SECTION 29.0  RESCINDING A BINDING LOT AGREEMENT

Section 29.01  Purpose

This section describes the process in order to rescind a ‘binding lot agreement’. The owner(s) of the lots bound together through the ‘Binding Lot Agreement’ process may decide that the purpose for consolidating the lots no longer exists. However, the Planning Manager may determine it necessity for the property owner to provide an easement for a specific purpose. If that is the case, it shall be the responsibility of the Applicant to submit such document(s) for review and approval prior to having the document recorded in the Flagler County Clerk’s Office. Be advised that applying to rescind a “Binding Lot Agreement” does not guarantee approval.

Section 29.02  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 will be reviewed for compliance.

D. The City will contact the Applicant to pick up the approved document, as well as any other forms requiring recordation, 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.
OWNER’S NAME(S): ________________________________________________________________________
MAILING ADDRESS: ________________________________________________________________________
__________________________________________________________________________________________
PHONE #: ________________ FAX #: ____________________ E-MAIL ADDRESS: _______________________
LOCATION (E-911 STREET ADDRESS): _________________________________________________________
PROPERTY APPRAISER’S PARCEL #(s): ________________________________________________________
__________________________________________________________________________________________
LEGAL DESCRIPTION (AS DESCRIBED ON WARRANTY DEED): ____________________________________
__________________________________________________________________________________________
APPLICATION REQUEST (MAY ATTACH ADDITIONAL SHEETS):____________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED THAT MAY ASSIST IN
THE REVIEW OF THIS APPLICATION:
BINDING LOT AGREEMENT CASE #: ___________________ OR BOOK _____, PAGE #____
ANY STRUCTURES PLACED ON THE PROPERTY SINCE THE BINDING LOT AGREEMENT? [ ] Yes [ ] No
ARE THERE ANY MORTGAGE HOLDERS FOR THE PROPERTY? [ ] Yes [ ] No
IF YES, PROVIDE NAME, MAILING ADDRESS, TELEPHONE # AND E-MAIL ADDRESS BELOW:
MORTGAGE HOLDER’S NAME: _______________________________________________________________
MAILING ADDRESS: ________________________________________________________________________
PHONE #: ________________ FAX #: ____________________ E-MAIL ADDRESS: _______________________
I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:
Signature of owner(s)
Signature(s) ______________________ ______________________
Printed or typed name(s): ______________________ ______________________
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.
Signature of Notary Public, State of Florida

RESCISSION OF BINDING LOT AGREEMENT
CD Plus Application #: ________ Application Submittal Date: __________________________
Fee Paid: $_______________ Date of Acceptance: __________________________
Employee Name Accepting Application (print name): _____________________________
Rejected on _____________ Rejected by: __________________________
Reason for Rejection: __________________________________________________________
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 rescind a binding lot agreement. 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 rescission of bound lots should be directed to a zoning technician at 386-986-3751.

- **A.** Completed application form signed by all property owners and all signatures notarized.
- **B.** If a mortgage exists on the property, provide a notarized affidavit from the mortgage lender authorizing the request to rescind the ‘binding lot agreement’.
- **C.** Letter from property owner requesting rescission of the binding lot agreement.
- **D.** Rescission Affidavit signed by all property owners and notarized.
- **E.** Copy of the original Binding Lot Agreement.
- **F.** 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).
- **G.** Provide a current survey prepared by a Florida licensed registered land surveyor depicting the following:
  - 1. Contains the legal description and total acreage of the subject property.
  - 2. Completed with the benefit of the title opinion (same as title opinion included with the application package) that states it is current.
  - 4. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
  - 5. All existing on-site improvements, including buildings, structures, drainage facilities, or other utilities.
  - 6. All wetlands.
  - 7. Flood Insurance Rate Map (FIRM) information: community panel number, date, and flood zone(s). Flood zone boundary shall be depicted.
  - 8. Streets adjacent to the tract, including rights-of-ways and pavement widths.
- **H.** Affidavit from the surveyor that no changes have been made to the property since the date of the survey.
- **I.** 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        Signature

____________________________________  ___________________________________
Print name       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
SAMPLE LETTER
FOR RESCINDING A BINDING LOT AGREEMENT
(LETTER TO BE ON A SHEET OF PAPER WITH OWNER’S LETTERHEAD)

DATE

City of Palm Coast
Attn: Planning Manager
160 Cypress Point Parkway Suite B-106
Palm Coast, FL 32164

Re: PROPERTY DESCRIPTION
PARCEL NUMBERS

Dear Planning Manager:

I / We, the owner(s) of the above referenced property description and parcel numbers, which are tied together with a Binding Lot Agreement as recorded in Official Records Book _______, Page(s) _________, in the public records of the Flagler County Courthouse, Flagler County, Florida, would like the Binding Lot Agreement to be rescinded by the City of Palm Coast.

Sincerely,

NAME
ADDRESS
PHONE NUMBER
Affidavit for Rescission of Binding Lot Agreement

I / We, the property owner(s) of parcels ____________________________________ request to rescind the Binding Lot Agreement and do hereby affirm that since the date of the survey no structures have been added to or removed from the property.

Owner Name _____________________ Signature ___________________________

Owner Name _____________________ Signature ___________________________

Owner Name _____________________ Signature ___________________________

Owner Name _____________________ Signature ___________________________

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this ______________ day, 20__, by ____________________________________________, who 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.

(SEAL) ________________________________
NOTARY PUBLIC