

This Instrument Prepared By/
Return To:
City of Port Orange
1000 City Center Circle
Port Orange, FL 32119

03/20/1996 10:16
Instrument # 96047797
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FIRST AMENDMENT TO THE
PINES PCD DEVELOPMENT AGREEMENT

This Agreement, made and entered into by the between the City of Port Orange, a Florida municipal corporation (the "City"), and WEB Properties, Inc., a Florida corporation ("WEB"), Susan S. Root, Chapman J. Root, II, and Susan R. Graham, Trustees of the Chapman S. Root 1982 Living Trust ("Trustees"), Barnett Bank of Tampa, a Florida banking corporation ("Barnett"), and the Pines Property Owner's Association, Inc., a Florida non-profit corporation ("Association") constitutes the First Amendment to the Pines PCD Development Agreement.

WHEREAS, the City and Brasada Development Corporation, a Florida corporation, previously executed a development agreement providing for the development and use of property known as "Pines PCD," situated within the corporate limits of the City of Port Orange; and

WHEREAS, the Trustees and Barnett, as current PCD property owners, and WEB, as contract purchaser for a portion of the PCD property, wish to amend the Development Agreement for the purposes as further described below; and

WHEREAS, Association consents to the proposed amendment.

NOW THEREFORE, the parties hereto agree as follows:

1. For purposes herein, "Development Agreement" shall mean the Pines PCD Development Agreement, recorded June 4, 1987, in Official Records Book 2989, Pages 1608-1624, Public Records of Volusia County, Florida; and "Developers" shall mean Root, WEB, Trustees, Barnett, and the Association, collectively, and their successors and assigns in all or a portion of any other owner of a property interest in any property interest in any portion of the PCD property.

2. The last sentence of Paragraph 7 of the Development Agreement shall be amended to read as follows (additions underlined):

7. The Owner acknowledges that Minor Subdivision approval, in accordance with the Land Development Code of the City of Port Orange, from the City is necessary to convey individual parcels to prospective purchasers, or to initiate site plan approval by the City.

3. Paragraph 13 of the Development Agreement is added to read as follows:

13. The cross access easement may be relocated in conjunction with development of Tract 2 or Tract 3, at the discretion of the City Administrative Official, and at the request of all affected property owners within the PCD, so long as it continues to provide reasonable access to all of the Tracts within the PCD. In the event the cross access easement is relocated, the acreage within Tracts 2 and 3, as enumerated in Paragraph 3 of this Agreement, may be accordingly adjusted by the Administrative Official, and the total number of lots permitted within each of Tracts 2 and 3, as enumerated in Exhibit "G" to this Agreement, may be accordingly adjusted so long as the total number of lots within the two Tracts, as combined, does not exceed 6 lots.

4. All other terms and conditions of the Pines PCD Development Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties affix their signatures and seals on the dates set forth below:

WITNESSES:

Shirley M. Kelly
Shirley M. Kelly

CITY OF PORT ORANGE

By: Allen Green
Allen Green, Mayor

Attest: Kenneth W. Parker
Kenneth W. Parker,
City Manager

Date: FEBRUARY 15, 1996

WITNESSES:

Thomas J. Swartz
Thomas J. Swartz
Pamela A. Swartz
Thomas J. Swartz

WEB PROPERTIES, INC.

By: James C. Swartz
Title: PRESIDENT

Attest: Tommy Swartz
Title: VICE PRESIDENT

Date: FEBRUARY 16, 1996

WITNESSES:

[Signature]
Michael C. Myers
[Signature]
Dru W. Perry

TRUSTEES OF THE CHAPMAN S. ROOT
11 1/2 HAVANA TERRACE, TAMPA, FL 33606

By: [Signature]
Title: Delegate
Date: February 21, 1996

WITNESSES:

[Signature]
M. Diane Mahle
[Signature]
Kathy Horvath

BARNETT BANK OF TAMPA, a Florida
banking corporation

By: [Signature]
Title: RL Transactions Mgr
Attest: _____
Title: _____
Date: 3-14-96

WITNESSES:

[Signature]
Michael C. Myers
[Signature]
Dru W. Perry
[Signature]
Michael C. Myers
[Signature]
Dru W. Perry

PINES PROPERTY OWNER'S
ASSOCIATION, INC.

By: [Signature]
Mark Blanford
President
Attest: [Signature]
Title: Secretary
Date: February 21, 1996

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 15th
day of March, 1996, by Allen Green and Kenneth W. Parker,
as Mayor and City Manager, respectively, of the City of Port
Orange, a Florida municipality, on behalf of the city. They are
personally known to me.

Shirley M. Kelly
Notary Public, State of Florida
at Large

Commission No. SHIRLEY M. KELLY



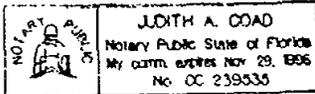
MY COMMISSION # CC388390 EXPIRES
July 17, 1998
BOUNDED THRU TRACY FARM INSURANCE, INC.

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 16th
day of March, 1996, by Allen Green and Kenneth W. Parker
Mayor and City Manager as Mayor and City Manager and City Manager,
respectively, of WEB Properties, Inc., on behalf of WEB Properties,
Inc. They are personally known to me ~~or have produced~~
~~as identification.~~

Judith A. Coad
Notary Public, State of Florida
at Large

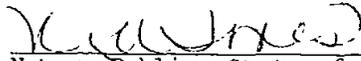
Commission No. _____



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Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 21st
day of February, 1996, by Mark Blanford and Sharon H. Romano
, as President and Secretary, respectively, of
the Pines Property Owner's Association, Inc., on behalf of the
Association. They are personally known to me ~~or have produced~~
~~XXXXXXXXXXXXXXXXXXXX identification~~



Notary Public, State of Florida
at Large

Commission No. CC 287162

