

NET BUILDABLE ACRES DEFINITION VESTING CERTIFICATE

This **NET BUILDABLE ACRES DEFINITION VESTING CERTIFICATE** (this "Certificate") is entered into on July 28, 2022 by and between SEMINOLE COUNTY, a charter county and political subdivision of the state of Florida ("County"), and LUTHERAN HAVEN, INC. ("Owner").

WHEREAS, Owner is the fee simple owner of that certain real property located in the unincorporated area of Seminole County, Florida more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, Owner desires to develop the Property for uses and in a manner consistent with the County's Comprehensive Plan and obtain Finals Site Plan, Final Development Plan (FDP) or Preliminary Subdivision Plan (PSP) approval within (12) months from the Effective Date of this Certificate; and

WHEREAS, On April 26, 2022, the Board of County Commissioners of Seminole County (BCC) adopted an Ordinance amending the Comprehensive Plan of Seminole County, Florida, which amended the definitions of Net Buildable Acres in the Introductory Element and an Ordinance amending Section 2.3, Definitions, of the Land Development Code to provide a revised definition of Net Buildable Acres; and

WHEREAS, On April 26, 2022, the BCC also adopted a policy that any unexpired development application submitted prior to June 15, 2022 or any applicant with an executed contract to purchase a property signed prior to June 15, 2022 which application or contract utilizes or relies upon the prior definition of Net Buildable Acres when calculating project density, the County may enter into a written vested rights agreement with the owner of property in the unincorporated area of the County to provide that the owner's property shall be subject to the prior definition of Net Buildable Acres when calculating project density; and

WHEREAS, pursuant to the vested rights certificate shall allow a twelve (12) month period for the project to obtain a Final Development Order or Preliminary Subdivision Plan utilizing the prior definition of Net Buildable Acres; and

WHEREAS, Owner desires for the County to enter into this vesting agreement ("Vesting Certificate") for the purposes of recognizing the Property's and Owner's vested rights under the previous definition of NET BUILDABLE ACRES existing prior to the June 15, 2022.

NOW, THEREFORE, in consideration of the premises and other good and valuable considerations exchanged between the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Vesting Certificate # 22-01800007

Name of Project:

2. **Vesting of the Net Buildable Acres Definition.** Pursuant to Section 30.34 of the Administrative Code of Seminole County, Florida, the Owner has supplied sufficient information in Owner's Vesting Certificate request which is on file with the Development Services Director to warrant that the Property be vested under the prior definition of Net Buildable Acres, which is: *The total number of acres within the boundary of a development, excluding natural lakes and wetlands or flood prone areas.* The applicable development application utilizing such vested impact fee rates must be obtained (issued by the County to the Owner) within twelve (12) months from the Effective Date of this Vesting Certificate in order for the Property to benefit from this Vesting Certificate. This Vesting Certificate runs with and benefits the Property only and is not transferable to any other real property.

3. **Development Requirements.** This Vesting Certificate is not and shall not be construed as a development order, permit, or authorization to commence development, nor shall it relieve the Owner of the obligations to obtain necessary development permits that are required under applicable law and under and pursuant to the terms of this Vesting Certificate. Nothing herein shall limit the County's authority to grant or deny any development order or permit applications or requests. The failure of this Vesting Certificate to address any particular City, County, State and/or Federal permit, condition, term or restriction shall not relieve Owner or the County of the necessity of complying with the law governing said permitting requirement, condition, term or restriction. Nothing in this Vesting Certificate shall constitute or be deemed to constitute or require the County to issue any approval by the County of any rezoning, Comprehensive Plan amendment, variance, special exception, final site plan, preliminary subdivision plan, final plat or subdivision plan, building permit, grading, stormwater drainage, engineering, or any other land use or development approval. These and any other required County development approvals and permits shall be processed and issued by the County in accordance with procedures with respect to same as otherwise set forth in the County's Code of Ordinances and Land Development Regulations and subject to any conditions of approval thereof. This Vesting Certificate shall not vest the development of the Property for any other purposes except as expressly set forth in Section 1 of this Vesting Certificate. This Vesting Certificate, nor any verbal or written statement by County or any of the County's officers, officials, attorneys, employees or agents relating to or concerning this Vesting Certificate shall be constitute evidence of, used for, or relied upon for any claim or allegation of estoppel, vested rights, inverse condemnation, substantive or procedural due process violation, or Bert J. Harris Act violation (or any combination thereof) against the County or any of the County's officers, officials, attorneys, employees or agents. This Vesting Certificate is approved under the County's home rule authority and is not a statutory development agreement under Chapter 163, Florida Statutes.

4. **Liability Limitation.** The County is issuing this Vesting Certificate for the benefit of the Owner and Property pursuant to the provisions of Section 30.34 of the Seminole County Administrative Code, and in no event shall the County have any monetary liability arising out of or concerning this Vesting Certificate. Nothing contained in this Vesting Certificate nor in any instruments executed pursuant to the terms of this Vesting Certificate shall be construed as a waiver or attempted waiver by the County of its home rule authority, police

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Name of Project:

power, zoning authority and sovereign immunity under the Constitution and laws of the State of Florida or any other privilege, immunity or defense afforded to the County or the County's officials, officers, employees and agents under the law.

5. **Applicable Law.** This Vesting Certificate and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. The exclusive venue for purpose of litigation in any action to construe or enforce the provisions of this Vesting Certificate shall be in a court of competent jurisdiction in and for Seminole County, Florida.

6. **Counterparts.** This Vesting Certificate may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute one and the same instrument.

7. **Effective Date.** The Effective Date of this Vesting Certificate shall be the latter date of when this Vesting Certificate is both approved by the Development Services Director pursuant to Section 30.34 Net Buildable Acres Vested Rights Process of the Seminole County Administrative Code and after its execution by the parties hereto and such date is to be inserted in the opening paragraph of this Vesting Certificate.

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Name of Project:

IN WITNESS WHEREOF, the Owner and the County have caused this instrument to be executed by their duly authorized officers.

SEMINOLE COUNTY

By: Rebecca Hammock
Rebecca Hammock
Development Services Director

Date: July 28, 2022

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

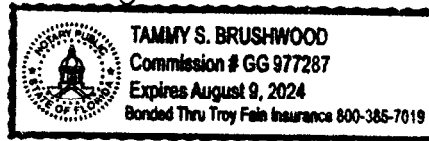
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Rebecca Hammock who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

28th WITNESS my hand and official seal in the County and State last aforesaid this July day of _____, 2022.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: 8-9-2024.

Tammy S. Brushwood



Vesting Certificate # 22-01800007

Name of Project:

[Signature]
Witness

Print Name: Raleigh Sims

[Signature]
Witness

Print Name: Julie Iseman

[Signature]
Witness

Print Name: Linda Kay Hancock

[Signature]
Witness

Print Name: MICHAEL RAY

[Signature] JERRY GRIFFING
Owners Name:

Date: 7-15-, 2022

Owners Name:
Date: _____, 2022

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JERRY GRIFFING who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of July, 2022.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

[Signature]

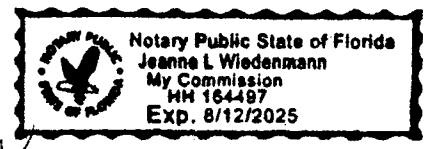


EXHIBIT A
PROPERTY DESCRIPTION

Seminole County Property Appraiser Parcel ID: 21-21-31-300-0100-0000; and
21-21-31-300-0090-0000

And more particularly described as:

SEC 21 TWP 21S RGE 31E
S 406 FT OF W 327.41 FT OF SE 1/4
OF SW 1/4 (LESS RD)

AND

SEC 21 TWP 21S RGE 31E
S 1/2 OF SW 1/4 OF SW 1/4
(LESS E 50 FT OF W 65 FT OF
N 50 FT OF S 100 FT)