



**APOPKA CITY COUNCIL AGENDA**  
**May 02, 2018 1:30 PM**  
**APOPKA CITY HALL COUNCIL CHAMBERS**  
**Agendas are subject to amendment through**  
**5:00pm on the day prior to City Council Meetings**

**CALL TO ORDER**

**INVOCATION - Pastor Michael Williams of First Pentecostal Church of Apopka**

**PLEDGE**

**APPROVAL OF MINUTES:**

1. City Council regular meeting April 4, 2018.
2. City Council regular meeting April 18, 2018.

**AGENDA REVIEW**

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Employee Recognition:

- ❖ Five Year Service Award – Terrence “Terry” Griffin – Public Services/Cemetery
- ❖ Five Year Service Award – Erin Arnold – Community Development
- ❖ Ten Year Service Award – Ryan McNeely – Public Services/Utility Construction
- ❖ Ten Year Service Award – Brian Liszcz – Recreation/NWRF Grounds
- ❖ Ten Year Service Award – David Odom – Public Services/Grounds
- ❖ Fifteen Year Service Award – Ryan Leonard – Public Services/Utility Construction
- ❖ Twenty Year Service Award – Kenneth “Kenny” Kaiser – Police/Field Services (rescheduled from April meeting)
- ❖ Twenty-five Year Service Award – Robert “Rob” Hippler – IT/Computer Services

Public Comment Period:

The Public Comment Period is for City-related issues that may or may not be on today’s Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

**CONSENT (Action Item)**

1. Accept and update signatories with Florida Community Bank.
2. Authorize staff to negotiate rates and award two surveying and mapping continuing service contracts.

**BUSINESS (Action Item)**

1. Final Development Plan/Plat – Vistas at Waters Edge – Quasi-Judicial Bobby Howell  
Project: M/I Homes of Orlando, LLC  
Location: South of Hooper Farms Road, west and north of Binion Road, and west of Harmon Road

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2617 – Second Reading - Comp Plan Amendment – Large Scale – Legislative David Moon  
Project: Laura Murphy – Location: 359 West Lester Road
2. Ordinance No. 2644 – First Reading - Change of Zoning – Quasi-Judicial Bobby Howell  
Project: Spirit SPE Portfolio CA C-Stores, LLC – Location: 1305 West Orange Blossom Trail
3. Resolution 2018-07 for the DOT Railroad Reimbursement Agreement for S. Highland Ave. Jay Davoll

**CITY COUNCIL REPORTS**

**MAYOR'S REPORT**

**ADJOURNMENT**

**MEETINGS AND UPCOMING EVENTS**

DATE	TIME	EVENT
May 3, 2018	5:30pm – 9:00pm	Food Truck Round Up
May 8, 2018	5:30pm –	Planning Commission Meeting
May 14, 2018	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
May 15, 2018	6:00pm –	Code Enforcement Hearing
May 16, 2018	7:00pm –	City Council Meeting
May 28, 2018	-	Memorial Day - City Offices Closed
May 28, 2018	10:00am –	Lake Apopka Natural Gas District Board Meeting: Winter Garden
June 6, 2018	1:30pm –	City Council Meeting
June 7, 2018	5:30pm –	Food Truck Round Up
June 11, 2018	6:30pm –	CONA Meeting – UCF Apopka Business Incubator
June 12, 2018	5:30pm – 7:30pm	Planning Commission Meeting
June 20, 2018	7:00pm –	City Council Meeting
June 25, 2018	10:00am –	Lake Apopka Natural Gas District Board Meeting: Winter Garden

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on April 4, 2018, at 1:30 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Kyle Becker  
Commissioner Doug Bankson  
City Attorney Patrick Brackins  
City Administrator Glenn Irby

**PRESS PRESENT:** John Perry - The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** - Mayor Kilsheimer introduced Pastor Alexander Smith of New Hope Missionary Baptist Church who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on this day, 50 years ago, Dr. Martin Luther King, Jr. was assassinated in Memphis, Tennessee, ending a life in service to peacefully bring about racial and economic change in America. Dr. King advocated civil disobedience and nonviolent resistance to segregation. He became the voice of the Civil Rights Movement and the youngest recipient at the time to win the Nobel Peace Prize. He asked everyone to honor Dr. King's legacy as an enduring call to action in service as he led in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

1. City Council workshop meeting January 26, 2018.
2. City Council regular meeting February 21, 2018
3. City Council regular meeting March 07, 2018

**MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve the minutes of January 26, 2018, February 21, 2019, and March 7, 2018, as presented. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**AGENDA REVIEW:** Commissioner Velazquez pointed out the staff report should be corrected for the SunTrust address to 2642.

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

**Employee Recognition:**

- Five Year Service Award – Keith Tincher – Public Services/Cemetery. Keith was not present and will be presented his award at another time.
- Five Year Service Award – Jason Brown – Public Services/Waste Water Plant. Jason was not present and will be presented his award at another time.
- Ten Year Service Award – Andrew “Drew” Parkinson – Police/Support Services. The Commissioners joined Mayor Kilsheimer in congratulating Drew on his years of service.

**Public Comment:**

Ray Shackelford inquired if the City could take another look at Consent Agenda Item No. 3 and asked what the total cost was for Consent Agenda Item No. 4 for final extension at \$38 per cubic yard.

Jay Davoll, Public Services Director advised Item No. 3 was the annual resurfacing program. He said the program has for many years had \$600,000 budgeted for the program and they have come in less, and the final restriping will utilize the remaining of the budget. He advised the cost is on an estimated amount with a 10% contingency. He stated the bio-solids is dependent upon how the plant is functioning at the time.

**CONSENT (Action Item)**

1. Approve the emergency purchase of a replacement standby generator for the Bradshaw Road Lift Station #77.
2. Approve the purchase of a bypass pump for the Forest Avenue Lift Station 17.
3. Award a Street Resurfacing Project to Orlando Paving Company.
4. Approve the final extension for wastewater residuals transport and disposal with Shelley's Environmental Systems.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve four items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker and Bankson voting aye.**

**BUSINESS (Action Item)**

1. Final Development Plan – Self Help Credit Union - Project: Self Help Credit Union c/o Randy Chambers – Located at 667 West Orange Blossom Trail

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Attorney.

Jean Sanchez, Planner, said this was a request to approve the Self Help Credit Union Final Development Plan (FDP). The project is located east of Vick Road, south of Old Dixie Highway, and north of U.S. Highway 441. She reviewed the current zoning and surrounding land-uses. She reviewed the landscape plan and advised there would be a 10 foot landscape buffer to the northern and southern boundaries of adjacent rights-of-ways and 5 foot wide buffers to the east and west of the site. She reviewed the proposed plans and advised the Planning Commissioner recommended approval at their March 13, 2018 meeting. DRC recommended approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTON by Commissioner Velazquez, and seconded by Commissioner Bankson to approve the Final Development Plan for Self Help Credit Union, 667 West Orange Blossom Trail. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. Final Development Plan/Plat – Zarabrooke Subdivision - Project: Zarabrooke, LLC, c/o Barry Kalmanson – Located at 829 Paradiso Court

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Attorney.

Bobby Howell, Senior Planner, said the request is to approve the Final Development Plan and Plat for the Zarabrooke Subdivision which is located to the west of Vick Road near Apopka High School. He reviewed the location on a vicinity map and pointed out surrounding land-use. The property is zoned R-3 and has a future land use designation of residential low density. There are 14 proposed single family residential lots on 5.59 acres. The minimum typical lot width proposed is 70 feet with a minimum lot size of 9,808 square feet. Full access to the development is from Vick Road which will be signalized in the future. He advised a northbound left turn lane will be constructed leading into the development from Vick Road. There will be a 6 foot wall on the east boundary of the subject property with a subdivision entry sign and feature abutting Vick Road. Buffers will be consistent with the Land Development Code. He advised DRC and the Planning Commission recommend approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTON by Commissioner Velazquez, and seconded by Commissioner Bankson to approve the Final Development Plan for Zarabrooke Subdivision, 829 Paradiso Court. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

## **PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

1. Ordinance No. 2635 – Second Reading - Comprehensive Plan Amendment – Small Scale – Project: Kenney Harry Charles McAllister - Located on the Northwest corner of North Hermit Smith Road, U.S. 441 intersection. The City Clerk read the title as follows:

### **ORDINANCE 2635**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM “COUNTY” RURAL TO “CITY” COMMERCIAL FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND NORTH OF ORANGE BLOSSOM TRAIL, COMPRISING 0.04 ACRES, MORE OR LESS AND OWNED BY KENNEY HARRY CHARLES MCALLISTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Martinez advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2635. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. Ordinance No. 2636 – Second Reading - Change of Zoning – Project: Kenney Harry Charles McAllister - Located on the Northwest corner of North Hermit Smith Road, U.S. 441 intersection. The City Clerk read the title as follows:

#### **ORDINANCE 2636**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 AGRICULTURE TO “CITY” PLANNED UNIT DEVELOPMENT FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF HERMIT SMITH ROAD AND NORTH OF ORANGE BLOSSOM TRAIL, COMPRISING 0.04 ACRES MORE OR LESS, AND OWNED BY KENNEY HARRY CHARLES MCALLISTER; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Attorney.

Mr. Martinez advised there were no changes since the first hearing.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to adopt Ordinance No. 2636. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. Ordinance No. 2637 – Second Reading - Change of Zoning - PUD Master Plan/Preliminary Development Plan. Project: City of Apopka, James D. & Deborah M. Lyda, & Citizens Bank of Florida - Located on Johns Road, west of S.R. 451. The City Clerk read the title as follows:

#### **ORDINANCE NO. 2637**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM PUD(PLANNED UNIT DEVELOPMENT), MIXED-EC (MIXED EMPLOYMENT CENTER), AND I-1 (RESTRICTED INDUSTRIAL) TO PLANNED UNIT DEVELOPMENT/RESIDENTIAL (PUD) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED**

**SOUTH OF MARSHALL LAKE AND WEST OF SR 451, COMPRISING 154.18 ACRES MORE OR LESS, AND OWNED BY THE CITY OF APOPKA, JAMES D & DEBORAH M. LYDA, AND CITIZENS BANK OF FLORIDA; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

David Moon, Planning Manager, said this was the second reading of the ordinance. He advised City Council established four additional conditions placed on the Lake Marshal PUD Master Plan and these were included in the agenda packet. He reviewed the conditions as follows:

1. The use of the watercraft shall be permitted only by the owners and occupants of direct lakefront lots.
2. If any boat launch area is located within the common area, it shall be restricted by a separate locking gate that only lakefront owners will have access and only lakefront owners may use such access.
3. The retaining wall shall be acceptable as permitted per the master site plan PDP.
4. The emergency access easement to be granted by Breckenridge HOA will be permitted only to the use of the City for emergency access and shall revert back to the property owners on either side of the access point should it ever cease to be used for emergency access.

Mr. Moon advised these four conditions are incorporated into the ordinance being considered for second reading and adoption.

In response to Commissioner's Bankson inquiring about the dock, Matt Young, applicant, advised there would be railing on the dock and they can place signage at the entry of the dock.

Mayor Kilsheimer opened the meeting to a public hearing.

Nina Rowe said knowing only 17 homes will have access to the lake, will the applicant make that part of the HOA documents.

Matt Young, applicant, responded in the affirmative.

Michael Rowe said he, his neighbor and one other person were encroaching and utilizing property for their own personal benefit and there were agreements for them to purchase it from the developer. He inquired if there could be protections in the PUD for them when this sale happens.

City Attorney Brackins said that would be an agreement between private parties and has no applicability here. Mayor Kilsheimer added that this being a private agreement, it is not the city's role to intervene.

Mr. Rowe inquired if there was a way the city could have ownership of that property.

City Attorney Brackins said the sell is already in process and the closing scheduled. Mr. Hitt advised the property was bid as a total and not sectioned off.

Commissioner Bankson said he was glad there was an agreement that could be worked out for both parties and encouraged the developer to move ahead in good will.

Carrie Wierciocn said her property was purchased from the Faircloths' and expressed concern regarding the location of her well and septic.

Luke Classon said the property was surveyed and the driveway and fence line do extend to the northeast corner, but the well and septic is on her property and not on the city owned property. He advised these were added to a separate tract and designed and parceled out as separate tracts. At the time the developer purchases the land from the city, they can agree to sell the area the driveway encroaches to them.

Theresa Grubbs expressed concerns regarding the dock and the park and the regulation of noise levels and the number of people allowed in these areas. She stated the noise level of people in boats on the lake is very loud and she can hear them inside her home.

Commissioner Bankson said there should be a capacity posted for the dock as part of the signage.

In response to Mr. Rowe inquiring if the signage would be City or HOA, City Attorney Brackins advised it would be HOA, and can be enforced through the developer agreement.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to adopt Ordinance No. 2637, subject to the four conditions as specified. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. Ordinance No. 2639 – First Reading - Change of Zoning – Oak Pointe - Project: Jason C. Revelle & Thompson Hills Estates, LLC - Located east of SR429, north of McCormick Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2639**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD)FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, SPECIFICALLY AT 1751 IRMALEE LANE, COMPRISING 0.96 ACRES MORE OR LESS, AND OWNED BY JASON C. REVELLE; AND AMENDING ORDINANCE NUMBER 2584 TO INCORPORATE SAME CERTAIN REAL PROPERTY INTO THE**



**LEGAL DESCRIPTION THEREIN AND INCREASE THE MAXIMUM NUMBER OF TOWNHOMES THEREIN TO 120; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the City Attorney.

Mr. Moon advised the applicant was not able to attend the first reading, but will be present for the second reading and adoption. He explained this was an amendment to the existing master plan with rezoning of the Revelle property. This changes the maximum number of townhomes to 120 once the property is acquired. The Planning Commission and DRC recommend approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve Ordinance No. 2639 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

5. Ordinance No. 2640 – First Reading – Annexation. Project: Janine R. & Richard D. Edmondson - Located at 3904 Plymouth Sorrento Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2640**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY RICHARD DONALD EDMONDSON AND JANINE ROCHELLE EDMONDSON; LOCATED AT 3904 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Ms. Sanchez said this was annexation of a parcel approximately 1 acre in size located west of Plymouth Sorrento Road and southwest of Appy Lane. It abuts property within city limits on the east boundary. She advised DRC recommends approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to approve Ordinance No. 2640 at First Reading and carry it over for a Second Reading.**

**Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. Ordinance No. 2641 – First Reading – Annexation. Project: Lynn R. Fontaine - Located at 4353 McDonald Gley Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2641**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY LYNN R. FONTAINE; LOCATED AT 4353 MCDONALD GLEY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Ms. Sanchez said this request was to annex a parcel approximately 5.2 acres in size located east of U.S. 441, south of Yothers Road, and west of Chandler Estate subdivision. This is adjacent to properties within city limits to the east and portions of the north and south boundaries. DRC recommends approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Dean, and seconded by Commissioner Becker, to approve Ordinance No. 2641 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

7. Ordinance No. 2642 – First Reading – Annexation. Project: SunTrust Bank - Located at 920 East Semoran Boulevard. The City Clerk read the title as follows:

**ORDINANCE NO. 2642**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY SUNTRUST BANK; LOCATED AT 920 EAST SEMORAN BOULEVARD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Ms. Sanchez said this request was to annex a parcel approximately 0.37 acres in size located south of S.R. 436, and east of Sheeler Avenue. It abuts properties within city limits and DRC recommends approval.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve Ordinance No. 2642 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

8. Ordinance No. 2643 – First Reading - Annexation – Right-of-Way.  
Project: A – Orange County - King Street Right-of-Way  
Project: B – Orange County – Peterson Road (east of SR 429)  
Project: C – Orange County – Peterson Road (west of SR 429)  
The City Clerk read the title as follows:

**ORDINANCE NO. 2643**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHTS-OF-WAY KNOWN AS KING STREET, PETERSON ROAD (EAST), AND PETERSON ROAD (WEST), SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY SOUTH OF WEST ORANGE AVENUE AND EAST AND WEST OF SR 429, AND COMPRISED OF APPROXIMATELY 5.306 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Pam Richmond, Senior Planner, said in accordance with the JPA between Apopka and Orange County, these properties are presented today for annexation. The total roadway right-of-way included in this annexation is 5.6 acres. DRC recommends approval.

In response to Commissioner Bankson inquiring what the advantage of taking over these roads was, Mr. Hitt advised all of these roads were in conjunction with developments the City has been reviewing. He said without control of the road, it is difficult to plan for the industrial area there, and the residential parcel south of King Street.

Mayor Kilsheimer opened the meeting to a public hearing. Carrie Wierciocn said they own property off of King and Peterson and asked if this was going to change the property, and was only annexing the road.

Mayor Kilsheimer responded in the affirmative.

No one else wishing to speak, Mayor Kilsheimer closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker to**

**approve Ordinance No. 2643 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

9. Resolution 2018-04 Rolloff franchise agreement Container Rental. The City Clerk read the title as follows:

**RESOLUTION NO. 2018-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO CONTAINER RENTAL COMPANY, TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.**

**MOTION by Commissioner Becker, and seconded by Commissioner Dean, to approve Resolution No.2018.04. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

10. Resolution 2018-05 Rolloff franchise agreement Waste Pro USA, Inc. The City Clerk read the title as follows:

**RESOLUTION NO. 2018-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO WASTE PRO USA, INC., TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.**

**MOTION by Commissioner Bankson, and seconded by Commissioner Becker, to approve Resolution No. 218-05. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

11. Resolution 2018-06 Rolloff franchise agreement Randy Suggs, Inc. The City Clerk read the title as follows:

**RESOLUTION NO. 2018-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO RANDY SUGGS, INC., TO PROVIDE “ROLL-OFF” CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF APOPKA, FLORIDA, PURSUANT TO CITY OF APOPKA, CODE OF ORDINANCES, CHAPTER 66, ARTICLE III; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING AN EFFECTIVE DATE.**

**MOTION by Commissioner Dean, and seconded by Commissioner Velazquez, to approve Resolution No. 2018.06. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Becker said as we are going into budget season, he said traffic was getting heavy at Rock Springs Road and Welch Road with new businesses going in. He stated the City needs to work with Orange County and look into investing in median structure that inhibits the ability of turning left out of Publix onto Rock Springs Road. He asked staff to look into this and start this conversation with Orange County to drive this process.

**MAYOR’S REPORT**

Mayor Kilsheimer announced there was a Special Council meeting on April 11, 2018 at the Apopka Community Center on the New Errol project. He said his final City Council meeting will be on April 18, 2018.

**ADJOURNMENT** – There being no further business the meeting adjourned at 2:39 p.m.

ATTEST:

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Bryan Nelson, Mayor

\_\_\_\_\_  
Linda F. Goff, City Clerk

## CITY OF APOPKA

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**Minutes of the regular City Council meeting held on April 18, 2018, at 7:00 p.m., in the City of Apopka Council Chambers.**

**PRESENT:** Mayor Joe Kilsheimer  
Commissioner Billie Dean  
Commissioner Diane Velazquez  
Commissioner Kyle Becker  
Commissioner Doug Bankson  
City Attorney Cliff Shepard  
City Administrator Glenn Irby

**PRESS PRESENT:** John Perry - The Apopka Chief  
Teresa Sargeant – The Apopka Chief  
Reggie Connell, The Apopka Voice

**INVOCATION:** - Mayor Kilsheimer introduced Pastor James Hicks, Center of Faith Church, who gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Kilsheimer said on this date in 1775, Paul Revere and William Dawes set off on their historic ride to warn patriot leaders in Concord, New Hampshire that British troops had been dispatched to seize their arms. They rode through the countryside to Boston and rallied the minutemen to take up arms and fight against the British with the cry “The British are coming.” Part of the long rehearsed plan was to place lanterns in the steeple of Boston’s Old North Church to alert the minutemen of British troop movement, “One if by land, two if by sea.” On that evening, Paul Revere placed two lanterns in the steeple and the militia met the British troops at Concord at about 5:00 a.m. on April 19. In that confrontation, the “shot heard around the world” was fired and the brief Battle of Lexington began the American Revolution. He asked everyone to reflect upon the vision, vigilance and gallantry of our American Patriots as he led in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

1. City Council regular meeting March 21, 2018.

**MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve the minutes of March 21, 2018. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.**

**AGENDA REVIEW** – Glenn Irby, City Administrator advised there were no changes.

**PUBLIC COMMENT; STAFF RECOGNITION AND ACKNOWLEDGEMENT**

Presentations:

1. Presentation of Congressional Record to Vice Mayor Billie Dean on behalf of Congresswoman Val Deming’s.

Sonja White, District Director, and Erin Waldron, Community & Economic Development Director, were here to represent Congresswoman Val Demings who was unable to be here tonight. Ms. White read a Congressional Record honoring Vice Mayor Billie Dean. She presented it to Vice Mayor Billie Dean who is retiring after serving the City of Apopka for over 20 years.

2. Comprehensive Annual Financial Report (CAFR) from Moore Stephens Lovelace CPA's and Advisors.

Bill Blend, Moore Stephens Lovelace, said he and Eduardo Castaneda were here to present the CAFR for September 30, 2017. He thanked staff, stating it was particularly challenging this year with the changeover in staff. He advised they are required by audit standards to communicate to the City Council their responsibility to do the audit, perform it accordance with audit standards, government audit standards, as well as the rules of the auditor general, talk about the scope of the audit, and significant findings. He said they did not encounter any significant difficulties in the audit. Management provided the appropriate management representation letter. The independent auditors report is on page one of the CAFR and this is an unmodified report and stated the financial information presented in this document has been audited and fairly presented, which is the highest level of assurance the City can receive. He advised a state single audit was required this year and this was performed with no violations being found with grant documents. He advised the City's investment policy is in compliance with the state statute. The independent auditor's management letter is required by the auditor's general office and in this letter they do have a prior year finding related to employee turnover and this finding was not fully resolved this year. One additional finding is related to utility billing regarding reconciliation issues which they anticipate this finding being resolved. Mr. Blend reviewed the General Fund and pointed out there were \$9.9 million in unassigned fund balance that approximates 26.6% of the expenditures for the year. The CAFR is on file in the Clerk's office and Finance Department.

**MOTION by Commissioner Dean, and seconded by Commissioner Bankson to accept the 2017 CAFR. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**PUBLIC COMMENT** – No one spoke.

**CONSENT (Action Item)**

1. Ratify the certificate of the official runoff election results.
2. Authorize the disposal of surplus equipment/property.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Bankson, to approve two items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**BUSINESS**

1. Award a bid for fuel to Petroleum Traders Corporation.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to award the bid for fuel to Petroleum Traders Corporation. Motion carried unanimously with Mayor Kilsheimer, and Commissioner Dean, Velazquez, Becker, and Bankson voting aye.**

## **PUBLIC HEARINGS/ORDINANCES/RESOLUTION**

1. Ordinance No. 2639 – Second Reading - Change of Zoning – Oak Pointe  
Project: Jason C. Revelle & Thompson Hills Estates, LLC  
Located east of Ocoee-Apopka Road, north of McCormick Road. The City Clerk read the title as follows:

### **ORDINANCE NO. 2639**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, CHANGING THE ZONING FROM “COUNTY” A-1 TO “CITY” PLANNED UNIT DEVELOPMENT (PUD) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED NORTH OF MCCORMICK ROAD AND EAST OF STATE ROAD 429, SPECIFICALLY AT 1751 IRMALEE LANE, COMPRISING 0.96 ACRES MORE OR LESS, AND OWNED BY JASON C. REVELLE; AND AMENDING ORDINANCE NUMBER 2584 TO INCORPORATE SAME CERTAIN REAL PROPERTY INTO THE LEGAL DESCRIPTION THEREIN AND INCREASE THE MAXIMUM NUMBER OF TOWNHOMES THEREIN TO 120; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Moon advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner, and seconded by Commissioner, to adopt Ordinance No. 2639. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

2. Development Agreement – Oak Pointe – Project: Thompson Hills Estates, LLC - Located east of Ocoee-Apopka Road, north of McCormick Road

Mayor Kilsheimer announced this was a quasi-judicial hearing. Witnesses were sworn in by the clerk.

Mr. Moon reviewed the Development Agreement for Oak Pointe implementing the onsite and offsite improvements and amenities within the Oak Pointe PUD that Council just approved through the previous ordinance. He reviewed the land area on a map stating this agreement covers a land area larger than the Oak Pointe PUD. All of the property is owned by Thompson Hill Estates. He reviewed the improvements covered by the Development Agreement including the future road extension. A copy of the agreement is on file in the Clerk’s office.

Commissioner Becker inquired if there was assignment of who will construct and pay for the spine road. Mr. Moon said it has the option of either the City or the Developer to construct this



road. He advised the City was not obligated to construct the road, but has the opportunity to initiate the construction for emergency purposes.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, to approve the Development Agreement for Oak Pointe. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

3. Ordinance No. 2640 – Second Reading – Annexation. Project: Janine R. & Richard D. Edmondson - Located at 3904 Plymouth Sorrento Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2640**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY RICHARD DONALD EDMONDSON AND JANINE ROCHELLE EDMONDSON; LOCATED AT 3904 PLYMOUTH SORRENTO ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Hitt advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2640. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

4. Ordinance No. 2641 – Second Reading – Annexation. Project: Lynn R. Fontaine - Located at 4353 McDonald Gley Road. The City Clerk read the title as follows:

**ORDINANCE NO. 2641**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY LYNN R. FONTAINE; LOCATED AT 4353 MCDONALD GLEY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Hitt advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to adopt Ordinance No. 2641. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

5. Ordinance No. 2642 – Second Reading – Annexation  
Project: SunTrust Bank - Located at 920 East Semoran Boulevard. The City Clerk read the title as follows:

**ORDINANCE NO. 2642**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY SUNTRUST BANK; LOCATED AT 920 EAST SEMORAN BOULEVARD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Hitt advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Dean, and seconded by Commissioner Bankson, to adopt Ordinance No. 2642. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

6. Ordinance No. 2643 – Second Reading - Annexation – Right-of-Way  
Project: A – Orange County - King Street Right-of-Way  
Project: B – Orange County – Peterson Road (east of SR 429)  
Project: C – Orange County – Peterson Road (west of SR 429)  
The City Clerk read the title as follows:

**ORDINANCE NO. 2643**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHTS-OF-WAY KNOWN AS KING STREET, PETERSON ROAD (EAST), AND PETERSON ROAD (WEST), SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, LOCATED GENERALLY SOUTH OF WEST ORANGE AVENUE AND EAST AND WEST OF SR 429, AND COMPRISED OF APPROXIMATELY 5.306 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS;**

**PROVIDING FOR DIRECTIONS TO THE CITY CLERK,  
SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

Mr. Hitt advised there have been no changes since the first reading.

Mayor Kilsheimer opened the meeting to a public hearing.

Dereck Ryan said he lives there and feels he needs to do his due diligence and asked what this was leading to.

Mr. Hitt said there were various enclaves anywhere from real property to road right-of-ways. He said what they are endeavoring to do here is that there is a development to the south in the planning process that will end up utilizing King Street and part of Peterson. Another development on the west side going through the planning stages and in order to do anything on the property, we need to make sure we have control of this property being annexed in order to get the road paved or any improvements.

No one wishing to speak, he closed the public hearing.

**MOTION by Commissioner Bankson, and seconded by Commissioner Dean, to adopt Ordinance No. 2643. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.**

**CITY COUNCIL REPORTS**

Commissioner Becker said he has served for two years now and had the opportunity to serve with three people sitting next to him that has been quite a pleasure. He said it is heard to sit up there and face the scrutiny, but they all knew what they were getting into and all three of them have done this in a very meaningful manner to the City of Apopka. Commissioner Dean has served the community for 24 years and the community is indebted to him. Mayor Kilsheimer has led this city through a tremendous amount of change and his thumb print is on a number of things that will be a good foundation for his successor to build upon. Commissioner Velazquez has gone to every event from the city perspective and has been the face of our community. He said she supports and represents the Council very well at every event she attends. He wished them good luck with what comes next.

Commissioner Bankson said it is much different sitting on the dais than sitting out in the audience and it does take something to commit to serve the city. He dislikes the term politician, but loves the term public servant and feels that is what all of their hearts are. He said Commissioner Dean has been here 24 years to fight for what he believes to be important for the city. He said Commissioner Velazquez has a photographic memory when she is out in the community, knowing the people in the community and she served from the heart. He said it has been a joy to serve with the Mayor and Commissioners Dean and Velazquez.

Commissioner Dean thanked everyone for their support during his 24 years of service. He said he was appreciative of all who came together in support of him and his family during the transitioning of his daughter. He said the kindness and comfort meant a lot to him and his family. He thanked the Mayor and Council for their service, saying they didn't always agree eye to eye. He thanked Dr. Shackelford, Theresa Mott, Eric Hooper, Bill Arrowsmith, Michael Cooper,

Tenita and Bobby Reid, and Rod Love for their support. He said he had much respect for the Fire and Police Departments who have helped him in many ways. He said to the new Mayor and Commissioners, to do their best in representing the City of Apopka and its citizens. He thanked his wife Isadora, for her support.

Commissioner Velazquez thanked everyone who has made this journey a wonderful experience for her. She said it has been a privilege and honor to have served our community. She thanked her husband Ed, who has supported her every step of the way. She said it was important to her to connect to the community and spoke of Christian Lamphere's Eagle Scout project that she and Ed were able to be involved in and help with. She said it has been a pleasure serving with the Mayor and all of the Commissioners over these last four years.

### **MAYOR'S REPORT**

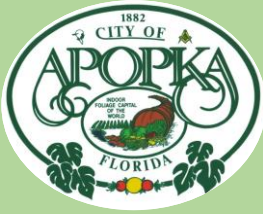
Mayor Kilsheimer recognized Mayor-Elect Nelson and Commissioners Elect Smith and Nolan. He thanked his wife, Cheryl who was his number one supporter. He said it has been a privilege of his life to serve as Mayor of Apopka and he was given a rare opportunity to see and do things in Apopka that few people ever get to see. He stated he has had a front row seat to the slices of life in Apopka that make our community unique. He said one of the rules the Boy Scouts learn is to leave their campsite better than they found it and he feels we have done that in Apopka over the past four years. He pointed out the Apopka City Center deal is in place and construction is slated to begin later this year, the New Errol project now has zoning approval. He thanked Jim Hitt and City Attorney Shepard for protecting the city's interest in moving this project forward. He said our Fire Department has maintained the ISO-1 rating and is poised to keep that rating with recent expansions and he thanked Chief Carnesale. The Police Department is now accredited and he thanked Chief McKinley. He spoke of the upgrade to our City's wastewater plant underway and on track to open phase one in September, thanking Jay Davoll. He thanked Dr. Jackson and spoke of the successful summer youth employment program. He said as he closes out the last four years of his life, he would like to thank all 440 men and women who work hard every day at the City of Apopka. He thanked his assistant Merry Lovern and City Administrator Glenn Irby who has accomplished many things stepping into a tough role. He said next week he will return to private life and he looks forward to the next chapter in life that comes to him and his wife Cheryl. He wished Mayor Nelson and the next City Council luck saying he was grateful for the opportunities and challenges that came with this job stating he was better for it.

**ADJOURNMENT:** The meeting adjourned at 8:25 p.m.

ATTEST:

\_\_\_\_\_  
Bryan Nelson, Mayor

\_\_\_\_\_  
Linda F. Goff, City Clerk



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: May 2, 2018  
 FROM: Administration  
 EXHIBITS:

**SUBJECT: DESIGNATION OF ACCOUNT SIGNATORIES FOR FLORIDA COMMUNITY BANK**

**REQUEST: UPDATE SIGNATORIES & REMOVE PREVIOUS MAYOR & COMMISSIONERS FROM ACCOUNTS AT FLORIDA COMMUNITY BANK**

**SUMMARY:**

Upon the inauguration of the newly elected officials, Florida Community Bank requires an update to all bank account signatories. This includes removing the signatures of Mayor Kilsheimer, Commissioner Dean & Commissioner Velazquez and adding Mayor Bryan Nelson, Commissioners Smith & Nolan. The banking authorization forms contain confidential information that the City Clerk will provide after the City Council meeting for signature.

**FUNDING SOURCE:**

N/A

**RECOMMENDATION ACTION:**

Vote to accept an update to all authorized signatories.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: May 2, 2018  
 FROM: Public Services  
 EXHIBITS:

**SUBJECT: SURVEYING AND MAPPING SERVICES**

**REQUEST: AUTHORIZE STAFF TO NEGOTIATE RATES & AWARD TWO SURVEYING AND MAPPING CONTINUING SERVICE CONTRACTS**

**SUMMARY:**

On March 26, 2018, the City received qualifications, data, and expressions of interest for Surveying and Mapping Services from eleven firms.

Staff has evaluated the qualifications submittals and the scoring results are as follows:

Southeastern Surveying	92.20	Wantman Group, Inc.	83.00
CPH, Inc.	91.60	DRMP	82.00
McKim & Creed	90.00	Cardno TBE	81.80
KPM Franklin	86.60	M.G. Vera & Associates	81.80
BESH Engineering	84.40	S&ME, Inc.	78.00
Keith & Schnars	84.00		

Staff requests approval to negotiate rates in accordance with F.S. 2873.0555, the Consultants Competitive Negotiations Act (CCNA) with Southeastern Surveying and CPH, Inc. The contract will be effective for three (3) years and subject to renewal for two one-year extensions. The services will be performed on an as-needed basis.

**FUNDING SOURCE:**

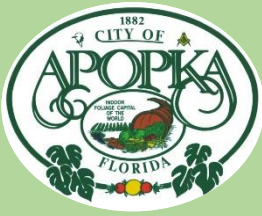
N/A

**RECOMMENDATION ACTION:**

Authorize staff to negotiate rates and award a surveying and mapping continuing services contract to Southeastern Surveying and CPH, Inc., for three (3) years, with the option to extend the contract for two additional one-year periods.

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Final Development Plan/Plat

MEETING OF: May 2, 2018  
 FROM: Community Development  
 EXHIBITS: Vicinity Map  
 Final Development Plan  
 Plat

**SUBJECT: VISTAS AT WATER’S EDGE, FINAL DEVELOPMENT PLAN AND PHASE 1 PLAT**

**REQUEST: RECOMMEND APPROVAL OF THE VISTAS AT WATER’S EDGE FINAL DEVELOPMENT PLAN AND PHASE 1 PLAT**

**SUMMARY:**

OWNER/APPLICANT: M/I Homes of Orlando, LLC

PROJECT ENGINEER: Madden, Moorhead & Stokes, Inc. c/o David Stokes, P.E.

LOCATION: South of Hooper Farms Road, west and north of Binion Road, and west of Harmon Road

EXISTING USE: Vacant land

FUTURE LAND USE: Mixed-Use (Maximum 15 du/ac)

ZONING: Mixed-EC

PROPOSED DEVELOPMENT: Single-Family Residential Subdivision (80 Lots; typical lots widths range from 60 feet to 75 feet; lots range from a minimum of 7,500 square feet to 24,000 square feet.)

PROPOSED DENSITY: 1.90 du/ac

TRACT SIZE: 75.24 +/- acres

DEVELOPABLE AREA: 74.254 +/- acres

OPEN SPACE: 21.52 acres

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (City)	Mixed Use	Mixed-EC	Hooper’s Landscape Nursery
East (City)	Mixed Use	Mixed-EC	Vacant land
South (City)	Institutional/Public Use	R-3	Vacant Land
West (City)	Rural	A-2	St Johns River Water Management District

Project Use: On May 17, 2017 the City Council approved a Final Development Plan and Plat for the Vistas at Water’s Edge, which proposed the development of 143 single family residential lots and 21.52 acres of active and passive recreation space. The Final Development Plan and Plat detailed the subdivision being constructed in one phase with public streets. In 2017, M/I Homes bought the property and submitted a revised Final Development Plan and Plat detailing construction of a gated development in two phases with private streets that are proposed to be owned and maintained by a yet to be established homeowners association. Subdivision infrastructure is in the process of being constructed.

M/I Homes is requesting approval of the Final Development Plan for both phases of the Vistas at Water’s Edge subdivision, and Plat for only Phase 1. For both phases, the Final Development Plan proposes all internal roadways as private instead of publicly owned and maintained. The Final Development Plan details a total of 143 units in two phases. The Phase 1 plat is for 80 single-family residential lots and proposes all internal roadways as private instead of publicly owned and maintained. The plat for Phase 2 will be submitted in the future. Located within the Mixed-EC zoning district, the proposed subdivision provides a diversity of lot widths and lots sizes for both phases as follows:

<b>Lot Widths (Typical)</b>	<b>Number</b>	<b>Percentage</b>
60	93	66
65	6	4
70	32	22
75	12	8

The proposed minimum living area, in aggregate of 2,000 square feet, with no individual unit being less than 1,600 square feet as set forth in Section 2.02.20.B.4 of the Land Development Code is proposed.

The minimum setbacks applicable to this project are:

<b>Setback</b>	<b>Min. Standard</b>
Front*	25’
Side	5’
Rear	20’
Corner	25’

\*Front-entry garage must be setback 30 feet.

Access: Ingress/egress access points for the development will be via full access onto Binion Road that is gated, and a secondary gated emergency and pedestrian access point west of lot 55 connecting to Binion Road is provided.

Stormwater: There are two (2) retention ponds designed to meet the City’s Land Development Code requirements.



**Recreation:** Per Section 2.02.20.H.4a of the Land Development Code, developments made up of less than 300 units shall be required to construct a minimum total of 2,000 square feet of facility or facilities for a Neighborhood Activity Center. The developer is providing 21.52 acres of active and passive recreation space and is proposing to construct a 1,720 square foot clubhouse with swimming pool, picnic area and yoga lawn within the active recreational space. Up to 25% of the Neighborhood Activity Center may be in open type facilities. The developer agreed to place a 30-foot wide landscape buffer along Binion Road and to construct an 11-foot wide multi-use trail. The trail will be dedicated to the City as part of the East Shore Trail System. Furthermore, the Master Plan/PDP included passive parks (aka landscaped focal points) at strategic locations to break up long rows of homes and also provide views of Lake Apopka.

**Buffer/Tree Program:** The applicant has provided a thirty (30) foot wide landscape buffer along Binion Road with an eleven (11) foot wide multi-use trail. The applicant has proposed to use a combination of decorative precast and wrought-iron style fence material Binion Road.

The site has previously been cleared and infrastructure has been constructed. The following is a summary of the tree replacement program for this project that was previously agreed to prior to the May 2017 City Council approvals:

Total inches on-site:	2592
Total number of specimen trees:	29
Total inches removed:	1725
Total inches retained:	867
Total inches replaced:	1725
Total Inches (Post Development):	2592

**SCHOOL CAPACITY REPORT:** The developer has obtained a school concurrency mitigation agreement with Orange County Public Schools to address school impacts generated by this residential development. The schools zoned to receive students from this community are the following: Apopka Elementary School, Wolf Lake Middle School and Wekiva High School.

**ORANGE COUNTY NOTIFICATION:** The County was notified at the time of the subdivision plan and plat for this property through the DRC agenda distribution.

**PUBLIC HEARING SCHEDULE:**  
April 10, 2018 - Planning Commission, 5:30 p.m.  
May 2, 2018 - City Council, 1:30 p.m.

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**RECOMMENDATION ACTION:**

The **Development Review Committee** recommends approval of the Vistas at Waters Edge, Final Development Plan and Phase 1 Plat subject to the final review by the City Surveyor and City Engineer prior to recording the plat.

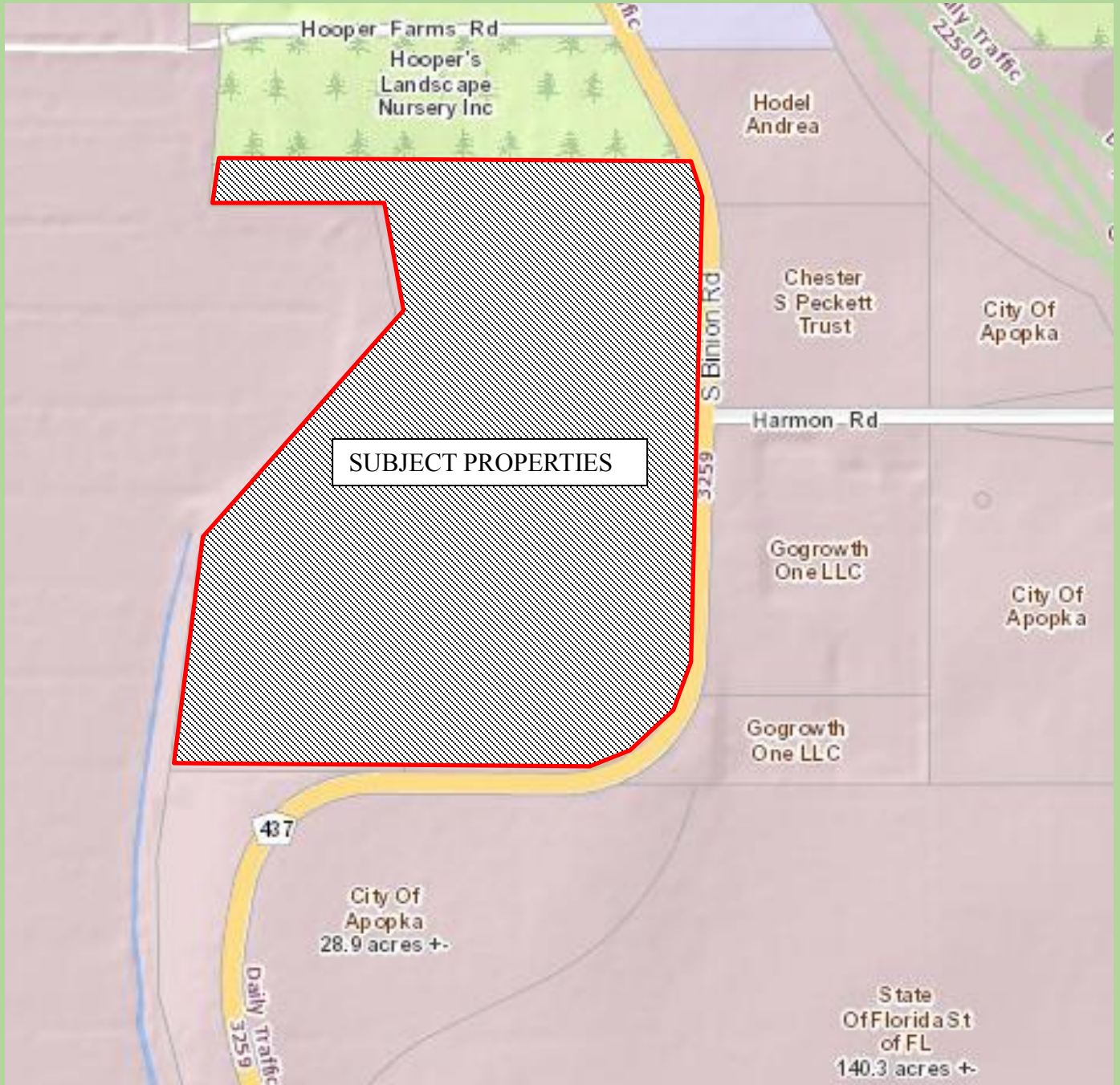
The **Planning Commission**, at its meeting on April 10, 2018, found the Phase 1 Plat for the Vistas at Water’s Edge consistent with the Comprehensive Plan and Land Development Code, and unanimously recommended approval of the Vistas at Water’s Edge, Phase 1 Plat subject to the findings of this staff report.

**City Council:** Approve the Vistas at Water’s Edge, Final Development Plan and Phase 1 Plat

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**Application:** Vistas at Waters Edge - Master Plan/Preliminary Development Plan  
**Owner Applicant:** M/I Homes of Orlando, LLC  
**Project Engineer:** Madden, Moorhead, Stokes, Inc., c/o David A. Stokes, P.E.  
**Parcel ID No.s:** 19-21-28-0000-00-011, 19-21-28-0000-00-021 & 19-21-28-0000-022  
**Total Acres:** 75.24 +/-

### VICINITY MAP



AERIAL MAP





MADDEEN MOORHEAD & STOKES, INC. CIVIL ENGINEERS

431 E. Horatio Avenue Suite 260 Maitland, Florida 32751 (407) 629-8330

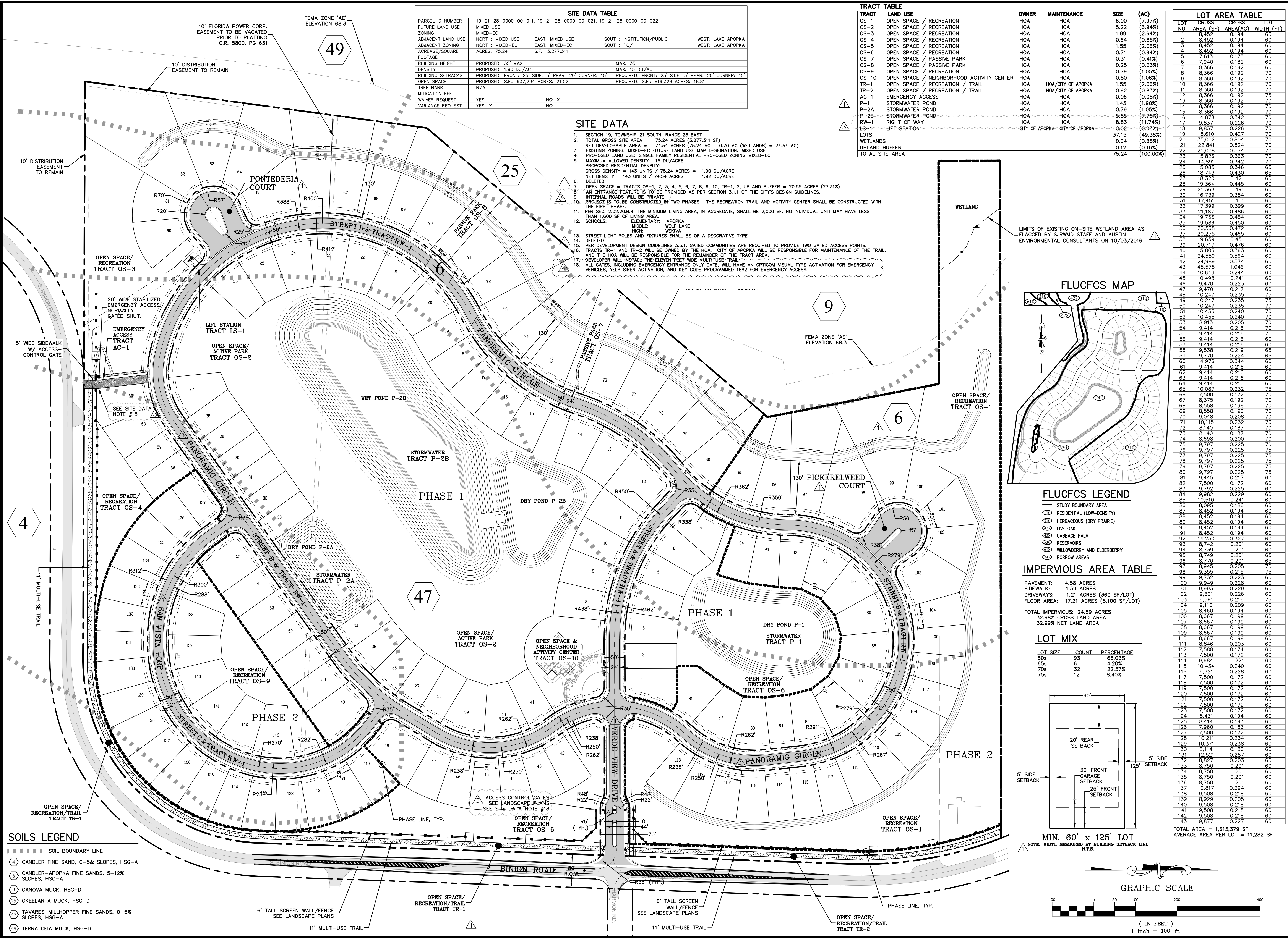
OVERALL SITE PLAN FOR VISTAS AT WATERS EDGE CITY OF APOPKA FLORIDA

EQUITY WATERS EDGE, LLC 2255 GLADES RD. SUITE 324 EAST BOCA RATON, FL 33431 (321) 624-4725

Professional Engineer seal for David A. Stokes, No. 66627, State of Florida.

Table with columns: JOB #, DATE, SCALE, DESIGNED BY, DRAWN BY, APPROVED BY. Includes revision table with columns: NO., DATE, DESCRIPTION.

JOB # 15074 DATE 09/15/16 SCALE 1"=100' DESIGNED BY: RJS DRAWN BY: RJS APPROVED BY: DAS

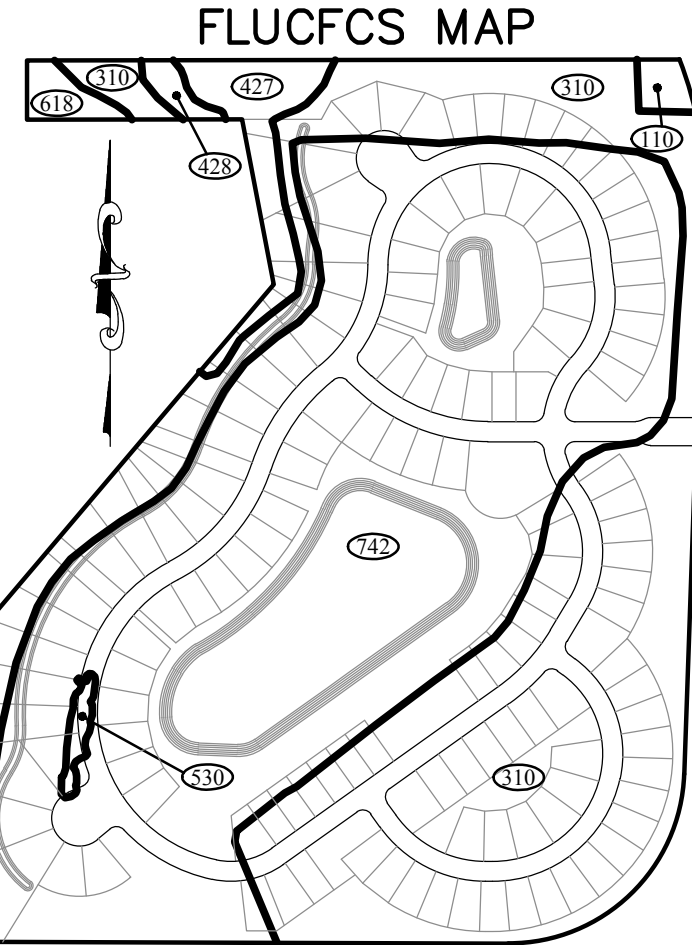


SITE DATA TABLE with columns: PARCEL ID NUMBER, FUTURE LAND USE, ZONING, ADJACENT ZONING, ACREAGE/SQUARE FOOTAGE, BUILDING HEIGHT, DENSITY, TREE BANK MITIGATION FEE, WAIVER REQUEST, VARIANCE REQUEST.

- SITE DATA 1. SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST 2. TOTAL GROSS SITE AREA = 75.24 ACRES (3,277,311 SF) 3. NET DEVELOPABLE AREA = 74.54 ACRES (75.24 AC - 0.70 AC (WETLANDS) = 74.54 AC) 4. EXISTING ZONING: MIXED-EC FUTURE LAND USE MAP DESIGNATION: MIXED USE 5. PROPOSED ZONING: MIXED-EC FUTURE LAND USE MAP DESIGNATION: MIXED USE 6. PROPOSED RESIDENTIAL DENSITY: GROSS DENSITY = 143 UNITS / 75.24 ACRES = 1.90 DU/ACRE NET DENSITY = 143 UNITS / 74.54 ACRES = 1.92 DU/ACRE 7. OPEN SPACE = TRACTS OS-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, TR-1, 2, UPLAND BUFFER = 20.55 ACRES (27.31%) 8. AN ENTRANCE FEATURE IS TO BE PROVIDED AS PER SECTION 3.1.1 OF THE CITY'S DESIGN GUIDELINES. 9. INTERNAL ROADS WILL BE PRIVATE. 10. PROJECT IS TO BE CONSTRUCTED IN TWO PHASES. THE RECREATION TRAIL AND ACTIVITY CENTER SHALL BE CONSTRUCTED WITH THE FIRST PHASE. 11. PER SEC. 2.22.203.4, THE MINIMUM LIVING AREA, IN AGGREGATE, SHALL BE 2,000 SF. NO INDIVIDUAL UNIT MAY HAVE LESS THAN 1,600 SF OF LIVING AREA. 12. SCHOOLS: APOPKA ELEMENTARY; WOLF LAKE MIDDLE; KEVIA HIGH 13. STREET LIGHT POLES AND FIXTURES SHALL BE OF A DECORATIVE TYPE. 14. DELETED 15. PER DEVELOPMENT DESIGN GUIDELINES 3.3.1, GATED COMMUNITIES ARE REQUIRED TO PROVIDE TWO GATED ACCESS POINTS. TRACTS TR-1 AND TR-2 WILL BE OWNED BY THE HOA. CITY OF APOPKA WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL, AND THE HOA WILL BE RESPONSIBLE FOR THE REMAINDER OF THE TRACT AREA. 16. DEVELOPER WILL INSTALL THE ELEVEN FEET WIDE MULTI-USE TRAIL. 17. ALL GATES, INCLUDING EMERGENCY ENTRANCE ONLY GATE, WILL HAVE AN OPTICOM VISUAL TYPE ACTIVATION FOR EMERGENCY VEHICLES, YELP SIREN ACTIVATION, AND KEY CODE PROGRAMMED 1882 FOR EMERGENCY ACCESS.

TRACT TABLE with columns: TRACT, LAND USE, OWNER, MAINTENANCE, SIZE (AC). Lists tracts OS-1 through TR-2 and their respective details.

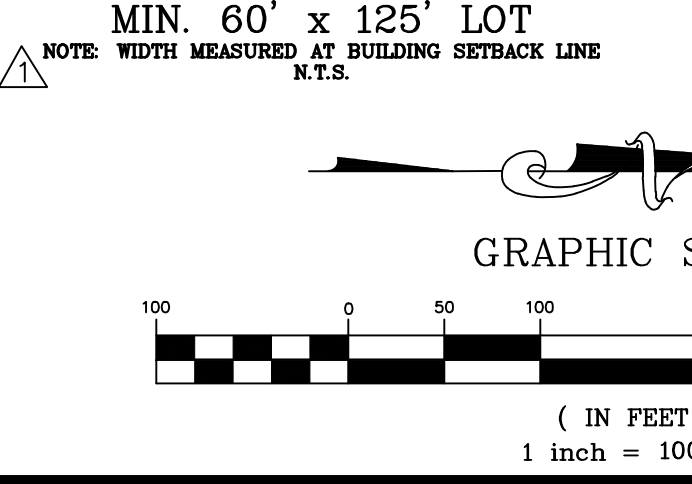
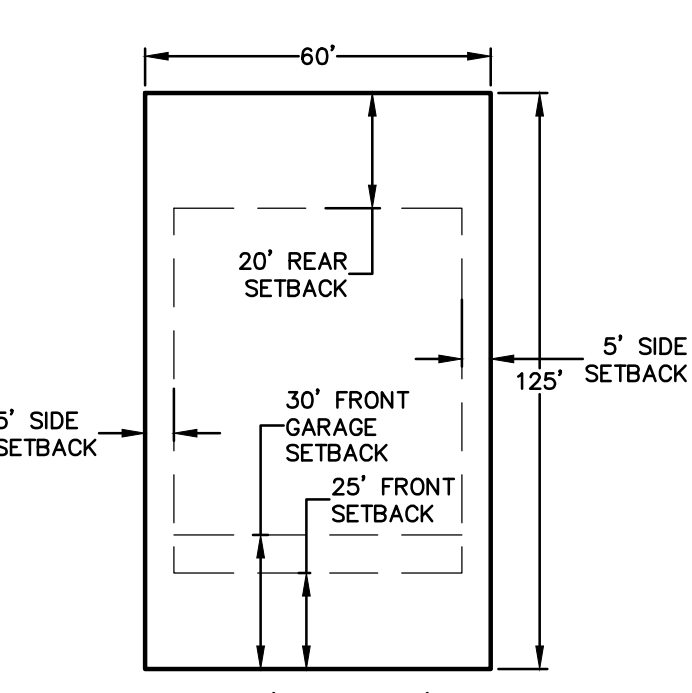
LOT AREA TABLE with columns: LOT NO., GROSS AREA (SF), GROSS WIDTH (FT), GROSS LENGTH (FT). Lists lots 1 through 143 with their respective areas and dimensions.



- FLUCFCS LEGEND: STUDY BOUNDARY AREA, RESIDENTIAL (LOW-DENSITY), HERBACEOUS (DRY PRAIRIE), LIVE OAK, CABBAGE PALM, RESERVOIRS, WILLOWBERRY AND ELDERBERRY, BORROW AREAS.

IMPERVIOUS AREA TABLE with columns: PAVEMENT, SIDEWALK, DRIVEWAYS, FLOOR AREA, TOTAL IMPERVIOUS, GROSS LAND AREA, NET LAND AREA.

LOT MIX table with columns: LOT SIZE, COUNT, PERCENTAGE. Shows distribution of lot sizes: 60s (93, 65.03%), 65s (6, 4.20%), 70s (32, 22.37%), 75s (12, 8.40%).



- SOILS LEGEND: SOIL BOUNDARY LINE, CANDLER FINE SAND, 0-5% SLOPES, HSG-A, CANDLER-APOKA FINE SANDS, 5-12% SLOPES, HSG-A, CANOVA MUCK, HSG-D, OKEELANTA MUCK, HSG-D, TAVARES-MILHOPPER FINE SANDS, 0-5% SLOPES, HSG-A, TERRA CEIA MUCK, HSG-D.

# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 1 OF 9

PLAT BOOK \_\_\_\_ PAGE \_\_\_\_

**SURVEYOR'S NOTES:**

- Bearings shown hereon are assumed and based on the North-South mid section line of Section 19-21-28 being an assumed bearing of South 00°07'22" East for angular designation only.
- All lot lines intersecting curves are radial, unless otherwise noted non-radial ( N.R. ).
- All platted utility easements shall also be easements for the construction, installation, maintenance, and operation of cable television and data services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.
- Tracts OS-1, OS-2, OS-3, OS-4, OS-5, and OS-6 (Open Space / Recreation Tracts) shall be owned and maintained by the VISTAS AT WATERS EDGE Homeowners Association, Inc. (the "Association").
- Tracts OS-7 and OS-8 (Open Space / Passive Park Tracts) shall be owned and maintained by the Association.
- Tracts OS-10 (Open Space / Neighborhood Activity Center Tract) shall be owned and maintained by the Association.
- Tracts TR-1, TR-2 and TR-3 ( Open Space/Recreation/Trail Tracts ) shall be owned by the Association and maintained by the Association and the City of Apopka.
- Tract AC-1 (Emergency Access Tract) subject to an access easement dedicated to the City of Apopka and shall be owned and maintained by the Association.
- Tracts P1, P2A and P2B (Stormwater Pond Tracts) shall be owned and maintained by the Association with an easement dedicated to the City of Apopka for emergency operation and maintenance of the stormwater conveyance system. The City of Apopka is not responsible for the maintenance of the stormwater conveyance system.
- Tract LS-1 (Lift Station Tract) shall be deeded to and maintained by the City of Apopka.
- Tracts M-1, M-2 and M-3 (Landscape Median Tracts) shall be owned and maintained by the Association.
- All Lots are subject to a 10.00 foot drainage and utility easement adjacent to private rights-of-way, unless otherwise noted.
- All Lots are subject to a 5.00 foot side yard drainage and utility easement, unless otherwise noted.
- All Lots are subject to a 7.50 foot rear yard drainage and utility easement, unless otherwise noted.
- The 30.00 foot drainage easement within Lots 62 through 80 and Tracts OS-7 and OS-8 are dedicated to and maintained by the Association. No construction, clearing, grading or alteration by the individual Lot owners is permitted without prior approval by the Association or any other applicable jurisdictional agencies.
- Tract OS-3 is subject to a 20.00 utility easement and a 5.00 foot drainage and utility easement adjacent to Tract LS-1 dedicated to the City of Apopka, Florida.
- Tracts FD-1 and FD-2 shall be owned and maintained by M/I HOMES OF ORLANDO LLC, its successors and/or assigns.
- Tract RW-1, Private right-of-way, shall be owned and maintained by the Association.
- This plat contains 80 Lots.

**LEGAL DESCRIPTION**

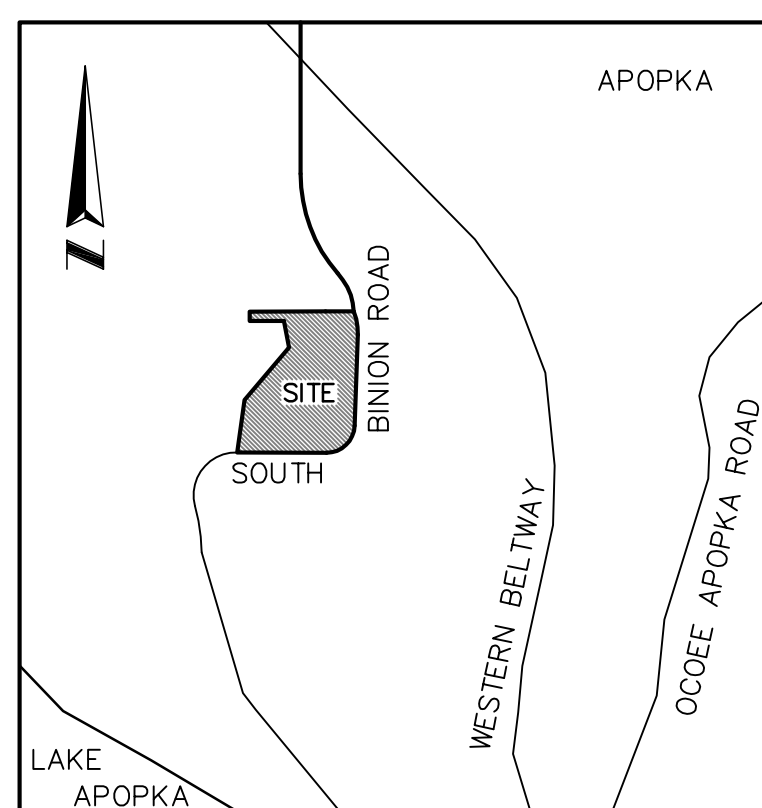
A parcel of land comprising a portion of Section 19, Township 21 South, Range 28 East, Orange County, Florida.  
Being more particularly described as follows:

COMMENCE at the North 1/4 corner of aforesaid Section 19; thence run South 00°07'22" East along the North-South midsection line of said Section 19 for a distance of 415.79 feet to the POINT OF BEGINNING; thence departing said North-South mid section line run North 89° 54' 28" East for a distance of 442.06 feet to a point on the West right-of-way line of South Binion Road, CR 437 according to Road Plat Book 1, Page 40, also being a point on a non tangent curve concave Southwesterly having a radius of 915.37 feet with a chord bearing of South 09° 38' 58" East and a chord distance of 370.45 feet; thence run the following four (4) courses along said West right-of-way line; Southeasterly along the arc of said curve through a central angle of 23° 20' 56" for a distance of 373.03 feet to a point of tangency; thence run South 02° 01' 30" West for a distance of 1420.27 feet to a point on a non tangent curve concave Northwesterly having a radius of 438.33 feet with a chord bearing of South 46° 06' 00" West and a chord distance of 609.80 feet thence run Southwesterly along the arc of said curve through a central angle of 88° 08' 57" for a distance of 674.37 feet to a point on a non tangent line; thence run North 89° 49' 30" West along the Northerly right-of-way line of South Binion Road and the Westerly extension thereof for a distance of 1392.18 feet; thence departing aforesaid West right-of-way line and the Westerly extension thereof run North 07° 44' 23" East for a distance of 829.33 feet; thence run North 40° 18' 28" East for a distance of 1075.00 feet; thence run North 10° 57' 42" West for a distance of 419.48 feet; thence run South 89° 55' 18" West for a distance of 536.64 feet; thence run North 00° 07' 22" West for a distance of 147.87 feet; thence run North 89° 54' 20" East a distance of 1187.22 feet to the POINT OF BEGINNING.  
Containing 75.24 acres

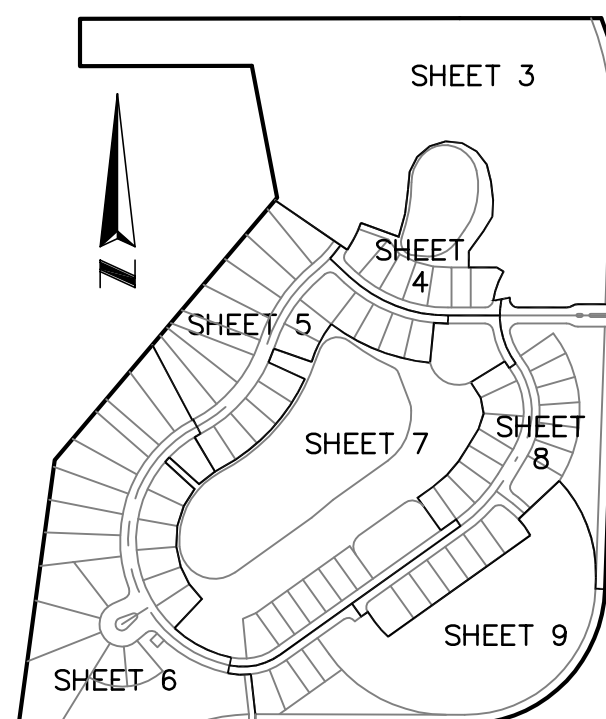
Building setback information according to engineers plans prepared by Madden, Moorhead & Stokes, Inc.

Front.....25.00'  
Side.....5.00'  
Rear.....20.00'  
Corner.....25.00'

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



VICINITY MAP ( not to scale )



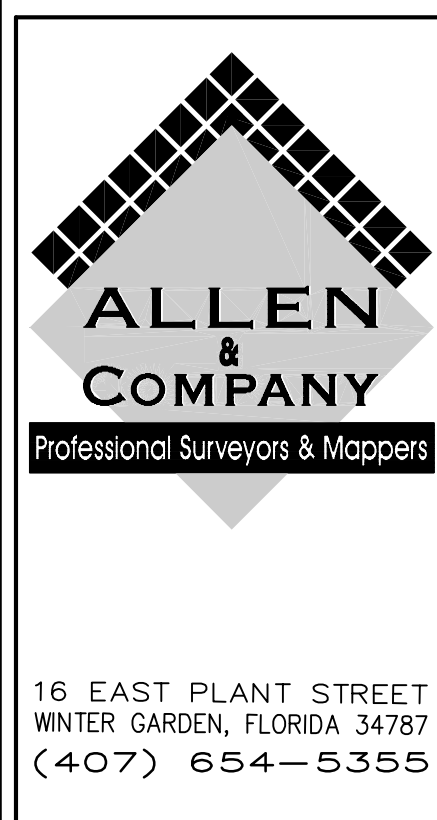
KEY MAP ( not to scale )

**SHEET INDEX**

- SHEET 1 of 9 - legal description, Surveyor's notes, legend & dedication
- SHEET 2 OF 9 - boundary information
- 3 through 9 of 9 - geometry

**LEGEND:**

- |          |  |        |   |
|----------|--|--------|---|
| L.B.     | denotes licensed business  | S.T.E. | denotes street tree easement                                  |
| U.E.     | denotes utility easement   | N.T.   | denotes non tangent   |
| R/W      | denotes right-of-way   | ●      | denotes set nail & disk LB 6723 permanent control point (PCP) |
| ↔        | denotes change in direction along right-of-way lines                             | ⊕      | denotes centerline  |
| C.C.R. # | denotes Certified Corner Record Number   | LLC    | denotes limited liability company                             |
| N.R.     | denotes non-radial (see note 2)  | PG(S). | denotes page(s)   |
| ■        | denotes set 4" x 4" concrete monument LB 6723 permanent reference monument (PRM) | P.C.   | denotes point of curvature                                    |
| D.E.     | denotes drainage easement  | P.T.   | denotes point of tangency                                     |
| D.U.E.   | denotes drainage and utility easement  | P.I.   | denotes point of intersection                                 |
| CR       | denotes County Road  | P.B.   | denotes Plat Book   |
| D.B.     | denotes Deed Book  | R.P.   | denotes radius point  |
| P.C.C.   | denotes point of compound curvature  | R      | denotes radius  |
| ↔↔       | denotes point of reverse curvature   | Δ      | denotes central angle   |
|          |  | L      | denotes arc length  |
|          |  | CH     | denotes chord length  |
|          |  | CB     | denotes chord bearing   |



**CERTIFICATE OF APPROVAL**  
BY CITY ENGINEER

Examined and Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard Earp

**CERTIFICATE OF APPROVAL**  
BY APOPKA PLANNING COMMISSION

Examined and Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman

**CERTIFICATE OF REVIEW BY REVIEWING SURVEYOR**

Pursuant to Section 177.081, Florida Statutes, I have reviewed this plat for conformity to Chapter 177 Part 1 of the Florida Statutes and that said plat complies with the technical requirements of that chapter; provided however, that my review does not include field verification of any of the coordinates, points or measurements shown on this plat.

Signed: \_\_\_\_\_  
Printed Name: Bruce Ducker, PSM Date: \_\_\_\_\_  
Registration Number 5966  
Southeastern Surveying and Mapping Corp

**QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER**

KNOW ALL MEN BY THESE PRESENTS, that I the undersigned, being a licensed surveyor and mapper, do hereby certify that on April 13, 2016 I completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a true and correct representation of the lands surveyed and platted and was prepared under my direction and supervision; that permanent reference monuments have been placed as shown thereon; and this plat complies with all the survey requirements of Chapter 177, Florida Statutes; and that said land is located in the City of Apopka, Orange County, Florida.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
James L. Rickman P.S.M. # 5633 Allen & Company Licensed Business # 6723  
16 East Plant Street, Winter Garden, Florida 34787

**VISTAS AT WATERS EDGE PHASE 1**

**D E D I C A T I O N**

THIS is to certify that the undersigned, M/I HOMES OF ORLANDO, LLC, a Florida limited liability company hereafter referred to as "Owner" is the lawful owner of the lands described in the caption hereon, and that it has caused the same to be surveyed, and this plat, made in accordance with said survey, is hereby adopted as the true and correct plat of said lands. No part of said lands, except as noted on the face of this plat, is dedicated to the City of Apopka or to the public. None of the property designated "Common Area" on this plat is required for public use; and such "Common Area" is not and will not be a part of the County system of public roads. Said "Common Area" is instead part of the "Common Area" created by this plat and will be subject to the declaration of covenants, conditions, and restrictions for Vistas at Waters Edge Homeowners Association, Inc. as recorded in Official Records Book \_\_\_\_\_.

Page \_\_\_\_\_ (herein after referred to as the "Declaration"). Said "Common Area" shall remain private and the sole and exclusive property of Owner its successors and assigns. Owner does hereby grant to the present and future owners of lots (1 through 80) and their guests, invitees, domestic help, and to delivery, pick-up and fire protection services, police and other authorities of law, United States mail carriers, representatives of utilities, holders of mortgage liens on such lands, and such other persons as owner, its successor and assigns, may from time to time designate the non-exclusive and perpetual right of ingress and egress over and across the roads and sidewalks, as they may from time to time be constructed on Tract RW-1 of the "Common Area". The Owner, in recording this plat has created the Common Area" shown hereon, which common area is a portion of the "Common Area" described in the declaration. Said "Common Area" is not dedicated to the use and enjoyment of the general public, but its use is reserved for the common use and enjoyment of the property owners of VISTAS AT WATERS EDGE PHASE 1. The nature and extent of, and the reservations and restrictions on such common use and enjoyment are more fully set forth in the Declaration. Tract RW-1 is subject to a dedicated utility easement to the City of Apopka for maintaining water, sewer and reclaim water lines.

NOTWITHSTANDING the foregoing: An emergency access easement to the private storm drainage system over Tract RW-1 and over all drainage easements shown on this plat is hereby dedicated to the City of Apopka for emergency maintenance purposes in the event inadequate maintenance of the storm drainage system creates a hazard to the public health, safety, and general welfare. The emergency access easement granted above does not impose any obligation, burden, responsibility or liability upon the City of Apopka to enter upon the subject property and take any action to repair or maintain the private drainage system. A non-exclusive easement through, over, under and across the common area and all noted utility easements is hereby dedicated for use by all public utilities for the purpose of constructing, maintaining and replacing their respective facilities servicing the lands encompassed by this plat.

IN WITNESS WHEREOF, the undersigned, M/I HOMES OF ORLANDO, LLC a Florida limited liability company, has caused these presents to be executed and acknowledged by its undersigned Officer thereunto duly authorized on this \_\_\_\_ day of \_\_\_\_\_ 2018.

By: M/I HOMES OF ORLANDO, LLC, a Florida limited liability company

WITNESSES: \_\_\_\_\_  
Printed Name of Witness: Daniel Kaiser, Vice President  
Printed name Title

Printed Name of Witness: \_\_\_\_\_  
Printed name Title

STATE OF FLORIDA COUNTY OF SEMINOLE

I HEREBY CERTIFY, that on this day, before me personally appeared Daniel Kaiser, as Vice President of M/I HOMES OF ORLANDO, LLC, a Florida limited liability company who is ( ) personally known to me or ( ) produced \_\_\_\_\_ as identification, and did/did not take an oath, the individual and officer described in and who executed the foregoing conveyance and acknowledged the execution thereof to be his free act and deed as such officer thereunto duly authorized.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_ 2018.

Signature of Notary Public: \_\_\_\_\_

Printed Name of Notary Public: \_\_\_\_\_

Notary Public state of Florida

My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

**CERTIFICATE OF APPROVAL BY MUNICIPALITY**

THIS IS TO CERTIFY, that on \_\_\_\_\_ the foregoing plat was approved by the Municipality.

Mayor: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

**CERTIFICATE OF COUNTY COMPTROLLER**

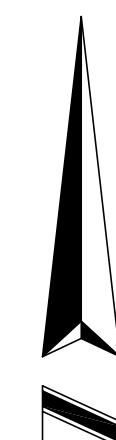
I HEREBY CERTIFY, that the foregoing plat was recorded in the Orange County Official Records on \_\_\_\_\_ as File No. \_\_\_\_\_

County Comptroller in and for Orange County, Florida.

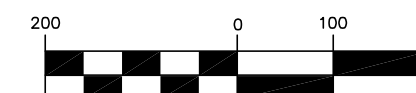
By: \_\_\_\_\_

# VISTAS AT WATERS EDGE PHASE 1

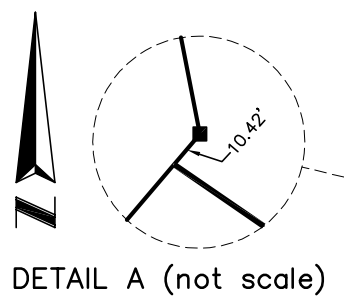
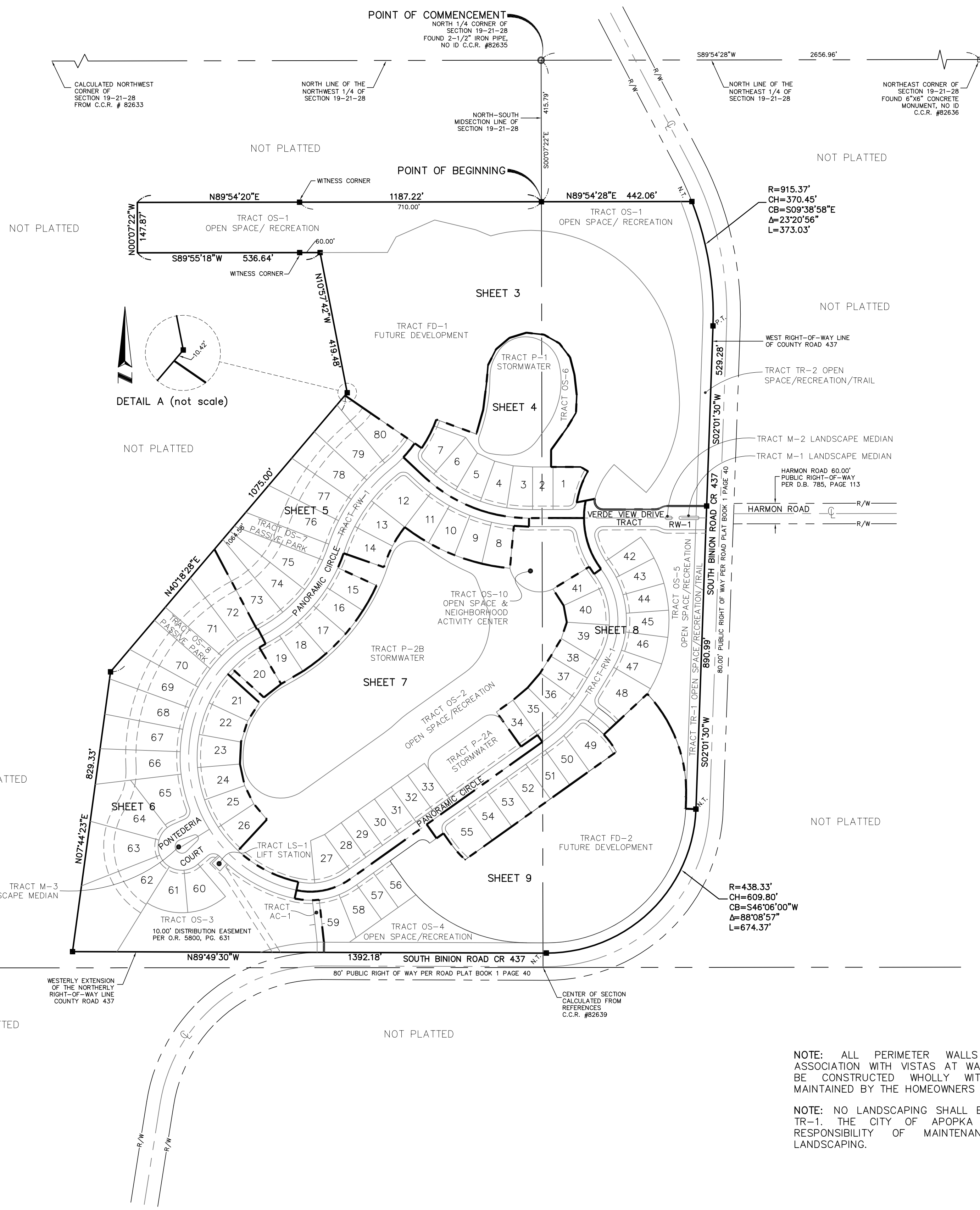
A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA



GRAPHIC SCALE



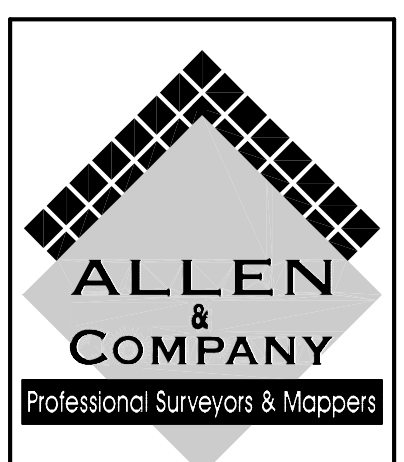
( IN FEET )  
1 inch = 200 ft.



**SHEET INDEX**  
SHEET 1 of 9 – legal description, Surveyor’s notes, legend & dedication  
SHEET 2 of 9 – boundary information  
3 through 9 of 9 – geometry

NOTE: ALL PERIMETER WALLS BEING CONSTRUCTED IN ASSOCIATION WITH VISTAS AT WATERS EDGE PHASE 1 SHALL BE CONSTRUCTED WHOLLY WITHIN TRACTS OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

NOTE: NO LANDSCAPING SHALL BE PERMITTED WITHIN TRACT TR-1. THE CITY OF APOPKA DOES NOT ASSUME ANY RESPONSIBILITY OF MAINTENANCE OR OWNERSHIP OF LANDSCAPING.



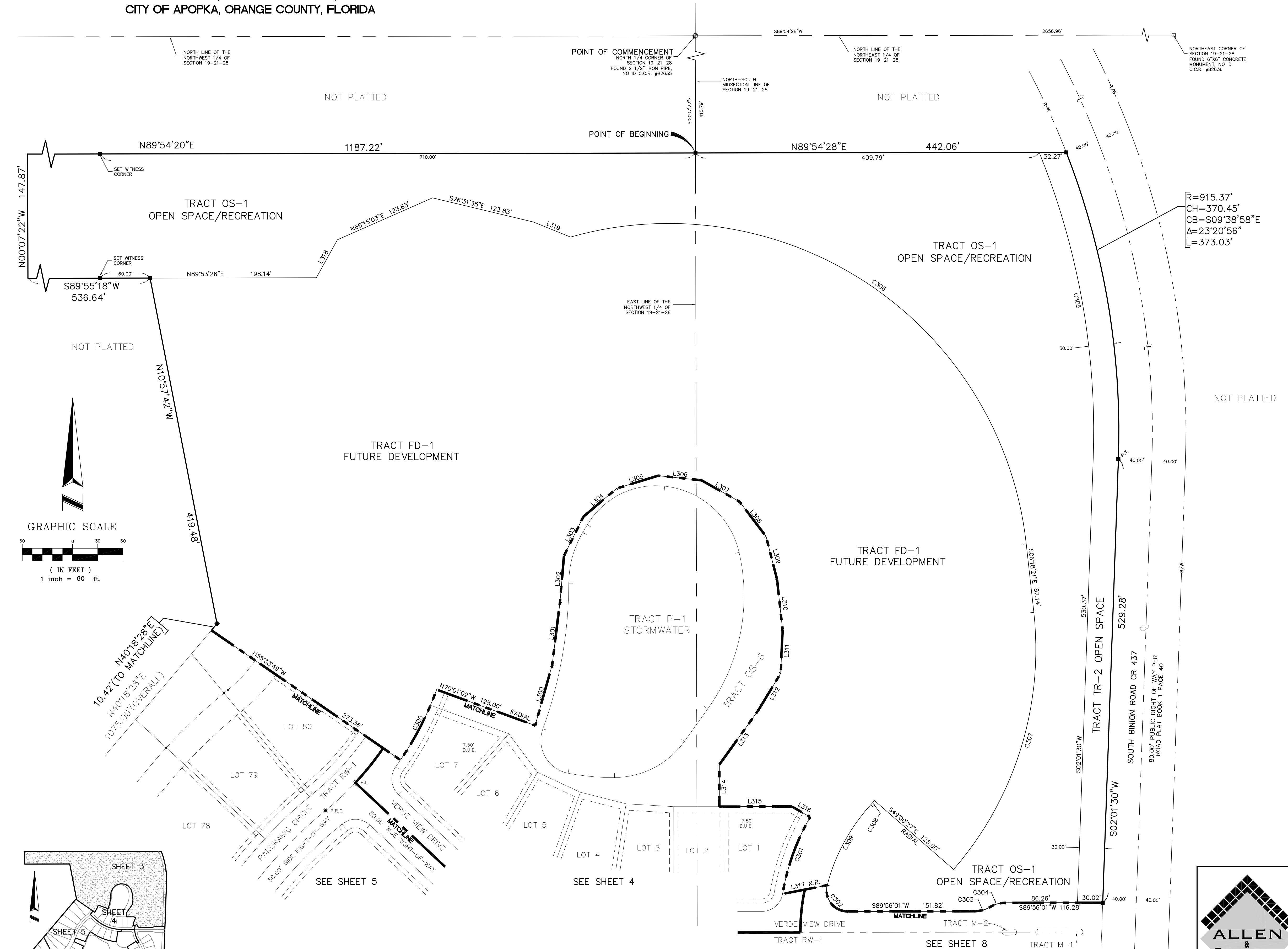
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355

# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF AOPKA, ORANGE COUNTY, FLORIDA

SHEET 3 OF 9

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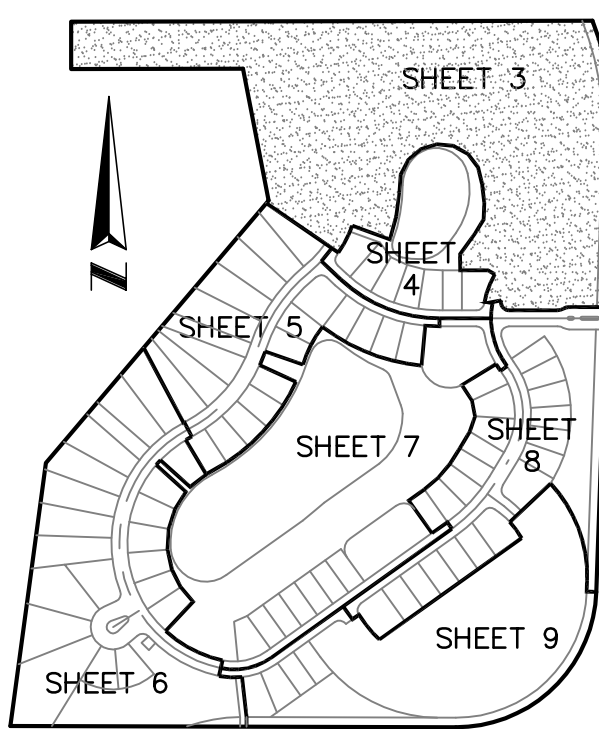
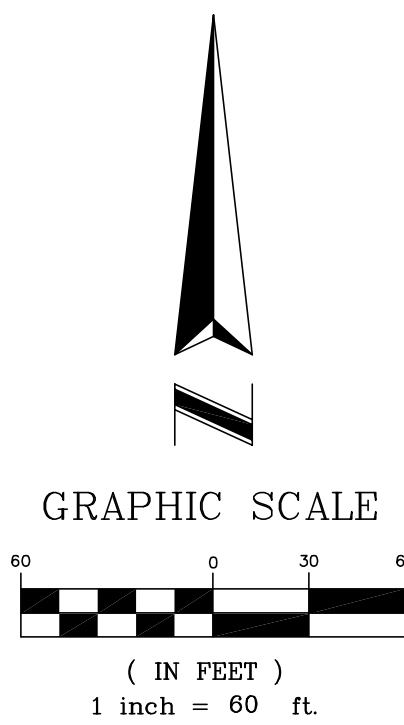
$$R=915.37'$$

$$CH=370.45'$$

$$CB=S09^{\circ}38'58"E$$

$$\Delta=23^{\circ}20'56"$$

$$L=373.03'$$



LINE	LENGTH	BEARING
L300	75.00'	S15°40'54"W
L301	75.00'	S07°04'45"W
L302	55.82'	S04°59'51"W
L303	51.95'	S26°24'39"W
L304	51.95'	S49°38'30"W
L305	51.95'	S72°52'21"W
L306	51.95'	N83°53'47"W
L307	51.95'	N60°39'56"W
L308	51.95'	N37°26'05"W
L309	53.22'	N14°18'28"W

LINE	LENGTH	BEARING
L310	60.00'	N06°18'21"W
L311	52.06'	N02°24'52"E
L312	51.42'	N31°09'47"E
L313	80.00'	N35°40'22"E
L314	50.00'	N00°03'59"W
L315	86.60'	S89°56'01"W
L316	25.00'	N60°03'59"W
L317	54.31'	S78°52'30"W
L318	51.89'	N29°01'40"E
L319	47.68'	S68°00'07"E

CURVE	RADIUS	LENGTH	CHORD	BEARING		DELTA
				BEARING	DELTA	
C300	375.00'	94.60'	94.35'	N27°12'35"E	14°27'13"	
C301	275.00'	97.94'	97.42'	S19°43'50"W	20°24'21"	
C302	25.00'	45.59'	39.53'	S37°49'40"E	104°28'39"	
C303	35.00'	18.94'	18.71'	N74°25'56"E	31°00'10"	
C304	35.00'	18.94'	18.71'	S74°25'56"W	31°00'10"	
C305	885.37'	372.49'	369.74'	N10°01'39"W	24°06'18"	
C306	429.00'	745.07'	654.89'	N56°03'36"W	99°30'30"	
C307	400.00'	330.21'	320.91'	N17°20'36"E	47°17'54"	
C308	275.00'	6.77'	6.77'	N41°41'52"E	01°24'38"	
C309	225.00'	109.92'	108.83'	S28°24'25"W	27°59'31"	

SHEET INDEX

SHEET 1 of 9 - legal description, Surveyor's notes, legend & dedication

SHEET 2 OF 9 - boundary information

3 through 9 of 9 - geometry

**ALLEN & COMPANY**  
Professional Surveyors & Mappers

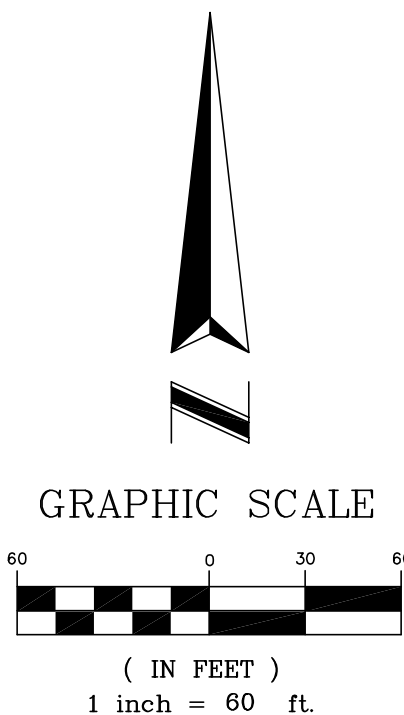
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355

# VISTAS AT WATERS EDGE PHASE 1

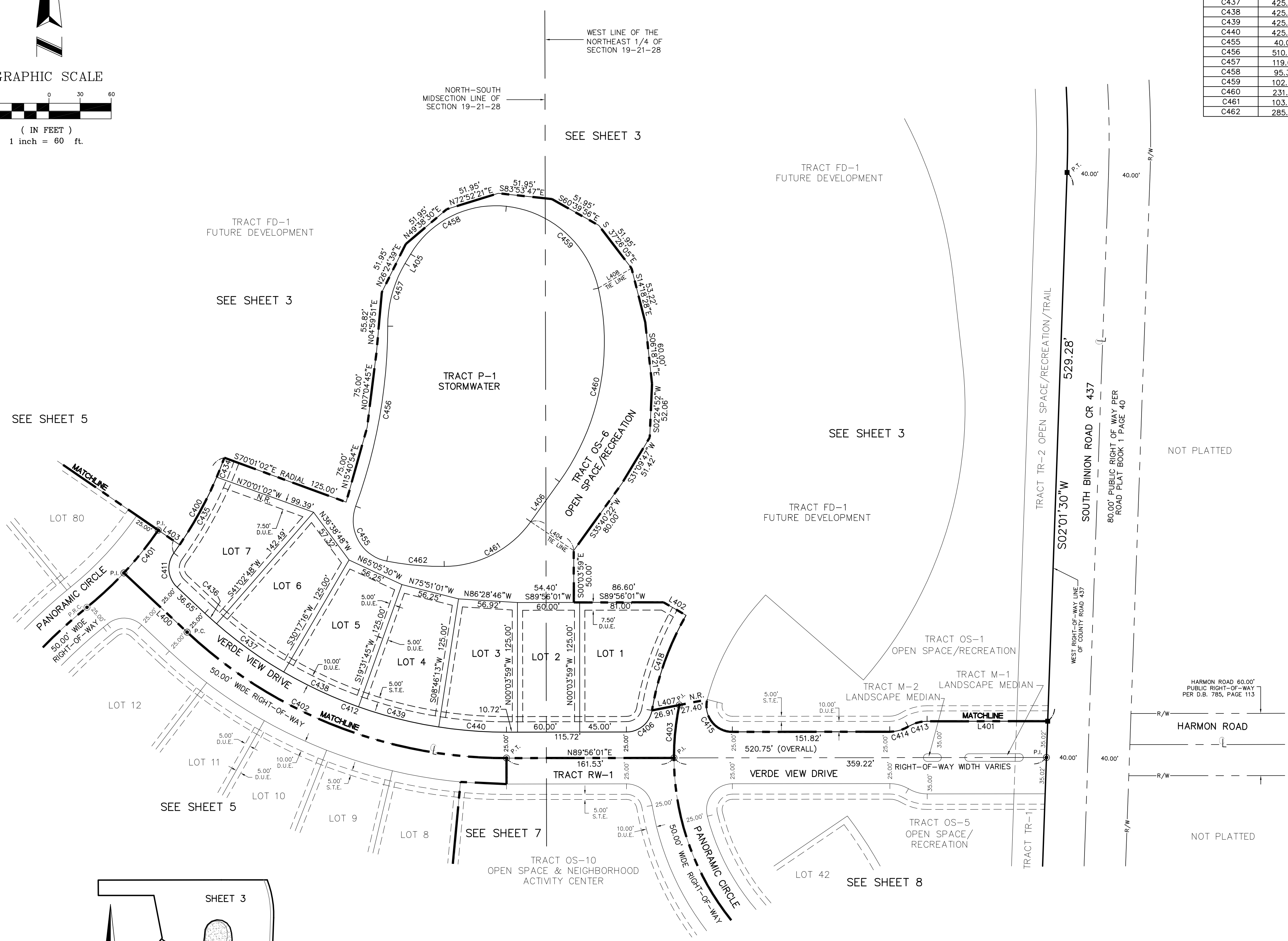
A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 4 OF 9

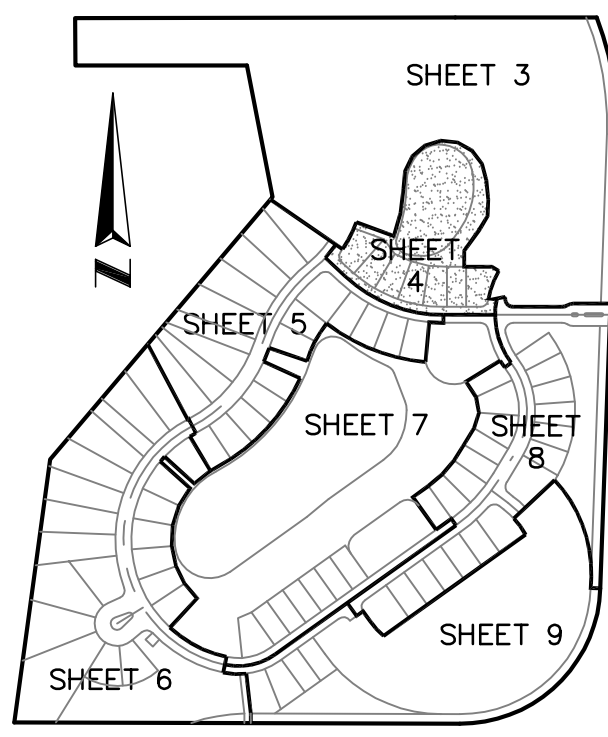
PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C400	375.00'	104.33'	103.99'	N27°57'10"E	15°56'23"
C401	350.00'	52.94'	52.89'	N38°46'12"E	08°40'01"
C402	450.00'	339.05'	331.09'	S68°28'54"E	43°10'11"
C403	250.00'	51.36'	51.27'	S05°49'06"W	11°46'11"
C406	25.00'	35.08'	32.27'	N49°43'50"E	80°24'21"
C411	25.00'	36.14'	33.07'	S05°29'14"E	82°49'09"
C412	425.00'	320.22'	312.70'	S68°28'54"E	43°10'11"
C413	35.00'	18.94'	18.71'	S74°25'56"W	31°00'10"
C414	35.00'	18.94'	18.71'	N74°25'56"E	31°00'10"
C415	25.00'	45.59'	39.53'	S37°49'40"E	104°28'39"
C418	275.00'	97.94'	97.42'	S19°43'50"W	20°24'21"
C434	375.00'	20.01'	20.01'	N21°30'41"E	03°03'26"
C435	375.00'	84.32'	84.14'	N29°28'53"E	12°52'57"
C436	425.00'	15.26'	15.26'	S47°55'30"E	02°03'24"
C437	425.00'	79.80'	79.69'	S54°19'58"E	10°45'32"
C438	425.00'	79.80'	79.69'	S65°05'30"E	10°45'32"
C439	425.00'	79.80'	79.69'	S75°51'01"E	10°45'32"
C440	425.00'	65.55'	65.48'	S85°38'53"E	08°50'12"
C455	40.00'	69.24'	60.92'	S29°32'42"E	99°11'05"
C456	510.00'	177.18'	176.29'	N10°05'42"E	19°54'18"
C457	119.00'	63.49'	62.74'	S15°25'40"W	30°34'14"
C458	95.34'	109.07'	103.22'	S63°29'08"W	65°32'42"
C459	102.47'	126.61'	118.71'	N48°20'40"W	70°47'42"
C460	231.19'	196.19'	190.35'	N11°21'46"E	48°37'11"
C461	103.42'	97.48'	93.91'	N62°40'37"E	54°00'30"
C462	285.06'	55.63'	55.54'	S84°43'41"E	11°10'54"



LINE TABLE		
LINE	LENGTH	BEARING
L400	83.51'	S46°53'48"E
L401	116.28'	S89°56'01"W
L402	25.00'	N60°03'59"W
L403	25.00'	N55°33'49"W
L404	49.96'	S56°13'41"E
L405	10.48'	N30°42'47"E
L406	47.52'	S35°40'22"W
L407	54.31'	N78°52'30"E
L408	37.35'	N59°02'15"E



KEY MAP ( not to scale )

**SHEET INDEX**  
 SHEET 1 of 9 - legal description, Surveyor's notes, legend & dedication  
 SHEET 2 of 9 - boundary information  
 3 through 9 of 9 - geometry

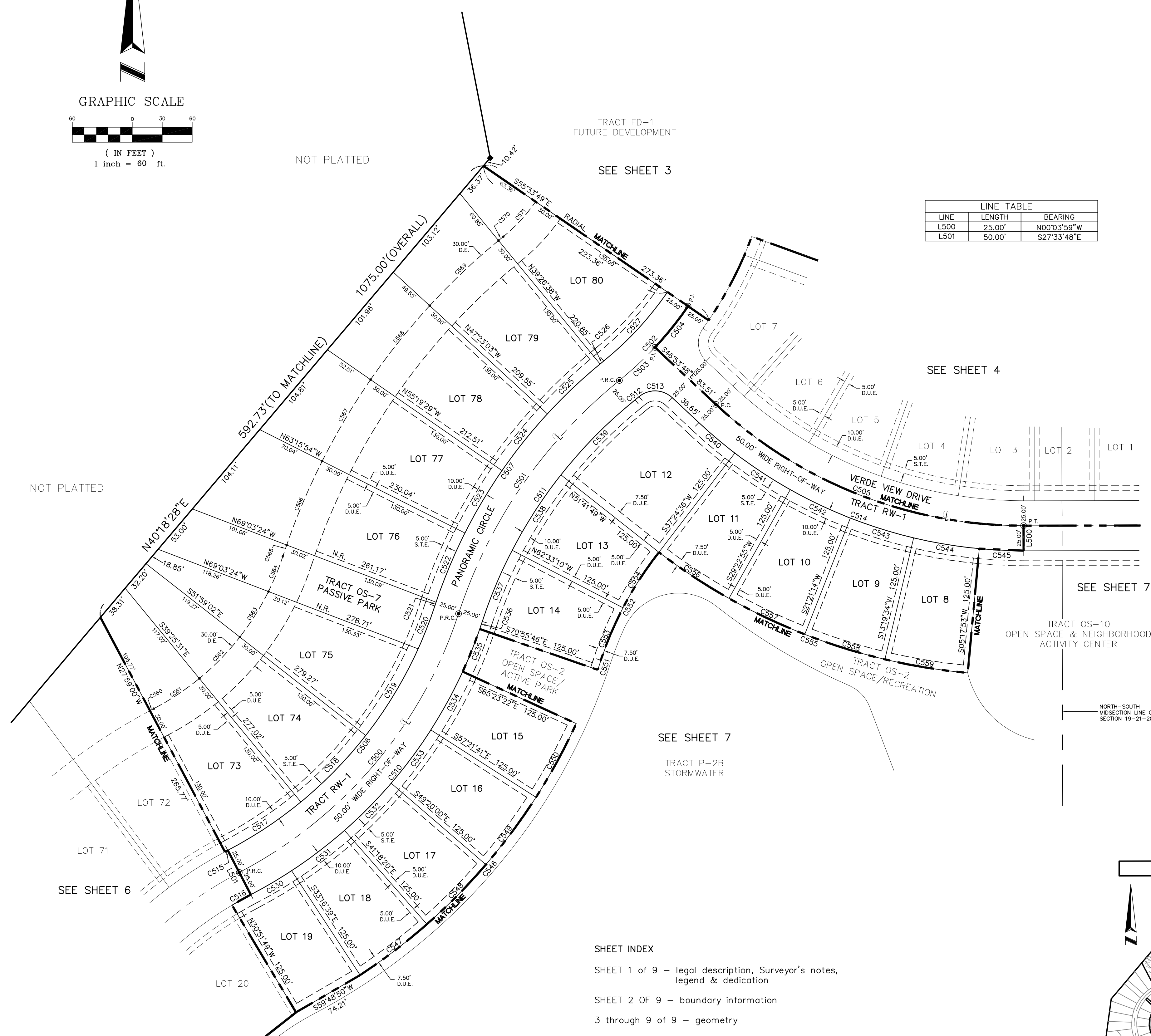
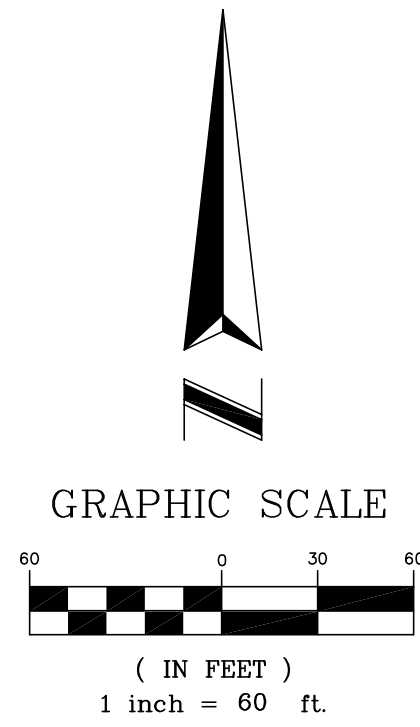


# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 5 OF 9

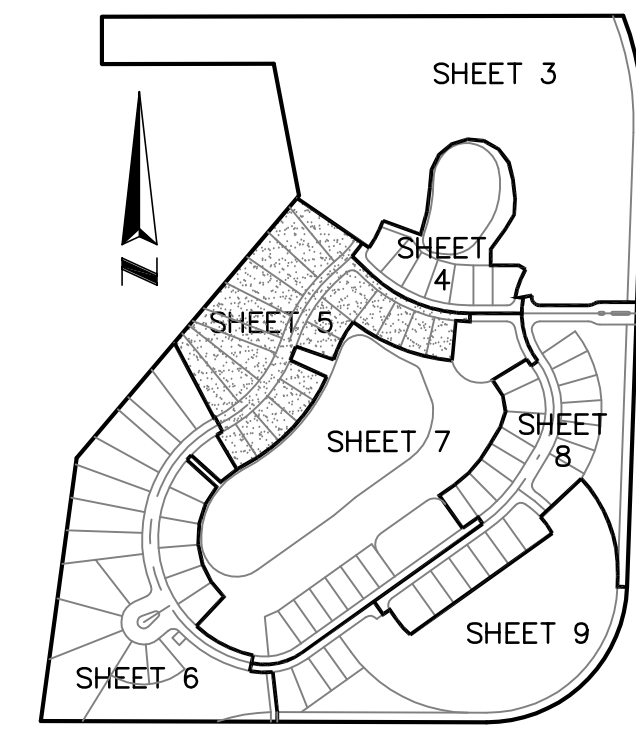
PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_



LINE	LENGTH	BEARING
L500	25.00'	N00°03'59"W
L501	50.00'	S27°33'48"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C500	450.00'	348.17'	339.55'	N40°16'17"E	44°19'51"
C501	500.00'	287.63'	283.68'	S34°35'10"W	32°57'37"
C502	350.00'	101.59'	101.23'	N42°45'05"E	16°37'47"
C503	350.00'	48.64'	48.60'	N47°05'05"E	07°57'46"
C504	350.00'	52.94'	52.89'	N38°46'12"E	08°40'01"
C505	450.00'	339.05'	331.09'	S68°28'54"E	43°10'11"
C506	425.00'	328.83'	320.69'	N40°16'17"E	44°19'51"
C507	525.00'	302.01'	297.87'	S34°35'10"W	32°57'37"
C510	475.00'	367.52'	358.42'	N40°16'17"E	44°19'51"
C511	475.00'	273.25'	269.50'	S34°35'10"W	32°57'37"
C512	375.00'	5.12'	5.12'	N50°40'30"E	00°46'56"
C513	25.00'	36.14'	33.07'	N88°18'23"W	82°49'09"
C514	475.00'	357.89'	349.49'	S68°28'54"E	43°10'11"
C515	425.00'	3.12'	3.12'	S62°13'36"W	00°25'13"
C516	375.00'	21.60'	21.60'	S60°47'12"W	03°18'01"
C517	425.00'	87.99'	87.83'	N56°30'21"E	11°51'43"
C518	425.00'	93.16'	92.97'	N44°17'44"E	12°33'31"
C519	425.00'	101.63'	101.38'	N31°09'58"E	13°42'02"
C520	425.00'	46.06'	46.04'	N21°12'39"E	06°12'35"
C521	525.00'	3.96'	3.96'	S18°19'20"W	00°25'58"
C522	525.00'	75.10'	75.04'	S22°38'12"W	08°11'47"
C523	525.00'	72.76'	72.70'	S30°42'18"W	07°56'25"
C524	525.00'	72.76'	72.70'	S38°38'44"W	07°56'25"
C525	525.00'	72.76'	72.70'	S46°35'09"W	07°56'25"
C526	525.00'	4.67'	4.67'	S50°48'40"W	00°30'36"
C527	325.00'	94.33'	94.00'	N42°45'05"E	16°37'47"
C530	475.00'	47.37'	47.35'	N59°34'47"E	05°42'51"
C531	475.00'	66.55'	66.50'	N52°42'31"E	08°01'41"
C532	475.00'	66.55'	66.50'	N44°40'50"E	08°01'41"
C533	475.00'	66.55'	66.50'	N36°39'09"E	08°01'41"
C534	475.00'	66.55'	66.50'	N28°37'29"E	08°01'41"
C535	475.00'	45.93'	45.91'	N21°50'26"E	05°32'24"
C536	475.00'	8.00'	8.00'	N18°35'18"E	00°57'53"
C537	475.00'	77.44'	77.36'	S22°46'35"W	09°20'29"
C538	475.00'	90.00'	89.86'	S32°52'31"W	10°51'22"
C539	475.00'	105.81'	105.59'	S44°41'05"W	12°45'47"
C540	475.00'	47.20'	47.18'	S49°44'36"E	05°41'36"
C541	475.00'	66.55'	66.50'	S56°36'15"E	08°01'41"
C542	475.00'	66.55'	66.50'	S64°37'55"E	08°01'41"
C543	475.00'	66.55'	66.50'	S72°39'36"E	08°01'41"
C544	475.00'	66.55'	66.50'	S80°41'17"E	08°01'41"
C545	475.00'	44.47'	44.46'	S87°23'03"E	05°21'52"
C546	600.00'	336.28'	331.89'	N40°40'00"E	32°06'43"
C547	600.00'	84.07'	84.00'	N52°42'31"E	08°01'41"
C548	600.00'	84.07'	84.00'	N44°40'50"E	08°01'41"
C549	600.00'	84.07'	84.00'	N36°39'09"E	08°01'41"
C550	600.00'	84.07'	84.00'	N28°37'29"E	08°01'41"
C551	600.00'	10.10'	10.10'	N18°35'18"E	00°57'53"
C552	350.00'	123.38'	122.74'	S28°12'16"W	20°11'50"
C553	350.00'	57.06'	57.00'	S22°46'35"W	09°20'29"
C554	350.00'	66.32'	66.22'	S32°52'31"W	10°51'22"
C555	600.00'	336.28'	331.89'	S68°38'46"E	32°06'43"
C556	600.00'	84.07'	84.00'	S66°36'15"E	08°01'41"
C557	600.00'	84.07'	84.00'	S64°37'55"E	08°01'41"
C558	600.00'	84.07'	84.00'	S72°39'36"E	08°01'41"
C559	600.00'	84.07'	84.00'	S80°41'17"E	08°01'41"
C560	585.00'	4.29'	4.29'	S62°13'36"W	00°25'13"
C561	265.00'	54.86'	54.76'	N56°30'21"E	11°51'43"
C562	265.00'	58.09'	57.97'	N44°17'44"E	12°33'31"
C563	265.00'	53.93'	53.83'	N32°11'11"E	11°39'34"
C564	265.00'	38.16'	38.13'	N22°13'53"E	08°15'03"
C565	685.00'	11.89'	11.89'	S18°36'11"W	00°59'41"
C566	685.00'	91.27'	91.21'	S22°55'04"W	07°38'04"
C567	685.00'	94.93'	94.86'	S30°42'18"W	07°56'25"
C568	685.00'	94.93'	94.86'	S38°38'44"W	07°56'25"
C569	685.00'	94.93'	94.86'	S46°35'09"W	07°56'25"
C570	685.00'	6.10'	6.10'	S50°48'40"W	00°30'36"
C571	165.00'	47.89'	47.72'	N42°45'05"E	16°37'47"

**SHEET INDEX**  
 SHEET 1 of 9 – legal description, Surveyor's notes, legend & dedication  
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 3 through 9 of 9 – geometry



KEY MAP ( not to scale )

**ALLEN & COMPANY**  
Professional Surveyors & Mappers

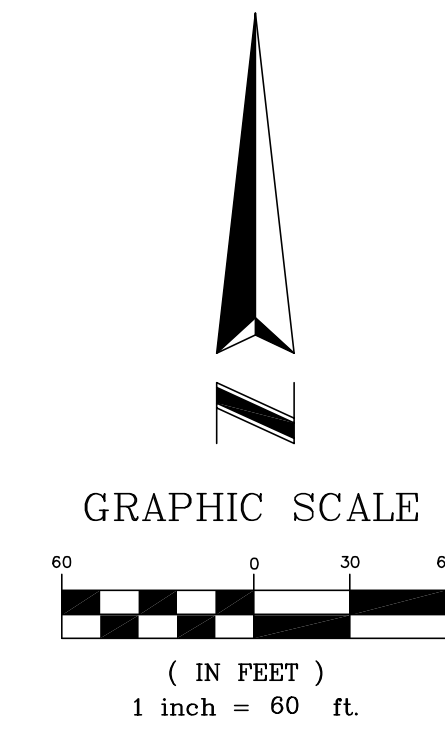
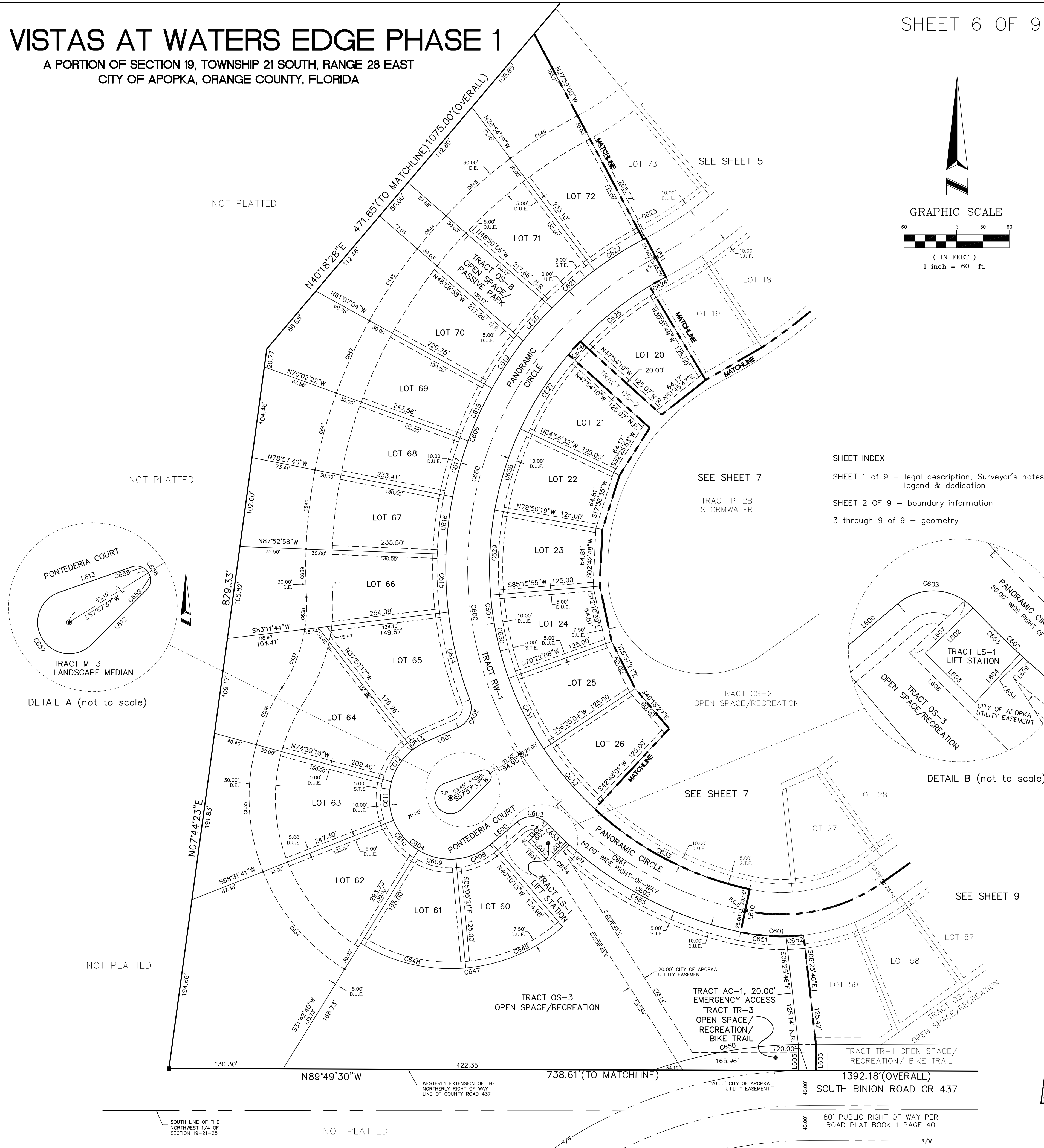
16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355

# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 6 OF 9

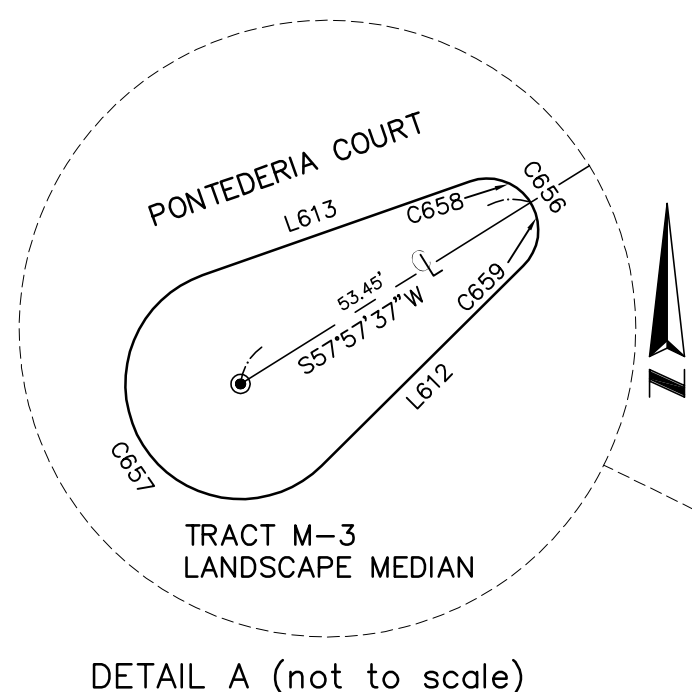
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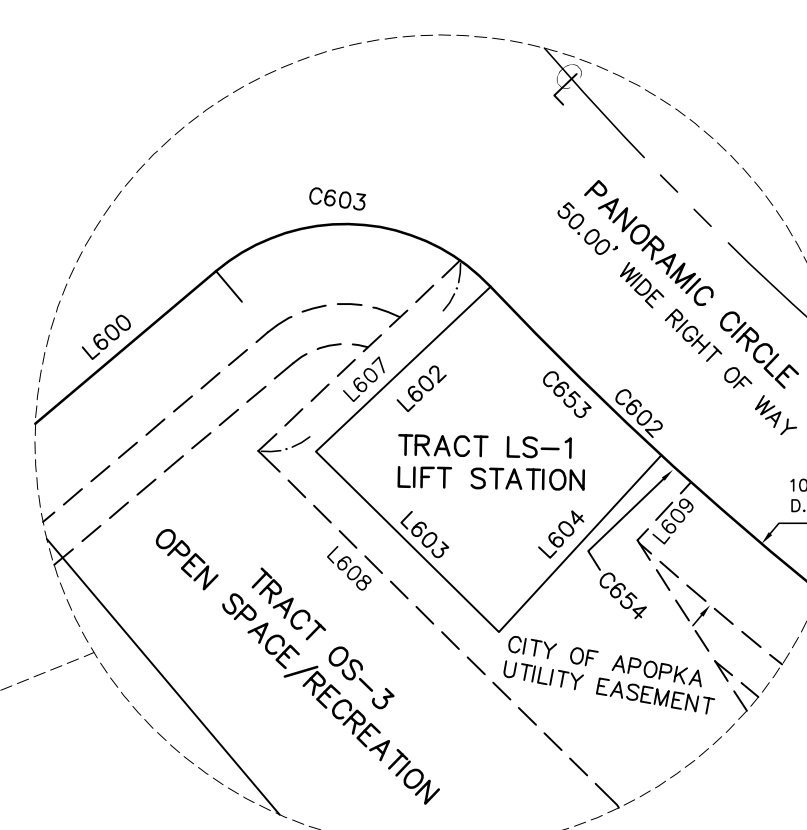
CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C600	420.00'	980.51'	752.82'	S07°47'15"E	140°26'54"
C601	225.00'	72.33'	72.02'	S87°13'14"E	18°25'05"
C602	425.00'	257.07'	253.17'	S60°41'00"E	34°39'24"
C603	25.00'	37.88'	34.36'	N86°45'45"W	86°48'55"
C604	70.00'	239.78'	138.59'	S32°02'23"E	196°15'40"
C605	25.00'	37.88'	34.36'	N22°41'00"E	86°48'55"
C606	425.00'	616.86'	564.12'	S20°51'22"W	83°09'40"
C607	375.00'	919.23'	705.77'	S07°47'15"E	140°26'54"
C608	70.00'	42.84'	42.17'	N67°14'33"E	35°03'51"
C609	70.00'	44.98'	44.21'	S76°41'51"E	36°49'01"
C610	70.00'	44.98'	44.21'	S39°52'50"E	36°49'01"
C611	70.00'	44.98'	44.21'	S03°03'49"E	36°49'01"
C612	70.00'	44.98'	44.21'	S33°45'12"W	36°49'01"
C613	70.00'	17.02'	16.98'	S59°07'35"W	13°55'44"
C614	425.00'	103.25'	103.00'	S13°45'52"E	13°55'12"
C615	425.00'	66.18'	66.11'	S02°20'37"E	08°55'18"
C616	425.00'	66.18'	66.11'	S06°34'41"W	08°55'18"
C617	425.00'	66.18'	66.11'	S15°29'59"W	08°55'18"
C618	425.00'	66.18'	66.11'	S24°25'17"W	08°55'18"
C619	425.00'	64.88'	64.81'	S33°15'19"W	08°44'46"
C620	425.00'	50.03'	50.00'	S41°00'02"W	06°44'40"
C621	425.00'	64.70'	64.63'	S48°44'02"W	08°43'19"
C622	425.00'	66.18'	66.11'	S57°33'20"W	08°55'18"
C623	425.00'	3.12'	3.12'	S62°13'36"W	00°25'33"
C624	375.00'	21.60'	21.60'	S60°47'12"W	03°18'01"
C625	375.00'	101.52'	101.21'	S51°22'51"W	15°30'40"
C626	375.00'	20.00'	20.00'	S42°05'50"W	03°03'22"
C627	375.00'	101.52'	101.21'	S32°48'49"W	15°30'40"
C628	375.00'	97.50'	97.22'	S17°36'35"W	14°53'47"
C629	375.00'	97.50'	97.22'	S02°42'48"W	14°53'47"
C630	375.00'	97.50'	97.22'	S12°10'59"E	14°53'47"
C631	375.00'	90.22'	90.00'	S26°31'24"E	13°47'03"
C632	375.00'	90.22'	90.00'	S40°18'27"E	13°47'03"
C633	375.00'	201.66'	199.24'	S62°36'20"E	30°48'43"
C634	230.00'	147.79'	145.26'	S39°52'50"E	36°49'01"
C635	230.00'	147.79'	145.26'	S03°03'49"E	36°49'01"
C636	230.00'	72.18'	71.88'	S24°20'06"W	17°58'48"
C637	170.00'	71.66'	71.13'	N21°14'56"E	24°09'08"
C638	170.00'	36.86'	36.79'	N02°57'59"E	12°25'26"
C639	585.00'	54.81'	54.79'	S00°34'01"E	03°22'06"
C640	585.00'	91.09'	91.00'	S06°34'41"W	08°55'18"
C641	585.00'	91.09'	91.00'	S15°29'59"W	08°55'18"
C642	585.00'	91.09'	91.00'	S24°25'17"W	08°55'18"
C643	585.00'	98.72'	98.61'	S33°43'01"W	09°40'09"
C644	585.00'	50.02'	50.00'	S41°00'02"W	04°53'55"
C645	585.00'	98.48'	98.36'	S48°16'21"W	09°38'42"
C646	585.00'	91.09'	91.00'	S57°33'20"W	08°55'18"
C647	195.00'	247.53'	231.24'	N85°20'44"E	72°43'52"
C648	195.00'	125.30'	123.16'	S76°41'51"E	36°49'01"
C649	195.00'	122.23'	120.24'	N66°56'13"E	35°54'51"
C650	548.34'	169.23'	168.55'	S79°58'33"W	17°40'56"
C651	225.00'	52.30'	52.18'	S84°40'14"E	13°19'06"
C652	225.00'	20.03'	20.02'	N86°07'13"E	05°05'59"
C653	425.00'	30.01'	30.00'	S45°22'39"E	04°02'43"
C654	425.00'	5.00'	5.00'	S47°44'14"E	00°40'27"
C655	425.00'	222.06'	219.55'	S63°02'34"E	29°56'14"
C656	8.00'	21.58'	15.61'	N32°02'23"W	154°34'36"
C657	18.00'	64.54'	35.12'	S32°02'23"E	205°25'24"
C658	8.00'	10.79'	9.99'	N70°41'02"W	77°17'18"
C659	8.00'	10.79'	9.99'	N06°36'16"E	77°17'18"

### SHEET INDEX

- SHEET 1 of 9 – legal description, Surveyor's notes, legend & dedication
- SHEET 2 OF 9 – boundary information
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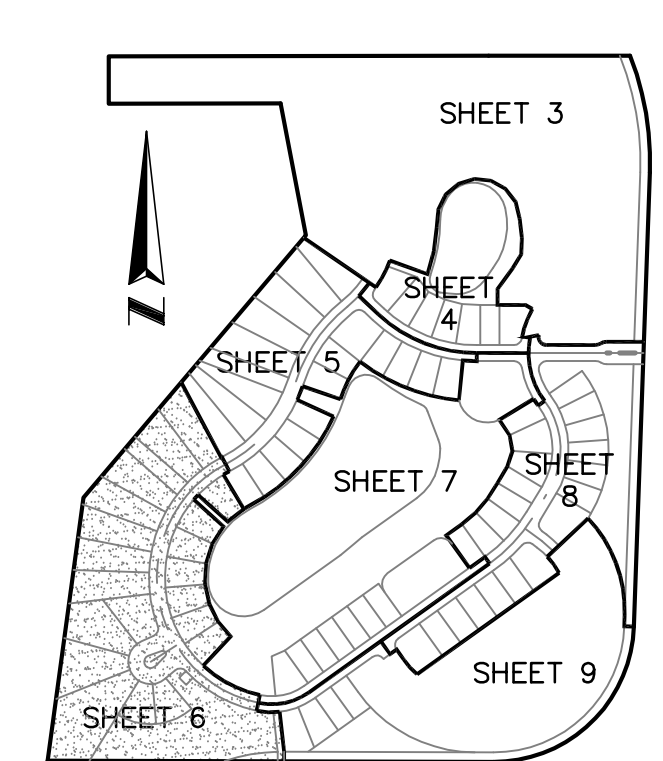


DETAIL A (not to scale)



DETAIL B (not to scale)

LINE TABLE		
LINE	LENGTH	BEARING
L600	40.67'	N49°49'47"E
L601	40.67'	S66°05'27"W
L602	30.02'	S46°38'42"W
L603	32.12'	S45°22'39"E
L604	30.02'	N44°25'59"E
L605	28.86'	S00°16'05"W
L606	30.00'	S00°16'05"W
L607	34.69'	N46°38'42"E
L608	62.98'	S45°22'39"E
L609	9.88'	N42°35'59"E
L610	50.00'	N11°59'19"E
L611	50.00'	S27°33'48"E
L612	44.33'	N45°14'56"E
L613	44.33'	S70°40'19"W



KEY MAP (not to scale)



16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355

# VISTAS AT WATERS EDGE

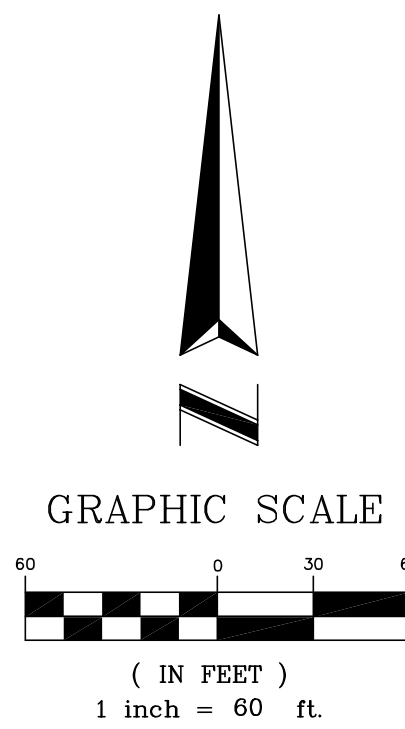
A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 7 OF 9

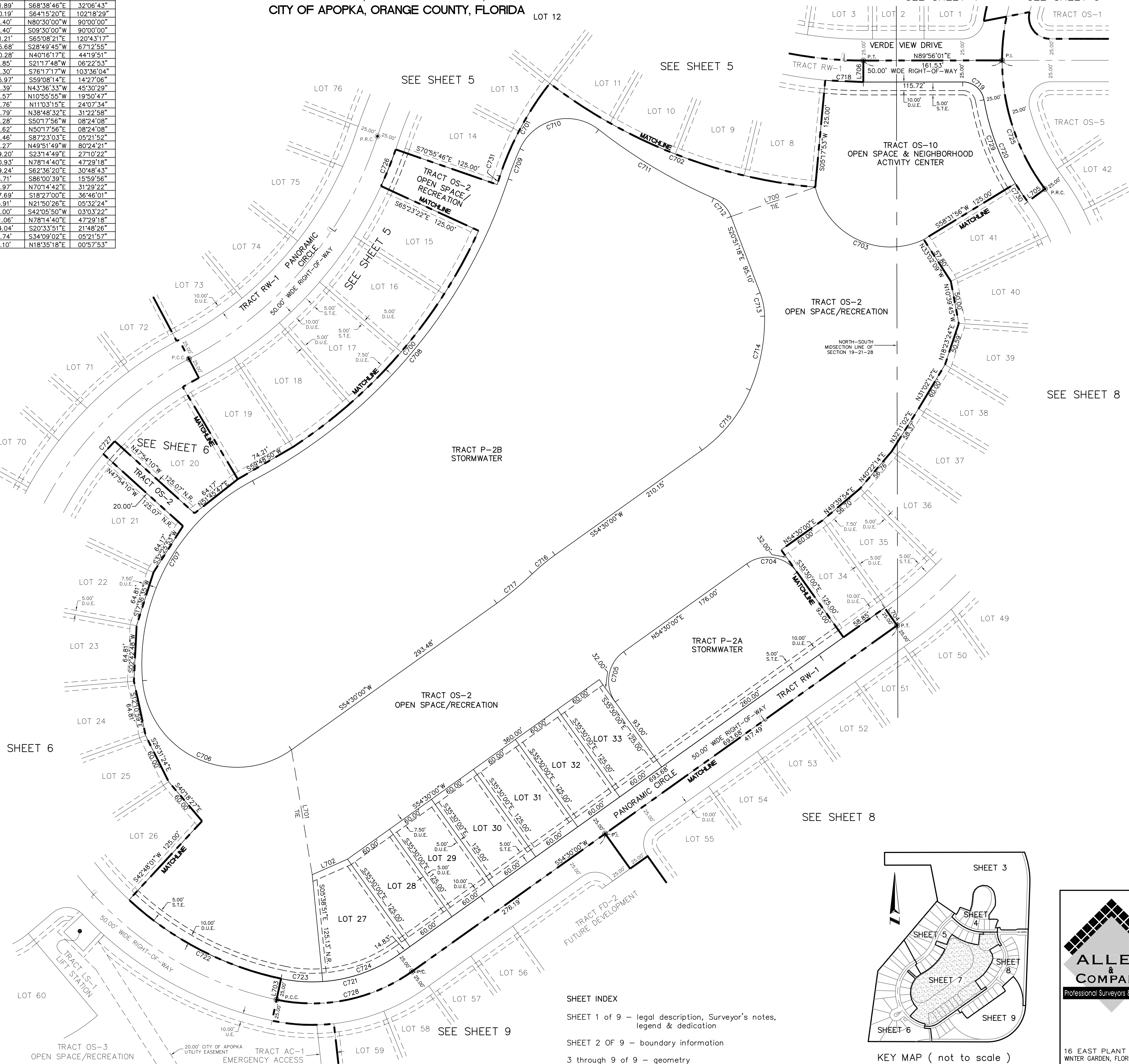
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CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C700	600.00'	336.28'	331.89'	N40°40'00"E	32°06'43"
C701	350.00'	123.38'	122.74'	S28°12'16"W	20°11'50"
C702	600.00'	336.28'	331.89'	S68°38'46"E	32°06'43"
C703	90.00'	160.71'	140.19'	S64°15'20"E	102°18'29"
C704	42.00'	65.97'	65.97'	N80°30'00"W	90°00'00"
C705	42.00'	65.97'	65.97'	S09°30'00"W	90°00'00"
C706	110.00'	231.77'	191.21'	S65°08'21"E	120°43'17"
C707	240.00'	281.55'	265.68'	S28°49'45"W	67°12'55"
C708	610.00'	471.97'	460.28'	N40°16'17"E	44°19'51"
C709	340.00'	37.87'	37.85'	S21°17'48"W	06°22'53"
C710	60.00'	108.49'	94.30'	S76°17'17"W	103°36'04"
C711	620.00'	156.38'	155.97'	S59°08'14"E	142°27'06"
C712	38.00'	30.18'	29.39'	N43°36'33"W	45°30'29"
C713	60.00'	27.71'	27.57'	N10°55'55"W	19°50'47"
C714	209.97'	88.42'	87.76'	N11°03'15"E	24°07'34"
C715	166.00'	90.92'	89.79'	N38°48'32"E	31°22'58"
C716	234.00'	34.32'	34.28'	S50°17'56"W	08°24'08"
C717	366.00'	53.67'	53.62'	N50°17'56"E	08°24'08"
C718	475.00'	44.47'	44.46'	S87°23'03"E	05°21'52"
C719	25.00'	35.08'	32.27'	N49°51'49"W	80°24'21"
C720	275.00'	130.42'	129.20'	S23°14'49"E	27°10'22"
C721	175.00'	145.05'	140.93'	N78°14'40"E	47°29'18"
C722	375.00'	201.66'	199.24'	S62°36'20"E	30°48'43"
C723	175.00'	48.87'	48.71'	S86°00'39"E	15°59'56"
C724	175.00'	96.18'	94.97'	N70°14'42"E	31°29'22"
C725	250.00'	160.43'	157.69'	S18°27'00"E	36°46'01"
C726	475.00'	45.93'	45.91'	N21°50'26"E	05°32'24"
C727	375.00'	20.00'	20.00'	S42°05'50"W	03°03'22"
C728	200.00'	165.77'	161.06'	N78°14'40"E	47°29'18"
C729	275.00'	104.67'	104.04'	S20°33'51"E	21°48'26"
C730	275.00'	25.75'	25.74'	S34°09'02"E	05°21'57"
C731	600.00'	10.10'	10.10'	N18°35'18"E	00°57'53"

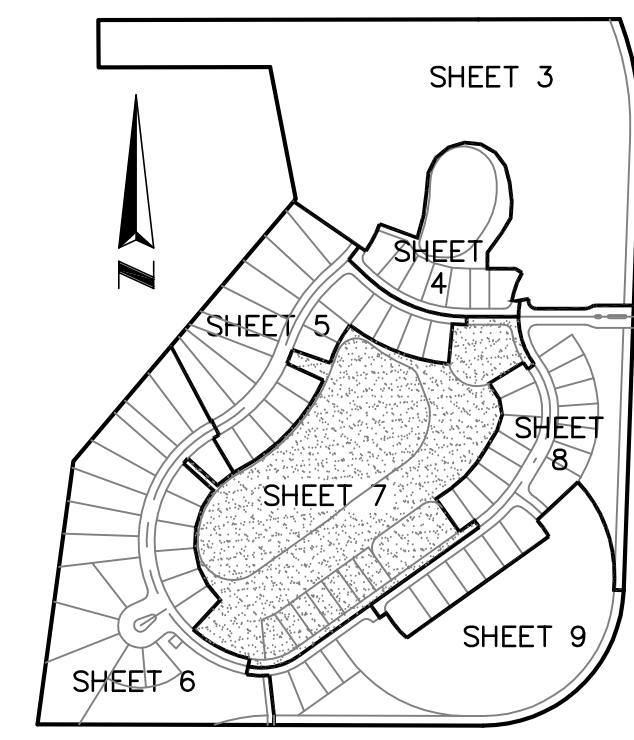
LINE TABLE		
LINE	LENGTH	BEARING
L700	103.85'	N70°49'58"E
L701	147.35'	S09°23'51"E
L702	44.94'	N66°21'38"E
L703	25.00'	N11°59'19"E
L704	25.00'	S35°30'00"E
L705	25.00'	N53°10'00"E
L706	25.00'	N00°03'59"W



SEE SHEET 6



**SHEET INDEX**  
 SHEET 1 of 9 - legal description, Surveyor's notes, legend & dedication  
 SHEET 2 of 9 - boundary information  
 3 through 9 of 9 - geometry



KEY MAP ( not to scale )



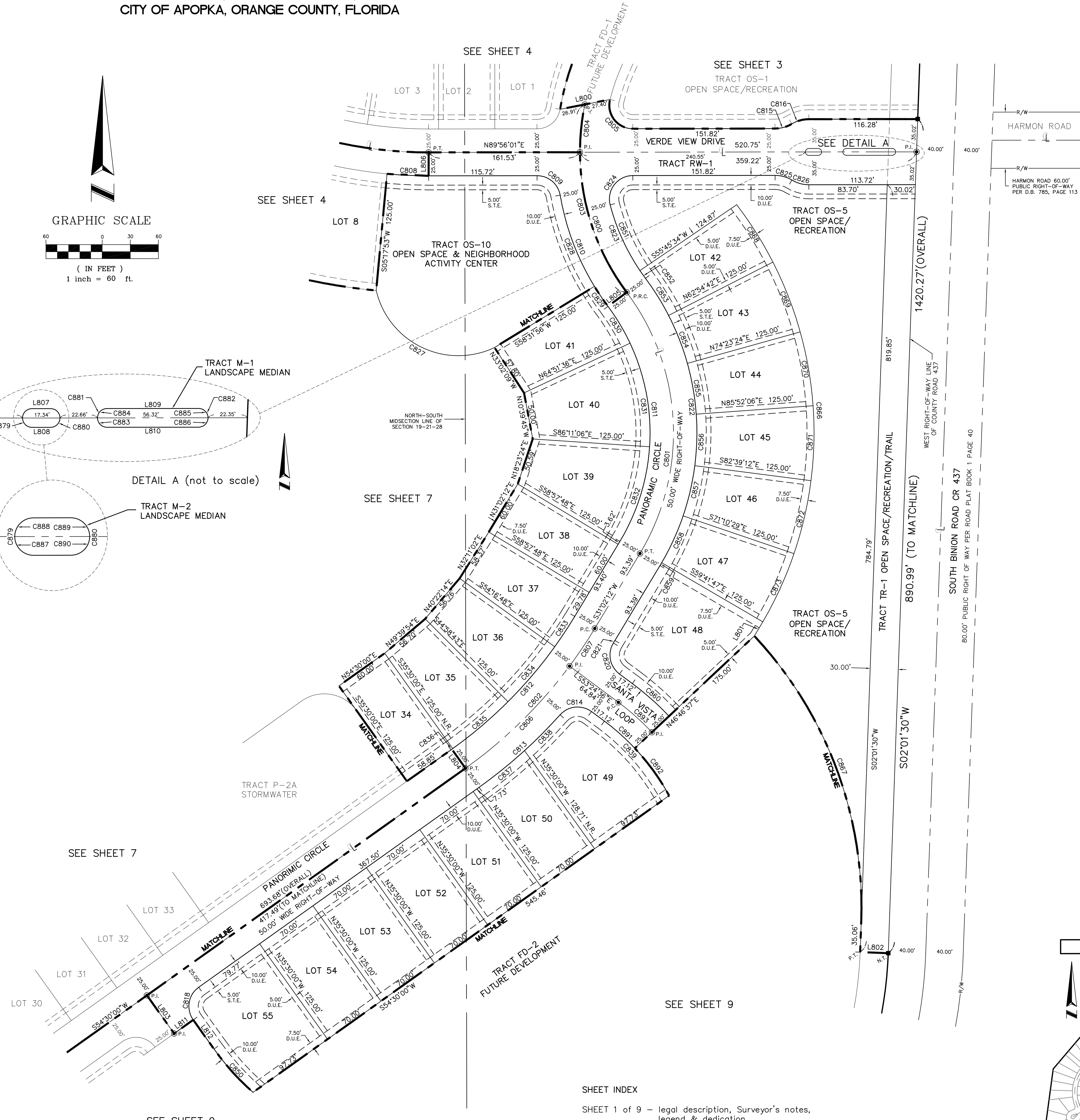
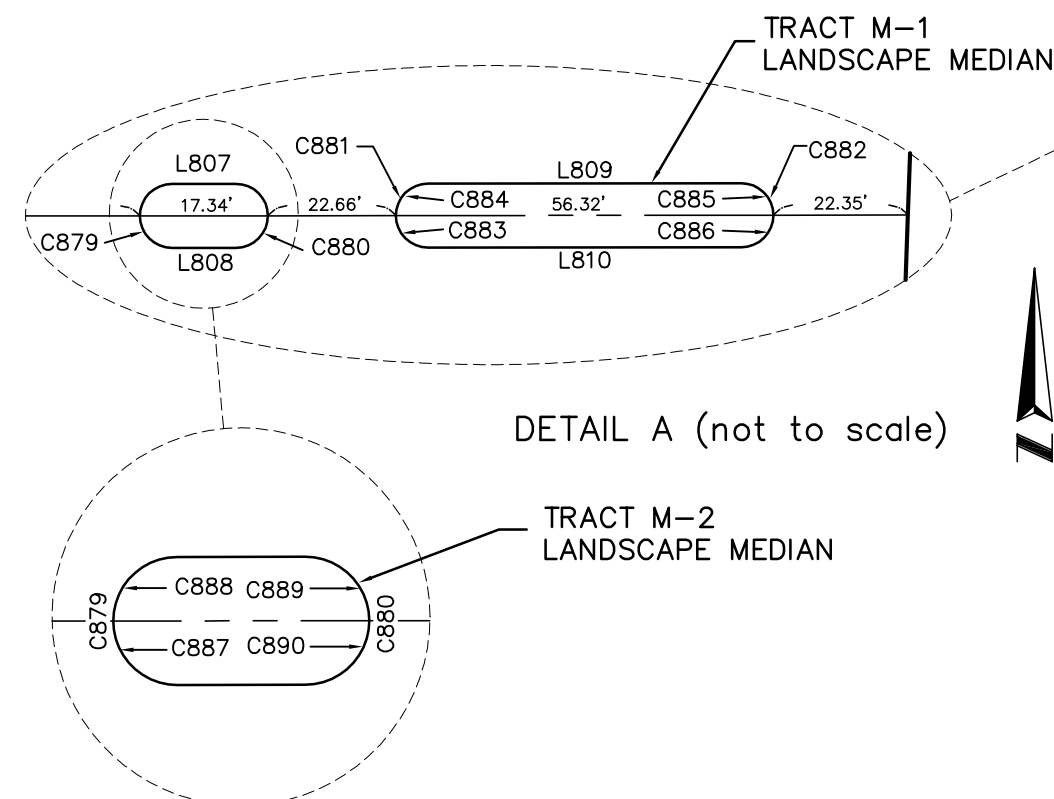
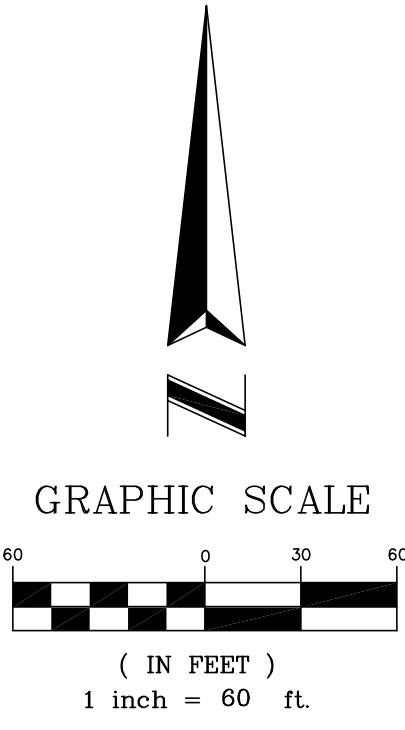
16 EAST PLANT STREET  
 WINTER GARDEN, FLORIDA 34787  
 (407) 654-5355

# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF APOPKA, ORANGE COUNTY, FLORIDA

SHEET 8 OF 9

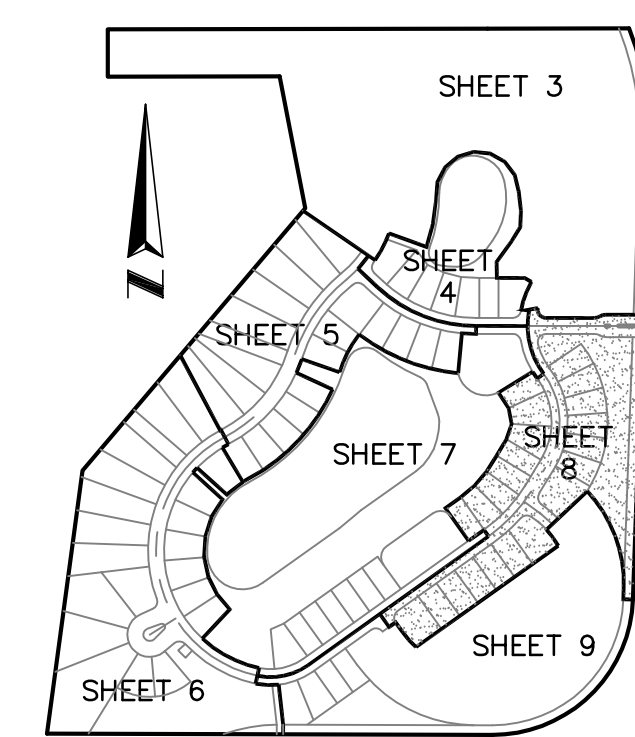
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CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C800	250.00'	160.43'	157.69'	S18°27'00"E	36°46'01"
C801	250.00'	296.14'	279.13'	N02°53'54"W	67°52'12"
C802	500.00'	204.76'	203.33'	N42°46'06"E	23°27'49"
C803	250.00'	211.78'	205.51'	S12°33'54"E	48°32'12"
C804	250.00'	51.36'	51.27'	S05°49'06"W	11°46'11"
C805	25.00'	45.59'	39.53'	S37°49'40"E	104°28'39"
C806	500.00'	156.30'	155.66'	N45°32'42"E	17°54'37"
C807	500.00'	48.46'	48.44'	N33°48'48"E	05°33'12"
C808	475.00'	44.47'	44.46'	S87°23'03"E	05°21'52"
C809	25.00'	35.08'	32.27'	N49°51'49"W	80°24'21"
C810	275.00'	130.42'	129.20'	S23°14'49"E	27°10'22"
C811	225.00'	266.52'	251.21'	N02°53'54"W	67°52'12"
C812	475.00'	194.52'	193.16'	N42°46'06"E	23°27'49"
C813	525.00'	116.32'	116.08'	N48°09'11"E	12°41'39"
C814	25.00'	36.99'	33.71'	S84°11'53"W	84°47'03"
C815	35.00'	18.94'	18.71'	N74°25'56"E	31°00'10"
C816	35.00'	18.94'	18.71'	S74°25'56"W	31°00'10"
C818	25.00'	39.27'	35.36'	S09°29'56"W	90°00'09"
C820	25.00'	36.99'	33.71'	S11°01'05"E	84°47'03"
C821	525.00'	3.09'	3.09'	N31°12'19"E	00°20'16"
C822	275.00'	325.75'	307.04'	N02°53'54"W	67°52'12"
C823	225.00'	87.53'	86.98'	S25°41'19"E	22°17'22"
C824	25.00'	45.59'	39.53'	S37°41'41"W	104°28'39"
C825	35.00'	18.94'	18.71'	N74°33'55"W	31°00'10"
C826	35.00'	18.94'	18.71'	S74°33'55"E	31°00'10"
C827	90.00'	160.71'	140.19'	S64°15'20"E	102°18'29"
C828	275.00'	104.57'	104.04'	S20°33'51"E	21°48'26"
C829	275.00'	25.75'	25.71'	S34°09'02"E	08°21'57"
C830	225.00'	45.92'	45.84'	N30°59'12"W	11°41'36"
C831	225.00'	113.71'	112.50'	N10°39'45"W	28°57'18"
C832	225.00'	106.90'	105.90'	N17°25'33"E	27°13'18"
C833	475.00'	38.83'	38.82'	N33°22'42"E	04°41'00"
C834	475.00'	77.11'	77.03'	N40°22'14"E	09°18'05"
C835	475.00'	77.44'	77.35'	N49°41'30"E	09°20'26"
C836	475.00'	1.15'	1.15'	N54°25'52"E	00°08'18"
C837	525.00'	62.42'	62.38'	N51°05'38"E	06°48'44"
C838	525.00'	53.90'	53.87'	N44°44'49"E	05°52'55"
C839	245.00'	106.15'	105.33'	N40°59'50"W	24°49'31"
C850	275.00'	62.31'	62.18'	S41°59'37"E	12°58'57"
C851	225.00'	77.35'	76.97'	S24°23'32"E	19°41'47"
C852	225.00'	10.18'	10.18'	S35°32'13"E	02°35'35"
C853	275.00'	46.77'	46.72'	N31°57'39"W	09°44'43"
C854	275.00'	55.09'	55.00'	N21°20'57"W	11°28'42"
C855	275.00'	55.09'	55.00'	N09°52'15"W	11°28'42"
C856	275.00'	55.09'	55.00'	N01°36'27"E	11°28'42"
C857	275.00'	55.09'	55.00'	N13°05'10"E	11°28'42"
C858	275.00'	55.09'	55.00'	N24°33'52"E	11°28'42"
C859	275.00'	3.52'	3.52'	N30°40'12"E	0°43'59"
C860	295.00'	52.45'	52.38'	N48°18'59"W	10°11'13"
C866	400.00'	473.23'	446.11'	N03°35'22"W	67°47'09"
C867	423.33'	331.71'	323.31'	N20°40'33"W	44°49'56"
C868	400.00'	72.56'	72.47'	N32°17'07"W	10°23'39"
C869	400.00'	80.13'	80.00'	N21°20'57"W	11°28'42"
C870	400.00'	80.13'	80.00'	N09°52'15"W	11°28'42"
C871	400.00'	80.13'	80.00'	N01°36'27"E	11°28'42"
C872	400.00'	80.13'	80.00'	N13°05'10"E	11°28'42"
C873	400.00'	80.13'	80.00'	N24°33'52"E	11°28'42"
C879	3.67'	11.53'	7.34'	S00°03'59"E	180°00'00"
C880	3.67'	11.53'	7.34'	N00°03'59"W	180°00'00"
C881	3.67'	11.53'	7.34'	S00°03'59"E	180°00'00"
C882	3.67'	11.53'	7.34'	N00°03'58"W	180°00'02"
C883	3.67'	5.76'	5.19'	S45°03'59"E	90°00'00"
C884	3.67'	5.76'	5.19'	S44°56'01"W	90°00'00"
C885	3.67'	5.76'	5.19'	N45°03'59"W	90°00'00"
C886	3.67'	5.76'	5.19'	N44°56'02"E	90°00'02"
C887	3.67'	5.76'	5.19'	S45°03'59"E	90°00'00"
C888	3.67'	5.76'	5.19'	S44°56'01"W	90°00'00"
C889	3.67'	5.76'	5.19'	N45°03'59"W	90°00'00"
C890	3.67'	5.76'	5.19'	N44°56'01"E	90°00'00"
C891	245.00'	43.56'	43.50'	N48°18'59"W	10°11'13"
C892	245.00'	62.59'	62.42'	N35°54'14"W	14°38'18"
C893	270.00'	48.01'	47.94'	N48°18'59"W	10°11'13"

LINE TABLE		
LINE	LENGTH	BEARING
L800	27.40'	N78°52'30"E
L801	17.66'	S30°55'49"W
L802	30.00'	S87°58'30"E
L803	50.00'	S35°30'09"E
L804	25.00'	S35°30'09"E
L805	25.00'	N63°10'00"E
L806	25.00'	N00°03'59"W
L807	10.00'	S89°56'01"W
L808	10.00'	N89°56'01"E
L809	48.98'	S89°56'01"W
L810	48.98'	N89°56'01"E
L811	25.00'	S54°30'10"W
L812	38.22'	S35°30'09"E

**SHEET INDEX**  
SHEET 1 of 9 - legal description, Surveyor's notes, legend & dedication  
SHEET 2 of 9 - boundary information  
3 through 9 of 9 - geometry

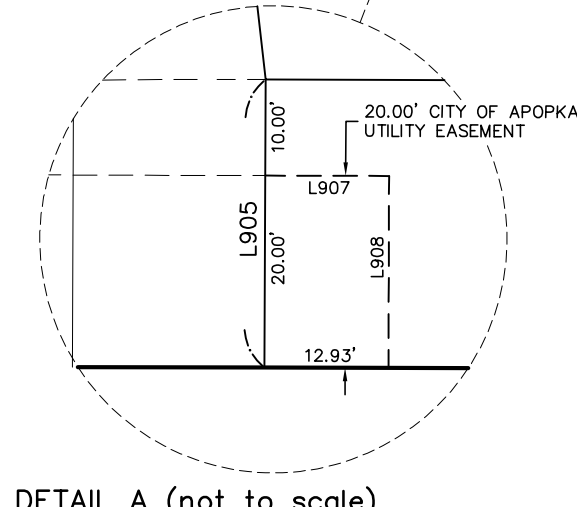
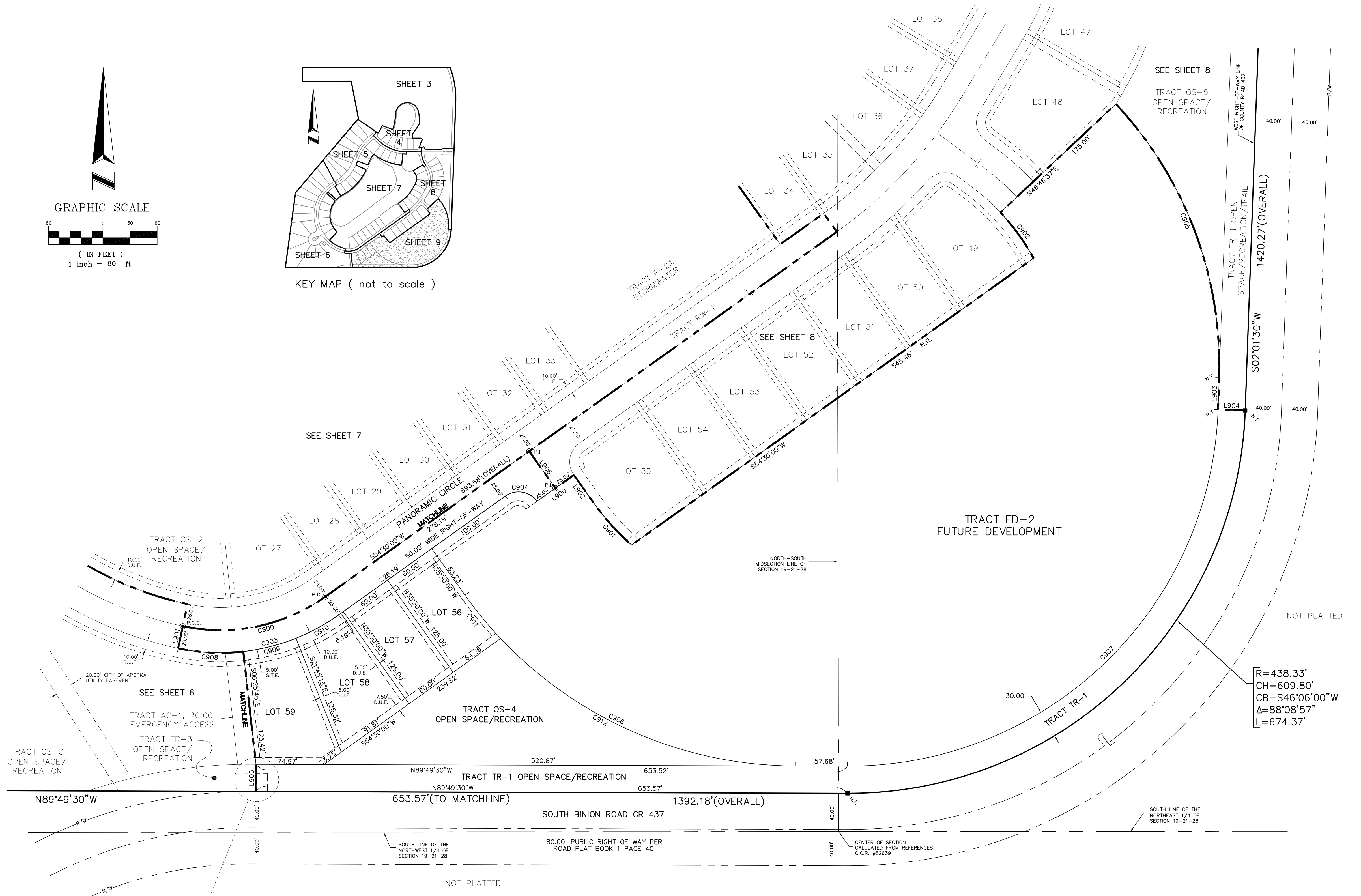
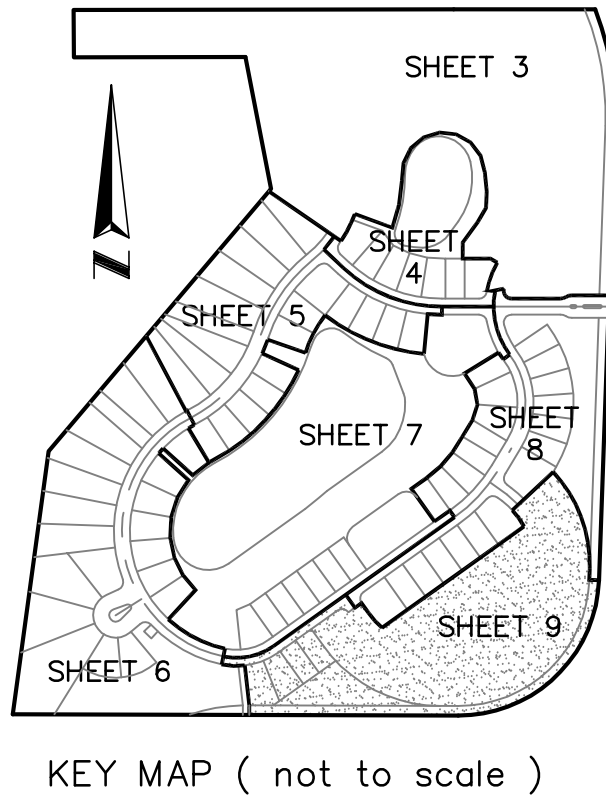
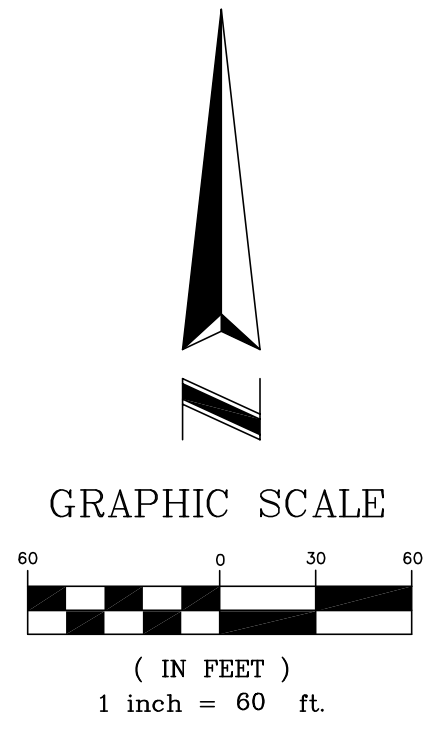


# VISTAS AT WATERS EDGE PHASE 1

A PORTION OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 28 EAST  
CITY OF AOPKA, ORANGE COUNTY, FLORIDA

SHEET 9 OF 9

PLAT BOOK \_\_\_\_ PAGE \_\_\_\_



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C900	200.00'	165.77'	161.06'	N78°14'40"E	47°29'18"
C901	275.00'	62.31'	62.18'	S41°59'37"E	12°58'57"
C902	245.00'	62.59'	62.42'	N35°54'14"W	14°38'18"
C903	225.00'	186.49'	181.19'	N78°14'40"E	47°29'18"
C904	25.00'	39.27'	35.35'	N80°30'04"W	89°59'51"
C905	423.93'	331.71'	323.31'	N20°40'33"W	44°49'56"
C906	450.00'	426.65'	410.85'	S62°39'49"E	54°19'21"
C907	408.33'	628.21'	568.06'	N46°06'00"E	88°09'00"
C908	225.00'	72.33'	72.02'	S87°13'14"E	18°25'05"
C909	225.00'	60.18'	60.00'	N75°54'30"E	15°19'28"
C910	225.00'	53.98'	53.85'	N61°22'23"E	13°44'45"
C911	450.00'	61.97'	61.92'	S39°26'51"E	7°53'23"
C912	450.00'	364.68'	354.78'	S66°36'31"E	46°25'58"

LINE	LENGTH	BEARING
L900	50.00'	N54°30'10"E
L901	25.00'	N11°59'19"E
L902	38.22'	S35°30'09"E
L903	35.06'	S02°01'30"W
L904	30.00'	S87°58'30"E
L905	30.00'	S00°16'05"W
L906	50.00'	S35°30'09"E
L907	12.90'	N89°49'30"W
L908	20.00'	S00°10'30"W

NOT PLATTED

SHEET INDEX

SHEET 1 of 9 – legal description, Surveyor's notes, legend & dedication

SHEET 2 OF 9 – boundary information

3 through 9 of 9 – geometry

**ALLEN & COMPANY**  
Professional Surveyors & Mappers

16 EAST PLANT STREET  
WINTER GARDEN, FLORIDA 34787  
(407) 654-5355



# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: May 2, 2018  
 FROM: Community Development  
 EXHIBITS: Land Use Report  
 Vicinity Map  
 Future Land Use Map  
 Adjacent Zoning Map  
 Adjacent Uses Map  
 Existing Uses  
 Ordinance No. 2617

**SUBJECT:**           **ORDINANCE NO. 2617 – COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – LAURA R. MURPHY (MURPHY EQUESTRIAN CENTER)**

**REQUEST:**           **ORDINANCE NO. 2617 – SECOND READING - COMPREHENSIVE PLAN – LARGE SCALE – FUTURE LAND USE AMENDMENT – LAURA R. MURPHY (MURPHY EQUESTRIAN CENTER) FROM AGRICULTURE (1 DU/5 AC) TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC)**

**SUMMARY:**

OWNER:                    Laura R. Murphy  
 APPLICANT:              AVEX Homes, c/o Eric Wills  
 LOCATION:               359 W. Lester Road  
 PARCEL ID #:             28-20-28-0000-00-060  
 EXISTING USE:            Equestrian Center  
 DEVELOPMENT  
 POTENTIAL:              Single Family Homes (est. 52 residential units)  
 CURRENT ZONING:        Agriculture  
 PROPOSED ZONING:      R-1 (Single Family Residential)  
 MAXIMUM ALLOWABLE  
 DEVELOPMENT UNDER  
 FLUM/ZONING:          EXISTING:    1 D/U  
                                   PROPOSED:  69 Single Family Homes  
 TRACT SIZE:              +/- 19.94

**FUNDING SOURCE:** N/A

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**ADDITIONAL COMMENTS:** The applicant intends to use the subject properties for a residential community with detached, single-family homes. Presently the subject property is assigned an Agriculture future land use designation and Agriculture zoning.

The proposed Large Scale Future Land Use Amendment is being requested by the owner/applicant. Pursuant to Florida law, properties ten acres or more are required to undergo review by State planning agencies.

A request to assign a Future Land Use Designation of Residential Low Suburban is as compatible or more compatible with the character of the existing land use in the vicinity. While the adjacent uses are agriculture-oriented, including the Avian Reconditioning Center to the east, subdivisions and vacant properties in all four cardinal directions have a future land use designation of Residential Low Suburban.

In conjunction with state requirements, staff has analyzed the proposed amendment and determined that adequate public facilities exist to support this land use change (see attached Land Use Report). Based on the findings of the Land Use report, the proposed FLUM amendment is compatible with the surrounding and nearby land uses and the character of the general area.

**COMPREHENSIVE PLAN COMPLIANCE:** The existing and proposed use of the property is consistent with the Residential Low Suburban Future Land Use Designation.

**SCHOOL CAPACITY REPORT:** School capacity determination must be completed with Orange County Public Schools prior to the adoption hearing for this Future Land Use Amendment application.

**ORANGE COUNTY NOTIFICATION:** The JPA requires the City to notify before any public hearing or advisory board. The City properly notified Orange County on November 27, 2017.

**PUBLIC HEARING SCHEDULE:**

January 9, 2018 - Planning Commission (5:30 pm)  
January 17, 2018 - City Council (7:00 pm) - 1st Reading & Transmittal  
May 2, 2018 – City Council (1:30 pm) – 2<sup>nd</sup> Reading & Adoption

**DULY ADVERTISED:**

December 22, 2017 – ¼ Page w/Map Ordinance Heading Ad (Apopka Chief, Letters, Property Posting)

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**RECOMMENDATION ACTION:**

The **Development Review Committee** finds the proposed amendment consistent with the Comprehensive Plan and compatible with the character of the surrounding area, and recommends transmittal of the change in Future Land Use from Agriculture to Residential Low Suburban Density for the property owned by Laura Murphy.

The **Planning Commission**, at its meeting on January 9, 2018, found the Residential Low Suburban Future Land Use Designation consistent with the Comprehensive Plan and character of the surrounding area; and unanimously recommended a change in Future Land Use Designation to Residential Low Suburban for the property owned by Laura Murphy.

The **City Council**, at its meeting on January 17, 2018, accepted the First Reading of Ordinance No. 2617 and authorized transmittal to the Florida Department of Economic Opportunity. With no comments or objections received by State agencies or Orange County, the case moves to a second hearing.

**Recommended Motion:** Adopt Ordinance 2617

**Note:** This item is considered Legislative. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**LAND USE REPORT**

**I. RELATIONSHIP TO ADJACENT PROPERTIES:**

<i>Direction</i>	<i>Future Land Use</i>	<i>Zoning</i>	<i>Present Use</i>
North (County)	“County” Low Density Residential	“County” A-1	Woodlands
East (City)	“City” Agriculture	“City” AG	Bird Reconditioning Center
South (City and County)	“City” Residential Low & “County” Low Medium Density Residential	“City” R-2 & “County” A-2	Single Family Homes
West (County)	“County” Low Density Residential	“County” A-1	Greenhouse

**II. LAND USE ANALYSIS**

The applicant intends to develop the property as a single family home community. Predominant existing land uses and assigned zoning in the abutting and surrounding area are institutional, single family residential and agricultural.

North: Abutting the subject property to the north are woodlands. Ponkan Road is an estimated 0.7 miles north.

West: West of the subject property are horticulture sites. Across the street from Vick Road are the Errol Estates and Spring Ridge subdivisions.

East: To the east of the property is the Avian Reconditioning Center. Rock Springs Road is an estimated 0.6 miles east.

South: Single family homes on large lots are south-adjacent to the subject property. The Rock Springs subdivision is southwest and the Rock Springs/Palm Isle Mobile Home Park is southwest.

The proposed future land use designation of Residential Low Suburban is consistent with the surrounding future land use designations and anticipated future development in the surrounding area. At the intersection of Rock Springs Road and Lester Road, a single family residential development (Raulerson/Pumphrey’s Properties) is being reviewed by the City Boards. Staff supports the proposed future land use designation.

Other Information:

Wekiva River Protection Area: No  
 Area of Critical State Concern: No  
 DRI / FQD: No

JPA: The City of Apopka and Orange County entered into a Joint Planning Area (JPA) agreement on September 25, 2017.

Wekiva Parkway and Protection Act: The proposed amendment has been evaluated against the adopted Wekiva Study Area Comprehensive Plan policies. While located within the Wekiva River Basin Study Area, the subject property is not located within the Protection Area. The proposed amendment is consistent with the adopted mandates and requirements. The proposed Future Land Use Map (FLUM) amendment has been reviewed against the best available data, with regard to aquifer and groundwater resources. The City of Apopka's adopted Comprehensive Plan addresses aquifer recharge and stormwater run-off through the following policies:



- Future Land Use Element, Policies 4.16, 14.4, 15.1, 16.2 and 18.2
- Infrastructure Element, Policies 1.5.5, 4.2.7, 4.4, 4.4.1, 4.4.2 and 4.4.3
- Conservation Element, Policy 3.18

Karst Features: The Karst Topography Features Map from the Florida Department of Environmental Protection shows that there is a potential karst feature on this property.

Analysis of the character of the Property: The property has access to Lester Road to the south. Currently, the property is used as an equestrian center with multiple stables and fenced areas.

Analysis of the relationship of the amendment to the population projections: The proposed future land use designation for the subject site is Residential Low Suburban (0 – 3.5 du/ac) and currently has a designation of Agriculture. A change to a residential land use of Residential Low Suburban will generate an estimated population increase up to 183 persons. Based on the housing element of the City's Comprehensive Plan, this amendment will increase the City's future population but a housing supply is needed to meet the growing population.

**CALCULATIONS:**

ADOPTED: Agriculture (1 du/ 5 ac)

EXISTING: Agriculture – (1 du/ 5 ac x 19.94 ac = max 3 units x 2.659 = 7 persons)

PROPOSED: Residential Low Suburban: 3.5 du/ac x 19.94 ac = max 69 units x 2.659 = 183 persons

Net Increase: + 183 persons

Housing Needs: This amendment will not negatively impact the housing needs as projected in the Comprehensive Plan. The amendment will allow for additional housing to accommodate anticipated population growth projected by the Comprehensive Plan.

Habitat for species listed as endangered, threatened or of special concern: Per policy 4.1 of the Conservation Element, a habitat study is required for developments ten (10) acres or more in size. This site is greater than ten acres. A habitat study will be required at the time of a development plan application.

Transportation: The City of Apopka is a Transportation Concurrency Exception Area. Refer to Chapter 3 of the City of Apopka 2010 Comprehensive Plan. Access to the site occurs from W. Lester Road.

Potable Water, Reclaimed Water & Sanitary Sewer Analysis: The subject property is located within the City of Apopka service area for potable water, reclaimed water and sanitary service.

Sanitary Sewer Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 81 GPD/Capita ; 81 GPD / Capita

If the site is not currently served, please indicate the designated service provider:

2. Projected total demand under existing designation: 588 GPD
3. Projected total demand under proposed designation: 13,524 GPD
4. Capacity available: Yes
5. Projected LOS under existing designation: 81 GPD/Capita
6. Projected LOS under proposed designation: 81 GPD/Capita

7. Improved/expansions already programmed or needed as a result if proposed amendment: None

Potable Water Analysis

1. Facilities serving the site; current LOS; and LOS standard: None; 177 GPD/Capita ; 177 GPD / Capita

If the site is not currently served, please indicate the designated service provider: City of Apopka

2. Projected total demand under existing designation: 630 GPD  
3. Projected total demand under proposed designation: 14,490 GPD  
4. Capacity available: Yes  
5. Projected LOS under existing designation: 177 GPD / Capita  
6. Projected LOS under proposed designation: 177 GPD / Capita  
7. Improved/expansions already programmed or needed as a result of the proposed amendment: None  
8. Parcel located within the reclaimed water service area: Yes

Solid Waste

1. Facilities serving the site: City of Apopka  
2. If the site is not currently served, please indicate the designated service provider: City of Apopka  
3. Projected LOS under existing designation: 28 lbs / day  
4. Projected LOS under proposed designation: 732 lbs / day  
5. Improved/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

Infrastructure Information

- Water treatment plant permit number: CUP No. 3217  
Permitting agency: St. John’s River Water Management District  
Permitted capacity of the water treatment plant(s): 9.353 MGD  
Total design capacity of the water treatment plant(s): 33.696 MGD  
Availability of distribution lines to serve the property: Yes

Availability of reuse distribution lines available to serve the property: Yes

Drainage Analysis

1. Facilities serving the site: None
2. Projected LOS under existing designation: 100 year – 24 hour design storm
3. Projected LOS under proposed designation: 100 year – 24 hour design storm
4. Improvement/expansion: On site retention / detention ponds

Recreation

1. Facilities serving the site; LOS standard: City of Apopka Parks System ; 3 acre / 1000 capita
2. Projected facility under existing designation: 0.021 acres
3. Projected facility under proposed designation: 0.549 acres

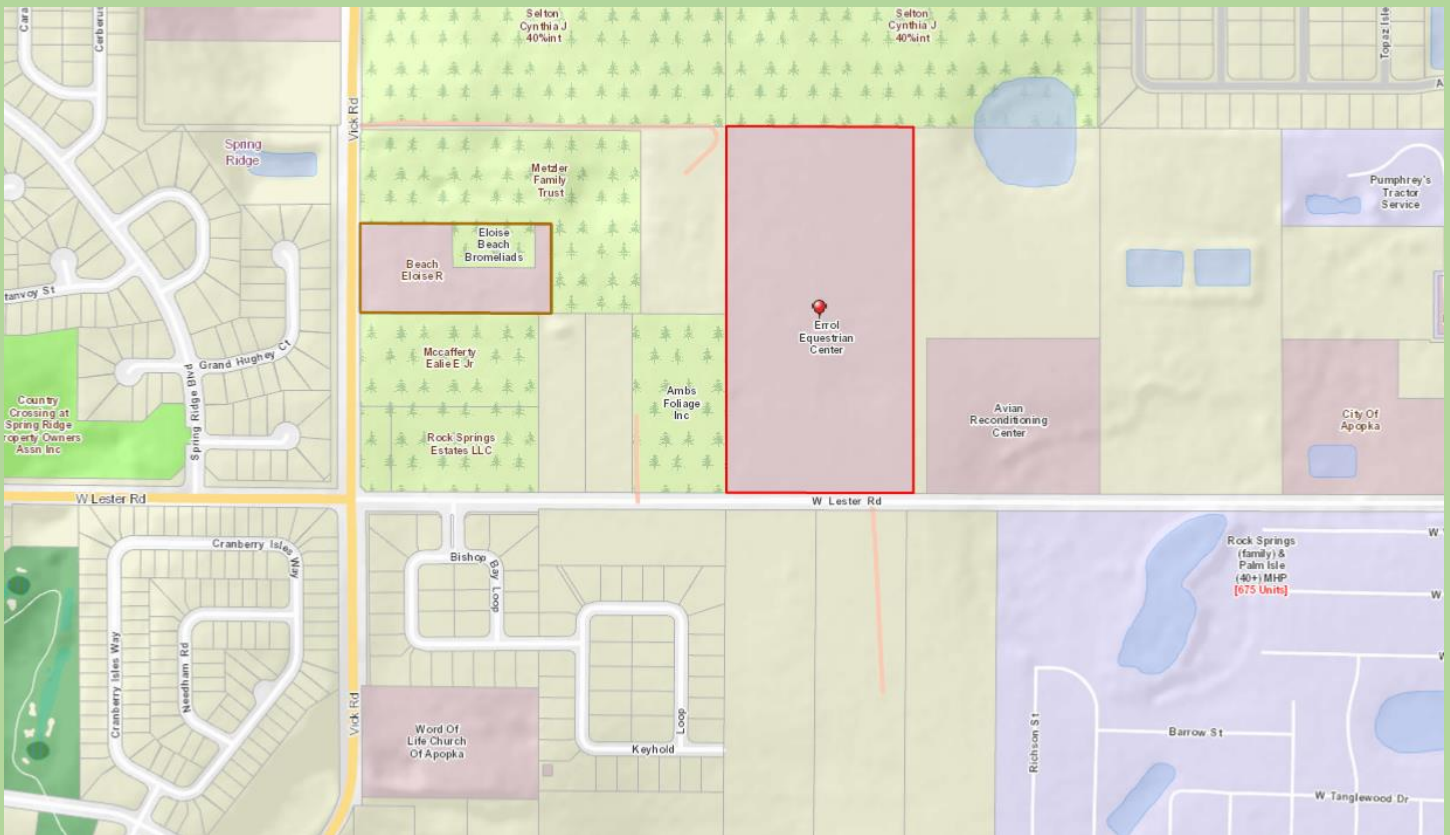
Improvement/expansions already programmed or needed as a result of the proposed amendment: None

This initial review does not preclude conformance with concurrency requirements at the time of development approval.

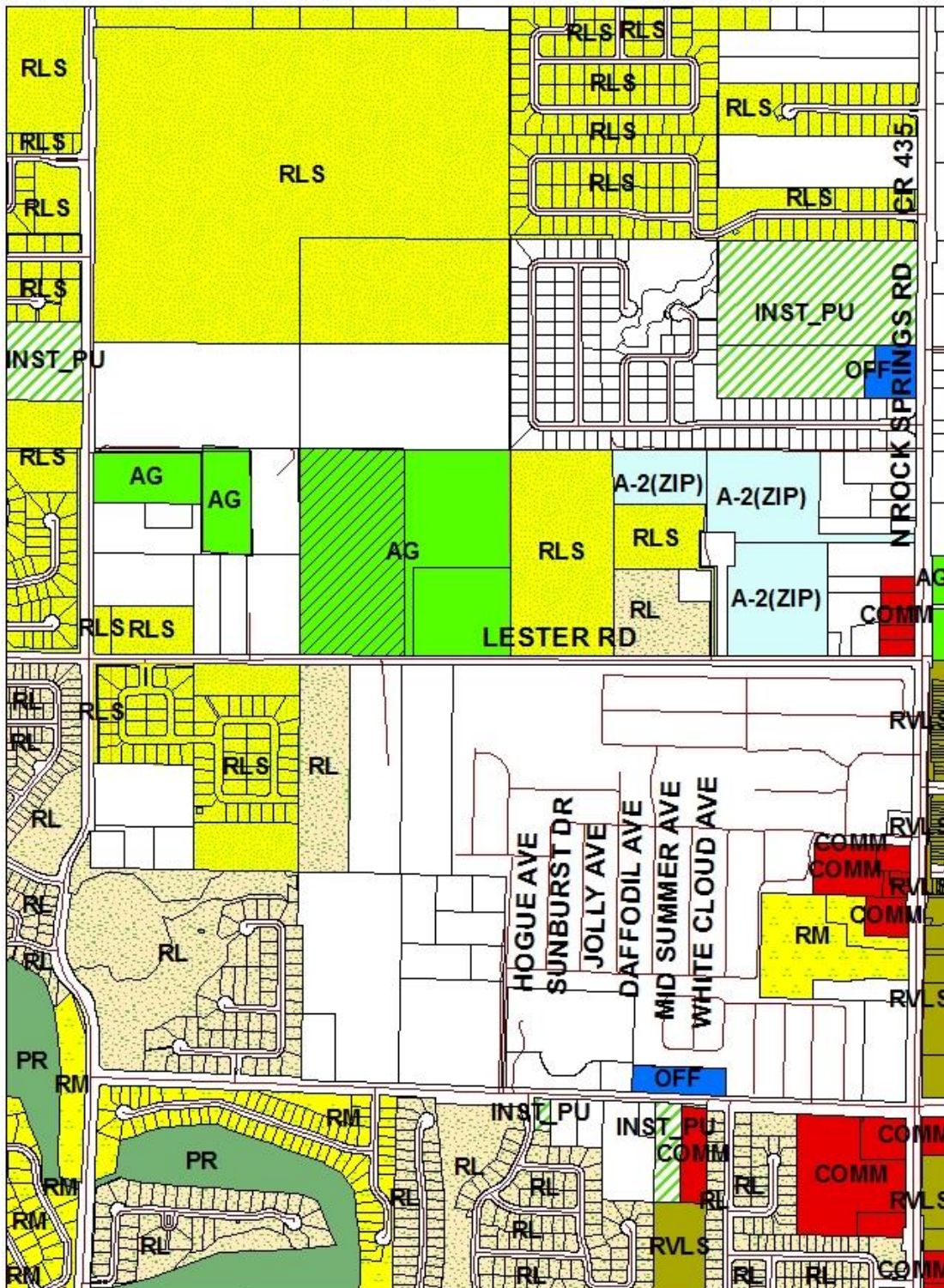


Laura Murphy, Property Owner  
+/- 19.94  
Proposed Large Scale Future Land Use Amendment:  
From: Agriculture (1 D/U per 5 ac)  
To: Residential Low Suburban (0-3.5 du/ac)  
Parcel ID # 28-20-28-0000-00-060:

### VICINITY MAP



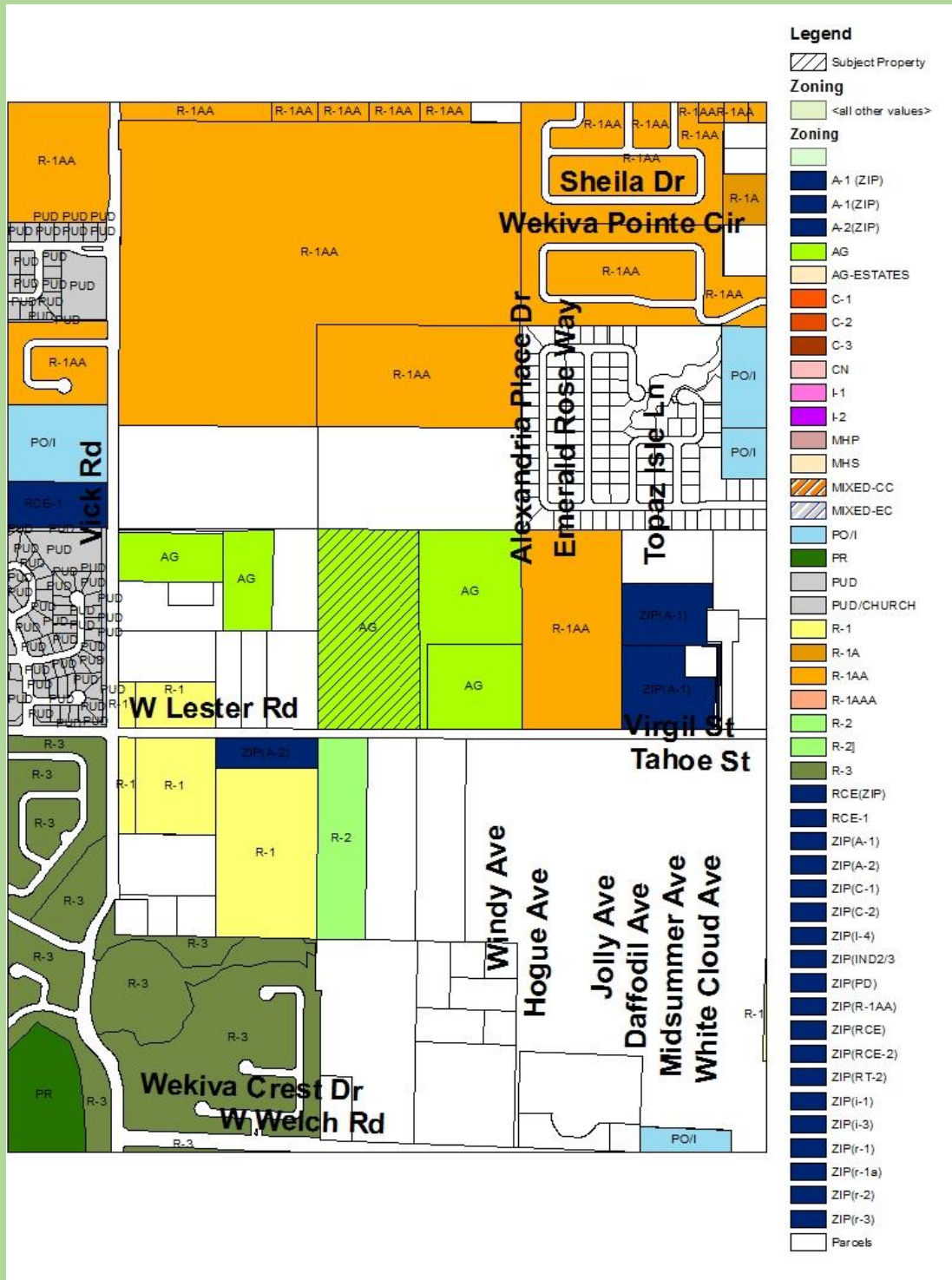
# FUTURE LAND USE MAP



- Legend**
- Subject Property
  - Parcels
  - Future Land Use**
  - <all other values>
  - LAND\_USE**
  - A-2(ZIP)
  - AG
  - AG-E
  - AG-HOME
  - ANNEX
  - C-3(ZIP)
  - COMM
  - COMM\*
  - CONSV
  - IND
  - IND\*
  - INST\_PU
  - MU
  - MU\*
  - OFF
  - PR
  - RE
  - RH
  - RL
  - RLS
  - RM
  - RML
  - RS
  - RVLS

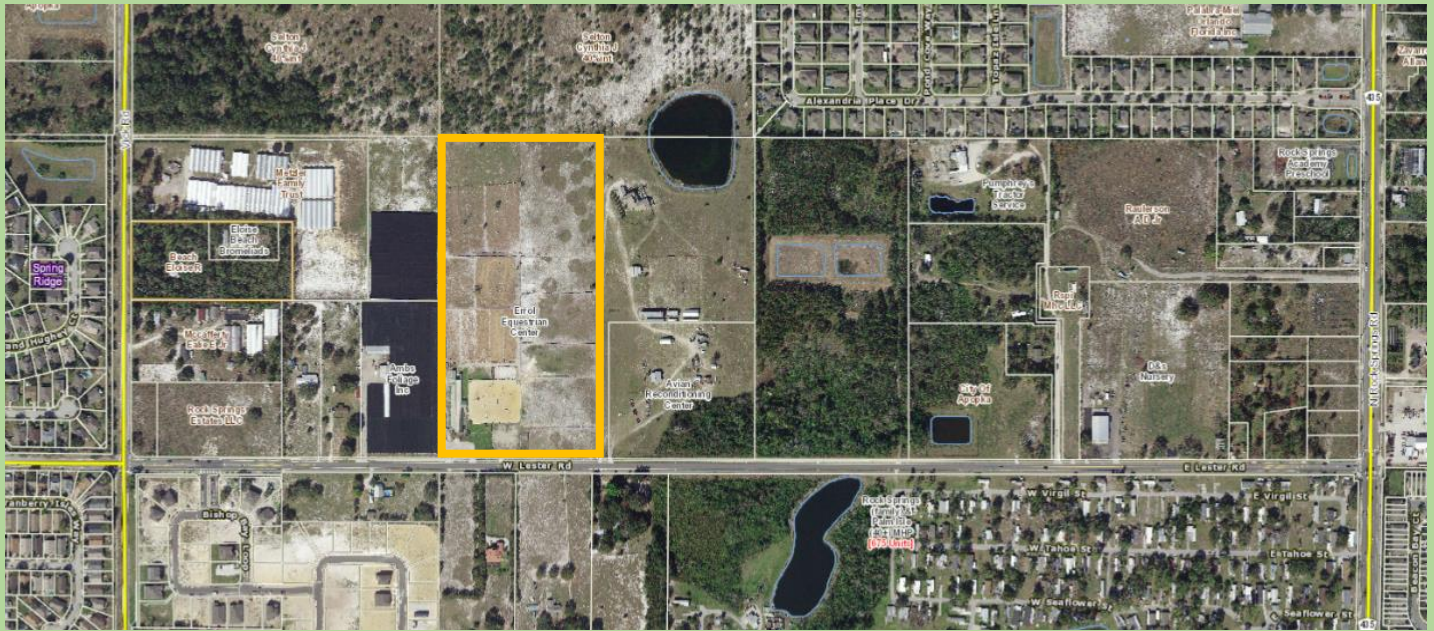


## ADJACENT ZONING





### ADJACENT USES AND EXISTING USES



**ORDINANCE 2617**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE TO RESIDENTIAL LOW SUBURBAN (0-3.5 DU/AC) FOR CERTAIN REAL PROPERTY GENERALLY LOCATED AT 359 WEST LESTER ROAD, OWNED BY LAURA R. MURPHY; COMPRISING 19.94 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Apopka, Florida, on October 2, 1991 adopted Ordinance No. 653 which adopted the Comprehensive Plan for the City of Apopka; and

WHEREAS, the City of Apopka has subsequently amended the Comprehensive Plan for the City of Apopka, most recently through Ordinance No. 2606, adopted December 20, 2017; and

WHEREAS, the City of Apopka's Local Planning Agency and the City Council have conducted the prerequisite advertised public hearings, as per Chapter 163, Florida Statutes, relative to the transmittal and adoption of this ordinance and the requirements for amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida, as follows:

SECTION I: The City of Apopka hereby amends the Future Land Use Element of the adopted Comprehensive Plan as follows:

The Future Land Use Map is hereby amended and replaced in its entirety by Exhibit "A" of this Ordinance, and incorporated herein by reference.

SECTION II: This Ordinance shall become effective following adoption and upon issuance by the Department of Community Affairs or the Administration Commission, as may be applicable, a final order finding the amendment to be in compliance in accordance with Chapter 163.3184.

SECTION III: If any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this ordinance.

SECTION IV: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: This Ordinance shall become effective upon issuance of a final order by the Florida Department of Economic Opportunity finding the plan amendment in compliance in accordance with s.163.3184 (2)(a), Florida Statute.



**ORDINANCE NO. 2617**  
**PAGE 2**

ADOPTED at a regular meeting of the City Council of the City of Apopka, Florida, this 2<sup>nd</sup> day of May, 2018.

READ FIRST TIME: January 17, 2018

READ SECOND TIME  
AND ADOPTED: May 2, 2018

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

APPROVED AS TO FORM:

DULY ADVERTISED FOR PUBLIC HEARING: December 29, 2017; April 20, 2018



# EXHIBIT "A"

## Ordinance No. 2617

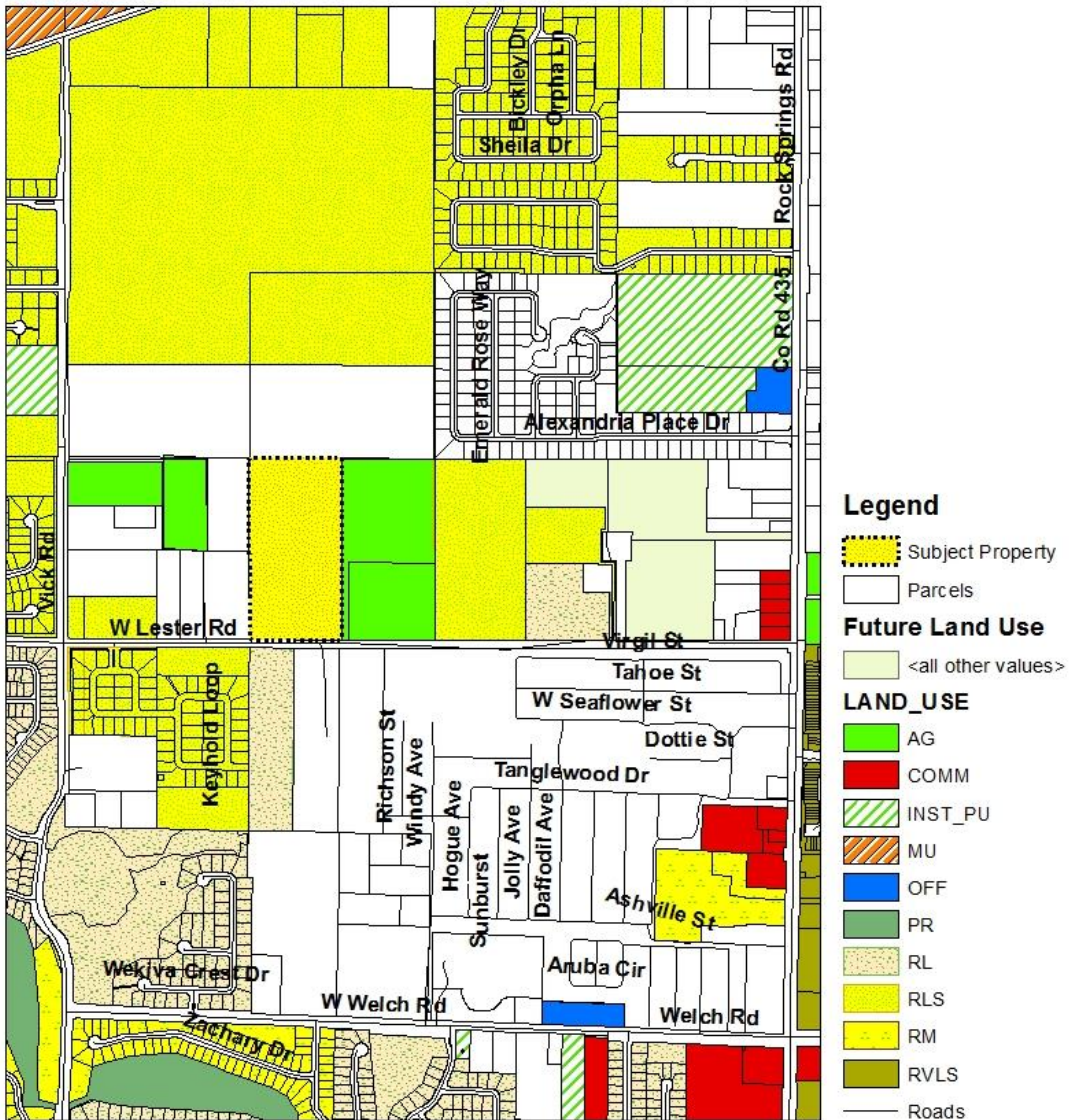
Laura R. Murphy, Property Owner  
19.94 +/- Acres

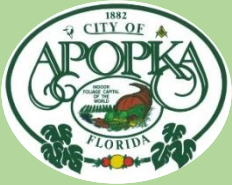
Proposed Large Scale Future Land Use Amendment:

From: Agriculture (1 du\ 5 ac max)

To: "Residential Low Suburban (0 – 3.5 du/ac)

Parcel ID #s: 28-20-28-0000-00-060





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER: Ordinance

MEETING OF: May 2, 2018  
 FROM: Community Development  
 EXHIBITS: Vicinity Map  
 Adjacent Zoning Map  
 Ordinance 2644  
 Ex. A – PUD Master Plan

**SUBJECT: ORDINANCE NO. 2644 - AMENDMENT TO THE PLANNED UNIT DEVELOPMENT MASTER PLAN FOR 1305 WEST ORANGE BLOSSOM TRAIL**

**REQUEST: FIRST READING OF ORDINANCE NO. 2644 - AMENDMENT TO ORDINANCE 2292, WHICH AMENDS THE PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR 1305 WEST ORANGE BLOSSOM TRAIL; AND HOLD OVER FOR SECOND READING AND ADOPTION.**

**SUMMARY:**

OWNER: Spirit SPE Portfolio CA C-Stores, LLC

APPLICANT: Gray Robinson, P.A.

ENGINEER: Tannath Design, Inc.

LOCATION: 1305 West Orange Blossom Trail  
(North of U.S. HWY 441 (a.k.a. Orange Blossom Trail) and East of Errol Parkway)

EXISTING USE: Convenience Store w/ Fueling Stations

LAND USE: Commercial

ZONING: PUD/C-2

PROPOSED DEVELOPMENT: Existing gas station and gasoline sales (Lot 1), Future General Business uses (Lot 2)

PROPOSED LOTS: Lot 1: 2.045 +/- Acres  
Lot 2: 0.895 +/- Acres

TOTAL ACRES: 2.94 +/- Acres

**FUNDING SOURCE: N/A**

**DISTRIBUTION**

Mayor Nelson	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

**RELATIONSHIP TO ADJACENT PROPERTIES:**

Direction	Future Land Use	Zoning	Present Use
North (City)	Residential Medium (0-10du/ac)	R-2	Residential Subdivision
East (City)	Commercial	PUD	Retail Shopping Center (Victoria Plaza)
South (City)	Commercial	C-2	Commercial Retail (Verizon Wireless)
West (County)	Commercial	C-2	Commercial Retail

**ADDITIONAL COMMENTS:** The subject property is located at 1305 West Orange Blossom Trail and is the site of a gas station and associated convenience store. According to Orange County Property Appraiser records, the gas station was constructed in 1997. Originally a RaceTrac gas station was located on the property. In 2015 the property was sold, and is now the site of a Marathon gas station with an associated convenience store.

On March 6, 2013, the City Council adopted Ordinance 2292, which rezoned the property from C-1 to PUD. The C-1 zoning district only permits gasoline sales through a Special Exception and is limited to four multiple station pumps and two single station pumps. The RaceTrac gas station had over ten fueling stations, and the site was considered a legal, non-conforming use. Ordinance 2292 allows PO/I, CN, C-1, and automotive fuel sales, which is a C-2 district permissible use as permitted uses, and was requested by the former property owner to remove the legal nonconforming status from the property. Exhibit “A” of Ordinance 2292 contains a PUD Master Plan for the RaceTrac gas station and associated convenience store.

The applicant is requesting an amendment to Ordinance 2292 to amend the PUD Master Plan to create two separate lots. Lot 1 identifies the existing Marathon (formerly known as RaceTrac) gas station consisting of a 5,928 square foot convenience store with ten fueling stations. Lot 2 is proposed to remain vacant, but is to be marketed for up to 7,200 square feet of general business uses with 24 parking spaces. The applicant is requesting the PUD Master Plan amendment to split the property and sell Lot 2 in the future.

**DEVIATIONS:** The applicant is requesting three deviations to the City’s required development standards. For a PUD master plan, a deviation from the City’s Land Development Code does not represent a variance but a development standard or zoning condition unique to and approved as part of the Planned Unit Development zoning. PUD’s are required to satisfy the requirements of the Land Development Code unless the City Council finds that, based on substantial evidence, a proposed alternative development guideline is adequate to protect to the public health safety, and welfare. Any deviations must be consistent with the policies of the Comprehensive Plan.

1. LDC 2.02.13.G.3 - areas adjacent to nonresidential uses or districts are required to provide a minimum five-foot landscaped bufferyard. The applicant is requesting a joint 5-foot wide landscape buffer between Lot 1 and Lot 2 in lieu of the required five foot wide landscape buffer on each parcel.

Justification: Both sites consist of commercial uses and there will be substantial landscaping within the 5-foot buffer, including 7 Crape Myrtles with 2-inch minimum Caliper 8-foot minimum height, a Sweet Viburnum Hedge 24-inch minimum height 36-inches on center and Parsons Juniper 24-inches on center. The panhandle portion of Lot 1 will remain as open space. The pan handle portion of the property shall be used for open space or stormwater retention only.

2. LDC 6.05.00.D.6.A - requires the minimum requirements for maintenance berms are ten feet around the perimeter of the stormwater pond. The applicant is requesting a reduction in width of the maintenance berm of 10 feet with fencing to 5-feet for Lot 2.

Justification: The proposed concrete wall is setback 10-feet from the property line, due to an existing easement. An additional 10-foot berm on the site side of the wall would take up additional room for recharge of the stormwater ponds, necessary to meet the goals and objectives of the City of Apopka Comprehensive Plan. The proposed pond is dry and will allow for maintenance and upkeep from inside the pond.

3. Development Design Guidelines Section 4.4, Off-street parking - The applicant is requesting a reduction of the requirement of no more than 50% of the required parking spaces in front of the proposed building on Lot 2.

Justification: Section 4.4 of the Development Design Guidelines does not permit parking areas to be located in the building setback area abutting a residential area. Lot 2 abuts an existing single-family residential subdivision. In addition, a wider landscape island is proposed in front of the proposed building on Lot 2, which increases the amount of open space on site. The reduction also allows for a cross access drive aisle in the future to the Victoria Plaza.

**Comprehensive Plan Compliance:** The proposed amendment to Ordinance 2292 is consistent with the City’s Commercial Future Land Use category. Development plans shall not exceed the intensity allowed under the adopted Commercial Future Land Use designation.

**Land Use Compatibility:** The Property is located on a major arterial road (West Orange Blossom Trail).The proposed amendment to Ordinance 2292 will not create any land use or traffic compatibility issues with adjacent uses. Development of the site must occur consistent with standards set forth in the Land Development Code and Development Design Guidelines unless otherwise approved within the PUD master plan.

**Buffer Yard Requirements:** Areas adjacent to all road right of ways shall provide a minimum ten foot landscape bufferyard. Areas adjacent to residential uses or districts shall provide a six foot high masonry wall within a ten-foot landscape buffer. The PUD Master Plan proposes extending an existing six foot high masonry wall located behind the Marathon gas station (Lot 1) along the rear of the proposed Lot 2 as it abuts residential development.

**Proposed PUD Recommendations:** The PUD recommendations are that the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions:

**Section I.** That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following Master Plan provisions subject to the following zoning provisions:

- A. The uses permitted within the PUD district are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
  1. Signage shall comply with the City’s sign codes unless otherwise approved through a master sign plan
  2. Illumination plan shall be provided with the preliminary or final development plan.
  3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.

- C. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.
- D. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for future connection to the Victoria Plaza.
- E. The parcel split shall occur through a plat at the time of the final development plan application.
- F. No driveway cut will be allowed onto Old Dixie Highway. The northern panhandle portion of the Property shall only be used as open space or stormwater retention.

**PUBLIC HEARING SCHEDULE:**

Planning Commission – April 10, 2018, 5:30 p.m.  
City Council – May 2, 2018, 1:30 p.m. – First Reading  
City Council – May 16, 2018, 7:00 p.m. – Second Reading

**DULY ADVERTISED:**

March 28, 2018 – Public Notice; Letter, Poster  
March 30, 2018 – Public Notice (Apopka Chief)

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**RECOMMENDATION ACTION:**

The **Development Review Committee (DRC)** recommends approval of the amendment to Ordinance 2292, for the property owned by Spirit SPE Portfolio CA C-Stores, LLC, located at 1301 West Orange Blossom Trail, subject to PUD Recommendations and the information and findings in the staff report.

The **Planning Commission**, at its meeting on April 10, 2018, found the proposed amendment to be consistent with the Comprehensive Plan and Land Development Code; and unanimously recommended approval of the amendment to Ordinance 2292.

**City Council:** Accept the First Reading of Ordinance 2644 and Hold it Over for Second Reading and Adoption on May 16, 2018

**Note:** This item is considered quasi-judicial. The staff report and its findings are to be incorporated into and made a part of the minutes of this meeting.

**Application:** PUD Master Plan Amendment  
**Applicant:** Gray Robinson, P.A.  
**Owner:** Spirit SPE Portfolio CA C-Stores, LLC  
**Engineer:** Tannath Design, Inc.  
**Parcel ID Nos.:** 05-21-28-0000-00-039  
**Total Acres:** 2.94 +/-

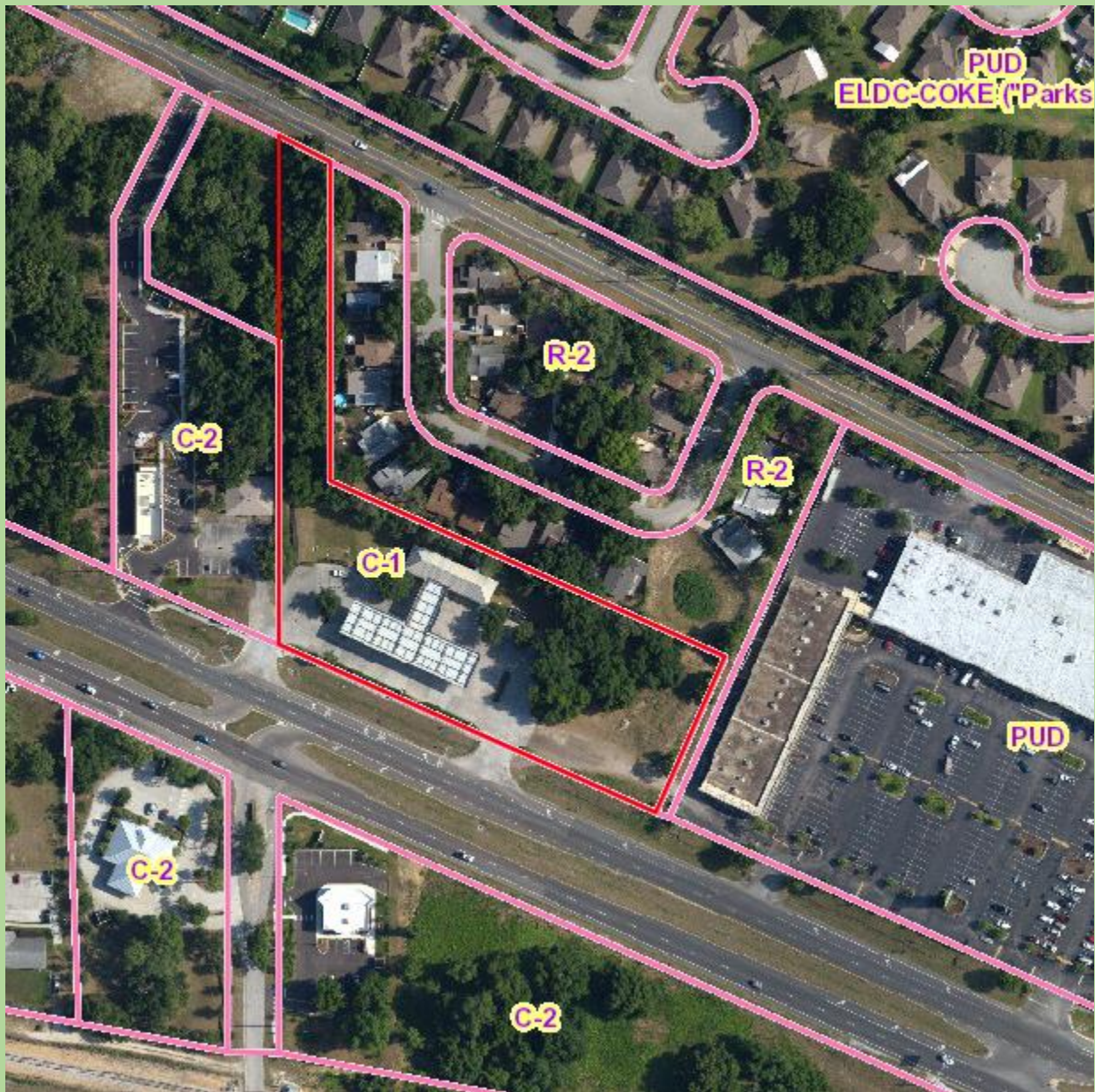


### VICINITY MAP



**Application:** PUD Master Plan Amendment  
**Applicant:** Gray Robinson, P.A.  
**Owner:** Spirit SPE Portfolio CA C-Stores, LLC  
**Engineer:** Tannath Design, Inc.  
**Parcel ID Nos.:** 05-21-28-0000-00-039  
**Total Acres:** 2.94 +/-

### ADJACENT ZONING MAP





**ORDINANCE NO. 2644**

**AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE 2292, WHICH AMENDS THE ADOPTED “RACETRAC PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN” FOR CERTAIN REAL PROPERTY LOCATED AT 1305 WEST ORANGE BLOSSOM TRAIL, COMPRISING 2.94 ACRES MORE OR LESS; OWNED BY SPIRIT SPE PORTFOLIO CA C-STORES, LLC; PROVIDING FOR DIRECTIONS TO THE COMMUNITY DEVELOPMENT DIRECTOR, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, to manage growth, the City of Apopka, Florida, finds it in the best interest of the public health, safety and welfare of its citizens to establish zoning classifications within the City; and

**WHEREAS**, Gray Robinson, P.A. has requested an amendment to Ordinance 2292, adopted on March 6, 2013 to amend the adopted RaceTrac Planned Unit Development (PUD) Master Plan; and

**WHEREAS**, the proposed amendment to Ordinance 2292 has been found to be consistent with the City of Apopka Comprehensive Plan, and the City of Apopka Land Development Code.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Apopka, Florida, as follows:

**Section I.** That the zoning classification of the following described property be designated as Planned Unit Development (PUD), as defined in the Apopka Land Development Code, and with the following development standards and provisions and amendments to Ordinance 2292, and subject to the following zoning provisions:

- A. The uses permitted within the PUD district are PO/I, CN, C-1, and automotive fuel sales, which is C-2 district permissible use.
- B. Development of the property shall occur consistent with the Master Site Plan set forth in Exhibit “A”. Where any development standard conflicts between the Master Site Plan and the Land Development Code, the Master Site Plan shall preside. Any proposed revision to the Master Site Plan shall be evaluated and processed pursuant to Section 2.02.18.N. (Master plan revision), LDC
- C. All development standards set forth in the Land Development Code and Development Design Guidelines shall apply to development within the PUD unless as otherwise allowed and defined as follows:
  1. Signage shall comply with the City’s sign codes unless otherwise approved through a master sign plan
  2. Illumination plan shall be provided with the preliminary or final development plan.
  3. No outside activities including but not limited to, outside storage of parts, vending machines, supplies, merchandise or materials.
- D. The C-1 zoning standards shall apply to the development of the subject property unless otherwise established herein this ordinance.

**ORDINANCE NO. 2644**

**PAGE 2**

- E. A cross access easement shall be illustrated in the preliminary and final development plans and the plat that connect the U.S. 441 entrance to the eastern boundary of the project, allowing for future connection to the Victoria Plaza.
- F. The parcel split shall occur through a plat at the time of the final development plan application.
- G. No driveway cut will be allowed onto Old Dixie Highway. The northern panhandle portion of the Property shall only be used as open space or stormwater retention.
- H. If a Final Development Plan associated with the PUD district has not been approved by the City within three years after approval of these Master Plan provisions, the approval of the Master Site Plan\ PDP provisions will expire. At such time, the City Council may:
  - 1. Permit a single six-month extension for submittal of the required Final Development Plan;
  - 2. Allow the PUD zoning designation to remain on the property pending resubmittal of new Master Site Plan provisions and any conditions of approval; or
  - 3. Rezone the property to a more appropriate zoning classification.

**Section II.** That the zoning classification of the following described Property, being situated in the City of Apopka, Florida, is hereby PUD as defined in the Apopka Land Development Code:

Legal Description:

A parcel of land located in the Southeast ¼ of Section 5, Township 21 South, Range 28 East, more particularly described as follows:

Commence at the Northwest corner of the Southwest ¼ of the Southeast ¼ of said Section 5; thence South 00°00'00" East, 55.74 feet to the south right-of-way of State Road No. 424, said point being the Point of Beginning and said point also being the Northeast corner of Lot 6, Pine Tree Park, as Recorded in Plat Book 11, Page 44 of the Public Records of Orange County, Florida; thence South 63°11'55" East, 67.22 feet along said southerly right-of-way of State Road No. 424 to the Northwest corner of Errol Place, as recorded in Plat Book 13, Page 10 of the Public Records of Orange County, Florida; thence South 00°00'00" East, 373.99 feet along the west line of said Errol Place to the southwesterly corner of said Errol Place; thence South 66°03'50" East, 507.32 feet along the southerly line of said Errol Place to the southeasterly corner of said Errol Place; thence South 23°56'10" West, 200.00 feet to the northerly right-of-way of U.S. Highway No. 441 (State Road No. 500); thence north 66°03'50" West, 484.19 feet to the west line of the Southeast ¼ of said Section 5; thence north 00°00'00" East, 596.49 feet along the aforementioned west line to the Point of Beginning.

Parcel ID No.: 05-21-28-0000-00-039  
Containing 2.94 +/- Acres

**Section III.** That the zoning classification is consistent with the Comprehensive Plan of the City of Apopka, Florida.

**ORDINANCE NO. 2644**

**PAGE 3**

**Section IV.** That the Community Development Director, or the Director's designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Apopka, Florida, to include said designation.

**Section V.** That if any section or portion of a section or subsection of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of section or subsection or part of this ordinance.

**Section VI.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section VII.** That this Ordinance shall take effect upon the date of adoption.

READ FIRST TIME: May 2, 2018

READ SECOND TIME  
AND ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Linda Goff, City Clerk

APPROVED AS TO FORM:

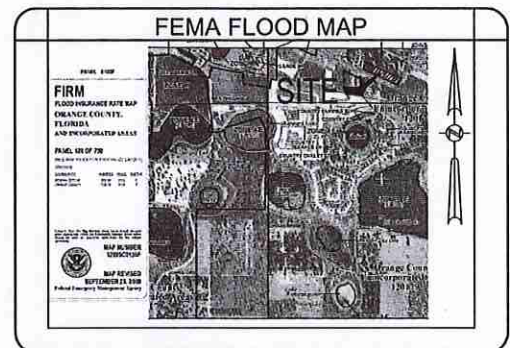
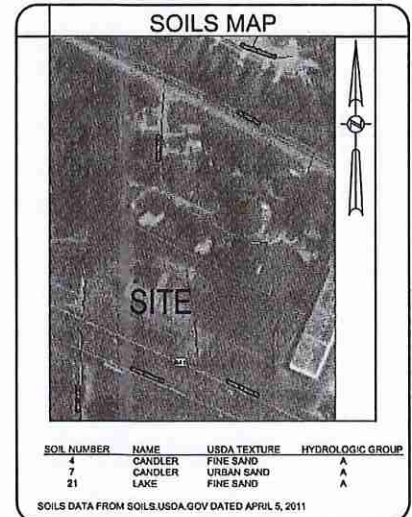
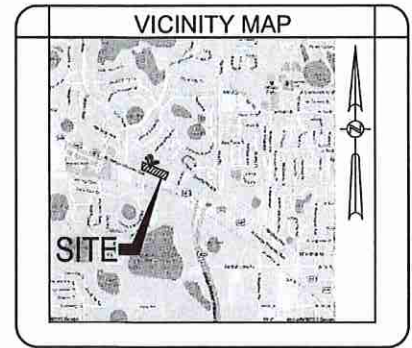
\_\_\_\_\_  
Cliff Shepard, City Attorney

DULY ADVERTISED: March 30, 2018



# PUD MASTER PLAN

STORE #577 - WEST APOPKA  
 1305 W. ORANGE BLOSSOM TRAIL, APOPKA, FL  
 05-21-28-0000-00-039  
 CITY OF APOPKA, ORANGE COUNTY, FLORIDA



### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 21 SOUTH, RANGE 28 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE NW CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 5, THENCE S 00°00'00" E, 55.74 FEET THE SOUTH RIGHT-OF-WAY OF STATE ROAD NO. 424, SAID POINT BEING THE POINT OF BEGINNING AND SAID POINT ALSO BEING THE NE CORNER OF LOT 6, PINE TREE PARK, AS RECORDED IN PLAT BOOK 11, PAGE 44 OF THE PUBLIC RECORDS OF ORANGE COUNTY, THENCE S 63°11'50" E, 87.23 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 424 TO THE NW CORNER OF ERROL PLACE, AS RECORDED IN PLAT BOOK 13 PAGE 0 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE S 00°00'00" E, 373.99 FEET ALONG THE WEST LINE OF SAID ERROL PLACE TO THE SOUTHWESTERLY CORNER OF SAID ERROL PLACE, THENCE S 66°03'50" E, 507.5 FEET ALONG THE SOUTHERLY LINE OF SAID ERROL PLACE TO THE SOUTHEASTERLY CORNER OF SAID ERROL PLACE, THENCE S 23°52'10" W, 200.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 441 (STATE ROAD NO. 600), THENCE N 60°00'00" W, 484.19 FEET TO THE WEST LINE OF THE SE 1/4 OF SAID SECTION 5, THENCE N 00°00'00" E, 596.49 FEET ALONG THE AFORESAID NORTHWEST LINE TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN ORANGE COUNTY, FLORIDA AND CONTAINING 2.945 A/ RES.

SHEET INDEX			
NO.	SHEET DESCRIPTION	REV	DATE
C0.0	COVER SHEET		
S1	BOUNDARY & TOPOGRAPHIC SURVEY		
C-1	SITE PLAN		
△ C-2	MASTER SITE PLAN		

- ### GENERAL NOTES:
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO BECOME FAMILIAR WITH THE PERMIT AND INSPECTION REQUIREMENTS OF THE VARIOUS GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION, AND SCHEDULE INSPECTION ACCORDING TO AGENCY INSTRUCTION.
  - ALL WORK PERFORMED SHALL COMPLY WITH THE REGULATIONS AND ORDINANCES OF THE VARIOUS GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE WORK, INCLUDING LANDSCAPING.
  - CONTRACTOR SHALL SUBMIT FOR REVIEW TO THE OWNER'S CONSTRUCTION MANAGER SHOP DRAWINGS ON ALL PRECAST AND MANUFACTURED ITEMS TO USE ON THIS SITE. FAILURE TO OBTAIN APPROVAL BEFORE INSTALLATION MAY RESULT IN REMOVAL AND REPLACEMENT AT CONTRACTOR'S EXPENSE. CONSTRUCTION MANAGER'S APPROVAL OF A SHOP DRAWING DOES NOT RELIEVE CONTRACTOR'S RESPONSIBILITY FOR PERFORMANCE OF THE ITEM.
  - WORK PERFORMED UNDER THIS CONTRACT SHALL INTERFACE SMOOTHLY WITH OTHER WORK BEING PERFORMED ON SITE BY OTHER CONTRACTORS AND UTILITY COMPANIES. IT IS NECESSARY FOR THE CONTRACTOR TO COORDINATE AND SCHEDULE HIS ACTIVITIES, WHERE NECESSARY WITH OTHER CONTRACTORS AND UTILITY COMPANIES.
  - MATERIALS AND CONSTRUCTION METHODS FOR STREETS AND STORM DRAINAGE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL REGULATORY AGENCY.
  - CONTRACTOR SHALL REVIEW SOIL REPORTS AND BORINGS PRIOR TO BIDDING THE PROJECT AND COMMENCING CONSTRUCTION.
  - AT LEAST 72 HOURS PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND APPROPRIATE AGENCIES AND SUPPLY THEM WITH ALL REQUIRED SHOP DRAWINGS, THE CONTRACTOR'S NAME, STARTING DATE, PROJECTED SCHEDULE, AND OTHER INFORMATION AS REQUIRED. ANY WORK PERFORMED PRIOR TO NOTIFYING THE ENGINEER OR WITHOUT AGENCY INSPECTOR PRESENT MAY BE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
  - THE CONTRACTOR SHALL USE EACH PLAN IN CONJUNCTION WITH THE ENTIRE SET OF DRAWINGS AND JOB SPECIFICATIONS. DO NOT REMOVE OR DEMOLISH ANYTHING WITHOUT VERIFYING AND COORDINATING WITH ALL ELECTRICAL, PLUMBING, MECHANICAL, GENERAL TRADES, AND UTILITY COMPANIES AS THEY EFFECT THE OVERALL PROJECT.
  - ALL WORK SHOWN SHALL BE DONE IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.

CONSULTANTS		
ENGINEER	LANDSCAPE ARCHITECT	SURVEYOR
TANNATH DESIGN, INC. BRYAN POTTS, P.E. 2494 ROSE SPRING DR ORLANDO, FL 32825 PHONE: (407) 982-9878	MILLS DESIGN GROUP INC. COREY MILLS, R.L.A. 10 WINDSOMERE WAY, STE 500 OWIEDO, FL 32765 PHONE: (407) 359-8425	PEC, SURVEYING AND MAPPING, LLC 2100 ALAFAYA TRAIL, SUITE 203 OWIEDO, FL 32765 DAVID A. WHITE, P.S.M. PHONE: (407) 542-4967

UTILITY PROVIDERS		
WATER	ELECTRIC	TELEPHONE
APOPKA PUBLIC SERVICES DEPT. 748 CLEVELAND ST APOPKA, FL 32703 JAY DAVOLL PHONE: (407) 703-1731	DUKE ENERGY 275 W POKKAN RD APOPKA, FL 32712 SCOTT SONNER PHONE: (407) 464-1203	SPECTRUM 3767 ALL AMERICAN BLVD, ORLANDO, FL 32810 TRACEY DOMOSTOY PHONE: (407) 532-8511
SANITARY SEWER	GAS	CABLE
APOPKA PUBLIC SERVICES DEPT. 748 CLEVELAND ST APOPKA, FL 32703 JAY DAVOLL PHONE: (407) 703-1731	LAKE APOPKA NATURAL GAS DISTRICT 38 N. PARK AVE, APOPKA, FL 32703 EVERETT HOLMES PHONE: (407) 658-0751	SPECTRUM 3767 ALL AMERICAN BLVD, ORLANDO, FL 32810 TRACEY DOMOSTOY PHONE: (407) 532-8511
STORM	FIRE DISTRICT	OTHER
SJRWMD 601 S LAKE DESTINY RD SUITE 200 MAITLAND, FL 32751 ALEX ABOODI PHONE: (407) 859-4837	CITY OF APOPKA 175 E 5TH ST APOPKA, FL 32703 CHIEF BRIAN BOWMEN PHONE: (407) 703-1758	

PREPARED FOR:  
 RaceTrac Petroleum, Inc.  
 200 Galleria Parkway SE, Ste 900  
 Atlanta, GA 30339  
 (770) 431-7600  
 CONTACT: Samie Abdulhafiz

CONSTRUCTION INFORMATION

RACETRAC 24-HOUR PHONE NUMBER:  
 CONTACT NAME:

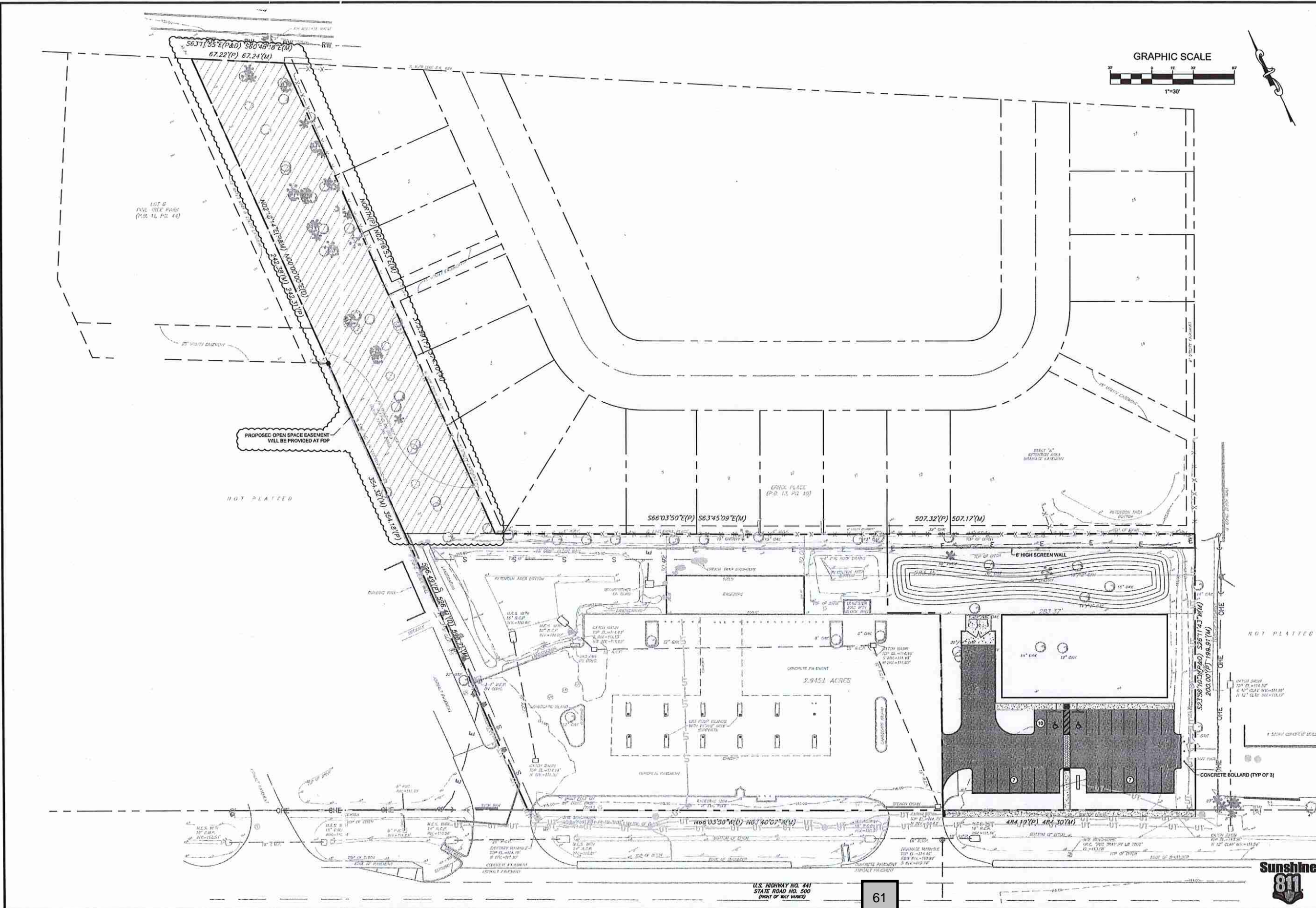
DATE	06/27/17
SCALE	NTS
DRAWN BY	SCP
PROJECT NUMBER	024-090
SHEET NO.	C0.0
VERSION	0

COVER SHEET  
 RACETRAC #577 WEST APOPKA  
 1305 W. ORANGE BLOSSOM TRAIL  
 APOPKA, FL  
 ORANGE COUNTY

TANNATH DESIGN, INC.  
 2494 ROSE SPRING DRIVE  
 ORLANDO, FLORIDA 32825  
 (407) 982-9878  
 (407) 208-1425 fax  
 www.tannathdesign.com  
 FL CERT. OF AUTH. #27189

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RACETRAC PETROLEUM, INC.  
 3225 CUMBERLAND BLVD., SUITE 100  
 ATLANTA, GA 30339  
 (770) 431-7600



NO.	REVISIONS	DATE
1	ISSUED FOR PERMITTING	12/20/17
2	REVISED PER CITY COMMENTS	02/13/18
3	REVISED PER CITY COMMENTS	03/01/18



TANNATH DESIGN, INC.  
2484 ROSE SPRING DRIVE  
ORLANDO, FLORIDA 32825  
(407) 382-9878  
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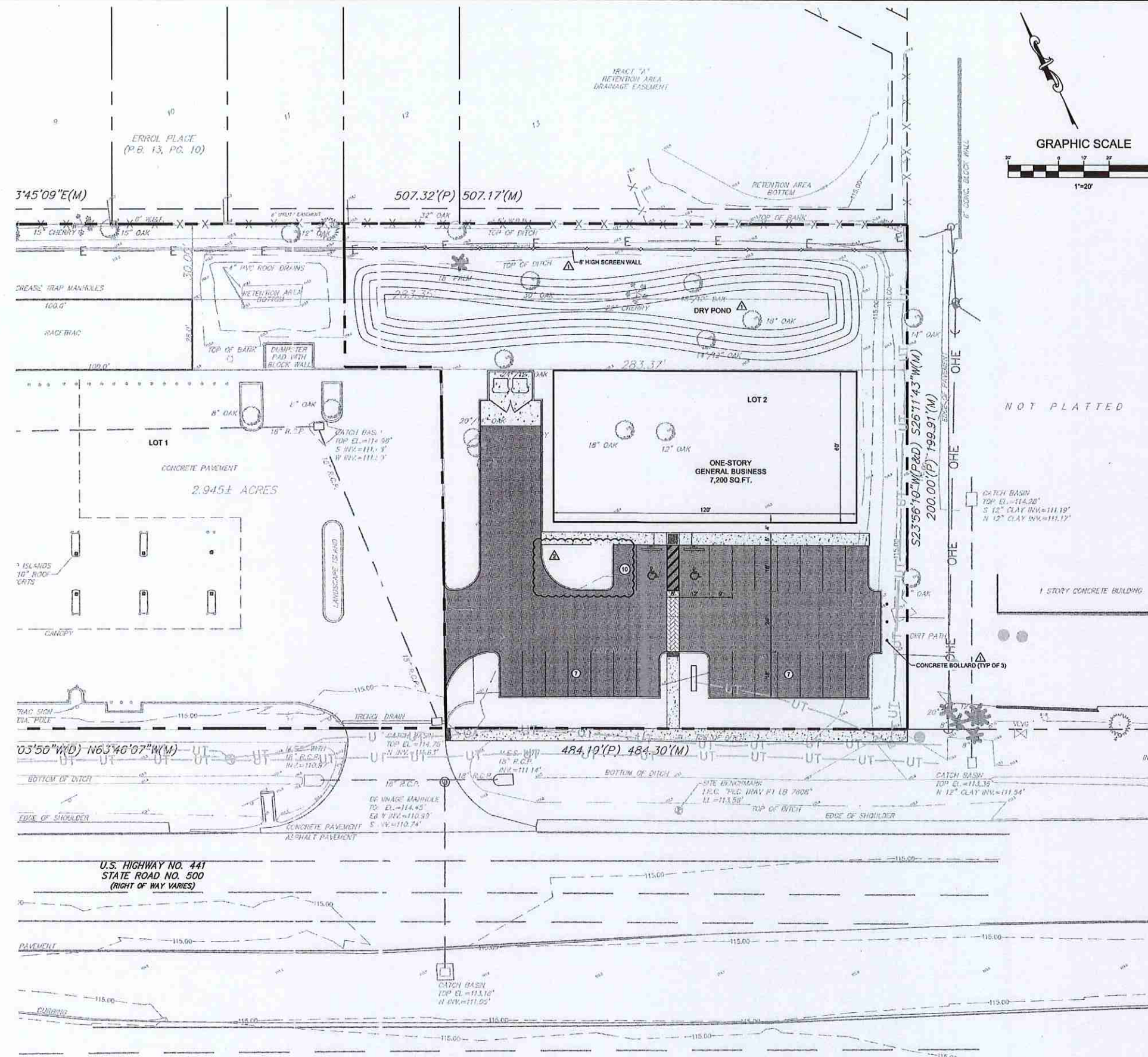
**RaceTrac**  
RACETRAC PETROLEUM, INC.  
3225 CUMBERLAND BOULEVARD, SUITE 100  
ATLANTA, GA 30339  
(770) 431-6000

MASTER SITE PLAN  
**RACETRAC #577 WEST APOPKA**  
1305 W. ORANGE BLOSSOM TRAIL  
APOPKA, FL  
ORANGE COUNTY

DATE 06/27/17  
SCALE 1"=20'  
DRAWN-BY SCP  
PROJECT NUMBER 024-090  
**C-2**  
SHEET NO.

U.S. HIGHWAY NO. 441  
STATE ROAD NO. 500  
(RIGHT OF WAY LINES)





**SITE DATA**

PROPERTY LOCATION: 1305 W. ORANGE BLOSSOM TRAIL  
 PARCEL ID: 05-21-28-0000-00-039  
 LOCAL MUNICIPALITY: CITY OF APOPKA  
 FUTURE LAND USE: COMMERCIAL  
 CURRENT ZONING: PLANNED UNIT DEVELOPMENT (PUD)  
 PROPOSED USE: GENERAL BUSINESS ESTABLISHMENTS  
 PROJECT AREA (LOT 2): 0.895 AC  
 MIN. OPEN SPACE: 25%  
 MAX. FAR: 0.25

PARKING REQUIRED: 24 SPACES  
 TOTAL PARKING PROVIDED: 24 SPACES

LOADING ZONE REQUIRED: 1 SPACE  
 LOADING ZONE PROVIDED: 1 SPACE

BUILDING SETBACKS: FRONT (SOUTH) 10', SIDE (WEST) 10', SIDE (EAST) 10', REAR (NORTH) 10'

LANDSCAPE BUFFERS: FRONT (SOUTH) 10', SIDE (WEST) 8', SIDE (EAST) 8', REAR (NORTH) 10'

BUILDING HEIGHT: MAXIMUM 35'

SOILS: SOIL NUMBER 4, NAME FINE SAND, USDA TEXTURE FINE SAND, HYDROLOGIC GROUP A  
 SOIL NUMBER 7, NAME SAND, USDA TEXTURE SAND, HYDROLOGIC GROUP A  
 SOIL NUMBER 21, NAME FINE SAND, USDA TEXTURE FINE SAND, HYDROLOGIC GROUP A  
 SOILS DATA FROM USDA NRCS ONLINE SOILS SURVEY DATED APRIL 5, 2011

FLOOD ZONE: THE SITE IS LOCATED IN FLOOD ZONE X, NOT A SPECIAL FLOOD AREA, PER FEMA FIRM PANEL 120550201E, DATED SEPT 25, 2009, ORANGE COUNTY/CITY OF APOPKA, FLORIDA.

WETLANDS: THERE ARE NO WETLANDS ON THE SUBJECT PROPERTY.

VEGETATION: THE SITE IS CURRENTLY A GRASS FIELD.

- GENERAL SITE NOTES:**
- ALL LANDSCAPE AREAS, INCLUDING BUFFERYARDS, SHALL BE DESIGNED TO MEET CITY OF APOPKA LANDSCAPE AND FLORIDA FRIENDLY REQUIREMENTS AT TIME OF FDP SUBMITTAL. ADDITIONAL LANDSCAPING TO BE PROVIDED ALONG THE WEST AND SOUTH PROPERTY LINES TO SUPPLY SCREENING OF THE DUMPSTER AND PARKING FROM THE R.O.W.
  - EXISTING TREES SHALL BE MAINTAINED TO THE GREATEST EXTENT POSSIBLE AND PROTECTED DURING CONSTRUCTION.
  - AN ARBOR CLEARING/TREE REMOVAL APPLICATION APPROVAL WILL BE REQUIRED PRIOR TO ANY TREE REMOVAL.
  - ENVIRONMENTAL ANALYSIS AND TRAFFIC IMPACT STUDY TO BE PROVIDED WITH FDP SUBMITTAL.
  - SITE LIGHTING AND BUILDING ELEVATIONS TO BE PROVIDED WITH FDP SUBMITTAL.

**OVERALL PROPERTY AREAS**

LOT	USE	AREA (SQ. FT.)	AREA (ACRES)
LOT 1	COMMERCIAL/CONVENIENCE STORE	128,283	2.96
LOT 2	COMMERCIAL/GENERAL BUSINESS	38,999	0.895

OPEN SPACE, FAR, BUILDING HEIGHT AND SETBACKS FOR OVERALL PROPERTY AS SHOWN ABOVE AND IN ACCORDANCE WITH PD (LOT 1 AREA NOT SHOWN IN ANY OTHER CALCULATIONS HEREON)

AREA CALCULATIONS			
SITE AREA	SQ. FT.	ACRES	PERCENTAGE
TOTAL SITE	38,999.98	0.90	100%
IMPERVIOUS AREA			
BUILDING	7,200.00	0.43	18.48%
SIDEWALK	823.02	0.02	2.11%
PAVEMENT	10,822.00	0.25	27.75%
TOTAL IMPERVIOUS AREA	18,845.02	0.43	48.32%
PERVIOUS AREA			
DRY POND*	8,355.33	0.19	18.3%
OPEN SPACE*	13,789.59	0.32	35.38%
TOTAL PERVIOUS AREA	20,145.98	0.48	51.68%

\* ALL OPEN SPACE MEETS THE REQUIREMENTS OF COMMON OPEN SPACE

- CONDITIONS OF APPROVAL:**
- THE USES PERMITTED WITHIN THE PUD DISTRICT ARE POI, CH, C-1, AND AUTOMOTIVE FUEL SALES, WHICH IS C-2 DISTRICT PERMISSIBLE USE.
  - ALL DEVELOPMENT STANDARDS SET FORTH IN THE LAND DEVELOPMENT CODE AND DEVELOPMENT DESIGN GUIDELINES SHALL APPLY TO DEVELOPMENT WITHIN THE PUD UNLESS AS OTHERWISE ALLOWED AND DEFINED AS FOLLOWS:
    - SIGNAGE SHALL COMPLY WITH THE CITY'S SIGN CODES UNLESS OTHERWISE APPROVED THROUGH A MASTER SIGN PLAN.
    - ILLUMINATION PLAN SHALL BE PROVIDED WITH THE PRELIMINARY OR FINAL DEVELOPMENT PLAN.
    - NO OUTSIDE ACTIVITIES INCLUDING BUT NOT LIMITED TO, OUTSIDE STORAGE OF PARTS, VENDING MACHINES, SUPPLIES, MERCHANDISE OR MATERIALS.
  - THE C-1 ZONING STANDARDS SHALL APPLY TO THE DEVELOPMENT OF THE SUBJECT PROPERTY UNLESS OTHERWISE ESTABLISHED HEREIN THIS ORDINANCE.
  - A CROSS ACCESS EASEMENT SHALL BE ILLUSTRATED IN THE PRELIMINARY AND FINAL DEVELOPMENT PLANS AND THE PLAT THAT CONNECT THE U.S. 441 ENTRANCE TO THE EASTERN BOUNDARY OF THE PROJECT, ALLOWING FOR FUTURE CONNECTION TO THE VICTORIA PLAZA.
  - THE PARCEL SPLIT SHALL OCCUR THROUGH A PLAT AT THE TIME OF THE FINAL DEVELOPMENT PLAN APPLICATION.
- ORDINANCE NO. 2292 IS RESCINDED AND REPLACED.

- PREVIOUSLY REQUESTED WAIVERS:**
- WAIVER REQUEST: LOC 202133.3 REQUIRES AREAS ADJACENT TO NONRESIDENTIAL USES OR DISTRICTS SHALL PROVIDE A MINIMUM FIVE-FOOT LANDSCAPED BUFFERYARD. THE APPLICANT IS REQUESTING A JOINT 5 FEET WIDE LANDSCAPE BUFFER BETWEEN LOT 1 AND 2 IN LIEU OF THE REQUIRED FIVE FEET ON EACH PARCEL. JUSTIFICATION: BOTH SITES ARE COMMERCIAL USE AND THERE WILL BE SUBSTANTIAL LANDSCAPING WITHIN THE 5' BUFFER, INCLUDING 7 EA GRAPE MYRTLE 1/2" MIN CALIPER 8' MINIMUM HEIGHT, 48 EA SWEET WYBURN HEDGE 24" MINIMUM HEIGHT 36" O.C. AND PARSONS JUNIPER 24" O.C. THE HANDLE PORTION OF THE RACE TRAC PARCEL (AKA LOT 1 NOW MARATHON) WILL BE LEFT AS OPEN SPACE.
  - WAIVER REQUEST: LOC 805.00.D.6.A. REQUIRES THE MINIMUM REQUIREMENTS FOR MAINTENANCE BERMS ARE TEN FEET AROUND POND PERIMETER. THE APPLICANT IS REQUESTING A REDUCTION IN WIDTH OF THE MAINTENANCE BERM OF 10 FEET WITH FENCING TO 5 FEET FOR LOT 2. JUSTIFICATION: THE PROPOSED CONCRETE WALL IS SET BACK 10' FROM THE PROPERTY LINE, DUE TO AN EXISTING EASEMENT. AN ADDITIONAL 10' BERM ON THE SITE SIDE OF THE WALL WOULD TAKE UP ADDITIONAL ROOM FOR RECHARGE OF THE STORMWATER PONDS, NECESSARY TO MEET THE GOALS AND OBJECTIVES OF THE CITY OF APOPKA COMPREHENSIVE PLAN. THE PROPOSED POND IS DRY AND WILL ALLOW FOR MAINTENANCE AND UPRKEEP FROM INSIDE THE POND.

NO.	REVISIONS	BY	DATE
1	ISSUED FOR PERMITTING	BRP	12/07/17
2	REVISED PER CITY COMMENTS	BRP	07/13/18
3	REVISED PER CITY COMMENTS	BRP	03/16/18

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 3225 CUMBERLAND BOULEVARD, SUITE 100  
 ATLANTA, GA 30338  
 (770) 431-6000

**SITE PLAN**

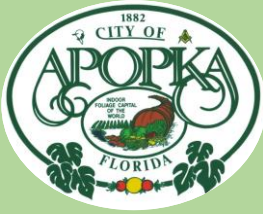
**RACETRAC #577 WEST APOPKA**  
 1305 W. ORANGE BLOSSOM TRAIL  
 APOPKA, FL  
 ORANGE COUNTY

DATE	06/27/17
SCALE	1"=20'
DRAWN-BY	SCP
PROJECT NUMBER	024-090

**C-1**

SHEET NO.





# CITY OF APOPKA CITY COUNCIL

- CONSENT AGENDA
- PUBLIC HEARING
- SPECIAL REPORTS
- OTHER:

MEETING OF: May 2, 2019  
 FROM: Public Services  
 EXHIBITS: Resolution 2018-07,  
 Agreement

**SUBJECT: RESOLUTION NO. 2018-07 AUTHORIZING THE MAYOR TO SIGN THE RAILROAD REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF GRADE CROSSINGS AND TRAFFIC CONTROL DEVICES OF SOUTH HIGHLAND AVENUE**

**REQUEST: ADOPT RESOLUTION NO. 2018-07**

**SUMMARY:**

Resolution No. 2018-07 authorizing the Mayor to sign the agreement with the State of Florida Department of Transportation and the Florida Central Railroad Company, Inc. for the South Highland Avenue Railroad Reimbursement Agreement for grade crossing and traffic control devices construction and maintenance.

The full cost of the installation of the crossing upgrade will be paid by the State of Florida Department of Transportation. Per the agreement, the City will pay for fifty percent (50%) of the annual maintenance cost equaling \$3,600 per year.

**FUNDING SOURCE:**

Fund 101 – Six Cents Gas Tax

**RECOMMENDATION ACTION:**

Adopt Resolution No. 2018-07

**DISTRIBUTION**

Mayor Kilsheimer	Finance Director	Public Services Director
Commissioners	HR Director	Recreation Director
City Administrator	IT Director	City Clerk
Community Development Director	Police Chief	Fire Chief

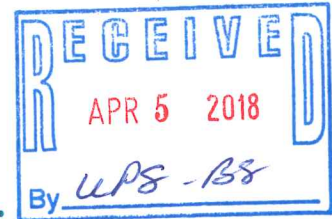


*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

719 S. Woodland Boulevard  
DeLand, Florida 32720-6834

MIKE DEW  
SECRETARY



April 4, 2018

Mr. Jay Davoll  
City of Apopka Engineer  
748 Cleveland St.  
Apopka, FL 32703

Subject: ***RAILROAD REIMBURSEMENT AGREEMENT  
GRADE CROSSING TRAFFIC CONTROL DEVICES-MUNICIPAL***

FM No. 442775-1-57-01  
S. Highland Ave.  
City of Apopka

Railroad Crossing No. 625273-X  
Railroad Milepost Number: ST 802.41  
Orange County

Dear Jay,

Annually, the Department of Transportation assembles a District Diagnostic Team to conduct on-site evaluations of railroad crossings that have been identified as potentially hazardous. Representatives from the Department's Safety and Rail Offices and Florida Central Railroad, Inc. evaluated the above rail-highway grade crossing in Apopka. The Department proposes to install (2) flashing lights & gates, Constant Warning Time, conduit, power and a signal cabinet.

The purpose of this letter is to advise you that the safety improvements identified for this crossing have been included in the Department's Adopted Work Program. The installation of the recommended signal improvements will be at the Department's expense using Federal Safety Funds, which are currently being encumbered.

Enclosed is one copy of the Department's standard ***RAILROAD REIMBURSEMENT AGREEMENT, GRADE CROSSING TRAFFIC CONTROL DEVICES-MUNICIPAL***.

A copy of the fully executed Agreement will be returned to you once all parties have signed.

If you have any questions, please feel free to contact me.

Sincerely,

Jim Ganey  
District Railroad Coordinator  
719 S. Woodland Blvd. – MS 3-562  
DeLand, FL 32720  
386-943-5331

cc: Laura Regalado - FDOT



**RAILROAD REIMBURSEMENT AGREEMENT  
GRADE CROSSING TRAFFIC CONTROL DEVICES - MUNICIPAL**

FINANCIAL PROJECT NO.	ROAD NAME OR NUMBER	COUNTY NAME	PARCEL & R/W NUMBER	FAP NUMBER
44277515701	S. HIGHLAND AVE.	ORANGE	75000-SIGG	D517-110-B

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the DEPARTMENT, and FLORIDA CENTRAL RAILROAD COMPANY, INC, a corporation organized and existing under the laws of FLORIDA, with its principal place of business in the City of PLYMOUTH, County of ORANGE, State of FLORIDA, hereinafter called the COMPANY; and the City of APOPKA, a municipal corporation, hereinafter called the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is constructing, reconstructing or otherwise changing a portion of the Public Road System, designated by the Financial Project ID 442775-1-57-01, on S. HIGHLAND AVE., which crosses at grade the right of way and tracks of the COMPANY'S Milepost ST 802.41, FDOT/AAR Crossing Number 625273-X, at or near APOPKA, as shown on DEPARTMENT'S Plan Sheet No. 17881 & 17882, attached hereto as a part hereof; and

NOW, THEREFORE, in consideration of the mutual undertakings as herein set forth, the parties hereto agree as follows:

- The COMPANY shall furnish the necessary materials and install Automatic Grade Crossing Signals Type III Class III and/or other traffic control devices at said location on an actual cost basis and in accordance with (1) the attached detailed statement of the work, plans, and specifications; and (2) the DEPARTMENT'S Plans and Standard Index Number 17882 attached hereto and made a part hereof.
- After installation of said signals is completed, fifty (50%) percent of the expense thereof in maintaining the same shall be borne by the CITY and fifty (50%) percent shall be borne by the COMPANY, as enumerated by the Schedule of Annual Cost of Automatic Highway Grade Crossing Devices attached hereto and by this reference made a part hereof and subject to future revision.
- After said signals have been installed and found to be in satisfactory working order by the parties hereto, the same shall be immediately put into service, operated and maintained by the COMPANY so long as said COMPANY or its successors or assigns shall operate the said signals at said grade crossing; or until it is agreed between the parties hereto that the signals are no longer necessary or until the said crossing is abandoned; or legal requirements occur which shall cease operation of signals thereat.

The COMPANY agrees that any future relocation or adjustment of said signals shall be performed by the COMPANY, but at the expense of the party initiating such relocation. Upon relocation the maintenance responsibilities shall be in accordance with the provisions of this agreement. It is further agreed that the cost of maintaining any additional or replacement signal equipment at the same location will be shared as provided under Paragraph 2. above.

4. Unless otherwise agreed upon herein, the CITY agrees to ensure that at the crossing the advance warning signs and railroad crossing pavement markings will conform to the U.S. Department of Transportation Manual on Uniform Traffic Control Devices within 30 days of notification that the railroad signal improvements have been completed and that such signs and pavement markings will be continually maintained at an acceptable level.

5. The COMPANY hereby agrees to install and/or adjust the necessary parts of its facilities along said road in accordance with the provisions set forth in the:

- (a) DEPARTMENT Procedure No. 725-080-002 Appendix D.4, and Rule 14.57.011 "Public Railroad-Highway Grade Crossing Costs", Florida Administrative Code.
- (b) Federal Highway Administration Federal-Aid Policy Guide, 23 C.F.R. Subchapter G, Part 646, Subpart B, and 23 C.F.R., Subchapter B, Part 140, Subpart I,

and any supplements thereto or revisions thereof, which, by reference hereto, are made a part hereof. The COMPANY further agrees to do all of such work, with its own forces or by a contractor paid under a contract let by the COMPANY, all under the supervision and approval of the DEPARTMENT and the Federal Highway Administration, when applicable.

6. The DEPARTMENT hereby agrees to reimburse the COMPANY for all costs incurred by it in the installation and/or adjustment of said facilities, in accordance with the provisions of Procedure No. 725-080-002 Appendix D-4 "Billing Requirements," and any supplements thereto or revisions thereof. It is understood and agreed by and between the parties hereto that preliminary engineering costs not incorporated within this agreement shall not be subject to payment by the DEPARTMENT.

7. Attached hereto, and by this reference made a part hereof, are plans and specifications of the work to be performed by the COMPANY pursuant to the terms hereof, and an itemized estimate of the cost thereof in the amount of \$ 191,816.00 . All work performed by the COMPANY pursuant hereto, shall be performed according to these plans and specifications as approved by the DEPARTMENT and the Federal Highway Administration if federal aid participating; and all subsequent plan changes shall likewise be approved by the DEPARTMENT and the Federal Highway Administration, when applicable.

8. All labor, services, materials, and equipment furnished by the COMPANY in carrying out the work to be performed hereunder shall be billed by the COMPANY direct to the DEPARTMENT. Separate records as to the costs of

contract bid items and force account items performed for the COMPANY shall also be furnished by the COMPANY to the DEPARTMENT.

9. The COMPANY has determined that the method to be used in developing the relocation or installation cost shall be as specified for the method checked and described hereafter:

- (a) Actual and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
- (b) Actual and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.
- (c) An agreed lump sum \$ \_\_\_\_\_, as supported by a detail analysis of estimated cost attached hereto. (NOTE: This method is not applicable where the estimated cost of the proposed adjustment exceeds \$100,000.)

10. The installation and/or adjustment of the COMPANY'S facility as planned  will  will not involve additional work over and above the minimum reimbursable requirements of the DEPARTMENT. (If upgrading and/or nonreimbursable work is involved at the option of the COMPANY, then credit against the cost of the project is required and will be governed by the method checked and described hereafter):

- (a) \_\_\_\_\_ % will be applied to the final billing of work actually accomplished to determine required credit for (betterment) and/or (expired service life) and/or (nonreimbursable segments).
- (b) All work involving nonreimbursable segments will be performed by special COMPANY work or job order number apart and separate from the reimbursable portion of the work; such work or job order number to be \_\_\_\_\_. The COMPANY further agrees to clearly identify such additional work areas in the COMPANY'S plans and estimates for the total work covered by this Agreement.
- (c) \$ \_\_\_\_\_ credited for  betterment  expired service life  nonreimbursable segments in accord with Article 9.(c) hereinabove.

11. It is specifically agreed by and between the DEPARTMENT and the COMPANY that the DEPARTMENT shall receive fair and adequate credit for any salvage which shall accrue to the COMPANY as a result of the above installation and/or adjustment work.

12. It is further agreed that the cost of all improvements made during this adjustment work shall be borne by the COMPANY, subject only to the DEPARTMENT bearing such portion of this cost as represents the cost of adjustment of previously existing facility, less salvage credit as set forth in the immediately preceding paragraph.

13. Upon completion of the work the COMPANY shall, within one hundred eighty (180) days, furnish the DEPARTMENT with two (2) copies of its final and complete billing of all costs incurred in connection with the work performed hereunder, such statement to follow as closely as possible the order of the items contained in the estimate attached hereto. The totals for labor, overhead, travel expense, transportation, equipment, material and supplies, handling costs and other services shall be shown in such a manner as will permit ready comparison with the approved plans and estimates. Materials shall be itemized where they represent major components of cost in the relocation following the pattern set out in the approved estimate as closely as is possible. Salvage credits from recovered and replaced permanent and recovered temporary materials shall be reported in said bills in relative position with the charge for the replacement or the original charge for temporary use.

The final billing shall show the description and site of the Project; the date on which the first work was performed, or, if preliminary engineering or right-of-way items are involved, the date on which the earliest item of billed expense was incurred; the date on which the last work was performed or the last item of billed expense was incurred; and the location where the records and accounts billed can be audited. Adequate reference shall be made in the billing to the COMPANY'S records, accounts and other relevant documents. All cost records and accounts shall be subject to audit by a representative of the DEPARTMENT. Upon receipt of invoices, prepared in accordance with the provisions of the above indicated Reimbursement Policy, the DEPARTMENT agrees to reimburse the COMPANY in the amount of such actual costs as approved by the DEPARTMENT'S auditor.

14. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the DEPARTMENT's Comptroller under Section 334.044(29), F.S., or by the Department of Financial Services under Section 215.422(14), Florida Statutes (F.S.).

15. In accordance with Section 287.058, Florida Statutes, the following provisions are in this Agreement: If this Contract involves units of deliverables, then such units must be received and accepted in writing by the Contract Manager prior to payments. Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

16. Bills for travel expenses specifically authorized in this agreement shall be submitted and paid in accordance with DEPARTMENT Rule 14-57.011 "Public Railroad-Highway Grade Crossing Costs" and the Federal Highway Administration Federal-Aid Policy Guide, Subchapter B, Part 140, Subpart I "Reimbursement for Railroad Work."

17. In accordance with Section 215.422, Florida Statutes, the following provisions are in this Agreement: Contractors providing goods and services to the Department should be aware of the following time frames. Upon receipt, the Department has five (5) working days to inspect and approve the goods and services, unless the Agreement specifies otherwise. The Department has 20 days to deliver a request for payment (voucher) to the Department of Financial Services. The 20 days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

If a payment is not available within 40 days, a separate interest penalty at a rate as established pursuant to Section 215.422(3)(b), Florida Statutes, will be due and payable, in addition to the invoice amount, to the Contractor. Interest penalties of less than one (1) dollar will not be enforced unless the Contractor requests payment. Invoices which have to be returned to a Contractor because of Contractor preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the Department.

A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for contractors/vendors who may be experiencing problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516 or by calling the Division of Consumer Services at 1-877-693-5236.

18. In the event this contract is for services in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) and a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

19. In accordance with Section 287.133 (2)(a), Florida Statutes, the following provisions are included in this Agreement:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

20. In accordance with Section 287.134(2)(a), Florida Statutes, the following provisions are included in this Agreement:

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

21. In accordance with Section 287.0582, Florida Statutes, the following provision is included in this Agreement:

The Department's obligation to pay under this section is contingent upon an annual appropriation by the Florida Legislature.

22. The COMPANY covenants and agrees that it will indemnify and hold harmless the DEPARTMENT and all of the DEPARTMENT'S officers, agents, and employees from any claim, loss, damage, cost charge, or expense arising out of any act, action, neglect, omission or delay by the COMPANY during the performance of the contract,

whether direct or indirect, and whether to any person or property to which the DEPARTMENT or said parties may be subject, except that neither the COMPANY nor any of its sub-contractors will be liable under this section for damages arising out of injury or damage to persons or property directly caused or resulting from the sole negligence of the DEPARTMENT or any of its officers, agents, or employees.

23. COMPANY shall:

1. utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the COMPANY during the term of the contract; and
2. expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

24. It is understood and agreed by the parties to this Agreement that if any part, term, or provision of this Agreement is held illegal by the courts or in conflict with any law of the State of Florida, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

25. Any questions or matters arising under this Agreement as to validity, construction, enforcement, performance, or otherwise, shall be determined in accordance with the laws of the State of Florida. Venue for any action arising out of or in any way related to this Agreement shall lie exclusively in a state court of appropriate jurisdiction in Leon County, Florida.

26. The parties agree to bear their own attorney's fees and costs with respect to this Agreement.

27. The parties agree that this Agreement is binding on the parties, their heirs-at-law, and their assigns and successors in interest as evidenced by their signatures and lawful executions below.

28. A modification or waiver of any of the provisions of this Agreement shall be effective only if made in writing and executed with the same formality as this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers, the day and year first above written.

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
(TITLE: Director of Transportation Operations )

COMPANY: Florida Central Railroad Company, Inc. \_\_\_\_\_

BY: \_\_\_\_\_  
(TITLE: \_\_\_\_\_ )

CITY OF Apopka \_\_\_\_\_, FLORIDA

BY: \_\_\_\_\_  
(TITLE: \_\_\_\_\_ )

Legal Review	Approved as to Funds Available	Approved as to FAPG Requirements
BY: _____	BY: _____	BY: _____
Attorney - DOT      Date	Comptroller - DOT      Date	FHWA      Date



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**RAILROAD GRADE CROSSING TRAFFIC CONTROL DEVICES**  
**ANNUAL MAINTENANCE COSTS**

725-090-41  
RAIL  
OGC - 07/16

FINANCIAL PROJECT NO.	ROAD NAME OR NUMBER	COUNTY NAME	PARCEL & R/W NUMBER	FAP NUMBER
44277515701	S. HIGHLAND AVE.	ORANGE	75000-SIGG	D517-110-B

COMPANY NAME: FLORIDA CENTRAL RAILROAD COMPANY, INC.

A. FDOT/AAR XING NO.: 625273-X RR MILE POST TIE: ST-802.41

B. TYPE SIGNALS PROPOSED III CLASS III DOT INDEX: 17882

**SCHEDULE OF ANNUAL COST OF AUTOMATIC  
HIGHWAY GRADE CROSSING TRAFFIC CONTROL DEVICES**

Annual Maintenance Cost Exclusive of Installation

<u>CLASS</u>	<u>DESCRIPTION</u>	<u>COST*</u>
I	2-Quadrant Flashing Lights with One Track	\$2,386.00
II	2-Quadrant Flashing Lights with Multiple Tracks	\$3,158.00
III	2-Quadrant Flashing Lights and Gates with One Track	\$3,600.00
IV	2-Quadrant Flashing Lights and Gates with Multiple Tracks	\$4,520.00
V	3 or 4-Quadrant Flashing Lights and Gates with One Track	\$7,116.00
VI	3 or 4-Quadrant Flashing Lights and Gates with Multiple Tracks	\$8,930.00

AUTHORITY: FLORIDA ADMINISTRATIVE RULE 14-57.011  
Public Railroad-Highway Grade Crossing Costs

EFFECTIVE DATE: July 22, 1982

GENERAL AUTHORITY: 334.044, F.S.

SPECIFIC LAW IMPLEMENTED: 335.141, F.S.

\*This schedule will become effective July 1, 2016 and will be reviewed every 5 years and revised as appropriate based on the Consumer Price Index for all Urban Consumers published by the U.S. Department of Labor.

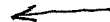
Crossing No: 625273X Roadway: S HIGHLAND AVE RR Street: District: 5 County: Orange  
 PUBLIC HWY AT GRADE Residential City: Apopka IN CITY OPEN-TRACK ACTIVE

Rank 2016: SR No.: RR Company: FCEN Date: 03/21/2017  
 Rank 2015: 3019 CR No.: Division Name: TAMPA Team Members:  
 Rank 2014: US No.: Subdivision Name: ORLANDO Allbritton  
 Latitude: 28.666500 Branch Name: ST 830 Ganey  
 Longitude: -81.510000 RR Milepost: 802.41 Iacono  
 Field Review Comments: Upgrade from XB's to FL&G's Regalado

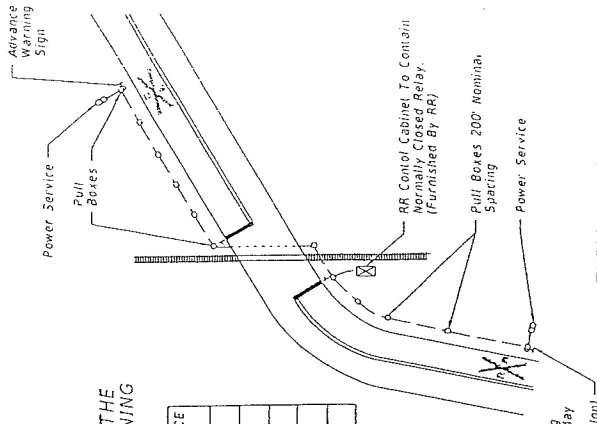
Team Recommendations: 2-FL&G's, a cabinet, CWT, cable, conduit & power.

Highway Speed:	25	<input type="checkbox"/>	Train Speed Range:	5-25	<input type="checkbox"/>
Crossing Angle:	30-59 DEG	<input type="checkbox"/>	Max Time Table Speed:	25	<input type="checkbox"/>
AADT:	270 (2008)	<input type="checkbox"/>	Day Thru/Switch:	0/2	<input type="checkbox"/>
Percent Trucks:	12 (2009)	<input type="checkbox"/>	Night Thru/Switch:	0/0	<input type="checkbox"/>
School Buses:	0 (2016)	<input type="checkbox"/>	Train Service: Freight		<input type="checkbox"/>
Street Types:	Two-Way Street	<input type="checkbox"/>	Passenger Count/Day:	0	<input type="checkbox"/>
Thru Lanes:	2	<input type="checkbox"/>	Train Count Date:	03/31/2011	<input type="checkbox"/>
Aux Lanes:	0	<input type="checkbox"/>	Main Tracks:	1	<input type="checkbox"/>
Hazmat Route?	NO	<input type="checkbox"/>	Other Tracks:		<input type="checkbox"/>
Emergency Services Route?	YES	<input type="checkbox"/>	Train Signals?	NO	<input type="checkbox"/>
Emergency Notification Signs:	NO	<input type="checkbox"/>	Train Signal Proximity:	NO	<input type="checkbox"/>
Crossbuck(4x4 post):	2	<input type="checkbox"/>	Train Detection:	None	<input type="checkbox"/>
Crossbuck Sign:	2	<input type="checkbox"/>	Event Recorder?		<input type="checkbox"/>
Stop Sign:	0	<input type="checkbox"/>	Number of Bells:	0	<input type="checkbox"/>
Yield Sign:	0	<input type="checkbox"/>	Post Mounted Flashing Lights:	0	<input type="checkbox"/>
Low Ground Clearance Signs:	0	<input type="checkbox"/>	Roadway Gate Count:	0	<input type="checkbox"/>
Exempt Signs:	NO	<input type="checkbox"/>	Pedestrian Gate Count:	0	<input type="checkbox"/>
Trespass Signs:	NO	<input type="checkbox"/>	Gates:		<input type="checkbox"/>
W10-1	0		W8-1	0	<input type="checkbox"/>
W10-2	0		W10-8	0	<input type="checkbox"/>
W10-3	0		W10-9	0	<input type="checkbox"/>
W10-4	0		W10-9P	0	<input type="checkbox"/>
W10-11	0		W10-11a	0	<input type="checkbox"/>
W10-12	0		W10-11b	0	<input type="checkbox"/>
R3-1a	0		W10-13P	0	<input type="checkbox"/>
R3-2a	0		W10-14P	0	<input type="checkbox"/>
R8-8	0	Pvt Crossing	W10-14aP	0	<input type="checkbox"/>
R8-9	0	Look Out	W10-15P	0	<input type="checkbox"/>
R8-10	0	R8-8 w/Beacon	Slow	0	<input type="checkbox"/>
R8-10a	0	W3-1	W10-1w/Beacon	0	<input type="checkbox"/>
R10-6	0	W3-3	LED Signs	0	<input type="checkbox"/>
Surface Installment Date:		<input type="checkbox"/>	Install - Upgrade:	--	<input type="checkbox"/>
Surface Type:	ASPHALT	<input type="checkbox"/>	Maintenance Responsibility:	CITY	<input type="checkbox"/>
Pvmt Mrk:	NONE	<input type="checkbox"/>	Roadway Paved:	YES	<input type="checkbox"/>
Surface Condition:	EXCELLENT	<input type="checkbox"/>	Tracks run down street?	NO	<input type="checkbox"/>
Approach:	LOS B = Uneven	<input type="checkbox"/>	Sidewalks on Crossing Approach?	NO	<input type="checkbox"/>
Vehicle Reaction:	LOS B = Vibrating	<input type="checkbox"/>	Sidewalks Thru Crossing?	NO	<input type="checkbox"/>
Driver Reaction:	LOS B = Some drivers slow down	<input type="checkbox"/>	Crossing illuminated?	NO	<input type="checkbox"/>
Rail/Pad Movement:	LOS B = Uneven	<input type="checkbox"/>	Commerical Power?	YES	<input type="checkbox"/>
Incident History:			Alternative Power?	NO	<input type="checkbox"/>
			Recommended Warning Device:	XBUCKS	

Crossing Name	FDOT #	Scope Of Work	Price
Emerald Rd (Ocala) FN	DOT# 627225P	Material, labor, expenses and equipment to replace and install (2) new gate mechanisms and replace SCX with PMD-3. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, and all other miscellaneous materials to complete the new signal system.	\$77,750.17
Dak Rd. (Ocala)	DOT# 62726W	Material, labor, expenses and equipment to replace SCX with PMD-3. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, and all other miscellaneous materials to complete the new signal system.	\$42,572.47
S. Mt. Homer Rd. (Tavares)	DOT# 627004V	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using a XP-4 for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$191,815.24
CR-452/Lake Dora Dr. (Tavares)	DOT# 621998L	Material, labor, expenses and equipment to install (3) new flasher and gate type signals equipped with 12" LED light units and pole mounted bells and (3) Ped gates. Price includes a new factory wired shelter using a XP-4 with remote for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$294,970.83
West Ponkan Rd. (Apopka)	DOT# 625240K	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using a XP-4 for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$191,815.24
Bethune Ave. (Winter Garden)	DOT# 621887J	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using T-Boss with remote for train detection equipment and (1) pedestrian gate. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system. Reuse existing short concrete power pole.	\$184,275.41
SR-438/W. Silverstar (Winter Garden)	DOT# 621879C	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using an PMD-3 for train detection equipment. Price to include one pedestrian gate. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system. Includes removal of existing (2) cantilevers.	\$200,466.16
Gilliam Rd. (Winter Garden)	DOT# 621861S	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using a FMD-3 with shunt enhancer for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$178,907.67
W. 4th St. (Apopka)	DOT# 625266M	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using a XP-4 for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$181,815.24
E. 8th St. (Apopka)	DOT# 625271J	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using XP-4 for train detection equipment. Price includes (2) ped gates and all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system. Remove existing 8th St. equipment from the nearby Orange Trail bungalow.	\$248,970.93
S. Highland Ave. (Apopka)	DOT# 625273X	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using XP-4 for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$191,815.24
Vulcan Rd. (Apopka)	DOT# 625278G	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using a XP-4 with remote for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$191,815.24
US-441/Orange Blossom (Orlando)	DOT# 622365A	Material, labor, expenses and equipment to remove and replace (2) cantilevers with (2) new cantilevers equipped with 12" LED light units. Price to include (1) pedestrian gate equipped. Price includes all required field materials consisting of the cable, conduits, ac meter service and all other miscellaneous materials to complete the new signal system. Price to include upgrading of existing shelf relays to plug-in relays.	\$187,522.55
W. New Hampshire St. (Orlando)	DOT# 622360R	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells. Price includes a new factory wired shelter using T-Boss with remote for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system. Add sidelights and new curb in S.W. quad.	\$177,888.50
NW 1st St (Newberry)	DOT# 622497K	Material, labor, expenses and equipment to install new flasher and gate type signals equipped with 12" LED light units and pole mounted bells with side lights. Price includes a new factory wired shelter using a PMD-3 with remote for train detection equipment. Price includes all required field materials consisting of the cable, conduits, rail bonds, track connection kits, ac meter service and all other miscellaneous materials to complete the new signal system.	\$177,134.04



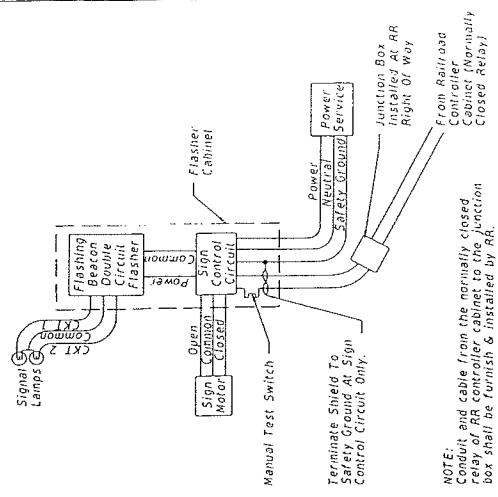
The Distance Is Measured Along Right Edge Of Pavement From RR Stop Bar To Sign Advance Warning Sign.



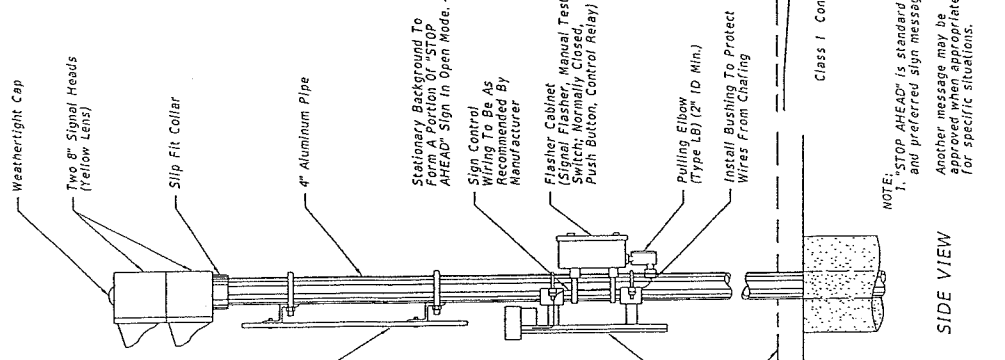
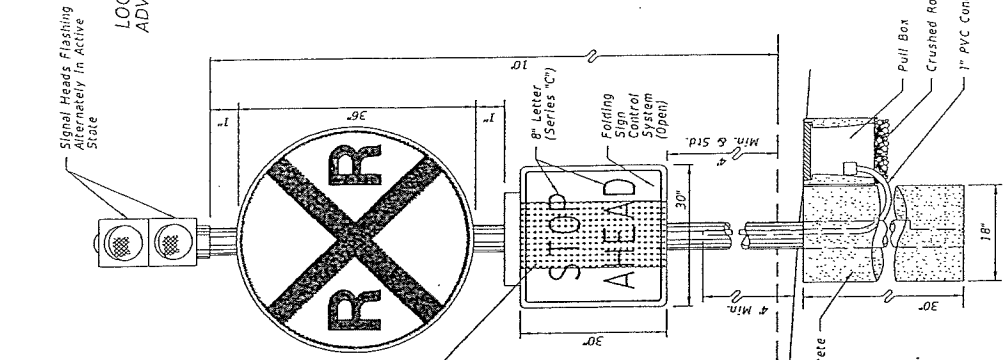
**LOCATION OF THE ADVANCE WARNING SIGN**

SPEED (mph)	DISTANCE (ft)
Min.	50
30	75
40	125
50	250
55	325

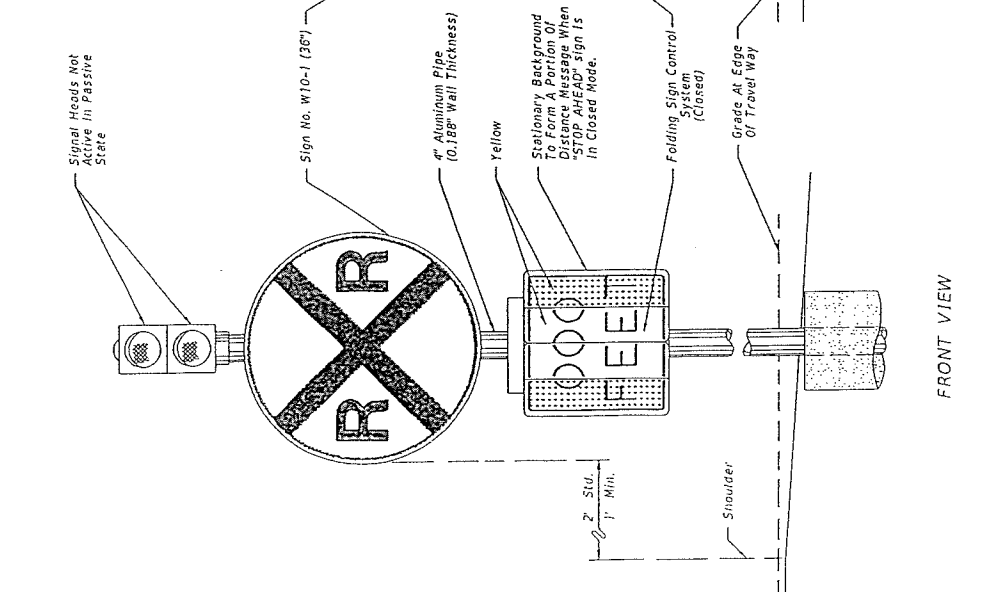
**FUNCTIONAL BLOCK DIAGRAM**



**NOTE:** Conduit and cable from the normally closed relay of RR controller cabinet to the junction box shall be furnish & installed by RR.



**NOTE:** "STOP AHEAD" is standard 1" and preferred sign message. Another message may be approved when appropriate for specific situations.



**REVISION**

DESCRIPTION: ADVANCE WARNING FOR R/R CROSSING

FY 2017-18 DESIGN STANDARDS

INDEX NO. 17881

SHEET NO. 1 of 1

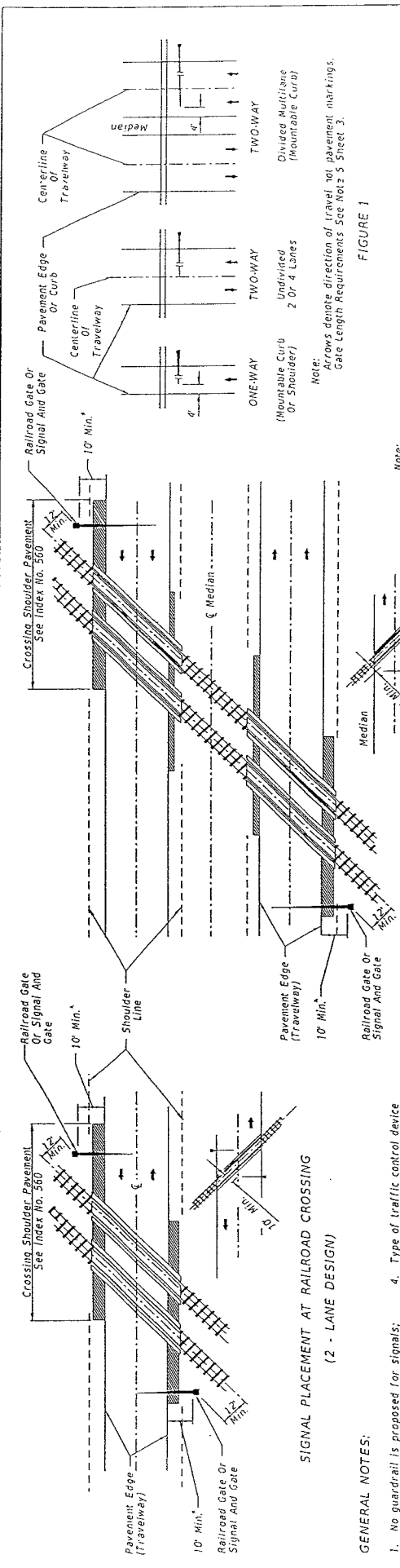


FIGURE 1  
SIGNAL PLACEMENT AT RAILROAD CROSSING  
(4 - LANE DESIGN)

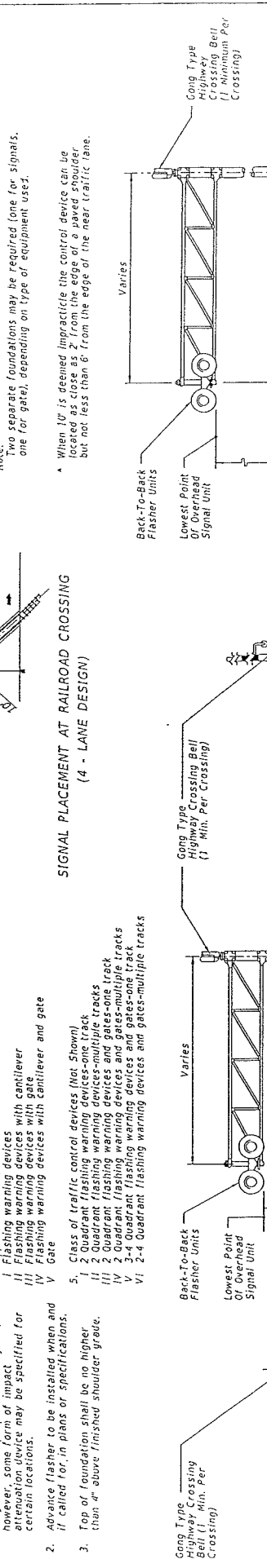


FIGURE 2  
SIGNAL PLACEMENT AT RAILROAD CROSSING  
(2 - LANE DESIGN)

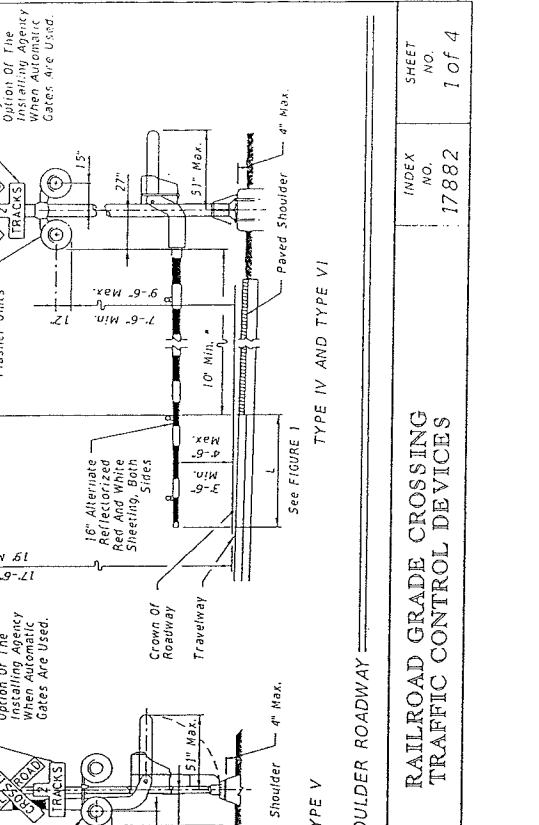


FIGURE 3  
TRAFFIC CONTROL DEVICES FOR FLUSH SHOULDER ROADWAY  
TYPE III AND TYPE V

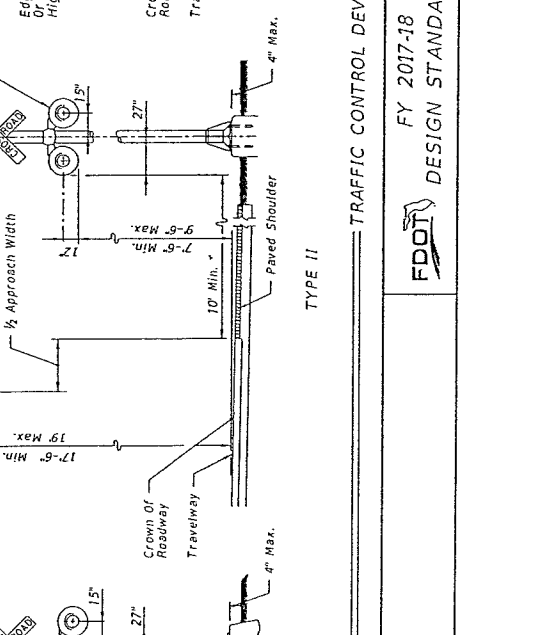


FIGURE 4  
TRAFFIC CONTROL DEVICES FOR FLUSH SHOULDER ROADWAY  
TYPE IV AND TYPE VI

GENERAL NOTES:

- No guardrail is proposed for signals; however, some form of impact attention device may be specified for certain locations.
- Advance flasher to be installed when and if called for in plans or specifications.
- Top of foundation shall be no higher than 4" above finished shoulder grade.

4. Type of traffic control device

- Flashing warning devices
- Flashing warning devices with centerline marking
- Flashing warning devices with centerline and gate
- Flashing warning devices with centerline and gate
- Gate

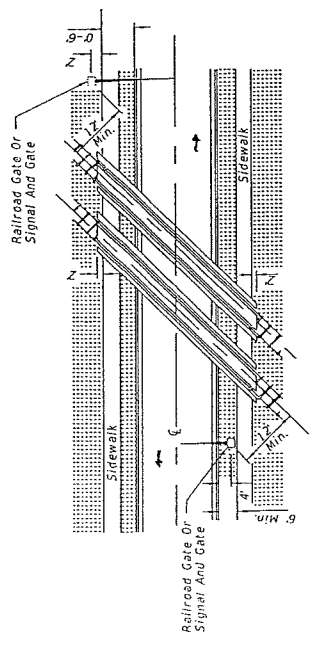
5. Class of traffic control devices (Not Shown)

- 2 Quadrant flashing warning devices-one track
- 2 Quadrant flashing warning devices-multiple tracks
- 3 Quadrant flashing warning devices-one track
- 3 Quadrant flashing warning devices-multiple tracks
- 3-4 Quadrant flashing warning devices and gates-one track
- 2-4 Quadrant flashing warning devices and gates-multiple tracks

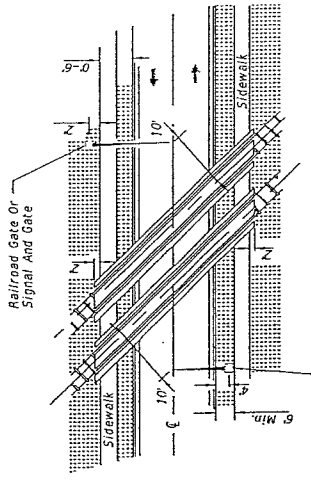
Note: Arrows denote direction of travel for pavement markings. Gate Length Requirements See Note 5 Sheet 3.

Note: Two separate foundations may be required (one for signals, one for gate), depending on type of equipment used.

\* When 10' is deemed impracticable the control device can be located as close as 2' from the edge of a paved shoulder but not less than 6' from the edge of the near traffic lane.

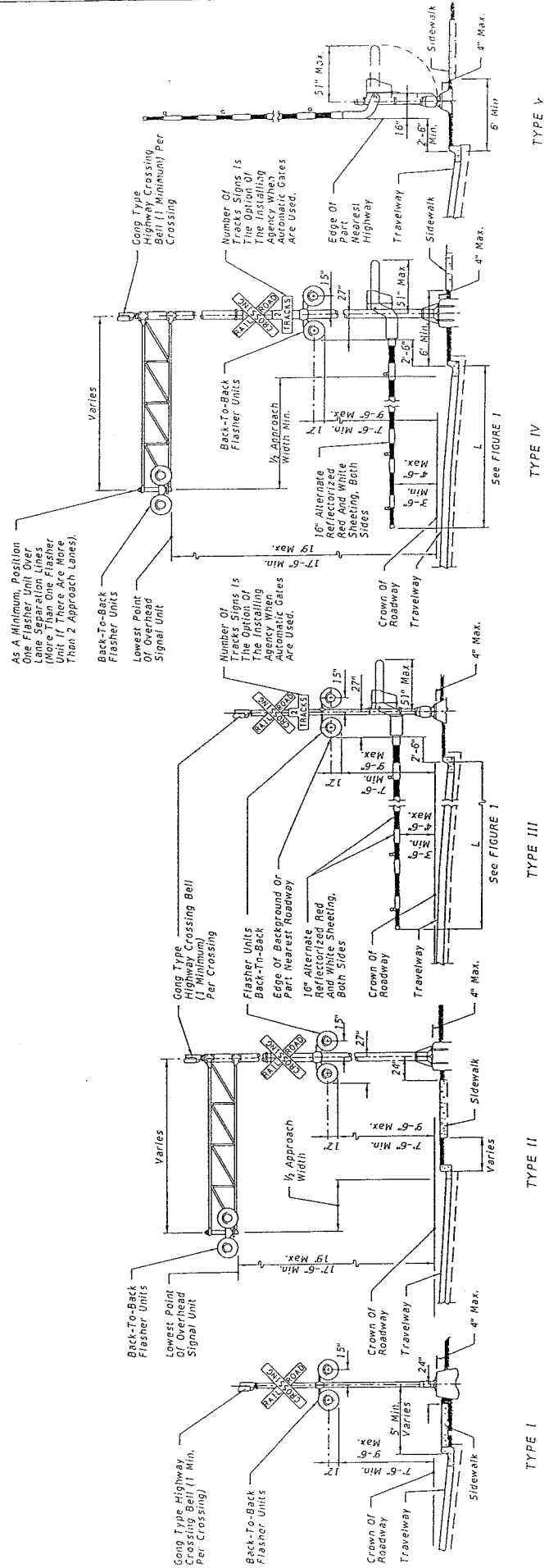


ACUTE ANGLE (AND RIGHT ANGLE)  
SIGNAL PLACEMENT AT RAILROAD CROSSING  
(2 LANES, CURB & GUTTER)



OBTUSE ANGLE  
SIGNAL PLACEMENT AT RAILROAD CROSSING  
(2 LANES, CURB & GUTTER)

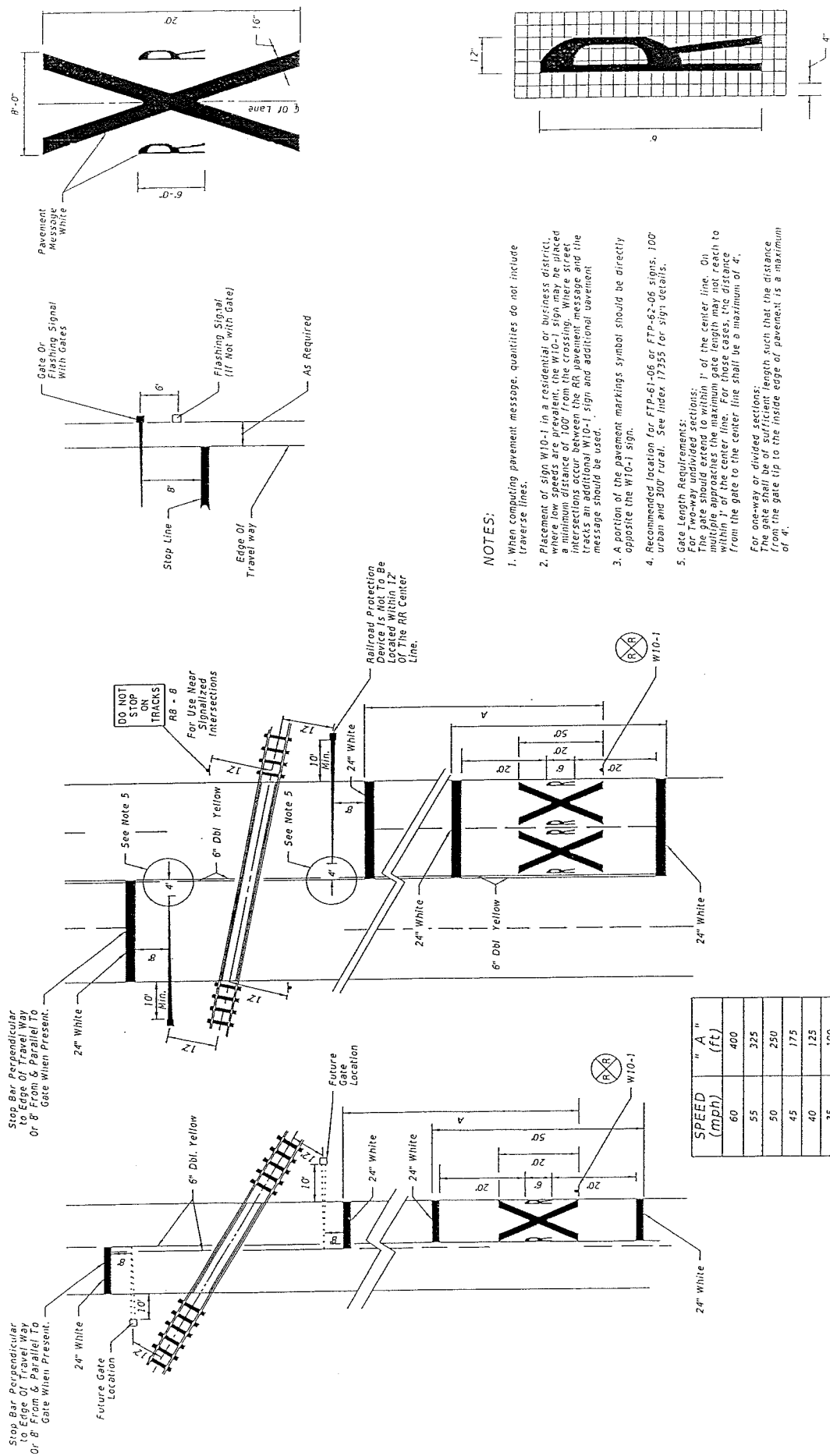
- NOTES:**
1. The location of flashing warning devices and stop lines shall be established based on (future or present) installation of gate with appropriate track clearances.
  2. Where plans call for railroad traffic control devices to be installed in curbed medians, the minimum median width shall be 12'-0".
  3. Location of railroad traffic control device is based on the distance available between face of curb & sidewalk, 0' to 5'. Locate device outside sidewalk. Over 6' - Locate device between face of curb and sidewalk.
  4. Stop line to be perpendicular to edge of roadway, approx. 15' from nearest rail; or 8' from and parallel to gate when present.
  5. When a cantilevered-arm flashing warning device is used, the minimum vertical clearance shall be 17'-6" from above the Crown of Roadway to the Lowest Point of the Overhead Signal Unit.



LAST REVISION	DESCRIPTION	FDOT	DESIGN STANDARDS	FY 2017-18	RAILROAD GRADE CROSSING TRAFFIC CONTROL DEVICES	SHEET NO.	INDEX NO.	2 of 4
78							17882	

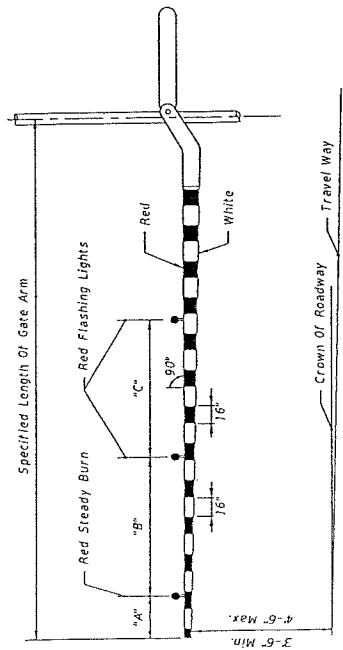
RAILROAD CROSSING AT  
MULTILANE ROADWAY

RAILROAD CROSSING AT  
TWO (2)-LANE ROADWAY



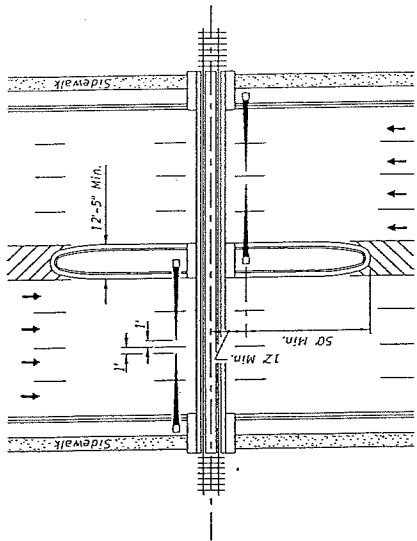
RAILROAD CROSSING AT  
TWO (2)-LANE ROADWAY

RAILROAD CROSSING AT  
MULTILANE ROADWAY

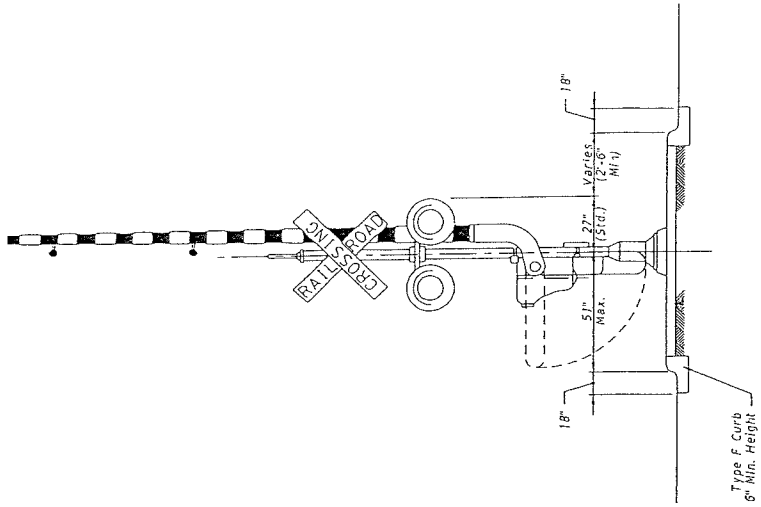


RAILROAD GATE ARM LIGHT SPACING

Specified Length Of Gate Arm	Dimension "A"	Dimension "B"	Dimension "C"
14 Ft.	6"	36"	5'
15 Ft.	18"	36"	5'
16-17 Ft.	24"	36"	5'
18-19 Ft.	28"	41"	5'
20-23 Ft.	28"	4'	5'
24-28 Ft.	28"	5'	5'
29-31 Ft.	36"	6'	6'
32-34 Ft.	36"	7'	7'
35-37 Ft.	36"	9'	9'
38 And Over	36"	10'	10'



PLAN



MEDIAN SECTION AT SIGNAL GATES

NOTE: Additional information see the "Manual On Uniform Traffic Control Devices", Part 8; The "Traffic Control Handbook", Part VIII; and AASHTO "A Policy On Geometric Design Of Streets And Highways".

MEDIAN SIGNAL GATES FOR  
MULTILANE UNDIVIDED URBAN SECTIONS  
(THREE OR MORE DRIVING LANES IN ONE DIRECTION, 45 MPH OR LESS)



**CITY RESOLUTION**  
**GRADE CROSSING TRAFFIC CONTROL DEVICES AND FUTURE RESPONSIBILITY**

FINANCIAL PROJECT NO.	ROAD NAME OR NUMBER	COUNTY NAME	PARCEL & R/W NUMBER	FAP NUMBER
44277515701	S. HIGHLAND AVE.	ORANGE	75000-SIGG	D517-110-B

A RESOLUTION AUTHORIZING EXECUTION OF A RAILROAD REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF GRADE CROSSING TRAFFIC CONTROL DEVICES, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING WHEN THIS RESOLUTION SHALL TAKE EFFECT.

RESOLUTION NO. \_\_\_\_\_

ON MOTION OF Commissioner (Councilman) \_\_\_\_\_,  
seconded by Commissioner (Councilman) \_\_\_\_\_, the following  
RESOLUTION was adopted:

WHEREAS, the State of Florida Department of Transportation is constructing, reconstructing or otherwise changing a portion of the Public Road System, on S. HIGHLAND AVENUE, which shall call for the installation and maintenance of railroad grade crossing traffic control devices for railroad grade crossing over or near said highway; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF APOPKA, FLORIDA;

That the City of APOPKA enter into a RAILROAD REIMBURSEMENT AGREEMENT with the State of Florida Department of Transportation and the FLORIDA CENTRAL RAILROAD COMPANY, INC. Company for the installation and maintenance of certain grade crossing traffic control devices designated as Financial Project Number 442775-1-57-01 on S. HIGHLAND AVENUE which crosses the right of way and tracks of the Company at FDOT/AAR Crossing No. 625273-X located near APOPKA, Florida; and

That the City assume it's share of the costs for future maintenance and adjustment of said grade crossing traffic control devices as designated in the RAILROAD REIMBURSEMENT AGREEMENT; and

That the Mayor, Vice Mayor and Chief Administrative Officer be authorized to enter into such agreements with the State of Florida Department of Transportation and the Florida Central Railroad Company, Inc. as herein described; and

That this RESOLUTION shall take effect immediately upon adoption.

INTRODUCED AND PASSED by the City Commission of the City of APOPKA, Florida, in regular session this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor - Commissioner

ATTEST: \_\_\_\_\_  
City Auditor and Clerk

(SEAL)

**RESOLUTION NO. 2018-07**

**A RESOLUTION OF CITY OF APOPKA, FLORIDA, AUTHORIZING THE MAYOR TO SIGN A RAILROAD REIMBURSEMENT AGREEMENT FOR THE CONSTRUCTION OF RAILROAD GRADE CROSSINGS, INSTALLATION OF TRAFFIC CONTROL DEVICES RAILROAD GRAD CROSSINGS, AND FUTURE MAINTENANCE AND ADJUSTMENT OF SAID CROSSINGS AND DEVICES; PROVIDING FOR THE EXPENDITURE OF FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the State of Florida Department of Transportation is constructing, reconstructing or otherwise changing a portion of the Public Road System, on South Highland Avenue, which shall call for the installation and maintenance of railroad grade crossing traffic control devices for railroad grade crossing over or near said highway.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AS FOLLOWS:**

SECTION I. That the City of Apopka enter into a RAILROAD REIMBURSEMENT AGREEMENT with the State of Florida Department of Transportation and the Florida Central Railroad Company, Inc. for the installation and maintenance of certain grade crossings and traffic control devices for grade crossings designated as Financial Project ID 44277515701, on South Highland Avenue which crosses the right-of-way and tracks of the Company's milepost number ST 802.41, at Railroad Crossing No. 625273-X located in Apopka, Florida; and

SECTION II. That the City of Apopka assume its share of the costs for future maintenance and adjustment of said grade crossing traffic control devices as designated in the RAILROAD REIMBURSEMENT AGREEMENT; and

SECTION III. The Mayor is hereby authorized to enter into such agreement with the State of Florida Department of Transportation and the Florida Central Railroad Company, Inc., as herein described.

SECTION IV. This Resolution shall become effective immediately upon approval and adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Apopka, Florida, this 2nd day of May, 2018.

CITY OF APOPKA, FLORIDA

\_\_\_\_\_  
Bryan Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Linda F. Goff, City Clerk