



**Interoffice Memorandum**

January 30, 2024

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Tanya Wilson, AICP, Director   
Planning, Environmental and Development Services Department

**CONTACT PERSON: Joe Kunkel, P.E., DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: February 20, 2024 — Consent Item  
Fourth Amendment to Adequate Public Facilities Agreement  
for Hamlin West PD / UNP  
Case # APF-23-11-318  
(Related to Case # LUPA-23-06-197 and RAG-23-08-025)

The Hamlin West Planned Development/Unified Development Plan (PD/UNP) was originally approved by the Board on September 15, 2015, with a development program consisting of residential and non-residential uses. Today, the PD/UNP is approved for a development program consisting of 1,087 residential dwelling units, 630,763 square feet of non-residential uses, and 54 hotel rooms.

The PD/UNP and existing Adequate Public Facilities (APF) agreement provides 28.55 acres of APF acreage credits to satisfy the APF requirement. Through LUPA-23-06-197, the applicant is proposing to increase the developable acreage of the PD, creating a new 0.3-acre APF deficit. The transfer and satisfaction of the required APF acreage from the Silverleaf PD has been reflected on the Hamlin West PD/UNP as part of LUPA-23-06-197, which was recommended for approval by the Development Review Committee (DRC) on September 20, 2023.

The Fourth Amendment APF Agreement received a recommendation of approval from the DRC on January 10, 2024. Upon approval by the Board, the Fourth Amendment will be recorded in the Public Records of Orange County.

**ACTION REQUESTED: Approval and execution of Fourth Amendment to Adequate Public Facilities Agreement for Hamlin West PD/UNP by and between Hamlin Retail Partners West, LLC, and Orange County. District 1**

TW/JK/js  
Attachments

This instrument prepared by and after  
recording return to:

BCC Mtg. Date: February 20, 2024

James G. Willard, Esq.  
Shutts & Bowen LLP  
300 S. Orange Avenue, Suite 1000  
Orlando, Florida 32801

**FOURTH AMENDMENT TO  
ADEQUATE PUBLIC FACILITIES AGREEMENT  
FOR HAMLIN WEST PD/UNP**

**THIS FOURTH AMENDMENT TO ADEQUATE PUBLIC FACILITIES AGREEMENT FOR HAMLIN WEST PD/UNP** (the “**Fourth Amendment**”), is effective as of the latest date of execution (the “**Effective Date**”), and is made and entered into by and between **Hamlin Retail Partners West, LLC**, a Florida limited liability company, whose address is 14422 Shoreside Way, Suite 130, Winter Garden, Florida 34787 (“**Owner**”) and **Orange County**, a charter county and political subdivision of the State of Florida whose address is P.O. Box 1393, Orlando, Florida 32802-1393 (“**County**”).

**RECITALS:**

A. Owner and County are parties to that certain Adequate Public Facilities Agreement for Hamlin West PD/UNP approved by the Orange County Board of County Commissioners on September 15, 2015, and recorded at O.R. Book 10988, Page 8089, Public Records of Orange County, Florida, as amended by that certain First Amendment recorded July 26, 2016 at Doc# 20160385936, and that certain Second Amendment recorded June 18, 2021 at Doc# 20210364176, Public Records of Orange County, Florida, and that certain Third Amendment recorded May 5, 2023 at Doc# 20230257024 (such amended agreement being hereinafter collectively referred to as the “**APF Agreement**”).

B. The Third Amendment to the APF Agreement reflected a deficiency of 6.76 acres resulting from the then-pending amendment to the Hamlin West PD/UNP (LUPA-21-11-335), and the satisfaction of this deficit through the transfer of APF acreage credits from the Silverleaf PD/UNP. Accordingly, upon execution of the Third Amendment, the deficiency of 6.76 acres referenced in the Third Amendment was satisfied.

C. Owner is now processing an additional amendment to the land use plan for Hamlin West PD/UNP (LUPA-23-06-197), and in connection with processing the land use plan amendment, the parties have determined that the Hamlin West PD/UNP will have a deficiency of 0.3 acres unless APF acreage credits are transferred to the Hamlin West PD/UNP.

D. Owner desires to further amend the APF Agreement to reflect the new APF deficiency of .3 acres and to recognize the satisfaction of said deficiency through the application of APF acreage credits transferred from the Silverleaf PD/UNP to the Hamlin West PD/UNP, through the execution of the Assignment of Adequate Public Facilities Acreage Credits for Hamlin West PD/UNP between Hamlin Partners at Silverleaf, LLC, and Owner, effective October 15, 2023.

**NOW THEREFORE**, for and in consideration of the above premises, the parties hereby agree as follows:

## AGREEMENT

1. Recitals; Defined Terms. The foregoing recitals are true and correct and are incorporated herein by reference. Capitalized terms used in this Fourth Amendment not otherwise defined herein shall have the meanings ascribed to them in the APF Agreement, which is incorporated herein by reference.

2. APF Deficiency. Section 3 of the APF Agreement is hereby deleted in its entirety and recreated to read as follows:

3. APF Deficiency. The Parties acknowledge an APF deficiency for the PD Property of 0.3 acres.

3. Satisfaction of APF Deficiency. Section 4 of the APF Agreement is hereby deleted in its entirety and recreated to read as follows:

“4. Satisfaction of APF Deficiency. The parties agree that the execution of the Assignment of Adequate Public Facilities Acreage Credits for Hamlin West PD/UNP between Hamlin Partners at Silverleaf, LLC, and Owner effective October 15, 2023, is acceptable to transfer 0.3 APF Acreage Credits from the Silverleaf PD/UNP to the Hamlin West PD/UNP. Such transfer shall serve to satisfy the APF Deficiency in the Hamlin West PD/UNP of 0.3 acres.”

4. Ratification. Other than as modified by the terms of this Fourth Amendment, the APF Agreement shall remain unchanged and in full force and effect.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

**IN WITNESS WHEREOF**, the parties have caused this Fourth Amendment to be duly executed by their respective authorized representatives on the dates set forth below.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings,  
Orange County Mayor

Date: February 20, 2024

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Jennifer Lara-Klimetz*  
Deputy Clerk

Printed Name: Jennifer Lara-Klimetz



WITNESS #1

T.S. Schwab  
Signature  
T.S. Schwab  
Print Name

HAMLIN RETAIL PARTNERS WEST,  
LLC, a Florida limited liability company

By: BK Hamlin Retail Partners West, LLC,  
a Florida limited liability company, as  
Manager

Mailing Address: 14422 Shoreside Way Ste 130  
City: Winter Garden State: FL  
Zip Code: 34787

By: [Signature]  
Scott T. Boyd, Manager

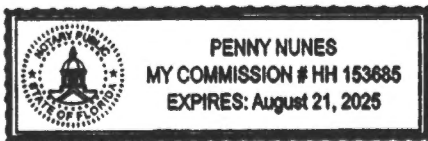
WITNESS #2

Tia P. Carrizzo  
Signature  
TIA PHILLIPS CARRIZZO  
Print Name

Mailing Address: 14422 SHORESIDE WAY  
SUITE 130  
City: WINTER GARDEN State: FL  
Zip Code: 34787

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of  physical presence or  online notarization, this 10<sup>th</sup> day of January, 2024 by Scott T. Boyd, as Manager of BK Hamlin Retail Partners West, LLC, a Florida limited liability company, as Manager of HAMLIN RETAIL PARTNERS WEST, LLC, a Florida limited liability company, on behalf of the company. He is  personally known to me, or  has produced \_\_\_\_\_ as identification.



[Signature]  
(Signature of Notary Public)  
Print Name: Penny Nunes  
Notary Public, State of Florida  
Commission No.: HH 153685  
My Commission Expires: 8/21/25