



COUNTY ATTORNEY'S OFFICE  
JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue ■ 3rd Floor  
Reply To: Post Office Box 1393  
Orlando, FL 32802-1393  
407-836-7320 ■ Fax 407-836-5888  
www.ocfl.net

MEMORANDUM

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

FROM: Jeffrey J. Newton, County Attorney *JJN*  
Joel D. Prinsell, Deputy County Attorney *JDP*  
Elaine M. Asad, Senior Assistant County Attorney *EMA/rg*

DATE: November 10, 2021

SUBJ: Eastwood Planned Development; Orange County's Settlement Offer and Statement of Allowable Uses in Response to the Notice of Claim for Compensation or Other Relief Under Section 70.001, Florida Statutes, known as the Bert J. Harris, Jr., Private Property Rights Protection Act, Presented by Eastwood Golf Club, LLC, a Florida Limited Liability Company, and Bengé Corp., a Florida corporation  
**CONSENT AGENDA ITEM: November 16, 2021**

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On or about April 22, 2021, the attorneys for Eastwood Golf Club, LLC, a Florida Limited Liability Company ("EGC"), and Bengé Corp., a Florida corporation ("Bengé"), the owners of certain real property in the Eastwood Planned Development, served a "Presentation of Claim Pursuant to Bert J. Harris, Jr., Private Property Rights Protection Act, Section 70.001, Florida Statutes" upon Orange County ("Claim").

According to the Claim, EGC and Bengé seek relief from the Board of County Commissioners' decision on November 17, 2020, to deny a request for "a change determination to the approved Land Use Plan" for the Eastwood Planned Development. EGC and Bengé assert in the Claim that the Board's action "has inordinately burdened a vested right to the specific use of the Property to be developed as Low Density Residential."

Also, according to the Claim, EGC and Bengé "obtained a bona fide, valid appraisal that demonstrates the loss in fair market value to the Property" resulting from the Board's denial is \$17,285,000.00. Attached to the Claim is an appraisal report dated April 19, 2021, prepared by Richard C. Dreggors, GAA, Calhoun, Dreggors & Associates.

Under the Bert J. Harris, Jr., Private Property Rights Protection Act (the "Bert J. Harris Act"), the Board of County Commissioners (the "Board"), as the local governing body of Orange County, must do the following:

*Deputy County Attorney*  
Joel D. Prinsell

*Senior Assistant County Attorneys*  
Katherine W. Latorre  
Elaine M. Asad

*Assistant County Attorneys*  
Roberta Alfonso  
Cristina T. Berrios  
Linda Brehmer-Lanosa  
Joy Carmichael  
Whitney E. Evers  
Georgiana Holmes  
Aleas Koos  
Scott McHenry  
Sawsan Mohiuddin  
Dylan Schott  
Scott Shevenell  
Shonda White

*Legal Administrative Supervisor*  
Anna M. Caban

*Senior Paralegal*  
Melessia Lofgren

*Paralegals*  
Maria Vargas, ACP  
Gail Stanford

Mayor Jerry L. Demings  
-AND-  
County Commissioners  
November 10, 2021  
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- (1) make a written settlement offer pursuant to Section 70.001(4)(c), Florida Statutes (2020); and
- (2) issue a written statement under Section 70.001(5)(a) identifying the allowable uses to which the subject property may be put.

The County Attorney's Office recommends that the Board authorize us to send EGC and Benge a written settlement offer on the Board's behalf proposing no changes to the action taken by the Board on November 17, 2020, and a written statement on the Board's behalf declaring the allowable uses to which the property identified in the Claim may be put. The written settlement offer and statement of allowable uses will be delivered to you under separate cover on or before November 15, 2021.

If EGC and Benge were to reject the settlement offer and statement of allowable uses, and attempt to institute a cause of action for compensation in the Circuit Court under the Bert J. Harris Act, our office will vigorously contest the lawsuit, and raise any and all applicable procedural and substantive defenses.

Also, in any such lawsuit, attorney's fees and costs may be awarded to the prevailing party.

Please let us know if you have any questions or comments.

**ACTION REQUESTED: Authorization for the County Attorney's Office to execute and send Eastwood Golf Club, LLC, and Benge Corporation the written settlement offer and statement of allowable uses on behalf of the Orange County Board of County Commissioners.**

Attachment: the Claim

c: Byron Brooks, County Administrator  
Chris Testerman, Deputy County Administrator



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MEMORANDUM

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

FROM: Jeffrey J. Newton, County Attorney *JJN*  
Joel D. Prinsell, Deputy County Attorney *JDP*  
Elaine M. Asad, Senior Assistant County Attorney *EMA lrg*

DATE: November 15, 2021

SUBJ: Eastwood Planned Development; Orange County's Settlement Offer and Statement of Allowable Uses in Response to the Notice of Claim for Compensation or Other Relief Under Section 70.001, Florida Statutes, known as the Bert J. Harris, Jr., Private Property Rights Protection Act, Presented by Eastwood Golf Club, LLC, a Florida Limited Liability Company, and Benge Corp., a Florida corporation  
**CONSENT AGENDA ITEM: November 16, 2021**

This memorandum serves to supplement the memorandum that our office sent you on November 10, 2021, regarding the above-referenced matter.

As promised in that earlier memo, attached is the proposed Settlement Offer and Statement of Allowable Uses in response to the Claim presented by Eastwood Golf Club, LLC ("EGC"), and Benge Corp. ("Benge") seeking relief under Section 70.001, Florida Statutes, known as the Bert J. Harris, Jr., Private Property Rights Protection Act, from the Board of County Commissioners' decision on November 17, 2020, denying their request for "a change determination to the approved Land Use Plan" for the Eastwood Planned Development. EGC and Benge assert in the Claim that the Board's action "has inordinately burdened a vested right to the specific use of the Property to be developed as Low Density Residential."

Pursuant to that memo, the County Attorney's Office recommends that the Board authorize us to execute and send EGC and Benge's attorneys the attached written settlement offer on the Board's behalf proposing no changes to the action taken by the Board on November 17, 2020, and declaring the allowable uses to which the property identified in the Claim may be put.

Please let us know if you have any questions or comments.

Mayor Jerry L. Demings

-AND-

County Commissioners

November 15, 2021

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Attachment: Proposed Settlement Offer and Statement of Allowable Uses

c: Byron Brooks, County Administrator  
Chris Testerman, Deputy County Administrator  
Katie Smith, Deputy Clerk, Comptroller Clerk's Office

NOV 16 2021

**IN RE: PROCEEDINGS BEFORE ORANGE COUNTY, FLORIDA**

**EASTWOOD GOLF CLUB, LLC, a  
a Florida Limited Liability Company, and  
BENGE CORP., a Florida Corporation**

**ORANGE COUNTY'S SETTLEMENT OFFER AND  
STATEMENT OF ALLOWABLE USES REGARDING THE  
BERT J. HARRIS, JR., PRIVATE PROPERTY RIGHTS ACT CLAIM  
PRESENTED BY EASTWOOD GOLF CLUB, LLC, AND BENGE CORP.**

Pursuant to the Bert J. Harris, Jr., Private Property Rights Act, codified at Section 70.001, Florida Statutes (2020), Orange County, a Charter County and political subdivision of the State of Florida, by and through its undersigned attorneys on behalf of the Orange County Board of County Commissioners (the "Board"), submits this written settlement offer and statement of allowable uses in response to the Bert J. Harris, Jr., Private Property Rights Act Claim presented by Eastwood Golf Club, LLC, and Benge Corp. (the "Claim"):

The Claim alleges that the Board's decision on November 17, 2020, denying a request by Eastwood Golf Club, LLC ("EGC"), and Benge Corp. ("Benge") to make a substantial change to the approved Land Use Plan for the Eastwood Planned Development has inordinately burdened a vested right to the specific use of the property as described in the Claim to be developed as Low Density Residential.

The Claim does not fall within the scope of the Bert J. Harris, Jr., Private Property Rights Act, and is without merit for multiple independent reasons, including but not limited to the following:

1. The Claim is facially invalid and does not serve as a basis to institute a cause of action under Section 70.001(1) and (12), Florida Statutes, because it does not allege any rule, regulation or ordinance adopted after May 11, 1995, that the Board applied for the first time in denying EGC and Benge's substantial change request so as to inordinately burden an alleged vested right to a specific use of the property as described in the Claim.
2. Assuming without conceding that the Claim is not facially invalid for the reason expressed in the preceding paragraph, the Board did not apply any rule, regulation or ordinance adopted after May 11, 1995, or any amendment to any rule, regulation or ordinance adopted after May 11, 1995, that would create a cause of action under Section 70.001(1) and (12), Florida Statutes.

3. The Board's decision denying the request by EGC and Benge to make a substantial change to the approved Land Use Plan for the Eastwood PD did not apply any rule, regulation or ordinance adopted after May 11, 1995, or any amendment to any rule, regulation or ordinance adopted after May 11, 1995, in a manner that inordinately burdened an alleged vested right to a specific use of the property as described in the Claim.
4. Benge is not the owner of either of the parcels of real property described in the Claim, and therefore Benge is not a proper party to the Claim and has no standing to pursue the Claim under Section 70.001, Florida Statutes.
5. Neither EGC nor Benge (assuming without conceding that Benge is a proper party and has standing) has a vested right under Section 70.001, Florida Statutes, as alleged in the Claim.
6. The appraisal accompanying the Claim is not a bona fide, valid appraisal, as required by Section 70.001(4)(a), Florida Statutes.

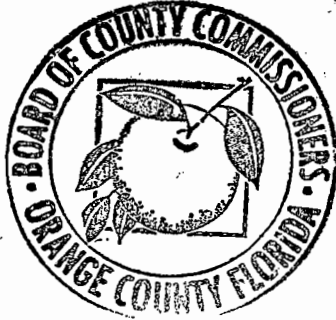
Accordingly, the County's settlement offer under Section 70.001(4)(c), Florida Statutes, is no changes to the Board's action on November 17, 2020.


Also, for the property described in the Claim, the County's statement of allowable uses under Section 70.001(5)(a), Florida Statutes, are the golf course uses depicted for such property on the currently existing Land Use Plan for the property and as platted in the public records of Orange County.

If this settlement offer and statement of allowable uses is rejected, and a lawsuit is initiated against the County by EGC and/or Benge, and the County prevails, the County reserves the right to recover its reasonable attorneys' fees and costs pursuant to Section 70.001(6)(c)2, Florida Statutes.

*[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]*

Respectfully submitted this 16<sup>th</sup> day of November, 2021.

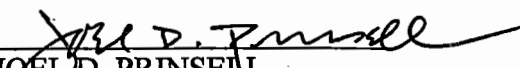


  
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ELAINE M. ASAD  
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Orange County Administration Center  
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Post Office Box 1393  
Orlando, Florida 32802-1393  
Telephone: (407) 836-7320  
Counsel for Orange County, Florida

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 16, 2021, a true and correct copy of the foregoing was served via electronic mail and hand delivery on the following:

Rebecca E. Rhoden, Esquire  
Hal Kantor, Esquire  
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
215 North Eola Drive  
P.O. Box 2809  
Orlando, FL 32802-2809  
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JOEL D. PRINSELL  
Deputy County Attorney

**IN RE: PROCEEDINGS BEFORE ORANGE COUNTY, FLORIDA**

EASTWOOD GOLF CLUB, LLC, a  
a Florida Limited Liability Company and  
BENGE CORP.; a Florida Corporation.

**PRESENTATION OF CLAIM PURSUANT TO BERT J. HARRIS, JR. PRIVATE  
PROPERTY RIGHTS PROTECTION ACT, SECTION 70.001, FLORIDA STATUTES**

PROPERTY OWNERS EASTWOOD GOLF CLUB, LLC and BENGE CORP. (together, the “Owners”), by and through their undersigned attorneys, present this claim for compensation under Section 70.001, Florida Statutes, the Bert J. Harris Private Property Rights Protection Act (the “Act”) in regard to 13951 Golfway Blvd and 13950 Golfway, which are Parcel I.D.# 35-22-31-1993-04-001 and 35-22-31-1993-00-007, respectively, (collectively the “Property”). In support of this claim, the Owners state the following:

1. The Owners purchased the Property in 2007. At all material times the Property has been zoned PD and is located in the Eastwood PD, and has a Future Land Use Map (“FLUM”) designation of Low Density Residential.

2. To develop the Property in accordance with these land use designations, Owners requested a change determination to the approved Land Use Plan (“LUP”) requesting the following changes thereto: (i) a change to the designation of the Property from Golf Course, Clubhouse and Golf Course Practice Range to Single-Family; (ii) the addition of access points for ingress and egress to the Property as indicated by arrows to the proposed Phase 3 Area; and (iii) the reassignment of the remaining 304 residential units within the Eastwood PD to the Property (the “Request”).

3. On or about November 17, 2020, Orange County (the “County”) denied the Request.

4. The County’s denial (the “Denial”) has inordinately burdened a vested right to the specific use of the Property to be developed as Low Density Residential.

5. The Request was fully consistent with the County’s Comprehensive Plan and the requested development is compatible with the surrounding land uses.

6. The Owners substantially complied with all of the requirements of the County’s Comprehensive Plan and land development regulations. The Owners spent significant funds in reliance on the Property’s FLUM designation of Low Density Residential, PD zoning, the



approved LUP, which has 304 approved residential units and 25,824 commercial square feet remaining to be utilized in the Eastwood PD, the applicable provisions of the County's land development regulations, as well as comments and recommendations from County staff members and the County's Chief Planner.

7. The Owners should have received County approval of the Request.

8. The Denial directly restricts and limits the use of the Property to only golf course uses or open space, which is contrary to the Property's FLUM designation of Low Density Residential.

9. Unless the County reverses the Denial, the Owners are permanently unable to attain the reasonable, investment-backed expectations for use of the Property as Low Density Residential.

10. The Owners have obtained a bona fide, valid appraisal that demonstrates the loss in fair market value to the Property, as a result of the Denial, is Seventeen Million Two Hundred Eighty-Five Thousand Dollars (\$17,285,000.00) (the "Appraisal"). A copy of the Appraisal is included with this submittal.

WHEREFORE, the Owners present this claim against the County in the amount of Seventeen Million Two Hundred Eighty-Five Thousand Dollars (\$17,285,000.00) for compensation as a result of the Denial.

*/s/ Rebecca Rhoden*

**Rebecca E. Rhoden**

Florida Bar No. 0019148

**Hal Kantor**

Florida Bar No. 0142641

**Lowndes, Drosdick, Doster, Kantor & Reed, P.A.**

215 North Eola Drive

P.O. Box 2809

Orlando, Florida 32802-2809

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Telephone: 407-843-4600

Facsimile: 407-843-4444

Attorneys for Owners

### CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served upon Mayor Jerry Demings, Orange County Board of County Commissioners, 201 S. Rosalind Ave., 5th Floor, Orlando, Florida 32801, by eservice at Mayor@ocfl.net and hand delivery with copies to County Attorney, Jeffrey Newton by eservice to jeffrey.newton@ocfl.net and hand delivery at 201 S. Rosalind Ave., 3rd Floor, Orlando, Florida 32802 and Deputy County Attorney, Joel D. Prinsell, by eservice to joel.prinsell@ocfl.net and hand delivery at 201 S. Rosalind Ave., 3rd Floor, Orlando, Florida 32802, on April 22, 2021.

/s/ Rebecca E. Rhoden  
Rebecca E. Rhoden

**Attachment to  
Presentation of Claim Pursuant to Bert J.  
Harris, Jr. Private Property Rights Protection  
Act, Section 70.001, Florida Statutes**

**Real Estate Appraisal Report  
of the  
Eastwood Golf Club/  
Benge Corporation Property**  
Former Eastwood Golf Course  
Orange County, Florida

**Prepared For**

Eastwood Golf Club LLC/Benge Corporation  
Hal H. Kantor, Esq.  
c/o Lowndes  
215 North Eola Drive  
Orlando, Florida 32801

**Prepared By**

Calhoun, Dreggors & Associates, Inc.  
728 West Smith Street  
Orlando, Florida 32804

**Valuation Date: November 17, 2020**

**Calhoun, Dreggors & Associates, Inc.**

**Calhoun, Dreggors & Associates, Inc.**  
• Real Estate Appraisers & Consultants •

April 19, 2021

Eastwood Golf Club LLC  
Hal H. Kantor, Esq.  
c/o Lowndes  
215 North Eola Drive  
Orlando, Florida 32801

**Re: Property: Former Eastwood Golf Course**  
**County: Orange**  
**Owners: Eastwood Golf Club LLC & Bengel Corporation**

Dear Mr. Kantor:

As requested, I have personally inspected and appraised the above-referenced property located in Orange County Florida. The property represents the former and now closed Eastwood golf course. The owners of the golf course submitted an application for development of portions of the former golf course consisting of 73 acres of land designated for use as Low Density Residential in the Orange County Comprehensive Plan, whose stormwater needs would be provided on 18 acres of former golf course land for a total project development of 91 acres of the 278.46 acres formerly occupied by the golf- course.

The purpose of my appraisal is to analyze the effect on the value of the property as a result of the Orange County Board of County Commissioners (BCC's) denial of the owner's rezoning application on November 17, 2020. The analysis completed within my appraisal would be utilized in the filing of a Bert J. Harris, Jr. Private Property Rights Protection Act claim against Orange County as a result of the denial on November 17, 2020.

In preparation of my appraisal, I have consulted with Mr. Jim Hall, MURP, BLA with Hall Development Services Inc. (HDSI). A copy of Mr. Hall's report is included in the addenda of this appraisal. According to Mr. Hall the original Eastwood Planned Development (PD) allowed an additional 304 homes that were never constructed within the Eastwood community. Further analysis by Mr. Hall indicates that an appropriate number of homes based upon other site design requirements and market demand would be approximately 224 homes. The development rights for construction for the 304/224 homes is vested within the original approvals of the Eastwood Planned Development (PD) by Orange County.

In order to complete my analysis, for the intended use of my appraisal, I must invoke a hypothetical condition as defined under the Uniform Standards of Professional Appraisal Practice (USPAP). A hypothetical condition is defined as:

“A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but, is used for the purpose of analysis.” *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, Published by The Appraisal Foundation, Page 4.*

For proper appraisal analysis, a hypothetical condition must be invoked since the before value in my analysis assumes that the BCC had not denied the rezoning application on November 17, 2020. A second appraisal analysis is then conducted to analyze the value of the property recognizing the denial of the rezoning by the BCC on November 17, 2020.

Supporting documentation and additional data is contained in the Addenda to this appraisal report. Additional data is also retained within the appraisers' files, which are incorporated herein by reference.

An inspection of the subject property was made on February 25, 2021. To the best of my knowledge and belief, the statements and opinions contained in this appraisal report are correct, subject to any further conditions specifically mentioned within this report.

The undersigned hereby certifies that he has no past, present, or contemplated future interest in the property being valued. I have no conflicts of interest. It is further certified that neither the employment to make the appraisal, nor the compensation, therefore, is contingent on the values reported.

In my opinion, the difference in the market value of the property as a result of the County's denial of the vested rights as of November 17, 2020 is:

**SEVENTEEN MILLION TWO HUNDRED EIGHTY-FIVE THOUSAND DOLLARS  
(\$17,285,000)**

Respectfully submitted,



Richard C. Dreggors, GAA  
State-Certified General  
Real Estate Appraiser RZ1628

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**Eastwood Golf Club LLC/Benge Corporation  
Orange County**

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**HYPOTHETICAL CONDITION**

1. The property is being appraised under a hypothetical condition that assumes the BCC had approved the owner's request for rezoning on November 17, 2020. As a result, the before value analysis of the property analyzes the value of the property assuming the owner's rezoning application was granted.

**GENERAL ASSUMPTIONS AND LIMITING CONDITIONS**

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The legal description is assumed to be correct for the purposes of this report.
2. It is assumed there are no hidden or unapparent conditions of the property, subsoil, or structures that render the property more or less valuable unless stated within the appraisal report. The appraiser(s) assumes no liability for any hidden or unapparent conditions of the property. No responsibility is assumed for such conditions, or for arranging for engineering studies that may be required to discover them.
3. Possession of this report, or a copy thereof, does not carry with it the right of publication.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraisers are connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
5. This report is limited with regard to any additional facts and/or data which may become available subsequent to the date of report. The appraiser reserves the right to make adjustments and to update the value estimate as contained in this report.
6. The property is appraised as if free and clear of any and all liens or encumbrances unless otherwise stated.
7. Responsible ownership and competent property management are assumed.
8. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
9. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.

10. It is assumed that all applicable zoning and land use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in the appraisal report.
11. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the values estimates contained in this report are based.
12. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report.
13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in the report. No responsibility is assumed for any environmental conditions or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communication barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.

**SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS**

Location: The property is generally located on the north and south side of Golfway Boulevard, with an additional non-contiguous triangular portion located at the northeast corner of Golfway Boulevard and Alafaya Trail, Orange County.

Owner: Eastwood Golf Club, LLC/Benge Corporation

Tax I.D. No.: The overall ownership consists of the following tax parcels: 35-22-31-1993-04-001, 35-22-31-1993-05-000, 35-22-31-1993-00-007 and 36-22-31-0000-00-029

Date of Valuation: November 17, 2020

Property Rights Appraised: Fee Simple Estate

Site Data: The overall ownership contains approximately 278.46 gross acres. Furthermore, the proposed development area within the rezoning submittal consisted of 91 acres, representing only 33% of the overall ownership. The balance of the property would be the remaining 187.46 acres (67%).

Mr. Hall notes that of the 91 gross acres, approximately 73 acres would be utilized for the proposed development with additional 18 acres utilized for stormwater drainage associated with the proposed development that was submitted to the County for approval.

Improvement Data: The subject property is improved with the closed Eastwood golf course, clubhouse and cart barn. Other improvements include asphalt paving, concrete walks, curbs, etc., associated with the former golf course use of the property. Based upon my inspection, the improvements are in fair to average condition.

Zoning: PD (Planned Development), Orange County

Land Use Designation: LDR (Low Density Residential), Orange County

Difference in Value: \$17,285,000

**IMPORTANT DEFINITIONS**

**Appraisal** (noun) is the act or process of developing an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions such as appraisal practice or appraisal services.<sup>1</sup>

**Appraisal Report** is a written report prepared under the Uniform Standards of Professional Appraisal Practice under Standards Rule 2-2(a), 8-2(a) or 10-2(a).

**Client** is the party or parties who engage, by employment or contract, an appraiser in a specific assignment.<sup>2</sup>

**Easement** is the right to use another's land for a stated purpose.<sup>3</sup>

**Exposure Time** is the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.<sup>4</sup>

**Extraordinary Assumption** is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions.<sup>5</sup>

**Fee Simple** is defined as absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.<sup>6</sup>

**Highest and Best Use** (in appraising real property) is the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value.<sup>7</sup>

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<sup>1</sup> *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, Published by The Appraisal Foundation, Page 3.*

<sup>2</sup> *Ibid, Page 4.*

<sup>3</sup> *The Dictionary of Real Estate Appraisal, 6<sup>th</sup> Edition, Published by the Appraisal Institute, Page 71.*

<sup>4</sup> *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, Published by The Appraisal Foundation, Page 4.*

<sup>5</sup> *The Dictionary of Real Estate Appraisal, 6<sup>th</sup> Edition, Published by the Appraisal Institute, Pages 83-84.*

<sup>6</sup> *The Appraisal of Real Estate, 14<sup>th</sup> Edition, Published by the Appraisal Institute, Page 5.*

<sup>7</sup> *Ibid, Page 333.*

**Hypothetical Condition** is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis.<sup>8</sup>

**Intended Use** is the use(s) of an appraiser's reported appraisal or appraisal review assignment results, as identified by the appraiser based on communication with the client at the time of the assignment.<sup>9</sup>

**Intended User** is the client and any other party as identified, by name or type, as users of the appraisal or appraisal review report by the appraiser, based on communication with the client at the time of the assignment.<sup>10</sup>

**Jurisdictional Exception** is an assignment condition established by applicable law or regulation, which precludes an appraiser from complying with a part of USPAP.<sup>11</sup>

**Leased Fee Interests** is the lessor's, or landlord's, interest. A landlord holds specified rights that include the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the lessee (leaseholder) are specified by contract terms contained in the lease. Although the specific details of leases vary, holding a leased fee interest generally provides the lessor with the following:

- rent to be paid by the lessee under stipulated terms
- the right of repossession at the termination of the lease
- default provisions.<sup>12</sup>

**Market Value** is the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest;

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<sup>8</sup> *Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition, Published by The Appraisal Foundation, Page 4.*

<sup>9</sup> *Ibid, Page 5.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *The Appraisal of Real Estate, 14<sup>th</sup> Edition, Published by the Appraisal Institute, Page 72.*

3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.<sup>13</sup>

**Replacement Cost** is the estimated cost to construct, at current prices as of the effective appraisal date, a substitute for the building being appraised, using modern materials and current standards, design, and layout.

**Reproduction Cost** is the estimated cost to construct, as of the effective appraisal date, an exact duplicate or replica of the building being appraised, insofar as possible, using the same materials, construction standards, design, layout, and quality of workmanship, and embodying all the deficiencies, superadequacies, and obsolescence of the subject improvements.<sup>14</sup>

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<sup>13</sup> *Ibid.* Page 59.

<sup>14</sup> *Ibid.* Page 569, 570.



**INTENDED USE OF THE APPRAISAL**

This appraisal report is prepared for the property owners, Eastwood Golf Club LLC and Benge Corporation. They are represented by Mr. Hal Kantor, an attorney at the Lowndes law firm. The intended use of the report is to assist the property owners and their representatives in the filing of a claim against Orange County pursuant to Florida Statute 70.001 also known as the Bert J. Harris, Jr. Private Property Rights Protection Act (Bert J. Harris, Jr.).

**PURPOSE OF APPRAISAL**

The purpose of this appraisal is to measure the loss in value, if any, to the subject property as a result of the BCC's denial of the rezoning request submitted by the owner. According to Mr. Hall, the submittal for the rezoning and associated uses are vested under the existing Eastwood PD approvals. As a result, this appraisal may be used in support of a Bert J. Harris, Jr. claim by analyzing the loss in the value of the property as a result of the BCC's denial of the rezoning request on November 17, 2020.

**VALUATION DATE**

The date of value is November 17, 2020. This date represents the date that the Orange County Board of County Commissioners denied the rezoning application on the subject property.

**PROPERTY RIGHTS APPRAISED**

The property rights or interest valued is the undivided fee simple interest as if free and clear of all liens, mortgages encumbrances, and/or encroachments, unless otherwise provided herein.

**LEGAL DESCRIPTION**

The legal description for the subject property, as recorded in Official Records Book 9456, Page 3854, is lengthy and can be found in the Addenda of this appraisal report.

**SCOPE OF APPRAISAL**

The property is generally located on the north and south side of Golfway Boulevard, with a triangular portion located at the northeast corner of Golfway Boulevard and Alafaya Trail. The subject property represents the former and now closed Eastwood golf course.

**Eastwood Golf Club LLC/Benge Corporation  
Orange County**

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As noted, the property contains 278.46 acres. The proposed developable area of the property within the submittals to Orange County consist of approximately 91 acres.

The scope of this appraisal is defined as the process of collecting, confirming and reporting the data that in my opinion is utilized to analyze the value of the subject property. In this appraisal assignment, the report format is an "appraisal" as defined by the Uniform Standards of Professional Appraisal Practice.

In 1993, the Eastwood golf course and community were approved by the Board of County Commissioners. The following uses were approved as specified in Mr. Hall's Land Planning Report, of February 17, 2021:

The Eastwood golf course and community were originally approved by the BCC in 1993. The zoning, Planned Development (PD), allowed for the following uses:

Land Use	Units	Acres
Residential	2,320 DU	529.31
Commercial	100,000 SF	12.50
Institutional <sup>1/</sup>		18.98
Golf		161.30
Parks		30.22
Lakes/Retention		169.14
Conservation		181.60
Right of Way		76.12
Total		1,199.77

<sup>1/</sup> Originally a school and a church; these uses were converted subsequent to the original approval.

The overall ownership includes 278.46 gross acres, however for the purpose of this report the abbreviated parent tract represents a 91-gross acre (33%) portion of the overall ownership. Of the 91 acres, 73 acres are considered net developable acres and will be used for residential lots. The remaining 18± acres will be utilized for storm water management facilities. The storm water management facilities will be located on former golf course land in proximity to the 73 entitled residential acres. This leaves 187.46 acres (67%) of residual land for open space.

**Eastwood Golf Club LLC/Benge Corporation**  
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The subject was originally constructed as a golf course with associated clubhouse and practice range. The proposed amendment to the PD was to create a Phase 3 within Eastwood and change the existing designations to single family. As stated within Mr. Hall's planning report, the zoning amendment was originally submitted on January 22, 2018 and underwent numerous revisions to insure consistency with the comprehensive plan and compatibility. There were numerous meetings with County staff: both informal and formal with the County's Development Review Committee (DRC). In fact, there were five DRC review comments issued on the following dates:

- June 27, 2019
- October 22, 2019
- March 18, 2020
- June 15, 2020
- June 23, 2020

On July 8, 2020, the DRC found the PD amendment to be consistent with the comprehensive plan and compatible with the area. Regardless of this intense scrutiny and agreement with the County's DRC on the owner's application, the BCC denied the rezoning for the subject property on November 17, 2020.

The purpose of my appraisal is to analyze the difference in market value as approved verses an alternative highest and best use after the denial of the vested rights. As a result of the BCC's denial, the property now has a different highest and best use. In order to analyze the effect of the denial, I have consulted with Mr. Jim Hall, MURP, BLA, who is the owner of Hall Development Services. Mr. Hall has assisted me in the analysis of the highest and best use of the property before and after the denial. His analysis will be discussed in greater detail later in this report. A copy of his report with a number of exhibits relating to the subject's approvals is in the Addenda of this appraisal.

As a result of the County's denial, this appraisal contains two valuation scenarios. The before analysis focuses on the value of the property before the denial of the land use change and its vested rights. The before valuation of the property represents a hypothetical condition (as defined earlier in the appraisal) assuming that the rezoning was approved by the BCC.

A second analysis of the property will be completed based on the highest and best use after the BCC's denial. The after analysis of the property considers the effect of the denial on the property. The difference in value, based upon the value of the property before and after the denial, represents the loss in value as a result of the denial.

The Cost, Sales Comparison, and Income Approaches are the three traditional valuation approaches which are accepted methods under Florida Law and the USPAP (Uniform Standards of Professional Appraisal Practice). The information contained and relied upon in my analysis of the value of the property has been examined and confirmed for (1) accuracy of data, (2) relevancy as sufficiently applied to the facts in the case, (3) reliability as grounded in industry-accepted appraisal methodology and techniques. The appraisal methodology employed within this appraisal assignment is the Sales Comparison Approach as it relates to the value of the property "as vacant" and an accepted valuation technique under the USPAP.

The subject property consists of a closed golf course and associated clubhouse, cart storage building, etc. Based upon my analysis, the existing golf course does not represent the highest and best use as it had been losing money for many years according to the owner. The golf course was closed in August of 2020 as a result of the failing financial nature of the course. This trend in golf course closures has been a national trend and there are many examples of closed golf courses in the central Florida area. Conversely, the residential housing market has shown high demand over the last few years and is expected to continue. As a result, it is my opinion, that the highest and best use of the property; before the BCC denial, is not for a golf course. The existing improvements do not represent the highest and best use as improved and the property will be analyzed as vacant land.

The Cost, Sales Comparison and Income Approaches were all considered. However, based upon the subject's highest and best use, the only approach considered applicable was the Sales Comparison Approach, as it relates to the value of the property as vacant. The Cost and Income Approaches will not be utilized in this assignment.

Ms. Marti Hornell, State-Certified General Real Estate Appraiser, RZ3073 has provided assistance in the appraisal of the property. Her assistance included assisting in the sales research, researching documents relative to the subject property and preparation of portions of this report. The opinions contained in this Appraisal Report, however, are those of my own.

**OWNERSHIP AND SALES HISTORY**

The subject property is under the ownership of Eastwood Golf Club LLC and the Benge Corporation. Eastwood Golf Club LLC purchased the golf course, clubhouse, practice range and other adjacent land areas. They operated the golf course until August of 2020 when the course was closed.

The golf course was constructed in the first phase of development for Eastwood. Phase 1 of home building began in the early 1990's on the western half of Eastwood. Phase 2 of the community, developed by the Benge Corporation (Benge), started in the 2000's and was located on the eastern portion of Eastwood.

The Eastwood approved land use plan allows for the development of 2,320 lots and 100,000 square feet of commercial uses. To date, Phase 1 and 2 consist of 2,016 residential lots leaving 304 remaining entitled residential lots. In addition, and according to an Orange County Zoning Verification Letter, included in the addenda of this appraisal, there are 25,824 square feet of remaining commercial space available for development.

As noted, the property is owned by the Eastwood Gold Club, LLC and the Benge Corporation. Based upon our review, the overall ownership represents the following four tax parcels:

<b><u>Parcel No.</u></b>	<b><u>Ownership</u></b>	<b><u>Size (Ac.)</u></b>
• 35-22-31-1993-04-001	Eastwood Golf Club, LLC	10.22
• 35-22-31-1993-05-000	Eastwood Golf Club, LLC	4.19
• 35-22-31-1993-00-007	Eastwood Golf Club, LLC	256.78
• 36-22-31-0000-00-029	Benge Corporation	<u>7.27</u>
		278.46

It is my understanding; the Benge Corporation and Eastwood Golf Club have an agreement for the entitlements. It is also my understanding, the entitlements for the additional homes are under the ownership of Benge Corporation, who originally developed a portion of Phase 2 in the 2000s and retained those development rights. As a result, while most of the land is under ownership of Eastwood Gold Club, LLC, the development rights are under the ownership of Benge and according to the agreement, they can be used on the Eastwood Golf Club, LLC property.

On June 16, 2020, Mr. Benge received a Letter of Intent from Pulte Homes for the purchase of up to 304 lots for \$120,000 per 50' wide finished lot, with 5% annual

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escalators. The initial takedown would include 50 lots, with 12 lot "takedowns" every 90 days, thereafter. A copy of the Letter of Intent from Pulte Homes is in the Addenda of the appraisal report.

There have not been any sales involving the subject property within the last three years prior to the date of valuation. Furthermore, the appraiser is unaware of any other, listings, contracts or offers to purchase the subject property.

**GENERAL LOCATION MAP**

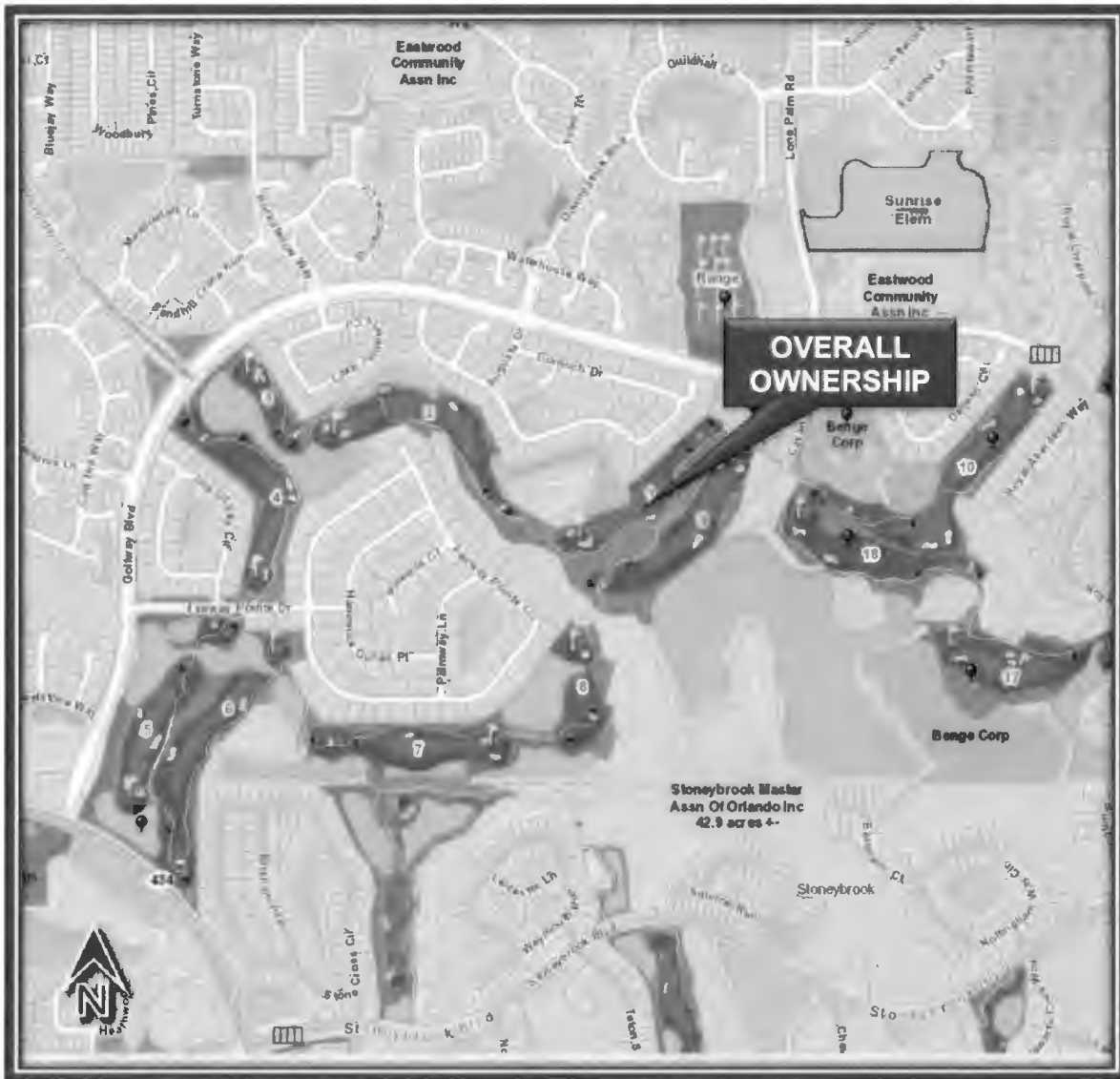


**SITE LOCATION MAP**





**TAX MAP**



**AERIAL PHOTOGRAPH**



**PARENT TRACT AERIAL**



**PROPERTY DESCRIPTION (BEFORE)**

**Location**

The property is generally located on the north and south side of Golfway Boulevard, with a triangular portion located at the northeast corner of Golfway Boulevard and Alafaya Trail in Orange County, Florida.

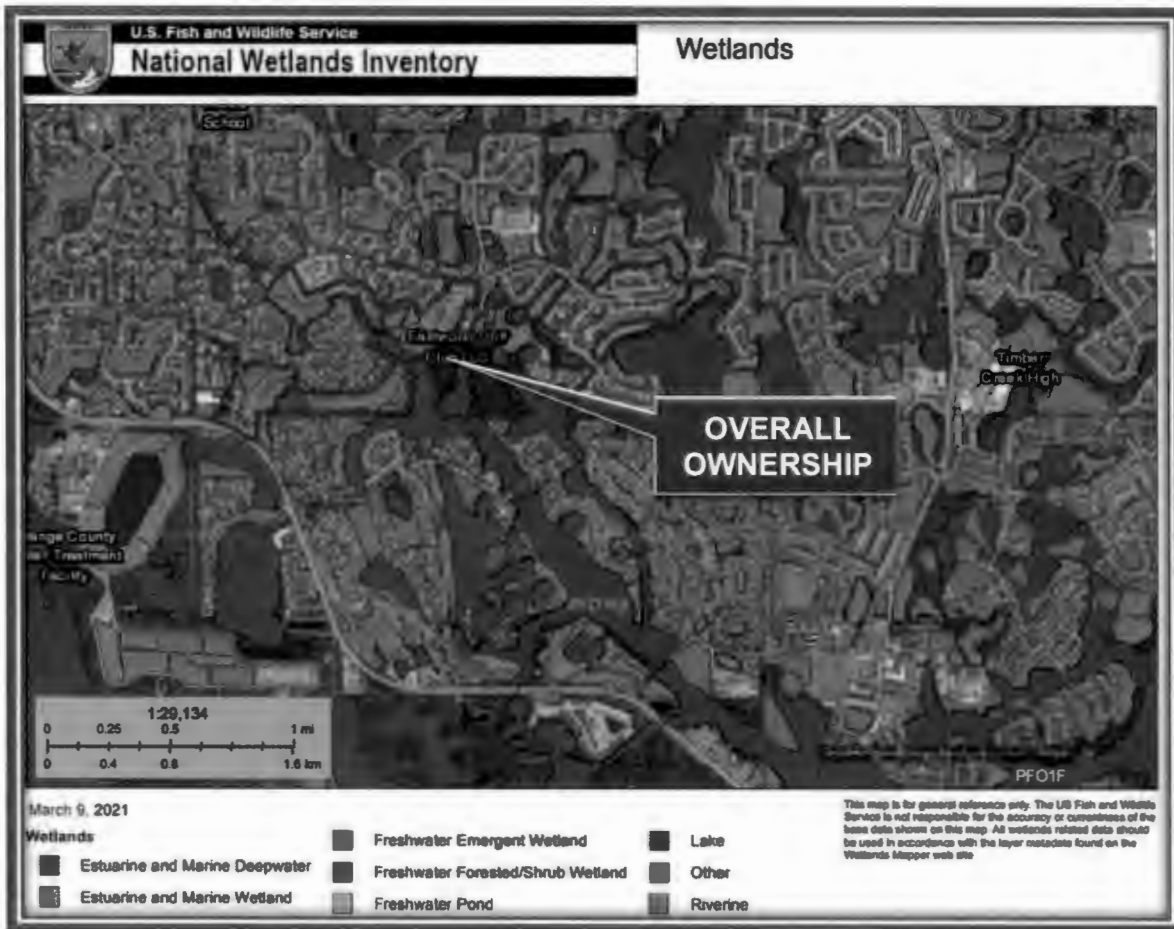
**Land**

The overall ownership contains approximately 278.46 acres and is irregular in shape. The overall ownership consists of the closed Eastwood 18-hole golf course, associated clubhouse and cart barn areas along Golfway Boulevard. The owners of the golf course submitted an application for development of portions of the former golf course consisting of 73 acres of land designated for use as Low Density Residential in the Orange County Comprehensive Plan whose stormwater needs would be provided on 18 acres of former golf course land for a total project development of 91 acres of the 278.46 acres formerly occupied by the golf course.

The proposed Eastwood Phase 3 property represents three irregular tracts of land. The land area in the owners' conceptual plan totals 91 gross acres of which 73 acres are designated for low density residential land use. The land is cleared and generally level.

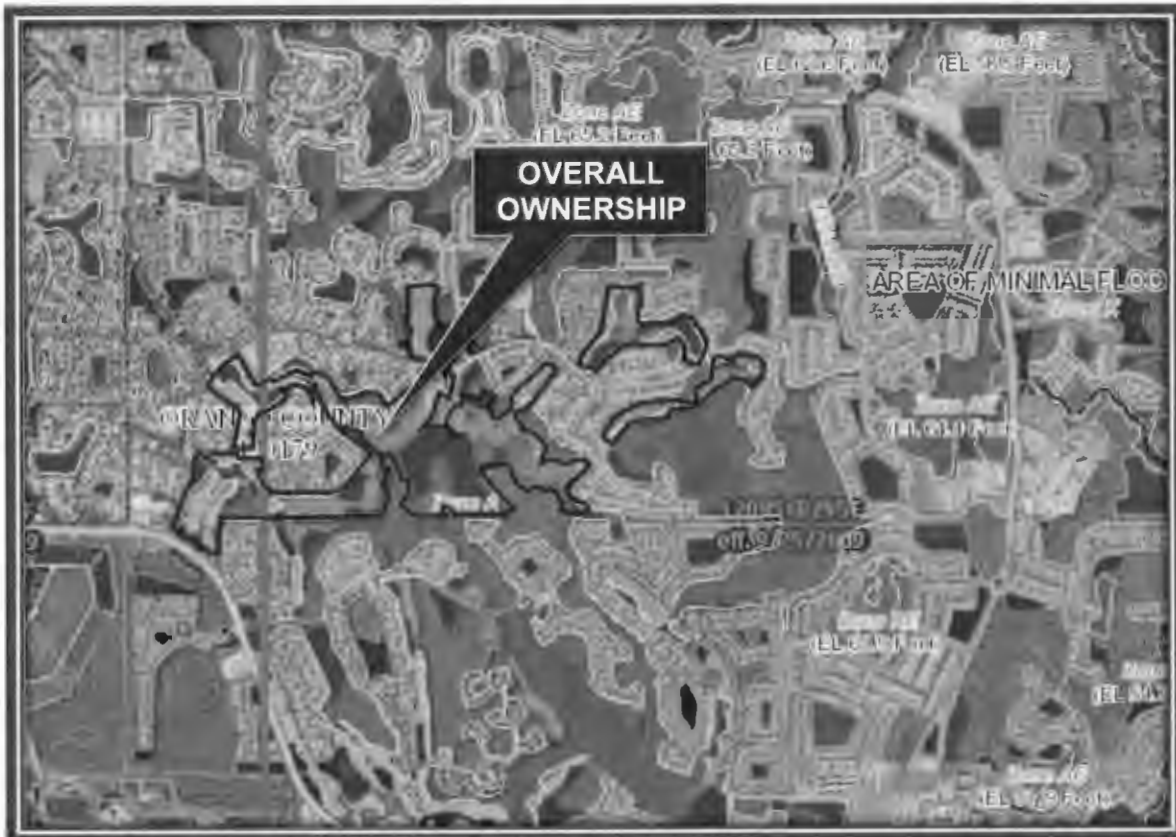
There are scattered wetlands and water bodies throughout the 278.46 acre ownership. Drainage of the property is generally towards the south towards natural and manmade water bodies associated with the golf course and other surrounding residential development. Based upon the National Wetland Inventory map, the following illustrates the wetland areas on the property:

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Based upon the highest and best use of the property that will be discussed later, the presence of the wetlands is not considered to be an impediment to development of the property. As a result, the presence of the wetlands is typical and not a detrimental condition to the value of the property.

Based upon the review of the Federal Emergency Management Agency (FEMA) floodplain maps, the majority of the overall ownership is located within Zone A, an area of the 100-year floodplain. Of the 91 acres proposed for development in the Eastwood Phase 3 rezoning application, portions of the property are located within Zone A, which are inside the 100-year floodplain. The floodplain areas based upon the FEMA map as shown on the following page:



According to Mr. Hall, there are flood prone areas within property. However, the FEMA flood maps were never updated because it was unnecessary at the time. A flood study will be necessary to develop the 91 acres of Eastwood Phase 3. This is at a cost of \$50,000 to \$100,000. If compensating storage is required, the residual 187.46 acres offers more than ample area to meet those needs.

### **Water Retention / Drainage**

As noted, the subject property represents the closed Eastwood golf course. As a result, there is a significant amount of horizontal infrastructure, primarily in the form of drainage improvements throughout the property. The existing stormwater areas provide a benefit to the property and its utility/value.

The proposed Eastwood Phase 3 submittals for development of single-family homes represents only 33% of the overall ownership. The remaining 67% of the closed golf course would be set aside. According to Mr. Hall, of the 91 acres submitted within the

rezoning application, approximately 18 acres would be for stormwater retention areas and other open space requirements, resulting in a net area of approximately 73 acres.

**Improvements**

The subject property represents a closed golf course. Improvements include asphalt paved parking areas, concrete walks, clubhouse and cart barn. Based upon my inspection of the improvements, they are in fair to average condition. As noted later in the highest and best use analysis, these improvements do not represent the highest and best use and therefore are not valuable within this assignment.

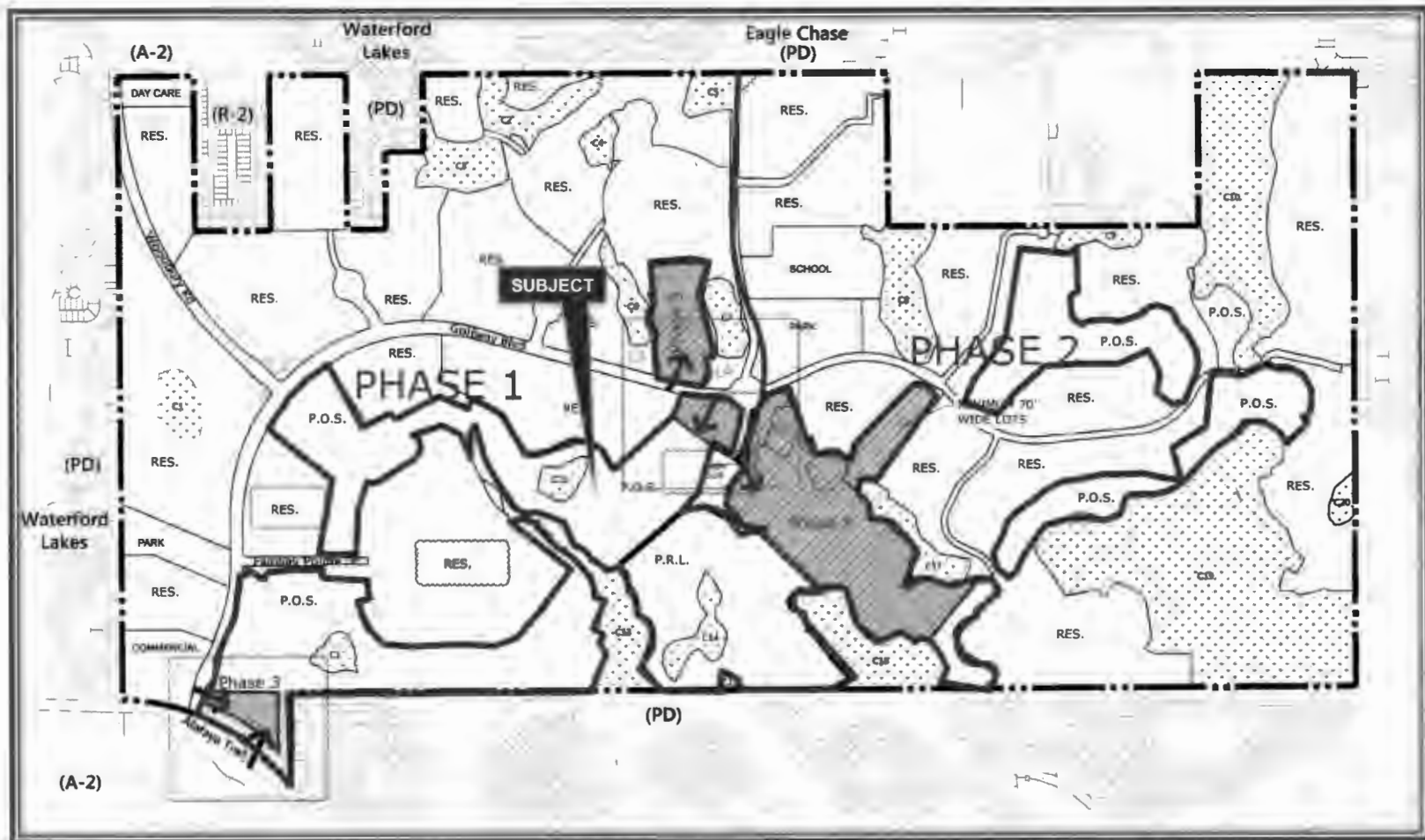
**Encroachments/Easements/Restrictions**

Title work has not been provided, however, there do not appear to be any easements, encroachments or restrictions which would affect the value of the subject property other than those noted.

**Utilities**

The subject property has access to municipal water and sewer service. According to Mr. Hall, capacity is available for the proposed development submitted to the County for approval.

PROPERTY SKETCH PHASE 3 SUBMITTAL





**SUBJECT PHOTOGRAPHS**



**View looking south across Golfway Boulevard at the entrance to the former Eastwood golf course clubhouse parking area. (Photo No. 1)**



**View looking south at the former Eastwood golf course clubhouse. (Photo No. 2)**

**SUBJECT PHOTOGRAPHS**



**View looking southwest at the former Eastwood golf course cart barn.  
(Photo No. 3)**



**View looking west at the 10<sup>th</sup> fairway. (Photo No. 4)**

**SUBJECT PHOTOGRAPHS**



**View looking south at the 18<sup>th</sup> fairway. (Photo No. 5)**



**View looking north at the practice range located on the north side of Golfway Boulevard. (Photo No. 6)**

**SUBJECT PHOTOGRAPHS**



**The view looking east near the entrance to the former golf course along the south side of Golfway Boulevard. (Photo No. 7)**



**View looking east across the entrance to Eastwood at Alafaya Trail and Golfway Boulevard. (Photo No. 8)**

**FUTURE LAND USE/ZONING**

**Future Land Use**

The overall ownership has a low-density residential and parks/recreational land use designation. This is depicted on the Orange County's future land use map as shown below:



The portion of the subject property that was proposed for the Phase 3 section of Eastwood has a low-density residential land use designation only. This land use designation allows a maximum density of four residential dwelling units per acre.

Based upon the review of the information below by Mr. Jim Hall, the following summarizes the approval history for the subject property and his analysis of the comprehensive plan/zoning application. Mr. Halls report states in part:

***GOAL FLU1 URBAN FRAMEWORK.*** Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

***OBJ FLU1.1*** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban

*Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.*

**POLICIES FLU1.1.1** *Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.*

**FLU1.1.2 A.** *The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed-Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.*

FLUM Designation General Description Density	Urban Residential – Urban Service Area	Low Density Residential (LDR)
Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned.	This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac

*As Goal 1, Objective 1 and Policy 1.1, these policies are the ultimate growth management tool within the County. The County has, basically, two growth management areas; Urban and Rural. The comprehensive plan directs growth to the Urban area. This is the area of the County with the vast majority of public services like water, sewer, police, fire, parks and schools. The abbreviated parent tract's 73 acres of LDR is specifically targeted for development by the strongest provisions of the comprehensive plan. According to the County's comprehensive plan, the abbreviated parent tract has been selected for single family development since the inception of the comprehensive plan in 1991 or almost 30 years ago. When considering development applications, the initial test is consistency with the comprehensive plan. The Orange County Planning Department, Zoning Department and the DRC all consider the application for zoning to be consistent with the comprehensive plan.*

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**Zoning**

The initial rezoning occurred in 1986 which was soon followed by a second rezoning as the County needed to enact a new comprehensive plan in 1991 to meet State planning requirements. When the Eastwood rezoning occurred in 1993, it was found to be consistent with the comprehensive plan for the 2,320 total homes. The PD zoning is specific to the Eastwood community and since inception has been for 2,320 homes as well as other supporting uses as follows:

Land Use	Units	Acres
Residential	2,320 DU	529.31
Commercial	100,000 SF	12.50
Institutional <sup>1/</sup>		18.98
Golf		161.30
Parks		30.22
Lakes/Retention		169.14
Conservation		181.60
Right of Way		76.12
Total		1,199.77

1/ Originally a school and a church; these uses were converted subsequent to the original approval.

The map below depicts the subject's zoning:



Mr. Halls report states in part:

*Of the 2,320 homes approved by the Board of County Commissioners in 1986, 2,016 homes were built leaving an approved development right for 304 homes. This number of available development rights is corroborated by the Orange County Zoning Department in a 2013 letter and by the Orange County Development Review Committee on July 8, 2020.*

*Orange County staff concluded the application was consistent with the comprehensive plan and compatible with the Eastwood community as follows:*

November 17, 2020 – Public Hearing  
Jim Hall, Hall Development Services, Inc.  
Eastwood PD / Case # CDR-19-06-166 / District 4  
Page 2 of 2

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**ACTION REQUESTED:** **Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eastwood Planned Development / Land Use Plan (PD/LUP) dated "July 8, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

Mr. Halls report states in part:

*These Goals, Objectives and Policies all support the PD amendment submitted to the County and recommended for approval by staff; the professionals within the County which deal with land use issues on a daily basis. The abbreviated parent tract has 73 acres of land entitled for LDR and the approved Land Use plan has 304 unbuilt units dating back to 1993. County and school board staff found all concurrency requirements have been met with the Eastwood community. In conclusion, the abbreviated parent tract has 73 acres of LDR land and is zoned PD. Therefore, the application appears to be consistent with the comprehensive plan.*

Mr. Hall has completed conceptual layouts for the property and found 224 homes to be the most reasonable number of homes. The northern area of Mr. Hall's concept plans includes 183 (50') wide home sites and 13 (70') wide home sites as shown on the following page.



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The southern portion of the property within the Eastwood Phase 3 submittal includes 28 (50') wide home sites as shown on the concept plan provided by Mr. Hall's report:



The southern area of Phase 3 includes 28 home sites and requires filling part of an existing storm water area. This 2.1-acre area is relocated to the north. An elevated golf green next to the area would be pushed into the existing area to take advantage of the

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on-site soil material. Mr. Hall estimated there will be approximately 30,000 cubic yards of soil to be moved from the new stormwater area to the current area since this is only to move fill, the cost is much less than importing fill. At \$5.00 a cubic yard, the cost to fill the existing area is estimated by Mr. Hall to be \$150,000.

While there are typical costs associated with the development of any vacant parcel, Mr. Hall has identified some extraordinary costs associated with the development the subject property. These include demolition of the clubhouse and golf cart shed and low-quality wetland impacts which totals \$430,000, as summarized below:

Clubhouse area demolition	\$ 20,000
Golf maintenance area demolition	10,000
Approximately 4 acres of low-quality wetland impact	<u>400,000</u>
Subtotal	\$430,000

Mr. Hall's believes an update FEMA flood map study would be necessary at the approximate cost of \$100,000. As a result, the total extraordinary development costs are estimated to be \$680,000, and are summarized as follows:

FEMA Flood Map Study	\$100,000
Demolition Cost	30,000
Wetland Improvements/Mitigation	400,000
Fill/Earthwork (Southern Area)	<u>150,000</u>
Total	\$680,000

This equates to about \$3,000/lot for 224 lots or \$7,500 per acre for the 91 acres. This is not a significant amount for a project of this size.

**HIGHEST AND BEST USE (BEFORE)**

**Introduction**

The definition of the term highest and best use is contained in the Important Definitions section of the appraisal report. Essentially, land or property is valued at its highest and best use as of the date of value for the property. In order to estimate the highest and best use of a particular property, the appraiser considers those uses that are legally permissible, physically possible, financially feasible and maximally productive. Since this property represents a vacant tract of land only, the highest and best use “as vacant” is applicable.

**Legally Permissible**

The property is zoned PD (Planned Development) and has a Low Density Residential future land use. The future land use allows a maximum density of four units per acre. The Eastwood PD zoning is specific to Eastwood and allows the following uses:

Land Use	Units	Acres
Residential	2,320 DU	529.31
Commercial	100,000 SF	12.50
Institutional <sup>1/</sup>		18.98
Golf		161.30
Parks		30.22
Lakes/Retention		169.14
Conservation		181.60
Right of Way		76.12
Total		1,199.77

<sup>1/</sup> Originally a school and a church; these uses were converted subsequent to the original approval.

**Conclusion**

The subject property is vested for an additional 304 single-family units. Mr. Hall's report outlines historical vesting and the remaining development rights. In addition to the 304-units, there is some commercial space still vested within Eastwood. However, the property owner's application did not propose any new commercial development. The application known as the Eastwood Phase 3 submittal for rezoning was limited to single-family residential use, which was found to be compatible by the Orange County DRC after numerous meetings and submittals by the property owners to the Orange County DRC.

As noted, in the before analysis, I am appraising the property under a hypothetical condition, which ignores the BCC's denial of the owner's rezoning application. Therefore, based upon my analysis, legally permissible uses of the property would be for residential use consistent with the Eastwood Phase 3 submittals for development on approximately 91 acres of the overall 278.46 acres.

**Physically Possible**

The site is irregular in shape and contains 278.46 gross acres. The property has access along Golfway Boulevard with all utilities available. There are wetland areas scattered throughout the property. However, they do not preclude development for a residential use. The proposed Eastwood Phase 3 rezoning application represented only 91 acres of the overall ownership (33%). Only 73 acres (27%) of the overall ownership was submitted to the County for construction of the single-family homes. As noted, the property represents a closed golf course with many cleared areas (fairways/driving range) which reduces development costs. Furthermore, there is a significant amount of underground drainage and retention ponds already in place which enhance development of the property.

Therefore, from a physically possible standpoint, development potential is good and would support a residential use consistent with the uses that are legally permissible.

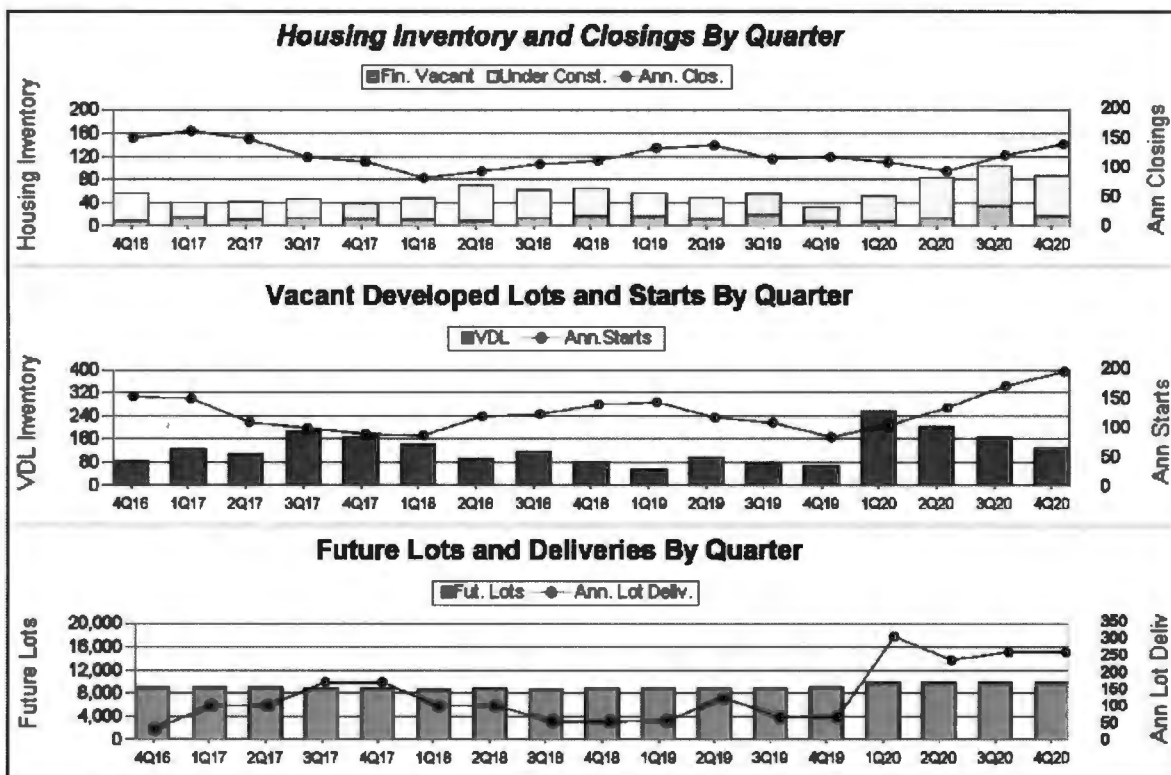
**Financially Feasible**

When determining financially feasible uses for the Eastwood Phase 3 property, I have considered uses that are legally permissible and physically possible for the property. In addition, the financially feasible analysis includes a consideration of trends in the neighborhood such as population growth and development patterns. Various uses are analyzed to form the basis upon the use or uses that provide the highest present value to the land. These uses must also meet the criteria for physically possible and legally permissible uses of the property. As discussed, the physically possible and legally permissible uses of the property would be for residential development.

The subject is located within a desirable and established market area in East Orlando. This area of Orlando has grown significantly, and the real estate market has rebounded from the downturn that occurred from 2008 through 2012. Since the end of the downturn, demand for commercial, retail, institutional and residential land has increased substantially. The population in the area is expected to continue to grow increasing the

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need for most property types. As shown below, residential lots sales have generally been trending upward since the fourth quarter of 2019.



In addition to the market data presented, I have also interviewed several national home builders and sales agents. These include sales agents for the only new subdivision along Alafaya Trail, south of the subject property. Based upon my information, the demand for single family homes is significant and robust as of the valuation date. Furthermore, this is not expected to change as result of the continued growth throughout Florida, including the area around the subject property.

According to my information and interviews, home buyers are looking at competing areas, including the Lake Nona area, northeast Orange, south Seminole Counties, and some areas near the University of Central Florida. As a result, financially feasible use of the property would be for single-family use consistent with the Eastwood Phase 3 submittals to Orange County. These uses are consistent with surrounding uses, represent vested rights for development and consistent market demand. A residential use, similar to the concept plans included in Mr. Hall's land planning analysis, is considered to be the financially feasible uses of the property.

**Maximally Productive**

The maximally productive use of the property is that use which provides the greatest return to the land and corresponding value. After reviewing the subject property's size, location and other physical features, a residential development is physically possible and legally permissible. In addition, such a use would be consistent with surrounding neighborhoods and considered financially feasible.

The demand for golf courses has dropped dramatically throughout the country including Florida and central Florida. There have been a number of courses that have closed and some of which are in the process of being redeveloped with residential and other non-golf course related uses. The owners closed the golf course in August of 2020 after losing money for several years. Therefore, the existing/previous use of the property as a golf course is not considered to be financially feasible. As such, the maximally productive use of the property would be for single family residential development, at a market-oriented density of 3-4 lots per acre or about 224 lots as indicated in the HDSI plan.

## **APPRAISAL METHODOLOGY**

### **Introduction**

The Cost, Sales Comparison, and Income Approaches to value are the three traditional approaches to value. Each approach is briefly discussed with an explanation of the particular approach. At the end of this section, there is a discussion of the relevance of each approach relative to this valuation assignment.

### **Cost Approach**

The Cost Approach is an indication of value which combines the value of the land under the highest and best use, plus the depreciated replacement or reproduction cost of the improvements. Depreciation is the loss in value due to wear and tear, design and plan, or market area influences. The Cost Approach is based upon the principle of substitution which holds that a purchaser would most likely not pay more for a property than the cost of obtaining an equally desirable substitute site, plus the cost of replacing equally desirable and useful improvements thereon, assuming no costly delay is involved in making the substitution.

### **Sales Comparison Approach**

The Sales Comparison Approach, or Market Approach, is a method of analyzing value whereby the subject property is compared with similar properties that have sold recently. The information on typically comparable properties is used and comparisons are made to demonstrate a probable price at which the subject property would be sold if offered on the market. Preferably, all properties are in the same area or in similar market areas. The Sales Comparison Approach is a systematic procedure reflecting a comparative analysis of other properties to the subject property. The similarities and dissimilarities of each comparable are considered and weighed in comparison to the subject.

The comparisons are generally analyzed by establishing market-oriented relevant units of comparison (e.g., acre, square foot, front foot, multipliers) to develop a comparative analysis for each property. The most market-oriented unit of comparison is used to reconcile to a single value indication. The land valuation is based on the sales comparison approach and is discussed in the "Land Value" section of the report.

**Income Approach**

In the Income Approach, the projected or current rental income for the property is shown with deductions for vacancy and collection losses and expenses. The estimated net operating income of the property is calculated. To support this net income, operating statements of previous years and comparable properties may be reviewed along with available operating expense estimates. The applicable capitalization method and appropriate overall capitalization rates are developed and used in computations to lead to an indication of value.

**Reconciliation**

The final step in the appraisal process reviews the approaches that are considered to be applicable. The applicable approaches, producing an independent indication of value, are then weighed and reconciled into a single estimate of value.

In order to analyze the value of the property, I have utilized the Sales Comparison Approach as it relates to the value of the property "as vacant". The Cost and Income Approaches to value have not been utilized in this appraisal assignment.



**LAND VALUE ANALYSIS (BEFORE)**

**Introduction**

As stated earlier we have assumed under a hypothetical condition that the owner's Eastwood Phase 3 application was not denied by Orange County on November 17, 2020. We have concluded that the highest and best use of the subject property is for single family residential development consistent with the conceptual plan of about 224 lots.

In order to analyze the value of the property as vacant, I have researched the Orlando market for purchases of other single-family land. It is noted, the subject property is within an existing and well-established community known as Eastwood. The area around the Eastwood community has been growing at a fairly rapid rate and is expected to continue.

The sales analyzed consists of larger acreage parcels similar in size to the subject property. Many of the sales include townhome sites, which have a lower retail price point as compared to the proposed lots for the subject property being 50' and 70' in width. Therefore, these sales are analyzed on a price per net acre basis.

In addition, since all of the sales occurred prior to the valuation dates and the market has value of residential homes have been increasing, the sales will be adjusted upward to the subject's valuation date of November 17, 2020. A complete write-up of each of the sales is included in the Addenda of the appraisal.

**Presentation of Sales**

The map on the following page indicates the location of the subject property and land sales used to analyze the value of the property as vacant.

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The sales researched identified sales that occurred prior to the valuation date of November 17, 2020 for the subject property. Based upon my interviews of homebuilders and review of market data, property values for single family land have been increasing quite rapidly in the Orlando MSA. As a result, since the sales occurred prior to the valuation date, I have adjusted the sales upward at a rate of 10% per year to reflect improving market conditions.

The chart on the following page summarizes relevant characteristics and the price per net acre unadjusted and adjusted for improving market conditions.

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Sale No.	Location	Sale Date	Sale Price	Land Area (Ac.)	Density	Price/Net Ac.	Time Adj. Price/Net Ac.
<b>Subject</b>	North/south sides of Golfway Blvd., Orlando, Orange Co.	11/20 (DOV)	N/A	91 Ac.	2.46 du/net ac.	N/A	N/A
<b>VR-59</b>	East side of Hancock Road about 1,200' north of Johns Lake Road; Clermont, Lake Co.	04/18	\$8,827,200	64.04 Net Ac.	4.09 du/net ac.	\$137,839	\$187,461 (36%)
<b>VR-213</b>	Just east of Rambling Road, about 2,000' east of Wiggins Road; St. Cloud, Osceola Co.	04/19	\$5,882,000	38.25 Net Ac.	4.52 du/net ac.	\$158,630	\$184,011 (16%)
<b>VR-214</b>	South side of Boggy Creek Road about 4,000' of a mile east of Holiday Woods Blvd., Kissimmee, Osceola Co.	08/19	\$11,250,000	75.36 Net Ac.		\$149,283	\$168,690 (13%)
<b>VR-618</b>	About 1,300' west of Narcoossee Road, north of Clapp Simms Duda Road; Orlando, Orange Co.	12/20	\$15,725,000	69.24 Net Ac.	1.79 du/net ac.	\$227,109	\$227,109
<b>VR-619</b>	West side of Dowden Rd., Orlando, Orange Co.	06/20	\$7,896,800	51.86 Net Ac.	3.09 du/net ac.	\$152,272	\$158,363 (4%)

**Discussion of Sales**

**Sale No. VR-59** is located on the east side of Hancock Road about 1,200' north of Johns Lake Road in Clermont. This property sold on April 26, 2018 for \$8,827,200. At the time of sale, the property had entitlements in place for construction for a single-family subdivision.

The property contains 64 acres and is very irregular in shape. The property is adjacent to a large high voltage transmission line, which is considered to be a significant inferior characteristic. The property had all utilities available at the time of purchase. The seller occurred additional costs for construction of drainage stormwater ponds for adjacent parcels at an unknown cost.

This sale indicates a price of \$137,839 per acre. The market condition (time) adjusted price is \$187,461 per acre.

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**Sale No. VR-213** is located east of Rambling Road, about 2,000' east of Wiggins Road in St. Cloud. This property sold on April 18, 2019 for \$5,882,000. The property is rectangular in shape containing 38.25 net acres. The property has a low-density residential land use designation. All public utilities were available to the property at the time of sale.

This sale indicates an unadjusted price of \$158,630 per net acre. The market condition (time) adjusted price is \$184,011 per net acre.

**Sale No. VR-214** is located on the south side of Boggy Creek Road about 4,000' east of Holiday Woods Boulevard in Kissimmee. This property sold on August 19, 2019 for \$11,250,000. The property contains 75.36 net acres and had an agricultural and residential zoning classification. All public utilities were available to the property and the property was purchased for expansion for the Austin Tindall Park, which lies adjacent to this sale.

This sale indicates an unadjusted price of \$149,283 per net acre. The market condition (time) adjusted price is \$168,690 per net acre.

**Sale No. VR-618** is located about 1,300' west of Narcoossee Road and north of Clapp Simms Duda Road in Orange County. This property sold on December 3, 2020 for \$15,725,000. The property contains 69.24 acres and is irregular in shape. The property has a Planned Development zoning, and all utilities were available at the time of sale.

This sale indicates a price of \$227,109 per acre. The market condition (time) adjusted price is also considered to be \$227,109 per acre.

**Sale No. VR-619** is located on the west side of Dowden Road in the Moss Park area of Orlando. This property sold on June 26, 2020 for \$7,896,800. The property contains 51.86 net acres. The property had a Planned Development zoning, and all utilities were in place at the time of sale.

This sale indicates an unadjusted price of \$152,272 per net acre. The market condition (time) adjusted price is \$158,363 per net acre.

**Conclusion**

The sales provide an unadjusted range from \$137,839 to \$227,109 per net acre. After consideration of improving market conditions, the sales provide a market condition

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adjusted range from \$158,363 to \$227,109 per net acre. All of the sales represent purchases of vacant residential land; however, some of the sales had higher densities, which would indicate smaller lots and lower priced homes as compared to the number of lots proposed for the subject property before the denial.

The subject property would have represented Phase 3 of the Eastwood. Eastwood is a well-established residential community on Alafaya Trail in a rapidly developing area of Orange County with a scarcity of available land for additional development. As a result, based upon my market analysis and interviews with market participants, the demand for single family use is quite high in this area.

Furthermore, the property is benefited by its prior use as a golf course which reduces the development costs for land clearing, creating stormwater ponds, etc. Despite this, Mr. Hall has concluded there are some additional development costs, although they are not significant and equate to approximately \$7,500 per acre, which is not considered to be a detriment to the overall value and use of the property, especially when compared to the benefits of being within an established and well-developed residential community.

Therefore, after considering the sales, it is my opinion that the value of the land for the 91 acres within the HDSI submittals to Orange County, is \$190,000 per acre. This results in a value of \$17,290,000, which is calculated as follows:

$$91 \text{ Ac.} \times \$190,000/\text{Ac.} = \$17,290,000$$

**COST APPROACH (BEFORE)**

The Cost Approach is not considered applicable in the valuation of vacant land similar to the subject. The Sales Comparison Approach, as previously applied under the land valuation section, is considered to be more appropriate in the valuation of vacant land. Therefore, the Cost Approach, although considered, is not applicable to the valuation of the property being appraised.

**SALES COMPARISON APPROACH (BEFORE)**

The Sales Comparison Approach was used to analyze the value the property. Sales of other vacant residential land in the Orlando area were considered for comparison to the subject property. This approach provided a reliable indication of value for the subject property. Based upon my analysis, the value of the property and the Sales Comparison Approach is summarized as follows:

Land Value	\$17,290,000
Improvements	N/A
Total	\$17,290,000

**INCOME APPROACH (BEFORE)**

The Income Approach to value, while was considered, was not utilized in the valuation of the subject property.

**RECONCILIATION (BEFORE)**

To analyze the value of the subject property, consideration was given to the Cost, Sales Comparison and Income Approaches. However, based upon my analysis, the Sales Comparison Approach is the most applicable approach for a valuation of the subject property. As a result, the follow summarizes the indications from the three valuation methodologies:

Cost Approach	N/A
Sales Comparison Approach	\$17,290,000
Income Approach	N/A

In conclusion, my opinion of the market value for the subject property, as of November 17, 2020 (date of the denial) is as follows:

**SEVENTEEN MILLION TWO HUNDRED NINETY THOUSAND DOLLARS  
(\$17,290,000)**

**EXPOSURE TIME (BEFORE)**

The above value estimate is based on a reasonable market exposure time. Based on current market conditions and research in the market, the estimated exposure time is in the range of 12 to 18 months to achieve the market value as shown above, before the taking. This exposure time estimate assumes a competitive and open market and further assumes a reasonable asking price relative to the value reported.

## **HIGHEST AND BEST USE (AFTER)**

### **Introduction**

As a result of the denial of vested rights for the subject property, the development potential has been significantly reduced by altering the highest and best use to a less valuable recreational or conservation use. Therefore, the following highest and best use analysis after the denial, like in the before condition, will consider uses that are legally permissible, physically possible, financially feasible and result in the maximally productive use, as of the denial on November 17, 2020.

### **Legally Permissible**

Before the denial, under the legally permissible analysis of the subject's highest and best use, I concluded that the property, could be developed single family residential use. The property currently has a PD zoning and Low Density Residential (LDR) land use designation by Orange County. This land use designation allows development of single family residential of up to four lots per acre. However, after the denial, residential development is no longer legally permissible, leaving the subject with virtually no remaining development options. Given prevailing land use patterns in the area, only recreational or conservation uses are given further consideration in determining highest and best use of the site.

### **Physically Possible**

As discussed before the taking, the property contains 278.46 gross acres. It has similar configuration, topography and utility available as before the denial. From a physically possible standpoint, the property is of adequate size to support a variety of uses; however, the denial of vested rights essentially eliminates the development potential of the property.

### **Financially Feasible**

When determining financially feasible uses for the property, I have considered uses that are legally permissible and physically possible for the property. Various uses are analyzed to form the basis upon the use or uses that provide the highest present value to the land. These uses must also meet the criteria for physically possible and legally permissible uses of the property. After denial, the physically possible and legally permissible uses of the property would be for recreational or conservation use.



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The subject property is located within Orange County. Uses within the immediate vicinity of the subject property primarily consist of residential uses. In order to determine what uses are financially feasible after the denial of the vested rights, I have again consulted with Mr. Jim Hall. He has concluded that the denial of vested rights, negatively affects the property, by reducing the permissible use to some type of passive use, such as a park. However, from a developer's standpoint a park or recreational use is not financially feasible, given the costs to hold and maintain the property.

**Maximally Productive**

After considering the uses that are legally permissible, physically possible and financially feasible, it is my opinion that the highest and best use of the property after the denial of the vested rights the maximally productive use of the property is for conservation and/or passive recreation use.

**LAND VALUE ANALYSIS (AFTER)**

**Introduction**

In order to analyze the value of the property after the denial of the vested rights, I have analyzed purchases of other conservation-oriented land within the Orlando MSA. In addition to the conservation sales, we have researched closed golf course sales within the market. The golf course sales analyzed were purchased for some type of future development or by a local municipality for use as a park. Recognizing the subject will likely never be developed, nor purchased for a park given its location within an existing development, these sales were not considered comparable in the after analysis.

**Presentation of Sales**

The following grid summarizes the sales used to analyze the value of the property after the BCC's denial, reducing the potential uses to conservation/recreational use. All these sales have limited utility due to their physical or regulatory restrictions. A complete write-up of each of the sales is also included in the Addenda of the appraisal report.

In this particular instance, the relevant unit of comparison is the price per gross acre. The chart below provides information on the sales:

<b>Sale No.</b>	<b>Location</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Land Size</b>	<b>FLU</b>	<b>Price/Ac.</b>
<b>Subject</b>	North and south sides of Golfway Blvd. & northeast corner of Alafaya Tr. & Golfway Blvd, Orange Co.	11/20	N/A	278.46 Ac.	Low Density Residential	N/A
<b>VR-200</b>	South side of Millstream Drive, approx. 1,500' East of Kijik Trail, Seminole County	05/12	\$7,500	5.00 Ac.	Preservation-Managed Land & Conservation	\$1,500
<b>VL-571</b>	South side of Millstream Drive, approx. 1,500' East of Kijik Trail, Lake County	03/14	\$45,000	10.00 Ac.	Green Swamp Core Conservation	\$4,500
<b>VL-572</b>	East side of Bay Lake Road, approx. 850' North of Eden Lane, Lake County	06/14	\$192,000	30.70 Ac.	Green Swamp Core Conservation	\$6,254

**Discussion of Sales**

**Sale No. VR-200** is located along the east side of the Wekiva River about two miles south of the State Road 46 Bridge in Seminole County. This property was purchased on May 10, 2012 for \$7,500. The property contains 5.00 acres and is irregular in shape. The property has about 1,100' of frontage on the east side of the Wekiva River.

The property has a future land use designation of Preservation Managed Land by Seminole County. No utilities are available to the site and most of the property consists of a forested wetland. The buyer purchased the property for camping and hunting purposes. The site remains vacant. The sale indicates a price of \$1,500 per acre.

**Sale No. VR-571** is located along the south side of Millstream Drive approximately 1,500' east of Kijik Trail in Lake County, Florida. This property sold on March 24, 2014, for \$45,000. The property contained a foundation for a residence that was never completed and contributed no value in the transaction. The site contains 10.00 acres and is rectangular in configuration. The property has a zoning designation of Agriculture and a future land use designation of Green Swamp Core Conservation by Lake County. The sale indicates a price of \$4,500 per acre.

**Sale No. VR-572** is located along the east side of Bay Lake Road approximately 850' north of Eden Lane in Lake County, Florida. This property sold on June 12, 2014, for \$192,000. The site contains 30.70 acres and is irregular in shape. The property has a zoning designation of Agriculture and a future land use designation of Green Swamp Core Conservation by Lake County. The sale indicates a price of \$6,254 per acre.

**Conclusion**

The sales analyzed for valuation of the property after the denial by the BCC, represent predominately wetland/conservation properties located in central Florida. The subject property is located within an established planned development with thousands of residents. Because of this and to reduce liability, it would be necessary to fence the perimeter of the property to secure it. This would help to prevent liability, vandalism, littering, etc. In addition, there would be on going annual expenses for real estate taxes, liability insurance, maintenance, and other related expenses into perpetuity.

I estimate, the cost to fence the perimeter property, which has a length of approximately 23,500', would be \$15.00 per linear foot for chainlink fencing. Therefore, the estimated cost for the initial fence installation is approximately \$350,000 (23,500' x \$15.00/LF).

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Real estate taxes are based upon my opinion of the after value at \$678,000 times the Orange County millage rate for the property. Taxes are established at \$10,810 per year. Liability insurance is relatively nominal, given the fencing installation. It is estimated that annual liability insurance is \$1,000. In addition, the property will require periodic mowing. We estimate that the annual mowing costs, which would likely be once a year, would be approximately \$15,000. Finally, I have included a nominal cost of \$10,000 for management of the property and a reserve for fencing damage/replacement of \$2,000 per year. As a result, the total annual expenses are approximately \$38,810.

Capitalizing this annual on-going expense in the perpetuity utilizing a 12% overall rate indicates a present value of the annual expenses of \$323,400 ( $\$38,810 \div 12\%$ ).

Land Value			\$678,000
Less Initial Fencing Cost:			
Fence Installation (23,500 LF x \$15/LF) =			\$350,000
Less Annual Expenses:			
Real Estate Taxes	\$678,000/1,000 x 15.9433	\$10,810	
Liability Insurance		1,000	
Mowing		15,000	
Management		10,000	
Reserves		<u>2,000</u>	
Subtotal (Expenses / Costs)		\$38,810	
Divided by Overall Rate		<u>÷ 12%</u>	
Subtotal (Cost/Expenses)			<u>\$323,400</u>
Less: Cost/Expense			<u>673,400</u>
Net After Value			\$ 5,000(R)

**Summary**

After consideration of the denial, and the change of the highest and best use, as well as the cost to secure the property, ongoing liability and other costs, the net after value of the property is estimated to be \$5,000.

**COST APPROACH (AFTER)**

The Cost Approach to value is not applicable in the valuation of vacant land similar to the subject. This approach is not considered applicable given the property type as being vacant. Therefore, although this approach is considered, it is not applied.

**SALES COMPARISON APPROACH (AFTER)**

The Sales Comparison Approach was considered in the valuation of the property after the denial by the BCC. I considered purchases of other vacant parcels in the central Florida area that had limited development potential. I have also considered the initial cost to install fencing along the perimeter of the property and on-going annual maintenance costs. Based upon my analysis, the value of the property is estimated to be \$5,000 after the denial of the vested rights by the BCC.

**INCOME APPROACH (AFTER)**

The Income Approach to value is not used the analysis of the property after the denial of the rezoning application. Therefore, this approach, while considered, was not applied in the after condition.

**RECONCILIATION (AFTER)**

To analyze the market value of the property after the County's denial, all three approaches to value were considered. The following summarizes the three approaches to value after the denial:

Cost Approach	N/A
Sales Comparison Approach	\$5,000
Income Approach	N/A

After reconsidering the indications from the three approaches, the value after denial as of November 17, 2020 (date of denial), is:

**FIVE THOUSAND DOLLARS  
(\$5,000)**

**EXPOSURE TIME (AFTER)**

The above value estimate is based on a reasonable market exposure time. Based on current market conditions and research into the market, the estimated exposure time is in the range of 12 to 18 months to achieve the market value as shown above, after the taking. This exposure time estimate assumes a competitive and open market and further assumes a reasonable asking price relative to the value reported.

**SUMMARY OF BEFORE AND AFTER VALUES**

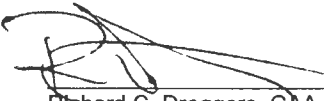
As a result of the denial of vested rights for additional residential lots on November 17, 2020 by Orange County, I have analyzed the value of the Eastwood Phase 3 property before and after the denial of vested rights. My before value analysis was based upon a highest and best use of the property for residential development recognizing zoning, land use and vested rights in place prior to November 17, 2020. My after value analysis was based upon a recreation/conservation highest and best use that reflects the impact of the BCC's denial of the subject's vested rights and is summarized below:

Before Value	\$17,290,000
After Value	\$ 5,000
Difference (Loss)	\$17,285,000

**CERTIFICATE OF APPRAISAL**

I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the *Uniform Standards of Professional Appraisal Practice*.
8. I have made a personal inspection of the property that is the subject of this report.
9. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
10. The values reported herein do not include the valuation of mineral leases, unless expressly stated in the body of the report. The appraisers will value such leases only upon instruction to do so, as they are a separate consideration.
11. The values reported herein assume no environmental contamination problems, unless otherwise noted in the appraisal report.
12. The undersigned has received professional real property appraisal assistance from Ms. Marti Hornell, State-Certified General Real Estate Appraiser No. RZ3073. She is the only individual who has worked specifically with the undersigned on this appraisal, but other associates may have provided pertinent information when gathering data relating to various assignments. This does not include any other professional assistance involving other disciplines, which are summarized under the "Scope of Appraisal" portion of the report.
13. Estimates of the damage amounts, where applicable, are based on those damage elements considered to be compensable under Florida law. The appraiser assumes no responsibility for legal opinions, and has relied upon such opinions from legal counsel employed on the project.
14. The Appraisal Section of the National Association of Realtors requires maintaining State-Certification as a General Accredited Appraiser. Richard C. Dreggors, GAA is in compliance with that program.

  
Richard C. Dreggors, GAA  
State-Certified General  
Real Estate Appraiser RZ1628



# **SUBJECT ZONING**

DIVISION 1. - GENERALLY

Sec. 38-1201. - Intent and purpose of district.

The intent and purposes of the P-D planned development district are as follows:

(1)

To provide for planned residential communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; planned tourist commercial centers with complementary and compatible uses which may include tourist attractions, theme parks, residential and light storage; or planned industrial parks with complementary and compatible residential or commercial uses or both; and public and quasipublic facilities developed in accordance with an approved development plan.

(2)

To allow diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.

(3)

To reduce improvement and energy costs through a more efficient use of land design and smaller networks of utilities and streets than is possible through application of other zoning districts and subdivision requirements.

(4)

To ensure that development will occur according to limitations of use, design, density, coverage and phasing stipulated on an approved development plan.

(5)

To preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.

(6)

To encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts.

(7)

To provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.

(8)

The P-D district is a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support services and facilities.

(P & Z Res., art. XXIX, § 1)

Sec. 38-1202. - Uses permitted.

The following uses shall be permitted in the planned development district if designated on an approved development plan:

(1)

Planned residential communities. Complementary and compatible commercial and industrial uses may be included if they are compatibly and harmoniously designed into the total residential community within a planned development district.

(2)

Planned commercial centers. Complementary and compatible residential and industrial uses may be included if they are compatibly and harmoniously designed into the total commercial center within a planned development district.

(3)

Planned tourist commercial, tourist attractions or theme parks. Complementary and compatible residential uses may be included, provided that their design within the planned development district will produce a reasonable living environment.

(4)

Planned industrial parks. Complementary and compatible residential and commercial uses may be included if properly related to the total industrial park within a planned development district.

(5)

Other uses. Any other private, public or semipublic use complementary to, and compatible with, planned residential, commercial, tourist commercial or industrial developments (including sewer and water utility plants) may be included. An incinerator facility as defined in the incinerator management ordinance, Orange County Code chapter 15, article XIV, may be included provided the P-D approval contains a condition stating that prior to construction of an incinerator facility the incinerator facility shall first receive a special exception through the exception process as set forth in Orange County Code chapter 30, article II and is otherwise consistent with the requirements of the incinerator management ordinance.

(Ord. No. 92-41, § 47, 12-22-92)

(6)

Big box developments (defined in section 38-1, Orange County Code.) Complementary and compatible residential, office, and industrial uses may be incorporated if they are compatibly designed into the total big box development within a planned development.

(Ord. No. 2007-01, § 15, 3-20-07)

(P & Z Res., art. XXIX, § 2)

Sec. 38-1203. - Approval procedure.

The procedure for obtaining approval of a planned development shall be as follows:

(1)

Preapplication conference. The applicant shall submit four (4) copies of the concept plan to the zoning director at least ten (10) working days prior to a preapplication conference which shall be scheduled by the applicant

with the planning director, zoning director and county engineer or their designees. The purpose of this meeting will be to acquaint the staff with the proposed project and to provide the prospective applicant with preliminary review comments to identify major concerns or the need for additional support data. Within five (5) working days following the meeting, the zoning director shall send a letter to the prospective applicant/consultants summarizing the major points of the meeting. The concept plan shall not be binding.

(2)

Land use plan (previously preliminary development plan). The applicant shall submit to the planning department, after payment of application fees to the zoning department, fourteen (14) copies of the land use plan and support data. The planning department shall schedule the project for review by the development review committee (DRC). The planning and zoning directors shall determine if review of the project is necessary by other advisory boards other than the planning and zoning commission. The zoning director shall schedule the project for the next regular meeting of the planning and zoning commission for a review hearing.

a.

The DRC shall review the proposed land use plan, and issue a written recommendation to the planning and zoning commission. A copy of the DRC recommendation shall be sent to the applicant at least five (5) days prior to the planning and zoning commission public hearing. (The DRC must complete their review at least twenty-one (21) days prior to the date of the planning and zoning commission public hearing in order to be placed on the agenda.)

b.

Upon receipt of the DRC's written recommendation, the planning and zoning commission shall hold a public hearing to review the application and shall submit its recommendation (which may include conditions of approval) to the county commission for its official action. Public notice to consider the land use plan shall include a generalized list of the proposed land uses and shall indicate that the board of county commissioners will hold a public hearing to consider the project. The public hearing before the board of county commissioners shall be held at least ten (10) days after the planning and zoning commission hearing.

c.

In addition to complying with all approval procedures contained in this section 38-1203, a big box development shall comply with all the standards and requirements outlined or referenced in section 38-79(153). Any big box development applicant seeking a waiver from any such standard or requirement shall, concurrently with and as a part of the land use plan submittal, include such waiver request, stating and explaining, in detail, the exceptional circumstances which the applicant believes justify a waiver. Orange County shall review such request, and may either deny or grant the waiver. Furthermore, before any public hearing is held regarding a big box development land use plan, a community meeting shall be held with public notice issued to the owners of record of properties located within a two thousand-foot radius of the proposed development site. In establishing the limits of public notification, all addresses within an entire neighborhood, any part of which falls within the two thousand-foot notification radius, shall be noticed. In addition, the applicant shall be responsible for prominently and conspicuously posting notice of the community meeting directly on the property.

(3)

Development plan (previously final development plan). The applicant shall submit to the planning department, after payment of the application fee to the zoning department, fourteen (14) copies of the development plan and support materials.

a.

The development plan may cover all or a portion of the approved land use plan. The planning department shall review the plans to determine if all appropriate data and information has been properly provided.

b.

The development plan shall be reviewed by the DRC in order to determine that:

1.

It substantially complies with the land use plan;

2.

The phase of development can exist as a stable independent unit; and

3.

Existing or proposed utility services and transportation systems are adequate for the uses proposed.

c.

The DRC shall review the development plan and shall evaluate it for consistency with the land use plan and all applicable ordinances, regulations and policies. The DRC shall either approve the development plan (which may include technical conditions consistent with applicable county ordinances, regulations and policies) or deny the development plan based upon specific findings which shall be stated.

d.

The decision of the DRC may be appealed to the board of county commissioners by an aggrieved party. Any party choosing to appeal the DRC decision shall file a notice of appeal within fifteen (15) days of the rendition of the DRC decision. If the developer or applicant proposes to create a subdivision, a preliminary subdivision plan should be processed concurrently with the development plan and shall be subject to approval by the board of county commissioners. The DRC decision shall be rendered within ten (10) working days of the final DRC meeting date.

e.

In addition to complying with all approval procedures contained in this section 38-1203, a big box development plan shall comply with the land use plan and with all the standards and requirements outlined or referenced in section 38-79(153), except that any PD approved for commercial uses prior to April 3, 2006, shall not be subject to the two hundred-foot buffer requirement adjacent to single-family residentially-zoned property only to the extent that it can be demonstrated that the property is physically constrained from meeting that requirement. Any big box development applicant seeking a waiver from any standard or requirement governing big box development shall, concurrently with and as a part of the development plan submittal, include such waiver request, stating and explaining, in detail, the exceptional circumstances which the applicant believes justify the waiver. Such a request shall be deemed a substantial change to the land use plan, and shall require a public hearing before the board of county commissioners. The board may approve or deny the waiver request.

(P & Z Res., art. XXIX, § 3; Ord. No. 98-37, § 16, 12-15-98; Ord. No. 2007-01, § 16, 3-20-07)

Sec. 38-1204. - Concept plan requirements.

(a)

The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and locations of land uses may be generalized), and which shows or addresses (with supporting information) the following items

and matters:

(1)

Boundary of the subject property, identified by a heavy line.

(2)

Major natural features such as lakes, streams and conservation areas.

(3)

Existing or proposed streets abutting the project and other major streets and intersections within five hundred (500) feet of access points to the subject property.

(4)

Generalized location map and legal description, including acreage.

(5)

Proposed land use types and their locations (land use or building bubbles are acceptable).

(6)

Gross densities.

(7)

Approximate minimum lot size.

(8)

Approximate number of units.

(9)

Approximate floor area for commercial or industrial.

(10)

Adjacent zoning.

(11)

Anticipated internal major road network.

(12)

Anticipated maximum building height.

(13)

Anticipated phasing plan.

(14)

Proposed method of providing:

a.

Water service (including fire protection).

b.

Sewage disposal.

c.

Stormwater management.

d.

Parks/recreation facilities.

e.

Schools.

(b)

The plan shall include all information known by the applicant at the time of submission. Review of the plan shall be based on the data submitted.

(P & Z Res., art. XXIX, § 4)

Sec. 38-1205. - Land use plan requirements.

The land use plan, consisting of properly identified exhibits and support materials, shall clearly indicate the following:

(1)

The project name, legal description, total acreage and location map.

(2)

Existing topography at one-foot contours based on the county datum (or as approved by the county engineer) and other natural features including lakes, watercourses and conservation area. On-site soil (based on the soil conservation service classification system), flood hazard areas and generalized vegetation. All plans shall be drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, unless otherwise permitted.

(3)

Existing and proposed land uses, with each phase of the total development identified.

a.

Residential. Maximum gross density, total number of units, type of unit where feasible or necessary, minimum net lot size, minimum net living floor area, building height, open space and recreation area.

b.

Commercial. Types of uses, gross floor area, floor area ratio, building height, setbacks and open space.

A communication tower may be permitted as part of the land use plan, provided that: (1) the area designated for the communication tower is specifically designated on the land use plan and (2) the communication tower has a distance separation consistent with section 38-1427(d)(2)d. of this Code, pertaining to communication tower separation from off-site uses/designated areas including existing or planned residential or nonresidential properties.

(c)

A communication tower which has not been previously identified as a permitted land use on the land use plan shall be a substantial change pursuant to section 38-1207 of this Code.

(d)

A communications tower located within a planned development shall be processed pursuant to the PD approval process and as described in subsections (a), (b) and (c) above. If any standard of subsection 38-1427(d)(2)d or (d)(3) cannot be met, the applicant must request a waiver. The DRC shall review the waiver request and make a recommendation to the board of county commissioners.

(Ord. No. 96-10, § 2, 4-30-96; Ord. No. 2016-19, § 27, 9-13-16)

Secs. 38-1237—38-1250. - Reserved.

**DIVISION 3. - SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL DEVELOPMENTS**

**Sec. 38-1251. - Lot coverage.**

(a)

The applicant shall propose, and the planning and zoning commission shall recommend, to the county commission, maximum residential density, type of development, maximum height limitations, minimum lot size and living area. Types of residential construction may be intermixed as long as adopted residential densities are compatible and height limitations are not exceeded.

(b)

The maximum coverage of all buildings shall not exceed thirty (30) percent of the gross land area.

(c)

The criteria for establishing the residential density and height of structures shall include:

(1)

Compatibility with other zoning districts in the vicinity of subject property and with adopted densities in the county comprehensive policy plan and future land use map.

(2)

The preservation of natural features and environmental assets of the site.

(3)

The adequacy of public roads, utilities, public services and facilities required to serve the development.

(d)



The maximum building height for residential development shall be thirty-five (35) feet. Height in excess of thirty-five (35) feet for residential development shall be requested on the land use plan and subject to approval by the board of county commissioners.

(P & Z Res., art. XXIX, § 10(b)(1); Ord. No. 91-29, § 2(Exh. A), 12-10-91; Ord. No. 98-37, § 18, 12-15-98)

Sec. 38-1252. - Open space.

Open space shall be provided per the requirements of section 38-1234.

(P & Z Res., art. XXIX, § 10(b)(2))

Sec. 38-1253. - Recreation facilities.

(a)

Recreation areas in the form of usable land shall be provided to serve the variety of needs for age groups included in the resident populations of the project.

(b)

Both active and passive recreation areas shall be provided at a ratio of two and five-tenths (2.5) acres per one thousand (1,000) projected population. Population shall be calculated on the basis of three and one-tenth (3.1) persons per single-family unit and two and one-tenth (2.1) per multifamily unit. The following guidelines should be considered in designing these areas:

(1)

Active recreation. Typical facilities would include playgrounds, athletic fields, various types of courts (tennis, basketball, racketball) swimming pools, exercise trails and clubhouses.

(2)

Passive recreation. Typical facilities would include picnic areas, benches, trails and water features.

(c)

All recreation areas should be easily accessible by all residents of the community and include, where appropriate, sidewalk/bike path facilities, as well as parking areas for both autos and bicycles. Attention should be given to screening and buffering light and noise from adjacent residents.

(d)

All land shown on the development plan as common open space, private recreational areas and facilities shall be subject to covenants and restrictions which ensure the payment of future taxes and the maintenance of areas and facilities for a safe, healthful and attractive living environment.

(P & Z Res., art. XXIX, § 10(b)(3))

Sec. 38-1254. - Setbacks.

Setbacks from side and rear property lines shall relate to the design height of the structures. The following guidelines shall be utilized to review projects; however, they may vary depending upon conditions and design considerations:

(1)

All one-story and two-story units should provide a minimum twenty-five-foot setback from all boundaries of the PD. Structures in excess of two (2) stories should increase this setback to reflect the additional structural height.

(2)

Setbacks from street rights-of-way shall meet the following minimum requirements, unless more restrictive requirements are specified in article XV of this chapter.

a.

Collector street .....25 feet

b.

Major collector street .....35 feet

c.

Arterial street .....50 feet

d.

Expressways .....75 feet

e.

All other rights-of-way .....20 feet

(P & Z Res., art. XXIX, § 10(b)(4); Ord. No. 98-37, § 19, 12-15-98; Ord. No. 2008-06, § 16, 5-13-08)

**Sec. 38-1255. - Landscaping.**

In addition to the general landscape provisions contained in section 38-1233 and chapter 24 (landscape ordinance), shade trees shall be provided at a rate of two (2) trees per lot or one (1) tree per attached unit. Reductions in the tree planting requirements may be approved for multistory structures in excess of thirty-five (35) feet. These trees should be located in such a manner as to provide relief from the a.m. or p.m. sun exposures.

(P & Z Res., art. XXIX, § 10(b)(5); Ord. No. 91-29, § 2(Exh. A), 12-10-91)

**Sec. 38-1256. - Building layout.**

The design and layout of residential structures should take into account the exposure of the sun by reducing, to the degree possible, the east and west exposure of buildings.

(P & Z Res., art. XXIX, § 10(b)(6))

**Sec. 38-1257. - Notification.**

(a)

Subject to subsection (b) below, these notification criteria establish minimum requirements for providing notice to any person who is the first-time purchaser of a lot or single-family home in a PD project where the PD Land Use Plan includes a multi-family land use.

For purposes of these criteria, a "person" is defined to mean any natural person or legal entity other than a residential building contractor licensed in the State of Florida. Additionally, any reference to "lot" herein shall be

deemed to mean a platted, single family lot with or without a dwelling unit constructed thereon.

(1)

The party responsible for providing notice is the party who conveys title to the lot/home to the first time purchaser. The notice shall be printed in all capital letters and in bold print and placed immediately above the signature line in the contract for the person contracting to purchase the lot/home. Such notice shall inform the reader that the PD approval includes multi-family land use, and that a copy of the PD Land Use Plan showing the location of the multi-family development is attached to the contract and can be reviewed at the Orange County Planning Division or Zoning Division. The party conveying the lot/home shall be responsible for attaching to the contract as an exhibit a copy of the current PD Land Use Plan for the PD project which clearly identifies the location of both the portion of the PD project where the lot is situated and the portion where the multi-family land use has been approved.

(2)

The party who prepares the declaration of covenants and restrictions for the entire PD project and for any single-family development located therein shall be responsible for including a provision stating that the PD approval includes multi-family land use.

(3)

A weather durable sign shall be posted as provided below stating that it is a multi-family site and indicating the total number of multi-family units proposed. Such a sign shall be at least sixteen (16) square feet in size setting forth the copy in capital letters and bold print. The sign shall be posted along the right-of-way frontage within a distance such that the copy is visible and clearly legible from the paved portion of the right-of-way. The sign shall be posted prior to the platting of any single family residential tracts within the PD project. The owner of the multi-family tract shall maintain the sign until the multi-family tract is developed. Another such sign meeting the foregoing criteria shall be posted along any common boundary between a multi-family tract and single family tract in a PD.

(4)

The up-to-date PD Land Use Plan shall also be conspicuously displayed at the sales center, if any.

(b)

The notice requirements of subsection (a) above apply only with respect to the following:

(1)

PD projects approved by Orange County after April 11, 2000; and

(2)

All platted single-family lots where a change determination or Land Use Plan amendment for multi-family use is approved for a PD project after April 11, 2000.

(c)

Substantial compliance with the notice requirements contained in subsection (a) above shall be deemed acceptable.

(d)

Orange County is not responsible or liable to any person for ensuring that parties responsible for satisfying these notice criteria substantially comply with these notice criteria.

(Ord. No. 2000-08, § 8, 4-11-00)

**Sec. 38-1258. - Multi-family development compatibility.**

A multi-family development in a PD shall satisfy the following criteria, except that, in the event of a conflict in height requirements between this section and any other section in chapter 38, such other section shall control:

(a)

Multi-family buildings located within one hundred (100) feet of single-family zoned property, as measured from the property line of the proposed multi-family development to the nearest property line of the single-family zoned property, shall be restricted to single story in height.

(b)

Multi-family buildings located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property shall vary in building height with a maximum of fifty (50) percent of the buildings being three (3) stories (not to exceed forty (40) feet) in height with the remaining buildings being one (1) story or two (2) stories in height.

(c)

Multi-family buildings located within one hundred and fifty (150) feet of single-family zoned property shall not exceed three (3) stories (forty (40) feet) in height, except as provided in (d) below.

(d)

Multi-family buildings in excess of three (3) stories or forty (40) feet in height may be permitted, subject to approval by the board of county commissioners ("BCC"). The application for these buildings shall include justification for the requested height. A compatibility plan may be required to include greater setbacks and increased buffers from adjacent properties.

(e)

Parking and other paved areas for multi-family development shall be located at least twenty-five (25) feet from any single-family zoned property. A twenty-five (25)-foot landscape buffer shall be provided consistent with Type C landscape buffer requirements, as set forth in chapter 24 of the Orange County Code.

(f)

A six-foot high masonry, brick, or block wall shall be constructed, wherever a multi-family development is located adjacent to single-family zoned property. The wall height shall be measured from the finished elevation of the side of the wall which is highest. If a right-of-way is located between the multi-family development and the single-family zoned property, such a wall is not required. However, if a fence or wall is provided between the right-of-way and multifamily property, then pedestrian access points shall be required providing access to public rights-of-way required at least every five hundred (500) linear feet or where appropriate as directed by the county. Pedestrian access points are encouraged to be located near open space and stormwater ponds and may be included in calculations of required open space.

(g)

A multi-family development may directly access any right-of-way serving platted single-family residential development from one access point of the multi-family development. Access to collector and arterial roads shall

be permitted.

(h)

Active recreation areas with associated bicycle parking shall be provided within a multi-family development to serve the needs of the residents of the multi-family buildings whenever single-family zoned property is located inside the PD or adjacent to the multi-family development. The recreation areas shall be provided at the ratio of two and one-half (2½) acres per one thousand (1,000) residents (calculated at a rate of two and one-half (2½) residents per unit). The recreation areas shall be located internally away from any single-family zoned property. The multi-family residential population shall not be included in the calculation for determining the recreation requirements for the balance of the PD.

(i)

A multi-family development located adjacent to a right-of-way shall be fenced (chain link fences shall not be permitted) and landscaped whenever single-family zoned property is located across the right-of-way.

(j)

Where doors, windows or other openings in the wall of a living unit back up to a wall of another building with doors, windows or other openings, there shall be a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories. Separations shall increase in proportion to additional structural height. There shall be a minimum of twenty (20) feet between all multifamily, office, commercial and industrial structures for fire protection purposes.

(Ord. No. 2000-08, § 8, 4-11-00; Ord. No. 2004-01, § 10, 2-10-04; Ord. No. 2008-06, § 17, 5-13-08; Ord. No. 2020-30, § 7K, 10-13-20)

Sec. 38-1259. - Student housing.

The following criteria shall be satisfied for new development and additions or expansions to existing development of student housing:

(a)

A student housing development plan shall require approval through a public hearing before the board of county commissioners. Prior to the public hearing, a community meeting shall be held.

(b)

A student housing development shall maintain a minimum distance separation of four hundred (400) feet from any single-family zoned property as measured from the property line of the proposed student housing development to the nearest property line of the single-family zoned property.

(c)

A student housing complex, including a multi-phase complex, shall contain not more than seven hundred and fifty (750) total bedrooms.

(d)

A six (6) foot high masonry, brick or block wall shall be constructed whenever a student housing development is located adjacent to any right-of-way. Pedestrian gates shall be included at appropriate intervals as directed by the county engineer so pedestrian and bicycle travel is not impeded, unless the right-of-way access rights are dedicated to Orange County. The height shall be measured from the finished elevation of the side of the wall which is highest.

(e)

The development plan for all student housing projects shall include a mobility plan submitted to the transportation planning division and a community/site design plan for crime prevention through environmental controls submitted to the planning division that is consistent with the Crime Prevention through Environmental Design ("CPTED") Manual used by the International CPTED Association and Florida CPTED Network. The student housing mobility plan shall describe and depict pedestrian and bicycle systems and facility needs consistent with this section, transit service and facility needs, university and county coordination measures that will be implemented by the developer to manage transportation demand and promote pedestrian and bicycle safety, and designation of appropriate space within the development for carsharing, bikesharing, and electric car charging stations, as they may be implemented within the university area. The student housing mobility plan also shall describe and depict the pedestrian and bicycle safety features cross-sections, marked and stamped crosswalks, safety beacons, traffic signal modifications, pedestrian-scale lighting, and other pedestrian and bicycle safety features (with associated funding and maintenance responsibilities) that will be provided and are needed (and warranted, as applicable) to ensure safe pedestrian and bicycle access to adjacent land uses and across major roadways to commercial land uses and transit facilities. Improvements identified by the plans shall be constructed or implemented prior to issuance of a certificate of occupancy and shall be consistent with the most recent editions of Florida Department of Transportation standards

(f)

Pedestrian accommodations shall meet all requirements of section 30-250.

(g)

Reasonable breaks in landscaping in parking areas shall be made to allow pedestrians and bicyclists access through parking areas to points of destination.

(h)

Vehicle and bicycle parking spaces shall be provided as specified in chapter 38, article XI, Orange County Code. Each carsharing space provided may replace at least one (1) required vehicle parking space, and additional reductions may be approved by the zoning manager based on the findings of the mobility plan. In addition to the short-term bicycle parking required under this section, long-term bicycle parking spaces that are indoors or otherwise protected from the weather and theft shall be provided at a rate of one (1) space per ten (10) bedrooms and shall consist of bicycle racks in fenced areas with restricted access installed under roof, under stairwells, or in structured parking facilities. Bicycle parking spaces available inside of a clubhouse or common area, such as in a storage room with restricted access; in bicycle lockers; and/or in garages assigned to individual units can provide long-term parking consistent with this section.

(i)

If a student housing development is served by a university-affiliated shuttle or other transit option, one (1) or more transit shelters shall be depicted on the mobility plan and provided on or adjacent to the development site to accommodate transit ridership from the development.

(j)

For density calculation to determine consistency with the Comprehensive Plan, four (4) bedrooms shall count as one (1) multifamily dwelling unit.

(k)

Maximum building height shall be three (3) stories (forty (40) feet).

(Ord. No. 2000-08, § 8, 4-11-00; Ord. No. 2020-30, § 7L, 10-13-20)

**SUBJECT FUTURE LAND USE**

## Future Land Use Element Goals, Objectives and Policies

### URBAN FRAMEWORK

**GOAL FLU1 URBAN FRAMEWORK.** Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County. (Goal One-r)

**OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. (Added 12/00, Ord. 00-25-r, Obj. 1.1)

### POLICIES

FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements. (Added 12/00, Ord. 00-24, Policy 1.1.1-r)

- FLU1.1.2
- A. The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan. (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00-25, Policy 1.1.10-r)
  - B. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
<b>Urban Residential – Urban Service Area</b>		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		



- C. Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. Accessory Dwelling Units (ADUs) shall not be included in density calculations. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division. (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19, Policy 1.1.11; Amended 6/10, Ord. 10-07; Amended 11/19 2019-18)
- D. Orange County may, in its Land Development Code, identify standards and criteria for alternative density compliance consistent with intent of this policy and CP update. Specifically, minimum density standards may be reduced by the Planning Manager on parcels limited to less than one developable acre if conditions and constraints prohibit development in accordance with FLU1.1.2 and if the project otherwise promotes infill and redevelopment consistent with this update. Alternative compliance should further the aims of 2007 Workforce Housing Task Force recommendations or transit ready locations consistent with the intent of the Transportation Element. There may be different standards for designated types of Transportation Planning Areas.
- E. By 2010, Orange County shall update the Residential Capacity Analysis to revise the estimate of residential build-out in the Urban Service Area. This evaluation shall be based on the most recent population and economic data. Based on the results of this analysis, the County shall re-evaluate its strategies related to residential densities.
- F. Student housing may be permitted only on property with a future land use designation of Medium Density Residential, Medium-High Density Residential, High Density Residential, or Planned Development (in which medium or high density student housing is included as a single use or part of a mix of uses). A Planned Development zoning classification shall be required for all student housing projects.
  - (1) Student housing density shall be calculated based on the number of bedrooms, with four (4) bedrooms equal to one (1) multi-family unit. An alternative density calculation may be permitted upon the approval of the Board of County Commissioners, provided the developer has committed to a mobility plan to be implemented with the development of the student housing project, has demonstrated a need for the additional units, and/or has proposed a redevelopment project located within the area extending one (1) mile east and one (1) mile west of the Alafaya Trail corridor, between McCulloch Road and State Road 408.
  - (2) Any conversion of student housing to unrestricted housing shall require a Comprehensive Plan amendment and/or the approval of a substantial change to the Planned Development-Land Use Plan (PD-LUP) by the Board of County Commissioners at a public hearing. If the Comprehensive Plan amendment and/or substantial change is approved, school impact fees in effect at the time shall be paid, and the project shall comply with any school capacity regulations in effect at that time. (Added 5/13, Ord. 2013-11)
- G. A Community Residential Home (CRH) is defined in §419.001(1)(a), Florida Statutes as "a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile

# FUTURE LAND USE and ZONING CORRELATION

The following table shows the correlation between future land use and zoning. The Planning Division uses this correlation to determine consistency of land use activities with the Comprehensive Plan Future Land Use Map (FLUM). Land use compatibility; location, availability and capacity of public services and facilities; market demand; and environmental features also are used in determining which zoning district is most appropriate. Development activity within a land use designation is restricted to the maximum density and/or intensity allowed by the FLUM designation, regardless of zoning.

<b>Future Land Use</b>	<b>Maximum Density/FAR</b>	<b>Zoning</b>
Rural/Agricultural (R)	1 du/10 ac	A-1, A-2, A-R, R-CE
Rural Residential Enclave See Maps 25(a) through 25(c) of the Future Land Use Map Series	Lake Mabel 1.0 Ac. Min Berry Dease 2.0 Ac. Min Chickasaw 1.0 Ac. Min	PD, R-CE, A-1, A-2, A-R, R-1A, R-1AA
Rural Settlement 1/5 (RS 1/5)*	1 du/5 ac	R-CE-5, A-1, A-2, PD***
Rural Settlement 1/2 (RS 1/2)*	1 du/2 ac	R-CE-2, R-CE-5, A-R, A-1, A-2, PD***
Rural Settlement 1/1 (RS 1/1)*	1 du/ac	R-CE, R-CE-C, R-CE-2, R-CE-5, A-1, A-2, PD***
Rural Settlement Low Density <sup>1</sup>	2 du/ac	R-CE, R-CE-C, R-CE-2, R-CE-5, PD***
Lake Pickett (LP)	Transect-based; densities/intensities established on a Conceptual Regulating Plan	Lake Pickett Planned Development-Regulating Plan (PD-RP)
Low Density Residential (LDR)	4 du/ac	A-1*, A-2*, R-CE*, R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2**, R-T-1, R-T-2, R-L-D, PD
Low-Medium Density Residential (LMDR)	10 du/ac + workforce housing bonus	R-1, R-1A, R-2, R-T, R-T-1, PD, U-V
Medium Density Residential (MDR)	20 du/ac + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Medium-High Density Residential (MHDR)	35 du/ac + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
High Density Residential (HDR)	50 du/ac + workforce housing bonus	R-2, R-3, UR-3, PD, U-V
Neighborhood Residential (NR)	20 du/ac / 0.4 FAR	NR
Neighborhood Activity Corridor (NAC)	25 du/ac / 1.0 FAR	NAC
Neighborhood Center (NC)	40 du/ac / 2.0 FAR	NC
Office (O)	1.25 FAR (0.15 FAR in Rural Settlements per FLU 6.2.9) unless otherwise restricted or increased by County policy or code	P-O, PD
Commercial (C)	1.5 FAR (0.15 FAR in Rural Settlements per FLU 6.2.9) unless otherwise restricted or increased by County policy or code	C-1, C-2, C-3, P-O, PD
Industrial (IND)	0.75 FAR	I-1A, I-1/I-5, I-2/I-3, I-4, PD
Institutional (INST)	2.0 FAR	Any
Educational (EDU)	2.0 FAR	PD
Planned Development (PD)	See FLU8.1.2 and FLU8.1.4	PD
Activity Center Mixed Use (ACMU) / Activity Center Residential (ACR)	See I-Drive Element	PD
Growth Center (GC)	See FLU 7.4	PD
Innovation Way Overlay (IW)	See GOAL FLUS	IW-PD-RP
I-Drive District Overlay	See Conceptual Regulating Plan, Map 23 of FLUM Map Series	PD, C-1, C-2, I-2/I-3
Village (V) (Horizon West)	PD required for all new development; A-1, A-2, A-R, R-CE (within overlay classification)	
Mixed Use Corridor (MUC)	3.0 FAR, unless otherwise restricted by County policy or code (11-20 du/ac)	PD, (Mixed Use District – to be developed); staff-initiated, Urban Service Area only
Mixed-Use Development Activity Center		PD
Community Village Center (CVC) (can no longer be requested, see FLU8.5.8)		PD
Traditional Neighborhood Development (TND) (Avalon Park)		PD

\* (1) R-CE districts are consistent with the LDR designation only when located in a Rural Settlement or Rural Residential Enclave. (2) A-1 and A-2 districts are also consistent with the LDR designation only when located in a Rural Residential Enclave. (3) Within the Urban Service Area (USA), rezoning requests to R-CE, A-1, and A-2 shall only be allowed for properties located in a Rural Residential Enclave. \*\* Limited to 4 dwelling units per acre \*\*\* Consistent with Comprehensive Plan Policy FLUM.2.3

Note: See FLU8.2.5, FLU8.2.5.1, and FLU8.2.5.2 to determine whether a rezoning is required prior to a special exception, or to determine whether a rezoning is required in specific cases of inconsistent zoning and future land use.

Note: Consistency of A-1, A-2 and A-R zoning districts with a Rural Settlement FLUM designation is limited to: residential uses permitted by right or by special exception approval; and, non-residential uses requiring approval by special exception and which are common to all zoning districts consistent with a Rural Settlement FLUM designation. A use that is not zoned by all listed districts is not consistent with a Rural Settlement designation.

# **HDSI PLANNING REPORT**

Eastwood

## Development Potential Analysis

April 13, 2021



Prepared for: Rebecca Rhoden, Esquire

Prepared by: Jim Hall, MURP, BLA

## 1. Report Purpose

HDSI has been asked to evaluate the development potential of the Eastwood golf course in Orange County, Florida. The property was denied a rezoning application by the Orange County Board of County Commissioners (BCC) on November 17, 2020. The zoning amendment was originally submitted on January 22, 2018 and underwent numerous revisions to insure consistency with the comprehensive plan and compatibility. There were numerous meetings with staff: both informal and formal with the Development Review Committee (DRC). There were five DRC review comments issued; June 27, 2019, October 22, 2019, March 18, 2020, June 15, 2020 and, finally, June 23, 2020. On July 8, 2020, the DRC found the PD amendment to be consistent with the comprehensive plan and compatible with the area. Regardless of this intense scrutiny and agreement with the County professionals on the application, the BCC denied the zoning amendment.

The development potential of the subject property is determined via four tests which are considered in the development of an opinion of a property's most appropriate use. These four tests include an examination of various uses that are legally permissible, physically possible, financially feasible, and maximally productive. Each of the criteria is considered cumulatively and the resulting analysis provides a determination for the most appropriate use of the property.

## 2. Background Information

The Eastwood golf course and community were originally approved by the BCC in 1986. The zoning, Planned Development (PD), allowed for the following uses:

Land Use	Units	Acres
Residential	2,320 DU	529.31
Commercial	100,000 SF	12.50
Institutional <sup>1/</sup>		18.98
Golf		161.30
Parks		30.22
Lakes/Retention		169.14
Conservation		181.60
Right of Way		76.12
Total		1,199.77

<sup>1/</sup> Originally a school and a church; these uses were converted subsequent to the original approval

The community was a US Home Development planned as an industry standard golf course community. There are many similar golf communities in Orange County, Central Florida, Florida and across America. The golf course was constructed in the first phase of development to act as a marketing inducement to stimulate home sales. Phase 1 of home building began in the early 1990's on the western half the Eastwood property. Phase 2 of the community, developed by Benge Corp was located on the eastern portion of Eastwood. Benge Corp still has 7.27 acres of land adjacent to the golf course included in this analysis (parcel 36-22-31-0000-00-029).

Eastwood Golf Club LLC bought 271.19 acres in 2007 which consisted of the golf course, clubhouse and practice range as well as certain storm water management facilities and wetlands. The intent was to run the golf course as a private, for profit business. As has been evident, the golf industry has lost many players and golf course closings are a common occurrence for the last number of years.

In a report written in 2020 by Clay Thomas, PGA, he stated:

The golf industry has been in distress since 2007. During the last decade of the 20th century, 4000 golf courses were built in the United States bringing the total number of golf courses in the US to over 15,000 to handle the country's nearly 30 million golfers. The golf world began to feel the effects of an over-supplied market early in the 21st century after the tech bubble. According to the National Golf Foundation 2019 Golf Participation Report, golf participation has been declining since 2006 when the total U.S. golf population stood at 28.4 million golfers. The total U.S. golf population now stands at 24.2 million, a decline of nearly 15%. Similarly, total golf rounds have seen a steady decline nationally and regionally.

Eastwood Golf Club, LLC, after losing money for several years in a row, closed the golf course in August 2020.

## 2. A. Parcel Size

EGC/Benge Corp own 278.46 acres total; the application for the zoning amendment is for the residentially entitled land is for 73.0 acres. The application for a zoning amendment was for 73 acres yet the abbreviated parent tract is larger due to ancillary uses located on the unentitled land. To maximize development rights, all 73 entitled residential acres will be used for homes on lots. Additionally, at least 18 more acres will be needed for storm water management facilities bringing the total to 91 acres. The storm water management facilities

will be located on former golf course land in proximity to the 73 entitled residential acres. This leaves 180.19 acres of residual land for private open space.

2. B. Property Owners:

Eastwood Golf Club, LLC, 542 Harvest Lane, Mechanicsburg, Pennsylvania, 17055-4487.

Benge Corp, 100 Golden Bay Boulevard, Oak Hill, Florida, 32759-9564

2. C. Property Location and Context

Eastwood is located in east Orange County, Florida. Primary vehicle access is from Alafaya Trail (CR 431) and Woodbury Road. It is a classic suburban golf course community which was built on the fringe of the urban area of Orange County at the time. To the north is a substantial commercial area, Waterford Lakes Town Center, and farther north is the University of Central Florida (the second largest university in the US) as well as a significant employment complex including the University Research Park, the Quadrangle and the Siemens complex. This large employment center has over 30,000 jobs.



2. D. Property History

The original master developer, DRS Limited built the golf course and sold it to Linkscorp in 1994. Linkscorp took over golf operations until they sold the 271 acres to Eastwood Golf Club

LLC (EGC) in 2007. Since then, EGC has operated the golf course until August of 2020 when it was no longer feasible to continue to lose money on the operations.

#### 2. E. Existing Use

The golf course is closed while some maintenance is still required for property upkeep.

#### 2.F Neighborhood Market

This area of metro Orlando is built out other than the Morgran property to the south. Therefore, there is a strong demand for development in this market. Further, according to Macrotrends, the current metro area population of Orlando in 2021 is 2,002,000, a 1.93% increase from 2020. That is an increase of 38,600 people in a year or the demand for 15,455 homes per year. Add to these the tremendous employment opportunities in the vicinity of Eastwood and the residential market is robust.

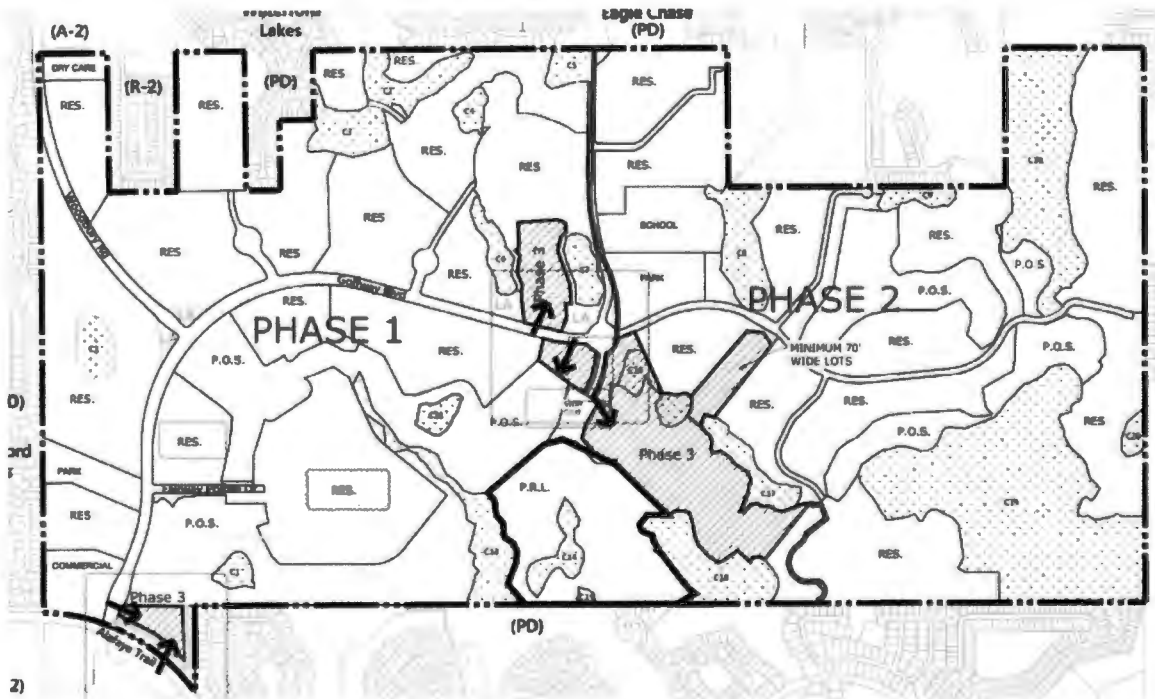
### 3. Physical Site Conditions

The subject property is fully developed as a golf course and was permitted as such in the early 1990's. There are upland areas, storm water facilities, golf facilities and wetland areas. The County has a three tier wetland quality system and the land has both Class 1 wetlands as well as Class 2 and 3.

#### 3. A. Parcel Shape

The parcel shape is slightly irregular. The frontage parcel is a triangle while the portion of the abbreviated parent tract in the center of the Eastwood community is made up of two parcels; one north of Golfway Boulevard (driving range) and on south of Golfway Boulevard (clubhouse and holes 10, 17 and 18). These parcels are fairly regular in shape.

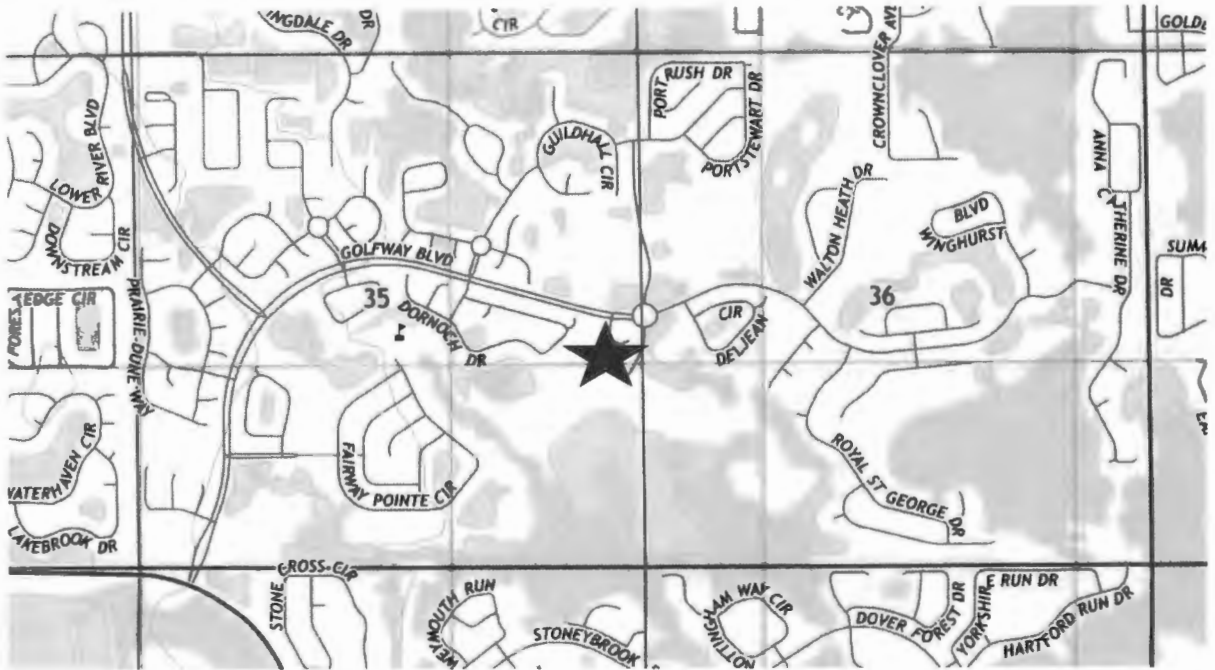




### 3. B. Topography

Eastwood is in east Orange County which is primarily a pine flatwoods ecosystem. According to Florida Nurseries Inc, pine flatwoods are as follows:

The most common natural community in Florida, flatwoods are a type of savannah with scattered pines, few shrubs (generally palmetto, gallberry, tarflower and lyonias), and a diverse groundcover of grasses and wildflowers. It can vary from a dry scrubby flatwoods with shrubby oaks through mesic to wet flatwoods that are similar to wet prairie. Dry prairie is similar to flatwoods with few to no trees. Acid soils are sandy, low in organic material, and are usually underlain by an impervious hardpan or clay layer, one to three feet below the surface. Moisture levels are from dry to saturated, varying with the site and with yearly weather changes. Flatwoods plants tolerate a wide range of moisture and soil fertility. Many species may be suitable for only drier or wetter conditions. Plants are generally not tolerant of salt and shade. Under natural conditions fires occur at 1-5 year intervals, preventing natural succession to upland forest.



As can be seen from the USGS Quadrangle map, there is very little elevation change within the subject property.

### 3. C. Soils

According to Florida Nurseries Inc, the soils are as follows:

Acid soils are sandy, low in organic material, and are usually underlain by an impervious hardpan or clay layer, one to three feet below the surface. Moisture levels are from dry to saturated, varying with the site and with yearly weather changes. The soils are classified as Urban Soils as the development activities have altered the natural state of the soils but these soils are considered "B/D" soils by the US Soil Conservation Service.

### 3. D. Drainage

The subject property has been developed and has significant drainage infrastructure in place. Additionally, there will be significant areas of the golf course which will not be used for future residential development offering the opportunity to fully develop the entitled portion of the golf course property. It is estimated these storm water ponds will cover 18 acres of the former golf course land; not within the 73 acres of residentially designated land.

### 3. E. Wetlands

The wetland limits were permitted with the original golf course and community development permits with Orange County and the Water Management District (District). For the District,

small, non-connected wetland impacts would be a straight forward application with a mitigation cost to a wetland bank to allow for the impact. With the County, a Class 1 impact for large, high quality, interconnected wetlands would not be an advisable development strategy in this case. However, small, non-connected wetland impacts should be considered based upon the improved development yields associated with the impact including the cost of mitigation. There are two wetlands east of the clubhouse area that are small, unconnected, isolated wetlands. These are candidates for impacts of 1.25 acres and 3.6 acres. The mitigation costs for that amount of impact are approximately \$400,000.

### 3. F. Floodprone Areas

There are possibly flood prone areas within the abbreviated parent tract; however, the FEMA flood maps were never updated for the golf course. A flood map study will be necessary to develop the abbreviated parent tract. This is at a cost of \$50,000 to \$100,000. If compensating storage is required, the residual 165.78 acres offers more than ample land to meet those needs. If flood plain compensation is necessary, the residual land of the former golf course offers the opportunity to provide compensating storage ponds.

### 3.G. Existing Development

The EGC land is developed with a parking lot, clubhouse, maintenance building, cart storage building, cart paths, golf facilities and drainage areas with pipes. All of these improvements no longer have utility other than the drainage. According to Building Journal.com, to demolish the clubhouse, cart barn, golf maintenance building and associated structures is approximately \$30,000.

### 3. H. Physical Development Potential

The physical development potential of the EGC property is well suited for development. Pine flatwoods are readily developable as was the case for the 2,016 homes already built within Eastwood. The EGC land is highly suited for development from a physical stand point. There may be some wetland impacts and, potentially, some compensating storage, however, at 91+/- acre abbreviated parent tract, these development issues are not considered an extraordinary cost because most developments of 91 acres have a wetland and/or flood issue. However, including \$500,000 in the pro forma for wetland impact and the flood study is prudent.

## 4. Infrastructure

The physical development potential of a parcel may be quantified fairly distinctly. Unless otherwise stated, the data sources for the physical analysis are government agency public

digital files. The factors are analyzed individually and then a cumulative conclusion as to physical development potential is reached.

#### 4. A. Access

Primary community access is from Alafaya Trail (CR 431). Alafaya Trail leads to east/west arterials Lake Underhill Road, Colonial Drive and SR 408 to the north. To the south, Alafaya Trail connects to Innovation Way which leads to SR 528.

#### 4. B. Roadway Capacity

All concurrency issues for transportation have been met for the Eastwood community. This is a substantial benefit over most new development which must pay for roadway capacity. The roadway capacity savings is difficult to ascertain without a significant traffic study but would probably start at approximately \$500 per house (\$112,000 total) and go up from there.

#### 4.C School Capacity

The School Board tries to exact funds for new homes that were not contemplated with zonings. Since there are 304 unbuilt houses since 1986 in the zoning, this exaction did not apply to Eastwood. This is approximately a savings of \$1,500 per house or \$336,000 based upon my experience with school capacity agreements.

#### 4. D. Transit Availability

No transit is available for the Eastwood community.

#### 4. E. Water and Sewer

Water and sewer service is provided by Orange County Utilities and there is sufficient capacity.

#### 4.F. Infrastructure Development Potential

While there is no transit available, the east Orange County marketplace is heavily auto dependent and all concurrency obligations are in place. No roadway improvements will be necessary other than within the community itself. Therefore, there are no extraordinary development costs and a savings compared to other new home communities.

#### 4.G. Anticipated Development

HDSi has extensive experience with preparing conceptual plans for perspective purchasers of land. These conceptual plans are used as the basis for the offer amount to purchase a property. As such, HDSi has a deep understanding of practical solutions that offer a great deal of realism in the projected home totals.

HDSi has completed conceptual studies for the abbreviated parent tract and found 224 homes to be the most reasonable number of homes to be located in the abbreviated parent tract as shown below:



This area of re-development has some associated costs from the following:

Clubhouse area demolition	\$20,000
Golf maintenance area demolition	\$10,000
Approximately 4 acres of low quality wetland impact	<u>\$400,000</u>
	\$430,000

The concept plan illustrates 183 homes on 50' wide lots and 13 homes on 70' wide lots.



The frontage parcel has 28 home sites and includes the filling of the existing storm water pond. This 2.1 acre pond is relocated to the north and cost to fill the pond is complicated because next to the pond is an elevated golf green well above grade. This elevated green would be pushed into the existing pond to take advantage of the on site soil material.



We estimate there will be approximately 30,000 cubic yards of soil to be moved from the new northern pond to the current pond. At \$5 a yard to dig and transport a cubic yard of soil, the cost to fill the existing pond is \$150,000.

## 5. Entitlements

Development rights in the State of Florida are regulated at the local, regional and state level. At the local level, municipalities each maintain a Comprehensive Plan that guides long term growth. Each Comprehensive Plan contains generalized Goals, Objectives and Policies that form the basis of development rights in that municipality. Specific technical standards are found in its complement; the Land Development Code (LDC). The LDC prescribes zoning regulations including permitted and special permit uses, lot and block requirements and other regulations that direct development. Other local, regional and state agencies may also be involved in the regulation of development.

Changes to existing development rights may be approved with adequate justification. The most common changes are implemented through amendments to the Comprehensive Plan and the LDC.

### 5.1 Future Land Use

The future land use for the 73 acres is Low Density Residential; the most prevalent urban designation in Orange County and the designation for all the existing homes in the Eastwood Community.



This designation is ubiquitous in east Orange County as a suburban, single family home area of the County as follows:

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.

POLICIES FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

FLU1.1.2 A. The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

B. The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation Description	General Density	Urban Residential – Urban Service Area	Low Density Residential (LDR)
Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned.		This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac

As Goal 1, Objective 1 and Policy 1.1, these policies are the ultimate growth management tool within the County. The County has, basically, two growth management areas; Urban and Rural. The comprehensive plan directs growth to the Urban area. This is the area of the County with the vast majority of public services like water, sewer, police, fire, parks and schools. The abbreviated parent tract’s 73 acres of LDR is specifically targeted for development by the strongest provisions of the comprehensive plan. According to the County’s comprehensive plan, the abbreviated parent tract has been selected for single family development since the inception of the comprehensive plan in 1991 or almost 30 years ago. When considering development applications, the initial test is consistency with the comprehensive plan. The Orange County Planning Department, Zoning Department and the DRC all consider the



application for zoning to be consistent with the comprehensive plan. As the applicant, I also believe the application is consistent with the comprehensive plan. I have been working in Orange County for 32 years and have processed hundreds of comprehensive plan amendments and zoning applications over that time. In my opinion, the zoning application is consistent with the comprehensive plan.

### 5.2 Zoning; Planned Development

The initial rezoning occurred in 1986 which was soon followed as the County needed to enact a new comprehensive plan in 1991 to meet State planning requirements. When the Eastwood zoning was amended in 1993, it was found to be consistent with the comprehensive plan for the 2,320 total homes. The PD zoning is specific to the Eastwood community and since inception has been for 2,320 homes as well as other supporting uses as follows:

Land Use	Units	Acres
Residential	2,320 DU	529.31
Commercial	100,000 SF	12.50
Institutional <sup>1/</sup>		18.98
Golf		161.30
Parks		30.22
Lakes/Retention		169.14
Conservation		181.60
Right of Way		76.12
Total		1,199.77

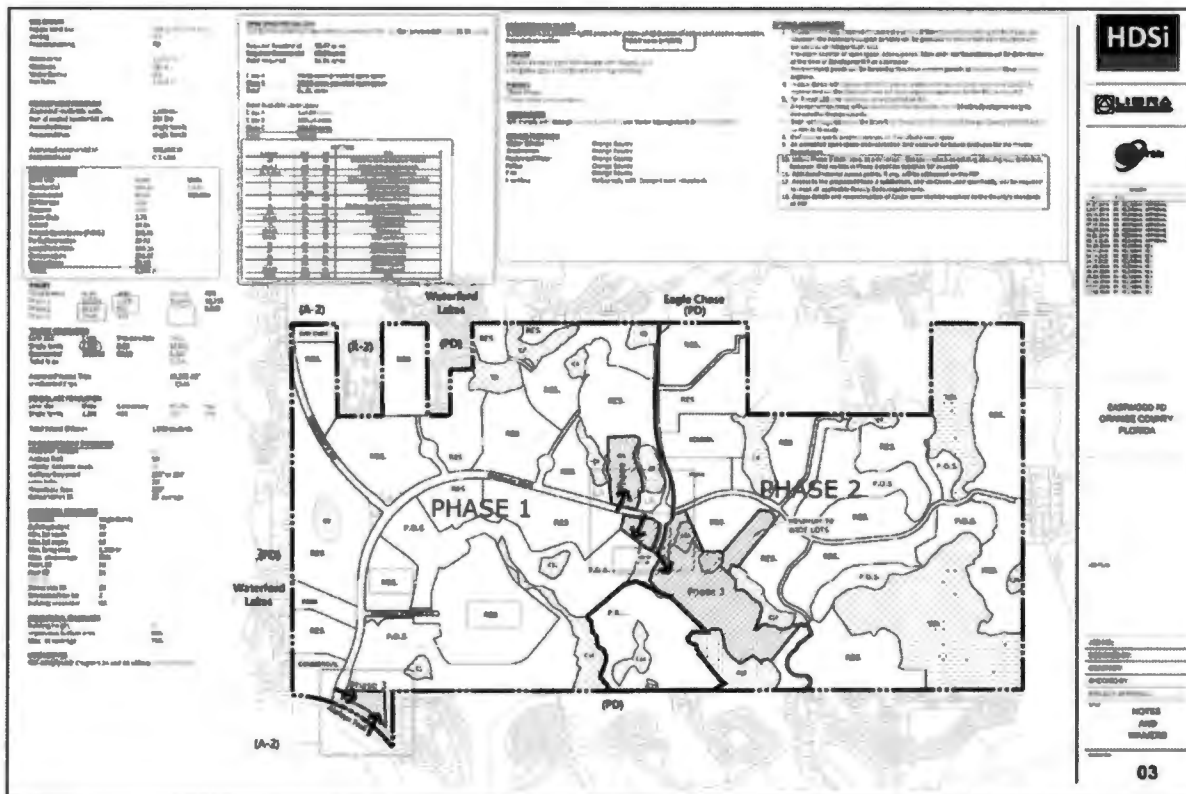
<sup>1/</sup> Originally a school and a church; these uses were converted subsequent to the original approval.

There are hundreds and hundreds of PD zoned parcels in Orange County. Each PD zoning is unique to that parcel and must also meet general PD and development standards found in the Land Development Code (LDC). A PD is designed to provide specific standards for parcels of land and specifically to allow flexibility to the zoning approval. This is because PDs in Orange County never expire. Over the course of time, market conditions change and the PD allows for flexibility to respond to the market. This is the case for Eastwood which originally was designed and built as a golf course community, however, with the decline of golf, the approved 304 unbuilt homes offered an opportunity for the golf course owner to meet market demands.

The entire PD approval process is governed by the DRC. A new PD or an amendment to an existing PD is submitted to the DRC based upon minimum standards stated in the LDC. The first review is by the County staff to determine if the minimum submittal requirements have been met by the applicant. A letter is issued to the applicant as to whether the application was sufficient to the minimum standards.

The next submittal is to the Technical Review Group (TRG). Based upon the information in the sufficiency review, the applicant resubmits the PD amendment application. The TRG reviews the submittal and issues written comments to the applicant. Then there is a TRG meeting to discuss any comments the applicant would like to discuss with the TRG members. At this point, the review is still technical and no recommendation is provided by TRG.

After the TRG meeting, the applicant revises the PD application and submits the application to DRC. The DRC first determines if the amendment of an existing PD is a substantial change to the current PD documents based upon standards in the LDC, as is the case with this Eastwood application. The DRC determined the application was a substantial change to the Eastwood PD. As such, the application needed BCC approval in lieu of DRC approval.



There were numerous conversations with staff during these review processes. There were multiple DRC meetings to review and discuss this application. There were compromises offered in the application to meet staff concerns. This give and take lasted over one year with multiple submittals. On July 8 2020, the DRC staff, which is made up of all heads of their respective County Departments regulating development, found the application was consistent with the comprehensive plan and is compatible with the area. The DRC makes these type of findings hundreds of times a year and I have appeared before DRC hundreds of times. The DRC made the appropriate recommendation to approve because the application was consistent with the comprehensive plan and compatible with the area.

Of the 2,320 homes approved by the Board of County Commissioners in 1986, 2,016 homes were built leaving an approved development right for 304 homes. This number of available development rights is corroborated by the Orange County Zoning Department in a 2013 letter and by the Orange County Development Review Committee on July 8, 2020 (both in the Appendix to this report). Orange County staff concluded the application was consistent with the comprehensive plan and compatible with the Eastwood community as follows:

**November 17, 2020 – Public Hearing**  
**Jim Hall, Hall Development Services, Inc.**  
**Eastwood PD / Case # CDR-19-06-188 / District 4**  
**Page 2 of 2**

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**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eastwood Planned Development / Land Use Plan (PD/LUP) dated “July 6, 2020”, subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4**

The following Goals, Objectives and policies provide the basis for making a consistency finding with the comprehensive plan as follows:

GOAL FLU8 IMPLEMENTATION. Orange County shall use its codes and ordinances to implement the goals, objectives and policies of the Comprehensive Plan consistent with the health, safety and welfare of the general public.

OBJ FLU8.1 Orange County’s Land Development Code, Zoning and Planned Development process will continue to be implementing tools for ensuring compatible, and integrated land development that promotes the public health, safety, and welfare in Orange County.

POLICIES FLU8.1.1 (a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate.

Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County’s Zoning and Future Land Use Correlation is referenced herein as follows:

Zoning and Future Land Use Correlation		
FLUM Designation	Density/Intensity	Zoning Districts
Urban Residential Low Density Residential (LDR)	(0 to 4 du/ac)	A-1*, A-2*, R-CE* R-1, R-2**, R-1A, R-1AA, R-1AAA, R-1AAAA, R-T-1, R-T-2, R-L-D, PD, U-V

The abbreviated parent tract has 73 acres of LDR land and is zoned PD. Therefore, the application was consistent with the comprehensive plan.

Further supporting policies include:

FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map.

OBJ FLU8.2 COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies shall guide regulatory decisions that involve differing land uses. POLICIES FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.6 Zoning development approvals shall have conditions attached, when appropriate, to ensure the enforcement of the Future Land Use designations.

FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

These Goals, Objectives and Policies all support the PD amendment submitted to the County and recommended for approval by staff; the professionals within the County which deal with land use issues on a daily basis. The abbreviated parent tract has 73 acres of land entitled for LDR and the approved Land Use plan has 304 unbuilt units dating back to 1993. County and school board staff found all concurrency requirements have been met with the Eastwood community. However, the Board of County Commissioners denied the application (see the Appendix) for the following stated reasons in the denial letter from the County:

**A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla to deny substantial change request CDR 19-06-188 based upon a finding of inconsistency with the Comprehensive Plan including Future Land Use Element Object FLU8.2 which states that compatibility will be the fundamental consideration in all land use and zoning decisions and with Future Land Use Element Policy 8.2.1 which requires that the land use changes be compatible with the existing development and development trend in the area. The motion carried by the following vote:**

**Aye: 4 - Mayor Demings, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla**

**Nay: 3 - Commissioner VanderLay, Commissioner Moore, and Commissioner Sipin**

In point of fact, the cited Policy 8.2.1 requires:

Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility.

Staff, in their diligent efforts to follow the comprehensive plan standards, did, in fact, place performance restrictions on the PD amendment including 70' wide lots on the northern portion of former hole #10. DRC also prohibited the narrowest lots already approved in the PD from occurring within the 73 residentially entitled land. Therefore, the BCC's stated inconsistency with the comprehensive plan for compatibility is inaccurate due to the required performance standards required by DRC and imposed on the applicant.

The continued function of the golf course is not required by the comprehensive plan nor the PD zoning and the golf course has been closed. The golf course will remain closed.

Goal 1 of the entire comprehensive plan is clear that LDR land inside the Urban boundary is best used for housing so as to have efficient provision of public services. Couple that with the demand for over 15,000 homes per year in the Orlando metro and the compromises met with the DRC and the PD application insured consistency with the comprehensive plan.

## 6. Most Appropriate Use of the Subject Property

There are four tests which are taken into consideration in developing an opinion of a property's most appropriate use. These four tests include an examination of various uses that are legally permissible, physically possible, financially feasible, and maximally productive. Each of the

criteria is considered cumulatively and the resulting analysis provides a determination for the most appropriate use of the property.

6. A. Legally Permissible

As described above, there are 73 acres of LDR land within the abbreviated parent tract and the PD zoning has 304 unbuilt homes all vested from concurrency.

6. B. Physically Possible

The abbreviated parent tract is readily developable from a physical stand point and has available utility infrastructure in place. Physically, 224 homes are the reasonable expectation for residential development.

6. C. Financially Feasible

It is debatable whether there are any extraordinary development costs. All residential developments of over 200 homes have storm water facilities to build, wetlands to impact and earth moving requirements. However, to be highly conservative, \$580,000 should be used in a pro forma for the development costs of the abbreviated parent tract beyond industry standard development costs.

6. D. Maximally Productive

The maximally productive use of the abbreviated parent tract is for up to 224 single family homes.

Respectfully submitted.

Sincerely,



Jim Hall, MURP, BLA

## Appendix

- Zoning Verification Letter
- Staff Report
- Denial Letter



**ZONING DIVISION**  
**MITCH GORDON, Manager**  
 801 South Rosalind Avenue, 1st Floor • Reply To: Post Office Box 8687 • Orlando, Florida 32802-8687  
 407-836-8111 • Fax 407-836-8307  
 www.orangecountyfl.net

August 6, 2013

Quang Lam, P.E.  
 LAM Civil Engineering, Inc.  
 10042 Chesham Drive  
 Orlando, FL 32817

**Re: Zoning Verification for Property Identified as Eastwood PD,**  
**Parcel I.D #: 35-22-31-1993-04-001 & 35-22-31-1993-00-007 (as per submitted documentation)**  
**Address: 13950 Golfway Blvd. (as per submitted documentation)**

Dear Mr. Lam:

I have reviewed your request for zoning verification on the above referenced properties.

This properties are zoned Planned Development (PD) and are located within the Eastwood PD. The approved Land Use Plan (attached) designates uses for these properties as Golf Practice Range and Golf Course. The Orange County Comprehensive Policy Plan Future Land Use Map designates these properties as Low Density Residential and Parks Recreation/Open Space. Therefore, the subject property is consistent with the Comprehensive Policy Plan Future Land Use Map.

The approved LUP allows for a total of 2,320 residential units and 100,000 square feet of commercial (C-1) uses. The number of platted lots within Eastwood are 2,016, leaving a balance of 304 residential units not developed. The commercial uses are allocated to Parcel 10. There are Development Plans approved with 74,176 square feet utilized, leaving 25,824 square feet available on Parcel 10.

To permit multi-family (MF) units on the practice range a Substantial Change will need to be approved via a public hearing by the Board of County Commissioners (BCC). The BCC will also have to approve any commercial or MF uses on the golf course property. Any transfer of entitlements will also have to be approved.

Please contact Wayne Bennett at 407-836-5624 of the Planning Division to determine if a Comprehensive policy Plan Amendment is necessary to accommodate either or both of your use changes to the properties.

I trust this information will be helpful to you. If you should have additional questions or need further assistance, please call me at (407) 836-9620 or feel free to visit the office.

Sincerely,

Bob Windom, Chief Planner  
 Orange County Zoning Division

Tim Boldig  
 Assistant Manager

Chief Planners

Carol Hossfield  
 Permitting

Rocco Rehm  
 BZA Coordination

Hob Windom  
 Project Review

Add pd set





**Interoffice Memorandum**

**DATE:** October 29, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

**FROM:** Jon V. Weiss, P.E., Director *JVW*  
Planning, Environmental and Development  
Services Department

**CONTACT PERSON:** Eric Raasch, DRC Chairman *ERK*  
Development Review Committee  
Planning Division  
(407) 836-5523

**SUBJECT:** November 17, 2020 – Public Hearing  
Jim Hall, Hall Development Services, Inc.  
Eastwood Planned Development  
Case # CDR-19-06-188 / District 4

The Eastwood Planned Development (PD) is generally located north and south of Golfway Boulevard, and east of S. Alafaya Trail. The existing PD development program allows for 2,320 residential dwelling units and 100,000 square feet of retail commercial uses.

To date, 2,016 single-family residential lots have been platted and developed within the Eastwood PD. Through this PD substantial change, the applicant is seeking to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3 from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area.

On July 8, 2020, the Development Review Committee (DRC) recommended approval of the request, subject to conditions. A community meeting was held on February 3, 2020, at Timber Creek High School and was attended by approximately 1,000 area residents. The result of that meeting was negative with residents expressing numerous concerns which are summarized on page 3 of the staff report.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

**ACTION REQUESTED:** Make a finding of consistency with the Comprehensive Plan (CP) and approve the substantial change to the Eastwood Planned Development / Land Use Plan (PD/LUP) dated "July 6, 2020", subject to the conditions listed under the DRC Recommendation in the Staff Report. District 4

Attachments  
JVW/EPR/nt

**CASE # CDR-19-06-188**

Commission District: #4

**GENERAL INFORMATION**

<b>APPLICANT</b>	Jim Hall, Hall Development Services, Inc.
<b>OWNER</b>	Eastwood Golf Club LLC & Bengé Corp.
<b>PROJECT NAME</b>	Eastwood Planned Development
<b>PARCEL ID NUMBER(S)</b>	35-22-31-1993-04-001, 35-22-31-1993-05-000, 36-22-31-0000-00-029, 35-22-31-1993-00-007 (portion of)
<b>TRACT SIZE</b>	1,199.77 gross acres (overall PD) 72.50 gross acres (affected parcels only)
<b>LOCATION</b>	Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.
<b>REQUEST</b>	A PD substantial change to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3 from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area.
<b>PUBLIC NOTIFICATION</b>	A notification area extending beyond one thousand five hundred (1,500) feet was used for this application [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Three thousand twenty-eight (3,028) notices were mailed to those property owners in the notification buffer area. A community meeting was held on February 3, 2020, at Timber Creek High School, and is summarized on page 3 of this report.

**IMPACT ANALYSIS**

**Special Information**

The Eastwood (FKA Deer Run South) PD was originally approved on November 24, 1986. The PD covered 644 acres and included entitlements for single-family residential, multi-family residential, and commercial uses, as well as a golf course. Following an expansion to the PD in 1993, the current entitlement program includes 2,320 residential dwelling units and 100,000 square feet of retail commercial uses.

To date, 2,016 single-family residential lots have been platted and developed within the Eastwood PD. Through this PD substantial change, the applicant is seeking to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3

from golf course, clubhouse, and practice range, to single-family; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining with the PD to the proposed Phase 3 area.

**Land Use Compatibility**

The proposed PD substantial change would not adversely impact any adjacent properties or result in an incompatible land use pattern.

**Comprehensive Plan (CP) Consistency**

The subject property has an underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR). The Eastwood PD was approved in 1986 and includes a mixture of single-family, multi-family, and commercial uses. The proposed Change Determination Request (CDR) is consistent with the designation and all applicable CP provisions; therefore, a CP amendment is not necessary.

**Overlay Ordinance**

The subject property is not located within an Overlay District.

**Rural Settlement**

The subject property is not located within a Rural Settlement.

**Joint Planning Area (JPA)**

The subject property is not located within a JPA.

**Environmental**

This site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations may apply per Orange County Code Chapter 15 Article XI. The applicant may submit a request in writing to the Orange County Environmental Protection Division (EPD), Environmental Permitting Section, for a determination of applicability of these regulations per Section 15-440.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This project site has a prior land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions.

**Transportation Concurrency**

This development is vested from transportation concurrency under vested rights certificate 92-344. A copy of this certificate is required with application for a building permit.

**Community Meeting Summary**

A community meeting was held on February 3, 2020, at Timber Creek High School and was attended by approximately 1,000 area residents. The result of that meeting was negative with residents expressing numerous concerns. Issues identified at the community meeting include: school capacity; safety concerns due to not enough deputies available to monitor the area; that the PD was originally approved in 1986 and the standards being used by the County are old; disagreement on whether remaining PD entitlements should still be valid if approved in 1993; concerns about access points and increased traffic flow onto Golfway Boulevard, and concerns about existing failing road conditions; flooding issues with proposed development in the 100 year floodplain; maintenance and upkeep problems with the golf course if it's closed; CC&R's are not being honored; concerns about the provision and maintenance of open space and recreation facilities; impacts to wildlife/environmental impacts; and pedestrian safety due to high traffic.

**Schools**

OCPS issued School Capacity Determination approval letter #OC-19-060 which indicates that Orange County has determined that all 304 proposed single-family units are vested from Capacity Enhancement as a result of an approved Land Use Plan dated July 29, 1993, and a subsequent zoning verification letter dated August 6, 2013. This Capacity Determination expires on February 22, 2021. This request must be approved by the BCC prior to this expiration.

**Parks and Recreation**

Orange County Parks and Recreation staff reviewed the Change Determination Request but did not identify any issues or concerns.

**Specific Project Expenditure Report and Relationship Disclosure Forms**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

**ACTION REQUESTED**

**Development Review Committee (DRC) Recommendation – (July 8, 2020)**

**Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the Eastwood Planned Development / Land Use Plan (PD/LUP), dated "July 6, 2020", subject to the following conditions:**

1. Development shall conform to the Eastwood Planned Development (PD) dated "Received July 6, 2020," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any

applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received July 6, 2020," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing

facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
8. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
9. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
10. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Utilities subject to County rate resolutions and ordinances.
11. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The updated MUP must be approved prior to construction plan approval.
12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. The MUP must be approved prior to Construction Plan approval.

13. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
14. Outside sales, storage, and display shall be prohibited.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
16. County's approval of this Planned Development, or amendment thereto, shall not be construed as a warrant by the County that the applicant has all necessary property rights, and/or riparian rights, as applicable, to develop the subject property consistent with the County's approval, and does not constitute permission to interfere with another property owner's property rights and/or riparian rights, as applicable, and, accordingly, the County's approval is based on the developer having the property rights, and/or riparian rights, as applicable, to develop the subject property consistent with such approval.
17. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated October 7, 1997 shall apply:
  - a. Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried with all members present and voting AYE by voice vote, the Board approved the request by Thomas Warlick, Eastwood Planned Development (formerly Deer Run South Planned Development), to change Board of County Commissioners' Condition 4 as recorded in the minutes of April 13, 1987, page 304, which states that the required roadway improvements are to be completed prior to reaching 777 lots; which constitutes a substantial change to the development on the above-described property; further, approved the Developer's Agreement; and further, made a finding of consistency with the Comprehensive Policy Plan.
18. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 1, 1997 shall apply:
  - a. Dual access to the site shall be provided (one access onto Woodbury Road and one access onto Woodbury Pines Circle).
19. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated June 8, 1993 shall apply:
  - a. All conservation areas must be owned and maintained by the homeowners' association with development rights dedicated to Orange County.
  - b. Access to Parcels 12A and 12B shall be separate subject to county engineer's approval.
  - c. Parcel 10, designated for commercial use and located at the intersection of Alafaya Trail and Golfway Boulevard, will be reduced in size from 14.65



acres to 10 acres. The allowable commercial square footage for this parcel will be reduced from 150,282 square feet to 100,000 square feet.

- d. Parcel 12B shall be designated for single-family use, rather than for multi-use, 4.65 acres will be added to Parcel 12B to create a single-family parcel that is 12.2 acres with a total maximum of 66 single family dwelling units. Lots in this parcel shall be no less than 50 feet in width and will be developed in a manner similar to the Stonebridge Subdivision.
- e. Provide a 90 foot setback along the north property line for Parcel 12A (park site) for all active recreation areas, i.e., volleyball court, tennis courts, baseball field, tot lots, etc. Lighting of the facilities to accommodate nighttime use of the active recreation facility shall not be permitted.
- f. Provide a three to four-foot berm along the north property line of Parcel 12A. The berm shall be heavily landscaped as approved by the Planning Department. The landscaping shall include a minimum of four live oak trees each with a minimum four-inch caliper measured three foot from the surface per each abutting lot along the north boundary of the park and a continuous minimum four-foot hedge at the time of planting along the northern boundary.
- g. To eliminate standing water between the berm and the lots on the north line of Parcel 12A, regrading of the berm is required to provide positive flow to discharge stormwater as approved by the County engineer.
- h. Hedges, a minimum of six feet in height at the time of planting, shall be provided along the rear of the racquetball courts wall (Parcel 12A).

**PREVIOUS BOARD OF COUNTY COMMISSIONERS ACTION (October 7, 1997)**

Upon a motion by Commissioner Hoenstine, seconded by Commissioner Freeman, and carried by all members present voting AYE by voice vote, the Board approved the request to change Board of County Commissioners' Condition 4 as recorded in the minutes of April 13, 1987, page 304, which states that the required road improvements are to be completed prior to reaching 777 lots.

CDR-19-06-188



 Subject Property



1 inch = 1,000 feet

CDR-19-06-188



Subject Property



Subject Property

**Future Land Use Map**

FLUM: Low Density Residential (LDR)

APPLICANT: Jim Hall, Hall Development Services, Inc.

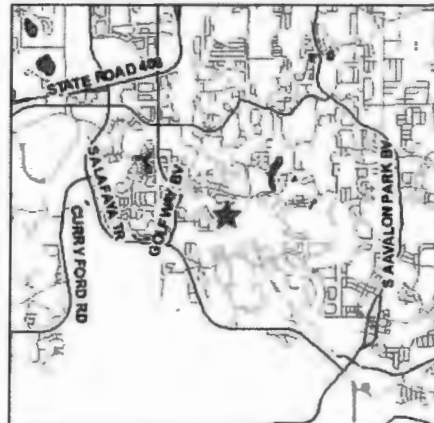
LOCATION: Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.

TRACT SIZE: 1,199.77 gross acres (overall PD)  
 72.50 gross acres (affected parcels only)

DISTRICT: # 4

S/T/R: 35/22/31 & 36/22/31

1 inch = 975 feet



CDR-19-06-188



Subject Property



★ Subject Property

**Zoning Map**

ZONING: PD (Planned Development District)

APPLICANT: Jim Hall, Hall Development Services, Inc.

LOCATION: Generally north and south of Golfway Boulevard, east of S. Alafaya Trail.

TRACT SIZE: 1,199.77 gross acres (overall PD)  
 72.50 gross acres (affected parcels only)

DISTRICT: # 4

ST/R: 35/22/31 & 36/22/31

1 inch = 976 feet



# Land Use Plan

# EASTWOOD PD Orange County, FL

Issued for Orange County  
 Date Issued July 15, 2019  
 Latest Issued JULY 07, 2020

CDR-19-06-188  
 Parcel ID: 35-22-31-1993-00-007; 35-22-31-1993-04-001;  
 35-22-31-1993-05-000; 36-22-31-0000-00-029

**Auditors:**  
 Ken Hall, AICP, BIA  
 Hall Development Services, Inc.  
 1302 Gray Avenue  
 Orlando, Florida  
 32803

**Owner:**  
 Embroided Golf Club LLC  
 542 Harvest Ln  
 Mechanicsburg, PA  
 17095-4487

**Legal:**  
 Hal Kantor, Esquire  
 Lowndes Droadick Doster Kantor and  
 Reed  
 235 N Bohn Drive  
 Orlando, FL  
 32801

### SHEET INDEX

SHEET #	TITLE
01	COVER SHEET
02	EXISTING CONDITIONS
03	NOTES & WAIVERS, LAND USE PLAN
04	REVISED 07-20-1993 LAND USE PLAN
05	REVISED 01-06-1994 LAND USE PLAN
06	PARCEL MASTER PLAN
07	CONDITIONS OF APPROVAL
08	LAND TITLE SURVEY
09	LAND TITLE SURVEY
10	LAND TITLE SURVEY
11	LAND TITLE SURVEY
12	LAND TITLE SURVEY
13	LAND TITLE SURVEY
14	LAND TITLE SURVEY
15	LAND TITLE SURVEY

### LEGAL DESCRIPTION:

All of Section 26, Township 28 South, Range 21 East, Orange County, Florida, less 888' East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 and less the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 26  
 Together with  
 That part of the 500' x 400' lot of the Northeast 1/4 of Section 2, Township 28 South, Range 21 East, Orange County, Florida, lying North of the right-of-way  
 An Allotment That Existence as recorded in Official Records Book 3111, Page 1100 of Public Records of Orange County, Florida.  
 Together with  
 All of Section 26, Township 28 South, Range 21 East, Orange County, Florida, less the Northeast 1/4 of the Northeast 1/4, and less the Northeast 1/4 of the  
 Northeast 1/4 both of said Section 26  
 Also Assessed 1983, 77 Acres

### REQUEST:

To file and to apply for any conditions as land designated LUP within the PD



LOCATOR MAP

Hall Development Services Inc.

1302 Gray Avenue Orlando, FL 32803  
 PO: (407) 257-0225  
 Planning, Real Estate, and Entitlement Strategies  
[www.halldev.com](http://www.halldev.com)



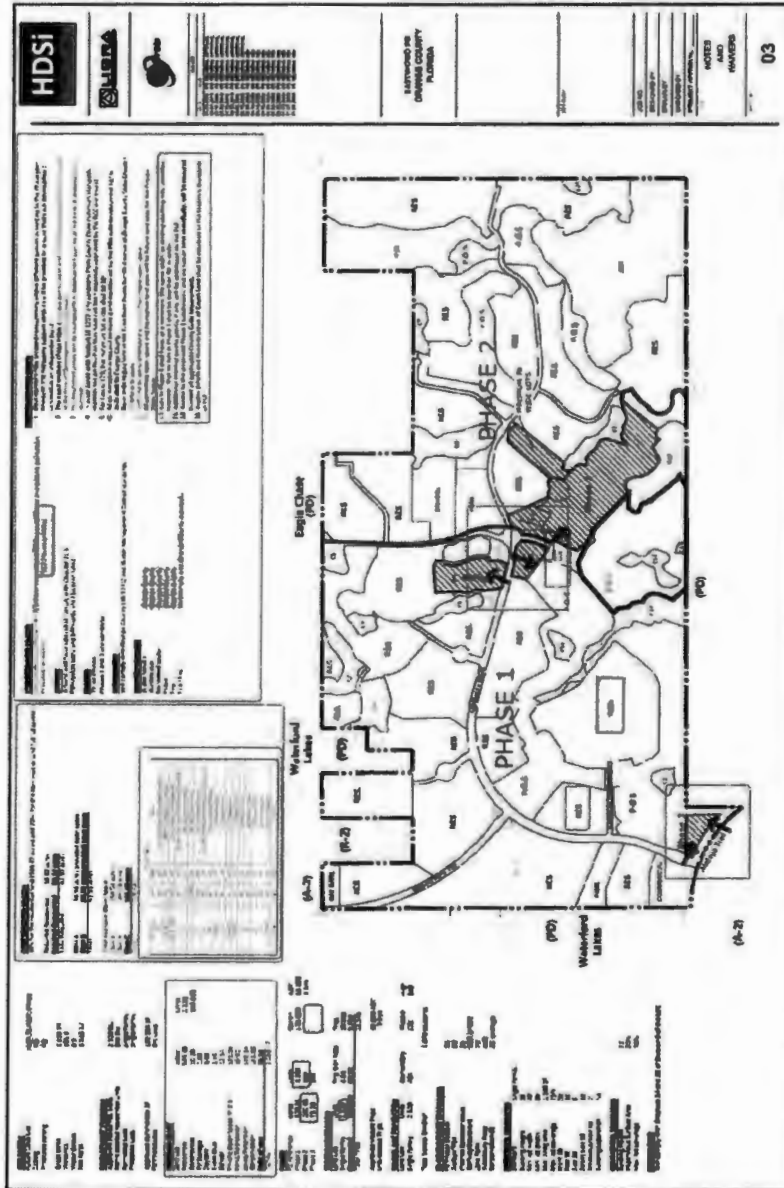
First Park House 20, Lakeland, Karibotta  
 PO: (248) 421-0275  
 GeoSpatial Company  
[www.geospatial.com](http://www.geospatial.com)

RECEIVED  
 By 2020 Office of 19201 on, Jul 07, 2020

Eastwood PD / LUP (Cover Sheet)

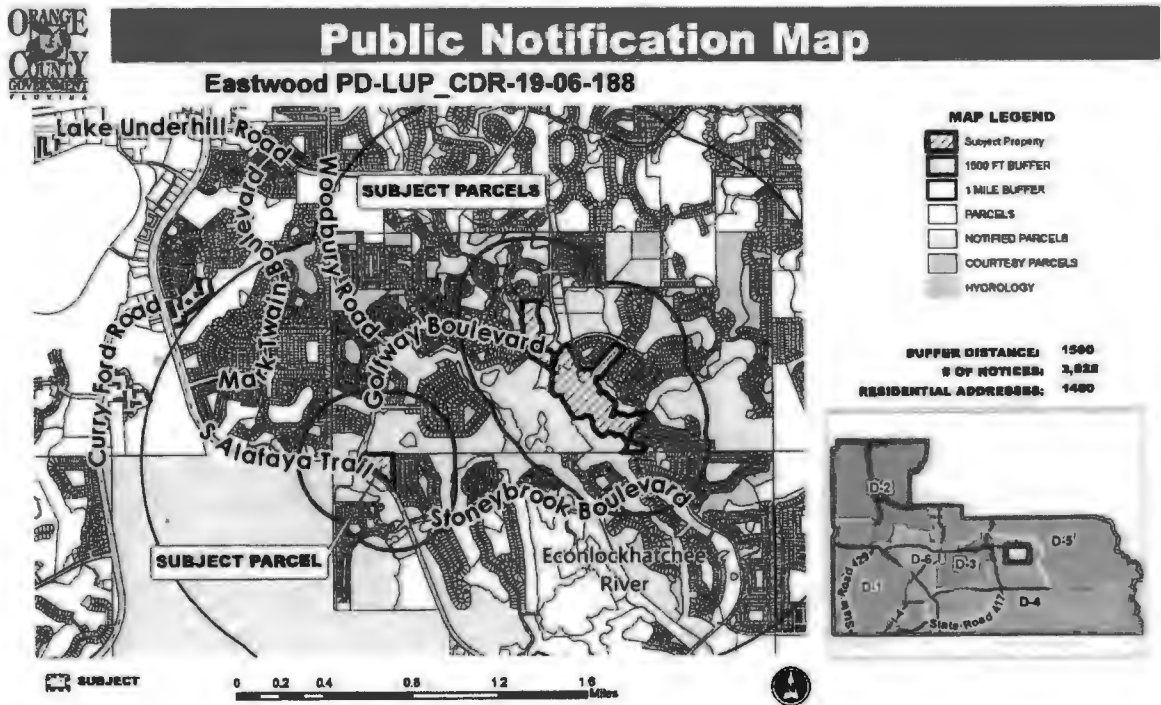
DRC Staff Report  
 Orange County Planning Division  
 BCC Hearing Date: November 17, 2020

Eastwood PD / LUP



Notification Map

4-9-2019-10:48:11 AM PD-LUP\_CDR-19-06-188\_PlanView\GIS\Output\CDR\Tutorials\Map\_Templates\Map\_Template.aprx



13



**Orange County Government**

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

**Decision Letter**

**Board of County Commissioners**

Tuesday, November 17, 2020

2:00 PM

County Commission Chambers

20-1399

Substantial Change

Jim Hall, Hall Development Services, Inc., Eastwood Planned Development /  
Land Use Plan (PD / LUP). Case # CDR-19-06-188, amend plan; District 4

**Consideration:** A PD substantial change request to create Phase 3 of the PD; to change the designation of the lands within the proposed Phase 3 from Golf Course, Clubhouse, and Practice Range, to Single-Family Residential; to add access arrows to the proposed Phase 3 area; and to assign the 304 residential units remaining within the PD to the proposed Phase 3 area; pursuant to Orange County Code, Chapter 30, Article III, Section 30-89 and Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207

**Location:** District 4; property generally located north and south of Golfway Boulevard, east of S. Alafaya Trail; Orange County, Florida (legal property description on file in Planning Division)

**Court Reporter:** Pamela S Hardy, Phipps Reporting

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla to deny substantial change request CDR 19-06-188 based upon a finding of inconsistency with the Comprehensive Plan including Future Land Use Element Object FLU8.2 which states that compatibility will be the fundamental consideration in all land use and zoning decisions and with Future Land Use Element Policy 8.2.1 which requires that the land use changes be compatible with the existing development and development trend in the area. The motion carried by the following vote:

**Aye:** 4 - Mayor Demings, Commissioner Uribe, Commissioner Gomez Cordero, and Commissioner Bonilla

**Nay:** 3 - Commissioner VanderLey, Commissioner Moore, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED  
WITH ME THIS 30TH DAY OF NOVEMBER  
2020.

DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

*Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.*

np

Orange County Comptroller



**LETTER OF INTENT FROM  
PULTE HOMES**



June 16, 2020

Tony Bengé  
Benge Development Corporation  
609 East Pine Street  
Orlando, FL 32801  
Sent via email to Rusty Stoeckel

**Re: Letter of Intent for Developed Lots at Eastwood Golf Course**

Dear Mr. Bengé,

This letter is being written as an outline of the general terms under which Pulte Home Company, LLC, proposes to purchase the referenced property in Orange County, Florida with an Orlando, FL address. We look forward to hearing from you soon and working out any remaining details allowing all parties to arrive at a mutually acceptable contract.

1. *Property:* Approximately 304 developed single-family lots
2. *Purchase Price:* Total base purchase price of Thirty-Six Million Four Hundred and Eighty Thousand Dollars (\$36,480,000), based upon 304 – 50' lots. Buyer shall pay a base price per lot of One Hundred and Twenty Thousand Dollars (\$120,000). The purchase price shall be subject to a 5% annualized escalator commencing 12 months after the date of the initial takedown.
3. *Intended Use:* Single family residential subdivision with a minimum lot size of 50' X 120'
4. *Deposits:*
  - (I) *Initial Deposit:* Twenty-Five Thousand Dollars (\$25,000) cash will be deposited in escrow within five (5) days of the Effective Date of the Contract, contingent only on those items listed below in Section 6 (*Investigation Period Contingencies*).
  - (II) *Additional Deposit:* Within five (5) days of the end of the Investigation Period, Pulte will deposit with Escrow Agent an additional Four Hundred Seventy-Five Thousand Dollars (\$475,000), bringing the total Deposit then held by Escrow Agent to Five Hundred Thousand Dollars (\$500,000).
  - (III) *Released Deposit:* Upon Seller's receipt of all Permits and Approvals and after a pre-construction meeting has been completed with the applicable municipalities, Buyer shall remit an additional Two Million Five Hundred Thousand Dollars (\$2,500,000), bringing the Deposit then held in Escrow to Two Million Dollars (\$3,000,000). Upon receipt, Escrow Agent shall release the Deposit then held in Escrow to Seller for Seller's use in developing the lots. The Deposit shall be secured with a mortgage in favor of Buyer against the Property. The Deposit shall be credited, pro rata, at each lot takedown.



5. *Investigation Period:* One Hundred Twenty (120) days from the Effective Date of the Contract.
6. *Investigation Period Contingencies:*
  - Satisfactory results of soils examinations, environmental examinations, Title, and other factors not directly in control of the Buyer or Seller, which could materially affect the Intended Development Plan and or subsequently the financial feasibility of the contemplated transaction. Including but not limited to entitlements, moratoriums, laws, ordinances, or zoning policy changes, etc.
  - Seller shall provide Buyer with copies of any and all information, site plans, studies, analysis, surveys etc. in their possession or immediate access upon execution of the Purchase and Sale Agreement.
  - Seller to provide Buyer with any and all Due Diligence and property information it has access to or in its possession upon execution of the contemplated Purchase and Sale Agreement.
  - Approval from Buyer's Asset Management Committee.
  - Buyer's approval of the site plan.
7. *Closings:* Initial Closing shall occur upon Seller's receipt of a certificate of completion on the development phase containing the initial lots. Buyer shall have the right to purchase up to 5 "Model" lots as soon as Seller has achieved a recorded plat, stabilized base and fire protection. Any model lots purchased will be credited against the Initial Takedown. See Exhibit "A" for the takedown schedule.
8. *Seller's Responsibilities:* Seller shall be responsible for obtaining all permits and approvals needed for development of the Property at Seller's sole cost and expense. Seller also shall be responsible for delivering fully finished lots with a certificate of completion or equivalent from Orange County
9. *Seller's Closing Costs:* All documentary stamps in connection with the conveyance of the Property, its cost of document preparation and its attorney's costs, owner's title insurance policy premium. Its cost to cure any Title and or Survey defects.
10. *Buyer's Closing Costs:* All recording fees in connection with the Deed, its cost of document preparation, attorney's costs.
11. *Buyer's Assumptions:* Buyer is assuming that the existing community amenities will be available for the use of the residents of the newly developed lots. In the event any additional amenities are needed, including upgrades to the existing facilities, are being performed by Seller.
12. *Brokerage Fee:* Seller shall represent and warrant that in the contemplated contract that, other than Tony Bengé of Bengé Development and Rusty Stoeckel of Demetree Real Estate Services (with each earning a 2.5% commission paid by Seller), it has not employed the services of any broker, agent, or finder or in any way incurred any liability to any such person in connection with the contemplated transaction or negotiations relating thereto, which would cause a commission, finder's fee or other fee to be due and payable in connection therewith. Buyer shall represent and warrant that it has not employed the services of any broker, agent, or finder or in any way incurred any liability to any such person in connection with the contemplated



transaction or negotiations relating thereto, which would cause a commission, finder's fee or other fee to be due and payable in connection therewith. Further, each party agrees the contemplated contract will include language requiring each party to indemnify and hold harmless the other party from and against any and all loss, damage, liability, or other claims, whatsoever, arising out of or in connection with a breach by such party of the above referenced representations and warranties, including attorneys' fees and costs in the event that is necessary to defend any claims or to bring suit in order to enforce the obligations of the parties created hereunder. Seller shall be responsible for any commissions due to Broker.

Nothing contained in this letter constitutes an offer, acceptance or agreement by Pulte to purchase the Property. Pulte must conduct additional investigation and analysis, and all of the details, terms and conditions of the purchase must be agreed upon and all of the documentation must be completed to the satisfaction of both parties before an Agreement can be entered into. In addition, the Agreement will be subject to approval by Pulte's Asset Management Committee. Asset Management Committee approval shall be obtained prior to the end of the Investigation Period.

If you find that the foregoing terms are sufficient to serve as a framework for further discussion leading to the preparation of a purchase contract, please contact me for the purposes of preparing a purchase agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Cleary", written over a horizontal line.

Christopher Cleary  
Director of Land Acquisition North Florida Division  
Pulte Home Corporation

Agreed to and acknowledged by:



Exhibit "A"

<b>Eastwood Takedown Schedule</b>		
<b>Takedown</b>	<b>Time (Relative to Initial Closing)</b>	<b># of Lots Purchased</b>
<b>Model Lots</b>	<b>60-90 Days Prior to Initial Closing</b>	
Initial	-	2
2nd	90 Days after Initial	48
3rd	90 Days after 2nd	12
4th	90 Days after 3rd	12
5th	90 Days after 4th	12
6th	90 Days after 5th	12
7th	90 Days after 6th	12
8th	90 Days after 7th	12
9th	90 Days after 8th	12
10th	90 Days after 9th	12
11th	90 Days after 10th	12
12th	90 Days after 11th	12
13th	90 Days after 12th	12
14th	90 Days after 13th	12
15th	90 Days after 14th	12
16th	90 Days after 15th	12
17th	90 Days after 16th	12
18th	90 Days after 17th	12
19th	90 Days after 18th	12
20th	90 Days after 19th	12
21st	90 Days after 20th	12
22nd	90 Days after 21st	14

# **LAND SALES (BEFORE)**

Location: East side of Hancock Road about 1,200' north of Johns Lake Road in Clermont, Lake County.

<b>TRANSACTION</b>	<b>Grantor:</b>	Mattamy Orlando, LLC	<b>Stamps:</b>	\$61,790.10
	<b>Grantee:</b>	Avatar Properties, Inc.	<b>Consideration:</b>	<u>\$8,827,200</u>
	<b>O.R. Book:</b>	5102 <b>Page:</b> 913	<b>Date:</b>	<u>April 26, 2018</u>
	<b>Tax I.D. No.:</b>	34-22-26-0001-00000100; 0002-00000200; 0002- 00000600	<b>Unit Price:</b>	
	<b>Sale Conditions:</b>	Arm's Length Transaction	Per Ac.:	<u>\$ 137,839</u>
	<b>Improvements Since Purchase:</b>	See Remarks	Per S.F.:	<u>\$ _____</u>
	<b>Financing:</b>	Cash to Seller's Position	Per F.F.:	<u>\$ _____</u>
	<b>Legal:</b>	Lengthy Legal, See Attached	Per Unit:	<u>\$ _____</u>
		<b>Instrument:</b>	<u>Special Warranty Deed</u>	
		<b>Prepared By:</b>	<u>Kristen K. Idie</u>	
<b>LAND</b>	<b>Size:</b>	64.04 Ac. (Per site plan)	<b>Shape:</b>	Irregular
	<b>Dimensions:</b>	See Aerial		
	<b>Street/Road:</b>	Hancock Road is a two-lane asphalt paved road with center turn lanes.		
	<b>Zoning:</b>	PUD (City of Clermont)	<b>Zoning Title:</b>	Planned Unit Development
	<b>Comp. Plan Designation:</b>	Low Density Residential		
	<b>Utilities:</b>	All public utilities are available to the site. The seller was extending utilities at their expense for this parcel.		
	<b>Access:</b>	The property is accessible via Hancock Road.		
	<b>Topography:</b>	The property has rolling topography.		
	<b>Other Features:</b>	The easterly boundary of the property is adjacent to a 30' wide powerline easement and a 170' wide powerline easement. The easement is improved with large steel lattice towers and a 230 kV power line.		
<b>REMARKS</b>	The property was placed under contract on February 8, 2018. According to the seller, the purchase price was discounted to entice the buyer to close <u>before</u> the seller's fiscal year end of May 31 <sup>st</sup> . The property was partially entitled for 273 lots at the time of sale. The property is being developed with a 262-lot single family subdivision known as Crestview. The site has a density of 4.09 units/acre. This indicates a price of \$33,692 per lot. The buyer was required to construct an oversized stormwater retention area for the benefit of the seller's adjacent land. The additional costs are unknown.			

LEGAL DESCRIPTION

That part of Section 34, Township 22 South, Range 26 East, Lake County, Florida, described as follows:

Commence at the West 1/4 corner of said Section 34; thence S89°33'20"E along the South line of the Northwest 1/4 of said Section 34, for a distance of 40.00 feet to the East right-of-way line of Hancock Road, according to the plat of Manlow Park, as recorded in Plat Book 50, Pages 86 and 87, of the Public Records of Lake County, Florida and the POINT OF BEGINNING; thence departing said South line run N00°05'36"W along said East right-of-way line, 475.66 feet to the Centerline of Tract C of said plat of Manlow Park (vacated in Official Records Book 4749, Page 1392, of said Public Records); thence departing said East right-of-way line run N89°54'28"E along the Centerline of said Tract C and the Easterly extension thereof, 300.00 feet to the West line of the lands described in Official Records Book 4898, Page 1435, of the Public Records of Lake County, Florida; thence departing said Easterly extension of the Centerline of Tract C run N00°05'36"W along said West line, 328.50 feet to the Northerly line of said lands described in Official Records Book 4898, Page 1435; thence departing said West line run the following courses and distances along said Northerly line: S89°33'02"E, 419.99 feet; N00°05'36"W, 42.11 feet; S89°33'20"E, 900.07 feet to the Southeast corner of the North 726.00 feet of the East 900.00 feet of the West 1660.00 feet of the South 1575.00 feet of the North 1/2 of said Section 34; thence departing said Northerly line run N00°05'36"W along the East line of the West 1660.00 feet of the North 1/2 of said Section 34, for a distance of 772.54 feet to a line lying 10.00 feet Southwesterly and parallel with the Southwesterly line of lands described in Official Records Book 422, Page 555, of the Public Records of Lake County, Florida; thence departing said East line run S49°21'32"E along said parallel line, 2512.36 feet to the South line of the Northeast 1/4 of said Section 34; thence departing said parallel line run N89°33'20"W along said South line, 916.03 feet to the aforesaid South line of the Northwest 1/4 of said Section 34; thence departing said South line of the Northeast 1/4 run N89°33'20"W along said South line of the Northwest 1/4 of said Section 34, for a distance of 2607.83 feet to the POINT OF BEGINNING.



AERIAL PHOTOGRAPH



LOCATION MAP



Location: Easterly end of Rambling Road about 2,000' east of Wiggins Road, St. Cloud, Osceola County

<b>TRANSACTION</b>	<b>Grantor:</b>	Henderson Estates, LLC		
	<b>Grantee:</b>	Forestar (USA) Real Estate Group, Inc.		
	<b>O.R. Book:</b>	5510	<b>Page:</b> 465	<b>Stamps:</b> \$ 41,174.00
	<b>Tax I.D. No.:</b>	21-25-31-4260-0001-0330		<b>Consideration:</b> <u>\$ 5,882,000</u>
	<b>Sale Conditions:</b>	Arm's Length Transaction		<b>Date:</b> <u>April 18, 2019</u>
	<b>Improvements Since Purchase:</b>	See Remarks		<b>Unit Price:</b>
	<b>Financing:</b>	Cash to Seller's Position		Per Ac.: <u>\$ 153,778*</u>
	<b>Legal:</b>	Lengthy Legal, See Attached		Per S.F.: <u>\$</u>
<b>LAND</b>	<b>Size:</b>	39.63 Gr. Ac. (per survey) 38.25 Net Ac.		<b>Shape:</b> Rectangular
	<b>Dimensions:</b>	1,367'± x 1,251'±		
	<b>Street/Road:</b>	Rambling Road is a two-lane asphalt paved road.		
	<b>Zoning:</b>	LDR (Osceola County)	<b>Zoning Title:</b> Low Density Residential	
	<b>Comp. Plan Designation:</b>	Low Density Residential		
	<b>Utilities:</b>	All public utilities are available to the site.		
	<b>Access:</b>	The property is accessible via Rambling Road.		
	<b>Topography:</b>	The property is generally level.		
<b>REMARKS</b>	<b>Other Features:</b>	The site contains 1.38 acres of wetlands according to the survey.		
	* This sale indicates a price of \$158,630 per upland acre. The property was going through the entitlement process during the pendency of the contract which was executed in May of 2018. The buyer was the agent for the seller and paid for the design/engineering costs. The property was platted after the closing. The property is being developed with a 173-lot single family subdivision known as Glenwood indicating a density of 4.52 dwelling units per net acre. The site requires the extension of a road and utilities, about 500', to the south on the west side of the property at an unknown cost.			

**LEGAL DESCRIPTION**

Lots 33, 34, 38 and 39, lying in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; less and except the North 66.0 feet of aforesaid Lots 33 and 39, conveyed to Osceola County by Quit-Claim Deed recorded in Official Records Book 324, Page 93, Public Records of Osceola County, Florida.

Together with:

The South 41.00 feet of the North 66.0 feet of Lots 33 and 39, lying in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; less and except the West 31.37 feet thereof, as vacated pursuant to Resolution recorded in Official Records Book 5308, Pages 133, 135 and 136, Public Records of Osceola County, Florida.

And together with the West 1/2 of that certain unnamed 33 foot road lying East of aforesaid Lots 38 and 39, as vacated pursuant to Resolution recorded in Official Records Book 125, Page 291, Public Records of Osceola County, Florida.

LESS AND EXCEPT THE FOLLOWING (7) TRACTS, BEING TRACTS D, E, K, W, X, Y AND Z:

**TRACT D**

A parcel of land being a portion of Lot 38, located in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Lot 38; thence run N02°05'56"E along the East line of said Lot 38, a distance of 170.07 feet to the Point of Beginning; thence departing said East line, run N89°33'09"W, a distance of 47.69 feet; thence run N01°14'48"E, a distance of 153.03 feet; thence run S89°33'09"E, a distance of 49.96 feet to a point of the aforesaid East line of said Lot 38; thence run S02°05'56"W along said East line, a distance of 153.08 feet to the Point of Beginning.

**LEGAL DESCRIPTION CONTINUED****TRACT E**

A parcel of land being a portion of Lot 38, located in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Begin at the Southeast corner of said Lot 38; thence run N89°33'09"W along the South line of said Lot 38, a distance of 33.81 feet; thence departing said South line, run N00°25'51"E, a distance of 120.00 feet; thence run S89°33'09"E, a distance of 37.27 feet to a point of the East line of said Lot 38; thence run S02°05'56"W along said East line, a distance of 120.05 feet to the Point of Beginning.

**TRACT K**

A parcel of land being a portion of Lots 33 and 34, located in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 34; thence run N01°10'05"E along the West line of said Lots 34 and 33, a distance of 1328.10 feet to a point on the South line of the North 66.00 feet of said Lot 33; thence run S89°28'44"E along said line, a distance of 31.37 feet; thence run S01°09'44"W, a distance of 1328.06 feet to a point on the South line of said Lot 34; thence run N89°33'09"W along said South line, a distance of 31.50 feet to the Point of Beginning.

**TRACT W**

A parcel of land being a portion of Lots 38 and 39, located in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Commence at the Northeast corner of said Lot 39; thence run S02°05'56"W along the East line of said Lot 39, a distance of 25.01 feet to a point on a line lying 25.00 feet South of the North line of said Lot 39;

LEGAL DESCRIPTION CONTINUED

thence run N89°28'44"W along said line, a distance of 365.03 feet to a point on a non-tangent curve, concave to the Southwest, having a Radius of 62.00 feet and a Central Angle of 66°29'47", said point being the Point of Beginning; thence run Southeasterly along the Arc of said curve, a distance of 71.96 feet (Chord Bearing = S56°13'50"E, Chord = 67.99 feet) to the Point of Tangency thereof; thence run S22°58'57"E, a distance of 148.17 feet; thence run S46°00'18"E, a distance of 124.23 feet; thence run S48°48'03"E, a distance of 141.62 feet; to the Point of Curvature of a curve, concave to the Southwest, having a Radius of 62.00 feet and a Central Angle of 50°31'21"; thence run Southeasterly, along the Arc of said curve, a distance of 54.67 feet (Chord Bearing = S23°32'22"E, Chord = 52.92 feet) to the Point of Tangency thereof; thence run S01°43'18"W, a distance of 645.29 feet; thence run N89°33'09"W, a distance of 8.00 feet; thence run N01°43'18"E, a distance of 645.47 feet; to the Point of Curvature of a curve, concave to the Southwest, having a Radius of 54.00 feet and a Central Angle of 50°31'21"; thence run Northwesterly, along the Arc of said curve, a distance of 47.62 feet (Chord Bearing = N23°32'22"W, Chord = 46.09 feet) to the Point of Tangency thereof; thence run N48°48'03"W, a distance of 141.82 feet; thence run N46°00'18"W, a distance of 126.05 feet; thence run N22°58'57"W, a distance of 149.80 feet; to the Point of Curvature of a curve, concave to the Southwest, having a Radius of 54.00 feet and a Central Angle of 66°29'47"; thence run Northwesterly, along the Arc of said curve, a distance of 62.67 feet (Chord Bearing = N56°13'50"W, Chord = 59.21 feet) to the Point of Tangency thereof; thence run N89°28'44"W, a distance of 76.43 feet; thence run N00°15'12"E, a distance of 8.00 feet to a point on the aforesaid line lying 25.00 feet South of the North line of Lot 39; thence run S89°28'44"E along said line, a distance of 76.47 feet to the Point of Beginning.

**TRACT X**

A parcel of land being a portion of West half of a Vacated 33.00 feet wide platted Right of Way lying between Lot 39 on the West and Lot 43 on the East, located in Section 21, Township 25 South, Range 31 East, as shown on the plat of NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Commence at the Northeast corner of said Lot 39; thence run S02°05'56"W along the East line of said Lot 39, a distance of 25.01 feet to the Point of Beginning; thence continue S02°05'56"W along said East line of Lot 39, a distance of 313.49 feet; thence departing said East line of Lot 39, run S63°25'36"E, a distance of 18.13 feet to a point on the Centerline of said 33.00 feet wide platted Right of Way; thence run N02°05'56"E along said Centerline, a distance of 321.46 feet; thence run N89°28'44"W, a distance of 16.51 feet to the Point of Beginning.

LEGAL DESCRIPTION CONTINUED

## TRACT Y

A parcel of land being a portion of West half of a Vacated 33.00 feet wide platted Right of Way lying between Lots 38 and 39 on the West and Lots 42 and 43 on the East, located in Section 21, Township 25 South, Range 31 East, as shown on the plat of NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

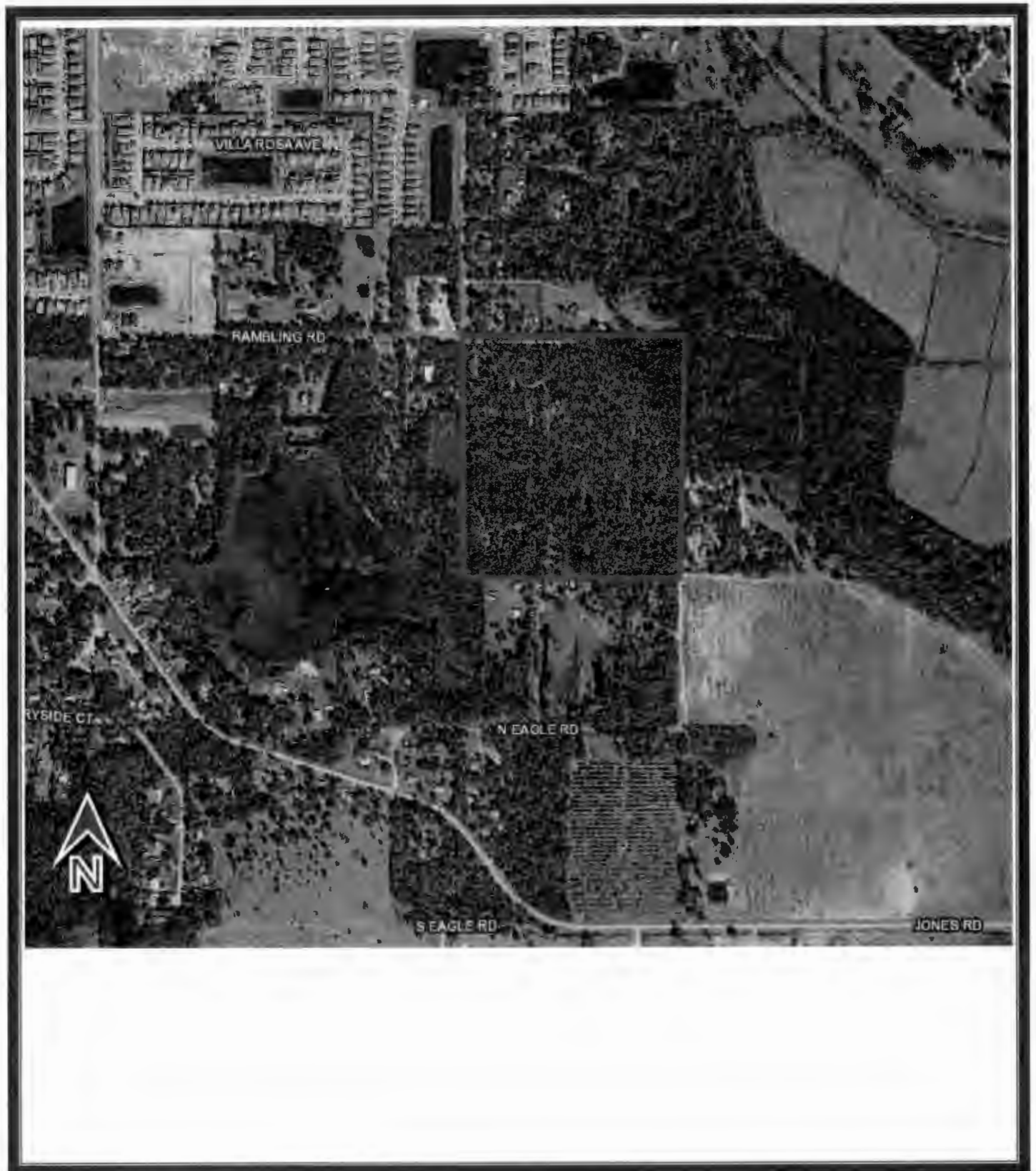
Commence at the Northeast corner of said Lot 39; thence run  $S02^{\circ}05'56''W$  along the East line of said Lot 39, a distance of 25.01 feet; thence continue  $S02^{\circ}05'56''W$  along said East line of Lot 39, a distance of 313.49 feet to the Point of Beginning; thence continue  $S02^{\circ}05'56''W$  along said East line of Lots 39 and 38, a distance of 1054.43 feet to the Southeast corner of said Lot 38; thence departing said East line of Lot 38, run  $S89^{\circ}33'09''E$ , a distance of 16.51 feet to a point on the Centerline of said 33.00 feet wide platted Right of Way; thence run  $N02^{\circ}05'56''E$  along said Centerline, a distance of 1046.45 feet; thence run  $N63^{\circ}25'36''W$ , a distance of 18.13 feet to the Point of Beginning.

## TRACT Z

A parcel of land being a portion of Lot 39, located in Section 21, Township 25 South, Range 31 East, NEW MAP OF NARCOOSSEE, according to the plat thereof, as recorded in Plat Book 1, Pages 73 and 74 of the Public Records of Osceola County, Florida and being more particularly described as follows:

Commence at the Northeast corner of said Lot 39; thence run  $S02^{\circ}05'56''W$  along the East line of said Lot 39, a distance of 25.01 feet to a point on a line lying 25.00 feet South of the North line of said Lot 39; thence run  $N89^{\circ}28'44''W$  along said line, a distance of 275.67 feet to the Point of Beginning; thence departing said line, run  $S22^{\circ}45'12''E$ , a distance of 154.59 feet; thence run  $S60^{\circ}39'18''E$ , a distance of 73.04 feet; thence run  $S25^{\circ}19'49''E$ , a distance of 60.52 feet; thence run  $S49^{\circ}12'24''E$ , a distance of 92.11 feet; thence run  $S63^{\circ}25'36''E$ , a distance of 50.41 feet to a point on the East line of said Lot 39; thence run  $S02^{\circ}05'56''W$  along said East line, a distance of 67.07 feet; thence departing said East line, run  $N25^{\circ}26'57''W$ , a distance of 58.58 feet; thence run  $N63^{\circ}25'35''W$ , a distance of 35.14 feet; thence run  $N49^{\circ}12'24''W$ , a distance of 100.52 feet; thence run  $N25^{\circ}19'49''W$ , a distance of 57.84 feet; thence run  $N60^{\circ}39'18''W$ , a distance of 73.67 feet; thence run  $N22^{\circ}45'12''W$ , a distance of 173.93 feet to a point on the aforesaid line lying 25.00 feet South of the North line of said Lot 39; thence run  $S89^{\circ}28'44''E$  along said line, a distance of 27.21 feet to the Point of Beginning.

AERIAL PHOTOGRAPH





LOCATION MAP



**Location:** South side of Boggy Creek Road about 1,500' east of the entrance to Austin-Tindall Park in Kissimmee, Osceola County

<b>TRANSACTION</b>	<b>Grantor:</b>	Sandra Jo Austin, Mary Lou Austin & Nelle Ann Duke		
	<b>Grantee:</b>	Osceola County		
	<b>O.R. Book:</b>	5575	<b>Page:</b> 2246	<b>Stamps:</b> \$ 78,750.00
	<b>Tax I.D. No.:</b>	12-25-30-0000-0030-0000, et al	<b>Consideration:</b>	<u>\$ 11,250,000*</u>
	<b>Sale Conditions:</b>	Arm's Length Transaction		<b>Date:</b> <u>August 19, 2019</u>
	<b>Improvements Since Purchase:</b>	None	<b>Unit Price:</b>	Per Ac.: <u>\$ 136,513*</u>
	<b>Financing:</b>	Cash to Seller's Position		Per S.F.: \$ _____
	<b>Legal:</b>	Lengthy Legal, See Attached		Per F.F.: \$ _____
			Per Unit: \$ _____	<b>Instrument:</b> <u>Warranty Deed</u>
			<b>Prepared By:</b> <u>Dina Spann</u>	
<b>LAND</b>	<b>Size:</b>	82.41 Gr. Ac. 75.36± Net Ac.		<b>Shape:</b> Generally Rectangular
	<b>Dimensions:</b>	See Aerial		
	<b>Street/Road:</b>	Boggy Creek Road is a two-lane asphalt paved road.		
	<b>Zoning:</b>	RS-2 & AC (Osceola County)	<b>Zoning Title:</b>	Residential Single Family & Agricultural Conservation
	<b>Comp. Plan Designation:</b>	Low Density Residential		
	<b>Utilities:</b>	All public utilities are available to the site. Water and sewer would require extension of about 600'.		
	<b>Access:</b>	The property is accessible via Boggy Creek Road.		
	<b>Topography:</b>	The property is generally level and slopes gently downward toward Lake Tohopekaliga.		
<b>Other Features:</b>	The property has over 1,700'± of frontage on Lake Tohopekaliga. The utility of the lake frontage is limited due to the depth of the lake in this area. Lakeview is the primary benefit. There are wetlands along the lake and scattered within the interior of the property. They are estimated to be about 7 acres in size.			
<b>REMARKS</b>	* The buyer had paid \$250,000 for a right of first refusal. Therefore, the effective price is \$11,500,000 or \$152,600/net acre. The purchase contract was executed on May 31, 2019. The property was improved at the time of sale; however, the improvements contributed no value. The property did not have any entitlements at the time of sale. The County purchased the property to expand the Austin-Tindall Regional Park.			

**LEGAL DESCRIPTION**

**PARCEL 1:**

All of Government Lot 4 of Section 12, Township 25 South, Range 30 East, Osceola County, Florida, less and except that portion conveyed to Osceola County by virtue of deed recorded in Official Records Book 1110, Page 1420, of the Public Records of Osceola County, Florida, and less road right of way.

**PARCEL 2:**

Government Lot 3, in Section 12, Township 25 South, Range 30 East, Osceola, Florida, less the East 474 feet thereof.

**PARCEL 3:**

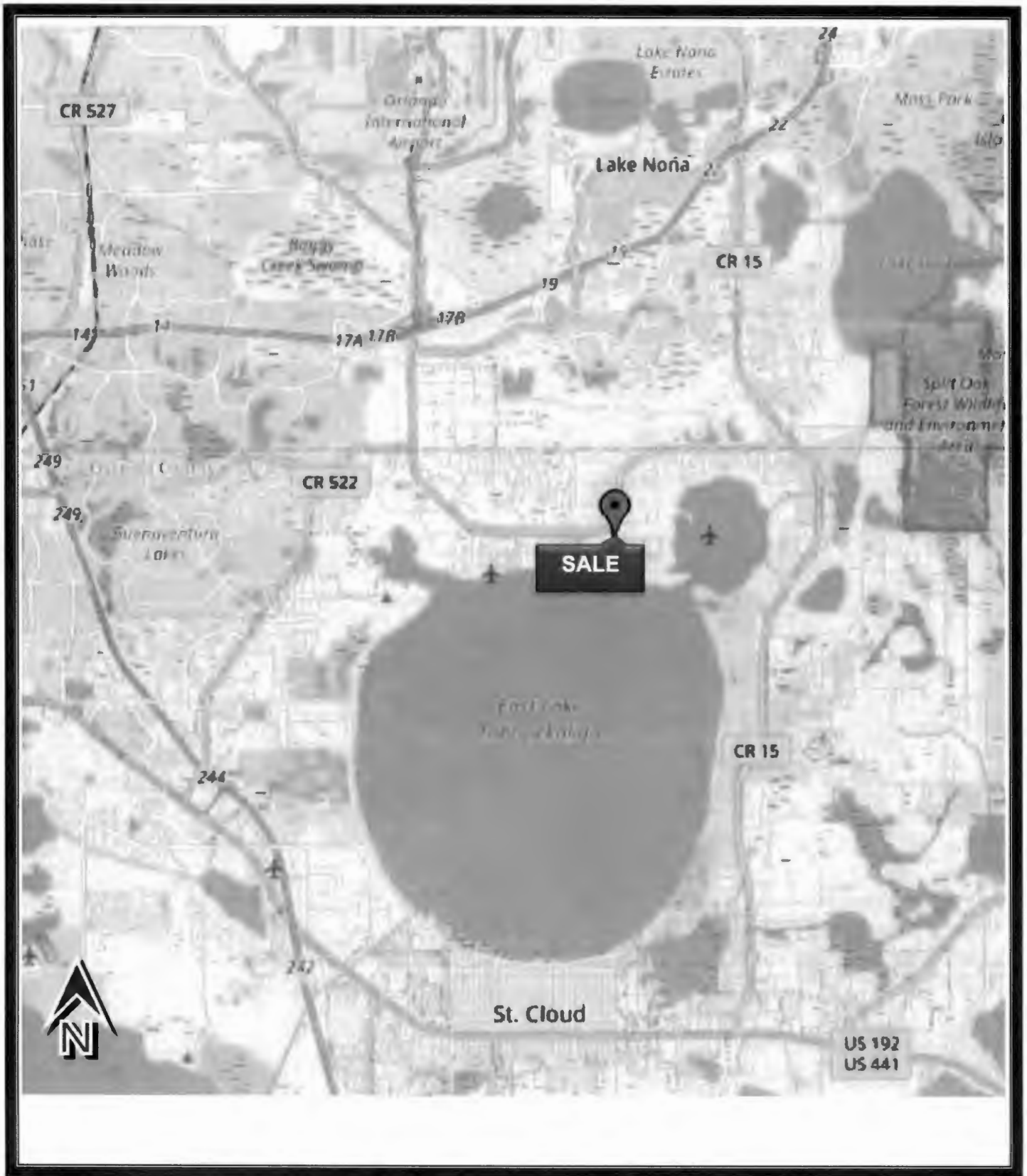
The West 110 feet of the East 474 feet of Government Lot 3, Section 12, Township 25 South, Range 30 East, Osceola County, Florida, less the North 1245 feet thereof.

This deed is given pursuant to the terms of and in satisfaction of that Grant of Right of First Offer and First Refusal recorded in Official Records Book 5087, Page 2149.

AERIAL PHOTOGRAPH



LOCATION MAP



Location: About 1,300' west of Narcoossee Road, north of Clapp Simms Duda Road, Orlando, Orange County.

<b>TRANSACTION</b>	<b>Grantor:</b>	TDCP, LLC		
	<b>Grantee:</b>	Toll Southeast LP Company, Inc.		
	<b>Doc. No.:</b>	20200636428	<b>Stamps:</b>	\$110,075.00
	<b>Tax I.D. No.:</b>	31-24-31-0000-00-004	<b>Consideration:</b>	\$ <u>15,725,000</u>
	<b>Sale Conditions:</b>	Arm's Length Transaction	<b>Date:</b>	<u>December 3, 2020</u>
	<b>Improvements Since Purchase:</b>	None	<b>Unit Price:</b>	
	<b>Financing:</b>	Cash to Seller's Position	Per Ac.:	\$ <u>227,109</u>
	<b>Legal:</b>	Lengthy Legal, See Attached	Per S.F.:	\$ _____
<b>LAND</b>		Per F.F.:	\$ _____	
		Per Unit:	\$ _____	
		<b>Instrument:</b>	<u>Special Warranty Deed</u>	
		<b>Prepared By:</b>	<u>Sara W. Bernard, Esq.</u>	
	<b>Size:</b>	69.24 Ac. (per survey)	<b>Shape:</b>	Irregular
	<b>Dimensions:</b>	See Aerial		
	<b>Street/Road:</b>	Luminary Boulevard is proposed to be a four-lane asphalt paved road with roundabouts.		
	<b>Zoning:</b>	PD/AN/RP (City of Orlando)	<b>Zoning Title:</b>	Planned Development/ Aircraft Noise/Resource Protection
<b>Comp. Plan Designation:</b>	URB-VIL (Urban Village) (City of Orlando)			
<b>Utilities:</b>	All public utilities are available to the site.			
<b>Access:</b>	The property will be accessible via a proposed road known as Luminary Boulevard.			
<b>Topography:</b>	The site is generally level.			
<b>Other Features:</b>	The site was a former borrow pit/pond. In order to make the site developable, a significant amount of earthwork was required.			
<b>REMARKS</b>	The property sold fully entitled and was purchased for a 124-lot single family subdivision indicating a density of 1.79 dwelling units per acre. The property went under contract on October 9, 2019.			

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 31, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 31 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 89°41'29" WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 1592.42 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°18'31" EAST, 860.62 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 31°42'07" EAST, 17.48 FEET; THENCE RUN SOUTH 31°36'43" EAST, 46.35 FEET; THENCE RUN SOUTH 38°42'37" EAST, 46.28 FEET; THENCE RUN SOUTH 30°44'59" EAST, 17.92 FEET; THENCE RUN SOUTH 17°32'46" EAST, 52.16 FEET; THENCE RUN SOUTH 36°16'31" EAST, 92.70 FEET; THENCE RUN SOUTH 63°16'03" EAST, 83.50 FEET; THENCE RUN SOUTH 65°27'01" EAST, 17.96 FEET; THENCE RUN SOUTH 07°54'15" EAST, 23.22 FEET; THENCE RUN SOUTH 72°18'20" EAST, 124.75 FEET; THENCE RUN NORTH 81°33'26" EAST, 52.06 FEET; THENCE RUN NORTH 83°06'25" EAST, 3.73 FEET; THENCE RUN SOUTH 61°29'56" EAST, 17.66 FEET; THENCE RUN SOUTH 74°47'42" EAST, 32.18 FEET; THENCE RUN SOUTH 53°45'55" EAST, 21.58 FEET; THENCE RUN SOUTH 44°47'02" EAST, 52.96 FEET; THENCE RUN SOUTH 29°15'29" EAST, 47.06 FEET; THENCE RUN SOUTH 17°11'57" EAST, 62.72 FEET; THENCE RUN SOUTH 01°25'41" WEST, 51.87 FEET; THENCE RUN SOUTH 10°11'36" WEST, 27.02 FEET; THENCE RUN SOUTH 17°46'07" WEST, 61.17 FEET; THENCE RUN SOUTH 06°08'35" WEST, 79.14 FEET; THENCE RUN SOUTH 00°03'01" EAST, 90.38 FEET; THENCE RUN SOUTH 08°10'50" EAST, 46.36 FEET; THENCE RUN SOUTH 09°30'46" EAST, 58.00 FEET; THENCE RUN SOUTH 30°02'56" EAST, 82.45 FEET; THENCE RUN SOUTH 40°52'47" EAST, 85.08 FEET; THENCE RUN SOUTH 51°05'40" EAST, 84.63 FEET; THENCE RUN SOUTH 69°49'32" EAST, 102.39 FEET; THENCE RUN SOUTH 28°08'38" EAST, 45.66 FEET; THENCE RUN SOUTH 61°51'22" WEST, 204.37 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 2940.00 FEET, A CENTRAL ANGLE OF 27°45'34", AN ARC LENGTH OF 1424.42 FEET, A CHORD LENGTH OF 1410.53 FEET AND A CHORD BEARING OF SOUTH 75°44'09" WEST TO THE POINT OF TANGENCY; THENCE RUN SOUTH 89°36'57" WEST, 639.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY; THENCE RUN WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 5060.00 FEET, A CENTRAL ANGLE OF 02°37'46", AN ARC LENGTH OF 232.20 FEET, A CHORD LENGTH OF 232.18 FEET AND A CHORD BEARING OF SOUTH 88°18'04" WEST TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 38.00 FEET, A CENTRAL ANGLE OF 49°06'06", AN ARC LENGTH OF 32.57 FEET, A CHORD LENGTH OF 31.58 FEET AND A CHORD BEARING OF NORTH 68°27'46" WEST TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 94.00 FEET, A CENTRAL ANGLE OF 23°09'05", AN ARC LENGTH OF 37.98 FEET, A CHORD LENGTH OF 37.72 FEET AND A CHORD BEARING OF NORTH 32°20'10"

WEST TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 594.19 FEET, A CENTRAL ANGLE OF 04°01'02", AN ARC LENGTH OF 41.66 FEET, A CHORD LENGTH OF 41.65 FEET AND A CHORD BEARING OF NORTH 18°45'06" WEST; THENCE RUN SOUTH 85°41'06" WEST, NON-RADIAL TO SAID CURVE, 81.36 FEET; THENCE RUN SOUTH 02°18'44" EAST, 14.87 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 44.00 FEET, A CENTRAL ANGLE OF 64°34'41", AN ARC LENGTH OF 49.59 FEET, A CHORD LENGTH OF 47.01 FEET AND A CHORD BEARING OF SOUTH 29°58'36" WEST TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHWESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 479.00 FEET, A CENTRAL ANGLE OF 16°07'54", AN ARC LENGTH OF 134.86 FEET, A CHORD LENGTH OF 134.42 FEET AND A CHORD BEARING OF SOUTH 70°19'53" WEST TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 5060.00 FEET, A CENTRAL ANGLE OF 02°17'08", AN ARC LENGTH OF 201.84 FEET, A CHORD LENGTH OF 201.83 FEET AND A CHORD BEARING OF SOUTH 82°30'30" WEST; THENCE RUN NORTH 38°39'23" WEST, NON-RADIAL TO SAID CURVE, 415.36 FEET; THENCE RUN NORTH 41°37'55" EAST, 28.19 FEET; THENCE RUN NORTH 49°23'55" EAST, 8.74 FEET; THENCE RUN NORTH 56°12'39" EAST, 31.13 FEET; THENCE RUN NORTH 49°40'18" EAST, 46.59 FEET; THENCE RUN NORTH 51°51'31" EAST, 67.45 FEET; THENCE RUN NORTH 14°10'27" EAST, 36.57 FEET; THENCE RUN NORTH 34°41'53" EAST, 53.12 FEET; THENCE RUN NORTH 87°54'05" EAST, 27.59 FEET; THENCE RUN NORTH 53°13'47" EAST, 50.46 FEET; THENCE RUN NORTH 64°33'42" EAST, 7.69 FEET; THENCE RUN NORTH 73°36'49" EAST, 32.31 FEET; THENCE RUN NORTH 53°37'20" EAST, 50.26 FEET; THENCE RUN NORTH 36°04'58" EAST, 30.42 FEET; THENCE RUN NORTH 54°31'11" EAST, 49.68 FEET; THENCE RUN NORTH 62°04'31" EAST, 31.78 FEET; THENCE RUN NORTH 56°29'37" EAST, 44.34 FEET; THENCE RUN NORTH 61°06'18" EAST, 10.73 FEET; THENCE RUN NORTH 56°37'21" EAST, 73.63 FEET; THENCE RUN NORTH 16°56'38" EAST, 34.44 FEET; THENCE RUN NORTH 49°09'38" EAST, 51.45 FEET; THENCE RUN NORTH 57°13'01" EAST, 38.32 FEET; THENCE RUN NORTH 46°42'35" EAST, 62.19 FEET; THENCE RUN NORTH 13°53'00" EAST, 16.03 FEET; THENCE RUN NORTH 57°16'52" EAST, 33.69 FEET; THENCE RUN NORTH 65°52'06" EAST, 43.42 FEET; THENCE RUN NORTH 63°44'51" EAST, 79.85 FEET; THENCE RUN NORTH 40°32'54" EAST, 56.25 FEET; THENCE RUN NORTH 57°33'41" EAST, 26.64 FEET; THENCE RUN NORTH 77°52'03" EAST, 6.82 FEET; THENCE RUN SOUTH 84°34'28" EAST, 29.50 FEET; THENCE RUN SOUTH 76°56'52" EAST, 27.67 FEET; THENCE RUN SOUTH 79°44'14" EAST, 37.85 FEET; THENCE RUN SOUTH 84°26'01" EAST, 60.18 FEET; THENCE RUN NORTH 59°36'45" EAST, 13.41 FEET; THENCE RUN SOUTH 81°55'19" EAST, 58.75 FEET; THENCE RUN NORTH 75°44'19" EAST, 32.19 FEET; THENCE RUN SOUTH 86°38'07" EAST, 18.02 FEET; THENCE RUN NORTH 78°18'56" EAST, 57.48 FEET; THENCE RUN NORTH 53°20'22" EAST, 43.71 FEET; THENCE RUN NORTH 87°00'40" EAST, 26.67 FEET; THENCE RUN NORTH 64°00'00" EAST, 60.97 FEET; THENCE RUN NORTH 49°00'47" EAST, 55.44 FEET; THENCE RUN NORTH 44°42'56" EAST, 52.20 FEET; THENCE RUN NORTH 31°21'14" EAST, 42.60 FEET; THENCE RUN NORTH 35°02'15" EAST, 16.33 FEET;



THENCE RUN NORTH 50°38'39" EAST, 34.83 FEET; THENCE RUN NORTH 44°34'05" EAST, 57.38 FEET; THENCE RUN NORTH 35°33'17" EAST, 29.82 FEET; THENCE RUN NORTH 45°18'44" EAST, 24.70 FEET; THENCE RUN NORTH 42°17'58" EAST, 24.15 FEET; THENCE RUN NORTH 59°13'30" EAST, 46.71 FEET; THENCE RUN NORTH 15°31'15" EAST, 52.38 FEET; THENCE RUN NORTH 41°14'12" EAST, 8.85 FEET; THENCE RUN SOUTH 87°25'02" EAST, 41.38 FEET; THENCE RUN NORTH 73°32'43" EAST, 49.75 FEET; THENCE RUN NORTH 68°28'53" EAST, 32.15 FEET; THENCE RUN NORTH 67°07'53" EAST, 29.72 FEET; THENCE RUN NORTH 67°51'25" EAST, 38.19 FEET; THENCE RUN NORTH 54°39'58" EAST, 36.69 FEET; THENCE RUN NORTH 56°29'37" EAST, 38.00 FEET; THENCE RUN NORTH 45°55'55" EAST, 42.99 FEET; THENCE RUN SOUTH 69°18'36" EAST, 41.95 FEET; THENCE RUN SOUTH 74°49'08" EAST, 44.79 FEET; THENCE RUN NORTH 76°01'10" EAST, 55.35 FEET; THENCE RUN NORTH 65°47'15" EAST, 35.09 FEET; THENCE RUN NORTH 63°08'01" EAST, 42.85 FEET; THENCE RUN NORTH 51°37'56" EAST, 51.03 FEET; THENCE RUN NORTH 48°31'09" EAST, 28.24 FEET; THENCE RUN NORTH 58°03'58" EAST, 31.42 FEET; THENCE RUN NORTH 84°22'56" EAST, 9.08 FEET; THENCE RUN SOUTH 80°32'03" EAST, 10.88 FEET; THENCE RUN SOUTH 84°02'09" EAST, 61.36 FEET; THENCE RUN NORTH 60°13'44" EAST, 57.72 FEET; THENCE RUN NORTH 51°52'03" EAST, 28.38 FEET; THENCE RUN NORTH 42°44'30" EAST, 40.31 FEET; THENCE RUN NORTH 51°31'56" EAST, 22.63 FEET TO THE POINT OF BEGINNING.

AERIAL PHOTOGRAPH

Sale No.: VR-618



Vacant Residential Land

**LOCATION MAP**



**Location:** West side of Dowden Road about 900' south of Launch Point Road in Orlando, Orange County.

<b>TRANSACTION</b>	<b>Grantor:</b>	Moss Park Properties, LLLP		
	<b>Grantee:</b>	Lennar Homes, LLC		
	<b>Instrument No.:</b>	20200355298	<b>Stamps:</b>	\$55,277.60
	<b>Tax I.D. No.:</b>	04-24-31-0000-00-001 (partial)	<b>Consideration:</b>	<u>\$7,896,800</u>
	<b>Sale Conditions:</b>	Arm's Length Transaction	<b>Date:</b>	<u>June 26, 2020</u>
	<b>Improvements Since Purchase:</b>	See Remarks	<b>Unit Price:</b>	
	<b>Financing:</b>	Cash to Seller's Position	Per Ac.:	<u>\$152,272</u>
	<b>Legal:</b>	Lengthy Legal, See Attached	Per S.F.:	<u>\$</u>
		Per F.F.:	<u>\$</u>	
		Per Unit:	<u>\$</u>	
		<b>Instrument:</b>	<u>Special Warranty Deed</u>	
		<b>Prepared By:</b>	<u>Eric A. Castleson, Esq.</u>	
<b>LAND</b>	<b>Size:</b>	51.86 Ac. (per plat)	<b>Shape:</b>	Irregular
	<b>Dimensions:</b>	See Aerial		
	<b>Street/Road:</b>	Dowden Road is a four-lane asphalt paved median divided roadway with sidewalks, concrete curbs, drainage swales and streetlights.		
	<b>Zoning:</b>	PD (City of Orlando)	<b>Zoning Title:</b>	Planned Development
	<b>Comp. Plan Designation:</b>	Office-Low (City of Orlando)		
	<b>Utilities:</b>	All public utilities are available to the site.		
	<b>Access:</b>	The property is accessible via Dowden Road.		
	<b>Topography:</b>	The property is generally level.		
	<b>Other Features:</b>	The property was mostly cleared at the time of sale.		
<b>REMARKS</b>	The property was entitled for the proposed use; however, the buyer paid for the design and engineering costs. The property is being developed with a 160-lot single family subdivision indicating a density of 3.09 du/ac.			

LEGAL DESCRIPTION

A portion of Tract FD-2, *DOWDEN ROAD - PHASES 3 AND 4*, according to the plat thereof, as recorded in Plat Book 99, Pages 49 through 52, Public Records of Orange County, Florida; Together with a portion of Section 33, Township 23 South, Range 31 East and a portion of Sections 3 and 4, Township 24 South, Range 31 East, Orange County, Florida, being more particularly described as follows:

Commence at the northwest corner of said Section 3; thence run S 00°47'01" E, along the west line of the Northwest 1/4 of said Section 3, a distance of 458.58 feet for the **POINT OF BEGINNING**; said point lying on the westerly right-of-way line of Dowden Road; thence run southeasterly along said westerly right-of-way line, the following two (2) courses and distances: run S 22°12'36" E, a distance of 463.05 feet to a point of curvature of a curve, concave westerly, having a radius of 1,512.50 feet and a central angle of 00°06'30"; thence run southerly, along the arc of said curve, a distance of 2.86 feet to a point on said curve; thence, departing said westerly right-of-way line, run S 67°47'24" W, a distance of 228.29 feet to a point of curvature of a curve, concave northerly, having a radius of 286.00 feet and a central angle of 19°54'48"; thence run westerly, along the arc of said curve, a distance of 99.40 feet to the point of tangency thereof; thence run S 87°42'12" W, a distance of 505.14 feet to a point of curvature of a curve, concave northerly, having a radius of 65.00 feet and a central angle of 31°24'40"; thence run westerly, along the arc of said curve, a distance of 35.63 feet to the point of tangency thereof; thence run S 67°47'24" W, a distance of 299.86 feet; thence run S 48°54'44" W, a distance of 50.00 feet to a point lying on the easterly line of Wetland Area "F2", as described and recorded in Official Records Book DOCH# 20170346477, Public Records of Orange County, Florida; thence run along said wetland line, the following courses and distances: run N 41°05'16" W, a distance of 111.82 feet; thence run N 29°11'40" W, a distance of 163.19 feet; thence run N 52°46'17" W, a distance of 206.40 feet; thence run N 63°14'11" W, a distance of 245.10 feet; thence run N 73°45'11" W, a distance of 136.18 feet; thence run S 85°13'46" W, a distance of 179.40 feet; thence run S 72°10'08" W, a distance of 106.20 feet; thence run S 60°11'14" W, a distance of 147.37 feet; thence run S 55°25'40" W, a distance of 127.36 feet; thence run S 44°31'57" W, a distance of 113.56 feet; thence run S 45°41'54" W, a distance of 102.13 feet; thence run S 35°25'45" W, a distance of 112.96 feet; thence run S 21°07'39" W, a distance of 79.10 feet; thence run S 55°58'24" W, a distance of 94.39 feet; thence run S 27°34'25" W, a distance of 70.38 feet; thence run S 48°50'15" W, a distance of 80.30 feet; thence run S 49°41'04" W, a distance of 100.70 feet; thence run S 77°47'54" W, a distance of 110.91 feet; thence run N 42°44'17" W, a distance of 138.30 feet; thence run N 45°50'13" W, a distance of 186.39 feet; thence run N 24°37'37" W, a distance of 147.44 feet; thence run N 10°13'46" W, a distance of 128.44 feet; thence run N 18°52'05" W, a distance of 25.91 feet; thence, departing the easterly line of said Wetland Area "F2", run S 90°00'00" E, a distance of 92.91 feet to a point of curvature of a non-tangent curve, concave northerly, having a radius of 207.00 feet; thence, on a chord bearing of S 82°04'17" E and a chord distance of 179.17 feet, run easterly along the arc of said curve, a distance of 185.29 feet, through a central angle of 51°17'14" to the point of tangency thereof; thence run N 72°17'06" E, a distance of 365.00 feet; thence run N 17°42'54" W, a distance of 130.00 feet; thence run S 72°17'06" W, a distance of 136.54 feet; thence run N 17°42'54" W, a distance of 55.00 feet to a point of curvature of a non-tangent curve, concave westerly, having a

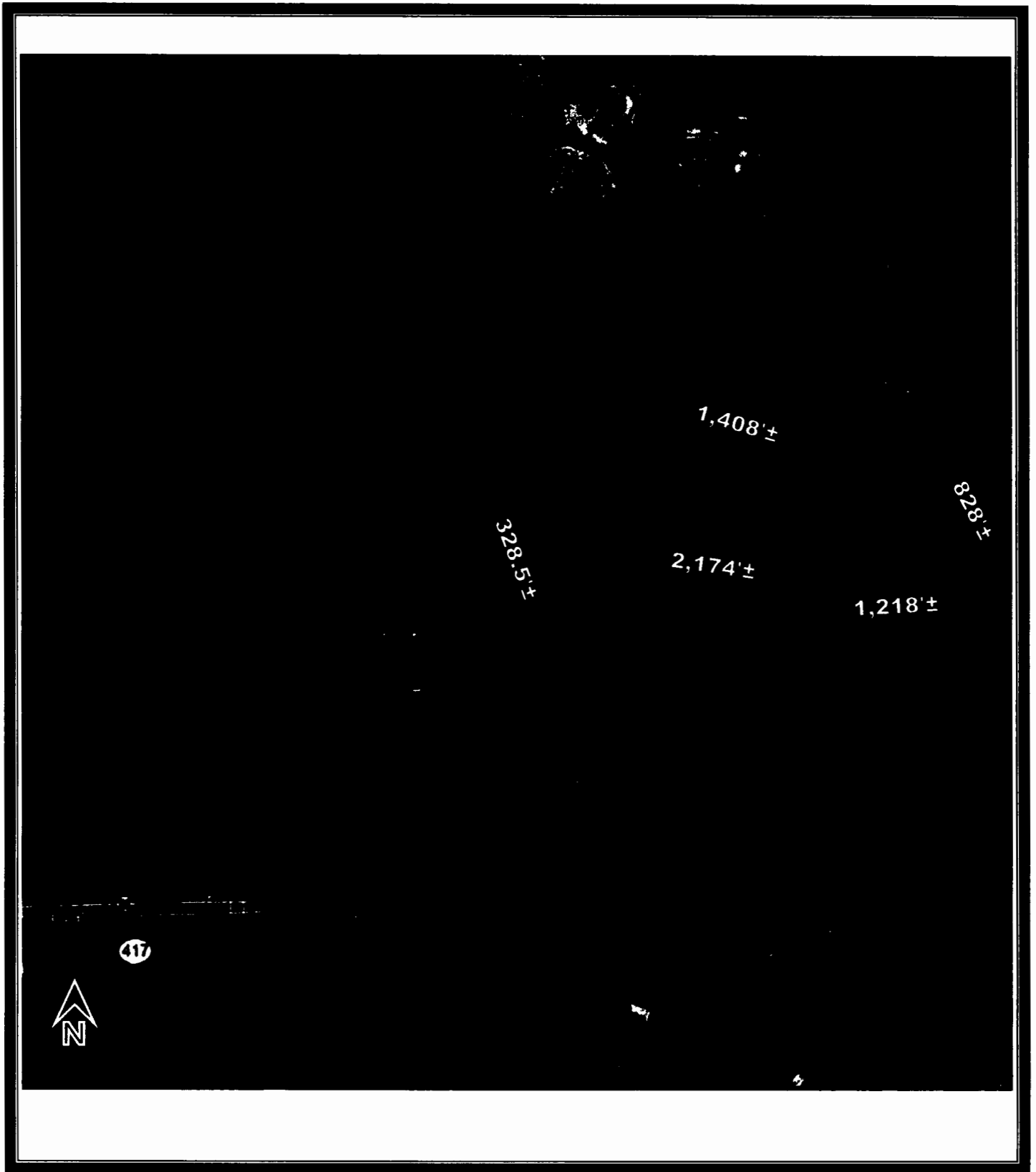
LEGAL DESCRIPTION CONTINUED

radius of 10.00 feet; thence, on a chord bearing of N 31°09'06" E and a chord distance of 13.16 feet, run northeasterly along the arc of said curve, a distance of 14.36 feet, through a central angle of 82°16'00" to the point of tangency thereof; thence run N 09°58'54" W, a distance of 10.86 feet; thence run N 80°01'06" E, a distance of 60.00 feet to a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 10.00 feet; thence, on a chord bearing of S 58°50'54" E, run southeasterly along the arc of said curve, a distance of 17.06 feet, through a central angle of 97°44'00" to the point of tangency thereof; thence run N 72°17'06" E, a distance of 242.20 feet to a point of curvature of a curve, concave northwesterly, having a radius of 10.00 feet and a central angle of 82°16'00"; thence run northeasterly, along the arc of said curve, a distance of 14.36 feet to the point of tangency thereof; thence run N 09°58'54" W, a distance of 482.13 feet to a point of curvature of a curve, concave southwesterly, having a radius of 10.00 feet and a central angle of 100°37'01", thence run northwesterly, along the arc of said curve, a distance of 17.56 feet to a point on a non-radial line; thence run N 20°35'54" W, a distance of 55.00 feet; thence run N 69°24'06" E, a distance of 14.06 feet to a point of curvature of a curve, concave northwesterly, having a radius of 10.00 feet and a central angle of 79°22'59"; thence run northeasterly, along the arc of said curve, a distance of 13.85 feet to the point of tangency thereof; thence run N 09°58'54" W, a distance of 13.50 feet; thence run N 80°01'06" E, a distance of 52.00 feet to a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 10.00 feet; thence, on a chord bearing of S 60°17'24" E and a chord distance of 15.39 feet, run southeasterly along the arc of said curve, a distance of 17.56 feet, through a central angle of 100°37'01" to the point of tangency thereof; thence run N 69°24'06" E, a distance of 134.78 feet to a point of curvature of a curve, concave southerly, having a radius of 829.00 feet and a central angle of 06°02'00"; thence run easterly, along the arc of said curve, a distance of 87.29 feet to a point of reverse curvature of a curve, having a radius of 10.00 feet and a central angle of 85°24'59"; thence run northeasterly along the arc of said curve, a distance of 14.91 feet to a point on a non-radial line; thence run N 77°15'52" E, a distance of 55.06 feet to a point of curvature of a non-tangent curve, concave northeasterly, having a radius of 10.00 feet; thence, on a chord bearing of S 54°42'36" E and a chord distance of 14.07 feet, run southeasterly along the arc of said curve, a distance of 15.61 feet, through a central angle of 89°27'25" to a point of reverse curvature of a curve, having a radius of 829.00 feet and a central angle of 06°51'30"; thence run easterly along the arc of said curve, a distance of 99.23 feet to the point of tangency thereof; thence run N 87°25'11" E, a distance of 24.01 feet to a point of curvature of a curve, concave southerly, having a radius of 179.00 feet and a central angle of 31°17'29"; thence run easterly, along the arc of said curve, a distance of 97.76 feet to the point of tangency thereof; thence run S 61°17'20" E, a distance of 178.21 feet to a point of curvature of a curve, concave northerly, having a radius of 10.00 feet and a central angle of 90°00'00"; thence run easterly, along the arc of said curve, a distance of 15.71 feet to a point on a non-radial line; thence run S 61°17'20" E, a distance of 52.00 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 10.00 feet; thence, on a chord bearing of S 16°17'20" E and a chord distance of 14.14 feet, run southerly along the arc of said curve, a distance of 15.71 feet, through a central angle of 90°00'00"; thence run S 61°17'20" E, a distance of 524.98 feet to a point of curvature of a curve, concave northerly, having a radius of 10.00 feet and a central angle of 90°00'00"; thence run easterly, along the arc of said curve, a distance of 15.71 feet to the point of tangency thereof; thence run N 28°42'40" E, a distance of 241.00 feet to a point of curvature of a curve, concave westerly, having a radius of 10.00 feet and a central angle of 90°00'00"; thence run northerly, along the arc of said curve, a distance of 15.71 feet to a point on a non-radial line; thence run N 28°42'40" E, a distance of 60.00 feet to a point of curvature of a non-tangent curve, concave

LEGAL DESCRIPTION CONTINUED

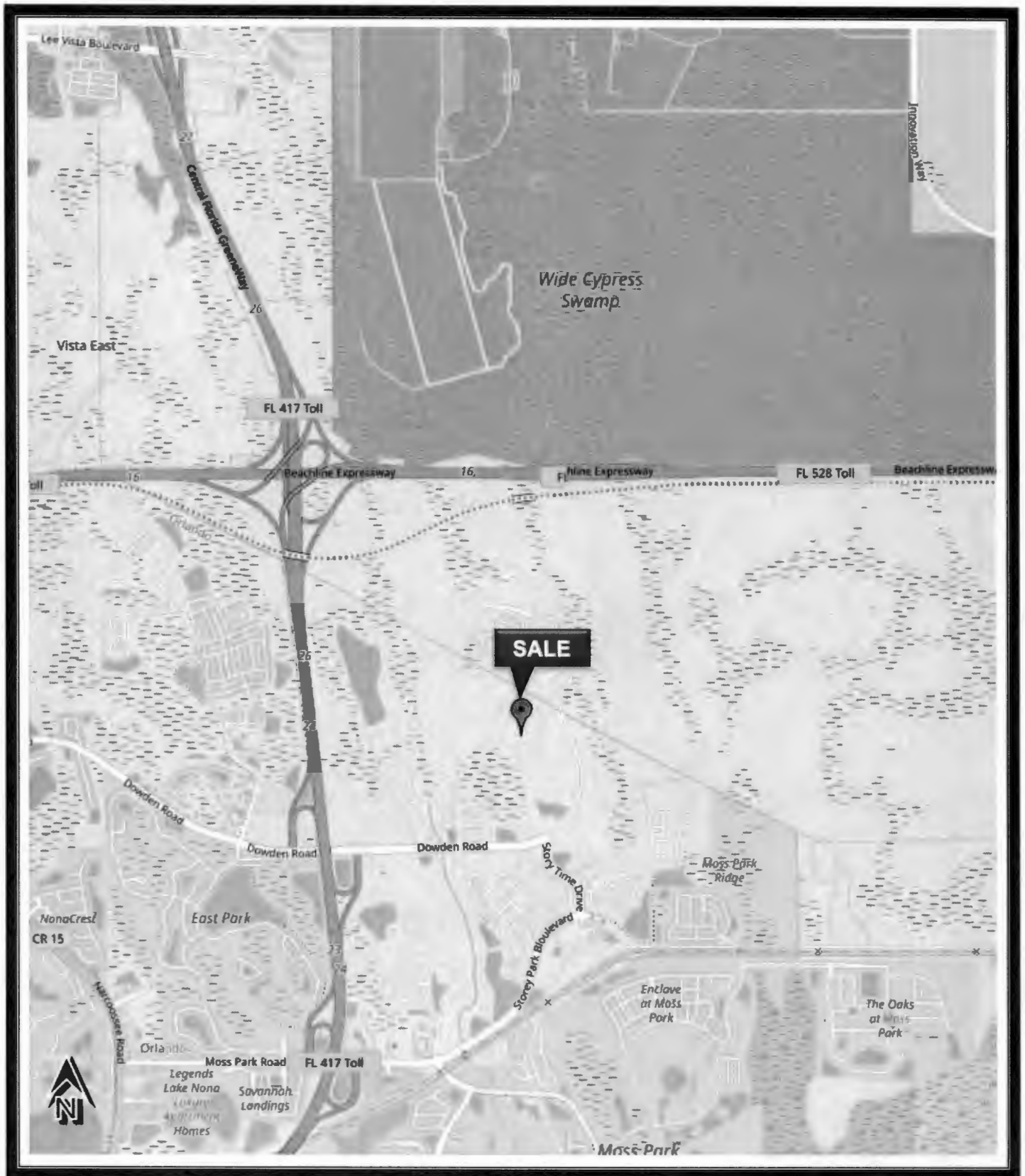
northerly, having a radius of 10.00 feet; thence, on a chord bearing of N 73°42'40" E and a chord distance of 14.14 feet, run easterly along the arc of said curve, a distance of 15.71 feet, through a central angle of 90°00'00" to a point on a non-radial line; thence run S 61°17'20" E, a distance of 52.00 feet to a point of curvature of a non-tangent curve, concave easterly, having a radius of 10.00 feet; thence, on a chord bearing of S 16°17'20" E and a chord distance of 14.14 feet, run southerly along the arc of said curve, a distance of 15.71 feet, through a central angle of 90°00'00" to the point of tangency thereof; thence run S 61°17'20" E, a distance of 421.33 feet to a point of curvature of a curve, concave southwesterly, having a radius of 105.00 feet and a central angle of 36°58'17"; thence run southeasterly, along the arc of said curve, a distance of 67.75 feet to a point of reverse curvature of a curve, having a radius of 10.00 feet and a central angle of 92°50'33"; thence run easterly along the arc of said curve, a distance of 16.20 feet to the point of tangency thereof; thence run N 62°50'24" E, a distance of 245.49 feet to a point of curvature of a curve, concave westerly, having a radius of 10.00 feet and a central angle of 88°05'09"; thence run northerly, along the arc of said curve, a distance of 15.37 feet to a point on a non-radial line; thence run N 62°24'09" E, a distance of 52.04 feet to a point of curvature of a non-tangent curve, concave northerly, having a radius of 10.00 feet; thence, on a chord bearing of S 70°41'26" E and a chord distance of 14.18 feet, run easterly along the arc of said curve, a distance of 15.76 feet, through a central angle of 90°18'34" to a point of reverse curvature of a curve, having a radius of 826.00 feet and a central angle of 03°38'07"; thence run northeasterly along the arc of said curve, a distance of 52.41 feet to the point of tangency thereof; thence run N 67°47'24" E, a distance of 45.72 feet; thence run N 22°12'36" W, a distance of 30.00 feet; thence run N 67°47'24" E, a distance of 43.50 feet to a point on the aforesaid westerly right-of-way line of Dowden Road; thence run S 22°12'36" E, along said westerly right-of-way line, a distance of 401.66 feet to the ***POINT OF BEGINNING***.

AERIAL PHOTOGRAPH





LOCATION MAP



## **LAND SALES (AFTER)**

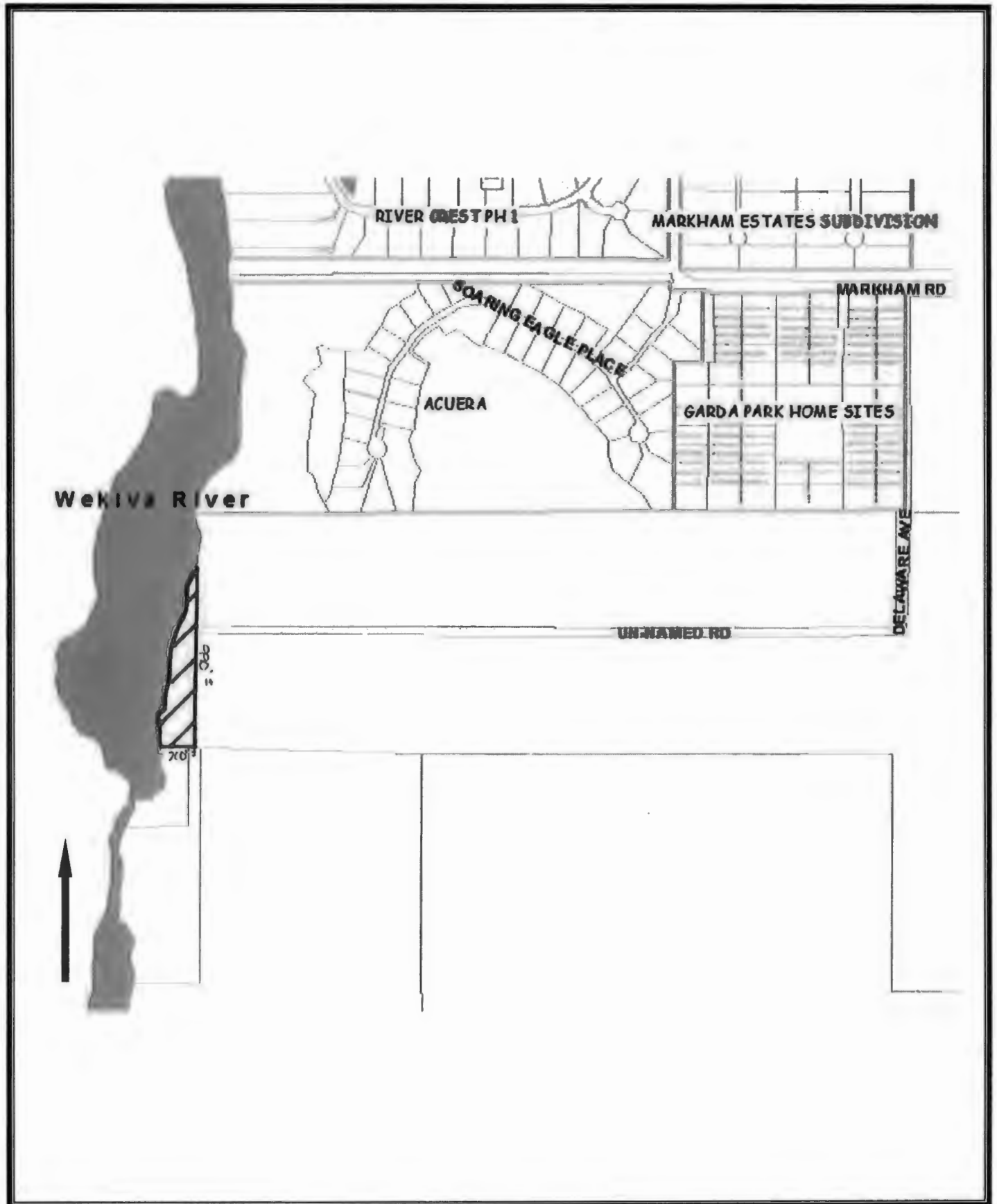
**Location:** East side of the Wekiva River about two miles south of the State Road 46 bridge, Seminole County, Florida.

<b>TRANSACTION</b>	<b>Grantor:</b>	Timothy J. Hopkins			
	<b>Grantee:</b>	Terry N. Myers & Rhonda Myers			
	<b>O.R. Book:</b>	7776	<b>Page:</b>	817	
			<b>Stamps:</b>	\$52.50	
	<b>Tax I.D. No.:</b>	33-19-29-300-0030-0000		<b>Consideration:</b>	\$7,500
	<b>Sale Conditions:</b>	Arm's Length Transaction		<b>Date:</b>	May 10, 2012
	<b>Improvements Since Purchase:</b>	None		<b>Unit Price:</b>	
				Per Ac.:	\$ 1,500
			Per S.F.:	\$	
<b>Financing:</b>	Cash to Seller's Position		Per F.F.:	\$	
			Per Unit:	\$	
<b>Legal:</b>	Lengthy Legal, See Attached		<b>Instrument:</b>	Warranty Deed	
			<b>Prepared By:</b>	Stephanie Oubre, Central Florida Title, LLC	
<b>LAND</b>	<b>Size:</b>	5 Acres	<b>Shape:</b>	Irregular	
	<b>Dimensions:</b>	See Sketch			
	<b>Street/Road:</b>	The site has no abutting street.			
	<b>Zoning:</b>	PUD (Seminole County)	<b>Zoning Title:</b>	Planned Unit Development	
	<b>Comp. Plan Designation:</b>	Preservation Managed Land with Conservation Overlay (Seminole County)			
	<b>Utilities:</b>	None.			
	<b>Access:</b>	Access to the site is via agreement with the Forestry service who owns the adjacent land.			
	<b>Topography:</b>	The site is generally level; but consists mostly of wetlands.			
<b>Other Features:</b>	The entire site is forested.				
<b>REMARKS</b>	This parcel has approximately 1,100' of frontage along the east side of the Wekiva River. The buyer purchased the property for hunting and camping purposes.				

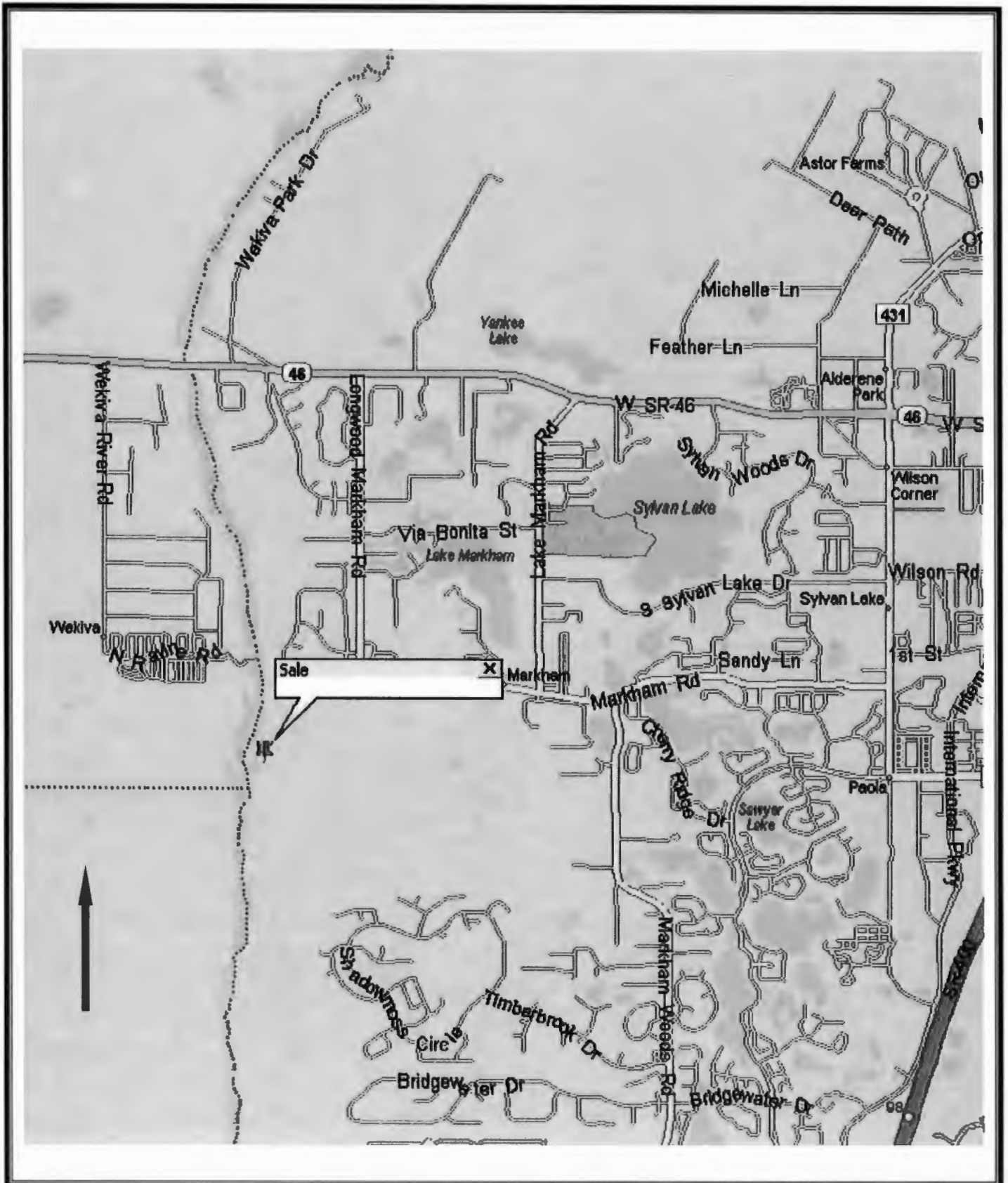
LEGAL DESCRIPTION

The West 1/2 of the ~~Southwest~~ Southeast 1/4, East of Centerline of the Wakiva River, of Section 33, Township 19 South, Range 29 East, Seminole County, Florida; LESS AND EXCEPT any part lying within the abandoned CSX Railroad Right-of-Way, as described in Parcel 1 (Tavares Branch) in that certain Deed recorded in Official Records Book 1774, Page 1051, in the Public Records of Seminole County, Florida.

SITE SKETCH



LOCATION MAP



**Location:** South side of Millstream Drive, about 1,500 feet east of Kijik Trail, Lake County **Sale No.: VL-571**

<b>TRANSACTION</b>	<b>Grantor:</b>	Agostino & Marietta Maniglia	
	<b>Grantee:</b>	Balram D. Mangal	
	<b>Instrument No.:</b>	2014038629	
	<b>O.R. Book/Page:</b>	4461 / 2242	<b>Price:</b> \$45,000
	<b>Tax I.D. No.:</b>	3822023	<b>Unit Price:</b>
	<b>Sale Conditions:</b>	Arm's length transaction	<b>Per Acre:</b> \$4,500
	<b>Financing:</b>	Cash to seller's position	<b>Date:</b> March 24, 2014
	<b>Legal:</b>	See attached exhibit	<b>Instrument:</b> Warranty Deed
<b>LAND</b>	<b>Size:</b>	10 Acres	
	<b>Shape:</b>	Rectangular	
	<b>Dimensions:</b>	See attached sketch	
	<b>Roadway:</b>	Millstream Drive is a two-lane, dirt roadway.	
	<b>Zoning:</b>	A, Agriculture, Lake County	
	<b>Future Land Use:</b>	Green Swamp Core Conservation, Lake County	
	<b>Utilities:</b>	Electricity, Telephone	
	<b>Access:</b>	From Millstream Drive	
	<b>Topography:</b>	Generally level, wooded, and near road grade	
<b>REMARKS</b>	At the time of sale, the property contained a foundation for a residence that was started but never completed in the past. It contributed no value in the transaction.		

Vacant Residential

**Sale No.: VL-571**

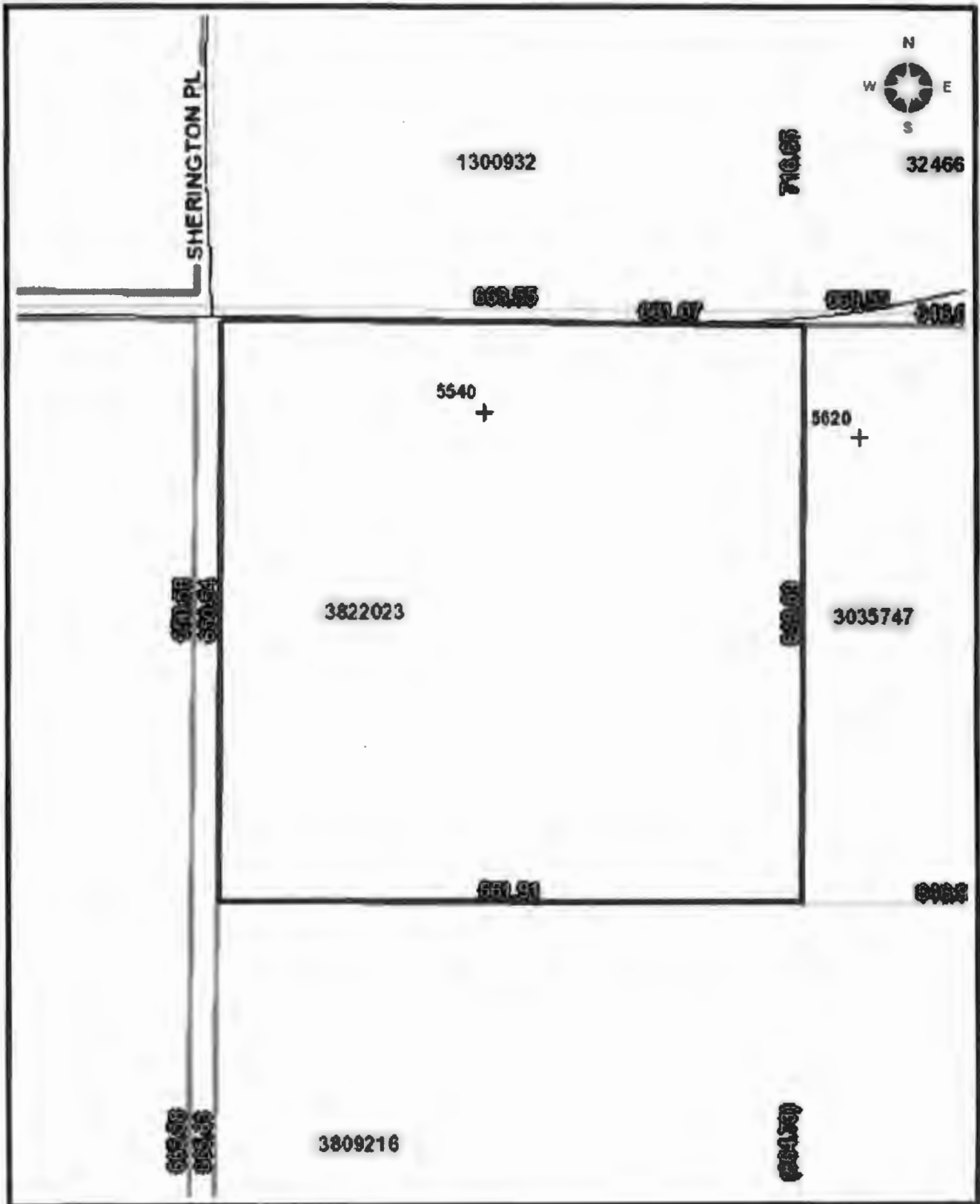
## **LEGAL DESCRIPTION**

**Tract 5 of Section 1, Township 23 South, Range 24 East, Lake County, Florida, according to the plat of GROVELAND FARMS, recorded in Plat Book 2, pages 10 and 11, of the Public Records of Lake County, Florida.**

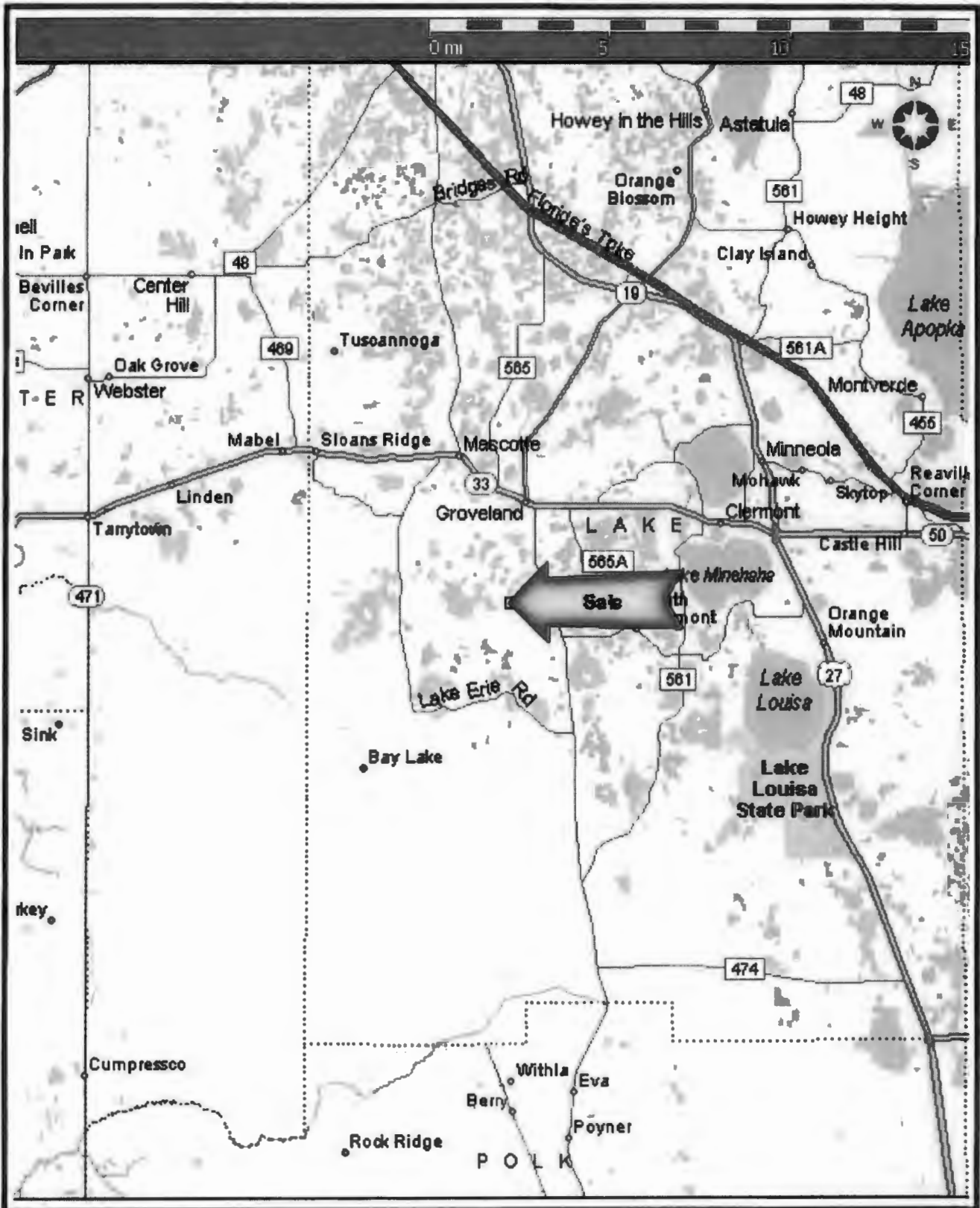


Sale No.: VL-571

# SKETCH



# LOCATION MAP



**Location:** East side of Bay Lake Road, about 850 feet north of Eden Lane, Lake County **Sale No.: VL-572**

<b>TRANSACTION</b>	<b>Grantor:</b>	Bay Lake Groves, Inc.	
	<b>Grantee:</b>	Bay Lake LLC	
	<b>Instrument No.:</b>	2014066593	
	<b>O.R. Book/Page:</b>	4491 / 788	<b>Price:</b> \$192,000
	<b>Tax I.D. No.:</b>	1082421	<b>Unit Price:</b>
	<b>Sale Conditions:</b>	Arm's length transaction	<b>Per Acre:</b> \$6,254
	<b>Financing:</b>	Cash to seller's position	<b>Date:</b> June 12, 2014
	<b>Legal:</b>	See attached exhibit	<b>Instrument:</b> Warranty Deed
<b>LAND</b>	<b>Size:</b>	30.7 Acres	
	<b>Shape:</b>	Irregular	
	<b>Dimensions:</b>	See attached sketch	
	<b>Roadway:</b>	Bay Lake Road is a two-lane, asphalt paved roadway with swale drainage.	
	<b>Zoning:</b>	A, Agriculture, Lake County	
	<b>Future Land Use:</b>	Green Swamp Rural Conservation, Lake County	
	<b>Utilities:</b>	Electricity, Telephone	
	<b>Access:</b>	From Bay Lake Road	
	<b>Topography:</b>	Generally level and near road grade	
<b>REMARKS</b>			

Vacant Residential

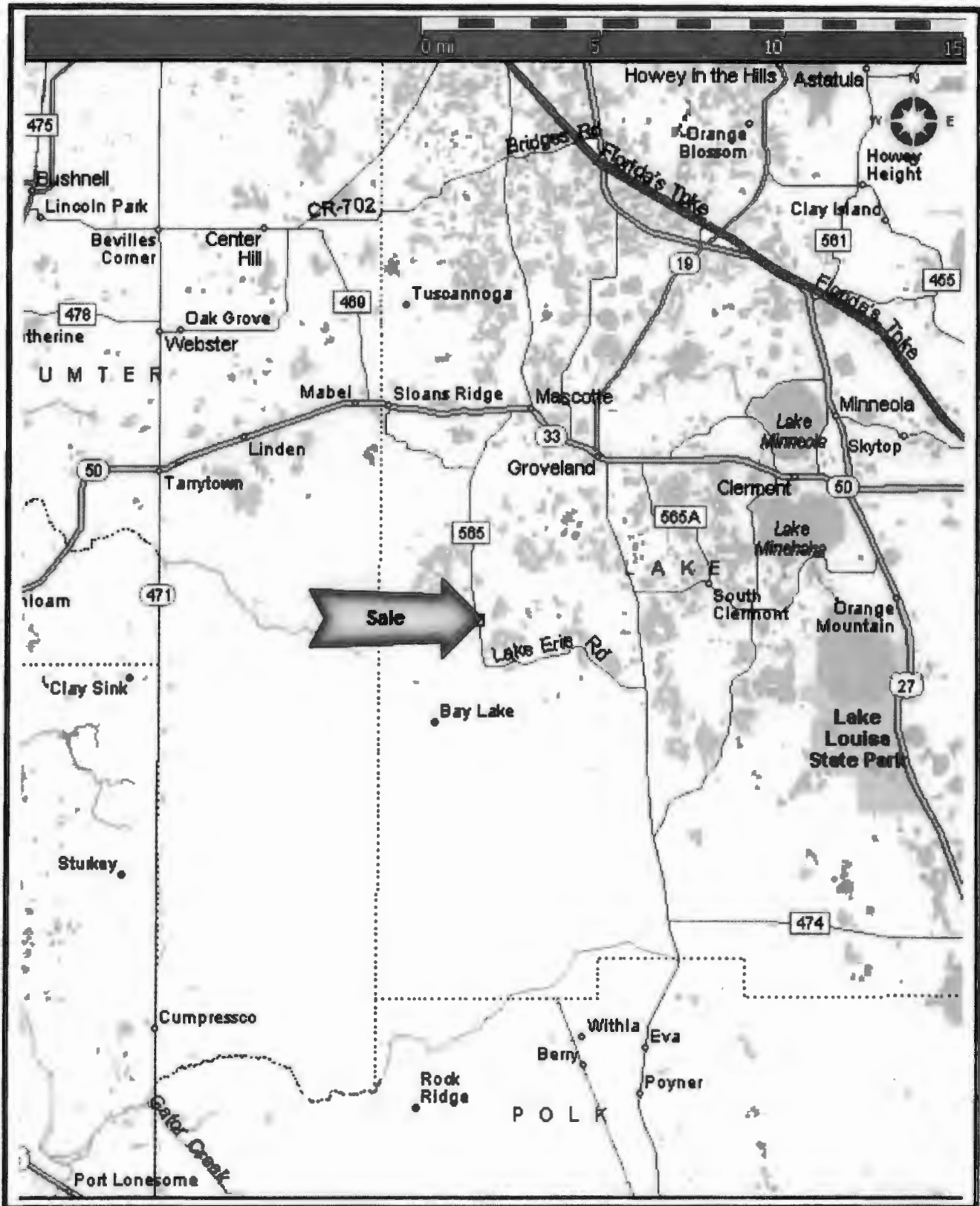
**Sale No.: VL-572**

## **LEGAL DESCRIPTION**

**Tract 41; the East 200 feet of the South 1/2 of Tract 42, all that part of Tract 55, lying Easterly of Mascotte Bay Lake Road, LESS the West 260 feet of the North 50 feet of said Tract 55, and Tract 56, all being in Section 9, Township 23 South, Range 24 East, all according to the Plat of GROVELAND FARMS, as shown by the Plat recorded in Plat Book 2, Pages 10 and 11, Public Records of Lake County, Florida.**



# LOCATION MAP



# **QUALIFICATIONS AND BACKGROUND**

# Calhoun, Dreggors & Associates, Inc.

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• Real Estate Appraisers & Consultants •

## QUALIFICATIONS RICHARD C. DREGGORS

### **Academic Background:**

DeLand High School, DeLand, Florida, 1981  
Associates in Arts Degree, Daytona Beach Community College, Daytona Beach, Florida, 1984  
Bachelor of Science Degree (Real Estate), Florida State University, Tallahassee, Florida, 1987  
Certificate in Planning Studies, Florida State University, Tallahassee, Florida, 1987

### **Licenses:**

State of Florida Licensed Real Estate Broker BK482043 – 1988  
State of Florida Certified General Real Estate Appraiser RZ1628 – 1993

### **Designations:**

GAA Designation (General Accredited Appraiser) with the National Association of Realtors ® (Member No. 2652) – 1998

### **Professional Affiliations:**

Member of the Association of Eminent Domain Professionals (AEDP)  
Board of Directors Association of Eminent Domain Professionals (1993, 2001)  
President of Association of Eminent Domain Professionals (2018-2019)  
Member of the National Association of Realtors ®  
Member of the Florida Association of Realtors ®  
Member of the Greater Orlando Association of Realtors ®  
Member of the Central Florida Commercial Real Estate Society  
Member of the Real Estate Appraisal Section of the National Association of Realtors ®  
Member of International Right of Way Association (IRWA) Member No. 4919

### **Scope of Appraisal Services:**

Mr. Dreggors has over 33 years of real estate appraisal experience, which have been oriented toward eminent domain matters. His office is located in Orlando, Florida. Mr. Dreggors has been involved in appraisal assignments throughout Florida working with condemnors and property owners.



Assignments range from the appraisal of vacant land and single-family homes to large industrial properties and shopping centers. Appraisal assignments also include the valuation of utility systems and solid waste facilities around the State. Many of these appraisal assignments include complicated appraisal problems that arise from eminent domain takings. Some of the appraisal problems include an analysis of loss of parking, loss of access, irregularly shaped remainders, roadway re-alignments, electric transmission line impacts and many other types of impacts.

Mr. Dreggors has appraised property for condemnors and individual property owners. Condemnor clients have included Brevard County, Volusia County, Volusia County School Board, City of Sanford, City of Leesburg, City of Oakland, City of Kissimmee, City of Palm Coast, City of Winter Garden and the Orange County Public Library System. Utility company clients have included Toho Water Authority, Florida Gas Transmission, Central Florida Pipeline Corporation and Gulfstream Natural Gas Systems. Property owner clients include Southland Corporation (7-11), Exxon-Mobil, Circle K, Burger King, McDonalds, Wal-Mart, B.P. Oil, SunTrust Bank, BB&T Bank, Bank of America, Colonial Bank and many others. Mr. Dreggors has been qualified as an expert real estate appraiser in most of the Circuit Courts in Central Florida and many other Circuits in the State.

**Employment Experience:**

July 1, 1994 to Present	Calhoun, Dreggors & Associates, Inc., Orlando, Florida- President
May, 1987 to June 30, 1994	Calhoun & Associates, Inc., Clearwater, Florida- Associate Appraiser
June, 1977 to May, 1987	Dreggors Construction, Inc., DeLand, Florida- Vice President