



506 WEST BERCKMAN STREET
FRUITLAND PARK, FL 34731

PHONE: 352/ 360-6727
FAX: 352/ 360-6652

Board Members:

City Manager Gary La Venia, Chairman
City Engineer Duane Booth
City Land Planner Greg Beliveau
Jeff Gerling, Building Official
Judd Wright, Fire Inspector
Tracy Kelley, CDD

Board Members:

Chief Mike Fewless, Police Department, Vice Chair
Chief Donald Gilpin, Fire Department
Dale Bogle, Public Works Director
Lori Davis, Code Enforcement

AGENDA
TECHNICAL REVIEW COMMITTEE
SEPTEMBER 4, 2018
10:00AM

- I. MEETING CALLED TO ORDER:**
- II. MEMBERS PRESENT:**
- III. MINUTES FROM PREVIOUS MEETING:** Approve meeting minutes from August 7, 2018
- IV. OLD BUSINESS: NONE**
- V. NEW BUSINESS:**
- A. Jim Richardson Plat Vacation Application for Vacant Property located west of Hawk Landing and north of Otters Pond Road (ALT Key #3776296)
- The Wingspread Property Owners Association is seeking to vacate Sub Tract B to sell to the adjacent property owner within the Wingspread Development, Jim Richardson

MEMBERS' COMMENTS:

ADJOURNMENT:



City of Fruitland Park, Florida
Community Development Department
 506 W. Berckman St., Fruitland Park, Florida 34731
 Tel: (352) 360-6727 Fax: (352) 360-6652
 www.fruitlandpark.org

Staff Use Only

Case No.: _____
 Fee Paid: _____
 Receipt No.: _____

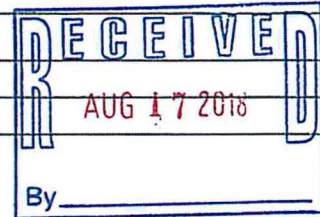
Development Application

Contact Information:

Owner Name: Wingspread Owners Association, Inc.
 Address: 2501 W Main St, Unit 110, Leesburg, FL 34748
 Phone: 352-326-8365 Email: manager@floridacamschools.com

Applicant Name: James Richardson
 Address: 1325 Otters View Ct, Fruitland Par, FL 34731
 Phone: 352-874-7606 Email: jrichardson@eragrizzard.com

Engineer Name: _____
 Address: _____
 Phone: _____ Email: _____



Property and Project Information:

PROJECT NAME*: Wingspread, Sub Tract B
 *A project name is required for all submissions. Please choose a name representative of the project for ease of reference.

Property Address: Otters View Ct, Fruitland Park, FL 34731

Parcel Number(s): 17-19-24-230000B00000 Section: 17 Township: 19 Range 24

Area of Property: 2.39 Acres Nearest Intersection: CR 468 and Lewis Rd

Existing Zoning: PUD Existing Future Land Use Designation: _____

Proposed Zoning: PUD Proposed Future Land Use Designation: _____

The property is presently used for: WRA

The property is proposed to be used for: WRA

Do you currently have City Utilities? In the subdivision, not on this parcel

Application Type:

- | | | | |
|------------------------------------------|------------------------------------------------|-------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Minor Lot Split | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Construction Plan | <input checked="" type="checkbox"/> ROW/Plat Vacate |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Site Plan | <input type="checkbox"/> Replat of Subdivision | |

Please describe your request in detail: Partial Plat Vacate, Wingspread Owners Association, Inc would live to vacate tract B of the original plat. There is no access to maintain this parcel and we would like to sell it to an adjacent owner.

Required Data, Documents, Forms & Fees

Attached to this application is a list of **REQUIRED** data, documents and forms for each application type as well as the adopted fee schedule. These items must be included when submitting the application package. Failure to include the supporting data will deem your application package **INCOMPLETE** and will not be processed for review.

Signature:  Date: 8/16/18

If application is being submitted by any person other than the legal owner(s) of the property, the applicant must have written authorization from the owner to submit application.

Development Application Checklist

The Following are Required for ALL Development Applications:

- Legal Description (Word file req'd) Current Deed Aerial Photo
 Property Appraiser Information Electronic Copy of Application Location Map

Pre-application conferences are strongly encouraged. Submit TWO CDs with ALL documents in pdf; those that are generated as CAD files should be submitted in pdf and dwg formats. Legal Descriptions should also come with a MS Word file of the legal description. Most maps are accessible through www.lakecountyfl.gov/maps/. Note: All maps are required to depict adjacent properties at a minimum.

Failure to provide adequate maps may delay the application process.

Other Required Analyses and Maps:

Small Scale Comprehensive Plan Amendment Applications:

- Justification for Amendment Environmental Constraints Map Requested FLU Map

Large Scale Comprehensive Plan Amendment Applications:

Maps: Environmental Constraints Soils Requested FLUM Designation Requested Zoning Map Designation

Analyses: Environmental Assessment Utility Availability Analysis Urban Sprawl Analysis School Impact Analysis
 Traffic Impact Analysis Consistency with the Comp Plan Florida Master Site File sign-off or Archaeological Survey

Rezoning Applications: Requested Zoning Map Justification for Rezoning

Planned Development Applications:

Maps/Plans: Conceptual Plan as Described in LDRs Chapter 154, Section 154.030,10,G Environmental Constraints

Analyses: Environmental Assessment Traffic Impact Analysis Preliminary Concurrency Analysis

Variance Applications: Justification for Variance

Special Exception Use Applications:

- Justification for Special Exception Use
 Site Sketch List of Special Requirements as Described in LDRs, Chapter 155

Conditional Use Permit Applications:

- Proposed List of Conditions and Safeguards
 Site Plan as Described in LDRs, Chapter 155 Written Statement as Described in LDRs, Chapter 155

Subdivision Applications:

(Preliminary Plan, Improvement Plan and Final Plat)

- As Described in LDRs, Chapter 157

Minor Subdivision Applications:

- As Described in LDRs, Chapter 157

Site Plan Applications:

- As Described in LDRs, Chapter 160



APPLICANT'S AFFIDAVIT

STATE OF Florida

COUNTY OF Lake

Before me, the undersigned authority, personally appeared James Richardson

_____, who being by me first duly sworn on oath, deposes and says:

- 1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Fruitland Park, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Fruitland Park, Florida, and are not returnable.
- 2) That the submittal requirements for the application have been completed and attached hereto as part of that application.
- 3) That he/she desires _____ to allow _____

[Signature]
Affiant (Applicant's signature)

Signed and sworn to (or affirmed before me on 16th
(date) by August 2018 (name of affiant).

James Richardson
He/she is personally known to me or has produced _____ (type of identification) as

identification.



[Signature] (Signature of Person Taking Acknowledgment)

EB Barbieux (Name of Acknowledger Typed, Printed or Stamped)

(Title or Rank)



(Serial Number, if any)

(NOTARY'S SEAL)

Legal Description

FRUITLAND PARK, WINGSPREAD SUB TRACT B PB 38 PGS 64-67 |
ORB 2271 PG 1059

Kelly Turner

From: Kelly Turner
Sent: Wednesday, August 08, 2018 1:23 PM
To: 'Betsy Barbieux'
Subject: Development Application Wingspread Owners Association Inc Plat Vacate
Attachments: FW: Wingspread, Sub Tract B Vacate Application

Good Afternoon,

Please be aware that your application has been deemed incomplete. The Owner Affidavit as well as the Applicant Affidavit is required, as outlined in the attached email. Also, please submit the full legal description of the property referenced in your application.

Thank you,

*Kelly Turner, CFM
Administrative Assistant
Community Development Dept
City of Fruitland Park
506 W Berckman St
Fruitland Park, FL, 34731
(352)360-6727
FAX: 352-360-6652*

PROPERTY RECORD CARD

General Information

Owner Name:	WINGSPREAD OWNERS ASSN INC	Alternate Key:	3776296
Mailing Address:	2501 W MAIN ST UNIT 110 LEESBURG, FL 34748 Update Mailing Address	Parcel Number:	17-19-24-230000B00000
		Millage Group and City:	000F (FRUITLAND PARK)
		Total Certified Millage Rate:	17.8504
		Trash/Recycling/Water/Info:	My Public Services Map ⓘ
Property Location:	OTTERS VIEW CT FRUITLAND PARK FL 34731 Update Property Location ⓘ	Property Name:	-- Submit Property Name ⓘ
		School Locator:	School and Bus Map ⓘ
Property Description:	FRUITLAND PARK, WINGSPREAD SUB TRACT B PB 38 PGS 64-67 ORB 2271 PG 1059		
<p><small>NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.</small></p>			

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class Value	Land Value
1	RESIDENTIAL COMMON ELEMENTS/AREA (0900)	0	0	WRA	1	LT	\$0.00	\$1,000.00

Miscellaneous Improvements

There is no improvement information to display.

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#)

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
2271 / 1059	2/26/2003	Quit Claim Deed	Unqualified	Vacant	\$0.00
2558 / 542	1/28/2003	Quit Claim Deed	Multi-Parcel	Vacant	\$1.00

[Click here to search for mortgages, liens, and other legal documents.](#) ⓘ

Values and Estimated Ad Valorem Taxes ⓘ

Values shown are 2018 'Working Values' subject to change.

The Market Value listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$0	\$0	\$0	5.11800	\$0.00
LAKE COUNTY MSTU AMBULANCE	\$0	\$0	\$0	0.46290	\$0.00
SCHOOL BOARD STATE	\$0	\$0	\$0	4.35500	\$0.00
SCHOOL BOARD LOCAL	\$0	\$0	\$0	2.24800	\$0.00
CITY OF FRUITLAND PARK	\$0	\$0	\$0	3.98630	\$0.00
ST JOHNS RIVER FL WATER MGMT DIST	\$0	\$0	\$0	0.27240	\$0.00
LAKE COUNTY VOTED DEBT SERVICE	\$0	\$0	\$0	0.15240	\$0.00
LAKE COUNTY WATER AUTHORITY	\$0	\$0	\$0	0.25540	\$0.00
NORTH LAKE HOSPITAL DIST	\$0	\$0	\$0	1.00000	\$0.00
				Total: 17.8504	Total: \$0.00

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

Homestead Exemption (first exemption up to \$25,000)	Learn More	View the Law
Additional Homestead Exemption (up to an additional \$25,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	Learn More	View the Law
Limited Income Senior Exemption (applied to city millage - up to \$25,000) ⓘ	Learn More	View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More	View the Law
Widow / Widower Exemption (up to \$500)	Learn More	View the Law
Blind Exemption (up to \$500)	Learn More	View the Law
Disability Exemption (up to \$500)	Learn More	View the Law
Total and Permanent Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Disability Exemption (\$5000)	Learn More	View the Law
Veteran's Total and Permanent Disability Exemption (amount varies)	Learn More	View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More	View the Law
Deployed Servicemember Exemption (amount varies)	Learn More	View the Law
First Responder Total and Permanent Disability Exemption (amount varies)	Learn More	View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More	View the Law

Conservation Exemption (amount varies)	<u>Learn More</u>	<u>View the Law</u>
Tangible Personal Property Exemption (up to \$25,000)	<u>Learn More</u>	<u>View the Law</u>
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	<u>Learn More</u>	<u>View the Law</u>
Economic Development Exemption	<u>Learn More</u>	<u>View the Law</u>
Government Exemption (amount varies)	<u>Learn More</u>	<u>View the Law</u>

Exemption Savings

The exemptions marked with a ✓ above are providing a tax dollar savings of: **\$0.00**

Assessment Reduction Information (3% cap, 10% cap, Agricultural, Portability, etc.)

This property is benefitting from the following assessment reductions with a checkmark ✓

Save Our Homes Assessment Limitation (3% assessed value cap)	<u>Learn More</u>	<u>View the Law</u>
Save Our Homes Assessment Transfer (Portability)	<u>Learn More</u>	<u>View the Law</u>
Non-Homestead Assessment Limitation (10% assessed value cap)	<u>Learn More</u>	<u>View the Law</u>
Conservation Classification Assessment Limitation	<u>Learn More</u>	<u>View the Law</u>
Agricultural Classification	<u>Learn More</u>	<u>View the Law</u>

Assessment Reduction Savings

The assessment reductions marked with a ✓ above are providing a tax dollar savings of: **\$0.00**

NOTE: Information on this Property Record Card is compiled and used by the Lake County Property Appraiser for the sole purpose of ad valorem property tax assessment administration in accordance with the Florida Constitution, Statutes, and Administrative Code. The Lake County Property Appraiser makes no representations or warranties regarding the completeness and accuracy of the data herein, its use or interpretation, the fee or beneficial/equitable title ownership or encumbrances of the property, and assumes no liability associated with its use or misuse. See the posted [Site Notice](#).

CFN 2003026795
Bk 02271 Pgs 1059 - 1060; (2pgs)
DATE: 03/05/2003 02:32:02 PM
JAMES C. WATKINS, CLERK OF COURT
LAKE COUNTY
RECORDING FEES 9.00
TRUST FUND 1.50
DEED DOC 0.70

This instrument prepared by
and return to:
STEVEN J. RICHEY, ESQUIRE
Steven J. Richey, P.A.
Post Office Box 492460
Leesburg, FL 34749-2460

Parcel ID #

This **Quit Claim Deed** executed the ____ day of February, 2003, by **A. A. MOUKHTARA, INC.**, whose post office address is **Route 2, Box 6004, Lake City, Florida 32024**, first party, to **WINGSPREAD OWNERS' ASSOCIATION, INC.**, a Florida **not-for-profit corporation**, whose post office address is **2004 Otters Pond Road, Fruitland Park, Florida 34731**, second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representative, and assigned of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the second party forever, all the right, title interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lake, State of Florida , to-wit:

Tracts B and C, according to the plat of Wingspread Subdivision, recorded in Plat Book 38, Pages 64 through 67, Public Records of Lake County, Florida.

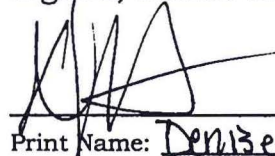
The legal description of the above described property was furnished by the parties hereto and the preparer hereof does not guarantee the accuracy or marketability thereof since no title search was performed.

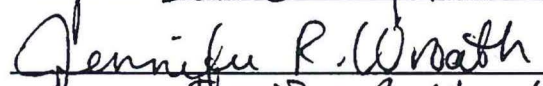
The above described property does not constitute the homestead property of the grantor.

To Have and to Hold, The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, the said first party has signed and sealed these presents the day and year firs above written.

Signed, sealed and delivered in the presence of:


Print Name: Denise Lowmy Hutson


Print Name: Jennifer R. Wroath

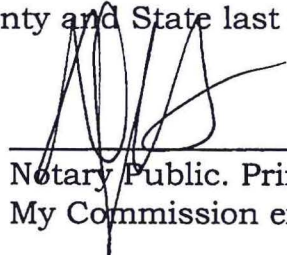

A. A. MOUKHTARA, INC.

Michel Moukhtara, President

STATE OF FLORIDA)
COUNTY OF Alachua)

I HEREBY CERTIFY that on this day, before me, and officer duly authorized to administer oaths and take acknowledgments, personally appeared **MICHEL MOUKHTARA, President of A. A. Moukhtara, Inc.**, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same. Said person is personally known to me (yes/no) or produced _____ as identification.

WITNESS my hand official seal in the County and State last aforesaid this 26 day of February A. D. 2003.



Notary Public. Printed Name:
My Commission expires:



Denise L. Hutson
Commission # DD171511
Expires Dec. 12, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

Wingspread Owners Association, Inc.

August 6, 2018



City of Fruitland Park

Please let this letter serve as my authorization for Jim Richardson to handle the partial plat vacate for the association.

Sincerely,


Thomas D. Grizzard
President


State of **FLORIDA**
County of **LAKE**

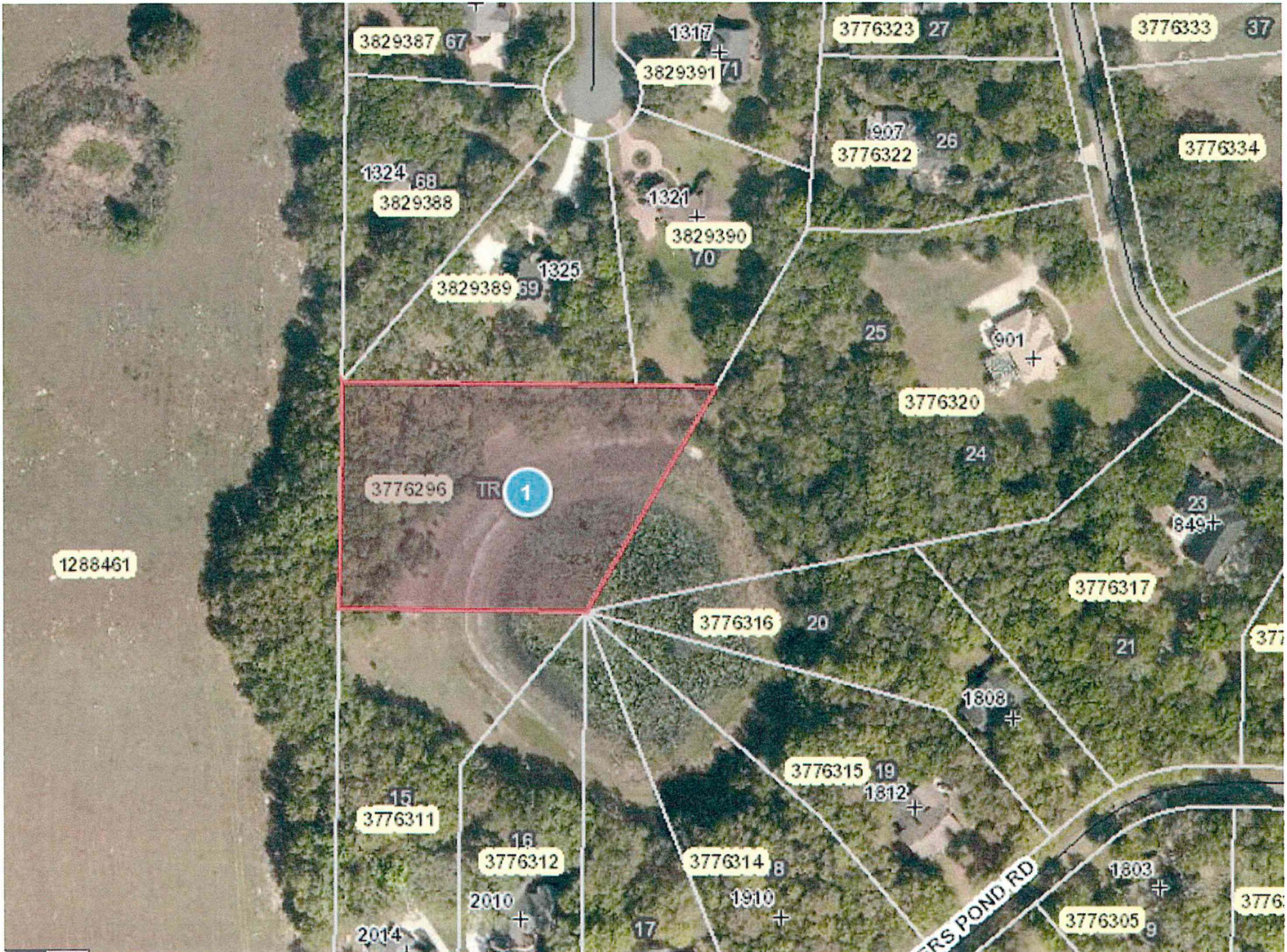
The foregoing instrument was acknowledged before me this 6 day of **August, 2018**, by **Thomas D. Grizzard**, who is/are personally known to me, or who has/have produced _____ Driver's License as identification and who did did not take an oath.



(Seal)


Notary Public

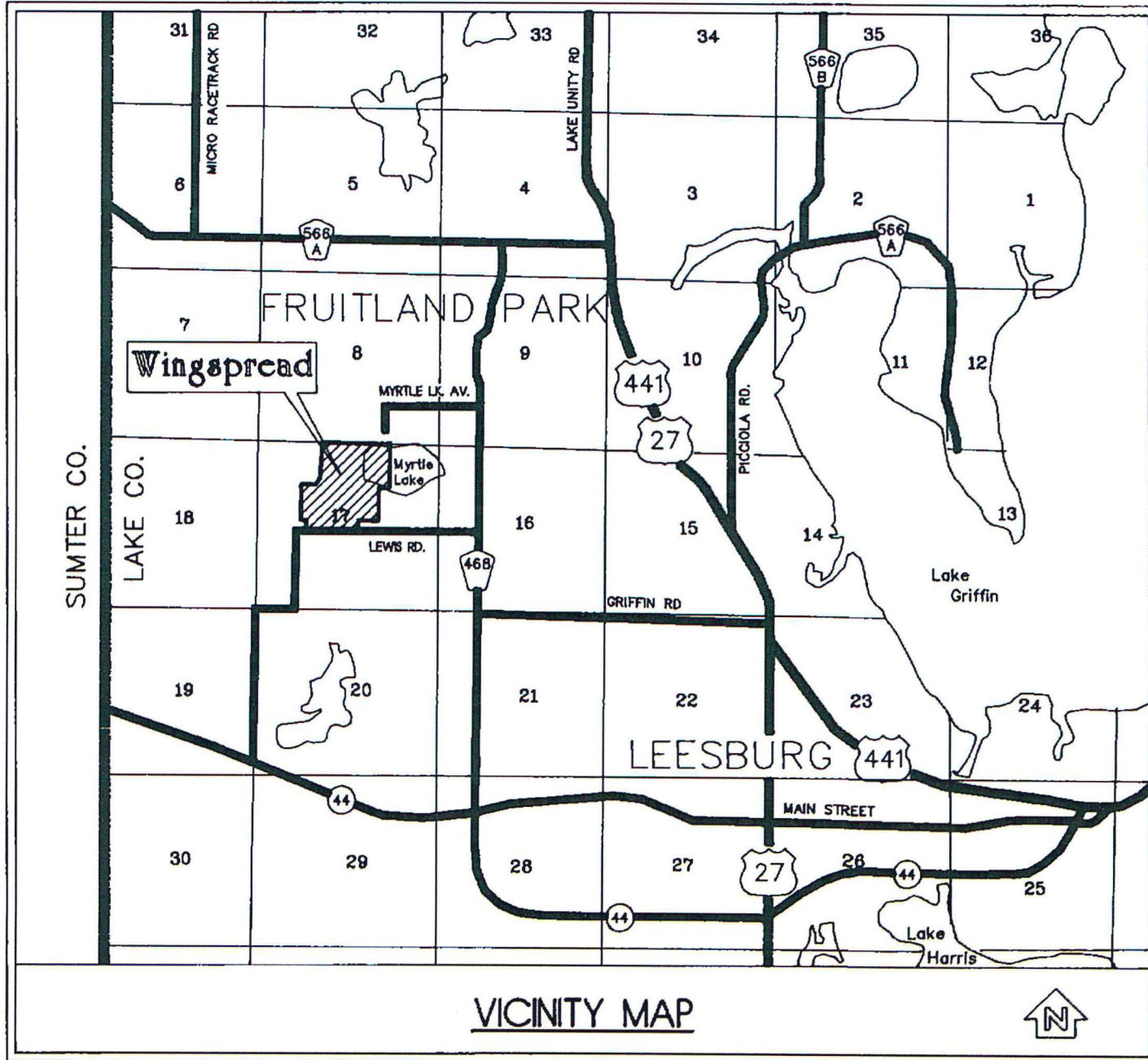

Printed Name
My Commission Expires: Apr 9, 2021



Aerial Photo

Wingspread

Record Plat Of
A Subdivision in
Section 17, Township 19 South, Range 24 East
City Of Fruitland Park, Lake County, Florida



From: Jim Richardson
To: [permits](#)
Subject: Wingspread Tract B
Date: Thursday, August 16, 2018 5:18:55 PM
Attachments: [image008.png](#)

Below is the response I received from my attorney as to why we have to vacate part of the plat. He is also the City Attorney for Lady Lake and Eustis.

If a tract or road is dedicated to and accepted by the City, then the City needs to vacate it.

Thank you,

Jim Richardson, CDPE *Certified Distressed
Property Expert*



Cell 352-874-7606
Fax 352-314-1645
jrichardson@ERAGrizzard.com
JimRichardsonRealtor.com



**CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

PLAT VACATION

Owner: Wingspread Property Owners Association

Applicant: Jim Richardson

General Location: West of Hawk Landing and North of Otters Pond Road

Number of Acres: 2.39 ± acres

Existing Zoning: PUD

Existing Land Use: Single Family Low Density (2 units/acre)

Date: August 28, 2018

Description of Project

The property owners association is seeking to vacate Tract B which was to be utilized for drainage, wetland easements and future development. The property owners association would like to sell Tract B to the adjacent property owner within the Wingspread Development, Jim Richardson.

	Surrounding Zoning	Surrounding Land Use
North	PUD	SFLD
South	PUD	SFLD
East	PUD	SFLD
West	PUD	Mixed Community

Assessment

Tract B contains wetlands which appear to have been placed in a conservation easement via the plat. Other than the plat, are there any recorded conservation easements? Tract B indicates it was also be used for drainage and the upland areas adjacent to the wetland appear to have been part of buffers used in stormwater permitting to address secondary impacts. Review of the SJRWMD permits issued also appear to confirm this.

Recommendation

Staff does not recommend the vacation of Tract B. If the adjacent property owner would like to purchase Tract B and utilize it as open space and abide by the restrictions of the plat and declarations and covenants, staff would not object.

VIA EMAIL tkelley@fruitlandpark.org
August 27, 2017

Tracy Kelley
Administrative Assistant
Community Development Department
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731

**RE: WINGSPREAD (BESH #081040.0059)
PLAT REVIEW**

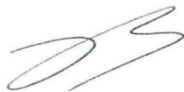
Dear Ms. Kelley,

Per your email dated August 10, 2018, I have reviewed the documents in Dropbox for the above referenced project. Based on my review, my comments are below.

1. In reviewing the submitted plat and HOA declarations, the parcel in question is subject to a drainage easement for a portion of the stormwater system to serve Phase I of the surrounding subdivision. There is concern that vacating Tract B from the existing plat could call into question the easements protecting this system, as well as the onus for continued operation, maintenance and repair of this system. Based on these findings, as well as advice from the City's legal counsel, we would not support vacating Tract B from the plat. Other options should be discussed at Technical Review Committee.

Should you have any questions, please feel free to contact our office.

Sincerely,



Brett J. Tobias, P.E.
btobias@besandh.com
BJT:sl

Kelly Turner

From: Anita Geraci [<mailto:anita@agclaw.net>]
Sent: Friday, August 17, 2018 3:57 PM
To: Tracy Kelley <tkelley@fruitlandpark.org>
Cc: Susan Wright <susan@agclaw.net>
Subject: RE: Wingspread Sub Tract B Plat Vacate

Tracy,

Please find my comments and concerns below based on the documents I have been provided:

The City's LDR's provide for a plat vacation. While the LDR's do not address a partial vacation the referenced statute does allow for partial vacations. The application seeks a partial plat vacation of Tract B, Plat of Wingspread, PB 38, Page 65, public records of Lake County, Florida. Tract B is reserved for drainage and wetland easements and for future development. Tract B includes a drainage easement therefore, I believe it is part of the stormwater management system for Wingspread and probably included in the SJRWMD permit for this development. I do not know the holder of the permit. While initially it is generally the property owner/developer, it is usually later transferred to the HOA. The Declarations on page 3 recorded at O.R. Book 1503, Page 0774 provides that the Association shall be responsible for the maintenance, operation and repair of the surface water or stormwater management system. Whether the permit was transferred or not I can't tell you. I recommend the City's engineer provide the City guidance as it relates to the stormwater management system and permit. The Declarations provide access easements for the HOA to Tract B.

If Tract B is part of the stormwater management system then without a permit modification removing it from that system I would not recommend the City approve.

If you have any questions or concerns, or receive additional information/comments, please let me know.

Thank you,

Anita

Board Certified in City, County & Local Government Law



1560 Bloxam Avenue
Clermont, Florida 34711
(352) 243-2801
(352) 243-2768 facsimile

Please note if your communication with me relates to my position as City Attorney, Town Attorney or College Board Attorney: Florida has a very broad public records law. Most written communications to or from government officials regarding

government business are public records available to the public and media upon request. Your e-mail communication may therefore be subject to public disclosure.

This message contains legally privileged and confidential information intended only for the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, please notify the sender and promptly delete this message from your computer. Thank you.

From: [Lori Davis](#)
To: [Tracy Kelley](#)
Subject: RE: September 4, 2018 Board Meeting
Date: Tuesday, August 28, 2018 9:48:57 AM

None

From: Tracy Kelley
Sent: Tuesday, August 28, 2018 9:03 AM
Cc: Kelly Turner <kturner@fruitlandpark.org>
Subject: September 4, 2018 Board Meeting
Importance: High

Board Members:

Please be advised staff and I are working to complete and forward the TRC Agenda as scheduled for 9/4/2018.

As of date the only response for comments are from City Engineer and City Attorney, at your earliest convenience forward any comments (even if none) so that the Agenda may be completed and sent for review. A separate email was sent to the attention of TRC Board Members for the Wingspread Plat Vacate August 8, 2018.

Respectfully –

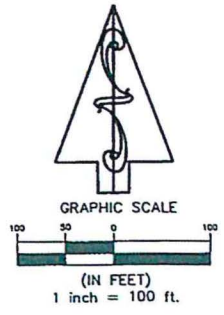
Tracy Kelley | Community Development Director
PH: 352-360-6727 | Fax: 352-360-6652 | tkelley@fruitlandpark.org

Community Development Department | City of Fruitland Park
506 W Berckman Street | Fruitland Park, FL 34731 | fruitlandpark.org

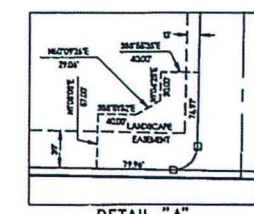
Record Plat Of Wingspread

A Subdivision In
Section 17, Township 19 South, Range 24 East
City Of Fruitland Park, Lake County, Florida

- = FOUND CONCRETE MARKER (NO NUMBER UNLESS NOTED)
- = PERMANENT REFERENCE MONUMENT (P.S.M. NUMBER 4614)
- △ = PERMANENT CONTROL POINT (L.B. NUMBER 707)
- = LOT CORNER 5/8" IRON PIN (L.B. NUMBER 707)
- ⊙ = RADIAL BEARING
- - - = POST-DEVELOPMENT 100 YEAR FLOOD LINE, ELEVATION AS NOTED
- - - = CENTERLINE



- NOTES
- 1 BEARINGS BASED ON THE NORTH LINE OF SECTION 17-19-24 AS BEING S88°55'13"E.
 - 2 THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 - 3 100 YEAR FLOOD ELEVATION FOR MYRTLE LAKE IS 75.50 AND FOR OTTERS POND IS 76.00 BASED ON U.S.C. & G.S. DATUM.
 - 4 TRACT A IS RESERVED BY THIS PLAT FOR DEDICATION TO THE PUBLIC AS ADDITIONAL RIGHT-OF-WAY FOR LEWIS ROAD.
 - 5 TRACT B IS RESERVED FOR DRAINAGE AND WETLAND EASEMENTS AND FOR FUTURE DEVELOPMENT.
 - 6 TRACT C IS RESERVED FOR FUTURE DEVELOPMENT.
 - 7 TRACT D IS RESERVED FOR UTILITIES AND RECREATION AREA.
 - 8 TRACT E IS RESERVED FOR FUTURE DEVELOPMENT.
 - 9 UTILITY EASEMENTS SHALL INCLUDE PROVISIONS FOR CABLE TELEVISION.

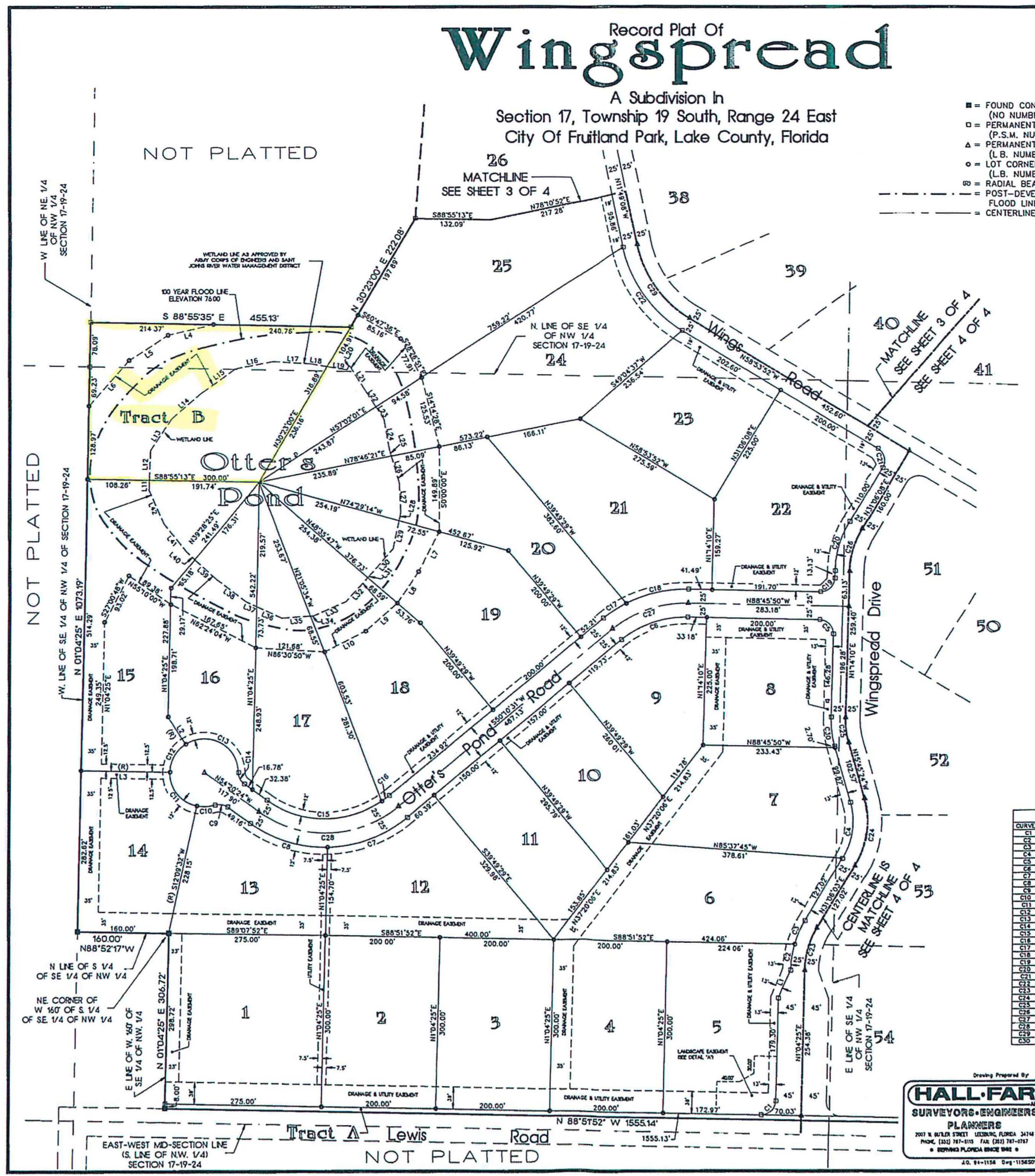


LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N72°52'30"E	53.55	L23	S32°53'41"E	33.37
L2	N12°52'59"W	57.09	L24	S32°53'41"E	25.78
L3	N88°55'55"W	155.40	L25	S10°05'21"E	58.20
L4	N78°58'51"E	81.20	L26	S34°44'19"E	10.22
L5	S56°44'59"W	81.18	L27	S16°34'47"E	48.88
L6	S41°7'09"W	108.42	L28	N3°04'40"W	51.98
L7	S35°55'17"W	78.59	L29	N12°00'43"E	15.41
L8	S33°22'22"W	67.44	L30	S12°00'43"W	50.78
L9	S47°42'12"W	74.37	L31	S40°38'47"W	80.45
L10	S62°34'27"W	80.30	L32	S41°20'27"W	6.32
L11	N15°54'52"E	17.69	L33	N41°20'27"E	58.81
L12	N1°34'52"E	67.04	L34	N65°32'24"E	81.42
L13	N33°42'35"E	68.28	L35	N55°35'53"E	5.99
L14	N48°54'53"E	68.04	L36	N55°35'53"E	52.55
L15	N54°20'11"E	72.32	L37	S85°03'59"E	48.83
L16	N78°59'21"E	67.18	L38	S45°03'59"E	18.19
L17	S88°50'07"E	67.18	L39	S52°38'35"E	68.84
L18	S83°23'03"E	28.28	L40	S47°08'08"E	19.30
L19	S80°02'03"E	35.21	L41	S38°38'38"E	84.41
L20	N25°07'28"E	9.03	L42	S23°48'51"E	64.04
L21	S32°18'46"E	52.96			

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	80°03'43"	25.00	39.30	25.03	35.37	N48°08'18"E
C2	150°07'03"	175.00	48.17	23.22	48.04	S83°37'58"W
C3	145°41'17"	175.00	45.54	22.47	45.41	S73°58'48"W
C4	46°51'27"	125.00	102.23	54.79	99.40	N74°49'59"E
C5	80°00'00"	25.00	39.27	25.00	35.38	N43°45'50"W
C6	41°03'40"	175.00	128.41	65.54	122.75	S70°42'20"W
C7	38°30'14"	225.00	151.60	78.80	148.75	N69°25'41"E
C8	38°57'51"	225.00	144.83	75.07	142.34	S72°48'50"E
C9	53°58'05"	25.00	23.55	12.73	22.89	N81°18'27"W
C10	307°07'07"	60.00	31.91	16.34	31.53	N85°53'51"E
C11	78°24'41"	60.00	82.84	49.39	78.04	S82°21'03"E
C12	58°02'57"	60.00	58.69	31.93	58.38	S29°05'43"W
C13	123°30'39"	60.00	128.29	109.39	105.21	N81°37'39"W
C14	63°58'05"	60.00	23.55	12.73	22.89	S72°17'18"E
C15	70°07'28"	175.00	214.18	122.82	201.08	S89°24'09"E
C16	52°13'37"	175.00	18.37	8.19	18.37	N32°31'18"E
C17	173°51'27"	150.00	118.87	63.00	118.78	N74°02'07"E
C18	28°47'49"	225.00	113.09	57.78	111.90	S78°50'16"E
C19	80°00'00"	25.00	39.27	25.00	35.38	N48°41'10"E
C20	28°51'58"	175.00	81.22	48.87	80.19	S18°10'09"W
C21	80°00'00"	25.00	39.27	25.00	35.38	N17°53'22"E
C22	47°04'45"	225.00	184.88	98.02	178.72	S35°21'50"E
C23	30°01'38"	150.00	78.61	40.23	77.71	S16°05'14"W
C24	43°51'27"	150.00	118.87	63.00	118.78	N74°02'07"E
C25	18°59'34"	150.00	144.48	22.41	44.32	S71°53'57"E
C26	29°51'58"	150.00	78.19	40.00	77.31	S18°10'09"W
C27	41°03'40"	200.00	143.33	74.90	140.28	S70°42'20"W
C28	75°29'05"	200.00	283.49	134.81	244.84	N87°55'02"E
C29	47°04'45"	200.00	184.34	87.13	159.72	S35°21'50"E
C30	18°59'34"	175.00	51.90	26.14	51.71	S71°53'57"E

Drawing Prepared By
HALL-FARNER
SURVEYORS-ENGINEERS
PLANNERS
2007 N. BUTLER STREET, LEESBURG, FLORIDA 34748
PHONE (352) 787-1115 FAX (352) 787-0787
• SERVING FLORIDA SINCE 1946 •

Record Plat Of
Wingspread
SHEET 2 OF 4



R-ITS :

REC 61.00
TF 8.00
c 15.00

97 22579

O.R. BOOK 1508 PAGE 0772

DECLARATION OF COVENANTS AND RESTRICTIONS

WINGSPREAD PLANNED UNIT DEVELOPMENT

KNOW ALL PERSONS BY THESE PRESENTS, the undersigned, A.A. Moukhtara Co., Inc., a Florida corporation (hereinafter referred to as the "Subdivider") whose address is Route 3, Box 176A, Lake City, Florida 32024, being the owner of the subdivision named **Wingspread** (hereinafter referred to as the "Subdivision") located in Lake County, Florida, and more particularly described on the attached Exhibit "A", makes the following Declaration of Covenants and Restrictions (hereinafter referred to as the "Declaration") covering the above-described real property, specifying that this Declaration shall constitute a covenant running with the land and that this Declaration shall be binding upon the undersigned and upon all persons deriving title through the undersigned. This Declaration, during its lifetime, shall be for the benefit of and limitation upon all present and future owners of the real property within the Subdivision.

APR 9 9 59 AM '97
RECORDED
INDEXED

RESIDENTIAL USE ONLY. No lot shall be used except for single family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling not to exceed two stories in height and a private

garage or carport that is shielded and hidden so the contents of either are not visible from the street.

APPROVAL OF PLANS. No building or structures of any kind including, but not limited to, pools, fences, patios and additions shall be erected, placed or altered on any lot until two (2) copies of the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee (hereinafter sometimes referred to as the "Committee"). Approval shall be completely at the Committee's discretion and shall be based upon the quality of workmanship and materials, harmony of the external design with existing structures and location with respect to topography and finished grade elevation.

The plans, specifications and location of all construction thereunder, and every alteration of any building or structure shall be in accordance with the building, plumbing and electrical requirements of all regulatory codes. It shall be the responsibility of the owner to obtain from the appropriate authority, the necessary technical data with regard to construction elevations prior to the start of any construction. The Committee will not assume any responsibility in this regard, before, during, or after construction on any of the lots in the Subdivision. The aforementioned technical data must be detailed on the final plans and specifications when submitted to the Committee before plan approval will be given.

Failure to submit the plans, specifications, location, and plot plan, in detail and to scale, shall be deemed a material breach of this Declaration. Upon such breach the

Owners' Association (described at paragraph 3 below) shall then have the right to proceed in the courts to compel a mandatory injunction requiring any construction done without approval to be removed forthwith.

OWNERS' ASSOCIATION. Every person or entity who is a record owner of a fee or undivided fee interest in any lot in the Subdivision, but excluding persons or entities holding title merely as security for performance of an obligation, shall be a member of the Wingspread Owners' Association, Inc. ("the Association:"). The Association is a Florida non-profit corporation whose members are lot owners in Wingspread Subdivision. Membership shall be appurtenant to and may not be separated from ownership of a lot which is subject to assessment by the Association.

The Association shall be responsible for the maintenance, operation and repair of the surface water or stormwater management system, as permitted by the St. Johns River Water Management District, unless such maintenance, operation and repair is assumed by a local government having jurisdiction over the Subdivision. Maintenance of the surface water or stormwater management system shall mean the exercise of practices which allow the system to provide drainage, water storage, conveyance or other surface water or stormwater management capabilities as permitted by the St. Johns River Water Management District. Any repair or reconstruction of the surface water or stormwater management system shall be permitted or, if modified, as approved by the St. Johns River Water Management District.

ARCHITECTURAL CONTROL COMMITTEE. The Architectural Control Committee (the Committee") shall be appointed by the Association from its members. The number of members on this Committee, their length of service, as well as Committee meeting arrangements, etc., shall all be as determined by the Association from time to time. As provided in its Articles of Incorporation, the Association has full responsibility for the duties and obligations of the Architectural Control Committee provided herein.

APPROVAL OR DISAPPROVAL. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, approval will not be required; provided that no building or other structure shall be erected which violates any of the covenants contained in this Declaration. When a building or other structure has been erected or its construction substantially advanced and the building is located on any lot or building plot in a manner that constitutes a violation of this Declaration, the Committee may release the lot or building plot, or parts of it, from any part of this Declaration that is violated. The Committee shall not give such a release except for a violation that it determines to be a minor or insubstantial violation in its sole judgment.

DWELLING SIZE. The ground floor area of the main structure, exclusive of open porches, carports and garages, shall not be less than 1,600 square feet on lots that do not have frontage on a lake or pond. The minimum square footage of the ground floor area of dwellings built on lots having frontage on any pond or lake shall be not less than

1,800 square feet. However, the Committee shall have the authority to reduce this minimum ground floor square footage requirement for dwellings that consists of more than one story. Each dwelling must contain a garage or carport as described in paragraph 1 above. None of the lots in the Subdivision shall be divided or sold except as a whole without the written approval of the Committee.

SETBACKS. No dwelling shall be erected nearer than fifty (50) feet to the front lot line (along Subdivision roadway or street), nearer than ten (10) feet to either side lot line, or nearer than thirty (30) feet to the rear lot line, except the front set-back shall be one-hundred (100) feet for lots that have frontage along Lewis Road. Variances to the setbacks set forth herein may be issued by the Committee, and in the Committee's sole discretion, based upon hardship caused by individual lot size and shape

BUILDING CONDITION. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently. No building shall be permitted to stand with its exterior in an unfinished condition for longer than six (6) months after beginning construction. In the event of damage by fire, windstorm or other casualty, said building shall be repaired and restored to its former condition within three (3) months from date of damage.

NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done on any lot that presently is or may become an annoyance or nuisance to the neighborhood.

LAKE USE AND DOCKS. Waterfront lot owners only shall be allowed to construct and maintain one dock or boathouse on their lot, and no dock shall extend into any lake or pond more than twenty-five (25) feet from the shoreline. It shall be the responsibility of the owner to maintain the waterfront abutting the lot free from weeds and other growth, consistent with applicable law, rules and regulations.

COMMON LAKE ACCESS. A fifty (50) foot wide easement exists between lots 37 and 38, and shall be used for common lake access for all owners, regardless of the location of the owners' lots. The Subdivider does not plan and is under no obligation to supply or construct any improvements on the common lake access easement.

ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot giving the name and/or address of the occupants; one sign of not more than five square feet advertising the property for sale or rent; or signs used by the Subdivider or builder or Realtor to advertise the property during the construction and sales period.

VEHICLE RESTRICTIONS. No storage or parking of trucks, trailers, recreational vehicles, or equipment of any nature shall be allowed on any street or lot in the Subdivision unless the said vehicles or personal property are stored or parked in a garage or carport as described at paragraph 1 above; however, overnight guests shall be allowed

to park recreational vehicles on the premises provided such parking does not exceed one (1) week in duration. This restriction shall not apply to vehicles, machines, or equipment which are required to provide a service to lot owners, provided the service vehicle, machine or equipment is immediately removed once the service is performed. No parking of any vehicles, trailers or equipment shall be allowed on the public roads within the Subdivision at any time.

EQUIPMENT HOUSING. All garbage and trash containers, oil tanks, bottled gas tanks, swimming pool equipment and housing, must be underground or placed in walled-in areas so that they shall not be visible from any street or adjacent properties, and adequate landscaping shall be installed and maintained by the owner.

FENCES. Fences shall be of quality construction or live hedges. No fence or hedge shall be constructed or maintained with a height greater than six (6) feet above the ground level of the adjoining property. No fence shall be constructed on any lot until its height, type, design, composition and location shall have been approved in writing by the Committee. In making its approval decision, the Committee shall take into consideration the extent to which the proposed fence obstructs the view of the street or of the lake. The height of any wall or fence shall be measured from the existing property elevations. Any dispute as to height shall be resolved by the Committee, whose decision shall be final.

LOT CARE. In order to maintain the standards of the Subdivision, no weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon any

land or lot, and no refuse or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon. In the event that any owner shall fail or refuse to keep the premises free of weeds, underbrush or other unsightly objects, the Committee may enter upon said premises and remove the same at the expense of the owner, and such entry shall not be deemed a trespass. The property, buildings, improvements and appurtenances shall be kept in good, safe, clean, neat and attractive condition, and all buildings and structures shall be maintained in a finished, painted and attractive condition. Upon the failure to maintain the property, buildings, structures, improvements and appurtenances to the satisfaction of the Committee, and upon the owner's failure to make such corrections within thirty (30) days of written notice by the Committee, the Committee may enter upon the premises and make such improvements or corrections as may be necessary, the cost of which shall be paid by the owner. The Committee may require the owner to deposit with it the estimated cost thereof as determined by the Committee. If any owner fails to make payment within thirty (30) days after requested to do so by the Committee, interest shall begin to accrue and it and the payment requested, along with all cost of collection, including reasonable attorney's fees, shall be a lien on the land. Such cost, interest and fees shall also be a personal obligation of the owner(s) of said lot at the time of the above described written notice.

EASEMENT RESERVATION. Easements for installation and maintenance of public and private utilities and drainage facilities, communication lines and such other public service facilities as the Subdivider may deem necessary are hereby expressly

reserved. Within these easements, no structure, planting or other material shall be placed or permitted to remain that may damage or interfere with the installation and maintenance of utilities, change the direction of flow of drainage channels in the easements or obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements on it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. Easements and rights-of-way shall be confined to those shown on the Subdivision plat and, further, shall be along, through, in, over and under a strip of land five (5) feet in width, being five (5) feet (as measured at right angles) from all side, front and rear lot lines in the Subdivision.

The Association shall have a perpetual non-exclusive easement over all areas of the surface water or stormwater management system for access to operate, maintain and repair the system. By this easement the Association shall have the right to enter upon any portion of any lot which is a part of the surface water or stormwater management system, at a reasonable time and in a reasonable manner, to operate, maintain or repair the surface water or stormwater management system as required by the St. Johns River Water Management District permit. Additionally, the Association shall have a perpetual non-exclusive easement for drainage over the entire surface water or stormwater management system. No person shall alter the drainage flow of the surface water or stormwater management system, including buffer areas or swales, without the prior written approval of the Association and the St. Johns River Water Management District.

MAINTENANCE ASSESSMENTS. In order to maintain the surface water or stormwater management system, landscaped entrance ways, and other common elements, and in order to supplement the public facilities and services to be furnished by the Subdivider and Association, or any lawful authority, as well as in the interest of public health and sanitation, the lots in the Subdivision are hereby subject to an annual assessment commencing with the year 1997. Such annual assessment, together with interest thereon and costs of collection as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the particular lot against which such assessment is made and in favor of the Association which shall be the collecting entity. Each such assessment, together with interest thereon and costs of collection as hereinafter provided shall also be the personal obligation of the person(s) owning of such lot at the time the assessment fell due. Such assessment shall be due and payable, in advance, annually on the first day of January each, year, beginning with the January following the purchase of the lot by the owner. Payment shall be made to the Association at the address provided in its Notice of Assessment.

Such annual assessment may be adjusted from year to year by the Association, as the needs of the described land may in its judgment require. Such annual assessment shall be apportioned equally among the lots regardless of lot size or value -- each lot shall be assessed an equal share of such annual assessment. On or before December of each year, the Association shall send a written notice to each lot owner of the annual assessment amount for the next year.

The judgment of the Association in the expenditure of said funds shall be final; however, such funds must be and shall only be expended for maintenance of the common areas located within the Subdivision.

EFFECT OF NON-PAYMENT OR ASSESSMENT. If any assessments or charges provided herein are not paid on the date when due, then such assessments or charges shall become delinquent and shall, together with interest at the highest rate allowed by law and costs of collection, including reasonable attorney's fees, shall become a continuing lien on the property which shall bind such property in the hands of the owner(s), their heirs, devisees, personal representatives and assigns with the personal obligation as set forth in paragraph 18 hereof.

NOTICES. Notices to the Architectural Control Committee or requests for approval of plans, specifications and location of buildings or signs shall be in writing and delivered or mailed to the Committee c/o the Association's registered office. Notices to any owner of a violation of any of this Declaration, or any other notice herein required, shall be in writing and shall be personally delivered or mailed to the owner at the address shown on the tax rolls of Lake County, Florida, or if not shown thereon, to the address of the owner, as shown on the deed as recorded in the Public Records of Lake County Florida. Any mailing shall be via certified mail, with the date of mailing deemed the date of delivery.

APPLICATION OF RESTRICTIONS. The covenants, restrictions and servitudes imposed by this Declaration shall apply not only to Subdivision lot owners, but also to any person, or persons, entity or entities, occupying the owner's premises under lease from

the owner or by permission or invitation of the owner or owner's tenants, expressed or implied.

AMENDMENT. The Architectural Control Committee may, in its sole discretion, modify, amend, waive, or add to this Declaration, or any part thereof. This power of amendment, however, shall be limited to minor modification or enlargement of existing covenants and shall in no way impair the general and uniform plan of development originally set forth herein. These covenants are to run with the land and shall be binding on all parties and all persons claiming under then for a period of twenty (20) years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change the covenants in whole or in part.

Further, any amendment to this Declaration which alters any provision relating to the surface water or stormwater management system, beyond maintenance in its original condition, including the water management portion of the common areas, must have the prior approval of the St. Johns River Water Management District.

ENFORCEMENT. The Association shall have the right and authority to enforce compliance with all provision of this Declaration. Enforcement shall be by action against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages. In any such action, the prevailing party shall be entitled

to recover, in addition to costs and disbursements allowed by law, such sums as a court may adjudge to be reasonable for the payment of attorney fees.

The St. Johns River Water Management District shall have the right to enforce, by a proceeding at law or in equity, the provisions contained in this Declaration which relate to the maintenance, operation and repair of the surface water or stormwater management system.

OTHER PERMITS. Notwithstanding anything in this Declaration to the contrary, nothing herein shall be construed to grant any license, permission, or permit in contravention of law, rule or regulation. Other governmental permits may be required for any construction, clearing, or work of any kind on any lot or in the common area. Any work done or structure constructed without obtaining all appropriate and necessary permits shall also be in violation of this Declaration, and shall subject the owner to enforcement as described herein.

SEPARABILITY. Invalidation of any one of these covenants by judgment of court order in no way shall affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, we have set our hands and seals this 3rd of

April, 1997.

WITNESSES:

A.A. Moukhtara Co. Inc.
Route 3, Box 176A
Lake City, Florida 32024

James L. Miller
(Print name) James L. Miller

By: [Signature]
Michel Moukhtara, President

Delaine M. Henderson
(Print name) DELAINE M. Henderson

STATE OF FLORIDA
COUNTY OF LAKE

I HEREBY CERTIFY that on this day, before me personally appeared **MICHEL MOUKHTARA**, as **President of A.A. Moukhtara Co., Inc.**, personally known to me or who produced M 236540-441 341 as identification, and to be the person(s) described in and who executed the foregoing instrument in the name of the corporation, voluntarily and under authority duly vested in them by said corporation.

WITNESS my hand and official seal this 3rd day of April, 1997.

[Signature]
NOTARY PUBLIC.



This Document prepared by, and return to:

Jimmy D. Crawford, Esquire
Steven J. Richey, P.A.
P. O. Box 492460
Leesburg, Florida 34749-2460
(352) 365-2262

LEGAL DESCRIPTION:

THAT PART OF THE NORTH 1/2 OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

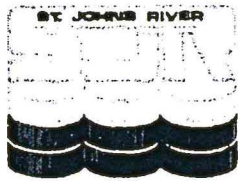
BEGIN AT THE NORTHWEST CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 17, TOWNSHIP 19 SOUTH, RANGE 24 EAST, AND RUN S.88°51'31"E. ALONG THE NORTH LINE OF THE N.E. 1/4 A DISTANCE OF 1314.78 FEET TO THE NORTHEAST CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 17; THENCE S.01°05'50"W. ALONG THE EAST LINE OF THE N.W. 1/4 OF THE N.E. 1/4 A DISTANCE OF 1327.38 FEET TO THE SOUTHEAST CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 17; THENCE N.88°51'42"W. ALONG THE SOUTH LINE OF THE N.W. 1/4 OF THE N.E. 1/4 A DISTANCE OF 328.86 FEET TO A POINT ON THE EAST LINE OF THE WEST 3/4 OF THE S.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 17; THENCE S.01°06'16"W. ALONG THE EAST LINE OF THE WEST 3/4 OF THE S.W. 1/4 OF THE N.E. 1/4 A DISTANCE OF 994.40 FEET; THENCE N.88°51'52"W., PARALLEL WITH THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 17 A DISTANCE OF 600.16 FEET; THENCE S.01°04'25"W., 308.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF LEWIS ROAD; THENCE N.88°51'52"W. ALONG SAID NORTH RIGHT-OF-WAY LINE OF LEWIS ROAD A DISTANCE OF 1555.14 FEET TO A POINT ON THE EAST LINE OF THE WEST 160 FEET OF THE S.E. 1/4 OF THE N.W. 1/4 OF SAID SECTION 17; THENCE N.01°04'25"E. ALONG THE EAST LINE OF THE WEST 160 FEET OF THE S.E. 1/4 OF THE N.W. 1/4 A DISTANCE OF 306.72 FEET TO THE NORTHEAST CORNER OF THE WEST 160 FEET OF THE SOUTH 1/4 OF THE S.E. 1/4 OF THE N.W. 1/4 OF SAID SECTION 17; THENCE N.88°52'17"W., ALONG THE NORTH LINE OF THE WEST 160 FEET OF THE SOUTH 1/4 OF THE S.E. 1/4 OF THE N.W. 1/4 A DISTANCE OF 160.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE N.W. 1/4 OF SAID SECTION 17; THENCE N.01°04'25"E. ALONG THE WEST LINE OF THE EAST 1/2 OF THE N.W. 1/4 A DISTANCE OF 1073.19 FEET; THENCE S.88°55'35"E., 455.13 FEET; THENCE N.30°23'00"E., 222.08 FEET; THENCE N.04°36'08"E., 485.91 FEET; THENCE N.00°24'05"W., 50.03 FEET; THENCE N.01°54'16"E., 520.05 FEET TO A POINT ON THE NORTH LINE OF THE N.E. 1/4 OF THE N.W. 1/4 OF THE AFOREMENTIONED SECTION 17; THENCE S.88°55'13"E., ALONG THE NORTH LINE OF THE N.E. 1/4 OF THE N.W. 1/4 A DISTANCE OF 730.46 FEET TO THE POINT OF BEGINNING.

As recorded in Plat Book 38, Pages 64 - 67, Public Records of Lake County, Florida.

26496-1



Permit
with conditions
1728



**WATER
MANAGEMENT
DISTRICT**

Henry Dean, Executive Director
John R. Wehle, Assistant Executive Director
Charles T. Myers III, Deputy Assistant Executive Director

POST OFFICE BOX 1429 PALATKA, FLORIDA 32178-1429
TELEPHONE 904-329-4500 SUNCOM 904-860-4500
TDD 904-329-4450 TDD SUNCOM 860-4450
FAX (EXECUTIVE/LEGAL) 329-4125 (PERMITTING) 329-4315 (ADMINISTRATION/FINANCE) 329-4508

SERVICE CENTERS			
618 E. South Street Orlando, Florida 32801 407-897-4300 TDD 407-897-5960	7775 Baymeadows Way Suite 102 Jacksonville, Florida 32256 904-730-6270 TDD 904-730-7900	PERMITTING: 305 East Drive Melbourne, Florida 32904 407-984-4940 TDD 407-722-5368	OPERATIONS: 2133 N. Wickham Road Melbourne, Florida 32935-8109 407-254-1762 TDD 407-253-1203

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 40-069-0199 DATE ISSUED February 27, 1996

A PERMIT AUTHORIZING:

CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM THAT CONSISTS OF A PROPOSED SINGLE FAMILY SUBDIVISION KNOWN AS WINGSPREAD. THE SYSTEM WILL INCLUDE SWALES ALONG THE ROAD, AND REAR LOT SWALES.

LOCATION:

Section 17, Township 19 South, Range 24 East
Lake County

ISSUED TO:
(owner)

JOHN HAYTER
704 NE FIRST STREET
GAINESVILLE, FL 32601

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This Permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

William Segal, CHAIRMAN MATLAND	Dan Roach, VICE CHAIRMAN FERNANDINA BEACH	James T. Swann, TREASURER COCOA	Otis Mason, SECRETARY ST. AUGUSTINE
Kathy Chinoy JACKSONVILLE	Griffin A. Greene VERO BEACH	James H. Williams OCALA	Patricia T. Harden SANFORD
			Reid Hughes DAYTONA BEACH

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated February 27, 1996

AUTHORIZED BY: St. Johns River Water Management District

Department of Resource Management

By:

David Dewey for Elizabeth Thomas
(SERVICE CENTER DIRECTOR - ORLANDO)
ELIZABETH THOMAS

"EXHIBIT A"

CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 40-069-0199

JOHN HAYTER

DATED FEBRUARY 27, 1996

1. Prior to lot or unit sales, or upon completion of construction of the system, whichever occurs first, the District must receive the final operation and maintenance document(s) approved by the District and recorded, if the latter is appropriate. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final document will result in the permittee remaining personally liable for carrying out maintenance and operation of the permitted system.
2. All construction, operation and maintenance shall be as set forth in the plans, specifications and performance criteria as approved by this permit.
3. District authorized staff, upon proper identification, will have permission to enter, inspect and observe the system to insure conformity with the plans and specifications approved by the permit.
4. The permittee must implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of the water quality criteria and standards in chapters 17-4, 17-302, F.A.C. All practices must be in accordance with the guidelines and specifications in section 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988) unless a project-specific erosion and sediment control plan is approved as part of the permit in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee must implement additional best management practices as necessary, in accordance with the specifications in section 6 of the

Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation, 1988).

5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. The operation phase of the permit shall not become effective until a Florida registered Professional Engineer certifies that the system, or independent portion of a system, has been constructed in accordance with the permit issued by the District, and the permittee receives written notification by District staff that the construction, alteration, or maintenance has been completed according to the permit. Within 30 days after completion of construction of the surface water management system, or independent portion of the system, the permittee shall submit the certification or one set of plans which reflect the surface water management system as actually constructed. This submittal shall serve to notify the District that the system is ready for inspection. The permit may not be transferred to an operation and maintenance entity approved by the District until the operation phase of the permit becomes effective.
7. If any other regulatory agency should require revisions or modification to the permitted project, the District is to be notified of the revisions so that a determination can be made whether a permit modification is required.
8. The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a permitted system or facility or within 30 days of any transfer of ownership or control of the real property at which the permitted system or facility is located. All transfers of a permit are subject to the requirements of section 40C-1.612, F.A.C.
9. The permittee must require the contractor to review and maintain a copy of this permit, complete with all conditions, attachments, exhibits, and modifications in good condition at the construction site. The complete permit shall be available for review upon request by

District representatives.

10. Construction or alteration of each phase or independent portion of the permitted surface water management system (system) must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be complete in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
11. To the extent permitted by Florida law, the permittee must hold and save the District harmless from any and all liability arising from property damage or personal injury as a result of the permitted activities.
12. Nothing contained herein relieves the permittee from timely complying with applicable laws or other federal, state, or local governments.
13. If an entity other than the permittee has been approved as the operation and maintenance entity, the permittee may request transfer of the permit for a completed system or independent portion of a system to the District approved operation and maintenance entity at the time of submittal of the as-builts or Professional Engineer certification for construction of the permitted surface water management system.
14. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
15. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
16. The operation and maintenance entity shall submit inspection reports to the District two years after the operation phase permit becomes effective and every two years thereafter on District form EN-46. The inspection form must be signed and sealed by an appropriate registered professional.

17. The proposed surface water management system must be constructed operated in accordance with the plans received by the District on December 8, 1995.
18. This permit will expire on August 9, 1999.
19. Prior to the sale of any lot or parcel, or initiating any construction whichever occurs first the permittee must record Declarations of Covenants and Restrictions which include a restriction on the real property pursuant to section 704.06, F.S.; prohibiting all construction including clearing, dredging, or filling, except that which is specifically authorized by Environmental Resource permit, within the wetland areas as shown on sheets 3, 4, 5, and 6 of the plans received by the District on December 8, 1995. The deed restrictions must contain provisions as set forth in paragraph 1(a)-(h) of section 704.06, F.S., as well as provisions indicating that they may be enforced by the District or Department of Environmental Protection and may not be amended without District approval. The restricted area boundaries must be permanently monumented above ground the project site.

Within 30 days of recording, the Permittee must provide the District with a certified copy of the recorded restrictions showing the date it was recorded and the official records book and page number, a surveyor's sketch of the area included in the legal description, and a surveyor's sketch of the restricted area plotted on the appropriate USGS topographic map.

NOTICE OF RIGHTS

1. A person whose substantial interests are or may be determined has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to District rule 40C-1.511, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, Highway 100 West, Palatka, Florida 32178-1429 within nineteen (19) days of the District depositing notice of its intent in the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of its intent (for those persons to whom the District does not mail actual notice). Such a petition must comply with District rule 40C-1.421, Florida Administrative Code.
2. If the Governing Board took action which substantially differs from the notice of intent to grant or deny the permit application, a person whose substantial interests are or may be determined has the right to request an administrative hearing. Pursuant to District rule 40C-1.511, Florida Administrative Code, the petition must be filed at the office of the District Clerk at District Headquarters, Highway 100 West, Palatka, Florida 32178-1429, within nineteen (19) days of the District depositing notice of final agency action the the mail (for those persons to whom the District mails actual notice) or within fourteen (14) days of newspaper publication of the notice of its final agency action (for those persons to whom the District does not mail actual notice). Such a petition must comply with District rule 40C-1.521, Florida Administrative Code.
3. A substantially interested person has the right to a formal administrative hearing pursuant to Section 120.57(1), Florida Statutes, where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must comply with the requirements set forth in Section 40C-1.521(2), Florida Administrative Code.
4. A substantially interested person has the right to an informal hearing pursuant to Section 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Section 40C-1.521(2), Florida Administrative Code.
5. A petition for an administrative hearing is deemed filed upon delivery of the petition to the District Clerk at the District headquarters in Palatka, Florida. (Section 40C-1.013, Florida Administrative Code)

6. Failure to file a petition for an administrative hearing, within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Section 40C-1.511, Florida Administrative Code)
7. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, and Chapter 40C-1, Florida Administrative code.
8. An applicant with a legal or equitable interest in real property who believes that a District permitting action is unreasonable or will unfairly burden the use of his property, has the right to, within 30 days of receipt of notice of the District's intent to grant or deny a permit application, apply for a special master proceeding under section 70.51, Florida Statutes, by filing a written request for relief at the office of the District Clerk located at District headquarters, Highway 100 West, Palatka, Florida 32178-1429. A request for relief must contain the information listed in subsection 70.51(6), Florida Statutes.
9. A timely filed request for relief under section 70.51, Florida Statutes, tolls the time to request an administrative hearing under paragraph no. 1 or 2 above. (Paragraph 70.51(10)(b), Florida Statutes) However, the filing of a request for an administrative hearing under paragraph no. 1 or 2 above waives the right to a special master proceeding. (Subsection 70.51(10)(b), Florida Statutes)
10. Failure to file a request for relief within the requisite time frame shall constitute a waiver of the right to a special master proceeding. (Subsection 70.51(3), Florida Statutes)
11. Any substantially affected person who claims that final action of the District constitutes an unconstitutional taking of property without just compensation may seek review of the action in circuit court pursuant to Section 373.617, Florida Statutes, and the Florida Rules of Civil Procedures, by filing an action in circuit court within 90 days of the rendering of the final District action, (Section 373.617, Florida Statutes).
12. Pursuant to Section 120.68, Florida Statutes, a person who is adversely affected by final District action may seek review of the action in the district court of appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
13. A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of

Chapter 373, Florida Statutes, may seek review of the order pursuant to Section 373.114, Florida Statutes, by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of adoption of a rule or the rendering of the District order.


14. For appeals to the District courts of appeal, a District action is considered rendered after it is signed on behalf of the District, and is filed by the District Clerk.
15. Failure to observe the relevant time frames for filing a petition for judicial reviews described in paragraphs #11 and #12 or for Commission review as described in paragraph #13 will result in waiver of that right to review.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

JOHN HAYTER
704 NE FIRST STREET
GAINESVILLE, FL 32601

at 4:00 p.m. this 27 day of FEBRUARY, 1996


Permit Data Services
Director, Gloria Roberson

St. Johns River Water Management District
Post Office Box 1429
Palatka, FL 32178-1429
(904) 329-4566

40-069-0199A



Technical Staff Report 1729

MSSW Permit

STAFF REPORT ROUTING SLIP

APPLICATION NUMBER: 40-069-0199A 21th: 02-22-96
28th: 02-29-96

NAME: **Wingspread**

REVIEWER: **Abodi/Ward**
FILE NAME: Alex\I\40C-40.TSR\WINGSPREAD.TSR

DIRECTORY NAME>MOTH.TSR.OWNER'S NAME
RELATED FILE NO.

SITE INSPECTION REPORT INCLUDED? YES x NO _____
IT IS THE RESPONSIBILITY OF EACH INDIVIDUAL LISTED BELOW TO INSURE
THAT THE TSR IS ROUTED WITHIN THE TIME FRAME DESIGNATED AFTER EACH
TITLE.

TRANSMITTED TO: REC'D DUE
RET'D

DATE TSR SUBMITTED 2-26-96
LEAD ES 2/26/96
LEAD ENGINEER 2/26/96

TECHNICAL STAFF

DATE TSR TYPED
FIELD OFFICE DIRECTOR DD 2/26/96 permitted 2-27-96
TYPING SEVISIONS 2/27 2/28/96

DATE SENT TO PALATKA

LEGAL

CHIEF ENGINEER

CHIEF ES

DIRECTOR/ASSISTANT DIRECTOR
TYPING REVISION

EXHIBITS	YES	NO	APPROVAL
SUPPLEMENTAL DATA	YES	NO	DENIAL
MAPS	YES	NO	
LETTERS OF CONCERN	YES	NO	
Cons Easement	<u>Yes</u>		<u>— Deed restrictions</u>

Received November 3, 1995 1st Day February 22, 1996 28th Day February 29, 1996

2nd Draft

TECHNICAL STAFF REPORT
CHAPTER 40C-40, F.A.C.
GENERAL PERMIT APPLICATION NO.: 40-069-0199A

PROJECT: Wingspread

PROJECT AREA: 97.23 (Ac.)

ACREAGE OWNED: 586.38 (Ac.)

APPLICANT ADDRESS:

Michael Moukhtara C/O John Hayter
704 NE First Street
Gainesville Florida 32601

AGENT ADDRESS:

Farmer Barly & Associates, Inc.
Robert E. Farmer, P.E.
350 North Sinclair Avenue
Tavares Florida 32778

RECEIVING WATER BODY: Myrtle Lake CLASS: III

HYDROLOGIC BASIN:

- | | |
|----------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Upper St. Johns River | <input type="checkbox"/> Sensitive Karst Areas |
| <input checked="" type="checkbox"/> Oklawaha River | <input type="checkbox"/> Other |
| <input type="checkbox"/> Wekiva River | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Econlockhatchee River | |

EXISTING LAND USE: Abandoned Citrus Grove

AUTHORITY: 40C-4.041 (1), (2)(b)2., 40C-40.302, and 40C-42.061, F.A.C.

O&M ENTITY: Homeowner Association and The City of Fruitland Park

O&M Documents Submitted and Reviewed	Y (X) N () N/A ()
Correct Fee Submitted	Y (X) N () N/A ()

AUTHORIZATION STATEMENT: A permit authorizing

<input type="checkbox"/> Alteration	<input type="checkbox"/> Operation	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Modification
<input type="checkbox"/> Re-Issuance	<input type="checkbox"/> Removal	<input type="checkbox"/> Abandonment	
<input checked="" type="checkbox"/> Construction & Operation	<input type="checkbox"/> Modification & Operation		

of a surface water management system that consists of a proposed single family subdivision known as Wingspread. The system will include swales along the road, and rear lot swales.

TYPE OF DEVELOPMENT:

(Check all applicable)

- Residential -
- Single(1) Multifamily(2)
- Recreational (3)
- Commercial (4)
- Industrial (5)
- Agricultural (6)
- Institutional (7)
- Roadway (8)
- Other (9)

TYPE OF TREATMENT PROPOSED:

(Check all applicable)

- Retention (1)
- Dry Retention w/Underdrain (2)
- Dry Retention w/Filtration (3)
- Wet Retention w/Filtration (4)
- Exfiltration Trench (5)
- Wet Detention System (6)
- Swales (7)
- Swale with Ditch Block (8)
- Pervious Concrete (9)
- Wetlands (10)

- Alternative (11)
- Other (12)
- Dry Retention (13)

LOCATION AND BRIEF DESCRIPTION OF SYSTEM:

The project is located on the west side of County Road 468 and State Road 27 and the north side of Lewis Road, in Lake County. The project will include a 97.23-acre, single family subdivision, swales along the road, and rear lot swales. The project is included within the area reviewed under Formal Wetland Determination Petition # 16-069-0005 issued on August 9, 1994. This petition was received prior to June 1, 1994. Pursuant to subsection 373.414(13) F.S., the project is exempt (i.e. grandfathered) from the Environmental Resource Permitting (ERP) program and is reviewed under the MSSW rules in effect prior to the implementation of the ERP.

PRE/POST PEAK RATE ATTENUATION PROVIDED Y (X) N () N/A ()

PRE/POST VOLUME ATTENUATION PROVIDED Y (X) N () N/A ()

MEAN ANNUAL STORM ATTENUATION PROVIDED Y () N () N/A (X)

RECOVERY OF WATER QUALITY VOLUME WITHIN REQUIRED TIME Y (X) N () N/A ()

RECOVERY OF PEAK ATTENUATION VOLUME WITHIN REQUIRED TIME Y (X) N () N/A ()

OTHER ENGINEERING COMMENTS:

The site is located within the Oklawaha Hydrologic Basin. The project is considered as a land-locked basin. The project, as designed, will meet applicable land-locked Basin criteria. The proposed site has no encroachment to the floodplain area. The proposed treatment system consists of swales along the road, and rear lot swales. The applicant has demonstrated that the proposed treatment system will provide water quantity and water quality and recovery of the required pollution abatement volume, pursuant to chapter 40C-4, 40C-42, F.A.C

ENVIRONMENTAL SPECIALIST COMMENTS:

The 97.23-acre project contains 26.04 acres of wetlands. The uplands consist of abandoned citrus grove, open field, and oak forest. The wetlands consist of the following areas:

- a 22.59-acre portion of Myrtle Lake. This wetland is dominated by maidencane, cattails, and redroot.
- 3.45 acres of wetlands known as Otter's Pond. This wetland is dominated by spatterdock and maidencane.

No dredging or filling is proposed within the on-site wetlands. Deed restrictions will be recorded over the on-site wetland areas to insure that the project will not result in unacceptable adverse secondary impacts to these wetlands.

Staff believes that the proposed project conforms with the wetland review criteria pursuant to Section 10.7.4 of the Applicant's Handbook for Management and Storage of Surface Waters. Staff feels the proposed project will not have any unacceptable adverse secondary or cumulative impacts to wetlands, water quality and upland habitat for aquatic or wetland dependent fish or wildlife species listed as endangered, threatened or of special concern.

SEE ATTACHED:
BIOLOGICAL FIELD REPORT (PAA)
WETLAND INVENTORY

	<u>ACRES</u>
TOTAL WETLANDS INVOLVED:	26.04
TOTAL WETLANDS PRESERVED:	26.04
TOTAL WETLANDS DISTURBED:	0.00
TOTAL WETLANDS LOST:	0.00
1. CONTIGUOUS TO WATERS:	0.00
2. ISOLATED WETLANDS:	0.00
TOTAL WETLANDS RESTORED/CREATED AS MITIGATION:	0.00
TOTAL WETLANDS ENHANCED AS MITIGATION:	0.00
OTHER COMPENSATION:	0.00

CONDITIONS FOR APPLICATION NUMBER: 40-069-0199A

GENERAL: 1 2 3 4 5 6 7 8 9 10 11 12 13

~~SEPTEMBER 28, 1991~~

SPECIAL CONDITIONS: X, 10, 13, 28

OTHER CONDITIONS:

1. The proposed surface water management system must be constructed and operated in accordance with the plans received by the District on December 8, 1995.
2. This permit will expire on August 9, 1999.
3. Prior to the sale of any lot or parcel, or initiating any construction, whichever occurs first the permittee must record Declarations of Covenants and Restrictions which include a restriction on the real property pursuant to section 704.06, F.S.; prohibiting all construction including clearing, dredging, or filling, except that which is specifically authorized by Environmental Resource permit, within the wetland areas as shown on sheets 3,4,5, and 6 of the plans received by the District on December 8, 1995. The deed restrictions must contain provisions as set forth in paragraphs 1(a)-(h) of section 704.06, F.S., as well as provisions indicating that they may be enforced by the District or Department of Environmental Protection and may not be amended without District approval. The restricted area boundaries must be permanently monumented above ground on the project site.

Within 30 days of recording, the Permittee must provide the District with a certified copy of the recorded restrictions showing the date it was recorded and the official records book and page number, a surveyors sketch of the area included in the legal description, and a surveyors sketch of the restricted area plotted on the appropriate USGS topographic map.

ATTACH "OTHER CONDITIONS" IF NECESSARY

Forms to be included with permit:

Completion Forms

EN-44 (Non_registered)

EN-45 (Registered Professional)

Inspection Forms

EN-47 (Non-reg.)

EN-46 (Reg. Prof.)

EN-33 (Karst)

EN-31 (Littoral Zone)

Other

Aboodi/Ward

Received November 3, 1995 1st Day February 22, 1996 28th Day February 29, 1996

1st Draft

TECHNICAL STAFF REPORT
CHAPTER 40C-40, F.A.C.
GENERAL PERMIT APPLICATION NO.: 40-069-0199A

PROJECT: Wingspread

PROJECT AREA: 97.23 (Ac.)

ACREAGE OWNED: 586.38 (Ac.)

APPLICANT ADDRESS:

Michael Moukhtara C/O John Hayter
704 NE First Street
Gainesville Florida 32601

AGENT ADDRESS:

Farner Barly & Associates, Inc.
Robert E. Farner, P.E.
350 North Sinclair Avenue
Tavares Florida 32778

RECEIVING WATER BODY: Myrtle Lake CLASS: III

HYDROLOGIC BASIN:

- Upper St. Johns River
- Oklawaha River
- Wekiva River
- Econlockhatchee River
- Sensitive Karst Areas
- Other
- N/A

EXISTING LAND USE: Abandoned Citrus Grove

AUTHORITY: 40C-4.041 (1), (2)(b)2., 40C-40.302, and 40C-42.061, F.A.C.

O&M ENTITY: Homeowner Association ~~Homeowner Association~~ and The City of Fruitland Park

O&M Documents Submitted and Reviewed Y (X) N () N/A ()
 Correct Fee Submitted Y (X) N () N/A ()

AUTHORIZATION STATEMENT: A permit authorizing

- Alteration Operation Maintenance Modification
- Re-issuance Removal Abandonment
- Construction & Operation Modification & Operation

of a surface water management system that consists of a proposed single family subdivision known as Wingspread. The system will include swales along the road, and rear lot swales.

TYPE OF DEVELOPMENT:

(Check all applicable)

- Residential -
- Single(1) Multifamily(2)
- Recreational (3)
- Commercial (4)
- Industrial (5)
- Agricultural (6)
- Institutional (7)
- Roadway (8)
- Other (9)

TYPE OF TREATMENT PROPOSED:

(Check all applicable)

- Retention (1)
- Dry Retention w/Underdrain (2)
- Dry Retention w/Filtration (3)
- Wet Retention w/Filtration (4)
- Exfiltration Trench (5)
- Wet Detention System (6)
- Swales (7)
- Swale with Ditch Block (8)
- Pervious Concrete (9)
- Wetlands (10)

- Alternative (11)
- Other (12)
- Dry Retention (13)

LOCATION AND BRIEF DESCRIPTION OF SYSTEM:

The project is located on the west side of County Road 468 and State Road 27 and the north side of Lewis Road, in Lake County. The project will include a 97.23-acre, single family subdivision , swales along the road, and rear lot swales. The project is included within the area reviewed under Formal JD # 16-069-0005 issued on August 9, 1994. Therefore the project is grandfathered under rules adopted pursuant to subsection 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended prior to the implementation of the Environmental Resource Permitting (ERP) program.

PRE/POST PEAK RATE ATTENUATION PROVIDED Y (X) N () N/A ()

PRE/POST VOLUME ATTENUATION PROVIDED Y (X) N () N/A ()

MEAN ANNUAL STORM ATTENUATION PROVIDED Y () N () N/A (X)

RECOVERY OF WATER QUALITY VOLUME WITHIN REQUIRED TIME Y (X) N () N/A ()

RECOVERY OF PEAK ATTENUATION VOLUME WITHIN REQUIRED TIME Y (X) N () N/A ()

OTHER ENGINEERING COMMENTS:

The site is located within the Oklawaha Hydrologic Basin. The project considered as land-locked basin. The project as designed will meet applicable land-locked Basin criteria. The proposed site has no encroachment to the floodplain area. The proposed treatment system consist of swales along the road, and rear lot swales. The applicant has demonstrated that the proposed treatment system will provide water quantity and water quality and recovery of the required pollution abatement volume, pursuant to chapter 40C-4, 40C-42, F.A.C

ENVIRONMENTAL SPECIALIST COMMENTS:

The 97.23-acre project contains 26.04 acres of wetlands. The uplands consist of abandoned citrus grove, open field, and oak forest. The wetlands consist of the following areas:

- a 22.59-acre portion of Myrtle Lake. This wetland is dominated by maidencane, cattails, and redroot.
- 3.45 acres of wetlands known as Otter's Pond. This wetland is dominated by spatterdock and maidencane.

No dredging or filling is proposed within the on-site wetlands.

Staff believes that the proposed project conforms with the wetland review criteria pursuant to Section 10.7.4 of the Applicant's Handbook for Management and Storage of Surface Waters. Staff feels the proposed project will not have any unacceptable adverse secondary or cumulative impacts to wetlands, water quality and upland habitat for aquatic or wetland dependent fish or wildlife species listed as endangered, threatened or of special concern.

SEE ATTACHED:

**BIOLOGICAL FIELD REPORT (PAA)
WETLAND INVENTORY**

	<u>ACRES</u>
TOTAL WETLANDS INVOLVED:	26.04
TOTAL WETLANDS PRESERVED:	26.04

TOTAL WETLANDS DISTURBED	0.00
TOTAL WETLANDS LOST:	0.00
1. CONTIGUOUS TO WATERS:	0.00
2. ISOLATED WETLANDS:	0.00
TOTAL WETLANDS RESTORED/CREATED AS MITIGATION:	0.00
TOTAL WETLANDS ENHANCED AS MITIGATION:	0.00
OTHER COMPENSATION:	0.00

CONDITIONS FOR APPLICATION NUMBER: 40-069-0199A

GENERAL: 1 2 3 4 5 6 7 8 9 10 11 12 13

SEPTEMBER 25, 1991

SPECIAL CONDITIONS: 1, 10, 13, 28

OTHER CONDITIONS:

1. The proposed surface water management system must be constructed and operated in accordance with the plans received by the District on December 8, 1995.
2. This permit will expire on August 9, 1999.
3. Prior to the sale of any lot or parcel, or initiating any construction, whichever occurs first the permittee must record Declarations of Covenants and Restrictions which include a restriction on the real property pursuant to section 704.06, F.S.; prohibiting all construction including clearing, dredging, or filling, except that which is specifically authorized by Environmental Resource permit, within the wetland areas as shown on sheets 3,4,5, and 6 of the plans received by the District on December 8, 1995. The deed restrictions must contain provisions as set forth in paragraphs 1(a)-(h) of section 704.06, F.S., as well as provisions indicating that they may be enforced by the District or Department of Environmental Protection and may not be amended without District approval. The restricted area boundaries must be permanently monumented above ground on the project site.

Within 30 days of recording, the Permittee must provide the District with a certified copy of the recorded restrictions showing the date it was recorded and the official records book and page number, a surveyors sketch of the area included in the legal description, and a surveyors sketch of the restricted area plotted on the appropriate USGS topographic map.

ATTACH "OTHER CONDITIONS" IF NECESSARY

Forms to be included with permit:

<u>Completion Forms</u>	<u>Inspection Forms</u>
<input type="checkbox"/> EN-44 (Non_registered)	<input type="checkbox"/> EN-47 (Non-reg.)
<input checked="" type="checkbox"/> EN-45 (Registered Professional)	<input checked="" type="checkbox"/> EN-46 (Reg. Prof.)

EIV-33 (Karst)

EN-31 (Littoral Zone)

Other

Aboodi/Ward

GIS/ADMINISTRATIVE MSSW APPLICATION TRACKING SHEET

Application Number: 40-069-0199A-ERP

Reviewer(s): ABOODI WARD

Date Received: 11/ 3/95

Applicant: JOHN HAYTER

Project Name: WINGSPREAD

MAPPING INFORMATION:

Acceptable as Received: YES

Hydrologic Basin: OKLAWAHA BASIN

<u>MAP NUMBER</u>	<u>QUAD</u>
<u>28</u>	<u>LEESBURG-W</u>

Date Application Entered: 11/ 7/95

Date Application Mapped: 11/ 8/95

Initials: CC

Request for Additional Information must be mailed by: 12/ 1/95

Regulatory Meeting Date if determined technically/administratively Complete: 12/12/95

INFORMATION PROVIDED BY REVIEWING STAFF:

Date 1st RAI sent: <u>11-29-95</u>	Date 1st Resp. received: <u>12-8-95</u>
Date 2nd RAI sent: <u>12-29-95</u>	Date 2nd Resp. received: <u>2-1-96</u>
Date 3rd RAI sent: _____	Date 3rd Resp. received: _____
Date 4th RAI sent: _____	Date 4th Resp. received: _____

Date Application Complete: 2-1-96

Schedule for _____ Regulatory Meeting (Approval/Denial)

** NOTE: PLEASE RETURN WITH THE TSR FOLDER.

PERMIT APPLICATION APPRAISAL FORM - BIOLOGICAL REPORT

MSSW File Number: 40-069-0199A WRM File Number: N/A
Project Name: WINGSPREAD County: LAKE
Applicant: MICHEAL MOUKHTARA
Waterbody: MYRTLE LAKE, OTTERS POND Class: III
Outstanding Florida Waterbody (if applicable): N/A
Inspection by: DAVID EUNICE Date of Inspection: AUGUST 20 1993

Attach photographs and site map indicating photo stations and directions of view. Attach sketches or notes on site plan if needed for clarification of descriptions.

MSSW Project Description (to be used on TSR and permit)

- Construction and operation of a new system
Alteration and operation of an existing system not previously permitted by the District
Modification of a system previously permitted by the District (check one of the boxes below)
Alteration and operation of an existing system; previous permit number:
Construction and operation of additional phases of a system; previous permit number:
Removal of a system
Re-application for permit that has expired
Abandonment of a system
Extension of permit prior to expiration

The project is located on the west side of County Road 468 and State Road 27 and the north side of Lewis Road, in Lake County. The project will include a 97.23-acre, single family subdivision, swales along the road, and rear lot swales.

WRM Project Description (to be used on TSR and permit)

Construction in waters of the State including the excavation of N/A cubic yards of material from ___ acres of ___ and the placement of N/A cubic yards of fill material in ___ acres of _ for ___

(complete if applicable): The project also includes construction of a stormwater management system to serve the N/A acre project.

The system consists of

N/A

<p>Project History</p> <p>pre-application meetings</p> <p>related permits previous/existing violations(if they exist)</p>	<p>No pre-application meetings are known for this project.</p> <p>Formal JD # 16-069-0005 was issued on August 9, 1994. Therefore the project is grandfathered under rules adopted pursuant to subsection 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended prior to the implementation of the Environmental Resource Permitting (ERP) program.</p>
----------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Construction Techniques and Turbidity Controls</p> <p>if dredging in waters is proposed, describe the sediment characteristics</p>	<p>The applicant proposes to install appropriate erosion and sediment controls.</p>
----------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------

Site Biophysical Characteristics

<p>Vegetative Community</p> <p>community description- both uplands and wetlands(assign each wetland an i.d. number for description purposed - see page 4 of form)</p> <p>community types</p> <p>condition of community</p> <p>surrounding land use</p>	<p>The 97.23-acre project contains 26.04 acres of wetlands. The uplands consist of abandoned citrus grove, open field, and oak forest. The wetlands consist of the following areas:</p> <ul style="list-style-type: none"> • a 22.59 acre portion of Myrtle Lake. This wetland is dominated by maidnecane, cattails, and redroot. • 3.45 acres of wetlands known as Otter's Pond. This wetland is dominated by spatterdock and maidencane. <p>No dredging or filling is proposed within the on-site wetlands.</p> <p>Surrounding land use is predominantly rural/agricultural.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Site Disturbances</p> <p>degree and types of existing site disturbances</p> <p>exotic/nuisance species</p>	<p>n/a .</p>
<p>Hydrologic Characteristics</p> <p>current conditions</p> <p>normal/historical conditions</p>	<p>n/a</p>
<p>Wildlife Use</p> <p>observed or reasonably anticipated (including T or E species)</p> <p>role of site in overall trophic structure of area, including use by man</p> <p>attach macro-invertebrate assessment (if applies)</p>	<p>Staff did not observe any wetland dependent T or E species within the project site, nor did they observe any evidence that the uplands were being utilized by T or E species.</p>
<p>Water Quality</p> <p>characterize existing quality, include suspected cause of current problems (if any exist)</p>	<p>n/a</p>

Wetland Inventory

Project Name: WINGSPREAD # 40-069-0199A

A:	Total Wetland Acreage:	26.04(FH)
B:	Total Wetlands "Preserved" (i.e. not disturbed or lost):	26.04(FH)
C:	Total Wetlands Disturbed (temporary, not lost):	0.00
D:	Total Wetlands Lost:	0.00
	1. Waters of the State Acreage (See D&F # <u>N/A</u>):	0.00
	2. Contiguous to Waters Acreage:	0.00
	3. Isolated Acreage:	0.00
E:	Total Wetlands Created as Mitigation:	0.00
F:	Total Wetlands Enhanced as Mitigation:	0.00
G:	Other Compensation:	0.00

The suffix (FH), (FW), (SH), or (SW) must be appended to the acreage values.

The majority of the project site is improved pasture and is actively grazed by cattle. Forested uplands, and forested and herbaceous wetlands make up the remainder of the project site. Stormwater runoff from the site sheet flows either directly into adjacent wetlands or into Myrtle Lake, a Class III waterbody.

Wingspread Phase II consists of thirteen single-family residential lots with associated roadways, sidewalks and two dry-bottom retention ponds. Wingspread Phase III consists of nine single-family residential lots with associated roadways, sidewalks and two dry-bottom retention ponds. Four of the nine lots, Lots 78 through 81, are adjacent to Myrtle Lake. The Glen consists of 237 single-family residential lots with associated roadways, sidewalks and seven dry-bottom retention ponds. Stormwater runoff from all three project sites is conveyed to one of the proposed retention pond by inlets connected to a piped conveyance system and by conveyance swales for the required water quality treatment and peak discharge rate attenuation. Discharge is in the pre-development direction via outfall weir discharge structures.

Impacts:

12.2.2 states that an applicant "must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.

Secondary impacts:

Section 12.2.7 A.H. contains a four part criterion which addresses additional impacts that may be caused by a project: (a) impacts to wetland functions that may result from the intended use of a project; (b) impacts to the upland nesting habitat of listed species that are aquatic or wetland dependent; (c) impacts to significant historical and archaeological resources that are closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) wetland impacts that may be caused by future phases of the project or activities that are closely linked and causally related to the project.

:

The applicant has demonstrated that the proposed project will have no unacceptable adverse secondary and cumulative impacts to wetlands and water quality, as defined by paragraph 12.2.7(a), ERP A.H.

Secondary impacts to the proposed conservation easement area resulting from the potential single-family docks to be constructed in the future, and under the purview of DEP, have been minimized through design standards that have the least amount of environmental impacts. Potential secondary impacts to wildlife might occur through the shading or displacement of lake vegetation, and increased human disturbances from use of the docks. This application is not authorizing any construction of docks or boardwalks within the conservation easement or adjacent wetlands or surface waters. Pursuant to the Delegation Agreement between the Department of Environmental Protection (DEP) and the District, single-family lot owners will be required to coordinate with the DEP regarding the construction of these docks.

The applicant has provided undeveloped on-site upland buffers in order to address potential secondary impacts from the residential development on the remaining wetlands. These undeveloped upland buffers will be placed under a conservation easement to provide assurance that they will remain in an undisturbed condition in perpetuity.

"Section 12.2.7 (a) provides that secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of 15 ft. and an average width of 25 ft. are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by listed species for nesting, denning, or critically important feeding habitat."

No nesting or denning by listed aquatic or wetland dependent fish or wildlife species was observed within the uplands on the project site. The majority of the project site is actively grazed pastureland and this upland herbaceous community does not provide nesting or denning opportunities for listed aquatic or wetland dependent fish or wildlife species, as defined by paragraph 12.2.7(b), ERP A.H.

The Division of Historical Resources has provided correspondence indicating that no significant archaeological or historical sites are recorded for the project area. Impacts to significant historical or archaeological resources are not expected to occur, as defined by paragraph 12.2.7(c), ERP A.H.

The original Planned Unit Development plan approved by the City of Fruitland Park, provides reasonable assurance that no wetland impacts may be caused by future phases of the project or activities that are closely linked and causally related to the project as defined by paragraph 12.2.7(d), ERP A.H.

Elimination/Reduction of Impacts:

Pursuant to Section 12.2.1 A.H. the applicant must consider practicable design modifications, which would reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification which is not technically capable of being done, is not economically viable, or which adversely affects public safety through endangerment of lives or property is not considered "practicable". Section 12.2.1

The applicant has designed the subdivision to avoid direct impacts to all wetlands.

Mitigation:

The applicant has proposed a conservation easement over the upland buffers and the remaining on-site wetlands to address potential secondary impacts to these systems from the proposed residential development. A conservation easement over these areas provides reasonable assurance that these areas will remain undisturbed; the additional protection afforded these by the conservation easement will offset the project's adverse impacts.

Cumulative Impacts:

Section 12.2.8 A.H. requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Mitigation, which offsets a projects adverse impacts within the same basin as the project for which a permit is sought is presumed to not cause unacceptable cumulative impacts.

The proposed mitigation is located within the proposed development, within the same hydrologic basin.

The applicant has submitted a design and calculations demonstrating that the proposed surface water management system will provide post-development peak rate of discharge attenuation for the 10-year, 24-hour storm event and for the 25-year, 24-hour storm event, pursuant to District criteria set forth in Chapters 40C-4 and 40C-41, F.A.C., including Section 10.3 and Section 11.2, MSSW A.H. As proposed, the system meets the Ocklawaha Basin criteria.

The applicant has submitted calculations demonstrating that the proposed surface water management system will provide treatment and recovery of the required pollution abatement volume pursuant to Chapter 40C-42, F.A.C. The system is designed in accordance with requirements for discharges to a Class III waterbody.

The applicant has provided reasonable assurance that the proposed project is consistent with the design criteria and objectives of the District as set forth in Chapters 40C-4, 40C-41, and 40C-42, F.A.C., and that the proposed project meets all applicable conditions for permit issuance pursuant to sections 40C-42, 40C-4.301, and 40C-4.302, F.A.C.

Wetland Summary Table

Wingspread, Phases II & III	Residential Single Family	<u>Acres</u>
Total Wetlands On-site		13.170
Total Surface Waters On-site		0.260
Impacts that Require Mitigation		0.100
Impacts that Require No Mitigation		0.000
Mitigation (Secondary Impacts) On-Site		17.460
		<u>17.460</u>
Wetland Preservation (FLUCFCS 641)		8.980

Wetland Preservation (FLUCFCS 611)	4.190
Upland Preservation (FLUCFCS 420)	1.840
Upland Preservation (FLUCFCS 320)	2.190

Recommendation: Approval

Conditions for Application Number 4-069-26496-2:

ERP General Conditions by Rule (October 03, 1995):

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19

ERP/MSSW/Stormwater Special Conditions (November 09, 1995):

1, 4, 10, 13, 20, 21

Other Conditions:

1. The project must be constructed and operated in accordance with the plans received by the District on August 21, 2003 and as amended by plan sheets C1 through C7, received by the District on September 17, 2003 and by plan sheets 2 of 7 and 4 of 7 received by the District on October 21, 2003.
2. This permit does not authorize construction of any single-family docks. The individual homeowners must coordinate with the Department of Environmental Protection regarding construction of said docks.
- 3.
4. 3.The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.

Reviewers: Rickie Ottesen

Timothy Wetzel

26496-*D*



Permit
with conditions
1728



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

November 11, 2003

AA Moukhtara Co
Route 2 Box 6004
Lake City, FL 32024

SUBJECT: Permit Number 4-069-26496-2
Wingspread, Phases II & III

Dear Sir/Madam:

Enclosed is your permit as authorized by the Governing Board of the St. Johns River Water Management District on November 11, 2003.

This permit is a legal document and should be kept with your other important documents. The attached MSSW/Stormwater As-Built Certification Form should be filled in and returned to the Palatka office within thirty days after the work is completed. By so doing, you will enable us to schedule a prompt inspection of the permitted activity.

In addition to the MSSW/Stormwater As-Built Certification Form, your permit also contains conditions which require submittal of additional information. All information submitted as compliance to permit conditions must be submitted to the Palatka office address.

Permit issuance does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies asserting concurrent jurisdiction for this work.

In the event you sell your property, the permit can be transferred to the new owner, if we are notified by you within thirty days of the sale. Please assist us in this matter so as to maintain a valid permit for the new property owner.

Thank you for your cooperation and if this office can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

Gloria Lewis, Director
Permit Data Services Division

Enclosures: Permit with EN Form(s), if applicable

cc: District Permit File

Consultant: Walling Engineering
913 Venture Ave Suite 1
Leesburg, FL 34748

GOVERNING BOARD

Duane Ottenstrofer, CHAIRMAN
JACKSONVILLE

Ometrias D. Long, VICE CHAIRMAN
APOPKA

R. Clay Albright, SECRETARY
OCALA

David G. Graham, TREASURER
JACKSONVILLE

W. Michael Branch
FERNANDINA BEACH

John G. Sowinski
ORLANDO

William Kerr
MELBOURNE BEACH

Ann T. Moore
BUNNELL

Susan N. Hughes
JACKSONVILLE

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 4-069-26496-2

DATE ISSUED: November 11, 2003

PROJECT NAME: Wingspread, Phases II & III

A PERMIT AUTHORIZING:

Construction of a surface water management system a 171-acre single-family residential subdivision to be known as Wingspread, Phases II & III and The Glen.

LOCATION:

Section(s): 8, 17 Township(s): 19S Range(s): 24E

Lake County

ISSUED TO:

AA Moukhtara Co
Route 2 Box 6004
Lake City, FL 32024

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights or privileges other than those specified therein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:


PERMIT IS CONDITIONED UPON:


See conditions on attached "Exhibit A", dated November 11, 2003

AUTHORIZED BY: St. Johns River Water Management District

Department of Water Resources

Governing Board

By: 
Jeff Elledge
(Director)

By: 
Kirby B. Green III
(Assistant Secretary)

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-069-26496-2
AA MOUKHTARA CO
DATED NOVEMBER 11, 2003.

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed drawings shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and

stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. This permit requires the recording of a conservation easement.

Description of Conservation Easement Area

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

Recording of Conservation Easement

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (April 10, 2002). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not approve the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

25. This permit requires the recording of a Declaration of Covenants and Restrictions that includes restrictions on certain real property.

Description of Restricted Area

The permittee shall provide to the District for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the restrictions, or (b) a surveyor's sketch and legal description of the area to be restricted, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be restricted in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the District. A surveyor's sketch and legal description of the area to be restricted during each phase must be submitted in accordance with the previous paragraph.

Recording of Declaration of Covenants and Restrictions

Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a Declaration of Covenants and Restrictions which includes restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section

12.3.8, Applicant's Hair Look, Management and Storage of Surface Waters (April 10, 2002). The Declaration shall be in the form approved in writing by the District and, if no plat has been submitted, the Declaration shall include the approved legal description and surveyor's sketch. If the District does not approve the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the Declaration with the legal description and surveyor's sketch or plat reference previously submitted.

Pursuant to section 704.06, Florida Statutes, the Declaration shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the District. The Declaration must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the restrictions may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required

The permittee shall ensure that the Declaration identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the restrictions. If the Declaration's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the Declaration has the legal authority to restrict partnership land or convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the Declaration. The consent and joinder of mortgagee shall be recorded simultaneously with the Declaration in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the District with: (a) a certified copy of the Declaration (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the restricted area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder of mortgagee documents (if applicable).

Demarcation of Restricted Area

Prior to lot or parcel sales, all changes in direction of the restricted area boundaries must be permanently monumented above ground on the project site.

26. The project must be constructed and operated in accordance with the plans received by the District on August 21, 2003 and as amended by plan sheets C1 through C7, received by the District on September 17, 2003 and by plan sheets 2 of 7 and 4 of 7 received by the District on October 21, 2003.
27. This permit does not authorize construction of any single-family docks. The individual homeowners must coordinate with the Department of Environmental Protection regarding construction of said docks.
28. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

July 9, 2004

H. Bennet Walling, P.E.
WE Walling Engineering
913 Venture Ave., Suite 1
Leesburg, FL 34748

**RE: Legal Document Review for Wingspread Phases II & III;
Permit # 4-069-26496-1**

Mr. Walling:

Please allow this letter to serve as a follow up to Patrick Krechowski's letter dated October 10, 2003, requesting revisions to the draft Articles of Incorporation and Declarations of Covenants and Restrictions as well as a survey sketch for the above referenced project. I further understand specific language was required to be placed in the Declaration to address the impact of future docks. To date, the District has not received the revised documents or the survey sketch.

Please provide me with the requested documentation within 15 days of receipt of this letter or contact me at (386) 312-2317 to discuss the current status of this project. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kealey A. West', with a long horizontal flourish extending to the right.

Kealey A. West, Esq.
Assistant General Counsel
Office of General Counsel

Enclosure
/kaw

cc: PDS - Altamonte Springs / Palatka # 4-069-26496-1

GOVERNING BOARD

Ometrias D. Long, CHAIRMAN APOPKA	David G. Graham, VICE CHAIRMAN JACKSONVILLE	R. Clay Albright, SECRETARY OCALA	Duane Ottenstroer, TREASURER JACKSONVILLE	
W. Michael Branch FERNANDINA BEACH	John G. Sowinski ORLANDO	William Kerr MELBOURNE BEACH	Ann T. Moore BUNNELL	Susan N. Hughes JACKSONVILLE