

Date Submitted: 12/13/2024
Date Filed: 12/20/2024

Application Number: E-24-59
Public Hearing: CC Intro: January 14, 2025 CC: January 28, 2025 LUZ: February 4, 2025

**Application for Zoning Exception**  
City of Jacksonville, Florida  
Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: PUD (Ord.#2005-0927)		Current Land Use Category: CGC
Exception Sought: Retail Sales/Service for Alcohol including Beer/Wine for on-premises consumption.		Applicable Section of Ordinance Code: PUD (Ord.#2005-0927)
Council District: 7		Planning District: 1
Previous Zoning Applications Filed (provide application numbers): E-05-19; E-92-01; V-92-01		
Notice of Violation(s): N/A		
Number of Signs to Post: 2	Amount of Fee: \$2509.00	Zoning Asst. Initials: ELA
Neighborhood Associations: Riverside Avondale Preservation Society		
Overlay: Riverside/Avondale Overlay-Urban Transition Area		

PROPERTY INFORMATION	
1. Complete Property Address: 1028 Park Street, Jacksonville, FL 32204	2. Real Estate Number: <b>090418-0000</b>
3. Land Area (Acres): <b>0.65</b>	4. Date Lot was Recorded: 12/18/1980
5. Property Located Between Streets: East of Margaret St. / South of Post St. / West of Park St.	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Current Property Use: Movie theater, commercial office, retail, off-street parking	
8. Exception Sought: Permit sale/service of beer, wine, and liquor for on-premises consumption. 656.313 A, IV, (c), (1)	
9. In whose name will the Exception be granted: JRFRMJAXTOO, INC., a Florida corporation. d/b/a "FIVE"	

<b>OWNER'S INFORMATION (please attach separate sheet if more than one owner)</b>	
10. Name: 1028 Park LLC, a Delaware limited liability company	11. E-mail: <b>Andrew@sengcompany.com</b>
12. Address (including city, state, zip): 403 W. Ponce De Leon Ave., Ste. 218 Decatur, GA 30030	13. Preferred Telephone: 404.378.5505

<b>APPLICANT'S INFORMATION (if different from owner)</b>	
14. Name: <b>Josh Billue</b>	15. E-mail: <b>josh@marathon.live</b>
16. Address (including city, state, zip): 1402 Clinton St. Nashville, TN 37203	17. Preferred Telephone: 615-239-5584 Ext. 9808

<b>CRITERIA</b>
<p>Section 656.101(i), Ordinance Code, defines an exception as "a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare."</p> <p>Section 656.131(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Exceptions, the Planning Commission may grant the exception if it finds from a preponderance of the evidence of record presented at the public hearing that the proposed use meets, to the extent applicable, the following standards and criteria:</p> <ul style="list-style-type: none"> <li>(i) <i>Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;</i></li> <li>(ii) <i>Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area considering population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses;</i></li> <li>(iii) <i>Will not have an environmental impact inconsistent with the health, safety and welfare of the community;</i></li> <li>(iv) <i>Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community;</i></li> <li>(v) <i>Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto;</i></li> <li>(vi) <i>Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity;</i></li> <li>(vii) <i>Will not overburden existing public services and facilities;</i></li> <li>(viii) <i>Will be sufficiently accessible to permit entry onto the property by fire, police, rescue and</i></li> </ul>

- other services; and*
- (ix) *Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission.*

18. Given the above definition of an “exception” and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

Enclosed

## ATTACHMENTS

The following attachments must accompany each copy of the application.

- ☒ Survey
- ☒ Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- ☒ Property Ownership Affidavit (Exhibit A)
- ☒ Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- ☒ Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- ☒ Proof of property ownership – may be print-out of property appraiser record card if individual owner, [http://apps.coj.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coj.net/pao_propertySearch/Basic/Search.aspx), or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- ☐ Letter from the Department of Children and Family Services (DCFS) – **day care uses only**
- ☐ Advisory opinion letter from the Environmental Quality Division (EQD) – **if required**

## FILING FEES

\*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

## AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

**I hereby certify that I have read and understand** the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Owner(s)

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

Signature: \_\_\_\_\_

Applicant or Agent (if different than owner)

Print name: Josh Billie

Signature: 

*\*An agent authorization letter is required if the application is made by any person other than the property owner. SEE ENCLOSED*

Owner(s)

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

Signature: \_\_\_\_\_

## SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of **four (4) applications**. Each application must include **all required attachments**.

Submit applications to:

Planning and Development Department, Zoning Section

214 North Hogan Street, 2<sup>nd</sup> Floor

Jacksonville, Florida 32202

(904) 255-8300

## Zoning Exception

18. Given the above definition of an “exception” and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth may result in a denial.

### Reason for the Requested Exception:

The tenant at the Property seeks to sell and serve beer, wine, and liquor for on-premises indoor consumption.

### Background Information on Tenant and Use:

The tenant, d/b/a FIVE, is controlled and led by experienced operators of retail and entertainment spaces that have successfully sold alcohol for on-premises consumption in similar venues. Here, the tenant will sell alcohol to customers who come to the property for its entertainment offerings that include live music. The tenant will sell food as well, but is not seeking to qualify as a bona fide restaurant under the zoning code.

### Background Information on Zoning:

The property is zoned PUD, through Ordinance 2005-927-E. The PUD Written Description, in its Section III.D.1.g. and Section III.E.1.e., specifically permits “Establishments which include the retail sale and service of all alcoholic beverages, including beer, wine, or liquor, for off-premises or on-premises consumption.”

PUD Ordinance 2005-927-E, Section 2(b), includes a condition that “...sale and service of all alcoholic beverages for on or off premises consumption not in conjunction with a bona fide restaurant are permissible by Zoning Exception only.” Section 2(c) states the “Other uses permissible by Zoning Exception in the CCG-1 Zoning District are permissible by Zoning Exception.”

In Zoning District CCG-1, the code permits by exception “An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both.” Section 656.313 A.IV(c)(1).

### History of Property Including Sale of Alcohol:

Most recently, the property was used by the 5 Points Theatre a/k/a Sun-Ray Cinema which sold alcohol for on-premises consumption not in connection with a bona fide restaurant. Prior to that, it was a nightclub known as Club 5, which featured live music and sold alcohol, including liquor, not in connection with a bona fide restaurant. It is unknown whether either of these previous users obtained a Zoning Exception.

### Nearby Establishments that Sell Alcohol through Zoning Exception:

The property is located mid-block on Park Street, in the center of the Five Points area of the Riverside Overlay. The area is dominated by retail sales, restaurant, bar, and nightclub uses. There are several current neighboring establishments on Park Street that are zoned CCG-1, and

## Zoning Exception

that serve alcohol not in conjunction with a bona fide restaurant: (i) Birdies (including liquor and outdoor consumption), (ii) Rain Dogs including outdoor consumption, and (iii) Root Down including outdoor consumption and which shares a demising wall with the applicant. Also nearby are recently closed establishments that sold alcohol not in conjunction with a bona fide restaurant, such as (i) Alewife (beer and wine, with outdoor consumption) and Wall Street (beer, wine, and liquor). Numerous nearby restaurants along Park Street include the sale of liquor and have outdoor consumption. Of particular note is Hoptinger, with a first floor (bona fide restaurant and beer, wine and liquor), second floor (solely a bar with beer, wine and liquor), and the third floor's outdoor rooftop (solely a bar with beer, wine and liquor).

### State Law Condition:

Applicant is amenable to condition of approval that liquor may only be served if properly permitted pursuant to State law.

- (i) *Will be consistent with the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto:*

Yes/Will Be Consistent. The property is located within the Community/General Commercial (CGC) land use category adopted as part of the 2045 Comprehensive Plan. The CGC is an intense commercial category that allows a host of commercial uses. Sale of alcohol for on premises consumption not in conjunction with a bona fide restaurant is an allowable use in this adopted land use category, and there is no foreseeable reason why such use would be inconsistent with any subsequently adopted plan.

- (ii) *Will be compatible with the existing contiguous uses or zoning and compatible with the general character of the area consideration population, density, design, scale, and orientation of the structures to the area, property values and existing similar uses:*

Yes/Will Be Compatible. There are numerous neighboring bars and restaurants serving alcohol and featuring music immediately nearby and throughout the Five Points area.

- (iii) *Will not have an environmental impact inconsistent with the health, safety and welfare of the community:*

No/Will Not. The proposed use would have no such impacts. It would be compatible with the surrounding commercial uses. It will not include outdoor activities visible or otherwise affecting the community.

- (iv) *Will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions, and will not result in the generation or creation of traffic inconsistent with health, safety and welfare of the community:*

No/Will Not. The previous tenant included two movie screening areas which accommodated 100+ patrons consuming alcohol at any one time, requiring access and

## Zoning Exception

parking. The public accesses the Five Points area via buses, bicycles, walking, driving/parking, and particularly at night during peak hours through ride-sharing platforms (Uber/Lyft). Events at the property will primarily be held at night, and thus will not affect limit the parking available for neighboring retailers that primarily sell their goods during the morning, afternoon, and to some extent early evening. Attendees generally carpool with friends to the operator's events, whether through Uber/Lyft or through one of the friend's vehicles. The operator successfully encourages attendees to use Uber/Lyft by partnering with those providers for discounted trip prices, and successfully organizes and monitors pick-ups and drop-offs to ensure safety and efficiency.

- (v) *Will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan, including any subsequent plan adopted by the Council pursuant thereto:*

No/Will Not. The proposed use will promote similar and supporting in-fill development / redevelopment of the area in general and nearby/adjoining properties in particular, through reinvestment and increased activity. The area is fully developed, and surrounding uses are compatible or of a similar use and intensity, therefore the proposed use will have no detrimental effect on contiguous properties of the area at large.

- (vi) *Will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities taking into account existing uses or zoning in the vicinity:*

No/Will Not. The proposed use is not as intense as other alcohol uses in the area as the sale and service of alcohol will be on-premises and indoors. The previous tenant, that screened movies, already created noise from movies, but the building and the surrounding existing noises of the streetscape and other tenants drowned out the noise. The property is surrounded by nightclubs and bars with loud music; for example, Birdies and Hoptinger play music with outdoor speakers, and Rain Dogs has live music performances with speakers and amps just a few feet from that bar's glass front door.

- (vii) *Will not overburden existing public services and facilities:*

No/Will Not. The proposed use will not have a negative or overburdening effect on public services and facilities.

- (viii) *Will be sufficiently accessible to permit entry on the property by fire, police, rescue and other services:*

Yes. The proposed use has no effect on such accessibility. The property will remain accessible from Park Street and with secondary access from Margaret Street.



## Zoning Exception

- (ix) *Will be consistent with the definition of an exception, the standards and criteria of the zoning classification in which such use is proposed to be located and all other requirements for such particular use set for elsewhere in the Zoning Code (Chapter 656, Ordinance Code) or as otherwise adopted by the Planning Commission:*

Yes. See “Background Information on Zoning” provided above.  
The proposed use is consistent with the definition of Exception.

Section 656.101(i) defines Exception as “a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission and the Council to be in conformity with the standards and criteria set forth in Section 656.131(c). In the case of exceptions for telecommunications towers, the supplemental standards and criteria contained in Part 15 shall also apply.”

The property is zoned PUD, and the use is specifically permitted by the text of the PUD’s Section III.D.1.g. and Section III.E.1.e.

Section 2(b) and 2(c) of the PUD Ordinance arguably require a Zoning Exception to be filed, as if the property were located in the CCG-1 Zoning District, like its neighboring properties. Therefore, this application was filed. The information provided above, and the responses to (i) through (ix) above, show the proposed use meets the standards set forth in Section 656.131(c).



City of Jacksonville  
Planning & Development Department  
214 N. Hogan Street, Suite 300  
Jacksonville, Florida 32202

**AFFIDAVIT OF PROPERTY OWNERSHIP AND DESIGNATION OF AGENT**  
**Corporation/Partnership/Trust/Other Entity**

1028 Park LLC, a Delaware limited liability company

Owner Name

1028 Park Street, Jacksonville, FL 32204

Address(es) for Subject Property

090418-0000

Real Estate Parcel Number(s) for Subject Property

Josh Billue

Appointed or Authorized Agent(s)

Zoning Exception to permit sale/service of beer, wine, and liquor for on-premises consumption

Type of Request(s)/Application(s)

**STATE OF** Georgia

**COUNTY OF** Dekalb

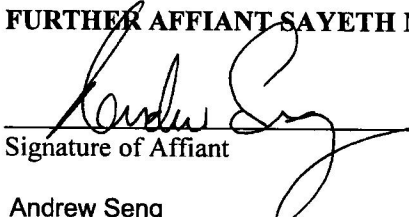
BEFORE ME, the undersigned authority, this day personally appeared Andrew Seng,  
hereinafter also referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Authorized Signatory of 1028 Park LLC, a Delaware limited liability company (the "Entity") that is the owner and record title holder of the property described above and more specifically in the attached legal description (the "Subject Property"), which property is the subject of the above-noted request(s)/application(s) being made to the City of Jacksonville.\*
2. Affiant affirms that he/she is authorized to execute this Affidavit on behalf of the aforesaid Entity.
3. That I, the undersigned, as an authorized representative of the Entity, have appointed, and do hereby appoint, the above-noted person(s)/entity as agent(s) to act on behalf of said Entity in connection with the above-referenced request(s)/application(s). Said agent(s) is/are authorized and empowered to act as agent to file application(s) for land use amendment(s), rezoning(s), and/or other development permits for the Subject Property and, in connection with such authorization, to file such applications, papers, documents, requests and other matters necessary to effectuate and pursue such requested change(s) and/or development permit(s) and including appearances before all City boards, commissions or committees on behalf of the application(s). In authorizing the agent(s) named herein to represent the Entity, I attest that the application(s) is/are made in good faith.

**PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE**

4. Affiant further acknowledges that any change in ownership of the Subject Property and/or the designated agent(s) that occur prior to the date of final public hearing or City Council action on the application(s) associated herewith shall require that a new Affidavit of Property Ownership and Designation of Agent be submitted to the City of Jacksonville Planning and Development Department to reflect any such changes.
5. I acknowledge and affirm that I am familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath. Under penalty of perjury, I hereby declare that I have examined this Affidavit and to the best of my knowledge and belief, it is true, correct and complete.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Signature of Affiant

Andrew Seng

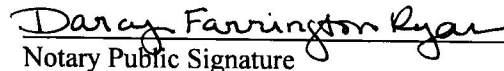
Printed/Typed Name of Affiant

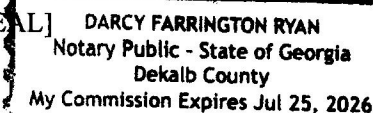
\* Affiant shall provide documentation illustrating that Affiant is an authorized representative of the entity-owner of the Subject Property. This may be shown through a corporate resolution, power of attorney, printout from Sunbiz.org, trust agreement, etc.

### NOTARIAL CERTIFICATE

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 19<sup>th</sup> day of DECEMBER, 2024, by ANDREW SENG,  
as AUTHORIZED SIGNATORY for 1028 PARK LLC, who is ☒ personally known to me or ☐ has produced identification and who took an oath.

Type of identification produced \_\_\_\_\_.

  
Notary Public Signature

[NOTARY SEAL]  DARCY FARRINGTON RYAN  
Notary Public - State of Georgia  
DeKalb County  
My Commission Expires Jul 25, 2026

DARCY FARRINGTON - RYAN  
Printed/Typed Name - Notary Public

My commission expires: JULY 25, 2026

**NOTE: APPLICATIONS SUBMITTED WITH AN INCORRECTLY COMPLETED, INCOMPLETE, OR ALTERED AFFIDAVIT OF PROPERTY OWNERSHIP AND DESIGNATION OF AGENT FORM(S) WILL NOT BE PROCESSED.**

PREVIOUS VERSIONS OF THIS FORM ARE OBSOLETE

**This instrument prepared by and return to:**  
Laura G. Hester, Esq.  
Bradley Arant Boult Cummings LLP  
1230 Peachtree Street NE, 20<sup>th</sup> Floor  
Atlanta, Georgia 30309

FN23-63/5 Points Theatre  
~~1145 0767~~  
Property Appraiser's Parcel I.D.  
Number(s): 090418-0000

STATE OF FLORIDA  
COUNTY OF DUVAL

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made this 16<sup>th</sup> day of May, 2024, by and between 5 POINTS THEATRE BUILDING, LLC, a Florida limited liability company, whose address is 1650 Margaret Street, Box 124, Jacksonville, FL 32204, Attention: H.W. Shad III (hereinafter referred to as “**Grantor**”), and 1028 PARK LLC, a Delaware limited liability company, whose address is c/o The Seng Company, 403 W. Ponce De Leon Avenue, Suite 218, Decatur, Georgia 30030, Attention: Andrew Seng (hereinafter referred to as “**Grantee**”). The terms “Grantor” and “Grantee” are to include their respective heirs, legal representatives, successors and assigns where the context requires or permits.

**WITNESSETH:**

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt, adequacy and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all of Grantor’s right, title and interest in the following real property, situate, lying and being in the County of Duval, State of Florida, as more particularly described as follows:

SEE **EXHIBIT “A”** ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (the “**Property**”).

SUBJECT TO: Taxes for the current and subsequent years and restrictions, reservations, the limitations and easements of record as specifically set forth in **Exhibit “B”** attached hereto and incorporated herein by this reference (“**Permitted Exceptions**”), applicable governmental regulations and zoning ordinances affecting said Property, if any.

TO HAVE AND TO HOLD, the Property, together with all and singular the rights, members and appurtenances thereof, including all of Grantor’s right, title and interest in and to adjacent streets, alleys and rights-of-way, to the same being, belonging, or in anywise appertaining, to the only proper

use, benefit and behoove of said Grantee forever in FEE SIMPLE, subject only to the Permitted Exceptions.

AND GRANTOR HEREBY COVENANTS with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of encumbrances, except the Permitted Exceptions. Except for the special warranty of title made in this deed of conveyance, Grantor makes no other representations, warranties or covenants of title herein and hereby expressly disclaims any and all implied representations, warranties or covenants of title, whether arising by operation of law, by statute or otherwise.

*[Signature on Following Page]*

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

Signed, sealed, and delivered  
in the presence of:

**GRANTOR:**

**5 POINTS THEATRE BUILDING,  
LLC, a Florida limited liability company**

D Gray  
Print Name: Dhaima Gray  
Address: 1000 Riverside Ave  
Jacksonville, FL 32207

By: H.W. Shad (SEAL)  
Name: H.W. Shad, III  
Title: Managing Member

Douglas E. Myers, Jr.  
Print Name: Douglas E. Myers, Jr.  
Address: 1978 Riverplace Blvd.  
Apt. 408  
Jacksonville, FL 32207

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence  
or ☐ online notarization (check one), this 16 day of May, 2024, by  
H.W. Shad, III, as the Managing Member of 5 POINTS THEATRE  
BUILDING, LLC, a Florida limited liability company. He (check one) ☒ is personally known to  
me, or ☐ has proved to me on the basis of satisfactory evidence to be the person who executed this  
instrument.

(Notarial Seal)

Zoraida Robles  
Notary Public, State and County Aforesaid  
Zoraida Robles  
Printed Name  
My Commission Number: HH297234  
My Commission Expires: August 3, 2026



**ZORAIDA ROBLES**  
Commission # HH 297234  
Expires August 3, 2026

**Exhibit A**

All of Lots 3, 4 and 9, the North 60.00 feet of Lot 8, the South 10.00 feet of the West 10.00 feet of Lot 2, and the South 10.00 feet of the East 40.00 feet of Lot 10, Block 29, Chamberlain and Barretts Subdivision, recorded in Plat Book 1, Page 120, Duval County, Florida, all of the former public records of said County, plus a narrow strip of land immediately South of the Southerly line of Lot 4 and the Northerly 60.00 feet (less and except portion lying in road right of way) of Lot 8, of said Block 29, said Parcel being more particularly described as follows:

Begin at the Northeast corner of said Lot 3, the said Point of Beginning being South 21 degrees 00 minutes West 120.00 feet, and measured along the Westerly line of Park Street from the Southerly line of Post Street; thence continue South 21 degrees 00 minutes West 120.00 feet along the said Westerly line of Park Street; thence Westerly along the Southerly face of an existing four-story brick building, a distance of 134.00 feet, more or less, to the Southwest corner of said four-story brick building; thence Northerly along the Westerly line of said four-story brick building 0.38 feet; thence Westerly to the Easterly line of Margaret Street, said point being North 68 degrees 42 minutes 30 seconds West 194.68 feet from a point in the Westerly line of Park Street, that is 240.00 feet Southerly of the Southerly line of Post Street; thence North 15 degrees 40 minutes 30 seconds West, 150.05 feet along the Easterly line of said Margaret Street; thence South 68 degrees 43 minutes 50 seconds East, 124.29 feet; thence North 21 degrees 00 minutes East, 10.00 feet; thence North 68 degrees 43 minutes 50 seconds East 50.00 feet; thence South 21 degrees 00 minutes West 10.00 feet; thence South 68 degrees 43 minutes 50 seconds East 110.00 feet to the Point of Beginning.

**Exhibit B**

**Permitted Exceptions**

1. Laws, ordinances and governmental regulations (including but not limited to building, zoning, land use, and any subdivision ordinances and regulations) affecting the Property.
2. Real estate taxes and assessments for the year 2024 and subsequent years which are not yet due and payable.
3. Ordinance 2004-1095-E Designating the Riverside Theater Building as a Landmark and Landmark Site recorded February 9, 2005, in Official Records Book 12279, page 698, Duval County, Florida record.
4. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements, as specifically set forth in **Schedule 1** attached hereto and incorporated herein by this reference.



**Schedule 1**

**List of Tenants**

- Brew Five Points, LLC
- Charles L. Cromer, CPA PA
- Dasher and Hurst Architects, P.A.
- Ethan A. Way, dba Way Law Firm P.A.
- Jalimah Capital, LLC
- John Merrett, P.A.
- Marshall Thompson, Thompson Family Partners
- Resilient Accessories, LLC
- Riverstone Church
- Southeast Atlantic Capital, LLC
- Sun-Ray Cinemas Inc
- The Lane Group Inc.
- The Palmer Knight Company
- Whelan Construction Law P.A.
- Wingard, LLC
- Zinn Architecture and Interiors, Inc.

Property taxes are subject to change upon change of ownership.

- Past taxes are not a reliable projection of future taxes.
- The sale of property will prompt the removal of all exemptions, assessment caps and special classifications.

**Title #**  
6422

**1028 PARK LLC**  
403 W PONCE DE LEON AVE STE 218  
DECATUR, GA 30030

**Primary Site Address**  
1028 PARK ST  
Jacksonville FL 32204-

**Official Record Book/Page**  
21061-01773

**1028 PARK ST**  
Property Detail

RE #	090418-0000
Tax District	USD1
Property Use	1800 Office 3+ Sty
# of Buildings	2
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	01564 CHAMBERLAINS S/D BLK 29
Total Area	28208
Characteristics	Historic Designation Historic Designation

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#) . 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification [Learn how the Property Appraiser's Office values property.](#)

Value Summary

Value Description	2024 Certified	2025 In Progress
Value Method	Income	Income
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$775,720.00	\$775,720.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$6,063,200.00	\$6,065,900.00
Assessed Value	\$5,730,088.00	\$6,065,900.00
Cap Diff/Portability Amt	\$333,112.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$5,730,088.00	See below

**Taxable Values and Exemptions – In Progress**

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value  
No applicable exemptions

SJRWMD/FIND Taxable Value  
No applicable exemptions

School Taxable Value  
No applicable exemptions

**Sales History**

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
21061-01773	5/16/2024	\$7,000,000.00	SW - Special Warranty	Qualified	Improved
12035-01826	8/30/2004	\$2,000,000.00	WD - Warranty Deed	Qualified	Improved
06491-01750	3/30/1988	\$400,000.00	WD - Warranty Deed	Unqualified	Improved
06491-01748	3/30/1988	\$100.00	WD - Warranty Deed	Unqualified	Improved
06447-02256	12/31/1987	\$200,000.00	WD - Warranty Deed	Unqualified	Improved
06397-00785	9/15/1987	\$1,000.00	CT - Certificate of Title	Unqualified	Improved
05250-00443	12/18/1980	\$1,015,000.00	WD - Warranty Deed	Unqualified	Improved

**Extra Features**

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	FCLC1	Fence Chain Link	1	0	0	70.00	\$353.00
1	ELHC6	Elevator Hydraulic	2	0	0	1.00	\$16,646.00
2	ESHC6	Elevator Stops Hydra	2	0	0	4.00	\$13,580.00
2	WMCC1	Wall Masonry/Concrt	1	0	0	913.00	\$2,675.00
3	PVAC1	Paving Asphalt	1	0	0	10,950.00	\$10,118.00
3	SWSC6	Sprinkler Wet System	2	0	0	24,674.00	\$15,742.00
4	LPMC1	Light Pole Metal	1	0	0	4.00	\$2,169.00
5	LITC1	Lighting Fixtures	1	0	0	6.00	\$1,642.00
6	FWDC1	Fence Wood	1	0	0	34.00	\$143.00
7	FWIC1	Fence Wrought Iron	1	0	0	121.00	\$2,093.00
8	SWSC6	Sprinkler Wet System	1	0	0	13,429.00	\$8,568.00

**Land & Legal**

Land

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	1700	OFFICE	PUD	0.00	0.00	Common	28,208.00	Square Footage	\$775,720.00

Legal

LN	Legal Description
1	1-117 56-25-26E .647

2	CHAMBERLAINS S/D
3	LOTS 3,4,9,N 60FT LOT 8,PT LOTS
4	2,10 RECD O/R 21061-1773
5	BLK 29

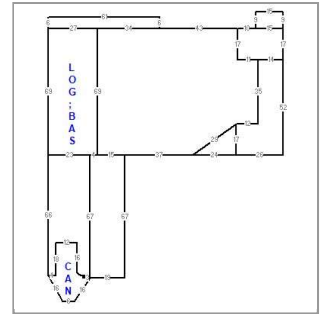
## Buildings

**Building 1**  
Building 1 Site Address  
1028 PARK ST Unit  
Jacksonville FL 32204-

<b>Building Type</b>	3201 - THEATRE ENCLOSE
<b>Year Built</b>	1927
<b>Building Value</b>	\$2,073,884.00

Type	Gross Area	Heated Area	Effective Area
Base Area	1273	1273	1273
Base Area	6780	6780	6780
Canopy	421	0	105
Finished Attic	932	932	466
Fair Office	932	932	839
Base Area	932	932	932
Fair Office	204	204	184
Fair Office	204	204	184
Base Area	204	204	204
Loge / Theatre Balcony	1863	1863	745
Base Area	1863	1863	1863
Unfin Loading Platform	366	0	55
Finished Attic	425	425	212
Base Area	425	425	425
Unfinished Storage	135	0	54
Total	16959	16037	14321

Element	Code	Detail
Exterior Wall	17	17 C.B. Stucco
Roof Struct	10	10 Steel Fr/Trs
Roofing Cover	4	4 Built Up/T&G
Interior Wall	3	3 Plastered
Interior Wall	5	5 Drywall
Int Flooring	5	5 Asphalt tile
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central
Ceiling Wall Finish	6	6 NS Cell Wall Fin
Comm Htg & AC	1	1 Not Zoned
Comm Frame	3	3 C-Masonry



Element	Code	Detail
Stories	1.000	
Baths	16.000	
Rooms / Units	1.000	
Avg Story Height	42.000	

## 2024 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Ex B & B	\$5,730,088.00	\$0.00	\$5,730,088.00	\$58,951.67	\$64,846.83	\$62,801.76
Urban Service Dist1	\$5,730,088.00	\$0.00	\$5,730,088.00	\$0.00	\$0.00	\$0.00
Public Schools: By State Law	\$6,063,200.00	\$0.00	\$6,063,200.00	\$19,866.06	\$18,747.41	\$19,093.02
By Local Board	\$6,063,200.00	\$0.00	\$6,063,200.00	\$14,030.44	\$13,630.07	\$13,420.29
FL Inland Navigation Dist.	\$5,730,088.00	\$0.00	\$5,730,088.00	\$150.02	\$165.03	\$152.42
Water Mgmt Dist. SJRWMD	\$5,730,088.00	\$0.00	\$5,730,088.00	\$934.00	\$1,027.40	\$966.09
School Board Voted	\$6,063,200.00	\$0.00	\$6,063,200.00	\$6,241.30	\$6,063.20	\$6,063.20
Urb Ser Dist1 Voted	\$5,730,088.00	\$0.00	\$5,730,088.00	\$0.00	\$0.00	\$0.00
			Totals	\$100,173.49	\$104,479.94	\$102,496.78
Description	Just Value	Assessed Value	Exemptions	Taxable Value		
<b>Last Year</b>	\$6,241,300.00	\$5,209,171.00	\$0.00	\$5,209,171.00		
<b>Current Year</b>	\$6,063,200.00	\$5,730,088.00	\$0.00	\$5,730,088.00		

## 2024 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

### Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

<b>2024</b>
<b>2023</b>
<b>2022</b>
<b>2021</b>
<b>2020</b>
<b>2019</b>



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Foreign Limited Liability Company  
1028 PARK LLC

### Filing Information

Document Number M24000003658  
FEI/EIN Number NONE  
Date Filed 03/21/2024  
State DE  
Status ACTIVE

### Principal Address

403 W. PONCE DE LEON AVE., STE. 218  
DECATUR, GA 30030

### Mailing Address

403 W. PONCE DE LEON AVE., STE. 218  
DECATUR, GA 30030

### Registered Agent Name & Address

C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

### Authorized Person(s) Detail

#### Name & Address

Title MBR

ASPECT-USP 1028 PARK JV LLC  
403 W. PONCE DE LEON AVE., STE. 218  
DECATUR, GA 30030

Title AP

WEAVER, JAY  
403 W. PONCE DE LEON AVE., STE. 218  
DECATUR, GA 30030

Title AP

SENG, ANDREW  
403 W. PONCE DE LEON AVE., STE. 218  
DECATUR, GA 30030

Annual Reports

No Annual Reports Filed

Document Images

03/21/2024 -- Foreign Limited

[View image in PDF format](#)

**CT CORP**  
**(850) 656-4724**  
**3458 lakesore Drive**  
**Tallahassee, FL 32312**

**Date:** 03/21/2024  
 Acc#120160000072

*en: c DW*

Name:	1028 Park LLC
Document #:	
Order #:	15439866

Certified Copy of Arts & Amend:	<input type="checkbox"/>		
Plain Copy:	<input type="checkbox"/>		
Certificate of Good Standing:	<input type="checkbox"/>		
Certified Copy of	<input type="checkbox"/>		
Apostille/Notarial Certification:	<input type="checkbox"/>	Country of Destination:	
		Number of Certs:	

Filing: <input checked="" type="checkbox"/>	Certified: <input checked="" type="checkbox"/>
	Plain: <input type="checkbox"/>
	COGS: <input type="checkbox"/>

Email Address for Annual Report Notifications:

Availability \_\_\_\_\_  
 Document \_\_\_\_\_  
 Examiner \_\_\_\_\_  
 Updater \_\_\_\_\_  
 Verifier \_\_\_\_\_  
 W.P. Verifier \_\_\_\_\_  
 Ref# \_\_\_\_\_

Amount: \$ **155.00**

Thank you!

COVER LETTER

TO: Registration Section  
Division of Corporations

SUBJECT: 1028 Park LLC

Name of Limited Liability Company

The enclosed "Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida," Certificate of Existence, and check are submitted to register the above referenced foreign limited liability company to transact business in Florida.

Please return all correspondence concerning this matter to the following:

Attn: Andrew Seng and Jay Weaver

Name of Person

1028 Park LLC c/o The Seng Company

Firm/Company

403 W. Ponce De Leon Avenue, Suite 218

Address

Decatur, Georgia 30030

City/State and Zip Code

Andrew@sengcompany.com

E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Andrew Seng

Name of Contact Person

at (404)

Area Code

378-5505

Daytime Telephone Number

Mailing Address:

Registration Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Street Address:

Registration Section  
Division of Corporations  
The Centre of Tallahassee  
2415 N. Monroe Street, Suite 810  
Tallahassee, FL 32303

Enclosed is a check for the following amount:

Please make check payable to: FLORIDA DEPARTMENT OF STATE

☐ \$125.00 Filing Fee

☐ \$130.00 Filing Fee &  
Certificate of Status

☐ \$155.00 Filing Fee &  
Certified Copy

\$160.00 Filing Fee, Certificate  
of Status & Certified Copy

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS  
IN FLORIDA

IN COMPLIANCE WITH SECTION 605.0902, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY  
COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. 1028 Park LLC  
(Name of Foreign Limited Liability Company; must include "Limited Liability Company," "L.L.C.," or "LLC.")

(If name unavailable, enter alternate name adopted for the purpose of transacting business in Florida. The alternate name must include "Limited Liability Company," "L.L.C.," or "LLC.")

2. Delaware  
(Jurisdiction under the law of which foreign limited liability company is organized)

3. (FEI number, if applicable)

4. upon qualification  
(Date first transacted business in Florida, if prior to registration.)  
(See sections 605.0904 & 605.0905, F.S. to determine penalty liability)

5. 403 W. Ponce De Leon Avenue, Suite 218  
(Street Address of Principal Office)  
Decatur, Georgia 30030

6. 403 W. Ponce De Leon Avenue, Suite 218  
(Mailing Address)  
Decatur, Georgia 30030

7. Name and street address of Florida registered agent: (P.O. Box NOT acceptable)

Name: C T Corporation System  
Office Address: 1200 South Pine Island Road  
Plantation, Florida 33324  
(City) (Zip code)

Registered agent's acceptance:

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

C T Corporation System  
By: /s/ David Westcott, David Westcott Assistant Secretary  
(Registered agent's signature)

2024 MAR 21 PM 12:42



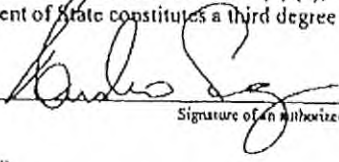
8. For initial indexing purposes, list names, title or capacity and addresses of the primary members/managers or persons authorized to manage (up to six (6) total):

<u>Title or Capacity:</u>	<u>Name and Address:</u>	<u>Title or Capacity:</u>	<u>Name and Address:</u>
<input type="checkbox"/> Manager	Name: <u>Aspect-USP 1028 Park JV LLC</u>	<input type="checkbox"/> Manager	Name: <u>Jay Weaver</u>
<input checked="" type="checkbox"/> Member	Address: <u>403 W. Ponce De Leon</u>	<input type="checkbox"/> Member	Address: <u>403 W. Ponce De Leon</u>
<input type="checkbox"/> Authorized	<u>Avenue, Suite 218</u>	<input checked="" type="checkbox"/> Authorized	<u>Avenue, Suite 218</u>
Person	<u>Decatur, Georgia 30030</u>	Person	<u>Decatur, Georgia 30030</u>
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
 <input type="checkbox"/> Manager	 Name: _____	 <input type="checkbox"/> Manager	 Name: <u>Andrew Seng</u>
<input type="checkbox"/> Member	Address: _____	<input type="checkbox"/> Member	Address: <u>403 W. Ponce De Leon</u>
<input type="checkbox"/> Authorized	_____	<input checked="" type="checkbox"/> Authorized	<u>Avenue, Suite 218</u>
Person	_____	Person	<u>Decatur, Georgia 30030</u>
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
 <input type="checkbox"/> Manager	 Name: _____	 <input type="checkbox"/> Manager	 Name: _____
<input type="checkbox"/> Member	Address: _____	<input type="checkbox"/> Member	Address: _____
<input type="checkbox"/> Authorized	_____	<input type="checkbox"/> Authorized	_____
Person	_____	Person	_____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

**Important Notice:** Use an attachment to report more than six (6). The attachment will be imaged for reporting purposes only. Non-indexed individuals may be added to the index when filing your Florida Department of State Annual Report form.

9. Attached is a certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted)

10. This document is executed in accordance with section 605.0203 (1) (b), Florida Statutes. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.

  
 \_\_\_\_\_  
 Signature of an authorized person  
 Andrew Seng  
 \_\_\_\_\_  
 Typed or printed name of signer

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "1028 PARK LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FOURTEENTH DAY OF MARCH, A.D. 2024.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



3255274 8300

SRH 20241010591

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JB", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203026743

Date: 03-14-24

**Electronic Articles of Incorporation  
For**

P24000035330  
FILED  
May 17, 2024  
Sec. Of State  
mkanderson

JRFMJAXTOO, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:

JRFMJAXTOO, INC.

**Article II**

The principal place of business address:

1028 PARK STREET  
JACKSONVILLE, FL. US 32204

The mailing address of the corporation is:

1402 CLINTON STREET  
NASHVILLE, TN. US 37203

**Article III**

The purpose for which this corporation is organized is:

ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The number of shares the corporation is authorized to issue is:

1000

**Article V**

The name and Florida street address of the registered agent is:

GRACE YANG  
101 EAST KENNEDY BLVD.  
SUITE 4000  
TAMPA, FL. 33602

I certify that I am familiar with and accept the responsibilities of registered agent.

Registered Agent Signature: /GRACE YANG/

P24000035330  
FILED  
May 17, 2024  
Sec. Of State  
mkanderson

## **Article VI**

The name and address of the incorporator is:

HEATHER A. DERRICK  
150 THIRD AVENUE SOUTH  
SUITE 1700  
NASHVILLE, TN 37201

Electronic Signature of Incorporator: /HEATHER A. DERRICK/

I am the incorporator submitting these Articles of Incorporation and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of this corporation and every year thereafter to maintain "active" status.

## **Article VII**

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P  
JOSH BILLUE  
1402 CLINTON STREET  
NASHVILLE, TN. 37203 US

## **Article VIII**

The effective date for this corporation shall be:

05/17/2024

This instrument prepared by and return to:  
Laura G. Hester, Esq.  
Bradley Arant Boult Cummings LLP  
1230 Peachtree Street NE, 20<sup>th</sup> Floor  
Atlanta, Georgia 30309

FN23-63/5 Points Theatre  
1145 676-7

Property Appraiser's Parcel I.D.  
Number(s): 090418-0000

STATE OF FLORIDA  
COUNTY OF DUVAL

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 16<sup>th</sup> day of May, 2024, by and between 5 POINTS THEATRE BUILDING, LLC, a Florida limited liability company, whose address is 1650 Margaret Street, Box 124, Jacksonville, FL 32204, Attention: H.W. Shad III (hereinafter referred to as "Grantor"), and 1028 PARK LLC, a Delaware limited liability company, whose address is c/o The Seng Company, 403 W. Ponce De Leon Avenue, Suite 218, Decatur, Georgia 30030, Attention: Andrew Seng (hereinafter referred to as "Grantee"). The terms "Grantor" and "Grantee" are to include their respective heirs, legal representatives, successors and assigns where the context requires or permits.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt, adequacy and sufficiency whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all of Grantor's right, title and interest in the following real property, situate, lying and being in the County of Duval, State of Florida, as more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF (the "Property").

SUBJECT TO: Taxes for the current and subsequent years and restrictions, reservations, the limitations and easements of record as specifically set forth in Exhibit "B" attached hereto and incorporated herein by this reference ("Permitted Exceptions"), applicable governmental regulations and zoning ordinances affecting said Property, if any.

TO HAVE AND TO HOLD, the Property, together with all and singular the rights, members and appurtenances thereof, including all of Grantor's right, title and interest in and to adjacent streets, alleys and rights-of-way, to the same being, belonging, or in anywise appertaining, to the only proper

use, benefit and behoove of said Grantee forever in FEE SIMPLE, subject only to the Permitted Exceptions.

AND GRANTOR HEREBY COVENANTS with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other; and that said land is free of encumbrances, except the Permitted Exceptions. Except for the special warranty of title made in this deed of conveyance, Grantor makes no other representations, warranties or covenants of title herein and hereby expressly disclaims any and all implied representations, warranties or covenants of title, whether arising by operation of law, by statute or otherwise.

*[Signature on Following Page]*

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

Signed, sealed, and delivered  
in the presence of:

GRANTOR:

5 POINTS THEATRE BUILDING,  
LLC, a Florida limited liability company

D Gray  
Print Name: Dhiana Gray  
Address: 1000 Riverside Ave  
Jacksonville, FL 32209

By: H.W. Shad (SEAL)  
Name: H.W. Shad, III  
Title: Managing Member

Douglas E. Myers, Jr.  
Print Name: Douglas E. Myers, Jr.  
Address: 1978 Riverplace Blvd  
Apt. 408  
Jacksonville, FL 32207

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization (check one), this 16 day of May, 2024, by H.W. Shad, III, as the Managing Member of 5 POINTS THEATRE BUILDING, LLC, a Florida limited liability company. He (check one) ☒ is personally known to me, or ☐ has proved to me on the basis of satisfactory evidence to be the person who executed this instrument.

(Notarial Seal)

Zoraida Robles  
Notary Public, State and County Aforesaid  
Zoraida Robles  
Printed Name  
My Commission Number: HH297234  
My Commission Expires: August 3, 2026



ZORAIDA ROBLES  
Commission # HH297234  
Expires August 3, 2026

Exhibit A

All of Lots 3, 4 and 9, the North 60.00 feet of Lot 8, the South 10.00 feet of the West 10.00 feet of Lot 2, and the South 10.00 feet of the East 40.00 feet of Lot 10, Block 29, Chamberlain and Barretts Subdivision, recorded in Plat Book 1, Page 120, Duval County, Florida, all of the former public records of said County, plus a narrow strip of land immediately South of the Southerly line of Lot 4 and the Northerly 60.00 feet (less and except portion lying in road right of way) of Lot 8, of said Block 29, said Parcel being more particularly described as follows:

Begin at the Northeast corner of said Lot 3, the said Point of Beginning being South 21 degrees 00 minutes West 120.00 feet, and measured along the Westerly line of Park Street from the Southerly line of Post Street; thence continue South 21 degrees 00 minutes West 120.00 feet along the said Westerly line of Park Street; thence Westerly along the Southerly face of an existing four-story brick building, a distance of 134.00 feet, more or less, to the Southwest corner of said four-story brick building; thence Northerly along the Westerly line of said four-story brick building 0.38 feet; thence Westerly to the Easterly line of Margaret Street, said point being North 68 degrees 42 minutes 30 seconds West 194.68 feet from a point in the Westerly line of Park Street, that is 240.00 feet Southerly of the Southerly line of Post Street; thence North 15 degrees 40 minutes 30 seconds West, 150.05 feet along the Easterly line of said Margaret Street; thence South 68 degrees 43 minutes 50 seconds East, 124.29 feet; thence North 21 degrees 00 minutes East, 10.00 feet; thence North 68 degrees 43 minutes 50 seconds East 50.00 feet; thence South 21 degrees 00 minutes West 10.00 feet; thence South 68 degrees 43 minutes 50 seconds East 110.00 feet to the Point of Beginning.



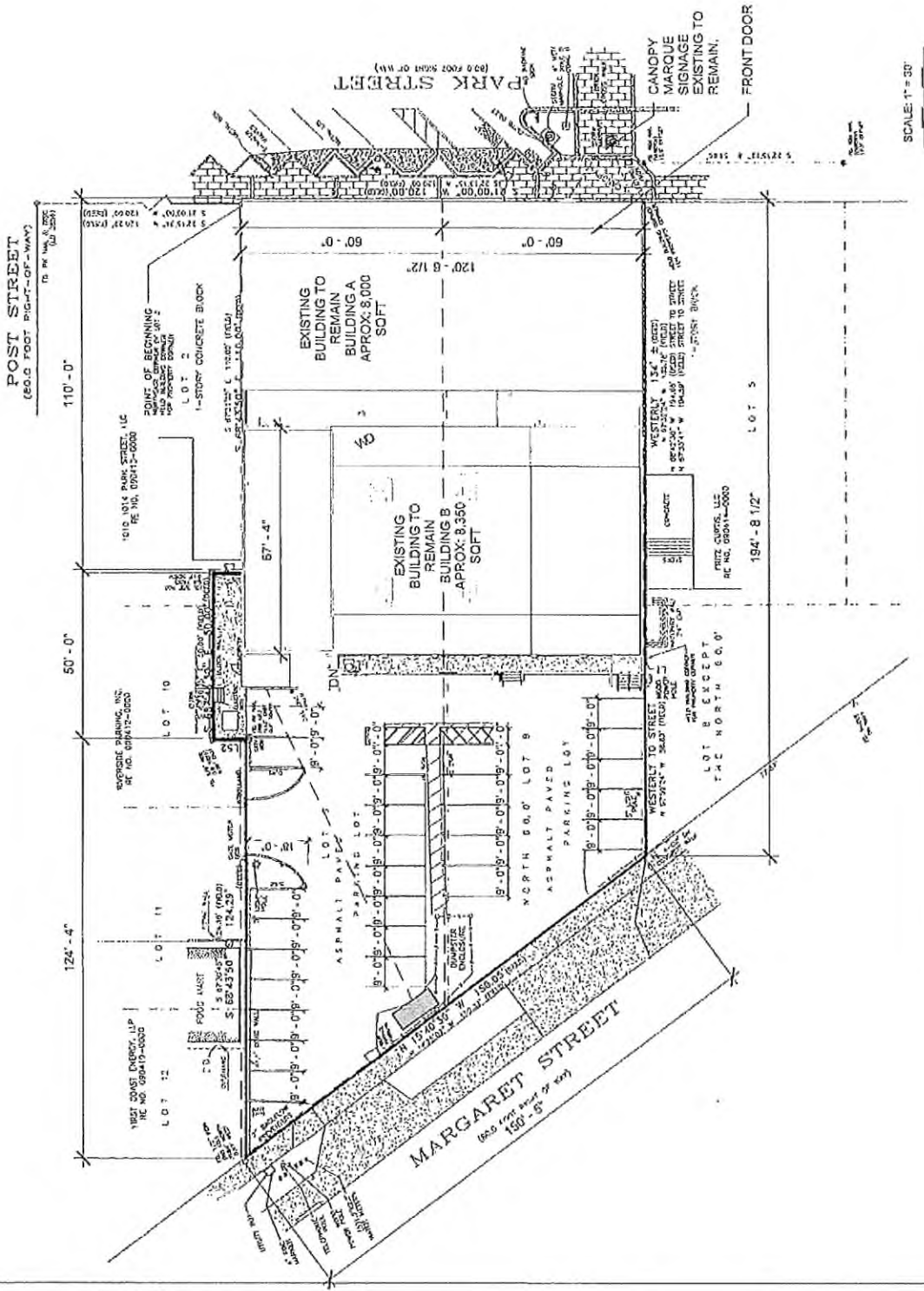
Exhibit B

Permitted Exceptions

1. Laws, ordinances and governmental regulations (including but not limited to building, zoning, land use, and any subdivision ordinances and regulations) affecting the Property.
2. Real estate taxes and assessments for the year 2024 and subsequent years which are not yet due and payable.
3. Ordinance 2004-1095-B Designating the Riverside Theater Building as a Landmark and Landmark Site recorded February 9, 2005, in Official Records Book 12279, page 698, Duval County, Florida record.
4. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements, as specifically set forth in Schedule I attached hereto and incorporated herein by this reference.

# ARCHITECTURAL SITE PLAN - NOTES:

- A. PROPERTY DIMENSIONS AND TOTAL LAND AREA  
- PROPERTY DIMENSIONS: SEE PLAN FOR DIMENSIONS  
TOTAL LAND AREA: 0.85 ACRE
- B. BUILDINGS (INCLUDES DIMENSION AND TOTAL LOT COVERAGE AREA):  
- BUILDINGS: (2) BLDG A = 8,000 SQFT BLDG B = 8,350 SQFT  
= 16,350 SQFT  
- TOTAL LOT COVERAGE AREA: 28,314 SQFT - 16,350 SQFT = 11,964 SQFT  
23.3% FAR COVERAGE  
\*\*Per PUD no requirements except as otherwise exists currently\*\*
- C. PARKING SPACES AND DIMENSIONS (INCLUDING HANDICAP):  
- PARKING ALONG PARK STREET RETAIL DISTRICT (HC SPACE WITHIN 20' OF FRONT DOOR)  
- PARKING IN REAR = 27 SPACES INCLUDING 2 HC (NOT WITHIN 20' OF FRONT DOOR BUT WITHIN 20' OF AN ACCESSIBLE DOOR TO SPACE).
- D. LOADING AND UNLOADING AREA IF APPLICABLE WITH TURN AROUND AREA AND DIMENSIONS:  
- EXISTING ACCESS AND UNLOADING AREA TO REMAIN RE: SITE PLAN FOR LOADING AT REAR PARKING LOT.
- E. LANDSCAPE AREA AND DIMENSIONS:  
- EXISTING TO REMAIN
- F. INGRESS AND EGRESS (DRIVEWAYS ALLEYS AND EASEMENTS):  
- PARKING LOT ACCESS OFF OF MARGARET STREET  
- FRONT ENTRANCE OFF OF PARK STREET
- G. ADJACENT STREETS AND RIGHT OF WAY:  
SEE PLAN
- H. NORTH ARROW, MAP SCALE, AND DATE OF DRAWING:  
SEE TITLEBLOCK
- I. SIGNAGE (IF ANY):  
SEE PLAN - EXISTING MARQUEE TO REMAIN. ALL OTHER EXISTING SIGNAGE TO REMAIN.
- J. BUILDING SETBACKS PER ZONING CODE:  
PUD - FRONT/SIDE = 0'  
REAR = 0'
- K. ADJACENT ZONING DISTRICTS AND PROPERTY USES:  
ADJACENT ZONING: CCG-1  
ADJACENT USE (EAST): CCG-1  
ADJACENT USE (NORTH): CCG-1



05 POINTS THEATER  
AS101. - ARCHITECTURAL SITE PLAN



HJM  
ARCHITECTS

SCALE: 1" = 30'

## MAP SHOWING SURVEY OF

BEFORE AT THE NORTHEAST CORNER OF 10.0. THE S&D POINT OF BEGINNING BEING  
NORTH 21 DEGREES 00 MINUTES WEST 120.0 FEET, AND MEASURED ALONG THE  
WESTERLY LINE OF PARK STREET FROM THE SOUTHERLY LINE OF POST STREET;  
THENCE CONTINUE S&D 21 DEGREES 00 MINUTES WEST 120.0 FEET, ALONG THE SAID  
WESTERLY LINE OF PARK STREET TO THE SOUTHERLY LINE OF THE WESTERLY LINE OF  
AN EXISTING FOUR-STORY BRICK BUILDING, A DISTANCE OF 134.0 FEET, MORE OR  
LESS, TO THE SOUTH-EAST CORNER OF SAID FOUR-STORY BRICK BUILDING, THENCE  
NORTHERLY ALONG THE WESTERLY LINE OF SAID FOUR-STORY BRICK BUILDING, AT  
THE NORTHEAST CORNER OF SAID FOUR-STORY BRICK BUILDING, BEING  
NORTH 68 DEGREES 42 MINUTES 10 SECONDS WEST 194.68  
FEET, S&D POINT BEING NORTH 68 DEGREES 42 MINUTES 10 SECONDS WEST 194.68  
FEET FROM A POINT IN THE WESTERLY LINE OF PARK STREET, THAT IS 24.0 FEET  
FROM THE SOUTHERLY LINE OF THE SOUTHERLY LINE OF POST STREET, THENCE NORTH 15 DEGREES 40  
MINUTES 00 SECONDS EAST 10.0 FEET, THENCE SOUTH 68 DEGREES 42 MINUTES 50  
SECONDS EAST 114.0 FEET, THENCE SOUTH 68 DEGREES 42 MINUTES 50  
SECONDS EAST 114.0 FEET TO THE POINT OF BEGINNING.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N21°00'00"E	10.00'
L2	S21°00'00"W	10.00'
L3	N21°35'30"E	0.38'

1. THIS IS A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF PARK STREET, BEING SOUTH 21 DEGREES 00' 00" WEST, AS PER RECORD.
3. THE SURVEYOR HAS BEEN ADVISED THAT THE DEED DESCRIBED HEREIN UNDERSIGNED WANTS NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
4. NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
5. NO BUILDING RESTRICTION LINES, AS PER PLAT.

100	BACK-UP HOSE REWINDER	100	BACK-UP HOSE REWINDER
101	CALCULATED	101	NO PERSON
102	CHANGING	102	CONNECTION WITH PIPE
103	CHANGING	103	CONNECTION WITH PIPE
104	CHANGING	104	CONNECTION WITH PIPE
105	CHANGING	105	CONNECTION WITH PIPE
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191	CHANGING	191	CONNECTION WITH PIPE
192	CHANGING	192	CONNECTION

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PM) 904-241-8550

SHEET 1 OF 1

Josh Billue  
JRM/JAMT00, INC.,  
CORPORATION D/B/A  
1028 PARK LLC, A  
LIMITED LIABILITY C

JASON D. BOA  
FLORIDA LICENSED SURVEYOR  
NOT VALID WITHOUT THE  
SEAL OF A FLORIDA LICENSED SURVEYOR

FLORIDA  
"FIVE"  
CLARE  
IPANY

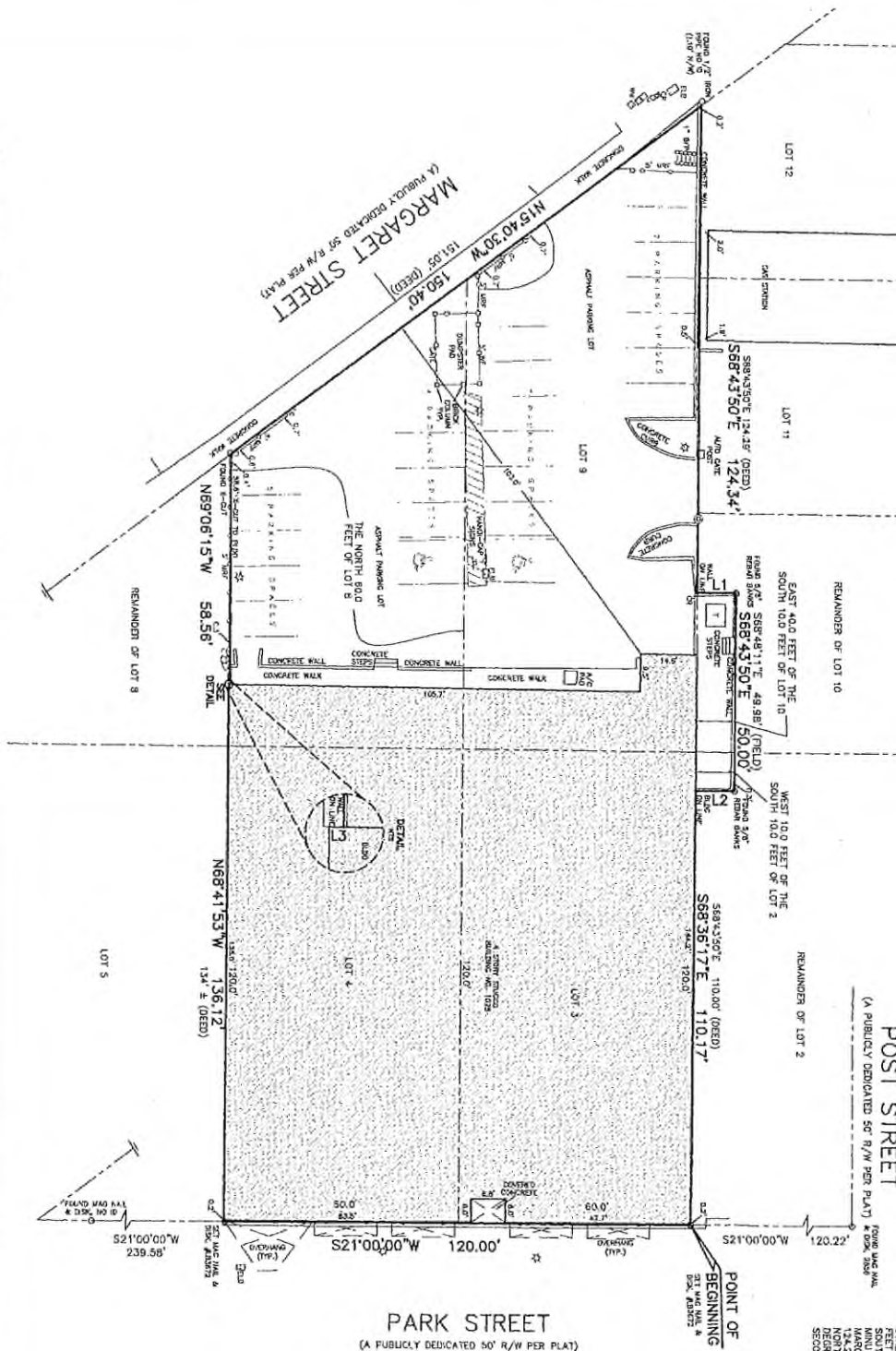
WRIGHT, F.S.M.  
SURVEYOR and MAPPER No. LS 7292  
OWNING & MAPPING BUSINESS Wn. LI 3872  
SIGNATURE AND THE ORIGINAL  
OF THE SURVEYOR AND MAPPER.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N21.00°00'E	10.00'
L2	S21.00°00'W	10.00'
L3	N21.35°39'E	0.38'

SYMBOL LEGEND ABBREVIATION LEGEND

GENERAL SURVEY NOTES

**CERTIFIED TO:**



## MAP SHOWING SURVEY OF

[illegible]

[illegible]

Zoning

0 0.03 0.05 0.1 km

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**Duval County, City Of Jacksonville**  
**Jim Overton , Tax Collector**  
 231 E. Forsyth Street  
 Jacksonville, FL 32202

**General Collection Receipt**

Account No: CR757991  
 User: Abney, Erin - PDCU

Date: 12/18/2024  
 Email: EAbney@coj.net

**REZONING/VARIANCE/EXCEPTION**

**Name:** Josh Billue/1028 Park LLC  
**Address:** 1402 Clinton Street Nashville, TN 37203  
**Description:** Zoning Exception APP & Waiver of Liquor Distance APP for 1028 Park Street (RE: 090418-0000)

Fund	Center	Account	Project	Activity	Interfund	Future	Debit Amount	Credit Amount
00111	000000	104001	000000	00000000	00000	0000000	2509.00	0.00
00111	140302	342218	000000	00000000	00000	0000000	0.00	2509.00

**Jim Overton**  
**Duval County**  
 Date/Time: 12/20/2024 09:43AM  
 Drawer: PGG  
 Clerk: JMB  
 Transaction: 6968116

Item: **Paid**  
 CR Processing: **\$2,509.00**  
 CR757991  
 Josh Billue & #47,1028 Park  
 LLC  
 1402 Clinton Street  
 Nashville, TN 37203  
 Total:

Receipt: 272-25-01053272  
 Total Tendered  
 Check: **\$2,509.00**  
 Chk#1130 **\$1,173.00**  
 Check: **\$1,091.00**  
 Chk#1091-00  
 Check: **\$245.00**  
 Chk#23041  
 Balance: **\$0.00**

**Collector**  
**Receipt**  
**Duval County**  
 Paid By: DRIVER MCAFFEE HAWTHORNE &  
 DIEBENOW LLC

**Total Due: \$2,509.00**

Account No: CR757991  
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Date: 12/18/2024

**Total Due: \$2,509.00**