FLAGLER COUNTY TECHNICAL REVIEW COMMITTEE

GOVERNMENT SERVICES BUILDING
First Floor Conference Room B108
1769 EAST MOODY BOULEVARD BUILDING 2, BUNNELL FL 32110

AGENDA

DATE – JANUARY 17, 2018           TIME – 9:00 A.M.

1. Postponed from December 20, 2017 meeting - Application #3118 – APPLICATION FOR A SITE DEVELOPMENT PLAN LESS THAN 5 ACRES IN THE MH-3 (MOBILE HOME PARK) DISTRICT – request for review of a site development plan for a travel trailer park in the MH-3 (Mobile Home Park) District located at 435 County Road 330. Parcel Number: 32-12-31-0650-000A0-0111; 5.00+/ - acres. Owner: 435-330 R&D LLC/Applicant: Rino and Debra LeBel.
   Project # 201711003

   (TRC)

2. Application #3123 – APPLICATION FOR SPECIAL USE IN THE I-PUD (INDUSTRIAL PLANNED UNIT DEVELOPMENT) DISTRICT – request for a potable water well (raw water supply) located on Easement area lying within Parcel Number: 17-12-31-0650-000A0-0013; 0.73± acres within 40.71± acres parcel. Subject property lying west of Seminole Woods Parkway; south of the Flagler County Airport and north of the Iroquois Waterway. Owner: City of Flagler Beach / JTL Grand Landings Development LLC; Applicant: QHL, Kevin A. Lee, P.E.
   Project #2017120047

   (TRC, PDB, BCC)

3. Application #3124 – APPLICATION FOR SPECIAL EXCEPTION FOR RESTAURANT, BUSINESS AND PROFESSIONAL OFFICES, PROFESSIONAL CONSULTANTS, MEDICAL AND DENTAL OFFICES, TAX CONSULTANTS OR TAX EXPERTS, ART GALLERY/ARTIST STUDIO, JEWELRY STORE AND PHARMACY AND RETAIL STORE, BOUTIQUE OR SPECIALTY IN THE R/C (RESIDENTIAL / LIMITED COMMERCIAL) DISTRICT at 5182 N. Oceanshore Boulevard on Parcel Number: 40-10-31-0010-00040-0090 being 0.9± acres. Owner: Exile on Main St, LLC / Applicant: Jay Livingston, Esq.
   Project # 2017120048

   (TRC, PDB)
4. Application #3125 – APPLICATION FOR SETBACK VARIANCES IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for relief from the required 40’ front setback and the required 10’ right side yard setback for an existing commercial building and an existing shed and relief from the required setback for an existing freestanding sign at 5182 N. Oceanshore Boulevard on Parcel Number: 40-10-31-0010-00040-0090 being 0.9± acres. Owner: Exile on Main St, LLC / Applicant: Jay Livingston, Esq. 

Project # 2017120049 (TRC, PDB)

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Public record indicates that the owner of the subject property is JTL Grand Landings Development, LLC. Provide an Owner's Authorization signed by the property owner for this application. The County acknowledges the Grant of Easement for multiple well sites and associated appurtenances, the use also lies within the boundary of the property owned by JTL Grand Landings Development, LLC.

2. Sec. 6.03.03.B, FCLDC, establishes 200-foot radius from proposed wellhead zone of exclusion prohibiting incompatible land uses. Zoning of the subject parcel is I-PUD, which permits possible incompatible industrial uses. Please depict 200-foot radius on plan.

REVIEWING DEPARTMENT: FLAGLER COUNTY AIRPORT

1. The proposed well site will not create a hazard to the airport or to air navigation.

2. City of Flagler Beach will need to create or improve an existing road to access their well sites. The access they have used in the past is only available with an airport escort. The previous access now traverses the Runway Safety Area (RSA) due to the relocation and extension of Runway 11-29. Airport personnel with continue to work with the Flagler Beach Utility Department during normal working hours for access.

3. During construction of the new well site the contractor shall contact the Airport Administration Office (386-313-4220) 72 hours prior to the use of a crane with a boom height higher than 75 ft.
REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

Wells 6" in diameter or larger are permitted and inspected directly by the St. Johns River Water Management District.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Provide detailed documentation that the project meets the requirements of Section 6.03.00 of the Flagler County Land Development Code with regard to Wellfield Protection.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

LDC 3.06.05.C lists a number of findings the Planning Bd must make, mainly that the use is consistent with the Comp Plan and necessary or desirable for projected community needs.
December 26, 2017

Gina Lemon
Development Review Planner III
Flagler County Planning and Zoning Department
1769 E. Moody Boulevard, Bldg 2
Bunnell, FL 32110

CITY OF FLAGLER BEACH
POTABLE WATER WELL #12R
BLDG PERMIT #2017110213

Dear Ms. Lemon:

The City of Flagler Beach has an active contract with Connect Consulting, Inc (CCI) to install and outfit a potable water Well #12R; this well is being constructed as a replacement for the abandoned Well #12. CCI contracted with McMahan Construction, Inc who has applied for the above referenced building permit. Upon review of the building permit submittal the Flagler County Planning and Zoning Department identified that special use approval is required for the well installation per the Flagler County Land Development Code (FCLDC), Section 3.06.05.

The proposed Well #12R will add to the City of Flagler Beach Water Treatment Plant’s raw water supply. The City currently has three (3) wells, this well will increase the total to four (4) active wells. The City provides potable water to residential and commercial customers within Flagler Beach and areas of unincorporated Flagler County. The addition of this well will ensure the City has adequate raw water to serve their existing utility customers. The construction consists of a 12” well casing with submersible pump, associated piping, and electrical. The site will be within a chain link fenced area approximately 34’ x 34’, constructed on an existing well easement that is approximately 160’ x 200’. Permits for the well construction have been provided by the St Johns Water Management District and the Florida Department of Environmental Protection.

This package constitutes the City of Flagler Beach’s submittal for the special use approval and includes the following:

1. Check for the application fee of $470.00 (under separate cover submitted by the City)
2. Application For Special Use form signed by the City
3. Recorded property easement
4. Ten (10) sets of 11x17 plans signed and sealed
Please review the enclosed application package for conformance with the County's land development requirements. Do not hesitate to contact us if clarifications or additional information are required.

Sincerely,

[Signature]

Kevin A. Lee, P.E.
Project Manager

cc: Fred Griffith, P.E. – City of Flagler Beach

Attachments as noted above
### APPLICATION FOR SPECIAL USE

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

Application/Project #: __________

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</tr>
<tr>
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<td>105 S Second St</td>
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<tr>
<td>City:</td>
<td>Flagler Beach</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
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<tr>
<td>Zip:</td>
<td>32136</td>
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<tr>
<td>Telephone Number</td>
<td>386-517-2000</td>
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<td>Fax Number</td>
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<td>Port Orange</td>
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<td>32127</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-761-6810</td>
</tr>
<tr>
<td>E-Mail Address</td>
<td><a href="mailto:kevin.lee@meadhunt.com">kevin.lee@meadhunt.com</a></td>
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</tr>
<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</td>
<td>A portion of lands per official records book 1329, pg 1277</td>
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<tr>
<td>Parcel #: (tax ID #):</td>
<td>17-12-31-0650-000A0-0013</td>
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<tr>
<td>Parcel Size:</td>
<td>easement size: 160 ft x 200 ft, 0.73 acres</td>
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<td>Current Zoning Classification:</td>
<td>I-PUD</td>
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<tr>
<td>Current Future Land Use Designation:</td>
<td>Residential: Low Density Rural Estate</td>
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<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>□ YES □ NO</td>
</tr>
</tbody>
</table>

**Description of Use:** Utility, City of Flagler Beach Potable Water Well #12R

\[Signature\]

**OFFICIAL USE ONLY**

**PLANNING BOARD RECOMMENDATION/ACTION:**  

^APPROVED [ ] \^APPROVED WITH CONDITIONS [ ] \^DENIED [ ]

Signature of Chairman: __________

Date: __2/26/17__ *approved with conditions, see attached.*

**BOARD OF COUNTY COMMISSIONERS ACTION:**  

^APPROVED [ ] \^APPROVED WITH CONDITIONS [ ] \^DENIED [ ]

Signature of Chairman: __________

Date: __________ *approved with conditions, see attached.*

**NOTE:** The applicant or a representative must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.

Rev. 05/08

Page 1 of 14
GRANT OF EASEMENT

THIS GRANT OF EASEMENT (this “Easement”), made this 8th day of November, 2007, between THE RESERVE, LLC, a Delaware limited liability company, hereinafter called Grantor, whose address for notice purposes is 10739 Deerwood Park Boulevard, Suite 300, Jacksonville, Florida 32256, and THE CITY OF FLAGLER BEACH, a municipal corporation, hereinafter called Grantee, whose address for notice purposes is 105 South 2nd Street, Flagler Bach, Florida 32136.

RECITALS:

A. Grantee is the owner of certain existing well sites more particularly described on Exhibit A attached hereto and incorporated herein (the “Existing Well Sites”).

B. Grantor is the owner of certain real property located in Flagler County, Florida, more particularly described in Exhibit B attached hereto and incorporated herein (the “Grantor’s Property”).

C. In connection with the relocation of the Existing Well Sites onto Grantor’s Property, Grantee desires to obtain from Grantor, and Grantor desires to grant to Grantee a non-exclusive, perpetual, relocatable easement in, on, over, under, through a portion of the Grantor’s Property more particularly described on Exhibit C attached hereto and incorporated herein (the “Easement Property”) for the purposes of ingress and egress and to install, maintain, and repair pipe lines or mains, and wells for the purposes of extracting water from and conveying water over, across, through and under the Easement Property, for the location of said wells, pipe lines or mains and the further right to remove trees, bushes, undergrowth, and other obstacles such as may be deemed necessary for the installation and maintenance of said wells, pipe lines and all mains (the “New Well Sites”).

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The above stated recitals are true and correct and hereby incorporated herein by reference.

2. Grant of Easement. Subject to the terms, covenants and conditions hereinafter set forth, Grantor does hereby grant and convey unto Grantee, a non-exclusive perpetual, relocatable easement in, on, over, under, through a portion of the Easement Property for the purposes of
gress and egress and to install, maintain, and repair pipe lines or mains, and wells for the purposes of extracting water from and conveying water over, across, through and under the Easement Property, for the location of said wells, pipe lines or mains and the further right to remove trees, bushes, undergrowth, and other obstacles such as may be deemed necessary for the installation and maintenance of said wells, pipe lines and all mains. Grantor reserves the right to use the Easement Property for any use that does not materially interfere with the rights granted to Grantee hereunder, provided Grantor’s use of the Easement Property shall be subject to all governmental and regulatory requirements relating to a well site.

3. Abandonment of Existing Well Sites. Within 180 days of completion of all the new well site improvements as evidenced by acceptance of same by the applicable governmental agencies (including the Florida Department of Environmental Protection and the St. Johns River Water management District), the City agrees at its sole cost and expense to remove all aboveground improvements located on the Existing Well Sites, or otherwise abandon the Existing Well Sites in compliance with all regulatory and governmental requirements. The Grantee shall not be required to make any additional improvements to the Existing Well Sites not otherwise required for the abandonment of the same, by the applicable regulatory or governmental entity which has oversight over the abandonment of the Existing Well Sites, except for the removal of all existing above ground improvements. Once the Existing Well Sites have been abandoned, the Grantee will vacate and/or convey title to the property of the Existing Well Sites to Grantor or its designee. In the event improvements located on the Existing Well Sites have not been removed after the Existing Well Site has been abandoned, such improvements shall be deemed abandoned by the Grantee and the Grantor, may, at its sole discretion, enter upon the property and remove such improvements without any further consent from the Grantee, and the Grantor may thereafter deliver an invoice to the Grantee for the costs of removing such improvements. In the event the Grantee fails to abandon the Existing Well Sites, in addition to any other remedies available, the Grantor shall have the right to terminate the Easement without the consent or joinder of the Grantee and remove any improvements related to the New Well Site at the expense of the Grantee. Once the Grantee has abandoned the Existing Well and Grantee has vacated and/or conveyed title to the property of the Existing Well Sites to Grantor or its designee, at the request of Grantee, Grantor shall enter into and record an acknowledgement that such condition has been satisfied and any termination of this Easement shall thereafter require the consent and joinder of Grantee.

4. Right of Relocation. Grantor shall have the right from time to time to relocate all or a portion of the easement granted herein provided that Grantor pays the cost of any reconstruction of the improvements related to such easement as may be required for such relocation, and provided Grantee has a reasonable opportunity to review and approve such relocation of the easement. Subject to the provisions of this paragraph, Grantee agrees to execute any documents presented by Grantor to evidence any such relocation and to terminate the portions of the easements that have been relocated by Grantor. Grantee shall not unreasonably withhold consent to any relocation of the easement granted herein, provided the relocated easement shall provide materially the same easement as granted herein and shall not materially affect the water quality of the well site and any relocation is consistent with all regulatory or governmental requirements.
5. **Number and Gender.** The captions and headings are for convenience only and are not intended to be used in construing any provision of this Agreement. Singular and plural shall each include the other where appropriate, words of any gender shall include other genders when the context so permits.

6. **Governing Law and Venue.** The laws of the State of Florida shall govern this Easement Agreement.

7. **Severability.** In the event any provision of this Agreement shall be determined to be void, unlawful or otherwise unenforceable, such provision shall be deemed severable from the remainder of this Agreement and such void, unlawful or unenforceable provision shall be replaced automatically by a provision containing terms as nearly as possible to the void, unlawful or unenforceable provision, but which still remains valid and enforceable; and this Agreement as so modified shall continue to be in full force and effect.

8. **Covenants Running With the Land.** This Agreement and the rights, obligations and easements created and granted in this Agreement shall be appurtenant to and run with fee title to the Grantor’s Property and the Grantee’s Property, and shall be for the benefit of and binding upon the parties and their respective successors and assigns.

9. **Attorneys’ Fees.** In the event that either the Grantor or Grantee are required to enforce this Agreement by litigation, then the prevailing party in such litigation shall be entitled to collect its costs and reasonable attorneys’ fees incurred in connection with such litigation from the non-prevailing party, whether in pre-litigation preparation, trial, appeal, and in any bankruptcy or collection proceedings.

10. **Amendment.** This Agreement shall not be changed, amended or modified except by an instrument in writing, executed by the Grantor and Grantee or their designated successor or assign in title to the Grantor’s Property or Grantee’s Property. Notwithstanding anything to the contrary contained herein, the Grantor and Grantee reserve the right, with the consent of only Grantor and Grantee, to unilaterally amend, relocate, modify, or terminate this Agreement and the easements created hereby.

11. **Counterparts.** This Agreement and any amendments may be executed in one or more counterparts, each of which shall be deemed an original and all of which together will constitute one and the same instrument.

*THIS SPACE INTENTIONALLY LEFT BLANK*
IN WITNESS WHEREOF, this Agreement has been executed as of the Effective Date.

Signed, sealed and delivered in the presence of:

[Signature]

Print Name: [Signature]

"Grantor"

THE RESERVE, LLC, a Delaware limited liability company

By: LandMar Group, LLC, a Delaware limited liability company, its sole member

By: LandMar Management, LLC, a Delaware limited liability company, its manager

By: [Signature]

Print Name: [Signature]

Its Vice President

STATE OF FLORIDA
COUNTY OF [Signature]

The foregoing instrument was acknowledged before me this 6th day of October, 2007, by [Signature], the Vice President of LandMar Management, LLC, a Delaware limited liability company, the manager of LandMar Group, LLC, a Delaware limited liability company, the sole member of The Reserve, LLC, a Delaware limited liability company, on behalf of the limited liability companies.

[Signature]

Notary Public

State of Florida at Large
Commission # DD436601

My Commission Expires: June 2009

Notary Public

BARBARA A POSELLA
MY COMMISSION #: (510) 909-3609

0407-508-0103

This document was依法产生的。
Signed, sealed and delivered in the presence of:

Robert M. Smith

Print Name: Robert M. Smith

Penny Ovestat

Print Name: Penny Ovestat

THE CITY OF FLAGLER BEACH, a municipal corporation

By: Alice Baker
Its Mayor

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 27th day of October, 2007, by Alice Baker, as Mayor of the City of Flagler Beach.

Penny Ovestat

(Print Name Penny Ovestat)
NOTARY PUBLIC
State of Florida at Large
Commission # DD437983
My Commission Expires:
Personally Known or Produced ID
Type of Identification Produced
Exhibit A

Existing Well Sites
### General Notes

1. Scheduling and site location plans shall be shown on the associated design plans. The layout shown shall be subject to change. Final layout and material quantities shall be determined by the City Engineer. The site location shall be maintained until construction is complete.
2. The arrangement shown shall be subject to the City Engineer’s approval. The City Engineer shall have the authority to modify the location and size of the project as necessary. The City Engineer shall have the final say in the location and arrangement of the project.
3. The City Engineer shall have the right to approve the design and layout of the project. The City Engineer shall have the authority to modify the design and layout as necessary. The City Engineer shall have the final say in the design and layout of the project.
4. The City Engineer shall have the right to approve the location and arrangement of the project. The City Engineer shall have the authority to modify the location and arrangement as necessary. The City Engineer shall have the final say in the location and arrangement of the project.

### Drawing Index

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<td>General Notes &amp; Well Location Map</td>
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<td>2</td>
<td>Site Plans</td>
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<tr>
<td>3</td>
<td>Details</td>
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### Abbreviations

- ABBR: Abbreviation for a specific term
- CPT: Cone Penetration Test
- DCP: Dynamic Cone Penetration
- EPT: Electric Penetration Test
- GPR: Ground Penetrating Radar
- GPS: Global Positioning System
- GTS: Geotechnical Test Site
- HVS: High Volume Sprayer
- IRT: Infrared Thermography
- LIDAR: Light Detection and Ranging
- MR: Magnetic Resonance
- NDT: Non-Destructive Test
- RIG: Rig Site
- ROI: Region of Interest
- SEISM: Seismic Investigation
- SPT: Standard Penetration Test
- TBM: Tunnel Boring Machine
- TDR: Time Domain Reflectometry
- UWB: Ultrasound Waveform
- VHF: Very High Frequency
- XRF: X-Ray Fluorescence

### Utility Company Contacts

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<thead>
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<th>Utility Company</th>
<th>Address</th>
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<tr>
<td>CITY OF LAKES, ET AL</td>
<td>123 Main St, Lakeway, TX 78738</td>
<td>(512) 432-4710</td>
<td>John Doe</td>
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<tr>
<td>CITY OF MANZANITA</td>
<td>456 River Rd, Manzanita, OR 97130</td>
<td>(503) 123-4567</td>
<td>Jane Smith</td>
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<tr>
<td>CITY OF MANZANITA</td>
<td>789 Main St, Manzanita, OR 97130</td>
<td>(503) 123-4567</td>
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### Well Location Map

This map shows the location of wells within the City of Lakes area. The map includes details such as well depth, water quality, and pumping capacity for each well. The map is intended to assist in the management and maintenance of the city's water supply system.
Exhibit B

Grantor’s Property
Exhibit C

Easement Property
LEGAL DESCRIPTION

A PORTION OF LANDS PER OFFICIAL RECORDS BOOK 1329, PAGE 1277, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE SB90°02'14"W ALONG THE SOUTH LINE OF SAID GOVERNMENT SECTION 17 FOR A DISTANCE OF 3,857.34 FEET; THENCE DEPARTING SAID SOUTH LINE NO05°57'46"W FOR A DISTANCE OF 719.79 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SB9°24'45"W FOR A DISTANCE OF 160.00 FEET TO THE EASTERLY LINE OF FLAGLER COUNTY AIRPORT LANDS PER DEED BOOK 28, PAGE 33, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NO03°35'15"W ALONG SAID EASTERLY LINE FOR A DISTANCE OF 200.00 FEET; THENCE DEPARTING SAID EASTERLY LINE NB9°24'45"E FOR A DISTANCE OF 160.00 FEET; THENCE SO03°35'15"E FOR A DISTANCE OF 200.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 32,000 SQ. FT. OR 0.734 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE SOUTH LINE OF GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING SB90°02'14"W.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.
3. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
4. THIS IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO DEPICT A FIELD SURVEY. THIS IS NOT A BOUNDARY SURVEY.

ABREVIATIONS

C=CURVE  
D=DELTA  
R=_RADIUS  
L=LENGTH  
RW=CHORD  
TBE=TANGENT BEARING  
CB=CHORD BEARING  
R=W=RIGHT OF WAY  
Q=CENTER LINE  
P=PERMANENT CONTROL POINT  
PO=POINT OF CURVE  
P=POINT OF TANGENCY  
PQ=POINT OF INTERSECTION  
PQ=PLAT BOOK  
PQ=PAGE

POB=POINT OF BEGINNING  
POC=POINT OF COMMENCEMENT  
MB=MAP BOOK  
S=SECTION  
R=RING  
I=Identification  
C=CORNERSTONE  
R=RECORD  
F=FIELD MEASURED  
OB=OFFICIAL RECORD BOOK  
NR=NON-RADIAL  
RA=RA RADIAL

TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH  FLORIDA/PALM COAST
Main Office 441 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone 386-274-9600  Fax 386-274-9602
email: tomoka@tomoka-eng.com  website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO. 77020FLBCH
DRAWING REFERENCE NO. 7020-BL2
DATE: 07/23/2007
SHEET NO. 2 OF 2

SIGNED
KENNETH J. KUMAR
PLA. PROFESSIONAL SURVEYOR/MAPPER #0105

[Signature]
LEGAL DESCRIPTION:
A PORTION OF LANDS PER OFFICIAL RECORDS BOOK 1375, PAGE 1329, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE DEPARTING SAID SOUTH LINE OF SAID SECTION 29 FOR A DISTANCE OF 2,454.79 FEET; THENCE DEPARTING SAID LINE OF SECTION 29, N02°01'27"W FOR A DISTANCE OF 884.76 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS PER OFFICIAL RECORDS BOOK 1459, PAGE 152, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE ALONG SAID NORTHERLY LINE N74°25'57"W FOR A DISTANCE OF 79.81 FEET; THENCE CONTINUING ALONG SAID NORTHERLY LINE N80°10'06"W FOR A DISTANCE OF 85.88 FEET; THENCE DEPARTING SAID NORTHERLY LINE N05°20'15"W FOR A DISTANCE OF 171.74 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LANDS PER OFFICIAL RECORDS BOOK 1329, PAGE 1277; THENCE ALONG SAID SOUTHERLY LINE N73°59'55"E FOR A DISTANCE OF 190.45 FEET; THENCE DEPARTING SAID SOUTHERLY LINE S12°32'04"E FOR A DISTANCE OF 128.88 FEET; THENCE S15°34'03"W FOR A DISTANCE OF 123.73 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 38,885 Sq. Ft. OR 0.893 ACRES, MORE OR LESS.

SURVEYOR'S NOTEC:
1. BEARINGS BASED ON THE SOUTH LINE OF GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING S87°58'33"W.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.
3. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
4. THIS IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO DEPICT A FIELD SURVEY. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS
C=CURVE
D=DELTA
R=RADIUS
L=LENGTH
DH=CHORD
TB=TANGENT BEARING
CR=CHORD BEARING
R/H=RIGHT OF WAY
S=CENTRE
PC=PERMANENT CONTROL POINT
PO=POINT OF CURVE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
P=PLAT BOOK
PG=PAGE
PB=POINT OF BEGINNING
PO=POINT OF COMINENCEMENT
MS=MAP BOOK
S/SECT=SECTION
R/RANGE
T/TM/P=TOWNSHIP
ID=IDENTIFICATION
CONC=CONCRETE
RE=RECORD
FB=OFFICIAL RECORD BOOK
RAD=RADIAL
RADIAL

TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH
FLAGLER/PALM COAST
Main Office: 12080 S.O. Blvd., Suite #4, Daytona Beach, Fl. 32118
Phone: 386-274-9000 Fax: 386-274-9622
Email: tomoka@tomoka-eng.com Website: www.tomoka-eng.com

SKETCH AND DESCRIPTION
PROJECT NO: T7020FLBCH
DRAWING REFERENCE NO: 7020-SL3B
DATE: 08/13/2007
SHEET NO: 2 OF 2

K E N N I E T H  J .  S H E L B E R N
F L A .  P R O F E S S I O N A L  S U R V E Y O R / M A P P E R  # 6 6 0 5
LEGAL DESCRIPTION:

A PORTION OF LANDS PER OFFICIAL RECORDS BOOK 1329, PAGE 1277, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 29, TOWNHIP 12 SOUTH, RANGE 31 EAST. THENCE SB75°30'33"W ALONG THE SOUTH LINE OF SAID SECTION 29 FOR A DISTANCE OF 2,454.79 FEET; THENCE DEPARTING SAID SOUTH LINE OF SECTION 29, N02°01'27"W FOR A DISTANCE OF 884.76 FEET TO A POINT ON THE NORTHERLY LINE OF LANDS PER OFFICIAL RECORDS BOOK 1459, PAGE 152, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. THENCE ALONG SAID NORTHERLY LINE N74°25'57"W FOR A DISTANCE OF 79.81 FEET; THENCE CONTINUING ALONG SAID NORTHERLY LINE N80°00'00"W FOR A DISTANCE OF 85.88 FEET; THENCE DEPARTING SAID NORTHERLY LINE N05°02'15"W FOR A DISTANCE OF 171.74 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LANDS PER OFFICIAL RECORDS BOOK 1329, PAGE 1277; THENCE ALONG SAID SOUTHERLY LINE N73°59'55"E FOR A DISTANCE OF 23.85 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID SOUTHERLY LINE 16°44'35"E FOR A DISTANCE OF 220.26 FEET; THENCE N03°20'29"E FOR A DISTANCE OF 72.39 FEET TO A POINT ON THE SOUTHERLY LINE OF THE CITY OF FLAGLER BEACH WEBSITE NUMBER 9, AS RECORDED IN OFFICIAL RECORDS BOOK 253, PAGE 29, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. THENCE ALONG SAID SOUTHERLY LINE N88°28'29"E FOR A DISTANCE OF 212.38 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LANDS PER OFFICIAL RECORDS BOOK 1375, PAGE 1329; THENCE S73°59'55"W ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 17.83 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 4,353 SQ. FT. OR 0.100 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. Bearings based on the South line of Government Section 29, Township 12 South, Range 31 East, Flagler County, Florida, being S87°58'33"W.
2. This sketch is not valid without the signature and the original raised seal of a Florida Licensed Surveyor / Mapper.
3. There may be additional easements, restrictions and/or other matters not shown on this sketch that may be found in the county public records.
4. This is a graphic illustration for informational purposes only and is not intended to depict a field survey. This is not a boundary survey.

ABBREVIATIONS:

C=CURVE
d=DELTA
r=RADIUS
l=LENGTH
d=CORD
T=TANGENT BEARING
C=CHORD (BEARING)
R=RIGHT OF WAY
E=EDGE LINE
PC=PERMANENT CONTROL POINT
P=POINT OF CURVE
P=POINT OF INTERSECTION
F=FLAT BOOK
P=PAGE

POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT
MB=MAP BOOK
S=SECTION
R=RANGE
I=Identification
C=CONCRETE
P=PHOTO
R=RECORD
F=FIELD MEASURED
NR=NON-RADIAL

SIGNED

KENNETH J. KUKAR
FLA. PROFESSIONAL SURVEYOR/MAPPER #15605

TOMOKE ENGINEERING
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DAYTONA BEACH FL / PALM COAST
Main Office 440 LPGA Blvd, Suite 148, Daytona Beach, FL 32117
Phone 386-274-3600 Fax 386-274-3602
email: tomoke@tomoke-eng.com website: www.tomoke-eng.com

PROJECT NO. T7020FLBCH
DRAWING
REFERENCE NO.
7020-SL3A
DATE: 08/10/2007
SHEET NO. 2 OF 2
SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF LANDS PER OFFICIAL RECORDS BOOK 1326, PAGE 1277, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE 587'983"3"3'8" ALONG THE SOUTH LINE OF SAID SECTION 29 FOR A DISTANCE OF 2,223.08 FEET; THENCE DEPARTING SAID SOUTH LINE OF SECTION 29, NO2'01'27"W FOR A DISTANCE OF 2,261.13 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE 588'27'23"W FOR A DISTANCE OF 151.12 FEET TO A POINT OF CURVATURE; THENCE SOUTH-WESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 157.38 FEET, A RADIUS OF 475.00 FEET, A CENTRAL ANGLE OF 1859.03', A CHORD BEARING OF 578'57'91"W AND A CHORD DISTANCE OF 156.67 FEET TO A POINT OF TANGENCY; THENCE 569'28'19"W FOR A DISTANCE OF 31.18 FEET TO THE EASTERLY LINE OF A 40'-FOOT WIDE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 253, PAGE 27, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE N01'50'08"W ALONG SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 52.78 FEET; THENCE DEPARTING SAID EASTERLY EASEMENT LINE N69'28'19"E FOR A DISTANCE OF 14.26 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE, TO THE RIGHT HAVING AN ARC LENGTH OF 124.58 FEET, A RADIUS OF 525.00 FEET, A CENTRAL ANGLE OF 1335.46', A CHORD BEARING OF 76'16'12"E AND A CHORD DISTANCE OF 124.26 FEET TO A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE ALONG SAID LINE N01'32'37"W FOR A DISTANCE OF 66.82 FEET; THENCE N89'33'34"E FOR A DISTANCE OF 200.04 FEET; THENCE S01'32'37"E FOR A DISTANCE OF 60.64 FEET; THENCE S02'01'15"E FOR A DISTANCE OF 50.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 29,517 Sq. Ft. OR 0.677 ACRES, MORE OR LESS.

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SURVEYOR'S NOTES

1. BEARINGS BASED ON THE SOUTH LINE OF GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING 587983.33".

2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR/MAPPER.

3. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.

4. THIS IS A GRAPHIC ILLUSTRATION FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO DEPICT A FIELD SURVEY. THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

C=CURVE
D=DELTA
R=RECORD
L=LENGTH
CH=CHORD
TM=TANGENT BEARING
CB=CHORD BEARING
R/W=RIGHT OF WAY
C=CENTER LINE
PC=P=PERMANENT CONTROL POINT
PO=POINT OF CURVE
PT=POINT OF TANGENCY
PI=POINT OF INTERSECTION
PB=PLAT BOOK
SF=SQ FT
AC=ACRES
POB=POINT OF BEGINNING
POC=POINT OF COMMENCEMENT
MB=MAP BOOK
S/SEC/SECTION
R/RANGE
T/TOWNSHIP
L/LS=IDENTIFICATION
C=CONCRETE
PR=RECORD
FP=FIELD MEASURED
ORB=OFFICIAL RECORD BOOK
N/R=NON-RADIAL
RAD=RADIAL

TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH
FLAGLER/PAALM COAST

Signed
KENNETH J. KUHAR
PLA, PROFESSIONAL SURVEYOR/MAPPER #6105

SKETCH AND DESCRIPTION

PROJECT NO. 77020FLBCH
DRAWING REFERENCE END: 7020-SLA
DATE: 04/25/2007
SHEET NO. 2 OF 2
SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF LANDS PER OFFICIAL RECORDS BOOK 1329, PAGE 1277, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE S87°58′33″W ALONG THE SOUTH LINE OF SAID SECTION 29 FOR A DISTANCE OF 2,222.57 FEET; THENCE DEPARTING SAID SOUTH LINE OF SECTION 29, N02°01′27″W FOR A DISTANCE OF 2,371.77 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S89°33′34″W FOR A DISTANCE OF 200.04 FEET; THENCE N02°32′37″W FOR A DISTANCE OF 135.50 FEET; THENCE N88°27′23″E FOR A DISTANCE OF 200.00 FEET; THENCE S01°32′37″E FOR A DISTANCE OF 139.36 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 27,486 Sq. Ft. OR 0.631 ACRES, MORE OR LESS.

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SURVEYOR'S NOTES

1. Bearings based on the South line of Government Section 29, Township 12 South, Range 31 East, Flagler County, Florida, being S87°30′11″W.
2. This sketch is not valid without the signature and the original raised seal of a Florida licensed surveyor / mapper.
3. There may be additional easements, restrictions and/or other matters not shown on this sketch that may be found in the county public records.
4. This is a graphic illustration for informational purposes only and is not intended to depict a field survey. This is not a boundary survey.

ABBREVIATIONS

C=CURVE
D=DELT.A
R=RADIUS
L=LENGTH
CH=CHORD
TB=TANGENT BEARING
CB=CHORD BEARING
R=RIGHT OF WAY
CL=CENTRE LINE
PC=PERMANENT CONTROL POINT
PO=POINT OF CURVE
PI=POINT OF INTERSECTION
PS=PLAT BOOK
PG=PAGE
SF=SQUARE FEET
POB=POINT OF BEGINNING
PCD=POINT OF COMMENCEMENT
WB=WEB BOOK
S=SECTION
R=RANGE
T/W=TOWNHIP
H=HORIZONTAL
C=CONCRETE
F=FIELD
R=RECT
B=DOCUMENT
N=R=NS
RADIAL
A=ACRES

SIGNED:

KENNETH J. KUHAR
FLA. PROFESSIONAL SURVEYOR/MAPPER #6905

TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH
FLAGLER/PALM COAST

SHEET NO.

2 OF 2
October 13, 2017

In the Matter of an Application for Permit by:

Mr. Fred Griffith, P.E., City Engineer
City of Flagler Beach
105 Second Street
Flagler Beach, Florida 32136
Email: fgriffith@cityofflaglerbeach.com

Permit Number: 0080281-025-WC

Project Name: PW Well 12R

County: Flagler

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number 0080281-025-WC to construct replacement well 12R and raw water piping. This permit is issued pursuant to Chapter 403.087(1), Florida Statutes.

This permit is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the paragraphs below or unless a request for extension of time in which to file a petition is filed within the required timeframe and conforms to Rule 62-110.106(4), F.A.C. Upon timely filing of a petition or a request for an extension, this permit will not be effective until further Order of the Department.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) with the Agency Clerk for the Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within 14 days of receipt of this Notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, F.A.C.
A petition must contain the following information:

(a) The name and address of each agency affected and each agency’s file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;

(c) A statement of how and when the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts which petitioner contends warrant reversal or modification of the Department’s action;

(f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department’s action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the materials facts on which the Department’s action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that, the Department’s final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petition have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

When the Order (Permit) is final, any party to the Order has the right to seek judicial review of the Order pursuant to section 120.68 of the Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.
Executed in Jacksonville, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jeffrey S. Martin, P.E.
Chief Engineer
Water and Wastewater Permitting

CERTIFICATION OF SERVICE/ FILING AND ACKNOWLEDGEMENT

FILED, on October 13, 2017, under Section 120.52, Florida Statutes, with the designated Deputy Clerk, receipt of which is hereby acknowledged. The undersigned hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on October 13, 2017, to the listed persons.

cc:  Kevin A. Lee, P.E., QLH, A Mead & Hunt Company, kevin.lee@meadhunt.com
     Jim Orr, E.I., FDEP, Jim.Orr@dep.state.fl.us
     Jeff Martin, P.E., FDEP, Jeff.Martin@dep.state.fl.us
     Joni Petry, FDEP, Joni.Petry@dep.state.fl.us
     Shane Tierney, FDEP, Shane.Tierney@dep.state.fl.us
     Alisha Simpson, FDEP, Alisha.Simpson@dep.state.fl.us
This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-550, 62-555 and 62-560. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

**TO CONSTRUCT:** construct replacement well 12R and raw water piping.

**PROPOSED CONSTRUCTION INCLUDES:**

The components that will be installed as part of the project consist of a 20-hp submersible pump with a pumping capacity of 350 gpm, one 8" propeller flow meter, approximately 10 LF of 8" DIP, approximately 34 LF of 8" HDPE raw water main and associated valves and appurtenances.

**IN ACCORDANCE WITH:** The permit application package received by the Department on September 5, 2017 and subsequent information submitted to the Department through October 12, 2017.

**LOCATION:** The Flagler Beach WTP is located at 4680 Seminole Woods, Flagler Beach, Florida 32136.

Work must be conducted in accordance with the General and Specific Conditions, attached hereto.
GENERAL CONDITIONS:

The permittee shall be aware of and operate under the Permit Conditions below. These applicable conditions are binding upon the permittee and enforceable pursuant to Chapter 403, Florida Statutes. 

[F.A.C. Rule 62-555.533(1)]

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to: 
   a. Have access to and copy any records that must be kept under conditions of the permit; 
   b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
   c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules.
Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
   a. A description of and cause of noncompliance; and
   b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-730.300 F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:
   a. Determination of Best Available Control Technology (BACT)
   b. Determination of Prevention of Significant Deterioration (PSD)
   c. Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)
   d. Compliance with New Source Performance Standards

14. The permittee shall comply with the following:
   a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
   b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
   c. Records of monitoring information shall include:
      1. the date, exact place, and time of sampling or measurements;
      2. the person responsible for performing the sampling or measurements;
      3. the dates analyses were performed;
      4. the person responsible for performing the analyses;
      5. the analytical techniques or methods used;
6. the results of such analyses.

15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. All construction must be in accordance with this permit. Before commencing work on project changes for which a construction permit modification is required per 62-555.536(1), the permittee shall submit to the Department a written request for a permit modification. Each such request shall be accompanied by one copy of a revised construction permit application, the proper processing fee and one copy of either a revised preliminary design report or revised drawings, specifications and design data. [F.A.C. Rule 62-555.536]

2. Permitted construction or alteration of public water supply systems must be supervised during construction by a professional engineer registered in the State of Florida if the project was designed under the responsible charge of a professional engineer licensed in the State of Florida. The permittee must retain the service of a professional engineer registered in the State of Florida to observe that construction of the project is in accordance with the engineering plans and specifications as submitted in support of the application for this permit. [F.A.C. Rule 62-555.520(3)]

3. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoe remains, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section at 850.245.6333 or 800.847.7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources and the permitting agency. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

4. In accordance with General Condition #11 of this permit, this permit is transferable only upon Department approval. Persons proposing to transfer this permit must apply jointly for a transfer of the permit within 30 days after the sale or legal transfer of ownership of the permitted project that has not been cleared for service by the Department using form, 62-555.900(8), Application for Transfer of a PWS Construction Permit along with the appropriate fee. [F.A.C. Rule 62-555.536(5)]

5. This permit satisfies Drinking Water permitting requirements only and does not authorize construction or operation of this facility prior to obtaining all other necessary permits from other program areas within the Department, or required permits from other state, federal, or local agencies.

6. Permittee shall ensure that the well and drinking water treatment facilities will be protected to prevent tampering, vandalism, and sabotage as required by Rule 62-555.315(1) & 62-555.320(5), F.A.C.
7. All products, including paints, which shall come into contact with potable water, either directly or indirectly, shall conform with National Sanitation Foundation (NSF) International, Water Chemicals Codex, Food Chemicals Codex, American Water Works Association (AWWA) Standards and the Food and Drug Administration, as provided in Rule 62-555.320(3), F.A.C.

8. Water supply facilities, including mains, pipe, fittings, valves, fire hydrants and other materials shall be installed in accordance with the latest applicable AWWA Standards and Department rules and regulations. The system shall be pressure and leak tested in accordance with AWWA Standard C600 C603, or C605, as applicable, and disinfected in accordance with AWWA Standard C651-653, as well as in accordance with Rule 62-555.340, F.A.C.

9. The installation or repairs of any public water system, or any plumbing in residential or nonresidential facilities providing water for human consumption, which is connected to a public water system shall be lead free in accordance with Rule 62-555.322, F.A.C.

10. The new or altered aboveground piping at the drinking water treatment plant shall be color coded and labeled as recommended in Section 2.14 of “Recommended Standards for Water Works, 1997 Edition”. [F.A.C. Rule 62-555.320(10)]

11. Permittee shall ensure that there shall be no cross-connection with any non-potable water source in accordance with Rule 62-555.360, F.A.C.

12. The supplier of water shall operate and maintain the public water system so as to comply with applicable standards in F.A.C. Rule 62-550 and 62-555.350.

13. The permittee shall provide an operation and maintenance manual for the new or altered treatment facilities to fulfill the requirements under subsection 62-555.350(13), F.A.C. The manual shall contain operation and control procedures, and preventative maintenance and repair procedures, for all plant equipment and shall be made available for reference at the plant or at a convenient location near the plant. Bound and indexed equipment manufacturer manuals shall be considered sufficient to meet the requirements of the subsection.


15. The permittee shall have complete record drawings produced for the project in accordance with Rule 62-555.530(4), F.A.C.

16. The permittee or suppliers of water shall telephone the State Warning Point (SWP), at 1-800-320-0519 immediately (i.e., within two hours) after discovery of any actual or suspected sabotage or security breach, or any suspicious incident, involving a public water system in accordance with the F.A.C. Rule 62-555.350(10).

17. The permittee must instruct the engineer of record to request system clearance from the Department within sixty (60) days of completion of construction, testing and disinfecting the system. Bacteriological test results shall be considered unacceptable if the test were completed more than 60 days before the Department received the results. [F.A.C. Rule 62-555.340(2)(c)]

18. This facility is a Community Water System as defined in F.A.C. Rule 62-550.200(12) and shall comply with the applicable chemical, radiological, lead and copper, and bacteriological monitoring...

19. The water treatment plant shall maintain throughout the distribution system a minimum continuous and effective free chlorine residual of 0.2 mg/l or its equivalent. A minimum system pressure of 20 psi must be maintained throughout the system. Also, safety equipment shall be provided and located outside of chlorine room.

20. Setback distances between potable water wells and sanitary hazards shall be in accordance with 62-555.312, F.A.C.

21. All new systems or systems that use a new source of water, including a new well, shall demonstrate compliance with all maximum contaminant levels. The system shall comply with the initial sampling frequencies as specified in chapter 62-555, F.A.C. Initial monitoring for Lead & Copper may be waived if the new source is verified, by a signed and sealed statement, documenting a Professional Geologist’s judgment that the new source is the same as the existing source, for existing facilities. [F.A.C. Rule 62-550.500]

Initial monitoring frequencies are as specified below:
- Synthetic Organic Contaminants (SOCs) – Quarterly
- Volatile Organic Contaminants (VOCs) – Quarterly
- Radionuclides – Quarterly
- Lead & Copper – Biannual

22. Prior to placing this project into service, Permittee shall submit, at a minimum, all of the following to the Department for evaluation and approval for operation, as provided in Rules 62-555.340 and 62-555.345, F.A.C.:
   a. the engineer’s Certification of Construction Completion and Request for Clearance to Place Permitted PWS Components Into Operation {DEP Form 62-555.900(9)};
   b. certified record drawings, if there are any changes noted for the permitted project.
   c. copy of a satisfactory pressure test of the process piping performed in accordance with AWWA Standards. [F.A.C. Rule 62-555.320(21)(a)(1)]
   d. two consecutive days of satisfactory distribution bacteriological analytical results.
   e. 10 satisfactory bacteriological analysis results performed on the raw water to be taken 10 consecutive weekdays, or taken twice a day, 6 hours apart for 5 consecutive weekdays; In order to facilitate the issuance of a letter of clearance, the Department requests that all of the above information be submitted as one package.

Executed in Jacksonville, Florida.
January 13, 2017

City of Flagler Beach
PO Box 70
Flagler Beach, FL 32136

SUBJECT: Water Well Construction Permit 148471 located in Flagler County

Dear Sirs/Madam:

Please find enclosed the permit for the above referenced project. 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 will be transferred to the new owner if we are notified by you within thirty (30) days of the recording of the sale. Please assist us in this matter so as to maintain a valid permit for the new property owner.

The permit enclosed is a legal document. Please read the permit carefully since you are responsible for compliance with any conditions which is a part of this permit. Compliance is a legal requirement and your assistance in this matter will be greatly appreciated.

If you have any questions concerning your permit, please do not hesitate to contact this office at (386) 329-4401.

Thank you for your interest in our water resources.

Sincerely,

Margaret Daniels, Office Director
Office of Business and Administrative Services

Cc: District Permit File
Contractor
Wesley Curtis
# STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY, OR ABANDON A WELL

- **City of Flagler Beach**
- **Flagler Beach FL** 32136
- **PO Box 70**
- **Flagler Beach PO Box 70 FL 32136**
- **License Number**: 2737
- **Telephone Number**: geofreeman@comcast.net

## Permit Details
- **Permit No.**: 148471-1
- **Florida Unique ID**: 01/10/2017
- **Expiration Date**: 01/13/2018
- **Hydrologist Approval**: 01/13/2017

## Application Information
- **Well Location**: Address, Road Name or Number, City
- **Water Well Contractor**: George W Freeman
- **Address**: 2737
- **Telephone Number**: geofreeman@comcast.net
- **City**: City of Flagler Beach
- **State**: FL
- **Zip**: 32136
- **Telephone Number**: 2737
- **E-mail Address**: geofreeman@comcast.net

## Application Details
- **Type of Work**: Construction
- **Location**: 12S 31E 31E 31E Flagler
- **County**: Subdivision
- **Latitude**: 292723.0004
- **Longitude**: 811206.9984
- **Water Well Contractor**: George W Freeman
- **License Number**: 2737
- **Telephone Number**: geofreeman@comcast.net
- **City**: City of Flagler Beach
- **State**: FL
- **Zip**: 32134-4008

## Specifying Intended Use(s) of Well(s):
- **Domestic**: Landscape Irrigation
- **Agricultural**: Irrigation
- **Site Investigation**: Monitoring
- **Recreation Area**: Irrigation
- **Livestock**: Irrigation
- **Nursery**: Irrigation
- **Commercial/Industrial**: Irrigation
- **Earth-Coupled Geothermal**: HVAC Supply
- **Earth-Coupled Geothermal**: HVAC Supply
- **Aquifer Storage and Recovery**: Drainage
- **Other (Describe)**: Recharge Commercial/Industrial Disposal Aquifer Storage and Recovery Drainage

## Wells Details
- **Primary Casing Material**: Black Steel
- **Secondary Casing Material**: Black Steel, Galvanized, PVC, Stainless Steel, Other
- **Secondary Casing Diameter**: 20 in.
- **Screen Diameter**: 20 in.
- **Screen Material**: Black Steel, Galvanized, PVC, Stainless Steel, Other
- **Method of Construction, Repair, or Abandonment**: Auger, Cable Tool, Jetted, Rotary Sonic
- **Combination (Two or More Methods)**: Hand Driven (Well Point, Sand Point)
- **Seal Material**: Bentonite, Neat Cement, Other
- **Completed Date**: 01/10/2017
- **Proposed Grouting Interval for the Primary, Secondary, and Additional Casing**: From 0 To 110 ft.

## Water Use Permit
- **CUP/WUP Application No.**: 28-035-59-5
- **CUP/WUP Application**: 28-035-59-5
- **CUP/WUP Application**: 28-035-59-5
- **CUP/WUP Application No.**: 28-035-59-5
- **CUP/WUP Application**: 28-035-59-5
- **CUP/WUP Application**: 28-035-59-5

## Additional Details
- **Data Obtained From**: GPS Map
- **Datum**: NAD 27
- **NAD 83**: NAD 83
- **WGS 84**: WGS 84
- **Certification**: By the owner of the property, the information provided is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to maintain or properly abandon this well; or, if I certify that I am the agent for the owner of the property, the information provided is accurate, and that I have informed the owner of his responsibilities as stated above. Owner consents to allowing personnel of this WMD or Delegated Authority access to the well site during the construction, repair, modification, or abandonment authorized by this permit.

## Approval Details
- **Approval Granted By**: George W Freeman
- **Issue Date**: 01/10/2017
- **Expiry Date**: 01/13/2018
- **Hydrologist Approval**: 01/10/2017

## Permit Use
- **Permit Shall Be Available**: At the Well Site during all construction, modification, or abandonment activities.

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**Note:** This document is a completed permit application with detailed information about the proposed well, including location, intended use, construction details, and certification of accuracy and compliance with relevant statutes.

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**DEP Form:** 62-532.900(1) Incorporated in 62-532.400(1), F.A.C. Effective Date: October 7, 2010

**Page 1 of 2**
Comments:

Identify known roads and landmarks. Give distances from all reference points or structures, septic systems, sanitary hazards, and contamination sources, if applicable.
1. The well contractor shall submit to the District a Well Completion Report in a District-approved format within 30 days of the completion of the construction, repair, or abandonment authorized by this permit.

2. The water well contractor shall notify a District field representative no less than 24 hours prior to initiating construction or grouting operations. The District field representative for this water well construction permit is Wesley Curtis, phone number (386) 329-4252, or cell number (386) 937-0600.
STATE OF FLORIDA WELL COMPLETION REPORT

DATE: 05/05/2017

2. * Number of permitted wells constructed, repaired, or abandoned 1  * Number of permitted wells not constructed, repaired, or abandoned 0  
3. * Owner's Name City of Flagler Beach  
4. * Completion Date 04/07/2017  
5. Florida Unique ID 

6. PALM COAST: FL - 32164

7. * County Flagler  
   * Section 17  
   * Land Grant  
   * Township 12S  
   * Range 31E  

8. Latitude 292722.9788  
   Longitude 811206.9876  

9. Data Obtained From: GPS  
   Map Survey Datum: NAD 27  
   X NAD 83  
   X WGS 84  

10. * Type of Work:  
    X Construction  
    Repair  
    Modification  
    Abandonment  

11. * Specify Intended Use(s) of Well(s):  
    Domestic  
    Landscape Irrigation  
    Agricultural Irrigation  
    Site Investigation  
    Bottled Water Supply  
    Recreational Area Irrigation  
    Livestock Monitoring  
    Public Water Supply (Limited Use/DOH)  
    Nursery Irrigation  
    Test  
    Public Water Supply (Community or Non-Community/DEP)  
    Commercial/Industrial  
    Earth-Coupled Geothermal  
    Golf Course Irrigation  
    HVAC Supply  
    HVAC Return  
    Remediation:  
    Recovery  
    Air Sparge  
    Other (Describe)  
    Class I Injection  
    Recharge  
    Commercial/Industrial Disposal  
    Aquifer Storage and Recovery  
    Drainage  

12. * Drill Method:  
    Auger  
    Cable Tool  
    X Rotary  
    Combination (Two or More Methods)  
    Jetted  
    Sonic  
    Horizontal Drilling  
    Hydraulic Point (Direct Push)  
    Other  

    Measured Pumping Water Level 22 ft.  
    After 4 Hours at 350 GPM  

14. * Measuring Point (Describe)  
    Which is 3 ft.  
    X Above  
    Below Land Surface  
    Flowing:  
    Yes  
    X No  

15. * Casing Material:  
    Black Steel  
    Galvanized  
    X PVC  
    Stainless Steel  
    Not Cased  
    Other  

    Cased Depth 118 ft.  
    * Open Hole:  
    From 118 to 202 ft.  
    X Screen:  
    From To 83 ft.  
    Slot Size  

17. * Abandonment:  
    Other (Explain)  
    From ft.  
    To ft.  
    X No of Bags  
    Seal Material (Check One):  
    Neat Cement  
    Bentonite  
    Other  

18. * Surface Casing Diameter and Depth:  
    Dia 20 in.  
    From 0 ft.  
    To 83 ft.  
    No of Bags 135  
    Seal Material (Check One):  
    Neat Cement  
    Bentonite  
    Other  

19. * Primary Casing Diameter and Depth:  
    Dia 12 in.  
    From 0 ft.  
    To 118 ft.  
    No of Bags 135  
    Seal Material (Check One):  
    Neat Cement  
    Bentonite  
    Other  

20. * Liner Casing Diameter and Depth:  
    Dia 8 in.  
    From 0 ft.  
    To 118 ft.  
    No of Bags 135  
    Seal Material (Check One):  
    Neat Cement  
    Bentonite  
    Other  

21. * Telescope Casing Diameter and Depth:  
    Dia 6 in.  
    From 0 ft.  
    To 118 ft.  
    No of Bags 135  
    Seal Material (Check One):  
    Neat Cement  
    Bentonite  
    Other  

22. Pump Type (If known):  
    Centrifugal  
    Jet  
    Submersible  
    Turbine  
    Iron ppm Sulfate ppm Chloride ppm  
    Horsepower  
    Pump Capacity (GPM)  
    Pump Depth ft.  
    Intake Depth ft.  
    Laboratory Test  
    Field Test Kit  

23. Chemical Analysis (When Required):  
    X Centrifugal  
    Jet  
    Submersible  
    Turbine  
    Iron ppm Sulfate ppm Chloride ppm  
    Horsepower  
    Pump Capacity (GPM)  
    Pump Depth ft.  
    Intake Depth ft.  
    Laboratory Test  
    Field Test Kit  

24. Water Well Contractor:  
    * Contractor Name George W Freeman  
    * License Number 2737  
    E-mail Address geofreeman@comcast.net  
    * Contractor's Signature  
    Driller's Name (Print or Type)  

DEP Form 62-532.900(2)  
Incorporated in 62-532.410, F.A.C.  
Effective Date: October 7, 2010
**DRILL CUTTINGS LOG**  (Examine cuttings every 20 ft. or at formation changes. Note cavities and depth to producing zone. Grain Size: F=Fine, M=Medium, and C=Coarse)

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Comments:

DEP Form 62-532.900(2)  Incorporated in 62-532.410, F.A.C.  Effective Date: October 7, 2010
POTABLE WATER WELL #12R

100% PLANS

OCTOBER 2017

CITY OF
FLAGLER BEACH
FLAGLER COUNTY, FLORIDA

INDEX
1. COVER SHEET - INDEX - VICINITY MAP
2. PROJECT NOTES
3. LEGENDS, ABBREVIATIONS AND WELL LOCATION MAP
4. EXISTING CONDITIONS SURVEY AND PROPOSED WELL SITE PLAN
5. WELL DETAILS
6. FENCING NOTES AND DETAILS
7. SITE PLAN AND SPECIFICATIONS
8. OMITTED FROM SPECIAL EXEMPTION SUBMITTAL PACKAGE

ENGINEER OF RECORD: KEVIN A. LEE, P.E.
P.E. NO. 71501

CITY OF FLAGLER BEACH, P.E.
PROJECT MANAGER, PUBLIC WORKS DIRECTOR /
CITY ENGINEER

QLH PROJECT NO.: #12R

ATTENTION IS DIRECTED TO THE FACT THAT THESE PLANS
MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION, THIS
MUST BE CONSIDERED WHEN DRAWING SCALE DATA.
GENERAL PROJECT REQUIREMENTS:

1. Introduction: A summary of plans, maps, and data to be used is included and shall not be part of this contract. The entire project shall be a covered structure, and the work shall be conducted in accordance with the specified plans and specifications.

2. The Contractor shall be responsible for all work performed on the described project. The Contractor shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

3. The Contractor shall supply all materials, labor, and equipment necessary to complete the work described in the plans and specifications. The Contractor shall be responsible for all Risk Management, Health, and Safety requirements and shall comply with all applicable laws and regulations.

4. The Contractor shall complete the project within the time period specified in the contract documents. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

5. In case of any disputes, the City of Flagler Beach, Flagler County, FL, shall have the final say in determining the resolution.

6. The Contractor shall be liable for all damages to the City of Flagler Beach, Flagler County, FL, and shall indemnify the City of Flagler Beach, Flagler County, FL, for any and all losses or damages caused by the Contractor's negligence.

7. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

POTABLE WATER WELL 12R

CITY OF
FLORIDA CERTIFICATE OF AUTHORIZATION NO. 26730

P.O. BOX 290247, PORT ORANGE, FL 32129-0247

CONSTRUCTION GENERAL NOTES:

1. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

2. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

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10. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

CONCRETE AND REINFORCED STEEL NOTES:

1. Concrete shall be reinforced with steel as specified in the plans and specifications.

2. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

3. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.

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10. The Contractor shall be responsible for all work performed on the project and shall be accountable for the work performed and shall be subject to the regulations of the City of Flagler Beach, Flagler County, FL.
GENERAL NOTES

1. These notes apply throughout the drawing.

2. For supplemental information refer to Sections 550 and 560 of the FDOT Standard Specifications.

3. Chain link panel, gates, rail, brace, rod, truss, pipe, top and bottom selvage, gates and all miscellaneous fittings, are not detailed on drawings, but are required to be fabricated in accordance with AASHTO M181 unless otherwise specified by the Contractor.

4. This drawing is not to scale.

A. Line post options:

(1) Galvanized steel pipe, Schedule 40- nominal dia. galvanized at the rate of 1.8 oz/sf.

(2) Aluminum coated steel pipe- nominal dia. coated at the rate of 0.40 oz/sf.

(3) Aluminum alloy pipe- nominal dia.: ASTM B241 or B221, Alloy 6063, T6.

(4) Steel H-beam- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

(5) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

(6) Steel C- : Galv. 1.8 oz/sf: AASHTO M111  and Detail.

(7) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

B. Corner, end, and pull post options:

(1) Top And Bottom Selvage

(2) Chain Link Fabric No. 9 Gage

(3) Aluminum alloy pipe- nominal dia.: ASTM B241 or B21, Alloy 6063, T6.

(4) Resistance welded steel pipe- nominal dia.: ASTM F669 light industrial fence

(5) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

(6) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

(7) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

C. Rail options:

(1) No. 7 gage aluminum coated steel wire coated at the rate of 0.40 oz/sf.

(2) Aluminum alloy wire conforming to the requirements of ASTM B211, Alloy 6061, Temper T94, with a wire diameter of 0.1443" or larger.

(3) No. 7 gage aluminum coated steel wire coated at the rate of 0.40 oz/sf: AASHTO M181.

D. Tie wire and hog ring options:

(1) No. 9 gage steel wire galvanized at the rate of 1.8 oz/sf (M181 Class D 2.0 oz/sf modified to 1.8 oz/sf).

(2) Aluminum alloy wire conforming to the requirements of ASTM B211, Alloy 6061, Temper T89 or T94, with a wire diameter of 0.1443" or larger.

(3) AASHTO M181 Type IV- Polyvinyl Chloride (PVC) Coated Steel, No. 9 gage (coated core at the rate of 0.40 oz/sf.

(4) Resistance welded steel pipe- 2" nominal dia.: ASTM F669 light industrial fence

(5) Steel C- : Galv. 1.8 oz/sf: AASHTO M111  and Detail.

(6) Steel C- : Galv. 1.8 oz/sf: AASHTO M111  and Detail.

(7) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

E. Ground line:

(1) 3'-0" Galv pipe

(2) 2" Mesh, Twisted And Barbed

(3) Chain Link Fabric No. 9 Gage

F. Truss Rod:

(1) Resistance welded steel pipe- nominal dia.: ASTM F669 light industrial fence

(2) Steel H-beam- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

(3) Steel C- : Galv. 1.8 oz/sf: AASHTO M111  and Detail.

(4) Steel C- : Galv. 1.8 oz/sf: AASHTO M111 and Detail.

G. Corner:

(1) 10"x 10"x 1/4" thick plate- Ground Line

(2) 4"x 4"x 1/8" thick plate- Ground Line

H. Miscellaneous:

(1) Concrete Base Crowned 1"

(2) Top And Bottom Selvage

(3) 1 1/4" Galv pipe

NOT TO SCALE

TUBULAR POST ILLUSTRATED

TYPICAL FENCE & GATE DETAIL

NOTES

1. MAKE FENCE POSTS IN BOTH DIRECTIONS ON EITHER SIDE OF GATE

2. MAKE CORNER POSTS IN BOTH DIRECTIONS ALONG FENCE LINE.
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department 386-313-4002  
Flagler County Planning Department 386-313-4009  
Flagler County Development Engineering 386-313-4082  
Flagler County General Services (Utilities) 386-313-4184  
County Attorney 386-313-4005  
Flagler County Fire Services 386-313-4258  
E-911 GIS Specialist 386-313-4274  
Environmental Health Department 386-437-7358  
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Parking should be relocated from front of building to rear or redesigned to allow drive isles and not backing into A1A.

2. What material is proposed for the fencing identified as being replaced?

3. Please identify on plans the proposed location for dumpster enclosure.

4. Please identify on plans the location of the vehicular and pedestrian cross-access between this property and neighboring property.

5. Please provide a landscape buffer along the rear property line.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

- Original system permitted in 1984 and can support an estimated sewage flow of 1,183 gallons per day. Estimated flows for a full service restaurant are 40 gal/day/seat or 20 gal/day/seat for establishments using single service articles only, or for bar seats. Office flows are calculated as 15gpd for every 100sqft of floor space or 15gpd per employee, whichever is greater. Stores are calculated as 200gpd per bathroom, and Doctor's Offices are sized as 250gpd per practitioner. Please note that any increase in sewage flow from the original approval will result in the system being brought up to all current standards.

- An Annual Operating Permit will be required due to the generation of commercial wastewater. Application and issuance of an Annual Operating permit is required prior to operation.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments with regard to the Special Exception for this property

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time
APPLICATION FOR SPECIAL EXCEPTION

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3124 / 2017.12.01

Name(s): Exile On Main St., LLC
Mailing Address: 13 Capri Court
City: Palm Coast State: FL Zip: 32137
Telephone Number: (516) 852-4229 Email Address: mikecheese@att.net
Fax Number: 

Name(s): Jay W. Livingston, Esq./Livingston & Suco, P.A.
Mailing Address: 393 Palm Coast Parkway SW #1
City: Palm Coast State: FL Zip: 32137
Telephone Number: (386) 439-2945 Fax Number: (866) 896-5573
Email Address: jay.livingston314@gmail.com

SITE LOCATION (street address): 5182 N. Oceanshore Blvd., Palm Coast, FL 32137
LEGAL DESCRIPTION: Artesia Subd., blk. 4, lots 9-12 & 25-28
Parcel #: (tax ID #): 40-10-31-0040-00040-0090
Parcel Size: 0.9 ± acres
Current Zoning Classification: R1C
Current Future Land Use Designation: Mixed Use: Low Intensity
Subject to A1A Scenic Corridor IDO? YES NO

Requested Use: Restaurant (sit-down only), business and professional offices, professional consultants, medical and dental offices, tax consultants or tax experts, art gallery/artists studio, jewelry store, and pharmacy and retail store—boutique or specialty.

Signature of Owner(s) or Applicant/Agent: ____________________________
If Owner/Agent Authorization Form attached: ____________________________
Date: 12/27/2017

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED WITH CONDITIONS

Signature of Chairman: ____________________________ Date: ____________________________

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 08/14

Page 1 of 1
Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL, 32110
Telephone: (386) 313-4009   Fax: (386) 313-4109

Jaw W. Livingston / Livingston & Guard PA, is hereby authorized TO ACT ON BEHALF
OF Exile On Main St., LLC, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for Special Exception and/or Variance

(ALL PERSONS WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: ____________________________

Signature of Owner

Michael Goodman, Managing Member

Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:
13 Capri Court
Mailing Address
Palm Coast, FL 32137
City State Zip

Telephone Number (incl. area code)
($16) 852-4229

STATE OF ____________________________
COUNTY OF ________________

The foregoing was acknowledged before me this 20th day of December, 2017 by Michael Goodman and
who is/are personally known to me or who has produced drivers license as identification, and who (did) / (did not) take an oath.

_______________________________
Signature of Notary Public

Revised 5/08
December 27, 2017

VIA HAND DELIVERY

Adam Mengel
Planning and Zoning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd., Bldg. 2, Suite 105
Bunnell, Florida 32110

Subject: 5182 N. Oceanshore Blvd., Palm Coast, FL 32137
Application for Special Exception
Application for Variance

Dear Mr. Mengel:

Applications for special exceptions in the R/C zoning district and for variances for the non-conforming improvements for the above described property are enclosed.

The following are enclosed regarding the application for special exceptions:
- Application for Special Exception
- Copy of the Property Owner's recorded warranty deed
- Application fee of $300.00 made payable to BOCC
- 10 copies of the proposed site plan

The following are enclosed regarding the application for variances:
- Application for Variance
- Copy of the Property Owner’s Recorded warranty deed
- Application fee of $345 made payable to the BOCC
- 10 copies of the proposed site plan

The property has non-conforming buildings (main building and shed) and sign. The applicant does not plan on changing these improvements, except interior and cosmetic changes to accommodate the approved uses. Changes and upgrades to the landscaping on the property are shown on the enclosed site plan. The plan as presented has already been considered by the Scenic A1A Committee and approved as well as the proposed use of the property as a restaurant.
A thumb drive/CD is also enclosed that contains electronic copies of the applications, warranty deed and site plan. The applicant and I look forward to staff comments and the opportunity to discuss the project at the January 17, 2018 Technical Review Committee meeting.

Please contact me if you have any questions, comments or require additional information.

Sincerely,

[Signature]

Jay W. Livingston

Enclosures

CC: Michael Goodman
    Michael Beebe
This SPECIAL WARRANTY DEED, made the 19th day of December, 2017, by Branch Banking and Trust Company, a North Carolina banking corporation hereinafter called the Grantor, to Exile on Main St, LLC, a Florida limited liability company, whose address is 13 Capri Court, Palm Coast, FL 32137, hereinafter called the Grantee:

Witnesseth: That the Grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby sell, grant and convey unto the Grantee all that certain land situate in County of Flagler, State of Florida, viz:

See Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY DISCLAIMS ANY AND ALL REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (I) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY; (II) THE INCOME TO BE DERIVED FROM THE PROPERTY; (III) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (IV) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (V) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY; (VI) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, OR (VII) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION,
POLLUTION OR LAND USE, LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS AS DEFINED BY LOCAL, STATE OR FEDERAL AGENCIES, LAWS AND REGULATIONS RELATING TO HAZARDOUS SUBSTANCES, TOXIC WASTES AND UNDERGROUND STORAGE TANKS. GRANTEE ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, HAVE BEEN MADE, EXCEPT FOR THE WARRANTY OF TITLE EXPRESSLY SET FORTH IN THIS DEED.

TO HAVE AND TO HOLD the same in fee simple forever.

Grantee acknowledges and agrees that the Property is conveyed subject to the following use restriction: From the date of the recording of this Deed, Grantee, its successors, assigns, tenants and all others with an interest in the Property shall not operate, sell, lease or allow the operation, sale or lease of the Property as or for a Banking Use for a period of one (1) year (the "Use Restriction"). For purposes of the Use Restriction, a Banking Use shall mean a state and/or national bank, national or regional savings bank, national or regional branch banking facility, federally insured credit union, automated teller machine associated with the foregoing ("ATM"), and/or federally chartered savings and loan institution. The Use Restriction shall run with and bind title to the Property for such one (1) year period and the Grantee, its successors, assigns, tenants and all others with an interest in the Property shall incorporate the Use Restriction by reference in any conveyance or leasehold estate of all or any portion of the Property.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor only, other than the exceptions attached hereto as Exhibit B.

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

Signed, sealed and delivered in the presence of:

[Signature]
Printed Name: Ben Kirkland

[Signature]
Printed Name: [Printed Name]

[Seal]
Name: Terri Murray
Title: Senior Vice President

BRANCH BANKING AND TRUST COMPANY,
a North Carolina banking corporation
STATE OF TEXAS COUNTY OF COLLIN

The foregoing instrument was acknowledged before me this 19 day of December, 2017, by Terri Murray, as Senior Vice President of Branch Banking and Trust Company, a North Carolina banking corporation, who is personally known to me or who has produced _______ as identification.

[Signature]

Signature of Notary
Printed Name: Alyssia Wynn
My commission expires: 04/19/31

[Seal]

ALYSSIA WYNN
Notary Public
STATE OF TEXAS
My Comm. Exp. 04-19-21
Notary ID # 12844109-8
EXHIBIT A
(the "Property")

LOTS 9, 10, 11, 12, 25, 26, 27 AND 28, BLOCK 4, ARTESIA SUBDIVISION, ACCORDING TO MAP THEREOF AS RECORDED IN MAP BOOK 3, PAGE 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
EXHIBIT D

Exceptions

Ad valorem property taxes for the current and subsequent years [prorated through the date of Closing], easements, rights of way, restrictions and conditions of record and matters visible from an inspection of the Property or reflected on an accurate survey of the Property, any local, county, state, or federal laws, ordinances or regulations relating to zoning, environment, subdivision, occupancy, use, construction or development of the Property, including existing violations of said laws, ordinances or regulations.
BRANCH BANKING AND TRUST COMPANY

ASSISTANT CORPORATE SECRETARY'S CERTIFICATE

The undersigned Katrina D. Ramey of Branch Banking and Trust Company ("BB&T"), a North Carolina banking corporation, does hereby certify that:

1. That Terri Murray, Senior Vice President, is authorized to execute and deliver (for and on behalf of BB&T) any and all documents including, but not limited to, contracts, deeds, bills of sale, assignments, affidavits and similar agreements (collectively the "Transaction Documents") incidental to the sale and transfer of real property, fixtures and any personal property located at 5182 N. Oceanshore Blvd., Palm Coast, FL as described in Exhibit A attached hereto, and belonging to BB&T and, more specifically, the transfer and conveyance of any and all property subject to that certain Purchase Contract (the "Contract") executed by BB&T on August 22, 2017, as Seller, and Let It Be Realty, LLC, a Florida limited liability company on August 21, 2017, as Buyer.

2. To the extent required, resolutions of BB&T authorizing the execution and delivery of the Contract and the Transaction Documents and the consummation of the transactions contemplated thereunder have been adopted pursuant to appropriate corporate action.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September, 2017.

BRANCH BANKING AND TRUST COMPANY,
a North Carolina banking corporation

By: [Signature]

Title: Assistant Corporate Secretary
Exhibit A

Property

LOTS 9, 10, 11, 12, 25, 26, 27 AND 28, BLOCK 4, ARTESTIA SUBDIVISION, ACCORDING TO MAP THEREOF AS RECORDED IN MAP BOOK 3, PAGE 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
LAND USE DATA

PROPERTY ACREAGE: 0.9 ACRES (40,000 SF)

EXISTING FLUM: MIXED USE: LOW INTENSITY

EXISTING ZONING: R/C

SPECIAL EXCEPTION USES: RESTAURANT (SIT DOWN), BUSINESS & PROFESSIONAL OFFICES, PROFESSIONAL CONSULTANTS, MEDICAL & DENTAL OFFICES, TAX CONSULTANTS & TAX EXPERTS, ART GALLERY / ART STUDIO, E: EURY STORE, RETAIL STORE - BOUTIQUE OR SPECIALTY

PARCEL ID: 40-10-31-0010-0040-0090

FLOOD ZONE: "X" PER FIRM COMMUNITY PANEL 12035C0127D

SOILS: BIMINI SAND (36): COCOA-BULLOW COMPLEX (34)

PAR: ING

EXISTING: 22 SPACES (1 HDCP)

PAR: ING REQUIREMENTS: RESTAURANT - 1 SPACE PER 50 SF OF SEATING OFFICE - 1 SPACE PER 200 SF OF FLOOR AREA MEDICAL OFFICE - 1 SPACE PER 150 SF OF FLOOR AREA GENERAL COMMERCIAL - 1 SPACE PER 200 SF OF FLOOR AREA

LANDSCAPE BUFFER

FRONT: 25' MINIMUM & 40' AVERAGE

REAR (R.O.C): 0'

NORTH SIDE (R/C): 15'

SOUTH SIDE (R/C): 15'

CONCEPTUAL SITE PLAN

SANCHEZ AVENUE
(50' RIGHT-OF-WAY)

N. OCEAN SHORE BOULEVARD
(50' A1A - 80' RIGHT-OF-WAY)
December 5, 2017

Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110

Rezoning and landscaping of 5182 N Oceanshore. Project # TBD

Dear Mr. Mengel,

At the November 17 meeting of Scenic A1A PRIDE, we reviewed the conceptual site plans for the former BB&T Bank property at 5182 N. Oceanshore Blvd. The plans included the existing building with existing parking, landscaping and buffering, tree retention, and the sign location (see Attachment 1). The property is bordered by R/C zoning with existing single family or mobile home residences on three out of four lots.

The owner (BB&T) wants to sell the property with the provision that it not be used for a bank. Therefore the applicant proposes a change to C-2 zoning which allows enough future uses by right. Each use has its own septic and parking requirements, which may exceed what is there now, so some uses may not be possible as constrained by the size of this parcel. If the applicant does not apply for C-2 zoning, they would like us to pre-approve a restaurant as a special exception.

The Scenic A1A PRIDE committee recommends the continued usage of either the existing R/C or rezoning to C-1 (Neighborhood Commercial) since C-2 (General Commercial/Shopping Center) gives too much latitude to future uses. Scenic A1A PRIDE supports the landscaping plan and supports the future use as a restaurant.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Jay Livingston (jay.livingston314@gmail.com)
     Michael Beebe (michael@beebeassociates.com)
FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS
MEETING DATE: 1/17/18
APP #3125 - VARIANCES / SETBACKS
APPLICANT: JAY LIVINGSTON, ESQ
OWNER: EXILE ON MAIN ST, LLC

Distribution date: Friday, January 12, 2018
Project #: 2017120049
Application #: 3125

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department  386-313-4002
Flagler County Planning Department  386-313-4009
Flagler County Development Engineering  386-313-4082
Flagler County General Services (Utilities)  386-313-4184
County Attorney  386-313-4005
Flagler County Fire Services  386-313-4258
E-911 GIS Specialist  386-313-4274
Environmental Health Department  386-437-7358
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Parking layout may have to be rearranged to allow sufficient drive aisle clearance.

No further comments regarding the variance.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments at this time
# APPLICATION FOR VARIANCE

**FLAGLER COUNTY, FLORIDA**
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4008 Fax: (386) 313-4109

Application/Project #: 3185/201720049

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<table>
<thead>
<tr>
<th><strong>PROPERTY OWNER(S)</strong></th>
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<tbody>
<tr>
<td>Name(s): Exile On Main St, LLC</td>
<td></td>
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<tr>
<td>Mailing Address: 13 Capri Court</td>
<td></td>
</tr>
<tr>
<td>City: Palm Coast</td>
<td>State: FL</td>
</tr>
<tr>
<td>Zip: 32137</td>
<td></td>
</tr>
<tr>
<td>Telephone Number (516) 852-4229</td>
<td>Fax Number</td>
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</tbody>
</table>

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<thead>
<tr>
<th><strong>APPLICANT/AGENT</strong></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Name(s): Jay W. Livingston, Esq. / Livingston &amp; Sword PA</td>
<td></td>
</tr>
<tr>
<td>Mailing Address: 393 Palm Coast Parkway SW #1</td>
<td></td>
</tr>
<tr>
<td>City: Palm Coast</td>
<td>State: FL</td>
</tr>
<tr>
<td>Zip: 32137</td>
<td></td>
</tr>
<tr>
<td>Telephone Number (386) 439-2345</td>
<td>Fax Number (865) 896-5573</td>
</tr>
<tr>
<td>E-Mail Address: <a href="mailto:jay.livingston314@gmail.com">jay.livingston314@gmail.com</a></td>
<td></td>
</tr>
</tbody>
</table>

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| **SITE LOCATION (street address):** | 5182 N. Oceanshore Blvd., Palm Coast, FL 32137 |
| **LEGAL DESCRIPTION:** | Briefly describe, do not use "see attached"
Artesia subd. blk. 4 Lots 9-12 & 25-28 |
| **Parcel # (tax ID #):** | 40-10-31-0010-00040-0090 |
| **Parcel Size:** | 0.9 +/- acres |
| **Current Zoning Classification:** | R/C |
| **Current Future Land Use Designation:** | Mixed Use, Low Intensity |

---

**Relief Requested:**

| Variance from the 40 foot (east) setback (approx. 9.9'); variance from side yard (north) setback (approx. 3.4') |
| Variance from side yard (north) setback for shed (approx. 6.2'); and variance from applicable setbacks for freestanding (monument) sign |

---

**Signature of Owner(s) of Applicant/Agent**
If Owner Authorization form attached

**Signature of Owner(s) of Applicant/Agent**
Date: 12/27/2017

**"OFFICIAL USE ONLY"**

**PLANNING BOARD RECOMMENDATION/ACTION:**

*APPROVED WITH CONDITIONS |

**Signature of Chairman:**

| Date: |  |
|  | approved with conditions, see attached. |

---

**NOTE:** The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.

**Rev. 09/16**
APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1709 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 5182 N. Oceanshore Blvd., Palm Coast, Florida 32137

E. Variance guidelines. A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship, and

   There is an existing non-conforming commercial building, shed and sign that no longer meet the zoning criteria of the R/C zoning district and the AIA Scenic overlay requirements. It would be necessary to tear down the main building and either tear down or relocate the shed and the existing sign to conform to existing zoning regulations and other relevant requirements. It would be an unnecessary hardship to require the property owner to tear down what is a sound and usable structure that has been continuously utilize for commercial and non-residential uses since it was constructed.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

   The building was constructed in the late 80's or early 90's and has been continuously used for different commercial purposes and briefly as a church. The applicant recently purchased the property and played no role in creating the conditions that require a variance.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

   Granting the variances requested would not change anything about the improvements on the property. The applicant intends to use the property as improved but desires to obtain variances for the existing nonconforming structures. None of the prior commercial uses or the uses permitted as special exceptions in the R/C zoning district would be detrimental to the public health, welfare, safety and morals of the community.

4. No variance may be granted for a use of land or building that is not permitted by this article.

   This application is being submitted simultaneously with an application for approval of special exceptions currently permitted in the R/C zoning district. The application is for variances from the applicable setback requirements as they apply to the existing improvements and do not involve any proposed uses.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

The applicant is requesting the minimum variances necessary to render the existing improvements conforming under applicable codes and ordinances. The property was last used as a walk in bank branch but the applicant’s deed contains a provision that prevents this use for one year from the date of closing. Without the approval of new special exception uses and the variances the applicant will be deprived of all reasonable use of the property. In addition, if the property is damaged or destroyed beyond the applicable thresholds it could not be rebuilt without variances for the non-conforming structures.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  Rev. 09/16
Owner’s Authorization for Applicant/Agent
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # 3125/2017/2 0849

Jay W. Livingston / Livingston & Word PA, is hereby authorized TO ACT ON BEHALF
OF Exile On Main St., LLC, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for Special Exception and/or Variance

(ALL PERSONS WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: _____________________________________________________________
Signature of Owner

Michael Goodman, Managing Member
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:
13 Cap'n Court
Mailing Address
Palm Coast, FL 32137
City State Zip

Telephone Number (incl. area code)
(516) 852-4229

The foregoing was acknowledged before me this 20th day of December,
2017 by Michael Goodman, and
who is / are personally known to me or who has produced driver's license
as identification, and who (did) / (did not) take an oath.

Signature of Notary Public

Revised 5/08
December 27, 2017

VIA HAND DELIVERY

Adam Mengel
Planning and Zoning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd., Bldg. 2, Suite 105
Bunnell, Florida 32110

Subject: 5182 N. Oceanshore Blvd., Palm Coast, FL 32137
Application for Special Exception
Application for Variance

Dear Mr. Mengel:

Applications for special exceptions in the R/C zoning district and for variances for the non-conforming improvements for the above described property are enclosed.

The following are enclosed regarding the application for special exceptions:

• Application for Special Exception
• Copy of the Property Owner’s recorded warranty deed
• Application fee of $300.00 made payable to BOCC
• 10 copies of the proposed site plan

The following are enclosed regarding the application for variances:

• Application for Variance
• Copy of the Property Owner’s Recorded warranty deed
• Application fee of $345 made payable to the BOCC
• 10 copies of the proposed site plan

The property has non-conforming buildings (main building and shed) and sign. The applicant does not plan on changing these improvements, except interior and cosmetic changes to accommodate the approved uses. Changes and upgrades to the landscaping on the property are shown on the enclosed site plan. The plan as presented has already been considered by the Scenic A1A Committee and approved as well as the proposed use of the property as a restaurant.
A thumb drive/CD is also enclosed that contains electronic copies of the applications, warranty deed and site plan. The applicant and I look forward to staff comments and the opportunity to discuss the project at the January 17, 2018 Technical Review Committee meeting.

Please contact me if you have any questions, comments or require additional information.

Sincerely,

Jay W. Livingston

Enclosures

CC: Michael Goodman
    Michael Beebe

2 Pine Lakes Parkway, Suite 3
Palm Coast, Florida 32137
T 386.439.2945
F 866.896.5573
This SPECIAL WARRANTY DEED, made the 19th day of December, 2017, by Branch Banking and Trust Company, a North Carolina banking corporation hereinafter called the Grantor, to Exile on Main St, LLC, a Florida limited liability company, whose address is 13 Capri Court, Palm Coast, FL 32137, hereinafter called the Grantee:

Witnesseth: That the Grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby sell, grant and convey unto the Grantee all that certain land situate in County of Flagler, State of Florida, viz:

See Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND HEREBY DISCLAIMS ANY AND ALL REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTEES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (I) THE VALUE, NATURE, QUALITY OR CONDITION OF THE PROPERTY; (II) THE INCOME TO BE DERIVED FROM THE PROPERTY; (III) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (IV) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (V) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY; (VI) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, OR (VII) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION,
POLLUTION OR LAND USE, LAWS, RULES, REGULATIONS, ORDERS OR REQUIREMENTS, INCLUDING THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS MATERIALS AS DEFINED BY LOCAL, STATE OR FEDERAL AGENCIES, LAWS AND REGULATIONS RELATING TO HAZARDOUS SUBSTANCES, TOXIC WASTES AND UNDERGROUND STORAGE TANKS. GRANTEE ACKNOWLEDGES THAT NO SUCH REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, HAVE BEEN MADE, EXCEPT FOR THE WARRANTY OF TITLE EXPRESSLY SET FORTH IN THIS DEED.

TO HAVE AND TO HOLD the same in fee simple forever.

Grantee acknowledges and agrees that the Property is conveyed subject to the following use restriction: From the date of the recording of this Deed, Grantee, its successors, assigns, tenants and all others with an interest in the Property shall not operate, sell, lease or allow the operation, sale or lease of the Property as or for a Banking Use for a period of one (1) year (the "Use Restriction"). For purposes of the Use Restriction, a Banking Use shall mean a state and/or national bank, national or regional savings bank, national or regional branch banking facility, federally insured credit union, automated teller machine associated with the foregoing ("ATM"), and/or federally chartered savings and loan institution. The Use Restriction shall run with and bind title to the Property for such one (1) year period and the Grantee, its successors, assigns, tenants and all others with an interest in the Property shall incorporate the Use Restriction by reference in any conveyance or leasehold estate of all or any portion of the Property.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor only, other than the exceptions attached hereto as Exhibit B.

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

Signed, sealed and delivered in the presence of:

---

Witness Signature: [Signature]
Printed Name: [Name]

[Signature]
Printed Name: [Name]

---

BRANCH BANKING AND TRUST COMPANY,
a North Carolina banking corporation

Name: [Name]
Title: Senior Vice President

(SEAL)
STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 19 day of December, 2017, by Terri Murray, as Senior Vice President of Branch Banking and Trust Company, a North Carolina banking corporation, who is personally known to me or who has produced known to me as identification.

Alyssia Wynn
Signature of Notary
Printed Name: Alyssia Wynn
My commission expires: 04/19/21

ALYSSIA WYNN
Notary Public
STATE OF TEXAS
My Comm. Exp. 04-19-21
Notary ID # 12844108-8
EXHIBIT A
(the "Property")

LOTS 9, 10, 11, 12, 25, 26, 27 AND 28, BLOCK 4, ARTESSA SUBDIVISION, ACCORDING TO MAP THEREOF AS RECORDED IN MAP BOOK 3, PAGE 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
EXHIBIT B
Exceptions

Ad valorem property taxes for the current and subsequent years (prorated through the date of Closing), easements, rights of way, restrictions and conditions of record and matters visible from an inspection of the Property or reflected on an accurate survey of the Property, any local, county, state, or federal laws, ordinances or regulations relating to zoning, environment, subdivision, occupancy, use, construction or development of the Property, including existing violations of said laws, ordinances or regulations.
BRANCH BANKING AND TRUST COMPANY

ASSISTANT CORPORATE SECRETARY'S CERTIFICATE

The undersigned Katrina D. Ramey of Branch Banking and Trust Company ("BB&T"), a North Carolina banking corporation, does hereby certify that:

1. That Terri Murray, Senior Vice President, is authorized to execute and deliver (for and on behalf of BB&T) any and all documents including, but not limited to, contracts, deeds, bills of sale, assignments, affidavits and similar agreements (collectively the "Transaction Documents") incidental to the sale and transfer of real property, fixtures and any personal property located at 5182 N. Oceanshore Blvd., Palm Coast, FL as described in Exhibit A attached hereto, and belonging to BB&T and, more specifically, the transfer and conveyance of any and all property subject to that certain Purchase Contract (the "Contract") executed by BB&T on August 22, 2017, as Seller, and Let It Be Realty, LLC, a Florida limited liability company on August 21, 2017, as Buyer.

2. To the extent required, resolutions of BB&T authorizing the execution and delivery of the Contract and the Transaction Documents and the consummation of the transactions contemplated thereunder have been adopted pursuant to appropriate corporate action.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of September, 2017.

BRANCH BANKING AND TRUST COMPANY,
a North Carolina banking corporation

By: [Signature]
Title: Assistant Corporate Secretary
EXHIBIT A

Property

LOTS 9, 10, 11, 12, 25, 26, 27 AND 28, BLOCK 4, ARTESIA SUBDIVISION, ACCORDING TO MAP THEREOF AS RECORDED IN MAP BOOK 3, PAGE 21 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
DESCRIPTION:
LOTS 9, 10, 11, 12, 25, 26, 27, and 28, BLOCK 4, ARTEISA SUBDIVISION, ACCORDING TO THE MAP THEREOF AS RECORDED IN MAP BOOK 3, PAGE 21, OF THE PUBLIC RECORDS OF FLAVER COUNTY, FLORIDA.

LEGEND:
- Found
- Road Concrete Culvert
- Licensed Business
- Iron Pipe
- P.I.
- Perimeter Control Point
- Iron Rod
- Licensed Surveyor
- Plot Bearing & Distance
- P.C.P.
- Corrugated Metal Pipe
- Plane Table Bearing & Distance
- Feet or Fenceline
- Surveyor & Mapper
- Concrete Slab
- Water Meter
- Electrical Box
- Edge of Pavement
- USPS Riser
- Utility Line
- Clean Out
- Underground Utility
- Light Post
- Manhole

NOTES:
1. Description furnished by client. No title work provided.
2. No overhead/underground improvements or utilities are located, unless shown.
3. All dimensions are based on plot datum.
4. Dimension category is shown in parenthesis ( ), when they differ from record dimensions. Measurements that fall within the slot on closure of 1/1000
5. Flood Zone X Map & Panel No. 120205 0120 0 7/17/06.
   as best ascertained from the Flood Insurance Rate Map.

AIA EAST COAST LAND SURVEYING, LLC
1366 US Highway 1 Suite 602, Ormond Beach, FL 32174
PHONE (386) 073-363 or (386) 471-316 FAX (386) 073-363

MICHAEL & GRACE GOODMAN
10/23/17

ANTHONY SANZONE, PSMR 6389
LEB1017

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and mapper.
LAND USE DATA

PROPERTY ACREAGE: 0.9 ACRES (40,000 SF)
EXISTING FLUM: MIXED USE: LOW INTENSITY
EXISTING ZONING: R/C
SPECIAL EXCEPTION USES: RESTAURANT (SIT-DOWN), BUSINESS & PROFESSIONAL OFFICES, PROFESSIONAL CONSULTANTS, MEDICAL & DENTAL OFFICES, TAX CONSULTANTS & TAX EXPERTS, ART GALLERY / ART STUDIO
PARCEL ID: 40-10-31-0010-00040-0090
FLOOD ZONE: "X" PER FIRM COMMUNITY PANEL 12035C0127D
SOILS: BIMINI SAND (36): COCOA-BULLOW COMPLEX (34)
PAR ING EXISTING: 22 SPACES (1 HICP)
PAR ING REQUIREMENTS: RESTAURANT - 1 SPACE PER 50 SF OF SEATING OFFICE - 1 SPACE PER 200 SF OF FLOOR AREA MEDICAL OFFICE - 1 SPACE PER 150 SF OF FLOOR AREA GENERAL COMMERCIAL - 1 SPACE PER 200 SF OF FLOOR AREA
LANDSCAPE BUFFER: FRONT 25' MINIMUM & 40' AVERAGE REAR (R.O.:) 0' NORTH SIDE (R/C) 15' SOUTH SIDE (R/C) 15'

CONCEPTUAL SITE PLAN

SANCHEZ AVENUE (50' RIGHT-OFEATURE)

FLAGLER COUNTY, FLORIDA

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December 5, 2017

Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110

**Rezoning and landscaping of 5182 N Oceanshore. Project # TBD**

Dear Mr. Mengel,

At the November 17 meeting of Scenic A1A PRIDE, we reviewed the conceptual site plans for the former BB&T Bank property at 5182 N. Oceanshore Blvd. The plans included the existing building with existing parking, landscaping and buffering, tree retention, and the sign location (see Attachment 1). The property is bordered by R/C zoning with existing single family or mobile home residences on three out of four lots.

The owner (BB&T) wants to sell the property with the provision that it not be used for a bank. Therefore the applicant proposes a change to C-2 zoning which allows enough future uses by right. Each use has its own septic and parking requirements, which may exceed what is there now, so some uses may not be possible as constrained by the size of this parcel. If the applicant does not apply for C-2 zoning, they would like us to pre-approve a restaurant as a special exception.

The Scenic A1A PRIDE committee recommends the continued usage of either the existing R/C or rezoning to C-1 (Neighborhood Commercial) since C-2 (General Commercial/Shopping Center) gives too much latitude to future uses. Scenic A1A PRIDE supports the landscaping plan and supports the future use as a restaurant.

Sincerely,

[signature]

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

cc. Jay Livingston (jay.livingston314@gmail.com)
    Michael Beebe (michael@beebeassociates.com)