

**ARTICLE XXXII QUASI-JUDICIAL HEARING
IN THE CITY OF ORLANDO, FLORIDA**

**FRANK J. SEBESTYEN
RONALD CUMMELLO AND JOHN DALY**

**CASE NO. QJ2016-001
LOWER CASE NO. ZON2015-000032**

PETITIONERS,

v.

**CITY OF ORLANDO, FLORIDA, A FLORIDA
MUNICIPAL CORPORATION,**

RESPONDENT,

AND

**MOCKING BIRD ORLANDO, LLC/
MIRANDA FITZGERALD, ESQ.**

APPLICANT/RESPONDENT.

**RECOMMENDED ORDER DENYING PETITION AND
APPROVING PD ZONING WITH CONDITIONS**

The final quasi-judicial hearing on this matter was on May 18, 2016. Based upon a complete review of the record, including the parties' written closing arguments, the parties' testimony, the witnesses' testimony, the exhibits and all of the other evidence presented at the hearing, I recommend the Orlando City Council deny the Petitioner's Petition and approve the Application for PD zoning with all conditions.

I. Property Description

The property at issue is approximately 1,572 acres and is located south of Lee Vista Blvd, west of SR 417, north SR 528 and east of Narcoossee Road. Pursuant to Section 2.208 of the Orlando City Code, it is legally described in the Verified Legal Description attached hereto in Exhibit "A" (hereinafter the "Property").

II. Statement of Case

Miranda Fitzgerald, Esq., on behalf of Mockingbird Orlando, LLC., ("Owner") filed an initial zoning application requesting PD/AN zoning to allow for 4,300 residential units, 20,000 square feet of office space, and 20,000 square feet of retail space ("Application"). On January 19, 2016, the Municipal Planning Board voted to recommend approval of the initial zoning application with the City Staff's recommended conditions. The Owner agreed to all the conditions which include: (1) compliance with all federal, state and local regulatory agencies' requirements including school concurrency (for any and all non-age restricted residential units), (2) Municipal Planning Board review, consideration and approval for any and all significant changes prior to any permit issuance, (3) compliance with the City's urban design, planning, traffic engineering, transportation and park requirements, (4) review, consideration and approval by the Municipal Planning Board of Specific Parcel Master Plans detailing street networks and trail networks prior to any permit issuance, (5) a density limit of 2,800 single family residential units, (6) limitations on commercial uses, (7) compliance with connectivity requirements, (8) Florida Department of Environmental Protection approval of the remediation of the former bombing range prior to issuance of any permits, (9) verification that the former Orange County Landfill located on the Property possesses no environmental or other hazards for the use of the site or adjoining parcels, (10) confirmation of the location of the community park prior to issuance of any permits and prior to the zoning ordinance, (11) compliance with road phasing

requirements which mandate road connections before completion and build out, (12) reservation of certain property for police and fire stations, and (13) an additional 14 pages of other conditions imposing stringent Residential, Commercial, Transportation and Park Design Standards.

On February 11, 2016, Frank Sebestyen, Ronald Cumello and John Daly (hereinafter "Petitioners"), filed their "Petition in Opposition to Municipal Planning Board's Recommendation" challenging the recommended approval in Case No. ZON2015-00032. Petitioners thoroughly detail their objections to the Owner's Application and raise legitimate concerns over storm water management, flooding, increased traffic and potential hazards to health, safety and welfare in developing on a former bombing range which contains munitions, explosives and military debris. Alleging Owner's non-compliance with applicable regulations, Petitioners specifically cite to Sections 59.209, 60.124, 68.205, 62.638, 62.639, 68.204, 68.205 of the City Code. Petitioners also allege Owner's non-compliance with the City of Orlando Capacity Availability Report and the City of Orlando Growth Management Plan.

At the hearing, Petitioners submitted the following numbered exhibits in evidence:

1. Mr. Cumello's Certificate of Election to the Orange County Vista Lakes Community Development District Seat 2,
2. Letter from the Department of Army to Mr. Cumello regarding the former bombing range,

3. Transportation Advisory Committee Meeting notes from November 16, 2011,
4. Vista Lake Board of Directors Meeting minutes dated November 12, 2015,
5. City of Orlando Commissioner District 1 Map,
6. Vista East Neighborhood Map,
7. Beltway Commerce Center Neighborhood Map,
8. Vista Park Neighborhood Map,
9. Ron Cumello's January 19, 2016 Comments,
10. FEMA Panel #435 Map,
11. Environmental Suitability Vista East Map,
12. Vista Park PD Development Plan,
13. Photograph of rising water level on home lawn,
14. November 13, 2015 letter from Legal Counsel for the Vista Lake Community Development District,
15. Owner's January 11, 2015 letter,
16. January 14, 2015 letter from District Counsel for the Vista Lake Community Development District,
17. July 16, 2015, Vista East 2.0 Memorandum of Terms,
18. Surface Water Collection System and Surface Water Outfall Pipe Easement Agreement dated October 30, 1998, and recorded in Book 5713, Page 3322, in the Official Records Of Orange County.
19. Vista East Properties Annexation and Developer's Agreement,

20. Map depicting former bombing range,
21. Orlando Sentinel Article dated January 31, 2016 concerning former bombing range,
22. Photo of bombs and debris found at Odyssey Middle School,
23. Email correspondence dated October 31, 2015,
24. Email correspondence dated August 14, 2015,
25. Department of Army letter dated March 30, 2009,
26. Environmental and Earth Law Journal Article "Bombs and Babies: The Unfortunate Results of Conversion of a Military Defense Site to a Residential Neighborhood."
27. City of Orlando Memorandum dated January 12, 2010,
28. 2009 Orange County School Board lawsuit,
29. July 26, 2012, City of Orlando Impact Fee Study,
30. Petition to Delay Zoning Approval,
31. Mr. Daly's Power Point presentation "Disapprove Vista Park Zoning Change,"
32. Vista Park Open House Invitation,
33. Email correspondence dated February 28, 2016,
34. City of Orlando Vista Park PD Staff Report dated November 17, 2015,
35. Minutes, Audio Recordings, and Staff Reports of January 19, 2016 and February 29, 2016,
36. City of Orlando Memorandum dated February 9, 2016,

37. City of Orlando Power Point presentation dated February 29, 2016.

At the hearing, the Owner submitted the following numbered exhibits into evidence:

1. Dave Mulholland's Resume,
2. Transportation Memorandum dated April 21, 2015,
3. Vista Park Location Map,
4. Owner's Application,
5. Level C Environmental Assessment Report dated August 21, 2015,
6. Beltway Commerce Center Neighborhood Maps 6(a) and 6(b),

The City submitted the Petitioner's "Petition in Opposition to Municipal Planning Board's Recommendation" as City Exhibit "1."

Evidence also included the testimony of each Petitioner against the Owner's Application and the testimony of Mr. Richard Brock and Mr. Jay Thompson in favor of the Owner's Application. Mr. Greg Clark, Attorney Miranda Fitzgerald, Mr. David Mulholland, Mr. Rey Malave and City Chief Planner, Elisabeth Dang, provided expert testimony in favor of the Owner's Application.

III. Findings of Fact

A. The Parties

Petitioner Frank J. Sebestyen is a concerned citizen and home owner who resides at 8680 Warwick Shore Crossing, Orlando, FL 32829. Petitioner Ronald Cumello is a concerned citizen and home owner who resides at 6702 Vista Park Blvd., Orlando, FL 32829. Petitioner John Daly is a concerned citizen and home owner who resides at 8679 Warwick Shore Crossing, Orlando, FL 32829. Each Petitioner's interest in this

matter exceeds the general interest in the community good shared by all persons. Respondent/Owner is a Florida Limited Liability Company. The City of Orlando is a political subdivision of the state of Florida authorized to approve and deny zoning requests within its jurisdiction.

B. The Property and Current Development Rights

The Property consists of approximately 1,572 acres of undeveloped land within the City limits of the City of Orlando. There is no zoning on the property. The parties presented no evidence of any existing vested development rights.

The future land use designations for the properties surrounding the Property are:

- a. Property to the North – City Residential Low Intensity, Conservation and Public Recreation and Institutional.
- b. Property to the East – County Industrial, Conservation and Industrial.
- c. Property to the South — City Urban Activity Center, Office Low Intensity and Conservation.
- d. Property to the West — Residential Low Intensity, Residential Medium Intensity and Conservation.

The zoning for the properties surrounding the Property are:

- a. Property to the North — City PD/AN.
- b. Property to the East — County I-G, C and A-2.
- c. Property to the South — None.

d. Property to the West — PD and None.

The existing surrounding uses include a middle school, multiple single family residences and the Orange County Landfill. The Owner's requested proposed use for the Property is residential, office and limited commercial.

IV. Conclusions of Law

Article XXXII of the City of Orlando Code sets forth the procedures for quasi-judicial hearings before a hearing officer. Quasi-judicial hearings before a hearing officer are de novo. Pursuant to §2.207(5) Article XXXII of the City of Orlando Code, "The party filing the hearing request shall have the burden of coming forward with the evidence and the burden of proof. The Hearing Officer's decision shall be based on competent substantial evidence after applying the criteria set forth in the Orlando City Code and any applicable administrative, federal and state case law in effect at the time the hearing request was filed." Petitioners have the burden of proof to show by competent substantial evidence the Owner's Application should be denied.

Each Petitioner has standing to and properly and timely challenged the Owner's Application pursuant to Art. XXXII of the Orlando City Code. Petitioners presented a thoughtful well-prepared case. However, Petitioners did not meet their burden of proof. Uncontroverted evidence and expert testimony showed the Owner's proposed zoning request is consistent with the surrounding area and, as a condition of approval and before the issuance of any permits, shall comply with all City codes and regulations, Florida Statutes, Federal law and all the regulations of each state and federal agency having jurisdiction over the Owner's Property. The proposed City Planned Development

designation on the Property complies with (i) the State of Florida Comprehensive Plan (Chapter 187, Florida Statutes), (ii) County and Municipal Planning Land Development Regulation (Chapter 163 Florida Statutes, Part II), (iii) the City's Growth Management Plan, (iv) the City's Comprehensive Plan, and (v) all other applicable codes, ordinances and laws at issue. City Chief Planner Elisabeth Dang showed and testified that the proposed PD zoning is compatible with surrounding uses, which are primarily residential. See *City of Hialeah Gardens v. Miami-Dade Charter Foundation, Inc.*, 857 So.2d 202, 205 (3rd DCA 2003)(City staff opinions are competent and substantial evidence).

Three of Petitioners' concerns warrant specific discussion: storm water management, increased traffic and the potential dangers of developing on a former bombing range. Regarding Petitioners' concerns about flooding and storm water management, Petitioners entered, *inter alia*, exhibits 13 (photograph of rising water level on home lawn), 18 (Surface Water Collection System and Surface Water Outfall Pipe Easement Agreement dated October 30, 1998) and 19 (Vista East Properties Annexation and Developer's Agreement).

In response, Owner's attorney, Miranda Fitzgerald, who prepared exhibits 18 and 19, testified regarding exhibits 18 and 19 and testified in support of her client's Application. Testimony by an attorney for a client as a witness "could prejudice the opposing party by bolstering the lawyer's testimony because it comes from an advocate." *Allied Signal Recovery Trust v. Allied Signal, Inc.*, 934 So.2d 675, 678 (2nd DCA 2006); See Comment to Rule of Professional Conduct 4-3.7 Lawyer as Witness

("Combining the roles of advocate and witness can prejudice the tribunal and the opposing party . . ."). Despite the potential for prejudice in serving both as an advocate and witness, attorney Fitzgerald convincingly testified that any and all storm water issues presented in exhibits 18 and 19 would be resolved prior to permit issuance. Furthermore, approval of the PD zoning is expressly conditioned on compliance with all requirements of the South Florida Water Management District and all federal agencies having jurisdiction over wetlands.

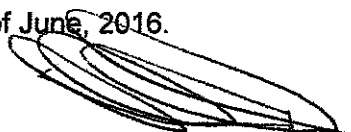
Regarding Petitioners' concerns over increased traffic, adding thousands of vehicles will indeed increase traffic. The Municipal Planning Board and the City of Orlando Council have discretion to not approve PD zoning for the Property and "reject the applicant's argument that change is desirable." *Lee County v. Sunbelt Equities II*, 619 So.2d at 1005-1006 (2nd DCA 1993). However, the Municipal Planning Board and the City of Orlando Council have discretion to approve PD zoning for the Property because there is nothing which prohibits PD zoning even if it results in substantially increased traffic. See *id.* The primary code and comprehensive plan requirements regarding traffic, *during the development design phase* of a project, are to "minimize" and "discourage" certain traffic patterns and to implement traffic "calming measures." See Section 28.204, LDC; See also generally Transportation Element of Comprehensive Plan. The Municipal Planning Board and the City of Orlando Council have discretion to approve PD zoning for the Property as proposed with all the specified conditions.

Regarding Petitioners' justified concerns over the potential dangers of developing on a former bombing range with explosives and military debris, Petitioners submitted into evidence, *inter alia*, Exhibit 26, Environmental and Earth Law Journal Article "Bombs and Babies: The Unfortunate Results of Conversion of a Military Defense Site to a Residential Neighborhood." The author of Exhibit 26, desiring to clean up the former bombing range, advises "local private coalitions should be formed to fund and organize private remediation actions." The Owner has agreed to remediate the former bombing range. The Florida Department of Environmental Protection will oversee all of the Owner's remediation efforts and no permits will be issued until the Florida Department of Environmental Protection certifies the remediation is complete. As noted in Exhibit 26, "allowing unknown buried hazards to lie in the ground, leaching into the soil and water and posing an ever-present threat to human safety, fails to protect the soil and water resources, human health, or property values." See Exhibit 26, page 46. Successful remediation of the former bombing range is preferred.

V. Recommendation

Based on the Findings of Fact and Conclusions of Law, I recommend the City of Orlando Council DENY Petitioners' petition and APPROVE the Owner's Application for PD zoning in Case ZON2015-000032 with all staff recommended conditions.

RESPECTFULLY SUBMITTED this 21st day of June, 2016.



DEREK A. SCHROTH, ESQ.
Hearing Officer
*Board Certified Expert in City, County and
Local Government Law and Business Litigation*

Florida Bar No. 0352070

Pursuant to Section 2.208 of the Orlando City Code, the parties have ten (10) working days from the date of receipt of this Recommended Order in which to submit to the Clerk written exceptions for presentation to the Orlando City Council in its consideration of this Recommended Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on June 21, 2016, I furnished via email, and to those who requested by mail by mail, a true and accurate copy of this Recommended Order to:

Kyle Shephard, Esq.
kyle.shephard@cityoforlando.net

Melissa Clarke, Esq.
melissa.clarke@cityoforlando.net

Michele Beamon
michele.beamon@cityoforlando.net

Mark Cechman
mark.cechman@cityoforlando.net

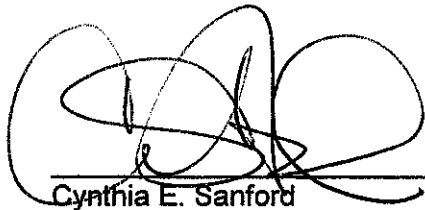
Miranda Fitzgerald, Esq.
miranda.fitzgerald@lowndes-law.com

Rebecca Rhoden, Esq.
rebecca.rhoden@lowndes-law.com

Frank J. Sebestyen
Kfsebestyen@yahoo.com

John Daly
jldaly1@aol.com

Ron Cumello
rcumello@bellsouth.net



Cynthia E. Sanford
Hearing Administrator



VERIFIED LEGAL DESCRIPTION FORM

MUNICIPAL PLANNING BOARD

The following legal description has been prepared
by Donald W. McIntosh Assoc., Inc. and submitted
to the City Planning Division for verification.

DONALD W. MCINTOSH ASSOCIATES, INC.
(CERTIFICATE OF AUTHORIZATION NO. LB68)
2200 PARK AVENUE NORTH,
WINTER PARK, FLORIDA 32789

[Signature]
Scott Grossman
PSM #5048

Date 8/6/2015

"This description has been
reviewed by the Bureau of
Engineering and is acceptable
based on a comparison with:

ORB & PG(S),
RAN TRAVERSE(S)
AND CLOSURE(S)

By [Signature] Date 11/10/2015

Application Request (Office Use Only):

File No. GMP2015-00036
GMP2015-00037
ZON2015-00032

Legal Description Including Acreage (To be Typed By Applicant):

PARCEL 1:
(ORB 7269, PG 3555 LESS ORB 9466, PG 3147)

DESCRIPTION:

THE SOUTH 1/2 OF SECTION 19; THE SOUTH 1/2 OF SECTION 20, LYING WEST OF STATE ROAD 417 (EASTERN BELTWAY); ALL OF SECTION 29, LYING WEST OF STATE ROAD 417 (EASTERN BELTWAY, AND LYING NORTH OF STATE ROAD 528 (BEELINE EXPRESSWAY); ALL OF SECTION 30, LYING NORTH OF STATE ROAD 528 (BEELINE EXPRESSWAY) AND THAT PART OF SECTION 31, LYING NORTH OF STATE ROAD 528 (BEELINE EXPRESSWAY), ALL BEING IN TOWNSHIP 23 SOUTH, RANGE 31 EAST. SAID LAND LYING AND BEING IN ORANGE COUNTY, FLORIDA.

LESS:

FROM A 6 INCH X 6 INCH CONCRETE MONUMENT WITH NAIL (NO IDENTIFICATION) AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 31, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, SAID CORNER BEING N00°15'33"E, 2655.41 FEET FROM A 6 INCH X 6 INCH CONCRETE MONUMENT WITH A 3/4 INCH DIAMETER IRON PIPE (NO IDENTIFICATION) AT THE SOUTHWEST CORNER OF

EXHIBIT

A

SAID NORTHWEST 1/4 OF SECTION 31, AS SHOWN ON THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY RIGHT OF WAY MAP FOR STATE ROAD 528 / NARCOOSSEE ROAD INTERCHANGE, PROJECT 907, ON FILE WITH THE ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY, ORLANDO, FLORIDA, RUN S00°15'33"W, 815.01 FEET ALONG THE WEST BOUNDARY OF SAID NORTHWEST 1/4 OF SECTION 31, SAID BOUNDARY ALSO BEING THE WEST BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 7269, PAGE 3555, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, FOR THE POINT OF BEGINNING; THENCE CONTINUE S00°15'33"W, 81.55 FEET ALONG SAID WEST BOUNDARIES TO A POINT ON THE EXISTING NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE OF STATE ROAD 528 AS SHOWN ON THE AFORESAID RIGHT OF WAY MAP; THENCE CONTINUE S00°15'33"W, 53.45 FEET ALONG SAID WEST BOUNDARIES AND SAID EXISTING NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE TO A POINT BEING 150.00 FEET NORTH OF, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF SURVEY OF STATE ROAD 528, AS SHOWN ON THE AFORESAID RIGHT OF WAY MAP; THENCE S89°53'38"E, 155.99 FEET CONTINUING ALONG SAID EXISTING NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE PARALLEL WITH SAID CENTERLINE OF SURVEY TO A POINT AT THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 5579.58 FEET; THENCE NORTHEASTERLY 164.05 FEET CONTINUING ALONG SAID EXISTING NORTHERLY LIMITED ACCESS RIGHT OF WAY LINE PARALLEL WITH SAID CENTERLINE OF SURVEY AND THE ARC OF SAID CURVE WITH A CHORD BEARING OF N89°15'49"E AND A CHORD DISTANCE OF 164.04 FEET, THROUGH A CENTRAL ANGLE OF 01°41'04" TO A POINT; THENCE N00°15'33"E, 135.13 FEET PARALLEL WITH THE AFORESAID WEST BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 31, TO A POINT; THENCE S89°39'03"W, 320.02 FEET TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS:

DESCRIPTION:

THAT PART OF SECTIONS 19, 20, 29, 30 AND 31, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST QUARTER CORNER OF SAID SECTION 19; THENCE N89°51'04"E ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 19 FOR A DISTANCE OF 5299.29 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE N89°46'34"E ALONG THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 20 FOR A DISTANCE OF 1682.10 FEET TO THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF THE EASTERN BELTWAY (STATE ROAD NO. 417), AS DESCRIBED IN OFFICIAL RECORDS BOOK 4307, PAGE 2300, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE AND THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 528, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4307, PAGE 2300: S12°28'21"E, 521.23 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5879.88 FEET AND A CHORD BEARING OF S16°13'10"E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°29'38" FOR A DISTANCE OF 769.05 FEET TO A NON-TANGENT LINE; S70°02'01"W, 150.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 6029.89 FEET AND A CHORD BEARING OF S22°35'25"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°14'53" FOR A DISTANCE OF 552.31 FEET TO THE POINT OF TANGENCY; S25°12'52"E, 200.22 FEET; N64°47'08"E, 150.01 FEET; S25°12'52"E, 1650.08 FEET; S64°47'08"W, 170.01 FEET; S25°12'52"E, 400.02 FEET; S25°34'13"E, 1400.62 FEET; S19°25'42"E, 359.45 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 3599.90 FEET AND A CHORD BEARING OF S17°08'34"E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°08'36" FOR A DISTANCE OF 385.98 FEET TO A NON-TANGENT LINE; N75°55'44"E, 140.01 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 3739.91 FEET AND A CHORD BEARING OF S07°09'40"E; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°49'09" FOR A DISTANCE OF 902.03 FEET TO A NON-TANGENT LINE; THENCE S10°26'54"W, 202.24 FEET; S89°44'55"W, 175.01 FEET; S00°02'25"E, 360.02 FEET; S74°27'43"E, 162.29 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 636.23 FEET AND A CHORD BEARING OF S41°17'21"W; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79°30'15" FOR A DISTANCE OF 882.84 FEET TO A NON-TANGENT LINE; N78°07'46"W, 125.64 FEET; N00°15'26"W, 225.01 FEET; S89°44'34"W, 435.02 FEET; S00°15'26"E, 249.19 FEET; S88°56'58"W ALONG SAID NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 528, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4307, PAGE 2300 FOR A DISTANCE OF 1843.11 FEET TO THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE

ROAD NO. 528, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1544, PAGE 611, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 528, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1544, PAGE 611: S89°44'58"W, 1112.56 FEET; S89°45'29"W, 376.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 5879.88 FEET AND A CHORD BEARING OF S80°05'56"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°19'07" FOR A DISTANCE OF 1982.55 FEET TO THE POINT OF TANGENCY; S70°26'22"W, 1020.92 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 5579.86 FEET AND A CHORD BEARING OF S79°25'49"W; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°58'53" FOR A DISTANCE OF 1751.16 FEET TO A NON-TANGENT LINE AND THE NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD NO. 528 AS DESCRIBED IN OFFICIAL RECORDS BOOK 9466, PAGE 3147, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE N00°15'37"E ALONG SAID NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 135.14 FEET; THENCE S89°39'03"W ALONG SAID NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE, 320.04 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 31; THENCE DEPARTING SAID NORTHERLY LIMITED ACCESS RIGHT-OF-WAY LINE RUN N00°15'37"E ALONG SAID WEST LINE, 815.07 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 31; THENCE N00°07'30"E ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30 FOR A DISTANCE OF 2655.38 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 30; THENCE N00°06'04"E ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 30 FOR A DISTANCE OF 2656.85 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 OF SECTION 30; THENCE N00°01'43"E ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 19 FOR A DISTANCE OF 2657.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 1572.238 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS OF WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

3 OF 3