

## CITY OF PALM COAST CHARTER

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**\*Editor's note:** Printed herein is the Charter of the City of Palm Coast, Florida, as adopted by Laws of Fla., ch. 99-448, and as amended in ch. 2002-339, effective on May 1, 2002.

Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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Sec. 1. Short title.

This act, together with any future amendments thereto, shall be known and may be cited as the "City of Palm Coast Charter," hereinafter referred to as "the Charter."

Sec. 2. Legislative intent.

The Legislature hereby finds and declares that:

(1) The area in Flagler County known as the Palm Coast Service District includes a compact and contiguous urban community amenable to separate municipal government.

(2) It is in the best interests of the public health, safety, and welfare of the citizens of this community to form a separate municipality for the Palm Coast Service District area with all powers and authority necessary to provide efficient and adequate municipal services to its residents.

Sec. 3. Incorporation of municipality.

(1) There is hereby created effective, December 31, 1999, in Flagler County, Florida, a new municipality to be known as the City of Palm Coast.

(2) The corporate boundaries of the City of Palm Coast, hereinafter referred to as "the City," shall be as described in section 9(1).

(3) The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in section 5) shall be to set policy; the general duties of the Manager (described in section 6) shall be to carry out those policies.

#### Sec. 4. Municipal powers.

The City shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City.

#### Sec. 5. City Council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five member City Council consisting of four District members and a Mayor.
2. There shall be four districts within the City, the boundaries of which are as outlined in section 9(2). These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(b) Qualifications for office:

1. Each candidate for office shall be a qualified elector of the City.
2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:
  - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run from; or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
  - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
3. Each individual seeking to qualify as a candidate for Mayor shall:
  - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census); or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
  - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.

4. Additionally, for the initial election, following the referendum approving the creation of the City, candidates for office shall qualify as provided in section 13(3).

(2) *Terms of office.*

(a) The term of office for each District Member shall be four years. However, in order to provide for staggering of terms, the initial term of office for District Seats One and Three shall be four years, and that of District Seats Two and Four shall be two years. The initial term of office for the Mayor shall also be four years.

(b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.

(c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

(3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(4) *Powers and duties of the Mayor.*

(a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.

(b) Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

(a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.

(b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in section 5(4). In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

(a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.

(1) The Mayor of the City of Palm Coast, Florida shall receive the annual salary of \$11,400.00.

(2) Reserved.

(3) Each member of the City Council of the City of Palm Coast, Florida not serving as Mayor, shall receive the annual salary of \$9,600.00.

(b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

(a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.

(b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:

1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
2. Is convicted of a felony, or enters a plea of guilty *ornolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty *ornolo contendere* thereto, even if adjudication of guilt has been withheld;
4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
5. Is absent from three consecutive regular Council meetings without being excused by the Council.

(c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.

(d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in section 8(5)(b). The Special Election for Mayor shall be for the remainder of the unfilled term.
2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in section 8(5)(b).

5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.

(8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

(a) *Organizational meeting.* The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.

(b) *Quorum.* A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.

(c) *Special meetings.* Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.

(9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.

(10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.

(11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. 03-08, § 1, 4-15-03; Ord. No. 07-07, § 1, 4-3-07)

Sec. 6. Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

(1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.

(a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.

(b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.

(c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.

(d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.

(e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.

(2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.

(a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.

(b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.

(c) Power and Duties. The City Manager shall:

1. Attend all meetings of the City Council.

2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.

3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.

4. Provide administrative services as required by the Mayor and the Council.

5. Appoint a City Clerk to serve at his/her pleasure.

6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.

7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.

8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.

9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.

10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.

11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.

12. Sign contracts on behalf of the City to the extent authorized by the Council.
  13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
  - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
  - (c) Powers and Duties. The City Attorney shall:
    1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
    2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
    3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.
    4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

#### Sec. 7. Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
  - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
  - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.

(c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

## Sec. 8. Elections.

(1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.

(2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.

(3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk no sooner than 45 calendar days nor later than 35 calendar days prior to the second Tuesday in September of each odd-numbered year. In addition, candidates shall qualify as provided in paragraph (1)(b) of section 5.

(4) *Schedule for regular elections and primaries.* The regular City election shall be the first Tuesday after the first Monday in November of each odd-numbered year. Such City elections shall be general City elections. If there are more than two candidates who qualify for any office, a primary City election shall be held on the first Tuesday after the second Monday in September.

(a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of section 5, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.

(b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of section 5, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.

(5) *Schedule for special elections.*

(a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of section 5, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.

(b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.

(6) *Determination of election to office.*

(a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.



(b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.

(c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:

1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.

2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.

(d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:

1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.

2. The candidate whose call matches the coin toss shall be declared the winner.

(7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.

(H. B. No. 527, § 1, 5-1-02)

## Sec. 9. Land description.

(1) *City boundaries.* The initial corporate boundaries shall be as set forth in chapter 99-448, Laws of Florida Boundaries may be changed in accordance with general laws regarding annexation without amendments to the Charter. Upon the effective date of this act, the corporate boundaries shall be as follows:

A PARCEL OF LAND LYING WITHIN TOWNSHIP 10, 11 AND 12 SOUTH, RANGE 30 EAST, TOWNSHIP 10, 11 AND 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING BEING THE NORTHEAST CORNER OF THE PLAT LAKEVIEW SECTION-37, MAP BOOK 13, PAGES 1 THROUGH 29, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING SAID PLAT SECTION-37 NORTH 64°44'58" EAST A DISTANCE OF 150.00 FEET TO A POINT ON THE CENTERLINE OF INTERSTATE-95, THENCE SOUTH 25°15'02" EAST ALONG SAID CENTERLINE OF INTERSTATE-95 A DISTANCE OF 5870.84 FEET, THENCE DEPARTING SAID CENTERLINE NORTH 64°44'58" EAST A DISTANCE OF 150.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95 BEING ALSO THE NORTHWEST CORNER OF RESERVED PARCEL E-1 AS SHOWN ON THE

VACATED PLAT OF PALM COAST SECTION 42 AS ORIGINALLY RECORDED IN MAP BOOK 14, PAGES 13--28, THENCE DEPARTING INTERSTATE-95 AND RUN ALONG THE FOLLOWING COURSES SHOWN WITH IN SAID VACATED PLAT: NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 165.78 FEET TO A POINT ON A CURVE, THENCE NORTHERLY 53.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE EASTERLY), HAVING A CENTRAL ANGLE OF  $30^{\circ}35'43''$ . A RADIUS OF 100.00 FEET, A CHORD BEARING OF NORTH  $02^{\circ}47'13''$  WEST AND A CHORD DISTANCE OF 52.77 FEET TO A POINT ON A CURVE, THENCE NORTHWESTERLY 65.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE NORTHEASTERLY), HAVING A CENTRAL ANGLE OF  $37^{\circ}45'40''$ , A RADIUS OF 100.00 FEET, A CHORD BEARING OF NORTH  $44^{\circ}07'53''$  WEST AND A CHORD DISTANCE OF 64.72 FEET TO A POINT, THENCE NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE, THENCE SOUTHEASTERLY 78.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHERLY), HAVING A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , A RADIUS OF 50.00 FEET, A CHORD BEARING OF SOUTH  $70^{\circ}15'02''$  EAST AND A CHORD DISTANCE OF 70.71 FEET TO A POINT OF TANGENCY, THENCE NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 960.00 FEET, THENCE SOUTH  $25^{\circ}15'02''$  EAST A DISTANCE OF 770.00 FEET, THENCE NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 800.00 FEET TO A POINT OF CURVATURE, THENCE 157.08 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE WESTERLY), HAVING A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , A RADIUS OF 100.00 FEET, A CHORD BEARING OF NORTH  $19^{\circ}44'58''$  EAST AND A CHORD DISTANCE OF 141.42 FEET TO A POINT OF TANGENCY, THENCE NORTH  $25^{\circ}15'02''$  WEST A DISTANCE OF 370.00 FEET, THENCE NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 125.00 FEET, THENCE SOUTH  $79^{\circ}22'56''$  EAST A DISTANCE OF 93.60 FEET TO A POINT ON A CURVE, THENCE 165.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHERLY), HAVING A CENTRAL ANGLE OF  $57^{\circ}17'45''$ , A RADIUS OF 165.00 FEET, A CHORD BEARING OF NORTH  $68^{\circ}48'20''$  EAST AND A CHORD DISTANCE OF 158.21 FEET TO A POINT, THENCE NORTH  $49^{\circ}50'32''$  WEST A DISTANCE OF 125.00 FEET TO A POINT OF CURVATURE, THENCE NORTHEASTERLY 12.00 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHWESTERLY), HAVING A CENTRAL ANGLE OF  $17^{\circ}11'19''$ , A RADIUS OF 40.00 FEET, A CHORD BEARING OF NORTH  $31^{\circ}33'48''$  EAST AND A CHORD DISTANCE OF 11.95 FEET TO A POINT, THENCE SOUTH  $67^{\circ}01'51''$  EAST A DISTANCE OF 124.87 FEET TO A POINT ON A CURVE, THENCE 164.87 FEET ALONG THE ARC OF A CURVE TO THE LEFT, (CONCAVE NORTHWESTERLY), HAVING A CENTRAL ANGLE OF  $57^{\circ}17'45''$ , A RADIUS OF 164.87 FEET, A CHORD BEARING OF NORTH  $05^{\circ}40'44''$  WEST AND A CHORD DISTANCE OF 158.08 FEET TO A POINT OF TANGENCY, THENCE NORTH  $58^{\circ}22'07''$  EAST A DISTANCE OF 100.00 FEET, THENCE SOUTH  $31^{\circ}37'53''$  EAST A DISTANCE OF 1627.40 FEET, THENCE SOUTH  $00^{\circ}34'22''$  WEST A DISTANCE OF 1187.69 FEET, THENCE SOUTH  $89^{\circ}25'38''$  EAST A DISTANCE OF 164.76 FEET, TO A POINT ON A CURVE, THENCE NORTHEASTERLY 353.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHEASTERLY), HAVING A CENTRAL ANGLE OF  $90^{\circ}00'00''$ , A RADIUS OF 225.00 FEET, A CHORD BEARING OF NORTH  $19^{\circ}44'58''$  EAST AND A CHORD DISTANCE OF 318.20 FEET TO A POINT OF TANGENCY, THENCE NORTH  $64^{\circ}44'58''$  EAST A DISTANCE OF 1207.98 FEET TO A POINT OF CURVATURE, THENCE 401.34 FEET ALONG THE ARC OF A

CURVE TO THE RIGHT, (CONCAVE SOUTHERLY), HAVING A CENTRAL ANGLE OF 83°37'09", A RADIUS OF 275.00 FEET, A CHORD BEARING OF SOUTH 73°26'28" EAST AND A CHORD DISTANCE OF 366.66 FEET TO A POINT OF TANGENCY, THENCE NORTH 58°22'07" EAST A DISTANCE OF 200.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF A 200 FOOT WIDE FLORIDA POWER AND LIGHT CO. EASEMENT AS SHOWN ON SAID VACATED PLAT, THENCE SOUTH 31°37'53" EAST ALONG SAID EASEMENT A DISTANCE OF 1009.91 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT BEING THE NORTHWEST CORNER OF THE VACATED PLAT OF PALM COAST SECTION 89, AS ORIGINALLY RECORDED IN MAP BOOK 25, PAGES 52 THROUGH 56, THENCE EASTERLY ALONG SAID VACATED PLAT BOUNDARY 699.84 FEET BEING ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHEASTERLY), HAVING A CENTRAL ANGLE OF 04°00'35", A RADIUS OF 10000.00 FEET, A CHORD BEARING OF NORTH 67°30'29" EAST AND A CHORD DISTANCE OF 699.70 FEET TO A POINT OF TANGENCY, THENCE NORTH 69°30'47" EAST A DISTANCE OF 1072.23 FEET TO A POINT OF CURVATURE, THENCE 940.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHWESTERLY), HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 599.00 FEET, A CHORD BEARING OF SOUTH 65°29'13" EAST AND A CHORD DISTANCE OF 847.11 FEET TO A POINT OF TANGENCY, THENCE SOUTH 20°29'13" EAST A DISTANCE OF 1810.00 FEET TO THE NORTHEAST CORNER OF THE PLAT OF PALM COAST SECTION 10 AS RECORDED IN MAP BOOK 6, PAGES 43--53; THENCE CONTINUE SOUTH 20°29'13" EAST A DISTANCE OF 1810.00 FEET ALONG THE EAST LINE OF SAID PALM COAST SECTION 10 FOR A DISTANCE OF 547.21 FEET TO THE NORTHWEST CORNER OF THE PLAT OF PALM COAST SECTION 16, MAP BOOK 6, PAGES 81 THROUGH 86 (MAP REFERENCE POINT "A"); THENCE EASTERLY ALONG THE NORTHERLY BOUNDARY OF SECTION-16, 1899.00 FEET, MORE OR LESS, TO A POINT BEING A PERMANENT REFERENCE MONUMENT AS SHOWN ON SAID PLAT OF PALM COAST SECTION 16 AT LOT 50, BLOCK 11, THENCE DEPARTING SAID PLAT OF PALM COAST SECTION 16 AND RUN NORTH 72°34'30" EAST A DISTANCE OF 1996.35 FEET, MORE OR LESS, TO A POINT ON THE NORTHWEST CORNER OF THE PLAT OF PALM COAST SECTION 15, MAP BOOK 6, PAGES 68 THROUGH 72, THENCE NORTH 25°53'57" EAST A DISTANCE OF 940.00 FEET, THENCE SOUTH 64°06'03" EAST A DISTANCE OF 1505.47 FEET, THENCE SOUTH 70°54'21" WEST A DISTANCE OF 926.73 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID PLAT OF PALM COAST SECTION 15, THENCE RUN EASTERLY ALONG THE NORTH BOUNDARY OF COCHISE WATERWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGES 1222--1232 RUNNING ALONG THE FOLLOWING COURSES: THENCE NORTH 70°53'57" EAST A DISTANCE OF 97.43 FEET, THENCE NORTH 64°00'00" EAST A DISTANCE OF 208.12 FEET, THENCE NORTH 70°53'57" EAST A DISTANCE OF 502.35 FEET, THENCE NORTH 17°52'27" WEST A DISTANCE OF 10.00 FEET, THENCE NORTH 35°53'57" EAST A DISTANCE OF 216.53 FEET TO THE NORTHEAST CORNER OF THE DESCRIBED COCHISE WATERWAY PARCEL, THENCE NORTH 72°07'33" EAST A DISTANCE OF 160 FEET, MORE OR LESS, TO THE CENTER OF CHANNEL OF THE INTRACOASTAL WATERWAY, THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID CHANNEL 30782.00 FEET, MORE OR LESS, TO THE INTERSECTION POINT OF SAID CENTERLINE OF CHANNEL WITH THE

WESTERLY BOUNDARY LINE OF A FLAGLER COUNTY PARK RECORDED IN OFFICIAL RECORDS BOOK 455, PAGES 769 AND 770, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, (LOCAL NAME-SOUTH PARK) EXTENDED NORTHERLY TO THE CENTERLINE OF SAID CHANNEL SAID INTERSECTION POINT LYING WITHIN GOVERNMENT SECTION 22, TOWNSHIP 11 SOUTH, RANGE 31 EAST, THENCE DEPARTING SAID CENTERLINE OF CHANNEL OF THE INTRACOASTAL WATERWAY SOUTHERLY 1238.00 FEET, MORE OR LESS, ALONG THE WEST LINE OF SAID PARK BOUNDARY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ENTRANCE ROAD TO SAID PARK (SOUTH PARK ROAD), RECORDED IN OFFICIAL RECORDS BOOK 581, PAGES 1512 THROUGH 1514, THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH PARK ROAD TO THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE, THENCE CONTINUE WESTERLY CROSSING COLBERT LANE ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH PARK ROAD TO A POINT ON THE EASTERLY BOUNDARY OF LANDS OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("GRAHAM SWAMP PROPERTY"), RECORDED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221 AND BOOK 582, PAGES 1562 THROUGH 1581, BEING ALSO A POINT ON THE WESTERLY RIGHT OF WAY OF COLBERT LANE (MAP REFERENCE POINT "B"); THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY FOR A DISTANCE OF 6000 FEET, MORE OR LESS, TO THE BOUNDARY LINE OF THE 44-ACRE FLAGLER COUNTY PARK PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 473, PAGES 1961--1962; THENCE EASTERLY, SOUTHERLY AND NORTHERLY ALONG SAID PARK PROPERTY BOUNDARY (SO AS TO EXCLUDE SAID PARK PROPERTY FROM THIS DESCRIPTION) FOR A DISTANCE OF 6500 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY; THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY FOR A DISTANCE OF 2500 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID GRAHAM SWAMP PROPERTY; THENCE RUN NORTHERLY ALONG THE EASTERLY BOUNDARY OF THE PALM COAST COMMUNITY SERVICE CORPORATION'S PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGES 1222--1232 RUNNING ALONG THE FOLLOWING COURSES; NORTH 23°57'23" WEST A DISTANCE OF 3.10 FEET; THENCE S89°53'38"E A DISTANCE OF 77.37 FEET; HENCE NORTH 10°19'05" WEST A DISTANCE OF 32.52 FEET; NORTH 05°07'41"E 92.37 FEET; THENCE NORTH 05°07'35"E A DISTANCE OF 253.49 FEET; THENCE NORTH 03°38'35"E A DISTANCE OF 406.08 FEET; THENCE NORTH 10°52'52" WEST 1119.30 FEET; THENCE NORTH 19°36'48" WEST A DISTANCE OF 573.43 FEET, MORE OR LESS, TO ITS INTERSECTION WITH WEST BOUNDARY OF A 3.50 FOOT WIDE STRIP OF LAND FOR ADDITIONAL RIGHT-OF-WAY OF COLBERT LANE, SAID STRIP OF LAND RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 762 THROUGH 765, THENCE NORTHERLY ALONG SAID COLBERT LANE RIGHT-OF-WAY, RUNNING ALONG THE WEST LINE OF SAID RIGHT-OF-WAY AND RETENTION AREAS AND PARCELS DEEDED TO FLAGLER COUNTY WHICH ARE APPURTENANT TO COLBERT LANE FOR A DISTANCE OF 1750 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 553, PAGE 1802 (ALSO KNOWN AS PALM COAST HOLDINGS' PARCEL NUMBER 533); THENCE RUN

SOUTHERLY AND WESTERLY AND NORTHERLY ALONG THE BOUNDARY OF SAID PARCEL 533 TO ITS INTERSECTION WITH THE SOUTHERLY BOUNDARY OF RETENTION POND "L" SERVING COLBERT LANE RIGHT-OF-WAY; THENCE WESTERLY AND NORTHERLY ALONG RETENTION POND "L" TO THE SOUTHERLY BOUNDARY OF A 3.50 FOOT WIDE STRIP OF LAND FOR ADDITIONAL RIGHT-OF-WAY OF COLBERT LANE SAID STRIP OF LAND RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 762 THROUGH 765, THENCE WESTERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 635 FEET, MORE OR LESS, TO THE INTERSECTION OF PALM COAST HOLDINGS PARCEL NUMBER 505 AS DESCRIBED IN OFFICIAL RECORDS BOOK 553, PAGE 1781; THENCE DEPARTING COLBERT LANE RUN SOUTHERLY AND WESTERLY ALONG THE BOUNDARY OF SAID PARCEL NO. 505 TO THE SOUTHWEST CORNER THEREOF, BEING ALSO A POINT ON THE EAST LINE OF GOVERNMENT SECTION 50, TOWNSHIP 11 SOUTH, RANGE 31 EAST BEING ALSO A POINT ON THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OR 546 PAGES 1197--1221; THENCE NORTHERLY AND WESTERLY ALONG THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OR 546 PAGE 1197--1221 FOR A DISTANCE OF 9,000 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF OLD KINGS ROAD RECORDED IN OFFICIAL RECORDS BOOK 596, PAGES 712 THROUGH 715; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY OF OLD KINGS ROAD BEING ALSO THE BOUNDARY OF THE GRAHAM SWAMP PROPERTY FOR A DISTANCE OF 2890.00 FEET, MORE OR LESS, THENCE DEPARTING OLD KINGS ROAD, EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY FOR A DISTANCE OF 20183.00 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY BOUNDARY LINE OF A 60' WIDE STRIP OF LAND FOR THE LEHIGH RAILROAD SPUR, THENCE NORTH 89°15'49" EAST ALONG SAID NORTHERLY LINE OF THE LEHIGH RAILROAD SPUR A DISTANCE OF 479.85 FEET, THENCE DEPARTING SAID NORTHERLY LINE SOUTH 00°44'11" EAST A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID RAILROAD SPUR LAND, THENCE DEPARTING THE LEHIGH RAILROAD SPUR SOUTH 20°54'58" EAST ALONG THE EASTERLY BOUNDARY LINE OF LAND RECORDED IN OFFICIAL RECORDS BOOK 551, PAGES 598 THROUGH 602 AND OFFICIAL RECORDS BOOK 554, PAGES 1292 THROUGH 1297 A DISTANCE OF 2024.75 FEET, THENCE SOUTH 18°25'23" EAST ALONG SAID BOUNDARY LINE A DISTANCE OF 5919.71 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 (200'R/W)(MAP REFERENCE POINT "C"), THENCE SOUTH 87°48'45" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 669.29 FEET, THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 02°11'15" EAST CROSSING STATE ROAD 100 AND ALONG THE WEST BOUNDARY LINE OF THE FLAGLER COUNTY SHELL PIT PARCEL A DISTANCE OF 1424.00 FEET TO THE SOUTHWEST CORNER OF SAID SHELL PIT PARCEL, THENCE SOUTH 87°48'45" WEST A DISTANCE OF 535.57 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE FLAGLER COUNTY SCHOOL BOARD PARCEL RECORDED IN OFFICIAL RECORDS BOOK 406, PAGES 64 AND 65, THENCE SOUTH 26°20'32" WEST ALONG SAID SCHOOL PARCEL A DISTANCE OF 421.93 FEET, THENCE SOUTH 60°16'55" EAST A DISTANCE OF 421.00 FEET, THENCE SOUTH 04°15'04" WEST A DISTANCE OF 199.37 FEET, THENCE NORTH 60°16'55" WEST A DISTANCE OF 795.00 FEET, THENCE DEPARTING

SAID SCHOOL PARCEL AND RUN SOUTH 60°01'33" WEST A DISTANCE OF 39.26 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF OLD KINGS ROAD, THENCE NORTH 29°58'27" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 449.25 FEET, THENCE SOUTH 87°48'45" WEST CROSSING OVER AND DEPARTING OLD KINGS ROAD A DISTANCE OF 1963.39 FEET TO A POINT ON THE CENTERLINE OF INTERSTATE-95, THENCE SOUTHERLY ALONG THE CENTERLINE OF INTERSTATE-95 A DISTANCE OF 22109.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH HALF ( 1/2) OF THE SOUTH HALF ( 1/2) OF GOVERNMENT SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE SOUTH 89°07'59" WEST ALONG SAID NORTH LINE A DISTANCE OF 212.72 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE PLAT SEMINOLE PARK SECTION-58, MAP BOOK 19, PAGES 26 THROUGH 40, THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SEMINOLE PARK SECTION-58, MAP BOOK 19, PAGES 26 THROUGH 40, SEMINOLE PARK SECTION-59, MAP BOOK 19, PAGES 41 THROUGH 50 AND MAP BOOK 20, PAGES 1 THROUGH 8, AND SEMINOLE PARK SECTION-60, MAP BOOK 17, PAGES 48 THROUGH 55, A DISTANCE OF 26232.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PLAT SECTION-60, SAID CORNER BEING ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO.1, THENCE WESTERLY ALONG THE EXTENSION OF THE SOUTH BOUNDARY OF SECTION-60 A DISTANCE OF 57.00 FEET, MORE OR LESS, TO A POINT ON THE CENTER OF RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 1955.00 FEET, MORE OR LESS, TO A POINT BEING THE NORTHERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD EXTENDED WESTERLY TO THE CENTER OF U.S. HIGHWAY NO. 1, THENCE DEPARTING U.S. HIGHWAY NO. 1 EASTERLY AND NORTHERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD AND PARKWAY A DISTANCE OF 25874.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100, THENCE DEPARTING SEMINOLE WOODS PARKWAY WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 8025.00 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF LANDS OWNED BY FLAGLER COUNTY RECORDED IN OFFICIAL RECORDS BOOK 33, PAGES 549 THROUGH 551 THENCE DEPARTING STATE ROAD 100 SOUTH 01°13'44" EAST ALONG THE WESTERLY BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT A DISTANCE OF 1629.75 FEET, THENCE SOUTH 88°46'16" WEST A DISTANCE OF 555.09 FEET TO THE NORTHEAST CORNER OF THE COUNCIL FOR THE AGED PARCEL, THENCE NORTH 78°46'38" WEST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 585.48 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD, THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY A DISTANCE OF 7644.00 FEET, MORE OR LESS, TO A POINT BEING THE SOUTHWEST CORNER OF RESERVED PARCEL "E-2" OF THE PLAT LAGUNA FOREST SECTION-64, MAP BOOK 18, PAGES 36 THROUGH 43, THENCE EASTERLY ALONG THE SOUTH LINE OF RESERVED PARCELS C-5, D-1 AND E-2 A DISTANCE OF 6518.00 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF RESERVED PARCEL C-5, THENCE NORTH 88°59'26" EAST ALONG THE SOUTH LINE OF RESERVED PARCEL C-4 A DISTANCE OF 154.26 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PLAT LAGUNA FOREST SECTION-64,

THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY LINE OF SAID LAGUNA FOREST A DISTANCE OF 3322.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CITATION PARKWAY, THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF CITATION PARKWAY A DISTANCE OF 5028.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD, THENCE SOUTHERLY AND WESTERLY ALONG SAID EASTERLY AND SOUTHERLY RIGHT-OF-WAY OF BELLE TERRE BOULEVARD RIGHT-OF-WAY A DISTANCE OF 2629.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE PLAT KANKAKEE RUN SECTION-65, MAP BOOK 17, PAGES 56 THROUGH 67, THENCE SOUTHERLY ALONG SAID BOUNDARY A DISTANCE OF 6097.00 FEET, MORE OR LESS, TO A POINT ON THE CENTER OF U.S. HIGHWAY NO. 1, THENCE NORTHERLY ALONG SAID CENTER OF U.S. HIGHWAY NO. 1 A DISTANCE OF 7639.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 24, TOWNSHIP 12 SOUTH, RANGE 30 EAST, THENCE NORTH 88°39'31" EAST ALONG THE BOUNDARY OF SAID PLAT KANKAKEE RUN A DISTANCE OF 672.08 FEET, THENCE NORTH 01°21'13" WEST A DISTANCE OF 660.27 FEET, THENCE SOUTH 88°39'12" WEST A DISTANCE OF 1040.53 FEET TO A POINT ON THE CENTER OF U.S. HIGHWAY NO. 1. THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 A DISTANCE OF 1130.62 FEET, MORE OR LESS, TO A POINT OF INTERSECTION OF THE CENTER OF U.S. HIGHWAY NO. 1 WITH THE WEST LINE OF GOVERNMENT SECTION 24, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTHERLY ALONG THE WEST LINE OF GOVERNMENT SECTIONS 24 AND 13, NORTHERLY ALONG THE WEST LINE OF GOVERNMENT SECTION 12 A DISTANCE OF 10265.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF ( 1/2) OF THE SOUTH HALF ( 1/2) OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE NORTH 89°01'42" EAST ALONG SAID NORTH LINE A DISTANCE OF 2497.94 FEET TO A POINT ON THE BOUNDARY LINE OF THE PLAT ZEBULAH'S TRAIL SECTION-63, MAP BOOK 18, PAGES 24 THROUGH 35, THENCE CONTINUE NORTH 89°01'42" EAST ALONG THE BOUNDARY OF SAID PLAT A DISTANCE OF 1300.34 FEET, THENCE NORTH 01°14'25" WEST A DISTANCE OF 635.00 FEET, THENCE NORTH 89°16'07" EAST A DISTANCE OF 1260.84 FEET, THENCE NORTH 00°06'26" EAST A DISTANCE OF 50.01 FEET; THENCE NORTH 01°16'45" WEST ALONG THE WESTERLY BOUNDARY OF SAID PLAT ZEBULAH'S TRAIL SECTION-63 AS EXTENDED FOR A DISTANCE OF 860 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 BEING THE SOUTHWEST CORNER OF RESERVED PARCEL E-1 OF THE PLAT EASTHAMPTON SECTION-34, MAP BOOK 11, PAGES 30 THROUGH 49, THENCE NORTHERLY AND WESTERLY ALONG THE BOUNDARY LINE OF SAID PLAT EASTHAMPTON SECTION-34 A DISTANCE OF 14752.00 FEET, MORE OR LESS, TO A POINT BEING THE NORTHWEST CORNER OF SAID PLAT EASTHAMPTON SECTION-34, THENCE CONTINUE ALONG THE WEST LINE OF EASTHAMPTON SECTION-34 EXTENDED NORTHERLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE LEHIGH GREENWAY RECORDED IN OFFICIAL RECORDS BOOK 731, PAGE 1653 (MAP REFERENCE POINT "D"), THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 5600 FEET, MORE OR LESS, TO A POINT IN THE CENTER OF U.S. HIGHWAY NO. 1, THENCE NORTHERLY ALONG THE CENTER OF U.S.

HIGHWAY NO. 1, A DISTANCE OF 10739.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 22, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE DEPARTING SAID CENTER OF U.S. HIGHWAY NO. 1 NORTH 87°24'10" EAST ALONG THE SOUTH LINE OF SECTION 22 AND ALONG THE BOUNDARY OF THE PLAT WYNNFIELD SECTION-27, MAP BOOK 9, PAGES 36 THROUGH 49, THENCE NORTH 00°32'46" WEST ALONG SAID PLAT BOUNDARY A DISTANCE OF 2651.91 FEET, THENCE SOUTH 87°33'08" WEST A DISTANCE OF 1686.62 FEET TO A POINT IN THE CENTER OF U.S. HIGHWAY NO. 1, THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1, A DISTANCE OF 552.00 FEET, MORE OR LESS, TO A POINT BEING THE SOUTH LINE OF THE DIVISION OF FORESTRY PARCEL EXTENDED WESTERLY TO THE CENTER OF U.S. HIGHWAY NO. 1, THENCE NORTH 88°13'59" EAST ALONG THE BOUNDARY OF SAID PLAT WYNNFIELD SECTION-27, A DISTANCE OF 547.64 FEET, THENCE NORTH 00°27'56" WEST ALONG SAID BOUNDARY A DISTANCE OF 693.01 FEET, THENCE SOUTH 88°26'14" WEST ALONG SAID BOUNDARY A DISTANCE OF 707.86 FEET TO A POINT IN THE CENTER OF U.S. HIGHWAY NO. 1, THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1, A DISTANCE OF 1495.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 15, TOWNSHIP 11 SOUTH, RANGE 30 EAST, THENCE DEPARTING SAID CENTER OF U.S. HIGHWAY NO. 1 SOUTH 89°00'51" WEST A DISTANCE OF 672.58 FEET, THENCE NORTH 22°39'36" WEST A DISTANCE OF 43.43 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF WELL SITE SW-58 RECORDED IN OFFICIAL RECORDS BOOK 552, PAGES 1767 THROUGH 1781, THENCE SOUTH 74°50'11" WEST ALONG SAID WELL SITE BOUNDARY A DISTANCE OF 28.71 FEET, THENCE NORTH 15°09'49" WEST A DISTANCE OF 60.00 FEET, THENCE NORTH 74°50'11" EAST A DISTANCE OF 20.81 FEET, THENCE DEPARTING SAID WELL SITE SW-58 AND RUN NORTH 22°39'36" WEST A DISTANCE OF 677.42 FEET, THENCE NORTH 15°23'55" WEST A DISTANCE OF 2257.66 FEET, THENCE SOUTH 84°38'19" WEST A DISTANCE OF 3811.48 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE NORTH 09°09'56" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY A DISTANCE OF 2454.62 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 67°38'17" EAST ALONG THE NORTH LINE OF PARCEL 101, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, A DISTANCE OF 3286.23 FEET, THENCE NORTH 19°01'15" WEST A DISTANCE OF 1352.46 FEET, THENCE NORTH 67°12'21" EAST A DISTANCE OF 1050.00 FEET, TO A POINT ON THE WESTERLY BOUNDARY OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 352, PAGES 134 THROUGH 136, THENCE NORTH 22°47'15" WEST ALONG SAID PARCEL A DISTANCE OF 298.90 FEET, THENCE NORTH 67°12'45" EAST ALONG THE NORTH BOUNDARY LINE OF SAID PARCEL OF LAND A DISTANCE OF 450.00 FEET, THENCE SOUTH 22 47'15" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 A DISTANCE OF 298.85 FEET, THENCE CROSSING OVER AND DEPARTING U.S. HIGHWAY NO. 1 NORTH 67°12'21" EAST A DISTANCE OF 6840.82 FEET RUNNING ALONG THE NORTH LINE OF PINE LAKES COMMERCE CENTER SUBDIVISION, MAP BOOK 31, PAGES 80 AND 81, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BELLE TERRE PARKWAY (MAP REFERENCE POINT "E"), THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE



OF 13001.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MATANZAS WOODS PARKWAY, THENCE WESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS PARKWAY A DISTANCE OF 6239.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE CONTINUE ALONG THE EXTENSION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF MATANZAS WOODS TO THE CENTER OF U.S. HIGHWAY No. 1, THENCE SOUTHERLY ALONG SAID CENTER OF U.S. HIGHWAY No. 1 A DISTANCE OF 2060.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 28, TOWNSHIP 10 SOUTH, RANGE 30 EAST, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 28 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE, THENCE DEPARTING U.S. HIGHWAY NO. 1 WESTERLY ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY BOUNDARY OF PARCEL 217, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, TO A POINT BEING THE NORTHEAST CORNER OF PARCEL 217, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, THENCE SOUTH 80°00'29" EAST TO A POINT ON THE CENTER OF U.S. HIGHWAY No. 1; THENCE NORTHERLY ALONG SAID CENTER OF U.S. HIGHWAY No. 1 A DISTANCE OF 4488.00 FEET, MORE OR LESS, TO A POINT BEING THE NORTH LINE OF THE PLAT LAKEVIEW SECTION-37, MAP BOOK 13, PAGES 1 THROUGH 29, EXTENDED WESTERLY TO THE CENTER OF SAID HIGHWAY; THENCE NORTH 89°26'28" EAST TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE AND THE NORTHWEST CORNER OF THE PLAT LAKEVIEW SECTION-37, MAP BOOK 13, PAGES 1 THROUGH 29, THENCE DEPARTING U.S. HIGHWAY NO. 1 NORTH 89°26'28" EAST ALONG THE NORTHERLY BOUNDARY LINE OF LAKEVIEW SECTION-37 A DISTANCE OF 1678.73 FEET, THENCE DEPARTING SAID PLAT BOUNDARY NORTH 00°29'04" WEST ALONG THE NORTHERLY LINE OF LAND OWNED BY THE PALM COAST COMMUNITY SERVICE CORPORATION (PCCSC) OFFICIAL RECORDS BOOK 549, PAGES 966 THROUGH 990, A DISTANCE OF 1170.00 FEET, THENCE NORTH 61°12'56" EAST ALONG SAID PCCSC LINE A DISTANCE OF 775.00 FEET, THENCE NORTH 81°42'56" EAST A DISTANCE OF 343.00 FEET, THENCE NORTH 43°24'56" EAST ALONG SAID PCCSC LINE A DISTANCE OF 565.00 FEET, THENCE NORTH 85°54'56" EAST A DISTANCE OF 570.00 FEET; THENCE SOUTH 59°53'04" EAST ALONG SAID PCCSC LINE A DISTANCE OF 811.20 FEET, THENCE DEPARTING SAID PCCSC BOUNDARY NORTH 29°30'56" EAST A DISTANCE OF 299.32 FEET; THENCE SOUTH 60°29'04" EAST A DISTANCE OF 932.59 FEET; THENCE NORTH 64°44'58" EAST ALONG THE NORTH LINE OF PARCEL 211 RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, A DISTANCE OF 1010.18 FEET TO THE NORTHEAST CORNER OF SAID PLAT LAKEVIEW SECTION-37 AND THE POINT OF BEGINNING.

(2) *City Council district boundaries.* The City Council district boundaries for the districts of the City Council are hereby created and established and shall exist as follows:

(a) City of Palm Coast City Council District 1 boundaries:

From the intersection of Palm Coast Parkway W and I-95, north on I-95 ca. 5.7 miles. Then west following the City boundary until it intersects U.S. Hwy. 1 (ca. 1.68 miles-see detail 1); south along U.S. Hwy. 1 (ca. 1.2 miles). Follow the City boundary to the west to the railroad (ca. .85 miles); south along the railroad until the City boundary turns east (ca. .55 miles). East along the

City boundary to U.S. Hwy. 1 (ca. .62 miles); north along U.S. Hwy. 1 to Matanzas Woods Parkway (ca. .5 miles-see detail 2). East along Matanzas Woods Parkway to Belle Terre parkway (ca. 1.2 miles); south on Belle Terre Parkway until it intersects Pine Lakes Parkway (ca. 2.70 miles), then following the City boundary west to the railroad (ca. 2.48 miles). South along the railroad (ca. .55 miles) then east along the City boundary to U.S. Hwy. 1 (ca. 1.04 miles). North on U.S. Hwy. 1 to Commerce Blvd. (ca. .12 miles); east on Commerce Blvd. to Pine Lakes Parkway (ca. .46 miles-see detail 3); south on Pine Lakes Parkway to Wellwater Drive (ca. .26 miles); northeast on Wellwater Drive to Wellshire Lane (ca. .27 miles); southeast on Wellshire Drive to Wellstone Drive (ca. 320 ft.); southwest on Wellstone Drive until it intersects Wellington Drive (ca. .85 miles); southeast along Wellington Drive until it intersects Pine Lakes Parkway N (ca. .72 miles-see detail 4); northeast on Pine Lakes Parkway to Belle Terre Parkway (ca. .61 miles); north on Belle Terre Parkway to Cypress Point Parkway (ca. .17 miles); east on Cypress Point Parkway to Cypress Branch Parkway (ca. .33 miles); north on Cypress Branch Parkway to Palm Coast Parkway NW (ca. .21 miles); Palm Coast Parkway NW until it intersects I-95 (ca. .76 miles).

(b) City of Palm Coast City Council District 2 boundaries:

From the intersection of Palm Coast Parkway NE and I-95, north on I-95 ca. 4.2 miles; east and south along the City boundary to the canals (ca. 4.78 miles-see detail 5); south along the City boundary/canal to a point just across from Clubhouse Drive (ca. 2.03 miles); west along the canal paralleling Clubhouse Drive (ca. 1.00 miles-see detail 7); south along the canal to Ferguson Court (ca. .25 miles); west on Ferguson Court for ca. 430 feet, then south on Ferguson Court to Fernham Lane (ca. 320 feet); Fernham Lane west to Florida Park Drive N (ca. 110 feet-see detail 8); Florida Park Drive N south to Palm Coast Parkway NE (ca. .80 miles); west on Palm Coast Parkway NE to I-95 (ca. .75 miles).

(c) City of Palm Coast City Council District 3 boundaries:

East from the intersection of Palm Coast Parkway NE and I-95 to Florida Park Drive N (ca. .75 miles); north on Florida Park Drive N to Fernham Lane (ca. .80 miles); east on Fernham Lane to Ferguson Court (ca. 110 feet); North on Ferguson Court ca. 320 feet, then east on Ferguson Court to the canal (ca. 430 feet); north along the canal (ca. .24 miles), then east along the canal paralleling Clubhouse Drive (ca. 1.00 miles). Follow the City boundary south along the canal (ca. 4.4 miles); west along the City boundary (ca. 200 feet), then south along the City boundary (ca. .30 miles). West along the City boundary (ca. 0.72 miles) and south along the City boundary to Colbert Lane (ca. .25 miles). North on Colbert Lane ca. .55 miles, then following the City boundary looping to the west, then north and back south, then east to Colbert Lane (ca. .89 miles-see detail 9). North on Colbert Lane ca. 1.31 miles, then follow the City boundary to the west until it intersects Old Kings Road (ca. 6.46 miles-see detail 10). South on Old Kings Road ca. .57 miles, then follow the City boundary east (ca. .38 miles). South along the City boundary ca. 2.31 miles, east along the City boundary ca. .22 miles, and south along the City boundary ca. 2.99 miles. Northwest along the City boundary until it intersects Old Kings Road (ca. .22 miles); north along Old Kings Road ca. .11 miles. West along the City boundary to I-95 (ca. .37 miles); south on I-95 to the City boundary (ca. 2.56 miles); south along the City boundary to I-95 (ca. 1.00 miles); south on I-95 to the point where the City boundary turns west (ca. .65 miles). West along the City boundary ca. 2.03 miles (ending at a point southwest of Slate Wood Court); north along the City boundary ca. 1.05 miles (ending at a point northwest of Slumber Meadow Trail);

southwest along the City boundary to U.S. Hwy. 1 (ca. 1.82 miles-see detail 11). Northwest on U.S. Hwy 1 to Seminole Woods Boulevard (ca. .40 miles); northeast on Seminole Woods Boulevard to E Moody Boulevard (ca. 4.95 miles); E Moody Boulevard west to Belle Terre Parkway (ca. 1.62 miles); north on Belle Terre Parkway to Cypress Point Parkway (ca. 5.32 miles); east on Cypress Point Parkway to Cypress Branch Parkway (ca. .33 miles); north on Cypress Branch Parkway to Palm Coast Parkway NW (ca. .21 miles); Palm Coast Parkway NW until it intersects I-95 (ca. .76 miles).

(d) City of Palm Coast City Council District 4 boundaries:

From the intersection of U.S. Hwy. 1 and Commerce Boulevard, go east on Commerce Blvd. to Pine Lakes Parkway (ca. .46 miles); south on Pine Lakes Parkway to Wellwater Drive (ca. .26 miles); northeast on Wellwater Drive to Wellshire Lane (ca. .27 miles); southeast on Wellshire Drive to Wellstone Drive (ca. 320 ft.); southwest on Wellstone Drive until it intersects Wellington Drive (ca. .85 miles); southeast along Wellington Drive until it intersects Pine Lakes Parkway N (ca. .72 miles); northeast on Pine Lakes Parkway to Belle Terre Parkway (ca. .61 miles); south on Belle Terre Parkway to East Highway (ca. 5.32 miles); east on the East Highway to the point where the City boundary turns south (ca. .18 miles); south along the City boundary ca. .26 miles; west along the City boundary to Belle Terre Boulevard (ca. .26 miles); south on Belle Terre Boulevard to Laguna Forest Trail (ca. 1.60 miles); east on Laguna Forest Trail to the point where the City boundary turns north (ca. .20 miles). North along the City boundary ca. 170 feet; east along the City boundary ca. .45 miles; south along the City boundary to Laguna Forest Trail ca. 170 feet. East on Laguna Forest Trail ca. 160 feet; north along the City boundary ca. 180 feet; east along the City boundary ca. 390 feet; northwest along the City boundary ca. .10 miles; northeast along the City boundary ca. .12 miles; southeast along the City boundary ca. .53 miles; southwest along the City boundary to Citation Boulevard (ca. .18 miles-see detail 12). Citation Boulevard southwest to Belle Terre Boulevard (ca. 1.01 miles); west on Belle Terre Boulevard to Karas Trail (ca. .42 miles); Karas Trail south along the City boundary to Karat Path (ca. .42 miles); Karat Path south to U.S. Hwy 1 (ca. .61 miles). U.S. Hwy 1 northwest to the point where the City boundary turns east (ca. 1.38 miles); east along the City boundary (ca. .13 miles); north along the City boundary (ca. 440 feet); west along the City boundary to U.S. Hwy 1 (ca. .17 miles); northwest along the U.S. Hwy 1 to the point where the City boundary turns north (ca. .41 miles); north along the City boundary ca. 1.87 miles; east along the City boundary ca. .87 miles; north along the City boundary to Zenoble place (ca. .13 miles); east on Zenoble Place to the point where the City boundary turns north (ca. .18 miles); north along the City boundary to Eastwood Place (ca. .34 miles-see detail 13); west along Eastwood Place to the City boundary (ca. 390 feet); west along the City boundary ca. 420 feet; south along the City boundary ca. .10 miles; west along the City boundary ca. .91 miles; north along the City boundary ca. 40 feet; east along the City boundary ca. 250 feet; north along the City boundary ca. 300 feet; northwest along the City boundary ca. 290 feet; north along the City boundary ca. .13 miles; west along the City boundary ca. .47 miles; north along the City boundary to the railroad (ca. 1.11 miles). West along the railroad to U.S. Hwy 1 (ca. 1.05 miles); north on U.S. Hwy 1 to the point where the City boundary turns east (ca. 2.05 miles); east along the City boundary (ca. .32 miles); north along the City boundary (ca. .36 miles); west along the City boundary to U.S. Hwy 1 (ca. .33 miles). North on U.S. Hwy 1 to the point where the City boundary turns east (ca. .10 miles); east along the City boundary (ca. 440 feet); north along the City boundary (ca. 330 feet); west along the City boundary to U.S. Hwy 1 (ca. 420 feet). North along U.S. Hwy 1 to Commerce Boulevard (ca. 1.17 miles).

Sec. 10. General provisions.

(1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(2) *Charter review; schedule, Charter Review Committee.*

(a) *Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.

(b) *Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.

(3) *Initiative and referendum.* At least 25 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election.

(4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*

(a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of section 9. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of subsection (2) of section 9 and paragraph (c) are accomplished and adequately monitored or until a redistricting commission is appointed as outlined in paragraph (b). All Council district boundaries shall be based upon population data derived from the most recent decennial census.

(b) *Districing commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districing commission. Electors chosen shall not be employed by the City in any other capacity.

(c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districing commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:

1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.

2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

(d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.

(e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.

(f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.

(g) *Effect of enactment.*

1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.

2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.

3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.

(5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(H. B. No. 527, § 4, 5-1-02)

#### Sec. 11. Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(H. B. No. 527, § 5, 5-1-02)

#### Sec. 12. Transition schedule.

(1) *Creation and establishment of City.* For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, and for the purpose of subsection (2) of section 10, the City is hereby created and established effective December 31, 1999.

(2) *Transitional ordinances and resolutions.* The City Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting shall be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(3) *Transitional comprehensive plan and land development regulation.*

(a) Until such time as the City shall adopt a comprehensive plan, the applicable provisions of the Comprehensive Plan of Flagler County, Florida, as the same exists on the day the City commences corporate existence, shall remain in effect as the City's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the City Council of Palm Coast, which shall be deemed the local planning agency until the Council establishes a separate local planning agency.

(b) All powers and duties of the Flagler County Planning and Land Development Regulations Council, any boards of adjustment and appeals created pursuant to statutory trade codes, and the County Commission of Flagler County, Florida, as set forth in these transitional zoning and land use regulations, shall be vested in the City Council of Palm Coast until such time as the City Council delegates all or a portion thereof to another entity.

General law prohibits the adoption of zoning ordinances as emergency ordinances.

(c) Subsequent to the commencement of the City's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Flagler County Commission shall be deemed an amendment of the City's transitional comprehensive plan or land development regulations or shall otherwise take effect within the City's corporate limits unless approved by the City Council.

(H. B. No. 527, § 6, 5-1-02)