

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 26 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 22 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICTS); (MIKE A. SKEES, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Michael Rumer **EXT.** 7337

Agenda Date 01-24-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 26 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 22 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICTS); (MIKE A. SKEES, APPLICANT); OR
2. **DENY** REQUEST FOR (1) REAR YARD SETBACK VARIANCE FROM 30 FEET TO 26 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY; AND (2) REAR YARD SETBACK VARIANCE FROM 25 FEET TO 22 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICTS); (MIKE A. SKEES, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANTS: LOCATION: ZONING:	MIKE A. SKEES 916 MILLSHORE DRIVE R-1A(SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE REAR YARD OF THE LOT ABUTS A CANAL TO LAKE MILLS. MINIMUM REAR YARD SETBACKS ARE INCREASED FROM 10 FEET TO 30 FEET FOR POOLS AND 5 FEET TO 25 FEET FOR POOL SCREEN ENCLOSURES THAT ABUT A WATER BODY; MEASUREMENTS ARE TAKEN FROM THE MEAN HIGH WATER ELEVATION OF THE WATER BODY.</li> <li>• THE APPLICANT PROPOSES TO REMOVE AN EXISTING SCREENED ENCLOSURE TO CONSTRUCT A POOL THAT</li> </ul>	

	<p>WOULD ENCROACH 4 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK AND A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 3 FEET INTO THE MINIMUM 25 FOOT REAR YARD SETBACK; THE AFOREMENTIONED VARIANCES ARE REQUESTED.</p> <ul style="list-style-type: none"> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<p><b>STAFF FINDINGS</b></p>	<ul style="list-style-type: none"> <li>• NO HARDSHIP OR SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED IMPROVEMENTS HAVE BEEN DEMONSTRATED TO THE APPLICANTS.</li> <li>• THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE R-1A ZONING DISTRICT BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACKS WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP.</li> <li>• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li> </ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"> <li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED POOL AND POOL SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li> <li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li> </ul>



**COPY**

APPL. NO. BV 2004-143

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

**APPLICATION TYPE:**

- VARIANCE** Rear yard setback variance from 30' to 26' for a proposed pool
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
- REPLACEMENT (YEAR \_\_\_\_\_) SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED  
DEC 02 2004

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Mike A. Skeez</u>	
ADDRESS	<u>916 Millshore Dr.</u>	
PHONE 1	<u>407-359-8993</u>	
PHONE 2	<u>407-443-9698 cell</u>	
E-MAIL	<u>mskeez@bellsouth.net</u>	

PROJECT NAME: Pool + Screen Enclosure  
 SITE ADDRESS: 916 Millshore Dr.  
 CURRENT USE OF PROPERTY: Residence  
 LEGAL DESCRIPTION: Lot 8, Block A, Lake Mills Shores PBI1 PG14

SIZE OF PROPERTY: 12,834 Sq Ft. acre(s) PARCEL I.D. 28-21-32-501-0A00-0080  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS NA

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 1/24/05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

SIGNATURE OF OWNER OR AGENT\* [Signature] DATE 12/2/2004

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

Rear yard setback variance from 25' to 22' for a proposed pool screen enclosure

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): \$200.00 COMMISSION DISTRICT 1 FLU/ZONING LDR-R1A

BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

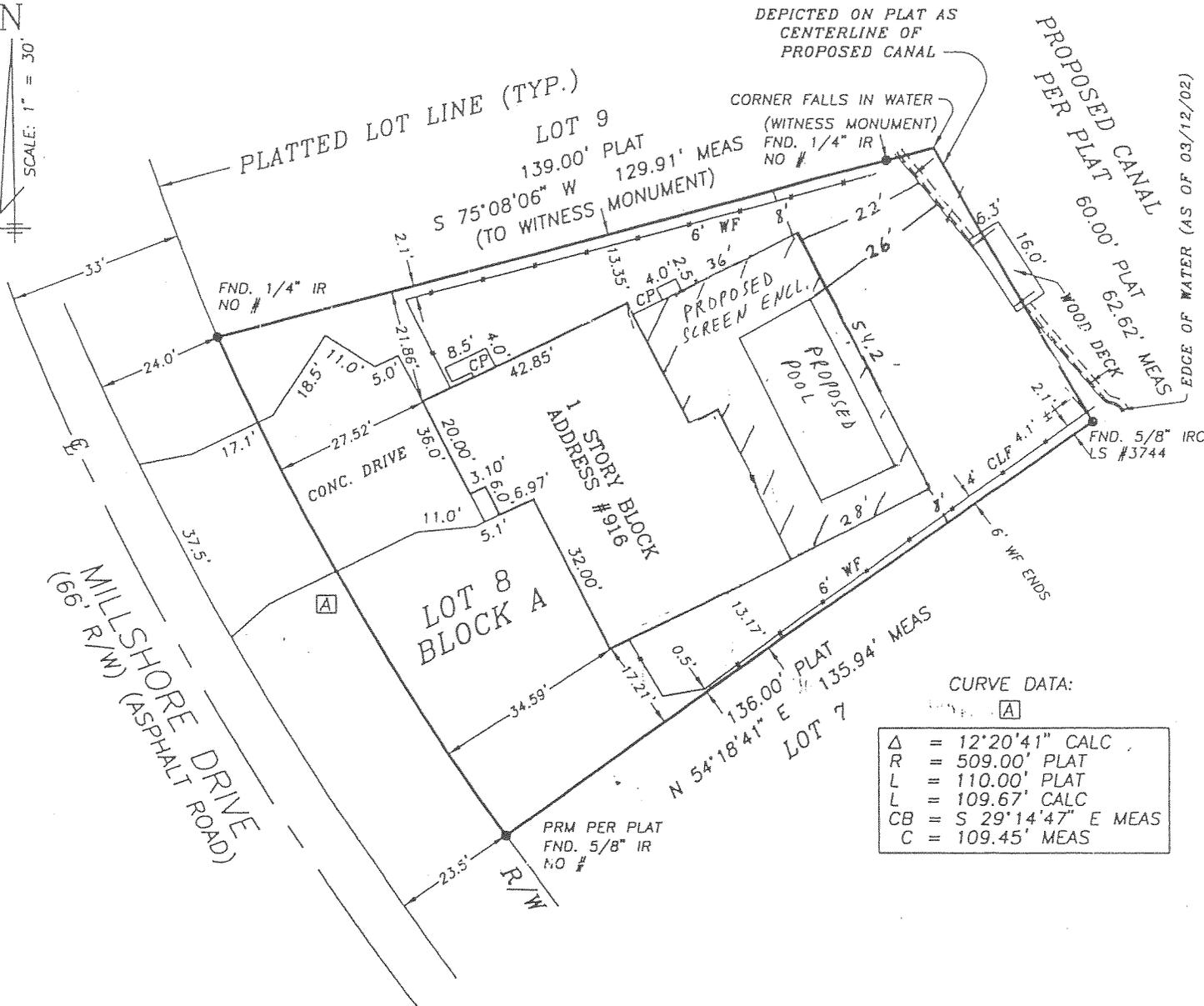
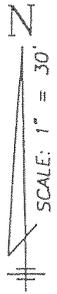
LOCATION FURTHER DESCRIBED AS on E. side of Millshore Dr. approx. 90' S. of the intersection of Magnolia Dr. and Millshore Dr.

PLANNING ADVISOR J V DATE 12/2/04

SUFFICIENCY COMMENTS \_\_\_\_\_

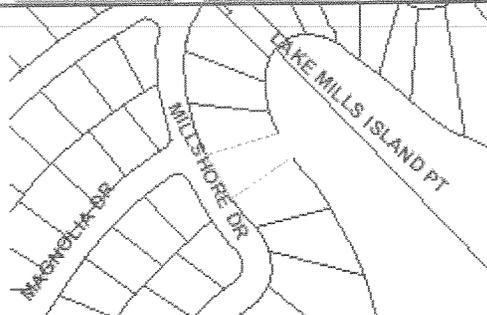
# MAP OF BOUNDARY SURVEY DESCRIPTION

LOT 8, BLOCK A, LAKE MILLS SHORES,  
AS RECORDED IN PLAT BOOK 11, PAGES 14 & 15, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



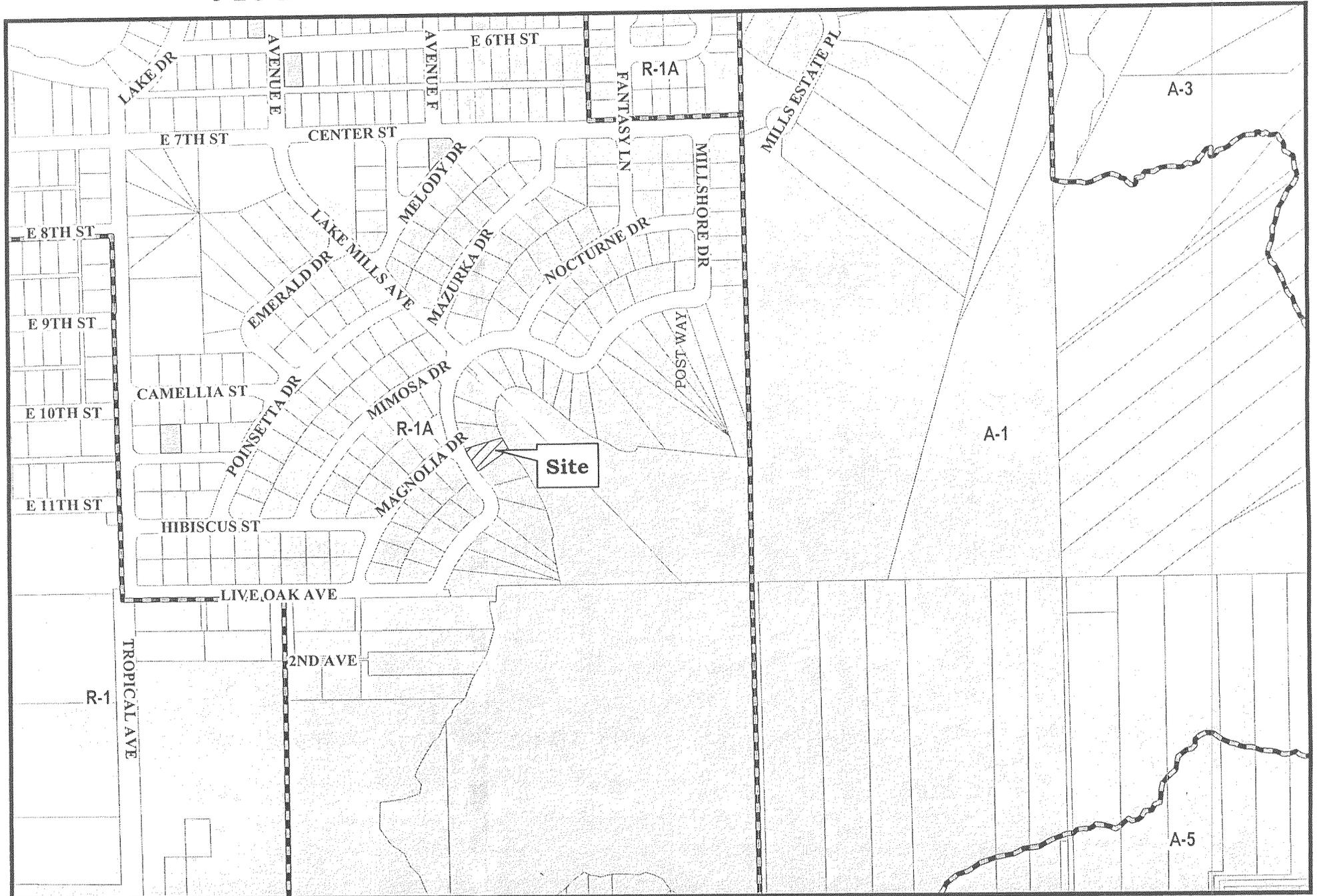
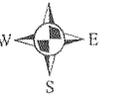
**SURVEYOR'S NOTES:**

- 1.) THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF S 75°08'06" W ALONG THE NORTHERLY LINE OF THE PROPERTY.
- 2.) THE SURVEY DATUM SHOWN HEREON IS REFERENCED TO THE RECORD PLAT OF LAKE MILLS SHORES AND TO EXISTING FIELD MONUMENTATION.
- 3.) THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
- 4.) THE DIMENSIONS OF THE BUILDING AS SHOWN HEREON DO NOT INCLUDE THE EAVE OVERHANG OF THE FOOTING FOR THE FOUNDATION. EXCEPT AS SHOWN HEREON, NO UNDERGROUND FEATURES, UTILITIES OR FOUNDATIONS WERE LOCATED BY THIS SURVEY.
- 5.) NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY ANGLEWISE, INC. LAND SURVEYORS FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF THE SUBJECT PROPERTY.  
  
THE ENCROACHMENTS ARE AS SHOWN.
- 6.) THE PROPERTY AS SHOWN HEREON IS LOCATED IN FLOOD ZONE X, DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, AS DETERMINED FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP OF SEMINOLE COUNTY, FLORIDA, COMMUNITY PANEL NUMBER 120289 0190 E, DATED 04/17/95. FLOOD ZONE DATA SCALED FROM FLOOD INSURANCE RATE MAPS SHOULD BE VERIFIED THROUGH THE NATIONAL FLOOD INSURANCE RATE PROGRAM AT (800) 638-6620 OR YOUR LOCAL COUNTY. DUE TO SCALING AND INCONSISTENCIES IN INDIVIDUAL MAPS, ERRORS MAY OCCUR AND SHOULD BE BROUGHT TO OUR ATTENTION UPON DISCOVERY. WE ASSUME NO LIABILITY FOR DAMAGES ARISING FROM SCALING OR INCONSISTENCIES IN INDIVIDUAL MAPS FROM THESE ERRORS.
- 7.) THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
- 8.) BUILDING TIES SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES.
- 9.) FENCES AND SIDEWALKS ARE NOT DRAWN TO SCALE FOR VISUAL PURPOSES (SEE TIES).

<p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>	<p><b>REAL ESTATE</b>    <b>PERSONAL</b>    <b>TAX ROLL</b>    <b>SALES SEARCH</b>    <b>BACK</b></p>																										
<p style="text-align: center;"><b>GENERAL</b></p> <p><b>Parcel Id:</b> 28-21-32-501-0A00-0080    <b>Tax District:</b> 01-COUNTY-TX DIST 1</p> <p><b>Owner:</b> SKEES MIKE A &amp; KATHY L T    <b>Exemptions:</b> 00-HOMESTEAD</p> <p><b>Address:</b> 916 MILLSHORE DR</p> <p><b>City,State,ZipCode:</b> OVIEDO FL 32766</p> <p><b>Property Address:</b> 916 MILLSHORE DR OVIEDO 32766</p> <p><b>Subdivision Name:</b> LAKE MILLS SHORES</p> <p><b>Dor:</b> 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>2005 WORKING VALUE SUMMARY</b></p> <p><b>Value Method:</b> Market</p> <p><b>Number of Buildings:</b> 1</p> <p><b>Depreciated Bldg Value:</b> \$104,459</p> <p><b>Depreciated EXFT Value:</b> \$4,560</p> <p><b>Land Value (Market):</b> \$44,659</p> <p><b>Land Value Ag:</b> \$0</p> <p><b>Just/Market Value:</b> \$153,678</p> <p><b>Assessed Value (SOH):</b> \$107,854</p> <p><b>Exempt Value:</b> \$25,000</p> <p><b>Taxable Value:</b> \$82,854</p> <p style="text-align: center;">Tax Estimator</p>																									
<p style="text-align: center;"><b>SALES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/1992</td> <td>02460</td> <td>1545</td> <td>\$119,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>06/1990</td> <td>02194</td> <td>1096</td> <td>\$97,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1982</td> <td>01408</td> <td>0011</td> <td>\$9,700</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	07/1992	02460	1545	\$119,000	Improved	WARRANTY DEED	06/1990	02194	1096	\$97,000	Improved	WARRANTY DEED	08/1982	01408	0011	\$9,700	Vacant	<p style="text-align: center;"><b>2004 VALUE SUMMARY</b></p> <p><b>Tax Value(without SOH):</b> \$2,18</p> <p><b>2004 Tax Bill Amount:</b> \$1,36</p> <p><b>Save Our Homes (SOH) Savings:</b> \$82</p> <p><b>2004 Taxable Value:</b> \$80,84</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREI ASSESSMENT</p>	
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<b>BUILDING INFORMATION</b>																											
<b>Bld Num</b>	<b>Bld Type</b>	<b>Year Blt</b>	<b>Fixtures</b>	<b>Base SF</b>	<b>Gross SF</b>	<b>Heated SF</b>	<b>Ext Wall</b>	<b>Bld Value</b>	<b>Est. Cost New</b>																		
1	SINGLE FAMILY	1984	6	1,646	2,164	1,646	CB/STUCCO FINISH	\$104,459	\$113,542																		
			<b>Appendage / Sqft</b>	OPEN PORCH FINISHED / 18																							
			<b>Appendage / Sqft</b>	GARAGE FINISHED / 500																							
<b>EXTRA FEATURE</b>																											
		<b>Description</b>	<b>Year Blt</b>	<b>Units</b>	<b>EXFT Value</b>	<b>Est. Cost New</b>																					
		SCREEN ENCLOSURE	1991	2,004	\$2,139	\$4,008																					
		COOL DECK PATIO	1991	1,064	\$2,421	\$3,724																					
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																											

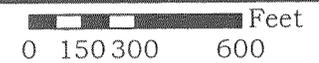
[BACK](#)    [HOME](#)    [CONTACT](#)

**Mike A. Skees  
916 Millshore Dr.**



Parcel: 28-21-32-501-0A00-0080 / District: 1

**BV2004-183  
JANUARY 24, 2005**



# LAKE MILLS SHORES SEMINOLE COUNTY, FLORIDA DESCRIPTION

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT POLONIA LAND CO AND THOMAS T. TUCK, INC., FLORIDA CORPORATIONS AS OWNERS, HAVE CAUSED THE LAND ENBRACED IN THE ANNEXED PLAT TO BE SURVEYED, Laid out, AND PLATTED TO BE KNOWN AS LAKE MILLS SHORES, AND THE STREETS AS SHOWN ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC SIGNED AND SEALED IN THE PRESENCE OF

*AC. [Signature]*  
 WITNESSES  
 [Signature]

*[Signature]*  
 PRESIDENT, POLONIA LAND CO  
 [Signature]  
 PRESIDENT, THOMAS T. TUCK, INC.  
 306 AND 183, THOMAS T. TUCK, INC.

ALL THAT PART OF THE EAST 1/4 OF THE N.W. 1/4 AND THE WEST 1/4 OF THE N.E. 1/4 OF SECTION 28, TOWNSHIP 21, RANGE 32 EAST, LINE EAST OF AVENUE D, AND SOUTH OF SECTION CHALKHOTA AS RECORDED IN PLAT BOOK 2, PAGE 54 AND 58 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND THE N.W. 1/4 OF THE N.W. 1/4 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SAID SECTION 28, STATE OF FLORIDA

THIS IS TO CERTIFY THAT I HAVE EXAMINED THE SURVEYING PLAT AND FIND THAT IT COMPLIES IN EVERY PARTICULAR WITH THE REQUIREMENTS OF CHAPTER 173, FLORIDA STATUTES, 1933 NOT REPEALED

*[Signature]*  
 CLERK OF CIRCUIT COURT AND EX-OFFICIO COUNTY CLERK  
 SEMINOLE COUNTY, FLORIDA.

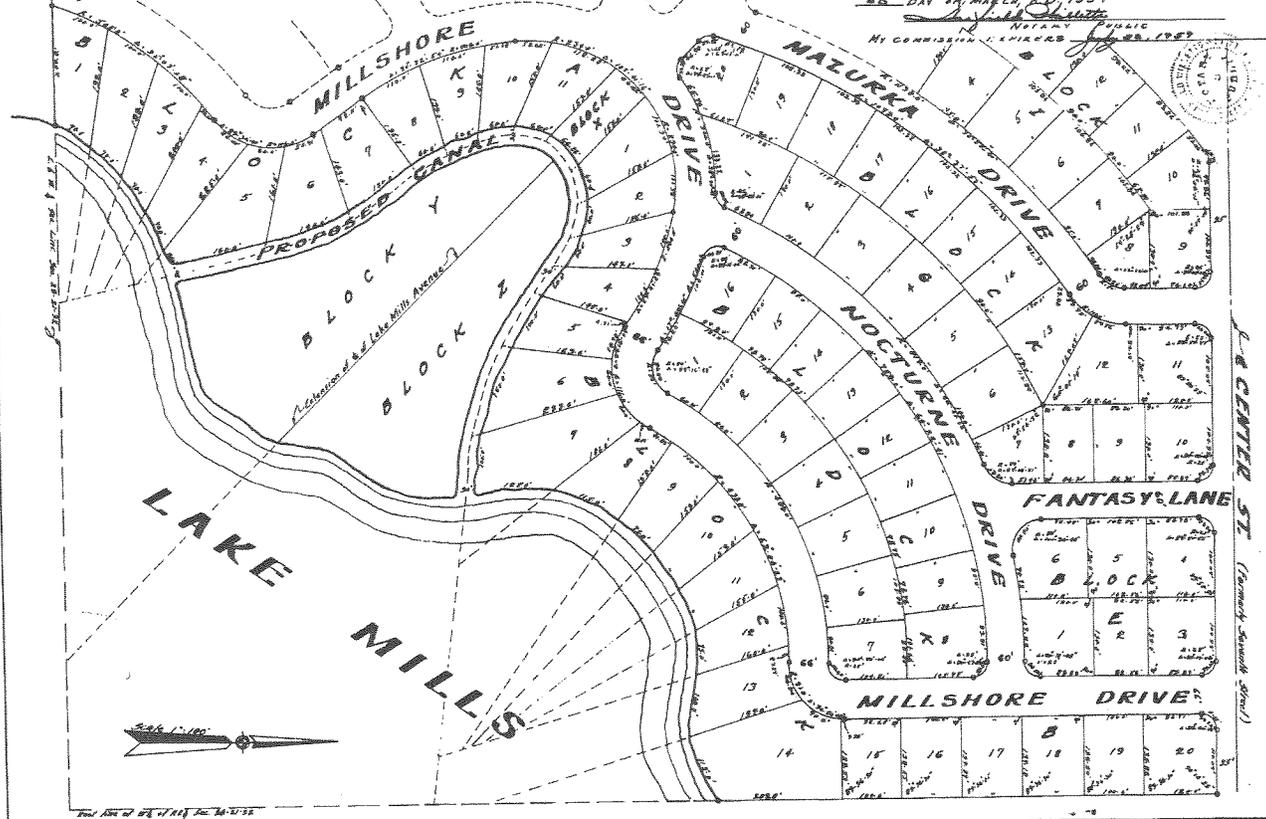
## ACKNOWLEDGEMENT

STATE OF FLORIDA  
 COUNTY OF SEMINOLE

ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, LUDOVIC M. HARBER, AND THOMAS T. TUCK AS PRESIDENT AND SECRETARY-TREASURER RESPECTIVELY OF POLONIA LAND CO. AND THOMAS T. TUCK AND FRANCIS MARIN, PRESIDENT AND SECRETARY-TREASURER RESPECTIVELY OF THOMAS T. TUCK, INC., TO ME WELL KNOWN TO BE THE PARTIES WHO EXECUTED THE FOREGOING DEDICATION AND NOW ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME ON BEHALF OF POLONIA LAND CO. AND THOMAS T. TUCK, INC., FREELY AND VOLUNTARILY FOR THE PURPOSES THEREIN EXPRESSED, AND THAT THE SEALS APPLIED TO THESE ALL THE CORRECT SEALS OF SAID CORPORATIONS.

WITNESS MY HAND AND OFFICIAL SEAL THIS  
 22 DAY OF MARCH, A.D. 1957

*[Signature]*  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES FEB. 1957



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 24, 2005 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK A LAKE MILLS SHORES PB 11 PG 14

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** MIKE SKEES  
916 MILLSHORE DR.  
OVIEDO, FL 32766

**Project Name:** 916 MILLSHORE DR.

**Requested Development Approval:**

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 26 FEET FOR A PROPOSED POOL ABUTTING A WATER BODY, AND
2. REAR YARD SETBACK VARIANCE FROM 25 FEET TO 22 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE ABUTTING A WATER BODY IN THE R-1A (SINGLE FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Michael Rumer, Planner  
1101 East First Street  
Sanford, Florida 32771

## Order

### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

a) The variances granted will apply only to the proposed pool and pool screen enclosure as shown on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: