

AFTER RECORDING RETURN TO:
Office of the City Clerk
The City of Daytona Beach
301 S. Ridgewood Avenue
Daytona Beach, FL 32114

NON-EXCLUSIVE SIDEWALK EASEMENT AGREEMENT

THIS NON-EXCLUSIVE SIDEWALK EASEMENT AGREEMENT made this 18th day of April, 2018, by **CONSOLIDATED-TOMOKA LAND CO.**, a Florida corporation, and **INDIGO DEVELOPMENT LLC**, a Florida limited liability company, hereinafter collectively referred to as the Grantor, to **THE CITY OF DAYTONA BEACH**, a Florida municipal corporation, Post Office Box 2451, Daytona Beach, Florida 32115, Grantee.

WITNESSETH: That the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual nonexclusive easement ("Easement") over, under, through and across certain real property described herein (the "Easement Property") for the location, installation, use, modification, maintenance, repair and replacement of public sidewalks for pedestrian traffic and other incidents and appurtenances which are necessary or appropriate in connection therewith, in, under and through the following described land in Volusia County, Florida, viz:

See Exhibit A attached hereto and made a part hereof. Said Easement Property is subject to any other existing easements or rights-of-way recorded in the Public Records of Volusia County, Florida.

1. *Grantor's Rights and Obligations Regarding Other Uses of Easement Property.* Grantor, for Grantor's benefit and for the benefit of any of Grantor's successors and assigns as the fee simple title holder of the above described easement, reserves the right to grant easements or other rights to use the easement to others under, over, through, on, in and across the easement for similar or other purposes including but not limited to storm water drainage or other public utility or quasi public utility purposes such as electricity, telephone, cable television, gas, water and reuse water provided that such easements or rights to use do not unreasonably interfere with Grantee's right and ability to use the easement. In the exercise of any of the foregoing rights and when appropriate, Grantor or Grantor's successors and assigns shall comply with the following:

A. Grantor shall submit to Grantee engineering plans or such other plans signed and sealed by a professional engineer licensed in the State of Florida for Grantee's approval. Such plans shall contain all reasonably required engineering information on the proposed exercise of the foregoing reservations and the impact of such plans on the easement from which Grantee may evaluate the exercise of the reserved right by Grantor.

B. Grantor shall repair or replace, or cause the repair or replacement, of any portion of said public sidewalk or public utility damaged by or in connection with the exercise of the rights reserved by Grantor as referenced in this Section 1.

2. *Grantee's Obligations and Stipulations.*

A. Grantee will not unreasonably withhold or delay approval of the plans referenced in Section 1.A., above.

B. Grantee's acceptance of this easement shall not preclude the Easement Property from being used to satisfy any scenic setback requirements or other buffer requirements under the Land Development Code of The City of Daytona Beach.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns forever, and the Grantor will defend the title to said lands against all persons claiming by, through or under said Grantor.

[Signature Pages Follow]

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

CONSOLIDATED-TOMOKA LAND CO.,
a Florida corporation

Tammy MacBaac
Printed Name: Tammy MacBaac

By: [Signature]
Mark E. Patten
Senior Vice President and Chief Financial
Officer

[Signature]
Printed Name: Robert Bell

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 18th day of April, 2018, by Mark E. Patten, a Senior Vice President and the Chief Financial Officer of Consolidated-Tomoka Land Co., a Florida corporation, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same on behalf of the corporation. He is personally known to me.

[SEAL]

Holly Greene
Notary Public, State of Florida
Notary Name: _____
My Commission Expires: _____



Signed, sealed and delivered
in the presence of:

INDIGO DEVELOPMENT LLC,
a Florida limited liability company,

By: Consolidated-Tomoka Land Co.,
a Florida corporation, its sole
managing member

Tammy MacBaac
Printed Name: Tammy MacBaac

By: [Signature]
Mark E. Patten
Senior Vice President and Chief Financial
Officer

[Signature]
Printed Name: Robin Bell

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 18th day of April, 2018, by Mark E. Patten, a Senior Vice President and the Chief Financial Officer of Consolidated-Tomoka Land Co., a Florida corporation, the sole managing member of INDIGO DEVELOPMENT LLC, a Florida limited liability company, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same on behalf of the corporation. He is personally known to me.

[SEAL]

Holly Greene
Notary Public, State of Florida
Notary Name: _____
My Commission Expires: _____



Signed, sealed and delivered
in the presence of:

THE CITY OF DAYTONA BEACH,
a Florida municipal corporation

Printed Name: _____

By: _____

Name: _____

Its: _____

Printed Name: _____

Attest: _____

Letitia LaMagna, City Clerk

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this _____ day of _____, 2018,
by _____, as _____, and Letitia LaMagna, as City Clerk,
of The City of Daytona Beach, a Florida municipal corporation, on behalf of The City. They are
known to me known or have produced _____ and
_____ as identification.

[SEAL]

Notary Public, State of Florida

Notary Name: _____

My Commission Expires: _____

Approved as to Legal Form:

By: _____
Robert Jagger, City Attorney

EXHIBIT A

DESCRIPTION: (BY SLIGER & ASSOCIATES, INC.)

A PORTION OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF VINCE CARTER'S, ACCORDING TO THE MAP RECORDED IN MAP BOOK 55, PAGES 101 AND 102, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE S64°14'33"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF L.P.G.A. BOULEVARD, A 260 FOOT WIDE RIGHT OF WAY, 330.18 FEET TO THE CENTERLINE OF TECHNOLOGY BOULEVARD, A 100.00 FOOT RIGHT OF WAY, AS RECORDED IN O.R.B. 6289, PAGE 938 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING 3 CALLS, N25°45'27"W, 339.04 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 465.00 FEET AND CENTRAL ANGLE OF 20°32'58" WITH A CHORD BEARING N15°28'58"W; THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID CURVE, 166.77 FEET; THENCE N05°12'29"W, 49.51 FEET TO THE INTERSECTION OF THE CENTERLINE OF GATEWAY NORTH DRIVE, A 70.00 FOOT RIGHT OF WAY, AS RECORDED IN O.R.B. 6289, PAGE 938 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE OF GATEWAY NORTH DRIVE, S84°47'31"W, 159.70 FEET; THENCE DEPARTING SAID CENTERLINE, N05°12'29"W, 35.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID GATEWAY NORTH DRIVE AND THE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 665.00 FEET AND CENTRAL ANGLE OF 31°42'58" WITH A CHORD BEARING N79°21'00"W; THENCE IN A WESTERLY DIRECTION ALONG SAID NORTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE 368.11 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, N26°30'29"E, 10.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 655.00 FEET AND CENTRAL ANGLE OF 31°42'58" WITH A CHORD BEARING S79°21'00"E; THENCE IN AN EASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 362.58 FEET; THENCE N84°47'31"E, 119.70 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND CENTRAL ANGLE OF 53°07'48" WITH A CHORD BEARING S58°13'37"W; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE, 23.18 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF GATEWAY NORTH DRIVE; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, N84°47'31"W, 99.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,790 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

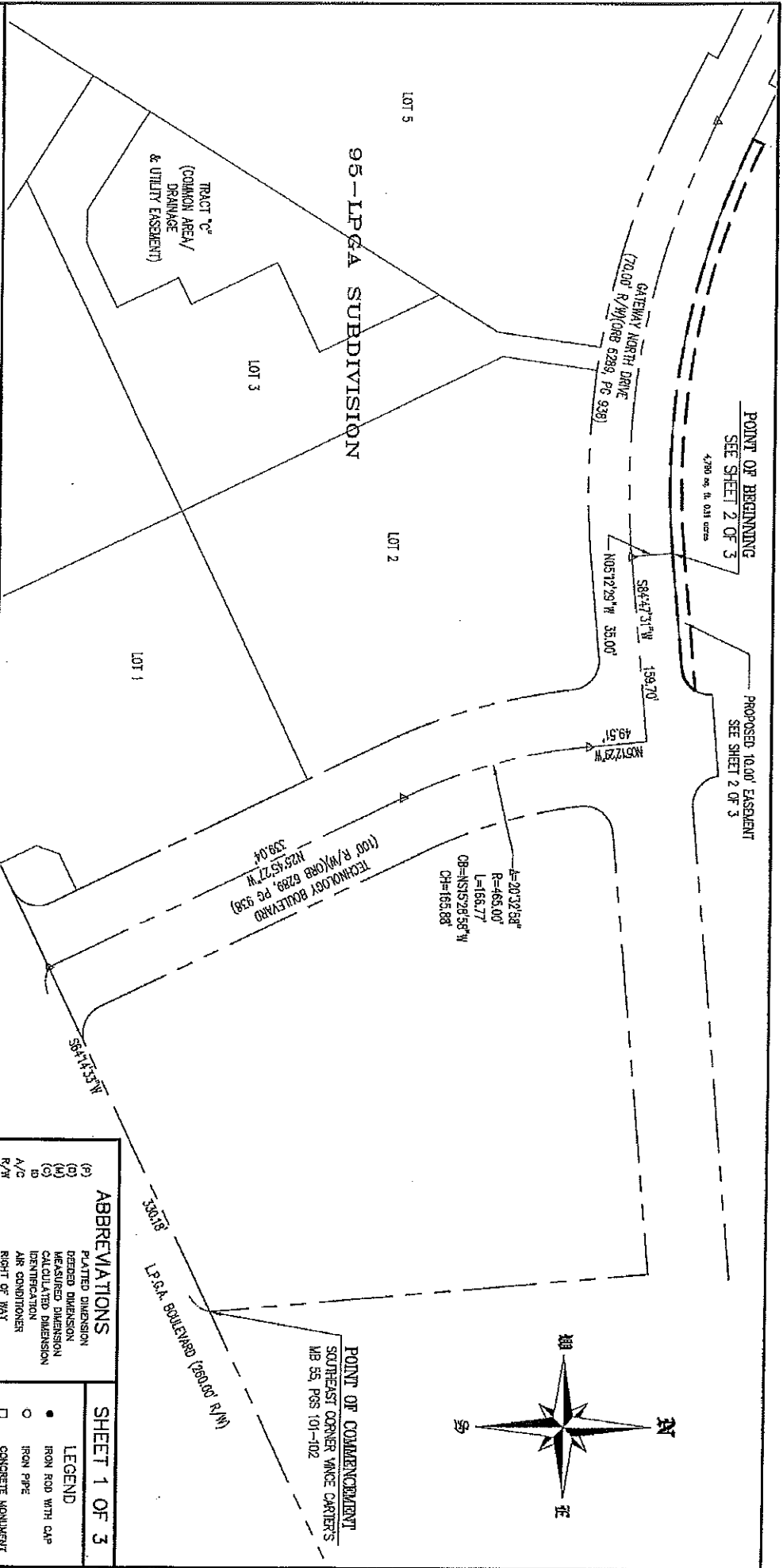


SLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019
 3921 NOVA ROAD
 PORT ORANGE, FL 32127
 (386) 781-5345

www.sligerassociates.com

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FOR: **BUC-EE'S LTD.**
 DESCRIPTION: (SEE SHEET 3 OF 3)
SKETCH OF DESCRIPTION ONLY
NOT A BOUNDARY SURVEY
 SCALE: 1"=100'
 FIELD BOOK PAGE
 JOB #16-1533

ABBREVIATIONS		SHEET 1 OF 3	
(P)	PLATTED DIMENSION	●	IRON ROD WITH CAP
(D)	DEEDED DIMENSION	○	IRON PIPE
(M)	MEASURED DIMENSION	□	CONCRETE MONUMENT
(C)	CALCULATED DIMENSION	■	PERMANENT REFERENCE MONUMENT
ID	IDENTIFICATION	▲	PERMANENT CONTROL POINT
A/C	AIR CONDITIONER	○	NON-RADIAL LINE
R/W	RIGHT OF WAY	○	EXISTING ELEVATION
CL	CENTRAL LINE	○	PROPOSED ELEVATION
R	RADIUS		
OB	CHORD BEARING		
FP&L	FLORIDA POWER & LIGHT COMPANY		
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM		
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY		



www.allgeomaticsolutions.com

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SLINGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

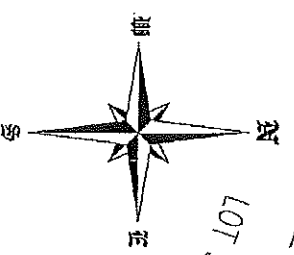
LICENSED BUSINESS CERTIFICATION NO. 3018
 3521 NOVA ROAD
 PORT ORANGE, FL 32127
 (386) 781-5388

FOR: **BUC-EE'S LTD.**
 DESCRIPTION: (SEE SHEET 3 OF 3)
SKETCH OF DESCRIPTION ONLY
NOT A BOUNDARY SURVEY
 JOB #16-1533

SCALE: 1"=50'
 FIELD BOOK PAGE

ABBREVIATIONS	
(P)	PLATTED DIMENSION
(D)	DEEDED DIMENSION
(M)	MEASURED DIMENSION
(C)	CALCULATED DIMENSION
ID	IDENTIFICATION
A/C	AIR CONDITIONER
R/W	RIGHT OF WAY
Q	CENTRAL ANGLE
D	RADIUS
R	CHORD BEARING
L	ARC LENGTH
FBAL CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

LEGEND	
●	IRON ROD WITH CAP
○	IRON PIPE
□	CONCRETE MONUMENT
■	PERMANENT REFERENCE MONUMENT
▲	PERMANENT CONTROL POINT
(R)	RADIAL LINE
(NR)	NON-RADIAL LINE
—	EXISTING ELEVATION
- - -	PROPOSED ELEVATION



95-LPGA SUBDIVISION

LOT 5

LOT 3

LOT 2

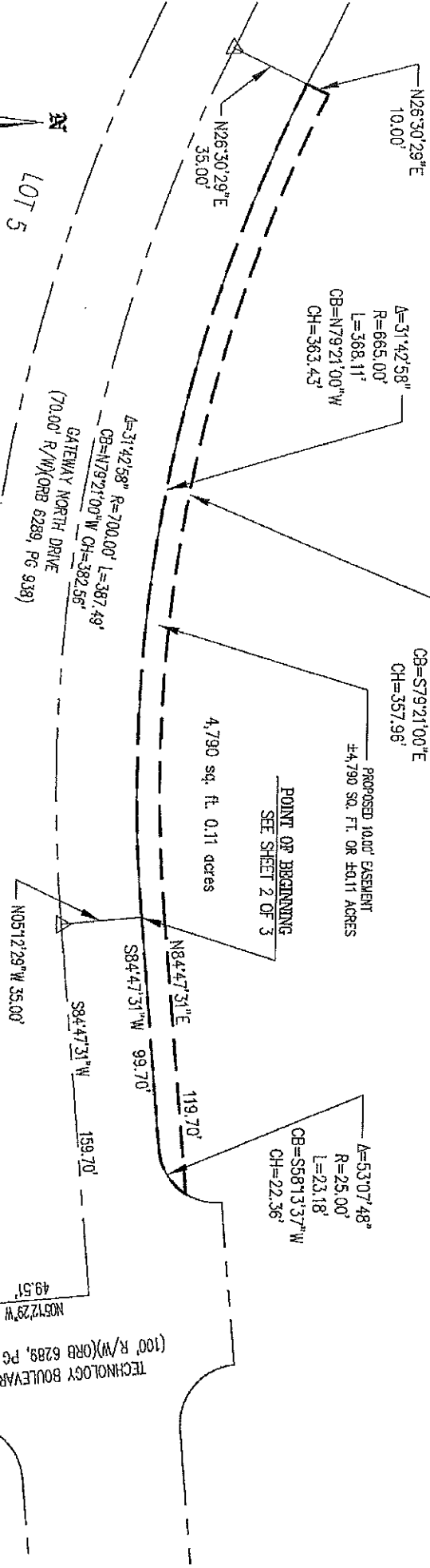
GATEWAY NORTH DRIVE
 (70.00' R/W)(ORB 6289, PG 938)

TECHNOLOGY BOULEVARD
 (100' R/W)(ORB 6289, PG 938)

UNPLATTED
 (VACANT)
 TOMOKA LAND CO.

PROPOSED 10.00' EASEMENT
 ±4,790 SQ. FT. OR ±0.11 ACRES
 POINT OF BEGINNING
 SEE SHEET 2 OF 3

4,790 sq. ft. 0.11 acres



ABBREVIATIONS

SHEET 2 OF 3



SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD
PORT ORANGE, FL. 32127
(386) 761-5385

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www.sligerassociates.com

SURVEYOR'S NOTES

SURVEYOR'S NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SKETCH OF DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- 3) BEARING STRUCTURE BASED ON NAD 83 FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE AND FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 79002-2424, DATED 4-26-00, WITH THE BEARING ON THE CENTERLINE OF SURVEY BEING N16°53'56"W.
4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
5. THIS PROPERTY IS LOCATED IN FLOOD INSURANCE RATE MAP (F.I.R.M.) ZONE X & A. THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. MAPS, MAP NO. 12127C0351 H. MAP EFFECTIVE DATE: FEBRUARY 19, 2014. APPROXIMATE SCALE: 1"= 500'.
6. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
7. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.
8. DESCRIPTION OF CREATED BY SLIGER & ASSOCIATES, INC.

NOTE:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REFERENCE: 95-LPGA SUBDIVISION (BUC-EE'S)

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	DATE	JOB NUMBER
SKETCH OF DESCRIPTION	BUC-EE'S LTD.	1-20-2018	16-1533
	NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		

DESCRIPTION: (BY SLIGER & ASSOCIATES, INC.)

A PORTION OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 4,790 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

SHEET 2 OF 2

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

BUC-EE'S LTD.

DATE	JOB NO.	P.C.	DRW.	CHECKED BY
1-20-2018	16-1533		DH	JZ
SKETCH OF DESCRIPTION				
BOUNDARY SURVEY				
TOPOGRAPHIC SURVEY				
FOUNDATION LOCATED				
FINAL IMPROVEMENTS				
RECERTIFICATION				
PROPOSED HOUSE LOCATION				

I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 53-27.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.01, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 6086
STEVEN T. BRUGER, P.L.S. NO. 4777
C.O. VAN KLEECK JR., P.S.M. NO. 6149
MICHAEL S. MURPHY, P.S.M. NO. 6208