

RT: Finance  
Cheryl Dukes

Inst No: 96017252 Date: 10/28/1996  
SYD CROSBY, FLAGLER County  
By: M. Stevens D.C. Time: 09:00:

PUD / DEVELOPERS AGREEMENT

**FAIRCHILD OAKS PUD**

**THIS AGREEMENT** is entered into this 3rd day of September, 1996, between Flagler Fairchild Oaks, Inc., Gene White and Ronnie Bledsoe, President and Vice-President, 3 John Bulow Circle, Flagler Beach, Florida 32136 (the "Developer"), and the Board of County Commissioners of Flagler County, Florida, County Courthouse, Bunnell, Florida 32110 (the "County"), and they are collectively referred to as "the Parties".

**WHEREAS**, Developer has applied for and the County has approved a PUD for the Fairchild Oaks PUD, located within Section 38, Township 12 South, Range 31 East, Flagler County, Florida;

In consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows in regard to the development of Fairchild Oaks PUD:

**1. PLAT RECORDATION**

A plat shall be recorded that delineates the private roadways and lot configuration. The plat also delineates the required buffers, conservation easements, stormwater management areas, and project entrance signs.

The plat shall be recorded in ~~Map Book~~ SPH Page SPH of the Public Records of Flagler County, Florida.

**2. SETBACKS**

"Setback Line" is defined in Section 3.08.02 of the Land Development Code of Flagler County. The minimum setbacks for Fairchild Oaks Subdivision shall be as follows:

- Front: 25'
- Rear to House: 20'
- Rear to Pool: 10'
- Side (interior lot): 7.5'
- Side (corner lot): 20'

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*SPH per  
Nash* (EK)

Encroachments into prescribed setbacks by structures shall not be permitted. Also, there shall not be any encroachment by any structure into any drainage easement. Encroachment shall include roof overhangs or any portion of a structure on, under or above the ground.

3. ADDRESS

Addresses for the lots in Fairchild Oaks PUD shall be as indicated on the attached EXHIBIT "A". Lots with two addresses will use the address that most closely corresponds with the orientation of the front of the dwelling constructed thereon.

4. TREE PROTECTION

The Developer shall preserve all native tree species located within prescribed landscape buffers, conservation easements and upland buffers. All index trees (6" caliper or larger) located outside road pavement clear zone areas (10' beyond the travel lane) shall be saved to the maximum extent possible. Likewise, all index trees of six inch (6") caliper or larger located outside the building footprint areas (6' feet beyond the building and driveway) shall be saved to the maximum extent possible. Prior to any excavation, a tree preservation survey shall be approved by the County Engineer and County Planner. The review of the individual lots shall take place at the time the tree survey is submitted for building permit. Native hardwood trees, such as Oak, Magnolia, Hickory, shall be utilized in the landscaping of lots.

5. LOT CLEARING / GRADING

Individual lots are to be cleared and graded after the issuance of a building permit for the lot. Lots are to be graded as required to drain stormwater to areas approved for the purpose of accepting runoff.

Lots shall be graded in accordance with the lot elevations shown on the approved set of engineering drawings for the construction of Fairchild Oaks PUD, prepared by Parker Mynchenberg & Associates, Inc., dated 12-1-95 and revised 5-10-96.

*APR 1996*  
*JKK*

The lowest finished floor elevation of all buildings constructed in the Fairchild Oaks PUD shall be a minimum of one and one-half foot (1.5') above the centerline of the fronting road and shall be at least fourteen (14') feet above mean sea level (1929 NGVD datum). Certification by a licensed Florida Land Surveyor that the minimum elevation of 14.0 and/or the one and one-half foot (1.5') requirement has been met will be provided to the County for each dwelling unit and/or building after the floor slab is constructed and prior to any additional construction activities on the building.

6. UTILITIES

SEWER:

A central gravity sewer system will be constructed and conveyed to Volusia County, who will maintain and operate the system.

WATER:

A central potable water distribution system will be constructed and conveyed to Volusia County, who will operate and maintain the system.

The system shall have sufficient pressure and volume to provide all domestic demands of the total built out project, plus the flow required for the fire suppression system. In addition, storage tanks, standby electric generator for emergency power and all ancillary facilities as required by the County will be provided by the Developer.

7. STORMWATER TREATMENT

Stormwater facilities, including, but not limited to, retention, detention areas, storm drainage pipes and structures, will be owned and maintained by the Developer. Maintenance and repair of stormwater facilities will not be the responsibility of the County.

8. STAGING OF IMPROVEMENTS

Staging of the project improvements indicated on the construction plans will be as indicated on the phasing plan and as indicated below. Required improvements will be phased.

MLL  
KX

| <u>Phase</u> | <u># of Lots</u> |
|--------------|------------------|
| 1            | 41               |
| 2            | 32               |
| 3            | <u>35</u>        |
| Total:       | 112              |

**9. DEVELOPMENT OF REGIONAL IMPACT**

The Developer has proposed a development that does not presently meet or exceed the statutory thresholds for a Development of Regional Impact as defined by Chapter 380, Florida Statutes.

**10. PRIVATE ROADS AND SECURITY GATES**

The streets within Fairchild Oaks PUD are private and are to remain private. An optional security gate is indicated in the approved construction plans prepared by Parker Mynchenberg & Associates, Inc., dated 12-1-95, revised 5-10-96, and will be constructed and maintained at the developer's option. All maintenance and improvement costs associated with the roadways and security gates will be borne by the developer and the Fairchild Oaks Homeowners Association, Inc.

**11. MISCELLANEOUS**

This Agreement shall be recorded in the Public Records of Flagler County, Florida. It shall be a restriction and covenant running with the land, and shall be binding on the heirs, successors, executors and assigns of the parties hereto.

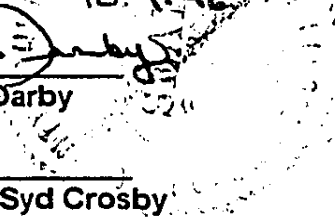
APPROVED BY THE  
FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS

ON September 3, 1996

The Board of County Commissioners of  
Flagler County, Florida

By: James A. Darby  
Chairman - James A. Darby

Attest: Syd Crosby  
Clerk of the Court - Syd Crosby



*AK*  
*(K)*

Flagler Fairchild Oaks, Inc.

By: Gene White

Developer - Gene White, President  
Flagler Fairchild Oaks, Inc.

Witnessed by:

Richard A. Jones 9/30/96

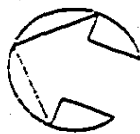
Richard A. Jones - 9/30/96

AM

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EXHIBIT "A"

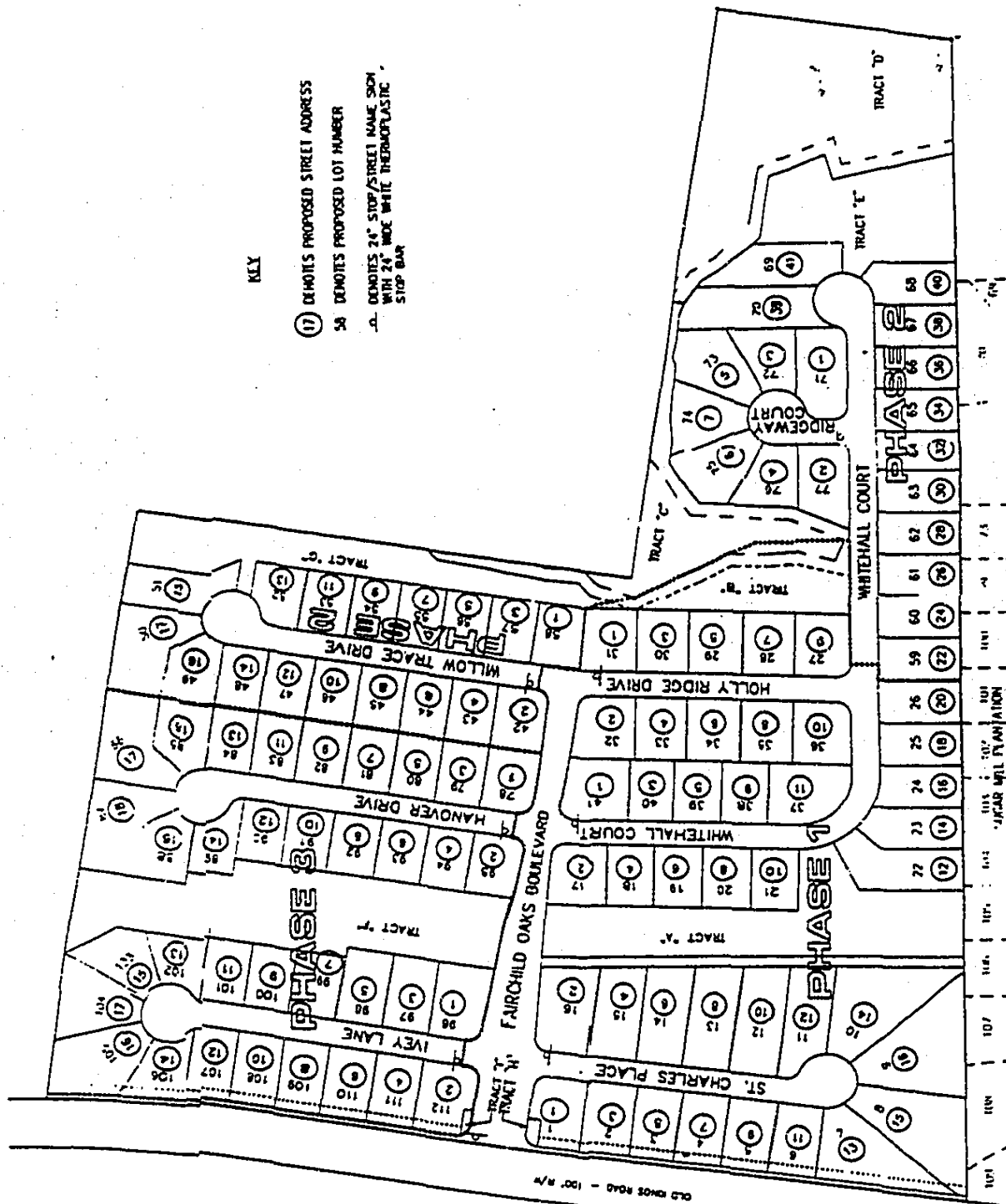
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GRAPHIC SCALE  
 0 10 20 30 40 50  
 FEET

KEY

- ① DEMOTES PROPOSED STREET ADDRESS
- 58 DEMOTES PROPOSED LOT NUMBER
- DEMOTES 24" STOP/STREET NAME SIGN WITH 24" WIDE WHITE THERMOPLASTIC STOP BAR



|   |              |
|---|--------------|
| DATE  | 11/11/76     |
| BY  | J. M. WILSON |
| CHECKED BY  | J. M. WILSON |
| SCALE   | AS SHOWN     |
| <b>PARKER MYNCHENBERG &amp; ASSOCIATES, INC.</b>      |              |
| PROFESSIONAL ENGINEERS - LAND PLANNERS                |              |
| 2000 S. ALABAMA AVE. SUITE 1000, HOUSTON, TEXAS 77002 |              |
| (713) 521-1100  |              |
| <b>FAIRCHILD OAKS PLANNED UNIT DEVELOPMENT</b>        |              |
| STREET NAME, LOT ADDRESS & SIGNAGE                    |              |
| J. M. WILSON  |              |
| 11/11/76  |              |

Asst  
 (Signature)