

RESOLUTION NO. 16-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA APPROVING A MINOR AMENDMENT TO THE RIVERBEND ON THE ST JOHNS RIVER RESIDENTIAL PLANNED UNIT DEVELOPMENT AND DEVELOPMENT AGREEMENT APPROVED BY ORDINANCE NO. 02-08 GOVERNING THE 330 +/- ACRES OF LAND WITH PARCEL ID #S 07-19-30-00-00-0020, 07-19-30-00-00-0010 AND 06-19-30-00-00-0070 LOCATED ON THE WEST SIDE OF FORT FLORIDA ROAD APPROXIMATELY ONE MILE FROM THE INTERSECTION WITH BARWICK ROAD PROVIDING FOR AMENDMENT TO THE DEVELOPER'S AGREEMENT RELATING TO RECREATION TRAIL CONNECTIONS AND SIDEWALKS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on December 3, 2008, the City Council adopted Ordinance No. 02-08 approving the Riverbend on the St. Johns River Residential Planned Unit Development, RPUD Development Agreement and Master Development Plan governing the 330 acre parcels of land with Volusia County Tax Parcel Identification Numbers 07-19-30-00-00-0020, 07-19-30-00-00-0010 and 06-19-30-00-00-0070 located on the west side of Fort Florida Road approximately one mile from the intersection with Barwick Road; and

WHEREAS, the RPUD Development Agreement ("RPUD Development Agreement") governing the Riverbend on the St. Johns River Residential Planned Unit Development and Property is recorded at Official Records Book 6319, Pages 160, et. seq. of the Public Records of Volusia County, Florida; and

WHEREAS, RIVER RANCH HOLDINGS LLC and RECICAR THOMAS S TRUST (collectively "Owners") are the fee simple owners of that certain 330 +/- acre real property described in Ordinance No. 02-08 and the RPUD Development Agreement ("Property"); and;

WHEREAS, the Owners have applied for and are seeking from the City a minor amendment to the Riverbend on the St. Johns River Residential Planned Unit Development and RPUD Development Agreement to modify Section E.3 of the RPUD Development Agreement relating to recreation trail connections and sidewalks; and

WHEREAS, in accordance with the Land Development Code, a public hearing on this Resolution has been held and the notice requirements of Sec. 1-10(c), Land Development Code, have been met.

IT IS HEREBY RESOLVED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and accurate and are incorporated herein.

SECTION 2. Minor Amendment. A minor amendment to the Riverbend on the St. Johns River Residential Planned Unit Development and RPUD Development Agreement is hereby approved to modify Section E.3. Recreation and Open Space relating to trail connections to adjacent developments and as such the Amendment to RPUD Development Agreement attached hereto as **Exhibit "A"** is hereby approved.

SECTION 3. Recording. The City Clerk is hereby directed to record this Resolution and the Amendment to RPUD Development Agreement in the Public Records of Volusia County, Florida.

SECTION 4. Severability. If any portion of this Resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the Resolution shall continue in full force and effect.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon adoption.

ADOPTED this ____ day of _____, 2016.

**CITY COUNCIL
CITY OF DEBARY, FLORIDA**

ATTEST:

Clint Johnson, Mayor

Dan Parrott, City Clerk

EXHIBIT "A"

After Recording Return to:

Dan Parrott, City Clerk
City of DeBary
16 Colomba Road
DeBary, Florida 32713

AMENDMENT TO RPUD DEVELOPMENT AGREEMENT

RIVERBEND ON THE ST. JOHNS RIVER PLANNED UNIT DEVELOPMENT

THIS AMENDMENT TO DEVELOPMENT AGREEMENT (the "Amendment") is made and entered into by and between the **CITY OF DEBARY**, a Florida municipal corporation (herein "City") and **RIVER RANCH HOLDINGS LLC** and **RECICAR THOMAS S TRUST** (collectively "Owners").

WHEREAS, the City and Owners previously entered in that certain RPUD Development Agreement concerning the Riverbend on the St. Johns River Planned Unit Development recorded at Official Records Book 6319, Pages 160, et. seq. of the Public Records of Volusia County, Florida ("RPUD Development Agreement"); and

WHEREAS, the City and Owners desire to amend Section C, Section E.1.B, Section E.3, Section J.2 and Section J.3 of the RPUD Development Agreement in order to provide for Fort Florida Road transportation improvements, buffer requirements, recreation trail connections and sidewalks; and

WHEREAS, the due public notice and public hearing requirements of the City of DeBary Land Development Code and this Amendment have been met; and

WHEREAS, the City Council of the City of DeBary, Florida, finds that this Amendment is consistent with the City of DeBary Comprehensive Plan and Land Development Code and promotes the public health, safety and welfare and is consistent

with its authority under Chapter 166, Florida Statutes, Section 2(b) of the State Constitution, and the City's police powers.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

SECTION II. Section E.3 of the RPUD Development Agreement is hereby amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

E.3. Recreation and Open Space: Riverbend on the St Johns River Project will provide a private multi-use pedestrian, bicycle and jogging trail system generally connecting each tract and the community. The specific path of each leg of the trail will be determined during the planning of each preliminary plat. ~~The applicant should coordinate with Development Review to make trail connections, where possible, to adjacent development.~~

SECTION IV. Full Force & Effect; Binding. The Development Agreement shall remain in full force and effect except as expressly modified by this Amendment. This Amendment shall run with the land and be binding upon, and inure to the benefit of, the parties hereto, their respective heirs, successors, assigns and anyone claiming by, through or under any of them.

SECTION V. Effective Date. The effective date of this Amendment shall be the date approved by the City Council.

AGREED to by the City Council of the City of DeBary, Florida, and the Owners
on this ____ day of _____, 2016.

ATTEST:

CITY OF DEBARY

Dan Parrott, City Clerk

Clint Johnson, Mayor

City Council Approved on _____.

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of
_____ 2016, by Clint Johnson as Mayor, on behalf of the City of DeBary, and
who is personally known to me or who has produced _____
as identification.

NOTARY PUBLIC, STATE OF FLORIDA

Type or print Name: _____

Commission No.: _____

My Commission Expires:

OWNERS:

RIVER RANCH HOLDINGS LLC

Signature

Print

Signature

Print

By: _____
Its: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201, by _____, as _____ of RIVER RANCH HOLDINGS LLC, who is personally known to me or who has/have produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No. _____
My Commission Expires: _____

RECICAR THOMAS S TRUST

Signature

Print

Signature

Print

By: _____

Its: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____ as _____ of RECICAR THOMAS S TRUST, who is/are personally known to me or who has/have produced _____ as identification.

NOTARY PUBLIC, STATE OF FLORIDA
Type or Print Name:

Commission No. _____

My Commission Expires: _____