

Reserved for Recording Information:

Prepared By:
Community Development Department
City of Palm Coast
160 Lake Avenue, Suite 135
Palm Coast, FL 32164

Return To:
City Clerk
City of Palm Coast
160 Lake Avenue, Suite 225
Palm Coast, FL 32164

CITY OF PALM COAST
DEVELOPMENT ORDER
APPROVAL
SOMERSET AT PALM COAST PARK TRACT 15
SUBDIVISION MASTER PLAN

On 3/16/2022, The City of Palm Coast issued this Development Order relating to and touching and concerning the following described property:

A PARCEL OF LAND LYING WEST OF U.S. HIGHWAY 1 (STATE ROAD 5) IN GOVERNMENT SECTION 33, TOWNSHIP 10 SOUTH, RANGE 30 EAST, AND IN GOVERNMENT SECTION 4, TOWNSHIP 11 SOUTH, RANGE 30 EAST, BEING A PORTION OF PARCEL 901, RECORDED IN OFFICIAL RECORDS BOOK 792, PAGE 1902, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

(The aforementioned property description has been provided to the City of Palm Coast by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: KB HOME JACKSONVILLE LLC
10475 FORTUNE PARKWAY, SUITE 100
JACKSONVILLE, FL 32256

Property Owner: BYRNDOG PCP LLC
180 BROOKHAVEN COURT S
PALM COAST, FL 32164

Project Name: SOMERSET AT PALM COAST PARK TRACT 15
Application: SUBDIVISION MASTER PLAN
Project No. 2021090060
Application No. 4988

Requested Development Approval:
Subdivision Master Plan Approval for a Residential Subdivision
Parcel Nos: 04-11-30-0000-01010-00B3 & 33-10-30-0000-01030-00B2
Acreage: 161.57 +/-
Zoning: Palm Coast Park MPD

Proposed Use: Single Family Lots
Proposed Number of Lots: 418

The Development Approval sought is consistent with the *City of Palm Coast Comprehensive Plan* and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances as set forth in the *Code of Ordinances of the City of Palm Coast*.

The Owners have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for Development Approval is **GRANTED**.
- (2) All development of the property shall fully comply with all of the codes and ordinances in effect in the City of Palm Coast at the time of issuance of a development order and/or development permit, including but not limited to, all impact fee ordinances.
- (3) The conditions upon this development approval and the commitment made as to this development approval, which have been accepted by and agreed to by the Owner of the property, is as follows:
 - a. *During the Preliminary Plat the applicant shall enter into agreements with the City, in a form acceptable to the City, to allow cross access and construction of a road with associated stormwater facilities on City property.*
 - b. *During the Preliminary Plat the applicant shall update the traffic impact analysis and reach agreement with the City Traffic Engineer and FDOT on needed improvements including turn lanes that will be required to be provided by the applicant.*
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of the City of Palm Coast by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to the provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Development Order shall be found to be invalid or illegal then the entire Development Order shall be null and void.

Done and Ordered on the date first written above.

As approved and authorized for execution by the City of Palm Coast Planning and Land Development Regulation Board on March 16, 2022

Attest:

CITY OF PALM COAST, FLORIDA


Irene Schaefer, Recording Secretary


Clint Smith, Chairperson

____ Sign and Record

Unofficial Copy

Development Order Affidavit**OWNER'S CONSENT AND COVENANT:**

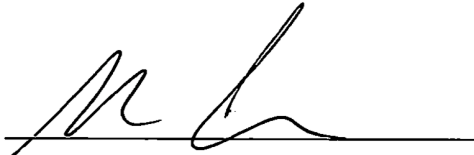
Project Name: SOMERSET AT PALM COAST PARK TRACT 15
 Application Type: SUBDIVISION MASTER PLAN
 Application No.: 4988

COMES NOW, KB HOMES JACKSONVILLE LLC, the Owner on behalf of itself and its successors, assigns and transferees of any nature, whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, and conditions, and commitments set forth in this Development Order. Affiant states that he/she accepts the findings, as outlined in this Development Order, and further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing the said Development Order for SOMERSET AT PALM COAST PARK TRACT 15:

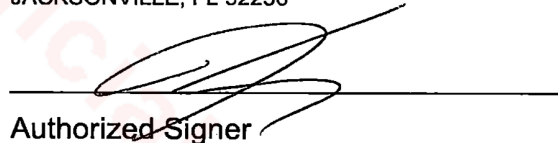
ATTEST:

KB HOME JACKSONVILLE LLC

10475 FORTUNE PARKWAY, SUITE 100
 JACKSONVILLE, FL 32256



Attesting Corporate Official



Authorized Signer

ACKNOWLEDGEMENT

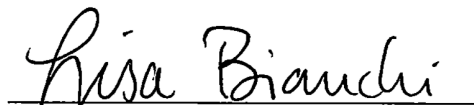
STATE OF Florida
 COUNTY OF Duval

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 30th day of June, 2022, by Tim McDade of KB HOMES JACKSONVILLE LLC who is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 2022.



Lisa Bianchi
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# GG261619
 Expires 12/14/2022


 Notary Public

OWNER'S CONSENT AND COVENANT:

Project Name: SOMERSET AT PALM COAST PARK TRACT 15
 Application Type: SUBDIVISION MASTER PLAN
 Application No.: 4988

COMES NOW, BYRND OG PCP LLC, the Owner on behalf of itself and its successors, assigns and transferees of any nature, whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, and conditions, and commitments set forth in this Development Order. Affiant states that he/she accepts the findings, as outlined in this Development Order, and further states that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing the said Development Order for SOMERSET AT PALM COAST PARK TRACT 15:

ATTEST:

BYRND OG PCP LLC

180 BROOKHAVEN COURT S
 PALM COAST, FL 32164

 Attesting Corporate Official

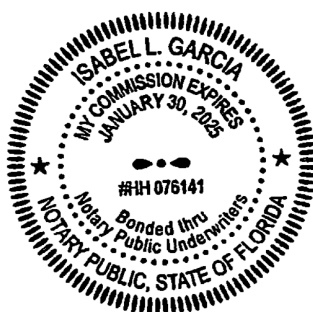
 Authorized Signer

ACKNOWLEDGEMENT

STATE OF Florida
 COUNTY OF Flagler

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or ☐ online notarization, this 30 day of June, 2022, by Jeffrey Douglas of BYRND OG PCP LLC who is personally known to me or has produced D/L (type of identification) as identification and did/did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 30th day of June, 2022.



Isabel L. Garcia
 Notary Public