

Prepared by and return to:

Parcel ID #

**LANDSCAPE AND MAINTENANCE EASEMENT**

**THIS LANDSCAPE AND MAINTENANCE EASEMENT**, (hereinafter “Easement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between **THIRD COAST HOLDINGS, LLC**, located at 101 Timberlake Lane, Ormond Beach, FL 32174, hereinafter referred to as “OWNER” and the **CITY OF PALM COAST, FLORIDA**, a Florida municipal corporation, located at 160 Cypress Point Parkway, Ste. B-106, Palm Coast, Florida 32164, hereinafter referred to as “CITY.”

**WITNESSETH:**

WHEREAS, OWNER is the owner of the following described property, to wit (the “Property”):

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF WEST 1/2 OF NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF LOT 19, MIDWAY PARK, AS RECORDED IN MAP BOOK 5, PAGE 25 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. SAID CORNER ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF BULLDOG DRIVE, A 50 RIGHT OF WAY AS NOW ESTABLISHED, AND THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 100, A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED. THENCE NORTH 01°12'26" WEST ALONG SAID EASTERLY RIGHT OF WAY OF BULLDOG DRIVE A DISTANCE OF 30.05 FEET TO A POINT ON A CURVE, CONCAVE EASTERLY, SAID CURVE HANG A CENTRAL ANGLE OF 3°32' 05", A RADIUS OF 743.50', A CHORD BEARING OF NORTH 00°33' 36" EAST, A CHORD DISTANCE OF 45.86 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY UNE, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 45.87 FEET; THENCE SOUTH 52°11'26" EAST A DISTANCE OF 121.52 FEET TO A POINT ON SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 100; THENCE SOUTH 89°09'34" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 95.83 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 3,667 SQUARE FEET MORE OR LESS.

WHEREAS, OWNER desires to grant CITY this Easement to provide landscaping and continued maintenance of said landscaping over and upon OWNER's property as depicted on the sketch attached hereto as Exhibit "E1," (hereinafter "Easement Area"); and

WHEREAS, OWNER states that it has full authority to enter into this Easement, and that the signatory has authority to execute this Easement.

NOW THEREFORE, for and in consideration of the sum of One and 00/100 Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto do hereby covenant and agree as follows:

1. The foregoing recitals shall be and are hereby incorporated into and made a part of this Easement.

2. OWNER hereby grants to the CITY, its successors and assigns, an Easement for landscaping and maintenance purposes over a portion of the Property more particularly described on the attached Exhibit "E1," the Easement Area. The City shall also have the right to install irrigation, utilities and lights needed to complement the landscaping in the Easement Area.

3. The parties agree that CITY shall have the right to install, plant, maintain, inspect, remove and replace trees, shrubs, bushes, grass, plants, groundcovers and other forms of vegetation, and landscaping features, to include irrigation and lighting. No temporary or permanent buildings, structures or obstructions shall be placed on or over said Easement Area by the OWNER, nor shall the OWNER remove any such vegetation.

4. This Easement shall be binding upon the successors and assigns of the parties.

**IN WITNESS WHEREOF**, the parties have executed this Easement this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

THIRD COAST HOLDINGS, LLC

WITNESSES:

By: \_\_\_\_\_

\_\_\_\_\_  
(signature)

Print name: \_\_\_\_\_

\_\_\_\_\_  
(print name)

Title: \_\_\_\_\_

\_\_\_\_\_  
(signature)

101 TIMBERLAKE LANE  
ORMOND BEACH FL 32174 US

\_\_\_\_\_  
(print name)

STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, (check one)  who is personally known to me or  who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission expires:

ATTEST:

CITY OF PALM COAST, FLORIDA, a  
Florida municipal corporation

\_\_\_\_\_  
Clare M. Hoeni, City Clerk

By: \_\_\_\_\_  
Jim Landon, City Manager

For the use and reliance of the City of  
Palm Coast only. Approved as to form  
and legal sufficiency.

\_\_\_\_\_  
William E. Reischmann, Jr.  
City Attorney

STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009, by JIM LANDON, City Manager of the CITY OF PALM COAST,  
FLORIDA, a Florida municipal corporation (check one)  who is personally known to me or   
who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission expires:

**JOINDER AND CONSENT OF MORTGAGEE**

The undersigned, \_\_\_\_\_, in his capacity as the \_\_\_\_\_ of \_\_\_\_\_, hereby joins in and consents to the foregoing Landscape and Maintenance Easement between \_\_\_\_\_, and the CITY OF PALM COAST, FLORIDA, and agrees to be bound by the terms and conditions of said Easement.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed by its undersigned officer this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**WITNESSES:**

_____	_____
(signature)	(signature)
_____	_____
(print name)	(print name)
_____	_____
(signature)	(title)
_____	Address: _____
(print name)	_____

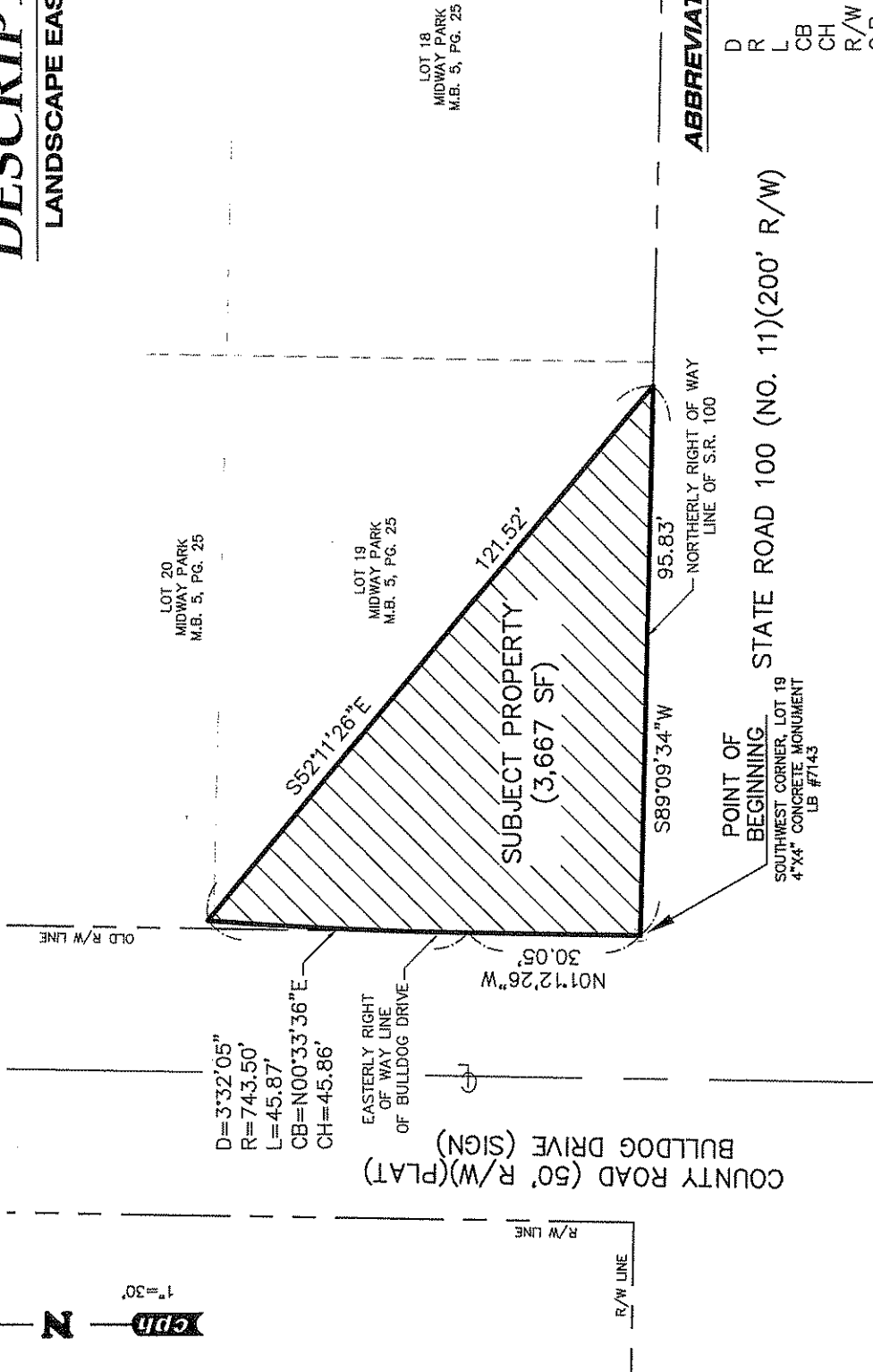
STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_, (check one)  who is personally known to me or  who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission expires:

EXHIBIT E1  
[Easement Area]

# SKETCH OF DESCRIPTION LANDSCAPE EASEMENT



### ABBREVIATION & SYMBOL LEGEND:

- D — DELTA
- R — RADIUS
- L — LENGTH
- CB — CHORD BEARING
- CH — CHORD LENGTH
- R/W — RIGHT OF WAY
- O.R. — OFFICIAL RECORDS
- PG. — PAGE
- TYP — TYPICAL
- S.R. — STATE ROAD
- NO. — NUMBER
- SF — SQUARE FEET

GRAPHIC SCALE



REVISION	BY	DATE
LANDSCAPE EASEMENT	BB/MC	3/4/09

**epb**

Engineers  
 Planners  
 Landscape Architects  
 Surveyors  
 Construction Management

**w w . c p h e n g i h e r s . c o m**  
 570 PALM COAST PARKWAY SOUTHWEST, PALM COAST, FL, 32137  
 Phone: 386.445.6569 Fax: 386.447.8991

**NOT VALID WITHOUT SHEETS 1 & 2 OF 2**

# LEGAL DESCRIPTION

## LANDSCAPE EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE WEST 1/2 OF WEST 1/2 OF NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, CITY OF PALM COAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINING 3,667 SQUARE FEET MORE OR LESS.


### Survey Notes:

1. "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER."
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. BEARINGS SHOWN HEREON ARE ASSUMED AND RELATIVE TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 100, AS RECORDED IN MAP BOOK 5, PAGE 25 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. SAID BEARING BEING SOUTH 89°09'34" WEST.
4. NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS, IF ANY, ARE LOCATED, UNLESS SHOWN HEREON.
5. THIS SKETCH WAS PROVIDED WITHOUT THE BENEFIT OF AN ABSTRACT OR TITLE COMMITMENT.
6. THIS IS NOT A BOUNDARY SURVEY.
7. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

### Surveyor's Certification:

I hereby certify that the attached "SKETCH OF DESCRIPTION" of the hereon-described property is true and correct to the best of my knowledge, information and belief as sketched under my direction on March 5, 2009. I further certify that this "SKETCH OF DESCRIPTION" meets the minimum technical standards set forth in chapter 61g17-6 of the Florida Administrative Code.

*(Signature)*  
 Jeffrey W. Patterson, P.S.M.  
 Professional Surveyor and Mapper  
 Florida Registration No. 6384



Engineers  
 Planners  
 Landscape Architects  
 Surveyors  
 Construction Management

w w w . c p h e n g i n e e r s . c o m  
 520 PALM COAST PARKWAY SOUTHWEST, PALM COAST, FL 32137  
 Phone: 386-445-6569 Fax: 386-447-8991

REVISION	BY	DATE
LANDSCAPE EASEMENT	MC	3/4/09

Certificate of Authorization No. 7148

**NOT VALID WITHOUT SHEETS 1 & 2 OF 2**