

This instrument prepared by:
Debbie Banks
201 North 2nd Street
Palatka, Florida 32177

Inst: 201054708866 Date: 7/13/2010 Time: 12:56 PM
DC, Tim Smith, Putnam County Page 1 of 8 B: 1265 P: 1493

ORDINANCE NO. 10 - 10

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, PROVIDING THAT THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN BE AMENDED WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 26 EAST FROM COUNTY URBAN SERVICE TO CITY HIGH DENSITY RESIDENTIAL, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides that any local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan, and

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 80 acres by small scale amendments annually, and

WHEREAS, the Planning Board conducted a public hearing on May 4, 2010, and considered this matter in accord with Florida Statute, and

WHEREAS Florida Statute (163.3187(1)(f) provides an exception to the density requirements for small scale amendments involving the construction of affordable housing units meeting the criteria of s.420-0004(3) on property which will be the subject of a Land Use Restriction agreement. (Exhibit A)

WHEREAS, the City Commission conducted a public hearing on this amendment on June 10, 2010,

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Small Scale Amendment

That the Future Land Use Element and Future Land Use Map of the adopted comprehensive plan of the City of Palatka is hereby amended to provide that the land uses of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes in land use.

**TABLE 1
ADOPTED SMALL SCALE AMENDMENTS**

<u>Property Tax Number</u>	<u>Acreage</u>	<u>Current Land Use</u>	<u>Amended Land Use</u>
11-10-26-0000-0100-0000	2.72	County Urban Service	City High Density Residential

DESCRIPTION OF PROPERTY:

COMMENCING at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East; thence North 520 feet; thence East 258 feet; thence South 520 feet; thence West 258 feet to the PLACE OF BEGINNING, being a part of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East, Putnam County, Florida.
Parcel: 11-10-26-0000-0100-0000

All references are to the records of Putnam County, Florida.

Containing 2.75 acres more or less.

Section 3. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 5. Effective date

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 10th day of June, 2010.



CITY OF PALATKA

By: Karl H. Slagg
Its Mayor

ATTEST

Betsy J. Duggan
City Clerk

Approved as to form and correctness
[Signature]
City Attorney

EXHIBIT A
**3310 CRILL AVENUE LAND USE RESTRICTION AGREEMENT
 PALATKA HOUSING AUTHORITY**

THIS LAND USE RESTRICTION AGREEMENT (this "Agreement"), is made and entered into as of the 10th day of June, 2010, by and between the **PALATKA HOUSING AUTHORITY**, its successors, or assigns ("**Developer**"), and the **CITY OF PALATKA**, a political subdivision of the State of Florida (the "**City**").

RECITALS:

- A. Developer owns the land described on the attached Exhibit "A" containing approximately 2.75 acres (the "Property").
- B. The Property currently has a Comprehensive Plan Future Land Use Map designation as High Density Residential (HDR).
- C. Florida Statutes (163.3187(1) (f) provides an exception to the density requirements for small scale amendments involving the construction of affordable housing units meeting the criteria of s.420-0004(3) on property which will be the subject of a land use restriction agreement.
- D. Ordinance No. 10-10 required that an executed agreement be approved by the City of Palatka to limit the residential density to 13 dwelling units per acre for a total number of 36 units and that these units be designated as "seniors-only." This is consistent with prior City Commission actions and based upon a recommendation by the Planning Board. It was also a requirement by the State Department of Community Affairs.
- E. The implementation of this Agreement is determined by the City to be consistent with the City's Comprehensive Plan and Land Development Regulations.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

1. Findings of Fact. The Recitals set forth above are true and correct and are incorporated herein by reference as Findings of Fact.
2. Density and Intensity of the Development.

(a) Residential Development. Development within the Property that has a designation of High Density Residential (HDR) on the future land use map ("FLUM") of the City's Comprehensive Plan shall include and be subject to the following:

- (1) A residential density of 13 dwelling units per acre.

(2) A designation for occupancy by “seniors-only.”

3. Authority. This Agreement is made and entered into pursuant to Chapter 163, Florida Statutes, and the City’s home rule authority.

4. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

5. Applicable Law; Jurisdiction and Venue. This Agreement and the rights and obligations of the City and Developer under this Agreement shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. Venue for any litigation pertaining to the subject matter of this Agreement shall be exclusively in Putnam County, Florida. The fact that this Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restrictions that must be satisfied to complete the development contemplated by this Agreement shall not relieve Developer or its successors in interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

6. Joint Preparation. Preparation of this Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

7. Exhibits. All exhibits attached to this Agreement contain additional terms of this Agreement and are incorporated into this Agreement by reference.

8. Captions or Paragraph Headings. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Agreement, nor the intent of any provision of this Agreement.

9. Counterparts. This Agreement may be executed in counterparts, each constituting a duplicate original, but such counterparts shall constitute one and the same Agreement.

10. Effective Date, Duration of Agreement. This Agreement shall become effective upon being recorded by the County in the public records of Putnam County. This Agreement may be amended or terminated by mutual consent of the parties so long as the amendment or termination meets the requirements of the Chapter 163, Florida Statutes, and applicable County Ordinances.

11. Duration of Permits. Developer acknowledges that this Agreement does not extend the duration of any permits or approvals.

12. Further Assurances. Each party to this Agreement agrees to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all

such further acts, and assurances in a manner and to the degree allowed by law, as shall be reasonably requested by the other party in order to carry out the intent of and give effect to this Agreement. Without in any manner limiting the specific rights and obligations set forth in this Agreement or illegally limiting or infringing upon the governmental authority of the City, the parties declare their intention to cooperate with each other in effecting the purposes of this Agreement, and to coordinate the performance of their respective obligations under the terms of this Agreement.

13. Notices. Any notices or reports required by this Development Agreement shall be sent to the following:

For the City: City of Palatka
Attn: Director of Building and Zoning
201 N. 2nd Street
Palatka, FL 32177

With copy to: Don Holmes
City Attorney
201 N. 2nd Street
Palatka, FL 32177

For Developer: Palatka Housing Authority
P. O. Box 1277
Palatka, FL 32177-1277

Passed and duly adopted by the City Commission of the City of Palatka, this

10th day of June, 2010.

Attest:

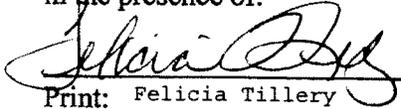
By: Betsy Duggan
City Clerk

City of Palatka
By: Karl Hagg
It's Mayor

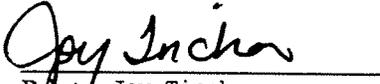
IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Signed, sealed and delivered
in the presence of:

PALATKA HOUSING AUTHORITY

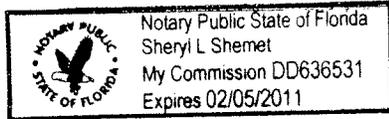

Print: Felicia Tillery


By: John Nelson
Executive Director


Print: Joy Tincher

STATE OF FLORIDA }
COUNTY OF PUTNAM }

The foregoing instrument was acknowledged before me this 14th day of
June 2010, by John Nelson Jr., Executive Director, on behalf of the
company, Personally Known/ or Produced ID (circle one). Type of ID produced:




Print Name: Sheryl L Shemet
Notary Public State of Florida at Large

EXHIBIT "A"**LEGAL DESCRIPTION****PARCEL: 11-10-26-0000-0100-0000****Property Address: 3310 Crill Ave., Palatka, FL 32177**

COMMENCING at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East; thence North 520 feet; thence East 258 feet; thence South 520 feet; thence West 258 feet to the PLACE OF BEGINNING, being a part of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East, Putnam County, Florida.



Inst:200854664581 Date:12/18/2008 Time:2:03 PM
Doc Stamp-Deed:2135.00
DC:Tim Smith,Putnam County,Page 1 of 3

TAX PARCEL #: 11.10.26.0000.0100.0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS INDENTURE made this 15th day of December, 2008 BETWEEN David S. Baggs, III and Debrah E. Bost and Larry Gene Bohanan as sellers, whose post office address is 115 Point West Drive, Palatka, Florida 32177, hereinafter Grantors and Palatka Housing Authority, a public corporation existing under the laws of the State of Florida as buyer, whose post office address is Post Office Box 1277, Palatka, Florida 32178-1277, hereinafter Grantee.

WITNESSETH, That said Grantor for and in consideration of the sum of --- TEN AND 00/100'S DOLLARS (\$10.00) and other goods and valuable considerations --- to said grantors in hand paid by said grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of Putnam, State of Florida, to-wit:

COMMENCING at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East; thence North 520 feet; thence East 258 feet; thence South 520 feet; thence West 258 feet to the PLACE OF BEGINNING, being a part of the Southeast Quarter of the Northeast Quarter of Section 11, Township 10 South, Range 26 East, Putnam County, Florida.

The Grantors warrant that the above described property is not the Grantor's homestead as that term is defined pursuant to Article X, Section 4, Constitution of the State of Florida because neither the Grantors nor any dependents of the Grantors reside on the above described real property or upon any contiguous thereto.

SUBJECT TO taxes for the Year 2008 and thereafter, also subject to any and all Easements and Restrictions of record, if any.

Said grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals this day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

WITNESS N. REILAND

PRINTED WITNESS SIGNATURE

WITNESS CHRISTA L. HARRISON

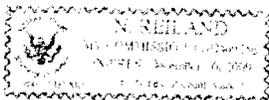
PRINTED WITNESS SIGNATURE

David S. Baggs, III
115 Point West Drive
Palatka, Florida 32177



STATE OF FLORIDA
COUNTY OF PUTNAM

THE FOREGOING INSTRUMENT 2008, by David S. Baggs, III was sworn to or acknowledged before me this 16th day of December who are personally known to me or have produced their Driver's Licenses and did take an oath.



Notary Public N. REILAND
Printed Notary Signature
My Commission Expires

THIS INSTRUMENT WAS PREPARED BY: Nancy Reiland, of GULLETT TITLE, INC. (www.GullettTitle.com), 401 Saint Johns Avenue, Gullett Title Building, Palatka, Florida 32177 4724, 386.323.5106 (voice) or 386.323.3102 | 386.328.0465 (fax), as a necessary incident to fulfill the requirements of a Title Insurance Binder issued by it. G38012