ITEM #_____

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

SUBJECT: Heathrow–Brookhaven Phase III, Small Scale Land Use Amendment, Rezoning, PUD Major Amendment, and Amendment to Developer's Commitment Agreement

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Herman Wright **EXT.** 7353

Agenda Date 11/7/07 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD), Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), PUD Major Amendment, and Fourth Amended Developer's Commitment Agreement to the Heathrow PUD, for 4.21 ± acres, located on the east side of Markham Woods Road and south of Markham Road, based on staff findings (CPH Engineers Inc./Dana Boyte, applicant); or

2. **RECOMMEND DENIAL** of a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD), Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), PUD Major Amendment Fourth Amended Developer's Commitment Agreement to the Heathrow PUD, for 4.21 ± acres, located on the east side of Markham Woods Road and south of Markham Road; or

3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Herman Wright, Principal Planner

BACKGROUND:

Reviewed by:
Co Atty: KPT
DFS:
OTHER:
DCM:
CM:

File No. Z2007-49

The Heathrow PUD was approved August 27, 1974. The original PUD was approved for 1,267.47 acres and consisted of 4,325 residential units, an 133.3 acre golf Course, a 6.7 acre Club House, a 5.3 acre Athletic Club, and 19.6 acres of Commercial. Subsequently, the PUD Developer's Commitment Agreement which has been the controlling zoning document for the PUD since 1991, was amended three (3)

times with five (5) addendums giving the current approved acreage of 1493.2 ± acres and 3,480 residential units. The Fourth Amended Developer's Commitment Agreement proposed as part of this request incorporates the five (5) addendums as well as the changes proposed below.

Proposed Development

At this time, the applicant is requesting a Major Amendment to the Heathrow PUD to add an additional 4.21 ± acres, to consist of a maximum of 14 single family detached dwelling units, with a minimum lot size of 7,500 square feet and minimum house sizes of 2,500 to 3,500 square feet. The 4.21 ± acres site will be incorporated into Tract 35 of the Heathrow PUD, which is approved for 149 dwelling units with an existing 66 units. The additional 4.21 ± acres will increase the overall acreage of the PUD from 1,493.2 to 1,497.31 acres.

The maximum residential density will be 2.5 dwelling units per net buildable acre, which represents a reduction in the permitted 3.0 units per acres in Tract 35. The addition of these 14 units will not result in a net increase in the number of overall units for the Heathrow PUD. This site is required to maintain the existing 100 foot buffer along Markham Woods Road.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD), Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), PUD Major Amendment, and Fourth Amended Developer's Commitment Agreement to the Heathrow PUD, for 4.21 ± acres, located on the east side of Markham Woods Road and south of Markham Road, based on staff findings.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Revised Final Master Plan
Fourth Amended Developer's Commitment Agreement
Small Scale Land Use Amendment Ordinance
Rezone Ordinance
Denial Development Order (applicable if the request is denied)

Heathrow Small Scale Land Use Amendment from SE to PD, Rezone from A-1 to PUD, PUD Major Amendment, and Fourth Amended Developer's Commitment Agreement		
APPLICANT	CPH Engineers Inc./Dana Boyte	
PROPERTY OWNER	Heathrow Land Company Limited Partnership	
REQUEST	Small Scale Land Use Amendment from SE to PD, Rezone from A-1 to PUD, PUD Major Amendment, and Fourth Amended Developer's Commitment Agreement	
PROPERTY SIZE	4.21 ± acres	
HEARING DATE (S)	P&Z: November 07, 2007	BCC: December 11, 2007
PARCEL ID	35-19-29-300-0330-0000	
LOCATION	Located on the east side of Markham Woods Road and South of Markham Road	
FUTURE LAND USE	Suburban Estates	
ZONING	A-1	
FILE NUMBER	Z2007-49; 10-07SS.03	
COMMISSION DISTRICT	#5 – Carey	

ANALYSIS OVERVIEW:

PLAN AMENDMENT AND ZONING REQUEST

The applicant is requesting a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) in order to construct 14 single family detached dwelling units on 4.21 ± acres.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of PUD (Planned Unit Development).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)*
Minimum Lot Size	43,560 sq. ft.	7,500 sq. ft.
Minimum House Size	N/A	2,500 sq. ft.
Minimum Width at Building Line	150'	NA
Front Yard Setback	50'	10'
Side Yard Setback	10'	0'
(Street) Side Yard Setback	50'	N/A
Rear Yard Setback	30'	20'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	PUD (proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single family detached dwellings and customary uses
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	7,500 Sq. Ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed amendment is consistent with the permitted uses within the Heathrow PUD. The proposed addition of 4.21 ± acres to the existing PUD allowing 14 single family detached dwelling units is consistent with the surrounding area. The applicant will be providing access to the subject property off of Cherry Ridge Drive at the existing

existing common area for the Heathrow PUD located just east of 1733 Cherry Ridge Drive creating a new cul-de-sac in Brookhaven Phase III. No direct access will be allowed to Markham Woods Road. The maximum allowable residential density of the proposed development will be within the 2.5 dwelling units per net buildable acres permitted in the Heathrow PUD.

FLU Element Plan Amendment Review Criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The proposed use as single family residential is consistent with the ongoing development of Tract 35 of the Heathrow PUD. Lots sizes within Tract 35 are less than one (1) acre in size, which has resulted in a change of character in the surrounding area to a more suburban development density. This site is required to maintain the existing 100 foot buffer along Markham Woods Road.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

Staff Evaluation

The site is located in the Northwest Seminole County utility service area and will be required to connect to public utilities.

C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

Staff Evaluation

Preliminary analysis indicates that there are no floodplains or wetlands on the subject property.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The site is located within the Wekiva River Protection Area and Wekiva Study Area. There are significant areas of karst topography per the Wekiva Study Area overlay. Existence and/or limits of karst topography need to be verified by a geotechnical engineer prior to final subdivision approval.

The site is also located in the East Lake Sylvan Transitional Area. This area allows for a residential density not to exceed 2.5 dwelling units per bet buildable acre and Plan

amendments are restricted to the Planned Development (PD) future land use designation.

Development must comply with applicable provisions of the Comprehensive Plan and Land Development Code relating to the Wekiva River Protection Area and Wekiva Study Area, and must also comply with the provisions of the County's Wekiva Area Consistency Form prior to final subdivision approval.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The proposed use as single family residential is compatible with existing uses within Tract 35 of the Heathrow PUD. The property is adjacent to Cherry Ridge Road and adjacent Markham Woods Road. No access is proposed to Markham Woods Road from this site.

F. Whether the proposed use furthers the public interest by providing:

1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site
2. Dedications or contributions in excess of Land Development Code requirements
3. Affordable housing
4. Economic development
5. Reduction in transportation impacts on area-wide roads
6. Mass transit

Staff Evaluation

The proposed development does not address any of these items.

G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

Staff Evaluation

The Planned Development Future Land Use designation is not contrary to any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on preliminary updated DFIRMs, this site is not within any flood prone areas.
Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

Utilities:

The site is located in the Northwest Seminole County utility service area and will be required to connect to public utilities. There is an existing 8-inch water main on the south side of Cherry Ridge Drive and an 8-inch water main on the north side of the cul-de-sac at the end of Tennyson Court. There is also an 8-inch gravity sewer manhole on Cherry Ridge Drive and another one at the end of Tennyson Court.

Transportation / Traffic:

The property is adjacent to Cherry Ridge Road which is classified as a residential road. Cherry Ridge Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts already not accounted for in the PUD.

Public Safety:

The County Level-of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station # 36, which is located at 6200 Lake Mary Blvd. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Yankee Lake drainage basin. This is a land locked basin and will have to hold the entire 100-year, 24-hour (10.6-inch) storm event onsite.

Parks, Recreation and Open Space:

The Heathrow PUD is required to maintain a minimum 35% open space, shown as lakes, conservation areas, golf course, country club, and recreation facilities within the PUD Developer's Commitment Agreement.

Sidewalks and Buffers:

All new development will provide a multi-use pedestrian, bicycle and jogging path system and will connect with the overall Heathrow pedestrian, bicycle and jogging path system which is sixteen (16) miles in length.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The 4.21 ± acre site is located within the Wekiva River Protection Area and Wekiva Study Area. There are significant areas of karst topography per the Wekiva Study Area overlay. Existence and/or limits of karst topography need to be verified by a geotechnical engineer prior to final subdivision approval.

The site is located in the East Lake Sylvan Transitional Area. This area allows for a residential density not to exceed 2.5 dwelling units per bet buildable acre and Plan amendments are restricted to the Planned Development (PD) future land use designation.

Properties within the East Lake Sylvan Transitional Area designated as PD future land use, after December 15, 1999, must contain a gross acreage of not less than 30 acres in size. This 4.21 ± acre site will be incorporated into Tract 35 of the Heathrow PUD. Tract 35 currently containing 56.3 acres, will increase to 60.51 acres with the addition of the proposed 4.21 ± acres. These acreages are consistent with the requirement for a minimum of 30 acres in size for PD future land use amendments. The maximum residential density will be 2.5 dwelling units per net buildable acres.

In addition, development must comply with applicable provisions of the Comprehensive Plan and Land Development Code relating to the Wekiva River Protection Area and

Wekiva Study Area, and must also comply with the provisions of the County's Wekiva Area Consistency Form prior to final subdivision approval.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 1.7: Wekiva River Protection
Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
Policy FLU 14.2: Recognition of the East Lake Sylvan Transitional Area
Policy FLU 14.9: Wekiva River Protection Area Environmental Design Standards
Policy FLU 15.2: Wekiva Study Area Natural Resource Protection
Policy CIE 3.2: Application to New Development
Policy POT 4.5: Potable Water-Extension of Service to New Development
Policy SAN 4.4: Sanitary Sewer Connection
Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

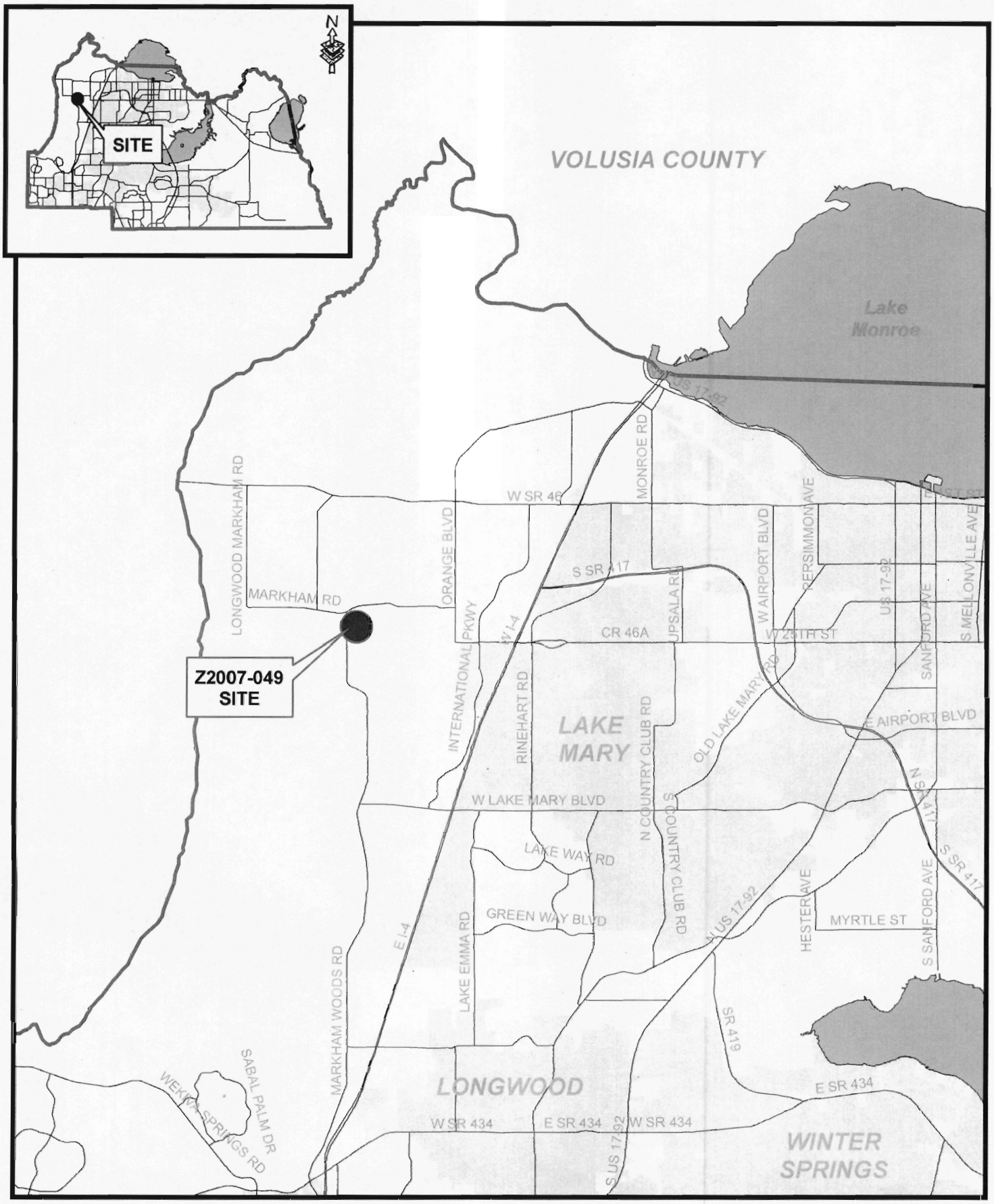
An intergovernmental notice is not required for this development.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD), Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development), PUD Major Amendment, and Fourth Amended Developer's Commitment Agreement to the Heathrow PUD, for 4.21 ± acres, located on the east side of Markham Woods Road and south of Markham Road, based on staff findings.



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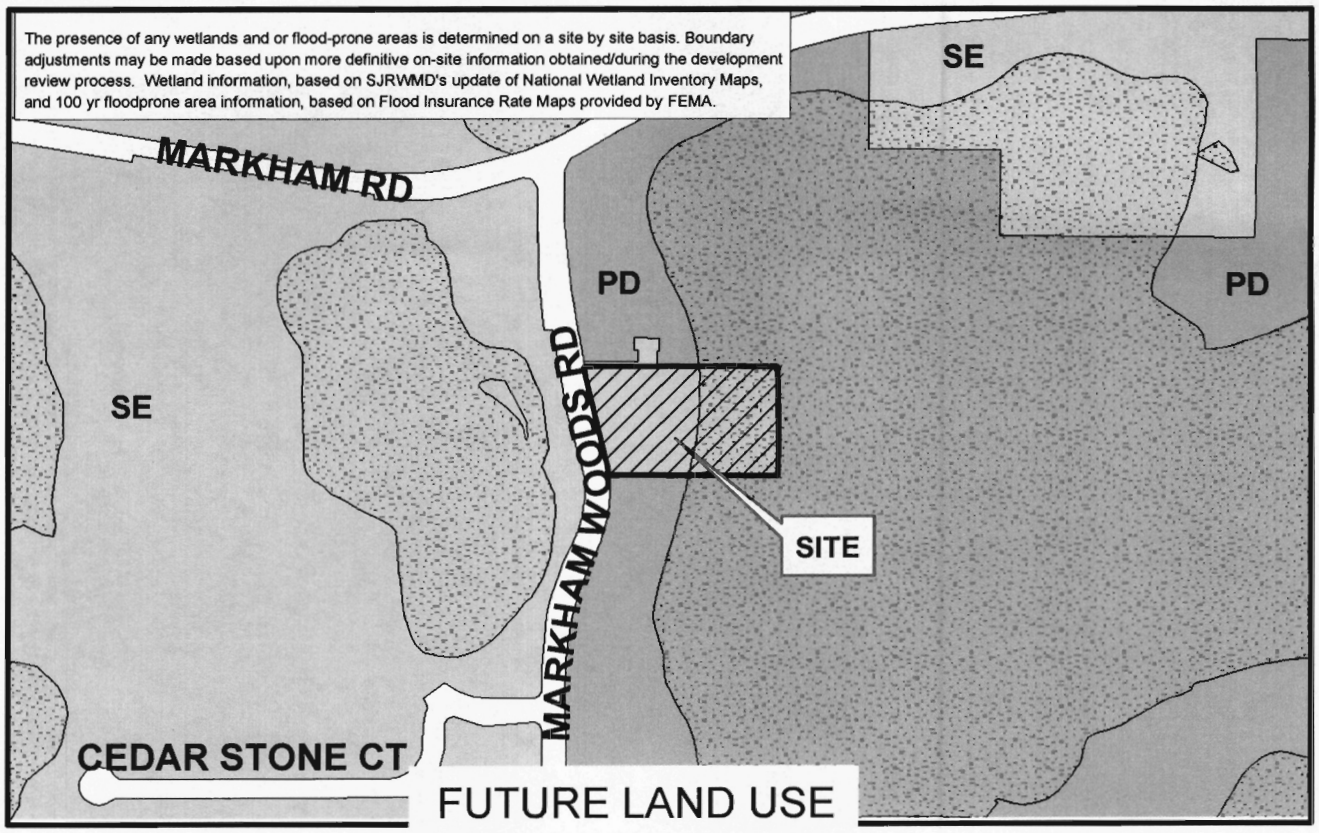


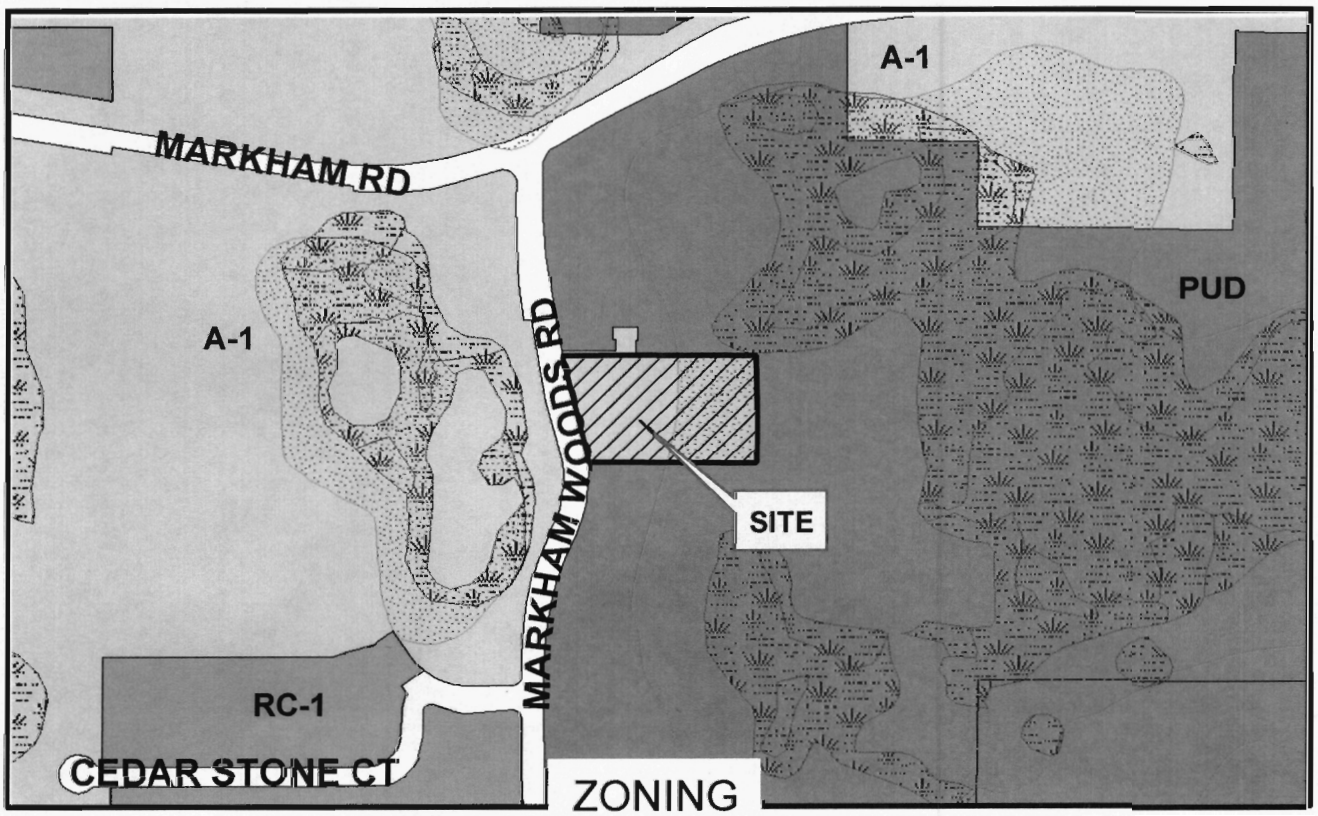
SE PD Site CONS ····· Municipality

Maximum Proposed Density: 2.5 DUs per net buildable acre **Maximum Proposed Intensity: N/A**

Applicant: Dana Boyte
Physical STR: 35-19-29-300-0330-0000
Gross Acres: 4.21 +/- BCC District: 5
Existing Use: Residential Agriculture
Special Notes:

	Amend/ Rezone#	From	To
FLU	10-07SS.01	SE	PD
Zoning	Z2007-049	A-1	PUD

N



A-1 RC-1 PUD FP-1 W-1

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FLU No: 10.07SS.01
From: SE To: PD

Rezone No: Z2007-049
From: A-1 To: PUD

Parcel

Subject Property

N

Winter 2006 Color Aerials

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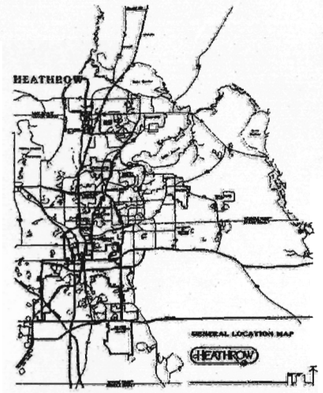
HEATHROW SOUTH

Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
1	Commercial	9.3		
2	Commercial	13.0		
3	Residential	23.2	7	162
4	Residential	19.4	7	136
4A	Residential	13.4	4.25	57
5	Residential	15.0	2.3	34
6	Residential	38.6	1.1	41
7 (A&B)	Residential	22.6	8	176
8	Residential	5.0	6.2	31
9	Office	4.6		
10	Residential	13.2	7	92
11	Residential	31.2	5	62
12	Residential	36.8	0.7	23
13	Residential	11.3	13	147
14	Residential	18.95	7	127
15	Residential	17.8	13	231
16	Office	59.6		
	16 A-B (20.3)			
	16C (39.3)			
18	Residential	9.9	7	69
19	Residential	23.0	12.4	286
20	Residential	49.4	1.4	68
SUBTOTAL		435.25		1,742



HEATHROW NORTH

Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
21	Residential	25.7	4	102
22 (A&B)	Residential	32.0/14.3	3.0	139
23	Residential	14.7	5.5	80
24	Residential	6.8	13	88
25	Residential	25.2	3	75
26	Residential	14.7	4	58
27	Residential	18.3	4	73
28	Residential	26.4	2.3	61
29	Residential	29.4	10.78	317
30	Residential	26.7	8.3	221
31	Residential	34.1	4	136
32	Residential	6.6	4	24
33	Residential	14.9	3.5	52
34A	Residential	24.5	3	73
34B	Residential	30.4	2.5	76
35	Residential	60.51	2.5	149
SUBTOTAL		*405.21*		*1,738*

Symbol	Land Use	Tracts/ A.C.
	Lakes	253.5
	Conservation	140.6
	Golf Course	147.65
CC	Country Club	12.9
FP	Fire/ Police	1.5
RA	Recreation	10.0
R.O.W.		90.7
SUBTOTAL		*656.85*

TOTAL (South & North) **ACRES 1,497.31** **UNITS 3,480**

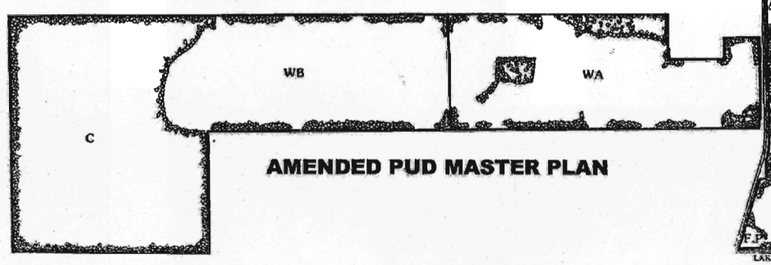
*** Elementary and Middle School Site are outside of DRI Boundary**

HEATHROW WEST (Heathrow Woods)

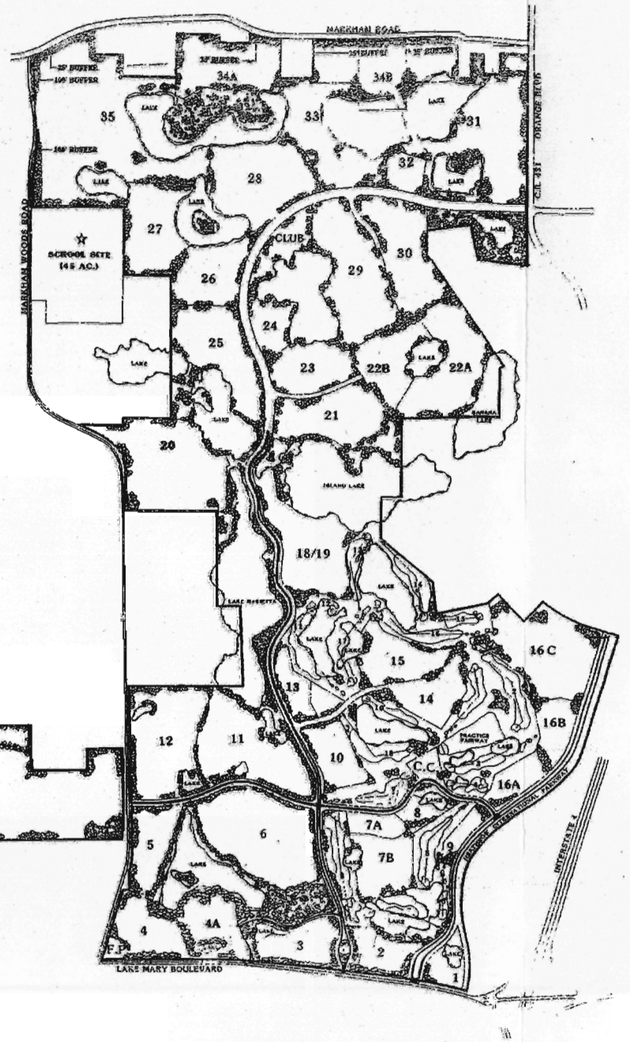
Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
WA	Residential	149.2	1	104
WB	Residential	138.4	1	112
C	Conservation	197.0		
SUBTOTAL		484.6		*216*

TOTALS **ACRES** **UNITS**
North, South & West **1981.9** **3,696**

Note: Heathrow West is not part of the PUD



AMENDED PUD MASTER PLAN



cph

Engineers
Architects
Planners
Landscape Architects
Surveyors
Environmental Scientists
Construction Management
Design/Build

NORTH

Heathrow PUD Master Plan

07-2170000~~806-21700005~~

HEATHROW PLANNED UNIT DEVELOPMENT

COMMITMENTS, CLASSIFICATION AND DISTRICT DESCRIPTION

~~Third~~ Fourth Amended Developer's Commitment Agreement

Adopted by the Seminole County Board of County Commissioners on December 11~~2~~, 2007~~6~~

(Incorporates all Addendums since 1991)

Prepared for: **HEATHROW LAND COMPANY LIMITED PARTNERSHIP**
1275 Heathrow Lane
Heathrow, Florida 32746

Prepared by: **CONKLIN, PORTER & HOLMES ENGINEERS, INC. 500 West Fulton Street; Sanford, Florida 32771**

HEATHROW PLANNED UNIT DEVELOPMENT

COMMITMENTS, CLASSIFICATION AND DISTRICT DESCRIPTION

I. LEGAL DESCRIPTION

See **Exhibit A** attached.

II. STATEMENT OF BASIC FACTS

Total Acreage:	~~1,493.1~~	1,497.31
Total Units:	3,480	
Acreage Devoted to Residential:	~~749.75~~	753.96
Gross Density:	~~2.4~~	2.3

III. LAND USE TABLE

Land Use Classification	Acres	Density (Unit/Ac.)	Units
Single Family Estates (3 units or less per gross acre)	363.8	2.2	805
Single Family (6 units or less per gross acre)	158.7	3.7	592
Low Density Multifamily (7 units or less per gross acre)	~~89.7~~ 93.91	~~6.9~~ 6.6	617
Medium Density Multifamily (13 units or less per gross acre)	137.6	10.7	1,466
Commercial/Office	86.5		
Open Space/Recreation			
Lakes	253.5		
Conservation	140.6		
Golf Course	147.7		
Country Club	12.9		
Recreation Area	10.0		
Fire/Police	1.5		
R.O.W.	90.7		
Total Acreage:	**~~1,493.2~~**	**1,497.31**	**Total Units: 3,480**

IV. TRACTING TABLE

Heathrow Master Land Use Plan
(December 2007 ~~December 2006~~)

Tract	Land Use	Acres	Units/Acre	Total Units
1	Commercial	9.3	---	---
2	Commercial	13.0	---	---
3	Residential	23.2	7	162
4	Residential	19.4	7	136
4A	Residential	13.4	4.25	57
5	Residential	15.0	2.3	34
6	Residential	38.6	1.1	41
7 (A&B)	Residential	22.6	3	176
8	Residential	5.0	6.2	31
9	Office	4.6	---	---
10	Residential	13.2	7	92
11	Residential	31.2	2	62
12	Residential	36.8	0.7	23
13	Residential	11.3	13	147
14	Residential	18.95	7	127
15	Residential	17.8	13	231
16	Office	59.6	---	---
	(16 A-B 20.3)		---	---
	(16 C 39.3)		---	---
18	Residential	9.9	7	69
19	Residential	23.0	12.4	286
20*	Residential	49.4	1.4	68
21	Residential	25.7	4	102
22 (A&B)	Residential	32.0/14.3	3.4 /3.0	153
23	Residential	14.7	5.5	80
24	Residential	6.8	13	~~83~~ 88
25	Residential	25.2	3	75
26	Residential	14.7	4	58
27	Residential	18.3	4	73
28	Residential	26.4	2.3	61
29	Residential	29.4	10.78	317
30	Residential	26.7	8.3	221
31	Residential	34.1	4	136
32	Residential	6.6	4	24
33	Residential	14.9	3.5	52
34A	Residential	24.5	3.0	73
34 B**	Residential	30.4	2.5	76
35***	Residential	~~56.3~~ 60.51	3 /2.5	149
	Subtotal Acreage	**~~836.25~~ 840.46**	**Subtotal Units**	**3,480**
	Lakes	253.5		
	Conservation	140.6		
	Golf Course	147.65		
	Country Club	12.9		
	Fire/Police	1.5		
	Recreation Area	10.0		
	R-O-W	90.7		
	Subtotal	656.85		
	TOTAL ACREAGE	**~~1,493.2~~ 1497.31**	**TOTAL UNITS**	**3,480**

Notes on Tract Table:

*A fifty foot (50') undisturbed natural buffer will be provided on Tract 20 along the western property line, running parallel to Markham Woods Road, and along the southern boundary line, adjacent to Dawn Estates subdivision (Addendum 3).

*Within Tract 20, as expanded, the Developer shall install a fifty foot (50') undistributed natural buffer along the west boundary of the one (1) acre lots lying adjacent to and east of Markham Woods Road and along the south boundary of the one (1) acre lots lying adjacent to the Dawn Estates subdivision ("Buffer Lots"). The size and dimensions of each of the Buffer Lots shall be not less than one (1) acre. This fifty foot (50') undisturbed natural buffer shall be located approximately fifty feet (50') inward from the back lot line of the foregoing described Buffer Lots. The Developer shall also plant an additional ten thousand and no/100 dollars ($10,000) of landscaping along the south boundary line of Tract 20, as expanded, abutting the Dawn Estates Subdivision (Addendum 2).

Developer hereby agrees to pay to the Board all impact fees assessed by Seminole County for the development of Tract 20, as expanded (Addendum 2).

**The Developer shall establish a landscaped buffer and conservation easement fifteen feet (15') in width along the northern property line of the lots within the 15 Acre Parcel ("Conservation Easement Area"). Within thirty (30) days after obtaining all necessary permits, the Developer shall implement the native vegetation planting plan in the Conservation Easement Area. Prior to the sale of any lots within the expanded Tract 34B, the Developer shall impose a conservation easement over the Conservation Easement Area. In addition, the subdivision plat that includes the 15 Acre Parcel shall depict the location of the Conservation Easement Area and shall note the applicable recording information regarding the conservation easement (Addendum 5).

**Development within the 15 Acre Parcel is subject to a final resolution of the amendment to the Comprehensive Plan for the 15 Acre Parcel and execution of the Agreement. No development is authorized within the 15 Acre Parcel until the amendment to the Comprehensive Plan for the 15 Acre Parcel is found in compliance pursuant to Section 163.3184(16), Florida Statutes (Addendum 5).

**A fifteen foot (15') conservation easement will be established adjacent to the twenty-five foot (25') buffer along the northern property line of the 15-acre portion of Tract 34B that is subject of the Stipulated Settlement Agreement (Addendum 5).

*** A one hundred foot (100') buffer will be provided on expanded Tract 35 (known as Brookhaven Phase III) along the western property line, running parallel to Markham Woods Road. Twenty-five feet (25') of the buffer shall be maintained by the developer with the balance remaining undisturbed. The December 2007 amendment to the Heathrow PUD did not result in an increase in the number of dwelling units for the PUD. Tract 35 shall not exceed 2.5 DU/acre.

V. BUILDING AND LOT INFORMATION

Building restrictions and criteria for development on the Heathrow Property are set forth below. All other building restrictions and criteria for residential, commercial and recreational development within the Heathrow Property shall be in accordance with the requirements of the Seminole County Land Development Code except in the event of a conflict between the Land Development Code and the terms of this Agreement in which event this Agreement shall control. The County and the Developer agree that all facilities constructed on the Heathrow Property shall either be platted or receive complete site plan review, as appropriate, in accordance with the provisions of the Land Development Code and this Agreement.

Dwelling Type	Minimum Lot Size (Sq. Ft.)	Minimum Dwelling Size	MINIMUM LOT SETBACKS IN FEET				Maximum[2] Height (Feet)
			FY[1]	SY[1]	SY[1]	RY[1]	
Detached Single Family[3]	8,400	1,500	20	10	10	30	35
Detached Single Family[3] Zero Lot Lines	3,800	1,200	10[5]	0	10[6]	20[7]	35
Attached Single Family	2,800	1,200	10[5]	0	0	20[8]	35
Attached Multifamily	N/A	N/A	25	25[11]	25[11]	25[12]	35
Commercial and Office[4]	0	N/A	25	0	0	10	35[9]

1 FY=Front Yard
SY=Side Yard
RY=Rear Yard

2 Building height is the vertical distance from the finish grade at the primary entrance of the building to the highest point of a flat roof or mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

3 All subdivisions, platted after December 8, 1989, will utilize the following setbacks:

Detached Single Family:	FY 20 feet SY 7.5 feet SY 7.5 feet RY 20 feet
Detached Single Family Zero Lot Line:	FY 10 feet[5] SY 0 feet SY 7.5 feet[10] RY 20 feet

4 Tract 30 side yard setback along boundary with Tract 29 shall be 25 feet.

5 Ten feet front setback will consist of a minimum of 20 feet from front of garage to the edge of pavement.

6 Tract 13 will have a side yard setback of 5 feet.

7 Pool setbacks for detached single family zero lot line units shall be a minimum of 0 feet on the side and 5 feet on the rear.

8 Pool setbacks for attached single family units shall be a minimum of 0 feet on the side and 5 feet on the rear.

9 The maximum height for Tracts 16A and 16B shall be 67.5 feet. The maximum building height for Tract 16C shall be 68 feet. The maximum height of buildings in Tracts 16D, E, F and G shall be 97 feet. The maximum height for Tract 9 shall be 46 feet.

10 There will be a minimum 10 feet separation between structures on adjacent residential lots creating 5 foot setbacks.

11 Muirfield Village (located within Tract 7) shall have a side yard setback of not less than 7.5 feet and a minimum separation of 15 feet between buildings.

12 Breckenridge Heights (located within Tracts 18 and 19) shall have a side yard setback of not less than 7.5 feet and a rear yard setback of not less than 20 feet.

A. Gross Floor Area Limitations: The Developer agrees that if any building is constructed on Tracts 16 D, E, F and G of the revised Master Plan at a height in excess of sixty-eight (68) feet, the maximum size of any building or any combination of buildings shall not exceed a total of five hundred thousand (500,000) square feet of "Gross Floor Area" as herein after defined. For purposes hereof, the term "Gross Floor Area" shall mean any and all portions of a building constructed on such tracts exclusive solely of any areas of a building devoted to parking, mechanical/elevator, penthouses, elevator shafts, staircases, conduits, vent shafts, and also exclusive of any other portion of a building which would not ordinarily be taken into account by the County in computing the Gross Floor Area of a building as determined solely and conclusively by the County.

B. Land Uses: The following land uses, as defined for Heathrow, are intended to limit what may be built on the different tracts within Heathrow while allowing flexibility with the specifics of a particular land use for Heathrow to pursue unique, creative and attractive residential and nonresidential development. Actual number of stories (limited by maximum height), attached or detached garages, number of units for multiple family buildings and other specific characteristics of a particular land use will be determined during site planning of an individual tract and future market conditions.

C. Single Family Estates (three units or less per gross acre): Detached residential dwelling located on a fee simple lot.

D. Single Family (six units or less per gross acre): Attached or detached residential dwelling located on a fee simple lot, Examples include, but are not limited to, detached zero lot line dwellings and multiple unit buildings (townhouse, patio homes, quadraplexes, etc.) where each unit is located on a fee simple lot.

E. Low Density Multiple-Family (seven units or less per gross acre): A group of attached residential dwellings located on a tract or parcel. Examples include, but are not limited to, single and multi-story dwellings, two story dwellings located over single story dwellings, duplexes, triplexes, quadraplexes, and all other vertical and horizontal arrangements of a multiple dwelling unit building. It may also include attached or detached garages or dwelling units over parking.

F. Medium Density Multiple-Family (thirteen units or less per gross acre): Same definitions as for Low Density Multiple Family except higher density of units per gross acre are allowed.

G. Office: The primary use of office tracts within Heathrow shall be for medical, professional and business offices, and shall also include service establishments and retail outlets that are intended to primarily serve office tenants and Heathrow residents. Office tracts within Heathrow are further defined as single or multiple story buildings for medical, professional and business offices, service establishments, banks, financial services, restaurants, beauty salons, photographic studio, laundry, tailor, business school, dance or studio and similar activities, retail outlets (wearing apparel, toys, sundries and notions, books, office supplies, jewelry, art, antiques, photographic supplies, florist, gifts, and similar activities) and parking garages. Multi-use (offices, service establishments and retail outlets in the same building) is anticipated in Heathrow. Office buildings within Tracts 16 A and 16 B may not be utilized for medical or dental offices.

H. Commercial: The same uses defined for office tracts within Heathrow shall be permitted for commercial tracts; however, the primary use of these tracts is intended for service establishments and retail outlets. Tracts I and 2 are intended as a specialty shopping center of restaurants, specialty shops, entertainment establishments, personnel services, offices and other similar uses and may be multi-story or multi-level, depending upon more specific investigation of tenant needs and architectural design. Tract 30 shall be limited to office, service establishments and retail outlets only, for the exclusive use of Heathrow residents and guests.

I. Restaurants and Lounges: It is the intent that Heathrow will offer a variety of quality restaurants and lounges for residents, guests, club members, employees, and patrons. Accordingly, sale and consumption of alcoholic beverages shall be a permissible use at various locations throughout Heathrow, including the Country Club, Commercial and Office tracts. More than one restaurant and lounge may be located in a single building or complex of buildings as an accessory use, and sale of alcoholic beverages shall be permitted subject to the State of Florida regulations. Where the sale or consumption of alcoholic beverages is the primary use of the building, the provisions of the Land Development Code shall control.

J. Guest Quarters: It is anticipated in Heathrow that there will be single family residences that, due to size and nature of household, will require special guest quarters. To accommodate the special circumstance, guest quarters containing a separate kitchen shall be permitted in Heathrow in association with a single family dwelling. Guest quarters are intended only for family members, visitors, live-in caretaker or other domestic help, and shall not be leased or sold except concurrently with the lease or sale of the primary single family dwelling.

K. Temporary Structures: Trailers for development office and sales use shall be permitted at Heathrow for a period not to exceed one (1) year for each approved trailer. Location and site plan for each trailer shall be subject to review and approval by Seminole County. Construction trailers shall be permitted at Heathrow for a period not to exceed the period of construction for which the trailer is intended.

L. Unique Development: It is anticipated in Heathrow that there will be unique types of residential and non-residential development. These may include platform buildings, buildings in lakes (as shown in **Figure 1**), underground buildings, and other types of unique construction. This type of development shall be allowed in Heathrow, subject to meeting applicable building codes and permitting requirements.

M. Shifting Of Units between Tracts And Land Use Categories May Occur With The Following Conditions:

1. Total number of dwelling units for Heathrow North shall not exceed 1,941.
2. Densities of individual tracts bordering the external boundary may increase by as much as 5 percent or decrease.
3. Densities of individual tracts internal to the site, not bordering the external boundary of the site, may increase or decrease.

4. No parcel density shall exceed 13 units per acre, except Tract 31 shall not exceed 4 DU/acre; Tract 35 shall not exceed 2.5 ~~3.0~~ DU/acre; Tract 20, as expanded, shall not exceed a net density of 1.4 DU/acre; Tract 32 shall not exceed 4 DU/per net buildable acre, and Tract 34B, as expanded by the 15 acres parcel, shall not exceed 3.0 DU/per net buildable acre (Addendum 2 and 3).

VI. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM

A. Paths: It is the intent that a private multi-use pedestrian, bicycle and jogging path system be provided in lieu of a formal sidewalk. There shall be non vehicular access from each residential dwelling to the recreation and commercial facilities within Heathrow. It is also the intent that since Heathrow's path system is unique in Seminole County in terms of being a self contained system for use by residents and guests traveling from their residences to the parks, recreation centers, and shopping within Heathrow, that flexibility shall be allowed in the planning and implementation of the system.

As shown on **Exhibit B** (Heathrow Master Plan), a path shall exist on one side of the major street system in Heathrow and shall provide access to all tracts. Where possible, no paths will be located next to the golf course. Within subdivision tracts, paths shall be provided on one side of the street. Paths located along the rear of lots may be provided in lieu of paths located along streets.

Except for Chestnut Hill (Tract 12), in subdivisions where the average lot size is one acre or larger, no paths shall be required. Paths shall be provided within multiple family, commercial and office tracts that will allow non vehicular access from parking to buildings, and will provide a connection with the master system.

Pedestrian access to the Heathrow Elementary School shall be provided by the Developer through the Heathrow Planned Unit Development (Addendum 2).

B. Sidewalks: The Developer is required to construct a 5-foot sidewalk along Markham Woods Road, adjacent to Heathrow, when requested by the County Engineer. The Developer shall construct a five foot (5') sidewalk network and roadway crossing system for the sole use of the Heathrow Planned Unit Development which shall extend along Heathrow Boulevard (Addendum 2).

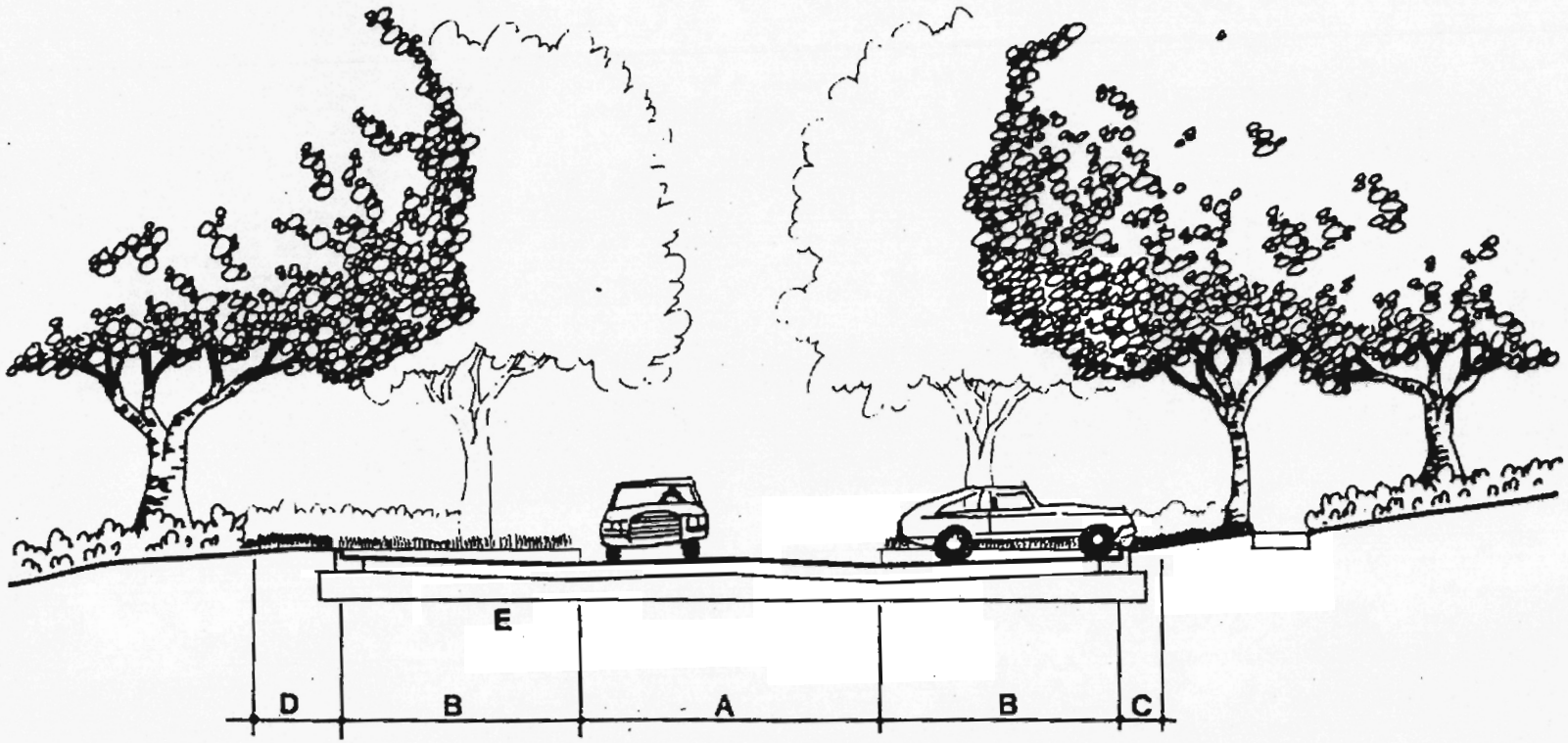
C. Multiple Family Parking Requirements: Duplex, triplex, quadraplex, and multiple

family dwellings in Heathrow may provide a minimum of one and one-half spaces for each dwelling unit. An equivalent of one-half space for each dwelling unit will be left in open space, in addition to open space required.

D. Parking Location: Remote parking (i.e., not located on the same lot or tract) shall be allowed in Heathrow for special events (tennis tournaments, golf tournaments, art shows, outdoor concerts, etc.) or buildings, provided that a pedestrian system connects the remote parking to the event or building, or that Heathrow provides bus, monorail or other transit service to and from the remote parking.

E. Off-Street Loading and Unloading: No minimum loading or unloading space requirements shall be required, provided that no motor truck, tractor or trailer, while loading or unloading, shall remain standing for more than two (2) hours within a twenty-four (24) hour period, and under no conditions shall block access of emergency services to a building.

F. Parking Design: It is the intent in Heathrow that parking areas for residential and nonresidential development, in addition to being safe and functional, are also consistent with the overall quality of development. To accomplish this goal, the following design standards allow Heathrow to reduce pavement area while increasing landscape and pedestrian opportunities. The following notes refer to **Figure 1**:



PARKING

[Figure 1]

1. The minimum width of aisle pavement shall be twenty (20) feet, not including curbs and gutter.

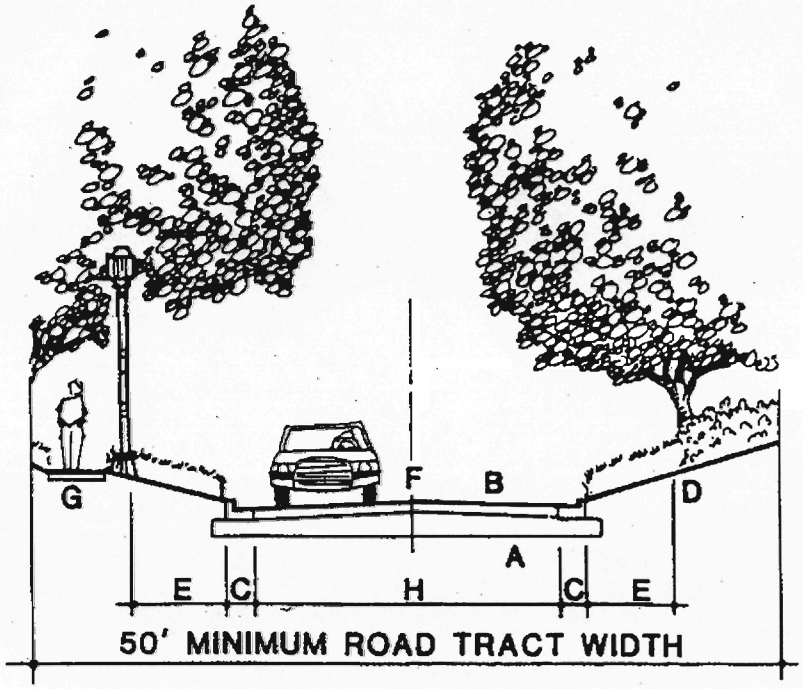
2. Stalls for parking ninety degrees (90^0) to centerline of aisle shall be a minimum of sixteen and a half (16.5) feet deep to face of curb or wheelstop, and a minimum of nine (9) feet wide. Parking stalls for handicapped, where required, shall be a minimum of twelve(12) feet wide. Parking stall dimensions for parking other than perpendicular to aisle centerline shall be in accordance with County standards.

3. Where required, paths shall be located no closer than three (3) feet from the face of curb or wheelstop. Paths that are a minimum of seven (7) feet in width may be used as a wheelstop.

4. All plantings six (6) inches or higher shall be restricted to areas a minimum of two (2) feet back from the face of curb where adjacent parking stalls are less than twenty (20) feet deep.

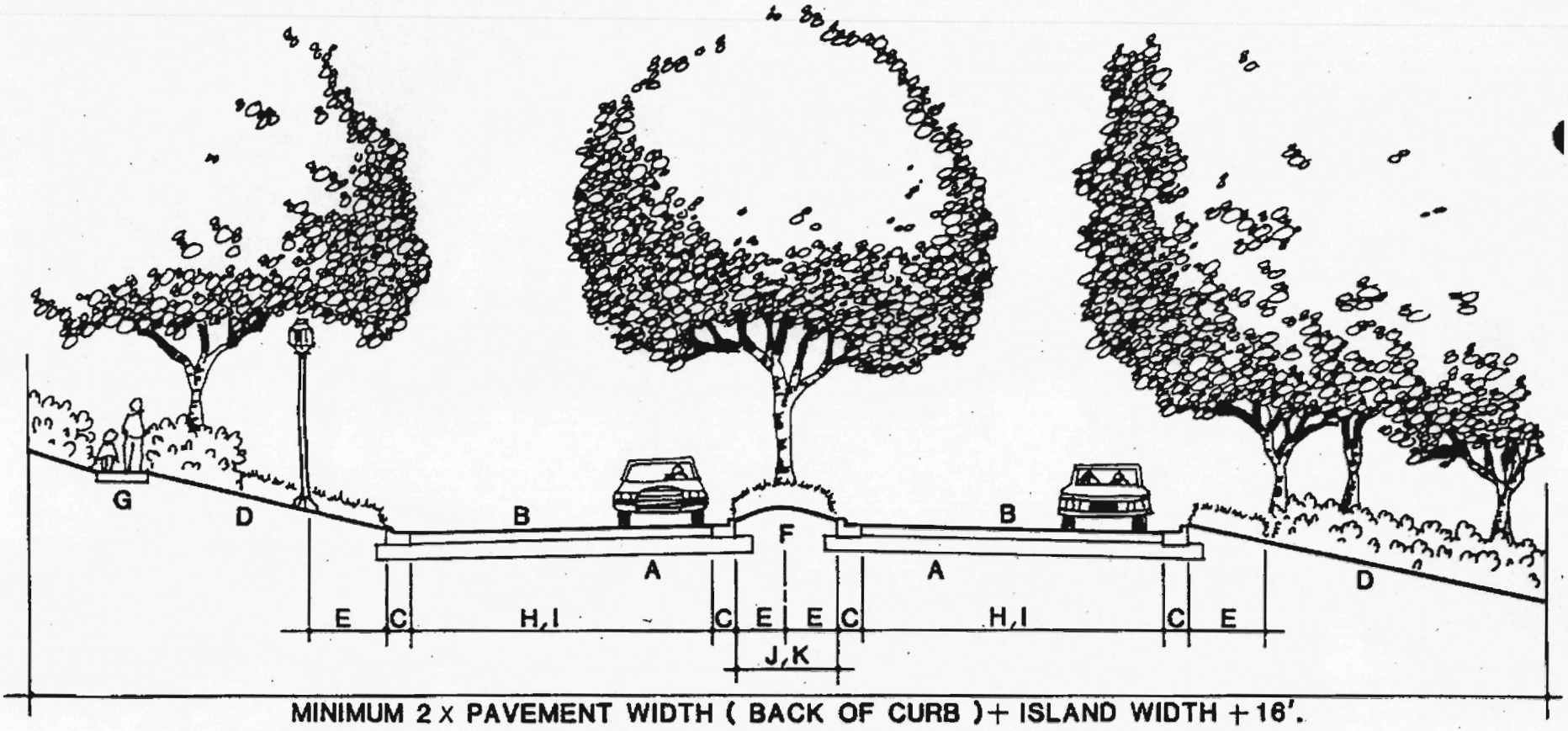
5. The minimum material thickness and types shall be 10" stabilized to 75 FBV, 6" base course and 1'1/4 (±1/4) of asphaltic concrete surface course; or decorative pavement of equivalent strength and durability as the asphalt parking section.

6. Parking space requirements for Tract 9 shall be one space per 285 square feet of gross floor area. Parking space requirements for Tract 16 shall be one space per 300 square feet of gross floor area.



TWO LANE UNDIVIDED STREET

[Figure 2]



TWO AND FOUR LANE DIVIDED BOULEVARD

[Figure 3]

G. Street Design: The following notes refer to **Figures 2 and 3**:

1. The minimum material thicknesses and types are ten (10) inch stabilized sub-base to Florida Bearing Value (FBV), seventy-five (75) pounds per square inch (psi); base course six (6) inches thick for residential streets and eight (8) inches thick for commercial streets; and one and one-quarter (1-1/4) inch, plus or minus one-quarter (1/4) inch thick (residential) and one and three quarters (1 3/4) inch, plus or minus one-quarter (1/4) inch thick (commercial) asphaltic concrete surface course, or decorative pavement surface of thickness appropriate to the material, strength and durability equal to, or greater than, asphaltic concrete. Additionally, Heathrow Blvd. shall be constructed to the commercial standards, stated above.

2. The minimum cross slope shall equal one-quarter (1/4) inch vertical per one (1) foot horizontal.

3. Concrete curb and gutter shall be two (2) feet wide (either Standard or Miami type) for positive crowned roads. For inverted crown roads, no curb or gutter shall be required.

4. The maximum side slope to grade shall equal no greater than one (1) foot vertical per three (3) feet horizontal, with one (1) foot vertical per four (4) feet horizontal being desirable in most circumstances. For the first 4 feet behind edge of pavement or curb slopes shall be no steeper than 4 feet horizontal to 1 foot vertical. Retaining walls not higher or lower than four (4) feet measured from top of curb shall be allowed, and shall be located a minimum of four (4) feet horizontally from back of curb.

5. A minimum width of three (3) feet back of curb shall be maintained clear of all trees or shrubs two (2) feet or higher. Trees beyond the three (3) foot limit shall be selectively cleared, where necessary, for utility, sidewalk and driveway purposes. Groundcovers and shrubs not higher than two (2) feet shall be allowed in the area less than three (3) feet from curb.

6. The pavement centerline may vary substantially from centerline of the road tract, except that a minimum width of three (3) feet from back of curb to tract property line shall be maintained.

7. Paths may meander within roadway tract and onto adjacent lots on which a path easement exists. Paths are to be a minimum of four (4) feet wide, four (4) inches thick, using 2500 p.s.i. concrete or equivalent durable decorative pavement.

8. The pavement width shall be twenty (20) feet of pavement surface, exclusive of curbs and gutters for minor streets, and twenty-four (24) feet, exclusive of curbs and gutters for local streets.

9. On a two-lane divided section, minimum pavement width, exclusive of curbs, shall be seventeen (17) feet with a minimum face of curb to face of curb dimension of 20 feet if island divider is noncontinuous and short (less than two hundred (200) feet long), or a minimum of twenty (20) feet, exclusive of curbs, if the divided section is longer than two hundred (200) feet in length. If no curbs are provided, minimum pavement width shall be 20 feet. The minimum pavement width on a four-lane boulevard shall be twenty-four (24) feet per side, exclusive of curbs.

10. The island divider width on continuous (longer than two hundred (200) feet in length) divided roadways shall be a minimum of fourteen (14) feet wide back-to-back of curb, except where left turns are required, where minimum width shall be three (3) feet, and the island shall be a minimum of two (2) feet between back of curbs. Landscaping less than two (2) feet high above curb shall be allowed in the recovery zone three (3) feet back of curb. Site amenities over two (2) feet high, as included in STREETSCAPE, shall be permitted in the divider median, if located over three (3) feet back of curb.

11. The island divider width on non continuous (shorter than two hundred (200) feet in length) divided roadways, and where no left turn lanes are required, shall be a minimum of eight (8) feet.

12. Permanent curb ramps shall be provided at all intersections where curbs and sidewalks are constructed.

13. Traffic control markings and signage shall meet Seminole County standards as to type, size, color and graphic to be depicted on sign faces and location of signage. All street markings on asphalt street pavement shall be thermoplastic.

Florida State Department of Transportation (FDOT) "Green Book" (Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways) standards shall not apply to any of Heathrow PUD's subdivision internal private roads, private roads, and the standards are applicable to public streets and highways. FDOT Green Book standards shall apply to Heathrow Blvd. and International Parkway.

Minimum Roadway Tract and Pavement Widths
Exclusive of Required Turn Lanes

	ROAD TRACT WIDTH		PAVEMENT WIDTH	
	Gutter	Rural	Curb & Gutter Back-to-Back of Curb	Rural
Collector	60	80	24	24
Local	50	70	24	24
Minor	50	60	20	20
Cul-de-sac	44*	50*	44*	42*
		Pavement width on C .D.S. = 24' b-b.		
Service Drive	50	60	20	20

* Radius

Design speed and design vehicle for the Heathrow PUD interior minor and local streets shall be 30 mph maximum and type SU and BUS, respectively. For minor collector roads within Heathrow, the design speed and vehicle shall be 30 mph maximum and type WB-50, at a maximum. Posted speed limits and design limits within specific tracts at Heathrow may be lower than the 30 mph cited above.

Roadway classification by usage within Heathrow shall be as follows:

Minor collector-Heathrow Boulevards and International Parkway

Local or minor streets - all others

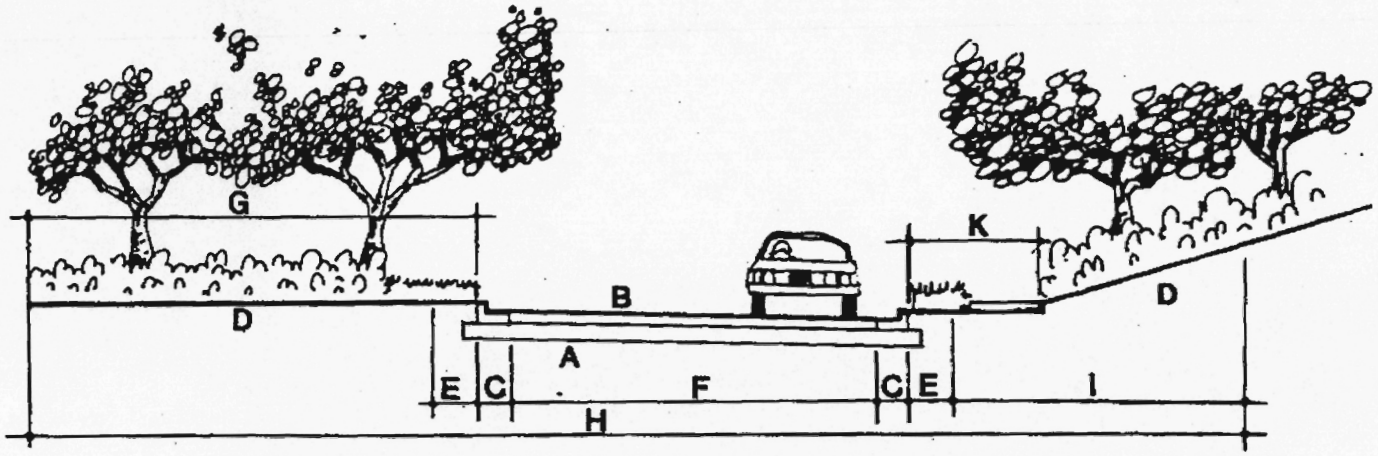
H. Lake Mary Boulevard Design: It is the intent of Seminole County and Heathrow that future widening and improvements to Lake Mary Boulevard adjacent to the Heathrow property, in addition to being safe and functional, are also consistent with the overall quality of development being achieved in Heathrow and should the existing berm and landscaping along Lake Mary Boulevard require removal or modification as a result of such widening, landscaping shall be replaced so as to comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards Classification (Addendum 1). The landscaping, lighting, berming, utilities, and entrances completed, and under construction, or anticipated along Lake Mary Boulevard are to be conceptually in accordance with **Figures 4 and 5**. The following notes refer to **Figures 4 and 5**:

1. The minimum material thicknesses and types are ten (10) inch stabilized subbase to Florida Bearing Value (FBV), seventy-five pounds per square inch (p.s.i.); limerock or soil cement base course eight (8) inches thick; and one and three quarters (1 3 1/4) inch, plus or minus one-quarter (1/4) inch thick asphaltic concrete surface course, or decorative pavement surface subject to review and approval by the County Engineer.

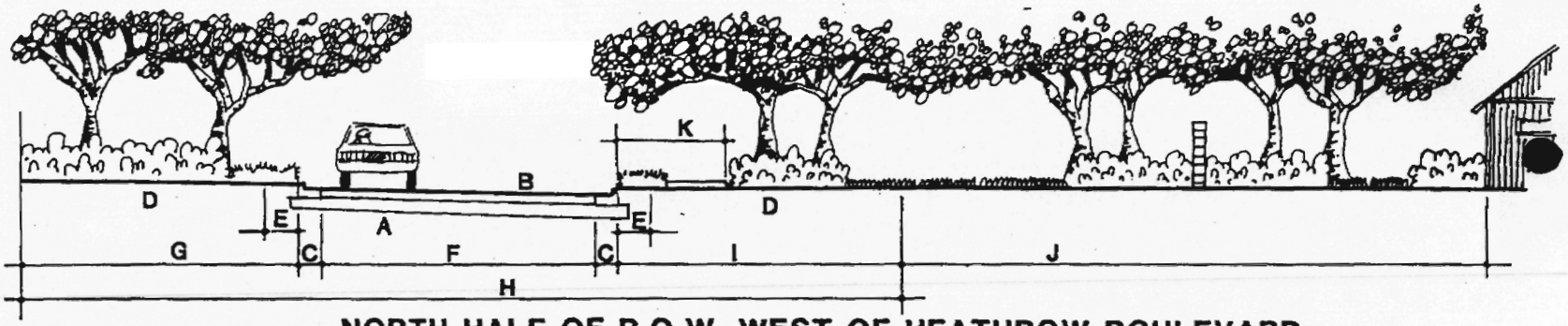
2. The minimum cross slope shall equal one-quarter (1/4) inch vertical per one (1) foot horizontal. All roads shall be positive crowned.

3. Concrete curb and gutter shall be two (2) feet wide (Standard type).

4. The maximum side slope to grade shall equal no greater than one (1) foot vertical per three (3) feet horizontal, with one (1) foot vertical per four (4) feet horizontal being desirable in most circumstances, except that retaining walls not higher or lower than four (4) feet measured from top of curb shall be allowed, and shall be located a minimum of six (6) feet horizontally from back of curb. Where the sidewalks are located along the north side of Lake Mary Boulevard, the finish elevation of the sidewalks shall be approximately equal to the finish elevation of the top of the adjacent curb.



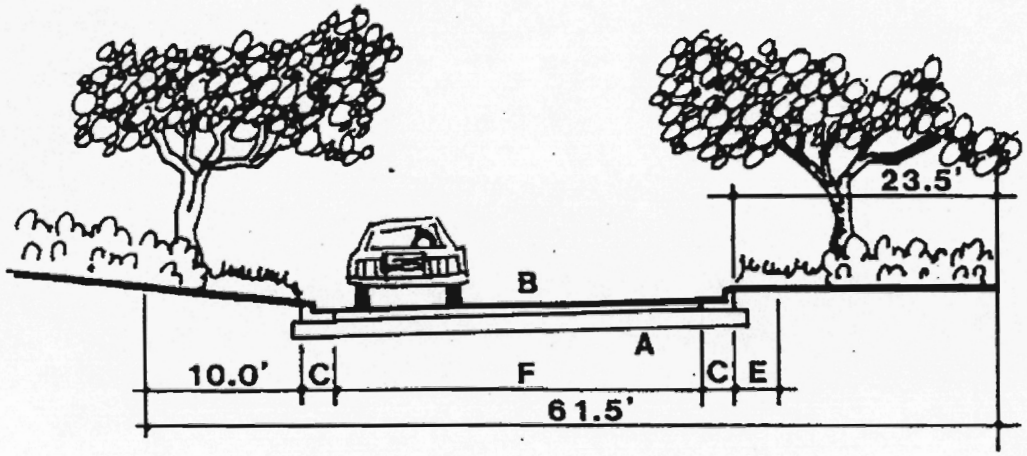
NORTH HALF OF R.O.W. EAST OF HEATHROW BOULEVARD



NORTH HALF OF R.O.W. WEST OF HEATHROW BOULEVARD

LAKE MARY BOULEVARD NORTH HALF

[Figure 4]



LAKE MARY BOULEVARD SOUTH HALF

IF ADDITIONAL RIGHT-OF-WAY AS SHOWN ON
FIGURE 4 IS NOT ACQUIRED BY THE COUNTY.

[Figure 5]

5. A minimum width of six (6) feet back of curb shall be maintained clear of all trees or shrubs two (2) feet or higher. Groundcovers and shrubs not higher than two (2) feet shall be allowed in the area less than six (6) feet from curb; Where the sidewalk is located along the north side of Lake Mary Boulevard, groundcovers and shrubs not higher than two (2) feet shall be allowed in the four (4) foot area between sidewalk and curb.

6. The pavement width shall be twenty-four (24) feet of pavement surface, exclusive of curbs and gutters. Left turn lanes shall be twelve (12) feet of pavement surface, exclusive of curbs and gutters.

7. The north half median width back of curb shall be fifteen (15) feet west of Heathrow Boulevard and twenty-one (21) feet east of Heathrow Boulevard. Shrubs, groundcover, trees, street lights, signs and similar features may be located in the median, provided they are maintained by Heathrow and do not reduce visibility and other such safety considerations at intersections.

8. The north half right-of-way shall be seventy-six (76) feet, west of Heathrow Boulevard, and eighty (80) feet, east of Heathrow Boulevard.

9. Subject to Paragraph 5, shrubs, groundcover, trees, street lights, signs and similar features may be located in the area from back of curb to edge of right-of-way, provided they are maintained by Developer or homeowners association, and do not reduce visibility and other such safety considerations at intersections.

10. The Developer shall provide a five (5) foot wide concrete sidewalk along the south boundary of Heathrow, along Lake Mary Boulevard, at such time that Lake Mary Boulevard is four (4) lanes. There shall be a minimum four (4) foot separation between back of curb and the sidewalk.

11. The final design of Lake Mary Boulevard shall take into account consideration for retention/detention systems of Lake Mary Boulevard runoff and the final drainage system shall have access and easements provided to the FDOT drainage system traversing the southern one-third (1/3) of

Heathrow.

12. The Developer shall construct a right turn lane on Lake Mary Boulevard approximately 400 feet west of International Parkway that will provide a one-way entrance into Tract 2. This right turn shall be a minimum of 12 feet of pavement surface exclusive of curbs and gutters (Addendum 1).

VII. LANDSCAPING AND BUFFERS

Except in the case of the requirements listed below, the landscaping and buffering requirements of the Heathrow Property shall be in accordance with the applicable provisions of the Land Development Code set forth therein. Specific landscaping and buffering requirements are as follows:

A. Greenbelt Requirements: The Developer shall provide and maintain the greenbelt easement area as shown on the Master Plan (**Exhibit B**) between the right-of-way for Lake Mary Boulevard and any residential construction located west of the main entrance to the Heathrow Property on Lake Mary Boulevard. The Developer shall maintain a 25-foot greenbelt easement area between the right-of-way for Markham Woods Road and residential construction located south of the southerly entrance to the Heathrow Property from Markham Woods Road. Residential construction will be permitted adjacent to the sewage treatment plant improvements and effluent disposal areas including the golf course in accordance with Florida Department of Environmental Regulation requirements.

B. Special Buffer: A fifty (50) foot-wide landscape buffer, west of Heathrow Boulevard to Markham Woods Road, shall be provided. The buffer shall be installed not later than the development of adjacent parcels. Trees, shrubs, walls and/or earthen berms shall be installed to buffer residential dwellings from Lake Mary Boulevard. The landscape buffer may be an easement and may be used for related developments (stormwater facilities, paths, open space, and similar features), provided that no buildings or parking is developed in the buffer and that the intent of the buffer is preserved. In addition, a provision for a twenty-five (25) foot natural buffer supplemented by additional plantings where necessary and as determined at the time of development, along the entire northern boundary of the PUD shall be added (Addendum 3).

C. Landscape Screening: Landscaping plans for the commercial areas of the Heathrow Property and for the sewer treatment plant shall be designed with a view toward providing aesthetic screening of such areas from residential areas, by means of either landscaping and/or earth moving and grading, and shall meet the requirements of this Agreement.

D. Noise Buffers: Where noise pollution studies conducted by the Developer indicate that natural terrain and landscape conditions do not provide buffering from traffic noise on Interstate 4, or where such studies indicate that development on the Heathrow Property shall increase noise levels beyond those permitted by County Ordinances, the Developer shall provide buffering through landscaping and/or earth moving and grading so as to reasonably minimize such noise levels.

E. Streetscape: It is the intent that all streets, driveways and parking areas will be attractive and consistent with the overall quality in Heathrow. To accomplish this goal, site amenities (shrubs, groundcover, trees, fountains, decorative walls and fences, street lights, signs, and similar features) may be located within the roadway tracts and in the medians of all streets, driveways and parking areas in Heathrow, provided they are maintained by Heathrow and do not reduce visibility at intersections. The distance and height for landscape and other amenities from street or parking curb shall be restricted, as included in PARKING DESIGN and STREET DESIGN. Alternative materials may be used for street, driveway and parking area surfaces and pedestrian crossings (examples include, but are not limited to, concrete, decorative concrete, brick, granite, or other long wearing surfaces). Alternatives to thermo-plastic or other street marking paint may be used, provided they are long wearing and serve the same intent.

F. Installed and Existing Landscape: It is the intent of Heathrow to continue to be outstanding in preservation of existing trees and installation of new landscape material. Provided that Heathrow maintains its current level of excellence in installed and existing landscape, Seminole County requirements for clearing and preservation of existing trees and installed landscape shall not be applied in Heathrow.

Landscape plans for areas to be developed in Heathrow shall be

submitted to Seminole County in order that the County can confirm that Heathrow is performing at, or above, the intent of Land Development Code landscape requirements. The landscape plans shall show trees to be preserved; installed landscaping, including trees, shrubs, groundcover, and sodded areas; and provisions for irrigation. Further, Heathrow agrees that for every one tree removed during a construction phase a replacement or replanting of six trees with a minimum caliper of six inches will be installed. The replacement calculations will be shown on the landscape plan. At the County's option, a County inspector may visit the development area to verify that preservation of trees and installation of landscape are in accordance with submitted plans.

Tree surveys shall not be required for County review, provided that preservation of existing trees has been addressed through use of aerial photographs and site familiarity. Tree surveys will be used where other means are inadequate to specifically locate trees to be preserved.

VIII. RECREATION AND OPEN SPACE:

Specific recreational and open space requirements are outlined below. The Developer may provide additional recreational amenities as the need therefore is determined. The Developer agrees that no gasoline powered boats shall be permitted on any lakes within the Heathrow Property, and that no active recreational facility shall be constructed on Banana Lake.

A. Pedestrian, Bicycle and Jogging Paths: Heathrow will provide a private multi-use pedestrian, bicycle and jogging path system in the general location, as shown on **Exhibit B** and within each tract. This system will provide access from each tract to the recreation and commercial facilities within Heathrow. The location of paths within each tract will be determined during the specific planning of a tract, and will connect with the overall Heathrow pedestrian, bicycle and jogging path system. The total system will be no less than sixteen (16) miles in length.

B. Swimming Pools: Heathrow will provide private community swimming pools at the Heathrow Golf Clubhouse including the athletic club facilities. Additional swimming pools may be permitted, subject to review and approval by Heathrow.

C. Boat Ramps: Heathrow will provide four (4) private boat ramps on lakes within the development. These ramps shall be used by canoes, sailboats and other non gasoline-powered small boats.

D. Tennis Courts: Heathrow will provide a minimum of eight (8) tennis courts to be located at the Heathrow Country Club Tract. Additional tennis courts may be permitted, subject to review and approval by Heathrow.

E. Recreation Center: Heathrow will provide a private athletic center that will have eight (8) tennis courts and a community swimming pool, as previously committed above ("Swimming Pools" and "Tennis Courts"). It may also include, as determined by Heathrow in future planning, an indoor running track, indoor racquetball courts, tennis tournament facility, racquetball tournament facility, exercise equipment, sporting goods shop, sport clothes boutique, dining facilities and other accessory uses normally associated with a first-class, private, full-service athletic center.

F. Parks and Open Space: Heathrow will contain five hundred ten (510) acres or thirty-five percent (35%) of its total area in open space, including lakes, golf course, recreation facilities, parks, conservation areas, greenbelts, road tracts, and landscaped areas. Areas of the open space will be developed as passive parks. Visual or physical access by residents to developed open space shall be provided. Actual number, size and types of passive parks will be determined during specific site planning, and subject to County review. No active recreation facilities will be located on Banana Lake. The ratio of open space to total development (35%) shall be maintained during development. Forty-five (45) percent of Tracts 16A and 16B shall be preserved as open space.

Maximum Impervious Surface: Maximum impervious surface in Tract 9 shall be 65 percent. Maximum impervious surface in Tracts 16C and 16D shall be 70 %.

Recreation Facilities Phasing

Phase	Residential Units	Recreation Facilities*
1	90	
2	200	Golf Course, Phase I Country Club and 1 Community Pool
3	300	4 Tennis Courts, Phase I Athletic Club
4	300	1 Boat Ramp, 4 Tennis Courts
5	300	1 Boat Ramp, Phase 2 Country Club, Phase 2 Athletic Club, 1 Community Pool
6	390	
7	400	1 Boat Ramp
8	400	
9	500	1 Boat Ramp
10	600	
11	600	
12	64	Relocation of athletic club amenities including swimming pool, club house and tennis courts

* Pedestrian, bicycle, and jogging paths will be phased in each new tract that is developed, and will be connected to the Heathrow system of paths. Passive parks will be phased concurrently with new tracts that are developed.

IX. FACILITY COMMITMENTS

A. Road Improvements: All off-site transportation improvements required to be constructed by the Developer in connection herewith shall meet Florida Department of Transportation "Green Book" standards. All streets and boulevards within the Heathrow PUD shall be private and maintained by the Developer or Association. All transportation improvements shall be subject to design review by the County Engineering Department. All on-site transportation improvements shall meet the Land Development Code standards, except in the event of a conflict with the on-site transportation design criteria set forth in this Agreement, in which event this Agreement shall control. The County requires, as a condition to the approval of this Commitment, that the Developer provide the specific transportation improvements listed below in connection with the development of the Heathrow Property, at such times as the County shall determine the need therefore, based upon appropriate traffic studies in accordance with Department of Transportation recognized traffic warrants; provided, however, the County may not require the installation of the said improvements, without the Developer's consent, prior to the date or events indicated herein below. The required traffic improvements are as follows:

1. Lake Mary Boulevard: The Developer shall four-lane Lake Mary Boulevard from the main entrance of the residential area of the Heathrow Property east to the limits of the intersection with Interstate 4, which shall be constructed in accordance with the standards set forth in this Agreement. The County shall not have any obligation to provide maintenance beyond that normally required for equivalent type roads. Where the Developer desires to have maintenance exceeding the foregoing level, the Developer, or property owners' association, shall have the right to perform the maintenance upon the County's authorization. The said four-laning shall include left and right turn storage lanes at the main entrance to the residential area. The Developer agrees that additional right-of-way required north of the existing centerline of Lake Mary Boulevard for such four-laning shall be provided by the Developer. So long as an equal amount of right-of-way shall be taken south of such centerline, conceptually Lake Mary Boulevard shall be the same as shown for the north right-of-way on **Figure 4**. In the event that an equal amount of right-of-way is not taken, conceptually Lake Mary Boulevard shall be in accordance with **Figure 5**. Final design and construction drawings shall be reviewed and approved by the County Engineer.

The Developer will also four-lane Lake Mary Boulevard from Markham Woods Road to Heathrow Boulevard. The four- laning is to be completed at the same time as completion of the Interstate 4/Lake Mary Boulevard modified interchange. If the additional right-of-way is provided by the County on the south side of Lake Mary Boulevard, then the four lanes shall be designed and constructed according to the typical 140-foot right-of-way. If the additional right-of-way is not provided by the County on the south side of Lake Mary Boulevard, then the four lanes shall be designed and constructed according to the typical 120-foot right-of-way.

The County agrees that from Markham Woods Road to Interstate 4 all utility lines of all kinds, including, but not limited to, those of franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer, and gas, shall be constructed and installed beneath the surface of the ground, unless it is determined by the County Engineer that soil, topographical, or any other compelling conditions, including extraordinary costs, make the underground installation of such utility lines as prescribed here unreasonable and impracticable.

2. International Parkway: The Developer shall locate the entrance to International Parkway at least 600 feet west of the west right-of-way line for the CSX Seaboard System Railroad, Inc. (unless such right-of-way is discontinued or abandoned as an active railroute by the Railroad). International Parkway shall be a private roadway serving the Heathrow Property. The Developer recognizes that the County may decide in the future that International Parkway be designed and constructed as a major north/south arterial that is ultimately intended to connect Lake Mary Boulevard with State Road 46A. In the event that the County decides to implement the foregoing, the Developer agrees to dedicate to the County the required portion of the right-of-way located within the Heathrow Property; provided, however, that the design and construction of the entire roadway shall be in conformance with this Agreement, and further provided that it is understood that the Developer hereunder shall have no obligation to construct any portion of said roadway or to dedicate any portions of the right-of-way required for such roadway lying outside the boundaries of the Heathrow Property. The County shall not have any obligation to provide maintenance beyond that normally required for equivalent type roads. Where the

Developer desires to have maintenance exceeding the foregoing level, the Developer shall have the right to perform the same upon County's authorization.

3. East/West Access to County Road 46A: The Developer shall provide an access road to County Road 46A from the northeasterly portion of the Heathrow Property, approximately as shown on the Land Use Plan, not later than such time as three thousand (3,000) dwelling units are developed within Heathrow.

4. County Road 46A/Interstate 4 Traffic Study: The Developer agreed to and participated with the County and others in a traffic study initiated by the County when the County determined the need within an area surrounding the County Road 46A/Interstate 4 interchange. The study area was determined by the County, with the advice of the State of Florida Department of Transportation and the other study sponsors. The Developer's participation was $10,000.00.

5. Emergency Access Road: The Developer shall provide an easement to the County for an emergency access road to Banana Lake Road from the Heathrow Property for use by fire protection and law enforcement vehicles. Said roadway shall be stabilized per County requirements and located as shown on the Land Use Plan.

6. Traffic Information: The Developer shall provide the County with traffic information for the Heathrow Property's internal traffic, including volumes and circulation systems. Trip end generation rates used for traffic analysis within Heathrow and for determination of Heathrow traffic impact on surrounding roads shall fall within the ranges cited in the Seminole County Transportation Planning guidelines, except where traffic generation data on similar land uses can substantiate lower trip end generation rates. This information shall be updated for each phase of the Heathrow development.

7. Golf Carts: The Developer agrees that there shall be no at grade golf cart crossings on Heathrow Boulevard.

8. Areawide Traffic Study: The Developer agrees to participate with the County and others in a traffic study, which shall be initiated by the County when the County determines the need, therefore within an area surrounding Heathrow. The study area will be determined by the County, with the advice of the Developer. The Developer's participation shall be $10,000.00.

9. Signalization: The Developer shall either participate in the cost of, or provide signalization, as hereinafter indicated, at intersections on public roads in the vicinity of the Heathrow Property. Such signalization shall be deemed to include both the cost of installation and equipment at such intersections, as well as the installation of traffic pre-emption devices where the need therefore is demonstrated by the Department of Transportation recognized traffic warrant methods. The signalization requirements are as follows:

(A) Signalization of the intersection of the main entrance to the Heathrow Property at Heathrow Boulevard and Lake Mary Boulevard, and at all other "T" intersections serving only Heathrow, shall be provided at the sole cost and expense of the Developer.

(B) The Developer shall participate on a pro rata basis with the County and others in connection with the signalization of the following intersections. Such pro rata basis shall be determined on the basis of appropriate traffic studies demonstrating the share of projected traffic through such intersections that are generated by the Heathrow Property, as compared with the total projected amount of traffic from other areas utilizing such intersections. The intersections are as follows:

I. Southeast corner exit ramp of Interstate 4.

II. Intersection of Lake Mary Boulevard and Markham Woods Road.

III. All entrance ways to the Heathrow Property from adjacent public roads, other than the main entrance to the residential area of the Heathrow Property from Lake Mary Boulevard and other than all "T" intersections serving only Heathrow.

10. Internal Traffic Control: The Developer shall be responsible for installing all appropriate internal traffic control devices, signs and signalization in accordance with the standards set forth in this Agreement, as the need therefore is demonstrated in connection with the development of each phase of the Heathrow Property.

11. Participation by Other Developers: The County agrees that in those instances where other new developments in the area of Heathrow are determined to have an impact on the off-site transportation improvements to be installed by the Developer hereunder, it shall make a good faith effort to require the developers of such other developments to participate in such improvements on a pro rata basis measured by their impact, and the Developer's future participation hereunder shall be reduced accordingly.

12. Mass Transit: The Developer shall develop and implement plans for a mass transit parking facility within the commercial area lying north of Lake Mary Boulevard.

13. The Developer will construct the deceleration and left turn lanes on Markham Woods Road at the entrance of Bridgewater Drive. This improvement is to take place at the time of approval of the first site plan by Seminole County for buildings on Tract 9, 16C, or 16D.

14. Subject to a mutually acceptable realignment of the abandoned Seaboard Coast Line Railroad right-of-way between Heathrow, Seminole County and the Florida Department of Transportation, Heathrow will convey to Seminole County, and/or the Florida Department of Transportation, any existing or future private interest in the abandoned railroad right-of-way located between Lake Mary Boulevard and County Road 46A, as

realigned. This conveyance and possible realignment of this right-of-way shall be for the purpose of connecting Lake Mary Boulevard with County Road 46A as a public access roadway contingent upon Seminole County and/or the Florida Department of Transportation approval.

15. The Developer has corrected the overlay and striping of the existing left turn/right turn lanes on Lake Mary Boulevard between Heathrow Boulevard and International Parkway. The overlay and striping took place at the time of approval of the first site plan by Seminole County for buildings on Tract 9, 16C, or 16D.

16. Based on the currently approved PUD, the transportation improvement requirements of the Developer as set out in this section shall relieve the Heathrow PUD of the payment of transportation impact fees as now required or which will be required in the future by Seminole County for the currently approved PUD.

17. Access will be provided to 45-acre school site through Tract 27 for residents of Heathrow.

18. Ingress and egress to and from Tract 20, as expanded, shall be provided by Developer through the Heathrow Planned Unit Development with no direct access or interconnection into Markham Woods Road (Addendum 2).

19. Ingress and egress to and from the expanded Tract 34B, shall be provided by the Developer through the Heathrow PUD with no direct access or interconnection onto CR 46A (Markham Road).

B. Fire Protection: The Developer has provided a site upon which the County has constructed a fire station at the intersection of Lake Mary Blvd. and Markham Woods Road.

The Developer has paid a total of $300,000 (three hundred thousand dollars) towards the purchase of aerial equipment and the construction of an aerial equipment parking bay. The aerial equipment and aerial equipment parking bay is located at the existing Seminole County Fire Station at the corner of Markham Woods Road and Lake Mary Boulevard. The $300,000 was paid by the Developer at the time a Certificate of Occupancy was issued for a building constructed within Tract 16 after September 22, 1987.

C. Drainage, Recharge and Water Quality Commitments: Drainage, water recharge and water quality requirements shall be in accordance with the applicable provisions of the Land Development Code, except as specified in this Agreement. In addition, the Developer agrees as follows:

(1) The Developer will, subject to final engineering approval by the State of Florida Department of Transportation, retain water in the lake system of the Heathrow Property from the Department of Transportation drainage easement across the Heathrow Property.

(2) The Developer, or the operator of the wastewater treatment plant, shall monitor groundwater quality in accordance with Florida Department of Environmental Regulation requirements. All data from such monitoring shall be made available to the County, the Developer, and other appropriate governmental agencies.

(3) The Developer shall provide compensating storage (as defined further in this Agreement and the Land Development Code) for any fill deposited within the 100-year flood plain area located within the Heathrow Property. No construction shall be permitted within the 100-year flood plain area without prior County consent (except any such areas as to which filling above the 100-year flood plain level has been approved).

(4) Stormwater detention ponds in residential areas shall be designed to give a bank slope of six (6) horizontal to one (1) vertical from design low water level (structure control level), to a depth of three (3) feet; detention ponds and man-made lakes (e.g. golf course lakes) in areas other than residential, shall be exempt from this bank slope requirement and may be steeper where conditions dictate, but not steeper than three (3) feet horizontal to one (1) vertical.

(5) Design storms for the Heathrow PUD shall be the following:

a. For rational method design of culverts and inlets: 10-year frequency FDOT Zone 7.

b. For retention/detention design 25-year/24-hour storm event. The 25-year/24-hour storm shall be used on tracts on which the St. Johns River Water Management District has jurisdiction.

(6) Flood prone elevations for closed basins will be established for post development conditions and reflected in the Master Drainage Plan.

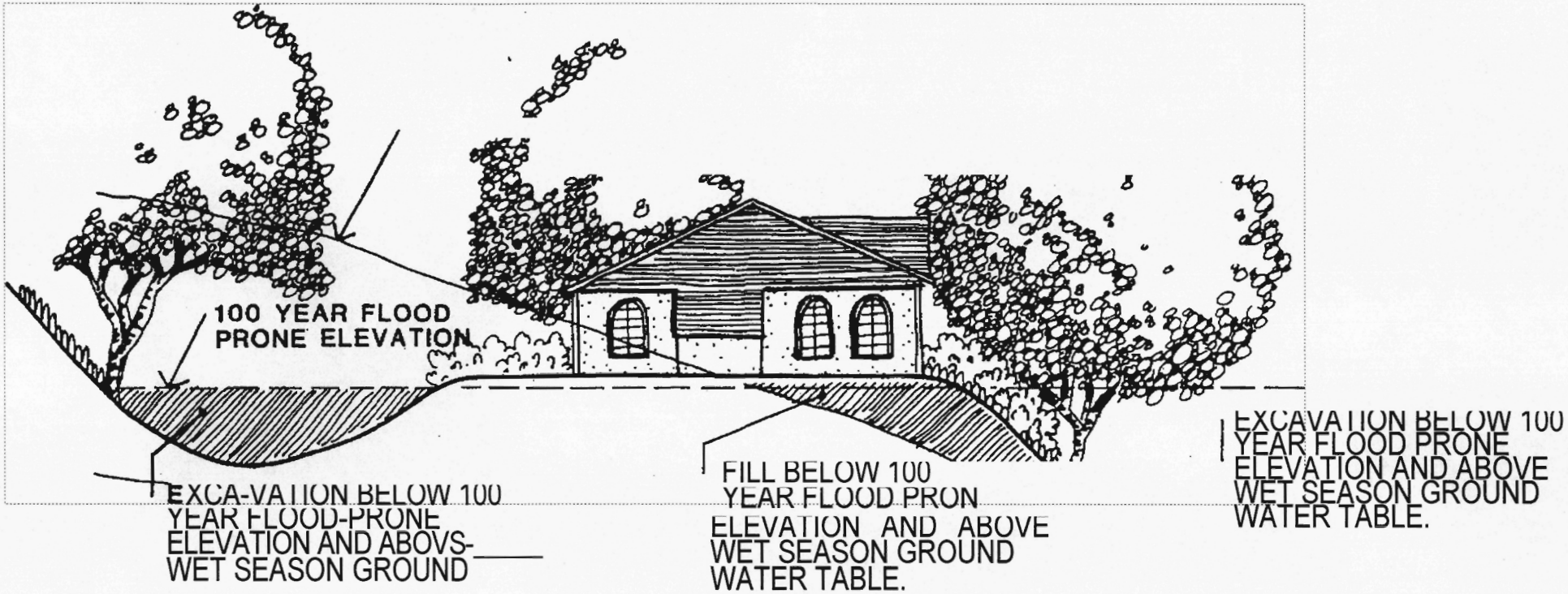
~~(1)~~**(7)** Developer commits to conform with, and provide Seminole County with copies of, the conditions, limitations and reporting requirements of the St. Johns River Water Management District Permit No. 4-117-0030M22 (and its subsequent modifications, if any) as pertains to wetlands creation/mitigation, specifically conditions 21 through 31 inclusive and condition 35, and further agrees that such conditions are part of this Agreement.

~~(2)~~**(8)** Installation of an interconnect drainage culvert from northern drainage basin (Basin 100) under Markham Road to unnamed lake on the north side (Addendum 3).

D. Compensating Storage: It is anticipated that there will be circumstances where development in the one hundred (100) year floodplain will be desirable to achieve a quality environment in Heathrow. All inhabited buildings shall have a minimum' finish floor elevation equal to or greater than one (1) foot above the one hundred (100) year flood elevation. Golf courses, tennis courts, parking areas, paths, and similar development may be subject to flooding during the one hundred (100) year events. Portions of driveways and streets within a tract may be subject; to flooding during the one hundred (100) year event, provided that alternative non-flooded vehicular access is available to inhabited buildings for emergency services and subject to County staff review.

Based on the total drainage basin, there shall be no material reduction in flood storage. As exemplified in **Figure 6**, fill placed below the one hundred (100) year flood elevation shall be compensated by excavation of an equal or greater volume within the floodplain or other method acceptable

to the County Engineer. Compensated storage may also be provided upland or outside the floodplain, provided that it is either hydrologically connected to the floodplain, or that it holds upland contribution to the flood volume.



Wet Season Ground Water Table

COMPENSATING STORAGE

[Figure 6]

E. Water and Sewer Facility Commitments: Except as otherwise agreed by the County, all construction within the Heathrow Property shall be served by central water and wastewater treatment facilities. A previous Utility Lease Agreement between the Developer and Seminole County has been terminated by a purchase agreement.

It is intended that the disposal of treated effluent (treated to public access level, when required) shall be accommodated in all permissible ways, consistent with all applicable laws, rules and regulations. Disposal methods may include, but are not limited to, spray irrigation, lake disposal and percolation systems. Appropriate areas within Heathrow, such as golf course, landscape areas, road tracts, buffers, greenbelts, and other suitable and permissible areas may be used for disposal.

F. Other Facilities:

1. Schools: The Developer has dedicated and the School Board of Seminole County has accepted a 45-acre school site of which 40 acres are buildable at the location shown on **Exhibit B**.

The Developer shall pay the County Three Hundred Dollars ($300.00) for each single family unit and Two Hundred Dollars ($200.00) for each multifamily unit. Said fees are currently being collected by the County at the time of issuance of a building permit, and said funds are for the use of the Seminole County Board of Education. The contribution of the land shall be credited to payments for the contribution to the Seminole County Board of Education. In determining the credit for the land contributed, the Developer agrees to accept fair market value as determined by an M.A.I. appraiser jointly selected by the Developer and the County. The M.A.I. appraisal, dated June 7, 1989, set the fair market value of the 45-acre school site at $2,650,000. The requirement of a cash contribution for school purposes will likewise be applied in a uniform and equal manner to Planned Unit Developments in the unincorporated areas of Seminole County.

Notwithstanding dedication of any of the foregoing sites, it is agreed that such sites shall automatically revert to the Developer in the event that the Seminole County Board of Education does not start construction of a school and proceed thereon, with due diligence, within seven (7) years following the date of actual dedication, as measured by a deed of conveyance from the Developer to the School Board.

Notwithstanding the foregoing, the Developer and the School Board may, by mutual agreement, extend the period for construction by up to an additional five (5) year period. The deed of conveyance shall set forth the Developer's right of reverter. The

Developer shall have the right to review and recommend change to the landscaping and buffering plans, which will be considered in good faith by the School Board, for such schools prior to any construction.

2. **Law Enforcement:** Tracts 16A and 16B shall pay a law enforcement impact fee in the amount of .05 cents per square foot of building structure.

3. **Parks:** Tract 4 shall pay a parks impact fee in the amount of $25 per dwelling unit.

4. **Facilities Phasing:** See Community Facilities Phase Schedule.

Community Facilities Phasing

Phase	Residential Units	Community Facilities *
1	90	Master Drainage Plan
2	200	First Phase Water Treatment Facility, First Phase Sewage Treatment Facility, Internal Traffic Study
3	300	Fire Substation and Police Substation, Site 1, School Site
4	300	
5	300	
6	390	
7	400	
8	400	School Site
9	500	
10	600	
11	600	

* External road improvements will be phased, as provided in Paragraph VI; drainage improvements will be phased with developed areas.

5. **Fire and Library:** Tracts 31 and 35 shall pay impact fees in accordance with the Fire Impact Ordinance and the Library Impact Ordinance

X. OTHER COMMITMENTS

A. Development Phasing: The Developer and the County anticipate that the entire Heathrow Property shall be developed in logical phases over the course of a ten (10) to twenty (20) year buildout schedule. Development of the residential and commercial areas, as well as the construction of public facilities, shall take place in accordance with the Phase Schedule set forth in this Agreement. Although the Developer may delay the commencement of construction of one or more phases, the Developer agrees that it shall not accelerate the commencement of phases, without the County's consent, in advance of the cumulative levels of development set forth within the Phase Schedule.

~~A.~~B. Continuing Evaluation: It is intended and expected that this document will, from time to time, require modifications or amendments by the parties, particularly with respect to the specific development criteria established herein and in the Land Development Code. Further, in connection with such modification and amendments, all parties agree to bargain in good faith to reach agreement.

~~B.~~C. Posting of Land Use Plan: The Developer agrees to post a copy of the Land Use Plan in a permanent location within the sales office on the Heathrow Property, and to supply each buyer of any portion of the Heathrow Property with a copy of such Land Use Plan.

~~C.~~D. Maintenance: A property owners association(s) will be established to maintain all common areas within the development, including private road rights-of-way, all open space, and recreational facilities.

E. Land Development Code Contingency: Unless a particular item is specifically covered or permitted in this Agreement, the applicable portion of the Seminole County Land Development Code shall prevail.

~~A.~~F. Developer Definition: When the term "Developer" is used herein, same shall be taken or construed to mean Heathrow Land Company Limited Partnership. All obligations, liabilities, and responsibilities incurred by or implied by the Developer in this Agreement shall be assumed by any successors in interest of Heathrow Land Company Limited Partnership as the overall Developer of the Planned Unit Development, or any portion thereof.

~~B.~~G. Building Permits: Prior to recording of any Final Plat, Seminole County agrees to issue Building Permits for twelve (12) model homes. No Certificate of Occupancy will be issued and no land sale will be conducted prior to recording of the Final Plat. The access to the model homes shall be consistent with the

approved Engineering plans for the development.

~~C.~~H. Signs: It is the intent of Heathrow to implement strict control over the physical (i.e., aesthetic) appearance of signs, and to limit signage in size and number to the minimum necessary for identification and information.

1. No trailer or other portable signs shall be allowed in Heathrow.

2. No outdoor advertising billboards shall be allowed in Heathrow.

3. Sign faces and location of all required stop, yield, one-way and other similar street traffic control signs shall be in accordance with the "Manual of Uniform Traffic Control Devices" and Seminole County standards. Post and sign face bracket may be of a decorative material. Unique signs, including, but not limited to, pylons, neon, flower beds, clock towers, and sign/sculpture, shall be permitted in Heathrow subject to review and approval of the County Commission.

I. **Miscellaneous - Per Seminole County Development Order 90-612:**

1. No Certificate of Occupancies to be issued on Tracts 31 and 35 until intersection improvements are made at the CR 46A/CR 431 intersection and the 1-4/Lake Mary Boulevard interchange; and the International Parkway extension is operational.

2. Dedication of 60' half right-of-ways on Markham Woods Road, CR 431 and CR 46A; and a 50' half right-of-way on Markham Road.

3. No direct access to Markham Woods Road; and no direct access to Markham Road unless construction of the proposed beltway eliminates access to all or a portion of Parcel "A", in which case access to Markham Road from the affected parcels will be allowed.

4. Dedication of all areas below the post development 100 year flood elevation to the Heathrow Master Property Owners Association as a conservation easement.

5. Maintenance of a 100' deep undisturbed natural buffer adjacent to Markham Woods Road.

6. In any conflict between a term or provision of the Developer's Commitment Agreement and the Final Master Pan is found to exist, the term or provision of this

Developer's Commitment Agreement shall remain valid and the conflicting term of the Final Master Plan shall be null and void.

J. Miscellaneous – Per Seminole County Development Order 07-xxx

1. New homes located within expanded Tract 35 (known as Brookhaven Phase III) will be a minimum lot size of 7,500 square feet and dwelling units shall be from 2,500 sq. ft. to 3,500 sq, ft., comparable to home sizes in Cherry Ridge.

2. Sidewalks shall be provided adjacent to all lots within the expanded Tract 35 (known as Brookhaven Phase III).

XI. EFFECT OF COMMITMENT

A. Upon the execution hereof by the County and the Developer, this Commitment, which compiles all of the commitments in the Developer's Commitment Agreement dated May 28, 2001, and Addendums one (1) through five (5) listed below shall supersede and replace the original Commitment. Thereafter, this Commitment shall govern the requirements and conditions of the zoning of the Heathrow Property and the original Commitment shall be null and void and of no further force and effect. Incorporated Addendums include:

No. 1 Approved July 30, 1991

No. 2 Approved March 23, 1993

No. 3 Approved October 22, 1996

No. 3 {sic} Approved June 22, 1999

No. 5 Approved February 8, 2000

B. List of Exhibits

A – Legal description

B – PUD master plan

C – Heathrow residential Lot Study for Tract 4A

D – Devon Green addition

E – Heathrow County Club Tract

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE

By: _____

Carlton D. Henley, Chairman
Seminole County Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Heathrow Land company Limited Partnership, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

_____
Witness

_____
Print Name

By:_____
Joe DoBosh, Senior Vice-President
Heathrow Land Company Limited Partnership

_____
Witness

_____
Print Name

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 acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

_____

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

HEATHROW PUD DESCRIPTION

Northwest Addition to the Heathrow P.U.D.

A parcel of land being a portion of Sections 35 and 36, Township 19 South, Range 29 East; Seminole County, Florida; more particularly described as follows: Commence at the Southeast corner of said Section 35 and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence run North 00° 16' 02" East along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 35 for a distance of 289.10 feet to Point of Beginning; thence North 89° 47' 58" West, 1285.39 feet to the East right of way of Markham Woods Road; thence North 00° 26' 27" East, 471.63 feet to the P.C. of a curve curve to the Southeast having a radius of 919.28 feet; thence Northerly along the arc of said curve through a central angle of 16° 13' 54" for 260.43 feet to the P.R.C. of a curve concave to the Northwest having a radius of 1098.06 feet; thence Northerly along the arc of said curve through a central angle of 16° 33' 22" for 317.29 feet; thence South 89° 38' 12" East along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 535.72 feet; thence North 00° 21' 15" East, 332.05 feet; thence North 89° 36' 45" West, 370.61 feet; thence North 00° 26' 27" East, 50.00 feet; thence South 89° 36' 45" East, 5.00 feet; thence North 00° 26' 27" East, 38.00 feet; thence North 89° 36' 45" West, 75.00 feet; thence South 00° 26' 27" West, 38.00 feet; thence South 89° 36' 45" East, 10.00 feet; thence South 00° 26' 27" West, 35.00 feet; thence North 89° 36' 45" West, 156.99 feet; thence North 12 ° 23' 55" West along the East right of way of Markham Woods Road for 49.60 feet to the P.C. of a curve concave Easterly and having a radius of 1598.24 feet; thence Northerly along the arc of said curve through a central angle of 10° 42' 11" for 298.56 feet to the P.T.; thence North 01° 41' 46" West, 253.21 feet to a point being on the Southerly right of way of Markham Road; thence Easterly along said Southerly right of way of Markham Road along a curve concave to the Northwest having a tangent bearing of North 65° 06' 16" East, a radius of 1245.93 feet, a central angle of 06° 04' 09" and an arc length of 131.98 feet to the P.T.; thence North 59° 02' 06" East, 142.02 feet to the P.C. of a curve concave Southeasterly having a radius of 1986.79 feet; thence Easterly along the arc of said curve through a central angle of 20° 17' 17" for 703.51 feet;. thence South 00" ° 16' 02" West along a line 420.00 feet West of and parallel to the East line of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 5.83 feet; thence South 89° 32' 22" East along the North line of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 24.00 feet; thence South 00° 16' 02" West along the West line of the East 396.00 feet of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 330.00 feet; thence South 89° 32' 22" East along a line 330.00 feet South of and parallel to the North line of the Southeast 1/4 of Section 35 for 396.00 feet; thence South 00° 16' 02" West along the West line of the Northeast 1/4 of the Southeast

1/4 of Section 35 for 270.00 feet; thence South 89° 32' 22" East along the South line of the North 600.00 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 707.40 feet; thence North 00 ° 16' 02" East along the East line of the West 707.40 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 600.00 feet; thence South 89° 32' 22" East along the North line of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 620.80 feet; thence South 00° 05' 35" West along the East line of the Southeast 1/4 of Section 35 for 100.00 feet; thence North 89° 27' 27" East parallel to the North line of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East for 430.03 feet; thence North 00° 05' 35" East along a line 430.00 feet East of and parallel to the West line of the Southwest 1/4 of Section 36 for 142.90 feet; thence South 67° 57' 09" East along a line being the South right of way of Markham Road for 44.17 feet to the P.C. of a curve concave to the Northeast and having a radius of 989.64 feet; thence Easterly along the arc of said curve through a central angle of 22° 35' 24" for 390.19 feet to the P.T.; thence North 89° 27' 27" East, 6.15 feet; thence departing said right of way run South 00° 00' 30" East, along a line parallel to the East line of the Northwest 1/4 of the Southwest 1/4 for a distance of 1280.72 feet; thence South 89° 51' 03" West along the North line of the South 1/2 of the Southwest 1/4 of said Section 36 for a distance of 860.35 feet thence South 00° 05' 35" West along the West line of the Southwest 1/4 of said Section 36 for a distance of 662.42 feet; thence North 89° 41' 24" West along the North line of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for a distance of 1334.24 feet; thence South 00' 16' 02" West along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for C distance of 374.33 feet to the Point of Beginning.

TOGETHER WITH:

Northeast Addition to the Heathrow P.U.D.

A parcel of land being a portion of Section 36, Township 19 South, Range 29 East, Seminole County, Florida; more particularly described *as* follows: Commence at the Southeast corner of Section 35, Township 19 South, Range 29 East and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW 1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the

SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along *a* line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661A0 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 89° 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet to the Point of Beginning; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of Section 36 for 952.81 feet to a point lying on the South right of way of Markham Road; thence South 89° 34' 25" East along said right of way a distance of 414.61 feet to the P.C. of a curve concave to the South having a radius of 1829.00 feet; thence Easterly along the arc of said curve through a central angle of 05 34' 00" for 177.70 feet to the P.C.C. of a curve concave Southerly having a radius of 386.24 feet; thence Easterly along the arc of said curve through a central angle of 20° 13' 53" for 136.38 feet to the P.C.C. of a curve concave Southerly and having, a radius of 415.00 feet; thence Easterly along the arc of said curve through a central angle of 01° 23' 24" for 10.07 feet; thence departing said right of way run South 00° 06' 30" East, 550.79 feet; then North 88° 01' 00" East, 195.06 feet; thence North 00° 02' 42" West, 300.22 feet; thence North 01' 00" East, 130.33 feet; thence South 00° 02' 42" East, 248.14 feet; thence North 88° 01' 00" East 254.00 feet; thence North 00° 02' 42" West, 306.09 feet; thence South 88° 57' 00" East, 420.82 feet thence South 00° 02' 42" East along a line 40 feet West of and parallel to the East line of the Southeast 1/4 of Section 36, (said line being the West right of way of State Road 431, Orange Boulevard) for a distance of 2108.59 feet; thence North 89° 57' 18" East, 10.00 feet; thence South 00° 02' 42" East, 183.45 feet; thence North 86° 34' 36" East along the South line of Section 36 for a distance of 5.01 feet; thence South 00 ° 04' 43" East along the East boundary of that tract described in Official Records Book 973, Page 336, Public Records of Seminole County, Florida, and along the West right of way of Banana Lake Road for a distance of 581.94 feet; thence North 84° 35' 24" West along the South line of the aforesaid tract for a distance of 731.58 feet; thence North 14° 43' 24" West along the West line of the aforesaid tract and along the West line of Lot 1, Weiser's Subdivision, Plat Book 1, Page 9, Public Records of Seminole County, Florida, for a distance of 477.87 feet; thence South 86° 34' 36" West along the North line of Section 1, Township 20 South, Range 29 East, for a distance of 565.84 feet; thence North 00° 06' 30" West along a line 5 chains East of and parallel to the West line of Government Lot 2 of said Section 36, a distance of 1322.21 feet; thence South 86° 34' 36" West along a line 20 chains North of and parallel to the South line of Government Lot 2, a distance of 330.55 feet; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of said Section 36, a distance of 356.53 feet to the Point of Beginning.

TOGETHER WITH:

Heathrow P.U.D. as of 11/89

A parcel of land being a portion of Section 1, Township 20 South, Range 29 East; Section 2, Township 20 South, Range 29 East, Section 35, Township 19 South, Range 29 East; Section 36, Township 19 South, Range 29 East; Section 11, Township 20 South, Range 29 East; Section 12, Township 20 South, Range 29 East; Section 13, Township 20 South, Range 29 East; and Sections 6 and 7, Township 20 South, Range 30 East; Seminole County, Florida; more particularly described as follows: Begin at the Southwest corner of Section 1, Township 20 South, Range 29 East; thence North 00° 36' 50" East, 1981.89 feet; thence North 89° 55' 29" West along the South line of the North 1/2 of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 1297.61 feet to a point on the

Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 09° 19' 09' and a tangent bearing of North 14° 17' 27" West; thence Northwesterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 96.09 feet; thence North 00° 07' 55" East along said West line of the Northeast 1/4 of the Southeast 1/4, 7426 feet; thence North 89° 55' 29 West along the North line of the South 165 feet of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 2 for 39.16 feet to a point on a curve concave Southwesterly, having a tangent bearing of North 31° 45' 22" West and a radius of 590.76 feet; thence Northwesterly along the arc of said curve, being the Easterly right of way line of Markham Woods Road, through a central angle of 32° 33° 25", for 335.69 feet to the P.T.; thence North 64° 18' 47" West along the Northerly right of way line of said Markham Woods Road, 410.67 feet; thence South 89° 51' 56" East along a line parallel with and 6 rods South of the North line of the SE 1/4 of said Section 2, a distance of 656.41 feet; thence North 00° 07' 55" East along the West line of the NE 1/4 of the SE 1/4 of said Section 2 a distance of 99.00 feet; thence South 89° 51' 56" East along the North line of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 66727 feet; thence North 00° 18' 00" West along the West line of the East 1/4 of the NE 1/4 of said Section 2, a distance of 1949.38 feet; thence North 89° 45' 59" West along the South line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 667.92 feet; thence North 00 19' 07" West along the West line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 650.18 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW

1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along a line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661.40 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet; thence South 00° 06' 30" East along the East line of the SW 1/4 of said Section 36, a distance of 356.53 feet; thence North 86° 34' 36" East along a line 20 chains North of and parallel to the South line, of Government Lot 2 of said Section 36, a distance of 330.55 feet; thence South 00° 06' 30" East along a line 5 chains East of and parallel to the West line of Government Lot 2, a distance of 1322.21 feet; thence South 86° 34' 36" West along the South line of said Government Lot 2, a distance of 4.58 feet to the NW corner of Lot 2, WEISER'S SUBDIVISION as recorded in Plat Book 1, Page 9, Public Records of Seminole County, Florida; thence South 00° 19' 52" West along the West line of said Lot 2, a distance of 310.20 feet to the most Northerly corner of Lot 3, said WEISER'S SUBDIVISION; thence South 34° 55' 24" East along a common line which divides said Lots 2 and 3, said WEISER'S SUBDIVISION, 185330 feet; thence South 14° 43' 24" East along a common line which divides Lots 1 and 6, said WEISER'S SUBDIVISION, 59.51 feet; thence South 62 ° 44' 12" West, 35.64 feet; thence run South 00° 01' 17" West along the West line of Lot 7 said WEISER'S SUBDIVISION, according to the plat of Bahia Subdivision as recorded in Plat Book 7, Page 73, Public Records of Seminole County, Florida, a distance of 700.00 feet to the South line of said WEISER'S SUBDIVISION; thence South 89° 58' 08" West along the South line of said WEISER'S SUBDIVISION a distance of 1382.69 feet to the SW comer of Lot 5; thence South 00°. 19' 51" West along the East line of the SW 1/4 of said Section I, a distance of 1113.50 feet to a point being 210 feet North 00° 19' 51" East of the SE corner of the North 1/2 of the SW 1/4 of said Section 1; thence North 89° 58' 52" West, 285.00 feet along a line parallel with the South line of the North 1/2 of the SW 1/4 of said Section 1; thence South 00° 19' 51" West 560.00 feet along a line parallel with the East line of the SW 1/4 of said Section 1; thence South 89° 58' 52" East, 80.00 feet; thence South 48° 16' 27" East, 888.59 feet; thence South 04° 15' 32" East 471.30 feet; thence North 78° 55' 17" East, 728.58 feet; thence North 48° 41' 24" East, 200.00 feet; thence South 41° 18' 38" East, 516.64 feet; thence North 42° 30' 22" East, 435.27 feet; thence Southeasterly along a curve concave to the Northeast having a radius of 1800.00 feet, a tangent bearing of South 47° 29' 38" East, a central angle of 24° 55' 11" and an arc length of 782.88 feet to the P.T.; thence South 72° 24' 49" East 400.00 feet; thence South 17° 35' 11" West along the Westerly right of way of Interstate No 4 for 1352.41 feet to the P.C. of a curve concave to the Northwest having a radius of 2606.57 feet; thence departing said right of way of I-4 run Southerly along the arc of said curve through a central angle of 18° 08' 33" for 825.36 feet to the P.C.C. of a curve concave to the Northwest having a radius of 1253.35 feet; thence Southerly

along the arc of said curve through a central angle of 24° 13' 51" for 530.05 feet to the P.T.; thence South 59° 57' 34" West, 272.99 feet to the P.C. of a curve concave Southeasterly having *a* radius of 3445.17 feet; thence Southerly along the arc of said curve through a central angle of 11° 21' 53" for 683.36 feet to the P.C.C. of a curve concave Southeasterly having a radius of 1041.19 feet; thence Southerly along the arc of said curve through a central angle of 60° 00' 00" for 1090.33 feet to the P.T.; thence South 11° 24' 18" East, 454.11 to the P.C. of a curve concave Westerly having a radius of 1379.58 feet; thence Southerly along the arc of said curve through a central angle of 26° 56' 29" for 648.70 feet; thence run Westerly along a line 80 feet North of and parallel to the centerline of Lake Mary Boulevard (State Road #S-419) according to Florida State Road Department Right of Way Map, Section 77502-2601, for the following courses and distances; run Westerly along a curve concave Northerly having *as* its elements a central angle of 03 ° 12' 02", a radius of 1830.08 feet tangent of 51.13 feet; a tangent bearing of North 82° 16' 14" West, an arc length of 102.23 feet the P.T.; thence North 79° 04' 02" West, 319.62 feet to the P.C. of a curve concave Southwest and having *as* its elements a central angle of 04° 46' 16", a radius of 4663.75 feet, a tangent 194.29 feet; thence along the arc of said curve 388.36 feet to the P.T.; thence North 83° 50' 18ft West, 2445.33 feet; thence South 06° 09' 42" West, 4.00 feet; thence Westerly along a line 76.00 feet North of and parallel to the afore described centerline of Lake Mary Boulevard and along a curve concave Southwesterly having as its elements a central angle of 06° 01' 14", a radius of 3895.83 feet, a tangent of 204.87 feet, a tangent bearing of North 83 ° 50' 18" West, an arc length of 40936 feet to the P.T.; thence North 89° 51' 32" West, 1531.21; thence departing the aforesaid Lake Mary Boulevard run North 18° 16' 43" East along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 1048.04 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the SE 1/4 of said Section 11 for a distance of 82.455 feet; thence North 00° 07' 38" East along the West line of the NE 1/4 of the SE 1/4 of said Section 11 a distance of 251.80 feet; thence Northerly along the afore described line 50.00 feet East of and parallel to the centerline of Markham Woods Road and along a curve concave Northwesterly, having as its elements a central angle of 18 ° 09' 05", a radius of 1004.76 feet, a tangent of 160.50 feet, a tangent bearing of North 18° 16' 43" East, an arc length of 318.31 feet to the P.T.; thence North 00° 07' 38" East along a line 50.00 feet East of and parallel to the West line of the NE 1/4 of the SE 1/4 of said Section 11, a distance of 769.95 feet; thence North 00° 34' 23" West along a line 50.00 feet East of and parallel to the West line of the East 1/2 of the NE 1/4 of said Section 11, a distance of 1513.48 feet; thence South 89° 57' 00" East along a line 3 chains North of and parallel to the South line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1271.17 feet; thence South 01° 01' 22" East along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1.20 feet; thence South 89 ° 55' 53" East along a line 17 chains South of and parallel to the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; thence North 01° 01' 22" West along a line 5 chains East of and parallel to the West line of the NW 1/4 of said Section 12, a distance of 1122.20 feet; thence North 89° 55' 53" West along the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; to the Point of Beginning.

TOGETHER WITH:

Triangular Addition to the Heathrow P.U.D.

All that part of the Northwest 1/4 of the Southeast 1/4 of Section 11, Township 20 South, Range 29 East, lying East of road, Seminole County, Florida; being more particularly described as follows: Begin at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 11; thence run North 00° 07' 38" East along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 11 a distance of 251.80 feet; thence run South 18° 16' 43" West along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 264.67 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 11 for a distance of 82.45 feet to the Point of Beginning.

TOGETHER WITH:

The South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 20 South, Range 29 East, Seminole County, Florida; being further described as follows: Commence at the Southeast corner of Section 2, Township 20 South, Range 29 East; thence run North 00° 36' 50" East along the East line of the Southeast 1/4 of Section 2 for 1321/6 feet to the Point of Beginning; thence continue North 00° 36' 50" East along said East line for a distance of 660.63 feet; thence run North 89° 55' 29" West along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 2, a distance of 1297.61 feet to a point on the Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 14° 25' 227, a tangent of 74.75 feet and a tangent bearing of South 14° 17' 26" East; thence Southeasterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 148.71 feet to the P.T.; thence run South 00° 07' 55" West along said right of way for a distance of 514.76 feet; thence South 89' 59' 03" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 2 for a distance of 1273.44 feet to the Point of Beginning.

TOGETHER WITH:

15±* Acre Addition *(1999)

That part of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East being described as follows:

Commence at the Southwest corner of said Southwest 1/4 thence run South 89°4526" East along the South line of said Southwest 1/4 a distance of 2654.69 feet; thence North 00°06'30" West along the East line of said Southwest 1/4 a distance of 1678.52 feet to the POINT OF BEGINNING; thence South 89°44'42" West along the North line of the South 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 36 a distance of 663.71 feet; thence North 00°06'35" West along the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said. Section 36 a distance of 953.65 feet to the South right-of-way line of Markham Road; thence North 89°48'09" East along a line 50 feet South of and parallel to the physical centerline of Markham Road a distance of 663.73 feet; thence South 00°06'30" East along the aforesaid East line of the Southwest 1/4 of Section 36 a distance of 952.98 feet to the POINT OF BEGINNING.

Containing 14.526 acres more or less and being subject to any easements, rights-of-way, and restrictions of records.

TOGETHER WITH:

4.21 Acre Addition (2007) (Brookhaven Phase III)

BEGINNING at the Southeast corner of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 35, Township 19 South Range 29 East, Seminole County, Florida, said point also being the Northeast corner of Lot 103, BROOKHAVEN, as recorded in Plat Book 57, Pages 57-65 of the Public Records of Seminole County, Florida; thence N.89°37'52"W. along the South line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of the said Section 35 and the North line of Lots 98-13 and Tract "J" of said BROOKHAVEN, a distance of 534.52 feet to a non tangent curve concave Southwesterly, having a tangent bearing of N.00°06'26"E., a radius of 1,098.06 feet and a central angle of 12°31'47"; thence run along the arc of said curve and the Easterly right of way line of Markham Woods Road, a distance of 240.13 feet to a point of non-tangency; thence N.12°23'55"W. along said Easterly right of way line of Markham Woods Road, a distance of 96.52 feet; thence S.89°36'20"E. along the North line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and South line of Lots 20-26 of said BROOKHAVEN, a distance of 582.71 feet; thence S.00°18'09"W. along the East line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and the West line of Lots 111 and 112 and Tract "I" of said BROOKHAVEN, a distance of 331.97 feet to the POINT OF BEGINNING.

Containing 183,208 square feet or 4.21 acres, more or less.

EXHIBIT B

PUD MASTER PLAN
(following page)

HEATHROW SOUTH

Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
1	Commercial	9.3		
2	Commercial	13.0		
3	Residential	23.2	7	162
4	Residential	19.4	7	136
4A	Residential	13.4	4.25	57
5	Residential	15.0	2.3	34
6	Residential	38.6	1.1	41
7 (A&B)	Residential	22.6	8	176
8	Residential	5.0	6.2	31
9	Office	4.6		
10	Residential	13.2	7	92
11	Residential	31.2	5	62
12	Residential	36.8	0.7	23
13	Residential	11.3	13	147
14	Residential	18.95	7	127
15	Residential	17.8	13	231
16	Office 16 A-B (20.3) 16C (39.3)	59.6		
18	Residential	9.9	7	69
19	Residential	23.0	12.4	286
20	Residential	49.4	1.4	68
SUBTOTAL		*435.25*		*1,742*

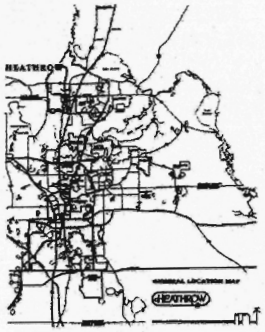
HEATHROW NORTH

Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
21	Residential	25.7	4	102
22 (A&B)	Residential	32.0/14.3	3.0	139
23	Residential	14.7	5.5	81
24	Residential	6.8	13	88
25	Residential	25.2	3	75
26	Residential	14.7	4	58
27	Residential	18.3	4	73
28	Residential	26.4	2.3	61
29	Residential	29.4	10.78	317
30	Residential	26.7	8.3	221
31	Residential	34.1	4	136
32	Residential	6.6	4	24
33	Residential	14.9	3.5	52
34A	Residential	24.5	3	73
34B	Residential	30.4	2.5	76
35	Residential	60.51	2.5	149
SUBTOTAL		*495.21*		*1,738*

Symbol	Land Use	Tracts/ A.C.
	Lakes	253.5
	Conservation	140.6
	Golf Course	147.65
CC	Country Club	12.9
FP	Fire/ Police	1.5
RA	Recreation	10.0
R.O.W.		90.7
SUBTOTAL		*656.85*

TOTAL (South & North)	ACRES	UNITS
	1,497.31	3,480

* Elementary and Middle School Site are outside of DRI Boundary

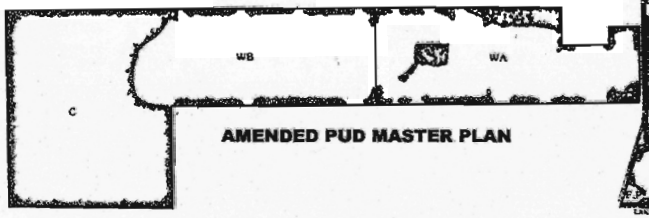


HEATHROW WEST (Heathrow Woods)

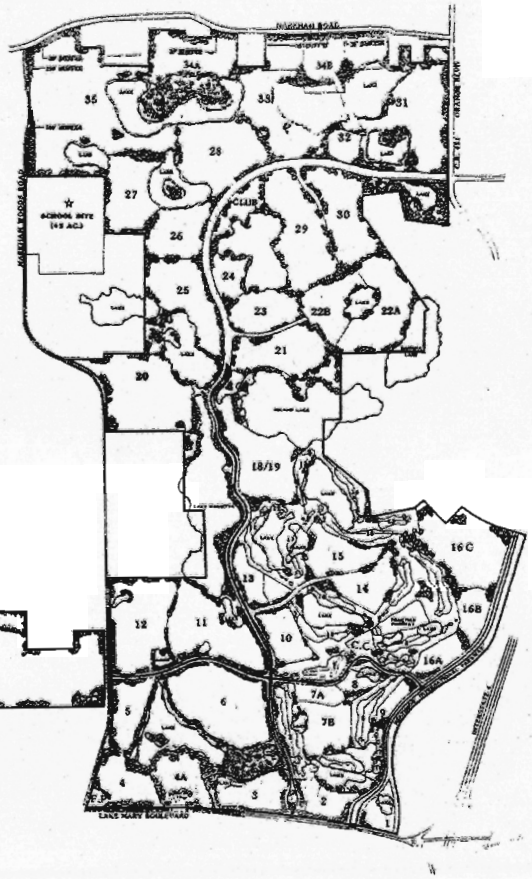
Symbol	Land Use	Tract A.C.	Units/ A.C.	Total Units
WA	Residential	149.2	1	104
WB	Residential	138.4	1	112
C	Conservation	197.0		
SUBTOTAL		*484.6*		*216*

TOTALS	ACRES	UNITS
North, South & West	1987.9	3,696

Note: Heathrow West is not part of the PUD



AMENDED PUD MASTER PLAN



cph

Engineers
Architects
Planners
Landscape Architects
Surveyors
Environmental Scientists
Construction Management
Design/Build

NORTH

Heathrow PUD Master Plan

EXHIBIT C

HEATHROW RESIDENTIAL LOT STUDY FOR TRACT 4A
(following page)

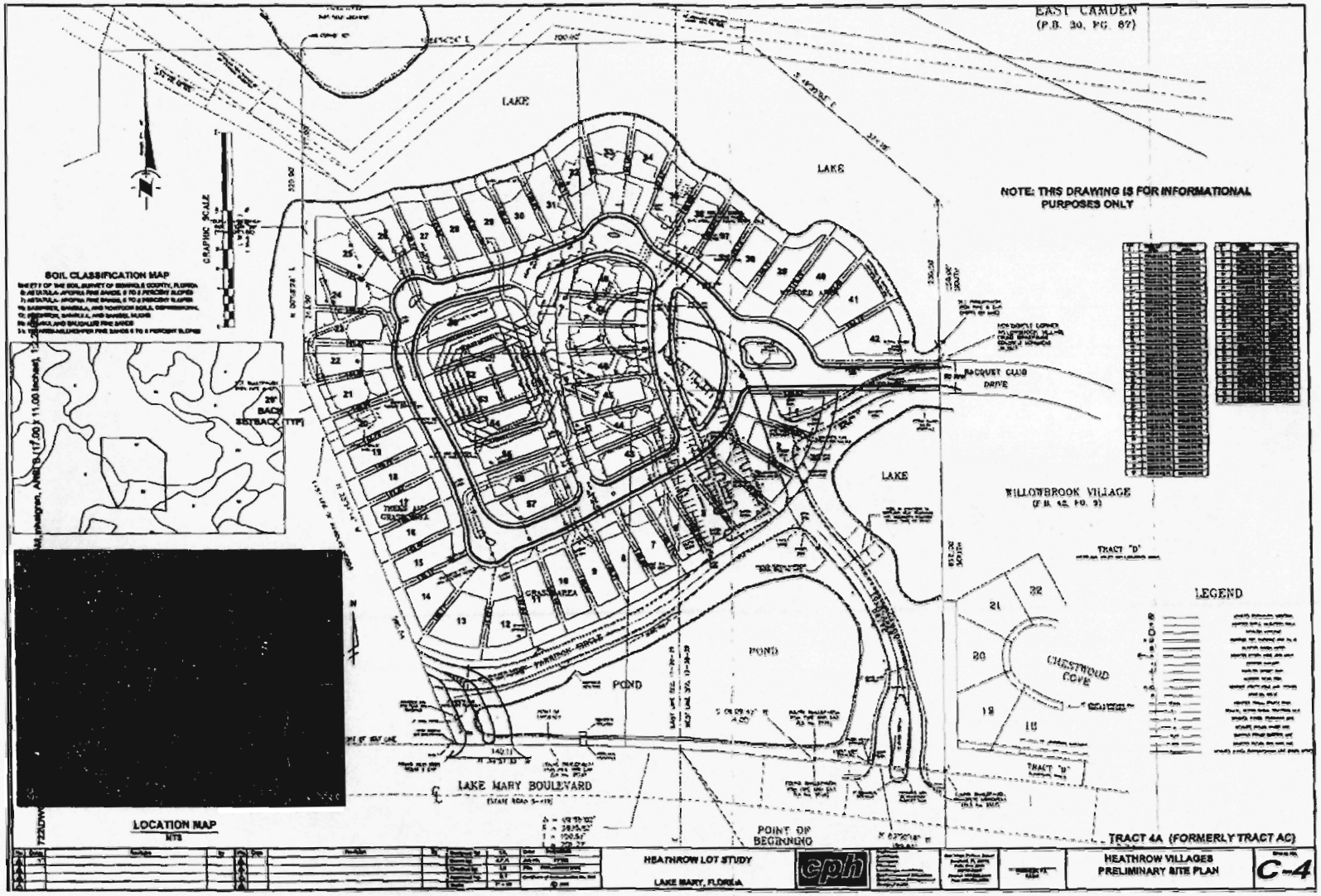
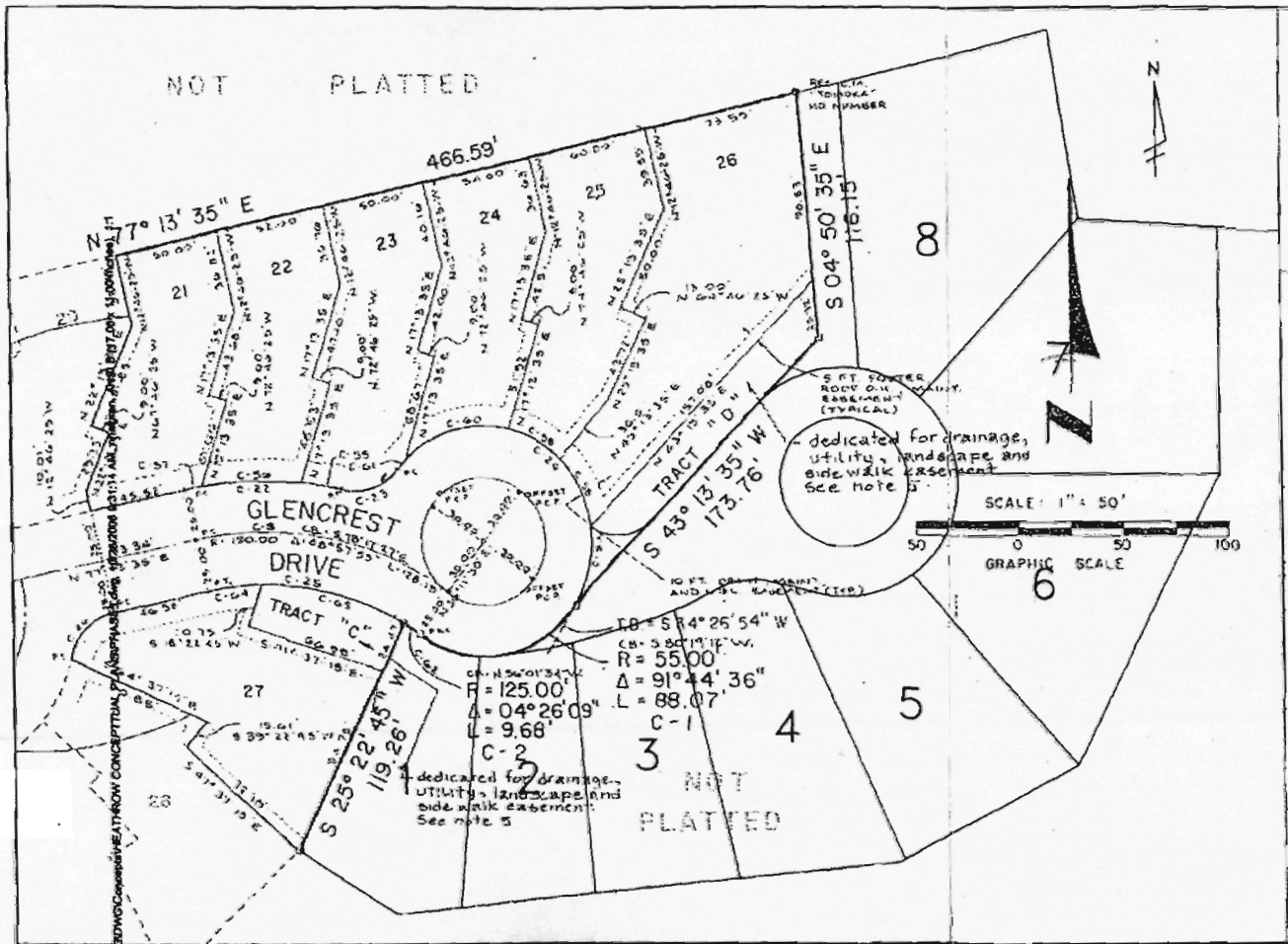

EAST CAMDEN
(P.B. 30, PG. 87)
LAKE
LAKE
NOTE: THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY
SOIL CLASSIFICATION MAP
GRAPHIC SCALE
29' BACK SETBACK (TYP)
RACQUET CLUB DRIVE
LAKE
WILLOWBROOK VILLAGE
(P.B. 42, PG. 2)
TRACT "D"
LEGEND
CHESTWOOD COVE
TRACT "B"
POND
POND
LAKE MARY BOULEVARD
POINT OF BEGINNING
TRACT 4A (FORMERLY TRACT AC)
LOCATION MAP
NTS
HEATHROW LOT STUDY
LAKE MARY, FLORIDA
cph
HEATHROW VILLAGES
PRELIMINARY SITE PLAN
C-4

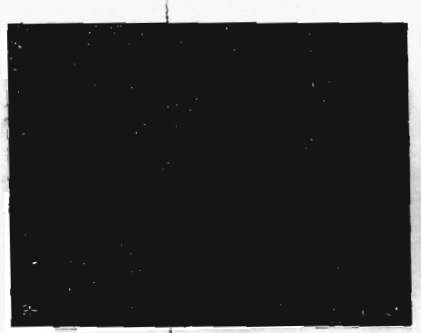
EXHIBIT D

DEVON GREEN ADDITION
(following page)



TRACT NO. 14

NOTE: DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.



LOCATION MAP
NTS

Designed by:	I.B	Date:	03/05/06
Drawn by:	J.P.H.	Job No.	P7123
Checked by:	I.B	File:	
Approved by:	I.B	Certificate of Authorization No. 3215	
Scale:	1" = 50'	© 2006	

cph

Engineers
Architects
Surveyors
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design/Build

508 West Fulton Street
Sanford, Fl. 32771
P.O. Box 2808
32772-2808
Phone: 407.322.6841
Fax: 407.330.0639

ENGINEER, P.E.
REG.#

DEVON GREEN - TRACT 14

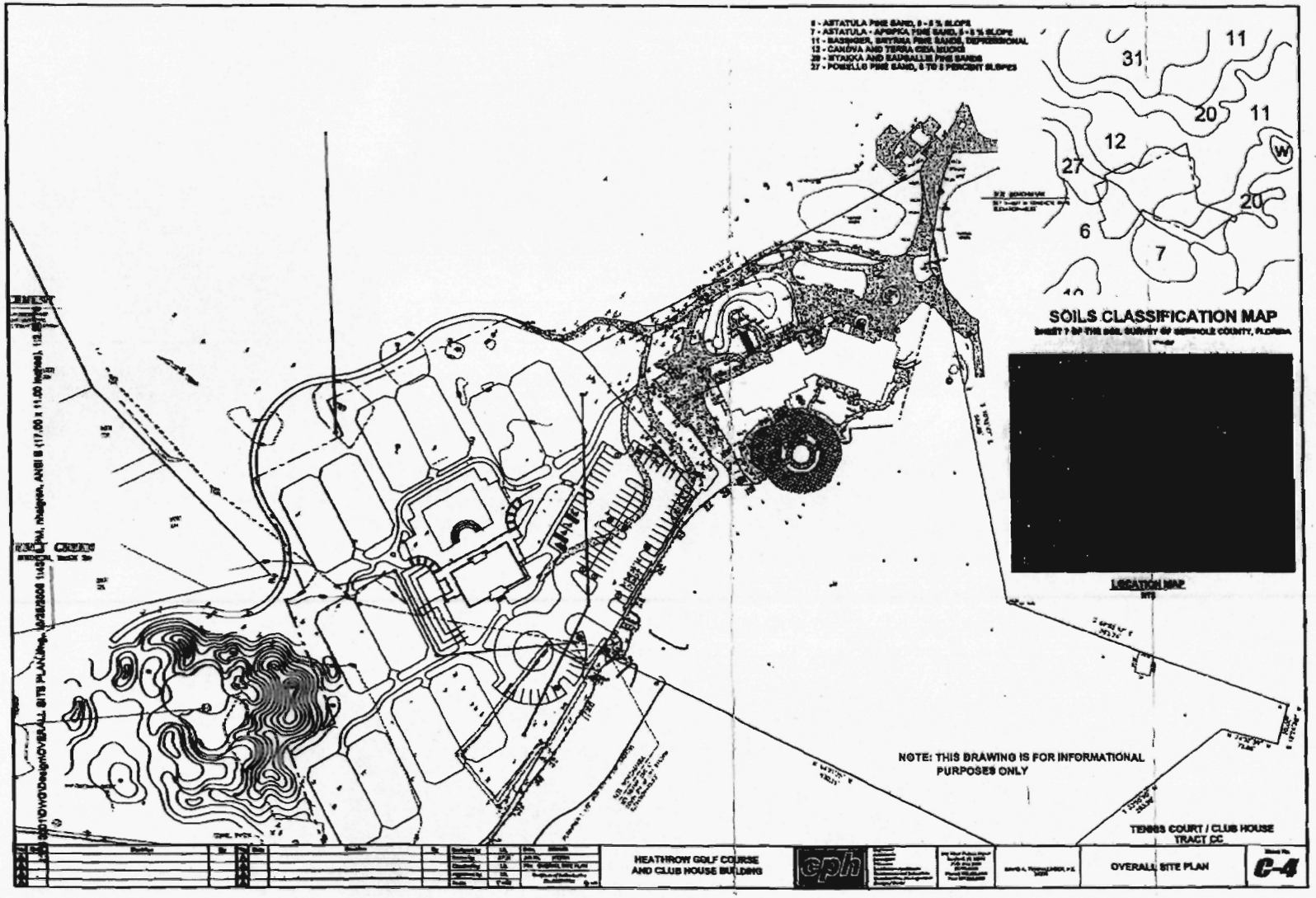
HEATHROW

LAKE MARY, FL

Sheet No.
C-1

EXHIBIT E

HEATHROW COUNTY CLUB TRACT
(following page)


6 - ASTATULA FINE SAND, 0 - 5 % SLOPE
7 - ASTATULA - APOPKA FINE SAND, 5 - 8 % SLOPE
11 - BASINGER, SMYRNA FINE SANDS, DEPRESSIONAL
12 - CANOVA AND TERRA CEIA MUCKS
20 - NYAKKA AND EAUGALLIE FINE SANDS
27 - POMELLO FINE SAND, 0 TO 5 PERCENT SLOPES
31
11
20
11
12
27
20
6
7
SOILS CLASSIFICATION MAP
LOCATION MAP
NOTE: THIS DRAWING IS FOR INFORMATIONAL PURPOSES ONLY
TENNIS COURT / CLUB HOUSE TRACT CC
HEATHROW GOLF COURSE AND CLUB HOUSE BUILDING
eph
OVERALL SITE PLAN
C-4

ORDINANCE NO. 2007- **SEMINOLE COUNTY, FLORIDA**

Z2007-42

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM SUBURBAN ESTATES TO PLANNED DEVELOPMENT; 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 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; 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 Local Planning Agency held a Public Hearing, with all required public notice, on November 7, 2007, 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 December 11, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local 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 Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

(a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.

(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. 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 91-13, as previously amended, is hereby further amended by

amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 07-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

(d) The maximum residential density shall not exceed 2.5 dwelling units per net buildable acre.

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.

(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) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) 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 adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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 11th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:_____
Carlton Henley, Chairman

APPENDIX A

Legal Description

4.21 Acre Addition (2007) (Brookhaven Phase III)

BEGINNING at the Southeast corner of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 35, Township 19 South Range 29 East, Seminole County, Florida, said point also being the Northeast corner of Lot 103, BROOKHAVEN, as recorded in Plat Book 57, Pages 57-65 of the Public Records of Seminole County, Florida; thence N.89°37'52"W. along the South line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of the said Section 35 and the North line of Lots 98-13 and Tract "J" of said BROOKHAVEN, a distance of 534.52 feet to a non tangent curve concave Southwesterly, having a tangent bearing of N.00°06'26"E., a radius of 1,098.06 feet and a central angle of 12°31'47"; thence run along the arc of said curve and the Easterly right of way line of Markham Woods Road, a distance of 240.13 feet to a point of non-tangency; thence N.12°23'55"W. along said Easterly right of way line of Markham Woods Road, a distance of 96.52 feet; thence S.89°36'20"E. along the North line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and South line of Lots 20-26 of said BROOKHAVEN, a distance of 582.71 feet; thence S.00°18'09"W. along the East line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and the West line of Lots 111 and 112 and Tract "I" of said BROOKHAVEN, a distance of 331.97 feet to the POINT OF BEGINNING.

Containing 183,208 square feet or 4.21 acres, more or less.

ORDINANCE NO. 2007- **SEMINOLE COUNTY, FLORIDA**

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 A-1 (AGRICULTURE DISTRICT) AND PUD (PLANNED UNIT DEVELOPMENT DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING CLASSIFICATIONS; 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 "Heathrow-Brookhaven Phase III Major PUD Amendment to."

(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 A-1 (Agriculture District) and PUD (Planned Unit Development District) to PUD (Planned Unit Development District).

SEE 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 on the recording date of the Development Order #07-21700008 in the Official Land Records of Seminole County.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Carlton D. Henley
Chairman

EXHIBIT A

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

HEATHROW PUD DESCRIPTION

Northwest Addition to the Heathrow P.U.D.

A parcel of land being a portion of Sections 35 and 36, Township 19 South, Range 29 East; Seminole County, Florida; more particularly described as follows: Commence at the Southeast corner of said Section 35 and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence run North 00° 16' 02" East along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 35 for a distance of 289.10 feet to Point of Beginning; thence North 89° 47' 58" West, 1285.39 feet to the East right of way of Markham Woods Road; thence North 00° 26' 27" East, 471.63 feet to the P.C. of a curve curve to the Southeast having a radius of 919.28 feet; thence Northerly along the arc of said curve through a central angle of 16° 13' 54" for 260.43 feet to the P.R.C. of a curve concave to the Northwest having a radius of 1098.06 feet; thence Northerly along the arc of said curve through a central angle of 16° 33' 22" for 317.29 feet; thence South 89° 38' 12" East along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 535.72 feet; thence North 00° 21' 15" East, 332.05 feet; thence North 89° 36' 45" West, 370.61 feet; thence North 00° 26' 27" East, 50.00 feet; thence South 89° 36' 45" East, 5.00 feet; thence North 00° 26' 27" East, 38.00 feet; thence North 89° 36' 45" West, 75.00 feet; thence South 00° 26' 27" West, 38.00 feet; thence South 89° 36' 45" East, 10.00 feet; thence South 00° 26' 27" West, 35.00 feet; thence North 89° 36' 45" West, 156.99 feet; thence North 12 ° 23' 55" West along the East right of way of Markham Woods Road for 49.60 feet to the P.C. of a curve concave Easterly and having a radius of 1598.24 feet; thence Northerly along the arc of said curve through a central angle of 10° 42' 11" for 298.56 feet to the P.T.; thence North 01° 41' 46" West, 253.21 feet to a point being on the Southerly right of way of Markham Road; thence Easterly along said Southerly right of way of Markham Road along a curve concave to the Northwest having a tangent bearing of North 65° 06' 16" East, a radius of 1245.93 feet, a central angle of 06° 04' 09" and an arc length of 131.98 feet to the P.T.; thence North 59° 02' 06" East, 142.02 feet to the P.C. of a curve concave Southeasterly having a radius of 1986.79 feet; thence Easterly along the arc of said curve through a central angle of 20° 17' 17" for 703.51 feet,. thence South 00" ° 16' 02" West along a line 420.00 feet West of and parallel to the East line of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 5.83 feet; thence South 89° 32' 22" East along the North line of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 24.00 feet; thence South 00° 16' 02" West along the West line of the East 396.00 feet of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 330.00 feet; thence South 89° 32' 22" East along a line 330.00 feet South of and parallel to the North line of the Southeast 1/4 of Section 35 for 396.00 feet; thence South 00° 16' 02" West along the West line of the Northeast 1/4 of the Southeast

1/4 of Section 35 for 270.00 feet; thence South 89° 32' 22" East along the South line of the North 600.00 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 707.40 feet; thence North 00 ° 16' 02" East along the East line of the West 707.40 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 600.00 feet; thence South 89° 32' 22" East along the North line of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 620.80 feet; thence South 00° 05' 35" West along the East line of the Southeast 1/4 of Section 35 for 100.00 feet; thence North 89° 27' 27" East parallel to the North line of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East for 430.03 feet; thence North 00° 05' 35" East along a line 430.00 feet East of and parallel to the West line of the Southwest 1/4 of Section 36 for 142.90 feet; thence South 67° 57' 09" East along a line being the South right of way of Markham Road for 44.17 feet to the P.C. of a curve concave to the Northeast and having a radius of 989.64 feet; thence Easterly along the arc of said curve through a central angle of 22° 35' 24" for 390.19 feet to the P.T.; thence North 89° 27' 27" East, 6.15 feet; thence departing said right of way run South 00° 00' 30" East, along a line parallel to the East line of the Northwest 1/4 of the Southwest 1/4 for a distance of 1280.72 feet; thence South 89° 51' 03" West along the North line of the South 1/2 of the Southwest 1/4 of said Section 36 for a distance of 860.35 feet thence South 00° 05' 35" West along the West line of the Southwest 1/4 of said Section 36 for a distance of 662.42 feet; thence North 89° 41' 24" West along the North line of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for a distance of 1334.24 feet; thence South 00' 16' 02" West along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for C distance of 374.33 feet to the Point of Beginning.

TOGETHER WITH:

Northeast Addition to the Heathrow P.U.D.

A parcel of land being a portion of Section 36, Township 19 South, Range 29 East, Seminole County, Florida; more particularly described *as* follows: Commence at the Southeast corner of Section 35, Township 19 South, Range 29 East and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW 1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the

SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along *a* line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661A0 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 89° 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet to the Point of Beginning; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of Section 36 for 952.81 feet to a point lying on the South right of way of Markham Road; thence South 89° 34' 25" East along said right of way a distance of 414.61 feet to the P.C. of a curve concave to the South having a radius of 1829.00 feet; thence Easterly along the arc of said curve through a central angle of 05 34' 00" for 177.70 feet to the P.C.C. of a curve concave Southerly having a radius of 386.24 feet; thence Easterly along the arc of said curve through a central angle of 20° 13' 53" for 136.38 feet to the P.C.C. of a curve concave Southerly and having, a radius of 415.00 feet; thence Easterly along the arc of said curve through a central angle of 01° 23' 24" for 10.07 feet; thence departing said right of way run South 00° 06' 30" East, 550.79 feet; then North 88° 01' 00" East, 195.06 feet; thence North 00° 02' 42" West, 300.22 feet; thence North 01' 00" East, 130.33 feet; thence South 00° 02' 42" East, 248.14 feet; thence North 88° 01' 00" East 254.00 feet; thence North 00° 02' 42" West, 306.09 feet; thence South 88° 57' 00" East, 420.82 feet thence South 00° 02' 42" East along a line 40 feet West of and parallel to the East line of the Southeast 1/4 of Section 36, (said line being the West right of way of State Road 431, Orange Boulevard) for a distance of 2108.59 feet; thence North 89° 57' 18" East, 10.00 feet; thence South 00° 02' 42" East, 183.45 feet; thence North 86° 34' 36" East along the South line of Section 36 for a distance of 5.01 feet; thence South 00 ° 04' 43" East along the East boundary of that tract described in Official Records Book 973, Page 336, Public Records of Seminole County, Florida, and along the West right of way of Banana Lake Road for a distance of 581.94 feet; thence North 84° 35' 24" West along the South line of the aforesaid tract for a distance of 731.58 feet; thence North 14° 43' 24" West along the West line of the aforesaid tract and along the West line of Lot 1, Weiser's Subdivision, Plat Book 1, Page 9, Public Records of Seminole County, Florida, for a distance of 477.87 feet; thence South 86° 34' 36" West along the North line of Section 1, Township 20 South, Range 29 East, for a distance of 565.84 feet; thence North 00° 06' 30" West along a line 5 chains East of and parallel to the West line of Government Lot 2 of said Section 36, a distance of 1322.21 feet; thence South 86° 34' 36" West along a line 20 chains North of and parallel to the South line of Government Lot 2, a distance of 330.55 feet; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of said Section 36, a distance of 356.53 feet to the Point of Beginning.

TOGETHER WITH:

Heathrow P.U.D. as of 11/89

A parcel of land being a portion of Section 1, Township 20 South, Range 29 East; Section 2, Township 20 South, Range 29 East, Section 35, Township 19 South, Range 29 East; Section 36, Township 19 South, Range 29 East; Section 11, Township 20 South, Range 29 East; Section 12, Township 20 South, Range 29 East; Section 13, Township 20 South, Range 29 East; and Sections 6 and 7, Township 20 South, Range 30 East; Seminole County, Florida; more particularly described as follows: Begin at the Southwest corner of Section 1, Township 20 South, Range 29 East; thence North 00° 36' 50" East, 1981.89 feet; thence North 89° 55' 29" West along the South line of the North 1/2 of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 1297.61 feet to a point on the

Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 09° 19' 09' and a tangent bearing of North 14° 17' 27" West; thence Northwesterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 96.09 feet; thence North 00° 07' 55" East along said West line of the Northeast 1/4 of the Southeast 1/4, 7426 feet; thence North 89° 55' 29 West along the North line of the South 165 feet of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 2 for 39.16 feet to a point on a curve concave Southwesterly, having a tangent bearing of North 31° 45' 22" West and a radius of 590.76 feet; thence Northwesterly along the arc of said curve, being the Easterly right of way line of Markham Woods Road, through a central angle of 32° 33° 25", for 335.69 feet to the P.T.; thence North 64° 18' 47" West along the Northerly right of way line of said Markham Woods Road, 410.67 feet; thence South 89° 51' 56" East along a line parallel with and 6 rods South of the North line of the SE 1/4 of said Section 2, a distance of 656.41 feet; thence North 00° 07' 55" East along the West line of the NE 1/4 of the SE 1/4 of said Section 2 a distance of 99.00 feet; thence South 89° 51' 56" East along the North line of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 66727 feet; thence North 00° 18' 00" West along the West line of the East 1/4 of the NE 1/4 of said Section 2, a distance of 1949.38 feet; thence North 89° 45' 59" West along the South line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 667.92 feet; thence North 00 19' 07" West along the West line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 650.18 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW

1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along a line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661.40 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet; thence South 00° 06' 30" East along the East line of the SW 1/4 of said Section 36, a distance of 356.53 feet; thence North 86° 34' 36" East along a line 20 chains North of and parallel to the South line, of Government Lot 2 of said Section 36, a distance of 330.55 feet; thence South 00° 06' 30" East along a line 5 chains East of and parallel to the West line of Government Lot 2, a distance of 1322.21 feet; thence South 86° 34' 36" West along the South line of said Government Lot 2, a distance of 4.58 feet to the NW corner of Lot 2, WEISER'S SUBDIVISION as recorded in Plat Book 1, Page 9, Public Records of Seminole County, Florida; thence South 00° 19' 52" West along the West line of said Lot 2, a distance of 310.20 feet to the most Northerly corner of Lot 3, said WEISER'S SUBDIVISION; thence South 34° 55' 24" East along a common line which divides said Lots 2 and 3, said WEISER'S SUBDIVISION, 185330 feet; thence South 14° 43' 24" East along a common line which divides Lots 1 and 6, said WEISER'S SUBDIVISION, 59.51 feet; thence South 62 °· 44' 12" West, 35.64 feet; thence run South 00° 01' 17" West along the West line of Lot 7 said WEISER'S SUBDIVISION, according to the plat of Bahia Subdivision as recorded in Plat Book 7, Page 73, Public Records of Seminole County, Florida, a distance of 700.00 feet to the South line of said WEISER'S SUBDIVISION; thence South 89° 58' 08" West along the South line of said WEISER'S SUBDIVISION a distance of 1382.69 feet to the SW comer of Lot 5; thence South 00°. 19' 51" West along the East line of the SW 1/4 of said Section I, a distance of 1113.50 feet to a point being 210 feet North 00° 19' 51" East of the SE corner of the North 1/2 of the SW 1/4 of said Section 1; thence North 89° 58' 52" West, 285.00 feet along a line parallel with the South line of the North 1/2 of the SW 1/4 of said Section 1; thence South 00° 19' 51" West 560.00 feet along a line parallel with the East line of the SW 1/4 of said Section 1; thence South 89° 58' 52" East, 80.00 feet; thence South 48° 16' 27" East, 888.59 feet; thence South 04° 15' 32" East 471.30 feet; thence North 78° 55' 17" East, 728.58 feet; thence North 48° 41' 24" East, 200.00 feet; thence South 41° 18' 38" East, 516.64 feet; thence North 42° 30' 22" East, 435.27 feet; thence Southeasterly along a curve concave to the Northeast having a radius of 1800.00 feet, a tangent bearing of South 47° 29' 38" East, a central angle of 24° 55' 11" and an arc length of 782.88 feet to the P.T.; thence South 72° 24' 49" East 400.00 feet; thence South 17° 35' 11" West along the Westerly right of way of Interstate No 4 for 1352.41 feet to the P.C. of a curve concave to the Northwest having a radius of 2606.57 feet; thence departing said right of way of I-4 run Southerly along the arc of said curve through a central angle of 18° 08' 33" for 825.36 feet to the P.C.C. of a curve concave to the Northwest having a radius of 1253.35 feet; thence Southerly

along the arc of said curve through a central angle of 24° 13' 51" for 530.05 feet to the P.T.; thence South 59° 57' 34" West, 272.99 feet to the P.C. of a curve concave Southeasterly having *a* radius of 3445.17 feet; thence Southerly along the arc of said curve through a central angle of 11° 21' 53" for 683.36 feet to the P.C.C. of a curve concave Southeasterly having a radius of 1041.19 feet; thence Southerly along the arc of said curve through a central angle of 60° 00' 00" for 1090.33 feet to the P.T.; thence South 11° 24' 18" East, 454.11 to the P.C. of a curve concave Westerly having a radius of 1379.58 feet; thence Southerly along the arc of said curve through a central angle of 26° 56' 29" for 648.70 feet; thence run Westerly along a line 80 feet North of and parallel to the centerline of Lake Mary Boulevard (State Road #S-419) according to Florida State Road Department Right of Way Map, Section 77502-2601, for the following courses and distances; run Westerly along a curve concave Northerly having *as* its elements a central angle of 03 ° 12' 02", a radius of 1830.08 feet tangent of 51.13 feet; a tangent bearing of North 82° 16' 14" West, an arc length of 102.23 feet the P.T.; thence North 79° 04' 02" West, 319.62 feet to the P.C. of a curve concave Southwest and having *as* its elements a central angle of 04° 46' 16", a radius of 4663.75 feet, a tangent 194.29 feet; thence along the arc of said curve 388.36 feet to the P.T.; thence North 83° 50' 18ft West, 2445.33 feet; thence South 06° 09' 42" West, 4.00 feet; thence Westerly along a line 76.00 feet North of and parallel to the afore described centerline of Lake Mary Boulevard and along a curve concave Southwesterly having as its elements a central angle of 06° 01' 14", a radius of 3895.83 feet, a tangent of 204.87 feet, a tangent bearing of North 83 ° 50' 18" West, an arc length of 40936 feet to the P.T.; thence North 89° 51' 32" West, 1531.21; thence departing the aforesaid Lake Mary Boulevard run North 18° 16' 43" East along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 1048.04 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the SE 1/4 of said Section 11 for a distance of 82.455 feet; thence North 00° 07' 38" East along the West line of the NE 1/4 of the SE 1/4 of said Section 11 a distance of 251.80 feet; thence Northerly along the afore described line 50.00 feet East of and parallel to the centerline of Markham Woods Road and along a curve concave Northwesterly, having as its elements a central angle of 18 ° 09' 05", a radius of 1004.76 feet, a tangent of 160.50 feet, a tangent bearing of North 18° 16' 43" East, an arc length of 318.31 feet to the P.T.; thence North 00° 07' 38" East along a line 50.00 feet East of and parallel to the West line of the NE 1/4 of the SE 1/4 of said Section 11, a distance of 769.95 feet; thence North 00° 34' 23" West along a line 50.00 feet East of and parallel to the West line of the East 1/2 of the NE 1/4 of said Section 11, a distance of 1513.48 feet; thence South 89° 57' 00" East along a line 3 chains North of and parallel to the South line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1271.17 feet; thence South 01° 01' 22" East along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1.20 feet; thence South 89 ° 55' 53" East along a line 17 chains South of and parallel to the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; thence North 01° 01' 22" West along a line 5 chains East of and parallel to the West line of the NW 1/4 of said Section 12, a distance of 1122.20 feet; thence North 89° 55' 53" West along the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; to the Point of Beginning.

TOGETHER WITH:

Triangular Addition to the Heathrow P.U.D.

All that part of the Northwest 1/4 of the Southeast 1/4 of Section 11, Township 20 South, Range 29 East, lying East of road, Seminole County, Florida; being more particularly described as follows: Begin at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 11; thence run North 00° 07' 38" East along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 11 a distance of 251.80 feet; thence run South 18° 16' 43" West along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 264.67 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 11 for a distance of 82.45 feet to the Point of Beginning.

TOGETHER WITH:

The South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 20 South, Range 29 East, Seminole County, Florida; being further described as follows: Commence at the Southeast corner of Section 2, Township 20 South, Range 29 East; thence run North 00° 36' 50" East along the East line of the Southeast 1/4 of Section 2 for 1321/6 feet to the Point of Beginning; thence continue North 00° 36' 50" East along said East line for a distance of 660.63 feet; thence run North 89° 55' 29" West along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 2, a distance of 1297.61 feet to a point on the Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 14° 25' 227, a tangent of 74.75 feet and a tangent bearing of South 14° 17' 26" East; thence Southeasterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 148.71 feet to the P.T.; thence run South 00° 07' 55" West along said right of way for a distance of 514.76 feet; thence South 89' 59' 03" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 2 for a distance of 1273.44 feet to the Point of Beginning.

TOGETHER WITH:

15±* Acre Addition *(1999)

That part of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East being described as follows:

Commence at the Southwest corner of said Southwest 1/4 thence run South 89°4526" East along the South line of said Southwest 1/4 a distance of 2654.69 feet; thence North 00°06'30" West along the East line of said Southwest 1/4 a distance of 1678.52 feet to the POINT OF BEGINNING; thence South 89°44'42" West along the North line of the South 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 36 a distance of 663.71 feet; thence North 00°06'35" West along the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said. Section 36 a distance of 953.65 feet to the South right-of-way line of Markham Road; thence North 89°48'09" East along a line 50 feet South of and parallel to the physical centerline of Markham Road a distance of 663.73 feet; thence South 00°06'30" East along the aforesaid East line of the Southwest 1/4 of Section 36 a distance of 952.98 feet to the POINT OF BEGINNING.

Containing 14.526 acres more or less and being subject to any easements, rights-of-way, and restrictions of records.

TOGETHER WITH:

4.21 Acre Addition (2007) (Brookhaven Phase III)

BEGINNING at the Southeast corner of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 35, Township 19 South Range 29 East, Seminole County, Florida, said point also being the Northeast corner of Lot 103, BROOKHAVEN, as recorded in Plat Book 57, Pages 57-65 of the Public Records of Seminole County, Florida; thence N.89°37'52"W. along the South line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of the said Section 35 and the North line of Lots 98-13 and Tract "J" of said BROOKHAVEN, a distance of 534.52 feet to a non tangent curve concave Southwesterly, having a tangent bearing of N.00°06'26"E., a radius of 1,098.06 feet and a central angle of 12°31'47"; thence run along the arc of said curve and the Easterly right of way line of Markham Woods Road, a distance of 240.13 feet to a point of non-tangency; thence N.12°23'55"W. along said Easterly right of way line of Markham Woods Road, a distance of 96.52 feet; thence S.89°36'20"E. along the North line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and South line of Lots 20-26 of said BROOKHAVEN, a distance of 582.71 feet; thence S.00°18'09"W. along the East line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and the West line of Lots 111 and 112 and Tract "I" of said BROOKHAVEN, a distance of 331.97 feet to the POINT OF BEGINNING.

Containing 183,208 square feet or 4.21 acres, more or less.

Z2007-049 **DEVELOPMENT ORDER #07-21700008**

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 11, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Heathrow Land Company Limited Partnership

Project Name: Heathrow-Brookhaven Phase III Major PUD Amendment

Requested Development Approval: The applicant is requesting a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD), a rezoning from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD, a Major Amendment to the PUD, and Fourth Amended Developer's Commitment Agreement for the Heathrow PUD, for 4.21 +/- acres, located on the east side of Markham Woods Road and south of Markham Road.

The Board of County Commissioners has determined that the rezone request from A-1 and PUD to PUD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Heathrow-Brookhaven Phase III Major Amendment PUD" and all evidence submitted at the public hearing on December 11, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 and PUD to PUD should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS

By:_____
Carlton D. Henley, Chairman

EXHIBIT A

LEGAL DESCRIPTION

HEATHROW PUD DESCRIPTION

Northwest Addition to the Heathrow P.U.D.

A parcel of land being a portion of Sections 35 and 36, Township 19 South, Range 29 East; Seminole County, Florida; more particularly described as follows: Commence at the Southeast corner of said Section 35 and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence run North 00° 16' 02" East along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 35 for a distance of 289.10 feet to Point of Beginning; thence North 89° 47' 58" West, 1285.39 feet to the East right of way of Markham Woods Road; thence North 00° 26' 27" East, 471.63 feet to the P.C. of a curve curve to the Southeast having a radius of 919.28 feet; thence Northerly along the arc of said curve through a central angle of 16° 13' 54" for 260.43 feet to the P.R.C. of a curve concave to the Northwest having a radius of 1098.06 feet; thence Northerly along the arc of said curve through a central angle of 16° 33' 22" for 317.29 feet; thence South 89° 38' 12" East along the North line of the Southwest 1/4 of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 535.72 feet; thence North 00° 21' 15" East, 332.05 feet; thence North 89° 36' 45" West, 370.61 feet; thence North 00° 26' 27" East, 50.00 feet; thence South 89° 36' 45" East, 5.00 feet; thence North 00° 26' 27" East, 38.00 feet; thence North 89° 36' 45" West, 75.00 feet; thence South 00° 26' 27" West, 38.00 feet; thence South 89° 36' 45" East, 10.00 feet; thence South 00° 26' 27" West, 35.00 feet; thence North 89° 36' 45" West, 156.99 feet; thence North 12 ° 23' 55" West along the East right of way of Markham Woods Road for 49.60 feet to the P.C. of a curve concave Easterly and having a radius of 1598.24 feet; thence Northerly along the arc of said curve through a central angle of 10° 42' 11" for 298.56 feet to the P.T.; thence North 01° 41' 46" West, 253.21 feet to a point being on the Southerly right of way of Markham Road; thence Easterly along said Southerly right of way of Markham Road along a curve concave to the Northwest having a tangent bearing of North 65° 06' 16" East, a radius of 1245.93 feet, a central angle of 06° 04' 09" and an arc length of 131.98 feet to the P.T.; thence North 59° 02' 06" East, 142.02 feet to the P.C. of a curve concave Southeasterly having a radius of 1986.79 feet; thence Easterly along the arc of said curve through a central angle of 20° 17' 17" for 703.51 feet; thence South 00" ° 16' 02" West along a line 420.00 feet West of and parallel to the East line of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 5.83 feet; thence South 89° 32' 22" East along the North line of the Southeast 1/4 of Section 35, Township 19 South, Range 29 East for 24.00 feet; thence South 00° 16' 02" West along the West line of the East 396.00 feet of the Northwest 1/4 of the Southeast 1/4 of Section 35 for 330.00 feet; thence South 89° 32' 22" East along a line 330.00 feet South of and parallel to the North line of the Southeast 1/4 of Section 35 for 396.00 feet; thence South 00° 16' 02" West along the West line of the Northeast 1/4 of the Southeast

1/4 of Section 35 for 270.00 feet; thence South 89° 32' 22" East along the South line of the North 600.00 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 707.40 feet; thence North 00 ° 16' 02" East along the East line of the West 707.40 feet of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 600.00 feet; thence South 89° 32' 22" East along the North line of the Northeast 1/4 of the Southeast 1/4 of Section 35 for 620.80 feet; thence South 00° 05' 35" West along the East line of the Southeast 1/4 of Section 35 for 100.00 feet; thence North 89° 27' 27" East parallel to the North line of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East for 430.03 feet; thence North 00° 05' 35" East along a line 430.00 feet East of and parallel to the West line of the Southwest 1/4 of Section 36 for 142.90 feet; thence South 67° 57' 09" East along a line being the South right of way of Markham Road for 44.17 feet to the P.C. of a curve concave to the Northeast and having a radius of 989.64 feet; thence Easterly along the arc of said curve through a central angle of 22° 35' 24" for 390.19 feet to the P.T.; thence North 89° 27' 27" East, 6.15 feet; thence departing said right of way run South 00° 00' 30" East, along a line parallel to the East line of the Northwest 1/4 of the Southwest 1/4 for a distance of 1280.72 feet; thence South 89° 51' 03" West along the North line of the South 1/2 of the Southwest 1/4 of said Section 36 for a distance of 860.35 feet thence South 00° 05' 35" West along the West line of the Southwest 1/4 of said Section 36 for a distance of 662.42 feet; thence North 89° 41' 24" West along the North line of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for a distance of 1334.24 feet; thence South 00' 16' 02" West along the West line of the Southeast 1/4 of the Southeast 1/4 of said Section 35 for C distance of 374.33 feet to the Point of Beginning.

TOGETHER WITH:

Northeast Addition to the Heathrow P.U.D.

A parcel of land being a portion of Section 36, Township 19 South, Range 29 East, Seminole County, Florida; more particularly described *as* follows: Commence at the Southeast corner of Section 35, Township 19 South, Range 29 East and run North 89° 44' 00" West, along the South line of the Southeast 1/4 of said Section 35 for a distance of 1336.26 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW 1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the

SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along *a* line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661A0 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 89° 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet to the Point of Beginning; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of Section 36 for 952.81 feet to a point lying on the South right of way of Markham Road; thence South 89° 34' 25" East along said right of way a distance of 414.61 feet to the P.C. of a curve concave to the South having a radius of 1829.00 feet; thence Easterly along the arc of said curve through a central angle of 05 34' 00" for 177.70 feet to the P.C.C. of a curve concave Southerly having a radius of 386.24 feet; thence Easterly along the arc of said curve through a central angle of 20° 13' 53" for 136.38 feet to the P.C.C. of a curve concave Southerly and having, a radius of 415.00 feet; thence Easterly along the arc of said curve through a central angle of 01° 23' 24" for 10.07 feet; thence departing said right of way run South 00° 06' 30" East, 550.79 feet; then North 88° 01' 00" East, 195.06 feet; thence North 00° 02' 42" West, 300.22 feet; thence North 01' 00" East, 130.33 feet; thence South 00° 02' 42" East, 248.14 feet; thence North 88° 01' 00" East 254.00 feet; thence North 00° 02' 42" West, 306.09 feet; thence South 88° 57' 00" East, 420.82 feet thence South 00° 02' 42" East along a line 40 feet West of and parallel to the East line of the Southeast 1/4 of Section 36, (said line being the West right of way of State Road 431, Orange Boulevard) for a distance of 2108.59 feet; thence North 89° 57' 18" East, 10.00 feet; thence South 00° 02' 42" East, 183.45 feet; thence North 86° 34' 36" East along the South line of Section 36 for a distance of 5.01 feet; thence South 00 ° 04' 43" East along the East boundary of that tract described in Official Records Book 973, Page 336, Public Records of Seminole County, Florida, and along the West right of way of Banana Lake Road for a distance of 581.94 feet; thence North 84° 35' 24" West along the South line of the aforesaid tract for a distance of 731.58 feet; thence North 14° 43' 24" West along the West line of the aforesaid tract and along the West line of Lot 1, Weiser's Subdivision, Plat Book 1, Page 9, Public Records of Seminole County, Florida, for a distance of 477.87 feet; thence South 86° 34' 36" West along the North line of Section 1, Township 20 South, Range 29 East, for a distance of 565.84 feet; thence North 00° 06' 30" West along a line 5 chains East of and parallel to the West line of Government Lot 2 of said Section 36, a distance of 1322.21 feet; thence South 86° 34' 36" West along a line 20 chains North of and parallel to the South line of Government Lot 2, a distance of 330.55 feet; thence North 00° 06' 30" West along the East line of the Southwest 1/4 of said Section 36, a distance of 356.53 feet to the Point of Beginning.

TOGETHER WITH:

Heathrow P.U.D. as of 11/89

A parcel of land being a portion of Section 1, Township 20 South, Range 29 East; Section 2, Township 20 South, Range 29 East, Section 35, Township 19 South, Range 29 East; Section 36, Township 19 South, Range 29 East; Section 11, Township 20 South, Range 29 East; Section 12, Township 20 South, Range 29 East; Section 13, Township 20 South, Range 29 East; and Sections 6 and 7, Township 20 South, Range 30 East; Seminole County, Florida; more particularly described as follows: Begin at the Southwest corner of Section 1, Township 20 South, Range 29 East; thence North 00° 36' 50" East, 1981.89 feet; thence North 89° 55' 29" West along the South line of the North 1/2 of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 1297.61 feet to a point on the

Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 09° 19' 09' and a tangent bearing of North 14° 17' 27" West; thence Northwesterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 96.09 feet; thence North 00° 07' 55" East along said West line of the Northeast 1/4 of the Southeast 1/4, 7426 feet; thence North 89° 55' 29 West along the North line of the South 165 feet of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 2 for 39.16 feet to a point on a curve concave Southwesterly, having a tangent bearing of North 31° 45' 22" West and a radius of 590.76 feet; thence Northwesterly along the arc of said curve, being the Easterly right of way line of Markham Woods Road, through a central angle of 32° 33° 25", for 335.69 feet to the P.T.; thence North 64° 18' 47" West along the Northerly right of way line of said Markham Woods Road, 410.67 feet; thence South 89° 51' 56" East along a line parallel with and 6 rods South of the North line of the SE 1/4 of said Section 2, a distance of 656.41 feet; thence North 00° 07' 55" East along the West line of the NE 1/4 of the SE 1/4 of said Section 2 a distance of 99.00 feet; thence South 89° 51' 56" East along the North line of the NE 1/4 of the SE 1/4 of said Section 2, a distance of 66727 feet; thence North 00° 18' 00" West along the West line of the East 1/4 of the NE 1/4 of said Section 2, a distance of 1949.38 feet; thence North 89° 45' 59" West along the South line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 667.92 feet; thence North 00 19' 07" West along the West line of the NW 1/4 of the NE 1/4 of the NE 1/4 of said Section 2, a distance of 650.18 feet; thence North 00° 16' 02" East along the West line of the SE 1/4 of the SE 1/4 of Section 35, Township 19 South, Range 29 East, a distance of 663.43 feet; thence South 89° 41' 24" East along the North line of the South 1/2 of the SE 1/4 of the SE 1/4 of said Section 35, a distance of 1334.24 feet; thence North 00° 05' 35" East along the West line of the SW 1/4 of Section 36, Township 19 South, Range 29 East, a distance of 662.42 feet; thence North 89° 51' 03" East along the North line of the South 1/2 of the SW 1/4 of said Section 36, a distance of 860.35 feet to a point lying 7.04 chains (464.64 feet) West of the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along a line parallel to the East line of the NW 1/4 of the SW 1/4 for a distance of 11.42 chains (753.72 feet); thence run North 89° 51' 03" East along a line parallel to the South line of the NW 1/4 of the SW

1/4 for a distance of 7.04 chains (464.64 feet) to a point on the West line of the NE 1/4 of the SW 1/4 of said Section 36, said point being 11.42 chains (753.72 feet) North 00° 00' 30" West from the SE corner of the NW 1/4 of the SW 1/4 of said Section 36; thence North 00° 00' 30" West along the West line of the NE 1/4 of the SW 1/4 of said Section 36 a distance of 530.19 feet to the Southerly right of way line of Markham Road; thence North 89° 27' 27" East along said Southerly right of way line and along a line 50 feet South of and parallel with the North line of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 661.40 feet; thence South 00° 03' 31" East along the East line of the West 1/2 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 953.84 feet; thence North 45' 10" East along the North line of the South 1/4 of the NE 1/4 of the SW 1/4 of said Section 36, a distance of 662.21 feet; thence South 00° 06' 30" East along the East line of the SW 1/4 of said Section 36, a distance of 356.53 feet; thence North 86° 34' 36" East along a line 20 chains North of and parallel to the South line, of Government Lot 2 of said Section 36, a distance of 330.55 feet; thence South 00° 06' 30" East along a line 5 chains East of and parallel to the West line of Government Lot 2, a distance of 1322.21 feet; thence South 86° 34' 36" West along the South line of said Government Lot 2, a distance of 4.58 feet to the NW corner of Lot 2, WEISER'S SUBDIVISION as recorded in Plat Book 1, Page 9, Public Records of Seminole County, Florida; thence South 00° 19' 52" West along the West line of said Lot 2, a distance of 310.20 feet to the most Northerly corner of Lot 3, said WEISER'S SUBDIVISION; thence South 34° 55' 24" East along a common line which divides said Lots 2 and 3, said WEISER'S SUBDIVISION, 185330 feet; thence South 14° 43' 24" East along a common line which divides Lots 1 and 6, said WEISER'S SUBDIVISION, 59.51 feet; thence South 62 °. 44' 12" West, 35.64 feet; thence run South 00° 01' 17" West along the West line of Lot 7 said WEISER'S SUBDIVISION, according to the plat of Bahia Subdivision as recorded in Plat Book 7, Page 73, Public Records of Seminole County, Florida, a distance of 700.00 feet to the South line of said WEISER'S SUBDIVISION; thence South 89° 58' 08" West along the South line of said WEISER'S SUBDIVISION a distance of 1382.69 feet to the SW corner of Lot 5; thence South 00°. 19' 51" West along the East line of the SW 1/4 of said Section I, a distance of 1113.50 feet to a point being 210 feet North 00° 19' 51" East of the SE corner of the North 1/2 of the SW 1/4 of said Section 1; thence North 89° 58' 52" West, 285.00 feet along a line parallel with the South line of the North 1/2 of the SW 1/4 of said Section 1; thence South 00° 19' 51" West 560.00 feet along a line parallel with the East line of the SW 1/4 of said Section 1; thence South 89° 58' 52" East, 80.00 feet; thence South 48° 16' 27" East, 888.59 feet; thence South 04° 15' 32" East 471.30 feet; thence North 78° 55' 17" East, 728.58 feet; thence North 48° 41' 24" East, 200.00 feet; thence South 41° 18' 38" East, 516.64 feet; thence North 42° 30' 22" East, 435.27 feet; thence Southeasterly along a curve concave to the Northeast having a radius of 1800.00 feet, a tangent bearing of South 47° 29' 38" East, a central angle of 24° 55' 11" and an arc length of 782.88 feet to the P.T.; thence South 72° 24' 49" East 400.00 feet; thence South 17° 35' 11" West along the Westerly right of way of Interstate No 4 for 1352.41 feet to the P.C. of a curve concave to the Northwest having a radius of 2606.57 feet; thence departing said right of way of I-4 run Southerly along the arc of said curve through a central angle of 18° 08' 33" for 825.36 feet to the P.C.C. of a curve concave to the Northwest having a radius of 1253.35 feet; thence Southerly

along the arc of said curve through a central angle of 24° 13' 51" for 530.05 feet to the P.T.; thence South 59° 57' 34" West, 272.99 feet to the P.C. of a curve concave Southeasterly having *a* radius of 3445.17 feet; thence Southerly along the arc of said curve through a central angle of 11° 21' 53" for 683.36 feet to the P.C.C. of a curve concave Southeasterly having a radius of 1041.19 feet; thence Southerly along the arc of said curve through a central angle of 60° 00' 00" for 1090.33 feet to the P.T.; thence South 11° 24' 18" East, 454.11 to the P.C. of a curve concave Westerly having a radius of 1379.58 feet; thence Southerly along the arc of said curve through a central angle of 26° 56' 29" for 648.70 feet; thence run Westerly along a line 80 feet North of and parallel to the centerline of Lake Mary Boulevard (State Road #S-419) according to Florida State Road Department Right of Way Map, Section 77502-2601, for the following courses and distances; run Westerly along a curve concave Northerly having *as* its elements a central angle of 03 ° 12' 02", a radius of 1830.08 feet tangent of 51.13 feet; a tangent bearing of North 82° 16' 14" West, an arc length of 102.23 feet the P.T.; thence North 79° 04' 02" West, 319.62 feet to the P.C. of a curve concave Southwest and having *as* its elements a central angle of 04° 46' 16", a radius of 4663.75 feet, a tangent 194.29 feet; thence along the arc of said curve 388.36 feet to the P.T.; thence North 83° 50' 18ft West, 2445.33 feet; thence South 06° 09' 42" West, 4.00 feet; thence Westerly along a line 76.00 feet North of and parallel to the afore described centerline of Lake Mary Boulevard and along a curve concave Southwesterly having as its elements a central angle of 06° 01' 14", a radius of 3895.83 feet, a tangent of 204.87 feet, a tangent bearing of North 83 ° 50' 18" West, an arc length of 40936 feet to the P.T.; thence North 89° 51' 32" West, 1531.21; thence departing the aforesaid Lake Mary Boulevard run North 18° 16' 43" East along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 1048.04 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the SE 1/4 of said Section 11 for a distance of 82.455 feet; thence North 00° 07' 38" East along the West line of the NE 1/4 of the SE 1/4 of said Section 11 a distance of 251.80 feet; thence Northerly along the afore described line 50.00 feet East of and parallel to the centerline of Markham Woods Road and along a curve concave Northwesterly, having as its elements a central angle of 18 ° 09' 05", a radius of 1004.76 feet, a tangent of 160.50 feet, a tangent bearing of North 18° 16' 43" East, an arc length of 318.31 feet to the P.T.; thence North 00° 07' 38" East along a line 50.00 feet East of and parallel to the West line of the NE 1/4 of the SE 1/4 of said Section 11, a distance of 769.95 feet; thence North 00° 34' 23" West along a line 50.00 feet East of and parallel to the West line of the East 1/2 of the NE 1/4 of said Section 11, a distance of 1513.48 feet; thence South 89° 57' 00" East along a line 3 chains North of and parallel to the South line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1271.17 feet; thence South 01° 01' 22" East along the East line of the NE 1/4 of the NE 1/4 of said Section 11, a distance of 1.20 feet; thence South 89 ° 55' 53" East along a line 17 chains South of and parallel to the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; thence North 01° 01' 22" West along a line 5 chains East of and parallel to the West line of the NW 1/4 of said Section 12, a distance of 1122.20 feet; thence North 89° 55' 53" West along the North line of the NW 1/4 of said Section 12, a distance of 330.06 feet; to the Point of Beginning.

TOGETHER WITH:

Triangular Addition to the Heathrow P.U.D.

All that part of the Northwest 1/4 of the Southeast 1/4 of Section 11, Township 20 South, Range 29 East, lying East of road, Seminole County, Florida; being more particularly described as follows: Begin at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 11; thence run North 00° 07' 38" East along the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 11 a distance of 251.80 feet; thence run South 18° 16' 43" West along a line 50.00 feet East of and parallel to the centerline of Markham Woods Road as it presently physically exists for a distance of 264.67 feet; thence departing the aforesaid line run South 89° 39' 44" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 11 for a distance of 82.45 feet to the Point of Beginning.

TOGETHER WITH:

The South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 20 South, Range 29 East, Seminole County, Florida; being further described as follows: Commence at the Southeast corner of Section 2, Township 20 South, Range 29 East; thence run North 00° 36' 50" East along the East line of the Southeast 1/4 of Section 2 for 1321/6 feet to the Point of Beginning; thence continue North 00° 36' 50" East along said East line for a distance of 660.63 feet; thence run North 89° 55' 29" West along the South line of the North 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 2, a distance of 1297.61 feet to a point on the Easterly right of way line of Markham Woods Road, said right of way also being a curve concave to the Southwest and having as its elements a radius of 590.76 feet, a central angle of 14^0 25' 227, a tangent of 74.75 feet and a tangent bearing of South 14° 17' 26" East; thence Southeasterly along the arc of a curve, and along the aforesaid Easterly right of way line a distance of 148.71 feet to the P.T.; thence run South 00° 07' 55" West along said right of way for a distance of 514.76 feet; thence South 89' 59' 03" East along the North line of the South 1/2 of the Southeast 1/4 of said Section 2 for a distance of 1273.44 feet to the Point of Beginning.

TOGETHER WITH:

15±* Acre Addition *(1999)

That part of the Southwest 1/4 of Section 36, Township 19 South, Range 29 East being described as follows:

Commence at the Southwest corner of said Southwest 1/4 thence run South 89°4526" East along the South line of said Southwest 1/4 a distance of 2654.69 feet; thence North 00°06'30" West along the East line of said Southwest 1/4 a distance of 1678.52 feet to the POINT OF BEGINNING; thence South 89°44'42" West along the North line of the South 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 36 a distance of 663.71 feet; thence North 00°06'35" West along the East line of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of said. Section 36 a distance of 953.65 feet to the South right-of-way line of Markham Road; thence North 89°48'09" East along a line 50 feet South of and parallel to the physical centerline of Markham Road a distance of 663.73 feet; thence South 00°06'30" East along the aforesaid East line of the Southwest 1/4 of Section 36 a distance of 952.98 feet to the POINT OF BEGINNING.

Containing 14.526 acres more or less and being subject to any easements, rights-of-way, and restrictions of records.

TOGETHER WITH:

4.21 Acre Addition (2007) (Brookhaven Phase III)

BEGINNING at the Southeast corner of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of Section 35, Township 19 South Range 29 East, Seminole County, Florida, said point also being the Northeast corner of Lot 103, BROOKHAVEN, as recorded in Plat Book 57, Pages 57-65 of the Public Records of Seminole County, Florida; thence N.89°37'52"W. along the South line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of the said Section 35 and the North line of Lots 98-13 and Tract "J" of said BROOKHAVEN, a distance of 534.52 feet to a non tangent curve concave Southwesterly, having a tangent bearing of N.00°06'26"E., a radius of 1,098.06 feet and a central angle of 12°31'47"; thence run along the arc of said curve and the Easterly right of way line of Markham Woods Road, a distance of 240.13 feet to a point of non-tangency; thence N.12°23'55"W. along said Easterly right of way line of Markham Woods Road, a distance of 96.52 feet; thence S.89°36'20"E. along the North line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and South line of Lots 20-26 of said BROOKHAVEN, a distance of 582.71 feet; thence S.00°18'09"W. along the East line of the South ½ of the Southwest ¼ of the Northwest ¼ of the Southeast ¼ of said Section 35 and the West line of Lots 111 and 112 and Tract "I" of said BROOKHAVEN, a distance of 331.97 feet to the POINT OF BEGINNING.

Containing 183,208 square feet or 4.21 acres, more or less.