

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Bear Lake Subdivision, Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from R-1A and R-1 to R-1BB (Hugh Harling, applicant)

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

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date <u>09/03/03</u> Regular <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Special Hearing – 6:00 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for Small Scale Land Use Amendment from LDR to MDR and Rezone from R-1A and R-1 to R-1BB on approximately 5.4 acres on the east side of Bear Lake Road, approximately 1.8 miles south of SR 436 (Hugh Harling, applicant); or
2. Recommend DENIAL of the request for Small Scale Land Use Amendment from LDR to MDR and Rezone from R-1A and R-1 to R-1BB on approximately 5.4 acres on the east side of Bear Lake Road, approximately 1.8 miles south of SR 436 (Hugh Harling, applicant); or
3. Recommend APPROVAL of a Small Scale Land Use Amendment from LDR to MDR and Rezone from R-1A and R-1 to R-1B and R-1BB on approximately 5.4 acres on the east side of Bear Lake Road, approximately 1.8 miles south of SR 436 (Hugh Harling, applicant); or
4. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide) (Jeff Hopper, Senior Planner)

BACKGROUND:

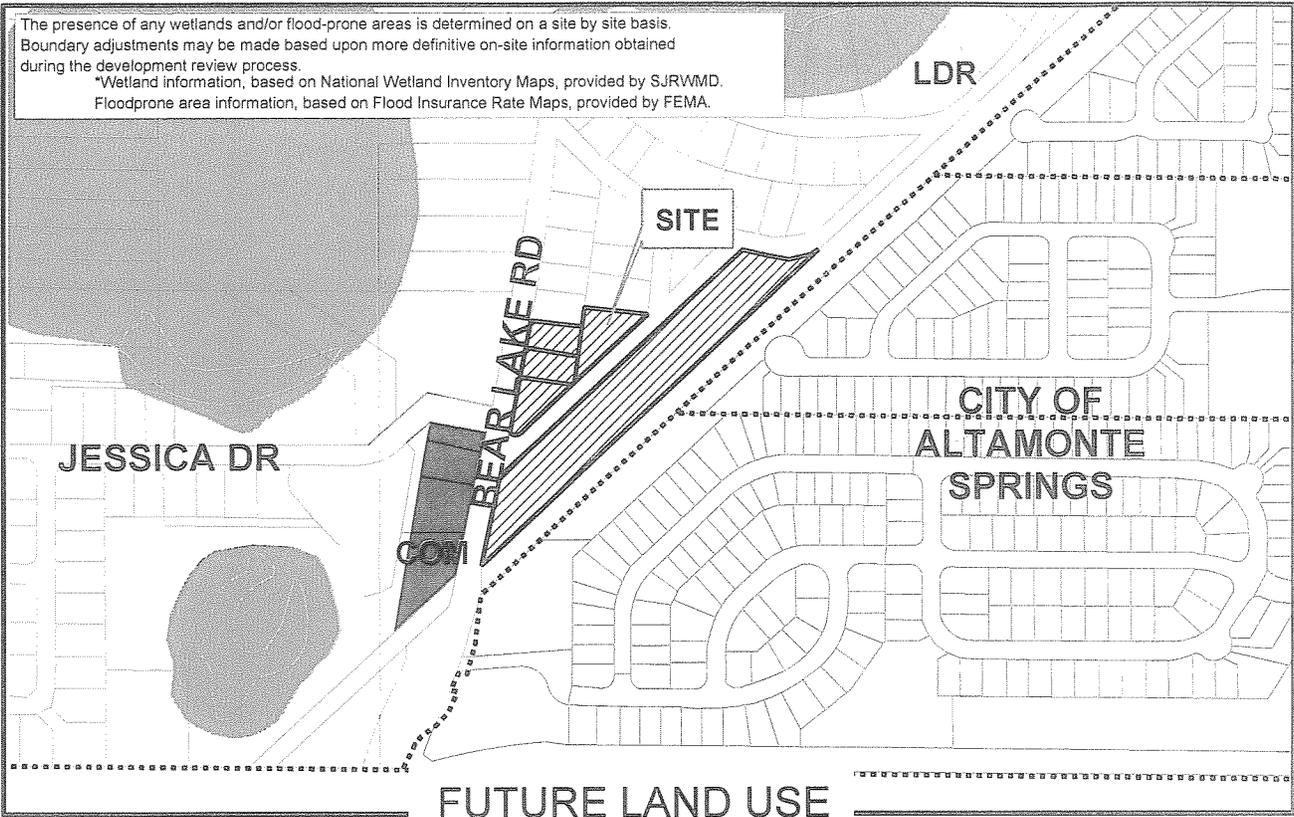
The applicant, Hugh Harling, requests approval of R-1BB zoning and a Medium Density Residential (MDR) future land use designation on a 5.4 acre site between Bear Lake Road and the City of Altamonte Springs. Proposed development is single family residential, with a minimum lot size of 5,000 square feet. This request would introduce development at densities exceeding 5 units per acre into an area that is now characterized by development in the range of 3-3.5 units per acre.

Reviewed by: Co Atty: _____ DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2003-027,</u> <u>09-03SS.07</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

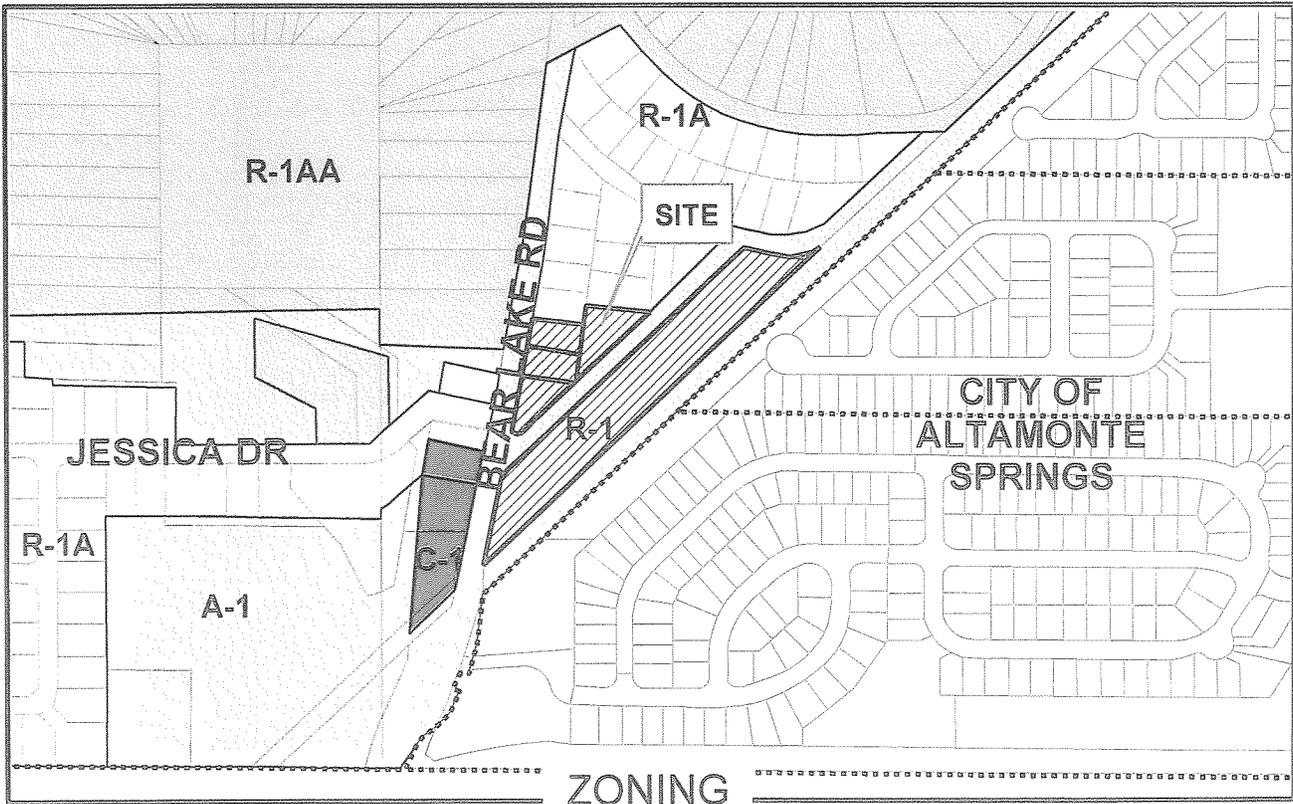


FUTURE LAND USE

Site
 Municipality
 LDR
 COM
 CONS

Applicant: Harling Locklin & Associates, Inc.
 Physical STR: 20-21-29-504-0C00-0060, 0070, 0080, 0E00-0000, & 505-0000-0120
 Gross Acres: +/- 5.4 BCC District: 3
 Existing Use: Vacant and Single Family Residential

	Amend/Rezone#	From	To
FLU	09-03SS.07	LDR	MDR
Zoning	Z2003-027	R-1A/R-1	R-1BB



ZONING

Site
 Municipality
 A-1
 C-1
 R-1
 R-1A
 R-1AA



Amendment No. 09-03SS.07
From: LDR To: MDR
Rezone No: Z2003-027
From: R-1A/R-1 To: R-1BB

- Parcel
- Subject Property



February 1999 Color Aerials

Bear Lake Subdivision

Staff Report

Low Density Residential to Medium Density Residential	Amendment (Z2003-027, 09-03SS.07)
REQUEST	
APPLICANT	Hugh W. Harling
PLAN AMENDMENT	Low Density Residential (LDR) to Medium Density Residential (MDR)
REZONING	R-1 and R-1A to R-1BB
APPROXIMATE GROSS ACRES	5.4
LOCATION	East side of Bear Lake Rd., 1.8 miles south of SR 436
BCC DISTRICT	3 – Van Der Weide
RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION September 3, 2003	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

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STAFF ANALYSIS

Low Density Residential to Medium Density Residential	Amendment (Z2003-027, 09-03SS.07)
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1. Property Owner: Robert Hattaway

2. **Tax Parcel Numbers:** 20-21-29-504-0C00-0060
 20-21-29-504-0C00-0070
 20-21-29-504-0C00-0080
 20-21-29-504-0E00-0000
 20-21-29-505-0000-0120

3. **Development Trends:** Development in this area is characterized by single family subdivisions in the County to the north and west, with minimum lot sizes of 9,000 square feet and above. To the east, the City of Altamonte Springs has allowed development at lot sizes in the 6,000 square foot range. Additionally, a small amount of commercial land use and zoning has been permitted opposite the subject property on the west side of Bear Lake Road. Currently, the CSX Railroad right-of-way serves as a boundary between LDR densities (up to 4 units per acre) and higher densities associated with MDR. However, the subject property is a vacant area largely surrounded by developed residential parcels, and represents an opportunity for infill development. Though the proposal is somewhat more intense than that of neighboring development, its approval would not create a trend toward higher densities in the vicinity.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential, currently assigned to the subject property, permits single family residential development not exceeding 4 dwelling units per net buildable acre. Existing R-1 and R-1A zoning on the site implements the permitted densities allowed under the Vision 2020 Plan. One of the subject parcels contains a single family home, while the others are vacant.

Location	Future Land Use*	Zoning*	Existing Use
North	LDR	R-1A	SF residential, vacant
South	Altamonte Springs	Altamonte Springs	vacant
East	Altamonte Springs	Altamonte Springs	vacant
West	LDR / Commercial	R-1A, R-1AA, A-1, C-1	SF, commercial, vacant

- See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Bear Lake Road, a Collector. The existing Level of Service (LOS) on this portion of Bear Lake Road is "A" on daily traffic counts, and "D" on a.m./p.m. peak counts (derived from a travel time and delay Study prepared by the Engineering Division). The adopted LOS standard for this segment of Bear Lake Road is "D + 20%." Per Policy TRA 7.3, this segment of Bear Lake Road is permanently constrained to 2 lanes.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas. Water service is available to the site, but sewer service currently is not. The applicant is proposing to connect to the City of Altamonte Springs sewer system. This is allowable under an existing agreement with the City.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #13. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation, the proposed MDR land use, with a potential of 10 dwelling units per acre, could be viewed as incompatible with adjacent single family development at densities of less than 4 units per acre. However, the requested zoning classification of R-1BB would establish actual permitted density at roughly 6 units per acre. A tier of R-1B to serve as a buffer against adjacent R-1A and R-1AA properties would further the compatibility of this proposal. The request should be viewed as infill, a project which will utilize a cluster of vacant parcels surrounded by existing development, without establishing a new trend of higher density or intensity in the area.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to Low Density Residential (LDR).

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

MDR Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on September 3, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on May 13, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Bear Lake Subdivision Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

ORDINANCE 2003-

SEMINOLE COUNTY, FLORIDA

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<p><u>Amendment Number</u> 09-03SS.07</p>	<p><u>Amendment</u> Amendment from Low Density Residential to Medium Density Residential</p>
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(b) The associated rezoning request was completed by means of Ordinance Number 2003-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

ORDINANCE 2003-

SEMINOLE COUNTY, FLORIDA

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

LOT 6 BLK C ADELL PARK PB 9 PG 48

LOT 7 BLK C ADELL PARK PB 9 PG 48

LOT 8 BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19

BLK E ADELL PARK PB 9 PG 48

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1A (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION THE R-1B (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bear Lake Subdivision Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-1A (Single Family Dwelling District) to R-1B (Single Family Dwelling District):

LEGAL DESCRIPTION ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 6 BLK C ADELL PARK PB 9 PG 48

LOT 7 BLK C ADELL PARK PB 9 PG 48

LOT 8 BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19

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BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

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ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

BLK E ADELL PARK PB 9 PG 48