

09/14/2001 08:20
Instrument # 2001-197801
Book: 4744
Page: 182

**FOURTH AMENDMENT TO THE
PINES PCD DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into by and between the City of Port Orange, a Florida municipal corporation (the "City"), CSR Portfolio One, Ltd, a Florida limited partnership ("CSR"), as successor in interest to the Chapman S. Root 1982 Living Trust, 1650 Dunlawton Avenue, L.C., a Florida limited liability corporation ("1650 Dunlawton"), Suncoast Imaging of Port Orange, L.L.C. ("Suncoast"), HS Port Orange, L.L.C., a Florida limited liability company ("HS"), Peninsula Bank of Central Florida, a Florida corporation ("Peninsula") and the Pines Property Owners Association, Inc., a Florida non-profit corporation ("Association"), constitutes the Fourth Amendment to the Pines PCD Development Agreement.

WITNESSETH:

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

Date: August 9, 2001 COBB COLE & BELL
--

WHEREAS, the Development Agreement has been previously amended by the First, Second and Third Amendments to the Pines PCD Development Agreement; and

WHEREAS, CSR, 1650 Dunlawton, Suncoast, HS, Peninsula and the Association, are the current PCD property owners and wish to amend the Development Agreement for the purposes as further described below; and

WHEREAS, the City is willing to agree to the requested amendment so long as the Association is made a party thereto, and that all requirements of the Development Agreement, as amended, are complied with; and

WHEREAS, the parties hereto agree as follows:

I. For purposes herein, the term, "Development Agreement", shall mean that agreement entitled "Development Agreement The Pines Planned Commercial Development Port Orange Florida", recorded June 4, 1987, in Official Records Book 2989, Pages 1608 through 1624, Public Records of Volusia County, Florida; as amended by the First Amendment to the Pines PCD Development Agreement, recorded in Official Records Book 4088, Pages 822 through 827, Public Records of Volusia County, Florida; the Second Amendment to Pines PCD Development Agreement, recorded in Official Records Book 4439, Pages 3214 through 3242, Public Records of Volusia County, Florida; and the Third Amendment to Pines PCD Development Agreement, recorded in Official Records Book 4523, Page 3412, Public Records of Volusia County, Florida. Also for the purposes herein, the term, "Lot 2 and 3 Owners", refers Suncoast and HS.

Date: August 9, 2001
COBB COLE & BELL

II. The Conceptual Development Plan for the Property (also referred to as the "conceptual master plan"), attached to the Second Amendment to the Pines PCD Development Agreement as Exhibit "E-1", is hereby replaced by Exhibit "E-2" attached hereto, which exhibit will serve as the Conceptual Development Plan (a.k.a. conceptual master plan) for the Pines PCD Development Agreement. The only difference between the previous Conceptual Development Plan (Exhibit "E-1" to the Second Amendment) and Exhibit "E-2" hereto is the addition of a shared driveway from Dunlawton Avenue to Lots 2 and 3.

III. The following language is hereby added to the end of paragraph 9 at Section A, of the Development Agreement:

So long as Lot 3 of the "Replat of the Pines", recorded at Map Book 47, Pages 124 through 126 of the Official Records of Volusia County, Florida, is used for ambulatory surgical or emergency medical uses, an additional access driveway to Lot 3 from Dunlawton Avenue as depicted on Exhibit "E-2" shall be permitted. Such additional access driveway shall provide joint access to Lots 2 and 3 and shall be constructed and maintained by the Lot 2 and 3 Owners. If the ambulatory surgical or emergency medical uses on Lot 3 are discontinued for a period of more than six (6) consecutive months, the City may require the closing of such driveway, unless the Lot 2 and 3 Owners can demonstrate to the City's satisfaction that the driveway is operating in a satisfactory fashion and is necessary for

Date: August 9, 2001 COBB COLE & BELL
--

safe and efficient traffic circulation. Construction and permitting costs for closing the driveway will be at Lot 2 and 3 Owners' full expense. Access to Lots 2 and 3 from Dunlawton Avenue would then revert to the driveway identified as Parcel "A" on the Conceptual Development Plan (Exhibit "E-2"). In the event of a conflict between the specific requirements contained in this paragraph and the Dunlawton Corridor Plan concerning the additional access driveway addressed herein, the more specific provisions of this paragraph shall control.

IV. Nothing contained in the Development Agreement, as amended by this Fourth Amendment, shall be construed as a waiver of contract with respect to the regulatory and permitting authority of the City as it now or hereafter exists under applicable laws, rules and regulations. Further, nothing contained in the Development Agreement, as amended by this Fourth Amendment, shall be construed as a waiver of or attempted waiver by the City of its sovereign immunity under the Constitution and laws of the State of Florida.

V. All other terms and conditions of the Development Agreement, as amended, shall remain in effect.

VI. This Amendment shall be effective upon full execution, and the City shall record this Fourth Amendment in the Public Records of Volusia County, Florida at Lot 2 and 3 Owners expense.

Date: August 9, 2001
COBB COLE & BELL

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

below:

WITNESSES:

CITY OF PORT ORANGE, a Florida municipal corporation

Rebecca L. Groom
Printed Name: Rebecca L. Groom

Kelly Ryan
Printed Name: Kelly Ryan

Rebecca L. Groom
Printed Name: Rebecca L. Groom

Kelly Ryan
Printed Name: Kelly Ryan

By: Dorothy L. Hukill
Dorothy L. Hukill, Mayor

Attest: Kenneth W. Parker

Date: September 4, 2001

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4th day of September, 2001, by Dorothy L. Hukill and Kenneth W. Parker, as Mayor and City Manager, respectively, of the City of Port Orange, a Florida municipal corporation, on behalf of the city. They are personally known to me.

Rebecca L. Groom
Notary Public, State of Florida
At Large
Commission No. CC958783
Rebecca L. Groom
MY COMMISSION # CC958783 EXPIRES
August 6, 2004
BONDED THRU TROY FARM INSURANCE, INC.

Date: August 9, 2001
COBB COLE & BELL

WITNESSES: 1650 DUNLAWTON AVENUE, L.C., a Florida limited liability company,

Theodora Young
Printed Name: Theodora Young

By: Heidrun Tommasi
Heidrun Tommasi, Manager

Margie Maltbie
Printed Name: Margie Maltbie

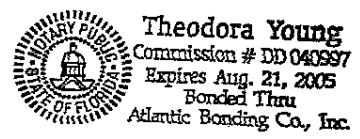
Date: 8/13/01

(corporate seal)

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 13th day of August, 2001, by Heidrun Tommasi, as Manager of 1650 Dunlawton, L.C., a Florida limited liability company, on behalf of the limited liability company. She is personally known to me or has produced _____ as identification.

Theodora Young
Notary Public, State of Florida
At Large
Commission No: _____



WITNESSES:

CSR PORTFOLIO ONE, LTD., a Florida limited partnership

By: ROOT REAL ESTATE CORP., a Florida corporation, Managing General Partner

Theresa J. Taormina
Printed Name: Theresa J. Taormina

By: *[Signature]*
Philip Maroney, Vice President

Ruth B. Boyd
Printed Name: Ruth B. Boyd Date: 8/15/11

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

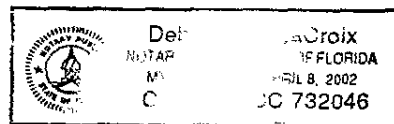
The foregoing instrument was acknowledged before me this 15th day of August, 2001, by Philip Maroney, as Vice President of Root Real Estate Corp., a Florida corporation and managing general partner of CSR Portfolio One, Ltd., a Florida limited partnership, on behalf of the corporation and limited partnership. He is personally known to me or has produced _____ as identification.

[Signature]

Notary Public, State of Florida

At Large

Commission No: _____



WITNESSES:

PINES PROPERTY OWNERS ASSOCIATION,
INC., a Florida non-profit corporation

Therese J. Taormina

Printed Name: Therese J. Taormina

By: *[Signature]*

Philip Maroney, President

Ruth B Boyd
Printed Name: Ruth B Boyd

Date: 8/15/1

(corporate seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

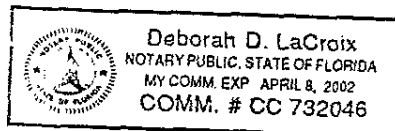
The foregoing instrument was acknowledged before me this 15th day of August, 2001, by Philip Maroney, President of Pines Property Owners Association, Inc., a Florida non-profit corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

Deborah D. LaCroix

Notary Public, State of Florida

At Large

Commission No: _____



WITNESSES:

SUNCOAST IMAGING OF PORT ORANGE,
L.L.C.

Printed Name: LEE E. METCALF

Printed Name: Deborah D. LaMax

By: [Signature]

As: Manager

Date: 8/9/01

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 9th day of AUGUST, 2001, by DR. ROBERT LEB, as MANAGER of Suncoast Imaging of Port Orange, L.L.C. He is personally known to me or has produced _____ as identification.



Lee E. Metcalf
MY COMMISSION # CC779417 EXPIRES
October 6, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

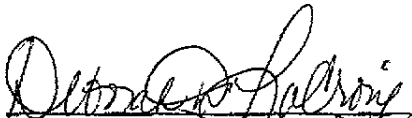
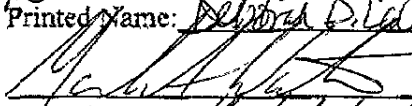
[Signature]
Notary Public, State of Florida
At Large
Commission No: _____

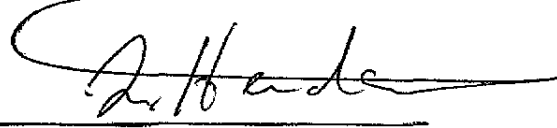
Date: August 8, 2001
COBB COLE & BELL

Book: 4744
Page: 191

WITNESSES:

HS PORT ORANGE, L.L.C., a Florida limited
liability company

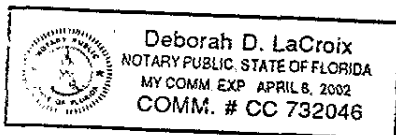

 Printed Name: Deborah D. LaCroix

 Printed Name: Mark A. Watts


By: 
 Ammar Hemaidan, Manager

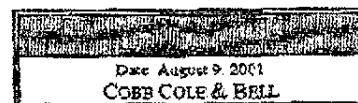
Date: 8-17-01

STATE OF FLORIDA
 COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17th day of August, 2001, by Ammar Hemaidan, as Manager of HS Port Orange, L.L.C., a Florida limited liability company. He is personally known to me or has produced _____ as identification.




 Notary Public, State of Florida
 At Large
 Commission No: _____



WITNESSES:

PENINSULA BANK OF CENTRAL FLORIDA,
INC., a Florida corporation



Printed Name: Lee E. Metcalf



Printed Name: Deborah D. Librax

By: 

Thomas H. Dargan, President

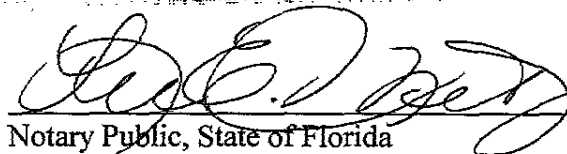
Date: 8/15/01

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 15th day of AUGUST, 2001, by Thomas H. Dargan, as President of Peninsula Bank of Central Florida, Inc., a Florida corporation. He is personally known to me or has produced FLORIDA D. L. as identification.

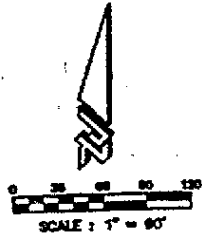


Lee E. Metcalf
MY COMMISSION # CC779417 EXPIRES
October 6, 2002
BONDED THRU TROY FAIN INSURANCE, INC.


Notary Public, State of Florida
At Large
Commission No: _____

Date: August 9, 2001
COBB COLE & BELL

BOOK: 4744
PAGE: 193



DUNLAWTON AVE (SR NO. 421)
(R/W VARIES)

DRIVEWAY LOCATION
(TYPICAL)

FUTURE
LOT 3
24' GROSS-
ACCESS EASE-
(LOT 2 & 3)

FUTURE
LOT 1

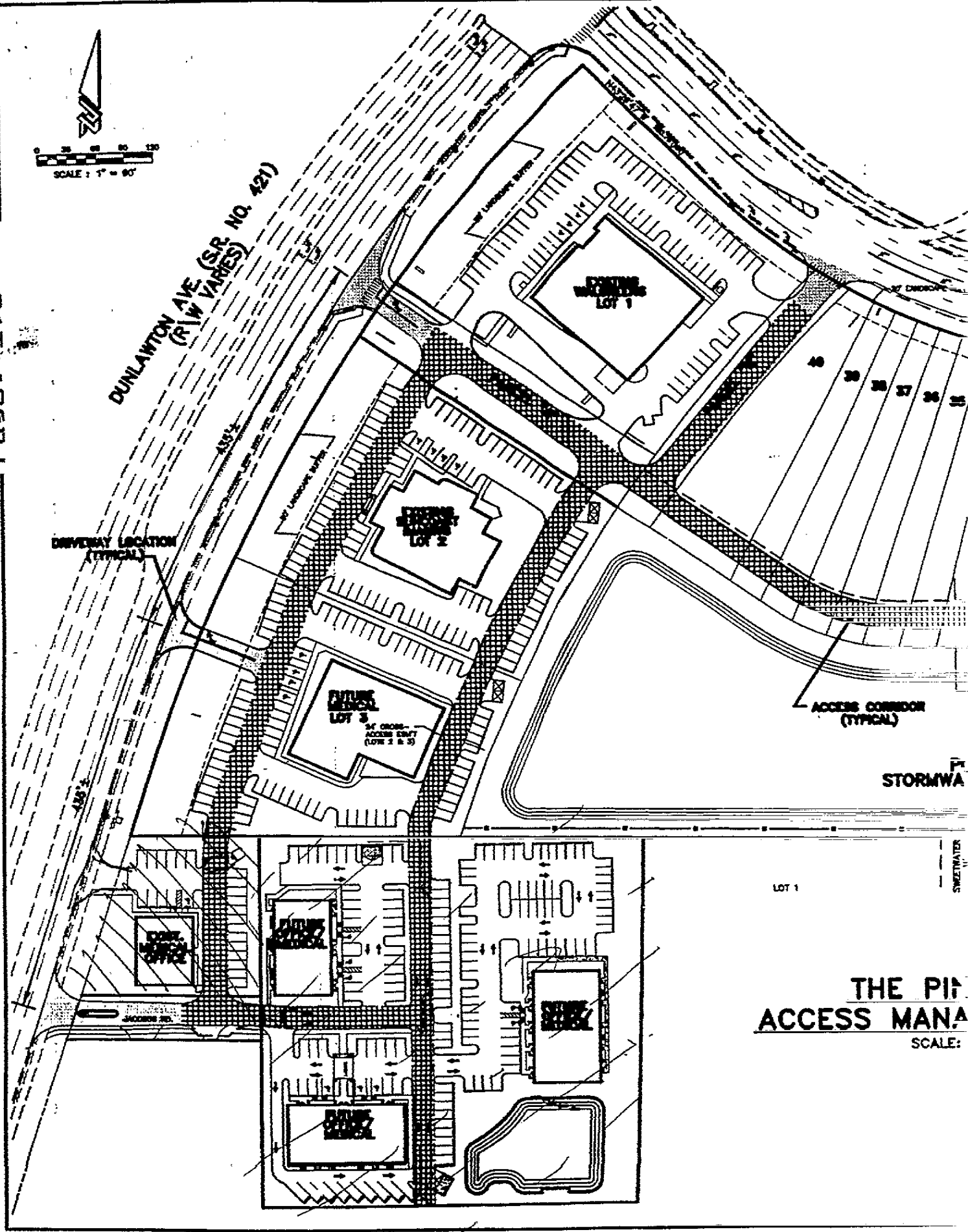
FUTURE
LOT 2

ACCESS CORRIDOR
(TYPICAL)

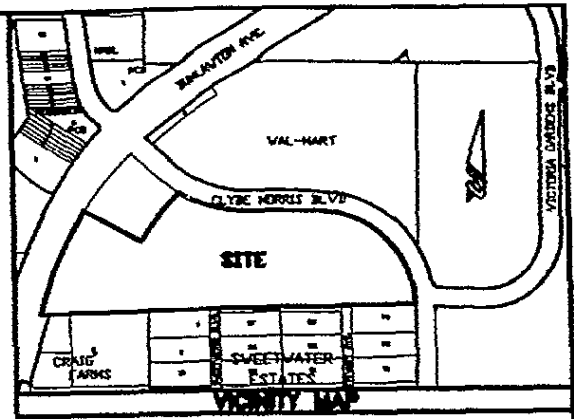
STORMWA

LOT 1

THE PIN
ACCESS MANA
SCALE:



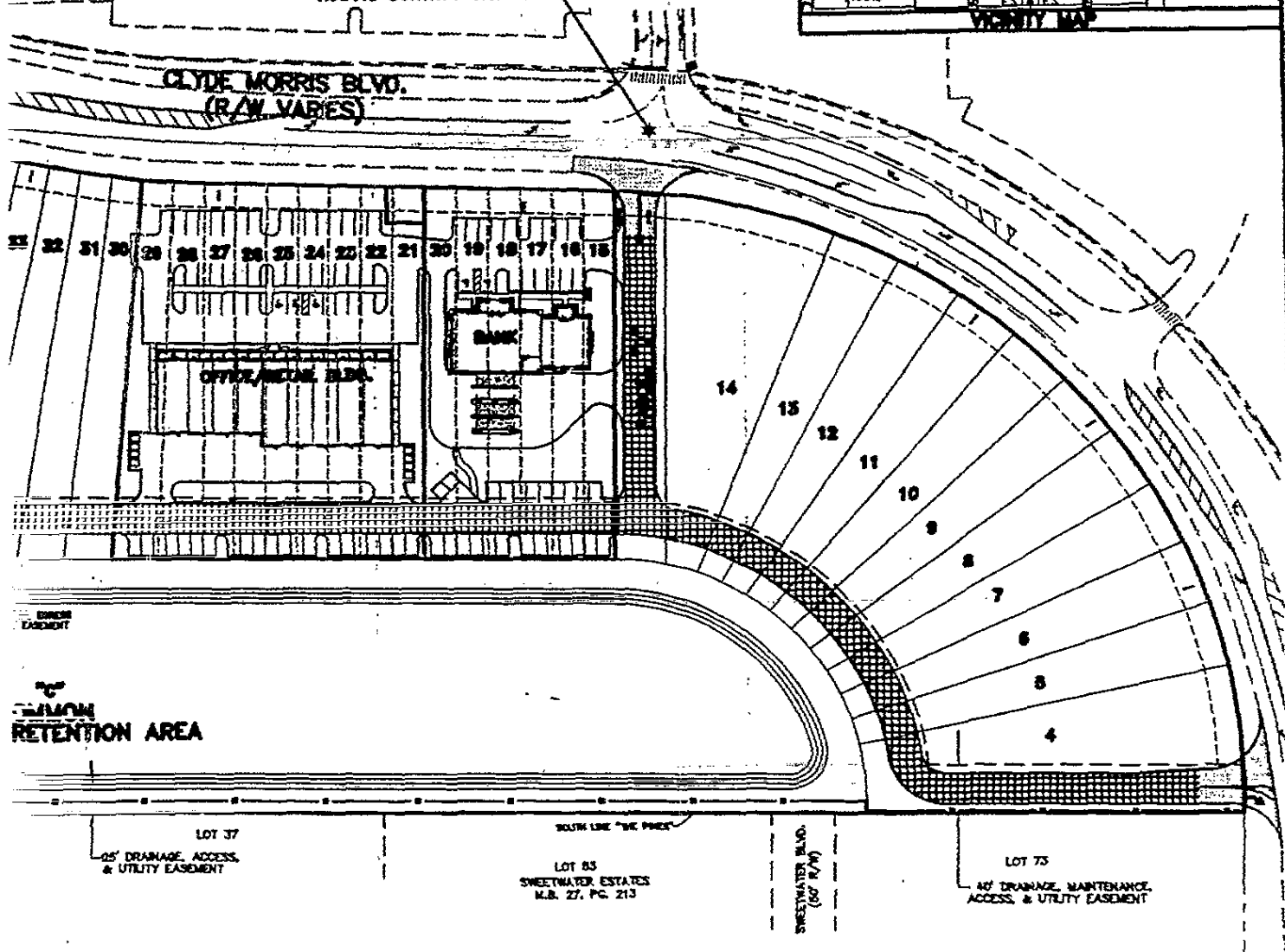
Book: 4744
Page: 194



WAL-MART

PROPOSED LOCATION FOR
TRAFFIC CONTROL SIGNAL

CLYDE MORRIS BLVD.
(R/W VARIES)

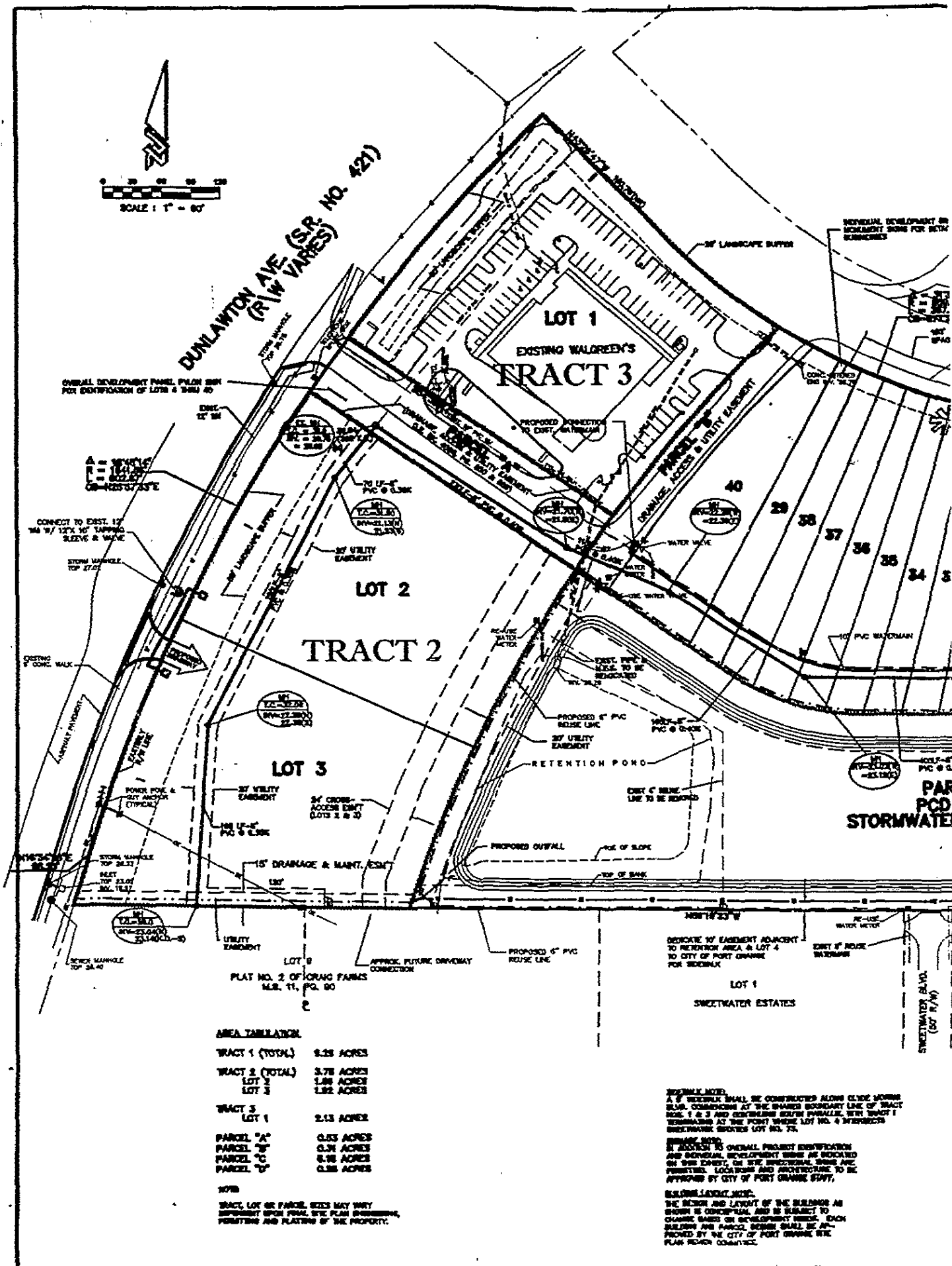


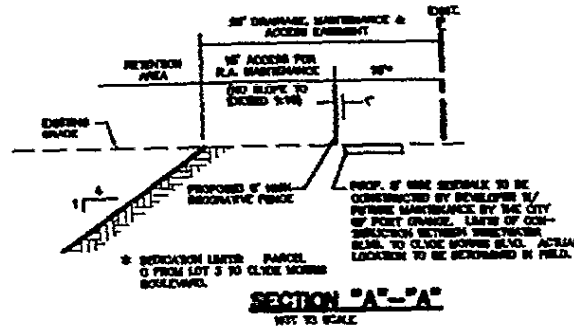
PCD
ENT PLAN
60'

LEGEND:

- DRIVEWAY LOCATION
- ACCESS CORRIDOR

REV.	DATE	DESCRIPTION	BY
REVISIONS			
<p align="center">THE PINES PLANNED COMMERCIAL DEVELOPMENT ACCESS MANAGEMENT PLAN</p> <p align="center">CITY OF PORT ORANGE VOLUNTEER COUNTY, FLORIDA</p>			
<p align="center">ZEV COHEN & ASSOCIATES, INC. 25 South Park, Orlando, Florida, 32709 (407) 877-4555 FAX (407) 877-4556</p> <p align="center">ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS</p>			
<p align="center">PROJECT NO. 0000 DATE PREPARED 3-25-88</p> <p align="center">DESIGNED BY: MGD DRAWN BY: MGD CHECKED BY: MGD</p> <p align="center">SCALE 1" = 60' SHEET 1 OF 1</p>			
<p align="center">NOT VALID WITHOUT SIGNED SEAL</p>			<p>16-2 FILE LOCATION</p>





CITY OF FORT WORTH

AN ADVOCATE, INC.
2500 Sunset Trail, Grand Beach, Florida, 33748
305-977-0000 FAX 305-977-0005

ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS

100-443887-1

REF NO	NAME	DATE RECEIVED	FILE NO
--------	------	---------------	---------

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

**NEW WALLS IN WALL
COUNTRIES 20%**

12

16-2

FILE LOCATION
100-443888-100
100-443888-101
100-443888-102
100-443888-103
100-443888-104
100-443888-105
100-443888-106
100-443888-107
100-443888-108
100-443888-109
100-443888-110
100-443888-111
100-443888-112
100-443888-113
100-443888-114
100-443888-115
100-443888-116
100-443888-117
100-443888-118
100-443888-119
100-443888-120
100-443888-121
100-443888-122
100-443888-123
100-443888-124
100-443888-125
100-443888-126
100-443888-127
100-443888-128
100-443888-129
100-443888-130
100-443888-131
100-443888-132
100-443888-133
100-443888-134
100-443888-135
100-443888-136
100-443888-137
100-443888-138
100-443888-139
100-443888-140
100-443888-141
100-443888-142
100-443888-143
100-443888-144
100-443888-145
100-443888-146
100-443888-147
100-443888-148
100-443888-149
100-443888-150
100-443888-151
100-443888-152
100-443888-153
100-443888-154
100-443888-155
100-443888-156
100-443888-157
100-443888-158
100-443888-159
100-443888-160
100-443888-161
100-443888-162
100-443888-163
100-443888-164
100-443888-165
100-443888-166
100-443888-167
100-443888-168
100-443888-169
100-443888-170
100-443888-171
100-443888-172
100-443888-173
100-443888-174
100-443888-175
100-443888-176
100-443888-177
100-443888-178
100-443888-179
100-443888-180
100-443888-181
100-443888-182
100-443888-183
100-443888-184
100-443888-185
100-443888-186
100-443888-187
100-443888-188
100-443888-189
100-443888-190
100-443888-191
100-443888-192
100-443888-193
100-443888-194
100-443888-195
100-443888-196
100-443888-197
100-443888-198
100-443888-199
100-443888-200
100-443888-201
100-443888-202
100-443888-203
100-443888-204
100-443888-205
100-443888-206
100-443888-207
100-443888-208
100-443888-209
100-443888-210
100-443888-211
100-443888-212
100-443888-213
100-443888-214
100-443888-215
100-443888-216
100-443888-217
100-443888-218
100-443888-219
100-443888-220
100-443888-221
100-443888-222
100-443888-223
100-443888-224
100-443888-225
100-443888-226
100-443888-227
100-443888-228
100-443888-229
100-443888-230
100-443888-231
100-443888-232
100-443888-233
100-443888-234
100-443888-235
100-443888-236
100-443888-237
100-443888-238
100-443888-239
100-443888-240
100-443888-241
100-443888-242
100-443888-243
100-443888-244
100-443888-245
100-443888-246
100-443888-247
100-443888-248
100-443888-249
100-443888

6	7-14-88	REC ADD BRINERY CONNECTION TO 14888	W/PLA
4	8-01-88	ADD INCREASE PER CITY OF PORT CHARLOTTE	W/PLA
3	8-08-88	REMOVED PER CITY CHARGES	W/PLA
2	8-22-88	REMOVED PER CITY CHARGES DATED 7-24-88	W/PLA
1	8-22-88	REMOVED PER CITY CHARGES DATED 7-24-88	W/PLA
REV.	DATE	DESCRIPTION	BY
		gscampbell	