



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 10

Public Hearings: Planning & Zoning Board (PZB): August 5, 2026
Board of County Commissioners (BCC): August 11, 2026

Case No. and Project Name: PZ2026-266, Smith Family Trust Cemetery

Commissioner District: District 1 – Anthony Sabatini

Applicant(s): Carol L. Smith, Trustee of the Smith Family Trust

Owner(s): Smith Family Trust

Requested Action: Conditional Use Permit (CUP) approval on approximately 470 +/- acres to allow a private family cemetery within the Agriculture (A) District.

Staff Determination: Staff finds the CUP application consistent with the Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: Mike Fitzgerald, Director of Planning and Zoning

PZB Recommendation:

Subject Property Information

Size: 470 +/- acres

Location: Calvin Lee Road, in the unincorporated Groveland area

Alternate Key No.: 1777691

Future Land Use: Green Swamp Core Conservation (Attachment “A”)

Zoning District: Agriculture (A) District (Attachment “B”)

JPA/ISBA: N/A

Overlay/Rural Protection Area: Green Swamp Area of Critical State Concern (Attachment “C”)

Flood Zones: “A” and “X”

BMAP Location: N/A

Wildlife Corridor: Priority 2

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Core Conservation	Agriculture (A) District	Residential	Single-Family Residence
South	Green Swamp Core Conservation	Agriculture (A) District	Residential	Single-Family Residences, Vacant Land
East	Green Swamp Core Conservation	Agriculture (A) District	Residential	Vacant Land
West	Green Swamp Core Conservation	Agriculture (A) District	Residential	Single-Family Residences and Vacant Land West of Calvin Lee Road

- Summary of Analysis -

The conditional use permit (CUP) application seeks approval of a private family cemetery on the subject 470 +/- acres, identified by Alternate Key No. 1777691, located at 6200 Calvin Lee Road. The subject parcel is zoned as Agriculture (A) District; is designated with a Green Swamp Core Conservation Future Land Use Category (FLUC) by the 2030 Comprehensive Plan; and located within the Green Swamp Area of Critical State Concern. Pursuant to the property record card, the subject parcel is developed with a single-family residence, two (2) carports, and multiple livestock barns.

The Concept Plan depicts the proposed location of the 0.84+/- acre private family cemetery southwest of the existing residence situated in an upland area of the property (Attachment “D”).

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC). Should the CUP be approved, the application will be provided to Florida Commerce for a determination of consistency with the GSACSC regulations. Florida Commerce retains the right to appeal any development order within an area of critical state concern, pursuant to Chapter 380, Florida Statutes.

GIS maps indicate that the subject parcel is located within flood zones “A” and “X” and there is indication that wetlands exist on the site. The proposed cemetery use will be directed to a designated upland area as depicted in the Concept Plan (Attachment “D”).

The subject parcel lies within a Priority 2 wildlife corridor. Priority 2 corridors are often supporting areas surrounding critical linkages that help protect a wider and potentially more functional corridor. In some cases, they are additional corridors connecting to other important areas of the state that could significantly contribute to a statewide ecological network.

Due to the sensitivity of the situation, on July 17, 2026, the County granted a conditional approval allowing the Applicant to move forward with the burial of a family member in advance of the final approval of this CUP application, subject to terms and conditions as dictated in the Conditional Approval Letter (Attachment “E”).

Conditions:

- 1) A complete application is submitted to the Office of Planning and Zoning, to include a Concept Plan or Plot Plan to identify the location of the cemetery no later than Friday, July 24, 2026.
- 2) The cemetery and individual plots must be designated in accordance with the requirements outlined below, and reflected on the to-scale Concept Plan or Plot Plan:

- a. Be set back a minimum of 100 feet from the nearest property line adjacent to any right-of-way;
 - b. Be set back a minimum of 5 feet from any property not within the approved boundaries of the cemetery;
 - c. Provide for a 5-foot landscape buffer around all sides of the cemetery not fronting a right-of-way;
 - d. Be set back a minimum of 50 feet from the jurisdictional wetland line;
- 3) Obtain the final CUP approval from the Board of County Commissioners no later than September 30, 2026, unless an extension is approved by the County Manager or designee due to delays not caused by the property owner.

If the above conditions are not met, the Owner will be required to relocate the deceased to a properly permitted cemetery within 30 days of being notified that this conditional approval has been revoked, or within 30 days of the denial of the CUP application by the Board of County Commissioners.

The applicant provided a Project Narrative as shown on Attachment “F”.

– Staff Analysis –

LDR Section 14.05.03 (Standards for Review)

A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).

The Applicant seeks a CUP for a private family cemetery in the Agriculture (A) zoning district. The Land Development Regulations (LDR) define a Cemetery as land used or intended to be used for the burial of the dead, whether human or animal, including a mausoleum or columbarium.

The proposed use is consistent with LDR Table 3.01.03, entitled *Schedule of Permitted and Conditional Uses*, which states that a cemetery is a conditional use within the Agriculture (A) District. A CUP is an appropriate land use regulatory instrument that satisfies this requirement.

Pursuant to LDR Sections 3.01.04(10) and 3.08.00, entitled *Cemeteries*, an adequate means of ingress and egress shall be provided, grave lots shall be setback a minimum of one hundred (100) feet from the nearest property line adjacent to a right-of-way, grave lots shall be setback a minimum of five (5) feet from any property not within the approved boundaries of the cemetery, and a five (5) foot landscape buffer strip shall be provided around all sides of the cemetery not fronting a road. The proposed use and subsequent site plan will adhere to these regulations pursuant to the proposed Ordinance and therefore the request is consistent with LDR Sections 3.01.04(10) and 3.08.00.

The proposed use is consistent with Comprehensive Plan Policy I-4.2.5, entitled *Green Swamp Core/Conservation Future Land Use Category*, which states that civic uses, including community facility uses are a typical use requiring a CUP within the Green Swamp Core Conservation FLUC. The proposed CUP is an appropriate land use regulatory instrument that satisfies this requirement.

New development will be required to meet all criteria specified by the Comprehensive Plan and LDR, as amended.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

To ensure that the proposed private family cemetery use will not have undue adverse effect on adjacent and nearby property, the following required conditions, pursuant to the LDR, have been included in the proposed Ordinance:

- a) The grave lots shall be setback a minimum of one hundred (100) feet from the nearest property line adjacent to a right-of-way; and
- b) Grave lots shall be setback a minimum of five (5) feet from any property not within the approved boundaries of the cemetery; and

- c) A five (5) foot landscape buffer strip shall be provided around all sides of the cemetery not fronting a road.

2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

A Cemetery is defined as land used or intended to be used for the burial of the dead, whether human or animal, including a mausoleum or columbarium. Pursuant to LDR Section 3.01.03, *Schedule of Permitted and Conditional Uses*, Cemetery uses are allowed in the Agriculture (A) zoning district with a CUP.

The surrounding development pattern is indicative of low density residential and agriculture uses.

3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

Pursuant to the proposed Ordinance, a five (5) foot landscape buffer strip shall be provided around all sides of the private family cemetery not fronting a road. The required setbacks and buffering included in the proposed Ordinance will sufficiently minimize any adverse effect on the immediate vicinity.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

The subject property consists of 470 +/- acres of rural farmland with adequate upland area to ensure that the proposed private family cemetery will be arranged on the land as to not interfere with neighboring property. In addition, pursuant to LDR Sections 3.01.04(10) and 3.08.00, entitled *Cemeteries*, the grave lots shall be setback a minimum of one hundred (100) feet from the nearest property line adjacent to a right-of-way, grave lots shall be setback a minimum of five (5) feet from any property not within the approved boundaries of the cemetery, and a five (5) foot landscape buffer strip shall be provided around all sides of the cemetery not fronting a road. The proposed use and subsequent site plan will adhere to these regulations pursuant to the proposed Ordinance and therefore the request is consistent with LDR Sections 3.01.04(10) and 3.08.00.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

Future development will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewer

The proposed request is not anticipated to adversely impact central water or sewer capacities or levels of service.

Parks

The proposed request is not anticipated to adversely impact parks.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

The proposed request is not anticipated to adversely impact transportation levels of service.

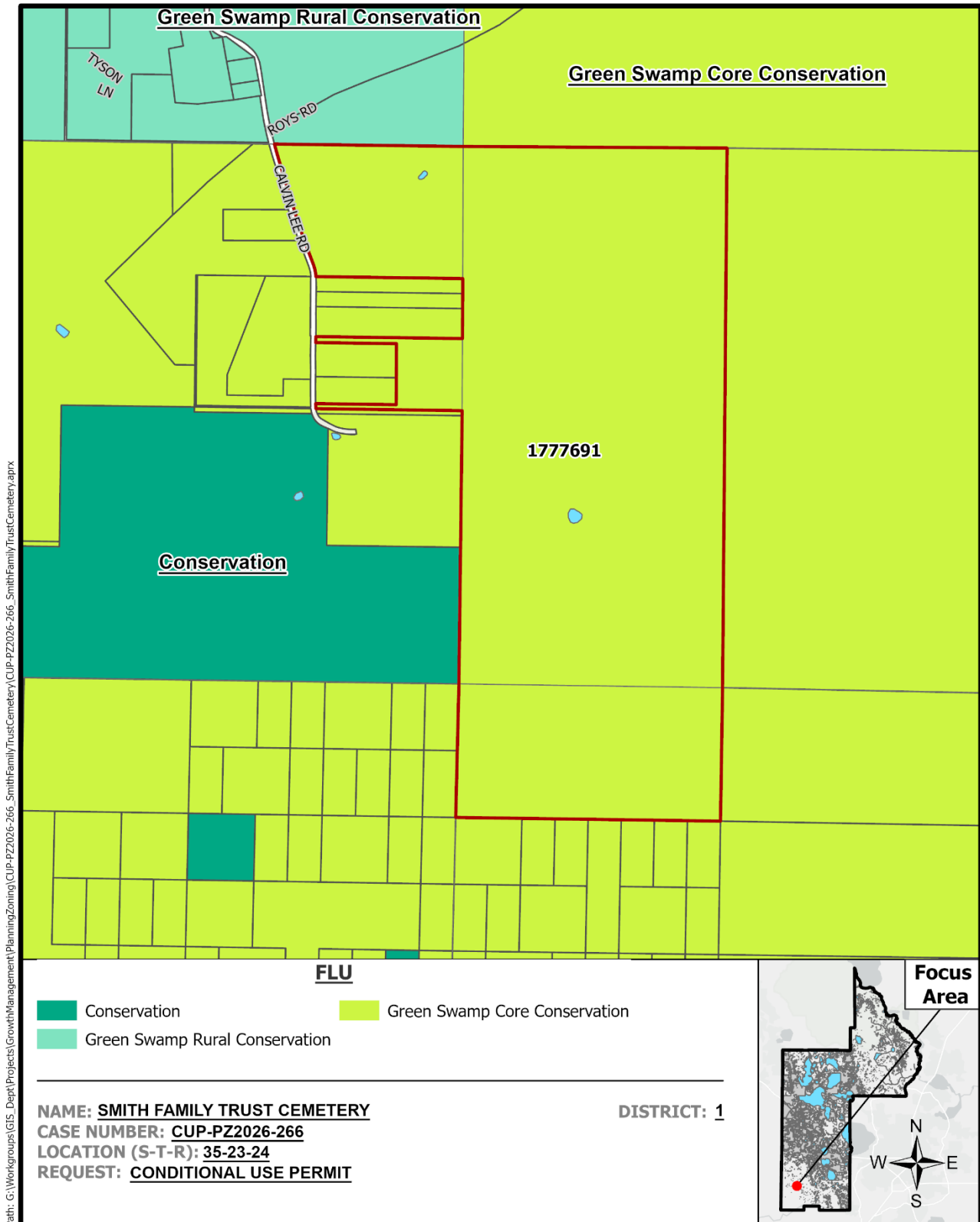
D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Office of Fire Rescue written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

Lake County Fire Station #111 is located 3.09 miles from the subject property at 8805 Bay Lake Road, Groveland, FL 34736. Fire protection water supply and emergency access will be addressed during the site plan review process, should the CUP be approved by the Board.

Attachment “A” – Future Land Use Map

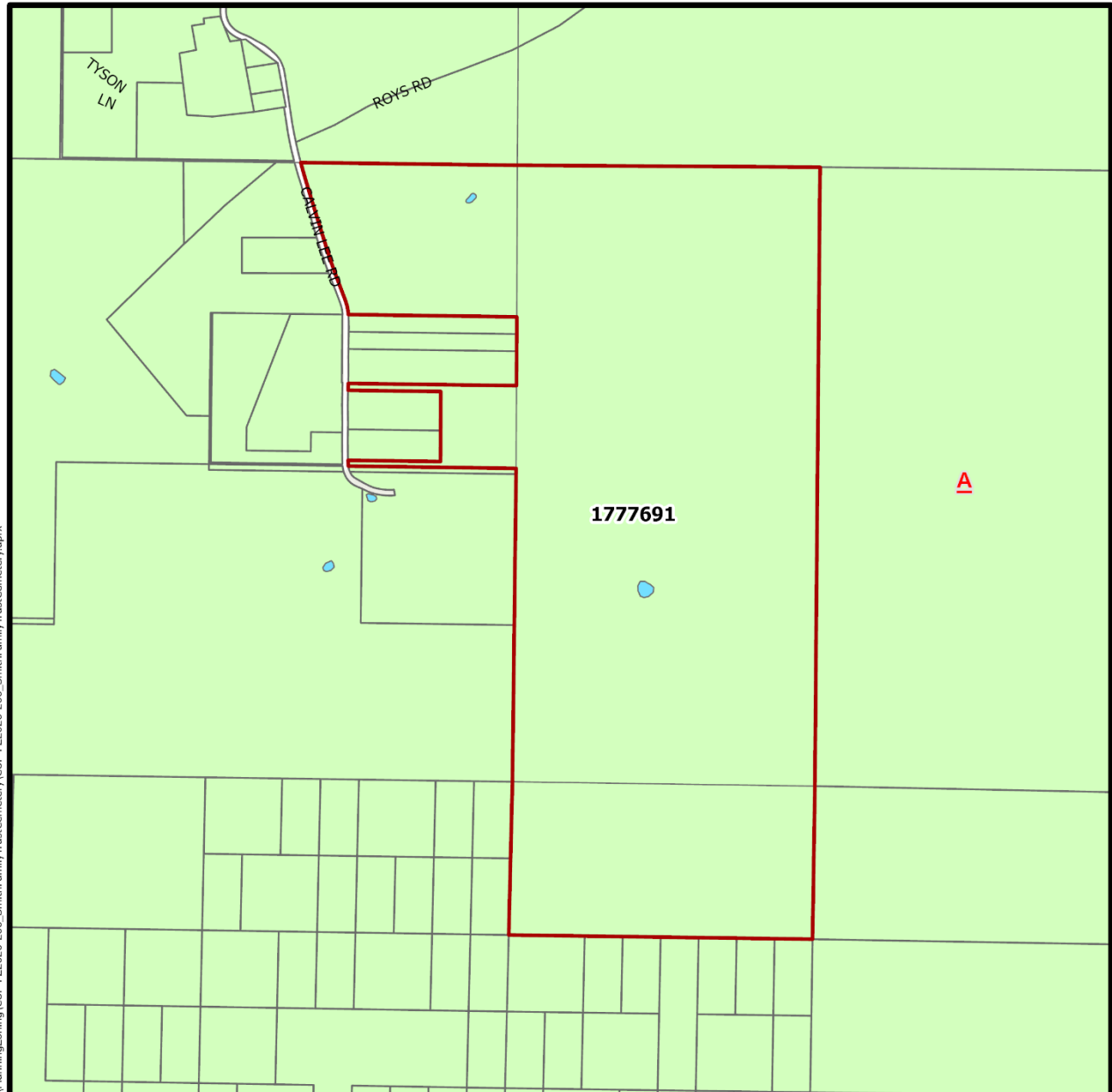
CURRENT FUTURE LAND USE



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7/17/2026

Attachment “B” – Zoning District Map

CURRENT ZONING

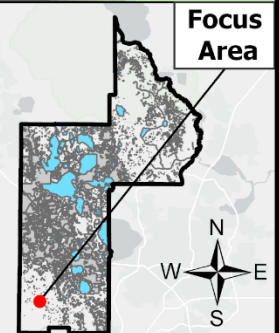


Zoning

 A

NAME: SMITH FAMILY TRUST CEMETERY
CASE NUMBER: CUP-PZ2026-266
LOCATION (S-T-R): 35-23-24
REQUEST: CONDITIONAL USE PERMIT

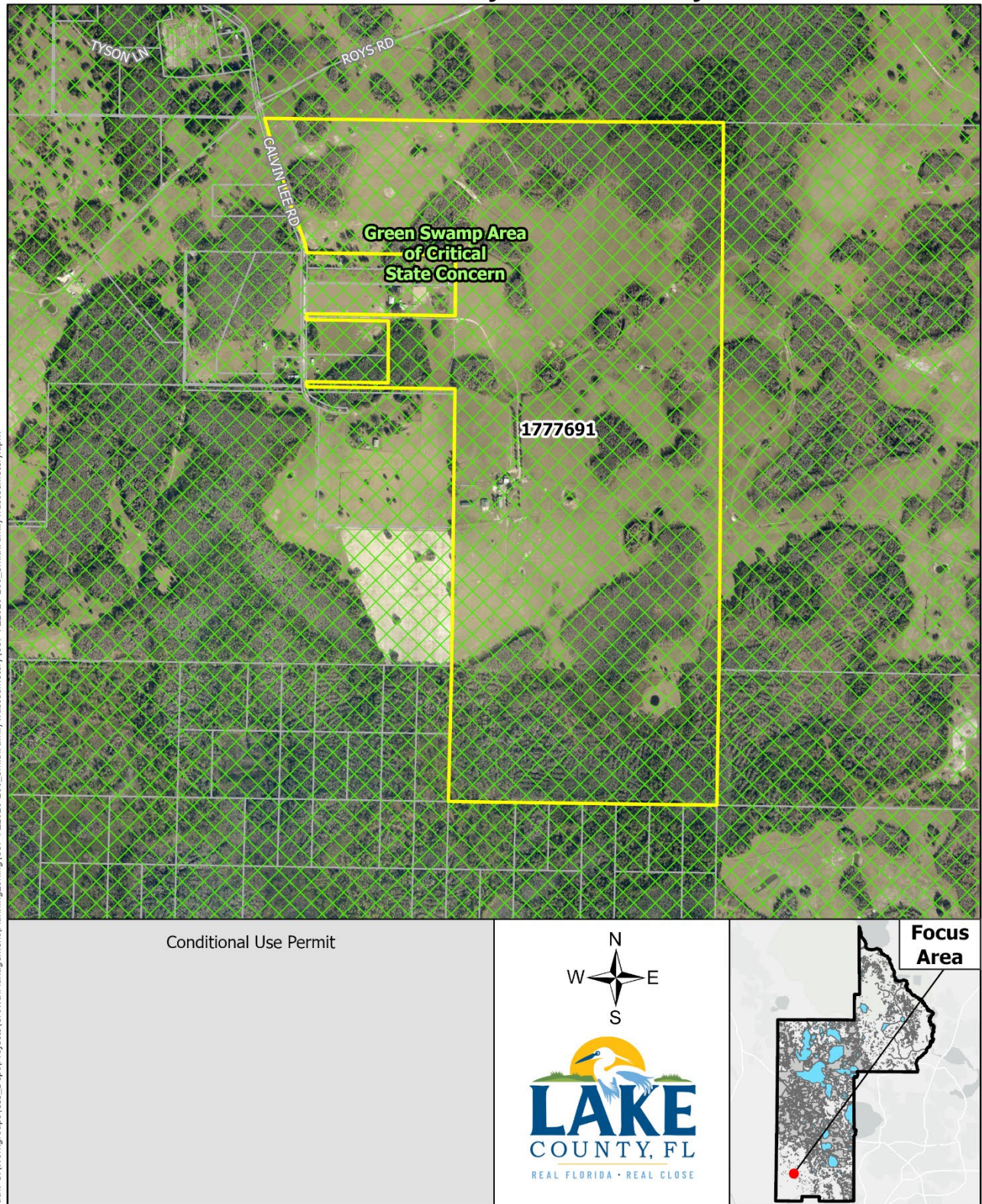
DISTRICT: 1



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7/17/2026

Attachment “C” – Overlay Map

CUP-PZ2026-266 Smith Family Trust Cemetery



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7/17/2026

Attachment “D” – Concept Plan



Attachment “E” – Conditional Approval Letter (Page 1 of 2)



July 17, 2026

Smith Family Trust
6200 Calvin Lee Road
Groveland, FL 34736

Re: Conditional Approval Letter – Private Cemetery
6200 Calvin Lee Road, Groveland

To Whom It May Concern:

On or about today’s date, a representative of the Smith Family Trust requested conditional approval to bury a family member on property identified as Alternate Key Number 1777691, addressed as 6200 Calvin Lee Road, Groveland FL, consisting of approximately 470 acres, located in the Green Swamp Core Conservation Future Land Use Category, and zoned Agriculture, hereinafter the “Property”. In accordance with the Lake County Land Development Regulations, a Conditional Use Permit (CUP) is required for this type of use.

Notwithstanding the foregoing, due to the nature and sensitivity of the situation, the County agrees to issue a conditional approval to allow the burial on the Property in advance of the Board of County Commissioners considering the CUP application, subject to the following terms and conditions:

1. A complete application is submitted to the Office of Planning and Zoning, to include a Concept Plan or Plot Plan to identify the location of the cemetery no later than Friday, July 24, 2026.
2. The cemetery and individual plots must be designated in accordance with the requirements outlined below, and reflected on the to-scale Concept Plan or Plot Plan:
 - a. Be set back a minimum of 100 feet from the nearest property line adjacent to any right-of-way;
 - b. Be set back a minimum of 5 feet from any property not within the approved boundaries of the cemetery;
 - c. Provide for a 5-foot landscape buffer around all sides of the cemetery not fronting a right-of-way;
 - d. Be set back a minimum of 50 feet from the jurisdictional wetland line;
3. Obtain the final CUP approval from the Board of County Commissioners no later than September 30, 2026, unless an extension is approved by the County Manager or designee due to delays not caused by the property owner.

If the above conditions are not met, the property owner will be required to relocate the deceased to a properly permitted cemetery within 30 days of being notified that this conditional approval has been revoked, or within 30 days of the denial of the CUP application by the Board of County Commissioners.

P.O. BOX 7800 • 315 W. MAIN ST. • SUITE 335 • TAVARES, FL 32778-7800 • P 352.343.9787 • F 352.343.9646
Board of County Commissioners • www.lakecountyfl.gov

Anthony Sabatini
District 1

Sean M. Parks, AICP, QEP
District 2

Kirby Smith
District 3

Leslie Campione
District 4

Timothy Morris
District 5

Attachment “E” – Conditional Approval Letter (Page 2 of 2)

Conditional Approval Letter – Smith Family Trust

July 17, 2026

Page 2

This conditional approval letter cannot be relied upon to assert a claim of estoppel against the County if the property identified herein cannot be developed due to the inability to meet other requirements under the applicable Land Development Regulations. The Owner is solely responsible for performing any necessary due diligence to ensure the property will appropriately support the requested use.

This letter will become effective once countersigned and returned to my attention.

Melanie Marsh

Melanie Marsh
County Attorney

I, Carol L. Smith, the duly authorized representative of the Smith Family Trust, acknowledge and agree to the terms outlined within this conditional approval letter. I further acknowledge and agree that if any condition stated herein cannot be met, I will remove the deceased from the Property to a properly permitted cemetery in the time frames stated herein.

Carol L. Smith
Signature

Carol L. Smith
Print Name

7/17/26
Date

Attachment "F" – Project Narrative (Page 1 of 2)



Office of Planning and Zoning

Project Narrative Conditional Use Permit

In compliance with LDR Section 14.05.03, please answer the following questions:

1. Consistence with the Comprehensive Plan and Local Code. The proposed conditional use complies with all requirements, and is consistent with the general purpose, goals, objectives, and standards of the Comprehensive Plan, the Lake County Code, and is compliant with all additional standards imposed on it by the particular provisions of these regulations authorizing such use.

Yes. This CUP is for a private owned family cemetery.

2. Effect on Adjacent Properties.

None. It is surrounded by 740 acres of owned private land

3. The proposed conditional use will not have an undue adverse effect upon nearby property.

No adverse effects.

4. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

Yes, no neighborhood, in pasture of private owned land

5. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.

Yes

Attachment “F” – Project Narrative (Page 2 of 2)

6. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of neighboring property, in accordance with applicable district regulations.

No neighboring property effected

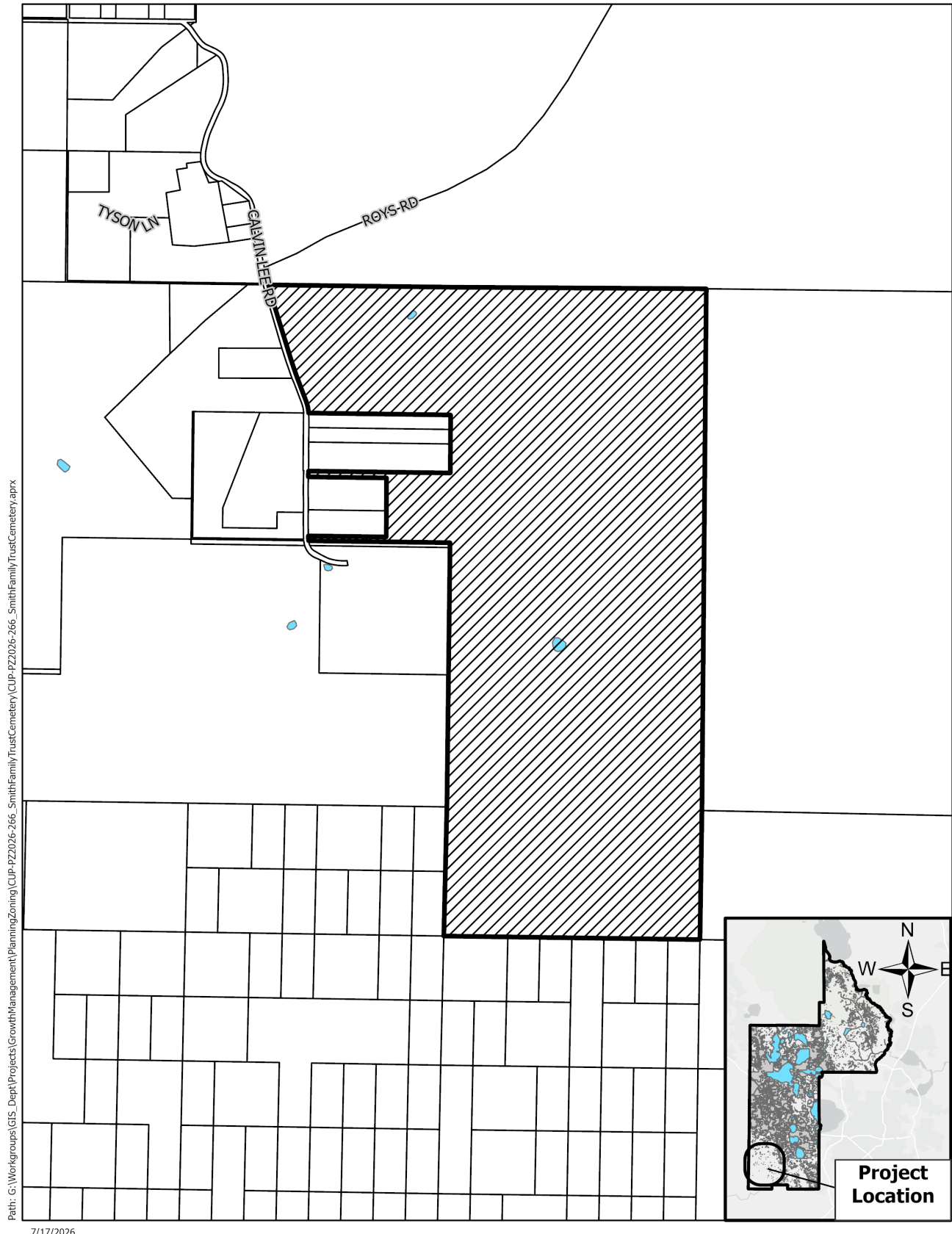
7. Adequacy of Public Facilities. The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

No public facilities needed

8. Adequacy of Fire Protection. The applicant Shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

None needed

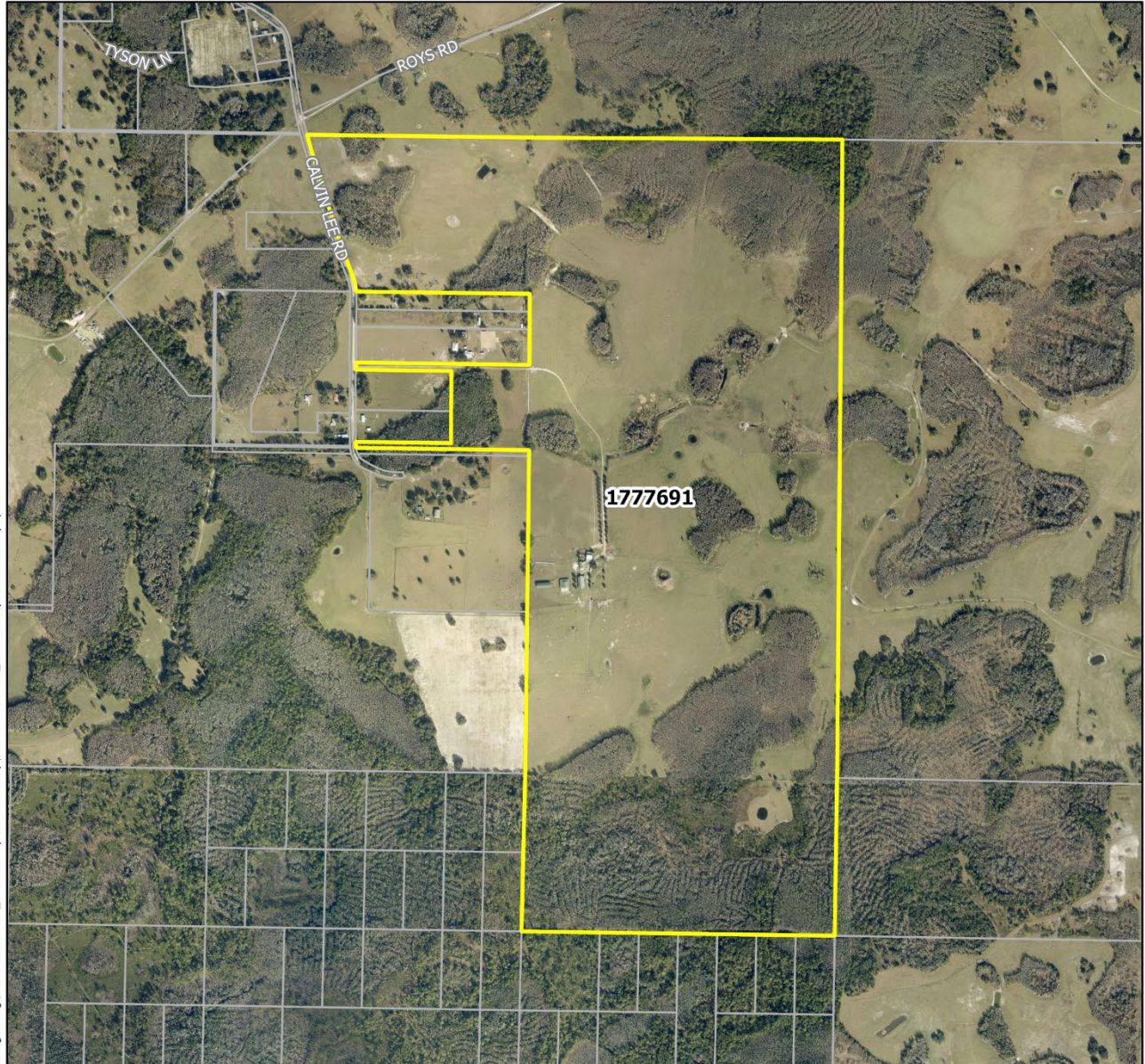
Map of Subject Property



7/17/2026

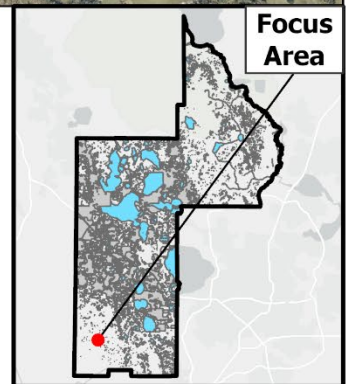
Aerial Map of Subject Property

CUP-PZ2026-266
Smith Family Trust Cemetery



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Conditional Use Permit



7/17/2026

Section 2. Terms: The County Manager or designee shall amend the Official Lake County Zoning Map to show a Conditional Use Permit (CUP) to allow uses with conditions as outlined within this Ordinance.

A. Land Uses: Uses of the site described above shall allow the following:

- a. Cemetery area as shown on Exhibit “B”.
- b. Agriculture uses and other uses permitted under the Agriculture (A) District as set forth in the LDR.
- c. Accessory uses directly associated with the above uses may be approved by the County Manager or designee.
- d. Any other use of the site will require approval of an amendment to this Ordinance by the Board of County Commissioners.

B. Specific Conditions for the Uses Identified in Exhibit “B”:

1. A site plan application for the cemetery Shall be submitted to and approved by Lake County no later than ninety (90) days from the Effective Date of this Ordinance.
2. The Owner, its successors and assigns, shall be solely responsible for the maintenance of the cemetery. The Owner shall ensure the cemetery will be in compliance with all applicable Florida Statutes and the Lake County LDR as amended.
3. The Owner shall be required to notify any future purchaser of the property that a cemetery exists and shall require such future purchaser to acknowledge their maintenance responsibilities under this CUP.
4. Adequate means of ingress and egress shall be provided for vehicles so that traffic along adjacent roads is not blocked or unduly congested while funeral processions are entering or leaving the cemetery.
5. Setbacks for grave lots from the nearest property line adjacent to the Right-of-Way line of any public street, County Road, secondary or primary state or federal road or highway shall be one hundred (100) feet.
6. Setbacks for grave lots shall be five (5) feet from any property not within the approved boundaries of the cemetery.
7. A Landscaped Buffer strip five (5) feet in depth shall be provided around all sides of the cemetery not fronting a road.
8. The cemetery shall be restricted to family members only of the Owner, its successors or assigns. The cemetery shall not be open to, used by, or grave lots sold to members of the public without obtaining an amendment to this CUP.

C. Landscaping, Buffering, Fencing and Screening. Landscaping, Buffering, Fencing and Screening for all other portions of the property shall be in accordance with the LDR, as amended.

1 **D. Setbacks.** Setbacks for all other portions of the property shall be in accordance with
2 the LDR, as amended.

3 **E. Green Swamp Area of Critical State Concern.** Development shall be consistent
4 with the standards to protect and conserve areas of ecological significance for the
5 Green Swamp Area of Critical State Concern, in accordance with Objective I-4.1 of
6 the Comprehensive Plan, and with any other applicable provisions of the
7 Comprehensive Plan and LDR, as amended.

8 **F. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height.**
9 Open space, impervious surface ratio, floor area ratio, and building height shall be in
10 accordance with the Comprehensive Plan, and LDR, as amended.

11 **G. Environmental Considerations.**

- 12 1. An environmental assessment will be submitted with the future development
13 application of the site plan.
- 14 2. Proposed structures and grave lots must maintain a minimum setback of fifty
15 (50) feet from the Jurisdictional Wetland Line (JWL).
- 16 3. Environmental resources shall be protected in accordance with the
17 Comprehensive Plan and LDR, as amended.

18 **H. Transportation and Access Management.** All access management shall be in
19 accordance with the Comprehensive Plan and LDR, as amended.

20 **I. Floodplain and Stormwater Management.**

- 21 1. Any required stormwater management system shall be designed in accordance
22 with all applicable Lake County and St. Johns River Water Management
23 District (SJRWMD) requirements, as amended.
- 24 2. The Owner shall be responsible for any flood studies required for developing
25 the site and comply with FEMA, Comprehensive Plan and LDR, as amended.
26 Any development within the floodplain as identified on the FEMA maps will
27 require compensating storage.

28 **J. Signage.** No signage advertising the cemetery shall be permitted.

29 **K. Concurrency Management Requirements.** Any development must comply with the
30 Lake County Concurrency Management System, as amended.

31 **L. Development Review and Approval.** Prior to the issuance of any permits, the
32 Applicant shall be required to submit a development application generally consistent
33 with Exhibit "B" - Concept Plan for review and approval in accordance with the
34 Comprehensive Plan and LDR, as amended.

35 **M. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific
36 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
37 County Comprehensive Plan, and Lake County LDR will include any future
38 amendments to the Statutes, Code, Plans, or LDR.

Section 3. Conditions:

- A.** After establishment of the facilities as provided in this Ordinance, the property must only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C.** This Ordinance will ensure the benefit of and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present Owner and any successor and will be subject to each and every condition set out in this Ordinance.
- D.** Construction and operation of the proposed use must comply with the regulations of this and other governmental permitting agencies.
- E.** The transfer of ownership or lease of any or all the property described in this Ordinance must include in the transfer or lease agreement a provision that the purchaser or lessee is made aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures contained in the LDR, as amended.
- F.** The Lake County Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this Ordinance and to recommend that the Ordinance be revoked.

Section 4. Severability: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

Section 5. No Estoppel: Approval of this ordinance cannot be relied upon to assert a claim of estoppel against the County if the property identified herein cannot be developed due to the inability to meet other requirements under the applicable Land Development Regulations. The Owner is solely responsible for performing any necessary due diligence to ensure the property will appropriately support future development.

Section 6. Filing with the Department of State: The clerk is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 7. Effective Date. This Ordinance shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

ENACTED this _____ day of _____, 2026.

FILED with the Secretary of State _____, 2026.

EFFECTIVE _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

1

EXHIBIT “A”, LEGAL DESCRIPTION.

THE NW ¼ OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

AND

THE SW ¼ OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA.

AND

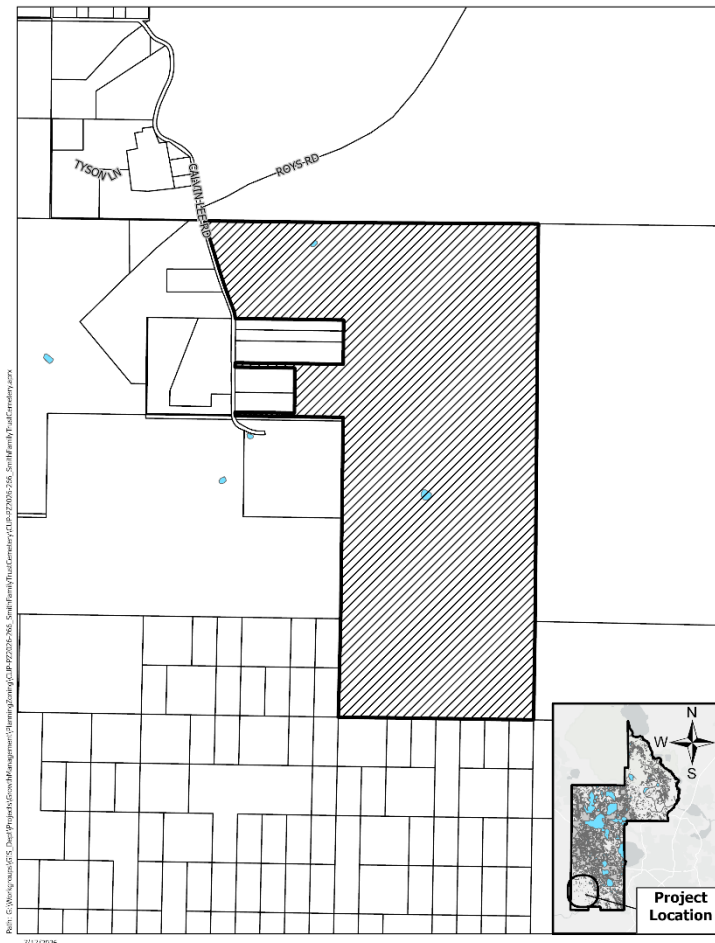
THAT PART OF THE SE ¼ OF THE NE ¼ OF SECTION 34, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AND THAT PART OF TRACT 22, GROVELAND FARMS, IN SECTION 34, TOWNSHIP 23 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGES 10 AND 11, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE SE ¼ OF THE NE ¼ OF SAID SECTION 34, RUN SOUTH 00°12'30" WEST ALONG THE EAST LINE OF SAID SE ¼ OF THE NE ¼ A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 00°12'30" WEST ALONG SAID EAST LINE, 60.00 FEET THENCE NORTH 89°15'15" WEST, 1490.90 FEET, THENCE NORTH 00°09'35" EAST, 60.00 FEET, THENCE SOUTH 89°15'15" EAST, 1490.95 FEET TO THE POINT OF BEGINNING.

2

Subject to covenants, restrictions, easements of record and taxes for the current year.

3

4



1

EXHIBIT “B”, CONCEPT PLAN

