

**ORDINANCE NO. O2015-48**

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY THE BEAUMONT FAMILY TRUST, MICHAEL AND KATHI STOKES, AND PINE CONE INVESTMENTS LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**BE IT ORDAINED** by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by Greg Believau, LPG Urban & Regional Planners, Inc., on behalf of Wholelife Companies, Inc. (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this 11<sup>th</sup> day of January 2015. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on December 1, 2015 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

**SECTION 1: GENERAL FINDINGS**

- A. That the Wholelife Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on September 30, 2015.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer intends to develop a Project consisting of 153.55 acres, more or less, which is situated in Wildwood, Florida. This land is legally described in "Exhibit A" attached hereto.
- E. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

**SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY**

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90-  
City of Wildwood  
100 N. Main St.  
Wildwood FL 34785  
RETURN TO:

- A. That the Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A."
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Central Mixed Use (CMU) on the City of Wildwood Zoning Map.
- C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.
- E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

**SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS**

- A. Development Concept The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.
- B. Conceptual Development Plan The Project includes a conceptual development plan pursuant to Section 8.4 of the Land Development Regulations. The conceptual development plan prepared by LPG Urban & Regional Planners, Inc. dated November 20, 2015 (revision date) is incorporated into this Ordinance as "Exhibit B" attached hereto. The conceptual development plan is substantially consistent with City of Wildwood Comprehensive Plan.
  - 1) The conceptual development plan illustrates the general location of the following land uses:
    - a. Residential: Single Family and Apartments / Townhouses; and
    - b. Medical / Institutional; and
    - c. Commercial Sales and Retail; and
    - d. Recreational (Parks)
  - 2) The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.
- C. Development Program The Project shall be developed in one (1) phase in accordance with the conceptual development plan and this Section.

- 1) Residential Development The residential component of the Project shall contain a mix of two (2) or more housing types. Apartments and Townhomes each count as one (1) housing type. Conversions of ALF beds and ILF units to other residential units are permitted. Three (3) ALF beds shall equal one (1) residential unit. One (1) ILF unit shall equal one (1) residential unit.
- 2) Land Use Breakdown Acreages devoted to each land use over the life of the Project shall be in accordance with the following table:

Land Use	Total (Acres)
Residential	92.73
Institutional	8.0
Commercial Sales and Retail	25.0
Recreational / Open Space	27.82
<b>Total</b>	<b>153.55</b>

- 3) Maximum Development Potential Residential and non-residential development within the Project shall not exceed the following:

Land Use	Square Feet (SF)	Beds/Units
Residential		1,298 dwelling units
Institutional	174,240	
Retail	544,500	

- 4) Land Use (Trip) Equivalency Matrix Land uses may be converted in accordance with the following Table provided doing so does not exceed Development of Regional Impact thresholds for the Regional Activity Center, as established by F.S. § 380.06(2)(d) and Chapter 28-24, Florida Administrative Code. The coefficients are based on the trip generation, per the Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition.

		Change To						
		Residential, Condo/Townhome (Per Unit)	Residential, Apartment/Multi-Family (Per Unit)	Residential, ACLF (Per Bed)	Residential, ILF (Per Unit)	Commercial Sales (1,000 SF)	General Office (1,000 SF)	Medical Office (1,000 SF)
Change From	Residential, Condo/Town Home (Per Unit)	N/A	1.701	0.616	0.762	8.505	4.219	10.039
	Residential, Apartment/Multi-Family (Per Unit)	0.588	N/A	0.362	0.448	5.001	2.480	5.902
	Residential, ACLF (Per Bed)	1.625	2.763	N/A	1.239	13.818	6.854	16.310
	Residential, ILF (Per Unit)	1.312	2.231	0.807	N/A	11.155	5.533	13.167
	Commercial Sales (1,000 SF)	0.118	0.200	0.072	0.090	N/A	0.496	1.180
	General Office (1,000 SF)	0.237	0.403	0.146	0.181	2.016	N/A	2.380
	Medical Office (1,000 SF)	0.100	0.169	0.061	0.076	0.847	0.420	N/A

**Example #1:** To convert from Commercial Sales to Medical Office

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Take the desired sq.ft. of Medical Office and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales

20,000 sq.ft. of Medical Office \* 1.180 (Commercial Sales equiv. Factor) = 23,600 sq.ft. of Commercial Sales

To add 20,000 sq.ft. of Medical Office, you reduce Commercial Sales by 23,600 sq.ft.

**Example #2:** To convert from Commercial Sales to ACLF Beds

Take the desired ACLF Beds and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales

200 ACLF Beds \* 0.072 (Commercial Sales equiv. factor) = 14.4 \* 1,000 = 14,400 sq.ft. Commercial Sales

To add 200 ACLF Beds, you reduce Commercial Sales by 14,400 sq.ft.

- D. Amendments The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.
- E. Future Approvals After this Ordinance is recorded, and prior to any construction occurring, a site plan or subdivision preliminary plan shall be submitted for review and approval in the manner required by Chapter 4 or Chapter 5 of the Land Development Regulations, whichever Chapter is applicable:
- 1) Developer's Agreement Prior to approval of a site plan or a subdivision preliminary plan, the City and the Developer agree to enter into Utility or Developer's Agreements to address the provision of water, wastewater and reuse water to the Project. The agreement shall also specify, among other items, the ownership and maintenance of infrastructure associated with the Project.
- F. Principal Uses All permitted principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations for the CMU zoning district shall be permitted.
- G. Development Standards Except as noted below, the Project shall adhere to the zoning district standards prescribed in Chapter 3 of the Land Development Regulations for the Central Mixed Use (CMU) zoning district.
- 1) Single Family Residential Detached (SFD) The single family residential detached shall maintain the following setbacks:
    - a. Front Twenty feet (20')
    - b. Rear Five feet (5')
    - c. Side
      - i. All except corner lots – Five feet (5') on each side
      - ii. Corner lots – Fifteen feet (15') along the side facing the street and five feet (5') on the side facing an adjoining lot or common area.
  - 2) Apartments / Institutional / Commercial (All other than SFD):
    - a. Building height: Maximum as approved by the Sumter County Fire Department.

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H. Design District Standards Unless otherwise noted, the Project shall adhere to the Community Design District Standards pursuant to section 6.12 of the Land Development Regulations.

I. Recreation and Open Space The Project shall maintain a minimum of 15% open space.

1) Parks and Recreation The Project shall contain a minimum of 5 acres of parks which may include both passive and active recreation parks.

2) Buffers

a. The Project shall contain a 25' perimeter landscape buffer along CR 466 and CR 462. A 20' perimeter landscape buffer shall be maintained along the northern and eastern boundary. The buffer is intended to mitigate potential visual and noise impacts of the Project. The buffer will be continuous and contain canopy and understory trees as well as a 3' tall hedge in conformance with the buffer detail sections incorporated into this Ordinance as part of "Exhibit B."

b. The Project will also contain 10' wide interior buffers in instances where there is a change of land use and along both sides of internal roadways (public and private) as depicted on the typical roadway section incorporated into this Ordinance as part of "Exhibit B".

c. Any on site booster pumps, tanks, or lift stations needed to serve the Project shall be screened, buffered and located outside of the perimeter buffer.

3) Open Space Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may also include recreation areas and amenities provided said amenities or area is not enclosed within air conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.

J. Environmental Considerations

1) Gopher Tortoise Survey As stated in the Preliminary Protected Species Assessment submitted with the Planned Development Application, a gopher tortoise survey is required 90 days prior to any construction activities taking place. If tortoises are found on the Project, a relocation permit from the Florida Fish and Wildlife Conservation Commission may be required.

2) Wetlands The Project contains a 5.3 acre wetland as shown on the conceptual development plan. A 15' minimum, 25' average buffer is required along the preserved wetland. The wetland and associated wetland buffer may be utilized as a passive recreation park.

K. Public Facilities

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- 1) Potable Water, Wastewater, and Reuse Water The Project shall be connected to the City's water and wastewater system prior to any certificates of occupancy being issued. The Project will also connect to the City's reuse water system prior to certificates of occupancy being issued, if available. Expansion of the City's Potable Water and Sanitary Sewer systems, including necessary utility easements, shall be negotiated by a separate Developer's Agreement between the City and the Developer, except as already provided in number 7 (Easements), below. Said agreement shall specify cost, ownership and maintenance, and timetables for delivery of services.
- 2) Solid Waste Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District, and Chapter 6, section 6.4 of the City's Land Development Regulations.
- 4) Underground Utilities All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utilities easement serving lands other than the Planned Development shall be underground.
- 5) Lighting Exterior lighting of all buildings and parking lots shall be designed so that light is not directed off the Project. Exterior light fixtures should be fully shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.
- 6) Transportation Concurrency There is sufficient roadway capacity available to accommodate the Project at buildout. The responsibility to fund the improvements listed in Section L of this ordinance, in part or whole, will be the responsibility of the applicant/developer.
- 7) Easements The Project shall provide a 25' utility easement along C-466A (depicted and attached as EXHIBIT E – Utility Easements along C-466A) as well as a 25' utility easement along C-462 (to be depicted, recorded, and provided to the City at a later date to be determined).

L. Access and Transportation

1) Access

a. CR 466A Proposed Points of Access

- i. The main access point will align with the existing traffic signal at Pinellas Place (CR 466A roadway improvements include an eastbound left turn lane and a west bound right turn lane at the intersection of Pinellas Place).
- ii. If the interior frontage road does not align with the Trailwinds interior roadway or otherwise does not facilitate cross access, the continuous right turn lane along the frontage of the Trailwinds Development will be extended to the main access point at Pinellas Place.
- iii. A secondary access point will be allowed between the intersection of CR 466A and CR 462 and the existing traffic signal at Pinellas Place. This secondary access point shall be a right-in/right-out

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and shall not align with or create operational issues with the existing median between C-462 and the Pinellas Place signal.

- iv. A total of 2 access points as required by Sumter County may be allowed along CR 466A.
- b. CR 462 Proposed Points of Access
  - i. The main access point along CR 462 will align with Inspiration Drive (the secondary access point for the Turkey Run development). This proposed access will be full median access with a proposed traffic signal, if warranted and allowed by Sumter County.
  - ii. Two additional access points may be provided along CR 462. Those access points will either be right-in/right-outs or right-in/right-outs with directional left-ins.
  - iii. A total of 3 access points may be allowed along CR 462.
  - iv. The developer will coordinate with Sumter County to determine if the CR 462 roadway improvements identified herein will be incorporated into Sumter County's roadway plans at the developer's sole expense and, if approved, such that there will be no time delay to the Sumter County Project.
- c. Interconnectivity to the West The Project is required to construct at least one (1) internal roadway east to the adjoining property commonly known as Trailwinds Village and west to C-462 to provide a cross-access roadway. The cross-access roadway shall provide an unimpeded, continuous flow of traffic without stop signs or the need for traffic to make a turn at any intersection in order to proceed to C-462 where it will interface with the proposed intersection and traffic signal at Inspiration Drive, thereby connecting to the adjoining development commonly known as Turkey Run (Providence ILF/ALF). The Developer acknowledges that Trailwinds Village shall have the right to set the eastern access point and must cooperate with the adjoining property owner and/or owner's agent or assign to effect the required interconnection point.

2) Transportation System Improvements The Developer shall be fully responsible for the following improvements to the transportation system to mitigate transportation impacts of the Project. These improvements were identified in the Traffic Impact Analysis submitted with the Planned Development application and are attached as Exhibit "C":

- a. The project access is provided via five (5) proposed driveways, two (2) on C-466A and three (3) on C-462.
- b. A signal warrant analysis is necessary for the intersection of C-462 and driveway 4.
- c. The project access points operate adequately as proposed. The access points will be improved with turn lanes to minimize friction on the adjacent roadways. The turn lengths are:

Driveway	Turn Lane	Lane Length
1	WB Right	375'
	EB Left	395'
2	WB Right	185'
3	NB Right	185'
4	NB Right	225'
	SB Left	405'

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5	NB Right	185'
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*Lane lengths are in feet and include a 50-foot taper.*

- d. As required by Sumter County, the existing westbound right turn lane at C-466A and C-462 will be extended to the project driveway (Access 2) to form a continuous right turn lane on approach to the intersection.

3) Internal Roadways

- a. Individual development pods and land uses shall be interconnected by a series of roadways and trails within the Project. Internal roadways and trails shall be developed with accordance with the conceptual development plan and the typical roadway section incorporated into this Ordinance as part of "Exhibit B."
- b. The Project shall provide a system of sidewalks that encourage walking and bicycling within the development as depicted in the typical roadway section in Exhibit B. Both sides of the road shall contain a 5' wide sidewalk. The only exception shall be the interior roadways associated with the single family residential component, which shall contain a 5' sidewalk on one side of the road.
- c. Golf carts may be allowed within the Project in conformance with Ordinance O2013-48 pending final engineering approval at the time of site plan. The City shall ensure the allowance of golf carts within the Project does not present a safety concern. The Developer is aware that golf carts are not allowed to access or cross CR 466A per the regulations of Sumter County.

- 4) Transportation Proportionate Share Agreement (TPSA) – The developer shall be bound by the terms of the TPSA for the needed C-462 Improvements attached hereto as Exhibit D. Amendments to the TPSA shall be in writing and by joint consent between Sumter County and the Developer; such consent shall not be unreasonably withheld.

M. Maintenance of Common Areas Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer, its successors and/or assigns, shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Developer, its successors and/or assigns, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.

N. Enforcement of Rules and Regulations For the maintenance of the common areas referenced in Section 3(M) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.

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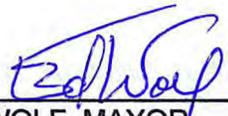
- O. Impact Fees The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.
- P. Expiration of Planned Development Agreement Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to twelve (12) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 48 months after the effective date of this Ordinance.

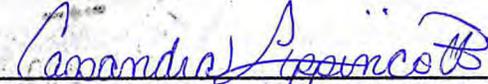
**SECTION 4.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

**SECTION 5.** This Ordinance shall be effective upon adoption during the second and final reading by the City of Wildwood City Commission.

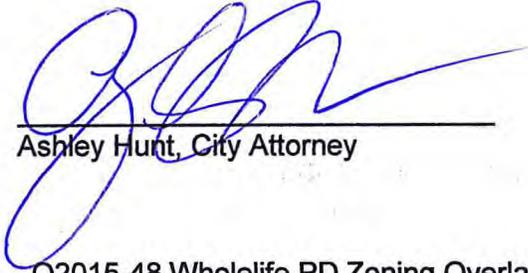
**PASSED AND ORDAINED** in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 11<sup>th</sup> day of January 2016.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

  
\_\_\_\_\_  
ED WOLF, MAYOR

  
ATTEST:   
Cassandra Lippincott, City Clerk

First Reading: 12/14/15  
Second Reading: 1/11/16

Approved as to Form:  
  
\_\_\_\_\_  
Ashley Hunt, City Attorney

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## ORDINANCE 02015-48

### EXHIBIT A - LEGAL DESCRIPTION

#### PARCEL 1

THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS: THE NORTH 50.00 FEET OF THE SAID NORTHWEST 1/4; AND THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SAID NORTHWEST 1/4; AND THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SAID NORTHWEST 1/4; ALSO, LESS RIGHT OF WAY FOR C-462E AND C-466A.

#### PARCEL 2

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS RIGHT OF WAY FOR C-466A.

#### PARCEL 3

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; LESS AND EXCEPT THE FOLLOWING PARCEL: COMMENCE FOR POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, RUN THENCE EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 333.00 FEET, THENCE RUN SOUTH PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, A DISTANCE OF 333.00 FEET, THENCE RUN WEST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, THENCE RUN NORTH ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4 TO THE POINT OF BEGINNING.

ALSO LESS RIGHT OF WAY FOR C-462 AND C-466A.

#### PARCEL 4

COMMENCE FOR POINT OF BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA,

RUN THENCE EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, A DISTANCE OF 333.00 FEET, THENCE RUN SOUTH PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, A DISTANCE OF 333.00 FEET, THENCE RUN WEST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, TO A POINT ON THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, THENCE RUN NORTH ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4 TO THE POINT OF BEGINNING.