

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA

CITY OF ORMOND BEACH,  
FLORIDA, a municipal corporation.

Case No.:

Plaintiff,

v.

U.S. CAPITAL ALLIANCE, LLC,  
a Florida limited liability company;  
HUNTER'S RIDGE ACQUISITION AND  
DEVELOPMENT, LLC, a Foreign  
limited liability company; and  
FLAGLER COUNTY, a political  
subdivision of the State of Florida.

Defendants.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff, City of Ormond Beach, Florida, hereby files this Complaint for Declaratory and Injunctive Relief against U.S. Capital Alliance, LLC, Hunter's Ridge Acquisition and Development, LLC, and Flagler County, and states as follows:

**Parties, Jurisdiction, and Venue**

1. This is an action for declaratory relief pursuant to Chapter 86, *Florida Statutes*, and for injunctive relief pursuant to Fla. Stat. § 380.11 to enforce the provisions of the Ormond Beach Hunter's Ridge Development of Regional Impact (the "Ormond DRI") and the amount in controversy exceeds \$50,000, exclusive of attorneys' fees and costs.

2. Venue is proper in Volusia County, Florida since the properties at issue herein are located in Volusia County, Florida, the events giving rise to the claims herein arose in Volusia County, Florida, and the claims herein accrued in Volusia County, Florida.

3. Plaintiff, City of Ormond Beach, Florida (the “City”) is a municipal corporation located in Volusia County, Florida, and has exclusive local government jurisdiction over the Ormond DRI.

4. Defendant, U.S. Capital Alliance, LLC (the “Developer”) is a Florida limited liability company that engages in business in Volusia County, Florida.

5. Defendant, Hunter’s Ridge Acquisition and Development, LLC (“HRA&D”) is a foreign limited liability company authorized to do business in Florida, engages in business in Volusia County, Florida, and manages the Developer’s interests within the Ormond DRI.

6. Defendant, Flagler County (the “County”), is a political subdivision of the State of Florida under Article VIII, Section 1(a), of the Florida Constitution.

7. The City has authority to bring this action to enforce its Comprehensive Plan, Land Development Code, and the Ormond DRI pursuant to Fla. Stat. § 380.11(1)(a).

8. This Court has jurisdiction of the matters at issue herein pursuant to Fla. Stat. § 86.011 and Fla. Stat. § 380.11.

9. All conditions precedent to the filing of this action have been performed or have been waived.

### **General Allegations**

10. This case concerns the development of regional impact known as Hunter’s Ridge.

11. On May 28, 1991, the State of Florida Land and Water Adjudicatory Commission (“FLWAC”) issued an Amended Final Order authorizing Hunter’s Ridge development of regional impact to be developed and constructed within the territorial boundaries of Flagler County and the municipal boundaries of the City.

12. The Amended Final Order is recorded at Book 3696, Pages 1640 et. seq. of the Volusia County Public Records. A copy of the Amended Final Order is attached as Exhibit 1.

13. The Amended Final Order recognized that the County and City entered into separate and distinct Joint Stipulations with the developer, and incorporated the respective stipulations into separate development orders for the County and City.

14. The Joint Stipulation between the developer and the County specifically determined that the proposed development for lands situated in the County “is consistent with the Flagler County Comprehensive Plan and all Flagler County land development regulations.”

15. The Joint Stipulation between the developer and the City specifically determined that the proposed development for lands within the City “is consistent with the Ormond Beach Comprehensive Plan and all Ormond Beach land development regulations.”

16. Neither the County nor the City are a party to the other party’s Joint Stipulation/DRI development order because neither party is empowered to exercise legislative or governmental power extra-territorially over land that is situated in the other party’s territorial boundaries.”

17. Thus, there are two separate and distinct development orders for Hunter’s Ridge development of regional impact that recognizes the separation of governmental powers within the respective jurisdictional boundaries of the City and County: one for lands situated within the territorial boundaries of the County over which the County is empowered to exercise legislative and governmental authority, and one for lands situated within the municipal boundaries of the City over which the City is empowered to exercise legislative and governmental authority, i.e., the Flagler DRI and the Ormond DRI.

18. The Hunter's Ridge land that is situated within the municipal limits of the City, and that is subject to the Ormond DRI, is governed by the City's comprehensive plan, zoning, land use, and development regulations.

19. The territorial boundaries of the County are prescribed in Fla. Stat. § 7.18.

20. The territorial boundaries of the City are set forth in section 2.01 of the City Charter.

21. The County and City are authorized to exercise the power of self-governance over lands within their respective boundaries in accordance with Article VIII of the Florida Constitution, and sections 125 and 166, Florida Statutes.

22. Additionally, the County and City are prohibited from exercising powers extra-territorially except as may be allowed by section 4 of the Florida Constitution.

23. The Amended Final Order determined the City to be the local government having jurisdiction over Hunter's Ridge lands within the City and determined that when developed subject to the conditions imposed by the Amended Final Order, the Hunter's Ridge development would be consistent with the City's Comprehensive Land Use Plan and the City's land development regulations.

24. The City's Comprehensive Land Use Plan is the "Constitution" of land use regulations in the City, and all development contrary to the Comprehensive Land Use Plan is illegal. *See Fla. Stat. § 163.3194(1)(a); Rainbow River Conservation, Inc. v. Rainbow River Ranch, LLC*, 189 So. 3d 312, 313 (Fla. 5th DCA 2016) ("The comprehensive plan is similar to a constitution for all future development within the governmental boundary. [citation omitted]. Once a comprehensive plan has been adopted pursuant to Chapter 163, Part II, 'all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan' must be consistent with that plan.").



25. The Amended Final Order constitutes a land development regulation applicable to the Ormond DRI land and the conditions therein are covenants that run, in perpetuity, with the land.

26. Thus, the Hunter's Ridge development must conform with the Amended Final Order that was approved by the FLWAC.

27. The Amended Final Order also incorporated Special Conditions and a Joint Stipulation.

28. The Amended Final Order Special Condition 3.5 and the Joint Stipulation require the Developer to convey conservation lands that are located within the City to the City and the St. Johns River Water Management District ("SJRWMD").

29. Special Condition 3.5 provides:

"The Applicant shall convey the lands enumerated (hereinafter "Conservation Lands") in the Joint Stipulation dated December 6, 1990 (which is attached and incorporated herein as Exhibit B-B) and entered into by and among the Florida Audubon Society, the City of Ormond Beach, Flagler County, and the Applicant, in a manner consistent with said Joint Stipulation."

30. The Joint Stipulation further provides:

"1. The developer removes from development and agrees to convey the lands identified as parcels "A" and "B" on Exhibit A an undivided one half interest in parcels "A" and "B" to the St. Johns River Water Management District and an undivided one half interest to Flagler County for those portions of parcels "A" and "B" located within Flagler County, and an undivided one half interest to the City of Ormond Beach for those portions of Parcels "A" and "B" located within the City of Ormond Beach, subject to the following:

(a) Conveyance of Parcel A shall be by Fee Simple Warranty Deed.

(b) Conveyance of Parcel B shall be by Fee Simple Warranty Deed, reserving to the grantor and its heirs, successors and assigns certain specified timber interests, equestrian use rights, and hunting interests as further specified below."

31. The Developer has conveyed Parcel A of the conservation lands to the City as required by the Amended Final Order.

32. However, the Developer has failed to convey Parcel B to the City in violation of the Amended Final Order.

33. Pursuant to Special Condition 3.5 and the Joint Stipulation, the Developer's obligation to convey Parcel B of the conservation lands to the City, in fee simple, is absolute and without condition.

34. The conservation lands are shown on the Development Phasing Map, attached as Exhibit 2, as Parcel A and Parcel B.

35. The conservation lands have been incorporated in, and are subject to, the City's Comprehensive Land Use Plan and have been given a land use designation of open space/conservation consistent with the Amended Final Order that prohibits development, including the development of roads.

36. The City's Comprehensive Land Use Map showing Parcel B is attached as Exhibit 3.

37. Furthermore, a fire trail commonly referred to as "40 Grade" is situated within the conservation lands located exclusively within the City in Parcel B and outside the legislative jurisdiction of the County.

38. On April 24, 2017, the Developer conveyed to the County a perpetual 60-foot wide public access and road easement from State Road 40 in the City northward to the 40 Grade terminus at Strickland Road/Durrance Lane. A copy of the grant of easement is attached as Exhibit 4.

39. The stated purpose of the easement authorizes the Developer and the County to develop, construct, maintain, repair and use a 60-foot wide public road from State Road 40 in the City northward through the conservation lands and to connect to Strickland/Durrance Lanes in Flagler County in violation of the Ormond DRI, the Amended Final Order, the City's Comprehensive Land Use Plan and land development regulations, and Chapter 380, Florida Statutes.

40. The 40 Grade public road easement prevents the Developer from conveying to the City and SJRWMD fee simple ownership of the conservation lands as required by the Ormond DRI and the Amended Final Order.

41. Special Condition 3.5 and the Joint Stipulation further requires the conservation lands to be used and managed exclusively for the maintenance, preservation, and restoration of native upland and wetland ecosystems that are historically existent on the conservation lands and used for compatible environmental purposes.

42. Any development activities other than limited excavation and filling necessary to restore the natural hydroperiod of the area and limited construction of environmental educational facilities and nature trails are strictly prohibited under Special Condition 3.5 and the Joint Stipulation.

43. Specifically, Special Condition 3.5 and the Joint Stipulation requires the Developer to prepare a hydroperiod restoration plan that is acceptable to the City, the County, and SJRWMD for the hydroperiod restoration of the conservation lands, and to complete the hydroperiod restoration work in accordance with the approved plan.

44. The Developer has failed to provide a hydroperiod restoration plan for Parcel B of the conservation area that has been accepted, and approved by the City, the County, and SJRWMD as required by the Amended Final Order.

45. The City is required by Fla. Stat. § 380.115(1) to enforce the terms and conditions of the Amended Final Order, including the City's Comprehensive Land Use Plan and development regulations.

46. Further, Fla. Stat. § 380.115(1) prohibits the City for issuing any permits or approvals or providing any extensions of services in the Developer fails to act in substantial compliance with the Amended Final Order.

47. The Developer has failed to act in substantial compliance with the Amended Final Order and the City has suffered damages as a result of the Developer's non-compliance and continues to suffer damages as a result of the Developer's non-compliance.

**COUNT I – DECLARATORY RELIEF**  
**(Against the County)**

48. The City realleges paragraphs 1 through 47 as if fully recited herein.

49. The City seeks a declaratory judgment pursuant to Florida Statutes Chapter 86 that the County's 40 Grade easement agreement with the Developer violates the terms of the Amended Final Order, the City's Comprehensive Land Use Plan, and the City's development regulations.

50. The County's *ultra vires* 40 Grade easement agreement is void ad initio and the County had no authority to enter into the 40 Grade easement agreement with the Developer pursuant to Fla. Stat. § 316.002(2).

51. There is a bona fide, actual, and present practical need for a declaration from this Court with regard to the enforceability of the terms of the 40 Grade easement agreement and/or the rights of the City and the County under the Amended Final Order.

52. The declaration requested herein concerns a present, ascertained, or ascertainable state of facts or a present controversy as to a state of facts.

53. An immunity, power, privilege, or right of the City is dependent upon the facts or the law applicable to the facts as to be declared by this Court.

54. The City and County have, or reasonably may have, an actual, present, adverse and antagonistic interest in the determination of the rights and enforceability of the terms of the 40 Grade easement agreement and the City's obligations to enforce the terms of the Amended Final Order against the County.

55. The City has no adequate remedy at law to determine the nature, scope, validity, and enforceability of the rights granted to the City under the Amended Final Order against the County.

WHEREFORE, the City requests a declaratory judgment determining that the 40 Grade easement agreement: (1) is void ad initio, (2) violates the Amended Final Order; (3) violates the City's Comprehensive Land Use Plan and the City's development regulations; (4) violates Fla. Stat. Fla. Stat. § 316.002(2), and (5) requires the imposition of an attorneys' fees and cost award against the County and in favor of the City, and an order granting the City's attorneys' fees and costs of suit pursuant to the Amended Final Order and Florida Statutes.

**COUNT 2 – INJUNCTIVE RELIEF**  
**(Against the Developer and HRA&D)**

56. The City realleges paragraphs 1 through 47 as if fully recited herein.

57. This is an action against the Developer and HRA&D for injunctive relief under the terms of the Amended Final Order and as expressly permitted by Fla. Stat. § 380.11(1)(a).

58. This is an action against the Developer and HRA&D for injunctive relief requiring the Developer and HRA&D to comply with the terms of the Amended Final Order.

59. The City has suffered and continues to suffer irreparable harm as a result of the continuing failures of the Developer and HRA&D to comply with the terms of the Amended Final Order.

60. Absent a permanent injunction against the Developer and HRA&D, the City has no way to prevent the violation of the Amended Final Order by the Developer and HRA&D and their refusal to abide by the Amended Final Order and the Developer and HRA&D would continue to violate the City's rights under the Amended Final Order causing further damage without any remedy.

61. The Developer and HRA&D have violated the Amended Final Order by:

- (a) Failing to convey Parcel B of the conservation lands to the City in fee simple;
- (b) Conveying a 60-foot wide public road easement to the County;
- (c) Authorizing, through the conveyance of the public road easement, the County and the Developer to construct a 60-foot wide public road, including utilities, through the conservation lands located exclusively within the City's jurisdiction;
- (d) Failing to prepare a hydroperiod restoration plan for Parcel B that is acceptable to the City; and
- (e) Failing to complete hydroperiod restoration activities for Parcel B.

62. The City has a clear legal right to the relief requested herein to prevent the Developer and HRA&D from knowingly violating the Amended Final Order.

63. The interests of the public would be served by an injunction to properly delineate the private property rights and enforce the rights and obligations granted under the Amended Final Order.

WHEREFORE, the City demands injunctive relief against the Developer and HRA&D requiring the Developer and HRA&D to: (1) comply with the terms of the Amended Final Order, (2) convey Parcel B of the conservation lands to the City in fee simple, (3) prepare a hydroperiod restoration plan for Parcel B that is acceptable to the City under the terms of the Amended Final Order, (4) complete hydroperiod restoration activities for Parcel B, and (5) award the City attorneys' fees and costs pursuant to the Amended Final Order and Florida Statutes, and for such other relief as is just and equitable.

Dated: October 27, 2023.

/s/ Ryan G. Knight

Clifford B. Shepard, Esquire

Florida Bar No. 508799

Patrick Brackins, Esquire

Florida Bar No. 027520

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*Counsel for City of Ormond Beach*

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NOTICE OF ADOPTION OF DEVELOPMENT ORDER  
PURSUANT TO FLORIDA STATUTES SECTION 380.06(15) (f)

Notice hereby is given, that on May 28, 1991, the State of Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development Approval for the Hunter's Ridge Development of Regional Impact. A certified copy of the Amended Final Order is attached to this Notice. The legal description of the property covered by the Amended Final Order is set forth in Exhibit "A" to the Amended Final Order. The Amended Final Order constitutes a land development regulation applicable to the property and may be examined in the offices of the City of Ormond Beach Planning Department. Pursuant to Florida Statute, §380.06(15) (f), the recording of this Notice shall not constitute a lien, cloud or encumbrance on the property, or actual or constructive notice of any such lien, cloud or encumbrance.

FILED FOR RECORD  
RECORD VERIFIED  
124630

91 OCT -1 AM 9:08  
CLERK OF THE CIRCUIT  
CITY COURT VOLUSIA CO., FL.  
*[Signature]*

Witnessed:

FLORIDA-GEORGIA VENTURE GROUP

*[Signature]*  
*Judith Hansen*

By: *Thomas L. Durrance*  
Thomas L. Durrance,  
Authorized Representative

Sworn to and subscribed before me  
this 26 day of September, 1991.

*[Signature]*  
Notary Public, State of Florida at Large  
My Commission expires:

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES: DEC. 19, 1991.

Exhibit 1



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STATE OF FLORIDA VOLUSIA CO., FL  
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

FLORIDA-GEORGIA VENTURE GROUP, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 CITY OF ORMOND BEACH )  
 )  
 Respondent, )  
 )  
 and )  
 )  
 EAST CENTRAL FLORIDA REGIONAL )  
 PLANNING COUNCIL, FLORIDA )  
 AUDUBON SOCIETY, CITIZENS FOR )  
 ORMOND BEACH, INC. and THE )  
 DEPARTMENT OF COMMUNITY AFFAIRS )  
 )  
 Intervenor, )

CASE NO. 90-3409DRI

NORTHEAST FLORIDA REGIONAL )  
 PLANNING COUNCIL and THE )  
 DEPARTMENT OF COMMUNITY AFFAIRS, )  
 )  
 Petitioners, )  
 )  
 vs. )  
 )  
 FLAGLER COUNTY COMMISSION and )  
 FLORIDA-GEORGIA VENTURE GROUP, )  
 )  
 Respondents, )  
 )  
 and )  
 )  
 FLORIDA AUDUBON SOCIETY and )  
 ANNIE JOHNSON AND THE FLAGLER )  
 CITIZENS FOR AFFORDABLE HOUSING, )  
 )  
 Intervenor. )

CASE NO. 90-3410DRI

AMENDED FINAL ORDER

These consolidated cases came before the Governor and  
Cabinet sitting as the Florida Land and Water Adjudicatory

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Commission on May 28, 1991 for action to be taken with regard to the Recommended Order rendered on March 21, 1991 by the Division of Administrative Hearings and received by the Commission on March 25, 1991. Exceptions to the Recommended Order were filed by the Department of Community Affairs and by the City of Ormond Beach. By a vote of 7 - 0 the Commission authorized the Secretary of the Commission to enter this final order adopting the Recommended Order as the Final Order of the Commission except to the extent inconsistent with this order as stated below.

**ACTION ON THE RECOMMENDED ORDER**

The Commission adopts the Recommended Order (attached) except for Findings of Fact 53 and 59 (rejected for the reasons explained in the rulings on the Department's Exceptions, below,) and Findings of Fact 66, 68 and 69 (rejected by the Commission as irrelevant as a matter of law) and except for the changes made to the Recommended Order in the rulings, below, on the City's Exceptions. Attached to and incorporated into the Recommended Order are two stipulations, one between Florida-Georgia Venture Group (the Developer) and Flagler County and the other between the Developer Venture Group and the City of Ormond Beach. These stipulations, in turn, incorporate stipulations between the Developer and Florida Audubon Society and the Developer and the Department. All of these stipulations together with the Recommended Order<sup>1</sup> are incorporated into this Final Order.

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<sup>1</sup> Except for Findings of Fact 53, 59, 66, 68 and 69 and the changes to the Recommended Order made in the rulings on exceptions.

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DCA's EXCEPTIONS

1. The Department of Community Affairs disputes the existence of competent substantial evidence in the record to support Finding of Fact 48 in the Recommended Order. We accept the finding to mean that solid waste is not an issue for this development in Flagler County because development cannot proceed pursuant to the stipulation with the County unless solid waste capacity is available. As the Department points out, however, the evidence showed that solid waste is an issue generally in the County because its landfill is closing. The exception, therefore, is granted in part, (the evidence establishes that solid waste is an issue in Flagler County), and denied in part, (solid waste is not an issue in this proceeding since development may not proceed without the availability of solid waste capacity.)

2. Finding of Fact 53 is rejected as a matter of law since it is not relevant to the issues in the proceeding. The Exception is GRANTED.

3. Finding of Fact 59 is rejected as a matter of law since it is not relevant to the issues in this proceeding. The Exception is GRANTED.

4. Exception 4 seeks to add to this order a portion of the stipulation between the developer and the Department. The exception is unnecessary since the stipulation is incorporated into the Recommended Order and therefore into this order.

5. Exception 5 also seeks to add a portion of the stipulation between the developer and the Department. Just as with Exception 4 the exception is unnecessary since the stipulation is incorporated into the Recommended Order and therefore into this order.

FINDINGS OF FACT REJECTED BY THE COMMISSION

Upon our own independent review of the Recommended Order we reject Findings of Fact 66, 68 and 69. These findings are not relevant to this proceeding in much the same manner as Findings of Fact 53 and 59 and therefore are rejected as a matter of law.

CITY OF ORMOND BEACH'S EXCEPTIONS

1. Exception 1 requests the reference to Florida-Georgia Exhibit 3 on page 4 line 7 of the Recommended Order be changed to Florida-Georgia Exhibit 7. The developer has no objection to this change. See Responses to City of Ormond Beach Exceptions to Recommended Order served May 21, 1991 (Developer's Response) by the Developer. The Exception is therefore GRANTED.

2. The exceptions contained in Section 2 of the City's Exceptions all relate to findings of fact. The developer has no objection to the following changes to the Recommended Order requested by the City. See Developer's Response. Exceptions 2. a., b., c., d., e., g., h., j., are therefore GRANTED as follows:

- a. Paragraph 5, page 7, Line 3: "109" residential units is changed to "108".
- b. Paragraph 12, Page 8, Line 5: Exhibit 7 is included in the list of cited exhibits.
- c. Paragraph 13, Page 8, Line 9: the reference to "130.00" acres of Single Family Residential is changed to "827.61 acres.

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VOLUSIA CO., FL

d. Paragraph 13, Pages 8, 9, last sentence: The sentence is changed to read: "The total number of dwelling units permitted in the County is 365 multi-family dwelling units and 388 single-family dwelling units, with 849 single-family dwelling units and 100 multi-family dwelling units subject to substantial deviation." See Exhibit F to the Development Order attached to the Stipulation between the County and the Developer.

e. Paragraph 18, Page 10, Line 2: The reference to Florida-Georgia Exhibit 5 is changed to Florida-Georgia Exhibit 7.

g. Paragraphs 35 through 41, inclusive and Paragraph 43, pages 12/13: The references to "Conditions of Approval" means "Development Orders and Conditions of Approval".

h. Paragraph 56, Page 14 is changed to read: "This project will be within an area which will require a new police patrol zone." \*

j. Paragraph 63, Page 15 is changed to read: "The City has adopted the West Ormond Plan to establish a framework for the provision of utilities in the area encompassed by the Plan, which area includes Hunter's Ridge."

Exceptions 2. f., i., k., l., m., n., are DENIED. The City does not carry its burden of showing a lack of competent substantial evidence to support these exceptions to findings of fact in the Recommended Order.

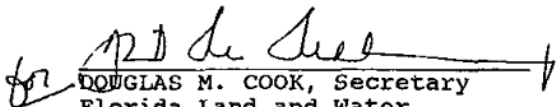
3. and 4. These two sections of the City's Exceptions take issue with Conclusions of Law of the Recommended Order. We do not disagree with the Hearing Officer's conclusions. The Exceptions contained in 3 and 4 are therefore DENIED.

WHEREFORE, pursuant to Section 380.07, Florida Statutes, the Development Order entitled "DECISION AND ORDER GRANTING THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE HUNTER'S RIDGE


DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO CERTAIN CONDITIONS" attached to the Joint Stipulation of Florida-Georgia Venture Group and Flagler County recommended for adoption in the Recommended Order is ADOPTED and the Development Order entitled "DECISION AND ORDER GRANTING THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO CERTAIN CONDITIONS" attached to the Joint Stipulation of Florida-Georgia Venture Group and the City of Ormond Beach recommended for adoption in the Recommended Order is ADOPTED.

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DONE and ORDERED this 28<sup>th</sup> day of MAY, 1991.

  
DOUGLAS M. COOK, Secretary  
Florida Land and Water  
Adjudicatory Commission  
Office of the Governor  
The Capitol  
Tallahassee, Florida 32399  
(904) 488-7734

FILED with the Clerk of the Florida Land and Water Adjudicatory Commission this 30<sup>th</sup> day of May 1991.

  
KELLY A. TUCKER  
Florida Land and Water  
Adjudicatory Commission

Any party to this order has the right to seek judicial review of the order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Commission, Office of Planning and Budgeting, Executive Office of the Governor, Room 412 Carlton Building, 501 South Gadsden Street, Tallahassee, Florida 32399-0001; and by filing a copy of the Notice of Appeal, accompanied with the applicable filing fees, with the appropriate District Court of Appeal. Notice of Appeal must be filed within 30 days of the day this order is filed with the Clerk of the Commission.

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*Jeresa B. Jinker*  
for DOUGLAS M. COOK, Secretary  
Florida Land and Water  
Adjudicatory Commission

I HEREBY CERTIFY that this is a true and correct copy.

*Patricia P. McCray*  
Clerk, Florida Land and Water  
Adjudicatory Commission

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the following parties by U.S. Mail this 30th day of May 1991.

for Jessie B. Aiken  
DOUGLAS M. COOK, Secretary  
Florida Land and Water  
Adjudicatory Commission

J. Doyle Tumbleson, Esquire  
Kinsey Vincent Pyle Professional  
Association  
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Fred Disselkoen, Jr., Esquire  
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Timothy Keyser, Esquire  
Post Office Box 92  
Interlachen, Florida 32148

Charles Lee, Sr. Vice President  
Florida Audubon Society  
1011 Audubon Way  
Maitland, Florida 32751



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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA-GEORGIA VENTURE GROUP,

Petitioner,

vs.

CITY OF ORMOND BEACH,

CASE NO. 90-3409DRI

Respondent,

and

EAST CENTRAL FLORIDA REGIONAL  
PLANNING COUNCIL, et al.,

Intervenors.

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NORTHEAST FLORIDA REGIONAL  
PLANNING COUNCIL, et al

Petitioners,

vs.

FLAGLER COUNTY COMMISSION, et al.,

CASE NO. 90-3410DRI

Respondents,

and

FLORIDA AUDUBON SOCIETY, et al.,

Intervenors.

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JOINT STIPULATION  
OF  
FLORIDA-GEORGIA VENTURE GROUP and the CITY OF ORMOND BEACH

The FLORIDA-GEORGIA VENTURE GROUP (Fla-Ga) and the CITY OF ORMOND BEACH hereby stipulate that if the hearing officer in this proceeding rules in favor of Fla-Ga, the attached,

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proposed Decision and Order Granting the Application for Development Approval for the Hunter's Ridge Development of Regional Impact, Subject to Certain Conditions, is appropriate for the Hunter's Ridge DRI as submitted by Fla-Ga at the administrative hearing in this matter, is consistent with the Ormond Beach Comprehensive Plan and all Ormond Beach land development regulations, and is in compliance with the provisions of Chapter 380, Florida Statutes, and with all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes.

By executing this Joint Stipulation, the City shall not be deemed as having waived any right to recommend denial of the project as a whole, or to take exception to any recommended order which may be submitted to FLWAC.

KINSEY VINCENT PYLE, PA

By: 

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(904) 252-1561  
Attorneys for Petitioner,  
Florida-Georgia Venture Group

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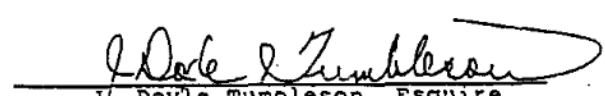
CITY OF ORMOND BEACH

By: 

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Ormond Beach, Fl. 32175-0277  
(904) 676-3217  
Attorney for City of Ormond  
Beach

CERTIFICATE OF SERVICE

I HEREBY CERTIFY—that a true and correct copy of the foregoing has been furnished to the parties listed on the attached Service List, by U.S. mail this 14 day of December, 1990.

  
J. Doyle Tumbleson, Esquire

LIT/158

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Ormond Beach, Fl. 32175-0277

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RECEIVED  
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DIVISION OF  
ADMINISTRATIVE  
HEARINGS

STATE OF FLORIDA  
LAND AND WATER ADJUDICATORY COMMISSION

IN RE: RESOLUTION 90-20 ISSUED BY  
THE CITY OF ORMOND BEACH, FLORIDA,  
DENYING A DEVELOPMENT OF REGIONAL  
IMPACT KNOWN AS HUNTER'S RIDGE

CASE NO. APP-90-012  
(DOAH CASE NO. 90-3409 DRI)

DECISION AND ORDER GRANTING THE APPLICATION  
FOR DEVELOPMENT APPROVAL FOR THE HUNTER'S  
RIDGE DEVELOPMENT OF REGIONAL IMPACT,  
SUBJECT TO CERTAIN CONDITIONS

WHEREAS, on January 26, 1988, a preapplication conference was held regarding a Development of Regional Impact (DRI) and was attended by representatives of Florida-Georgia Venture Group (Applicant) and representatives of East Central Florida Regional Planning Council; Department of Environmental Regulation (DER); St. John's River Water Management District (SJRWMD); Florida Game and Fresh Water Fish Commission (FGFWFC); Flagler County, Florida (County); and the City of Ormond Beach, Florida (City); and,

WHEREAS, the project lies within the jurisdiction of two regional planning councils (Northeast Florida Regional Planning Council and East Central Florida Regional Planning Council) and has undergone concurrent review (Note: Unless indicated otherwise, the designation "RPC" is intended to refer to East Central Florida Regional Planning Council); and

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WHEREAS, on October 18, 1988, Applicant submitted to the City and the RPCs an Application for Development Approval (ADA) for a DRI known as "Hunter's Ridge", in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on January 17, 1989 and March 16, 1989, Applicant responded to sufficiency requests from the RPCs for additional information by filing sufficiency responses which supplement the DRI/ADA; (Note: At the Administrative Hearing conducted by the Division of Administrative Hearings, the applicant amended the DRI/ADA to reduce the size of the project and to reallocate land uses, densities, and other components of the project. All exhibits to this Order have been modified to reflect the revised project. Except with respect to matters occurring prior to the Administrative Hearing conducted in this matter by DOAH, the designation "DRI/ADA" is intended to refer to the revised project and related exhibits and documents.); and

WHEREAS, Hunter's Ridge, as proposed in the DRI/ADA, is a planned unit development located on approximately 1,237 acres in the City of Ormond Beach, of which 327 acres will be preserved as a conservation area. The portion of the property to be developed is approximately 910 acres, consisting of 982 residential units, of which 109 residential units were approved by the Florida Department of Community Affairs (DCA) under a Preliminary Development Agreement (PDA), and commercial, recreational, and other uses; and

WHEREAS, the DRI/ADA also constitutes Applicant's application for planned unit development approval; and

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WHEREAS, pursuant to Sections 380.031 and 380.06, Florida Statutes, the City Commission of the City of Ormond Beach, Florida, (City), as the local government having jurisdiction, is authorized and required by law to consider the Hunter's Ridge DRI/ADA; and

WHEREAS, the East Central Florida Regional Planning Council did hold a public hearing on June 21, 1989, and did adopt the DRI/ADA subject to a series of conditions which have been received and reviewed by the City; and

WHEREAS, the City received and reviewed the comments and recommendations of its staff, which recommended approval of the DRI/ADA subject to the conditions adopted by the RPC as amended; and,

WHEREAS, pursuant to Section 380.06, Florida Statutes, notice of a public hearing on the DRI/ADA was published on June 15, 1989, in the Daytona Beach News Journal and was provided to the DCA, the RPC and other persons designated by DCA rules; and

WHEREAS, the City held a public hearing on August 15, 1989, which was continued to September 5, 1989, to September 19, 1989, to October 3, 1989, to October 17, 1989, and to January 30, 1990, on the Development Order and Agreement for the DRI/ADA at which all parties were afforded the opportunity to present evidence and argument on all issues, and any member of the general public requesting to do so was given an opportunity to present written or oral information; and

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WHEREAS, The DRI/ADA and the conditions of approval are consistent with all elements of the transmittal draft of the Comprehensive Plan of the City of Ormond Beach as adopted by Resolution 89-257 on December 13, 1989, and with the existing Comprehensive Plan now in effect; and

WHEREAS, the City at its public hearings fully considered the DRI/ADA, the conditions of approval, the City of Ormond Beach Comprehensive Plan, the report of the RPC, the City staff recommendations and the evidence of record presented at the public hearings, and was otherwise fully advised in the premises; and

WHEREAS, on January 30, 1990, the City adopted Resolution 90-20 denying the DRI/ADA for the portion of the Hunter's Ridge Development of Regional Impact located within the City; and

WHEREAS, the Applicant, pursuant to Section 380.07, Florida Statutes and Rules 42-2.002 through 42-2.011, Florida Administrative Code, timely filed a Notice of Appeal and Petition for Administrative Hearing with the State of Florida Land and Water Adjudicatory Commission (the "Commission"), whereby the applicant appealed the denial of approval by the City; and



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WHEREAS, this cause came before the Commission on May 22, 1990, for consideration of the appeal and the Petition for Administrative Hearing, and the Commission ordered that this matter be forwarded to the Division of Administrative Hearing for assignment of a hearing officer and further proceedings; and

WHEREAS, the Department of Administrative Hearings has concluded its proceedings in this matter and transmitted a recommended order to the Commission.

I. NOW, THEREFORE, THE COMMISSION MAKES THE FOLLOWING FINDINGS OF FACT:

1. The Applicant is Florida-Georgia Venture Group, 402 Clifton Avenue, Holly Hill, Florida 32117, and its authorized agent is Thomas L. Durrance, Managing Partner, 402 Clifton Avenue, Holly Hill, Florida 32117, (904) [REDACTED] Applicant may designate a substitute authorized agent by delivering written notice of the substitution to the City.

2. The legal description of the property comprising the proposed Hunter's Ridge DRI is contained in the attached Exhibit A.

3. When developed in accordance with the conditions imposed by this development order, the Hunter's Ridge DRI:

a. will not have a significant negative impact on the environment and natural and historical resources of the region;

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b. will have a favorable economic impact on the economy of the region by providing new employment and businesses for the residents of the region;

c. will efficiently use water, sewer, solid waste disposal, public school facilities, and other necessary public facilities;

d. will efficiently use public transportation facilities;

e. will favorably affect the ability of people to find adequate housing, reasonably accessible to their places of employment; and

f. will not create an unreasonable additional demand for, or additional use of, energy and complies with other criteria for determining state and regional impacts as the RPC and DCA have deemed appropriate.

4. The proposed Hunter's Ridge DRI is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

II. THE COMMISSION ADOPTS THE FOLLOWING CONCLUSIONS OF LAW:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes, and all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes, have occurred.

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2. The proposed development does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area. ~~XXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

3. The proposed Hunter's Ridge DRI and planned unit development, when developed subject to the conditions imposed by this development order, will be consistent with the City of Ormond Beach Comprehensive Plan and with local land development regulations.

4. The proposed development is in all material respects consistent with the report and recommendations of the RPC submitted pursuant to Section 380.06 (12), Florida Statutes, which have been incorporated in this development order. All modifications or additions to the report and recommendations of the RPC deal with issues of local concern and not of regional concern and will reduce anticipated adverse local or regional impacts of the project.

5. The proposed development is in all material respects consistent with all elements of the Comprehensive Plan of the City of Ormond Beach.

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III. BASED UPON THE FOREGOING THE COMMISSION HEREBY ORDERS  
AS FOLLOWS:

1. The DRI/ADA and planned unit development for the Hunter's Ridge DRI hereby are approved subject to the special conditions of development contained in the attached Exhibit B.

2. This development order, together with all exhibits hereto, constitutes the development order pursuant to Section 380.06, Florida Statutes, for the Hunter's Ridge DRI. The DRI/ADA and sufficiency responses filed by the Applicant are incorporated herein by reference, and the proposed development shall be carried out substantially in conformance with the DRI/ADA, except to the extent that the DRI/ADA and the sufficiency responses are inconsistent with the other terms and conditions of this development order. The ADA and sufficiency responses are amended by any inconsistent terms of this development order.

3. The development of the Hunter's Ridge Development of Regional Impact hereby is authorized and approved consistent with this order and the attached exhibits, and subject to the conditions set forth herein and in the attached exhibits.

4. The City Planning Director is designated as the local official responsible for receiving and monitoring the annual reports. The procedures for review of Planned Unit Developments under the City's land development regulations, including R-S Zoning District classification and the Subdivision Regulations, Flood Damage Control, Wetland

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Protection, and Tree Protection and Landscaping Ordinances shall be followed to facilitate compliance and monitoring by the City Planning Director. The provisions of Section 380.06(17), Florida Statutes, shall apply to this development order.

5. This development order shall take effect upon adoption and shall remain in effect for the duration of the development as described in the DRI/ADA and as provided in paragraph III.8. below. The effective date of this development order may be extended by the City upon a showing by the Applicant of excusable delay. In no event shall the effective date of the development order be extended by five or more years, except as provided by Section 380.06(19)(C), Florida Statutes.

6. Pursuant to Section 380.06(18), Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, as amended from time to time, Applicant shall provide an annual monitoring report relating to its activities to the City Planning Director, the RPC, and the DCA on July 1 of each year during the term of this development order, commencing on July 1, 1992. The annual report shall contain all information required by the applicable statutes and regulations, but at a minimum, the following information:

a. A description of any proposed changes to be made in the proposed plan of development, phasing, or in the representations contained in the ADA since the DRI received approval, and any actions (substantial deviation or

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non-substantial deviation determinations) taken by local government to address these proposed changes.

b. A summary comparison of development activity proposed and actually conducted during the preceding calendar year, and projected for the ensuing calendar year, to include: site improvements; dwelling units constructed; gross floor area constructed by land use type; location; and phases with appropriate maps.

c. An identification by location, size, and buyer of any undeveloped tracts of land in the development that have been sold to a separate entity or developers (other than individual single family lots), with map(s) which show the parcel(s) or sub-parcel(s) involved.

d. A description of any lands purchased, leased or optioned by the Applicant adjacent to the original DRI site subsequent to issuance of the development order. Such land, its size, and intended use shall be identified on a site plan and map.

e. An assessment of the Applicant's and the City's compliance with conditions of approval contained in the development order and the commitments which are contained in the ADA and which have been identified by the City, the RPC, or the DCA as being significant.

f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year.

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g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued.

h. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Applicant pursuant to subsection 380.06(15)(f)1, Florida Statutes.

i. A listing of any significant local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period, and specifying the agency, type of permit, parcel, location(s), and activity for each.

j. A description of any moratorium on development imposed by a regulatory agency specifying the type of moratorium, duration, cause, and remedy.

k. A synopsis of the operating parameters of the potable water, wastewater, and solid waste facilities serving the development area for the preceding year. A copy of any site or quality/quantity analysis performed by the regulatory agencies shall be included where available, along with any violation notices or enforcement action.

l. A listing as required by the RPC of the deed restrictions and/or covenants that were in place for the preceding year.

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m. A description of specific construction plans, design criteria, and planting and maintenance programs for the stormwater treatment system prepared and submitted at the time of permitting review.

n. A description of any changes to the previously reported stormwater plans, design criteria, or planting and maintenance programs.

o. Copies of all regulatory permits issued for work within wetlands.

p. Copies of monitoring reports completed during the previous year on the created wetlands and stormwater/wetland systems.

q. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Office in Deland, as well as to the City of Ormond Beach, Volusia County, the RPC, and to DCA. The first traffic report shall be due at the time of the first annual report, and shall be provided annually until project buildout, unless more frequently specified by the RPC, the City, or the County. The timing of recommended traffic improvements will be based on the information contained in traffic monitoring reports. The following information shall be included:

(1) A description of current development by land use, type, location, and amount of commercial and light industrial square footage, along with the proposed construction schedule for the ensuing 12 month period, and appropriate maps.



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(2) A description of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Applicant or specified governmental entities to adequately accommodate the total existing and anticipated traffic demands.

r. A table showing the acreage of the Florida Land Use and Cover Classification System (FLUCCS) categories impacted, preserved, or reserved by the development as of the date of the report.

s. A synopsis of the irrigation systems that have been implemented within the project during the period for which the report is filed, with a chart showing the types of irrigation systems, areas (acreage) served, parties responsible for maintenance, and estimated gallons per year used by water source.

t. A statement certifying that the RPC, the DCA, the City, and all affected agencies have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes.

7. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of

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the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order. If the City is a party in any judicial or administrative proceeding to enforce this development order, the Applicant or its successor shall pay the City, if the City prevails, its reasonable attorney's fees and costs of such action. The City shall assist the Applicant in recovering its or the City's attorneys fees and costs from other parties when such fees and costs are authorized by law or contract. The venue for enforcement of this Development Order shall be the Circuit Court of Volusia City, Florida.

8. The Applicant shall commence physical development of the DRI within 5 years from the date of recordation of notice of this development order, and shall complete such development within 20 years thereafter, unless extended by the City. The development order shall terminate as of such completion of development. The commencement and completion dates shall be tolled during any period that the Applicant is prevented from commencing or performing physical development due to state or federal license requirements, moratoria, or judicial or administrative delays beyond the control of the Applicant. Any such tolling shall be subject to Section 380.06(19)(c), Florida Statutes.

9. Unless otherwise stated, the Applicant is responsible for the ongoing maintenance of capital facilities or systems

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described in the special conditions of this development order, and will remain so after the order terminates. However, the Applicant may transfer such responsibilities to City-approved private or governmental entities which assume such responsibilities, provided any such private entity presents reasonably sufficient indicia of solvency and permanence to qualify for this purpose.

10. The Applicant will be responsible for the costs of implementing this Development Order.

11. The ADA, the Hunter's Ridge sufficiency responses and the additional information submitted in writing to the RPC and the City by the Applicant during the review period between October, 1988, and March 16, 1989, are hereby made part of this development order.

12. Copies of all permit applications associated with the Hunter's Ridge DRI shall be submitted to the RPC, for informational purposes, simultaneously with submittal to the appropriate agencies.

13. In the event that any portion or section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this development order shall remain in full force and effect, if the remaining portions are consistent with the City of Ormond Beach Comprehensive Plan and Development regulations and the requirements of State regulatory agencies.

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14. During its term, this development order constitutes a land development regulation applicable to the property described in Exhibit A and shall run with the land. The term "Applicant" shall include Florida-Georgia Venture Group and its successors-in-interest who perform development activity on the property.

15. Any proposed change to the development approved by this development order which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the RPC, shall constitute a substantial deviation and shall cause the development to be subject to further development of regional impact review pursuant to Chapter 380, Florida Statutes.

16. Notice of the adoption of this development order resolution, with a certified copy of this resolution, shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes. The notice of adoption of this development order shall include a legal description of the property covered by this development order, shall state the unit of government which adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall <sup>not</sup> constitute a

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lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance.

17. Local ordinances cited in this development order are incorporated herein by reference.

18. Unless otherwise specified herein, the codes, ordinances, statutes and rules cited in and relied upon in this development order shall be those in effect on the effective date of this development order. Applicant has elected to be bound by the rules adopted pursuant to Chapters 407 and 373, Florida Statutes, in effect at the date of the development order, in accordance with Section 380.06(5)(c), Florida Statutes.

19. Notices required by this development order between the Applicant and the City shall be by certified mail, return receipt requested, and shall be effective upon receipt.

20. The Commission shall transmit a certified copy of this development order by certified mail to the City, the DCA, the RPC, and the Applicant.

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

Paul R. Bradshaw, Secretary  
FLORIDA LAND AND WATER ADJUDICATORY  
COMMISSION

RE:433

HUNTER'S RIDGE  
PORTION IN ORMOND BEACH, FLORIDA

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VOLUSIA CO., FL

A PORTION OF SECTIONS 27, 28 AND 29, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF SAID SECTION 27, RUN ON AN ASSUMED BEARING OF SOUTH 87 DEGREES 43 MINUTES 21 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 27, BEING THE BEARING BASIS OF THIS DESCRIPTION, A DISTANCE OF 2633.52 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 27; THENCE SOUTH 88 DEGREES 20 MINUTES 11 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 2658.27 FEET TO THE NORTHWEST CORNER OF SAID SECTION 27; THENCE SOUTH 87 DEGREES 27 MINUTES 06 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28 A DISTANCE OF 2645.11 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 28; THENCE SOUTH 87 DEGREES 26 MINUTES 15 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28 A DISTANCE OF 1230.47 FEET TO A POINT ON A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1953.34 FEET, A CENTRAL ANGLE OF 29 DEGREES 13 MINUTES 52 SECONDS, AND A CHORD BEARING OF SOUTH 01 DEGREES 50 MINUTES 20 SECONDS EAST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 996.55 FEET; THENCE SOUTH 16 DEGREES 27 MINUTES 16 SECONDS EAST A DISTANCE OF 250.43 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF S.R. 40, A 200 FOOT RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY LINE, RUN NORTH 66 DEGREES 18 MINUTES 14 SECONDS EAST A DISTANCE OF 608.85 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 1978.08 FEET AND A CENTRAL ANGLE OF 64 DEGREES 41 MINUTES 53 SECONDS; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 2233.64 FEET; THENCE SOUTH 48 DEGREES 59 MINUTES 52 SECONDS EAST A DISTANCE OF 2292.89 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 1842.08 FEET, A CENTRAL ANGLE OF 21 DEGREES 32 MINUTES 09 SECONDS AND A CHORD BEARING OF SOUTH 59 DEGREES 45 MINUTES 57 SECONDS EAST; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 692.38 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN NORTH 64 DEGREES 58 MINUTES 45 SECONDS EAST ALONG THE NORTHERLY EDGE OF OLD TOMOKA ROAD A DISTANCE OF 454.89 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 26 DEGREES 37 MINUTES 35 SECONDS; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND THE NORTHERLY EDGE OF OLD TOMOKA ROAD A DISTANCE OF 197.51 FEET; THENCE ALONG THE NORTHERLY EDGE OF SAID OLD TOMOKA ROAD, RUN SOUTH 88 DEGREES 23 MINUTES 39 SECONDS EAST A DISTANCE OF 1894.05 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2531.58 FEET, A CENTRAL ANGLE OF 07 DEGREES 57 MINUTES 50 SECONDS, AND A CHORD BEARING OF SOUTH 84 DEGREES 24 MINUTES 44 SECONDS EAST; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 351.88 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 27; THENCE NORTH 01 DEGREES 23 MINUTES 08 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 667.34 FEET; THENCE NORTH 88 DEGREES 11 MINUTES 00 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 27 A DISTANCE OF 1322.59 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 27; THENCE NORTH 01 DEGREE 31 MINUTES 25 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 27 A DISTANCE OF 2651.68 FEET TO THE POINT OF BEGINNING.

VALID WITH  
SIGNATURE &  
EMBOSSED SEAL  
ONLY

EXHIBIT "A"

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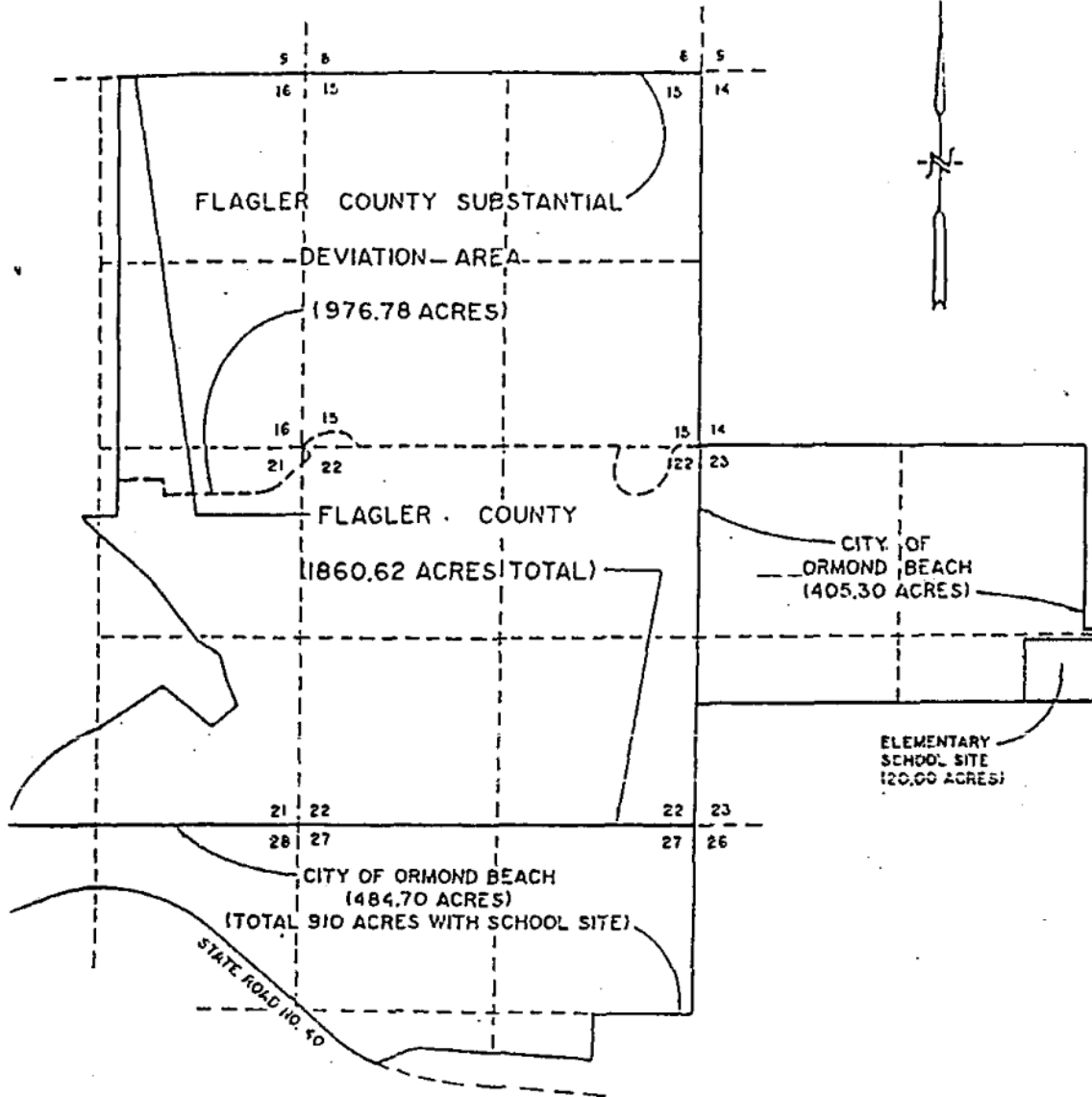
TOGETHER WITH A PORTION OF SECTION 23, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS; FROM THE NORTHEAST CORNER OF SAID SECTION 27 RUN NORTH 01 DEGREES 47 MINUTES 18 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 1706.59 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID LINE, RUN NORTH 87 DEGREES 28 MINUTES 40 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23 A DISTANCE OF 4319.06 FEET; THENCE NORTH 01 DEGREES 53 MINUTES 26 SECONDS WEST A DISTANCE OF 900.47 FEET; THENCE NORTH 87 DEGREES 41 MINUTES 20 SECONDS EAST A DISTANCE OF 969.34 FEET TO THE EAST LINE OF SAID SECTION 23; THENCE NORTH 01 DEGREE 53 MINUTES 26 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 23 A DISTANCE OF 30.00 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 23; THENCE NORTH 01 DEGREE 56 MINUTES 28 SECONDS WEST ALONG THE EAST LINE OF SAID SECTION 23 A DISTANCE OF 119.25 FEET; THENCE DEPARTING SAID LINE, RUN SOUTH 88 DEGREES 19 MINUTES 45 SECONDS WEST A DISTANCE OF 157.43 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 28 SECONDS WEST A DISTANCE OF 2515.40 FEET TO THE NORTH LINE OF SAID SECTION 23; THENCE SOUTH 87 DEGREES 52 MINUTES 19 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 23 A DISTANCE OF 2482.04 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 23; THENCE SOUTH 87 DEGREES 52 MINUTES 21 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 23 A DISTANCE OF 2639.94 FEET TO THE NORTHWEST CORNER OF SAID SECTION 23; THENCE SOUTH 01 DEGREE 47 MINUTES 18 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 2652.93 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 23; THENCE SOUTH 01 DEGREE 47 MINUTES 18 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 946.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 890.0 ACRES.

TOGETHER WITH THE PROPOSED ELEMENTARY SCHOOL SITE IN SECTION 23, TOWNSHIP 14 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE EAST 1/4 CORNER OF SAID SECTION 23 RUN SOUTH 01 DEGREE 53 MINUTES 26 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 23 A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 DEGREE 53 MINUTES 26 SECONDS EAST ALONG SAID EAST LINE A DISTANCE OF 896.90 FEET; DEPARTING SAID EAST LINE, RUN SOUTH 87 DEGREES 28 MINUTES 40 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, A DISTANCE OF 969.37 FEET; THENCE NORTH 01 DEGREE 53 MINUTES 26 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID SECTION 23 A DISTANCE OF 900.47 FEET; THENCE NORTH 87 DEGREES 41 MINUTES 20 SECONDS EAST A DISTANCE OF 969.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.0 ACRES.

PREPARED BY SLIGER AND ASSOCIATES, INC. (90-3985).



LOCATION SKETCH ONLY  
NOT A BOUNDARY SURVEY



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SPECIAL CONDITIONS

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NOTE: Citations to the RPC list of Applicant commitments  
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SPECIAL CONDITIONS

1.0 AIR QUALITY      (RPC # 42, 43, 44, 45)

GOAL: To maintain a standard of high air quality.

The Applicant shall conduct construction activities in a manner which will reasonably protect the air quality on the project site. Additionally, the following air quality standards shall apply during buildout of the project:

1.1 Air modeling shall be accomplished using guidelines for indirect sources adopted by the FDER or, if none are adopted, using a methodology to be agreed upon by the City of Ormond Beach, Flagler County, Volusia County, the FDER, and the East Central Florida Regional Planning Council.

1.2 If the air modeling specified above results in any predictions of one hour or eight hour carbon monoxide (CO) concentrations at or above the Federal and State Standards, then ambient air monitoring for CO will be conducted at an appropriate location(s) to be determined by the City of Ormond Beach, Flagler County, Volusia County, FDER and the East Central Florida Regional Planning council. This monitoring will meet all applicable State and Federal standards for CO monitoring including season, location, duration, instrumentation, quality control and quality assurance.

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1.3 Should the air monitoring specified above indicate that a violation of Florida Ambient Air Quality (FAAQ) standards has occurred, and the modeling indicates that ten percent or more of the CO is attributable to project traffic, then the Applicant shall pursue one or any combination of the following until modeling indicates that the FAAQS will be achieved:

- - not commence the next development or monitoring phase as described in condition 1.4 below,
- - participate in cost-sharing of roadway improvements,
- - implement an active Transportation Systems Management (TSM) program.

1.4 Should the traffic modeling/monitoring specified in Condition 11.7 indicate that the traffic study presented in the ADA has underpredicted traffic volumes by fifteen percent or more at any adversely impacted intersection where the project contributes a significant amount of traffic, then another air quality modeling study of CO shall be performed at these intersections by the Applicant with results furnished to the City of Ormond Beach, Volusia County, Flagler County, the Florida Department of Environmental Regulation and the East Central Florida Regional Planning Council.

1.5 The Applicant shall comply with all existing and future Ormond Beach and Volusia County Codes and ordinances related to preservation of air quality.

2.0 LAND RESOURCES (RPC #22, 27, 30)

GOAL: Protect and preserve land resources.

The Applicant shall develop the project and conduct construction activities in a manner to reasonably best utilize and prevent adverse impacts on the land resources. Accordingly, the following standards and practices shall apply:

2.1 The project's site design shall be based on the official FEMA Flood Insurance Rate Maps (FIRM) unless the following exceptions become applicable:

A. FEMA approval of flood boundary modifications to resolve inconsistencies between the Volusia and Flagler County maps; and

B. Prior to any development beyond that approved in the Preliminary Development Agreement, the HEC II analysis shall be provided to the satisfaction of Flagler County and the City of Ormond Beach. At a minimum, the analysis must include consideration of an established, appropriate, known base-flood elevation, such as, at the confluence of the Little Tomoka and Tomoka Rivers, or other historically documented gauging station within the downstream watershed, agreeable to Flagler County and the City of Ormond Beach. The analysis shall also include all contributing on-site and

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off-site watersheds including swales, ditches, and connecting wetlands including Hull Swamp, as well as Hull Creek and the Little Tomoka River. The new analysis shall be based on one foot contours.

The assumptions and results of this new analysis will be submitted to FEMA for review and consideration prior to acceptance of a new 100-year floodplain designation.

The development of Hunters Ridge will be based on the results of the new floodplain analysis as it relates to Development Order conditions or local government ordinances tied to this issue. The results of this analysis shall be submitted to Flagler County, the City of Ormond Beach, Volusia County, FEMA, the NEFRPC and the ECFRPC. If the results of this analysis indicate the existence of wetlands not originally indicated in the Application for Development Approval, the local government with jurisdiction may, at its discretion, reduce the residential density of the project.

2.2 In addition to the foregoing, the project site design shall be based on the following requirements:

A. The Applicant shall comply with all Ormond Beach Subdivision and Surface Water Management Control and Wetland Protection Ordinances for that portion of the project in Ormond Beach. The developer will prepare a LOMR based upon 1' contour intervals and will establish base flood elevations for the total site, including all on-site floodplains whether

connected to Hull Creek or isolated. The revised analysis and LOMR application and mapping shall be reviewed by a qualified professional prior to City's acceptance for transmittal to FEMA. Once a LOMR is approved, this flood mapping shall serve as the basis for final holding capacity calculations to determine project densities. No local government development permits, (i.e., subdivision plat or building permit, except as provided for in the PDA) shall be issued for this project until the approved LOMR outlined above is provided to the City of Ormond Beach.

B. The Applicant, at Applicant's expense, shall be responsible for establishing the limits of the 100-year Flood Zones and certain elevations therein. Such studies shall be reviewed by the City Engineer prior to its submittal to FEMA.

C. The minimum finished occupied floor elevation shall not be less than 2 feet above the limits of the 100-year Flood Zone as established pursuant to the procedures set for above, or 2 feet above the crown of the road, whichever is greater.

2.3 The Applicant shall be responsible for implementing measures identified in the DRI/ADA Submittal documents prior to and during construction activities on the project site to ensure that sedimentation and/or erosion problems are not created in receiving wetlands or other water bodies.

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2.4 Grassed/vegetated swales, other at-source stormwater treatment practices and other suitable mechanisms shall be employed to the greatest practicable extent in order to provide pretreatment of stormwater runoff prior to its discharge into the stormwater retention/detention ponds.

2.5 Oaks or other hardwood plant species, shall be planted and maintained in buffers and common areas to enhance the quality of wildlife habitat on the project.

2.6 The Applicant shall comply with all Ormond Beach land development regulations, including the City's Tree Protection and Landscaping Ordinances for that portion of the project within the City.

2.7 All wetlands shall be identified and dedicated to an appropriate public agency or HOA with appropriate conditions and covenants and a conservation easement providing for City enforcements if necessary for protection before the recording of a plat for the land area containing the wetland.

### 3.0 VEGETATION AND WILDLIFE (RPC #4,5,7,8,9,10,28,29,35 and 56)

GOAL: Protect and preserve wildlife, hardwood trees and other vegetation.

The Applicant shall develop the project and conduct such construction activities as approved by the City of Ormond Beach in a manner to maximize protection of natural vegetation, wetland areas and wildlife on the project site.

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3.1 To minimize dependence on ground irrigation and to promote retention of wildlife habitat, native hardwood vegetation shall be utilized in landscaping to the maximum extent possible. Ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state (at least fifty percent of the required open space) to the greatest extent possible.

3.2 Oaks or similar hardwood plant species shall be planted and maintained in buffers and common areas to enhance the quality of wildlife habitat on the project.

3.3 The Applicant shall comply with the City's land development regulations, including but not limited to, the tree preservation and landscaping ordinances.

3.4 Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the State or Federal governments in contravention of applicable State or Federal laws. Should such endangered, threatened or species of special concern be determined to be residing on, or be otherwise significantly dependent upon the project site, the developer shall cease all activities and immediately notify both the Florida Game and Fresh Water Fish Commission, and the United States Fish and Wildlife Service and the development shall undergo substantial deviation review in order to proceed to develop. Proper protection and habitat management, to the satisfaction of all applicable agencies, shall be provided by the developer.



"Harming" and "Harassment" as used in this recommendation shall be defined in the same manner as "Harm" and "Harass" respectively are defined in 50 CFR Section 17.3.

3.5 The Applicant shall convey the lands enumerated (hereafter "Conservation Lands") in the Joint Stipulation dated December 6, 1990, (which is attached and incorporated herein as Exhibit B-B) and entered into by and among the Florida Audubon Society, the City of Ormond Beach, Flagler County, and the Applicant, in a manner consistent with said Joint Stipulation.

A. The Conservation Lands shall be used and managed exclusively for the maintenance, preservation, and restoration of the native upland and wetland ecosystems historically existent on the Conservation Lands and used for compatible environmental educational activities (hiking, birdwatching, nature study, fishing, and like activities that do not require the construction of facilities otherwise prohibited by a conservation easement).

B. Any development activities, waste disposal, excavation, filling, well drilling, construction, (other than the excavation and filling necessary to restore the natural hydroperiod of the area and limited construction of environmental educational facilities such as nature trails and boardwalks) shall be strictly prohibited.

C. The use, or possession, of off road vehicles, such as all terrain vehicles, swamp or dune buggies, by members of the public will be strictly prohibited on the Conservation Lands.

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D. The hunting rights to the Conservation Lands shall be retained by the Applicant, its successors and assigns, for deer and feral hogs only. Otherwise, hunting shall be prohibited.

E. The Applicant shall retain the right to conduct equestrian activities on the Conservation Lands in a manner approved by the St. Johns River Water Management District.

F. To the extent permitted by the future grantees of the Conservation Lands, the Applicant shall assist, at its own expense with regard to the use of manpower and equipment, with certain environmental restoration activities necessary to reestablish a more natural hydroperiod on the Conservation Lands. The objective of this restoration shall be the elimination of drainage provided by all of the ditches that have been constructed through the Conservation Lands. This program will involve the installation of water control structures in existing ditches including, without limitation, the Hull Cypress Swamp Ditch, so that the current overdrainage of the area is reversed. Within six (6) months after the final action by the Florida Land and Water Adjudicatory Commission on this appeal, or within six (6) months after the issuance of a development order by the City of Ormond Beach or Flagler County for the project, or any portion thereof, (whichever occurs later) the Applicant shall assist the St. Johns River Water Management District, and as

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may be permitted by the future grantees of the Conservation Lands in the completion of a plan for the restoration of the natural hydroperiod in the Conservation Lands. Within one (1) year after the completion of this plan, the Applicant shall assist the St. Johns River Water Management District with completion of the construction elements of the plan as may be permitted by the future grantees of the Conservation Lands. The Applicant shall provide, at its own expense, manpower and earth moving machinery to plug ditches, breach levees or fill berms, and all other physical earth moving work necessary to implement the restoration plan developed in conjunction with the St. Johns River Water Management District. This plan, generally, shall:

(i) provide for the plugging, or installatin of water control structures in the Hull Cypress Swamp Ditch, to restore the hydroperiod of the Hull Cypress Swamp;

(ii) create openings in the fill berm along the Hull Cypress Swamp Ditch to reflood the wetland strand that exists parallel to the ditch, and divert the flow of the ditch through the wetland area in the strand adjacent to the ditch;

(iii) plug or install water control structures in all other manmade canals or ditches on the property as may be necessary to restore the historical hydroperiod.

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G. Any delay in the authorization or completion of work to restore the hydroperiod beyond the time frames specified above that may be occasioned by the future landowners, environmental permitting requirements, or other unforeseen events, shall not relieve the Applicant of the obligation to provide manpower and earth moving equipment to conduct the work specified above.

H. Any timber interests retained by the Applicant in the Conservation Lands shall be for limited silvicultural purposes relative to the harvest of pine trees. It is anticipated, and the Applicant agrees, that the hydroperiod restoration required under this condition will result in major portions of Parcel "B" of the Conservation Lands undergoing transition to a wetland state that will no longer facilitate the cultivation and harvest of pine. The Applicant may continue to exercise pine timber management and harvest on the property once the natural hydroperiod is restored, under a plan which is acceptable to the St. Johns River Water Management District, Flagler County, and the City of Ormond Beach, and which plan is designed to limit pine silvicultural practices to only those compatible with the restored hydroperiod of the area, and which plan provides a maximization of wildlife benefits, as determined by the St. Johns River Water Management District.

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I. The Applicant shall be entitled to claim "Mitigation Credits" for that part of the hydroperiod restoration work required by this Condition 3.5. and performed in Volusia County, in order to offset any mitigation requirement arising from the construction of the Hunter's Ridge DRI, but only to the extent allowable under the City of Ormond Beach land development regulations in effect at the time of application for final development approval of any portion of the project.

J. Impact fee credits for "Conservation Lands" will be awarded on a full-value basis, not to exceed the amount of applicable impact fees or the total value of such lands for conservation use based on an MAI appraisal to be submitted by the Applicant, whichever is less.

3.6 Unavoidable losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands, and/or uplands adjacent to wetlands, within the same watershed and in accordance with adopted rules and policies of the City of Ormond Beach and the St. Johns River Water Management District. Wetlands to be created or uplands to be retained as mitigation, shall, to the greatest practical extent, be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation.

However, the restoration of severely stressed wetlands and littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes. The wildlife corridor and other specific preservation areas already defined by the PDA shall not be eligible for inclusion toward Upland Mitigation Credit for wetland impacts. Any approved upland mitigation credits shall apply to non-preservation uplands not previously specified at a minimum ratio of 4:1 (4 acres of upland preserved for one acre of wetlands impacted). Such areas shall be deed restricted and conveyed in perpetuity to an HOA or appropriate public agency.

3.7 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the Conceptual Development Plan attached hereto as Exhibit C. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve,

maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 3.8, and Condition 3.5, the provisions of Condition 3.5 shall control.

3.8 An upland buffer of native vegetation averaging 100' wide but no less than 50' wide shall be retained landward of the wetland jurisdictional line on both sides of the Little Tomoka River. Use of these buffers shall be limited to nature trails and other passive recreation uses and components of the stormwater management system and the portions of these areas in Ormond Beach shall be conveyed to a public agency or HOA as described in Condition 3.7 above. The use of pesticides, herbicides, or fertilizers shall be prohibited in these buffers and the wetlands they protect.

3.9 Buffer areas of native upland vegetation averaging 50 feet wide, but no less than 25 feet wide, shall be retained around all regionally significant wetlands (those that are FDER jurisdictional or 5 acres or more in size or which provide significant habitat for classified wildlife species). These buffer areas shall be dedicated as conservation easements in favor of the City of Ormond Beach, and may be platted as common or lot areas. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers. Clearing and maintenance within these buffer areas shall be limited to selective hand clearing and underbrushing practices. These buffer areas may be enhanced, however, by the planting of hardwood trees.

3.10 The Applicant shall consider redesign of the master development plan to provide for the protection of xeric oak communities. In areas where the applicant cannot preserve the xeric community, the applicant shall undertake sound silvicultural management practices and transplant the xeric community to a suitable location to establish a habitat commensurate with the existing conditions.

3.11 The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 200 feet, unless the St. Johns River Water Management District accepts tests, calculations or other information furnished by the Applicant through the District's permitting process which clearly demonstrates that deviation from the 200 foot distance would not degrade the wetlands in any way. This buffer shall be landscaped with hardwood trees where appropriate. Whenever a DRA/DDA is allowed contiguous to or within 25' of a wetland identified on Figure 16-1 of the ADA, the depth of such excavation shall not be more than 6" below the seasonal high water elevation, except to provide for a sediment sump in accordance with SJRWMD rules (FAC 40C-4) or other exemption from such provision as approved by all applicable regulatory agencies.

3.12 The on-site wetlands system, other conservation tracts, and on/off site mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have developmental uses prohibited, except



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as permitted herein, and these areas shall be conveyed to an HOA or public agency with a conservation easement in favor of the City of Ormond Beach. Dedication and conveyance of wetlands shall occur at the time the applicant determines the legal description for those areas, but prior to construction in areas adjacent to those areas.

3.13 Roadway designs in wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/detention ponds for treatment prior to discharge to receiving water bodies.

3.14 All wetlands 1/2 acre or greater in areal extent shall not be impacted or otherwise altered without applicable City, state, and federal permits. In addition, the Applicant shall comply with the wetland protection and stormwater management requirements of Volusia County, Flagler County, City of Ormond Beach, applicable state agencies, and aforementioned regional planning council stipulations, whichever is most restrictive. SJRWMD, DER, and ACOE jurisdictional wetland surveys and NW 26 permits shall be submitted in conjunction with requests for subdivision plat approvals for purposes of providing legal descriptions and implementing the plans and conveyances noted above. As a general guideline, wetlands delineations for the areas shall involve at least two of the three parameters (vegetation, soils, hydrologic indicators) commonly employed for that task. For example, a site with hydric soils and a

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predominance of hydrophytic vegetation would be a wetland, whereas the presence of hydric soils without a dominance of plants typically adapted for life in saturated soil conditions would not indicate a wetland.

4.0 HISTORICAL AND ARCHAEOLOGICAL SITES (RPC #6)

GOAL: Protect and preserve historical and archaeological sites.

4.1 Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the Applicant shall stop construction at the site of discovery and immediately notify the City of Ormond Beach, the Regional Planning Council, and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site. The applicant and any subsequent owner/developer or assignee shall be subject to all conditions determined by the Division of Historic Resources and the City of Ormond Beach.

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5.0 EDUCATION (RPC # 16,17 and 36)

GOAL: Provide educational sites and facilities; minimize tax acts.

5.1 The Applicant shall donate the reserved school site to the Volusia County School Board upon notice that the site is needed to construct a school. The site shall not be located within the 100-year floodplain unless approved by the Volusia County School Board.

5.2 As the Applicant has indicated in the DRI/ADA, all finished floor slab elevations shall be a minimum 2.0 feet above the 100-year flood elevation or the crown of the road, whichever is higher.

5.3 All donations by Applicant of land for educational purposes and all construction by Applicant of educational facilities or contributions by Applicant for construction shall be entitled to credits against any required educational impact fees, but shall not be made retroactive to development that may have occurred prior to the establishment of such fees.

5.4 Sidewalks, bike paths, nature trails or other means of pedestrian access, separated from driving lanes, shall be provided throughout the project for access to school and park sites.

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6.0 WASTEWATER MANAGEMENT (RPC # 11,13,32 and 38)

GOAL: Make adequate provision for wastewater management facilities needed to accommodate the impacts of the development; minimize tax impacts.

6.1 Flagler County and the City of Ormond Beach shall seek to enter into an interlocal agreement for the City to provide wastewater treatment service and treated effluent for reuse irrigation to the Flagler County portion of the project prior to the issuance of any structural building permit for that portion of the project. Failure to enter into this agreement within 12 months after the effective date of this development order for this project

(by either Flagler County or the City of Ormond Beach) shall allow the Applicant to seek alternative means of addressing the wastewater treatment issue, in the Flagler County portion, including the construction of a private plant. Development shall occur concurrent with adequate central wastewater treatment service.

6.2 Treated wastewater effluent shall be the primary source of irrigation water for Hunter's Ridge, in accordance with the rules and policies of the St. Johns River Water Management District and the Florida Department of Environmental Regulation. Stormwater management ponds shall be the secondary source of irrigation water, with shallow wells as a tertiary source only. The Floridan aquifer shall not be used for irrigation on Hunter's

Ridge. The pumps, lines and other equipment used for irrigation and for make-up water in the re-use systems will be maintained by the City of Ormond Beach in the Ormond Beach portion of the site or for all of Hunter's Ridge if Flagler County and the City of Ormond Beach enter into an interlocal agreement to do so.

6.3 The Applicant shall monitor the shallow groundwater at locations down gradient of any spray irrigation or other wastewater disposal areas, with the principal parameters being measured to include nutrients and coliform bacteria. Disposal operations will be adjusted to maintain levels within established state and federal standards. The proposed sampling frequency, method(s) and locations must be approved by the St. Johns River Water Management District and the Florida Department of Environmental Regulation prior to use of the selected effluent disposal methods on the project site.

6.4 All wastewater treatment facilities shall be located outside of the 100-year floodplain (Zone A) as identified by the Federal Emergency Management Agency unless adequate floodproofing measures have been undertaken. Any and all pump stations located within the project boundaries shall be designed so that all electrical and mechanical equipment shall be protected from physical damage by the 100-year flood.

6.5. Other than the regional wastewater treatment plant site offered by the Applicant, all construction by Applicant of wastewater treatment facilities or main trunk lines by Applicant

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shall be entitled to credits against any required wastewater facilities impact fees in accordance with the West Ormond Utilities Ordinance.

7.0 DRAINAGE RPC #21,23,24,25,26,27,28,30,31,33, 35,36,37,38 and 56)

GOAL: Provide safe, efficient drainage and stormwater management facilities; maximize wetland protection; prevent degradation of water quality to onsite and offsite wetlands and other water bodies.

7.1 The project's site design shall be based on the official FEMA Flood Insurance Rate Maps (FIRM) unless the following exceptions become applicable:

A. FEMA approval of flood boundary modifications resolve inconsistencies between the Volusia and Flagler County maps; and

B. Prior to any development beyond that approved in the Preliminary Development Agreement, the HEC II analysis shall be provided to the satisfaction of Flagler County and the City of Ormond Beach. At a minimum, the analysis must include consideration of an established, appropriate, known base-flood elevation, such as, at the confluence of the Little Tomoka and Tomoka Rivers, or other historically documented gauging station within the downstream watershed, agreeable to Flagler County and the City of Ormond Beach.

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The analysis shall also include all contributing on-site and off-site watersheds including swales, ditches, and connecting wetlands including Hull Swamp, as well as Hull Creek and the Little Tomoka River. The new analysis shall be based on one foot contours.

The assumptions and results of this new analysis will be submitted to FEMA for review and consideration prior to acceptance of new 100-year floodplain designation.

The development of Hunters Ridge will be based on the results of the new floodplain analysis as it relates to Development Order conditions or local government ordinances tied to this issue. The results of this analysis shall be submitted to DER, Flagler County, the City of Ormond Beach, Volusia County, FEMA, the NEFRPC and the ECFRPC. If the results of this analysis indicate the existence of wetlands or 100-year floodplains not originally indicated in the Application for Development Approval, the local government with jurisdiction may, at its discretion,, reallocate the residential density of the project.

C. Where there is a discrepancy between the floodplain map approved by FEMA and the floodplain analysis of the City Engineer, the most restrictive shall apply and FEMA shall be appraised of the difference. The developer, at his cost, shall provide all necessary data to FEMA for their review.

7.2 In addition to the foregoing, the project site design shall be based on the following requirements:

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A. The Applicant shall comply with all City of Ormond Beach land development regulations, including Subdivision, Wetland and Flood Control Ordinances for that portion of the project in Ormond Beach.

B. The Applicant, at Applicant's expense, shall be responsible for establishing the limits of the 100-year Flood Zones and certain elevations therein. The 100-year floodplain study shall be conducted by an expert acceptable to the City of Ormond Beach and subject to the review and approval of the City Engineer.

C. Minimum finished occupied floor elevation shall not be less than 2 feet above the limits of the 100-year Flood Zone as established pursuant to the procedures set forth above, or 2 feet above the crown of the road, whichever is higher. The basis for these determinations shall be the amended flood zone map as approved under Condition 7.1 above.

7.3 Sites for the creation of compensatory storage volume commensurate with any flood storage volume lost as a result of development activities (including roadways) in the 100-year floodplain shall be located near (above or below) the 100-year flood limit in order to provide for effective storage volume within the floodplain, but shall not be located within land areas identified for preservation purposes, as wildlife corridors, or as being within the jurisdictional limits of regulatory agencies, except for the purpose of providing pretreated stormwater storage



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capacity. Calculations shall be based on the amended flood zone map in accordance with Condition 7.1 above.

7.4 Failure of any portion of the permitted stormwater management plan shall not be justification for additional alteration of wetlands whether protected, viable, transitional or altered.

7.5 Stormwater discharges leaving the Hunter's Ridge site after development shall not exceed predevelopment rates in terms of peak flow rates and velocity. Stormwater volume shall be monitored by the developer on an annual basis and the results shall be submitted to SJRWMD, ECFRPC, City of Ormond Beach and DCA.

7.6. All proposed stormwater treatment structures with the exception of outfall spreader structures shall be placed landward of the normal high water elevation (100-year floodplain).

7.7 The Applicant shall be responsible for implementing measures identified in the DRI/ADA Submittal documents prior to and during construction activities on the project site to ensure that sedimentation and/or erosion problems are not created in receiving wetlands or other water bodies.

7.8 The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 200 feet, unless the St. Johns River Water Management District accepts tests, calculations or other information furnished by the Applicant through the District's permitting process which clearly

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demonstrate that deviation from the 200 foot distance would not degrade the wetlands in any way. This buffer shall be landscaped with hardwood trees where possible.

7.9 Grassed/vegetated swales, other at-source stormwater treatment practices and other suitable mechanisms shall be employed to the greatest practicable extent in order to provide pretreatment of stormwater runoff prior to its discharge into the stormwater retention/detention ponds.

7.10 In order to effectively monitor the project's effects on surface water conditions, the Applicant or its successors shall provide for the establishment and operation of a surface water and wetland biological monitoring program consisting of the following components:

A. Surface water samples shall be collected at the following locations:

1. At the ten (10) stations and four (4) additional stations depicted in Revised Exhibit 15.A1 in the Second Information Request Response to the DRI/ADA;
2. At the SR 40 bridge crossing on the Little Tomoka River upstream of the project site;
3. At the outfall weirs of stormwater retention/detention ponds of two or more stormwater management ponds adjacent to wetlands; and
4. At other sites as identified by the St. Johns River Water Management District.

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B. Biological monitoring activities, including shallow ground water levels, shall be undertaken at the following locations for the purpose of evaluating wetland biological productivity and condition:

1. Near sampling stations HC1, HC2, HC3, PLS1;
2. The 624 wetlands strand west of the powerline in Section 22.

C. Water quality samples and flow measurements shall be collected at least four times annually on a seasonal basis from the earliest possible date prior to project construction to at least four years after construction buildout. Wetland assessments shall be done at least annually beginning before construction and continuing for at least four years after buildout.

D. Water quality and wetland biological parameters to be measured shall be determined by the St. Johns River Water Management District based on input from the following agencies. Within 30 days after the effective date of the last development order for the Hunter's Ridge project, the Applicant shall submit the details of a proposed water quality and wetland monitoring program to the Department of Community Affairs, Northeast Florida Regional Planning Council, East Central Florida Regional Planning Council, Florida Department of Environmental Regulation (FDER), St. Johns River Water Management District (SJRWD), Department of

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Natural Resources, Flagler County, Volusia County and the City of Ormond Beach for review and comment with recommendations being submitted to the SJRWMD. The monitoring program shall be incorporated into the development order for the Hunter's Ridge project prior to any development within the project boundaries. Quarterly reports and cumulative annual reports shall be submitted to reviewing agencies within 15 days of receipt from the laboratory. Reviewing agencies shall reserve the right to recommend changes in sampling locations, parameters, and frequencies if warranted. However, the selected parameters shall be sufficient to provide a determination of water quality and wetland conditions, changes, and possible sources of contamination if such are discovered. Collected data shall be furnished to the jurisdictional local governments and the St. Johns River Water Management District.

E. If it is the opinion of the St. Johns River Water Management District that site development has caused the degradation of water or wetland quality and quantity, then the applicant shall take positive steps to correct or mitigate this degradation. Any wetland mitigation shall be accomplished consistent with other conditions of this order and applicable regulatory programs and shall be implemented through the subdivision review and approval process.

7.11 The Applicant shall incorporate additional water quality treatment methods into the project's surface drainage system to correct or mitigate any degradation if the measures implemented by the Applicant are found to adversely impact water quality conditions on and downstream of the project site.

7.12 Roadway designs in wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/detention ponds for treatment prior to discharge to receiving water bodies.

7.13 As the Applicant has indicated in the DRI/ADA, all finished floor slab elevations shall be a minimum 2.0 feet above the 100-year flood elevation or the crown of the road. The donated school areas should not be located within designated wetlands or 100-year flood zones approved by the School Board.

7.14 Any transfer of title to any property within the project which is within the 100-year flood zone area shall be accompanied by a disclosure stating that the property in question is located within a 100-year flood area.

7.15 All wastewater treatment facilities shall be located outside of the 100-year floodplain (Zone A) as identified by the Federal Emergency Management Agency unless adequate floodproofing measures have been undertaken. Any and all pump stations located within the project boundaries shall be designed so that all electrical and mechanical equipment shall be protected from physical damage by the 100-year flood.

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7.16 The Applicant shall comply with the wetland protection and stormwater management requirements of Volusia County, Flagler County, City of Ormond Beach, applicable state agencies, and aforementioned regional planning council stipulations, whichever is most restrictive. Surface water management plans for development in Flagler County shall be submitted to the City Engineer for his review and comment at the same time they are submitted to Flagler County. If possible, an interlocal agreement should be entered into to provide for the more restrictive of the City's or the County's conditions to prevail. In any case, the City's review and comments shall be considered by the County and all regulatory agencies.

8.0 WATER SUPPLY (RPC # 12,14,32 and 39)

GOAL: Make adequate provision for the potable water needs and facilities required to accommodate the impacts of the development; minimize impacts on ground water resources and existing water users.

8.1 All potable water needs within the City of Ormond Beach shall be provided by the City in accordance with the West Ormond Utilities Ordinance. An interlocal agreement between Flagler County and the City of Ormond Beach regarding the provision of the potable water shall attempt to be entered into prior to the issuance of any structural building permit for the Flagler County

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portion of the project. Failure to enter into this agreement within 12 months of the issuance of this development order shall allow the Applicant to seek alternative means of providing potable water, including the construction of a privately owned water treatment plant.

8.2 All existing ground water wells and all wells discovered during the development process on Hunter's Ridge shall be reported immediately to the St. Johns River Water Management District (SJRWMD). All wells shall be adequately identified and protected from construction activities by such means as notifying the construction contractor of the well locations, identifying the well locations on construction plans, and fencing wells prior to any construction activities on the Hunter's Ridge site. FDER shall be allowed at least six months to acquire the Floridan test well in the northwest quadrant of the Site, as well as any other on-site Floridan wells which cease to be used for public supply potable water, for use as a monitoring well. All ground water wells which are not acquired for monitoring and/or which cease to be used for public supply potable water shall be properly plugged and abandoned by a SJRWMD licensed water well contractor and registered driller immediately, unless otherwise stipulated by the SJRWMD.

8.3 The Applicant shall monitor the shallow ground water at locations down gradient of any spray irrigation or other wastewater disposal areas, with the principal parameters being

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measured to include nutrients and coliform bacteria. Disposal operations, will be adjusted to maintain levels within established state and federal standards. The proposed sampling frequency, method(s) and locations must be approved by the St. Johns River Water Management District and the Florida Department of Environmental Regulation prior to use of the selected effluent disposal methods on the project site.

8.4 Prior to any use of the shell aquifer, the Applicant will plan and perform an exploratory drilling and aquifer testing program with the approval of and in cooperation with the St. Johns River Water Management District for the purpose of developing a wellfield design and withdrawal plan that will not have unacceptable environmental impacts on natural resources.

9.0 SOLID WASTE

9.1 Solid waste shall be collected and disposed of in the City in accordance with generally applicable ordinances, regulations and procedures.

10.0 PUBLIC SAFETY (RPC #52)

GOAL: Provide adequate public safety facilities and services needed to accommodate the impacts of the development.

10.1 In the interest of safety, the Applicant shall construct a system of bike ways or provide for bicycles in the



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construction of the internal roadway system which will provide safe bicycle travel between:

- - homes and schools
- - homes and employment centers
- - homes and neighborhood commercial centers

External bicycle systems which provide for bicycle traffic to adjacent and nearby external residential, employment and educational centers shall be considered. Construction standards shall conform to the latest applicable local government or state criteria.

10.2 The public safety site on Airport Road, referred to in Paragraph 13.26, shall be conveyed to the City of Ormond Beach within thirty (30) days of final action in the Chapter 380 litigation encompassing the subject project. The Applicant shall, prior to the completion of construction of a public safety facility on the site, construct Airport Road west to the site to all City road standards and shall construct all-weather access roads from the site to all developed portions of the subject project including, but not limited to, Shadow Crossings.

11.0 TRANSPORTATION (RPC # 34,35,42,44,45,46,47,  
48,49,50,51,52,53, and 54)

GOAL: Provide adequate transportation facilities needed to accommodate the impacts of the development; minimize impacts on existing facilities.

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11.1 Roadway crossing of the Little Tomoka River shall not be permitted unless the Applicant can demonstrate to the satisfaction of the ECFRPC, the jurisdictional local government, and other permitting agencies that such a crossing is in the public interest and there is no practical alternative which reduces or avoids impacts to the river system. Any allowed crossing shall be constructed by bridging from upland edge to upland edge, as determined by approved wetland jurisdiction lines.

11.2 Roadway designs in wetland areas will provide for the capture and diversion of stormwater runoff from roadway surfaces in wetland areas to upland stormwater retention/detention ponds for treatment prior to discharge to receiving water bodies.

11.3 Should the traffic modeling/monitoring specified in Condition 11.7 indicate that the traffic study presented in the DRI/ADA has underpredicted traffic volumes by fifteen percent or more at any adversely impacted intersection where the project contributes a significant amount of traffic, then another air quality modeling study for carbon monoxide (CO) shall be performed at these intersections by the Applicant with results furnished to the City of Ormond Beach, Volusia county, Flagler County, the Florida Department of Environmental Regulation and the regional planning councils. If the results of this study indicate that the development is significantly contributing to the air quality denigration as defined by the reviewing agencies, building permits beyond the current phase will cease to be issued.

11.4 If the modeling specified above results in any predictions of one hour or eight hour carbon monoxide (CO) concentrations at or above the Federal and State Standards, then ambient air monitoring for CO will be conducted at an appropriate location(s) determined by the City of Ormond Beach, Flagler County, Volusia County, FDER and the East Central Florida Regional Planning Council. This monitoring will meet all applicable State and Federal standards for CO monitoring including season, location, duration, instrumentation, quality control and quality assurance.

11.5 Should the air monitoring specified above indicate that a violation of Florida Ambient Air Quality (FAAQ) standards has occurred, and the modeling indicates that ten percent or more of the CO is attributable to project traffic, then the Applicant shall pursue one or any combination of the following until modeling indicates that the FAAQS will be achieved:

- - not commence the next development or monitoring phase as described in Condition 11.7 below
- - participate in cost-sharing of roadway improvements
- - implement an active Transportation Systems Management (TSM) program.

11.6 For the purpose of the transportation recommendations, the Hunter's Ridge project shall be divided into the following transportation subphases, based upon external trip generations:

<u>Phase</u>	<u>Per Phase</u>	<u>Cumulative</u>
Ia	8,250	8,250
Ib	8,250	16,500
IIa	7,970	24,470
IIb	7,970	32,440
IIC	7,970	40,410
IIIa	8,440	48,850
IIIb	8,440	57,290
IIIc	8,440	65,730

11.7 Prior to the initiation of each transportation subphase as identified in the previous recommendation, a monitoring/modeling program shall be performed to ascertain the LOS on facilities where the Hunter's Ridge project is estimated to contribute an amount of traffic greater than or equal to ten percent of the LOS "C" service volume. The methodology of the monitoring/modeling program shall be agreed upon by the East Central Florida Regional Planning Council, Volusia County, Flagler County, the City of Ormond Beach, the Florida Department of Transportation and the Applicant. A list of facilities, together with all signalized intersections along these roadways, may include but shall not be limited to the following:

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ROADWAY LINK

11th Street

Nova Road to Clyde Morris Blvd.  
Clyde Morris Blvd. to Williamson Blvd.  
West of Williamson Boulevard US 92

Clyde Morris Boulevard

SR 40 to 11th Street  
11th Street to US 92

I-95

SR 40 to 11th Street  
11th Street to US 92

Airport Road

SR 40 to Tymber Creek Road  
Tymber Creek Road to US 1

Tymber Creek Road

US 1 to Airport Road  
SR 40 to Airport Road  
SR 40 to 11th Street

I-95/US 92 Ramps

I-95/US 1 Ramps

I-95/SR 40 Ramps

US 92

11th Street to I-4 Ramp  
11th Street to I-95  
95 to Williamson Blvd.  
Williamson Blvd. to Clyde Morris Blvd.

SR 40

SR 11 to US 17

Airport Road Ext. to SR 11  
Airport Road Ext. to Tymber Creek Road  
Tymber Creek Road to I-95  
I-95 to Williamson Blvd.  
Williamson Blvd. to Clyde Morris Blvd.

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Clyde Morris Blvd. to Nova Road (SR 5)  
Nova Road to US 1  
East of US1 to Beach Street

Nova Road/SR 5

US 1 to SR 40  
South of SR 40 to 11th Street

Williamson Boulevard

SR 40 to 11th Street  
11th Street to US 92

SR 11

SR 304 to SR 40  
SR 40 to US 17

11.8 The Hunter's Ridge project shall not commence beyond transportation Phase Ia (see 11.6 above) or beyond an equivalent 8,250 external average daily trips (ADT) into transportation Phase Ib where service levels are below service level "D" (LOS "C" on rural facilities) peak hour and the project contributes ten percent or greater to the capacity of the roadway or intersection at service level "C" as determined by the monitoring program required in the preceding recommendations, unless mitigation measures and/or improvements are secured and committed to occur during transportation Phase Ib. Prior to the commencement of transportation Phase Ib and all subsequent transportation phases, the Applicant must also demonstrate, by means of a modeling study projecting such phase traffic, to the satisfaction of Volusia County, Flagler County, the City of Ormond Beach, the East Central Florida Regional Planning Council,

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and the Florida Department of Transportation that, where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the applicable subphase of traffic (along with cumulative project traffic) will not adversely effect service levels (below service level "D" peak hour or "C" in rural areas), or demonstrate that the necessary improvements are committed to occur during said applicable sub-phase. When determining LOS, the developer's traffic consultant will utilize the 1985 Highway Capacity Manual computer software for analyzing intersections, and will utilize the FDOT Generalized Daily Level of Service Maximum Values for Florida's Urban/Urbanized Areas tables or some other method based on the 1985 Highway Capacity Manual for analyzing roads. Proof of mitigation must include identification of committed funding source and a reasonable guarantee of a scheduling within the required time frame. Otherwise, further building permits shall not be issued by the City of Ormond Beach.

11.9 Toward the achievement of the objective in the two (2) preceding conditions, an agreement(s) among Flagler, County, Volusia County, the City of Ormond Beach and the Applicant shall be entered into within twelve months after the effective date of the last development order for this project by either Flagler County or the City of Ormond Beach. Said agreement(s) shall address and clarify such issues related to equity in the application of fees for roadway improvements. Said fees shall

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be based on a fair-share basis with respect to the improvements to be constructed and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions of the two preceding recommendations as a mitigative measure for the aforementioned recommendations. If in the event that one of the designated parties to the agreement (other than the Applicant) fails to execute said interlocal agreement within the specified time, then the Applicant may proceed with the project based upon the monitoring/modeling schedule and all other recommendations specified herein.

11.10 All construction within the Flagler County portion of the Hunters Ridge Project shall pay an assessment fee equal to the amount of transportation impact fees for similar construction assessed by Volusia County at the time of building permit application. This assessment shall be in addition to any transportation impact fee collected by Flagler County, and shall be not credited against any impact fee collected by Flagler County. The assessment shall be periodically paid to Volusia County by Flagler County for road improvements caused by the Project in a Flagler-Volusia jointly defined Hunters Ridge Transportation impact area. Payment of impact fees shall not alter or waive the stipulations in items 11.9 or 11.11 nor shall any road improvements agreed to as voluntary contributions by the developer be used to offset the payment of impact fees.



11.11 The Applicant shall fund the construction of left and right-turn deceleration lanes at all project entrances. Project entrances on SR 40 shall be limited to the minimum number required to provide safe access to the site as determined by FDOT. These improvements shall be constructed when such project entrances are created. The Applicant shall fund the cost of signalization at project entrances when deemed warranted by the appropriate governmental entity.

11.12 In the interest of safety, the Applicant shall construct a system of bike ways or provide for bicycles in the construction of the internal roadway system which will provide bicycle travel between:

- - homes and schools
- - homes and employment centers
- - homes and neighborhood commercial centers

External bicycle systems which provide for bicycle traffic to adjacent and nearby external residential, employment and educational centers shall be considered. Construction standards shall conform to the latest applicable local government or state criteria.

11.13 Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. The Applicant shall designate an employee as a ride-sharing coordinator or include covenants which

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will require tenants or future landowners to collectively hire and manage a ride-sharing coordinator when the Hunter's Ridge project reaches 2,900 residential units. This person will be responsible for conducting ride-sharing campaigns within the project, publicity, processing applications, distributing information (including transit information), etc.

11.14 In addition to the regional transportation conditions set forth in the preceding paragraphs, the following conditions shall be observed prior to the recording of any plats or requesting any development approvals in Ormond Beach, other than for public improvements and infrastructure for the project phases described in the attached Exhibits "D" and "F".

A. Prior to the recording of any plats or requesting any development approvals other than for public improvements and infrastructure, in OB-II and FC-II the following transportation improvements or funding shall occur.

1. Mini-monitoring will be performed. The monitoring shall include an analysis of traffic volumes in the impact areas, supplemental traffic counts on SR-40 at a location between The Trails South entrance and Nova Road to determine peak hour counts by direction and speed/delay study for level of service (LOS) determination; all data shall be provided to the City; and

2. Airport Road shall be in place from Tymber Creek Road to the project site as a two lane paved road; and

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3. SR-40 shall be in place or under construction as a four lane divided roadway from Nova Road to I-95; or, if SR-40 has an average daily traffic volume of 27,000 or below between The Trails entrance and Nova Road, then SR-40 shall be funded for construction the FDOT Work Program as a four-lane divided roadway from Nova Road to I-95 within two (2) years after commencement of said phases.

B. Prior to the recording of any plats or requesting any development approvals, other than for public improvements and infrastructure in OB-III and FC-III the following shall occur:

1. The monitoring required herein shall be performed within the project impact area.

2. Nova Road shall be in place or under construction as a four lane or six lane divided road from Wilmette Avenue to Brentwood, or shall be funded for construction within the FDOT Five-year Work Program.

3. Turn lanes will be in place at all approaches to the intersection of SR-40 and the project entrance;

4. The intersection of Airport Road and US-1 shall be signalized if warranted as per the Manual on Uniform Traffic Control Devices (MUTCD) and the Florida Department of Transportation.

C. Prior to recording any plats or requesting any development approvals, other than for public improvements and infrastructure, for OB-IV and FC-IV the following shall occur:

1. Mini-monitoring will be performed in a manner as described in Paragraph 11.14.A.1, above.

2. SR-40 shall be complete as a four lane divided roadway from Nova Road to I-95 or under construction.

3. Nova Road shall be in place or under construction or funded for construction within two years in the FDOT Work Program as a four or six lane divided roadway from Wilmette Avenue to Brentwood.

3. Airport Road shall be in place as at least a two lane paved road from Tymber Creek Road to SR-40.

D. Prior to recording any plats or requesting any development approvals, other than for public improvements and infrastructure, for OB-V and PC-V the following shall occur:

1. Mini-monitoring will be performed in a manner as described in Paragraph 11.14.A.1, above.

2. Nova Road shall be in place or under construction as a four lane or six lane divided roadway from Wilmet Avenue to Brentwood.

3. SR-40 shall be under construction or completed as a four lane divided roadway from I-95 to Tymber Creek Road.

E. The traffic monitoring program shall be conducted on an annual basis by the Applicant beginning one year after approval of the development order. The monitoring program should provide an analysis of the development's traffic impact on major streets and intersections in the DRI/ADA impact area. The improvements set forth in the preceding paragraphs of this condition 11.14 shall be subject to the results of the monitoring program. In the event the monitoring program demonstrates that

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the project is not impacting the designated roads in excess of the DRI/ADA standards, then the Applicant shall be permitted to proceed with development. If the monitoring program demonstrates the need for additional improvements, however, such additional improvements will be required prior to continued development activities.

11.15 All road improvements constructed outside the project boundaries by the Applicant (other than as listed above), or land dedication or financial contributions by the Applicant for construction outside the project boundaries, shall be entitled to credits against any required transportation impact fees, in accordance with the Volusia County Road Impact Fee Ordinance. The following road improvements and dedications have voluntarily been offered by the Applicant and shall not be subject to road impact fee credits or reimbursements:

- - Airport Road from Tymber Creek to SR 40 100' dedication; construction of 2 lanes.
- - All roads within Hunter's Ridge.
- - All turning lanes, acceleration & deceleration lanes.
- - All traffic signals as noted above.

12. DENSITY, BUILDING SPACING, LAND USE, CLASSIFICATION AND OTHER DEVELOPMENT REQUIREMENTS

(RPC # 1,2,3,18,29,36,37,40,41,55 and 57)

GOAL: Provide development requirements ensuring the most efficient use of the property with the least impact upon the environment.

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12.1 The project shall be developed in accordance with the information, data, plans and commitments contained in the Hunter's Ridge DRI/ADA and supplemental information unless otherwise directed by the recommendations enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items;

A. Application for Development Approval dated October, 1988;

B. Additional Information dated January 17, 1989;

C. Additional Information, Second Submittal, dated March 16, 1989; and

D. Commitments made during the review as presented in Appendix A of the Regional report.

E. The conceptual development plan dated November 20, 1990, hereby is incorporated as Exhibit "C" and shall be generally adhered to with regard to land uses and road patterns.

F. The phasing map dated November 20, 1990, hereby is incorporated as Exhibit "D" and, along with Exhibit "F" shall be generally adhered to with regard to phasing of the project.

G. The table of land uses dated 12/2/90, hereby is incorporated as Exhibit "E" and shall be generally adhered to with regard to land use designations, numbers of dwelling units and density.

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H. The development phasing schedule dated December 2, 1990, hereby is incorporated as Exhibit "F" and along with Exhibit "D" shall be generally adhered to with regard to phasing of the project. The phasing schedule in the City may be altered without a substantial deviation review pursuant to Section 380.06(19), Florida Statutes, if the Applicant in the City agreed to the revised phasing proposal.

12.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units and 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" as single family residential may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lot sizes or higher densities shall require an amendment to this development order in accordance with applicable law.

12.3 If five percent of Phase I of the project (14 dwelling units) is not constructed within five years of the effective date of the development order, then the development order shall expire.

12.4 To assist in providing for the recreational needs of the project's residents, the Applicant shall participate in the City's Recreation Impact Fee program.

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12.5 The on-site wetlands system, other conservation tracts, and on/off-site mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have developmental uses prohibited, except as permitted herein. Except for the Conservation Lands described in Condition 3.5, which shall be conveyed as provided therein, and these areas shall be conveyed to a state, federal, or county agency acceptable to the City of Ormond Beach or to an HOA for which covenants and restrictions for wetland protection have been included to the satisfaction of the City Attorney together to allow the City to enforce such wetland protection covenants and restrictions, if necessary. Dedication and conveyance of Wetlands shall occur at the time the applicant determines the legal description for those areas, but prior to construction in areas adjacent to those areas.

12.6 As the Applicant has indicated in the DRI/ADA, all finished floor slab elevations shall be a minimum 2.0 feet above the 100-year flood elevation or the crown of the road, whichever is higher. The donated school site shall not be located within designated wetlands or 100-year flood zones unless accepted by the Volusia County School Board.

12.7 Any transfer of title to any property within the project which is within the 100-year flood zone area shall be accompanied by a disclosure stating that the property in question is located within a 100-year flood area.

12.8 Developers, contractors, subcontractors, and other purchasers of project properties should be required to contact



the local Private Industry Council, Job Service of Florida and other similar agencies for information on their job training programs and employment referral services.

12.9 On the basis of the affordable housing need estimates, there will be a requirement that 52 very low income household dwelling units and 201 low income household dwelling units be provided within a 20 minute commute of the non-residential development of the Hunter's Ridge project. Before the responsible governmental authorities issue building permits for each phase of the development, they each shall determine whether there exists available very low or low income units within the commuting distance. If none exists, or if insufficient numbers exist, the affordable dwelling units necessary to meet the phasing schedule in paragraph A below shall be provided prior to the issuance of additional permits.

A. The following affordable housing phasing schedule shall be utilized:

<u>Phase</u>	<u>Year</u>	<u>Very Low Income Units</u>	<u>Low Income Units</u>
II	4	7	27
III	5	4	18
IV	7	5	19
V	9	3	10
VI	10	9	32
VII	11	<u>5</u>	<u>19</u>
		33	125/158

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B. The maximum rent for the very low income household dwelling units shall be \$289 (1990 dollars), with a typical rent of \$220. The maximum rent for the low income household dwelling units shall be \$507 (1990 dollars).

C. The maximum sale price for owner-occupied low income household dwelling units shall be \$54,364 (1990 dollars), with a typical sale price of \$46,016 if located in Ormond Beach. The maximum sale price for owner-occupied low income household dwelling units shall be \$58,233 (1990 dollars), with typical sale price of \$46,016 if located in Flagler County.

(Note: Of the low income dwelling units at least 50% must be for sale dwelling units.)

D. The affordable housing units that are provided on site shall be integrated throughout the project to ensure that very low and low income dwelling units are not geographically isolated and segregated from other residential units.

E. Rent and resale restrictions shall be required to ensure the continued affordability of very low income and low income dwelling units.

F. In the event the Ormond Beach Comprehensive Plan shall be more restrictive than the foregoing affordable housing requirements, then the Ormond Beach Comprehensive Plan shall control.

12.10 Unless specifically directed otherwise by the terms and conditions of the development order, all authorized

development shall proceed only if the public facilities and services necessary to meet the need generated by the development are available concurrent with the demand.

12.11 Any interlocal agreements required shall be fully executed prior to the issuance of any building permits by the City of Ormond Beach beyond City Phase II, and incorporated into the Development Orders for the project.

12.12 Application for approval shall be filed in accordance with the Planned Unit Development (PUD) procedures provided by the City's land development regulations, currently located in SECTION 700.00 R-S Residential Suburban District, of the City's zoning ordinance . The PUD shall be of such size and shape as to be essentially freestanding with regard to traffic circulation and emergency access; utilities, recreation and open space; drainage, detention and retention; other public and HOA infrastructure and proximity to existing development and infrastructure. The limits of the PUD shall generally not exceed the limits of any development phase as identified on Exhibit "C" hereto. PUD submittals may be accompanied by one or more preliminary plats, each freestanding with regard to the above criteria and containing no more than 250 dwelling units.

12.13 In order to avoid excessive dispersion of services within Hunter's Ridge, deterioration of infrastructure due to lack of use and/or maintenance, reductions in property values due to oversupply of building lots in relation to market conditions and a negative ambient character created by undeveloped expanses

of urban roads and other infrastructure, no plat or portion of a plat may be recorded beyond City Phase II (416 lots) until such time as at least fifty percent of all previously recorded lots within Hunter's Ridge, including the Flagler County portion, have been developed or have been issued building permits.

13.0 PUBLIC FACILITIES AND SERVICE NEEDS

(RPC # 11,12,14,50,51,52,53,55 & 57)

GOAL: Provide adequate public facilities and services needed to accommodate the impacts of the development; minimize impacts upon taxpayers outside of the Project.

13.1 Wastewater treatment shall be provided by the City of Ormond Beach within the portion in Ormond Beach in accordance with the West Ormond Utilities ordinance. Flagler County and the City of Ormond Beach shall attempt to develop an interlocal agreement regarding wastewater treatment prior to the issuance of any structural building permit for the Flagler County portion of the project. Failure to enter into this agreement within 12 months of the issuance of a development order for this project (by either Flagler County or the City of Ormond Beach) shall allow the Applicant to seek alternative means of addressing the wastewater treatment issue, in the Flagler County portion, including the construction of a private plant. Development shall occur concurrent with adequate central wastewater treatment service.

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13.2 An interlocal agreement between Flagler County and the City of Ormond Beach regarding the provision of the potable water shall be sought prior to the issuance of any structural building permit for the Flagler County portion of the project. Failure to enter this agreement within 12 months of the issuance of this development order shall allow the Applicant to seek alternative means of providing potable water in the Flagler County portion, including the construction of a privately owned water treatment plant.

13.3 All existing ground water wells and all wells discovered during the development process on Hunter's Ridge shall be reported immediately to the St. Johns River Water Management District (SJRWMD). All wells shall be adequately identified and protected from construction activities by such means as notifying the construction contractor of the well locations, identifying the well locations on construction plans, and fencing wells prior to any construction activities on the Hunter's Ridge site. FDER shall be allowed at least six months to acquire the Floridan test well in the northwest quadrant of the site, as well as any other on-site Floridan wells which cease to be used for public supply potable water, for use as a monitoring well. All ground water wells which are not acquired for monitoring and/or which cease to be used for public supply potable water shall be properly plugged and abandoned by a SJRWMD licensed water well contractor and registered driller immediately, unless otherwise stipulated by the SJRWMD.

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13.4 Sidewalks, bike paths, nature trails or other means of pedestrian access, separated from driving lanes, shall be provided throughout the project for access to school and park sites.

13.5 All construction within the Hunter's Ridge Project shall pay an assessment fee equal to the amount of transportation impact fees for similar construction assessed by Volusia County at the time of building permit application. This assessment shall be in addition to any transportation impact fee collected by Flagler County, and shall be not credited against any impact fee collected by Flagler County. The assessment shall be periodically paid to Volusia County by Flagler County for road improvements caused by the Project in a Flagler-Volusia Jointly defined impact area.

13.6 The Applicant shall fund the construction of left and right-turn deceleration lanes at all project entrances. Project entrances on SR 40 shall be limited to the minimum number required to provide safe access to the site as determined by FDOT. These improvements shall be constructed when such project entrances are created. The Applicant shall fund the cost of signalization at project entrances when deemed warranted by the appropriate governmental entity.

13.7 In the interest of safety, the Applicant shall construct a system of bike ways or provide for bicycles in the construction of the internal roadway system which will provide bicycle travel between:

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- - homes and schools
- - homes and employment centers
- - homes and neighborhood commercial centers

External bicycle systems which provide for bicycle traffic to adjacent external residential, employment and educational centers shall be considered. Construction standards shall conform to the latest applicable local government or state criteria.

13.8 Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. The Applicant shall designate an employee as a ride-sharing coordinator or include covenants which will require tenants or future landowners to collectively hire and manage a ride-sharing coordinator when the Hunter's Ridge project reaches 2,900 residential units. This person will be responsible for conducting ride-sharing campaigns within the project, publicity, processing applications, distributing information (including transit information), etc.

13.9 All authorized development shall proceed only if the public facilities and services necessary to meet the need generated by the development are available concurrent with the demand.

13.10 Any interlocal agreements required shall be fully executed prior to the issuance of any building permits by Flagler County, and incorporated into the Development orders for the project.

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13.11 In addition to the foregoing commitments by the Applicant, the Applicant has agreed to donate to the City of Ormond Beach the following land areas as shown on the Development Plan dated November 20, 1990 for public facilities, but shall not be entitled to credits against any required impact fees:

A. Wastewater Treatment Plant Site/Recreation Site - 40+ Acres (Located on N. side of Airport Road on Project Easterly Boundary - may be used for one or both uses at the City's election)

B. West Ormond Recreation/Cultural Facilities Site 38+ Acres (Located at N.E. Corner intersection Airport Road extension and S.R. 40).

C. Water Treatment Plant Site - 15+ acres

D. Airport Road Public Safety Site - 3.75+ acres

E. S.R. 40 Public Safety Site - 1.5 acres (May be used by Applicant for Church or institutional purposes if City determines not needed for public safety site).

13.12 The City shall reconvey to the Applicant the lands heretofore conveyed to it for use as a water treatment plant site and for that portion of Airport Road south of the Flagler County Line, in exchange for the Applicant's conveyance of the relocated water treatment plant site and the relocated said portion of Airport Road, as shown on the conceptual development plan (Exhibit "C") dated November 20, 1990.



14.0 GENERAL LAND USE (RPC # 1,2,3 and 22)

GOAL: Permit development consistent with holding capacity of land; minimize impacts on environment.

14.1. The project shall be developed in accordance with the information, data, plans and commitments contained in the Hunter's Ridge DRI/ADA and supplemental information unless otherwise directed by the recommendations enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items;

A. Application for Development Approval dated October, 1988;

B. Additional Information dated January 17, 1989;

C. Additional Information, Second Submittal, dated March 16, 1989; and

D. Commitments made during the review as presented in Appendix A of the Regional report.

E. The conceptual development plan dated November 20, 1990, hereby is incorporated as Exhibit "C" and shall be generally adhered to with regard to land uses and road patterns.

F. The phasing map dated November 20, 1990, hereby is incorporated as Exhibit "D" and, along with Exhibit "F" shall be generally adhered to with regard to phasing of the project.

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G. The table of land uses dated 12/2/90, hereby is incorporated as Exhibit "E" and shall be generally adhered to with regard to land use designations, numbers of dwelling units and density.

H. The development phasing schedule dated December 2, 1990, hereby is incorporated as Exhibit "F" and along with Exhibit "D" shall be generally adhered to with regard to phasing of the project.

14.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units, 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" as single family residential, may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lot sizes or higher densities shall require an amendment to this development order in accordance with applicable law.

14.3 If five percent of RPC Phase I of the project (14 dwelling units) is not constructed within five years of the effective date of the development order, then the development order shall expire.

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14.4 The project's site design shall be based on data contained in the U.S. Soil Conservation Service's Volusia and Flagler County soils reports unless a detailed soils analysis is undertaken. The methodology and results of this new analysis shall be reviewed and approved by Flagler County, Ormond Beach, and the USDA SCS regional field or state soil scientist.

14.5 Oaks or other hardwood plant species shall be planted and maintained in buffers and common areas to enhance the quality of wildlife habitat on the project.

14.6 All development shall conform to the City of Ormond Beach land development regulations, including Landscaping and Tree Protection Ordinances.

14.7 All wetlands shall be identified and dedicated to a public agency or BOA for protection under the conditions previously identified before the recording of a plat for the land area containing the wetland.

15.0 PARKS (RPC #8, 9, 18, 28, 29)

GOAL: Provide adequate active and passive recreational facilities and opportunities for project and other Ormond Beach and Volusia County residents.

15.1 Unavoidable losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands, and/or uplands adjacent

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to wetlands, within the same watershed and in accordance with adopted rules and policies of the City of Ormond Beach and the St. Johns River Water Management District. Wetlands to be created or uplands to be retained as mitigation, shall, to the greatest practical extent, be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, the restoration of severely stressed wetlands and littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes. The wildlife corridor and other specific preservation areas already defined by the PDA shall not be eligible for inclusion toward Upland Mitigation Credit for wetland impacts. Any approved upland mitigation credits shall apply to non-preservation uplands not previously specified at a minimum ratio of 4:1 (4 acres of upland preserved for one acre of wetlands impacted). Such areas shall be deed restricted and conveyed in perpetuity to an HOA or appropriate public agency.

15.2 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other

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construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the Conceptual Development Plan attached hereto as Exhibit C. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 15.3, and Condition 3.5, the provisions of Condition 3.5 shall control.

15.3 An upland buffer of native vegetation averaging 100' wide but no less than 50' wide shall be retained landward of the wetland jurisdictional line on both sides of the Little Tomoka River. Use of these buffers shall be limited to nature trails and other passive recreation uses and components of the stormwater management system and the portions of these areas in Ormond Beach shall be conveyed to a public agency or HOA as described in Condition 15.1 above. The use of pesticides, herbicides, or fertilizers shall be prohibited in these buffers and the wetlands they protect.

15.4 To assist in providing for the recreational needs of the project's residents, the Applicant shall participate on a

fair share basis in any mechanism (including impact fees) adopted by Flagler County, Volusia County, and/or the City of Ormond Beach to upgrade their community and urban district park system.

15.5 The Applicant will provide water and sewer service to the boundary of each park or other public facility at a point to be determined by the City of Ormond Beach.

15.6 Sidewalks, bike paths, nature trails or other means of pedestrian access, separated from driving lanes, shall be provided throughout the project for access to school and park sites.

15.7 The minimum distance between the edge of each stormwater retention/detention pond and adjacent wetlands shall be 200 feet, unless the St. Johns River Water Management District accepts tests, calculations or other information furnished by the Applicant through the District's permitting process which clearly demonstrates that deviation from the 200 foot distance would not degrade the wetlands in any way. This buffer shall be landscaped with hardwood trees where possible.

15.8 The on-site wetlands system, other conservation tracts, and on/off-site mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have developmental uses prohibited, except as permitted herein, and these areas shall be conveyed as noted above. Dedication and conveyance of wetlands shall occur at the time the applicant determines the legal description for those areas, but prior to construction in areas adjacent to those areas.

[END OF EXHIBIT B]

RE:432

EXHIBIT "B-B"

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FLORIDA-GEORGIA VENTURE GROUP, )  
Petitioner, )  
vs. )  
CITY OF ORMOND BEACH, )  
Respondent, )  
and )  
EAST CENTRAL FLORIDA REGIONAL )  
PLANNING COUNCIL, FLORIDA )  
AUDUBON SOCIETY, CITIZENS OF )  
ORMOND BEACH, INC. and THE )  
DEPARTMENT OF COMMUNITY AFFAIRS )  
Intervenors. )

CASE NO. 90-3409DRI

NORTHEAST FLORIDA REGIONAL )  
PLANNING COUNCIL and THE )  
DEPARTMENT OF COMMUNITY AFFAIRS, )  
Petitioners, )  
vs. )  
FLAGLER COUNTY COMMISSION and )  
FLORIDA-GEORGIA VENTURE GROUP, )  
Respondents, )  
and )  
FLORIDA AUDUBON SOCIETY and )  
ANNIE JOHNSON AND THE FLAGLER )  
CITIZENS FOR AFFORDABLE )  
HOUSING, )  
Intervenors. )

CASE NO. 90-3410DRI

JOINT STIPULATION OF THE FLORIDA AUDUBON SOCIETY, FLORIDA  
GEORGIA VENTURE GROUP, FLAGLER COUNTY, AND CITY OF ORMOND BEACH

Intervenor, Florida Audubon Society, and Petitioner/Respondent Florida Georgia Venture Group, Flagler County, and the City of Ormond Beach hereby stipulate that the entry of a Recommended Order in this proceeding approving the development of regional impact applications of Florida Georgia Venture Group in both the City of Ormond Beach and Flagler County would satisfactorily resolve issues concerning wetlands, wildlife habitat, and endangered species, provided that:

1. The developer removes from development and agrees to convey the lands identified as parcels "A" and "B" on Exhibit A an undivided one half interest in parcels "A" and "B" to the St. Johns River Water Management District and an undivided one half interest to Flagler County for those portions of parcels "A" and "B" located within Flagler County, and an undivided one half interest to the City of Ormond Beach for those portions of Parcels "A" and "B" located within the City of Ormond Beach, subject to the following:

(a) Conveyance of Parcel A shall be by Fee Simple Warranty Deed.

(b) Conveyance of Parcel B shall be by Fee Simple Warranty Deed, reserving to the grantor and its heirs, successors and assigns certain specified timber interests, equestrian use rights, and hunting interests, as further specified below.

2. The above conveyances shall be subject to the following specific deed restrictions:

(a) The use and management of the lands conveyed shall be exclusively for the maintenance, preservation, and restoration of the native upland and wetland ecosystems historically existent on the property and use for compatible environmental education activities and passive recreational activities. No use for any purpose other than those specified above shall be permitted. Any development activities, waste disposal, excavation,



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filling, well drilling, construction, (other than the excavation and filling necessary to restore the natural hydroperiod of the area and limited construction of environmental education facilities such as nature trails and boardwalks) shall be strictly prohibited. Passive Recreation, as used herein shall mean hiking, birdwatching, nature study, fishing, and like activities that do not require the construction of facilities otherwise prohibited by the conservation easement. The use, or possession of off road vehicles, such as all terrain motorcycles, swamp or dune buggies by members of the public will be strictly prohibited on the property. Hunting shall be prohibited, except as specified in Paragraph 5 below. The Florida Audubon Society, a Florida non-profit corporation, shall have standing to enforce the provisions of these deed restrictions, and said fact shall be incorporated in the conveyance of the property in parcels "A" and "B" as provided in Paragraph 1 of this stipulation.

3. Florida Georgia Venture Group agrees to conduct, as may be permitted by the future owners of the property as specified in paragraph (1) above, and at its expense with regard to the use of manpower and equipment, certain environmental restoration activities necessary to reestablish a more natural hydroperiod in parcels "A" and "B" above. The objective of this restoration shall be the elimination of drainage provided by all of the ditches that have been constructed through parcels "A" and "B" as described above. This program will include installation of water control structures in existing ditches, including, without limitation the Hull Cypress Swamp Ditch, so that the current overdrainage of the area is reversed. Within 6 months of the final action by the Land and Water Adjudicatory Commission on this appeal, or within 6 months of the issuance of a Development Order by the City of Ormond Beach or Flagler County for

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the Hunters Ridge Project, or any portion thereof, (whichever occurs later) Florida Georgia shall complete; in cooperation with the St. Johns River Water Management District, and as may be permitted by the future owners of the property as specified in Paragraph 1 above, a plan for the restoration of the natural hydroperiod in the above described area. Within one year subsequent to the completion of this plan, the construction elements of the plan shall be completed by Florida Georgia, in cooperation with the St. Johns River Water Management District as may be permitted by the future property owners as specified in Paragraph 1 above. Florida Georgia agrees that it will provide at its own expense, manpower and earthmoving machinery to plug ditches, breach levees or fill berms, and all other physical earth moving work necessary to implement the restoration plan developed in conjunction with the St. Johns River Water Management District. This plan, generally, shall:

(a) Provide for the plugging, or installation of water control structures in the Hull Cypress Swamp Ditch, to restore the hydroperiod of the Hull Cypress Swamp.

(b) Provide for gaps in the fill berm along the Hull Cypress Swamp Ditch to reflood the wetland strand that exists parallel to the ditch, and divert the flow of the ditch through the wetland area in the strand adjacent to the ditch.

(c) Plug, or install water control structures in all other manmade canals or ditches on the property as may be necessary to restore the historical hydroperiod.

Any delay in the authorization of work to restore the hydroperiod beyond the time frames specified above that may be occasioned by the future landowners, environmental permitting requirements, or other unforeseen

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events shall not relieve Florida Georgia of the obligation to provide manpower and earthmoving equipment to conduct the work specified above.

4. The timber interests retained by Florida Georgia and its heirs, successors and assigns in Parcel "B" shall be for limited silvicultural purposes relative to the harvest of pine trees. It is anticipated, and Florida Georgia agrees, that the hydroperiod restoration required under this stipulation will result in major portions of Parcel "B" undergoing transition to a wetland state that will no longer facilitate the cultivation and harvest of pine. Florida Georgia may continue to exercise pine timber management and harvest on the property once the natural hydroperiod is restored, under a plan acceptable to the St. Johns River Water Management District, Flagler County, and the City of Ormond Beach which is designed to limit pine silvicultural practices to only those compatible with the restored hydroperiod of the area, and which provide a maximization of wildlife benefits, as determined by the St. Johns River Water Management District.

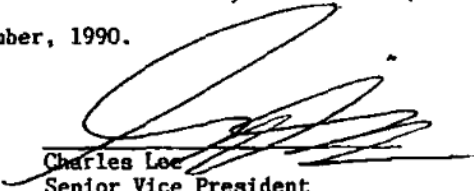
5. Florida Georgia, its heirs, successors and assigns shall retain the right to (in a manner approved by the St. Johns River Water Management District), to conduct equestrian activities on the lands conveyed to the district. The hunting rights to the property shall be retained by Florida Georgia, its heirs, successors, and assigns, for deer and feral hogs only.


6. Florida Georgia and its heirs, successors and assigns shall be entitled to claim "Mitigation Credits" for the hydroperiod restoration work required by Paragraph 3 above to offset any mitigation requirement arising from the construction of the Hunters Ridge Development, including both those phases authorized by the development orders issued as a result of this proceeding, and any future substantial deviation that is specified in

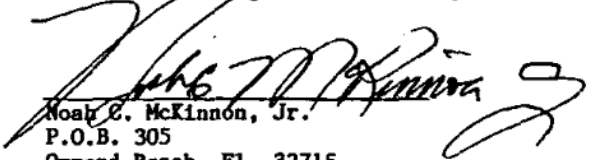
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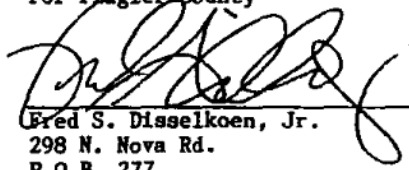
this proceeding. Said mitigation credits shall be available to Florida Georgia provided that such credits are acceptable to the various state and federal regulatory agencies that are not parties to this proceeding. Said credits shall only be applicable on an acre per acre basis within the City of Ormond Beach, and Flagler County, respectively, as to future approvals of substantial deviations, and credits obtained within the jurisdiction of one local government shall not transfer to the other, unless otherwise provided by law.

Dated this 6<sup>th</sup> day of December, 1990.

  
Charles Lee  
Senior Vice President  
Florida Audubon Society  
1101 Audubon Way  
Maitland, Fl. 32751  
(305) 647-2615

  
J. Doyle Tumbleson  
Kinsey Vincent Pyle Professional  
Association  
150 S. Palmetto Ave.  
Daytona Beach, Fl. 32114  
For Florida Georgia Venture Group

  
Noah C. McKinnon, Jr.  
P.O.B. 305  
Ormond Beach, Fl. 32715  
For Flagler County

  
Fred S. Disselkoen, Jr.  
298 N. Nova Rd.  
P.O.B. 277  
Ormond Beach, Fl. 32175  
For City of Ormond Beach

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been provided by U.S. Mail to the following this 6<sup>th</sup> day of December, 1990: J. Doyle Tumbleson, 150 S. Palmetto Ave. BOX A, Daytona Beach, Fl. 32114; Fred S. Disselkoen, Jr. City of Ormond Beach, POB 277, Ormond Beach, Fl. 32175-0277; Gerald S. Livingston, P.O.B. 2151, Orlando, Fl. 32802; Timothy Keyser, POB 92, Interlachen, Fl. 32148; Jonathan Hewett, Central Florida Legal Services, 216 S. 6th St. Palatka, Fl. 32177; Julia Johnson, David Russ, David Jordan, and Steven Pfeiffer, Office of General Counsel, Department of Community Affairs, 2740 Centerview Dr. Tallahassee, Fl. 32399-2100; Linda Loomis Shelley, 902 North Gadsden St. Tallahassee, Fl. 32303; and Noah McKinnon, 595 West Granada Blvd. Ormond Beach, Fl. 32075

  
Charles Lee

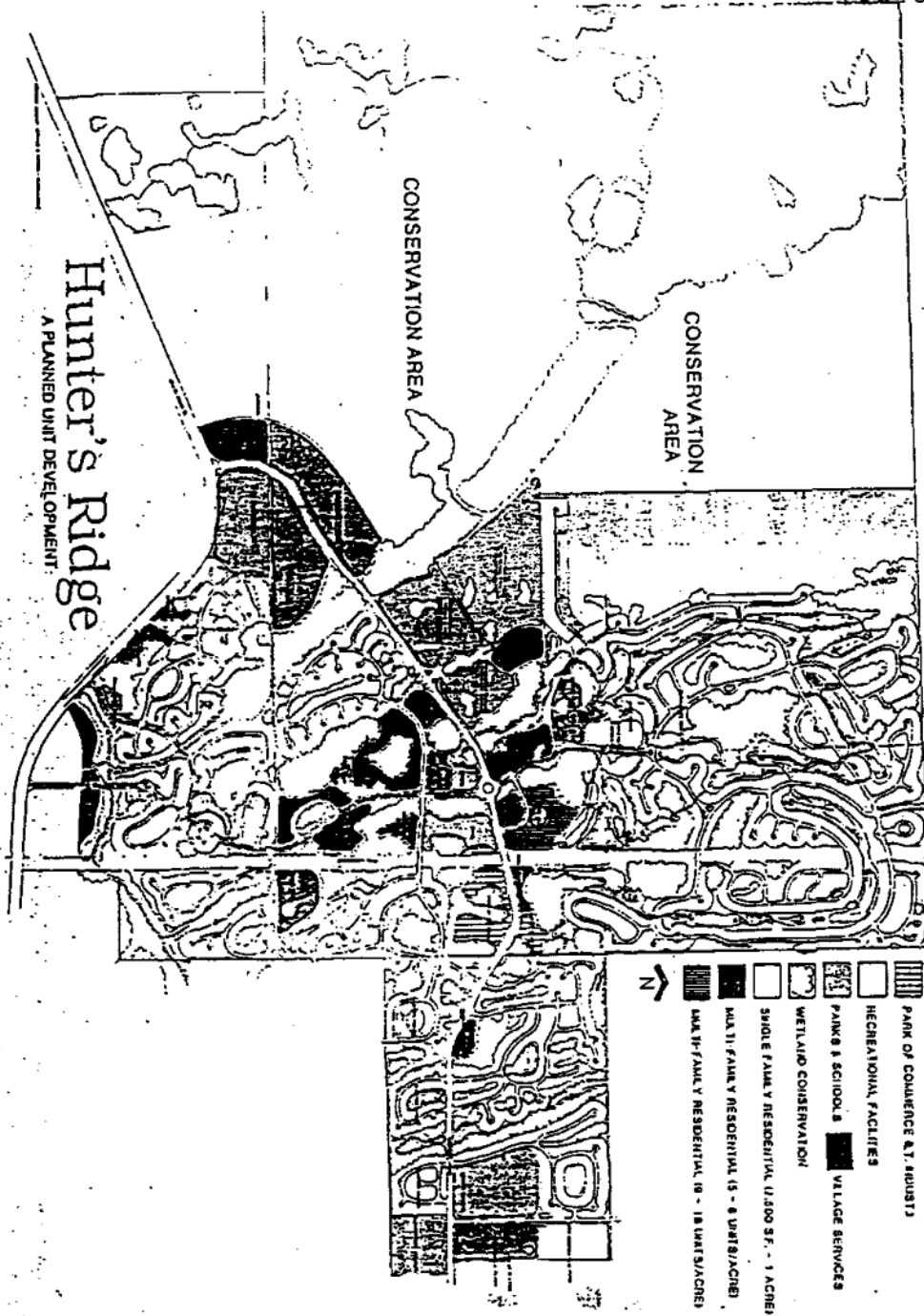


EXHIBIT "C"

# Hunter's Ridge

APLANNED UNIT DEVELOPMENT  
DEVELOPMENT PHASING MAP

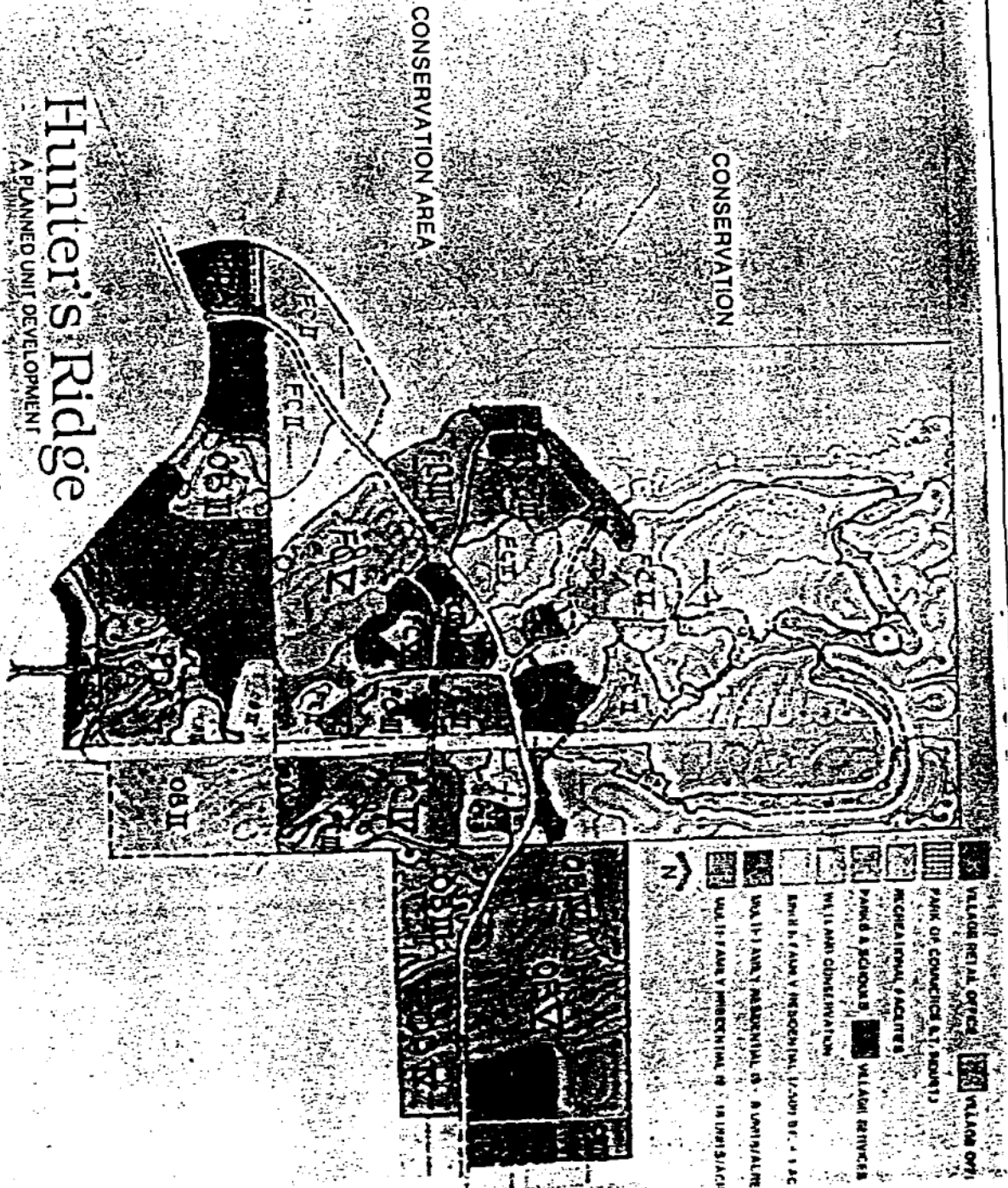


EXHIBIT "D"

LAND USE - HUNTER'S RIDGE

LAND USE	ORMOND BEACH	FLAGLER COUNTY	COMBINED TOTALS	%
Village Retail Office	0.00	11.61	11.61	0.42%
Village Office	0.00	5.71	5.71	0.21%
Light Industrial	0.00	16.68	16.68	0.60%
Village Services/Recreational	192.00	197.18	389.18	14.09%
Parks & Schools	30.61	90.89	121.50	4.39%
Multi-Family Residential (with Upland Buffer)	14.31	64.52	79.03	2.85%
Wetlands	174.54	259.34	433.88	15.66%
Roads, Drainage, Retention	110.95	146.93	257.88	9.31%
Lakes	28.65	52.90	81.55	2.94%
Golf Course	0.00	130.00	130.00	4.89%
FP&L Easement	17.32	57.25	74.57	2.69%
Single Family Residential (with Upland Buffer)	341.42	827.61	1,169.03	42.19%
<b>TOTAL ACREAGE</b>	<b>910.00</b>	<b>1,860.62</b>	<b>2,770.62</b>	<b>100.00%</b>

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LAND USE	ORIGINAL	REVISED	CHANGED	%
Village Retail/Office	35.20	11.61	-23.59	-67.02%
Village Office	41.20	5.71	-35.49	-86.14%
Light Industrial	30.80	16.68	-14.12	-45.84%
Village Services/Recreational	164.00	389.18	225.18	137.30%
Parks & Schools	144.50	121.50	-23.00	-15.92%
Multi-Family Residential w/o Upland Buffers	191.00	64.03	-126.97	-66.48%
Single Family Residential w/o Upland Buffers	1,717.00	984.05	-732.95	-42.69%
Upland Buffers	644.00	199.98	-444.02	-68.95%
Wetlands	1,416.00	433.89	-982.12	-69.34%
Roads, Drainage, Golf Course, Retention, etc.	653.30	544.00	-109.30	-16.73%
<b>TOTAL ACREAGE</b>	<b>3,037.00</b>	<b>2,770.62</b>	<b>-2,266.38</b>	<b>-44.99%</b>

USE	EMPLOYMENT ESTIMATES*			
	ACRES	SQ. FT.	KSF	EMPLOYEES
Village Retail/Office (40% Office)	4.64	64,960	4/KSF	260
Village Retail/Office (60% Retail)	6.97	97,580	2.5/KSF	244
Village Office	5.71	79,940	4/KSF	320
Light Industrial/Office Warehouse	16.68	233,520	1.8/KSF	420
Golf & Tennis Club	N/A	N/A	AVERAGES	60
<b>TOTAL EMPLOYEES</b>				<b>1,304</b>

UNIT TYPE	FAMILY SIZE	DWELLING UNITS		POPULATION TOTALS
		ORMOND	FLAGLER	
Single Family	2.95	932	1,237	6399
Multi-Family:				
(a) Townhouses & Villas	2.7	50	243	797
(b) Apartments & Condo's	2.1	0	220	462
<b>TOTALS</b>		<b>982</b>	<b>1,702</b>	<b>7657</b>
<b>GROSS DWELLING UNITS PER ACRE</b>		<b>1.05</b>	<b>0.91</b>	<b>AVG .97 DUA</b>

\*Employment Estimates are Based on the Following Source:

- ITE Trip Generation, 4th Edition
- Village Office (40% of Village Retail/Office)  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
  - Village Retail (60% of Village Retail/Office)  
10,000 Square Feet of Building per Acre  
2.5 Employees per KSF
  - Village Office  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
  - Light Industrial/Office Warehouse  
14,000 Square Feet of Building per Acre  
1.8 Employees per KSF

NOTE: Substantial Deviation Land Area in Flagler County is 1004 Acres with 949 Dwelling Units or a gross density of .945 Dwelling Units per Acre.

EXHIBIT "E"



DEVELOPMENT SCHEDULE 12/2/90

ORMOND BEACH			FLAGLER COUNTY		
YEAR	PHASE	DESCRIPTION	YEAR	PHASE	DESCRIPTION
Present	PDA	106 Single Family Dwelling Units Deed: Airport Road R.O.V. Deed: [REDACTED] ater and Water Plant Sites Deed Essement (Modern VerField)	Present	PDA	Deed: Airport Road R.O.V.
1 AND 2	OB-I	135 Single Family Dwelling Units Deed: City Rec. Park Site St. Rd. 40 Deed: [REDACTED]			
3 AND 4	OB-II	133 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits Deed Public Safety [REDACTED] Start Equestrian Center Church Sites-St. Rd. 40	3 and 4	FC-II	[REDACTED] Dwelling Units Construct Main Blvd to Airport Rd. Construct Airport Rd. from Elm. School East to City of DB Light Industry 30,000 Square Feet Deed Elementary School Site Deed Public Safety Site Construct 4 Tennis Courts Village Center (15,000 [REDACTED]) Start Clearing Golf Course
5	OB-III	146 Single Family Dwelling Units 30 Multi-Family Dwelling Units	5	FC-III	Complete Golf Course Deed Community Recreation Park Light Industry 25,000 Square Feet Dog Care Facility Deed Middle School Site Complete Airport Rd. to St. Rd. 40 Deed Maintenance Yard Site Deed Regional Park Site 89 Single Family Dwelling Units 30 Multi-Family Dwelling Units Village Center Office 15,000 Sq. Ft.
6 and 7	OB-IV	200 Single Family Dwelling Units Deed City Recreation Park	6 and 7	FC-IV	Light Industry 25,000 Square Feet 100 Single Family Dwelling Units Church Site Complete Tennis Club Library Village Office 20,000 Square Feet
8 and 9	OB-V	170 Single Family Dwelling Units	8 and 9	FC-V	Light Industry 25,000 Square Feet 146 Single Family Dwelling Units 35 Multi-Family Dwelling Units
			10	FC-VI	[REDACTED] Dwelling Units 28 Single Family Dwelling Units Village Center Retail 30,000 Sq. Ft. Village Center Office 20,000 Sq. Ft. Light Industry 25,000 Square Feet
			11	FC-VII	60 Multi-Family Dwelling Units Light Industry 25,000 Square Feet Village Office 20,000 Square Feet
SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES					
			12	FC-VIII	Light Industry 30,000 Square Feet [REDACTED] Dwelling Units Village Office 20,000 Square Feet 130 Single Family Dwelling Units
			12	FC-IX	Village Center Retail 32,300 Sq. Ft. Light Industry 28,520 Square Feet Village Center Office 29,960 Sq. Ft. 250 Single Family Dwelling Units
			14	FC-X	250 Single Family Dwelling Units Village Office 19,940 Square Feet
			15	FC-XI	199 Single Family Dwelling Units

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 VOLusia Co., FL

124630

EXHIBIT "F"

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VOLUSIA CO., FL

RESOLUTION NO. 92 - 68

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE DEVELOPMENT ORDER FOR THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; SETTING FORTH AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA:

SECTION ONE. That the City Commission of the City of Ormond Beach, Florida, hereby approves that First Amendment to Amended Final Order, a copy of which is attached hereto and incorporated herein by reference, and hereby further authorizes the Mayor and the City Clerk to execute and issue the same.

SECTION TWO. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED, this 7th day of April, 1992.

*Nicholas A. Fortunato*  
\_\_\_\_\_  
NICHOLAS A. FORTUNATO  
Mayor

ATTEST:

*Marian A. Maxwell*  
\_\_\_\_\_  
MARIAN A. MAXWELL  
City Clerk

FILED FOR RECORD  
RECORD VERIFIED  
050746

92 APR 20 AM 10:33  
CLERK OF THE CIRCUIT  
& CIV. COURT  
VOLUSIA CO., FL  
*M. Maxwell*

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BEFORE THE  
CITY COMMISSION  
OF THE  
CITY OF ORMOND BEACH, FLORIDA

IN RE: "Hunter's Ridge"  
Development of Regional Impact

FIRST AMENDMENT TO  
AMENDED FINAL ORDER

This matter having come on for hearing before the City Commission of the City of Ormond Beach, Florida, upon the request by the Developer, **FLORIDA-GEORGIA VENTURE GROUP**, for approval of a proposed change to that Amended Final Order heretofore entered by the Florida Land and Water Adjudicatory Commission, the City Commission finds as follows:

1. That, on May 28, 1991, the Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development Approval for the "Hunter's Ridge" development of regional impact.

2. That a "Notice of Adoption of Development Order Pursuant to Florida Statutes Section 380.06(15)(f)" was recorded by the Florida-Georgia Venture Group on October 1, 1991, in Official Records Book 3696 at Pages 1640 through 1745, inclusive, of the Public Records of Volusia County, Florida.

3. That, in accordance with Section 380.06(19)(f), **Florida Statutes** (1991), and Rule 9J-2.010(1)(h), **Florida Administrative Code**, the **FLORIDA-GEORGIA VENTURE GROUP** did submit simultaneously to the City, to Flagler County, to the East Central Florida Regional Planning Council, to the Northeast Florida Regional

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Planning Council, and to the Florida Department of Community Affairs, a request for approval of proposed changes to the said Amended Final Order.

4. That the **FLORIDA-GEORGIA VENTURE GROUP** has asserted that the proposed changes do not create a substantial deviation requiring further development of regional impact review.

5. That the City has given the required notice and scheduled and conducted a public hearing to consider the proposed changes.

6. That the East Central Florida Regional Planning Council has expressed the opinion "that the changes proposed do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19)(b), **Florida Statutes**, nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes," and has recommended against submitting the proposed changes for additional regional review by the Council.

7. That after giving consideration to the provisions of paragraphs (a) and (e) of Section 380.06(19), **Florida Statutes** (1991), the thresholds set forth in paragraph (b) of Section 380.06(19), **Florida Statutes** (1991), and the presumptions set forth in paragraphs (c) and (d) and subparagraphs (e)(1) and (e)(3) of Section 380.06(19), **Florida Statutes** (1991), the City Commission determines that the proposed changes do not require further

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VOLUSIA CO., FL

development of regional impact review.

Thereupon and in consideration thereof, it is ORDERED:

A. That Subparagraph 3.7 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

3.7 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the revised Conceptual Development Plan attached hereto as Exhibit "C" Revised. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 3.6, and Condition 3.5, the provisions of Condition 3.5 shall control.

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VOLUSIA CO., FL

B. That Subparagraph 11.14 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**11.14 In addition to the regional transportation conditions set forth in the preceding paragraphs, the following conditions shall be observed prior to the recording of any plats or requesting any development approvals in Ormond Beach, other than for public improvements and infrastructure for the project phases described in the attached Exhibits "D" Revised, dated December 1, 1991 and Exhibit "F" Revised, dated December 1, 1991.**

C. That Subparagraph 12.1(E) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**E. The revised conceptual development plan dated December 1, 1991, hereby is incorporated as Exhibit "C" Revised and shall be generally adhered to with regard to land uses and road patterns.**

D. That Subparagraph 12.1(F) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**F. The revised phasing map dated December 1, 1991, hereby is incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised dated December 1, 1991 shall be generally adhered to with regard to phasing of the project.**

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E. That Subparagraph 12.1(G) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

G. The revised table of land uses dated December 1, 1991, hereby is incorporated as Exhibit "E" Revised and shall be generally adhered to with regard to land use designation, numbers of dwelling units and density.

F. That Subparagraph 12.1(H) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated December 1, 1991, hereby is incorporated as Exhibit "F" Revised and along with Exhibit "D" Revised shall be generally adhered to with regard to phasing of the project. The phasing schedule in the City may be altered without a substantial deviation review pursuant to Section 380.06(19), Florida Statutes, if the Applicant and the City agreed to the revised phasing proposal.

G. That Subparagraph 12.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

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12.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units and 50 multi-family units including but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised as single family residential may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lot sizes or higher densities shall require an amendment to this development order in accordance with applicable law.

H. That Subparagraph 12.12 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

12.12 Application for approval shall be filed in accordance with the Planned Residential Unit Development (PRD) (~~PUD~~) procedures provided by the City's land development regulations, currently located in Section 10.04 ~~700/00//R+S Residential/Suburban/District~~ of the City's Land Development Code zoning/ordinance. The ~~PRD PUD~~ shall be of such size and shape as to be essentially freestanding with regard to traffic circulation and emergency access; utilities, recreation and open space; drainage, detention and retention; other public and HOA infrastructure and proximity to existing development and infrastructure. The limits of the ~~PRD PUD~~ shall generally not exceed the limits of any development phase as identified on Exhibit "C" Revised hereto. ~~PRD PUD~~ submittals may be accompanied by one or more preliminary plats, each freestanding with regard to the above criteria and containing no more than 250 units.

I. That Subparagraph 13.12 of the Special Conditions



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incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

13.12 The City shall reconvey to the Applicant the lands heretofore conveyed to it for use as a water treatment plant site and for that portion of Airport Road south of the Flagler County Line, in exchange for the Applicant's conveyance of the relocated water treatment plant site and the relocated said portion of Airport Road, as shown on the revised conceptual development plan (Exhibit "C" Revised) dated December 1, 1991.

J. That Subparagraph 14.1(E) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

E. The revised conceptual development plan dated December 1, 1991, hereby is incorporated as Exhibit "C" Revised and shall be generally adhered to with regard to land uses and road patterns.

K. That Subparagraph 14.1(F) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated December 1, 1991, hereby is incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised dated December 1, 1991, shall be generally adhered to with regard to phasing of the project.

L. That Subparagraph 14.1(G) of the Special Conditions incorporated into the said Amended Final Order be and the same is

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hereby amended to read as follows:

G. The revised table of land uses dated December 1, 1991, hereby is incorporated as Exhibit "E" Revised and shall generally adhere to with regard to land use designations, numbers of dwelling units and density.

M. That Subparagraph 14.1(H) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated December 1, 1991, hereby is incorporated as Exhibit "F" Revised and along with Exhibit "D" Revised dated December 1, 1991, shall be generally adhered to with regard to phasing of the project.

N. That Subparagraph 14.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

14.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units, 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised as single family residential, may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lots sizes or higher densities shall require an amendment to this development order in accordance with applicable law

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O. That Subparagraph 15.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

15.2 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the Revised Conceptual Development Plan attached hereto as Exhibit "C" Revised. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 15.3, and Condition 3.5, the provisions of Condition 3.5 shall control.

P. That Exhibit C to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit C Revised, a copy being attached hereto and incorporated herein by reference.

Q. That Exhibit D to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit D Revised, a copy being attached hereto

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and incorporated herein by reference.

R. That Exhibit E to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit E Revised, Dated December 1, 1991, a copy being attached hereto and incorporated herein by reference.

S. That Exhibit F to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit F Revised, Dated December 1, 1991, a copy being attached hereto and incorporated herein by reference.

T. That the final design for the cluster neighborhood shall address the impact of having a through street providing access to the new church site, recreational facilities and Airport Road, with the through street being designed to City standards for the average daily traffic projected to utilize such street.

U. That, except as otherwise amended hereby, the said Amended Final Order be and the same is hereby ratified and confirmed.

V. That the Developer, **FLORIDA-GEORGIA VENTURE GROUP**, shall forthwith, and at its expense, record in the public records of Volusia County, Florida, the Notice required by Section 380.06(15)(f), Florida Statutes (1991).

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VOLUSIA CO., FL

ORDERED in Chambers at the Ormond Beach City Hall this the  
7th day of April, 1992.

  
\_\_\_\_\_  
NICHOLAS A. FORTUNATO  
Mayor

ATTEST:

  
\_\_\_\_\_  
MARIAN A. MAXWELL  
City Clerk

LEGEND











-  VILLAGE RETAIL OFFICE
-  VILLAGE OFFICE
-  PARK OF COMMERCE (L.T. INDUSTRY)
-  RECREATIONAL FACILITIES
-  PARKS & SCHOOLS
-  VILLAGE SERVICES
-  WETLAND CONSERVATION
-  SINGLE FAMILY RESIDENTIAL (7,500 SF. - 1 ACRE)
-  MULTI-FAMILY RESIDENTIAL (5 - 8 UNITS/ACRE)
-  MULTI-FAMILY RESIDENTIAL (9 - 18 UNITS/ACRE)













EXHIBIT 'C' Amuro

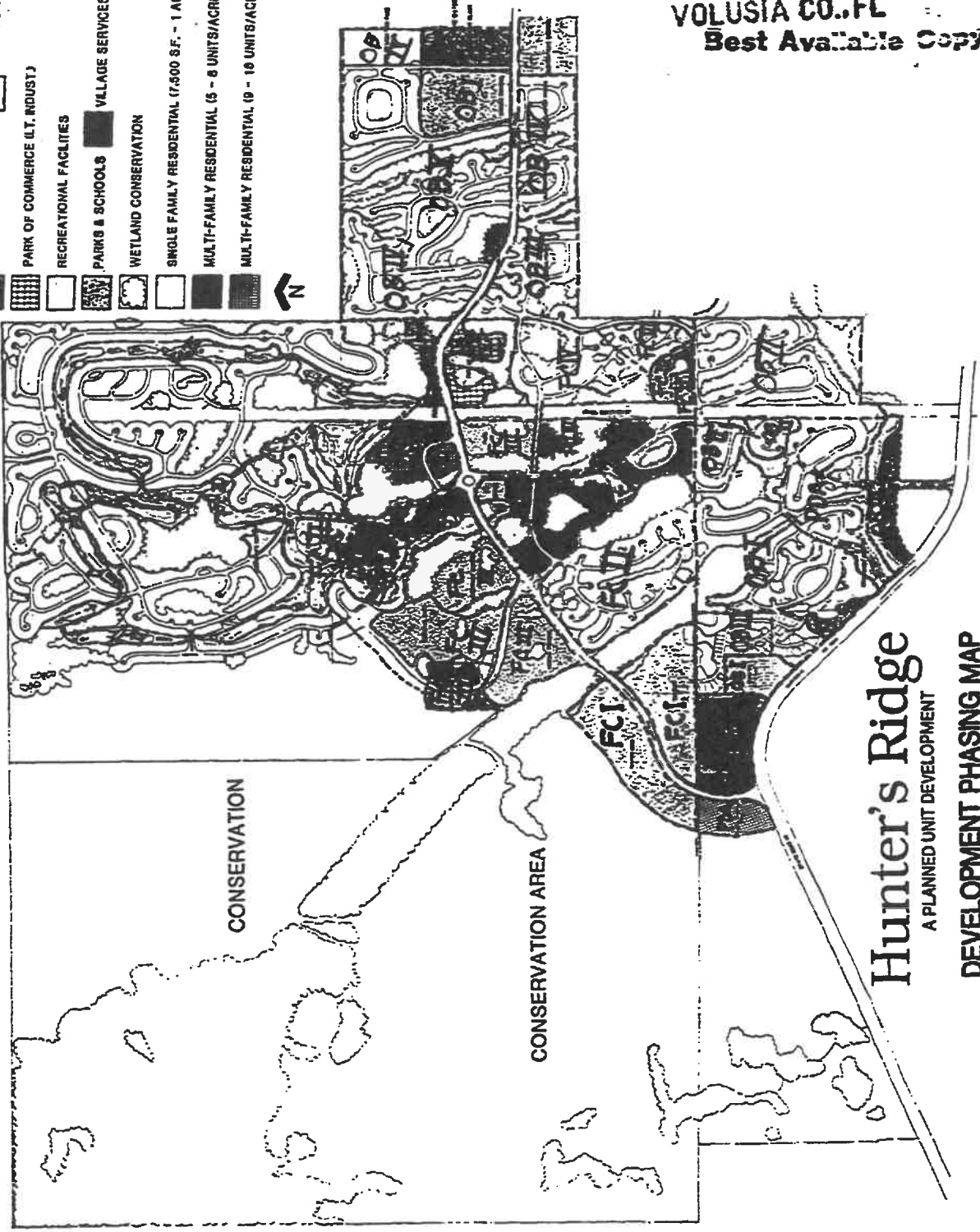


Hunter's Ridge

A PLANNED UNIT DEVELOPMENT  
 REVISED DECEMBER 1, 1991

**EXHIBIT "D" Rmsco**  
**LEGEND**

-  VILLAGE RETAIL OFFICE
-  VILLAGE OFFICE
-  PARK OF COMMERCE (U.T. INDUSTRY)
-  RECREATIONAL FACILITIES
-  PARKS & SCHOOLS
-  VILLAGE SERVICES
-  WETLAND CONSERVATION
-  SINGLE FAMILY RESIDENTIAL (7,500 S.F. - 1 ACRE)
-  MULTI-FAMILY RESIDENTIAL (5 - 8 UNITS/ACRE)
-  MULTI-FAMILY RESIDENTIAL (9 - 16 UNITS/ACRE)



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 Best Available Copy

**Hunter's Ridge**  
 A PLANNED UNIT DEVELOPMENT  
**DEVELOPMENT PHASING MAP**  
 REVISED DECEMBER 1, 1991

# EXHIBIT "E" REVISED

HUNTER'S RIDGE LAND USE - REVISED 12/1/91

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LAND USE	DEWIND BEACH	FLAGLER COUNTY	COMBINED TOTALS	%
Village Retail Office	0.00	11.61	11.61	0.42%
Village Office	0.00	5.71	5.71	0.21%
Light Industrial	0.00	16.68	16.68	0.60%
Village Services/Recreational	* 204.55	197.18	401.73	14.50%
Parks & Schools	30.61	90.89	121.50	4.39%
Multi-Family Residential (with Upland Buffer)	14.51	64.52	79.03	2.85%
Wetlands	174.54	299.34	473.88	15.66%
Roads, Drainage, Retention	110.95	146.95	257.90	9.31%
Lakes	28.65	52.90	81.55	2.94%
Golf Course	0.00	130.00	130.00	4.69%
FP&L Easement	17.22	57.25	74.47	2.69%
Single Family Residential (with Upland Buffer)	* 328.87	827.61	1,156.48	41.74%
<b>TOTAL ACREAGE</b>	<b>910.00</b>	<b>1,260.62</b>	<b>2,770.62</b>	<b>100.00%</b>

\* REVISED

LAND USE	ORIGINAL	REVISED	CHANGED	%
Village Retail/Office	35.20	11.61	-23.59	-67.02%
Village Office	41.20	5.71	-35.49	-86.14%
Light Industrial	30.80	16.68	-14.12	-45.84%
Village Services/Recreational	164.00	* 400.68	236.68	144.32%
Parks & Schools	144.50	121.50	-23.00	-15.92%
Multi-Family Residential w/o Upland Buffers	191.00	64.03	-126.97	-66.48%
Single Family Residential w/o Upland Buffers	1,717.00	* 967.05	-749.95	-43.68%
Upland Buffers	644.00	199.58	-444.02	-68.95%
Wetlands	1,416.00	433.88	-982.12	-69.36%
Roads, Drainage, Golf Course, Retention, etc.	653.30	* 549.50	-103.80	-15.89%
<b>TOTAL ACREAGE</b>	<b>5,057.00</b>			<b>-44.59%</b>

\* REVISED

USE	EMPLOYMENT ESTIMATES *			
	ACRES	SQ. FT.	KSF	EMPLOYEES
Village Retail/Office (40% Office)	4.64	64,960	4/KSF	260
Village Retail/Office (60% Retail)	6.97	97,580	2.5/KSF	244
Village Office	5.71	79,940	4/KSF	320
Light Industrial/Office Warehouse	16.68	233,320	1.8/KSF	430
Golf & Tennis Club	N/A	N/A	AVERAGES	60
<b>TOTAL EMPLOYEES</b>				<b>1,304</b>

UNIT TYPE	FAMILY SIZE	DWELLING UNITS		POPULATION TOTALS
		DEWIND	FLAGLER	
Single Family	2.95	382	1237	6398
Multi-Family:				
(a) Townhouses & Villas	2.7	30	245	797
(b) Apartments & Condos	2.1	0	220	462
<b>TOTALS</b>		<b>382</b>	<b>1702</b>	<b>7657</b>
<b>GROSS DWELLING UNITS PER ACRE</b>		<b>1.08</b>	<b>0.91</b>	<b>AVG. 57 DUA</b>

\*Employment Estimates are Based on the Following Source:

ITE Trip Generation, 4th Edition

- Village Office (40% of Village Retail/Office)  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
- Village Retail (60% of Village Retail/Office)  
10,000 Square Feet of Building per Acre  
2.5 Employees per KSF
- Village Office  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
- Light Industrial/Office Warehouse  
14,000 Square Feet of Building per Acre  
1.8 Employees per KSF

NOTE: SUBSTANTIAL DEVIATION LAND AREA IN FLAGLER COUNTY IS 1004 ACRES WITH 949 DWELLING UNITS OR A GROSS DENSITY OF .945 DWELLING UNITS PER ACRE.



# EXHIBIT 'F' REVISED

REVISED DEVELOPMENT SCHEDULE DECEMBER 1, 1991

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 VOLUSIA CO., FL

OSWEGO BEACH			FLAGLER COUNTY		
YEAR	PHASE	DESCRIPTION	YEAR	PHASE	DESCRIPTION
Present	PDA	108 Single Family Dwelling Units Deed: Airport Road R.O.V. Deed: Regional Water & Sewer Plant Sites Deed: Esplanade (Ocean Walk Field)	Present	PDA	Deed: Airport Road R.O.V.
1 AND 2	OB-I	135 Single Family Dwelling Units Deed: City Rec. Park 94a-State Road 40 Deed: Middle School Site	1 AND 2	FC-I	Start Equestrian Center & Polo Fields
3 AND 4	OB-II	155 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits Deed Public Safety Site - Airport Road	3 AND 4	FC-II	100 Multi-Family Dwelling Units Construct Main Blvd to Airport Road Construct Airport Rd. from Elm School East to City of OB Light Industry 50,000 Square Feet Deed Elementary School Site Deed Public Safety Site Construct 4 Tennis Courts Village Center (15,000 Square Feet - Retail) Start Clearing for Golf Course
5	OB-III	146 Single Family Dwelling Units 50 Multi-Family Dwelling Units	5	FC-III	Complete Golf Course Deed Community Recreation Park Light Industry 25,000 Square Feet Day Care Facility Deed Middle School Site Complete Airport Road to State Road 40 Deed Maintenance Yard Site Deed Regional Park Site 89 Single Family Dwelling Units 30 Multi-Family Dwelling Units Village Center Office 15,000 Square Feet
6 AND 7	OB-IV	Church Site - State Road 40 Deed City Recreation Park - Airport Road 200 Single Family Dwelling Units	6 AND 7	FC-IV	Light Industry 25,000 Square Feet 105 Single Family Dwelling Units Church Site Complete Tennis Club Library Village Office 20,000 Square Feet
8 AND 9	OB-V	170 Single Family Dwelling Units	8 AND 9	FC-V	Light Industry 25,000 Square Feet 166 Single Family Dwelling Units 95 Multi-Family Dwelling Units
			10	FC-VI	120 Multi-Family Dwelling Units 28 Single Family Dwelling Units Village Center Retail 30,000 Square Feet Village Center Office 20,000 Square Feet Light Industry 25,000 Square Feet
			11	FC-VII	60 Multi-Family Dwelling Units Light Industry 25,000 Square Feet Village Office 20,000 Square Feet
<b>SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES</b>					
			12	FC-VIII	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
			13	FC-IX	Village Center Retail 52,500 Square Feet Light Industry 29,520 Square Feet Village Center Office 29,560 Square Feet 250 Single Family Dwelling Units
			14	FC-X	250 Single Family Dwelling Units Village Office 19,540 Square Feet
			15	FC-XI	199 Single Family Dwelling Units

050746

re-recorded

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3754 1692  
VOLUSIA CO. FL

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VOLUSIA CO. FL

RESOLUTION NO. 92 - 68

A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE DEVELOPMENT ORDER FOR THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; SETTING FORTH AN EFFECTIVE DATE.

FILED FOR RECORD  
RECORD VERIFIED  
0854 98

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA:

SECTION ONE. That the City Commission of the City of Ormond Beach, Florida, hereby approves that First Amendment to Amended Final Order, a copy of which is attached hereto and incorporated herein by reference, and hereby further authorizes the Mayor and the City Clerk to execute and issue the same.

FILED FOR RECORD  
RECORD VERIFIED  
02 APR 25 AM 9:19  
CLERK OF THE CIRCUIT  
& COUNTY COURT  
VOLUSIA CO., FL.

SECTION TWO. That this Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED, this 7th day of April, 1992.

*Nicholas A. Fortunato*  
NICHOLAS A. FORTUNATO  
Mayor

FILED FOR RECORD  
RECORD VERIFIED  
050746

ATTEST:

*Marian A. Maxwell*  
MARIAN A. MAXWELL  
City Clerk

NOTE: Re-recorded to reflect corrected Development Phasing Map

FILED FOR RECORD  
RECORD VERIFIED  
02 APR 23 AM 10:33  
CLERK OF THE CIRCUIT  
& COUNTY COURT  
VOLUSIA CO., FL.

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VOLUSIA CO. FL		VOLUSIA CO..FL	

BEFORE THE  
CITY COMMISSION  
OF THE  
CITY OF ORMOND BEACH, FLORIDA

IN RE: "Hunter's Ridge"  
Development of Regional Impact

FIRST AMENDMENT TO  
AMENDED FINAL ORDER

This matter having come on for hearing before the City Commission of the City of Ormond Beach, Florida, upon the request by the Developer, **FLORIDA-GEORGIA VENTURE GROUP**, for approval of a proposed change to that Amended Final Order heretofore entered by the Florida Land and Water Adjudicatory Commission, the City Commission finds as follows:

1. That, on May 28, 1991, the Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development Approval for the "Hunter's Ridge" development of regional impact.

2. That a "Notice of Adoption of Development Order Pursuant to Florida Statutes Section 380.06(15)(f)" was recorded by the Florida-Georgia Venture Group on October 1, 1991, in Official Records Book 3696 at Pages 1640 through 1745, inclusive, of the Public Records of Volusia County, Florida.

3. That, in accordance with Section 380.06(19)(f), **Florida Statutes** (1991), and Rule 9J-2.010(1)(h), **Florida Administrative Code**, the **FLORIDA-GEORGIA VENTURE GROUP** did submit simultaneously to the City, to Flagler County, to the East Central Florida Regional Planning Council, to the Northeast Florida Regional

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3754	1694	3739	1900
VOLUSIA CO. FL		VOLUSIA CO. FL	

Planning Council, and to the Florida Department of Community Affairs, a request for approval of proposed changes to the said Amended Final Order.

4. That the **FLORIDA-GEORGIA VENTURE GROUP** has asserted that the proposed changes do not create a substantial deviation requiring further development of regional impact review.

5. That the City has given the required notice and scheduled and conducted a public hearing to consider the proposed changes.

6. That the East Central Florida Regional Planning Council has expressed the opinion "that the changes proposed do not result in an automatic substantial deviation determination pursuant to the threshold criteria of section 380.06(19)(b), **Florida Statutes**, nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes," and has recommended against submitting the proposed changes for additional regional review by the Council.

7. That after giving consideration to the provisions of paragraphs (a) and (e) of Section 380.06(19), **Florida Statutes** (1991), the thresholds set forth in paragraph (b) of Section 380.06(19), **Florida Statutes** (1991), and the presumptions set forth in paragraphs (c) and (d) and subparagraphs (e)(1) and (e)(3) of Section 380.06(19), **Florida Statutes** (1991), the City Commission determines that the proposed changes do not require further

BOOK	PAGE	BOOK	PAGE
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VOLUSIA CO. FL		VOLUSIA CO., FL	

development of regional impact review.

**Thereupon and in consideration thereof, it is ORDERED:**

A. That Subparagraph 3.7 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

3.7 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the revised Conceptual Development Plan attached hereto as Exhibit "C" Revised. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition; or Condition 3.8, and Condition 3.5, the provisions of Condition 3.5 shall control.

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3754	1696	3739	1902
VOLUSIA CO. FL		VOLUSIA CO., FL	

B. That Subparagraph 11.14 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**11.14 In addition to the regional transportation conditions set forth in the preceding paragraphs, the following conditions shall be observed prior to the recording of any plats or requesting any development approvals in Ormond Beach, other than for public improvements and infrastructure for the project phases described in the attached Exhibits "D" Revised, dated December 1, 1991 and Exhibit "F" Revised, dated December 1, 1991.**

C. That Subparagraph 12.1(E) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**E. The revised conceptual development plan dated December 1, 1991, hereby is incorporated as Exhibit "C" Revised and shall be generally adhered to with regard to land uses and road patterns.**

D. That Subparagraph 12.1(F) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

**F. The revised phasing map dated December 1, 1991, hereby is incorporated as Exhibit "D Revised and, along with Exhibit "F" Revised dated December 1, 1991 shall be generally adhered to with regard to phasing of the project.**

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3754	1697	3739	1903
VOLUSIA CO. FL		VOLUSIA CO. FL	

E. That Subparagraph 12.1(G) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

G. The revised table of land uses dated December 1, 1991, hereby is incorporated as Exhibit "E" Revised and shall be generally adhered to with regard to land use designation, numbers of dwelling units and density.

F. That Subparagraph 12.1(H) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated December 1, 1991, hereby is incorporated as Exhibit "F" Revised and along with Exhibit "D" Revised shall be generally adhered to with regard to phasing of the project. The phasing schedule in the City may be altered without a substantial deviation review pursuant to Section 380.06(19), Florida Statutes, if the Applicant and the City agreed to the revised phasing proposal.

G. That Subparagraph 12.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

BOOK	PAGE	BOOK	PAGE
3754	1698	3739	1904
VOLUSIA CO. FL.		VOLUSIA CO., FL	

12.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units and 50 multi-family units including but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised as single family residential may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lot sizes or higher densities shall require an amendment to this development order in accordance with applicable law.

H. That Subparagraph 12.12 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

12.12 Application for approval shall be filed in accordance with the Planned Residential Unit Development (PRD) (PUD) procedures provided by the City's land development regulations, currently located in Section 10.04 700/00//R+S Residential/Suburban/District of the City's Land Development Code zoning/ordinance. The PRD PUD shall be of such size and shape as to be essentially freestanding with regard to traffic circulation and emergency access; utilities, recreation and open space; drainage, detention and retention; other public and HOA infrastructure and proximity to existing development and infrastructure. The limits of the PRD PUD shall generally not exceed the limits of any development phase as identified on Exhibit "C" Revised hereto. PRD PUD submittals may be accompanied by one or more preliminary plats, each freestanding with regard to the above criteria and containing no more than 250 units.

I. That Subparagraph 13.12 of the Special Conditions



BOOK	PAGE	BOOK	PAGE
3754	1699	3739	1905
VOLUSIA CO. FL		VOLUSIA CO., FL	

incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

13.12 The City shall reconvey to the Applicant the lands heretofore conveyed to it for use as a water treatment plant site and for that portion of Airport Road south of the Flagler County Line, in exchange for the Applicant's conveyance of the relocated water treatment plant site and the relocated said portion of Airport Road, as shown on the revised conceptual development plan (Exhibit "C" Revised) dated December 1, 1991.

J. That Subparagraph 14.1(E) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

E. The revised conceptual development plan dated December 1, 1991, hereby is incorporated as Exhibit "C" Revised and shall be generally adhered to with regard to land uses and road patterns.

K. That Subparagraph 14.1(F) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated December 1, 1991, hereby is incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised dated December 1, 1991, shall be generally adhered to with regard to phasing of the project.

L. That Subparagraph 14.1(G) of the Special Conditions incorporated into the said Amended Final Order be and the same is

BOOK	PAGE	BOOK	PAGE
3754	1700	3739	1906
VOLUSIA CO. FL.		VOLUSIA CO., FL	

hereby amended to read as follows:

G. The revised table of land uses dated December 1, 1991, hereby is incorporated as Exhibit "E" Revised and shall generally adhered to with regard to land use designations, numbers of dwelling units and density.

M. That Subparagraph 14.1(H) of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated December 1, 1991, hereby is incorporated as Exhibit "F" Revised and along with Exhibit "D" Revised dated December 1, 1991, shall be generally adhered to with regard to phasing of the project.

N. That Subparagraph 14.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

14.2 The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units, 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised as single family residential, may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lots sizes or higher densities shall require an amendment to this development order in accordance with applicable law

BOOK PAGE  
3754 1701  
VOLUSIA CO. FL

BOOK PAGE  
3739 1907  
VOLUSIA CO., FL

O. That Subparagraph 15.2 of the Special Conditions incorporated into the said Amended Final Order be and the same is hereby amended to read as follows:

15.2 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the Revised Conceptual Development Plan attached hereto as Exhibit "C" Revised. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 15.3, and Condition 3.5, the provisions of Condition 3.5 shall control.

P. That Exhibit C to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit C Revised, a copy being attached hereto and incorporated herein by reference.

Q. That Exhibit D to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit D Revised, a copy being attached hereto

BOOK	PAGE	BOOK	PAGE
3754	1702	3739	1908
VOLUSIA CO. FL		VOLUSIA CO. FL	

and incorporated herein by reference.

R. That Exhibit E to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit E Revised, Dated December 1, 1991, a copy being attached hereto and incorporated herein by reference.

S. That Exhibit F to the Special Conditions incorporated into the said Amended Final Order be and the same is hereby deleted and replaced with Exhibit F Revised, Dated December 1, 1991, a copy being attached hereto and incorporated herein by reference.

T. That the final design for the cluster neighborhood shall address the impact of having a through street providing access to the new church site, recreational facilities and Airport Road, with the through street being designed to City standards for the average daily traffic projected to utilize such street.

U. That, except as otherwise amended hereby, the said Amended Final Order be and the same is hereby ratified and confirmed.

V. That the Developer, **FLORIDA-GEORGIA VENTURE GROUP**, shall forthwith, and at its expense, record in the public records of Volusia County, Florida, the Notice required by Section 380.06(15)(f), Florida Statutes (1991).

BOOK PAGE  
3754 1703  
VOLUSIA CO. FL

BOOK PAGE  
3739 1909  
VOLUSIA CO., FL

ORDERED in Chambers at the Ormond Beach City Hall this the  
7th day of April, 1992.











  
NICHOLAS A. FORTUNATO  
Mayor

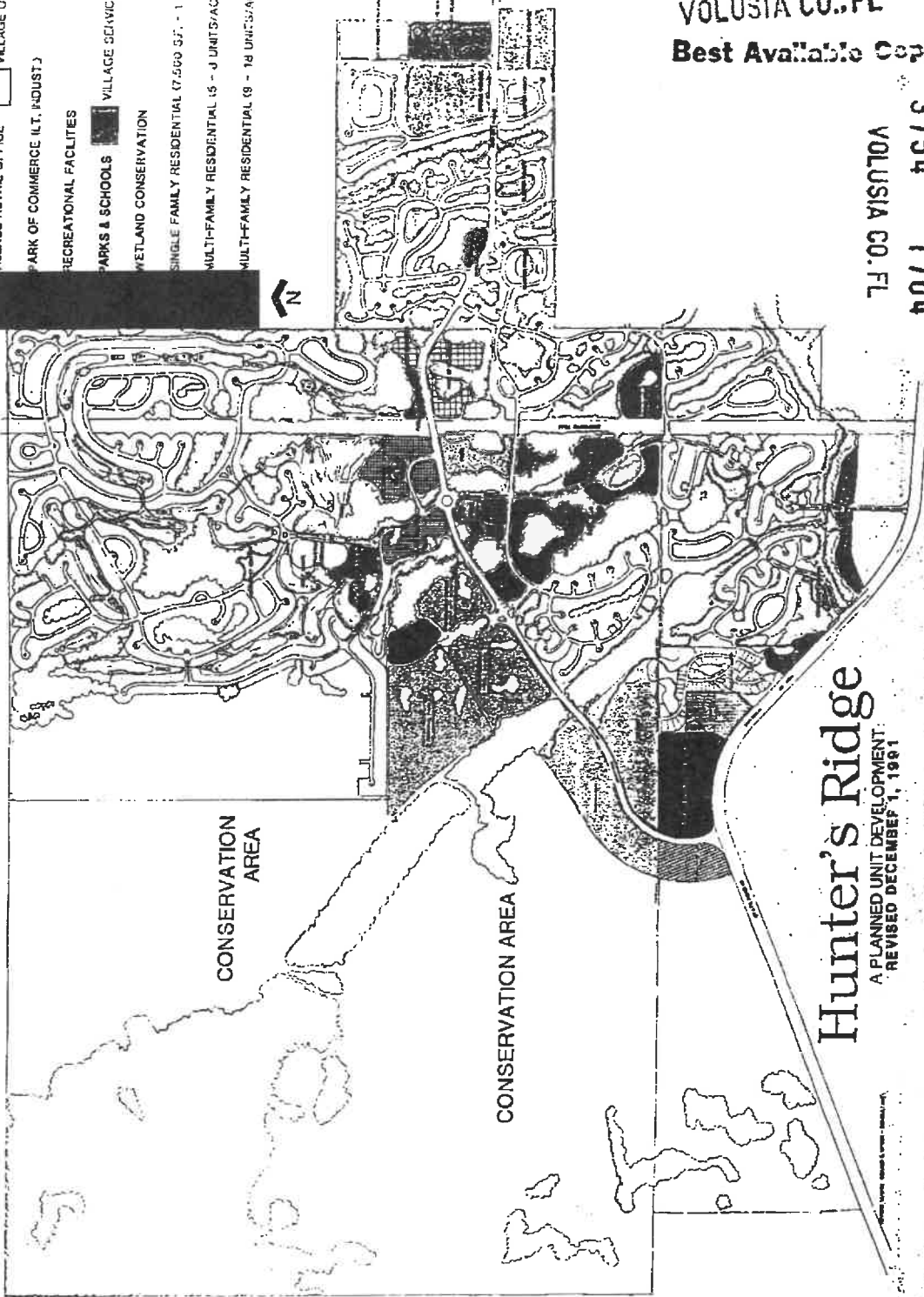
ATTEST:

  
MARIAN A. MAXWELL  
City Clerk

**EXHIBIT C Amso**

**LEGEND**

-  VILLAGE RETAIL OFFICE
-  VILLAGE OFFICE
-  PARK OF COMMERCE (LT. INDUSTRY)
-  RECREATIONAL FACILITIES
-  PARKS & SCHOOLS
-  VILLAGE SERVICES
-  WETLAND CONSERVATION
-  SINGLE FAMILY RESIDENTIAL (7,500 SQ. FT. - 1 ACRE)
-  MULTI-FAMILY RESIDENTIAL (5 - 10 UNITS/ACRE)
-  MULTI-FAMILY RESIDENTIAL (9 - 18 UNITS/ACRE)



**Hunter's Ridge**  
A PLANNED UNIT DEVELOPMENT  
REVISED DECEMBER 1, 1991

BOOK PAGE  
3739 1910  
VOLUSIA CO., FL

Best Available Copy

BOOK PAGE  
3754 1704  
VOLUSIA CO., FL



# EXHIBIT "E" REVISED

HUNTER'S RIDGE LAND USE - REVISED 12/1/91

LAND USE	ORMOND BEACH	FLAGLER COUNTY	COMBINED TOTALS	%
Village Retail Office	0.00	11.61	11.61	0.42%
Village Office	0.00	5.71	5.71	0.21%
Light Industrial	0.00	16.68	16.68	0.60%
Village Services/Recreational	* 204.55	197.18	401.73	14.50%
Parks & Schools	30.61	90.89	121.50	4.89%
Multi-Family Residential (with Upland Buffer)	14.51	64.52	79.03	2.89%
Wetlands	174.34	259.24	433.88	15.66%
Roads, Drainage, Retention	110.95	146.93	257.88	9.31%
Lakes	28.65	52.90	81.55	2.94%
Golf Course	0.00	130.00	130.00	4.69%
FPS&L Easement	17.22	57.25	74.57	2.69%
Single Family Residential (with Upland Buffer)	* 329.87	827.61	1,156.48	41.74%
<b>TOTAL ACREAGE</b>	<b>910.00</b>	<b>1,860.62</b>	<b>2,770.62</b>	<b>100.00%</b>

\* REVISED

LAND USE	ORIGINAL	REVISED	CHANGED	%
Village Retail/Office	35.20	11.61	-23.59	-67.02%
Village Office	41.20	5.71	-35.49	-86.14%
Light Industrial	30.80	16.68	-14.12	-45.84%
Village Services/Recreational	164.00	* 400.68	236.68	144.32%
Parks & Schools	144.50	121.50	-23.00	-15.92%
Multi-Family Residential w/o Upland Buffers	191.00	64.03	-126.97	-66.48%
Single Family Residential w/o Upland Buffers	1,717.00	* 967.05	-749.95	-43.68%
Upland Buffers	644.00	199.98	-444.02	-68.95%
Wetlands	1,416.00	433.88	-982.12	-69.36%
Roads, Drainage, Golf Course, Retention, etc.	653.30	* 549.50	-103.80	-15.89%
<b>TOTAL ACREAGE</b>	<b>5,057.00</b>	<b>2,770.62</b>	<b>-2,286.38</b>	<b>-44.97%</b>

\* REVISED

USE	ACRES	EMPLOYMENT ESTIMATES*		
		SQ. FT.	KSF	EMPLOYEES
Village Retail/Office (40% Office)	4.64	64,960	4/KSF	260
Village Retail/Office (60% Retail)	6.97	97,580	2.5/KSF	244
Village Office	5.71	79,940	4/KSF	320
Light Industrial/Office Warehouse	16.68	233,520	1.8/KSF	420
Golf & Tennis Club	N/A	N/A	AVERAGES	60
<b>TOTAL EMPLOYEES</b>				<b>1,304</b>

UNIT TYPE	FAMILY SIZE	D'WELLING UNITS		POPULATION TOTALS
		ORMOND	FLAGLER	
Single Family	2.95	932	1237	6398
Multi-Family:				
(a) Townhouses & Villas	2.7	50	245	797
(b) Apartments & Condo's	2.1	0	220	462
<b>TOTALS</b>		<b>982</b>	<b>1702</b>	<b>7657</b>
<b>GROSS D'WELLING UNITS PER ACRE</b>		<b>1.08</b>	<b>0.91</b>	<b>AVG .97 DUA</b>

\*Employment Estimates are Based on the Following Source:

ITE Trip Generation, 4th Edition

1. Village Office (40% of Village Retail/Office)  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
2. Village Retail (60% of Village Retail/Office)  
10,000 Square Feet of Building per Acre  
2.5 Employees per KSF
3. Village Office  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
4. Light Industrial/Office Warehouse  
14,000 Square Feet of Building per Acre  
1.8 Employees per KSF

NOTE: SUBSTANTIAL DEVIATION LAND AREA IN FLAGLER COUNTY IS 1004 ACRES WITH 949 D'WELLING UNITS OR A GROSS DENSITY OF .945 D'WELLING UNITS PER ACRE.

BOOK 3739 PAGE 1912  
 VOLUSIA CO., FL  
 BOOK 3754 PAGE 1706  
 VOLUSIA CO., FL



# EXHIBIT "F" REVISED

REVISED DEVELOPMENT SCHEDULE DECEMBER 1, 1991

BOOK PAGE 3754 1707  
 BOOK PAGE 3739 1913  
 VOLUSIA CO. FL  
 VOLUSIA CO. FL

ORMOND BEACH			FLAGLER COUNTY		
YEAR	PHASE	DESCRIPTION	YEAR	PHASE	DESCRIPTION
Present	PDA	108 Single Family Dwelling Units Deed: Airport Road R.O.V. Deed: Regional Water & Sewer Plant Sites Deed: Easement (Hudson Well Field)	Present	PDA	Deed: Airport Road R.O.V.
1 AND 2	OB-I	155 Single Family Dwelling Units Deed: City Rec. Park Site-State Road 40 Deed: Middle School Site	1 AND 2	FC-I	Start Equestrian Center & Polo Fields
3 AND 4	OB-II	155 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits Deed Public Safety Site - Airport Road	3 AND 4	FC-II	100 Multi-Family Dwelling Units Construct Main Blvd to Airport Road Construct Airport Rd. from Elm School East to City of OB Light Industry 50,000 Square Feet Deed Elementary School Site Deed Public Safety Site Construct 4 Tennis Courts Village Center (15,000 Square Feet - Retail) Start Clearing for Golf Course
5	OB-III	146 Single Family Dwelling Units 50 Multi-Family Dwelling Units	5	FC-III	Complete Golf Course Deed Community Recreation Park Light Industry 25,000 Square Feet Day Care Facility Deed Middle School Site Complete Airport Road to State Road 40 Deed Maintenance Yard Site Deed Regional Park Site 89 Single Family Dwelling Units 30 Multi-Family Dwelling Units Village Center Office 15,000 Square Feet
6 AND 7	OB-IV	Church Site - State Road 40 Deed City Recreation Park - Airport Road 200 Single Family Dwelling Units	6 AND 7	FC-IV	Light Industry 25,000 Square Feet 103 Single Family Dwelling Units Church Site Complete Tennis Club Library Village Office 20,000 Square Feet
8 AND 9	OB-V	170 Single Family Dwelling Units	8 AND 9	FC-V	Light Industry 25,000 Square Feet 166 Single Family Dwelling Units 55 Multi-Family Dwelling Units
			10	FC-VI	120 Multi-Family Dwelling Units 20 Single Family Dwelling Units Village Center Retail 30,000 Square Feet Village Center Office 20,000 Square Feet Light Industry 25,000 Square Feet
			11	FC-VII	60 Multi-Family Dwelling Units Light Industry 25,000 Square Feet Village Office 20,000 Square Feet
SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES					
			12	FC-VIII	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
			13	FC-IX	Village Center Retail 32,380 Square Feet Light Industry 28,520 Square Feet Village Center Office 29,960 Square Feet 250 Single Family Dwelling Units
			14	FC-X	250 Single Family Dwelling Units Village Office 19,940 Square Feet
			15	FC-XI	199 Single Family Dwelling Units

085498  
050746

**RESOLUTION NO. 97 - 221**

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE DEVELOPMENT ORDER FOR THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; SETTING FORTH AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The City Commission of the City of Ormond Beach, Florida, hereby approves that Second Amendment to Amended Final Order, a copy of which is attached hereto and incorporated herein by reference, and hereby authorizes the Mayor and the City Clerk to execute and issue the same.

**SECTION TWO.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED this 18th day of November, 1997.**



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**DAVE HOOD**  
Mayor

**ATTEST:**



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**VERONICA PATTERSON**  
City Clerk

**BEFORE THE CITY COMMISSION  
OF THE  
CITY OF ORMOND BEACH, FLORIDA**

**IN RE: "Hunter's Ridge"**  
Development of Regional Impact

**SECOND AMENDMENT TO AMENDED FINAL ORDER**

This matter having come on for hearing before the City Commission of the City of Ormond Beach, Florida, upon the request by the Developer, GEORGIA-PACIFIC INVESTMENT COMPANY, for approval of a proposed change to that Amended Final Order heretofore entered by the Florida Land and Water Adjudicatory Commission, as previously amended (collectively, "the Development Order"), the City Commission finds that:

1. On May 28, 1991, the Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development Approval for the "Hunter's Ridge" development of regional impact.

2. A "Notice of Adoption of Development Order Pursuant to Florida Statutes Section 380.06(15)(f)" was recorded by the Florida-Georgia Venture Group on October 1, 1991, in Official Records Book 3696, at Pages 1640 through 1745, inclusive, of the Public Records of Volusia County, Florida.

3. On April 7, 1992, the City Commission approved and authorized the execution of a First Amendment to the Amended Final Order which First Amendment was

recorded on April 20, 1992, in Official Records Book 3739, at Pages 1898 through 1913, inclusive, of the Public Records of Volusia County, Florida.

4. In accordance with Section 380.06(19)(f), *Florida Statutes (1997)*, and Rule 9J-2.010(1)(i), *Florida Administrative Code*, the GEORGIA-PACIFIC INVESTMENT COMPANY did submit simultaneously to the City, to Flagler County, to the East Central Florida Regional Planning Council, to the Northeast Florida Regional Planning Council, and to the Florida Department of Community Affairs, a request for approval of proposed changes to the Development Order.

5. The GEORGIA-PACIFIC INVESTMENT COMPANY has asserted that the proposed changes do not create a substantial deviation requiring further development of regional impact review.

6. The City has given the required notice and scheduled and conducted a public hearing to consider the proposed changes.

7. The East Central Florida Regional Planning Council has expressed the opinion "that these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of Section 380.06(19), *Florida Statutes*," and that "it is not expected that the changes will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes," and has recommended against submitting the proposed changes for additional regional review by the Council.

8. After giving consideration to the provisions of paragraphs (a) and (e) of Section 380.06(19), *Florida Statutes (1997)*, the thresholds set forth in paragraph (b) of Section 380.06(19), *Florida Statutes (1997)*, and the presumptions set forth in paragraphs (c) and (d) and subparagraphs (e)(1) and (e)(3) of Section 380.06(19), *Florida Statutes (1997)*, the City Commission determines that the proposed changes do not require further development of regional impact review.

**Thereupon and in consideration thereof, it is ORDERED that:**

A. Subparagraph 11.14 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

11.14 In addition to the regional transportation conditions set forth in the preceding paragraphs, the following conditions shall be observed prior to the recording of any plats or requesting any development approvals in Ormond Beach, other than for public improvements and infrastructure for the project phases described in the attached Exhibits "D" Revised, dated September 30, 1997 ~~December 1, 1991~~, and Exhibit "F" Revised, dated September 30, 1997 ~~December 1, 1991~~.

B. Subparagraph 12.1(F) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated September 30, 1997 ~~December 1, 1991~~, is hereby incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised, dated September 30, 1997 ~~December 1, 1991~~, shall be generally adhered to with regard to phasing of the project.

C. Subparagraph 12.1(H) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated September 30, 1997 ~~December 1, 1991~~, is hereby is incorporated as Exhibit "F" Revised and, along with Exhibit "D" Revised, dated September 30, 1997, shall be generally adhered to with regard to phasing of the project. The phasing schedule in the City may be altered without a substantial deviation review pursuant to Section 380.06(19), *Florida Statutes*, if the Applicant and the City agreed to the revised phasing proposal.

D. Subparagraph 14.1(F) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated September 30, 1997 ~~December 1, 1991~~, is hereby is incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised dated September 30, 1997 ~~December 1, 1991~~, shall be generally adhered to with regard to phasing of the project.

E. Subparagraph 14.1(H) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated September 30, 1997 ~~December 1, 1991~~, is hereby is incorporated as Exhibit "F" Revised and, along with Exhibit "D" Revised dated September 30, 1997 ~~December 1, 1991~~, shall be generally adhered to with regard to phasing of the project.

F. Exhibit D to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "D" Revised September 30, 1997, a copy being attached hereto and incorporated herein by reference.

G. Exhibit F to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "F" Revised, being a Revised

Development Schedule September 30, 1997, a copy being attached hereto and incorporated herein by reference.

H. Except as otherwise amended hereby, the Development Order be and the same is hereby ratified, confirmed and continued in full force and effect.

I. The Developer, GEORGIA-PACIFIC INVESTMENT COMPANY, shall forthwith, and at its expense, record in the public records of Volusia County, Florida, the Notice required by Section 380.06(15)(f), *Florida Statutes (1997)*.

SO ORDERED this the 18th day of November, 1997.



DAVE HOOD  
Mayor

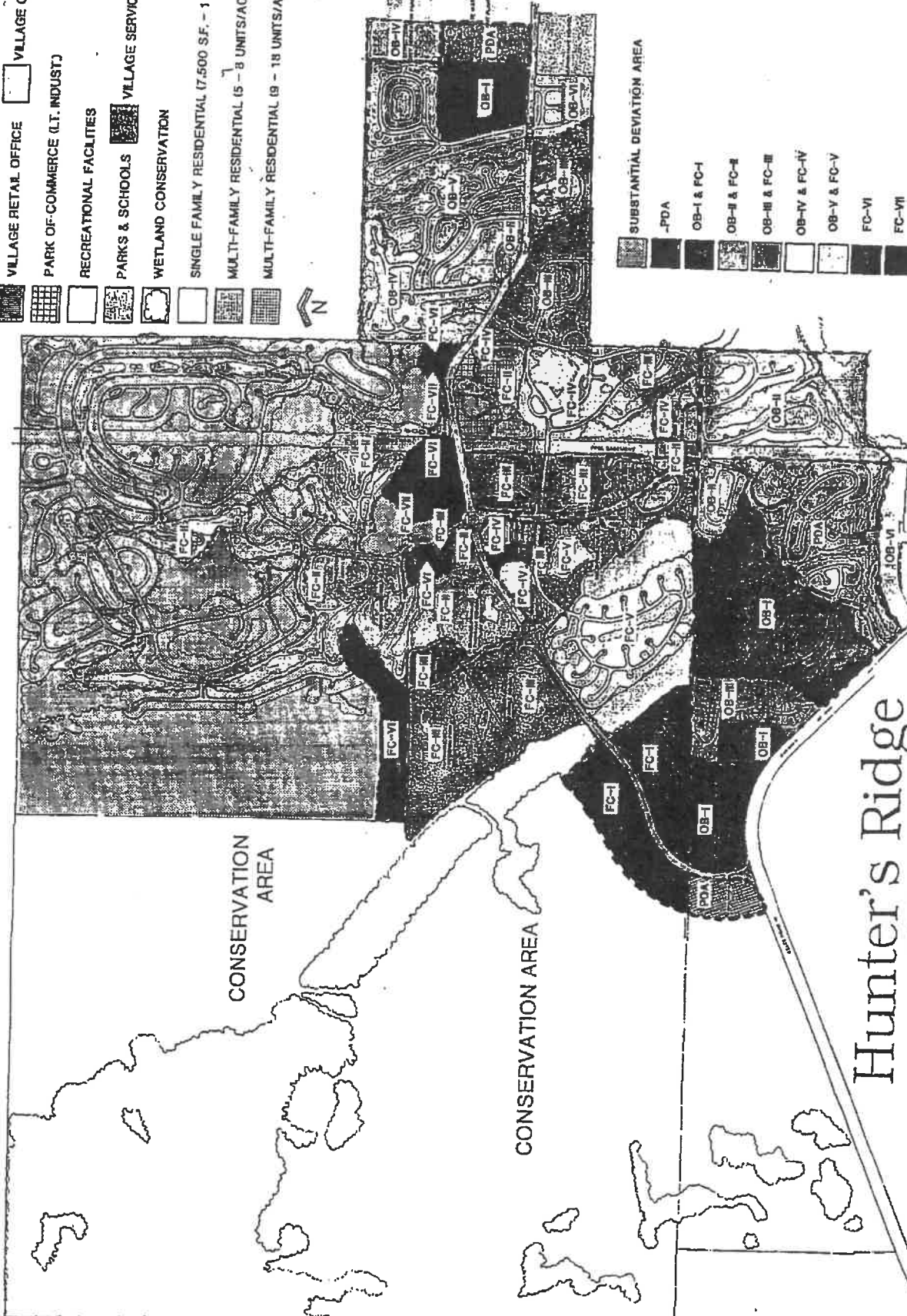
ATTEST



VERONICA PATTERSON  
City Clerk

LEGEND

- VILLAGE OFFICE
- VILLAGE RETAIL OFFICE
- PARK OF COMMERCE (LT. INDUST)
- RECREATIONAL FACILITIES
- PARKS & SCHOOLS
- VILLAGE SERVICES
- WETLAND CONSERVATION
- SINGLE FAMILY RESIDENTIAL (7,500 SF. - 1 ACRE)
- MULTI-FAMILY RESIDENTIAL (5 - 8 UNITS/ACRE)
- MULTI-FAMILY RESIDENTIAL (9 - 18 UNITS/ACRE)



DEVELOPMENT PHASING MAP

# Hunter's Ridge

A PLANNED UNIT DEVELOPMENT  
(REVISED SEPTEMBER 30, 1997)

SMITH & ASSOCIATES, INC.



# EXHIBIT F REVISED

## REVISED DEVELOPMENT SCHEDULE SEPTEMBER 30, 1997

Book: 4257  
 Page: 2961

BEACH			FLAGLER COUNTY		
YEAR	PHASE	DESCRIPTION	YEAR	PHASE	DESCRIPTION
Present	PDA	108 Single Family Dwelling Units Deed: Airport Road R.O.V. Deed: Regional Water & Sewer Plant Sites Deed: Easement (Hudson Yell Field)	Present	PDA	Deed: Airport Road R.O.V.
1 AMD 2	OB-I	155 Single Family Dwelling Units Deed: City Res. Park Site-State Road 40 Deed: Middle School Site	1 AMD 2	.FC-I	Start Equestrian Center & Polo Fields
3 AMD 4	OB-II	153 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits Deed Public Safety Site - Airport Road	3 AMD 4	FC-II	100 Multi-Family Dwelling Units Construct Main Blvd to Airport Road Construct Airport Rd. from Elm School East to City Light Industry 50,000 Square Feet Deed Elementary School Site Deed Public Safety Site Construct 4 Tennis Courts 4 Village Center (15,000 Square Feet - Retail) 4 Start Clearing for Golf Course
5	OB-III	195 Single Family Dwelling Units	5	FC-III	Complete Golf Course Deed Community Recreation Park Light Industry 25,000 Square Feet Day Care Facility Deed Middle School Site Complete Airport Road to State Road 40 Deed Maintenance Yard Site Deed Regional Park Site 89 Single Family Dwelling Units 30 Multi-Family Dwelling Units Village Center Office 15,000 Square Feet
6 AMD 7	OB-IV	Church Site - State Road 40 Deed City Recreation Park - Airport Road 151 Single Family Dwelling Units 50 Multi Family Dwelling Units	6 AMD 7	FC-IV	Light Industry 25,000 Square Feet 105 Single Family Dwelling Units Church Site Complete Tennis Club Library Village Office 20,000 Square Feet
8 AMD 9	OB-V	170 Single Family Dwelling Units	8 AMD 9	FC-V	Light Industry 25,000 Square Feet 166 Single Family Dwelling Units 55 Multi-Family Dwelling Units
			10	FC-VI	120 Multi-Family Dwelling Units 28 Single Family Dwelling Units Village Center Retail 30,000 Square Feet Village Center Office 20,000 Square Feet Light Industry 25,000 Square Feet
			11	FC-VII	60 Multi-Family Dwelling Units Light Industry 25,000 Square Feet Village Office 20,000 Square Feet
SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES					
			12	FC-VIII	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
			13	FC-IX	Village Center Retail 52,580 Square Feet Light Industry 28,500 Square Feet Village Center Office 29,960 Square Feet 250 Single Family Dwelling Units
			14	FC-X	250 Single Family Dwelling Units Village Office 19,940 Square Feet
			15	FC-XI	199 Single Family Dwelling Units

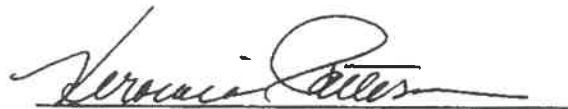
Book: 4257  
Page: 2962  
Diane M. Matousek  
Volusia County, Clerk of Court

## CERTIFICATE

STATE OF FLORIDA  
COUNTY OF VOLUSIA  
CITY OF ORMOND BEACH

I, Veronica Patterson, as City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Resolution No. 97-221 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Date this 25th day of November, 1997.



City Clerk  
CITY OF ORMOND BEACH, FLORIDA



SEAL

**RESOLUTION NO. 2003-212**

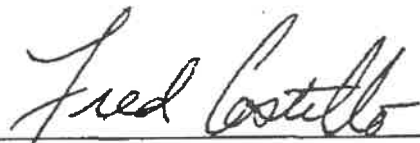
A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO THE DEVELOPMENT ORDER FOR THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT; AND SETTING FORTH AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The City Commission of the City of Ormond Beach, Florida, hereby approves that Third Amendment to Amended Final Order, a copy of which is attached hereto and incorporated herein by reference, and hereby authorizes the Mayor and the City Clerk to execute and issue the same.

**SECTION TWO.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED** this 18th day of November, 2003.



**FRED COSTELLO**  
Mayor

**ATTEST:**



**VERONICA PATTERSON**  
City Clerk

-1-

## CERTIFICATE

STATE OF FLORIDA  
COUNTY OF VOLUSIA  
CITY OF ORMOND BEACH

I, Veronica Patterson, City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Resolution No. 2003-212 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 19th day of November 2003.



VERONICA PATTERSON  
City Clerk  
CITY OF ORMOND BEACH, FLORIDA



SEAL

**BEFORE THE CITY COMMISSION  
OF THE  
CITY OF ORMOND BEACH, FLORIDA**

**IN RE: "Hunter's Ridge"**  
Development of Regional Impact

**THIRD AMENDMENT TO AMENDED FINAL ORDER**

This matter having come on for hearing before the City Commission of the City of Ormond Beach, Florida, upon the request by the Developers, **HUNTER'S RIDGE RESIDENTIAL GOLF PROPERTIES, INC.**, a Florida corporation, **HUNTER'S RIDGE TIMBER COMPANY, INC.**, a Florida corporation, and **HUNTER'S RIDGE GOLF COMPANY, INC.**, a Florida corporation, as tenants in common, each as to their undivided interest, as successors-in-interest to **GEORGIA-PACIFIC INVESTMENT COMPANY**, an Oregon corporation, granted by that Limited Warranty Deed dated March 25, 1998, and recorded in Official Book 4290, pages 3232-3247, inclusive of the Public Records of Volusia County, Florida, for approval of a proposed change to that Amended Final Order heretofore entered by the Florida Land and Water Adjudicatory Commission, as previously amended (collectively, "the Development Order"), the City Commission finds that:

1. On May 28, 1991, the Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development Approval for the "Hunter's Ridge" development of regional impact.

2. A "Notice of Adoption of Development Order Pursuant to Florida Statutes Section 380.06(15)(f)" was recorded by the Florida-Georgia Venture Group on October 1, 1991, in Official Records Book 3696, at Pages 1640 through 1745, inclusive, of the Public Records of Volusia County, Florida.

3. On April 7, 1992, the City Commission approved and authorized the execution of a First Amendment to the Amended Final Order which First Amendment was recorded on April 20, 1992, in Official Records Book 3739, at Pages 1898 through 1913, inclusive, of the Public Records of Volusia County, Florida.

4. On November 18, 1997, the City Commission approved and authorized the execution of a Second Amendment to the Amended Final Order which Second Amendment was recorded on December 4, 1997, in Official Records Book 4257, at Pages 2954 through 2962, inclusive, of the Public Records of Volusia County, Florida.

5. In accordance with Section 380.06(19)(f), *Florida Statutes*, and Rule 9J-2.010(1)(i), *Florida Administrative Code*, the Developers, **HUNTER'S RIDGE RESIDENTIAL GOLF PROPERTIES, INC.**, a Florida corporation, **HUNTER'S RIDGE TIMBER COMPANY, INC.**, a Florida corporation, and **HUNTER'S RIDGE GOLF COMPANY, INC.**, a Florida corporation, as tenants in common, did submit simultaneously to the City, to Flagler County, to the East Central Florida Regional Planning Council, to the

Northeast Florida Regional Planning Council, and to the Florida Department of Community Affairs, a request for approval of proposed changes to the Development Order.

6. The Developers, **HUNTER'S RIDGE RESIDENTIAL GOLF PROPERTIES, INC.**, a Florida corporation, **HUNTER'S RIDGE TIMBER COMPANY, INC.**, a Florida corporation, and **HUNTER'S RIDGE GOLF COMPANY, INC.**, a Florida corporation, as tenants in common, have asserted that the proposed changes do not create a substantial deviation requiring further development of regional impact review.

7. The City has given the required notice and scheduled and conducted a public hearing to consider the proposed changes.

8. The East Central Florida Regional Planning Council has expressed the opinion "that these proposed changes do not result in an automatic substantial deviation determination pursuant to the threshold criteria of Section 380.06(19), *Florida Statutes*," and "nor is it expected that it will cause new or increased impacts to regional resources or facilities when considered independently or cumulatively with prior project changes," and has recommended against submitting the proposed changes for additional regional review by the Council.

9. After giving consideration to the provisions of paragraphs (a) through (h) of Section 380.06(19), *Florida Statute*, specifically including the thresholds set forth in paragraph (b) of Section 380.06(19), *Florida Statutes*, and the presumptions set forth in

paragraphs (c) and (d), and subparagraphs (e)(1), (e)(2) and (e)(3) of Section 380.06(19), *Florida Statutes*, the City Commission determines that the proposed changes do constitute substantial deviations and do not require further development of regional impact review.

**Thereupon and in consideration thereof, it is ORDERED that:**

A. Subparagraph 3.7 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

3.7 In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the revised Conceptual Development Plan attached hereto as Exhibit "C", Revised, dated December 1, 1991 dated September 5, 2003. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Conditions 3.8, and Conditions 3.5, the provisions of Conditions 3.5 shall control.



B. Subparagraph 11.14 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

11.14 In addition to the regional transportation conditions set forth in the preceding paragraphs, the following conditions shall be observed prior to the recording of any plats or requesting any development approvals in Ormond Beach, other than for public improvements and infrastructure for the project phases described in the attached Exhibits "D" Revised, dated September 5, 2003 ~~September 30, 1997~~, and Exhibit "F" Revised, dated September 5, 2003 ~~September 30, 1997~~.

C. Subparagraph 12.1(E) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

E. The revised conceptual development plan dated September 5, 2003 ~~December 1, 1994~~, hereby incorporated as Exhibit "C" Revised September 5, 2003 and shall be generally adhered to with regard to land uses and road patterns.

D. Subparagraph 12.1(F) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated September 5, 2003 ~~September 30, 1997~~, is hereby incorporated as Exhibit "D" Revised and, along with Exhibit "F" Revised, dated Exhibit "C" Revised September 5, 2003 ~~September 30, 1997~~, shall be generally adhered to with regard to phasing of the project.

E. Subparagraph 12.1(G) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

G. The revised table of land uses dated September 5, 2003 ~~December 1, 1991~~, is hereby incorporated as Exhibit "E" Revised September 5, 2003 and shall be generally adhered to with regard to land use designations, numbers of dwelling units and density.

F. Subparagraph 12.1(H) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated September 5, 2003 ~~September 30, 1997~~, is hereby incorporated as Exhibit "F" Revised and, along with Exhibit "D" Revised, dated September 30, 1997, shall be generally adhered to with regard to phasing of the project. The phasing schedule in the City may be altered without a substantial deviation review pursuant to Section 380.06(19), *Florida Statutes*, if the Applicant and the City agree to the revised phasing proposal.

G. Subparagraph 12.2 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

**12.2** The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units and 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations, which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised September 5, 2003, ~~December 1, 1991~~ as single family residential may be developed to include patio or cluster type lots ("zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lot sizes or higher densities shall require an amendment to this development order in accordance with applicable law.

H. Subparagraph 12.12 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

**12.12** Application for approval shall be filed in accordance with the Planned Residential Development (PRD) procedures provided by the City's land development regulations, currently located in Section 10.04 of the City's Land Development Code. The PRD shall be of such size and shape as to be essentially freestanding with regard to traffic circulation and emergency access; utilities, recreation and open space; drainage, detention and retention; other public and HOA infrastructure and proximity to existing development and infrastructure. The limits of the PRD shall generally not exceed the limits of any development phase as identified on Exhibit "C" Revised September 5, 2003 attached ~~December 1, 1991~~ hereto. PRD submittals may be accompanied by one or more preliminary plats, each freestanding with regard to the above criteria and containing no more than 250 units.

I. Subparagraph 13.12 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

**13.12** The City shall reconvey to the Applicant the lands heretofore conveyed to it for use as a water treatment plant site and for that portion of Airport Road south of the Flagler County Line, in exchange for the Applicant's conveyance of the relocated water treatment plant site and the relocated said portion of Airport Road, as shown on the revised conceptual development plan (Exhibit "C" Revised) dated September 5, 2003 ~~December 1, 1991~~.

J. Subparagraph 14.1(E) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

E. The revised conceptual development plan dated September 5, 2003 ~~December 1, 1991~~, is hereby incorporated as Exhibit "C" Revised September 5, 2003 and shall be generally adhered to with regard to land uses and road patterns.

K. Subparagraph 14.1(F) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

F. The revised phasing map dated September 5, 2003 ~~September 30, 1997~~, is hereby incorporated as Exhibit "D" Revised September 5, 2003 and, along with Exhibit "F" Revised dated September 5, 2003 ~~September 30, 1997~~, shall be generally adhered to with regard to phasing of the project.

L. Subparagraph 14.1(G) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

G. The revised table of land uses dated September 5, 2003 ~~December 1, 1991~~, is hereby incorporated as Exhibit "E" Revised September 5, 2003 and shall be generally adhered to with regard to land use designations, numbers of dwelling units and density.

M. Subparagraph 14.1(H) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

H. The revised development phasing schedule dated September 5, 2003 ~~September 30, 1997~~, is hereby incorporated as Exhibit "F" Revised and, along with Exhibit "D" Revised dated September 5, 2003 ~~September 30, 1997~~, shall be generally adhered to with regard to phasing of the project.

N. Subparagraph 14.2 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

**14.2** The Ormond Beach portion of the project shall consist of no more than a total of 932 single family units, 50 multi-family units including, but not limited to patio, cluster or town house units. Any deviation from the number of residential lots or their locations which deviation results in larger lot sizes and lower densities shall be permitted. Areas generally depicted on Exhibit "C" Revised dated September 5, 2003 ~~December 1, 1991~~ as single family residential, may be developed to include patio or cluster type lots (zero-lot-line" lots) provided there is no increase in overall density. However, changes resulting in smaller lots sizes or higher densities shall require and amendment to this development order in accordance with applicable law.

O. Subparagraph 15.2 of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

**15.2** In addition to the requirements of Condition 3.5, the on-site wetlands systems of Hull Swamp and its associated upland wildlife corridor and buffers, the Hull Swamp canal, and the Little Tomoka River and its associated buffer, shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas may be used for minor walkways and their appurtenances or for the road crossings of the canal. Other construction, vegetation removal, fencing, mowing or development activities which would reduce the effectiveness or character of these buffers shall not be allowed. These areas are identified in the Revised Conceptual Development Plan dated ~~December 1, 1991~~ dated September 5, 2003, attached hereto as Exhibit "C" Revised September 5, 2003. The portions in Ormond Beach may be conveyed in perpetuity to an appropriate

public agency or to an HOA, provided that there is a conservation easement that would enable the City to enforce covenants and restrictions. Any Association formed to preserve, maintain and supervise the wetlands on-site shall only be empowered to the extent of the conditions of approval of the development order and shall work cooperatively with all public agencies. In the event of any conflict between this Condition, or Condition 15.3, and Condition 3.5, the provisions of Condition 3.5 shall control.

P. Exhibit "C" to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "C" Revised September 5, 2003, a copy being attached hereto and incorporated herein by reference.

Q. Exhibit "D" to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "D" Revised September 5, 2003, a copy being attached hereto and incorporated herein by reference.

R. Exhibit "E" to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "E" Revised September 5, 2003, a copy being attached hereto and incorporated herein by reference.

S. Exhibit "F" to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "F" Revised, being a Revised Development Schedule September 5, 2003, a copy being attached hereto and incorporated herein by reference.

T. Except as otherwise amended hereby, the Development Order be and the same is hereby ratified, confirmed and continued in full force and effect.

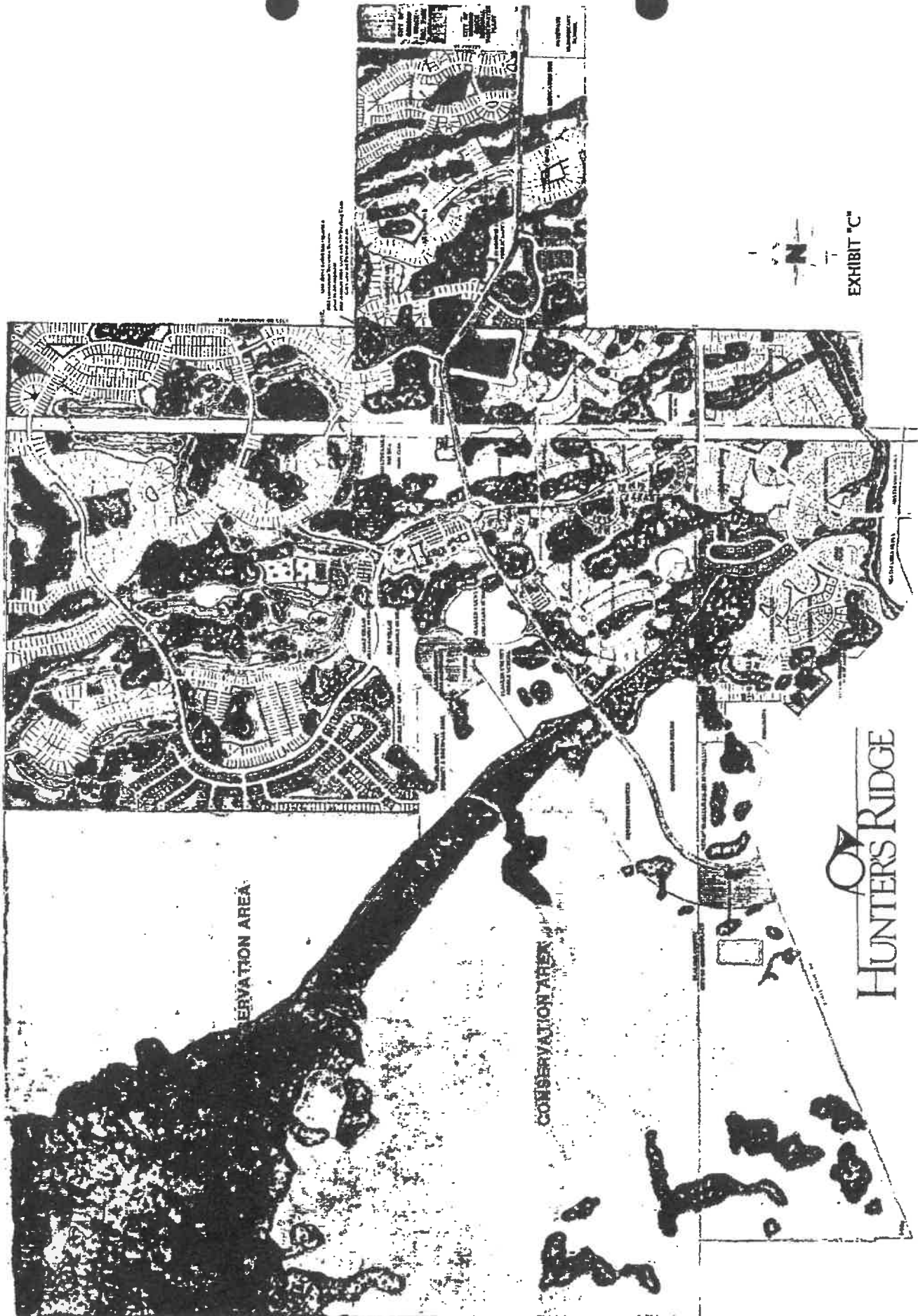
U. The Developers, **HUNTER'S RIDGE RESIDENTIAL GOLF PROPERTIES, INC.**, a Florida corporation, **HUNTER'S RIDGE TIMBER COMPANY, INC.**, a Florida corporation, and **HUNTER'S RIDGE GOLF COMPANY, INC.**, a Florida corporation, as tenants in common shall forthwith, and at their expense, record in the public records of Volusia County, Florida, the Notice required by Section 380.06(15)(f), *Florida Statutes*.

**SO ORDERED** this the 18<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
**FRED COSTELLO**  
Mayor



  
\_\_\_\_\_  
**ISAAC D. TURNER**  
City Manager

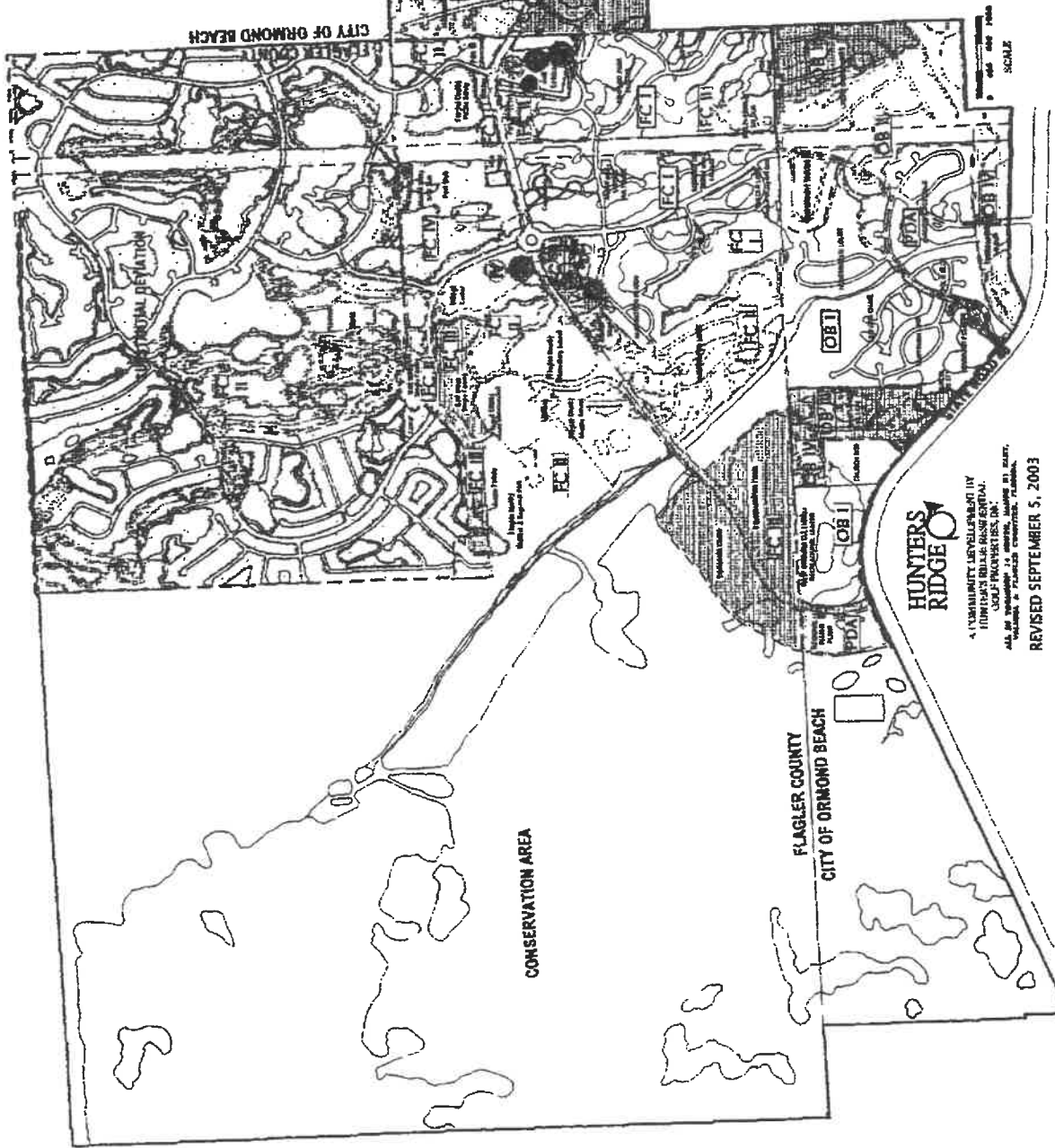






# PHASING MAP

EXHIBIT "D"



### LEGEND

FLAGLER COUNTY		CITY OF ORMOND BEACH	
[Symbol]	FC I	[Symbol]	OB I
[Symbol]	FC II	[Symbol]	OB II
[Symbol]	FC III	[Symbol]	OB III
[Symbol]	FC IV	[Symbol]	OB IV
[Symbol]	FC V	[Symbol]	PDA
[Symbol]	FC VI		
[Symbol]	FC VII		

A COMMUNITY DEVELOPMENT BY  
 HUNTERS RIDGE ASSOCIATES, INC.  
 HUNTERS RIDGE ASSOCIATES, INC.  
 4400 W. UNIVERSITY BLVD., SUITE 200  
 ORMOND BEACH, FL 32136  
 REVISED SEPTEMBER 5, 2003

**A**  
**ALLAN ENGINEERING GROUP, INC.**  
 CONTRACT NO. 2002-00000000000000000000  
 100 N. U.S. HWY. 1 #401, 2ND FLOOR, ORMOND BEACH, FL 32136  
 TEL: (386) 933-3000 FAX: (386) 933-3007

**EXHIBIT "E"**  
**HUNTER'S RIDGE LAND USE**  
 Revised September 5, 2003

LAND USE	ORMOND BEACH	FLAGLER COUNTY	COMBINED TOTALS	%
Village Retail Office	0.00	11.81	11.81	0.42%
Village Office	0.00	5.71	5.71	0.21%
Light Industrial	0.00	16.68	16.68	0.60%
Village Services/Recreational	204.55	197.18	401.73	14.50%
Parks & Schools	** 18.80	90.89	109.69	3.96%
Multi-Family Residential (with Upland Buffer)	14.51	64.52	79.03	2.85%
Wetlands	174.54	259.34	433.88	15.66%
Roads, Drainage, Retention	110.95	146.93	257.88	9.31%
Lakes	28.85	52.90	81.55	2.94%
Golf Course	0.00	130.00	130.00	4.69%
FP&L Easement	17.32	57.25	74.57	2.69%
Single Family Residential (with Upland Buffer)	** 340.68	827.81	1168.29	42.17%
<b>TOTAL ACREAGE</b>	<b>910.00</b>	<b>1860.62</b>	<b>2770.62</b>	<b>100.00%</b>

\*\* REVISED

LAND USE	ORIGINAL	REVISED	REVISED	CHANGED	%
		per 1991 Revision	per 2003 Revision		
Village Retail/Office	35.20	11.81	11.81	0.00	0.00%
Village Office	41.20	5.71	5.71	0.00	0.00%
Light Industrial	30.80	16.68	16.68	0.00	0.00%
Village Services/Recreational	164.00	400.68	400.68	0.00	0.00%
Parks & Schools	144.50	121.50	** 109.69	-11.81	-9.72%
Multi-Family Residential w/o Upland Buffers	191.00	64.03	64.03	0.00	0.00%
Single Family Residential w/o Upland Buffers	1717.00	967.05	** 978.86	11.81	1.22%
Upland Buffers	644.00	199.98	199.98	0.00	0.00%
Wetlands	1416.00	433.88	433.88	0.00	0.00%
Roads, Drainage, Golf Course, Retention, etc.	653.30	549.50	549.50	0.00	0.00%
<b>TOTAL ACREAGE</b>	<b>5037.00</b>	<b>2770.62</b>	<b>2770.62</b>	<b>0.00</b>	<b>0.00%</b>

\*\* REVISED

USE	EMPLOYMENT ESTIMATES			
	ACRES	SQ. FT.	KSF	EMPLOYEES
Village Retail/Office (40% Office)	4.84	64,960	4/KSF	260
Village Retail/Office (60% Retail)	6.97	97,580	2.5/KSF	244
Village Office	5.71	79,940	4/KSF	320
Light Industrial/Office Warehouse	16.68	233,520	1.8/KSF	420
Golf & Tennis Club	N/A	N/A	AVERAGES	60
<b>TOTAL EMPLOYEES</b>				<b>1,304</b>

UNIT TYPE	FAMILY SIZE	DWEELING UNITS		POPULATION TOTALS
		ORMOND	FLAGLER	
Single Family	2.95	932	1237	6398
Multi-Family:				
(a) Townhouses & Villas	2.7	50	245	797
(b) Apartments & Condo's	2.1	0	220	462
<b>TOTALS</b>		<b>982</b>	<b>1702</b>	<b>7657</b>
<b>GROSS DWELLING UNITS PER ACRE</b>		<b>1.06</b>	<b>0.91</b>	<b>AVG .97 DUA</b>

\*Employment Estimates are Based on the Following Source:

- ITE Trip Generation, 4th Edition
- 1. Village Office (40% of Village Retail/Office)  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
- 2. Village Retail (60% of Village Retail/Office)  
10,000 Square Feet of Building per Acre  
2.5 Employees per KSF
- 3. Village Office  
14,000 Square Feet of Building per Acre  
4 Employees per KSF
- 4. Light Industrial/Office Warehouse  
14,000 Square Feet of Building per Acre  
1.8 Employees per KSF

NOTE: SUBSTANTIAL DEVIATION LAND AREA IN FLAGLER COUNTY IS  
 1004 ACRES WITH 949 DWELLING UNITS OR A GROSS DENSITY  
 OF .945 DWELLING UNITS PER ACRE.

Bibb K: 15212  
Page: 26

EXHIBIT "F"

Revised Development Schedule September 5, 2003

ORMOND BEACH

FLAGLER COUNTY

Year	Phase	Description	Year	Phase	Description
Completed	PDA PDA	Deed: Easement (Rima Ridge Well Field) 108 Single Family Dwelling Units Deed: Airport Rd. R.O.W. Deed: Regional Water & Sewer Plant Sites Deed: Easement (Hudson Well Field)	Completed	PDA	Deed Airport Rd. R.O.W.
Completed	OB-I	128 Single Family Dwelling Units Deed: Public Safety Site Deed: Church Site SR 40	Present Thru 3	FC-I	167 Single Family Dwelling Units 193 Multi Family Dwelling Units Construction HR Blvd. To Airport Rd. Construction Airport Rd. from HR Blvd. To City Limits E. Deed Public Safety Site Deed Community Recreation Park Day Care Facility
Completed	OB-II	99 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits	4 Thru 7	FC-II	Light Industry 50,000 Square Feet Deed Library Site Village Center Retail 15,000 Square Feet Light Industry 25,000 Square Feet Construct Airport Rd. west to School Sites Deed Middle School Site Deed Elementary School Site Deed Church Site Deed Maintenance Yard Site Deed Regional Park Site Village Center Office 15,000 Square Feet 156 Single Family Dwelling Units 50 Multi Family Dwelling Units Complete Golf Course
Present	OB-III	204 Single Family Dwelling Units Deed Middle School Site	8	FC-III	Complete Airport Road to SR 40 Village Office 20,000 Square Feet Light Industry 25,000 Square Feet Start Equestrian Center 65 Single Family Dwelling Units
1 Thru 3	OB-IV	392 Single Family Dwelling Units 50 Multi Family Units Deed City Recreational Park @ Airport Rd.	9 & 10	FC-IV	Light Industry 25,000 Square Feet 50 Multi-Family Dwelling Units Village Center Retail 30,000 Square Feet Village Center Office 20,000 Square Feet Light Industry 50,000 Square Feet Village Office 20,000 Square Feet 72 Multi-Family Dwelling Units
<b>SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES</b>					
			11	FC-V	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
			12	FC-VI	Village Center Retail 52,580 Square Feet Light Industry 28,520 Square Feet Village Center Office 29,960 Square Feet 250 Single Family Dwelling Units
			13	FC-VII	250 Single Family Dwelling Units Village Office 19,940 Square Feet
			14	FC-VIII	199 Single Family Dwelling Units

**ORDINANCE NO. 2019-17**

AN ORDINANCE AUTHORIZING THE EXECUTION AND ISSUANCE OF A FOURTH AMENDMENT TO THE AMENDED FINAL ORDER FOR THE "HUNTER'S RIDGE" DEVELOPMENT OF REGIONAL IMPACT MASTER DEVELOPMENT PLAN DEVELOPMENT ORDER TO CHANGE THE EXISTING LAND USE DESIGNATION OF ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 2575 WEST GRANADA BOULEVARD (VOLUSIA COUNTY PARCEL NUMBER 4128-00-00-0025) FROM "PUBLIC/INSTITUTIONAL" TO "SINGLE-FAMILY RESIDENTIAL"; RATIFYING AND CONFIRMING ALL PRIOR APPROVALS; PROVIDING FOR RECORDATION; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, Danna L. Bishop, (the "Property Owner"), with the authorization of Hunter's Ridge Residential Golf Properties, Inc., a Florida corporation, (the "Master Developer"), has requested an amendment to the Third Amendment to the Amended Final Order for the "Hunter's Ridge" Development of Regional Impact Master Development Plan Development Order (the "Third Amended Development Order") to change the existing land use designation "public/institutional" to "single-family" allowing the construction of one (1) single-family dwelling unit on a 5.02± acre parcel located at 2575 West Granada Boulevard (Volusia County Parcel Number: 4128-00-00-0025) (the "Property") that is legally described and depicted in the Fourth Amended Development Order attached thereto and incorporated therein by reference, and

**WHEREAS**, the Master Developer, Hunter's Ridge Residential Golf Properties, Inc., a Florida corporation, granted the Property Owner an Assignment of Rights to Develop One

(1) Single-Family Dwelling Unit Under Hunter's Ridge DRI Development Order, that is recorded in the Public Records of Volusia County, Florida in Book 7632 at Page 253 through 254, inclusive, to developer the Property, and

**WHEREAS**, the assignment of development rights from the Master Developer is one of the forty (40) outstanding single-family units which remain undeveloped in the Ormond Beach Hunter's Ridge Development of Regional Impact, and

**WHEREAS**, on May 28, 1991, the Florida Land and Water Adjudicatory Commission adopted an Amended Final Order granting the Application for Development approval for the "Hunters Ridge" development of regional impact, and

**WHEREAS**, a "Notice of Adoption of Development Order pursuant to, Florida Statutes Section 380.06(15)(f)" was recorded by the Florida-Georgia Venture Group on October 1, 1991, in Official Records Book 3696, at Pages 1640 through 1745, inclusive, of the Public Records of Volusia County, Florida, and

**WHEREAS**, on April 7, 1992, the City Commission approved and authorized the execution of a First Amendment to the Amended Final Order which First Amendment was recorded on April 20, 1992, in Official Records Book 3739, at Pages 1898 through 1913, inclusive, of the Public Records of Volusia County, Florida, and

**WHEREAS**, on November 18, 1997, the City Commission approved and authorized the execution of a Second Amendment to the Amended Final Order which Second

Amendment was recorded on December 4, 1997, in Official Records Book 4257, at Pages 2954 through 2962, inclusive, of the Public Records of Volusia County, Florida, and

**WHEREAS**, on November 18, 2003, the City Commission approved and authorized the execution of a Third Amendment to the Amended Final Order which Third Amendment was recorded on November 24, 2003, in Official Records Book 5212, at Pages 2589 through 2603, inclusive, of the Public Records of Volusia County, Florida, and

**WHEREAS**, the Planning Board held a public hearing in accordance with Section 1-15 of the *Land Development Code*, following which it recommended the approval of the application for the amendment to the Hunter's Ridge Development of Regional Impact Master Development Plan Development Order, and

**WHEREAS**, the City Commission has held a public hearing in accordance with Section 166.041(3)(c)(1), *Florida Statutes* and has considered the following:

- (1) The report and recommendations of the Planning Board;
- (2) The report and recommendations of the Site Plan Review Committee; and
- (3) The comments of governmental agencies, utility corporations and individuals, as received, and
- (4) The testimony of the City's planning staff, the Applicant, expert witnesses, persons that may be affected as a result of the application, and documentary evidence pertaining thereto, if any, and

**WHEREAS**, the City Commission further finds that with respect to the application for the issuance of a fourth amendment to Development Order for the "Hunter's

Ridge" Development of Regional Impact Master Development Plan, that there is competent substantial evidence to support the following:

- (1) The proposed land use conforms to the standards and requirements of the *Land Development Code* and will not create undue crowding beyond the conditions normally permitted in the SR, Suburban Residential, zoning district, or adversely affect the public health, safety, welfare or quality of life;
- (2) The proposed development is consistent with the *Comprehensive Plan*;
- (3) The proposed development will not adversely impact environmentally sensitive lands or natural resources, including but not limited to waterbodies, wetlands, xeric communities, wildlife habitats, endangered or threatened plants and animal species or species of special concern, wellfields, and individual wells;
- (4) The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;
- (5) There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds, as proposed;
- (6) Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe, as proposed;
- (7) The proposed development is functional in the use of space and aesthetically acceptable;

- (8) The proposed development provides for the safety of occupants and visitors;
- (9) The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; and
- (10) The testimony provided at public hearings, now therefore,

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The foregoing recitals are incorporated herein by reference as the legislative findings of the Ormond Beach City Commission.

**SECTION TWO.** The Mayor and the City Manager are authorized and directed to execute and issue the attached Fourth Amendment to the Amended Final Order for the "Hunter's Ridge" Development of Regional Impact Master Development Plan Development Order (the "Fourth Amended Development Order") to change the existing land use designation from Public/Institutional use to Single-Family Residential use to allow the construction of one (1) single-family dwelling unit on a 5.02± acres parcel located at 2575 West Granada Boulevard (Volusia County Parcel Number: 4128-00-00-0025) (the "Property") as depicted in the Amended Development Order attached thereto and incorporated therein by reference.

**SECTION THREE.** Except as otherwise amended hereby, the Final Order Development Order and all subsequent amendments be and the same are hereby ratified, confirmed and continued in full force and effect and shall at all times be strictly complied with.



**SECTION FOUR.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION FIVE.** The City Clerk is hereby directed to record a certified copy of this Ordinance and the original executed Forth Amendment to the Amended Final Order Hunter's Ridge DRI Master Development Plan Development Order in the public records of Volusia County, Florida.

**SECTION SIX.** This Ordinance shall take effect immediately upon its adoption.

**PASSED UPON** at the first reading of the City Commission this 21st day of May, 2019.

**PASSED UPON** at the second and final reading of the City Commission this 4th day of June, 2019.



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**BILL PARTINGTON**  
Mayor

**ATTEST:**



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**COLBY CILENTO**  
City Clerk



4. The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare, or visual impacts on the neighborhood and adjoining properties;

5. There are adequate public facilities to serve the development, including but not limited to roads, sidewalks, bike paths, potable water, wastewater treatment, drainage, fire and police safety, parks and recreation facilities, schools, and playgrounds, as proposed;

6. Ingress and egress to the property and traffic patterns are designed to protect and promote motorized vehicle and pedestrian/bicycle safety and convenience, allow for desirable traffic flow and control, and provide adequate access in case of fire or catastrophe, as proposed;

7. The proposed development is functional in the use of space and aesthetically acceptable;

8. The proposed development provides for the safety of occupants and visitors;

9. The proposed use of materials and architectural features will not adversely impact the neighborhood and aesthetics of the area; and

10. The testimony provided at public hearing.

**Thereupon and in consideration thereof, the City Commission hereby orders**

**that:**

A. The application of Danna L. Bishop, (the "Property Owner"), with the authorization of Hunter's Ridge Residential Golf Properties, Inc., a Florida corporation, (the "Master Developer"), for a Fourth Amendment to the Amended Final Order to the "Hunter's Ridge" Development of Regional Impact Master Development Plan to change the existing public/institutional use to single-family residential to allow the construction of one (1) single-family residential dwelling unit on property located at 2575 West Granada Boulevard (Volusia County Parcel ID No.: 4128-00-0025) (the "Property") more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, is hereby granted, subject to the following conditions:

1. Subparagraph 12.1(e) of the Special Conditions incorporated into the Development Order be and the same is hereby amended to read as follows:

E. The revised conceptual development plan dated September 5, 2003, hereby incorporated as Exhibit "C" Revised June 4, 2019 ~~Revised September 5, 2003~~ and shall be generally adhered to with regard to land uses and road patters.

2. Exhibit "C" to the Special Conditions incorporated into the Development Order be and the same is hereby deleted and replaced with Exhibit "C" Revised June 4, 2019 attached hereto and incorporated herein by reference.

B. Except as otherwise amended hereby, the Development Order be and the same is hereby ratified, confirmed and continued in full force and effect.

C. This Development Order shall be recorded in the public records of Volusia County, Florida, at the expense of Danna L. Bishop, (the "Applicant"), and Hunter's Ridge Residential Golf Properties, Inc., a Florida corporation, (the "Master Developer") and shall be binding upon Danna L. Bishop, (the "Applicant"), and Hunter's Ridge Residential Golf Properties, Inc., a Florida corporation, (the "Master Developer") and its successors and assigns, and shall run with the real property described in Exhibit "A" attached hereto and incorporated herein by reference. (Volusia County Parcel ID Number 4128-00-00-0025).

**ORDERED** this 4th day of June, 2019.

**CITY COMMISSION**  
**CITY OF ORMOND BEACH**, a Florida  
municipal corporation

By: Bill Partington  
**BILL PARTINGTON**  
Mayor

(CITY SEAL)

Attest: Joyce A. Shanahan  
**JOYCE A. SHANAHAN**  
City Manager

**LEGAL DESCRIPTION:**

28-14-31 IRREG PARCEL BEING E 696 FT AS MEAS ON N/L SR 40 & MEAS 738 FT ALONG E SEC LINE EXC 50 PC SUBSURFACE RIGHTS PER DB 437 PG 21 PER OR 4390 PG 3232 PER OR 7445 PG 109 PER OR 7628 PG 4949, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED PER A1A SURVEYING AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY CORNER OF WESTLAND VILLAGE, PHASE I, OF HUNTERS RIDGE SUBDIVISION, AS RECORDED IN PLAT BOOK 51, PAGE 35, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 40 (TOMOKA ROAD) (A 200 FOOT RIGHT-OF-WAY), PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS, SECTION 79100, W.P.T. No. 5119391, F.P. No. 241009 I, SECTION 28, TOWNSHIP 14 S, RANGE 31 E, VOLUSIA COUNTY, FL., DATED APRIL 19, 2001; RUN THENCE DEPARTING THE SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 41 DEGREES 36 MINUTES 05 SECONDS EAST ALONG THE EASTERLY LINE OF SAID WESTLAND VILLAGE, A DISTANCE OF 115.64 FEET; THENCE NORTH 18 DEGREES 21 MINUTES 37 SECONDS EAST, A DISTANCE OF 193.36 FEET; THENCE NORTH 55 DEGREES 42 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 53.42 FEET; THENCE SOUTH 80 DEGREES 42 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 307.47 FEET TO A POINT ON THE EAST LINE OF SHADOW CROSSINGS, UNIT 2, OF HUNTERS RIDGE SUBDIVISION, PHASE I, AS RECORDED IN PLAT BOOK 44, PAGES 49 - 52, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SAID POINT BEING ON THE EAST LINE OF SECTION 28, TOWNSHIP 14 S, RANGE 31 E; THENCE SOUTH 00 DEGREES 57 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID SHADOW COSSINGS, A DISTANCE OF 692.74 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 40; THENCE NORTH 48 DEGREES 20 MINUTES 00 SECONDS WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 665.18 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 5.02 ACRES MORE OR LESS.

**DEPICTION OF AREA:**



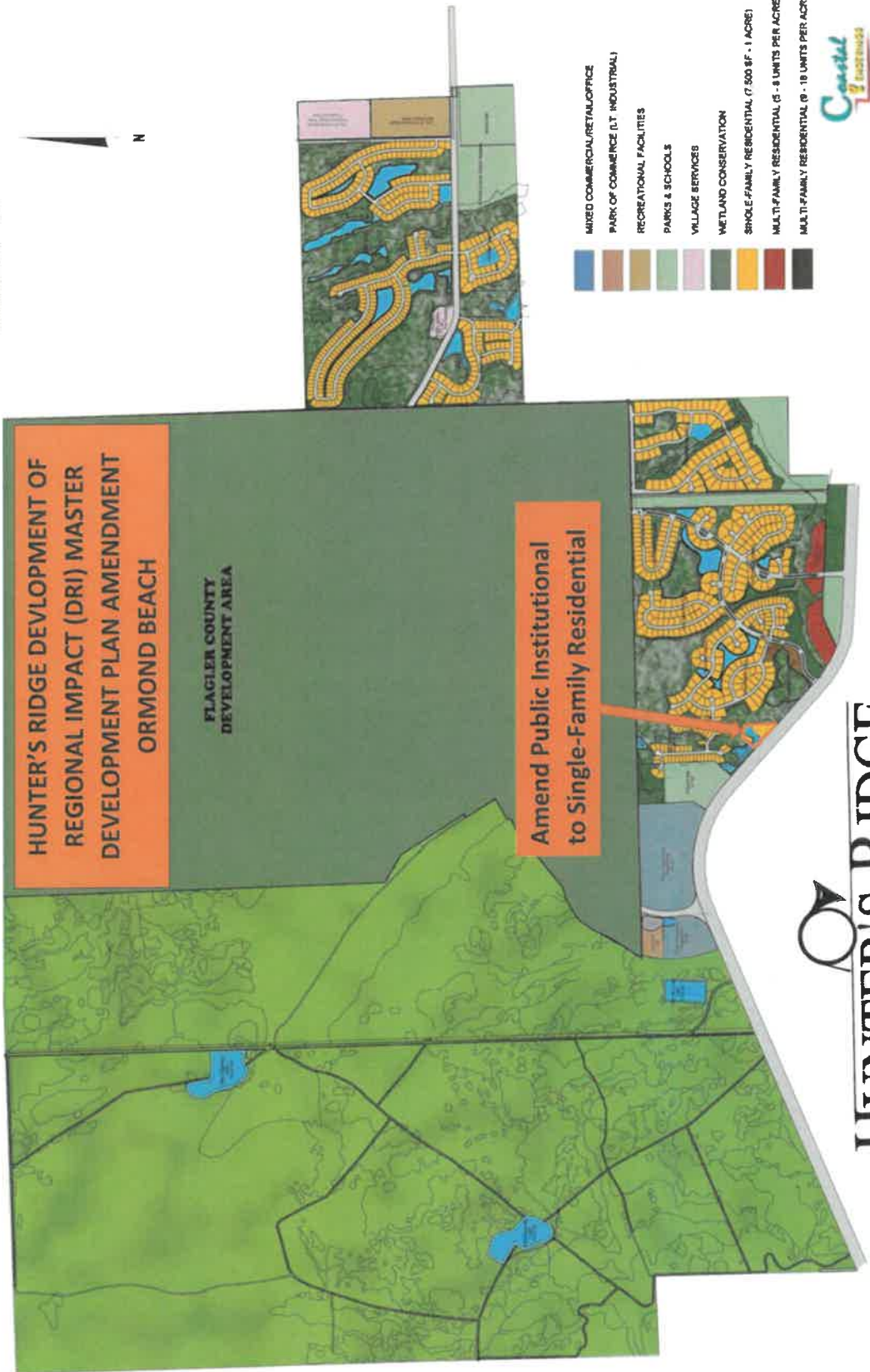
**OWNER:** DANNA BISHOP

**PARCEL ID:** 4128-00-00-0025

**LOCATION ADDRESS:** 2575 West Granada Boulevard, Ormond Beach, FL 32174



# EXHIBIT "B"

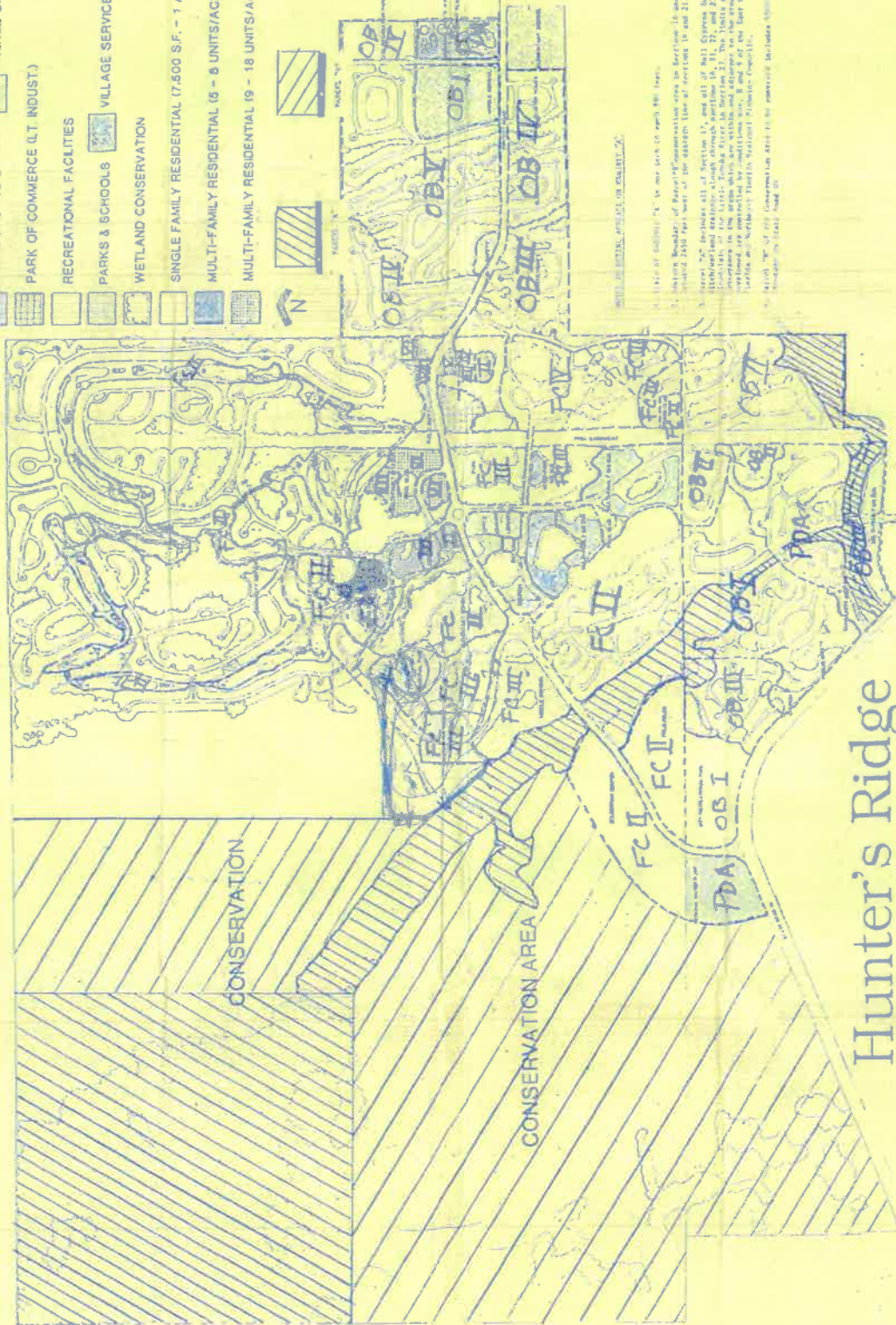


# HUNTER'S RIDGE

REVISED JUNE 4, 2019

*Handwritten notes:*  
 1. 1/2" = 100'  
 2. 1/4" = 100'

- LEGEND**
- VILLAGE RETAIL OFFICE
  - PARK OF COMMERCE (LT. INDUST.)
  - RECREATIONAL FACILITIES
  - PARKS & SCHOOLS
  - WETLAND CONSERVATION
  - SINGLE FAMILY RESIDENTIAL (7,500 S.F. - 1 ACRE)
  - MULTI-FAMILY RESIDENTIAL (5 - 8 UNITS/ACRE)
  - MULTI-FAMILY RESIDENTIAL (9 - 18 UNITS/ACRE)
  - VILLAGE OFFICE
  - VILLAGE SERVICES



**NOTES:**

1. All of the land shown on this map is reserved for the use of the Village of Northbrook.
2. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
3. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
4. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
5. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
6. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
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8. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
9. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.
10. The Village of Northbrook is not responsible for the accuracy of the information shown on this map.

# Hunter's Ridge

A PLANNED UNIT DEVELOPMENT  
 DEVELOPMENT PHASING MAP

Exhibit 2



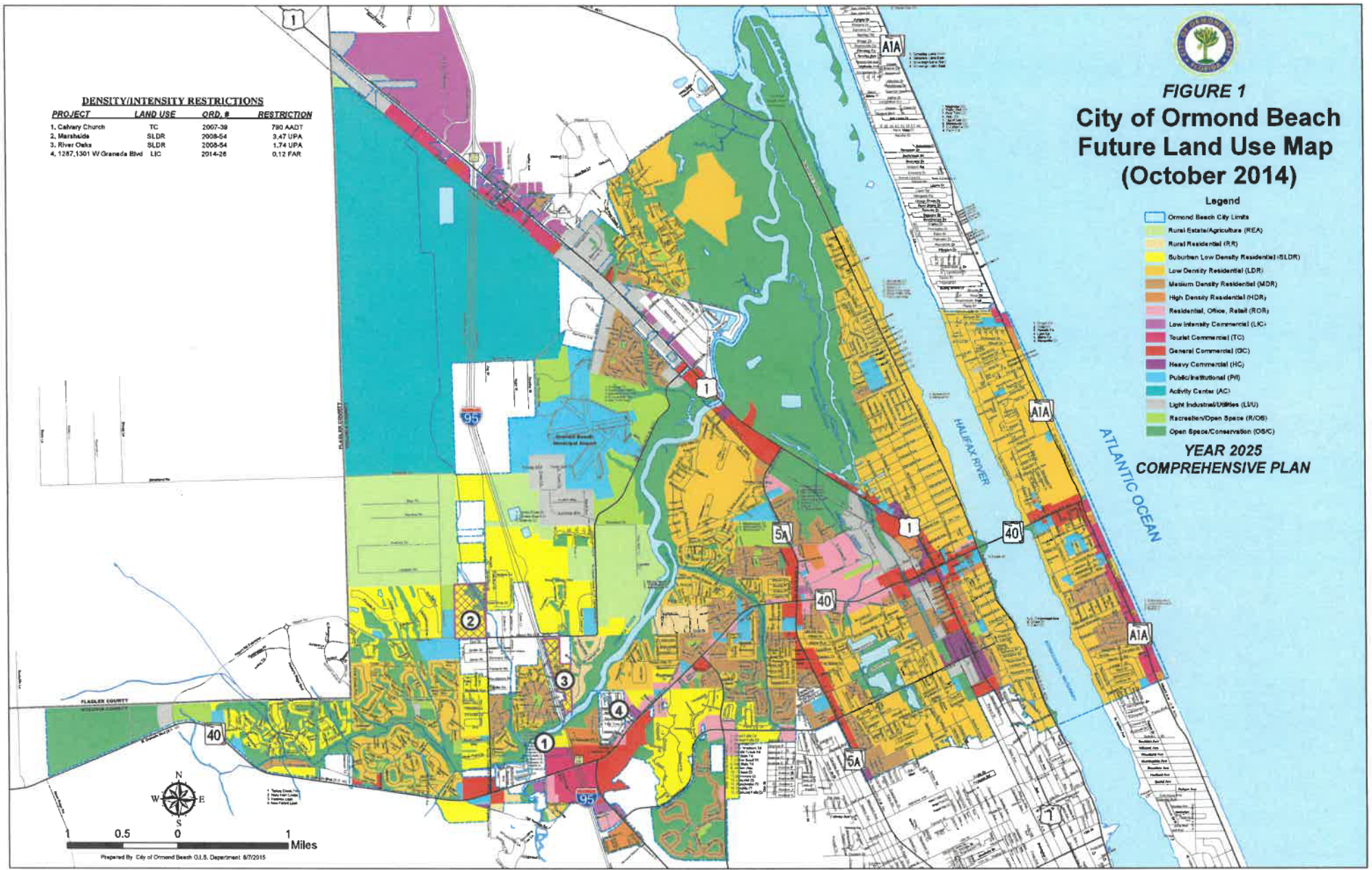


Exhibit 3



40 GRADE  
GRANT OF EASEMENT

THIS INDENTURE, made this 24 day of April, 2017, by and between U.S. Capital Alliance, LLC, a Florida limited liability company, whose address is 880 Airport Road, Suite 113, Ormond Beach, Florida 32174 (hereinafter referred to as "Grantor") and FLAGLER COUNTY, FLORIDA a political subdivision of the State of Florida (hereinafter referred to as "Grantee").

WHEREAS, the Grantor is seized in fee simple and in possession of lands across the Westerly 60 feet of Sections 16 and 21, Township 14 South, Range 31 East, Flagler County, Florida, and the Westerly 60 feet of Section 28, Township 14 South, Range 31 East, Volusia County, Florida lying North of State Road 40 and that particular portion of it described below; and

WHEREAS, the Grantee is seized in fee simple of a parcel of land contiguous to the land of Grantor; and

WHEREAS, Grantee desires to acquire a certain easement ("Easement") over a portion of Grantor's property, which is also subject to other third party easements; and

WHEREAS, Grantor has agreed for the sum of \$10.00 and other good and valuable consideration to convey to Grantee and all other persons claiming by, through or under Grantee, or any of them, their predecessors in title or their heirs, assigns, or legal representatives, an easement or right of way over the land described below, for the purposes and in the manner expressed below; and

WHEREAS, Grantor is obligated to convey to Grantee said Easement pursuant to the Hunter's Ridge DRI Development Order as approved by Grantee on November 15, 2010 (the "DRI Development Order").

NOW, THEREFORE, the Grantor grants unto the Grantee, its heirs and assigns, a perpetual 60 foot wide easement over the existing roadway commonly known as "40 Grade", from State Road 40, northward to its terminus at Strickland Road/Durance Lane, with full and free right and liberty for them and their tenants, servants, visitors and licensees, at all times hereafter, for all purposes connected with the use and enjoyment of the land of the Grantee for whatever purpose the land from time to time lawfully may be used and enjoyed, to pass and repass along the provided roadway or roadways, to improve and maintain the roadway and install associated improvements, and to install utilities lines on or under the Easement.

This Grant of Easement shall be subject to the following conditions:

1. The parties acknowledge that the current location of 40 Grade meanders within the area more particularly described as: the Westerly 60 feet of Section 28, Township 14 South, Range 31 East, Volusia County, Florida, and the Westerly 60 feet of Sections 16 and 21, Township 14 South, Range 31 East, Flagler County, Florida, all lying North of State Road 40. The parties agree the existing location of the 40 Grade roadway may be moved,

altered, shifted or otherwise modified by Grantee from time to time, within the Easement, in the sole discretion of Grantee, providing that the width of the 40 Grade roadway easement area does not exceed 60 feet. Grantee may cause a survey of 40 Grade to be performed and a legal description to be prepared, and the parties agree that upon completion, Grantee may record an amendment to this Agreement in order to more particularly describe the 40 Grade Easement.

2. Grantee shall maintain the Easement together with any improvements constructed or installed thereon by Grantee or associated with Grantee's use of the Easement. The operation and maintenance of such improvements and of the Easement shall be at Grantee's sole cost and expense.
3. Grantor hereby reserves the right to make any modifications to the roadway located within the Easement, at its sole cost and expense, pursuant to the terms and conditions of the Conceptual Permit issued by the St. Johns River Water Management District (the "SJRWMD") and consistent with conservation easements between Grantor and the SJRWMD; provided, however, that such modifications do not interfere with Grantee's rights provided for herein.
4. Through the date of conveyance, Grantor shall pay any and all taxes, charges or use fee(s) levied by any governmental agency against Grantor's interest in the Easement, or against any of Grantor's real property subject to the Easement.
5. This instrument contains the entire agreement between the parties relating to the rights herein granted and the obligation herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect except in a subsequent modification in writing, signed by the parties hereto.
6. This instrument shall be binding and inure to the benefit of the respective successors and assigns of the parties hereto and the benefits and burdens herein shall run with the land.

TO HAVE AND TO HOLD the Easement or right of way hereby granted unto Grantee, its heirs and assigns, as appurtenant to the land of the Grantee.

IT IS FURTHER UNDERSTOOD that the Grantor, its heirs, assigns and tenants in no way will be bound to improve, maintain or construct a roadway, or to keep it in repair, nor does the Grantor, its heirs and assigns, assume any liability or responsibility to Grantee, its heirs and assigns, or any person using the land by invitation, express or implied, or by reason of any business conducted with Grantee, its heirs or assigns, or otherwise.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

U.S. CAPITAL ALLIANCE, LLC, a Florida limited liability company

Witnesses:

Witness signatures and names: IRAJ SAIDIN, ANTHONY CUPA

By: Allan Feker, Manager

STATE OF FLORIDA COUNTY OF


The foregoing instrument was sworn to and subscribed before me this \_\_\_ day of \_\_\_, 2017, by ALLAN FEKER, who is personally known to me or who has produced \_\_\_ as identification.

Notary Public, State of Florida Commission No. My Commission Expires:

SEE ATTACHED CERTIFICATE DATE 4-24-17 NOTARY INITIALS BC

In Witness Whereof, Grantee has hereunto set Grantee's hand and seal the day and year first above written.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS**


  
Nate McLaughlin, Chairman

**ATTEST:**

Execution of this Agreement was authorized by the Board of County Commissioners at its public meeting held on December 5, 2016.

  
Tom Bexley, Comptroller and Clerk to the Board

**APPROVED AS TO FORM:**

  
Special Counsel to Flagler County

Unofficial Document



# CALIFORNIA JURAT CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Orange

Subscribed and sworn to (or affirmed) before me on this

24 day of April, 2017

by Allan Feker,  
proved to me on the basis of satisfactory evidence to be the person(s) who  
appeared before me.

Signature Brian Cash



## ADDITIONAL INFORMATION (OPTIONAL)

DESCRIPTION OF THE ATTACHED DOCUMENT

40 Grade Grant of Easement  
(Title or description of attached document)

Easement  
(Title or description of attached document continued)

Number of pages 4 Document Date 4-24-17

(Additional information)

NOTARY PUBLIC CONTACT INFORMATION

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668 N Coast Hwy  
Laguna Beach, CA 92651

949-494-4420 tel  
949-494-9850 fax

store0120@theupsstore.com  
www.TheUPSStore.com/0120