

RESOLUTION NO. 2004 121

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, ACCEPTING A TERMINABLE NONEXCLUSIVE DRAINAGE EASEMENT AND NONEXCLUSIVE TERMINABLE EASEMENT FOR ACCESS TO OFFSITE CUL-DE-SAC FROM MHK OF VOLUSIA COUNTY, INC. TO ST. JOHNS COUNTY FOR DRAINAGE PURPOSES AND ACCESS.**

**RECITALS**

**WHEREAS**, MHK of Volusia, Inc., the developer of The Commons at Wingfield Glen Unit One and Unit Two, have submitted to the County an executed Terminable Nonexclusive Drainage Easement and Nonexclusive Terminable Easement for access to offsite Cul-de-Sac, attached hereto as Exhibit "A" and Exhibit "B", incorporated by reference and made a part hereof; and

**WHEREAS**, the County has determined that public safety consideration require the Terminable Nonexclusive Drainage Easement be granted to allow discharge of stormwater which may fall or come upon all road rights-of-way within The Commons at Wingfield Glen Unit One and Unit Two; and

**WHEREAS**, the Nonexclusive Terminable Easement for access to offsite Cul-De-Sac is necessary, to permit vehicular traffic and turnarounds for vehicles traveling the private roadway referred to as Scrub Jay Drive; and

**WHEREAS**, the Terminable Nonexclusive Drainage Easement and the Nonexclusive Terminable Easement for access to offsite Cul-De-Sac will no longer be necessary once the future phase of The Commons At Wingfield Glen Unit One and Unit Two are completed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:**


**Section 1.** The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as finding of fact.

**Section 2.** The Terminable Nonexclusive Drainage Easement and the Nonexclusive Terminable Easement for access to offsite Cul-De-Sac are hereby accepted in the forms attached hereto.

**Section 3.** The Clerk is instructed to record the original Terminable Nonexclusive Drainage Easement and the Nonexclusive Terminable Easement for access to offsite Cul-De-Sac in the Official Records of St. Johns, Florida.

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2004.

**BOARD OF COUNTY COMMISSIONERS OF  
ST. JOHNS COUNTY, FLORIDA**

By   
Karen R. Stern

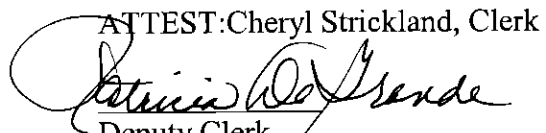
ATTEST: Cheryl Strickland, Clerk  
  
Deputy Clerk



EXHIBIT "A" TO RESOLUTION

This Instrument Prepared by and  
After Recording Return to:

J. Andrew Hagan, Esq.  
Interwest Construction, Inc.  
2359 Beville Road  
Daytona Beach, FL 32119

**TERMINABLE NONEXCLUSIVE DRAINAGE EASEMENT**

**THIS TERMINABLE NONEXCLUSIVE DRAINAGE EASEMENT** (this "Easement") is granted and conveyed as of the 1<sup>st</sup> day of April, 2004 by **MHK OF VOLUSIA COUNTY, INC.**, a Florida corporation, whose address is 2359 Beville Road, Daytona Beach, Florida 32119, hereinafter called the "Grantor", to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, FL 32084, hereinafter called "Grantee".

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of fee simple title to certain real property in the St. Johns County, Florida as described in **Exhibits "A-1", "A-2", and "A-3"** attached hereto and by this reference incorporated herein (collectively, the "Easement Parcel"); and

**WHEREAS**, Grantor anticipates that it will record a plat of subdivision in the future which will encompass the Easement Parcel; and

**WHEREAS**, until Grantor records such plat of subdivision, Grantor desires to grant to Grantee certain temporary drainage easement rights over the Easement Parcel to permit storm water drainage from the residential subdivision known as The Commons at Wingfield Glen Unit One.

**NOW THEREFORE**, in consideration of the mutual covenants, premises, terms, and conditions set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated herein by this reference.
2. **Terminable Drainage Easement**. Grantor for itself and its successors and assigns, hereby grants and conveys to Grantee, its successors and assigns, a terminable non-exclusive

drainage easement over, upon and across the Easement Parcel in order to utilize the Easement Parcel for the unobstructed drainage of storm water from the residential subdivision known as The Commons at Wingfield Glen Unit One and related maintenance of the Easement Parcel so as to permit the unobstructed flow of storm water to the storm water management facilities identified in the attached sketch of Easement Parcel, all subject to the terms, conditions and limitations set forth herein.

3. **Reserved Rights.** Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Easement Parcel, including, but not limited to, the right to engage in or permit or invite others to engage in all uses of the Easement Parcel that are not inconsistent with the purpose of this Easement.

4. **Termination of Drainage Easement.** This Easement shall automatically terminate, without the necessity of further documentation, upon the recording in the public records of St Johns County, Florida, of a plat of subdivision covering all or substantially all of the Easement Parcel. Grantor anticipates that the plat of subdivision covering all or substantially all of the Easement Parcel will be titled The Commons at Wingfield Glen Unit Two.

5. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective successors and assigns.

6. **Recordation.** Grantor shall, at Grantor's expense, record this Easement in the public records of St Johns County, Florida.

*[Remainder of page intentionally left blank]*

*Signature Page Follows*

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 1<sup>st</sup> day of April, 2004.

WITNESSES:

**MHK OF VOLUSIA COUNTY, INC.**  
a Florida corporation

James A. Hagan  
James A. Hagan  
Print or Type Name

By: Cynthia C. Jones  
Cynthia C. Jones, President

Trish L. Mohr  
Trish L. Mohr  
Print or Type Name

(Corporate Seal)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of APRIL, 2004, by Cynthia C. Jones, as President, of MHK OF VOLUSIA COUNTY, INC., on behalf of the corporation. She is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

Sign: Trish L. Mohr

Print: Trish L. Mohr  
State of Florida At Large

(Seal)

My Commission Expires:

Title/Rank: \_\_\_\_\_

Commission Number: \_\_\_\_\_



Trish L. Mohr  
My Commission CC921128  
Expires April 04, 2004

# MAP SHOWING SKETCH OF

A PARCEL OF LAND, BEING A PORTION OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 26 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWESTERLY CORNER OF TRACT "G" (STORMWATER MANAGEMENT FACILITY/POND DRAINAGE EASEMENT), WINGFIELD GLEN, AS RECORDED IN MAP BOOK 43, PAGES 47 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA; THENCE RUN ALONG AND WITH THE SOUTHERLY BOUNDARY OF SAID TRACT "G" SOUTH 89°22'33" EAST, A DISTANCE OF 232.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY OF TRACT "G", RUN SOUTH 89°22'33" EAST, A DISTANCE OF 20.00 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY; THENCE LEAVING SAID SOUTHERLY BOUNDARY, RUN SOUTH 00°36'42" WEST, A DISTANCE OF 112.21 FEET TO A POINT; THENCE RUN SOUTH 14°32'37" EAST, A DISTANCE OF 41.44 FEET TO A POINT; THENCE RUN SOUTH 00°36'42" WEST, A DISTANCE OF 133.21 FEET TO A POINT; THENCE RUN NORTH 89°22'25" WEST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN NORTH 00°36'42" EAST, A DISTANCE OF 133.38 FEET TO A POINT; THENCE RUN NORTH 14°32'37" WEST, A DISTANCE OF 41.44 FEET TO A POINT; THENCE RUN NORTH 00°36'42" EAST, A DISTANCE OF 112.22 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

THE ABOVE DESCRIBED LANDS CONTAIN 5,710 SQUARE FEET OR 0.13 ACRES, MORE OR LESS, IN AREA.

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

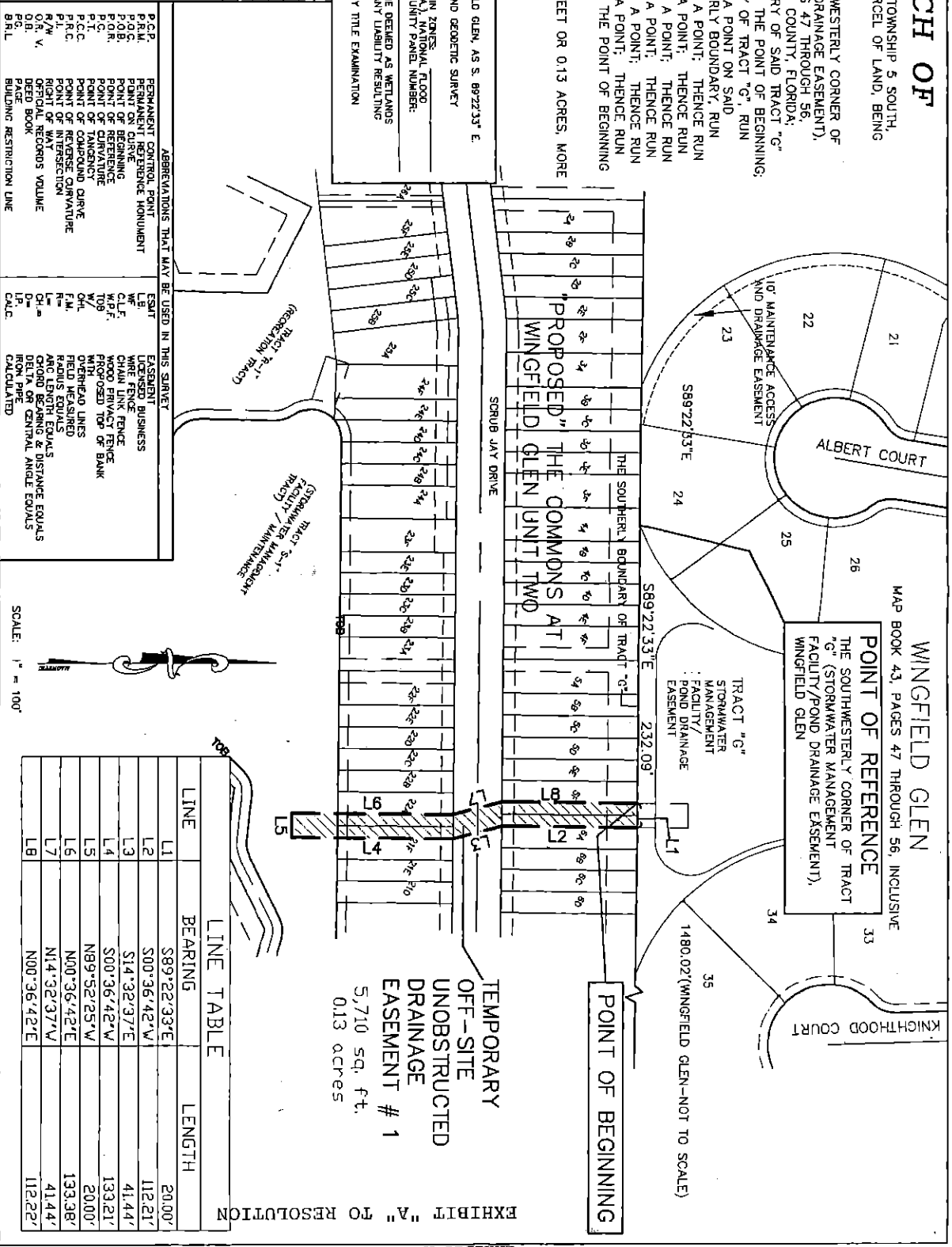
**NOTES**

- BOUNDARIES ARE BASED ON THE SOUTHERLY BOUNDARY LINE OF WINGFIELD GLEN, AS S. 89°22'33" E.
- THIS IS A SKETCH.
- ELEVATIONS SHOWN REFER TO UNITED STATES COASTAL AND GEODETIC SURVEY DATA, NATIONAL GEODETIC TERRACE LEVEL PER 1929 (M.G.S.D. OF 1929) TIDAL ZONES.
- DATE OF SURVEY: 01/21/2004
- AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL NUMBER: [REDACTED] MAP REVISED DATE: [REDACTED]
- UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE DEEMED AS WETLANDS BY STATE OR GOVERNMENTAL AGENCIES, HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED AND ANY LIABILITY RESULTING THEREFROM MAY BE RESTRICTIONS OR EASEMENTS OF RECORD ENDORSED BY TITLE EXAMINATION BUT HAVE NOT BEEN SHOWN HEREON.

**LEGEND**

□	DEPOSITS CONCRETE MONUMENT
○	DEPOSITS PINE
○	DEPOSITS 1/2 IRON PIPE SET
●	DEPOSITS IRON PIPE FOUND
●	(AS NOTED)
X	DOUBT CROSS OUT

**A & J LAND SURVEYORS, INC.**  
 CERTIFICATE OF AUTHORIZATION NO. LB 6861  
 PROFESSIONAL SURVEYOR'S OFFICE (904) 296-1665  
 7900 SHELTON PARKWAY, SUITE 1000 FT. LAUDERDALE, FLORIDA 33325  
 JACKSONVILLE, FLORIDA 32256



**LINE TABLE**

LINE	BEARING	LENGTH
L1	S89°22'33"E	20.00'
L2	S00°36'42"W	112.21'
L3	S14°32'37"E	41.44'
L4	S00°36'42"W	133.21'
L5	N89°52'25"W	20.00'
L6	N00°36'42"E	133.38'
L7	N14°32'37"W	41.44'
L8	N00°36'42"E	112.22'

TEMPORARY OFF-SITE UNOBSERVED DRAINAGE EASEMENT # 1  
 5,710 sq. ft.  
 0.13 acres

# MAP SHOWING SKETCH OF

A PARCEL OF LAND, BEING A PORTION OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWESTERLY CORNER OF TRACT "G" (STORMWATER MANAGEMENT FACILITY/POND DRAINAGE EASEMENT), WINGFIELD GLEN, AS RECORDED IN MAP BOOK 43, PAGES 47 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA; THENCE RUN ALONG AND WITH THE SOUTHERLY BOUNDARY OF SAID TRACT "G" SOUTH 89°22'33" EAST, A DISTANCE OF 232.09 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTHERLY BOUNDARY OF TRACT "G", RUN SOUTH 89°22'33" EAST, A DISTANCE OF 20.00 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY; THENCE, LEAVING SAID SOUTHERLY BOUNDARY, RUN NORTH 00°36'42" EAST, A DISTANCE OF 41.97 FEET TO A POINT; THENCE RUN NORTH 89°23'18" WEST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN SOUTH 00°36'42" WEST, A DISTANCE OF 41.96 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

THE ABOVE DESCRIBED LANDS CONTAIN 839 SQUARE FEET OR 0.02 ACRES, MORE OR LESS, IN AREA.  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RASSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES

1. BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY LINE OF WINGFIELD GLEN, AS S. 89°22'33" E.
2. THIS IS A SKETCH. THIS (1/20) REFERS TO UNITED STATES COASTAL AND GEODETIC SURVEY.
3. DIMENSIONS SHOWN ARE THE DISTANCE OF BOUNDARY OF SAID PARCEL.
4. BY GRAPHIC PLOTTING ONLY, THE PROPERTY SHOWN HEREON LIES WITHIN ZONES, AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.), NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (F.I.R.M.), COMMUNITY PANEL NUMBER: MAP REVISED DATE: \_\_\_\_\_
5. UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE DEEMED AS WETLANDS BY STATE OR FEDERAL AGENCIES HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM SHALL BE THE RESPONSIBILITY OF THE BUYER.
6. THERE MAY BE RESTRICTIONS OR EASEMENTS OF RECORD ENDORSED BY TITLE EXAMINATION THAT HAVE NOT BEEN SHOWN HEREON.

LEGEND		DATE
<input type="checkbox"/>	POINTS CORNER MARKER	JANUARY 21, 2004
<input type="checkbox"/>	POINTS RANGE	SCALE 1" = 100'
<input type="checkbox"/>	POINTS 1/2 INCH PER SET (1/2 INCH)	JOB NO. 165933
<input type="checkbox"/>	POINTS FROM PPE FOUND (AS NOTED)	F. BOOK(S) NA
<input type="checkbox"/>	POINTS CROSS CUT	PAGE(S) NA
		COMPUTER SEE DAYSTAMP
		FILE NAME Drawn by KH

## A & J LAND SURVEYORS, INC.

CERTIFICATE OF AUTHORIZATION NO. 18 6661  
PROFESSIONAL LAND SURVEYORS 070705; (904) 296-1668  
7950 BELFORT PARKWAY, SUITE 1600 FAX: (904) 296-1644  
JACKSONVILLE, FLORIDA 32256

THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER MY SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPMENS, IN CHAPTER 8107-60, (FORMERLY CHAPTER 21H-60), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 471.027, FLORIDA STATUTES.

REGISTERED LAND SURVEYOR, STATE OF FLORIDA,  
CERTIFICATE NO. 4600

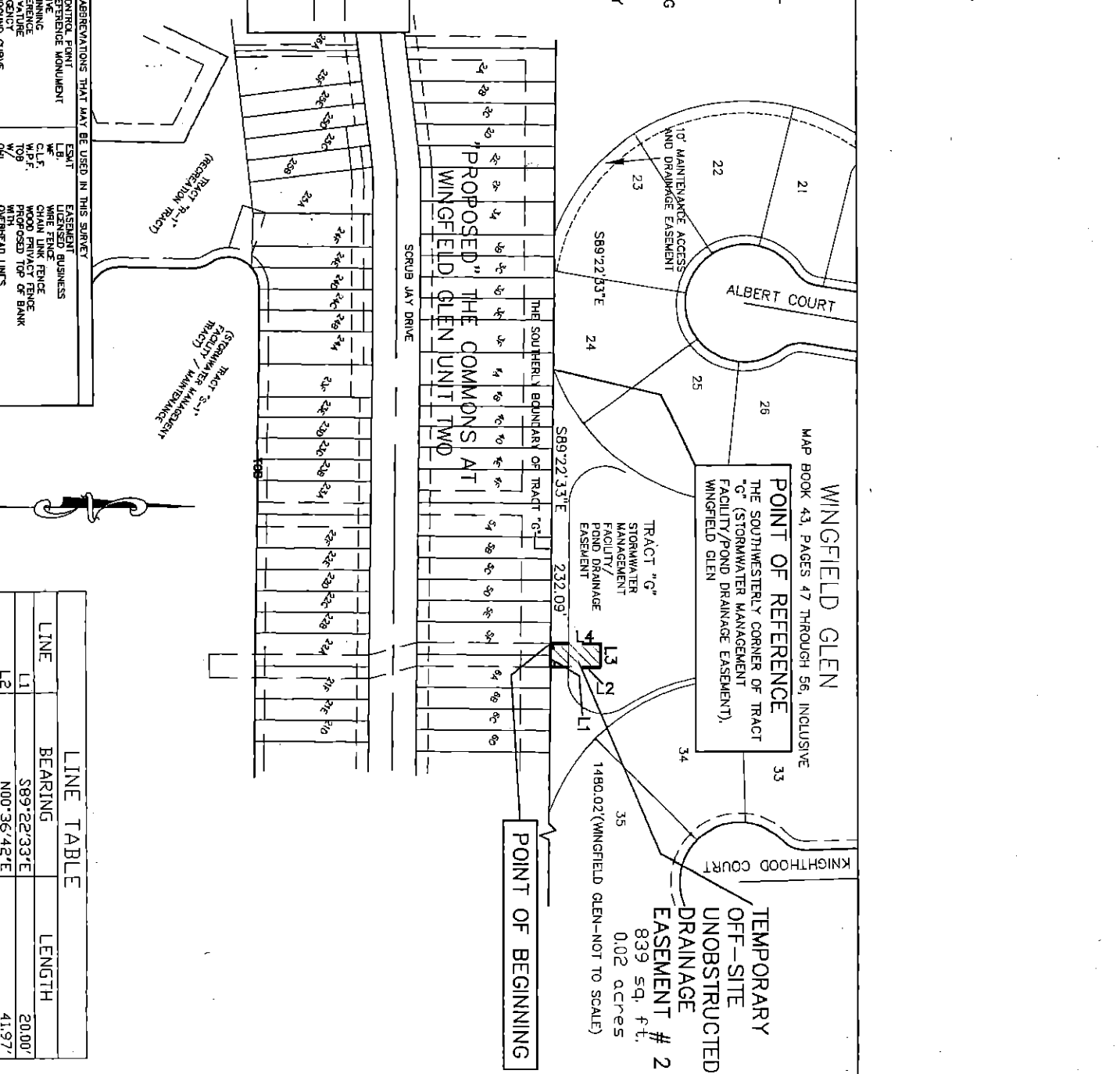
2111A

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY

F.P.M.	PERMANENT POINT	ESUT	EASEMENT
P.O.B.	POINT OF BEGINNING	L.B.	LICENSED BUSINESS
P.O.C.	POINT OF CORNER	W.F.	WHITE FENCE
P.O.D.	POINT OF DRAINAGE	C.L.F.	CHAIN LINK FENCE
P.O.E.	POINT OF EASEMENT	T.O.P.	TOP OF PROPOSED
P.O.F.	POINT OF INTERSECTION	W/D	WITH DRAINAGE
P.O.G.	POINT OF GROUND	O.H.L.	OVERHEAD LINES
P.O.H.	POINT OF INTERSECTION	F.M.	FIELD MEASURED
P.O.I.	POINT OF INTERSECTION	A.R.	AROUND ANGLE EQUALS
P.O.J.	POINT OF INTERSECTION	C.B.	CORNER BEARING & DISTANCE EQUALS
P.O.K.	POINT OF INTERSECTION	D.P.	DELTA OR CENTRAL ANGLE EQUALS
P.O.L.	POINT OF INTERSECTION	I.P.	IRON PIPE
P.O.M.	POINT OF INTERSECTION	C.A.L.C.	CALCULATED
P.O.N.	POINT OF INTERSECTION		
P.O.O.	POINT OF INTERSECTION		
P.O.P.	POINT OF INTERSECTION		
P.O.Q.	POINT OF INTERSECTION		
P.O.R.	POINT OF INTERSECTION		
P.O.S.	POINT OF INTERSECTION		
P.O.T.	POINT OF INTERSECTION		
P.O.U.	POINT OF INTERSECTION		
P.O.V.	POINT OF INTERSECTION		
P.O.W.	POINT OF INTERSECTION		
P.O.X.	POINT OF INTERSECTION		
P.O.Y.	POINT OF INTERSECTION		
P.O.Z.	POINT OF INTERSECTION		

SCALE: 1" = 100'

LINE	BEARING	LENGTH
L1	S89°22'33"E	20.00'
L2	N00°36'42"E	41.97'
L3	N89°23'18"W	20.00'
L4	S00°36'42"W	41.96'



# MAP SHOWING SKETCH OF

A PARCEL OF LAND, BEING A PORTION OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE MOST SOUTHERLY CORNER OF LOT 7, WINGFIELD GLEN, AS RECORDED IN MAP BOOK 43, PAGES 47 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA, THENCE RUN ALONG AND WITH THE SOUTHERLY BOUNDARY OF TRACT "E" (STORMWATER MANAGEMENT FACILITY / POND DRAINAGE EASEMENT), OF SAID WINGFIELD GLEN, SOUTH 57°38'29" EAST, A DISTANCE OF 229.56 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY OF TRACT "E"; THENCE LEAVING SAID SOUTHERLY BOUNDARY, RUN SOUTH 32°20'47" WEST, A DISTANCE OF 115.10 FEET TO A POINT; THENCE RUN SOUTH 53°16'32" EAST, A DISTANCE OF 84.75 FEET TO A POINT; THENCE RUN SOUTH 33°07'50" WEST, 20.04 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 54°57'28" EAST, A DISTANCE OF 40.80 FEET TO A POINT; THENCE RUN NORTH 88°41'56" EAST, A DISTANCE OF 471.23 FEET TO A POINT; THENCE RUN SOUTH 00°36'42" WEST, A DISTANCE OF 147.05 FEET TO A POINT; THENCE RUN NORTH 89°17'59" WEST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN NORTH 00°36'42" EAST, A DISTANCE OF 126.34 FEET TO A POINT; THENCE RUN SOUTH 88°41'56" WEST, A DISTANCE OF 457.12 FEET TO A POINT; THENCE RUN NORTH 54°57'28" WEST, A DISTANCE OF 46.70 FEET TO A POINT; THENCE RUN NORTH 33°07'50" EAST, A DISTANCE OF 20.01 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

THE ABOVE DESCRIBED LANDS CONTAIN 12,892 SQUARE FEET OR 0.30 ACRES, MORE OR LESS, IN AREA.

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

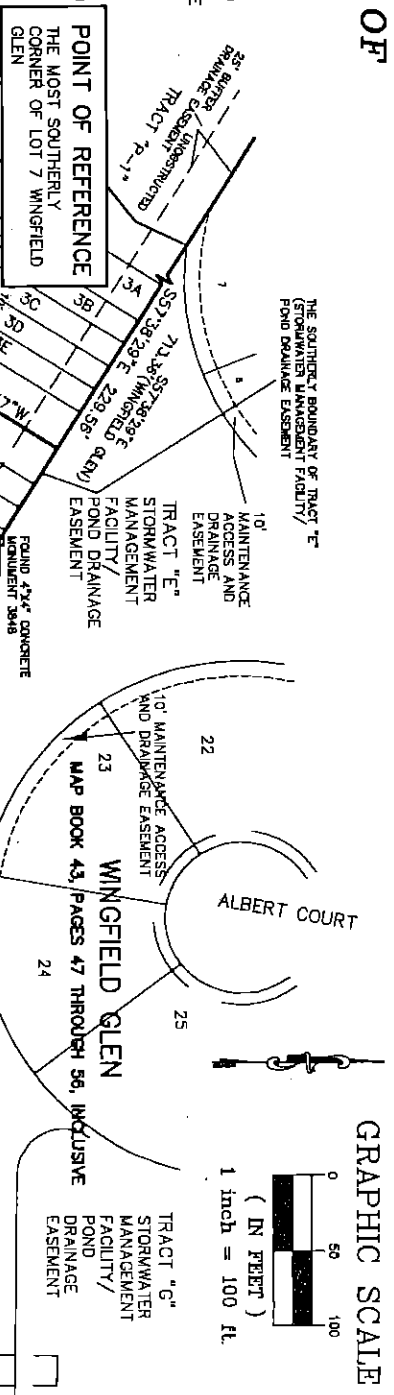
**LEGEND**  
 DONOR'S CONCRETE MOUND  
 DONOR'S 1/2" IRON PIPE SET  
 (AS SHOWN)  
 DONOR'S IRON PIPE FOUND  
 (AS SHOWN)

## A & J LAND SURVEYORS, INC.

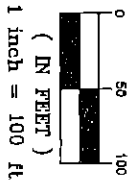
CERTIFICATE OF AUTHORIZATION NO. 18 6661  
 PROFESSIONAL LAND SURVEYORS' OFFICE (904) 266-1868  
 7950 BELFORT PARKWAY, SUITE 1800 FAK. (904) 288-1844  
 JACKSONVILLE, FLORIDA 32238

REGISTERED LAND SURVEYOR, CERTIFICATE NO. 4600  
 JONATHAN B. BOWAN, STATE OF FLORIDA

THE SOUTHERLY BOUNDARY OF TRACT "E" (STORMWATER MANAGEMENT FACILITY / POND DRAINAGE EASEMENT)



## GRAPHIC SCALE



POINT OF BEGINNING

POINT OF REFERENCE  
 THE MOST SOUTHERLY CORNER OF LOT 7 WINGFIELD GLEN

PROPOSED COMMONS AT WINGFIELD GLEN UNIT ONE

PROPOSED COMMONS AT WINGFIELD GLEN UNIT TWO

MAP BOOK 43, PAGES 47 THROUGH 56, INCLUSIVE

- NOTES**
1. BEARINGS ARE BASED ON A SOUTHERLY BOUNDARY LINE OF WINGFIELD GLEN AS S. 87°38'29" E.
  2. THIS IS A SKETCH. THIS IS A SKETCH. THIS IS A SKETCH.
  3. ELEVATIONS SHOWN ARE BASED ON THE NATIONAL DATUM.
  4. AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER: MAP REVISED DATE: \_\_\_\_\_
  5. UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE OCEAN AS WETLANDS BY STATE OR GOVERNMENTAL AGENCIES HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
  6. THERE MAY BE RESTRICTIONS OR ENCUMBRANCES OF RECORD EMPLOYED BY TITLE EXAMINATION THAT HAVE NOT BEEN SHOWN HEREON.

**ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY**

P.C.P.	PERMANENT CONTROL POINT	ENT	ENTRANCE
P.M.	POINT OF MOUNTAIN	W/V	W/ VENT
P.O.B.	POINT OF BEGINNING	F.M.	FIELD MEASURED
P.O.R.	POINT OF REFERENCE	A.R.	ARC LENGTH EQUALS
P.O.C.	POINT OF CURVATURE	C.R.	CHORD BEARING & DISTANCE EQUALS
P.O.I.	POINT OF INTERSECTION	R.C.	RIGHT ANGLE CALCULATED
P.L.	POINT OF INTERSECTION	C.A.	CHORD BEARING & DISTANCE EQUALS
P.R.V.	POINT OF REFERENCE VOLUME	C.A.C.	CHORD BEARING & DISTANCE EQUALS CALCULATED
P.C.	POINT OF CURVATURE	T.B.	TEMPORARY TOP OF BANK

TEMPORARY 20' DRAINAGE EASEMENT #3  
 12,892 sq. ft.  
 0.30 acres

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S33°07'50"W	40.08'
L2	S33°07'50"W	20.04'
L3	S34°57'28"E	40.80'
L4	S00°36'42"W	147.05'
L5	N89°17'59"W	20.00'
L6	N00°36'42"E	126.34'
L7	N54°57'28"W	46.70'
L8	N33°07'50"E	20.01'

EXHIBIT "B" TO RESOLUTION

This Instrument Prepared by and  
After Recording Return to:

J. Andrew Hagan, Esq.  
Interinvest Construction, Inc.  
2359 Beville Road  
Daytona Beach, FL 32119

**NONEXCLUSIVE TERMINABLE EASEMENT FOR ACCESS TO OFFSITE CUL-DE-SAC**

**THIS NONEXCLUSIVE TERMINABLE EASEMENT FOR ACCESS TO OFFSITE CUL-DE-SAC** (this "Easement") is granted and conveyed as of the 1<sup>st</sup> day of April, 2004 by **MHK OF VOLUSIA COUNTY, INC.**, a Florida corporation, whose address is 2359 Beville Road, Daytona Beach, Florida 32119, hereinafter called the "Grantor", to **ST. JOHNS COUNTY**, a political subdivision of the State of Florida, whose address is 4020 Lewis Speedway, St. Augustine, FL 32084, hereinafter called "Grantee".

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of fee simple title to certain real property in the St. Johns County, Florida as described in **Exhibit "A"** attached hereto and by this reference incorporated herein (collectively, the "Easement Parcel"); and

**WHEREAS**, Grantor anticipates that it will record a plat of subdivision in the future which will encompass the Easement Parcel; and

**WHEREAS**, until Grantor records such plat of subdivision, Grantor desires to grant to Grantee certain temporary access rights over the Easement Parcel in order to permit vehicular traffic and turnarounds.

**NOW THEREFORE**, in consideration of the mutual covenants, premises, terms, and conditions set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Recitals**. The above recitals are true and correct and are incorporated herein by this reference.
2. **Terminable Access Easement For Offsite Cul-De-Sac**. Grantor for itself and its successors and assigns, hereby grants and conveys to Grantee, its successors and assigns, a terminable non-exclusive access easement over, upon and across the Easement Parcel in order to

permit vehicular traffic and turnarounds for vehicles traveling the private roadway referred to as Scrub Jay Drive in the residential subdivision known as The Commons at Wingfield Glen Unit One, subject to the terms, conditions and limitations set forth herein.

3. **Reserved Rights.** Grantor reserves unto itself, and its successors and assigns, all rights accruing from its ownership of the Easement Parcel, including, but not limited to, the right to engage in or permit or invite others to engage in all uses of the Easement Parcel that are not inconsistent with the purpose of this Easement.

4. **Termination of Access Easement for Offsite Cul-De-Sac.** This Easement shall automatically terminate, without the necessity of further documentation, upon the recording in the public records of St Johns County, Florida, of a plat of subdivision covering all or substantially all of the Easement Parcel. Grantor anticipates that the plat of subdivision covering all or substantially all of the Easement Parcel will be titled The Commons at Wingfield Glen Unit Two.

5. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective successors and assigns.

6. **Recordation.** Grantor shall, at Grantor's expense, record this Easement in the public records of St Johns County, Florida.

*[Remainder of page intentionally left blank]*

*Signature Page Follows*

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 1<sup>st</sup> day of April, 2004.

WITNESSES:

**MHK OF VOLUSIA COUNTY, INC.**  
a Florida corporation

James A. Fagan  
James A. Fagan  
Print or Type Name

By: Cynthia C. Jones  
Cynthia C. Jones, President

Trish L. Mohr  
Trish L. Mohr  
Print or Type Name

(Corporate Seal)

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of APRIL, 2004, by Cynthia C. Jones, as President, of MHK OF VOLUSIA COUNTY, INC., on behalf of the corporation. She is personally known to me or has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:

Sign: Trish L. Mohr

Print: Trish L. Mohr  
State of Florida At Large

(Seal)

My Commission Expires:

Title/Rank: \_\_\_\_\_

Commission Number: \_\_\_\_\_



Trish L. Mohr  
My Commission CC921128  
Expires April 04, 2004

# MAP SHOWING SKETCH OF

A PARCEL OF LAND, BEING A PORTION OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL OF LAND, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE MOST SOUTHERLY CORNER OF LOT 7, WINGFIELD GLEN, AS RECORDED IN MAP BOOK 43, PAGES 47 THROUGH 56, INCLUSIVE, OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, FLORIDA; THENCE RUN ALONG AND WITH THE SOUTHERLY BOUNDARY OF TRACT "E" (STORMWATER MANAGEMENT FACILITY / POND DRAINAGE EASEMENT), OF SAID WINGFIELD GLEN, SOUTH 57°38'29" EAST, A DISTANCE OF 229.56 FEET TO A POINT ON SAID SOUTHERLY BOUNDARY OF TRACT "E"; THENCE, LEAVING SAID SOUTHERLY BOUNDARY, RUN SOUTH 32°20'47" WEST, A DISTANCE OF 115.10 FEET TO A POINT; THENCE RUN SOUTH 53°16'32" EAST, A DISTANCE OF 75.74 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT; THENCE RUN ALONG AND AROUND THE ARC OF A CURVE ( BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 50.00 FEET ) AN ARC LENGTH OF 256.94 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 21°09'29" WEST, 54.14 FEET; THENCE, LEAVING SAID NON-TANGENT CURVE, RUN NORTH 22°51'27" EAST, A DISTANCE OF 12.52 FEET TO A POINT; THENCE RUN NORTH 33°07'50" EAST, A DISTANCE OF 40.08 FEET TO A POINT; THENCE RUN NORTH 53°16'32" WEST, A DISTANCE OF 9.02 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

THE ABOVE DESCRIBED LANDS CONTAIN 7.371 SQUARE FEET OR 0.17 ACRES, MORE OR LESS, IN AREA.

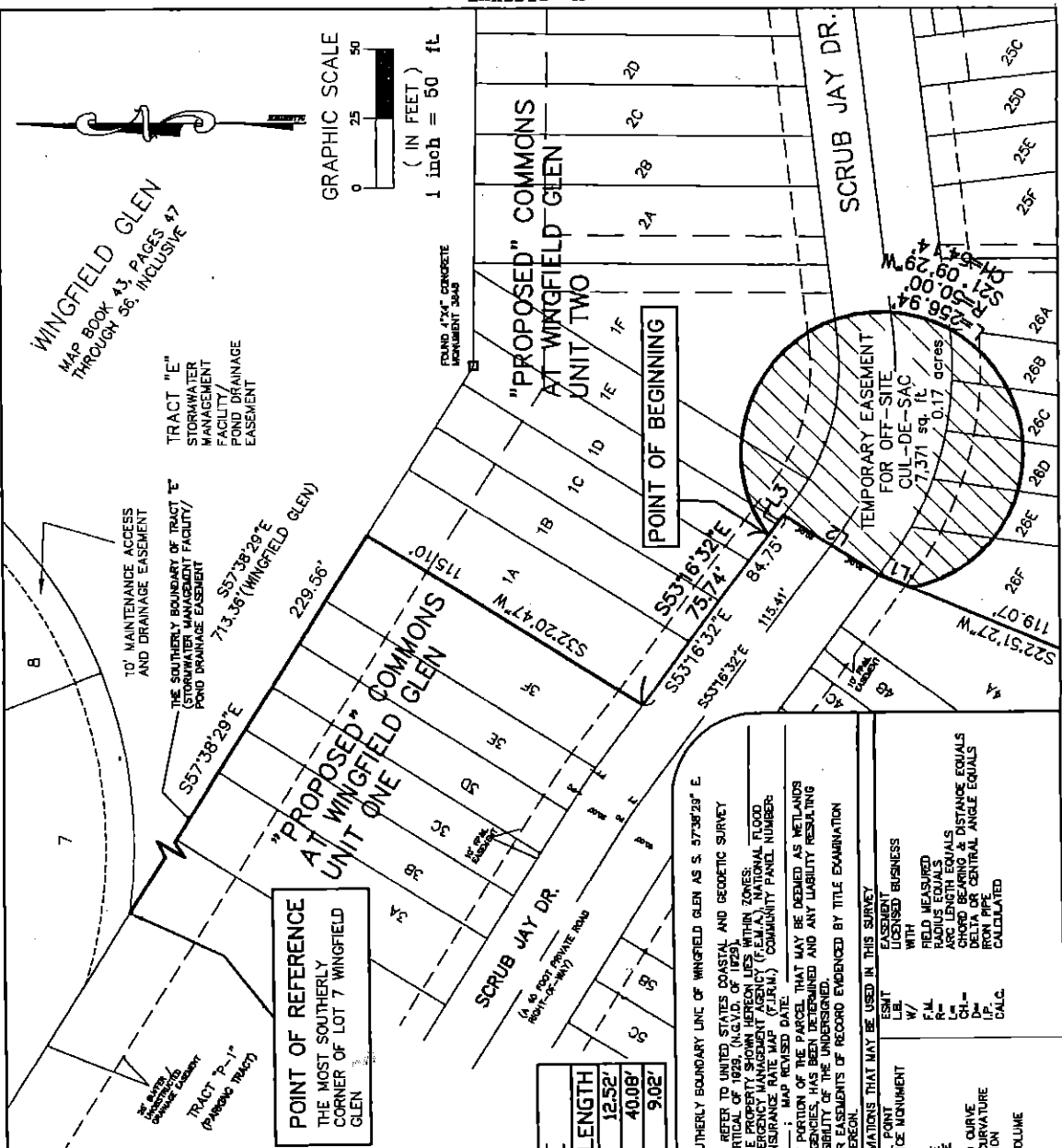
LINE	BEARING	LENGTH
L1	N22°51'27"E	12.52'
L2	N33°07'50"E	40.08'
L3	N53°16'32"W	9.02'

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

DATE: FEBRUARY 16, 2004  
SCALE: 1" = 50'  
JOB NO.: 13376  
F. BOOK(S): NA  
PAGE(S): NA  
DONORS RAN PRE FOUND (AS NOTED): SEE DATSTAMP  
COMPUTER FILE NAME: Drawn by RH

**A & J LAND SURVEYORS, INC.**  
CERTIFICATE OF AUTHORIZATION NO. LB 6661  
PROFESSIONAL LAND SURVEYORS OFFICE: (904) 296-1868  
7850 BELFORT PARKWAY, SUITE 1600 FAY, FLORIDA 32226  
JACKSONVILLE, FLORIDA 32226  
THIS IS TO CERTIFY THAT THIS SKETCH WAS MADE UNDER MY SUPERVISION IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS, AS OUTLINED AND SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS, IN CHAPTER 10177-B.0, (FORMERLY CHAPTER 21HH-6.0), FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*[Signature]*  
KATHLEEN B. BOWMAN, STATE OF FLORIDA  
REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600



NOTES:  
1. DIMENSIONS ARE BASED ON A SOUTHERLY BOUNDARY LINE OF WINGFIELD GLEN AS S. 57°38'29" E.  
2. THIS IS A SKETCH.  
3. ELEVATIONS SHOWN THUS (15.0) REFER TO UNITED STATES COASTAL AND GEODETIC SURVEY DATUM, NATIONAL GEODETIC VERTICAL OF 1929 (N.G.V.D. OF 1929) WITHIN ZONES.  
4. BY GRAPHIC PLOTTING ONLY, THE PROPORTION SHOWN HEREON IS NOT TO SCALE. AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER: INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) MAP REVISED DATE: [REDACTED].  
5. UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE DEEMED AS WETLANDS BY STATE OR GOVERNMENTAL AGENCIES, HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.  
6. THERE MAY BE RESTRICTIONS OR EASEMENTS OF RECORD EVIDENCED BY TITLE EXAMINATION THAT HAVE NOT BEEN SHOWN HEREON.

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY:

P.P.L.	PERMANENT CONTROL POINT	ESMT	EASEMENT
P.O.C.	POINT ON CURVE	L.B.	LICENSED BUSINESS
P.O.B.	POINT OF BEGINNING	W/	WITH
P.C.	POINT OF CURVATURE	F.M.	FIELD MEASURED
P.T.	POINT OF TANGENCY	P.L.	PLANNED
P.C.C.	POINT OF COMPOUND CURVE	CH-	CHORD BEARING & DISTANCE EQUALS
P.I.C.	POINT OF INTERSECTION	DM-	DELTA OR CENTRAL ANGLE EQUALS
R/W	RIGHT OF WAY	I.P.	IRON PIPE
O.R. V.	OFFICIAL RECORDS VOLUME	D.C.	DRAWN
D.B.	DEED BOOK		
P.L.	PLANNED		