

City of Palm Coast, Florida Agenda Item

Agenda Date: July 16, 2024

Department	COMMUNITY DEVELOPMENT	Amount
Division	PLANNING	Account #
Subject:	ORDINANCE 2024-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY OWNED BY BJ'S WHOLESALE CLUB, INC., AND SEMINOLE WOODS INVESTMENTS, LLC	
Presenter:	Phong Nguyen, Senior Planner	
Attachments:	<ol style="list-style-type: none">1. Presentation2. Ordinance3. Petition To Annex4. Site Map5. Business Impact Estimate	
Background:	<p>In February 2024, Property Owners, BJ's Wholesale Club, Inc., and Seminole Woods Investments, LLC filed a petition to voluntarily annex real property into the City of Palm Coast municipal boundaries.</p> <p>The subject parcel is approximately 31.680 acres, and is generally located south of the along SR 100 on the southside and west of Seminole Woods Boulevard.</p> <p>The annexation of the subject property is being accomplished in accordance with Florida Statutes, Chapter 171. The proposed annexation meets the criteria set forth in Subsection 171.043, Florida Statutes regarding the character of the area to be annexed:</p> <ul style="list-style-type: none">• The property's boundary is contiguous to the City's existing boundary.• The property is reasonably compact and is not part of another incorporated municipality and will be used for urban purposes.• The proposed annexation will not create an enclave. <p>Additionally, the subject area is within the Palm Coast Service Area for water and sewer services, and per Ordinance 2003-23 and 2007-03, is required to annex in order to receive utility service from the City.</p>	
Recommended Action:	ADOPT ORDINANCE 2024-XX VOLUNTARY ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY OWNED BY BJ'S WHOLESALE CLUB, INC., AND SEMINOLE WOODS INVESTMENTS, LLC	

ORDINANCE 2024-_____
ANNEXATION OF CORNERSTONE AT SEMINOLE WOODS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY DESCRIBED IN EXHIBIT “A” AND EXHIBIT “B” TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a joint Petition for Annexation has been filed with the City Clerk of the City of Palm Coast, Florida, by BJ’s Wholesale Club, Inc., a Delaware Corporation, the property owner of the area described in **EXHIBIT “A”** (“BJ’s Property”), and by Seminole Woods Investments, LLC, a Florida limited liability company, the property owner of the area described in **EXHIBIT “B”** (“SWI Property”), and requests annexation of the BJ’s Property and the SWI Property into the incorporated area and City Limits of the City of Palm Coast, Florida; and

WHEREAS, the BJ’s Property is being developed in unincorporated Flagler County as a wholesale club, including, without limitation, a gas station and propane refill facility (“Phase 1”); and

WHEREAS, the SWI Property is being subdivided in unincorporated Flagler County into five (5) lots for general commercial development (“Phase 2”); and

WHEREAS, the City’s staff has certified that the property owners have signed the joint petition for Annexation; and

WHEREAS, the City Council hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Palm Coast, Florida, and it is further determined that the annexation of said property will not result in the creation

of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

WHEREAS, the City of Palm Coast, Florida, is in a position to provide municipal services to the property described herein, and the City Council of the City of Palm Coast, Florida, deems it in the best interests of the City to accept said joint Petition for Annexation and to annex said property; and

WHEREAS, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Palm Coast; and

WHEREAS, the provisions of this ordinance and the actions taken herein are consistent with the City's Comprehensive Plan and State law; and

WHEREAS, public hearings were held pursuant to the requirements of State law and in conformity with the published notice described above at which hearings the parties in interest and all others had an opportunity to be, and were in fact, heard; and

WHEREAS, it is the City's best interest to annex property which provides economic and other benefits to the City wherever possible.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

(a) The property that is the subject of this Ordinance and the Petition for Annexation is described in Section 2 of this Ordinance.

(b) The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast. The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

(c) The City Council of the City of Palm Coast adopts as legislative and administrative findings the fact that the land area described in Section 2 of this Ordinance and shown on the map in **EXHIBIT "C"** (hereinafter referred to as the "Area") is reasonably

compact and contiguous to the present Corporate Limits of the City of Palm Coast, and that no part of the Area is within the boundary of another municipality or the County in any manner or configuration that would contravene the provisions of Florida law or be contrary to sound and generally accepted land use planning practices and principles. The City Council of the City of Palm Coast finds that the annexation of the Area does not create an enclave and that the Area otherwise fully meets the criteria established in Chapter 171, *Florida Statutes*.

(d) The City Council of the City of Palm Coast has applied the laws of the State of Florida, Chapter 171, *Florida Statutes*, as well as the case law analyzing, construing and applying said statutory provisions, and the legislative intent pertaining to said statutory provisions as set forth in legislative reports.

(e) The City Council of the City of Palm Coast finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section and that no other action of the City is required to fully implement an annexation of the Area as set forth herein.

SECTION 2. ANNEXATION OF PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS.

(a) The BJ's Property described in **EXHIBIT "A"** shall be annexed to and included within the corporate limits of the City of Palm Coast, Florida on the date that is sixty (60) days after the issuance of a certificate of occupancy by Flagler County for Phase 1 ("Phase 1 Annexation Effective Date").

(b) The SWI Property described in **EXHIBIT "B"** shall be annexed to and included within the corporate limits of the City of Palm Coast, Florida on the date that is sixty (60) days after the issuance of a certificate of occupancy by Flagler County for the last lot to be developed in Phase 2 or December 31, 2025, whichever occurs first ("Phase 2 Annexation Effective Date"). If there is an active site development permit for one or more lots in Phase 2 on December 31, 2025, then the Phase 2 Annexation Effective Date shall be extended to the date on which the last certificate of occupancy has been issued by Flagler County for Phase 2 or December 31, 2026, whichever occurs first.

SECTION 3. RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES.

(a) Upon the Phase 1 Annexation Effective Date, the owner(s) of the BJ's Property shall be entitled to all the rights and privileges and immunities as are from time to time granted to property owners of the City of Palm Coast, Florida, as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time to time be determined by the City Council of the City of Palm Coast, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(b) Upon the Phase 2 Annexation Effective Date, the owner(s) of the SWI Property shall be entitled to all the rights and privileges and immunities as are from time to time granted to property owners of the City of Palm Coast, Florida, as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time to time be determined by the City Council of the City of Palm Coast, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(c) Upon annexation, the Area shall retain the zoning classification established by the Land Development Code of Flagler County, the land development approvals granted by Flagler County, and a land use designation as assigned by the Flagler County Comprehensive Plan in accordance with the provisions of Section 171.062, *Florida Statutes*, until otherwise changed or amended by an appropriate ordinance or by a number of ordinances as may be enacted by the City Council of the City of Palm Coast, Florida.

SECTION 4. EFFECT ON AD VALOREM TAXES.

(a) On the Phase 1 Annexation Effective Date, the BJ's Property shall be assessed for payment of municipal ad valorem taxes pursuant to law.

(b) On the Phase 2 Annexation Effective Date, the SWI Property shall be assessed for payment of municipal ad valorem taxes pursuant to law.

SECTION 5. EFFECT ON BUSINESSES AND OCCUPATIONS.

(a) All persons who are lawfully engaged in any occupation, business, trade or profession, within the BJ's Property upon the Phase 1 Annexation Effective Date, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Palm Coast, as revised, upon the securing of a valid business tax receipt from the City of Palm Coast, which receipt shall be issued upon payment of the appropriate fee, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

(b) All persons who are lawfully engaged in any occupation, business, trade or profession, within the SWI Property upon the Phase 2 Annexation Effective Date, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Palm Coast, as revised, upon the securing of a valid business tax receipt from the City of Palm Coast, which receipt shall be issued upon payment of the appropriate fee, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

SECTION 6. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such constitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 7. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective on August 6, 2024.

APPROVED on first reading the 16th day of July 2024.

ADOPTED on second reading after due public notice and public hearing this 6th day of August 2024.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

DAVID ALFIN, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION OF THE BJ'S PROPERTY

A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 662 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMENCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°21'21" EAST A DISTANCE OF 311.05 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 02°21'21" EAST A DISTANCE OF 750.00 FEET; THENCE SOUTH 89°09'52" WEST A DISTANCE OF 1,495.00 FEET; THENCE NORTH 00°50'03" WEST A DISTANCE OF 150.01 FEET; THENCE NORTH 38°32'07" EAST A DISTANCE OF 410.00 FEET; THENCE NORTH 02°27'01" WEST A DISTANCE OF 593.68 FEET TO A POINT IN THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 100.04 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°27'02" EAST A DISTANCE OF 478.96 FEET; THENCE NORTH 89°03'06" EAST A DISTANCE OF 661.20 FEET; THENCE NORTH 02°23'12" WEST A DISTANCE OF 207.67 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 219.04 FEET; THENCE SOUTH 35°18'25" EAST A DISTANCE OF 49.38 FEET; THENCE NORTH 89°12'02" EAST A DISTANCE OF 215.65 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

AND

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE SOUTH 89°09'05" WEST A DISTANCE OF 516.89 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°47'58" EAST A DISTANCE OF 270.03 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 62.68 FEET; THENCE SOUTH 02°23'12" EAST A DISTANCE OF 207.67 FEET; THENCE SOUTH 89°03'06" WEST A DISTANCE OF 661.20 FEET; THENCE NORTH 02°27'02" WEST A DISTANCE OF 478.96 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°09'06" EAST A DISTANCE OF

31.73 FEET; THENCE SOUTH 00°13'49" EAST A DISTANCE OF 270.00 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 537.52 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 270.02 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "B"

LEGAL DESCRIPTION OF THE SWI PROPERTY

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°09'05" WEST A DISTANCE OF 461.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°23'12" EAST A DISTANCE OF 270.13 FEET; THENCE SOUTH 89°09'20" WEST A DISTANCE OF 62.68 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 270.03 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'07" EAST A DISTANCE OF 55.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

AND

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°09'05" WEST A DISTANCE OF 556.89 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°47'58" EAST A DISTANCE OF 270.02 FEET; THENCE SOUTH 89°09'20" WEST A DISTANCE OF 537.52 FEET; THENCE NORTH 00°13'49" WEST A DISTANCE OF 270.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 534.83 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

AND

A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 662 OF THE PUBLIC RECORDS OF FLAGLER

COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:




COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°21'21" EAST A DISTANCE OF 311.05 FEET; THENCE SOUTH 89°12'02" WEST A DISTANCE OF 215.65 FEET; THENCE NORTH 35°18'25" WEST A DISTANCE OF 49.38 FEET; THENCE SOUTH 89°09'20" WEST A DISTANCE OF 219.04 FEET; THENCE NORTH 02°23'12" WEST A DISTANCE OF 270.13 FEET A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 461.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "C"

DEPICTION OF ANNEXATION AREA

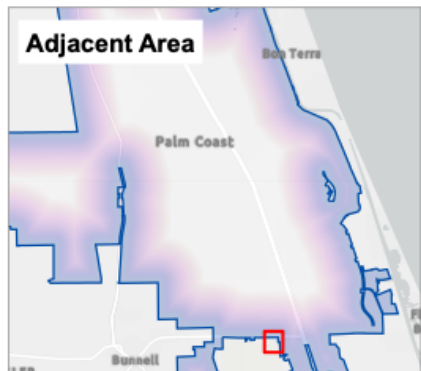


COGO Verification

-  Subject Site
-  County Parcels
-  Palm Coast City Limits

Digitization Note:

The property closes without any issues.
The calculated area of the property is
31.67091 Ac.



Date: 11/4/2022
Path: \\GISFiles\GIS Server\WORKSPACE\Monical\ServiceRequests\2022\ICR_41872_COGO_Ver_AirportArea\Pro\ICR_41872_COGO_Ver_AirportArea.aprx

Prepared by:
Jay W. Livingston, Esq.
Livingston & Sword, P.A.
391 Palm Coast Parkway SW #1
Palm Coast, Florida 32137

Return to:
City Clerk
City of Palm Coast
160 Lake Ave.
Palm Coast, FL 32164

**JOINT PETITION TO VOLUNTARILY ANNEX REAL PROPERTY
TO THE CITY OF PALM COAST FLORIDA**

Petitioners, **BJ'S WHOLESALE CLUB, INC.**, a Delaware corporation ("BJ's"), whose mailing address is 350 Campus Drive, Marlborough, Massachusetts 01752, and **SEMINOLE WOODS INVESTMENTS, LLC**, a Florida limited liability company ("SWI"), whose mailing address is 1490 Florida A1A, Suite 301, Satellite Beach, Florida 32937 (BJ's and SWI are collectively referred to as "Petitioners") hereby voluntarily petition the City Of Palm Coast, Florida to annex real property to the City Of Palm Coast, Florida (hereafter "City") pursuant to and in accordance with the provisions of Chapter 171.044, Florida Statutes, and state(s):

- (1) BJ's is the sole owner of the real property whose Flagler County Tax Parcel Identification Numbers are 08-12-31-0650-000B0-0071 and 08-12-31-0650-000D0-0050, is located on SR 100, and is more particularly described on **EXHIBIT "A"** attached hereto and by this reference made a part of this Petition (hereinafter the "BJ's Property"), as evidenced by that certain Special Warranty Deed recorded in Official Records Book 2769, Page 389, Public Records of Flagler County, Florida and that certain Special Warranty Deed recorded in Official Records Book 2769, Page 397, Public Records of Flagler County, Florida.
- (2) SWI is the sole owner of the real property whose Flagler County Tax Parcel Identification Numbers are 08-12-31-0650-000D0-0051 and 08-12-31-0650-000B0-0074, is located on SR 100, and is more particularly described on **EXHIBIT "B"** attached hereto and by this reference made a part of this Petition (hereinafter the "SWI Property"), as evidenced by that certain Special Warranty Deed dated March 31, 2023, and recorded April 5, 2023 in Official Records Book 2769, Page 393, as corrected by that certain Special Warranty Deed dated April 6, 2023, and recorded April 11, 2023 in Official Records Book 2770, Page 1056; and that certain Special Warranty Deed dated March 31, 2023, and

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Petition to Voluntarily Annex

recorded April 5, 2023 in Official Records Book 2769, Page 385, as corrected by that certain Special Warranty Deed dated April 6, 2023 and recorded April 11, 2023 in Official Records Book 2770, Page 1062.

- (3) This Petition is being made pursuant and subject to the terms of that certain Pre-Annexation Agreement dated February 8, 2023 by and between Petitioners and the City of Palm Coast as recorded in Official Records Book 2755, Page 1924, Public Records of Flagler County, Florida (“Pre-Annexation Agreement”).
- (4) This Petition is also being made pursuant and subject to the terms of that certain Supplemental Agreement Between the City of Palm Coast and Seminole Woods Investments, LLC Relating to Pre-Annexation Agreement dated March 13, 2024 by and between SWI and the City of Palm Coast as recorded in Official Records Book 2854, Page 1877, Public Records of Flagler County, Florida (“Supplemental Agreement”).
- (5) BJ’s is developing a wholesale club, including, without limitation, a gas station and propane refill facility, on the BJ’s Property (“Phase 1”) and SWI is developing five (5) lots for general commercial uses on the SWI Property (“Phase 2”).
- (6) When the BJ’s Property is annexed into the City, BJ’s agrees to and will abide by and comply with all of the existing and future laws, rules and regulations which presently and from time to time in the future may be in effect within the City.
- (7) When the SWI Property is annexed into the City, SWI agrees to and will abide by and comply with all of the existing and future laws, rules and regulations which presently and from time to time in the future may be in effect within the City.
- (8) BJ’s agrees that it is making a continuous and perpetual request for annexation to the City that will be effective within sixty (60) days after the issuance of a certificate of occupancy by Flagler County for Phase 1 pursuant to the Pre-Annexation Agreement.
- (9) SWI agrees that it is making a continuous and perpetual request for annexation to the City that will be effective sixty (60) days after Flagler County issues a certificate of occupancy for the last lot in Phase 2 or December 31, 2025, whichever occurs first, unless extended pursuant to the Supplemental Agreement.

(10) This Petition shall be recorded in the Public Records of Flagler County, Florida and shall constitute an irrevocable petition to annex into the City of Palm Coast which shall run with the BJ's Property and the SWI Property and shall be binding on all subsequent purchasers, successors in interest and assigns of the BJ's Property and the SWI Property.

(11) This Petition may be executed in counterparts by BJ's and SWI.

SIGNATURES ON FOLLOWING PAGES

WHEREFORE, Petitioners request that the City take action to approve this Petition and to annex the BJ's Property and the SWI Property into the City. The undersigned's affirm and represent that all corporate or entity actions required to be accomplished to authorize the action taken herein have, in fact, been taken.

Dated this 29 day of February, 2024.

WITNESSES:

Seminole Woods Investments, LLC
A Florida limited liability company

BWof
Signature
Brandon Wolf
Printed Name

By: Matthew T. Williams
Matthew T. Williams, Manager

Address: 706 Brookside Dr
Indialantic, FL 32903

Bernie K Brooks
Signature
Bernie K Brooks
Printed Name

Address: 1314 Dutton Way
Melbourne FL 32940

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 29 day of February, 2024, by Matthew T. Williams, as Manager of Seminole Woods Investments, LLC, a Florida limited liability company, on behalf of the company. He is personally known to me, or produced no as identification.



Bernie K Brooks
NOTARY PUBLIC

Dated this 29 day of February, 2024.

WITNESSES:

BJ's Wholesale Club, Inc.,
A Delaware corporation

Johanne Legacy
Signature

Jo Anne Legacy
Printed Name

Address: 22 Old Worcester Rd
Charlton, MA 01507

By: Laura L Felice

Name: Laura L Felice

Title: EVP, CFO

Pablo A Cepeda-Rosario
Signature

Pablo A. Cepeda-Rosario
Printed Name

Address: 13 Uxbridge St.
Worcester, MA 01605

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

On this 29 day of February, 2024, before me, the undersigned notary public, Laura Felice personally appeared, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as EVP-CFO of BJ's Wholesale Club, Inc., a corporation.

(Seal)



Angela Conway
ANGELA S. CONWAY
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
Printed Name: _____
My Commission Expires: 9/1/2028

EXHIBIT "A"

LEGAL DESCRIPTION OF BJ'S PROPERTY

Flagler County Tax Parcel Identification Number: 08-12-31-0650-000B0-0071:

A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 662 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMENCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°21'21" EAST A DISTANCE OF 311.05 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 02°21'21" EAST A DISTANCE OF 750.00 FEET; THENCE SOUTH 89°09'52" WEST A DISTANCE OF 1,495.00 FEET; THENCE NORTH 00°50'03" WEST A DISTANCE OF 150.01 FEET; THENCE NORTH 38°32'07" EAST A DISTANCE OF 410.00 FEET; THENCE NORTH 02°27'01" WEST A DISTANCE OF 593.68 FEET TO A POINT IN THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 100.04 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°27'02" EAST A DISTANCE OF 478.96 FEET; THENCE NORTH 89°03'06" EAST A DISTANCE OF 661.20 FEET; THENCE NORTH 02°23'12" WEST A DISTANCE OF 207.67 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 219.04 FEET; THENCE SOUTH 35°18'25" EAST A DISTANCE OF 49.38 FEET; THENCE NORTH 89°12'02" EAST A DISTANCE OF 215.65 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

Flagler County Tax Parcel Identification Number: 08-12-31-0650-000D0-0050:

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE

CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE SOUTH 89°09'05" WEST A DISTANCE OF 516.89 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°47'58" EAST A DISTANCE OF 270.03 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 62.68 FEET; THENCE SOUTH 02°23'12" EAST A DISTANCE OF 207.67 FEET; THENCE SOUTH 89°03'06" WEST A DISTANCE OF 661.20 FEET; THENCE NORTH 02°27'02" WEST A DISTANCE OF 478.96 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE NORTH 89°09'06" EAST A DISTANCE OF 31.73 FEET; THENCE SOUTH 00°13'49" EAST A DISTANCE OF 270.00 FEET; THENCE NORTH 89°09'20" EAST A DISTANCE OF 537.52 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 270.02 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

EXHIBIT "A"
Petition to Voluntarily Annex

EXHIBIT "B"

LEGAL DESCRIPTION OF THE SWI PROPERTY

Flagler County Tax Parcel Identification Number: 08-12-31-0650-000D0-0051:

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°09'05" WEST A DISTANCE OF 461.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°23'12" EAST A DISTANCE OF 270.13 FEET; THENCE SOUTH 89°09'20" WEST A DISTANCE OF 62.68 FEET; THENCE NORTH 00°47'58" WEST A DISTANCE OF 270.03 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'07" EAST A DISTANCE OF 55.20 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

AND

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 914, PAGE 84, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 89°09'05" WEST A DISTANCE OF 556.89 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 00°47'58" EAST A DISTANCE OF 270.02 FEET; THENCE SOUTH

EXHIBIT "B"

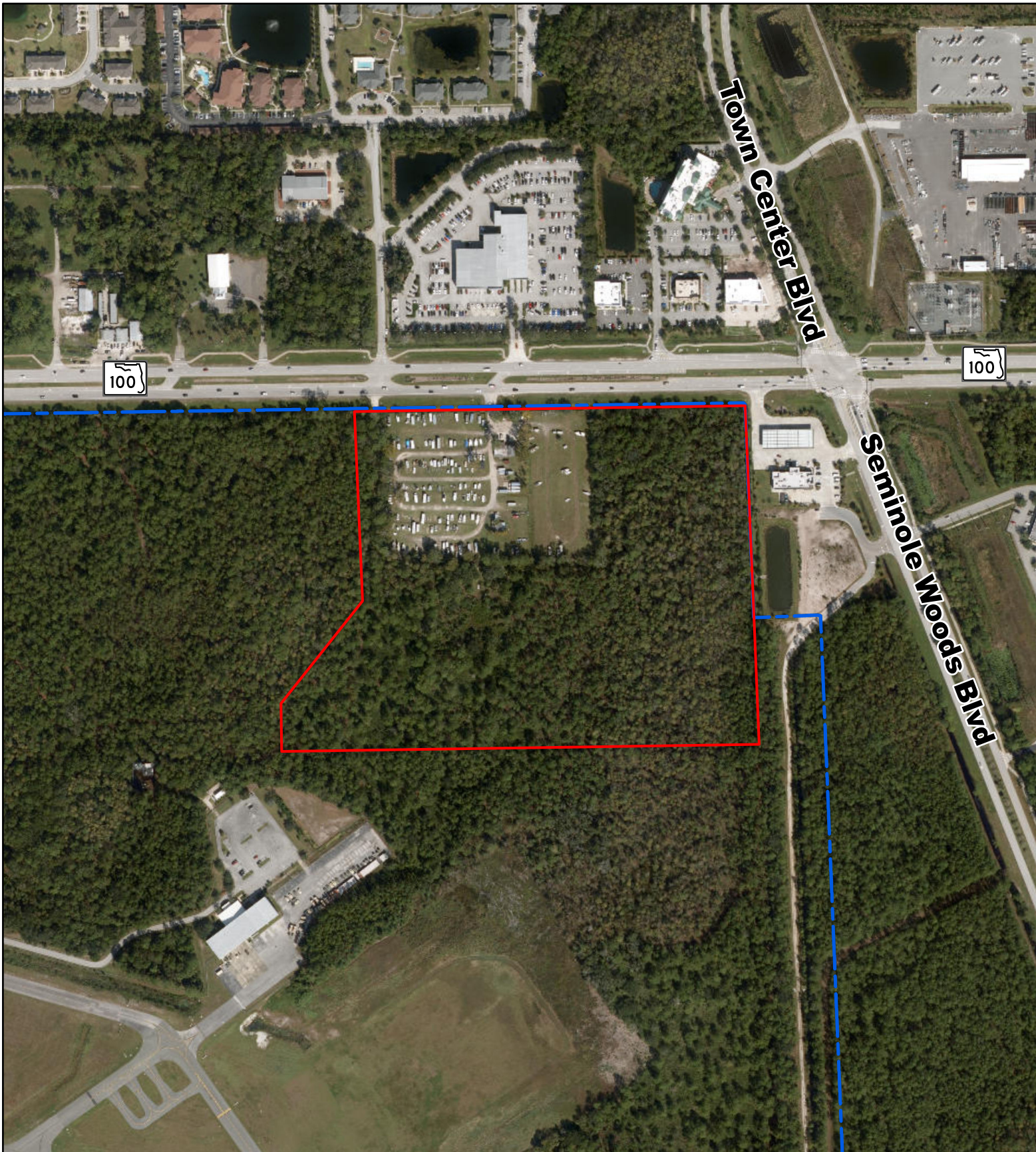
Petition to Voluntarily Annex

89°09'20" WEST A DISTANCE OF 537.52 FEET; THENCE NORTH 00°13'49" WEST A DISTANCE OF 270.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 534.83 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.



Flagler County Tax Parcel Identification Number: 08-12-31-0650-000B0-0074:

A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1109, PAGE 662 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 1, AIRPORT COMMERCE CENTER PHASE 2, AS RECORDED IN PLAT BOOK 38, PAGES 2-4, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (A 200' RIGHT-OF-WAY) AND BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°21'21" EAST A DISTANCE OF 311.05 FEET; THENCE SOUTH 89°12'02" WEST A DISTANCE OF 215.65 FEET; THENCE NORTH 35°18'25" WEST A DISTANCE OF 49.38 FEET; THENCE SOUTH 89°09'20" WEST A DISTANCE OF 219.04 FEET; THENCE NORTH 02°23'12" WEST A DISTANCE OF 270.13 FEET A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°09'05" EAST A DISTANCE OF 461.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.



Close Up Aerial

-  Palm Coast City Limits
-  Subject Site



0 400 Feet



Map Provided by the Planning Division

Date: 6/4/2024



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: 8/6/2024
Ordinance Number: 2024-XX
Posted To Webpage: 7/03/2024**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF PALM COAST; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 31.680 ACRES OF PROPERTY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, *FLORIDA STATUTES*; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON AD VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;

5. Emergency ordinances;

6. Ordinances relating to procurement; or

7. Ordinances enacted to implement the following:

a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

b. Sections 190.005 and 190.046;

c. Section 553.73, relating to the Florida Building Code; or

d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.)

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast: (fill out subsections a-c as applicable, if not applicable write “not applicable”)

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:

(c) An estimate of the City of Palm Coast’s regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance:

Part IV. Additional Information (if any): N/A