

ITEM # \_\_\_\_\_

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

**SUBJECT:** Alaqua Lakes PUD (Planned Unit Development) Major Amendment

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

**AUTHORIZED BY:** Alison Stettner <sup>AS</sup> **CONTACT:** Austin Watkins EXT. 7440

<b>Agenda Date</b> <u>5/7/2008</u> <b>Regular</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/> <b>Special Hearing – 6:00</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1.    **RECOMMEND APPROVAL** of the requested Major Amendment to the Alaqua Lakes PUD, Revised Final Master Plan and Addendum #1 to the Alaqua Lakes PUD Developer’s Commitment Agreement for 1,250.9 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings (Robert Dello Russo, applicant); or
  
2.    **RECOMMEND DENIAL** of the requested Major Amendment to the Alaqua Lakes PUD, Revised Final Master Plan and Addendum #1 to the Alaqua Lakes PUD Developer’s Commitment Agreement for 1,250.9 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate (Robert Dello Russo, applicant); or
  
3.    **CONTINUE** this item until a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Senior Planner

**BACKGROUND:**

The Alaqua Lakes PUD (Planned Unit Development) Final Master Plan was approved by the Board of County Commissioners on September 22, 1992 and a subsequent Major Amendment to the PUD was approved by the Board on April 21, 2001. Currently, the PUD is approved for 515 units, at an overall net density of .977

<b>Reviewed by:</b>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No. <u>Z2007-23</u></b>

dwelling units per net buildable acre. At this time, the applicant desires to remove Tract V from the Alaqua Lakes PUD. Tract V contains approximately 10.29 ± acres and is located on Markham Woods Road approximately 3,800 feet south of the main entrance to Alaqua Lakes. Tract V is currently approved for 3 one-acre lots and is separated from the Alaqua Lakes PUD by 148 acres of wetlands. Tract V has a separate entrance off of Markham Woods Roads and cannot internally access the Alaqua Lakes development.

The applicant desires to remove the Tract V from the Alaqua Lakes PUD. In a subsequent item, the PUD plan for the “Dello Russo Residence” will be presented. This item includes all of Tract V of the Alaqua Lakes PUD and the applicant is proposing one single-family dwelling and one guest home. The proposed single-family dwelling is approximately 36,000 square feet in size and the proposed guest house will be a maximum of 6,000 square feet in size. All conditions outlined in the Alaqua Lakes PUD for Tract V will be retained in the Dello Russo Residence PUD.

The President of the Alaqua Lakes Homeowners Association has submitted a letter stating that the Association has agreed to Tract V being de-annexed from the Alaqua Lakes PUD, subject to the execution and recording of an agreement between the Applicant and the Association and an amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Alaqua Lakes de-annexing the property, copies of which the letter provided. These legal documents indicate that they were prepared by Richard E. Larsen, a local attorney who practices primarily in the area of homeowners’ association law.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Major Amendment to the Alaqua Lakes PUD, Revised Final Master Plan and Addendum #1 to the Alaqua Lakes PUD Developer’s Commitment Agreement for 1,250.9 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate.

**Attachments:**

Location Map

Zoning and Future Land Use Map

Aerial Map

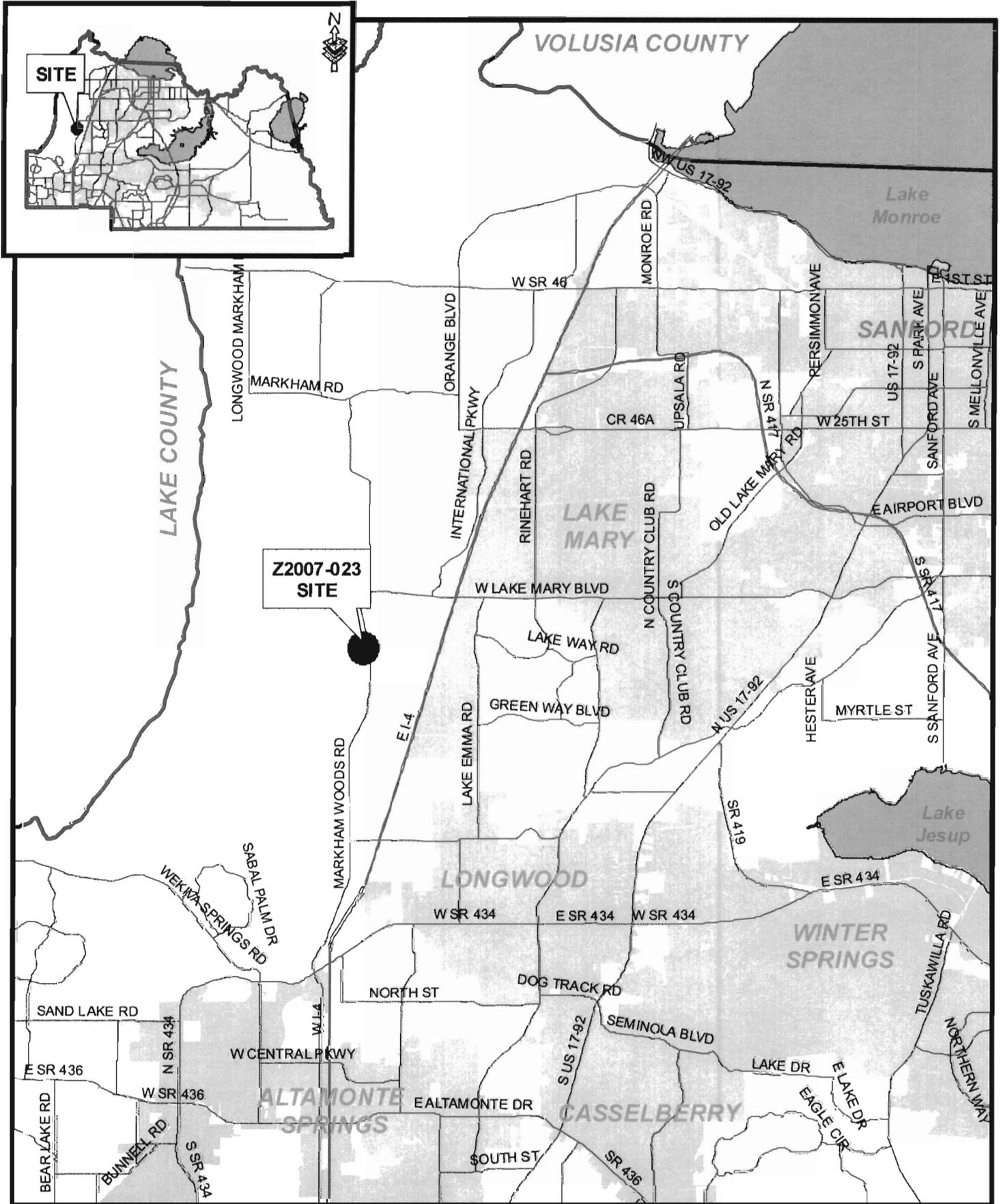
Revised Final Master Plan

Addendum #1 to the Alaqua Lakes PUD

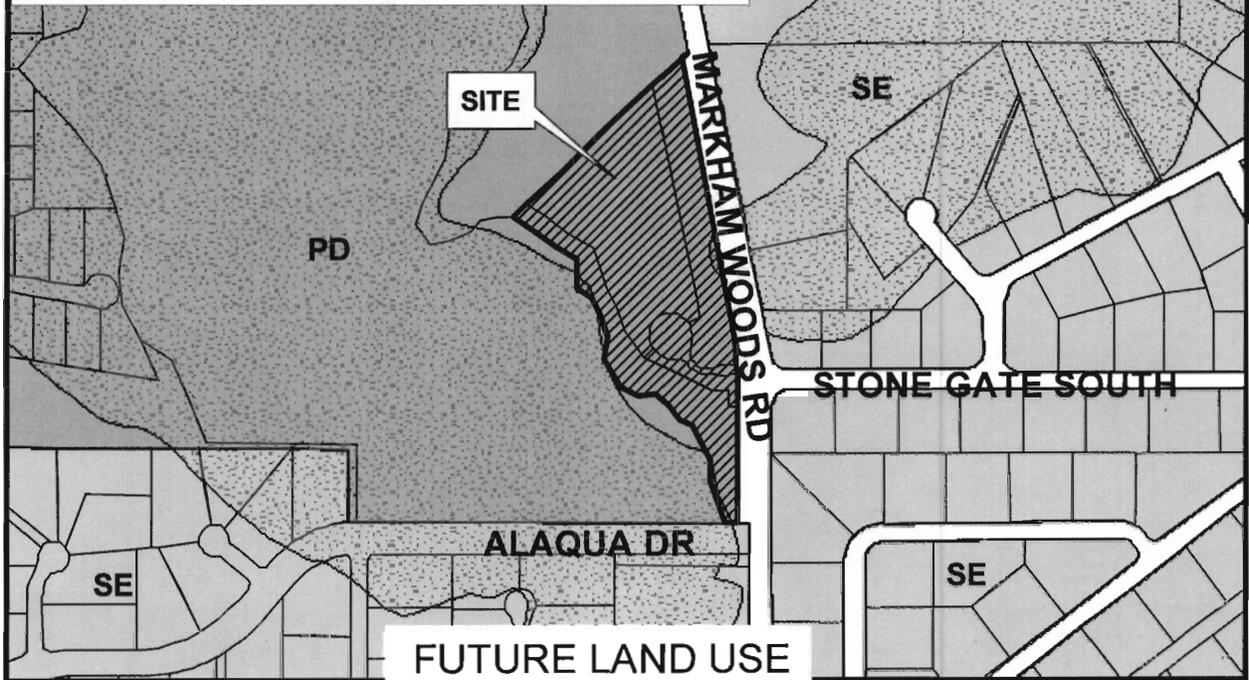
Denial Development Order

Alaqua Lakes PUD Developer’s Commitment Agreement

Alaqua Lakes Homeowner’s Association Letter



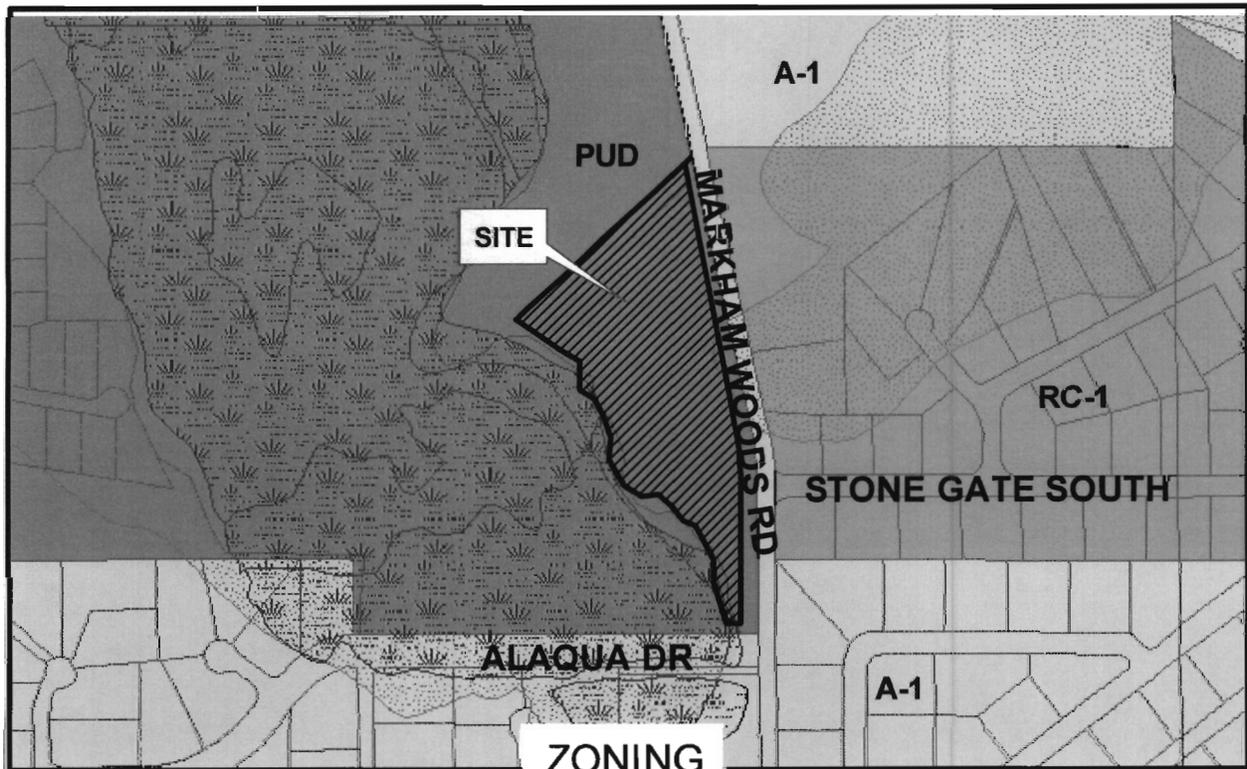
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr flood-prone area information, based on Flood Insurance Rate Maps provided by FEMA.



SE PD Site Municipality CONS

Applicant: Brian Davis, Libra Design Group  
 Physical STR: 19-20-29-503-0000-0010  
 Gross Acres: 8.5+/- BCC District: 5  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	Z2007-023	PUD	PUD
Zoning	--	--	--



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



Rezone No: Z2007-023  
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials



**ADDENDUM #1 TO THE**  
**ALAQUA LAKES P.U.D.**  
**515 512 UNITS**  
**DEVELOPERS COMMITMENT AGREEMENT**  
**APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**  
 Revised April 24, 2001  
Revised June 24, 2008

On June 24, 2008, the Board of County Commissioners of Seminole County issued this Addendum to the "Alaqua Lakes PUD, 515 Units, Developer's Commitment Agreement", as amended (the "PUD"), which shall supersede any and all provisions to the contrary in said PUD or other addenda thereto:

(plain text is provided for reference; strikethroughs are deletions and underlines are additions)

**III. STATEMENT OF BASIC FACTS:**

Total Acreage: ~~1,258.8~~ 1,250.9 acres  
 (Includes 462.7 acres of wetlands along the Little Wekiva River which are not part of the developable area of the project.)

Total Dwelling Units: ~~515~~ 512 maximum dwelling units

Gross Density: 0.65 units per acre  
 (Does not include 462.7 acres of wetlands along the Wekiva River.)

Net Residential Density Calculations:

Total Project Acres	<del>1,258.8</del> <u>1,250.9</u> acres
Less Lakes	52.1
Less Wetlands	611.2
Less Florida Power Easement	13.1

Residential Project Acres	<del>582.4</del> <u>577.6</u>
Less Right-of-Way	55.4
Net Residential Acres	<del>527.0</del> <u>522.2</u>

Net Residential Density	Total Units	= 515 <u>512</u> =.977
	Net Res. Acres	<del>527</del> <u>522.2</u>

#### IV. LAND USE

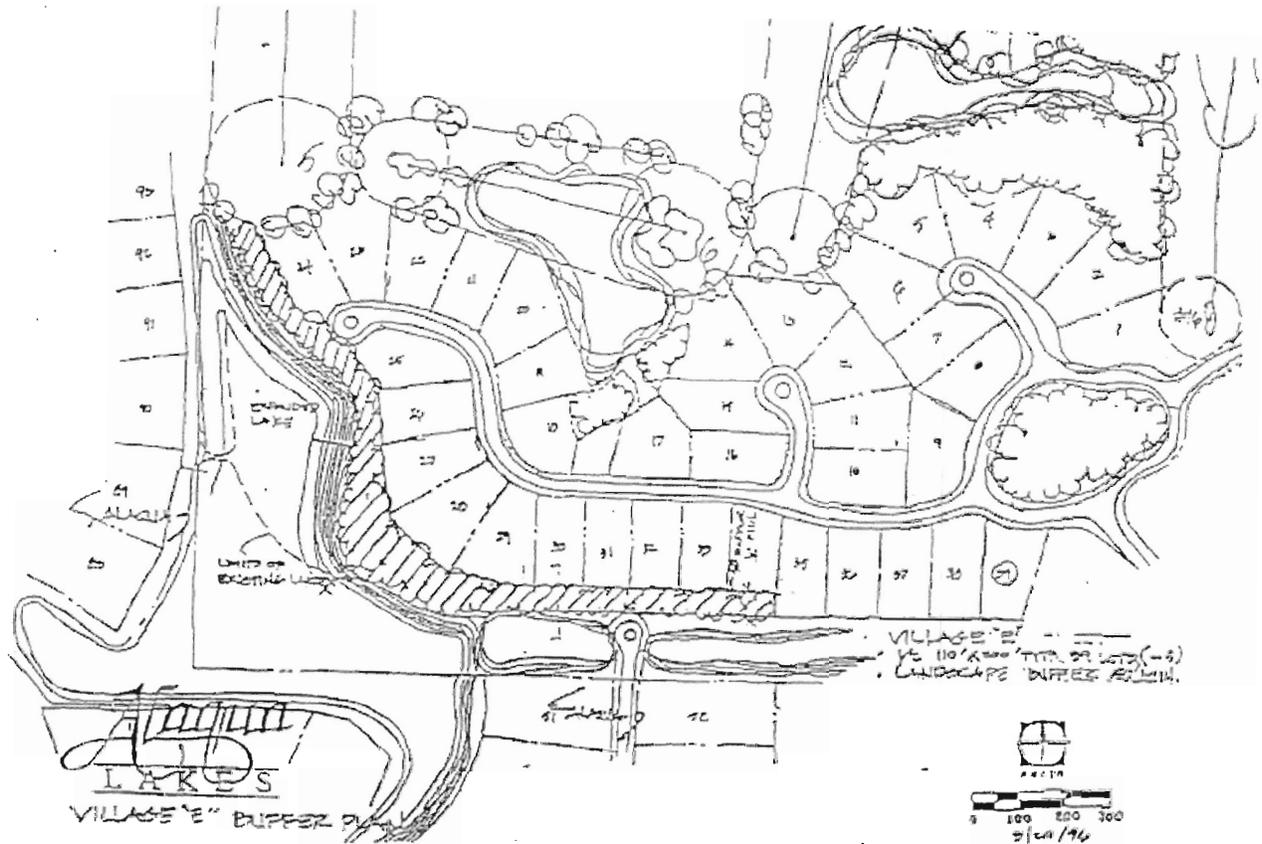
Single Family	284.4	<u>279.6</u>	acres
Common Open Space/Community Parks	<del>85.6</del>	<u>82.5</u>	
Golf Course	150.6		
Clubhouse/Sales Center	5.0		
Maintenance Facility	1.4		
Florida Power Easement	13.1		
Right-of-Way	55.4		
Lakes	52.1		
Wetlands (on-site)	148.5		
<b>Subtotal</b>	<b>796.1</b>	<b><u>788.2</u></b>	<b>acres</b>
Wetlands (off-site)	462.7		acres
<b>TOTAL</b>	<b><del>1,258.8</del></b>	<b><u>1,250.9</u></b>	<b>acres</b>

#### V. TRACT BREAKDOWN

Tract	Use	Acres	Units <sup>(1)</sup>	Maximum Density	Minimum Lot Size (SF)
A.	Single-Family		44	3.0	10,890
B.	Single-Family		30	2.0	21,780
C.	Single-Family		20	2.0	21,780
D.	Single-Family		97	2.0	21,780
E.	Single-Family		35	2.0	21,780
F.	Single-Family		36	30	10,890
G.	Single-Family		18	2.0	21,780
H.	Single-Family		62	3.0	10,890
I.	Single-Family		25	2.0	21,780
J.	Single-Family		25	2.0	21,780
K.	Single-Family		72	2.0	21,780 <sup>(b)</sup>
L.	Single-Family		48	2.0	21,780 <sup>(b)</sup>
V.	Single-Family		3	0.8	43,560
		284.4	<u>279.6</u>		
M.	Maintenance Facility	1.4			
N.	Golf Course	150.6			
O.	Common Open Space <sup>(c)</sup>	<del>76.3</del>	<u>73.2</u>		
P.	Community Parks	9.3			
Q.	Right-of-Way	55.4			
R.	FPC Easement	13.1			
S.	Wetlands (on-site) <sup>(d)</sup>	148.5			
T.	Clubhouse/Sales Center	5.0			
U.	Lakes <sup>(d) (c)</sup>	52.1			
	<b>Subtotal</b>	<b>796.1</b>	<b><u>788.2</u></b>	<b>515</b>	<b><u>512</u></b>
2A.	Wetland	54.7			
2B.	Wetland	70.5			
3D.	Wetland	60.0			
3E.	Wetland	18.0			
4.	Wetland	259.5			
	<b>TOTAL</b>	<b><del>1,258.8</del></b>	<b><u>1,250.9</u></b>	<b>515</b>	<b><u>512</u></b>

- (a) Developer reserves the right to develop phases as conditions may dictate. It is anticipated that Tracts A, B, and C will be developed initially. Each tract will be designed such that it may stand alone. Easements and services shall be provided as required.
- (b) All lots contiguous to Heathrow Woods in Tract "K" and all lots contiguous to Alaqua in Tract "L" shall be a minimum of 2/3-acre (29,040 sq. ft.) in size and maintain a minimum lot width of 150 feet as defined in VI. Building and Lot Restrictions.
- (c) All Common Open Space shall be owned and maintained by the homeowners association.
- (d) A DWCE will be dedicated to Seminole County over lakes, on-site wetlands, and all areas below the Post-Development 100-year/24-hour flood prone elevation.
- (e) The "Lakes" shown are an integral part of the Stormwater Management Plan for Alaqua Lakes and will be owned and maintained by either the Alaqua Lakes Homeowners Association or the Golf Course.
- (f) The Developer has the ability to shift lots between villages during final design. In no case shall the maximum number of lots exceed 515 lots. In no case shall the maximum number of 1/4 acres lots exceed 142.
- (g) A buffer, of varying width, shall separate lots within Village E, which are contiguous to the lake shoreline and west of the former connection of Hassi Point. A chain link fence shall separate the Alaqua Lakes lots from the buffer. Lots located south of the road, in Tract E, shall be 150 feet wide.

Buffer size - The buffer shall be measured from the top of bank. In no case shall the buffer be less than 50 feet. In its widest part, the buffer shall exceed 100 feet. The total acreage of the buffer shall be a minimum of 3.0 acres. The intent is shown in the sketch below. Lots are shown at approximately one-half acre. Opposite Alaqua Lots 51 and 52, the buffer shall be a minimum of 75 feet.



**Buffer planting** -- Where there is no plant material, or the existing plant material does not provide an opaque separation, the Developer shall install plant material at a density no less than that shown on the upland buffer plan.

The improvements and plantings for said buffer shall be required as soon as possible and completed prior to the Certificate of Occupancy for any homes within Tract E. Developer shall provide a plan for monitoring the progress of the plant material.

**Littoral zone planting** -- The lake shoreline adjacent to the buffer shall be landscaped with appropriate plant material at a density no less than that shown on the wetland buffer plan. Plant material shall be selected from the following plant palette.



- C. All landscaped areas to comply with site distance requirements per Green Book Standards.
- D. In addition to signage permitted in the Land Development Code, the applicant shall be permitted an identification sign for Alaqua, not to exceed thirty-two (32) square feet of copy area, located along Markham Woods Road.
- E. There will be a 100 foot natural buffer between the maintenance facility and the north property line and the maintenance facility and Markham Woods Road. The buffer will be supplemented with additional plant material where necessary to create a visually opaque screen.
- F. A landscaped buffer shall be provided between Parcel B and the golf course to the east.
- G. Developer shall fund up to 50 percent of the cost of a 6 foot masonry wall for the entire length of Heathrow Woods and Alaqua Lakes, provided that the residents of Heathrow Woods and the Developer can arrive at an agreement as to the type and design of the wall structure. This obligation of the Developer shall expire if such agreement has not been reached by May 14, 1997.
- H. The Developer shall provide the following buffers:
  - 1. A 25 foot buffer on the south side of Tract D, backing up to the lots in Alaqua
  - 2. A 50 foot irrigated landscaped buffer shall be installed abutting the eastern property lines of Lots 17 and 18, Alaqua Lakes Phase II, located at the southern end of Deer Chase Run, adjacent to the Florida Power Corporation power line easement. This buffer shall consist of a minimum of 84 slash pines (5-6 feet in height at installation), supplemented with a minimum of 109 wax myrtles (2-3 feet in height at installation), to create opacity within 24 months of planting, according to the attached Exhibit B, Alaqua Lakes Buffer sketch plan dated March 23, 2001.
  - 3. Retention of a 50 foot natural buffer north of the driving range, which shall include the replanting of the dirt road.
  - 4. ~~Retention of a 100 foot natural buffer between Parcel V and the right-of-way line of Markham Woods Road.~~
- I. ~~The Developer shall demonstrate that at least fifty percent (50%) of the trees located with the developable areas of Tract V, including areas subject to residential platting, are preserved on-site. When fifty percent (50%) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented as provided for in the Land Development Code of Seminole County. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper.~~
- J. ~~An upland buffer average 50 feet but no less than 25 feet in width shall be maintained surrounding areas assigned the Conservation land use designation or FP 1 or W 1 zoning classification or properties which have been designated as conservation areas of conservation easement within or adjacent to Tract V.~~

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the owners, Robert and Diane Dello Russo , on behalf of itself and its heirs agents, 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 Development Commitment Agreement.

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

OWNER:

Robert G. Dello Russo

\_\_\_\_\_  
Robert G. Dello Russo

OWNER:

Diane M. Dello Russo

\_\_\_\_\_  
Diane M. Dello Russo

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
My Commission Expires:

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the owner, Alaqua Lakes Community Association, Inc., on behalf of itself and its heirs agents, 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 Development Commitment Agreement.

WITNESSES:

OWNER:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Alaqua Lakes Community Association, Inc.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Robert T. Rosen, President

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
My Commission Expires:

**Exhibit "A"**  
**Legal Description**

That portion of Sections 10, 11, 14, and 15, Township 20 South, Range 29 East, Seminole County, Florida, described as follows:

BEGIN at the Northeast corner of Lot 1, ALAQUA PHASE I, as recorded in Plat Book 33, Pages 67 through 71, of the Public Records of Seminole County, Florida; thence run the following four courses along the Northerly line of said ALAQUA PHASE I and the East line of ALAQUA PHASE II, as recorded in Plat Book 38, Pages 27 through 29, of said Public Records; thence run N 89°38'27" W for a distance of 1327.90 feet; thence run S 00°23'49" E for a distance of 663.75 feet; thence run N 89°42'48" W for a distance of 1322.51 feet; thence run N 00°50'26" W for a distance of 1996.10 feet to the Northeast corner of said ALAQUA PHASE II; thence run the following 3 courses along the Northerly line of said ALAQUA PHASE II and the Northerly line of ALAQUA PHASE III, as recorded in Plat Book 42, Pages 1 through 8, of said Public Records; thence run N 89°53'43" W for a distance of 2366.46 feet; thence run N 00°51'49" W for a distance of 2647.89 feet; thence run N 89°51'15" W for a distance of 1526.00 feet to a point on the Southerly line of lands described in Official Record Book 1656, Page 1928 of said Public Records; thence run N00°18'07" E along said Southerly line for a distance of 1702.89 feet; thence run S 89°41'53" E along said Southerly line and the Southerly line of HEATHROW WOODS, as recorded in Plat Book 41, Pages 26 through 30 of said Public Records and the Westerly extension thereof, for a distance of 7863.02 feet to a point on a non-tangent curve concave Northwesterly having a radius of 1129.75 feet and a chord bearing of S 15°58'19" W, said point being on the Westerly Right-of-Way line of Longwood-Markham Road (Markham Woods Road) as described in Official Record Book 1825, Page 1768 of the Public Records of Seminole County, Florida; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 04°29'42" for a distance of 88.63 feet to the point of tangency; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 830.43 feet; thence run S 25°44'05" W for a distance of 104.54 feet to the point of curvature of a curve concave Southeasterly having a radius of 1919.37 feet; thence run Southwesterly along the arc of said curve through a central angle of 07°30'55" for a distance of 251.76 feet; thence run S 18°13'10" W for a distance of 187.20 feet; thence run S 18°48'47" W for a distance of 193.02 feet; thence run S 18°13'10" W for a distance of 117.12 feet to the point of curvature of a curve concave Southeasterly having a radius of 971.53 feet; thence run Southwesterly along the arc of said curve through a central angle of 13°47'38" for a distance of 233.90 feet; thence run S 04°25'32" W for a distance of 17.37 feet; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 1.84 feet to the point of curvature of a curve concave Southeasterly having a radius of 590.07 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 29°54'04" for a distance of 307.94 feet to the point of tangency; thence run S 11°40'54" E along said Westerly Right-of-Way line for a distance of 3047.96 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run Southeasterly along the arc of said curve and said Westerly Right-of-Way line through a central angle 10°41'37" for a distance of 301.49 feet; thence run S 00°59'17" E along said Westerly Right-of-Way line for a distance of 393.17 feet to the North line of ALAQUA DRIVE (100' Right-of-Way); thence run N 89°38'54" W along said North Right-of-Way line for a distance of 1275.69 feet to the East line of the aforesaid Lot 1, ALAQUA PHASE I; thence run N 00°01'34" E along said East line for a distance of 230.00 feet to the Point of Beginning.

less

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet; thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of

95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of 10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING.

Containing 785.16 acres more or less and being subject to any right-of-way, restrictions and easements of record.

**Exhibit "B"**  
**Revised Final Master Plan**



**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On June 10, 2008, 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):** Robert and Diane Dello Russo

**Project Name:** Alaqua Lakes PUD Major Amendment

**Requested Development Approval:** The applicant is requesting a Major Amendment to the Alaqua Lakes PUD for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate

The Board of County Commissioners has determined that the requested Major Amendment to the Alaqua Lakes PUD is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Alaqua Lakes PUD Major Amendment" and all evidence submitted at the public hearing on June 10, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD Major Amendment 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:** \_\_\_\_\_  
Brenda Carey, Chairman

**EXHIBIT "A"****Legal Description**

That portion of Sections 10, 11, 14, and 15, Township 20 South, Range 29 East, Seminole County, Florida, described as follows:

BEGIN at the Northeast corner of Lot 1, ALAQUA PHASE I, as recorded in Plat Book 33, Pages 67 through 71, of the Public Records of Seminole County, Florida; thence run the following four courses along the Northerly line of said ALAQUA PHASE I and the East line of ALAQUA PHASE II, as recorded in Plat Book 38, Pages 27 through 29, of said Public Records; thence run N 89°38'27" W for a distance of 1327.90 feet; thence run S 00°23'49" E for a distance of 663.75 feet; thence run N 89°42'48" W for a distance of 1322.51 feet; thence run N 00°50'26" W for a distance of 1996.10 feet to the Northeast corner of said ALAQUA PHASE II; thence run the following 3 courses along the Northerly line of said ALAQUA PHASE II and the Northerly line of ALAQUA PHASE III, as recorded in Plat Book 42, Pages 1 through 8, of said Public Records; thence run N 89°53'43" W for a distance of 2366.46 feet; thence run N 00°51'49" W for a distance of 2647.89 feet; thence run N 89°51'15" W for a distance of 1526.00 feet to a point on the Southerly line of lands described in Official Record Book 1656, Pate 1928 of said Public Records; thence run N00°18'07" E along said Southerly line for a distance of 1702.89 feet; thence run S 89°41'53" E along said Southerly line and the Southerly line of HEATHROW WOODS, as recorded in Plat Book 41, Pages 26 through 30 of said Public Records and the Westerly extension thereof, for a distance of 7863.02 feet to a point on a non-tangent curve concave Northwesterly having a radius of 1129.75 feet and a chord bearing of S 15°58'19" W, said point being on the Westerly Right-of-Way line of Longwood-Markham Road (Markham Woods Road) as described in Official Record Book 1825, Page 1768 of the Public Records of Seminole County, Florida; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 04°29'42" for a distance of 88.63 feet to the point of tangency; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 830.43 feet; thence run S 25°44'05" W for a distance of 104.54 feet to the point of curvature of a curve concave Southeasterly having a radius of 1919.37 feet; thence run Southwesterly along the arc of said curve through a central angle of 07°30'55" for a distance of 251.76 feet; thence run S 18°13'10" W for a distance of 187.20 feet; thence run S 18°48'47" W for a distance of 193.02 feet; thence run S 18°13'10" W for a distance of 117.12 feet to the point of curvature of a curve concave Southeasterly having a radius of 971.53 feet; thence run Southwesterly along the arc of said curve through a central angle of 13°47'38" for a distance of 233.90 feet; thence run S 04°25'32" W for a distance of 17.37 feet; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 1.84 feet to the point of curvature of a curve concave Southeasterly having a radius of 590.07 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 29°54'04" for a distance of 307.94 feet to the point of tangency; thence run S 11°40'54" E along said Westerly Right-of-Way line for a distance of 3047.96 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run Southeasterly along the arc of said curve and said Westerly Right-of-Way line through a central angle 10°41'37" for a distance of 301.49 feet; thence run S 00°59'17" E along said Westerly Right-of-Way line for a distance of 393.17 feet to the North line of ALAQUA DRIVE (100' Right-of-Way); thence run N 89°38'54" W along said North Right-of-Way line for a distance of 1275.69 feet to the East line of the aforesaid Lot 1, ALAQUA PHASE I; thence run N 00°01'34" E along said East line for a distance of 230.00 feet to the Point of Beginning.

less

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet; thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of 95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of

10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING.

Containing 785.16 acres more or less and being subject to any right-of-way, restrictions and easements of record.

ALAQUA LAKES P.U.D.  
 515 UNITS  
 DEVELOPERS COMMITMENT AGREEMENT  
 APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS  
 Revised April 24, 2001

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2002021833 BK 04327 PG 1719 RECD 02/15/2002 01:38:57 PM RECD BY S. Carney

- I. LEGAL DESCRIPTION: See attached Exhibit "1"
- II. FINAL MASTER PLAN: See attached Exhibit "A"
- III. STATEMENT OF BASIC FACTS:
  - Total Acreage: 1,258.8 acres  
 (Includes 462.7 acres of wetlands along the Little Wekiva River which are not part of the developable area of the project.)
  - Total Dwelling Units: 515 maximum dwelling units
  - Gross Density: 0.65 units per acre  
 (Does not include 462.7 acres of wetlands along the Wekiva River.)

Net Residential Density Calculations:

Total Project Acres	1,258.8	acres		
Less Lakes	52.1			
Less Wetlands	611.2			
Less Florida Power Easement	13.1			
Residential Project Acres	582.4			
Less Right-of-Way	55.4			
Net Residential Acres	527.0			
Net Residential Density	<u>Total Units</u>	=	<u>515</u>	= .977
	Net Res. Acres		527	

RETURN TO SANDY MCCANN

IV. LAND USE

Single Family	284.4	acres
Common Open Space/Community Parks	85.6	
Golf Course	150.6	
Clubhouse/Sales Center	5.0	
Maintenance Facility	1.4	
Florida Power Easement	13.1	
Right-of-Way	55.4	
Lakes	52.1	
Wetlands (on-site)	<u>148.5</u>	
<b>Subtotal</b>	<b>796.1</b>	<b>acres</b>
Wetlands (off-site)	<u>462.7</u>	acres
<b>TOTAL</b>	<b>1,258.8</b>	<b>acres</b>

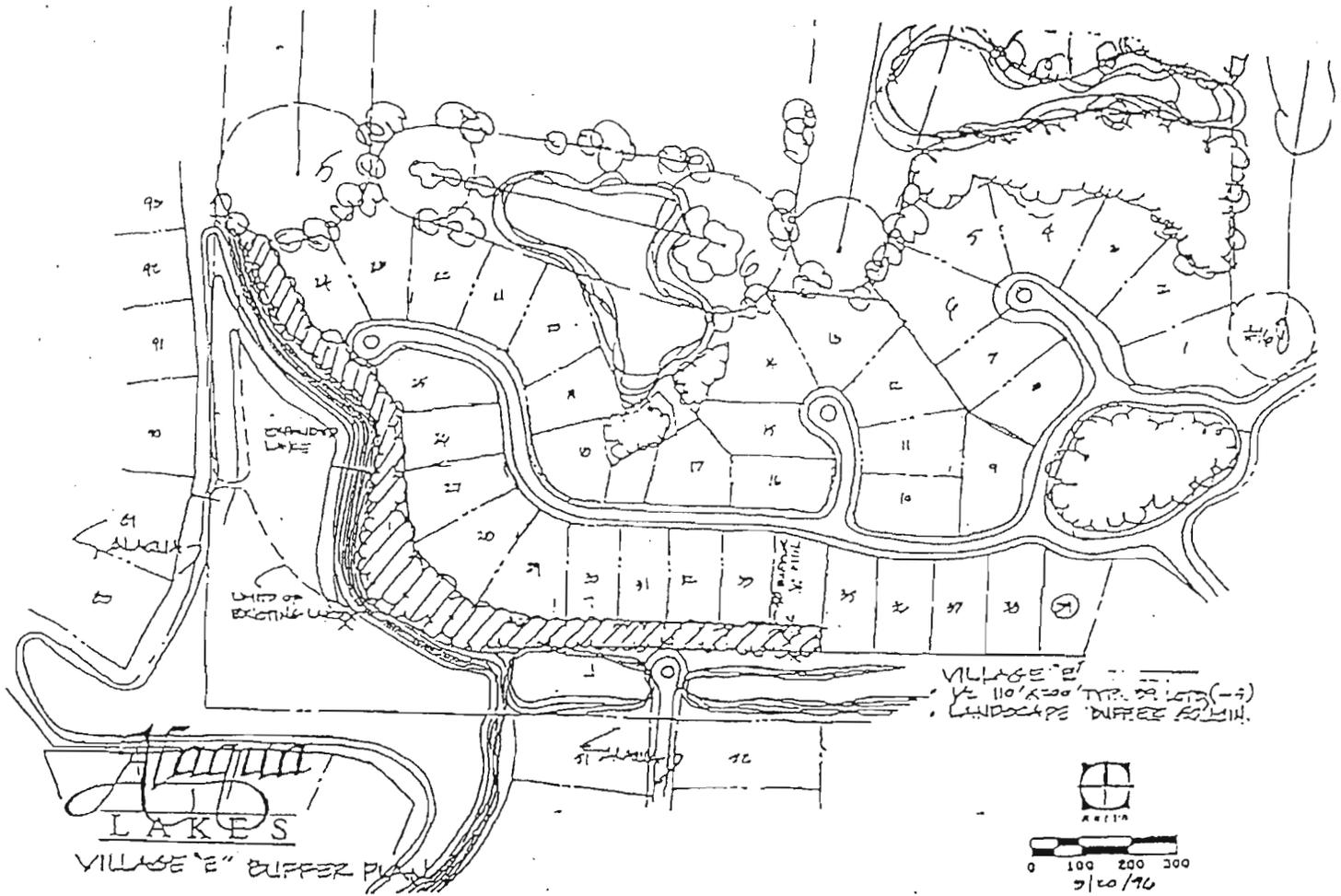
V. TRACT BREAKDOWN

Tract	Use	Acres	Units <sup>(1)</sup>	Maximum Density	Minimum Lot Size (SF)
A.	Single-Family		44	3.0	10,890
B.	Single-Family		30	2.0	21,780
C.	Single-Family		20	2.0	21,780
D.	Single-Family		97	2.0	21,780
E.	Single-Family <sup>(g)</sup>		35	2.0	21,780
F.	Single-Family		36	3.0	10,890
G.	Single-Family		18	2.0	21,780
H.	Single-Family		62	3.0	10,890
I.	Single-Family		25	2.0	21,780
J.	Single-Family		25	2.0	21,780
K.	Single-Family		72	2.0	21,780 <sup>(b)</sup>
L.	Single-Family		48	2.0	21,780 <sup>(b)</sup>
V.	Single-Family		3	0.8	43,560
		284.4			
M.	Maintenance Facility	1.4			
N.	Golf Course	150.6			
O.	Common Open Space <sup>(c)</sup>	76.3			
P.	Community Parks	9.3			
Q.	Right-of-Way	55.4			

Tract	Use	Acres	Units <sup>(1)</sup>	Maximum Density	Minimum Lot Size (SF)
R.	FPC Easement	13.1			
S.	Wetlands (on-site) <sup>(d)</sup>	148.5			
T.	Clubhouse/Sales Center	5.0			
U.	Lakes <sup>(d)(c)</sup>	52.1			
	<b>Subtotal</b>	<b>796.1</b>	<b>515</b>		
2A.	Wetland	54.7			
2B.	Wetland	70.5			
3D.	Wetland	60.0			
3E.	Wetland	18.0			
4.	Wetland	259.5			
	<b>TOTAL</b>	<b>1,258.8</b>	<b>515</b>		

- (a) Developer reserves the right to develop phases as conditions may dictate. It is anticipated that Tracts A, B, and C will be developed initially. Each tract will be designed such that it may stand alone. Easements and services shall be provided as required.
- (b) All lots contiguous to Heathrow Woods in Tract "K" and all lots contiguous to Alaqua in Tract "L" shall be a minimum of 2/3-acre (29,040 sq. ft.) in size and maintain a minimum lot width of 150 feet as defined in VI. Building and Lot Restrictions.
- (c) All Common Open Space shall be owned and maintained by the homeowners association.
- (d) A DWCE will be dedicated to Seminole County over lakes, on-site wetlands, and all areas below the Post-Development 100-year/24-hour flood prone elevation.
- (e) The "Lakes" shown are an integral part of the Stormwater Management Plan for Alaqua Lakes and will be owned and maintained by either the Alaqua Lakes Homeowners Association or the Golf Course.
- (f) The Developer has the ability to shift lots between villages during final design. In no case shall the maximum number of lots exceed 515 lots. In no case shall the maximum number of 1/4 acres lots exceed 142.
- (g) A buffer, of varying width, shall separate lots within Village E, which are contiguous to the lake shoreline and west of the former connection of Hassi Point. A chain link fence shall separate the Alaqua Lakes lots from the buffer. Lots located south of the road, in Tract E, shall be 150 feet wide.

Buffer size - The buffer shall be measured from the top of bank. In no case shall the buffer be less than 50 feet. In its widest part, the buffer shall exceed 100 feet. The total acreage of the buffer shall be a minimum of 3.0 acres. The intent is shown in the sketch below. Lots are shown at approximately one-half acre. Opposite Alaqua Lots 51 and 52, the buffer shall be a minimum of 75 feet.



**Buffer planting** – Where there is no plant material, or the existing plant material does not provide an opaque separation, the Developer shall install plant material at a density no less than that shown on the upland buffer plan.

The improvements and plantings for said buffer shall be required as soon as possible and completed prior to the Certificate of Occupancy for any homes within Tract E. Developer shall provide a plan for monitoring the progress of the plant material.

**Littoral zone planting** – The lake shoreline adjacent to the buffer shall be landscaped with appropriate plant material at a density no less than that shown on the wetland buffer plan. Plant material shall be selected from the following plant palette.

Trees

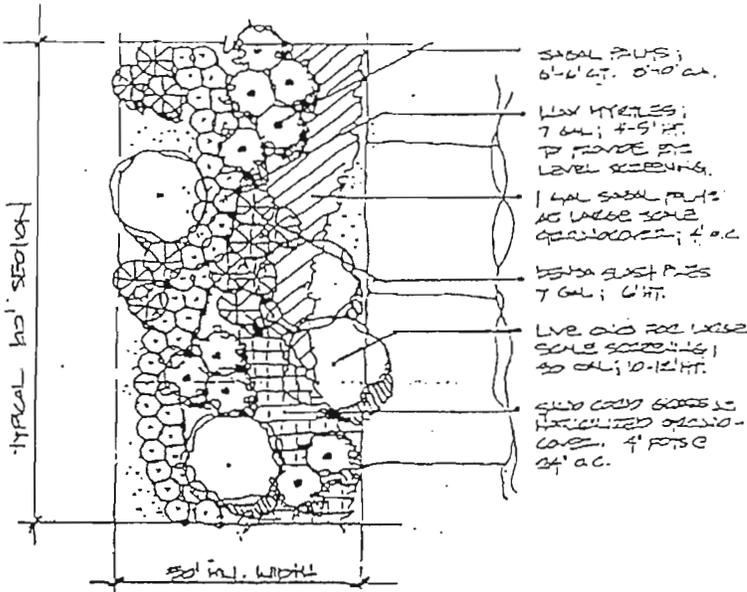
Waters edge  
 Bald cypress  
 Swamp tupelo  
 Red maple

Top of bank  
 Laurel oak  
 Red maple  
 Sweetgum  
 Cabbage palm  
 Wax myrtle  
 Slash Pine  
 Sweetbay  
 Loblolly bay

Aquatics

White water lily  
 Duck-potato  
 Arrowhead  
 Pickerelweed  
 Sedges  
 Bulrush  
 Blue flag iris  
 Soft rush

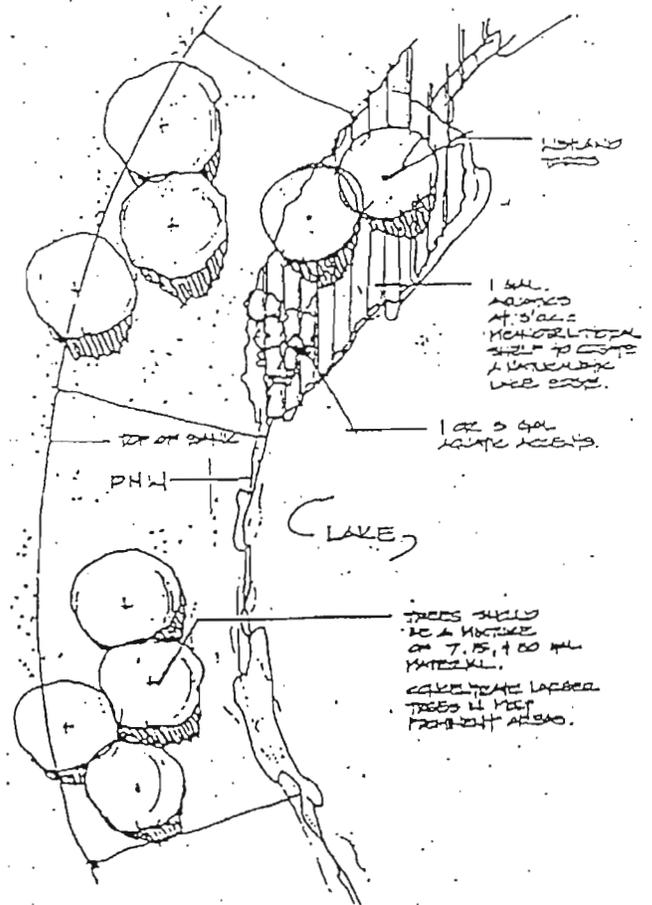
Cordgrass  
 Maidencane



UPLAND BUFFER  
 TYP. 100' / 100 W.D.

- 4 60 GAL LIVE OAKS
- 10 24" SHOUL PLANTS
- 12 7 GAL SLASH PINES
- 40 7 GAL WAX MYRTLE
- 100 1 GAL SWEET PALM; 4' G.C.
- 200 4 WAX - CORD GRASS; 3' G.C.

Upland Buffer Plan



LAKE PLANTINGS  
 TYPICAL QUANTITIES (PER 100')

- 5 7 GAL TREES
- 5 10 GAL TREES
- 5 20 GAL TREES
- 5 1 GAL AQUICUS

Wetland Buffer Plan

VI. BUILDING AND LOT RESTRICTIONS

A. Residential	<u>1-Acre</u>	<u>2/3-Acre</u>	<u>1/2-Acre</u>	<u>1/4-Acre</u>
Minimum Lot Size*	43,560 sf	29,040 sf	21,780 sf	10,890 sf
Minimum Dwelling Size	2,200 sf	2,000 sf	1,800 sf	1,800 sf
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft.
Front Setback	50 ft.	25 ft.	25 ft.	25 ft.
Rear Setback	30 ft.	25 ft.	25 ft.	25 ft.
Side Setback	10 ft.	10 ft.	10 ft.	7.5 ft.
Side Street Setback	50 ft.	25 ft.	25 ft.	25 ft.
Minimum Lot Width**	150 ft.	150 ft.	100 ft.	80 ft.
Accessory Structures, including detached garages, pools, side and rear setbacks***	10 ft.	10 ft.	10 ft.	7.5 ft.

\* Minimum lot size shall be exclusive of wetlands, flood prone, and road right-of-way.

\*\* Lot width on irregular lots (cul-de-sacs) can be 75 percent at the front building line.

\*\*\* Accessory structures and pools shall be set back a minimum of 25 feet from side streets and shall not project in front of the established building line.

B. Clubhouse/Sales Center – A portion of the Clubhouse tract (Tract T) shall be used as a Sales Center for the sale of lots and dwellings in Alaqua and the Alaqua Lakes PUD. A temporary trailer may be used for the Sales Center. Upon completion of all phases of the development and the final Certificate of Occupancy, the Sales Center facility will either be removed or remodeled to serve as part of the clubhouse facility.

Golf course clubhouse to be located a minimum of 250 feet from the existing Markham Woods Road right-of-way with a buffer screen along Markham Woods Road 25 feet in width, 100 percent opaque to a height of 4-1/2 feet. Plants will be planted in a natural pattern and not simply a row of trees. Oak trees will be the predominant plants (12 to 14 feet in height, 6 inch DBH, minimum 60-65 gallon container size).

Parking lot lighting for the clubhouse facility shall be a minimum of 16 ft. in mounting height using cut-off luminaire (down draft) fixtures.

## VII. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM

- A. Sidewalks shall be constructed such that they occur along all lot frontages and at a minimum on one side of internal streets. The exception to this may be in 1/4-acre villages where the sidewalk system may be integrated with the village open space rather than the streets. The location of sidewalks and pathways is conceptually shown on the Pedestrian Circulation Plan. The exact location of all sidewalks shall be determined during Final Design.

The sidewalk along the main parkway from the main entrance to the community park shall be a minimum of six (6) feet in width. All other internal sidewalks shall be a minimum of five (5) feet in width.

- B. A sidewalk five (5) feet in width shall be constructed along the Alaqua Lakes frontage along Markham Woods Road. The portion from the project entrance to the north property boundary shall be installed concurrent with the development of Phase I. The sidewalk along Markham Woods Road, south of the project entrance shall be installed by December 31, 1998.
- C. In accordance with the conditions of approval of PUD Zoning, the Developer hereby agrees to:
1. Limit permanent access to Markham Woods Road to a main entrance at Lake Mary Boulevard. A secondary entrance on Markham Woods Road shall be permitted to serve Parcel V only.
  2. Dedicate up to twenty (20) feet of right-of-way along Markham Woods Road as required by Seminole County for a sixty (60) foot half right-of-way for future four-laning.
  3. Construct turn lanes at the intersection of Markham Woods Road and Lake Mary Boulevard prior to the issuance of the first C.O. The Developer shall fund the cost of the additional turn lane construction resulting from the additional impacts of Alaqua Lakes.
- D. On the main boulevard and any other divided two-lane road, minimum pavement width for each lane shall be 17 feet, exclusive of curb, including curb, there shall be 20 feet of driving surface.
- E. Permanent dead end streets or cul-de-sacs shall not exceed fifteen hundred (1,500) feet in length, and in no case shall more than fifty (50) dwelling units front on any cul-de-sac.
- F. Internal undivided two-lane roads, shall have a minimum unobstructed driving surface of twenty (20) feet.
- G. Within 1/4-acre lot villages, roads will be a minimum of twenty (20) feet wide.

- H. Internal roads, not including the main boulevard, where centerline radii are less than 180 feet, but more than 100 feet, the speed limit shall be reduced to 15 mph and the allowable pavement width shall be 20 feet exclusive of curbs.
- I. The Developer shall dedicate right-of-way needed to accomplish the proposed intersection improvements on Markham Woods Road within 60 days of Final Master Plan approval. This condition has been satisfied.
- J. The Developer shall be responsible for necessary resignalization of the Markham Woods Road/Lake Mary Boulevard intersection in conjunction with the proposed intersection improvements.

The Developer will participate in the cost of implementing the County closed loop traffic signal system from Markham Woods Road to I-4. The level of participation will be based upon a fair share contribution of Alaqua Phase IV traffic.

#### VIII. LANDSCAPING, SIGNAGE AND BUFFERS

- A. Landscaping along Markham Woods Road will consist of a combination of trees, wall, or landscape plantings to provide an attractive visual buffer within a ten (10) foot landscape easement behind the right-of-way.
- B. This project shall comply with the provisions of the Seminole County Arbor Ordinance and no trees shall be removed without a permit.
- C. All landscaped areas to comply with site distance requirements per Green Book Standards.
- D. In addition to signage permitted in the Land Development Code, the applicant shall be permitted an identification sign for Alaqua, not to exceed thirty-two (32) square feet of copy area, located along Markham Woods Road.
- E. There will be a 100 foot natural buffer between the maintenance facility and the north property line and the maintenance facility and Markham Woods Road. The buffer will be supplemented with additional plant material where necessary to create a visually opaque screen.
- F. A landscaped buffer shall be provided between Parcel B and the golf course to the east.
- G. Developer shall fund up to 50 percent of the cost of a 6 foot masonry wall for the entire length of Heathrow Woods and Alaqua Lakes, provided that the residents of Heathrow Woods and the Developer can arrive at an agreement as to the type and design of the wall structure. This obligation of the Developer shall expire if such an agreement has not been reached by May 14, 1997.
- H. The Developer shall provide the following buffers:

1. A 25 foot buffer on the south side of Tract D, backing up to the lots in Alaqua.
  2. A 50 foot irrigated landscaped buffer shall be installed abutting the eastern property lines of Lots 17 and 18, Alaqua Lakes Phase II, located at the southern end of Deer Chase Run, adjacent to the Florida Power Corporation power line easement. This buffer shall consist of a minimum of 84 slash pines (5-6 feet in height at installation), supplemented with a minimum of 109 wax myrtles (2-3 feet in height at installation), to create opacity within 24 months of planting, according to the attached Exhibit B, Alaqua Lakes Buffer sketch plan dated March 23, 2001.
  3. Retention of a 50 foot natural buffer north of the driving range, which shall include the replanting of the dirt road.
  4. Retention of a 100 foot natural buffer between Parcel V and the right-of-way line of Markham Woods Road.
- I. The Developer shall demonstrate that at least fifty percent (50%) of the trees located within the developable areas of Tract V, including areas subject to residential platting, are preserved on-site. When fifty percent (50%) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented as provided for in the Land Development Code of Seminole County. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper.
  - J. An upland buffer average 50 feet but no less than 25 feet in width shall be maintained surrounding areas assigned the Conservation land use designation or the FP-1 or W-1 zoning classification or properties which have been designated as conservation areas or conservation easements within or adjacent to Tract V.

## IX. RECREATION AND OPEN SPACE

Recreation facilities will consist of community parks for the use of residents, an 18-hole golf course, clubhouse, possible tennis facilities and other uses as shown on the Master Plan.

The Community Park will contain a grass play field, playground structure, parking and picnic tables and other uses for the exclusive use of Alaqua Lakes residents. This facility will be constructed prior to or concurrent with the development of Tracts C, L, or G, whichever is first. Parks (Tract P) that are contiguous to or within a village will be improved concurrent with that village.

The golf course will be constructed prior to the 250th Certificate of Occupancy. The golf practice range will not be lighted for nighttime usage.

X. FACILITY COMMITMENTS

A. Drainage, Recharge, and Water Quality Commitments

1. Developer has conveyed or will convey fee simple title of approximately 462.7 acres of floodprone lands and wetlands located along the Little Wekiva River indicated as Tracts 2A, 2B, 3D, 3E and 4 on the Final Master Plan of Alaqua Lakes PUD (the "Property"), to any appropriate governmental agency which is acceptable to Seminole County, subject to and conditioned upon the approval of all local, state, and federal governments and agencies having jurisdiction of Phase 1 of Alaqua Lakes PUD as depicted on the Final Master Plan. Conveyances will coincide no later than with the recording of the Plat for Phase 1. Provided, however, conveyances shall be subject to the following: (1) conveyance of that portion of Tract 4 of the Property as described in Exhibit "2" attached hereto shall only be at the direction and subject to the approval of the St. Johns River Water Management District and (2) conveyance of that portion of Tract 4 of the Property as described in Exhibit "3" attached hereto shall only be at the direction and subject to the approval of the Army Corps of Engineers (ACOE); (3) Developer has committed to grant a conservation easement over those portions of Tract 3E and Tract 4 of the Property as described on Composite Exhibit "4" attached hereto as a condition of Developer's Application No. 4-177-0081AM4 and September 27, 1990, Consent Order with the St. Johns River Water Management District;
2. All Stormwater Management Design shall comply with provisions of the Wekiva River Protection Act as implemented by the St. Johns River Water Management District through their permit process;
3. The golf course shall use lake water for irrigation to the fullest extent possible;
4. The golf course shall use only EPA approved herbicides, fertilizers, and pesticides and all spraying is to be undertaken by State Licensed Professional Sprayers;
5. There shall be a water quality monitoring program pursuant to a plan approved by Seminole County and the St. Johns River Water Management District;
6. The Developer shall also adopt a herbicide and pesticide management plan setting forth appropriate application rates with all spraying to be undertaken

only by state licensed professional sprayers using only EPA approved chemicals; and

7. An alternate drainage easement will be provided to FDOT for their existing easement. All other off-site flows onto the project shall be accommodated.
8. The stormwater management plan may utilize on-site wetlands for stormwater detention consistent with all agency requirements.
9. Within Tract N, Golf Course, the goal is that 40 percent of the land comprising the 18 holes will not be regularly irrigated, fertilized or actively maintained. These areas will be areas that, where disturbed during construction, will be re-vegetated with plant material generally indigenous to the area. Design of the restored areas shall utilize the principles of Xeriscape design. Xeriscape design addresses the use of appropriate plant materials that do not require abnormal maintenance and require little supplemental irrigation to grow properly.

The final golf course plans and the golf course management plan will be reviewed with The Friends of the Wekiva prior to submission to Seminole County for permit approval. The Developer reserves the right to adjust the design of the course over the life of the course for reasons of playability; however, the area that is regularly irrigated, fertilized, and actively maintained will not be permitted to increase more than 10 percent of the land comprising the 18 holes over the life of the course.

10. Regarding the existing weir, adjacent to Lot 51 within Alaqua, the redesign for permitting purposes shall maintain (control) the water elevation at basically the same.

- B. *Water and Sewer* - Central water and sewer service will be provided by Seminole County for all parcels except Parcel V, which may be on septic tank.

A water reuse agreement will be considered concurrently with the preparation of the utility agreement.

C. Law Enforcement

- 1) The Developer shall pay a voluntary law enforcement impact fee of \$75.00 per residential unit until such time as Seminole County adopts a mandatory law enforcement impact fee program.
- 2) Seminole County Law Enforcement shall be permitted to enter Alaqua Lakes for the purpose of traffic law enforcement.

D. Concurrency Management

Pursuant to Part II, Section 5(t)(3) of Ordinance 92-5, within eighteen (18) months of the September 22, 1992 Board of County Commissioner's approval of the original Alaqua Lakes Commitment Agreement and associated Final Master Plan, the Developer must both convene a Preconstruction Conference with Seminole County to initiate construction and pay all water and sewer and road reservation fees as identified in the Notices of Concurrency Review Test Results for concurrency application number 92-0035-010-0000 and 93-0025-010-0000. If either condition is not met within the specified time frame, the approval of this Commitment Agreement and the PUD Final Master Plan shall be automatically terminated and such approvals shall no longer be valid, in force, or in effect. In such event, any subsequent approvals issued by Seminole County will likewise be terminated and invalidated without any further action being taken by the Board of County Commissioners. Notwithstanding the foregoing, the Developer agrees to take such actions and execute such documents as may be reasonably requested by the County.

It is noted that the Developer has entered into a formal development agreement with Seminole County under the provisions of the Part IV of Ordinance 92-5. Construction may be initiated and reservation fees shall be paid in accordance with these terms and conditions of such agreement.

- E. A breakthrough connection consisting of a 20 foot unobstructed driving surface shall be constructed between Tract L and Phase III of Alaqua for the purposes of emergency access.
- F. A cul-de-sac shall be provided on Hassi Point.

XI. OTHER COMMITMENTS

- A. *Maintenance* - A mandatory Homeowners Association will be established to maintain all common areas within the development including the internal roads, landscaped areas within the medians along the main boulevard and any plant material installed by the Developer in the median of Markham Woods Road at the intersection of Lake Mary Boulevard.
- B. Unless specifically addressed in this Agreement, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.
- C. *Developers Definition* - When the term "DEVELOPER" is used herein, same shall be taken or constructed to mean Taylor Woodrow Communities, a Florida general partnership.

All obligations, liabilities, and responsibilities incurred by or implied by the Developer by this Agreement shall be assumed by any successors in interest as the overall Developer of the Planned Unit Development.

Approved and Accepted:

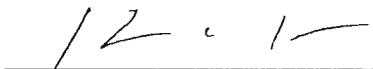
Taylor Woodrow Communities,  
a Florida general partnership

By: Taylor Woodrow Homes Florida, Inc.,  
a Florida corporation, a general partner

By:   
\_\_\_\_\_  
Keith Bass as  
Its: Vice -President

Date: 1-17-02

By: Monarch Homes of Florida, Inc.,  
a Florida corporation, a general partner

By:   
\_\_\_\_\_  
Keith Bass as  
Its: Vice- President

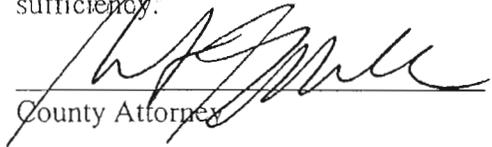
Date: 1-17-02

Attest:



Maryanne Morse  
Clerk to the Board of County  
Commissioners of Seminole County, Florida

For the use and reliance of Seminole County  
only. Approved as to form and legal  
sufficiency.

  
County Attorney

BOARD OF COUNTY  
COMMISSIONERS, SEMINOLE  
COUNTY, FLORIDA

By:   
Daryl G. McLain, Chairman

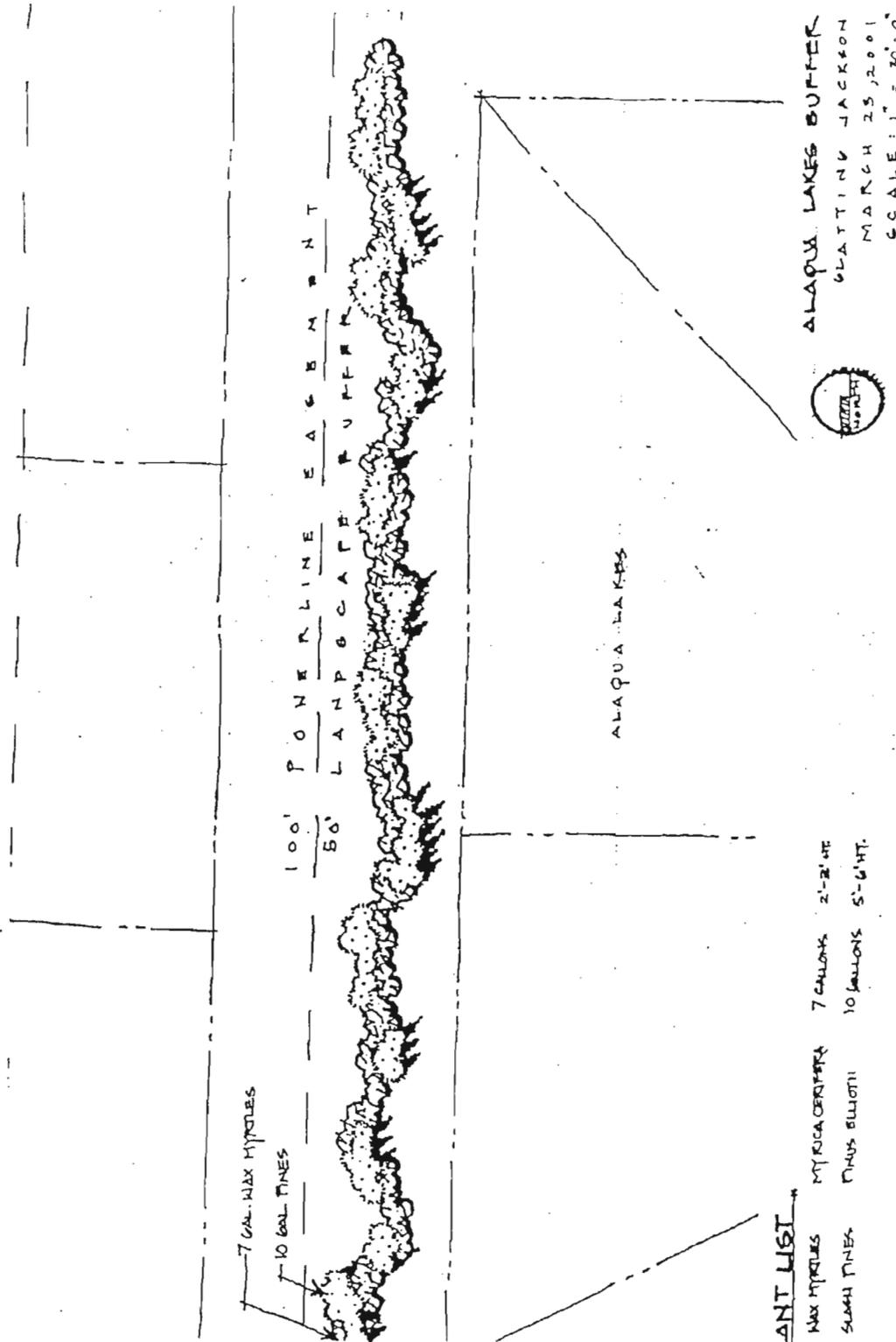
Date: 02/07/02

As authorized for execution by the Board  
of County Commissioners at their Apr 24,  
2001 regular meeting.

EXHIBIT "A"  
Alaqua Lakes PUD Final Master Plan

(Located in the record of the  
Seminole County Planning and Development Department)

EXHIBIT "B"  
 Buffer Sketch Plan for Lots 17 and 18, Alaqua Lakes Phase II  
 (located at the southern end of Deer Chase Run)



ALAQUA LAKES BUFFER  
 PLANNING JACKSON  
 MARCH 25, 2001  
 SCALE: 1" = 30.0'

- PLANT LIST
- MAX HYDRUS MYRICA CERIFERA 7 GALLONS 2'-2 1/2' HT.
  - SLASH PINES PINUS ELLIOTTI 10 GALLONS 5'-6' HT.

BK 282 PG 2049

## EXHIBIT "1"

### PARENT TRACT

#### DESCRIPTION:

That portion of Sections 10, 11, 14 and 15, Township 20 South, Range 29 East, Seminole County, Florida, described as follows:

BEGIN at the Northeast corner of Lot 1, ALAQUA PHASE I, as recorded in Plat Book 33, Pages 67 through 71, of the Public Records of Seminole County, Florida; thence run the following four courses along the Northerly line of said ALAQUA PHASE I and the East line of ALAQUA PHASE II, as recorded in Plat Book 38, Pages 27 through 29, of said Public Records; thence run N 89° 39'27" W for a distance of 1327.90 feet; thence run S 00°23'49" E for a distance of 863.75 feet; thence run N 89° 42'48" W for a distance of 1322.51 feet; thence run N 00°50'26" W for a distance of 1996.10 feet to the Northeast corner of said ALAQUA PHASE II; thence run the following 3 courses along the Northerly line of said ALAQUA PHASE II and the Northerly line of ALAQUA PHASE III, as recorded in Plat Book 42, Pages 1 through 8, of said Public Records; thence run N 89° 53'43" W for a distance of 2366.46 feet; thence run N 00° 51'49" W for a distance of 2647.89 feet; thence run N 89°50'15" W for a distance of 1526.00 feet to a point on the Southerly line of lands described in Official Record Book 1656, Page 1928 of said Public Records; thence run N 00° 18'07" E along said Southerly line for a distance of 1702.89 feet; thence run S 89°41'53" E along said Southerly line and the Southerly line of HEATHROW WOODS, as recorded in Plat Book 41, Pages 26 through 30 of said Public Records and the Westerly extension thereof, for a distance of 7863.02 feet to a point on a non-tangent curve concave Northwesterly having a radius of 1129.75 feet and a chord bearing of S 15° 58'19" W, said point being on the Westerly Right-of-Way line of Longwood-Markham Road (Markham Woods Road) as described in Official Record Book 1825, Page 1768 of the Public Records of Seminole County, Florida; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 04°29'42" for a distance of 88.63 feet to the point of tangency; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 830.43 feet; thence run S 25°44'05" W for a distance of 104.54 feet to the point of curvature of a curve concave Southeasterly having a radius of 1919.37 feet; thence run Southwesterly along the arc of said curve through a central angle of 07° 30'55" for a distance of 251.76 feet; thence run S 18° 13'10" W for a distance of 187.20 feet; thence run S 18° 48'47" W for a distance of 193.02 feet; thence run S 18°13'10" W for a distance of 117.12 feet to the point of curvature of a curve concave Southeasterly having a radius of 971.53 feet; thence run Southwesterly along the arc of said curve through a central angle of 13° 47'38" for a distance of 233.90 feet; thence run S 04° 25'32" W for a distance of 17.37 feet; thence run S 18°13'10" W along said Westerly Right-of-Way line for a distance of 1.84 feet to the point of curvature of a curve concave Southeasterly having a radius of 590.07 feet; thence run Southwesterly along the arc of said curve and said Westerly Right-of-Way line through a central angle of 29°54'04" for a distance of 307.94 feet to the point of tangency; thence run S 11° 40'54" E along said Westerly Right-of-Way line for a distance of 3047.96 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run Southeasterly along the arc of said curve and said Westerly Right-of-Way line through a central angle 10°41'37" for a distance of 301.49 feet; thence run S 00°59'17" E along said Westerly Right-of-Way line for a distance of 393.17 feet to the North line of ALAQUA DRIVE (100' Right-of-Way); thence run N 89° 38'54" W along said North Right-of-Way line for a distance of 1275.69 feet to the East line of the aforesaid Lot 1, ALAQUA PHASE I; thence run N 00°01'34" E along said East line for a distance of 230.00 feet to the Point of Beginning.

**BK 282 PG 2050**

Containing 795.458 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

# SKETCH OF DESCRIPTION

## PARCEL 3

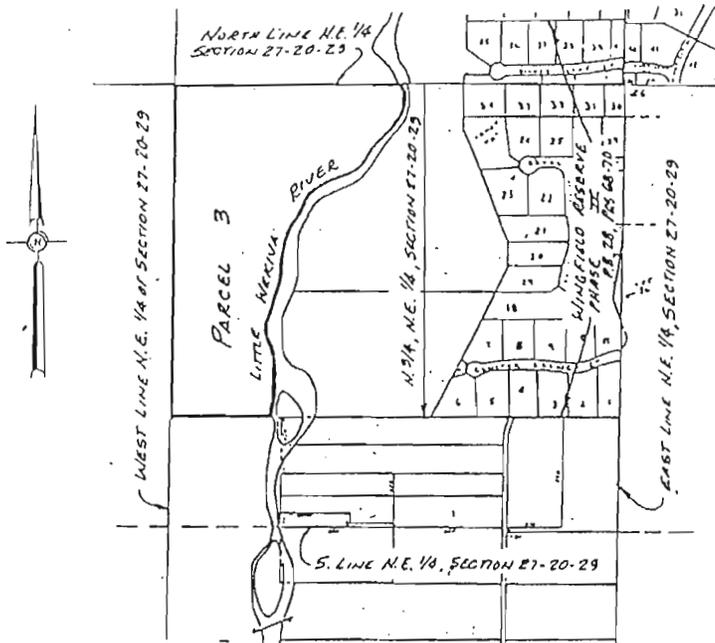
**DESCRIPTION:**

That part of the North 3/4 of the Northeast 1/4 of Section 27, Township 20 South, Range 29 East, Seminole County, Florida, lying West of the Little Wekiva River.

Being subject to any rights-of-way, restrictions and easements of record.

**SURVEYOR'S NOTES:**

- This is not a survey.
- Description based on information provided by client.



LEGIBILITY UNSATISFACTORY  
FOR MICROFILMING

I hereby certify that this sketch, subject to the surveyor's notes contained hereon, meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 21HH-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DONALD W. McINTOSH ASSOCIATES, INC.

*Ruby Can*  
Rocky Carr  
State of Florida PLS #4285

NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL

PREPARED FOR: <h3 style="text-align: center;">ALAUQA COUNTRY CLUB</h3> <p style="text-align: center;">CONSERVATION EASEMENT</p>					
		DATE	BY	DESCRIPTION	
		REVISIONS			
DONALD W. McINTOSH ASSOCIATES INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 644 4068		FIELD BOOK _____ PG _____			
DRAWN BY <u>E.N.</u>		CHECKED BY <u>EC</u>		SURVEY _____	
DATE <u>7/20/91</u>		DATE <u>7-30-91</u>		FOUNDATION _____	
JOB NO <u>9119-0095</u>		SCALE <u>1" = 800'</u>		FINAL _____	
		SHEET <u>1</u>			
		OF <u>1</u>			

BK 282 PG 2051 BK 185 PG 1638

FILE NUM 2002832833  
DR BOOK 04327 PAGE 1735

## DESCRIPTION:

That part of Section 22, Township 20 South, Range 29 East, Seminole County, Florida lying East of the Little Wekiva River, West of the following recorded subdivisions: WINGFIELD RESERVE PHASE II recorded in Plat Book 28, Pages 68 through 70; WINGFIELD RESERVE PHASE III recorded in Plat Book 32, Pages 36 through 39; and WINGFIELD NORTH II recorded in Plat Book 38, Pages 44 through 46;

## LESS AND EXCEPT:

Begin at the Southwest corner of Tract "J", ALAQUA PHASE III, recorded in Plat Book 42, Pages 1 through 8, thence run S  $89^{\circ}39'38''$ E along the South line of said Tract "J" for a distance of 2640.44 feet to the Southeast corner thereof; thence run S  $89^{\circ}45'48''$ E along the South line of Tract "B", ALAQUA PHASE I, recorded in Plat Book 33, Pages 67 through 71 for a distance of 72.87'; thence run S  $00^{\circ}14'13''$ W along the Westerly boundary of WINGFIELD NORTH II recorded in Plat Book 38, Pages 44 through 46 for a distance of 153.32 feet; thence run S  $33^{\circ}24'20''$ W along the West line of Drainage Easement described in Official Records Book 1854, Page 1063 for a distance of 223.54 feet; thence run N  $89^{\circ}39'38''$ W along a line parallel with and 340.53 feet South of the South line of said Tract "J", ALAQUA PHASE III for a distance of 2591.62 feet; thence run N  $00^{\circ}20'22''$  E for a distance of 340.53 feet to the Point of Beginning.

## NOTES:

- This description contains 120 acres of unencumbered property shown as Parcel 4 on the attached Sketch of Description (the "Sketch"). The Sketch has lessed out three easement areas. However, the legal description contains fee simple title to the property underlying the easements. The Sketch was prepared as shown to calculate 120 acres of unencumbered wetlands.

The easements are:

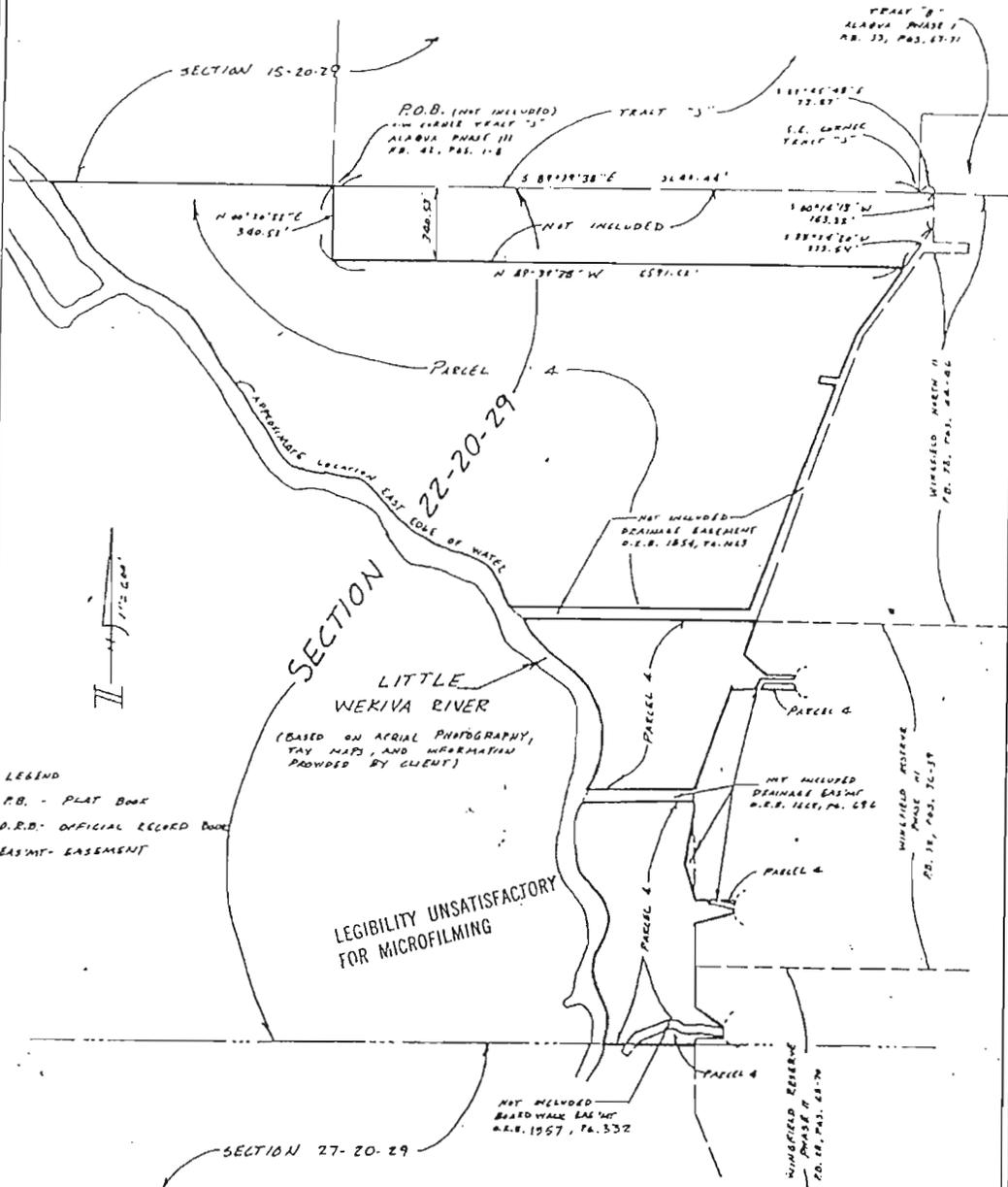
1. Drainage Easement from Wingfield Development Company to Seminole County dated March 31, 1987, recorded in Official Records Book 1854, Page 1063 of the Public Records of Seminole County, Florida.
2. Drainage Easement from Wingfield Development Company to Seminole County dated May 2, 1985, recorded in Official Records Book 1662, Page 0696.
3. A portion of the right-of-way and easement given by Wingfield Reserve Corporation to Wingfield Reserve Homeowners Association, Inc., dated May 11, 1988, recorded in Official Records Book 1957, Page 0332 of the Public Records of Seminole County, Florida.

D:\21211\91002\EXHIBIT

BK 185 PG 1639

BK 282 PG 2052

# SKETCH OF DESCRIPTION



LEGEND  
 P.B. - PLAT BOOK  
 O.R.B. - OFFICIAL RECORD BOOK  
 EASMT - EASEMENT

LEGIBILITY UNSATISFACTORY FOR MICROFILMING

PREPARED FOR:  
**ALAUQA COUNTRY CLUB**

DATE	BY	DESCRIPTION
REVISIONS		



**DONALD W. MCINTOSH ASSOCIATES INC.**  
 ENGINEERS PLANNERS SURVEYORS  
 2700 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 644 4068

FIELD BOOK \_\_\_\_\_ PG \_\_\_\_\_  
 SURVEY \_\_\_\_\_  
 FOUNDATION \_\_\_\_\_  
 FINAL \_\_\_\_\_

DRAWN BY <u>JGK</u> DATE <u>4-4-51</u>	CHECKED BY <u>EC</u> DATE <u>9/4/51</u>	JOB NO <u>9112C.0015</u>	SCALE <u>1" = 600'</u>	SHEET <u>2</u> OR <u>2</u>
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BK 185 PG 1640

CS. # 91-195 (1)

BK 282 PG 2053

FILE NUM 2002832833  
 OR BOOK 04327 PAGE 1737

# SKETCH OF DESCRIPTION

## PARCEL 1

### DESCRIPTION:

That part of Tract "J", ALAQUA PHASE III, recorded in Plat Book 42, Pages 1 through 8 of the Public Records of Seminole County, Florida, lying Northerly and Easterly of the following described line:

Commencing at the Southeast corner of Tract "J", ALAQUA PHASE III, recorded in Plat Book 42, Pages 1 through 8 of the Public Records of Seminole County, Florida; said point also being the Southwest corner of Tract "B", ALAQUA PHASE I, recorded in Plat Book 33, Pages 67 through 71 of the Public Records of Seminole County, Florida; said point also being the Southeast corner of the North 1/2 of the Northeast 1/4 of Section 22, Township 20 South, Range 29 East, as shown on said plat of ALAQUA PHASE III; thence run N 00°14'12" E, along the Easterly boundary of said Tract "J", ALAQUA PHASE III, a distance of 294.16 feet to the POINT OF BEGINNING of the line being herein described; thence departing said Easterly boundary of Tract "J", ALAQUA PHASE III, run the following 10 courses to the Point of Termination of the said line: S 86°48'30" W, a distance of 61.15 feet; thence run N 26°56'54" W, a distance of 123.00 feet; thence run S 86°49'15" W, a distance of 304.10 feet; thence run S 69°06'41" W, a distance of 289.78 feet; thence run N 28°44'11" W, a distance of 107.57 feet; thence run N 82°24'47" W, a distance of 133.70 feet; thence run N 14°03'38" E, a distance of 208.78 feet; thence run N 06°00'06" E, a distance of 157.56 feet; thence run N 07°42'06" W, a distance of 308.17 feet; thence run N 43°00'03" E, a distance of 229.34 feet to the Westerly line of Tract "C" of the aforesaid ALAQUA PHASE I plat, being the Point of Termination of the line herein described, said point being more particularly described as lying N 00°03'29" E, a distance of 29.79 feet, when measured, from the Southerly end of a tangent line being described as having a bearing of N 00°03'29" E, and an overall distance of 145.00 feet, as shown on said plat of ALAQUA PHASE I.

AND:

## PARCEL 2

That part of the North 3/4 of the Northeast 1/4 of Section 27, Township 20 South, Range 29 East, bounded as follows:

- On the West by the Little Wekiva River;
- On the South by the Westerly extension to the Little Wekiva River, of the North line of Lot 18, WINGFIELD RESERVE PHASE II, recorded in Plat Book 28, Pages 68 through 70 of the Public Records of Seminole County, Florida;
- On the East by said WINGFIELD RESERVE PHASE II;
- On the North by the North line of said North 3/4 of the Northeast 1/4 of Section 27, Township 20 South, Range 29 East, Seminole County, Florida.

Being subject to any rights-of-way, restrictions and easements of record.

I hereby certify that this sketch, subject to the surveyor's notes contained hereon, meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 21H14-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DONALD W. MCINTOSH ASSOCIATES, INC.

*Rocky Carlin*  
Rocky Carlin  
State of Florida PLS #4235

NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL

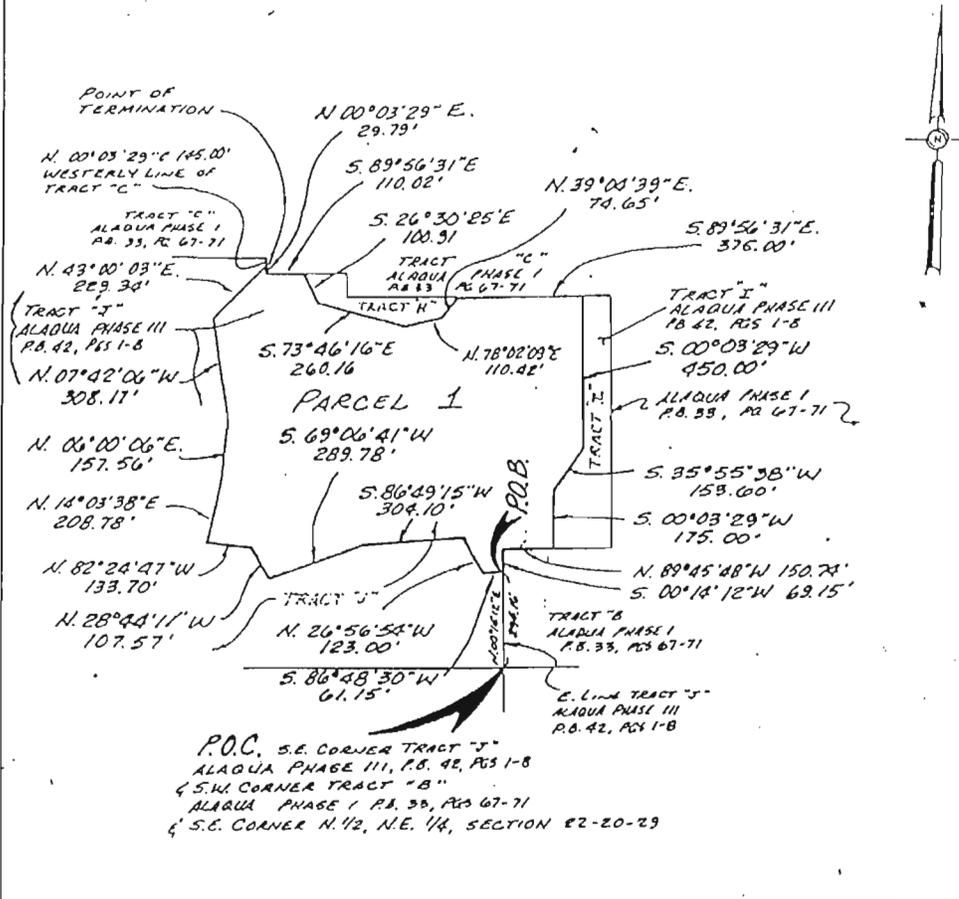
PREPARED FOR:					
<b>ALAQUA COUNTRY CLUB</b>					
CONSERVATION EASEMENTS					
		DATE	BY	DESCRIPTION	
		REVISIONS			
DONALD W. MCINTOSH ASSOCIATES INC. ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 644 4068		FIELD BOOK _____ PG _____		SURVEY _____	
DRAWN BY <u>E.N.</u>	CHECKED BY <u>RL</u>	JOB NO <u>31179.0095</u>	SCALE <u>N.A.</u>	SHEET <u>1</u>	FOUNDATION _____
DATE <u>7/30/91</u>	DATE <u>7/30/91</u>			OF <u>3</u>	FINAL _____

FILE NUM 2002832833  
OR BOOK 04327  
PAGE 1738

# SKETCH OF DESCRIPTION

**SURVEYOR'S NOTES:**

- This is not a survey.
- Bearings based on the East line of Tract "J", ALAQUA PHASE III, recorded in Plat Book 42, Pages 1 through 8 of the Public Records of Seminole County, Florida, being N 00°14'12" E.
- Description based on information provided by client.



PREPARED FOR:					
<b>ALAQUA COUNTRY CLUB</b>					
CONSERVATION EASEMENT					
		DATE	BY	DESCRIPTION	
		REVISIONS			
<b>DONALD W. McINTOSH ASSOCIATES INC.</b> ENGINEERS PLANNERS SURVEYORS 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 644.4068		FIELD BOOK _____ PG _____			
		SURVEY _____			
DRAWN BY <u>R.N.</u> DATE <u>7/29/91</u>	CHECKED BY _____ DATE _____	JOB NO _____	SCALE 1" = 400'	SHEET <u>2</u> of <u>3</u>	FOUNDATION _____ FINAL _____

COMPOSITE EXHIBIT # BK 185 PG 1642 CS 91-195  
Page 2 of 3

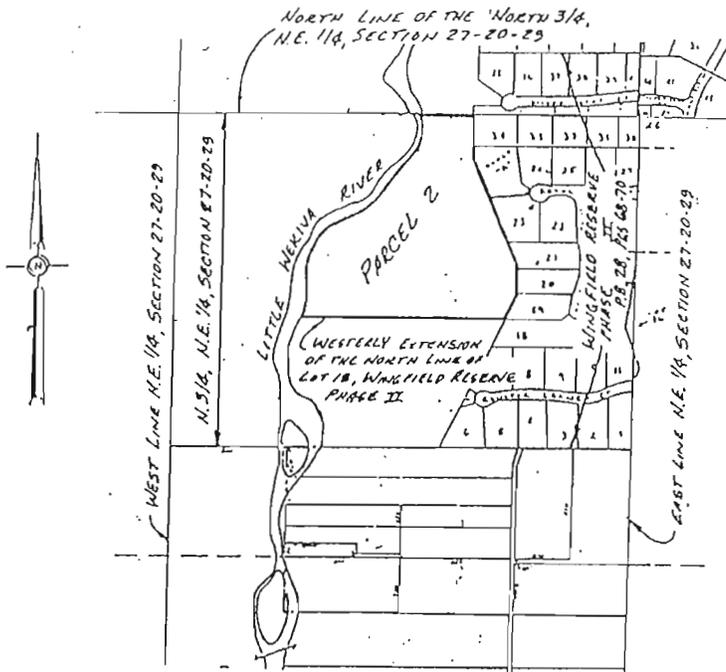
BK 282 PG 2055

FILE NUM 2002832833  
 OR BOOK 04327 PAGE 1739

# SKETCH OF DESCRIPTION

## SURVEYOR'S NOTES:

- This is not a survey.
- Description based on information provided by client.



LEGIBILITY UNSATISFACTORY  
FOR MICROFILMING

PREPARED FOR:					
ALAQUA COUNTRY CLUB					
CONSERVATION EASEMENT					
		DATE	BY	DESCRIPTION	
		REVISIONS			
 DONALD W. McINTOSH ASSOCIATES INC. ENGINEERS PLANNERS SURVEYORS 2700 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 GAA 40GB		FIELD BOOK _____		PG _____	
DRAWN BY <u>E.N.</u>		CHECKED BY _____		SURVEY _____	
DATE <u>7/20/01</u>		JOB NO <u>21119.0025</u>		FOUNDATION _____	
		SCALE <u>1" = 800'</u>		FINAL _____	
		SHEET <u>3</u>			
		OF <u>2</u>			

COMPOSITE EXHIBIT "4" BK 185PG 1643 C.S. 91-195  
Page 3 of 3

BK 282 PG 2056

FILE NUM 2002B32833  
OR BOOK 04327 PAGE 1739A

February 12, 2008

Board of County Commissioners  
Seminole County Services Building  
1101 E. First Street  
Sanford, FL 32771

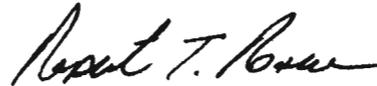
RE: Alaqua Lakes Community Association, Inc./Dello Russo De-Annexation

Dear Sir or Madame:

I am the President of Alaqua Lakes Community Association, Inc. Please accept this letter as notification that the Association has approved the de-annexation of the Dello Russo property from Alaqua Lakes PUD and the covenants and restrictions for Alaqua Lakes, subject to the execution and recordation of the Agreement between the parties enclosed herewith. I am enclosing with this letter a copy of the Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Alaqua Lakes de-annexing the property, as well as a copy of the referenced Agreement.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Robert T. Rosen,  
President of Alaqua Lakes  
Community Association, Inc.

RTR/nev  
Enclosures