

**RESOLUTION 2023-52
NINTH AMENDMENT TO THE PALM COAST PARK
DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT
ORDER APPLICATION NO. 5275**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE NINTH AMENDMENT TO THE PALM COAST PARK DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER ALLOWING RESIDENTIAL USES IN SOME AREAS DESIGNATED PREVIOUSLY FOR BUSINESS/ INSTITUTIONAL USES, CONVERTING SOME OFFICE AND COMMERCIAL ENTITLEMENTS TO ALLOW ADDITIONAL INDUSTRIAL ENTITLEMENTS AND AN ADDITIONAL 750 RESIDENTIAL UNITS, ALLOWING PERMITTED USES TO BE RELOCATED TO OTHER TRACTS OF THE PROJECT, CLARIFYING STANDARDS FOR PARK LAND DEDICATIONS AND PARK IMPACT FEES, AND ALLOWING THE CITY THE OPTION OF HAVING THE DECLARANT PROVIDE THE RIGHT-OF-WAY FOR A FUTURE ROADWAY CONNECTING BELLE TERRE PARKWAY TO US 1; AUTHORIZING THE CITY MANAGER, OR DESIGNEE TO RECORD THE AMENDMENT TO THE PALM COAST PARK DRI DEVELOPMENT ORDER 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 on 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 Number 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 Number 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 Number 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 Number 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 Number 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 approved Resolution Number 2019-20, the sixth amendment to the Palm Coast Park DRI DO, which deletes an approximately 6-acre parcel from the DRI; and

WHEREAS, on October 1, 2019, the City Council approved Resolution Number 2019-88, the Seventh Amendment to the Palm Coast Park DRI DO, which amended the permitted uses on Tract 10B from Public/Semipublic to Residential and Tract 16 from Business/Institutional to

Residential, along with housekeeping amendments based on previously approved amendments to the DO; and

WHEREAS, on December 18, 2019, Palm Coast Land, a Florida limited liability company conveyed all its interest in the land to Byrndog PCP, LLC making Byrndog PCP, LLC the Declarant; and

WHEREAS, on January 7, 2020, the City Council approved Resolution Number 2020-01, the Eighth Amendment to the Palm Coast Park DRI-DO, which allowed residential uses in business/institutional areas, added a process for the addition of lands to the DRI, added a condition to dedicate right-of-way for Peavy Grade, added a condition to dedicate a general utility easement on Tract A, revised the process for conversion of entitlements, memorialized the status of DRI conditions, and authorized the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution; and

WHEREAS, on July 7, 2021, the City issued its Correction to Scrivener's Error, which was recorded in the Official Records Book 2586, Page 0527 of the Public Records of Flagler County, Florida; and

WHEREAS, on January 4, 2022, Declarant exercised its right to convert some of its entitlements to residential units, as evidenced by that Minor Modification as recorded in the Official Records at Book 2656, Page 0766 of the Public Records of Flagler County, Florida; and

WHEREAS, on May 16, 2023, the City Council authorized the Mayor to execute the Ninth Amendment to the Palm Coast Park DRI-DO, to allow residential uses in some areas designated previously for Business/Institutional uses, converting some office and commercial entitlements to allow additional industrial entitlements and an additional 750 residential units, allowing permitted uses to be relocated to other tracts of the project, clarifying standards for park land dedications and park impact fees, and allowing the City the option of having the Declarant provide the right-of-way for a future roadway connecting Belle Terre Parkway to US 1, and authorizing the City Manager, or designee, to take other implementing actions relative to the implementation of this Resolution.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLORIDA

SECTION 1. FINDINGS.

(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 9th 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 9th Amendment to the DRI DO.

(d). This Resolution and the approval of the 9th 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 9TH AMENDMENT TO THE PALM COAST PARK

DRI DO. The City Council of the City of Palm Coast hereby approves the 9th Amendment to the Palm Coast Park DRI, that will allow residential uses in some areas designated previously for Business/Institutional uses, convert some office and commercial entitlements to allow additional industrial entitlements and an additional 750 residential units, allow permitted uses to be relocated to other tracts of the project, clarify standards for park land dedications and park impact fees, and allow the City the option of having the declarant provide the right-of-way for a future roadway connecting Belle Terre Parkway to US 1.

SECTION 3. AUTHORIZATION TO EXECUTE. The 9th 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. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are

severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.


SECTION 5. CONFLICTS. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

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 its passage and adoption.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on the 16th day of May 2023.

ATTEST:



KALEY COOK, DEPUTY CITY CLERK

CITY OF PALM COAST



DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY:



NEYSA BORKERT, CITY ATTORNEY



Attachment: Exhibit A – Ninth Amendment to the Palm Coast Park DRI-DO

EXHIBIT A
Ninth Amendment to the Palm Coast Park DRI-DO

1
2
3 9th AMENDED AND RESTATED
4 PALM COAST PARK
5 DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

6 THIS ~~Eighth~~ NINTH AMENDED AND RESTATED
7 DEVELOPMENT ORDER("Amended and Restated DO") is
8 effective this ____ day of _____, 20223, by and
9 between ~~Palm Coast Land, LLC~~ Byrndog PCP, LLC a Florida
10 limited liability company (the "Declarant") as the remaining land
11 owning Declarant and the **City of Palm Coast**, a municipal
12 corporation organized and existing under the laws of the State
13 of Florida (the "City").

14 WHEREAS, Florida Landmark Communities, LLC, a Florida limited liability
15 company (formerly Florida Landmark Communities, Inc., a Florida corporation which
16 was converted to a Florida limited liability company pursuant to Section 608.439,
17 Florida Statutes, effective December 1, 2010) ("FLC") and Palm Coast Land, LLC, a
18 Florida limited liability company (for itself and as successor by merger to Palm Coast
19 Forest, LLC) ("PCL") filed an Application For Development Approval ("ADA") dated
20 June 10, 2003, as amended by ADA First Sufficiency Response dated October 29,
21 2003, and ADA Second Sufficiency Response dated February 20, 2004, for West
22 Palm Coast Development of Regional Impact, the name of which was subsequently
23 changed to Palm Coast Park Development of Regional Impact ("Palm Coast Park
24 DRI" or "Project") located on certain real property as more specifically described on
25 **Second Revised Exhibit "A"** hereto (the "Original DRI Property");

WHEREAS, the 2003 ADA was reviewed by the Northeast Florida Regional
Council ("NEFRC") as required by Section 380.06, *Florida Statutes*, and the NEFRC
recommended that the ADA be approved, with conditions; and

1 WHEREAS, FLC and PCL provided complete copies of the ADA, as amended
2 by ADA First Sufficiency Response and ADA Second Sufficiency Response to the
3 Florida Department of Community Affairs ("DCA"), NEFRC and the City; and

4 WHEREAS, the Palm Coast Park DRI is consistent with the City's
5 Comprehensive Plan; and

6 WHEREAS, pursuant to Section 380.06, *Florida Statutes*, the City Council of
7 the City ("City Council") heard at a public hearing convened on December 7, 2004,
8 the ADA for the Palm Coast Park DRI and afforded the public and all affected parties
9 an opportunity to be heard and to present evidence; and

10 WHEREAS, after such public hearing and in consideration of the
11 recommendations made and submitted to the City Council, the City Council has
12 made certain findings and determinations; as more specifically set forth hereinafter;

13 WHEREAS, Resolution 2004-48 approving the Palm Coast Park ADA and the
14 Palm Coast Park DRI Development Order ("DO") were recorded on December 10,
15 2004, in Official Records Book 1177, Page 1796, of the Public Records of Flagler
16 County, Florida;

17 WHEREAS, thereafter Resolution 2005-03 providing for clarification of the DO
18 was recorded on March 16, 2005, in Official Records Book 1215, Page 1424, of the
19 Public Records of Flagler County, Florida;

20 WHEREAS, pursuant to Subsection 380.06(19), *Florida Statutes*, by Resolution
21 2007-105 effective July 17, 2007, Declarant's Notification of a Proposed Change to
22 a Previously Approved Development of Regional Impact was approved and the
23 Amended and Restated Palm Coast Park DRI Development Order (the First
24 "Amended and Restated DO") was recorded on July 23, 2007, in Official Records
25 Book 1600, Page 49, of the Public Records of Flagler County, Florida;

1 WHEREAS, on October 4, 2011, the City Council adopted the 2nd Amended and
2 Restated DRI DO (Resolution # 2011-93), an amendment incorporating changes to
3 phasing dates, acreage of total development, acreage of common area, updating map
4 exhibits, and certain conditions related to recreation, the 2nd Amended and Restated
5 DRI DO being duly recorded on October 20, 2011, in Official Records Book 1838, Page
6 834, of the Public Records of Flagler County, Florida; and

7
8 WHEREAS, on September 5, 2017, City Council approved Resolution # 2017-
9 100, the 3rd DRI Amendment to allow conversion of 94 acres of land designated for
10 Business/Institutional uses to Residential use, the DRI-DO being duly recorded on
11 January 16, 2018, in Official Records Book 2253, and Page 339; of the Public Records
12 of Flagler County, Florida; and

13 WHEREAS, on January 16, 2018, City Council approved Resolution # 2018-07,
14 an update to the 3rd DRI amendment (the fourth amendment) to relocate borrow/soil
15 extraction activities to more appropriate locations within the DRI being duly recorded on
16 November 11, 2018, in Official Records Book 2321, and Page 0526 of the Public
17 Records of Flagler County, Florida; and

18 WHEREAS, on October 16, 2018, City Council approved Resolution # 2018-140,
19 the Fifth amendment to the Palm Coast Park DRI-DO to allow 1,000 additional
20 residential units and add conditions related to impacts of the additional units, and amend
21 the permitted land uses on certain tracts, being duly recorded November 28, 2018, in
22 Official Records Book 2321, Page 0528, of the Public Records of Flagler County,
23 Florida; and
24
25

1 WHEREAS, on March 5, 2019, the City Council approved Resolution # 2019-20,
2 the Sixth Amendment to the Palm Coast Park DRI DO which deletes a 6.1-acre parcel
3 from the DRI boundaries being duly recorded May 20, 2019, in Official Records Book
4 2356, Page 317, of the Public Records of Flagler County, Florida. The revised DRI
5 Property is shown in Exhibit "A" to this Amended and Restated DRI; and

6 WHEREAS, on October 1, 2019, the City Council approved Resolution # 2019-
7 88, the Seventh Amendment to the Palm Coast Park DRI DO which relocated the
8 location for the dedication of new lands to Flagler County School Board and other
9 housekeeping matters, being duly recorded November 8, 2019, in Official Records Book
10 2397, Page 0935, of the Public Records of Flagler County, Florida; and

11 WHEREAS, on December 18, 2019, Palm Coast Land, a Florida limited liability
12 company conveyed all its interest in the land to Byrndog PCP, LLC as evidenced by that
13 deed recorded at Flagler County OR Book 2408, page 777, et al. making Byrndog PCP,
14 LLC the Declarant; and

15 WHEREAS, on January 7, 2020, the City Council approved Resolution # 2020-
16 01, the Eighth Amended and Restated Palm Coast Park Development of Regional
17 Impact which, among other things, updated Declarant requirements and acknowledged
18 which requirements are complete, and is recorded in Official Records Book 2416, Page
19 1196, of the Public Records of Flagler County, Florida; and

20 WHEREAS, on July 7, 2021, the City issued its Correction to Scrivener's Error,
21 which was recorded in the Official Records Book 2586, Page 0527 of the Public Records
22 of Flagler County, Florida; and

1 WHEREAS, on January 4, 2022, Declarant exercised its right to convert some
2 it its entitlements to residential units, as evidenced by that Minor Modification as
3 recorded in the Official Records at Book 2656, Page 0766 of the Public Records of
4 Flagler County, Florida; and

5 WHEREAS, whenever an action or approval of the City is referred to herein,
6 except for actions relating to the City Council, the action shall be taken by the City
7 Manager, or designee; and

8 WHEREAS, whenever an action, right or eligibility of the Declarant is referred
9 to herein, the action may be taken by, or the right or eligibility may belong to Palm
10 Coast Park Community Development District ("CDD") but all conditions, covenants
11 and agreements set forth in the Amended and Restated DO are the obligation of the
12 Declarant; and

13 WHEREAS, the Palm Coast Park DRI is a proposed mixed-use development
14 on approximately 4,671 acres located in the City along both sides of US-1, generally
15 between Palm Coast Parkway to the south and Old Kings Road to the north; and

16 WHEREAS, all covenants and conditions set forth herein are agreed to by the
17 Declarant and represent covenants which touch and concern the subject DRI
18 Property described in Exhibit A and run with the land and are thereby binding upon
19 the transferees, successors and assigns of the Declarant.

20 NOW, THEREFORE, BE IT HEREBY ORDERED AND RESOLVED by the City
21 Council, that based upon the following Findings of Fact and Conclusions of Law, and
22 the consent and agreement of the Declarant, and subject to the following terms and
23 conditions, the City Council hereby approves this 8th Amended and Restated DO,
24 pursuant to the provisions of Section 380.06, *Florida Statutes*, and other applicable
25 State laws, and the codes and ordinances of the City:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PART I

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The above Recitals/Whereas clauses are hereby adopted and incorporated into this Amended and Restated DO.

2. The DRI Property is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, *Florida Statutes*.

3. The Palm Coast Park DRI is consistent with the State's Comprehensive Plan as set forth at Chapter 187, *Florida Statutes*.

4. The Palm Coast Park DRI is consistent with the Strategic Regional Policy Plan adopted by the NEFRC.

5. The Palm Coast Park DRI is consistent with the City's Comprehensive Plan.

6. The public hearing to consider this Amended and Restated DO was properly noticed and held by the City Council pursuant to Section 380.06, *Florida Statutes*.

7. Development of the Palm Coast Park DRI pursuant to the ADA was determined to be consistent with the achievement of the objectives of the adopted State Comprehensive Plan, as codified at Chapter 187, *Florida Statutes*, and will not unreasonably interfere with the achievement of those objectives.

PART II

GENERAL CONDITIONS

1. **ADA.** The Palm Coast Park DRI shall be developed in accordance with the development plan, information, and commitments contained in the following: (i) ADA dated June 10, 2003; (ii) the First ADA Sufficiency Response dated October 29, 2003; (iii) the Second ADA Sufficiency Response dated February 20, 2004; and

1 (iv) Palm Coast Park Master Plan, Map H, attached as **Exhibit "B"** hereto (the
2 "Master Plan"), all of which are incorporated herein by reference except to the extent
3 of any conflict with the express terms of this Amended and Restated DO.

4 **2. Notice of this Development Order.** Notice of this Amended and
5 Restated DO and any subsequent amendment hereto shall be recorded by Declarant
6 in accordance with the provisions of Sections 28.222 and 380.06, *Florida Statutes*,
7 with the Clerk of the Circuit Court of Flagler County, Florida. Any subsequent
8 owner/developer or assignee from Declarant shall be subject to the provisions
9 contained in this Amended and Restated DO. Any contract or agreement for sale by
10 Declarant of all or any portion of the Palm Coast Park DRI shall contain a legend
11 substantially in the following form clearly printed or stamped thereon.

12 THE PROPERTY DESCRIBED HEREIN IS PART OF THE
13 PALM COAST PARK DEVELOPMENT OF REGIONAL
14 IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER,
15 NOTICE OF WHICH IS RECORDED IN THE PUBLIC
16 RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH
17 IMPOSES CONDITIONS, RESTRICTIONS AND
18 LIMITATIONS UPON THE USE AND DEVELOPMENT OF
19 THE SUBJECT PROPERTY WHICH ARE BINDING UPON
20 EACH SUCCESSOR AND ASSIGN OF PALM COAST LAND,
21 LLC. A COPY OF THE DEVELOPMENT ORDER MAY BE
22 REVIEWED AT THE COMMUNITY DEVELOPMENT
23 DEPARTMENT, CITY OF PALM COAST.

24 **3. Land Use Totals.**

1 (a) The Palm Coast Park DRI was originally approved for the
 2 following development criteria (the "Original Entitlements"):

<u>Land Use</u>	<u>Gross Blvd./ Bldg. Area or Units or Area</u>	<u>Ac.*</u>
Residential	3,600/DUs	1,600 Acres
Office	800,000/SF	140 Acres
Commercial	1,500,000/SF	500 Acres
Industrial	800,000/SF	300 Acres
Institutional	100,000/SF	20 Acres

10 Common Area 2,214 Acres **

11 *The Palm Coast Park DRI is planned as an integrated mixed-use
 12 development. As a result, land uses will be integrated, rather than specifically
 13 assigned to a designated area. Consequently, acreage is approximate for each
 14 land use.

15 ** Common Area includes all open space, areas for preservation, conservation,
 16 and greenbelts that may be available for the common use and enjoyment of all
 17 Palm Coast Park DRI Property owners and visitors.

18 (b) The Palm Coast Park DRI is presently approved for the following
 19 development criteria (the "Present Entitlements"):

<u>Land Use</u>	<u>Gross Blvd./ Bldg. Area or Units or Area</u>	<u>Ac.*</u>
Residential	4,960 6,454/DUs (includes increase from conversion of entitlements in January 2022 and current increase) (1,000 of these units will be restricted to multi-family use – Declarant will provide binding letter/notice to City to identify Tracts to be limited to multi-family)	4528 1686 Acres
Office	800,000 486,962 SF (includes reduction from	140 85 Acres

conversion of entitlements in
January 2022)

Commercial	4,179,800 <u>1,072,400</u> SF (includes reduction from conversion of entitlements in June 2014 and the current reduction)	475 <u>357</u> Acres
Industrial	800,000 <u>1,100,000</u> SF (includes current increase)	300 <u>315</u> Acres
Institutional	100,000 SF	20 Acres
Common Area		2,214 Acres **

*The Palm Coast Park DRI is planned as an integrated mixed-use development. As a result, land uses will be integrated, rather than specifically assigned to a designated area. Consequently, acreage is approximate for each land use category and subject to change as conversion occurs.

** Common Area includes all open space, areas for preservation, conservation and greenbelts that may be available for the common use and enjoyment of all Palm Coast Park DRI Property owners and visitors.

In addition to the above land uses, public schools, fire and rescue stations and other public facilities that are required by this Amended and Restated DO are allowable uses within the Palm Coast Park DRI.

(b) Of the Present Entitlements identified in Section 3(a) above, the following are the currently remaining entitlements that have not been assigned to specific parcels of property within the current DRI Property:

Land Use	Approved	Sold	Remaining*
Residential	4,960 <u>6,454</u> Units	4,960 <u>5,234</u> Units	0 <u>1220</u> Units
Office	800,000 <u>486,962</u> Sq. Ft.	362,000 Sq. Ft.	438,000 <u>124,962</u> Sq. Ft.

1	Retail/Commercial	1,317,800	821,000 Sq. Ft.	358,800
2		<u>1,072,400</u> Sq.		<u>251,400</u> Sq. Ft.
3		Ft.		
4	Institutional	100,000 Sq. Ft.	75,000 Sq. Ft.	25,000 Sq. Ft.
5	Industrial	800,000	600,000 Sq. Ft.	200,000
6		<u>1,100,000</u> Sq.		<u>500,000</u> Sq. Ft.
7		Ft.		

8 * All remaining entitlements are owned by Declarant and have not been assigned
9 to any specific property.

10 (c) The entitlements identified as "Sold" in paragraph 3(b) above have
11 been allotted to certain parcels/tracts within the DRI. A current list of these
12 allocations is contained in **Exhibit "K"** attached hereto.

13 **4. Land Use Conversion Table.**

14 (a) Declarant may increase and simultaneously decrease
15 entitlements ("Land Use Conversions"), identified in Part II, Paragraph 3(a), after
16 filing a Notice to the City provided that (i) such changes are consistent with the
17 conversion table attached as **Exhibit "C"** hereto (the "Conversion Table") and this
18 Section, and (ii) such changes do not have a substantial adverse effect or impact
19 on public infrastructure facilities and the community as determined by the City.

20 Land Use Conversions (simultaneous increases and decreases)
21 of the entitlements, as shown in Section 3(b) above, shall be permitted, subject to
22 the following conditions and limitations:

- 23 • Declarant is entitled to conversions of up to 2015% of all
24 particular Land Uses, except to Residential, in the Present Entitlements. Notice of
25 any conversions are required to be submitted to the City Manager's designee so

1 that the City can track conversions and ensure that the 2015% threshold is not
 2 exceeded. The notice to the City shall also contain evidence showing that the
 3 conversion will not result in an adverse impact to the community as more fully
 4 outlined in Section II, Paragraph 10(c).

- 5 • Conversions of all Land Uses, except to Residential, in the
 6 Present Entitlements in excess of 45 20% (but in no event cumulatively more than
 7 30%), and all conversions to Residential, may only occur with City Council approval,
 8 to ensure that substantial and material adverse impacts on public facilities and the
 9 community do not occur as a result of the conversion.

10 At the time of election of a land use conversion under the
 11 Conversion Table, Declarant shall notify the City of the election and shall provide
 12 the City with cumulative land use totals and remaining allowable quantities.

13 As outlined above, the Declarant shall not be permitted to convert Non-
 14 residential uses to residential uses without amendment to this Amended and
 15 Restated DO.

16 5. **Phasing, Buildout and Expiration**¹. The Palm Coast Park DRI shall be
 17 developed in three phases as shown on the following schedule:

Land Use	Phase 1		Phase 2		Phase 3		Total	
	Sq. ft.	Units	Sq. ft.	Units	Sq. ft.	Units	Sq. ft.	Units
Residential		2480 <u>2617</u>		2480 <u>2617</u>		<u>1220</u>		4,960 <u>6,454</u>
Office	200,000		200,000		400,000 <u>86,962</u>		800,000 <u>486,962</u>	
Retail Commercial	208,900		308,900		800,000 <u>572,000</u>		1,317,800 <u>1,089,800</u>	

24
 25 ¹ See **Exhibit "L"** for the current status of this requirement. **Exhibit "L"**
 shall control over anything contrary contained herein.

Land Use	Phase 1		Phase 2		Phase 3		Total	
	Sq. ft.	Units	Sq. ft.	Units	Sq. ft.	Units	Sq. ft.	Units
Industrial	200,000		200,000		400,000 700,000		800,000 1,100,000	
Institutional	40,000		40,000		20,000		100,000	

- Notes: 1) The non-residential uses are stated in square feet of gross building area.
- 2) These land uses shall be integrated into the Palm Coast Park Master Plan Development Zoning as shown on the Master Plan.

During Phase 1, Declarant shall construct or cause to be constructed, at a minimum, the major infrastructure improvements for Palm Coast Park DRI, consisting of the following:

- (a) Master water distribution system.
- (b) Master sewage collection system.
- (c) Master effluent transmission system.
- (d) Master underground electric distribution system.
- (e) US-1 frontage park, including, but not limited to, a multi-purpose trail system.
- (f) Hewitt Sawmill Park improvements.
- (g) As part of the major infrastructure improvements for the Palm Coast Park DRI, Declarant shall install, or require other developers to install, conduit for fiber optics, telephone and cable service. Title to all conduit shall be dedicated or otherwise conveyed to the City.

Each phase shall last at least 5 years unless extended pursuant to Section 380.06, *Florida Statutes*, or unless Declarant elects to accelerate the beginning date of a subsequent phase, provided that all mitigation requirements for

1 the particular phase to be affected are met. The end date of a phase shall not be
2 affected by an acceleration of the beginning date.

3 Unused development rights from a particular phase shall carry over into
4 the next phase until buildout. Physical development shall commence no later than
5 June 30, 2006.

6 Although the Palm Coast Park DRI is phased through 2029, buildout may
7 not occur by that date. As a result, the DRI termination date and the expiration date
8 of this Order are both established as of December 31, 2034.

9 6. **Effective Date.** This Amended and Restated DO shall take effect upon
10 approval by the City Council.

11 7. **Monitoring Official.** The City Manager or designee shall be the local
12 official responsible for monitoring the Palm Coast Park DRI for compliance.

13 8. **Downzoning Protection.** The Palm Coast Park DRI, as approved in this
14 Amended and Restated DO, shall not be subject to downzoning or reduction of land
15 uses before December 31, 2034, unless Declarant consents to such change, or the
16 City demonstrates that substantial changes in the conditions underlying the approval
17 of this Amended and Restated DO have occurred or that this Amended and Restated
18 DO was based on substantially inaccurate information provided by Declarant or that
19 the changes are essential to public health, safety and welfare.

20 9. **Election Regarding Environmental Rules.** Pursuant to Section
21 380.06(5)(c), *Florida Statutes*, Declarant has elected to be bound by the rules
22 adopted pursuant to Chapters 373 and 403, *Florida Statutes*, in effect as of the date
23 of the DO, including, but not limited to, the provisions of Section 373.414(13), *Florida*
24 *Statutes*. Such rules shall be applicable to all applications for permits pursuant to
25 those chapters which are necessary for and consistent with the development

1 authorized in this Amended and Restated DO, except that a later adopted rule shall
2 be applicable to an application if:

3 (a) the later adopted rule is determined by the adopting agency to be
4 essential to the public health, safety and welfare, or

5 (b) the later adopted rule is being adopted pursuant to Section
6 403.061(27), *Florida Statutes*; or

7 (c) the later adopted rule is being adopted pursuant to a subsequently
8 enacted statutorily mandated program; or

9 (d) the later adopted rule is mandated in order for the State to
10 maintain delegation of a Federal program; or

11 (e) the later adopted rule is required by State or Federal law.

12 Nothing in this Section shall be construed to alter or change any
13 permitting agency's authority to approve permits or to determine applicable criteria
14 for longer periods of time.

15 **10. Level of Service Standards.**

16 (a) The Palm Coast Park DRI shall be required to meet all level of service
17 standards in the City's Comprehensive Plan and all requirements of the City's
18 concurrency management system. However, pursuant to Section 163.3180(12,
19 *Florida Statutes*, if authorized by the City's Comprehensive Plan, the Declarant may
20 satisfy the transportation concurrency requirements by meeting the transportation
21 conditions contained in this Amended and Restated DO and paying all City
22 transportation impact fees.

23 (b) Because Declarant completed the DRI's offsite mitigation obligations
24 (as identified in the attached **Exhibit "L"**), the City hereby agrees that all owners
25 within the current DRI Property are vested for water, sewer, traffic, park, and all other

1 public services for the Present Entitlements identified in Section 3(b) above. The City
2 has, or will, upload all vested traffic counts on a bi-annual basis in their modeling and
3 forecasting systems so that all of Declarant's vested traffic rights are accounted for.
4 The DRI has been vested with school concurrency for the first 3,960 residential
5 dwellings only. Nothing contained herein shall be construed to waive the City's right
6 to collect all types of impact fees from each property owner at the times delineated
7 in the City's Unified Land Development Code ("ULDC"). Further, while the Declarant
8 has satisfied all of its parks and open space requirements, all residential
9 developments that occur within the DRI DO shall provide for its residents' standard
10 and customary amenities that usually are associated with the type of residential
11 dwelling built. For example, if a single-family subdivision is built, a typical amenity is
12 a clubhouse. If a multi-family community is built, a typical amenity is a swimming pool
13 and an on-site playground or dog park. These examples are intended to be
14 illustrative, non-comprehensive, and non-binding. Rather, the examples are intended
15 to provide a sampling of standard and customary amenities typically associated with
16 different types of residential communities.

17 (c) Should Declarant choose to convert land use, as outlined more
18 specifically in Section 4 herein, Declarant shall be required to assess the impact of
19 the conversion on the public water, sewer, and other public services which will be
20 impacted by such conversion (but not traffic as the conversion method used is based
21 on equivalent trips). After a review of the impacts on the public services, and a finding
22 that the Level of Service standards will be met after the conversion, the Declarant's
23 conversion shall be vested. A finding of vesting shall be issued, in writing, by the City
24 Manager, or other designee. If the Level of Service standard is not met, such finding
25 shall be issued by the City Manager, or other designee.

1 (d) If the Declarant does not assign or develop all the ~~Original~~ Present
2 Entitlements for which the Palm Coast Park DRI is vested, the Declarant shall retain
3 rights to develop the remaining entitlements and retain its vested rights for such
4 within the DRI Property. Declarant may, at Declarant's sole discretion, choose to
5 apply the remaining entitlements to future development on the DRI Property, or to
6 properties that the City approves for annexation into the Palm Coast Park DRI.

7 11. **Biennial Reporting.**² This requirement has been deleted as the
8 requirements contained in the DRI DO have either been completed or have been
9 specifically assigned to the respective property owner to which the requirements are
10 applicable, as shown in Exhibit "L". Further, the Statutes and rules regulating
11 Developments of Regional Impacts no longer require biennial reporting, unless
12 required by the City.

13 12. **Application for Proposed Changes.** Declarant shall submit to the City
14 any applications for proposed changes to the Palm Coast Park DRI. Declarant shall
15 be the only party, other than that City, that may apply for changes to the Palm Coast
16 Park DRI.

17 13. **Limitations of Approval.** The approvals provided in this Amended and
18 Restated DO shall not be construed to obviate the duty of Declarant to comply with
19 all other applicable local or State permitting procedures.

20 14. **Notices.** Any and all notices required or allowed to be given in
21 accordance with this ~~Eighth~~ Ninth Amended and Restated DO shall be mailed or
22 delivered as follows:
23
24

25 ² See **Exhibit "L"** for the current status of this requirement. **Exhibit "L"**
shall control over anything contrary contained herein.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

To Declarant: ~~Palm Coast Land~~ Byrndog PCP, LLC
145 City Place, Suite 300 301
Palm Coast, Florida 32164
Attn: Manager

To the City: City of Palm Coast
160 Lake Avenue
Palm Coast, Florida 32164
Attn: City Manager
Telephone: (386) 986-3702

15. **Severability.** In the event any stipulation, or any portion of any Section of this Amended and Restated DO shall be declared invalid, illegal, or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the approval granted herein, and other stipulations, or the other provisions of the affected stipulation, which shall remain in full force and effect as if the stipulation or portion or Section thereof so declared invalid, illegal, or unconstitutional, were not originally a part hereof, provided, however, that if the result of the severance of the stipulation or portion or Section results in harm to the public health, safety or welfare; results in a public harm; or substantially negates a public benefit or imposes a public burden; then the provisions of this Amended and Restated DO shall be deemed not severable and this Amended and Restated DO shall be reformulated and reconstituted by the City to address said matters.

1 16. **Rendition of Order to DEO.** Consistent with changes in Florida Statutes
2 regulating DRIs, rendition of this DO to DEO is not required.

3 17. **Annexation of Additional Lands.**

4 The Declarant may amend this Amended and Restated DO to annex
5 additional adjacent lands into the Palm Coast Park DRI (“Annexed Lands”). Any
6 annexation shall be made through the DRI DO amendment process. School
7 concurrency will be determined based on Part II, Paragraph 10(b).

8 18. **Other General Conditions.**

9 (a) ~~Notwithstanding any provision~~ Except as contained in this
10 Amended and Restated DO to the contrary, the City shall have no financial
11 responsibility to contribute to or participate in the funding, design, engineering,
12 permitting, and/or construction of improvements to State roads, County roads, or
13 roads constructed or to be constructed within the DRI Property.

14 (b) Development of the DRI Property based upon this Amended and
15 Restated DO shall comply with all applicable Federal, State and local laws, codes,
16 ordinances, rules and regulations which are hereby incorporated herein by this
17 reference.

18 (c) The Declarant acknowledges that the requirements and
19 conditions of this Amended and Restated DO as set forth herein result from the
20 impacts of development of the DRI Property on public facilities and systems, are
21 reasonably attributable to the development of the DRI Property, are based upon
22 comparable requirements and commitments that the City or other agencies of
23 government would reasonably expect to require a developer to expend or provide,
24 and are consistent with sound and generally accepted land use planning and
25 development practices and principles.

1 (d) This Amended and Restated DO and its terms and conditions and
2 all of the promises, commitments, obligations, covenants, liabilities, and
3 responsibilities of the Declarant touch and concern the DRI Property and shall
4 continue to run with, follow and burden the DRI Property. To this end, the promises,
5 commitments, obligations, covenants, liabilities, and responsibilities provided for
6 herein shall inure to the benefit of the City and shall operate as a perpetual burden
7 and servitude upon the DRI Property unless released by the City by means of an
8 appropriate recordable instrument approved and executed by the City. The
9 promises, commitments, obligations, covenants, liabilities, and responsibilities
10 provided for herein shall be binding upon the Declarant and the Declarant's heirs,
11 transferees, assigns and successors in interest (specifically including, but not by way
12 of limitation, building permit applicants and any person or entity developing any part
13 of the DRI Property) and shall inure to the benefit of the City and its assigns and
14 successors in interest as to all parts and each part of the DRI Property. The
15 Declarant shall pay any and all costs of recording instruments in the public records
16 of the County.

17 In addition to the foregoing general conditions, the following specific
18 conditions are included in this Amended and Restated DO to mitigate identified
19 regional impacts.

20 PART III

21 SPECIFIC CONDITIONS TO THIS DEVELOPMENT ORDER³

22
23
24 ³ Except for Section 1(d), below, the requirements contained in this Part III
25 are part of the original 2004 DRI DO. The current status of these
requirements, as amended, are attached as **Exhibit "L"** and if in conflict
with Part III, Exhibit "L" shall control, except that 1(d) will apply
regardless.

1 **1. Vegetation and Wildlife.**

2 (a) The Declarant shall preserve at least 116 acres of gopher tortoise
3 habitat prior to commencing any development activities on the DRI Property.
4 Preservation shall be accomplished as follows: (i) preserving the 44.66-acres shown
5 as Tract C on **Fourth Revised Exhibit "D"** hereto, through granting a perpetual
6 conservation easement to the Florida Fish and Wildlife Conservation Commission
7 ("FFWCC"), in a form acceptable to the FFWCC, within 1 calendar year from the
8 effective date of the DO; and (ii) preserving an additional 71.34-acres of gopher
9 tortoise habitat within 2 calendar years from the effective date of the DO by either (1)
10 contributing to the purchase of preservation land by payment of a sum equal to
11 \$5,859 per acre, or the prevailing cost per acre in effect at the time of the payment,
12 whichever is greater, to the FFWCC Land Acquisition Trust Fund, (2) preserving an
13 appropriate number of acres of habitat on site, agreeable to the FFWCC, or (3)
14 choosing a combination of items (1) or (2) that equal a total of 71.34 acres of gopher
15 tortoise habitat protection. Any onsite habitat preserve shall encompass at least 25-
16 acres of contiguous gopher tortoise habitat and shall be acceptable to the FFWCC.
17 No construction shall commence on the DRI Property until the Declarant has
18 protected at least 116 acres of gopher tortoise habitat, obtained the necessary
19 gopher tortoise permit(s) from the FFWCC, and complied with all permit conditions.

20 (b) Informational signs or posters shall be located on active
21 construction sites in areas that may contain suitable habitat for the Indigo Snake.
22 The Declarant shall develop an Eastern Indigo Snake Protection/Education Plan (the
23 "Snake Plan"). The Snake Plan shall meet the requirements and standards set forth
24 in the "Standard Protection Measure For The Eastern Indigo Snake" provided on
25

1 Page 12-1 of the ADA Second Sufficiency Response, dated February 20, 2004. The
2 Snake Plan shall be provided to all contractors performing work on the DRI Property.

3 (c) Should listed species be determined to reside on, or otherwise be significantly
4 dependent upon the Palm Coast Park DRI property, the Declarant shall cease
5 all development activities which might negatively affect that individual or
6 population. The DRI Property shall be developed in full compliance with all
7 applicable laws, rules and regulations. The Declarant shall provide proper
8 protection to the satisfaction of all agencies with jurisdiction over the matter.

9 (d) Within 180 days from the effective date of this Amended and Restated
10 DRI, the Declarant shall submit to the City a report indicating the number of
11 gopher tortoises relocated to the above-mentioned area within the DRI Property
12 and shall provide the City a bi-annual gopher tortoise report showing the current
13 status until such updating is no longer required. The City shall not approve the
14 relocation of gopher tortoises to the onsite habitat preserve without consent from
15 the Declarant or assignment from the Declarant to an owner.

16 **2. Wetlands.**

17 (a) Except for those acres impacted by the City which includes but is
18 not limited to those anticipated in that Release of Conservation Easement executed
19 by the Declarant on or about December 20, 2022, development of the Palm Coast
20 Park DRI shall not impact more than 185 acres of wetlands on the DRI Property.
21 Within 90 days from the effective date of this Amended and Restated DRI, the
22 Declarant shall submit to the City a report indicating the number of acres of wetlands
23 impacted within the DRI Property and shall provide the City a bi-annual wetland
24 report showing the current status until such updating is no longer required. The City

1 shall not approve the impact of wetlands in the DRI Property without consent or
2 assignment from the Declarant.

3 (b) Upland buffers adjacent to wetlands shall be established on the
4 DRI Property that are consistent with the City's Land Development Code. At a
5 minimum, the buffers shall include the following:

6 (i) A 25' average width upland buffer around all protected or
7 enhanced wetlands.

8 (ii) To reduce erosion, all swales and drainage ways
9 constructed by the Declarant shall be vegetated or sodded. The inside detention
10 slopes for stormwater ponds shall be sodded. The berm and outside slopes for
11 stormwater ponds shall be hydro-seeded. All slopes steeper than 3:1 (horizontal:
12 vertical) shall be sodded. Only those areas needed for development may be cleared.
13 All cleared development areas shall be hydro-seeded or seeded and mulched
14 immediately. All areas which are covered with vegetation or sod or which are seeded
15 and mulched or hydro-seeded shall be maintained after construction.

16 (iii) Sedimentation of wetlands shall be prevented through
17 adherence to the erosion and sediment control plan submitted as part of the
18 stormwater permit.

19 (iv) Wildfire mitigation management practices will be routinely
20 implemented on all vacant property within the DRI boundaries, specifically in the
21 vegetation areas shown as scrub and brushland, pine flatwoods, coniferous
22 plantations and forest regeneration areas. Mitigation shall include, but is not limited
23 to controlled burning, mechanical mowing or chopping, tree thinning and animal
24 grazing. The Declarant shall implement these practices on normal cycle for this work
25 which is approximately three to five years.

1 (c) The Declarant shall record conservation easements in favor of the
2 St. Johns River Water Management District ("SJRWMD") and the City covering the
3 preserved wetlands on-site. The conservation easements shall be recorded upon
4 recordation of a plat containing the wetlands or upland buffer areas.

5 Should silviculture operations continue prior to the
6 commencement of individual site development, silviculture activities shall be
7 prohibited in that portion of the DRI Property that consists of wetland areas to be
8 preserved and those areas adjacent to wetlands that will be used as buffers to the
9 wetland areas.

10 (d) Prior to the future development of any property within the DRI
11 Property, the The Declarant shall perform field verification of wetland boundaries
12 associated with Conservation FLUM areas which shall be provided to the City in
13 electronic format. After field verification, the delineated Conservation FLUM areas
14 shall be preserved, except where they are crossed by road rights-of-way or
15 easements or rights-of-way for other public facilities, but may be used for mitigation.

16 (e) The Declarant shall promptly provide to the City a copy of all Federal and
17 State environmental permits prior to construction activities being undertaken. The
18 Declarant or its assigns shall be required to comply with all terms and conditions of
19 all such permits. No wetland impacts shall occur without acquiring all necessary State
20 and Federal permits and approvals by the City.

21 **3. Floodplains.**

22 (a) All structures shall have a finished floor elevation a minimum of 1-
23 foot above the FEMA 100-year floodplain. All structures shall also have a finished
24 floor elevation a minimum of 1 foot above the center line of the adjacent roadway.
25 Offsite compensatory storage may be permitted subject to LUA approval. All

1 roadways shall be constructed at or above the FEMA 100-year floodplain. The
2 10-year frequency storm shall be used to calculate the design hydraulic gradient line
3 for local roadways. The maximum hydraulic gradient line for roadways shall be no
4 higher than 6-inches below the edge of pavement.

5 (b) All roads constructed within the Palm Coast Park DRI shall be
6 designed in accordance with criteria of FDOT or the City, as applicable.

7 **4. Water Supply.**

8 (a) A distribution system for reuse (non-potable water) shall be
9 installed concurrent with development of the Palm Coast Park DRI (residential and
10 non-residential). The non-potable distribution system shall be developed parallel to
11 the potable system for all land uses for utilization when reuse water is available.
12 Depending on design requirements and location within the DRI Property, the non-
13 potable distribution system may include or consist of direct pumping from ponds and
14 lakes, as the means for providing non-potable water for irrigation.

15 To the maximum extent feasible, reclaimed water shall be the
16 primary source of water to meet irrigation demand, with surface water from the
17 stormwater management system acting as back up source to meet additional
18 irrigation requirements.

19 (b) The Declarant shall undertake 2 demonstration projects, 1
20 residential and 1 non-residential, which implement and exhibit water-wise
21 landscaping principals which incorporate drought-tolerant or native vegetation. The
22 non-residential demonstration project may be undertaken on a 1-acre site within the
23 frontage park along US-1.

24 (c) Water conservation strategies, including Xeriscape landscape
25 techniques and low flow plumbing fixtures shall be incorporated into the construction,

1 operation, and maintenance phases of the Palm Coast Park DRI, and shall be
2 included in the covenants and deed restrictions. The conservation strategies shall
3 include the following conditions:

4 (i) Within common areas, commercial areas and multi-family
5 residential complexes, 50% of planted vegetation, by aerial extent, shall consist of
6 native, drought-tolerant or Xeriscape vegetation in all landscaped areas. Landscaped
7 areas are defined as any pervious area that will be altered due to development.
8 Wetlands, wetland buffers, vegetative buffers between land uses, stormwater
9 systems and required preservation areas are not included as landscaped areas.
10 Native or drought-tolerant plants include those in the SJRWMD's *Waterwise Florida*
11 *Landscapes*, the Florida Native Plant Society's list of native landscape plants for
12 Flagler County, *A Gardner's Guide to Florida's Native Plants* (Osorio 2001), or
13 comparable guidelines prepared by the Florida Department of Agriculture and
14 Consumer Services, SJRWMD, FFWCC, or FDEP.

15 (ii) The Declarant shall include information on Xeriscape
16 and/or native vegetation and/or drought-tolerant vegetation (SJRWMD Xeriscape
17 Plant Guide), water conservation guides & IFAS's Xeriscape plant guides and IFAS
18 Cooperative Extension Services' "Florida Yards and Neighborhoods" materials in
19 design guidelines.

20 (iii) Fertilizer used within the Project shall contain at least 70%
21 organic or slow-release ingredients, with the exception of limited special purpose
22 fertilizer applications as appropriate.

23 (iv) A comprehensive water conservation plan shall be
24 developed and implemented which addresses:
25

1 such relocation of an easement shall not unreasonably interfere with the City's non-
2 exclusive right to utilize the easement, as relocated, for access to and from the
3 wellhead; (ii) such relocation of the easement shall result in the City's right to and
4 enjoyment of a means of an access to and from the wellhead which is substantially
5 similar to the means of access which the City possessed and enjoyed prior to such
6 alteration or relocation of the easement; (iii) the Declarant shall bear the cost of
7 relocating any roadways, power lines or other facilities serving the well site which are
8 moved as a result of the relocation of any easement; and (iv) relocation of roadways,
9 power lines and other facilities serving a well site shall be accomplished in a manner
10 that does not cause disruption to the production of any existing well or result in
11 degradation, alteration or loss of production of potable water.

12 (e) Within 1 year from the effective date of the DO, a linear easement
13 shall be established that parallels the boundary of the DRI Property abutting the
14 Florida East Coast railroad right-of-way. The easement shall be 65 feet in width, a
15 portion of which shall also be subject to an easement in favor of Florida Power & Light
16 for an electric transmission line. The easement shall provide ingress/egress to access
17 well sites and provide full eastern access along the rail system for emergency vehicles
18 should a train derailment occur. The easement shall be in a form approved by the
19 City.

20 5. **Groundwater Protection.**

21 (a) A buffer zone with a 500-foot radius shall be established around
22 each existing and proposed wellhead where no construction activities involving
23 hazardous materials shall be conducted and no hazardous material and/or waste
24 generation facilities may be constructed. Direct stormwater runoff shall be diverted
25

1 away from these buffer areas to stormwater treatment ponds which shall be located
2 outside of the protection zone.

3 (b) Use of Floridan Aquifer, intermediate (confined surficial), and
4 surficial aquifer wells, that do not fall within the SJRWMD's specific consumptive use
5 permitting requirements (less than 6 inches in diameter), are prohibited on the Palm
6 Coast Park DRI property, unless approved by the City and applicable regulatory
7 agencies, with the exception of Tract 5C as shown on **Fourth Revised Exhibit "D"**
8 hereto, provided that the wells are approved by the applicable regulatory authorities.
9 This prohibition, as with all other provisions of this Amended and Restated DO, shall
10 act as a deed restriction to the DRI Property.

11 (c) Any abandoned wells discovered prior to or during development
12 shall be properly plugged and abandoned in accordance with SJRWMD's rules.

13 (d) The following best management practices shall apply to
14 geotechnical borings:

15 (i) All borings deeper than 20 feet shall be neat cement
16 grouted to the surface to prevent downward migration of surface and subsurface
17 contaminants along the borehole to the shallow intermediate or Floridan Aquifer.

18 (ii) All borings less than 20 feet deep shall be backfilled with
19 the original drilled soil to the surface to prevent the creation of a sump. Where the
20 boring is advanced through asphalt or concrete it shall be patched at the surface with
21 a similar impervious material.

22 (iii) If contamination is detected in any geotechnical boring, the
23 contaminated soil shall not be used as replacement material and the horizontal and
24 vertical extent of the contamination shall be assessed and reported to the City and
25 the appropriate regulatory authority.

1 (e) Any discharge of a regulated substance at regulatory reporting
2 thresholds shall be reported immediately by the facility owner, operator, or
3 responsible party to the City. Such notification shall in no way alleviate the owner,
4 operator, or responsible party from other City, State, and Federal reporting obligations
5 as required by law. All facilities with discharges of any quantity of a regulated
6 substance shall be remediated so that contamination of soil, surface water, or
7 groundwater is brought into compliance with State, local, and/or Federal standards.
8 Clean-up activities shall begin concurrent with or immediately following emergency
9 response activities. This prohibition shall act as a deed restriction within the Palm
10 Coast Park DRI Property.

11 (f) Whenever it is determined by the City or authorized regulatory
12 agency that a discharge of regulated substances is resulting in imminent threat of
13 contamination of groundwater or danger to life or property from the contamination of
14 groundwater, the Declarant shall require immediate corrective action as required by
15 the City. The Declarant hereby grants to the City the right of entry into the DRI
16 Property and the right to take clean-up activities necessary to protect the public
17 health, safety and welfare and to pass on the cost of clean-up activities to the
18 responsible party. Initiation of any required clean-up activities as directed by the City
19 shall commence within 24 hours and shall be completed within the time specified by
20 the City or other regulatory authority. If immediate corrective measures are not taken
21 and there is immediate threat to the City's potable water resources, danger or
22 hardship to the public, the City may enter upon lands, take corrective actions, and
23 place a lien on the real property of such person(s) to recover the costs of the corrective
24 measures. This prohibition, as with all other provisions of this Amended and Restated
25 DO, shall act as a deed restriction within the DRI Property.

1 **6. Wastewater Management.**

2 (a) Development within Palm Coast Park DRI shall occur concurrent
3 with the provision of adequate central sewer service meeting the adopted level of
4 service of the City's Comprehensive Plan.

5 (b) Onsite Wastewater Treatment Systems (septic systems) may be
6 allowed for single family residential areas with lot sizes that contain a minimum of 1-
7 acre of contiguous uplands but only in the area designated as Tract 5C on ~~Fourth~~
8 **Revised Exhibit "D"** hereto; provided, however, that all septic systems must be
9 approved by the appropriate regulatory authority to ensure that ground or surface
10 waters will not be negatively impacted. The City, through coordination with the Flagler
11 County Health Department, may require aerobic treatment units adjacent to lands that
12 the City deems as environmentally sensitive. Temporary above-ground tanks may be
13 used to provide sewage service to construction and marketing trailers until central
14 sewer lines are installed.

15 (c) The Declarant shall identify a minimum 30-acre site acceptable to
16 the City for the purpose of locating new water and wastewater utility plants. The site
17 shall be dedicated to the City within 60 days of the effective date of the DO in a form
18 acceptable to the City. Simultaneously with the conveyance of title to the site for the
19 water and wastewater utility plants, the City shall release its option to purchase a well
20 site that is known as the SW-108 Well Site and its option to purchase a water plant
21 site along US-1.

22 **7. Stormwater Management.**

23 (a) A stormwater pollution prevention construction operating plan
24 ("SWPPP") shall be attached to and incorporated into the construction and permit
25 documents for all projects constructed within the Palm Coast Park DRI that require a

1 general or individual SJRWMD permit. The SWPPP shall be implemented upon
2 initiation of construction activities. The SWPPP shall be similar to the SWPPP
3 provided in **Exhibit "E"** hereto, but may be modified to accommodate the specific
4 construction project and site. Appropriate maintenance personnel shall be required to
5 attend the Florida Stormwater, Erosion and Sedimentation Control Training and
6 Certification Course for Contractors and Inspectors.

7 (b) A Water Quality Monitoring Plan ("WQ Monitoring Plan") shall be
8 developed by the Declarant for review and approval of FDEP. The WQ Monitoring
9 Plan shall include water quality monitoring stations, all of which shall be approved by
10 FDEP. There shall be 2 baseline-sampling events (1 wet and 1 dry) completed prior
11 to initiation of development activities on the DRI Property. When approved, the WQ
12 Monitoring Plan shall be automatically incorporated into this Second Amended and
13 Restated DO.

14 (c) If a golf course is developed on the DRI Property, the following
15 shall be required:

16 (i) Implementation of a Pesticide/Nutrient Management Plan,
17 with a City approved entity identified and appointed to oversee the process. The plan
18 that is adopted and the name of the entity that was appointed to oversee the process
19 shall be provided to the City and the FDEP.

20 (ii) Development and implementation of golf course best
21 management practices from the following publications:

22 • Best Management Practices for Golf Course
23 Maintenance Department.

24 • Florida Green Industries: Best Management
25 Practices for Protection of Water Resources in Florida.

1 The best management practices that are adopted shall be provided
2 to the City and the FDEP.

3 **8. Transportation.**

4 (a) Notwithstanding the phasing schedule that is set forth in Section 5,
5 under Part II above, for the purpose of phasing and transportation recommendations,
6 Palm Coast Park DRI is divided into 3 phases based upon ITE trip generation
7 estimates for approved construction, as shown on the following schedule:

8

	Estimated Build-Out	Daily ITE Trips	PM ITE Peak Trips	Cumulative ITE Trips	
				Daily	PM Peak
Phase 1	2019 <u>24</u>	32,834	3,145	32,834	3,145
Phase 2	2024 <u>29</u>	33,965	3,316	66,799	6,461
Phase 3	2029 <u>36</u>	38,569	3,772	105,368	10,233

9
10
11
12

13
14 (b) The Declarant shall provide all rights-of-way and associated
15 easements and facilities necessary to construct the internal roadway network and shall
16 be responsible for constructing the internal roadway network. The creation of the
17 rights-of-way shall be in a form acceptable to the City.

18 (c) The Declarant shall be responsible for the construction of all turn
19 lanes and traffic signals (as required) providing direct access to Palm Coast Park DRI
20 as well as the conveyance of additional necessary rights-of-way.

21 (d) Declarant's proportionate share contribution to mitigate offsite
22 transportation impacts for Palm Coast Park DRI, equal to 10,233 PM Peak Hour Trips,
23 totals \$14,021,000, as shown on **Exhibit "F"** hereto. Pursuant to Section
24 163.3180(12), Florida Statutes, the Declarant shall mitigate offsite transportation
25 impacts for Palm Coast Park DRI by paying to the City the amount of \$7,271,000 and

1 paying the cost of the IJR in the estimated amount of \$250,000 for a total contribution
2 of \$7,521,000 ("Traffic Mitigation Pipeline Amount"), and in addition, Declarant hereby
3 waives its right to impact fee credits for impact fees that are paid in connection with
4 development within the Palm Coast Park DRI (the "Palm Coast Park Impact Fees").
5 Based upon current impact fees, the Palm Coast Park Impact Fees are estimated at
6 \$6,750,034, and consequently the value of Declarant's proportionate-share
7 contribution upon execution of this agreement is estimated at \$14,271,034
8 (\$7,521,000 Traffic Mitigation Pipeline Amount + \$6,750,034 estimated Palm Coast
9 Park Impact Fees = \$14,271,034). Impact fees are not limited to any amount specified
10 in this paragraph; the Declarant or sub-Declarants will pay the impact fee amounts in
11 effect at the time each building permit is issued. Declarant shall pay the Traffic
12 Mitigation Pipeline Amount, with the exception of the cost of the IJR, to the City within
13 1 year following the date the Palm Coast Park CDD is created, but not later than 18
14 months following the effective date of the DO unless extended by the City and subject
15 to such conditions as the City may impose. Declarant shall pay the cost of the IJR in
16 accordance with Subsection (d) above.

17 Consistent with the requirements of Section 163.3180(12), Florida
18 Statutes, the City shall use the Declarant Proportionate Share Contribution to (i)
19 complete the four (4) laning of Matanzas Woods Parkway from US-1 to Belle Terre
20 Parkway (ii) some portion or all of regionally significant transportation facilities,
21 including but not limited to those shown on the following schedule, consistent with the
22 City's budgetary practices and limitations:
23
24
25

CITY TRAFFIC MITIGATION

Improvements	Location	2004 Estimated Cost
Add Traffic Signal Control (Completed)	Intersection of Belle Terre Parkway at Pine Lakes Parkway (N)	\$250,000
Add Traffic Signal Control (Completed)	Intersection of Belle Terre Parkway at Bellaire Drive	\$250,000
Intersection Improvement (Completed)	Fix Culvert Problem at Pine Lakes Parkway and Palm Coast Parkway	\$850,000
4-Lane Belle Terre Parkway (Completed)	Bellaire Drive to Matanzas Woods Parkway	\$7,900,000
4-Lane Matanzas Woods Parkway	Belle Terre Parkway to I-95	\$1,400,000
<u>Connector Road</u>	<u>Connecting Belle Terre Parkway to US 1</u>	\$ _____

The Traffic Mitigation Pipeline Amount may be funded by the Declarant through the Palm Coast Park CDD in a manner acceptable to the City. Payment of the Traffic Mitigation Pipeline Amount and waiver by the Declarant of its right to impact fee credits in connection therewith shall mitigate all of Palm Coast Park DRI's non-state roadway impacts in the entirety for 10,233 Peak Hour Trips.

(e) In addition to the Overpass/Interchange Status Report, each Monitoring Report shall include a PM Peak Hour Traffic Analysis of US-1 and I-95 as follows:

Road	From	To	Segments to Monitor by Report Year		
			Phase 1 2004-2018 2024	Phase 2 2019-2023 2025-2029	Phase 3 2024 2030 and beyond
US-1	CR 304	Belle Terre Parkway	No	No	Yes

Road	From	To	Segments to Monitor by Report Year		
			Phase 1 2004-2018 2024	Phase 2 2019-2023 2025-2029	Phase 3 2024 2030 and beyond
US-1	Belle Terre Pkwy	Royal Palms Pkwy	No	Yes	Yes
US-1	Royal Palms Parkway	I-95	Yes	Yes	Yes
US-1	I-95	SR-206	No	No	Yes
I-95	Old Dixie Highway	SR-100	No	No	Yes
I-95	SR-100	Palm Coast Pkwy	No	Yes	Yes
I-95	Palm Coast Pkwy	US-1	No	Yes	Yes
I-95	US-1	SR-206	No	Yes	Yes
I-95	SR-206	SR-207	Yes	Yes	Yes
I-95	SR-207	SR-16	No	Yes	Yes
I-95	SR-16	International Golf Pkwy	No	No	Yes

The traffic study shall include the evaluation of PM peak hour conditions for each roadway segment identified on US-1 and I-95, and include an evaluation of all signalized intersections within the limits of US-1, from Palm Coast Parkway north to I-95, as well as the unsignalized intersections of the I-95 ramps with US-1, subject to the phased segment limits described above. The traffic study shall include a projection of background and Project traffic for the next 2-year period and the resulting projection of the level of service for those roadways at the end of the 2-year period. Project traffic shall include the impacts of all existing Project development, and all Project development likely to receive building permits during the next 2-year period. At a minimum, the traffic study methodology and the study results

1 shall be supplied to the NEFRC and the FDOT (District 5 and District 2) for review and
2 shall be subject to written approval by the City and DEO. The evaluation of I-95 shall
3 be based on the most recent Annual Average Daily Traffic volume, as identified by
4 the FDOT, converted to a 2-way peak hour volume using a K^{100} factor, calculated from
5 FDOT data for the closest continuous count station.

6 The traffic study shall include an assessment of 2-way external PM
7 peak hour trips (defined as total trips minus internal trips minus pass-by trips) for the
8 existing Project and Project traffic for the next 2-year period. The phase of the Project
9 will be defined by the number of Project external PM peak hour 2-way trips (whichever
10 is reached first), as identified below:

Phase	Year	Cumulative Project External PM Peak Hour 2-Way Trips
1	2019 <u>24</u>	2,596
2	2024 <u>29</u>	5,083
3	2029 <u>36</u>	7,304

15 The Monitoring Report shall be used for the following purposes:

- 17 • To determine the operational conditions of US-1 and I-95 given
18 their current rural, free-flow characteristics and changes anticipated over time to an
19 urban, interrupted-flow arterial and interstate.
- 20 • To evaluate the impact to US-1 and I-95 in the event construction
21 of the Overpass or Interchange is delayed or not constructed.

22 Based upon accepted peak hour analysis procedures standard to the
23 traffic engineering profession, the Monitoring Report shall identify the following on the
24 relevant segments of US-1 and I-95:
25

1 • Level of service adopted by the City and FDOT.
2
3 • Applicable area type associated with US-1 and I-95 (e.g., rural,
4 transitioning or urban) as from time to time adopted by the appropriate authorities and
5 used by the City and FDOT to adopt and modify level of service requirements.

6 • Service volume as adopted by the City and FDOT.
7 • Spacing of approved and proposed full median openings/traffic
8 signals and a statement of compliance with the FDOT Access Management
9 requirements.

10 • Spacing of approved and proposed directional access locations
11 (including directional left-turn median openings and right-in/right-out access) and a
12 statement of compliance with the FDOT Access Management requirements.

13 • Identification of joint access driveways.
14 • Identification of improved roadways parallel to US-1 which reduce
15 direct access from the Palm Coast Park DRI to US-1 or increase corridor capacity.

16 The Monitoring Report shall include daily traffic counts on US-1 indicating
17 hourly directional flows collected at up to 4 locations between full median accesses
18 located at active entrances to the Palm Coast Park DRI. For purposes hereof, an
19 active entrance is any entrance on US-1 that provides access to a development area
20 within the Palm Coast Park DRI that has received a certificate of occupancy. Daily
21 traffic counts shall be averaged from traffic counts conducted over a consecutive 72-
22 hour period beginning no earlier than 12:00 p.m. (noon) on a typical Monday and
23 ending no later than 12:00 p.m. (noon) on a typical Friday. The traffic counts shall be
24
25

1 factored to peak-season values using FDOT's weekly count factors maintained for
2 Flagler County.

3 The Monitoring Report shall indicate the level of service for the relevant
4 segments of US-1 and I-95 according to the procedures set forth in the current version
5 of the Highway Capacity Manual as may be implemented by software approved by
6 FDOT (e.g., the current version of the Highway Capacity Software). The Monitoring
7 Report shall identify the existing peak-hour level of service and the projected peak-
8 hour level of service based upon the traffic impacts from the planned development
9 within the Palm Coast Park DRI over the following 2 years. If roadway improvements
10 are required to maintain the adopted level of service on US-1 and I-95, the
11 improvements shall be identified and if they are not funded for construction within 3
12 years of the projected need, the density/intensity of development within the Palm
13 Coast Park DRI shall be limited to the extent necessary to maintain the Adopted US-
14 1 Service Level.
15

16 The Declarant may elect, at its discretion, to study a longer horizon period
17 to provide advance identification of potential capacity deficiencies on US-1. Advance
18 identification of deficiencies may allow for the planning, programing and funding of
19 improvements in a timely manner thereby avoiding the potential interruption of
20 development within the Palm Coast Park DRI.
21

22 A roadway segment shall be determined to be significantly impacted by
23 the proposed development if, at a minimum, the traffic projected to be generated at
24 the end of any phase of the Project, cumulatively with previous phases, will utilize 5%
25

1 or more of the adopted peak hour level of service maximum service volume of the
2 roadway.

3 If and when the service level for a roadway listed in the Monitoring Report,
4 which the Project significantly impacts, falls below the adopted level of service in the
5 City's Comprehensive Plan for US-1, prior to buildout of the Project, no further building
6 permits shall be issued until mitigation measures and/or improvements which would
7 achieve the minimum acceptable levels of service are guaranteed and scheduled, as
8 follows:

9 • **SCHEDULE AND GUARANTEE OF IMPROVEMENTS** – If and
10 when required to allow additional building permits to be issued, a schedule shall be
11 provided by the Declarant which specifically provides for the mitigation of impacts
12 from the Project on each significantly impacted relevant segment of US-1 and I-95
13 which will operate below the adopted level of service standard at the end of buildout
14 of each phase of the Project, or alternatively, a subset stage of that phase. The
15 schedule shall ensure that each and every improvement to relevant segments of US-1
16 and I-95 which is necessary to achieve the adopted level of service standard for that
17 stage or phase of the Project shall be guaranteed to be under actual construction.
18 This guarantee shall be in the form of (i) a clearly identified, executed and recorded
19 local government development agreement, consistent with Sections 163.3220
20 through 163.3243, Florida Statutes, that is attached as an exhibit to a development
21 order, and which ensures, at a minimum, that all needed roadway improvements will
22 be available concurrent with the impacts of development, consistent with Section
23 163.3180(2)(c) Florida Statutes; (ii) The City's CIE adopted pursuant to Rule 9J-
24 5.0055(3)(c), *Florida Administrative Code*, concurrency management system in its
25 Comprehensive Plan; (iii) an FDOT commitment in the current 5 years of the Adopted

1 Work Program for Florida Intrastate Highway System (FIHS) facilities in construction
2 within the first 3 years of the Adopted Work Program for all other facilities to provide
3 all needed roadway improvements; (iv) a binding and enforceable commitment in a
4 development order by the Declarant to provide all needed roadway improvements
5 concurrently with the development schedule approved in the development order; or
6 (v) any combination of guarantees (i) thru (iv) above that ensures that all needed
7 roadway improvements will be provided concurrently with the development schedule
8 approved in the development order.

9 In addressing the construction of the needed roadway improvements to
10 the relevant segments of US-1 and I-95, the schedule shall list all roadway
11 improvements needed to be constructed by phase or stage, the anticipated date of
12 completion for the construction of each needed improvement, the party responsible
13 for the construction of each improvement, and the form of the commitment that relates
14 to the construction of each improvement.

15 As part of the Monitoring Report, the status of the road improvements
16 shall be assessed and reported. The City shall evaluate the appropriateness of
17 issuing additional building permits if the Monitoring Report reveals that any needed
18 transportation improvements as set forth herein are no longer scheduled, or have
19 been delayed in schedule, such that the Declarant or it assigns no longer needs to
20 ensure that the planned roadway improvements for that stage or phase of the Project
21 will be constructed within the planned time frame.

22 A change to the approved development schedule for the Project, as
23 opposed to a change to the schedule of needed improvements, will need to be
24 addressed through the notification of proposed change provisions of Section
25 380.06(19), *Florida Statutes*.

1 ● **PROPORTIONATE SHARE PAYMENTS** – This option shall only
2 be available to the extent that the FDOT, for facilities on the State Road System,
3 agrees to accept proportionate share payments as adequately mitigating the impacts
4 of the Project on the significantly impacted portions of US-1 and I-95. Such an
5 agreement shall be attached as an exhibit to a development order and shall be in the
6 form of either a clearly identified, executed and recorded local government
7 development agreement, consistent with Sections 163.3220 through 163.3243,
8 Florida Statutes; an interlocal agreement; a FDOT joint participation agreement; or a
9 written acceptance by the affected local government governing board or the FDOT
10 (District 5 and District 2), as appropriate.

11 For purposes hereof, "proportionate share payment" means a
12 contribution from a Declarant or owner of a DRI to the local government or the
13 governmental agency having maintenance responsibility for those facilities, which
14 makes adequate financial provision for the public transportation facilities needed to
15 accommodate the impacts of the proposed development. The proportionate share
16 payment shall be deemed to make adequate financial provision for such facilities if it
17 is equal to or greater than the sum of the costs of improvements attributable to the
18 proposed development derived from the application of the following formula. The
19 costs of improvements attributable to the proposed development are based upon the
20 sum of the cost of improving each significantly impacted state and regional roadway
21 which will operate at worse than the level of service standard in the local government's
22 approved comprehensive plan or the FDOT level of service standards for roads on
23 the Florida Intrastate Highway System at each project stage or project phase and at
24 project buildout. The proportionate share of the cost of improvements of each such
25 roadway is calculated according to the following formula:

1
$$\frac{\text{(DRI trips)}}{\text{(SV increase)}} = \text{cost}$$

2 DRI trips = cumulative number of the 2-way trips from the proposed
3 development expected to reach the roadway during the peak hour from the complete
4 buildout of a stage or phase being approved.

5 SV increase = the change in 2-way peak hour maximum service volume of the
6 roadway resulting from construction of the improvement necessary to maintain the
7 adopted level of service. In determining the SV increase for US-1, the base service
8 volume shall be defined as the service volume for a 4-lane divided uninterrupted flow
9 highway for urban areas as described in the 2002 Quality/Level of Service Handbook,
10 published by the Florida Department of Transportation.

11 Cost = cost of construction, at the time of Declarant payment, of an improvement
12 necessary to maintain the adopted level of service. Construction cost includes all
13 improvement associated costs, including engineering design, right-of-way acquisition,
14 planning, engineering, inspection, and other associated physical development costs
15 directly required and associated with the construction of the improvement, as
16 determined by the governmental agency having maintenance authority over the
17 roadway.

18 **9. Air Quality.**

19 The following dust control measures shall be undertaken by the Declarant
20 during all construction activities throughout build-out of the Palm Coast Park DRI:

21 (a) Contractors shall moisten soil or use resinous adhesives on barren
22 areas, which shall include at a minimum, all roads, parking lots or material stockpiles;

23 (b) Contractors shall use mulch, liquid resinous adhesives with hydro-
24 seeding or sod on all landscaped areas;

1 (c) Contractors shall remove soil and other dust-generating material
2 deposited on paved streets by vehicular traffic, earth-moving equipment or soil
3 erosion; and

4 (d) Contractors shall utilize best operating practices in conjunction
5 with any burning resulting from land clearing, which may include use of air curtain
6 incinerators.

7 **10. Hurricane Evacuation.**

8 (a) All residents of the Palm Coast Park DRI shall be provided by the
9 Declarant with information regarding the vulnerability of the development to the
10 impacts of hurricanes. This information shall take the form of educational materials
11 designed to increase evacuation participation.

12 (b) No residential units shall be developed within the category 1, 2 or
13 3 storm surge inundation zone, based on the final survey and referenced with the
14 storm surge levels indicated in the 1998 Northeast Florida Hurricane Storm Surge
15 Atlas Series.

16 (c) Prior to the construction of the bridge crossing the Hulett Branch,
17 an engineering study shall be completed that includes analysis to ensure the final
18 structure shall remain stable and not be damaged by the surge flow during a hurricane
19 storm event.

20 **11. Affordable Housing.**

21 (a) Prior to the commencement of development of Phase 2 and Phase
22 3, the Declarant shall reanalyze the affordable housing impacts of the Palm Coast
23 Park DRI. The methodology to be utilized to complete this reanalysis and the results
24 of the reanalysis shall be reviewed and approved by the DEO (or its successor), the
25 NEFRC and the City. The reanalysis shall also include an assessment of need for

1 moderate-income housing generated by the Palm Coast Park DRI, including both
2 single-family and multi-family as well as home rentals and home ownership. If the
3 reanalysis indicates that employees within the Palm Coast Park DRI are having a
4 significant problem finding affordable housing in reasonable proximity to their places
5 of work, that impact shall be mitigated as appropriate. This Amended and Restated
6 DO shall be amended to incorporate appropriate mitigation strategies for any
7 identified affordable housing impacts prior to the commencement of Phase 2
8 development.

9 ~~(b) Any addition to the development of the non-residential portion of~~
10 ~~the Palm Coast Park DRI in excess of 200,000 square feet of office space, 300,000~~
11 ~~square feet of retail space, 200,000 square feet of light industrial space and 40,000~~
12 ~~square feet of institutional space during Phase 1 shall require an assessment of new~~
13 ~~affordable housing impacts associated with the employees of the additional non-~~
14 ~~residential development.~~

15 **12. Police and Fire Protection.**

16 (a) The Declarant, or subsequent property owner, shall deed to the City
17 one (1) Fire Station Site, containing 6 acres (unless a lesser amount is requested by
18 the City), which shall be located on Tract 14 directly East of the termination of Peavy
19 Grade Road (a/k/a Wellfield Grade Road) on the East side of US Highway 1 (State
20 Road 5) The afore-mentioned location is generally depicted in **Exhibit "N"** attached
21 hereto. The Fire Station Site shall be deeded to the City, free of charge, via warranty
22 deed and shall be free and clear of liens or encumbrances. The Declarant, or the
23 current owner of Tract 14, shall convey title to the Fire Station Site to the City within
24 180 days following a request by the City. Declarant, or the current owner of Tract 14,
25

1 will pay all costs of closing and will provide title insurance to the City. The conveyance
2 will not include any deed restrictions.

3 (b) Environmental Status. Declarant or owner warrants and represents
4 to City that, to its knowledge, the property to be donated: (i) is free of all hazardous
5 waste or substances except as may be permitted by applicable law; (ii) has been
6 operated and maintained in compliance with all applicable environmental laws,
7 statutes, ordinances, rules and regulations; (iii) no other release of any hazardous
8 waste or substances has taken place on the property; (iv) no migration of hazardous
9 waste or substances has taken place from the property which would cause the release
10 of any hazardous waste or substance on any adjoining lands or any other lands in the
11 vicinity of the property to be donated; and (v) there are no bulk or underground tanks
12 on or in the property to be donated, and, no bulk or underground storage tanks have
13 ever been located on or in the property to be donated.

14 (c) Prior to the construction of any development exceeding 3 stories in
15 height, one of the following scenarios must occur within the 4-mile service delivery
16 area:

17 (i) The operation of an aerial apparatus available on a 24-hour,
18 7 days a week basis; or

19 (ii) The Declarant has contributed a proportionate share of the
20 cost of an aerial apparatus based upon approved non-residential development square
21 footage and residential units in excess of 3 stories within the service delivery area (fire
22 station within 3.5 miles radius). An agreement for provision of service reached
23 between the Declarant and the City with regard to proportionate share contributions
24 may supersede this condition at the City's election.

25 **13. Recreation and Open Space.**

1 (a) By **December 31, 2012** (subject to any permitting delays), the
2 Declarant and the CDD shall design, permit and construct an offsite trail connecting the
3 existing multi-purpose trail system within the Project from its current southern terminus
4 along the eastern side of US-1 to Palm Coast Parkway, and from there, along the
5 northern side of Palm Coast Parkway to the existing sidewalk fronting the Baptist Church
6 site (the "US-1/Palm Coast Parkway Trail Extension"). The location of the US-1/Palm
7 Coast Parkway Trail Extension is shown on **Exhibit "I"** hereto and the design cross-
8 section and specifications for the US-1/Palm Coast Parkway Trail Extension are shown
9 on **Exhibit "J"** hereto. In compensation for the Declarant acting as the CDD's project
10 manager for the design of the Matanzas Woods Parkway Trail, the design and
11 construction of the US-1/Palm Coast Parkway Trail Extension, and obtaining easements
12 from third parties, the City shall relieve and release the Declarant (Florida Landmark
13 Communities, LLC) from its obligation to install sidewalks at Citation Commerce Park
14 (performance bond #104470866) and Seminole Pointe (performance bond
15 #104470869) and hereby authorizes the Declarant to reduce those bond amounts
16 accordingly.

17 (b) The City hereby acknowledges that the Declarant has already
18 satisfied a portion of its requirement to provide recreation and open space at Palm Coast
19 Park by constructing Hewitt Sawmill Park, as well as the direct trail connection between
20 the existing school sites on Belle Terre Parkway through the Community Park Site to
21 the trail within the US-1 Frontage Park. Additionally, the Declarant has constructed a
22 multi-purpose trail system connecting commercial areas with residential areas and
23 recreational amenities within the Project to adjacent sidewalks and trails as shown on
24 **Exhibit "G"** hereto. The Project's internal sidewalk system may be used as connections
25 between trail segments where appropriate. The trail system shall be identified on site

1 plans submitted to the City and shall be consistent with the City's trail plan as provided
2 for in the City's Comprehensive Plan.

3 (c) The Declarant hereby waives any right to park and recreation
4 impact fee credits for park and recreation impact fees that are paid in connection with
5 the development within the Palm Coast Park DRI for donation of the Park Sites, Site
6 Improvements, designing the Matanzas Woods Parkway Trail, constructing the US-
7 1/Palm Coast Parkway Trail Extension and designing and constructing the Access
8 Improvements and the Other Improvements.

9 (d) In order to facilitate the City and Declarant's objective of creating a sports
10 complex while addressing the impacts of 1,000 multi-family units (in the Fifth
11 Amendment to the DRI-DO), the City and the Declarant agree to a Park Site Exchange
12 as follows: (i) The City shall convey Tract A, as identified in the Master Development
13 Plan to the Declarant by special warranty deed, both as described and depicted by
14 Exhibit "1", and (ii) the Declarant shall convey by general warranty deed the Alternate
15 City Park Site to the City, both as described and depicted by Exhibit "2". The
16 conveyances of the parties' respective lands pursuant to the Park Site Exchange shall
17 be free from all encumbrances except easements, reservations, and restrictions
18 acceptable to each other, together with all appurtenances pertaining to the conveyance.
19 Declarant will prepay taxes for the year of closing pursuant to Fla. Stat. 196.295, and all
20 special assessments which have been levied or certified prior to closing on the Alternate
21 City Park Site. One hundred and twenty days before Closing, the Declarant will cause
22 the title company of its choice to issue and deliver to City ALTA title commitments to
23 issue a policy in the amount of the assessed value of the Alternate City Park Site,
24 accompanied by one copy of each document supporting any exceptions to the title
25 commitment. The parties will execute a standard form owner's affidavit and such other

1 affidavits as may be reasonably required by the City, the Title Company, or the Closing
2 Agent. The Declarant will also execute an Affidavit of interest in Real Property pursuant
3 to Fla. Stat. 286.23. The Declarant will execute affidavits declaring that Alternate City
4 Park Site does not currently contain any Hazardous Substances in violation of any
5 applicable environmental laws or regulations, including but not limited to Section 103 of
6 the Comprehensive Environmental Response, Compensation and Liability Act, 42
7 U.S.C. Section 9601 et seq., any “superlien” laws, any superfund laws, or similar federal
8 or state laws, or any successor statutes (“Environmental Laws”), nor to Declarant’s
9 knowledge has any clean-up of their properties occurred pursuant to the Environmental
10 Laws which could give rise to liability to reimburse any governmental authority for the
11 costs of such clean-up or result in a lien or encumbrance. Subsequent to the Park Site
12 Exchange, the City will process changes to the permitted land uses of each as follows:

13 (a) The City Park Site: A land use designation of Mixed Use and a
14 zoning classification of COM-2, High Density Residential and Office which is consistent
15 with the adjacent Tracts.

16 (b) The Alternate City Park Site: A land use designation of Public
17 and a zoning classification of Public/Semi-public. The Declarant shall cause any and all
18 CDD assessment or the CDD’s right to assess the property to be released from said
19 encumbrance.

20 (e) Taking into consideration the amount of land donated by the Declarant to
21 the City of Palm Coast and the release of the City from building a regional park within
22 the boundaries of the DRI Property, the Declarant is vested for its donation of land to
23 the City

1 for required parks and open space for up to 6,454 residential units.

2 Residential units are still obligated to comply with the City's Land Development Code
3 for parks and open space, including a requirement to pay park impact fees and provide
4 on-site parks and open space areas to serve those residents. The Declarant shall
5 receive park impact fee credits due to the Declarant donating land to the City in excess
6 of the amount of land required based on the number of dwelling units. Declarant is
7 providing an extra 16 acres of land as part of the Park Site Exchange in order to facilitate
8 a City sports complex. The Declarant is providing enough park land for 909 dwelling
9 units above the 4960 maximum allowed in this development. Due to the Declarant's
10 excess contribution, impact fees for 909 dwelling units will be credited against the
11 Declarant's total impact fees due for the development. Declarant will provide notice to
12 City of intent to use impact fee credits; such notice shall include the name of selected
13 project within the Palm Coast Park DRI. The parties will then enter into an agreement
14 prior to the award of the credits for that particular project. The Declarant will not be
15 entitled to any more than 4960 dwelling units, however.

16 (f) Additional access from the southern portion of the Alternate City Park Site
17 to US 1 shall be made through the Declarant's property Tracts 17 & 18 via an access
18 easement in a form acceptable to the City unless Declarant and City agree in writing to
19 waive this requirement.

20 **14. Education.**

21 Residential development within the Palm Coast Park DRI shall cease if
22 adequate school facilities are not in place at a time that impacts occur to handle the
23 school age children generated by the Palm Coast Park DRI. The Declarant shall
24 dedicate or cause the project developer to dedicate a 25 acre school site, consisting
25 of all or a portion of Tracts 7A and 7B, to the Flagler County School District.

1 Declarant, ~~or~~ its successors, or project developer shall provide
2 Concurrency Agreements (by letter, resolution or form acceptable to school board) prior
3 to approval of final plat/site plan for ~~the 1,000 multi-family units approved by the Fifth~~
4 ~~Amendment to the DRI-DO~~ any residential units above and beyond 3,600 dwellings.

5 **15. Historical and Archaeological Sites.**

6 The Florida Master Site file has indicated that 2 archeological sites (8FL14,
7 Hewitt's Mill and 8FL186, and the Old King's Road) exist on the DRI Property.

8 No development shall commence within 1/4 mile of archeological sites
9 8FL14, Hewitt's Mill and 8FL186, and the Old Kings Road until the Archaeological
10 Investigation Final Report has been reviewed and accepted by the State Historic
11 Preservation Officer ("SHPO"). Any and all conditions set forth or otherwise agreed
12 to in the SHPO letter of acceptance shall become a condition of this ~~Second~~ Ninth
13 Amended and Restated DO.

14 In the event any other regionally significant historical and archaeological
15 resources are discovered in the course of development, the Declarant shall
16 immediately notify the Division of Historical Resources ("DHR"). No disruption of the
17 findings shall be permitted until the investigation is complete and DHR has rendered
18 a recommendation, which shall be binding to the Declarant.

19 **16. Land Uses and Development.**

20 Development within the Palm Coast Park DRI shall be permitted in
21 accordance with the terms and conditions that are set forth on **Revised Exhibit "H"**
22 hereto which are consistent with the City's Comprehensive Land Use Plan.

23 **17. Right of Way Dedication.**

24 The owner of Tract 17, as identified on **Exhibit "D"** attached to this DRI DO,
25 shall convey to the City of Palm Coast, a one-hundred (100) foot wide right of way at

1 the time of platting Tact 17. The owner of Tract 17 shall convey the right of way for the
2 creation of Peavy Grade (a/k/a Wellfield Grade) and the location of the right of way
3 shall be where the current dirt road exists which is generally depicted in **Exhibit “O”**.

4 At the City’s sole discretion and if the City exercises its option to develop the
5 Connector Road as described above and depicted on Exhibit “B”, the Declarant at its
6 discretion, with the City’s cooperation, may coordinate the design and permitting of
7 the Connector Road. In that event, the City shall, on a quarterly basis, promptly
8 reimburse the Declarant all approved and documented cost and expenses incurred by
9 Declarant during the design and permitting of the Connector Road, which Declarant
10 will complete within 6 months from the date the City exercises its option to develop the
11 Connector Road. Declarant agrees to an audit of its expenses. Within thirty days (30)
12 days of obtaining all permits and approvals to construct the Connector Road, the
13 Declarant shall (i) convey to the City the right of way and all lands necessary to
14 construct the Connector Road by warranty deed, and (ii) assign to the City any and all
15 documents, rights or approvals necessary to construct the Connector Road, including
16 all warranties. Within three (3) years from the date of the recording of the afore-
17 mentioned conveyance or the assignment, whichever is later, the City shall commence
18 construction of the Connector Road. If City fails to commence the construction of the
19 Connector Road within the three years, the City shall pay the Declarant the appraised
20 valued of all lands conveyed to the City as noted above, with said payment being made
21 within sixty (60) days of Declarant’s written demand after the receipt of the appraisal.
22 The City will select the appraiser, and obtain the appraisal.

23 **18. General Utility Easement on Tract A.**

24 Declarant, or its successor in interest, shall cause a written general utility
25 easement, generally depicted in **Exhibit “M”**, to be executed within a reasonable

1 period of time, but in any event, prior to any application for preliminary plat or site plan
2 approval of any portion of Tract A, as identified on **Exhibit “D”** attached to this
3 Amended and Restated DO.

4 **19. Non-Compliance with DRI DO.**

5 If the City Council determines that any development on an individual tract,
6 or portion thereof, is not in substantial compliance with this DRI DO or any other
7 provisions thereof are not complied with, all development on that tract or portion
8 thereof not in compliance shall cease upon resolution issuance by City Council. Said
9 resolution shall specifically identify all steps that need be taken to cure the non-
10 conformance on said tract or portion thereof. When the tract or portion thereof is
11 brought into compliance, as confirmed by the City Manager’s designee, said tract or
12 portion thereof shall be entitled to resume development.

13 20. Time is of the essence of the performance of duties under this Amended and
14 Restated DO.

15 **WHEREFORE**, the parties hereto have caused these presents to be signed all
16 as of the date and year first above written.

17 ATTEST:

CITY OF PALM COAST

18
19 _____
Kaley Cook, Deputy City Clerk

David Alfin, Mayor

DECLARANT'S COVENANT AND AGREEMENT

COMES NOW, the undersigned, and covenant and agree to the foregoing.

WITNESS my hand and official seal this ___ day of _____, 20203.

WITNESSES:

~~PALM COAST LANDS 2006, LLC~~

BYRNDOG PCP, LLC, a Florida
limited liability company

Jeffery R. Douglas, President of Douglas
Property & Development who is the manager of Byrndog PCP, LLC

STATE OF FLORIDA)
COUNTY OF FLAGLER)

The foregoing instrument was acknowledged before me this ___ day of
_____, 20223, by **Jeffery R. Douglas, President of Douglas Property &
Development who is the manager of ~~Palm Coast Lands 2006, LLC~~ Byrndog PCP,
LLC**, (check one) who is personally known to me or who produced _____
_____ as identification.

Signature

(Seal) _____
Printed Name

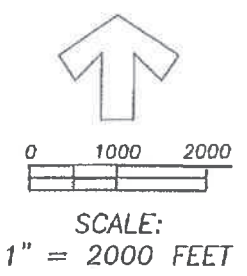
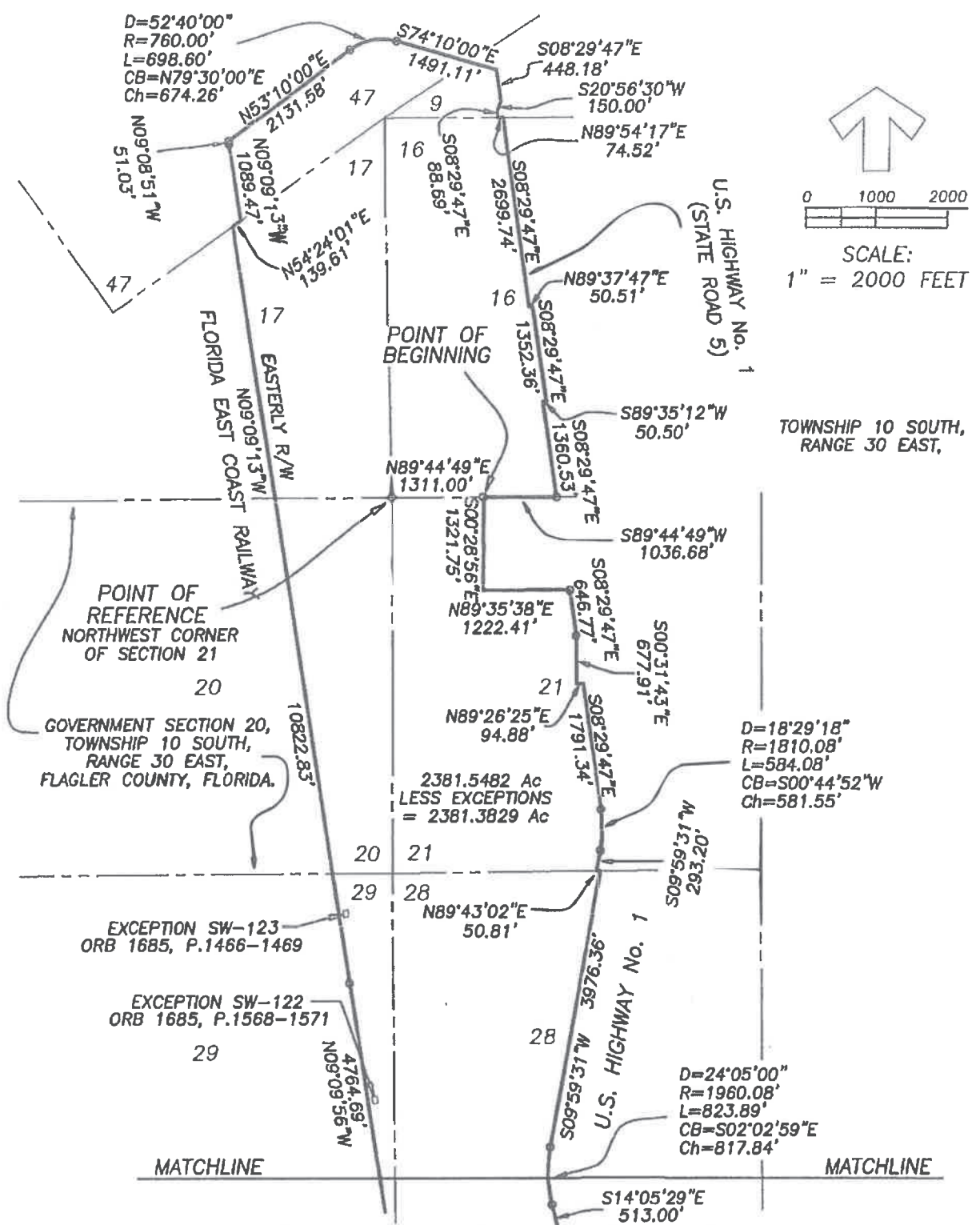
DECLARANT'S COVENANT AND AGREEMENT

COMES NOW, the undersigned, and covenant and agree to the foregoing.

WITNESS my hand and official seal this ____ day of _____, 20223.

SECOND REVISED EXHIBIT "A"

C:\LAND PROJECTS 2007\T1144FLCI RAYONIER PURCHASE\DWG\ACAD-1144-DRI-BOUND-012507.DWG, FEB 07, 2007



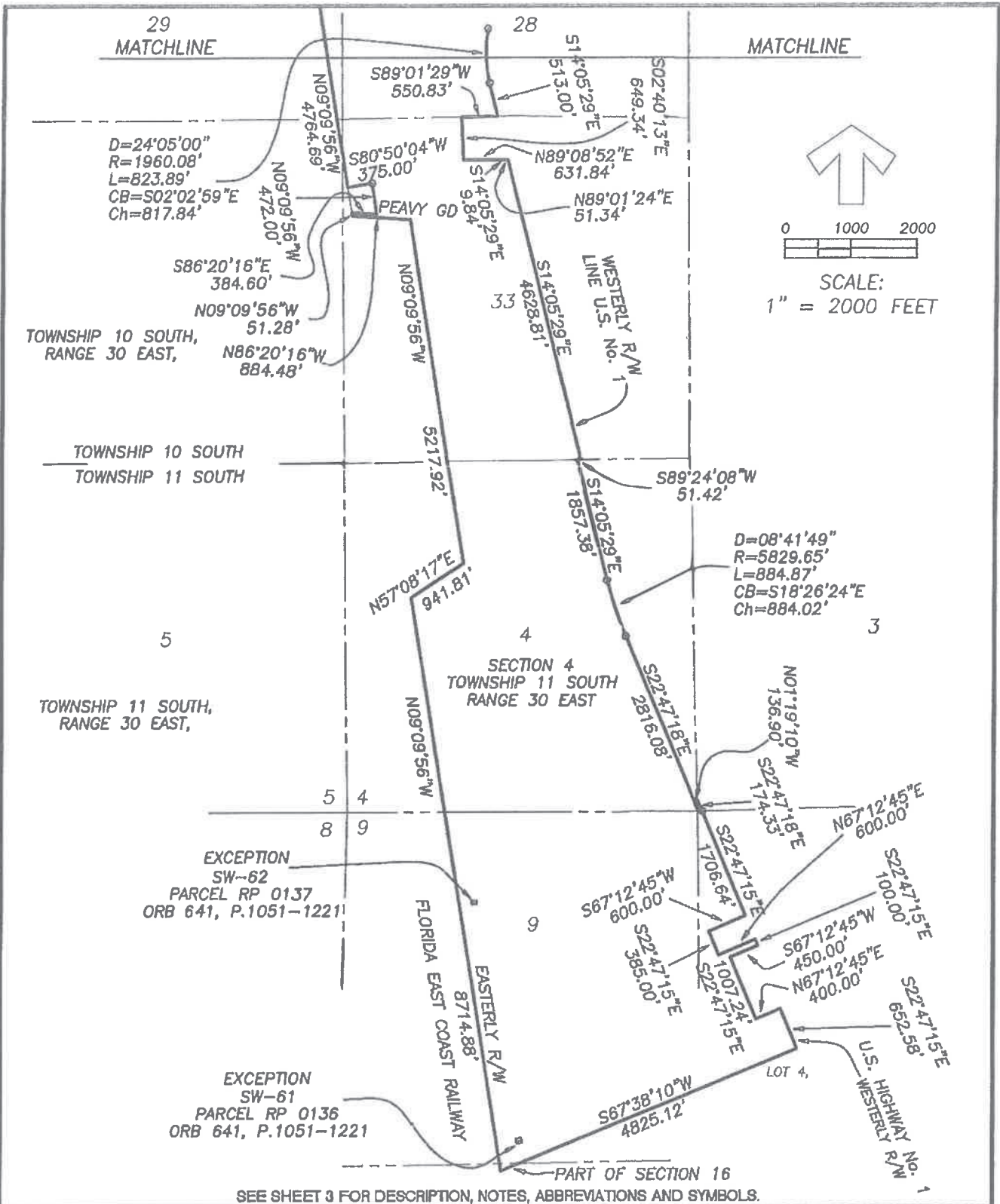
SEE SHEET 3 FOR DESCRIPTION, NOTES, ABBREVIATIONS AND SYMBOLS.



TOMOKA ENGINEERING
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
 Phone: 386-274-1600 Fax: 386-274-1602
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
 AND
 DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	1 OF 5



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
 Phone: 386-274-1600 Fax: 386-274-1602
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
AND
DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	2 OF 5

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

RESERVED FOR RECORDING INFORMATION

A PARCEL OF LAND LYING EAST OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD RIGHT-OF-WAY AND WEST OF U.S. HIGHWAY No. 1 (STATE ROAD NO. 5) SAID PARCEL LYING WITHIN AND BEING A PORTION OF GOVERNMENT SECTIONS 9, 16, 17, 20, 21, 28, 29, 32, 33, AND 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST, SECTIONS 3, 4, 9 AND 16, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE NORTH 89°44'49" EAST A DISTANCE OF 1311.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH 00°28'56" EAST A DISTANCE OF 1321.75 FEET, THENCE NORTH 89°35'38" EAST A DISTANCE OF 1222.41 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, THENCE SOUTH 08°29'47" EAST A DISTANCE OF 646.77 FEET, THENCE DEPARTING U.S. No. 1 RUN SOUTH 00°31'43" EAST A DISTANCE OF 677.91 FEET, THENCE NORTH 89°26'25" EAST A DISTANCE OF 94.88 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, THENCE SOUTH 08°29'47" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 1791.34 FEET TO A POINT OF CURVATURE, THENCE 584.08 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE WESTERLY), HAVING A CENTRAL ANGLE OF 018°29'18", A RADIUS OF 1810.08 FEET, A CHORD BEARING OF SOUTH 00°44'52" WEST AND A CHORD DISTANCE OF 581.55 FEET TO A POINT OF TANGENCY, THENCE SOUTH 09°59'31" WEST A DISTANCE OF 293.20 FEET, THENCE NORTH 89°43'02" EAST A DISTANCE OF 50.81 FEET, THENCE SOUTH 09°59'31" WEST ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 3976.36 FEET TO A POINT OF CURVATURE, THENCE 823.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE EASTERLY), HAVING A CENTRAL ANGLE OF 024°05'00", A RADIUS OF 1960.08 FEET, A CHORD BEARING OF SOUTH 02°02'59" EAST AND A CHORD DISTANCE OF 817.84 FEET TO A POINT OF TANGENCY, THENCE SOUTH 14°05'29" EAST A DISTANCE OF 513.00 FEET, THENCE SOUTH 89°01'29" WEST A DISTANCE OF 550.83 FEET, THENCE SOUTH 02°40'13" EAST A DISTANCE OF 649.34 FEET, THENCE NORTH 89°08'52" EAST A DISTANCE OF 631.84 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, THENCE SOUTH 14°05'29" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 9.84 FEET, THENCE NORTH 89°01'24" EAST A DISTANCE OF 51.34 FEET, THENCE SOUTH 14°05'29" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 4628.81 FEET TO A POINT ON THE NORTH LINE OF SECTION 4, THENCE SOUTH 89°24'08" WEST A DISTANCE OF 51.42 FEET, THENCE SOUTH 14°05'29" EAST ALONG THE WEST RIGHT-OF-WAY

CONTINUED ON PAGE 4

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE NORTH LINE OF NW 1/4 OF GOVERNMENT SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING NORTH 89°44'49" EAST
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING

MB=MAP BOOK
PG=PAGE
R/W=RIGHT OF WAY
CL=CENTER LINE

PC=POINT OF CURVE
PT=POINT OF TANGENCY
POB=POINT OF BEGINNING

PCP=PERMANENT CONTROL POINT
PRM=PERMANENT REFERENCE MONUMENT
ORB=OFFICIAL RECORD BOOK



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	3 OF 5

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION

LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 1857.38 FEET TO A POINT OF CURVATURE, CONCAVE EASTERLY, HAVING A RADIUS OF 5829.65 FEET AND A CENTRAL ANGLE OF 08°41'49", THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 884.87 FEET, HAVING A CHORD BEARING OF SOUTH 18°26'24" EAST, A CHORD DISTANCE OF 884.02 FEET TO A POINT OF TANGENCY, THENCE SOUTH 22°47'18" EAST A DISTANCE OF 2816.08 FEET, THENCE NORTH 01°19'10" WEST A DISTANCE OF 136.90 FEET, THENCE SOUTH 22°47'18" EAST A DISTANCE OF 174.33 FEET, THENCE SOUTH 22°47'15" EAST A DISTANCE OF 1706.64 FEET, THENCE DEPARTING U.S. HIGHWAY No. 1 RUN SOUTH 67°12'42" WEST A DISTANCE OF 600.00 FEET, THENCE SOUTH 22°47'15" EAST A DISTANCE OF 385.00 FEET, THENCE NORTH 67°12'45" EAST A DISTANCE OF 600.00 FEET, THENCE SOUTH 22°47'15" EAST ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 100.00 FEET, THENCE DEPARTING U.S. HIGHWAY No. 1 RUN SOUTH 67°12'45" WEST A DISTANCE OF 450.00 FEET, THENCE SOUTH 22°47'15" EAST A DISTANCE OF 1007.24 FEET, THENCE NORTH 67°12'45" EAST A DISTANCE OF 400.00 FEET, THENCE SOUTH 22°47'15" EAST ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 652.58 FEET, THENCE SOUTH 67°38'10" WEST A DISTANCE OF 4825.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD, THENCE NORTH 09°09'56" WEST ALONG THE EAST LINE OF THE FLORIDA EAST COAST RAILWAY RIGHT-OF-WAY A DISTANCE OF 8714.88 FEET TO THE SOUTHWEST CORNER OF PARCEL 800-07, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE NORTH 57°08'17" EAST A DISTANCE OF 941.81 FEET, THENCE NORTH 09°09'56" WEST A DISTANCE OF 5217.92 FEET TO A POINT IN THE CENTER OF PEAVY GRADE, THENCE NORTH 86°20'16" WEST ALONG THE CENTER OF PEAVY GRADE A DISTANCE OF 884.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD, THENCE NORTH 09°09'56" WEST ALONG SAID RAILROAD RIGHT OF WAY A DISTANCE OF 51.28 FEET, THENCE DEPARTING SAID RAILROAD SOUTH 86°20'16" EAST A DISTANCE OF 384.60 FEET, THENCE NORTH 09°09'56" WEST A DISTANCE OF 472.00 FEET, THENCE SOUTH 80°50'04" WEST A DISTANCE OF 375.00 FEET TO SAID RAILROAD RIGHT OF WAY LINE, THENCE NORTH 09°09'56" WEST ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 4764.69 FEET, THENCE NORTH 09°09'13" WEST A DISTANCE OF 10822.83 FEET TO A POINT ON THE SOUTH LINE OF SECTION 47, THENCE NORTH 54°24'01" EAST ALONG SAID SOUTH LINE OF SECTION 47 A DISTANCE OF 139.61 FEET, THENCE DEPARTING SAID SOUTH LINE OF SECTION 47 NORTH 09°09'13" WEST ALONG THE EAST LINE OF SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 1089.47 FEET, THENCE NORTH 09°08'51" WEST A DISTANCE OF 51.03 FEET, THENCE DEPARTING SAID RAILROAD RIGHT OF WAY NORTH 53°10'00" EAST A DISTANCE OF 2131.58 FEET TO A POINT OF CURVATURE, THENCE 698.60 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHERLY), HAVING A CENTRAL ANGLE OF 52°40'00", A RADIUS OF 760.00 FEET, A CHORD BEARING OF NORTH 79°30'00" EAST AND A CHORD DISTANCE OF 674.26 FEET TO A POINT OF TANGENCY, THENCE SOUTH 74°10'00" EAST A DISTANCE OF 1491.11 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, THENCE SOUTH 08°29'47" EAST ALONG U.S. HIGHWAY No. 1 A DISTANCE OF 448.18 FEET, THENCE DEPARTING U.S. HIGHWAY No. 1 RUN SOUTH 20°56'30" WEST A DISTANCE OF 150.00 FEET, THENCE SOUTH

CONTINUED ON PAGE 5



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
 Phone: 386-274-1600 Fax: 386-274-1602
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	4 OF 5

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION

08°29'47" EAST A DISTANCE OF 88.69 FEET, THENCE NORTH 89°54'17" EAST A DISTANCE OF 74.52 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, THENCE SOUTH 08°29'47" EAST ALONG U.S. HIGHWAY No. 1 A DISTANCE OF 2699.74 FEET, THENCE NORTH 89°37'47" EAST A DISTANCE OF 50.51 FEET, THENCE SOUTH 08°29'47" EAST ALONG THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1 A DISTANCE OF 1352.36 FEET, THENCE SOUTH 89°35'12" WEST A DISTANCE OF 50.50 FEET, THENCE SOUTH 08°29'47" EAST A DISTANCE OF 1360.53 FEET TO A POINT ON THE NORTH LINE OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE DEPARTING U.S. HIGHWAY No. 1 RUN SOUTH 89°44'49" WEST A DISTANCE OF 1036.68 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT WELL SITE SW-61, A 60'x60' PARCEL OF LAND WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, RECORDED AS PARCEL RP 0136, IN OFFICIAL RECORDS BOOK 641, PAGE 1051, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, CONTAINING 0.08264 ACRES MORE OR LESS;

LESS AND EXCEPT WELL SITE SW-62, A 60'x60' PARCEL OF LAND WITHIN SECTION 9, TOWNSHIP 11 SOUTH, RANGE 30 EAST, RECORDED AS PARCEL RP 0137, IN OFFICIAL RECORDS BOOK 641, PAGE 1051, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, CONTAINING 0.08264 ACRES MORE OR LESS;

LESS AND EXCEPT WELL SITE SW-122, A 70'x100' PARCEL OF LAND WITHIN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 30 EAST, RECORDED IN OFFICIAL RECORDS BOOK 1685, PAGE 1568, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, CONTAINING 0.1606 ACRES MORE OR LESS;

LESS AND EXCEPT WELL SITE SW-123, A 70'x100' PARCEL OF LAND WITHIN SECTION 29, TOWNSHIP 10 SOUTH, RANGE 30 EAST, RECORDED IN OFFICIAL RECORDS BOOK 1685, PAGE 1466, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, CONTAINING 0.1606 ACRES MORE OR LESS;

PARCEL (LESS EXCEPTIONS) CONTAINING 2381.0629 ACRES, MORE OR LESS.



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 143, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	5 OF 5

L=472.46'
R=1124.00'
D=24°05'00"
CH=468.99'
CB=N87°57'01"E

L=742.48'
R=1875.00'
D=22°41'18"
CH=737.64'
CB=N87°15'10"E

L=252.67'
R=1876.00'
D=07°43'01"
CH=252.48'
CB=S77°32'41"E

L=2981.68'
R=3079.04'
D=55°29'03"
CH=2866.53'
CB=S11°25'41"E

L=6.23'
R=1149.00'
D=00°18'39"
CH=6.23'
CB=S39°13'45"E

L=839.35'
R=5529.65'
D=08°41'49"
CH=838.53'
CB=N18°26'24"W

RESERVED FDR RECORDING INFORMATION



SCALE:
1" = 2000 FEET

C1 - L=750.33'
R=1785.08'
D=24°05'00"
CH=744.82'
CB=N02°02'59"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	2074.30'	N00°32'09"W
L2	2323.41'	S81°24'11"E
L3	52.11'	S73°41'10"E
L4	35.35'	S28°41'10"E
L5	537.91'	S16°18'50"W
L6	2737.82'	S39°23'05"E
L7	2082.75'	S50°36'55"W
L8	606.62'	S39°23'05"E
L9	2401.22'	S20°16'51"E
L10	500.00'	S69°43'09"W
L11	3299.71'	S12°47'58"E
L12	3540.82'	S67°12'21"W
L13	2431.20'	N22°47'15"W
L14	26.76'	N88°44'06"E
L15	688.01'	N22°47'18"W
L16	204.92'	N01°19'10"W
L17	2053.27'	N22°47'18"W
L18	1785.39'	N14°05'29"W
L19	77.13'	S89°24'09"W
L20	3193.40'	N14°05'29"W
L21	60.00'	N75°54'31"E
L22	60.00'	N14°05'29"W
L23	60.00'	S75°54'31"W
L24	1802.90'	N14°05'29"W
L25	244.85'	N01°17'10"W
L26	5.92'	S89°28'59"E
L27	74.14'	N14°05'29"W
L28	60.00'	S75°54'31"W
L29	493.77'	N14°05'29"W
L30	756.00'	N09°59'31"E
L31	896.08'	S80°00'29"E
L32	569.81'	N75°54'31"E
L33	67.08'	S81°24'11"E

SEE SHEET 2 FOR DESCRIPTION, NOTES, ABBREVIATIONS AND SYMBOLS.

REVISED
11/11/2010



TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
AND
DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	1 OF 4

LB #2232

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 IN GOVERNMENT SECTIONS 27, 28, 33 AND 34, TOWNSHIP 10 SOUTH, RANGE 30 EAST, SECTIONS 3, 4 AND 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE N00°32'09"W ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 2074.30 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY (A 124 FOOT RIGHT-OF-WAY), SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID WEST LINE OF SECTION 27 S81°24'11"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 2323.41 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 252.67 FEET, A RADIUS OF 1876.00 FEET, A CENTRAL ANGLE OF 07°43'01", A CHORD BEARING S77°32'41"E AND A CHORD DISTANCE OF 252.48 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S73°41'10"E FOR A DISTANCE OF 52.11 FEET TO A POINT ON THE WESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1548, PAGE 418; THENCE ALONG THE WESTERLY BOUNDARIES OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1548, PAGE 418 AND OFFICIAL RECORDS BOOK 1513, PAGE 172, FLAGLER COUNTY, FLORIDA, FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE DEPARTING SAID RIGHT-OF-WAY LINE S28°41'10"E FOR A DISTANCE OF 35.35 FEET; (2) THENCE S16°18'50"W FOR A DISTANCE OF 537.91 FEET TO A POINT OF CURVATURE; (3) THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 2981.68 FEET, A RADIUS OF 3079.04 FEET, A CENTRAL ANGLE OF 55°29'03", A CHORD BEARING S11°25'41"E AND A CHORD DISTANCE OF 2866.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY, SAID POINT BEING ON A CURVE; THENCE ALONG SAID RIGHT-OF-WAY SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 6.23 FEET, A RADIUS OF 1149.00 FEET, A CENTRAL ANGLE OF 00°18'39", A CHORD BEARING S39°13'45"E AND A CHORD DISTANCE OF 6.23 FEET TO A POINT OF TANGENCY, THENCE S39°23'05"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY A DISTANCE OF 2737.82 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY RUN S50°36'55"W A DISTANCE OF 2082.75 FEET; THENCE S39°23'05"E A DISTANCE OF 606.62 FEET; THENCE S20°16'51"E A DISTANCE OF 2401.22 FEET; THENCE S69°43'09"W A DISTANCE OF 500.00 FEET; THENCE S12°47'58"E A DISTANCE OF 3299.71 FEET; THENCE S67°12'21"W A DISTANCE OF 3540.82 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD 5) (RIGHT-OF-WAY VARIES); THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 FOR THE FOLLOWING NINE (9) COURSES; (1) THENCE N22°47'15"W A DISTANCE OF 2431.20 FEET TO A POINT ON THE NORTH LINE OF SECTION 10, TOWNSHIP 11 SOUTH, RANGE 30 EAST; (2) THENCE N88°44'06"E ALONG SAID NORTH LINE OF SECTION 10 A

LEGAL DESCRIPTION CONTINUED ON SHEET 3 OF 4:

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY (A 124 FOOT RIGHT-OF-WAY), BEING S81°24'11"E.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING

MB=MAP BOOK
PG=PAGE
R/W=RIGHT OF WAY
C=CENTER LINE

PC=POINT OF CURVE
PT=POINT OF TANGENCY
POB=POINT OF BEGINNING

PCP=PERMANENT CONTROL POINT
PRM=PERMANENT REFERENCE MONUMENT
ORB=OFFICIAL RECORD BOOK



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
AND
DESCRIPTION

PROJECT NO.	T1144FLC1
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	2 OF 4

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION CONTINUED:

DISTANCE OF 26.76 FEET; (3) THENCE DEPARTING SAID NORTH LINE N22°47'18"W A DISTANCE OF 688.01 FEET TO A POINT ON THE WEST LINE OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST; (4) THENCE N01°19'10"W ALONG SAID WEST LINE OF SECTION 3 A DISTANCE OF 204.92 FEET; (5) THENCE DEPARTING SAID WEST LINE N22°47'18"W A DISTANCE OF 2053.27 FEET TO A POINT OF CURVATURE; (6) THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 839.35 FEET, A RADIUS OF 5529.65 FEET, A CENTRAL ANGLE OF 08°41'49", A CHORD BEARING N18°26'24"W AND A CHORD DISTANCE OF 838.53 FEET TO A POINT OF TANGENCY; (7) THENCE N14°05'29"W A DISTANCE OF 1785.39 FEET TO A POINT ON THE NORTH LINE OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST; (8) THENCE S89°24'09"W ALONG SAID NORTH LINE OF SECTION 4 A DISTANCE OF 77.13 FEET; (9) THENCE DEPARTING SAID NORTH LINE N14°05'29"W A DISTANCE OF 3193.40 FEET TO A POINT ON THE SOUTHERLY LINE OF WELL SITE SW-41, OFFICIAL RECORDS BOOK 832, PAGE 991; THENCE DEPARTING THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 RUN N75°54'31"E ALONG SAID SOUTHERLY LINE A DISTANCE OF 60.00 FEET; THENCE N14°05'29"W ALONG THE EAST LINE OF SAID WELL SITE SW-41 A DISTANCE OF 60.00 FEET; THENCE S75°54'31"W ALONG THE NORTH LINE OF SAID WELL SITE SW-41 A DISTANCE OF 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING WELL SITE SW-41 ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE N14°05'29"W A DISTANCE OF 1802.90 FEET; (2) THENCE N01°17'10"W A DISTANCE OF 244.85 FEET TO A POINT ON THE NORTH LINE OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST ALSO BEING THE SOUTH LINE OF WELL SITE SW-42, OFFICIAL RECORDS BOOK 832, PAGE 991; THENCE S89°28'59"E ALONG SAID NORTH LINE OF SAID SECTION 33 AND THE SOUTHERLY LINE OF SAID WELL SITE SW-42 A DISTANCE OF 5.92 FEET; THENCE DEPARTING THE NORTH LINE OF SECTION 33 RUN N14°05'29"W ALONG THE EASTERLY LINE OF SAID WELL SITE SW-42 A DISTANCE OF 74.14 FEET; THENCE S75°54'31"W ALONG THE NORTHERLY LINE OF SAID WELL SITE SW-42 A DISTANCE OF 60.00 FEET; THENCE DEPARTING WELL SITE SW-42 ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE N14°05'29"W A DISTANCE OF 493.77 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 750.33 FEET, A RADIUS OF 1785.08 FEET, A CENTRAL ANGLE OF 24°05'00", A CHORD BEARING N02°02'59"W AND A CHORD DISTANCE OF 744.82 FEET TO A POINT OF TANGENCY; (3) THENCE N09°59'31"E A DISTANCE OF 756.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY; THENCE DEPARTING THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY FOR THE FOLLOWING FIVE (5) COURSES; (1) THENCE S80°00'29"E A DISTANCE OF 896.08 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 472.46 FEET, A RADIUS OF 1124.00 FEET, A CENTRAL ANGLE OF 24°05'00", A CHORD BEARING N87°57'01"E AND A CHORD DISTANCE OF 468.99 FEET TO A POINT OF TANGENCY; (3) THENCE N75°54'31"E A DISTANCE OF 569.81 FEET TO A POINT OF CURVATURE; (4) THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 742.48 FEET, A RADIUS OF 1875.00 FEET, A CENTRAL ANGLE OF 22°41'18", A CHORD BEARING N87°15'10"E AND A CHORD DISTANCE OF 737.64 FEET TO A POINT OF TANGENCY; (5) THENCE S81°24'11"E A DISTANCE OF 67.08 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

LEGAL DESCRIPTION CONTINUED ON SHEET 4 OF 4:



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPCA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
AND
DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	3 OF 4

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION CONTINUED:

LESS AND EXCEPT THE FOLLOWING:

CITY OF PALM COAST WELL SITE (SW-34). DESCRIPTION RECORDED AS PARCEL PR 0140 IN OFFICIAL RECORDS BOOK 641, PAGE 1051 THROUGH 1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.3444 ACRES, MORE OR LESS.

CITY OF PALM COAST WELL SITE (SW-35). DESCRIPTION RECORDED AS PARCEL PR 0141 IN OFFICIAL RECORDS BOOK 641, PAGE 1051 THROUGH 1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.3444 ACRES, MORE OR LESS.

CITY OF PALM COAST WELL SITE (SW-36). DESCRIPTION RECORDED AS PARCEL PR 0142 IN OFFICIAL RECORDS BOOK 641, PAGE 1051 THROUGH 1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.3444 ACRES, MORE OR LESS.

CITY OF PALM COAST WELL SITE (SW-37). DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 1460, PAGE 1301 THROUGH 1304 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.0826 ACRES, MORE OR LESS.

CITY OF PALM COAST WELL SITE (SW-38). DESCRIPTION RECORDED IN OFFICIAL RECORDS BOOK 1471, PAGE 1627 THROUGH 1630 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.0826 ACRES, MORE OR LESS.

CITY OF PALM COAST WELL SITE (SW-43). DESCRIPTION RECORDED AS PARCEL PR 0032 IN OFFICIAL RECORDS BOOK 641, PAGE 1051 THROUGH 1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. WELL PARCEL CONTAINING 0.3444 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PARCEL OF LAND (LESS EXCEPTIONS) CONTAINS 1562.502 ACRES MORE OR LESS.



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

**SKETCH
AND
DESCRIPTION**

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	4 OF 4

RESERVED FOR RECORDING INFORMATION

LAKEVIEW, SECTION-37
MAP BOOK 13, PAGES 1-29

LAKEVIEW
BOULEVARD

MATANZAS WOODS PARKWAY (124' R/W)

BUD HOLLOW DRIVE

1,460.00'
BELLE TERRE PARKWAY (124' R/W)

POINT OF BEGINNING

BUFFALO BILL DRIVE

BELLE-TERRE, SECTION-35
MAP BOOK 11, PAGE 6



0 250 500

SCALE:
1" = 500 FEET

CITY OF PALM COAST
O.R.B. 154B, PG. 41B

POINT OF REFERENCE

GOVERNMENT SECTION 27
TOWNSHIP 10 SOUTH,
RANGE 30 EAST

SOUTH LINE GOVERNMENT SECTION 27
NORTH LINE GOVERNMENT SECTION 34

CITY OF PALM COAST
O.R.B. 1513, PG. 172

AREA = 8.038
ACRES

L=1,309.35'
R=2,955.04'
D=25°23'14"
CH=1,298.67'
CB=N14°03'09"W

GOVERNMENT SECTION 34
TOWNSHIP 10 SOUTH,
RANGE 30 EAST

(BASIS OF BEARINGS)
S16°18'50"W

S73°41'10"E
574.54'

S16°18'50"W
694.30'

L=436.64'
R=1,149.00'
D=21°46'25"
CH=434.02'
CB=S05°25'38"W

SEE SHEET 2 FOR DESCRIPTION, NOTES, ABBREVIATIONS AND SYMBOLS.

REVISED
11/11/2010



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
AND
DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	1 OF 2

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 27 AND 34, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY (A 124 FOOT RIGHT-OF-WAY) WITH THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY (A 124 FOOT RIGHT-OF-WAY); THENCE S16°18'50"W ALONG SAID WESTERLY RIGHT-OF-WAY OF BELLE TERRE PARKWAY FOR A DISTANCE OF 1,460.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE S16°18'50"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 694.30 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 436.64 FEET, A RADIUS OF 1,149.00 FEET, A CENTRAL ANGLE OF 21°46'25", A CHORD BEARING S05°25'38"W AND A CHORD DISTANCE OF 434.02 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE ALONG THE EASTERLY BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1513, PAGE 172, FLAGLER COUNTY, FLORIDA, NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 1,309.35 FEET, A RADIUS OF 2,955.04 FEET, A CENTRAL ANGLE OF 25°23'14", A CHORD BEARING N14°03'09"W AND A CHORD DISTANCE OF 1,298.67 FEET TO A POINT ON A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE S73°41'10"E ALONG THE SOUTHERLY LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK FOR A DISTANCE OF 574.54 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 8.038 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY (A 124 FOOT RIGHT-OF-WAY), BEING S16°18'50"W.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING

MB=MAP BOOK
PG=PAGE
R/W=RIGHT OF WAY
CL=CENTER LINE

PC=POINT OF CURVE
PT=POINT OF TANGENCY
POB=POINT OF BEGINNING

PCP=PERMANENT CONTROL POINT
PRM=PERMANENT REFERENCE MONUMENT
ORB=OFFICIAL RECORD BOOK



LB 12232

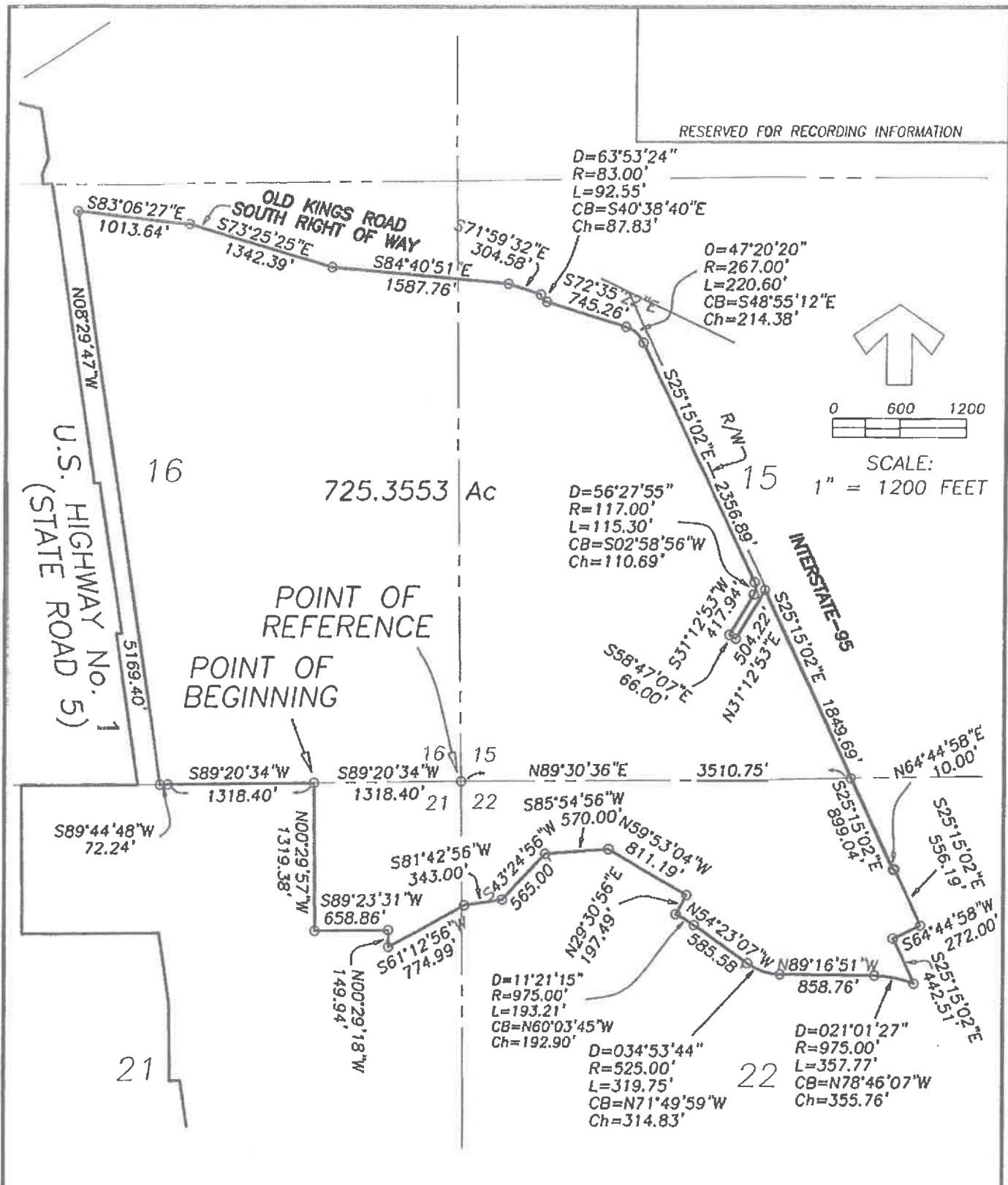
TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1110 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	2 OF 2

RESERVED FOR RECORDING INFORMATION



SEE SHEET 2 FOR DESCRIPTION, NOTES, ABBREVIATIONS AND SYMBOLS.



TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
 Phone: 386-274-1600 Fax: 386-274-1602
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH
 AND
 DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	OF 3

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY No.1 AND WEST OF INTERSTATE-95 IN GOVERNMENT SECTIONS 15, 16, 21 AND 22, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE SOUTH 89°20'34" WEST ALONG THE NORTH LINE OF SECTION 21 A DISTANCE OF 1318.40 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE SOUTH 89°20'34" WEST A DISTANCE OF 1318.40 FEET, THENCE SOUTH 89°44'48" WEST ALONG THE NORTH LINE OF SECTION 21 A DISTANCE OF 72.24 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, THENCE NORTH 08°29'47" WEST ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 5169.40 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD KINGS ROAD, THENCE DEPARTING U.S. HIGHWAY No. 1 RUN SOUTH 83°06'27" EAST A DISTANCE OF 1013.64 FEET, THENCE SOUTH 73°25'25" EAST A DISTANCE OF 1342.39 FEET, THENCE SOUTH 84°40'51" EAST A DISTANCE OF 1587.76 FEET, THENCE SOUTH 71°59'32" EAST ALONG THE SOUTH RIGHT OF WAY LINE OF OLD KINGS ROAD A DISTANCE OF 304.58 FEET TO A POINT ON A CURVE, THENCE SOUTHEASTERLY 92.55 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHEASTERLY), HAVING A CENTRAL ANGLE OF 63°53'24", A RADIUS OF 83.00 FEET, A CHORD BEARING OF SOUTH 40°38'40" EAST AND A CHORD DISTANCE OF 87.83 FEET TO A POINT OF TANGENCY, THENCE SOUTH 72°35'22" EAST A DISTANCE OF 745.26 FEET, TO A POINT OF CURVATURE, THENCE 220.6 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHWESTERLY), HAVING A CENTRAL ANGLE OF 47°20'20", A RADIUS OF 267.00 FEET, A CHORD BEARING OF SOUTH 48°55'12" EAST AND A CHORD DISTANCE OF 214.38 FEET TO A POINT OF TANGENCY, THENCE SOUTH 25°15'02" EAST ALONG A LINE LYING PARALLEL TO AND 66.00 FEET WEST OF THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE-95 A DISTANCE OF 2356.89 FEET, TO A POINT OF CURVATURE, THENCE DEPARTING SAID PARALLEL LINE RUN 115.30 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE WESTERLY), HAVING A CENTRAL ANGLE OF 56°27'55", A RADIUS OF 117.00 FEET, A CHORD BEARING OF SOUTH 02°58'56" WEST AND A CHORD DISTANCE OF 110.69 FEET TO A POINT OF TANGENCY, THENCE SOUTH 31°12'53" WEST A DISTANCE OF 417.94 FEET, THENCE SOUTH 58°47'07" EAST A DISTANCE OF 66.00 FEET, THENCE NORTH 31°12'53" EAST A DISTANCE OF 504.22 FEET, THENCE SOUTH 25°15'02" EAST A DISTANCE OF 1849.69 FEET TO A POINT

CONTINUED ON PAGE 3

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE NORTH LINE OF THE NE 1/4 OF GOVERNMENT SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING SOUTH 89°20'34" WEST
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

D=DELTA
R=RADIUS
L=LENGTH
CH=CHORD
CB=CHORD BEARING

MB=MAP BOOK
PG=PAGE
R/W=RIGHT OF WAY
Q =CENTER LINE

PC=POINT OF CURVE
PT=POINT OF TANGENCY
POB=POINT OF BEGINNING

PCP=PERMANENT CONTROL POINT
PRM=PERMANENT REFERENCE MONUMENT
ORB=OFFICIAL RECORD BOOK



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH FLAGLER/PALM COAST
Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone: 386-274-1600 Fax: 386-274-1602
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	2 OF 3

SKETCH AND DESCRIPTION

RESERVED FOR RECORDING INFORMATION

LEGAL DESCRIPTION

ON THE NORTH LINE OF SECTION 22, THENCE CONTINUE SOUTH 25°15'02" EAST A DISTANCE OF 899.04 FEET, THENCE NORTH 64°44'58" EAST A DISTANCE OF 10.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF INTERSTATE-95, THENCE SOUTH 25°15'02" EAST ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 556.19 FEET, THENCE DEPARTING INTERSTATE-95 RUN SOUTH 64°44'58" WEST A DISTANCE OF 272.00 FEET, THENCE SOUTH 25°15'02" EAST A DISTANCE OF 442.51 FEET, TO A POINT OF CURVATURE, THENCE 357.77 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE SOUTHERLY), HAVING A CENTRAL ANGLE OF 021°01'27", A RADIUS OF 975.00 FEET, A CHORD BEARING OF NORTH 78°46'07" WEST AND A CHORD DISTANCE OF 355.76 FEET TO A POINT OF TANGENCY, THENCE NORTH 89°16'51" WEST A DISTANCE OF 858.76 FEET, TO A POINT OF CURVATURE, THENCE 319.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE NORTHERLY), HAVING A CENTRAL ANGLE OF 034°53'44", A RADIUS OF 525.00 FEET, A CHORD BEARING OF NORTH 71°49'59" WEST AND A CHORD DISTANCE OF 314.83 FEET TO A POINT OF TANGENCY, THENCE NORTH 54°23'07" WEST A DISTANCE OF 585.58 FEET TO A POINT OF CURVATURE, THENCE 193.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE SOUTHWESTERLY), HAVING A CENTRAL ANGLE OF 11°21'15", A RADIUS OF 975.00 FEET, A CHORD BEARING OF NORTH 60°03'45" WEST AND A CHORD DISTANCE OF 192.90 FEET TO A POINT OF TANGENCY, THENCE NORTH 29°30'56" EAST A DISTANCE OF 197.49 FEET, THENCE NORTH 59°53'04" WEST A DISTANCE OF 811.19 FEET, THENCE SOUTH 85°54'56" WEST A DISTANCE OF 570.00 FEET; THENCE SOUTH 43°24'56" WEST A DISTANCE OF 565.00 FEET, THENCE SOUTH 81°42'56" WEST A DISTANCE OF 343.00 FEET, THENCE SOUTH 61°12'56" WEST A DISTANCE OF 774.99 FEET, THENCE NORTH 00°29'18" WEST A DISTANCE OF 149.94 FEET, THENCE SOUTH 89°23'31" WEST A DISTANCE OF 658.86 FEET, THENCE NORTH 00°29'57" WEST A DISTANCE OF 1319.38 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 725.3553 ACRES, MORE OF LESS.



LB #2232

TOMOKA ENGINEERING

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
 DAYTONA BEACH FLAGLER/PALM COAST
 Main Office: 1410 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
 Phone: 386-274-1600 Fax: 386-274-1602
 email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

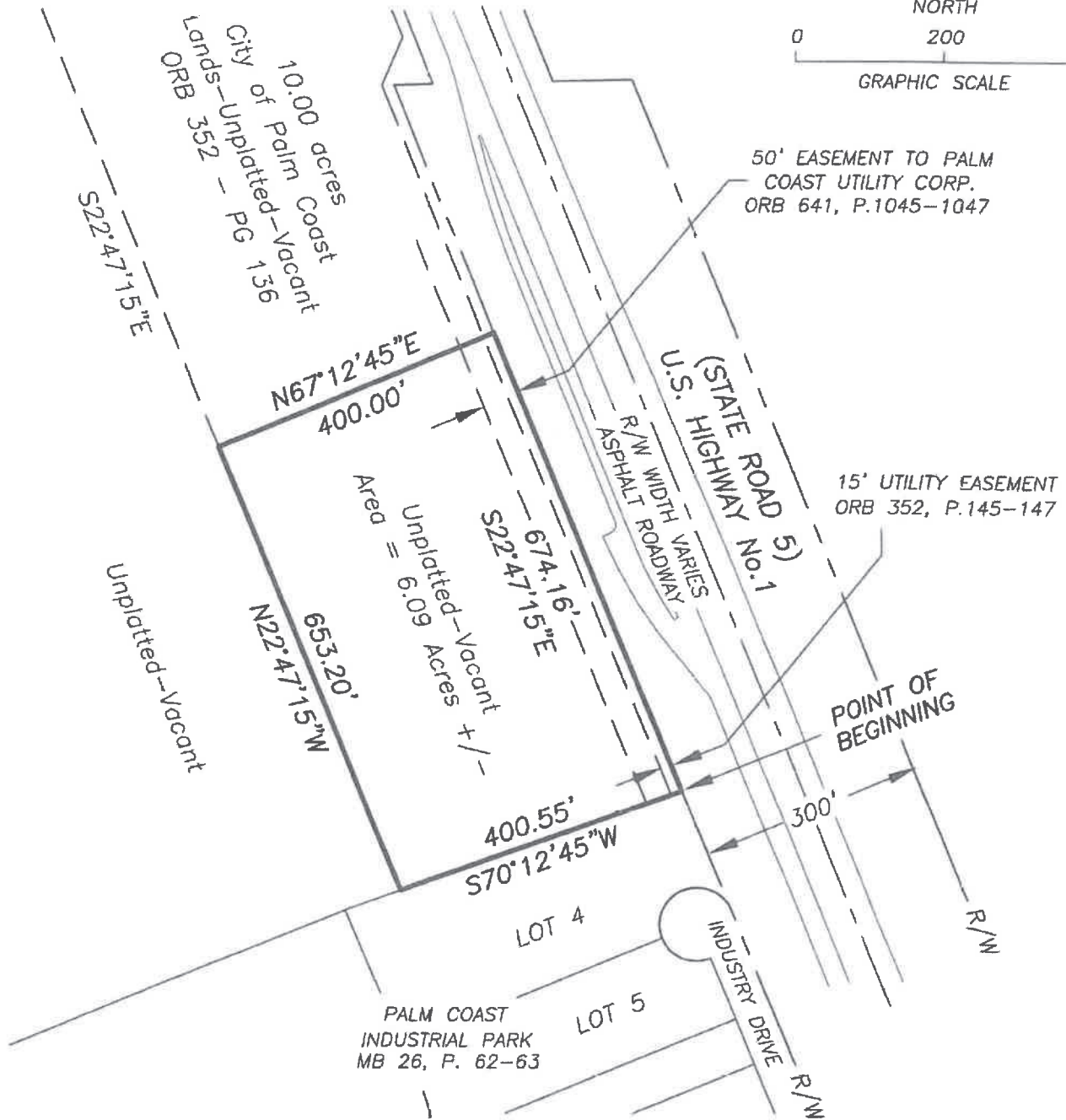
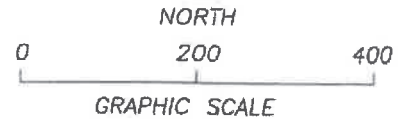
**SKETCH
AND
DESCRIPTION**

PROJECT NO.	T1144FLCI
DRAWING REF No.	1144-DRI-BOUND-012507
DATE	JANUARY 25, 2007
SHEET NO.	3 OF 3

Less and Except this Parcel from Palm Coast Park DRI

SKETCH & DESCRIPTION

NOT A BOUNDARY SURVEY



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

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 2 OF 2

NO SCALE

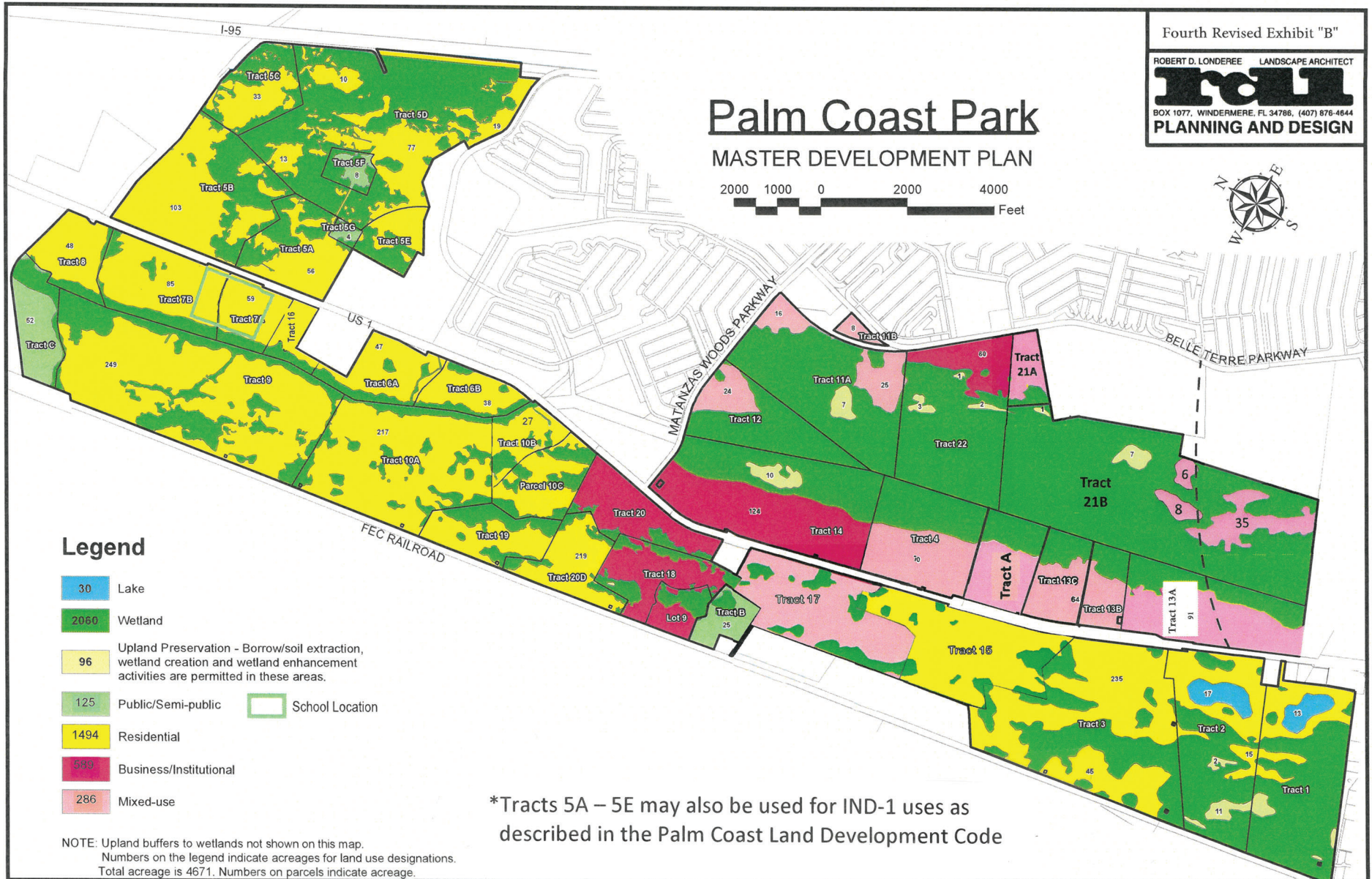
Fourth Revised Exhibit "B"

ROBERT D. LONDEREE LANDSCAPE ARCHITECT

roll
BOX 1077, WINDERMERE, FL 34786, (407) 876-4644
PLANNING AND DESIGN

Palm Coast Park

MASTER DEVELOPMENT PLAN



Legend

- 30 Lake
- 2060 Wetland
- 96 Upland Preservation - Borrow/soil extraction, wetland creation and wetland enhancement activities are permitted in these areas.
- 125 Public/Semi-public
- 1494 Residential
- 589 Business/Institutional
- 286 Mixed-use
- School Location

NOTE: Upland buffers to wetlands not shown on this map.
Numbers on the legend indicate acreages for land use designations.
Total acreage is 4671. Numbers on parcels indicate acreage.

*Tracts 5A – 5E may also be used for IND-1 uses as described in the Palm Coast Land Development Code

Conversion Table

Trip Generation Equivalency Matrix Palm Coast Park DRI

Land Use	ITE Code	Size	Units	Trips per Unit	Peak-Hour Two-Way											Spec Ret					
					SFDU	Apartments	Condo	Retirement	Office Park	R&D	Office 50K	Office 100K	Office 150K	Ind Park	Warehouse		SC 50K	SC 200K	SC 250K	SC 500 K	Auto Mall
Residential	SFDU	210	n/a	1,000	0.95	1,484	1,863	3,854	0.579	0.833	0.352	0.487	0.576	1.033	1.863	0.120	0.192	0.207	0.276	0.339	0.357
	Apartments	220	n/a	0.674	0.64	1,000	1,255	2,462	0.390	0.561	0.237	0.335	0.388	0.696	1.255	0.081	0.129	0.139	0.187	0.229	0.247
	Condo	230	n/a	0.537	0.51	1,000	0.797	1,962	0.311	0.447	0.189	0.267	0.309	0.554	1.000	0.064	0.103	0.111	0.149	0.182	0.197
	Retirement	250	n/a	0.274	0.26	1,000	0.406	1,000	0.159	0.228	0.096	0.136	0.158	0.283	0.510	0.033	0.052	0.057	0.076	0.093	0.100
Office	Office Park	750	250,000	1,726	1.64	2,563	3,216	6,308	1,000	1,439	0.607	0.859	0.994	1.783	3,216	0.207	0.331	0.357	0.480	0.586	0.633
	Research & Dev	760	250,000	1,200	1.14	1,781	2,235	4,385	0.695	1,000	0.422	0.597	0.691	1,239	2,235	0.144	0.230	0.248	0.333	0.407	0.440
	Office (General)	710	50,000	2,842	2.70	4,219	5,294	10,365	1,946	2,368	1,000	1,414	1,636	2,835	5,294	0.340	0.544	0.567	0.769	0.964	1,042
	Office (General)	710	100,000	2,011	1.91	2,984	3,745	7,346	1,165	1,675	0.707	1,000	1,158	2,076	3,745	0.241	0.385	0.415	0.558	0.692	0.737
Industrial Park	Office (General)	710	150,000	1,737	1.65	2,578	3,235	6,346	1,006	1,447	0.611	0.864	1,000	1,793	3,235	0.208	0.333	0.359	0.462	0.569	0.637
	Industrial Park	130	600,000	0.968	0.92	1,438	1,804	3,538	0.561	0.807	0.341	0.482	0.568	1,000	1,804	0.116	0.185	0.200	0.269	0.329	0.355
	Warehouse	150	200,000	0.537	0.51	1,000	1,952	0.311	0.447	0.189	0.267	0.309	0.554	1,000	1,000	0.064	0.103	0.111	0.149	0.182	0.197
Retail	Shopping Center	820	50,000	8,358	7.94	12,406	15,569	30,538	4,841	6,965	2,941	4,157	4,812	8,630	15,569	1,000	1,601	1,726	2,322	2,836	3,066
	Shopping Center	820	200,000	5,221	4.96	7,750	9,725	19,077	3,024	4,351	1,837	2,597	3,006	5,391	9,725	0.625	1,000	1,078	1,450	1,771	1,915
	Shopping Center	820	250,000	4,842	4.60	7,168	9,020	17,892	2,805	4,035	1,704	2,406	2,788	5,000	9,020	0.579	0.927	1,000	1,345	1,643	1,776
	Shopping Center	820	600,000	3,600	3.42	5,344	6,706	13,154	2,085	3,000	1,267	1,791	2,073	3,717	6,706	0.431	0.690	0.743	1,000	1,221	1,320
	Auto Mall	841	200,000	2,947	2.80	4,375	5,490	10,769	1,707	2,456	1,037	1,466	1,697	3,043	5,490	0.353	0.565	0.609	0.819	1,000	1,081
	Specialty Retail	814	100,000	2,726	2.59	4,047	5,078	9,962	1,579	2,272	0,959	1,356	1,570	2,815	5,078	0.326	0.522	0.563	0.757	0.925	1,000

Example: Determine how many square feet of shopping center is equivalent to 200 single family dwelling units relative to gross p.m. peak-hour two-way trips.
 go to the SFDU row, follow it across to the shopping center column, multiply 200 by .192 to get 38.4 KSF or 24,000 sq. ft. of the 50,000 sq. ft. shopping center range
 or multiply 200 by .192 to get 38 KSF or 24,000 sq. ft. of the 200,000 sq. ft. shopping center range
 or multiply 200 by .207 to get 41 KSF or 24,000 sq. ft. of the 250,000 sq. ft. shopping center range



PALM COAST PARK

EXHIBIT "D"
TRACT MAP

EXHIBIT "E"

STORMWATER POLLUTION PREVENTION PLAN

In order to ensure water quality is maintained and encroachment into environmentally sensitive areas are prohibited, the property Owner and Contractor shall make an effort to adhere to the following Operation Plan prior to and during construction.

STORMWATER POLLUTION PREVENTION PLAN APPROVAL

A Stormwater Pollution Prevention Plan (SWPPP) will be developed by the Engineer and included in the construction plans for each area of development. The Contractor is responsible to review the plan and make modifications that address construction activities. All modifications must be approved by the Owner and Engineer. The plan will correspond with the construction sequence and generally include the following:

1. The locations and types of control features shall be shown to prevent erosion or the transportation of eroded material off-site during each phase of construction. Supplementary sediment and erosion control devices may be required to accommodate the Contractor's phasing of construction activities. The Contractor will modify the SWPP to address the installation and maintenance of all sediment control devices during each phase of construction.
2. The Contractor will be solely responsible for the prevention, control, and abatement of erosion and water pollution and the transportation of eroded materials off site. The Contractor will also be responsible for maintaining any and all sediment control devices throughout the duration of construction as required by the Community Development District (CDD), Engineer, and the Florida Department of Environmental Protection.
3. All erosion control devices will be placed prior to beginning work of each construction phase. It is understood that "select clearing" is required for the placement of silt fence as detailed on the SWPPP. All erosion control devices will be maintained during construction and will be inspected weekly or after rainfall events of greater than 0.5 inches. Repairs will be performed as necessary and prior to suspension of work activities each weekend.
4. Sediment and erosion control barriers will be placed around all stormwater inlets and manholes during construction. Rock bags are to be placed at the downstream side of each curb inlet after the roadway base course is constructed to divert stormwater to the inlets.
5. Supplemental sediment and erosion control devices may be necessary during construction as determined by the Contractor or as directed by the Engineer or Community Development District (CDD).
6. Staging areas will be enclosed with silt fence, and drainage directed to stormwater ponds.

PRE-CONSTRUCTION ACTIVITIES

At least ten calendar days prior to the Pre-construction Conference, the Contractor will submit for approval by the Engineer a SWPPP prepared in accordance with the Florida Erosion and Sediment Control Inspector's Manual. The SWPPP will address the installation and maintenance of all temporary and permanent sediment and erosion control devices to be used during each phase of construction, including tree removal, clearing and grubbing, hauling of excavated materials, and placement of backfill. The plan also will detail the erosion control measures to be employed at all stockpile and construction staging areas and will define the maximum limits of all active construction zones and the maximum amount of time each segment of the project will be unprotected against erosion.

Also, at least ten calendar days prior to the Pre-construction Conference, the Contractor will submit for approval by the Engineer an Excavation and Dewatering Plan (EDP) . The plan will address excavation of the stormwater ponds and identify phasing of the excavation, including for each excavation phase, the limits of excavation, hauling of excavated materials, dewatering, control of on-site and off-site stormwater runoff, and measures to be employed for controlling erosion and for controlling the transportation of eroded materials off-site.

A Pre-construction Conference will be conducted prior to the start of any site construction. Attendees shall include the Contractor, CDD, Engineer and regulatory agency representatives. The purpose of this conference is to review the site specific details of the SWPPP and EDP, agree upon any modifications to these plans, and identify the individuals responsible for its implementation. In addition, specific conditions of regulatory permits will be reviewed and persons assigned to the monitoring for compliance with these conditions will be identified.

CONSTRUCTION ACTIVITIES

The Contractor shall at a minimum implement the requirements outlined below and those measures shown on the SWPPP. In addition, the Contractor shall implement additional measures required to maintain compliance with applicable permit conditions and state water quality standards. Depending on the nature of materials and methods of construction the contractor may be required to add flocculants to the detention system prior to discharge to Waters of the State.

Sequence of Major Erosion Control Activities:

The order of activities will be as follows:

1. Install stabilized construction entrance.
2. Select clear and install silt fences and hay bales as required.
3. Clear and grub for diversion swales/dikes and sediment basin.
4. Construct sedimentation basin.
5. Stock pile top soil if required.

6. Stabilize denuded areas and stockpiles as soon as practicable.
7. Complete grading and install/permanent seeding/sod and planting.
8. Remove accumulated sediment from basins.
9. Flocculate lake system, if required, to meet water quality standards.
10. When all construction activity is complete and the site is stabilized, remove any temporary diversion swales/dikes, silt fences, hay bales and reseed/sod as required.

Additional Controls

It is the Contractor's responsibility to implement the erosion and turbidity controls as shown on the SWPPP. It is also the Contractor's responsibility to ensure these controls are properly installed, maintained and functioning properly to prevent turbid or polluted water from leaving the project site. The Contractor will adjust the erosion and turbidity controls shown on the SWPPP and add additional control measures, as required, to ensure the site meets all federal, state and local erosion and turbidity control requirements. The following best management practices will be implemented by the Contractor as required by the SWPPP and as required to meet the sediment and turbidity requirements imposed on the project site by the regulatory agencies.

Erosion and sediment controls stabilization practices (See the site specific SWPPP for applicability.):

1. Straw bale barrier: Straw bale barriers will be used below disturbed areas subject to sheet and rill erosion with the following limitations:
 - a. Where the maximum slope behind the barrier is 3:1 (horizontal:vertical).
 - b. In minor swales or ditch lines where the maximum contributing drainage area is no greater than 2 acres.
 - c. Where effectiveness is required for less than 3 months.
 - d. Every effort should be made to limit the use of straw bale barriers constructed in live streams or in swales where there is the possibility of a washout. If necessary, measures shall be taken to properly anchor bales to insure against washout.
2. Filter Fabric Barrier: Filter fabric barriers shall be installed landward of upland buffers. Filter fabric barriers will be used below disturbed areas subject to sheet and rill erosion with the following limitations:
 - a. Where the maximum slope behind the barrier is 3:1.
 - b. In minor swales or ditch lines where the maximum contributing drainage area is no greater than 2 acres.
3. Sod with Filter Fabric: In areas with slopes steeper than 3:1, the slope shall be full sodded. Filter fabric barriers (silt fence) shall be installed at the toe of the slope.
4. Brush Barrier with Filter Fabric: Brush barrier will be used below disturbed areas subject to sheet and rill erosion where enough residue material is available on site.

5. Spreader Swale: A spreader swale will be used where sediment-free storm runoff is intercepted and diverted away from graded areas onto undisturbed stabilized areas. The water should not be allowed to reconcentrate after release.
6. Stockpiling Material: No excavated material shall be stockpiled in such a manner as to direct stormwater runoff off site into any adjacent water body.
7. Limitation of Exposure of Erodible Earth: The surface area of open, raw erodible soil exposed by clearing and grubbing operations or excavation and filling operations shall not exceed 17 acres without specific prior approval by the Engineer. This limitation applies separately to clearing and grubbing operations and excavation and filling operations. The Engineer may increase or decrease the amount of surface areas the Contractor may expose at any one time.
8. Inlet Protection: Inlets and catch basins which discharge directly off-site shall be protected from sediment-laden storm runoff.
9. Temporary Seeding: Cleared areas that are not designated for construction activity for more than 45 days shall be seeded or hydroseeded.
10. Temporary Seeding and Mulching: Slopes steeper than 6:1 shall receive approximately 2 inches loose measure of mulch material cut into the soil of the seeded area adequate to prevent movement of seed and mulch. Hydroseeding or hydromulching may be used in place of Seeding and Mulching.
11. Temporary Grassing: The Engineer may designate certain areas of grassing as temporary erosion control features. The Engineer may direct the Contractor to omit permanent type grass seed from grassing.
12. Regrassing: If, after 28 days from seeding, the temporary grassed areas have not attained a minimum of 75 percent good grass cover, the area will be reworked and additional seed applied sufficient to establish the desired vegetative cover.
13. Maintenance: All features of the project designed and constructed to prevent erosion and sediment shall be maintained during the life of the construction so as to function as they were originally designed and constructed.
14. Permanent Seeding: All areas which have been disturbed by construction will, as a minimum, be seeded. Slopes steeper than 4:1 shall be seeded and mulched or sodded. Hydroseeding may be used in place of Seeding and Mulching.
15. Temporary Diversion Dike: Temporary diversion dikes will be used to divert runoff through a sediment-trapping facility.
16. Temporary Sediment Trap: A sediment trap is usually installed in a drainage way at a storm drain inlet or at other points of discharge from a disturbed area.

17. Sediment Basin: Sediment Basin(s) will be constructed at the common drainage locations that serve an area with 10 or more disturbed acres at one time. Construct sedimentation basins in accordance with FDOT Roadway and Traffic Design Standards. All sediment collected in permanent or temporary sediment traps must be removed upon final stabilization.

Site Maintenance Activities

Waste Disposal

Waste Materials

All waste material shall be collected and stored in a securely lidded metal dumpster. The dumpster will meet all local and state solid waste management regulations. The dumpster will be emptied as needed and the trash will be hauled to a state approved landfill. All personnel will be instructed regarding the correct procedure for waste disposal. The site superintendent or the individual who manages the day-to-day site operations will be responsible for posting notices stating these practices at the construction site and for seeing that these procedures are followed.

All waste materials that are too large for the dumpster shall be stockpiled and hauled to a state approved landfill.

Hazard Waste

All hazardous waste materials will be disposed of in a manner specified by local or state regulation or by the manufacturer. Site personnel will be instructed in these practices and the site superintendent, the individual who manages the day-to-day site operations, will be responsible for seeing that these procedures are followed.

Sanitary Waste

All sanitary waste will be collected from the portable units as needed to prevent possible spillage. The waste will be collected and disposed of in accordance with state and local waste disposal regulations for sanitary sewer or septic systems.

Offsite Vehicle Tracking

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments. The paved street adjacent to the site entrance will be swept as needed or as directed by the Engineer to remove any excess mud, dirt or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

Spill Prevention Plan

Material Management Practices

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff.

Good Housekeeping

The following good housekeeping practices will be followed onsite during the construction project:

- * An effort will be made to store only enough product required to do the job.
- * All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure.
- * Products will be kept in their original containers with the original manufacturer's label.
- * Substances will not be mixed with one another unless recommended by the manufacturer.
- * Whenever possible, all of a product will be used up before disposing of the container.
- * Manufacturer's recommendations for proper use and disposal will be followed.
- * The site superintendent will inspect daily to ensure materials onsite receive proper use and disposal.

Hazardous Products

These practices are used to reduce the risks associated with hazardous materials:

- * Products will be kept in original containers unless they are not resealable.
- * Original labels and material safety data will be retained; they contain important product information.
- * If surplus product must be disposed of, manufacturer's or local and state recommended methods for proper disposal will be followed.

Product Specific Practices

The following product specific practices will be followed onsite:

Petroleum Products

All onsite vehicles and chemical storage tanks will be monitored daily during construction activities for leaks and receive regular preventative maintenance to reduce the chance of leakage. Portable petroleum storage tanks shall not be placed within 200 feet of a wetland or water body including stormwater management ponds, unless secondary containment is provided. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. Emergency spill kits shall be placed adjacent to chemical storage tank locations. At a minimum, earthen berms shall be constructed around temporary chemical storage tanks.

Fertilizers

Fertilizers used will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to Stormwater. Storage will be in a covered area. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

Paints

All containers will be tightly sealed and properly stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and local regulations.

The site superintendent responsible for the day-to-day site operations, will be the spill prevention and cleanup coordinator. He/she will designate at least one other site personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and if applicable, in the office trailer onsite.

MAINTENANCE / INSPECTION PROCEDURES

Erosion and Sediment Control Inspection and Maintenance Practices

The following are inspection and maintenance practices that will be used to maintain erosion and sediment controls:

- * All control measures will be inspected by the site superintendent, the person responsible for the day to day site operation or someone appointed by the site superintendent, at least once a week and following any storm event of 0.5 inches or greater.
- * All turbidity control measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- * Built up sediment will be removed from silt fence when it has reached one-third the height of the fence.
- * Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.
- * The sediment basins will be inspected for the depth of sediment. Sediment will be removed when it reaches 20 percent of the design capacity or at the end of the job.
- * Diversion dikes/swales show on the plans will be inspected and any breaches promptly repaired.
- * Temporary and permanent seeding and planting will be inspected for bare spots, washouts, and healthy growth.

- * A maintenance inspection report will be completed weekly. A completed copy will be submitted to the Engineer and a completed copy will be kept on site during construction and available upon request by the Owner, Engineer or any federal, state or local agency approving sediment and erosion plans, or stormwater management plans. The reports shall be made and retained as part of the SWPPP for at least three years (by the Owner) from the date that the site is finally stabilized and the notice of termination is submitted.
- * The site superintendent will select up to three individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
- * Personnel selected for inspection and maintenance responsibilities will receive training from the site superintendent. They will be trained in all inspection and maintenance practices necessary for keeping the erosion and sediment controls used onsite in good working order.

NON-STORMWATER DISCHARGES

It is expected that the following non-stormwater discharges will occur from the site during the construction period:

- * Water from water line flushing.
- * Pavement wash waters (where no spills or leaks of toxic or hazardous materials have occurred).
- * Uncontaminated groundwater (from dewatering excavation).

All non-stormwater discharges will be directed to the sediment basin prior to discharge. If applicable, all necessary regulatory permits shall be obtained prior to non-stormwater discharges.

**2004 NEW GROWTH RATE
Fairshare Roadway Improvement Cost Estimates
West Palm Coast DRI**

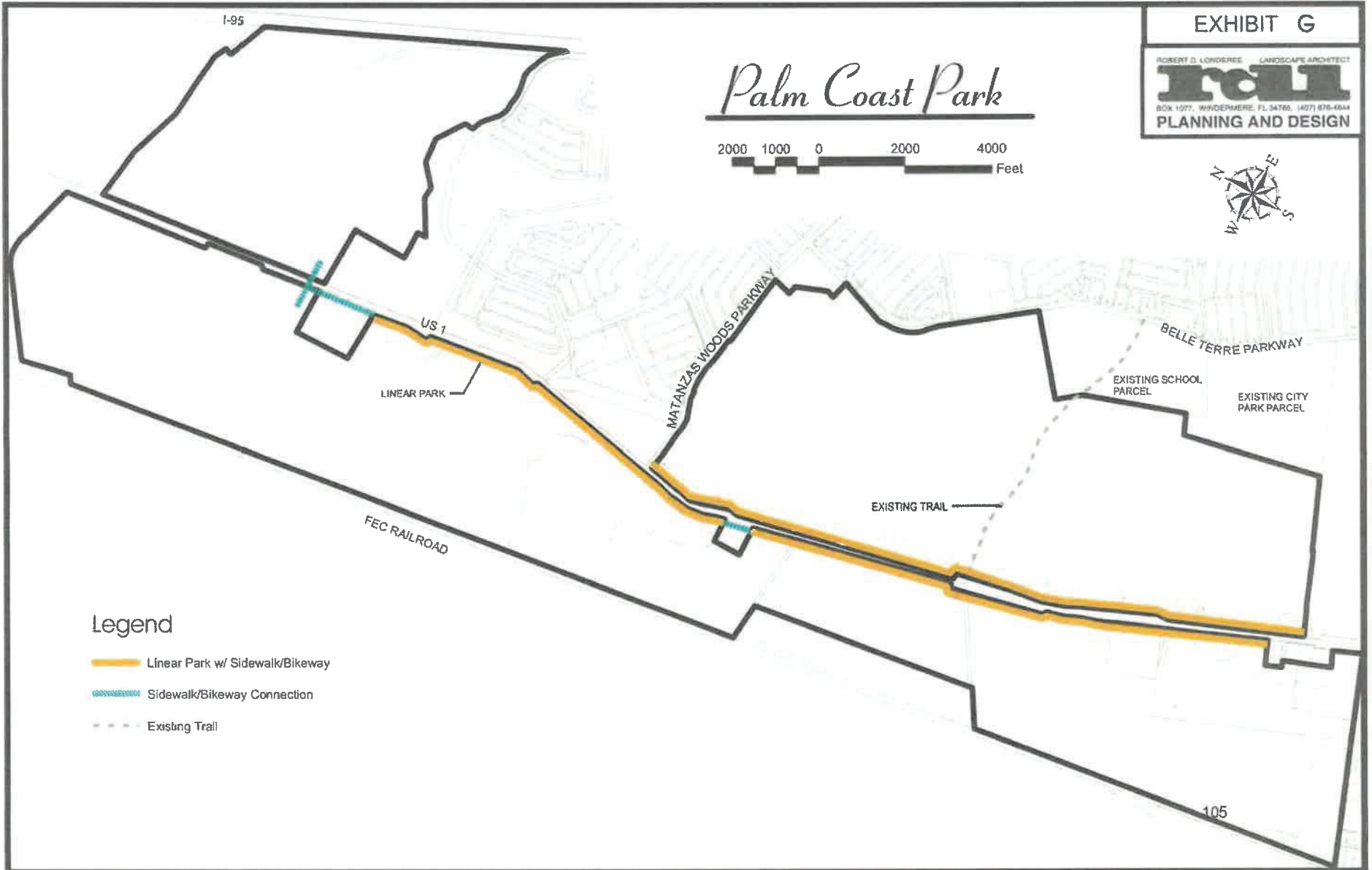
Road	Segment		Length (Miles)	Phase I			Phase II			Phase III			Total Cost (\$1,000)	Total Fair Share (\$1,000)
	From	To		Needs	Cost/Mi (\$1,000)	Cost (\$1,000)	Fair Share (\$1,000)	Needs	Cost/Mi (\$1,000)	Cost (\$1,000)	Fair Share (\$1,000)	Needs		
Matanzas Woods Pkwy	US 1	Belle Terre Pkwy	1.20				4L	\$ 2,160	\$ 2,592	\$ 2,160	6L	\$ 2,160	\$ 5,184	\$ 4,861
	Belle Terre Pkwy	I-95	0.80				4L	\$ 2,160	\$ 1,728	\$ 1,414			\$ 1,728	\$ 1,414
	I-95 Ramps ¹		1.00				Add Ramps	n/a	\$ 2,000	1,000			\$ 2,000	\$ 1,000
Old Kings Rd	Frontier Dr	Farragut Dr	1.10								4L	\$ 2,160	\$ 2,376	\$ 313
Belle Terre Pkwy	SR 100	Royal Palms Pkwy	1.50				6L	\$ 2,160	\$ 3,240	\$ 369			\$ 3,240	\$ 369
	Royal Palms Pkwy	White View Pkwy	1.50				6L	\$ 2,160	\$ 3,240	\$ 550	8L	\$ 2,160	\$ 6,480	\$ 1,587
	White View Pkwy	Pine Lakes Pkwy	1.90				6L	\$ 2,160	\$ 4,104	\$ 931			\$ 4,104	\$ 931
	Pine Lakes Pkwy S	Cypress Point Pkwy	0.40				8L	\$ 2,160	\$ 864	\$ 304	10L	\$ 2,160	\$ 2,592	\$ 1,119
	Palm Coast Pkwy (EB)	Palm Coast Pkwy (WB)	0.20				6L	\$ 2,160	\$ 432	\$ 98			\$ 432	\$ 98
	Palm Coast Pkwy (WB)	Bellaire Drive	0.30								6L	\$ 2,160	\$ 648	\$ 306
Palm Coast Pkwy	Bellaire Drive	Pine Lakes Pkwy N	1.00								4L	\$ 2,160	\$ 2,160	\$ 416
	Belle Terre Pkwy	Cypress Point Pkwy	0.85				3LO-W	\$ 2,160	\$ 1,836	\$ 544			\$ 1,836	\$ 544
	Cypress Point Pkwy	I-95 - West Ramps	0.10				6L	\$ 2,160	\$ 216	\$ 62			\$ 432	\$ 130
	I-95 - West Ramps	I-95 - East Ramps	0.40				8L	\$ 4,320	\$ 1,728	\$ 163			\$ 1,728	\$ 163
Royal Palms Pkwy	I-95 - East Ramps	Old Kings Rd	0.20				8L	\$ 4,320	\$ 864	\$ 81			\$ 864	\$ 81
	US 1	Belle Terre Pkwy	2.7				4L	\$ 2,160	\$ 5,832	\$ 448			\$ 5,832	\$ 448
Seminole Woods Blvd	US 1	Citation	2.4								4L	\$ 2,160	\$ 5,184	\$ 241
Totals													\$ 17,064	\$ 5,470
													\$ 21,008	\$ 7,374
													\$ 8,748	\$ 1,177
													\$ 46,820	\$ 14,021

¹Addition of ramps to the proposed Matanzas Woods Parkway overpass assumed to be equal to the approximate cost of four, 1/4-mile two-lane roadways; Project's share assumed to be 50%

EXHIBIT G

ROBERT D. LINDGREN LANDSCAPE ARCHITECT
roll
BOX 1077, WINDERMERE, FL 34786 (407) 876-4844
PLANNING AND DESIGN

Palm Coast Park



9th DRI
REVISED EXHIBIT "H"
LAND USES AND DEVELOPMENT

1. General -

Fifth **Revised Exhibit "D"** to this Amended and Restated Development Order (the "Tract Map") depicts the Palm Coast Park DRI Tracts and the existing roadway system.

2. Land Use by Tract -

The Palm Coast Park DRI shall be made up of the following land uses by tract, the locations of which are shown on the Tract Map:

(a) Residential Areas -

The "Residential Areas" consist of sites for various housing types including the following: single-family residential homes; town homes; condominium units and apartment units. All housing types may include elderly housing, such as independent living, assisted living, congregate care and retirement village. The Residential Areas consist of Tracts 1, 2, 3, 5A, 5B, 5C, 5D, 5E, 6A, 6B,-7A, 7B, 8, 9, 10A, 10B, 10C, 15, 16, 19, and 20 (Tract D only), ~~and 22~~ as shown on the Tract Map.

(b) Business/Institutional Areas -

The "Business/Institutional Areas" consist of sites for various non-residential uses including one or more of the following: commercial; office; financial institutions; food service; lodging and other tourist related facilities; light industrial; warehouse/distribution; public uses, including but not limited to parks, schools, utility facilities, fire, rescue and police stations; and institutional facilities, including but not limited to houses of worship, private clubs and community clubs. This area may include residential uses as a complement to the non-residential uses permitted on these tracts. The Business/Institutional Areas consist of Tracts 14, 18, ~~and~~ 20 (except Tract D), and 22 as shown on the Tract Map.

(c) Mixed-Uses Areas -

The "Mixed-Uses Areas" consist of sites for one or any combination of uses listed under subsections (a) and (b) above, and/or (d) below. The Mixed-Uses Areas consist of Tracts A, 4, ~~7A, 7B~~ 11A, 11B, 12, 13A, 13B, 13C, 17, 21A and 21B.

(d) Public/Semi-Public Areas¹ -

¹ This section of this exhibit shall control over anything contrary contained in this exhibit or within the Ninth Amended and Restated Palm Coast Park Development of Regional Impact Development Order.

The "Public/Semi-Public Areas" consist of sites for various types of public and semi-public uses which may include parks, schools, utility facilities, fire, rescue and police stations. The Public/Semi-Public Areas consist of Tracts B, C, 5F, and 5G, as shown on the Tract Map.

Although specific tracts are identified for public/semi-public areas, public facilities, including but not limited to schools, parks and fire stations, may be located anywhere on any of the tracts in the DRI.

(e) Common Areas -

The "Common Areas" consist of over 2,000 acres of existing wetlands, plus greenways, lakes, bikeways, walkways and other passive parks and recreational areas, including a frontage park along US-1 (the "US-1 Frontage Park"). The Common Areas shall make up approximately one-half of the DRI Property. Where possible, pedestrian access shall be provided through the Common Areas to connect adjacent development areas and to connect with parks, commercial areas and residential neighborhoods adjacent to the Project. Development activities within permanent conservation easements shall comply with applicable rules and regulations set forth in the Florida Administrative Code, Florida Statutes and the City's Unified Land Development Code.

3. Unified Land Development Code Applicability -

(a) The Unified Land Development Code of the City ("LDC") applies to the DRI Property and development within it, unless expressly otherwise provided herein or as negotiated in an approved Planned Unit Development Agreement or Master Planned Development Agreement ("MPD") covering development within one or more tracts. The requirements set forth herein supersede any inconsistent provisions of the LDC or other ordinances of the City.

(b) Title to any tract, as shown on the Tract Map, may be transferred in its entirety without platting so long as the tract has access to a public roadway directly or via an easement or is transferred to a person or entity that already holds title to adjacent property that has access to a public roadway. In addition, title to part of any tract may be transferred to a public entity without platting and if part of any tract was previously transferred to a public entity, the remainder of the tract may be conveyed in its entirety without platting so long as that portion of the tract has access to a public roadway directly or via an easement or is conveyed to a person or entity that already holds title to adjacent property that has access to a public roadway. However, no infrastructure improvements, with the exception of stormwater and utility improvements and site fill may be made on any tract until preliminary plat or site plan approval is received for the area to be improved. A final plat or Declaration of Condominium shall be recorded prior to issuance of a building permit or conveyance of any portion of the property that is included in the plat or condominium.

(c) As tracts are fully developed and built out, the method of conveying stormwater to stormwater retention areas may be altered from time to time. In the meantime, stormwater may be conveyed to stormwater retention areas on a temporary basis through a variety of methods, including open swales. Temporary easements shall be granted to the entity that is responsible for

maintaining the stormwater management system over all areas that contain temporary drainage facilities, and when the stormwater facilities are permanently located, and that entity shall release any temporary easements in exchange for a grant of permanent easements over the location of the permanent drainage facilities.

(d) To avoid damage to roads, disruption of activities at the Palm Coast Park DRI and because of the location of fill sources, it may be necessary to fill certain development areas within the DRI Property before specific site development plans are available for the areas. Therefore, clearing of trees, filling, excavation and dredging may be performed within DRI Property consistent with permits issued from time to time by the St. Johns River Water Management District ("SJRWMD") and the City. All cleared and filled areas shall be seeded or sodded and an average of 1 tree, with a minimum height of 8 feet and 2 inches caliper measured 6 inches above grade, shall be planted per acre. The trees may be planted in groupings to meet this requirement

(e) The US-1 Frontage Park, its landscaping, bike paths and other amenities, was completed on or before **June 30, 2008**. Other roadways, sidewalks/bikeways and trails shall be constructed concurrently with development of adjoining properties to insure that contiguous walkable sidewalks are available at all times. This means that sidewalk construction may be required to precede development of properties. Any temporary sidewalks fronting vacant building sites may consist of a path constructed with stabilized shell or other material approved by the City's Development Services Director. Temporary paths shall be replaced by permanent sidewalks before a certificate of occupancy is issued for a building that is constructed on the adjacent building site.

(f) The DRI Property contains over 2,000 acres of wetlands, much of which are substantially degraded as a result of years of agricultural use. A minimum of 1,850 acres of wetlands on the DRI Property shall be conserved and/or enhanced. Because of the size and complexity of the Palm Coast Park DRI, and the wetland protection provisions that are provided for in this Amended and Restated Development Order, including the commitment to conserve and/or enhance the vast majority of the wetlands within the DRI Property in order to provide an increase in the overall wetland functional values, the wetlands provisions of the LDC shall not apply in the case of development on the DRI Property. Instead, Developer shall be obligated to comply with all provisions with respect to wetlands that are set forth in the City's Comprehensive Plan, including obtaining approvals, as appropriate, from the SJRWMD and the United States Army Corp of Engineers prior to commencing any development which impacts wetlands.

4. Platting and Plan Overview -

The Master Plan depicts the general layout of the Palm Coast Park DRI, including the location of existing roads. The location of lot lines, structures, internal landscape buffers, drainage facilities and the internal street system shall be shown on plats, site development plans or condominium documents as portions of the Palm Coast Park DRI are designed for development.

The Palm Coast Park DRI shall be developed in phases consistent with this Amended and Restated Development Order. The Developer may sell tracts, parcels or platted lots. Title to tracts may be conveyed without platting, provided they have access to a public roadway directly or via an easement or title is conveyed to a person or entity that already holds title to adjacent property that has access to a public roadway, as provided for herein.

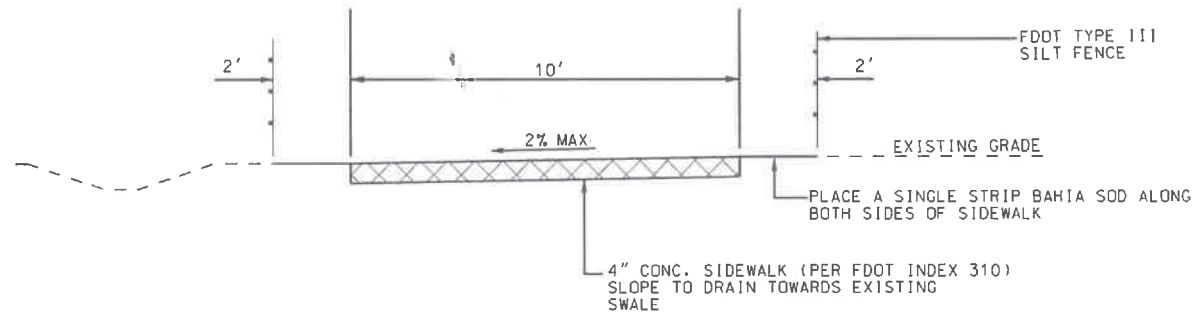
The Developer submitted an overall development plan for Palm Coast Park Phase 1 in early 2006, and received overall development plan approval on August 25, 2006. All infrastructure necessary to support each phase of the Palm Coast Park DRI shall be constructed with that phase. A final preliminary plat or site development plan for the Palm Coast Park DRI shall be submitted within thirty-nine (39) years from the effective date of the original Development Order (December 7, 2004).

5. Future Land Use Map ("FLUM") Category and Zoning -

(a) The City's Comprehensive Plan shows the DRI Property designated as a DRI-Mixed-Use on its FLUM. As such, the zoning adopted for the DRI Property must be consistent with the DRI-Mixed-Use designation. The City shall regulate development within the Palm Coast Park DRI consistent with its zoning classifications and the requirements in the LDC that are effective at the time of preliminary plat approval.

(b) Agricultural uses that include grazing of animals, raising of crops, sod farming, nursery and silviculture activities shall be permitted on any tract prior to commencement of vertical development on the tract. If any part of a tract is approved for vertical development, agricultural uses may continue on the remainder of the tract.





10' OFFSITE TRAIL

SCALE: 1" = 5'



OFFSITE TRAIL EXTENSIONS

TYPICAL OFFSITE TRAIL SECTIONS

EXHIBIT
J

11 Project No.
2010-003.10

Exhibit "K"

CONVEYED DEVELOPMENT RIGHTS TABLE							
Owner	Parcel ID	Tract(s)	Res.	Office	Retail	Inst.	Ind.
City of Palm Coast	17-10-30-0000-01020-0030	3, 4, 9, 11A, 12, 14, 18, 19, 20, A, B					
	20-10-30-0000-01010-0020						
	20-10-30-0000-01010-0030						
	27-10-30-0000-01010-0060						
	27-10-30-0000-01010-0070						
	27-10-30-0000-01010-0080						
	28-10-30-0000-01010-0020						
	28-10-30-0000-01010-0030						
	28-10-30-4290-00000-00A0						
	28-10-30-4290-00000-00A1						
	28-10-30-4290-00000-0050						
	28-10-30-4290-00000-0060						
	28-10-30-4290-00000-0070						
	28-10-30-4290-00000-0080						
	28-10-30-4290-00000-0090						
	28-10-30-4290-00000-0100						
	28-10-30-4290-00000-0110						
	28-10-30-4290-00000-0120						
	28-10-30-4290-00000-0130						
	29-10-30-0000-01010-0010						
29-10-30-0000-01030-0010							
33-10-30-0000-01030-00A2							
33-10-30-0000-01030-00A4							
33-10-30-0000-01030-00B4							
04-11-30-0000-01010-00A3							
04-11-30-0000-01010-00B4							
Flagler County	16-10-30-0000-01010-0010	5B, 5C					
Florida Agricultural Museum	17-10-30-0000-01020-0020	C					
	47-10-30-0000-01010-0022						
	47-10-30-0000-01010-0023						
Spring Lake Asset, LLC	03-11-30-0000-01010-0030	2	421				
	04-11-30-0000-01010-00B0						
	04-11-30-0000-01010-00B5						
	09-11-30-0000-0102A-0031						
	09-11-30-0000-0102A-0040						
10-11-30-0000-01010-0080							
Byrndog PCP LLC	34-10-30-0000-01010-0060	21				75,000	
Matanzas West Acquisition, LLC	27-10-30-0000-01010-0090	11A	285		26,000		
	34-10-30-0000-01010-0050						
Optimum Global Properties, LLC	15-10-30-0000-01010-0000	5A, 5B, 5C, 5D, 5E	644				
	15-10-30-0000-01010-0020						
	16-10-30-0000-01010-00B0						
	16-10-30-0000-01010-00B1						
	16-10-30-0000-01010-00B2						
	21-10-30-0000-01010-0010						
	22-10-30-0000-01010-0000						

Exhibit "K"

	22-10-30-0000-01030-0000					
	22-10-30-0000-01030-0020					
Optimum Property Developments	28-10-30-0000-01040-0000	4, 13A, 13B, 13C, 14, A	980	292,000	615,000	600,000
	28-10-30-0000-01010-0040					
	33-10-30-0000-01030-00A3					
	33-10-30-0000-01030-00A5					
	33-10-30-0000-01030-00A6					
	34-10-30-0000-01010-0040					
	34-10-30-0000-01010-0070					
	34-10-30-0000-01010-0080					
	03-11-30-0000-01010-0020					
	03-11-30-0000-01010-0022					
	03-11-30-0000-01010-0023					
	03-11-30-0000-01010-0024					
	03-11-30-0000-01010-0061					
	04-11-30-0000-01010-00A1					
	04-11-30-0000-01010-00A2					
	04-11-30-0000-01010-00A4					
	04-11-30-0000-01010-00A5					
	04-11-30-0000-01010-00A6					
	04-11-30-0000-01010-00A7					
10-11-30-0000-01030-00A0						
Palm Coast Florida Holdings	09-10-30-0000-01020-0000	6A, 6B, 7A, 7B, 8, 9, 10A, 10B, 10C, 18, 19, D	1,519	20,000	20,000	
	16-10-30-0000-01010-00A0					
	16-10-30-0000-01010-00A1					
	17-10-30-0000-01020-0000					
	17-10-30-0000-01020-0010					
	20-10-30-0000-01020-0000					
	20-10-30-0000-01020-0030					
	21-10-30-0000-01010-0000					
	21-10-30-0000-01010-0050					
	28-10-30-0000-01020-0000					
	28-10-30-0000-01020-0010					
	28-10-30-0000-01030-0000					
	28-10-30-0000-01030-0020					
	28-10-30-4290-00000-00D0					
	29-10-30-0000-01010-0000					
	29-10-30-0000-01030-0000					
47-10-30-0000-01010-0020						
Byrndog PCP	27-10-30-0000-01010-0000	11B, 12, , , 18, 20,		We do not find any entitlements assigned		
	28-10-30-0000-01010-0000					
	28-10-30-4290-00000-00B0					
	28-10-30-4290-00000-00C0					
	28-10-30-4290-00000-00E0					
	28-10-30-4290-00000-0010					
	28-10-30-4290-00000-0020					
	28-10-30-4290-00000-0030					
	28-10-30-4290-00000-0140					
	33-10-30-0000-01030-00A0					
	33-10-30-0000-01030-00B2					
	34-10-30-0000-01010-0000					

Exhibit "K"

	04-11-30-0000-01010-00B3						
Palm Coast REH, LLC	28-10-30-4290-00000-0040	20			160,000		
	28-10-30-4290-00000-0150						
Sunbelt Palm Coast I, LLC	09-11-30-0000-0102A-0000	1					
	09-11-30-0000-0102A-0030		359				
	10-11-30-0000-01010-0000						
	16-11-30-0000-01010-0070						
*Sawmill Creek	Platted properties, multiple parcel ID #'s		259				
DR Horton	Platted properties, multiple parcel ID #'s		100				
ADJ Trails	Platted properties, multiple parcel ID #'s	22	274				
KB Homes	Platted properties, multiple parcel ID #'s	15/17	418				
*Forestar (USA) Real Estate Group	Platted properties, multiple parcel ID #'s		493				
TOTALS CONVEYED			5,752	312,000	821,000	75,000	600,000

ENTITLED	6,454	538,112	1,089,800	100,000	1,100,000
REMAINING	TBD	226,112	268,800	25,000	500,000

SUMMARY 2023 DRI

	RES.	OFFICE	RETAIL	INST.	IND.
APPROVED	6,454	538,112	1,089,800	100,000	1,100,000
CONVEYED	5,752	312,000	821,000	75,000	600,000
REMAINING	702	226,112	268,800	25,000	500,000

*Sawmill Creek and Forestar are part of the Tracts that were originally owned by Palm Coast Florida Holdings LLC

Exhibit "L"

<u>Section of DRI</u>	<u>Name of Section</u>	<u>Obligation</u>	<u>Status</u>
Part II, ¶ 5 (g)	Phasing, Buildout, and Expiration	Install conduit for fiber optic, telephone, and cable service and shall convey to City of Palm Coast.	Completed as to roadside US-1. The owner of each parcel of Subject Property has been required install their own Phone, Cable, TV, etc. at the time of construction and dedicate the same as required.
Part II, ¶ 11	Biennial Reporting	A biennial monitoring report shall be submitted to NEFRC, DCA, and the City Starting 06/30/06 and biennially thereafter until build out.	This requirement has been removed and is considered satisfied.
Part III, ¶ 1(a)	Vegetation and Wildlife	Preserve at least 116 acres of gopher tortoise habitat prior to commencing any development activities. (i) Grant 44.66 acres in perpetual conservation easement to Florida Fish and Wildlife Conservation (FFWCC) and an additional 71.34 acres of gopher habitat by either (1) paying \$5,859/acre or prevailing cost/acre, whichever is greater to the FFWCC or (2) preserving an appropriate number of acres of habitat on site or (3) choosing a combination of 1 and 2.	Tract "C" (Gopher Preserve) has been placed under conservation easement. Payment to FFWCC completed for offsite habitat preservation.

Part III, ¶ 1 (b)	Vegetation and Wildlife	Develop an Eastern Indigo Snake Protection/Education Plan and install informational signs at active construction sites.	Signs are posted at all active construction sites and will be posted as construction of new projects begin. This responsibility is also the responsibility of each property owner.
Part III, ¶ 2 (b)(iv)	Wetlands	Develop and implement wildfire mitigation practices.	Forestry consultant is employed by the CDD and makes yearly recommendations. This requirement has been dedicated to the CDD.
Part III, ¶ 2 (c)	Wetlands	Conveyance of conservation easement in favor of SJRWMD and City for the preserved wetlands.	To be completed on a project by project basis. This is the responsibility of each parcel owner.
Part III, ¶ 2 (d)	Wetlands	Perform field verification of wetland boundaries.	To be completed on a project by project basis and is the responsibility of each parcel owner.
Part III, ¶ 2 (e)	Wetlands	Provide City with all Federal and State environmental permits prior to start of construction.	To be completed on a project by project basis and is the responsibility of each parcel owner.
Part III, ¶ 4 (a)	Water Supply	Install distribution system for reclaimed (non-potable) water during development of DRI.	Main lines along US-1 have been installed. Service lines will be extended with the construction of each project by the parcel owner constructing said project.
Part III, ¶ 4 (b)	Water Supply	Under take 1 residential and 1 non-residential example of drought-tolerant or native vegetation.	This Obligation is amended to ensure that all projects and developments in the DRI comply with the City's Unified Land Development Code
Part III, ¶ 4 (c)	Water Supply	Develop and implement water conservation plan addressing the	Completed. The continual implementation is the responsibility of each Subject Property owner.

		specified items in this section.	
Part III, ¶ 4 (d)	Water Supply	Within 1 year from the effective date, provide easements with adequate accessibility to proposed wellheads.	Easement dedicated to the City of Palm Coast on July 19, 2005.
Part III, ¶ 4 (e)	Water Supply	Within 1 year from the effective date, establish a linear easement that parallels the boundary of the DRI property abutting the Florida East Coast railroad ROW.	Easement dedicated to FPL on August 19, 2005.
Part III, ¶ 5 (a)	Groundwater Protection	Create a 500 Foot buffer zone around all wellheads.	This requirement has been completed.
Part III, ¶ 5 (c)	Groundwater Protection	Plug any abandoned wells found during construction.	This requirement is ongoing and has been assigned to the individual property owners.
Part III, ¶ 5 (d)	Groundwater Protection	Apply best practices in connection with all geotechnical borings.	This requirement is ongoing and has been assigned to the individual property owners.
Part III, ¶ 5 (e)	Groundwater Protection	Report any discharged regulated substances when the discharge meets the minimum reporting standards. Further remediate the soil of any discharged regulated products, regardless of the quantity discharged.	This requirement is ongoing and has been assigned to the individual property owners.

Part III, ¶ 6 (c)	Wastewater Management	Dedicate a minimum 30 acre site to the City for the purpose of locating a new water and wastewater utility plant.	Tract "B" was deeded to the City of Palm Coast in July, 2005.
Part III, ¶ 7 (a)	Stormwater Management	Create and attach a stormwater pollution prevention plan that is attached to all construction and permit documents. Further, appropriate maintenance personnel are required to attend the Florida Stormwater Erosion and Sedimentation Control Training & Certification.	A stormwater pollution prevention plan is provided with each project. As of the date of this Amended and Restated DO, it is the responsibility of the individual property owner to submit such plan with all plans and permit requests. Further, Staff personnel are currently certified as Stormwater Inspectors.
Part III, ¶ 7 (b)	Stormwater Management	A water quality monitoring plan shall be developed for review and approval by FDEP.	Completed.
Part III, ¶ 8 (b)	Transportation	Developer shall provide all internal rights-of-way and appropriate easements and facilities to construct internal roadway. Developer shall also construct internal roadway network.	ROW and easements are being dedicated on a project by project basis and is the responsibility of each Property owner do dedicate such roads as required by their community.
Part III, ¶ 8 (c)	Transportation	Developer shall construct all turn lanes and traffic signals necessary to	Being completed on a project by project basis and is the responsibility of each Property owner do dedicate such turn lanes and signals as required by their community.

		provide access to PCP	
Part III, ¶ 8 (d)	Transportation	Prior to the end of Phase 1 or 2019, an IJR shall be completed in cooperation with FDOT for the proposed I-95/Matanzas Woods Parkway interchange. If the IJR determines the interchange is necessary, the interchange must be funded in the City's Capital Improvement Plan or in the first 3 years of FDPT's 5 year plan upon PCP generating 3,145 PM Peak Hour Trips.	The IJR has been constructed, completed, and dedicated to FDOT. All other requirements contained in this section have been satisfied via an interlocal agreement.
Part III, ¶ 8 (e)	Transportation	If 8(d) (above) is not completed, the project must be reevaluated for traffic impacts.	Not required as the IJR was completed.
Part III, ¶ 9	Air Quality	Dust control measures shall be taken, as outlined, during construction.	Being undertaken on a project by project basis and is the responsibility of each property owner for the construction on their property.
Part III, ¶ 10 (a)	Hurricane Evacuation	All residents of PCP must be provided, by Developer, with information regarding Hurricane vulnerability of the development.	Not yet due as there are no residents of the development. However, as owners develop their property, they are responsible for distribution of such information.

Part III, ¶ 10 (c)	Hurricane Evacuation	Prior to construction of Hulett Branch Bridge Crossing, Engineering Study will be performed to ensure soundness of Bridge during surge flow events.	Infrastructure not yet built. As such, no bridge is currently being prepared to be built. This bridge building has been assumed by the owner of the property on which the bridge is to be built. As such, this obligation belongs to the property owner.
Part III, ¶ 11 (a)	Affordable Housing	Prior to commencement of Phase II and III, Developer shall reanalyze impact of PCP on affordable housing.	Given the amount of proposed apartment complexes and high-density residential development, this requirement is terminated.
Part III, ¶ 11 (b)	Affordable Housing	Any addition to the DRI shall require a new analysis of the impact on affordable housing.	Given the amount of proposed apartment complexes and high-density residential development, this requirement is terminated.
Part III, ¶ 12 (a)	Police and Fire Protection	Developer shall deed a fire station which is up to 6 acres in total.	This requirement has not yet been required as the City has not requested title to the proposed fire station.
Part III, ¶ 13 (a)	Recreation and Open Space	Developer shall design, permit and construct offsite trial systems as identified therein.	The Developer has completed this requirement and subsequently reduced the performance bonds identified herein accordingly.
Part III, ¶ 13 (d)	Recreation and Open Space	City shall convey back to Developer Tract A and Developer shall convey to City Tract 20 as the alternate Park Site.	This item has been completed.
Part III, ¶ 13(f)	Recreation and Open Space	Developer shall provide access to the Tract 20 from US 1 through Tracts 17 and 18 to access the City Park. This	At this time, no access has been requested and no waiver of this requirement has occurred.

		requirement is waivable by both parties.	
Part III, ¶ 14	Education	Developer shall dedicate to the Flagler County School Board a 25-acre parcel for school construction.	This dedication has occurred and has been satisfied.
Part III, ¶ 17	Right of Way Dedication	The Owner of Tract 17 shall convey to the City of Palm Coast, at the time of Platting Tract 17, a 100' wide right of way for the creation of Peavy Grade (a/k/a Wellfield Grade). The dedicated roadway shall be approximately where the current dirt road exists.	No platting has occurred yet. As such, this requirement has not yet been triggered.
Part III, ¶ 18	Wastewater Easement	The Owner of Tract A shall convey, to the City of Palm Coast, a twenty (20) foot wide easement identified as Exhibit "M" to the DRI.	This requirement is currently being coordinated with the owner of the appropriate Tract A.

Exhibit "M"

Prepared by:
Catherine D. Reischmann, Esq.
111 N. Orange Ave., Ste. 2000
Orlando, FL 32801

Return to:
City Clerk
City of Palm Coast
160 Lake Avenue
Palm Coast, FL 32164

Parcel Id: 03-11-30-0000-01010-0022
03-11-30-0000-01010-0061
04-11-30-0000-01010-00A5
04-11-30-0000-01010-00A4

UTILITY EASEMENT AGREEMENT

THIS UTILITY EASEMENT AGREEMENT is made and entered into this _____ day of _____, 2019, by and between **OPTIMUM PROPERTY DEVELOPMENTS LLC**, a Florida limited liability company, whose address is 6996 Piazza Grande Ave., Suite 202, Orlando, FL 32835 (“Grantor”) and the **CITY OF PALM COAST**, (“Grantee”) whose address is 160 Lake Avenue, Palm Coast, FL 32164.

WITNESSETH:

WHEREAS, Grantor is the owner of that certain real property located in Palm Coast, Flagler County, Florida, more particularly described as set forth on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, Grantor desires to grant and convey unto Grantee a non-exclusive public utility easement to, over, under, upon, across and through that certain portion of the Property which is described on Exhibit “B” attached hereto (hereinafter referred to as the “Easement Area”), for the construction, installation, operation, maintenance and repair by Grantee, or its employees, agents or designees, of public utility lines, mains, pipes, pumps, valves, wires, structures, electrical controls, cables and similar appurtenances (hereinafter referred to as the “Utilities”); and

WHEREAS, Grantor warrants that he has full authority to grant this easement.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

2. Grant of Easement by Grantor. Grantor does hereby create, grant, convey and declare to exist a non-exclusive Easement to, over, under, upon, across and through the Easement Area for the purpose of construction, installation, operation, maintenance and repair of the Utilities, provided that all such Utilities shall be installed underground.
3. Incidental Rights. The Easement hereby created and granted includes the creation of all incidental rights reasonably necessary for the use and enjoyment of the Easement Area for its intended purposes, including, specifically, the right of entry for purposes of construction, installation, operation, maintenance and repair of any Utilities located within the Easement Area.
4. Construction and Maintenance. Grantee shall bear the entire cost and expense of any construction, repair, alteration, replacement or removal activities performed within the Easement Area. The Grantee shall also, at Grantee's cost and expense, restore the Property and Easement Area to the condition which existed prior to any such construction, repair, alteration, replacement or removal activities, including but not limited to, revegetation, resodding, repaving, or removal of debris or dirt caused by or resulting from such activities.
5. Use. Use of the Easement Area and entry upon the Property will at all times conform to and comply with the terms of this Easement and all applicable governmental regulations now in existence or hereafter created.
6. Duration. The Easement hereby granted and conveyed to, over, under, upon, across, and through the Easement Area shall be perpetual in duration.
7. Warranty of Title. Grantor hereby warrants that: (i) Grantor owns the fee simple title to the Property, (ii) Grantor has good right and lawful authority to convey the Easement granted herein, and (iii) the Property is not encumbered by any mortgages or other matters which would prohibit the use of the Easement Area for the purposes contemplated herein.
8. Litigation and Attorneys Fees. In the event it shall be necessary for Grantor or Grantee to bring suit for specific performance or damages or to enforce any provision hereof, the prevailing party in any such litigation and any appeals therefrom shall be entitled to recover from the other party, in addition to any damages or other relief granted as a result of such litigation, all costs or expenses of such litigation and its reasonable attorneys' fees and paralegals' fees as fixed by the Court.
9. Governing Law. The Easement shall be governed by and construed in accordance with the laws of the State of Florida.
10. Recordation. The original of this agreement shall be recorded in the Public Records of Flagler County, Florida, at the expense of the Grantee.
11. Binding Covenant. The covenant and rights set forth in this Agreement shall run with the title to the lands described in Exhibit "A" and the benefits and burdens hereof shall bind and inure to the benefit of all successors in interest to the parties hereto.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Utility Easement to be executed in manner and form sufficient to bind them as of the date and year first above written.

WITNESSES:

(print)

(print)

GRANTOR

OPTIMUM PROPERTY DEVELOPMENTS
LLC, a Florida limited liability company

By: _____
Yeh-Shan Chiang, Manager

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Yeh-Shan Chiang, Manager of OPTIMUM PROPERTY DEVELOPMENTS LLC, a Florida limited liability company (check one) who is personally known to me or who produced _____ as identification.

Notary Public
Print Name: _____
My Commission expires: _____

WITNESSES:

(print)

(print)

GRANTEE

CITY OF PALM COAST

By: _____
Denise Bevan, City Manager

ATTEST:

(SEAL)

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization this _____ day of _____, 2023, by Denise Bevan, City Manager of the City of Palm Coast, Florida, who is personally known to me.

Notary Public – State of Florida
Print Name: _____
My Commission expires: _____

EXHIBIT "A"
PROPERTY

A PARCEL OF LAND LYING EAST OF U.S. HIGHWAY NO. 1 IN GOVERNMENT SECTIONS 33 AND 34, TOWNSHIP 10 SOUTH, RANGE 30 EAST, AND IN SECTIONS 3 AND 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, BEING A PORTION OF PARCEL 1003, RECORDED IN OFFICIAL RECORDS BOOK 788, PAGES 2 THROUGH 21, AND A PORTION OF PARCEL 902, RECORDED IN OFFICIAL RECORDS BOOK 792, PAGES 1902 THROUGH 1917, OF THE PUBLIC RECORDS OF AND LYING WITHIN FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF GOVERNMENT SECTION 3, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE N00°44'40"W ALONG THE EAST LINE OF SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, A DISTANCE OF 71.98 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID EAST LINE OF SECTION 33 N75°54'31"E FOR A DISTANCE OF 699.17 FEET; THENCE S13°03'04"E FOR A DISTANCE OF 1420.96 FEET; THENCE S78°07'43"W FOR A DISTANCE OF 2046.21 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N14°05'29"W ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 61.50 FEET; THENCE N75°54'31"E DEPARTING SAID RIGHT-OF-WAY FOR A DISTANCE OF 60.00 FEET; THENCE N14°05'29"W FOR A DISTANCE OF 60.00 FEET; THENCE S75°54'31"W FOR A DISTANCE OF 60.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE N14°05'29"W ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 1219.96 FEET; THENCE N75°54'31"E FOR A DISTANCE OF 1371.30 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "B"
EASEMENT AREA

Sketch and Description:

THIS IS NOT A SURVEY

Legal Description:

A STRIP OF LAND 20 FEET IN WIDTH, LYING EAST OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5) (RIGHT-OF-WAY VARIES) LOCATED WITHIN GOVERNMENT SECTIONS 3 AND 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA BEING 10 FEET (AS MEASURED PERPENDICULARLY) ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1 WITH THE NORTHERLY LINE OF SAID GOVERNMENT SECTION 4, SAID EASTERLY RIGHT-OF-WAY LINE ALSO BEING THE WESTERLY LINE OF A 100 FOOT MULTI-USE EASEMENT KNOWN AS LINEAR PARK, AS RECORDED IN OFFICIAL RECORDS BOOK 1570, PAGE 942, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID NORTHERLY SECTION LINE SOUTH 14°05'29" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND WESTERLY EASEMENT LINE FOR A DISTANCE OF 284.54 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY AND EASEMENT LINE NORTH 75°54'31" EAST, A DISTANCE OF 100.00 FEET TO THE EASTERLY LINE OF SAID LINEAR PARK AND THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY EASEMENT LINE FOR THE FOLLOWING ELEVEN (11) COURSES; (1) THENCE RUN NORTH 81°58'40" EAST, A DISTANCE OF 161.01 FEET; (2) THENCE RUN NORTH 84°49'40" EAST, A DISTANCE OF 133.75 FEET; (3) THENCE RUN NORTH 82°56'10" EAST, A DISTANCE OF 217.48 FEET; (4) THENCE RUN NORTH 85°06'01" EAST, A DISTANCE OF 95.16 FEET; (5) THENCE RUN NORTH 83°55'43" EAST, A DISTANCE OF 376.01 FEET; (6) THENCE RUN NORTH 85°13'57" EAST, A DISTANCE OF 99.55 FEET; (7) THENCE RUN NORTH 82°58'58" EAST, A DISTANCE OF 364.21 FEET; (8) THENCE RUN NORTH 81°47'47" EAST, A DISTANCE OF 199.27 FEET; (9) THENCE RUN NORTH 85°00'12" EAST, A DISTANCE OF 100.42 FEET; (10) THENCE RUN SOUTH 80°52'11" EAST, A DISTANCE OF 100.15 FEET; (11) THENCE RUN SOUTH 75°43'23" EAST, A DISTANCE OF 159.41 FEET TO A POINT OF TERMINUS, SAID POINT BEING LOCATED ON EASTERLY LINE OF A PARCEL OF LAND LOCALLY KNOWN AS TRACT A, ALSO BEING THE WESTERLY LINE OF A PARCEL OF LAND LOCALLY KNOWN AS TRACT 21 PER PALM COAST PARK DRI. SAID SIDE LINES TO EXTEND OR SHORTEN TO INTERSECT WITH THE EASTERLY LINE OF SAID LINEAR PARK AND THE EASTERLY LINE OF SAID TRACT A.

ENCOMPASSING 40,128 SQUARE FEET OR 0.92 ACRE MORE OR LESS.

Abbreviation Legend:

(A) - ACTUAL	Δ - DELTA	GOVT - GOVERNMENT	PC - POINT OF CURVATURE	R30E - RANGE 30 EAST
APPROX - APPROXIMATE	(D) - DEED	IP - IRON PIPE	PCC - POINT OF COMPOUND CURVATURE	R - RADIUS
AVG - AVERAGE	(DE) - DEED EXCEPTION	IR - IRON ROD	PCP - PERMANENT CONTROL POINT	RAD - RADIAL
(BB) - BEARING BASIS	DEPT - DEPARTMENT	IR&C - IRON REBAR & CAP	PG - PAGE	REC - RECOVERED
BLDG - BUILDING	D/U - DRAINAGE AND UTILITY	L - ARC LENGTH	PGS - PAGES	REV - REVISION
BM - BENCH MARK	E - EASEMENT	LB# - LICENSED BUSINESS NUMBER	PI - POINT OF INTERSECTION	RP - RADIUS POINT
(C) - CALCULATED	ELEV - ELEVATION	(M) - MEASURED	POB - POINT OF BEGINNING	R/W - RIGHT-OF-WAY
C - CHORD	EOP - EDGE OF PAVEMENT	N & D - NAIL AND DISK	POC - POINT OF COMMENCEMENT	SEC 4 - SECTION 4
CB - CHORD BEARING	ESMT - EASEMENT	NR - NON-RADIAL	POL - POINT ON LINE	SQ - SQUARE
CCR # - CERTIFIED CORNER RECORD NUMBER	FDDT - FLORIDA DEPARTMENT OF TRANSPORTATION	NSI - NO SURVEYOR IDENTIFICATION	PRC - POINT OF REVERSE CURVATURE	SQ FT - SQUARE FEET
C/L - CENTERLINE	FF - FINISH FLOOR	NT - NON-TANGENT	PRM - PERMANENT REFERENCE MONUMENT	TE - TANGENT BEARING
CM - CONCRETE MONUMENT	FND - FOUND	OR - OFFICIAL RECORDS	PT - POINT OF TANGENCY	T11S - TOWNSHIP 11 SOUTH
CONC - CONCRETE	FP&L - FLORIDA POWER AND LIGHT	ORB - OFFICIAL RECORDS BOOK	FEC - FLORIDA EAST COAST RAILWAY	(TYP) - TYPICAL
COR - CORNER	(G) - GRID (STATE PLANE)	PB - PLAT BOOK		UE - UTILITY EASEMENT
		FS - FLORIDA STATUTE		W/ - WITH

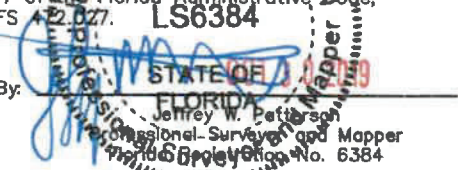
Surveyor's Notes:

- COPIES OF THIS SKETCH AND DESCRIPTION ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 (STATE ROAD No. 5), BEING S 14°05'29" E.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

Surveyor's Certification:

Certified to: City of Palm Coast

I hereby certify that the attached "Sketch and Description" of the hereon described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on September 20, 2019. I further certify that this "Sketch and Description" meets the standards of practice set forth in Rule Chapter 5J-17 of the Florida Administrative Code, pursuant to FS 422.027.



For the Firm By:

TITLE BLOCK ABBREVIATIONS	
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER	P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT SHEETS 1 THRU 3 OF 3

Date: 09/20/19	Job No. O6276.02
Drawn by: B.J.B.	File: US-1_REC_ESMT

Prepared By:
CPH, Inc.
Licenses:
Eng. C.O.A. No. 3215
Survey L.B. No. 7143
Arch. Lic. No. AA2600926
Lndscp. Lic. No. LC0000298

www.cphcorp.com

520 Palm Coast Pkwy SW - Palm Coast, FL 32137 - Ph: 386.445.6569

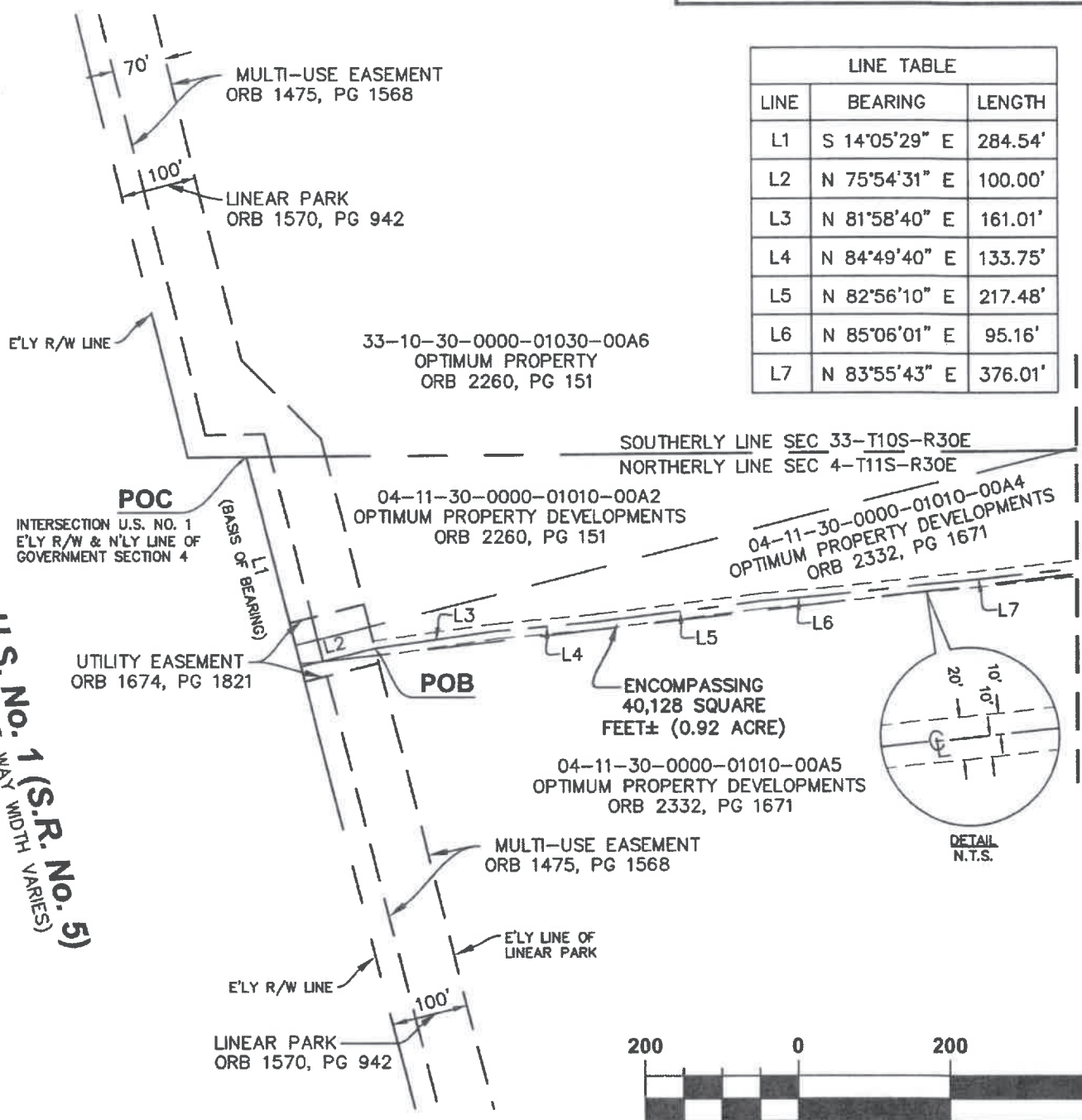
20' UTILITY EASEMENT
SECTIONS 3 & 4-TOWNSHIP 11 SOUTH-RANGE 30 EAST
FLAGLER COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet
1
1 of 3
© 2019

Sketch and Description:

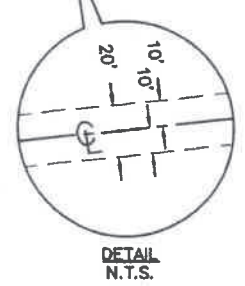
THIS IS NOT A SURVEY



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 14°05'29" E	284.54'
L2	N 75°54'31" E	100.00'
L3	N 81°58'40" E	161.01'
L4	N 84°49'40" E	133.75'
L5	N 82°56'10" E	217.48'
L6	N 85°06'01" E	95.16'
L7	N 83°55'43" E	376.01'

U.S. No. 1 (S.R. No. 5)
 (RIGHT-OF-WAY WIDTH VARIES)

MATCH LINE SEE SHEET 3 OF 3



Graphic Scale in Feet

TITLE BLOCK ABBREVIATIONS
 Eng. = ENGINEERING L.B. = LICENSED BUSINESS
 C.O.A. = CERTIFICATE OF AUTHORIZATION Arch. = ARCHITECTURAL
 Landsc. = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED
 No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT SHEETS 1 THRU 3 OF 3.

Date: 09/20/19 Job No. O6276.02
 Drawn by: B.J.B. Scale: 1"=200' File: US-1_REC_ESMT

www.cphcorp.com

Prepared By:
CPH, Inc.
 Licenses:
 Eng. C.O.A. No. 3215
 Survey L.B. No. 7143
 Arch. Lic. No. AA2600926
 Landsc. Lic. No. LC0000298

20' UTILITY EASEMENT
 SECTIONS 3 & 4-TOWNSHIP 11 SOUTH-RANGE 30 EAST
 FLAGLER COUNTY, FLORIDA
SKETCH AND DESCRIPTION

Sheet
2
 2 of 3
 © 2019

Sketch and Description:

THIS IS NOT A SURVEY



33-10-30-0000-01030-00A6
OPTIMUM PROPERTY
ORB 2260, PG 151

EASTERLY LINE SEC 33-T11S-R30E
WESTERLY LINE SEC 34-T11S-R30E

34-10-30-0000-01010-0080
OPTIMUM PROPERTY
ORB 2332, PG 1671

34-10-30-0000-01010-0000
PALM COAST LAND LLC
ORB 788, PG 22

33-10-30-0000-01030-00A3
OPTIMUM PROPERTY DEVELOPMENTS
ORB 2332, PG 1671

34-10-30-0000-01010-0040
OPTIMUM PROPERTY DEVELOPMENTS
ORB 2332, PG 1671

SOUTHERLY LINE SEC 34-T10S-R30E
NORTHERLY LINE SEC 3-T11S-R30E

34-10-30-0000-01010-0060
LIFE CHURCH INC
ORB 2178, PG 317

MATCH LINE SEE SHEET 2 OF 2

L8

L9

L10

L11

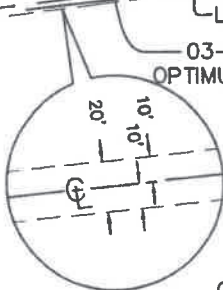
L12

L13

03-11-30-0000-01010-0061
OPTIMUM PROPERTY DEVELOPMENTS
ORB 2332, PG 1671

W'LY LINE
TRACT 21

E'LY LINE
TRACT A



DETAIL
N.T.S.

03-11-30-0000-01010-0022
OPTIMUM PROPERTY DEVELOPMENTS
ORB 2332, PG 1671

EASTERLY LINE SEC 4-T11S-R30E
WESTERLY LINE SEC 3-T11S-R30E

LINE TABLE		
LINE	BEARING	LENGTH
L8	N 85°13'57" E	99.55'
L9	N 82°58'58" E	364.21'
L10	N 81°47'47" E	199.27'
L11	N 85°00'12" E	100.42'
L12	S 80°52'11" E	100.15'
L13	S 75°43'23" E	159.41'



Graphic Scale in Feet

TITLE BLOCK ABBREVIATIONS
Eng. = ENGINEERING L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION Arch. = ARCHITECTURAL
Landscape = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT
SHEETS 1 THRU 3 OF 3.

Date: 09/20/19 Job No. O6276.02

Drawn by: B.J.B. Scale: 1"=200' File: US-1_REC_ESMT



Prepared By:
CPH, Inc.
Licenses:
Eng. C.O.A. No. 3215
Survey L.B. No. 7143
Arch. Lic. No. AA2600926
Landscape Lic. No. LC0000298

20' UTILITY EASEMENT
SECTIONS 3 & 4-TOWNSHIP 11 SOUTH-RANGE 30 EAST
FLAGLER COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

3

3 of 3

© 2019





**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PALM COAST PARK DRI
CITY COUNCIL MEETING ON
MAY 16, 2023**

OVERVIEW

Application #: 5275

Applicant: Byrndog PCP, LLC, the Declarant

Property Description: 4,671 +/- acres generally located along both sides of US Highway 1, between Palm Coast Parkway and Old Kings Road

Property Owners: Numerous, (Byrndog PCP, LLC as Declarant)

Parcel ID #: Numerous

Current FLUM designation: DRI-Mixed Use, Conservation

Current Zoning designation: Master Planned Development (Mixed Uses)

Current Use: Mostly vacant but with numerous residential communities under construction along US Highway 1 and Belle Terre Parkway

Size of subject property: 4,671 +/- acres

Requested Action: Amend the Palm Coast Park Development of Regional Impact (DRI) Development Order

Recommendation: Approval

ANALYSIS

REQUESTED ACTION

The declarant for the Palm Coast Park Development of Regional Impact (DRI), Byrndog PCP, LLC, has requested the 9th Amendment to the Palm Coast Park DRI.

BACKGROUND/SITE HISTORY

The following bullet points highlight the previous amendments and a key ownership change to the Palm Coast Park Development of Regional Impact Development Order:

- On December 7, 2004 (by Resolution # 2004-48), the Palm Coast City Council approved the Palm Coast Park Development of Regional Impact Development Order (DRI DO) encompassing 4677 +/- acres. The original entitlements approved 3,600 dwelling units and 3.2 million sq. ft. of non-residential building area.

- 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.
- On October 4, 2011, the City Council adopted the 2nd Amended and Restated DRI DO (Resolution # 2011-93). This was a clean-up amendment incorporating changes to phasing dates, acreage of total development, update acreage of common area, update of map exhibits, and update of certain conditions related to recreation.
- In June 2014, conversion of 43,200 sq. ft. of commercial/retail to 360 dwelling units by letter as permitted by original DO.
- 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.
- 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.
- 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. The additional residential units are from the conversion of 139,000 sq. ft. of retail uses.
- On March 5, 2019, the City Council approved Resolution # 2019-20, the Sixth Amendment to the Palm Coast Park DRI DO to delete a 6.1-acre parcel from the DRI boundaries.
- On October 1, 2019, the City Council approved Resolution # 2019-88, the Seventh Amendment to the Palm Coast Park DRI-DO to amend the permitted uses on Tracts 10B & 16 to residential, relocate the location for the dedication of new lands to Flagler County School Board and other housekeeping matters.
- On December 18, 2019, Palm Coast Land, LLC conveyed all its interest in the land to Byrndog PCP, LLC.
- On January 7, 2020, the City Council approved Resolution # 2020-01, the Eighth Amendment to the Palm Coast Park DRI DO to update Declarant requirements and show those that are complete.
- On January 4, 2022, the Declarant exercised its right to convert 261,888 s.f. of office entitlements to 744 single-family residential units, as evidenced by a Minor Modification that was administratively reviewed and approved.

PROJECT DESCRIPTION

The applicant is proposing the following key changes in the 9th Amended & Restated Palm Coast Park Development Order (DRI DO):

(The page numbers at the end of each item refer to the DRI Development Order page numbers located in the bottom middle of that document.)

1. Update the ownership name of the master developer from Palm Coast Land, LLC to Byrndog PCP, LLC and change the responsible party from "Owner" to "Declarant". (p.1,4)
2. Update the DRI DO to reflect the January 4, 2022, Minor Modification that converted 261,888 sq. ft. of Office entitlements to 744 single-family Residential units. This Minor Modification was done per the conversion table in the DRI DO and approved administratively. (p. 5) (See DRI Exhibit "C" Conversion Table)
3. Per this conversion table, increase the Residential entitlements by 750 single-family units and decrease Commercial entitlements by 90,000 sq. ft. (p. 8 - 10)
4. Per this conversion table, increase the Industrial sq. entitlements by 150,000 sq. ft. and decrease Commercial entitlements by 17,400 sq. ft. (p. 9 – 10)
5. Per this conversion table, increase the Industrial sq. entitlements by another 150,000 sq. ft. and decrease Office entitlements by 51,150 sq. ft. (p. 8 – 10)
6. Adjust acreages for the varying land use designations to reflect the past and proposed conversions. (p. 8 – 9)
7. Increase the threshold for conversions so that non-residential to non-residential conversions from 15% to 20% of Present Entitlements require approval by City Council and all future conversions to residential require City Council approval. Those not required to go to City Council could still be done administratively. (p. 11)
8. Updated the phasing schedule to reflect the conversions described above for the three phases. (p. 11 – 12)
9. Have the City upload all vested traffic counts on a bi-annual basis in their modeling and forecasting systems so that all of Declarant's vested traffic rights are accounted for. (p. 15)
10. The Declarant agrees to provide a gopher tortoise report within 180 days of approval of this Amendment and then bi-annually until no longer needed. (p. 21)
11. The Declarant shall sign-off any proposed gopher tortoise relocation to the onsite habitat preserve. (p. 21)
12. The Declarant agrees to provide a wetland impact report within 90 days of approval of this Amendment and then bi-annually until no longer needed. (p. 21 - 22)
13. The Declarant shall sign-off any impact of wetlands in the DRI Property. (p. 21 - 22)
14. Update the timing of the required traffic monitoring reports to reflect the new phasing schedules. (p. 32 – 36)
15. Made minor changes to the affordable housing section as approved by the PLDRB. (p. 43 - 44)
16. Declarant to be vested for its required donations of land for parks for up to 6,454 residential units due to the amount of land already donated for public parks by the Declarant and releasing the City from building a regional park within the DRI Property. (They would donate no further land for parks but continue to pay park impact fees.) (p. 48 – 49)
17. Declarant or property developers in the DRI Property shall provide Flagler County School District Concurrency Agreements for all residential units above 3,600 units. (p. 49 - 50)
18. Declarant provides the City an option to develop a Connector Road between Belle Terre Parkway and U.S. 1 and if agreeable to the City, the Declarant would provide the right-of-way for the Connector Roadway. The City would pay for the design and construction of

the Connector Road and commence construction within three years of receiving the land or be required to purchase the land from the Declarant at fair market value. (p. 51)

19. Updated the DRI DO Exhibit “B” Master Development Plan as follows:
 - a. Split Tract 21 into Tracts 21A and 21B and change the developable uses on Tract 21A from Business/Institutional to Mixed-Use and on Tract 21B from Upland Preservation to Mixed-Use.
 - b. Change the developable use on Tract 15 from Business/Institutional to Residential.
 - c. Change the developable use on Tract 17 from Business/Institutional to Mixed-Use.
 - d. Allow the option of limited industrial uses in Residential areas on Tracts 5A – 5E.
 - e. Show the rough location of the optional Connector Road from Belle Terre Parkway to US 1.
 - f. Updated the acreages of the various land uses in the Legend to reflect conversions.

DRI DENSITY/INTENSITY

The proposed amendment changes the available entitlements for the Palm Coast Park DRI. The adopted DRI-DO includes a process for the conversion of land uses based on trip generation as shown on Exhibit “C” Conversion Table.

The table below summarizes the existing and proposed entitlements in the DRI DO.

<u>Land Use</u>	<u>Gross Building Area or Units</u>	<u>Acreage</u>
Residential	5,704 * <u>6,454</u> DUs	1,528 <u>1,686</u>
Office	538,112 * <u>486,962</u> SF	140 <u>85</u>
Commercial	1,179,800 <u>1,072,400</u> SF	475 <u>357</u>
Industrial	800,000 <u>1,100,000</u> SF	300 <u>315</u>
Institutional	100,000 SF	20
Common Area	----	2,214

**This number includes the conversion in the Minor Amendment approved on January 4, 2022.*

ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.05.05

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

A. The proposed development must not be in conflict with or contrary to the public interest;

Staff Finding: This amendment to the Palm Coast Park DRI Development Order is not in conflict with, or contrary to, the public interest as the conversion of land uses and relocation of some land uses from one tract to another are in harmony with neighboring tracts and the overall project.

B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;

Staff Finding: The request is consistent with the following objectives and policies of the Comprehensive Plan:

Chapter 1 Future Land Use Element:

-Policy 1.1.4.1 – Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings.

The proposed amendment is consistent with the above policy. Palm Coast Park DRI has a comprehensive plan designation of DRI-Mixed Use. The proposed amendment creates opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings consistent with the purpose of the DRI-Mixed Use comprehensive plan designation.

-Policy 1.1.4.5 – Land use patterns will be required to be efficient and not disproportionately increase the cost of providing and maintaining public facilities, as well as providing housing and transportation strategies that will foster energy conservation.

The proposed amendment is consistent with the above policy as the additional residential units will create demand for developing some of the commercial entitlements to serve these residents and the additional industrial entitlements and the commercial entitlements are located along major thoroughfares close to those residential units.

-Objective 1.4.2 – Create Employment Centers and Jobs – Encourage the development of employment centers within close proximity to housing and transportation corridors to maximize accessibility, convenience for residents, and to improve the economic climate.

The addition of 300,000 sq. ft. of light industrial entitlements, by the conversion from Office and Commercial entitlements, and with these light industrial uses primarily focused along US Highway 1, it will encourage the development of significant employment centers along this corridor. These jobs will be in reasonably close proximity to housing located within this project. Additionally, the reduction of Office entitlements follows the downward trend of less office space being needed with many persons working from homes assists in keeping the DRI entitlements close to what the current market demand is.

C. The proposed development must not impose a significant financial liability or hardship for the City;

Staff Finding: All development within Palm Coast Park DRI must still pay the required impact fees or connection fees.

D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;

Staff Finding: The proposed DRI amendment will not create an unreasonable hazard or be a threat to the City's residents as the project is being developed in a mixed-use pattern via an accompanying MPD Amendment that will provide adequate standards for the various uses to remain compatible with one another.

E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.

Staff Finding: The amendment does not impact the need for the Palm Coast Park DRI to comply with the development standards of the City's Land Development Code, the Comprehensive Plan,

the latest version of the Palm Coast Park MPD Development Agreement, and the requirements of all other applicable agencies throughout the development process.

PLANNING AND LAND DEVELOPMENT REGULATION BOARD (PLDRB) MEETING

The PLDRB reviewed this application at its regularly scheduled meeting at 5:30 PM on April 19th, 2023, and voted 4 – 1, to find it in compliance with the Comprehensive Plan and recommend approval to City Council.

RECOMMENDATION

The Planning and Land Development Regulation Board recommended that City Council approve the proposed 9th Amendment to the Palm Coast Park DRI Development Order.

Palm Coast Park DRI/MPD Distant Aerial



Legend

 PCP Boundary

0 0.3 0.7 1.4 Miles



Map Created By: Planning Division


Palm Coast Park DRI/MPD Closeup Aerial



Legend

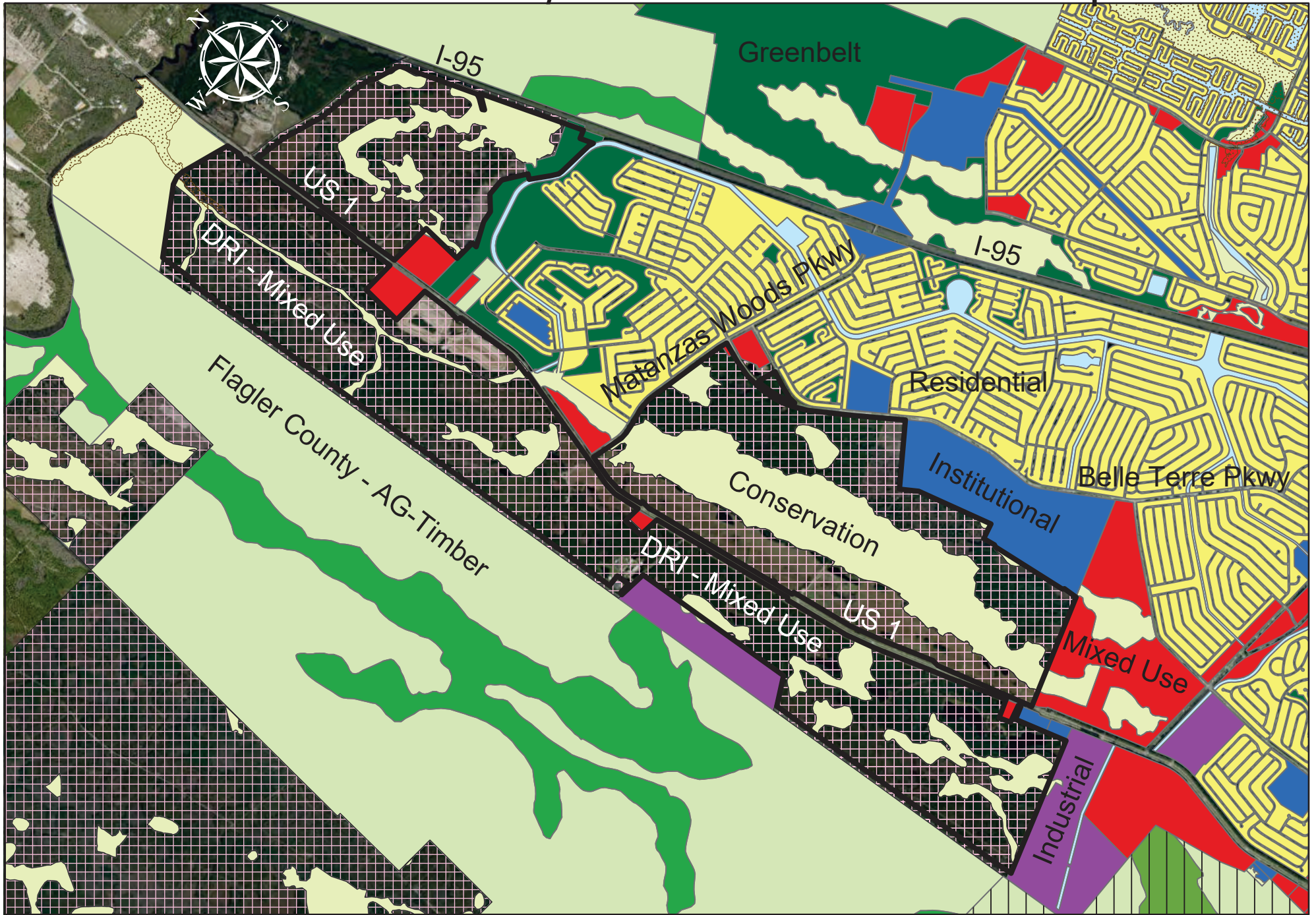
 PCP Boundary

0 0.2 0.5 0.9 Miles

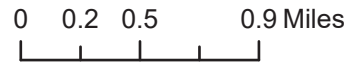


Map Created By: Planning Division

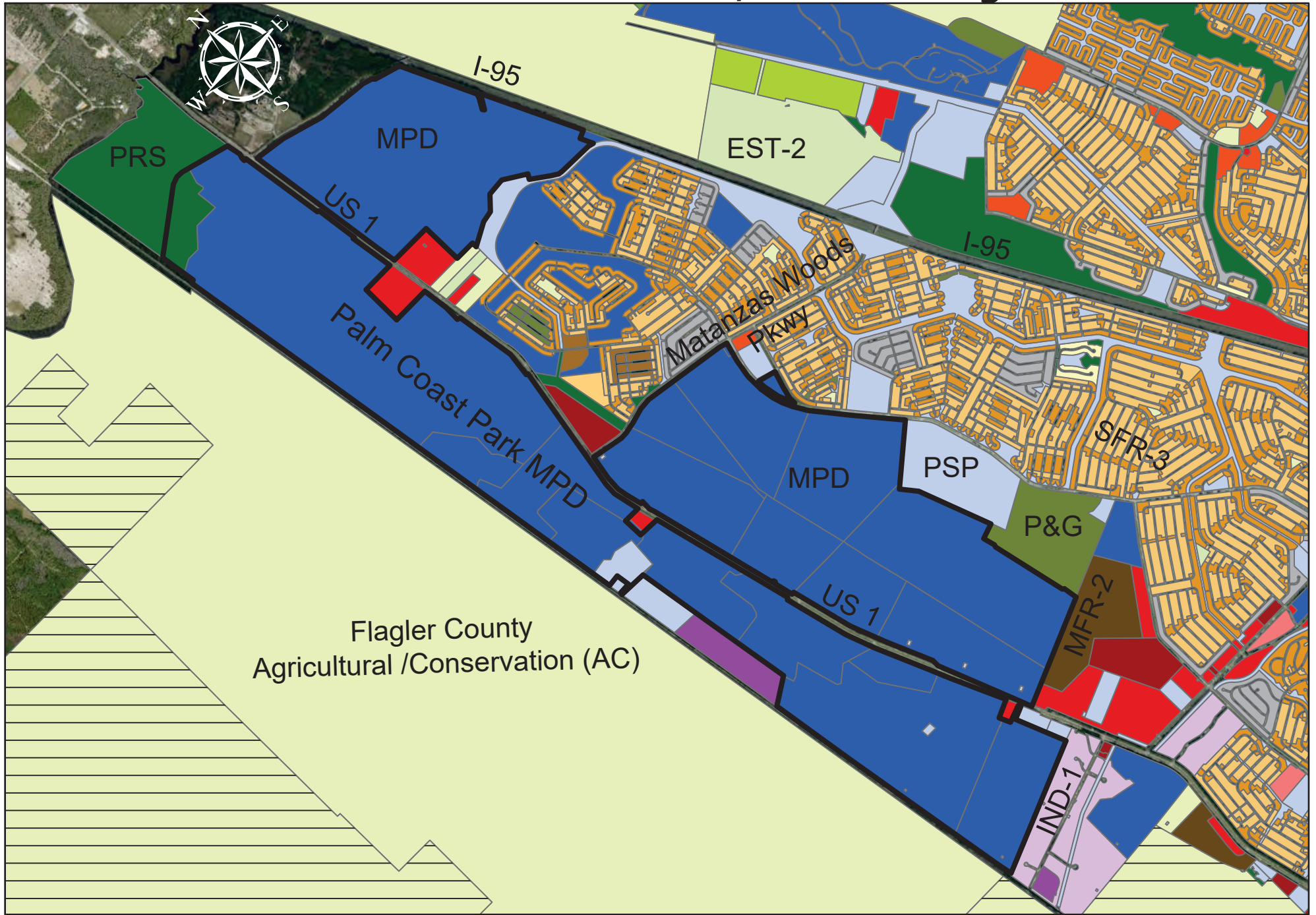
Palm Coast Park DRI/MPD Future Land Use Map



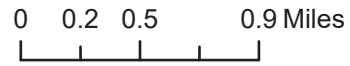
- Legend**
- PCP Boundary
 - Palm Coast FLUM
 - AGRICULTURE & TIMBERLANDS
 - Canals
 - Coastal High Hazard Area
 - Conservation
 - DRI-Mixed Use
 - Greenbelt
 - Industrial
 - Institutional
 - Mixed Use
 - Residential
 - Flagler County FLUM
 - AG
 - AG-TIMBER
 - CONS



Palm Coast Park DRI/MPD Zoning



PCP Boundary	COM-3	MFR-1	PSP	Flagler County Zoning
Palm Coast Zoning	DPX	MFR-2	SFR-1	AC
AC	EST-1	MPD	SFR-2	AC-2
AGR	EST-2	OFC-2	SFR-3	
COM-1	IND-1	P&G	SFR-4	
COM-2	IND-2	PRS		





City of PALM COAST

GENERAL - APPLICATION

	DATE 11/09/2022
--	------------------------

APPLICATION TYPE	DEVELOPMENT OF REGIONAL IMPACT
-------------------------	--------------------------------

PROJECT NAME	Palm Coast Park		
LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS)	1 US HWY 1 UNIT MASTER ADDRESS PALM COAST FL 32137		
PROPERTY APPRAISER'S PARCEL NUMBER	000000000000000000		
LEGAL DESCRIPTION			
SUBDIVISION NAME			
SECTION		BLOCK	LOT
PROPERTY ACRES		PROPERTY SQ FT	
FUTURE LAND USE MAP DESIGNATION	DEVELOPMENT OF REGIONAL IMPACT	EXISTING ZONE DISTRICT	MPD
OVERLAY DISTRICT			
COMMUNITY PANEL NUMBER	120684	MAP PANEL DATE	06/06/2018
FLOOD ZONE			
PRESENT USE OF PROPERTY	MASTER PLANNED DEVELOPMENT		

DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS)

Palm Coast Park DRI

PROPOSED NUMBER OF LOTS		IS THERE EXISTING MORTGAGE?	No
--------------------------------	--	------------------------------------	----



City of PALM COAST

OWNER	APPLICANT / AGENT
Name: BYRNDOG PCP, LLC	Name: MICHAEL D. CHIUMENTO III
Mailing Address: 180 BROOKHAVEN CT S PALM COAST, FL 32164	Mailing Address: 145 CITY PLACE SUITE 301 PALM COAST, FL 32164
Phone Number: (386) 586-0074	Phone Number: (386) 445-8900
E-mail Address: JEFF@DOUGLASPD.COM	E-mail Address: CMCNEIL@LEGALTEAMFORLIFE.COM
MORTGAGE HOLDER	ENGINEER OR PROFESSIONAL
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ARCHITECT	TRAFFIC ENGINEER
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
SURVEYOR	LANDSCAPE ARCHITECT
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:
ATTORNEY	
Name:	
Mailing Address:	
Phone Number:	
E-mail Address:	

APPLICANT / OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning

APPLICANT / OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty of perjury, I declare that all the information contained in this development application is true and correct. By signing this Electronic Submission Form, I consent to use electronic communications, electronic records, and electronic signatures rather than paper documents for the form(s) provided on this web site. I understand that my electronic signature is legally binding, as stated by [2016 Florida Statutes Title XXXIX Chapter 668 Section 50](#)

Signature of Property Owner or Applicant

MICHAEL CHIUMENTO



NOTIFICATION AFFIDAVIT FOR OFFICIAL ZONING MAP AMENDMENT (REZONING)

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this 28 day of April, 2023 personally appeared Walker Douglas who after providing personally known as identification and who did, did not take an oath, and who being duly sworn, deposes and says as follows: "I have read and fully understand the provisions of this instrument".

Two (2) signs have been posted on the subject property subject to a rezoning as described with Application # 5275-5276

 At least fourteen (14) calendar days before the hearing date advertising the date, time, and location of the Planning & Land Development Regulation Board (PLDRB)

 At least seven (7) days before the hearing date advertising the date, time, and location of the City Council hearing.

[Signature]
Signature of Responsible Party

Walker Douglas
Printed Name

221 Conch Dr New Smyrna Beach, FL 32169
Mailing Address

[Signature]
Signature of Person Taking Acknowledgement

Name of Acknowledger (Typed, Printed or Stamped)



This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.

City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 5275 + 5276

The City of Palm Coast Planning Board will hold a public hearing on the application at _____, M. on _____.

The City of Palm Coast City Council will hold a public hearing on this application at 9:00 A.M. on May 16 for the 1st Hearing

_____ M. on _____ for the 2nd Hearing

City Council public hearing not required.

Description of Request

- Special Exception
 Rezoning / DRI Amendments
 Future Land Use Amendment
- Special Use
 Public Use
 Semi Public Use

Amendments to the Palm Coast Park DRI and Master Planned Development (MPD) Agreements to make various changes.

Current Zoning: M, PD Property Size: 4579 + _____ Acres
Applicant: Byrndog PCP, LLC

Public Hearing to be held at
Council Chambers in the Community Wing of City Hall
160 Lake Avenue

For more information please call City of Palm Coast, PLANNING 386-984-3766
Do not remove poster prior to the completion of public hearings.



City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 5275 + 5276

The City of Palm Coast **Planning Board** will hold a public hearing on the application at _____, ____ M. on _____.

The City of Palm Coast **City Council** will hold a public hearing on this application at 9:00, A.M. on May 16 for the 1st Hearing
_____, ____ M. on _____ for the 2nd Hearing

____ City Council public hearing not required.

Description of Request

____ Special Exception _____ Special Use
 Rezoning / DRI Amendments _____ Public Use
____ Future Land Use Amendment _____ Semi Public Use
Amendments to the Palm Coast Park DRI
and Master Planned Development (MPD)
Agreements to make various changes.

Current Zoning: MPD

Applicant: Byrndog PC P, LLC

Property Size: 4579 +/- Acres

Public Hearing to be held at
City Council Chambers in the Community Wing of City Hall
160 Lake Avenue

For more information, please call City of Palm Coast
PLANNING 386-986-3736

Remove poster prior to the completion of public hearings



City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 5275+5276

The City of Palm Coast **Planning Board** will hold a public hearing on the application at _____, _____ M. on _____.

The City of Palm Coast **City Council** will hold a public hearing on this application at 9:00 A.M. on May 16 for the 1st Hearing
_____, _____ M. on _____ for the 2nd Hearing

_____, _____ M. on _____ for the 2nd Hearing
_____, _____ M. on _____ for the 2nd Hearing
City Council public hearing not required.

Description of Request:

- ____ Special Exception
- Rezoning DRI Amendments
- ____ Future Land Use Amendment
- ____ Special Use
- ____ Public Use
- ____ Semi Public Use

Amendments to the Palm Coast Park DRI
and Master Planned Development (MPD)
Agreements to make various changes

Current Zoning: MPD

Applicant: Byrndog PCP, LLC

Property Size: 4579+ _____ Acres

Public Hearing to be held at
Council Chambers in the Community Wing of City Hall
160 Lake Avenue

For more information please call City of Palm Coast
Do not remove poster prior to the completion of public hearings
PLANNING 386-984-3736



City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 5275+5276

The City of Palm Coast Planning Board will hold a public hearing on the application at _____ M. on _____

The City of Palm Coast City Council will hold a public hearing on this application at 9:00 A.M. on May 16 for the 1st Hearing

_____ M. on _____ for the 2nd Hearing
City Council public hearing not required.

Description of Request

- Special Exception
- Rezoning / DRI Amendments
- Future Land Use Amendment
- Special Use
- Semi Public Use

Amendments to the Palm Coast Park DRI and Master Planned Development (MPD) Agreements to make various changes.

Current Zoning: MPD

Applicant: Byrndog PCC, LLC

Property Size: 4579+

Public Hearing to be held at
Council Chambers in the Community Wing of City Hall
160 Lake Avenue

For more information please call City of Palm Coast, PLANNING 386-984-3734
Do not remove poster prior to the completion of public hearings

City of Palm Coast NOTICE OF PUBLIC HEARING

Application Number: 5275 + 5276

The City of Palm Coast **Planning Board** will hold a public hearing on the application at

_____, ____ M. on _____

The City of Palm Coast **City Council** will hold a public hearing on this application at

9:00 A.M. on May 16 for the 1st Hearing

_____, ____ M. on _____ for the 2nd Hearing

____ City Council public hearing not required.

Description of Request

____ Special Exception _____ Special Use

Rezoning / DRI Amendments _____ Public Use

____ Future Land Use Amendment _____ Semi Public Use

Amendments to the Palm Coast Park DRI
and Master Planned Development (MPD)
Agreements to make various changes.

Current Zoning: MPD Property Size: 4579+ _____ Acres

Applicant: Byrndog PCP, LLC

Public Hearing to be held at

Council Chambers in the Community Wing of City Hall
160 Lake Avenue

For more information please call City of Palm Coast, **PLANNING 386-986-3736**
Do not remove poster prior to the completion of public hearings

