

## **ORDINANCE 2007-17**

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA, ESTABLISHING THE DEER RUN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, OB Investors, LLC ("Petitioner"), having obtained written consent to the establishment of the Deer Run Community Development District (the "District") by the owner of one-hundred percent (100%) of the real property to be included in the District, petitioned the City Commission ("Commission") of Bunnell, Florida, to adopt an Ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Petitioner is a limited liability company authorized to conduct business in the State of Florida whose address is 6355 Metro West Boulevard, Suite 330, Orlando, Florida, 32835; and

**WHEREAS**, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the petition at a duly noticed Public Hearing conducted by the Commission on May 15, 2007; and

**WHEREAS**, upon consideration of the record established at that hearing, the Commission determined that the statements within the Petition are true and correct; that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the City's Comprehensive Plan; that the land within the District is of sufficient size; is sufficiently compact and is sufficiently contiguous to be developable as a functionally interrelated community; that the District is the best alternative available for delivering community development services and facilities to the area that will be served by the District; that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and that the area that will be served by the District is amenable to separate special-district governance; and

**WHEREAS**, the establishment of the District shall not act to amend any land development approvals governing the land area to be included within the District; and

**WHEREAS**, the establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the petition.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA AS FOLLOWS:**

**Section 1. Recitals Incorporated.** The above recitals are true and correct and are incorporated herein.

**Section 2. Authority.** This Ordinance is adopted in compliance with and pursuant to the Uniform Community Development District Act of 1980 codified in Chapter 190, Florida Statutes. Nothing contained herein shall constitute an amendment to any land development approvals for the land area included within the District.

**Section 3. Conflict.** All Ordinances and Resolutions or segments of Ordinances and Resolutions in conflict herewith are hereby superseded by these regulations to the extent of their inconsistency.

**Section 4. District Name.** There is hereby created a community development district situated entirely within a portion of the City of Bunnell, Florida, which shall be known as the “Deer Run Community Development District”, and which shall be referred to in this Ordinance as the “District”.

**Section 5. District External Boundaries.** The external boundaries of the District are described in Exhibit “A” attached hereto and made an integral part of this Ordinance, said boundaries encompassing 690.35 acres, more or less.

**Section 6. District Powers and Functions.** The powers and functions of the District are described in Chapter 190, Florida Statutes. Consent is hereby given to the District’s Board of Supervisors to exercise certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses; control and elimination of mosquitoes and other arthropods of public health importance; and security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by the City; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the proposed District boundaries, all as authorized and described by Section 190.012(2), Florida Statutes.

**Section 7. Board of Supervisors.** The five persons designated to serve as initial members of the District’s Board of Supervisors are as follows:

Name: Nancy Rossman  
Address: 6355 Metrowest Blvd., Suite 330  
Orlando, Florida 32535

Name: Vince Viscomi  
Address: 299 W. Granada Blvd., Suite B  
Ormond Beach, Florida 32174

Name: Tom Phillips  
Address: 6355 Metrowest Blvd., Suite 330  
Orlando, Florida 32535

Name: Allan Goldberg  
Address: 111 S. Maitland Avenue, Suite 101  
Maitland, Florida 32751

Name: William W. Cole, Jr.  
Address: 111 S. Maitland Avenue, Suite 101  
Maitland, Florida 32751

**Section 8. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining sections of this Ordinance.


**Section 9. Effective Date.** That this Ordinance shall become effective upon its final adoption.

First Reading: passed on this 1<sup>st</sup> day of May 2007.


Second Reading: passed and adopted on this 15<sup>th</sup> day of May 2007.

**CITY COMMISSION, City of Bunnell, Florida.**

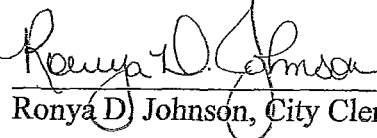
By:

 Date 5-15-07  
Joann B. King, Mayor

Approved for form and content by:

 Date 5-15-07  
Sidney Nowell, City Attorney

Attest:

 Date 5-15-07  
Ronya D. Johnson, City Clerk

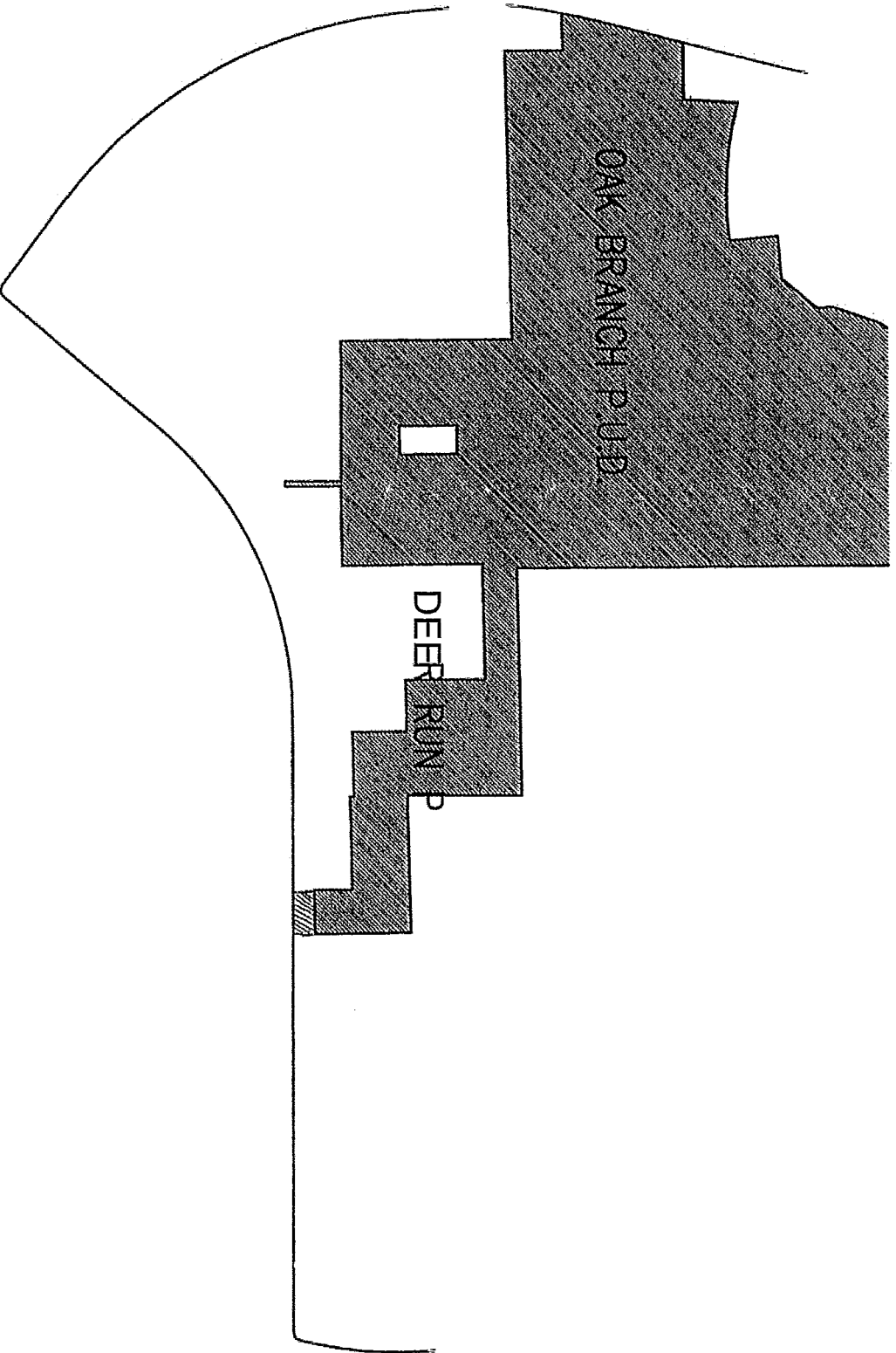
I, the undersigned, duly appointed City Clerk of the City of Bunnell, Florida, hereby certify that the attached is a true and correct copy, as shown in the records of the City on file in the Office of the City Clerk. Witness, my hand and the corporate seal of the City of Bunnell, Florida, this 26<sup>th</sup> day of July 2007.

Ronya D. Johnson, City Clerk:  Seal:

City of Bunnell,

FL

Exhibit "A"



Legal for  
OB INVESTORS

Exhibit "A"

Page 1 of 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 11 AND SECTION 12, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BEING A PORTION OF BLOCK A OF SECTION 11, AND PART OF BLOCK B, SECTION 12, OF THE BUNHELL DEVELOPMENT COMPANY'S SUBDIVISION OF SAID SECTIONS, ACCORDING TO PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF SAID SECTION 11; ALSO BEING A CORNER OF PALM COAST EASTHAMPTON -- SECTION 34, SEMINOLE WOODS, A SUBDIVISION AS RECORDED IN PLAT BOOK 11, PAGES 30 THRU 54 IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID SUBDIVISION BOUNDARY S 00°22'11" E 1304.13'; THENCE N 88°38'25" E 1558.95'; THENCE LEAVING SAID SUBDIVISION BOUNDARY RUN S 01°04'24" E 1100.41' TO THE NORTH RIGHT-OF-WAY LINE OF S.R. 100 (200' R/W), SAID POINT BEING 500.00' EAST OF THAT PROPERTY DESCRIBED IN O.R.728, Pg.812; THENCE S 88°52'09" W ALONG SAID RIGHT-OF-WAY LINE 500.00'; THENCE LEAVING S.R. 100 RUN N 08°29'38" W ALONG THE WEST LINE OF O.R.729, Pg.812 434.28' TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED IN O.R.352, Pg.18; THENCE ALONG SAID PROPERTY LINE THE FOLLOWING CALLS: S 88°46'44" W 1064.84'; THENCE N 00°29'06" W 41.50'; THENCE S 88°56'48" W 737.70'; THENCE N 00°46'27" W 619.68' TO NORTHEAST CORNER OF THAT PROPERTY ESCROED IN O.R.48 Pg.234, ALSO BEING THE SOUTHERLY LINE OF TRACTS 3 AND 4, BLOCK A, BUNHELL DEVELOPMENT COMPANY, AS MONUMENTED AND OCCUPIED THENCE S 88°55'43" W ALONG SAID PROPERTY 582.82'; THENCE N 01°04'21" W 899.92'; THENCE S 88°49'25" W 1317.02'; THENCE N.06°34'19"E 405.28' TO A CORNER OF AFORESAID PALM COAST EASTHAMPTON -- SECTION 34, THENCE N.88°49'01"E ALONG THE SOUTH LINE OF EASTHAMPTON 2597.48' TO THE POINT OF BEGINNING.

CONTINUED ON NEXT PAGE.

LESS AND EXCEPT: PARCELS 127

COMMENCE AT A 5/8" BORN AND WITH CUR SWARTZ TIA BOLT... THE NORTHWEST CORNER OF THE SECTION 12, TOWNSHIP 12 SOUTH RANGE 25 EAST, FLORIDA COUNTY, FLORIDA... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER...

LESS & EXCEPT: WATER RESERVOIR AREA - PARCELS 128  
COMMENCE AT A 5/8" BORN AND WITH CUR SWARTZ TIA BOLT... THE NORTHWEST CORNER OF THE SECTION 12, TOWNSHIP 12 SOUTH RANGE 25 EAST, FLORIDA COUNTY, FLORIDA... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER...

SUBJECT TO: PROPERTY FROM STREETS & UNIMPROVED ROAD VESTMENT  
COMMENCE AT A 5/8" BORN AND WITH CUR SWARTZ TIA BOLT... THE NORTHWEST CORNER OF THE SECTION 12, TOWNSHIP 12 SOUTH RANGE 25 EAST, FLORIDA COUNTY, FLORIDA... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER... THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 212.95 FEET TO A 1/4" CORNER...

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LEGAL DESCRIPTION

Legal for  
CBAI Flagler

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTIONS 2, 3, & 11, TOWNSHIP 12 SOUTH, RANGE 30 EAST FLAGLER COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 3 AS A POINT OF BEGINNING, BEAR S.85°41'43"W ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 2846.56' TO THE SOUTH 1/4 CORNER OF SECTION 3; THENCE CONTINUE ALONG THE SOUTH LINE OF SECTION 3 S.85°43'05"W A DISTANCE OF 682.61'; THENCE LEAVING THE SOUTH LINE OF SECTION 3 N.00°46'24"W A DISTANCE OF 660.30'; THENCE N.89°36'20"E A DISTANCE OF 156.15'; THENCE N.15°18'17"E A DISTANCE OF 361.20'; THENCE N.75°41'43"W A DISTANCE OF 582.00' TO THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY #1 (150' PUBLIC R/W); THENCE ALONG SAID RIGHT-OF-WAY N.15°18'17"E A DISTANCE OF 858.93'; THENCE LEAVING THE RIGHT-OF-WAY S.75°24'35"E A DISTANCE OF 720.00'; THENCE N.02°18'46"W A DISTANCE OF 508.00' NON-TANGENTIALLY TO A POINT ON A CURVE; THENCE ALONG THE CURVE, CONCAVE NORTHEASTERLY, AN ARC LENGTH OF 1591.76', HAVING A DELTA OF 19°49'35", A RADIUS OF 4600.00', A CHORD BEARING OF S.85°35'10"E, AND A CHORD DISTANCE OF 1593.83'; THENCE N.04°37'12"W A DISTANCE OF 530.00'; THENCE N.84°19'26"E A DISTANCE OF 490.00'; THENCE N.40°03'03"E A DISTANCE OF 486.76' TO A POINT OF CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHWESTERLY, AN ARC LENGTH OF 83.06', HAVING A DELTA OF 56°28'50", A RADIUS OF 80.00', A CHORD BEARING OF N.10°18'47"E, AND A CHORD DISTANCE OF 79.37' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHEASTERLY, AN ARC LENGTH OF 163.32', HAVING A DELTA OF 38°59'26", A RADIUS OF 240.00', A CHORD BEARING OF N00°03'36" E, AND A CHORD DISTANCE OF 160.19'; THENCE N18°57'15"E A DISTANCE OF 449.59' TO A POINT OF CURVATURE; THENCE ALONG THE CURVE, CONCAVE SOUTHEASTERLY, AN ARC LENGTH OF 204.88', HAVING A DELTA OF 23°28'38", A RADIUS OF 500.00', A CHORD BEARING OF N.30°41'35"E, AND A CHORD DISTANCE OF 203.45' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHWESTERLY, AN ARC LENGTH OF 285.60', HAVING A DELTA OF 45°45'11", A RADIUS OF 350.00', A CHORD BEARING OF N.19°03'18"E, AND A CHORD DISTANCE OF 277.74' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE SOUTHEASTERLY, AN ARC LENGTH OF 217.23', HAVING A DELTA OF 64°00'14", A RADIUS OF 125.00', A CHORD BEARING OF N.25°40'54"E, AND A CHORD DISTANCE OF 206.88' TO A POINT ON THE SOUTH LINE OF THE LEHIGH PORTLAND CEMENT RAILROAD (100' R/W); THENCE N.89°15'09"E ALONG THE SAID RIGHT-OF-WAY A DISTANCE OF 2474.51' TO THE NORTHWESTERLY CORNER OF EASTHAMPTON-SECTION 34, PALM COAST, AS RECORDED IN MAP BOOK 11, PAGES 30-49, PUBLIC RECORDS OF FLAGLER COUNTY; THENCE LEAVING SAID RIGHT-OF-WAY BEAR S.00°43'39"E ALONG THE SAID WESTERLY BOUNDARY LINE A DISTANCE OF 4718.20' TO THE SOUTH 1/4 OF SECTION 2; THENCE LEAVING SAID BOUNDARY LINE S.06°34'19"W A DISTANCE OF 405.28'; THENCE S.01°07'59"E A DISTANCE OF 1589.39' TO A 4"x4" CONCRETE DEPARTMENT OF TRANSPORTATION MONUMENT; THENCE S.89°13'14"W A DISTANCE OF 600.68' TO AN ESTABLISHED CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE OLD FLAGLER COUNTY JAIL AND THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN BOOK 814, Pg. 1976 OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PROPERTY AND EXTENSION THEREOF S.89°13'50"W 300.00' TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 805, Pg. 527 OFFICIAL RECORDS OF SAID FLAGLER COUNTY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY S.00°28'27"E 633.95' TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S.89°24'19"W ALONG SAID LINE 60.00'; THENCE LEAVING SAID LINE, RUN N.00°29'09"W 634.45'; THENCE N.89°52'23"W 1289.45' TO THE NORTHEAST CORNER OF TRACT 21, BLOCK B, BUNWELL DEVELOPMENT COMPANY; THENCE ALONG THE NORTH LINE OF SAID TRACT 21 S.89°07'13"W 325.24'; THENCE N.00°47'39"W 1853.80' TO THE POINT OF BEGINNING.

Exhibit "A"

LESS AND EXCEPT:

FROM THE SOUTHEAST CORNER OF SAID SECTION 3 AS A POINT OF REFERENCE, BEAR N.86°50'10"E, 300.00'; THENCE S.45°45'48"E, 935.05' TO THE POINT OF BEGINNING; THENCE N.88°55'47"E, 324.21'; THENCE S.00°37'16"E, 653.75'; THENCE S.89°05'35"W, 323.70'; THENCE N.60°38'55"W, 652.84' TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

A PORTION OF LAND LYING IN SECTIONS 2, 3, & 11, TOWNSHIP 12 SOUTH, RANGE 30 EAST FLAGLER COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID SECTION 3 AS A POINT OF BEGINNING, BEAR S.85°41'43"W ALONG THE SOUTH LINE OF SECTION 3 A DISTANCE OF 2546.58' TO THE SOUTH ¼ CORNER OF SECTION 3; THENCE CONTINUE ALONG THE SOUTH LINE OF SECTION 3 S.88°43'05"W A DISTANCE OF 682.61'; THENCE LEAVING THE SOUTH LINE OF SECTION 3 N.00°46'24"W A DISTANCE OF 660.30'; THENCE N.88°36'20"E A DISTANCE OF 156.16'; THENCE N.15°18'17"E A DISTANCE OF 361.20'; THENCE N.74°41'43"W A DISTANCE OF 582.00' TO THE EASTERLY RIGHT-OF-WAY OF US HIGHWAY #1 (100' PUBLIC R/W); THENCE ALONG SAID RIGHT-OF-WAY N.15°18'17"E A DISTANCE OF 888.93'; THENCE LEAVING THE RIGHT-OF-WAY S.75°24'35"E A DISTANCE OF 720.00'; THENCE N.02°18'46"W A DISTANCE OF 508.00' NON-TANGENTIALLY TO A POINT ON A CURVE; THENCE ALONG THE CURVE, CONCAVE NORTHEASTERLY, AN ARC LENGTH OF 1591.76', HAVING A DELTA OF 19°49'35", A RADIUS OF 4600.00', A CHORD BEARING OF S.86°35'10"E, AND A CHORD DISTANCE OF 1583.85'; THENCE N.04°37'15"W A DISTANCE OF 530.00'; THENCE N.84°19'26"E A DISTANCE OF 490.00'; THENCE N.40°03'05"E A DISTANCE OF 486.76' TO A POINT OF CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHWESTERLY, AN ARC LENGTH OF 83.06', HAVING A DELTA OF 56°28'50", A RADIUS OF 80.00', A CHORD BEARING OF N.10°18'47"E, AND A CHORD DISTANCE OF 79.37' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHEASTERLY, AN ARC LENGTH OF 163.32', HAVING A DELTA OF 38°59'26", A RADIUS OF 240.00', A CHORD BEARING OF N00°03'36 "E, AND A CHORD DISTANCE OF 160.19'; THENCE N.18°57'15"E A DISTANCE OF 448.59' TO A POINT OF CURVATURE; THENCE ALONG THE CURVE, CONCAVE SOUTHEASTERLY, AN ARC LENGTH OF 204.88', HAVING A DELTA OF 23°28'39", A RADIUS OF 500.00', A CHORD BEARING OF N.30°41'35"E, AND A CHORD DISTANCE OF 203.45' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE NORTHWESTERLY, AN ARC LENGTH OF 285.60', HAVING A DELTA OF 45°45'11", A RADIUS OF 350.00', A CHORD BEARING OF N.18°03'18"E, AND A CHORD DISTANCE OF 277.74' TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE CURVE, CONCAVE SOUTHEASTERLY, AN ARC LENGTH OF 217.83', HAVING A DELTA OF 84°00'14", A RADIUS OF 125.00', A CHORD BEARING OF N.27°48'54"E, AND A CHORD DISTANCE OF 206.88' TO A POINT ON THE SOUTH LINE OF THE LEHIGH PORTLAND CEMENT RAILROAD (100' R/W); THENCE N.89°15'09"E ALONG THE SAID RIGHT-OF-WAY A DISTANCE OF 2474.51' TO THE NORTHWESTERLY CORNER OF EASTHAMPTON-SECTION 34, PALM COAST, AS RECORDED IN MAP BOOK 11, PAGES 30-48, PUBLIC RECORDS OF FLAGLER COUNTY; THENCE LEAVING FORESAID RIGHT-OF-WAY BEAR S.00°43'39"E ALONG THE SAID WESTERLY BOUNDARY LINE A DISTANCE OF 4718.20' TO THE SOUTH ¼ OF SECTION 2; THENCE LEAVING SAID BOUNDARY LINE S.06°34'19"W A DISTANCE OF 405.28'; THENCE S.01°07'59"E A DISTANCE OF 1589.39' TO A 4"x4" CONCRETE DEPARTMENT OF TRANSPORTATION MONUMENT; THENCE S.89°13'14"W A DISTANCE OF 600.88' TO AN ESTABLISHED CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE OLD FLAGLER COUNTY JAIL AND THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN BOOK 814, Pg. 1976 OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID PROPERTY AND EXTENSION THEREOF S.89°13'50"W 309.00' TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN BOOK 805, Pg. 827 OFFICAL RECORDS OF SAID FLAGLER COUNTY; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID PROPERTY S.00°28'27"E 633.96' TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S.89°24'19"W ALONG SAID LINE 60.00'; THENCE LEAVING SAID LINE, RUN N.00°29'09"W 634.46'; THENCE N.89°52'23"W 1269.45' TO THE NORTHEAST CORNER OF TRACT 21, BLOCK B, BUNNELL DEVELOPMENT COMPANY; THENCE ALONG THE NORTH LINE OF SAID TRACT 21 S.89°07'13"W 325.24'; THENCE N.00°47'59"W 1953.60' TO THE POINT OF BEGINNING.

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EXHIBIT "A"



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