

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING COMMISSION
JULY 12, 2016**

PRESENT AND ACTING:

**MARION "LEE LEE" BROWN, CHAIRMAN
WOODROW "LEE" SHELTON, VICE-CHAIRMAN
DARRELL MCDUGALD
THOMAS G. FLOWERS**

**MATT FUQUA, ATTORNEY
CARLA HAND, CLERK OF COURT AND COUNTY COMPTROLLER
JOE WOOD, DIRECTOR OF OPERATIONS
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The workshop was called to order by Chairman Brown at 5:07 p.m., CT

STEPHEN MELVIN – REQUEST TO VACATE HWY 73 CROSSROADS PLAT

Attorney Fuqua stated there are certain statutory steps Mr. Melvin will need to go through in order to have the plat vacated, including running a newspaper ad twice, having a public hearing, getting a title opinion, and having proof that taxes have been paid. Attorney Fuqua stated the Board cannot rule on vacating the plat until all the statutory steps required have been done. Mr. Melvin stated a bank in Miami is the current owner of the property, but he has a contract to buy the property. There is a contingency in the contract not to close the contract until the issue of vacating the plat is resolved. Attorney Fuqua stated Mr. Melvin will need an agency letter from the bank, a letter on their letterhead, giving Mr. Melvin authority to apply for vacation of the plat. Attorney Fuqua advised Mr. Melvin he will also need a title opinion from a lawyer as well. Mr. Melvin stated he has already requested a letter on the bank's letterhead but has not received it yet, and will work on getting the rest of the paperwork together to satisfy the statute.

PETITION TO VACATE PLAT FOR RIVERSIDE AT CHIPOLA

Ms. Melissa VanSickle, attorney for St. Joe Timberland Company of Delaware, LLC., (St. Joe Company) stated she brought Mr. Dave Harrelson, Sr. Vice President of the St. Joe Company, with her today to answer any specific questions the Board had about the plat from the previous meeting. Ms. VanSickle restated from the previous meeting, St. Joe Company developed the Riverside at Chipola plat over a decade ago in the hopes a premier residential community would develop, but has not succeeded. St. Joe Company is requesting the plat be vacated, and returned to timber use. Attorney Fuqua stated all the petition documents submitted by St. Joe Company are sufficient for vacating the plat.

Commissioner Shelton inquired if there was no hope the property would be developed, and asked the company's plans for the property. Mr. Harrelson replied the company's intention is to go back to green belt, because only 2 lots were sold 12 years ago, they put \$600,000 worth of boardwalks up that have now rotted, and they are not going to go through the rebuilding process. The property also floods

regularly, flood insurance has changed to full flood coverage which is more expensive, and the company cannot conduct civil cultural operations on the property until the plat has been reverted back to agricultural use. Commissioner Shelton stated he would like to see the property developed instead of reverting back to agricultural use asking is there any way to tax the property as green belt where taxes are lower and leave the plat as is in case the economy picks up and the plat is able to be developed at a later date. Attorney Fuqua stated the Board does not control the taxing, which is done through the Property Appraiser's office; the Board does not have the authority to change the taxing of the property.

There was further discussion of vacating the plat.

Attorney Fuqua stated if there is any consideration of granting Mr. Melvin's request to vacate the Crossroads plat, and denying St. Joe Company's request, the Board could be putting themselves in a tough spot.

- ❖ Chairman Brown made a motion to grant St. Joe Land and Development Company's request to vacate the Riverside at Chipola plat. Commissioner McDougald seconded the motion.

Attorney Fuqua stated there is a case in Baker County similar to what the Board is facing now. There was one house the developer did not buy back in the subdivision. There was a public hearing and Baker County denied the petition. The company took the county to court and said the evidence suggests it would be best to vacate the plat. The Baker County judge stated the statute says "may" be granted, and is discretionary. The case is now pending before the First District Court of Appeals in Tallahassee, and could take up to a year for a ruling. Even with the "may" language if the Board were to tell St. Joe Company no, and later tell Mr. Melvin yes, there could be a struggle.

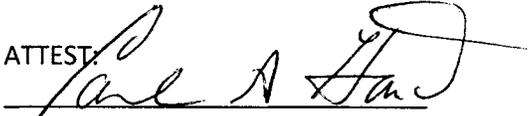
Commissioner Shelton inquired if the plat could be changed? Attorney Fuqua stated there are more steps to change the plat than to vacate it.

Commissioner Flowers stated his question from the previous meeting continues to be is the property pending under contract? Mr. Harrelson stated it is not, St. Joe Company is not actively trying to sell the property. He stated the plat does not generate any income besides a hunting lease, and they would like to put the property back in an operational state. Commissioner Flowers inquired of Mr. Harrelson, to the best of his knowledge as a representative of the company, the plat being petitioned to vacate is not under contract, not pending contract, not subject to going under contract, or change of ownership because of the changes being requested of this Board. Mr. Harrelson replied it is not.

The motion passed 3-1. Commissioner Flowers opposed.

The Planning Commission meeting adjourned at 5:24 p.m., CT.


MARION "LEE LEE" BROWN, CHAIRMAN

ATTEST: 
CARLA A. HAND, CLERK