

RESOLUTION 2019- 20
SIXTH AMENDMENT TO THE PALM COAST PARK
DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE SIXTH AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER TO DELETE AN APPROXIMATE SIX (6) ACRE PARCEL FROM THE DRI; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECORD THE SIXTH AMENDMENT TO THE PALM COAST PARK DRI DO IN AN APPROVED FORM; PROVIDING FOR EXECUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 7, 2004 the City Council of the City of Palm Coast approved the Palm Coast Park Development of Regional Impact Development Order (DRI DO) by means of the adoption of Resolution Number 2004-48, which Resolution and DRI DO were recorded at Official Records Book 1177, Page 1796 of the Public Records of Flagler County, Florida; and

WHEREAS, on February 15, 2005 the City Council of the City of Palm Coast approved the Notice of Clarification to provide notice to the effect that City Council was in agreement that the term "Mitigation Pipeline Amount" contained on lines 20 and 21 or Page 39 of the DRI DO means the same thing as, and is synonymous with, the term "Developer's Proportionate Share Contribution" to ensure that the DRI DO fully conforms with the requirements of State Law said action being taken by means of the adoption of Resolution Number 2005-03 as recorded at Official Records Book 1215, Page 1424 of the Public Records of Flagler County, Florida; and

WHEREAS, On July 17, 2007, the City Council adopted an Amended and Restated DRI DO (Resolution # 2007-05), to clarify that certain public uses are permitted in the DRI (fire stations, public schools), also clarifying that public schools are allowed anywhere in the DRI, and clarifying conditions for recreational facilities, the Amended and Restated DRI DO being duly recorded on July 23, 2007, in Official Records Book 1600, Page 49, of the Public Records of Flagler County Florida; and

WHEREAS, on October 4, 2011, the City Council adopted the 2nd Amended and Restated DRI DO (Resolution # 2011-93), an amendment incorporating changes to phasing dates, acreage of total development, acreage of common area, updating map exhibits, and certain conditions related to recreation, the 2nd Amended and Restated DRI DO being duly recorded on October 20, 2011, in Official Records Book 1838, Page 834, of the Public Records of Flagler County, Florida; and

WHEREAS, on September 5, 2017, City Council approved Resolution # 2017-100, the 3rd DRI Amendment to allow conversion of 94 acres of land designated for Business/Institutional uses to Residential use, the DRI-DO being duly recorded on January 16, 2018, in Official Records Book 2253, and Page 339; of the Public Records of Flagler County, Florida; and

WHEREAS, on January 16, 2018, City Council approved Resolution # 2018-07, an update to the 3rd DRI amendment (the fourth amendment) to relocate borrow/soil extraction activities to more appropriate locations within the DRI; and

WHEREAS, on October 16, 2018, City Council approved Resolution # 2018-140, the Fifth amendment to the Palm Coast Park DRI-DO to allow 1,000 additional residential units and add conditions related to impacts of the additional units, and amend the permitted land uses on certain tracts, and

WHEREAS, on March 5, 2019 the City Council authorized the Mayor to execute the Sixth amendment to the Palm Coast Park DRI DO, which deletes an approximately 6 acre parcel from the DRI, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA:

SECTION 1. FINDINGS OF THE CITY COUNCIL.

(a). The above recitals (whereas clauses) are hereby adopted as the findings of the City Council of the City of Palm Coast.

(b). The City Council of the City of Palm Coast hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum and packet relating to the application relating to the proposed 6th Amendment to the DRI DO. The exhibits to this Resolution are incorporated herein as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Resolution and the associated 6th Amendment to the DRI DO.

(d). This Resolution and the approval of the 6th Amendment to the Palm Coast Park DRI DO are consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. APPROVAL OF 6TH AMENDMENT TO THE PALM COAST PARK

DRI DO. The City Council of the City of Palm Coast hereby approves the 6th Amendment to the Palm Coast Park DRI, which deletes an approximately 6 acre parcel from the DRI as set forth in Exhibit "A" to this Resolution.

SECTION 3. AUTHORIZATION TO EXECUTE. The 6th Amendment to the DRI DO shall be executed by the Mayor and the City Clerk, subsequent to execution by the DRI property owner(s) and subsequent to the document having been finalized and revised into a clear and recordable form. Upon full execution, the City Manager, or designee, shall cause the document to be recorded in the Official Records of Flagler County (Land Records) in accordance with the provisions of State Law at the expense of the DRI property owner(s).

SECTION 4. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

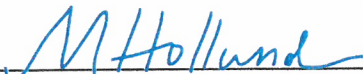
SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Resolution is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence phrase, word or portion of this Resolution not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager or designee is hereby authorized to take any actions necessary to implement the action taken in this Resolution including the incorporation of the amendment into the existing Palm Coast Park DRI-DO.

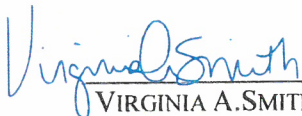
SECTION 7. EFFECTIVE DATE. This Resolution shall become effective immediately upon adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this the 5th day of March 2019.

CITY OF PALM COAST, FLORIDA


MILISSA HOLLAND, MAYOR

ATTEST:

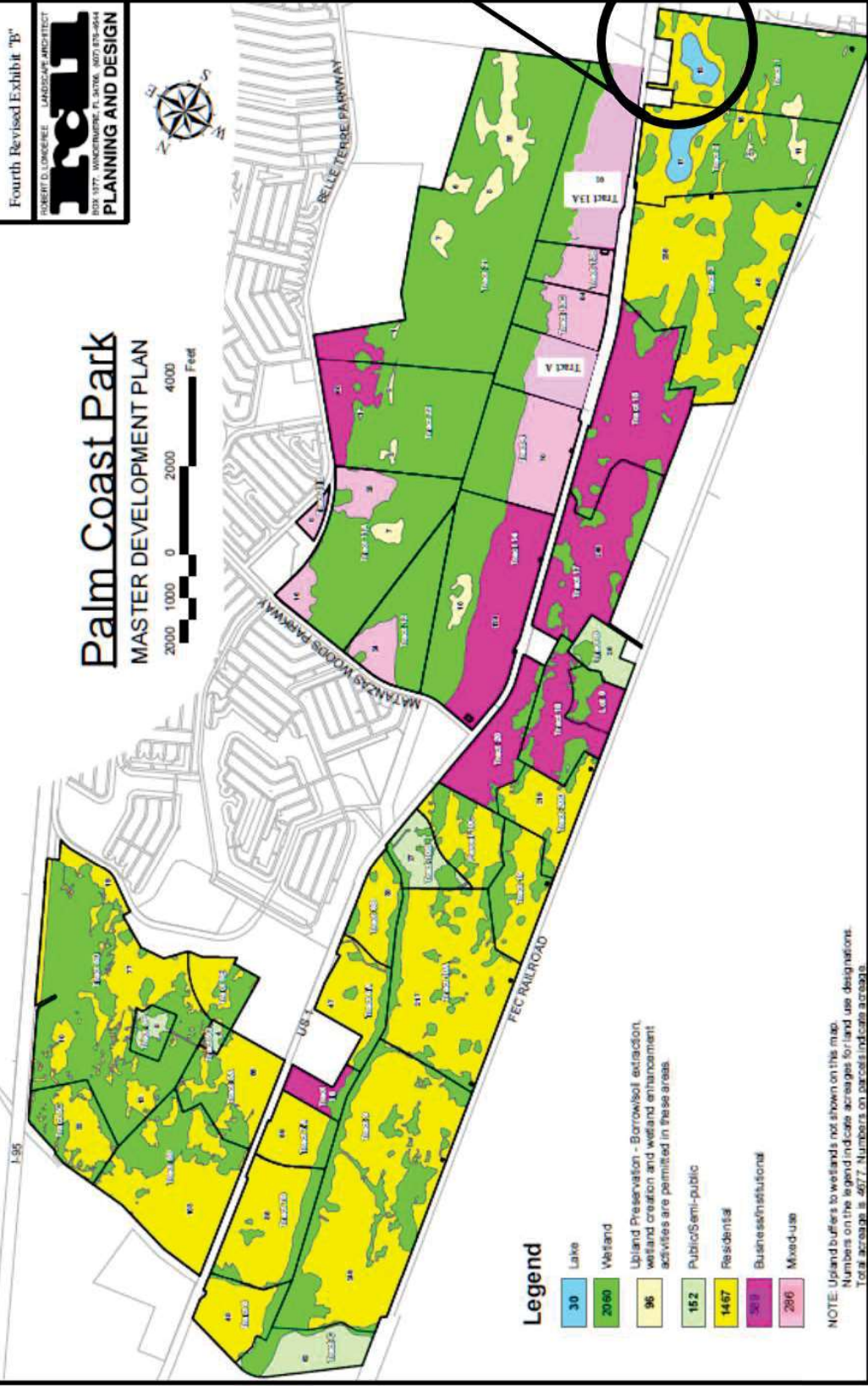

VIRGINIA A. SMITH, CITY CLERK

Approved as to form and legality


William E. Reischmann, Jr., Esq.



Attachment: Exhibit "A" – 6th Amendment to the DRI-DO



Parcel to be deleted.



SKETCH & DESCRIPTION

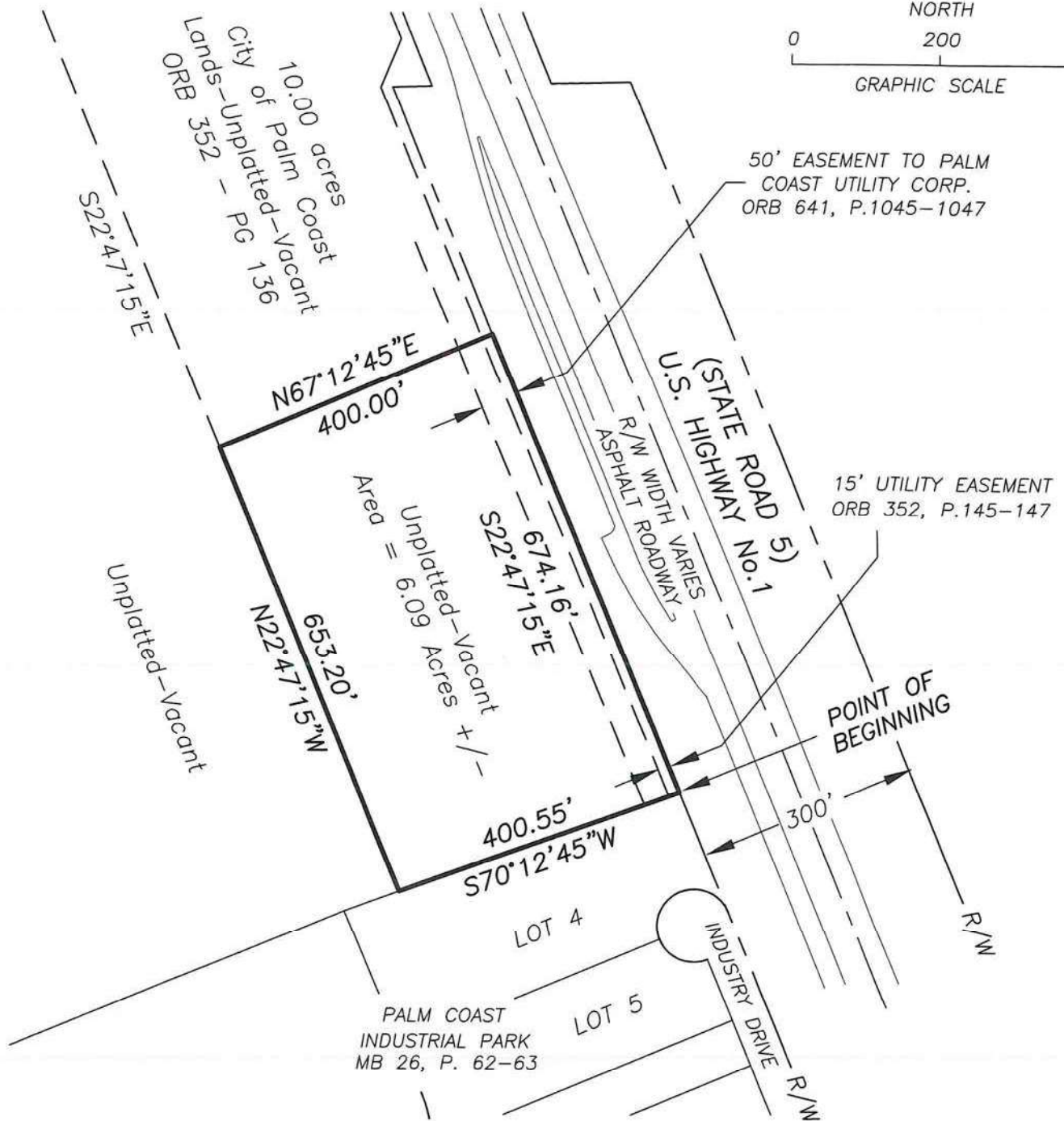
NOT A BOUNDARY SURVEY



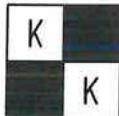
NORTH

0 200 400

GRAPHIC SCALE



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, NOTES, LEGEND, SIGNATURE & SEAL.



LB #7991

KUHAR SURVEYING & MAPPING, LLC

112 OCEAN GROVE DRIVE, ORMOND BEACH, FLORIDA 32176

Phone: 386-295-8051

info@kuharsurveying.com

SKETCH & DESCRIPTION

DATE: 3/1/2017

SHEET 1 OF 2

1" = 200'

SKETCH & DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED WEST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) A VARIABLE WIDTH RIGHT-OF-WAY, IN GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY-MOST CORNER OF PALM COAST INDUSTRIAL PARK AS RECORDED IN MAP BOOK 26, PAGES 62-63 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE NORTHERLY LINE OF SAID PALM COAST INDUSTRIAL PARK $S70^{\circ}12'45''W$ FOR A DISTANCE OF 400.55 FEET; THENCE DEPARTING SAID NORTHERLY LINE $N22^{\circ}47'15''W$ FOR A DISTANCE OF 653.20 FEET TO THE SOUTHERLY LINE OF CITY OF PALM COAST LANDS PER OFFICIAL RECORDS BOOK 352, PAGE 136 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY LINE $N67^{\circ}12'45''E$ FOR A DISTANCE OF 400.00 FEET TO THE AFOREMENTIONED RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID SOUTHERLY LINE, ALONG SAID RIGHT-OF-WAY LINE, $S22^{\circ}47'15''E$ FOR A DISTANCE OF 674.16 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 6.09 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. BASIS OF BEARINGS; ASSUMED, WITH THE WESTERLY R/W LINE OF U.S. HIGHWAY #1 BEING $S22^{\circ}47'15''E$, AS SHOWN HEREON.
2. THERE MAY BE EASEMENTS AND OTHER ITEMS OF RECORD NOT SHOWN HEREON THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS (NO TITLE WORK PROVIDED).
3. NO UNDERGROUND LOCATIONS (UTILITIES, FOUNDATIONS, ETC) SHOWN HEREON.
4. INDIVIDUAL TREES, TOPOGRAPHY AND WETLANDS (IF ANY) NOT LOCATED OR SHOWN HEREON.
5. LEGAL DESCRIPTION WRITTEN BY THE UNDERSIGNED.
6. THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE & RAISED SEAL (OR ELECTRONIC SIGNATURE) OF A PROFESSIONAL SURVEYOR & MAPPER PER FLORIDA ADMINISTRATIVE CODE.
7. THIS IS NOT A BOUNDARY SURVEY. THIS IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT INTENDED TO DEPICT A FIELD SURVEY.

I HEREBY CERTIFY THAT THIS SKETCH MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS PER CHAPTER 5J-17.050-.052, FLORIDA ADMINISTRATIVE CODE.

LEGEND/ABBREVIATIONS

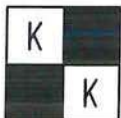
LB = LICENSED BUSINESS
R/W = RIGHT OF WAY
PG/P = PAGE
ORB = OFFICIAL RECORDS BOOK
P.I.D. = PROPERTY IDENTIFICATION
(COUNTY FOLIO) NUMBER

**Kenneth J
Kuhar**

Digitally signed by
Kenneth J Kuhar

Date: 2017.03.17
14:55:12 -04'00'

KENNETH J. KUHAR
FLORIDA PROFESSIONAL SURVEYOR/MAPPER #6105



LB #7991

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Phone: 386-295-8051 info@kuharsurveying.com

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SHEET 2 OF 2

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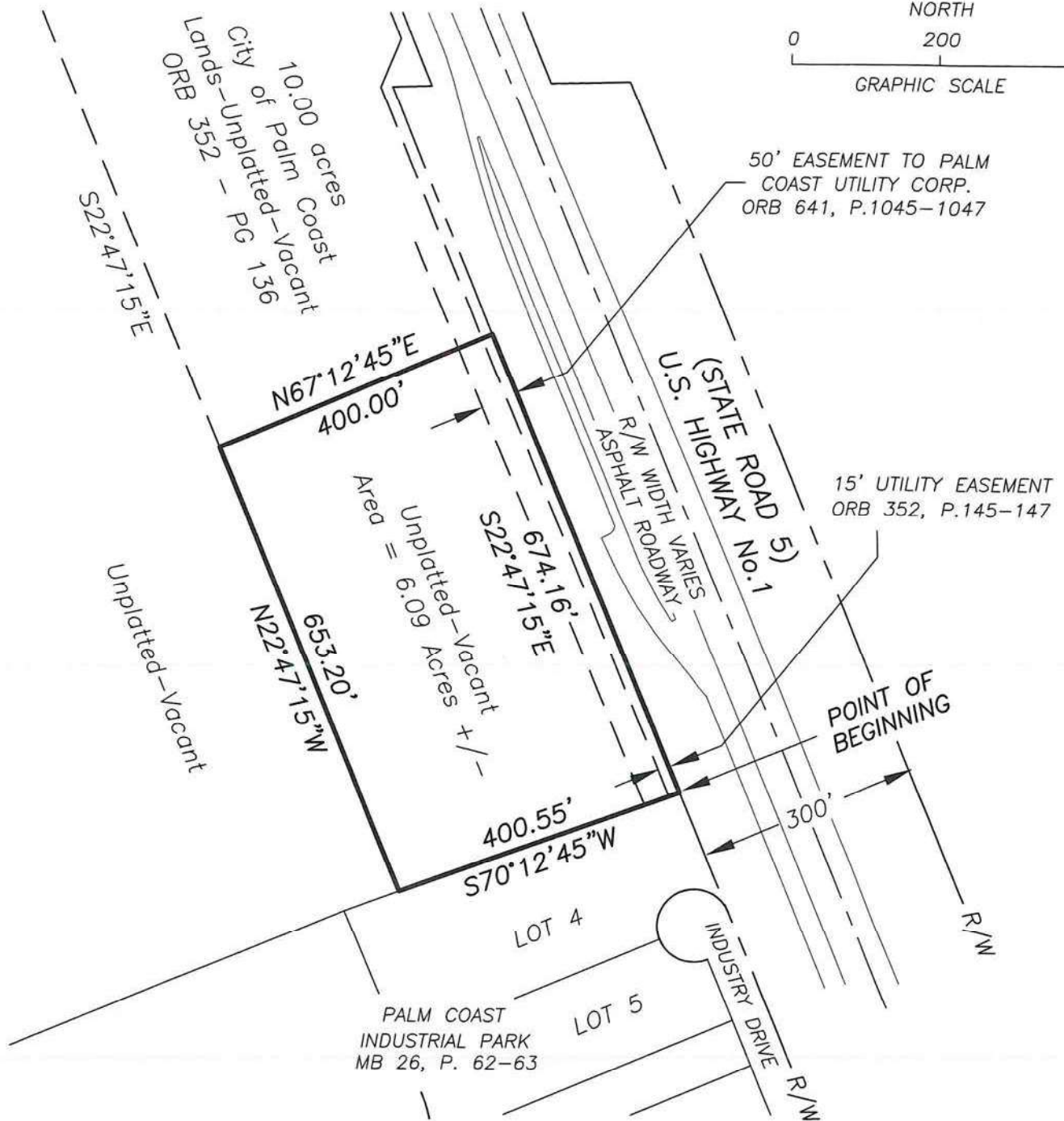
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SKETCH & DESCRIPTION

DATE: 3/1/2017

SHEET 2 OF 2

NO SCALE

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TRANSPORTATION REGIONAL INCENTIVE AGREEMENT
SUPPLEMENTAL AMENDMENT NUMBER 1**

EXECUTION DATE: _____

Agency: City of Palm Coast	Fund: TRIP/TRWR Function: 215	Financial Management No.:
Vendor No.: F593614294001	Catalog of State Financial Assistance (CSFA) No.: 55-026	435561-1-54-01
Contract No: G0K41	CSFA Title – Transportation Regional Incentive Program	FLAIR Approp: 088717
	Contract Amount: \$87,000.00	FLAIR Obj.: 751000
		Org. Code: 55054010508

The terms of the original Transportation Regional Incentive Program Agreement between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION and the CITY OF PALM COAST, for the Project described as “Right of Way Acquisition for the Old Kings Road Extension Phase II Construction Project from Matanzas Woods Parkway to Old Kings Road” executed on **March 10, 2017**, are hereby amended as follows:

The Department has authorized additional funds in Fiscal Year 2018/2019 in the amount of \$47,000.00 for Additional Right of Way Acquisition. This executed Amendment will serve as notice that the Total Lump Sum Amount for this agreement is now increased to \$47,000.00 for Fiscal Year 2018/2019 and \$40,000.00 for Fiscal Year 2016/2017 for a total of \$87,000.00.

The following attachment is hereby incorporated into this Amendment:

Revised Estimated Schedule of Funding, Exhibit “B”

Except as hereby modified, amended or changed, all of the terms and conditions of said original Agreement thereto will remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have caused these presents be executed, the day and year first above written.

CITY OF PALM COAST

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: M Holland
Name:
Title:

By: _____
Name: Loreen C. Bobo, P.E.
Title: Director of Transportation Development

Attest:
Virginia Smith

Attest:

Executive Secretary (Seal)

City Legal Review:

Department Legal Review:



EXHIBIT “B”
Financial Management Number: 435561-1-54-01

ESTIMATED SCHEDULE OF FUNDING

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The LOCAL GOVERNMENT is approved under the Rural Economic Development Initiative (REDI) program for a waiver of the required 50% local match for the Transportation Regional Incentive Program (TRIP) funding; however, the LOCAL GOVERNMENT agrees to bear all expenses in excess of the DEPARTMENT’S participation that are necessary to complete the Project.

EXHIBIT "F"
RESOLUTION

Financial Management Number: 435561-1-54-01