Inst No:[illegible]09297 Date:07/18/1995
SYD CROSBY, FLAGLER County
By: [illegible] D.C. Time:09:33

RESOLUTION NO. 95-50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ADOPTING AMENDMENTS TO RESOLUTION NO. 84-7, THE DEVELOPMENT ORDER FOR THE HAMMOCK DUNES DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, on March 30, 1984, the Flagler County Board of County Commissioners ("Board") adopted Resolution No. 84-7, a development order issued under Florida Chapter 380 for a Development of Regional Impact ("DRI") known as Hammock Dunes; and,

WHEREAS, on March 23, 1995, the Admiral Corporation, hereinafter referred to as the Applicant, proposed changes to the 1984 DRI Development Order by filing a Notification of a Proposed Change to a Previously Approved DRI ("Notification") with Flagler County, the Northeast Regional Planning Council, and the Department of Community Affairs in accordance with Section 380.06(19)(f), F.S. (1993); and,

WHEREAS, the Applicant also proposed revisions to the proposed changes to the 1984 DRI Development Order after the filing of the original Notification; and,

WHEREAS, the Flagler County Board of County Commissioners is the local governing body having jurisdiction over the review and approval of the Hammock Dunes DRI in accordance with Section 380.06, F.S. (1993); and,

WHEREAS, on May 20, 1995, a public hearing was advertised for June 5, 1995, pursuant to F.S.380.06(19)(f)(3); and,

WHEREAS, the notice and public hearing were challenged and questioned as not complying with Florida law and the Board heard argument from the proponents and opponents of the issue of timely and adequate notice; and,

WHEREAS, the Board determined, after considering all of the arguments, that the public notice and hearing provisions of F.S. 380.06(19)(f)(3) is exclusively applied and that F.S.125.66(6) and F.S. Chapter 163 are not applicable; and,

WHEREAS, on June 5, 1995, Flagler County held the public hearing on the Notification as amended and conducted a quasi-judicial proceeding because of the Chapter 380 substantial deviation standard and multiple issues that the Board had to adjudicate; and,

WHEREAS, members of the public who were in attendance were afforded an opportunity to participate in the public hearing and the applicants and members of the public who were in attendance were afforded the opportunity to present evidence and argument on issues and to submit rebuttal evidence; and,

WHEREAS, the Board determined, by clear and convincing evidence, that the changes to the DRI proposed by the Applicant are not cumulatively a substantial deviation within the intent and meaning of F.S. 380.06(19); and,

WHEREAS, evidence and information presented at the hearing clarified the numerous proposed changes; and,

WHEREAS, the Board determined to approve the changes subject to certain conditions and clarifications set forth

herein; and,

WHEREAS, there was competent substantial evidence presented that the present DRI, before adopting the proposed changes, does not meet or exceed any of the substantial deviation criteria contained in Section 380.06(19), F.S. (1993).

NOW, THEREFORE, BE IT RESOLVED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA:

Section 1. The changes proposed by the Applicant in its March 23, 1995, Notification and the subsequent revisions do not constitute a substantial deviation pursuant to Section 380.06(19), F.S. (1993).

Section 2. The changes as set out herein are approved subject to certain conditions and clarifications as follows:

a. The realignment of the internal spine road within the conservation area shall be field located by the Applicant and the location and design approved by the County Engineer so as to minimize damage to plant and animal habitat located within the conservation area. The realignment shall generally follow the map submitted by the Applicant, attached hereto as Exhibit 1, that depicts the location of the road. The conservation area shown on Exhibit 1, in green, shall not be developed and shall remain as a preserved open space serving as a refuge for plant and animal species indigenous to the Hammock area. The Applicant may construct a maximum of eight

unlighted clay tennis courts in the disturbed right-of-way in a way that will have the least negative environmental impact. The location is reflected on Exhibit 1.

The road shall be limited to four lanes of traffic. It shall be designed in such a way that it will maximize the preservation of plants and animals indigenous to the Hammock area. The design of all utility lines shall be approved by the County Engineer and shall be located within the right-of-way (maximum width of 115 feet) in order to preserve the plant and animal habitat of the conservation area and avoid any additional clearing.

b. The internal spine road shall cross Jungle Hut Road and 16th Road by fly over bridges that do not permit vehicle access to Jungle Hut Road or 16th Road. In order to comply with the requirements of 11.6 of the Development Order, the Applicant shall provide necessary design and construction to retain fill outside the 150 foot buffer and vegetation screen.

c. Before any part of the DRI may be directly or indirectly sold or transferred by the Applicant to another buyer who would be assuming the role of developer, the Board shall have the right to review and approve such developer as a successor in interest to a proportionate share of the DRI duties, obligations and conditions. A sale, as used herein,

shall include, but not be limited to, a transfer or sale of land or development rights, a sale transfer or exchange of a majority interest in the stock of the Applicant, a stock merger between the Applicant and other corporations or any change to the ownership relationship which ITT Community Development Corporation has to the Admiral Corporation from the date of adoption of the Resolution. This provision for successor approval, however, is not applicable if ITT Community Development Corporation guarantees all applicable DRI requirements, obligations and conditions. The form of the guarantee must be acceptable to and be approved by the Board.

Section 3. Resolution No. 84-7 shall be amended as follows:

AMENDMENTS TO FLAGLER COUNTY RESOLUTION NO. 84-7

Amend the third "Whereas" clause located on page 1 as follows:

WHEREAS, Hammock Dunes as proposed in the ADA is a planned community located on approximately 2,244.91 acres in the unincorporated area of Flagler County, consisting of 4,400 residential units and related commercial, institutional, recreational and other uses;

Amend Findings of Fact, Paragraph 1 on page 2 as follows:

1. The legal description of the property comprising the proposed Hammock Dunes DRI is attached hereto as Exhibit

2, and is incorporated herein by reference.

Amend Conclusion of Law, Paragraph 7 on pages 3-4 as follows:

7. This resolution constitutes an amendment to a development order adopted March 30, 1984, pursuant to Section 380.06, Florida Statutes, for the Hammock Dunes DRI. The ADA and supplemental information filed by the Applicant are incorporated herein by reference. The proposed development shall be carried out substantially in conformance with the ADA, the sufficiency comments and agency submittals by the Applicant, the development order dated March 30, 1984, the revised maps dated January 14, 1984, and filed as Exhibits 9-12 at the January 16, 1984, hearing, except as amended herein and by the Master Development Plan including Residential Clusters, attached hereto as Exhibits 3A and 3B and incorporated by reference. The ADA is amended by any inconsistent terms of this resolution and the attachments incorporated by reference.

Within two (2) weeks of execution of Resolution No. 95-50 the Applicant shall furnish to the County a 1" = 500 feet scale color copy of Exhibits 3A and 4, the Master Development Plan and the Staging Plan.

Amendments to ATTACHMENT A, GENERAL AND SPECIAL CONDITIONS OF DEVELOPMENT

Amend Condition 3.3b., Economy and Infrastructure, on page A-8 as follows:

It shall be the Applicant's own financial responsibility to

construct, or cause to be constructed through a governmental entity, acceptable to the County, the following capital facilities to serve the dwelling units as they are constructed:

- internal potable water distribution and fire hydrant system.
- wastewater collection, treatment, and disposal system.

In the event the Applicant constructs the capital facilities in paragraph 3.3b, the Applicant may recover its capital costs through user contributions in aid of construction and/or user rates. If, after construction of the capital facilities listed in this subsection, there is created an appropriate governmental entity approved by the Flagler County Commission for the maintenance and operation of these facilities, the Applicant shall transfer its ownership, operations, and maintenance responsibilities to that entity. The selling price would be the original cost of the system less net contributions-in-aid-of-construction (CIAC) (after accumulated amortization), less accumulated depreciation, less debt which is assumed by the purchaser.

Amend Condition 4.2c., Road Improvements, on page A-13 as follows:

Upon determination by the Florida Department of Transportation that improvements are warranted on SR A1A, the Applicant shall be required to pay its proportionate share of the road improvement costs. The Florida Department of Transportation will review the annual traffic reports prior

to making its determination. The Applicant shall escrow its share of the road improvement costs with the appropriate agency within one (1) year of receipt of any such determination in writing. The Applicant's proportionate share (as determined by Florida Department of Transportation) shall be based on the percentage of Hammock Dunes' generated traffic using SR A1A. Flagler County will not pay any portion of these improvement costs.

Amend Condition 4.3, Road Improvements, on pages A-13 to A-14 as follows:

Upon determination by Flagler County that improvements are warranted on Malacompra Road from A1A to its eastern terminus at the park entrance, the Applicant shall be required to pay its proportionate share of the road improvement costs. The County will review the annual traffic reports prior to making its determination. The Applicant shall escrow its share of the road improvement costs with the appropriate agency within one (1) year of receipt of any such determination in writing. The Applicant's proportionate share shall be based on the percentage of Hammock Dunes' generated traffic using Malacompra Road as determined by the County.

Amend Condition 4.8, Internal Road Systems, on page A-16 as follows:

The Applicant shall construct all internal roadway improvements concurrently with development of dwelling units. These roads may be privately owned and, if so, shall be maintained at no expense to the County.

The Destination Core Resort and the private internal roadway planned for construction to connect Harbor Village with the Destination Core Resort has been deleted.

Amend Condition 5.4, Marina, on page A-18 as follows:

Final marina development site plans shall be submitted to the RPC concurrently with the submission of the site plans to the County. The RPC will review the plans for conformance with the intentions and commitments presented in the ADA and Sufficiency Response.

Amend Condition 6.5, Erosion Control, on page A-20 as follows:

The Applicant shall submit to DEP, St. Johns River Water Management District ("District"), the RPC, and the County Engineer, an erosion control plan. Separate plans shall be submitted before any construction for the area of the DRI South of Jungle Hut Road; the area between Jungle Hut Road and 16th Road; and the area north of 16th Road. No land shall be left ungraded without groundcover for more than 30 days, except that which is necessary for construction of the water management system, golf courses, and roadways. The erosion control plan shall address the steps to mitigate erosion for the construction of the water management system, golf courses and roadways in sufficient detail to justify the exclusion of these from this condition.

Amend Condition 9.1, Vegetation on page A-25 as follows:

The Applicant shall prepare and submit to the Game and Fresh Water Fish Commission for review and recommendations a plan

to relocate any rare or endangered plant species or plant species of special concern found in areas to be developed, to be implemented prior to development of any affected area. Development of the internal spine road as relocated south of Jungle Hut Road and depicted on Exhibit 1 shall be the only development encroachment allowed in that Open Space/Conservation area colored green on Exhibit 1. The Applicant may construct a maximum of eight unlighted clay tennis courts in the disturbed right-of-way in a way that will have the least negative environmental impact. The location is reflected on Exhibit 1. The Open Space/Conservation area located east of the re-aligned roadway right-of-way and west of the eastern right-of-way of the abandoned spine road shall be used as a natural buffer for existing homes in Granada Estates and as a permanent plant and animal habitat. All disturbed areas within the open space/conservation area shall be replanted and maintained with native oak trees and natural vegetation, except for those areas upon which the relocated road and tennis courts are located. The Applicant shall submit a revegetation plan to the County Engineer for approval prior to initiating any activities on the re-aligned spine road. During the clearing for the re-aligned roadway, the Applicant shall relocate oak species and natural vegetation, when possible, to the abandoned road right-of-way.

Amend Condition 9.2.a., Vegetation on page A-25 as follows:

9.2.a. The development in the Hammock area (hardwood forest

area adjacent to SR A1A) located between 16th Road and Malacompra Road shall be in compliance with and consistent with the provisions of Public Hearing Exhibit 7, which is a report entitled "Development Suitability Analysis of the Hammock Forest, 16th Road to Malacompra Road", revised January 14, 1984, and as amended March 30, 1984.

If development is ever permitted within the parcel designated as number 36 on Exhibits 3A and 4 a continuous naturally-vegetated undisturbed buffer area must be preserved in its natural state. This preserved buffer area shall be a minimum of one hundred feet wide and be located between the Florida Department of Transportation right-of-way and any development.

During the construction within the area described in the Analysis, the Applicant shall pay the County for daily on-site inspections as required by the staff of the County Engineer's office to guarantee its' compliance with this provision and to maximize the tree protection required by Section 9.3.

Amend Condition 9.4, Wildlife, on page A-26 as follows:

Prior to initial development of any affected area, the Applicant shall relocate any existing Gopher Tortoises and Eastern Indigo Snakes from areas to be developed to suitable habitats as defined by the Game and Fresh Water Fish Commission. Prior to excavation or development of the

internal spine road as relocated south of Jungle Hut Road and depicted on Exhibit 1, the Applicant shall conduct listed wildlife species surveys consistent with Game and Fresh Water Fish Commission guidelines and shall comply with the requirements of Rule 39-27.002, Florida Administrative Code, or its successor, for any impacts to listed wildlife or plant species found within areas to be developed for the road. A copy of the survey shall be filed with the County Engineer before excavation or clearing for the road.

Amend Condition 12.3, Public Safety, on page A-31 as follows:

The Applicant shall construct, or cause to be constructed, a public safety complex consisting of a two-bay facility of approximately 5,000 square feet within the convenience/commercial site located at the easterly end of the Intracoastal Waterway bridge. The facility shall be constructed before 750 dwelling units are built on site.

Amend Condition 13.2, Energy, on page A-32 as follows:

The Applicant shall construct or cause to be constructed the bike path as shown on the Bikeway and Pedestrian System Plan (bike map, ADA, p. 31.11), residents' path, and residents' trail as depicted on such map. The bike and residents' paths shall link residential areas to the commercial and recreational areas and school if located on the Hammock Dunes property. The paths shall be constructed prior to or concurrently with the road and other infrastructure development.

Amend Condition 14.1.f. and 14.1.b., Recreation and Open Space, on pages A-33 and A-35 as follows:

The Applicant shall convey to Flagler County sites, for parks, as follows:

- 6 acres south of the ICWW Bridge on the Intracoastal Waterway;
- 10 acres near Princess Place Preserve;
- 10 acres near River Club; and
- 1.741 acres on the ocean and contiguous to the existing ocean front Varn Park with approximately 150 feet of frontage on the Ocean and rectangular in shape.

The Applicant gave $66,914.99 in lieu of conveying a two-bay boat ramp, as reported in the 1988 Annual Report.

Amend Condition 15.0 Residential Recreation on Page A-37 as follows:

In conformity with Exhibit 3A, the Master Development Plan, the Applicant shall reserve two acres for Hammock Dunes resident recreational purposes in each of the following eight communities in Hammock Dunes: Ocean Estates, Racquet Club, Ocean Recreation, Resort Community, formerly known as Destination Resort, Varn Lake, Island Estates, formerly known as Fish Island, Fairways Community and Harbor Village and the Ocean

Recreation Hotel if it becomes a condominium.

Amend Condition 16.1 Ocean Estates Community and Johnson Beach Subdivision, on Pages A-37 to A-37a as follows:

Because of the County's concern that during the later phases

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of this development there be adequate public beach park and/or governmental facilities in the beachfront area the remaining portions of the Johnson Beach acres shall not be sold or conveyed by the Applicant until the Applicant and County have conducted a joint study of the need for additional park or governmental facilities in the beachfront area. This study shall be completed before January 1, 1998. If the study shows that all or a part of the remaining Johnson Beach acreage is or will be needed for park or governmental purposes, the Applicant shall convey the needed property it now owns in the Johnson Beach area as shown on the Johnson Beach Site Study Map to the County for such purposes within sixty (60) days of such post-study determination of public need.

Amend Condition 16.2, Moderate Priced Housing, on page A-37a as follows:

The Applicant will construct or provide for the construction of 120 moderately priced ($40,000 in 1983 dollars) dwelling units (75 dwelling units to be constructed by 1998 and 45 dwelling units by 2004) as designated on the Master Development Plan Map, or within a seven-mile radius of the Hammock Dunes DRI boundary, in a range of sizes which reflect typical employee housing.

Amend Condition 17.1, Construction Sequencing, on pages A-38 to A-39 as follows:

The Applicant shall continue to perform site development work so as to minimize the impact of such work on existing housing

and facilities. The Applicant shall continue to perform its' required infrastructure construction and site clearing in a contiguous manner wherever possible so that site construction will not be required in areas where there are existing houses and facilities. The sequence of development of Hammock Dunes has been and will continue to be documented and monitored throughout the County approval process and in the annual reports. The County Site Plan Review and Approval process and the plat approval mechanism are very important controls that are in place. Hammock Dunes was planned and is being developed within the framework of the Palm Coast Comprehensive Land Use Plan (CLUP), providing a larger context for growth projections, resource management, impact mitigation, and public facility improvements.

The following criteria, as depicted on Exhibit 4, Development Staging Plan, shall govern the sequencing of construction within the DRI:

a. At the time 50% of the infrastructure needed to serve DRI development located south of Jungle Hut Road is completed and inspected by the County or is bonded for completion, then construction of infrastructure and dwelling units located in the DRI between 16th Road and Jungle Hut Road may begin, subject to compliance with the County's PUD regulations and approval.

b. At the time the internal collector road from Jungle Hut Road to 16th Road depicted on the Master Development Plan (attached hereto as Exhibit 3A) is under construction,

then construction of infrastructure and dwelling units located in the DRI north of 16th Road may begin, subject to compliance with the County's PUD regulations and approval.

Amend Condition 17.5a.,b. and c. Dwelling unit Density, Residential Clusters, and Allowable Building Height on pages A-41 to A-42 as follows:

a. Density

The Hammock Dunes Master Development Plan Map attached hereto as Exhibits 3A and 3B and incorporated by reference identified 888 acres for residential development out of 2,244.91 acres. Regardless of future density changes in the Flagler County Comprehensive Land Use Plan and other County regulations, this order limits the Applicant to a total of 4,400 dwelling units, which is the equivalent of 4.95 dwelling units per acre on the designated 888 residential acres and is consistent with the Comprehensive Land Use Plan.

b. Residential Clusters

The maximum number of dwelling units allowed for this project are those set forth in Exhibit 3B. Residential Clusters are identified in the Master Development Plan attached hereto as Exhibits 3A and 3B and incorporated by reference. Site development plans, cluster diagrams, and any plats submitted for approval by the County shall comply with Exhibits 3A and 3B. Individual clusters may vary 15% plus or minus from the cluster data identified in Exhibit 3B, so long as the density category for any individual cluster is not

changed. In the event of a variance, other clusters may be adjusted so that the overall number of dwelling units is not greater than 4,400 units. At the time of each site development plan and cluster diagram review, the Applicant shall also submit, if appropriate, a revised Exhibit 3B which reflects the data redistribution and clearly indicates those residential clusters affected.

c. Allowable Building Height

Within each cluster density category, there is a maximum allowable building height. Dwelling unit density and heights which are granted to the Applicant are regulated by the information below and Exhibits 3A and 3B. (Residential Clusters).

Allowable Building Height

Cluster Data Density Category	Maximum Building Height in Stories
Low (L)	3
Low-Medium (L-M)	7
Medium-High (M-H)	12 *

*Building height includes residential and garage floors.

Amend Condition 17.6b., PUD/Site Plans, on Pages A-47 to A-48 as follows:

A site development plan which complies with this development order shall be submitted to the Flagler County Commission for approval prior to the start of construction. If a site development plan is submitted for only a portion of the cluster, a cluster diagram must be included along with the site development plan.

A development schedule will become a requirement of the PUD Site Development Plan review process and may be amended as each site plan or subdivision is developed. Individual subdivision plats and site plans must conform to the requirements of the development schedule. The development schedule must include pertinent individual cluster data to determine compliance with the Master Development Plan for Hammock Dunes, Exhibit 3A and Residential Cluster Data, Exhibit 3B.

Amend Condition 17.6c(2)(a)., Residential Cluster Diagrams, on page A-50 as follows:

(2) A cluster diagram is required along with a site development plan for residential development which does not encompass an entire residential cluster. The cluster diagram shall contain the following information:

(a) the boundary and number of the cluster identified on Exhibits 3A and 3B.

Section 4. Those provisions of the 1984 Development Order, as amended, which are not further amended by this Resolution shall remain in full force and effect. The DRI buildout date remains December 31, 2004; as a result of these amendments, the internal phasing dates for Phases II and III approved in 1984 are deleted.

Section 5. The changes approved herein conform to the County's Comprehensive Plan.

Section 6. A copy of this entire Resolution, including

all exhibits and attachments, shall be furnished by certified mail, return receipt requested, to the Applicant, the Florida Department of Community Affairs, and the Northeast Regional Planning Council within 10 days of its execution.

Section 7. The Applicant will work with the Dunes Community Development District and the County to explore the feasibility of using any excess sewage treatment capacity for residents of the Hammock area living between the south boundary of Hammock Dunes and Matanzas Shore DRI's.

Section 8. The Applicant shall record a notice of this Resolution pursuant to Section 380.06(15), F.S. (1993).

Section 9. The Applicant shall, upon receipt of request for payment, immediately pay to the County all of the County's expenses and costs incurred through the date of the execution of the Resolution necessitated by the proposed amendment.

Section 10. This Resolution shall take effect upon execution by the Chairman of the Board of County Commissioners.

Executed this 17 day of July , 1995.

FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONES

7/17/95

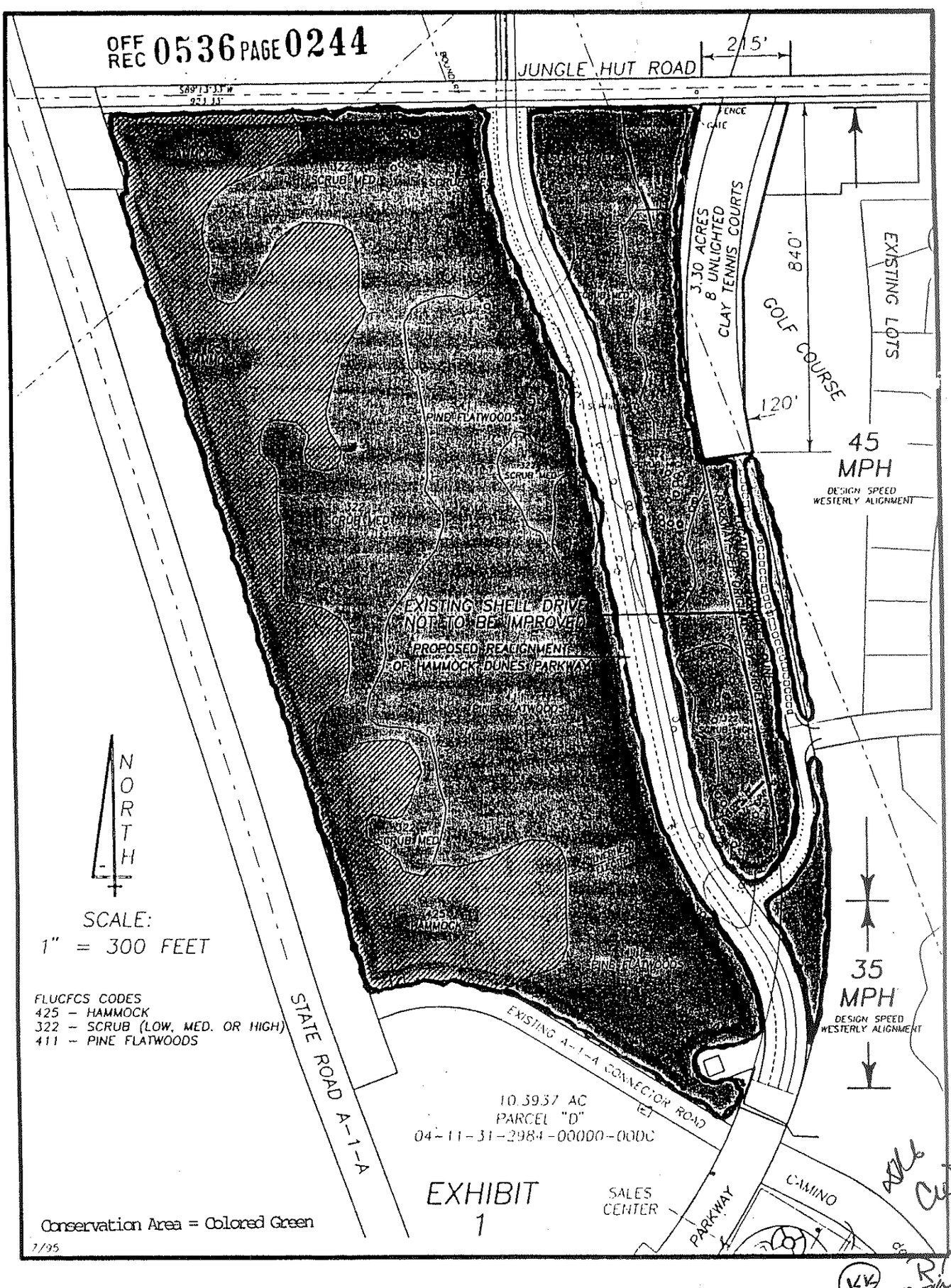
James A. Darby, Chairman

ATTEST:

Syd Crosby, Clerk and
Ex Officio Clerk
to the Board

Approved by the Flagler
County Board of
County Commissioners
July 5, 1995

OFF REC 0536 PAGE 0244



5. ATTACH A LEGAL DESCRIPTION OF THE DEVELOPMENT SITE. INCLUDE SECTION, TOWNSHIP AND RANGE.

EXHIBIT 2

LEGAL DESCRIPTION: HAMMOCK DUNES SITE (KEITH & SCHNARS SURVEY) (CONTINUOUS)

DATE: SEPTEMBER 22, 1982

OFF REC 0536 PAGE 0245

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 20, 21, 28, 29, 33 AND 40, TOWNSHIP 10 SOUTH, RANGE 31 EAST AND GOVERNMENT SECTIONS 3, 4, 9, 10, 15, 22, 23, 37 AND 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST OF THE INTRACOASTAL WATERWAY (500' R/W), FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING BEING THE INTERSECTION OF THE WESTERLY BOUNDARY LINE OF GOVERNMENT SECTION 10, TOWNSHIP 11 SOUTH, RANGE 31 EAST, WITH THE NORTHERLY RIGHT-OF-WAY OF A-1-A (100' R/W); THENCE SOUTH 89° 35' 06" WEST 354.27 FEET ALONG SAID RIGHT-OF-WAY TO A POINT OF CURVATURE; THENCE NORTHWESTERLY 2266.81 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1960.08 FEET AND A CENTRAL ANGLE OF 69° 49' 27" TO A POINT OF TANGENCY; THENCE NORTH 20° 35' 27" WEST 2955.90 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 69° 24' 33" WEST 100.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF A-1-A; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY SOUTH 69° 17' 51" WEST 928.90 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY (500' R/W); THENCE NORTH 20° 50' 24" WEST ALONG SAID RIGHT-OF-WAY 2677.38 FEET; THENCE NORTH 20° 35' 42" WEST 1641.38 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF TOWNSHIP 10 SOUTH; THENCE NORTH 26° 09' 18" WEST 688.04 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY NORTH 55° 44' 32" EAST 1295.75 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF A-1-A, BEING A POINT ON A CURVE; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY 109.43 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1860.08 FEET, A CENTRAL ANGLE OF 03° 22' 14", A CHORD OF 109.41 FEET AND A CHORD BEARING SOUTH 18° 26' 19" EAST TO A POINT OF TANGENCY; THENCE SOUTH 16° 45' 12" EAST 1574.75 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY NORTH 73° 14' 48" EAST 100.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF A-1-A; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY NORTH 89° 19' 02" EAST 148.56 FEET; THENCE NORTH 16° 34' 25" WEST 210.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JUNGLE HUT ROAD (50' R/W); THENCE NORTH 89° 19' 02" EAST ALONG SAID RIGHT-OF-WAY 855.66 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY NORTH 19° 50' 00" WEST ALONG THE WESTERLY BOUNDARY LINE OF SECTION 40, TOWNSHIP 10 SOUTH, RANGE 31 EAST 3356.28 FEET; THENCE SOUTH 71° 11' 00" WEST 1290.19 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SAID A-1-A, BEING A POINT ON A CURVE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY 244.67 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1860.08 FEET, A CENTRAL ANGLE OF 07° 32' 11", A CHORD OF 244.49 FEET AND A CHORD BEARING NORTH 22° 35' 06" WEST TO A POINT OF TANGENCY; THENCE NORTH 18° 49' 00" WEST 1645.60 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY OF A-1-A NORTH 71° 11' 00" EAST 180.00 FEET; THENCE NORTH 18° 49' 00" WEST 225.00 FEET;

THENCE SOUTH 71° 11' 00" WEST 180.00 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF A-1-A; THENCE NORTH 18° 49' 00" WEST ALONG SAID RIGHT-OF-WAY 350.65 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 71° 11' 00" EAST 1262.52 FEET TO A POINT ON THE EASTERLY BOUNDARY LINE OF SAID SECTION 40; THENCE NORTH 19° 50' 00" WEST ALONG SAID EASTERLY BOUNDARY LINE 200.03 FEET; THENCE DEPARTING SAID EASTERLY BOUNDARY LINE SOUTH 71° 11' 00" WEST 1258.97 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF A-1-A; THENCE NORTH 18° 49' 00" WEST ALONG SAID RIGHT-OF-WAY 200.00 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 71° 11' 00" EAST 1255.42 FEET TO A POINT ON THE SAID EASTERLY BOUNDARY LINE OF SECTION 40; THENCE NORTH 19° 50' 00" WEST ALONG SAID EASTERLY BOUNDARY LINE 900.14 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF 16TH ROAD; THENCE DEPARTING SAID BOUNDARY LINE OF SECTION 40, SOUTH 71° 10' 52" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 1239.45 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SAID A-1-A; THENCE DEPARTING SAID RIGHT-OF-WAY OF 16TH ROAD NORTH 18° 49' 00" WEST ALONG SAID RIGHT-OF-WAY OF A-1-A, 5178.50 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF MALACOMPRA ROAD; THENCE NORTH 71° 10' 09" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY 1138.42 FEET; THENCE NORTH 88° 23' 31" EAST 9.62 FEET TO A POINT ON THE SAID EASTERLY BOUNDARY LINE OF SECTION 40; THENCE DEPARTING SAID RIGHT-OF-WAY OF MALACOMPRA ROAD NORTH 19° 50' 00" WEST ALONG SAID BOUNDARY LINE OF SECTION 40, ALSO BEING THE WESTERLY BOUNDARY LINE OF JOHNSON BEACH SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE 9 OF THE PUBLIC RECORDS OF SAID FLAGLER COUNTY, 1442.70 FEET; THENCE DEPARTING SAID EASTERLY BOUNDARY LINE OF SECTION 40, NORTH 88° 23' 31" EAST ALONG THE NORTHERLY BOUNDARY LINE OF SAID JOHNSON BEACH SUBDIVISION 2548.87 FEET TO THE NORTHEAST CORNER OF JOHNSON BEACH SUBDIVISION BEING A POINT ON THE WESTERLY BOUNDARY LINE OF SAID SECTION 21; THENCE NORTH 00° 36' 49" WEST ALONG SAID WESTERLY BOUNDARY LINE 1045.49 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ATLANTIC OCEAN; THENCE DEPARTING SAID BOUNDARY LINE OF SECTION 21 SOUTH 21° 15' 53" EAST ALONG THE SAID MEAN HIGH WATER LINE 34.75 FEET; THENCE CONTINUE ALONG SAID MEAN HIGH WATER LINE SOUTH 21° 40' 54" EAST 503.93 FEET; THENCE SOUTH 21° 42' 19" EAST 497.12 FEET; THENCE SOUTH 20° 52' 14" EAST 500.98 FEET; THENCE SOUTH 23° 34' 38" EAST 505.92 FEET; THENCE SOUTH 21° 08' 22" EAST 425.12 FEET; THENCE SOUTH 20° 10' 54" EAST 130.81 FEET; THENCE SOUTH 19° 09' 30" EAST 440.47 FEET; THENCE SOUTH 19° 43' 32" EAST 498.51 FEET; THENCE SOUTH 19° 28' 39" EAST 506.20 FEET; THENCE SOUTH 19° 58' 00" EAST 510.90 FEET; THENCE SOUTH 19° 51' 56" EAST 498.83 FEET; THENCE SOUTH 19° 59' 52" EAST 505.34 FEET; THENCE SOUTH 18° 07' 53" EAST 498.03 FEET; THENCE SOUTH 13° 03' 02" EAST 504.39 FEET; THENCE SOUTH 19° 09' 34" EAST 300.28 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SAID 16TH ROAD; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY SOUTH 19° 09' 35" EAST 50.01 FEET TO A POINT ON THE SOUTHERLY RIGHT-

DM R.S. KK

OF-WAY OF SAID 16TH ROAD; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY ALONG SAID MEAN HIGH WATER LINE SOUTH 19° 09' 34" EAST 153.39 FEET; THENCE SOUTH 19° 29' 22" EAST 511.45 FEET; THENCE SOUTH 20° 54' 05" EAST 497.62 FEET; THENCE SOUTH 19° 45' 00" EAST 507.57 FEET; THENCE SOUTH 20° 49' 52" EAST 497.95 FEET; THENCE SOUTH 20° 18' 41" EAST 507.65 FEET; THENCE SOUTH 19° 30' 43" EAST 510.25 FEET; THENCE SOUTH 18° 30' 55" EAST 494.37 FEET; THENCE SOUTH 19° 52' 39" EAST 502.28 FEET; THENCE SOUTH 22° 20' 56" EAST 497.23 FEET; THENCE SOUTH 20° 41' 30" EAST 508.67 FEET; THENCE SOUTH 20° 26' 31" EAST 500.09 FEET; THENCE SOUTH 19° 53' 06" EAST 499.88 FEET; THENCE SOUTH 21° 45' 36" EAST 503.26 FEET; THENCE SOUTH 24° 02' 33" EAST 516.08 FEET; THENCE SOUTH 18° 20' 30" EAST 495.06 FEET; THENCE SOUTH 20° 59' 25" EAST 274.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF JUNGLE HUT ROAD; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY SOUTH 20° 59' 25" EAST 53.31 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JUNGLE HUT ROAD; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY ALONG SAID MEAN HIGH WATER LINE, SOUTH 20° 59' 25" EAST 181.06 FEET; THENCE SOUTH 20° 20' 30" EAST 505.02 FEET; THENCE SOUTH 20° 08' 17" EAST 500.64 FEET; THENCE SOUTH 19° 52' 12" EAST 501.56 FEET; THENCE SOUTH 19° 13' 54" EAST 497.29 FEET; THENCE SOUTH 21° 19' 23" EAST 502.64 FEET; THENCE SOUTH 19° 57' 05" EAST 507.06 FEET; THENCE SOUTH 17° 56' 45" EAST 507.34 FEET; THENCE SOUTH 18° 49' 25" EAST 504.65 FEET; THENCE SOUTH 21° 02' 20" EAST 497.73 FEET; THENCE SOUTH 21° 04' 43" EAST 482.98 FEET; THENCE SOUTH 21° 04' 34" EAST 11.02 FEET; THENCE SOUTH 19° 11' 42" EAST 496.68 FEET; THENCE SOUTH 22° 23' 45" EAST 506.75 FEET; THENCE SOUTH 20° 55' 06" EAST 500.63 FEET; THENCE SOUTH 20° 42' 16" EAST 499.00 FEET; THENCE SOUTH 22° 07' 09" EAST 499.32 FEET; THENCE SOUTH 21° 45' 31" EAST 500.88 FEET; THENCE SOUTH 21° 59' 38" EAST 227.33 FEET; THENCE SOUTH 21° 59' 39" EAST 264.23 FEET; THENCE SOUTH 22° 30' 14" EAST 498.51 FEET; THENCE SOUTH 22° 43' 23" EAST 499.93 FEET; THENCE SOUTH 21° 20' 52" EAST 499.51 FEET; THENCE SOUTH 22° 12' 03" EAST 499.95 FEET; THENCE SOUTH 21° 18' 01" EAST 498.09 FEET; THENCE SOUTH 23° 31' 50" EAST 493.34 FEET; THENCE SOUTH 23° 12' 12" EAST 498.28 FEET; THENCE SOUTH 22° 31' 35" EAST 507.15 FEET; THENCE SOUTH 22° 12' 00" EAST 498.62 FEET; THENCE SOUTH 22° 18' 34" EAST 527.38 FEET; THENCE DEPARTING SAID MEAN HIGH WATER LINE SOUTH 89° 27' 13" WEST 262.35 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF A-1-A; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY SOUTH 89° 27' 13" WEST 108.42 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF A-1-A; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY SOUTH 89° 27' 13" WEST 65.58 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF THE OLD FLORIDA EAST COAST CANAL (200' R.W); THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY SOUTH 89° 27' 13" WEST 211.08 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID OLD FLORIDA EAST COAST

R.S.

CANAL; THENCE SOUTH 19° 11' 11" EAST ALONG SAID WESTERLY RIGHT-OF-WAY 2786.38 FEET; THENCE SOUTH 17° 01' 23" EAST 3542.51 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY (500' R/W); THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY OF THE OLD FLORIDA EAST COAST CANAL NORTH 46° 36' 23" WEST ALONG SAID EASTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY 1326.21 FEET; THENCE NORTH 22° 42' 28" WEST 8360.55 FEET; THENCE NORTH 22° 41' 50" WEST 563.33 FEET; THENCE NORTH 44° 45' 20" WEST 1003.14 FEET; THENCE NORTH 66° 49' 09" WEST 1914.50 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF SAID OLD FLORIDA EAST COAST CANAL; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY SOUTH 89° 41' 27" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY OF THE OLD FLORIDA EAST COAST CANAL 1203.59 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY NORTH 00° 18' 33" WEST 200.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF THE OLD FLORIDA EAST COAST CANAL; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY NORTH 00° 37' 47" WEST 247.39 FEET TO A POINT OF THE SOUTHERLY RIGHT-OF-WAY OF SAID A-1-A; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY NORTH 00° 24' 54" WEST 100.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF A-1-A; THENCE SOUTH 89° 35' 06" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 309.45 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

ALSO INCLUDING A PARCEL OF LAND LYING WESTERLY OF THE WESTERLY RIGHT-OF-WAY (500' R/W) OF THE INTRACOASTAL WATERWAY IN GOVERNMENT SECTIONS 38 AND 46, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF CLUB HOUSE DRIVE (60' R/W) WITH THE WESTERLY RIGHT-OF-WAY OF YOUNG PARKWAY (104' R/W) ALL ACCORDING TO PALM COAST SECTION 3, AS RECORDED IN MAP BOOK 6, PAGE 8 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 20° 57' 23" EAST 72.45 FEET ALONG SAID RIGHT-OF-WAY OF YOUNG PARKWAY; THENCE NORTH 69° 02' 37" EAST 104.00 FEET; THENCE SOUTH 20° 57' 23" EAST 62.50 FEET; THENCE NORTH 69° 02' 37" EAST 833.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID INTRACOASTAL WATERWAY; THENCE SOUTH 20° 49' 48" EAST 857.71 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 20° 49' 48" EAST 203.11 FEET TO A POINT ON A CURVE; THENCE DEPARTING SAID RIGHT-OF-WAY SOUTHWESTERLY 1141.28 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1045.92 FEET AND A CENTRAL ANGLE OF 62° 31' 12" TO A POINT, TANGENT TO SAID CURVE IS NORTH 04° 19' 03" WEST; THENCE SOUTH 85° 40' 57" WEST 25.00 FEET; THENCE SOUTH 04° 19' 03" EAST 550.00 FEET; THENCE SOUTH 85° 40' 57" WEST 150.00 FEET; THENCE NORTH 07° 04' 10" WEST 490.75 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 1458.01 FEET ALONG A CONCENTRIC CURVE TO THE RIGHT HAVING A RADIUS OF 1245.92 FEET AND A CENTRAL ANGLE OF 67° 02' 57" TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

DW R.D. (KK)

LESS AND EXCEPT THE RIGHT-OF-WAY OF A-1-A, JUNGLE HUT ROAD, 16TH ROAD, MALACOMPRA ROAD; ALL PLATTED STREETS LYING WITHIN THE JOHNSON BEACH SUBDIVISION, LOTS 1 - 9, 15 - 22, BLOCK 1; LOTS 1 - 3, 18 & 19, BLOCK 2; LOT 19, BLOCK 3, LOTS 1 - 4, 18 - 22, BLOCK 4; LOTS 1 - 11, 18 - 29, BLOCK 5; LOTS 13 & 14, 16 - 24, BLOCK 7; LOTS 2 & 5 - 11, BLOCK 8 OF SAID JOHNSON BEACH SUBDIVISION; OLD FLORIDA EAST COAST CANAL AND THE INTRACOASTAL WATERWAY.

NET ACRES CONTAINING 2244.91 ACRES, MORE OR LESS.

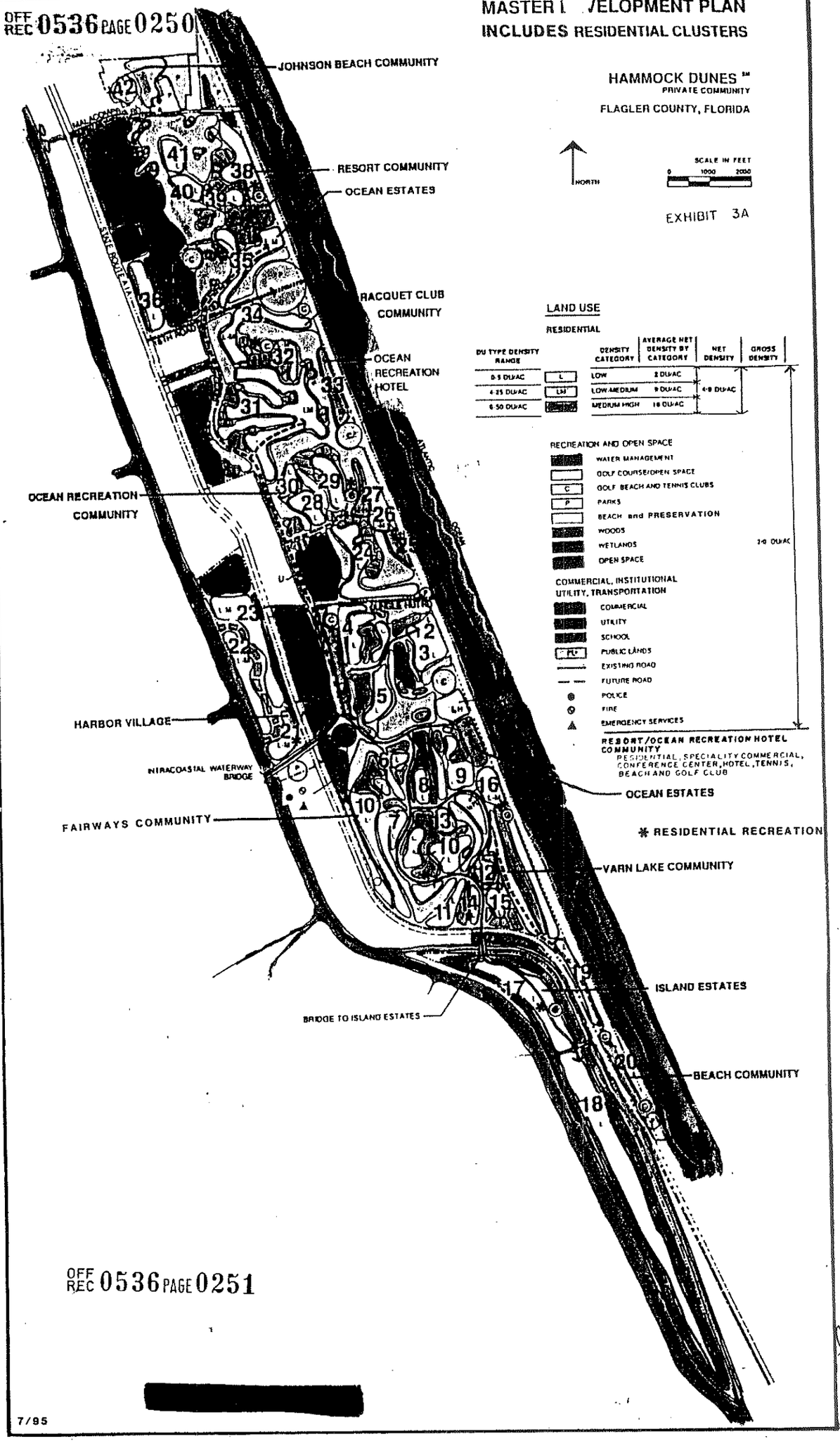
NOTE 1) ALL BEARINGS ARE MEASURED FROM GRID NORTH PER THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, TRANSVERSE MERCATOR PROJECTION.

2) THE MEAN HIGH WATERLINE WAS LOCATED IN ACCORDANCE WITH CHAPTER 177, PART II, FLORIDA STATUTES AND CHAPTER 16.3, FLORIDA ADMINISTRATIVE CODE.

MASTER DEVELOPMENT PLAN
INCLUDES RESIDENTIAL CLUSTERS

HAMMOCK DUNES℠
PRIVATE COMMUNITY
FLAGLER COUNTY, FLORIDA

EXHIBIT 3A



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7/95

R.S.

Hammock Dunes Private Community
RESIDENTIAL CLUSTER DATA

EXHIBIT 17.5.2

EXHIBIT 3B

CALCULATED NET RESIDENTIAL DENSITY: 4.95 UNITS PER ACRE

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Cluster Number	Cluster Community	Density Category	Acreage	Dwelling Units
1	Ocean Estates	M-H	18	256
1a	Ocean Estates	L-M	5	100
2	Fairway	L	8	12
3	Fairway	L	12	18
4	Fairway	L	19	40
5	Fairway	L	14	23
6	Fairway	L	4	17
7	Fairway	L	7	7
8	Fairway	L	7	12
9	Fairway	L	14	100
10	Fairway	L	65	136
11	Fairway	L	13	14
12	Fairway	L	3	6
13	Fairway	L	8	26
14	Fairway	L	7	9
15	Varn Lake	L	39	89
16	Varn Lake	L-M	40	227
17	Island Estates	L	88	65
18	Island Estates	L	156	135
19	Beach	L	14	62
20	Beach	L	6	31
21	Harbor	L-M	11	70
22	Harbor	L-M	16	150
23	Harbor	L-M	17	119
24	Ocean Recreation	L	33	150
25	Ocean Recreation	M-H	7	140
26	Ocean Recreation	L-M	5	70
27	Ocean Recreation	M-H	11	220
28	Ocean Recreation	L	16	68
29	Ocean Recreation	L	17	75
30	Ocean Recreation	L	16	68
31	Ocean Recreation	L-M	65	572
32	Racquet Club	L-M	9	99
33	Ocean Recreation Hotel	M-H	13	250
34	Racquet Club	L-M	23	258
35	Ocean Estates	L-M	18	133
36	Ocean Estates	L	13	51
37	Resort Community	M-H	10	200
38	Resort Community	L-M	20	232
39	Ocean Estates	L	9	39
40	Ocean Estates	L	5	21
41	Ocean Estates	L	5	24
42	Johnson Beach	L	2	6
TOTAL			888	4,400

Revised 5/24/95

DEVELOPMENT STAGING PLAN
RESIDENTIAL CLUSTERS

HAMMOCK DUNES SM
PRIVATE COMMUNITY
FLAGLER COUNTY, FLORIDA

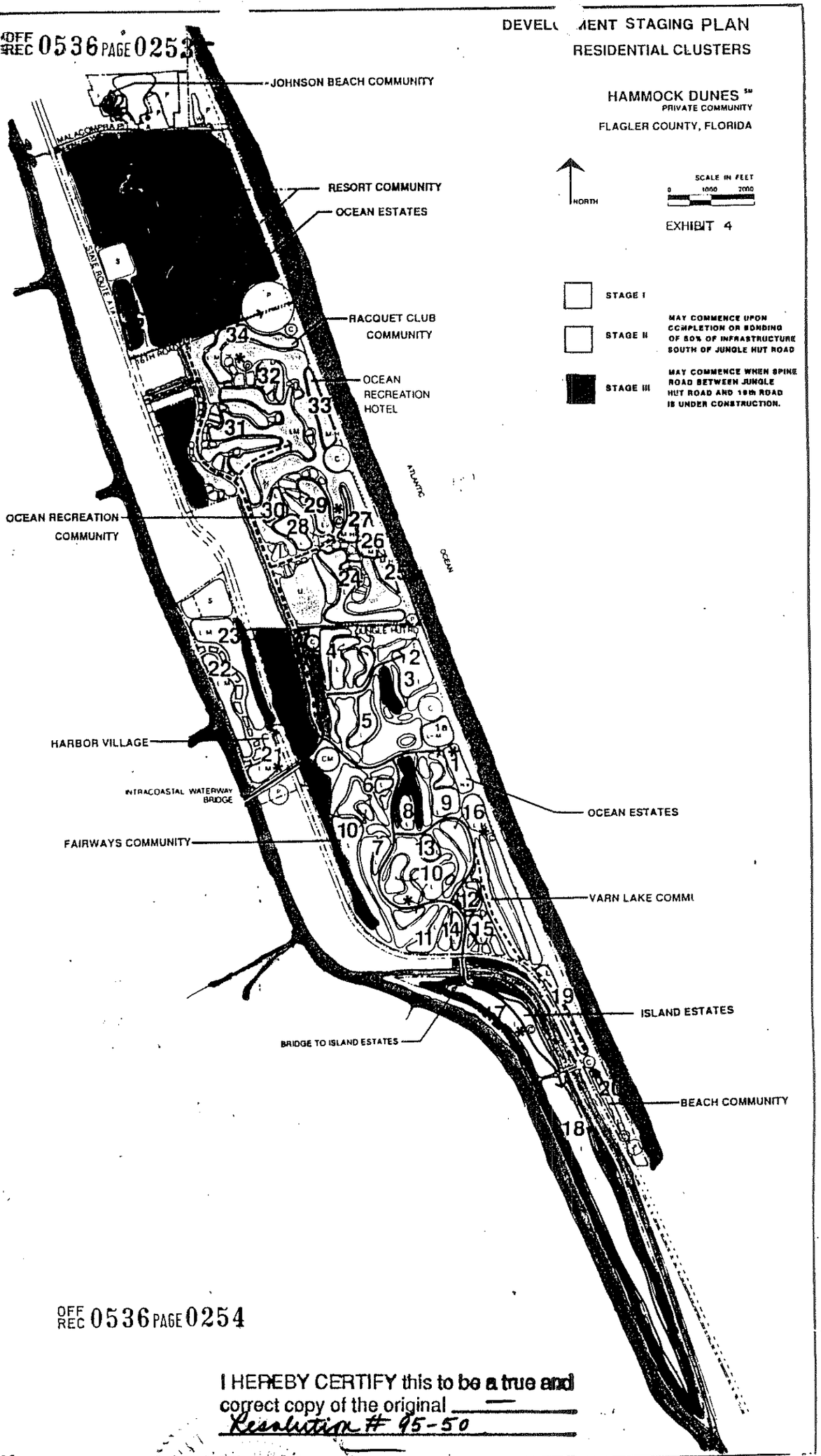

EXHIBIT 4

STAGE I

STAGE II — MAY COMMENCE UPON COMPLETION OR BONDING OF 50% OF INFRASTRUCTURE SOUTH OF JUNGLE HUT ROAD

STAGE III — MAY COMMENCE WHEN SPINE ROAD BETWEEN JUNGLE HUT ROAD AND 19th ROAD IS UNDER CONSTRUCTION.

OFF REC 0536 PAGE 0254

I HEREBY CERTIFY this to be a true and correct copy of the original Resolution # 95-50 as the same appears of record in O.R./Deed Book 536 at Page(s) 225-254 Flagler County Records.
Dated this 18th day of July A.D. 19 95.

SYD CROSBY
Clerk Circuit Court
Flagler County, Floirda
By _____ D.C.

7/95