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Development Agreement
for the
Spruce Creek Planned Unit Development

Adopted by the Volusia County Council
December 21, 1995

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SECTION 1: ORDER AND RESOLUTION

**IN THE COUNTY COUNCIL
OF THE COUNTY OF VOLUSIA
FLORIDA**

**IN RE: Application of
COUNTY OF VOLUSIA**

RESOLUTION NO. 95-296

**ORDER AND RESOLUTION
GRANTING A REQUEST TO REPEAL AND REPLACE SPRUCE CREEK
PLANNED UNIT DEVELOPMENT OUTLINED IN
RESOLUTION NO. 86-79**

The application of the County of Volusia for an amendment of the existing Spruce Creek Planned Unit Development was heard by and before the Volusia County Council, Volusia County, Florida, on November 16, 1995 and December 21, 1995. Based upon the Application and other supporting documents, maps, charts, overlays and other instruments; the advice, report, and recommendations of the Growth Management Department, Legal Department, and other departments and agencies of Volusia County; and recommendations of citizens, other units of government and other agencies; the testimony adduced and evidence received at duly noticed public hearing on this application by the Planning and Land Development Regulation Commission and the Volusia County Council and being otherwise fully advised, the Volusia County Council does hereby find and determine as follows:

I. DEFINITIONS

For purpose of this ORDER AND RESOLUTION and the Development Agreement incorporated herein, the following definitions shall apply unless the context requires otherwise:

The Volusia County Zoning Ordinance 80-8, as amended, and Webster's New Collegiate Dictionary (the edition referenced in the County Zoning Ordinance) shall be used for the definition of any words not defined in this resolution.

"AIRCRAFT" - A weight-carrying structure for navigation of the air that is supported either by its own buoyancy or by dynamic action of the air against its surfaces.

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"AIRCRAFT STORAGE" - A place or space for storing aircraft. This may include hangars.

"AIRPLANE" - A fixed-wing aircraft heavier than air that is driven by a propeller or by a high velocity jet and supported by the dynamic reaction of the air against its wings.

"AIRPORT" - A tract of land or water that is maintained for landing and takeoff of aircraft, and for receiving and discharging passengers and cargo and that usually has facilities for shelter, supply and repair of planes. When referred to within the context of the Spruce Creek Fly-In, the term airport shall mean the runways, the taxiways, clearways, clear zones, tie down areas, and other facilities designated on the Master Development Plan adopted December 21, 1995.

"APPLICANT" - The County of Volusia, Florida.

"APRON" - The extensive paved part of an airport for use of ingress and egress immediately adjacent to hangars.

"ATYPICAL LOTS" - Lots within a subdivision where, as a result of subdivision design, the lots abut a street at one end and any of the following at the opposite end.

- A. A waterway or body either of which is 100 feet or more in width;
- B. A golf course fairway or green;
- C. An open space area;

"CLEARZONE" - An open space at the end of Active Runway 23 wherein no structures shall be permitted.

"COMMERCIAL ACTIVITY" - Being occupied with or engaged in commerce or work intended for commerce viewed with regard to profit.

"COMMON AREA" - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate, (i.e. Windsock Park, Overlook Park). The golf course and country club are privately owned, therefore, excluded from the PUD's common area.

"COUNTRY CLUB" - A privately owned and operated land area containing golf course, recreational facilities, a clubhouse, and customary accessory uses and buildings, open only to members and their guests. The Spruce Creek Country Club, Inc. is the proprietor of the PUD's Country Club facility.

"DEVELOPER" - Thompson Properties, Inc., its successors or assigns.

"DEVELOPMENT AGREEMENT" - Section IV of this Order and Resolution.

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"EXISTING DEVELOPMENT" - The following list of existing subdivisions or projects within the PUD as of the date of Order and Resolution No. 86-79. (Reference Exhibit E)

- a. **COMMERCIAL SUBDIVISION AT SPRUCE CREEK**
Map Book 44, Page 27, Public Records of Volusia County.
Recorded June 9, 1992.
- b. **EAGLES LANDING, A CONDOMINIUM**
Map Book 38, Page 109 - 116, Public Records of Volusia County, Florida.
Recorded May 7, 1982.
- c. **FAIRWAY CHASE AT SPRUCE CREEK, A CONDOMINIUM**
Official Record Book 2847, Page 841, and Official Record Book 2885, Page 351, Public Records of Volusia County, Florida.
Recorded June 18, 1986 and October 14, 1986.
- d. **FLY-IN SPRUCE CREEK, INC. SUBDIVISION, UNIT ONE (SINGLE-FAMILY AREA)**
Map Book 33, Pages 103-108, Public Records of Volusia County, Florida.
Recorded August 7, 1974.
- e. **FLY-IN SPRUCE CREEK, INC. SUBDIVISION, UNIT ONE (MULTIPLE-FAMILY AREA, includes Cedar Pointe and Creek Side Condominiums)**
Map Book 33, Pages 103-108, Public Records of Volusia County, Florida.
Recorded August 7, 1974.
- f. **SPRUCE CREEK SUBDIVISION**
Map Book, 37, Pages 9-16, Public Records of Volusia County, Florida.
Recorded July 7, 1980.
- g. **SPRUCE CREEK SUBDIVISION UNIT II A**
Map Book 38, Page 54-55, Public Records of Volusia County, Florida.
Recorded October 5, 1981.

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- h. **SPRUCE CREEK SUBDIVISION UNIT II B**
Map Book 38, Pages 56-59, Public Records of Volusia County, Florida.
Recorded October 5, 1981.
- i. **SPRUCE CREEK SUBDIVISION UNIT II C**
Map Book 40, Page 79-81, Public Records of Volusia County, Florida.
Recorded March 3, 1985.
- j. **SPRUCE CREEK SUBDIVISION UNIT II D**
Map Book 41, Pages 69 and 70, Public Records of Volusia County, Florida.
Recorded September 5, 1986.
- k. **SPRUCE CREEK GOLF VILLAS, A CONDOMINIUM**
Official Records Book 2198, Page 1783, Public Records of Volusia County, Florida.
Recorded September 15, 1980.
- l. **SPRUCE POINT, A CONDOMINIUM**
Official Records Book 2783, Page 967, Public Records of Volusia County Florida.
Recorded February 7, 1986.
- m. **THE GLENS AT SPRUCE CREEK, A CONDOMINIUM**
Official Records Book 2513, Page 576, Public Records of Volusia County Florida.
Recorded December 1, 1983.
- n. **WEDGEWOOD AT SPRUCE CREEK**
Map Book 40, Page 130-133, Public Records of Volusia County Florida.
Recorded July 12, 1985.

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o. WOODSIDE AT SPRUCE CREEK, A CONDOMINIUM

Official Records Book 2508, Page 263 - 264, Public Records of Volusia County, Florida.

Recorded November 14, 1983.

"FIXED BASE OPERATION" (FBO) - A commercial activity existing at an airport engaged in fuel sales to aircraft and which may also engage in the service, charter, rental, maintenance, parking and storage of aircraft.

"FUTURE DEVELOPMENT" - The following list of developments which occurred after approval of Order and Resolution No. 86-79 and any new subdivisions or projects to be approved and constructed after this Resolution is adopted. (Reference Exhibit E)

a. GREENVIEW

Map Book 42, Pages 190 and 191, Public Records of Volusia County.

Recorded June 27, 1989.

b. HELLER SUBDIVISION AT SPRUCE CREEK

Map Book 43, Page 13, Public Records of Volusia County.

Recorded September 19, 1989

c. SPRUCE CREEK SUBDIVISION UNIT III-B, SECTION 1 TURTLE POINTE

Map Book 42, Pages 184 and 185, Public Records of Volusia County.

Recorded June 19, 1989.

d. SPRUCE CREEK SUBDIVISION UNIT III-B, SECTION 2 TURTLE POINTE

Map Book 43, Pages 128-130, Public Records of Volusia County.

Recorded November 8, 1990.

e. SPRUCE CREEK SUBDIVISION UNIT III-C CLUBHOUSE ESTATE

Map Book 42, Page 52 and 53, Public Records of Volusia County.

Recorded June 17, 1988.

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f. **SPRUCE CREEK SUBDIVISION UNIT III-E, GLEN EAGLES**

Map Book 43, Pages 98 -100, Public Records of Volusia County.

Recorded August 12, 1990

g. **THE LAKES AT SPRUCE CREEK**

Map Book 42, Pages 61-64, Public Records of Volusia County.

Recorded July 8, 1988.

h. **WINDSOR COURT AT SPRUCE CREEK**

Map Book 43, Page 180, Public Records of Volusia County.

Recorded June 19, 1991.

"HANGAR" - A covered and usually enclosed area for housing and repairing aircraft.

"HOME OCCUPATION" - An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

"LAND DEVELOPMENT CODE" - The Land Development Code of Volusia County, Florida, Ordinance 88-3, as amended.

"MASTER DEVELOPMENT PLAN" - The Land Development Plan for the properties described, on the original plan designed by Thompson Properties dated June 12, 1986, as revised and replaced by Exhibit B, appended hereto and by reference made a part hereof.

"MINOR AMENDMENT" - An amendment to the Master Development Plan which does not increase the overall density of the properties and which is generally consistent with the uses, alignments and configurations illustrated in the Master Development Plan.

"PLANE PORT" - See "HANGAR".

"PROPERTIES" - The entire Spruce Creek PUD.

"ROTOCRAFT - HELICOPTER" - An aircraft supported in flight partially or wholly by rotating airfoils.

"RUNWAY" - An artificially surfaced strip of ground on a landing field for the landing and takeoff of airplanes.

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"SPRUCE CREEK PROPERTY OWNERS ASSOCIATION" - The Spruce Creek Property Owners Association, Inc., a Florida not-for-profit corporation, its successors or assigns.

"TAXIWAY" - A usually paved strip for taxiing (as from the terminal to a runway) at an airport.

"TAXIWAY LOTS" - Residential or commercial lots with direct taxiway access.

"TERRACE" - A level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

"TIE DOWN AREA" - An area set aside or specified for securing aircraft to the ground.

"ZERO LOT LINE" - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

"ZONING ORDINANCE" - The Zoning Ordinance of Volusia County, Florida, Ordinance 80-8, as amended.

II. FINDINGS

On May 3, 1973, the Volusia County Council approved the original Preliminary Community Development Plan (CDP) for the Spruce Creek Fly-In. This Plan was modified by the Volusia County Council on May 1, 1978, August 2, 1979, and July 26, 1984.

On June 12, 1986, the Volusia County Council repealed the original Spruce Creek CDP and adopted a new Development Agreement and Master Development Plan for the then renamed Spruce Creek Planned Unit Development (PUD). This was the last major modification to the Spruce Creek Fly-In community regulations.

The proposed Master Development Plan would promote orderly growth and development of the Spruce Creek community in accordance with Comprehensive Plan Ordinance 90-10, as amended, and Zoning Ordinance 80-8, as amended, of Volusia County.

That the application of Volusia County, was duly and properly filed as required by law.

That the subject property is approximately 1123± acre parcel of land which is situated in Volusia County, Florida. This parcel of land is described more particularly in the legal description, a true copy of which is attached hereto as Exhibit "A", appended hereto and by referenced made a part hereof.

That the Applicant has complied with the "Public Notice" requirements of the Volusia County Zoning Ordinance No. 80-8, as amended.

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III. ORDER

NOW, THEREFORE, be it Resolved and Ordered by the County Council of Volusia County, Florida, in open meeting duly assembled in the County Administration Center, County Council Meeting Room, DeLand, Florida, this 21st day of December, A.D., 1995, as follows:

(a) That the Planned Unit Development (PUD), as amended, is consistent with the provisions of the "Development Agreement" as hereinafter set forth in this Order and Resolution. With respect to any conflict between Ordinance No. 80-8, as amended, and the "Development Agreement", the provisions of the "Development Agreement" shall govern. Ordinance No. 80-8, as amended, shall govern with respect to any matter not covered by the "Development Agreement." The Volusia County Zoning Enforcement Official shall insure overall compliance with this Order and Resolution.

(b) That the existing PUD, Resolution 86-79, as adopted by the Volusia County Council on June 12, 1986 is hereby repealed.

(c) That the permitted uses and restrictions which shall govern the existing and future developments are set forth hereto. With respect to any item not covered within the provisions of the permitted uses and restrictions, the provisions of the Volusia County Zoning Ordinance 80-8, as amended, shall govern.

(d) That the Development Agreement shall govern existing and future development as provided for in this document.

(e) Development of the PUD occurring after **December 21, 1995** shall comply with the Volusia County Land Development Code, Ordinance No. 88-3, as amended, and all other applicable Volusia County Land Development regulations.

IV. DEVELOPMENT AGREEMENT

(1) **PUD Development Concept:** The PUD shall be developed as a continuation of the **SPRUCE CREEK PUD**, in substantial accordance with the **Master Development Plan, Exhibit B**, appended hereto and by reference made a part hereof, and the **Site Development Plans** for individual phases.

(a) **The Master Development Plan:** All amendments to the Master Development Plan, other than those deemed by the Volusia County Zoning Enforcement Official to be minor amendments, shall require review and recommendation of the Planning and Land Development Regulation Commission and approval of the Volusia County Council.

(b) **Subdivision Approval:** After the Master Development Plan is recorded, and prior to the commencement of any construction, including clearing and landfill, all subdivision proposals shall be submitted for review and approval as governed

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under Article II of the Volusia County Land Development Code, Ordinance 88-3, as amended.

- (c) **Commercial and Multi-family:** Prior to the issuance of building permits, a site development plan relating to each individual phase shall be prepared and submitted in the manner required by Article III of the Volusia County Land Development Code Ordinance 88-3 as amended.
 - (d) **Permit Issuance:** Volusia County shall not issue any building permit within the Spruce Creek PUD, if the subject plan has not obtained the stamp of approval from the Spruce Creek Property Owners' Architectural Review Committee (ARC). The ARC shall review all new construction plans and exterior modifications requests to any existing structure within the Spruce Creek PUD; such as, plans for new homes, fences, roofing changes, etc.
- (2) **Density:** Densities, as shown on the Master Development Plan, may be transferred from one area or land use to another in order to accommodate variations in development phases but under no circumstances will the total number of dwelling units exceed 2,090.
 - (3) **Permitted Uses:** Uses are limited to those set out in Section 2 - Existing Development and Section 3 - Future Development, of this document. Absent specific use restrictions contained in this Development Agreement, the provisions of the Volusia County Zoning Ordinance No. 80-8, as amended, shall govern.
 - (4) **Environmental Considerations:** Both during and after construction, environmentally sensitive areas will be protected in accordance with the Land Development Code Ordinance No. 88-3, as amended.
 - A. Except in the platted multi-family area, an environmental easement has been created along the bank of Spruce Creek which shall include all land within an elevation of 10 feet mean sea level (M.S.L.) or lower or all land lying within 50 feet of the center line of Spruce Creek, whichever includes the greater distance from said center line. No building, alteration of land or removal of vegetation is permitted within this easement.
 - B. Natural drainage areas shall retain their natural vegetation wherever possible. Additionally, surface water runoff will be controlled by a complete system of pipes, swales, ditches and retention basins as required by the Department of Environmental Protection (DEP), the St. Johns River Water Management District, Volusia County and other regulatory agencies.
 - C. Areas designated as Environmental on the Master Development Plan shall be left in their natural state.
 - D. Native vegetation shall be used as much as possible in future landscape plans to retain the character of this land and to better encourage wildlife in the area.

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- E. Provisions shall be made to prevent silting out into the Spruce Creek of any soil during construction of structures close to the creek. Sufficient steps and safeguards shall be initiated so as to protect the creek against the increased runoff as a result of development.
- F. An open space area shall be maintained at the northerly end of active runway 23, and no structures shall be permitted within this open space area. The open space area shall be trapezoidal in shape bounded on the southerly side by the northerly threshold of runway 23. This location and description of the open space area shall be as shown on the diagram attached as Exhibit "C", appended hereto and by reference made a part hereof.

(5) **Historic and Archeological Resource Considerations:**

A. Archaeological Survey of Undeveloped Areas

The Spruce Creek PUD is located in an archaeologically sensitive area as identified in the Archaeological Resource Management Plan prepared for Volusia County by Piper Archaeological Research, Inc. For the undeveloped areas of the PUD an archaeological survey shall be conducted to identify possible significant archaeological deposits prior to any development activity. Such a survey can be conducted either by a professional archaeological consultant at the convenience and expense of the developer or by the County at minimal expense to the developer, if the developer provides one year's notice prior to any development work or other form of earth disturbing activity. In the event that significant archaeological deposits are discovered as a result of this survey, an effort will be made by the developer to preserve such deposits. In the event that preservation is not possible the adverse effect of earth disturbing activity associated with the development of the site shall be mitigated through excavation. The degree and extent of excavation shall be determined by the County Historic Preservation Officer.

B. Historic Cemetery and Possible Unmarked Human Burials

Located within the PUD is a small historic cemetery that contains several marked graves. Since the PUD is located within an archaeologically sensitive area, the possibility exists that there may also be unidentified human burials of prehistoric origin on the property. It is a violation of Florida law (Chapter 872, Florida Statutes) to willfully and knowingly disturb marked and unmarked burials and to destroy, mutilate or remove associated grave goods including monuments and markers. If at any time during the development, maintenance and occupation of the PUD, human remains are accidentally unearthed, such activity shall cease and the proper procedure followed as indicated in the Florida Administrative Code which includes notification of the District Medical Examiner and State Archaeologist. In addition, as part of this agreement, in the event that such remains or associated grave goods including markers, are disturbed or discovered, the County Historic Preservation Officer shall be notified as soon as possible.

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In the event that direct descendants of individuals buried in the cemetery or individuals conducting genealogical or historical research desire reasonable access to the cemetery, they shall be allowed such access.

- (6) **Utility Site:** The land lying parallel with the runway on the North is set aside for a utility purposes. This involves the treatment of wastes, processing of water, and similar functions. Any small structures will be screened by foliage or fencing, and lagoons will be designed to enhance the aesthetic value to the site.
- (7) **Sewage:** Wastewater management is the responsibility of Volusia County, or its successor, which maintains an existing wastewater treatment plant on site which is designed to meet or exceed all effluent standards as specified by the Florida Department of Environmental Protection (DEP). In the course of operating the sewer and appurtenant facilities, a reasonable charge may be assessed to the property owners in accordance with the regulations of the County.
- (8) **Water:** Potable water supply is the responsibility of Volusia County, or its successor. The County will continue to meet potable demand for the SPRUCE CREEK PUD, and to supplement the flow requirement for fire fighting and irrigation purposes. In the course of operating the water and appurtenant facilities, a reasonable charge may be assessed to the property owners in accordance with the regulations of the County.
- (9) **Stormwater Drainage:** A system of culverts combined with drainage swales and ponds will supplement the retained natural drainage ways and areas. Sufficient acreage within the site will be utilized for the establishment of detention/retention areas. Ponds will be sized to retain the increased runoff due to site development. The storage volume and discharge rate shall meet published Volusia County stormwater requirements. Outfall rates and water levels within the ponds will be controlled by specially designed water control structures. Water control structures shall be composed of various combinations of weirs, culverts and overflow structures and shall be designed to meet the requirements of the Volusia County Ordinance No. 88-3 and the Requirements of the St. Johns River Water Management District.
- (10) **Roadways:** All roadways within the PUD will be privately owned and built to Volusia County standards except as hereinafter provided. Within certain areas structured for maintenance by homeowner or condominium associations, a paved easement may be provided in lieu of a platted street, with all other rights-of-way being 50 feet, 60 feet and 84 feet wide. The County may, but shall not be required, to permit several cul-de-sacs to exceed 1,000 feet in length in order to preserve natural areas and to avoid housing frontage on main transportation arteries, and blocks may also be permitted to exceed 1,400 feet or be less than 700 feet in length where necessary in order to minimize adverse impacts on natural site characteristics. Cessna Boulevard and other existing taxiways which are also used for vehicular traffic may be deemed to be "streets" in their present condition for the purpose of the subdivision of land.
- (11) **Maintenance of Private Streets:** It is the intent that no governmental agency, including the government of Volusia County, shall ever be responsible for the maintenance, upkeep

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or improvements of any private drives, roads, streets, easements or rights-of-way providing ingress and egress to the Properties. The above referenced responsibilities shall be ascribed to the Association.

- (12) **Property Owners Association:** The Spruce Creek Property Owners' Association, Inc. (the "Association") was formed on September 20, 1979. All present owners shall be members of the Association and all future owners shall be members of the Association or its successor or assigns. The Red Barron Homeowners Association which was contemplated for the Original Parcel was never formed and shall have no existence or authority over any of the properties. Land not platted into lots or located within condominiums will be maintained by the Association which shall have the duty and power to enact reasonable and uniform regulations governing the use and enjoyment of the PUD. The Final Judgement Against Plaintiff entered in the case of SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation vs. JOHN TRAVOLTA and ATLO, INC., a Delaware corporation, in the Circuit Court Seventh Judicial Circuit in and for Volusia County, Florida, Case No. 93-30435 Division 32 (J. Orfinger), is attached hereto and by reference, made a part hereof as Exhibit F.

The owner of each platted lot or unit within the PUD shall be a member of the Association and shall be liable for, with a lien securing payment of, annual and special assessments collected by the Association for the improvement, maintenance, enhancement, enlargement and operation of common areas, and for payment of taxes, governmental assessments, insurance and payment of costs to acquire materials, equipment, labor, professional services, management and supervision necessary to carry out the authorized functions of the Association, and for payment of principal, interest and other charges connected with loans made to or assumed by the Association. Volusia County shall not be responsible for enforcing the Articles of Incorporation, By-laws, or any regulations of the Association.

- (13) **Taxiway Lots:** No new residential taxiways or residential taxiway lots shall be created except for within Parcel B which may be developed with either a taxiway and/or apron. Existing taxiways and taxiway lots are illustrated on Exhibit D, appended hereto and by reference made a part hereof.
- (14) **Airport Operations:** It is the responsibility of the Property Owners Association to develop and enforce rules and regulations relating to airport operations, airport runway, taxiways, ramp area, beacon, cable T.V. dish and equipment, hangars, offices, and equipment. In addition, the flight operations are protected by clear zones on either end of the runway, building restriction lines abutting the runway and taxiways, obstruction limits, and navigation easements. The Final Judgement Against Plaintiff entered in the case of SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION INC., a Florida not-for-profit corporation vs. JOHN TRAVOLTA and ATLO, INC., a Delaware corporation, in the Circuit Court Seventh Judicial Circuit in and for Volusia County, Florida, Case No. 93-30435 Division 32 (J. Orfinger), is attached hereto and by reference, made a part hereof as Exhibit F.

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- (15) **Development of Regional Impact:** The Applicant has applied to the Department of Community Affairs (the "Department") and received a Binding Letter of Modification of Vested Rights Status for the Original parcel and a Binding Letter of Interpretation for the Additional Parcels. The Binding Letters, dated June 11, 1986, are attached hereto and incorporated herein as a part of this Development Agreement.

In addition, the Department has issued two new letters dated October 11, 1993, and October 14, 1994, with regards to the annexation of a portion of the Spruce Creek PUD by the City of Port Orange. The City annexed undeveloped areas of the PUD which were added to the PUD during the 1986 amendment. The annexations would not effect vested area of the PUD.

- (16) **Binding Effect of Plans:** The provisions of the foregoing Development Agreement, including any and all supplementary orders and resolutions, and all Site Development Plans shall bind and inure to the benefit of the developer or its successor in title or interest. The PUD zoning, provisions of the Development Agreement and all approved plans shall run with the land and shall be administered in a manner consistent with Article IX of the Zoning Ordinance No. 80-8, as amended. This ORDER AND RESOLUTION and all subsequent orders and resolutions shall be filed for record in the Official Records of Volusia County, Florida.

With respect to the enforcement of said agreements, covenants, easements or restrictions entered into between the developer and the owners or occupants of property within the PUD, the County of Volusia shall only enforce the provisions of the Development Agreement or the Zoning Ordinance No. 80-8, as amended, whichever are applicable and not the private agreements entered into between the aforementioned parties, provided, however nothing in this order and resolution shall be deemed to extinguish or abridge any of the private agreements, covenants, easements or restrictions entered into between the developer, owner or occupants of property in the PUD.

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SECTION 2: EXISTING DEVELOPMENT USES AND REGULATIONS

A. SINGLE FAMILY RESIDENTIAL

1. Permitted Uses:

Single family, standard dwellings and their customary accessory uses and structures: including hangars and tie-down areas.

2. List of Subdivisions:

a. **FLY-IN SPRUCE CREEK, INC. SUBDIVISION, UNIT ONE**

Map Book 33, Pages 103-108, Public Records of Volusia County, Florida.

Recorded August 7, 1974.

b. **SPRUCE CREEK SUBDIVISION**

Map Book, 37, Pages 9-16, Public Records of Volusia County, Florida.

Recorded July 7, 1980.

c. **SPRUCE CREEK SUBDIVISION UNIT II A**

Map Book 38, Page 54-55, Public Records of Volusia County, Florida.

Recorded October 5, 1981.

d. **SPRUCE CREEK SUBDIVISION UNIT II B**

Map Book 38, Pages 56-59, Public Records of Volusia County, Florida.

Recorded October 5, 1981.

e. **SPRUCE CREEK SUBDIVISION UNIT II C**

Map Book 40, Page 79-80, Public Records of Volusia County, Florida.

Recorded March 3, 1985.

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f. SPRUCE CREEK SUBDIVISION UNIT II D

Map Book 41, Pages 69 and 70, Public Records of Volusia
County, Florida.

Recorded September 5, 1986.

3. Dimensional Requirements:

TITLE	UNIT I	SPRUCE CREEK SUBDIVISION	UNIT IIA	UNIT IIB ESTATE RES.	UNIT IIC ESTATE RES.	UNIT IID
Minimum Lot Size	8,000 sq. ft.	8,000 sq. ft.	8,000 sq.ft..	15,000 sq. ft.	15,000 sq. ft.	8,000 sq.ft..
Minimum Lot Width	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet
Minimum Ground Floor Area(1 Story)	1,250 sq. ft.	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.	1,400 sq. ft.
(For 2 Story Home)	(950 sq. ft.)	(950 sq. ft.)	(950 sq. ft.)	(950 sq. ft.)	(950 sq. feet)	(950 sq. ft.)
Minimum Front Yard Setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Side Yard Setback	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet
Minimum Side Street Setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum Rear Yard Setback	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet
Maximum Height	35 feet	35 feet	35 feet	35 feet	35 feet	2 stories
Maximum Lot Coverage	30%	30%	30%	30%	30%	30%
Accessory Structures						
Front and Side Yards	same as principal building	same as principal building	same as principal building	same as principal building	same as principal building	same as principal building
Rear Yard	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet

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B. MULTIPLE FAMILY RESIDENTIAL

1. Permitted Uses:

Apartments, Condominium, Townhomes, and Zero Lot line. Hangars and tie down areas accessory to taxiway access development. One (1) hangar/tie down per unit.

2. List of Developments:

a. **EAGLES LANDING, A 36 UNIT CONDOMINIUM DEVELOPMENT**

Map Book 38, Page 109 - 116, Public Records of Volusia County, Florida.

Recorded May 7, 1982.

b. **FAIRWAY CHASE AT SPRUCE CREEK, A 60 UNIT CONDOMINIUM DEVELOPMENT**

Official Record Book 2847, Page 841, and Official Record Book 2885, Page 351, Public Records of Volusia County, Florida.

Recorded June 18, 1986 and October 14, 1986.

c. **FLY-IN SPRUCE CREEK, INC. SUBDIVISION, UNIT ONE - (includes CEDAR POINTE AND CREEK SIDE CONDOMINIUMS)**

Map Book 33, Pages 103-108, Public Records of Volusia County, Florida.

Recorded August 7, 1974.

d. **SPRUCE POINT, A 7 UNIT CONDOMINIUM DEVELOPMENT**

Official Records Book 2783, Page 967, Public Records of Volusia County Florida.

Recorded February 7, 1986.

e. **SPRUCE CREEK GOLF VILLAS, A 79 UNIT CONDOMINIUM DEVELOPMENT**

Official Records Book 2198, Page 1783, Public Records of Volusia County, Florida.

Recorded September 15, 1980.

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f. **THE GLENS AT SPRUCE CREEK, AN 8 UNIT
CONDOMINIUM DEVELOPMENT**

Official Records Book 2513, Page 576, Public Records of
Volusia County Florida.

Recorded December 1, 1983.

g. **WEDGEWOOD AT SPRUCE CREEK, AN 80 LOT ZERO
LOT LINE DEVELOPMENT**

Map Book 40, Page 130-133, Public Records of Volusia County
Florida.

Recorded July 12, 1985.

h. **WOODSIDE AT SPRUCE CREEK, A 70 UNIT
CONDOMINIUM DEVELOPMENT**

Official Records Book 2508, Page 263 - 264, Public Records of
Volusia County, Florida.

Recorded November 14, 1983.

3. Dimensional Requirements:

TITLE	CEDAR POINTE UNIT I (CREEK SIDE)	SPRUCE CREEK GOLF VILLAS	EAGLES LANDING	THE GLENS & WOODSIDE CREEK	SPRUCE POINT CONDO	FAIRWAY CHASE CONDO	WEIGEWOOD ZERO LOT LINE
Minimum Lot Size	22,500 sq. ft.	22,500 sq. ft.	22,500 sq.ft.	22,500 sq. ft.	22,500 sq. ft.	22,500 sq.ft.	10,800 sq.ft
Minimum Lot Width	75 feet	75 feet	75 feet	75 feet	75 feet	75 feet	60 feet
Minimum Floor Area	600 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq.ft	700 sq.ft
Minimum Front Yard Setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 ft. from perimeter road, 10 feet from any road, common parking area or driveway
Minimum Side Yard Setback	8 feet	8 feet	8 feet	8 feet	8 feet	8 feet	N/A
Minimum Side Street Setback	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	N/A
Minimum Rear Yard Setback	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet	N/A
Maximum Height	N/A	35 feet	35 feet	35 feet	35 feet	35 feet	N/A
Maximum Lot Coverage	40%	40%	40%	40%	40%	40%	N/A
Minimum Off-Street Parking Requirement	1 ½ spaces per unit	N/A	N/A	N/A	N/A	N/A	N/A
Unit Separation	N/A	20 feet	20 feet	20 feet	20 feet	20 feet	10 feet

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C. COMMERCIAL

1. Purpose and Intent:

The purpose and intent of the Commercial Use area is to allow commercial facilities which reflect the varied lifestyles contained within the Spruce Creek PUD and to provide services in such a manner that will not adversely affect the property value and lifestyle of the owners of residential units.

2. List of Subdivision:

COMMERCIAL SUBDIVISION AT SPRUCE CREEK

Map Book 44, Page 27, Public Records of Volusia County.

Recorded June 9, 1992.

3. Permitted Uses:

- General Offices
- Aircraft Storage (which shall be restricted to hangars and tie down areas only)
- Aircraft Sales and Service (including the sale, repair, maintenance and assembly of aircraft, aircraft parts and related electronic/avionics equipment)
- Fixed Base Operation
- Convenience Store with or without gasoline pumps (Sub. II-D, Lot 431 only),
- Post Office, or Retail Specialty Shop.
- Restaurant

4. Dimensional Requirements:

MINIMUM FRONT YARD SETBACK	35 feet
MINIMUM SIDE YARD SETBACK	20 feet
MINIMUM SIDE STREET SETBACK	35 feet
MINIMUM REAR YARD SETBACK	20 feet
MAXIMUM HEIGHT	35 feet
MAXIMUM LOT COVERAGE	30 percent

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SECTION 3: FUTURE DEVELOPMENT REGULATIONS

This section governs both the subdivisions listed herein and properties yet to be developed. It is not necessary to amend the PUD to list additional future developments or subdivisions as long as these developments comply with the Future Development Regulations.

A. RESIDENTIAL DETACHED (the following regulations govern development approved after the Adoption of Order and Resolution No. 86-79) and any future development that may be used as Residential Detached.

1. Permitted Uses:

Single and multi-story single family dwellings and accessory uses such as detached hangars, tie downs, plane ports, pools and enclosures.

2. List of Subdivisions:

a. GREENVIEW

Map Book 42, Pages 140 and 191, Public Records of Volusia County.
Recorded June 27, 1989.

b. SPRUCE CREEK SUBDIVISION III-C, CLUBHOUSE ESTATE

Map Book 42, Page 52 and 53, Public Records of Volusia County.
Recorded June 17, 1988.

c. SPRUCE CREEK SUBDIVISION III-E, GLEN EAGLES

Map Book 43, Pages 98 - 100, Public Records of Volusia County.
Recorded August 12, 1990.

d. THE LAKES AT SPRUCE CREEK

Map Book 42, Pages 61-64, Public Records of Volusia County.
Recorded July 8, 1988.

e. WINDSOR COURT AT SPRUCE CREEK

Map Book 43, Page 180, Public Records of Volusia County.
Recorded June 19, 1991.

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3 Dimensional Requirements:

MINIMUM LOT SIZE	8000 sq.ft.
MINIMUM LOT WIDTH	60 feet A.B.L. 30 feet @ St.1
MINIMUM FLOOR AREA	1000 sq.ft.
MINIMUM FRONT YARD SETBACK	25 feet
MINIMUM SIDE YARD SETBACK	20 feet Combined, Minimum 8 foot interior side yard
MINIMUM SIDE STREET SETBACK	25 feet Combined, Minimum 8 foot interior side yard
MINIMUM REAR YARD SETBACK	25 feet
MAXIMUM HEIGHT	36 feet
MAXIMUM LOT COVERAGE	35 percent
MINIMUM PARKING	2 per Dwelling Unit
ACCESSORY STRUCTURE	10 feet - Rear Yard

4. Special Regulations:

Windsor Court - The front yard is measured from the edge of the roadway easement. The rear yard is measured from rear lot line or non-vehicular access easement whichever is more restrictive.

B. **RESIDENTIAL DETACHED** (the following regulations govern development approved after the Adoption of Order and Resolution No. 86-79).

1. Permitted Uses:

Single and multi-story single family detached units and accessory uses such as detached hangars, tie downs, plane ports, pools and enclosures.

2. List of Developments:

a. **SPRUCE CREEK SUBDIVISION UNIT III-B, SECTION 1 TURTLE POINTE**

Map Book 42, Page 184, Public Records of Volusia County.

Recorded June 10, 1980.

b. **SPRUCE CREEK SUBDIVISION UNIT III-B, SECTION 2 TURTLE POINTE**

Map Book 42, Page 185, Public Records of Volusia County.

Recorded June 10, 1980.

at Building line 30' at street

2. THE DEVELOPER SHALL PROVIDE...

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3. Dimensional Requirements:

MINIMUM LOT SIZE	5000 sq. ft.
MINIMUM LOT WIDTH	50 feet A.B.L. 30 feet @St. ²
MINIMUM FLOOR AREA	900 sq. ft. (III-B-1400)
MINIMUM FRONT YARD SETBACK	20 feet from private street or right of way
MINIMUM SIDE YARD INTERIOR	5 feet
MINIMUM SIDE YARD CORNER	20 feet
MINIMUM REAR YARD SETBACK	20 feet
MAXIMUM HEIGHT	36 feet
MAXIMUM LOT COVERAGE	35 percent
MINIMUM PARKING	2 per Dwelling Unit
ACCESSORY STRUCTURE	10 feet - Rear Yard

4. Special Regulations:

In Spruce Creek Subdivision Unit III B-Turtle Pointe Section I only, a screened porch is considered an accessory structure with a permitted rear yard setback of 10 feet; however, enclosure of a screened porch must comply with the minimum principal structure rear yard requirement.

C. RESIDENTIAL ATTACHED UNITS

The following regulations shall apply to any parcels developed for Residential Attached Units.

1. Permitted Uses:

Two or more dwelling units in a building which may have accessory uses such as hangars, tie downs, pools, and plane ports.

2. Dimensional Requirements:

MINIMUM LOT SIZE	8000 Sq. ft.
MINIMUM FLOOR AREA	750 Sq. ft.
MINIMUM BUILDING SETBACKS	25 feet from Loop Road or Right of Way 20 feet Between Building Sides 10 feet from Internal Circulation
MINIMUM SIDE YARD SETBACK	20 feet Between Building Sides
MAXIMUM HEIGHT	36 feet
MAXIMUM LOT COVERAGE	40 Percent
MAXIMUM NUMBER OF ATTACHED UNITS	16 per Building

at building line, 30' at street

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D. COMMERCIAL

1. Purpose and Intent:

The purpose and intent of the area is to allow commercial facilities which reflect the varied lifestyles contained within the Spruce Creek PUD and to provide services in such a manner that will not adversely affect the property value and lifestyle of the owners of residential units.

2. Permitted Uses:

Subject to the general use restrictions for Commercial Areas set forth below, areas designated as Commercial may be used for the following uses, or similar uses, and their customary accessory uses and structures:

- General Offices
- Aircraft Storage (which shall be restricted to hangars and tied down areas only.
- Aircraft Sales and Service (including the sale, repair, maintenance and assembly of aircraft, aircraft parts and related electronic/avionics equipment)
- Fixed Base Operation
- Convenience Store, Post Office, or Retail Specialty Shop

3. List of Developments:

a. **HELLER SUBDIVISION AT SPRUCE CREEK**

Map Book 43, Page 13, Public Records of Volusia County.
Recorded September 19, 1989

b. **SPRUCE CREEK CORPORATE CENTER**

A Commercial condominium

4. Dimensional Requirements:

MINIMUM FRONT YARD SETBACK	35 feet
MINIMUM SIDE YARD SETBACK	20 feet
MINIMUM SIDE STREET SETBACK	35 feet
MINIMUM REAR YARD SETBACK	20 feet
MAXIMUM HEIGHT	35 feet All Inclusive
MAXIMUM LOT COVERAGE	40 percent

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SECTION 4: SUPPLEMENTAL REGULATIONS

A. ANIMAL RESTRICTIONS

No animals of any kind shall be raised, bred, or kept on any lot, except that household pets may be kept thereon if not permitted to run loose outside the lot, and provided they are not kept, bred, or maintained for any commercial purpose. No more than 5 animals over six months of age may be kept.

B. ATYPICAL LOTS

Development on an atypical lot shall meet the requirements of Ordinance 80-8, as amended, unless otherwise noted within this Development Agreement.

C. COMMERCIAL STORAGE

Outside storage shall not be permitted unless fenced with an opaque screen of sufficient height, at least six (6) feet high to hide the materials.

D. FIXED BASE OPERATION (FBO)

Any FBO shall receive approval from the Spruce Creek Property Owners' Association (POA).

E. LANDSCAPING

Any area not paved shall be landscaped. Such landscaping may include the planting of grass, groundcovers, shrubs and trees. Specific landscape buffers are not required.

F. NON-CONFORMITY

The provisions of Article VI, Volusia County Zoning Ordinance 80-8, as amended, shall apply.

G. OFF-STREET PARKING REQUIREMENT/VEHICLE LOADING

1. Off-Street Parking. Off-street parking facilities shall be provided for single family, multifamily and commercial areas as set forth in Section 810.00 of the Volusia County Zoning Ordinance 80-8, as amended, and the Volusia County Land Development Code, Ordinance 88-3, as amended, unless otherwise indicated in this document.

2. Vehicle Loading. All provisions for the loading and maneuvering of vehicles incidental to the operation of the business shall be placed on the lot(s); on-street vehicle loading shall not be permitted.

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H. PARKING AND STORAGE OF VEHICLES

No boat, golf cart, recreational vehicle, commercial truck or other commercial vehicle (except construction equipment during actual construction) shall be kept or parked on any lot or street except in an enclosed garage, provided, however, that aircraft may be tied down in open areas accessible to taxiways. No mobile homes or other similar vehicle (other than construction equipment as permitted above) shall be parked or placed on any lot at any time for any period greater than one day.

I. SALES AND MODEL DWELLING UNIT

Any new dwelling unit may be used as a model dwelling unit or sales office following the approval of an overall development plan for a portion of the proposed development. To facilitate sales of units within the area governed by the approved overall development plan, the Developer or its successor in title may construct model units and sales offices pursuant to the preliminary plat or site plan. A building permit for the construction of said model units may be issued by Volusia County upon presentation of an approved preliminary plat or site plan. Said model units shall be used only as models and shall not be occupied as residences or used for any purposes other than sales offices or display until a final plat is recorded. Upon sale of all of the units governed by the overall development plan or a final site plan, the authorization to use a dwelling unit as a model or sales office shall expire.

J. SIGNS

1. Residential Areas

No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale.

2. Commercial Areas

The following regulations shall apply to all signs displayed for observations from outside a building whether displayed on, near, or within a building:

- a. **PERMITTED SIGNS:** Signs on the property shall be limited to those identifying the uses conducted on the site, to those necessary for directional purposes, and to those required to advertise the rental of the specific property on which the sign is displayed. The size, design, and location of all signs shall require

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the written approval of the P.O.A. or its authorized agent prior to installation. Billboards or flashing lighting shall not be permitted.

- b. AREA AND LOCATION: One sign may be permitted on or behind the front setback line and one sign less than 16 square feet may be attached to the side of the building which faces the major street or taxiway.

The sign on or behind the front setback line shall not exceed thirty two (32) square feet in area and shall not extend more than ten feet in height above the floor line of the building. In addition, the subject sign shall be located in a fashion so as not to obstruct the circulation of aircraft. An approved product or company symbol or device may be used in addition to each sign and, on the front setback line, may extend up to any point on the building. Any such symbol or device shall be considered a sign for the purposes of these restrictions and shall require the written approval of the Association prior to installation.

- c. CONSTRUCTION: All signs shall comply with all building codes of Volusia County.

K. WALLS AND FENCES:

- 1. Entire PUD

No wall, hedge, fence or other enclosure of any kind shall be constructed, grown, or maintained which is located on any right-of-way, taxiway easement, or street easements.

- 2. Residential Area

No wall, hedge, fence or other enclosure of any kind shall exceed four feet in height when located in the front yard and side yard areas.

No wall, hedge, fence or other enclosure of any kind shall exceed five feet in height when located between the rear building line and the rear lot line of such lot; nor shall any wall, hedge, fence or other enclosure be permitted within 20 feet of a lot line abutting the golf course.

When the wall, hedge, fence or other enclosure is on lots not abutting the golf course and surrounding and immediately adjacent to a terrace area and attached to or adjoining the dwelling; the wall, hedge, fence or enclosure may be constructed, grown or maintained up to a height of six-feet within the front, side and rear building setback areas of such lot. This restriction does not apply to completely enclosed screened areas attached to the dwelling.

In multiple family areas no fences, walls or hedges shall be erected or maintained within ten feet of a golf course perimeter.

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

June 11, 1986

TOM LEWIS, JR.
Secretary

Ms. Casey J. Gluckman, Esquire
Gluckman and Gluckman
Route 5, Post Office Box 3965
Tallahassee, Florida 32301

Dear Ms. Gluckman:

Binding Letter of Interpretation for
Modification to a Development of
Regional Impact with Vested Rights
File No. BLIM-686-010
Spruce Creek

We have evaluated your application for a Binding Letter dated April 24, 1986, and received April 26, 1986. Based on the information contained in the application and other information obtained during the review of the development proposal, we enter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On May 8, 1974, the Department of Administration, Division of State Planning issued a letter of determination of vested rights status (LIVR-674-140) stating that the Spruce Creek residential fly-in development had obtained vested rights pursuant to Section 380.06(12), Florida Statutes (F.S.). The vested development plan for Spruce Creek included 6,254 dwelling units, 900 hotel rooms, an 18-hole golf course and country club, and a nine-hole executive golf course located on 1,087 acres of land. The vested plan also included 3,664,267 square feet to be developed under a "commercial" classification. This commercial classification was proposed to be developed with 1,832,134 square feet of professional office area and 1,832,134 square feet of aviation related uses and research light industrial development. Thompson Properties, Inc., the present owner of Spruce Creek, via a modified development plan is proposing to reduce the total number of dwelling units to 1,884 units. The new plan also calls for a reduction in the amount of office development to a total of 179,685 square feet and a reduction in the aviation related uses

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and research light industrial development to 179,685 square feet. The 900 hotel units and the nine-hole executive golf course will be eliminated from the development plan.

Thompson Properties, Inc., owns an additional 360.9 acres of adjacent properties on which it proposes to develop 766 residential units and 91,476 square feet of commercial development (Figure 1). The development proposed for this adjacent land is considered by the applicant and the Department to be part of Spruce Creek and is clearly linked to the vested portion of Spruce Creek by common ownership, common name, common infrastructure, and common plan of development. The adjacent properties however, are not vested for the purposes of Section 380.06, F.S., and therefore will not be bound by the determinations made in this binding letter. The development proposed by Thompson Properties, Inc., for the adjacent properties is currently being evaluated by the Department pursuant to an application for a binding letter of development of regional impact status (BLID-686-025) under Section 380.06, F.S.

2. The Spruce Creek residential development is located in Sections 25 and 36, Township 16 South, Range 32 East, and in Sections 30 and 31, Township 16 South, Range 33 East, Volusia County, Florida.

3. The applicant is Ms. Casey Gluckman, authorized representative for Thompson Properties, Inc., which proposes to develop Spruce Creek.

4. Pursuant to Paragraph 380.06 (4)(e), F.S., in determining whether a proposed substantial change to a development of regional impact (DRI) concerning which rights had previously vested would divest such rights, the state land planning agency shall review the proposed change within the context of:

1. Criteria specified in paragraph (19)(b);
2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
3. All rights and obligations arising out of the vested status of such development;
4. Permit conditions or requirements imposed by the Department of Environmental Regulation, the Department of Natural Resources, or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and

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5. Any regional impacts arising from the proposed change."

5. Pursuant to Paragraph 380.06(4)(f), F.S., if a proposed substantial change to a DRI concerning which rights had previously vested pursuant to Subsection 380.06(20), F.S. would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to Subsection 380.06(20), F.S.

6. Paragraph 380.06 (19)(b), F.S., provides criteria for reviewing proposed changes to previously vested DRI's. The criteria that are applicable and which the Department will base its review of the proposed Spruce Creek project are Subparagraphs 4, 6, 9, 10, 11, 13, and 16.

- "4. An increase in industrial development area by 5 percent or 32 acres, whichever is greater."
- "6. An increase in land area for office development by 5 percent or 6 acres, whichever is greater, or an increase of gross floor area of office development by 5 percent or 60,000 gross square feet, whichever is greater."
- "9. An increase in the number of dwelling units by 5 percent, or 50 dwelling units, whichever is greater.
- 10. An increase in commercial development by 6 acres of land area, or by 50,000 square feet of gross floor area, or of parking spaces provided for customers for 300 cars or 5 percent, whichever is greater.
- 11. An increase in hotel or motel facility units by 5 percent or 75 units, whichever is less."
- "13. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less."
- "16. A change proposed for 15 percent or more of the acreage of a vested plan to a land use not previously approved in the binding letter of vested rights."

7. A history of the project is as follows:

Fly-In Spruce Creek, Inc., the original owner of the property had a schematic development plan for Spruce Creek approved by the District Two Zoning Commission of Volusia County in 1970. Following this approval, Fly-In Spruce Creek, Inc., proceeded to

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develop a PUD application, which was approved on April 11, 1973, by the Halifax Area Zoning Commission. This constituted the final action by the County concerning the preliminary PUD approval.

On March 27, 1974, Fly-In Spruce Creek, Inc., filed a request for a determination of vested rights status for the Spruce Creek development. A Letter of Interpretation for Vested Rights (LIVR-674-140) was issued by the Division of State Planning, on May 8, 1974. The letter stated that Spruce Creek had obtained vested rights pursuant to Subsection 380.06(12), F.S., for 6,254 dwelling units, 900 hotel rooms, 1,832,134 square feet of office development, 1,832,134 square feet of aviation related uses and research light industrial development, an 18-hole golf course and country club, and a nine-hole executive golf course, and would not be required to comply with the provisions of Section 380.06, F.S.

In 1978, Thompson Properties, Inc. of Florida, a Florida Corporation, purchased Spruce Creek from Fly-In Spruce Creek, Inc., and is the present owner and developer of the project.

8. In applying the criteria in Subparagraphs 380.06(19)(b) 4, 6, 9, 10, 11, 13, and 16, F.S., to the proposed changes in the Spruce Creek development plan, the Department finds that:

- A. There will be a reduction in the amount of industrial development by 1,652,449 square feet from 1,832,134 to 179,586 square feet.
- B. There will be a reduction in the amount of office space from 1,832,134 gross square feet to 179,685 gross square feet.
- C. There will not be an increase in the number of dwelling units. The modified plan calls for 1,884 dwelling units to be built as compared to 6,254 allowed in the original vested plan. Therefore, there will be a decrease of 4,370 dwelling units.
- D. There will be an increase of 2.5 acres in commercial development under the modified plan which, is a land use not designated in the vested plan.
- E. The proposed plan for Spruce Creek has no plans for any hotel/motel development. Therefore, there will be a decrease of 900 hotel units under the new plan.

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- F. There will be an increase of 47.1 acres in the area set aside as preservation under the new Spruce Creek plan.

The modified development plan for Spruce Creek proposes 1,864 dwelling units, an eighteen-hole golf course, 179,586 square feet of office development, 179,586 square feet of aviation related uses and research light industrial development, and 2.5 acres of retail development. The new development plan will result in a decrease of 4,370 dwelling units, 3,304,897 square feet of non-residential floor area, 900 hotel rooms, and a nine-hole golf course.

The vested development plan designated 3,664,267 square feet to be developed under a "commercial" classification. This commercial classification was proposed to be developed as 1,832,134 square feet of professional office area and 1,832,134 square feet of aviation related uses and research light industrial development. The modified plan will reduce the office along with the aviation related uses and research light industrial development by 3,304,897 square feet for a total of 179,586 square feet of each land use.

The modified Spruce Creek plan calls for the development of a maximum of 2.5 acres of retail uses. Since there was no retail uses in the original vested plan, this is a new land use. However, the amount of retail development in the new plan does not exceed the criteria stipulated in Subparagraphs 380.06(19)(b) 10 or 16, F.S.

According to the application, the vested Spruce Creek plan set aside 363.7 acres as open space and recreation. The modified plan designates 350.9 acres as open space and recreation. This is a 12.8-acre decrease in open space from the vested plan. The applicant included the areas designated for the golf course, airport, utility and civic uses as well as the lands designated for preservation in determining these acreages. However, the area set aside strictly for preservation will increase by 47.1 acres under the new Spruce Creek plan.

The changes proposed by the modified Spruce Creek plan will result in a substantial decrease in the impacts that would have resulted from the original vested plan. The vested 1972 plan for Spruce Creek is estimated to potentially generate 82,234 trip ends per day. The modified 1986 Spruce Creek plan is estimated to generate 19,959 trip ends per day. Thus, the proposed modification will result in a decrease of 62,275 trips per day. Therefore, the modified plan will reduce the impacts on the surrounding transportation network.

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The modified development plan with its reduction of 4,370 residential dwelling units and 3,304,897 square feet of non-residential floor space will reduce the demand for potable water by 1,496,000 gallons per day. In turn, this will reduce the amount of wastewater by approximately the same amount.

Therefore, the Department finds that the currently proposed plan for Spruce Creek constitutes a substantial change to the vested plan of development. However, an analysis of the impacts resulting from the changes which are proposed to Spruce Creek demonstrates that these changes will result in reduced regional impacts.

9. On May 9, 1986, notice of this request for a Binding Letter of Interpretation was published in the Florida Administrative Weekly. In addition, the East Central Florida Regional Planning Council and Volusia County were notified.

CONCLUSIONS OF LAW

The proposed Spruce Creek development with 1,884 dwelling units, an 18-hole golf course, 179,685 square feet of office space, 179,685 square feet of airport related uses and research light industrial development, and 2.5 acres of retail development, constitutes a substantial change to the vested development plan. However, the applicant has supplied sufficient evidence to indicate that the proposed development would result in a reduction of regional impacts from the vested plan. Therefore, pursuant to Paragraph 380.06(4)(f), Florida Statutes, the Department concludes that since the proposed modified development plan would result in reduced impacts, the proposed modification to the vested development plan does not divest any rights the developer has acquired under Subsection 380.06(20), Florida Statutes.

ORDER

The Spruce Creek development as described above will not be required to comply with the review requirements of Section 380.06, Florida Statutes. The modifications to the vested plan proposed by you will not divest your right to develop. If those changes as described in the application for this letter are approved by local government and incorporated in a new development order, they will constitute the vested plan of development for Spruce Creek and must be followed by the developer. If any further changes are proposed to this project, they should be submitted by you to this agency so that they may be compared together with their impacts to the plan now found to be vested in

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

June 11, 1986

TOM LEWIS, JR.
Secretary

Ms. Casey J. Gluckman, Esquire
Gluckman & Gluckman
Route 5, Box 3965
Tallahassee, Florida 32301

Dear Ms. Gluckman:

Binding Letter of Interpretation for
Development of Regional Impact Status
File No. BLID-686-025
Spruce Creek

We have evaluated your application for a Binding Letter dated and received April 24, 1986. Based on the information contained in the application and other information obtained during the review of the development proposal, we enter the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The proposed Spruce Creek development is a multi-use development consisting of 766 residential dwelling units on 197.6 acres (180.2 acres for single family units and 17.4 acres for multifamily units), 91,476 gross square feet of retail facilities on seven acres with 366 parking spaces, 140.4 acres of open space and 15.9 acres for public facilities (school, fire station, etc.). The project site will consist of a total of 360.9 acres. The anticipated buildout date is 1996.

The developer owns adjacent property to the west and to the north of the subject parcels, also named Spruce Creek (see Figure I). This adjacent property is the subject of an application for a Binding Letter of Modification to a Development of Regional Impact with Vested Rights (BLIM-686-010), which has been submitted to the Department at the same time as this application.

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Casey J. Gluckman, Esquire
June 11, 1986
Page Two

2. The applicant is Ms. Casey J. Gluckman, authorized representative for Thompson Properties, Inc., of Florida, which proposes to develop Spruce Creek.

3. The project site is located in portions of Sections 29, 30 and 31, Township 16 South, Range 33 East, and Section 36, Township 16 South, Range 32 East, Volusia County, Florida. The site is situated approximately 16.5 miles from Seminole County, the nearest adjacent county.

4. The developer of Spruce Creek has not yet received authorization from the Volusia County Commission to commence development of the project which is the subject of this letter. Therefore, pursuant to Rule 27F-2.014, Florida Administrative Code (F.A.C.), the proposed development is subject to the guidelines and standards in Rules 27F-2.015 through 27F-2.028, F.A.C., for determining whether it shall be required to undergo Development of Regional Impact (DRI) review.

5. Paragraph 380.06(2)(d), F.S., and Rule 27F-2.014, F.A.C., provide that a development which is at or below 80 percent of all numerical thresholds in the applicable guidelines and standards shall not be required to undergo DRI review; a development that is between 80 and 100 percent of any numerical threshold is presumed not to be required to undergo DRI review; a development at 100 percent or between 100 and 120 percent of any numerical threshold is presumed to be required to undergo DRI review; and a project which is at or above 120 percent of any numerical threshold in the applicable guidelines and standards shall be required to undergo DRI review.

6. The applicable DRI guidelines for the project are Rule 27F-2.023, Residential Development; Rule 27F-2.025, Retail, Service, and Wholesale; Rule 27F-2.028, Multi-Use Development. For each land use, the Department will analyze the highest percentage of the appropriate numerical thresholds for that use.

Rule 27F-2.023, F.A.C., Residential Development, states that the DRI threshold for any proposed residential development in a county with a population between 250,001 and 500,000, such as Volusia County, is 2,000 dwelling units. The most recent official population estimate for Volusia county is 307,042. The proposed project, with 766 dwelling units, is 38.3 percent of the residential threshold and is not required to undergo DRI review based solely on the residential threshold.

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Rule 27F-2.025, F.A.C., Retail, Service, and Wholesale, provides, in part, that the DRI threshold for any proposed retail, service or wholesale business establishment or group of establishments operated under one common property ownership, development plan, or management is 400,000 square feet of gross floor area, 40 acres, or 2,500 parking spaces. The proposed project, with 91,476 gross square feet of retail development on seven acres with 366 parking spaces, is 22.86 percent of the threshold for square feet of gross floor area, and is not required to undergo DRI review based solely on the retail, service and wholesale threshold.

Rule 27F-2.028, F.A.C., Multi-Use development, provides that the numerical threshold for any proposed development with two or more land uses under common ownership, development plan, advertising or management is reached when the sum of the percentages of the appropriate thresholds identified in Chapter 27F-2, F.A.C., for each land use in the development, equals 130 percent. The appropriate thresholds for each land use in the project are contained in Rules 27F-2.023 and 27F-2.025, F.A.C.

The sum of the percentages of the appropriate thresholds for each of the above named land uses in the proposed development equals 61.16 percent. Therefore, the Department finds that the sum of the appropriate percentages of numerical DRI thresholds for the proposed project is less than 104 percent (80 percent of the multi-use threshold of 130 percent). Thus, the project is not required to undergo DRI review based solely on the multi-use development threshold.

7. All commitments made by the applicant, all materials submitted by the applicant in the application, and all other relevant written materials are incorporated herein by reference and made a part hereof.

8. On May 9, 1986, notice of this request for a Binding Letter of Interpretation of DRI status was published in the Florida Administrative Weekly. In addition, the East Central Florida Regional Planning Council and Volusia County were notified.

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CONCLUSIONS OF LAW

1. The Department concludes that the proposed Spruce Creek development did not receive authorization to commence development from Volusia County prior to October 1, 1985, and, therefore, is subject to the guidelines and standards specified in Rules 27F-2.015 through 27F-2.028, Florida Administrative Code.

2. The proposed Spruce Creek development, consisting of 766 residential dwelling units and 91,476 gross square feet of retail facilities on seven acres with 366 parking spaces, is below 80 percent of the applicable thresholds contained in Rules 27F-2.023, 27F-2.025, and 27F-2.028, Florida Administrative Code. Therefore, pursuant to Rule 27F-2.014(2)(a), Florida Administrative Code, the proposed development is not required to undergo Development of Regional Impact review.

ORDER

1. The Spruce Creek development, as described above, is not required to comply with the review requirements of Section 380.06, Florida Statutes.

2. The development evaluated in this binding letter shall be considered cumulatively with any future additional development in terms of the presumptive guidelines and standards contained in Chapter 27F-2, Florida Administrative Code, and its associated regional impacts. Should any of the above representations made by the applicant be substantially changed, further review of the project may be required.

3. This binding letter shall expire and become void as of June 11, 1989, unless the plan of development has been substantially commenced by that date. This date may be extended by mutual agreement of the Department, the local government of jurisdiction, and the developer.

4. This binding letter of interpretation has been issued pursuant to the procedural requirements of Subsection 120.57(2), Florida Statutes, and constitutes final agency action appealable within 30 days to a District Court of Appeal pursuant to Section 120.68, Florida Statutes. If you wish to present oral or written evidence, or a written statement in opposition to this agency action, you must file with the Department a written request for an opportunity to do so within 30 days from this date. Such a

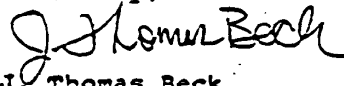
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Casey J. Gluckman, Esquire
June 11, 1986
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request for a reconsideration shall be made in accordance with Rule 9J-2.016, Florida Administrative Code, and will be responded to by the Department pursuant to Subsection 120.57(2)(a), Florida Statutes.

5. This determination does not obviate the need to comply with other applicable state or local permitting procedures. Any questions regarding this determination may be directed to Marina Gonzalez-Pennington in the Division of Resource Planning and Management, Bureau of Resource Management, at (904) 488-4925.

Sincerely,



J. Thomas Beck
Program Administrator
Developments of Regional
Impact Section

JTB/mpb

Enclosure

- cc: Mr. Thomas M. Dunlap (Thompson Properties, Inc)
- Mr. Greg Golgowski (ECFRPC)
- Mr. Bruce Briggs (Volusia County)
- Mr. Glen Lowe (SJWMD)
- Mr. Jim Bradner (DER)
- Mr. Ed Conklin (DNR)
- Mr. Rick Prine (DOT)

FILING AND MANAGEMENT
FILED, or the date of registration
Date of filing of this document is: which

Jane L. Bass 6/11/86
Jane L. Bass -- Date
Department Clerk

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2730 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

LAWTON CHILES
Governor

LINDA LOOMIS SHELLEY
Secretary

October 11, 1993

Mr. Scott Ashley
Growth Management Department
Volusia County
123 West Indiana Avenue
Deland, Florida 32720-4604

Re: Spruce Creek Fly-In; Cross Ref. File Nos. BLIM-686-010,
BLID-686-025 and CL693-031

Dear Mr. Ashley:

As requested in your letter, the Department has reviewed the proposed revised planned unit development order for the Spruce Creek development as it relates to the development of regional impact (DRI) status of the project. A portion of Spruce Creek is vested pursuant to Paragraph 380.06(20), Florida Statutes, as reviewed by the Department in binding letters issued May 8, 1974 (BLIVR-674-140) and June 11, 1986 (BLIM-686-010). The remainder of Spruce Creek is not a DRI as reviewed by the Department in a binding letter issued June 11, 1986 (BLID-686-025).

As indicated in the document you provided and in your conversation with Carmen Bishop of my staff on September 29, 1993, the County desires to amend the order for Spruce Creek to update the language. The changes do not affect the plan of development. The only material change to the master plan is the deletion of approximately 100 acres from the Volusia County order. These 100 acres were annexed into the City of Port Orange and were reviewed by the Department in a clearance letter issued July 6, 1993 (CL-693-031). Please note that vested rights run with the land and that the development that is vested for the 100 acres cannot be transferred to other portions of Spruce Creek. Incidentally, the Department is not aware whether the owner of the 100 acres (Sabal Creek) intends to relinquish vested rights.

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

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Mr. Scott Ashley
October 11, 1993
Page Two

Based on the above understandings, it does not appear that the proposed revisions to the Spruce Creek planned unit development order would affect the DRI status of the project. If you have any further questions, please contact Carmen Bishop in the Bureau of State Planning at (904) 488-4925.

Sincerely,



J. Thomas Beck, Chief
Bureau of State Planning

JTB/cb

cc: Greg Golgowski (ECFRPC)

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

LINDA LOOMIS SHELLEY
Secretary

October 5, 1994

Mr. Scott Ashley
Growth Management Department
Volusia County
123 West Indiana Avenue
Deland, Florida 32720-4604

Re: Spruce Creek Fly-In; Cross Ref. File Nos. BLIM-686-010,
BLID-686-025 and CL-693-031

Dear Mr. Ashley:

Thank you for your letter dated September 22, 1994, concerning the annexation of an additional 200 acres of the Spruce Creek Fly-In project into the City of Port Orange. A portion of Spruce Creek is vested pursuant to Section 380.06(20), Florida Statutes, as reviewed by the Department in binding letters issued May 8, 1974 (BLIVR-674-140) and June 11, 1986 (BLIM-686-010). The remainder is not a DRI as reviewed by the Department in a binding letter issued June 11, 1986 (BLID-686-025).

Your letter does not indicate whether the portion recently annexed is in the vested area. If so, as noted in our previous letter to you of October 11, 1993, vested rights run with the land and the development vested for the 200 acres cannot be transferred to other portions of Spruce Creek. Your letter indicates that the County PUD is being revised to reduce the amount of approved development within the County to maintain the same average density. We concur that this is an appropriate action to maintain the vested plan within the County portion of the project.

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN FIELD OFFICE 27th Overseas Highway, Suite 212 Marathon, Florida 33050-2227	SOUTH FLORIDA RECOVERY OFFICE P O Box 4022 3600 N.W. 36th Street Miami, Florida 33159-4022	GREEN SWAMP AREA OF CRITICAL STATE CONCERN FIELD OFFICE 155 East Summerlin Bartow, Florida 33830-4641
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Mr. Scott Ashley
October 5, 1994
Page Two

If you have any further questions or comments regarding this matter, please contact Carmen Bishop at (904) 488-4925.

Sincerely,



J. Thomas Beck, Chief
Bureau of State Planning

JTB/cb

cc: Greg Golgowski (ECFRPC)

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This resolution shall take effect immediately upon adoption .

DONE and ORDERED by the Volusia County Council, Florida, this 21st day of December, 1995.

ATTEST:

Ray W. Pennebaker
County Manager

VOLUSIA COUNTY COUNCIL

Freddie C. Moore
Chairman

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledge before me this 18th day of January, 19 96, by Freddie C. Moore and Ray W. Pennebaker as Chairman, Volusia County Council, and County Manger, respectively, on behalf of the County of Volusia.

Dorothy Buckles
NOTARY PUBLIC, STATE OF FLORIDA

DOROTHY BUCKLES	OFFICIAL NOTARY SEAL
Commission No.:	DOROTHY BUCKLES
My Commission Expires:	NOTARY PUBLIC STATE OF FLORIDA
	COMMISSION NO. CC306078
	MY COMMISSION EXP. SEPT 22, 1997

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SECTION 5: EXHIBITS

- EXHIBIT A.** **LEGAL DESCRIPTIONS**
 A-1 Plats
- EXHIBIT B.** **MASTER DEVELOPMENT PLAN**
- EXHIBIT C.** **CLEARZONE MAP**
- EXHIBIT D.** **TAXIWAY LOT MAP**
- EXHIBIT E.** **EXISTING AND FUTURE DEVELOPMENT MAP**
- EXHIBIT F.** **FINAL JUDGEMENT AGAINST PLAINTIFF**
 Spruce Creek Property Owners' Association Inc., vs. John Travolta
 and Atto. Inc., Case No. 93-30435 Division 32 (J. Orfinger)

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THENCE NORTH 01 DEGREES 05 MINUTES 26 SECONDS WEST A DISTANCE OF 890.00 FEET; THENCE SOUTH 88 DEGREES 53 MINUTES 40 SECONDS WEST A DISTANCE OF 1226.19 FEET; THENCE NORTH 03 DEGREES 03 MINUTES 05 SECONDS WEST A DISTANCE OF 1268.43 FEET; THENCE SOUTH 88 DEGREES 34 MINUTES 54 SECONDS WEST A DISTANCE OF 44.73 FEET; THENCE NORTH 01 DEGREES 15 MINUTES 37 SECONDS EAST A DISTANCE OF 56.38 FEET; THENCE NORTH 88 DEGREES 56 MINUTES 55 SECONDS EAST A DISTANCE OF 1255 FEET MORE OR LESS TO THE EASTERLY EDGE OF SPRUCE CREEK; THENCE NORTHERLY ALONG THE EASTERLY EDGE OF SPRUCE CREEK TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 25; THENCE NORTH 88 DEGREES 55 MINUTES 39 SECONDS EAST ALONG THE NORTHERLY LINE OF THE SOUTH 1/2 OF SAID SECTION 25 A DISTANCE OF 1065 FEET MORE OR LESS TO THE TOP OF THE BLUFF ON THE EAST SIDE OF SPRUCE CREEK SWAMP; THENCE ALONG SAID BLUFF NORTH 00 DEGREES 59 MINUTES 31 SECONDS WEST A DISTANCE OF 219.50 FEET; THENCE NORTH 62 DEGREES 29 MINUTES 35 SECONDS EAST A DISTANCE OF 299.77 FEET; THENCE NORTH 54 DEGREES 36 MINUTES 45 SECONDS EAST A DISTANCE OF 689.26 FEET; THENCE NORTH 60 DEGREES 00 MINUTES 04 SECONDS EAST A DISTANCE OF 319.71 FEET; THENCE NORTH 80 DEGREES 58 MINUTES 15 SECONDS EAST A DISTANCE OF 284.89 FEET; THENCE NORTH 60 DEGREES 31 MINUTES 50 SECONDS EAST A DISTANCE OF 366.27 FEET TO THE EASTERLY LINE OF SAID SECTION 25; THENCE NORTH 00 DEGREES 29 MINUTES 55 SECONDS WEST A DISTANCE OF 623.20 FEET TO THE CENTER OF SPRUCE CREEK; THENCE EASTERLY ALONG THE CENTER OF SPRUCE CREEK TO THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 30; THENCE SOUTH 00 DEGREES 12 MINUTES 57 SECONDS EAST A DISTANCE OF 1330.60 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE SOUTH 1/2 OF SAID SECTION 30; THENCE NORTH 89 DEGREES 55 MINUTES 45 SECONDS EAST A DISTANCE OF 1324.99 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 23 SECONDS WEST A DISTANCE OF 125.41 FEET TO THE SOUTHERLY EDGE OF SPRUCE CREEK; THENCE EASTERLY ALONG SAID SOUTHERLY EDGE OF SPRUCE CREEK TO A POINT 176.80 FEET NORTH OF AND AT RIGHT ANGLES TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 30; THENCE NORTH 89 DEGREES 55 MINUTES 45 SECONDS EAST A DISTANCE OF 485.31 FEET TO THE EAST LINE OF SAID SECTION 30; THENCE SOUTH 00 DEGREES 25 MINUTES 47 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 30 A DISTANCE OF 1284.46 FEET TO THE WEST LINE OF AIRPORT ROAD; THENCE SOUTH 15 DEGREES 15 MINUTES 13 SECONDS WEST ALONG SAID WEST LINE A DISTANCE OF 219.14 FEET; THENCE DEPARTING THE WEST LINE OF SAID AIRPORT ROAD RUN SOUTH 89 DEGREES 57 MINUTES 50 SECONDS WEST A DISTANCE OF 907.59 FEET; THENCE SOUTH 10 DEGREES 32 MINUTES 14 SECONDS WEST A DISTANCE OF 398.45 FEET; THENCE SOUTH 15 DEGREES 53 MINUTES 44 SECONDS EAST A DISTANCE OF 963.54 FEET TO THE SOUTH LINE OF SAID SECTION 30; THENCE NORTH 89 DEGREES 59 MINUTES 54 SECONDS EAST A DISTANCE OF 785.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THOSE PORTIONS ANNEXED BY PORT ORANGE PER ORDS. 93-21, 94-20 AND 94-21.

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AMENDED
SPRUCE CREEK PUD BOUNDARY DESCRIPTION

A PORTION OF SECTION 25 AND 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, AND SECTIONS 29, 30 AND 31, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

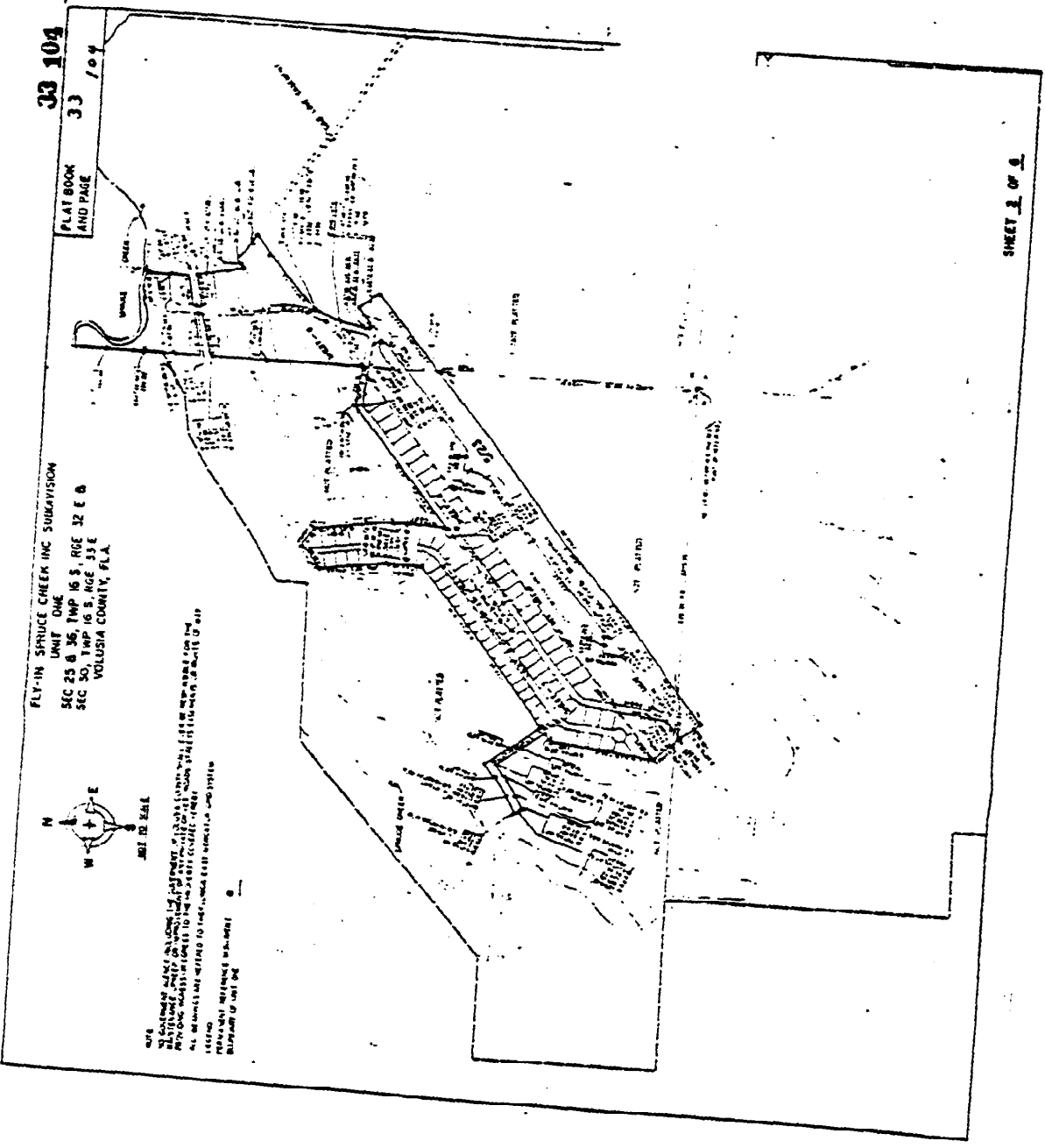
AS A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, THE TRUE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, RUN SOUTH 00 DEGREES 59 MINUTES 39 SECONDS EAST ALONG THE EASTERLY LINE OF SAID SECTION 31. A DISTANCE OF 422.81 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1450.00 FEET AND A CENTRAL ANGLE OF 38 DEGREES 40 MINUTES 52 SECONDS; THENCE CONTINUE ALONG SAID CURVE AN ARC DISTANCE OF 978.91 FEET TO THE POINT OF TANGENCY THEREOF; THENCE SOUTH 37 DEGREES 41 MINUTES 13 SECONDS WEST A DISTANCE OF 1888.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET AND A CENTRAL ANGLE OF 51 DEGREES 21 MINUTES 59 SECONDS; THENCE CONTINUE ALONG SAID CURVE AN ARC DISTANCE OF 1793.02 FEET TO THE P.C.C. OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 1812.21 FEET AND A CENTRAL ANGLE OF 15 DEGREES 00 MINUTES 00 SECONDS; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 474.44 FEET; THENCE NORTH 75 DEGREES 56 MINUTES 48 SECONDS WEST A DISTANCE OF 395.27 FEET TO THE P.C. OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2024.75 FEET AND A CENTRAL ANGLE OF 15 DEGREES 01 MINUTES 10 SECONDS; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 530.77 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES 02 SECONDS WEST A DISTANCE OF 838.60 FEET TO THE EASTERLY SECTION LINE OF SAID SECTION 36; THENCE SOUTH 00 DEGREES 30 MINUTES 27 SECONDS EAST ALONG SAID SECTION LINE A DISTANCE OF 45.44 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 35 SECONDS WEST A DISTANCE OF 720.00 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 08 SECONDS EAST A DISTANCE OF 666.98 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 26 SECONDS EAST A DISTANCE OF 170.00 FEET; THENCE SOUTH 00 DEGREES 55 MINUTES 08 SECONDS EAST A DISTANCE OF 1333.94 FEET TO THE SOUTHERLY BOUNDARY LINE OF SECTION 36; THENCE SOUTH 88 DEGREES 48 MINUTES 40 SECONDS WEST A DISTANCE OF 2112.52 FEET; THENCE NORTH 01 DEGREES 00 MINUTES 30 SECONDS WEST A DISTANCE OF 1334.31 FEET; THENCE SOUTH 88 DEGREES 49 MINUTES 16 SECONDS WEST A DISTANCE OF 1332.30 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 26 SECONDS WEST A DISTANCE OF 2001.81 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 31 SECONDS WEST A DISTANCE OF 91.95 FEET; THENCE SOUTH 72 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 52.42 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 26 SECONDS WEST A DISTANCE OF 1034.90 FEET; THENCE NORTH 88 DEGREES 54 MINUTES 34 SECONDS EAST A DISTANCE OF 50.38 FEET;

Exhibit

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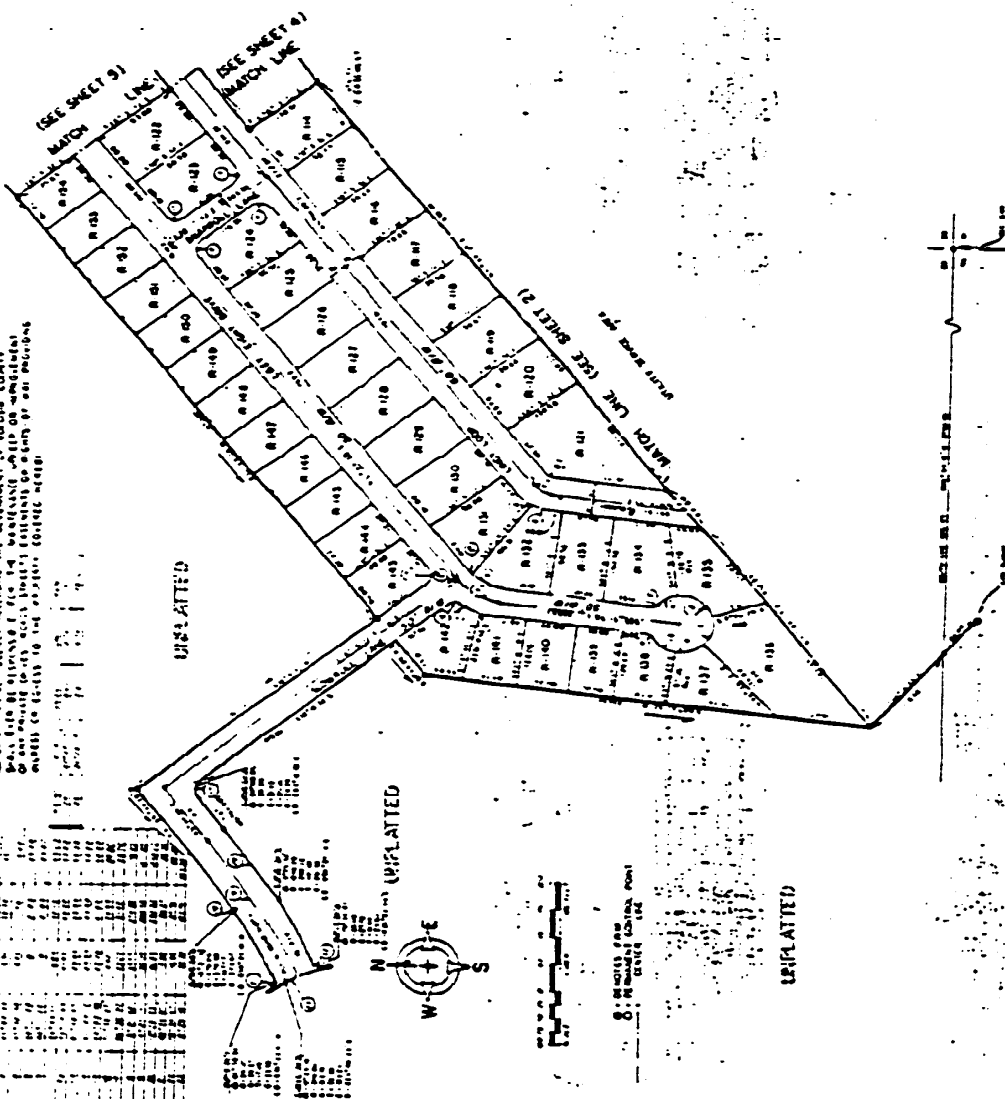
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PLAT BOOK
AND PAGE

FLY-IN SPRUCE CREEK INC SUBDIVISION
UNIT ONE

PLAT OF SITE 21 1 10 1 2120 WYOMING COUNTY 4100000

NO ENVIRONMENTAL ASSESSMENT INCLUDING THE MEASUREMENT OF SOILS WAS CONDUCTED. THIS SITE IS APPROXIMATELY 1/4 SECTION 21 1 10 1 2120 WYOMING COUNTY. THE SUBDIVISION IS LOCATED IN THE WESTERN PART OF WYOMING COUNTY. THE SUBDIVISION IS LOCATED IN THE WESTERN PART OF WYOMING COUNTY. THE SUBDIVISION IS LOCATED IN THE WESTERN PART OF WYOMING COUNTY.



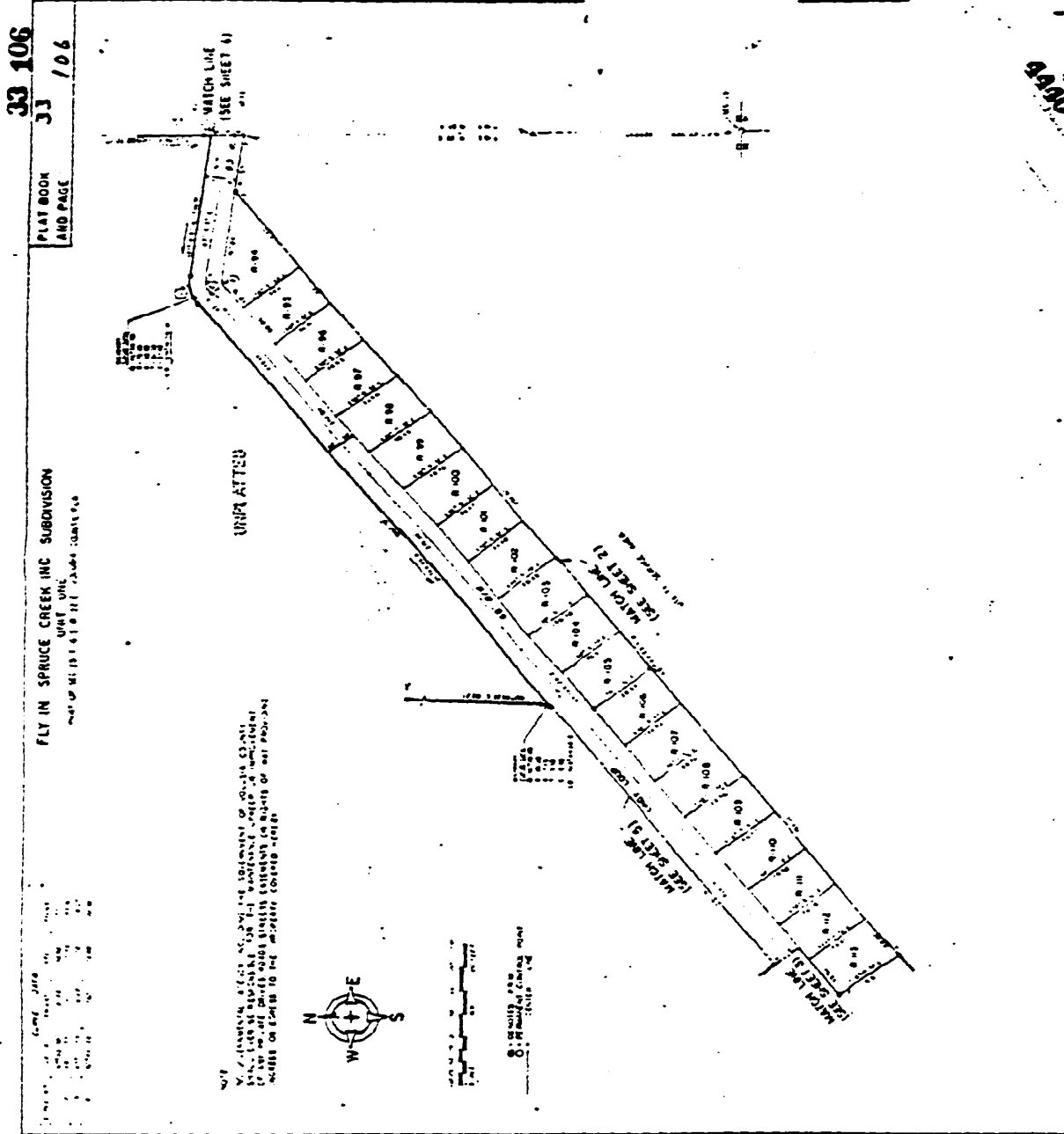
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SHEET 3 OF 6

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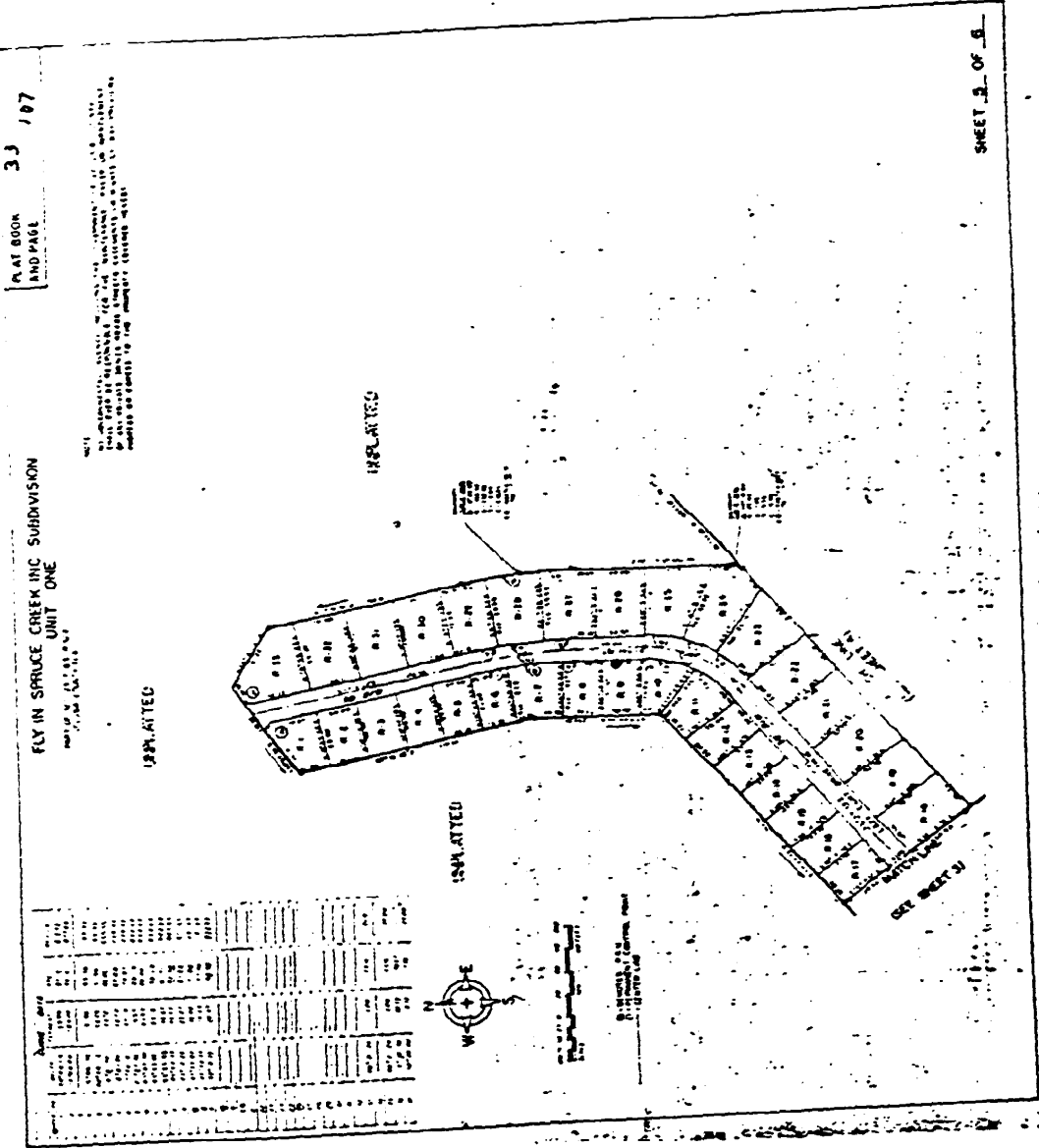
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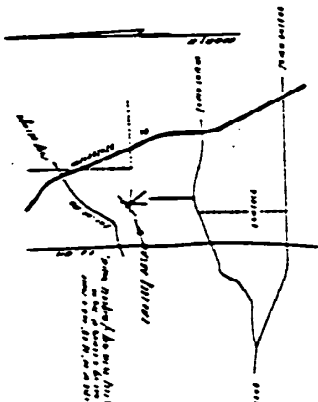
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SPRUCE CREEK SUBDIVISION
SECTIONS 25 AND 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST AND SECTION 30, TOWNSHIP 16 SOUTH,
RANGE 33 EAST — VOLUSIA COUNTY, FLORIDA

LEGAL DESCRIPTION:
That certain... [Detailed legal description of the land parcels, including bearings, distances, and references to other documents and maps.]



<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>
<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>
<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>	<p>certification of accuracy I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.</p> <p><i>[Signature]</i> Surveyor</p>

BOOK VOLUSIA

certification of accuracy
I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.

[Signature]
Surveyor

certification of accuracy
I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.

[Signature]
Surveyor

certification of accuracy
I, the undersigned, being a duly qualified and licensed surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.

[Signature]
Surveyor

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MAP BOOK 37 PAGE 12

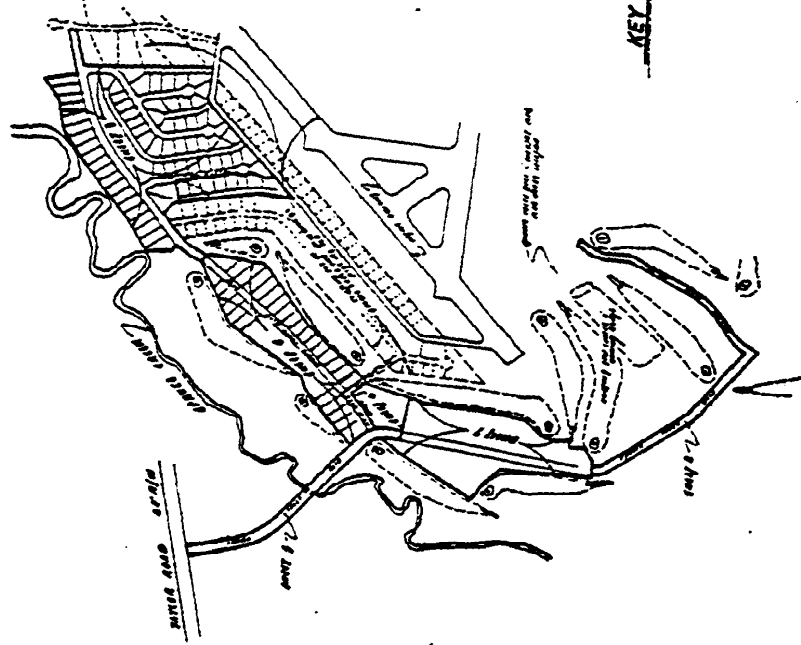
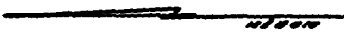
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MAP BOOK 37 PAGE 10

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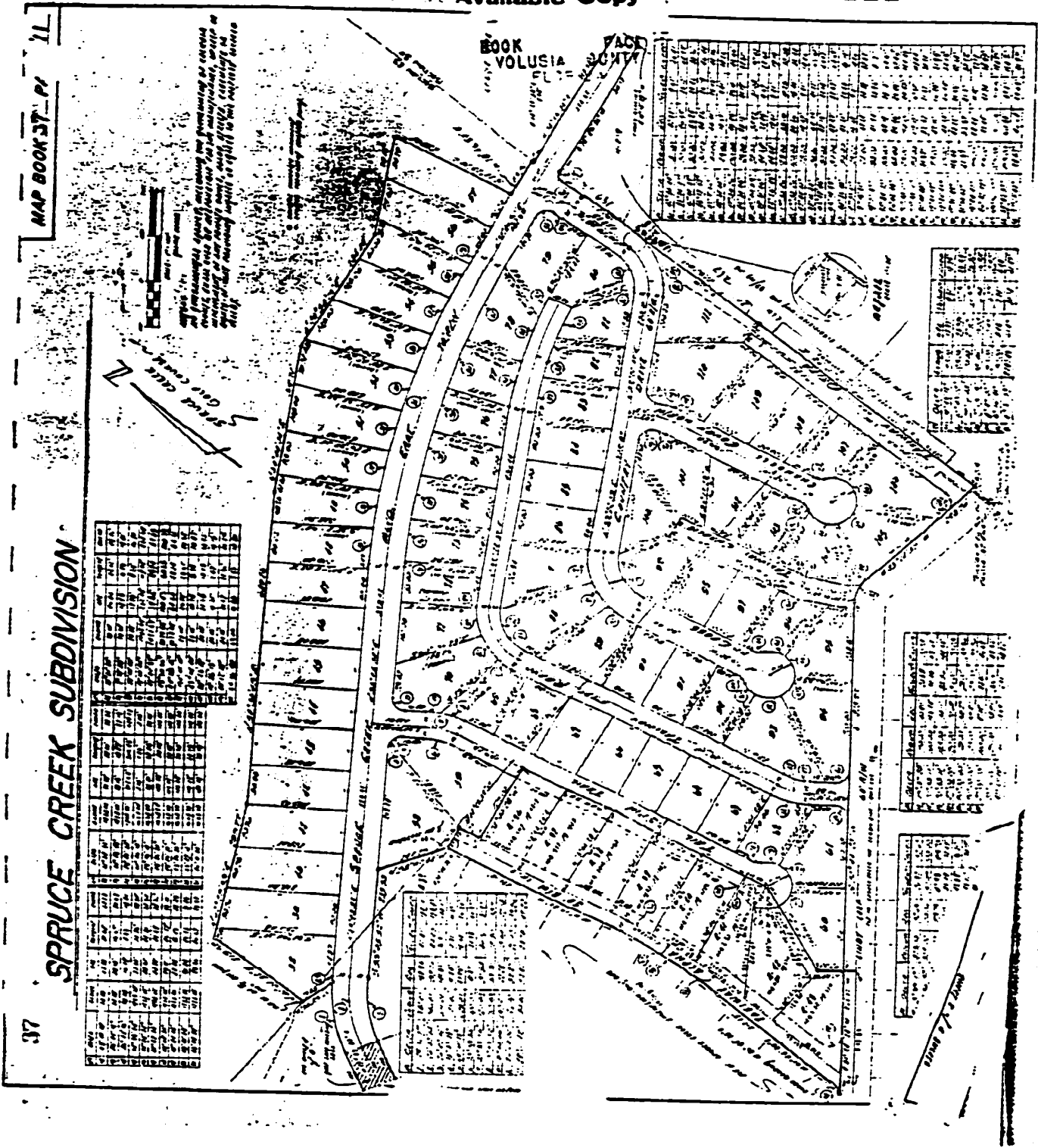
SPRUCE CREEK SUBDIVISION

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KEY SHEET

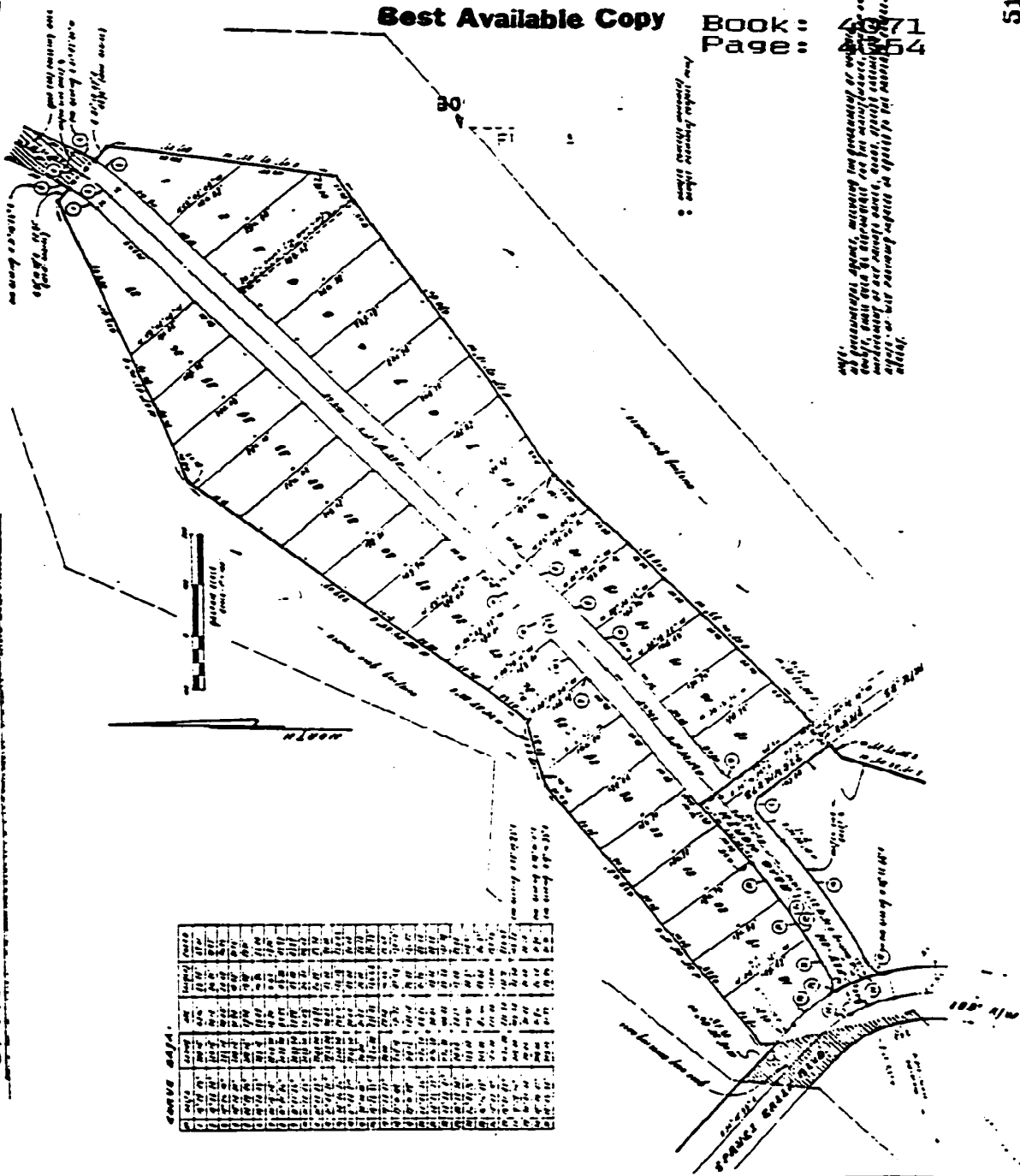
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SPRUCE CREEK SUBLIVISION



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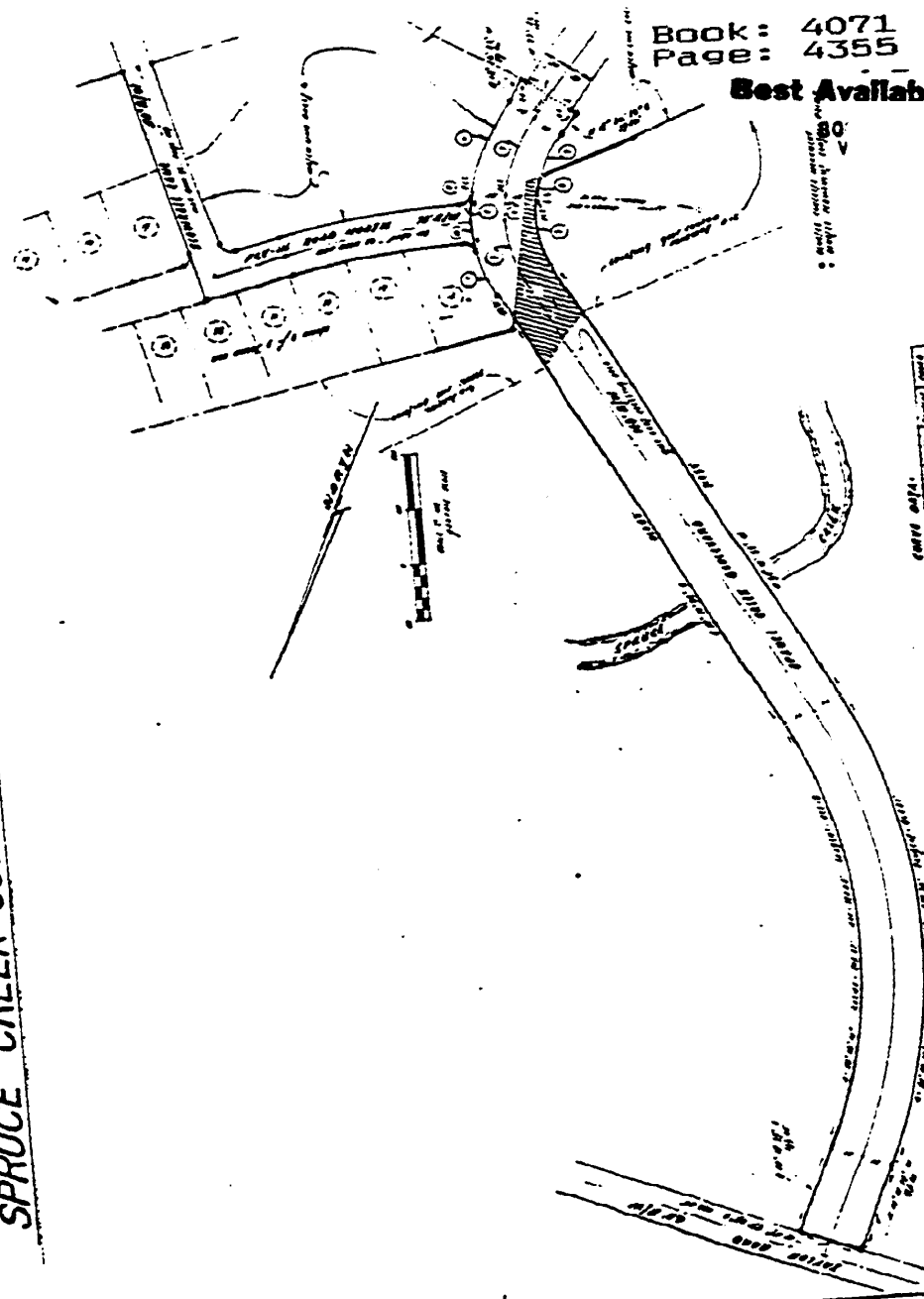
BOOK : 471
PAGE : 54

NOT RECORDED. ABOVE, INCLUDING THE PROVISIONS OF THE
 ACT, SHALL BE DEEMED TO BE THE ACTUAL RECORD OF THE
 DEEDS AND CONVEYANCES, AND SHALL BE RECEIVED AS SUCH
 BY THE OFFICE OF THE REGISTER OF DEEDS, AND SHALL BE
 INDEXED AND RECORDED AS SUCH.

MAP 804 37 PAGE 13

SPRUCE CREEK SUBDIVISION

37 13



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TABLE OF CORRECTIONS

NO.	DATE	DESCRIPTION	BY
1	10/1/50
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NOTICE: This map was prepared by the Surveyor General of the State of Colorado, and is subject to the provisions of the Colorado Surveying Act, Chapter 100, C.R.S. 1973, and the rules and regulations of the State Board of Surveyors. The Surveyor General and the State Board of Surveyors are not responsible for any errors or omissions in this map, and no warranty is made by them for the accuracy of the information shown hereon.

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BOOK: 4071
PAGE: 4361

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NOTATION

1. The plan shows the proposed location of the road and the location of the existing road. The plan also shows the location of the proposed bridge and the location of the existing bridge. The plan also shows the location of the proposed culvert and the location of the existing culvert. The plan also shows the location of the proposed drainage ditch and the location of the existing drainage ditch.

2. The plan shows the proposed location of the road and the location of the existing road. The plan also shows the location of the proposed bridge and the location of the existing bridge. The plan also shows the location of the proposed culvert and the location of the existing culvert. The plan also shows the location of the proposed drainage ditch and the location of the existing drainage ditch.

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SPRUCE CREEK SUBDIVISION

38 56

UNIT III B

A PORTION OF SECTION 105, TOWNSHIP 20N, RANGE 10W, 10TH PRINCIPAL MERIDIAN, LINCOLN COUNTY, MINNESOTA.

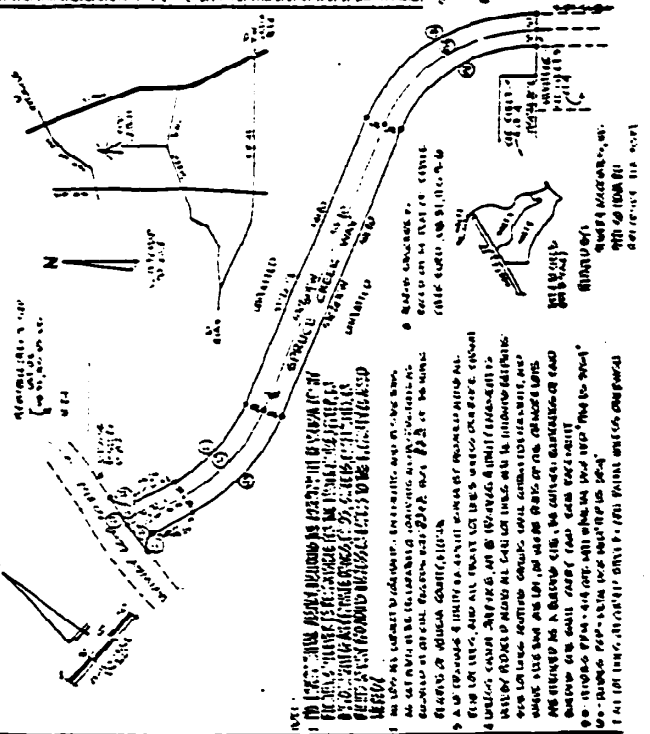
The plan shows the proposed location of the road and the location of the existing road. The plan also shows the location of the proposed bridge and the location of the existing bridge. The plan also shows the location of the proposed culvert and the location of the existing culvert. The plan also shows the location of the proposed drainage ditch and the location of the existing drainage ditch.

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The plan shows the proposed location of the road and the location of the existing road. The plan also shows the location of the proposed bridge and the location of the existing bridge. The plan also shows the location of the proposed culvert and the location of the existing culvert. The plan also shows the location of the proposed drainage ditch and the location of the existing drainage ditch.



REVISIONS

1. 10/1/46
2. 10/1/46
3. 10/1/46

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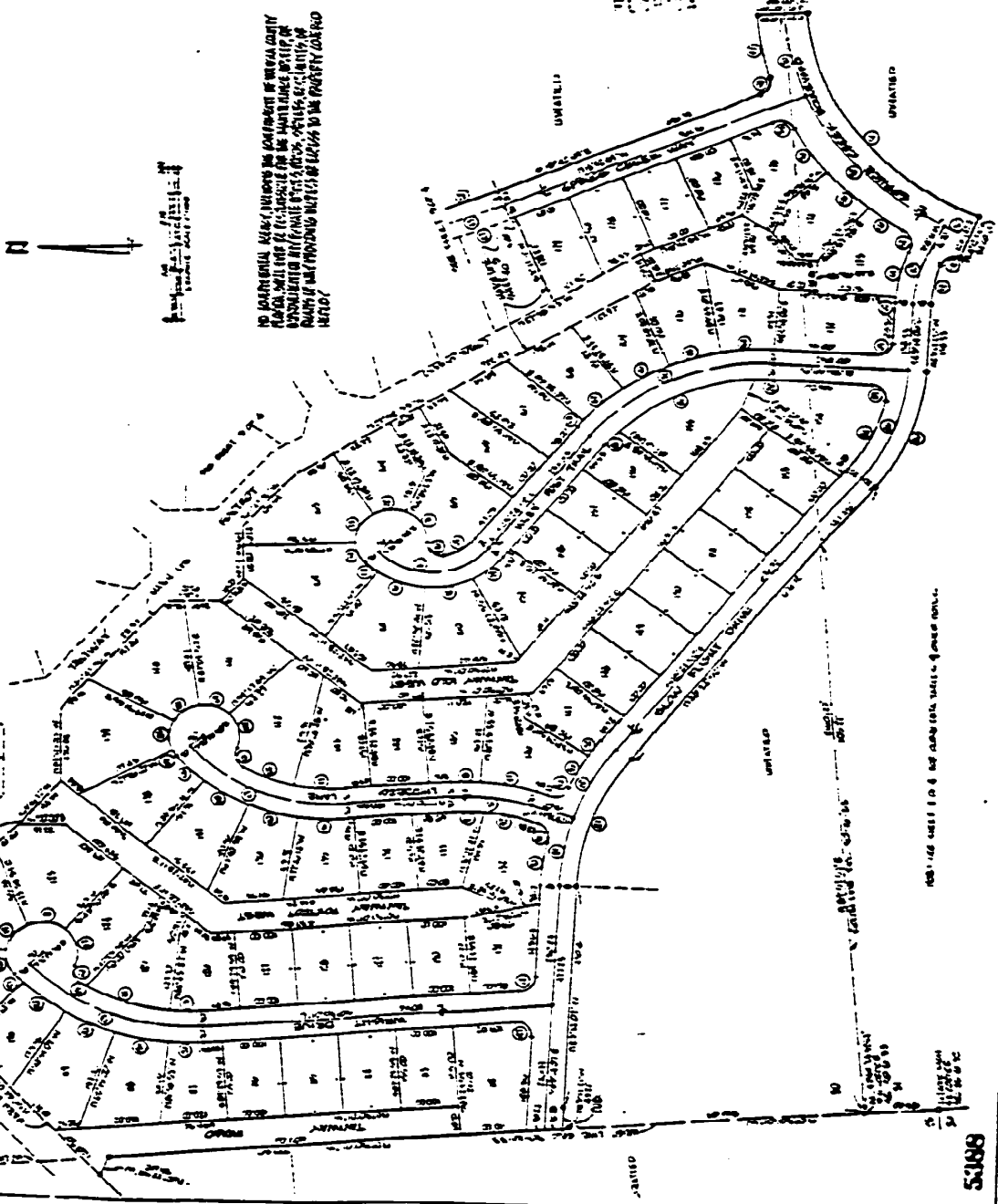
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PLAN 10042 DU
PAGE 57

SPRUCE CREEK SUBDIVISION UNIT 113

A PORTION OF LOTS 104 & 105 OF SECTION 36, TOWNSHIP 10 SOUTH, RANGE 56 WEST AND SECTION 37, TOWNSHIP 10 SOUTH, RANGE 56 WEST, WILCOX COUNTY, GEORGIA



NO IMPROVEMENTS SHALL BE CONSIDERED AS PART OF THIS SUBDIVISION UNLESS THEY ARE SHOWN ON THE PLANS AND THE TITLE THEREOF IS SPECIFICALLY REFERRED TO IN THE DEEDS GRANTING THE SAME.

NOT TO SCALE UNLESS SHOWN OTHERWISE

AS RC

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SPRUCE CREEK SUBDIVISION

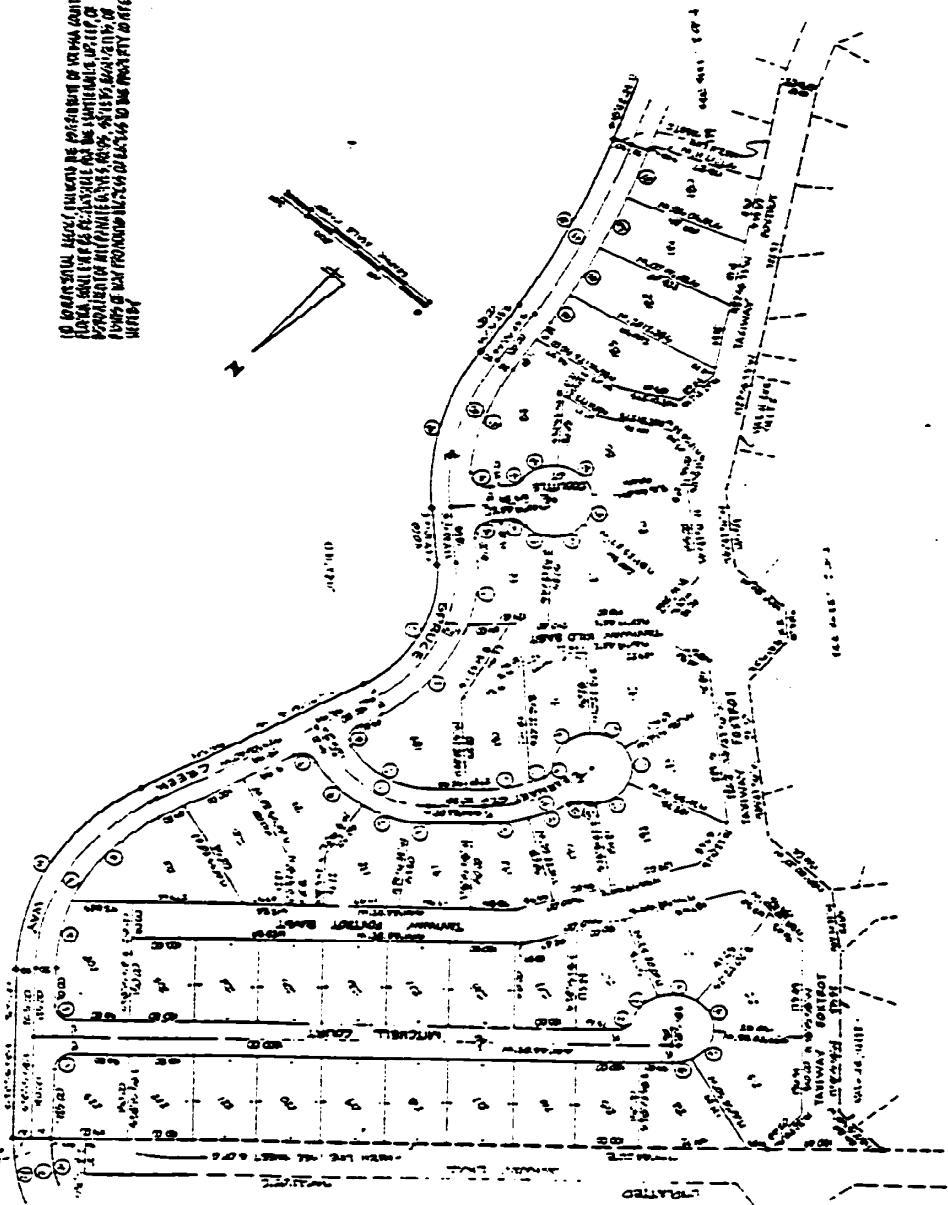
UNIT III B

A PORTION OF SECTION 20 & 21, TOWNSHIP 30 SOUTH, RANGE 23 EAST, FLORIDA COUNTY, FLORIDA.

MAP 200430
MAY 57

318 58

NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF INVESTMENT. THE INVESTOR SHOULD CONSULT WITH AN ATTORNEY AND A FINANCIAL ADVISOR BEFORE MAKING ANY INVESTMENT DECISION. THE INVESTOR SHOULD BE AWARE THAT THE VALUE OF ANY INVESTMENT MAY FLUCTUATE AND THERE IS NO GUARANTEE THAT THE INVESTMENT WILL BE PROFITABLE.



THIS MAP WAS PREPARED BY THE ENGINEER IN CHARGE OF THE PROJECT.

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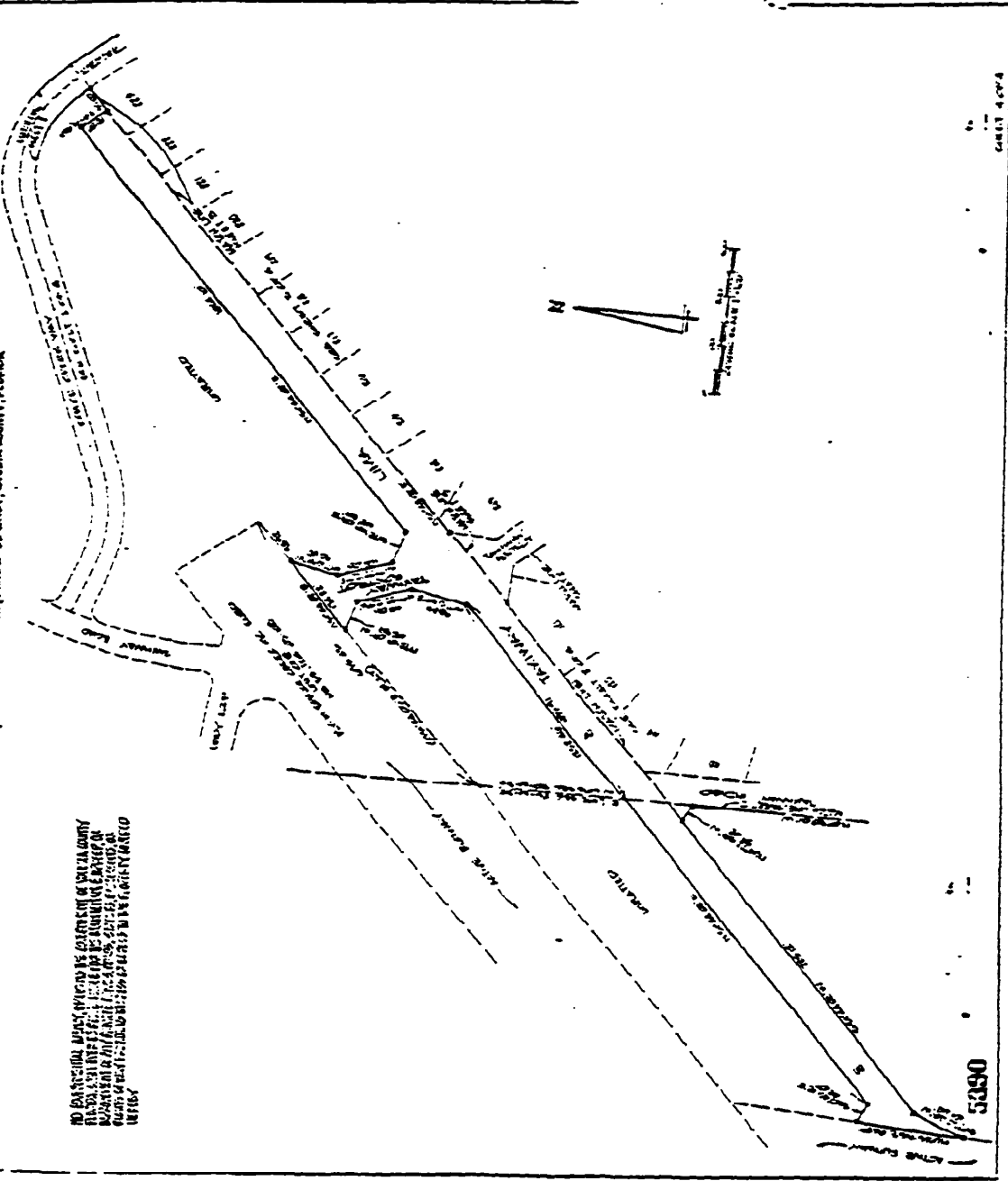
Book : 4071
Page : 4364

SPRUCE CREEK SUBDIVISION UNIT 1118

PLAT BOOK 38
PAGE 59

A PORTION OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 28 EAST AND
A PORTION OF SECTION 26, TOWNSHIP 10 NORTH, RANGE 28 EAST, WYOMING COUNTY, PENNSYLVANIA

NO CONTRACTUAL OBLIGATION BY THE STATE OF PENNSYLVANIA
IN THIS CASE AND THE STATE OF PENNSYLVANIA IS NOT PROVIDING
ANY GUARANTEE AS TO THE ACCURACY OF THE INFORMATION
CONTAINED HEREIN. THE STATE OF PENNSYLVANIA IS NOT
RESPONSIBLE FOR ANY LOSS OR DAMAGE OF ANY KIND
RESULTING FROM THE USE OF THIS INFORMATION.



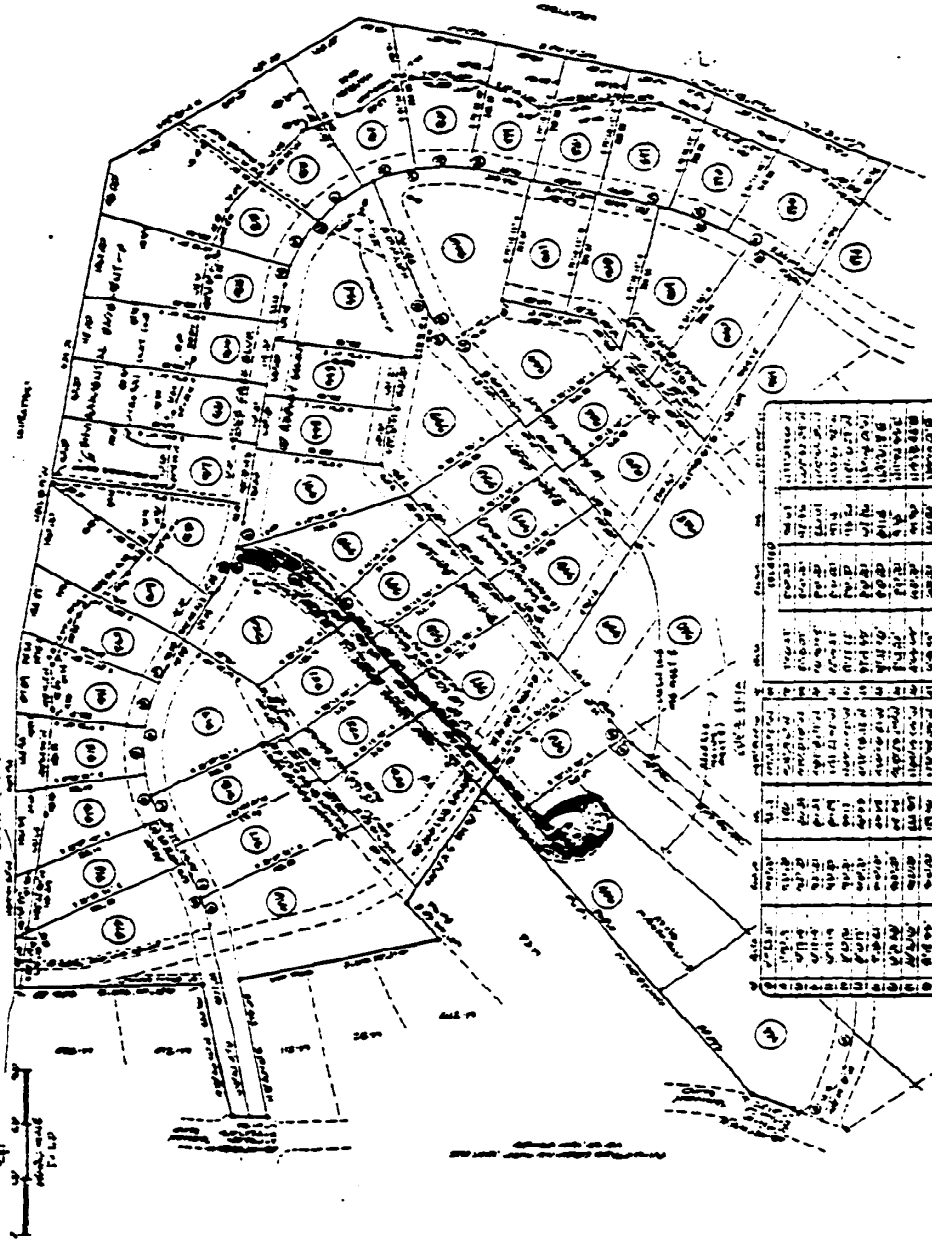
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**SPRUCE CREEK SUBDIVISION
UNIT II-C**

PLAT BOOK
PAGE 81

40 81

A PORTION OF SECTION 22, TOWNSHIP 14 NORTH, RANGE 23 EAST, AND A PORTION OF A PORTION
OF SPRUCE CREEK UNIT, TOWNSHIP 14 NORTH, RANGE 23 EAST, SECTION 22, UNIT 20-B,
REGISTERED MAP BOOK 40, PAGE 81, TOGETHER WITH THE TRACTS OF SECTION 22,
TOWNSHIP 14 NORTH, RANGE 23 EAST, REGISTERED MAP BOOK 40, PAGE 81.



Lot No.	Acres	Owner	Remarks
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NO PART OF THIS MAP SHOULD BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE UNITED STATES GOVERNMENT. THE UNITED STATES GOVERNMENT ASSUMES NO LIABILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON.

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BOOK : 4071
Page : 4368

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BUCE CREEK SUBDIVISION UNIT II D

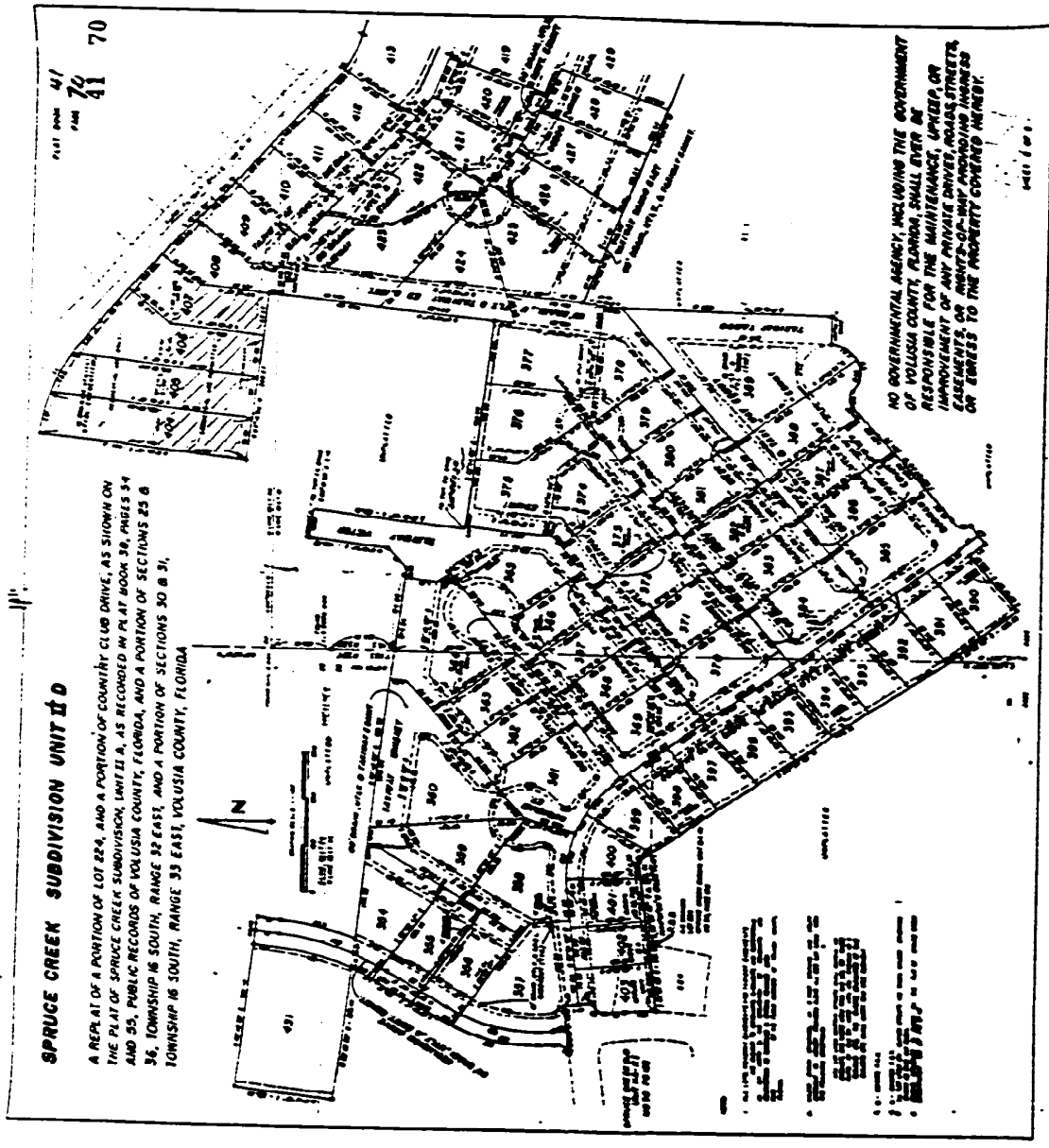
... AT OF A PORTION OF LOT 224, AND A PORTION OF COUNTY ...
 ... AT OF BUCE CREEK SUBDIVISION, UNIT II, AS RECORDED IN ...
 ... AND 85, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND A PORTION OF SECTIONS 29 & 30
 ... 36, TOWNSHIP 18 SOUTH, RANGE 32 EAST, AND A PORTION OF SECTIONS 30 & 31,
 ... TOWNSHIP 18 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UP-KEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY COVERED HEREBY.

[Signature]

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Book : 4071
Page : 4369



<p>42 184</p> <p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>	<p><i>[Handwritten notes and signatures]</i></p>
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SPRUCE CREEK SUBDIVISION, UNIT III-B, SECTION I

42 184

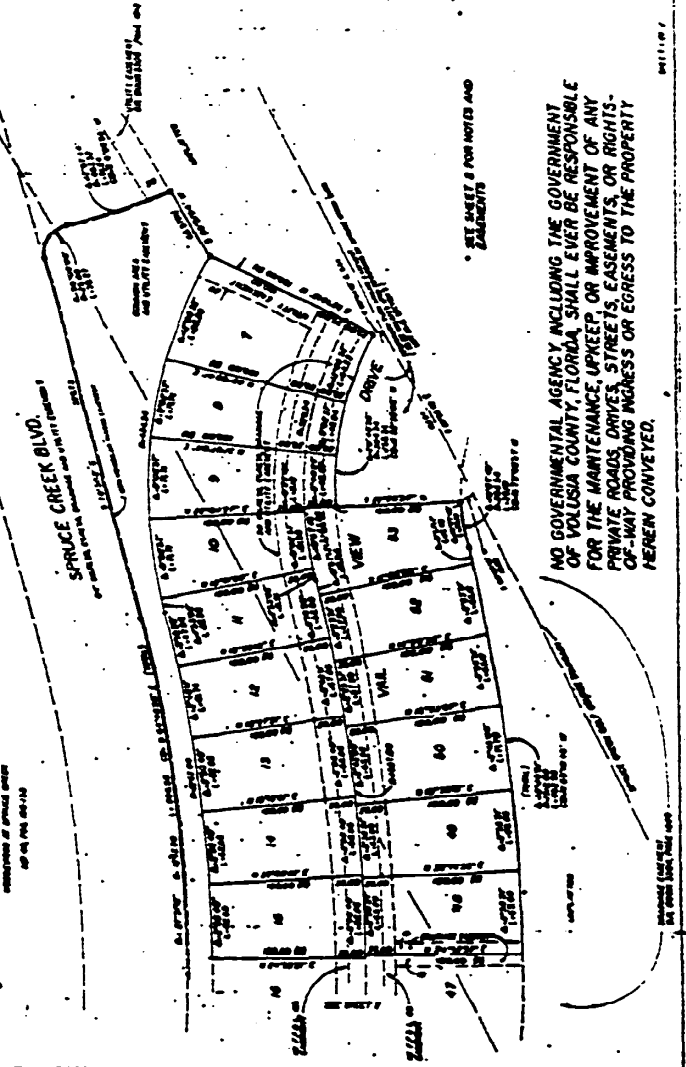
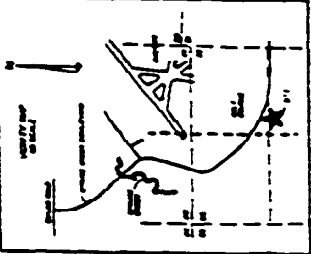
A PORTION OF SECTION 34, TOWNSHIP 16 SOUTH RANGE 32 EAST, VOLusia COUNTY, FLORIDA

THE STATE OF FLORIDA, ss. I, **JOHN W. COOPER**, Clerk of the Public Records, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed in my office on this 15th day of **NOVEMBER**, 1954, and that the same is a true and correct copy of the original as the same appears on the records of the Public Records of Volusia County, Florida.

JOHN W. COOPER
Clerk of the Public Records

UNIT III-B of the subdivision of land shown on the plat herein is a portion of the subdivision of land shown on the plat of Unit III-A, Section I, of this subdivision, and is bounded on the north by the line of the subdivision of land shown on the plat of Unit III-A, Section I, on the east by the line of the subdivision of land shown on the plat of Unit III-A, Section I, on the south by the line of the subdivision of land shown on the plat of Unit III-A, Section I, and on the west by the line of the subdivision of land shown on the plat of Unit III-A, Section I.

SECTION I of this subdivision is a portion of the subdivision of land shown on the plat of Unit III-A, Section I, and is bounded on the north by the line of the subdivision of land shown on the plat of Unit III-A, Section I, on the east by the line of the subdivision of land shown on the plat of Unit III-A, Section I, on the south by the line of the subdivision of land shown on the plat of Unit III-A, Section I, and on the west by the line of the subdivision of land shown on the plat of Unit III-A, Section I.



NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE ROADS, DRIVES, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

SLINGER & ASSOCIATES, INC.
42 184

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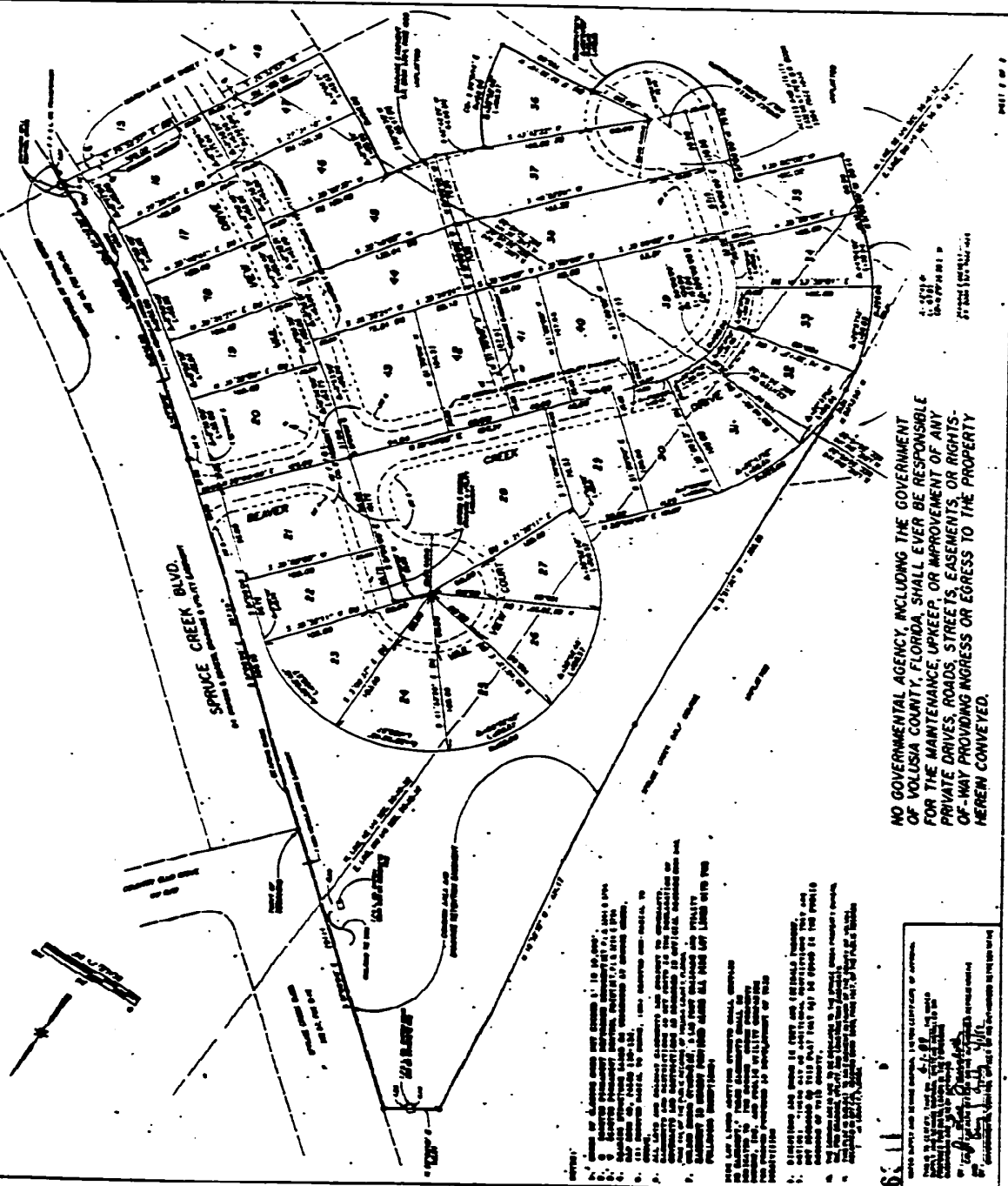
Book: 4071
Page: 4371

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PLAN BOOK
PAGE 185

SPRUCE CREEK SUBDIVISION, UNIT III-B, SECTION I

A PORTION OF SECTION 34, TOWNSHIP 36 SOUTH, RANGE 28 EAST, VOLusia COUNTY, FLORIDA

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NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

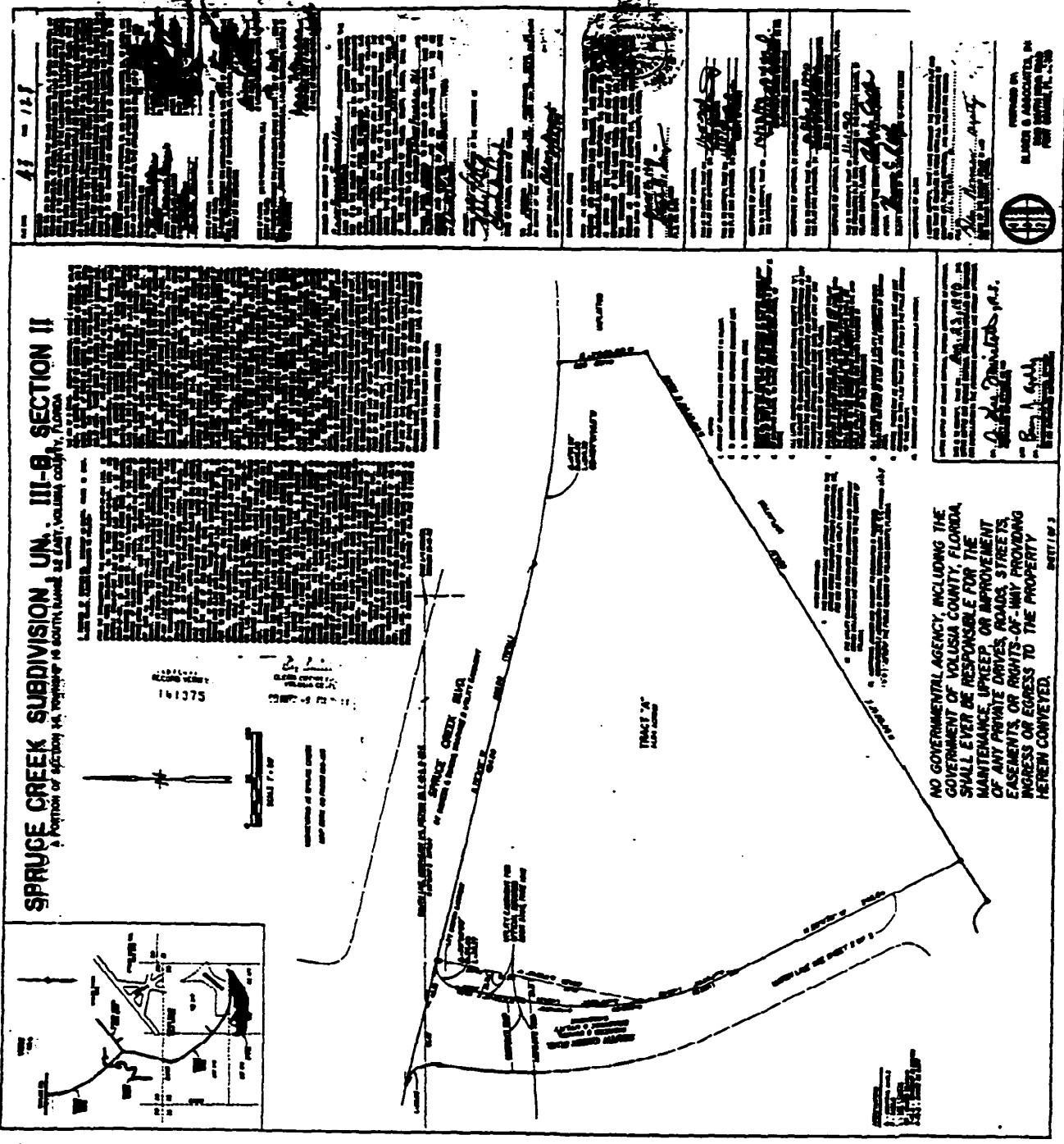
1. THIS PLAN IS SUBJECT TO THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
2. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
3. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
4. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
5. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
6. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
7. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
8. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
9. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.
10. THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA, SHALL BE THE AUTHORITY IN THE EVENT OF ANY DISCREPANCY BETWEEN THIS PLAN AND THE RECORDS OF THE COUNTY CLERK OF VOLUSIA COUNTY, FLORIDA.

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NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

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Page: 4372



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PREPARED BY
BLANCH & ASSOCIATES, INC.
FORT WORTH, TEXAS

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STATE OF FLORIDA
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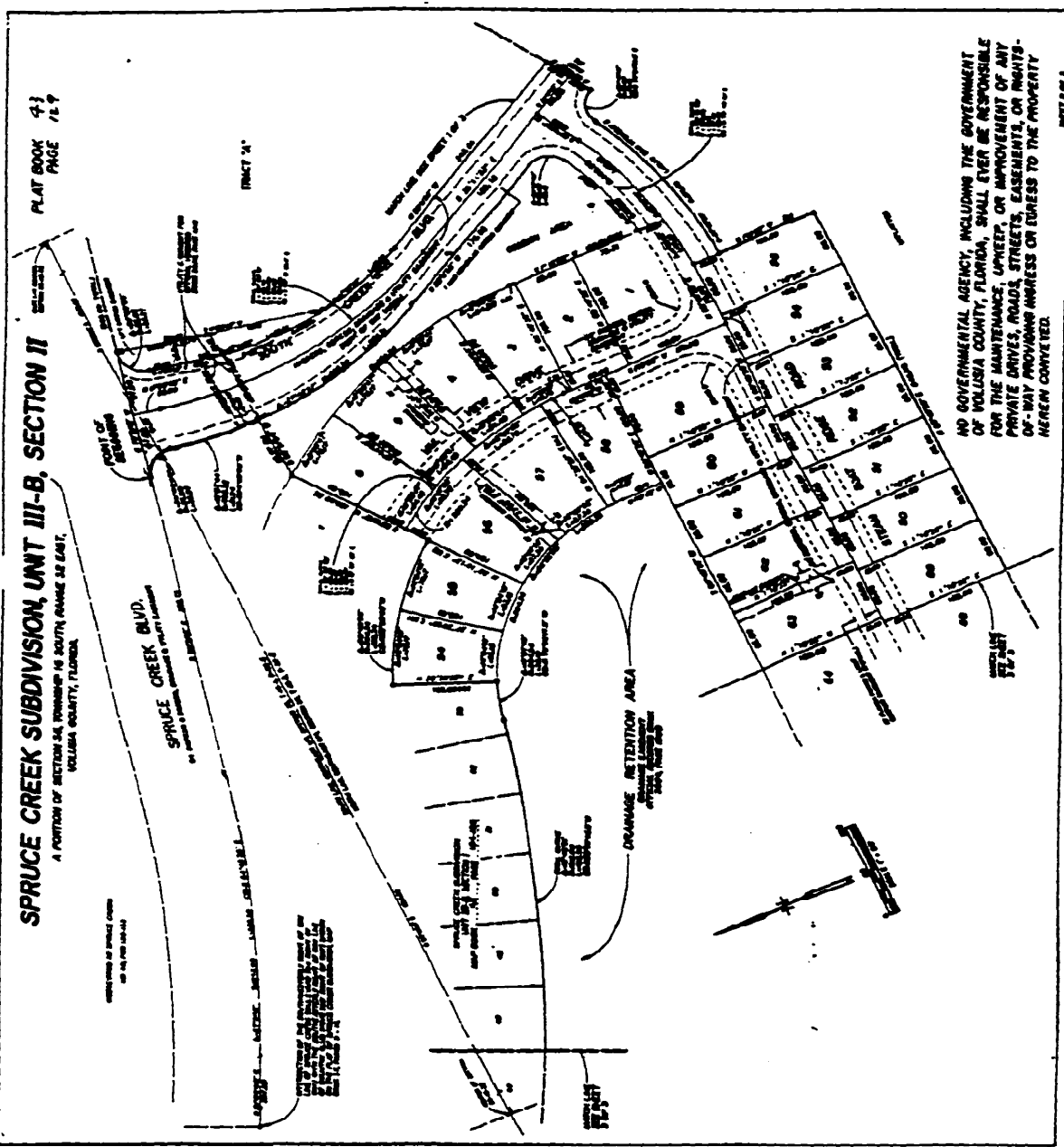
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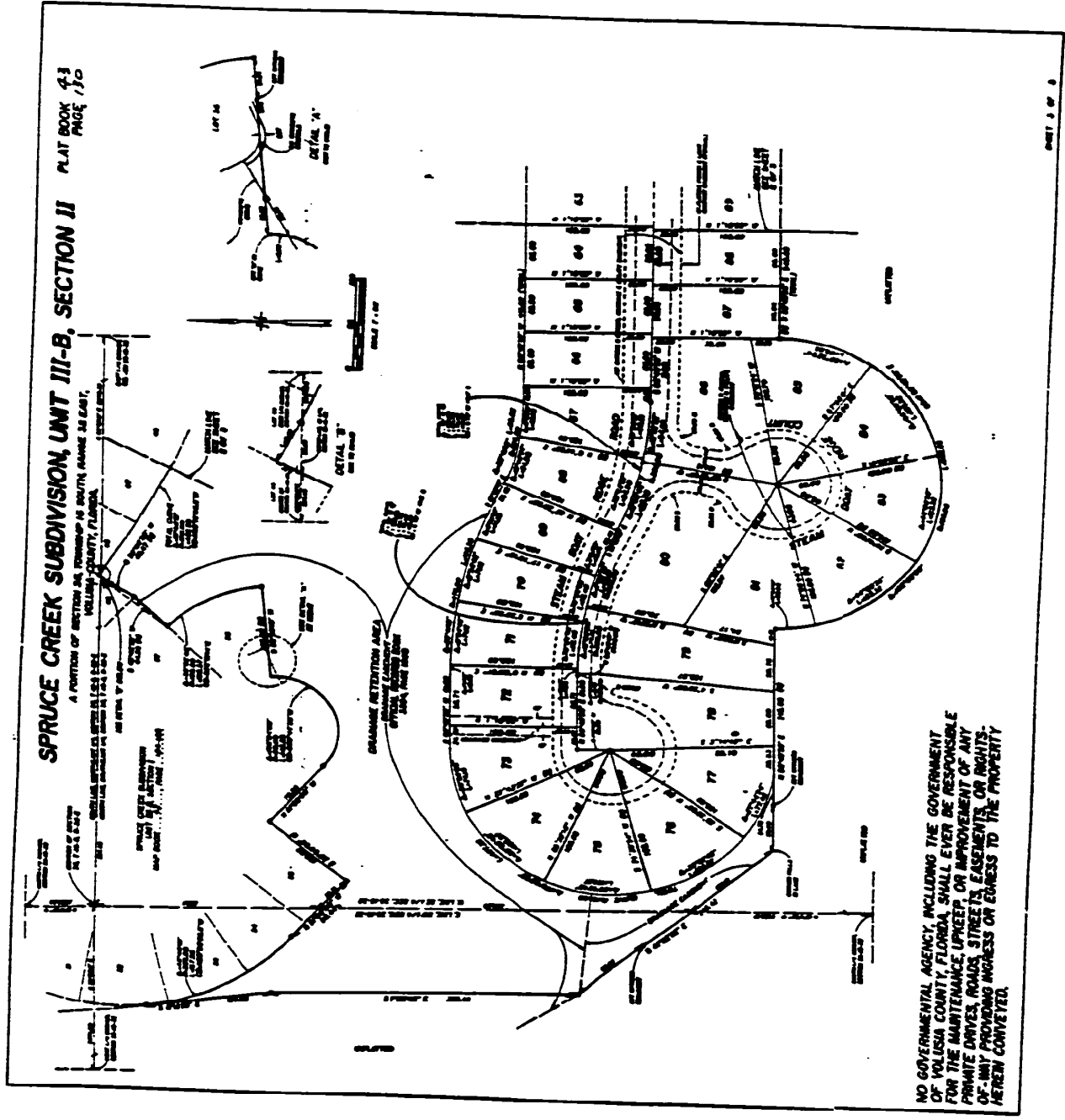
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SPRUCE CREEK SUBDIVISION, UNIT III-B, SECTION II
 A PORTION OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 32 EAST,
 VOLUNTA COUNTY, FLORIDA.
 PLAT BOOK 41
 PAGE 129

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT
 OF VOLUNTA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE
 FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY
 PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-
 OF-WAY PROVIDING ACCESS OR EGRESS TO THE PROPERTY
 HEREIN CONVEYED.

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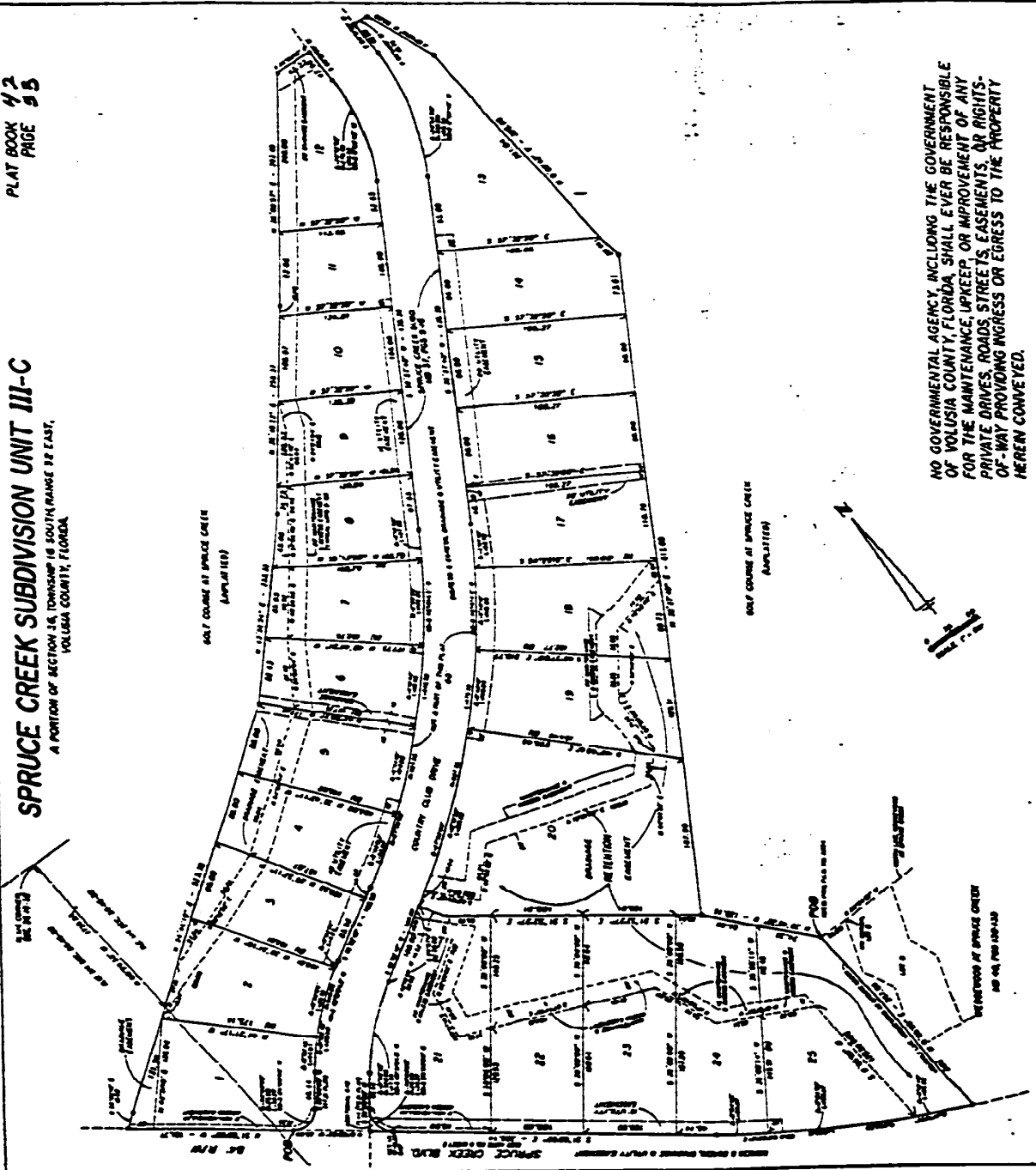
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PLAT BOOK 42
PAGE 53

SPRUCE CREEK SUBDIVISION UNIT III-C

A PORTION OF SECTION 18, TOWNSHIP 18 SOUTH RANGE 32 EAST,
VOLUSIA COUNTY, FLORIDA



NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

SPRUCE CREEK SUBDIVISION, UNIT III-E

A PORTION OF SECTION 31, TOWNSHIP 31 SOUTH, RANGE 33 EAST, AND A PORTION OF SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST VOLUSIA COUNTY, FLORIDA

REVISION

SECTION 31, TOWNSHIP 31 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA... SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA... [Detailed description of land parcels and survey details]

- 1. INCLUDES ALL SURVEY INSTRUMENTS... 2. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS... 3. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS... 4. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS...

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVE, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

SECTION 31, TOWNSHIP 31 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA... SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA... [Detailed description of land parcels and survey details]

- 1. INCLUDES ALL SURVEY INSTRUMENTS... 2. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS... 3. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS... 4. EXCEPT FOR THE PORTION OF THE PUBLIC RECORDS...

PREPARED BY: SALMER & ASSOCIATES, INC. 3320 SOUTH NOVA ROAD, BOCA RATON, FLORIDA 33433

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SECTION 31, TOWNSHIP 31 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA... SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA... [Detailed description of land parcels and survey details]

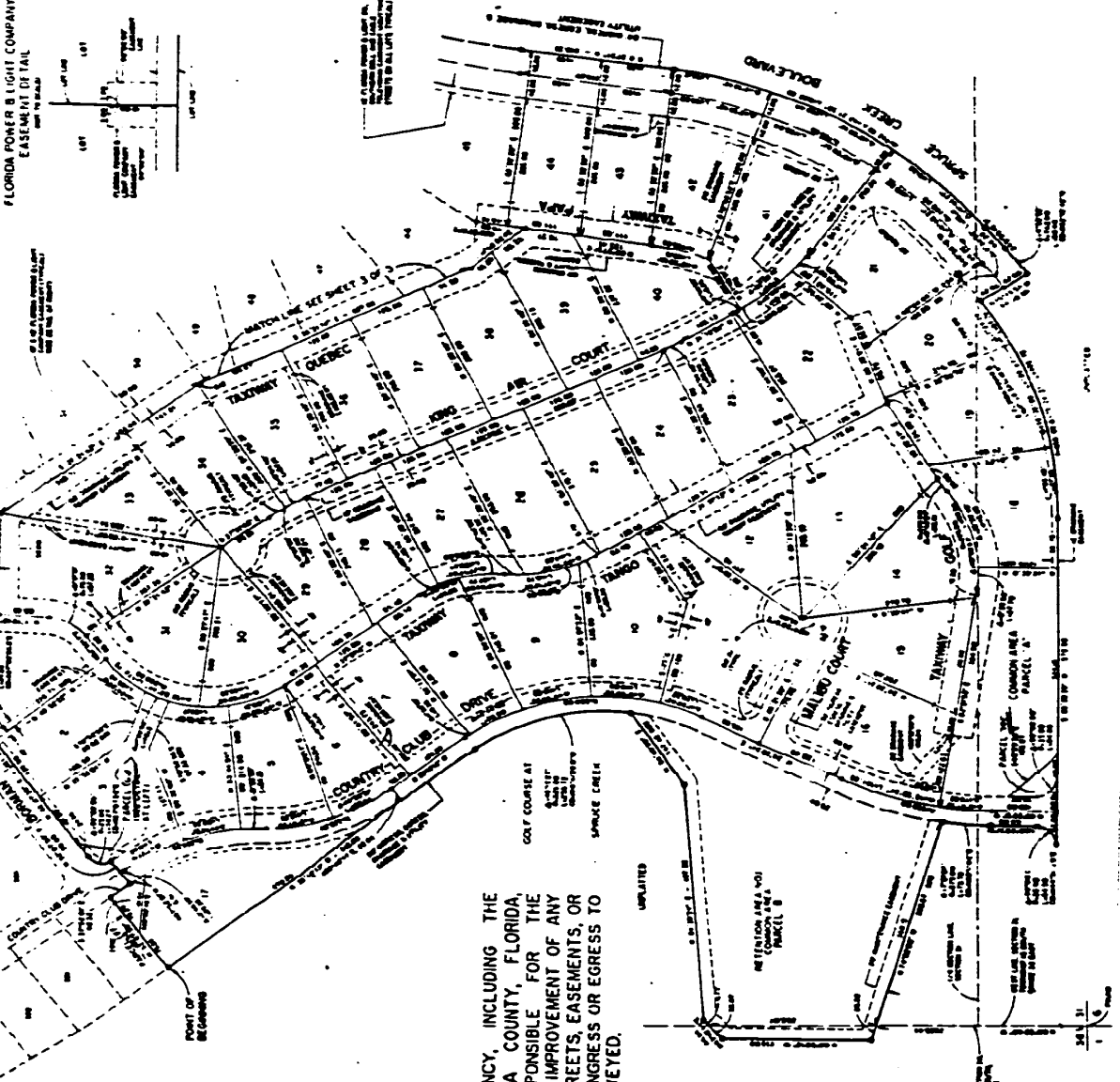
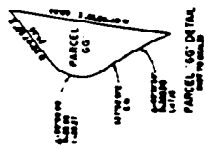
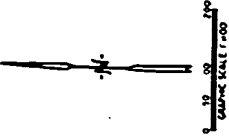
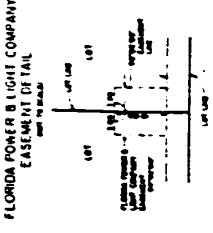
SECTION 31, TOWNSHIP 31 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA... SECTION 36, TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA... [Detailed description of land parcels and survey details]

PREPARED BY: SALMER & ASSOCIATES, INC. 3320 SOUTH NOVA ROAD, BOCA RATON, FLORIDA 33433

SPENCE CREEK SUBDIVISION, UNIT III-E

PLAT BOOK 91
PAGE 99

A PORTION OF SECTION 31, TOWNSHIP 16 SOUTH,
RANGE 33 EAST, AND A PORTION OF SECTION 36,
TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA
COUNTY, FLORIDA



NO GOVERNMENTAL AGENCY, INCLUDING THE
GOVERNMENT OF VOLUSIA COUNTY, FLORIDA,
SHALL EVER BE RESPONSIBLE FOR THE
MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY
PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR
RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO
THE PROPERTY HEREIN CONVEYED.

RECORDS
SPENCE CREEK
OFFICIAL RECORDS
BOOK 1947, PAGE 94

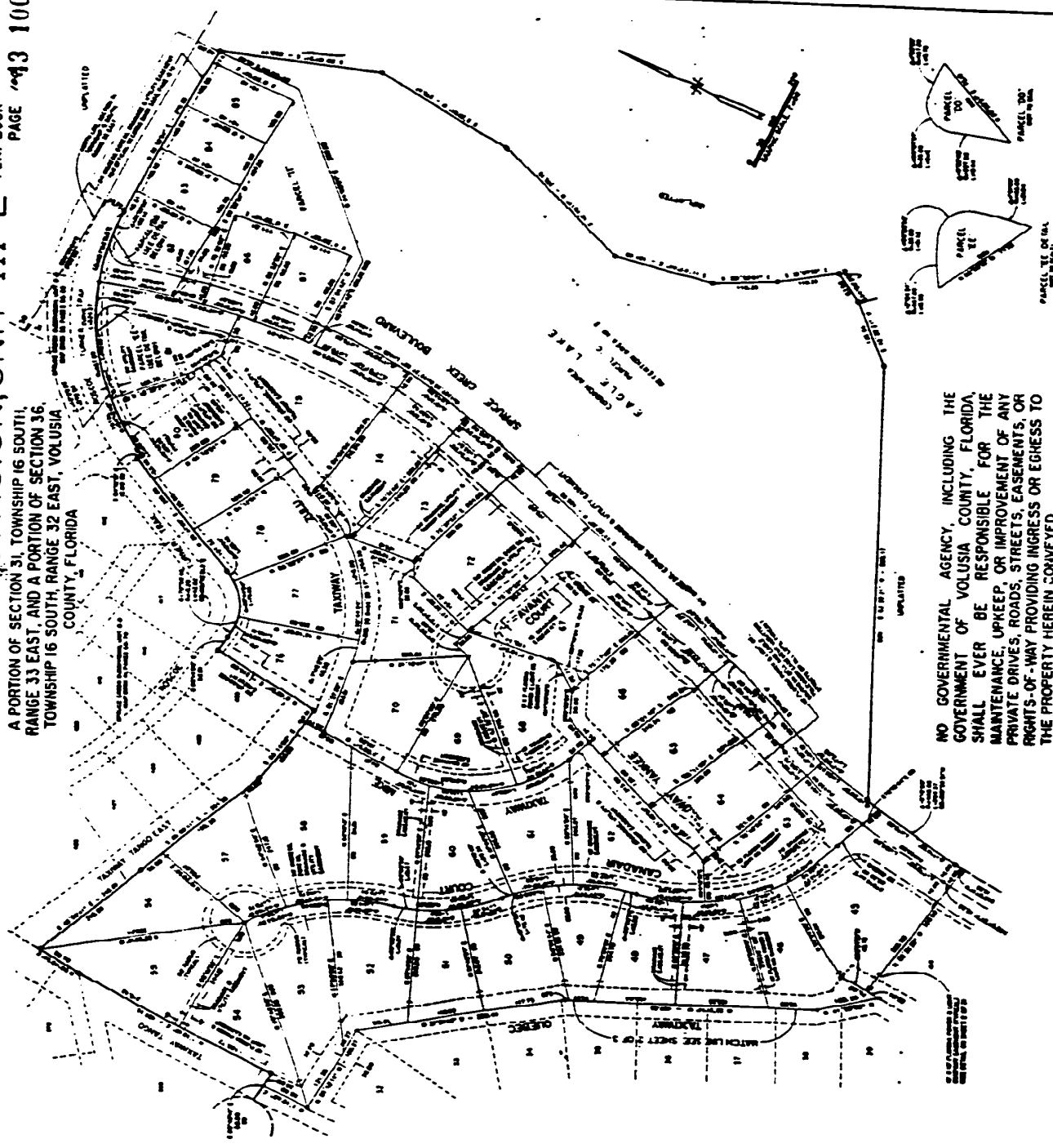
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PAGE 99

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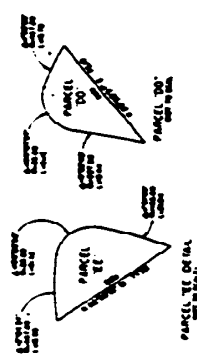
SPRUCE CREEK SUBDIVISION, UNIT III-E

PLAT BOOK PAGE 43 100

A PORTION OF SECTION 31, TOWNSHIP 16 SOUTH,
RANGE 33 EAST, AND A PORTION OF SECTION 36,
TOWNSHIP 16 SOUTH, RANGE 32 EAST, VOLUSIA
COUNTY, FLORIDA



NO GOVERNMENTAL AGENCY, INCLUDING THE
GOVERNMENT OF VOLUSIA COUNTY, FLORIDA,
SHALL EVER BE RESPONSIBLE FOR THE
MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY
PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR
RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO
THE PROPERTY HEREIN CONVEYED.



SHEET 3 OF 3

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THE LAKES AT SPRUCE CREEK
A PORTION OF SECTION 36, TOWNSHIP 16 SOUTH
RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

PLANS 1-10

LEGEND

- 1. ALL LOTS AND IMPROVEMENTS DESCRIBED ON THESE PLANS ARE THE PROPERTY OF THE DEVELOPER AND SHALL REMAIN THE PROPERTY OF THE DEVELOPER UNLESS OTHERWISE SPECIFIED HEREON.
- 2. ALL LOTS SHOWN ON THESE PLANS ARE SUBJECT TO THE EASEMENTS, RIGHTS-OF-WAY AND OTHER INTERESTS DESCRIBED ON THESE PLANS AND THE RECORDS OF VOLUSIA COUNTY, FLORIDA.
- 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL UTILITIES AND IMPROVEMENTS SHOWN ON THESE PLANS.
- 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL EASEMENTS, RIGHTS-OF-WAY AND OTHER INTERESTS SHOWN ON THESE PLANS.
- 5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.
- 6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL UTILITIES AND IMPROVEMENTS SHOWN ON THESE PLANS.



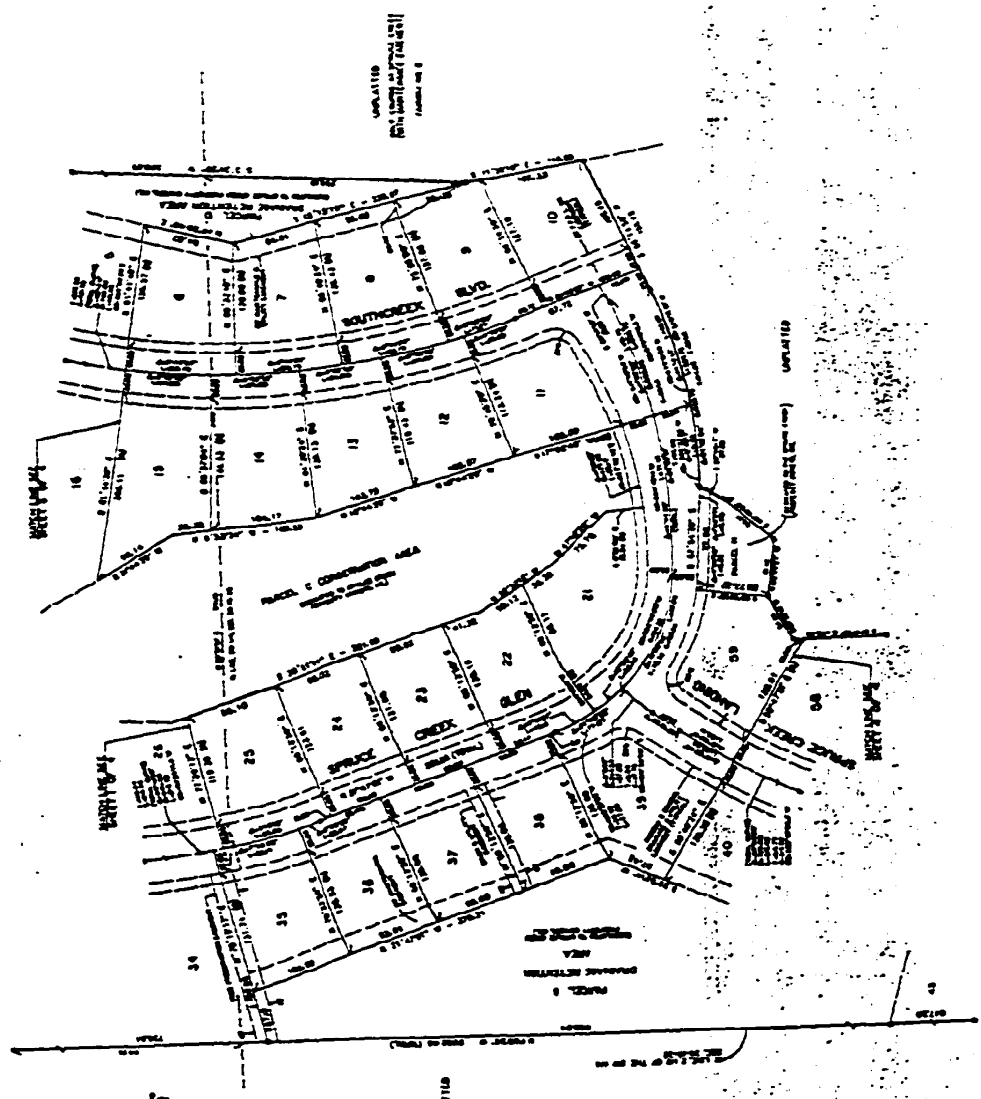
SHEET 1 OF 4

Book: 4071
Page: 4381
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PLAT BOOK 41
PAGE 61

THE LAKES AT S. RUCE CREEK

A PORTION OF SECTION 36, TOWNSHIP 16 SOUTH,
RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.



NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING ACCESS TO THE PROPERTY HEREIN CONVEYED.

SHEET 2 OF 4

Book : 4071
Page : 4382

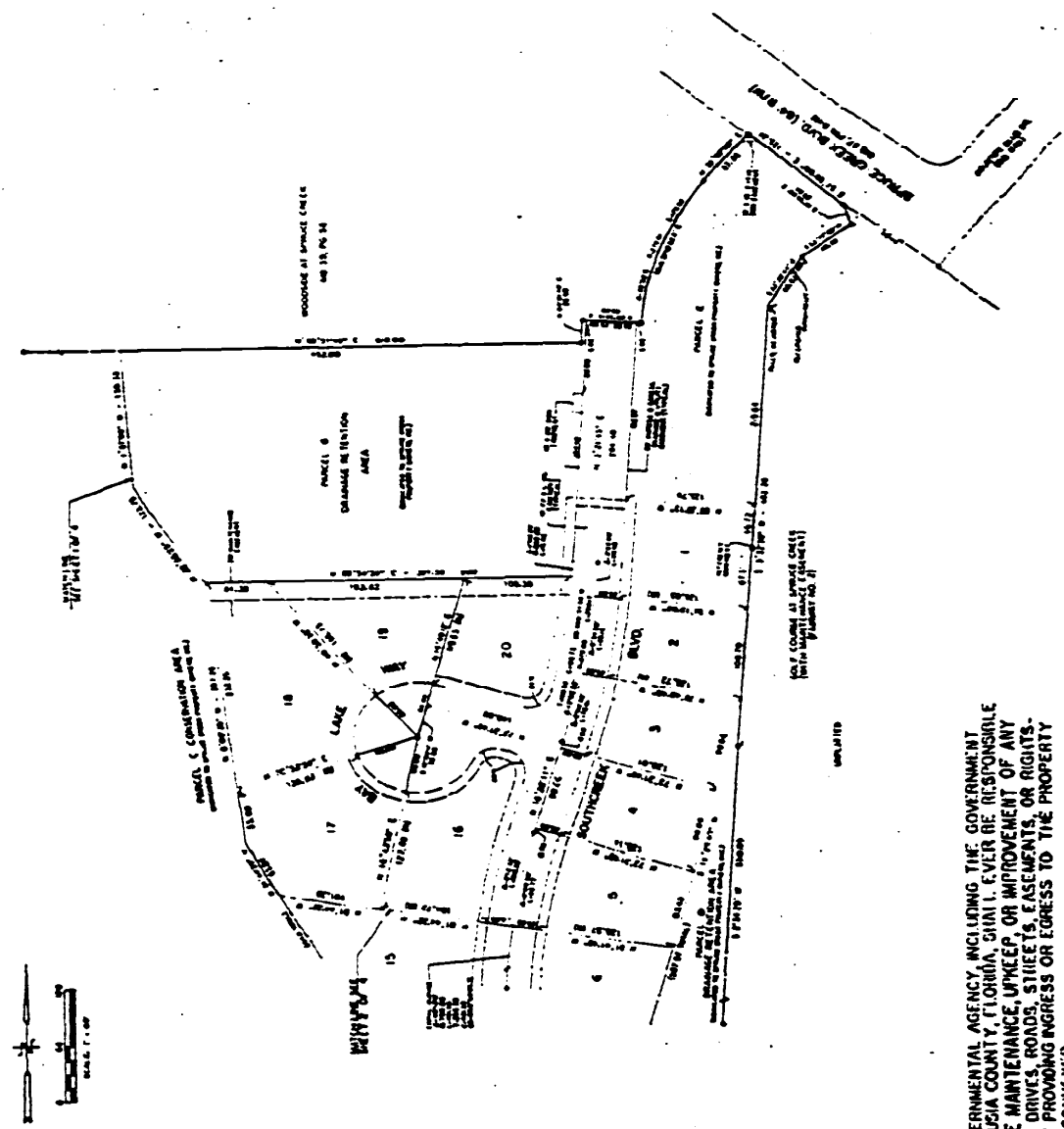
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PLAT BOOK 27
PAGE 29

THE LAKES AT SPRUCE CREEK

A PORTION OF SECTION 36, TOWNSHIP 16 SOUTH,
RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.



NO GOVERNMENTAL AGENCY INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPGRADE, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY HEREIN CONVEYED.

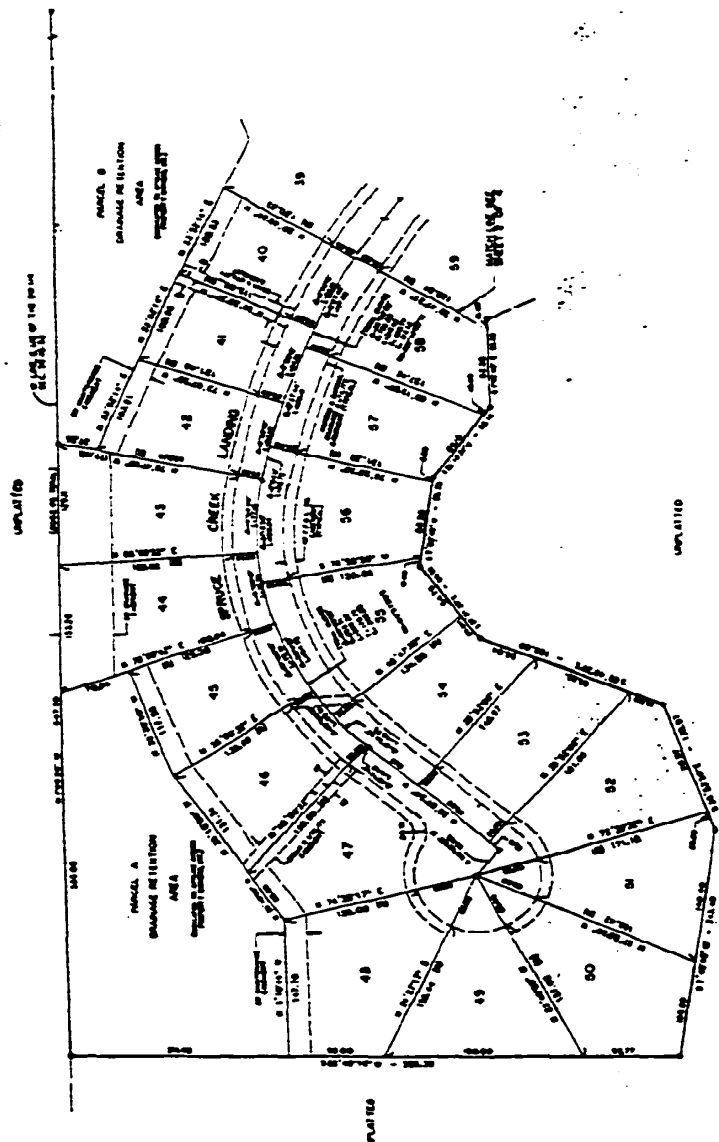
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Page: 4383

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PLAT BOOK 4071
PAGE 4383

THE LAKES AT SPRUCE CREEK

A PORTION OF SECTION 36, TOWNSHIP 16 SOUTH,
RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.

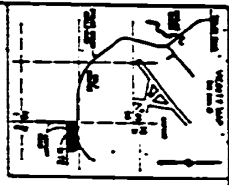


SHEET 4 OF 4

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING RIGHT OF EGRESS TO THE PROPERTY HEREW CONVEYED.

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Page: 4385

Best Available Copy

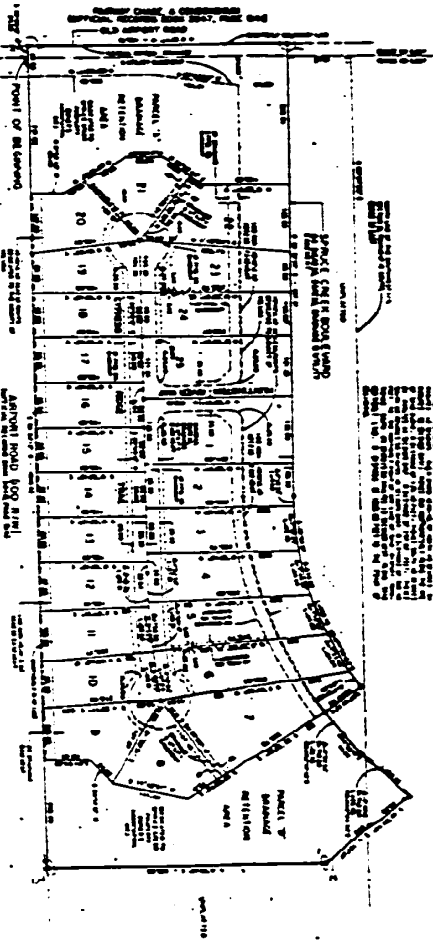


43 180

WINDSOR COURT AT SPRUCE CREEK

A PORTION OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 31 EAST, AND A PORTION OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 31 EAST, VOLusia COUNTY, FLORIDA

THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE CONSEQUENCES OF ANY ACTION TAKEN OR NOT TAKEN IN RELIANCE ON THIS PLAN. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS PLAN.



- 1. Easement for utility lines
- 2. Easement for drainage
- 3. Easement for access
- 4. Easement for parking
- 5. Easement for landscaping
- 6. Easement for maintenance
- 7. Easement for security
- 8. Easement for storage
- 9. Easement for recreation
- 10. Easement for other purposes

NO GOVERNMENTAL AGENCY, INCLUDING THE GOVERNMENT OF VOLUSIA COUNTY, FLORIDA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, IMPROVEMENT OR ANY PRIVATE DRIVE, ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDED HEREON OR EGRESS TO THE PROPERTY HEREIN COVERED.

43
180

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/15/14	Initial Plan
2	11/10/14	Revised Easement
3	12/05/14	Final Plan

APPROVALS:

 PROJECT MANAGER

 ENGINEER

 SURVEYOR

 PLANNING

 LEGAL

 FINANCE

 SALES

 MARKETING

 OPERATIONS

 MAINTENANCE

 SECURITY

 STORAGE

 RECREATION

 OTHER

NOTES:

1. All dimensions are in feet and inches.

2. All bearings are in degrees, minutes and seconds.

3. All areas are in square feet.

4. All volumes are in cubic feet.

5. All weights are in pounds.

6. All temperatures are in degrees Fahrenheit.

7. All pressures are in pounds per square inch.

8. All speeds are in miles per hour.

9. All distances are in miles.

10. All times are in hours, minutes and seconds.

11. All dates are in month, day and year.

12. All names are in full.

13. All titles are in full.

14. All addresses are in full.

15. All phone numbers are in full.

16. All fax numbers are in full.

17. All email addresses are in full.

18. All websites are in full.

19. All social media handles are in full.

20. All references are in full.

21. All citations are in full.

22. All footnotes are in full.

23. All appendices are in full.

24. All tables are in full.

25. All figures are in full.

26. All charts are in full.

27. All graphs are in full.

28. All maps are in full.

29. All diagrams are in full.

30. All drawings are in full.

31. All plans are in full.

32. All specifications are in full.

33. All standards are in full.

34. All codes are in full.

35. All regulations are in full.

36. All laws are in full.

37. All orders are in full.

38. All decrees are in full.

39. All judgments are in full.

40. All verdicts are in full.

41. All settlements are in full.

42. All agreements are in full.

43. All contracts are in full.

44. All leases are in full.

45. All licenses are in full.

46. All permits are in full.

47. All certificates are in full.

48. All diplomas are in full.

49. All degrees are in full.

50. All titles are in full.



ENGINEER'S SEAL AND SIGNATURE

DEED - PAGE 1

SURVEY OF

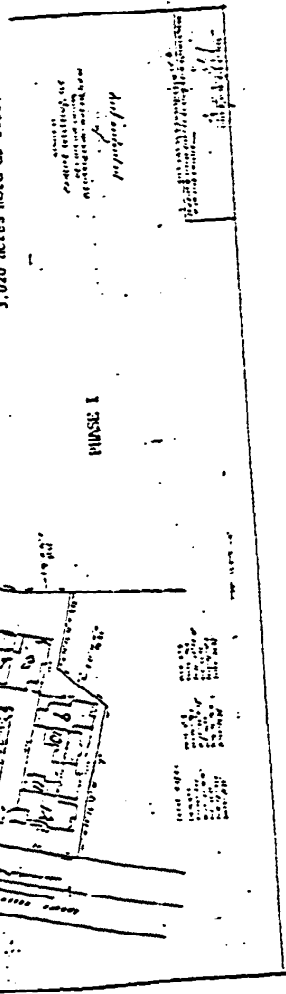
A portion of Cluster Condo Tract A, Spruce Creek Subdivision, as per map recorded in the book 37, Pages 9 through 16, Inclusive, Public Records of Volusia County, Florida, being more particularly described as follows:

At a Point of Beginning, begin at the Northwest corner of said Tract A; Thence South 19 degrees 54 minutes 05 seconds East 75.07 feet; Thence South 13 degrees 38 minutes 23 seconds East 252.31 feet; Thence South 03 degrees 40 minutes 46 seconds East 95.45 feet; Thence South 40 degrees 04 minutes 23 seconds East 57.31 feet; Thence South 40 degrees 04 minutes 03 seconds East 73.32 feet; Thence North 77 degrees 23 minutes 37 seconds East 190 feet to a point in the Easterly right-of-way of Spruce Creek Blvd., an 84 foot right-of-way; Thence North 12 degrees 36 minutes 23 seconds East along said Easterly right-of-way of Spruce Creek Blvd., a distance of 434.09 feet to a point in the Northerly line of said Tract A; Thence South 77 degrees 23 minutes 37 seconds East along the Northerly line of said Tract A, a distance of 8 feet; Thence South 79 degrees 59 minutes 36 seconds East along the Northerly line of said Tract A, a distance of 316.70 feet to the Point of Beginning, said parcel containing 3.020 acres more or less.

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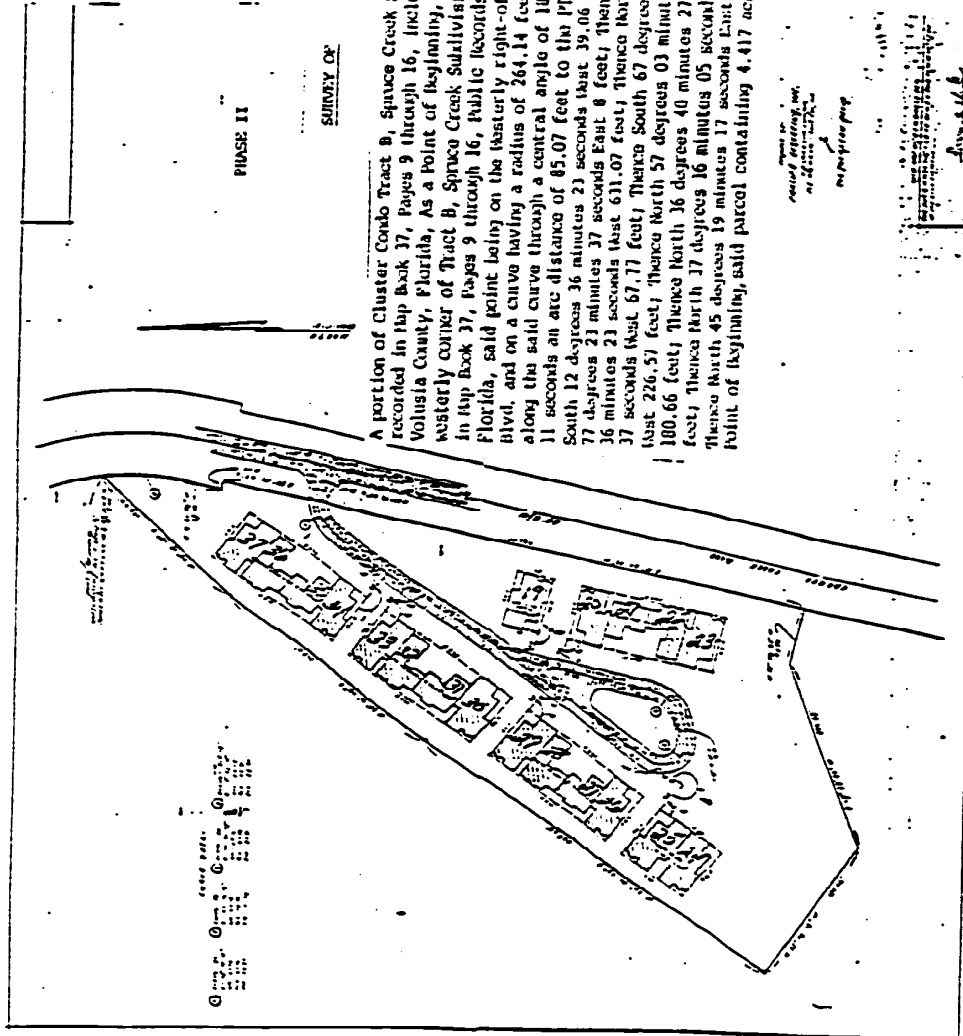
GOLF VILLAS⁰⁰



PARCEL 1

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BOOK : 4071
PAGE : 4387



A portion of Cluster Condo Tract B, Spruce Creek Subdivision, as per map recorded in Map Book 37, Pages 9 through 16, inclusive, Public Records, Volusia County, Florida, As a Point of Beginning, begin at the north-westerly corner of Tract B, Spruce Creek Subdivision, as per map record in Map Book 37, Pages 9 through 16, Public Records of Volusia County, Florida, said point being on the westerly right-of-way of Spruce Creek Blvd, and on a curve having a radius of 264.14 feet; Thence Southerly along the said curve through a central angle of 10 degrees 27 minutes 11 seconds an arc distance of 45.07 feet to the PT of said curve; Thence South 12 degrees 36 minutes 23 seconds East 39.06 feet; Thence South 77 degrees 21 minutes 37 seconds East 8 feet; Thence South 12 degrees 36 minutes 23 seconds East 611.07 feet; Thence North 77 degrees 21 minutes 37 seconds East 67.77 feet; Thence South 67 degrees 47 minutes 20 seconds East 226.57 feet; Thence North 36 degrees 40 minutes 15 seconds East 180.66 feet; Thence North 37 degrees 16 minutes 05 seconds East 267.0 feet; Thence North 45 degrees 19 minutes 17 seconds East 195.36 feet to the Point of Beginning; said parcel containing 4.417 acres more or less.

Surveyed by
 [Signature]
 in presence of
 [Signature]

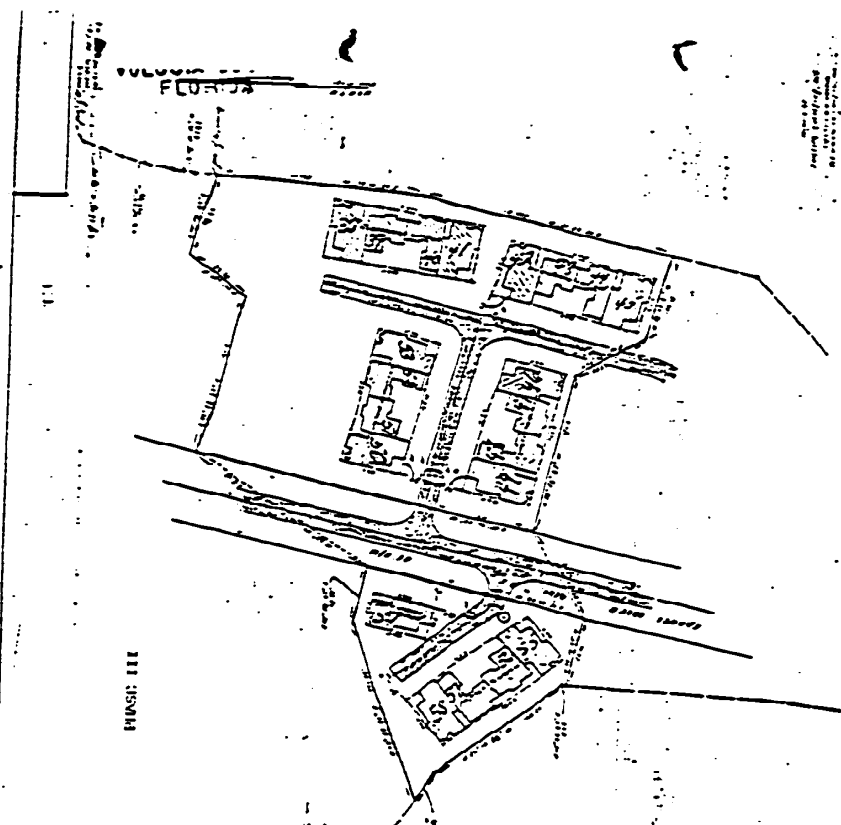
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SHUNNY OK

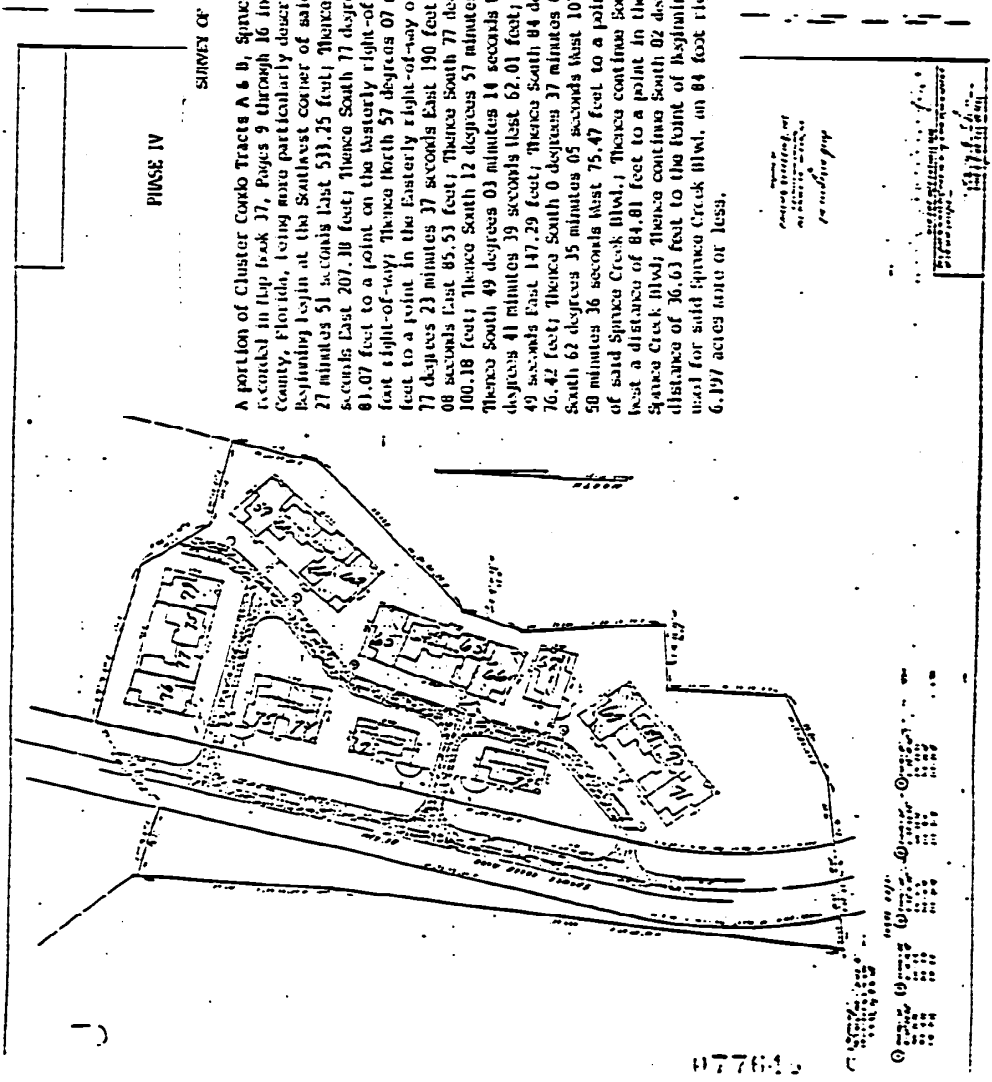
A portion of Cluster Condo Tract A & B, Spruce Creek Subdivision, as per map recorded in this Book 37, Pages 9 through 16 inclusive, Public Records of Volusia County, Florida, being more particularly described as follows: Henceforth 19 degrees 51 minutes 05 seconds West 75.07 feet; Thence South 13 degrees 38 minutes 23 seconds West 252.33 feet; Thence North 01 degrees 40 minutes 46 seconds East 57.34 feet to the Point of Beginning; Thence North 19 degrees 51 minutes 05 seconds West 224.10 feet; Thence South 12 degrees 46 minutes 46 seconds East 266.41 feet; Thence North 77 degrees 02 minutes 41 seconds West 100.18 feet; Thence North 33 degrees 38 minutes 08 seconds West 35.53 feet; Thence North 77 degrees 23 minutes 37 seconds West 190 feet to a point in the Easterly right-of-way of Spruce Creek Blvd., an 84-foot right-of-way; Thence South 57 degrees 07 minutes 10 seconds West 119.82 feet to a point on the Easterly right-of-way of Spruce Creek Blvd., an 84-foot right-of-way; Thence North 77 degrees 23 minutes 37 seconds West 14 feet; Thence North 02 degrees 02 minutes 33 seconds West 4.68 feet; Thence North 40 degrees 10 minutes 44 seconds West 166.40 feet; Thence North 57 degrees 03 minutes 15 seconds West 39.86 feet; Thence North 77 degrees 47 minutes 20 seconds East 276.57 feet; Thence Easterly right-of-way of Spruce Creek Blvd. 67.77 feet to a point in the Easterly right-of-way of Spruce Creek Blvd.; Thence North 35 degrees 42 minutes 06 seconds East a distance of 214.14 feet to a point in the Easterly right-of-way of Spruce Creek Blvd.; Thence South 77 degrees 23 minutes 37 seconds East 190 feet; Thence North 40 degrees 01 minutes 41 seconds West 73.12 feet; Thence South 77 degrees 23 minutes 37 seconds East 9.46 feet to the Point of Beginning. EXCEPT therefrom that part owned for Spruce Creek Blvd. an 84 foot right-of-way, said parcel containing 4.725 acres more or less.



SHUNNY OK
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PHASE IV

SURVEY OF

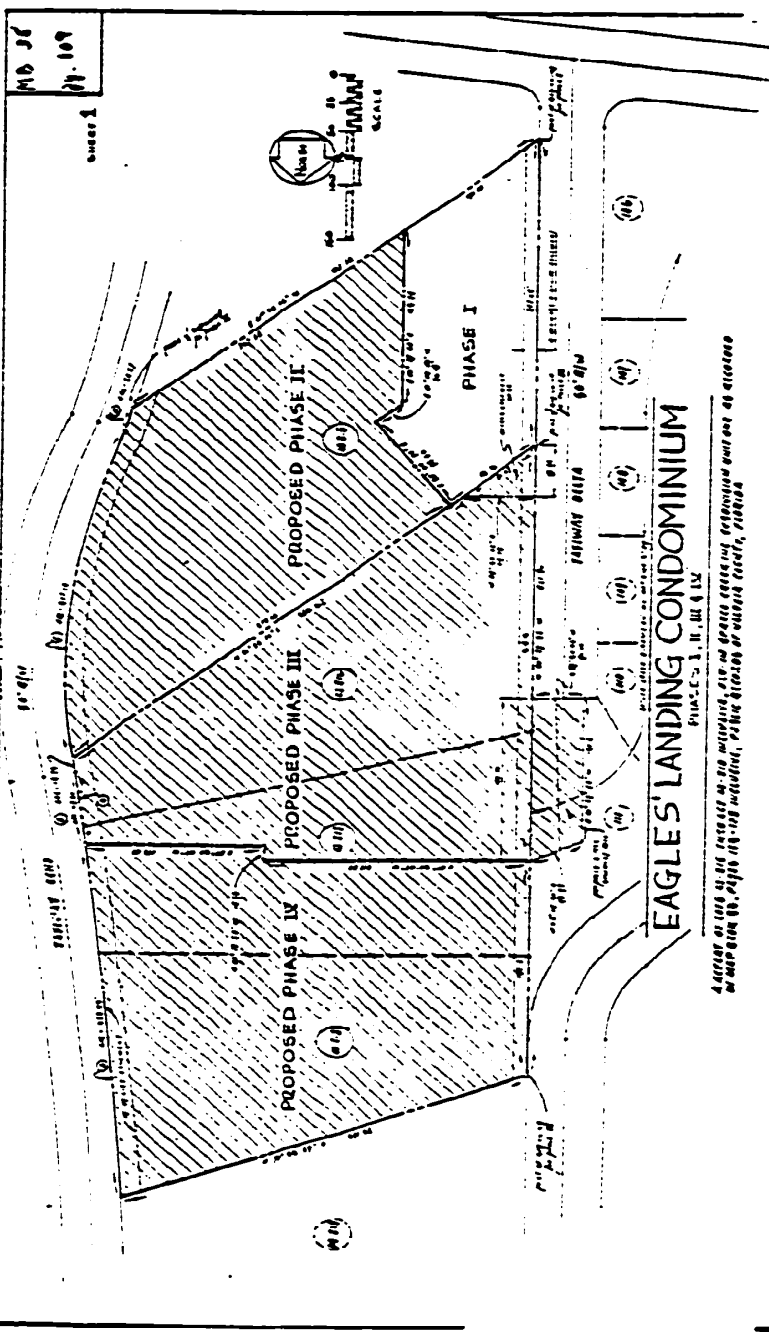
A portion of Cluster Combo Tracts A & B, Spruce Creek Subdivision, as per map recorded in Map Book 37, Pages 9 through 16 inclusive, Public Records of Volusia County, Florida, being more particularly described as follows: As a point of beginning begin at the Southwest corner of said Tract B; Thence North 05 degrees 27 minutes 51 seconds East 531.75 feet; Thence North 02 degrees 33 minutes 38 seconds East 207.38 feet; Thence South 77 degrees 23 minutes 37 seconds East 81.07 feet to a point on the westerly right-of-way of Spruce Creek Blvd. an 84 foot right-of-way; Thence North 57 degrees 07 minutes 10 seconds East 119.82 feet to a point in the Easterly right-of-way of Spruce Creek Blvd; Thence South 77 degrees 23 minutes 37 seconds East 190 feet; Thence South 33 degrees East 100.18 feet; Thence South 12 degrees 57 minutes 19 seconds West 91.91 feet; Thence South 49 degrees 03 minutes 14 seconds West 231.30 feet; Thence South 19 degrees 41 minutes 39 seconds East 62.01 feet; Thence South 04 degrees 57 minutes 49 seconds East 147.29 feet; Thence South 84 degrees 53 minutes 45 seconds West 76.42 feet; Thence South 0 degrees 37 minutes 03 seconds West 122.94 feet; Thence South 62 degrees 35 minutes 05 seconds West 107.94 feet; Thence South 82 degrees 50 minutes 36 seconds West 75.47 feet to a point in the Easterly right-of-way of said Spruce Creek Blvd.; Thence continues South 82 degrees 58 minutes 36 seconds West a distance of 84.81 feet to a point in the westerly right-of-way of said Spruce Creek Blvd; Thence continues South 82 degrees 58 minutes 36 seconds West a distance of 36.63 feet to the point of beginning. EXCEPTING therefrom that part used for said Spruce Creek Blvd. an 84 foot right-of-way, said parcel contains 6.197 acres more or less.

Surveyed and
 returned by
 the Surveyor
 General
 of Florida
 on this 14th day of
 August 1974

1447764-1

07764-1

38 109



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PHASE IV - LEGAL DESCRIPTION

That certain parcel of land, to-wit: the parcel of land bounded and described as follows: Beginning at the intersection of the center line of the 60' wide 'RAILWAY STRIP' and the center line of the 60' wide 'RAILWAY STRIP' and running North 89° 50' 00\"/>

SHOWN HEREON
According to the map and plan hereon attached.

PHASE III - LEGAL DESCRIPTION

That certain parcel of land, to-wit: the parcel of land bounded and described as follows: Beginning at the intersection of the center line of the 60' wide 'RAILWAY STRIP' and the center line of the 60' wide 'RAILWAY STRIP' and running North 89° 50' 00\"/>

NO.	AREA	AREA (SQ. FT.)	PERCENT OF TOTAL
1	PHASE I	10,000	10.00
2	PHASE II	10,000	10.00
3	PHASE III	10,000	10.00
4	PHASE IV	10,000	10.00
TOTAL		100,000	100.00

PHASE II - LEGAL DESCRIPTION

That certain parcel of land, to-wit: the parcel of land bounded and described as follows: Beginning at the intersection of the center line of the 60' wide 'RAILWAY STRIP' and the center line of the 60' wide 'RAILWAY STRIP' and running North 89° 50' 00\"/>

CONTOUR OF ELEVATION

The contours shown on this plan are based on the spot elevations shown on the plan and are intended to show the general character of the terrain. The contours are not to be used as a basis for determining the exact elevation of any point on the plan.

PHASE I - LEGAL DESCRIPTION

That certain parcel of land, to-wit: the parcel of land bounded and described as follows: Beginning at the intersection of the center line of the 60' wide 'RAILWAY STRIP' and the center line of the 60' wide 'RAILWAY STRIP' and running North 89° 50' 00\"/>

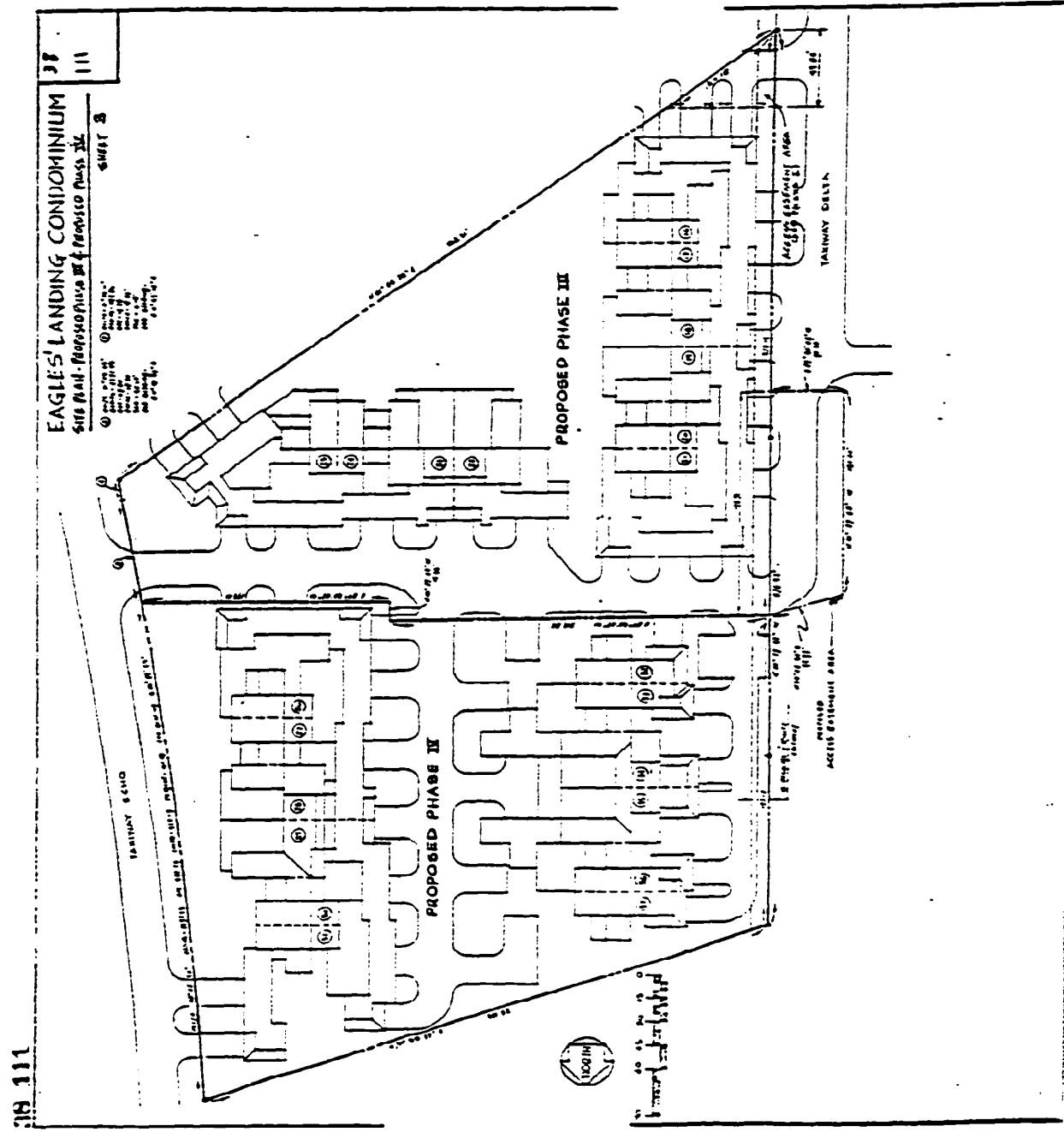
PHASE I - LEGAL DESCRIPTION

The contours shown on this plan are based on the spot elevations shown on the plan and are intended to show the general character of the terrain. The contours are not to be used as a basis for determining the exact elevation of any point on the plan.

PROPERTY OF THIS IS THE PROJECT OF THE DEVELOPER, FOR THE PURPOSES OF THE DEVELOPMENT OF THE PROJECT, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

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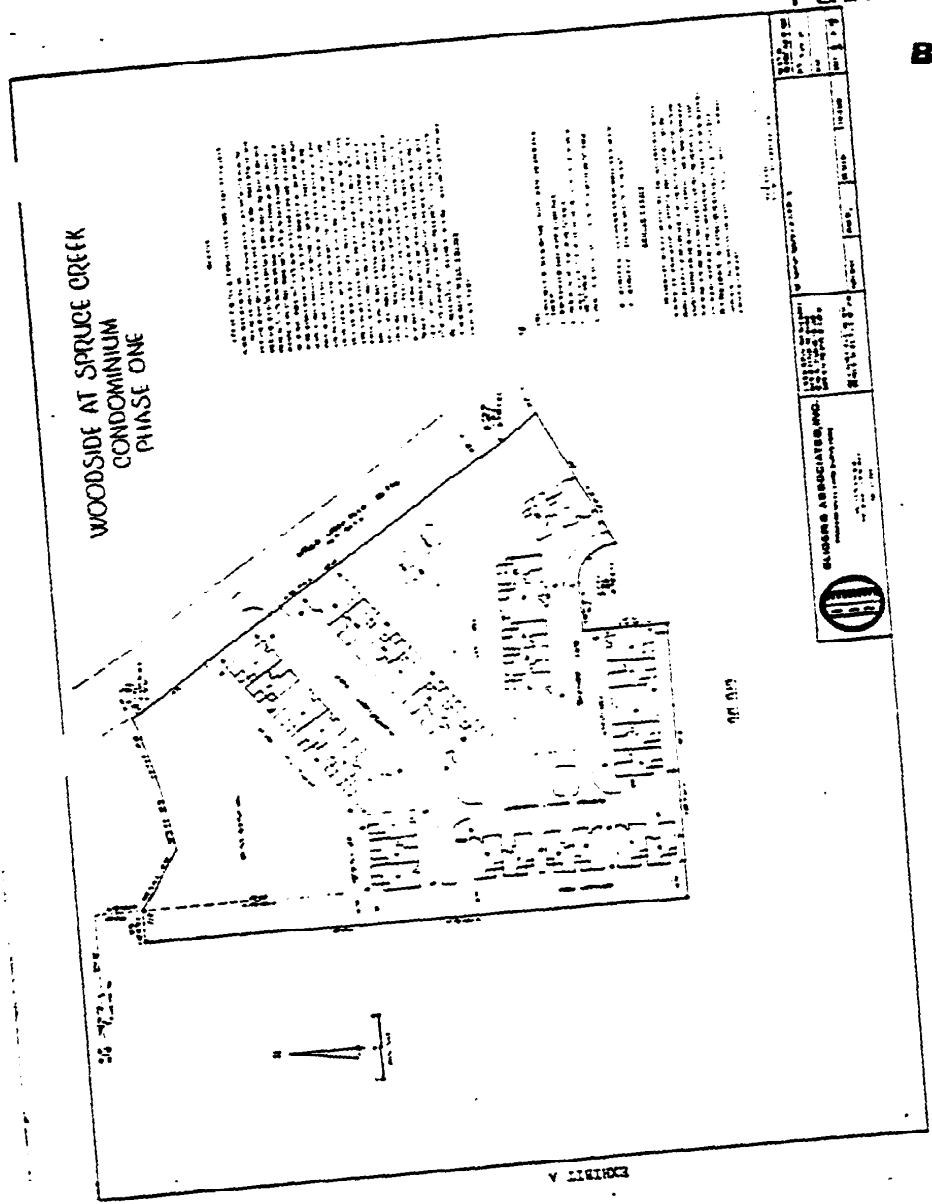


EXHIBIT A

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Page: 4397

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PLAT BOOK 44 - PAGE 171

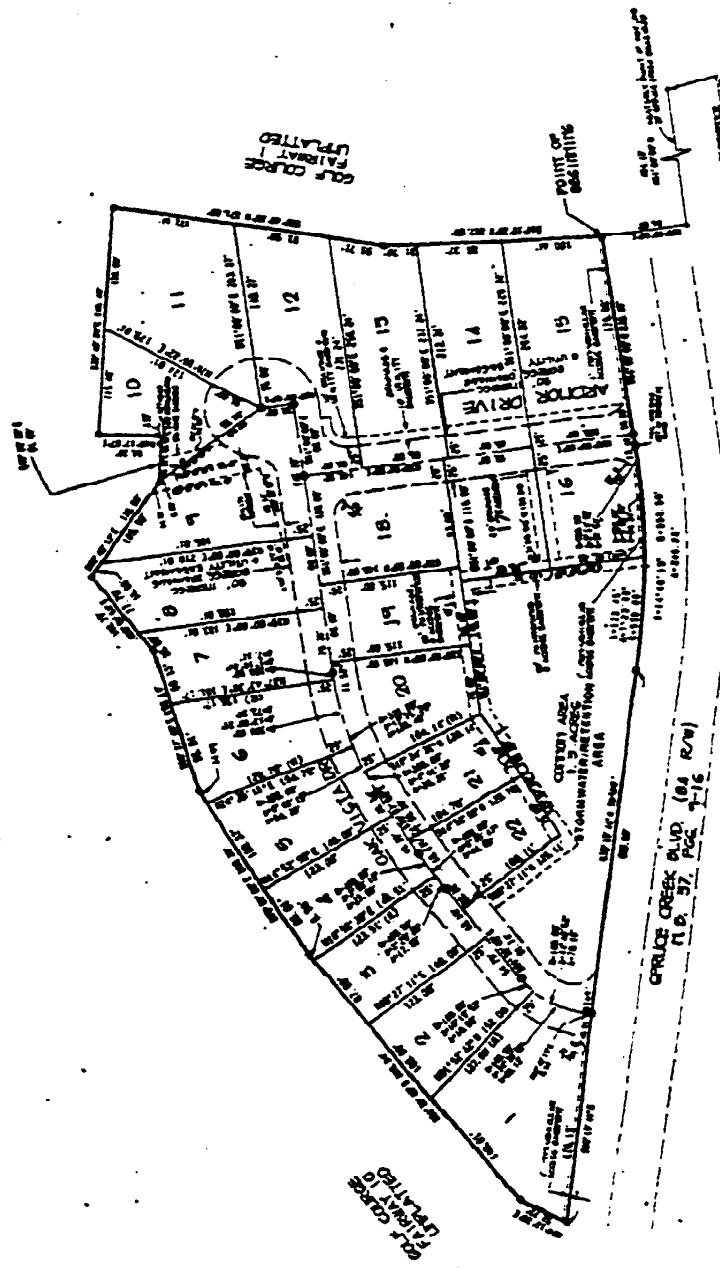
GREENVIEW

SECTION 36, TOWNSHIP 16 G, RANGE 32 E
VOLUGIA COUNTY, FLORIDA



SCALE 1"=40'

42 191



COURT AREA
BLVD. 62 R/W
WOODCREEK & CRIDGE CREEK

SHEET 2 OF 2

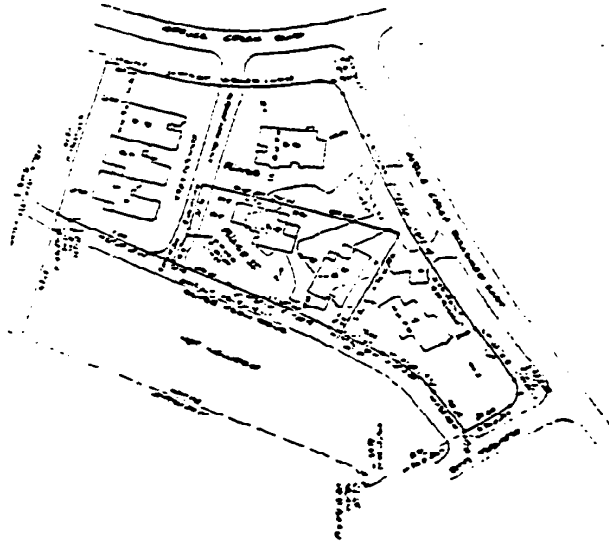
TO GOVERNMENTAL AGENCY, INCLUDING THE
COUNTY OF VOLUGIA COUNTY, FLORIDA
FOR THE PURPOSES OF RECORDING THIS
PLAT IN THE PUBLIC RECORDS OF THE
ANY PRIVATE DRIVE, ROAD, STREET,
TRAIL, OR ALLEY OF ANY KIND
HEREON OR HEREIN TO THE PROPERTY HEREIN

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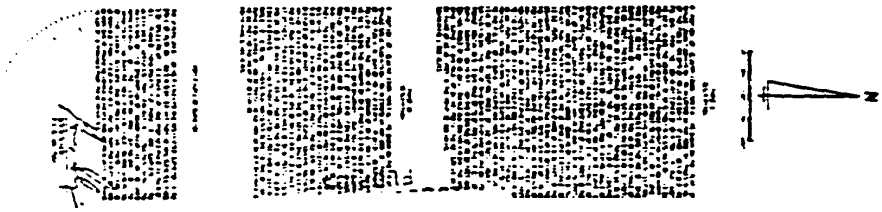
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EXHIBIT A

SPRUCE POINT CONDOMINIUM
The following is a list of the units in the Spruce Point Condominium. The units are numbered 1 through 100. The units are located in the building shown on the plan. The units are numbered as follows: 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.



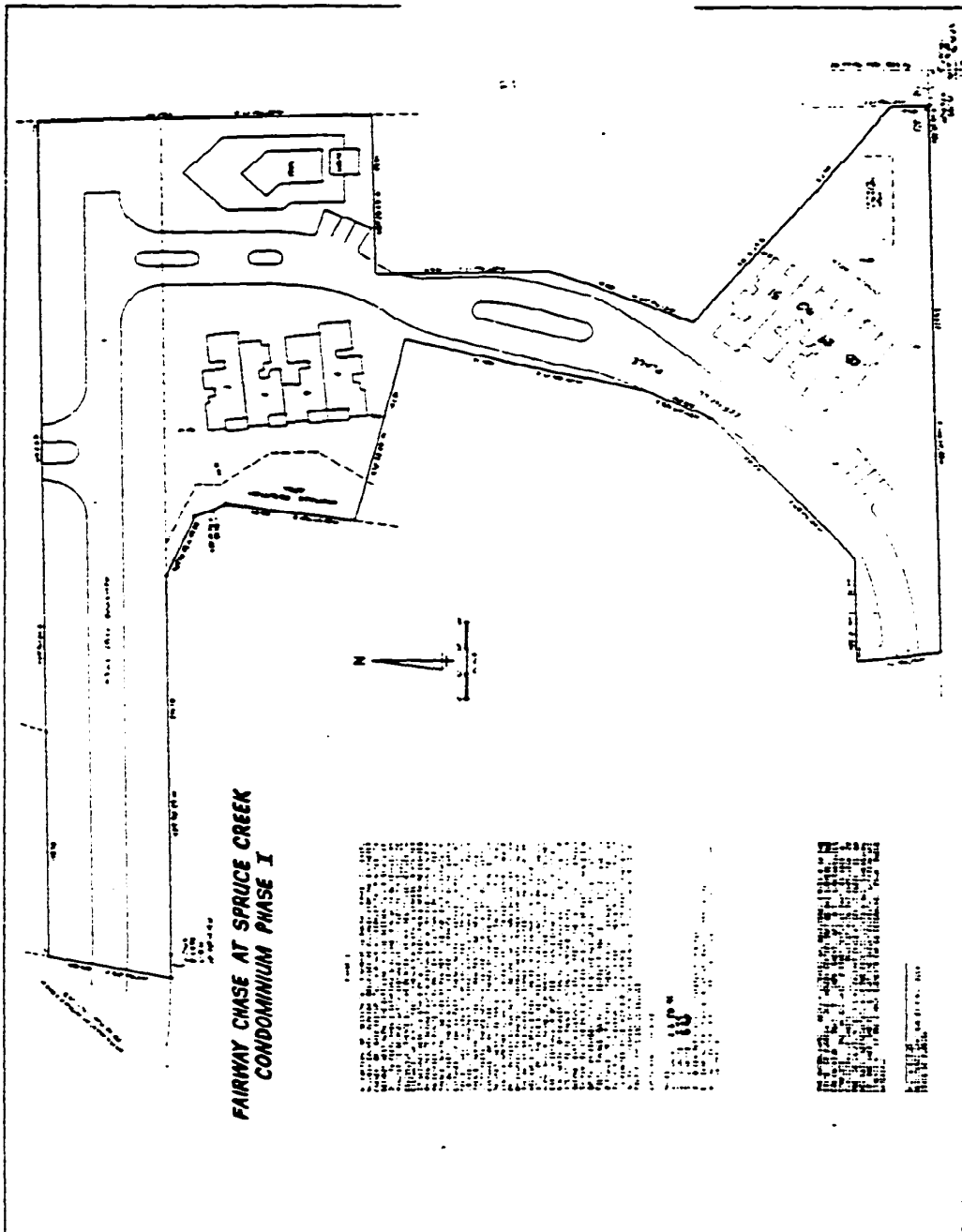
SPRUCE POINT
a condominium



78A

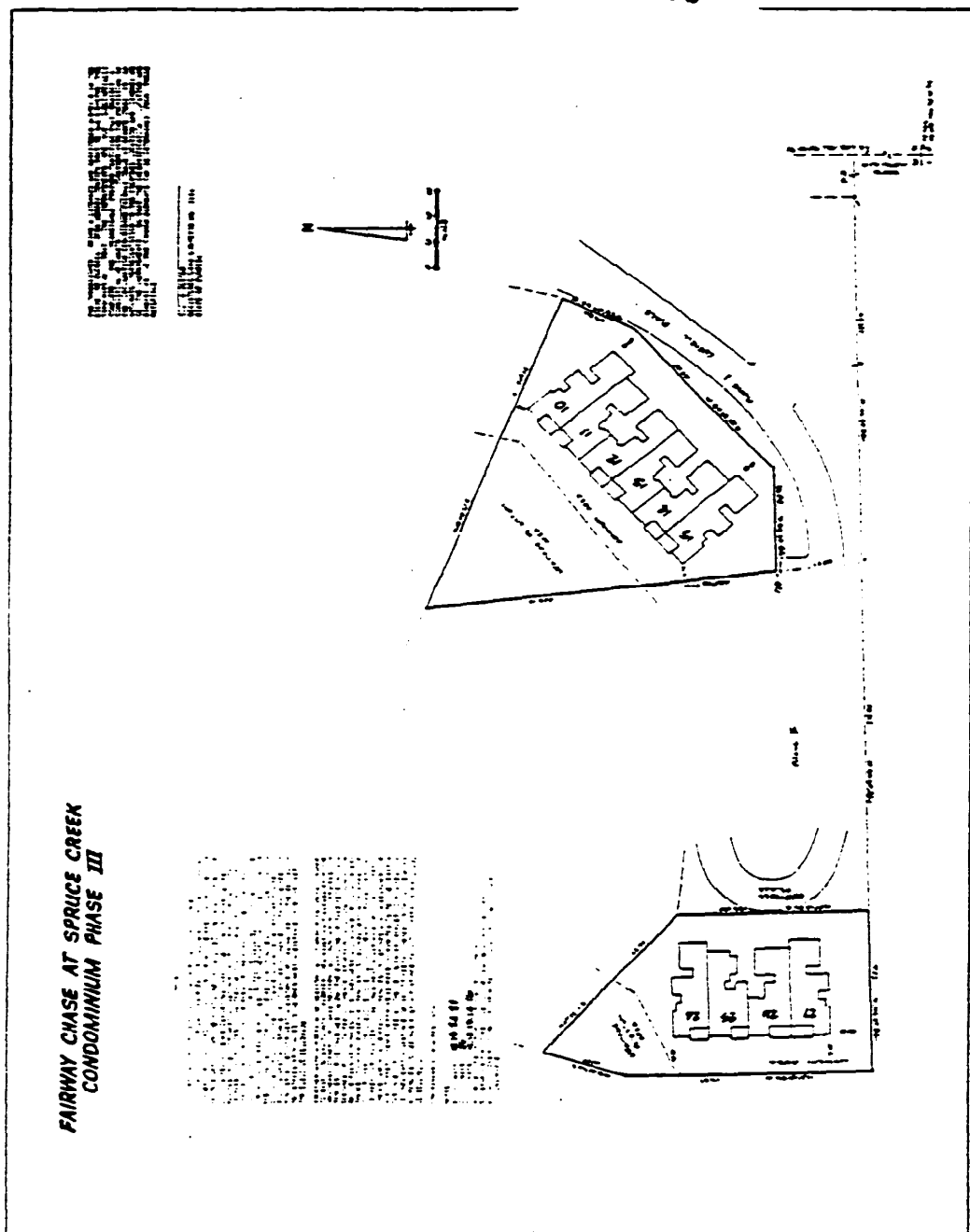
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Page: 4401



BOOK: 4071
Page: 4403

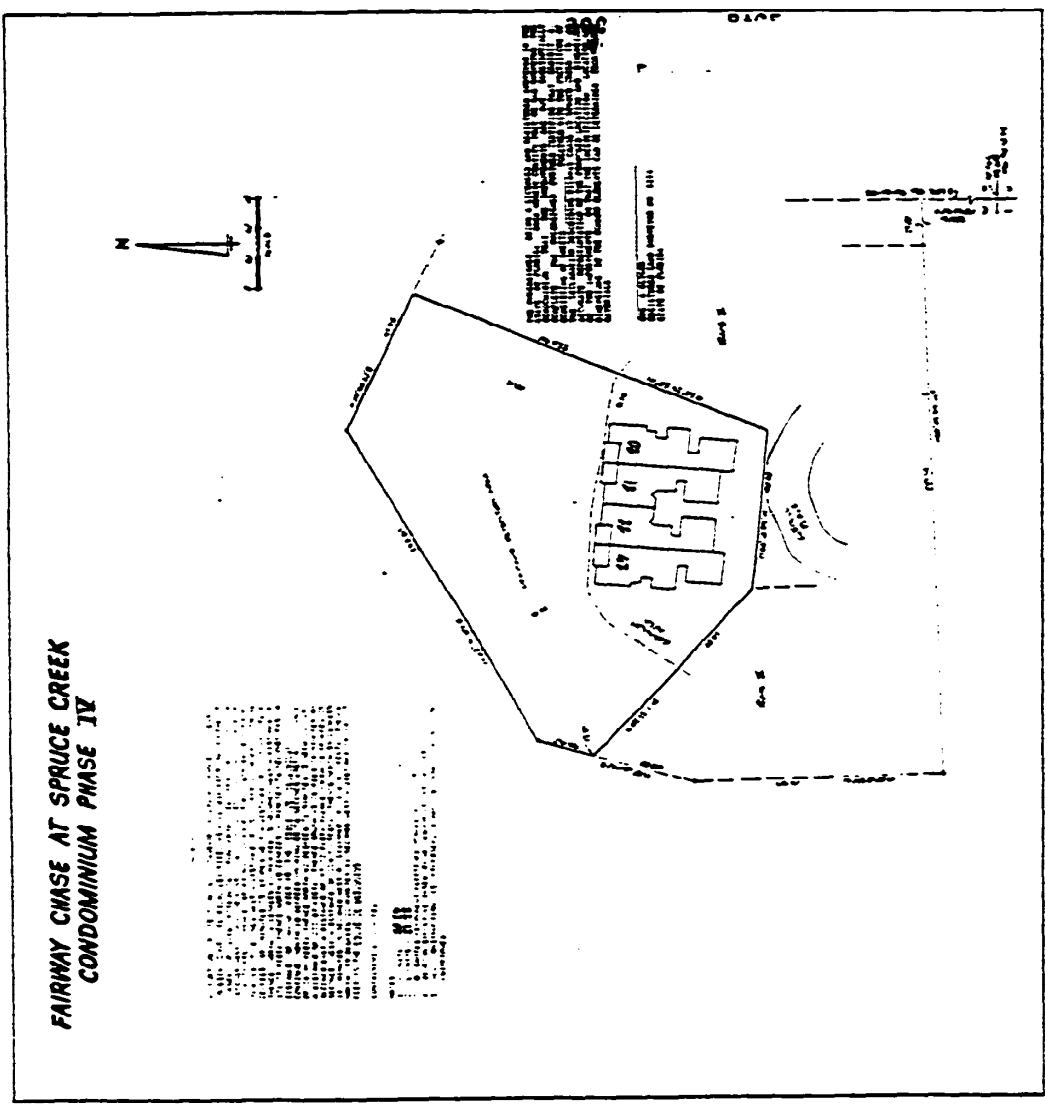
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FAIRWAY CHASE AT SPRUCE CREEK
CONDOMINIUM PHASE III

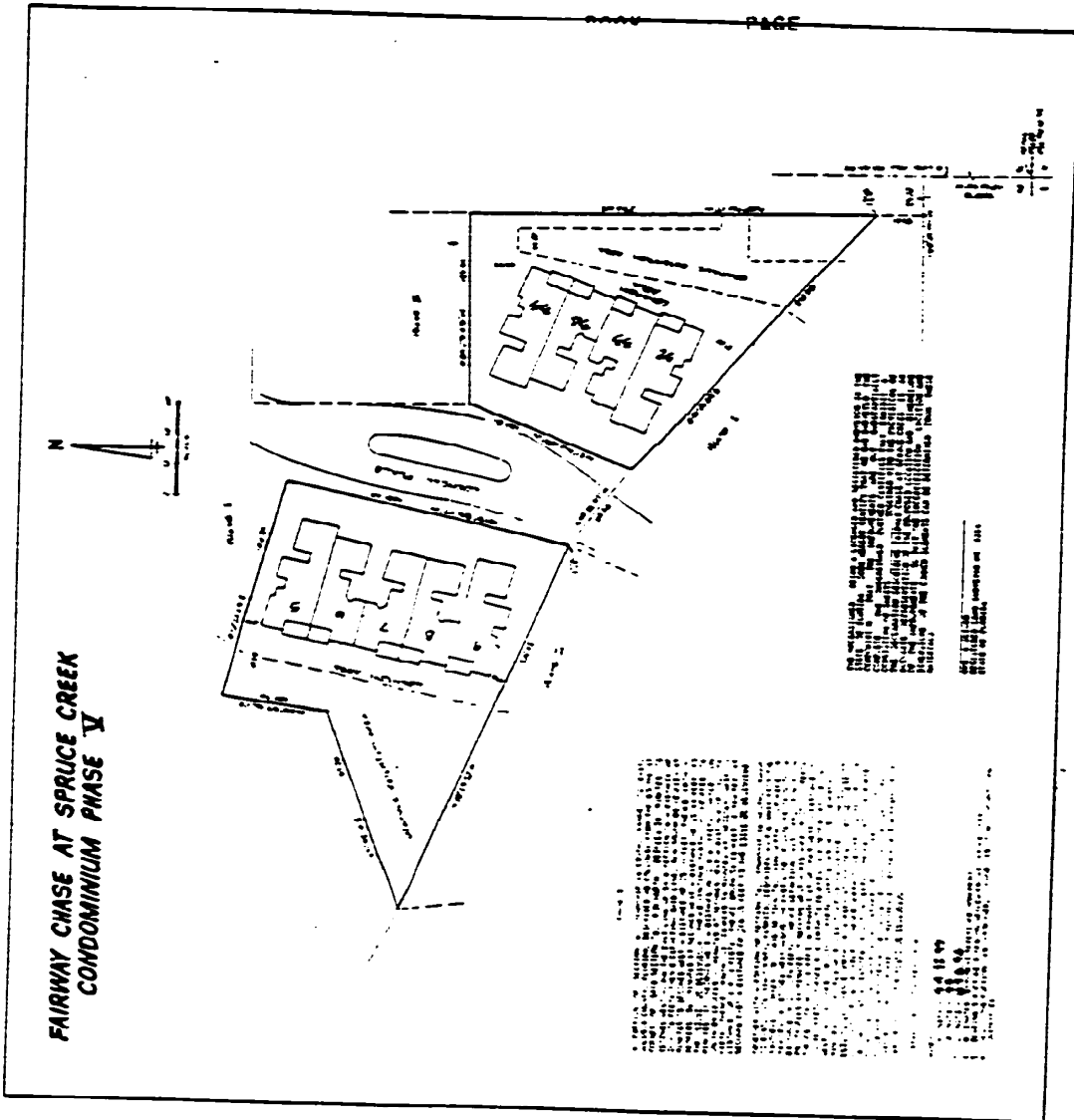
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Page : 4404



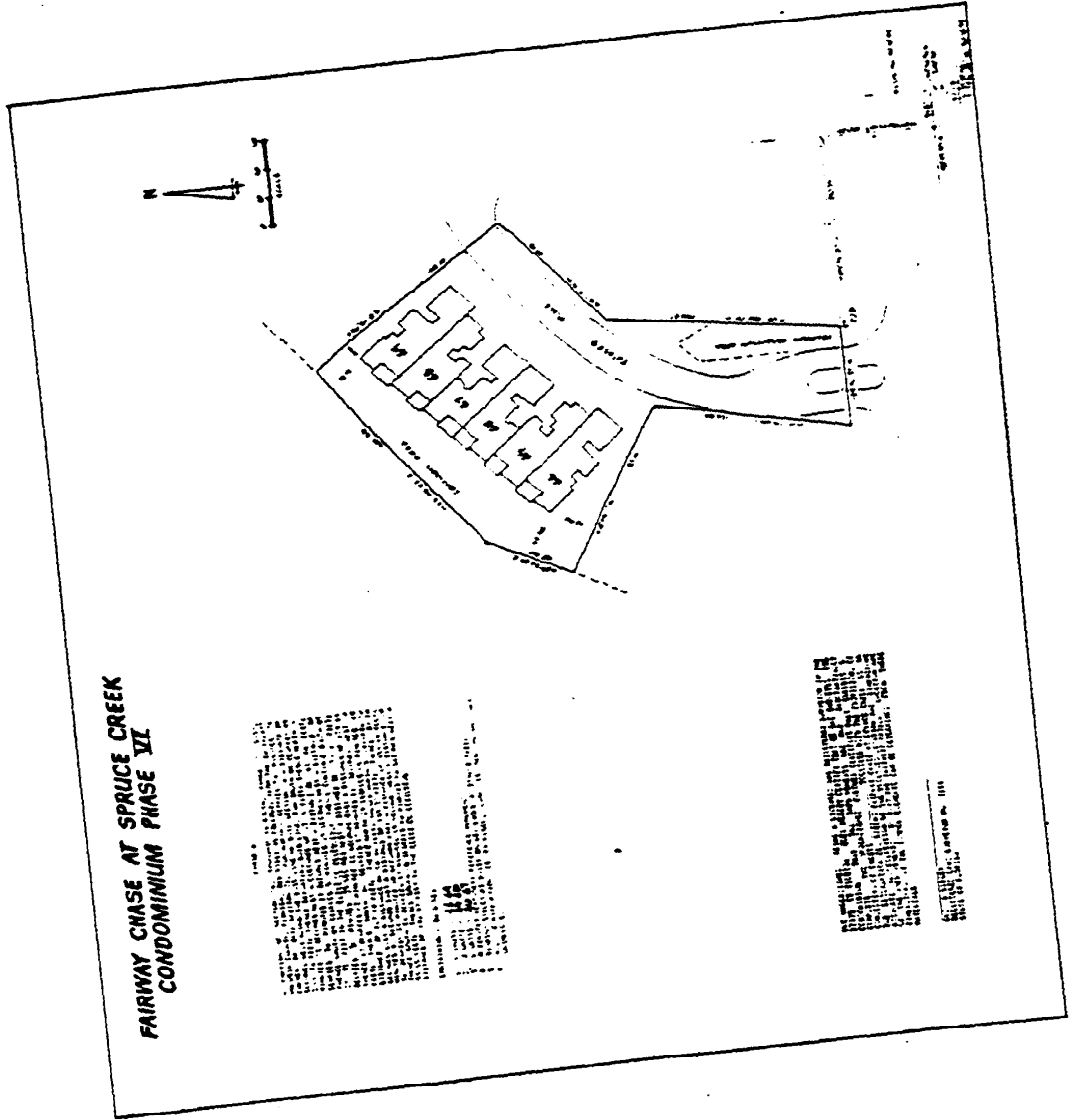
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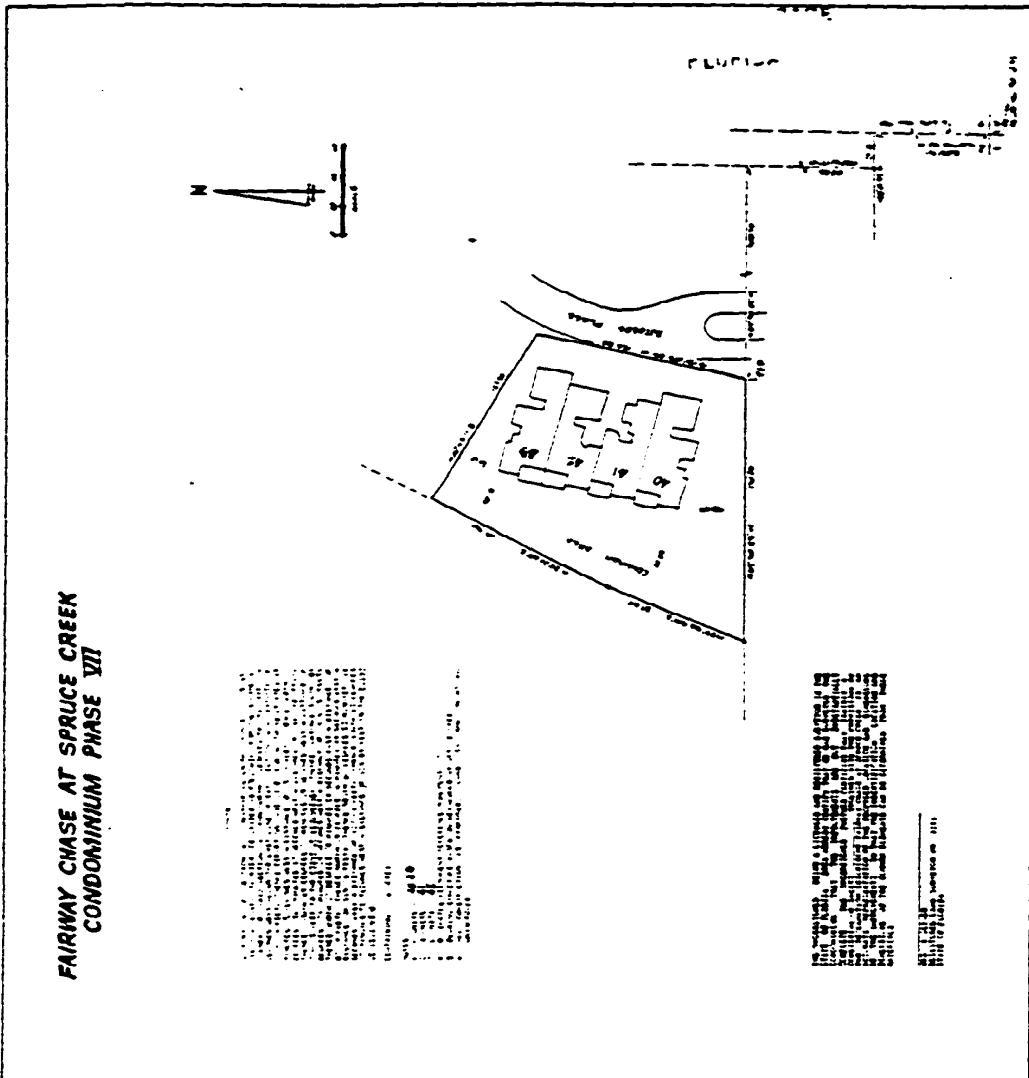
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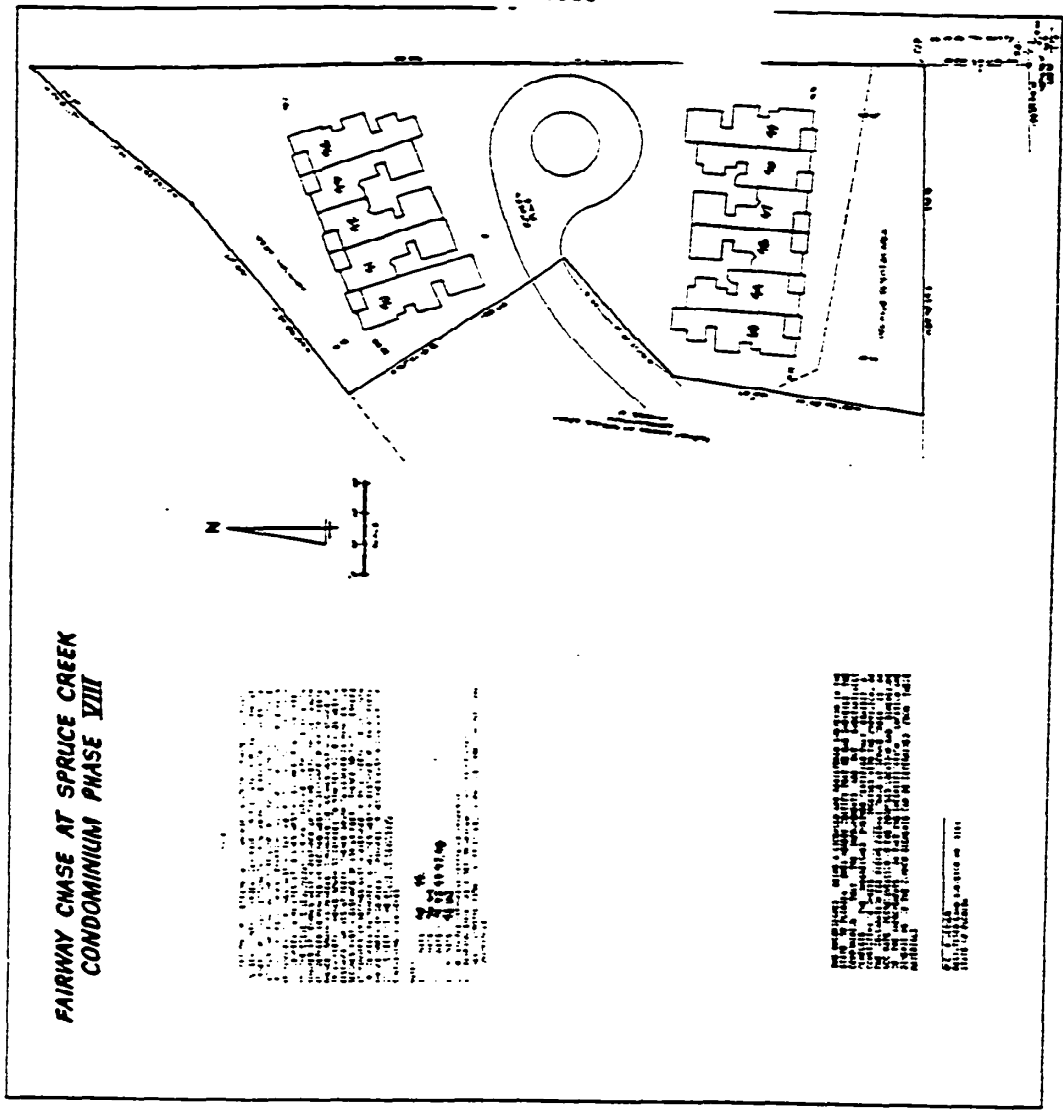
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PLATE 1025

WEDGEWOOD AT SPRUCE CREEK

A REPORT ON THE PROGRESS OF THE RECONSTRUCTION OF THE
WEDGEMAN FACILITY

THE PROGRESS OF THE RECONSTRUCTION OF THE WEDGEMAN FACILITY AT SPRUCE CREEK, ALASKA, IS REPORTED ON IN THIS DOCUMENT. THE RECONSTRUCTION IS BEING UNDERTAKEN BY THE U.S. AIR FORCE, AND IS PART OF THE WEDGEMAN FACILITY IMPROVEMENT PROGRAM.

THE RECONSTRUCTION IS BEING UNDERTAKEN IN PHASES, AND THE PROGRESS OF EACH PHASE IS REPORTED ON IN THIS DOCUMENT. THE PHASES ARE:

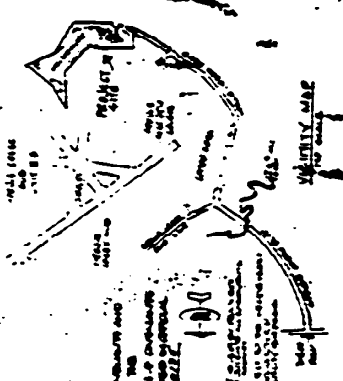
- PHASE I: RECONSTRUCTION OF THE WEDGEMAN FACILITY BUILDINGS.
- PHASE II: RECONSTRUCTION OF THE WEDGEMAN FACILITY INFRASTRUCTURE.
- PHASE III: RECONSTRUCTION OF THE WEDGEMAN FACILITY UTILITIES.
- PHASE IV: RECONSTRUCTION OF THE WEDGEMAN FACILITY DEFENSE INSTALLATIONS.

THE PROGRESS OF THE RECONSTRUCTION IS REPORTED ON IN THIS DOCUMENT. THE RECONSTRUCTION IS BEING UNDERTAKEN IN PHASES, AND THE PROGRESS OF EACH PHASE IS REPORTED ON IN THIS DOCUMENT.

GENERAL COMMENTS

THE RECONSTRUCTION OF THE WEDGEMAN FACILITY IS BEING UNDERTAKEN IN PHASES, AND THE PROGRESS OF EACH PHASE IS REPORTED ON IN THIS DOCUMENT. THE PHASES ARE:

- PHASE I: RECONSTRUCTION OF THE WEDGEMAN FACILITY BUILDINGS.
- PHASE II: RECONSTRUCTION OF THE WEDGEMAN FACILITY INFRASTRUCTURE.
- PHASE III: RECONSTRUCTION OF THE WEDGEMAN FACILITY UTILITIES.
- PHASE IV: RECONSTRUCTION OF THE WEDGEMAN FACILITY DEFENSE INSTALLATIONS.



NO.	DATE	DESCRIPTION	BY
1	10/15/54
2	10/15/54
3	10/15/54
4	10/15/54
5	10/15/54
6	10/15/54
7	10/15/54
8	10/15/54
9	10/15/54
10	10/15/54

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Sheet 1025
WEDGEMAN FACILITY

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WEDGEWOOD AT SPRUCE CREEK

EXCEPTIONS TO THE SUBDIVISION MAP AND PLAT FOR THE WEDGEWOOD AT SPRUCE CREEK DEVELOPMENT, JACKSON COUNTY, FLORIDA



THE ENVIRONMENTAL AGENCY WILL CONSIDER THE
 SUBDIVISION MAP AND PLAT FOR THE WEDGEWOOD AT SPRUCE CREEK DEVELOPMENT, JACKSON COUNTY, FLORIDA,
 SUBJECT TO THE REQUIREMENTS FOR THE
 MAINTENANCE, IMPROVEMENT OR RECONSTRUCTION
 OF THE PUBLIC DRIVE, STATE ROUTE 10,
 IN THE EVENT OF STATE OR FEDERAL AID
 TO THE STATE DEPARTMENT OF TRANSPORTATION.

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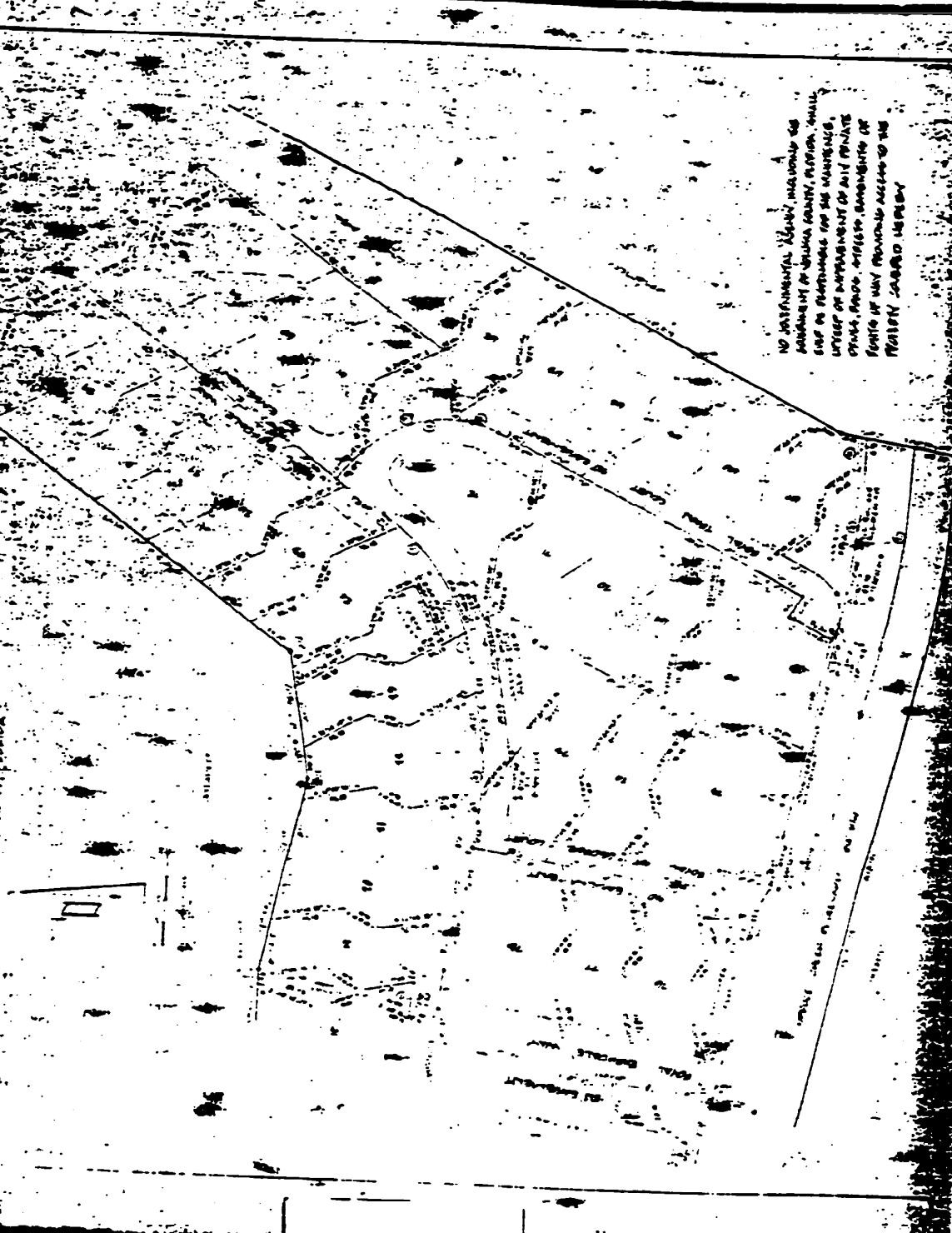
Book: 4071
Page: 4411

WEDGEWOOD AT SPRUCE CREEK

DEVELOPER: P. S. JONES & ASSOCIATES, INC., SUITE 100, 1000 N. W. 10TH AVENUE, MIAMI, FLORIDA

PLAT BOOK: 40
PAGE: 152

NO INSTRUMENTAL RECORD REQUIRED AS
LOCATED IN FLORIDA COUNTY, FLORIDA. SHALL
BE IN ACCORDANCE WITH THE
ORDER OF SUPERVISOR OF LAND AND
CONSTRUCTION, FLORIDA DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

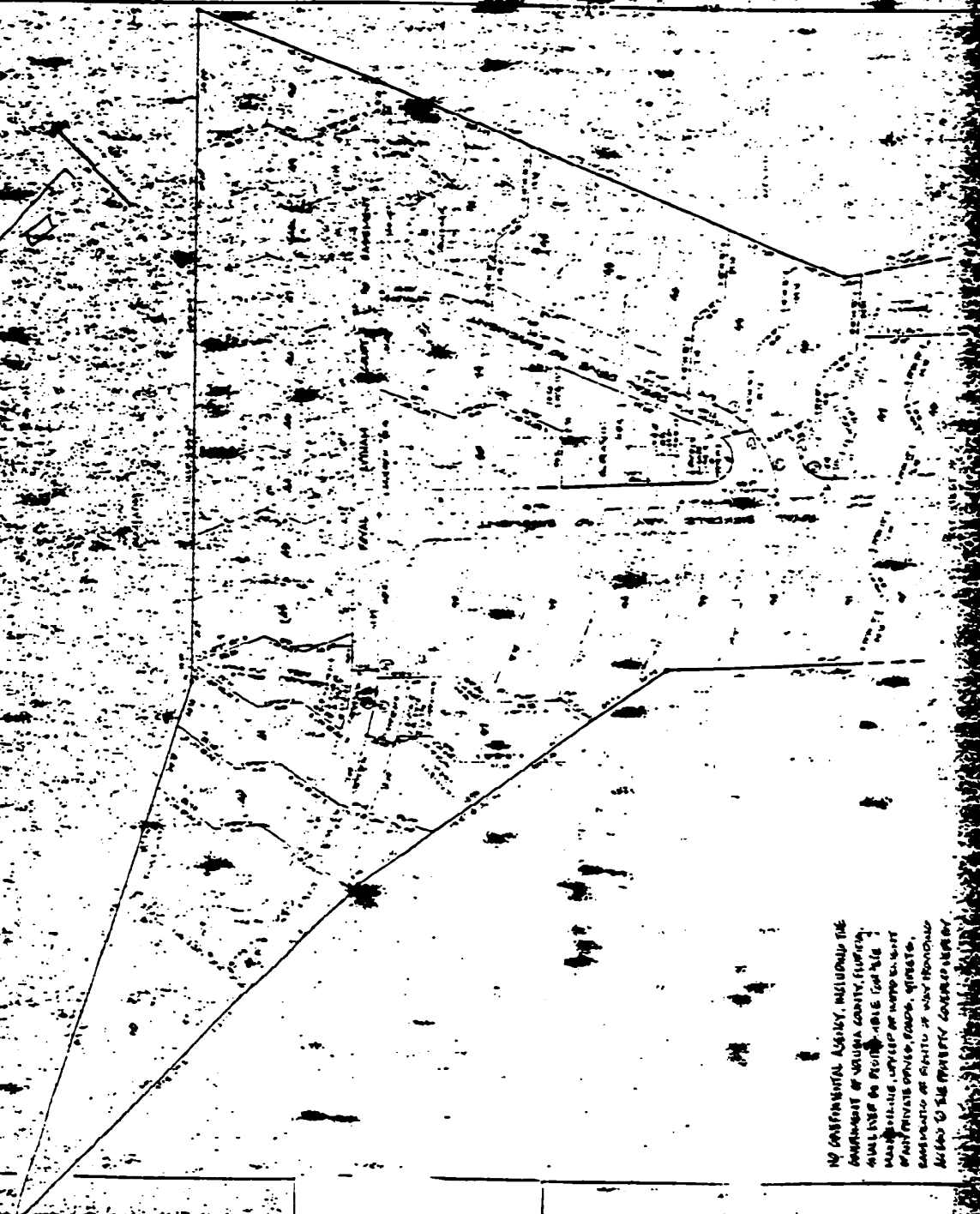


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Page: 4412

WEDGEWOOD AT SPRUCE CREEK

SECTION 10, TOWNSHIP 6, RANGE 10, COUNTY OF WYOMING, STATE OF WYOMING



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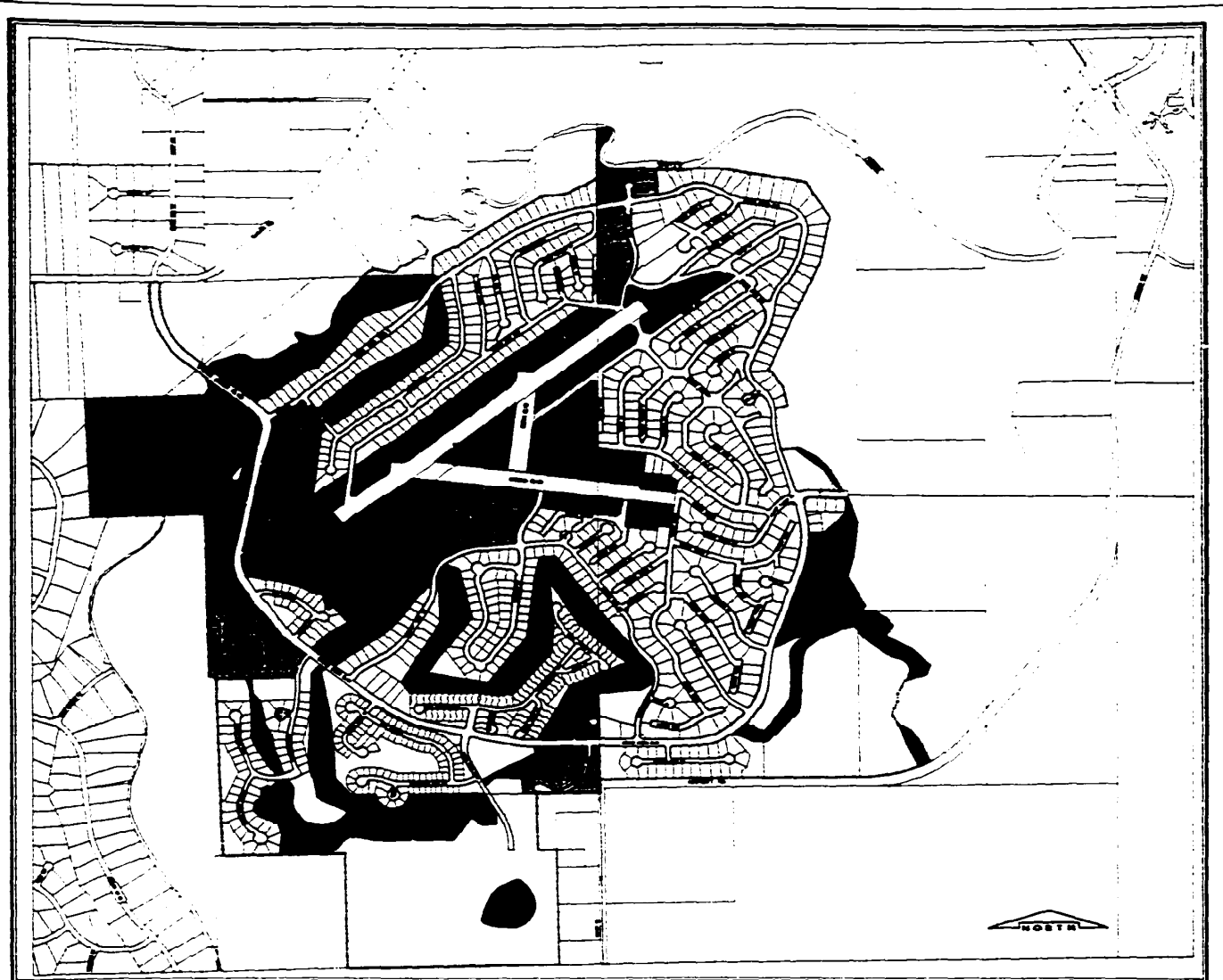


EXHIBIT B
MASTER DEVELOPMENT PLAN
 SPRUCE CREEK FLY-IN PUD

SCALE 1" = 400'

DECEMBER 21, 1995

PREPARED BY: GROWTH MANAGEMENT DEPARTMENT - ZONING DIVISION

- SINGLE-FAMILY- UP TO 5 DUNCRE
- ▣ MULTIFAMILY- UP TO 15 DUNCRE
- COMMERCIAL
- ENVIRONMENTAL
- CIVIC/COMMUNITY
- CEMETERY
- COMMON USE
- GOLF COURSE
- COUNTY UTILITIES
- PUD BOUNDARY

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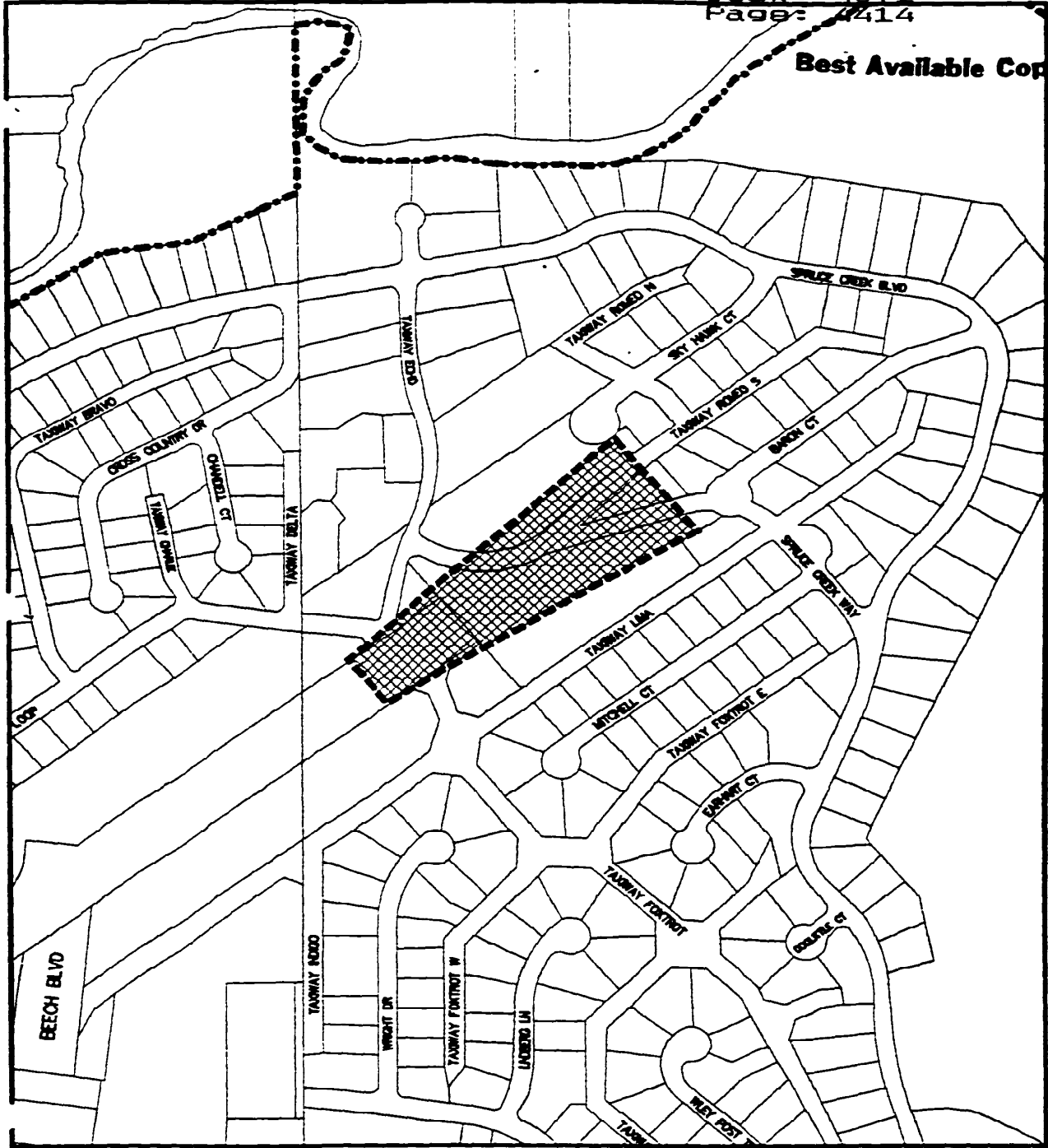


EXHIBIT C
OPEN SPACE REQUIREMENT FOR RUNWAY 23

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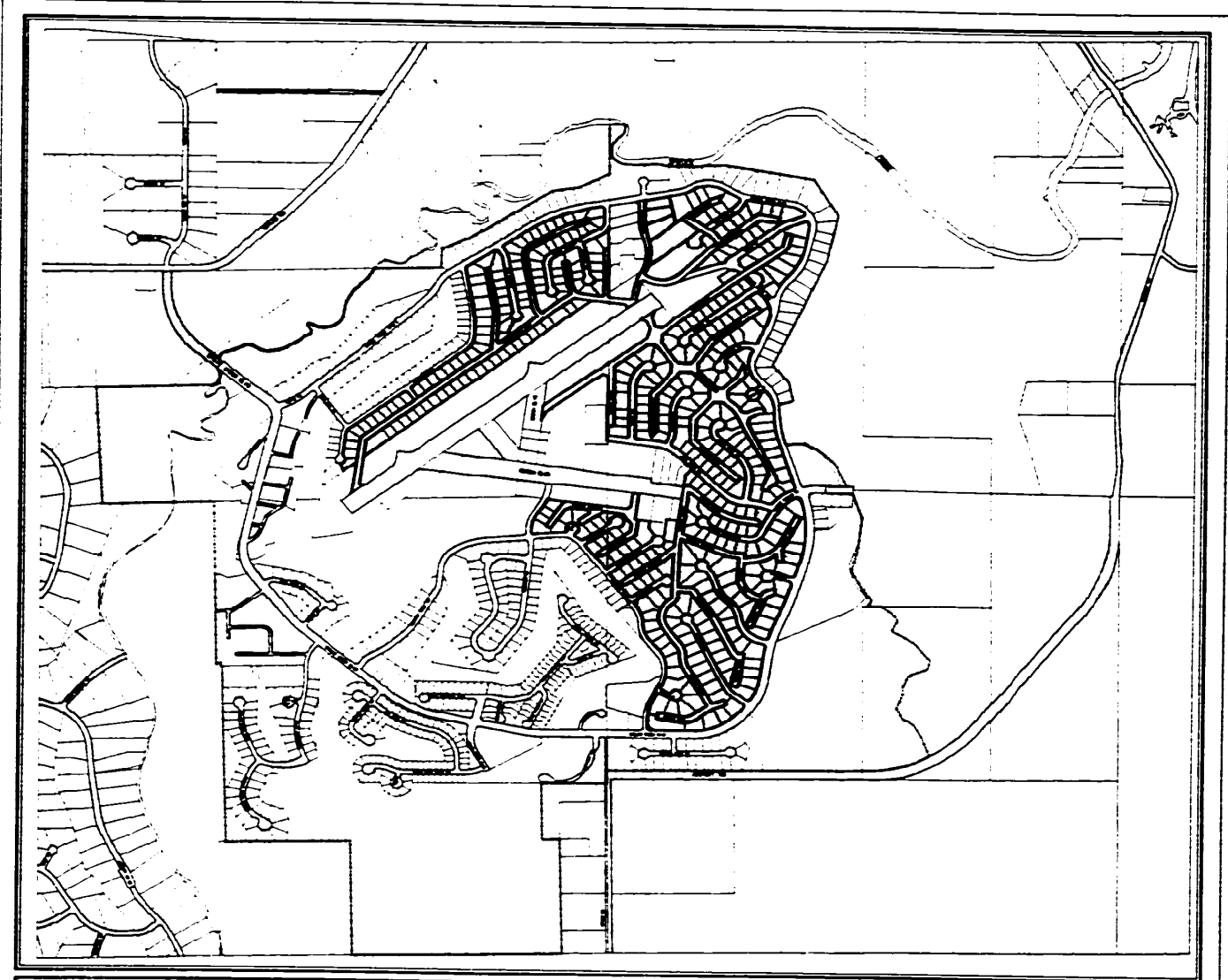



EXHIBIT D
TAXIWAY LOTS
SPRUCE CREEK FLY-IN PUD
SCALE 1" = 400'
DECEMBER 21, 1995
PREPARED BY: GROWTH MANAGEMENT DEPARTMENT - ZONING DIVISION

□ TAXIWAYS
□ TAXIWAY LOTS
— PUD BOUNDARY



NORTH

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EXHIBIT E
EXISTING AND FUTURE DEVELOPMENT
 SPRUCE CREEK FLY-IN PUD

SCALE 1" = 400'

DECEMBER 21, 1995

PREPARED BY: GROWTH MANAGEMENT DEPARTMENT - ZONING DIVISION

- EXISTING DEVELOPMENT
- FUTURE DEVELOPMENT
- GOLF COURSE
- PUD BOUNDARY


 NORTH

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IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No. 93-30435
Division 32 (J. Orfinger)

SPRUCE CREEK PROPERTY
OWNERS' ASSOCIATION, INC., a
Florida not-for-profit corporation,

Plaintiffs.

vs.

JOHN TRAVOLTA and ATLO,
INC., a Delaware corporation,

Defendants.

FINAL JUDGMENT AGAINST PLAINTIFF

This cause having come before this court for hearing on Defendant's Motion to Dismiss or Alternatively for Entry of Final Judgment. Counsel having stipulated to the form of this Final Judgment, and being otherwise fully advised in the premises, it is --

ADJUDGED AS FOLLOWS:

1. Defendants, John Travolta and Atlo, Inc., have moved for entry of a Final Judgment and requested this court reserve jurisdiction for an award of costs, including attorney's fees. Counsel for the Plaintiff has waived the Plaintiff's rights, if any, to file it's Second Amended Complaint.

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2. This Final Judgment, to the extent not inconsistent herewith, hereby incorporates by reference this court's :

ORDER GRANTING DEFENDANT TRAVOLTA'S MOTION FOR PARTIAL SUMMARY FINAL JUDGMENT

ORDER DENYING PLAINTIFF'S MOTION FOR PARTIAL SUMMARY FINAL JUDGMENT,

entered April 16, 1993, a copy of which is attached hereto.

3. Count I of Plaintiff's First Amended Complaint, for both temporary and permanent injunctive relief, is hereby denied.

4. Count II of Plaintiff's First Amended Complaint, for declaratory relief, except as provided in the attached order referenced in paragraph 2 above, is hereby denied.

5. Defendants, John Travolta and Atlo, Inc., shall go hence without day, with this court reserving jurisdiction for an award of costs and attorney's fees.

SO ORDERED, in Daytona Beach, Volusia County, Florida, this _____ day of April, 1993.

SIGNED AND DATED

MAY 4 1993

RICHARD B. ORFINGER
CIRCUIT JUDGE

Richard B. Orfinger, Circuit Judge

Conformed Copies:
Stephen Ponder, Esquire
Daniel J. Webster, Esquire

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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

Case No. 93-30435-CI-CI
Division 32

SPRUCE CREEK PROPERTY
OWNERS' ASSOCIATION,
INC., a Florida not-for-
profit corporation,

Plaintiff,

vs.

JOHN TRAVOLTA and ATLO,
INC., a Delaware
corporation,

Defendants.

ORDER GRANTING DEFENDANT TRAVOLTA'S MOTION FOR PARTIAL
SUMMARY FINAL JUDGMENT

ORDER DENYING PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY FINAL JUDGMENT

This matter came before the Court on the Motions for Partial Summary Final Judgment filed by Defendant, John Travolta ("Travolta") and by the Plaintiff, Spruce Creek Property Owners Association, Inc. ("Association"). The material facts are not in dispute; the parties having entered into a Stipulation of Parties Regarding Documents and Facts (the "Stipulation"), a copy of which (excluding exhibits) is attached hereto as Exhibit "A" and made a

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Because the Prohibition constitutes a limitation on the "use of the Airport" (as that phrase is used in Article 14 of the Second amendment to Declaration and the Amendment to Articles), the adoption of such a rule or regulation requires an affirmative vote of ninety percent (90%) vote of the members of the Association which was never obtained.

While the goal of the Directors in passing the Prohibition may have been laudable, the Prohibition cannot stand since it was passed in contravention of the requirements of the subdivision documents referenced herein. The Directors of the Association exceeded their authority under the Declaration, as amended, and the Amended Articles in adopting the Prohibition. The Prohibition is, therefore, unenforceable. If the Association or its individual members feel that any pilot or airplane is operating at the Airport in an unsafe or unlawful manner, the Association or the offended property owner can report the matter to the Federal Aviation Administration ("FAA") and allow the FAA to take appropriate enforcement action. The Association can also re-promulgate the Prohibition provided that it receives an affirmative vote of 90% of the Association membership.

In view of the foregoing findings of fact and conclusions of law, Travolta is entitled to judgment as a matter of law against Association.

It is therefore, ORDERED AND ADJUDGED that Plaintiffs' Motion for Partial Summary Judgment is DENIED and Defendant Travolta's Motion for Partial Summary Judgment is GRANTED. The Court reserves

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jurisdiction to enter further orders in this matter as may be appropriate.

DONE AND ORDERED in Daytona Beach, Volusia County, Florida, this 16th day of April, 1993.



RICHARD B. ORFINGER
Circuit Judge

Copies to:

- Stephen R. Ponder, Esquire
- Daniel J. Webster, Esquire
- Melanie M. Ruta, Esquire
- J. David Walsh, Esquire

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IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No. 93-30435
Division 32 (J. Orfinger)

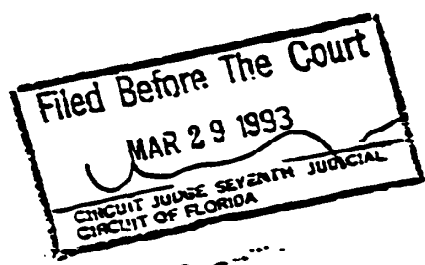
SPRUCE CREEK PROPERTY OWNERS'
ASSOCIATION, INC., a Florida not-for-
profit corporation,

Plaintiffs,

vs.

JOHN TRAVOLTA and ATLO, INC., a
Delaware corporation,

Defendants.



**STIPULATION OF PARTIES
REGARDING DOCUMENTS AND FACTS**

Plaintiff, SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, and defendants, JOHN TRAVOLTA and ATLO, INC. a Delaware corporation, by and through their respective undersigned counsel, hereby stipulate and agree as follows:

DEFINITIONS

Definitions: For the purposes of this stipulation the following capitalized terms shall, unless the context indicates otherwise, have the meanings ascribed below.

"Airport" means the taxiways, clearways, clear zones, tie down areas, runway and other facilities comprising the airport located on the real property and easements which constitute the Fly-In.

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"Amended Articles" means the Amended And Restated Articles Of Incorporation of Spruce Creek Property Owners' Association, Inc., dated February 12, 1992

"Amended Bylaws" means the Amended and Restated Bylaws of Spruce Creek Property Owners' Association, Inc., dated December 11, 1991.

"Amendment to Articles of Incorporation" means the Certificate of Amendment To Articles of Incorporation Of Spruce Creek Property Owners' Association, Inc., dated September 6, 1979.

"Association" means the plaintiff, Spruce Creek Property Owners' Association, Inc., a Florida not-for-profit corporation.

"Atlo" means defendant, Atlo, Inc., a Delaware corporation.

"Declaration" means the Declaration of Covenants and Restrictions for Fly-In Spruce Creek, Inc. Subdivision, Unit One, dated August 5, 1974.

"Directors" means the directors of the Association.

"Fly-In" means the subdivision originally identified as the Fly-In Spruce Creek , Inc. Subdivision, Unit One in the Declaration as enlarged by various supplements to the Declaration.

"G-II" means the Gulfstream II jet which is owned by Atlo..

"Original Articles" means the Articles of Incorporation of Spruce Creek Property Owners' Association, Inc., dated August 27, 1974.

"Original Bylaws" means the Bylaws of Spruce Creek Property Owners' Association, Inc.

"Prohibition" means the Action By All Of The Directors Of Spruce Creek Property Owners' Association, Inc., dated March 30, 1992, which purports to restrict aircraft weighing in excess of 12,500 pounds (departure weight) and aircraft with a wingspan that will not transit a 60 foot taxiway.

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"PUD Agreement" means Resolution No. 86-79, Order and Resolution Granting a Request for Modification of Community Development Plan and for Change of Zoning to Planned Unit Development, of the County Council of Volusia County, Florida, In Re: Application of Thompson Properties Inc. of Florida, dated July 31, 1986.

"Second Amendment to Declaration" means the Second Amendment To Declaration Of Covenants And Restrictions For Fly-In Spruce Creek, Inc. Subdivision Unit J, dated November 16, 1979.

"Travolta" means defendant, John Travolta.

"Travolta Home" means Lot 430, SPRUCE CREEK SUBDIVISION, UNIT II-D, as per map recorded in map Book 41, page 69, of the Public Records of Volusia County, Florida.

"Travolta Taxiway Lot" means Lot 423, SPRUCE CREEK SUBDIVISION, UNIT II-D, as per map recorded in map Book 41, page 69, of the Public Records of Volusia County, Florida.

"Trust" means the Hawker Investment Trust.

"II-D Supplement" means the Supplementary Declaration of Covenants and Restrictions, Spruce Creek Subdivision, Unit II-D, dated August 19, 1986.

PARTIES AND VENUE

1. Travolta is, and at all times material hereto was, a beneficiary of the Trust .
2. Atlo is, and at all times material hereto was, the owner of the G-II .
3. The Trust is, and at all times material hereto was, the owner of the Travolta Home and Travolta Taxiway Lot.
4. The Association is, and at all times material hereto was, a not for profit corporation authorized to do business in Volusia County, Florida.

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5. This is an action related to the real property which constitutes the Fly-In.

ASSOCIATION DOCUMENTS

Declaration

6. The Declaration was duly enacted and recorded in the public records of Volusia County, on or about, August 5, 1974.

7. A true and correct copy of the Declaration is attached to the Association's First Amended Complaint as Exhibit "A" and to Travolta's Answer as Exhibit "A-1".

Second Amendment to Declaration

8. The Second Amendment to Declaration was duly adopted and recorded in the Public Records of Volusia County on or about November 16, 1979.

9. A true and correct copy of the Second Amendment to Declaration is attached to Travolta's Answer as Exhibit "A-2".

II-D Supplement

10. The II-D Supplement was duly adopted by Thompson Properties, Inc., as developer of the Fly-In pursuant to the Declaration on August 19, 1986.

11. A true and correct copy of the II-D Supplement is attached to Travolta's Answer as Exhibit "A-3".

Articles of Incorporation

12. On or about August 27, 1974, the Original Articles were duly adopted.

13. A true and correct copy of the Original Articles is attached hereto as Exhibit "1."

14. On or about July 9, 1979, the members of the Association duly adopted the Amendment to Articles of Incorporation.

15. A true and correct copy of the Amendment to Articles of Incorporation is attached to Travolta's Answer as Exhibit "B".

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16. On or about February 12, 1992, the members of the Association duly adopted the Amended Articles.

17. A true and correct copy of the Amended Articles is attached to the Association's First Amended Complaint as Exhibit "D" and to Travolta's Answer as Exhibit "C".

Bylaws

18. A true and correct copy of the Original Bylaws is attached hereto as Exhibit "2."

19. On or about December 11, 1991, the members of the Association duly adopted the Amended Bylaws.

20. A true and correct copy of the Amended Bylaws is attached to Travolta's Answer as Exhibit "D".

Prohibition

21. On or about March 30, 1992, the Directors adopted the Prohibition.

22. A true and correct copy of the Prohibition is attached to the Association's First Amended Complaint as Exhibit "E" and to Travolta's Answer as Exhibit "E".

PUD Agreement

23. On or about July 31, 1986, the County Council of Volusia County, Florida and Thompson Properties Inc. of Florida executed the PUD Agreement

24. A true and correct copy of the PUD Agreement is attached to the Association's First Amended Complaint as Exhibit "C".

Members Vote

25. The Association did not adopt the Prohibition or a similar rule or regulation by an affirmative vote of ninety percent (90%) of the members of the Association.

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G-II Weight

26. The G-II has a departure weight in excess of 12,500 pounds and a wingspan which exceeds sixty feet.

Miscellaneous Documents

27. On or about December 20, 1990, Thompson Properties, Inc. of Florida executed and delivered to the Association the Bill of Sale, Quitclaim Deed and Supplementary Declaration Respecting Certain Association Properties, and Assignment of Easements and Supplementary Declaration Respecting Certain Association Properties, which are attached hereto as Exhibits "3", "4" and "5", respectively.

SUMMARY JUDGMENT HEARING

28. The documents described in paragraphs 6 through 27 above, constitute all documents necessary for this court to rule on the parties motions for summary judgment scheduled for hearing on April 1, 1993.

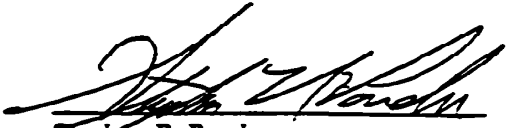
29. The parties shall not submit any further affidavits or documentary evidence for the summary judgment hearing scheduled for April 1, 1993, except by stipulation of the parties. The parties shall, however, submit to the court and opposing counsel before noon March 30, 1993, all briefs or memorandums in support of their positions.

30. The summary judgment hearing scheduled for April 1, 1993, shall be limited to the courts interpretation of the documents described above as related to the Director's and the Association's authority to adopt rules or regulations relating to the use of the Airport. All issues pertaining to the reasonableness of the Prohibition and other affirmative defenses are reserved.

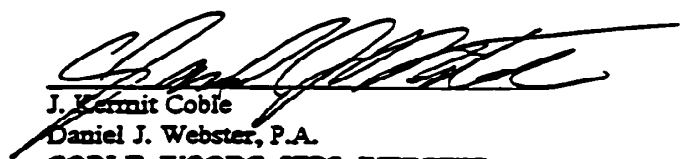
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EXECUTED this 29th day of March, 1993.

KINSEY VINCENT PYLE,
PROFESSIONAL ASSOCIATION



Stephen R. Ponder
Florida Bar No. 0457817
150 S. Palmetto Avenue, Box A
Daytona Beach, FL 32114
(904) 252-1561
Attorneys for Association



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Daniel J. Webster, P.A.
COBLE, WOODS, SEPS, WEBSTER,
CLAYTON & TEAL, P.A.
P.O. Drawer 9670
Daytona Beach, FL 32120
Fla. Bar No. 0382132
(904)253-0661
Attorney for Travolta and Atlo

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**ACTION BY ALL OF THE DIRECTORS OF
SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC.**

The undersigned, being all of the Directors of SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation (the "Association"), pursuant to Section 617.0821 of the Florida Statutes, hereby adopt and consent to the following Resolutions:

WHEREAS, Spruce Creek Property Owners' Association, Inc., (POA) is the corporation not-for-profit designated by the various covenants and restrictions applicable to Spruce Creek to enforce and implement said covenants and restrictions; and

WHEREAS, the POA is empowered "to make and establish reasonable rules and regulations regarding the use of Association Properties"; and

WHEREAS, the POA "reserves the right to establish special traffic and safety rules for the handling of aircraft on the ground"; and

WHEREAS, both the Landrum and Brown and the Avon Airport Studies state that use of the airport by aircraft weighing in excess of 12,500 pounds will reduce the safe operations level of the airport; and

WHEREAS, the parallel taxiways have 60 foot wing-tip clearance;

NOW, THEREFORE, BE IT HEREBY RESOLVED, effective March 10, 1992, that:

1. No aircraft weighing in excess of 12,500 pounds (departure weight) shall be permitted to use the Spruce Creek Airport.
2. No aircraft which has a wingspan that will not permit it to safely transit a 60 foot taxiway is permitted to use the Spruce Creek Airport.

Enforcement:

First offense will result in a written warning issued by POA Security, Association Manager or Airport Manager.

EXHIBIT "B"

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Diane M. Matousek
Volusia County, Clerk of Court

Second and subsequent offenses will result in a fine of \$250.00 per incident.

The Board reserves the right to enforce by injunctive relief, if necessary.

DATED: March 30, 1992

Gordon H. Millar
GORDON H. MILLAR, PRESIDENT

Paul E. Lowe
PAUL E. LOWE, FIRST VICE PRESIDENT

William Slaughter, Jr.
WILLIAM SLAUGHTER, JR.
SECOND VICE PRESIDENT

Ronald A. White
RONALD A. WHITE, TREASURER

Bunny Lea
BUNNY LEA, SECRETARY