



SPECIAL CITY COUNCIL MEETING

March 20, 2024 at 6:30 PM

City Council Chambers, 16 Colomba Rd.

DeBary, Florida 32713

AGENDA

CALL TO ORDER

Invocation

Flag Salute

ROLL CALL

PUBLIC PARTICIPATION: For any items **ON THE AGENDA**, citizen comments are limited to five (5) minutes per speaker. Speakers will be called when the item is introduced for discussion.

DELETIONS OR AMENDMENTS TO THE AGENDA (City Charter Sec. 4.11)

PRESENTATIONS

Legislative Update - Shari Simmans, Communications, Economic Development & Government Affairs
Director

PUBLIC HEARINGS

1. Staff is requesting the City Council approve the first reading of Ordinance No.07-2024, amending the Swallows Planned Unit Development (PUD) to add certain permitted uses to the development agreement (DA) and development standards therein. (Quasi-Judicial)

NEW BUSINESS

2. The Applicant, HR Rivington, LLC, is seeking Final Plat approval for Rivington, Phase 4, which consists of 202 lots for townhomes.

COUNCIL MEMBER REPORTS / COMMUNICATIONS

Member Reports/ Communications

- A. Mayor and Council Members
- B. City Manager
- C. City Attorney

DATE OF UPCOMING MEETING / WORKSHOP

ADJOURN

If any person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 668-2040.



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Ordinance # 07-2024	Attachments: <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Supporting Documents/ Contracts <input type="checkbox"/> Other
From: Steve E. Bapp, AICP Growth Management Director	
Meeting Hearing Date March 20, 2024	

REQUEST

Staff is requesting the City Council approve the first reading of Ordinance # 07-2024, amending the Swallows Planned Unit Development (PUD) to add certain permitted uses to the development agreement (DA) and development standards therein. (Quasi-Judicial)

PURPOSE

To permit townhouses; and to permit boat and RV storage as an accessory to the townhouse development and limited to use by residents of the subject property

CONSIDERATIONS

Background:

On September 18, 1972, the Zoning Commission for Volusia County Council Distract 5 approved an order granting request for a change of zoning for a tract of land roughly 862 acres in area, which created the Swallows (referred to hereafter as “Glen Abbey”) PUD and its corresponding Community Development Plan (CDP). In the southwest area of the tract, roughly 82 acres on the CDP were zoned for 180 condominium units.

On September 7, 1978, Volusia County adopted Resolution No. 1978-96, amending the Glen Abbey PUD in various ways, including changing the permitted use on the 82-acre phase intended for condos to multi-family for a maximum of 526 units.

Since Resolution No. 1978-96, the subject area has remained undeveloped while the remainder of Glen Abbey surrounding this multi-family phase has developed overtime in a way that strongly deviates from the original CDP. The Spring Glen (Unit 1 in 1999) and Glen Abbey (Unit 8 in 2000) subdivisions were instead developed through amendments to the PUD over the years. In addition, much of the remaining undeveloped multi-family phase is in a flood plain (Flood Zone A). Thus, the original vision for the multi-family phase cannot feasibly be realized.

On April 7, 2023, Kimley-Horn & Associates, Inc., representing the property owner as the applicant, submitted a request for a development permit for an overall development plan (ODP), the first stage of the City’s subdivision application process. The ODP was discussed by the Development Review Committee

on June 6, 2023. Because the proposed project could not meet the development standards of the existing DA, it was concluded a major PUD amendment application would need to be submitted.

On August 23, 2023, a major PUD amendment application was submitted. The DRC discussed the proposed amendment on October 17, 2023, and continued the item due to the outstanding comments that remained at that time.

On January 2, 2024, the major PUD application was discussed by the DRC again, and given a recommendation of approval contingent on outstanding comments by Staff being resolved.

On March 11, 2024, the applicant hosted a community meeting on the proposed development. Around 60 residents were in attendance. Many concerns were expressed by attendees, including:

- Flooding;
- Wildlife protection and preservation of wetlands;
- Traffic improvements for East Highbanks Road, such as road widening, turn lanes, and a traffic signal for the intersection of East Highbanks Road and Amigos Road.
- How the applicant will provide potable water and sanitary sewer services;
- The aesthetics and visibility of the accessory RV and boat storage use, with a preference for green space instead;
- Buffering the propose development from Spring Glen and Glen Abbey to preserve privacy;
- Whether the proposed development would be comprised of rental units or owner-occupied units;
- Number of entrances onto East Highbanks Road;
- Security; and
- Property values

Proposed Amendments:

Ordinance # 07-2024 (the proposed ordinance) would amend the PUD with regard to two tracts of land with Volusia County parcel IDs 8027-00-00-0062 and 8026-00-00-0065 (approximately 32.21 acres) and create a new DA for the two subject parcels. The DA would adopt the existing provisions of the original 1978 DA, but would amend Sections 4 (Permitted Uses) and Section 6 (Multi-Family Dwellings), as well as adding its own provisions as required by the Land Development Code (LDC). In addition, a Master Development Plan specific to the subject parcels would be adopted.

Permitted Uses:

The proposed ordinance would add two additional permitted uses to the subject properties:

- Townhouses; and
- Boat and RV storage as an accessory to multi-family or townhouse development and limited to use by residents of the subject property

Development Criteria:

The proposed ordinance would create development standards designed for the use of townhomes. The development standards are as follows:

- Lot Standards
 - Project size, minimum (acreage) – 1 acre
 - Density, maximum (dwellings/acre) – 8
 - Lot size, minimum (square feet) – 1,900
 - Lot width, minimum (feet) – 20
- Setbacks, Minimum
 - Front (feet) – 10
 - Rear (feet) – 10
 - Side (feet) – None
 - Building separation, front to rear (feet) – 50
 - Building separation, any other combination (feet) – 15
 - Project perimeter (feet) – 20
- Building Standards
 - Building height, maximum (feet) – 35
 - Building length, maximum (feet) – 200
 - Building width, maximum (feet) – 200
 - Floor area, minimum (square feet) – 575
 - Total density (net acre) – 8 dwelling units/acre
 - Minimum open space – 21%
 - Land area for each land use – Residential, 100%

Comprehensive Plan Compatibility:

The proposed ordinance has been reviewed against the goals, objectives, and policies of the Comprehensive Plan (the Plan). Due to the scope of this project and the context of the vicinity, many elements of the Comprehensive Plan have been reviewed in depth by Staff. The following items related to comprehensive planning will be further reviewed in-depth during the Engineering and Pre-Plat:

- Management of Natural Resources, which includes tree protection, tree replacement requirements, threatened/endangered species, wetland preservation, and associated items.
- Capital Improvements Program Compliance.
- Future Land Use Compliance.
- Transportation Impact Analysis.
- Public Facilities and Infrastructure.
- School Concurrency.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council, upon first reading, approve Ordinance No. 07-2024, the proposed major PUD amendment to amend the Development Agreement to permit the proposed uses and development standards, on the condition that the applicant address.

IMPLEMENTATION

If the Council performs the first reading of the ordinance, Staff will advertise the public hearing for the second reading in the Orlando Sentinel. In addition, the applicant will once again notice all adjoining property owners within 1,000 feet of the subject property's boundaries and post a sign on the property noticing the public hearing.

ATTACHMENTS

- Ordinance # 07-2024
- Overall Site Plan
- Overall Development Plan
- Community Meeting Memorandum
- Illustrative Map
- 1972 Swallows Change of Zoning Order and DA
- 1972 Swallows CDP
- 1978 Swallows DA

ORDINANCE 07-2024

AN ORDINANCE OF THE CITY OF DEBARY, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PUD) GOVERNING AN APPROXIMATELY 32.21+/- ACRES OF LAND LOCATED ON THE NORTH SIDE OF EAST Highbanks ROAD, EAST OF US HIGHWAY 17-92 WITH A VOLUSIA COUNTY PROPERTY TAX IDENTIFICATION NUMBER OF 8027-00-00-0062 AND 8026-00-00-0065 AND OWNED BY KIMAYA, LLC; AMENDING THE PLANNED UNIT DEVELOPMENT AGREEMENT TO PERMIT CERTAIN ADDITIONAL SPECIFIED USES ON THE PROPERTY AND UPDATING THE CONCEPTUAL DEVELOPMENT PLAN TO SHOW THE PLANNED DEVELOPMENT OF THE PROPERTY; PROVIDING FOR SEVERABILITY, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the 32.21 +/- acre parcel of land located in the City of DeBary, Florida and having Volusia County Tax Parcel Identification Number 8027-00-00-0062 & 8026-00-00-0065 and legally described on attached Exhibit "A" (the "Subject Property") is part of and included in the Planned Unit Development known as the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development); and

WHEREAS, on September 18, 1972, the County Council of Volusia County, Florida rezoned the Subject Property as part of the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) and other subsequent amendments to other portions of the development have been approved; and

WHEREAS, the Subject Property was originally identified on the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) as a portion of the area designated for multi-family development north of Highbanks Road, east of its intersection with U.S. 17-92; and

WHEREAS, the Subject Property was originally assigned the use of multifamily, but did not allow for townhouses or related accessory uses as permitted uses; and

WHEREAS, Mark A. Watts, Esq., has submitted an application on behalf of Kimaya, LLC, a Florida limited liability company, as owner of the Subject Property, that requests a major amendment to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) that seeks to update the Conceptual Development Plan with the plan attached as Exhibit "B" and add certain additional permitted uses for the Subject Property; and

WHEREAS, this Ordinance has been advertised and noticed in accordance with the requirements of state law and Section 1-10 of the City of DeBary Land Development Code; and

WHEREAS, the Ordinance meets the requirements for zoning pursuant to Section 1-6 of the City of DeBary Land Development Code, is consistent with Policy 5.505 of the City of DeBary Comprehensive Plan and the City Council has determined that the amendments to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) proposed herein are consistent with the City of DeBary Comprehensive Plan.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Recitals. The City Council finds that the above recitals are true and correct.

SECTION 2. Major Amendment. A major amendment to the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) and the corresponding Community Development Plan and Development Agreement is hereby approved to modify the permitted uses for the Subject Property (only) to allow for the following principle permitted uses to be developed and operated consistent with the Development Agreement attached hereto as Exhibit "B": (uses added shown with underlined text):

1. Multifamily
2. Townhouses
3. Boat and RV storage as an accessory to multi-family or townhouse development and limited to use by residents of the Subject Property.

The Subject Property shall be developed and operated consistent with the Conceptual Development Plan and Development Agreement. Development criteria for the proposed uses of the Subject Property are set forth in the Development Agreement. Except as specifically amended herein with regard to the Subject Property, this Ordinance is not altering the permitted uses or development criteria for any other portion of the Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development).

Section 3. Recording. The City Clerk is hereby directed to record this Ordinance in the Public Records of Volusia County, Florida. This Ordinance affecting the Subject Property shall run with the land and shall be applicable to and binding on all successors and assigns.

Section 4. Severability. If any portion of this Ordinance is determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the remaining portions not invalidated shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption.

First reading and public hearing occurred on _____.

Second reading and public hearing occurred on _____.

ADOPTED BY the City Council of the City of DeBary, Florida this ____ day of _____, 202__.

CITY COUNCIL

CITY OF DEBARY, FLORIDA

BY: _____

KAREN CHASEZ, MAYOR

ATTEST:

BY: _____

_____, City Clerk

Attachments:

Exhibit A – Legal Description of Subject Property

Exhibit B – Development Agreement

Exhibit A – Legal Description of Subject Property

PARCEL 3:

THE SOUTH 525 FEET OF THE WEST 864.79 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PARCEL 4:

THAT PORTION OF THE SOUTH 530.00' OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LYING EAST OF DEBARY CORNER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 21-24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA SOUTH OF THE DEBARY GOLF COURSE AND SPRING GLEN, UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 103-107, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'A', AREA OF 100 YEAR FLOODING, WITH NO BASE FLOOD ELEVATION PROVIDED WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12127C0620 K, VOLUSIA COUNTY, FLORIDA. MAP DATED SEPTEMBER 29, 2017.

Exhibit B – Development Agreement

Development Agreement – Glen Abbey Planned Unit Development (A/K/A Swallows Planned Unit Development) – Residential Area North of Highbanks Road

After Recording Return to:
City of DeBary
Attn: City Clerk
16 Columba Road
DeBary, Florida 32713

MAJOR AMENDMENT

TO

RESIDENTIAL AREA NORTH OF HIGHBANKS ROAD OF THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PLANNED UNIT DEVELOPMENT)

THIS MAJOR AMENDMENT TO RESIDENTIAL AREA NORTH OF HIGHBANKS ROAD OF THE GLEN ABBEY PLANNED UNIT DEVELOPMENT (A/K/A SWALLOWS PLANNED UNIT DEVELOPMENT) (the “Residential Amendment”) is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation and **KIMAYA, LLC, a Florida limited liability company**, or its successors or assigns (herein “Applicant”).

WHEREAS, Kimaya, LLC, a Florida limited liability company, is the developer and owner of that certain real property being approximately 32.21+/- acres of land located north of Highbanks Road, east of its intersection with U.S. 17-92, having Volusia County Tax Parcel Identification Numbers 8027-00-00-0062 AND 8026-00-00-0065, zoned Glen Abbey PUD, and being the same property described in Exhibit “A” herein (the “Subject Property”); and

WHEREAS, on September 18, 1972, and thereafter amended and restated on September 7, 1978, the County Council of Volusia County, Florida rezoned the Subject Property as part of the Community Development Plan for the Glen Abbey Development (A/K/A Swallows Planned Unit Development) recorded at Book 2114, Page 1203, in the Public Records of Volusia County, Florida (Res. 78-96), and other subsequent

amendments to other portions of the development have been approved (“Original Agreement”); and

WHEREAS, the Applicant proposes this Residential Amendment to: (a) modify the permitted uses for the Subject Property only to allow for certain principle permitted uses to be developed and operated consistent with the Conceptual Development Plan provided herein; and (b) amend and replace the Master Development Plan for the Subject Property only to the Conceptual Development Plan included herein as Exhibit “B.”

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

A. Recitals. The recitals herein contained are true and correct and are incorporated herein by reference as material terms of this Residential Amendment.

B. Amendments. The Original Agreement is hereby amended as follows:

Section 4 of the Original Agreement, as amended, is amended to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

4. Permitted Uses.

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, multi-family dwellings, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

For the 32.21 acre property subject to the Residential Amendment approved in 2024, townhouses are a permitted principal use, and boat and RV storage is a permitted accessory use to townhome development subject to such being

limited to use by the residents of the townhomes subject to the Residential Amendment. Boat and RV storage shall be limited to the areas shown on the Master Development Plan.

Section 6 of the Original Agreement, as amended, is amended to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

6. Development Criteria.

I. Development Criteria:

For the 32.21 acre property subject to the Residential Amendment approved in 2024, the following development criteria apply:

<u>LOT STANDARDS</u>	
<u>Project size, min. (acre)</u>	<u>1</u>
<u>Density, max. (dwellings/acre)</u>	<u>8</u>
<u>Lot size, min. (sq. ft.)</u>	<u>1,900</u>
<u>Lot width, min. (ft.)</u>	<u>20</u>
<u>SETBACKS, MINIMUM</u>	
<u>Front (ft.)</u>	<u>10</u>
<u>Rear (ft.)</u>	<u>10</u>
<u>Side(ft.)</u>	<u>None</u>
<u>Building separation, front to rear (ft.)</u>	<u>50</u>
<u>Building separation, any other combination (ft.)</u>	<u>15</u>
<u>Project perimeter (ft.)</u>	<u>20</u>
<u>BUILDING STANDARDS</u>	
<u>Building height, max. (ft.)</u>	<u>35</u>
<u>Building length, max. (ft.)</u>	<u>200</u>
<u>Building width, max. (ft.)</u>	<u>200</u>

<u>Floor area, min (sq. ft.)</u>	<u>575</u>
<u>Total Density (Net Acre)</u>	<u>8 dwelling units/acre</u>
<u>Min. Open Space</u>	<u>21%</u>
<u>Maximum Unit Count</u>	<u>126 units</u>
<u>Land Area for Each Land Use*</u>	<u>Residential, 100%</u>
<u>Subject to change based on engineering considerations.</u>	

Exhibit “B” to the Original Agreement, as amended, is amended to fully replace the Master Development Plan with the amended Conceptual Development Plan prepared by Kimley-Horn, Inc., dated 02/16/2024 that is attached to this Residential Amendment.

The following sections shall be added to the Original Agreement, as amended, to provide for the following (underlined language are additions; ~~stricken through~~ language are deletions):

12. Unified Ownership. The Applicant or its successors shall maintain unified ownership of the respective portions of the Property until after approval and recording of final plat(s) of the Property.

13. Phases of Development. The site may be developed in multiple phases. Development phasing will be determined during the Site Plan and/or Subdivision approval process.

14. Sewage Disposal and Potable Water: Each dwelling unit, amenity structure and commercial structure developed on the Property shall be connected

to central potable water and sanitary sewer service, which is currently provided by Volusia County. Water and sewer lines and appurtenances thereto shall be extended and connected to the Property by Applicant, at the Applicant's expense, in accordance with applicable sizes, pressures, metering, regulations and standards. All project internal utility lines shall be provided at the expense of the Applicant. If available, Applicant will install re-use water lines within the development by connecting to re-use water lines provided at the property lines by the City of DeBary or Volusia County Utilities.

15. Stormwater Drainage. Stormwater management shall be in accordance with the requirements of the St. John's River Water Management District and the City of DeBary.

16. Transportation System Improvements/Operations. All access and transportation system improvements shall be provided in accordance with the Land Development Code, unless otherwise provided for within this Agreement and as part of the approved Master Development Plan. Any roadway improvements required by the traffic impact analysis shall be provided for by the Applicant. Applicant shall be responsible for installing all appropriate internal roadway traffic control devices and signs in accordance with applicable standards. There shall be a minimum of one (1) ingress/egress point to E. Highbanks Road. The Conceptual Development Plan indicates the anticipated connection locations; however, the final locations may vary due to final engineering design and permitting considerations.

17. Homeowners' or Property Owners' Association. The Applicant shall create a property owners' association(s) in accordance with Chapter 720, Florida Statutes, and other applicable statutes prior to or concurrently with the recording of a plat of the Property or any portion thereof. The property owners' association(s) shall be responsible for the ongoing maintenance, repair and replacement of any common areas, open space, retention, recreation areas, private streets, sidewalks and other

private subdivision infrastructure improvements and provide for the assessment of property owners for such purposes.

18. Development Regulations. The DeBary Land Development Code will control the development of the Property regarding any items not specifically covered by this Agreement. The local development approvals and permits required to be approved or issued by the City for the intended use contemplated by this Development Agreement include, but are not limited to, construction plan approvals, site plans, plats, stormwater drainage, SJRWMD permits, demolition permit, grading, arbor permits, engineering and utility plans, and construction permits for buildings and other structures. These development approvals and permits shall be processed and issued by the City in accordance with procedures with respect to same as otherwise set forth in the City's Land Development Code and subject to this Development Agreement. Failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions. This Development Agreement does not, and is not intended to prevent or impede the City from exercising its legislative authority as the same may affect the Property. Nothing contained in this Agreement nor in any instruments executed pursuant to the terms of this Agreement shall be construed as a waiver or attempted waiver by the City of its sovereign immunity under the Constitution and laws of the State of Florida and federal law or other any other privilege, immunity or defense afforded under the law to the City or any of its elected or appointed officials, employees and agents. The final plat may deviate from the Conceptual Development Plan as necessary to comply with the Land Development Code's requirements for tree protection and replacement and landscaping and irrigation and any other engineering requirements.

19. Guarantees. Applicant may be required to provide performance and maintenance guarantees (in the form of cash, letter of credit or surety bonds) to secure the proper and timely completion of certain road or other improvements.

20. Expiration: All provisions of this Development Agreement and the Master Development Plan shall expire and terminate 720 days following the effective date of this Development Agreement if a subsequent development order for the Property has not been secured in writing by the Applicant within said period of time. In the event of expiration and termination of this Development Agreement and Master Development Plan occurs, the Property shall revert back to its previous zoning designations.

C. Full Force & Effect; Binding. The Original Agreement and any associated amendments shall remain in full force and effect except as expressly modified by this Residential Amendment. This Residential Amendment shall run with the land and be binding upon, and inure to the benefit of, the parties hereto, their respective heirs, successors, assigns and anyone claiming by, through or under any of them.

D. Effective Date. The effective date of this Residential Amendment shall be the date approved by the City Council.

AGREED to by the City Council of the City of DeBary, Florida, Owner, and the Applicant on this ____the day of _____, 202__.

CITY OF DEBARY, FLORIDA

ATTEST:

Annette Hatch, City Clerk

Karen Chasez, Mayor

Exhibit A

PARCEL 3:

THE SOUTH 525 FEET OF THE WEST 864.79 FEET OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

PARCEL 4:

THAT PORTION OF THE SOUTH 530.00' OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 30 EAST, LYING EAST OF DEBARY CORNER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 21-24, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA SOUTH OF THE DEBARY GOLF COURSE AND SPRING GLEN, UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 103-107, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; LESS ROAD RIGHT-OF-WAY FOR HIGHBANKS ROAD.

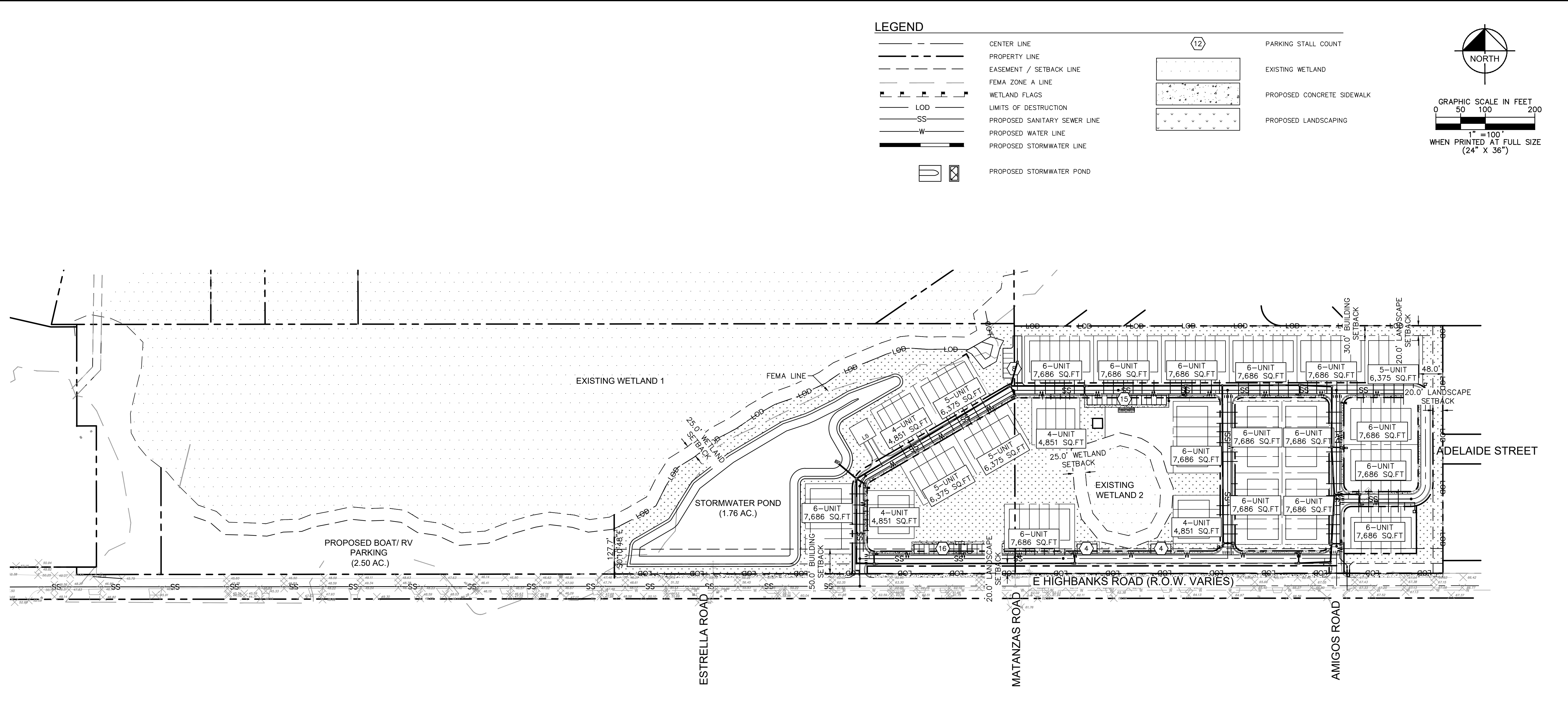
PART OF THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'A', AREA OF 100 YEAR FLOODING, WITH NO BASE FLOOD ELEVATION PROVIDED WITH THE BALANCE OF SAID PROPERTY BEING LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12127C0620 K, VOLUSIA COUNTY, FLORIDA. MAP DATED SEPTEMBER 29, 2017.

Exhibit B

Conceptual Development Plan

THIS INFORMATION IS PROVIDED TO YOU AT THE REQUEST OF OUR CLIENT AND IS SOLELY FOR YOUR INFORMATION AND CONVENIENCE. THESE PLANS ARE PRELIMINARY ONLY AND SUBJECT TO SIGNIFICANT REVISION BEFORE CONSTRUCTION PLANS ARE ISSUED. NEITHER KIMLEY-HORN NOR KIMLEY-HORN'S CLIENT WILL BE RESPONSIBLE FOR ANY LOSSES OR COSTS ASSOCIATED WITH RELIANCE ON THIS PRELIMINARY INFORMATION OR CHANGES IN THE INFORMATION PRIOR TO FINAL DESIGN.

Picked Br/Solarco, Debbie - Sheet Sat:149303004 - Sanford, FL @ STC - Layout: C1.0 OVERALL SITE PLAN - February 16, 2024 - 02:45:28pm - K:\ORL_Civil\240908007-E_Highbanks_Townhomes\CADD\EXHIBITS\ZONING AMENDMENT EXHIBIT OVERALL SITE PLAN - AMENDMENT EXHIBIT.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Use of any improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



SITE DATA

ADDRESS: E HIGHBANKS RD DEBARY, FL 32713
 APN: 802700000062
 802600000065
 ZONING DISTRICT: PLANNED UNIT DEVELOPMENT (PUD)
 LAND USE: RESIDENTIAL
 ZONING: PUD
 NORTH PUD
 EAST BPUD
 WEST BPUD
 SOUTH R-4 (URBAN SINGLE FAMILY RESIDENTIAL)
 FUTURE LAND USE:
 NORTH LDR (LOW DENSITY RESIDENTIAL)
 EAST LDR (LOW DENSITY RESIDENTIAL)
 WEST C/R (COMMERCIAL/RETAIL)
 SOUTH LDR (LOW DENSITY RESIDENTIAL)

TOWNHOMES BUILDING COVERAGE ±161,489 S.F. (±3.71 AC)
 TOWNHOMES:
 15 BUILDINGS - 6 UNIT
 4 BUILDINGS - 5 UNIT
 4 BUILDINGS - 4 UNIT
 126 UNITS TOTAL

PARKING/LANDSCAPE BUFFER
 FRONT: 20.0'
 REAR: 20.0'
 SIDE (E): 20.0'
 SIDE (W): 25.0'

PARKING TABLE:	PROVIDED	REQUIRED
STANDARD	45	
ACCESSIBLE	2	
TOTAL # OF UNITS (2 STALLS EACH)	252	
TOTAL:	299	252

DENSITY CALCULATION

(DWELLING UNITS PER NET BUILDABLE ACRE)

TOTAL PARCEL AREA: 31.6 AC
 EXISTING NON-DEVELOPABLE FEATURES:
 EXISTING WETLAND & BUFFER 1: 12.1 AC
 EXISTING WETLAND & BUFFER 2: 0.8 AC
 EXISTING FEMA FLOOD PLAIN (REMOVING WETLAND 1): 3.2 AC
 TOTAL AREA OF EXISTING NON-DEVELOPABLE FEATURES: 16.1 AC
 DEVELOPABLE AREA = 31.6 - 16.1 = 15.5 AC
 TOTAL UNITS PROVIDED = 126 UNITS

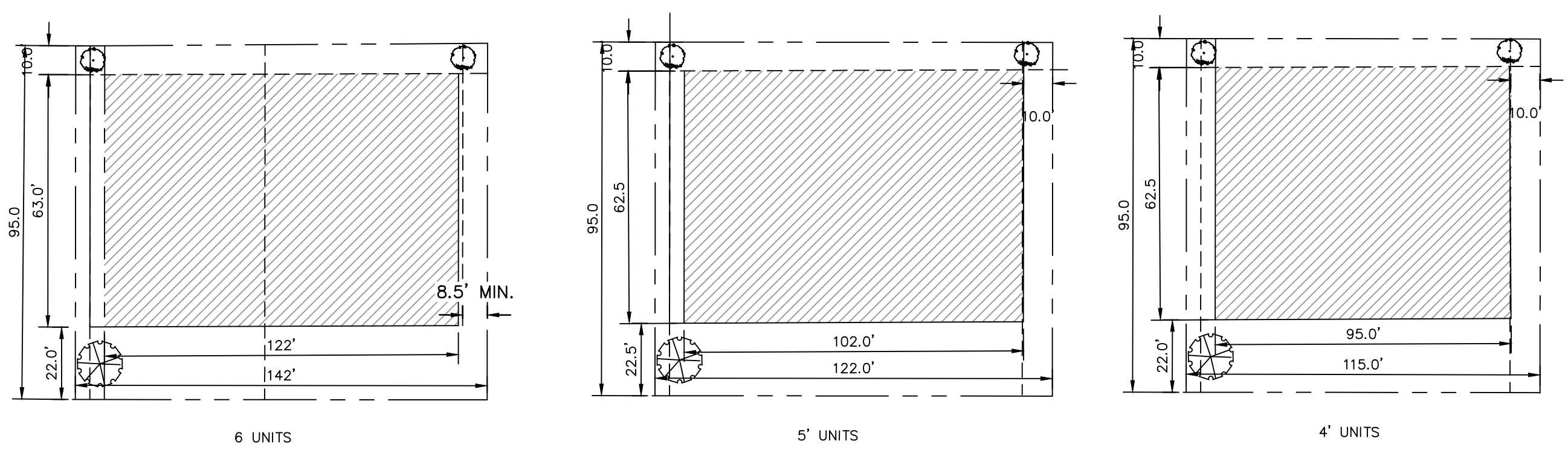
DENSITY CALCULATION

TOTAL UNITS PROVIDED/DEVELOPABLE AREA:
 =126 UNITS/(15.5 AC)
 =8 UNITS/DEVELOPABLE AREA
 *MAX ALLOWABLE DENSITY: 14 UNITS/1 ACRE

OPEN SPACE CALCULATION

	SQ. FT.	ACRES	PERCENTAGE
TOTAL PARCEL AREA:	1,378,480 S.F.	(31.6 AC)	100%
REQUIRED (20% OF SITE AREA)	275,696	(6.3 AC)	20%
OPEN SPACE			
- AMENITIES (PLAYGROUND, FREE PLAY AREA)	70,976	(1.6 AC)	
- DOG PARK	7,522	(0.17 AC)	
- TRAIL	40,592	(0.93 AC)	
- BOAT/RV PARKING	109,422	(2.5 AC)	
- RECREATIONAL SPACE	61,777	(1.4 AC)	
TOTAL OPEN SPACE	290,289	(6.6 AC)	21 %
IMPERVIOUS AREA:	566,464 S.F.	(13.1 AC)	77.5%

TYPICAL TOWNHOME LOT



NO.	REVISIONS	DATE	BY

Kimley»Horn
 189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
 WWW.KIMLEY-HORN.COM REGISTRY No. 696

KHA PROJECT LICENSED PROFESSIONAL
 DATE AS SHOWN
 DESIGNED BY
 DRAWN BY
 CHECKED BY

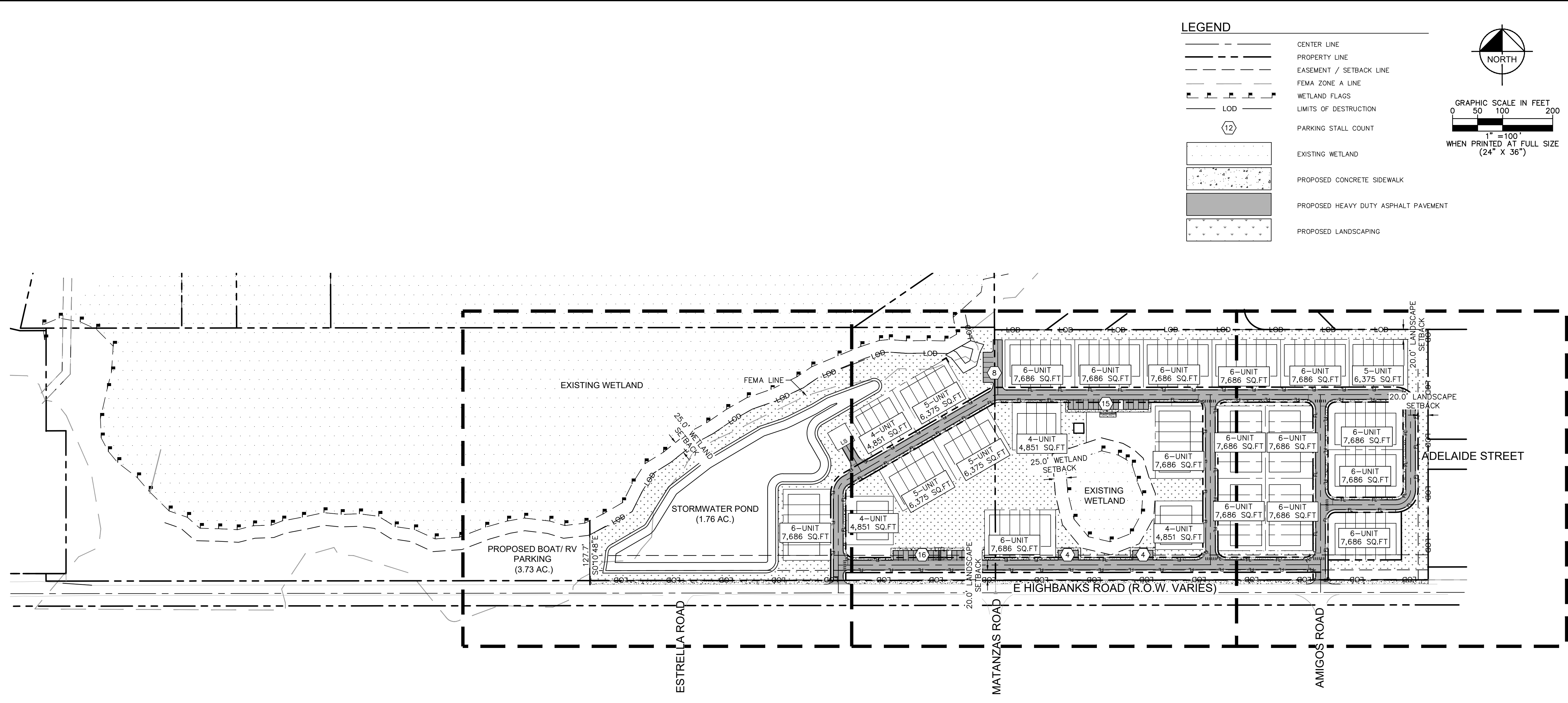
OVERALL SITE PLAN

E HIGHBANKS TOWNHOMES

SHEET NUMBER
C1.0

CITY OF DEBARY COMMENTS REVISION 02-16-24 DS

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 Picked Br. S. 04/20/2024. Debbie. Sheet. S41:149303004 - Sanford, FL @ STC. Layout: C1.0 OVERALL SITE PLAN. January 15, 2024. 08:25:23am. K:\ORL_Civil\249098007-E_Highbanks_Townhomes\CADD_CDR\PlanSheets\C1.0-OVERALL SITE PLAN.dwg
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LEGEND

- CENTER LINE
- - - PROPERTY LINE
- - - EASEMENT / SETBACK LINE
- - - FEMA ZONE A LINE
- - - WETLAND FLAGS
- - - LIMITS OF DESTRUCTION
- 12 PARKING STALL COUNT
- [Pattern] EXISTING WETLAND
- [Pattern] PROPOSED CONCRETE SIDEWALK
- [Pattern] PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- [Pattern] PROPOSED LANDSCAPING

NORTH

GRAPHIC SCALE IN FEET
 0 50 100 200
 1" = 100'
 WHEN PRINTED AT FULL SIZE
 (24" X 36")

SITE DATA

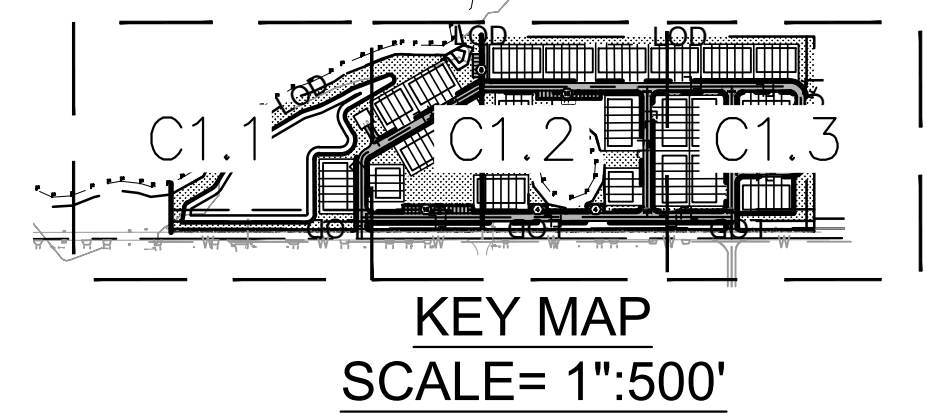
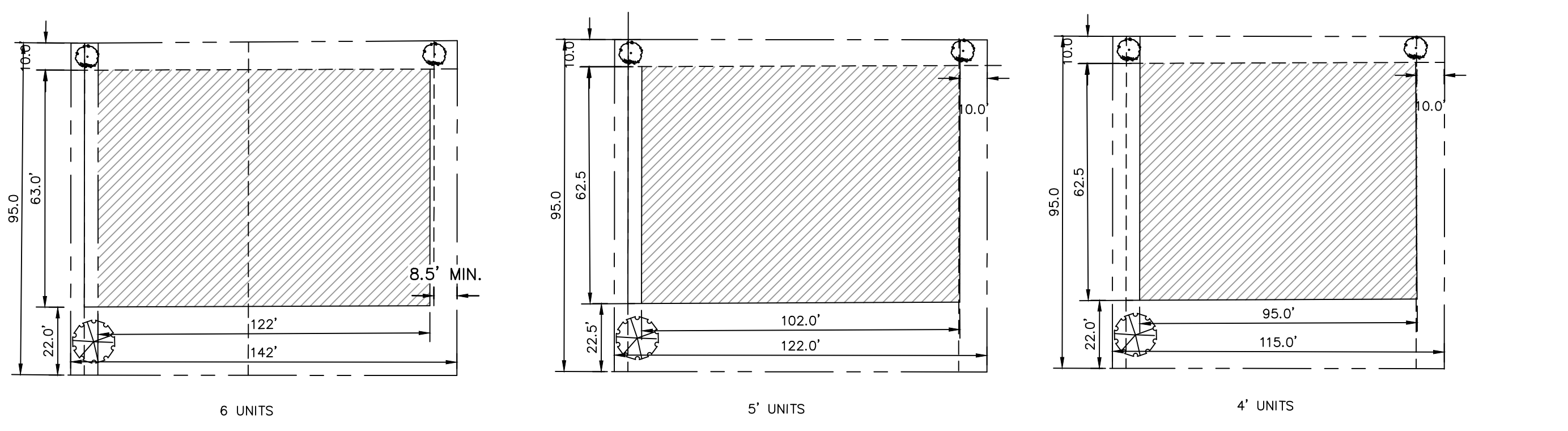
ADDRESS:	E HIGHBANKS RD DEBARY, FL 32713
APN:	802700000062 802600000065
ZONING DISTRICT:	PLANNED UNIT DEVELOPMENT (PUD)
LAND USE:	RESIDENTIAL
ZONING:	PUD
NORTH:	PUD
EAST:	BPUD
WEST:	R-4 (URBAN SINGLE FAMILY RESIDENTIAL)
SOUTH:	
FUTURE LAND USE:	LDR (LOW DENSITY RESIDENTIAL)
NORTH:	LDR (LOW DENSITY RESIDENTIAL)
EAST:	C/R (COMMERCIAL/RETAIL)
WEST:	LDR (LOW DENSITY RESIDENTIAL)
SOUTH:	LDR (LOW DENSITY RESIDENTIAL)
DENSITY CALCULATION (DWELLING UNITS PER NET BUILDABLE ACRE)	7 UNITS/1 ACRE

LOT COVERAGE	SQ. FT.	ACRES	PERCENTAGE
TOTAL SITE AREA:	736,424 S.F.	(16.9 AC)	100%
WETLAND AREA:	37,020 S.F.	(0.85 AC)	5.0%
STORMWATER POND:	76,754 S.F.	(1.76 AC)	10.4%
IMPERVIOUS AREA:	328,292 S.F.	(7.53 AC)	44.5%
PERVIOUS AREA:	294,358 S.F.	(6.75 AC)	40.1%
TOWNHOMES BUILDING COVERAGE	±161,489 S.F.	(±3.71 AC)	
TOWNHOMES:			
15 BUILDINGS - 6 UNIT			
4 BUILDINGS - 5 UNIT			
4 BUILDINGS - 4 UNIT			
126 UNITS TOTAL			

PARKING / LANDSCAPE BUFFER		
FRONT: 20.0'		
REAR: 20.0'		
SIDE (E): 20.0'		
SIDE (W): 25.0'		
PARKING TABLE:		
STANDARD	PROVIDED: 45	REQUIRED: 45
ACCESSIBLE	252	252
TOTAL # OF UNITS (2 STALLS EACH)	299	252
TOTAL:		

OPEN SPACE CALCULATION	SQ. FT.	ACRES	PERCENTAGE
TOTAL SITE AREA:	736,424 S.F.	(16.9 AC)	100%
OPEN SPACE:			
- WETLAND AREA:	37,020 S.F.	(0.85 AC)	5.0%
- STORMWATER POND:	76,754 S.F.	(1.76 AC)	10.4%
- AMENITIES (PLAYGROUND, FREE PLAY AREA):	54,186 S.F.	(1.24 AC)	7.3%
TOTAL OPEN SPACE:	167,960	(3.8)	22.7%
IMPERVIOUS AREA:	568,464 S.F.	(13.1 AC)	77.3%

TYPICAL TOWNHOME LOT



CITY OF DEBARY COMMENTS REVISION 09-20-23 DS	No.	REVISIONS	DATE	BY

Kimley»Horn

189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
 PHONE: 407-898-1511
 WWW.KIMLEY-HORN.COM REGISTRY No. 696

KHA PROJECT	LICENSED PROFESSIONAL
DATE	DATE
SCALE AS SHOWN	DESIGNED BY
DRAWN BY	CHECKED BY

OVERALL SITE PLAN

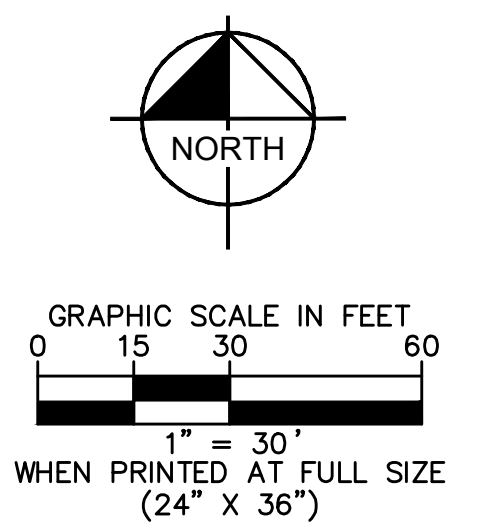
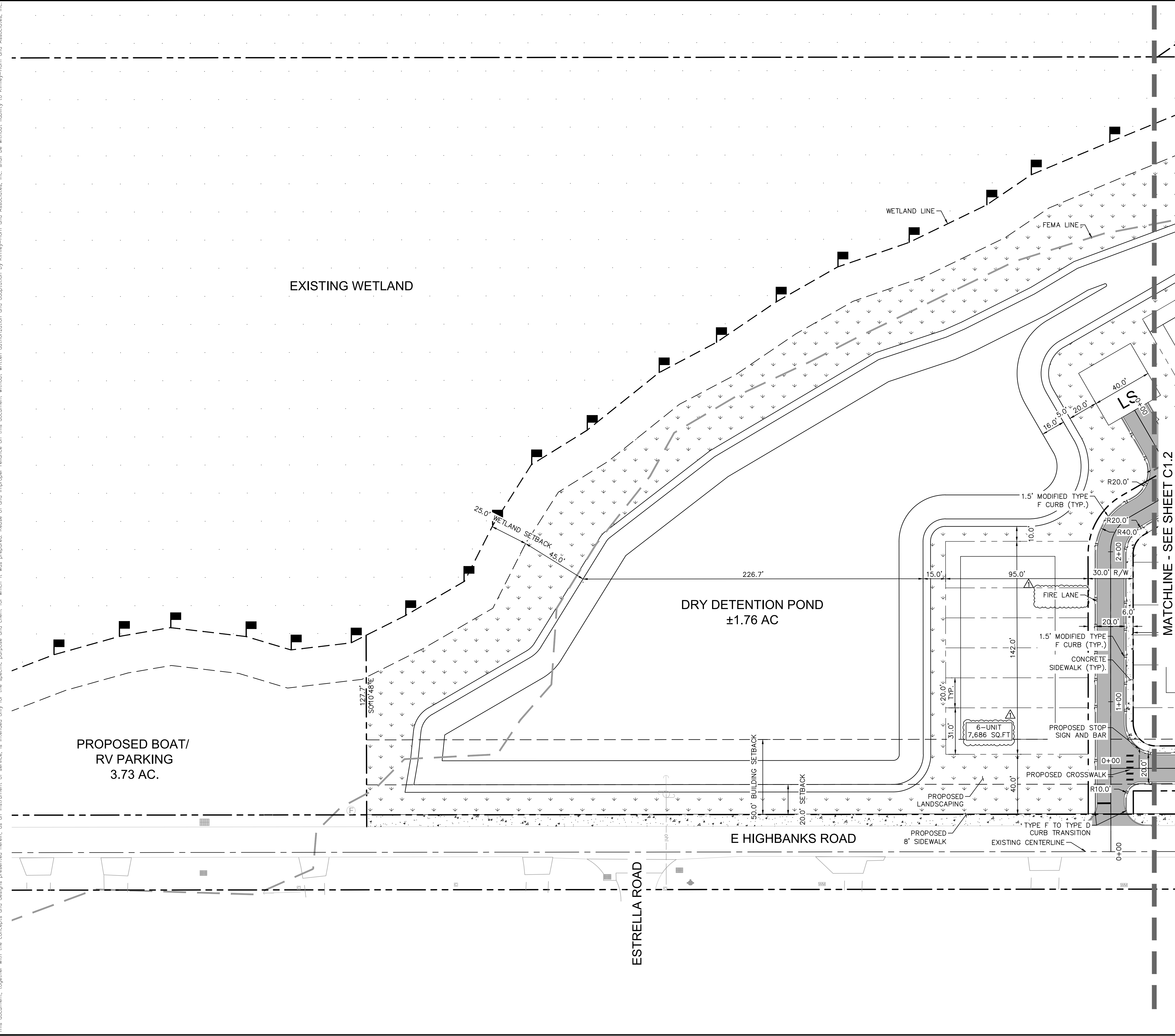
OVERALL DEVELOPMENT PLANS - E HIGHBANKS TOWNHOMES

SHEET NUMBER
C1.0

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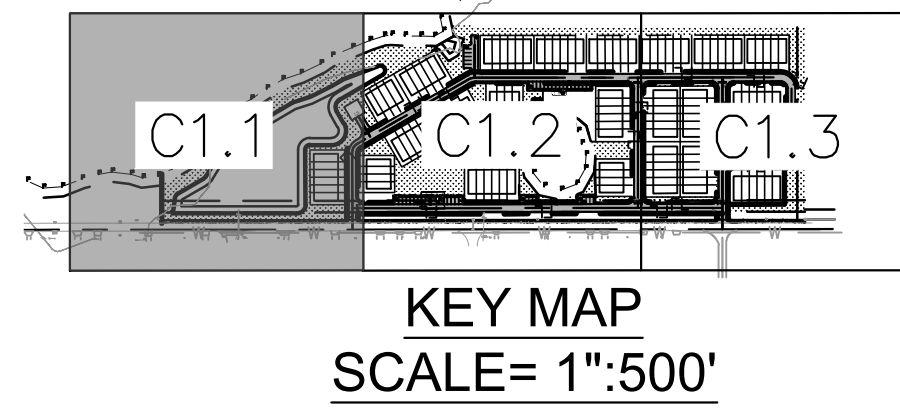
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LEGEND

	CENTER LINE
	PROPERTY LINE
	EASEMENT / SETBACK LINE
	FEMA ZONE A LINE
	WETLAND FLAGS
	FIRE LANE
	PARKING STALL COUNT
	WETLAND PRESERVATION AREA
	PROPOSED CONCRETE SIDEWALK
	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
	PROPOSED LANDSCAPING



CITY OF DEBARY COMMENTS REVISION 09-20-23 DS

No.	REVISIONS	DATE	BY

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189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
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LICENSED PROFESSIONAL

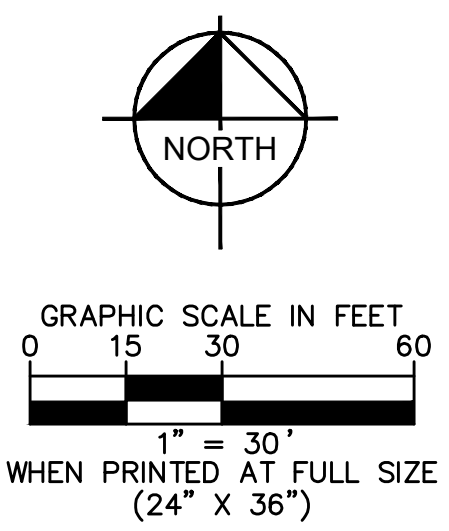
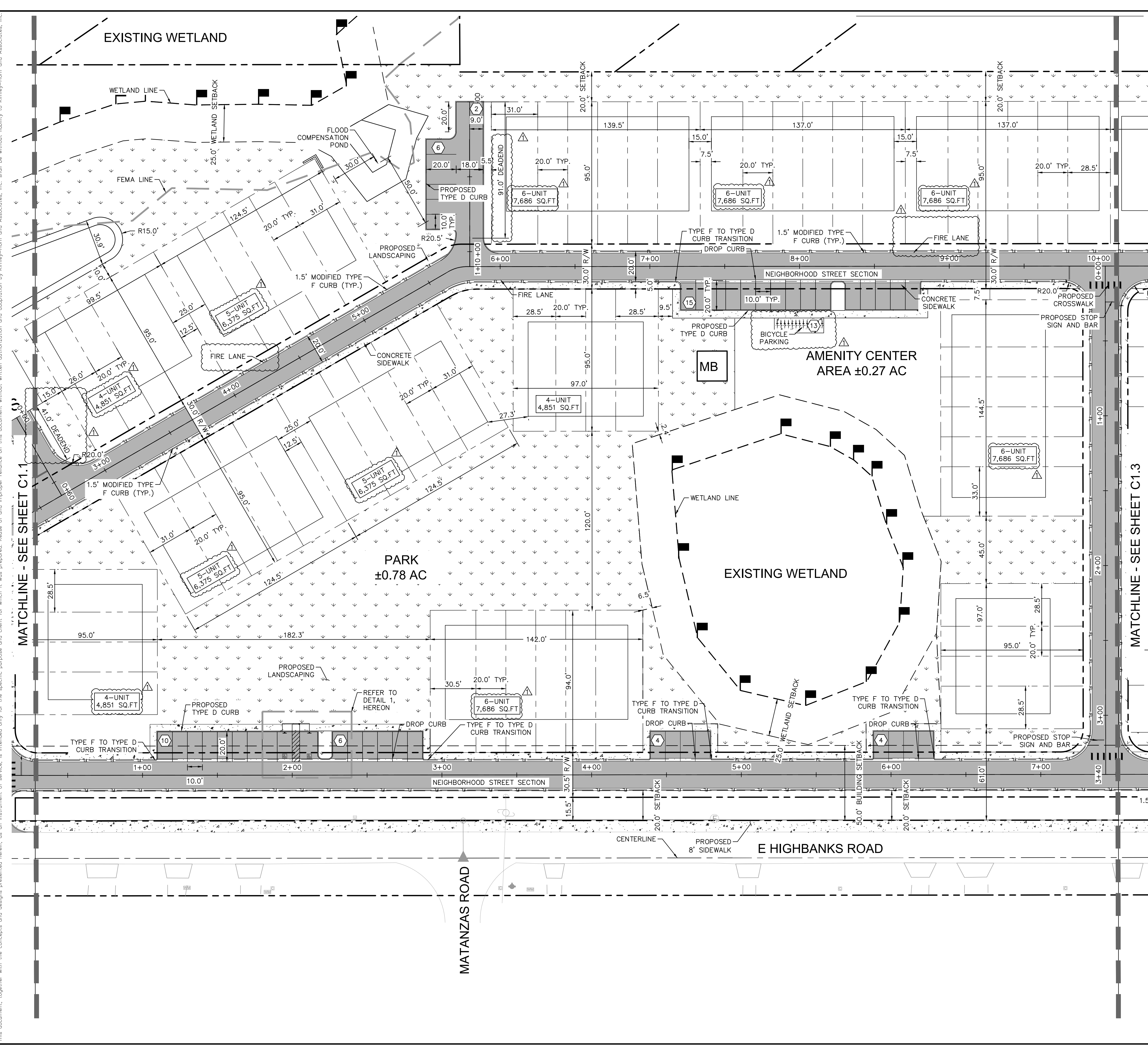
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SCALE AS SHOWN	DESIGNED BY
DRAWN BY	CHECKED BY
DATE:	

SITE PLAN

OVERALL DEVELOPMENT PLANS- E HIGHBANKS TOWNHOMES

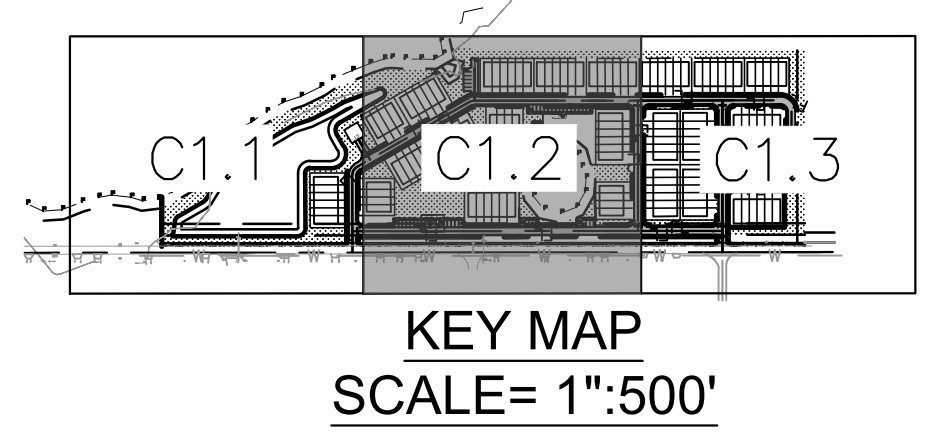
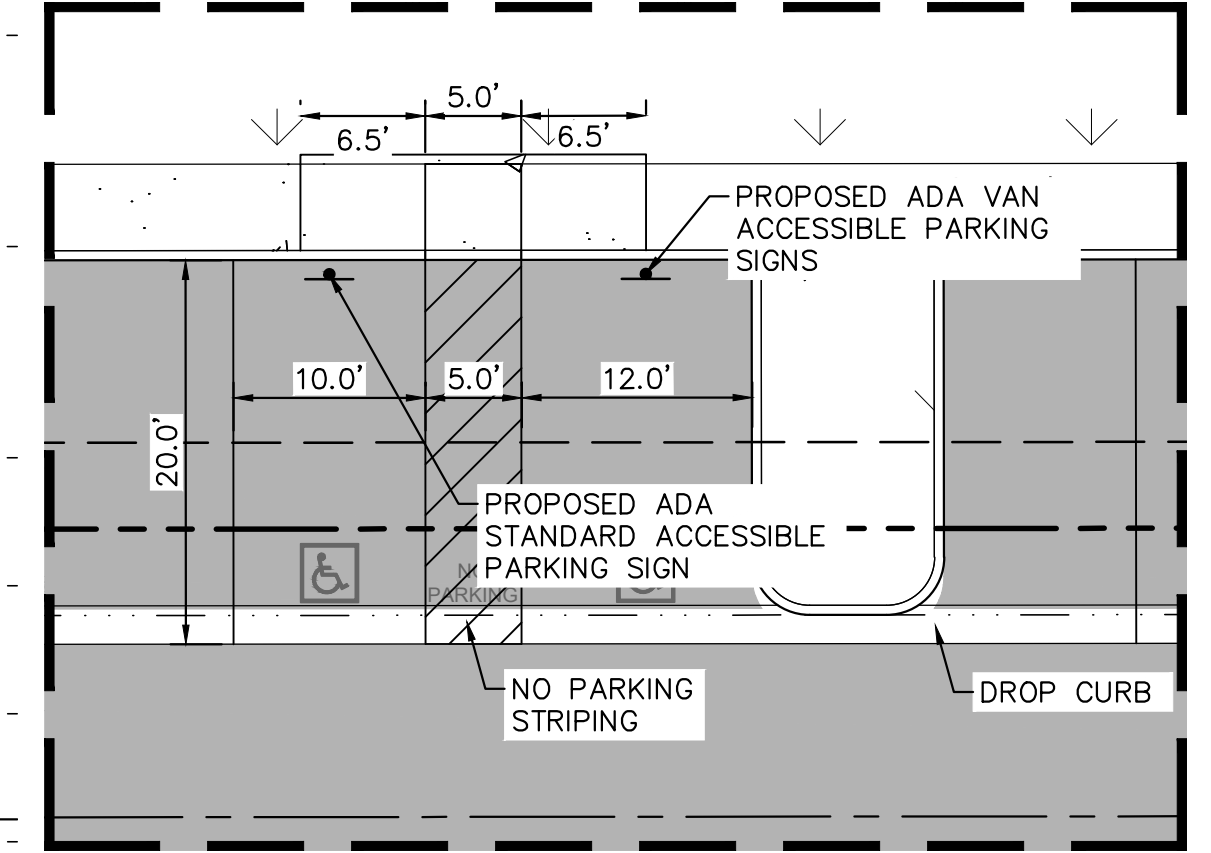
SHEET NUMBER
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LEGEND

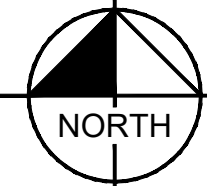
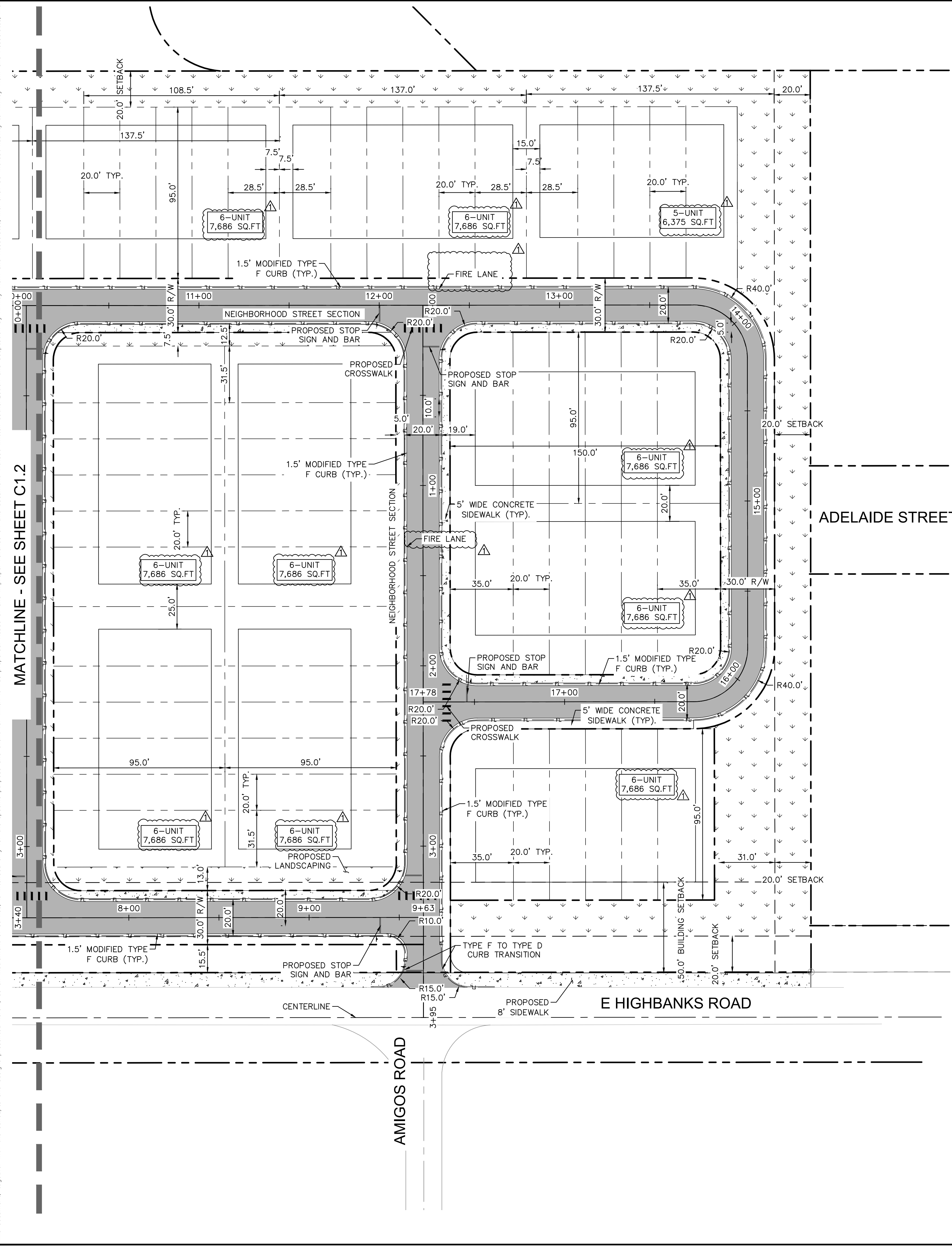
	CENTER LINE
	PROPERTY LINE
	EASEMENT / SETBACK LINE
	FEMA ZONE A LINE
	WETLAND FLAGS
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	PARKING STALL COUNT
	WETLAND PRESERVATION AREA
	PROPOSED CONCRETE SIDEWALK
	PROPOSED HEAVY DUTY ASPHALT PAVEMENT
	PROPOSED LANDSCAPING



<p> 180 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801 PHONE: 407-898-1511 WWW.KIMLEY-HORN.COM REGISTRY No. 696 </p>	<p>CITY OF DEBARY COMMENTS REVISION 09-20-23 DS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	REVISIONS	DATE	BY				
No.	REVISIONS	DATE	BY						
<p>SITE PLAN</p>	<p> KHA PROJECT _____ LICENSED PROFESSIONAL _____ DATE _____ SCALE AS SHOWN _____ DESIGNED BY _____ DRAWN BY _____ CHECKED BY _____ DATE _____ </p>								
<p>OVERALL DEVELOPMENT PLANS- E HIGHBANKS TOWNHOMES</p>	<p> SHEET NUMBER C1.2 </p>								

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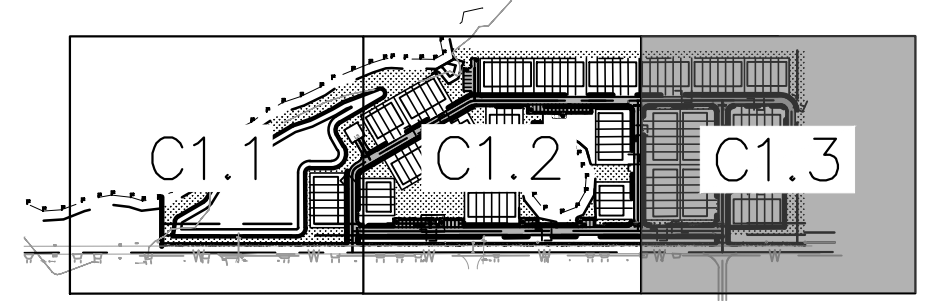
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GRAPHIC SCALE IN FEET
 0 15 30 60
 1" = 30'
 WHEN PRINTED AT FULL SIZE
 (24" X 36")

LEGEND

- CENTER LINE
- PROPERTY LINE
- EASEMENT / SETBACK LINE
- FEMA ZONE A LINE
- WETLAND FLAGS
- FIRE LANE
- PARKING STALL COUNT
- WETLAND PRESERVATION AREA
- PROPOSED CONCRETE SIDEWALK
- PROPOSED HEAVY DUTY ASPHALT PAVEMENT
- PROPOSED LANDSCAPING



KEY MAP
 SCALE= 1":500'

CITY OF DEBARY COMMENTS	REVISION	09-20-23	DS

Kimley»Horn
 189 S. ORANGE AVE., SUITE 1000, ORLANDO, FL 32801
 PHONE: 407-898-1511
 WWW.KIMLEY-HORN.COM REGISTRY No. 696

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DATE	
SCALE AS SHOWN	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
DATE:	

SITE PLAN

**OVERALL DEVELOPMENT PLANS-
 E HIGHBANKS TOWNHOMES**

SHEET NUMBER
C1.3

Memorandum

To: Steven Bapp, Growth Management Director

City of DeBary

From: Mark Watts, CobbCole

Date: March 12, 2024

Re: Summary of March 11, 2024 Community Meeting regarding proposed amendment to Glen Abby (The Swallows) PUD - 23-04-MAJPUD-Tailwinds Residential

Please accept this memorandum as our summary of the community meeting held at City Hall on March 11, 2024 at 6PM. We estimate that approximately 60 residents attended the meeting to listen to our presentation of the proposed amendments and provide feedback or ask questions regarding the planned development. A copy of the sign in sheets from the meeting are also attached. Here is a summary of the issues discussed:

- 1. Current Permitted v. Proposed Use.** We outlined the current multi-family entitlements associated with the property and summarized that of the approximately 526 multi-family units authorized under the existing Swallows PUD, approximately 200-220 could be located on the subject property based on the R/MD land use classification. At least one resident asked the maximum height allowed for the current multi-family units and we confirmed that the current height limit is two stories. We outlined the proposal to amend the use of the subject property to townhomes with a maximum height of two stories. Residents asked if they would be rental units and we stated that the units would be individually platted, but noted that individual units could be rented if desired by the individual owners. Several residents asked if single family development was considered and we confirmed that it was not and that the property owner intends to develop the property as townhomes or, if the pending amendment is not approved, multi-family. We also confirmed that no road connections to the existing Glen Abby development is proposed.
- 2. Proposed RV/Boat Storage Area.** Numerous questions were asked about the proposed RV and boat storage area. We clarified that the proposed accessory use would be limited to use by residents of the planned townhome development to provide a location for storage of such vehicles. Several residents raised questions about the buffering of the storage area from both No Name Lake and Highbanks Road. We clarified that a required 25' upland buffer

would be maintained from the wetland (lake) area and that all required landscape buffers would be maintained along Highbanks. At least one resident asked if the area would be fenced or otherwise secured and we confirmed that it would. Several residents suggested that the area remain undeveloped and dedicated as a park.

3. **Stormwater.** Numerous questions were raised about stormwater. We confirmed that the property would have to comply with all City and SJRWMD standards for design of the stormwater system. We further confirmed that compliance with all design standards, including applicable closed basin standards, would be followed in order for the property to be developed. Specific questions were asked about the potential design of the stormwater system, the amount of fill necessary for the site and how the system would function. We clarified that the system has not been designed at this time since we are only at the zoning stage, but confirmed the general requirements that the property cannot increase the rate or volume of stormwater being discharged from the property in the post-development condition. City staff provided handouts that summarized the City's stormwater system and pumps associated with No Name Lake and confirmed that the system has functioned as designed since its installation. Some residents expressed concern regarding past flooding issues in Glen Abby and on the existing golf course. We noted that more recent developments that meet modern stormwater standards tend to perform better during storm events.
4. **Buffering.** Several residents who live on Pine Side Street and Adelaide Street expressed concerns regarding buffering and privacy. We confirmed that a 20' landscape buffer was proposed adjacent to both areas and that a 30' minimum building setback from the property lines is proposed. Adjacent to Adelaide Street, we confirmed that an interior roadway is planned between the landscape buffer and proposed buildings so 50-60' of separation from the property line to the side of the planned townhomes would be maintained. We also confirmed that the landscape buffer would be designed to meet City standards with either existing vegetation that is retained, supplemented or replaced with new plantings. Several residents asked if a wall or fence would be included in the buffers adjacent to Pine Side Street or Adelaide Street and we confirmed that the City's current standards do not require a wall or fence between compatible residential uses.
5. **Traffic.** Several questions were raised regarding traffic and planned improvements to the area road network. We confirmed that the project will be required to undergo

concurrency review as part of the site plan or subdivision process and that all required access related improvements or mitigation improvements necessary to meet the required levels of service would be required as part of the project approval. Residents off of Matanzas and Amigos Roads asked about planned intersection improvements for the driveways proposed to align with those roadways and we indicated that any required improvements would be evaluated as part of the site plan or subdivision review. We also addressed and provided a general overview of the proportionate fair share process. After the general meeting concluded, at least one resident asked about signalization of those intersections and we explained the signal warrant analysis process and indicated that it would be performed, if necessary, as part of the traffic impact analysis.

6. **School Capacity.** Numerous questions were asked about school capacity and we explained the capacity reservation process required with Volusia County Schools. We outlined both the process for confirming capacity availability and the reservation of that capacity through the site plan or subdivision plan process. We also outlined how any potential capacity deficiencies are addressed by the school district and the potential requirement for a mitigation agreement in the event capacity is not available. City staff mentioned that Volusia County Schools is currently evaluating a 48-acre site off of South Charles R. Beall Boulevard as a potential K-8 school location.
7. **Displacement of Wildlife.** Residents mentioned that the proposed project site supports a population of wildlife, including bear, deer, bobcats, birds, gopher tortoises and other animals and that a bald eagles nest is located north of the site on other property. We outlined the general requirements for survey of the property for protected species and the permitting/relocation requirements associated with those species. In general, we also discussed the conservation programs both the City and County of Volusia have implemented and the extensive amount of conservation and wildlife corridor areas that exist in the County.

56026

IN THE ZONING COMMISSION
FOR COUNTY COUNCIL DISTRICT 5
OF VOLUSIA COUNTY, FLORIDA

IN RE: APPLICATION OF :
LTP PROPERTIES, INC. :
_____ :

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING

This application, coming to be heard before the Zoning Commission for County Council District 5 on the 18th day of September, 1972, and it being found as follows:

1. That the application was duly submitted, proper fee paid, public hearing therefor duly advertised and all adjacent property owners were notified of said public hearing, said application being for change of zoning from M-1, C-1, and A-1 to Community Development Plan, said change being upon the property described in the Exhibit "A" attached hereto and made a part hereof;

2. That the application for Community Development Plan was properly executed and all required exhibits were presented by the applicant;

3. That the Community Development Plan as proposed by the applicant would be compatible with the surrounding land uses, would not diminish the land values in the area and would promote the orderly growth of the area. A Land Use Summary has been prepared and is on file in the Volusia County Legal Department and shall become a part hereof;

NOW THEREFORE, the Zoning Commission of County Council District 5, Volusia County, Florida, does hereby resolve and order that the application for change of zoning to a Community Development Plan be and is hereby granted, and the Official Regulations and Maps of the said Zoning District are hereby amended to reflect the zoning changes set forth in this application, which change shall be subject to the following conditions:

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 2.

1. The applicant shall develop the Community Development Plan in accordance with the preliminary plan which is attached hereto and made a part hereof as Exhibit "B".
2. Within six (6) months from the date of adoption of this Resolution, the applicant shall submit to the Zoning Commission a final plan, which plan shall include a detailed plat complying with the subdivision regulations of Volusia County and which plat shall conform to the plan set forth in Exhibit "B". If the applicant fails to submit such plan within the time prescribed, this resolution shall be considered null and void and of no effect, and any permits granted thereunder shall be considered null and void.
3. The applicant shall assume the cost of recording this Resolution in the Official Records of Volusia County, Florida.
4. PERMITTED USES:

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, condominiums, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

PERMITTED ACCESSORY USES:

Accessory buildings or uses incidental to the permitted principal use.
5. SINGLE FAMILY DWELLINGS:

Except as otherwise provided, the following minimum dimensional requirements shall be applicable throughout the Community Development Plan. In the event of any conflict between this resolution and Exhibit "B", this Resolution shall prevail.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING - LTP PROPERTIES, INC.
Page 3

Minimum Lot Size:

Area - 20,000 square feet.

Width - 100 feet measured at the building line.

Minimum Yard Size:

Front Yard - 30 feet

Rear Yard - 20 feet

Side Yard - In all cases, the minimum side yard shall be eight (8) feet on any one given side. The total of the side yards, added together, however, must be a minimum of 20 feet. For example, if the one side yard of a particular parcel is (8) feet, then the opposite side yard shall be (12) feet.

Maximum Building Height:

Two stories or 35 feet, whichever is less.

Maximum Building Coverage:

The total area covered with buildings on any lot shall not exceed 25% of the total lot area.

Minimum Floor Area:

Twelve hundred (1200) square feet per dwelling unit.

6. CONDOMINIUM UNITS

A. Number of units: 180

B. Type of Structure: Two (2) story

C. Number of units per structure: Two to five (2-5)

D. Height maximum: Two stories or 35 feet

E. Unit size: One (1) bedroom and larger

7. COMMERCIAL AREAS

A. Commercial area #1

1. Permitted uses professional offices and other business offices.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 4

- B. Commercial area #2
 - 1. Permitted uses -- retail establishments.

- C. Access for vehicles to commercial areas shall be restricted to one access road to a public highway per commercial area.

- 8. GOLF COURSE
 - A. Type -- Community membership; guest privileges.

- 9. GREEN BELT AREAS - All green belt areas, parks and other common areas not encompassed by the Volusia County subdivision regulations and not privately owned shall be maintained by the applicant or its successors or assigns in interest.

- 10. PARCEL A - as shown on master plan -- Present Zoning is maintained.

- 11. The applicant shall conform and comply with all state and county regulations with regard to health and pollution control.

- 12. This Resolution shall run with the land and shall be applicable to any successors in interest to the applicant. In the event that the applicant desires to make any changes in the plan, he shall be required to make application to the Zoning Commission and a public hearing shall be held thereon in accordance with Ordinance 72-10 as adopted by the County Council of Volusia County, Florida.

ORDER GRANTING REQUEST FOR
CHANGE OF ZONING -- LTP PROPERTIES, INC.
Page 5

DONE and ORDERED this 18th day of September, 1972 in
open meeting at New Smyrna Beach, Florida.

WITNESSES:

Robert Ellis

Raymond H. Hester
CHAIRMAN

David McCallister

Joseph Kennard
SECRETARY

Carroll A. Mason

James A. Ireland

STATE OF FLORIDA,
COUNTY OF VOLUSIA

I, the undersigned officer duly authorized to take and certify acknowledgments of deeds in said State and County, hereby certify that before me came Raymond H. Hester and Joseph Kennard. Chairman and Secretary of Zoning Commission for County Council District 5, Volusia County, Florida; that said persons so appearing before me are the individuals described in and who executed the foregoing order; that their names officially are by them respectively subscribed thereto.

WITNESS my hand and Official Seal at N.Smyrna Bch., County of Volusia and State of Florida this 18th day of September, A. D., 1972.

Raymond H. Hester (SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES FEB. 10, 1976
BONDED THRU GENERAL INSURANCE UNDERWRITERS

EXHIBIT "A"

That part of the East 1/2 of the Southeast 1/4 and that part of the Northwest 1/4 of the Southeast 1/4, Section 22, Township 18 South, Range 30 East, lying East of U. S. Highway 17-92; and

The South 2 chains of the West 1/2 of the Northeast 1/4 of the Southwest 1/4, and the West 1/2 of the Southeast 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Southwest 1/4, and the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4, and the West 1/2 of the Northwest 1/4 of the Southwest 1/4, Section 23, Township 18 South, Range 30 East; and

All that part of the Southeast 1/4 lying west of Orange City-Enterprise Road, and the West 1/2, Section 26, Township 18 South, Range 30 East; and

That part of the East 1/2 of Section 27, Township 18 South, Range 30 East, lying East of U. S. Highway 17-92, less and except parcel deeded to American Telephone and Telegraph Company by instrument recorded February 26, 1962, in the Official Records Book 430, page 437, Public Records of Volusia County, Florida;



THE SWALLOWS Golf and Country Club

Dickens, Florida 32717

Dominic Palombo and Associates
Co-Ordinating Design Discipline
445 Blvd of Allies, Pittsburgh, Penna.

CONSULTANTS

Deeter Richey Sippel Associates
Architects
Pittsburgh, Penna.

Mayne Engineering Inc.
Engineers
Orange City, Florida

Dominic Palombo and Associates
Planners - Golf Course Architects
Pittsburgh, Penna.

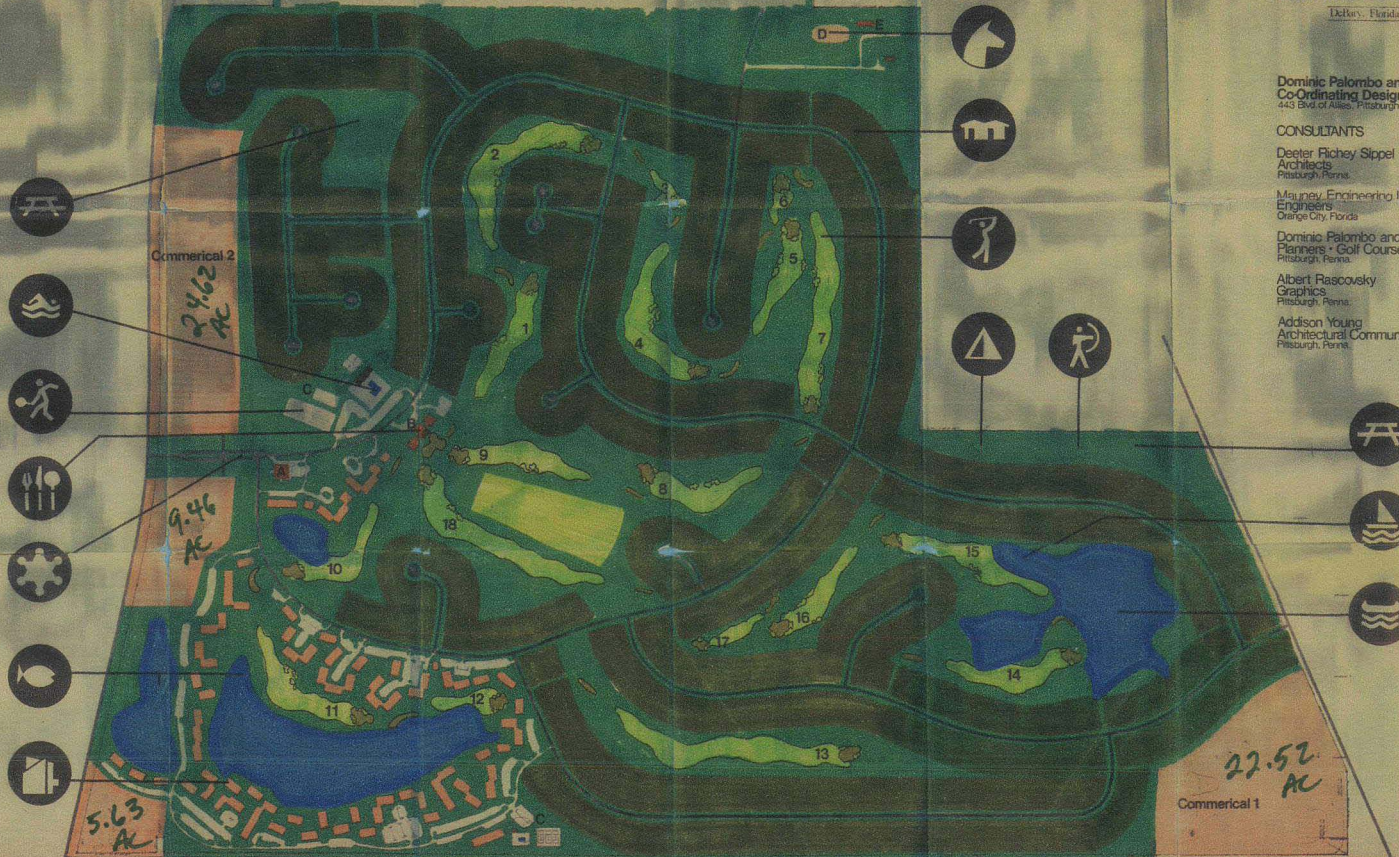
Albert Pascovsky
Graphics
Pittsburgh, Penna.

Addison Young
Architectural Communications
Pittsburgh, Penna.

FUTURE DEVELOPMENT

LEGEND

- A Administration Building
- B Club House
- C Tennis Courts & Pool
- D Horse Ring
- E Stable



SITE PLAN
SWALLOWS
GOLF AND COUNTRY CLUB
APR 11, 1978

BOOK: 4327
 PAGE: 810
 Diane M. Matousek
 Volusia County, Clerk of Court

EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Section 27, Township 10 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North Right-of-Way line of Highbanks Road and the East Right-of-Way line of U.S. Highway 17-92, run N-12°-30'-50"-E along said East Right-of-Way line a distance of 1685.75 feet to a Point of Curvature on said Right-of-Way line; thence by a curve concave to the left in said Right-of-Way line having a chord bearing of N-08°-20'-21"-E, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of 08°-20'-58", and an arc length of 842.23 feet to a point, thence N-89°-39'-03"-E a distance of 715.99 feet to a point; thence by a curve concave to the left having a chord bearing of N-85°-39'-37"-E, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of 07°-58'-52", and an arc length of 248.38 feet to a Point of Beginning; thence N-08°-19'-49"-W a distance of 362.38 feet to a point; thence N-42°-26'-45"-E a distance of 400.23 feet to a point; thence S-66°-37'-24"-E a distance of 295.78 feet to a point; thence by a curve concave to the right having a chord bearing of S-48°-31'-58"-W, a chord length of 387.80 feet, a radius of 456.14 feet, a central angle of 50°-18'-43", and an arc length of 400.54 feet to a point; thence S-16°-18'-41"-E a distance of 230.00 feet to a point; thence S-73°-41'-19"-W a distance of 21.52 feet to a Point of Curvature; thence by a curve concave to the right having a chord bearing of S-77°-40'-45"-W, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of 07°-58'-52", and an arc length of 248.38 feet to the Point of Beginning, except the Southerly 30 feet which is reserved for roadway purposes. Parcel contains 4.26 acres more or less.

41203
BOOK PAGE
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1979

IN THE COUNTY COUNCIL
OF VOLUSIA COUNTY, FLORIDA

IN RE: APPLICATION OF :
EDWIN P. B. SANDERS, AGENT FOR :
DIVERSIFIED LAND SALES, INC. :

REC'D - PLANNING
DEPT. OF COMMUNITY
DEVELOPMENT
OCT 12 12 44 PM '78

087321

RESOLUTION NO. 78-96
RESOLUTION AND ORDER GRANTING REQUEST FOR
AMENDMENT TO ORDER APPROVING REQUEST FOR
CHANGE OF ZONING TO COMMUNITY DEVELOPMENT PLAN

This application, coming to be heard before the County Council
of Volusia County on the 7th day of September, 1978,
and it being found as follows:

1. That the application was duly submitted, proper fee paid,
public hearing therefor duly advertised and all adjacent property
owners were notified of said public hearing, said application being
for an Amendment of the Swallows Community Development Plan, said change
being upon the property described in the Exhibit "A" attached hereto
and made a part hereof;
2. That the application for the Amendment of the Community
Development Plan was properly executed and all required exhibits were
presented by the applicant;
3. That the Amendment of the Community Development Plan as
proposed by the applicant would be compatible with the surrounding
land uses, would not diminish the land values in the area and would
promote the orderly growth of the area. A Land Use Summary has been
prepared and is on file in the Volusia County Legal Department and shall
become a part hereof;

NOW THEREFORE, the County Council of Volusia County, Florida,
does hereby resolve and order that the application for Amendment of the

Zoning

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 2.

Community Development Plan be and is hereby granted, and the Official Regulations and Maps of the West Volusia Zoning District are hereby amended to reflect the zoning changes set forth in this application, which change shall be subject to the following conditions.

1. The applicant shall develop the Community Development Plan in accordance with the preliminary plan which is attached hereto and made a part hereof as Exhibit "B".

2. Within six (6) months from the date of adoption of this Resolution, the applicant shall submit to the County Council through the West Volusia Zoning Commission a final plan, which plan shall include a detailed plat complying with the subdivision regulations of Volusia County and which plat shall conform to the plan set forth in Exhibit "B". If the applicant fails to submit such plan within the time prescribed, this resolution shall be considered null and void and of no effect, and any permits granted thereunder shall be considered null and void.

3. The applicant shall assume the cost of recording this Resolution in the Official Records of Volusia County, Florida.

4. PERMITTED USES:

Except as otherwise provided, use of property which is the subject of this zoning change shall be limited to single family dwellings, multi-family dwellings, commercial, golf course and other recreational uses, as more particularly described in said Exhibit "B" and more fully set forth herein.

PERMITTED ACCESSORY USES:

Accessory buildings or uses incidental to the permitted principal use.

5. SINGLE FAMILY DWELLINGS:

Except as otherwise provided, the following minimum dimensional requirements shall be applicable throughout

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 3.

the Community Development Plan. In the event of any conflict between this Resolution and Exhibit "B", this Resolution shall prevail.

Minimum Lot Size:

Area - 20,000 square feet

Width - 100 feet measured at the building line

Minimum Yard Size:

Front Yard - 30 feet

Rear Yard - 20 feet

Side Yard - In all cases, the minimum side yard shall be eight (8) feet on any one given side. The total of the side yards, added together, however, must be a minimum of 20 feet. For example, if the one side yard of a particular parcel is (8) feet, then the opposite side yard shall be (12) feet.

Maximum Building Height:

Two stories or 35 feet, whichever is less.

Maximum Building Coverage:

The total area covered with buildings on any lot shall not exceed 25% of the total lot area.

Minimum Floor Area:

Twelve hundred (1200) square feet per dwelling unit.

6. MULTI-FAMILY DWELLINGS:

- A. Maximum number of units: 526
- B. Maximum Height: Two stories or 35 feet
- C. Maximum length of buildings: 200 feet

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 4.

D. Minimum required floor area (exclusive of attached
roofed-over porches, carports, terraces, and patios)
per dwelling unit:

One (1) bedroom.	750 sq. ft.
Two (2) bedrooms	950 sq. ft.
Two or more bedrooms	950 sq. ft. plus 150 sq. ft. for each additional bedroom

E. Minimum spacing requirements for buildings:

Side to side	- 25 ft.
Side to front or rear	- 50 ft.
Front to front	- 50 ft.
Rear to rear	- 50 ft.
Front to rear	- 85 ft.
Setback from parking areas	- 10 ft.
Setback from public right-of-way	- 50 ft.
Setback from private drives	- 30 ft.
Setback from project perimeter boundary line	- 50 ft.

F. Minimum number of parking spaces:

Two (2) parking spaces per dwelling unit each
measuring 10 x 20 ft.

G. Minimum setbacks from parking areas and interior drives:

Ten (10) ft. from perimeter boundary line

H. Villas shown on the site plan for Parcel A shall be
defined as single family dwellings on common property
and shall meet all the restrictions in Section 5 above.

Maximum number of villas: 94

RESOLUTION AND ORDER GRANTING
 REQUEST OF EDWIN P. B. SANDERS,
 AGENT FOR OWNER, DIVERSIFIED LAND
 SALES, INC.

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7. COMMERCIAL AREAS:

A. Commercial Area #1

1. Permitted uses: Professional and business offices
2. Development regulations: Same as those required
in the C-1A zoning district

B. Commercial Area #2

1. Permitted uses: Retail sales and services
2. Development regulations: Same as those required
in the C-1 district

C. Commercial Area #3

(Shopping center proposed in site plan for Parcel A
fronting on U.S. 17-92 in the north part of the CDP)

1. Permitted uses:

Retail Sales and services, excluding:

- motor vehicle sales or rental;
- automobile driving schools;
- boat or mobile home sales and services;
- car washes, mini-warehouses, go-kart tracks,
and water slides

Retail specialty shops

Auction parlors

Automotive service stations

Bars

Bowling Alleys

Cafeterias

Employment agencies

Financial institutions

Game rooms or arcades for pool, billiards, pin-ball
machines, juke boxes or other coin-operated

amusements

RESOLUTION AND ORDER GRANTING
 REQUEST OF EDWIN P. B. SANDERS,
 AGENT FOR OWNER, DIVERSIFIED LAND
 SALES, INC.

PAGE 6.

Laundry and dry-cleaning pickup stations

Nightclubs

Professional offices

Public uses

Restaurants

Stamp redemption centers

Taxi-cab stands

Theaters

Travel Agencies

2. Minimum yard size:

Front yard - 100 ft.

Rear yard - 50 ft.

Side yard - Interior Lot - 50 ft.

Abutting any street - 100 ft.

3. Off-street parking and loading requirements:

Same as those required in Section 17 of the

West Volusia Zoning Regulations

4. Landscaping:

As required by site plan review

- D. Access for vehicles to commercial areas shall be restricted to one access road to a public highway per commercial area.

8. GOLF COURSE:

A. Type - Community membership: Guest privileges

B. Parking for tennis club: Two spaces per court

9. GREEN BELT AREAS

All green belt areas, parks and other common areas not encompassed by the Volusia County subdivision regulations and not privately owned shall be

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

PAGE 7.

maintained by the applicant or its successors or
assigns in interest.

10. The applicant shall conform and comply with all state and
county regulations with regard to health and pollution control.

11. This Resolution shall run with the land and shall be
applicable to any successors in interest to the applicant. In the
event that the applicant desires to make any changes in the plan, he
shall be required to make application to the County Council and a
public hearing shall be held thereon in accordance with Ordinance 74-17
as adopted by the County Council of Volusia County, Florida.

DONE AND ORDERED this 7th day of September
1978, in open meeting at DeLand, Volusia County
Florida.

WITNESSES:

Edward J. Mised
Dorothy S. Williamson
Rosellen A. Rowand
Annella H. Mcbrat

[Signature]
CHAIRMAN
[Signature]
COUNTY MANAGER

RESOLUTION AND ORDER GRANTING
REQUEST OF EDWIN P. B. SANDERS,
AGENT FOR OWNER, DIVERSIFIED LAND
SALES, INC.

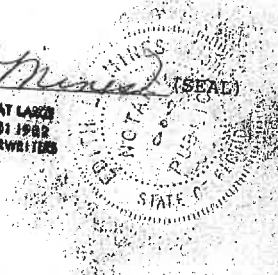
PAGE 8.

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, the undersigned officer duly authorized to take and
certify acknowledgments of deeds in said State and County, hereby
certify that before me came JOHN W. SUMMERS,
Chairman of the County Council and THOMAS C. KELLY,
County Manager of Volusia County, Florida; that said persons so appearing
before me are the individuals described in and who executed the fore-
going Resolution and Order; that their names officially are by them
respectively subscribed thereto.

WITNESS my hand and Official Seal at DeLand,
County of Volusia and State of Florida this 4th day of
October, A. D., 1979.

Edwin P. Sanders
NOTARY PUBLIC STATE OF FLORIDA AT LARGE
BY COMMISSION EXPIRES NOV. 11 1982
BENEFICENT TRUST GENERAL INS. UNDERWRITERS



PARCEL 1:

That part of the East 1/2 of the Southeast 1/4 and that part of the Northwest 1/4 of the Southeast 1/4, Section 22, Township 18 South, Range 30 East, lying East of U.S. Highway 17-92; and

The Southwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of the Southwest 1/4 and the West 1/2 of the Northwest 1/4 of the Southwest 1/4, Section 23, Township 18 South, Range 30 East; and

The North 760 feet of the Northwest 1/4 of the Northwest 1/4, Section 26, Township 18 South, Range 30 East; and

The North 760 feet of the Northeast 1/4 of Section 27, Township 18 South, Range 30 East, lying East of U.S. Highway 17-92.

PARCEL 11:

A parcel of land lying in Section 26 and 27, Township 18 South, Range 30 East, more specifically described as follows: Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 530.00 feet to a Point of Beginning; thence South $89^{\circ}41'25''$ West a distance of 1324.62 feet to a point on the North-South centerline of the East 1/2 of Section 27; thence North $00^{\circ}27'24''$ West along said centerline a distance of 4011.13 feet to a point; thence North $89^{\circ}37'21''$ East along a line parallel to and 760.00 feet south of the North line of Section 27, a distance of 1322.41 feet to a point on the East line of Section 27; thence North $89^{\circ}39'28''$ East along a line parallel to and 760.00 feet south of the North line of Section 26 a distance of 1100.00 feet to a point; thence South $00^{\circ}29'17''$ East along a line parallel to and 1100.00 feet east of the West line of Section 26 a distance of 1878.51 feet to a point on the East-South centerline of Section 26; thence South $89^{\circ}23'48''$ West along said centerline a distance of 1100.00 feet to a point on the West line of Section 26; thence South $00^{\circ}29'17''$ East along said West line a distance of 2129.18 feet to the Point of Beginning with the following exceptions:

Exception A:

Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 530.00 feet to a Point of Beginning; thence South $89^{\circ}41'25''$ West a distance of 280.00 feet to a point; thence North $55^{\circ}28'28''$ East a distance of 337.89 feet to a point on the East line of Section 27; thence South $00^{\circ}29'17''$ East a distance of 190.00 feet to the Point of Beginning.

Page 1

Exception B:

Commencing at the Southeast corner of Section 27, run North $00^{\circ}29'17''$ West along the East line of Section 27 a distance of 1051.33 feet to a Point of Beginning; thence South $78^{\circ}48'46''$ West a distance of 726.88 feet to a point; thence North $72^{\circ}04'11''$ West a distance of 292.66 feet to a point; thence North $58^{\circ}24'15''$ West a distance of 276.64 feet to a point; thence North $28^{\circ}26'48''$ West a distance of 208.74 feet to a point; thence North $00^{\circ}27'24''$ West along the North-South Centerline of the East 1/2 of Section 27 a distance of 295.10 feet to a point; thence South $55^{\circ}15'35''$ East a distance of 209.97 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of South $68^{\circ}07'24''$ East, a chord length of 598.30 feet, a central angle of $25^{\circ}43'38''$, a radius of 1343.70, and an arc length of 603.36 feet to a Point of Tangency; thence South $80^{\circ}59'13''$ East a distance of 341.55 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of South $88^{\circ}02'53''$ East, a chord length of 262.56 feet, a central angle of $14^{\circ}07'20''$, a radius of 1067.97 feet and an arc length of 263.23 feet to a point on the East line of Section 27; thence South $00^{\circ}29'17''$ East along said section line a distance of 167.60 feet to the Point of Beginning.

Exception C:

Commencing at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East, along the East line of said section, a distance of 1214.10 feet to a point; thence run South $79^{\circ}08'20''$ West a distance of 692.48 feet to the intersection of Purple Martin Court and Swallow Lane; thence run North $11^{\circ}26'39''$ East a distance of 144.56 feet, for the Point of Beginning; thence run North $78^{\circ}33'21''$ West a distance of 230.00 feet to a point; thence run North $11^{\circ}26'39''$ East a distance of 100.00 feet to a point; thence run South $78^{\circ}33'21''$ East a distance of 230.00 feet to a point; thence run South $11^{\circ}26'39''$ West a distance of 100.00 feet to the Point of Beginning. Excepting the Easterly 30.00 feet for roadway purposes.

Exception D:

Commencing at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East, along the East line of said section, a distance of 2463.04 feet, to a point; thence run South $89^{\circ}39'43''$ East a distance of 369.35 feet to a point; thence run North $59^{\circ}22'47''$ East a distance of 47.83 feet to the Point of Beginning; thence continue North $59^{\circ}22'47''$ East a distance of 90.43 feet to a point; thence run South $30^{\circ}37'13''$ East a distance of 226.69 feet to a point; thence run South $41^{\circ}25'12''$ West a distance of 43.80 feet to a point; thence run South $65^{\circ}24'04''$ West a distance of 61.64 feet to a point; thence North $27^{\circ}32'57''$ West a distance of 234.06 feet to the Point of Beginning. Excepting the North Westerly 30.00 feet for roadway purposes.

Exception E:

Commence at the Northeast corner of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, designated as Permanent Reference Monument 9; run South $00^{\circ}29'17''$ East a distance of 2024.86 feet to a point; thence run South $89^{\circ}30'43''$ West a distance of 342.42 feet to a point; on the centerline of North Pine Meadow Drive; thence North $03^{\circ}44'29''$ West, along said centerline a distance of 675.0 feet to the intersection of Sky High Lane, the Point of Beginning; thence South $89^{\circ}31'15''$ West a distance of 230.38 feet; thence South $03^{\circ}44'29''$ East a distance of 121.29 feet; thence North $86^{\circ}15'31''$ East a distance of 230.0 feet; thence North $03^{\circ}44'29''$ West a distance of 138.23 feet to the Point of Beginning. Excepting the Easterly and Northerly 30.00 feet for roadway purposes.

Exception F:

A parcel of land lying in Section 27, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North right-of-way line of Highbanks Road and the East right-of-way line of U.S. Highway 17-92, run North $12^{\circ}30'50''$ East along said East right-of-way line a distance of 1685.75 feet to a Point of Curvature on said right-of-way line; thence by a curve concave to the left in said right-of-way line having a chord bearing of North $08^{\circ}20'21''$ East, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of $08^{\circ}20'58''$ and an arc length of 842.23 feet to a point; thence North $89^{\circ}39'03''$ East a distance of 624.88 feet to a Point of Beginning; thence North $89^{\circ}39'03''$ East a distance of 91.11 feet to a Point of Curvature; thence by a curve concave to the left having a chord bearing of North $84^{\circ}59'11''$ East, a chord length of 290.01 feet, a central angle of $09^{\circ}19'44''$, a radius of 1783.11 feet, and an arc length of 290.33 feet to a point; thence South $00^{\circ}01'51''$ West a distance of 233.58 feet; thence South $89^{\circ}39'03''$ West a distance of 394.59 feet to a point; thence by a curve concave to the left having a chord bearing of North $06^{\circ}40'58''$ East, a chord length of 125.95 feet, a central angle of $13^{\circ}18'14''$, a radius of 543.63 feet, and an arc length of 126.23 feet to a point; thence North $00^{\circ}01'51''$ East, a distance of 85.00 feet to the Point of Beginning, except the Northerly and Westerly 30.00 feet which is reserved for roadway purposes.

Exception G:

A parcel of land lying in Section 27, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the intersection of the North right-of-way line of Highbanks Road and the East right-of-way line of U.S. Highway 17-92, run North $12^{\circ}30'50''$ East along said East right-of-way line a distance of 1685.75 feet to a Point of Curvature on said right-of-way line; thence by a curve concave to the left in said right-of-way line having a chord bearing of North $08^{\circ}20'21''$ East, a chord length of 841.48 feet, a radius of 5779.58 feet, a central angle of $08^{\circ}20'58''$ and an arc length of 842.23 feet to a point; thence North $89^{\circ}39'03''$ East a distance of 715.99 feet to a point; thence by a curve concave to the left having a chord bearing of North $85^{\circ}39'37''$ East, a chord length of 248.18 feet, a radius of 1783.11 feet, a central angle of $07^{\circ}58'52''$, and an arc length of 248.38 feet to a Point of Beginning;

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Exception G(cont'd.):

thence North $08^{\circ}19'49''$ West a distance of 362.38 feet to a point;
thence North $42^{\circ}26'45''$ East a distance of 400.23 feet to a point;
thence South $66^{\circ}37'24''$ East a distance of 295.78 feet to a point;
thence by a curve concave to the right having a chord bearing of
South $48^{\circ}31'58''$ West, a chord length of 387.80 feet, a radius of
456.14 feet, a central angle of $50^{\circ}18'43''$, and an arc length of
400.54 feet to a point; thence South $16^{\circ}18'41''$ East a distance of
230.00 feet to a point; thence South $73^{\circ}41'19''$ West a distance of
21.52 feet to a Point of Curvature; thence by a curve concave to
the right having a chord bearing of South $77^{\circ}40'45''$ West, a chord
length of 248.18 feet, a radius of 1783.11 feet, a central angle of
 $07^{\circ}58'52''$, and an arc length of 248.38 feet to the Point of Begin-
ning, except the Southerly 30 feet which is reserved for roadway
purposes.

Subject to terms and conditions of land lease (known as Golf Course
Lease) given by LTP Properties, Inc. to J. R. Costin, dated May 10,
1973 and recorded June 7, 1973 in Official Records Book 1600, Page 467,
Public Records of Volusia County, Florida.

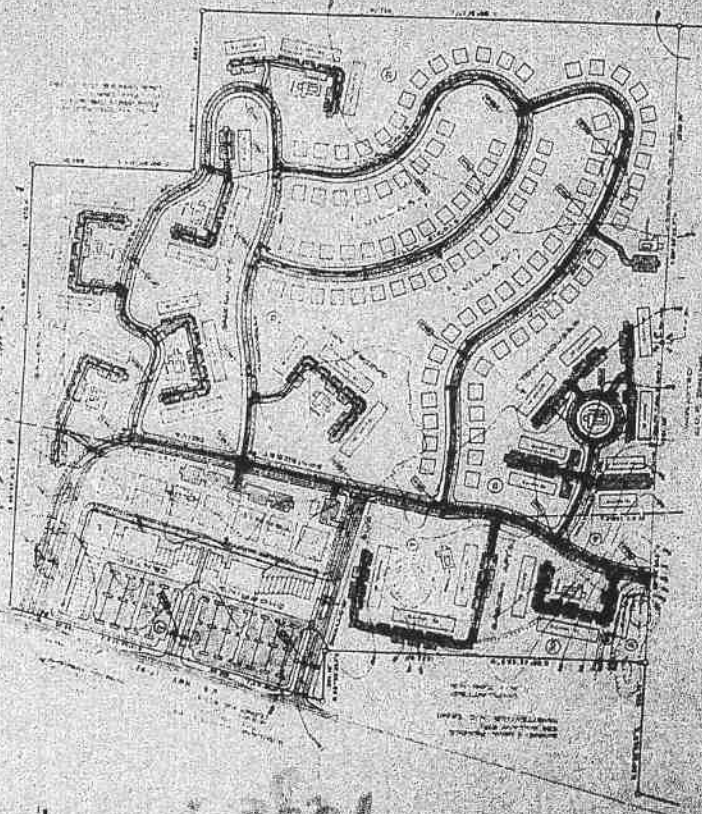
Subject to cable easement in Sections 22 and 27, Township 18 South,
Range 30 East, held by American Telephone and Telegraph Company,
unrecorded as to Sections 22 and 27, except for Deed filed in Deed
Book 430, Page 437, Public Records of Volusia County, Florida.

Subject to easements granted to Florida Power Corporation per Official
Records Book 1750, Page 1487 and Official Records Book 1886, Page 771,
Public Records of Volusia County, Florida.

Page 4



Vertical columns of text, likely a legend or list of items, located in the upper middle section.



Vertical text on the left side of the plan, possibly a scale or reference.

Vertical text at the bottom left of the plan area.

Handwritten text: "Exhibit" and "Page 1" written in reverse.

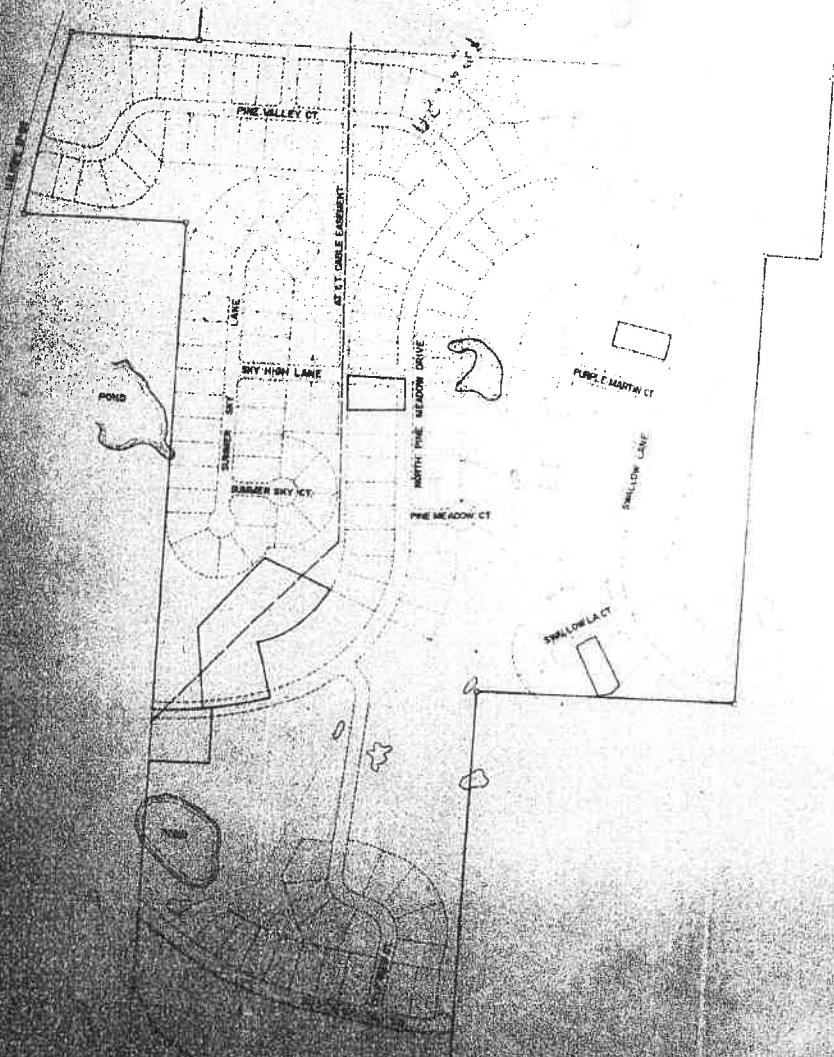
Printed text: "BODY PAGE" and "11/4/215" at the bottom of the page.

21141216

BOOK PAGE

Exhibit

THE SWALLOWS
OVERLAY SHEET PLAN



FERRARA ENGINEERING INC
 CONSULTING ENGINEERS AND LAND SURVEYORS
 100 S. 7th St. P.O. Box 1074, Okla. City, Okla. 73101-1074

L



**City Council Meeting
City of DeBary
AGENDA ITEM**

Subject: Final Plat, Rivington, Phase 4	Attachments: () Ordinance () Resolution () Supporting Documents/ Contracts (X) Other
From: Steve E. Bapp, AICP Growth Management Director	
Meeting Hearing Date March 20, 2024	

REQUEST

The Applicant, HR Rivington, LLC, is seeking Final Plat approval for Rivington, Phase 4, which consists of 202 lots for townhomes.

PURPOSE

The Applicant is requesting approval of a Final Plat for the purpose of recording the plat and permitting sellable lots.

CONSIDERATIONS

On October 3, 2018, the City Council adopted Ordinance No. 11-2018, approving a major amendment to the Fort Florida Commons Mixed Planned Unit Development (MPUD) to approve new development standards for the MPUD and to rename it to Rivington. With this approval, City Council authorized the zoning for a mixed use development of comprised of commercial, single-family detached residential, and townhomes.

On September 1, 2021, the City Council adopted Ordinance No. 09-2021, annexing a 30-acre parcel of land (Volusia County parcel ID 900900000020) into the MPUD for the development of townhomes. This tract of land would become Phase 4 of Rivington.

On July 19, 2022, the Development Review Committee conditionally approved the preliminary plat and construction plans for Rivington, Phase 4.

On December 28, 2022, a development order was issued by the City Manager for Rivington, Phase 4.

The Applicant is now requesting Final Plat approval for Phase 4 of Rivington, which is comprised of Lots 698 to 899 for a total of 202 lots.

FINDINGS OF FACT

The City of DeBary Development Review Committee and City Attorney reviewed the request and provide for the following findings of fact:

- All requirements of the City’s Land Development Code (and Florida Statutes have been addressed;

- The City’s Surveyor, in conformity with Chapter 177 of the Florida Statutes, has reviewed the Final Plat and the City Attorney has conducted a legal review of the Final Plat and the title opinion.
- On December 5, 2023, the Development Review Committee reviewed and recommended approval to the City Council of the Final Plat contingent on addressing outstanding staff comments. These staff comments have since been addressed.

COST/FUNDING

N/A

RECOMMENDATION

It is recommended the City Council approve the Final Plat for Rivington, Phase 4 subject to the following conditions of approval:

- Payment of all required fees, deposits, and costs as may be applicable or required pursuant to the Land Development Code (LDC), and other applicable laws, ordinances, and regulations shall be paid to the City prior to final plat approval and recording. The applicant shall be responsible for all recording costs associated with the plat and related documents.
- The original signed plat Mylar and all original executed plat related documents are to be promptly recorded in the Public Records of Volusia County, Florida, after final plat approval and only after satisfaction of all conditions of plat approval. Upon recording of the plat and plat related documents, the applicant shall provide the City with a recorded copy of the plat and plat documents to evidence proper recording.
- It is the responsibility of the entity subdividing the land to ensure that all applicable requirements of the LDC and Florida Statutes relative to the subdividing and development of property are met prior to the final plat approval and recording. The lots on the plat shall not be conveyed unless and until the conditions of approval have been satisfied and the plat as well as the plat related documents have been fully executed and recorded in the public records.

IMPLEMENTATION

The plat will be recorded with the Volusia County Clerk of the Courts

ATTACHMENTS

- Rivington, Phase 4 Final Plat
- Performance Bond
- Engineer’s Opinion of Cost

RIVINGTON PHASE 4

SHEET 1 OF 7
(66340005)

MAP BOOK PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

DESCRIPTION:

A portion of the West half of the Northwest Quarter of Section 9, Township 19 South, Range 30 East lying South of Fort Florida Road. All lying and being situate in Volusia County, Florida. Being more particularly described as follows:

Commence at the West Quarter corner of Section 9, Township 19 South, Range 30 East, Volusia County, Florida; thence North 00° 27' 09" West, a distance of 328.01 feet along the West line of said Northwest Quarter; thence departing said West line, North 89° 54' 48" East, a distance of 21.36 feet to the East right of way line of Barwick Road and for a POINT OF BEGINNING; thence North 00° 00' 47" East, a distance of 986.68 feet along said East right of way line to the South right of way line of Fort Florida Road also being the North line of said Southwest Quarter of the Northwest Quarter of Section 9; thence North 89° 50' 05" East, a distance of 1304.77 feet along said South right of way line and said North line of said Southwest Quarter of the Northwest Quarter of Section 9 to the Northeast corner of said Southwest Quarter of the Northwest Quarter of Section 9, Township 19 South, Range 30 East, Volusia County, Florida; thence South 00° 10' 36" East, a distance of 988.47 feet along the East line of said Southwest Quarter of the Northwest Quarter of Section 9; thence departing said East line, thence South 89° 54' 48" West, a distance of 1308.04 feet to the POINT OF BEGINNING.

Containing 29.62 acres, more or less.

LEGEND & ABBREVIATIONS:

- = DESIGNATES A PERMANENT REFERENCE MONUMENT, BEING A SET 4"x4" CONCRETE MONUMENT WITH BRASS DISC STAMPED P.R.M. SSMC LB2108, UNLESS OTHERWISE NOTED.
- ⊙ = DESIGNATES A PERMANENT CONTROL POINT, BEING A SET NAIL & DISK STAMPED P.C.P. SSMC LB2108, UNLESS OTHERWISE NOTED.
- = SET 5/8" IRON ROD AND CAP "SSMC LB 2108"
- UE = UTILITY EASEMENT
- PC = POINT OF CURVATURE
- NT = NON-TANGENT
- PT = POINT OF TANGENCY
- PI = POINT OF INTERSECTION
- R = RADIUS
- Δ = CENTRAL ANGLE
- L = LENGTH
- CB = CHORD BEARING
- CH = CHORD
- R/W = RIGHT OF WAY
- L1 = LINE TABLE
- C1 = CURVE TABLE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PB = PLAT BOOK
- PG(S) = PAGE(S)
- LB = LICENSED BUSINESS
- PCP = PERMANENT CONTROL POINT
- ORB = OFFICIAL RECORDS BOOK
- SSMC = SOUTHEASTERN SURVEYING & MAPPING CORPORATION
- ⊕ = CENTERLINE
- PRM = PERMANENT REFERENCE MONUMENT
- V.U.E = VOLUSIA COUNTY UTILITY EASEMENT

SHEET LAYOUT

SHEET 1 LEGAL DESCRIPTION, DEDICATIONS AND LEGEND
SHEET 2 SURVEYORS NOTE AND KEY MAP
SHEETS 3-6 BOUNDARY INFORMATION, TRACTS AND LOTS GEOMETRY
SHEET 7 DRAINAGE EASEMENT DETAILS

NOTICE

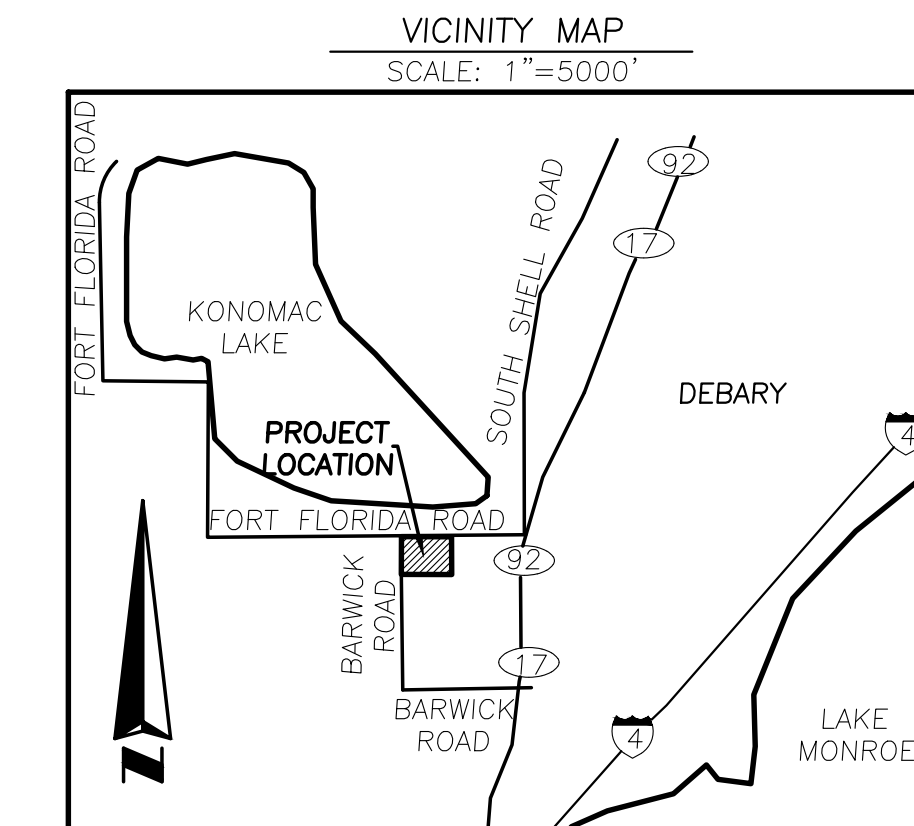
This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

CERTIFICATION OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, being a licensed and registered professional surveyor and mapper, does hereby certify that on / /2023 I completed a boundary survey of the lands as shown in the foregoing plat, that said plat is a correct representation of the lands therein described and platted; that the plat was prepared under my direct supervision; that permanent reference monuments have been placed as shown thereon and complies with all requirements of Chapter 177, Florida Statutes; and that said land is located in Volusia County.

Date / /2023 Signature JAMES E. MAZURAK, PSM
Registration No.: 6377

SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
Certification of Authorization No. LB2108.



CERTIFICATE OF APPROVAL BY THE THE CITY OF DEBARY SURVEYOR

I hereby certify that I have examined the foregoing plat and find that it conforms to Chapter 177, Florida Statutes.

Reviewing Surveyor for the City of DeBary _____ Date _____

_____, PSM
SurvTech Solution, Inc.
Professional Surveyor & Mapper
License Number _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL OF CITY OF DEBARY, FLORIDA

This is to certify that on _____ the foregoing plat was approved by the City Council of the City of DeBary, Florida.

Mayor of the City of DeBary _____

City Clerk of the City of DeBary _____

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL OF CITY OF DEBARY LAND DEVELOPMENT MANAGER

This is to certify that on _____ this plat was approved by the City Council of the City of DeBary, Florida.

Land Development Manger on his authorized representative _____

CERTIFICATE OF CLERK OF CIRCUIT COURT

I HEREBY CERTIFY, that the foregoing plat was received on _____ pursuant to the requirements of Chapter 177, Florida Statutes.

CLERK OF THE COURT
in and for Volusia County, Florida

BY _____

RIVINGTON PHASE 4 DEDICATION

Know all men by this presents, that HR Rivington, LLC being the owner in fee simple of the lands described in attached plat, entitled RIVINGTON PHASE 4, located in the City of DeBary, Florida, hereby dedication said lands and plat for the uses and purposes therein expressed including as set forth in the plat notes and dedicates Tract RW-1, all Streets, Roads and Lanes, the Trail Easement and the Utility Easements shown or described thereon to the perpetual use of the public, and the City of DeBary for proposes therein expressed.

Tract LS-1 (Lift Station) is hereby dedicated on fee simple to Volusia County, Florida without any restriction whatsoever. County ownership of the tract and the improvements thereon vest upon approval of this plat by the City Commissioners of the City of DeBary, Florida. Recording of this plat shall act as conveyance to Volusia County, Florida and no further instrument shall be necessary to vest fee simple in the County as aforementioned.

IN WITNESS WHEREOF, has caused these presents to be signed and attested to by the officers named below and its corporate seal to be affixed hereto on the _____ day of _____ 2023.

HR Rivington, LLC, a Florida limited liability company

By: HR Southeast, LLC a Delaware Limited Liability Company, sole member

By: RP investors Southeast, LLC a Florida limited Liability company, sole managing member

By: Reader & Partners, LLC a Florida Limited Liability Company, sole manager

PRINT NAME: DEAN BARBERREE

TITLE: PRESIDENT

SIGNATURE OF WITNESS SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS PRINTED NAME OF WITNESS

STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY, that on this date the foregoing instrument was acknowledge before me on this _____ date of _____ 2023, by _____ on behalf of said _____ that before me by means of () physical presence or () online notarization, he/she is personally known to me or produced _____ as identification.

SIGNATURE OF NOTARY PUBLIC COMMISSION NO. _____

PRINT NAME OF NOTARY PUBLIC MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF FLORIDA

RIVINGTON PHASE 4A RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

All right title and interest of HR RIVINGTON, LLC, (the "owner") in Tract OS-46, Tract OS-47, Tract OS-48, Tract OS-49, Tract OS-50, Tract OS-51 and Tract OS-52 shown hereon are hereby sold and conveyed to Rivington Community Development District (the "District"), reserving unto the "owner" and assigns the right of approval of all changes to signage and walls (including changes to color) as originally constructed and also reserving unto the "owner" perpetual easements for ingress and egress and the construction, installation, maintenance, and operation of underground electric, telephone, cable, gas or other utilities, irrigation facilities potable water, sanitary sewer, and storm water facilities, landscaped area, fences, walls, entry facilities, including electronic card reading equipment and pedestrian paths.

The "owner" also grants to the "District" non-exclusive, perpetual easements over, across and upon the areas shown heron as stormwater easements. The "District" by executing the dedication contained on this plat, accepts this conveyance and grants and agrees to maintain the tracts and sidewalk easements listed above, including all improvements constructed thereon, the stormwater, and drainage easements perpetually, and maintain rights of ways until such time after the city Engineer has certified the construction has been completed.

RIVINGTON COMMUNITY DEVELOPMENT OF DISTRICT

BY: _____

PRINT NAME: JEFFREY READER

TITLE: CHAIRMAN

PRINTED NAME OF WITNESS SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS PRINTED NAME OF WITNESS

I HEREBY CERTIFY, that on this date the foregoing instrument was acknowledge before me on this _____ date of _____ 2023, by _____ on behalf of said _____ that before me by means of () physical presence or () online notarization, he/she is personally known to me or produced _____ as identification.

SIGNATURE OF NOTARY PUBLIC COMMISSION NO. _____

PRINT NAME OF NOTARY PUBLIC MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF FLORIDA



RIVINGTON PHASE 4

SHEET 2 OF 7
66310005

MAP
BOOK

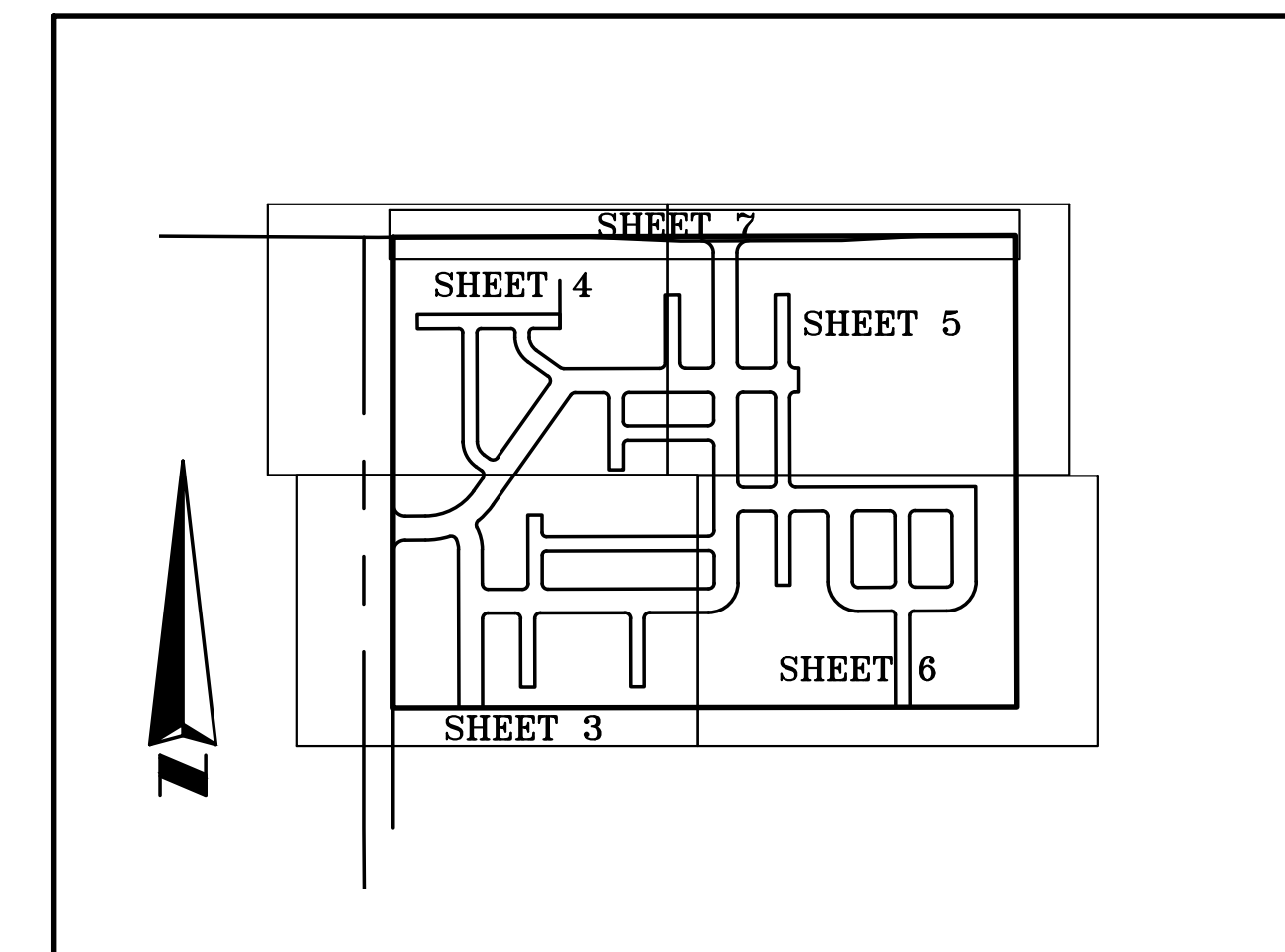
PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST, BEING NORTH 89°50'05" EAST, (ASSUMED).
2. ALL LOT LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.
3. PER FLORIDA STATUTES CHAPTER 177.091(9), LOT CORNERS MUST BE SET BEFORE THE TRANSFER OF ANY LOT.
4. ACCESS TO PUBLIC RIGHT OF WAY BARWICK ROAD FOR THIS PLAT IS VIA SOLAIRE AVENUE (PUBLIC 50' RIGHT OF WAY) AND FORT FLORIDA ROAD VIA HIGHFALLS AVENUE (PUBLIC 50' RIGHT OF WAY)
5. ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES: PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY, DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.
6. THE VOLUSIA COUNTY UTILITY EASEMENTS (V.U.E) DESCRIBED AS SHOWN HEREON ARE HEREBY DEDICATED TO VOLUSIA COUNTY, FLORIDA, THE UTILITIES ARE TO BE OWNED AND MAINTAINED BY THE UTILITY PROVIDER. THE PURPOSE OF VOLUSIA COUNTY UTILITY EASEMENTS SHOWN ARE AS FOLLOWS: INSTALLATION AND MAINTENANCE OF, BUT NOT LIMITED TO, SANITARY SEWERS, WATER MAINS, POWER LINES, GAS LINES, TELEPHONE LINES, AND CABLEVISION LINES.
7. TRACTS OS-46 THROUGH OS-53 (OPEN SPACE) SHALL BE DEDICATED TO AND MAINTAINED BY "THE DISTRICT IN ACCORDANCE WITH DECLARATION".
8. TRACTS P-13 AND P-14 (STORMWATER) SHALL BE DEDICATED TO AND MAINTAINED BY "THE DISTRICT IN ACCORDANCE WITH DECLARATION".
9. THERE IS HEREBY CREATED, GRANTED, AND RESERVED FOR THE BENEFIT OF THE CITY OF DEBARY, OTHER AUTHORITIES OF LAW, AND OTHER PUBLIC SERVICE AND EMERGENCY SERVICE PROVIDERS, A NON-EXCLUSIVE EASEMENT OVER, UNDER AND THROUGH ANY PRIVATELY OWNED INTERNAL ROADS, ALLEYS, PAVED AREAS, AND SIDEWALK FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS ACCESS FOR PURPOSE OF PROVIDING PUBLIC AND EMERGENCY SERVICES TO COMMON AREA AND LOTS, INCLUDING BUT NOT LIMITED TO, POSTAL, FIRE PROTECTION, POLICE PROTECTION, EMERGENCY MEDICAL TRANSPORTATION, CODE ENFORCEMENT, SOLID WASTE AND RECYCLING, UTILITIES, AND OTHER PUBLIC AND EMERGENCY SERVICES.
10. THE CITY SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ACCESS, MAINTAIN, REPAIR, REPLACE, AND OTHERWISE CARE FOR OR CAUSE TO BE CARED FOR, ANY AND ALL STORMWATER MANAGEMENT SYSTEMS AND FACILITIES, INCLUDING WITHOUT LIMITATION, THE RETENTION/DETENTION AREAS, PONDS, BERMS, CONTROL STRUCTURES, WEIRS, PIPES, DITCHES, SWALES, GUTTERS, INLETS, MANHOLES, OUTFALLS, UNDERDRAINS AND OTHER IMPROVEMENTS AND AREAS NOT DEDICATED TO THE PUBLIC OR THE CITY, INCLUDING, WITHOUT LIMITATION, TRACTS P-13 AND P-14 (STORMWATER) AND THE IMPROVEMENTS WHICH INCLUDES THE RIGHT OF REASONABLE INGRESS AND EGRESS OVER AND THROUGH PRIVATE ROADS, DRAINAGE TRACTS AND DRAINAGE EASEMENTS OF THE SUBDIVISION, AND THE RIGHT TO MAKE ALTERATIONS TO AND UTILIZE THE STORMWATER MANAGEMENT SYSTEM AND FACILITIES DURING EMERGENCY CONDITIONS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, IN THE EVENT ANY OR ALL OF THE SAID SYSTEMS, FACILITIES, IMPROVEMENTS, PROPERTIES OR AREAS: (I) ARE NOT MAINTAINED, REPAIRED, OR REPLACED IN ACCORDANCE WITH THE STANDARDS OF THE CITY OF DEBARY LAND DEVELOPMENT CODE, IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES, OR IN CONFORMANCE WITH APPROVED PLANS AND SPECIFICATIONS, (II) BECOME A NUISANCE OR A THREAT TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR (III) IN THE EVENT THE CITY EXERCISES ITS AFOREMENTIONED RIGHT; EACH OF THE LOT OWNERS OF THE SUBDIVISION ARE HEREBY ULTIMATELY RESPONSIBLE FOR PAYMENT OF THE COST OF MAINTENANCE, REPAIR, REPLACEMENT AND CARE PROVIDED BY THE CITY OF DEBARY OR ITS CONTRACTORS AND AGENTS, PLUS ADMINISTRATIVE COSTS, ENGINEERING COSTS, AND ATTORNEYS' FEES AND COSTS INCURRED BY THE CITY OF DEBARY. THE CHARGES AGAINST THE LOT OWNERS OF THE SUBDIVISION FOR THE AFORESAID COSTS SHALL BE IN A PRO-RATA SHARE BASED ON A METHODOLOGY TO BE DETERMINED BY THE CITY TO BE EQUITABLE. IF SAID COSTS ARE NOT PAID WITHIN 20 DAYS OF INVOICING, THEN SAID COSTS SHALL CONSTITUTE A LIEN ON THE PROPERTY OF THE OWNERS WHICH FAIL TO PAY SUCH COSTS AND MAY BE ENFORCED, WITHOUT LIMITATION, BY FORECLOSURE, SPECIAL ASSESSMENTS, MONETARY JUDGMENT, OR AS MAY OTHERWISE BE PERMITTED BY LAW OR AN ACTION IN EQUITY. THIS RIGHT, AND THE CITY OF DEBARY'S EXERCISE OF SAID RIGHT, SHALL NOT IMPOSE ANY OBLIGATION ON THE CITY OF DEBARY TO MAINTAIN, REPAIR, REPLACE, OR OTHERWISE CARE FOR SAID STORMWATER MANAGEMENT SYSTEMS AND FACILITIES, INCLUDING WITH RESPECT TO ANY SYSTEMS, FACILITIES OR IMPROVEMENTS PREVIOUSLY MAINTAINED, REPAIRED, OR REPLACED OR OTHERWISE CARED FOR BY THE CITY OF DEBARY. INCLUDING, WITHOUT LIMITATION TRACT P-13 AND P-14 (STORMWATER) AND THE IMPROVEMENTS THEREON.
11. THE PRESENT AND FUTURE OWNERS OF THE LOTS 698 THROUGH 827 INCLUSIVE, ARE SUBJECT TO NON AD VALOREM SPECIAL ASSESSMENTS BY "THE DISTRICT" IN ADDITION TO VALOREM TAXES IMPOSED BY OTHER ENTITIES SUCH AS THE SCHOOL DISTRICT, VOLUSIA COUNTY, CITY OF DEBARY, AND OTHER GOVERNMENTAL ENTITIES AND ADDITION TO "THE ASSOCIATION ASSESSMENTS".
12. THE DEDICATOR/OWNER FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS HEREBY DISCLAIMS, RELEASES AND QUIT CLAIMS TO THE CITY OF DEBARY ANY ALL RIGHTS, TITLE AND INTERESTS THE DEDICATOR/OWNER MAY HAVE IN FORT FLORIDA ROAD AND BARWICK ROAD AND ANY GAPS AND GORES THAT MAY EXIST BETWEEN THE LANDS BEING SUBDIVIDED BY THIS PLAT AND FORT FLORIDA ROAD AND BARWICK ROAD WHETHER BEING INSIDE OR OUTSIDE THE BOUNDARIES OF THIS PLAT.
13. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF DEBARY, VOLUSIA COUNTY, AND THE PUBLIC. THE UTILITIES ARE TO BE OWNED AND MAINTAINED BY THE UTILITY PROVIDER. THE PURPOSE OF THE UTILITY EASEMENTS SHOWN ARE FOLLOWS: INSTALLATION AND MAINTENANCE OF, BUT NOT LIMITED TO, SANITARY SEWERS, WATER MAINS, POWER LINES, GAS LINES, TELEPHONE LINES AND CABLEVISION LINES.
14. THE TRAIL EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO THE CITY OF DEBARY AND THE PUBLIC, AND MAINTAINED BY THE CITY OF DEBARY.
15. THE MULTI-USE TRAIL EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO THE CITY OF DEBARY AND THE PUBLIC TO AFFORD MEMBERS OF THE PUBLIC THE RIGHT OF ACCESS THROUGH AND USE OF THE MULTI-USE TRAIL EASEMENT. THE RIVINGTON COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") SHALL, AT ITS EXPENSE, OPERATE, MAINTAIN AND REPAIR THE IMPROVEMENTS WITHIN THE MULTI-USE TRAIL EASEMENT IN A GOOD, SAFE AND OPERABLE CONDITION CONSISTENT WITH THEIR DESIGN AND INTENDED USE, AND THE DISTRICT IS HEREBY GRANTED AN EASEMENT OVER AND THROUGH THE MULTI-USE TRAIL EASEMENT FOR SUCH PURPOSES. THE CITY OF DEBARY SHALL HAVE THE AUTHORITY TO ENFORCE THE DISTRICT'S OBLIGATIONS CONCERNING THE MULTI-USE TRAIL EASEMENT THROUGH ACTIONS AT LAW AND IN EQUITY. IN NO EVENT SHALL THE CITY OF DEBARY HAVE ANY LIABILITY CONCERNING OR OBLIGATION TO OPERATE, MAINTAIN AND REPAIR ANY IMPROVEMENTS WITHIN THE MULTI-USE TRAIL EASEMENT, AND THE DISTRICT SHALL HOLD THE CITY OF DEBARY AND ITS ELECTED AND APPOINTED OFFICIALS, EMPLOYEES AND AGENTS CONCERNING SUCH MATTERS.
16. THE TEMPORARY TURN AROUND EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY OF DEBARY AND SHALL BE TERMINATED UPON COMPLETED ROAD CONNECTION TO ADJACENT PARCEL.

KEY MAP
SCALE: 1"=400'



SHEET LAYOUT

SHEET 1 LEGAL DESCRIPTION, DEDICATIONS AND LEGEND
SHEET 2 SURVEYORS NOTE AND KEY MAP
SHEETS 3-6 BOUNDARY INFORMATION, TRACTS AND LOTS GEOMETRY
SHEET 7 DRAINAGE EASEMENT DETAILS

NOTICE

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SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580 Certification Number LB2108
e-mail: info@southeasternsurveying.com

RIVINGTON PHASE 4

SHEET 3 OF 7
66340005

MAP
BOOK

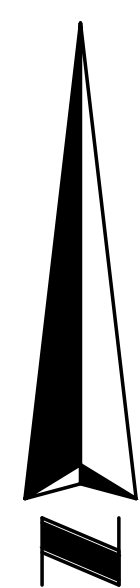
PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	175.00'	16°48'08"	51.32'	N81°26'00"E	51.14'
C2	12.00'	81°48'59"	17.14'	S66°03'34"E	15.72'
C3	50.00'	24°59'09"	21.80'	S12°39'30"E	21.63'
C4	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C5	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C6	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C7	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C8	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C10	35.00'	90°04'43"	55.03'	S44°52'26"W	49.53'
C11	39.00'	90°05'59"	61.33'	N45°02'13"W	55.20'
C49	9.00'	90°00'00"	14.14'	S45°09'55"E	12.73'
C52	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C53	9.00'	90°00'00"	14.14'	N44°50'05"E	12.73'
C54	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C55	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C56	100.00'	27°07'25"	47.34'	S13°43'38"E	46.90'
C57	12.00'	77°29'06"	16.23'	S11°27'13"W	15.02'
C58	175.00'	14°48'49"	45.25'	S42°47'21"W	45.12'
C73	12.00'	90°00'00"	18.85'	N9°37'04"W	16.97'
C74	125.00'	54°27'08"	118.80'	N62°36'31"E	114.38'
C75	150.00'	54°27'08"	142.56'	S62°36'31"W	137.25'
C76	75.00'	28°14'00"	36.96'	N14°16'55"W	36.58'
C107	25.00'	89°49'08"	39.19'	N44°55'30"E	35.30'
C108	25.00'	90°10'49"	39.35'	N45°04'31"W	35.41'

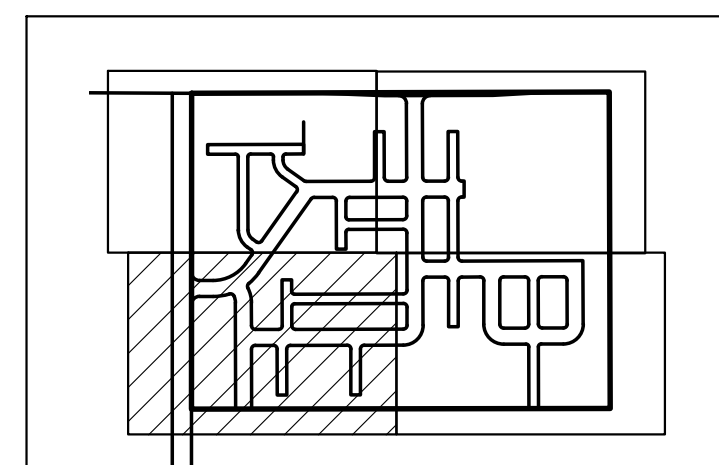
LINE TABLE		
LINE #	BEARING	LENGTH
L8	N54°07'02"W	20.00'
L9	N35°23'04"E	20.00'
L10	S54°07'02"E	20.00'

RIVINGTON PHASE 2B
PLAT BOOK 63, PAGES 173-183



1" = 30'
GRAPHIC SCALE

KEY MAP
SCALE: 1"=600'



SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407) 292-8580 Certification Number LB2108
e-mail: info@southeasternsurveying.com



MATCHLINE SHEET 4 OF 7

TRACT OS-49
(OPEN SPACE)

TRACT OS-47
(OPEN SPACE)

SOLAIRE AVENUE
50.00' R/W

TRACT OS-46
(OPEN SPACE)

TRACT P-13
(STORMWATER)

LENZEN LANE
50.00' R/W

STONELEIGH LANE
30.00' R/W

HIGHFALLS AVENUE
50.00' R/W

READER LANE
30.00' R/W

TRACT OS-48
(OPEN SPACE)

NOT PLATTED

BARWICK ROAD
60.00' RIGHT OF WAY
PER MAINTENANCE MAP FOR BARWICK ROAD PREPARED BY ALLEN & COMPANY DATED OCTOBER 7, 2019

WEST RIGHT OF WAY LINE
WEST LINE OF NORTHWEST 1/4 OF SECTION 9-19-30
EAST RIGHT OF WAY LINE

POB
POC
WEST 1/4 CORNER OF SECTION 9-19-30
FOUND 3" IRON PIPE NO ID
CCR #063920
SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9-19-30

MATCHLINE SHEET 6 OF 7

RIVINGTON PHASE 4

SHEET 4 OF 7
66340005

MAP
BOOK

PAGE

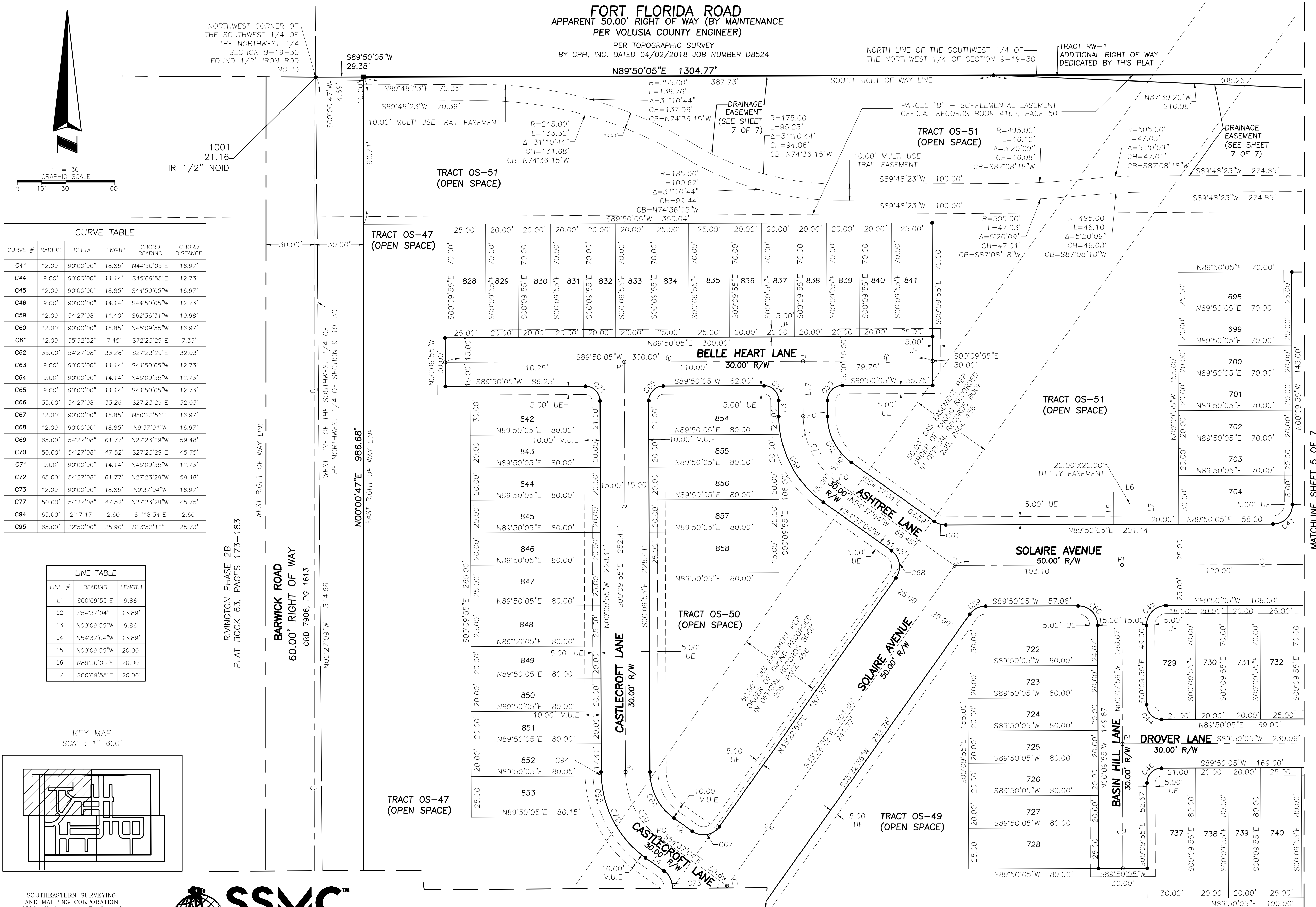
A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

FORT FLORIDA ROAD
APPARENT 50.00' RIGHT OF WAY (BY MAINTENANCE
PER VOLUSIA COUNTY ENGINEER)

PER TOPOGRAPHIC SURVEY
BY CPH, INC. DATED 04/02/2018 JOB NUMBER D8524

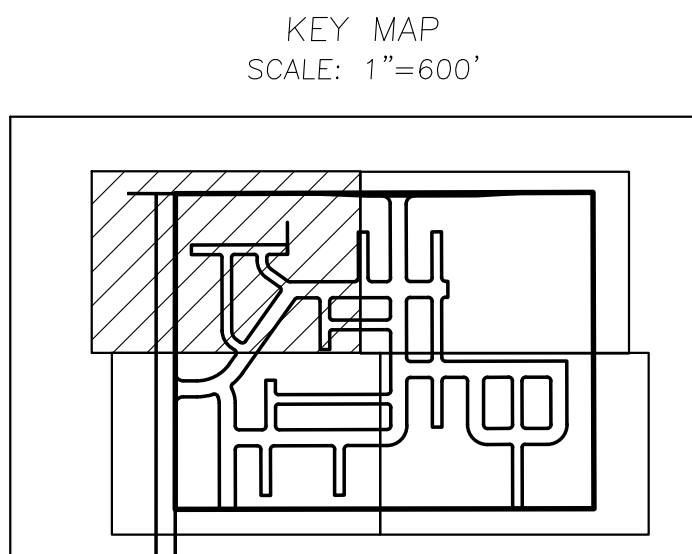
NORTH LINE OF THE SOUTHWEST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 9-19-30

TRACT RW-1
ADDITIONAL RIGHT OF WAY
DEDICATED BY THIS PLAT

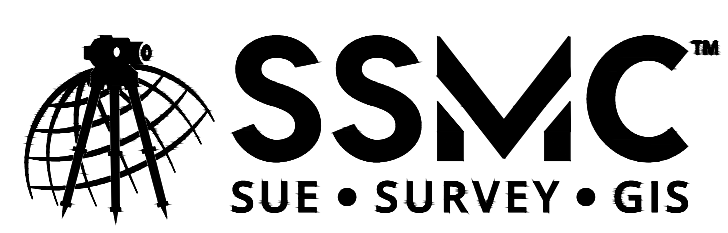


CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C41	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C44	9.00'	90°00'00"	14.14'	S45°09'55"E	12.73'
C45	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C46	9.00'	90°00'00"	14.14'	S44°50'05"W	12.73'
C59	12.00'	54°27'08"	11.40'	S62°36'31"W	10.98'
C60	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C61	12.00'	35°32'52"	7.45'	S72°23'29"E	7.33'
C62	35.00'	54°27'08"	33.26'	S27°23'29"E	32.03'
C63	9.00'	90°00'00"	14.14'	S44°50'05"W	12.73'
C64	9.00'	90°00'00"	14.14'	N45°09'55"W	12.73'
C65	9.00'	90°00'00"	14.14'	S44°50'05"W	12.73'
C66	35.00'	54°27'08"	33.26'	S27°23'29"E	32.03'
C67	12.00'	90°00'00"	18.85'	N80°22'56"E	16.97'
C68	12.00'	90°00'00"	18.85'	N9°37'04"W	16.97'
C69	65.00'	54°27'08"	61.77'	N27°23'29"W	59.48'
C70	50.00'	54°27'08"	47.52'	S27°23'29"E	45.75'
C71	9.00'	90°00'00"	14.14'	N45°09'55"W	12.73'
C72	65.00'	54°27'08"	61.77'	N27°23'29"W	59.48'
C73	12.00'	90°00'00"	18.85'	N9°37'04"W	16.97'
C77	50.00'	54°27'08"	47.52'	N27°23'29"W	45.75'
C94	65.00'	2°17'17"	2.60'	S1°18'34"E	2.60'
C95	65.00'	22°50'00"	25.90'	S13°52'12"E	25.73'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S00°09'55"E	9.86'
L2	S54°37'04"E	13.89'
L3	N00°09'55"W	9.86'
L4	N54°37'04"W	13.89'
L5	N00°09'55"W	20.00'
L6	N89°50'05"E	20.00'
L7	S00°09'55"E	20.00'



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MATCHLINE SHEET 3 OF 7

MATCHLINE SHEET 5 OF 7

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RIVINGTON PHASE 4

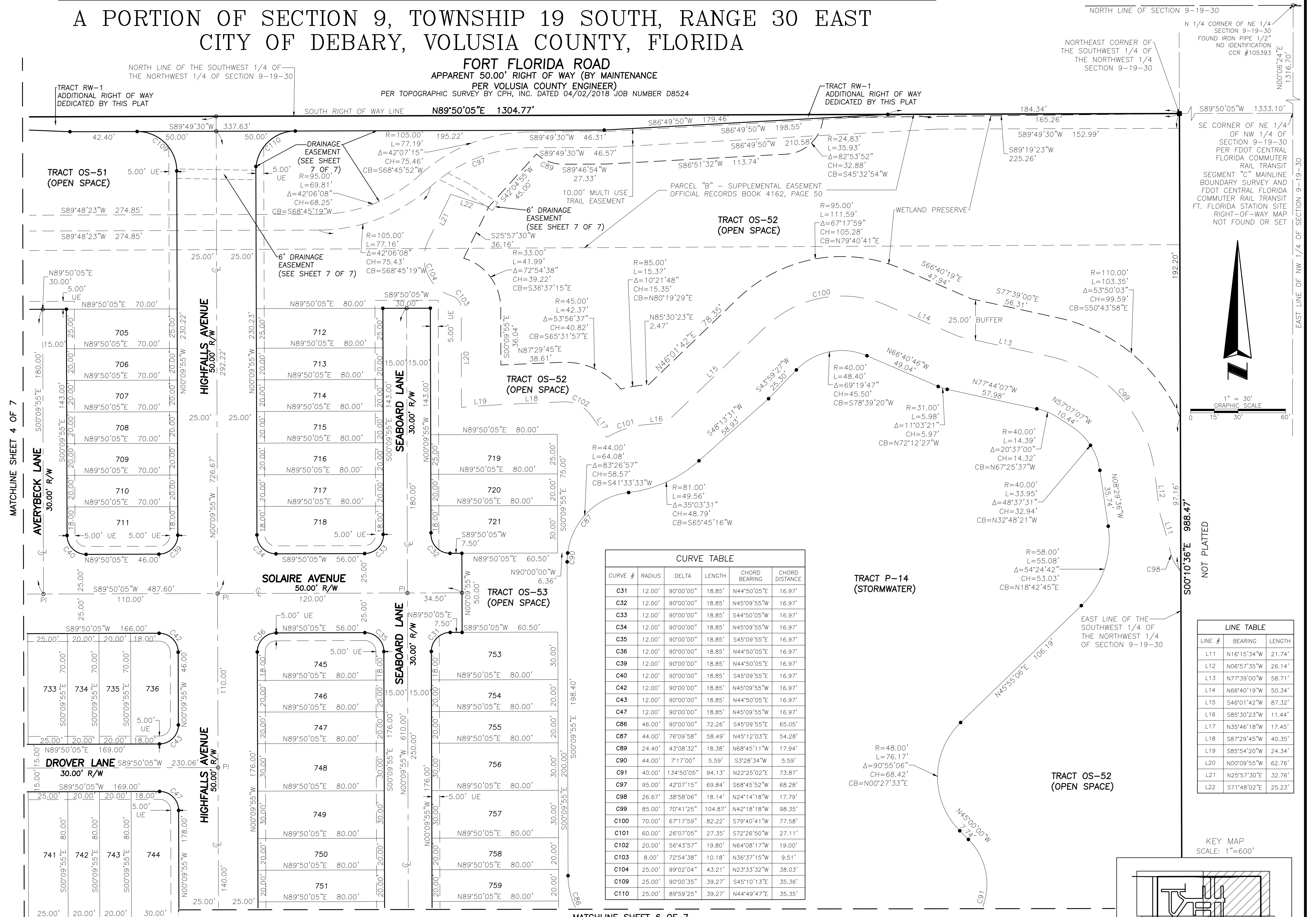
SHEET 5 OF 7
66340005

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PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA

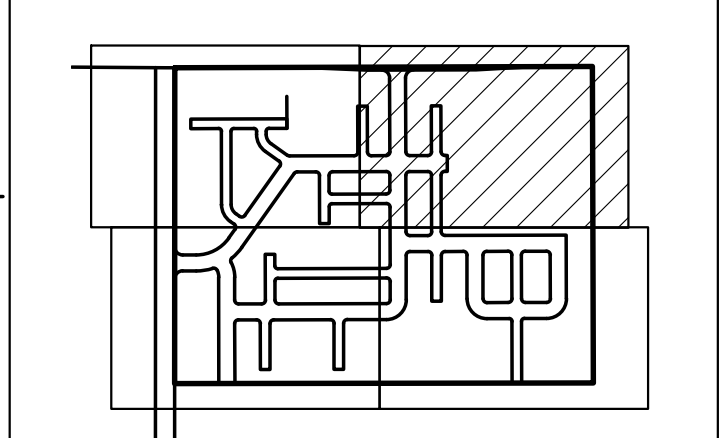
FORT FLORIDA ROAD
APPARENT 50.00' RIGHT OF WAY (BY MAINTENANCE
PER VOLUSIA COUNTY ENGINEER)
PER TOPOGRAPHIC SURVEY BY CPH, INC. DATED 04/02/2018 JOB NUMBER D8524



CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C31	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C32	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C33	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C34	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C35	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C36	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C39	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C40	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C42	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C43	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C47	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C86	46.00'	90°00'00"	72.26'	S45°09'55"E	65.05'
C87	44.00'	76°09'58"	58.49'	N45°12'03"E	54.28'
C89	24.40'	43°08'32"	18.38'	N68°45'11"W	17.94'
C90	44.00'	71°17'00"	5.99'	S32°34'W	5.99'
C91	40.00'	134°50'05"	94.13'	N22°25'02"E	73.87'
C97	95.00'	42°07'15"	69.84'	S68°45'52"W	68.28'
C98	26.67'	38°58'06"	18.14'	N24°14'18"W	17.79'
C99	85.00'	70°41'25"	104.87'	N42°18'18"W	98.35'
C100	70.00'	67°17'59"	82.22'	S79°40'41"W	77.58'
C101	60.00'	26°07'05"	27.35'	S72°26'50"W	27.11'
C102	20.00'	56°43'57"	19.80'	N64°08'17"W	19.00'
C103	8.00'	72°54'38"	10.18'	N36°37'15"W	9.51'
C104	25.00'	99°02'04"	43.21'	N23°33'32"W	38.03'
C109	25.00'	90°00'35"	39.27'	S45°10'13"E	35.36'
C110	25.00'	89°59'25"	39.27'	N44°49'47"E	35.35'

LINE #	BEARING	LENGTH
L11	N16°15'34"W	21.74'
L12	N06°57'35"W	26.14'
L13	N77°39'00"W	58.71'
L14	N66°40'19"W	50.34'
L15	S46°01'42"W	87.32'
L16	S85°30'23"W	11.44'
L17	N35°46'18"W	17.45'
L18	S87°29'45"W	40.35'
L19	S85°54'20"W	24.34'
L20	N00°09'55"W	62.76'
L21	N25°57'30"E	32.76'
L22	S71°48'02"E	25.23'

KEY MAP
SCALE: 1"=600'



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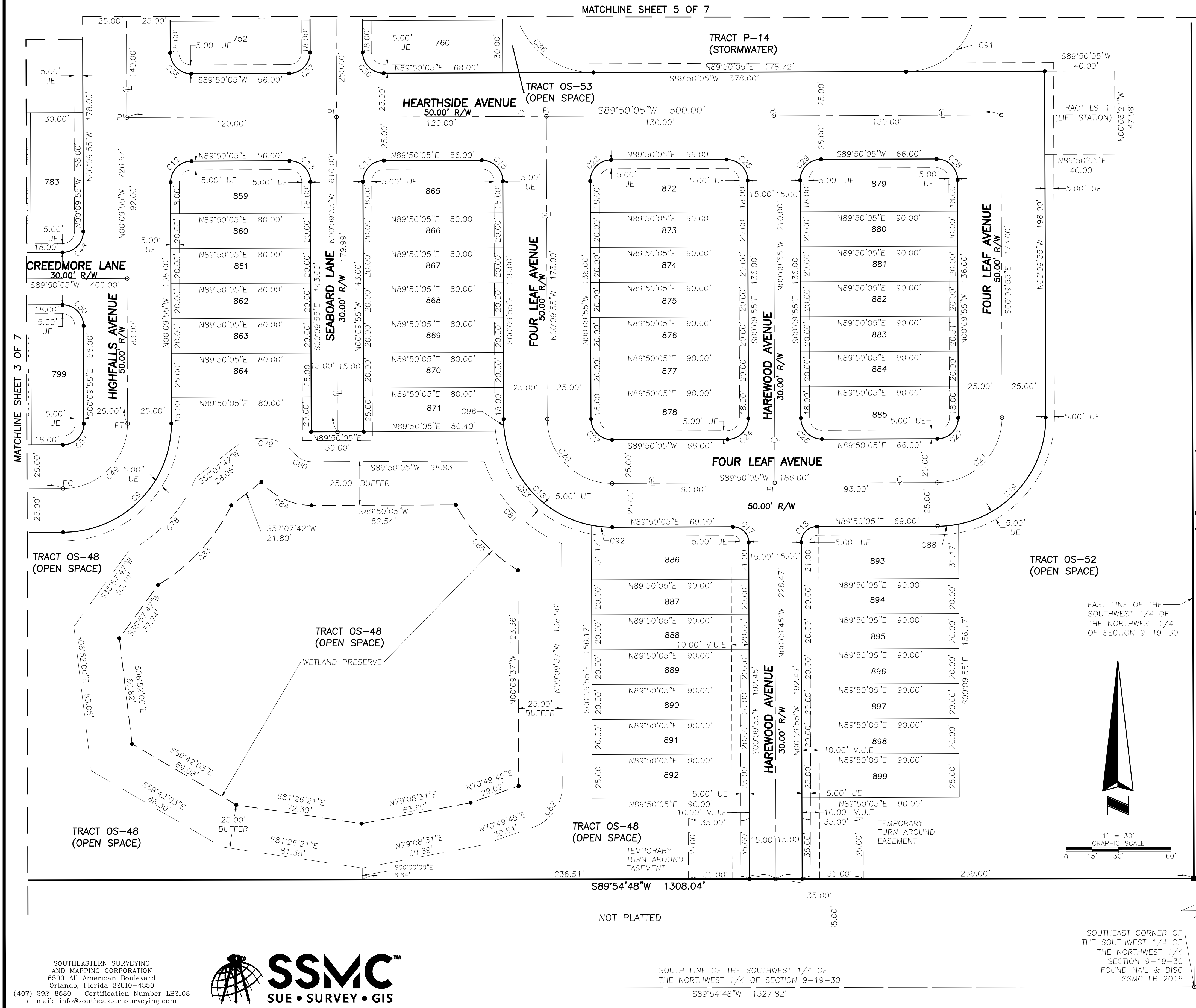
RIVINGTON PHASE 4

SHEET 6 OF 7
66340005

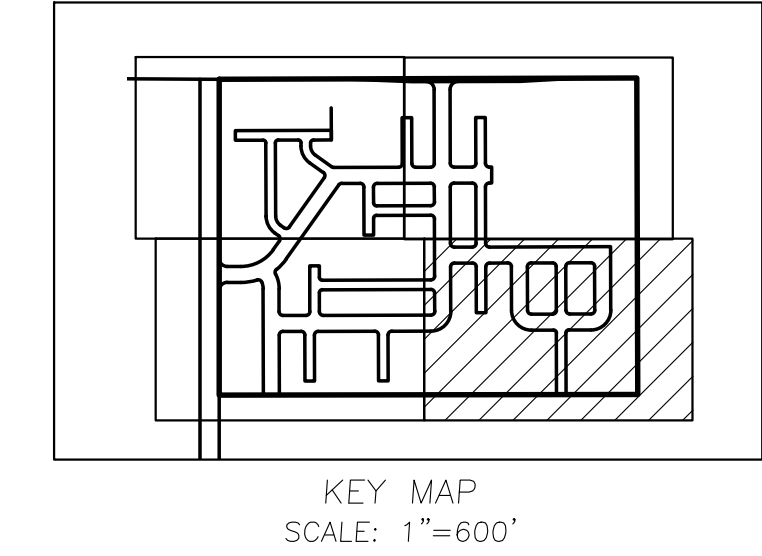
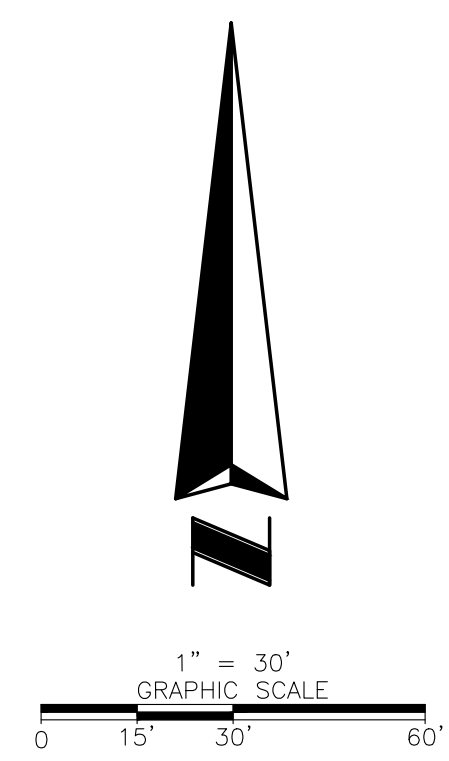
MAP
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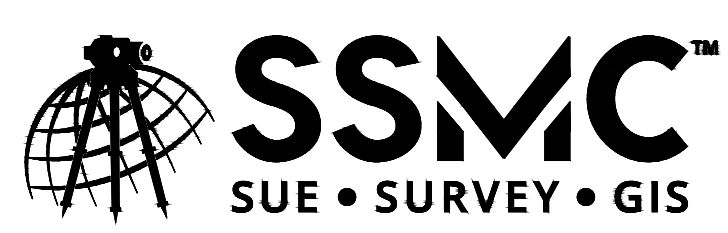
A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA



CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C9	62.00'	90°00'00"	97.39'	N44°50'05"E	87.68'
C12	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C13	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C14	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C15	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C16	62.00'	90°00'00"	97.39'	S45°09'55"E	87.68'
C17	9.00'	90°00'00"	14.14'	S45°09'55"E	12.73'
C18	9.00'	90°00'00"	14.14'	N44°50'05"E	12.73'
C19	62.00'	90°00'00"	97.39'	N44°50'05"E	87.68'
C20	37.00'	90°00'00"	58.12'	N45°09'55"W	52.33'
C21	37.00'	90°00'00"	58.12'	S44°50'05"W	52.33'
C22	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C23	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C24	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C25	12.00'	90°00'00"	18.85'	S45°09'55"W	16.97'
C26	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C27	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C28	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C29	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C30	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C37	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C38	12.00'	90°00'00"	18.85'	N45°09'55"W	16.97'
C48	12.00'	90°00'00"	18.85'	N44°50'05"E	16.97'
C49	37.00'	90°00'00"	58.12'	N44°50'05"E	52.33'
C50	12.00'	90°00'00"	18.85'	S45°09'55"E	16.97'
C51	12.00'	90°00'00"	18.85'	S44°50'05"W	16.97'
C78	82.00'	40°48'51"	58.41'	S42°23'12"W	57.18'
C79	25.00'	88°13'30"	38.50'	N83°45'33"W	34.80'
C80	12.00'	50°31'08"	10.58'	N64°54'21"W	10.24'
C81	77.00'	49°42'49"	66.81'	N43°10'59"W	64.73'
C82	25.00'	70°59'22"	30.97'	N35°20'04"E	29.03'
C83	107.00'	33°35'31"	62.73'	S42°36'15"W	61.84'
C84	37.00'	50°31'08"	32.62'	N64°54'21"W	31.58'
C85	102.00'	29°19'18"	52.20'	N43°32'14"W	51.63'
C86	46.00'	90°00'00"	72.26'	S45°09'55"E	65.05'
C88	62.00'	11°09'36"	12.08'	S84°15'17"W	12.06'
C91	40.00'	134°50'05"	94.13'	N22°25'02"E	73.87'
C92	62.00'	11°09'36"	12.08'	S84°35'08"E	12.06'
C93	62.00'	72°21'27"	78.30'	N42°49'36"W	73.20'
C96	62.00'	6°28'58"	7.01'	S32°24'24"E	7.01'



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SOUTH LINE OF THE SOUTHWEST 1/4 OF
THE NORTHWEST 1/4 OF SECTION 9-19-30
S89°54'48"W 1327.82'

EASE LINE OF THE NORTHWEST 1/4
OF SECTION 9-19-30
CENTER OF SECTION 9-19-30
FOUND 4"x4" CONCRETE MONUMENT
NO ID
CCR #063921
S89°54'48"W 1327.82'

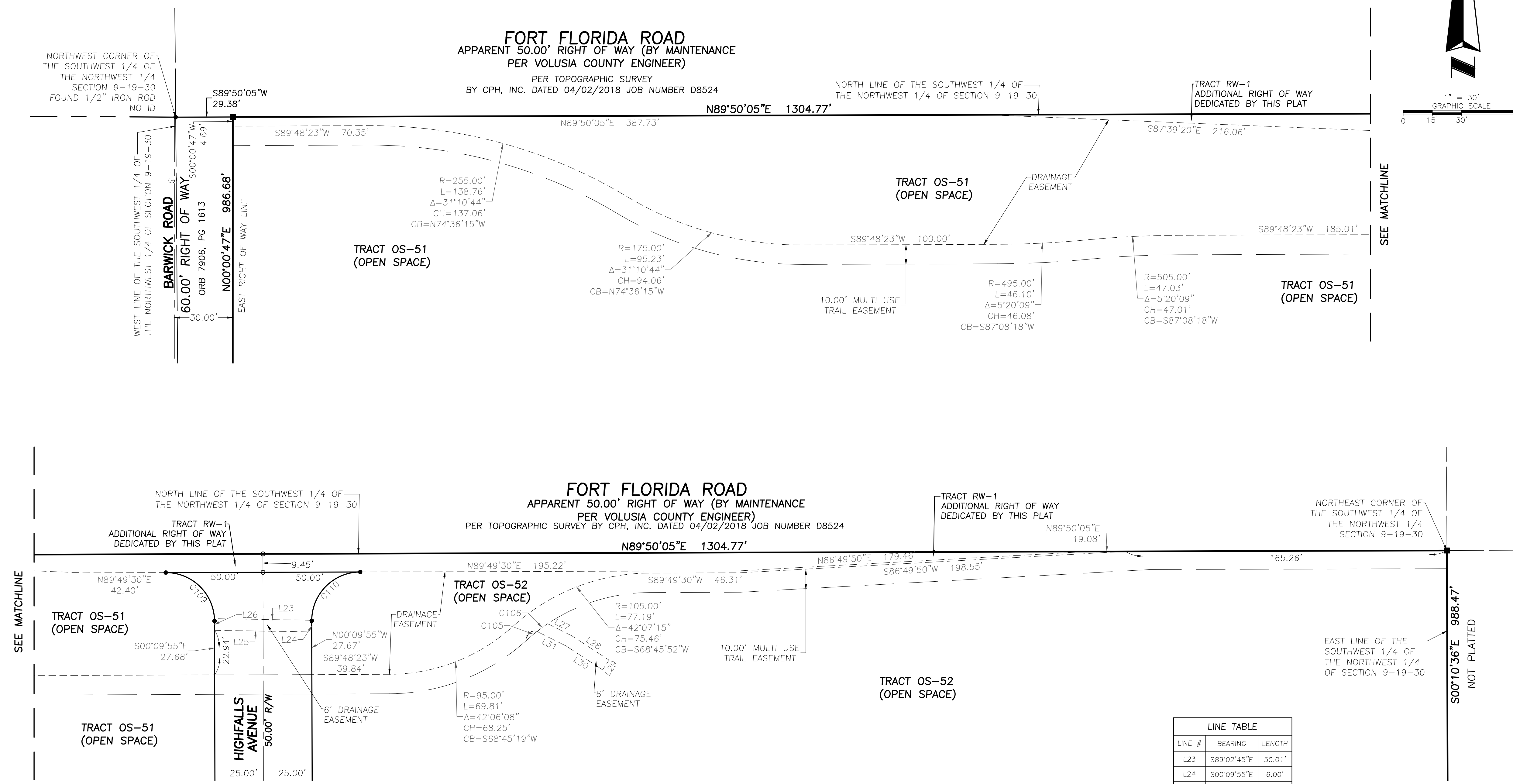
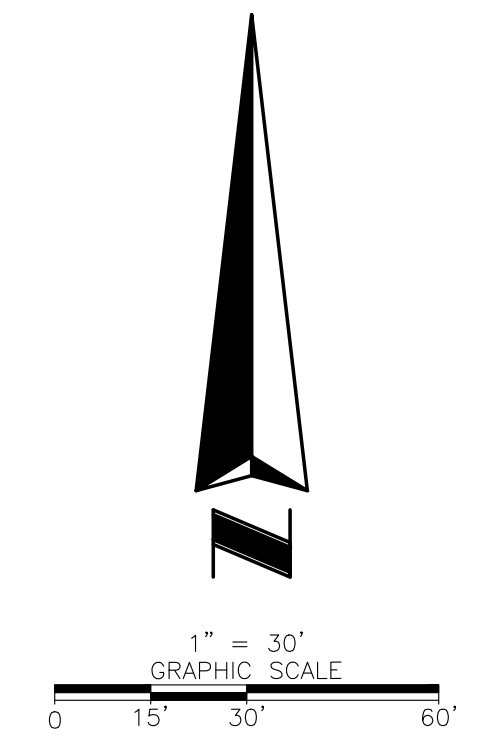
RIVINGTON PHASE 4

SHEET 7 OF 7
66340005

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PAGE

A PORTION OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 30 EAST
CITY OF DEBARY, VOLUSIA COUNTY, FLORIDA



LINE TABLE		
LINE #	BEARING	LENGTH
L23	S89°02'45"E	50.01'
L24	S00°09'55"E	6.00'
L25	N89°02'45"W	50.01'
L26	N00°09'55"W	6.00'
L27	N63°30'28"W	13.98'
L28	N56°48'36"W	22.75'
L29	N33°11'24"E	6.00'
L30	S56°48'36"E	22.40'
L31	S63°30'28"E	16.78'

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C105	95.00'	4°23'54"	7.29'	S49°54'11"W	7.29'
C106	95.00'	4°05'10"	6.78'	S54°08'43"W	6.77'
C109	25.00'	90°00'35"	39.27'	S45°10'13"E	35.36'
C110	25.00'	89°59'25"	39.27'	N44°49'47"E	35.35'

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AMENDMENT TO ROADWAY MAINTENANCE AGREEMENT BETWEEN THE CITY OF DEBARY, FLORIDA AND RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

THIS AMENDMENT TO ROADWAY MAINTENANCE AGREEMENT (the “Agreement”), dated as of this ___ day of _____, 2024, is entered into by and between the City of DeBary, Florida (the “City”), a municipal corporation of the State of Florida and the Rivington Community Development District (the “District”), a community development district created pursuant to the provisions of Chapter 190, *Florida Statutes*. The addresses of the parties are set forth below.

RECITALS:

WHEREAS, the Rivington Community Development District (“District”) is a unit of special-purpose government established pursuant to the Uniform Community Development District Act of 1980, as codified in Chapter 190, Florida Statutes (“Uniform Act”), and City of DeBary, City of DeBary Ordinance Number 2012-18, as amended (“Ordinance”); and

WHEREAS, the Rivington project developer and District are dedicating certain rights-of-way to the City as part of the parcel of land being platted as Phase 4 of the Rivington project located in the City of DeBary, Florida (the “Dedicated ROW”). The Dedicated ROW includes any City or publicly dedicated right-of-way existing within the boundaries of the District; and

WHEREAS, the District and City previously entered into a ROADWAY MAINTENANCE AGREEMENT concerning the District’s obligations for the repair of Dedicated ROW subject to certain pre-existing Easements; and

WHEREAS, the District and City desire to amend the ROADWAY MAINTENANCE AGREEMENT in order to expand the definition of “Easements” to include the following additional easements: (1) Florida Public Service Company, a Florida corporation, has a Right of Way Easement recorded in Deed Bood 233, Page 106 together with Supplemental Easement recorded in the Official Records book 4162, Page 50; and (2) Oil, Gas and Mineral Lease to W.F. Bush recorded in Deed Book 303 Page 464, together with Assignment of Oil and Gas Lease to Tide Water Associate Oil Company recorded in Deed Book 309, Page 32, as affected by Lease affidavit recorded in Official Records Book 8164, Page 3175; and

WHEREAS, the District agrees, pursuant to the terms and conditions of the ROADWAY MAINTENANCE AGREEMENT, to repair or cause to be repaired any damage to the Dedicated ROW caused by the Utility Companies and Oil and Gas and Mineral Lease Holders, their successors, assigns, contractors, and associated parties, in connection with maintenance activities undertaken by the Utility Companies and Oil and Gas and Mineral Lease Holders, under the terms of their respective Easements and Leases described above; and

NOW, THEREFORE, in consideration of the mutual understandings and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the District agree as follows:

- A. The definition of “Easements” as set forth in the ROADWAY MAINTENANCE AGREEMENT between the District and the City is amended to include the following additional easements and encumbrances: (1) Florida Public Service Company, a Florida corporation, has a Right of Way Easement recorded in Deed Book 233, Page 106 together with Supplemental Easement recorded in the Official Records book 4162, Page 50; and (2) Oil, Gas and Mineral Lease to W.F. Bush recorded in Deed Book 303 Page 464, together with Assignment of Oil and Gas Lease to Tide Water Associate Oil Company recorded in Deed Book 309, Page 32, as affected by Lease affidavit recorded in Official Records Book 8164, Page 3175.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

RIVINGTON COMMUNITY DEVELOPMENT DISTRICT

Print: _____
Chair – Board of Supervisors

ATTEST:

Print: _____
District Manager - Secretary

APPROVED AS TO FORM AND LEGALITY:

Mark A. Watts, District Counsel

ACKNOWLEDGMENT

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ and _____, as Chair of the Board of Supervisors and District Manager, respectively, and they acknowledged executing the same freely and voluntarily and they are personally known to me or provided the following for identification _____. Sworn and subscribed before me, by said persons by means of { } physical presence or { } online notarization on the __ day of _____, 2024, the said persons did take an oath and were first duly sworn by me, on oath, said persons, further, deposing and saying that they have read the foregoing and that the statements and allegations contained herein are true and correct.

WITNESS my hand and official seal in the County and State last aforesaid this ___ day of _____, 2024.

(Affix Notary Seal)

Notary Public; State of Florida
Print Name: _____

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

Karen Chasez, Mayor

ATTEST:

Annette Hatch, City Clerk

Kimley-Horn and Associates, Inc.

200 S. Orange Ave., Suite 600
 Orlando, Florida 32801
 Ph: 407-898-1511

Project: **Rivington Phase 4**

KHA Project No. 149867000

Date: 2/28/2024

Project Description: Opinion of Probable Construction Cost for outstanding work associated with the Rivington Phase 4 project, specifically the last 25% of Phase 4, is based on Construction Plans for Rivington Phase 4 dated December 14, 2022.

Note: The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.

PHASE 4

PAVING					
Item No.	Description	Quantity	Unit	Unit Price	Total
1	Type 'D' Curb	26	LF	\$22.14	\$575.64
2	18" Standard Curb	877	LF	\$27.06	\$23,731.62
3	Thickened Edge Sidewalk	18	LF	\$19.68	\$344.40
4	Valley Gutter Curb	21	LF	\$36.90	\$774.90
5	4" Thick Standard Concrete Sidewalk	4,043	SF	\$8.23	\$33,269.78
6	5' Curb Ramp	11	EA	\$1,537.50	\$16,143.75
7	Curb Ramp Detectable Warning	109	SF	\$43.05	\$4,670.93
8	12" Stabilized Subgrade	4,154	SY	\$10.39	\$43,157.46
9	10" Limerock Base	10	SY	\$174.92	\$1,749.20
10	1.5" FC-5 Asphalt (1 Lift)	10	SY	\$100.71	\$1,007.10
11	8" Crushed Concrete Base	4,154	SY	\$31.78	\$132,006.18
12	1.5" SP 9.5 (1 Lift)	4,132	SY	\$17.85	\$73,747.28
13	Gas Crossing 6" SP 9.5	22	SY	\$71.40	\$1,588.65
14	Pavement Striping and Signage	1	LS	\$10,962.38	\$10,962.38
15	Survey Layout	1	LS	\$2,500.00	\$2,500.00
16	Landscape & Irrigation	1	LS	\$82,500.00	\$82,500.00
17	Final Survey and As-Built	1	LS	\$7,500.00	\$7,500.00
				Sub-Total	\$436,229.25

STORM SEWER					
Item No.	Description	Quantity	Unit	Unit Price	Total
1	Manhole and Inlet Adjustments	1	LS	\$25,000.00	\$25,000.00
				Sub-Total	\$25,000.00

CONTINGENCY (15%)	\$69,184.39
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GRAND TOTAL	\$530,413.63
--------------------	---------------------

Digitally signed by
Brent A Lenzen
 Date: 2024.02.28
 08:39:42-05'00'

Brent A. Lenzen, P.E., State of Florida
 Professional Engineer, License No. 78537.
 This document has been electronically signed and
 sealed by Brent A. Lenzen, P.E. using a Digital Signature.
 Printed copies of this document are not considered
 valid unless sealed and the signature must be verified on
 any electronic copies.