

ORDINANCE NO. 2002 - 22

10/30/2002 12:13
Instrument # 2002-248997
BOOK: 4954
PAGE: 4600

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-2 (TWO FAMILY DWELLING), COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) AND COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTH SIDE OF ORANGE CAMP ROAD, BETWEEN GLEN EAGLES SUBDIVISION AND WEST VOLUSIA SHOPPING CENTER; APPROVING A DEVELOPMENT PLAN FOR OAK HILL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.345 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners, Allied Capital Group, Inc. (hereinafter referred to as "Applicant"), own a 12.345 acres parcel of land located at the South side of Orange Camp Road, between Glen Eagles Subdivision and West Volusia Shopping Center, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, Applicant has applied for a change of zoning from the present zoning classification of R-2, Two Family Dwelling, R-6, Urban Two-Family Residential (County), and R-4, Urban Single-Family Residential (County), to 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 for Oak Hill to encompass all of 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 Medium Density Residential land use designation which: encourages intensified development in outlying or newly developed areas for a variety of residential needs; encourages clustering of new development to promote open space; permits energy and 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 R-2, Two Family Dwelling, R-6, Urban Two-Family Residential (County), and R-4, Urban Single-Family Residential (County), to PD, Planned Development District.

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 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 Oak Hill including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and 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 final development order within five years from the date of adoption of this Ordinance.

Section 9. 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 10. 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 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. The effective date of this Ordinance shall be the date of issuance of a certificate of consistency or conditional certificate of consistency by the Volusia Growth Management Commission, and a final order is issued by the Department of Community Affairs or Administration Commission finding the Ordinance in compliance in accordance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

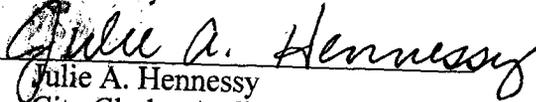
PASSED AND DULY ADOPTED this 7th day of October, 2002.

BOOK: 4954
PAGE: 4602



Robert F. Aggar
Mayor-Commissioner

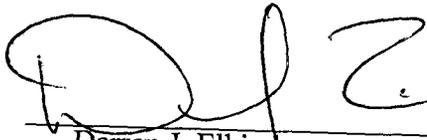
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: September 4, 2002
Adopted on second reading: October 7, 2002

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

"Oak Hill PD"

BOOK: 4954
PAGE: 4603
Diane M. Matousek
Volusia County, Clerk of Court

LEGAL DESCRIPTION

The West ½ of the East ½ of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof;

and

The East 84 feet of the West ½ of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof; all containing 10.08 acres, more or less; subject to right of way for Orange Camp Road, net 9.794 acres, more or less.

and

The South 267.50 feet of the West ½ of the East ½ of the Northwest 1/4 of the Northeast 1/4 AND the South 267.50 feet of the East 84.0 feet of the West ½ of the Northwest 1/4 of the Northeast 1/4 all in Section 33, Township 17 South, Range 30 East, containing 2.551 acres, more or less.

Total site acreage, 12.345 acres more or less.

Owner: Allied Capital Advisors, Inc.
Mr. Steve Moreira, President

1 PLANNED DEVELOPMENT AGREEMENT
2 IN THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA

3 IN RE: Z-01-02-01, Application of
4 *Steven Moreira, representing Allied Capital Advisors, Inc.,*

5 Ordinance # 2002-22

6 GRANTING A REQUEST FOR CHANGE OF ZONING FROM
7 *R-2 (City of DeLand), R-6 (Volusia County) and R-4 (Volusia County)*
8 TO PD (PLANNED DEVELOPMENT) for Oak Hill
9

10 The application of *Steven Moreira, representing Allied Capital Advisors, Inc.,*
11 hereinafter, "Applicant", for rezoning was heard by and before the City Commission,
12 DeLand Florida, on October 7, 2002. Based upon the verified Application and other
13 supporting documents, maps, charts, overlays, other evidence and instruments; the advice,
14 report, and recommendations of the Community Development, Legal Department, and
15 other Departments and agencies of DeLand, Florida; and the testimony adduced and
16 evidence received at the Public Hearing on this Application by the Planning Board on April
17 17, 2002 and otherwise being fully advised, the City Commission does hereby find and
18 determine as follows:

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

6
7 NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF
8 DELAND, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY
9 COMMISSION CHAMBERS, 121 WEST RICH AVENUE, DELAND, FLORIDA, THIS 7
10 DAY OF October , A.D., 2002, AS FOLLOWS:

11
12 A. That the Application of *Steven Moreira* for the rezoning of the subject parcel
13 is hereby granted.

14 B. That the zoning classification of the subject parcel described in Exhibit "A"
15 attached hereto is hereby amended from *R-2 (City of DeLand)*, *R-4 (Volusia County)* and
16 *R-6 (Volusia County)* to PD as described in Article 4 of the City of DeLand, Land
17 Development Regulations Ordinance # 2002-09, as amended.

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

20 D. That the City of DeLand Land Development Regulations Ordinance # 2002-
21 09, as amended, is consistent with the provisions of the "Development Agreement" as
22 hereinafter set forth in this Ordinance and with respect to any conflict between Land
23 Development Regulations Ordinance # 2002-09, as amended, and the "Development
24 Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No.

1 02-09, as amended, shall govern with respect to any matter not covered by the
2 "Development Agreement." The City of DeLand will ensure overall compliance with this
3 Ordinance.

4 E. Unless otherwise provided for herein the City of DeLand, Land Development
5 Regulations Ordinance # 2002-09, as amended, shall apply to the PD in the same manner
6 as the R-8 zoning classification.

7 F. Nothing in this Ordinance shall abridge the requirements of any City of
8 DeLand Ordinance other than Ordinance 2002-09, as amended. Timing and review
9 procedures contained in this Ordinance may be modified to comply with the City of DeLand
10 Land Development Regulations, Ordinance No. 2002-09, as amended. Further, nothing in
11 the Development Agreement is intended to abridge the requirements of Ordinance No.
12 2002-09, as amended, and any other City of DeLand Ordinances.

13
14
15 DEVELOPMENT AGREEMENT

16
17 A. Development Concept The property shall be developed as a PD
18 substantially in accordance with the Development Plan. The Development Plan shall
19 govern the development of the property as a PD and shall regulate the future land use of
20 this parcel.

21 1. Planned Development Plan The Planned Development Plan shall
22 consist of the Development Plan Map, prepared by *Richard Labinsky, P.E.* and stamped
23 received by the City of DeLand on September 3, 2002, and this development agreement.
24 The Development Plan Map is hereby approved and incorporated in this Ordinance by

1 reference as Exhibit "B". The Development Plan Map shall be filed and retained for public
2 inspection in the Planning Department and it shall constitute a supplement to the Official
3 Zoning Map of the City of DeLand.

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

9 3. Final Site Plan Approval. After the Planned Development Plan is
10 recorded, and prior to issuance of any permits for construction, including clearing and
11 landfill, a Final Site Plan shall be prepared and submitted for review and approval in the
12 manner required by Article 12 of the City of DeLand, Land Development Regulations
13 Ordinance # 2002-09, as amended.

14 B. Unified Ownership. The Applicant or his successors shall maintain unified
15 ownership of the subject parcel until after issuance of the *Final Site Plan Development*
16 *Order*.

17 C. Phases of Development. The project will be developed in two phases.
18 Phase One will include the first five residential buildings (25 units) and the recreation
19 center; Phase Two will consist of the remaining residential buildings.

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

1 Townhouses, (74 max. # of units)

2 Clubhouse/Recreation Center

3 Guard House

4

5 E. Development Standards.

6 1. *Minimum Perimeter Building Setbacks*

7 a. *North property line:* 70 ft.

8 b. *South property line:* 27 ft.

9 c. *East property line:* 40 ft.

10 d. *West property line:* 30 ft.

11 2. *Minimum floor area:* 1,300 sq. ft.

12 3. *Maximum impervious coverage:* 50%

13 4. *Maximum building height* 35 ft.

14 5. *Landscape buffer requirements* (Pursuant to Development
15 Plan received 9/3/02 for
16 location of buffers. Plant
17 material, number of plants
18 and tree protection must meet
19 City regulations)

20 6. *Off-street parking requirements* (Pursuant to Development
21 Plan received 9/3/02)

22 7. *Open Space and/or Common*
23 *Area requirements* (Pursuant to Development
24 Plan received 9/3/02)
25

26 F. Sewage Disposal and Potable Water. Provision for sewage disposal and
27 potable water needs of the PD will be provided in accordance with the Comprehensive
28 Plan, Ordinance No.1990-04, as amended, the Land Development Regulations Ordinance
29 No. 2002-09, as amended, and State of Florida Administrative Code 64E-6. Refer to the

1 Utility Service Agreement on file with the Engineering Department. Maintenance for the
2 water and sewer systems shall be governed by a Utility Service Agreement on file with the
3 Engineering Department for City of DeLand.

4 G. Stormwater Drainage. Provision for stormwater retention shall be in
5 accordance with the Land Development Regulations Ordinance # 2002-09, as amended.

6 H. Access and Transportation System Improvements. All access and
7 transportation system improvements shall be provided in accordance with the Land
8 Development Regulations, Ordinance 02-09, as amended. The parcel shall be developed
9 in substantial accordance with the following access and transportation system
10 improvements:

11 1. Access. The development will provide a main vehicular access with
12 security gate and secondary emergency access in the manner shown on the
13 Development Plan received 9/3/02.

14 2. Transportation System Improvements. Any further road
15 improvements in the Right-of-way shall be made according to the
16 requirements of the Florida Department of Transportation.

17 I. Internal Roadways. The internal road system shall be constructed according
18 to the Development Plan received 9/3/02. The roads will be privately owned but shall be
19 constructed to City standards.

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

1 With respect to the enforcement of said agreements, covenants, easements or
2 restrictions entered into between the applicant and the owners or occupiers of property
3 within the PD, the City of DeLand shall only enforce the provisions of the "Development
4 Agreement" and City of DeLand Land Development Regulations Ordinance # 2002-09, as
5 amended, whichever is applicable, and not the private agreements entered into between
6 the aforementioned parties.

7 K. Other Conditions:

- 8 1) A PVC fence required along east boundary must be 8' in height.
- 9 2) Project to be a town home development with a gated access.
- 10 3) Typical architecture renderings are attached as part of the PD
11 Report and shall be used as a guide for the appearance of the
12 buildings.
- 13 4) All dwellings will be offered for sale. No central office on premise
14 for the purpose of soliciting or managing of rentals of individual units,
15 nor shall any owner of dwelling units located in the project have more
16 than five units rented or available for rent at one time. For the
17 purposes of this condition, the owner of a unit shall be defined as
18 including the owner; any immediate family member of an owner; all
19 officers, directors, shareholders, employees, trustees and principals in
20 and beneficial owners of an owner; and all entities in which an owner
21 is a shareholder, principal or beneficial owner.
- 22 5) The emergency access along the east boundary will be stabilized
23 per Fire Department specifications instead of pavement. The
24 emergency access may be considered the entire length that touches

1 the eastern boundary.

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 Development
8 Plan received 9/3/02, including any and all supplementary amendments, shall bind and
9 inure to the benefit of the Applicant and his successor in title or interest. The 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 12 of the City of DeLand
12 Land Development Regulations Ordinance # 2002-09, as amended.

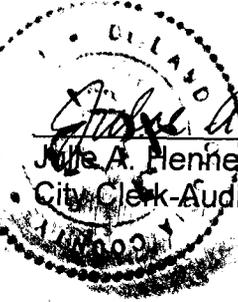
13 This Ordinance and all subsequent Ordinances shall be filed with the Clerk of the
14 Court and recorded within forty-five (45) days following execution of the document by the
15 City Commission, in the Official Records of Volusia County, Florida. One copy of the
16 document, bearing the book and page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

21

1 DONE and ORDERED by the City Commission, City of DeLand, Florida, this
2 7th day of Oct., 2002 (mo/yr).

3
4
5 ATTEST:

City Commission of DeLand Florida



Julie A. Hennessy
City Clerk-Auditor

Robert Apgar

Robert Apgar
Mayor

13
14 STATE OF FLORIDA

15 CITY OF DELAND

16
17 The foregoing instrument was acknowledged before me this 7th day of
18 Oct., 2002 (mo/yr), by Julie Hennessy and Robert Apgar, as City
19 Clerk and Mayor, City of DeLand, respectively, on behalf of the City of
20 DeLand, and who are personally known to me.

21
22
23 NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:



Kimberly K Cline
My Commission CC993959
Expires January 15, 2005

Kimberly K Cline

Commission No.: _____

My Commission Expires: _____

1
2 WITNESSES:
3

4 [Signature]
5
6
7
8

9 Steven W. Moreira President
10 Applicant's Name, Title & Corporation Applied Capital Corp.

11 _____

12 Steven W. Moreira
13 Applicant's Name, Title & Corporation

14 _____

15 [Signature]
16 Owner of Property (if other than applicant)

17
18
19 The foregoing instrument was acknowledged before me this 13th day of
20 December, 2002 (mo/yr), by (NAME), who is personally
21 known to me or who has produced # Steven W. Moreira
22 FL DL # M660-799-53-401-0 as
23 identification.



24 Katherine M. Wright
25 Commission # DD 074944
26 Expires Jan. 5, 2006
27 Bonded Thru
28 Atlantic Bonding Co., Inc.

29 NOTARY PUBLIC, STATE OF FLORIDA

30 Type or Print Name:

31 KATHERINE M. WRIGHT

32 Commission No. # DD 074944

33 My Commission Expires: Jan. 5, 2006

Revised October 9, 2002 u/p/zone/pd_doc91702

"Oak Hill PD"

LEGAL DESCRIPTION

The West ½ of the East ½ of the Northwest ¼ of the Northeast ¼ of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof;

and

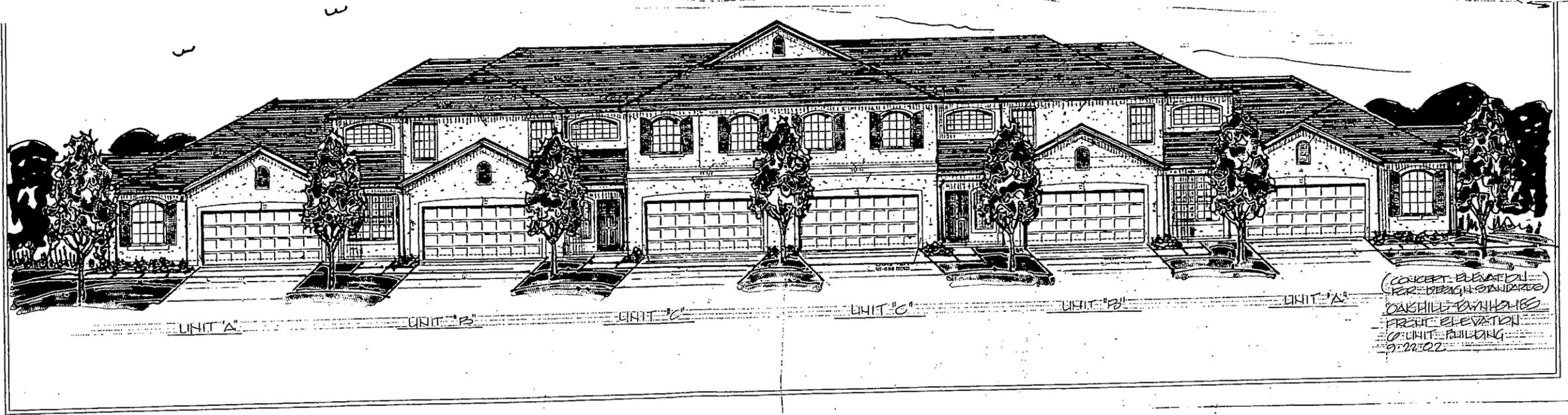
The East 84 feet of the West ½ of the Northwest ¼ of the Northeast ¼ of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof; all containing 10.08 acres, more or less; subject to right of way for Orange Camp Road, net 9.794 acres, more or less.

and

The South 267.50 feet of the West ½ of the East ½ of the Northwest ¼ of the Northeast ¼ AND the South 267.50 feet of the East 84.0 feet of the West ½ of the Northwest ¼ of the Northeast ¼ all in Section 33, Township 17 South, Range 30 East, containing 2.551 acres, more or less.

Total site acreage, 12.345 acres more or less.

Owner: Allied Capital Advisors, Inc.
Mr. Steve Moreira, President



RECEIVED

SEP 24 2002

COMMUNITY DEVELOPMENT

2-01-02-a

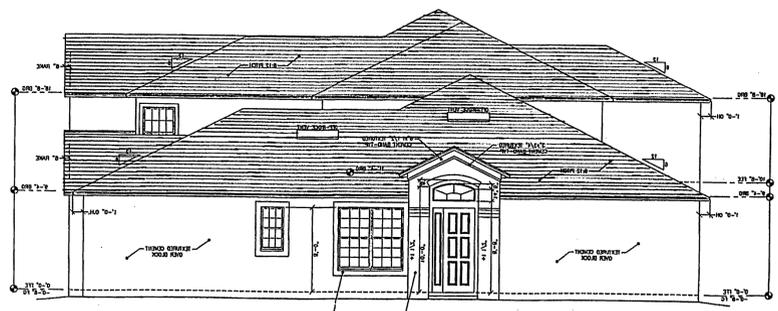


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 SEP 24 2002
 COMMUNITY DEVELOPMENT
 2-01-02-01

EXHIBIT B
 2002-22



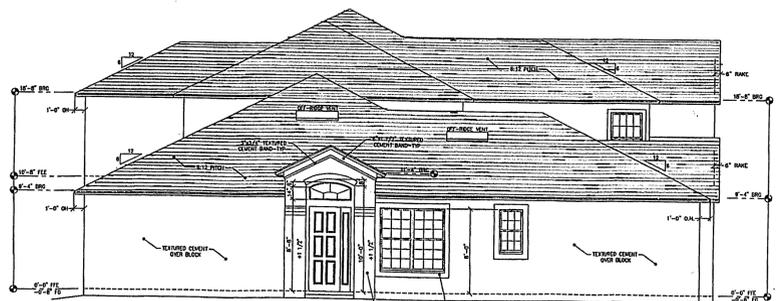
3/16/02
7-1-00 0000



RIGHT ELEVATION
SCALE 1/4" = 1'-0"



3/16/02
7-1-00 0000



LEFT ELEVATION
SCALE 1/4" = 1'-0"

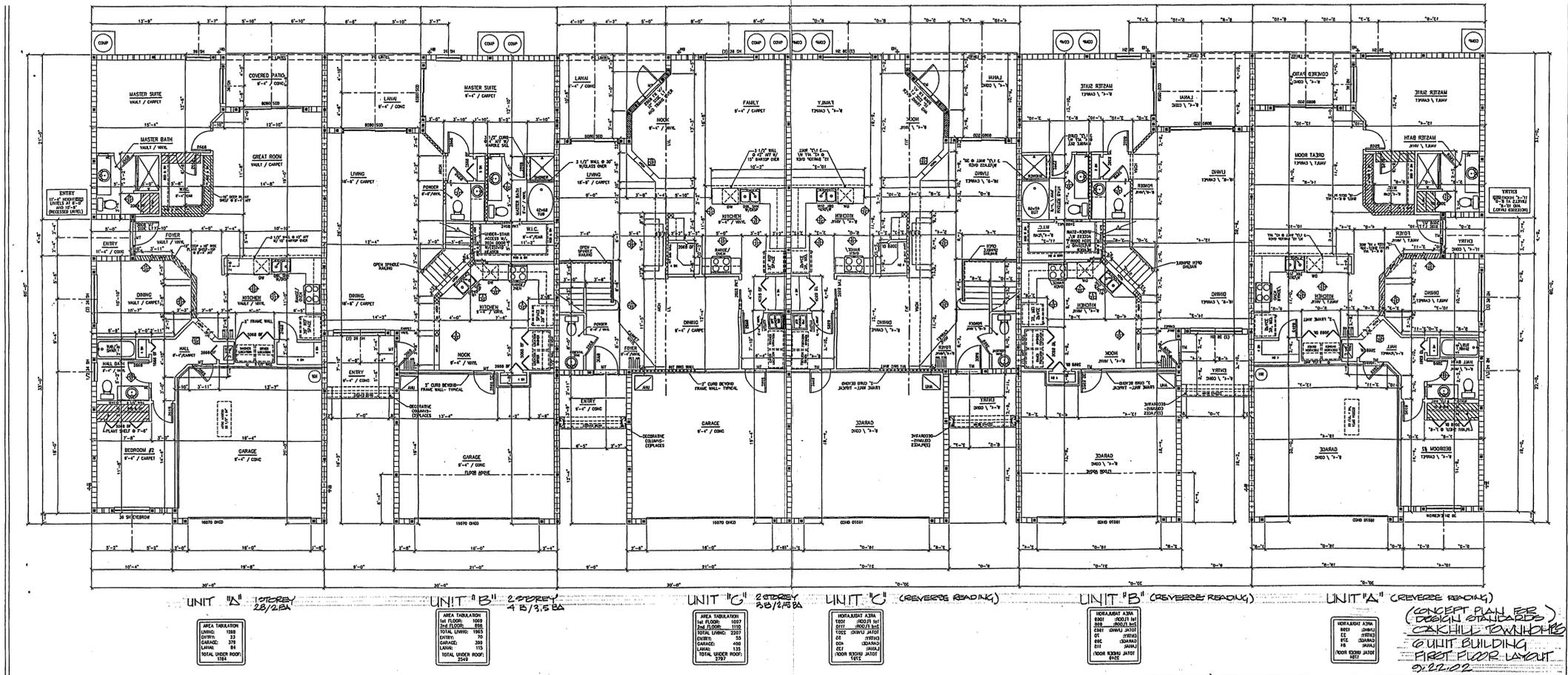


REAR ELEVATION
SCALE 1/4" = 1'-0"

REAR ELEVATION
SCALE 1/4" = 1'-0"

(CONCEPT ELEVATIONS)
FOR DESIGN STANDARDS
OAKHILL TOWNHOMES
REAR & SIDE ELEVATIONS
6 UNIT BUILDING
9.22.02

RECEIVED
SEP 24 2002
COMMUNITY DEVELOPMENT
2-01-02-01



UNIT 'A' 1020 SQ FT
2B/2.5 BA

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

UNIT 'B' 2020 SQ FT
4 B/3.5 BA

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

UNIT 'C' 2020 SQ FT
2B/2.5 BA

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

UNIT 'C' (REVERSE READING)

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

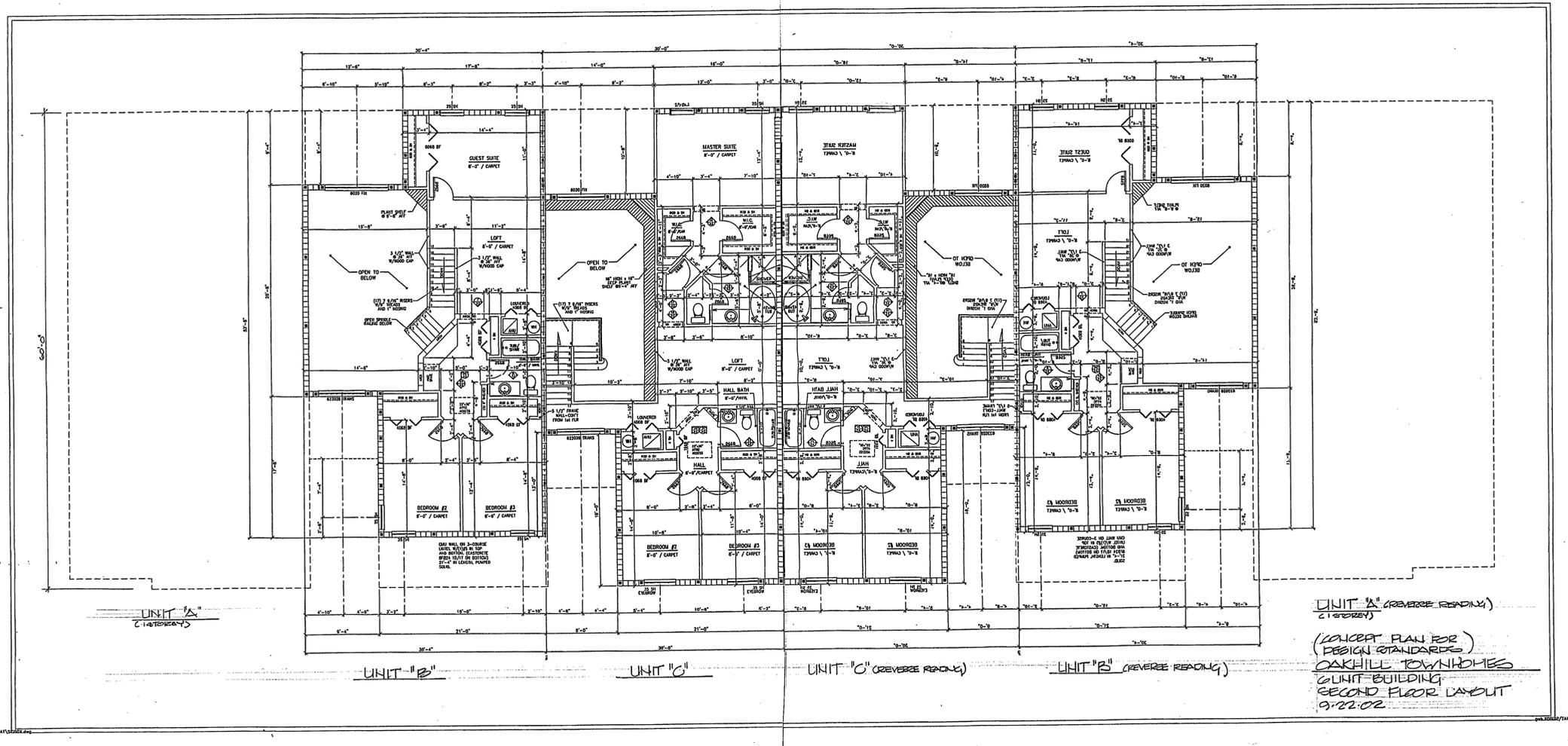
UNIT 'B' (REVERSE READING)

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

UNIT 'A' (REVERSE READING)
(CONCEPT PLAN FOR)
CASHILL TOWNHOMES
@ UNIT BUILDING
FIRST FLOOR LAYOUT
9/22/02

AREA TABULATION
FLOOR
CEILING
WALL
DOOR
WINDOW
TOTAL UNDER ROOF

RECEIVED
SEP 24 2002
COMMUNITY DEVELOPMENT
2-C-189-01



UNIT "A" (REVERSE READING)
 (CONCEPT PLAN FOR DESIGN STANDARDS)
 OAKHILL TOWNHOMES
 2 UNIT BUILDING
 SECOND FLOOR LAYOUT
 9-22-02

RECEIVED
 SEP 24 2002
 COMMUNITY DEVELOPMENT
 2-01-03-01



City of DeLand

www.deland.org

120 South Florida Avenue
DeLand, Florida 32720-5422
Telephone: (386) 740-5700
Fax: (386) 740-6869

October 29, 2002

Diane M. Matousek
Clerk of Circuit Court
Post Office Box 43
DeLand, FL 32721-0043

Dear Madam:

Please record and return the originals to our office.

City of DeLand
City Clerk
120 South Florida Avenue
DeLand, FL 32721-0449

Sincerely,

Kimberly K. Cline
Deputy City Clerk

Enclosures:

- 1. Ordinance 2002-22: Change of Zoning from R-2, R-6, & R-4 to Planned Development....Oak Hill.**
- 2. Ordinance 2002-23: Change of Zoning from R-8 & R-1B to Planned Development Garfield Place Apartments.**
- 3. Ordinance 2002-21: Change of Zoning from R-R to Planned Development ... Southridge Point.**
- 4. Ordinance 2002-20: Change of Zoning from R-3 to Planned Development ... Woods at Southridge.**
- 5. Covenant to Support Annexation; 1520 Brittain Avenue; Parcel #7018-12-01-0300.**

12/19/02

ATTACHMENT #1 For October 2002 Bill

RECEIPT #84141

Plat

02-224655 Waterford Lakes \$ 190.00

RECEIPT #84291

02-225161 Ordinance 2002-34 \$ 10.50
02-225162 Ordinance 2002-35 \$ 19.50
02-225163 Covenant to Support Annexation; Douglas & Laura Summers, 1068 Torchwood Drive; Parcel #7028-11-20-0100 \$ 15.00
02-225164 Covenant to Support Annexation; Arthur Brown, 1600 Old Daytona Road Parcel #6035-04-00-0051 \$ 10.50

RECEIPT #89650

02-238437 Claim of Lien; Michael Jones; \$127.72; 142 N Adelle; Parcel #7008-43-10-0012 \$ 6.00
02-238438 Claim of Lien; Frances Moore; \$1030.41; 713 W New York; Parcel #7008-43-12-0070 \$ 6.00
02-238439 Claim of Lien; Talicorp, Inc.; \$596.36; 227 N San Souci; Parcel #7009-09-00-0340 \$ 6.00
02-238440 Claim of Lien; Thomas & Jacqueline Aton; \$515.38; 541 W Rich; Parcel #7008-48-00-0090 \$ 6.00
02-238441 Claim of Lien; Bonnie McMillan; \$97.08; 544 W Ohio; Parcel #7008-40-00-0122 \$ 6.00
02-238442 Claim of Lien; Josefa Tipton; \$40.58; 1515 S Elsasser; Parcel #7020-00-00-1659 \$ 6.00
02-238443 Claim of Lien; Mildred Edwards; \$15.09; 335 N Kentucky; Parcel #7009-56-01-0340 \$ 6.00
02-238444 Claim of Lien; Allan Klein; \$252.48; 1328 N Woodland; Parcel #7004-00-00-2181 \$ 6.00
02-238445 Claim of Lien; Pauline Mosley; \$102.31; 242 S Kentucky; Parcel #7016-18-00-0310 \$ 6.00
02-238446 Claim of Lien; Volusia Lake Realty; \$49.44; 500 E Howry; Parcel #7016-17-00-0030 \$ 6.00
02-238447 Claim of Lien; Woodie Guilford; \$962.25; 330 S Clake; Parcel #7016-12-00-0050 \$ 6.00
02-238448 Claim of Lien; Bernadine Mauro; \$125.40; 614 S Amelia; Parcel #7016-31-01-0290 \$ 6.00
02-238449 Claim of Lien; Gregory Washburn; \$78.21; 595 E Samuel; Parcel #7021-00-00-0050 \$ 6.00
02-238450 Claim of Lien; William Bohlen; \$212.20; 433 S Woodland; Parcel #7016-51-00-0010 \$ 6.00
02-238451 Claim of Lien; Michael Bruno; \$123.05; 4136 Woodland Circle; Parcel #6038-17-02-0140 \$ 6.00
02-238452 Claim of Lien; James Griffith; \$33.65; 1440 E Wisconsin; Parcel #7011-09-00-0090 \$ 6.00

RECEIPT #91425

02-243006 Plat Map for Victoria Park \$ 65.00

RECEIPT #93020

02-247084 Ordinance 2002-39 \$ 10.50
02-247085 Covenant to Support Annexation; John W & Patti Blocker; 141 Grace Street; Parcel #6033-00-00-0600 \$ 10.50
02-247086 Covenant to Support Annexation; Gloria Stinger & Anna Lovett; 202 Rosehill; Parcel #7004-10-00-0420 \$ 10.50

RECEIPT #93820

02-248997 Ordinance 2002-22 \$ 19.50
02-248998 Ordinance 2002-23 \$ 19.50
02-248999 Ordinance 2002-21 \$ 15.00
02-249000 Ordinance 2002-20 \$ 19.50
02-249001 Covenant to Support Annexation; Thomas & Amy Flowers; 1520 Brittain Ave; Parcel #7018-12-01-0300 \$ 10.50

SUBTOTAL

\$ 522.00

TOTAL

\$ 522.00

INVOICE

DIANE M. MATOUSEK
CLERK OF CIRCUIT COURT - VOLUSIA COUNTY
P. O. BOX 6043
DELAND, FL 32721-6043

(386) 822-5726

TO: CITY OF DELAND
120 SOUTH FLORIDA AVENUE
DELAND, FL 32720

INVOICE NO: 32223
DATE: 11/08/02

CUSTOMER NO: 110

CUSTOMER TYPE: GC/ 110

QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.00	REC. DEPT. TRANSACTIONS Transaction from the Recording Department, as reported from the recording system. (See attached) CHARGES FOR THE PREVIOUS MONTH.	522.00	522.00

RECEIVED

NOV 15 2002

CLERK

TOTAL DUE: \$522.00

PLEASE DETACH AND SEND THIS COPY WITH REMITTANCE

DATE: 11/08/02

DUE DATE: 11/18/02

CITY OF DELAND

REMIT AND MAKE CHECK PAYABLE TO:
CLERK OF THE CIRCUIT COURT
ATTENTION: ACCOUNTING DEPT. (A/R)
P.O. BOX 6043
DELAND

FL 32721-6043

(386) 822-5726

CUSTOMER NO: 110

INVOICE NO: 32223
CUSTOMER TYPE: GC/ 110

TERMS: NET 10 DAYS

AMOUNT: \$522.00

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, October 7, 2002, at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter.

Any person who appeals any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus, may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which an appeal may be based.

The original of the ordinance is on file in the office of the City Clerk and may be inspected Monday through Friday from 8:00 A.M. to 4:30 P.M.

ORDINANCE NO. 2002 - 22

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-2 (TWO FAMILY DWELLING), COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) AND COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTH SIDE OF ORANGE CAMP ROAD, BETWEEN GLEN EAGLES SUBDIVISION AND WEST VOLUSIA SHOPPING CENTER; APPROVING A DEVELOPMENT PLAN FOR OAK HILL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.345 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Please publish the above legal advertisement one time on the following date: Friday, September 20, 2002; and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

City of DeLand

120 South Florida Avenue
DeLand, Florida 32720
386-740-5731
386-740-6869 (Fax)



To: Anita **From:** Kimberly Cline, Deputy City Clerk

Fax: 386-255-7840 **Pages:** 3

Phone: 386-252-1511 ext. **Date:** 9/17/2002

Re: Legal Advertisement **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

Attached please find two (2) Legal Advertisement to be advertised time on the following date:
Friday, September 20, 2002.

Ordinance 2002-22

Ordinance 2002-39

Please forward **proof of publication** and invoice to the attention of the City Clerk's Office.

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, September 16, 2002, at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 P.M. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter.

Any person who appeals any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus, may need to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which an appeal may be based.

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ORDINANCE NO. 2002 - 22

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Please publish the above legal advertisement one time on the following date: Friday, September 6, 2002; and send proof of publication to:

City Clerk
City of DeLand
120 South Florida Avenue
DeLand, FL 32720

JOB	START TIME	USAGE	PHONE NUMBER/ADDRESS	TYPE	PAGES	MODE	STATUS
638	9/ 3 9:39....	3'03"	9042557840	SEND.....	8/ 8	EC 96	COMPLETED.....

TOTAL 3'03" PAGES SENT: 8 PAGES PRINTED: 0

City of DeLand

120 South Florida Avenue
DeLand, Florida 32720
386-740-6731
386-740-6869 (Fax)



To: Anita
From: Kimberly Cline, Deputy City Clerk
Fax: 386-255-7840
Pages: 8
Phone: 386-252-1511 ext.
Date: 9/3/2002
Re: Legal Advertisement
CC:

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Attached please find seven (7) Legal Advertisement to be advertised time on the following date:
Friday, September 6, 2002.

Ordinance 2002-22

Ordinance 2002-33

Ordinance 2002-34

Ordinance 2002-35

Ordinance 2002-36

Ordinance 2002-37

Ordinance 2002-38

Please forward proof of publication and invoice to the attention of the City Clerk's Office.

The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Kathleen Mayes

Who, on oath says that she is

Classified Sales Manager

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida;
that the attached copy of advertisement, being a
Notice of Public Hearing

in the matter of Ordinance No. 2002-22

in the Court was

published in said newspaper in the issues

September 20, 2002

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kathleen Mayes

Sworn to and subscribed before me

this 20th day of September

A.D. 2002

Anta Marie Sanders

LEGAL ADVERTISEMENT

**NOTICE OF PUBLIC HEARING
CITY COMMISSION**

CITY OF DELAND, FLORIDA
NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, October 7, 2002, at a regular meeting of the DeLand City Commission. The meeting will take place at 7:00 p.m. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter.

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ORDINANCE 2002-22
AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-2 (TWO FAMILY DWELLING), COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) AND COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTH SIDE OF ORANGE CAMP ROAD, BETWEEN GLEN EAGLES SUBDIVISION AND WEST VOLUSIA SHOPPING CENTER; APPROVING A DEVELOPMENT PLAN FOR OAK HILL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.345 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Legal L48989, September 20, 2002 lt.



The News-Journal

Published Daily and Sunday
Daytona Beach, Volusia County, Florida

**State of Florida,
County of Volusia:**

Before the undersigned authority personally appeared

Kathleen Mayes

Who, on oath says that she is

Classified Sales Manager

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida;
that the attached copy of advertisement, being a
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Court was

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September 6, 2002

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Sworn to and subscribed before me

this 6th day of September

A.D. 2002

ANITA MARIE SAUNDERS
Notary Public, State of Florida
My Comm. Exp. Aug. 30, 2003
Comm. No. CC 867646

LEGAL ADVERTISEMENT

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF DELAND, FLORIDA**

NOTICE IS HEREBY GIVEN that there will be a Public Hearing on the following ordinance on Monday, September 16, 2002, at the regular meeting of the DeLand City Commission. The meeting will take place at 7:00 p.m. in the City Commission Chambers, 121 West Rich Avenue, City Hall Annex. All interested parties are invited to attend and be heard on the matter. Any person who appears any decision made by the City Commission with respect to any matter considered at this meeting will need a record of the proceeding and, thus,

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ORDINANCE 2002-22
AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-2 (TWO FAMILY DWELLING), COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) AND COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTH SIDE OF ORANGE CAMP ROAD, BETWEEN GLEN EAGLES SUBDIVISION AND WEST VOLUSIA SHOPPING CENTER, APPROVING A DEVELOPMENT PLAN FOR OAK HILL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.345 ACRES OF PROPERTY, DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
Legal 148633, September 6, 2002 lt.

ORDINANCE NO. 2002 - 22

10/30/2002 12:13
Instrument # 2002-248997
BOOK: 4954
PAGE: 4600

AN ORDINANCE OF THE CITY OF DELAND, FLORIDA, CHANGING THE ZONING FROM R-2 (TWO FAMILY DWELLING), COUNTY R-6 (URBAN TWO-FAMILY RESIDENTIAL) AND COUNTY R-4 (URBAN SINGLE-FAMILY RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) ON DESCRIBED PROPERTY LOCATED AT THE SOUTH SIDE OF ORANGE CAMP ROAD, BETWEEN GLEN EAGLES SUBDIVISION AND WEST VOLUSIA SHOPPING CENTER; APPROVING A DEVELOPMENT PLAN FOR OAK HILL, A RESIDENTIAL PLANNED DEVELOPMENT CONSISTING OF APPROXIMATELY 12.345 ACRES OF PROPERTY; DIRECTING A CHANGE IN THE COMPREHENSIVE ZONING MAP; CONDITIONING FINAL DEVELOPMENT APPROVAL ON A DETERMINATION OF CONCURRENCY; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the owners, Allied Capital Group, Inc. (hereinafter referred to as "Applicant"), own a 12.345 acres parcel of land located at the South side of Orange Camp Road, between Glen Eagles Subdivision and West Volusia Shopping Center, which is more particularly described in the legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, Applicant has applied for a change of zoning from the present zoning classification of R-2, Two Family Dwelling, R-6, Urban Two-Family Residential (County), and R-4, Urban Single-Family Residential (County), to 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 for Oak Hill to encompass all of 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 Medium Density Residential land use designation which: encourages intensified development in outlying or newly developed areas for a variety of residential needs; encourages clustering of new development to promote open space; permits energy and 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 R-2, Two Family Dwelling, R-6, Urban Two-Family Residential (County), and R-4, Urban Single-Family Residential (County), to PD, Planned Development District.

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 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 Oak Hill including the Development Plan Report, Narrative, Maps and other supporting documentation (on file with the City Planning Department), are incorporated herein by reference and 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 final development order within five years from the date of adoption of this Ordinance.

Section 9. 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.

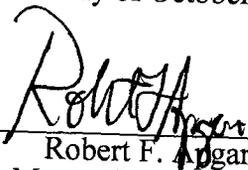
Section 10. No rights to obtain final development orders nor any rights to develop the property have been granted or implied by this Ordinance. Final development orders for the property including, but not limited to, subdivision and site plan approval shall be subject to a determination of concurrency.

Section 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. The effective date of this Ordinance shall be the date of issuance of a certificate of consistency or conditional certificate of consistency by the Volusia Growth Management Commission, and a final order is issued by the Department of Community Affairs or Administration Commission finding the Ordinance in compliance in accordance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this Ordinance may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this Ordinance may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

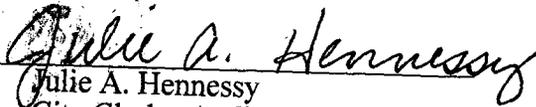
PASSED AND DULY ADOPTED this 7th day of October, 2002.

BOOK: 4954
PAGE: 4602



Robert F. Aggar
Mayor-Commissioner

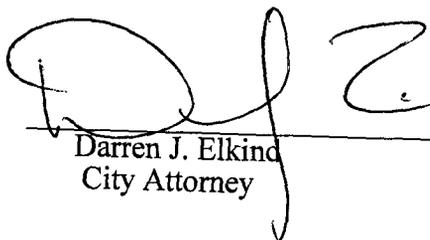
ATTEST:



Julie A. Hennessy
City Clerk - Auditor

Passed on first reading: September 4, 2002
Adopted on second reading: October 7, 2002

APPROVED AS TO FORM AND LEGALITY:



Darren J. Elkind
City Attorney

"Oak Hill PD"

BOOK: 4954
PAGE: 4603
Diane M. Matousek
Volusia County, Clerk of Court

LEGAL DESCRIPTION

The West ½ of the East ½ of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof;

and

The East 84 feet of the West ½ of the Northwest 1/4 of the Northeast 1/4 of Section 33, Township 17 South, Range 30 East, Volusia County, Florida, except the South 267.50 feet thereof; all containing 10.08 acres, more or less; subject to right of way for Orange Camp Road, net 9.794 acres, more or less.

and

The South 267.50 feet of the West ½ of the East ½ of the Northwest 1/4 of the Northeast 1/4 AND the South 267.50 feet of the East 84.0 feet of the West ½ of the Northwest 1/4 of the Northeast 1/4 all in Section 33, Township 17 South, Range 30 East, containing 2.551 acres, more or less.

Total site acreage, 12.345 acres more or less.

Owner: Allied Capital Advisors, Inc.
Mr. Steve Moreira, President