

This instrument prepared by and,  
after recording, please return to:

Teresa J. Thornton-Hill, Esquire  
Indigo Development LLC  
Post Office Box 10809  
Daytona Beach, Florida 32120-0809

## NON-EXCLUSIVE EASEMENT AGREEMENT

**THIS NON-EXCLUSIVE EASEMENT AGREEMENT** made this 31st day of May, 2018, by **INDIGO DEVELOPMENT LLC**, a Florida limited liability company, 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 utility lines placed within the Easement Property 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.

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 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. Any such approval by Grantee shall not be unreasonably withheld or delayed. In the event Grantor fails to submit to engineering plans for facilities or equipment constructed on the Easement Property ("Unapproved Improvements") and such Unapproved Improvements interfere with the easement rights granted to Grantee herein, Grantee shall provide written notice of such interference

and shall provide Grantor an opportunity to cure. If such interference is not cured within sixty (60) days following Grantor's receipt of such notice, Grantee shall have the right to remove the Unapproved Improvements and repair or restore Grantee equipment and facilities located within the Easement Property that have been damaged by such Unapproved Improvements at Grantor's sole cost and expense.

Grantee, in its use or maintenance of the easement, agrees that Grantee, at its sole cost and expense, will replace any landscaping or landscape material which may be damaged or destroyed in connection with Grantee's use or maintenance of the easement. By acceptance of this easement, Grantee agrees that Grantor, and any of Grantor's successors and assigns as the fee simple title holder of the above easement, shall be allowed to include the real property within the above described easement to satisfy any scenic setback requirements or other buffer requirements under any applicable development agreement. Grantee agrees that this provision was an essential part of the consideration to Grantor for granting the easement contained herein to Grantee. By acceptance of this easement, Grantee agrees to be bound by the terms of this easement and agrees that Grantor shall have the right to enforce the terms of this easement by any remedy available at law or in equity.

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.

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:

**INDIGO DEVELOPMENT LLC,**  
a Florida limited liability company,

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

  
Printed Name: T. Thornton Hill

By:   
John P. Albright  
President and Chief Executive Officer

  
Printed Name: Robyn Bell

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of May, 2018, by John P. Albright, the President and Chief Executive 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]




  
Notary Public, State of Florida  
Notary Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

EXHIBIT A

DESCRIPTION

PARCEL A

A PORTION OF SECTION 10, TOWNSHIP 15 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST  $\frac{1}{4}$  CORNER OF SAID SECTION 10; THENCE  $S01^{\circ}20'37''E$  ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 194.92 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2985, PAGE 712, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1104.74 FEET, A CENTRAL ANGLE OF  $30^{\circ}56'14''$  AND A CHORD BEARING  $N48^{\circ}15'11''W$ ; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, 596.51 FEET; THENCE ALONG SAID RIGHT OF WAY LINE  $N32^{\circ}47'04''W$ , 1740.07 FEET TO THE POINT OF BEGINNING OF PARCEL A; THENCE ALONG SAID RIGHT OF WAY LINE  $N32^{\circ}47'04''W$ , 21.33 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF  $21^{\circ}02'20''$  AND A CHORD BEARING  $N67^{\circ}42'32''E$ ; THENCE DEPART SAID RIGHT OF WAY LINE EASTERLY ALONG THE ARC OF SAID CURVE, 18.36 FEET; THENCE  $N57^{\circ}11'22''E$ , 24.95 FEET; THENCE  $N32^{\circ}48'38''W$ , 36.99 FEET; THENCE  $N57^{\circ}12'56''E$ , 21.48 FEET; THENCE  $S41^{\circ}41'43''E$ , 55.68 FEET; THENCE  $S57^{\circ}12'50''W$ , 72.99 FEET TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

TOGETHER WITH

PARCEL B

RETURN TO THE POINT OF BEGINNING OF SAID PARCEL A; THENCE  $N32^{\circ}47'04''W$ , 55.01 FEET; THENCE  $N57^{\circ}12'56''E$ , 65.00 FEET; THENCE  $N32^{\circ}47'04''W$ , 30.63 TO THE POINT OF BEGINNING OF PARCEL B; THENCE  $N32^{\circ}47'04''W$ , 16.07 FEET; THENCE  $N05^{\circ}41'10''E$ , 31.75 FEET; THENCE  $S84^{\circ}18'50''E$ , 10.00 FEET; THENCE  $S05^{\circ}41'10''W$ , 44.33 FEET TO THE POINT OF BEGINNING. CONTAINING 0.01 ACRES, MORE OR LESS.



# SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

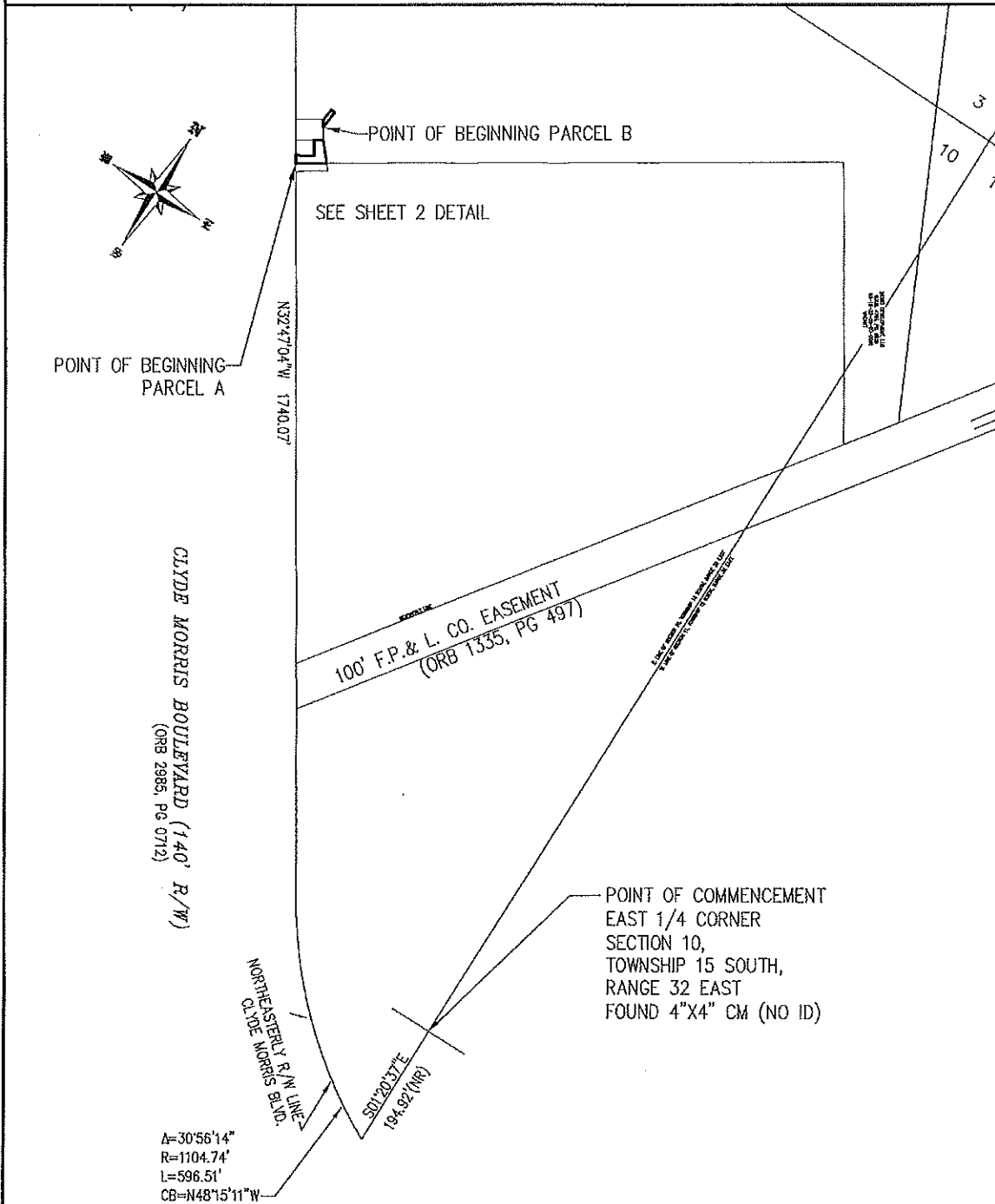
3921 NOVA ROAD

PORT ORANGE, FL. 32127

(386) 761-5385

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FOR: VANTRUST REAL ESTATE, LLC  
 DESCRIPTION: SEE SHEET 2 FOR LEGAL DESCRIPTION

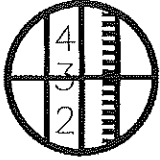
SKETCH OF DESCRIPTION  
 NOT A BOUNDARY SURVEY

JOB #18-0532

SCALE: 1"=300'      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
CL	CENTERLINE
∠	CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
FP&L CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

SHEET 1 OF 3	
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



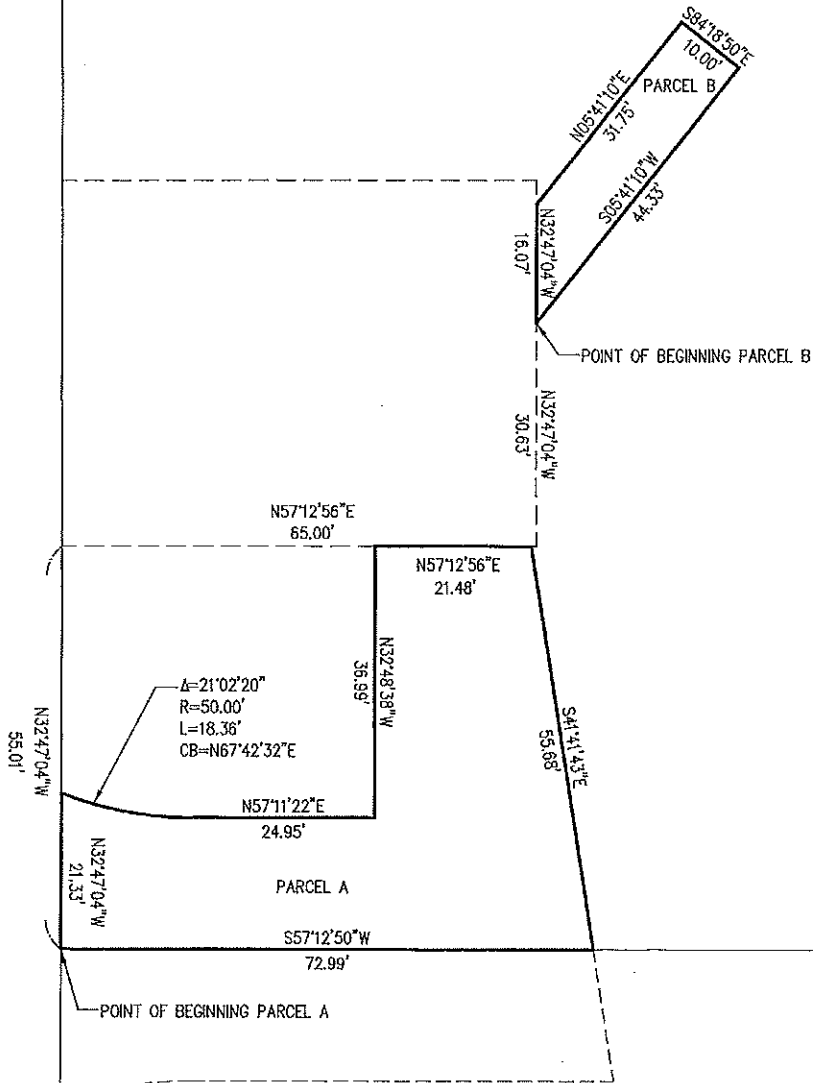
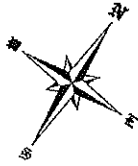
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PROFESSIONAL LAND SURVEYORS

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PORT ORANGE, FL 32127  
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SKETCH OF DESCRIPTION  
NOT A BOUNDARY SURVEY  
FOR: VANTRUST REAL ESTATE, LLC  
DESCRIPTION: SEE SHEET 2 FOR LEGAL DESCRIPTION

### ABBREVIATIONS

(P)	PLATTED DIMENSION
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### SHEET 2 OF 3

#### LEGEND

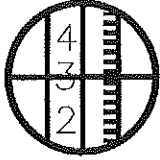
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(R)	RADIAL LINE
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□	PROPOSED ELEVATION

JOB #18-0532

SCALE: 1"=300'

FIELD BOOK:

PAGE:



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PORT ORANGE, FL. 32127  
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## SURVEYORS NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
3. BEARING STRUCTURE BASED RECORD PLAT WITH THE BEARING ON THE SOUTHERLY LINE OF LOT 1, CVS-LPGA BOULEVARD, MB 54, PG 180 BEING N64°21'07"E. COORDINATE STRUCTURE IS NAD 83 FLORIDA EAST ZONE STATE PLANE GRID.
4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
5. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
6. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.

## DESCRIPTION

### PARCEL A

A PORTION OF SECTION 10, TOWNSHIP 15 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 10; THENCE S01°20'37"E ALONG THE EAST LINE OF SAID SECTION 10, A DISTANCE OF 194.92 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CLYDE MORRIS BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2985, PAGE 712, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1104.74 FEET, A CENTRAL ANGLE OF 30°56'14" AND A CHORD BEARING N48°15'11"W; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, 596.51 FEET; THENCE ALONG SAID RIGHT OF WAY LINE N32°47'04"W, 1740.07 FEET TO THE POINT OF BEGINNING OF PARCEL A; THENCE ALONG SAID RIGHT OF WAY LINE N32°47'04"W, 21.33 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 21°02'20" AND A CHORD BEARING N67°42'32"E; THENCE DEPART SAID RIGHT OF WAY LINE EASTERLY ALONG THE ARC OF SAID CURVE, 18.36 FEET; THENCE N57°11'22"E, 24.95 FEET; THENCE N32°48'38"W, 36.99 FEET; THENCE N57°12'56"E, 21.48 FEET; THENCE S41°41'43"E, 55.68 FEET; THENCE S57°12'50"W, 72.99 FEET TO THE POINT OF BEGINNING.  
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CONTAINING 0.01 ACRES, MORE OR LESS.

## REFERENCE:

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	SURVEY DATE	JOB NUMBER
SKETCH OF	CITY OF DAYTONA BEACH	APRIL 12, 2018	18-0532
DESCRIPTION			

SHEET 3 OF 3

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

FOR: VANTRUST REAL ESTATE, LLC

	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
SKETCH OF DESCRIPTION	APRIL 12, 2018	18-0532		JZ	JZ
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 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Joseph E Zapert Digitally signed by Joseph E Zapert  
Date: 2018.04.12 12:34:43 -0400

J.E. ZAPERT, P.L.S. NO. 4046  
STEVEN T. KRUGER, P.L.S. NO. 4722  
C.O. VAN KLEECK JR., P.S.M. NO. 6149  
MICHAEL S. MURPHY, P.S.M. NO. 6208