

ORDINANCE 2023-2

AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, ESTABLISHING COLBERT LANDINGS COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING THE INITIAL BOARD OF SUPERVISORS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Meritage Homes of Florida, Inc., (“Petitioner”) has petitioned the City Council of the City of Palm Coast, Florida (“City”) to adopt an ordinance establishing the boundaries of the Colbert Landings Community Development District (“District”) pursuant to Chapter 190, *Florida Statutes*, and granting certain special powers; and

WHEREAS, the City, in determining whether to establish the District boundaries, has considered and finds that all statements contained in the *Amended and Restated Petition to Establishment Colbert Landings Community Development District* (“Petition”) are true and correct; and

WHEREAS, the City has considered and finds that the establishment of the District is not inconsistent with any applicable element or portion of the City of Palm Coast’s Comprehensive Plan; and

WHEREAS, the City has considered and finds that the area of land within the District is a sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed as a functional interrelated community; and

WHEREAS, the City has considered and finds that the District is the best alternative for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the City has considered and finds that the community development services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the City has considered and finds that the area that will be served by the District is amenable to separate special-district government; and

WHEREAS, a duly noticed public hearing, pursuant to Chapter 190, Florida Statutes, to consider the Petition was held prior to the adoption of this Ordinance establishing the District.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1: LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals are hereby adopted as the legislative and administrative findings of the City of Palm Coast City Council (“City Council”).

SECTION 2: AUTHORITY. This ordinance is adopted in compliance with and pursuant to the Uniform Community Development Act of 1980, Chapter 190, *Florida Statutes* (2020).

SECTION 3: DISTRICT NAME. There is hereby created a community development district situated entirely within incorporated Palm Coast, Florida, which District shall be known as the “Colbert Landings Community Development District.”

SECTION 4: EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A, attached hereto.

SECTION 5: FUNCTIONS AND POWERS. The powers and functions of the District are described in Chapter 190, *Florida Statutes* (2020), as may be amended from time to time. The Charter of the District shall be as set forth in Chapter 190, *Florida Statutes*, as created by general law. The District’s Board of Supervisors may further exercise certain additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for (a) parks and facilities for indoor and outdoor recreational, cultural, and educational uses; and (b) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by applicable governmental agencies; except that the District may not exercise any police power, but may contract with the City for an increased level of such services within the proposed District boundaries, all as authorized and described by Section 190.012(2), *Florida Statutes*.

SECTION 6: BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District’s Board of Supervisors of the proposed District are as follows: Michael Owens, Chris Trahan, Martha Schiffer, Megan Germino, and Rose Bock. All of the above-listed persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7: ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS.

The administrative correction of typographical and/or scrivener’s errors in this Ordinance which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION 8: SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 9: CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10: EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 21st day of February 2023.

Adopted on second reading after due public notice and hearing this 7th day of March 2023.

ATTEST:

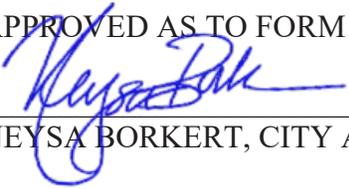


VIRGINIA A. SMITH, CITY CLERK

CITY OF PALM COAST


DAVID ALFIN, MAYOR

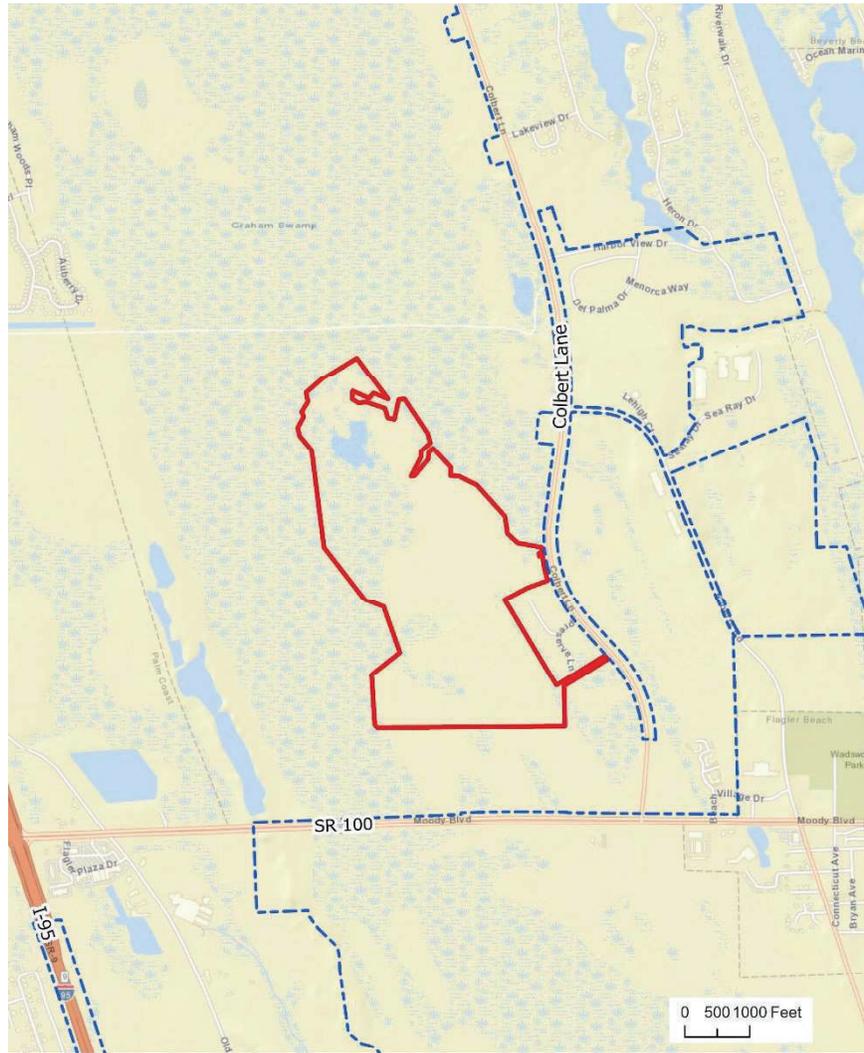
APPROVED AS TO FORM AND LEGALITY:



NEYSA BORKERT, CITY ATTORNEY



EXHIBIT A



Legal Descriptions

A PARCEL OF LAND LYING AND BEING IN U.S. GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A 6" X 6" CONCRETE MONUMENT WITH BRASS DISK STAMPED "ORIGINAL SEC. COR. U.S. LAND SURVEY #261" FOUND AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND RUN THENCE ALONG THE WEST LINE OF SAID SECTION 11, SOUTH 01°28'12" EAST, 1280.33 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "LB 6566"; THENCE CONTINUE ALONG SAID WEST LINE, SOUTH 01°28'12" EAST, 691.36 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°13'11" EAST 659.28 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION; THENCE SOUTH 01°32'40" EAST, 673.19 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 251, PAGE 547, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; SAID LINE ALSO BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 100 (F.D.O.T. SECTION 73020-2515), A 200 FOOT WIDE PUBLIC RIGHT OF WAY; THENCE ALONG SAID PARALLEL LINE SOUTH 89°29'02" EAST, 386.53 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE INTERSECTION OF SAID PARALLEL LINE AND THE WESTERLY RIGHT OF WAY LINE OF A 15 FOOT WIDE BIKE PATH RIGHT OF WAY, ALSO KNOWN AS PARCEL "B", AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 591 PAGE 773, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 05°36'17" EAST, 898.02 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE WEST; HAVING A RADIUS OF 1895.00 FEET AND A DELTA ANGLE OF 48°32'17", WHOSE CHORD BEARS NORTH 18°39'51" WEST; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND COUNTER CLOCKWISE DIRECTION, 1605.35 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 42°56'00" WEST, 51.23 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1725.00 FEET AND A DELTA ANGLE OF 00°47'54", WHOSE CHORD BEARS NORTH 49°16'55" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHWESTERLY AND COUNTER-CLOCKWISE DIRECTION, 24.03 FEET; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE, TANGENT TO THE LAST CURVE, NORTH 49°40'52" WEST, 322.47 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 20°49'27", WHOSE CHORD BEARS NORTH 39°16'08" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 754.16 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, SOUTH 61°02'26" WEST, 132.61 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'14", WHOSE CHORD BEARS NORTH 73°30'57" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH NO IDENTIFICATION FOUND AT THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2381.20 FEET AND A DELTA ANGLE OF 07°08'07", WHOSE CHORD BEARS NORTH 24°30'17" WEST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY AND CLOCKWISE DIRECTION, 296.54 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 76.20 FEET AND A DELTA ANGLE OF 90°53'13", WHOSE CHORD BEARS NORTH 24°30'23" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND CLOCKWISE DIRECTION, 120.87 FEET TO A 4" X 4" CONCRETE MONUMENT WITH DISK STAMPED "BOUNDARY POINT PLS 2642" SAID CONCRETE MONUMENT ALSO BEING THE POINT OF BEGINNING OF THE LANDS BEING DESCRIBED; THENCE TANGENT TO THE LAST CURVE, NORTH 69°57'00" EAST, 143.00 FEET TO AN INTERSECTION WITH THE AFORESAID 15 FOOT WIDE PUBLIC BIKE PATH RIGHT OF WAY AS

DESCRIBED AND RECORDED IN OFFICIAL RECORDS OFFICIAL RECORDS BOOK 474, PAGE 820, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID POINT BEING ON A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 2075.00 FEET AND A DELTA ANGLE OF 14°15'57", WHOSE CHORD BEARS NORTH 10°10'32" WEST; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE IN A NORTHERLY AND CLOCKWISE DIRECTION, 516.64 FEET; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 79°37'07" WEST, 378.84 FEET, THENCE NORTH 47°30'38" WEST, 210.90 FEET; THENCE NORTH 08°02'07" WEST, 278.13 FEET; THENCE NORTH 42°31'19" WEST, 644.26 FEET; THENCE NORTH 63°57'47" WEST, 302.89 FEET; THENCE NORTH 85°53'27" WEST, 132.53 FEET; THENCE NORTH 03°36'14" EAST, 123.70 FEET; THENCE NORTH 43°33'24" WEST, 406.24 FEET; THENCE SOUTH 43°05'57" WEST, 91.04 FEET; THENCE SOUTH 04°15'25" WEST, 104.75 FEET; THENCE SOUTH 40°22'25" WEST, 324.10 FEET; THENCE SOUTH 80°06'11" WEST, 55.25 FEET; THENCE NORTH 27°50'43" EAST, 332.95 FEET; THENCE NORTH 00°00'00" EAST, 85.47 FEET; THENCE NORTH 47°33'46" EAST, 191.77 FEET; THENCE NORTH 15°15'48" WEST, 155.15 FEET; THENCE NORTH 34°00'46" WEST, 636.31 FEET; THENCE SOUTH 85°20'40" WEST, 87.82 FEET; THENCE SOUTH 12°52'08" WEST, 314.39 FEET; THENCE NORTH 77°50'07" WEST, 101.47 FEET; THENCE NORTH 17°19'15" WEST, 156.79 FEET; THENCE NORTH 71°16'17" WEST, 309.76 FEET; THENCE SOUTH 78°29'33" WEST, 105.55 FEET; THENCE NORTH 58°58'10" WEST, 118.93 FEET; THENCE NORTH 00°58'16" EAST, 127.06 FEET; THENCE SOUTH 66°43'11" EAST, 277.69 FEET; THENCE NORTH 39°57'04" EAST, 104.92 FEET; THENCE SOUTH 67°50'42" EAST, 245.71 FEET; THENCE NORTH 37°03'07" WEST, 803.78 FEET; THENCE SOUTH 58°52'20" WEST, 606.67 FEET; THENCE SOUTH 49°01'16" WEST, 347.81 FEET; THENCE SOUTH 11°33'59" EAST, 145.51 FEET; THENCE SOUTH 32°19'01" WEST, 185.55 FEET; THENCE SOUTH 26°09'35" EAST, 79.41 FEET; THENCE SOUTH 28°37'27" WEST, 194.88 FEET; THENCE SOUTH 12°48'41" EAST, 131.57 FEET; THENCE SOUTH 39°58'25" EAST, 279.70 FEET; THENCE SOUTH 11°49'24" EAST, 69.15 FEET; THENCE SOUTH 07°16'18" EAST, 1441.48 FEET; THENCE SOUTH 37°58'06" EAST, 1030.47 FEET; THENCE SOUTH 68°55'03" EAST, 134.66 FEET; THENCE NORTH 23°12'03" EAST, 19.66 FEET; THENCE NORTH 14°17'00" EAST, 35.87 FEET; THENCE NORTH 27°21'21" WEST, 36.08 FEET; THENCE NORTH 41°53'24" WEST, 52.96 FEET; THENCE NORTH 23°06'37" WEST, 65.21 FEET; THENCE NORTH 26°21'14" WEST, 52.61 FEET; THENCE NORTH 42°14'07" WEST, 56.80 FEET; THENCE NORTH 30°24'21" WEST, 68.42 FEET; THENCE NORTH 00°37'21" WEST, 13.30 FEET; THENCE NORTH 29°09'39" EAST, 47.69 FEET; THENCE NORTH 34°24'50" EAST, 3.75 FEET; THENCE NORTH 85°44'23" EAST, 372.47 FEET; THENCE TO A POINT ON A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 645.00 FEET AND A DELTA ANGLE OF 42°29'14", WHOSE CHORD BEARS NORTH 64°29'46" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION, 478.29 FEET; THENCE NORTH 43°15'09" EAST, 159.41 FEET; THENCE SOUTH 77°42'13" EAST, 85.36 FEET; THENCE NORTH 63°08'32" EAST 33.73 FEET; THENCE SOUTH 61°46'15" EAST, 26.08 FEET; THENCE SOUTH 06°41'01" EAST, 39.51 FEET; THENCE SOUTH 74°40'55" EAST, 41.27 FEET; THENCE NORTH 17°32'20" WEST, 17.16 FEET; THENCE NORTH 32°33'17" EAST, 23.37 FEET; THENCE NORTH 82°38'55" EAST, 72.30 FEET; THENCE NORTH 72°43'57" EAST, 53.76 FEET; THENCE SOUTH 57°36'12" EAST, 163.54 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 170.00 FEET AND A DELTA ANGLE OF 26°19'49", WHOSE CHORD BEARS SOUTH 79°52'53" EAST; THENCE ALONG THE ARC, OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 78.12 FEET; THENCE NORTH 20°09'45" EAST, 122.93 FEET TO A POINT ON A NON-TANGENTIAL CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 815.00 FEET AND A DELTA ANGLE OF 01°12'41"; WHOSE CHORD BEARS SOUTH 70°26'35" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND COUNTER-CLOCKWISE DIRECTION 17.23 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 225.00 FEET AND A DELTA ANGLE OF 29°22'15", WHOSE CHORD BEARS SOUTH 56°21'48" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHEASTERLY AND CLOCKWISE DIRECTION, 115.34 FEET; THENCE NORTH 48°19'19" EAST, 176.46 FEET; THENCE SOUTH 31°22'57" EAST, 337.36 FEET; THENCE SOUTH 58°37'03" WEST, 21.62 FEET; THENCE SOUTH 31°22'57" EAST, 170.00 FEET; THENCE NORTH 58°37'03" EAST, 120.00 FEET; THENCE SOUTH 31°22'57" EAST, 40.67 FEET; THENCE NORTH 00°50'41" WEST, 7.61 FEET; THENCE NORTH 38°05'23" EAST, 51.52 FEET; THENCE NORTH 73°10'15" EAST, 16.01 FEET; THENCE SOUTH 70°53'31" EAST, 61.73 FEET; THENCE SOUTH 50°53'52" EAST, 52.03 FEET; THENCE SOUTH 16°27'39" EAST, 55.82 FEET; THENCE SOUTH 32°59'09" EAST, 30.95 FEET; THENCE SOUTH 38°49'18" EAST, 64.12 FEET; THENCE SOUTH 14°45'31" EAST, 10.50 FEET; THENCE SOUTH

08°35'43" WEST, 46.61 FEET; THENCE SOUTH 21°39'02" EAST, 51.76 FEET; THENCE NORTH 62°10'19" EAST, 205.13 FEET; THENCE NORTH 69°57'00" EAST, 194.43 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF LAND LYING IN SECTIONS 3, 10, 11 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING A PORTION OF LANDS OF COLBERT LANE, LLC. AS RECORDED IN ORB 861, PG 1536, A PORTION OF SAID LANDS BEING A PORTION OF LOTS 4, 5 AND 6, BLOCK B. SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST OF THE PLAT OF BUNNELL DEVELOPMENT COMPANY AS RECORDED IN MAP BOOK (MB) 1, PAGE (PG) 1 OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY (R/W) LINE OF STATE ROAD 100, A 200 FOOT WIDE R/W PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 73020 -2515 AND THE EAST LINE OF SAID SECTION 10; THENCE RUN N01°28'12"W ON THE EAST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID PLAT OF BUNNELL DEVELOPMENT COMPANY FOR A DISTANCE OF 1,353.10 FEET TO THE POINT OF BEGINNING, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHEAST CORNER OF EDGE PROPERTIES, LLC AS RECORDED IN OFFICIAL RECORDS BOOK (ORB) 961, PG 1149; THENCE DEPARTING SAID SECTION AND PLAT LINES, RUN ON A LINE LYING 1.00 FOOT NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID EDGE PROPERTIES, S89°37'11"W OVER AND ACROSS LANDS OF COLBERT LANE, LLC AS RECORDED IN ORB 861, PG 1536 FOR A DISTANCE OF 1,640.62 FEET TO A POINT, SAID POINT BEARS N01°28'12"W, 1.00 FEET FROM THE NORTHWEST CORNER OF SAID EDGE PROPERTIES; THENCE RUN S89°34'26"W FOR A DISTANCE OF 1,251.87 FEET TO A POINT ON THE EASTERLY LINE OF LANDS OF THE FLORIDA DEPARTMENT OF TRANSPORTATION AS RECORDED IN ORB 551, PG 594 AND ORB 552, PG 1273; THENCE RUN N37°09'48"W ON SAID EASTERLY LINE FOR A DISTANCE OF 62.64 FEET TO A POINT; THENCE RUN N03°29'47"W FOR A DISTANCE OF 762.72 FEET TO A POINT; THENCE RUN N52°05'15"E FOR A DISTANCE OF 552.54 FEET TO A POINT; THENCE RUN N19°41'16"W FOR A DISTANCE OF 744.45 FEET TO A POINT; THENCE RUN N68°55'03"W FOR A DISTANCE OF 170.22 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY LINE OF WATERFORD INVESTMENT PROPERTIES, INC. AS RECORDED IN ORB 1648, PG 766; THENCE DEPARTING SAID EASTERLY LINE RUN ON SAID SOUTHERLY LINE THE FOLLOWING 12 COURSES, 1) N23°12'03"E, 19.66 FEET; 2) N14°17'00"E, 35.87 FEET; 3) N27°21'21"W, 36.08 FEET; 4) N41°53'24"W, 52.96 FEET; 5) N23°06'37"W, 65.21 FEET; 6) N26°21'14"W, 52.61 FEET; 7) N42°14'07"W, 56.80 FEET; 8) N30°24'21"W, 68.42 FEET; 9) N00°37'21"W, 13.30 FEET; 10) N29°09'39"E, 47.69 FEET; 11) N34°24'50"E, 3.75 FEET; 12) N85°44'23"E, 372.47 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 478.29 FEET, A RADIUS OF 645.00 FEET, A CENTRAL ANGLE OF 42°29'14", A CHORD LENGTH OF 467.41 FEET AND A CHORD BEARING OF N64°29'46"E TO A POINT OF TANGENCY; THENCE RUN THE FOLLOWING 11 COURSES, 1) N43°15'09"E, 159.41 FEET; 2) S77°42'13"E, 85.36 FEET; 3) N63°08'32"E, 33.73 FEET; 4) S61°46'15"E, 26.08 FEET; 5) S06°41'01"E, 39.51 FEET; 6) S74°40'55"E, 41.27 FEET; 7) N17°32'20"W, 17.16 FEET; 8) N32°33'17"E, 23.37 FEET; 9) N82°38'55"E, 72.30 FEET; 10) N72°43'57"E, 53.76 FEET; 11) S57°36'12"E, 163.54 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN EASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 78.12 FEET, A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 26°19'49", A CHORD LENGTH OF 77.44 FEET AND A CHORD BEARING OF S79°52'53"E TO A POINT ON A NONTANGENT LINE; THENCE RUN N20°09'45"E FOR A DISTANCE OF 122.93 FEET TO A POINT ON A NONTANGENT CURVE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE LEFT HAVING AN ARC LENGTH OF 17.23 FEET, A RADIUS OF 815.00 FEET, A CENTRAL ANGLE OF 1°12'41", A CHORD LENGTH OF 17.23 FEET AND A CHORD BEARING OF S70°26'35"E TO A POINT OF REVERSE CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 115.34 FEET, A RADIUS OF 225.00 FEET, A CENTRAL ANGLE OF 29°22'15", A CHORD LENGTH OF 114.08 FEET AND A CHORD BEARING OF S56°21'48"E TO A POINT ON A NONTANGENT LINE; THENCE RUN THE FOLLOWING 17 COURSES, 1) N48°19'19"E, 176.46 FEET; 2) S31°22'57"E, 337.36 FEET; 3) S58°37'03"W, 21.62 FEET; 4) S31°22'57"E, 170.00 FEET; 5) N58°37'03"E, 120.00 FEET; 6) S31°22'57"E, 40.67 FEET; 7) N00°50'41"W, 7.61 FEET;

8) N38°05'23"E, 51.52 FEET; 9) N73°10'15 "E, 16.01 FEET; 10) S70°53'31"E, 61.73 FEET; 11) S50°53'52"E, 52.03 FEET; 12) S16°27'39"E, 55.82 FEET; 13) S32°59'09"E, 30.95 FEET; 14) S38°49'18"E, 64.72 FEET; 15) S14°45'31"E, 10.50 FEET; 16) S08°35'43"W, 46.61 FEET; 17) S23°39'02"E, 51.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF FLAGLER LIFESTYLE COMMUNITIES, AS RECORDED IN ORB 1190, PG 1606; THENCE RUN S62°10'19"W ON SAID NORTHWESTERLY LINE FOR A DISTANCE OF 192.30 FEET TO A POINT; THENCE RUN S31°22'57"E FOR A DISTANCE OF 1,542.48 FEET TO A POINT; THENCE RUN N58°37'03"E FOR A DISTANCE OF 867.83 FEET TO A POINT ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, AS RECORDED IN ORB 474, PG 820, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 120 FOOT WIDE R/W AS RECORDED IN ORB 455, PG 876; THENCE DEPARTING SAID FLAGLER LIFESTYLE COMMUNITIES, RUN ON THE WESTERLY LINE OF SAID 15 FOOT STRIP S49°40'53"E FOR A DISTANCE OF 11.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ON SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 24.28 FEET. A RADIUS OF 1,725.00 FEET, A CENTRAL ANGLE OF 0°48'23", A CHORD LENGTH OF 24.28 FEET AND A CHORD BEARING OF S49°16'41 "E TO A POINT ON A NONTANGENT LINE, SAID POINT BEING ON THE WESTERLY LINE OF A 15 FOOT WIDE STRIP OF LANDS OF FLAGLER COUNTY, (PARCEL B) AS RECORDED IN ORB 591, PG 773, SAID STRIP OF LAND LYING PARALLEL TO AND ABUTTING THE WESTERLY R/W LINE OF COLBERT LANE, A 200 FOOT WIDE R/W (PARCEL A) AS RECORDED IN ORB 591, PG 773; THENCE DEPARTING SAID 15 FOOT WIDE STRIP AS RECORDED IN ORB 474, PG 820, RUN S42°55'59"E ON SAID 15 FOOT STRIP AS RECORDED IN ORB 591, PG 773, FOR A DISTANCE OF 36.95 FEET TO A POINT; THENCE DEPARTING SAID 15 FOOT STRIP RUN S58°37'03"W OVER AND ACROSS SAID LANDS OF COLBERT LANE, LLC FOR A DISTANCE OF 793.83 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 10; THENCE RUN S01°28'12"E FOR A DISTANCE OF 618.62 FEET TO THE POINT OF BEGINNING.