

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR SIGN WAIVER SW-20-04 (ORDINANCE 2020-396)****SEPTEMBER 1, 2020**

Location: 12743 Atlantic Boulevard at the north east corner of Atlantic Boulevard and Girvin Road

Real Estate Number: 165265-0010

Waiver Sought: Reduce setback between signs from 200 feet to 186 feet

Current Zoning District: Planned Unit Development (PUD 2018-860)

Current Land Use Category: Community General Commercial (CGC)

Planning District: District 2, Greater Arlington/Beaches

Applicant /Agent: Dick Clark
Southeastern Lighting Solutions
821 Fentress Court
Daytona Beach, Florida 32117

Owner: Circle K Stores, Inc.
3802 Corporex Park Drive, Suite 200
Tampa, Florida 33619

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2020-396 (SW-20-04)** seeks to allow to reduce the minimum distance between signs from 200 feet to 186 feet. The parcel located at the intersection of Atlantic Blvd and Girvin Rd. was recently redeveloped with a Circle K filling station. The waiver is being applied to the signs located on Atlantic Boulevard and Girvin Road. According to the applicant, due to underground and above ground utilities the sign on Atlantic cannot be moved farther away to meet the requirement.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1310 of the Ordinance Code defines a sign as “a painting, structure or device which is placed, erected, or constructed or maintained on or in the ground, or on or outside of an enclosed building or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of displaying information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction”.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the Planning Commission shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

- (i) *Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?*

Yes. The 14 foot difference from the required minimum distance is undistinguishable from other signs in the area. The new location is not out of character and will not detract from the surrounding area.

- (ii) *Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?*

No. The result of the proposed waiver would not detract from the specific intent of the zoning ordinance. As mentioned earlier, the difference from the required minimum distance will not be noticed by the general public.

- (iii) *Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?*

No. The effect of the proposed waiver will not negatively affect the aesthetic character of the area surrounding the site. Signs in the area and the proposed signs are similar in height and area and setback from the right of way. As the two proposed signs are on different roads, the reduced distance between the signs is not noticeable.

- (iv) *Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects,*

taking into account existing uses and zoning in the vicinity?

No. The proposed signs will meet the setback from the right of way and the sight triangle. There will not be a detrimental impact on vehicular traffic entering or exiting the site.

- (v) *Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?*

No. The proposed waiver is not detrimental to the public health, safety, or welfare. The proposed location of the sign does not affect any sight lines along Atlantic Blvd or Girvin Rd. The proposed waiver would not impact any other applicable laws outside of the distance between signs..

- (vi) *Does the subject property exhibit specific physical limitations or characteristics, which could be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*

Yes. There are underground and above ground utilities that prevent the sign from being placed to meet the minimum distance between signs. The cost to move the utilities is prohibitively expensive.

- (vii) *Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?*

No. The request is not based on a desire to reduce the costs associated with compliance. The request is based on the desire to allow for better access onto the two properties for larger vehicles, as well as reducing the cost of potential damages from the signs current location.

- (viii) *Is the request the result of violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a direct result of the actions of the current owner?*

No, the request is not the result of any cited violations.

- (ix) *Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?*

Yes. Approval of the waiver will result in the public's best interest by eliminating the disruption of vehicular traffic if the utilities were relocated.

- (x) *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

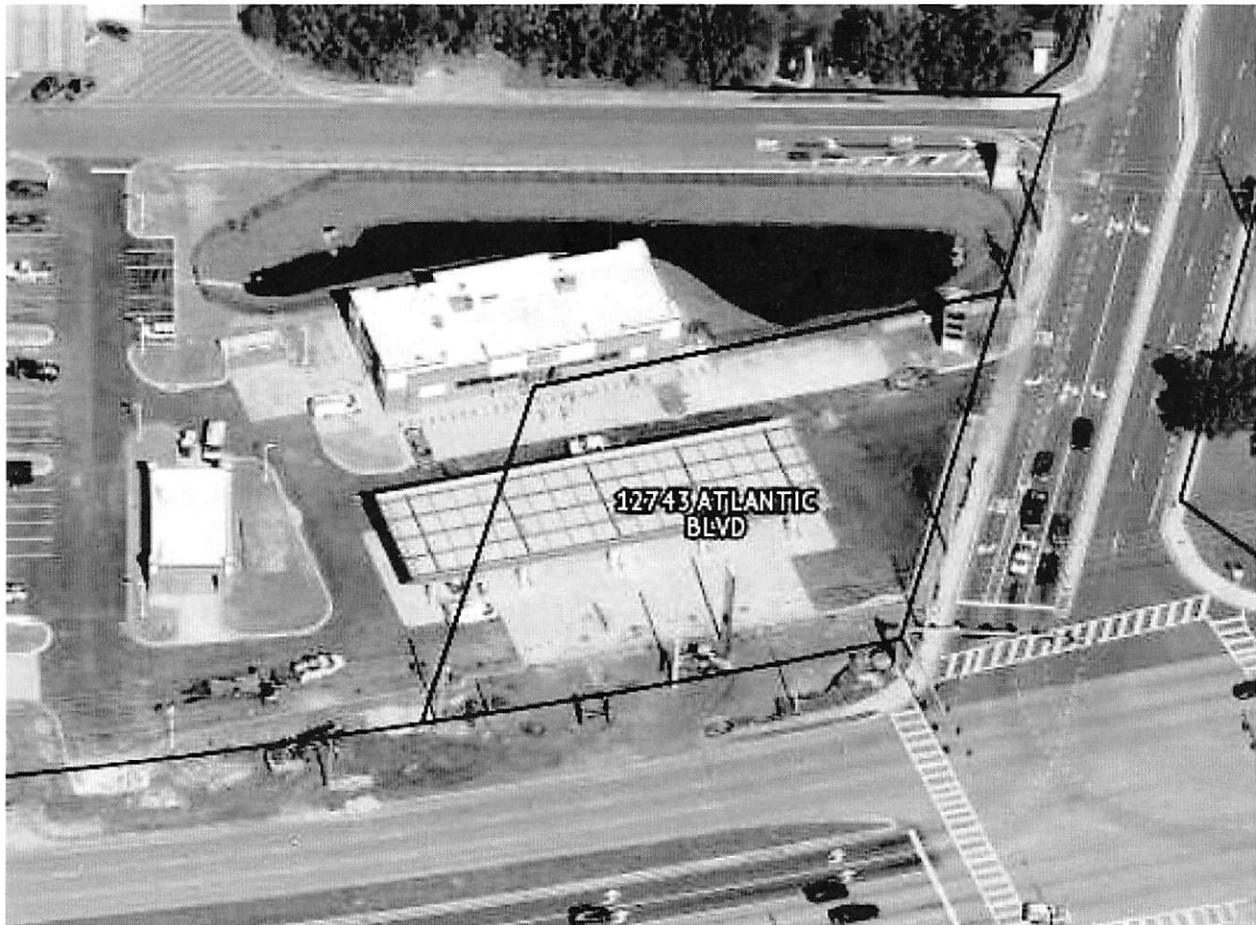
Yes. Strict compliance with the regulation may create a financial burden on the property owner when considering the cost of compliance. The relocation of the utilities may be prohibitively expensive when considering the 14 foot difference between the required and actual distance between signs.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **August 7, 2020**, by the Planning and Development Department, the Notice of Public Hearing signs was posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-20-04 / 2020-396** be **APPROVED**



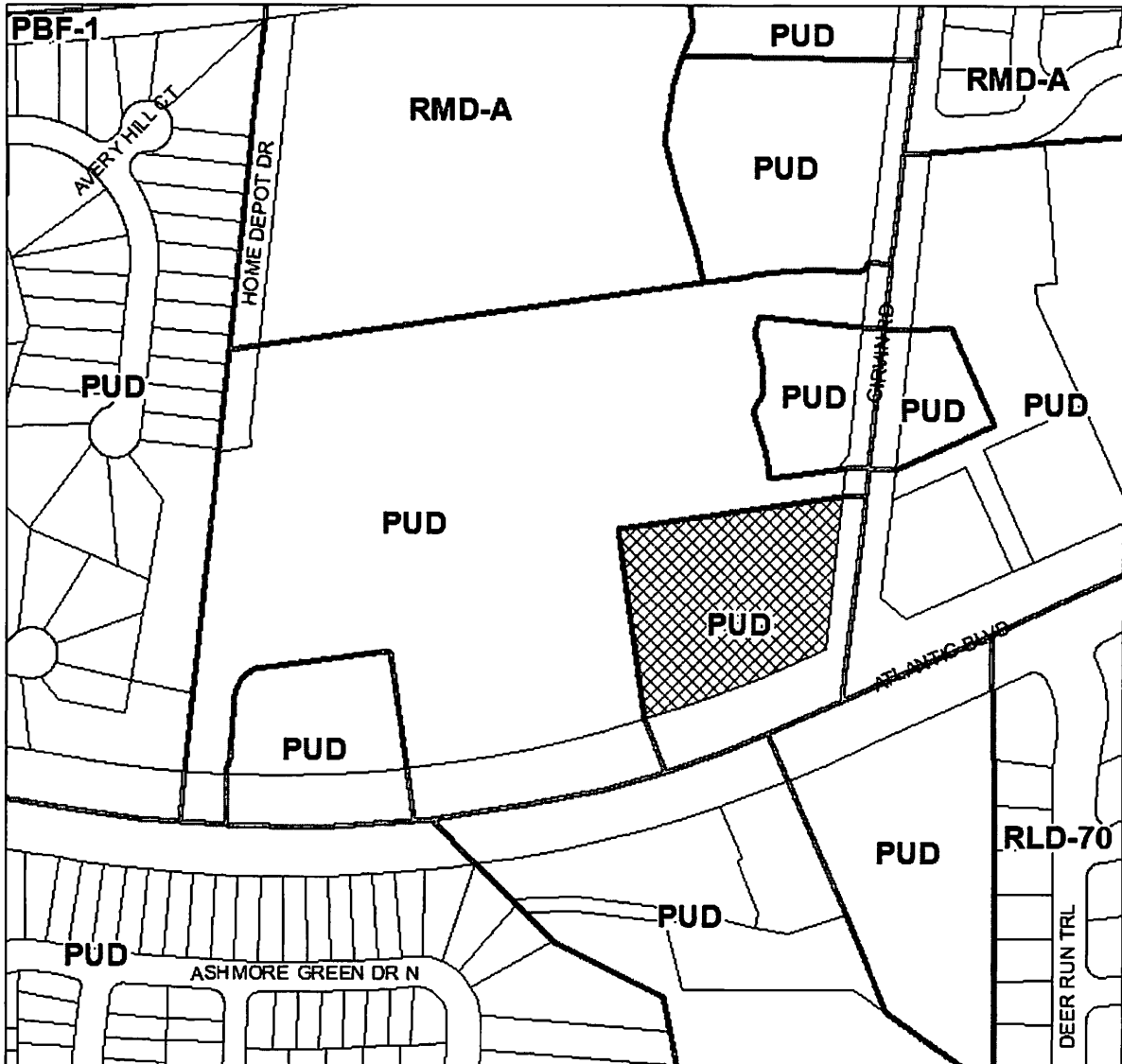
Aerial view of subject property

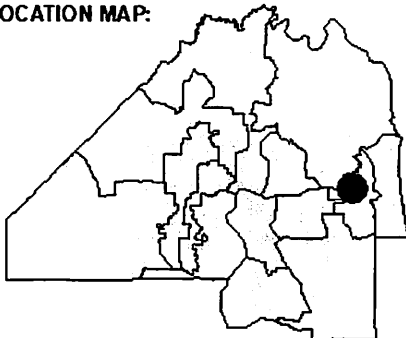
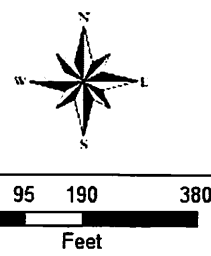


Main sign on Atlantic Blvd



Secondary sign on Girvin Road



<p>REQUEST SOUGHT:</p> <p>REDUCE MINIMUM SETBACK FROM 200 FEET TO 186 FEET</p>	<p>LOCATION MAP:</p> 	 <p>0 95 190 380 Feet</p> <p>COUNCIL DISTRICT: 3</p>
<p>ORDINANCE NUMBER ORD-2020-0396</p>	<p>APPLICATION NUMBER SW-20-04</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>

Date Submitted: 6/16/20
Date Filed:

Application Number: SW-20-04
Public Hearing:

Application for Sign Waiver
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 (18-860)	Current Land Use Category: CGC	
Council District: 3	Planning District: 2	
Previous Zoning Applications Filed (provide application numbers): N/A		
Applicable Section of Ordinance Code: 656.1310 (b)(5)		
Notice of Violation(s): None		
Neighborhood Associations: Greater Arlington Civic Council, Communities of East Arlington, Pablo Point Civic Assoc., Indian Springs Comm. Assoc., West Beaches Comm. Assoc., Kensington Assoc.		
Overlay: None		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee:	Zoning Asst. Initials: BL

PROPERTY INFORMATION	
1. Complete Property Address: 12743 Atlantic Blvd, Jacksonville, FL, 32225	2. Real Estate Number: 165265-0010
3. Land Area (Acres): 2.39	4. Date Lot was Recorded: January 30, 2019
5. Property Located Between Streets: Atlantic Blvd & Girvin Rd	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>

7. Waiver Sought:

Increase maximum height of sign from _____ to _____ feet (maximum request 20% or 5 ft. in height, whichever is less). *Note – Per Section 656.1310, no waiver shall be granted which would permit a sign in excess of 40 feet in height in any zoning district.

Increase maximum size of sign from _____ sq. ft. to _____ sq. ft. (maximum request 25% or 10 sq. ft., whichever is less)

Increase number of signs from _____ to _____ (not to exceed maximum square feet allowed)

Allow for illumination or change from _____ external to _____ internal lighting

Reduce minimum setback from **200** feet to **186** feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted?
 Circle K Stores Inc.

9. Is transferability requested? *If approved, the waiver is transferred with the property.*

Yes

No

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name: Circle K Stores Inc	11. E-mail: croick@circlek.com
12. Address (including city, state, zip): 3802 Corporex Park Dr, Ste 200, Tampa, FL, 33619	13. Preferred Telephone: 813-910-5351

APPLICANT'S INFORMATION (if different from owner)

14. Name: David Clark	15. E-mail: Permits@southeasternlightingsolutions.com
16. Address (including city, state, zip): 821 Fentress Ct, Daytona Beach FL 32117	17. Preferred Telephone: 386 238 1711

CRITERIA

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as *"a painting, structure, projected image or device which is placed, erected, constructed or maintained on or in the ground or water, or on or outside of an enclosed building, boat, ship, vessel or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of display, information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction."*

Section 656.133(c)1 through 10, Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

1. *Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?*
2. *Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?*
3. *Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?*
4. *Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?*
5. *Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?*
6. *Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*
7. *Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?*
8. *Is the request the result of a violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicant's acquiring the property, not being a direct result of the actions of the current owner?*
9. *Does the request accomplish a compelling public interest such as, for example, furthering the preservation of natural resources by saving a tree or trees?*
10. *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

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 City Council. 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: CIRCLE K STORES INC
Signature: [Handwritten Signature]

Applicant or Agent (if different than owner)
Print name: Samantha Bester
Signature: [Handwritten Signature]

Owner(s)
Print name: _____
Signature: _____

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

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, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

EXHIBIT A

Property Ownership Affidavit - Corporation

Date: 5/21/2020

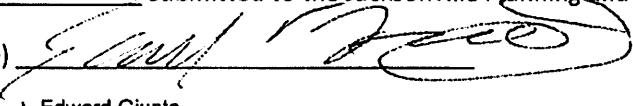
City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:

Address: 12743 Atlantic Blvd RE#(s): 165266-0000

To Whom it May Concern:

I Edward Giunta, as Assistant Secretary of
CIRCLE K STORES INC., a TEXAS corporation, hereby certify that said corporation
is the Owner of the property described in Exhibit 1 in connection with filing application(s) for
sign waiver submitted to the Jacksonville Planning and Development Department.

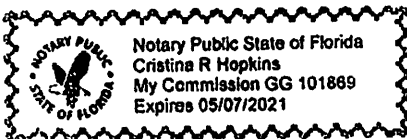
(signature) 

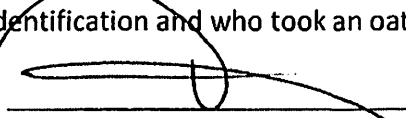
(print name) Edward Giunta

Please provide documentation illustrating that signatory is an authorized representative of the corporation; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 26 day of
May 2020, by Edward Giunta, II, as
Assistant Secretary, of Circle K Stores, Inc, a
corporation, who is personally known to me or who has produced
as identification and who took an oath.





(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____

EXHIBIT B

Agent Authorization - Corporation

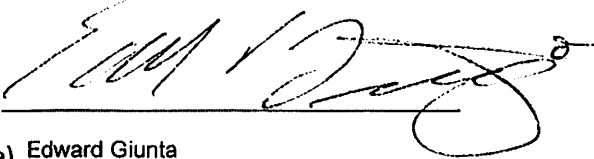
Date: 5/21/2020

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:
Address: 12743 Atlantic Blvd RE#(s): 165266-0000

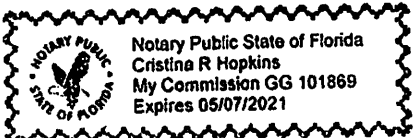
To Whom it May Concern:

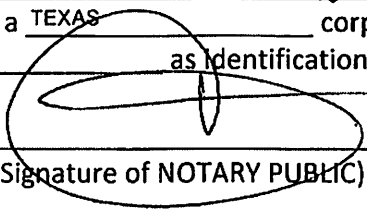
You are hereby advised that Edward Giunta, as Assistant Secretary of CIRCLE K STORES INC., a corporation organized under the laws of the state of TEXAS, hereby authorizes and empowers SOUTHEASTERN LIGHTING SOLUTIONS to act as agent to file application(s) for sign waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

(signature) 
(print name) Edward Giunta

**STATE OF FLORIDA
COUNTY OF DUVAL**

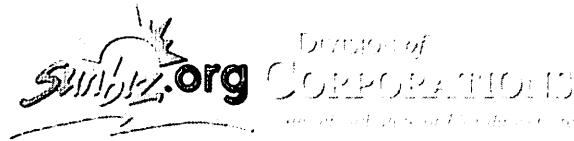
Sworn to and subscribed and acknowledged before me this 20 day of May 2020, by Edward F. Giunta, I, as Assistant Secretary, of Circle K Stores, Inc., a TEXAS corporation, who is personally known to me or who has produced _____ as identification and who took an oath.




(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____



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

Detail by Entity Name

Foreign Profit Corporation
CIRCLE K STORES INC.

Filing Information

Document Number F93000005584
FEI/EIN Number 74-1149540
Date Filed 12/08/1993
State TX
Status ACTIVE
Last Event NAME CHANGE AMENDMENT
Event Date Filed 02/15/1995
Event Effective Date NONE

Principal Address

1130 W WARNER RD
BUILDING B
TEMPE, AZ 85284

Changed: 11/30/2007

Mailing Address

4204 boulevard Industriel
Laval, Quebec H7L 0E3 CA

Changed: 04/04/2019

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

Name Changed: 03/22/2002

Address Changed: 04/17/2008

Officer/Director Detail

Name & Address

Title Senior Vice President, Operations

BEDNARZ, BRIAN J.

25 W CEDAR STREET
SUITE 100
PENSACOLA, FL 35202

Title Director, Executive Vice President Operations

DAVIS, DARRELL
4080, W. Johathan Moore Pike
Columbus, IN 47201

Title Assistant Secretary

GIUNTA, EDWARD
3802 Corporex Park Drive
Suite 200
TAMPA, FL 33619

Title Assistant Secretary

HORNE, RANDY
25 W CEDAR STREET
SUITE 100
PENSACOLA, FL 32502

Title Director, President, SVP Global Shared Services North America, Secretary & Treasurer

Cunnington, Kathy
1130 W. WARNER RD
BUILDING B
TEMPE, AZ 85284

Title Vice-President, Operations Worldwide Franchise

McCure, Matt
2440, Whitehall Park Drive
Suite 800
Charlotte, NC 28273

Title Asstistant Secretary

Kwiatkowski, Kim
1130 W. Warner Road
Building B
Tempe, AZ 85284

Title Assistant Secretary

Longwell, Sarah
495 E Rincon
Suite 150
Corona, CA 92879

Title Assistant Secretary

Foster, Mike
2440 Whitehall Park Drive
Suite 800
Charlotte, NC 28273

Title Executive Vice President Commercial Optimization

Miller, Alex
2550 West Tyvola Road
Suite 200
Charlotte, NC 28217

Title Vice President Reverse Synergies and Private Label

Blanton, Rodney
1130 West warner Road
Building B
Tempe, AZ 85284

Title Senior Vice-President Merchandising

Tewell, Dennis
2550 West Tyvola Road
Suite 200
Charlotte, NC 28217

Title Vice President Operations, Texas

Morgan, David G
19500 Bulverde Rd.
San Antonio, TX 78259

Title Assistant. Secretary

LITTLE, JOHN
305 Gregson Dr.
Cary, NC 27511

Title Vice President Operations Coastal Carolinas

RICE, MEREDITH WILL JR
1100 Situs Court
Suite 100
Raleigh, NC 27606

Title Vice President Real Estate Development

LANGEVIN, LUC
3802 Corporex Park Dr.
Suite 200
Tampa, FL 33619

Title Assistant Secretary

Andrews, Kimberly
5500 S Quebec Street
Suite 100
Greenwood Village, CO 80111

Title Vice President Operation, Rocky Mountains

Tate, Mark
5500 S Quebec Sreet
Suite 100
Greenwood Village, CO 80111

Title Assistant Secretary

Panzarella, Patrick
19500 Bulverde Rd.
San Antonio, TX 78259

Title Vice President Operations, Southeast

Ostoits, Mark
2550 West Tyvola Road
Suite 200
Charlotte, NC 28217

Title Assistant Secretary

Brooks, Aaron
305 Gregson Dr.
Cary, NC 27511

Title Vice President Operations, Grand Caynon

Tourek , Tim
1330 West Warner Road
BuildingB
Tempe, AZ 85284

Title Vice President Operations Gulf Coast

Powell, Trey
25W Cedar Street
Suite 100
Pensacola, FL 35202

Title Assistant Secretary

Zamuner , Valery
4204 Boulevard Industriel
Laval, Quebec h7L0e3 CA

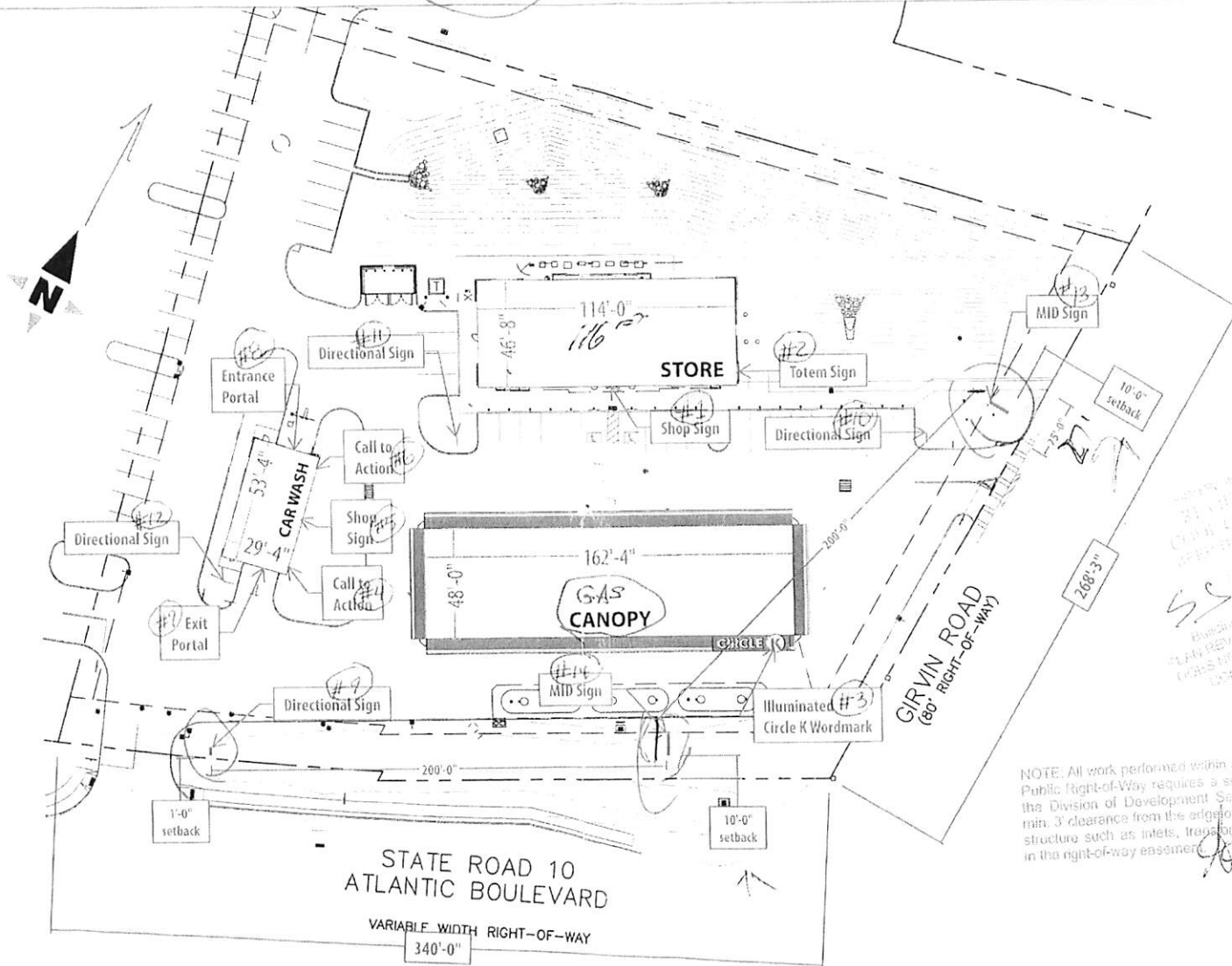
Annual Reports

Report Year	Filed Date
2019	04/04/2019
2019	12/13/2019
2020	04/20/2020

Document Images

04/20/2020 -- ANNUAL REPORT	View image in PDF format
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06/15/2012 -- ANNUAL REPORT	View image in PDF format
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03/14/2011 -- ANNUAL REPORT	View image in PDF format
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07/06/2004 -- ANNUAL REPORT	View image in PDF format
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04/30/2002 -- ANNUAL REPORT	View image in PDF format
03/22/2002 -- Reg. Agent Change	View image in PDF format
01/23/2001 -- ANNUAL REPORT	View image in PDF format
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09/19/1996 -- ANNUAL REPORT	View image in PDF format
04/15/1996 -- ANNUAL REPORT	View image in PDF format

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NOTE: All work performed within an easement or a Public Right-of-Way requires a separate permit by the Division of Development Services. Provide a min. 3' clearance from the edge of drive ways to any structure such as inlets, transformers, poles, etc. in the right-of-way easement.

PUD



CORPORATE IDENTIFICATION SOLUTIONS

CUSTOMER
 Circle K
 SITE NUMBER
 1137

LOCATION
 Jacksonville, FL
 ACCOUNT REF
 Ben DeHayes

DRAWN BY
 HH
 DATE
 09/24/15

REVISION
 00
 SCALE
 HTS

CORPORATE ID SOLUTIONS
 5563 N Elston Ave.
 Chicago, IL 60630
 P: 773-763-9500 | F: 773-763-9605
 www.CorporateIDSolutions.com

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 SIGNATURE _____ DATE _____

PREPARED BY:

Troutman Sanders LLP
11682 El Camino Real, Suite 400
San Diego, CA 92130
Attention: Randal J. Lejuwaan, Esq.
Phone: (858) 509-6004

AND MAIL TAX BILLS AND AFTER RECORDING

RETURN TO:

Circle K Stores Inc.
12911 North Telecom Parkway
Tampa, FL 33637
Attn.: Real Estate Administration

When Recorded Return To:

Heather Townsend
National Commercial Services
First American Title Insurance Company
Six Concourse Parkway, Ste. 2000
Atlanta, GA 30328
File No: NCS 890363

Property Appraiser's Parcel
Identification Number: Portion of Tax ID No. 165265-0055

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), is made as of January 25 2019, between HOME DEPOT U.S.A., INC., a Delaware corporation ("Grantor"), with an address at 2455 Paces Ferry Road, C-20, Atlanta, Georgia 30339, and CIRCLE K STORES INC., a Texas corporation ("Grantee"), with an address of 12911 North Telecom Parkway, Tampa, FL 33637.

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee, all that certain land, together with the buildings and improvements thereon erected, situate, lying and being in the County of Duval, State of Florida, and more particularly described on Exhibit A attached hereto (the "Property").

TOGETHER WITH all of Grantor's right, title and interest in and to the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO the easements, conditions, restrictions and other matters of record described on Exhibit "B" attached hereto and made a part hereof (the "Permitted Encumbrances");

Grantor hereby (a) represents to Grantee that Grantor has good right and lawful authority to sell and convey the Property, and (b) warrants the title to said Property and covenants that Grantor will defend the same against the lawful claims of all persons whosoever claiming by, through or under Grantor, but against none other, subject, however, to the Permitted Encumbrances.

Notwithstanding the foregoing, Grantor does not warrant either expressly or impliedly the conditions or fitness of the Property and Grantee by its acceptance of this Deed hereby acknowledges that the Property conveyed hereunder is conveyed by Grantor **AS IS, WHERE IS, AND WITH ALL FAULTS.**

The Property is not now nor ever has been the homestead property of the Grantor.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed and delivered effective as of the date and year first stated above.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

GRANTOR:

HOME DEPOT U.S.A., INC., a Delaware corporation

Celeste H. Burr
Print Name: Celeste H. Burr

By: Suzanne Russo
Name: Suzanne Russo
Title: Senior Corporate Counsel

Teresa Butcher
Print Name: Teresa Butcher

STATE OF GEORGIA

COUNTY OF COBB

THE FOREGOING INSTRUMENT was acknowledged before me this 23 day of January, 2018, by Suzanne Russo, the Sr. Corp. Counsel of Home Depot U.S.A., Inc., a Delaware corporation, who is personally known to me.

Barbara Turner
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires 09/10/2022

Barbara Turner
NOTARY PUBLIC [Signature Above]
State of Georgia
Print Name: Barbara Turner
My Commission Expires: 9/10/22

(NOTARIAL SEAL)

Exhibit A

Legal Description of Property

The land referred to herein below is situated in the County of Duval, State of Florida, and is described as follows:

A PORTION OF THE FOLLOWING:

PARCEL 1:

A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEASTERLY CORNER OF ABESS BOULEVARD EAST, ACCORDING TO MAP THEREOF RECORDED IN PLAT BOOK 52, PAGES 38 THROUGH 38B OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, THE SAME BEING THE WESTERLY RIGHT-OF-WAY LINE OF GIRVIN ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 06°11'16" WEST, ALONG LAST SAID WESTERLY RIGHT-OF-WAY LINE, 543.07 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE SOUTH 06°11'16" WEST, ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF GIRVIN ROAD, 488.92 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 5363, PAGE 1092; THENCE SOUTH 65°53'02" WEST, ALONG THE NORTHWESTERLY LINE OF LAST SAID LANDS, 200.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LANDS; THENCE SOUTH 06°11'16" WEST, ALONG THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 5363, PAGE 1092, 195.35 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD / STATE ROAD NO. 10 (A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE IN A WESTERLY DIRECTION, ALONG THE ARC OF A CURVE IN LAST SAID RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 2197.18 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 81°55'38" WEST, 957.21 FEET TO THE WESTERLY LINE OF A 25-FOOT EASEMENT FOR UTILITIES AND SEWERS AS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 7026, PAGE 511; THENCE NORTH 06°02'05" EAST, ALONG SAID WESTERLY LINE, 737.21 FEET; THENCE NORTH 81°53'38" EAST, TO AND ALONG THE SOUTHERLY LINE OF AN EASEMENT FOR DRAINAGE, UTILITIES AND RETENTION, AS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 9157, PAGE 1225, AND ALONG THE EASTERLY PROLONGATION THEREOF, 928.01 FEET TO A POINT OF CURVATURE; THENCE IN AN EASTERLY DIRECTION, ALONG THE ARC OF A CURVE SAID CURVE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 822.55 FEET, A CHORD BEARING AND DISTANCE OF NORTH 88°01'58" EAST, 175.91 FEET TO A POINT OF REVERSE CURVATURE; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.0 FEET, A CHORD BEARING AND DISTANCE OF NORTH 50°26'42" EAST, 41.47 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, JACKSONVILLE, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHEASTERLY CORNER OF ABESS BOULEVARD EAST. ACCORDING TO MAP THEREOF RECORDED IN PLAT BOOK 52, PAGES 38 THROUGH 38B OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY, THE SAME BEING THE WESTERLY RIGHT-OF-WAY LINE OF GIRVIN ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE IN A WESTERLY DIRECTION, ALONG THE SOUTHERLY LINE OF SAID ABESS BOULEVARD EAST, THE FOLLOWING 3 COURSES, COURSE NO.1: IN A NORTHWESTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE

SOUTHWESTERLY AND HAVING A RADIUS OF 30.0 FEET, A CHORD BEARING AND DISTANCE OF NORTH 40°03'34" WEST, 43.34 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO.2: IN A WESTERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 718.27 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 87°31'28" WEST, 154.37 FEET TO THE POINT OF TANGENCY OF SAID CURVE; COURSE NO.3: SOUTH 81°21'20" WEST, 211.01 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE SOUTH 06°48'29" EAST, 136.91 FEET; THENCE SOUTH 19°00'07" WEST, 101.84 FEET; THENCE SOUTH 07°57'43" WEST, 100.00 FEET; THENCE SOUTH 13°25'12" EAST, 94.96 FEET; THENCE SOUTH 18°20'11" EAST, 99.73 FEET; THENCE SOUTH 12°24'42" EAST, 62.88 FEET TO THE SOUTHERLY LINE OF AN EASEMENT FOR DRAINAGE, UTILITIES AND RETENTION AS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 9157, PAGE 1225; THENCE SOUTH 81°53'38" WEST, ALONG LAST SAID SOUTHERLY EASEMENT LINE AND THE WESTERLY PROLONGATION THEREOF, 838.86 FEET TO THE WESTERLY LINE OF A 25-FOOT WIDE EASEMENT FOR UTILITIES AND SEWERS ACCORDING TO DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN VOLUME 7026, PAGE 511; THENCE NORTH 08°02'05" EAST, ALONG SAID WESTERLY EASEMENT LINE, 589.94 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF ABESS BOULEVARD EAST; THENCE NORTH 81°21'20" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 740.72 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER (1" IRON PIPE) OF SAID SECTION 22; THENCE SOUTH 00°04'26" WEST, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 2318.17 FEET TO A POINT ON THE CENTERLINE OF SURVEY OF STATE ROAD 10 (ATLANTIC BOULEVARD); (THE NEXT TWO COURSES ARE ALONG THE CENTERLINE OF SURVEY OF SAID STATE ROAD 10); THENCE SOUTH 65°53'39" WEST, A DISTANCE OF 345.61 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 2291.83 FEET AND A CENTRAL ANGLE OF 28°40'36"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1147.07 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, SAID POINT ALSO BEING ON THE SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY LINE OF A 25.00 FOOT UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 7026, PAGE 511, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE NORTH 06°01'10" EAST, ALONG THE EXISTING SOUTHERLY EXTENSION OF THE WESTERLY BOUNDARY OF SAID UTILITY EASEMENT, A DISTANCE OF 94.70 FEET TO A POINT ON THE EXISTING NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 10; THENCE CONTINUE NORTH 06°01'10" EAST, ALONG THE EXISTING WESTERLY BOUNDARY OF SAID UTILITY EASEMENT, A DISTANCE OF 1037.98 FEET; THENCE SOUTH 83°58'50" EAST, A DISTANCE OF 85.00 FEET; THENCE NORTH 06°01'10" EAST, A DISTANCE OF 311.98 FEET TO THE SOUTHERLY LINE OF A 100.00 FOOT INGRESS/EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 7026, PAGE 511, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE NORTH 81°20'25" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 665.46 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 81°20'25" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 69.70 FEET; THENCE SOUTH 09°59'45" WEST, A DISTANCE OF 380.03 FEET; THENCE SOUTH 14°05'27" EAST, A DISTANCE OF 234.42 FEET; THENCE SOUTH 07°44'45" WEST, A DISTANCE OF 462.56 FEET TO THE EASTERLY LINE OF A 50.00 FOOT DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8124, PAGE 1800, OF SAID PUBLIC RECORDS; THENCE NORTH 04°06'32" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 464.88 FEET; THENCE NORTH 17°43'40" WEST, ALONG SAID EASTERLY TINE, A DISTANCE OF 234.42 FEET; THENCE NORTH 06°21'32" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 364.75 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER (1" IRON PIPE) OF SAID SECTION 22; THENCE SOUTH

EXHIBIT A

00°04'26" WEST, ALONG THE EASTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 2318.17 FEET TO A POINT ON THE CENTERLINE OF SURVEY OF STATE ROAD 10 (ATLANTIC BOULEVARD); (THE NEXT TWO COURSES ARE ALONG THE CENTERLINE OF SAID SURVEY OF STATE ROAD 10); THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 345.61 FEET TO THE POINT OF CURVATURE OF A CURVE, HAVING A RADIUS OF 2291.83 FEET; THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 185.84 FEET; THE ARC OF SAID CURVE THROUGH AN ANGLE OF 04°38'46", A DISTANCE OF 185.84 FEET; THE NORTH 06°10'21" EAST, A DISTANCE OF 105.53 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 10 AND THE POINT OF BEGINNING, SAID POINT BEING ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2,197.16 FEET; THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 3.85 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AN ANGLE OF 00°06'01", A DISTANCE OF 3.85 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AN ANGLE OF 00°06'01", A DISTANCE OF 3.85 FEET, TO THE EASTERLY LINE OF A 50.00 FOOT DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 8124, PAGE 1800, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THE NORTH 19°45'52" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 198.11 FEET; THE NORTH 04°06'32" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 30.95 FEET; THE SOUTH 19°45'15" EAST, A DISTANCE OF 208.59 FEET; THE SOUTH 06°10'21" WEST, A DISTANCE OF 19.76 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A PARCEL OF LAND IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF GIRVIN ROAD (AN 80.00 FOOT RIGHT OF WAY), WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 10 (ATLANTIC BOULEVARD) (A 185.00 FOOT RIGHT OF WAY); THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 64.98 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2,197.16 FEET; THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 132.75 FEET, SAID CURVE HAVING A CHORD BEARING AN ANGLE OF 03°27'43", A DISTANCE OF 132.75 FEET, SAID CURVE HAVING A CHORD BEARING AN ANGLE OF 03°27'43", A DISTANCE OF 132.75 FEET, TO THE END OF SAID CURVE; THE NORTH 06°10'02" EAST, A DISTANCE OF 4.62 FEET; THE SOUTH 67°44'48" WEST, A DISTANCE OF 3.85 FEET; THE SOUTH 19°45'52" WEST, A DISTANCE OF 198.22 FEET; THE NORTH 04°06'32" EAST, A DISTANCE OF 465.53 FEET TO A POINT BEING ON THE ARC OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 965.50 FEET; THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, A DISTANCE OF 50.76 FEET, SAID CURVE HAVING A CHORD BEARING AN ANGLE OF 03°00'44", A DISTANCE OF 50.76 FEET, SAID CURVE HAVING A CHORD BEARING AN ANGLE OF 03°00'44" WEST, 50.75 FEET; THE SOUTH 04°06'32" WEST, A DISTANCE OF 467.39 FEET; THE SOUTH 19°45'52" EAST, A DISTANCE OF 208.91 FEET; THE NORTH 70°05'53" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM PARCELS 1 THROUGH 5 LANDS CONVEYED BY HOME DEPOT U.S.A., INC., IN OFFICIAL RECORDS BOOK 10500, PAGE 1081 AND OFFICIAL RECORDS BOOK 10594, PAGE 1670.

ALL OF THE ABOVE DESCRIBED LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF SECTION 22, TOWNSHIP 2 SOUTH, RANGE 28 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC BOULEVARD (ALSO KNOWN AS STATE ROAD NO. 10, A VARIABLE WIDTH RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE WEST RIGHT-OF-WAY LINE OF GIRVIN ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THE NORTH 06°10'00" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING; THE SOUTH 65°53'00" WEST, A DISTANCE OF 200.00 FEET; THE NORTH 06°10'00" WEST, A DISTANCE OF 195.44 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF SAID ATLANTIC BOULEVARD, BEING A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 2197.16 FEET; THE SOUTHWESTERLY BOUNDARY OF SAID SECTION 22, AN ARC DISTANCE OF 143.08 FEET AND A CHORD BEARING AND DISTANCE OF 143.05 FEET; THE NORTH 08°09'53" WEST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 337.21 FEET; THE NORTH 81°49'07" EAST, A DISTANCE OF 398.27 FEET TO AN INTERSECTION WITH THE AFORESAID WEST RIGHT-OF-WAY LINE OF GIRVIN ROAD; THE SOUTH 06°10'00" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 68.70 FEET TO THE POINT OF BEGINNING.

Exhibit B

Permitted Exceptions

1. Trustee's Deed of Easement recorded in Book 7026, Page 511.
2. Perpetual Easement recorded in Book 8325, Page 749.
3. The terms, provisions and conditions contained in that certain Restrictive Covenants and Easement Agreement recorded in Book 10331, Page 982, as affected by Book 10497, Page 179.
4. The terms, provisions and conditions contained in that certain Restrictive Covenants and Easement Agreement recorded in Book 10594, Page 1674.
5. The terms, provisions and conditions contained in that certain Restrictive Covenants and Easement Agreement recorded in Book 14165, Page 1369.