

ORDINANCE NUMBER 2026-17

AN ORDINANCE OF THE CITY OF EUSTIS, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EUSTIS AND W.D. OF AMERICA, INC., PURSUANT TO SECTIONS 163.3220–163.3243, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION TO EXECUTE; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, W.D. of America, Inc. (“Developer”) owns approximately 10.00 acres of land located in unincorporated Lake County, Florida, as legally described in Exhibit A of the Development Agreement; and

WHEREAS, the Developer has petitioned for annexation of the Property into the corporate limits of the City of Eustis and intends to develop the Property as a commercial project consistent with the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the Property is subject to a Future Land Use designation that permits the uses contemplated in the Development Agreement, and the Agreement is consistent with such designation; and

WHEREAS, the Development Agreement does not create vested rights or authorize development until all applicable conditions precedent, including annexation and effective date requirements, have been satisfied; and

WHEREAS, the Development Agreement is intended to operate in conjunction with the City’s Land Development Regulations and shall not be interpreted to supersede such regulations except as expressly provided therein; and

WHEREAS, the Development Agreement is intended to run with the land and bind all successors and assigns as provided therein; and

WHEREAS, the City and Developer desire to establish certain development rights, obligations, and conditions governing development of the Property through a Development Agreement executed pursuant to the Florida Local Government Development Agreement Act, Sections 163.3220–163.3243, Florida Statutes; and

WHEREAS, the Development Agreement provides that it shall not become effective unless and until the Property is annexed into the City and the Agreement is fully executed and recorded in the Public Records of Lake County, Florida; and

WHEREAS, the City Commission finds that approval of the Development Agreement promotes the public health, safety, and welfare and is consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, on May 7, 2026, the City Commission, sitting as the Local Planning Agency, conducted a duly noticed public hearing to review and make recommendations regarding the proposed Development Agreement; and

WHEREAS, on May 21, 2026, the City Commission conducted a second duly noticed public hearing and considered adoption of the ordinance approving the Development Agreement; and

WHEREAS, the Development Agreement establishes permitted uses, development standards, and building intensities consistent with those described in the public notice published pursuant to Section 163.3225, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA:

SECTION 1. APPROVAL OF DEVELOPMENT AGREEMENT.

The Development Agreement between the City of Eustis and W.D. of America, Inc., attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved. The Agreement establishes development rights, obligations, and standards applicable to the Property for a term of thirty (30) years from the Effective Date.

SECTION 2. AUTHORIZATION TO EXECUTE.

The Mayor, Interim City Manager, and City Clerk are authorized to execute the Development Agreement on behalf of the City and to take all administrative actions necessary to implement its terms.

SECTION 3. RECORDING.

Pursuant to Section 163.3239, Florida Statutes, the City shall record the fully executed Development Agreement in the Public Records of Lake County, Florida, within fourteen (14) days of execution. Developer shall reimburse the City for all recording costs incurred.

SECTION 4. ENFORCEMENT.

The Development Agreement shall be enforceable by the City in accordance with its terms and applicable law, including Sections 163.3220–163.3243, Florida Statutes.

SECTION 5. CONFLICTS.

In the event of a conflict between this Ordinance and any prior ordinance or resolution of the City, this Ordinance shall control.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid, the remainder shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption; however, the Development Agreement shall become effective only upon annexation of the Property and recording of the Agreement as required therein.

ORDAINED, PASSED AND ADOPTED this 21st day of May 2026, by the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this ____ day of _____ 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

Ordinance Number 2026-17
Development Agreement – W.D. of America, Inc.

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-17 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk