

**ORDINANCE NO. 2023 - 29**

**AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING AND RESTATING THE DELAND TOYOTA PLANNED DEVELOPMENT (PD), ON PROPERTY LOCATED AT 1701 SOUTH WOODLAND BOULEVARD; APPROVING AN AMENDMENT TO A PLANNED DEVELOPMENT PLAN CONSISTING OF APPROXIMATELY 10.43 +/- 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**, the Applicant, Michael Wojtuniak, has filed for an amendment and restated the DeLand Toyota Planned Development (PD) of approximately 10.43 +/- acres of land located at 1701 South Woodland Boulevard, 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 subject property consists of 5 lots that have been assembled over time and received zoning approval to rezone to DeLand Toyota PD, Planned Development on January 17, 2012 (Ordinance No. 2012-03); and

**WHEREAS**, to incorporate new land, the PD was amended on November 16, 2015 (Ordinance No. 2015-13) and again on April 4, 2022 (Ordinance No. 2022-05); and

**WHEREAS**, the applicant is proposing an amendment and restatement the DeLand Toyota PD for the purpose of creating one overall development plan and allow for the addition of a small building; 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 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 Highway Commercial future 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 an amendment and restate the DeLand Toyota Planned Development (PD) Agreement of approximately 10.43 +/- acres of land located at 1701 South Woodland Boulevard.

**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 DeLand Toyota 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 which were previously submitted for the DeLand Toyota PD, Planned Development District, as well as the documentation submitted along with the current application, all of which has been filed and will be 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 and Development Agreement for DeLand Toyota PD, Planned Development District, shall be amended as per the attached Exhibit "B" which 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.

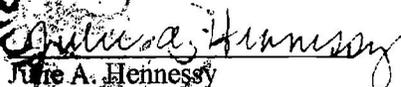
**Section 7.** Pursuant to Article 5 of the City's Land Development Regulations, the Applicant shall comply with all applicable infrastructure regulations.

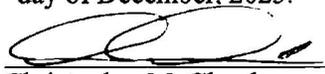
**Section 8.** The Planning Director is hereby directed to change the Comprehensive Zoning Map of the City of DeLand to conform with the change of zoning enacted in this Ordinance.

**Section 9.** 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 10.** This Ordinance shall become effective immediately upon its adoption.

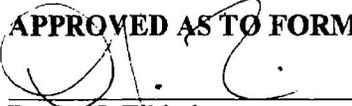
**PASSED AND DULY ADOPTED** this 18<sup>th</sup> day of December, 2023.

  
**ATTEST:**  
  
Julie A. Hennessy  
City Clerk - Auditor

  
Christopher M. Cloudman  
Mayor - Commissioner

Passed on first reading: November 20, 2023  
Adopted on second reading: December 18, 2023

**APPROVED AS TO FORM AND LEGALITY:**

  
Darren J. Elkind  
City Attorney

# "EXHIBIT A"

## PROPOSED 10.43 ACRE OVERALL REAL PROPERTY DESCRIPTION

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF VOLUSIA, STATE OF FLORIDA AND IS DESCRIBED AS FOLLOWS:**

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING EASTERLY OF THE EAST RIGHT -OF-WAY OF U.S. HIGHWAY 17 & 92 (STATE ROAD 15 & 600), BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, RUN THENCE N 88°D24'44" W ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 1170.62 FEET TO ITS INTERSECTION WITH THE EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 & 92 (STATE ROAD 15 & 600), AS NOW LAID OUT; RUN THENCE S00°D07'11" W ALONG SAID EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID P.O.B., RUN S 88°D24'44" E, PARALLEL WITH AND 50.0 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, A DISTANCE OF 422.99 FEET TO A CURVE CONCAVE SOUTHWESTERLY, HAING A RADIUS OF 25.00 FEET, A CHORD BEARING OF S.43°D24'44"E., A CHORD DISTANCE OF 35.36 FFET, THENCE RUN SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 39.27 FEET THROUGH A CENTRAL ANGLE OF 90°D00'00"; THENCE S.01°D35'15"W A DISTANCE OF 59.90 FEET TO A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1025.00 FEET, A CHORD BEARING OF S,00°D43'21"W. AND A CHORD DISTANCE OF 30.95 FEET, THENCE RUN SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°D43'48" AN ARC DISTANCE OF 30.95 FEET; THENCE RUN S.00°D08'32"E. A DISTANCE OF 314.05 FEET; THENCE RUN S.88°D24'44"E. A DISTANCE OF 258.90 FEET; THENCE LEAVING SAID SOUTH LINE RUN S.00°D13'58"E., 265.60 FEET; THENCE RUN N.88°D24'44"W., 123.56 FEET; THENCE RUN S. 00°D 13'58" E. A DISTANCE OF 210.80 FEET; THENCE RUN S.88°D54'11"E. A DISTANCE OF 20.00 FEET; THENCE RUN S.00°D13'58"E. A DISTANCE OF 403.17 FEET; THENCE RUN N.88°D54'11"W. A DISTANCE OF 206.00 FEET; THENCE RUN N.00°D13'58"W. A DISTANCE OF 527.11 FEET; THENCE RUN N.88°D39'05"W. A DISTANCE OF 60.25 FEET; THENCE RUN N.00°D05'55"W. A DISTANCE OF 180.78 FEET; THENCE RUN N.88°D24'44"W. A DISTANCE OF 122.45 FEET; THENCE RUN N.00°D07'11"E. A DISTANCE OF 100.00 FEET; THENCE RUN N.88°D24'44"W. A DISTANCE OF 215.00 FEET TO A POINT ON THE SAID EAST RIGHT OF WAY LINE FOR U.S. HIGHWAY 17 & 92; THENCE RUN N.00°D07'11"E. ALONG EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 17 & 92, A DISTANCE OF 503.38 FEET TO THE POINT OF BEGINNING; THIS INCLUDES LOTS 9 AND 10, PLUMOSUS PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 44, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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AMENDED AND RESTATED  
DELAND TOYOTA PLANNED DEVELOPMENT AGREEMENT  
IN THE CITY COMMISSION OF THE  
CITY OF DELAND, FLORIDA

IN RE:, Application of  
***PARKS AUTOMOTIVE GROUP, INC. and POWER SPORTS GROUP, LLC***

ORDINANCE # \_\_\_\_\_  
***(# to be Provided After Commission Approval)***

ORDER AND RESOLUTION

This First Amended and Restated Planned Development Agreement of the *Parks Automotive Group, Inc. and Power Sports Group, LLC*, hereinafter collectively referred to as "Applicant" or "Owner", for rezoning was heard by and before the City Commission, DeLand Florida, on *November 20, 2023*. Based upon the verified Application and other supporting documents, maps, charts, overlays, other evidence and instruments; the advice, report, and recommendations of the Community Development, and other Departments and agencies of DeLand, Florida; and the testimony adduced and evidence received at the Public Hearing on this Application by the Planning Board on *October 11, 2023*, and otherwise being fully advised, the City Commission does hereby find and determine as follows:

GENERAL FINDINGS

A. That the application of *Parks Automotive Group, Inc. and Power Sports*

**"EXHIBIT B"**

1 *Group, LLC* was duly and properly filed herein on *February 22, 2023*, as required by law.

2

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

5

6 C. That the Applicant is the ***owner of a 10.43-acre parcel of land*** which is  
7 situated in DeLand, Florida. This parcel of land is described more particularly in the  
8 legal description, a true copy of which is attached hereto as Exhibit "A".

9

10 D. That the Applicant has complied with the concept plan provision as required  
11 by Land Development Regulations Ordinance #2013-11, as amended.

12

13 E. That the Applicant has complied with the "Due Public Notice" requirements of  
14 the City Commission, Land Development Regulations Ordinance #2013-11, as amended.

15

16 F. That the Owner of the subject property agrees with the provisions of the  
17 Development Agreement.

18

19 **FINDINGS REGARDING REZONING**

20

21 A. That the Applicant has applied for an amendment and restatement of the  
22 DeLand Toyota PD for the parcel described in Exhibit "A".

23

24 B. That the said rezoning to a PD is consistent with both the City of DeLand

1 Comprehensive Plan Ordinance # 1990-04, as amended, and the intent and purpose of the  
2 City of DeLand Land Development Regulations Ordinance #2013-11, as amended, and  
3 does promote the public health, safety, morals, general welfare and orderly growth of the  
4 area affected by the rezoning request.

5

6 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF  
7 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY  
8 COMMISSION CHAMBERS, 120 SOUTH FLORIDA AVENUE, DELAND, FLORIDA, THIS  
9 DAY OF December 18, A.D., 2023 AS FOLLOWS:

10

11 A. That the Application for the rezoning of the subject parcel is hereby granted.

12

13 B. That the zoning classification of the subject parcel described in Exhibit "A",  
14 attached hereto, is hereby the amended the current DeLAND TOYOTA PD to the  
15 **DELAND TOYOTA PD** as set forth in this amended and restated development agreement,  
16 as described in Article VII of the City of DeLand, Land Development Regulations Ordinance  
17 #2013-11, as amended.

18

19 C. That the Official Zoning Map of the City of DeLand is hereby amended to  
20 show the rezoning of said parcel to **DELAND TOYOTA PD**.

21

22 D. That the City of DeLand Land Development Regulations Ordinance #2013-  
23 11, as amended, is consistent with the provisions of the "Development Agreement" as  
24 hereinafter set forth in this Ordinance and with respect to any conflict between Land

1 Development Regulations Ordinance #2013-11, as amended, and the "Development  
2 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance  
3 #2013-11, as amended, shall govern with respect to any matter not covered by the  
4 "Development Agreement." The City of DeLand will ensure overall compliance with this  
5 Ordinance.

6

7 E. Unless otherwise provided for herein, the City of DeLand, Land Development  
8 Regulations Ordinance #2013-11, as amended, shall apply to the **DELAND TOYOTA PD**  
9 in the same manner as the **C-2** zoning classification.

10

11 F. Nothing in this Ordinance shall abridge the requirements of any City of  
12 DeLand Ordinance other than Ordinance #2013-11, as amended. Timing and review  
13 procedures contained in this Order and Resolution may be modified to comply with the City  
14 of DeLand Land Development Regulations, Ordinance #2013-11, as amended. Further,  
15 nothing in the Development Agreement is intended to abridge the requirements of  
16 Ordinance #2013-11, as amended, and any other City Ordinances.

17

## 18 DEVELOPMENT AGREEMENT

19

20 A. Development Concept The property shall be developed as a PD  
21 substantially in accordance with the Planned Development Plan. The Planned  
22 Development Plan shall govern the development of the property as a PD and shall regulate  
23 the future land use of this parcel.

24

1. Overall Development Plan The Planned Development Plan shall

1 consist of the Conceptual Site Plan prepared by **Engineered Permits, Inc. dated May 19,**  
2 **2023** and this Development Agreement. The Conceptual Site Plan is hereby approved and  
3 incorporated in this Development Agreement by reference as Exhibit "B". The Planned  
4 Development Plan shall be filed and retained for public inspection in the Planning  
5 Department and it shall constitute a supplement to the Official Zoning Map of the City of  
6 DeLand.

7           2.     Amendments. All amendments of the Planned Development Plan  
8 shall require the review and recommendation of the Planning Board and action by the City  
9 Commission in the same manner as a rezoning of the parcel. The foregoing  
10 notwithstanding, minor amendments not altering the intent and purpose of the Planned  
11 Development Plan may be approved by the Planning Director after such departmental  
12 comment as he or she deems appropriate. The Planning Director may not authorize  
13 administrative amendments which change approved land uses or location thereof, the  
14 development standards set forth in Section E of this Development Agreement, or any  
15 special condition, or any specific requirement of this Development Agreement.

16

17           3.     Final Site Plan Approval. After the Planned Development Plan is  
18 recorded, and prior to issuance of any permits for construction, including clearing and  
19 landfill, a final site plan shall be prepared and submitted for review and approval in the  
20 manner required by Article XII of the City of DeLand, Land Development Regulations  
21 Ordinance #2013-11, as amended.

22

23           B.     Unified Ownership. The PD contains 10.43 acres of contiguous property,  
24 comprised of five parcels (bearing tax parcel identification numbers 702813000090,

1 702813000100, 702813000510, 702813000530 and 702813000560). There is an existing  
 2 structure that has been constructed across parcel lines. That building is deemed  
 3 conforming with the DeLand Toyota PD zoning as set forth in this Planned Development  
 4 Plan. However, the Applicant may not modify the footprint of such building until such time  
 5 as all five parcels comprising the subject property is combined into one single parcel.  
 6 Furthermore, any transfer of any of the five parcels comprising the subject property shall be  
 7 a violation of the DeLand Toyota PD zoning. For the sake of clarity, once the five parcels  
 8 are combined into one single parcel, then such parcel can be conveyed so long as the  
 9 parcel is maintained in unified ownership.

10 C. Phases of Development. The development of the PUD shall occur in one  
 11 phase, including the new parking areas, and construction of the new service building.

12  
 13 D. Land Uses Within the PD. The development of the parcel shall be consistent  
 14 with the uses prescribed for each area within the proposed **DELAND TOYOTA PD**. The  
 15 location and size of said land use areas are shown on the Overall Development Plan,  
 16 Exhibit "B". The following land uses shall be allowed as permitted principal uses and  
 17 structures along with their customary accessory uses and structures:

- 18 - Automobile sales
- 19 - Automobile repair and service station
- 20 - Car wash
- 21 - General/professional offices

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 23 E. Development Standards.

24 **Parcel 702800000510:**

25 1. *Minimum lot area:* **9,000 square ft**

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- 2. *Minimum lot width and/or depth:* 75 ft
- 3. *Maximum lot coverage:* 80 %
- 4. *Maximum building height:* 80 ft
- 5. *Proposed building:*

*Dimensions:* 100.17 ft x 80.17 ft  
*Size:* 8,030 square ft  
*Setbacks:*

- a. 20 ft (West)
- b. 20 ft (South)

6. *Landscape buffer requirements:*

North: Area abutting E Taylor Rd 30 ft  
East: Project interior 0 ft  
South: Area adjacent to the south parking spaces 15 ft  
West: Area adjacent to on-site retention pond and  
Parking spaces 5 ft

7. *Off-street parking requirements:*

North East: Total New Parking Lot #1: 111 Spaces  
South East: Total New Parking Lot #2: 47 Spaces

8. *Perimeter Building Setbacks:*

Front Setback: 20 ft  
Side Setback (West): 20 ft

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9. Signage requirements:

Building Signage: Woodland Blvd – Signage Totaling 100 SF  
Taylor Road – Signage totaling 100 SF

All other signage to comply with the City of Deland land development regulations.

**Parcel 702813000090:**

- 1. Minimum lot area: 9,000 square ft
- 2. Minimum lot width and/or depth: 75 ft
- 3. Maximum lot coverage: 80 %
- 4. Maximum building height: 80 ft
- 5. Landscape buffer requirements:

North: Area abutting E Taylor Rd 30 ft

East: Area abutting Plumosus Park Dr. 5 ft

South: Project interior 0 ft

West: Project interior 0 ft

6. Perimeter Building Setbacks:

Front Setback, abutting E Taylor Rd: 20 ft

Side Setback, abutting Plumosus Park Dr. 20 ft

7. Signage requirements:

All signage to comply with the City of Deland land development regulations.

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**Parcel 702813000100:**

- 1. *Minimum lot area:* 9,000 square ft
- 2. *Minimum lot width and/or depth:* 75 ft
- 3. *Maximum lot coverage:* 80 %
- 4. *Maximum building height:* 80 ft
- 5. *Landscape buffer requirements:*

North: Project interior 0 ft

East: Area abutting Plumosus Park Dr. 5 ft

South: Project interior 0 ft

West: Project interior 0 ft

6 *Perimeter Building Setbacks:*

Side Setback, abutting Plumosus Park Dr. 20 ft

7. *Signage requirements:*

*All signage to comply with the City of Deland land development regulations.*

**Parcel 702800000530:**

- 1. *Minimum lot area:* 9,000 square ft
- 2. *Minimum lot width and/or depth:* 75 ft
- 3. *Maximum lot coverage:* 80 %
- 4. *Maximum building height:* 80 ft
- 5. *Landscape buffer requirements:*

North: Area abutting County zoning, R-4 30 ft



1           F.    Environmental Considerations. All existing trees to be preserved will be  
2 protected during construction. Protective barriers shall be constructed prior to clearing  
3 around all trees designed to remain. Absolutely no fill, building materials, trash, or other  
4 objects shall be placed inside these barriers. No equipment will be parked or stored inside  
5 these barriers. If fill is deposited adjacent to these areas, a suitable temporary or  
6 permanent retaining structure shall be constructed to prevent siltation of the barricade  
7 area. Contractor is responsible for maintaining preserved trees during construction.

8

9           G.    Sewage Disposal and Potable Water. Provision for sewage disposal and  
10 potable water needs of the PD will be provided in accordance with the Comprehensive  
11 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance  
12 #2013-11, as amended, and State of Florida Administrative Code 64E-6.

13

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

16

17           I.    Access and Transportation System Improvements. All access and  
18 transportation system improvements shall be provided in accordance with the Land  
19 Development Regulations, Ordinance #2013-11, as amended. The parcel shall be  
20 developed in substantial accordance with the following access and transportation system  
21 improvements:

22                   1.    Access. *Existing access points along US Highway 17, Taylor Rd, and*  
23 *Plumosus Park Drive, shall remain.*

24

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

6

7           K.     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 **DELAND TOYOTA PD** zoning,  
 10 provisions of the "Development Agreement," and all approved plans shall run with the land  
 11 and shall be administered in a manner consistent with Article XII of the City of DeLand  
 12 Land Development Regulations Ordinance #2013-11, as amended.

13

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  
 18 document was recorded, shall be submitted to the Planning Department for placement in  
 19 the public file. The date of recording of this document shall constitute the effective date of  
 20 the **DELAND TOYOTA PD** or its subsequent amendments. The applicant shall pay all  
 21 filing costs for recording documents.

22           DONE and ORDERED by the City Commission, City of DeLand, Florida, this  
 23 18<sup>th</sup> day of December, 2023 (mo/yr).

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26 ATTEST:

City Commission of DeLand Florida

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Michael P. Pleus  
Michael P. Pleus  
City Manager

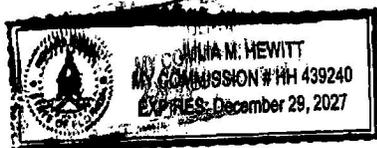
Christopher M. Cloudman  
Christopher M. Cloudman  
Mayor

ATTEST:

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

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of  physical presence  
or  online notarization this 15<sup>th</sup> day of February (mo/yr), by Michael P. Pleus  
and Christopher M. Cloudman, 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:  
Julie A. Hewitt  
Commission No.: HH 439240  
My Commission Expires: 12/29/27

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WITNESSES:

OWNER:  
PARKS AUTOMOTIVE GROUP, INC.

[Signature]  
Signature

By: [Signature]  
Stephen R. Parks, President

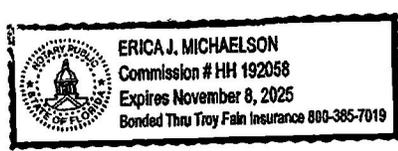
Lisa M. Homsey  
Print Name

[Signature]  
Signature

[Signature]  
Print Name

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of  physical presence  
or  online notarization this 18<sup>th</sup> day of December, 2023 by Stephen R.  
Parks, President of Parks Automotive Group, Inc., and who is personally known to me or  
who has produced DRIVERS LICENSE as identification.



NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:  
Erica Michaelson  
Commission No.: HH 192058  
My Commission Expires: Nov 8th 2025

1 WITNESSES:

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5 Lisa M Horsey

6 Signature

7 Lisa M Horsey

8 Print Name

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11 [Signature]

12 Signature

13 [Signature]

14 Print Name

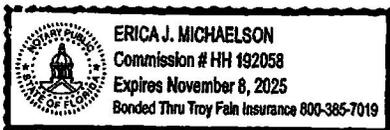
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OWNER:  
POWER SPORTS GROUP, LLC

By: [Signature]  
Stephen R. Parks, MGRM

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of  physical presence  
or  online notarization this 18<sup>th</sup> day of December, 2023 by Stephen R.  
Parks, MGRM of Power Sports Group, LLC, and who is personally known to me or who has  
produced Driver's License as identification.



NOTARY PUBLIC, STATE OF FLORIDA  
Type or Print Name:

Erica Michaelson  
Commission No.: HH 192058  
My Commission Expires: Nov 8<sup>th</sup> 2025

## "EXHIBIT A"

**PROPOSED 10.43 ACRE OVERALL REAL PROPERTY DESCRIPTION**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF VOLUSIA, STATE OF FLORIDA AND IS DESCRIBED AS FOLLOWS:**

THAT PART OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 28, TOWNSHIP 17 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA, LYING EASTERLY OF THE EAST RIGHT -OF-WAY OF U.S. HIGHWAY 17 & 92 (STATE ROAD 15 & 600), BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, RUN THENCE N 88°D24'44" W ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 1170.62 FEET TO ITS INTERSECTION WITH THE EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 17 & 92 (STATE ROAD 15 & 600), AS NOW LAID OUT; RUN THENCE S00°D07'11" W ALONG SAID EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID P.O.B., RUN S 88°D24'44" E, PARALLEL WITH AND 50.0 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 28, A DISTANCE OF 422.99 FEET TO A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF S.43°D24'44"E., A CHORD DISTANCE OF 35.36 FEET, THENCE RUN SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 39.27 FEET THROUGH A CENTRAL ANGLE OF 90°D00'00"; THENCE S.01°D35'15"W A DISTANCE OF 59.90 FEET TO A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1025.00 FEET, A CHORD BEARING OF S,00°D43'21"W. AND A CHORD DISTANCE OF 30.95 FEET, THENCE RUN SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°D43'48" AN ARC DISTANCE OF 30.95 FEET; THENCE RUN S.00°D08'32"E. A DISTANCE OF 314.05 FEET; THENCE RUN S.88°D24'44"E. A DISTANCE OF 258.90 FEET; THENCE LEAVING SAID SOUTH LINE RUN S.00°D13'58"E., 265.60 FEET; THENCE RUN N.88°D24'44"W., 123.56 FEET; THENCE RUN S. 00°D 13'58" E. A DISTANCE OF 210.80 FEET; THENCE RUN S.88°D54'11"E. A DISTANCE OF 20.00 FEET; THENCE RUN S.00°D13'58"E. A DISTANCE OF 403.17 FEET; THENCE RUN N.88°D54'11"W. A DISTANCE OF 206.00 FEET; THENCE RUN N.00°D13'58"W. A DISTANCE OF 527.11 FEET; THENCE RUN N.88°D39'05"W. A DISTANCE OF 60.25 FEET; THENCE RUN N.00°D05'55"W. A DISTANCE OF 180.78 FEET; THENCE RUN N.88°D24'44"W. A DISTANCE OF 122.45 FEET; THENCE RUN N.00°D07'11"E. A DISTANCE OF 100.00 FEET; THENCE RUN N.88°D24'44"W. A DISTANCE OF 215.00 FEET TO A POINT ON THE SAID EAST RIGHT OF WAY LINE FOR U.S. HIGHWAY 17 & 92; THENCE RUN N.00°D07'11"E. ALONG EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 17 & 92, A DISTANCE OF 503.38 FEET TO THE POINT OF BEGINNING; THIS INCLUDES LOTS 9 AND 10, PLUMOSUS PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 44, PAGE 127, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

