

**ORDINANCE NO. 2021 - 14**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, CHANGING THE ZONING FROM VOLUSIA COUNTY'S R-4, URBAN SINGLE-FAMILY, TO KIRK DELAND, PLANNED DEVELOPMENT, ON A PROPERTY LOCATED ON THE NORTHEAST CORNER OF DR. MARTIN LUTHER KING, JR., BELTWAY AND CASSADAGA ROAD; APPROVING A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 36.16 ACRES OF PROPERTY; MAKING FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE LAND USE PLAN FOR THE CITY OF DELAND; DIRECTING CHANGE IN THE COMPREHENSIVE ZONING MAP; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Applicant, Christopher Wren of Pulte Group, on behalf of the owner, K. L. Kirk, Jr., (hereinafter referred to as "Applicant"), who owns approximately 36.16 acres of land located on the northeast corner of Dr. Martin Luther King, Jr., Beltway and Cassadaga Road, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

**WHEREAS**, the Applicant has applied for a change of zoning designation from Volusia County's R-4, Urban Single-Family to Kirk DeLand Planned Development (PD); and

**WHEREAS**, said rezoning is consistent with both the Comprehensive Plan and the purpose and intent of Section 33-32 of the Code of Ordinances of the City of DeLand (the "Code"); and

**WHEREAS**, the Applicant has submitted an application for the approval of a development plan in order to amend the property zoning designation so as to change certain development standards for the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

**WHEREAS**, the proposed development plan meets or exceeds the minimum conditions and standards for the PD District with respect to minimum development size, perimeter setbacks, comprehensive plan consistency, internal compatibility, external compatibility, open spaces, sidewalks, environmental constraints, internal access and circulation, external transportation access, off-street parking, public facilities and unified control; and

**WHEREAS**, the proposed development plan is consistent with the Community land use designation.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:**

**Section 1.** The City Commission has held a public hearing to approve the change of zoning from Volusia County's R-4, Urban Single-Family to Kirk DeLand Planned Development (PD), on property located on the northeast corner of Dr. Martin Luther King, Jr., Beltway and Cassadaga Road.

**Section 2.** Pursuant to the determination made at public hearing, the City Commission hereby amends the Comprehensive Zoning Map of the City to include the land described in Exhibit "A" as Kirk DeLand PD, Planned Development District.

**Section 3.** The zoning of the Property as PD, Planned Development District, is made pursuant to Section 33-32 of the Code and the development of the Property shall take place in accordance with that Section and in substantial compliance with the Development Plan Agreement, Maps and other supporting documentation submitted by Applicant which shall be filed and retained for public inspection in the office of the City Planning Department and constitute a supplement to the official Zoning Map of the City.

**Section 4.** The approved Development Plan for Kirk DeLand PD, Planned Development District, including the Development Plan Agreement, Map and other supporting documentation (on file with the City Planning Department), are attached hereto as Exhibit "B" and by this reference made a part hereof.

**Section 5.** The failure of the approved Development Plan to address a particular permit, condition, term or restriction shall not relieve the Applicant of the necessity of complying with any law governing said permitting requirements, conditions, terms or restrictions, as same may be amended or enacted from time to time in the future. All current land development regulations of the City are applicable to the PD District except to the extent that they conflict with a specific provision of the approved Development Plan.

**Section 6.** At the time of development, the Applicant shall comply with all relevant building codes and development standards contained in the City's Code of Ordinances or in the Development Plan; provided, however, that the development standards contained in the adopted Development Plan shall supersede comparable standards contained in the Code of Ordinances.

**Section 7.** The City Commission may rezone any portion of the Project which has not obtained a site plan approval within five years from the date of adoption of this Ordinance.

**Section 8.** Prior to the issuance of a building permit, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities, and stormwater.

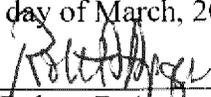
**Section 9.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

**Section 10.** The City Engineer, Planning Director, and Building Department are hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

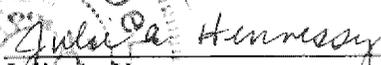
**Section 11.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 12.** This Ordinance shall become effective immediately upon its adoption.

**PASSED AND DULY ADOPTED** this 15<sup>th</sup> day of March, 2021.

  
 Robert F. Apgar  
 Mayor - Commissioner

**ATTEST**

  
 Julie A. Hennessy  
 City Clerk - Auditor

Passed on first reading: February 15, 2021  
 Adopted on second reading: March 15, 2021

**APPROVED AS TO FORM AND LEGALITY:**

  
 Darren J. Elkind  
 City Attorney

## EXHIBIT A

## LEGAL DESCRIPTION:

That portion of Government Lot 4, of Section 6 Township 18 South, Range 31 East, Volusia County, Florida, described as follows:

Commencing at the Northwest corner of aforesaid Government Lot 4, run thence North 89° 53' 06" East, along the North line of said Government Lot 4, a distance of 200.00 feet, to an intersection with the East right-of-way line of Dr. Martin Luther King, Jr. Beltway (C.R. 4101) a 200 foot right-of-way, for the Point of Beginning; Thence North 89° 53' 06" East, along the North line of aforesaid Government Lot 4, a distance of 113.05 feet, to the South 1/4 corner of Section 35, Township 17 South, Range 30 East; Thence North 89° 54' 38" East, along the North line of aforesaid Government Lot 4, a distance of 1088.06 feet, to the Northeast corner of said Government Lot 4; Thence South 00° 14' 57" East, along the East line of aforesaid Government Lot 4, a distance of 1300.53 feet, to an intersection with the North right-of-way line of Cassadaga Road (C.R. 4139), a 100 foot right-of-way; Thence South 89° 31' 28" West, along the North right-of-way line of aforesaid Cassadaga Road, a distance of 1217.18 feet, to an intersection with the East right-of-way line of aforesaid Martin Luther King, Jr. Beltway (C.R. 4101); Thence Northerly, along the Easterly right-of-way line of aforesaid Dr. Martin Luther King Jr. Beltway (C.R. 4101) and along a curve concave Westerly, said curve having a central angle 02° 21' 14", a radius of 5829.58 feet, a chord bearing of North 01° 24' 56" East and a chord distance of 239.47 feet, an arc distance of 239.49 feet, to the Point of Tangency; Thence North 00° 14' 19" East, along aforesaid Easterly right-of-way line of Dr. Martin Luther King Jr. Beltway (C.R. 4101), a distance of 1069.67 feet, to the Point of Beginning, LESS AND EXCEPT any portion for Dr. Martin Luther King, Jr. Beltway (C.R. 4101) right-of-way.

"EXHIBIT B"

1 PD PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: Z20-157, Application of

5 CHRISTOPHER WRENN, PULTE GROUP

6 ORDINANCE # 2021-14  
7 ORDER AND RESOLUTION

8 GRANTING A REQUEST FOR CHANGE OF ZONING FROM VC: R4 TO

9 KIRK DELAND PD (PLANNED DEVELOPMENT)

10  
11 The application of Christopher Wrenn, Pulte Group, hereinafter, "Applicant", for  
12 rezoning was heard by and before the City Commission, DeLand Florida, on March 15,  
13 2021. Based upon the verified Application and other supporting documents, maps, charts,  
14 overlays, other evidence and instruments; the advice, report, and recommendations of the  
15 Community Development, and other Departments and agencies of DeLand, Florida; and  
16 the testimony adduced and evidence received at the Public Hearing on this Application by  
17 the Planning Board on January 20, 2021, and otherwise being fully advised, the City  
18 Commission does hereby find and determine as follows:



FINDINGS REGARDING REZONING

1  
2  
3           A.     That the Applicant has applied for a change of zoning from the present zoning  
4 classification of the parcel described in Exhibit "A" from Volusia County's R4 to City of  
5 DeLand PD (Planned Development).

6           B.     That the said rezoning to a PD is consistent with both the City of DeLand  
7 Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the  
8 City of DeLand Land Development Regulations Ordinance # 2013-11, as amended, and  
9 does promote the public health, safety, morals, general welfare and orderly growth of the  
10 area affected by the rezoning request.

11  
12           NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF  
13 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY  
14 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS  
15 15<sup>th</sup> DAY OF MARCH, 2021, AS FOLLOWS:

16  
17           A.     That the Application of Christopher Wrenn, Pulte Group for the rezoning of the  
18 subject parcel is hereby granted.

19           B.     That the zoning classification of the subject parcel described in Exhibit "A"  
20 attached hereto is hereby amended from Volusia County R4 to City of DeLand PD (Planned  
21 Development) as described in Article VII of the City of DeLand, Land Development  
22 Regulations Ordinance # 2013-11, as amended.

23           C.     That the Official Zoning Map of the City of DeLand, is hereby amended to  
24 show the rezoning of said parcel to Planned Development (Kirk DeLand PD).

1           D.       That the City of DeLand Land Development Regulations Ordinance # 2013-  
2   11, as amended, is consistent with the provisions of the "Development Agreement" as  
3   hereinafter set forth in this Ordinance and with respect to any conflict between Land  
4   Development Regulations Ordinance # 2013-11, as amended, and the "Development  
5   Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.  
6   2013-11, as amended, shall govern with respect to any matter not covered by the  
7   "Development Agreement." The City of DeLand, will ensure overall compliance with this  
8   Ordinance.

9           E.       Unless otherwise provided for herein the City of DeLand, Land Development  
10   Regulations Ordinance # 2013-11, as amended, shall apply to the PD in the same manner  
11   as the R-1 zoning classification.

12          F.       Nothing in this Ordinance shall abridge the requirements of any City of  
13   DeLand Ordinance other than Ordinance 2013-11, as amended. Timing and review  
14   procedures contained in this Order and Resolution may be modified to comply with the City  
15   of DeLand Land Development Regulations, Ordinance No. 2013-11, as amended. Further,  
16   nothing in the Development Agreement is intended to abridge the requirements of  
17   Ordinance No. 2013-11, as amended, and any other City Ordinances.



1 be consistent with the uses prescribed for each area within the proposed Kirk DeLand PD.  
 2 The location and size of said land use areas are shown on the PD Sketch Plan, Exhibit "B".  
 3 The following land uses shall be allowed as permitted principal uses and structures along  
 4 with their customary accessory uses and structures:

- 5 1. Residential - Single-Family Dwellings
- 6 2. Parks
- 7 3. Amenities / facilities
- 8 4. Common accessory uses associated with single-family residences

9 E. Development Standards.

10 1. *Minimum lot dimensions*

- 11 a. *Minimum lot area* 4,800 sq. ft.
- 12 b. *Minimum lot width* 40 ft. \*
- 13 c. *Minimum lot depth* 120 ft.

14 *Notes: 40 ft. wide lots shall not account for more than 40% of the total lot*  
 15 *count. 50 ft. wide and greater lots shall account for a minimum of 60% of*  
 16 *the total lot count. Lots fronting on a curve must have a minimum 24 ft.*  
 17 *width at the street line. Corner lots must be ten percent greater in width and*  
 18 *area, than the minimum requirement for interior lots.*

19 *\*Proposed Lot Breakdown*

<b>Lot Width</b>	<b>Proposed Number of Lots</b>
40 ft. wide	Maximum 48 lots
50 ft. wide or greater	Minimum 75 lots
60 ft. wide or greater	Minimum 17 lots

20  
 21 2. *Minimum yard size (building setback)*

- 22 a. *Front yard:* 25 ft.
- 23 b. *Rear yard:* 20 ft.
- 24 c. *Side yard:* 5 ft.
- 25 d. *Street side yard:* 10 ft.



1           13.   *Landscaping shall be provided in accordance with Section 33-92 of*  
 2           *the Land Development Regulations. All landscaping, including*  
 3           *buffers, shall predominantly utilize Florida-Friendly Landscaping, as*  
 4           *defined by the University of Florida/Institute of Food and Agricultural*  
 5           *Sciences (“UF/IFAS”) Center for Landscape Conservation and*  
 6           *Ecology, native, or low-water plant material. Wherever possible,*  
 7           *landscape buffers shall coincide with tree protection areas and include*  
 8           *native, non-invasive understory vegetation in lieu of planting new plant*  
 9           *material. Where protection of existing native vegetation is proposed*  
 10           *and subsequently retained, a berm will not be required, and buffers*  
 11           *may contain fewer plants than required under Section 33-92.02(b). If*  
 12           *the existing vegetation is removed, then a landscape buffer shall be*  
 13           *provided for in conformity with the current Land Development*  
 14           *Regulations. The northern boundary buffer area will be a minimum of*  
 15           *50 feet in width (inclusive of reservation for existing portions of*  
 16           *Saragossa Avenue) and will be enhanced by additional native*  
 17           *landscape plantings as necessary and by a fence along the north lot*  
 18           *line. The north fence shall be a residential style fence such as tan, or*  
 19           *similarly colored, opaque PVC fence and shall be constructed along*  
 20           *the north lot line at the time infrastructure is installed.*

21           14.   *Open Space. Common area / open space shall meet the*  
 22           *requirements of the Land Development Regulations Ordinance #*  
 23           *2013-11. Usable open space areas shall be provided for the use of*  
 24           *residents consistent with Resolution 2019-34.*

Open space provided	9.04 acres (25%)
a.   Tree Protection Area:	Min. 5.42 acres (15%)
b.   Usable Open Space:	Min. 3.62 acres (10%)

28           15.   *Site Amenities. In addition to open usable green space, the common*  
 29           *areas shall include a variety of amenities. The community will include*  
 30           *a primary amenity site and a pocket park for gathering spaces and*  
 31           *socializing. Amenities shall at a minimum include a swimming pool,*  
 32           *cabana, and natural (unpaved) trail system for hiking and walking.*

1 F. Environmental Considerations. The minimum requirements of the Land  
2 Development Regulations Ordinance # 2013-11, as amended, shall be met.

3 G. Sewage Disposal and Potable Water. Provision for sewage disposal and  
4 potable water needs of the PD will be provided in accordance with the Comprehensive  
5 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance  
6 No. 2013-11, as amended, and State of Florida Administrative Code 64E-6.

7 H. Stormwater Drainage. Provision for stormwater retention shall be in  
8 accordance with the Land Development Regulations Ordinance # 2013-11, as amended.

9 I. Access and Transportation System Improvements. All access and  
10 transportation system improvements shall be provided in accordance with the Land  
11 Development Regulations, Ord. 2013-11, as amended. The parcel shall be developed in  
12 substantial accordance with the following access and transportation system improvements:

13 1. Access. One driveway at Dr. Martin Luther King Jr. Beltway and one  
14 driveway at Cassadaga Road shall be constructed to provide access to the subdivision. A  
15 third internal emergency access connection will be available along the north property  
16 boundary to the unpaved (dirt) drive known as Saragossa Avenue. Vehicular access  
17 to/from Saragossa Avenue other than emergency vehicles shall be discouraged by use of  
18 signage and emergency access controls subject to coordination with the necessary city and  
19 county departments. Pedestrian access to Saragossa Avenue shall be discouraged through  
20 site improvements including a perimeter fence.

21 2. Transportation System Improvements. Road improvements required to  
22 ensure safe ingress and egress to the proposed development such as construction of turn  
23 lanes, intersection improvements, traffic signals, etc. will be provided as needed.

24 J. Internal Roadways. All internal roadways shall be provided in accordance  
25 with the Land Development Regulations, Ord. 2013-11, as amended. The parcel shall be

1 developed in substantial accordance with the following internal roadway improvements:

2 1. On-Street Parking. On-street parking will be provided along internal  
3 roadways as depicted on the PD Sketch Plan street cross-section. The on-street parking  
4 shall be limited to one side of the street and shall not interfere with through access.  
5 Additional on-street parking areas at the primary amenity area and pocket park shall be  
6 provided as separate parking outside of the right of way.

7 2. Sidewalks. Sidewalks shall be provided along both sides of the internal  
8 roadways as well as connections to the public sidewalks within Martin Luther King Beltway.  
9 However, sidewalks shall not be provided along the proposed vehicular access to  
10 Saragossa Avenue. The paved and unpaved pedestrian amenities will provide an  
11 interconnected network through the site for enhanced walkability consistent with the intent  
12 of the Land Development Regulations, Ord. 2013-11, as amended.

13 3. Focal Points and Design Features. Design features such as larger lots  
14 and central landscape design features will be incorporated at the main entrance boulevards  
15 to define a gateway and establish a sense of place consistent with Future Land Use  
16 Element Policy FL3.2.5sw.

17 K. Building or Property Owners Association. The charter and by-laws of said  
18 association and any other agreements, covenants, easements or restrictions shall be  
19 furnished to the City of DeLand at the time of creation. The applicant shall be responsible  
20 for recording said information in the Public Records of Volusia County, Florida. Also, the  
21 applicant shall bear and pay all costs for recording all of the aforementioned documents.

22 With respect to the enforcement of said agreements, covenants, easements or  
23 restrictions entered into between the applicant and the owners or occupiers of property  
24 within the Kirk DeLand PD, the City of DeLand shall only enforce the provisions of the  
25 "Development Agreement" and City of DeLand Land Development Regulations Ordinance

1 # 2013-11, as amended, whichever is applicable, and not the private agreements entered  
2 into between the aforementioned parties.

3 L. Reverter Provision: The City Commission may rezone any portion of the  
4 project which has not secured a final development order on or before 5 years from the  
5 effective date of this ordinance as may be necessary or appropriate to protect adjoining  
6 properties or the public health, safety and welfare, unless the City Commission, for good  
7 cause shown, shall extend the time period indicated in this paragraph.

8 M. Binding Effect of Plans; Recording; and Effective Date. The Planned  
9 Development Plan, including any and all amendments shall bind and inure to the benefit of  
10 the Applicant and his successor in title or interest. The Kirk DeLand PD zoning, provisions  
11 of the "Development Agreement," and all approved plans shall run with the land and shall  
12 be administered in a manner consistent with Article 12 of the City of DeLand Land  
13 Development Regulations Ordinance # 2013-11, as amended.

14 This Ordinance and all subsequent amendments shall be filed with the Clerk of the  
15 Court and recorded within forty-five (45) days following execution of the document by the  
16 City Commission, in the Official Records of Volusia County, Florida. One copy of the  
17 document, bearing the book and page number of the Official Record in which the document  
18 was recorded, shall be submitted to the Planning Department for placement in the public  
19 file. The date of recording of this document shall constitute the effective date of the Kirk  
20 DeLand PD or its subsequent amendments. The applicant shall pay all filing costs for  
21 recording documents.

22

23

24

25

DONE and ORDERED by the City Commission, City of DeLand, Florida, this  
15<sup>th</sup> day of March, 2021.

ATTEST:

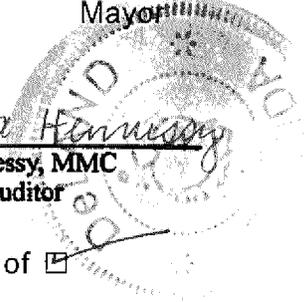
City Commission of DeLand Florida

Michael Pleus  
Michael Pleus PLEUS  
City Manager

Robert Apgar  
Robert Apgar  
Mayor

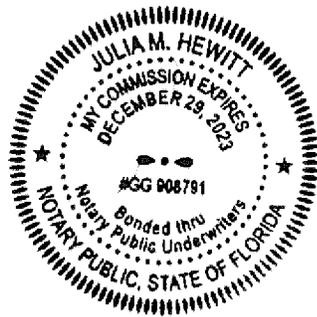
ATTEST:

Julie A. Hennessy  
Julie A. Hennessy, MMC  
City Clerk - Auditor



STATE OF FLORIDA  
CITY OF DELAND

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 15<sup>th</sup> day of March, 2021 by Michael Pleus and Robert Apgar, as City Manager and Mayor, City of DeLand, respectively, on behalf of the City of DeLand, and who are personally known to me.



NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

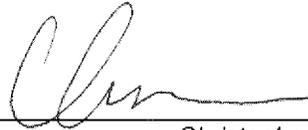
Julia M. Hewitt

Commission No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

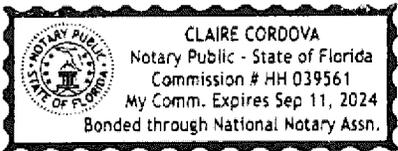
1 WITNESS:

2  
3  
4   
5 \_\_\_\_\_  
6 Andrew Strickmeyer

  
\_\_\_\_\_ *Christopher Wrenn*  
V.P. of Land Development  
Pulte Group

7  
8  
9  
10  
11  
12  
13  
14 The foregoing instrument was acknowledged before me this 19 day of  
15 April 2021 (mo/yr), by Christopher Wrenn, who is personally  
16 known to me or who has produced \_\_\_\_\_ as  
17 identification.

18  
19  
20  
21 NOTARY PUBLIC, STATE OF FLORIDA  
22 Type or Print Name: Claire Cordova  
23 \_\_\_\_\_  
24 Commission No.: 177039561  
25 My Commission Expires: 9/11/24



1 WITNESSES:

2 [Signature]

3 DAVID C. WILLIS

4 [Signature]

5 W.L. Kirk, Jr., Owner of Property

6 [Signature]

7 MARY M. WOZNACK

8 J. Scott Kirk, Owner of Property

9  
10  
11 The foregoing instrument was acknowledged before me this 16th day of  
12 March, 2021 (mo/yr), by W.L. Kirk, Jr., who is personally  
13 known to me or who has produced \_\_\_\_\_ as  
14 identification.



15  
16  
17 MARY M. WOZNACK  
18 Commission # HH 008643  
19 Expires July 8, 2024  
20 Bonded Thru Budget Notary Services

21 NOTARY PUBLIC, STATE OF FLORIDA  
22 Type or Print Name: MARY M. WOZNACK  
[Signature]  
Commission No.: HH 008643  
My Commission Expires: 7-8-2024

1 WITNESSES:

2 Mary M Woznack  
3  
4 MARY M. WOZNACK  
5

\_\_\_\_\_ W.L. Kirk, Jr., Owner of Property

6 Shannon Batten  
7  
8 Shannon Batten  
9

\_\_\_\_\_ J. Scott Kirk, Owner of Property

10  
11 The foregoing instrument was acknowledged before me this 18th day of  
12 March, 2021 (mo/yr), by Scott Kirk, who is personally  
13 known to me or who has produced \_\_\_\_\_ as  
14 identification.  
15



16 MARY M. WOZNACK  
17 Commission # HH 008643  
18 Expires July 8, 2024  
19 Bonded Thru Budget Notary Services

20 NOTARY PUBLIC, STATE OF FLORIDA  
21 Type or Print Name: MARY M. WOZNACK  
Mary M Woznack  
22 Commission No.: HH 008643  
My Commission Expires: 7-8-2024

**EXHIBIT A****LEGAL DESCRIPTION:**

That portion of Government Lot 4, of Section 6 Township 18 South, Range 31 East, Volusia County, Florida, described as follows:

Commencing at the Northwest corner of aforesaid Government Lot 4, run thence North  $89^{\circ} 53' 06''$  East, along the North line of said Government Lot 4, a distance of 200.00 feet, to an intersection with the East right-of-way line of Dr. Martin Luther King, Jr. Beltway (C.R. 4101) a 200 foot right-of-way, for the Point of Beginning; Thence North  $89^{\circ} 53' 06''$  East, along the North line of aforesaid Government Lot 4, a distance of 113.05 feet, to the South  $1/4$  corner of Section 35, Township 17 South, Range 30 East; Thence North  $89^{\circ} 54' 38''$  East, along the North line of aforesaid Government Lot 4, a distance of 1088.06 feet, to the Northeast corner of said Government Lot 4; Thence South  $00^{\circ} 14' 57''$  East, along the East line of aforesaid Government Lot 4, a distance of 1300.53 feet, to an intersection with the North right-of-way line of Cassadaga Road (C.R. 4139), a 100 foot right-of-way; Thence South  $89^{\circ} 31' 28''$  West, along the North right-of-way line of aforesaid Cassadaga Road, a distance of 1217.18 feet, to an intersection with the East right-of-way line of aforesaid Martin Luther King, Jr. Beltway (C.R. 4101); Thence Northerly, along the Easterly right-of-way line of aforesaid Dr. Martin Luther King Jr. Beltway (C.R. 4101) and along a curve concave Westerly, said curve having a central angle  $02^{\circ} 21' 14''$ , a radius of 5829.58 feet, a chord bearing of North  $01^{\circ} 24' 56''$  East and a chord distance of 239.47 feet, an arc distance of 239.49 feet, to the Point of Tangency; Thence North  $00^{\circ} 14' 19''$  East, along aforesaid Easterly right-of-way line of Dr. Martin Luther King Jr. Beltway (C.R. 4101), a distance of 1069.67 feet, to the Point of Beginning, LESS AND EXCEPT any portion for Dr. Martin Luther King, Jr. Beltway (C.R. 4101) right-of-way.

