

IN THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA

IN RE: Application of

DEBARY ESTATES ASSOCIATES, LTD.

ORDER AND RESOLUTION [#]13-96

WHEREAS, DeBary Estates Associates, Ltd., as successor to Magnolia Service Corporation, duly filed a request to amend Resolution #88-90, as amended by Resolution #90-84; and

WHEREAS, the City of DeBary is the successor jurisdiction to Volusia County and as such has the power to approve the request; and

WHEREAS, the City of DeBary and DeBary Estates Associates, Ltd. have decided that the public interest will best be served by enacting a new resolution to incorporate the applicable terms and provisions of the original resolution and subsequent amendments thereto and repealing or superseding all other resolutions governing development of the DeBary Golf and Country Club; and

WHEREAS, DeBary Estates Associates, Ltd. has elected to add an additional five (5) acre tract of land to the terms and provisions of the DeBary Golf and Country Club PUD.

NOW THEREFORE, based upon the verified Application and other supporting documents, map, charts, overlays and other instruments; the advice, report and recommendations of the Growth Management Services, Legal Department and other departments and agencies of Volusia County as consultants to the City of DeBary; the testimony and evidence received at the public hearing on this Application by the [local planning agency] on [date] and [date], and otherwise being fully advised, the DeBary City Council does hereby find and determine as follows:

GENERAL FINDINGS

- (a) That the Application of DeBary Estates Associates, Ltd. (sometimes hereinafter referred to as "Applicant", or "Developer", which terms shall be deemed to include the successor(s) in interest to DeBary Estates Associates, Ltd. was duly and properly filed herein on 3-10-72 as required by the City of DeBary Transitional Land Development Regulations.
- (b) That all fees and costs which are by law or regulation or ordinance required to be borne and paid by the applicant have been paid.

- (c) That the Applicant is the owner of a parcel of land consisting of approximately 743.6 acres which is situated in the City of DeBary. This parcel of land is more particularly described in the legal description, a true copy of which is attached hereto as Exhibit "A".
- (d) That the Applicant has requested amendment to the PUD to consolidate the governing documents for the PUD to allow a library site, commercial sites, modified residential unit mix, reconfiguration of park space and realignment of planned roadways within the project perimeter and to add five (5) acres to the PUD that was not included in the original PUD.
- (e) That a portion of the original PUD site was lost by way of eminent domain to a public school site which is now deleted from the PUD.
- (f) That the amendment to the PUD is consistent with the DeBary Comprehensive Plan and it does promote the public health, safety, morals, general welfare and orderly growth of the area.
- (g) That the Applicant has held a pre-application meeting with the City's consultant as required by the City of DeBary Transitional Land Development Regulations, as amended.

- (h) That the Applicant has complied with the "Public Notice" requirements of the city of DeBary Transitional Land Development Regulations, as amended.

FINDINGS REGARDING REZONING

- (a) That the Applicant has applied for a new Residential Planned Unit Development Order (RPUD) to govern the parcel described in Exhibit "A".
- (b) That the new PUD order will govern the future development of land as described on Exhibit "A" and supersede and be superior to all prior PUD orders, ordinances, maps, resolutions or amendments thereto governing the land described on Exhibit "A".
- (c) That the adoption of this PUD is consistent with both the DeBary Comprehensive Plan and the intent and purpose of the City of DeBary Transitional Land Development Regulations, as amended and does promote the public health, safety, morals, general welfare, and orderly growth of the area affected by the rezoning request.
- (d) That this Order and associated Developer Agreements provided for herein will assure the availability of public facilities concurrent with the impact of the development.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF DEBARY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE CITY HALL DEBARY, FLORIDA, THIS 7th DAY OF AUGUST A.D., 1996 AS FOLLOWS:

(1) That the Application of DeBary Estate Associates, Ltd., for the adoption of a new PUD order governing the subject parcel is hereby granted.

(2) That the zoning classification of the subject parcel described in Exhibit "A" attached hereto is PUD as permitted by the City of DeBary Transitional Land Development Regulations, as amended.

(3) The "Preliminary Plan - PUD" dated as revised March 10, 1993, attached as Exhibit "B" to Resolution #88-90, as amended by Resolution #90-84 is superseded and replaced by the attached "Preliminary Plan - PUD" dated April 1996 as prepared by Post, Buckley, Schuh & Jernigan, Inc.

(4) This agreement shall, upon execution, be recorded in the public records of Volusia County, Florida, and shall govern and control future development of lands contained within the area described as Exhibit "A".

(5) That the city of DeBary Transitional Land Development Regulations, as amended, is in conformity with provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution and with respect to any conflict between the Transitional Land Development Regulations, as amended and the "Development Agreement", the provisions of the "Development Agreement" shall govern. The Transitional Land Development Regulations, as amended shall govern with respect to any matter not covered by the "Development Agreement." The DeBary City Manager or his assigns will ensure overall compliance with this Order and Resolution.

(6) The Supplementary Regulations of the City of DeBary Transitional Land Development Regulations, as amended, ("the Land Development Regulations") shall apply to the PUD in the following manner:

(a) Single family residential areas and low density residential areas in the PUD shall be considered the same as the R-1 through R-6 classifications of the Land Development Regulations, for purposes of the Supplementary Regulations. Where any low-density area or portion thereof is to be developed as a zero-lot line or townhouse plat or project, it shall be separately planned or platted as such, and the supplementary regulations for such uses shall be applicable.

(b) Medium density residential areas in the PUD shall be considered the same as the R-7 and R-8 classifications of the Land Development Regulations.

(c) Commercial areas in the PUD shall be considered the same as the B-1 through B-3 classifications of the Land Development Regulations.

(d) The library area shall be considered to be a public use.

Concurrent with the adoption of this revised PUD order, the Applicant and the City will initial and store two (2) copies of the Supplementary Regulations of the Land Development Regulations for application to future development occurring within the PUD. One copy of the Supplementary Regulations shall be maintained by the City Clerk. The other copy shall be maintained by the Developer.

(7) The Applicant will comply with the Land Development Regulations, and all other applicable Volusia County Land Development regulations.

DEVELOPMENT AGREEMENT

1. **Development Concept** The parcel shall be developed as a RPUD in substantial accordance with the Master Development Plan. The Master Development Plan shall govern the development of the property as an RPUD and shall regulate the future land use of this parcel.

2. **Master Development Plan** The Master Development Plan shall consists of this "Development Agreement" and the "Preliminary Plan - PUD" prepared by Post, Buckley, Schuh & Jernigan, Inc. dated April 1996. The Preliminary Plan is hereby approved and incorporated in this Order and Resolution by reference as Exhibit "B". The Master Development Plan shall be filed and retained for public inspection at the city of DeBary and it shall constitute a supplement to the Official Zoning Map of the city of DeBary. The provision of this Order shall thereafter run with the land and bind the successors and assigns of the Developer.

3. **Amendments** all amendments of the Master Development Plan, other than those deemed by the City Manager, or their successors or assigns, to be minor amendments as set out by Section 813.06 of the Transitional Land Development Regulations, as amended, shall require the review and action of the City Council, or its successors or assigns in the same manner as a rezoning of the parcel.

4. **Phases of Development** The Single Family, Multi-Family and Commercial tracts within DeBary Plantation will be developed in phases by DeBary Estates Associates, Ltd., or its successors or assigns. The phases of this development may be developed in any order, at the discretion of the Developer, provided that the infrastructure necessary to serve the phase in question has been provided or will be provided simultaneously with the demand created by development of such phase. Anything to the contrary in this Order and Resolution notwithstanding, DeBary Estates Associates, Ltd., or its successors or assigns shall have the right to down-zone the Commercial areas to medium density, low density or single-family use; any medium-density area to low-density or single-family use; and any low-density area to single family use, if, in the discretion of DeBary Estates Associates, Ltd., or its successors or assigns, the market conditions so dictate.

5. **Land Use and Density**: The development of the parcel shall be consistent with the limits as follow for land use and density as prescribed for each land use area within the proposed PUD. The location and size of said land use areas are shown on the Preliminary Plan, Exhibit B .

(a) **Land Use Description**: The property located within the PUD shall be subject to the following permitted uses:

- 1) Single Family Areas (not more than 3 dwelling units per net acre)
- 2) Residential, Low Density Areas (not more than 6 dwelling units per net acre)
- 3) Residential Medium Density Areas (not more than 13 dwelling units per net acre)
- 4) Commercial Development
- 5) Public Use (Library)
- 6) Recreation

Developer shall be permitted to construct a temporary sales office in either residential medium density area prior to subdivision or site plan of such area, provided that the office itself is subject to site plan approval pursuant to the Land Development Regulations of the City of DeBary. The temporary sales office may be permanent structure, but it is subject to removal consistent with Section 819.02(f)(1) of the Land Development Regulations, as amended, or conversion to a permitted principal or accessory use when 80% of the lots in the PUD or the residential medium density areas are sold; whichever occurs first.

6. **Club Complex:** The Club Complex may (but is not required to) include a pro shop, restaurant/dining facilities, bar and lounge areas, health club and all other uses associated with or accessory to a country club complex. The club complex shall be operated by one or more private proprietary owners. DeBary Estates Associates, Ltd. may elect to operate the Club Complex, or it may engage in contract with one or more third parties to operate all or portions

of the Complex. The owners of lots or units in the DeBary Golf and Country Club PUD shall have no proprietary interest in the Club Complex unless and until the Developer elects to convert the Complex to equity ownership. The Developer has no present plans to convert the Club Complex to equity membership or equity ownership, but reserves the right to do so in the event that, in the sole opinion of the Developer, market conditions so dictate.

7. **Golf Course:** The par 72 golf course winds through the residential areas of the DeBary Golf and Country Club community. The golf course shall be available for use by members of the general public, as well as by residents of the DeBary Golf and Country Club Community. Membership fees and greens fees shall be collected both from the general public, and from the DeBary Golf and Country Club residents, although the Developer may differentiate between residents and nonresidents in setting the schedule of fees to be charged. At the discretion of the Developer, the golf course may either be operated as a commercial venture under contract with a third party, or dedicated and maintained as a common area by the Homeowners Association.

8. **Commercial Facilities and Library Site:** Commercial facilities and a public library site shall be located on a 20.9 acre site in the East central portion of the tract. The library site shall consist of a two (2) acre site for development of a library. At the Developer's option, the commercial area or any portion thereof may be developed with multi-family dwellings at a density not to exceed sixteen (16) dwelling units per acre (16 DU/AC). The permitted uses

within the commercial area shall be day care centers, and as permitted in the B-1 through B-3 classifications of the Land Development Regulations. The 20.9 acre commercial/multi-family tract shall be deemed a thoroughfare overlay zone (previously known as a "corridor overlay zone") as defined in Section 821.00 of the Land Development Regulations, and the improvements to be constructed shall comply with all required landscape screening and building setback provisions with respect to U.S. Highway 17-92. Building setbacks from other roadways abutting the perimeter of the 20.9 acre commercial parcel shall be not less than 35 feet. Where the Land Development Regulations requires that any internal street or driveway in the commercial area shall be public, the front yard setback of any commercial building along said street or drive shall be not less than 15 feet in width and shall contain a landscape area not less than 5 feet in width, between the building and the first travel lane of said street or drive. The front yard may contain overhanging canopies or marquees. Offstreet parking and loading spaces shall meet the requirements of Section 810.00 of the Land Development Regulations. Landscape buffer areas shall meet the requirements of Section 808.00 of the Land Development Regulations. All signs permitted under the B-3 zoning classification shall be permitted. The entire commercial parcel shall be considered a "premise" under Section 822.081 of the Land Development Regulations and each principal use or structure located on this 20.9 acre parcel shall accordingly be entitled to representation on a ground sign where such sign is otherwise permitted on an exterior street frontage even if the use or structure is on a lot which has been subdivided from the master parcel and the use does not have actual frontage on that roadway. Not more than one (1) entrance drive shall be permitted from U. S. Highway 17-92 directly into the commercial area. The commercial

area may be subdivided in accordance with the provisions of the Land Development Regulations, provided an Overall Development Plan meeting the requirements of Section 204 of the Land Development Regulations has been approved. The Overall Development Plan shall be in sufficient detail to demonstrate the feasibility of the project, and necessary easements for future access, utility services, right of way reservation, and drainage. Each lot or parcel to be conveyed shall be subject to an approved Preliminary Plat under the Land Development Regulations (which may be approved simultaneously with a Final Site Plan for construction of buildings and improvements upon said lot). Roads, walks, parking lots, drainage structures and utilities internal to such lot or parcel and those improvements external to such lot or parcel necessary to the development of that lot or parcel shall be completed or secured in the manner required for subdivision improvements under the Land Development Regulations prior to any conveyance. Final plat shall be reviewed, approved and recorded as provided in the Regulations. The Overall Development Plan or Preliminary Plat and any Final Site Plan may be amended upon approval of the Development Review Committee. If any offsite easements are necessary to the approved Final Site Plan or Preliminary Plat of any lot or parcel, such easements shall be recorded as a condition of approval of Final Site Plan or Preliminary Plat. No lot or parcel (including out parcels) created by any subdivision shall have any other independent access to U. S. 17-92.

(a) Density: The tract of approximately 743.6 acres will be developed with a maximum of 1,461 dwelling units (du). The approximate acreage and unit number for each land use is set out on the attached Exhibit "C".

9. Development Standards:

SINGLE FAMILY

Minimum Lot Size = 75' x 110'
Minimum Floor Area = 1,100 SF
Maximum Building Height = 35'
Maximum Building Coverage = 35%

Setbacks:

Front = 25'
Side = 7.5'
Rear = 25'

RESIDENTIAL LOW DENSITY

Minimum Lot Size = 50' x 105'
Minimum Floor Area = 900 SF
Maximum Building Height = 35'
Maximum Building Coverage = 45%

Setbacks:

Front = 20'
Side = 0 (minimum 10' between buildings)
Rear = 15'

RESIDENTIAL MEDIUM DENSITY

Minimum Floor Area = 550 SF
Maximum Building Height = 35'
Maximum Building Coverage = 45%
Minimum Setbacks From Property Line:

Front = 25'
Side = 10'
Rear = 25'

Distances Between Buildings

Front to Front = 40'
Back to Back = 40'
Side to Side = 20'
Back to Side = 30'

Maximum Building Length = 200'

If RMD is developed as SF or RLD, the standards for those building types will apply. If RMD is developed as townhouses, the City of DeBary Land Development Regulations will apply.

COMMERCIAL

The commercial area will be developed according to the B-3 Shopping Center Classification Uses and Standards

LIBRARY

The library will be developed as a public use compatible with the commercial area and in accordance with the P Public Use Classification Uses and Standards.

Notes:

- 1) Where any low-density area or portion is to be developed as a zero-lot line or townhouse plat or project, it shall be separately planned or platted as such, and the supplementary regulations for such uses shall be applicable.
- 2) The minimum building setback on the project perimeter shall be 25 feet.
- 3) Street right-of-way and pavement widths to conform to City of DeBary Standards. Internal subdivision streets other than the collector streets may be private streets.
- 4) Swimming pools may be located as accessory structures in the rear yard of any lot abutting the golf course and shall be enclosed by a screen enclosure located no less than seven feet six inches (7'6") from the rear property line. No other accessory structures shall be permitted in the rear yard of any lot abutting the golf course.

Development shall otherwise be in accordance with all regulations contained in the Land Development Regulations not inconsistent with this Order. Nothing in this Order shall abridge any regulation other than the provisions of the Land Development Regulations.

10. **Environmental Considerations:** Both during and after construction, the Applicant will strive to maximize retention of natural vegetation and to maximize protection of wetlands and natural surface drainage pathways.

(a) **Sinkholes** During the development review process, due care shall be taken to preserve major sinkholes by incorporation into public parks, golf course design, buffer areas, parks and open space. Minor sinkholes and hollows may be reshaped or filled during the construction process, consistent with all other applicable regulations and review processes.

(b) **Environmental Easements** All lakes and retention areas located within residential areas shall be surrounded by an Environmental Easement if such an easement is determined to be necessary by the Development Review Committee during the review process.

(c) **DRI Status** The project has previously been determined by Volusia County not to be within the threshold for classification as a Development of Regional Impact. Accordingly, the City has not requested the State of Florida to conduct the Development Approval required of a DRI project.

11. **Sewage.** The Developer will obtain sanitary sewer services for the project from Volusia County Utilities. A Developer Agreement for the total project has been negotiated to assure availability of utilities. Separate Developer Agreements pertaining to the construction of water and sewer facilities may be executed at the time each phase within DeBary Golf and Country Club is platted or site planned. The Developer agrees, subject to DEP or other applicable regulations, to provide for the reception of approximately five hundred thousand gallons per day of treated sewage effluent, whether generated within the project or transmitted from other service areas of Volusia County Utilities, which shall be applied to the golf course located within the DeBary Golf and Country Club project.

12. **Water.** Water service will be provided by means of tie-ins with the existing Volusia County utility system. A separate Development Agreement for the project, and one or more individual Developer Agreements for individual phases or site-plans, shall be negotiated prior to development.

13. **Utilities.** The utility distribution system for electricity, telephone, cable television and related services shall be constructed underground; provided that feeder lines for electrical service, and any lines adjacent to existing overhead utility lines, need not be underground.

14. **Stormwater Drainage.** Sufficient acreage within the site will be utilized for the establishment of detention/retention areas. The project will contain several large ponds and lakes,

the approximate locations of which are set forth in Exhibit B, attached hereto. In the residential and commercial areas, storm sewers will be constructed to collect and transport rainfall runoff to the ponds and lakes. Natural drainage ways and swales, supplemented by a series of culverts will perform this function within the open areas of the project. Any stormwater discharge into the ponds and lakes will be filtered in compliance with the requirements of the Land Development Regulations and other applicable ordinances and regulations, and if applicable, the requirements of the St. Johns River Water Management District.

15. Roadways:

(a) Collectors. The Developer will construct collector roads according to Volusia County criteria for design and pavement width of such roads, as shown on the Preliminary Plan. The Developer will also provide right of way along the northwest corner and portions of the western boundary for a proposed collector road as depicted on the Preliminary Plan. To the extent that such collector roads provide right of way widths or capacity in excess of that needed to service the DeBary Plantation project (as provided in the Land Development Regulations), the Developer shall be entitled to impact fee credits as provided in the Land Development Regulations.

(b) Offsite Improvements. The Developer shall also construct those off-site improvements (not constructed by the County or others) identified in memorandum from the County Traffic Engineer, File PW-TE-88-251 dated March 15, 1988, which is incorporated herein and made a part hereof by reference as Exhibit "D". Such improvements shall be constructed at such times, established during the development review process under the Land Development Regulations and will maintain the City's prescribed levels of service on the affected roadways, concurrent with the impact of development. The City may cooperate in the provision of any right-of-way necessary to the construction of such improvements. The cost to the Developer of such off-site improvements shall likewise become a credit against road impact fees to the extent provided in the road impact fee Ordinance.

(c) Impact Fee Credits. All such credits shall be assignable among and between the various phases of the project, at the Developer's option, to the extent and in the manner provided in the Road Impact Fee Ordinance.

(d) Traffic Separation. To provide separation of vehicular traffic from pedestrian and golf cart traffic, the collector roads shall not traverse the golf course to be located within the project.

(e) **Local Streets**. Residential areas within the PUD project shall be served by local streets connecting with the collector road. The depiction of local streets on the Preliminary Plan is conceptual only, and actual locations, curves and grades shall be determined during the development review process of individual phases.

(f) **Thoroughfare Plan**. The Thoroughfare Plan of Volusia County provides for the extension of an arterial corridor westward from Saxon Boulevard to a future arterial corridor along or near the Seaboard Coast Line Railroad. The Developer will provide the necessary right of way for such an extension through the Developer's lands, approximately coinciding with and replacing the western portions of the Developer's proposed east - west collector road, as depicted on the Preliminary Plan. To the extent that the right of way so provided exceeds the right of way necessary for roads serving only this development, the Developer shall be entitled to impact fee credits in accordance with the provisions of the road impact fee Ordinance.

16. **Signage**.

(a) **Signs**. The Developer may be permitted up to two (2) main entrance signs at each collector road entering the PUD, and within the copy area of those entrance signs the developer may list the names of individual subdivisions internal to the PUD. The Developer may also be permitted up to two (2) entrance signs at each individual residential subdivision or

development internal to the PUD, including but not limited to single-family areas, multi-family areas, and golf course developments. The maximum copy area for one sign at a collector road entrance shall not exceed 60 square feet, and the aggregate copy area for two signs at an entrance shall not exceed 100 square feet.

(b) **Location**. All subdivision entrance signs shall be located off of the right of way, and shall not be constructed to a height or in a location which will obstruct the sight triangle for safe vision at an intersection. Maximum height of any sign shall be 10 feet, and where the sign is integrated into a wall or fence, the surrounding wall or fence shall not exceed 6 feet in height.

(c) **Traffic signs**. Individual subdivisions may be identified by directional or other traffic signs approved by the County Traffic Engineer. Such signs may include a symbol or logo in addition to basic identification and directional information, but shall be otherwise similar in size and appearance to street identification or traffic control signs.

17. **Homeowners Association**: A property owners' association will be created. Common areas within the development will be owned and maintained by the homeowners association, which shall enact regulations governing the use and enjoyment of the common areas. The owner of each unit or lot within DeBary Plantation shall be liable for (and subject to a lien securing the payment of annual and special assessments for the improvement, maintenance, enhancement,

enlargement and operation of the common areas, and for payment of taxes, governmental assessments, insurance and payment of costs to acquire materials, equipment, labor, professional services, management and supervision necessary to carry out the authorized functions of the Association, and for payment of principal, interest and other charges connected with loans made to or assumed by the Association. The City of DeBary shall not be responsible for enforcing the Articles of Incorporation or By-Laws of said association.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the Applicant and the owners or occupiers of property within the DeBary Plantation PUD, the City of DeBary shall only enforce the provisions of the "Development Agreement" or The Transitional Land Development Regulations, as amended, whichever is applicable and not the private agreements entered into between the aforementioned parties.

18. **Binding Effect of Plans: Recording:** The Master Development Plan', including any and all supplementary orders and resolutions, and the Preliminary Plans shall bind and insure to the benefit of the Applicant or its successor in title or interest. The PUD zoning, provisions of the "Development Agreement" and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Transitional Land Development Regulations, as amended. This order and Resolution and all subsequent orders and resolutions shall be filed for record in the Official Records of Volusia County, Florida.

The Order and Resolution and all Subsequent Orders and Resolutions shall be filed with the Clerk of the Court and recorded within forty-five (45) days following execution of the document by the City Council of the City of DeBary, in the Official Records of Volusia County, Florida. One copy of the document bearing the book and page number of the Official Record in which the document was recorded shall be submitted to the Growth Management Services, or its successors or assigns. The date of the receipt of this document by Growth Management Services shall constitute the effective date of the PUD or its subsequent amendments. The applicant shall pay all filing costs for recording documents.

19. Conceptual Approval. The parties hereto acknowledge that reductions in density and/or intensity may and do occur, and that minor changes to roadway design, location and size of structures, actual location of parking spaces, specific locations for land uses and locations and design of stormwater storage, landscape buffers, upland buffers may result to comply with the City of DeBary Transitional Land Development Regulations, as amended. Upon determinations of the City Manager or its successors or assigns, these revisions may be processed as minor amendments as set forth in Section 813.06 of the City of DeBary Transitional Land Development Regulations, as amended. The applicant agree to revise and record the Revised Preliminary Plan which reflects any such changes with the Clerk of the Court immediately following the expiration of the 30 days period for appealing Development Review committee (DRC) decisions to the City Council. A copy of the Revised Preliminary Plan, bearing the book and age number of the

BOOK: 4184
Page: 2866

Official Record in which the documents was recorded, shall be submitted to Growth Management Services.

DONE AND ORDERED by the City Council of the City of DeBary, Florida, this 17th day of August 1996

ATTEST:
[Signature]
City Manager

DEBARY CITY COUNCIL
By: [Signature]
Chairman

Witnesses:

[Signature]
[Signature]
Print Name of Witness 1

[Signature]
[Signature]
Print Name of Witness 2

DEBARY ESTATES LTD., a Florida Limited Partnership,
BY: WJM Investment, Inc., a Florida Corporation, as General Partner
By: [Signature]
Its: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 12th day of February, 1997, by Donald E. Smith + Robert G. Manney, the City Council Chairman and City Manager of the City of DeBary, respectively, who are personally known to me or who did not take an oath.

[Signature]
MARCH 23, 1997
Print, Type of Stamped Name
My commission expires:



STATE OF FLORIDA

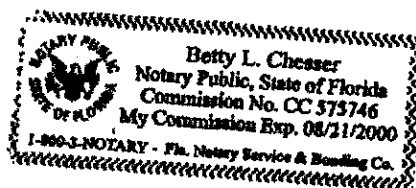
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 12th day of February, 1997, by Jack Affron of DeBary Estates, Ltd., a Florida General Partnership, on behalf of the partnership. He is personally known to me or has produced _____ as identification and did (did not) take an oath.

Betty L. Chesser

Type, Print or Stamp Name

My commission expires:



DESCRIPTION:

The East 1/2 of Section 21, Township 18 South, Range 30 East, Volusia County, Florida, LESS the following portions thereof: The North 3/4 of the Northeast 1/4 and the East 885.00 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4;

AND the West 1/2 of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida;

AND the Southeast 1/4 of the Southwest 1/4 and that part of the Southwest 1/4 of the Southeast 1/4 lying West of U.S. Highway No. 17-92 Right-of-Way line, all in Section 22, Township 18 South, Range 30 East, Volusia County, Florida;

AND the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 and the East 3/4 of the North 1/2 lying West of U.S. Highway No. 17-92 Right-of-Way line, LESS and except the South 330.00 feet thereof, all in Section 27, Township 18 South, Range 30 East, Volusia County, Florida;

AND the Northeast 1/4 of Section 28, Township 18 South, Range 30 East, and the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, LESS Right-of-Way of Highbanks Road, Volusia County, Florida.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

The South 365.00 feet of the East 1450.00 feet of the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, Volusia County, Florida.

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 and the East 1/2 of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida.

From the South 1/4 corner of Section 22, Township 18 South, Range 30 East, Volusia County, Florida, run N 00°50'03" W, along the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 22, a distance of 64.42 feet to the POINT OF BEGINNING; thence run S 61°59'00" W, 65.10 feet;

thence run N 00°50'03" W parallel with said East line 1298.39 feet to a point on the North line of said Southeast 1/4 of the Southwest 1/4 of Section 22; thence run N 89°41'48" E along said North line 57.92 feet to the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of Section 22; thence run N 89°43'14" E along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 22, a distance of 1012.18 feet to the Westerly Right-of-Way line of U.S. Highway No. 17-92 (State Road No. 15 and No. 600); thence run S 13°49'08" W along said Westerly Right-of-Way line, 1305.00 feet to a point on a curve concave Northerly and having a radius of 100.00 feet; thence leaving said Westerly Right-of-Way line from a tangent bearing of S 63°31'49" W, run Westerly along the arc of said curve 159.50 feet through a central angle of 91°23'22" to a point of reverse curvature of a curve concave Southwesterly and having a radius of 200.00 feet; thence run Westerly along the arc of said curve 324.41 feet through a central angle of 92°56'11" to the point of tangency; thence run S 61°59'00" W, 307.86 feet to the POINT OF BEGINNING.

From the Southeast corner of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida, run N 00°50'03" W along the East line of the Southeast 1/4 of the Southwest 1/4 of Section 22, a distance of 64.42 feet; thence run S 61°59'00" W, 65.10 feet to the POINT OF BEGINNING; thence continue S 61°59'00" W, a distance of 218.60 feet; thence run S 89°41'48" W, a distance of 93.74 feet; thence N 08°54'05" W, a distance of 213.76 feet; thence run N 00°50'03" W, parallel with the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 22, a distance of 887.10 feet to a point on a curve concave Northeasterly having a radius of 370.00 feet; thence from a tangent bearing of N 15°16'43" W through a central angle of 14°26'40", run Northwesterly along the arc of said curve a distance of 93.28 feet to a point of tangency; thence N 00°50'03" W, a distance of 209.41 feet to a point on the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 22; thence N 89°41'48" E along said North line a distance of 329.90 feet; thence S 00°50'03" E, a distance of 1298.40 feet to the POINT OF BEGINNING.

That part of the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, Volusia County, Florida, described as follows: Commencing at the Southwest corner of the Southeast 1/4 of said Section 28; run thence N 89°55'13" E along the south line thereof a distance of 100 feet; thence N 00°24'12" W parallel with the West line of the Southeast 1/4 of said

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Section 28, a distance of 30 feet to a point on the North Right-of-Way line of Highbanks Road, said point being the POINT OF BEGINNING; thence continue N 00°24'12" W parallel with the west line of the Southeast 1/4 of said Section 28, a distance of 879.01 feet; thence N 89°20'01" E, a distance of 579.59 feet to a point on a curve concave Northeasterly, having a central angle of 51°24'22" and a radius of 337.00 feet; thence from a radial bearing of N 86°13'53" E run Southeasterly along the arc of said curve a distance of 302.36 feet to the point of tangency thereof; thence S 55°10'29" E, a distance of 211.78 feet to the point of curvature of a curve concave Northeasterly, having a central angle of 34°09'51" and a radius of 337.00 feet; thence run Southeasterly along the arc of said curve, a distance of 200.95 feet to a point on a line that is the Northerly extension of the Westerly line of DeBary Plantation, as recorded in Map Book 35, Page 3, Public Records of Volusia County, Florida; thence from a radial bearing of N 00°39'40" E, run S 00°22'27" E along said line, a distance of 448.47 feet to the North Right-of-Way line of said Highbanks Road; thence S 89°55'13" W along said Right-of-Way line being parallel with the South line of the Southeast 1/4 of said Section 28, a distance of 1082.54 feet to the POINT OF BEGINNING.

Containing 743.562 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

SURVEYOR'S NOTES:

- This is not a survey.
- The description hereon is for purposes of redefining the P.U.D. boundaries only and does not address ownership of the underlying properties.
- Bearings based on the South line of the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, Volusia County, Florida, being N 89°59'18" W (an assumed meridian).
- Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this drawing, sketch, plat or map is for informational purposes only and is not valid.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- No title opinion or abstract of matters affecting title or boundary to the subject property or those of adjoining land owners have been provided. It is possible there are deeds of record, unrecorded deeds or other instruments which could affect the boundaries or use of the subject property.
- All adjoining rights-of-way, subdivisions and information on adjoining properties shown hereon is from information shown on County Tax Maps. The undersigned surveyor and Donald W. McIntosh Associates, Inc. did not attempt nor was required to do a title search of the above information. Users of this survey are warned that use of this information is at their own peril.

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DEBARY

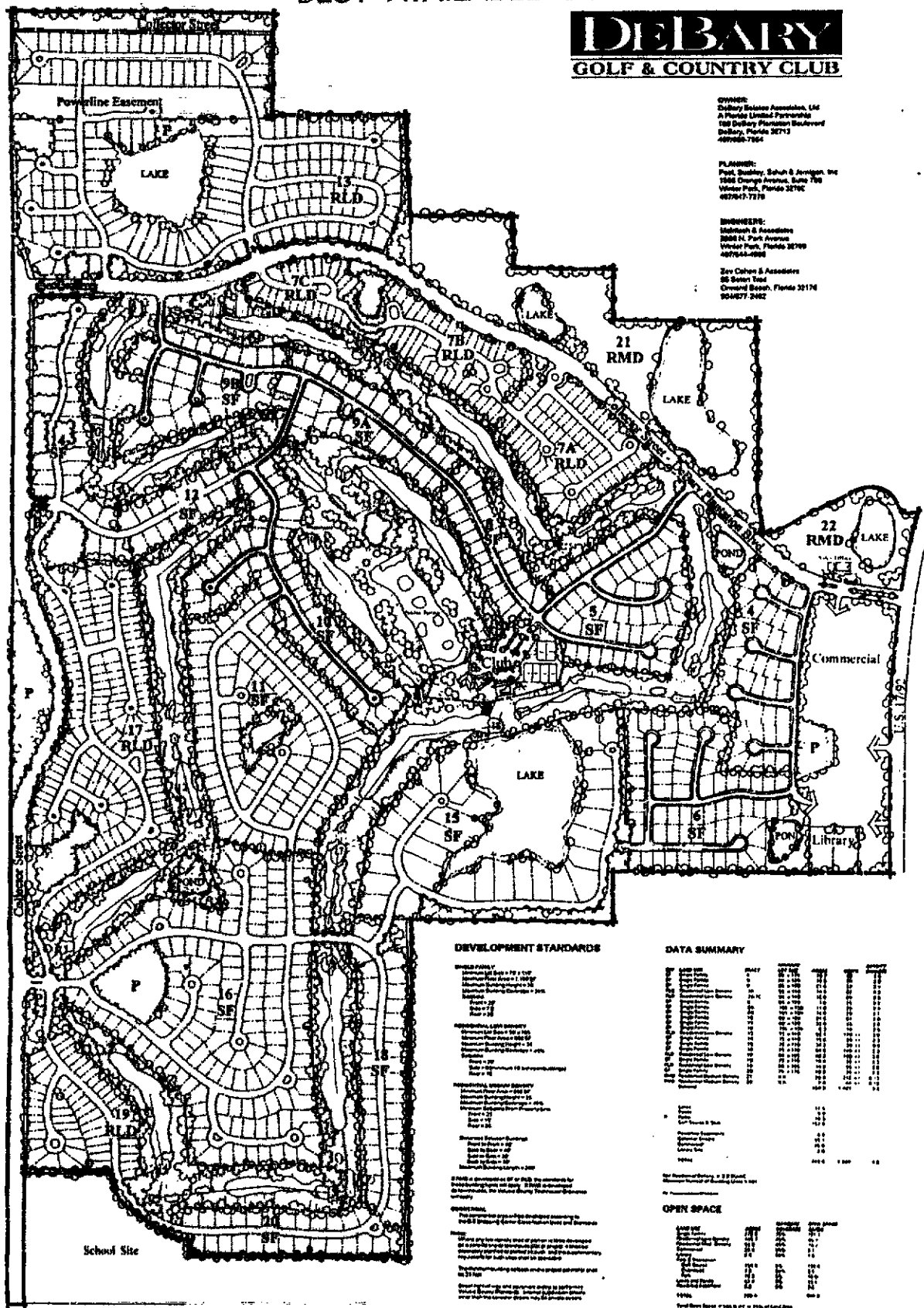
GOLF & COUNTRY CLUB

OWNER:
DeBary Estates Association, Ltd.
A Florida Limited Partnership
188 DeBary Boulevard
DeBary, Florida 32713
407/668-7664

PLANNED:
Paul, DeBary, Schuch & Johnson, Inc.
1888 Orange Avenue, Suite 700
Winter Park, Florida 32789
407/947-7379

ENGINEERS:
Indivich & Associates
3808 N. Park Avenue
Winter Park, Florida 32789
407/944-4998

SOILS:
Zav Cohen & Associates
88 Seaton Road
Orlando Beach, Florida 32116
407/677-2402



DEVELOPMENT STANDARDS

General Notes:
1. All lots shall be developed in accordance with the standards set forth in this plan.
2. The minimum lot size shall be 1/2 acre.
3. The minimum front yard setback shall be 25 feet.
4. The minimum side yard setback shall be 10 feet.
5. The minimum rear yard setback shall be 10 feet.
6. The maximum building height shall be 35 feet.
7. The maximum building footprint shall be 50% of the lot area.
8. The maximum building coverage shall be 40% of the lot area.
9. The maximum building height shall be 35 feet.
10. The maximum building footprint shall be 50% of the lot area.
11. The maximum building coverage shall be 40% of the lot area.
12. The maximum building height shall be 35 feet.
13. The maximum building footprint shall be 50% of the lot area.
14. The maximum building coverage shall be 40% of the lot area.
15. The maximum building height shall be 35 feet.
16. The maximum building footprint shall be 50% of the lot area.
17. The maximum building coverage shall be 40% of the lot area.
18. The maximum building height shall be 35 feet.
19. The maximum building footprint shall be 50% of the lot area.
20. The maximum building coverage shall be 40% of the lot area.

DATA SUMMARY

Item	Value	Unit
Total Area	1,200,000	Sq. Ft.
Residential Area	800,000	Sq. Ft.
Commercial Area	200,000	Sq. Ft.
Open Space	200,000	Sq. Ft.
Water Area	100,000	Sq. Ft.
Other	100,000	Sq. Ft.

MASTER PLAN

EXHIBIT B



AUGUST 1996

EXHIBIT B-1

OPEN SPACE

<u>LAND USE</u>	<u>ACRES</u>	<u>MAXIMUM COVERAGE</u>	<u>OPEN SPACE ACRES</u>
Single Family	278.6	35%	181.1
Residential Low Density	145.7	45%	80.1
Residential Med. Density	34.0	45%	18.7
Commerical	20.9	90%	2.1
Library	2.0	50%	1.0
Park & Recreation			
Golf Course	150.6	0%	150.6
Clubhouse	7.0	50%	3.5
Park	16.3	5%	15.5
Lakes and Ponds	43.4	0%	43.4
Powerline Easement	9.9	0%	9.9
TOTAL	708.4		505.9

Total Open Space = 505.9 AC = 71% of Land Area
Common Open Space = 173.9 AC = 24.5%

EXHIBIT C**DATA SUMMARY**

KEY	LAND USE	TRACT	MINIMUM LOT SIZE	ACRES	UNITS	DENSITY DU/ACRE
SF	Single Family	4	80' x 120'	15.7	39	2.5
SF	Single Family	5	80' x 120'	18.5	55	3.0
SF	Single Family	6	80' x 120'	21.6	67	3.1
RLD	Residential Low Density	7A	50' x 110'	14.4	62	4.3
RLD	Residential Low Density	7B/7C	50' x 110'	18.0	69	3.8
SF	Single Family	8	80' x 120'	7.8	25	3.2
SF	Single Family	9A	100' x 130'	11.0	26	2.4
SF	Single Family	9B	100' x 130'	14.0	29	2.1
SF	Single Family	10	80' x 120'	21.5	61	2.8
SF	Single Family	11	80' x 120'	33.0	93	2.8
SF	Single Family	12	100' x 130'	6.3	16	2.5
RLD	Residential Low Density	13	75' x 110'	59.1	178 +/-	3-6
SF	Single Family	14	75' x 110'	15.6	26 +/-	2-3
SF	Single Family	15	75' x 110'	34.2	30 +/-	0.9
SF	Single Family	16	75' x 110'	50.8	149 +/-	2-3
RLD	Residential Low Density	17	50' x 105'	40.2	163 +/-	3-6
SF	Single Family	18	75' x 110'	16.4	36 +/-	2-3
RLD	Residential Low Density	19	50' x 105'	14.0	55 +/-	3-6
SF	Single Family	20	75' x 110'	12.2	26 +/-	2-3
RMD	Residential Medium Density	21	N.A.	26.6	212 +/-	6-13
RMD	Residential Medium Density	22	N.A.	7.4	44 +/-	6-13
	Subtotal			458.3	1,461	3.2
	Lakes			37.5		
	Ponds			5.9		
P	Parks			16.3		
	Golf Course & Club			157.6		
	Powerline Easements			9.9		
	Collector Streets			35.1		
	Commercial			20.9		
	Library Site			2.0		
	TOTAL			743.5	1,461	1.9

Net Residential Density = 3.2 DU/AC

Maximum Number of Dwelling Units 1,461

Inter-Department
Memorandum

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5-1988



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TO: DALE ARRINGTON
AREA PLANNER

FROM: P. MALCOLM SMITH
TRAFFIC ENGINEER

SUBJECT: COMMENTS ON DEBARY PLANTATION
RPUD (NW OF SR 15-600) US 17-92
AND Highbanks Road

DATE: MARCH 15, 1988

FILE: PW-TZ-88-251

REFERENCE:

The "Development Order" should list the specific roadway improvements that have been identified in the Traffic Impact Analysis.

Roadway improvements installed by the developer must include the following if not installed by others. Modifications may be required of the existing signal design or roadway geometrics that do not meet the improvements indicated in the traffic impact analysis:

PHASE 1-1993

US 17-92 and Dirksen Drive - Install Northbound and Southbound left turn lanes and signalization.

US 17-92 and Saxon Blvd - Install signal.

US 17-92 and Entrance A - Install left and right turn lanes and signal.

Highbanks Road and Enterprise Road - Install signal.

PHASE 2 - 1998

US 17-92 and Highbanks Road - Install westbound left turn lane.

US 17-92 and Graves Avenue - Install dual westbound left turn lane and a separate right turn lane.

Highbanks Road and Enterprise Road - Install eastbound left turn lane.

US 17-92 and Entrance B - Install left and right turn lanes and signal.

Highbanks Road and Entrance Road - Install turn lanes and signal.

(continued)

EXHIBIT D

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March 13, 1988

PW-TZ

Page 2

At least 100' of ROW must be dedicated to the County for the following collector roads:

1. The north-south roadway on the west side of the proposed project, to run for the entire length of the project (measured north-south).
2. A north-south right of way to run north from the proposed east-west collector roadway to the north project boundary. This right of way is located approximately 1/2 mile east of the west project boundary.
3. An east-west right of way along the Collector Street within the proposed project.
4. An east-west right of way, located approximately 800' south of the north project boundary and in a line with the proposed extension of Saxon Boulevard. This right of way is approximately 1/2 mile in length.

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Diane M. Matousek
Volusia County, Clerk of Court