

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM CITY'S C-2 GENERAL COMMERCIAL AND R-12 AND R-16, MULTIPLE FAMILY RESIDENTIAL TO CITY'S PD, PLANNED DEVELOPMENT KNOWN AS HUNTER'S CREEK, ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF SPRING GARDEN AVENUE AND PLYMOUTH AVENUE; APPROVING A DEVELOPMENT PLAN FOR AN ADDITIONAL 21 TOWNHOMES AND A 27,000 SQUARE FOOT COMMERCIAL BUILDING; A RESIDENTIAL AND COMMERCIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 31.12 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; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Mark Watts for CED Capitol Holdings XIII, owner (hereinafter referred to as "Applicant"), owns 31.12 acres of land located at the northwest corner of Spring Garden Avenue and Plymouth Avenue, 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 from the present zoning classification of City's C-2, General Commercial and R-12 and R-16, Multiple Family Residential to City's PD, Planned Development District; and

WHEREAS, said rezoning as a PD District 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, Applicant has submitted an application for approval of a development plan on the existing site known as Hunter's Creek, Spring Arbor and Lexington Club Apartments, for the development of an additional 21 townhomes and a 27,000 square foot commercial building to encompass all of the property described in Exhibit "A" (hereinafter the "Property" or the "Project"); and

WHEREAS, the requested rezoning will combine the existing developed portions of the property and the remaining out-parcels under one zoning designation and planned development agreement; 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 High and Medium Density Residential and Highway Commercial land use designation which encourages intensified development in outlying or newly developed areas for a variety of commercial and office needs; encourages clustering of new development to promote shared facilities and access and to discourage linear development along collector and arterial level roadways; permits cost effective

delivery of services; and requires properly designed ingress and egress to avoid undue traffic hazards or congestion.

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 City's C-2 General Commercial and R-12 and R-16 Multiple Family Residential to City's PD, Planned Development on the existing site known as Hunter's Creek, Spring Arbor and Lexington Club Apartments for the development of an additional 21 townhomes and a 27,000 square foot commercial building.

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 Hunter's Creek 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 Report, Narrative, 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 Hunter's Creek PD, 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. Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

Section 8. The City Commission may rezone any portion of the Project which has not obtained a certificate of occupancy within five years from the date of adoption of this Ordinance.

Section 9. Prior to the issuance of a building permit for any nonresidential development, Applicant shall submit an easement document, acceptable to the City of DeLand, permitting additions to shared access, parking, utilities and stormwater.

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. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

Section 12. 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.

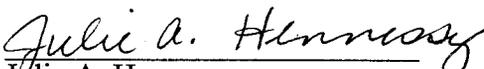
Section 13. This Ordinance shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 7th day of January, 2008.



Robert F. Apgar
Mayor - Commissioner

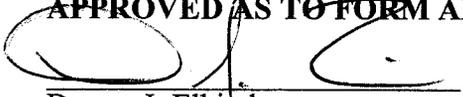
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: December 17, 2007
Adopted on second reading: January 7, 2008

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

1 PLANNED DEVELOPMENT AGREEMENT

2 IN THE CITY COMMISSION OF THE

3 CITY OF DELAND, FLORIDA

4 IN RE: (Case #), Application of

5 LEXINGTON CLUB AT SPRING ARBOR PARTNERS, LTD., NDK PROPERTIES, LLC,
6 CED CAPITAL HOLDINGS X, INC., and SPRING ARBOR PARTNERS, LTD.

7 ORDINANCE # 2008-01
8 (*# to be Provided After Commission Approval*)

9 ORDER AND RESOLUTION

10 GRANTING A REQUEST FOR CHANGE OF ZONING FROM C-2, R-12 and R-16 TO
11 PLANNED DEVELOPMENT ("PD")

12
13 The application of Cobb & Cole, hereinafter, "Applicant", for rezoning was heard by
14 and before the City Commission, DeLand Florida, on January 7, 2008. Based upon the
15 verified Application and other supporting documents, maps, charts, overlays, other
16 evidence and instruments; the advice, report, and recommendations of the Community
17 Development, and other Departments and agencies of DeLand, Florida; and the testimony
18 adduced and evidence received at the Public Hearing on this Application by the Planning
19 Board on November 28, 2007, and otherwise being fully advised, the City Commission
20 does hereby find and determine as follows:

21
22 GENERAL FINDINGS

23
24 A. That the application of **LEXINGTON CLUB AT SPRING ARBOR**
25 **PARTNERS, LTD.**, a Florida limited partnership, **NDK PROPERTIES, LLC, CED CAPITAL**

{039869-005 : MWATT/MWATT : ██████████.DOC; 7}

1 **HOLDINGS X, INC., and SPRING ARBOR PARTNERS, LTD.**, Florida limited partnerships,
2 as joint fee simple title holders (hereafter "Owners") was duly and properly filed herein on
3 September 4, 2007 as required by law.

4 B. That all fees and costs which are by law, regulation, or Ordinance required to
5 be borne and paid by the applicant have been paid.

6 C. That the applicant is the owner of a 31.12 acre parcel of land which is situated
7 in DeLand, Florida. This parcel of land is described more particularly in the survey and
8 legal description, a true copy of which is attached hereto as Exhibit "A".

9 D. That the Applicant has complied with the concept plan provision as required
10 by Land Development Regulations Ordinance # 2002-09, as amended.

11 E. That the Applicant has complied with the "Due Public Notice" requirements of
12 the City Commission, Land Development Regulations Ordinance # 2002-09 , as amended.

13

14

FINDINGS REGARDING REZONING

15

16 A. That the Applicant has applied for a change of zoning from the present zoning
17 classification(s) of the parcel described in Exhibit "A" from *C-2, R-12 and R-16* to PD.

18 B. That the said rezoning to a PD is consistent with both the City of DeLand
19 Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the
20 City of DeLand Land Development Regulations Ordinance # 2002-09, as amended, and
21 does promote the public health, safety, morals, general welfare and orderly growth of the
22 area affected by the rezoning request.

23 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
24 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY

1 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS
2 7th DAY OF JANUARY, A.D., 2008, AS FOLLOWS:

3
4 A. That the Application of Owners for the rezoning of the subject parcel is hereby
5 granted.

6 B. That the zoning classification of the subject parcel described in Exhibit "A"
7 attached hereto is hereby amended from C-2, R-12 and R-16 to PD as described in
8 Article XII of the City of DeLand, Land Development Regulations Ordinance # 2002-09, as
9 amended.

10 C. That the Official Zoning Map of the City of DeLand, is hereby amended to
11 show the rezoning of said parcel to Hunter's Creek PD.

12 D. That the City of DeLand Land Development Regulations Ordinance # 2002-
13 09, as amended, is consistent with the provisions of the "Development Agreement" as
14 hereinafter set forth in this Ordinance and with respect to any conflict between Land
15 Development Regulations Ordinance # 2002-09, as amended, and the "Development
16 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.
17 02-09, as amended, shall govern with respect to any matter not covered by the
18 "Development Agreement." The City of DeLand, will ensure overall compliance with this
19 Ordinance.

20 E. Unless otherwise provided for herein the City of DeLand, Land Development
21 Regulations Ordinance # 2002-09, as amended, shall apply to the PD in the same manner
22 as the C-2 zoning classification for those portions of the property designated for
23 commercial use, and as the R-16 zoning classification for those portions of the property
24 designated for residential use.



1 F. Nothing in this Ordinance shall abridge the requirements of any City of
2 DeLand Ordinance other than Ordinance 2002-09, as amended. Timing and review
3 procedures contained in this Order and Resolution may be modified to comply with the City
4 of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended. Further,
5 nothing in the Development Agreement is intended to abridge the requirements of
6 Ordinance No. 2002-09, as amended, and any other City Ordinances.

7
8 DEVELOPMENT AGREEMENT

9
10 A. Development Concept The overall intent of this PD is to enact uniform
11 zoning over the portions of the Property that are already developed, while defining the
12 entitlements for two remaining undeveloped parcels. The existing developed area will not
13 substantially change as a result of this PD rezoning except as necessary to provide
14 required cross-access or offsite stormwater management. All existing development shall
15 be vested as originally approved by the City Commission on May 19, 1999 under site plan
16 number SP 99-0102. The undeveloped outparcels shall be developed substantially in
17 accordance with the Planned Development Plan. The Planned Development Plan shall
18 govern the development of the property as a PD and shall regulate the future land use of
19 this parcel.

20 1. Planned Development Plan The Planned Development Plan shall
21 consist of the Development Plan Map prepared by Madden Engineering, Inc. and dated
22 August 29, 2007 and this Development Agreement. The Planned Development Plan is
23 hereby approved and incorporated in this Ordinance by reference as Exhibit "B". The
24 Planned Development Plan shall be filed and retained for public inspection in the Planning

1 Department and it shall constitute a supplement to the Official Zoning Map of the City of
2 DeLand.

3 2. Amendments. All amendments of the Planned Development Plan,
4 other than those deemed by the Planning Department to be minor amendments as set out
5 in Ordinance No. 2002-09, as amended, shall require the review and recommendation of
6 the Planning Board and action by the City Commission in the same manner as a rezoning
7 of the parcel.

8 3. Subdivision Approval. After the Planned Development Plan is
9 recorded, and prior to any construction, including clearing and landfill, an application for
10 exemption; or a preliminary and/or a final plat, as appropriate, of the area to be subdivided
11 shall be submitted for review and approval in the manner required by Article 13 of the City
12 of DeLand Land Development Regulations, Ordinance No. 2002-09, as amended.

13 4. Final Site Plan Approval. After the Planned Development Plan is
14 recorded, and prior to issuance of any permits for construction, including clearing and
15 landfill, a Final Site Plan shall be prepared and submitted for review and approval in the
16 manner required by Article 12 of the City of DeLand, Land Development Regulations
17 Ordinance # 2002-09, as amended, for the commercial parcel adjacent to S.R. 15A.

18 B. Unified Ownership. The Applicant or his successors shall maintain unified
19 ownership of the subject parcel until after issuance of the Final Development Order Plat(s)
20 or Exemptions for areas to be subdivided or Final Site Plan Development Order, as
21 appropriate.

22 C. Phases of Development. The majority of the project area is already
23 developed. The remaining outparcels consist of a commercial parcel with frontage along
24 S.R. 15 A and a residential parcel proposed for townhome development along Plymouth

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1 Avenue. The outparcels shall be developed on individual schedules, subject to market
2 conditions.

3 D. Land Uses Within the PD. The development of the parcel shall be consistent
4 with the uses prescribed for each area within the proposed PD. The location and size of
5 said land use areas are shown on the Development Plan Map, Exhibit "B". The following
6 land uses shall be allowed as permitted principal uses and structures along with their
7 customary accessory uses and structures:

8 Multi-family Residential (existing development and Plymouth parcel only)

9 Offices (S.R. 15 A parcel only)

10 Retail (S.R. 15 A parcel only)

11 E. Development Standards. All existing buildings will remain as currently
12 constructed and shall be vested in accordance with the standards approved by the City
13 Commission on May 19, 1999 under SP 00-0102. New construction shall comply with the
14 standards set forth in the R-16 and C-2 zoning districts, as applicable, unless specifically
15 set forth, below:

16 New Multi-family:

- | | | |
|----|-----------------------------------|-----------------|
| 17 | 1. Minimum lot area | 1,400 sq. ft. |
| 18 | 2. Minimum lot width and/or depth | 20 ft. x 65 ft. |
| 19 | 3. Minimum yard size (building) | |
| 20 | a. Front yard: | 20 ft. |
| 21 | b. Rear yard: | 10 ft. |
| 22 | c. Side yard: | 0 ft. |
| 23 | 4. Minimum floor area: | 1000 sq. ft. |
| 24 | a. 1 st floor | 800 sq. ft. |
| 25 | b. 2 nd floor | 200 sq. ft. |
| 26 | | |
| 27 | 5. Maximum lot coverage: | 55% |

- 1 6. Maximum building height 35 ft.
- 2 7. Landscape buffer requirements 15 ft.
- 3 8. Perimeter building setbacks 15 ft.
- 4 (including an 8 ft. high opaque screen/fence where
- 5 the property abuts residential development)
- 6
- 7 9. Minimum building separation 25 ft.
- 8 Front to Rear 50 ft.
- 9
- 10 10. Off-street parking requirements 2 per unit
- 11 11. Signage requirements Per LDR
- 12 12. Open Space Per LDR
- Tree Preservation 15%
- 13 13. Building requirement from parking and interior roads 10 ft.

14

15 New Commercial Area Per C-2 zoning district

16

17 F. Environmental Considerations. The Applicant or his successors or assigns

18 shall comply with the City's ordinances providing for tree protection and environmental

19 protection.

20 G. Sewage Disposal and Potable Water Provision for sewage disposal and

21 potable water needs of the PD will be provided in accordance with the Comprehensive

22 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance

23 No. 2009-09, as amended, and State of Florida Administrative Code 64E-6.

24 H. Stormwater Drainage. Provision for stormwater retention shall be in

25 accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

26 Cross-drainage easements shall be recorded, as necessary, to comply with the

27 requirements of the Land Development Regulations and applicable St. Johns River Water

28 Management District permits.

1 I. Access and Transportation System Improvements. All access and
2 transportation system improvements shall be provided in accordance with the Land
3 Development Regulations, Ord. 02-09, as amended. The parcel shall be developed in
4 substantial accordance with the following access and transportation system improvements:

5 1. Access. Vehicular access shall be provided as depicted on the
6 Planned Development Plan, subject to approval by applicable regulatory agencies.

7 2. Transportation System Improvements. All access and transportation
8 system improvements shall be provided in accordance with the Land Development
9 Regulations, Ord. 02-09, as amended. Specific transportation system improvements may
10 be required as indicated by the Traffic Impact Analysis to be provided in connection with
11 plat or site plan review.

12 J. Internal Roadways. All internal roadways shall remain in private ownership.

13 K. Building or Property Owners Association. The proposed PD shall be part of a
14 Property Owners Association. This Association shall be responsible for the maintenance
15 and repair of all common areas and facilities. The charter and by-laws of said association
16 and any other agreements, covenants, easements or restrictions shall be furnished to the
17 City of DeLand at the time of creation. The applicant shall be responsible for recording said
18 information in the Public Records of Volusia County, Florida. Also, the applicant shall bear
19 and pay all costs for recording all of the aforementioned documents.

20 With respect to the enforcement of said agreements, covenants, easements or
21 restrictions entered into between the applicant and the owners or occupiers of property
22 within the PD, the City of DeLand shall only enforce the provisions of the "Development
23 Agreement" and City of DeLand Land Development Regulations Ordinance # 2002-09, as
24 amended, whichever is applicable, and not the private agreements entered into between

1 the aforementioned parties.

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

7 M. Binding Effect of Plans; Recording; and Effective Date. The Planned
8 Development Plan, including any and all amendments shall bind and inure to the benefit of
9 the Applicant and his successor in title or interest. The PD zoning, provisions of the
10 "Development Agreement," and all approved plans shall run with the land and shall be
11 administered in a manner consistent with Article 12 of the City of DeLand Land
12 Development Regulations Ordinance # 2002-09, as amended.

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

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DONE and ORDERED by the City Commission, City of DeLand, Florida, this
7th day of January, 2008.

ATTEST:

City Commission of DeLand Florida

Michael Pleus
~~Mike Abels~~ MICHAEL PLEUS
City Manager 9.3.08

Robert Apgar
ATTEST: 9.3.08 Robert Apgar
Mayor

STATE OF FLORIDA
CITY OF DELAND

Julie A. Hennessy
Julie A. Hennessy, MMC
City Clerk - Auditor 9.3.08

The foregoing instrument was acknowledged before me this 3rd day of
SEPTEMBER, 2008 by ~~Mike Abels~~ ^{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.

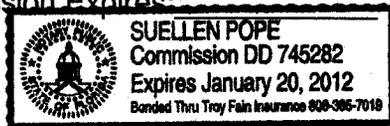
NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Suellen Pope

Commission No.: _____

My Commission Expires:



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2 Witness:

Lexington Club at Spring Arbor Partners, Ltd., a
Florida limited partnership

3
4 [Signature]
5
6 Name
7 Cynthia L. Puckosi
8 Print Name

By: CED Capital Holdings XIII, Ltd., a Florida
limited partnership, its general partner

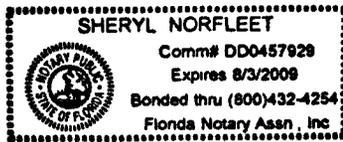
By: CED Capital Holdings, XIII, Inc., a Florida
corporation, its managing general partners

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12 By: [Signature]
13 Jay P. Brock, Vice President

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16 STATE OF FLORIDA
17 COUNTY OF Orange

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19 The foregoing instrument was acknowledged before me this 26th day of AUGUST
20 2008 by Jay P. Brock, as Vice President of Lexington Club at Spring Arbor Partners, Ltd., a
21 Florida limited partnership, who is personally known to me or who has produced
22 n/a (Type of ID) as identification and who did not take an oath.

23
24 NOTARY PUBLIC
25 Signature: [Signature]
26 Print Name: _____
27 Commission Expiration: _____
28 Notary Seal: _____



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2 Witness:

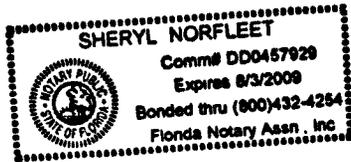
3 [Signature]
4
5 Name
6 Cynthia L. Purokoski
7 Print Name

NDK Properties, LLC

By: [Signature]
Norman D. Knight, Manager

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9
10 STATE OF FLORIDA
11 COUNTY OF Orange

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13 The foregoing instrument was acknowledged before me this 26th day of August
14 2008 by Norman D. Knight, as Manager of NDK Properties, LLC, who is personally known
15 to me or who has produced n/a (Type of ID) as identification and who did
16 not take an oath.



17
18 NOTARY PUBLIC

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20 Signature: [Signature]
21 Print Name: _____
22 Commission Expiration: _____
23 Notary Seal: _____
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27 Witness:

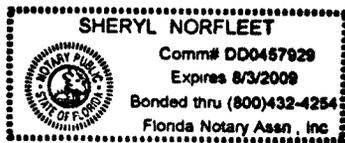
28 [Signature]
29
30 Name
31 Cynthia L. Purokoski
32 Print Name

CED Capital Holdings X, Inc.

By: [Signature]
Jay P. Brock, Vice President

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35 STATE OF FLORIDA
36 COUNTY OF Orange

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38 The foregoing instrument was acknowledged before me this 26th day of August
39 2008 by Jay P. Brock, as Vice President of CED Capital Holdings X, Inc., who is personally
40 known to me or who has produced n/a (Type of ID) as identification and
41 who did not take an oath.



42
43 NOTARY PUBLIC

44
45 Signature: [Signature]
46 Print Name: _____
47 Commission Expiration: _____
48 Notary Seal: _____

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Witness:

[Handwritten Signature]

Name
Cynthia L. Purkoski
Print Name

Spring Arbor Partners, Ltd., a Florida limited partnership

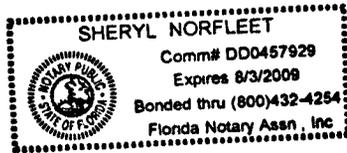
By: CED Capital Holdings XII, Ltd., a Florida limited partnership, its general partner

By: CED Capital Holdings, XII, Inc., a Florida corporation, its managing general partners

By: [Handwritten Signature]
Jay P. Brock, Vice President

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 20th day of August 2008 by Jay P. Brock, as Vice President of CED Capital Holdings X, Inc., who is personally known to me or who has produced n/a (Type of ID) as identification and who did not take an oath.



NOTARY PUBLIC

Signature: [Handwritten Signature]
Print Name: _____
Commission Expiration: _____
Notary Seal:

[Handwritten mark]

EXHIBIT "A"**LEGAL DESCRIPTION**

PARCEL NUMBERS: 7006-00-00-0380
 7006-00-00-0400
 7006-00-00-0410
 7006-00-00-0381

A portion of land lying in Section 6, Township 17 South, Range 30 East, Volusia County, Florida. Being more particularly described as follows:

Begin at the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of said Section 6; thence run South 89° 29' 10" East along the North line of said Southeast 1/4 of the Southeast 1/4 for a distance of 658.63 feet; thence departing said North line run South 00° 00' 07" West for a distance of 307.48 feet; thence run South 89° 32' 46" East for a distance of 305.90 feet; thence run South 00° 03' 32" East for a distance of 130.01 feet; thence run South 89° 32' 46" East for a distance of 315.01 feet to a point on the Westerly right-of-way line of North Spring Garden Avenue (State Road 15 A), also being a point on a line 50.00 feet West of a parallel to the East line of the Southeast 1/4 of aforesaid Section 6; thence run South 00° 03' 32" East along said Westerly right-of-way line and said parallel line for a distance of 586.85 feet; thence departing said Westerly right-of-way line and said parallel line run North 89° 37' 33" West of a distance of 282.86 feet; thence run South 00° 01' 39" East for a distance of 274.94 feet to a point on the Northerly right-of-way line of West Plymouth Avenue also being a point on a line 25.00 feet North of and parallel to the South line of the Southeast 1/4 of aforesaid Section 6; thence run North 89° 36' 47" West along said Northerly right-of-way line and said parallel line for a distance of 999.02 feet to a point of the Westerly line of aforesaid Southeast 1/4; thence departing said Northerly right-of-way line and said parallel line run North 00° 03' 58" East along said Westerly line for a distance of 1301.51 feet to aforesaid POINT OF BEGINNING.

Total Site contains 31.12 acres, more or less.

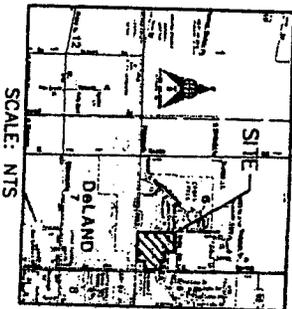
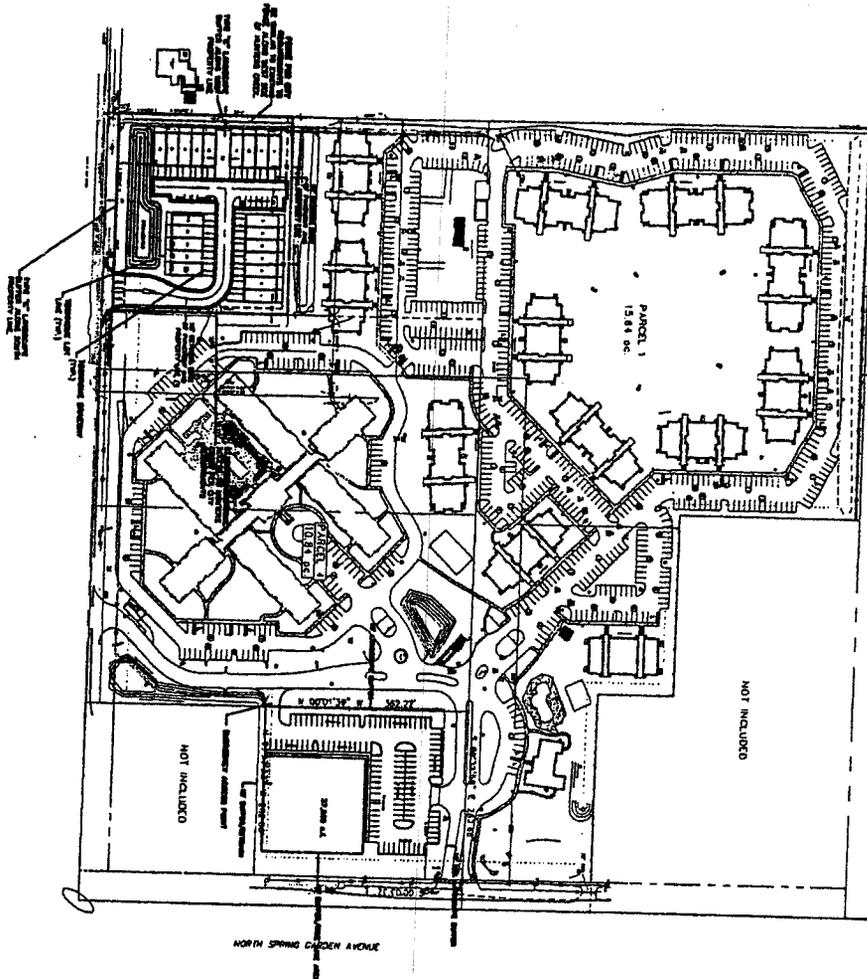
2.07.111

Received

SEP 11 2007

EXHIBIT B

Instrument# 2008-196996 # 18
 Book: 6283
 Page: 300
 Diane M. Matousek
 Volusia County, Clerk of Court



- GENERAL NOTES:**
1. REFER TO INSTRUMENT # 2008-196996 FOR THE FINAL PLAT.
 2. THE TOTAL AREA OF THE SITE IS 13.68 AC.
 3. THE TOTAL AREA OF THE PUD IS 13.68 AC.
 4. THE TOTAL AREA OF THE PUD IS 13.68 AC.
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Received
 OCT 25 2007

Planning & Zoning

<p>C-1</p>	<p>DATE: 10/25/07</p> <p>REVISIONS:</p>	<p>ENGINEER IN CHARGE:</p> <p>CHADWICK H. MOOREHEAD, P.E. (8178)</p> <p>MEMBER OF PROFESSIONAL ENGINEERS OF FLORIDA</p>	<p>ATLANTIC HOUSING PARTNERS, LLP</p> <p>1301 SANDSPUR ROAD</p> <p>DAVENPORT, FL 32834</p> <p>407-744-4525</p>	<p>CONCEPT PLAN</p> <p>FOR</p> <p>HUNTERS CREEK PUD</p> <p>CITY OF DELAND</p> <p>FLORIDA</p>	<p>MADDEN ENGINEERS</p> <p>430 E. PALM BEACH BLVD.</p> <p>WEST PALM BEACH, FL 33411</p> <p>(561) 835-1234</p>
	<p>SCALE: 1" = 100'</p>	<p>APPROVED FOR THE CITY OF DELAND:</p> <p>DATE: 10/25/07</p>	<p>APPROVED FOR THE CITY OF DELAND:</p> <p>DATE: 10/25/07</p>	<p>APPROVED FOR THE CITY OF DELAND:</p> <p>DATE: 10/25/07</p>	<p>APPROVED FOR THE CITY OF DELAND:</p> <p>DATE: 10/25/07</p>