

HOLD HARMLESS COVENANT

This **Hold Harmless Covenant** is hereby granted this ____ day of _____, 2022, by **Lavilla VI, LLC**, whose address is **3030 Hartley Road, Suite 310, Jacksonville, Florida 32257** ("Grantor") in favor of the **CITY OF JACKSONVILLE**, a consolidated political subdivision and municipal corporation existing under the laws of the State of Florida, whose mailing address is 117 West Duval Street, Jacksonville, Florida 32202 ("City").

IN CONSIDERATION for the closure and/or abandonment of City right-of-way or easement areas pursuant to **CITY ORDINANCE _____**, a copy of which is attached hereto and incorporated by reference (the "Ordinance"), located near **RE#130411 -0600** in Council District 5 and established in the Official Public Records of Duval County, Florida in **OR Book 7283, Page 1349** lying within those lands as recorded in **OR Book 6793, Page 782**.

Grantor, its successors and assigns, holds harmless, indemnifies, and will defend **CITY OF JACKSONVILLE**, its members, officials, officers, employees, and agents against any claim, action, loss, damage, injury, liability, cost and expense of whatever kind or nature (including, but not by way of limitation, attorney fees and court costs) arising out of injury (whether mental or corporeal) to persons, including death, or damage to property, arising out of or incidental to the use of the abandoned right-of-way or easement areas, more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by reference (the "Property"); including, but not limited to such injuries or damages resulting from flooding or erosion. This **Hold Harmless Covenant** shall run with the real property described in **Exhibit "A"**. The adjacent property owner(s) who acquire the Property as a result of the abandonment shall be responsible for maintaining the Property.

Furthermore, the Property shall remain totally unobstructed by any permanent improvements that may impede the use by the City or JEA of their reserved easement rights, if any, under the provisions of the reserved easement and/or the Ordinance. In the event that such easement rights are reserved by City or JEA: (a) the construction of driveways and the installation of fences, hedges, and landscaping is permissible but subject to removal or damage by the City or JEA at the expense of the Grantor, its successors and assigns, for any repairs to or replacement of the improvements; and (b) Grantor, its successors and assigns, shall indemnify, defend and hold City and JEA harmless from, any and all loss, damage, action, claim, suit, judgment, cost, or expense for injury to person (including death) or damage to property and improvements (including destruction), in any manner resulting from or arising out of the installation, replacement, maintenance or failure to maintain, or removal of any improvements placed within the easement area by Grantor, its successors or assigns, and the City's or JEA's exercise of their rights in the reserved easement.

**Signed and Sealed
in Our Presence:**

(Sign) _____
(Print) _____
(Sign) _____
(Print) _____

GRANTOR:

By: _____
Name: _____
Title: _____

**STATE OF FLORIDA
COUNTY OF DUVAL**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this ____ day of _____ 20____, by _____.

{NOTARY SEAL}

[Signature of Notary Public-State of Florida]
[Name of Notary Typed, Printed, or Stamped]

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

MAP OF

LEGAL DESCRIPTION

VACATED EASEMENT:

A PORTION OF LOTS 13 AND 14, PHILLIPS SUBDIVISION, AS RECORDED IN DEED BOOK "A0", PAGE 478 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS VOLUME 6793, PAGE 782 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, LYING WITHIN SECTION 44, TOWNSHIP 2 SOUTH, RANGE 27 EAST, SAID COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ST. AUGUSTINE ROAD (A 40 FOOT RIGHT OF WAY, AS NOW ESTABLISHED AT THIS LOCATION) WITH THE NORTHEASTERLY LINE OF A FLORIDA EAST COAST RAILROAD RIGHT OF WAY (A 100 FOOT RIGHT OF WAY, AS NOW ESTABLISHED); THENCE SOUTH 28°52'53" EAST, ALONG SAID FLORIDA EAST COAST RAILROAD RIGHT OF WAY, A DISTANCE OF 105.99 FEET TO AN INTERSECTION WITH A PROPOSED RIGHT OF WAY LINE AS SHOWN ON RIGHT OF WAY MAP OF ST. AUGUSTINE ROAD PREPARED BY SOUTHTECH SURVEYORS, INC., FOR THE CITY OF JACKSONVILLE, FLORIDA, DATED MAY 17, 1996; THENCE NORTH 38°00'00" EAST ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 146.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 788.51 FEET; THENCE CONTINUE ALONG SAID PROPOSED RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 7.79 FEET, MAKING A CENTRAL ANGLE OF 0°03'55", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 38°16'58" EAST, 7.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID PROPOSED RIGHT OF WAY LINE AND ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 788.51 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID PROPOSED RIGHT OF WAY LINE, A DISTANCE OF 15.55 FEET, MAKING A CENTRAL ANGLE OF 01°07'48", SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 37°07'52" EAST, 15.55 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF AFORESAID LANDS RECORDED IN OFFICIAL RECORDS VOLUME 6783, PAGE 782; THENCE SOUTH 37°33'57" EAST, ALONG SAID LINE, A DISTANCE OF 228.75 FEET TO THE MOST SOUTHERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS VOLUME 4847, PAGE 390 OF SAID CURRENT PUBLIC RECORDS; THENCE SOUTH 87°17'41" WEST, ALONG THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LANDS RECORDED IN OFFICIAL RECORDS VOLUME 4847, PAGE 390, A DISTANCE OF 15.52 FEET; THENCE NORTH 37°33'57" WEST, ALONG SAID LINE, A DISTANCE OF 218.86 FEET, PARALLEL TO SAID NORTHEASTERLY LINE OF OFFICIAL RECORDS VOLUME 6793, PAGE 782 TO AN INTERSECTION WITH SAID PROPOSED RIGHT OF WAY LINE AND THE POINT OF BEGINNING.

APPROVED
 DESCRIPTION AGREES
 WITH MAP
 CITY ENGINEERS OFFICE
 TOPO/SURVEY BRANCH

By SCC Date 3/11/22

THIS MAP IS CERTIFIED TO:
 TVC DEVELOPMENT, INC./VESTCOR.

JASON D. BOATWRIGHT, P.S.M.
 FLORIDA LICENSED SURVEYOR AND MAPPER No. LS 7282
 FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3872

- NOTES:
1. THIS IS A MAP ONLY
 2. BOUNDARY DATA SHOWN HEREON PER SURVEY PERFORMED BY THIS FIRM, JOB NO. 2021-1716, DATED DECEMBER 09, 2021.
 3. SEE SHEET 2 OF 2 FOR MAP TO ACCOMPANY LEGAL DESCRIPTION.

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

CHECKED BY: _____
 DRAWN BY: DAF
 FILE # 2022-0174

BOATWRIGHT LAND SURVEYORS, INC.
 1500 ROBERTS DRIVE JACKSONVILLE BEACH, FLORIDA (904)241-8550

DATE: MARCH 02, 2022
 SHEET 1 OF 2

MAP OF

A PORTION OF LOTS 13 AND 14, PHILLIPS SUBDIVISION, AS RECORDED IN DEED BOOK "A0", PAGE 478 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS VOLUME 6793, PAGE 782 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, LYING WITHIN SECTION 44, TOWNSHIP 2 SOUTH, RANGE 27 EAST, SAID COUNTY.

NORTHEASTERLY LINE OF OFFICIAL RECORDS BOOK 6793, PAGE 782

S37°33'57"E 228.75'

EASEMENT 2 - DRAINAGE AND UTILITIES
OFFICIAL RECORDS BOOK 7283, PAGE 1349
(TO BE VACATED)

POINT OF BEGINNING N37°33'57"W 218.66'

CHORD=N38°16'59"E 7.79'
RADIUS=788.51'
DELTA=0°00'41.88"

PROPOSED RIGHT OF WAY LINE AS SHOWN ON RIGHT OF WAY MAP OF ST. AUGUSTINE ROAD PREPARED BY SOUTHWEST SURVEYORS, INC. FOR THE CITY OF JACKSONVILLE, FLORIDA, DATED MAY 17, 1990

CHORD=N37°07'52"E 15.55'
RADIUS=788.51' ARC=15.55'
DELTA=0°10'48"

EASEMENT 2 - DRAINAGE AND UTILITIES
OFFICIAL RECORDS BOOK 7283, PAGE 1349

PROPOSED RIGHT OF WAY LINE

(S67°17'41"W 103.46' DEED)

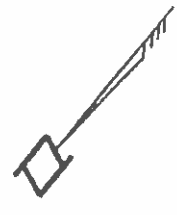
S67°17'41"W 15.52'

(N37°33'57"W 171.08' DEED)

OFFICIAL RECORDS BOOK 8033, PAGE 1598
REAL ESTATE #: 130411 0500
OWNER: CITY OF JACKSONVILLE

NOTE:

SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION, GENERAL NOTES AND SIGNATURE OF LICENSED SURVEYOR.



PARCEL

(N36°00'00"E 146.28')

(N36°00'00"E 85.46' DEED)

S29°52'53"E 105.99'

NORTHERLY LINE
FLORIDA EAST COAST RAILROAD

EASTERLY RIGHT OF WAY LINE
ST. AUGUSTINE ROAD

POINT OF REFERENCE

CHECKED BY: DAF
DRAWN BY: DAF
FILE #: 2022-0174

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE JACKSONVILLE BEACH, FLORIDA (904)241-8550

DATE: MARCH 02, 2022
SHEET 2 OF 2