




Interoffice Memorandum

February 28, 2023

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

FROM: Timothy L. Boldig, Interim Director 
Planning, Environmental and Development
Services Department

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

SUBJECT: March 21, 2023 — Consent Item
Second Amendment to Adequate Public Facilities Agreement
for Hamlin Southwest PD/UNP
Case # APF-22-11-337
(Related to Case # LUPA-21-12-393)

The Hamlin Southwest PD/UNP was originally approved August 7, 2018 with a development program consisting of residential uses. The PD is currently approved for a development program consisting of 152 dwelling units and 154,817 square feet of non-residential uses. The Hamlin Southwest PD is generally located north of Porter Road, East of Avalon Road, and west of State Road 429.

The PD and existing Adequate Public Facilities (APF) agreement titled, First Amendment to Adequate Public Facilities Agreement for Hamlin Southwest PD/UNP provided 21.79 acres of APF acreage credits to satisfy the APF requirement. The First Amendment to Adequate Public Facilities Agreement was approved by the Board on June 8, 2021. With LUPA-21-12-393, the applicant is proposing to increase the developable acreage of the PD thereby creating a 1.08-acre APF deficit. Therefore, an amendment to the existing APF agreement is necessary. With the second amendment, transfer and satisfaction of the required APF acreage was approved by the Development Review Committee on November 16, 2022. The acreage approved has been reflected on the Hamlin Southwest PD/UNP as part of LUPA-21-12-393.

The Second Amendment received a recommendation of approval from the Development Review Committee on January 11, 2023, and has been placed on the March 21, 2023 consent agenda to be pulled for consideration with the associated Hamlin Southwest PD/UNP Land Use Plan Amendment (LUPA-21-12-393). Upon approval by the Board, the Second Amendment will be recorded in the Public Records of Orange County.

ACTION REQUESTED: Approval and execution of Second Amendment to Adequate Public Facilities Agreement for Hamlin Southwest PD/UNP between Hamlin Land Partners, LLC, and Orange County to update the APF agreement and recognize the transfer of APF acreage credits. District 1

TLB/js

Attachment

This instrument prepared by and after
recording return to:

James G. Willard, Esq.
Shutts & Bowen LLP
300 S. Orange Avenue, Suite 1600
Orlando, Florida 32801

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

BCC Mtg. Date: March 21, 2023

**SECOND AMENDMENT TO
ADEQUATE PUBLIC FACILITIES AGREEMENT
FOR HAMLIN SOUTHWEST PD/UNP**

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

RECITALS:

A. Owner and County are parties to that certain Adequate Public Facilities Agreement for Hamlin Southwest PD/UNP approved by the Orange County Board of County Commissioners on August 7, 2018 and recorded at Doc# 20180482219, as amended by that certain First Amendment dated June 8, 2021 and recorded at Doc# 20210364180, all in the Public Records of Orange County, Florida (collectively, the “**APF Agreement**”).

B. Owner is currently processing an amendment to the land use plan for Hamlin Southwest PD/UNP (LUPA-21-12-393), and in connection with processing the land use plan amendment, the parties have determined that the Hamlin Southwest PD/UNP now has a deficiency of 1.08 acres.

C. Owner desires to further amend the APF Agreement to reflect the current, updated APF Deficiency of 1.08 acres and to recognize the satisfaction of said deficiency through the application of APF Acreage Credits transferred from the Silverleaf PD/UNP to the Hamlin Southwest PD/UNP, through the execution of the Assignment of Adequate Public Facilities Acreage Credits for Hamlin Southwest PD/UNP between Hamlin Partners at Silverleaf, LLC, and Owner, dated February 28, 2023.

NOW THEREFORE, for and in consideration of the premises and the mutual covenants and agreements set forth herein, the parties hereby agree as follows:

AGREEMENT

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

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

APF Deficiency. The parties acknowledge an APF Deficiency for the PD Property of 1.08 acres.

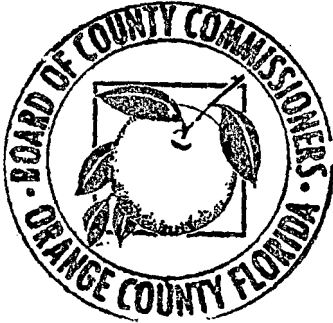
3. Satisfaction of APF Deficiency. Section 4 of the APF Agreement is hereby amended and restated in its entirety to read as follows:

Satisfaction of APF Deficiency. The parties agree that the execution of the Assignment of Adequate Public Facilities Acreage Credits for Hamlin Southwest PD/UNP between Hamlin Partners at Silverleaf, LLC, and Owner, dated February 28, 2023, is acceptable to transfer 1.08 APF Acreage Credits from the Silverleaf PD/UNP to the Hamlin Southwest PD/UNP. Such transfer shall serve to satisfy the APF Deficiency in the Hamlin Southwest PD/UNP of 1.08 acres.

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

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

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



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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

Date: March 21, 2023

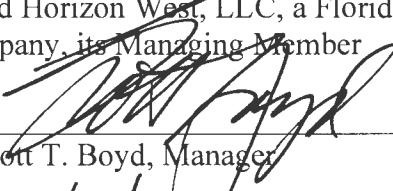
ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Lara-Klimetz*
Deputy Clerk

Print: Jennifer Lara-Klimetz

HAMLIN LAND PARTNERS, LLC, a Delaware limited liability company, f/k/a SLF IV/BOYD HORIZON WEST JV, LLC, a Delaware limited liability company

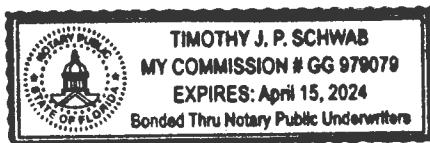
By: Boyd Horizon West, LLC, a Florida limited liability company, its Managing Member

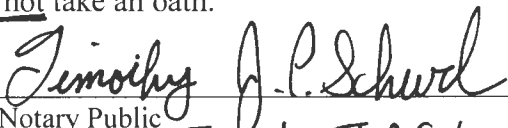
By: 
Scott T. Boyd, Manager

Date: 2/28/23

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28th day of February, 2023, by Scott T. Boyd as Manager of Boyd Horizon West, LLC, a Florida limited liability company, Managing Member of Hamlin Land Partners, LLC, a Delaware limited liability company, f/k/a SLF IV/Boyd Horizon West JV, LLC, a Delaware limited liability company, who is known by me to be the person described herein and who executed the foregoing, this 28th day of February, 2023. He is personally known to me or has produced _____ as identification and did/did not take an oath.




Notary Public
Print Name: Timothy J. P. Schwab
My Commission Expires: 4/15/2024