

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM****SUBJECT:** Creek Side Acres Final Plat**DEPARTMENT:** Planning and Development      **DIVISION:** Development Review**AUTHORIZED BY:** Dori DeBord**CONTACT:** Denny Gibbs**EXT:** 7387**MOTION/RECOMMENDATION:**

Approve, and authorize the Chairman to execute, the final plat for Creek Side Acres located on Snowhill Road in Section 03, Township 21S, Range 32E.

District 1 Bob Dallari  
District 2 Michael McLean

Tony Walter

**BACKGROUND:**

The applicant, Lou Tulp for Yarborough Ranch Properties, is requesting approval of the final plat for Creek Side Acres. The plat consists of three (3) tracts over 6,548.39 acres more or less and is zoned A-5 and A-10. The property is situated with Snowhill Road on the west, the St. Johns River/County Line on the east; the north side is bounded primarily by the Little Big Econ State Forest and extends south beyond the Econlockhatchee River. The 6,548 acres are in Townships 20 and 21 S, and Ranges 32 and 33 E.

Tract 1 and Tract 2 consists of approximately 5,187 acres. These tracts will transfer to St. John's River Water Management District and be preserved as part of the Little Big Econ State Forest. Tract 1 and Tract 2 contain approximately 1,017 acres of uplands, 2,884 acres of wetlands, and the balance is sovereign land.

Tract 3 is approximately 1,360.49 acres with 891 acres of uplands and is reserved for future development with the density not to exceed 300 units. This development would require a new subdivision plan under the Optional Cluster Provisions in the Seminole County Land Development Code under Section 30.109.

The plat meets all applicable requirements of Chapter 35, Seminole County Land Development Code and Chapter 177, Florida Statutes.

**STAFF RECOMMENDATION:**

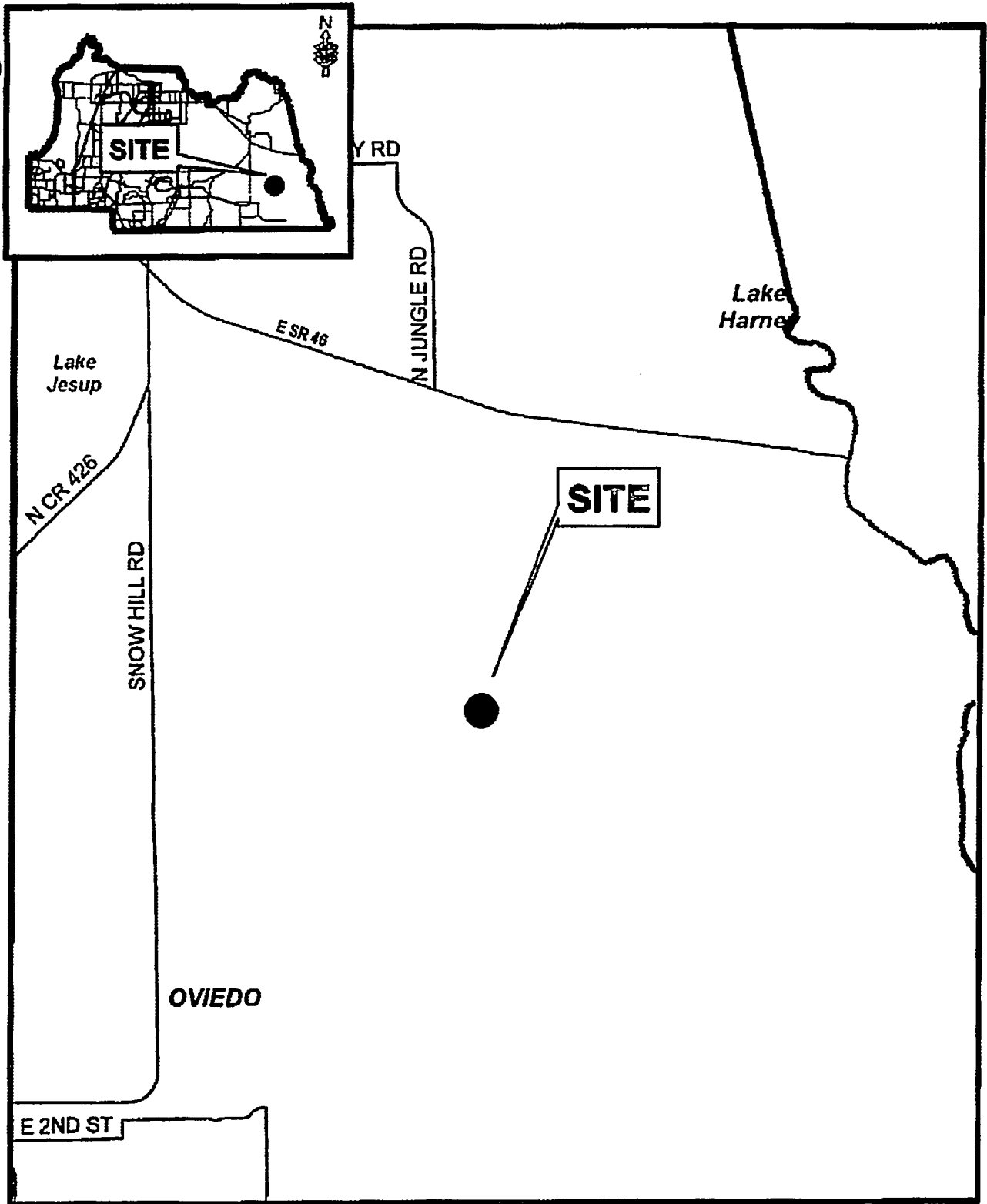
Staff recommends that the Board approve, and authorize the Chairman to execute, the final plat for Yarborough Ranch located on Snowhill Road in Section 03, Township 21S, Range 32E.

**ATTACHMENTS:**

1. Maps and Aerials
2. Maps and Aerials
3. Maps and Aerials
4. Plat Page 1
5. Plat Page 2
6. Plat Page 3
7. Plat Page 4
8. Plat Page 5
9. Plat Page 6
10. Plat Page 7
11. Open space easement 011608
12. Development Order
13. DO Exhibit B
14. DO Exhibit C

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran )

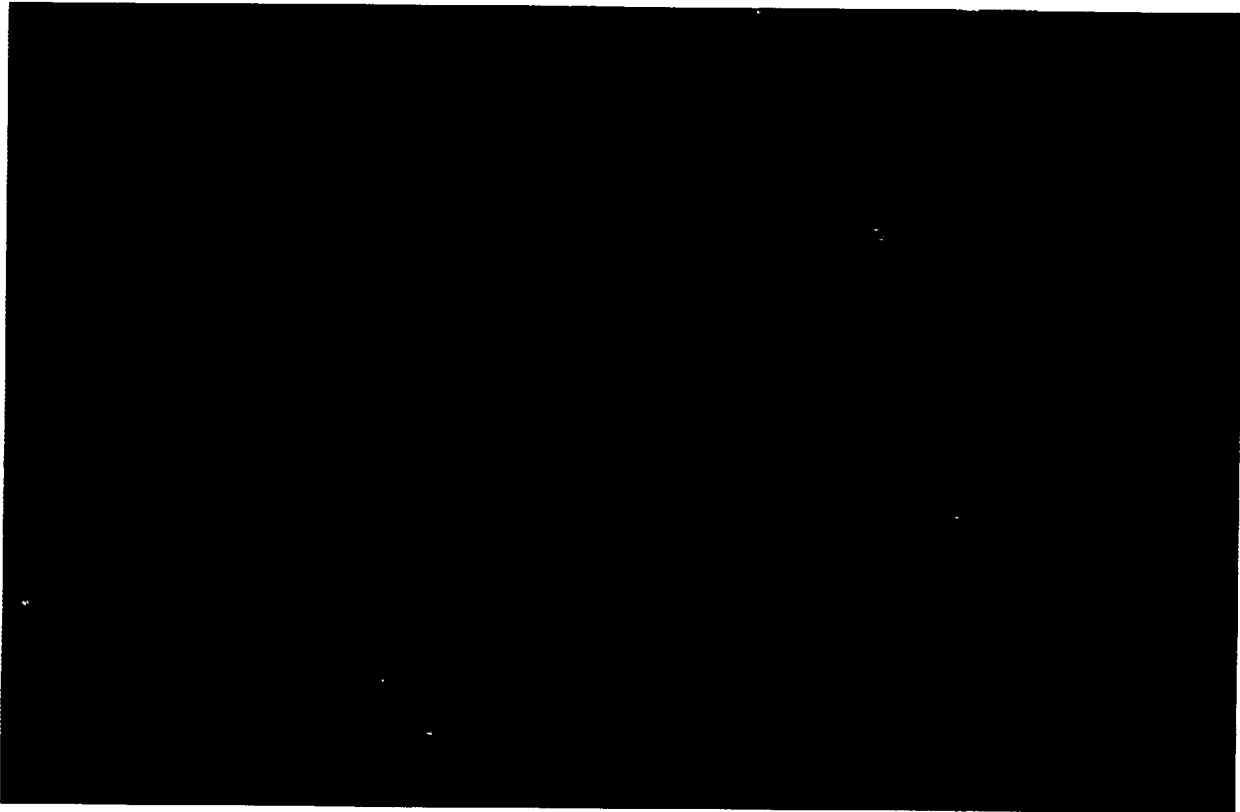


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# Creek Side Acres Final Plat

BK 357PG 0173

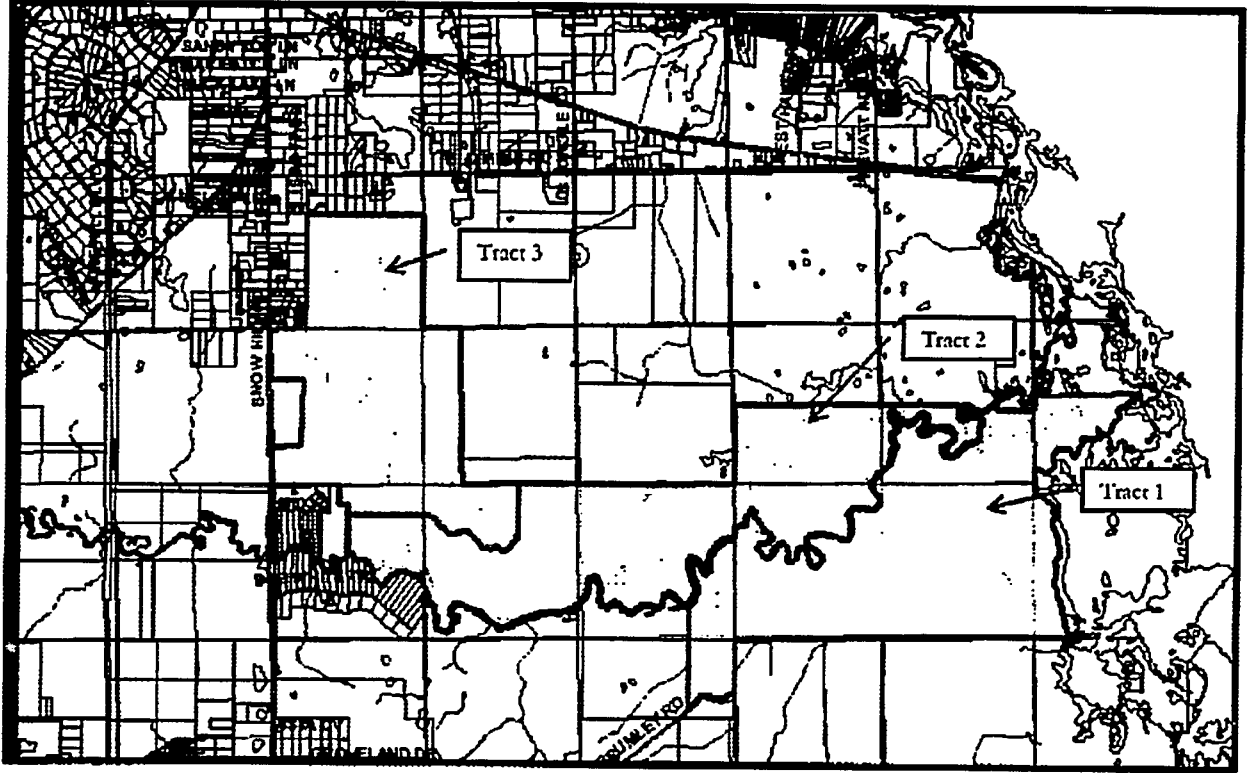
Creek Side Acres Final Plat  
Aerial



“LEGIBILITY UNSATISFACTORY  
FOR SCANNING”

BK 357 PG 0174

# Creek Side Acres Final Plat



"LEGIBILITY UNSATISFACTORY,  
FOR SCANNING"

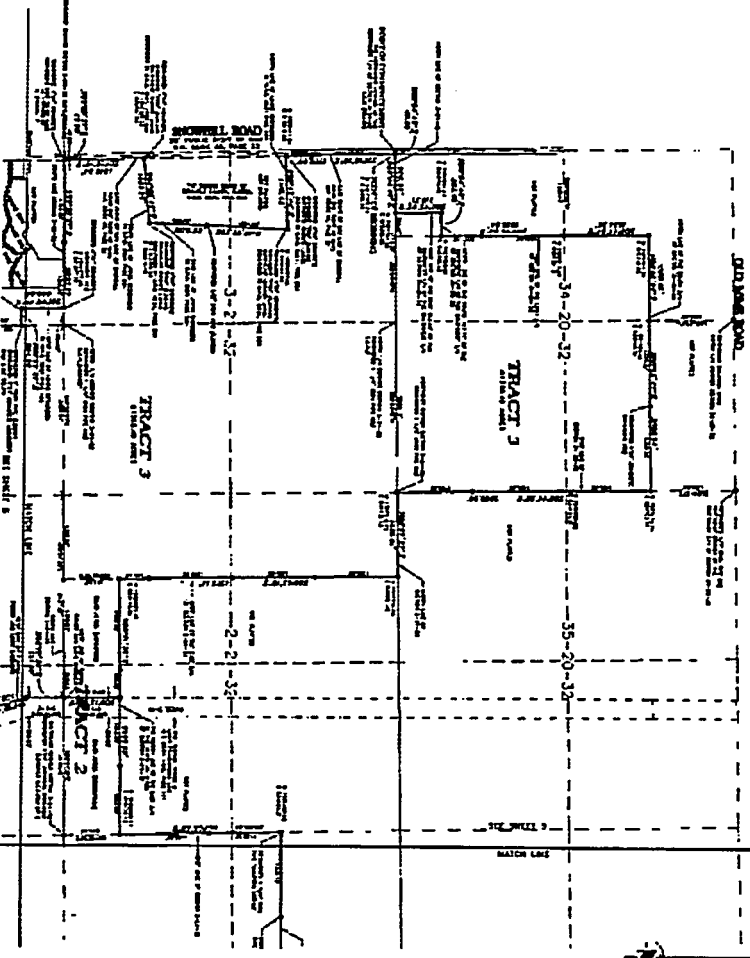
BK 357 PG 0175



# CREEK SIDE ACRES

A PORTION OF SECTION 14 TOWNSHIP 22 SOUTH RANGE 23 EAST, SECTION 1, 2, 3, 4, 5, 6, 7 AND 8 TOWNSHIP 22 SOUTH RANGE 23 EAST, AND SECTIONS 4, 5, 6, 7 AND 8 TOWNSHIP 22 SOUTH RANGE 23 EAST, BREVARD COUNTY, FLORIDA.

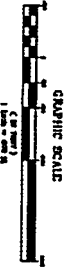
PLAT BOOK PAGE



ATLANTIC SURVEYING AND PLATTING, INC.

**LEGEND**

- 1. BOUNDARY LINE
- 2. EASEMENT
- 3. RIGHT-OF-WAY
- 4. DRAINAGE CANAL
- 5. FENCE
- 6. ROAD
- 7. UNDEVELOPED LAND
- 8. DEVELOPED LAND
- 9. SURVEY POINT
- 10. ADJACENT PLAT



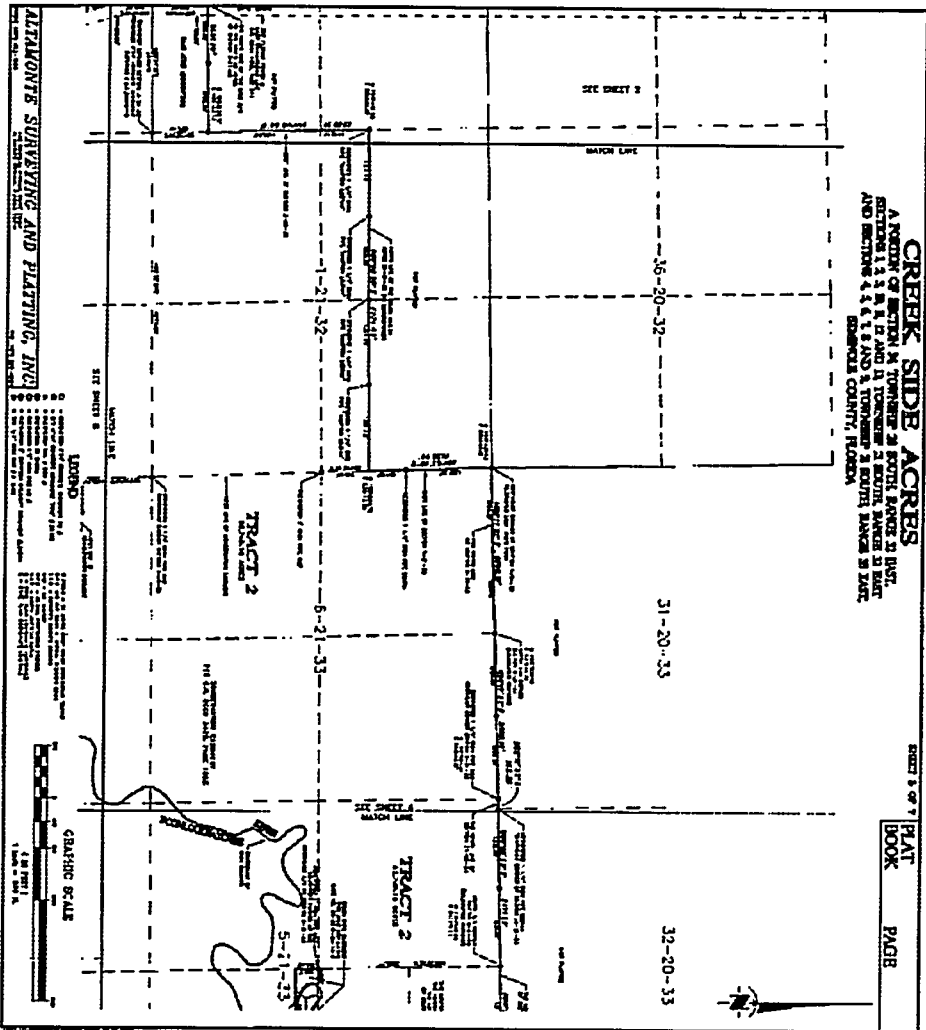
BK 357 PG 0177

# CREEK SIDE ACRES

A PORTION OF SECTION 16, TOWNSHIP 28 SOUTH, RANGE 22 WEST,  
 COUNTY 13 WEST AND 14 TOWNSHIP 28 SOUTH, RANGE 22 WEST,  
 AND SECTION 4, 5, 6, 7, 8 AND 9, TOWNSHIP 28 SOUTH, RANGE 22 WEST,  
 BERNHARD COUNTY, TEXAS.

SHEET 1 OF 7

PLAT  
 BOOK PAGE

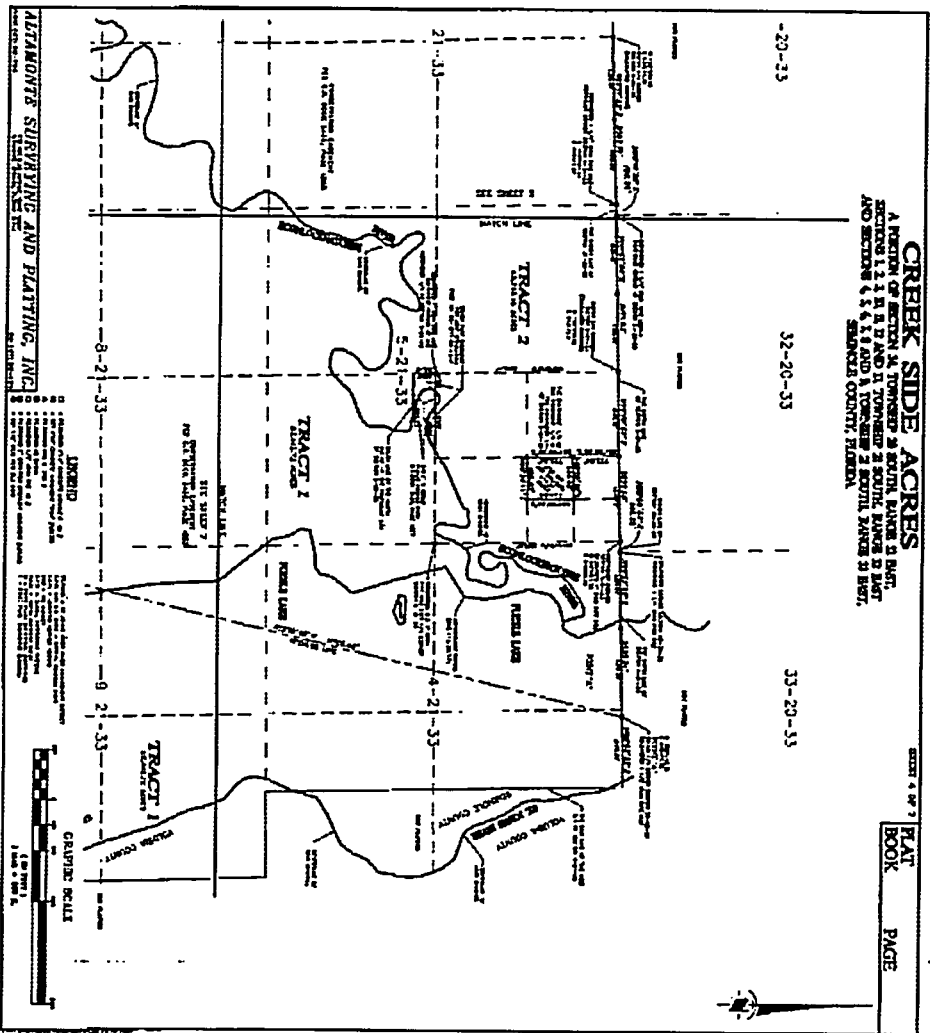


BK 357 PG 0178

# CREEK SIDE ACRES

A PART OF SECTION 29, TOWNSHIP 29 SOUTH, RANGE 23 EAST,  
 SECTION 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,  
 AND SECTIONS 31, 32, 33, 34 AND 35, TOWNSHIP 29 SOUTH, RANGE 23 EAST,  
 SANGRETO COUNTY, FLORIDA.

SHEET 4 OF 7  
**PLAT**  
**BOOK** PAGE



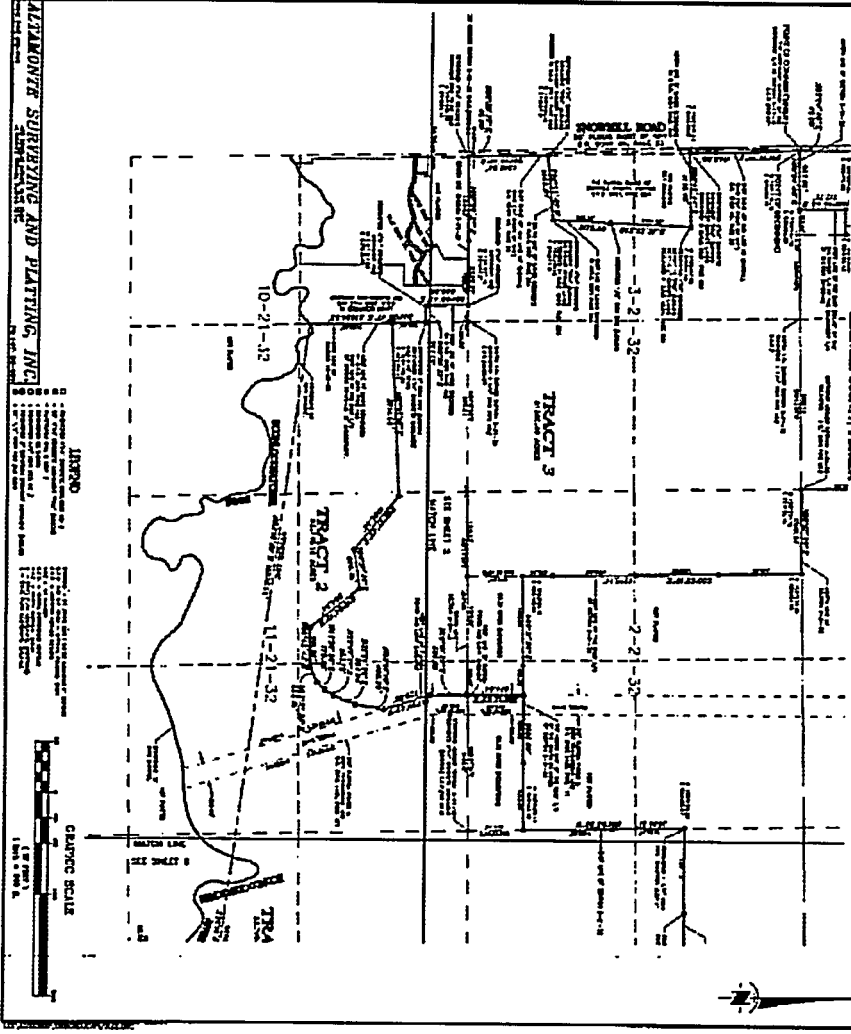
**ALABAMA'S SURVEYING AND PLATTING, INC.**  
 1000 N. GULF BLVD., SUITE 100  
 MOBILE, ALABAMA 36688  
 PHONE: (904) 681-1111  
 FAX: (904) 681-1112  
 WWW: WWW.ALSURVING.COM

1. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
 2. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
 3. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
 4. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
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 8. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
 9. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.  
 10. The area shown on this plat is the result of a survey conducted by the undersigned on or about the date hereon.

**GRAVIER BILLS**  
 1000 N. GULF BLVD., SUITE 100  
 MOBILE, ALABAMA 36688  
 PHONE: (904) 681-1111  
 FAX: (904) 681-1112  
 WWW: WWW.ALSURVING.COM

BK 357860179

**CREEK SIDE ACRES**  
 A PORTION OF SECTIONS 4, 5, 6, 7 AND 8, TOWNSHIP 2 SOUTH, RANGE 2 EAST,  
 SECTION 1, 2, 3, 4, 5, 6, 7 AND 8, TOWNSHIP 2 SOUTH, RANGE 2 EAST,  
 SHERBORN COUNTY, GEORGIA.



**ASSUMONTE SURVEYING AND PLATTING, INC.**  
 1200 W. 10th Street  
 Tallahassee, Florida 32304  
 Phone: 904-944-1111

**LEGEND**

- 1. Surveyed and approved by the State of Georgia
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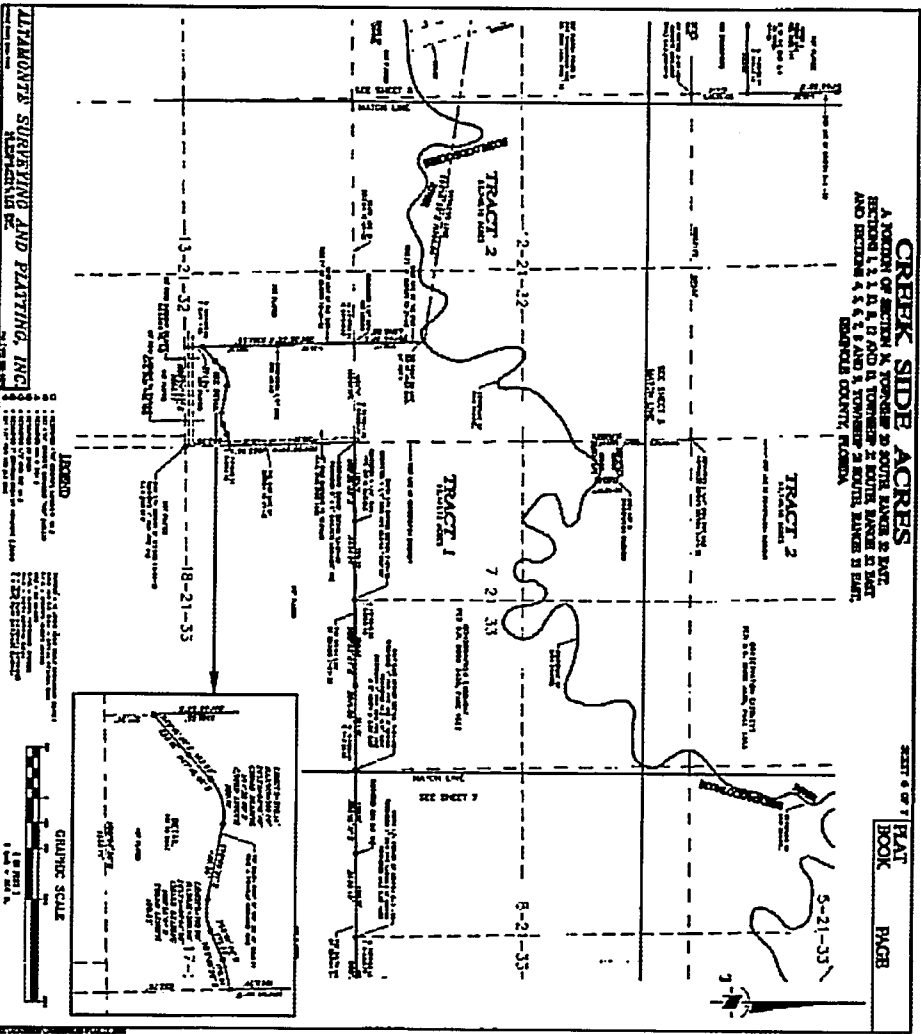


BK 357 PG 0180

**CREEK SIDE ACRES**

A PORTION OF SECTION 16, TOWNSHIP 22 SOUTH RANGE 22 EAST  
 SECTION 1, 2, 3, 4, 5, 6, 7 AND 8, TOWNSHIP 22 SOUTH RANGE 22 EAST,  
 AND SECTION 14, 15, 16, 17, 18, 19, 20, 21, 22 SOUTH RANGE 22 EAST,  
 BERNARD COUNTY, FLORIDA.

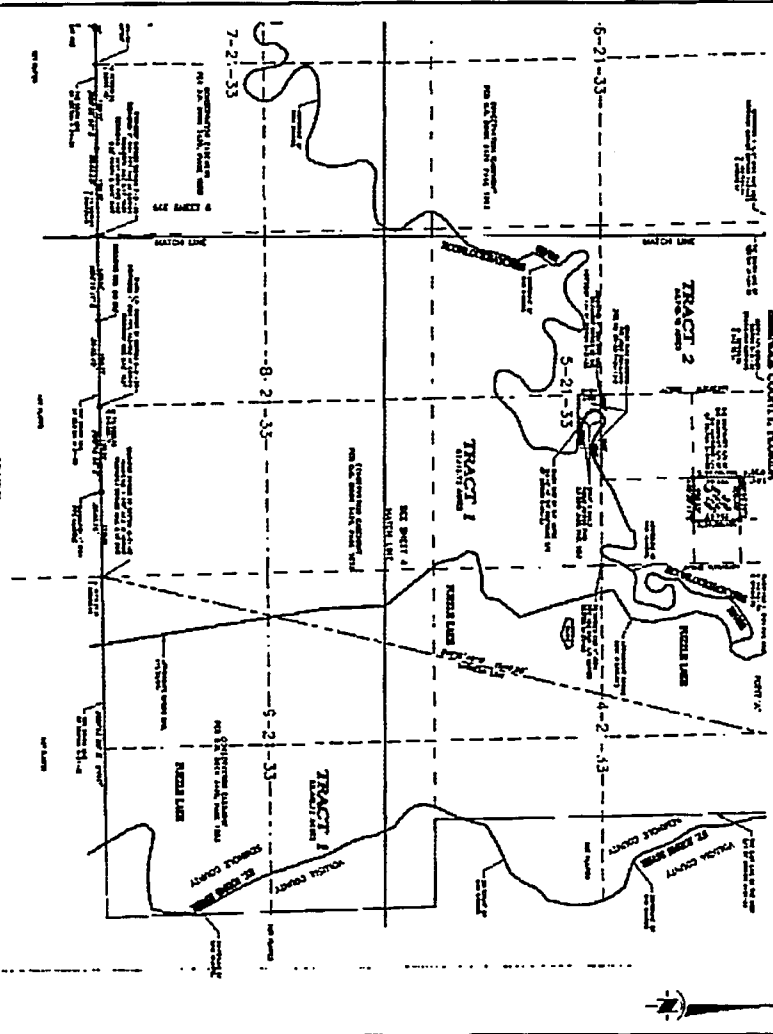
SHEET 6 OF 7 PLAT  
 BOOK PAGE



**CREEK SIDE ACRES**

A TRACT OF SECTIONS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

SHEET 7 OF 7  
 PLAT BOOK PAGE



**ALABAMA SURVEYING AND PLATTING, INC.**  
 1000 W. UNIVERSITY BLVD., SUITE 100, TUSCALOOSA, AL 35402  
 (205) 756-1111  
 www.alasurveying.com

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**GRAPHIC SCALE**  
 1" = 100 FT  
 1" = 100 M

BR 357 PG 0182

## OPEN SPACE EASEMENT

THIS INDENTURE, made this day of \_\_\_\_\_, 20\_\_\_\_\_.

### WITNESSETH:

**WHEREAS, IMOGENE YARBOROUGH, and JAMES WALTER YARBOROUGH**, as Co-Trustees of that certain Qualified Terminable Interest Property Trust under Article V of the Last Will and Testament of Edward Yarborough, deceased, and **EDWARD YARBOROUGH RANCHES, INC.**, a Florida Corporation,, whose address is Post Office Box 65, Geneva Florida, 32732 (hereinafter, together with [their] heirs and assigns, called the "grantor"), is the owner in fee simple of certain real property described in and depicted on Exhibit A attached hereto (hereinafter called the "Protected Property");

**WHEREAS**, the grantor desires and intends to establish a limited range of allowable uses of the Protected Property to maintain a desirable environment for rural residential living, natural resource management, passive recreation, and hunting at a low density of development in conjunction with the preservation of a portion of the Protected Property for agricultural and natural resource conservation purposes;

**WHEREAS**, the grantor also desires and intends that the ecological and aesthetic values of the Protected Property including, scenic views over a large open space, be preserved and maintained;

**WHEREAS**, the grantee (hereinafter, together with its successors and assigns, called the "District") is **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**, a public body existing under Chapter 373 of the Florida Statutes, whose mailing address is Post Office Box 1429, Palatka, Florida, 32178-1429;

**WHEREAS**, the grantor and the grantee, by the conveyance to the grantee of an open space easement on, over and across the Protected Property, desire to prevent the use or development of the Protected Property for any purpose or in any manner inconsistent with the terms of this open space easement;

**WHEREAS**, the grantee is willing to accept this open space easement subject to the reservations and to the covenants, terms, conditions and restrictions set out herein and imposed hereby,

**NOW, THEREFORE**, the grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions and restrictions hereinafter contained, and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the grantee, forever, an open space easement in perpetuity on, over and across the Protected Property consisting solely of the following:

**(1a) The right of the grantee to enforce, by proceedings at law or in equity, the covenants hereinafter set forth, it being agreed that there shall be no waiver or forfeiture of the grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and**

**(1b) The right of the grantee to enter the Protected Property at all reasonable times for the purpose of inspecting the Protected Property to determine if the grantor is complying with the covenants and conditions of this grant.**

**And in furtherance of the foregoing affirmative rights of the grantee, the grantor makes the following covenants which shall run with and bind the Protected Property in perpetuity, namely, that, except in connection with the uses expressly permitted by this open space easement, the grantor, without the prior written consent of the grantee, shall not do the following on the Protected Property:**

**(2a) Construct or place buildings or other structures, commercial advertising signs, billboards or other advertising material or make any other structures or improvements on the Protected Property except those needed to manage the Protected Property such as pole barns and access for storage and other land management facilities such as an education center or office or mobile home for a security residence, development of the Development Parcels as hereafter defined, passive recreational activities including, but not limited to, primitive camp grounds or platforms on the river-**

**(2b) Excavate, dredge, fill, mine, dike, drill or change the topography of the Protected Property or its present condition in any manner except as may be required for agricultural or wetland restoration, land management uses, or for creation of interior roads to access Development parcels and land management facilities expressly reserved by the grantor;**

**(2c) Cut live trees or other non-agricultural vegetation, except as determined by the grantee to be necessary to protect the natural, scenic, open space and ecological values of the Protected Property, to prevent imminent hazard, disease or fire or to restore natural habitat or native vegetation, and except that required to maintain the Development Parcels.**

**(2d) Alter or manipulate ponds and water courses or remove water there from except for wetland restoration or land management purposes;**

**(2e) Further subdivide the Protected Property in any manner except for the 4 residential units on Tract 1 and Tract 2;**

**(2f) Pave or cover the Protected Property with concrete, asphalt or any other impervious surface except for those areas needed for land management, storage, and security residence uses, development of the Development Parcels, passive recreational activities, and those uses required for American Disability Association access;**

(2g) Dump, place or store ashes, trash, garbage, vehicle bodies or parts or other unsightly or offensive material; provided, however, that the grantor may employ sound conservation practices, such as prescribed burning and brush control, in order to restore and manage the natural resources on the Protected Property; or

(2h) Permit or allow the operation of dune buggies, motorcycles, all terrain vehicles or any other type of motorized vehicle except for land management activities on the property, hunting and public recreational access, camping access, and American Disability Association access, on the Protected Property.

**TO HAVE AND TO HOLD** the said open space easement unto the grantee forever. Except as expressly limited herein, the grantor reserves all rights as owner of the Protected Property including, but not limited to, the right to use the Protected Property for all other purposes not inconsistent with this grant.

By its acceptance hereof, the grantee agrees as follows:

(3a) That, if its rights herein are assigned or transferred, to assign or transfer this open space easement only to an assignee or transferee who expressly agrees in the instrument of conveyance to continue to carry out the preservation purposes which this instrument was intended to advance and, in such event, only:

(1) to an organization qualifying as an eligible donee under the Internal Revenue Code of 1954, as amended from time to time, and the regulations promulgated thereunder; or

(2) to an agency of the State of Florida; or

(3) to a unit of local government; or (4) to a not-for-profit corporation or trust whose primary purposes include the preservation of land, natural areas, open space or water areas, or the preservation of native plants or animals, or biotic communities;

(3b) That in the event the grantee or its successors or assigns acquires the fee simple interest in and to the Protected Property, it shall not cause or permit the merger of such fee simple interest and the open space easement except for valid public purposes as determined by the grantee;

(3c) That each subsequent instrument of conveyance shall expressly require the assignee or transferee to be bound by the terms and provisions hereof including, without limitation, the agreements of the grantee as set forth herein;

(3d) That, if a subsequent unexpected change in the conditions surrounding the Protected Property makes impossible or impractical the continued use of the Protected Property for preservation purposes, and if this open space easement is extinguished by judicial proceeding, then all of the grantee's proceeds from the sale, exchange or involuntary conversion of the Protected Property shall be used by the grantee in a manner consistent with the preservation purposes which this open space easement was intended to advance and otherwise consistent with the public interest as determined by the grantee.

The grantor and the grantee each agree that the donation of this open space easement gives rise to a property right, immediately vested in the grantee.

The grantor and, by acceptance hereof, the grantee, agree further as follows:

(4a) Whenever the grantee's approval is required hereunder, such approval may be withheld only upon a reasonable determination by the grantee that the action as proposed would be inconsistent with the purposes of this open space easement.

(4b) Nothing contained in this open space easement shall be construed to entitle the grantee to bring any action against the grantor for any injury to or change in the Protected Property resulting from causes beyond the grantor's control including, without limitation, fire, flood storm and earth movement, or from any action taken by the grantor under emergency conditions to prevent, abate or mitigate significant injury to the Protected Property resulting from such causes.

(4c) No right of access by the general public to any portion of the Protected Property is conveyed by this open space easement, but this provision shall not be deemed to affect the right of the grantor to grant such access.

(4d) The interpretation and performance of this open space easement shall be governed by the laws of the State of Florida.

(4e) If any provision of this open space easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this open space easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(4f) Exhibit A, attached hereto, a legal description of this open space easement, is hereby made a part hereof.

(4g) The covenants, terms, conditions and restrictions set forth in this open space easement shall be binding upon the grantor and the grantee and their respective agents, personal representatives, heirs, successors and assigns, and shall constitute a servitude running with the Protected Property in perpetuity. In addition to all other covenants of title, this conveyance includes the covenant of further assurances.

IN WITNESS WHEREOF the Grantor has set [their] hand the day and year first above written.

Signed, Sealed and delivered  
in the presence of:

GRANTOR

\_\_\_\_\_  
Print name: \_\_\_\_\_

By: \_\_\_\_\_

Name: Imogene Yarborough

Title: Co-Trustee

\_\_\_\_\_  
Print name: \_\_\_\_\_

By: \_\_\_\_\_

Name: James Walter Yarborough

Title: Co-Trustee

\_\_\_\_\_  
Print name: \_\_\_\_\_

\_\_\_\_\_  
Print name: \_\_\_\_\_

Edward Yarborough Ranches, Inc.

\_\_\_\_\_  
Print name: \_\_\_\_\_

\_\_\_\_\_  
Print name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_

This instrument was prepared by:

\_\_\_\_\_

**ACCEPTANCE**

The foregoing open space easement is hereby duly accepted by the grantee, **ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**, a public body existing under Chapter 373 of the Florida Statutes, whose mailing address is Post Office Box 1429, Palatka, Florida, 32178-1429, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, and the grantee agrees to be bound by the terms and provision set forth herein.

**GRANTEE**

**ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
**KIRBY B. GREEN III**  
Its: Executive Director

**ATTEST:**

By: \_\_\_\_\_  
**WILLIAM H. CONGDON**  
Deputy General Counsel

**FOR USE AND RELIANCE ONLY BY  
ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT,  
LEGAL FORM AND CONTENT  
APPROVED:  
Wright, Fulford, Moorhead & Brown, P.A.**

By: \_\_\_\_\_  
Donald F. Wright, Esquire

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROTECTED PROPERTY**

Tract 1 and Tract 2

Creek Side Acres

PB \_\_\_\_\_ PG \_\_\_\_\_

## **SEMINOLE COUNTY DEVELOPMENT ORDER**

On February 12, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Attached Exhibit A: Legal Description  
Attached Exhibit B: Tract Layout  
Attached Exhibit C: Density and Open Space Calculations

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

### **FINDINGS OF FACT**

**Property Owner:** Edward Yarborough Ranches Inc  
PO Box 65  
Geneva FL 32732

**Project Name:** CREEK SIDE ACRES

#### **Requested Development Approval:**

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs  
1101 East First Street  
Sanford, Florida 32771

**Order****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. Tract 1 and Tract 2, shown in Exhibit B, contains 1,017 ± acres of uplands to be used as credit for the required open space for the development of Tract 3 pursuant to Seminole County Land Development Code (SCLDC) Section 30.109 Optional Cluster Provision. A perpetual open space easement shall be executed encumbering the 1,017 ± open space acres in Tract 1 and Tract 2.
- B. Tract 3, shown in Exhibit B, shall have a density of 300 units in a cluster subdivision as provided in SCLDC Section 30.109.
- C. At time of development, Tract 3 must replat in accordance with requirements of the SCLDC including Chapter 35, Subdivision.
- D. At subdivision, any balance of open space needed, at minimum 40 acres, shall be provided within Tract 3 and this shall be placed in an Open Space Easement.
- E. Tract 1 and Tract 2 retain entitlements for four (4) single family residential permits from parcels of record established in the 1971 tax roll.
  - a. Parcels of record include:
    - 1) 12-21-32-300-0010-0000  
LEG SEC 12 TWP 21S RGE 32E ALL N OF CREEK
    - 2) 12-21-32-300-001B-0000  
LEG SEC 12 TWP 21S RGE 32E E 1553.7 FT S OF CREEK
    - 3) 07-21-33-300-0010-0000 AND 06-21-33-300-001A-0000  
LEG SEC 07 TWP 21S RGE 33E ALL N OF CREEK AND LEG SEC 06 TWP 21S RGE 33E SECS 6 & 7 S OF CREEK & ALL 8 & 9 W OF PUZZLE LAKE
    - 4) 05-21-33-300-003A-0000 AND 05-21-33-300-003B-0000  
LEG SEC 05 TWP 21S RGE 33E S 1/2 S OF CREEK & PT OF W 1/2 OF NE 1/4 S OF CREEK AND LEG SEC 05 TWP 21S RGE 33E S 1/2 N OF CREEK (LESS BEG 553 FT E OF NW COR OF SE 1/4 RUN

**SELY ELY & NELY ON SHORE LI 600 FT TO N LI OF SE 1/4 W 545 FT TO BEG & N 355.49 FT OF SE 1/4 W OF CREEK)**

- b. At the time of development for the transfer of the residential lots, Tract 1 and/or Tract 2 must replat in accordance with the requirements of the Land Development Code including Chapter 35, Subdivision.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_

Brenda Carey, Chairman

**BM 357 PG 0192**



**EXHIBIT A: LEGAL DESCRIPTION**

Tract 1, Tract 2, and Tract 3

Creek Side Acres

PB \_\_\_\_\_ PG \_\_\_\_\_

**OK 357 PG 0194**

# Creek Side Acres Final Plat

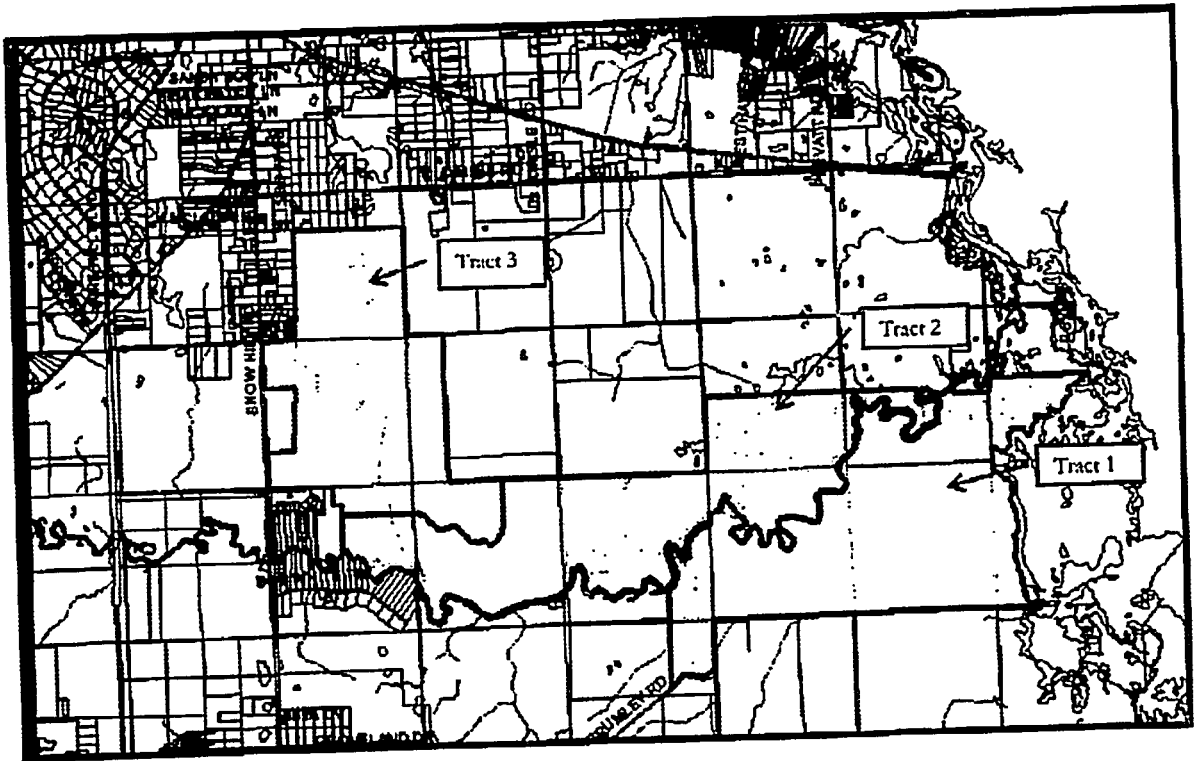


EXHIBIT B

"LEGIBILITY UNSATISFACTORY  
FOR SCANNING"

BK 357 PG 0195

# Density and Open Space Calculations

## EXHIBIT C

Open space required to yield 300 units (assumes all 1 acre lots)

	minimum 1-acre net buildable per lot	amount required for easement per net buildable acre	minimum acres required for open space easement
R-5	7 established by court case	0	0
R-5	84 unit yield	84.4 acres	336
R-10	209 unit yield	209.8 acres for 2 units	836
		300	1172
<b>NOTE:</b>			

\*The R-5 portion is flexible in that the lot size and open space can flex as long as the net density remains at 1 DU per 5 acres.

\*For the R-10 portion there must be 836 acres of open space in easement in order to get a yield of 209 lots that are less than 10 net buildable acres each based on 8 acres of open space required for every 2 lots created per SCLDC 30.109 (e).

\*Within the 300 unit yield are 7 entitlements established in Seminole County Circuit Court Civil No. 68-416 Sarah Detreville Bush vs Emma Line Frazier.

### Land Types

	Tract 1 & Tract 2	Tract 3	TOTALS
Uplands	1017	891	1908
Wetlands	2884	458	3342
Sovereign	1156	0	1156
	5057	1349	6406

**BOARD OF COUNTY COMMISSIONERS**

**SEMINOLE COUNTY, FLORIDA**

**FEBRUARY 12, 2008**

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:33 a.m., on Tuesday, February 12, 2008, in the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Brenda Carey (District 5)  
Vice Chairman Michael McLean (District 2)  
Commissioner Bob Dallari (District 1)  
Commissioner Dick Van Der Weide (District 3)  
Commissioner Carlton Henley (District 4)  
Clerk of Court Maryanne Morse  
County Manager Cindy Coto  
County Attorney Robert McMillan  
Deputy Clerk Eva Roach

The Invocation was given by Pastor Joe Wendorph, Markham Woods Presbyterian Church, Lake Mary.

Commissioner Dallari led the Pledge of Allegiance.

**AWARDS AND PRESENTATIONS**

Commissioner Henley briefly reviewed Mr. E.E. Minott's accomplishments throughout his life.

**Motion** by Commissioner Henley, seconded by Commissioner Dallari to adopt appropriate Resolution #2008-R-53, as shown on page \_\_\_\_\_, proclaiming the month of February as "Black History Month".

Districts 1, 2, 3, 4 and 5 voted AYE.

The Board presented the resolution to Mr. Minott, who addressed the Board to express his appreciation.

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**Motion** by Commissioner McLean, seconded by Commissioner Dallari to adopt appropriate Resolution #2008-R-54, as shown on

page \_\_\_\_\_, supporting the creation of a St. Johns River license tag and urging the Florida Legislature to approve the proposal.

Districts 1, 2, 3, 4 and 5 voted AYE.

**COUNTY MANAGER'S CONSENT AGENDA**

Cindy Coto, County Manager, addressed the Board to advise staff is requesting that Item #12, request approval of Special Priority Use Agreement with Seminole Softball, be pulled as there are additional items that need to be addressed.

Commissioner Dallari requested that Item #14, approval of final plat for Creek Side Acres, and Item #17, approve Certificate of Public Convenience and Necessity for Air Methods, be **pulled for a separate vote.**

Chairman Carey requested that Item #5, Award RFP-2251A-07, be **pulled for a separate vote.**

**Motion** by Commissioner Henley, seconded by Commissioner Dallari to authorize and approve the following:

**County Manager's Office**

3. Adopt and authorize the Chairman to execute appropriate Resolution #2008-R-55, as shown on page \_\_\_\_\_, establishing revisions to Sections 1.5 and 26 of the Seminole County Administrative Code to reflect the recent change in name from Business Innovation and Technology Services to Information Technology Services.

**Administrative Services**

**Purchasing and Contracts**

4. Approve Amendment #1, as shown on page \_\_\_\_\_, to PS-5186-05/AJR with GMB Engineers & Planners, Inc., Orlando, FL to increase rates as identified in the revised Exhibit C included within the Amendment, and approve an extension of the existing term by two (2) years. In addition, approve the estimated usage as an annual expenditure in the amount of \$100,000.00 per year.

**Support Services**

6. Approve and authorize the Chairman to execute the First Renewal, as shown on page \_\_\_\_\_, for the East Altamonte Community Center Non-Residential Lease with the Boys and Girls Clubs of Central Florida, Inc.

**Community Service**

**Community Assistance**

7. Approve and authorize the Chairman to execute the Satisfactions of Second Mortgage, as shown on page \_\_\_\_\_, for households assisted under the SHIP Home

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Request to approve the final plat for Creek Side Acres located on Snowhill Road in Section 03, Township 21S, Range 32E, presented.

At the request of Commissioner Dallari, Imogene Yarborough, 186 First St., addressed the Board to thank the Board for their cooperation and state she appreciates what they have done for her family and community.

Chairman Carey thanked Ms. Yarborough for her family working with the County in preserving land.

Commissioner Dallari stated Item 3b of the development order refers to density of 300 units and he would like to insert the word "**maximum** density up to 300 units", so they can be clear on that.

Dori DeBord, Planning & Development Director, addressed the Board to state that can be added to the development order.

Commissioner Henley stated there was quite a debate about increased density in order to cluster. He stated when this was approved, he never dreamed that it would be set up as a subdivision in a rural protected area. He says he still has problems and reservations regarding this because they are giving them a 1:1 ratio rather than a 1:5 or 1:10 ratio.

Chairman Carey stated this issue will come forward for development approval some time in the future. She said the Board is only authorizing the Chairman to execute the final plat.

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Request to approve Certificate of Public Convenience and Necessity (COPCN) for Air Methods d/b/a Rocky Mountain Holdings LLC d/b/a LifeNet, to become effective from the date this COPCN is executed through June 30, 2008 was presented for discussion.

Commissioner Dallari stated there is no language in the COPCN that the carriers would have to meet all Seminole County

everyone to follow the same protocol.

Commissioner Henley stated he feels the question they need to know is what are the protocols and are they acceptable. He stated if they are utilizing permits and licenses, then there is nothing wrong with knowing what the protocols are.

Mr. McMillan stated all of the protocols have to meet statutory standards and State standards.

Commissioner Van Der Weide stated he doesn't see any harm in trying to communicate with all the agencies that deal with Seminole County. He stated he feels the Board is on the right track if they are doing something up and above and it benefits the citizens, then why not discuss this issue with the agencies.

Chairman Carey stated the certificates have to come back to the Board for renewal every year. The **consensus** of the Board was to try to negotiate with all the agencies to see what the protocol is and bring them more in line with what the County's protocol is.

Mr. Stone stated most of those will come up for renewal in June.

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**Motion** by Commissioner Dallari, seconded by Commissioner Van Der Weide to award RFP-2251A-07/VFT, as shown on page \_\_\_\_\_, SHIP Program Acquisition, Rehabilitation and Resale of Single Family Homes to The Center for Affordable Housing, Sanford, FL and Corinthian Builders, Inc., Sanford, FL for the estimated grant funded amount of \$1,391,720.00; and approve and authorize the Chairman to execute the final plat for Creek Side Acres located on Snowhill Road in Section 03, Township 21S, Range 32E, Lou Tulp for Yarborough Ranch Properties; and approval of the Development Order and Open Space Easement, as shown on page \_\_\_\_\_.

Districts 1, 2, 3, 4 and 5 voted AYE.

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