



SECTION 28.0 BINDING LOT AGREEMENT

Section 28.01 Purpose

This section describes the process for the binding of lots. An owner of two (2) or more contiguous lots or portions of subdivided lots may apply to the City for approval to bind the lots. This option may be necessary for the owner to construct a dwelling on two (2) lots in which the minimum development standards are not met on a single lot. This process is also necessary if a property owner desires to establish or construct an accessory use on a vacant parcel contiguous to the lot with the principal structure of that zoning district. However, no more than four (4) lots may be bound by this process.

Section 28.02 Vacating of Easements

Most lots within the City have a five (5) utility easement around the perimeter of the lot. In addition, there may be other easements on the lot for a separate purpose (i.e. drainage easement, access easement, etc.). The vacating of an easement may be necessary when binding lots due to the proximity of a proposed structure to the easement. If an easement exists on any of the lots, 'Vacating of Easement' forms will be necessary to accompany the application. During the review process, the appropriate City department will evaluate the necessity for the easement and, if it has been determined that the easement is necessary, the result may be that the lots cannot be bound. The Applicant is responsible in obtaining written approval for the release of rights to specific easements from entities having an interest in the easement. A letter from each entity will be required with the application package. The following contact information is for use by the Applicant regarding some of the entities:

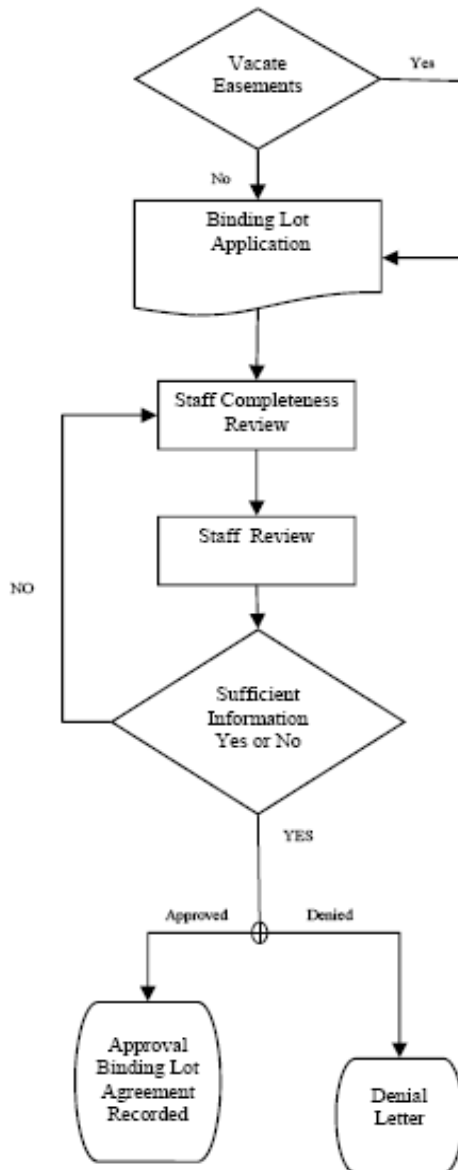
- A. AT&T: For lots west of I-95: Chris Schroeder at (386) 257-7994
For lots east of I-95: Barbara Borro at (904) 407-2554
- B. Bright House Networks: Andy Forand (386) 775-4444 ext. 1007123
- C. Florida Power & Light (FPL): FPL Distribution Supervisor at (386) 586-6410
Or Pattie Hersch at (386) 586-6429

Section 28.03 Application Process

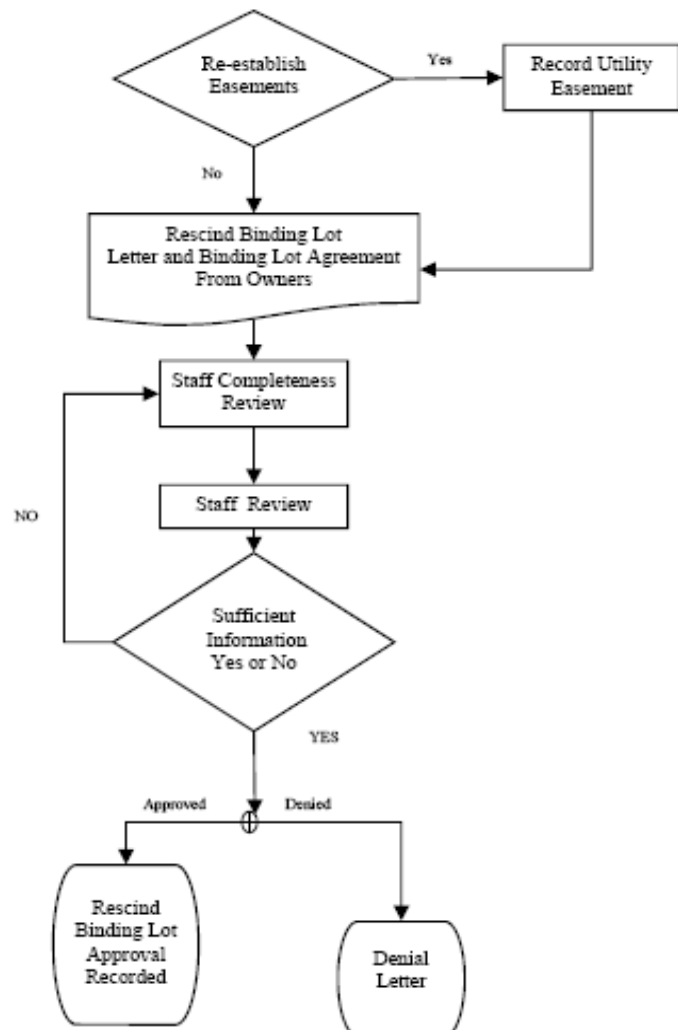
- A. The Applicant shall submit a complete [application package](#) to the City. A meeting with City Staff is recommended for submittal of the application package.
- B. Per [subsection 2.05.04](#) of the [Unified Land Development Code \(LDC\)](#), the application package will undergo a completeness review by the City.
- C. Upon acceptance, the application package shall be reviewed for compliance.
- D. The City will contact the Applicant to pick up the agreement as well as the 'Vacation of Easement' forms, if required, and take to the Flagler County Clerk's Office for recording purposes upon satisfying compliance review. The Applicant is responsible for payment of all fees associated with the recording costs. The 'Binding Lot Agreement' is not official until recorded.

Contact the Flagler County Property Appraiser's Office at (386) 313-4150 for information as to how binding lots may affect property taxes and homestead exemption.

Binding Lot



Rescinding Binding Lot





This space reserved for recording information

BINDING LOT AGREEMENT

CD Plus Application #: _____
Fee Paid: \$ _____

Application Submittal Date: _____
Date of Acceptance: _____

WITNESSETH: _____,

whose post office address is _____ hereinafter referred to as the "**Owner**", is the owner of certain real estate located within the legal boundaries of the City of Palm Coast, State of Florida, more particularly described as follows, to wit:

Legal Description: Lot(s) _____ & _____ of Block _____, of Section _____, Map of _____, according to the plat or map thereof described in Map Book _____, pages _____, of the Public Records of Flagler County, Florida.

PARCEL ID No's: _____

WHEREAS, the Owner desires to develop the above described real estate as a single building "lot"; and

WHEREAS, it is required that the Owner enter into a binding agreement that all of the above described real estate shall be held and remain a single, integral parcel and shall not be subdivided into, or sold or otherwise disposed of in lesser constituent parcels.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Owner agrees as follows:

1. That the above described real estate shall hereafter be retained in, and shall remain as a single, integral parcel, and shall not be sold, otherwise disposed of, or encumbered in lesser constitute parcels.
2. This agreement shall be binding upon the successors, heirs, executors, administrators, or assigns of the Owner, and shall be a covenant running with the real estate herein above described.
3. The easement(s) located between the lots to be bound are hereby vacated. ☐ Yes ☐ No
4. Is there an existing mortgage? ☐ Yes ☐ No **If yes, must submit Joinder & Consent Affidavit**

IN WITNESS WHEREOF, the parties have caused these present to be duly executed on this day _____ of _____, 20____.

By: _____
Owner

By: _____
Owner

By: _____
Print Owner Name

By: _____
Print Owner Name

STATE OF FLORIDA; COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is/are personally known to me or who has produced _____ as identification and who did execute said instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

Approved for the City of Palm Coast

NOTARY PUBLIC (SEAL)

Planning Manager

Date

Document not official if not recorded



BINDING LOT AGREEMENT APPLICATION SUBMITTAL CHECKLIST

☐ = Mandatory ☐ = as applicable ☐ = sub items

The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request to bind together platted parcels. This checklist **must** be completed by the Applicant **and** included in the application submittal package. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration. In addition, supplemental information may be requested for the purpose of clarity or confirmation. Any questions regarding the binding of lots should be directed to a zoning technician at 386-986-3751. For inquiries on how the binding of lots may affect property taxes and homestead exemption, contact the Flagler County Property Appraiser's Office at (386) 313-4150.

- ☐ A. Completed [application form](#) signed by **all** property owners and all signatures **notarized**.
- ☐ B. Copies of the recorded warranty deeds. All deeds **must** show the exact same ownership (including initials).
- ☐ C. Releasing of easements
- ☐ 1. Will a structure be built on the adjoining property line? Yes ☐ No ☐
- ☐ 2. Will a structure be built within the setback areas of the adjoining property line(s)?
- Yes ☐ No ☐
- ☐ D. Title opinion:
- ☐ 1. Prepared by an attorney at law licensed to practice in Florida or a certification by an abstractor or a title company.
- ☐ 2. Shows that record title to the land as described and shown on the survey is in the name of the person, persons, corporation, or entity wanting the division.
- ☐ 3. List all mortgages not satisfied or released of record nor otherwise terminated by law.
- ☐ 4. List all encumbrances (i.e. easements, etc.) on the subject property.
- ☐ 5. Current (within six (6) months of the date of application submittal).
- ☐ E. Official letters from entities approving the release of easement(s):
- ☐ 1. Florida Power and Light
- ☐ 2. AT&T
- ☐ 3. Bright House Networks
- ☐ F. Provide a copy of property surveys or plat maps that depict all easements on the lots. The Applicant is responsible in submitted a survey that shows **all existing structures** on the property. The information must be as recent as six (6) months. If there is not a survey, a plat map may be obtained from the Flagler County Courthouse, Recording Office, Building 1, 1769 Moody Blvd., Bunnell, Florida 32110. However, be advised that a plat map does **not** show any structures on the lot(s), but it should reflect easements. The Applicant will be responsible in obtaining detailed and correct information regarding structures and easements on the lot(s).
- ☐ G. Nonrefundable filing fee: \$50 (payable to 'City of Palm Coast').



AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF _____

COUNTY OF _____

COMES NOW, _____, being first duly sworn, who deposes and says:

(1) That he/she is the _____, an officer of _____ corporation existing under the laws of the State of _____.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: _____ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

Signature

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ who is/are personally known to me, or who has/have produced _____ as identification.

(SEAL)

Signature of Notary Public, State of Florida



JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY _____
Name of Lending Institution / Mortgage Holder

COME NOW, _____ and Joins and Consents to the
covenants and conditions set forth herein and hereunto sets his hand and seal this ____ day
of _____, 20__.

ATTEST:

Name of Lending Institution

Corporate Secretary

Corporate President

Printed Name

Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
_____, who is/are personally known to me or who
has produced _____ as identification and who did execute said
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

NOTARY PUBLIC (SEAL)

NOTARY PUBLIC SIGNATURE