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**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** West Lake Supercenter PCD Final Site Plan for Parcel 4

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Austin Watkins

**EXT:** 7440

**MOTION/RECOMMENDATION:**

APPROVE the Final Site Plan for Parcel 4 of the West Lake Supercenter Planned Commercial Development (PCD) and authorize the Chairman to execute Addendum # 2 to the West Lake Supercenter PCD Developer's Commitment Agreement, for an Aldi Food Store, consisting of 2.17 + acres, located at the northwest corner of the intersection of Monroe Road and S.R. 46, based on staff findings (WD Holdings, applicant); or

DENY the Final Site Plan for Parcel 4 of the West Lake Supercenter Planned Commercial Development (PCD) and deny Addendum # 2 to the West Lake Supercenter PCD Developer's Commitment Agreement, for an Aldi Food Store, consisting of 2.17 + acres, located at the northwest corner of the intersection of Monroe Road and S.R. 46 (WD Holdings, applicant); or

CONTINUE the request until a time and date certain.

District 5 Brenda Carey

Austin Watkins

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**BACKGROUND:**

The subject property was rezoned from A-1, C-1 and PUD to PCD on April 10, 2001 by the Board of County Commissioners. A portion of the property also received Final Site Plan approval on April 10, 2001. Each lot within the PCD is allowed to develop as a separate phase and an addendum is added to the Developer's Commitment Agreement at the time each Final Site Plan is approved.

At this time, the applicant is requesting approval of the Final Site Plan and approval of Addendum #2 for Parcel 4 of the West Lake Supercenter PCD. The applicant is proposing a 16,929 square foot grocery store with a building height of 23'. The approved Developer's Commitment Agreement (DCA) allows for all C-1 uses and certain C-2 and special exception uses as listed in the approved DCA. The proposed use of a grocery store is an allowable use within the PCD.

On July 2, 2007 a minor amendment (Addendum #1) to the West Lake Supercenter PCD was approved reducing the west side setback for Parcel 4 from 10' to 0'. The County purchased additional right-of-way adjacent to Monroe Road above and beyond the 50' half right-of-way dedication that was required under the Developer's Commitment Agreement. Staff finds that the requested PCD Final Site Plan for the West Lake Supercenter PCD complies with all conditions in the approved Development Order and Developer's Commitment Agreement.

**STAFF RECOMMENDATION:**

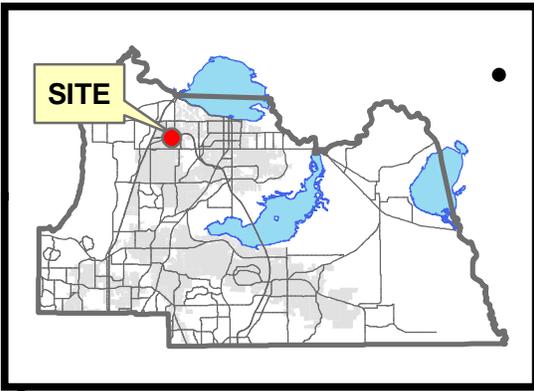
Staff recommends the Board approve the Final Site Plan for Parcel 4 of the West Lake Supercenter Planned Commercial Development (PCD) and authorize the Chairman to execute Addendum # 2 to the West Lake Supercenter PCD Developer's Commitment Agreement, for an Aldi Food Store, consisting of 2.17 + acres, located at the northwest corner of the intersection of Monroe Road and S.R. 46, based on staff findings.

**ATTACHMENTS:**

1. Location Map
2. Zoning and Future Land Use Map
3. Aerial Map
4. Site Plan
5. Addendum 2
6. Developer Commitment Agreement
7. Addendum 1
8. West Lake Supercenter Development Order

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran, Kimberly Romano )



VOLUSIA COUNTY

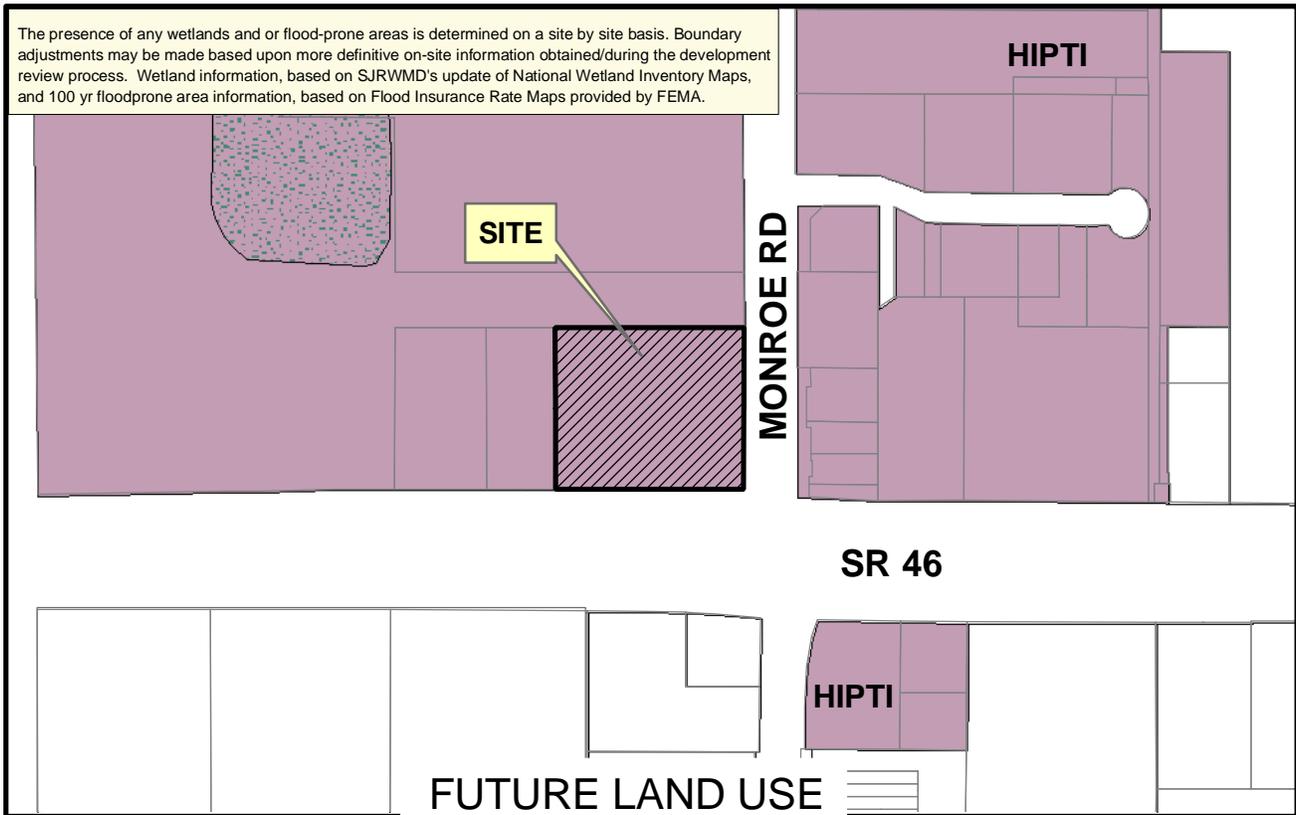
Z2006-039  
SITE

LAKE  
MARY

LONGWOOD

WINTER

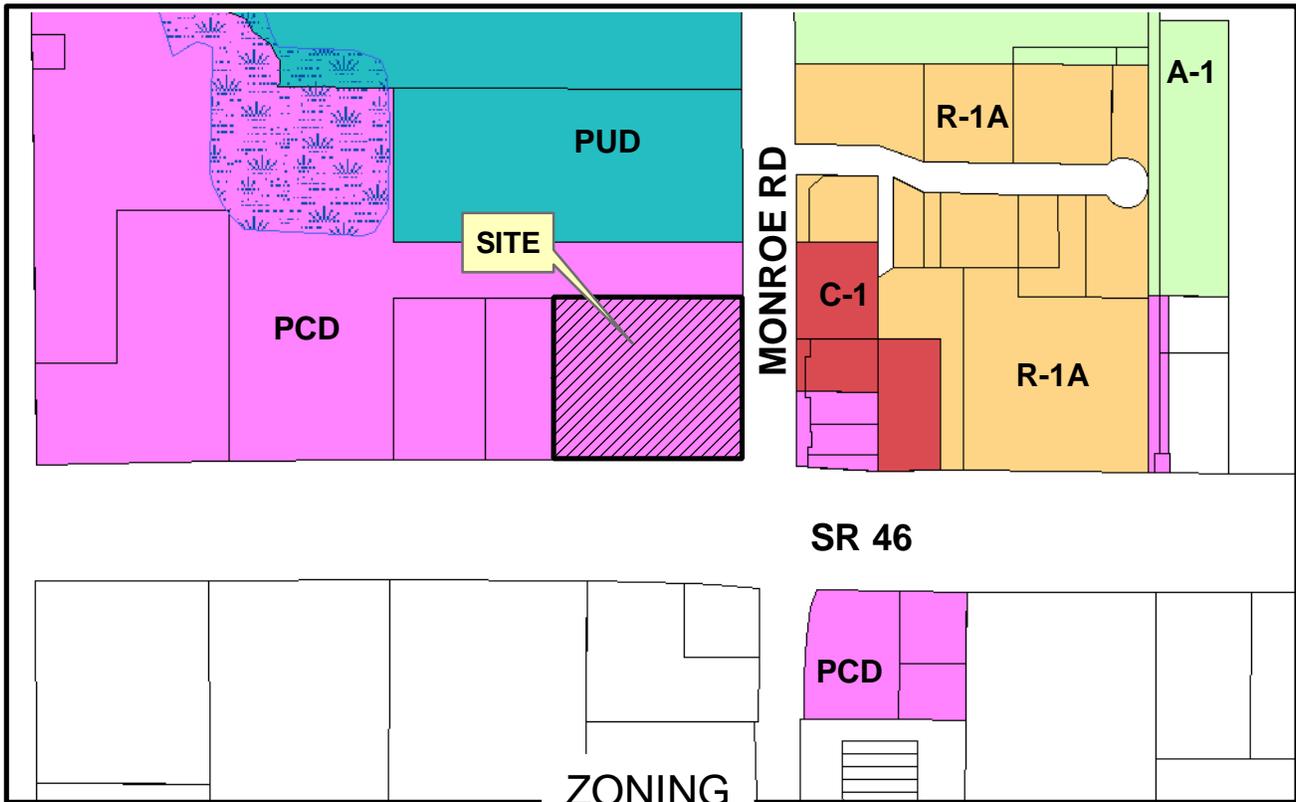
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



HIPTI
  Site
  Municipality
  CONS

Applicant: WD Partners  
 Physical STR: 16-19-30-5AC-0000-00K0  
 Gross Acres: 2.17 +/- BCC District: 5  
 Existing Use: \_\_\_\_\_  
 Special Notes: PCD Final Site Plan

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-039	--	--



A-1
  R-1A
  C-1
  PCD
  PUD
  FP-1
  W-1



Rezone No: Z2007-039  
PCD Final Site Plan

-  Parcel
-  Subject Property



Winter 2006 Color Aerials





**Addendum # 2 to the West Lake Supercenter PCD  
Developer's Commitment Agreement  
Commitments, Classifications and District Description**

The West Lake Supercenter PCD Commitments, Classification and District Description as approved on April 10, 2001 and amended on July 2, 2007, is hereby further amended on July 24, 2007 as follows:

The property described in Exhibit "A" is Parcel 4 of the West Lake Supercenter PCD. The Final Site Plan for Parcel 4 is attached is Exhibit "B".

**DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.**

BY: \_\_\_\_\_  
Carlton D. Henley,  
Chairman of Seminole County  
Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, ALDI (Florida), LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

WITNESSES:

OWNERS:

ALDI (Florida), LLC

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Jason Povlick, Director of Real Estate  
ALDI (Florida), LLC

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

\_\_\_\_\_  
Witness

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

**STATE OF FLORIDA     )**

**COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned  
My Commission Expires:

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

PT OF LOT K DESC AS BEG 100.06 FT N & 25.01 FT N 88 DEG 16 MIN 49 SEC W  
OF INT C/L SR 46 & C/L UPSALA RD RUN N 88 DEG 16 MIN 49 SEC W 282.19 FT  
WLY ON CURVE 58.78 FT N 273.16 FT E 340.79 FT S 282.13 FT TO BEG  
ST JOSEPHS PB 1 PG 114

**Exhibit "B"**  
**Final Site Plan**





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0851

WEST LAKE SUPERCENTER  
SEMINOLE CO. FL

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY *Carol Cole*  
DEPUTY CLERK

FINAL PCD MASTER PLAN  
DEVELOPER'S COMMITMENT AGREEMENT  
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On April 10, 2001, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

Block 98, Block 'I', Block 'K' less the North 307.30 feet thereof, and that part of Block 'H' lying west of the centerline of creek, FLORIDA LAND COLONIZATION COMPANY LIMITED, W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the Plat thereof as recorded in the Public Records of Seminole County, Florida.

LESS right-of-way.

Contains 20.257 acres, more or less.

Prepared by: Allen Surveying  
1420 East Robinson Street  
Orlando, Florida 32801  
(407) 897-1443

2. PROPERTY OWNERS

West Lake Supercenter Partners, LTD.

3. REQUESTED DEVELOPMENT APPROVAL

Approval of developer's commitment agreement and approval of Final PCD Master Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

4. STATEMENT OF BASIC FACTS

- a. Total Area: 20.26 acres
- b. Zoning: Planned Commercial Development
- c. Allowable Density: 150,000 sq. ft. Commercial
- d. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with an in compliance with all other applicable regulations and ordinances.

RETURN TO SANDY McCANN

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- e. The Owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

**5. LAND USE BREAKDOWN**

Parcel #	1	2	3	4	Total
Total Acreage (ac)	16.47	1	1	1.78	20.25
Pervious Coverage (ac)	6.16	0.25	0.25	0.45	7.11
Impervious Coverage (ac)	10.31	0.75	0.75	1.33	13.14
Building Coverage (ac)	2.5	0.29	0.29	0.51	3.59
Vehicular Use (ac)	6.51	0.46	0.46	0.82	8.25

**6. OPEN SPACE AND RECREATION AREAS**

Maintenance of the open space shall be the responsibility of the Property Owners Association.

Total Land Area: 20.25 acres

Required Open Space: 30% = 20.25 acres x 0.30 = 6.1 acres open space

Open Space Provided: 7.11 acres (35.1%)

**7. BUILDING SETBACKS**

- Minimum Front ..... 25'
- Side ..... 10'
- Minimum Rear ..... 10'
- Adjacent to Residential ..... 50'
- Elder Road (less than 320' from SR 46 R.O.W. centerline) ..... 50'
- Elder Road (greater than 320' from SR 46 R.O.W. centerline) ..... 25'
- Upsala Road (less than 320' from SR 46 R.O.W. centerline) ..... 50'
- Upsala Road (greater than 320' from SR 46 R.O.W. centerline) ..... 25'
- SR 46 ..... 50'

**8. PERMITTED USES**

Per Seminole County Land Development Code, Section 30.762, the permitted uses within the PCD shall be:

- a. Any use permitted in the C-1 District.

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 SEMINOLE CO. FL

- b. Amusement and recreational facilities.
- c. Building and plumbing supplies.
- d. Car wash.
- e. Furniture warehouse with retail sales.
- f. Hotels and motels.
- g. Marine sales and service.
- h. Mobile home and recreational vehicle sales.
- i. Parking garages.
- j. Printing and book binding shops.
- k. Automobile sales with no repair facilities.
- l. Veterinary hospitals and kennels.
- m. Multifamily housing – such as condominiums, apartments and townhouses of medium to high density. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification.
- n. Above-store or above-office flats.
- o. Retail/Wholesale facilities with tire service center and gas service center.
- p. Alcoholic beverage establishments.
- q. Drive-in restaurant.
- r. Mechanical garages and tire service centers.
- s. Public utility structures.
- t. Service stations and gas pumps as an accessory use.
- u. Hospitals and nursing homes.
- v. Personal mini-storage facilities for storage of household goods and personal non-commercial items and materials.

**9. PROHIBITED USES**

- a. Billboards.
- b. Adult entertainment establishments.
- c. Contractor establishments.
- d. Communication towers.
- e. Flea markets – open air.
- f. Lumber yards.
- g. Paint and body shops.

**10. LANDSCAPE & BUFFER CRITERIA**

Guest parking areas shall be landscaped in accordance with the provisions of the Section 30.1230, "Landscaping of Parking Area" of the Seminole County Land Development Code. The buffers adjacent to the multifamily uses will meet "active" buffer requirements.

In the northwest portion of the project, north of the propane tank and loading/unloading area of the warehouse club, the project may utilize a 6' high fence with an opaque vegetative screen.

Within 320 feet of the centerline of SR 46, the project shall meet all landscaping standards of the SR 46 Gateway Corridor Overlay Ordinance.

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## 11. DEVELOPMENT COMMITMENTS

The following conditions shall be met by the Owner prior to a Certificate of Occupancy (CO) being issued:

- a. Private water, sewer and storm drainage facilities shall be complete prior to the issuance of a Certificate of Occupancy.
- b. Deliveries are limited to the period between 7 AM and 9 PM.
- c. A pro rata fair share will be negotiated between the client and the County for upgrade of pedestrian pedestals and pedestrian signal heads across the north approach on C-15 (Upsala Road) and the west approach on SR 46.
- d. A 50' half R.O.W. reservation will be negotiated along C-15 (Upsala Road).
- e. Mitigation of wetland impacts shall be per the attached letter, dated April 5, 2001, from Kenneth W. Wright, Shutts & Bowen LLP.
- f. All portions of the project within 320 feet of the centerline of SR 46 shall comply with the development standards of the SR 46 Gateway Corridor Overlay Ordinance.

## 12. WATER, SEWER AND STORMWATER

Water: Water services shall be provided by Seminole County Environmental Services. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole Pointe Apartments lift station located on Elder Road. The pump is connected to the public sanitary sewer of Seminole County Environmental Services. Design of the onsite collection systems shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

Stormwater: Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's the St. Johns River Water Management District's stormwater regulations.

Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 psi. Fire hydrants shall be located according to Seminole County regulations.

## 13. PHASING

The West Lake Supercenter is proposed to be developed as four (4) stand alone parcels integrated by a shared access network and common infrastructure. It is proposed that the paving, water, sewer and stormwater infrastructure serving the center be constructed in a single phase prior to or concurrent with development of the lots.

## 14. STANDARD COMMITMENTS

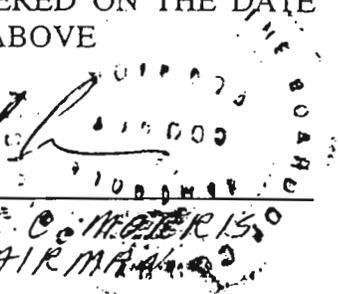
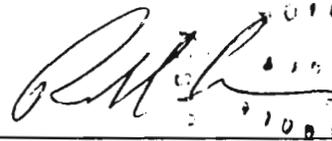
- a. Unless specifically addressed otherwise herein, all development shall fully comply with all the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.

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- b. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- c. The development order touches and concerns the aforescribed property, and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
- d. The terms and provisions of the development order are not severable, and in the event any portion of this development order shall be found to be invalid or illegal, then the entire development order shall be null and void.

DONE AND ORDERED ON THE DATE  
FIRST WRITTEN ABOVE

By:



RANDALE C. MATERIS  
VICE CHAIRMAN

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SEMINOLE CO. FL

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, West Lake Supercenter Limited Partners, LTD, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in the Development Order:

OWNER:

West Lake Supercenter Partners, LTD, its general Partner by:

WITNESS:

[Signature]  
(Sign)

Dean C. Price II  
~~Alan H. Ginsburg, President~~  
Dean C. Price II, Vice President

Leo Josh Huggins  
(Print Name)

[Signature]  
(Sign)

JOAN M. SCRAPER  
(Print Name)

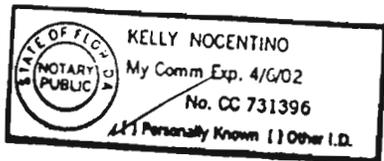
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SEMINOLE CO. FL

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 1st day of MAY, 2001 by DEAN C. PRICE II, as Vice President of West Lake Supercenter Partners, LTD, who is personally known to me or who produced his \_\_\_\_\_ Driver's License as identification.

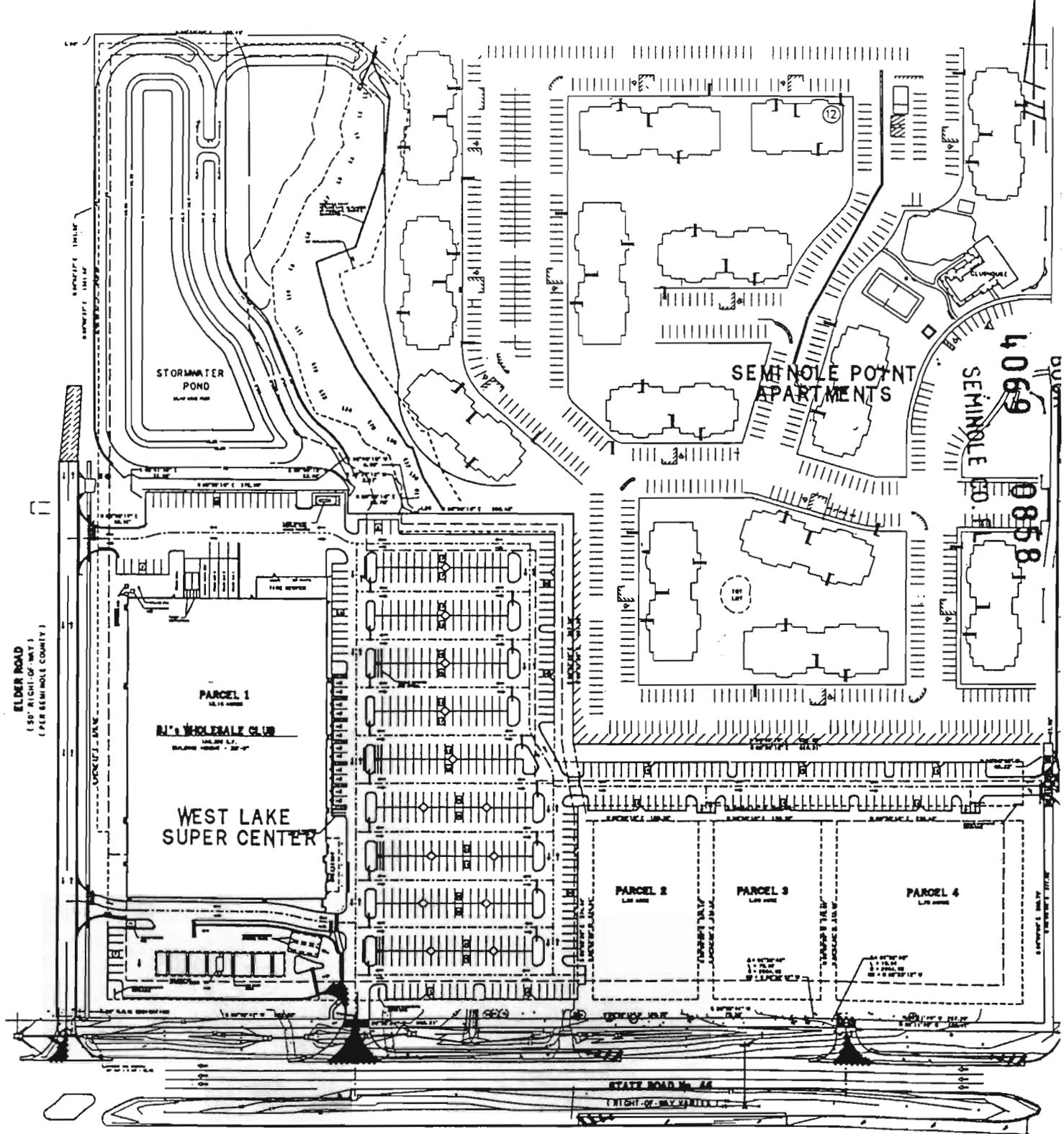
[Signature]  
Signature of Notary Public

AFFIX NOTARY STAMP



Kelly Nocentino  
(Print Notary Name)  
My Commission Expires: 4/6/02  
Commission No.: CC 731396  
 Personally Known, or  
 Produced Identification  
Type of Identification Produced: \_\_\_\_\_

LEGIBILITY UNSATISFACTORY  
FOR MICROFILMING



**LOCHRANE**  
 ENGINEERS • SURVEYORS  
 201 SOUTH BUMBY AVENUE ORLANDO, FLORIDA 32803

WEST LAKE SUPER CENTER  
 SEMINOLE COUNTY, FLORIDA

# SHUTTS & BOWEN LLP

ATTORNEYS AND COUNSELLORS AT LAW  
(A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS)

200 SOUTH ORANGE AVENUE  
SUITE 1000  
ORLANDO, FLORIDA 32801-3373  
TELEPHONE (407) 423-3200  
FACSIMILE (407) 425-8316

April 5, 2001

VIA FACSIMILE 407-665-7367 and REGULAR MAIL

Mr. Don Fisher  
Planning and Development  
Seminole County Government  
1101 East First Street  
Sanford, Florida 32771

RE: Westlake Super Center

Dear Don:

In response to your inquiry regarding the proposed mitigation for the above project for wetland impacts, we have agreed to the following:

1. 52 acres will be placed in a perpetual conservation easement in favor of Seminole County and/or the St. Johns River Water Management District;
2. The makeup of the 52 acres will be a combination of marsh and mature cypress swamp at a ratio of a maximum of 10% marsh and a minimum of 90% cypress (as suggested by staff of the St. Johns River Water Management District).

The St. Johns River Water Management District has agreed to issue a permit subject to a condition that the above described mitigation be delineated prior to wetland impacts. In order to insure the proper ratio between marsh and mature cypress, a subsequent exact delineation will be required. This condition has been carefully crafted by the District to insure the optimum mitigation value and to preserve the higher ratio yield.

If you have any questions, please give me a call. Please note that I have canceled an out of town appointment to be at the 1:30 public hearing Tuesday, April 10<sup>th</sup>, which I really appreciate you scheduling, so should anything arise that would jeopardize this hearing time, I would like to know as soon as possible.

Thanks again.

Very truly yours,

SHUTTS & BOWEN LLP

*Not signed to avoid delay  
in his absence*

Kenneth W. Wright

KWW:tma

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SEMINOLE CO. FL

EXHIBIT A  
FINAL PCD MASTER PLAN

DOCS  
4069 0857  
SEMINOLE CO. FL

EXHIBIT B  
KENNETH W. WRIGHT LETTER

4069 0859  
SEMINOLE CO. FL

**Addendum # 1 to the West Lake Supercenter PCD  
Developer's Commitment Agreement  
Commitments, Classifications and District Description**

The West Lake Supercenter PCD Commitments, Classification and District Description as approved on April 10, 2001 is hereby further amended on July 2, 2007 as follows:

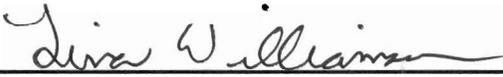
The property described in Exhibit "A" is Parcel 4 of the West Lake Supercenter PCD.

(Underlines are additions, strikethroughs are deletions)

**BUILDING SETBACKS**

Minimum Front	25'
Side <u>(except for Parcel 4)</u>	10'
<u>Side (Parcel 4)</u>	<u>0'</u>
Minimum Rear	10'
Adjacent to Residential	50'
Elder Road (less than 320' from SR 46 R.O.W. centerline)	50'
Elder Road (greater than 320' from SR 46 R.O.W. centerline)	25'
Upsala Road (less than 320' from SR 46 R.O.W. centerline)	50'
Upsala Road (greater than 320' from SR 46 R.O.W. centerline)	25'
SR 46	50'

SEMINOLE COUNTY PLANNING MANAGER

By:   
Tina Williamson, Acting Planning Manager

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, ALDI (Florida), LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

WITNESSES:

OWNERS:

Wylie Klye  
Witness

ALDI (Florida), LLC  
Jason Povlick  
Jason Povlick, Director of Real Estate  
ALDI (Florida), LLC

Wylie Klye  
Print Name

Adam Kestl  
Witness

Adam Kestl  
Print Name

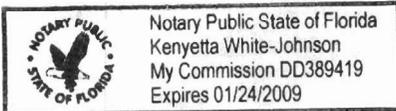
STATE OF FLORIDA )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY The foregoing instrument was acknowledged before me this 9th day of July, 2007, by Jason Povlick who is personally known to me or ~~has produced~~ \_\_\_\_\_ as identification and did take an oath.

Kenyetta White-Johnson

Notary Public, in and for the County and State  
Aforementioned  
My Commission Expires: 1/24/2009



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

PT OF LOT K DESC AS BEG 100.06 FT N & 25.01 FT N 88 DEG 16 MIN 49 SEC W OF INT  
C/L SR 46 & C/L UPSALA RD RUN N 88 DEG 16 MIN 49 SEC W 282.19 FT WLY ON CURVE  
58.78 FT N 273.16 FT E 340.79 FT S 282.13 FT TO BEG  
ST JOSEPHS PB 1 PG 114

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FILE # PZ 00-44

DEVELOPMENT ORDER # 0-20000041  
SEMINOLE CO. FL

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On April 10, 2001, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** WEST LAKE SUPER CENTER PARTNERS

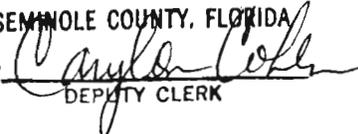
**Project Name:** WESTLAKE SUPERCENTER REZONING

**Requested Development Approval:** Rezoning from A-1, C-1 AND PUD zoning classifications to PUD zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: CINDY MATHENY  
1101 East First Street  
Sanford, Florida 32771

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA  
BY   
DEPUTY CLERK

RETURN TO SANDY MCCANN

609823

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CLERK OF CIRCUIT COURT

RECORDED & VERIFIED

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The project is subject to all development standards of the SR 46 Gateway Corridor Overlay Ordinance.
- b. Mitigation of wetland impacts shall be per the attached letter, dated April 5, 2001, from Kenneth W. Wright, Shutts & Bowen LLP.

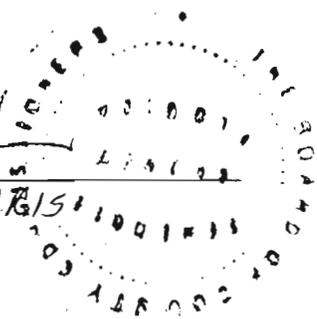
(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

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Done and Ordered on the date first written above.

By:   
RANDALL C. MORRIS  
VICE CHAIRMAN



OFFICIAL RECORDS  
BOOK PAGE  
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SEMINOLE CO. FL

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Westlake Supercenter Partners, Ltd. , on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

[Signature]  
Witness Leo Josh Huggins

[Signature: Dean C. Price II]  
WEST LAKE SUPER CENTER PARTNERS LTD.  
~~Alan H. Ginsburg, President~~  
Dean C. Price II, Vice President

[Signature: Joan M. Scaper]  
Witness JOAN M. Scaper

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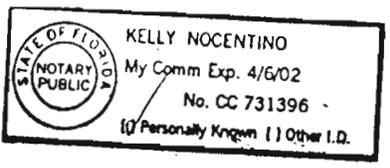
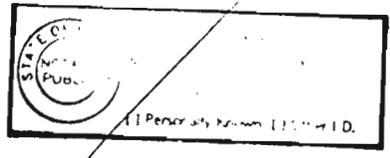
STATE OF FLORIDA )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Alan H. Ginsburg <sup>DEAN</sup> who is personally known to me or who has produced C. Price II as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of May, 2001.

[Signature: Kelly Nocentino]  
Notary Public, in and for the County and State Aforementioned

My Commission Expires: 4/6/02



**EXHIBIT A  
LEGAL DESCRIPTION**

Block 98, Block 'I', block 'K' less the North 307.30 feet thereof, and that part of Block 'H' lying west of the centerline of creek, FLORIDA LAND COLONIZATION COMPANY LIMITED, W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the Plat thereof as recorded in the Public Records of Seminole County, Florida.

LESS right-of-way.

Contains 20.257 acres, more or less.

OFFICIAL RECORDS  
BOOK PAGE  
4069 0849  
SEMINOLE CO. FL

# SHUTTS & BOWEN LLP

ATTORNEYS AND COUNSELLORS AT LAW  
(A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS)

LEGIBILITY UNSATISFACTORY  
FOR MICROFILMING

300 SOUTH ORANGE AVENUE  
SUITE 1000  
ORLANDO, FLORIDA 32801-3373  
TELEPHONE (407) 423-3200  
FACSIMILE (407) 425-8316

April 5, 2001

VIA FACSIMILE 407-665-7367 and REGULAR MAIL

Mr. Don Fisher  
Planning and Development  
Seminole County Government  
1101 East First Street  
Sanford, Florida 32771

RE: Westlake Super Center

Dear Don:

In response to your inquiry regarding the proposed mitigation for the above project for wetland impacts, we have agreed to the following:

1. 52 acres will be placed in a perpetual conservation easement in favor of Seminole County and/or the St. Johns River Water Management District;
2. The makeup of the 52 acres will be a combination of marsh and mature cypress swamp at a ratio of a maximum of 10% marsh and a minimum of 90% cypress (as suggested by staff of the St. Johns River Water Management District)

The St. Johns River Water Management District has agreed to issue a permit subject to a condition that the above described mitigation be delineated prior to wetland impacts. In order to insure the proper ratio between marsh and mature cypress, a subsequent exact delineation will be required. This condition has been carefully crafted by the District to insure the optimum mitigation value and to preserve the higher ratio yield.

If you have any questions, please give me a call. Please note that I have canceled an out of town appointment to be at the 1:30 public hearing Tuesday, April 10<sup>th</sup>, which I really appreciate you scheduling, so should anything arise that would jeopardize this hearing time, I would like to know as soon as possible.

Thanks again.

Very truly yours,

SHUTTS & BOWEN LLP

*Not signed to avoid delay  
in his absence*

Kenneth W. Wright

KWW:tma

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AMSTERDAM PORT LAUDERDALE LONDON MIAMI ORLANDO TALLAHASSEE WEST PALM BEACH