

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into by and between Manufactured Home Communities, Inc., (hereafter "MHC") the developer of a development of regional impact located in Flagler County known as "Bulow Plantation" (hereafter "Developer"), and the Board of County Commissioners of Flagler County, Florida (hereafter "County"), as follows:

I **Narrative description of project.**

A. **General (See Exhibit "A").** The project area is approximately 323 acres in size, zoned PUD, and consists of authorization for up to a total of 1,020 manufactured housing sites on ±271 acres, a sales center and up to 350 improved recreational vehicle campsites and primitive camping on ±55.9 acres. Of this total, 276 residential units presently exist. A ±23,000 square foot commercial area will be developed to serve Bulow Plantation residents and guests, and may include a convenience store, laundry, recreational vehicle sales, restaurant, bar, professional office, storage and automobile service station as uses. About 11,300 square feet of commercial uses presently exist, with an additional 12,000 square feet proposed.

B. **Setbacks.** The minimum residential setbacks will be as follows: sideyard setbacks = 5 feet; frontyard setback = 20 feet; and, rear yard setback = 10 feet. The setback from canals is 25' (horizontal) from the wetlands jurisdictional line (normal water level) within the canal. The setback from water bodies is 25' from the normal water line. Specialized setbacks are further detailed in the development order. From the north property line, a 10' setback is provided; 20' is provided from Old Kings Road.

C. **Community Facilities.** In accord with the Development of Regional Impact Development Order, the Developer will provide a community center/severe storm event shelter,

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swimming pool, pool house, tennis courts and other recreational facilities and buildings to serve the lessees of the manufactured housing sites. Maximum building height will be 35'. All such facilities will be permitted pursuant to the Flagler County site plan review and building permit process. All common areas will remain in MHC's ownership. As a development of regional impact, the project is subject to the terms of Flagler County Resolution No. 2000-15, as recorded at Book 0687, Pages 0202-0229 of the Official Records of Flagler County, Florida.

D. Phasing and Roadway Construction; Parking; Retention. The proposed project phasing and lot layout will be as indicated on the attached PUD site plan (Exhibit "B"). However, to preserve trees, the Developer reserves the right to move lot lines and section lines during the final preparation of the final construction plans. To reduce the potential for traffic conflicts, separate entrances will be provided for the manufactured housing area and the campground. An existing borrow pit will serve to provide stormwater retention, a source for irrigation and fire demand availability. A small amount of fill is required for the roadway crossing to the life station as shown in the DRI documents. The outfall structure for Retention Area 1 (existing borrow pit) will be located at the east end of the pit. The stormwater discharge for Retention Area 1 will be piped around the lots to the canal as shown on the PUD site plan. Parking is to be provided as shown on the site plan. The project will not undergo a subdivision process, as it is and will remain wholly owned by the Developer or its successor(s) in interest.

E. Tree Preservation. To the greatest practicable extent, the access has been sited to avoid the need to remove trees. To preserve historic and specimen trees, tree wells have been and will be constructed as necessary.

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II. Utilities.

The project has an existing central water treatment plant and sewage treatment plant, as permitted by the Department of Environmental Protection (DEP) and the Department of Health. The capacity of both plants is expandable. Necessary expansion will be planned and provided to coincide with needed additional connection capacity, through the DEP permitting process. The Developer will notify the County when it seeks expansion approval from DEP, and will provide the County with confirmation of sufficient existing capacity at the beginning of each phase of development. The water plan expansion for all 1,020 units will be undertaken as one project. The permitting process will begin with Phase 1, Section I and will be complete by the issuance of the first building permit for a residential unit in this Section. The wastewater treatment plant will be expanded in two phases. As part of the wastewater treatment plant expansion, a lift station will be constructed as part of the infrastructure of Phase 1, Section I. Construction for the lift station will require installation of a stabilized road for access and utilities. The clearing, filling and grading of the future roadway in Section 3 leading to the lift station, as well as Lots 283-289, will be done in Phase 1, Section I. The temporary road will be replaced by the permanent road to be built during the construction of Phase 1, Section III.

III. Roadways and Pedestrian Trails.

A boulevard entrance road and all roadways serving Phase 1, Section I will be constructed as shown on the PUD plan. Temporary roadway and utility termination will be provided at the end of each phase until all phases are constructed. Two emergency exits will be provided with ingress/egress access points as shown on the PUD site plan. A single temporary emergency access will be provided in Sections 1 and 2 with a stabilized road near the wastewater plant. The

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trail system corridor will be further refined and final location submitted as a request to be approved by staff after the construction of the roadway. Lots may be developed and certificates of occupancy granted pending determination of the final trail location.

IV. Construction Schedule.

A. Staging Plan.

1. The Manufactured Homes Sales Center will be the first construction proposed for Bulow Plantation expansion. The Sales Center will include a construction of a parking lot and temporary stormwater swale and utilize the existing house for the Sales Center. The Sales Center shall utilize the existing house utilities. The model units will be placed on future lots located in the future cul-de-sac.

2. The construction of the infrastructure for Phase 1, Section I will be the second activity after the Sales Center. This will require the removal of the existing entrance road to Bulow Plantation. Therefore, prior to removal of this entrance road, Audubon Drive will be extended west as shown on the PUD Plan to connect to Old Kings Road. This will provide ingress/egress for the existing campground and mobile home park. Upon completion of the road, the infrastructure for Section I shall be constructed.

3. Site plan approval will be requested in two stages. A detailed site plan for Phase 1, Section I will be submitted first, and will include the Sales Center, infrastructure, Community Center and entry features. A second site plan for Phase 1, Sections II and III will be submitted prior to build-out of Phase 1, Section I.

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4. Potable water for the existing development is provided from the existing on-site water treatment plant. This will be maintained during the construction of Section I. The water plant will be expanded a new distribution line will be extended to serve Section I.

5. Currently, an existing lift station pumps to the on-site wastewater treatment plant serving the existing manufactured home community and campground. This service will be maintained until a new force main is constructed which will extend from the existing plant to the proposed lift station location in Section III. The existing force main will manifold into the proposed force main. Once the connection to the new force main has been made, the old line in Phase I will be removed. The wastewater plant will be expanded to accommodate the additional units in Phase I.

6. The irrigation/fire protection is provided from a pump at the southeast corner of the existing borrow pit. This irrigation/fire protection main will be maintained during the Section I construction. A new line will be constructed for Section I and connect into the existing irrigation/fire main at the Phase I property line.

B. Miscellaneous. Once the project has received final site plan approval, the Developer is authorized to begin site preparation for Phase I and its infrastructure, provided all other necessary permits have been obtained prior to the start of construction. The Developer may make concurrent applications for final site plan approval and the necessary building permit(s) to begin immediate construction of its new clubhouse, swimming pool and temporary sales center. Provided the requirements of final site plan approval and building permits for the clubhouse, swimming pool and temporary sales center are met, the Developer may begin such construction after final site plan approval. The temporary sales center will serve during the construction of



Phase 1, Section I and will be replaced when occupancy of this phase is approved by Flagler County.

V. Incorporation by Reference.

The Development Order recorded at Book 0687, Pages 0202-0229 of the Official Records of Flagler County, Florida (Flagler County Board of County Commissioners Resolution No. 2000-15) is hereby incorporated by reference.

MANUFACTURED HOME COMMUNITIES, INC.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

Howard Walker
BY HOWARD WALKER,
Chief Executive Officer

12-18-00
BY *James A. Darby*
JAMES A. DARBY
Chairman

DATED: 12-7-00

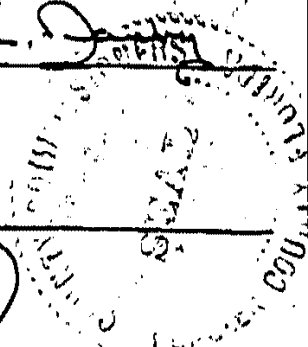
DATED:

ATTEST:
David W. Fell
DAVID W. FELL, Associate
Vice President/Assistant Gen. Counsel

ATTEST:
Syd Crosby
SYD CROSBY
County Clerk

10/23/00:MDH:10

UNOFFICIAL DOCUMENT



APPROVED BY THE
FLAGLER COUNTY BOARD
OF COUNTY COMMISSIONERS
ON NOVEMBER 6, 2000

APPROVED AS TO FORM
[Signature]
ASSISTANT COUNTY ATTORNEY

[Signature]

EXHIBIT "A"

Proposed Land Uses for Phase 1

Residential	56.23 Acres
Amenity/Clubhouse	3.03 Acres
Roadways	15.22 Acres
Stormwater	16.05 Acres
Open Space	<u>16.83 Acres</u>
Total Area:	107.38 Acres

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