

DEVELOPMENT ORDERS

PROJECT NAME VICTORIA PARK

PROJECT NO ADA-06-1998-010

LOCAL GOVERNMENT Deland City

REVIEWER James Stansbury

APPLICATION DATE 4/6/2012

DECISION DATE 5/7/2012

ORDINANCE NO. 2012-24

WMD STJ

DOT 05

DATE RENDERED 7/25/2012

DATE RECEIVED 7/26/2012

25 DAY DEADLINE 8/17/2012

45 DAY DEADLINE 9/7/2012

EFFECTIVE DATE 7/26/2012

NOTES Two local government jurisdictions



City of DeLand

"The Athens of Florida"
www.deland.org

July 26, 2012

Received

JUL 26 2012

State of Florida
Department of Economic Opportunity
Division of Community Planning & Development
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399
C/O Ms. Donna Harris

Department of Economic Opportunity
Division of Community Development
Bureau of Community Planning

Dear Ms. Harris:

Attached are the Adopted Resolutions and the Adopted Amendment to the Development Order to Victoria Park Development of Regional Impact, which is located inside the City's of DeLand and Lake Helen.

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that on May 7, 2012, the City Commission of the City of DeLand, Florida, adopted Resolution 2012-24, and that on June 14, 2012, the City Commission of the City of Lake Helen, Florida, adopted Resolution 2012-02, each amending the development order for the Victoria Park Development of Regional Impact ("DRI"), to adjust land use allocations, update transportation mitigation, extend development order dates, update conditions related to the Site Mitigation and Management Plan and to incorporate other edits as appropriate.

Also attached is the notice for the public hearings. Please begin the final 45-day review by the State, to accept the changes to the Development Order. If you have any questions please don't hesitate to contact me.

Sincerely,

Michael Holmes
Planning Director
City of DeLand
120 South Florida Ave.
DeLand, FL 32720
386-626-7017

Victoria park/2012amendletter

Prepared by and after recording
Return to:

Kenneth Metcalf, AICP
Greenberg Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32301
Telephone: (850) 222-6891

**NOTICE OF ADOPTION OF AN AMENDMENT
TO THE DEVELOPMENT ORDER FOR THE
VICTORIA PARK DEVELOPMENT OF REGIONAL IMPACT**

Pursuant to Section 380.06(15)(f), Florida Statutes, notice is hereby given that on May 7, 2012, the City Commission of the City of DeLand, Florida, adopted Resolution 2012-24 and that on June 14, 2012, the City Commission of the City of Lake Helen, Florida, adopted Resolution 2012-02, each amending the development order for the Victoria Park Development of Regional Impact ("DRI"), to adjust land use allocations, update transportation mitigation, extend development order dates, update conditions related to the Site Mitigation and Management Plan and to incorporate other edits as appropriate.

The Victoria Park DRI development order was originally approved by the City of Lake Helen on June 17, 1999 and by the City of DeLand on June 21, 1999, and is recorded at O.R. 4356, Page 2660, in the Official Records of Volusia County, Florida.

The adopted development order and the amendment may be examined at the City of DeLand Planning Department, 120 S. Florida Avenue, DeLand, Florida 32720 and at Lake Helen City Hall, 327 S. Lakeview Drive, Lake Helen, Florida 32744. The DRI development order constitutes a land development regulation applicable to the Victoria Park DRI property. Pursuant to Section 380.06(15)(f), Florida Statutes, the recording of this notice shall not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance.

Tammy K. Simmons
Witness Signature

Tammy K. Simmons
Print Name:

Patricia L. Tassinari
Witness Signature

PATRICIA TASSINARI
Print Name:

Kenneth Metcalf
Kenneth Metcalf, AICP
Authorized Representative
OK Victoria Park, LLLP
June 26, 2012

STATE OF FLORIDA
COUNTY OF LEON

The foregoing Notice of Adoption of an Amendment to the Development Order for the Victoria Park Development of Regional Impact was acknowledged before me this 26th day of June, 2012, by Kenneth Metcalf, Authorized Representative, who is personally known to me.

Patricia L. Tassinari
Notary Public

My commission expires: _____

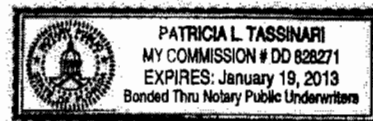


EXHIBIT "A"

VICTORIA PARK D.R.I. BOUNDARY
DESCRIPTION

A tract of land being a portion of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows: Begin at the Northwest corner of the Southwest 1/4 of Section 24; thence South 00 degrees 37 minutes 34 seconds East (S 00°37'34" E), along the West line of the Southwest 1/4 of Section 24 a distance of 1352.92 feet; thence North 89 degrees 58 minutes 44 seconds East (N 89°58'44" E), along the North line of the South one half of the Southwest 1/4 of Section 24 a distance of 2656.18 feet; thence South 00 degrees 11 minutes 32 seconds East (S 00°11'32" E), along the East line of the Southwest 1/4 of Section 24 a distance of 1339.36 feet; thence South 89 degrees 56 minutes 49 seconds East (S 89°56'49" E), along the North line of the Northeast 1/4 of Section 25 a distance of 1358.11 feet; thence South 00 degrees 55 minutes 02 seconds East (S 00°55'02" E), along the East line of the West one half of the Northeast 1/4 of Section 25 a distance of 2684.50 feet; thence South 00 degrees 57 minutes 20 seconds East (S 00°57'20" E), along the East line of the West one half of the Southeast 1/4 of Section 25 a distance of 660.74 feet; thence North 89 degrees 35 minutes 41 seconds West (N 89°35'41" W), along the South line of the North one half of the Northwest 1/4 of the Southeast 1/4 of Section 25 a distance of 829.87 feet; thence South 15 degrees 45 minutes 06 seconds West (S 15°45'06" W), along the West right of way of Interstate No. 4 a distance of 682.54 feet; thence North 89 degrees 27 minutes 50 seconds West (N 89°27'50" W), along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 25 a distance of 329.40 feet; thence North 89 degrees 56 minutes 14 seconds West (N 89°56'14" W), along the South line of the North one half of the Southwest 1/4 of Section 25 a distance of 1988.19 feet; thence South 01 degrees 01 minutes 01 seconds East (S 01°01'01" E), along the West line of the East 3/4 of the South one half of the Southwest 1/4 of Section 25 a distance of 1322.65 feet; thence South 00 degrees 48 minutes 14 seconds East (S 00°48'14" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.73 feet; thence South 89 degrees 57 minutes 09 seconds West (S 89°57'09" W), along the South line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.05 feet; thence South 00 degrees 34 minutes 11 seconds East (S 00°34'11" E), along the East line of the Northeast 1/4 of Section 35 a distance of 1993.59 feet; thence South 89 degrees 37 minutes 28 seconds West (S 89°37'28" W), along the South line of the Northeast 1/4 of Section 35 a distance of 2592.61 feet; thence South 00 degrees 58 minutes 38 seconds East (S 00°58'38" E), along the East line of the Southwest 1/4 of Section 35 a distance of 2706.16 feet; thence South 89 degrees 55 minutes 14 seconds West (S 89°55'14" W), along the South line of the Southwest 1/4 of Section 35 a distance of 2639.36 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89°42'42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 114.00 feet; thence North 01 degrees 01 minutes 56 seconds West (N 01°01'56" W), along the East line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89°42'42" W), along the North line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 01 degrees 01 minutes 56 seconds East (S 01°01'56" E), along the West line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4

of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89°42'42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 1992.15 feet; thence South 89 degrees 42 minutes 57 seconds West (S 89°42'57" W), along the South line of the Southwest 1/4 of Section 34 a distance of 2642.67 feet; thence North 00 degrees 37 minutes 44 seconds West (N 00°37'44" W), along the West line of the Southwest 1/4 of Section 34 a distance of 1364.37 feet; thence North 89 degrees 54 minutes 41 seconds East (N 89°54'41" E), along the South line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1315.73 feet; thence North 00 degrees 52 minutes 00 seconds West (N 00°52'00" W), along the East line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1359.93 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89°53'30"E), along the North line of the Southwest 1/4 of Section 34 a distance of 1310.13 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89°53'30" E), along the South line of the Northeast 1/4 of Section 34 a distance of 2661.16 feet; thence North 01 degrees 28 minutes 19 seconds West (N 01°28'19" W), along the East line of the Northeast 1/4 of Section 34 a distance of 2683.29 feet; thence North 89 degrees 56 minutes 02 seconds East (N 89°56'02" E), along the North line of the Northwest 1/4 of Section 35 a distance of 1997.98 feet; thence North 01 degrees 20 minutes 24 seconds West (N 01°20'24" W), along the East line of the South one half of the West 3/4 of the Southwest 1/4 of Section 26 a distance of 1322.11 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89°50'47" W), along the North line of the Southeast 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence South 01 degrees 17 minutes 51 seconds East (S 01°17'51" E), along the East line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.53 feet; thence South 89 degrees 53 minutes 24 seconds West (S 89°53'24" W), along the South line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.49 feet; thence North 01 degrees 15 minutes 19 seconds West (N 01°15'19" W), along the West line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.02 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89°50'47" W), along the North line of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence North 01 degrees 12 minutes 47 seconds West (N 01°12'47" W), along the West line of the Southwest 1/4 of Section 26 a distance of 1319.00 feet; thence South 89 degrees 25 minutes 24 seconds West (S 89°25'24" W), along the South line of the Northeast 1/4 of Section 27 a distance of 2647.58 feet; thence South 89 degrees 07 minutes 36 seconds West (S 89°07'36" W), along the South line of the Northwest 1/4 of Section 27 a distance of 1317.40 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01°17'28" W), along the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 439.51 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89°08'49" E), along a line 160.6 feet South of the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 30.00 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01°17'28" W), along a line 30 feet East of and parallel to the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 160.60 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89°08'49"E), along the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 628.64 feet; thence North 01 degrees 17 minutes 46 seconds West (N 01°17'46" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 659.98 feet; thence North 89 degrees 10 minutes 03 seconds East (N 89°10'03" E), along the North line of the

Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 658.59 feet; thence North 01 degrees 18 minutes 04 seconds West (N 01°18'04" W), along the East line of the Northwest 1/4 of Section 27 a distance of 1235.48 feet; thence North 89 degrees 26 minutes 38 seconds East (N 89°26'38" E), along the South right of way of Taylor Road a distance of 662.88 feet; thence South 01 degrees 16 minutes 45 seconds East (S 01°16'45" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 575.68 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 16 minutes 05 seconds West (N 01°16'05" W), along the West line of the East one half of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 577.02 feet to a point lying on the South right of way of Taylor Road; said point being on a curve concave Northerly; thence from a tangent bearing of North 87 degrees 51 minutes 31 seconds East (N 87°51'31" E) run Easterly along a curve having a radius of 3581.24 feet, arc length of 332.17 feet, delta angle of 05 degrees 18 minutes 52 seconds (05°18'52"), a chord bearing of North 85 degrees 12 minutes 06 seconds East (N 85°12'06" E), and a chord length of 332.05 feet; thence departing said right of way run South 01 degrees 15 minutes 25 seconds East (S 01°15'25" E), along the East line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 601.55 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 14 minutes 46 seconds West (N 01°14'46" W), along the West line of the East one half of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 647.82 feet; thence North 81 degrees 20 minutes 41 seconds East (N 81°20'41" E), along the South right of way of Taylor Road a distance of 1002.86 feet; thence South 01 degrees 09 minutes 47 seconds East (S 01°09'47" E) along the East line of the Southeast 1/4 of the Southeast 1/4 of Section 22 a distance of 129.52 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 659.50 feet; thence South 89 degrees 26 minutes 19 seconds West (S 89°26'19" W) along the South line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.66 feet; thence South 01 degrees 14 minutes 06 seconds East (S 01°14'06" E) along the West line of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 329.78 feet; thence North 89 degrees 26 minutes 10 seconds East (N 89°26'10" E) along the South line of the North one half of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.53 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 1319.00 feet; thence North 89 degrees 43 minutes 40 seconds East (N 89°43'40" E), along the South line of the North 3/4 of the Southwest 1/4 of the Northwest 1/4 of Section 26 a distance of 1327.50 feet; thence South 01 degrees 17 minutes 52 seconds East (S 01°17'52" E), along the West line of the Southeast 1/4 of the Northwest 1/4 of Section 26 a distance of 330.47 feet; thence North 89 degrees 45 minutes 31 seconds East (N 89°45'31" E), along the South line of the Northwest 1/4 of Section 26 a distance of 1328.00 feet; thence North 01 degrees 22 minutes 55 seconds West (N 01°22'55" W), along the West line of the Northeast 1/4 of Section 26 a distance of 2649.51 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01°05'49" W), along the West line of the Southeast 1/4 of Section 26 a distance of 676.65 feet; thence South 89 degrees 33 minutes 40 seconds West (S 89°33'40" W), along the

South line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.21 feet; thence North 01 degrees 06 minutes 49 seconds West (N 01°06'49" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 677.21 feet; thence North 89 degrees 36 minutes 36 seconds East (N 89°36'36" E), along the North line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.41 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01°05'49" W), along the West line of the Southeast 1/4 of Section 23 a distance of 1353.30 feet; thence North 89 degrees 42 minutes 26 seconds East (N 89°42'26" E), along the North line of the Southeast 1/4 of Section 23 a distance of 2675.20 feet to the Northwest corner of the Southwest 1/4 of Section 24 and the POINT OF BEGINNING.

AND:

That part of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East, Volusia County, Florida lying North of Stewart Road as depicted in Map Book 20, Page 52 of the Public Records of Volusia County, Florida, more particularly described as follows: Begin at the Northeast corner of the East 3/4 of the South 1/2 of the Southwest 1/4 of said Section 25; thence South 00 degrees 58 minutes 09 seconds East (S 00° 58' 09" E) along the East line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25 for a distance of 358.14 feet to the Northerly Right-of-Way line of Stewart Road; thence run North 52 degrees 25 minutes 02 seconds West (N 52° 25' 02" W) along said Right-of-Way line for a distance of 154.27 feet to the Point of Curvature of a curve concave Southwesterly having a radius of 3280.00 feet; thence run Northwesterly along the arc of said curve through a central angle of 03 degrees 48 minutes 24 seconds (03° 48' 24") for an arc length of 217.92 feet to the Point of Tangency; thence North 56 degrees 13 minutes 26 seconds West (N 56° 13' 26" W) for 123.72 feet to the Point of Curvature of a curve concave Southwesterly having a radius of 580.00 feet; thence run Northwesterly along the arc of said curve through a central angle of 12 degrees 50 minutes 48 seconds (12° 50' 48") for an arc length of 130.05 feet to the Point of Tangency; thence run North 69 degrees 04 minutes 14 seconds West (N 69° 04' 14" W) for a distance of 25.46 feet to the North line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25; thence South 89 degrees 56 minutes 14 seconds East (S 89° 56' 14" E) along the said North line for a distance of 535.06 feet to the POINT OF BEGINNING.

LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 30 East lying South of State Road No. 472.

AND LESS:

That part of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 27, Township 17 South, Range 30 East, being described as follows: Commence at the North 1/4 corner of said Section 27, Thence run South 01 degrees 18 minutes 04 second East (S 01°18'04" E), along the West line of the NE 1/4 of said Section 27 for a distance of 84.00 feet to the POINT OF BEGINNING said point being on the South right of way line of Taylor Road, thence run North 89 degrees 26 minutes 38 seconds East (N 89°26'38" E) along said South right of way for a distance of 50.00 feet, thence South 44 degrees 04 minutes 17 seconds West (S 44°04'17" W) for a distance of 70.26 feet, to said West line of the NE 1/4, thence North 01 degrees 18 minutes 04 seconds West (N 01°18'04" W) for a distance of 50.00 feet to the POINT OF BEGINNING.

AND LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 30 East, Volusia County, Florida, more particularly described as follows: Commence at the Southwest corner of said Section 34; thence North 00° 37' 44" West along the West line of the Southwest 1/4 for 1364.37 feet to the POINT OF BEGINNING; thence North 89° 54' 41" East, 1315.73 feet; thence South 00° 52' 00" East, 313.01 feet to a point on the North Right-of-Way of State Road # 472, said point being on a curve concave Southwesterly having a radius of 2964.92 feet; thence from a tangent bearing of North 68° 08' 15" West run Northwesterly along the arc of said curve through a central angle of 19° 06' 48" for 989.07 feet to the point of tangency; thence North 87° 15' 03" West, 358.08 feet to the POINT OF BEGINNING.

AND LESS: rights of way of record.

Contains 1859.146 (Net) Acres, more or less.

T98-E01.DRI

RESOLUTION NO. 2012 - 24

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA TO AMEND THE VICTORIA PARK DEVELOPMENT OF REGIONAL IMPACT (DRI) APPROVED BY ORDINANCE 99-16 ON JUNE 21, 1999, IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 380, FLORIDA STATUTES; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE VICTORIA PARK DRI; AND CONSTITUTING THIS RESOLUTION AS THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE VICTORIA PARK DRI IN COMPLIANCE WITH LAW; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A TERMINATION DATE.

WHEREAS, the Victoria Park DRI encompasses 1,859.146 acres as more particularly described in the legal description, attached hereto as Exhibit 1, and is located primarily within the corporate limits of the City of DeLand with only 90 acres located within the corporate limits of the City of Lake Helen; and

WHEREAS, the City of DeLand City Commission and City of Lake Helen City Commission approved the Victoria Park DRI Development Order on June 21, 1999 and June 17, 1999, respectively, and said Development Order is recorded at O.R. 4536, Page 2660 in the Official Records of Volusia County, Florida ("Original Development Order"); and

WHEREAS, on December 17, 2009 St Joe Residential Acquisition Inc., assigned its ownership interest in the Victoria Park Development of Regional Impact to OK Victoria Park LLLP, OK Victoria Gardens LLLP, OK Victoria Land LLLP, and OK Victoria Golf LLLP (collectively, the "Master Developer" or "Developer"); and

WHEREAS, on September 3, 2010, the Master Developer filed a Notice of Proposed Change to amend the Original Development Order pursuant to Chapter 380.06(19), Florida Statutes, ("NOPC"); and

WHEREAS, the Master Developer has refined the proposed changes based on review comments and has set forth the proposed amendments to the Original Development Order in an Amended and Restated Development Order; and

WHEREAS, Section 380.06(19)(c), Florida Statutes, and other Laws of Florida (e.g., Chapters 2007-204, 2009-96, 2010-147 and 2011-139) separately authorized extension of the build out date, subject to certain procedural requirements; and

WHEREAS, Section 380.06(19)(c), Florida Statutes, provides that the extension of the build out date is not subject to further development of regional impact review, shall not be considered in determining future substantial deviations and shall automatically extend the termination, expiration and phase dates of the DRI by a like period of time; and

WHEREAS, the Amended and Restated Development Order incorporates the extended build out date, expiration/termination date and phase build out dates based on the notice letters filed with the City of DeLand and previously accepted by the City of DeLand; and

WHEREAS, the Amended and Restated Development Order also updates the transportation mitigation conditions based on HB 7207, makes minor adjustments to the land use allocations, updates conditions and confirms those conditions that have been completed, and corrects typographical and grammatical errors; and

WHEREAS, the ECFRPC coordinated the agency review of the Site Mitigation Management Plan (SMMP) and submitted the final SMMP, dated May 1, 2000, to the City of DeLand on May 9, 2000, providing documentation that state and Federal permitting agencies had accepted the SMMP, and which culminated with the City Commission approving the SMMP on May 15, 2000; and

WHEREAS, a Notice of Proposed Change was filed on July 26, 2000, which proposed modifications to the Original Development Order to incorporate the approved SMMP by reference and amend the Master Development Plan (Map H) and various conditions based on the approved SMMP; and

WHEREAS, the DeLand City Commission approved the proposed changes at a public hearing held on November 6, 2000, as indicated by the minutes from the public hearing, but according to the records of the City of DeLand, the approved changes were not formally adopted by resolution or ordinance and were not rendered to the Department of Community Affairs in order to make the changes "effective" pursuant to s. 380.07(2), F.S., and

WHEREAS, the Amended and Restated Development Order corrects this oversight by amending the Original Development Order to incorporate by reference the approved SMMP and to modify the Master Development Plan and relevant conditions based on the approved SMMP; and

WHEREAS, on May 7, 2012, the City of DeLand City Commission held a duly noticed public hearing on the proposed changes to the Original Development Order as set forth in the Amended and Restated Development Order and heard and considered testimony taken at said hearing; and

WHEREAS, the City Commission finds the approval of the Amended and Restated Development Order for the Victoria Park Development of Regional Impact is in the best interest of the public health, safety and public welfare of the citizens of DeLand, and further that the proposed amendments as set forth in the Amended and Restated Development Order do not constitute a substantial deviation to the Original Development Order, and that the proposed changes do not create additional regional impacts on regional resources and facilities that were not previously reviewed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City of DeLand hereby approves the Amended and Restated Development Order (hereinafter "Development Order") for the Victoria Park Development of Regional Impact, which is attached hereto as Exhibit "2" and by this reference made a part hereof.

Section 2. The failure of the Development Order to address a particular permit, condition, term or restriction shall not relieve the Developer of the necessity of complying with any law governing said permitting requirements, conditions, terms of restriction, as same may be amended or enacted from time to time in the future. All current land development regulations and building codes of the City are applicable except to the extent that they conflict with specific provisions of this Development Order.

Section 3. At the time of development, the Developer shall comply with the relevant building codes and development standards contained in the City of DeLand's Code of Ordinances or in any subsequently approved Development Plan; provided, however, the development standards contained in the Development Plan adopted pursuant to Ordinance 99-34 on November 1, 1999, shall supersede comparable standards contained in the Code of Ordinances.

Section 4. The adoption of this Development Order applies only to that portion of the described property within the jurisdictional boundaries of the City of DeLand.

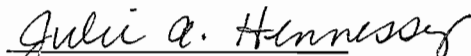
Section 5. The Development Order does not confer any right to commence development of any portion of the property which has not previously obtained subdivision or site plan approvals until such required filings have been submitted and approved by the appropriate City department. Final development permits resulting from processing of subdivision or site plan approval shall not be subject to further concurrency review except as provided for in the Development Order.

Section 6. This Resolution shall become effective upon the City transmitting the Resolution to the Department of Economic Opportunity, the East Central Florida Regional Planning Council and other parties pursuant to Rule 9J-2-025(5), F.A.C., provided that the City of Lake Helen also adopts and transmits a comparable development order.

PASSED AND DULY ADOPTED this 7th day of May, 2012


Robert F. Apgar
Mayor- Commissioner

ATTEST:


Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

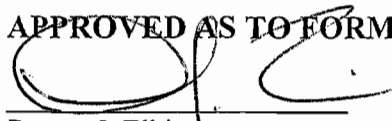

Darren J. Elkind
City Attorney

EXHIBIT "1"

VICTORIA PARK D.R.I. BOUNDARY DESCRIPTION

A tract of land being a portion of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows: Begin at the Northwest corner of the Southwest 1/4 of Section 24; thence South 00 degrees 37 minutes 34 seconds East (S 00° 37' 34" E), along the West line of the Southwest 1/4 of Section 24 a distance of 1352.92 feet; thence North 89 degrees 58 minutes 44 seconds East (N 89° 58' 44" E), along the North line of the South one half of the Southwest 1/4 of Section 24 a distance of 2656.18 feet; thence South 00 degrees 11 minutes 32 seconds East (S 00° 11' 32" E), along the East line of the Southwest 1/4 of Section 24 a distance of 1339.36 feet; thence South 89 degrees 56 minutes 49 seconds East (S 89° 56' 49" E), along the North line of the Northeast 1/4 of Section 25 a distance of 1358.11 feet; thence South 00 degrees 55 minutes 02 seconds East (S 00° 55' 02" E), along the East line of the West one half of the Northeast 1/4 of Section 25 a distance of 2684.50 feet; thence South 00 degrees 57 minutes 20 seconds East (S 00° 57' 20" E), along the East line of the West one half of the Southeast 1/4 of Section 25 a distance of 160.74 feet; thence North 89 degrees 35 minutes 41 seconds West (N 89° 35' 41" W), along the South line of the North one half of the Northwest 1/4 of the Southeast 1/4 of Section 25 a distance of 829.87 feet; thence South 15 degrees 45 minutes 06 seconds West (S 15° 45' 06" W), along the West right of way of Interstate No. 4 a distance of 682.54 feet; thence North 89 degrees 27 minutes 50 seconds West (N 89° 27' 50" W), along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 25 a distance of 329.40 feet; thence North 89 degrees 56 minutes 14 seconds West (N 89° 56' 14" W), along the South line of the North one half of the Southwest 1/4 of Section 25 a distance of 1988.19 feet; thence South 01 degrees 01 minutes 01 seconds East (S 01° 01' 01" E), along the West line of the East 3/4 of the South one half of the Southwest 1/4 of Section 25 a distance of 1322.65 feet; thence South 00 degrees 48 minutes 14 seconds East (S 00° 48' 14" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.73 feet; thence South 89 degrees 57 minutes 09 seconds West (S 89° 57' 09" W), along the South line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.05 feet; thence South 00 degrees 34 minutes 11 seconds East (S 00° 34' 11" E), along the East line of the Northeast 1/4 of Section 35 a distance of 1993.59 feet; thence South 89 degrees 37 minutes 28 seconds West (S 89° 37' 28" W), along the South line of the Northeast 1/4 of Section 35 a distance of 2592.61 feet; thence South 00 degrees 58 minutes 38 seconds East (S 00° 58' 38" E), along the East line of the Southwest 1/4 of Section 35 a distance of 2706.16 feet; thence South 89 degrees 55 minutes 14 seconds West (S 89° 55' 14" W), along the South line of the Southwest 1/4 of Section 35 a distance of 2639.36 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89° 42' 42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 114.00 feet; thence North 01 degrees 01 minutes 56 seconds West (N 01° 01' 56" W), along the East line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89° 42' 42" W), along the North line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 01 degrees 01 minutes 56 seconds East (S 01° 01' 56" E), along the West line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35

of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89° 42' 42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 1992.15 feet; thence South 89 degrees 42 minutes 57 seconds West (S 89° 42' 57" W), along the South line of the Southwest 1/4 of Section 34 a distance of 2642.67 feet; thence North 00 degrees 37 minutes 44 seconds West (N 00° 37' 44" W), along the West line of the Southwest 1/4 of Section 34 a distance of 1364.37 feet; thence North 89 degrees 54 minutes 41 seconds East (N 89° 54' 41" E), along the South line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1315.73 feet; thence North 00 degrees 52 minutes 00 seconds West (N 00° 52' 00" W), along the East line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1359.93 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89° 53' 30" E), along the North line of the Southwest 1/4 of Section 34 a distance of 1310.13 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89° 53' 30" E), along the South line of the Northeast 1/4 of Section 34 a distance of 2661.16 feet; thence North 01 degrees 28 minutes 19 seconds West (N 01° 28' 19" W), along the East line of the Northeast 1/4 of Section 34 a distance of 2683.29 feet; thence North 89 degrees 56 minutes 02 seconds East (N 89° 56' 02" E), along the North line of the Northwest 1/4 of Section 35 a distance of 1997.98 feet; thence North 01 degrees 20 minutes 24 seconds West (N 01° 20' 24" W), along the East line of the South one half of the West 3/4 of the Southwest 1/4 of Section 26 a distance of 1322.11 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89° 50' 47" W), along the North line of the Southeast 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence South 01 degrees 17 minutes 51 seconds East (S 01° 17' 51" E), along the East line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.53 feet; thence South 89 degrees 53 minutes 24 seconds West (S 89° 53' 24" W), along the South line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.49 feet; thence North 01 degrees 15 minutes 19 seconds West (N 01° 15' 19" W), along the West line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.02 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89° 50' 47" W), along the North line of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence North 01 degrees 12 minutes 47 seconds West (N 01° 12' 47" W), along the West line of the Southwest 1/4 of Section 26 a distance of 1319.00 feet; thence South 89 degrees 25 minutes 24 seconds West (S 89° 25' 24" W), along the South line of the Northeast 1/4 of Section 27 a distance of 2647.58 feet; thence South 89 degrees 07 minutes 36 seconds West (S 89° 07' 36" W), along the South line of the Northwest 1/4 of Section 27 a distance of 1317.40 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01° 17' 28" W), along the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 499.61 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89° 08' 49" E), along a line 160.6 feet South of the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 30.00 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01° 17' 28" W), along a line 30 feet East of and parallel to the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 160.60 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89° 08' 49" E), along the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 628.64 feet; thence North 01 degrees 17 minutes 46 seconds West (N 01° 17' 46" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 659.98 feet; thence North 89 degrees 10 minutes 03 seconds East (N 89° 10' 03" E), along the North line of the

Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 658.59 feet; thence North 01 degrees 18 minutes 04 seconds West (N 01°18'04" W), along the East line of the Northwest 1/4 of Section 27 a distance of 135.48 feet; thence North 89 degrees 26 minutes 38 seconds East (N 89°26'38" E), along the South right of way of Taylor Road a distance of 662.88 feet; thence South 01 degrees 16 minutes 45 seconds East (S 01°16'45" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 575.68 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 16 minutes 05 seconds West (N 01°16'05" W), along the West line of the East one half of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 577.02 feet to a point lying on the South right of way of Taylor Road; said point being on a curve concave Northerly; thence from a tangent bearing of North 87 degrees 51 minutes 31 seconds East (N 87°51'31" E) run Easterly along a curve having a radius of 3581.24 feet, arc length of 532.17 feet, delta angle of 05 degrees 18 minutes 52 seconds (05°18'52"), a chord bearing of North 85 degrees 12 minutes 06 seconds East (N 85°12'06" E), and a chord length of 332.05 feet; thence departing said right of way run South 01 degrees 15 minutes 25 seconds East (S 01°15'25" E), along the East line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 601.55 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 14 minutes 46 seconds West (N 01°14'46" W), along the West line of the East one half of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 647.82 feet; thence North 81 degrees 20 minutes 41 seconds East (N 81°20'41" E), along the South right of way of Taylor Road a distance of 1002.86 feet; thence South 01 degrees 09 minutes 47 seconds East (S 01°09'47" E), along the East line of the Southeast 1/4 of the Southeast 1/4 of Section 22 a distance of 129.52 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 659.50 feet; thence South 89 degrees 26 minutes 19 seconds West (S 89°26'19" W) along the South line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.66 feet; thence South 01 degrees 14 minutes 06 seconds East (S 01°14'06" E) along the West line of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 329.78 feet; thence North 89 degrees 26 minutes 10 seconds East (N 89°26'10" E) along the South line of the North one half of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.53 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 1319.00 feet; thence North 89 degrees 43 minutes 40 seconds East (N 89°43'40" E), along the South line of the North 3/4 of the Southwest 1/4 of the Northwest 1/4 of Section 26 a distance of 1327.50 feet; thence South 01 degrees 17 minutes 52 seconds East (S 01°17'52" E), along the West line of the Southeast 1/4 of the Northwest 1/4 of Section 26 a distance of 330.47 feet; thence North 89 degrees 45 minutes 31 seconds East (N 89°45'31" E), along the South line of the Northwest 1/4 of Section 26 a distance of 1328.00 feet; thence North 01 degrees 22 minutes 55 seconds West (N 01°22'55" W), along the West line of the Northeast 1/4 of Section 26 a distance of 2149.51 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01°05'49" W), along the West line of the Southeast 1/4 of Section 26 a distance of 676.65 feet; thence South 89 degrees 33 minutes 40 seconds West (S 89°33'40" W), along the

South line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.21 feet, thence North 01 degrees 06 minutes 49 seconds West (N 01° 06' 49" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 677.21 feet; thence North 89 degrees 36 minutes 36 seconds East (N 89° 36' 36" E), along the North line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.41 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01° 05' 49" W), along the West line of the Southeast 1/4 of Section 23 a distance of 1353.30 feet; thence North 89 degrees 42 minutes 26 seconds East (N 89° 42' 26" E), along the North line of the Southeast 1/4 of Section 23 a distance of 2675.20 feet to the Northwest corner of the Southwest 1/4 of Section 24 and the POINT OF BEGINNING.

AND:

That part of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East, Volusia County, Florida lying North of Stewart Road as depicted in Map Book 20, Page 52 of the Public Records of Volusia County, Florida, more particularly described as follows: Begin at the Northeast corner of the East 3/4 of the South 1/2 of the Southwest 1/4 of said Section 25; thence South 00 degrees 58 minutes 09 seconds East (S 00° 58' 09" E) along the East line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25 for a distance of 358.14 feet to the Northerly Right-of-Way line of Stewart Road; thence run North 52 degrees 25 minutes 02 seconds West (N 52° 25' 02" W) along said Right-of-Way line for a distance of 154.27 feet to the Point of Curvature of a curve concave Southwestwardly having a radius of 3280.00 feet; thence run Northwestwardly along the arc of said curve through a central angle of 03 degrees 48 minutes 24 seconds (03° 48' 24") for an arc length of 27.92 feet to the Point of Tangency; thence North 56 degrees 13 minutes 26 seconds West (N 56° 13' 26" W) for 123.72 feet to the Point of Curvature of a curve concave Southwestwardly having a radius of 580.00 feet; thence run Northwestwardly along the arc of said curve through a central angle of 12 degrees 50 minutes 48 seconds (12° 50' 48") for an arc length of 130.05 feet to the Point of Tangency; thence run North 69 degrees 04 minutes 14 seconds West (N 69° 04' 14" W) for a distance of 25.46 feet to the North line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25; thence South 89 degrees 56 minutes 14 seconds East (S 89° 56' 14" E) along the said North line for a distance of 535.06 feet to the POINT OF BEGINNING.

LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 30 East lying South of State Road No. 472.

AND LESS:

That part of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 27, Township 17 South, Range 30 East, being described as follows: Commence at the North 1/4 corner of said Section 27. Thence run South 01 degrees 18 minutes 04 seconds East (S 01° 18' 04" E), along the West line of the NE 1/4 of said Section 27 for a distance of 84.00 feet to the POINT OF BEGINNING said point being on the South right-of-way line of Taylor Road; thence run North 89 degrees 26 minutes 38 seconds East (N 89° 26' 38" E) along said South right-of-way for a distance of 50.00 feet; thence South 44 degrees 04 minutes 17 seconds West (S 44° 04' 17" W) for a distance of 70.26 feet, to said West line of the NE 1/4; thence North 01 degrees 18 minutes 04 seconds West (N 01° 18' 04" W) for a distance of 50.00 feet to the POINT OF BEGINNING.

AND LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 36 East, Volusia County, Florida, more particularly described as follows: Commence at the Southwest corner of said Section 34, thence North $00^{\circ} 37' 44''$ West along the West line of the Southwest 1/4 for 1364.37 feet to the POINT OF BEGINNING; thence North $89^{\circ} 54' 41''$ East, 1315.73 feet, thence South $00^{\circ} 52' 00''$ East, 313.04 feet to a point on the North Right-of-Way of State Road # 472, said point being on a curve concave Southwesterly having a radius of 2964.92 feet; thence from a tangent bearing of North $68^{\circ} 08' 15''$ West run Northwesterly along the arc of said curve through a central angle of $19^{\circ} 06' 48''$ for 989.07 feet to the point of tangency, thence North $87^{\circ} 15' 03''$ West, 358.08 feet to the POINT OF BEGINNING.

AND LESS: rights of way of record.

Contains 1859.146 (Net) Acres, more or less;

T98-E01.DRI

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY OF LAKE HELEN, FLORIDA TO AMEND THE VICTORIA PARK DEVELOPMENT OF REGIONAL IMPACT (DRI) APPROVED ON JUNE 17, 1999, IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 380, FLORIDA STATUTES; MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE VICTORIA PARK DRI; AND CONSTITUTING THIS RESOLUTION AS THE AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE VICTORIA PARK DRI IN COMPLIANCE WITH LAW; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A TERMINATION DATE.

WHEREAS, the Victoria Park DRI encompasses 1,859.146 acres as more particularly described in the legal description, attached hereto as Exhibit 1, and is located primarily within the corporate limits of the City of Deland with only 90 acres located within the corporate limits of the City of Lake Helen; and

WHEREAS, the City of DeLand City Commission and City of Lake Helen City Commission approved the Victoria Park DRI Development Order on June 21, 1999 and June 17, 1999, respectively, and said Development Order is recorded at O.R. 4536, Page 2660 in the Official Records of Volusia County, Florida ("Original Development Order"); and

WHEREAS, on December 17, 2009 St Joe Residential Acquisition Inc., assigned its ownership interest in the Victoria Park Development of Regional Impact to OK Victoria Park LLLP, OK Victoria Gardens LLLP, OK Victoria Land LLLP, and OK Victoria Golf LLLP (collectively, the "Master Developer" or "Developer"); and

WHEREAS, on September 3, 2010, the Master Developer filed a Notice of Proposed Change to amend the Original Development Order pursuant to Chapter 380.06(19), Florida Statutes, ("NOPC"); and

WHEREAS, the Master Developer has refined the proposed changes based on review comments and has set forth the proposed amendments to the Original Development Order in an Amended and Restated Development Order; and

WHEREAS, Section 380.06(19)(c), Florida Statutes, and other Laws of Florida (e.g., Chapters 2007-204, 2009-96, 2010-147 and 2011-139) separately authorized extension of the build out date, subject to certain procedural requirements; and

WHEREAS, Section 380.06(19)(c), Florida Statutes, provides that the extension of the build out date is not subject to further development of regional impact review, shall not be considered in determining future substantial deviations and shall automatically extend the termination, expiration and phase dates of the DRI by a like period of time; and

WHEREAS, the Amended and Restated Development Order incorporates the extended build out date, expiration/termination date and phase build out dates; based on the notice letters filed with the City of Deland and previously accepted by the City; and

WHEREAS, the Amended and Restated Development Order also updates the transportation mitigation conditions based on HB 7207, makes minor adjustments to the land use allocations, updates conditions and confirms those conditions that have been completed, and corrects typographical and grammatical errors; and

WHEREAS, the ECFRPC coordinated the agency review of the Site Mitigation Management Plan (SMMP) and submitted the final SMMP, dated May 1, 2000, to the City of Deland on May 9, 2000, providing documentation that state and Federal permitting agencies had accepted the SMMP, and which culminated with the City Commission approving the SMMP on May 15, 2000; and

WHEREAS, a Notice of Proposed Change was filed on July 26, 2000, which proposed modifications to the Original Development Order to incorporate the approved SMMP by reference and amend the Master

Development Plan (Map H) and various conditions based on the approved SMMP; and

WHEREAS, the DeLand City Commission approved the proposed changes at a public hearing held on November 6, 2000, as indicated by the minutes from the public hearing, but according to the records of the City, the approved changes were not formally adopted by resolution or ordinance and were not rendered to the Department of Community Affairs in order to make the changes "effective" pursuant to s. 380.07(2), F.S., and

WHEREAS, the Amended and Restated Development Order corrects this oversight by amending the Original Development Order to incorporate by reference the approved SMMP and to modify the Master Development Plan and relevant conditions based on the approved SMMP; and

WHEREAS, on June 14, 2012, the City of Lake Helen City Commission held a duly noticed public hearing on the proposed changes to the Original Development Order as set forth in the Amended and Restated Development Order and heard and considered testimony taken at said hearing; and

WHEREAS, the City Commission finds the approval of the Amended and Restated Development Order for the Victoria Park Development of Regional Impact is in the best interest of the public health, safety and public welfare of the citizens of Lake Helen, and further that the proposed amendments as set forth in the Amended and Restated Development Order do not constitute a substantial deviation to the Original Development Order, and that the proposed changes do not create additional regional impacts on regional resources and facilities that were not previously reviewed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF LAKE HELEN, FLORIDA:

Section 1. The City of Lake Helen hereby approves the Amended and Restated Development Order (hereinafter "Development Order") for the Victoria Park Development of Regional Impact, which is attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 2. The failure of the Development Order to address a particular permit, condition, term or restriction shall not relieve the Developer of the necessity of complying with any law governing said permitting requirements, conditions, terms of restriction, as same may be amended or enacted from time to time in the future. All current land development regulations and building codes of the City are applicable except to the extent that they conflict with specific provisions of this Development Order.

Section 3. At the time of development, the Developer shall comply with the relevant building codes and development standards contained in the City's Code of Ordinances.

Section 4. The adoption of this Development Order applies only to that portion of the described property within the jurisdictional boundaries of the City of Lake Helen.


Section 5. The Development Order does not confer any right to commence development of any portion of the property which has not previously obtained subdivision and site plan approvals until such required filings have been submitted and approved by the appropriate City department. Final development permits resulting from processing of subdivision and site plan approval shall not be subject to further concurrency review except as provided for in the Development Order.

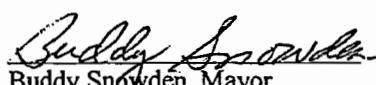
Section 6. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 7. This Resolution shall become effective upon the City of Lake Helen and City of DeLand transmitting the Amended and Restated Development Order to the Department of Economic Opportunity, the East Central Florida Regional Planning Council and other parties pursuant to Rule 9J-2-025(5), F.A.C.

PASSED AND DULY ADOPTED this 14th day of June, 2012.

ATTEST:


Don Findell, City Administrator


Buddy Snowden, Mayor

APPROVED AS TO FORM AND LEGALITY


Lonnie Groot, City Attorney

DEVELOPMENT ORDER

VICTORIA PARK DEVELOPMENT OF REGIONAL IMPACT

**Adopted by the City of Lake Helen, Florida; June 17, 1999 and
amended on _____, 2012**

**Adopted by the City of Deland, Florida; June 21, 1999 and
amended on May 7, 2012**

EXHIBIT 2

AMENDED AND RESTATED DEVELOPMENT ORDER FOR VICTORIA PARK DEVELOPMENT OF REGIONAL IMPACT

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AMENDED AND RESTATED
DEVELOPMENT ORDER
FOR VICTORIA PARK DEVELOPMENT
OF REGIONAL IMPACT

Amended May 7, 2012

I. FINDINGS OF FACT.

The City Commissions of The City of DeLand and The City of Lake Helen, Florida hereby make the following Findings of Fact:

1. The City of DeLand City Commission and City of Lake Helen City Commission approved the Victoria Park IDRI Development Order on June 21, 1999 and June 17, 1999, respectively, which is recorded at O.R. 4536, Page 2660 in the Official Records of Volusia County, Florida ("Original Development Order").

2. St. Joe Residential Acquisition Inc., assigned its ownership interest in the Victoria Park Development of Regional Impact to OK Victoria Park LLLP, OK Victoria Gardens LLLP, OK Victoria Land LLLP and OK Victoria Golf LLLP (hereinafter, collectively referred to as the "Developer") on December 29, 2009 as evidenced by a series of Special Warranty deeds recorded at O.R. Book 6431, Page 3789; O.R. Book 6431, Page 3775; O.R. Book 6431, Page 3808; O.R. Book 6431, Page 3754 respectively, in the Official Records of Volusia County, Florida. Tom B. Stewart, Jr. Betsy S. Osborne, The Estate of Katherine S. Odham and The Estate of Mary S.H. Hewitt collectively own approximately 69 acres within the Victoria Park Development of Regional Impact.

3. The Developer submitted a Notice of Proposed Change on September 3, 2010 to amend the Original Development Order and has refined the proposed changes based on comments provided by review agencies and local

government staff, as reflected in this Amended and Restated Development Order (hereinafter, "Development Order"). This Development Order amends and hereby replaces the Original Development Order in its entirety and shall govern development within the Victoria Park Development of Regional Impact henceforth.

4. The Victoria Park DRI encompasses approximately 1,859 acres as more particularly described in the legal description attached hereto as Exhibit "A" (the "Property"). The acreage of the Property remains unchanged from the Original Development Order. The Property lies primarily within the corporate limits of the City of Deland with approximately 90 acres located within the corporate limits of the City of Lake Helen.

5. No portion of the Property lies within any Area of Critical State Concern designated pursuant to §380.05(1)(c), Florida Statutes.

6. The cities of DeLand and Lake Helen acknowledge that the Site Mitigation and Management Plan was approved by the cities and incorporates the Conceptual Environmental Resource Permit (ERP) No. 4-127-0369C-ERP issued by the St. Johns River Water Management District for the overall DRI and the Section 404 Permit (No. 1997-07347) issued by the U.S. Army Corps of Engineers for the overall DRI pursuant to the Clean Water Act, 33 U.S. C §§1251-1387.

7. With the exception of potable water, sanitary sewer services and reuse water, which shall be provided by the City of DeLand, the other municipal services typical to both the Cities of DeLand and Lake Helen shall be provided by those respective entities within their municipal boundaries unless the cities of

DeLand and Lake Helen otherwise agree by Interlocal Agreement to provide those services in some other manner.

8. The Development Order is consistent with the achievement of the objectives of the adopted State Comprehensive Plan, Chapter 187, Florida Statutes, and the ECFRPC Strategic Regional Policy Plan and therefore will not unreasonably interfere with those objectives.

9. The Development Order is consistent with the Comprehensive Plans and Land Development Regulations, adopted by the City of DeLand and City of Lake Helen.

10. The Developer's authorized agent is James P. Harvey, whose principal place of business is 8875 Hidden River Parkway, Suite 150, Tampa, Florida 33637.

11. On _____, 2012 the East Central Florida Regional Planning Council issued a report and published findings that pursuant to Section 380.06(19)(f)(4), Florida Statutes, the proposed change will not create additional regional impacts that were not previously reviewed. Further, the Council does not object to the proposed changes to the Original Development Order as presented in this Amended and Restated Development Order.

12. Pursuant to s. 380.06(19)(f)5., the proposed changes are determined not to create a substantial deviation based on the following findings of fact:

A. The recalculation of the proportionate share pursuant to s. 163.3180(5), Florida Statutes is presumed not to create a substantial deviation pursuant to s. 380.06(19)(e)(6), Florida Statutes;

B. The extension of the build out, expiration and phase build out dates does not create a substantial deviation and shall not be considered in reviewing any future proposed extensions, pursuant to s. 380.06(19)c, Florida Statutes and Chapters 2007-204, 2009-96, 2010-147 and 2011-139, Laws of Florida;

C. The modification of the SMMP is presumed not to be a substantial deviation, pursuant to s. 380.06(19)(d), Florida Statutes, and as recognized by Original Development Order Condition #8;

D. The simultaneous increase in retail square footage and decrease in office square footage and residential units is presumed create a substantial deviation, pursuant to s. 380.06(19)(e)5, and the presumption has been rebutted, pursuant to s. 380.06(19)(e)5, Florida Statutes, by the use of the equivalency matrix authorized by Condition 51 of this Development Order and by the affordable housing analysis submitted as part of the NOPC application; and

E. All other proposed changes qualify as changes that are not a substantial deviation pursuant to s. 380.06(19)(e)2, Florida Statutes.

II. CONCLUSIONS OF LAW

Based upon the Findings of Facts stated above, the City Commissions of both the City of DeLand and the City of Lake Helen hereby make the following Conclusions of Law:

1. The Victoria Park DRI will not unreasonably interfere with the achievement of the objectives of the State Comprehensive Plan applicable to the area encompassed by the application.

2. The Victoria Park DRI is consistent with the State Comprehensive Plan and with the report and recommendations of the ECFRPC.

3. The Victoria Park DRI is consistent with the adopted DeLand and Lake Helen Comprehensive Plans.

4. Pursuant to s. 380.06(19)(f)5, Florida Statutes, the proposed changes to the Original Development Order as set forth in this Development Order do not constitute a substantial deviation and do not require further Development of Regional Impact review.

NOW, THEREFORE, BE IT HEREBY ORDERED AND RESOLVED by the City Commissions of the City of DeLand and the City of Lake Helen, Florida, that based upon the Findings of Fact and Conclusions of Law and subject to the following terms and conditions, the Victoria Park DRI, as amended, is APPROVED, pursuant to Chapter §380.06, Florida Statutes, other applicable State laws, and the Ordinances and Regulations of the cities of DeLand and Lake Helen, subject to the following terms and conditions set forth in this Development Order:

III. DEFINITIONS

For purposes of this Development Order the terms listed below shall be defined as follows:

1. **ACOE** – Army Corps of Engineers.
2. **ADA** – Application for Development Approval.
3. **Amended and Restated Development Order** - This development order which amends the Original Development Order.

4. **Concurrency Management System** – Any and all ordinances, resolutions and regulations that are or may be adopted by the either the City of DeLand or the City of Lake Helen to mplement the requirements of §163.3202 (2)(g), Florida Statutes.

5. **DeLand** - City of DeLand.

6. **Developer** – The person and/or entity proposing to develop the Property subject to this Development Order and its successors or assigns.

7. **DRI** – Development of Regional Impact.

8. **ECFRPC** – East Central Florida Regional Planning Council.

9. **FDEO** - Florida Department of Economic Opportunity.

10. **FDEP** – Florida Department of Environmental Protection.

11. **FDOT** – Florida Department of Transportation.

12. **FFWCC** - Florida Fish and Wildlife Conservation Commission.

13. **FEMA** – Federal Emerger cy Management Agency.

14. **Homeowners Association. (HOA)** – An association or associations of all residential property owners within Victoria Park organized pursuant to the requirements of §617 F.S. (1997) to manage and administer designated common areas, including conservation and preserve areas within Victoria Park.

15. **Lake Helen** - City of Lake Helen.

16. **Major Roads** – Roads or streets functionally classified as arterial or collector roads and defined as regionally significant facilities within the DRI/ADA.

17. **The Project** – The work and development to occur on the Property, as permitted through this Development Order, except as a result of the conveyance by the Original Developer to Lake Helen of the lands lying east of I-4 which was completed as required by paragraph 34 below, the “Project” now includes only those lands lying west of I-4.

18. **Original Development Order** – the Development Order for the Victoria Park DRI approved by the Deland City Commission on June 21, 1999 and recorded at O.R. Book 4536, Page 2660 in the Official Records of Volusia County, Florida.

19. **Property Owner** – The persons and/or entities currently holding title to the real property subject to this Development Order and each of its successors or assigns for any portion of the Property.

20. **Regional Roadway** – A roadway shall be considered “regional” if it is defined as regional in the East Central Florida Regional Strategic Policy Plan or successor document.

21. **SJRWMD** - St. Johns River Water Management District.

22. **SMMP** – Site Mitigation and Management Plan, dated May 1, 2000, which was transmitted to Deland and Lake Helen by the ECFRPC pursuant to separate letters, dated May 9, 2000, and which incorporates as exhibits: USACOE Section 404 Permit No. 199707347 (IP-SS), SJRWMD Conceptual Permit No. 4-127-0369AC-ERP, and FFWCC Gopher Tortoise Incidental Take Permit No. VOL-20, Volusia County, Florida; and which, by this reference, shall be deemed to include USFWS Biological Opinion, dated January 19, 2000.

23. **Test For Significance** – Regional Roadway facilities which meet “ 20” as defined above shall be examined for significance of traffic impacts. If the peak hour/peak direction traffic generation of the Developer’s DRI meets or exceeds 5 percent of the capacity of the adopted Service Level Standard for a particular facility, regardless of the acceptable LOS as specified above, then an impact shall be considered significant.

24. **Test For Adversity** – Regional roadway facilities which meet significant test “23” above shall be examined for adversity of the traffic impacts. If the projected total directional peak hour volume and direction exceeds the adopted level of service volume identified in the applicable local government comprehensive plan, then a regionally impacted facility shall be considered adverse.

25. **USACOE** – United States Army Corps of Engineers.

26 **USFWS** - United States Fish and Wildlife Service.

IV. CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The Victoria Park DRI project shall be developed in accordance with the information, data, plans and commitments contained in the Victoria Park DRI ADA and supplemental information incorporated herein by reference, including any Notices of Proposed Change, unless otherwise provided by the conditions of this Development Order. This Development Order shall prevail over any conflicting information, data, plan, or commitments. For the purposes of this condition, the ADA shall consist of the following items:

- A. ADA dated April 1998;
- B. Response to the Request for Additional Information, dated November 1998;
- C. Response to the Second Request for Additional Information dated, January 1999; and
- D. Notice of Proposed Change submitted September 3, 2010 as modified by supplemental letter, dated March 9, 2012.

2. The requirements and conditions of this Development Order shall regulate the development of the Property described in **EXHIBIT "A"**. Such regulations and conditions shall be binding upon all successors in interest to the Property.

3. Unless approved by the Deland City Commission or Lake Helen City Commission as to the portions of the Property lying and being within their jurisdiction, Community Development Districts shall not be utilized in any phase of this Project.

4. Victoria Park DRI shall be developed in accordance with the Approved Development Program, attached hereto as **EXHIBIT "B"** and shall conform in all material respects to the design concept of "New Community Development" as described on the **Map H** entitled "Victoria Park Master Development Plan" attached as **EXHIBIT "C"** hereto, provided however, that any amendments in the New Community Development land use designation which do not result in a material or significant departure from the fundamental concept as adopted with this Development Order shall not require a further amendment of this Development Order.

FLOODPLAINS

5. The project site design and floodplain compensatory storage requirements shall be based on the information contained in the official FEMA Flood Insurance Rate Maps, supplemented by detailed topographical data, unless official FEMA acceptance of other floodplain data has been received.

VEGETATION AND WILDLIFE

6. Except as otherwise allowable by this Development Order or by permits obtained by the Developer from either the SJRWMD, FFWCC, USACOE, and USFWS, or as detailed in the Site Mitigation and Management Plan (SMMP), hereby incorporated by reference in this Development Order, site development related activities shall not result in the harming, pursuit or harassment of species classified as Endangered, Threatened or a Species of Special Concern by either the State or Federal government in contravention of applicable state or federal laws. Should such species be at any time determined to be residing on, or be otherwise significantly dependent upon the project site, the Developer shall immediately notify DeLand, Lake Helen, FFWCC, USFWS and, to the extent required by laws and regulations, the Developer shall cease all activities which might negatively affect that individual or population. The Developer shall provide proper protection, to the satisfaction of all agencies with jurisdiction.

"Harming" and "harassment" as used in this recommendation shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

7. Proper protection and habitat management, designed to the satisfaction of the SJRWMD, FFWCC, USACOE, and USFWS and implemented consistent with applicable law, has been provided through the adoption of a Site Mitigation and Management Plan (SMMP) as part of this Development Order. The SMMP achieves the following:

- A) promotes the viability of populations of Florida scrub jays, Florida sandhill cranes and gopher tortoises and their state listed commensals;
- B) provides for management of golf course and commonly held landscaped areas included as part of the wildlife mitigation or habitat enhancement program, including irrigation and fertilizer and pesticide applications;
- C) provides for management of stormwater components and withdrawal of collected stormwater within designated wildlife mitigation or habitat enhancement areas;
- D) provides for the regular monitoring of the success of target wildlife populations;
- E) provides for alternative mitigation strategies, both on and off site should the original plans prove ineffective;
- F) provides for financing and professional implementation of the SMMP, to include the power to access and lien property owners within the Victoria Park development for the purpose of insuring adequate funding to implement the purposes set forth herein;

G) provides for Victoria Park resident education regarding the purpose and methods of the SMMP; and

H) addresses other matters as guided by the above listed agencies.

The SMMP was reviewed by the SJRWMD, USACOE, FFWCC and USFWS contemporaneously with and as a part of the submission and processing of the ecological permits required for development authorization pursuant to the Original Development Order. The SMMP was submitted by the ECFRPC to Deland and Lake Helen on May 9, 2000, and accepted by the review agencies as described in the definition of the SMMP.

COMPLETED

8. Should future modifications to applicable state or federal ecological permits by these agencies result in necessary modifications to the SMMP, recognizing the intent of Condition 11, then such modifications shall be treated as amendments subject to the provisions of paragraph 380.06(19)(d), Florida Statutes and shall be presumed to not create a substantial deviation of the Development Order. No site development activities shall conflict or interfere with the achievement of the SMMP's objectives.

9. Habitat areas to be set aside and preserved to accommodate the ecological needs of the species identified in the preceding paragraph are shown on the original Victoria Park Master Development Plan, attached hereto and incorporated herein as **EXHIBIT "C"**. These areas shall have their title held by an entity approved in the SMMP and shall be subjected to permanent Conservation Easements made to the benefit of the SJRWMD or other

conservation oriented entity approved by DeLand, Lake Helen and FDEO. To the extent that applicable state or federal wildlife permits result in modifications to the areas shown on the Master Development Plan, such modifications shall be treated as amendments subject to the provisions of paragraph 380.06(19)(d), Florida Statutes and shall be presumed not to create a substantial deviation of the development order.

WETLANDS

10. All development shall comply with the Rules, Regulations and permitting standards of the SJRWMD, Volusia County and the standards and the permitting requirements of the USACOE relative to development in or adjacent to wetlands.

11. Permitted wetland impacts together with other habitat areas on the site are shown on **EXHIBIT "D"** attached hereto and incorporated herein. The wetland impacts shown on **EXHIBIT "D"** are permitted pursuant to permits issued from the SJRWMD and the USACOE. Any modification of wetland impacts, including allowance or relocation of impacts by either or both of the SJRWMD or the USACOE shall also meet Volusia County criteria. To the extent authorized under SJRWMD and USACOE permit modifications, minor alterations and refinements to the wetland impacts or habitat areas and locations are acceptable and such modifications shall be deemed approved and incorporated by reference into this Development Order.

12. Unavoidable losses of wetlands shall be mitigated through restoration, creation or preservation of wetlands within the same watershed to the fullest extent practicable and in accordance with adopted rules and regulations of the SJRWMD,

USACOE and Volusia County. The mitigation criteria of the SJRWMD and USACOE, as modified from time to time and as reflected in SJRWMD and USACOE permits shall be used in implementing such mitigation requirements, together with any additional restrictions, conditions and limitations contained in the construction permit(s) issued by the SJRWMD thereafter. On-site wetland mitigation approved by the SJRWMD and the USACOE is set forth in the SMMP and support the achievement of the objectives of the SMMP to the greatest practicable extent.

13. Upland buffers between on-site wetlands and any type of development or land alteration shall be established in accordance with St. Johns River Water Management District Permit approvals. Such buffers shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation.

14. The on-site wetlands systems, upland buffers, and other areas designated for conservation/preservation, including on-site mitigation, as identified in the SMMP, SJRWMD permit, and USACOE permit, shall be identified as separate tracts in accordance with the requirements of SJRWMD, the USACOE and the standards applied by Volusia County. Developmental uses of these areas shall be restricted by Conservation Easements conveyed to the SJRWMD, USACOE, FFWCC or other conservation oriented agency acceptable to the ECFRPC and FDEO. Use of these areas shall be limited to pervious surfaced nature trails and bike-ways, elevated boardwalks and other uses permitted by the SJRWMD and the USACOE and which can be constructed and maintained in such a manner that adverse impacts to adjacent and nearby

wetlands, and habitat protection areas are avoided. Maintenance of these areas will be as set forth in the SMMP. Nothing in the language of the Conservation Easement shall preclude the Developer or other entity designated by the Developer from performing maintenance or management of these lands as long as these activities are consistent with the protocols set forth in the SMMP.

15. All preservation areas, upland buffers and mitigation areas shall be platted as tracts with development rights eliminated except as provided in the SMMP, SJRWMD permit and USACOE permit. All such areas will be administered and managed by a HOA consistent with the requirements of the SMMP. Such entity shall have the power to access and lien property owners within the Victoria Park development for the purpose of insuring adequate funding to implement the purposes set forth herein.

WATER MANAGEMENT AND WATER QUALITY

16. The Victoria Park DRI shall not proceed beyond development of Phase I until an adequate water supply source is identified that will support the amount of development proposed for each subsequent phase, as demonstrated through an appropriate modification to the DeLand Consumptive Use Permit.

Completed

17. In order to minimize and eliminate to the fullest extent practicable the interruption of surface water flows from the project site to discharge points to the east and in particular to the lakes and water bodies in and around Lake Helen, the Developer will take such steps as are reasonably necessary to

insure that post development discharges of surface water to the east are not interrupted or diminished from those surface water flows that predate development.

18. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, Xeriscape principles of landscaping (as defined in §373.185, F.S. or the SMMP) shall be utilized to reduce the area covered by turf and that requiring the application of fertilizer and pesticides. Such principles shall be incorporated into the landscape program for common areas of the project and included in deed restrictions and homeowners' documents in order to reach a non-binding goal of having 75% of all landscaped portions of the site managed under Xeriscape principles.

19. The surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydroperiods of the on-site and off-site wetlands adjacent to the Project will not be adversely impacted or diminished by reason of the Project.

20. In order to effectively--monitor the Project's effects on surface water conditions, the Developer or its successors shall provide for the establishment and operation of a surface water monitoring program consisting of the following components:

A. Surface water samples shall be collected at the outfall culverts/drainage structures for post-development drainage at locations sufficient to assess water quality. The precise location of stations will be approved by the SJRWMD, with input from DeLand and Lake Helen.

B. The water samples shall be collected and analyzed at least once annually with the sampling period beginning prior to any ground clearing and extending at least two years following build-out of that portion of the Project contributing surface drainage to each sampling location, unless the SJRWMD (with input from DeLand or Lake Helen) determines different sampling frequencies or time periods are appropriate, and are identified in a permit issued to the Developer.

C. Water quality parameters to be measured will be proposed by the Developer, and approved by the SJRWMD, with input from DeLand and Lake Helen. Collected data shall be furnished to SJRWMD, DeLand, Lake Helen and Volusia County.

21. The developer (or owner/successors, as applicable) or its assigns shall establish and implement an inspection and maintenance program for all components of the surface water management system for the Project site, to assure proper operation of all components and to include schedules for the performance of:

- A. Stormwater facility operating inspections on a regular basis;
- B. Routine maintenance activities (e.g., mowing, trash removal, etc.);
- C. Periodic removal of accumulated silts and other materials; and
- D. Ongoing educational programs for maintenance staff personnel regarding the correct usage of and application rates for fertilizers and chemicals (e.g., herbicides) near the stormwater management facilities, the removal of noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping-related activities which

have the potential for adversely affecting water quality conditions on the Project site.

22. The Developer shall demonstrate to the satisfaction of DeLand and Lake Helen and the SJRWMD that the entity(ies) that is proposed to assume responsibility for the project surface water management system will have defined duties and responsibilities regarding the operation and maintenance of the surface water management system. These responsibilities shall include sufficient legal authority and power to establish the mandatory collection of fees or assessments, or both, from all property owners or users for financing the operation, replacement and maintenance of all components of the Project's surface water management system.

23. The design and operation of both golf courses shall include:

A. Constraints on the amount of green areas to be irrigated by incorporating large areas of native, irrigation independent vegetation to the maximum practicable extent.

B. The use of pesticides and fertilizers should be minimized using industry-accepted standards. Slow-release form of fertilizer should be used to reduce nitrates.

C. Monitoring of nitrogen and pesticide levels in the surface waters drained by the golf course should be incorporated in the water quality monitoring program established for the project.

24. The plant material for use in the landscape program shall be comprised of drought tolerant and native plant material to the maximum practicable extent.

Plant material list shall use the drought tolerant or native plant material in the list from the SJRWMD Xeriscape Plant Guide or other similarly acceptable or locally available plant material lists, such as lists provided by Institute of Food and Agricultural Sciences (IFAS).

25. The project shall provide for proper abandonment of existing wells by the applicant prior to development in accordance with SJRWMD abandonment criteria.

26. Water conservation measures, in addition to those measures addressed in the above conditions, including use of low volume water use plumbing fixtures and other water conserving devices, leak detection program, and a public education program, shall be incorporated into the Site Mitigation and Management Plan for this project.

PUBLIC FACILITIES

27. To meet the non-potable water use demands of the Project, the development shall use the following sources, in order of priority, for surface irrigation of common and private areas (including parks, golf course, commercial and industrial areas) unless prohibited by the FDEP, SJRWMD, or other regulatory agency:

A. Treated wastewater made available to the Property by DeLand or surface water stored on-site in surface water storage ponds;

B. Potable water may be used on residential lots if no lesser quality source is available.

28. The Developer shall obtain water and wastewater services from DeLand, subject to DeLand's rate resolutions and ordinances. Except as provided in paragraph 29 below, no construction plans will be approved until capacity has been obtained.

Completed

29. Prior to construction approval, the Developer shall enter into a written agreement with DeLand to address the provision of infrastructure needed to supply reclaimed water from the City's wastewater treatment facilities to the project in order to allow the project to meet the conditions in paragraph 28 above.

Completed

30. The Developer shall provide for the installation of reuse infrastructure necessary to serve all irrigated areas within the project along with the installation of utility infrastructure for the project, provided, however, DeLand shall have no obligation to provide reuse water to the Developer or the Development in excess of that which is available to the Developer or the Development in the ordinary course from the City's wastewater treatment facilities. The Developer will bear the cost of the design and construction of the reuse lines required to service the Project unless DeLand requires that such reuse lines be oversized to accommodate uses outside the Project, in which case DeLand will pay the cost associated with such oversizing.

31. A site sufficient for Fire and EMS services will be provided to DeLand by the Developer within that portion of the Project shown as Village Center on **MAP "H"** attached hereto as **EXHIBIT "C"** or in such other location as may be mutually agreed upon. In addition, a water plant and six well locations will be reserved on-site in conjunction with final site plan approval of Victoria Park. The water plant

location will be as shown on **MAP "H"** attached hereto as **EXHIBIT "C"**, but the well locations as currently shown on **Map "F"** attached hereto as **EXHIBIT "C"** will be subject to appropriate testing to determine the probable productivity of the locations. If the locations shown on **MAP "H"** attached hereto as **EXHIBIT "C"** prove, after appropriate testing, to not meet ordinary production criteria either for quantity or quality, then the Developer will cooperate with DeLand in an attempt to locate alternative well sites within Victoria Park to accommodate the requirement set forth in this section. The cost of any testing undertaken by the Developer in order to determine the suitability of any one or more of the proposed well sites for the production of both the quantity and quality of potable water will be included in and credited against impact fees owed by the Developer as described in paragraph below. DeLand will reasonably cooperate with the Developer to build the facilities in the locations provided in a manner and form that is supportive of the architectural and landscape protocols established by the Developer in those locations within Victoria Park. These will include compliance with the protocols established for work in natural/preserve areas as set forth in the SMMP as the same may be amended by the SJRWMD and USACOE permits to be obtained.

Completed

32. The potable water supply system will be designed as a hydraulically efficient, looped distribution system with adequately sized lines to provide fire protection. The Developer will be responsible for and pay the cost of the design and construction of all potable water lines necessary to service the Project unless either DeLand or Lake Helen request that lines installed or to be installed by the Developer are to be oversized to accommodate additional development outside of Victoria Park. In the latter

event, the city originating the request for oversizing will be pay the cost for oversizing such water lines.

33. Septic tanks may be used only on a very limited and temporary basis during initial construction and sales (until sanitary sewer is available to the site).

34. The Developer will contribute to the FDOT the lands within the DRI lying and being within the city limits of Lake Helen and east of I-4 by Special Warranty Deed. The FDOT may use this land in such manner as the FDOT deems appropriate, provided however, such lands will, upon delivery of a Special Warranty Deed conveying the same to, FDOT no longer be subject to or burdened by this Development Order. **Completed**

35. At such time as the property referenced in paragraphs 31 and 34 above is dedicated to DeLand and FDOT respectively, a market appraisal of the land shall be conducted to determine the fair market value of the lands and such amount shall be credited against applicable impact fees owed by the Developer to either or both cities under their applicable ordinances. This credit will not apply or be applicable to any impact fees owed by the Developer for schools or transportation.

36. The Developer shall be responsible to design, construct and pay for a sewer line to service the Project. The sewer line will run from the nearest appropriate location as determined by the Developer and DeLand to the Project. So long as said sewer line serves only the Project, neither DeLand nor Lake Helen shall contribute any costs for the same. If either DeLand or Lake Helen requests that the sewer line to be constructed pursuant to this provision be oversized to

accommodate lands outside the boundaries of Victoria Park, then the city making the request shall pay all cost associated with such oversizing.

37. DeLand and Lake Helen will provide municipal services within their own municipal boundaries with the exception of potable water, sanitary sewer service and reuse service, all of which will be provided by DeLand. With regard to fire, EMS and police services, DeLand and Lake Helen may enter into an Interlocal Agreement for the purposes of (i) equitably allocating the costs of providing the described services and (ii) defining the operational protocols and procedures for performing the services across municipal boundaries. However, if no agreement is entered into between the two municipalities, then each city will provide fire, EMS and police services to that portion of the Project lying and being within their respective municipal boundaries.

AFFORDABLE HOUSING

38. Prior to issuance of building permits for non-residential uses in Phase 3, the Developer, using the then current ECFRPC methodology (or if none then exists, another methodology approved by the DEO, ECFRPC, DeLand and Lake Helen), shall provide the DEO, ECFRPC, DeLand and Lake Helen with a study determining:

A. Housing demand created by Phase 3 for low and very-low income households; and

B. Adequate housing supply for low and very-low income households available reasonably proximate to the DRI;

C. If the resulting cumulative projected demand for adequate housing in Phase 3 exceeds the available supply, and the impact is deemed significant then the Applicant shall implement a mitigation program developed in coordination with the DEO, ECFRPC, DeLand and Lake Helen. Any necessary mitigation measures shall be adopted by a Development Order amendment prior to issuance of building permits for any non-residential use in Phase 3 which results in affordable housing impacts that require mitigation.

PUBLIC SCHOOLS

39. A reservation of land for a public school site is not required within the Victoria Park DRI. However, the Developer and the School Board of Volusia County (hereinafter "School Board") agree that within ninety days of the fifth anniversary of the effective date of the Original Development Order, the Developer, School Board, DeLand and Lake Helen shall review the present and projected impact of the Victoria Park development on existing schools served by the Victoria Park DRI for the purpose of determining present and projected future school population caused by or attributable to the Victoria Park DRI. If, after applying the School Board's standard formula for measuring present and anticipated school population, it is shown that Victoria Park's impact at build out upon the school population will be equal to or in excess of 546 elementary school students, then the Developer will locate and purchase a twenty (20) acre elementary school site (hereinafter "site" or "school site") to be dedicated to the School Board for construction of a new elementary school. In the furtherance of this condition, the School Board has identified on **EXHIBIT "E"** attached hereto, the criteria for and areas of Volusia County in the vicinity of Victoria Park that

potentially contain lands that are appropriate for a school site. The Developer will search for a school site within the boundaries shown on the attached **EXHIBIT "E"** unless Developer and School Board agree to different boundaries. Once a proposed school site has been identified by the Developer and approved by the School Board, the Developer will use all reasonable efforts to acquire the targeted school site, provided, however, if after reasonable effort to do so, the Developer is unable to obtain the targeted school site at fair market value, then the School Board may undertake a proceeding in eminent domain to acquire the targeted school site. Should condemnation be used to obtain the targeted school site, the costs of same, including reasonable attorneys fees, shall be paid by the School Board and reimbursed by the Developer.

The Developer shall receive credit against school impact fees as allowed by the School Impact Fee Ordinance. (Volusia County Ordinance 97-7). If an additional elementary school site is obtained by reason of the application of this condition, the School Board agrees to use its best efforts to construct the new school within five years of the dedication of the school site.

The School Board may, relieve the Developer of the necessity of finding a new school site, if in the judgment of the School Board, further efforts to locate a suitable school site would not result in locating the same and all reasonable efforts to do so have been exhausted. If after two years of searching for an acceptable site, none can be found, then the Developer will be discharged of its responsibility to acquire a school site and shall only be obligated to pay school impact fees. In like manner, if in applying the School Boards standard formula for

determining present and anticipated school age children as aforesaid, the study shows that the elementary school age children attributable to the development of Victoria Park, present and anticipated, will be less than 546 students at build-out, then the Developer shall be relieved of its obligation to provide an additional school site and shall only pay impact fees as hereinafter set forth.

Impact fees for new school construction, operation and maintenance will be paid by the Developer to the Volusia County School Board based on the Volusia County School Board Impact Fee Ordinance referenced above. A credit will be allowed against Impact Fees to be incurred by the Developer, when and if, the Developer provides a school site as hereinbefore set forth and does so in conformity with the criteria set forth in the Volusia County School Impact Fee Ordinance referenced above.

The Developer will, in cooperation with DeLand and the School Board provide pedestrian and bike access through the Victoria Park community such that residents of the same may have pedestrian and bike access to the schools and parks contemplated in this provision so long as such new school site(s) are contiguous to and abut the Victoria Park development. Additionally, the Developer shall use its best efforts to reach agreement with both DeLand and the School Board for development and maintenance of co-located recreational facilities at any school constructed pursuant to this provision.

TRANSPORTATION

Phase 1 and 2 Mitigation Completed

40. Based on the Phase 2 Monitoring and Modeling process as documented by the Phase 2 M&M Final Summary Report, dated February 2012, on file with the DeLand Planning Department and incorporated herein by reference, the proportionate share contribution required for Phases 1 and 2 ("Phase 1 and 2 Proportionate Share"), was calculated at \$2,253,900 as presented in **Exhibit "F"**. This calculation was based on 1,757 cumulative, external p.m. peak hour trip ends for Phases 1 and 2 ("Phase 2 Trip Threshold") as presented in the Phase 2 M&M Final Summary Report. The following table defines the revised Project phases:

Phase	Trip Threshold ¹	Original Build Out Date	HB 7203	SB 360/ SB 1752, Section 47	SB 1752, Section 46	HB 7207	Phase Build Out Date
Phase 1	N/A	2004	+3	+2	+2	+4	June 21, 2015
Phase 2 Trip Threshold (Phase 1 and 2 cumulative trips)	1,757 p.m. peak hour external trip ends	2009	+3	+2	+2	+4	June 21, 2020
Phase 3 Cumulative Threshold	3,807 p.m. peak hour external trips ends	2014 ²	+3	+2	+2	+4	June 21, 2025

1. Includes passer by and diverted trip ends but not internally captured trip ends.

2. Based on 2014 expiration date set forth in the original Development Order.

The Developer has paid \$2,439,500 in impact fees through June 30, 2011 ("Paid Impact Fees") as presented in **Exhibit "G"**. Pursuant to s. 163.3180(5)(h)3.c.II(E), F.S., \$2,253,900 of the Paid Impact Fees are hereby credited against the Phase 1 and

2 Proportionate Share. The Developer has fully satisfied all transportation mitigation obligations for Phases 1 and 2. No additional transportation mitigation shall be required for Phases 1 and 2, as defined by the Phase 2 Trip Threshold. Based on the foregoing, \$185,600 in Paid Impact Fees were not utilized as a credit against the Phase 1 and 2 Proportionate Share.

Phase 3 Monitoring and Modeling Methodology

41. Prior to the initiation of Phase 3 defined as development that would cause cumulative, external p.m. peak hour trip ends to exceed the Phase 2 Trip Threshold, the Developer shall conduct a monitoring/modeling program for Phase 3. This program shall ascertain the Level of Service (LOS) on facilities where the Victoria Park DRI is estimated to contribute an amount of traffic greater than or equal to 5 percent of the adopted LOS service volume. The methodology of the monitoring/modeling program shall be agreed upon by DeLand, Lake Helen, ECFRPC, Volusia County, FDOT, FDEO and the Developer. The depth of the monitoring and modeling effort shall be similar to that required within an Application for Development Approval but shall be consistent with the requirements of the DeLand or Lake Helen Concurrency Management Systems as it relates to facilities within those jurisdictions. All studies and monitoring/modeling programs shall be consistent with the ECFRPC's methodology. Empirical data will be required to be collected for the monitoring and modeling program on facilities where it is estimated that the project contributes an amount of traffic greater than or equal to five percent (5%) of the adopted LOS maximum service volume. In the event that all parties cannot come to agreement on the methodology, DeLand, Lake Helen, the ECFRPC, FDOT and Volusia County shall be the final arbiters. DeLand's decision shall be final as it relates to DeLand facilities,

Lake Helen's decision shall be final as it relates to Lake Helen facilities, Volusia County's decision shall be final as it relates to county facilities, the FDOT's decision shall be final on state facilities and the ECFRPC's decision shall be final as it relates to all other facilities. The Phase 3 monitoring/modeling process shall be initiated no earlier than the Project generating 1,500 cumulative external p.m. peak hour trips and no later than the Project generating 1,672 external p.m. peak hour trips, as documented by the submittal of a Biennial Report.

Phase 3 Candidate Roadways

42. The following roadways are those within the study area which were projected to be significant at full build out of the Victoria Park DRI. The facilities to be monitored/modeled for Phase 3 may include, but shall not be limited to, those segments of the regional roadways within this list and one segment beyond where the Victoria Park DRI is estimated to contribute a cumulative amount of traffic greater than or equal to five percent of the adopted LOS service volume. The analyzed facilities will include signalized intersections and link analyses of collector and higher classified roadways and interchange ramps.

DeLand, Lake Helen, ECFRPC, Volusia County, FDOT and FDEO shall have the right to make reasonable requests for additional information from the Developer to verify adherence to these provisions. The Developer shall supply adequate information toward compliance with these requirements.

Candidate Roadways for Monitoring/Modeling Study

Amelia Avenue from US 92 to Taylor Road
Beresford Ave from Fatio Rd. to Summit Ave.
Blue Lake Ave from SR 472 to Plymouth Ave.
Cassadaga Rd from W. Volusia Beltway to Macy Ave.
Graves Ave. from US 17-92 to Howland Blvd.
Hill Ave. from Beresford Ave. to US 92
Howland Blvd. from I-4 to Graves Ave.
I-4 from DeBary Ave. to US 92
Lakeview Drive from West Main St. to Ohio Ave.
West Main St. from I-4 to Lakeview Drive
Minnesota Ave. (DeLand) from US 17-92 to W. Volusia Beltway
Normandy Blvd. from Graves Ave. to Catalina Blvd.
North-South I-4 Frontage Road from SR 472 to Summit Ave.
Orange Camp Road from US 17-92 to I-4
Plymouth Ave. from SR 15A to Hill Ave.
Saxon Blvd. from US 17-92 to Normandy Blvd.
Summit Ave. from W. Main St. to SR 44
Taylor Road from US 17-92 to W. Volusia Beltway
Veteran's Memorial Pkwy. From Saxon Blvd. to SR 472
Voorhis Ave. from US 17-92 to SR 44
W. Volusia Beltway from SR 472 to Minnesota Ave.
SR 472 from US 17-92 to I-4
US 17-92 from Highbanks Rd. to US 92
SR 15A from US 17-92 to Plymouth Ave.
SR 44 from SR 15A to Pioneer Trail

Phase 3 Monitoring and Modeling Results/Mitigation

43. The Victoria Park DRI shall not commence beyond Phase 2 (an equivalent of 1,757 cumulative external p.m. peak hour trip ends) into Phase 3 when service levels are below the minimum service level adopted in the applicable local government's comprehensive plan during the peak hour and the Project contributes or is projected to contribute with the next phase of traffic, five percent of the adopted LOS service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and

committed for completion of construction during Phase 3. The schedule of improvements shall be tied to the trip threshold when the improvement is needed within Phase 3. The Development Order shall be amended to incorporate the schedule of improvements.

For the purposes of this Development Order, adequate "secured and committed" mitigation measures shall include one of the following:

A. Proportionate Share Contribution

i The Developer enters into a binding Agreement to pay for or construct its proportionate share of required improvements ("Proportionate Share Contribution"), consistent with the requirements of s. 163.3180(5)(h), F.S., as may be amended from time to time. For those transportation facilities for which impacts from previous phases were mitigated as referenced in Condition 40 and Exhibit "F" (specifically all roadways and intersections listed in Exhibit "G", except those that did not require mitigation as indicated by "\$0" shown in the column "Proportionate Share Cost"), the proportionate share calculation shall include only Phase 3 trips in determining the Proportionate Share Contribution for those facilities. The Project trips for Phases 1, 2 and 3 shall be used to calculate the Proportionate Share Contribution for other transportation facilities, subject to adjustment for any facilities that qualify as transportation deficient.

ii. The Proportionate Share Contribution is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility.

B. A roadway improvement scheduled for construction within the appropriate local government's adopted comprehensive plan capital improvement element (or as otherwise provided in the applicable jurisdiction's capital improvement element); a roadway improvement scheduled for construction within the FDOT's five-year Work Program.

C. A binding financially secured and irrevocable commitment by the Developer or other appropriate persons or entities for the design, engineering, land acquisition, and actual construction of the necessary improvements (with the posting of a cash bond, surety bond, irrevocable letter of credit, escrow account or other security in a form acceptable to the agency of jurisdiction) within the next five years and incorporated by reference into the Development Order.

D. Any other mitigation option specifically provided for in this Development Order.

E. Any other mitigation option permitted by law, including a local government development agreement consistent with Chapter 163, Florida Statutes which ameliorates the projected impact and is incorporated into the Development Order by amendment.

These mitigation measures shall occur by the required threshold in order for the Project to proceed through Phase 3. If the Developer can demonstrate that a portion of Phase 3 does not adversely affect the Regional Roadway network as determined by the monitoring and modeling report

discussed above, then the Developer may proceed with that portion of Phase 3 (and only that portion).

44. In the event that a roadway widening is identified which is not compatible with adopted policy of the FDOT (e.g., 8 or 10 laning of a state roadway) or local government (e.g., constrained), the Developer, DeLand, Lake Helen, or the party having either maintenance or jurisdictional responsibility for the facility, together with the ECFRPC, shall determine alternate mitigation solutions to provide for the movement of people.

Right of Way

45. The Developer shall donate additional right of way as needed, but not to exceed a maximum of eighty (80') feet of total right-of-way for the extension of Blue Lake Road and shall reserve a maximum of one hundred (100') feet of total right-of-way for the North-South Frontage Road through the Project on an alignment that roughly parallels that shown on **MAP "H"** attached as **EXHIBIT "C"**. Additionally, the Developer shall donate additional right of way as needed, but not to exceed a maximum of one hundred fifty (150') feet of total right-of-way for the widening of Orange Camp Road through the Project in the location shown on **MAP "H"** attached as **EXHIBIT "C"**.

46. Notwithstanding any provision contained herein to the contrary, except as specifically agreed in writing, DeLand and Lake Helen shall have no financial responsibility to contribute to or participate in the funding of the design, engineering, permitting, and/or construction of improvements to state roads, county roads and roads within this development.

47. Notwithstanding any provision contained herein to the contrary, nothing in this Development Order shall be deemed or otherwise relied upon to require the County of Volusia, DeLand or Lake Helen to make any road or other transportation related improvement.

48. If the parties cannot reach agreement concerning implementation of transportation conditions, then the issues in dispute shall be submitted to the ECFRPC for either voluntary mediation pursuant to its adopted dispute resolution process or to binding arbitration, then the rules and procedures of the American Arbitration Association (AAA) will apply. The solutions recommended as a result of this process shall be implemented and the Development Order amended pursuant to Section 380.06(19), Florida Statutes, to include these solutions:

49. If required by the appropriate local entity, in order to provide safe access and to preserve operational capacity, left and right turn deceleration lanes shall be evaluated by the Developer at all project entrances on collector and arterial roadways. The Developer shall evaluate the need for and the cost of signalization at the Project entrance(s) consistent with policies of the appropriate government entity.

Site Access

50. Orange Camp Road, Dr. Martin Luther King Jr. Beltway, and Taylor Road provide primary access to the site. The development will generally be connected to existing neighborhoods and will tie in to local streets, where feasible and as deemed appropriate by the DeLand or Lake Helen. Potential locations for site access are shown on **MAP "H"**, but these are illustrative only and final locations will be

determined at the time of site plan approval by either DeLand or Lake Helen, as appropriate.

Equivalency Matrix

51. The Developer may increase or decrease the amount of a particular land use within the approved development program, attached hereto as **Exhibit "B"**, by using a conversion table, attached hereto as **EXHIBIT "H"**, and incorporated herein by reference which is based on equivalent peak hour directional trip ends. Use of the conversion table may increase or decrease the total amount of each land use by no more than the amount allowed for in the substantial deviation criteria identified in Chapter 380.06(19)(b) 1-14, Florida Statutes, unless the Development Order is amended to accommodate such a change. Any increase in retail land uses shall not be limited by this provision and may be increased to the amount identified in the DeLand Comprehensive Plan. Greater changes than those discussed above, considered cumulatively, shall be subject to normal Development Order amendment processes. Use of the Equivalency Matrix shall not provide the ability to exceed the project affordable housing impacts analyzed in the original ADA unless a study demonstrating the adequacy of the affordable housing supply is submitted to and approved by DEO, ECFRPC, DeLand and Lake Helen. Any time the conversion table is to be used, DEO, ECFRPC, DeLand and Lake Helen, and the County must be provided notice of the proposal at least 30 days in advance of the change. Use of the conversion table will be reported on an individual and cumulative basis and project impacts documented in

the Biennial Report. Any future NOPC shall incorporate any changes due to the use of the matrix.

Alternative Modes of Transportation

52. Bicycle and Pedestrian Systems. In the interest of safety, and to promote alternative forms of transportation, the Developer shall provide an on-site system of bikeways and pedestrian circulation. The Developer shall construct a system of viable bikeways to connect all quadrants of Victoria Park with Blue Lake Elementary School located at Blue Lake Drive, neighborhoods, parks (passive and active), the Village Center and the Workplace, as well as to each other. In all areas of Victoria Park, where cycling will be accomplished on both sidewalk/bikeways and streets, appropriate signage identifying bike routes will be installed. Special consideration shall be given to roadways connecting residential areas with schools, parks, employment and commercial centers. Bicycle support facilities (e.g., parking) shall be made available at commercial and work areas.

53. The on-site bicycle systems shall be connected into any proximate external bicycle systems existing at the time of construction. Construction standards shall conform to latest appropriate criteria. Improvements to area roadways should be encouraged to incorporate bicycle and pedestrian facilities.

54. Transit Systems. Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of transit service to the

site. Transit pull-out bays and transit shelters as required by the local government and the transit provider on site shall be constructed by the Developer. The applicant shall consult with VOLTRAN in order to determine the appropriate number and location of pull-out bays and transit shelters. The Developer shall promote and encourage variable work hours and flextime participation by on-site employers. The Developer shall make known to tenants and residents that the Victoria Park project has access to an existing ride-sharing program operated by VOLTRAN and accessed at the Park and Ride facilities located at I-4 and SR 472 and Saxon Boulevard. Future transit (when available) and current ride-sharing information shall be prominently displayed in all public gathering areas, in employment centers and in the Village Center. A web page may be developed for the project that includes information regarding trip reduction opportunities such as ridesharing/vanpooling and transit availability. Tenants within the Workplace will be encouraged to provide preferential parking for vanpools/carpools.

55. In order to minimize impacts to the roadway network, parcels within the Victoria Park DRI property shall, subject to environmental constraints, be interconnected to the maximum extent feasible as determined by DeLand and Lake Helen. The development will generally be connected to existing neighborhoods and will tie into local streets, where feasible and as deemed appropriate by DeLand. The Developer shall cooperate with any county supported efforts to continue roadways from or through the site with other roadway facilities that are hereafter endorsed by Volusia County, DeLand or Lake Helen.

56. Transportation Design Guidelines. Victoria Park shall be designed to balance the needs of the automobile and pedestrian. To accomplish this balance, the following guidelines will be followed:

A. Streets: Streets shall be designed with minimum acceptable widths and turning radii so that the automobile does not dominate. In order to minimize impacts to the roadway network, parcels within the Victoria Park property shall, subject to design, security, and environmental constraints, be interconnected to the extent feasible. During the life of the development, the Developer will, with the cooperation of and input from DeLand and Lake Helen seek to interconnect the streets of Victoria Park with those in existence outside the development, except for the portion of the development which is located in the Northeast Quadrant and is being developed as a gated, active-adult neighborhood. Nothing contained here shall prohibit the use of cul-de-sacs in the development of the streets within Victoria Park.

B. Sidewalks: Sidewalks will be provided on one or both sides of all urban streets. The width of sidewalks may vary, and for example, will be wider in the Village Center where pedestrian traffic is greater.

C. Bikeways: Bikeways will be provided to connect neighborhoods with Blue Lake Elementary School, parks, the Village Center, the Workplace and the various environmental amenities of the Property, as well as to each other. Bike racks will be installed at parks, shopping and Workplace areas. In areas where cycling will be accomplished on bikeways and streets, appropriate signage identifying bike routes will be installed.

D. The Developer shall provide a minimum of 100 parking spaces at full buildout of the project, for use as a park and ride lot on-site. These spaces will be constructed incrementally as the Workplace or the Village Center is developed and may be shared with parking designed for other uses on-site.

OTHER

57. Notification to Project Personnel. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the Developer. The Developer shall appoint a person to receive this information and notify all personnel working on the site of the name and address of the person to receive such information. In the event of discovery of artifacts of historical or archaeological significance during Project construction, the Developer shall stop construction at the site of discovery and notify DeLand or Lake Helen, as appropriate, together with the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

58. Archaeological Sites. A Phase I and Phase II archaeological and historical survey was undertaken by Robert S. Carr of the Archeological and Historical Conservancy dated September, 1998, Technical Report #227 and February, 1999, Technical Report #236. A portion of an abandoned railroad right-of-way (railroad never constructed) that crosses a portion of the Project in

the Northeast quadrant will be incorporated into the bikeway system and marked with appropriate markers memorializing the unbuilt, abandoned railroad right-of-way. The exact form of the marker(s) will be coordinated with the Florida Department of State, Division of Historical Resources. The Overseer's House (site 8V07130 in the Report) may be avoided and preserved in place, or will otherwise be administered consistent with the requirements of the Florida Department of State, Division of Historical Resources.

V. LOCAL MONITORING.

1. DeLand and Lake Helen, as appropriate shall be responsible for monitoring the development and enforcing the provisions of this Development Order. Neither City shall issue any permits or approvals or provide any extensions of services if the Developer fails to act in substantial compliance with this Development Order.

2. The established review and approval process for review of development pursuant to the Land Development Regulations of DeLand and Lake Helen, as modified constitutes the monitoring procedures for assuring compliance with this Development Order as specified in §380.06 (15)(c)1, Florida Statutes. The local official responsible for assuring compliance by the Developer with this Development Order shall be the City Planner of DeLand operating for both DeLand and Lake Helen by reason of a previously Amended Interlocal Agreement entered into within ninety days after approval of the Original Development Order.

VI. COMPLIANCE DATES.

The Developer timely commenced physical development in accordance with the Original Development Order. The expiration/termination date of this Development

Order is June 25, 2025. The build out date and phases dates are set forth in Condition 40. Pursuant to s. 380.06(19)(c), Florida Statutes, for the purpose of determining whether the build out date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits.

However, the termination date of this Development Order shall not affect the continuing obligations of the Developer or enforcement authority of DeLand or Lake Helen, and the Developer shall continue to be bound by the terms, provisions, and conditions of the Development Order after the termination date, except to the extent modified through an Essentially Built Out Determination.

VII. DOWNZONING, UNIT DENSITY REDUCTION OR INTENSITY REDUCTION.

Neither DeLand nor Lake Helen shall initiate during the term of the approved development described in this Development Order a petition to rezone or downzone the Property such that the passage of the same would prohibit the construction of the Victoria Park Project and associated facilities. This provision does not prevent the Owner and/or the Developer from initiating such rezoning consistent with applicable law.

VII. BIENNIAL REPORTING REQUIREMENTS.

1. The Developer shall submit a Biennial Report as required by Section 380.06(18), Florida Statutes. The Biennial Report shall be submitted beginning in 2012 and then every other year on or before each anniversary date of the effective date of this Development Order throughout the term of this Development Order. The Biennial Report shall be submitted on the

appropriate form to DeLand and Lake Helen, in care of the Planning Department; the ECFRPC; the DEO; the Bureau of Land and Water Management; and all affected permit agencies. The contents of the Biennial Report shall comply with the relevant conditions of approval of this Development Order, §380.06(18) Florida Statutes, and Fla. Admin. Code Rule 9J2.025(7) including at a minimum the following:

A. Any changes in the plan of development or in the representation contained in the ADA, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single-family lots that have been sold to a separate entity or Developer;

D. Identification and intended use of lands purchased, been sold to, leased or optioned by the Developer adjacent to the original DRI site since the Development Order was issued;

E. A specific assessment of the Developer's, DeLand's and Lake Helen's compliance with each individual condition of approval contained in the Development Order and the commitments which are contained in the ADA and which have been identified by DeLand and Lake Helen, the ECFRPC, or the DEO as being significant;

F. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year

and to be filed during the next year;

G. An indication of a change, if any, in local government's jurisdiction for any portion of the development since the Development Order was issued;

H. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with §380.06(15) and (18), Florida Statutes; and

J. A copy of any recorded notice of the adoption of a Development Order or the subsequent modifications of an adopted Development Order that was recorded by the Developer pursuant to §380.06(15)(f), Florida Statutes; and

K. If no additional development pursuant to the Development Order has occurred since the submission of the previous report, then a letter from the Developer stating the no development has occurred shall satisfy the requirement for the Biennial Report.

2. If either DeLand or Lake Helen fails to receive the Biennial Report or receives notification that the ECFRPC, FDEO or any affected permit agency has not received a report, the cities shall request in writing that the Developer submit the report within thirty (30) days. The failure to submit the report after thirty (30) days may result in the temporary suspension of this Development Order by either DeLand or Lake Helen.

IX. SUBSTANTIAL DEVIATIONS.

1. No change shall be made to this Development Order or to the approved land uses, unless and until DeLand and Lake Helen, as appropriate have approved and authorized the change.

2. The Developer shall fully comply with Section §380.06 (19) Florida Statutes, regarding "substantial deviations". It is hereby recognized that none of the build out date extensions incurred to date and incorporated within this Development Order count toward the substantial deviation criteria set forth in Section §380.06(19)(c), Florida Statutes.

X. RECORDING.

Notice of the adoption of this Development Order or any subsequent modification of this Development Order shall be recorded by the Developer in accordance with §28.222, Florida Statutes, with the Clerk of the Circuit Court for Volusia County, Florida, at the Developer's expense, immediately after the effective date of this Development Order or any subsequent modifications of this Development Order in compliance with §380.06(15)(f), Florida Statutes. The recording of this notice shall not constitute a lien, cloud or encumbrance on the Property, or actual or constructive notice of any such lien, cloud, or encumbrance on the Property.

XI. SUCCESSORS.

This Development Order is binding upon the Property, and the conditions of approval contained herein apply to and control all further development of the Property. The conditions of approval run with the land and are therefore

applicable to and shall be complied with by any successor owner, Developer or assignee of any portion of the Property.

XII. APPLICABLE LAWS.

Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances and regulations, which are incorporated herein by reference, except to the extent the applicable laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the DeLand or Lake Helen Commissioners, as appropriate.

XIII. EFFECTIVE DATE.

This Development Order shall take effect upon transmittal by first class U.S. Mail to ECFRPC, FDEO and other parties as required by Rule 9J-2.025(5), F.A.C. An appeal filed with the Florida Land and Water Adjudicatory Commission shall stay the effectiveness of this Development Order until the completion of the appeal process.

ADOPTED this 7th day of May, 2012.

ATTEST:

CITY OF DELAND, FLORIDA

By: Julie A. Hennessey
CLERK

By: [Signature]
MAYOR

DATE: May 7, 2012

FOR THE USE AND RELIANCE OF
DELAND ONLY. APPROVED
AS TO FORM May 07, 2012.

[Signature]
City Attorney Darren J. Elkind, Esq.

ATTEST:

LAKE HELEN, FLORIDA

By: Nancy White
CITY CLERK

By: Buddy Browder
MAYOR

DATE: June 14, 2012

FOR THE USE AND RELIANCE OF
LAKE HELEN ONLY. APPROVED
AS TO FORM June 14, 2012.

Lonnie N. Groot
CITY ATTORNEY
LONNIE N. GROOT

**EXHIBIT B
VICTORIA PARK
APPROVED DEVELOPMENT PROGRAM**

LAND USE

A. Program:	SF/DU/RM
<u>Residential DU's</u>	4,177 total
Low Density	3,600
High Density	577
<u>Village Center (sf)</u>	
Retail	49,000 sf
Office	25,000 sf
Parking Spaces	569 spaces
<u>Workplace (sf/rooms)</u>	
Office	775,011 sf
Hotel	270 rm
Parking Spaces	8,057 spaces
 B. Land Use Acreage	 Acres
Total Acreage	1,859
<u>Residential</u>	
Low Density	840
High Density	41
<u>Commercial *</u>	4
<u>Village Center</u>	
Office	2
Retail	8
<u>Workplace</u>	
Office	58
Hotel	10
<u>Institutional</u>	
Fire Station	0.50
Water Plant	2.00

* Contains sales and recreation center in NE Quadrant.

	ACREAGE
Conservation/Preservation Habitat for Sand Hill Crane, Scrub Jay and Gopher Tortoise, Wetlands and habitat buffers, all subject to a Conservation Easement in favor of SJRWMD or FFWCC ¹	390.00
Special Protection Areas for Sand Hill Crane, Scrub Jay and Gopher Tortoise, not subject to Conservation Easement, but subject to SMMP ¹	98.00
Active Recreation Open Space (includes 18 holes of golf) and Active Parks	213.00
Lakes (with water)	53.00
Non-Conservation Easements, Perimeter Buffers and Miscellaneous Open Space	69.00
TOTAL OPEN SPACE	823.00

- C. Estimated External Traffic Generation: 3,807 PMPH
- D. Water Supply Provided By: DeLand
- E. Wastewater Service Provided By: DeLand
- F. Fire and Police Protection Provided By: DeLand, Lake Helen or Volusia County
- G. Project Phasing: Three Phases

¹ Subject to substantial deviation criteria applicable to areas set aside for preservation.

EXHIBIT "C"

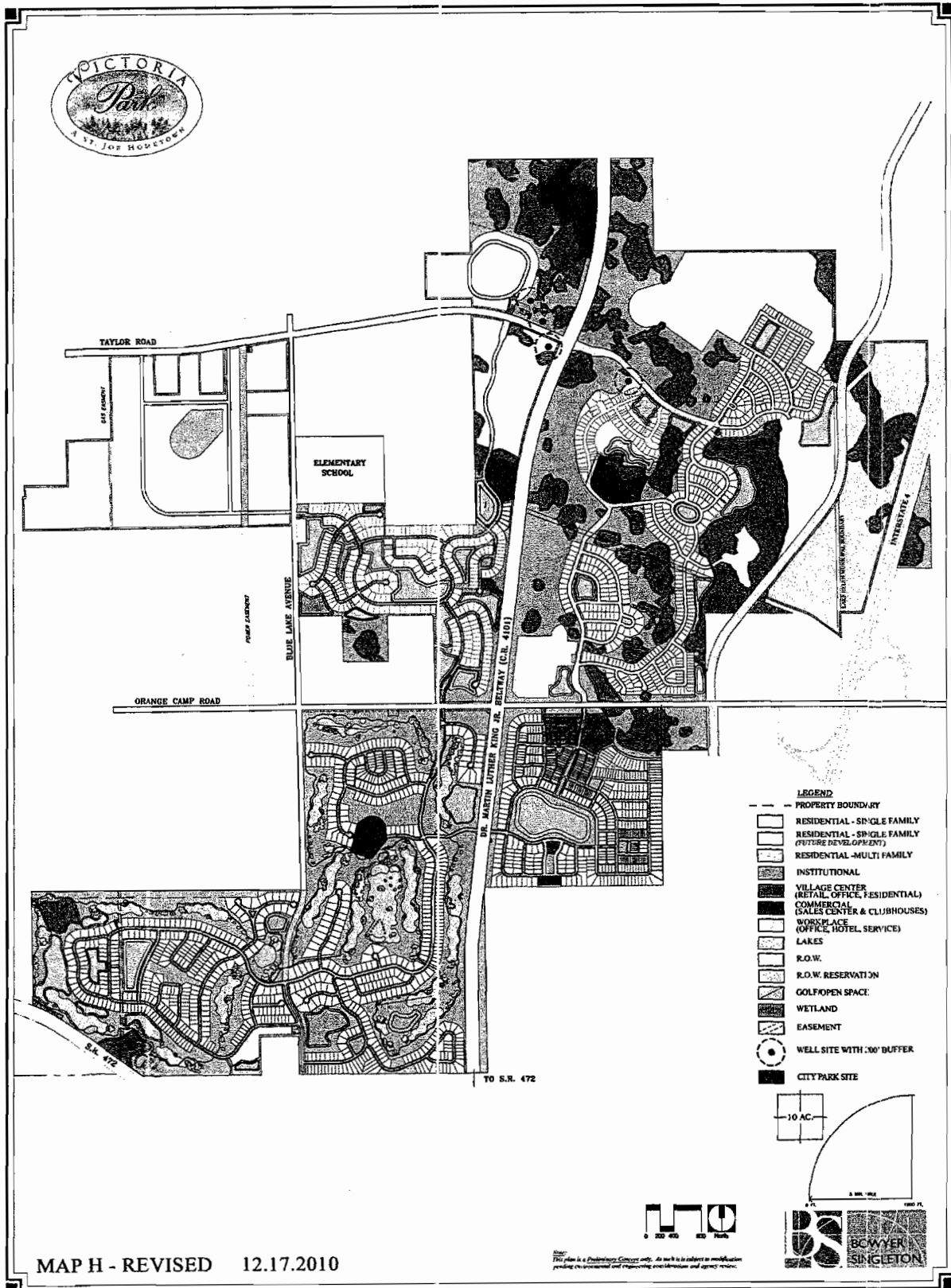


EXHIBIT "D"

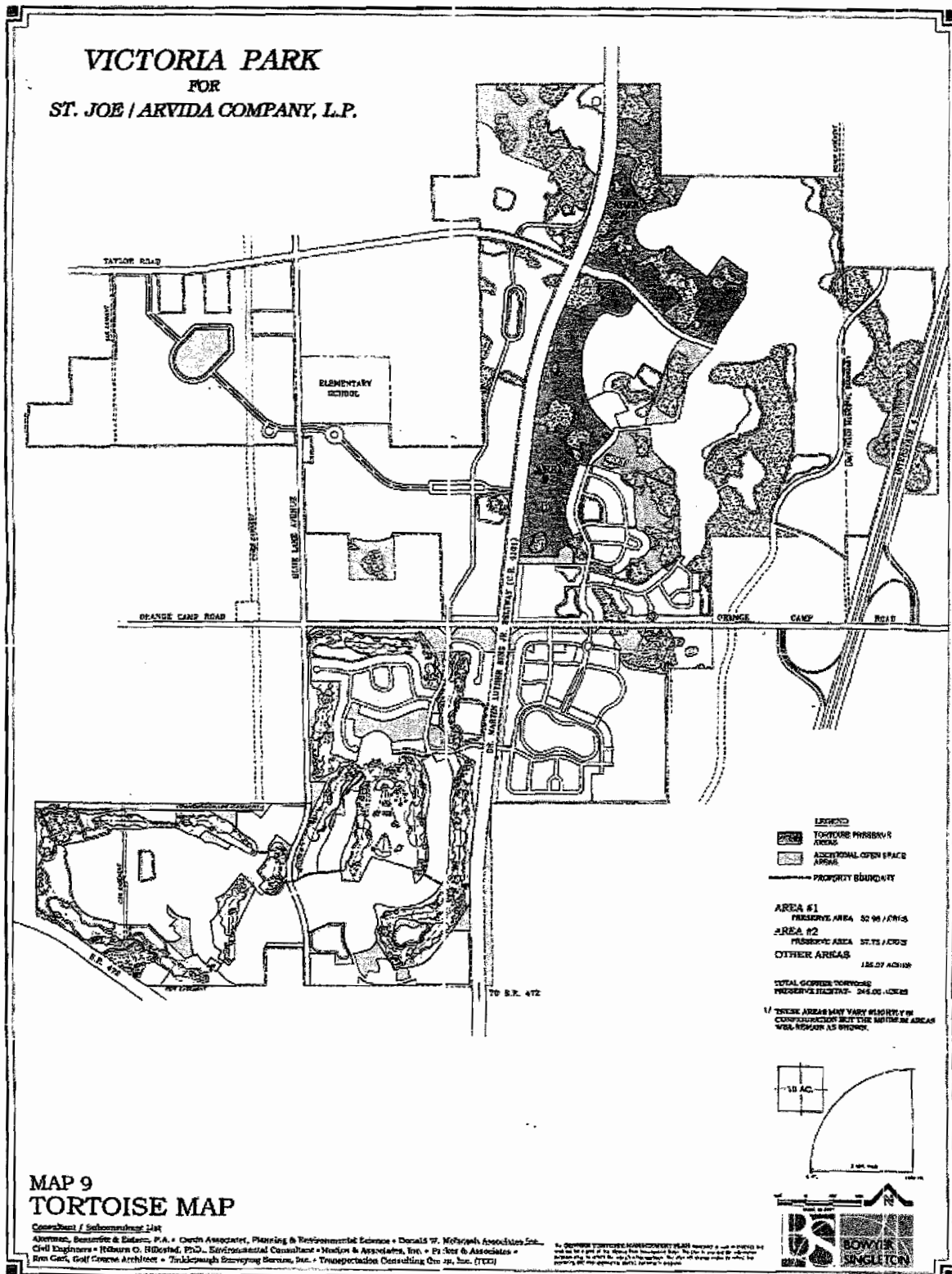


EXHIBIT "E"
FUTURE ELEMENTARY SCHOOL SITING CRITERIA

Geographic boundaries*

North	-	SR 44
East	-	Interstate 4
South	-	SR 472
West	-	Blue Lake Avenue

*For descriptive purposes only.

School Site:

- Twenty developable acres;
- No or minimal environmental constraints;
- Clear of hazardous materials and underground contamination;
- Frontage on a paved public roadway, preferably two public roadways;
- Public utility availability;
- Adjacent uses are compatible and do not include through highways, railroads, or high voltage transmission lines nor within a path of flight approach;
- Outside of the 100 year flood plain;
- Clear title.

How many trips not mitigated?

EXHIBIT F
Victoria Park DRI Phase 2 M&M Study
Needed Transportation Improvements and Proportional Share Mitigation

Roadway	Segment	Needed Improvement to Correct Transportation Deficiency based on 2017 Non-Project Traffic	Further Needed Improvement to Accommodate All 2017 Traffic Including Victoria Park Project Trips	DRI Total Length (mi)	DRI Total Project Trips ¹	Existing Service Volume	Future Service Volume	Service Volume Incr. ²	DRI Ph. 2 Prop. Share ³	Cost per Mile ⁴				Proportional Share Cost	Project Trip Threshold ⁵
										CST ⁵	ROW ⁶	ENG ⁷	Total		
Roadways															
Dr. M.K. Jr. Bldwy	Orange Camp Rd to Cassadaga Rd	N/A	Widen to 4L	1.28	166	890	1,860	970	17.1%	\$5,092,118	\$0	\$0	\$5,092,118	\$1,114,600	1,523
Kentucky Ave	SR 472 to Graves Ave	N/A	Widen to 4L	0.54	74	810	1,720	910	8.1%	\$5,092,118	\$779,932	\$0	\$5,872,050	\$256,800	1,700
Intersections - Geometry Improvements ⁹															
SR 472	Intersection at Dr. Martin Luther King Jr. Bldwy	Restrip NBL/T Lane to NBL Turn Lane Convert NBR Turn Lane to NBT Lane Add shared NBLTR Lane Add 2nd SBL Turn Lane Add 2nd EBT Lane	Add NBR Turn Lane Add 2nd SBT Lane	—	414	6,612	7,861	1,249	33.1%	\$744,000	\$223,200	\$148,800	\$1,116,000	\$369,400	1,334
US 17-92	Intersection at Orange Camp Rd	Add 2nd NBL Turn Lane Add 2nd EBT Lane	Add 2nd SBL Turn Lane ¹⁰	—	202	8,922	9,392	470	43.0%	\$120,000	\$36,000	\$24,000	\$180,000	\$77,400	1,334
US 17-92	Intersection at SR 1504 Taylor Rd	Add 3rd NBL Turn Lane	Add SBR Turn Lane Restripe WBR to shared WBTR	—	198	7,728	8,397	669	29.6%	\$240,000	\$0	\$48,000	\$288,000	\$85,200	1,334
SR 44	Intersection at Kepler Rd	Add 2nd EBT Lane Add 2nd WBRT Lane	Add 2nd SBL Turn Lane ¹⁰	—	221	5,500	5,795	295	74.9%	\$312,000	\$93,600	\$62,400	\$468,000	\$350,500	1,334
Intersections - Signal Improvements															
Graves Ave	Intersection at Kentucky Ave	Optimize signal timings	N/A	—	103	3,104			0.0%	\$0	\$0	\$0	\$0	\$0	N/A
Orange Camp Rd	Intersection at I-4 WB Ramps	Signalize	N/A	—	104	233			0.0%	\$0	\$0	\$0	\$0	\$0	N/A
Orange Camp Rd	Intersection at Victorie Commons Blvd	N/A	Signalize ¹¹	—	254	254			100.0%	\$156,000	\$0	\$31,200	\$187,200	\$187,200	When warranted ¹¹
Orange Camp Rd	Intersection at Blue Lake Ave	Signalize	N/A	—	35	379			0.0%	\$0	\$0	\$0	\$0	\$0	N/A
Dr. M.K. Jr. Bldwy	Intersection at Taylor Rd	Signalize	N/A	—	116	560			0.0%	\$0	\$0	\$0	\$0	\$0	N/A
Total Proportionate Share Cost ¹¹														\$2,253,900	

- Notes
- Cumulative number of DRI trips on the roadway segment in the peak direction, or at the intersection on all approaches (sum of all lane groups), for Phase 2 during the peak hour.
 - The change in the peak hour, peak direction medium service volume of the roadway resulting from the construction of the needed transportation improvement, based on the 2002 FDOT Quality Level of Service (QLOS) Handbook. For intersections, based on difference in HCM lane group capacities assumed for all movements, between the improved condition that removes all transportation deficiencies and the condition with additional improvements to accommodate Victoria Park project trips.
 - Proportional share percentage assessed cumulatively for all project trips through Phase 2 (Total Project Trips / Service Volume Increase).
 - Costs are provided only for the improvements required to accommodate Victoria Park project traffic beyond the identified transportation deficiencies.
 - Costs for widening Dr. M.K. Jr. Bldwy and Kentucky Avenue based on Average Cost per Mile data provided by Volusia County, March 2009, assuming 2L to 4L and closed drainage (includes 20% for Engineering and CEI). Intersection costs estimates do not include the costs to correct transportation deficiencies.
 - ROW is assumed to be available for the entire length of the Dr. M.K. Jr. Bldwy widening project. ROW for Kentucky Ave based on Average Cost per Mile data provided by Volusia County, March 2009. ROW for intersection projects is assumed at 25% of the construction cost.
 - Engineering costs for the intersection improvements were assumed to be 20% of the construction cost. Engineering costs for the roadway improvements are included in the CST cost.
 - Project trip threshold represents the total two-way external peak hour project trips at which point the improvement is needed. Trip table do not include internally captured trips, but do include pass-by trips.
 - Existing service volumes for intersections based on the sum of all lane group capacities including the improvements needed to correct the identified transportation deficiencies. Future service volumes for intersections based on the sum of all lane group capacities including the additional improvements needed to support Victoria Park project trips based on intersection Proportional Share Methodology, March 2010, FDOT DS, for Tier 3, ATL and Groups Method.
 - Cost is based on the addition of a southbound left turn lane. The 2nd existing lane is assumed to be in place to accommodate the additional eastbound through lane required to correct the identified transportation deficiency.
 - The cost for a signal at Orange Camp Road/Vehicle Commons Boulevard will be paid for by the developer if warranted prior to project buildout, and is not included in the total proportional share cost.

EXHIBIT G
Victoria Park DRI Phase 2 Mitigation

Impact Fee Credits	
Estimated Impact Fees Paid to Date (rounded)	\$ 2,439,500
Total Impact Fees Credited Towards Phase 1-2 Cumulative Proportionate Share	\$ 2,253,900
Balance of Paid Impact Fees Not Credited Towards Phases 1 and 2	\$ 185,600

Phase 2 Proportionate Share	
Total Proportionate Share Cost for All Phase 2 Required Transportation Improvements	\$ 2,253,900
Net Phase 2 Proportionate Share Amount (Total Phase 2 Proportionate Share - Credited Impact Fees Paid)	\$0

Victoria Park DRI - Estimate of Impact Fees Paid to Date

Land Use	2001	2002	2005	2007	2008	2009	2011	Total
Cumulative Development Totals ¹								
Single Family	82	134	657	925	1,008	1,082	1,160	
Townhouse	0	0	0	110	110	110	110	
Retail	0	0	0	0	23,838	23,838	23,838	
Office	0	0	0	0	10,975	10,975	35,975	
Impact Fee Rates ²								
Single Family	\$ 1,184.44	\$ 1,184.44	\$ 1,801.55	\$ 2,043.67	\$ 2,173.88	\$ 2,173.88	\$ 2,173.88	
Townhouse	\$ 596.73	\$ 596.73	\$ 914.97	\$ 1,038.51	\$ 1,104.96	\$ 1,104.96	\$ 1,104.96	
Retail	\$ 1.97	\$ 1.97	\$ 2.88	\$ 3.26	\$ 3.47	\$ 3.47	\$ 3.47	
Office	\$ 1.31	\$ 1.31	\$ 1.92	\$ 2.18	\$ 2.31	\$ 2.31	\$ 2.31	
Impact Fee Total ³								
Single Family	\$ 97,124	\$ 61,591	\$ 942,211	\$ 547,704	\$ 180,432	\$ 160,867	\$ 169,563	\$ 2,159,492
Townhouse	\$ -	\$ -	\$ -	\$ 114,236	\$ -	\$ -	\$ -	\$ 114,236
Retail	\$ -	\$ -	\$ -	\$ -	\$ 82,718	\$ -	\$ -	\$ 82,718
Office	\$ -	\$ -	\$ -	\$ -	\$ 25,352	\$ -	\$ 57,750	\$ 83,102
Incremental Total	\$ 97,124	\$ 61,591	\$ 942,211	\$ 661,940	\$ 288,502	\$ 160,867	\$ 227,313	\$ 2,439,548
Cumulative Total	\$ 97,124	\$ 158,715	\$ 1,100,926	\$ 1,762,866	\$ 2,051,368	\$ 2,212,235	\$ 2,439,548	

Notes:

¹ Units built to date or under construction. Source: Victoria Park DRI Annual Reports, and current development totals as of June 30, 2011.

² Impact fee rates in effect as of the year specified. 2005 column uses rates from 2004 as an average between 2003-2005; 2007 column uses rates from 2006 as average between 2005-2007.

³ Total estimated impact fees paid per period. Totals reflect incremental units of square footage built since previous reported period.

Exhibit H
Victoria Park DRI
Trip Equivalency Matrix *

	FROM					
	Active Adult (DU)	Single Family (DU)	Townhomes (DU)	Retail (KSF)	Office (KSF)	Golf (Holes)
Active Adult Residential (DU)	1.000	2.350	2.462	23.970	4.756	9.540
Single Family Residential (DU)	0.426	1.000	1.048	10.202	2.024	4.060
Townhomes (DU)	0.406	0.954	1.000	9.737	1.932	3.875
Retail (KSF)	0.042	0.098	0.103	1.000	0.198	0.398
Office (KSF)	0.210	0.494	0.518	5.041	1.000	2.006
Golf (Holes)	0.105	0.246	0.258	2.512	0.498	1.000

* Land use exchanges based on PM peak hour peak direction project traffic (Inbound) at the end of Phase 2.

Example Applications:

50 KSF Retail to Single Family Residential = $50 \times 10.202 = 510$ Single Family Residential units

100 Units Active Adult to Office = $100 \times 0.210 = 21$ KSF Office

50 KSF Retail to Office = $50 \times 5.041 = 252$ KSF Office

EXHIBIT "A"

VICTORIA PARK D.R.L. BOUNDARY DESCRIPTION

A tract of land being a portion of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 30 East, Volusia County, Florida, being more particularly described as follows: Begin at the Northwest corner of the Southwest 1/4 of Section 24; thence South 00 degrees 37 minutes 34 seconds East (S 00° 37' 34" E), along the West line of the Southwest 1/4 of Section 24 a distance of 1352.92 feet; thence North 89 degrees 58 minutes 44 seconds East (N 89° 58' 44" E), along the North line of the South one half of the Southwest 1/4 of Section 24 a distance of 2656.18 feet; thence South 00 degrees 11 minutes 32 seconds East (S 00° 11' 32" E), along the East line of the Southwest 1/4 of Section 24 a distance of 1339.36 feet; thence South 89 degrees 56 minutes 49 seconds East (S 89° 56' 49" E), along the North line of the Northeast 1/4 of Section 25 a distance of 1358.11 feet; thence South 00 degrees 55 minutes 02 seconds East (S 00° 55' 02" E), along the East line of the West one half of the Northeast 1/4 of Section 25 a distance of 2684.50 feet; thence South 00 degrees 57 minutes 20 seconds East (S 00° 57' 20" E), along the East line of the West one half of the Southeast 1/4 of Section 25 a distance of 660.74 feet; thence North 89 degrees 35 minutes 41 seconds West (N 89° 35' 41" W), along the South line of the North one half of the Northwest 1/4 of the Southeast 1/4 of Section 25 a distance of 829.87 feet; thence South 15 degrees 45 minutes 06 seconds West (S 15° 45' 06" W), along the West right of way of Interstate No. 4 a distance of 682.54 feet; thence North 89 degrees 27 minutes 50 seconds West (N 89° 27' 50" W), along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 25 a distance of 329.40 feet; thence North 89 degrees 56 minutes 14 seconds West (N 89° 56' 14" W), along the South line of the North one half of the Southwest 1/4 of Section 25 a distance of 1988.19 feet; thence South 01 degrees 01 minutes 01 seconds East (S 01° 01' 01" E), along the West line of the East 3/4 of the South one half of the Southwest 1/4 of Section 25 a distance of 1322.65 feet; thence South 00 degrees 48 minutes 14 seconds East (S 00° 48' 14" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.73 feet; thence South 89 degrees 57 minutes 09 seconds West (S 89° 57' 09" W), along the South line of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 36 a distance of 665.05 feet; thence South 00 degrees 34 minutes 11 seconds East (S 00° 34' 11" E), along the East line of the Northeast 1/4 of Section 35 a distance of 1993.59 feet; thence South 89 degrees 37 minutes 28 seconds West (S 89° 37' 28" W), along the South line of the Northeast 1/4 of Section 35 a distance of 2592.61 feet; thence South 00 degrees 58 minutes 38 seconds East (S 00° 58' 38" E), along the East line of the Southwest 1/4 of Section 35 a distance of 2706.16 feet; thence South 89 degrees 55 minutes 14 seconds West (S 89° 55' 14" W), along the South line of the Southwest 1/4 of Section 35 a distance of 2639.36 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89° 42' 42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 114.00 feet; thence North 01 degrees 01 minutes 56 seconds West (N 01° 01' 56" W), along the East line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89° 42' 42" W), along the North line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 01 degrees 01 minutes 56 seconds East (S 01° 01' 56" E), along the West line of the West 550 feet of the South 550 feet of the Southeast 1/4 of the Southeast 1/4

of the Southeast 1/4 of Section 35 a distance of 550.05 feet; thence South 89 degrees 42 minutes 42 seconds West (S 89°42'42" W), along the South line of the Southeast 1/4 of Section 34 a distance of 1992.15 feet; thence South 89 degrees 42 minutes 57 seconds West (S 89°42'57" W), along the South line of the Southwest 1/4 of Section 34 a distance of 2642.67 feet; thence North 00 degrees 37 minutes 44 seconds West (N 00°37'44" W), along the West line of the Southwest 1/4 of Section 34 a distance of 1364.37 feet; thence North 89 degrees 54 minutes 41 seconds East (N 89°54'41" E), along the South line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1315.73 feet; thence North 00 degrees 52 minutes 00 seconds West (N 00°52'00" W), along the East line of the Northwest 1/4 of the Southwest 1/4 of Section 34 a distance of 1359.93 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89°53'30" E), along the North line of the Southwest 1/4 of Section 34 a distance of 1310.13 feet; thence South 89 degrees 53 minutes 30 seconds East (S 89°53'30" E), along the South line of the Northeast 1/4 of Section 34 a distance of 2661.16 feet; thence North 01 degrees 28 minutes 19 seconds West (N 01°28'19" W), along the East line of the Northeast 1/4 of Section 34 a distance of 2683.29 feet; thence North 89 degrees 56 minutes 02 seconds East (N 89°56'02" E), along the North line of the Northwest 1/4 of Section 35 a distance of 1997.98 feet; thence North 01 degrees 20 minutes 24 seconds West (N 01°20'24" W), along the East line of the South one half of the West 3/4 of the Southwest 1/4 of Section 26 a distance of 1322.11 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89°50'47" W), along the North line of the Southeast 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence South 01 degrees 17 minutes 51 seconds East (S 01°17'51" E), along the East line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.53 feet; thence South 89 degrees 53 minutes 24 seconds West (S 89°53'24" W), along the South line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.49 feet; thence North 01 degrees 15 minutes 19 seconds West (N 01°15'19" W), along the West line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 660.02 feet; thence South 89 degrees 50 minutes 47 seconds West (S 89°50'47" W), along the North line of the Southwest 1/4 of the Southwest 1/4 of Section 26 a distance of 665.00 feet; thence North 01 degrees 12 minutes 47 seconds West (N 01°12'47" W), along the West line of the Southwest 1/4 of Section 26 a distance of 1319.00 feet; thence South 89 degrees 25 minutes 24 seconds West (S 89°25'24" W), along the South line of the Northeast 1/4 of Section 27 a distance of 2647.58 feet; thence South 89 degrees 07 minutes 36 seconds West (S 89°07'36" W), along the South line of the Northwest 1/4 of Section 27 a distance of 1317.40 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01°17'28" W), along the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 499.61 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89°08'49" E), along a line 160.6 feet South of the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 30.00 feet; thence North 01 degrees 17 minutes 28 seconds West (N 01°17'28" W), along a line 30 feet East of and parallel to the West line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 160.60 feet; thence North 89 degrees 08 minutes 49 seconds East (N 89°08'49" E), along the North line of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 628.64 feet; thence North 01 degrees 17 minutes 46 seconds West (N 01°17'46" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 659.98 feet; thence North 89 degrees 10 minutes 03 seconds East (N 89°10'03" E), along the North line of the

Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 27 a distance of 658.59 feet; thence North 01 degrees 18 minutes 04 seconds West (N 01°18'04" W), along the East line of the Northwest 1/4 of Section 27 a distance of 1235.48 feet; thence North 89 degrees 26 minutes 38 seconds East (N 89°26'38" E), along the South right of way of Taylor Road a distance of 662.88 feet; thence South 01 degrees 16 minutes 45 seconds East (S 01°16'45" E), along the East line of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 575.68 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 16 minutes 05 seconds West (N 01°16'05" W), along the West line of the East one half of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 577.02 feet to a point lying on the South right of way of Taylor Road; said point being on a curve concave Northerly; thence from a tangent bearing of North 87 degrees 51 minutes 31 seconds East (N 87°51'31" E) run Easterly along a curve having a radius of 3581.24 feet, arc length of 332.17 feet, delta angle of 05 degrees 18 minutes 52 seconds (05°18'52"), a chord bearing of North 85 degrees 12 minutes 06 seconds East (N 85°12'06" E), and a chord length of 332.05 feet; thence departing said right of way run South 01 degrees 15 minutes 25 seconds East (S 01°15'25" E), along the East line of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 27 a distance of 601.55 feet; thence North 89 degrees 26 minutes 19 seconds East (N 89°26'19" E), along the South line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 331.33 feet; thence North 01 degrees 14 minutes 46 seconds West (N 01°14'46" W), along the West line of the East one half of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 647.82 feet; thence North 81 degrees 20 minutes 41 seconds East (N 81°20'41" E), along the South right of way of Taylor Road a distance of 1002.86 feet; thence South 01 degrees 09 minutes 47 seconds East (S 01°09'47" E) along the East line of the Southeast 1/4 of the Southeast 1/4 of Section 22 a distance of 129.52 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 659.50 feet; thence South 89 degrees 26 minutes 19 seconds West (S 89°26'19" W) along the South line of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.66 feet; thence South 01 degrees 14 minutes 06 seconds East (S 01°14'06" E) along the West line of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 329.78 feet; thence North 89 degrees 26 minutes 10 seconds East (N 89°26'10" E) along the South line of the North one half of the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 27 a distance of 662.53 feet; thence South 01 degrees 12 minutes 47 seconds East (S 01°12'47" E) along the East line of the Northeast 1/4 of Section 27 a distance of 1319.00 feet; thence North 89 degrees 43 minutes 40 seconds East (N 89°43'40" E), along the South line of the North 3/4 of the Southwest 1/4 of the Northwest 1/4 of Section 26 a distance of 1327.50 feet; thence South 01 degrees 17 minutes 52 seconds East (S 01°17'52" E), along the West line of the Southeast 1/4 of the Northwest 1/4 of Section 26 a distance of 330.47 feet; thence North 89 degrees 45 minutes 31 seconds East (N 89°45'31" E), along the South line of the Northwest 1/4 of Section 26 a distance of 1328.00 feet; thence North 01 degrees 22 minutes 55 seconds West (N 01°22'55" W), along the West line of the Northeast 1/4 of Section 26 a distance of 2649.51 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01°05'49" W), along the West line of the Southeast 1/4 of Section 26 a distance of 676.65 feet; thence South 89 degrees 33 minutes 40 seconds West (S 89°33'40" W), along the

South line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.21 feet; thence North 01 degrees 06 minutes 49 seconds West (N 01° 06' 49" W), along the West line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 677.21 feet; thence North 89 degrees 36 minutes 36 seconds East (N 89° 36' 36" E), along the North line of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 23 a distance of 662.41 feet; thence North 01 degrees 05 minutes 49 seconds West (N 01° 05' 49" W), along the West line of the Southeast 1/4 of Section 23 a distance of 1353.30 feet; thence North 89 degrees 42 minutes 26 seconds East (N 89° 42' 26" E), along the North line of the Southeast 1/4 of Section 23 a distance of 2675.20 feet to the Northwest corner of the Southwest 1/4 of Section 24 and the POINT OF BEGINNING.

AND:

That part of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25, Township 17 South, Range 30 East, Volusia County, Florida lying North of Stewart Road as depicted in Map Book 20, Page 52 of the Public Records of Volusia County, Florida, more particularly described as follows: Begin at the Northeast corner of the East 3/4 of the South 1/2 of the Southwest 1/4 of said Section 25; thence South 00 degrees 58 minutes 09 seconds East (S 00° 58' 09" E) along the East line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25 for a distance of 358.14 feet to the Northerly Right-of-Way line of Stewart Road; thence run North 52 degrees 25 minutes 02 seconds West (N 52° 25' 02" W) along said Right-of-Way line for a distance of 154.27 feet to the Point of Curvature of a curve concave Southwestwardly having a radius of 3280.00 feet; thence run Northwestwardly along the arc of said curve through a central angle of 03 degrees 48 minutes 24 seconds (03° 48' 24") for an arc length of 217.92 feet to the Point of Tangency; thence North 56 degrees 13 minutes 26 seconds West (N 56° 13' 26" W) for 123.72 feet to the Point of Curvature of a curve concave Southwestwardly having a radius of 580.00 feet; thence run Northwestwardly along the arc of said curve through a central angle of 12 degrees 50 minutes 48 seconds (12° 50' 48") for an arc length of 130.05 feet to the Point of Tangency; thence run North 69 degrees 04 minutes 14 seconds West (N 69° 04' 14" W) for a distance of 25.46 feet to the North line of the East 3/4 of the South 1/2 of the Southwest 1/4 of Section 25; thence South 89 degrees 56 minutes 14 seconds East (S 89° 56' 14" E) along the said North line for a distance of 535.06 feet to the POINT OF BEGINNING.

LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 30 East lying South of State Road No. 472.

AND LESS:

That part of the NW 1/4 of the NW 1/4 of the NE 1/4 of Section 27, Township 17 South, Range 30 East, being described as follows: Commence at the North 1/4 corner of said Section 27. Thence run South 01 degrees 18 minutes 04 seconds East (S 01° 18' 04" E), along the West line of the NE 1/4 of said Section 27 for a distance of 84.00 feet to the POINT OF BEGINNING said point being on the South right of way line of Taylor Road, thence run North 89 degrees 26 minutes 38 seconds East (N 89° 26' 38" E) along said South right of way for a distance of 50.00 feet; thence South 44 degrees 04 minutes 17 seconds West (S 44° 04' 17" W) for a distance of 70.26 feet, to said West line of the NE 1/4, thence North 01 degrees 18 minutes 04 seconds West (N 01° 18' 04" W) for a distance of 50.00 feet to the POINT OF BEGINNING.

AND LESS:

That part of the Southwest 1/4 of Section 34, Township 17 South, Range 30 East, Volusia County, Florida, more particularly described as follows: Commence at the Southwest corner of said Section 34; thence North 00° 37' 44" West along the West line of the Southwest 1/4 for 1364.37 feet to the POINT OF BEGINNING; thence North 89° 54' 41" East, 1315.73 feet; thence South 00° 52' 00" East, 313.01 feet to a point on the North Right-of-Way of State Road # 472, said point being on a curve concave Southwesterly having a radius of 2964.92 feet; thence from a tangent bearing of North 68° 08' 15" West run Northwesterly along the arc of said curve through a central angle of 19° 06' 48" for 989.07 feet to the point of tangency; thence North 87° 15' 03" West, 358.08 feet to the POINT OF BEGINNING.

AND LESS: rights of way of record.

Contains 1859.146 (Net) Acres, more or less;

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City/DELAND

State FL

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2 Your Internal Billing Reference

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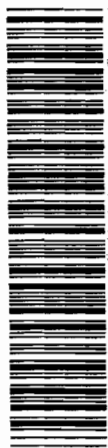
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TO: HCP, HCP

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RCVD: 07/26/2012 10:10

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