City of South Daytona

Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3022 • Fax 386/322-3018



To: James L. Gillis Jr., City Manager

From: S. Laureen Kornel, AICP, Community Development Director

Re: Consideration of approving Resolution No. 2025-06 for the City Council to waive

platting requirements for lands lying within the corporate limits of the city

Date: January 6, 2025

This is a request by Corporate Property Services, Inc., authorized agent and applicant, for property located at 2410 and 2400 South Ridgewood Avenue, to the City Council to waive the platting requirements for land lying wholly inside the corporate limits of the city. The request is pursuant to Section 6.1.D. of the Consolidated Land Development Code which authorizes the City Council to make the final decision in the best interest of the city to waive requirements for platting of lands lying inside the corporate limits of the city. The request is also in accordance with Florida Statute 161.

As provided in the attached Resolution with legal descriptions, and sketches, the applicant and contract purchaser is seeking authorization of a waiver to separate a portion of 2400 South Ridgewood Avenue, Property Tax Identification No. 5344-08-03-0010, such portion described as Exhibit "A3" from its parent parcel to be combined with 2400 South Ridgewood Avenue, Property Tax Identification No. 5344-08-03-0140, a contiguous parcel described as Exhibit "A2", to create one new unified parent parcel described as Exhibit "A1", for the purpose of expanding an outparcel located at 2410 South Ridgewood Avenue at the Sunshine Park Mall.

The reconfiguration of the parcels will not create non-conforming parcels and complies with the provisions of the Land Development Code. The City of South Daytona is dedicated to furthering quality redevelopment within the US 1 Overlay District. As part of the City's strategic approach, engaging in the replatting of specific properties is a tool in aligning with the City's objective to redevelop properties within the City's Overlay District. No new development is proposed with this request. Any future development shall be required to meet all of the development requirements of the Land Development Code.

In accordance to the above noted requirements of the Consolidated Land Development Code, Chapter 177, Florida Statutes, and the conditions stated in Resolution No. 2025-06, staff recommends the City Council adopt the Resolution waving the platting requirements as described within this report.

Attachment: Resolution No. 2025-06 and associated legal descriptions and sketches

RRESOLUTION NO. 2025-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, APPROVING A WAIVER OF THE REQUIREMENTS OF ARTICLE VI. **SUBDIVISION** REGULATIONS, OF THE SOUTH DAYTONA CONSOLIDATED LAND DEVELOPMENT CODE PURSUANT TO SECTION 6.1.D. OF SUCH CODE, AND AUTHORIZING A PORTION OF THE PARCEL OF REAL PROPERTY BEARING PARCEL ID NO. 534408030010 AT 2400 SOUTH RIDGEWOOD AVENUE TO BE SEPARATED THEREFROM AND COMBINED WITH THE PARCEL OF REAL PROPERTY BEARING PARCEL ID NO. 534408030140 AT 2410 SOUTH RIDGEWOOD **AVENUE**; PROVIDING CONDITIONS OF **SUCH** WAIVER AND **AUTHORIZATION**; PROVIDING FOR RECORDING **AND** APPLICATION TO THE VOLUSIA COUNTY PROPERTY APPRAISER FOR LOT RECONFIGURATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 6.1.D. of the South Daytona Consolidated Land Development Code ("Code"), located in Article VI, Subdivision Regulations, of the Code, provides as follows:

D. Application of article; waiver requirements. This article shall apply to the platting or replatting of lands lying wholly or partly inside the corporate limits of the city. The regulations issued pursuant to this article, and this article itself, may be waived only in accordance with applicable laws and only when it appears that the provisions of the applicable Florida Statutes will not be violated. Before any waiver is given, a public hearing must be held after having given due notice, by advertising in a newspaper of general circulation in the city, advising of the request for the waiver, giving a general description of the area and its location and the specific provisions for which a waiver is requested.

WHEREAS, Corporate Property Services, Inc., ("Applicant"), the contract purchaser of the parcels of real property described herein, has applied for a waiver of the requirements of Article VI, Subdivision Regulations, of the Code, seeking authorization for a portion of the parcel of real property bearing Property Tax Identification No. 534408030010, such portion more particularly described in Exhibit "A3", to be separated from its parent parcel, and combined with a contiguous parcel of real property bearing Property Tax Identification No. 534408030140, more particularly described in Exhibit "A2", to create a parcel of real property as more particularly described in Exhibit "A1"; and

WHEREAS, the parent parcel from which the parcel described in Exhibit "A3" is to be separated is the location of the Sunshine Park Mall, 2400 S. Ridgewood Ave., and the parcel described in Exhibit "A2", located at 2410 South Ridgewood Avenue, is an outparcel of the Sunshine Park Mall with an existing structure thereon; and

WHEREAS, Applicant has represented that it seeks the requested waiver to effectively expand the outparcel for redevelopment as a restaurant; and

WHEREAS, pursuant to the requirements of Section 6.1.D. of the Code, due notice of a public hearing before the South Daytona City Council to be held on January 14, 2025, was given by advertising in a newspaper of general circulation in the city, advising of the request for the waiver, giving a general description of the area and its location and the specific provisions for which a waiver is requested; and

WHEREAS, the City Council thereafter held a public hearing on the request for waiver on January 14, 2025, and at the public hearing considered testimony from the Applicant and city staff as well as evidence, including but not limited to:

- (1) The report and recommendations of the City of South Daytona Community Development Department, dated January 6, 2025; and
- (2) Comments presented and received at the public hearing; and

WHEREAS, based upon the foregoing and in consideration thereof, the City Council found that:

- (1) The waiver and authorization sought encompasses only the separation of a portion of a parcel of real property from its parent parcel and its contemporaneous combination with a contiguous parcel of real property;
- The resulting reconfiguration of parcels does not constitute "the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions" as specified in the definition of "subdivision" at Sec. 177.031(18), Fla. Stat., and as a result, the waiver of the requirements of Article VI, Subdivision Regulations, of the Code would not be inconsistent requirements of Chapter 177, Florida Statutes, governing the subdivision of land;
- (3) The reconfiguration of the parcels will not have the effect of bringing such parcels into non-compliance with the provisions of the Code;
- (4) The granting of the waiver and authorization will be in harmony with the general intent and purpose of the Code and will not be injurious to the area involved or otherwise be detrimental to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Approval of Waiver and Authorization, Subject to Conditions. The

application for waiver of the requirements of Article VI, Subdivision Regulations, of the Code, seeking authorization for a portion of the parcel of real property bearing Property Tax Identification No. 534408030010, such portion more particularly described in Exhibit "A3", to be separated from its parent parcel, and combined with a contiguous parcel of real property bearing Property Tax Identification No. 534408030140, more particularly described in Exhibit "A2", to create a parcel of real property as more particularly described in Exhibit "A1", is hereby GRANTED, subject to the following conditions:

- (a) Such waiver and authorization shall be conditioned upon the conveyance to Applicant of the real property described in Exhibit "A3" and Exhibit "A2".
- (b) Such waiver and authorization shall be conditioned upon site plan approval, granted within 12 months after the effective date of this Resolution, for the development of the reconfigured parcel described in Exhibit "A1" as a restaurant. Such 12-month period may be extended by the City Manager in writing for good cause shown. If such site plan approval is not achieved within the relevant time period, the waiver and authorization granted by this Resolution shall expire.
- (c) The waiver and authorization granted hereunder only authorizes the legal reconfiguration of the parcels of real property referenced herein subject to the conditions herein, and does not constitute site plan approval, zoning approval, or any other approval or authorization for the development of land. Development of the reconfigured parcel described in Exhibit "A1" shall at all times be in accordance with the ordinances and Code of the City of South Daytona and other applicable law.

SECTION 3. Recording and Application to Volusia County Property Appraiser for Lot Reconfiguration. Upon satisfaction of conditions (a) and (b) in Section 2 above, this Resolution shall be recorded in the Public Records of Volusia County, Florida, at Applicant's expense, and the Resolution shall be considered a covenant running with the land, and shall be binding on the Applicant and its successors and assigns. Within 3 days after the recording of this Resolution, Applicant shall submit to the Volusia County Property Appraiser an application to reconfigure parcels in accordance with waiver and authorization granted herein, shall diligently prosecute same to completion, and shall provide written notice to the City upon completion of the parcel reconfiguration by the Volusia County Property Appraiser.

SECTION 4. Conflicts. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Severability. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Resolution, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-section(s), sub-section(s) of this Resolution shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Resolution, and such holding shall in no manner affect the validity of the remaining words, phrases, portions,

sub-sub-sections, sub-sections, or sections of this Resolution, which shall remain in full force and effect. This Resolution shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Resolution as expressed herein. It will be presumed that the City Council for the City of South Daytona did not intend to enact any invalid or unconstitutional provision. It shall further be presumed that the City Council would have enacted the remainder of this Resolution without any invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED upon first and final reading at the regular public hearing held by the City Council of the City of South Daytona, Florida, on the 14th day of January 2025.

CITY OF SOUTH DAYTONA,

FLORIDA

William C. Hall, Mayor

ATTEST:

James L. Gillis, Jr., City Manager as Appointed City Clerk

Approved as to form and sufficiency

Wade Vose, City Attorney

"EXHIBIT A1"

DESCRIPTION OF SKETCH (NOT A SURVEY)

LEGAL DESCRIPTION

PART OF BLOCKS C AND D AND VACATED EUCLID AVENUE, WOODLAWN SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK C, THENCE RUNNING ALONG THE EAST LINE OF BLOCK C ALSO BEING THE WEST RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (U.S. HIGHWAY 31) PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 79010, SOUTH 25°45'00" EAST, FOR A DISTANCE OF 471.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE, SOUTH 25°45'00" EAST, FOR A DISTANCE OF 254.00 FEET; THENCE DEPARTING SAID LINE, SOUTH 63°53'30" WEST, FOR A DISTANCE OF 224.91 FEET; THENCE RUNNING ALONG A PARALLEL LINE WITH THE AFOREMENTIONED EAST LINE OF BLOCK C, NORTH 25°45'00" WEST, FOR A DISTANCE OF 298.60 FEET; THENCE 22.61 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 25.04 FEET, A CENTRAL ANGLE OF 51°44'13", AND A BEARING AND DISTANCE OF SOUTH 53°13'58" EAST, 21.85 FEET; THENCE SOUTH 79°07'18" EAST, FOR A DISTANCE OF 11.71 FEET; THENCE 58.10 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 36°59'12", AND A BEARING AND DISTANCE OF NORTH 82°23'06" EAST, 57.10 FEET; THENCE NORTH 63°53'30" EAST, FOR A DISTANCE OF 151.17 FEET TO THE POINT OF BEGINNING.

CONTAINING: 57,957 SQUARE FEET OR 1.331 ACRES (MORE OR LESS).

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY DIRECT SUPERVISION ON DECEMBER 20, 2024 AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CERTIFIED TO VOLUSIA COUNTY.

NOTES:

- 1. THE BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF BLOCK C, WOODLAWN SUBDIVISION, AS BEING SOUTH 25°45'00" EAST. THIS OFFICE HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS.
- 2. THE PURPOSE OF THIS DOCUMENT IS TO DESCRIBE AND REPRESENT AN AREA WITHIN WOODLAWN, AS RECORDED IN MAP BOOK 10, PAGE 132, AS SHOWN HEREON. (SEE SHEET 2 FOR SKETCH)
- 3. THIS SKETCH DOES NOT REPRESENT A LAND SURVEY.
- 4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY ANYONE OTHER THAN THE SIGNING PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 5. THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND EACH SHEET WILL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.

COLLIN WOODYARD LS NO. 7423 DECEMBER 20, 2024 "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER"

SHEET 1 OF 2

 SCALE:
 DATE
 DRAWN
 PROJECT
 SEC. 44

 N.T.S.
 12/20/2024
 PD
 FLB240092
 TWN. 15 S

 RNG. 33 E

1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280



"EXHIBIT A1" SKETCH OF DESCRIPTION (NOT A SURVEY) P.O.C.-N.E. CORNER OF BLOCK C, WOODLAWN M.B. 10, PG. 132 P.O.B. S25°45'00"E 471.50'-R=25.04' L=22.61' N63°53'30"E 151.17 ·Δ=051°44'13" CHB=S53°13'58"E -W. R/W LINE & CHD=21.85' E. LINE OF BLOCK C S79°07'18"E 11.71' R=90.00' L=58.10' Δ=036°59'12" CHB=N82° 23' 06"E CHD=57.10' **LEGEND** AREA: 57,957 S.F. OR 1.331 AC. Ν NORTH **WEST** W SOUTH S Ε **EAST** MAP BOOK M.B. PG. **PAGE** SEC **SECTION** A PORTION OF TWN **TOWNSHIP** BLOCKS C, D, & VACATED EUCLID AVENUE **RNG RANGE RADIUS** WOODLAWN R M.B. 10, PG. 132 L **LENGTH** Δ DELTA **CHORD BEARING** CHB CHD CHORD DISTANCE 563° 53'30"W 224.91 **UNITED STATES** U.S. R/W **RIGHT-OF-WAY** S.F. **SQUARE FEET** AC. **ACRES** F.D.O.T. FLORIDA DEPARTMENT OF TRANSPORTATION P.S.M. PROFESSIONAL 25 12.5 0 **SURVEYOR** AND MAPPER 1"= 50' P.O.B. POINT OF BEGINNING P.O.C. POINT OF COMMENCEMENT SHEET 2 OF 2 1900 NW CORPORATE BLVD., SUITE 101E DATE DRAWN **PROJECT** SEC. 44 SCALE: BOCA RATON, FL 33431 561.571.0280 TWN. 15 S 1"=50' 12/20/2024 PD FLB240092 RNG. 33 E

"EXHIBIT A2"

DESCRIPTION OF SKETCH (NOT A SURVEY)

LEGAL DESCRIPTION

PART OF BLOCKS C AND D AND VACATED EUCLID AVENUE, WOODLAWN SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK C, THENCE RUNNING ALONG THE EAST LINE OF BLOCK C ALSO BEING THE WEST RIGHT-OF-WAY LINE OF RIDGEWOOD AVENUE (U.S. HIGHWAY 31) PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION 79010, SOUTH 25°45'00" EAST, FOR A DISTANCE OF 600.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID LINE, SOUTH 25°45'00" EAST, FOR A DISTANCE OF 125.00 FEET; THENCE DEPARTING SAID LINE, SOUTH 63°53'30" WEST, FOR A DISTANCE OF 150.00 FEET; THENCE RUNNING ALONG A PARALLEL LINE WITH THE AFOREMENTIONED EAST LINE OF BLOCK C, NORTH 25°45'00" WEST, FOR A DISTANCE OF 125.00 FEET; THENCE NORTH 63°53'30" EAST, FOR A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 18,750 SQUARE FEET OR 0.430 ACRES (MORE OR LESS).

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY DIRECT SUPERVISION ON DECEMBER 20, 2024 AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CERTIFIED TO VOLUSIA COUNTY.

NOTES:

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- 2. THE PURPOSE OF THIS DOCUMENT IS TO DESCRIBE AND REPRESENT AN AREA WITHIN WOODLAWN, AS RECORDED IN MAP BOOK 10, PAGE 132, AS SHOWN HEREON. (SEE SHEET 2 FOR SKETCH)
- 3. THIS SKETCH DOES NOT REPRESENT A LAND SURVEY.
- 4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY ANYONE OTHER THAN THE SIGNING PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 5. THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND EACH SHEET WILL NOT BE CONSIDERED FULL, VALID AND COMPLETE UNLESS ATTACHED TO THE OTHERS.

COLLIN WOODYARD LS NO. 7423 DECEMBER 20, 2024 "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER"

SHEET 1 OF 2

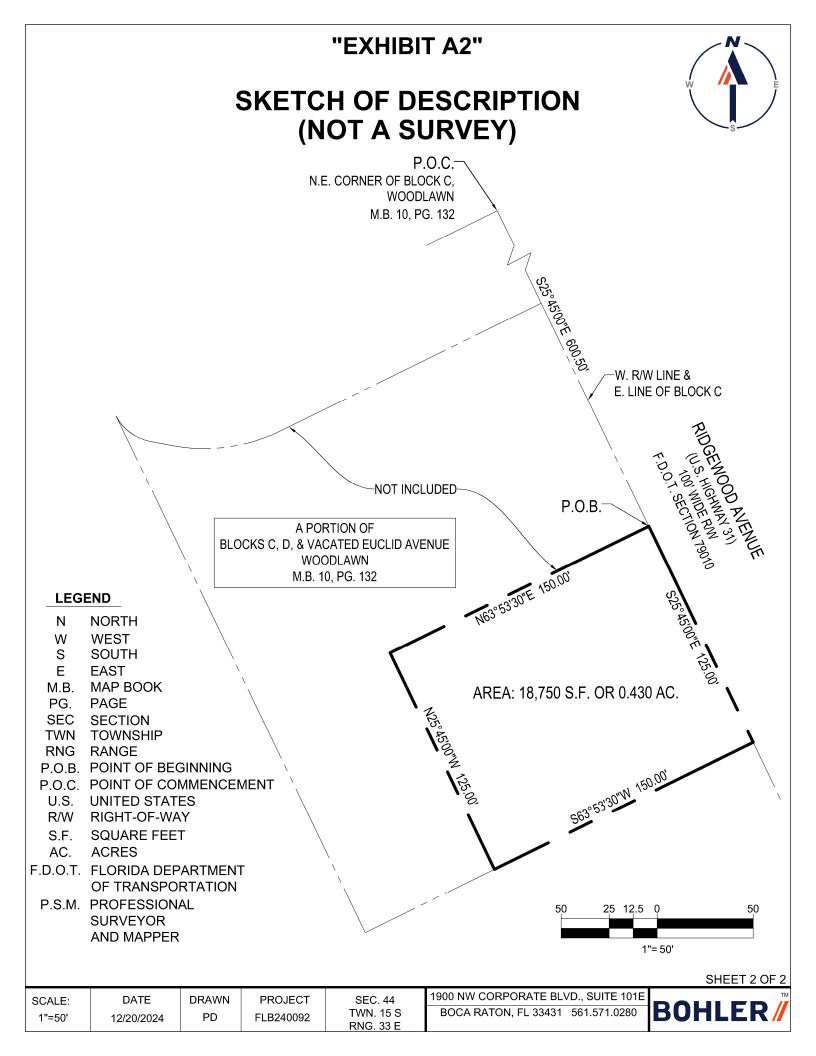
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 SEC. 44

 N.T.S.
 12/20/2024
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 TWN. 15 S

 RNG. 33 E

1900 NW CORPORATE BLVD., SUITE 101E BOCA RATON, FL 33431 561.571.0280





"EXHIBIT A3"

DESCRIPTION OF SKETCH (NOT A SURVEY)

LEGAL DESCRIPTION

PART OF BLOCKS C AND D AND VACATED EUCLID AVENUE, WOODLAWN SUBDIVISION, AS RECORDED IN MAP BOOK 10, PAGE 132, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING: 39,208 SQUARE FEET OR 0.900 ACRES (MORE OR LESS).

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS "SKETCH AND DESCRIPTION" WAS MADE UNDER MY DIRECT SUPERVISION ON DECEMBER 20, 2024 AND MEETS THE APPLICABLE CODES AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS CERTIFIED TO VOLUSIA COUNTY.

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SHEET 1 OF 2

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