITION.** Walton County shall render this Development Order amendment immediately by certified mail to the Florida Department of Economic Opportunity (“DEO”), West Florida Regional Planning Council (“WFRPC”) and the Developer.

**SECTION 9. EFFECTIVE DATE.** The effective date is the date on which Walton County renders this Development Order amendment to the Florida Department of Economic Opportunity, the West Florida Regional Planning Council and the Developer.

**PASSED AND DULY ADOPTED** in Regular Session, by the **BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA**, on this 11<sup>th</sup> day of April, 2017.

ATTEST:

  
Alex Alford, Clerk of Court  


BOARD OF COUNTY COMMISSIONERS  
OF WALTON COUNTY, FLORIDA

  
By: **Cecilia Jones, Chair**  
Its: Chairman





Cecilia Jones, Chair



## EXHIBIT A

DESCRIPTION: TRACT 223 (HORSESHOE ISLAND)

A PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 21 WEST, WALTON COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 21 WEST, WALTON COUNTY, FLORIDA; THENCE GO NORTH 88°41'39" WEST ALONG THE NORTH LINE OF SAID SECTION 26; A DISTANCE OF 4119.06 FEET; THENCE GO SOUTH 01°18'21" WEST, A DISTANCE OF 2320.39 FEET TO THE POINT OF BEGINNING; THENCE GO SOUTH 48°47'06" EAST, A DISTANCE OF 108.97 FEET; THENCE GO SOUTH 12°52'56" EAST, A DISTANCE OF 30.67 FEET; THENCE GO SOUTH 51°34'27" EAST, A DISTANCE OF 83.71 FEET; THENCE GO SOUTH 18°52'42" EAST, A DISTANCE OF 72.04 FEET; THENCE GO SOUTH 29°52'11" EAST, A DISTANCE OF 98.46 FEET; THENCE GO SOUTH 16°46'58" WEST, A DISTANCE OF 48.15 FEET; THENCE GO SOUTH 44°47'25" WEST, A DISTANCE OF 96.16 FEET; THENCE GO SOUTH 83°43'48" WEST, A DISTANCE OF 76.29 FEET; THENCE GO SOUTH 78°01'38" WEST, A DISTANCE OF 92.55 FEET; THENCE GO SOUTH 48°45'38" WEST, A DISTANCE OF 142.28 FEET; THENCE GO SOUTH 74°54'48" WEST, A DISTANCE OF 32.41 FEET; THENCE GO SOUTH 26°55'41" WEST, A DISTANCE OF 34.30 FEET; THENCE GO SOUTH 66°44'05" WEST, A DISTANCE OF 54.02 FEET; THENCE GO SOUTH 89°47'19" WEST, A DISTANCE OF 53.88 FEET; THENCE GO NORTH 54°39'24" WEST, A DISTANCE OF 102.92 FEET; THENCE GO NORTH 36°47'18" WEST, A DISTANCE OF 79.40 FEET; THENCE GO NORTH 04°52'35" WEST, A DISTANCE OF 75.48 FEET; THENCE GO NORTH 00°58'29" WEST, A DISTANCE OF 120.66 FEET; THENCE GO NORTH 07°39'38" EAST, A DISTANCE OF 97.99 FEET; THENCE GO NORTH 30°34'54" EAST, A DISTANCE OF 101.78 FEET; THENCE GO NORTH 58°18'44" EAST, A DISTANCE OF 150.21 FEET; THENCE GO NORTH 79°56'23" EAST, A DISTANCE OF 115.95 FEET; THENCE GO NORTH 89°41'10" EAST, A DISTANCE OF 111.77 FEET TO THE POINT OF BEGINNING.