AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, July 18, 2024

Time: 5:30 PM

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call

B. DISCUSSION/ACTION

3. Consideration of Minutes
4. APPLICATION: MDA Amendment/First Amendment to the Riveryard Master Development Agreement (MDA)
   CASE NO.: PRZA-24-0005
   APPLICANT: Bristol Port Orange Partners, LLC
   STAFF CONTACT: Tim Burman, Community Development Director (386) 506-5675/tburman@port-orange.org

   A request by the applicant to approve the First Amendment to the Riveryard Master Development Agreement (MDA) to provide the framework to establish interim uses on the city-owned property in Riverwalk to activate the waterfront until construction of the permanent development project begins.

C. OTHER BUSINESS

5. Commissioner Comments
6. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

NOTICES – PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.

HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 23, 2024

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chair Maria Mills-Benat at 5:30 p.m.

Pledge of Allegiance

Roll Call	Present:	Maria Mill-Benat, Chair Scott Steger Stan Schmidt Mark Bowling Lance Green Thomas Jordan, Vice Chair
	Absent:	Bo Bofamy
	Also Present:	Shannon Balmer, Assistant City Attorney Meghan Meyer, Administrative Assistant

DISCUSSION/ACTION

3. Consideration of Minutes - April 25, 2024

Motion to approve the meeting minutes as presented from April 25, 2024 was made by Vice Chair Thomas Jordan and seconded by Commissioner Stan Schmidt. Motion carried unanimously by voice vote.

4. APPLICATION: MDA Amendment/First Amendment to the Restated Master Development Agreement for the Catfish Commons Planned Commercial Development
CASE NO.: PRZA-24-0004
APPLICANT: Brendan Galbreath
STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to approve the First Amendment to the Restated Master Development Agreement (MDA) for the Catfish Commons Planned Commercial Development (PCD) to allow a multi-tenant freestanding sign with an 84-square-foot sign area at the southeast corner of Ridgewood Avenue and Dunlawton Avenue to identify the Catfish Commons development and the tenants within the development.

Motion to approve Case No. PRZA-24-0004 was made by Vice Chair Thomas Jordan and seconded by Commissioner Scott Steger.

Penelope Cruz, Planning Manager, provided details about the request and answered questions from the Commissioners.

Brendan Galbreath, applicant, spoke about the plans for the Catfish Commons sign and explained the six panels are because they have the ability to advertise other users within the Planned Commercial Development.

Motion carried unanimously by roll call vote.

Chair Maria Mills-Benat stated that Items #5 and #6 will be opened together for discussion but will need separate motions and votes.

5. APPLICATION: Comprehensive Plan Amendment/Small-Scale Future Land Use Map Amendment - 890 Taylor Road
CASE NO.: CPAM-24-0002
APPLICANT: Harry T. Parsons
STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to change the Future Land Use (FLU) map designation for ± 0.7 acres of a ± 1.77-acre property at 890 Taylor Road from *Office/Residential Transition* to *Rural Residential* (0-2 units/acre).

Motion to approve Case No. CPAM-24-0002 was made by Vice Chair Thomas Jordan and seconded by Commissioner Scott Steger.

6. APPLICATION: MDA Amendment/Second Amendment to the Altamira Shopping Village Planned Commercial Development (PCD) and Master Development Agreement (MDA)
CASE NO.: PRZA-24-0003
APPLICANT: Harry T. Parsons
STAFF CONTACT: Tim Burman, Community Development Director

A request by the applicant to approve the Second Amendment to the Altamira Village Shopping Village Master Development Agreement (MDA) to allow the abandoned structure at 890 Taylor Road (Lot 9) to be redeveloped as a single-family residence.

Motion to approve Case No. PRZA-24-0003 was made by Commissioner Stan

Schmidt and seconded by Vice Chair Thomas Jordan.

Tim Burman, Community Development Director, provided details regarding the change to the Future Land Use designation and Master Development Agreement.

Mr. Burman answered questions from the Commissioners regarding the retention pond and conservation, certificate of occupancy, permits, and permitted uses.

Harry Parsons, applicant, answered questions from the Commissioners regarding the timeline of the build and that he intends to live at the residence.

Motion to approve Case No. CPAM-24-0002 carried unanimously by roll call vote.

Motion to approve Case No. PRZA-24-0003 carried unanimously by roll call vote.

OTHER BUSINESS

7. Commissioner Comments

There were none.

8. Staff Comments

There were none.

PUBLIC COMMENTS

There were none.

ADJOURNMENT – 5:56 p.m.

_____
Chair Maria Mills-Benat

STAFF REPORT

1st Amendment to the Riveryard Master Development Agreement
Case No. PRZA-24-0005

REQUEST:	To approve the 1st Amendment to the Riveryard Master Development Agreement (MDA) to provide the framework to establish interim uses on the city-owned property in Riverwalk to activate the waterfront until construction of the permanent development project begins.
LOCATION:	Northeast corner of Dunlawton Avenue and Ridgewood Avenue, the former Dave's Pest Control property, and the former ArtHaus property (Exhibit 1)
APPLICANT:	Bristol Port Orange Partners, LLC
PROPERTY OWNERS:	City of Port Orange and Port Orange Town Center Community Redevelopment Agency
STAFF CONTACT:	Tim Burman, Community Development Director
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	July 18, 2024

INTRODUCTION

In December 2023, the City Council and the Port Orange Town Center Community Redevelopment Agency (POCT CRA) approved the Second Amendment to the Contract for Sale and Purchase between the City, POTC CRA, and Bristol Development Group (Bristol) for the city-owned property in Riverwalk area. The proposed amendment to the Riveryard Master Development Agreement (MDA) provides the framework for interim uses to be developed on the city-owned property (subject property) located in the Riverwalk area to activate the subject property and waterfront until construction of Bristol's permanent development project begins. The areas included in the MDA Amendment include the city-owned property at the northeast corner of Dunlawton Avenue and Ridgewood Avenue, the former Dave's Pest Control property, and the former ArtHaus property (Exhibit 1 – Location Map)

Due to the potential of the subject property, the City and Bristol are exploring ways to make improvements to the subject property, inspired by the success of Boxi Park, A La Cart, Sparkman Wharf, and other similar venues, to create unique food, beverage, entertainment, and recreational experiences and opportunities along the Halifax River until the site and building plans are finalized and construction of Bristol's mixed-use development project begins. If approved, the proposed amendment would allow for interim uses, such as a food truck courts, coffee shop or juice bar, beer garden, farmers' market, rental of canoes, kayaks, paddleboards, etc., and live music to be developed on the subject property.

Figure 1 – Photos of Boxi Park, A La Cart, Sparkman Wharf, and Other Similar Venues

The proposed amendment does **not** change the current framework or timeline for the development of Bristol's mixed-use project that will include a waterfront park (performance pavilion, trails, swings/benches, etc.), riverfront bar/restaurant, ±30,000 square feet of commercial space, hotel (optional), multi-family building wrapped around a parking garage, festival street, public parking, private streets with on-street parking, associated infrastructure (water, sewer, and drainage) improvements, and an overflow temporary grass parking on the former Dave's Pest Control property.

The proposed amendment (Exhibit 2) identifies the type of interim uses that can be developed on the subject property, provides the option for flexibility from the standard site development requirements in the Land Development Code (LDC), and waives fees for

city development review applications, site inspections, building permits, and building inspection fees associated with an approved interim use.

The proposed amendment provides flexibility for standard development requirements in the LDC to be waived or modified, except those related to accessibility, building code, and fire code, to reduce the time to develop the infrastructure to support the interim uses, allow the interim uses to get started without a substantial amount of upfront costs; and minimize improvements that will need to be removed when the permanent site is constructed. The current standard development requirements in the LDC were designed to ensure that individual permanent commercial or multi-family projects located on large lots along major roadways are built to the standards of Port Orange and include large right-of-way buffers, surface parking lots, foundation and parking lot landscaping, building separation/setbacks, limited height, etc... Due to the limited timeframe, the interim uses are anticipated to occupy the subject property and future construction of the permanent mixed-use project; requirements such as landscaping buffers, foundation and parking lot plantings, paving of parking spaces and drive aisle, sidewalks, tree replacement, etc... may be requirements that could be waived or modified.

The proposed amendment identifies the following interim uses that can be developed on the subject property:

1. Rental of nonmotorized water-based activities such as canoe, kayak, windsurfing, paddleboard, etc.
2. Rental of motorized water-based activities such as a boat or jet ski.
3. Farmers' market.
4. Recreational facilities.
5. Food truck court.
6. Retail of craft beverages/products such as coffee, ice cream, baked goods, liquor, wine, and alcohol.
7. Retail sales related to seasonal activities, such as holiday sales (For example - Christmas tree or pumpkin sales); and
8. Other similar uses or events associated with food, arts, culture, exercise, and entertainment.

As required in the proposed amendment, the City Council and the Port Orange Town Center CRA must approve a license agreement to establish the interim uses allowed on the subject property and the general layout of the area to be occupied by the interim uses.

As required in the proposed amendment, a request for a license agreement is required to provide a conceptual plan that shows the general location of existing and new structures, food truck stalls, signage, temporary structures, parking, access, ingress, egress, and interior vehicular and pedestrian circulation, utility services, screening or buffering, seating areas/gathering areas, entertainment areas, trash receptacles and other movable and permanent physical elements, public roadway closures, and any other information determined by the administrative official to be pertinent to the requested interim use.

City staff will initially review the request for a license agreement to establish interim uses on the subject property, including the conceptual plan for the interim uses, for compliance with the LDC and the Riveryard MDA. Once the agreement and conceptual plan are in final form, they will go before the City Council and CRA for approval. If the license agreement is approved by the City Council and CRA, development permits and/or building permits will need to be submitted by the developer of the interim uses, and the permits will be approved by staff before constructing the necessary structures or improvements for the interim uses.

CONSISTENCY WITH COMPREHENSIVE PLAN

The subject property is designated Planned Community-Riverwalk on the City's Future Land Use (FLU) Map. The Planned Community-Riverwalk land use standards and the policies within the Port Orange Town Center (POTC) CRA Plan are to guide the development of a walkable development along the Halifax River that includes commercial, office, residential, civic, and entertainment uses.

The proposed amendment is generally consistent with the intent of the Goals, Objects, and Policies of the Comprehensive Plan and CRA Plan and supports the redevelopment of parcels within an existing built commercial area that is already served by public infrastructure (water, sewer, roads, and schools).

PUBLIC NOTICE

A Public Notice sign was posted on the site on July 2, 2024. As of July 12, 2024, staff has not received any phone calls regarding the proposed MDA Amendment.

RECOMMENDATION

Staff recommends approval of the 1st Amendment to the Riveryard Master Development Agreement (MDA) subject to review and approval by the City Attorney's Office for legal form and content.

ATTACHMENT.

Exhibit 1: Location Map
Exhibit 2: 1st Amendment to the Riveryard Master Development Agreement

Exhibit 1 – Location Map

EXHIBIT 2

Document prepared by:
Mark Watts, Esq.
Cobb Cole
149 S. Ridgewood Ave., Ste. 700
Daytona Beach, FL 32114

Return recorded document to:
City of Port Orange Records Clerk
1000 City Center Circle
Port Orange, FL 32129

FIRST AMENDMENT TO RIVERYARD MASTER DEVELOPMENT AGREEMENT

The **CITY OF PORT ORANGE, FLORIDA**, a Florida municipal corporation, and **PORT ORANGE TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY**, a special purpose district unit of government organized under Chapter 163, Part III, the Law of Florida, both located in Volusia County, Florida, (collectively "City"), and **BRISTOL PORT ORANGE PARTNERS, LLC**, a Florida limited liability company in its capacity as the developer of the Property ("Developer"), hereby agree and covenant, and bind their heirs, successors, and assigns, as follows:

WHEREAS, the City is the owner of the property more particularly described in **Exhibit "A",** attached hereto and made a part here by reference ("City Property"), said property being a portion of the property that is subject to the MDA; and

WHEREAS, the City and Developer previously entered into the Riveryard Master Development Agreement, adopted September 5, 2023, and recorded in Official Records Book 8457, Page 2924, Public Records of Volusia County, Florida (the "MDA"); and

WHEREAS, the Developer is the contract purchaser of the City Property and, as such, requests the City to amend the MDA to allow permitted interim uses and provide development criteria for such uses within the City Property, the only property impacted by this First Amendment to Riveryard Master Development Agreement ("First Amendment"); and

WHEREAS, the City is willing to grant the Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Owners hereby agree to amend the MDA as follows:

1. The recitals provided above are recognized as true and correct representations and are incorporated herein.

2. **Section 5. of the MDA is amended in part to read as follows: [additions shown in UNDERLINE, deletions shown in STRIKETHROUGH]**

5. PERMITTED USES.

(a) All uses permitted within the PC-R Mixed Use district shall be permitted, along with the following additional uses within the Property:

Bike, kayak & other recreational equipment rentals
Banks
Office (permitted on any floor)
Animal grooming or wellness, pet day care (no overnight stays)
Game/recreation facilities
Health/exercise clubs
Brewery
Amphitheater
Multifamily dwellings and Townhomes
Food Truck Court/Parking – allowed in the area designated on the CDP as commercial, private roadway, and waterfront park.

Accessory and temporary uses are permitted within the site that are incidental to the principal uses outlined herein and are part of the scale or scope of everyday operations. Temporary uses, such as social programming, art displays, exercise classes, and similar activities targeted towards activation of the Property shall be permitted without the need for formal Special Event review by the City, so long as the event does not contemplate any of the following: (1) Affects the public roadway network and area(s) beyond the City of Port Orange; (2) Requires one or more public roadway closures; (3) Has hours of operation extending beyond 11:00 p.m.; or (4) Extends for a period over twenty-four hours.

(b) *Interim uses.* Prior to the development of the principal uses and structure on the City Property, the following interim uses to activate the waterfront shall be permitted subject to approval of a license agreement by the City Council. Upon commencement of the development of the principal uses and structure on City Property, so long as safety measures are in place and in accordance with applicable laws, approved interim uses on other portions of City Property may continue on said property not impacted by the commencement of said development. Prior to City Council consideration, application for interim uses on the City Property shall be made in the same form and manner as a license agreement application process in accordance with the Code of Ordinances and the requirements as set forth hereinbelow:

(1) Rental of nonmotorized water-based activities such as paddleboat, canoe, kayak, windsurfing, paddleboard, etc.
(2) Rental of motorized water-based activities such as a boat or jet ski.
(3) Farmers' market.
(4) Recreational facilities.

(5) Food Truck Court: A parcel or parcels of land where two or more mobile food vendors, licensed by the state of Florida, congregate to offer food and beverage for sale to the public, along with seating, yard games, and programmed entertainment.
(6) Retail of craft beverages/products such as coffee, ice cream, baked goods, confectioneries, liquor, wine, and alcohol.
(7) Retail sales related to seasonal activities, such as holiday sales (Example - Christmas tree or pumpkin sales); and
(8) Other similar uses or events associated with food, arts, culture, exercise, and entertainment.

(c) *Development standards for Interim uses.*

(1) The administrative official may waive or modify development requirements in the Land Development Code (LDC) other than those improvements related to accessibility, building code, and fire code based on the extent and timeframe of the proposed interim use, the proposed layout of the interim use, and the condition of the existing site. Requests to waive or modify LDC requirements shall be submitted in writing on forms provided by the City and shall be identified as part of the request for a License Agreement.
(2) No interim uses shall degrade, destroy, or otherwise negatively impact the property such that the cost of redevelopment is increased, or significant natural features are compromised.
(3) Signage for interim uses shall comply with the requirements of the Land Development Code and shall be allowed for the duration of the License Agreement.
(4) Electrical service must be provided on-site for interim uses.
(5) All city development review applications, site inspections, building permits, and building inspection fees for all development-related applications for interim use shall be waived.
(6) Interim uses shall comply with all regulations in the Code of Ordinances, and the Land Development Code unless waived or modified through the approval of a license agreement or the Master Development Agreement or amendment thereto.
(7) As part of the license agreement application, a conceptual plan shall be provided showing the location of existing and new buildings, food truck stalls, signage, temporary structures, parking, access, ingress, egress, and interior vehicular and pedestrian circulation, utility services, screening or buffering, seating areas/gathering areas, entertainment areas, trash receptacles and other movable and permanent physical elements, public roadway closures, and any other information determined by the administrative official to be pertinent to the requested interim use. If an additional interim use is to be added to an approved license agreement, an amendment to said agreement will be required in accordance with the process as set forth herein.

(8) As part of the license agreement application process, the requisite insurance coverage, as determined by the City, shall be required to be provided to the City, with the City named as additional insured. The licensee shall indemnify and hold harmless the City from any claims related to the requested interim use activity.

(9) Before making improvements for an interim use, either a building permit or development permit application shall be reviewed and approved.

(d) Temporary staging and parking shall be permitted as an interim use until the redevelopment of the portion of the property used for such use. This interim use shall be limited to the owner of the property and shall not require a license agreement.

(e) Any interim use contemplated in section (b), hereinabove, that has been established by a license agreement approved by City Council prior to the expiration or termination of the MDA, may continue as a nonconforming use, subject to the term and expiration of the applicable license agreement.

3. This First Amendment shall be effective as of the date it is executed by all parties. The MDA, as previously enacted, shall remain in full force and effect except with the respect to those matters specifically amended by this First Amendment.

4. This First Amendment shall be recorded in the Public Records of Volusia County, Florida, at the Developer's expense. The restrictions on use and development imposed by this First Amendment shall be binding upon all successors in interest in the Property.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties hereto attached their hands and seals on the dates set forth below.

Signed, sealed and delivered in the presence of:

_____
Witness 1

_____
Print Name of Witness 1

_____
Witness 2

_____
Print Name of Witness 2

THE CITY OF PORT ORANGE, FLORIDA, a Florida municipal corporation

By: _____
Donald O. Burnette, Mayor

Attest:

By: _____
Robin L. Fenwick, MMC, City Clerk

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024 by Donald O. Burnette, Mayor, and Robin L. Fenwick, City Clerk, both of The City of Port Orange, Florida, a chartered municipal corporation, on behalf of the City. They are personally known to me and did not take an oath.

_____
Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

Port Orange Town Center Community Redevelopment Agency ("CRA")

_____
Witness 1

_____
Print Name of Witness 1

By: _____
Name:

_____
Witness 2

Date: _____

_____
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by _____ of _____. He or she is [_] personally known to me or [_] produced as identification and did not take an oath.

_____
Notary Public
Commission No. _____

Signed, sealed and delivered in the presence of:

Bristol Port Orange Partners, LLC ("Developer")

_____
Witness 1

_____
Print Name of Witness 1

By: _____
Name:

Date: _____

_____
Witness 2

_____
Print Name of Witness 2

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2024, by _____ of Bristol Port Orange Partners, LLC, referred to in this agreement as "Developer." He or she is [_] personally known to me or [_] produced as identification and did not take an oath.

_____
Notary Public
Commission No. _____

Approved as to legal form:

By: _____
Shannon K. Balmer, Assistant City Attorney

EXHIBIT “A”

DESCRIPTION:

LOTS 1 THRU 9, EXCEPTING THE STREETS (HALIFAX DRIVE AND HERBERT STREET), AND INCLUDING RIPARIAN RIGHTS, BLOCK B, WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA LYING IN SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST.

LESS AND EXCEPT

THE SOUTHERLY 60 FEET OF THE WESTERLY 140 FEET OF LOT 7, BLOCK B, WILSON'S PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS THAT PORTION DEEDED FOR STREET, AND THE WEST 140 FEET OF THE NORTH 15 FEET OF LOT 7 AND THE WEST 140 FEET OF LOT 8, ALL IN BLOCK B, WILSON'S SUBDIVISION OF PORT ORANGE, AS PER MAP IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION THEREOF DEEDED TO THE STATE OF FLORIDA FOR WIDENING OF THE PUBLIC HIGHWAY LOCATED THEREON.

LESS AND EXCEPT

THE WEST 190 FEET OF LOT 6, BLOCK B, WILSON'S PORT ORANGE, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPT THAT PORTION THEREOF DEEDED TO THE STATE OF FLORIDA FOR HIGHWAY PURPOSES IN DEED BOOK 218, PAGE 158, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LESS AND EXCEPT

AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HERBERT ST (A 40 FOOT RIGHT-OF-WAY AS OCCUPIED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (A 100 FOOT RIGHT-OF-WAY AS OCCUPIED); THENCE S25°16'00"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE A DISTANCE OF 380 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N65°00'00"E ALONG THE NORTH LINE OF LOT FOUR (4) OF BLOCK "B" WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE

154, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA, A DISTANCE OF 123 FEET TO A POINT; THENCE S25°16'00"E A DISTANCE OF 33.60 FEET TO A POINT; THENCE S65°00'00"W AND PARALLEL WITH SAID NORTH LINE OF SAID LOT FOUR (4) A DISTANCE OF 123 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF SAID RIDGEWOOD AVENUE, THENCE N25°16'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE A DISTANCE OF 33.60 FEET TO THE POINT OF BEGINNING, RESERVING A ROAD EASEMENT OVER THE SOUTHERLY 5 FEET THEREOF AND GRANTING A ROAD EASEMENT OVER THE NORTHERLY 5 FEET OF THE WESTERLY 130 FEET OF THE LOT, TRACT AND PARCEL OF LANE IMMEDIATELY NEXT ADJOINING THE SAID EASEMENT HEREIN RESERVED.

LESS AND EXCEPT

A PORTION OF LOT 4, BLOCK "B" WILSON'S PORT ORANGE, ACCORDING TO THE MAP THEREOF RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HERBERT ST (A 40 FOOT RIGHT-OF-WAY AS OCCUPIED) WITH THE EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (A 100 FOOT RIGHT-OF-WAY AS OCCUPIED); THENCE S25°16'00"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE A DISTANCE OF 413.60 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE N65°0'00"E AND PARALLEL WITH THE NORTH LINE OF LOT FOUR (4) OF BLOCK "B" WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA, A DISTANCE OF 123 FEET TO A POINT; THENCE S70°34'27"E A DISTANCE OF 24.81 FEET TO A POINT; THENCE N65°00'00"E AND PARALLEL WITH SAID NORTH LINE OF LOT FOUR (4), BLOCK "B" WILSON'S PORT ORANGE A DISTANCE OF 93.63 FEET TO A POINT; THENCE S24°42'32"E A DISTANCE OF 23.90 FEET TO A POINT IN THE SOUTH LINE OF SAID LOT FOUR (4), LOCK "B" WILSON'S PORT ORANGE; THENCE S65°00'00"W ALONG THE SOUTH LINE OF SAID LOT FOUR (4), BLOCK "B" WILSON'S PORT ORANGE, A DISTANCE OF 234.14 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF SAID RIDGEWOOD AVENUE; THENCE N25°16'00"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE A DISTANCE OF 41.40 FEET TO THE POINT OF BEGINNING, RESERVING A ROAD EASEMENT OVER THE NORTHERLY 5 FEET OF THE WESTERLY 130 FEET THEREOF.

LESS AND EXCEPT

AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HERBERT ST (A 40 FOOT RIGHT-OF-WAY AS OCCUPIED) WITH THE

EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (A 100 FOOT RIGHT-OF-WAY AS OCCUPIED); THENCE S25°16'00"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE A DISTANCE OF 380 FEET TO A POINT IN THE NORTH LINE OF LOT FOUR (4), BLOCK "B" WILSON'S PORT ORANGE, AS RECORDED IN MAP BOOK 1, PAGE 154, PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA; THENCE N65°00'00"E ALONG THE NORTH LINE OF LOT FOUR (4) OF BLOCK "B" WILSON'S PORT ORANGE, A DISTANCE OF 123 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE N65°00'00"E ALONG SAID NORTH LINE OF LOT FOUR (4), BLOCK "B" WILSON'S PORT ORANGE A DISTANCE OF 111.87 FEET TO A POINT; THENCE S24°42'32"E A DISTANCE OF 51.10 FEET TO A POINT; THENCE S65°00'00"W AND PARALLEL WITH SAID NORTH LINE OF LOT FOUR (4) OF BLOCK "B" WILSON'S PORT ORANGE, A DISTANCE OF 93.63 FEET TO A POINT; THENCE N70°34'27"W A DISTANCE OF 24.81 FEET TO A POINT; THENCE N25°16'00"W AND PARALLEL WITH SAID RIDGEWOOD AVENUE RIGHT-OF-WAY A DISTANCE OF 33.60 FEET TO THE POINT OF BEGINNING.
CONTAINING 286072 SQUARE FEET OR 6.567 ACRES MORE OR LESS WEST OF HALIFAX DRIVE AND 44980 SQUARE FEET OR 1.033 ACRES EAST OF HALIFAX DRIVE.

TOGETHER WITH

LOTS 2 THRU 4, INCLUSIVE, EXCEPTING THE STREETS (HALIFAX DRIVE AND HERBERT STREET), AND INCLUDING RIPARIAN RIGHTS, DANIELS PORT ORANGE, AS RECORDED IN MAP BOOK 3, PAGE 29, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
CONTAINING 37186 SQUARE FEET OR 0.854 ACRES MORE OR LESS.

TOGETHER WITH

THE EAST 55 FEET OF THE WEST 155 FEET OF THE SOUTHERLY 100 FEET, EXCLUDING PART IN STREET, BLOCK "C" WILSON'S PORT ORANGE, ACCORDING TO THE PLAT OR MAP THEREOF AS RECORDED IN MAP BOOK 1, PAGE 154, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
CONTAINING 5527 SQUARE FEET OR 0.127 ACRES MORE OR LESS.

TOGETHER WITH

PARCEL 1

LOTS 5 AND 6, EXCEPT THE EAST 216 FEET AND EXCEPT THE STREET (US HIGHWAY #1), BLOCK 2, PORT ORANGE HAND TRACT, THE SAID EAST 216 FEET BEING MEASURED ON THE NORTH LINE OF LOT 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 2, PAGE 185, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
CONTAINING 24051 SQUARE FEET OR 0.552 ACRES MORE OR LESS.

PARCEL 2

REFER TO A POINT IN THE ORIGINAL EAST LINE OF RIDGEWOOD AVENUE, (US HIGHWAY #1, STATE ROAD NO. 5, A 66 FOOT RIGHT-OF-WAY), SAID POINT BEING THE INTERSECTION OF THE NORTH LINE OF U.S. GOVERNMENT LOT TWO (2), OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, ALSO BEING THE NORTH LINE OF LOT ONE (1), MRS DANIEL'S ADDITION TO PORT ORANGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 3, PAGE 29, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, WITH SAID ORIGINAL EAST RIGHT-OF-WAY; THENCE N89°14'45"E, FOR A DISTANCE OF 3.83 FEET TO THE POINT OF BEGINNING; SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY # 1 (STATE ROAD 5), NOW A 100 FOOT RIGHT-OF-WAY; THENCE S24°15'30"E ALONG THE EAST RIGHT-OF-WAY LINE NOW IN USE FOR A DISTANCE OF 150.42 FEET; THENCE DEPARTING AFORESAID RIGHT-OF-WAY N77°17'08"E, FOR A DISTANCE OF 338.08 FEET; THENCE N25°55'41"W FOR A DISTANCE OF 75.00 FEET TO THE NORTH LINE OF SAID U.S. GOVERNMENT LOT 2; THENCE S89°14'45"W ALONG SAID SOUTH LINE FOR A DISTANCE OF 358.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 36666 SQUARE FEET OR 0.842 ACRES MORE OR LESS.

TOGETHER WITH

LOTS 1 & 2 & N 21.25 FT OF E 136.8 FT OF LOT 3 BLK F EXC R/W WILSONS PORT ORANGE.