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**FIRST AMENDMENT TO MINTO TOMOKA – PARCEL B
PLANNED DISTRICT AGREEMENT**

THIS FIRST AMENDMENT TO MINTO TOMOKA – PARCEL B PLANNED DISTRICT AGREEMENT (First Amendment) made and entered into by and between the **CITY OF DAYTONA BEACH, FLORIDA**, a Florida municipal corporation located in Volusia County, Florida (City), **MINTO COMMUNITIES, LLC**, a Florida limited liability company, located at 4400 W. Sample Road Suite 200, Coconut Creek Florida 33073, the record title property owner (Owner and Developer), and **SAMUEL R. SUTTON AND ROBERT SUTTON, AS CO-TRUSTEES UNDER THAT CERTAIN LAND TRUST NO. 1 DATED DECEMBER 15, 1992, AS AMENDED**, located at 7201 1st Avenue South, St. Petersburg, Florida 33707, the record title property owner (collectively the "Suttons") constitutes the First Amendment to the Planned District Agreement for the Minto Tomoka – Parcel B Planned District.

WHEREAS, the City, Consolidated-Tomoka Land Co., Indigo Development LLC, and Developer entered into the Minto Tomoka – Parcel B Planned District Agreement, recorded in Official Records Book 7245, Page 2451, Public Records of Volusia County, Florida (the PD Agreement); and

WHEREAS, Consolidated-Tomoka Land Co. and Indigo Development LLC transferred the property subject to the terms of the PD Agreement (the "Property") to the Developer; and

WHEREAS, the Developer transferred a portion of the Property, which remains subject to the terms of the PD Agreement, to the Suttons; and

WHEREAS, the Developer proposed to amend the PD Agreement as set forth herein; and

WHEREAS, the Suttons are in agreement with the amendment; and

WHEREAS, the City is willing to grant the Developer's request, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer hereby agree to amend the PD Agreement as follows:

Section 3.D.1 of the PD Agreement is amended to read, in its entirety as follows:

1) Specialty Setbacks:

a) Air Conditioning/Heating Units ¹ :	<u>1.5 ft.</u>
b) Patio:	5 ft.
c) Swimming Pool/Pool Deck ² :	6 ft.
d) Pool Enclosure ³ :	5 ft.
e) Pool Pumps:	<u>1.5 ft.</u>
f) Accessory Structure:	5 ft.
g) Generators/Other Mechanical Equipment:	5 ft.
h) Eaves:	3 ft.

¹Air Conditioning /Heating Units shall be installed such that units are separated no less than 8 feet apart.

²Swimming pools and enclosures erected around swimming pools may only be located within the required rear or side yard.

³The height of any pool enclosure may not exceed the height of the primary structure to which it is attached.

NO OTHER MODIFICATIONS

Except as otherwise expressly provided for herein, the Original PD Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands, this ____ day of _____, 2017.

(Remainder of Page Intentionally Left Blank)

Signed, sealed and delivered in the presence of:

**THE CITY OF DAYTONA BEACH
FLORIDA, a Florida municipal
corporation**

By: _____
Derrick L. Henry, Mayor

Printed Name of Witness 1

Attest:

By: _____
Letitia LaMagna, City Clerk

Printed Name of Witness 2

Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2017
By DERRICK L. HENRY and LETITIA LAMAGNA, Mayor and City Clerk, respectively, of The City of
Daytona Beach, Florida, a chartered municipal corporation, on behalf of the City. They are personally
known to me and did not take an oath.

Notary Public
Commission No: _____

Signed, sealed and delivered in the presence of:

[Signature]

MINTO COMMUNITIES LLC, a Florida limited liability company

By: [Signature]

Name: William Bullock
Title: Senior Vice President

BRAD CAY
Printed Name of Witness 1

[Signature]
THEODORE NEUWEILER
Printed Name of Witness 2

Date: 8/3/17

STATE OF FLORIDA
COUNTY OF VOLUSIA Hillsborough

The foregoing instrument was acknowledged before me this 3rd day of August, 2017
By WILLIAM BULLOCK as Senior Vice President of MINTO COMMUNITIES, LLC, a Florida limited liability company, referred to in this agreement as "Owner or Developer." He is personally known to me or produced — as identification and did not take an oath.



TERRIE L. GREY
MY COMMISSION # FF 949077
EXPIRES: April 7, 2020
Bonded Thru Budget Notary Services

[Signature]
Notary Public
Commission No: FF949077

Signed, sealed and delivered in the presence of:

[Signature]

M. Michalowsky

Printed Name of Witness 1

Ronaldson

ISABEL L. RONALDSON.

Printed Name of Witness 2

SAMUEL R. SUTTON AND ROBERT SUTTON, AS CO-TRUSTEES UNDER THAT CERTAIN LAND TRUST NO. 1 DATED DECEMBER 15, 1992, AS AMENDED

By: [Signature]

Name: Samuel R. Sutton

Title: Co-Trustee

By: [Signature]

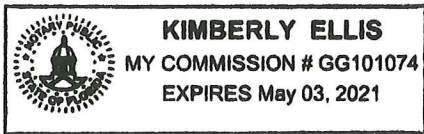
Name: Robert Sutton

Title: Co-Trustee

Date: August 1, 2017

STATE OF FLORIDA
COUNTY OF ~~VOLUSTA~~ PINELLAS

The foregoing instrument was acknowledged before me this 1 day of August, 2017
By SAMUEL R. SUTTON and ROBERT SUTTON as co-trustees, referred to in this agreement collectively
as the "Suttons." They are personally known to me or produced _____ and
_____ as identification and did not take an oath.



[Signature]
Notary Public
Commission No: GG101074

Approved as to legal form:

By: _____
Robert Jagger, City Attorney