



# St. Johns River Water Management District

Hans G. Tanzler III, Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500  
On the Internet at [floridaswater.com](http://floridaswater.com).

June 13, 2012

Tomoka Holdings LLC  
145 City Place Ste 300  
Palm Coast, FL 32164

**SUBJECT:** Formal Wetland Determination  
Petition Number 16-127-116310-3, Volusia County

Dear Sir/Madam:

Enclosed is your Formal Wetland Determination as authorized by the staff of the St. Johns River Water Management District on June 13, 2012. This determination will expire on June 13, 2017.

Issuance of this wetland determination does not relieve you from the responsibility of obtaining permits from any federal, state and/or local agencies or the District for construction on the property.

In the event you sell your property, the determination can be transferred to the new owner, if we are notified by you within thirty days of the sale. Please assist us in this matter so as to maintain a valid determination for the new property owner.

Thank you for your cooperation and if this office can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Castro".

Victor Castro, Director  
Bureau of Regulatory Support

**Agent:** Shannon Ruby Julien  
Environmental Services Inc  
124 N Nova Rd PMB 129  
Ormond Beach, FL 32174

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#### GOVERNING BOARD

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**FORMAL WETLAND DETERMINATION**

**CHAPTER 40C-4.042, F.A.C.**

**PETITION NO.** 16-127-116310-3

**DATE ISSUED:** June 13, 2012

**PROJECT NAME:** Ormond Crossing Phase B

**DETERMINATION STATEMENT:**

The Formal Determination of the landward extent of wetlands and other surface waters as determined by the District and as depicted on the sixteen sheet certified survey stamped approved by the District on April 20, 2012, for the 970.54-acre the property known as Ormond Crossing Phase B, located in Section 26, 35 and 36 Township 13 South, Range 31 East and Sections 1 and 2, Township 14 South, Range 31 East, Volusia County.

**LOCATION:**

Section(s):	26, 35, 36	Township(s):	13S	Range(s):	31E
	1, 2		14S		31E
Volusia County					

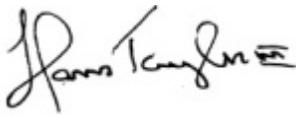
**ISSUED TO:**

Tomoka Holdings LLC  
145 City Place Ste 300  
Palm Coast, FL 32164

This document and the enclosed survey serve as the Chapter 40C-4.042, F.A.C., Formal Wetland Determination issued by the St. Johns River Water Management District. This determination is a legal document and should be kept with your other important records. The District may transfer this determination after the receipt of written notification of transfer of ownership or control of the real property.

This formal wetland determination is binding for a period of five (5) years from the date of this determination provided physical conditions on the property do not change so as to alter the wetland boundaries during that period. The District's Governing Board may revoke the Formal Wetland Determination upon finding that the petitioner has submitted inaccurate information to the District. This determination is not a permit and does not authorize any construction.

**AUTHORIZED BY:** St. Johns River Water Management District

By: 

\_\_\_\_\_  
Hans Tanzler  
Executive Director

## Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com), within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.
4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at [floridaswater.com](http://floridaswater.com). These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement

of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOR.Decision.DOC.001  
Revised 12.7.11

**Notice Of Rights**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent by U.S. Mail to:

Tomoka Holdings LLC  
145 City Place Ste 300  
Palm Coast, FL 32164

At 4:00 p.m. this 13th day of June, 2012.



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Victor Castro, Director  
Bureau of Regulatory Support  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177  
(386) 329-4570  
Petition Number: 16-127-116310-3