IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

BELVEDERE TERMINALS COMPANY, LLC, a Delaware limited liability company,

Plaintiff,

Case No.: 2024-10007-CICI

v.

VOLUSIA COUNTY, a political subdivision of the State of Florida,

Defendant.
_____/

VOLUSIA COUNTY'S RESPONSE IN OPPOSITION TO PLAINTIFF'S *EX PARTE* MOTION FOR TEMPORARY INJUNCTION

Defendant, Volusia County, opposes Plaintiff's *Ex Parte* Motion for Temporary Injunction (Doc. 7) and objects to its Notice of *Ex Parte* Hearing (Doc. 8). For reasons explained below, the County asks this Court to deny the motion.

INTRODUCTION

Alleging uncertainty as to its rights, Belvedere filed a declaratory action seeking a final judgment declaring that the County has a duty to immediately process its site plan. Before the County even responds to the lawsuit, Belvedere seeks the same relief through an *ex parte* injunction directing the County to immediately process its site plan. Without coordinating with opposing counsel, Belvedere

scheduled a one-hour hearing to unilaterally request the same remedy sought in its declaratory action. That's not how lawsuits work.

The County can lawfully refuse to accept site plan applications while considering changes to its I-2 zoning classification. The County expects to prevail in Belvedere's underlying lawsuit. A temporary injunction is an extraordinary remedy employed only when necessary to preserve the status quo before an adjudication on the merits. Belvedere's proposed temporary injunction would force the County to take affirmative action to *disturb* the status quo. Belvedere has not established clear, definite, and unequivocally sufficient facts showing the likelihood of irreparable harm, the unavailability of an adequate remedy at law, a substantial likelihood of success on the merits, or consideration of the public interest. This Court should deny Belvedere's motion for an *ex parte* temporary injunction.

RELEVANT FACTS

At its meeting on November 21, 2023, by a vote of 5-0, the County Council directed staff to review and draft changes to the list of permitted and special exception uses in the I-2 (Heavy Industrial) zoning classification. Through its direction, the County Council publicly invoked the *pending ordinance doctrine*, also known as the *zoning in progress* or *pending zoning rule*. The County Council declared a pending ordinance which would result in not accepting site plans or issuing permits within the I-2 zoning classification. (Ervin Aff. ¶ 4.)

In the same motion, the County Council directed staff to draft an ordinance providing for a temporary moratorium on I-2 development to allow time for staff to return with options for I-2 zoning changes. If that ordinance passes, the moratorium will last for nine months, through August 21, 2024, subject to a three-month extension if additional analysis is required. (Ervin Aff. ¶ 5.) In a second vote of 5-0, the County Council affirmed that both the moratorium and the I-2 zoning changes would be sent to the County's Planning and Land Development Regulation Commission (PLDRC). (Ervin Aff. ¶ 6.)

On December 4, 2023, Belvedere attempted to submit its conceptual site plan application for a proposed fuel terminal at 874 Hull Road, near the city of Ormond Beach. Citing the pending ordinance doctrine invoked by the County Council on November 21, 2023, staff declined to accept the conceptual site plan. (Ervin Aff. ¶ 7.)

When the County Council invoked the pending ordinance doctrine, no I-2 site plans were pending before the County. In its complaint, Belvedere acknowledges that "no site plan or other development application for the Project had been submitted" prior to the meeting on November 21, 2023. (Doc. 2, ¶ 120.) The status quo is the County *not* processing a Belvedere site plan. (Ervin Aff. ¶ 8.)

The County is complying with the statutory enactment procedures providing for public notice and hearings related to the proposed moratorium ordinance. *See* §

125.66 Fla. Stat. (2023). On December 21, 2023, the PLDRC recommended approval of the moratorium ordinance. The first reading before the County Council was held on January 4, 2024. (Ervin Aff. ¶ 9.) By a vote of 5-2, the County Council voted to have the second reading on February 6, 2024. On February 6, 2024, the County Council will decide whether to adopt the moratorium ordinance. (Ervin Aff. ¶ 10.)

ARGUMENT

I. BELVEDERE'S REQUEST FOR AN *EX PARTE* HEARING IS IMPROPER.

Belvedere knows the County is represented by counsel. The County Attorney's Office is repeatedly referenced in Belvedere's complaint. (*See, e.g.*, Doc. 2, ¶¶ 52, 54, 78, 79, 82, 113, 129, 131, 132.) Pursuant to Rule 2.505(e), an attorney may appear for a party in an action by "[s]igning the first pleading or other document filed on behalf of a party." Fla. R. Gen. Prac. & Jud. Admin. 2.505. The undersigned appeared in this action by filing a request to produce shortly after the County was served. (Doc. 5.) Belvedere's implication that the County "failed" to file a notice of appearance is unfounded. Belvedere's counsel chose not to communicate with opposing counsel prior to filing its motion and unilaterally scheduling the hearing. Belvedere's counsel ignored Division 31 Procedures designed to ensure that hearings are scheduled at mutually convenient times with sufficient time reserved to permit complete presentations by counsel for all parties.

To be clear, Belvedere was *required* to provide the County with notice before seeking a temporary injunction. Rule 1.610(a)(1) provides that "[a] temporary injunction may be granted without written or oral notice to the adverse party *only if*: (A) it appears from the specific facts shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant's attorney certifies in writing any efforts that have been made to give notice and the reasons why notice should not be required." Fla. R. Civ. P. 1.610 (emphasis added).

Here, Belvedere filed an Affidavit of Michael Benedetto *two days after* filing its *Ex Parte* Motion for Temporary Injunction and Notice of *Ex Parte* Hearing. (Doc. 9, 10.) The affidavit is dated the same day it was filed, though cited in the motion filed two days earlier. Mr. Benetto's affidavit doesn't show that providing the County notice and the opportunity to be heard would accelerate or precipitate injury to Belvedere as required by Rule 1.610(a)(1)(A). *See Smith v. Knight*, 679 So. 2d 359, 361–62 (Fla. 4th DCA 1996) ("Examples of such a showing are where notice of a hearing will prompt a defendant to destroy records, cause unsecured assets to be liquidated in the context of a fraudulent enterprise, or precipitate the disposal of the major asset of a partnership subject to an accounting."). Nor has Belvedere's counsel certified any reason why the County should not have been notified as required by Rule 1.610(a)(1)(B) to permit an *ex parte* hearing.

II. A PLAINTIFF CANNOT SEEK A TEMPORARY INJUNCTION TO PREMATURELY ADJUDICATE ITS DECLARATORY ACTION.

The purpose of a temporary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held. Here, Belvedere seeks a temporary injunction to resolve the very question sought to be answered in its declaratory action. And it wants that question resolved in its favor *ex parte*, before the County even responds to its complaint.

A temporary injunction is not a vehicle to procure a provisional remedy in a declaratory action in advance of trial. *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070, 1073 (Fla. 1st DCA 2022), *writ denied,* 340 So. 3d 475 (Fla. 2022). A temporary injunction functions only to provide interim *procedural* relief, not the *remedy* which must follow an adjudication on the merits. *Id.* at 1075-1076. "[T]he constitutional authority of a circuit court to preserve the status quo will not support its going further to grant a remedy on a provisional basis." *Id.*

Belvedere filed suit under chapter 86, seeking a judicial declaration that the County must process its site plan notwithstanding the pending ordinance doctrine. As noted by the First District, "[t]here is no mention in chapter 86 of a temporary injunction being available to provide a provisional remedy based on a preliminary adjudication of rights by the circuit court." *Black Voters Matter*, 340 So. 3d at 1077. Like any other civil suit, the disputed issues and facts in a declaratory action are framed by the complaint and the answer. The defendant gets to respond to the

lawsuit. The parties conduct discovery. Then there is a trial. The final judgment that follows triggers the availability of other remedies that the circuit court could craft. *Id.* at 1078. None of this has happened yet.

A plaintiff cannot seek a temporary injunction to prematurely adjudicate a controversy that can't be properly decided until the parties can be heard on the merits. *City of Jacksonville v. Naegele Outdoor Advert. Co.*, 634 So. 2d 750, 754 (Fla. 1st DCA 1994), *approved sub nom. Naegele Outdoor Advert. Co., Inc. v. City of Jacksonville*, 659 So. 2d 1046 (Fla. 1995), *as modified on reh'g* (Aug. 24, 1995) (quashing a temporary injunction that did not serve the "objective of preserving the status quo" but instead effectively "adjudicate[d] material points in controversy"); *see also Gulf Coast Commercial, LLC v. KOS Corp.*, 351 So. 3d 1212, 1215 (Fla. 2d DCA 2022) (holding "the trial court abused its discretion by going beyond preserving the status quo and granting the ultimate relief requested").

III. BELVEDERE'S REQUESTED INJUNCTION WOULD DISTURB THE STATUS QUO.

Temporary injunctions represent "an extraordinary remedy which should be granted sparingly." *Naegele Outdoor Advert.*, 634 So. 2d at 752. Temporary injunctions are intended to maintain the status quo, not mandate affirmative actions that alter the status quo. *See, e.g., Nazia, Inc. v. Amscot Corp.,* 275 So. 3d 702, 705 (Fla. 5th DCA 2019) ("The primary purpose of entering a temporary injunction is to preserve the status quo pending the final outcome of a cause.") (citations omitted).

With rare exception, temporary injunctions *prohibit* conduct. Injunctions which compel or mandate affirmative action by a party are disfavored. *Groff G.M.C. Trucks, Inc. v. Driggers*, 101 So. 2d 58, 60 (Fla. 1st DCA 1958) (noting that "mandatory injunctions are generally looked upon with disfavor and seldom granted" unless "the right is clear and free from reasonable doubt"); *Grant v. GHG014, LLC*, 65 So. 3d 1066, 1067 (Fla. 4th DCA 2010) (reminding courts that they should be "even more reluctant to issue [mandatory injunctions] than prohibitory ones"); *Miami Bridge Co. v. Miami Beach Ry. Co.*, 12 So. 2d 438, 469 (Fla. 1943) (noting that a mandate before final hearing is "like awarding an execution before trial and judgment").

Here, Belvedere's requested temporary injunction *disturbs* the status quo by *mandating* the County to immediately process its site plan. As explained in the County Council meeting on November 21, 2023, invoking the pending ordinance doctrine served "to freeze everything in place," i.e., to maintain the status quo. When Belvedere submitted its site plan on December 4, 2023, the status quo was the County *not* processing any site plans in the I-2 zoning classification and Belvedere *not* submitting any site plan or other development application for the Project.

IV. BELVEDERE FAILS TO SATISFY THE FOUR REQUIREMENTS FOR A TEMPORARY INJUNCTION.

A party seeking a preliminary or temporary injunction must establish that: (1) irreparable injury will result if the injunction is not granted, (2) there is no adequate

remedy at law, (3) the party has a clear legal right to the requested relief, and (4) the public interest will be served by the temporary injunction. *DiChristopher v. Bd. of County Comm'rs*, 908 So. 2d 492 (Fla. 5th DCA 2005). "Clear, definite, and unequivocally sufficient factual findings must support each of the four conclusions necessary to justify entry of a preliminary injunction." *Naegele Outdoor Advert*., 634 So. 2d at 754. "The cases also establish the necessity to do more than parrot each tine of the four-prong test. Facts must be found." *Id.*

A. Belvedere has not shown it will suffer irreparable injury if the County does not immediately process its conceptual site plan.

The County's moratorium will be over before the year ends. Belvedere's motion fails to set forth clear, definite, and unequivocally sufficient facts showing it will suffer irreparable harm if the County does not immediately process its conceptual site plan. Belvedere claims it has spent a lot of money on its project in the past. But Belvedere fails to definitively show what irreparable harm it will suffer from the County's temporary refusal to accept the conceptual site plan it submitted on December 4, 2023.

Conclusory allegations that simply parrot "irreparable injury" are not enough. Mere loss of income is insufficient to establish *irreparable* harm. *State, Dept. of Health & Rehab. Services v. Artis*, 345 So. 2d 1109 (Fla. 4th DCA 1977). Irreparable harm is not established if the harm can be adequately compensated by a monetary

award. *Bautista REO U.S., LLC v. ARR Investments, Inc.*, 229 So. 3d 362, 365 (Fla. 4th DCA 2017); *see also Leon Cnty. v. Gluesenkamp*, 873 So. 2d 460, 465 (Fla. 1st DCA 2004) (noting that "even though a moratorium may restrict or temporarily delay the use of property for development purposes, it could hardly be said that a temporary moratorium destroys the economic value of the property").

Belvedere claims the County's temporary moratorium will cause an "inordinate burden," a phrase derived from the Bert J. Harris Private Property Rights Protection Act. But under the Harris Act, a temporary impact on development in effect for less than a year does not constitute an inordinate burden. § 70.001(3)(e), Fla. Stat. (2023).

Notably, Belvedere fails to disclose litigation which may impact its ability to develop its fuel terminal, at least in the short term. In *S.R. Perrott, Inc. v. Belvedere Terminals Company, LLC and Department of Environmental Protection*, Case No. 23-004286 before the Division of Administrative Hearings, questions about whether a minor air constuction permit was appropriately issued have yet to be decided.

B. Belvedere has not shown the unavailability of an adequate remedy at law.

From its own pleadings, Belvedere alleges the existence of adequate remedies at law. *See City of Dania Beach v. Konschnik*, 763 So. 2d 555, 556 (Fla. 4th DCA 2000). Although Belvedere's declaratory action is not yet at issue, it seeks the same relief as its motion for temporary injunction. And its motion for temporary injunction

suggests it believes it has a valid equitable estoppel and due process claims as well. *See DiChristopher v. Bd. of Cnty. Com'rs*, 908 So. 2d 492, 497 (Fla. 5th DCA 2005), *decision clarified on denial of reh'g* (Aug. 12, 2005) (finding plaintiff had the possibility of succeeding on an inverse condemnation for damages claimed and thus had an adequate remedy at law, precluding injunctive relief). Finally, the Harris Act provides a remedy at law if a local government entity inordinately burdens the reasonable investment backed expectations for a property. § 70.001(3)(e), Fla. Stat. (2023).

C. Belvedere has not shown the substantial likelihood of it succeeding on the merits.

Here, Belvedere relies on its misguided claim that the pending ordinance doctrine "is, at best, a judicially created common-law concept in other jurisdictions and, at worse, does not exist." (Doc. 7 at 2.) The County didn't just make up the phrase "pending ordinance doctrine."

After publicly declaring an intent to change a zoning ordinance, the pending ordinance doctrine allows a local government to temporarily reject new development applications until the new zoning ordinance is enacted. The pending ordinance doctrine prevents a developer from hastily submitting a site plan before an anticipated zoning change. The doctrine limits development applications during the period of limbo when a municipality has identified issues with its code and seeks to implement change.

The parameters of the pending ordinance doctrine were provided in *Smith v. City of Clearwater*, 383 So. 2d 681, 689 (Fla. 2d DCA 1980):

> For a zoning change to be pending within this rule, it does not have to be before the city council, provided the appropriate administrative department of the city is actively pursuing it. Of course, mere thoughts or comments by city employees concerning the desirability of a change are not enough. There must be active and documented efforts on the part of those authorized to do the work which, in the normal course of municipal action, culminate in the requisite zoning change. The city council or the applicable city planning board must at least be aware that these efforts are going forward. For a zoning change to be pending, however, it is not essential that the property owner be advised of these activities, except that to the extent that he is unaware of them, he might justifiably continue to expend funds upon his project which, if the matter does not in due time become public, may result in the application of equitable estoppel.

Id. at 689.

Here, the County can show more than "mere thoughts or comments" by random employees. The County Council directed staff to start the process of revising I-2 zoning uses. The County Council took a vote to publicly invoke the pending ordinance doctrine. The County Council initiated a moratorium ordinance and directed both the ordinance and the I-2 changes heard before the PLDRC. *City of Clearwater* noted that the property owner need not be advised of a pending zoning change, adding that the owner might have a claim for equitable estoppel "if the matter does not in due time become public." *Id.* Here, with the benefit of discovery, the County is confident the evidence will show Belvedere knew that a zoning change was contemplated *at least by* November 21, 2023.

Using the phrase "zoning in progress," the same rule is articulated in *City of Pompano Beach v. Yardarm Rest., Inc.*, 509 So. 2d 1295, 1297 (Fla. 4th DCA 1987):

> Appellee further submits that the city in 1985 unlawfully refused to issue a new building permit. At that time there was a change in zoning in progress which would affect the permit. Under such circumstances a municipality may properly delay issuance of a building permit.

Id. at 1297 (internal citations omitted). *See also Bailey v. Islamorada,* 874 So. 2d. 729 (Fla. 3d DCA 2004) (citing the *City of Clearwater* holding that "permit applications can be denied if zoning changes pending at time of application"); *WCI Communities, Inc. v. City of Coral Springs*, 885 So. 2d 912, 914 (Fla. 4th DCA 2004) (holding city's use of both the zoning in progress rule and a temporary moratorium did not deny due process rights or affect a temporary taking).

A municipality does not need to codify a common law doctrine for it to have effect. Because the Fifth District has never refuted the pending ordinance doctrine, case law from the Second, Third, and Fourth Districts are binding on the trial court. *See Pardo v. State*, 596 So. 2d 665, 666 (Fla. 1992) (explaining that "in the absence of interdistrict conflict, district court decisions bind all Florida trial courts").

Belvedere is free to argue *at trial* that the pending ordinance doctrine isn't real and its fuel terminal should proceed unencumbered by the temporary moratorium and pending I-2 zoning changes. But when seeking a *preliminary injunction*, advancing a "merely colorable claim" is not enough to establish a substantial

likelihood of success on the merits. *Naegele Outdoor Advert*., 634 So. 2d at 753. Belvedere has not established that it has that rare case with a clear legal right free from reasonable doubt sufficient to justify a mandatory injunction. *See Spradley v. Old Harmony Baptist Church,* 721 So. 2d 735, 737 (Fla. 1st DCA 1998) (internal quotations omitted).

D. Belvedere has not shown that forcing the County to immediately process its site plan is in the public interest.

Belvedere's proposed temporary injunction runs counter to the public interest. The County Council is a governmental body which answers to the public. The County Council—duly elected representatives of the citizens of Volusia County—invoked the pending ordinance doctrine and initiated a moratorium ordinance to put a temporary freeze on I-2 development in anticipation of zoning changes. The public's interest in responsible zoning outweighs the undefined harm imposed on one foreign corporation facing a temporary delay in site plan processing.

Zoning ordinances are not immutable. Attending a pre-application meeting provides no guarantee that zoning won't change. With due regard for the rights of property owners, local governments can amend zoning ordinances in the best interest of the public. *Miles v. Dade Cnty. by Bd. of Cnty. Com'rs*, 260 So. 2d 553, 555 (Fla. 3d DCA 1972) (noting that prior zoning policies are not necessarily controlling on a legislative body acknowledging "needs arising from increased or shifting

population, or for other reasons properly cognizable"); *Jones v. First Virginia Mortg. & Real Estate Inv. Tr.*, 399 So. 2d 1068, (Fla. 2d DCA 1981):

> The cold fact of the matter, however, is that at some juncture it becomes the unpleasant duty of someone to weigh the disadvantages of rezoning against the disadvantages of not rezoning. That is properly the function of the legislative body charged with responsibility for protecting and enhancing the health, welfare and safety of the public in this case, the county commissioners.

Id. at 1073.

On February 6, 2024, the County Council votes on whether the moratorium is enacted. Mindful of the separation of powers doctrine, a court should exercise great caution before entering an injunction prohibiting a legislative act by another branch of government. *See City of Miami Beach v. Kaiser*, 213 So. 2d 449, 452–53 (Fla. 3d DCA 1968); *see also City of Safety Harbor v. City of Clearwater*, 330 So. 2d 840, 842 (Fla. 2d DCA 1976) ("The city must not be rendered impotent to exercise governmental functions and, where necessary, to modify or change its policies."); *City of Ormond Beach v. City of Daytona Beach*, 794 So. 2d 660, 663 (Fla. 5th DCA 2001) ("A court has no authority to enter an injunction prohibiting a legislative act by another branch of government, absent illegality or fraud.").

V. A TEMPORARY INJUNCTION WOULD REQUIRE BELVEDERE TO POST BOND.

Rule 1.610(b) provides that "[n]o temporary injunction shall be entered unless a bond is given by the movant in an amount the court deems proper...." Rule 1.610(b)

provides only two exceptions to this bond requirement, neither of which is applicable to Belvedere. First, a municipality or the state, or any officer, agency or political subdivision thereof may be exempted from the bond requirement. Belvedere is not such an entity. Second, "[no] bond shall be required for issuance of a temporary injunction issued *solely* to prevent physical injury or abuse of a natural person," which would not apply in the instant case. *See United Farm Workers of Am., AFL-CIO v. Quincy Corp.*, 681 So. 2d 773, 777 (Fla. 1st DCA 1996).

CONCLUSION

Belvedere improperly sought an *ex parte* preliminary injunction to force the County to take affirmative action to disturb—not maintain—the status quo. Belvedere fails to satisfy the four requirements for a temporary injunction with clear, definite, and unequivocal facts. Belvedere's motion for this extraordinary pretrial remedy should be denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been e-filed with the Clerk of Court using the Florida Courts E-filing portal which will serve notice and a copy to Nick Dancaescu, Esq., (Nick.dancaescu@gray-robinson.com) (Donna.flynn@gray-robinson.com) (Mariah.richardson@gray-robinson.com); Rachael M. Crews, Esq. (Rachael.crews@gray-robinson.com)

(jamal.wilson@gray-robinson.com); and William T. Dove, Esq. (billy.dove@gray-robinson.com) on January 26, 2024.

/s/ W. Kevin Bledsoe
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BELVEDERE TERMINALS COMPANY, LLC, a Delaware limited liability company,

Plaintiff,

v. Case No.: 2024-10007-CICI

VOLUSIA COUNTY, a political subdivision of the State of Florida,

Defendant.
_____/

AFFIDAVIT OF EDWARD CLAYTON ERVIN

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared EDWARD CLAYTON ERVIN who after being duly sworn, deposes and states the following:

1. My name is Edward Clayton Ervin. I am over the age of twenty-one (21) and make this affidavit based upon my personal knowledge.

2. I am the Director of Growth and Resource Management for the County of Volusia.

3. I am a professional planner who has been practicing local planning since 1989.

4. At its meeting on November 21, 2023, by a vote of 5-0, the County Council directed staff to review and draft changes to the list of permitted and special

exception uses in the I-2 (Heavy Industrial) zoning classification. Through its direction, the County Council publicly invoked the *pending ordinance doctrine*, also known as the *zoning in progress* or *pending zoning rule*. The County Council declared a pending ordinance which would result in not accepting site plans or issuing permits within the I-2 zoning classification.

5. In the same motion, the County Council directed staff to draft an ordinance providing for a temporary moratorium on I-2 development to allow time for staff return with options for I-2 zoning changes. If that ordinance passes, the moratorium will last for nine months, through August 21, 2024, subject to a three-month extension if additional analysis is required.

6. In a second vote of 5-0, the County Council affirmed that both the moratorium and the I-2 zoning changes would be sent to the County's Planning and Land Development Regulation Commission (PLDRC).

7. On December 4, 2023, the County received Belvedere's conceptual site plan application for a proposed fuel terminal at 874 Hull Road, near the city of Ormond Beach. Citing the pending ordinance doctrine invoked by the County Council on November 21, 2023, staff declined to accept the conceptual site plan.

8. When the County Council invoked the pending ordinance doctrine, no I-2 site plans were pending before the County. In its complaint, Belvedere acknowledges that "no site plan or other development application for the Project had

been submitted" prior to the meeting on November 21, 2023. (Doc. 2, ¶ 120.) The status quo is the County *not* processing a Belvedere site plan.

9. The County is complying with the statutory enactment procedures providing for public notice and hearings related to the proposed moratorium ordinance. *See* § 125.66 Fla. Stat. (2023). On December 21, 2023, the PLDRC recommended approval of the moratorium ordinance. The first reading before the County Council was held on January 4, 2024.

10. By a vote of 5-2, the County Council voted to have the second reading on February 6, 2024. On February 6, 2024, the County Council will decide whether to adopt the moratorium ordinance.

11. I have carefully read this Affidavit. I understand the contents thereof and its importance.

FURTHER AFFIANT SAYETH NAUGHT.

Edward Clayton Ervin, Director
Growth and Resource Management
County of Volusia

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26th day of January, 2024, by EDWARD CLAYTON ERVIN. who is personally known to me ☒ or who has produced _____ as identification.

MARY A. EFIRD
Commission # HH 133407
Expires May 24, 2025
Bonded Thru Budget Notary Services

Mary A. Efird
Notary Public